

Title: title-97

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 1 - CONSPIRACY, ACCESSORIES AND ATTEMPTS (§§ 97-1-1 — 97-1-9) Section 97-1-1 - Conspiracy

(1) If two (2) or more persons conspire either: (a) To commit a crime; or (b) Falsely and maliciously to indict another for a crime, or to procure to be complained of or arrested for a crime; or (c) Falsely to institute or maintain an action or suit of any kind; or (d) To cheat and defraud another out of property by any means which are in themselves criminal, or which, if executed, would amount to a cheat, or to obtain money or any other property or thing by false pretense; or (e) To prevent another from exercising a lawful trade or calling, or doing any other lawful act, by force, threats, intimidation, or by interfering or threatening to interfere with tools, implements, or property belonging to or used by another, or with the use of employment thereof; or (f) To commit any act injurious to the public health, to public morals, trade or commerce, or for the perversion or obstruction of justice, or of the due administration of the laws; or (g) To overthrow or violate the laws of this state through force, violence, threats, intimidation, or otherwise; or (h) To accomplish any unlawful purpose, or a lawful purpose by any unlawful means; such persons, and each of them, shall be guilty of a felony and upon conviction may be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment for not more than five (5) years, or by both. (2) Where one (1) or more of the conspirators is a law enforcement officer engaged in the performance of official duty or a person acting at the direction of a law enforcement officer in the performance of official duty, any remaining conspirator may be charged under this section if the alleged conspirator acted voluntarily and willfully and was not entrapped by the law enforcement officer or person acting at the direction of a law enforcement officer. (3) Where the crime conspired to be committed is capital murder or murder as defined by law or is a violation of Section 41-29-139(b)(1), Section 41-29-139(c)(2)(D) or Section 41-29-313(1), being provisions of the Uniform Controlled Substances Law, the offense shall be punishable by a fine of not more than Five Hundred Thousand Dollars (\$500,000.00) or by imprisonment for not more than twenty (20) years, or by both. (4) Where the crime conspired to be committed is a misdemeanor, then upon conviction said crime shall be punished as a misdemeanor as provided by law. Codes, 1892, § 1006; 1906, § 1084; Hemingway's 1917, § 810; 1930, § 830; 1942, § 2056; Laws, 1954, Ex. ch. 20; Laws, 1968, ch. 343, § 1; Laws, 1981, ch. 488, § 1; Laws, 2007, ch. 500, § 1, eff. 7/1/2007. (1) If two (2) or more persons conspire either: (a) To commit a crime; or (b) Falsely and maliciously to indict another for a crime, or to procure to be complained of or arrested for a crime; or (c) Falsely to institute or maintain an action or suit of any kind; or (d) To cheat and defraud another out of property by any means which are in themselves criminal, or which, if executed, would amount to a cheat, or to obtain money or any other property or thing by false pretense; or (e) To prevent another from exercising a lawful trade or calling, or doing any other lawful act, by force, threats, intimidation, or by interfering or threatening to interfere with tools, implements, or property belonging to or used by another, or with the use of employment thereof; or (f) To commit any act injurious to the public health, to public morals, trade or commerce, or for the perversion or obstruction of justice, or of the due administration of the laws; or (g) To overthrow or violate the laws of this state through force, violence, threats, intimidation, or otherwise; or (h) To accomplish any unlawful purpose, or a lawful purpose by any unlawful means; such persons, and each of them, shall be guilty of a felony and upon conviction may be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment for not more than five (5) years, or by both. (2) Where one (1) or more of the conspirators is a law enforcement officer engaged in the performance of official duty or a person acting at the direction of a law enforcement officer in the performance of official duty, any remaining conspirator may be charged under this section if the alleged conspirator acted voluntarily and willfully and was not entrapped by the law enforcement officer or person acting at the direction of a law enforcement officer. (3) Where the crime conspired to be committed is capital murder or murder as defined by law or is a violation of Section 41-29-139(b)(1), Section 41-29-139(c)(2)(D) or Section 41-29-313(1), being provisions of the Uniform Controlled Substances Law, the offense shall be punishable by a fine of not more than Five Hundred Thousand Dollars (\$500,000.00) or by imprisonment for not more than twenty (20) years, or by both. (4) Where the crime conspired to be committed is a misdemeanor, then upon conviction said crime shall be punished as a misdemeanor as provided by law. Codes, 1892, § 1006; 1906, § 1084; Hemingway's 1917, § 810; 1930, § 830; 1942, § 2056; Laws, 1954, Ex. ch. 20; Laws, 1968, ch. 343, § 1; Laws, 1981, ch. 488, § 1; Laws, 2007, ch. 500, § 1, eff. 7/1/2007. (1) If two (2) or more persons conspire either: (a) To commit a crime; or (b) Falsely and maliciously to indict another for a crime, or to procure to be complained of or arrested for a crime; or (c) Falsely to institute or maintain an action or suit of any kind; or (d) To cheat and defraud another out of property by any means which are in themselves criminal, or which, if executed, would amount to a cheat, or to obtain money or any other property or thing by false pretense; or (e) To prevent another from exercising a lawful trade or calling, or doing any other lawful act, by force, threats, intimidation, or by interfering or threatening to interfere with tools, implements, or property belonging to or used by another, or with the use of employment thereof; or (f) To commit any act injurious to the public health, to public morals, trade or commerce, or for the perversion or obstruction of justice, or of the due administration of the laws; or (g) To overthrow or violate the laws of this state through force, violence, threats, intimidation, or otherwise; or (h) To accomplish any unlawful purpose, or a lawful purpose by any unlawful means; such persons, and each of them, shall be guilty of a felony and upon conviction may be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment for not more than five (5) years, or by both. (2) Where one (1) or more of the conspirators is a law enforcement officer engaged in the performance of official duty or a person acting at the direction of a law enforcement officer in the performance of official duty, any remaining conspirator may be charged under this section if the alleged conspirator acted voluntarily and willfully and was not entrapped by the law enforcement officer or person acting at the direction of a law enforcement officer. (3) Where the crime conspired to be committed is capital murder or murder as defined by law or is a violation of Section 41-29-139(b)(1), Section 41-29-139(c)(2)(D) or

Section 41-29-313(1), being provisions of the Uniform Controlled Substances Law, the offense shall be punishable by a fine of not more than Five Hundred Thousand Dollars (\$500,000.00) or by imprisonment for not more than twenty (20) years, or by both.(4) Where the crime conspired to be committed is a misdemeanor, then upon conviction said crime shall be punished as a misdemeanor as provided by law. Codes, 1892, § 1006; 1906, § 1084; Hemingway's 1917, § 810; 1930, § 830; 1942, § 2056; Laws, 1954, Ex. ch. 20; Laws, 1968, ch. 343, § 1; Laws, 1981, ch. 488, § 1; Laws, 2007, ch. 500, § 1, eff. 7/1/2007. Codes, 1892, § 1006; 1906, § 1084; Hemingway's 1917, § 810; 1930, § 830; 1942, § 2056; Laws, 1954, Ex. ch. 20; Laws, 1968, ch. 343, § 1; Laws, 1981, ch. 488, § 1; Laws, 2007, ch. 500, § 1, eff. 7/1/2007.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 1 - CONSPIRACY, ACCESSORIES AND ATTEMPTS (§§ 97-1-1 — 97-1-9) Section 97-1-3 - Accessories before the fact

Every person who shall be an accessory to any felony, before the fact, shall be deemed and considered a principal, and shall be indicted and punished as such; and this whether the principal have been previously convicted or not. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 8 (6); 1857, ch. 64, art. 2; 1871, § 2484; 1880, § 2698; 1892, § 950; 1906, § 1026; Hemingway's 1917, § 751; 1930, § 769; 1942, § 1995. Every person who shall be an accessory to any felony, before the fact, shall be deemed and considered a principal, and shall be indicted and punished as such; and this whether the principal have been previously convicted or not. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 8 (6); 1857, ch. 64, art. 2; 1871, § 2484; 1880, § 2698; 1892, § 950; 1906, § 1026; Hemingway's 1917, § 751; 1930, § 769; 1942, § 1995. Every person who shall be an accessory to any felony, before the fact, shall be deemed and considered a principal, and shall be indicted and punished as such; and this whether the principal have been previously convicted or not. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 8 (6); 1857, ch. 64, art. 2; 1871, § 2484; 1880, § 2698; 1892, § 950; 1906, § 1026; Hemingway's 1917, § 751; 1930, § 769; 1942, § 1995. Every person who shall be an accessory to any felony, before the fact, shall be deemed and considered a principal, and shall be indicted and punished as such; and this whether the principal have been previously convicted or not. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 8 (6); 1857, ch. 64, art. 2; 1871, § 2484; 1880, § 2698; 1892, § 950; 1906, § 1026; Hemingway's 1917, § 751; 1930, § 769; 1942, § 1995.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 1 - CONSPIRACY, ACCESSORIES AND ATTEMPTS (§§ 97-1-1 — 97-1-9) Section 97-1-5 - Accessories after the fact; punishment

(1) Every person who shall be convicted of having concealed, received, or relieved any felon, or having aided or assisted any felon, knowing that the person had committed a felony, with intent to enable the felon to escape or to avoid arrest, trial, conviction or punishment after the commission of the felony, on conviction thereof shall be imprisoned in the custody of the Department of Corrections as follows: (a) If the felony was a violent crime: (i) If the maximum punishment was life, death or twenty (20) years or more, for a period not to exceed twenty (20) years; or (ii) If the maximum punishment for the violent felony was less than twenty (20) years, for a period not to exceed the maximum punishment. (b) If the felony was a nonviolent crime: (i) If the maximum punishment for the nonviolent felony was ten (10) years or more, for a period not to exceed ten (10) years; or (ii) If the maximum punishment for the nonviolent felony was less than ten (10) years, for a period not to exceed the maximum punishment. (2) For the purposes of this section, "violent crime" means homicide, robbery, manslaughter, sex crimes, burglary of an occupied dwelling, aggravated assault, kidnapping, drive-by shooting, armed robbery, felonious abuse of a vulnerable person, felonies subject to an enhanced penalty, felony child abuse or exploitation, or any violation of Section 97-5-33 relating to exploitation of children, Section 97-5-39(1)(b), 97-5-39(1)(c) or 97-5-39(2) relating to child neglect or abuse, or Section 63-11-30(5) relating to aggravated DUI. (3) In the prosecution of an offense under this section, it shall not be necessary to aver in the indictment or to prove on the trial that the principal has been convicted or tried. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 8 (7); 1857, ch. 64, art. 3; 1871, § 2485; 1880, § 2699; 1892, § 951; 1906, § 1027; Hemingway's 1917, § 752; 1930, § 770; 1942, § 1996; Laws, 2012, ch. 496, § 1, eff. 4/30/2012. (1) Every person who shall be convicted of having concealed, received, or relieved any felon, or having aided or assisted any felon, knowing that the person had committed a felony, with intent to enable the felon to escape or to avoid arrest, trial, conviction or punishment after the commission of the felony, on conviction thereof shall be imprisoned in the custody of the Department of Corrections as follows: (a) If the felony was a violent crime: (i) If the maximum punishment was life, death or twenty (20) years or more, for a period not to exceed twenty (20) years; or (ii) If the maximum punishment for the violent felony was less than twenty (20) years, for a period not to exceed the maximum punishment. (b) If the felony was a nonviolent crime: (i) If the maximum punishment for the nonviolent felony was ten (10) years or more, for a period not to exceed ten (10) years; or (ii) If the maximum punishment for the nonviolent felony was less than ten (10) years, for a period not to exceed the maximum punishment. (2) For the purposes of this section, "violent crime" means homicide, robbery, manslaughter, sex crimes, burglary of an occupied dwelling, aggravated assault, kidnapping, drive-by shooting, armed robbery, felonious abuse of a vulnerable person, felonies subject to an enhanced penalty, felony child abuse or exploitation, or any violation of Section 97-5-33 relating to exploitation of children, Section 97-5-39(1)(b), 97-5-39(1)(c) or 97-5-39(2) relating to child neglect or abuse, or Section 63-11-30(5) relating to aggravated DUI. (3) In the prosecution of an offense under this section, it shall not be necessary to aver in the indictment or to prove on the trial that the principal has been convicted or tried. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 8 (7); 1857, ch. 64, art. 3; 1871, § 2485; 1880, § 2699; 1892, § 951; 1906, § 1027; Hemingway's 1917, § 752; 1930, § 770; 1942, § 1996; Laws, 2012, ch. 496, § 1, eff. 4/30/2012. (1) Every person who shall be convicted of having concealed, received, or relieved any felon, or having aided or assisted any felon, knowing that the person had committed a felony, with intent to enable the felon to escape or to avoid arrest, trial, conviction or punishment after the commission of the felony, on conviction thereof shall be imprisoned in the custody of the

Department of Corrections as follows:(a)If the felony was a violent crime:(i)If the maximum punishment was life, death or twenty (20) years or more, for a period not to exceed twenty (20) years; or(ii)If the maximum punishment for the violent felony was less than twenty (20) years, for a period not to exceed the maximum punishment.(b)If the felony was a nonviolent crime:(i)If the maximum punishment for the nonviolent felony was ten (10) years or more, for a period not to exceed ten (10) years; or(ii)If the maximum punishment for the nonviolent felony was less than ten (10) years, for a period not to exceed the maximum punishment.(2)For the purposes of this section, "violent crime" means homicide, robbery, manslaughter, sex crimes, burglary of an occupied dwelling, aggravated assault, kidnapping, drive-by shooting, armed robbery, felonious abuse of a vulnerable person, felonies subject to an enhanced penalty, felony child abuse or exploitation, or any violation of Section97-5-33relating to exploitation of children, Section97-5-39(1)(b),97-5-39(1)(c)or97-5-39(2)relating to child neglect or abuse, or Section63-11-30(5)relating to aggravated DUI.(3)In the prosecution of an offense under this section, it shall not be necessary to aver in the indictment or to prove on the trial that the principal has been convicted or tried.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 8 (7); 1857, ch. 64, art. 3; 1871, § 2485; 1880, § 2699; 1892, § 951; 1906, § 1027; Hemingway's 1917, § 752; 1930, § 770; 1942, § 1996; Laws, 2012, ch. 496, § 1, eff. 4/30/2012. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 8 (7); 1857, ch. 64, art. 3; 1871, § 2485; 1880, § 2699; 1892, § 951; 1906, § 1027; Hemingway's 1917, § 752; 1930, § 770; 1942, § 1996; Laws, 2012, ch. 496, § 1, eff. 4/30/2012.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 1 - CONSPIRACY, ACCESSORIES AND ATTEMPTS (§§ 97-1-1 — 97-1-9)Section 97-1-6 - Directing or causing felony to be committed by person under age of seventeen years

In addition to any other penalty and provision of law, any person over the age of seventeen (17) who shall direct or cause any person under the age of seventeen (17) to commit any crime which would be a felony if committed by an adult shall be guilty of a felony and upon conviction shall be fined not more than Ten Thousand Dollars (\$10,000.00) or imprisoned for not more than twenty (20) years, or both.Laws, 1994, ch. 595, § 7, eff. 7/1/1994. In addition to any other penalty and provision of law, any person over the age of seventeen (17) who shall direct or cause any person under the age of seventeen (17) to commit any crime which would be a felony if committed by an adult shall be guilty of a felony and upon conviction shall be fined not more than Ten Thousand Dollars (\$10,000.00) or imprisoned for not more than twenty (20) years, or both.Laws, 1994, ch. 595, § 7, eff. 7/1/1994. In addition to any other penalty and provision of law, any person over the age of seventeen (17) who shall direct or cause any person under the age of seventeen (17) to commit any crime which would be a felony if committed by an adult shall be guilty of a felony and upon conviction shall be fined not more than Ten Thousand Dollars (\$10,000.00) or imprisoned for not more than twenty (20) years, or both.Laws, 1994, ch. 595, § 7, eff. 7/1/1994. In addition to any other penalty and provision of law, any person over the age of seventeen (17) who shall direct or cause any person under the age of seventeen (17) to commit any crime which would be a felony if committed by an adult shall be guilty of a felony and upon conviction shall be fined not more than Ten Thousand Dollars (\$10,000.00) or imprisoned for not more than twenty (20) years, or both. Laws, 1994, ch. 595, § 7, eff. 7/1/1994.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 1 - CONSPIRACY, ACCESSORIES AND ATTEMPTS (§§ 97-1-1 — 97-1-9)Section 97-1-7 - Attempt to commit offense; punishment

(1)Every person who shall design and endeavor to commit an offense, and shall do any overt act toward the commission thereof, but shall fail therein, or shall be prevented from committing the same, on conviction thereof, shall, where no other specific provision is made by law for the punishment of the attempt, be punished by imprisonment and fine for a period and for an amount not greater than is prescribed for the actual commission of the offense so attempted.(2)Every person who shall design and endeavor to commit an act which, if accomplished, would constitute an offense of murder under Section97-3-19, but shall fail therein, or shall be prevented from committing the same, shall be guilty of attempted murder and, upon conviction, shall be imprisoned for life in the custody of the Department of Corrections if the punishment is so fixed by the jury in its verdict after a separate sentencing proceeding. If the jury fails to agree on fixing the penalty at imprisonment for life, the court shall fix the penalty at not less than twenty (20) years in the custody of the Department of Corrections.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 8 (3); 1857, ch. 64, art. 20; 1871, § 2809; 1880, § 2713; 1892, § 973; 1906, § 1049; Hemingway's 1917, § 777; 1930, § 793; 1942, § 2017.Amended by Laws, 2013, ch. 510, HB 28, 1, eff. 7/1/2013. (1)Every person who shall design and endeavor to commit an offense, and shall do any overt act toward the commission thereof, but shall fail therein, or shall be prevented from committing the same, on conviction thereof, shall, where no other specific provision is made by law for the punishment of the attempt, be punished by imprisonment and fine for a period and for an amount not greater than is prescribed for the actual commission of the offense so attempted.(2)Every person who shall design and endeavor to commit an act which, if accomplished, would constitute an offense of murder under Section97-3-19, but shall fail therein, or shall be prevented from committing the same, shall be guilty of attempted murder and, upon conviction, shall be imprisoned for life in the custody of the Department of Corrections if the punishment is so fixed by the jury in its verdict after a separate sentencing proceeding. If the jury fails to agree on fixing the penalty at imprisonment for life, the court shall fix the penalty at not less than twenty (20) years in the custody of the Department of Corrections.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 8 (3); 1857, ch. 64, art. 20; 1871, § 2809; 1880, § 2713; 1892, § 973; 1906, § 1049; Hemingway's 1917, § 777; 1930, § 793; 1942, § 2017.Amended by Laws, 2013, ch. 510, HB 28, 1, eff. 7/1/2013. (1)Every person who shall design and endeavor to commit an offense, and shall do any overt act toward the commission thereof, but shall fail therein, or shall be prevented from committing the same, on conviction thereof, shall, where no other specific provision is made by law for the punishment of the attempt, be punished by imprisonment and fine for a period and for an amount not greater than is prescribed for the actual

commission of the offense so attempted.(2)Every person who shall design and endeavor to commit an act which, if accomplished, would constitute an offense of murder under Section97-3-19, but shall fail therein, or shall be prevented from committing the same, shall be guilty of attempted murder and, upon conviction, shall be imprisoned for life in the custody of the Department of Corrections if the punishment is so fixed by the jury in its verdict after a separate sentencing proceeding. If the jury fails to agree on fixing the penalty at imprisonment for life, the court shall fix the penalty at not less than twenty (20) years in the custody of the Department of Corrections.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 8 (3); 1857, ch. 64, art. 20; 1871, § 2809; 1880, § 2713; 1892, § 973; 1906, § 1049; Hemingway's 1917, § 777; 1930, § 793; 1942, § 2017.Amended by Laws, 2013, ch. 510, HB 28, 1, eff. 7/1/2013. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 8 (3); 1857, ch. 64, art. 20; 1871, § 2809; 1880, § 2713; 1892, § 973; 1906, § 1049; Hemingway's 1917, § 777; 1930, § 793; 1942, § 2017. Amended by Laws, 2013, ch. 510, HB 28, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 1 - CONSPIRACY, ACCESSORIES AND ATTEMPTS (§§ 97-1-1 — 97-1-9)Section 97-1-9 - Attempt to commit offense; no conviction if offense completed

A person shall not be convicted of an assault with intent to commit a crime, or of any other attempt to commit an offense, when it shall appear that the crime intended or the offense attempted was perpetrated by such person at the time of such assault or in pursuance of such attempt.Codes, 1857, ch. 64, art. 19; 1880, § 2712; 1892, § 974; 1906, § 1050; Hemingway's 1917, § 778; 1930, § 794; 1942, § 2018. A person shall not be convicted of an assault with intent to commit a crime, or of any other attempt to commit an offense, when it shall appear that the crime intended or the offense attempted was perpetrated by such person at the time of such assault or in pursuance of such attempt.Codes, 1857, ch. 64, art. 19; 1880, § 2712; 1892, § 974; 1906, § 1050; Hemingway's 1917, § 778; 1930, § 794; 1942, § 2018. A person shall not be convicted of an assault with intent to commit a crime, or of any other attempt to commit an offense, when it shall appear that the crime intended or the offense attempted was perpetrated by such person at the time of such assault or in pursuance of such attempt.Codes, 1857, ch. 64, art. 19; 1880, § 2712; 1892, § 974; 1906, § 1050; Hemingway's 1917, § 778; 1930, § 794; 1942, § 2018. A person shall not be convicted of an assault with intent to commit a crime, or of any other attempt to commit an offense, when it shall appear that the crime intended or the offense attempted was perpetrated by such person at the time of such assault or in pursuance of such attempt. Codes, 1857, ch. 64, art. 19; 1880, § 2712; 1892, § 974; 1906, § 1050; Hemingway's 1917, § 778; 1930, § 794; 1942, § 2018.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 11 - OFFENSES INVOLVING PUBLIC OFFICIALS (§§ 97-11-1 — 97-11-53)Section 97-11-1 - Alteration of records

If any clerk of any court, or public officer or any other person, shall wittingly make any false entry, or erase any work or letter, or change any record belonging to any court or public office, whether in his keeping or not, he shall, on conviction thereof, be imprisoned in the penitentiary for a term not exceeding ten years, and be liable to the action of the party aggrieved.Codes, 1857, ch. 64, art. 10; 1871, § 2489; 1880, § 2703; 1892, § 959; 1906, § 1035; Hemingway's 1917, § 760; 1930, § 778; 1942, § 2004. If any clerk of any court, or public officer or any other person, shall wittingly make any false entry, or erase any work or letter, or change any record belonging to any court or public office, whether in his keeping or not, he shall, on conviction thereof, be imprisoned in the penitentiary for a term not exceeding ten years, and be liable to the action of the party aggrieved.Codes, 1857, ch. 64, art. 10; 1871, § 2489; 1880, § 2703; 1892, § 959; 1906, § 1035; Hemingway's 1917, § 760; 1930, § 778; 1942, § 2004. If any clerk of any court, or public officer or any other person, shall wittingly make any false entry, or erase any work or letter, or change any record belonging to any court or public office, whether in his keeping or not, he shall, on conviction thereof, be imprisoned in the penitentiary for a term not exceeding ten years, and be liable to the action of the party aggrieved.Codes, 1857, ch. 64, art. 10; 1871, § 2489; 1880, § 2703; 1892, § 959; 1906, § 1035; Hemingway's 1917, § 760; 1930, § 778; 1942, § 2004. If any clerk of any court, or public officer or any other person, shall wittingly make any false entry, or erase any work or letter, or change any record belonging to any court or public office, whether in his keeping or not, he shall, on conviction thereof, be imprisoned in the penitentiary for a term not exceeding ten years, and be liable to the action of the party aggrieved. Codes, 1857, ch. 64, art. 10; 1871, § 2489; 1880, § 2703; 1892, § 959; 1906, § 1035; Hemingway's 1917, § 760; 1930, § 778; 1942, § 2004.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 11 - OFFENSES INVOLVING PUBLIC OFFICIALS (§§ 97-11-1 — 97-11-53)Section 97-11-11 - Bribery; offer, promise or gift of property to candidate, officer, agent or trustee to influence his action

Every person who shall promise, offer or give to any officer, agent or trustee, either public or private, while holding such office, agency or trust, or after he has become a candidate or applicant for the same, any money, goods, chattels, right in action, or other property, real or personal, with intent to influence his vote, opinion, action or judgment on any question, matter, cause or proceeding which may be then pending, or may be thereafter subject to vote, opinion, action or judgment of such officer, agent or trustee, shall, on conviction, be imprisoned in the penitentiary not more than ten (10) years, or fined not more than Five Thousand Dollars (\$5,000.00), or both, and shall be forever disqualified from holding any public office, trust or appointment, and shall forfeit his office, if any be held.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(9); 1857, ch. 64, art. 34; 1871, § 2511; 1880, § 2727; 1892 § 981; 1906, § 1057; Hemingway's 1917, § 785; 1930, § 801; 1942, § 2027; Laws, 1995, ch. 463, § 1, eff. 7/1/1995. Every person who shall promise, offer or give to any officer, agent or trustee, either public or private, while holding such office, agency or trust, or after he has become a candidate or applicant for the same, any money, goods, chattels, right in action, or other property, real or personal, with intent to influence his vote, opinion, action or judgment on any question, matter, cause or proceeding which may be

then pending, or may be thereafter subject to vote, opinion, action or judgment of such officer, agent or trustee, shall, on conviction, be imprisoned in the penitentiary not more than ten (10) years, or fined not more than Five Thousand Dollars (\$5,000.00), or both, and shall be forever disqualified from holding any public office, trust or appointment, and shall forfeit his office, if any be held. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(9); 1857, ch. 64, art. 34; 1871, § 2511; 1880, § 2727; 1892 § 981; 1906, § 1057; Hemingway's 1917, § 785; 1930, § 801; 1942, § 2027; Laws, 1995, ch. 463, § 1, eff. 7/1/1995. Every person who shall promise, offer or give to any officer, agent or trustee, either public or private, while holding such office, agency or trust, or after he has become a candidate or applicant for the same, any money, goods, chattels, right in action, or other property, real or personal, with intent to influence his vote, opinion, action or judgment on any question, matter, cause or proceeding which may be then pending, or may be thereafter subject to vote, opinion, action or judgment of such officer, agent or trustee, shall, on conviction, be imprisoned in the penitentiary not more than ten (10) years, or fined not more than Five Thousand Dollars (\$5,000.00), or both, and shall be forever disqualified from holding any public office, trust or appointment, and shall forfeit his office, if any be held. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(9); 1857, ch. 64, art. 34; 1871, § 2511; 1880, § 2727; 1892 § 981; 1906, § 1057; Hemingway's 1917, § 785; 1930, § 801; 1942, § 2027; Laws, 1995, ch. 463, § 1, eff. 7/1/1995. Every person who shall promise, offer or give to any officer, agent or trustee, either public or private, while holding such office, agency or trust, or after he has become a candidate or applicant for the same, any money, goods, chattels, right in action, or other property, real or personal, with intent to influence his vote, opinion, action or judgment on any question, matter, cause or proceeding which may be then pending, or may be thereafter subject to vote, opinion, action or judgment of such officer, agent or trustee, shall, on conviction, be imprisoned in the penitentiary not more than ten (10) years, or fined not more than Five Thousand Dollars (\$5,000.00), or both, and shall be forever disqualified from holding any public office, trust or appointment, and shall forfeit his office, if any be held. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(9); 1857, ch. 64, art. 34; 1871, § 2511; 1880, § 2727; 1892 § 981; 1906, § 1057; Hemingway's 1917, § 785; 1930, § 801; 1942, § 2027; Laws, 1995, ch. 463, § 1, eff. 7/1/1995.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 11 - OFFENSES INVOLVING PUBLIC OFFICIALS (§§ 97-11-1 — 97-11-53) Section 97-11-13 - Bribery; penalty when officer, agent or trustee accepts bribe

If any officer, agent or trustee shall accept any gift, offer or promise, prohibited by Section 97-11-11, he shall, on conviction, be forever disqualified from holding any public office, trust or appointment, and shall forfeit his office, if any be held, and be imprisoned in the penitentiary not more than ten (10) years, or be fined not more than Five Thousand Dollars (\$5,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(10); 1857, ch. 64, art. 35; 1871, § 2512; 1880, § 2728; 1892, § 982; 1906, § 1058; Hemingway's 1917, § 786; 1930, § 802; 1942, § 2028; Laws, 1995, ch. 463, § 2, eff. 7/1/1995. If any officer, agent or trustee shall accept any gift, offer or promise, prohibited by Section 97-11-11, he shall, on conviction, be forever disqualified from holding any public office, trust or appointment, and shall forfeit his office, if any be held, and be imprisoned in the penitentiary not more than ten (10) years, or be fined not more than Five Thousand Dollars (\$5,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(10); 1857, ch. 64, art. 35; 1871, § 2512; 1880, § 2728; 1892, § 982; 1906, § 1058; Hemingway's 1917, § 786; 1930, § 802; 1942, § 2028; Laws, 1995, ch. 463, § 2, eff. 7/1/1995. If any officer, agent or trustee shall accept any gift, offer or promise, prohibited by Section 97-11-11, he shall, on conviction, be forever disqualified from holding any public office, trust or appointment, and shall forfeit his office, if any be held, and be imprisoned in the penitentiary not more than ten (10) years, or be fined not more than Five Thousand Dollars (\$5,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(10); 1857, ch. 64, art. 35; 1871, § 2512; 1880, § 2728; 1892, § 982; 1906, § 1058; Hemingway's 1917, § 786; 1930, § 802; 1942, § 2028; Laws, 1995, ch. 463, § 2, eff. 7/1/1995. If any officer, agent or trustee shall accept any gift, offer or promise, prohibited by Section 97-11-11, he shall, on conviction, be forever disqualified from holding any public office, trust or appointment, and shall forfeit his office, if any be held, and be imprisoned in the penitentiary not more than ten (10) years, or be fined not more than Five Thousand Dollars (\$5,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(10); 1857, ch. 64, art. 35; 1871, § 2512; 1880, § 2728; 1892, § 982; 1906, § 1058; Hemingway's 1917, § 786; 1930, § 802; 1942, § 2028; Laws, 1995, ch. 463, § 2, eff. 7/1/1995.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 11 - OFFENSES INVOLVING PUBLIC OFFICIALS (§§ 97-11-1 — 97-11-53) Section 97-11-15 - Circuit clerk; penalty for failure or refusal to send up certificate of appeal

Any clerk of a circuit court who shall wilfully or negligently fail or refuse to send up the certificate of appeal, as provided in Section 99-35-121, Mississippi Code of 1972, within the time required, shall be guilty of a misdemeanor and upon conviction therefor shall be punished by a fine of not more than two hundred dollars (\$200.00), or by imprisonment in the county jail for not more than three months, or both. Codes, Hemingway's 1921 Supp. § 50a; 1930, § 49; 1942, § 1183; Laws, 1920, ch. 147. Any clerk of a circuit court who shall wilfully or negligently fail or refuse to send up the certificate of appeal, as provided in Section 99-35-121, Mississippi Code of 1972, within the time required, shall be guilty of a misdemeanor and upon conviction therefor shall be punished by a fine of not more than two hundred dollars (\$200.00), or by imprisonment in the county jail for not more than three months, or both. Codes, Hemingway's 1921 Supp. § 50a; 1930, § 49; 1942, § 1183; Laws, 1920, ch. 147. Any clerk of a circuit court who shall wilfully or negligently fail or refuse to send up the certificate of appeal, as provided in Section 99-35-121, Mississippi Code of 1972, within the time required, shall be guilty of a misdemeanor and upon conviction therefor shall be punished by a fine of not more than two hundred dollars (\$200.00), or by imprisonment in the county jail for not more than three months, or both. Codes, Hemingway's 1921 Supp. § 50a; 1930, § 49; 1942, § 1183; Laws, 1920, ch. 147. Any clerk of a circuit court who shall wilfully or negligently fail or

refuse to send up the certificate of appeal, as provided in Section 99-35-121, Mississippi Code of 1972, within the time required, shall be guilty of a misdemeanor and upon conviction therefor shall be punished by a fine of not more than two hundred dollars (\$200.00), or by imprisonment in the county jail for not more than three months, or both. Codes, Hemingway's 1921 Supp. § 50a; 1930, § 49; 1942, § 1183; Laws, 1920, ch. 147.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 11 - OFFENSES INVOLVING PUBLIC OFFICIALS (§§ 97-11-1 — 97-11-53) Section 97-11-17 - Clerk refusing to give certified copy of papers

If any clerk shall neglect or refuse to make out and deliver within a reasonable time to the person having demanded and paid in advance the statutory charge for a certified copy of any paper, record, judgment, decree or entry on file, which is lodged or remaining in his office, such clerk shall be guilty of a misdemeanor in office. Codes, 1880, § 2395; 1892, § 1232; 1906, § 1308; Hemingway's 1917, § 1041; 1930, § 1073; 1942, § 2306; Laws, 1971, ch. 487, § 1, eff. 3/31/1971. If any clerk shall neglect or refuse to make out and deliver within a reasonable time to the person having demanded and paid in advance the statutory charge for a certified copy of any paper, record, judgment, decree or entry on file, which is lodged or remaining in his office, such clerk shall be guilty of a misdemeanor in office. Codes, 1880, § 2395; 1892, § 1232; 1906, § 1308; Hemingway's 1917, § 1041; 1930, § 1073; 1942, § 2306; Laws, 1971, ch. 487, § 1, eff. 3/31/1971. If any clerk shall neglect or refuse to make out and deliver within a reasonable time to the person having demanded and paid in advance the statutory charge for a certified copy of any paper, record, judgment, decree or entry on file, which is lodged or remaining in his office, such clerk shall be guilty of a misdemeanor in office. Codes, 1880, § 2395; 1892, § 1232; 1906, § 1308; Hemingway's 1917, § 1041; 1930, § 1073; 1942, § 2306; Laws, 1971, ch. 487, § 1, eff. 3/31/1971. If any clerk shall neglect or refuse to make out and deliver within a reasonable time to the person having demanded and paid in advance the statutory charge for a certified copy of any paper, record, judgment, decree or entry on file, which is lodged or remaining in his office, such clerk shall be guilty of a misdemeanor in office. Codes, 1880, § 2395; 1892, § 1232; 1906, § 1308; Hemingway's 1917, § 1041; 1930, § 1073; 1942, § 2306; Laws, 1971, ch. 487, § 1, eff. 3/31/1971.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 11 - OFFENSES INVOLVING PUBLIC OFFICIALS (§§ 97-11-1 — 97-11-53) Section 97-11-23 - Drunkenness in office

Any officer who shall be guilty of habitual drunkenness, or who shall be drunk while in the actual discharge of the duties of his office, or when called on to perform them, may be indicted therefor, and, upon conviction, shall be removed from office. Codes, 1880, § 424; 1892, § 1233; 1906, § 1309; Hemingway's 1917, § 1042; 1930, § 1074; 1942, § 2307. Any officer who shall be guilty of habitual drunkenness, or who shall be drunk while in the actual discharge of the duties of his office, or when called on to perform them, may be indicted therefor, and, upon conviction, shall be removed from office. Codes, 1880, § 424; 1892, § 1233; 1906, § 1309; Hemingway's 1917, § 1042; 1930, § 1074; 1942, § 2307. Any officer who shall be guilty of habitual drunkenness, or who shall be drunk while in the actual discharge of the duties of his office, or when called on to perform them, may be indicted therefor, and, upon conviction, shall be removed from office. Codes, 1880, § 424; 1892, § 1233; 1906, § 1309; Hemingway's 1917, § 1042; 1930, § 1074; 1942, § 2307. Any officer who shall be guilty of habitual drunkenness, or who shall be drunk while in the actual discharge of the duties of his office, or when called on to perform them, may be indicted therefor, and, upon conviction, shall be removed from office. Codes, 1880, § 424; 1892, § 1233; 1906, § 1309; Hemingway's 1917, § 1042; 1930, § 1074; 1942, § 2307.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 11 - OFFENSES INVOLVING PUBLIC OFFICIALS (§§ 97-11-1 — 97-11-53) Section 97-11-25 - Embezzlement; officers, trustees and public employees converting property to own use

If any state officer or any county officer, or an officer in any district or subdivision of a county, or an officer of any city, town or village, or a notary public, or any other person holding any public office or employment, or any executor, administrator or guardian, or any trustee of an express trust, any master or commissioner or receiver, or any attorney at law or solicitor, or any bank or collecting agent, or other person engaged in like public employment, or any other person undertaking to act for others and intrusted by them with business of any kind, or with money, shall unlawfully convert to his own use any money or other valuable thing which comes to his hands or possession by virtue of his office or employment, or shall not, when lawfully required to turn over such money or deliver such thing, immediately do so according to his legal obligation, he shall, on conviction, be committed to the department of corrections for not more than twenty (20) years, or be fined not more than five thousand dollars (\$5,000.00). Codes, 1880, § 2787; 1892, § 1063; 1906, § 1141; Hemingway's 1917, § 869; 1930, § 894; 1942, § 2120; Laws, 1979, ch. 508, § 13, eff. 11/15/1979 (the United States Attorney General interposed no objection to this amendment on 7/6/1979). If any state officer or any county officer, or an officer in any district or subdivision of a county, or an officer of any city, town or village, or a notary public, or any other person holding any public office or employment, or any executor, administrator or guardian, or any trustee of an express trust, any master or commissioner or receiver, or any attorney at law or solicitor, or any bank or collecting agent, or other person engaged in like public employment, or any other person undertaking to act for others and intrusted by them with business of any kind, or with money, shall unlawfully convert to his own use any money or other valuable thing which comes to his hands or possession by virtue of his office or employment, or shall not, when lawfully required to turn over such money or deliver such thing, immediately do so according to his legal obligation, he shall, on conviction, be committed to the department of corrections for not more than twenty (20) years, or be fined not more than five thousand dollars (\$5,000.00). Codes, 1880, § 2787; 1892, § 1063; 1906, § 1141; Hemingway's 1917, § 869; 1930, § 894; 1942, § 2120; Laws, 1979, ch. 508, § 13, eff. 11/15/1979 (the United States

Attorney General interposed no objection to this amendment on 7/6/1979). If any state officer or any county officer, or an officer in any district or subdivision of a county, or an officer of any city, town or village, or a notary public, or any other person holding any public office or employment, or any executor, administrator or guardian, or any trustee of an express trust, any master or commissioner or receiver, or any attorney at law or solicitor, or any bank or collecting agent, or other person engaged in like public employment, or any other person undertaking to act for others and intrusted by them with business of any kind, or with money, shall unlawfully convert to his own use any money or other valuable thing which comes to his hands or possession by virtue of his office or employment, or shall not, when lawfully required to turn over such money or deliver such thing, immediately do so according to his legal obligation, he shall, on conviction, be committed to the department of corrections for not more than twenty (20) years, or be fined not more than five thousand dollars (\$5,000.00). Codes, 1880, § 2787; 1892, § 1063; 1906, § 1141; Hemingway's 1917, § 869; 1930, § 894; 1942, § 2120; Laws, 1979, ch. 508, § 13, eff. 11/15/1979 (the United States Attorney General interposed no objection to this amendment on 7/6/1979). If any state officer or any county officer, or an officer in any district or subdivision of a county, or an officer of any city, town or village, or a notary public, or any other person holding any public office or employment, or any executor, administrator or guardian, or any trustee of an express trust, any master or commissioner or receiver, or any attorney at law or solicitor, or any bank or collecting agent, or other person engaged in like public employment, or any other person undertaking to act for others and intrusted by them with business of any kind, or with money, shall unlawfully convert to his own use any money or other valuable thing which comes to his hands or possession by virtue of his office or employment, or shall not, when lawfully required to turn over such money or deliver such thing, immediately do so according to his legal obligation, he shall, on conviction, be committed to the department of corrections for not more than twenty (20) years, or be fined not more than five thousand dollars (\$5,000.00). Codes, 1880, § 2787; 1892, § 1063; 1906, § 1141; Hemingway's 1917, § 869; 1930, § 894; 1942, § 2120; Laws, 1979, ch. 508, § 13, eff. 11/15/1979 (the United States Attorney General interposed no objection to this amendment on 7/6/1979).

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 11 - OFFENSES INVOLVING PUBLIC OFFICIALS (§§ 97-11-1 — 97-11-53) Section 97-11-27 - Embezzlement; officers and public agents failing to deliver money, records, etc. to successor

If any officer or agent of this state, or of any county or subdivision of a county, or of any city, town, or village therein, in whose hands money, books, records, papers, or anything else required by law to be delivered by him to his successor in office or other person authorized by law to receive or have charge of the same, may be, shall wilfully and not in good faith refuse or neglect, on demand, to so deliver the same, he shall, on conviction, be imprisoned in the penitentiary not more than ten years, or be fined not more than one thousand dollars and be imprisoned in the county jail not more than one year. Codes, 1880, § 2788; 1892, § 1064; 1906, § 1142; Hemingway's 1917, § 870; 1930, § 895; 1942, § 2121. If any officer or agent of this state, or of any county or subdivision of a county, or of any city, town, or village therein, in whose hands money, books, records, papers, or anything else required by law to be delivered by him to his successor in office or other person authorized by law to receive or have charge of the same, may be, shall wilfully and not in good faith refuse or neglect, on demand, to so deliver the same, he shall, on conviction, be imprisoned in the penitentiary not more than ten years, or be fined not more than one thousand dollars and be imprisoned in the county jail not more than one year. Codes, 1880, § 2788; 1892, § 1064; 1906, § 1142; Hemingway's 1917, § 870; 1930, § 895; 1942, § 2121. If any officer or agent of this state, or of any county or subdivision of a county, or of any city, town, or village therein, in whose hands money, books, records, papers, or anything else required by law to be delivered by him to his successor in office or other person authorized by law to receive or have charge of the same, may be, shall wilfully and not in good faith refuse or neglect, on demand, to so deliver the same, he shall, on conviction, be imprisoned in the penitentiary not more than ten years, or be fined not more than one thousand dollars and be imprisoned in the county jail not more than one year. Codes, 1880, § 2788; 1892, § 1064; 1906, § 1142; Hemingway's 1917, § 870; 1930, § 895; 1942, § 2121. If any officer or agent of this state, or of any county or subdivision of a county, or of any city, town, or village therein, in whose hands money, books, records, papers, or anything else required by law to be delivered by him to his successor in office or other person authorized by law to receive or have charge of the same, may be, shall wilfully and not in good faith refuse or neglect, on demand, to so deliver the same, he shall, on conviction, be imprisoned in the penitentiary not more than ten years, or be fined not more than one thousand dollars and be imprisoned in the county jail not more than one year. Codes, 1880, § 2788; 1892, § 1064; 1906, § 1142; Hemingway's 1917, § 870; 1930, § 895; 1942, § 2121.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 11 - OFFENSES INVOLVING PUBLIC OFFICIALS (§§ 97-11-1 — 97-11-53) Section 97-11-29 - Embezzlement; accounts to be kept by all public officers; false entries, false certificates, loan of public funds and fraud on the treasury

The state treasurer, auditor of public accounts, assessors and collectors of taxes, and all other state and county officers, and officers of cities, towns and villages, shall make and keep in their offices, subject to inspection at all times, an accurate entry of each and every sum of public money, securities, stocks, or other public money whatever, by them received, transferred, or disbursed; and if any of said officers, either municipal, county or state, or a clerk, agent or employee of such officers, shall willfully and fraudulently make any false entry therein or make any certificate or endorsement of any warrant on the treasury that the same is genuine, when the same is in fact not a genuine warrant, or shall loan any portion of the public moneys, securities, stocks, or other public property intrusted to him, for any purpose whatever, or shall, by willful act or omission of duty whatever, defraud, or attempt to defraud, the state, or any county, city, town or village, of any moneys, security, or property, he shall, on conviction thereof, be guilty of

embezzlement, and fined not less than double the amount or value of the moneys, security, stock or other property so embezzled, or committed to the department of corrections for not more than ten (10) years, or both. Codes, 1857, ch. 64, art. 85; 1871, § 2550; 1880, § 2789; 1892, § 1065; 1906, § 1143; Hemingway's 1917, § 871; 1930, § 896; 1942, § 2122; Laws, 1979, ch. 508, § 14, eff. 11/15/1979 (the United States Attorney General interposed no objection to this amendment on 7/6/1979). The state treasurer, auditor of public accounts, assessors and collectors of taxes, and all other state and county officers, and officers of cities, towns and villages, shall make and keep in their offices, subject to inspection at all times, an accurate entry of each and every sum of public money, securities, stocks, or other public money whatever, by them received, transferred, or disbursed; and if any of said officers, either municipal, county or state, or a clerk, agent or employee of such officers, shall willfully and fraudulently make any false entry therein or make any certificate or endorsement of any warrant on the treasury that the same is genuine, when the same is in fact not a genuine warrant, or shall loan any portion of the public moneys, securities, stocks, or other public property intrusted to him, for any purpose whatever, or shall, by willful act or omission of duty whatever, defraud, or attempt to defraud, the state, or any county, city, town or village, of any moneys, security, or property, he shall, on conviction thereof, be guilty of embezzlement, and fined not less than double the amount or value of the moneys, security, stock or other property so embezzled, or committed to the department of corrections for not more than ten (10) years, or both. Codes, 1857, ch. 64, art. 85; 1871, § 2550; 1880, § 2789; 1892, § 1065; 1906, § 1143; Hemingway's 1917, § 871; 1930, § 896; 1942, § 2122; Laws, 1979, ch. 508, § 14, eff. 11/15/1979 (the United States Attorney General interposed no objection to this amendment on 7/6/1979). The state treasurer, auditor of public accounts, assessors and collectors of taxes, and all other state and county officers, and officers of cities, towns and villages, shall make and keep in their offices, subject to inspection at all times, an accurate entry of each and every sum of public money, securities, stocks, or other public money whatever, by them received, transferred, or disbursed; and if any of said officers, either municipal, county or state, or a clerk, agent or employee of such officers, shall willfully and fraudulently make any false entry therein or make any certificate or endorsement of any warrant on the treasury that the same is genuine, when the same is in fact not a genuine warrant, or shall loan any portion of the public moneys, securities, stocks, or other public property intrusted to him, for any purpose whatever, or shall, by willful act or omission of duty whatever, defraud, or attempt to defraud, the state, or any county, city, town or village, of any moneys, security, or property, he shall, on conviction thereof, be guilty of embezzlement, and fined not less than double the amount or value of the moneys, security, stock or other property so embezzled, or committed to the department of corrections for not more than ten (10) years, or both. Codes, 1857, ch. 64, art. 85; 1871, § 2550; 1880, § 2789; 1892, § 1065; 1906, § 1143; Hemingway's 1917, § 871; 1930, § 896; 1942, § 2122; Laws, 1979, ch. 508, § 14, eff. 11/15/1979 (the United States Attorney General interposed no objection to this amendment on 7/6/1979). The state treasurer, auditor of public accounts, assessors and collectors of taxes, and all other state and county officers, and officers of cities, towns and villages, shall make and keep in their offices, subject to inspection at all times, an accurate entry of each and every sum of public money, securities, stocks, or other public money whatever, by them received, transferred, or disbursed; and if any of said officers, either municipal, county or state, or a clerk, agent or employee of such officers, shall willfully and fraudulently make any false entry therein or make any certificate or endorsement of any warrant on the treasury that the same is genuine, when the same is in fact not a genuine warrant, or shall loan any portion of the public moneys, securities, stocks, or other public property intrusted to him, for any purpose whatever, or shall, by willful act or omission of duty whatever, defraud, or attempt to defraud, the state, or any county, city, town or village, of any moneys, security, or property, he shall, on conviction thereof, be guilty of embezzlement, and fined not less than double the amount or value of the moneys, security, stock or other property so embezzled, or committed to the department of corrections for not more than ten (10) years, or both. Codes, 1857, ch. 64, art. 85; 1871, § 2550; 1880, § 2789; 1892, § 1065; 1906, § 1143; Hemingway's 1917, § 871; 1930, § 896; 1942, § 2122; Laws, 1979, ch. 508, § 14, eff. 11/15/1979 (the United States Attorney General interposed no objection to this amendment on 7/6/1979).

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 11 - OFFENSES INVOLVING PUBLIC OFFICIALS (§§ 97-11-1 — 97-11-53) Section 97-11-3 - Attorney general and district attorney not to advise or defend criminals

If the attorney general or any district attorney shall, in any manner, consult, advise, counsel, or defend, within this state, a person charged with a crime or misdemeanor or the breach of a penal statute, he shall, on conviction, be fined in a sum not exceeding five hundred dollars, be removed from office, and rendered incapable thereafter of filling any office of profit or honor in this state. Codes, Hutchinson's 1848, ch. 21, art. 3(6); 1857, ch. 64, art. 69; 1871, § 2714; 1880, § 2758; 1892, § 1227; 1906, § 1303; Hemingway's 1917, § 1036; 1930, § 1067; 1942, § 2299. If the attorney general or any district attorney shall, in any manner, consult, advise, counsel, or defend, within this state, a person charged with a crime or misdemeanor or the breach of a penal statute, he shall, on conviction, be fined in a sum not exceeding five hundred dollars, be removed from office, and rendered incapable thereafter of filling any office of profit or honor in this state. Codes, Hutchinson's 1848, ch. 21, art. 3(6); 1857, ch. 64, art. 69; 1871, § 2714; 1880, § 2758; 1892, § 1227; 1906, § 1303; Hemingway's 1917, § 1036; 1930, § 1067; 1942, § 2299. If the attorney general or any district attorney shall, in any manner, consult, advise, counsel, or defend, within this state, a person charged with a crime or misdemeanor or the breach of a penal statute, he shall, on conviction, be fined in a sum not exceeding five hundred dollars, be removed from office, and rendered incapable thereafter of filling any office of profit or honor in this state. Codes, Hutchinson's 1848, ch. 21, art. 3(6); 1857, ch. 64, art. 69; 1871, § 2714; 1880, § 2758; 1892, § 1227; 1906, § 1303; Hemingway's 1917, § 1036; 1930, § 1067; 1942, § 2299. If the attorney general or any district attorney shall, in any manner, consult, advise, counsel, or defend, within this state, a person charged with a crime or misdemeanor or the breach of a penal statute, he shall, on conviction, be fined in a sum not

exceeding five hundred dollars, be removed from office, and rendered incapable thereafter of filling any office of profit or honor in this state. Codes, Hutchinson's 1848, ch. 21, art. 3(6); 1857, ch. 64, art. 69; 1871, § 2714; 1880, § 2758; 1892, § 1227; 1906, § 1303; Hemingway's 1917, § 1036; 1930, § 1067; 1942, § 2299.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 11 - OFFENSES INVOLVING PUBLIC OFFICIALS (§§ 97-11-1 — 97-11-53) Section 97-11-31 - Embezzlement; fraud committed in public office

If any officer, or other person employed in any public office, shall commit any fraud or embezzlement therein, he shall be committed to the department of corrections for not more than ten (10) years, or be fined not more than five thousand dollars (\$5,000.00), or both. Codes, 1880, § 2790; 1892, § 1066; 1906, § 1144; Hemingway's 1917, § 872; 1930, § 897; 1942, § 2123; Laws, 1979, ch. 508, § 15, eff. 11/15/1979 (the United States Attorney General interposed no objection to this amendment on 7/6/1979). If any officer, or other person employed in any public office, shall commit any fraud or embezzlement therein, he shall be committed to the department of corrections for not more than ten (10) years, or be fined not more than five thousand dollars (\$5,000.00), or both. Codes, 1880, § 2790; 1892, § 1066; 1906, § 1144; Hemingway's 1917, § 872; 1930, § 897; 1942, § 2123; Laws, 1979, ch. 508, § 15, eff. 11/15/1979 (the United States Attorney General interposed no objection to this amendment on 7/6/1979). If any officer, or other person employed in any public office, shall commit any fraud or embezzlement therein, he shall be committed to the department of corrections for not more than ten (10) years, or be fined not more than five thousand dollars (\$5,000.00), or both. Codes, 1880, § 2790; 1892, § 1066; 1906, § 1144; Hemingway's 1917, § 872; 1930, § 897; 1942, § 2123; Laws, 1979, ch. 508, § 15, eff. 11/15/1979 (the United States Attorney General interposed no objection to this amendment on 7/6/1979). If any officer, or other person employed in any public office, shall commit any fraud or embezzlement therein, he shall be committed to the department of corrections for not more than ten (10) years, or be fined not more than five thousand dollars (\$5,000.00), or both. Codes, 1880, § 2790; 1892, § 1066; 1906, § 1144; Hemingway's 1917, § 872; 1930, § 897; 1942, § 2123; Laws, 1979, ch. 508, § 15, eff. 11/15/1979 (the United States Attorney General interposed no objection to this amendment on 7/6/1979).

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 11 - OFFENSES INVOLVING PUBLIC OFFICIALS (§§ 97-11-1 — 97-11-53) Section 97-11-33 - Extortion; collecting unauthorized fees and fees for services not actually rendered

If any judge, justice court judge, sheriff, deputy sheriff, sheriff's employee, constable, assessor, collector, clerk, county medical examiner, county medical examiner investigator, employee of the Mississippi Department of Corrections, employee of any contractor providing incarceration services or any other officer, shall knowingly demand, take or collect, under color of his office, any money fee or reward whatever, not authorized by law, or shall demand and receive, knowingly, any fee for service not actually performed, such officer, so offending, shall be guilty of extortion, and, on conviction, shall be punished by fine not exceeding Five Thousand Dollars (\$5,000.00), or imprisonment for not more than five (5) years, or both, and shall be removed from office. Codes, Hutchinson's 1848, ch. 64, art. 2(5); 1857, ch. 64, art. 99; 1871, § 2712; 1880, § 2805; 1892, § 1081; 1906, § 1161; Hemingway's 1917, § 888; 1930, § 914; 1942, § 2144; Laws, 1979, ch. 508, § 16; Laws, 1986, ch. 459, § 40; Laws, 1997, ch. 431, § 1; Laws, 1997, ch. 462, § 1, eff. 7/1/1997. If any judge, justice court judge, sheriff, deputy sheriff, sheriff's employee, constable, assessor, collector, clerk, county medical examiner, county medical examiner investigator, employee of the Mississippi Department of Corrections, employee of any contractor providing incarceration services or any other officer, shall knowingly demand, take or collect, under color of his office, any money fee or reward whatever, not authorized by law, or shall demand and receive, knowingly, any fee for service not actually performed, such officer, so offending, shall be guilty of extortion, and, on conviction, shall be punished by fine not exceeding Five Thousand Dollars (\$5,000.00), or imprisonment for not more than five (5) years, or both, and shall be removed from office. Codes, Hutchinson's 1848, ch. 64, art. 2(5); 1857, ch. 64, art. 99; 1871, § 2712; 1880, § 2805; 1892, § 1081; 1906, § 1161; Hemingway's 1917, § 888; 1930, § 914; 1942, § 2144; Laws, 1979, ch. 508, § 16; Laws, 1986, ch. 459, § 40; Laws, 1997, ch. 431, § 1; Laws, 1997, ch. 462, § 1, eff. 7/1/1997. If any judge, justice court judge, sheriff, deputy sheriff, sheriff's employee, constable, assessor, collector, clerk, county medical examiner, county medical examiner investigator, employee of the Mississippi Department of Corrections, employee of any contractor providing incarceration services or any other officer, shall knowingly demand, take or collect, under color of his office, any money fee or reward whatever, not authorized by law, or shall demand and receive, knowingly, any fee for service not actually performed, such officer, so offending, shall be guilty of extortion, and, on conviction, shall be punished by fine not exceeding Five Thousand Dollars (\$5,000.00), or imprisonment for not more than five (5) years, or both, and shall be removed from office. Codes, Hutchinson's 1848, ch. 64, art. 2(5); 1857, ch. 64, art. 99; 1871, § 2712; 1880, § 2805; 1892, § 1081; 1906, § 1161; Hemingway's 1917, § 888; 1930, § 914; 1942, § 2144; Laws, 1979, ch. 508, § 16; Laws, 1986, ch. 459, § 40; Laws, 1997, ch. 431, § 1; Laws, 1997, ch. 462, § 1, eff. 7/1/1997. If any judge, justice court judge, sheriff, deputy sheriff, sheriff's employee, constable, assessor, collector, clerk, county medical examiner, county medical examiner investigator, employee of the Mississippi Department of Corrections, employee of any contractor providing incarceration services or any other officer, shall knowingly demand, take or collect, under color of his office, any money fee or reward whatever, not authorized by law, or shall demand and receive, knowingly, any fee for service not actually performed, such officer, so offending, shall be guilty of extortion, and, on conviction, shall be punished by fine not exceeding Five Thousand Dollars (\$5,000.00), or imprisonment for not more than five (5) years, or both, and shall be removed from office. Codes, Hutchinson's 1848, ch. 64, art. 2(5); 1857, ch. 64, art. 99; 1871, § 2712; 1880, § 2805; 1892, § 1081; 1906, § 1161; Hemingway's 1917, § 888; 1930, § 914; 1942, § 2144; Laws, 1979, ch. 508, § 16; Laws, 1986, ch. 459, § 40; Laws, 1997, ch. 431, § 1; Laws, 1997, ch. 462, § 1, eff. 7/1/1997.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 11 - OFFENSES INVOLVING PUBLIC OFFICIALS (§§ 97-11-1 — 97-11-53) Section 97-11-35 - Failure to return known offenders; purposeful avoidance of knowledge of offense

If any judge, justice court judge, constable, member of the board of supervisors, sheriff, or other peace officer, shall wilfully neglect or refuse to return any person committing any offense against the laws, committed in his view or knowledge, or of which he has any notice, or shall wilfully absent himself when such offense is being or is about to be committed, for the purpose of avoiding a knowledge of the same, he shall, on conviction, be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), and may, in the discretion of the court, be removed from office. Codes, 1871, § 2889; 1880, § 2756; 1892, § 1225; 1906, § 1301; Hemingway's 1917, § 1034; 1930, § 1065; 1942, § 2297; Laws, 1986, ch. 459, § 41, eff. 7/1/1986. If any judge, justice court judge, constable, member of the board of supervisors, sheriff, or other peace officer, shall wilfully neglect or refuse to return any person committing any offense against the laws, committed in his view or knowledge, or of which he has any notice, or shall wilfully absent himself when such offense is being or is about to be committed, for the purpose of avoiding a knowledge of the same, he shall, on conviction, be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), and may, in the discretion of the court, be removed from office. Codes, 1871, § 2889; 1880, § 2756; 1892, § 1225; 1906, § 1301; Hemingway's 1917, § 1034; 1930, § 1065; 1942, § 2297; Laws, 1986, ch. 459, § 41, eff. 7/1/1986. If any judge, justice court judge, constable, member of the board of supervisors, sheriff, or other peace officer, shall wilfully neglect or refuse to return any person committing any offense against the laws, committed in his view or knowledge, or of which he has any notice, or shall wilfully absent himself when such offense is being or is about to be committed, for the purpose of avoiding a knowledge of the same, he shall, on conviction, be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), and may, in the discretion of the court, be removed from office. Codes, 1871, § 2889; 1880, § 2756; 1892, § 1225; 1906, § 1301; Hemingway's 1917, § 1034; 1930, § 1065; 1942, § 2297; Laws, 1986, ch. 459, § 41, eff. 7/1/1986. If any judge, justice court judge, constable, member of the board of supervisors, sheriff, or other peace officer, shall wilfully neglect or refuse to return any person committing any offense against the laws, committed in his view or knowledge, or of which he has any notice, or shall wilfully absent himself when such offense is being or is about to be committed, for the purpose of avoiding a knowledge of the same, he shall, on conviction, be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), and may, in the discretion of the court, be removed from office. Codes, 1871, § 2889; 1880, § 2756; 1892, § 1225; 1906, § 1301; Hemingway's 1917, § 1034; 1930, § 1065; 1942, § 2297; Laws, 1986, ch. 459, § 41, eff. 7/1/1986.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 11 - OFFENSES INVOLVING PUBLIC OFFICIALS (§§ 97-11-1 — 97-11-53) Section 97-11-37 - Failure to perform any duty

If any person, being sheriff, clerk of any court, constable, assessor, or collector of taxes, or holding any county office whatever, or mayor, marshal, or constable, or any other officer of any city, town, or village, shall knowingly or wilfully fail, neglect, or refuse to perform any of the duties required of him by law, or shall fail or refuse to keep any record required to be kept by law, or shall secrete the same, or shall violate his duty in any respect, he shall, on conviction thereof, be fined not exceeding One Thousand Dollars (\$1,000.00), or be imprisoned in the county jail not exceeding six (6) months, or both. Codes, Hutchinson's 1848, ch. 33, art. 14(1); 1857, ch. 64, art. 62; 1871, § 2890; 1880, § 2757; 1892, § 1226; 1906, § 1302; Hemingway's 1917, § 1035; 1930, § 1066; 1942, § 2298; Laws, 1986, ch. 459, § 42, eff. 7/1/1986. If any person, being sheriff, clerk of any court, constable, assessor, or collector of taxes, or holding any county office whatever, or mayor, marshal, or constable, or any other officer of any city, town, or village, shall knowingly or wilfully fail, neglect, or refuse to perform any of the duties required of him by law, or shall fail or refuse to keep any record required to be kept by law, or shall secrete the same, or shall violate his duty in any respect, he shall, on conviction thereof, be fined not exceeding One Thousand Dollars (\$1,000.00), or be imprisoned in the county jail not exceeding six (6) months, or both. Codes, Hutchinson's 1848, ch. 33, art. 14(1); 1857, ch. 64, art. 62; 1871, § 2890; 1880, § 2757; 1892, § 1226; 1906, § 1302; Hemingway's 1917, § 1035; 1930, § 1066; 1942, § 2298; Laws, 1986, ch. 459, § 42, eff. 7/1/1986. If any person, being sheriff, clerk of any court, constable, assessor, or collector of taxes, or holding any county office whatever, or mayor, marshal, or constable, or any other officer of any city, town, or village, shall knowingly or wilfully fail, neglect, or refuse to perform any of the duties required of him by law, or shall fail or refuse to keep any record required to be kept by law, or shall secrete the same, or shall violate his duty in any respect, he shall, on conviction thereof, be fined not exceeding One Thousand Dollars (\$1,000.00), or be imprisoned in the county jail not exceeding six (6) months, or both. Codes, Hutchinson's 1848, ch. 33, art. 14(1); 1857, ch. 64, art. 62; 1871, § 2890; 1880, § 2757; 1892, § 1226; 1906, § 1302; Hemingway's 1917, § 1035; 1930, § 1066; 1942, § 2298; Laws, 1986, ch. 459, § 42, eff. 7/1/1986. If any person, being sheriff, clerk of any court, constable, assessor, or collector of taxes, or holding any county office whatever, or mayor, marshal, or constable, or any other officer of any city, town, or village, shall knowingly or wilfully fail, neglect, or refuse to perform any of the duties required of him by law, or shall fail or refuse to keep any record required to be kept by law, or shall secrete the same, or shall violate his duty in any respect, he shall, on conviction thereof, be fined not exceeding One Thousand Dollars (\$1,000.00), or be imprisoned in the county jail not exceeding six (6) months, or both. Codes, Hutchinson's 1848, ch. 33, art. 14(1); 1857, ch. 64, art. 62; 1871, § 2890; 1880, § 2757; 1892, § 1226; 1906, § 1302; Hemingway's 1917, § 1035; 1930, § 1066; 1942, § 2298; Laws, 1986, ch. 459, § 42, eff. 7/1/1986.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 11 - OFFENSES INVOLVING PUBLIC OFFICIALS (§§ 97-11-1 — 97-11-53) Section 97-11-39 - Military officers; resigning to evade obedience to order prohibited

Any officer who shall offer to resign in order to evade obedience to a lawful order of his superior officer, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not to exceed one hundred dollars or by imprisonment in the county jail not to exceed sixty days, or by both such fine and imprisonment, at the discretion of the court and in addition thereto, if the conviction be by a military court, he may be dismissed from the service of the state or suffer such punishment as the court martial may decide. Codes, 1892, § 1231; 1906, § 1307; Hemingway's 1917, § 1040; 1930, § 1072; 1942, § 2305; Laws, 1916, ch. 245. Any officer who shall offer to resign in order to evade obedience to a lawful order of his superior officer, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not to exceed one hundred dollars or by imprisonment in the county jail not to exceed sixty days, or by both such fine and imprisonment, at the discretion of the court and in addition thereto, if the conviction be by a military court, he may be dismissed from the service of the state or suffer such punishment as the court martial may decide. Codes, 1892, § 1231; 1906, § 1307; Hemingway's 1917, § 1040; 1930, § 1072; 1942, § 2305; Laws, 1916, ch. 245. Any officer who shall offer to resign in order to evade obedience to a lawful order of his superior officer, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not to exceed one hundred dollars or by imprisonment in the county jail not to exceed sixty days, or by both such fine and imprisonment, at the discretion of the court and in addition thereto, if the conviction be by a military court, he may be dismissed from the service of the state or suffer such punishment as the court martial may decide. Codes, 1892, § 1231; 1906, § 1307; Hemingway's 1917, § 1040; 1930, § 1072; 1942, § 2305; Laws, 1916, ch. 245.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 11 - OFFENSES INVOLVING PUBLIC OFFICIALS (§§ 97-11-1 — 97-11-53) Section 97-11-41 - Oath of office and bond; elected officials not to exercise duties before taking oath or giving bond, as required

If any person elected to any office shall undertake to exercise the same or discharge the duties thereof without first having taken the oath of office or given bond as required by law, he shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not more than five hundred dollars, or imprisoned in the county jail not longer than one year, or both. Codes, 1857, ch. 64, art. 81; 1871, § 320; 1880, § 2780; 1892, § 1057; 1906, § 1135; Hemingway's 1917, § 863; 1930, § 888; 1942, § 2114. If any person elected to any office shall undertake to exercise the same or discharge the duties thereof without first having taken the oath of office or given bond as required by law, he shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not more than five hundred dollars, or imprisoned in the county jail not longer than one year, or both. Codes, 1857, ch. 64, art. 81; 1871, § 320; 1880, § 2780; 1892, § 1057; 1906, § 1135; Hemingway's 1917, § 863; 1930, § 888; 1942, § 2114. If any person elected to any office shall undertake to exercise the same or discharge the duties thereof without first having taken the oath of office or given bond as required by law, he shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not more than five hundred dollars, or imprisoned in the county jail not longer than one year, or both. Codes, 1857, ch. 64, art. 81; 1871, § 320; 1880, § 2780; 1892, § 1057; 1906, § 1135; Hemingway's 1917, § 863; 1930, § 888; 1942, § 2114. If any person elected to any office shall undertake to exercise the same or discharge the duties thereof without first having taken the oath of office or given bond as required by law, he shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not more than five hundred dollars, or imprisoned in the county jail not longer than one year, or both. Codes, 1857, ch. 64, art. 81; 1871, § 320; 1880, § 2780; 1892, § 1057; 1906, § 1135; Hemingway's 1917, § 863; 1930, § 888; 1942, § 2114.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 11 - OFFENSES INVOLVING PUBLIC OFFICIALS (§§ 97-11-1 — 97-11-53) Section 97-11-43 - Railroad fares; government officials to pay same fare as general passengers; accepting and using free pass

If any officer, state, county, district, or municipal, except the Public Service Commissioners when in the actual discharge of official duties, shall travel or ride upon any railroad without paying absolutely and without any guile, trick, subterfuge, or evasion whatsoever, the same fare required of passengers generally, or if any railroad company, or officer or employee of any railroad company, shall permit any such state, county, district, or municipal officer, except Public Service Commissioners when in the actual discharge of official duties, to so travel or ride, he or it shall be guilty of a misdemeanor, and shall be fined not less than fifty dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than ten days nor more than sixty days, or both. Codes, 1892, § 1230; 1906, § 1306; Hemingway's 1917, § 1039; 1930, § 1071; 1942, § 2303; Laws, 1884, p. 45. If any officer, state, county, district, or municipal, except the Public Service Commissioners when in the actual discharge of official duties, shall travel or ride upon any railroad without paying absolutely and without any guile, trick, subterfuge, or evasion whatsoever, the same fare required of passengers generally, or if any railroad company, or officer or employee of any railroad company, shall permit any such state, county, district, or municipal officer, except Public Service Commissioners when in the actual discharge of official duties, to so travel or ride, he or it shall be guilty of a misdemeanor, and shall be fined not less than fifty dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than ten days nor more than sixty days, or both. Codes, 1892, § 1230; 1906, § 1306; Hemingway's 1917, § 1039; 1930, § 1071; 1942, § 2303; Laws, 1884, p. 45. If any officer, state, county, district, or

municipal, except the Public Service Commissioners when in the actual discharge of official duties, shall travel or ride upon any railroad without paying absolutely and without any guile, trick, subterfuge, or evasion whatsoever, the same fare required of passengers generally, or if any railroad company, or officer or employee of any railroad company, shall permit any such state, county, district, or municipal officer, except Public Service Commissioners when in the actual discharge of official duties, to so travel or ride, he or it shall be guilty of a misdemeanor, and shall be fined not less than fifty dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than ten days nor more than sixty days, or both. Codes, 1892, § 1230; 1906, § 1306; Hemingway's 1917, § 1039; 1930, § 1071; 1942, § 2303; Laws, 1884, p. 45. If any officer, state, county, district, or municipal, except the Public Service Commissioners when in the actual discharge of official duties, shall travel or ride upon any railroad without paying absolutely and without any guile, trick, subterfuge, or evasion whatsoever, the same fare required of passengers generally, or if any railroad company, or officer or employee of any railroad company, shall permit any such state, county, district, or municipal officer, except Public Service Commissioners when in the actual discharge of official duties, to so travel or ride, he or it shall be guilty of a misdemeanor, and shall be fined not less than fifty dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than ten days nor more than sixty days, or both. Codes, 1892, § 1230; 1906, § 1306; Hemingway's 1917, § 1039; 1930, § 1071; 1942, § 2303; Laws, 1884, p. 45.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 11 - OFFENSES INVOLVING PUBLIC OFFICIALS (§§ 97-11-1 — 97-11-53) Section 97-11-45 - Tax collector and chancery clerk; failure to perform duty in respect to duplicate tax receipts

Any tax collector who shall fail to fill up, in case of the payment of taxes to him, the duplicate tax receipt required by law to be filled up by him, or to preserve the book of duplicate receipts filled, or to submit such book or books to the board of supervisors when required, or to deliver such book or books to the clerk of the chancery court shall, upon conviction, be removed from office, and be fined not less than one thousand dollars, and be imprisoned in the county jail not less than six months; and any clerk who shall refuse to receive or receipt for such book or books when delivered or tendered to him, or to preserve the same as a record of his office, shall be fined not more than three hundred dollars, and imprisoned in the county jail not exceeding three months. Codes, 1880, § 516; 1892, § 1236; 1906, § 1312; Hemingway's 1917, § 1045; 1930, § 1077; 1942, § 2310. Any tax collector who shall fail to fill up, in case of the payment of taxes to him, the duplicate tax receipt required by law to be filled up by him, or to preserve the book of duplicate receipts filled, or to submit such book or books to the board of supervisors when required, or to deliver such book or books to the clerk of the chancery court shall, upon conviction, be removed from office, and be fined not less than one thousand dollars, and be imprisoned in the county jail not less than six months; and any clerk who shall refuse to receive or receipt for such book or books when delivered or tendered to him, or to preserve the same as a record of his office, shall be fined not more than three hundred dollars, and imprisoned in the county jail not exceeding three months. Codes, 1880, § 516; 1892, § 1236; 1906, § 1312; Hemingway's 1917, § 1045; 1930, § 1077; 1942, § 2310. Any tax collector who shall fail to fill up, in case of the payment of taxes to him, the duplicate tax receipt required by law to be filled up by him, or to preserve the book of duplicate receipts filled, or to submit such book or books to the board of supervisors when required, or to deliver such book or books to the clerk of the chancery court shall, upon conviction, be removed from office, and be fined not less than one thousand dollars, and be imprisoned in the county jail not less than six months; and any clerk who shall refuse to receive or receipt for such book or books when delivered or tendered to him, or to preserve the same as a record of his office, shall be fined not more than three hundred dollars, and imprisoned in the county jail not exceeding three months. Codes, 1880, § 516; 1892, § 1236; 1906, § 1312; Hemingway's 1917, § 1045; 1930, § 1077; 1942, § 2310. Any tax collector who shall fail to fill up, in case of the payment of taxes to him, the duplicate tax receipt required by law to be filled up by him, or to preserve the book of duplicate receipts filled, or to submit such book or books to the board of supervisors when required, or to deliver such book or books to the clerk of the chancery court shall, upon conviction, be removed from office, and be fined not less than one thousand dollars, and be imprisoned in the county jail not less than six months; and any clerk who shall refuse to receive or receipt for such book or books when delivered or tendered to him, or to preserve the same as a record of his office, shall be fined not more than three hundred dollars, and imprisoned in the county jail not exceeding three months. Codes, 1880, § 516; 1892, § 1236; 1906, § 1312; Hemingway's 1917, § 1045; 1930, § 1077; 1942, § 2310.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 11 - OFFENSES INVOLVING PUBLIC OFFICIALS (§§ 97-11-1 — 97-11-53) Section 97-11-47 - Tax collector; failure to make settlement

Any tax collector who shall wilfully fail or refuse for ten days after the time appointed by law for any monthly payment or final settlement, to make the same, shall be guilty of a misdemeanor, and, on conviction, he shall be removed from office and fined not exceeding one thousand dollars. Codes, 1880, § 553; 1892, § 1237; 1906, § 1313; Hemingway's 1917, § 1046; 1930, § 1078; 1942, § 2311. Any tax collector who shall wilfully fail or refuse for ten days after the time appointed by law for any monthly payment or final settlement, to make the same, shall be guilty of a misdemeanor, and, on conviction, he shall be removed from office and fined not exceeding one thousand dollars. Codes, 1880, § 553; 1892, § 1237; 1906, § 1313; Hemingway's 1917, § 1046; 1930, § 1078; 1942, § 2311. Any tax collector who shall wilfully fail or refuse for ten days after the time appointed by law for any monthly payment or final settlement, to make the same, shall be guilty of a misdemeanor, and, on conviction, he shall be removed from office and fined not exceeding one thousand dollars. Codes, 1880, § 553; 1892, § 1237; 1906, § 1313; Hemingway's 1917, § 1046; 1930, § 1078; 1942, § 2311. Any tax collector who shall wilfully fail or refuse for ten days after the time appointed by law for any monthly payment or final settlement, to make the same, shall be guilty of a misdemeanor, and, on conviction, he shall be removed

from office and fined not exceeding one thousand dollars. Codes, 1880, § 553; 1892, § 1237; 1906, § 1313; Hemingway's 1917, § 1046; 1930, § 1078; 1942, § 2311.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 11 - OFFENSES INVOLVING PUBLIC OFFICIALS (§§ 97-11-1 — 97-11-53) Section 97-11-49 - Tax collector; collecting privilege tax without issuing license

If any tax collector, or deputy or agent of any tax collector, shall collect any privilege tax without issuing to the party from whom the tax is collected the auditor's license therefor as provided for by law, he shall, on conviction, be fined not less than double the amount of the tax, and be imprisoned in the county jail not less than one (1) week; and if the failure be wilful, he shall be removed from office. Codes, 1892, § 1238; 1906, § 1314; Hemingway's 1917, § 1047; 1930, § 1079; 1942, § 2312; Laws, 1884, p. 15; Laws, 1968, ch. 361, § 2, eff. 1/1/1972. If any tax collector, or deputy or agent of any tax collector, shall collect any privilege tax without issuing to the party from whom the tax is collected the auditor's license therefor as provided for by law, he shall, on conviction, be fined not less than double the amount of the tax, and be imprisoned in the county jail not less than one (1) week; and if the failure be wilful, he shall be removed from office. Codes, 1892, § 1238; 1906, § 1314; Hemingway's 1917, § 1047; 1930, § 1079; 1942, § 2312; Laws, 1884, p. 15; Laws, 1968, ch. 361, § 2, eff. 1/1/1972. If any tax collector, or deputy or agent of any tax collector, shall collect any privilege tax without issuing to the party from whom the tax is collected the auditor's license therefor as provided for by law, he shall, on conviction, be fined not less than double the amount of the tax, and be imprisoned in the county jail not less than one (1) week; and if the failure be wilful, he shall be removed from office. Codes, 1892, § 1238; 1906, § 1314; Hemingway's 1917, § 1047; 1930, § 1079; 1942, § 2312; Laws, 1884, p. 15; Laws, 1968, ch. 361, § 2, eff. 1/1/1972. If any tax collector, or deputy or agent of any tax collector, shall collect any privilege tax without issuing to the party from whom the tax is collected the auditor's license therefor as provided for by law, he shall, on conviction, be fined not less than double the amount of the tax, and be imprisoned in the county jail not less than one (1) week; and if the failure be wilful, he shall be removed from office. Codes, 1892, § 1238; 1906, § 1314; Hemingway's 1917, § 1047; 1930, § 1079; 1942, § 2312; Laws, 1884, p. 15; Laws, 1968, ch. 361, § 2, eff. 1/1/1972.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 11 - OFFENSES INVOLVING PUBLIC OFFICIALS (§§ 97-11-1 — 97-11-53) Section 97-11-51 - Trustees of state institutions not to incur liability in excess of income

It shall be unlawful for the board of trustees or other authority of any state-owned institution maintained in whole or in part by the state, or any state department, having charge of the disbursement or expenditure of the income provided by legislative appropriation and otherwise for such institution or department to expend, contract for the expenditure, or permit the incurring of any liability in excess of the income so provided, and it shall be and is hereby made the duty of any and all such authorities to keep the expenditures and obligations within the amount of said income, but in cases of extreme emergency arising from acts of Providence, epidemics, fire, storm, or flood, said authorities may, upon the written consent of a majority of the members of the state senate, and a majority of the members of the house of representatives and the approval of the governor, exceed such appropriation by the amounts to be so stipulated and agreed upon. Any authority or member of a board of trustees violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars or imprisoned in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment, and in addition thereto shall be personally liable, and liable on his bond, for the amount of the excess thus unlawfully expended, and shall be removed from office or from such employment. Codes, 1942, § 2304; Laws, 1932, ch. 134. It shall be unlawful for the board of trustees or other authority of any state-owned institution maintained in whole or in part by the state, or any state department, having charge of the disbursement or expenditure of the income provided by legislative appropriation and otherwise for such institution or department to expend, contract for the expenditure, or permit the incurring of any liability in excess of the income so provided, and it shall be and is hereby made the duty of any and all such authorities to keep the expenditures and obligations within the amount of said income, but in cases of extreme emergency arising from acts of Providence, epidemics, fire, storm, or flood, said authorities may, upon the written consent of a majority of the members of the state senate, and a majority of the members of the house of representatives and the approval of the governor, exceed such appropriation by the amounts to be so stipulated and agreed upon. Any authority or member of a board of trustees violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars or imprisoned in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment, and in addition thereto shall be personally liable, and liable on his bond, for the amount of the excess thus unlawfully expended, and shall be removed from office or from such employment. Codes, 1942, § 2304; Laws, 1932, ch. 134. It shall be unlawful for the board of trustees or other authority of any state-owned institution maintained in whole or in part by the state, or any state department, having charge of the disbursement or expenditure of the income provided by legislative appropriation and otherwise for such institution or department to expend, contract for the expenditure, or permit the incurring of any liability in excess of the income so provided, and it shall be and is hereby made the duty of any and all such authorities to keep the expenditures and obligations within the amount of said income, but in cases of extreme emergency arising from acts of Providence, epidemics, fire, storm, or flood, said authorities may, upon the written consent of a majority of the members of the state senate, and a majority of the members of the house of representatives and the approval of the governor, exceed such appropriation by the amounts to be so stipulated and agreed upon. Any authority or member of a board of trustees violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars or imprisoned in the county jail for not less than thirty days nor more than six months, or by both such

fine and imprisonment, and in addition thereto shall be personally liable, and liable on his bond, for the amount of the excess thus unlawfully expended, and shall be removed from office or from such employment. Codes, 1942, § 2304; Laws, 1932, ch. 134. It shall be unlawful for the board of trustees or other authority of any state-owned institution maintained in whole or in part by the state, or any state department, having charge of the disbursement or expenditure of the income provided by legislative appropriation and otherwise for such institution or department to expend, contract for the expenditure, or permit the incurring of any liability in excess of the income so provided, and it shall be and is hereby made the duty of any and all such authorities to keep the expenditures and obligations within the amount of said income, but in cases of extreme emergency arising from acts of Providence, epidemics, fire, storm, or flood, said authorities may, upon the written consent of a majority of the members of the state senate, and a majority of the members of the house of representatives and the approval of the governor, exceed such appropriation by the amounts to be so stipulated and agreed upon. Any authority or member of a board of trustees violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars or imprisoned in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment, and in addition thereto shall be personally liable, and liable on his bond, for the amount of the excess thus unlawfully expended, and shall be removed from office or from such employment. Codes, 1942, § 2304; Laws, 1932, ch. 134.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 11 - OFFENSES INVOLVING PUBLIC OFFICIALS (§§ 97-11-1 — 97-11-53) Section 97-11-53 - Offer of inducements to influence public official's action on award of contracts or accomplishment of official acts

As used in this section the following words shall have the following meaning: (1) Person: individual, firm, corporation, association, partnership or other legal entity. (2) Public official: (a) Any elected official of the State of Mississippi or of any political subdivision thereof, or (b) Any officer, director, commissioner, supervisor, chief, head, agent or employee of: (i) The State of Mississippi, (ii) Any agency of the State of Mississippi, (iii) Any political subdivision of the State of Mississippi, (iv) Any body politic of the State of Mississippi, or (v) Any entity created by or under the laws of the State of Mississippi or by executive order of the Governor of the State of Mississippi and which expends public funds. No person shall directly or indirectly offer, promise, give or agree to give to any public official or his spouse any money, property, or other tangible or intangible thing of value as an inducement or incentive for (a) the awarding or refusal to award a contract by any of the entities referred to in subsections (i) through (v) of subsection 2-b of this section; (b) the purchase, sale or lease of property by any of the entities referred to in subsections (i) through (v) of subsection 2-b of this section; or (c) the accomplishment of any official act or purpose involving public funds or public trust. Any person who violates the terms of this section shall be guilty of a felony and shall, upon conviction, be imprisoned in the penitentiary not more than ten (10) years, or be fined not more than five thousand dollars (\$5,000.00), or both; and in addition such person and the firm, corporation, partnership, association or other type of business entity which he represents shall be barred for a period of five (5) years from the date of conviction from doing business with the State of Mississippi or any political subdivision thereof or any other public entity referred to in this section. No public official shall directly or indirectly accept, receive, offer to receive or agree to receive any gift, offer, or promise of any money, property or other tangible or intangible thing of value as an inducement or incentive for (a) the awarding or refusal to award a contract by any of the entities referred to in subsections (i) through (v) of subsection 2-b of this section; (b) the purchase, sale or lease of property by any of the entities referred to in subsections (i) through (v) of subsection 2-b of this section; or (c) the accomplishment of any official act or purpose involving public funds or public trust. Any public official who violates the terms of this section or whose spouse does so with his knowledge and consent, shall be guilty of a felony and shall, upon conviction, be imprisoned in the penitentiary not more than ten (10) years, or be fined not more than five thousand dollars (\$5,000.00), or both; and in addition, upon conviction such public official shall forfeit his office, if any he hold, and be forever disqualified from holding any public office, trust, appointment or employment with the State of Mississippi or any political subdivision thereof or with any other public entity referred to in this section. Each violation of the provisions of this section shall constitute a separate offense. Laws, 1974, ch. 541, § 2, eff. 4/12/1974. As used in this section the following words shall have the following meaning: (1) Person: individual, firm, corporation, association, partnership or other legal entity. (2) Public official: (a) Any elected official of the State of Mississippi or of any political subdivision thereof, or (b) Any officer, director, commissioner, supervisor, chief, head, agent or employee of: (i) The State of Mississippi, (ii) Any agency of the State of Mississippi, (iii) Any political subdivision of the State of Mississippi, (iv) Any body politic of the State of Mississippi, or (v) Any entity created by or under the laws of the State of Mississippi or by executive order of the Governor of the State of Mississippi and which expends public funds. No person shall directly or indirectly offer, promise, give or agree to give to any public official or his spouse any money, property, or other tangible or intangible thing of value as an inducement or incentive for (a) the awarding or refusal to award a contract by any of the entities referred to in subsections (i) through (v) of subsection 2-b of this section; (b) the purchase, sale or lease of property by any of the entities referred to in subsections (i) through (v) of subsection 2-b of this section; or (c) the accomplishment of any official act or purpose involving public funds or public trust. Any person who violates the terms of this section shall be guilty of a felony and shall, upon conviction, be imprisoned in the penitentiary not more than ten (10) years, or be fined not more than five thousand dollars (\$5,000.00), or both; and in addition such person and the firm, corporation, partnership, association or other type of business entity which he represents shall be barred for a period of five (5) years from the date of conviction from doing business with the State of Mississippi or any political subdivision thereof or any other public entity referred to in this section. No public official shall directly or indirectly accept, receive, offer to receive or agree to receive any gift, offer, or promise of any money, property or other tangible or intangible thing of value as an inducement or incentive for (a) the awarding or refusal to award a

contract by any of the entities referred to in subsections (i) through (v) of subsection 2-b of this section; (b) the purchase, sale or lease of property by any of the entities referred to in subsections (i) through (v) of subsection 2-b of this section; or (c) the accomplishment of any official act or purpose involving public funds or public trust. Any public official who violates the terms of this section or whose spouse does so with his knowledge and consent, shall be guilty of a felony and shall, upon conviction, be imprisoned in the penitentiary not more than ten (10) years, or be fined not more than five thousand dollars (\$5,000.00), or both; and in addition, upon conviction such public official shall forfeit his office, if any he hold, and be forever disqualified from holding any public office, trust, appointment or employment with the State of Mississippi or any political subdivision thereof or with any other public entity referred to in this section. Each violation of the provisions of this section shall constitute a separate offense. Laws, 1974, ch. 541, § 2, eff. 4/12/1974. As used in this section the following words shall have the following meaning: (1) Person: individual, firm, corporation, association, partnership or other legal entity. (2) Public official: (a) Any elected official of the State of Mississippi or of any political subdivision thereof, or (b) Any officer, director, commissioner, supervisor, chief, head, agent or employee of: (i) The State of Mississippi, (ii) Any agency of the State of Mississippi, (iii) Any political subdivision of the State of Mississippi, (iv) Any body politic of the State of Mississippi, or (v) Any entity created by or under the laws of the State of Mississippi or by executive order of the Governor of the State of Mississippi and which expends public funds. No person shall directly or indirectly offer, promise, give or agree to give to any public official or his spouse any money, property, or other tangible or intangible thing of value as an inducement or incentive for (a) the awarding or refusal to award a contract by any of the entities referred to in subsections (i) through (v) of subsection 2-b of this section; (b) the purchase, sale or lease of property by any of the entities referred to in subsections (i) through (v) of subsection 2-b of this section; or (c) the accomplishment of any official act or purpose involving public funds or public trust. Any person who violates the terms of this section shall be guilty of a felony and shall, upon conviction, be imprisoned in the penitentiary not more than ten (10) years, or be fined not more than five thousand dollars (\$5,000.00), or both; and in addition such person and the firm, corporation, partnership, association or other type of business entity which he represents shall be barred for a period of five (5) years from the date of conviction from doing business with the State of Mississippi or any political subdivision thereof or any other public entity referred to in this section. No public official shall directly or indirectly accept, receive, offer to receive or agree to receive any gift, offer, or promise of any money, property or other tangible or intangible thing of value as an inducement or incentive for (a) the awarding or refusal to award a contract by any of the entities referred to in subsections (i) through (v) of subsection 2-b of this section; (b) the purchase, sale or lease of property by any of the entities referred to in subsections (i) through (v) of subsection 2-b of this section; or (c) the accomplishment of any official act or purpose involving public funds or public trust. Any public official who violates the terms of this section or whose spouse does so with his knowledge and consent, shall be guilty of a felony and shall, upon conviction, be imprisoned in the penitentiary not more than ten (10) years, or be fined not more than five thousand dollars (\$5,000.00), or both; and in addition, upon conviction such public official shall forfeit his office, if any he hold, and be forever disqualified from holding any public office, trust, appointment or employment with the State of Mississippi or any political subdivision thereof or with any other public entity referred to in this section. Each violation of the provisions of this section shall constitute a separate offense. Laws, 1974, ch. 541, § 2, eff. 4/12/1974. As used in this section the following words shall have the following meaning: No person shall directly or indirectly offer, promise, give or agree to give to any public official or his spouse any money, property, or other tangible or intangible thing of value as an inducement or incentive for (a) the awarding or refusal to award a contract by any of the entities referred to in subsections (i) through (v) of subsection 2-b of this section; (b) the purchase, sale or lease of property by any of the entities referred to in subsections (i) through (v) of subsection 2-b of this section; or (c) the accomplishment of any official act or purpose involving public funds or public trust. Any person who violates the terms of this section shall be guilty of a felony and shall, upon conviction, be imprisoned in the penitentiary not more than ten (10) years, or be fined not more than five thousand dollars (\$5,000.00), or both; and in addition such person and the firm, corporation, partnership, association or other type of business entity which he represents shall be barred for a period of five (5) years from the date of conviction from doing business with the State of Mississippi or any political subdivision thereof or any other public entity referred to in this section. No public official shall directly or indirectly accept, receive, offer to receive or agree to receive any gift, offer, or promise of any money, property or other tangible or intangible thing of value as an inducement or incentive for (a) the awarding or refusal to award a contract by any of the entities referred to in subsections (i) through (v) of subsection 2-b of this section; (b) the purchase, sale or lease of property by any of the entities referred to in subsections (i) through (v) of subsection 2-b of this section; or (c) the accomplishment of any official act or purpose involving public funds or public trust. Any public official who violates the terms of this section or whose spouse does so with his knowledge and consent, shall be guilty of a felony and shall, upon conviction, be imprisoned in the penitentiary not more than ten (10) years, or be fined not more than five thousand dollars (\$5,000.00), or both; and in addition, upon conviction such public official shall forfeit his office, if any he hold, and be forever disqualified from holding any public office, trust, appointment or employment with the State of Mississippi or any political subdivision thereof or with any other public entity referred to in this section. Each violation of the provisions of this section shall constitute a separate offense. Laws, 1974, ch. 541, § 2, eff. 4/12/1974.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 11 - OFFENSES INVOLVING PUBLIC OFFICIALS (§§ 97-11-1 — 97-11-53) Section 97-11-9 - Bond; approving worthless official bond

If any officer shall approve any official bond, knowing or having good reason to believe the sureties to be insufficient, he shall, upon conviction, be punished by fine or imprisonment, or both, the fine not to exceed five hundred dollars, and the imprisonment not to exceed six months in the county jail. Codes, 1880, § 406; 1892, § 1234; 1906, § 1310; Hemingway's 1917, § 1043; 1930, § 1075;

1942, § 2308. If any officer shall approve any official bond, knowing or having good reason to believe the sureties to be insufficient, he shall, upon conviction, be punished by fine or imprisonment, or both, the fine not to exceed five hundred dollars, and the imprisonment not to exceed six months in the county jail. Codes, 1880, § 406; 1892, § 1234; 1906, § 1310; Hemingway's 1917, § 1043; 1930, § 1075; 1942, § 2308. If any officer shall approve any official bond, knowing or having good reason to believe the sureties to be insufficient, he shall, upon conviction, be punished by fine or imprisonment, or both, the fine not to exceed five hundred dollars, and the imprisonment not to exceed six months in the county jail. Codes, 1880, § 406; 1892, § 1234; 1906, § 1310; Hemingway's 1917, § 1043; 1930, § 1075; 1942, § 2308. If any officer shall approve any official bond, knowing or having good reason to believe the sureties to be insufficient, he shall, upon conviction, be punished by fine or imprisonment, or both, the fine not to exceed five hundred dollars, and the imprisonment not to exceed six months in the county jail. Codes, 1880, § 406; 1892, § 1234; 1906, § 1310; Hemingway's 1917, § 1043; 1930, § 1075; 1942, § 2308.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 13 - ELECTION CRIMES (§§ 97-13-1 — 97-13-47) Section 97-13-1 - Bribery; influencing electors or election officers

If any elector, manager, clerk or canvasser at any election, or any executive officer attending the same, shall receive any gift, money, financial award, reward, or promise thereof or if any person shall offer such gift, money, financial award, reward, or promise thereof to influence any elector, clerk, canvasser, or any executive officer attending any election in his vote, opinion, action, or judgment in relation to such election, the person so offending shall, on conviction, be imprisoned in the State Penitentiary not more than two (2) years, or be fined not more than Three Thousand Dollars (\$3,000.00), or both; or in a county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(1); 1857, ch. 64, art. 37; 1871, § 2514; 1880, § 2370; 1892, § 984; 1906, § 1060; Hemingway's 1917, § 788; 1930, § 804; 1942, § 2030. Amended by Laws, 2016, ch. 430, HB 866, 1, eff. 1/1/2017. If any elector, manager, clerk or canvasser at any election, or any executive officer attending the same, shall receive any gift, money, financial award, reward, or promise thereof or if any person shall offer such gift, money, financial award, reward, or promise thereof to influence any elector, clerk, canvasser, or any executive officer attending any election in his vote, opinion, action, or judgment in relation to such election, the person so offending shall, on conviction, be imprisoned in the State Penitentiary not more than two (2) years, or be fined not more than Three Thousand Dollars (\$3,000.00), or both; or in a county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(1); 1857, ch. 64, art. 37; 1871, § 2514; 1880, § 2370; 1892, § 984; 1906, § 1060; Hemingway's 1917, § 788; 1930, § 804; 1942, § 2030. Amended by Laws, 2016, ch. 430, HB 866, 1, eff. 1/1/2017. If any elector, manager, clerk or canvasser at any election, or any executive officer attending the same, shall receive any gift, money, financial award, reward, or promise thereof or if any person shall offer such gift, money, financial award, reward, or promise thereof to influence any elector, clerk, canvasser, or any executive officer attending any election in his vote, opinion, action, or judgment in relation to such election, the person so offending shall, on conviction, be imprisoned in the State Penitentiary not more than two (2) years, or be fined not more than Three Thousand Dollars (\$3,000.00), or both; or in a county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(1); 1857, ch. 64, art. 37; 1871, § 2514; 1880, § 2370; 1892, § 984; 1906, § 1060; Hemingway's 1917, § 788; 1930, § 804; 1942, § 2030. Amended by Laws, 2016, ch. 430, HB 866, 1, eff. 1/1/2017.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 13 - ELECTION CRIMES (§§ 97-13-1 — 97-13-47) Section 97-13-13 - Ballots; removal before close of polls

If any person shall take or remove any ballot from a voting place before the close of the polls, he shall, on conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, 1892, § 1054; 1906, § 1132; Hemingway's 1917, § 858; 1930, § 883; 1942, § 2109. Amended by Laws, 2016, ch. 430, HB 866, 6, eff. 1/1/2017. If any person shall take or remove any ballot from a voting place before the close of the polls, he shall, on conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, 1892, § 1054; 1906, § 1132; Hemingway's 1917, § 858; 1930, § 883; 1942, § 2109. Amended by Laws, 2016, ch. 430, HB 866, 6, eff. 1/1/2017. If any person shall take or remove any ballot from a voting place before the close of the polls, he shall, on conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, 1892, § 1054; 1906, § 1132; Hemingway's 1917, § 858; 1930, § 883; 1942, § 2109. Amended by Laws, 2016, ch. 430, HB 866, 6, eff. 1/1/2017. If any person shall take or remove any ballot from a voting place before the close of the polls, he shall, on conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, 1892, § 1054; 1906, § 1132; Hemingway's 1917, § 858; 1930, § 883; 1942, § 2109. Amended by Laws, 2016, ch. 430, HB 866, 6, eff. 1/1/2017.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 13 - ELECTION CRIMES (§§ 97-13-1 — 97-13-47) Section 97-13-15 - Limitations on corporate contributions to political party or candidate

It shall be unlawful for any corporation, incorporated company or incorporated association, by whatever name it may be known, incorporated or organized under the laws of this state, or doing business in this state, or for any servant, agent, employee or officer thereof, to give, donate, appropriate or furnish directly or indirectly, any money, security, funds or property of said corporation, incorporated company or incorporated association, in excess of One Thousand Dollars (\$1,000.00) per calendar year for the purpose of aiding any political party or any candidate for any public office, or any candidate for any nomination for any public office of any political party, or to give, donate, appropriate or furnish, directly or indirectly, any money, security, funds or property of said corporation, incorporated company or association in excess of One Thousand Dollars (\$1,000.00) to any committee or person as a contribution to the expense of any political party or any candidate, representative or committee of any political party or candidate for nomination by any political party, or any committee or other person acting in behalf of such candidate. The limit of One Thousand Dollars (\$1,000.00) for contributions to political parties, candidates and committees or other persons acting in behalf of such candidates shall be an annual limitation applicable to each calendar year. Codes, Hemingway's 1917, § 861; 1930, § 886; 1942, § 2112; Laws, 1908, ch. 124; Laws, 1978, ch. 479, § 5; Laws, 1999, ch. 301, § 19, eff. 1/15/1999 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965). It shall be unlawful for any corporation, incorporated company or incorporated association, by whatever name it may be known, incorporated or organized under the laws of this state, or doing business in this state, or for any servant, agent, employee or officer thereof, to give, donate, appropriate or furnish directly or indirectly, any money, security, funds or property of said corporation, incorporated company or incorporated association, in excess of One Thousand Dollars (\$1,000.00) per calendar year for the purpose of aiding any political party or any candidate for any public office, or any candidate for any nomination for any public office of any political party, or to give, donate, appropriate or furnish, directly or indirectly, any money, security, funds or property of said corporation, incorporated company or association in excess of One Thousand Dollars (\$1,000.00) to any committee or person as a contribution to the expense of any political party or any candidate, representative or committee of any political party or candidate for nomination by any political party, or any committee or other person acting in behalf of such candidate. The limit of One Thousand Dollars (\$1,000.00) for contributions to political parties, candidates and committees or other persons acting in behalf of such candidates shall be an annual limitation applicable to each calendar year. Codes, Hemingway's 1917, § 861; 1930, § 886; 1942, § 2112; Laws, 1908, ch. 124; Laws, 1978, ch. 479, § 5; Laws, 1999, ch. 301, § 19, eff. 1/15/1999 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965). It shall be unlawful for any corporation, incorporated company or incorporated association, by whatever name it may be known, incorporated or organized under the laws of this state, or doing business in this state, or for any servant, agent, employee or officer thereof, to give, donate, appropriate or furnish directly or indirectly, any money, security, funds or property of said corporation, incorporated company or incorporated association, in excess of One Thousand Dollars (\$1,000.00) per calendar year for the purpose of aiding any political party or any candidate for any public office, or any candidate for any nomination for any public office of any political party, or to give, donate, appropriate or furnish, directly or indirectly, any money, security, funds or property of said corporation, incorporated company or association in excess of One Thousand Dollars (\$1,000.00) to any committee or person as a contribution to the expense of any political party or any candidate, representative or committee of any political party or candidate for nomination by any political party, or any committee or other person acting in behalf of such candidate. The limit of One Thousand Dollars (\$1,000.00) for contributions to political parties, candidates and committees or other persons acting in behalf of such candidates shall be an annual limitation applicable to each calendar year. Codes, Hemingway's 1917, § 861; 1930, § 886; 1942, § 2112; Laws, 1908, ch. 124; Laws, 1978, ch. 479, § 5; Laws, 1999, ch. 301, § 19, eff. 1/15/1999 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965). It shall be unlawful for any corporation, incorporated company or incorporated association, by whatever name it may be known, incorporated or organized under the laws of this state, or doing business in this state, or for any servant, agent, employee or officer thereof, to give, donate, appropriate or furnish directly or indirectly, any money, security, funds or property of said corporation, incorporated company or incorporated association, in excess of One Thousand Dollars (\$1,000.00) per calendar year for the purpose of aiding any political party or any candidate for any public office, or any candidate for any nomination for any public office of any political party, or to give, donate, appropriate or furnish, directly or indirectly, any money, security, funds or property of said corporation, incorporated company or association in excess of One Thousand Dollars (\$1,000.00) to any committee or person as a contribution to the expense of any political party or any candidate, representative or committee of any political party or candidate for nomination by any political party, or any committee or other person acting in behalf of such candidate. The limit of One Thousand Dollars (\$1,000.00) for contributions to political parties, candidates and committees or other persons acting in behalf of such candidates shall be an annual limitation applicable to each calendar year. Codes, Hemingway's 1917, § 861; 1930, § 886; 1942, § 2112; Laws, 1908, ch. 124; Laws, 1978, ch. 479, § 5; Laws, 1999, ch. 301, § 19, eff. 1/15/1999 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965).

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 13 - ELECTION CRIMES (§§ 97-13-1 — 97-13-47) Section 97-13-17 - Limitations on corporate contributions to political party or candidate; penalty

Any corporation, incorporated company or incorporated association, or agent, officer or employee violating any of the provisions of section 97-13-15 shall, upon conviction, be fined not less than one thousand dollars (\$1,000.00) nor more than five thousand dollars

(\$5,000.00).Codes, Hemingway's 1917, § 862; 1930, § 887; 1942, § 2113; Laws, 1908, ch. 124; Laws, 1978, ch. 479, § 6, eff. 4/14/1978 (the United States Attorney General interposed no objection on 5/5/1978). Any corporation, incorporated company or incorporated association, or agent, officer or employee violating any of the provisions of section97-13-15shall, upon conviction, be fined not less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00).Codes, Hemingway's 1917, § 862; 1930, § 887; 1942, § 2113; Laws, 1908, ch. 124; Laws, 1978, ch. 479, § 6, eff. 4/14/1978 (the United States Attorney General interposed no objection on 5/5/1978). Any corporation, incorporated company or incorporated association, or agent, officer or employee violating any of the provisions of section97-13-15shall, upon conviction, be fined not less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00).Codes, Hemingway's 1917, § 862; 1930, § 887; 1942, § 2113; Laws, 1908, ch. 124; Laws, 1978, ch. 479, § 6, eff. 4/14/1978 (the United States Attorney General interposed no objection on 5/5/1978). Any corporation, incorporated company or incorporated association, or agent, officer or employee violating any of the provisions of section97-13-15shall, upon conviction, be fined not less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00). Codes, Hemingway's 1917, § 862; 1930, § 887; 1942, § 2113; Laws, 1908, ch. 124; Laws, 1978, ch. 479, § 6, eff. 4/14/1978 (the United States Attorney General interposed no objection on 5/5/1978).

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 13 - ELECTION CRIMES (§§ 97-13-1 — 97-13-47)Section 97-13-19 - Corrupt conduct, etc., by election official

If any manager, clerk, or any other officer whatever, assisting or engaged in conducting any election, or charged with any duty in reference to any election, shall designedly omit to do any official act required by law, or designedly do any illegal act in relation to any election, by which act or omission the votes taken at any such election in any district shall be lost, or the electors thereof shall be deprived of their suffrage at such election, or shall designedly do any act which shall render such election void, or shall be guilty of any corrupt conduct or partiality in his official capacity at such election, he shall, upon conviction, be imprisoned, in the county jail not more than one (1) year, or be fined not more than Three Thousand Dollars (\$3,000.00), or both.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(9); 1857, ch. 64, art. 78; 1871, § 2542; 1880, § 3777; 1892, § 1049; 1906, § 1127; Hemingway's 1917, § 853; 1930, § 878; 1942, § 2104.Amended by Laws, 2016, ch. 430, HB 866, 7, eff. 1/1/2017. If any manager, clerk, or any other officer whatever, assisting or engaged in conducting any election, or charged with any duty in reference to any election, shall designedly omit to do any official act required by law, or designedly do any illegal act in relation to any election, by which act or omission the votes taken at any such election in any district shall be lost, or the electors thereof shall be deprived of their suffrage at such election, or shall designedly do any act which shall render such election void, or shall be guilty of any corrupt conduct or partiality in his official capacity at such election, he shall, upon conviction, be imprisoned, in the county jail not more than one (1) year, or be fined not more than Three Thousand Dollars (\$3,000.00), or both.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(9); 1857, ch. 64, art. 78; 1871, § 2542; 1880, § 3777; 1892, § 1049; 1906, § 1127; Hemingway's 1917, § 853; 1930, § 878; 1942, § 2104.Amended by Laws, 2016, ch. 430, HB 866, 7, eff. 1/1/2017. If any manager, clerk, or any other officer whatever, assisting or engaged in conducting any election, or charged with any duty in reference to any election, shall designedly omit to do any official act required by law, or designedly do any illegal act in relation to any election, by which act or omission the votes taken at any such election in any district shall be lost, or the electors thereof shall be deprived of their suffrage at such election, or shall designedly do any act which shall render such election void, or shall be guilty of any corrupt conduct or partiality in his official capacity at such election, he shall, upon conviction, be imprisoned, in the county jail not more than one (1) year, or be fined not more than Three Thousand Dollars (\$3,000.00), or both.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(9); 1857, ch. 64, art. 78; 1871, § 2542; 1880, § 3777; 1892, § 1049; 1906, § 1127; Hemingway's 1917, § 853; 1930, § 878; 1942, § 2104.Amended by Laws, 2016, ch. 430, HB 866, 7, eff. 1/1/2017. If any manager, clerk, or any other officer whatever, assisting or engaged in conducting any election, or charged with any duty in reference to any election, shall designedly omit to do any official act required by law, or designedly do any illegal act in relation to any election, by which act or omission the votes taken at any such election in any district shall be lost, or the electors thereof shall be deprived of their suffrage at such election, or shall designedly do any act which shall render such election void, or shall be guilty of any corrupt conduct or partiality in his official capacity at such election, he shall, upon conviction, be imprisoned, in the county jail not more than one (1) year, or be fined not more than Three Thousand Dollars (\$3,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(9); 1857, ch. 64, art. 78; 1871, § 2542; 1880, § 3777; 1892, § 1049; 1906, § 1127; Hemingway's 1917, § 853; 1930, § 878; 1942, § 2104. Amended by Laws, 2016, ch. 430, HB 866, 7, eff. 1/1/2017.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 13 - ELECTION CRIMES (§§ 97-13-1 — 97-13-47)Section 97-13-21 - Disturbing election

If any person shall unlawfully disturb any election at a polling place, the office of the circuit clerk, or where ballots are located, such person shall be liable to indictment, and, on conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both.Codes, 1857, ch. 64, art. 72; 1871, § 2536; 1880, § 2771; 1892, § 1043; 1906, § 1121; Hemingway's 1917, § 847; 1930, § 872; 1942, § 2098.Amended by Laws, 2016, ch. 430, HB 866, 8, eff. 1/1/2017. If any person shall unlawfully disturb any election at a polling place, the office of the circuit clerk, or where ballots are located, such person shall be liable to indictment, and, on conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both.Codes, 1857, ch. 64, art. 72; 1871, § 2536; 1880, § 2771; 1892, § 1043; 1906, § 1121; Hemingway's 1917, § 847; 1930, § 872; 1942, § 2098.Amended by Laws, 2016, ch. 430, HB 866, 8, eff. 1/1/2017. If any person shall unlawfully disturb any election at a polling place, the office of the circuit clerk, or where ballots are located, such

person shall be liable to indictment, and, on conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, 1857, ch. 64, art. 72; 1871, § 2536; 1880, § 2771; 1892, § 1043; 1906, § 1121; Hemingway's 1917, § 847; 1930, § 872; 1942, § 2098. Amended by Laws, 2016, ch. 430, HB 866, 8, eff. 1/1/2017. If any person shall unlawfully disturb any election at a polling place, the office of the circuit clerk, or where ballots are located, such person shall be liable to indictment, and, on conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, 1857, ch. 64, art. 72; 1871, § 2536; 1880, § 2771; 1892, § 1043; 1906, § 1121; Hemingway's 1917, § 847; 1930, § 872; 1942, § 2098. Amended by Laws, 2016, ch. 430, HB 866, 8, eff. 1/1/2017.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 13 - ELECTION CRIMES (§§ 97-13-1 — 97-13-47) Section 97-13-23 - Failure or refusal to make return of votes cast

If any manager or returning officer shall fail or refuse to make return of the votes cast in any election, as required of him, he shall, on conviction, be imprisoned in the State Penitentiary not more than two (2) years, or be fined not more than Three Thousand Dollars (\$3,000.00), or both; or in a county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, 1880, § 2781; 1892, § 1052; 1906, § 1130; Hemingway's 1917, § 856; 1930, § 881; 1942, § 2107. Amended by Laws, 2016, ch. 430, HB 866, 9, eff. 1/1/2017. If any manager or returning officer shall fail or refuse to make return of the votes cast in any election, as required of him, he shall, on conviction, be imprisoned in the State Penitentiary not more than two (2) years, or be fined not more than Three Thousand Dollars (\$3,000.00), or both; or in a county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, 1880, § 2781; 1892, § 1052; 1906, § 1130; Hemingway's 1917, § 856; 1930, § 881; 1942, § 2107. Amended by Laws, 2016, ch. 430, HB 866, 9, eff. 1/1/2017. If any manager or returning officer shall fail or refuse to make return of the votes cast in any election, as required of him, he shall, on conviction, be imprisoned in the State Penitentiary not more than two (2) years, or be fined not more than Three Thousand Dollars (\$3,000.00), or both; or in a county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, 1880, § 2781; 1892, § 1052; 1906, § 1130; Hemingway's 1917, § 856; 1930, § 881; 1942, § 2107. Amended by Laws, 2016, ch. 430, HB 866, 9, eff. 1/1/2017. If any manager or returning officer shall fail or refuse to make return of the votes cast in any election, as required of him, he shall, on conviction, be imprisoned in the State Penitentiary not more than two (2) years, or be fined not more than Three Thousand Dollars (\$3,000.00), or both; or in a county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, 1880, § 2781; 1892, § 1052; 1906, § 1130; Hemingway's 1917, § 856; 1930, § 881; 1942, § 2107. Amended by Laws, 2016, ch. 430, HB 866, 9, eff. 1/1/2017.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 13 - ELECTION CRIMES (§§ 97-13-1 — 97-13-47) Section 97-13-25 - Registration; falsely procuring registration

Any person who shall knowingly procure his or any person's registration as a qualified elector, when the person whose registration is being procured is not entitled to be registered as such, or under a false name, or as a qualified elector in any other election precinct than that in which he or she resides, shall, on conviction, be imprisoned in the State Penitentiary for a term not to exceed five (5) years, or be fined not more than Five Thousand Dollars (\$5,000.00), or both. Codes, 1880, § 113; 1892, § 1042; 1906, § 1120; Hemingway's 1917, § 846; 1930, § 871; 1942, § 2097. Amended by Laws, 2016, ch. 430, HB 866, 10, eff. 1/1/2017. Any person who shall knowingly procure his or any person's registration as a qualified elector, when the person whose registration is being procured is not entitled to be registered as such, or under a false name, or as a qualified elector in any other election precinct than that in which he or she resides, shall, on conviction, be imprisoned in the State Penitentiary for a term not to exceed five (5) years, or be fined not more than Five Thousand Dollars (\$5,000.00), or both. Codes, 1880, § 113; 1892, § 1042; 1906, § 1120; Hemingway's 1917, § 846; 1930, § 871; 1942, § 2097. Amended by Laws, 2016, ch. 430, HB 866, 10, eff. 1/1/2017. Any person who shall knowingly procure his or any person's registration as a qualified elector, when the person whose registration is being procured is not entitled to be registered as such, or under a false name, or as a qualified elector in any other election precinct than that in which he or she resides, shall, on conviction, be imprisoned in the State Penitentiary for a term not to exceed five (5) years, or be fined not more than Five Thousand Dollars (\$5,000.00), or both. Codes, 1880, § 113; 1892, § 1042; 1906, § 1120; Hemingway's 1917, § 846; 1930, § 871; 1942, § 2097. Amended by Laws, 2016, ch. 430, HB 866, 10, eff. 1/1/2017.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 13 - ELECTION CRIMES (§§ 97-13-1 — 97-13-47) Section 97-13-27 - Registration; neglect or misconduct by registrar

If any registrar appointed by law to register votes shall intentionally refuse or neglect to register any voter entitled to registration, or register any voter not entitled to registration, he shall be punished, on conviction, be imprisoned in the State Penitentiary not more than two (2) years, or be fined not more than Three Thousand Dollars (\$3,000.00), or both; or in a county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, 1871, § 2546; 1880, § 2977; 1892, § 1056; 1906, § 1134; Hemingway's 1917, § 860; 1930, § 885; 1942, § 2111. Amended by Laws, 2016, ch. 430, HB 866, 11, eff. 1/1/2017. If any

registrar appointed by law to register votes shall intentionally refuse or neglect to register any voter entitled to registration, or register any voter not entitled to registration, he shall be punished, on conviction, be imprisoned in the State Penitentiary not more than two (2) years, or be fined not more than Three Thousand Dollars (\$3,000.00), or both; or in a county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, 1871, § 2546; 1880, § 2977; 1892, § 1056; 1906, § 1134; Hemingway's 1917, § 860; 1930, § 885; 1942, § 2111. Amended by Laws, 2016, ch. 430, HB 866, 11, eff. 1/1/2017. If any registrar appointed by law to register votes shall intentionally refuse or neglect to register any voter entitled to registration, or register any voter not entitled to registration, he shall be punished, on conviction, be imprisoned in the State Penitentiary not more than two (2) years, or be fined not more than Three Thousand Dollars (\$3,000.00), or both; or in a county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, 1871, § 2546; 1880, § 2977; 1892, § 1056; 1906, § 1134; Hemingway's 1917, § 860; 1930, § 885; 1942, § 2111. Amended by Laws, 2016, ch. 430, HB 866, 11, eff. 1/1/2017. If any registrar appointed by law to register votes shall intentionally refuse or neglect to register any voter entitled to registration, or register any voter not entitled to registration, he shall be punished, on conviction, be imprisoned in the State Penitentiary not more than two (2) years, or be fined not more than Three Thousand Dollars (\$3,000.00), or both; or in a county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, 1871, § 2546; 1880, § 2977; 1892, § 1056; 1906, § 1134; Hemingway's 1917, § 860; 1930, § 885; 1942, § 2111. Amended by Laws, 2016, ch. 430, HB 866, 11, eff. 1/1/2017.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 13 - ELECTION CRIMES (§§ 97-13-1 — 97-13-47) Section 97-13-29 - Troops of armed men not to be brought near election place

It shall not be lawful for any military officer or other persons to order, bring, or keep any troops of armed men at any place within a mile of the place where any election is held, unless it be for the purpose of quelling a riot or insurrection, in the manner provided by law, or for the purpose of defense in time of war; and whoever shall violate the provisions of this section shall, on conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(11); 1857, ch. 64, art. 79; 1871, § 2543; 1880, § 2778; 1892, § 1050; 1906, § 1128; Hemingway's 1917, § 854; 1930, § 879; 1942, § 2105. Amended by Laws, 2016, ch. 430, HB 866, 12, eff. 1/1/2017. It shall not be lawful for any military officer or other persons to order, bring, or keep any troops of armed men at any place within a mile of the place where any election is held, unless it be for the purpose of quelling a riot or insurrection, in the manner provided by law, or for the purpose of defense in time of war; and whoever shall violate the provisions of this section shall, on conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(11); 1857, ch. 64, art. 79; 1871, § 2543; 1880, § 2778; 1892, § 1050; 1906, § 1128; Hemingway's 1917, § 854; 1930, § 879; 1942, § 2105. Amended by Laws, 2016, ch. 430, HB 866, 12, eff. 1/1/2017. It shall not be lawful for any military officer or other persons to order, bring, or keep any troops of armed men at any place within a mile of the place where any election is held, unless it be for the purpose of quelling a riot or insurrection, in the manner provided by law, or for the purpose of defense in time of war; and whoever shall violate the provisions of this section shall, on conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(11); 1857, ch. 64, art. 79; 1871, § 2543; 1880, § 2778; 1892, § 1050; 1906, § 1128; Hemingway's 1917, § 854; 1930, § 879; 1942, § 2105. Amended by Laws, 2016, ch. 430, HB 866, 12, eff. 1/1/2017.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 13 - ELECTION CRIMES (§§ 97-13-1 — 97-13-47) Section 97-13-3 - Bribery; hiring canvasser to use unlawful means

If any person shall offer or give a gift, money, financial award, reward or other promise thereof to another for the purpose of inducing him, by any unlawful means not amounting to bribery, to procure any person to vote at any election for or against any person or measure, the person so giving or offering such reward shall, upon conviction thereof, be imprisoned in the county jail not more than one (1) year, or fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(3); 1857, ch. 64, art. 38; 1871, § 2515; 1880, § 2731; 1892, § 985; 1906, § 1061; Hemingway's 1917, § 789; 1930, § 805; 1942, § 2031. Amended by Laws, 2016, ch. 430, HB 866, 2, eff. 1/1/2017. If any person shall offer or give a gift, money, financial award, reward or other promise thereof to another for the purpose of inducing him, by any unlawful means not amounting to bribery, to procure any person to vote at any election for or against any person or measure, the person so giving or offering such reward shall, upon conviction thereof, be imprisoned in the county jail not more than one (1) year, or fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(3); 1857, ch. 64, art. 38; 1871, § 2515; 1880, § 2731; 1892, § 985; 1906, § 1061; Hemingway's 1917, § 789; 1930, § 805; 1942, § 2031. Amended by Laws, 2016, ch. 430, HB 866, 2, eff. 1/1/2017. If any person shall offer or give a gift, money, financial award, reward or other promise thereof to another for the purpose of inducing him, by any unlawful means not amounting to bribery, to procure any person to vote at any election for or against any person or measure, the person so giving or offering such reward shall, upon conviction thereof, be imprisoned in the county jail not

more than one (1) year, or fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(3); 1857, ch. 64, art. 38; 1871, § 2515; 1880, § 2731; 1892, § 985; 1906, § 1061; Hemingway's 1917, § 789; 1930, § 805; 1942, § 2031. Amended by Laws, 2016, ch. 430, HB 866, 2, eff. 1/1/2017. If any person shall offer or give a gift, money, financial award, reward or other promise thereof to another for the purpose of inducing him, by any unlawful means not amounting to bribery, to procure any person to vote at any election for or against any person or measure, the person so giving or offering such reward shall, upon conviction thereof, be imprisoned in the county jail not more than one (1) year, or fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(3); 1857, ch. 64, art. 38; 1871, § 2515; 1880, § 2731; 1892, § 985; 1906, § 1061; Hemingway's 1917, § 789; 1930, § 805; 1942, § 2031. Amended by Laws, 2016, ch. 430, HB 866, 2, eff. 1/1/2017.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 13 - ELECTION CRIMES (§§ 97-13-1 — 97-13-47) Section 97-13-31 - Voting; aid in preparing ballot prohibited

If any election officer or other person, except as authorized by law, shall aid or assist, or influence, a voter in preparing a ballot, or shall attempt so to do, he or she shall, on conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, 1892, § 1055; 1906, § 1133; Hemingway's 1917, § 859; 1930, § 884; 1942, § 2110. Amended by Laws, 2016, ch. 430, HB 866, 13, eff. 1/1/2017. If any election officer or other person, except as authorized by law, shall aid or assist, or influence, a voter in preparing a ballot, or shall attempt so to do, he or she shall, on conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, 1892, § 1055; 1906, § 1133; Hemingway's 1917, § 859; 1930, § 884; 1942, § 2110. Amended by Laws, 2016, ch. 430, HB 866, 13, eff. 1/1/2017. If any election officer or other person, except as authorized by law, shall aid or assist, or influence, a voter in preparing a ballot, or shall attempt so to do, he or she shall, on conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, 1892, § 1055; 1906, § 1133; Hemingway's 1917, § 859; 1930, § 884; 1942, § 2110. Amended by Laws, 2016, ch. 430, HB 866, 13, eff. 1/1/2017. If any election officer or other person, except as authorized by law, shall aid or assist, or influence, a voter in preparing a ballot, or shall attempt so to do, he or she shall, on conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, 1892, § 1055; 1906, § 1133; Hemingway's 1917, § 859; 1930, § 884; 1942, § 2110. Amended by Laws, 2016, ch. 430, HB 866, 13, eff. 1/1/2017.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 13 - ELECTION CRIMES (§§ 97-13-1 — 97-13-47) Section 97-13-33 - Voting; dishonest decisions by managers concerning qualifications of voters

When one who offers to vote at an election shall be objected to by any challenger as a person unqualified to vote, if the manager of such election shall permit him to vote without honestly considering his qualifications, or if any manager shall refuse the vote of such person without honestly considering his qualifications, or if any manager shall knowingly permit an unqualified person to vote, or shall knowingly refuse the vote of a qualified person, he shall, upon conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than Three Thousand Dollars (\$3,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(8); 1857, ch. 64, art. 77; 1871, § 2541; 1880, § 2776; 1892, § 1048; 1906, § 1126; Hemingway's 1917, § 852; 1930, § 877; 1942, § 2103. Amended by Laws, 2016, ch. 430, HB 866, 14, eff. 1/1/2017. When one who offers to vote at an election shall be objected to by any challenger as a person unqualified to vote, if the manager of such election shall permit him to vote without honestly considering his qualifications, or if any manager shall refuse the vote of such person without honestly considering his qualifications, or if any manager shall knowingly permit an unqualified person to vote, or shall knowingly refuse the vote of a qualified person, he shall, upon conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than Three Thousand Dollars (\$3,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(8); 1857, ch. 64, art. 77; 1871, § 2541; 1880, § 2776; 1892, § 1048; 1906, § 1126; Hemingway's 1917, § 852; 1930, § 877; 1942, § 2103. Amended by Laws, 2016, ch. 430, HB 866, 14, eff. 1/1/2017. When one who offers to vote at an election shall be objected to by any challenger as a person unqualified to vote, if the manager of such election shall permit him to vote without honestly considering his qualifications, or if any manager shall refuse the vote of such person without honestly considering his qualifications, or if any manager shall knowingly permit an unqualified person to vote, or shall knowingly refuse the vote of a qualified person, he shall, upon conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than Three Thousand Dollars (\$3,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(8); 1857, ch. 64, art. 77; 1871, § 2541; 1880, § 2776; 1892, § 1048; 1906, § 1126; Hemingway's 1917, § 852; 1930, § 877; 1942, § 2103. Amended by Laws, 2016, ch. 430, HB 866, 14, eff. 1/1/2017. When one who offers to vote at an election shall be objected to by any challenger as a person unqualified to vote, if the manager of such election shall permit him to vote without honestly considering his qualifications, or if any manager shall refuse the vote of such person without honestly considering his qualifications, or if any manager shall knowingly permit an unqualified person to vote, or shall knowingly refuse the vote of a qualified person, he shall, upon conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than Three Thousand Dollars (\$3,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(8); 1857, ch. 64, art. 77; 1871, § 2541; 1880, § 2776; 1892, § 1048; 1906, § 1126; Hemingway's 1917, § 852; 1930, § 877; 1942, § 2103. Amended by Laws, 2016, ch. 430, HB 866, 14, eff. 1/1/2017.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 13 - ELECTION CRIMES (§§ 97-13-1 —

97-13-47)Section 97-13-35 - Voting; by unqualified person, or at more than one place, or for both parties in same primary

(1)Any person who shall vote at any election, not being legally qualified, or who shall vote in more than one (1) county, or at more than one (1) place in any county or in any city, town, or village entitled to separate representation, or who shall vote out of the district of his legal domicile, or who shall vote or attempt to vote in the primary election of one (1) party when he shall have voted on the same date in the primary election of another party, shall, upon conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both.(2)Any person who shall vote in the second primary election of one (1) party when he voted in the first primary election of another party preceding the same regular, special, or general election shall, upon conviction, be guilty of a misdemeanor and be imprisoned in the county jail not more than six (6) months, or be fined not more than Five Hundred Dollars (\$500.00), or both.Codes, 1857, ch. 64, art. 73; 1871, § 2537; 1880, § 2772; 1892, § 1044; 1906, § 1122; Hemingway's 1917, § 848; 1930, § 873; 1942, § 2099; Laws, 1964, ch. 348, eff. 5/22/1964.Amended by Laws, 2016, ch. 430, HB 866, 15, eff. 1/1/2017. (1)Any person who shall vote at any election, not being legally qualified, or who shall vote in more than one (1) county, or at more than one (1) place in any county or in any city, town, or village entitled to separate representation, or who shall vote out of the district of his legal domicile, or who shall vote or attempt to vote in the primary election of one (1) party when he shall have voted on the same date in the primary election of another party, shall, upon conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both.(2)Any person who shall vote in the second primary election of one (1) party when he voted in the first primary election of another party preceding the same regular, special, or general election shall, upon conviction, be guilty of a misdemeanor and be imprisoned in the county jail not more than six (6) months, or be fined not more than Five Hundred Dollars (\$500.00), or both.Codes, 1857, ch. 64, art. 73; 1871, § 2537; 1880, § 2772; 1892, § 1044; 1906, § 1122; Hemingway's 1917, § 848; 1930, § 873; 1942, § 2099; Laws, 1964, ch. 348, eff. 5/22/1964.Amended by Laws, 2016, ch. 430, HB 866, 15, eff. 1/1/2017. (1)Any person who shall vote at any election, not being legally qualified, or who shall vote in more than one (1) county, or at more than one (1) place in any county or in any city, town, or village entitled to separate representation, or who shall vote out of the district of his legal domicile, or who shall vote or attempt to vote in the primary election of one (1) party when he shall have voted on the same date in the primary election of another party, shall, upon conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both.(2)Any person who shall vote in the second primary election of one (1) party when he voted in the first primary election of another party preceding the same regular, special, or general election shall, upon conviction, be guilty of a misdemeanor and be imprisoned in the county jail not more than six (6) months, or be fined not more than Five Hundred Dollars (\$500.00), or both.Codes, 1857, ch. 64, art. 73; 1871, § 2537; 1880, § 2772; 1892, § 1044; 1906, § 1122; Hemingway's 1917, § 848; 1930, § 873; 1942, § 2099; Laws, 1964, ch. 348, eff. 5/22/1964.Amended by Laws, 2016, ch. 430, HB 866, 15, eff. 1/1/2017. Codes, 1857, ch. 64, art. 73; 1871, § 2537; 1880, § 2772; 1892, § 1044; 1906, § 1122; Hemingway's 1917, § 848; 1930, § 873; 1942, § 2099; Laws, 1964, ch. 348, eff. 5/22/1964. Amended by Laws, 2016, ch. 430, HB 866, 15, eff. 1/1/2017.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 13 - ELECTION CRIMES (§§ 97-13-1 — 97-13-47)Section 97-13-36 - Multiple voting; penalties

Any person who shall knowingly vote at any election in more than one (1) county or at more than one (1) place in any county, municipality or other political subdivision with the intent to have more than one (1) vote counted in any election shall be guilty of the crime of multiple voting and, upon conviction, shall be imprisoned in the State Penitentiary not more than five (5) years, or be fined not more than Five Thousand Dollars (\$5,000.00), or both; or in a county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both.Laws, 2002, ch. 590, § 2, eff. 7/22/2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965).Amended by Laws, 2016, ch. 430, HB 866, 16, eff. 1/1/2017. Any person who shall knowingly vote at any election in more than one (1) county or at more than one (1) place in any county, municipality or other political subdivision with the intent to have more than one (1) vote counted in any election shall be guilty of the crime of multiple voting and, upon conviction, shall be imprisoned in the State Penitentiary not more than five (5) years, or be fined not more than Five Thousand Dollars (\$5,000.00), or both; or in a county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both.Laws, 2002, ch. 590, § 2, eff. 7/22/2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965).Amended by Laws, 2016, ch. 430, HB 866, 16, eff. 1/1/2017. Any person who shall knowingly vote at any election in more than one (1) county or at more than one (1) place in any county, municipality or other political subdivision with the intent to have more than one (1) vote counted in any election shall be guilty of the crime of multiple voting and, upon conviction, shall be imprisoned in the State Penitentiary not more than five (5) years, or be fined not more than Five Thousand Dollars (\$5,000.00), or both; or in a county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both.Laws, 2002, ch. 590, § 2, eff. 7/22/2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965).Amended by Laws, 2016, ch. 430, HB 866, 16, eff. 1/1/2017. Any person who shall knowingly vote at any election in more than one (1) county or at more than one (1) place in any county, municipality or other political subdivision with the intent to have more than one (1) vote counted in any election shall be guilty of the crime of multiple voting and, upon conviction, shall be imprisoned in the State Penitentiary not more than five (5) years, or be fined not more than Five Thousand Dollars (\$5,000.00), or both; or in a county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Laws, 2002, ch. 590, § 2, eff. 7/22/2002 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965). Amended by Laws,

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 13 - ELECTION CRIMES (§§ 97-13-1 — 97-13-47) Section 97-13-37 - Intimidating, boycotting, etc., elector to procure vote

Whoever shall procure, or endeavor to procure, the vote of any elector, or the influence of any person over other electors, at any election, for himself or any candidate, by means of violence, threats of violence, or threats of withdrawing custom, or dealing in business or trade, or of enforcing the payment of a debt, or of bringing a suit or criminal prosecution, or by any other threat or injury to be inflicted by him, or by his means, or shall violate any provision of Section 23-15-871 or 23-15-874, shall, upon conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than Three Thousand Dollars (\$3,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6 (4); 1857, ch. 64, art. 39; 1871, § 2516; 1880, § 2732; 1892, § 986; 1906, § 1062; Hemingway's 1917, § 790; 1930, § 806; 1942, § 2032. Amended by Laws, 2016, ch. 430, HB 866, 17, eff. 1/1/2017. Whoever shall procure, or endeavor to procure, the vote of any elector, or the influence of any person over other electors, at any election, for himself or any candidate, by means of violence, threats of violence, or threats of withdrawing custom, or dealing in business or trade, or of enforcing the payment of a debt, or of bringing a suit or criminal prosecution, or by any other threat or injury to be inflicted by him, or by his means, or shall violate any provision of Section 23-15-871 or 23-15-874, shall, upon conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than Three Thousand Dollars (\$3,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6 (4); 1857, ch. 64, art. 39; 1871, § 2516; 1880, § 2732; 1892, § 986; 1906, § 1062; Hemingway's 1917, § 790; 1930, § 806; 1942, § 2032. Amended by Laws, 2016, ch. 430, HB 866, 17, eff. 1/1/2017. Whoever shall procure, or endeavor to procure, the vote of any elector, or the influence of any person over other electors, at any election, for himself or any candidate, by means of violence, threats of violence, or threats of withdrawing custom, or dealing in business or trade, or of enforcing the payment of a debt, or of bringing a suit or criminal prosecution, or by any other threat or injury to be inflicted by him, or by his means, or shall violate any provision of Section 23-15-871 or 23-15-874, shall, upon conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than Three Thousand Dollars (\$3,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6 (4); 1857, ch. 64, art. 39; 1871, § 2516; 1880, § 2732; 1892, § 986; 1906, § 1062; Hemingway's 1917, § 790; 1930, § 806; 1942, § 2032. Amended by Laws, 2016, ch. 430, HB 866, 17, eff. 1/1/2017. Whoever shall procure, or endeavor to procure, the vote of any elector, or the influence of any person over other electors, at any election, for himself or any candidate, by means of violence, threats of violence, or threats of withdrawing custom, or dealing in business or trade, or of enforcing the payment of a debt, or of bringing a suit or criminal prosecution, or by any other threat or injury to be inflicted by him, or by his means, or shall violate any provision of Section 23-15-871 or 23-15-874, shall, upon conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than Three Thousand Dollars (\$3,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6 (4); 1857, ch. 64, art. 39; 1871, § 2516; 1880, § 2732; 1892, § 986; 1906, § 1062; Hemingway's 1917, § 790; 1930, § 806; 1942, § 2032. Amended by Laws, 2016, ch. 430, HB 866, 17, eff. 1/1/2017.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 13 - ELECTION CRIMES (§§ 97-13-1 — 97-13-47) Section 97-13-39 - Intimidating elector to prevent voting

(1) If any person shall, by illegal force, or threats of force, prevent, or endeavor to prevent, any elector from giving his vote, he shall, upon conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than Three Thousand Dollars (\$3,000.00), or both. (2) If any person shall, utilize the requirements to provide voter identification to intimidate a voter, or to prevent a person from voting who is otherwise qualified to vote shall, upon conviction, be imprisoned in the State Penitentiary not more than five (5) years, or fined not more than Five Thousand Dollars (\$5,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6 (12); 1857, ch. 64, art. 80; 1871, § 2544; 1880, § 2779; 1892, § 1051; 1906, § 1129; Hemingway's 1917, § 855; 1930, § 880; 1942, § 2106. Amended by Laws, 2016, ch. 430, HB 866, 18, eff. 1/1/2017. (1) If any person shall, by illegal force, or threats of force, prevent, or endeavor to prevent, any elector from giving his vote, he shall, upon conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than Three Thousand Dollars (\$3,000.00), or both. (2) If any person shall, utilize the requirements to provide voter identification to intimidate a voter, or to prevent a person from voting who is otherwise qualified to vote shall, upon conviction, be imprisoned in the State Penitentiary not more than five (5) years, or fined not more than Five Thousand Dollars (\$5,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6 (12); 1857, ch. 64, art. 80; 1871, § 2544; 1880, § 2779; 1892, § 1051; 1906, § 1129; Hemingway's 1917, § 855; 1930, § 880; 1942, § 2106. Amended by Laws, 2016, ch. 430, HB 866, 18, eff. 1/1/2017. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6 (12); 1857, ch. 64, art. 80; 1871, § 2544; 1880, § 2779; 1892, § 1051; 1906, § 1129; Hemingway's 1917, § 855; 1930, § 880; 1942, § 2106. Amended by Laws, 2016, ch. 430, HB 866, 18, eff. 1/1/2017.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 13 - ELECTION CRIMES (§§ 97-13-1 —

97-13-47)Section 97-13-41 - Penalty for false entry, unauthorized revision, removal or alteration in Statewide Elections Management System or poll book

Any person who shall knowingly make a false entry, unauthorized revision, removal, or alteration in the Statewide Elections Management System or poll book, shall, upon conviction thereof, be imprisoned in the State Penitentiary for a term not exceeding ten (10) years, and be liable to the action of the aggrieved party. Added by Laws, 2016, ch. 430, HB 866, 19, eff. 1/1/2017. Any person who shall knowingly make a false entry, unauthorized revision, removal, or alteration in the Statewide Elections Management System or poll book, shall, upon conviction thereof, be imprisoned in the State Penitentiary for a term not exceeding ten (10) years, and be liable to the action of the aggrieved party. Added by Laws, 2016, ch. 430, HB 866, 19, eff. 1/1/2017. Any person who shall knowingly make a false entry, unauthorized revision, removal, or alteration in the Statewide Elections Management System or poll book, shall, upon conviction thereof, be imprisoned in the State Penitentiary for a term not exceeding ten (10) years, and be liable to the action of the aggrieved party. Added by Laws, 2016, ch. 430, HB 866, 19, eff. 1/1/2017. Any person who shall knowingly make a false entry, unauthorized revision, removal, or alteration in the Statewide Elections Management System or poll book, shall, upon conviction thereof, be imprisoned in the State Penitentiary for a term not exceeding ten (10) years, and be liable to the action of the aggrieved party. Added by Laws, 2016, ch. 430, HB 866, 19, eff. 1/1/2017.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 13 - ELECTION CRIMES (§§ 97-13-1 — 97-13-47)Section 97-13-43 - Penalty for willfully tampering with or damaging voting machine, tabulating computer or other device used in connection with election or preventing correct operation of said machine or device

Any person who willfully tampers with or damages any voting machine or tabulating computer or device to be used or being used at or in connection with any election or who prevents or attempts to prevent the correct operation of any voting machine or tabulating computer or device shall be guilty of a felony and, upon conviction, be punished by imprisonment for not more than ten (10) years, or be fined Five Thousand Dollars (\$5,000.00), or both. Added by Laws, 2016, ch. 430, HB 866, 20, eff. 1/1/2017. Any person who willfully tampers with or damages any voting machine or tabulating computer or device to be used or being used at or in connection with any election or who prevents or attempts to prevent the correct operation of any voting machine or tabulating computer or device shall be guilty of a felony and, upon conviction, be punished by imprisonment for not more than ten (10) years, or be fined Five Thousand Dollars (\$5,000.00), or both. Added by Laws, 2016, ch. 430, HB 866, 20, eff. 1/1/2017. Any person who willfully tampers with or damages any voting machine or tabulating computer or device to be used or being used at or in connection with any election or who prevents or attempts to prevent the correct operation of any voting machine or tabulating computer or device shall be guilty of a felony and, upon conviction, be punished by imprisonment for not more than ten (10) years, or be fined Five Thousand Dollars (\$5,000.00), or both. Added by Laws, 2016, ch. 430, HB 866, 20, eff. 1/1/2017. Any person who willfully tampers with or damages any voting machine or tabulating computer or device to be used or being used at or in connection with any election or who prevents or attempts to prevent the correct operation of any voting machine or tabulating computer or device shall be guilty of a felony and, upon conviction, be punished by imprisonment for not more than ten (10) years, or be fined Five Thousand Dollars (\$5,000.00), or both. Added by Laws, 2016, ch. 430, HB 866, 20, eff. 1/1/2017.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 13 - ELECTION CRIMES (§§ 97-13-1 — 97-13-47)Section 97-13-45 - Penalty for unlawfully showing ballot to another, making false statement as to inability to mark ballot, or marking ballot so as to identify voter

Any voter who shall, except as provided by law, allow his ballot to be seen by any person, or who shall make a false statement as to his inability to mark his ballot, or who shall place any mark upon his ballot by which it can afterwards be identified as the ballot voted by him, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). Added by Laws, 2016, ch. 430, HB 866, 21, eff. 1/1/2017. Any voter who shall, except as provided by law, allow his ballot to be seen by any person, or who shall make a false statement as to his inability to mark his ballot, or who shall place any mark upon his ballot by which it can afterwards be identified as the ballot voted by him, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). Added by Laws, 2016, ch. 430, HB 866, 21, eff. 1/1/2017. Any voter who shall, except as provided by law, allow his ballot to be seen by any person, or who shall make a false statement as to his inability to mark his ballot, or who shall place any mark upon his ballot by which it can afterwards be identified as the ballot voted by him, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). Added by Laws, 2016, ch. 430, HB 866, 21, eff. 1/1/2017. Any voter who shall, except as provided by law, allow his ballot to be seen by any person, or who shall make a false statement as to his inability to mark his ballot, or who shall place any mark upon his ballot by which it can afterwards be identified as the ballot voted by him, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). Added by Laws, 2016, ch. 430, HB 866, 21, eff. 1/1/2017.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 13 - ELECTION CRIMES (§§ 97-13-1 — 97-13-47)Section 97-13-47 - Penalty for wrongful dissemination of digitization; injunctive relief; defense to prosecution; applicability of section

(1)For the purposes of this section:(a)"Candidate" means an individual who seeks a nomination or election to a federal, statewide,

state district, legislative, judicial, county, county district or municipal office.(b)"Digitization" means to alter an image or audio in a realistic manner utilizing an image or audio of a person, other than the person depicted, computer-generated images or audio, commonly called deepfakes. "Digitization" also includes the creation of an image or audio through the use of software, machine learning artificial intelligence or any other computer-generated or technological means. This includes any digital representation of speech or conduct that:(i)A reasonable person would believe depicts the speech and/or conduct of an individual who did not engage in the speech and/or conduct as presented; and(ii)The production of which was substantially dependent on technical means, rather than the ability of another individual to physically or verbally impersonate an individual.(c)"Depicted individual" means an individual in a digitization who appears to be engaging in speech and/or conduct.(d)"Disseminates" means transmitting a digitization to another person through social media, electronic mail, electronic messaging, video-sharing services or any other physical or electronic method.(2)A person who disseminates a digitization or enters into a contract or other agreement to disseminate a digitization is guilty of a crime and may be sentenced as provided in subsection (3) of this section, if the person knows or has actual knowledge that the item being disseminated is a digitization and the dissemination:(a)Takes place within ninety (90) days of an election;(b)Is disseminated without the consent of the depicted individual; and(c)Is disseminated with the intent to injure the candidate, influence the results of an election or deter any person from voting.(3)A person convicted under this section may be sentenced as follows:(a)If the person commits the violation with the intent to incite or cause violence, cause bodily harm or to deter any person from voting, or has been previously convicted under this section within the last five (5) years, he or she may be sentenced to imprisonment for not more than five (5) years or to a payment of a fine not more than Ten Thousand Dollars (\$10,000.00), or both; or(b)In other cases, to imprisonment for not more than one (1) year or to a payment of a fine not more than Five Thousand Dollars (\$5,000.00), or both.(4)A cause of action for injunctive relief may be maintained against any person who is reasonably believed to be about to violate or who is in the process of violating this section. A cause of action may be brought by:(a)The Attorney General;(b)A district attorney if the depicted individual is a resident within their district, or if the impact of the digitization could or has impacted their district;(c)The depicted individual;(d)A candidate for nomination or election to a public office who is injured or likely to be injured by the dissemination of the digitization; or(e)A political party whose nominee is on the ballot, and would be injured or is likely to be injured by the dissemination of the digitization.As part of the injunctive relief, the court may order that any disseminated digitization be removed from any social media, electronic mail, electronic messaging, video-sharing services, or any other physical or electronic method the digitization was disseminated through.(5)Clear and prominent language displayed throughout the digitization that informs the viewer that the depicted individual did not engage in the depicted speech and/or conduct shall be a defense to prosecution.(6)This section does not apply to:(a)A provider of an interactive computer service, as defined in 47 USC Section 230(f), or an information service or communications service, as defined in 47 USC Section 153.(b)A radio or television broadcasting station, including a cable or satellite television operator, programmer or producer that broadcasts any digitization prohibited by subsection (2) of this section as part of a bona fide newscast, news interview, news documentary, or on-the-spot coverage or a bona fide news event.(c)A radio or television broadcasting station, including a cable or satellite television operator, programmer, producer, or internet website or online platform when the station or online platform is paid to broadcast any digitization prohibited by this section.(d)An internet website or service provider, or a regularly published newspaper, magazine, or other periodical of general circulation, including an internet or electronic publication, that routinely carries news and commentary of general interest and that publishes any digitization prohibited by subsection (2) of this section, if the publication clearly states that the election communication, including materially deceptive media, does not accurately represent a ballot issue or candidate.(e)Content that constitutes satire or parody.(f)A person who disseminates or receives a digitization to determine if it is a digitization for the purpose of detecting, preventing, responding to, or protecting against security incidents, identify theft, fraud, harassment, malicious or deceptive activities or any illegal activity, preserve the integrity or security of systems or investigate, report, or prosecute those reasonable for any such action.Added by Laws, 2024, ch. 467, SB 2577, § 1, eff. 7/1/2024.

(1)For the purposes of this section:(a)"Candidate" means an individual who seeks a nomination or election to a federal, statewide, state district, legislative, judicial, county, county district or municipal office.(b)"Digitization" means to alter an image or audio in a realistic manner utilizing an image or audio of a person, other than the person depicted, computer-generated images or audio, commonly called deepfakes. "Digitization" also includes the creation of an image or audio through the use of software, machine learning artificial intelligence or any other computer-generated or technological means. This includes any digital representation of speech or conduct that:(i)A reasonable person would believe depicts the speech and/or conduct of an individual who did not engage in the speech and/or conduct as presented; and(ii)The production of which was substantially dependent on technical means, rather than the ability of another individual to physically or verbally impersonate an individual.(c)"Depicted individual" means an individual in a digitization who appears to be engaging in speech and/or conduct.(d)"Disseminates" means transmitting a digitization to another person through social media, electronic mail, electronic messaging, video-sharing services or any other physical or electronic method.(2)A person who disseminates a digitization or enters into a contract or other agreement to disseminate a digitization is guilty of a crime and may be sentenced as provided in subsection (3) of this section, if the person knows or has actual knowledge that the item being disseminated is a digitization and the dissemination:(a)Takes place within ninety (90) days of an election;(b)Is disseminated without the consent of the depicted individual; and(c)Is disseminated with the intent to injure the candidate, influence the results of an election or deter any person from voting.(3)A person convicted under this section may be sentenced as follows:(a)If the person commits the violation with the intent to incite or cause violence, cause bodily harm or to deter any person from voting, or has been previously convicted under this section within the last five (5) years, he or she may be sentenced to imprisonment for not more than five (5) years or to a payment of a fine not more than Ten Thousand Dollars

(\$10,000.00), or both; or (b) In other cases, to imprisonment for not more than one (1) year or to a payment of a fine not more than Five Thousand Dollars (\$5,000.00), or both. (4) A cause of action for injunctive relief may be maintained against any person who is reasonably believed to be about to violate or who is in the process of violating this section. A cause of action may be brought by: (a) The Attorney General; (b) A district attorney if the depicted individual is a resident within their district, or if the impact of the digitization could or has impacted their district; (c) The depicted individual; (d) A candidate for nomination or election to a public office who is injured or likely to be injured by the dissemination of the digitization; or (e) A political party whose nominee is on the ballot, and would be injured or is likely to be injured by the dissemination of the digitization. As part of the injunctive relief, the court may order that any disseminated digitization be removed from any social media, electronic mail, electronic messaging, video-sharing services, or any other physical or electronic method the digitization was disseminated through. (5) Clear and prominent language displayed throughout the digitization that informs the viewer that the depicted individual did not engage in the depicted speech and/or conduct shall be a defense to prosecution. (6) This section does not apply to: (a) A provider of an interactive computer service, as defined in 47 USC Section 230(f), or an information service or communications service, as defined in 47 USC Section 153. (b) A radio or television broadcasting station, including a cable or satellite television operator, programmer or producer that broadcasts any digitization prohibited by subsection (2) of this section as part of a bona fide newscast, news interview, news documentary, or on-the-spot coverage or a bona fide news event. (c) A radio or television broadcasting station, including a cable or satellite television operator, programmer, producer, or internet website or online platform when the station or online platform is paid to broadcast any digitization prohibited by this section. (d) An internet website or service provider, or a regularly published newspaper, magazine, or other periodical of general circulation, including an internet or electronic publication, that routinely carries news and commentary of general interest and that publishes any digitization prohibited by subsection (2) of this section, if the publication clearly states that the election communication, including materially deceptive media, does not accurately represent a ballot issue or candidate. (e) Content that constitutes satire or parody. (f) A person who disseminates or receives a digitization to determine if it is a digitization for the purpose of detecting, preventing, responding to, or protecting against security incidents, identify theft, fraud, harassment, malicious or deceptive activities or any illegal activity, preserve the integrity or security of systems or investigate, report, or prosecute those reasonable for any such action. Added by Laws, 2024, ch. 467, SB 2577, § 1, eff. 7/1/2024.

(1) For the purposes of this section: (a) "Candidate" means an individual who seeks a nomination or election to a federal, statewide, state district, legislative, judicial, county, county district or municipal office. (b) "Digitization" means to alter an image or audio in a realistic manner utilizing an image or audio of a person, other than the person depicted, computer-generated images or audio, commonly called deepfakes. "Digitization" also includes the creation of an image or audio through the use of software, machine learning artificial intelligence or any other computer-generated or technological means. This includes any digital representation of speech or conduct that: (i) A reasonable person would believe depicts the speech and/or conduct of an individual who did not engage in the speech and/or conduct as presented; and (ii) The production of which was substantially dependent on technical means, rather than the ability of another individual to physically or verbally impersonate an individual. (c) "Depicted individual" means an individual in a digitization who appears to be engaging in speech and/or conduct. (d) "Disseminates" means transmitting a digitization to another person through social media, electronic mail, electronic messaging, video-sharing services or any other physical or electronic method. (2) A person who disseminates a digitization or enters into a contract or other agreement to disseminate a digitization is guilty of a crime and may be sentenced as provided in subsection (3) of this section, if the person knows or has actual knowledge that the item being disseminated is a digitization and the dissemination: (a) Takes place within ninety (90) days of an election; (b) Is disseminated without the consent of the depicted individual; and (c) Is disseminated with the intent to injure the candidate, influence the results of an election or deter any person from voting. (3) A person convicted under this section may be sentenced as follows: (a) If the person commits the violation with the intent to incite or cause violence, cause bodily harm or to deter any person from voting, or has been previously convicted under this section within the last five (5) years, he or she may be sentenced to imprisonment for not more than five (5) years or to a payment of a fine not more than Ten Thousand Dollars (\$10,000.00), or both; or (b) In other cases, to imprisonment for not more than one (1) year or to a payment of a fine not more than Five Thousand Dollars (\$5,000.00), or both. (4) A cause of action for injunctive relief may be maintained against any person who is reasonably believed to be about to violate or who is in the process of violating this section. A cause of action may be brought by: (a) The Attorney General; (b) A district attorney if the depicted individual is a resident within their district, or if the impact of the digitization could or has impacted their district; (c) The depicted individual; (d) A candidate for nomination or election to a public office who is injured or likely to be injured by the dissemination of the digitization; or (e) A political party whose nominee is on the ballot, and would be injured or is likely to be injured by the dissemination of the digitization. As part of the injunctive relief, the court may order that any disseminated digitization be removed from any social media, electronic mail, electronic messaging, video-sharing services, or any other physical or electronic method the digitization was disseminated through. (5) Clear and prominent language displayed throughout the digitization that informs the viewer that the depicted individual did not engage in the depicted speech and/or conduct shall be a defense to prosecution. (6) This section does not apply to: (a) A provider of an interactive computer service, as defined in 47 USC Section 230(f), or an information service or communications service, as defined in 47 USC Section 153. (b) A radio or television broadcasting station, including a cable or satellite television operator, programmer or producer that broadcasts any digitization prohibited by subsection (2) of this section as part of a bona fide newscast, news interview, news documentary, or on-the-spot coverage or a bona fide news event. (c) A radio or television broadcasting station, including a cable or satellite television operator, programmer, producer, or internet website or online platform when the station or online platform is paid to broadcast any digitization prohibited by this section. (d) An internet website or service provider, or a regularly published

newspaper, magazine, or other periodical of general circulation, including an internet or electronic publication, that routinely carries news and commentary of general interest and that publishes any digitization prohibited by subsection (2) of this section, if the publication clearly states that the election communication, including materially deceptive media, does not accurately represent a ballot issue or candidate.(e)Content that constitutes satire or parody.(f)A person who disseminates or receives a digitization to determine if it is a digitization for the purpose of detecting, preventing, responding to, or protecting against security incidents, identify theft, fraud, harassment, malicious or deceptive activities or any illegal activity, preserve the integrity or security of systems or investigate, report, or prosecute those reasonable for any such action.Added by Laws, 2024, ch. 467, SB 2577,§ 1, eff. 7/1/2024. As part of the injunctive relief, the court may order that any disseminated digitization be removed from any social media, electronic mail, electronic messaging, video-sharing services, or any other physical or electronic method the digitization was disseminated through. Added by Laws, 2024, ch. 467, SB 2577,§ 1, eff. 7/1/2024.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 13 - ELECTION CRIMES (§§ 97-13-1 — 97-13-47)Section 97-13-5 - Ballot boxes; holding election with box unlocked; reading ballot before putting in box

Any such manager who shall proceed to any election without having the ballot box locked and secured in the manner directed by law, or who shall open and read or consent to any other person opening and reading any ballot given him to be deposited in the box at such election, before it is put into the box, shall, upon conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(6); 1857, ch. 64, art. 75; 1871, § 2539; 1880, § 2774; 1892, § 1046; 1906, § 1124; Hemingway's 1917, § 850; 1930, § 875; 1942, § 2101.Amended by Laws, 2016, ch. 430, HB 866, 3, eff. 1/1/2017. Any such manager who shall proceed to any election without having the ballot box locked and secured in the manner directed by law, or who shall open and read or consent to any other person opening and reading any ballot given him to be deposited in the box at such election, before it is put into the box, shall, upon conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(6); 1857, ch. 64, art. 75; 1871, § 2539; 1880, § 2774; 1892, § 1046; 1906, § 1124; Hemingway's 1917, § 850; 1930, § 875; 1942, § 2101.Amended by Laws, 2016, ch. 430, HB 866, 3, eff. 1/1/2017. Any such manager who shall proceed to any election without having the ballot box locked and secured in the manner directed by law, or who shall open and read or consent to any other person opening and reading any ballot given him to be deposited in the box at such election, before it is put into the box, shall, upon conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(6); 1857, ch. 64, art. 75; 1871, § 2539; 1880, § 2774; 1892, § 1046; 1906, § 1124; Hemingway's 1917, § 850; 1930, § 875; 1942, § 2101.Amended by Laws, 2016, ch. 430, HB 866, 3, eff. 1/1/2017. Any such manager who shall proceed to any election without having the ballot box locked and secured in the manner directed by law, or who shall open and read or consent to any other person opening and reading any ballot given him to be deposited in the box at such election, before it is put into the box, shall, upon conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than One Thousand Dollars (\$1,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(6); 1857, ch. 64, art. 75; 1871, § 2539; 1880, § 2774; 1892, § 1046; 1906, § 1124; Hemingway's 1917, § 850; 1930, § 875; 1942, § 2101. Amended by Laws, 2016, ch. 430, HB 866, 3, eff. 1/1/2017.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 13 - ELECTION CRIMES (§§ 97-13-1 — 97-13-47)Section 97-13-7 - Ballot boxes; unauthorized disposal of box; giving key

Any manager of an election who, before the votes are counted, shall dispose of or deposit the ballot box in a manner not authorized by law, or shall, at any time after the election has begun and before the ballots are counted, give access to the ballot box with which he is entrusted to any other, shall, upon conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than Three Thousand Dollars (\$3,000.00), or both.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(7); 1857, ch. 64, art. 76; 1871, § 2540; 1880, § 2775; 1892, § 1047; 1906, § 1125; Hemingway's 1917, § 851; 1930, § 876; 1942, § 2102.Amended by Laws, 2016, ch. 430, HB 866, 4, eff. 1/1/2017. Any manager of an election who, before the votes are counted, shall dispose of or deposit the ballot box in a manner not authorized by law, or shall, at any time after the election has begun and before the ballots are counted, give access to the ballot box with which he is entrusted to any other, shall, upon conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than Three Thousand Dollars (\$3,000.00), or both.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(7); 1857, ch. 64, art. 76; 1871, § 2540; 1880, § 2775; 1892, § 1047; 1906, § 1125; Hemingway's 1917, § 851; 1930, § 876; 1942, § 2102.Amended by Laws, 2016, ch. 430, HB 866, 4, eff. 1/1/2017. Any manager of an election who, before the votes are counted, shall dispose of or deposit the ballot box in a manner not authorized by law, or shall, at any time after the election has begun and before the ballots are counted, give access to the ballot box with which he is entrusted to any other, shall, upon conviction, be imprisoned in the county jail not more than one (1) year, or be fined not more than Three Thousand Dollars (\$3,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(7); 1857, ch. 64,

art. 76; 1871, § 2540; 1880, § 2775; 1892, § 1047; 1906, § 1125; Hemingway's 1917, § 851; 1930, § 876; 1942, § 2102. Amended by Laws, 2016, ch. 430, HB 866, 4, eff. 1/1/2017.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 13 - ELECTION CRIMES (§§ 97-13-1 — 97-13-47) Section 97-13-9 - Ballots; false entries on voting lists; stuffing; removing, altering, etc

If any manager or clerk of any election shall knowingly make or consent to any false entry on the list of persons voting, or shall permit to be put in the ballot box any ballot not given by a voter, or shall take out of such box, or permit to be so taken out, any ballot deposited therein except in the manner prescribed by law, or shall, by any other act or omission, designedly destroy or change the ballots given by the electors, he shall, upon conviction, be punished by imprisonment in the State Penitentiary for a term not exceeding five (5) years, or be fined not more than Five Thousand Dollars (\$5,000.00). Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(5); 1857, ch. 64, art. 74; 1871, § 2538; 1880, § 2773; 1892, § 1045; 1906, § 1123; Hemingway's 1917, § 849; 1930, § 874; 1942, § 2100. Amended by Laws, 2016, ch. 430, HB 866, 5, eff. 1/1/2017. If any manager or clerk of any election shall knowingly make or consent to any false entry on the list of persons voting, or shall permit to be put in the ballot box any ballot not given by a voter, or shall take out of such box, or permit to be so taken out, any ballot deposited therein except in the manner prescribed by law, or shall, by any other act or omission, designedly destroy or change the ballots given by the electors, he shall, upon conviction, be punished by imprisonment in the State Penitentiary for a term not exceeding five (5) years, or be fined not more than Five Thousand Dollars (\$5,000.00). Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(5); 1857, ch. 64, art. 74; 1871, § 2538; 1880, § 2773; 1892, § 1045; 1906, § 1123; Hemingway's 1917, § 849; 1930, § 874; 1942, § 2100. Amended by Laws, 2016, ch. 430, HB 866, 5, eff. 1/1/2017. If any manager or clerk of any election shall knowingly make or consent to any false entry on the list of persons voting, or shall permit to be put in the ballot box any ballot not given by a voter, or shall take out of such box, or permit to be so taken out, any ballot deposited therein except in the manner prescribed by law, or shall, by any other act or omission, designedly destroy or change the ballots given by the electors, he shall, upon conviction, be punished by imprisonment in the State Penitentiary for a term not exceeding five (5) years, or be fined not more than Five Thousand Dollars (\$5,000.00). Codes, Hutchinson's 1848, ch. 64, art. 12, Title 6(5); 1857, ch. 64, art. 74; 1871, § 2538; 1880, § 2773; 1892, § 1045; 1906, § 1123; Hemingway's 1917, § 849; 1930, § 874; 1942, § 2100. Amended by Laws, 2016, ch. 430, HB 866, 5, eff. 1/1/2017.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51) Section 97-15-1 - Destroying, defacing, etc., milepost, signboard, etc., or bridge, underpass or overpass prohibited; penalties; liability for cost of repair; liability of parents of minor

(1) Any person who shall willfully destroy, deface, mar, damage, pull down or remove any milepost, signboard, or index board, or road number, or railroad crossing sign or flasher signal, or other traffic control device shall, on conviction thereof, be liable for the actual cost of replacing or repairing such sign and shall be fined not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00), or be imprisoned in the county jail not more than six (6) months, or be punished by both such fine and imprisonment. If the offender is a minor, the parents of such minor shall be civilly liable in accordance with Section 93-13-2 for the actual cost of replacing or repairing the sign, signal or device. (2) The penalties prescribed in subsection (1) of this section shall also be applicable to any person, and to the parents of any minor, who willfully defaces, mars or damages any bridge, underpass or overpass. Codes, Hutchinson's 1848, ch. 10, art. 7(19); 1857, ch. 64, art. 159; 1871, § 2622; 1880, § 2870; 1892, § 1144; 1906, § 1222; Hemingway's 1917, § 952; 1930, § 979; 1942, § 2209; Laws, 1977, ch. 323, § 2; Laws, 1993, ch 483, § 2, eff. 7/1/1993. (1) Any person who shall willfully destroy, deface, mar, damage, pull down or remove any milepost, signboard, or index board, or road number, or railroad crossing sign or flasher signal, or other traffic control device shall, on conviction thereof, be liable for the actual cost of replacing or repairing such sign and shall be fined not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00), or be imprisoned in the county jail not more than six (6) months, or be punished by both such fine and imprisonment. If the offender is a minor, the parents of such minor shall be civilly liable in accordance with Section 93-13-2 for the actual cost of replacing or repairing the sign, signal or device. (2) The penalties prescribed in subsection (1) of this section shall also be applicable to any person, and to the parents of any minor, who willfully defaces, mars or damages any bridge, underpass or overpass. Codes, Hutchinson's 1848, ch. 10, art. 7(19); 1857, ch. 64, art. 159; 1871, § 2622; 1880, § 2870; 1892, § 1144; 1906, § 1222; Hemingway's 1917, § 952; 1930, § 979; 1942, § 2209; Laws, 1977, ch. 323, § 2; Laws, 1993, ch 483, § 2, eff. 7/1/1993. (1) Any person who shall willfully destroy, deface, mar, damage, pull down or remove any milepost, signboard, or index board, or road number, or railroad crossing sign or flasher signal, or other traffic control device shall, on conviction thereof, be liable for the actual cost of replacing or repairing such sign and shall be fined not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00), or be imprisoned in the county jail not more than six (6) months, or be punished by both such fine and imprisonment. If the offender is a minor, the parents of such minor shall be civilly liable in accordance with Section 93-13-2 for the

actual cost of replacing or repairing the sign, signal or device.(2)The penalties prescribed in subsection (1) of this section shall also be applicable to any person, and to the parents of any minor, who willfully defaces, mars or damages any bridge, underpass or overpass.Codes, Hutchinson's 1848, ch. 10. art. 7(19); 1857, ch. 64, art. 159; 1871, § 2622; 1880, § 2870; 1892, § 1144; 1906, § 1222; Hemingway's 1917, § 952; 1930, § 979; 1942, § 2209; Laws, 1977, ch. 323, § 2; Laws, 1993, ch 483, § 2, eff. 7/1/1993. Codes, Hutchinson's 1848, ch. 10. art. 7(19); 1857, ch. 64, art. 159; 1871, § 2622; 1880, § 2870; 1892, § 1144; 1906, § 1222; Hemingway's 1917, § 952; 1930, § 979; 1942, § 2209; Laws, 1977, ch. 323, § 2; Laws, 1993, ch 483, § 2, eff. 7/1/1993.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51)Section 97-15-11 - Highway contractors, materialmen, etc.; collusion to raise prices

It shall be unlawful for any contractors, material dealers, individuals, manufacturers, producers, or corporations, to enter into collusion, private agreement, or secret understanding, to raise the price of construction work or of equipment, supplies or materials for any state highway work. Any contractor, material dealer, manufacturer, producer or their agent or employee, or officer, agent or employee of any corporation, convicted of this offense shall be punishable by a fine of not to exceed five thousand dollars (\$5,000.00) or by imprisonment not exceeding twelve months, or by both such fine and imprisonment, in the discretion of the court.Codes, 1930, § 5018; 1942, § 8050; Laws, 1930, ch. 47; Laws, 1948, ch. 332, § 27. It shall be unlawful for any contractors, material dealers, individuals, manufacturers, producers, or corporations, to enter into collusion, private agreement, or secret understanding, to raise the price of construction work or of equipment, supplies or materials for any state highway work. Any contractor, material dealer, manufacturer, producer or their agent or employee, or officer, agent or employee of any corporation, convicted of this offense shall be punishable by a fine of not to exceed five thousand dollars (\$5,000.00) or by imprisonment not exceeding twelve months, or by both such fine and imprisonment, in the discretion of the court.Codes, 1930, § 5018; 1942, § 8050; Laws, 1930, ch. 47; Laws, 1948, ch. 332, § 27. It shall be unlawful for any contractors, material dealers, individuals, manufacturers, producers, or corporations, to enter into collusion, private agreement, or secret understanding, to raise the price of construction work or of equipment, supplies or materials for any state highway work. Any contractor, material dealer, manufacturer, producer or their agent or employee, or officer, agent or employee of any corporation, convicted of this offense shall be punishable by a fine of not to exceed five thousand dollars (\$5,000.00) or by imprisonment not exceeding twelve months, or by both such fine and imprisonment, in the discretion of the court.Codes, 1930, § 5018; 1942, § 8050; Laws, 1930, ch. 47; Laws, 1948, ch. 332, § 27. It shall be unlawful for any contractors, material dealers, individuals, manufacturers, producers, or corporations, to enter into collusion, private agreement, or secret understanding, to raise the price of construction work or of equipment, supplies or materials for any state highway work. Any contractor, material dealer, manufacturer, producer or their agent or employee, or officer, agent or employee of any corporation, convicted of this offense shall be punishable by a fine of not to exceed five thousand dollars (\$5,000.00) or by imprisonment not exceeding twelve months, or by both such fine and imprisonment, in the discretion of the court. Codes, 1930, § 5018; 1942, § 8050; Laws, 1930, ch. 47; Laws, 1948, ch. 332, § 27.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51)Section 97-15-13 - Hunting or shooting on or across streets and highways; shooting, etc., at traffic control devices

(1)(a)The provisions of this subsection shall only be applicable during the calendar days included in the open seasons on deer and turkey.(b)It shall be unlawful for any person to hunt, if such person is in the possession of a firearm that is not unloaded on any street, public road, public highway, levee, or any railroad which is maintained by any railroad corporation, city, county, levee board, state or federal entity or the right-of-way of any such street, road, highway, levee or railroad.(c)The provisions of this subsection shall not apply to any person engaged in a lawful action to protect his property or livestock.(2)For purposes of this section, the following terms shall have the meanings ascribed to them herein:(a)"Right-of-way" means that part of a street, public road, public highway, levee or railroad maintained by a city, county, levee board, state or federal entity or railroad corporation and including that portion up to the adjacent property line or fence line.(b)"Motorized vehicle" means any vehicle powered by any type of motor, including automobiles, farm vehicles, trucks, construction vehicles and all-terrain vehicles.(c)"Firearm" means any firearm other than a handgun.(d)"Hunt" or "hunting" means to hunt or chase or to shoot at or kill or to pursue with the intent to take, kill or wound any wild animal or wild bird with a firearm as defined in this subsection.(e)"Unloaded" means that a cartridge or shell is not positioned in the barrel or magazine of the firearm or in a clip, magazine or retainer attached to the firearm; or in the case of a caplock muzzle-loading firearm, "unloaded" means that the cap has been removed; or in the case of a flintlock muzzle-loading firearm, "unloaded" means that all powder has been removed from the flashpan.(3)If any person hunts or discharges any firearm in, on or across any street, public road, public highway, levee, railroad or the right-of-way thereof, such person is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not less than sixty (60) days nor more than six (6) months, or by both such fine and imprisonment. This subsection shall not apply to any law enforcement officer while in the performance of his official duty or to any person engaged in a lawful action of self-defense.(4)If any person shall willfully shoot any firearms or hurl any missile at any street, highway or railroad traffic light; street, highway or railroad marker or other sign for the regulation or designation of street, highway or railroad travel such person, upon conviction, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or be imprisoned not longer than thirty (30) days in the county jail, or

both.(5)It shall be the duty of all sheriffs, deputy sheriffs, constables, conservation officers and peace officers of this state to enforce the provisions of this section.(6)If any subsection, paragraph, sentence, clause, phrase or any part of this section is hereafter declared to be unconstitutional or void, or if for any reason is declared to be invalid or of no effect, the remaining subsections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no manner affected thereby but shall remain in full force and effect.Codes, 1857, ch. 64, art. 365; 1871, § 2870; 1880, § 2941; 1892, § 1148; 1906, § 1226; Hemingway's 1917, § 956; 1930, § 983; 1942, § 2213; Laws, 1964, ch. 349; Laws, 1971, ch. 443, § 1; Laws, 1974, ch. 569, § 23; Laws, 1982, ch. 454; Laws, 1985, ch. 452, § 17; Laws, 1990, ch. 528, § 1; Laws, 2008, ch. 386, § 1; Laws, 2012, ch. 341, § 1, eff. 7/1/2012. (1)(a)The provisions of this subsection shall only be applicable during the calendar days included in the open seasons on deer and turkey.(b)It shall be unlawful for any person to hunt, if such person is in the possession of a firearm that is not unloaded on any street, public road, public highway, levee, or any railroad which is maintained by any railroad corporation, city, county, levee board, state or federal entity or the right-of-way of any such street, road, highway, levee or railroad.(c)The provisions of this subsection shall not apply to any person engaged in a lawful action to protect his property or livestock.(2)For purposes of this section, the following terms shall have the meanings ascribed to them herein:(a)"Right-of-way" means that part of a street, public road, public highway, levee or railroad maintained by a city, county, levee board, state or federal entity or railroad corporation and including that portion up to the adjacent property line or fence line.(b)"Motorized vehicle" means any vehicle powered by any type of motor, including automobiles, farm vehicles, trucks, construction vehicles and all-terrain vehicles.(c)"Firearm" means any firearm other than a handgun.(d)"Hunt" or "hunting" means to hunt or chase or to shoot at or kill or to pursue with the intent to take, kill or wound any wild animal or wild bird with a firearm as defined in this subsection.(e)"Unloaded" means that a cartridge or shell is not positioned in the barrel or magazine of the firearm or in a clip, magazine or retainer attached to the firearm; or in the case of a caplock muzzle-loading firearm, "unloaded" means that the cap has been removed; or in the case of a flintlock muzzle-loading firearm, "unloaded" means that all powder has been removed from the flashpan.(3)If any person hunts or discharges any firearm in, on or across any street, public road, public highway, levee, railroad or the right-of-way thereof, such person is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not less than sixty (60) days nor more than six (6) months, or by both such fine and imprisonment. This subsection shall not apply to any law enforcement officer while in the performance of his official duty or to any person engaged in a lawful action of self-defense.(4)If any person shall willfully shoot any firearms or hurl any missile at any street, highway or railroad traffic light; street, highway or railroad marker or other sign for the regulation or designation of street, highway or railroad travel such person, upon conviction, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or be imprisoned not longer than thirty (30) days in the county jail, or both.(5)It shall be the duty of all sheriffs, deputy sheriffs, constables, conservation officers and peace officers of this state to enforce the provisions of this section.(6)If any subsection, paragraph, sentence, clause, phrase or any part of this section is hereafter declared to be unconstitutional or void, or if for any reason is declared to be invalid or of no effect, the remaining subsections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no manner affected thereby but shall remain in full force and effect.Codes, 1857, ch. 64, art. 365; 1871, § 2870; 1880, § 2941; 1892, § 1148; 1906, § 1226; Hemingway's 1917, § 956; 1930, § 983; 1942, § 2213; Laws, 1964, ch. 349; Laws, 1971, ch. 443, § 1; Laws, 1974, ch. 569, § 23; Laws, 1982, ch. 454; Laws, 1985, ch. 452, § 17; Laws, 1990, ch. 528, § 1; Laws, 2008, ch. 386, § 1; Laws, 2012, ch. 341, § 1, eff. 7/1/2012. (1)(a)The provisions of this subsection shall only be applicable during the calendar days included in the open seasons on deer and turkey.(b)It shall be unlawful for any person to hunt, if such person is in the possession of a firearm that is not unloaded on any street, public road, public highway, levee, or any railroad which is maintained by any railroad corporation, city, county, levee board, state or federal entity or the right-of-way of any such street, road, highway, levee or railroad.(c)The provisions of this subsection shall not apply to any person engaged in a lawful action to protect his property or livestock.(2)For purposes of this section, the following terms shall have the meanings ascribed to them herein:(a)"Right-of-way" means that part of a street, public road, public highway, levee or railroad maintained by a city, county, levee board, state or federal entity or railroad corporation and including that portion up to the adjacent property line or fence line.(b)"Motorized vehicle" means any vehicle powered by any type of motor, including automobiles, farm vehicles, trucks, construction vehicles and all-terrain vehicles.(c)"Firearm" means any firearm other than a handgun.(d)"Hunt" or "hunting" means to hunt or chase or to shoot at or kill or to pursue with the intent to take, kill or wound any wild animal or wild bird with a firearm as defined in this subsection.(e)"Unloaded" means that a cartridge or shell is not positioned in the barrel or magazine of the firearm or in a clip, magazine or retainer attached to the firearm; or in the case of a caplock muzzle-loading firearm, "unloaded" means that the cap has been removed; or in the case of a flintlock muzzle-loading firearm, "unloaded" means that all powder has been removed from the flashpan.(3)If any person hunts or discharges any firearm in, on or across any street, public road, public highway, levee, railroad or the right-of-way thereof, such person is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not less than sixty (60) days nor more than six (6) months, or by both such fine and imprisonment. This subsection shall not apply to any law enforcement officer while in the performance of his official duty or to any person engaged in a lawful action of self-defense.(4)If any person shall willfully shoot any firearms or hurl any missile at any street, highway or railroad traffic light; street, highway or railroad marker or other sign for the regulation or designation of street, highway or railroad travel such person, upon conviction, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or be imprisoned not longer than thirty (30) days in the county jail, or both.(5)It shall be the duty of all sheriffs, deputy sheriffs, constables, conservation officers and peace officers of this state to enforce the provisions of this section.(6)If any subsection, paragraph, sentence, clause,

phrase or any part of this section is hereafter declared to be unconstitutional or void, or if for any reason is declared to be invalid or of no effect, the remaining subsections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no manner affected thereby but shall remain in full force and effect. Codes, 1857, ch. 64, art. 365; 1871, § 2870; 1880, § 2941; 1892, § 1148; 1906, § 1226; Hemingway's 1917, § 956; 1930, § 983; 1942, § 2213; Laws, 1964, ch. 349; Laws, 1971, ch. 443, § 1; Laws, 1974, ch. 569, § 23; Laws, 1982, ch. 454; Laws, 1985, ch. 452, § 17; Laws, 1990, ch. 528, § 1; Laws, 2008, ch. 386, § 1; Laws, 2012, ch. 341, § 1, eff. 7/1/2012. Codes, 1857, ch. 64, art. 365; 1871, § 2870; 1880, § 2941; 1892, § 1148; 1906, § 1226; Hemingway's 1917, § 956; 1930, § 983; 1942, § 2213; Laws, 1964, ch. 349; Laws, 1971, ch. 443, § 1; Laws, 1974, ch. 569, § 23; Laws, 1982, ch. 454; Laws, 1985, ch. 452, § 17; Laws, 1990, ch. 528, § 1; Laws, 2008, ch. 386, § 1; Laws, 2012, ch. 341, § 1, eff. 7/1/2012.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51) Section 97-15-15 - Keeper of ferry, toll-bridge or causeway; charging excessive toll

Any keeper of any public ferry, toll-bridge, or causeway, who shall demand or receive from any person any rate of toll not allowed by the order of the board of supervisors of the county in which the same may be kept, shall, for each offense, on conviction thereof, be fined not more than fifty dollars. Codes, Hutchinson's 1848, ch. 10, art. 7(38); 1857, ch. 64, art. 155; 1871, § 2618; 1880, § 2865; 1892, § 1139; 1906, § 1217; Hemingway's 1917, § 947; 1930, § 974; 1942, § 2204. Any keeper of any public ferry, toll-bridge, or causeway, who shall demand or receive from any person any rate of toll not allowed by the order of the board of supervisors of the county in which the same may be kept, shall, for each offense, on conviction thereof, be fined not more than fifty dollars. Codes, Hutchinson's 1848, ch. 10, art. 7(38); 1857, ch. 64, art. 155; 1871, § 2618; 1880, § 2865; 1892, § 1139; 1906, § 1217; Hemingway's 1917, § 947; 1930, § 974; 1942, § 2204. Any keeper of any public ferry, toll-bridge, or causeway, who shall demand or receive from any person any rate of toll not allowed by the order of the board of supervisors of the county in which the same may be kept, shall, for each offense, on conviction thereof, be fined not more than fifty dollars. Codes, Hutchinson's 1848, ch. 10, art. 7(38); 1857, ch. 64, art. 155; 1871, § 2618; 1880, § 2865; 1892, § 1139; 1906, § 1217; Hemingway's 1917, § 947; 1930, § 974; 1942, § 2204. Any keeper of any public ferry, toll-bridge, or causeway, who shall demand or receive from any person any rate of toll not allowed by the order of the board of supervisors of the county in which the same may be kept, shall, for each offense, on conviction thereof, be fined not more than fifty dollars. Codes, Hutchinson's 1848, ch. 10, art. 7(38); 1857, ch. 64, art. 155; 1871, § 2618; 1880, § 2865; 1892, § 1139; 1906, § 1217; Hemingway's 1917, § 947; 1930, § 974; 1942, § 2204.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51) Section 97-15-17 - Keeper of ferry, toll-bridge or causeway; failure to give bond; suffering bridge, etc. to be out of order

If any owner or keeper of a public ferry, toll-bridge, or causeway, shall fail to give bond as required by law, or shall suffer said ferry, bridge, or causeway, or any part or appurtenance thereof, to be out of good repair for more than five days at any one time, such owner or keeper, or both, shall, on conviction thereof, be fined not more than fifty dollars. Codes, Hutchinson's 1848, ch. 10, art. 7(39); 1857, ch. 64, art. 156; 1871, § 2619; 1880, § 2866; 1892, § 1140; 1906, § 1218; Hemingway's 1917, § 948; 1930, § 975; 1942, § 2205. If any owner or keeper of a public ferry, toll-bridge, or causeway, shall fail to give bond as required by law, or shall suffer said ferry, bridge, or causeway, or any part or appurtenance thereof, to be out of good repair for more than five days at any one time, such owner or keeper, or both, shall, on conviction thereof, be fined not more than fifty dollars. Codes, Hutchinson's 1848, ch. 10, art. 7(39); 1857, ch. 64, art. 156; 1871, § 2619; 1880, § 2866; 1892, § 1140; 1906, § 1218; Hemingway's 1917, § 948; 1930, § 975; 1942, § 2205. If any owner or keeper of a public ferry, toll-bridge, or causeway, shall fail to give bond as required by law, or shall suffer said ferry, bridge, or causeway, or any part or appurtenance thereof, to be out of good repair for more than five days at any one time, such owner or keeper, or both, shall, on conviction thereof, be fined not more than fifty dollars. Codes, Hutchinson's 1848, ch. 10, art. 7(39); 1857, ch. 64, art. 156; 1871, § 2619; 1880, § 2866; 1892, § 1140; 1906, § 1218; Hemingway's 1917, § 948; 1930, § 975; 1942, § 2205. If any owner or keeper of a public ferry, toll-bridge, or causeway, shall fail to give bond as required by law, or shall suffer said ferry, bridge, or causeway, or any part or appurtenance thereof, to be out of good repair for more than five days at any one time, such owner or keeper, or both, shall, on conviction thereof, be fined not more than fifty dollars. Codes, Hutchinson's 1848, ch. 10, art. 7(39); 1857, ch. 64, art. 156; 1871, § 2619; 1880, § 2866; 1892, § 1140; 1906, § 1218; Hemingway's 1917, § 948; 1930, § 975; 1942, § 2205.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51) Section 97-15-19 - Keeper of ferry, toll-bridge or causeway; unreasonable detention of person

If any person shall be unreasonably detained, at any time, at any public ferry, toll-bridge, or causeway, by the carelessness, negligence, or wilfulness of the owner or keeper thereof, such owner or keeper, upon conviction, shall be fined not more than fifty dollars. Codes, Hutchinson's 1848, ch. 10, art. 7(36); 1857, ch. 64, art. 154; 1871, § 2617; 1880, § 2864; 1892, § 1138; 1906, § 1216; Hemingway's 1917, § 946; 1930, § 973; 1942, § 2203. If any person shall be unreasonably detained, at any time, at any public ferry, toll-bridge, or causeway, by the carelessness, negligence, or wilfulness of the owner or keeper thereof, such owner or keeper, upon conviction, shall be fined not more than fifty dollars. Codes, Hutchinson's 1848, ch. 10, art. 7(36); 1857, ch. 64, art. 154; 1871, § 2617; 1880, § 2864; 1892, § 1138; 1906, § 1216; Hemingway's 1917, § 946; 1930, § 973; 1942, § 2203. If any person shall be

unreasonably detained, at any time, at any public ferry, toll-bridge, or causeway, by the carelessness, negligence, or wilfulness of the owner or keeper thereof, such owner or keeper, upon conviction, shall be fined not more than fifty dollars. Codes, Hutchinson's 1848, ch. 10, art. 7(36); 1857, ch. 64, art. 154; 1871, § 2617; 1880, § 2864; 1892, § 1138; 1906, § 1216; Hemingway's 1917, § 946; 1930, § 973; 1942, § 2203. If any person shall be unreasonably detained, at any time, at any public ferry, toll-bridge, or causeway, by the carelessness, negligence, or wilfulness of the owner or keeper thereof, such owner or keeper, upon conviction, shall be fined not more than fifty dollars. Codes, Hutchinson's 1848, ch. 10, art. 7(36); 1857, ch. 64, art. 154; 1871, § 2617; 1880, § 2864; 1892, § 1138; 1906, § 1216; Hemingway's 1917, § 946; 1930, § 973; 1942, § 2203.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51) Section 97-15-21 - Levees; breaking enclosures; depositing trash, etc., or storing commodities; damaging

If any person shall willfully cut, break down, remove, destroy or damage any cattle gap or any fence or part thereof erected by any board of levee commissioners or the agents or employees of said board of levee commissioners for the purpose of enclosing any levee right-of-way under the control of said board of levee commissioners or who shall break down, remove or destroy any gate in any such fence, or shall willfully leave unclosed and open any such gate after having opened same, or make said levee or said levee right-of-way a place of deposit or storage for any woodpiles or refuse, garbage or dead animals or any cotton, lumber, bricks or any other commodities, or who shall willfully do any material damage injurious to said levee, such person or persons shall be guilty of a misdemeanor and, on conviction, shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each offense. In addition to the penalties herein provided for, if any levee board is required to remove any such forbidden objects herein described, the owner or owners of such forbidden objects shall be liable in damages to the levee board for the cost of removing such objects, which damages may be recovered in a court action brought for that purpose; and the said levee board shall have a right of action against any person for any other damage sustained to the levee or levee right-of-way by reason of a violation of this section. Codes, Hemingway's 1917, § 1006; 1930, § 1035; 1942, § 2267; Laws, 1906, ch. 126; Laws, 1948, ch. 357; Laws, 1968, ch. 353, § 1; Laws, 1999, ch. 433, § 1; Laws, 2008, ch. 386, § 2, eff. 7/1/2008. If any person shall willfully cut, break down, remove, destroy or damage any cattle gap or any fence or part thereof erected by any board of levee commissioners or the agents or employees of said board of levee commissioners for the purpose of enclosing any levee right-of-way under the control of said board of levee commissioners or who shall break down, remove or destroy any gate in any such fence, or shall willfully leave unclosed and open any such gate after having opened same, or make said levee or said levee right-of-way a place of deposit or storage for any woodpiles or refuse, garbage or dead animals or any cotton, lumber, bricks or any other commodities, or who shall willfully do any material damage injurious to said levee, such person or persons shall be guilty of a misdemeanor and, on conviction, shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each offense. In addition to the penalties herein provided for, if any levee board is required to remove any such forbidden objects herein described, the owner or owners of such forbidden objects shall be liable in damages to the levee board for the cost of removing such objects, which damages may be recovered in a court action brought for that purpose; and the said levee board shall have a right of action against any person for any other damage sustained to the levee or levee right-of-way by reason of a violation of this section. Codes, Hemingway's 1917, § 1006; 1930, § 1035; 1942, § 2267; Laws, 1906, ch. 126; Laws, 1948, ch. 357; Laws, 1968, ch. 353, § 1; Laws, 1999, ch. 433, § 1; Laws, 2008, ch. 386, § 2, eff. 7/1/2008. If any person shall willfully cut, break down, remove, destroy or damage any cattle gap or any fence or part thereof erected by any board of levee commissioners or the agents or employees of said board of levee commissioners for the purpose of enclosing any levee right-of-way under the control of said board of levee commissioners or who shall break down, remove or destroy any gate in any such fence, or shall willfully leave unclosed and open any such gate after having opened same, or make said levee or said levee right-of-way a place of deposit or storage for any woodpiles or refuse, garbage or dead animals or any cotton, lumber, bricks or any other commodities, or who shall willfully do any material damage injurious to said levee, such person or persons shall be guilty of a misdemeanor and, on conviction, shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each offense. In addition to the penalties herein provided for, if any levee board is required to remove any such forbidden objects herein described, the owner or owners of such forbidden objects shall be liable in damages to the levee board for the cost of removing such objects, which damages may be recovered in a

court action brought for that purpose; and the said levee board shall have a right of action against any person for any other damage sustained to the levee or levee right-of-way by reason of a violation of this section. Codes, Hemingway's 1917, § 1006; 1930, § 1035; 1942, § 2267; Laws, 1906, ch. 126; Laws, 1948, ch. 357; Laws, 1968, ch. 353, § 1; Laws, 1999, ch. 433, § 1; Laws, 2008, ch. 386, § 2, eff. 7/1/2008.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51) Section 97-15-23 - Levees; disfiguring, etc., or excavating dirt or sand on levee right-of-way

If any person or persons shall willfully cut into, mutilate or disfigure any levee or excavate dirt or sand from the right-of-way owned by any board of levee commissioners or any part thereof, or trespass upon said levee in violation of posted regulations, without being authorized to do so by the said board of levee commissioners, such person or persons shall be guilty of a misdemeanor, and on conviction shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each offense, or shall be confined in the county jail for a term not exceeding thirty (30) days, or by both such fine and imprisonment in the discretion of the court. Codes, Hemingway's 1917, § 1005; 1930, § 1034; 1942, § 2266; Laws, 1906, ch. 129; Laws, 1979, ch. 395; Laws, 1999, ch. 433, § 2; Laws, 2008, ch. 386, § 3, eff. 7/1/2008. If any person or persons shall willfully cut into, mutilate or disfigure any levee or excavate dirt or sand from the right-of-way owned by any board of levee commissioners or any part thereof, or trespass upon said levee in violation of posted regulations, without being authorized to do so by the said board of levee commissioners, such person or persons shall be guilty of a misdemeanor, and on conviction shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each offense, or shall be confined in the county jail for a term not exceeding thirty (30) days, or by both such fine and imprisonment in the discretion of the court. Codes, Hemingway's 1917, § 1005; 1930, § 1034; 1942, § 2266; Laws, 1906, ch. 129; Laws, 1979, ch. 395; Laws, 1999, ch. 433, § 2; Laws, 2008, ch. 386, § 3, eff. 7/1/2008. If any person or persons shall willfully cut into, mutilate or disfigure any levee or excavate dirt or sand from the right-of-way owned by any board of levee commissioners or any part thereof, or trespass upon said levee in violation of posted regulations, without being authorized to do so by the said board of levee commissioners, such person or persons shall be guilty of a misdemeanor, and on conviction shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each offense, or shall be confined in the county jail for a term not exceeding thirty (30) days, or by both such fine and imprisonment in the discretion of the court. Codes, Hemingway's 1917, § 1005; 1930, § 1034; 1942, § 2266; Laws, 1906, ch. 129; Laws, 1979, ch. 395; Laws, 1999, ch. 433, § 2; Laws, 2008, ch. 386, § 3, eff. 7/1/2008. If any person or persons shall willfully cut into, mutilate or disfigure any levee or excavate dirt or sand from the right-of-way owned by any board of levee commissioners or any part thereof, or trespass upon said levee in violation of posted regulations, without being authorized to do so by the said board of levee commissioners, such person or persons shall be guilty of a misdemeanor, and on conviction shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each offense, or shall be confined in the county jail for a term not exceeding thirty (30) days, or by both such fine and imprisonment in the discretion of the court. Codes, Hemingway's 1917, § 1005; 1930, § 1034; 1942, § 2266; Laws, 1906, ch. 129; Laws, 1979, ch. 395; Laws, 1999, ch. 433, § 2; Laws, 2008, ch. 386, § 3, eff. 7/1/2008.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51) Section 97-15-25 - Levees; maliciously cutting, destroying, etc

If any person shall wilfully or maliciously cut, break, injure, or destroy any levee constructed by authority of law, he shall, on conviction, be imprisoned in the penitentiary not more than five years. Codes, 1857, ch. 64, art. 198; 1871, § 2705; 1880, § 2914; 1892, § 1196; 1906, § 1274; Hemingway's 1917, § 1004; 1930, § 1033; 1942, § 2265. If any person shall wilfully or maliciously cut, break, injure, or destroy any levee constructed by authority of law, he shall, on conviction, be imprisoned in the penitentiary not more than five years. Codes, 1857, ch. 64, art. 198; 1871, § 2705; 1880, § 2914; 1892, § 1196; 1906, § 1274; Hemingway's 1917, § 1004; 1930, § 1033; 1942, § 2265. If any person shall wilfully or maliciously cut, break, injure, or destroy any levee constructed by authority of law, he shall, on conviction, be imprisoned in the penitentiary not more than five years. Codes, 1857, ch. 64, art. 198; 1871, § 2705; 1880, § 2914; 1892, § 1196; 1906, § 1274; Hemingway's 1917, § 1004; 1930, § 1033; 1942, § 2265. If any person shall wilfully or maliciously cut, break, injure, or destroy any levee constructed by authority of law, he shall, on conviction, be imprisoned in the penitentiary not more than five years. Codes, 1857, ch. 64, art. 198; 1871, § 2705; 1880, § 2914; 1892, § 1196; 1906, § 1274; Hemingway's 1917, § 1004; 1930, § 1033; 1942, § 2265.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51) Section 97-15-27 - Levees; hunting or engaging in target practice upon mainline levee structure or right-of-way

If any person shall hunt or engage in target practice upon any levee structure erected by any board of levee commissioners, the entire landside right-of-way of the levee structure or the riverside right-of-way of the levee structure within a distance of two hundred (200) feet from the toe of the levee structure, the person or persons shall, upon conviction, be punished as provided in Section 49-7-141(1) for Class I violations of the game and fish laws. Codes, 1942, § 2267.1; Laws, 1968, ch. 353, § 2; Laws, 1999, ch. 433, § 3; Laws, 2008, ch. 386, § 4, eff. 7/1/2008. Amended by Laws, 2014, ch. 408, SB 2405, 1, eff. 7/1/2014. If any person shall hunt or engage in target practice upon any levee structure erected by any board of levee commissioners, the entire landside

right-of-way of the levee structure or the riverside right-of-way of the levee structure within a distance of two hundred (200) feet from the toe of the levee structure, the person or persons shall, upon conviction, be punished as provided in Section 49-7-141(1) for Class I violations of the game and fish laws. Codes, 1942, § 2267.1; Laws, 1968, ch. 353, § 2; Laws, 1999, ch. 433, § 3; Laws, 2008, ch. 386, § 4, eff. 7/1/2008. Amended by Laws, 2014, ch. 408, SB 2405, 1, eff. 7/1/2014. If any person shall hunt or engage in target practice upon any levee structure erected by any board of levee commissioners, the entire landside right-of-way of the levee structure or the riverside right-of-way of the levee structure within a distance of two hundred (200) feet from the toe of the levee structure, the person or persons shall, upon conviction, be punished as provided in Section 49-7-141(1) for Class I violations of the game and fish laws. Codes, 1942, § 2267.1; Laws, 1968, ch. 353, § 2; Laws, 1999, ch. 433, § 3; Laws, 2008, ch. 386, § 4, eff. 7/1/2008. Amended by Laws, 2014, ch. 408, SB 2405, 1, eff. 7/1/2014. If any person shall hunt or engage in target practice upon any levee structure erected by any board of levee commissioners, the entire landside right-of-way of the levee structure or the riverside right-of-way of the levee structure within a distance of two hundred (200) feet from the toe of the levee structure, the person or persons shall, upon conviction, be punished as provided in Section 49-7-141(1) for Class I violations of the game and fish laws. Codes, 1942, § 2267.1; Laws, 1968, ch. 353, § 2; Laws, 1999, ch. 433, § 3; Laws, 2008, ch. 386, § 4, eff. 7/1/2008. Amended by Laws, 2014, ch. 408, SB 2405, 1, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51) Section 97-15-29 - Littering highways and private property with trash or substance likely to cause fire; civil liability; fines; disposition of proceeds

(1) Anyone who shall put, throw, dump or leave on the roads and highways of this state, or within the limits of the rights-of-way of such roads and highways, or upon any private property, any cigarette or cigar stubs, or any other thing or substance likely to ignite the grass or underbrush on a road or highway, in addition to being civilly liable for all damages caused by such act shall, upon conviction, be guilty of a misdemeanor and punished as provided by subsection (3) of this section. (2) The Department of Transportation is authorized to erect warning signs along the roads and highways of this state advising the public of the existence of this section and of the penalty for the violation thereof and is further authorized to install receptacles at reasonable intervals along the roads and highways of this state to be used as containers for trash and rubbish and for the convenience of the public using such roads and highways. (3) Any person found guilty of the violation of this section shall, upon conviction, be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00). The proceeds of such fines shall be expended by the collecting jurisdiction solely for the purpose of funding local litter prevention programs or projects or local or school litter education programs as recommended by the statewide litter prevention program of Keep Mississippi Beautiful, Inc. (4) As a part of the fine imposed by subsection (3) above, a person convicted for an offense upon which fines are imposed by this section may be required to perform the following, and a person convicted for a second or subsequent offense upon which fines are imposed by this section shall be required to: (a) Remove or render harmless, in accordance with written direction, as appropriate, from the Department of Environmental Quality or local law enforcement authorities, the unlawfully discarded solid waste; (b) Repair or restore property damaged by, or pay damages for any damage arising out of the unlawfully discarded solid waste; (c) Perform community public service relating to the removal of any unlawfully discarded solid waste or to the restoration of any area polluted by unlawfully discarded solid waste; and (d) Pay all reasonable investigative and prosecutorial expenses and costs to the investigative and/or prosecutorial agency or agencies. (5) Upon a second or subsequent conviction of an offense upon which fines are imposed by this section, the minimum and maximum fines shall be doubled. (6) When any litter is thrown or discarded from a motor vehicle, the operator of the motor vehicle shall be deemed in violation of this section. (7) There shall be imposed and collected an assessment of Fifty Dollars (\$50.00) on each violation of this section. The assessment shall be deposited into the Law Enforcement Officers Monument Fund created in Section 39-5-71. After the monument is constructed, the assessment shall not be deposited into the fund. The assessment shall then be deposited with the Postsecondary Education Financial Assistance Board to be used for the scholarship program for children of deceased or disabled law enforcement officers and firemen as provided by Section 37-106-39. (8) It shall be the duty of all law enforcement officers to enforce the provisions of this section. (9) This section shall not prohibit the storage of ties and machinery by a railroad on its right-of-way where the highway right-of-way extends to within a few feet of the railroad roadbed. Codes, 1942, § 2214.5; Laws, 1956, ch. 243; Laws, 1958, ch. 238, §§ 1-8; Laws, 1964, ch. 350, §§ 1, 2 [Para. 1, 2]; Laws, 1973, ch. 351, § 1; Laws, 1988, ch. 574, § 3; Laws, 1990, ch. 329, § 13; Laws, 1991, ch. 531, § 24; Laws, 1994, ch. 543, § 3; Laws, 1995, ch. 500, § 1; Laws, 2000, ch. 421, § 1; Laws, 2007, ch. 509, § 1; Laws, 2012, ch. 554, § 7, eff. 7/1/2012. Amended by Laws, 2014, ch. 538, SB 2499, 43, eff. 7/1/2014. (1) Anyone who shall put, throw, dump or leave on the roads and highways of this state, or within the limits of the rights-of-way of such roads and highways, or upon any private property, any cigarette or cigar stubs, or any other thing or substance likely to ignite the grass or underbrush on a road or highway, in addition to being civilly liable for all damages caused by such act shall, upon conviction, be guilty of a misdemeanor and punished as provided by subsection (3) of this section. (2) The Department of Transportation is authorized to erect warning signs along the roads and highways of this state advising the public of the existence of this section and of the penalty for the violation thereof and is further authorized to install receptacles at reasonable intervals along the roads and highways of this state to be used as containers for trash and rubbish and for the convenience of the public using such roads and highways. (3) Any person found guilty of the violation of this section shall, upon conviction, be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00). The proceeds of such fines shall be expended by the collecting jurisdiction solely for the purpose of funding local litter prevention programs or projects or local or school litter education programs as recommended by the statewide litter prevention program of Keep Mississippi Beautiful,

Inc.(4)As a part of the fine imposed by subsection (3) above, a person convicted for an offense upon which fines are imposed by this section may be required to perform the following, and a person convicted for a second or subsequent offense upon which fines are imposed by this section shall be required to:(a)Remove or render harmless, in accordance with written direction, as appropriate, from the Department of Environmental Quality or local law enforcement authorities, the unlawfully discarded solid waste;(b)Repair or restore property damaged by, or pay damages for any damage arising out of the unlawfully discarded solid waste;(c)Perform community public service relating to the removal of any unlawfully discarded solid waste or to the restoration of any area polluted by unlawfully discarded solid waste; and(d)Pay all reasonable investigative and prosecutorial expenses and costs to the investigative and/or prosecutorial agency or agencies.(5)Upon a second or subsequent conviction of an offense upon which fines are imposed by this section, the minimum and maximum fines shall be doubled.(6)When any litter is thrown or discarded from a motor vehicle, the operator of the motor vehicle shall be deemed in violation of this section.(7)There shall be imposed and collected an assessment of Fifty Dollars (\$50.00) on each violation of this section. The assessment shall be deposited into the Law Enforcement Officers Monument Fund created in Section39-5-71. After the monument is constructed, the assessment shall not be deposited into the fund. The assessment shall then be deposited with the Postsecondary Education Financial Assistance Board to be used for the scholarship program for children of deceased or disabled law enforcement officers and firemen as provided by Section37-106-39.(8)It shall be the duty of all law enforcement officers to enforce the provisions of this section.(9)This section shall not prohibit the storage of ties and machinery by a railroad on its right-of-way where the highway right-of-way extends to within a few feet of the railroad roadbed.Codes, 1942, § 2214.5; Laws, 1956, ch. 243; Laws, 1958, ch. 238, §§ 1-8; Laws, 1964, ch. 350, §§ 1, 2 [Para.Para. 1, 2]; Laws, 1973, ch. 351, § 1; Laws, 1988, ch. 574, § 3; Laws, 1990, ch. 329, § 13; Laws, 1991, ch. 531, § 24; Laws, 1994, ch. 543, § 3; Laws, 1995, ch. 500, § 1; Laws, 2000, ch. 421, § 1; Laws, 2007, ch. 509, § 1; Laws, 2012, ch. 554, § 7, eff. 7/1/2012.Amended by Laws, 2014, ch. 538, SB 2499, 43, eff. 7/1/2014. (1)Anyone who shall put, throw, dump or leave on the roads and highways of this state, or within the limits of the rights-of-way of such roads and highways, or upon any private property, any cigarette or cigar stubs, or any other thing or substance likely to ignite the grass or underbrush on a road or highway, in addition to being civilly liable for all damages caused by such act shall, upon conviction, be guilty of a misdemeanor and punished as provided by subsection (3) of this section.(2)The Department of Transportation is authorized to erect warning signs along the roads and highways of this state advising the public of the existence of this section and of the penalty for the violation thereof and is further authorized to install receptacles at reasonable intervals along the roads and highways of this state to be used as containers for trash and rubbish and for the convenience of the public using such roads and highways.(3)Any person found guilty of the violation of this section shall, upon conviction, be fined not less than Fifty Dollars (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00). The proceeds of such fines shall be expended by the collecting jurisdiction solely for the purpose of funding local litter prevention programs or projects or local or school litter education programs as recommended by the statewide litter prevention program of Keep Mississippi Beautiful, Inc.(4)As a part of the fine imposed by subsection (3) above, a person convicted for an offense upon which fines are imposed by this section may be required to perform the following, and a person convicted for a second or subsequent offense upon which fines are imposed by this section shall be required to:(a)Remove or render harmless, in accordance with written direction, as appropriate, from the Department of Environmental Quality or local law enforcement authorities, the unlawfully discarded solid waste;(b)Repair or restore property damaged by, or pay damages for any damage arising out of the unlawfully discarded solid waste;(c)Perform community public service relating to the removal of any unlawfully discarded solid waste or to the restoration of any area polluted by unlawfully discarded solid waste; and(d)Pay all reasonable investigative and prosecutorial expenses and costs to the investigative and/or prosecutorial agency or agencies.(5)Upon a second or subsequent conviction of an offense upon which fines are imposed by this section, the minimum and maximum fines shall be doubled.(6)When any litter is thrown or discarded from a motor vehicle, the operator of the motor vehicle shall be deemed in violation of this section.(7)There shall be imposed and collected an assessment of Fifty Dollars (\$50.00) on each violation of this section. The assessment shall be deposited into the Law Enforcement Officers Monument Fund created in Section39-5-71. After the monument is constructed, the assessment shall not be deposited into the fund. The assessment shall then be deposited with the Postsecondary Education Financial Assistance Board to be used for the scholarship program for children of deceased or disabled law enforcement officers and firemen as provided by Section37-106-39.(8)It shall be the duty of all law enforcement officers to enforce the provisions of this section.(9)This section shall not prohibit the storage of ties and machinery by a railroad on its right-of-way where the highway right-of-way extends to within a few feet of the railroad roadbed.Codes, 1942, § 2214.5; Laws, 1956, ch. 243; Laws, 1958, ch. 238, §§ 1-8; Laws, 1964, ch. 350, §§ 1, 2 [Para.Para. 1, 2]; Laws, 1973, ch. 351, § 1; Laws, 1988, ch. 574, § 3; Laws, 1990, ch. 329, § 13; Laws, 1991, ch. 531, § 24; Laws, 1994, ch. 543, § 3; Laws, 1995, ch. 500, § 1; Laws, 2000, ch. 421, § 1; Laws, 2007, ch. 509, § 1; Laws, 2012, ch. 554, § 7, eff. 7/1/2012.Amended by Laws, 2014, ch. 538, SB 2499, 43, eff. 7/1/2014. Codes, 1942, § 2214.5; Laws, 1956, ch. 243; Laws, 1958, ch. 238, §§ 1-8; Laws, 1964, ch. 350, §§ 1, 2 [Para.Para. 1, 2]; Laws, 1973, ch. 351, § 1; Laws, 1988, ch. 574, § 3; Laws, 1990, ch. 329, § 13; Laws, 1991, ch. 531, § 24; Laws, 1994, ch. 543, § 3; Laws, 1995, ch. 500, § 1; Laws, 2000, ch. 421, § 1; Laws, 2007, ch. 509, § 1; Laws, 2012, ch. 554, § 7, eff. 7/1/2012. Amended by Laws, 2014, ch. 538, SB 2499, 43, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51)Section 97-15-3 - Highway commission members and employees; bribery

Whoever being a member of the state highway commission, or any engineer, agent, or other employee, acting for or on behalf of the commission, shall accept, or agree to accept, receive or agree to receive, ask or solicit, either directly or indirectly, and any person

who shall give or offer to give, or promise or procure to be promised, offered or given, either directly or indirectly to any member of said commission, or to any engineer, agent, or other employee acting for and on behalf of the commission, any monies, or any contract, promise, undertaking, obligation, gratuity or security for the payment of money, or for the delivery or conveyance of anything of value or of any political appointment or influence, present, or reward of any employment or any other thing of value, with the intent to have his decision or action on any question, matter, cause or proceeding which may at the time be pending, or which may by law be brought before him in his official capacity or in his place of trust or profit, influence thereby, shall be deemed guilty of a felony, and upon conviction, shall be imprisoned in the penitentiary not less than one nor more than five years, and shall forever after be disqualified from holding any office of trust or profit under the constitution or laws of this state. Codes, 1930, § 5017; 1942, § 8049; Laws, 1930, ch. 47; Laws, 1948, ch. 332, § 26. Whoever being a member of the state highway commission, or any engineer, agent, or other employee, acting for or on behalf of the commission, shall accept, or agree to accept, receive or agree to receive, ask or solicit, either directly or indirectly, and any person who shall give or offer to give, or promise or procure to be promised, offered or given, either directly or indirectly to any member of said commission, or to any engineer, agent, or other employee acting for and on behalf of the commission, any monies, or any contract, promise, undertaking, obligation, gratuity or security for the payment of money, or for the delivery or conveyance of anything of value or of any political appointment or influence, present, or reward of any employment or any other thing of value, with the intent to have his decision or action on any question, matter, cause or proceeding which may at the time be pending, or which may by law be brought before him in his official capacity or in his place of trust or profit, influence thereby, shall be deemed guilty of a felony, and upon conviction, shall be imprisoned in the penitentiary not less than one nor more than five years, and shall forever after be disqualified from holding any office of trust or profit under the constitution or laws of this state. Codes, 1930, § 5017; 1942, § 8049; Laws, 1930, ch. 47; Laws, 1948, ch. 332, § 26. Whoever being a member of the state highway commission, or any engineer, agent, or other employee, acting for or on behalf of the commission, shall accept, or agree to accept, receive or agree to receive, ask or solicit, either directly or indirectly, and any person who shall give or offer to give, or promise or procure to be promised, offered or given, either directly or indirectly to any member of said commission, or to any engineer, agent, or other employee acting for and on behalf of the commission, any monies, or any contract, promise, undertaking, obligation, gratuity or security for the payment of money, or for the delivery or conveyance of anything of value or of any political appointment or influence, present, or reward of any employment or any other thing of value, with the intent to have his decision or action on any question, matter, cause or proceeding which may at the time be pending, or which may by law be brought before him in his official capacity or in his place of trust or profit, influence thereby, shall be deemed guilty of a felony, and upon conviction, shall be imprisoned in the penitentiary not less than one nor more than five years, and shall forever after be disqualified from holding any office of trust or profit under the constitution or laws of this state. Codes, 1930, § 5017; 1942, § 8049; Laws, 1930, ch. 47; Laws, 1948, ch. 332, § 26.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51) Section 97-15-30 - Penalties for unauthorized dumping of solid wastes; "commercial purpose" defined

(1) For purposes of this section the term "commercial purpose" means for the purpose of economic gain. (2)(a) Except as authorized by law or permit, it is unlawful for any person to throw, scatter, spill or place, or cause to be thrown, scattered, spilled, or placed, or otherwise disposed of, any solid waste in any of the following manners or amounts: (i) In or on any public highway, road, street, alley or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, except in containers or areas lawfully provided therefor. When any solid waste is thrown or discarded from a motor vehicle, the operator or owner of the motor vehicle, or both, shall be deemed in violation of this section; (ii) In or on any waters of the state. When any solid waste is thrown or discarded from a vessel, the operator or owner of the boat, or both, shall be deemed in violation of this section; or (iii) In or on any private property, unless prior written consent of the owner has been given and the solid waste will not cause a public nuisance or be in violation of any other state or local law, rule or regulation; (iv) Raw human waste from any train, aircraft, motor vehicle or vessel upon the public or private lands or waters of the state. (b) Nothing in this section shall prohibit acts authorized pursuant to Section 17-17-13. (3)(a) Any person who violates this section in an amount not exceeding fifteen (15) pounds in weight or twenty-seven (27) cubic feet in volume and not for commercial purposes is guilty of littering and subject to a fine as provided in Section 97-15-29. (b) Any person who violates this section in an amount exceeding fifteen (15) pounds or twenty-seven (27) cubic feet in volume, but not exceeding five hundred (500) pounds in weight or one hundred (100) cubic feet in volume and not for

commercial purposes is guilty of a misdemeanor and subject to a fine of not less than One Hundred Dollars (\$100.00), nor more than One Thousand Dollars (\$1,000.00), or to imprisonment for a term of not more than one (1) year, or both.(c)Any person who violates this section in an amount exceeding five hundred (500) pounds in weight or one hundred (100) cubic feet in volume, or in any amount or volume of solid waste for commercial purposes, or in any amount or volume of hazardous waste is guilty of a felony and subject to a fine of not less than Five Hundred Dollars (\$500.00), nor more than Fifty Thousand Dollars (\$50,000.00) or to imprisonment for a term of not more than five (5) years, or both. For purposes of the fine, each day shall constitute a separate violation.(d)In addition to any other fines, penalties or injunctive relief prescribed by law, a person convicted under subsections (3)(b) or (3)(c) of this section shall:(i)Remove or render harmless, in accordance with written direction from the Department of Environmental Quality, the unlawfully discarded solid waste;(ii)Repair or restore property damaged by, or pay damages for any damage arising out of the unlawfully discarded solid waste;(iii)Perform community public service relating to the removal of any unlawfully discarded solid waste or to the restoration of an area polluted by unlawfully discarded solid waste; and(iv)Pay all reasonable investigative and prosecutorial expenses and costs to the investigative and/or prosecutorial agency or agencies.(e)If a conviction under subsection (3) of this section is for a violation committed after a first conviction of that person under this section, the maximum punishment under the respective paragraphs shall be doubled with respect to both fine and imprisonment.(4)A court may enjoin a violation of subsection (2) of this section.(5)Any motor vehicle, vessel, aircraft, container, crane, winch, or machine used in a felony violation of this section may be seized with process or without process if a law enforcement officer has probable cause to believe that the property was used in violation of that section. The seized property shall be subject to an administrative and/or judicial forfeiture by the same standards and procedures provided under Sections41-29-176through41-29-185.(6)In the criminal trial of any person charged with violating subsection (2) of this section, the defendant must affirmatively show that he had authority to discard the solid waste.(7)Any person who conspires to commit a violation of this section shall be punished in accordance with the underlying offense set forth in this section.(8)It shall be the duty of all law enforcement officers to enforce the provisions of this chapter.(9)All prosecutions for felony violations of this section shall be instituted only by the Attorney General, his designee, the district attorney of the district in which the violation occurred or his designee and shall be conducted in the name of the people of the State of Mississippi. In the prosecution of any criminal proceeding under this section by the Attorney General, or his designee, and in any proceeding before a grand jury in connection therewith, the Attorney General or his designee shall exercise all the powers and perform all the duties which the district attorney would otherwise be authorized or required to exercise or perform. The Attorney General shall have the authority to issue and serve subpoenas for any felony violation in the same manner as prescribed under Section7-5-59.(10)Jurisdiction for all felony violations shall be in the circuit court of the county in which the violation occurred.(11)Nothing in this section shall limit the authority of the department to enforce the provisions of the Solid Waste Disposal Law or shall limit the authority of any state or local agency to enforce any other laws, rules or ordinances.(12)The Department of Transportation may erect warning signs along the roads and highways of this state advising the public of the existence of these sections and of the penalty for the violation thereof.(13)This section shall not prohibit the storage of ties poles, other materials and machinery by a railroad or a public utility on its right-of-way. This section does not apply to any vehicle transporting agricultural products or supplies when the solid waste from that vehicle is a nontoxic, biodegradable agricultural product or supply.(14)The Attorney General may pay an award, not to exceed Ten Thousand Dollars (\$10,000.00) to any person who furnishes information or services that lead to a felony criminal conviction for any violation of this section. The payment shall be subject to available appropriations for those purposes as provided in annual appropriation acts. Any officer or employee of the United States or any state or local government who furnishes information or renders service in the performance of an official duty is ineligible for payment under this subsection.Laws, 1994, ch. 543, § 1, eff. 7/1/1994. (1)For purposes of this section the term "commercial purpose" means for the purpose of economic gain.(2)(a)Except as authorized by law or permit, it is unlawful for any person to throw, scatter, spill or place, or cause to be thrown, scattered, spilled, or placed, or otherwise disposed of, any solid waste in any of the following manners or amounts:(i)In or on any public highway, road, street, alley or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, except in containers or areas lawfully provided therefor. When any solid waste is thrown or discarded from a motor vehicle, the operator or owner of the motor vehicle, or both, shall be deemed in violation of this section;(ii)In or on any waters of the state. When any solid waste is thrown or discarded from a vessel, the operator or owner of the boat, or both, shall be deemed in violation of this section; or(iii)In or on any private property, unless prior written consent of the owner has been given and the solid waste will not cause a public nuisance or be in violation of any other state or local law, rule or regulation;(iv)Raw human waste from any train, aircraft, motor vehicle or vessel upon the public or private lands or waters of the state.(b)Nothing in this section shall prohibit acts authorized pursuant to Section17-17-13.(3)(a)Any person who violates this section in an amount not exceeding fifteen (15) pounds in weight or twenty-seven (27) cubic feet in volume and not for commercial purposes is guilty of littering and subject to a fine as provided in Section97-15-29.(b)Any person who violates this section in an amount exceeding fifteen (15) pounds or twenty-seven (27) cubic feet in volume, but not exceeding five hundred (500) pounds in weight or one hundred (100) cubic feet in volume and not for commercial purposes is guilty of a misdemeanor and subject to a fine of not less than One Hundred Dollars (\$100.00), nor more than One Thousand Dollars (\$1,000.00), or to imprisonment for a term of not more than one (1) year, or both.(c)Any person who violates this section in an amount exceeding five hundred (500) pounds in weight or one hundred (100) cubic feet in volume, or in any amount or volume of solid waste for commercial purposes, or in any amount or volume of hazardous waste is guilty of a felony and subject to a fine of not less than Five Hundred Dollars (\$500.00), nor more than Fifty Thousand Dollars (\$50,000.00) or to imprisonment for a term of not more than five (5) years, or both. For purposes of the fine, each day shall constitute a separate violation.(d)In addition to any other fines, penalties or injunctive relief prescribed by

law, a person convicted under subsections (3)(b) or (3)(c) of this section shall:(i)Remove or render harmless, in accordance with written direction from the Department of Environmental Quality, the unlawfully discarded solid waste;(ii)Repair or restore property damaged by, or pay damages for any damage arising out of the unlawfully discarded solid waste;(iii)Perform community public service relating to the removal of any unlawfully discarded solid waste or to the restoration of an area polluted by unlawfully discarded solid waste; and(iv)Pay all reasonable investigative and prosecutorial expenses and costs to the investigative and/or prosecutorial agency or agencies.(e)If a conviction under subsection (3) of this section is for a violation committed after a first conviction of that person under this section, the maximum punishment under the respective paragraphs shall be doubled with respect to both fine and imprisonment.(4)A court may enjoin a violation of subsection (2) of this section.(5)Any motor vehicle, vessel, aircraft, container, crane, winch, or machine used in a felony violation of this section may be seized with process or without process if a law enforcement officer has probable cause to believe that the property was used in violation of that section. The seized property shall be subject to an administrative and/or judicial forfeiture by the same standards and procedures provided under Sections41-29-176through41-29-185.(6)In the criminal trial of any person charged with violating subsection (2) of this section, the defendant must affirmatively show that he had authority to discard the solid waste.(7)Any person who conspires to commit a violation of this section shall be punished in accordance with the underlying offense set forth in this section.(8)It shall be the duty of all law enforcement officers to enforce the provisions of this chapter.(9)All prosecutions for felony violations of this section shall be instituted only by the Attorney General, his designee, the district attorney of the district in which the violation occurred or his designee and shall be conducted in the name of the people of the State of Mississippi. In the prosecution of any criminal proceeding under this section by the Attorney General, or his designee, and in any proceeding before a grand jury in connection therewith, the Attorney General or his designee shall exercise all the powers and perform all the duties which the district attorney would otherwise be authorized or required to exercise or perform. The Attorney General shall have the authority to issue and serve subpoenas for any felony violation in the same manner as prescribed under Section7-5-59.(10)Jurisdiction for all felony violations shall be in the circuit court of the county in which the violation occurred.(11)Nothing in this section shall limit the authority of the department to enforce the provisions of the Solid Waste Disposal Law or shall limit the authority of any state or local agency to enforce any other laws, rules or ordinances.(12)The Department of Transportation may erect warning signs along the roads and highways of this state advising the public of the existence of these sections and of the penalty for the violation thereof.(13)This section shall not prohibit the storage of ties poles, other materials and machinery by a railroad or a public utility on its right-of-way. This section does not apply to any vehicle transporting agricultural products or supplies when the solid waste from that vehicle is a nontoxic, biodegradable agricultural product or supply.(14)The Attorney General may pay an award, not to exceed Ten Thousand Dollars (\$10,000.00) to any person who furnishes information or services that lead to a felony criminal conviction for any violation of this section. The payment shall be subject to available appropriations for those purposes as provided in annual appropriation acts. Any officer or employee of the United States or any state or local government who furnishes information or renders service in the performance of an official duty is ineligible for payment under this subsection.Laws, 1994, ch. 543, § 1, eff. 7/1/1994. (1)For purposes of this section the term "commercial purpose" means for the purpose of economic gain.(2)(a)Except as authorized by law or permit, it is unlawful for any person to throw, scatter, spill or place, or cause to be thrown, scattered, spilled, or placed, or otherwise disposed of, any solid waste in any of the following manners or amounts:(i)In or on any public highway, road, street, alley or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, except in containers or areas lawfully provided therefor. When any solid waste is thrown or discarded from a motor vehicle, the operator or owner of the motor vehicle, or both, shall be deemed in violation of this section;(ii)In or on any waters of the state. When any solid waste is thrown or discarded from a vessel, the operator or owner of the boat, or both, shall be deemed in violation of this section; or(iii)In or on any private property, unless prior written consent of the owner has been given and the solid waste will not cause a public nuisance or be in violation of any other state or local law, rule or regulation;(iv)Raw human waste from any train, aircraft, motor vehicle or vessel upon the public or private lands or waters of the state.(b)Nothing in this section shall prohibit acts authorized pursuant to Section17-17-13.(3)(a)Any person who violates this section in an amount not exceeding fifteen (15) pounds in weight or twenty-seven (27) cubic feet in volume and not for commercial purposes is guilty of littering and subject to a fine as provided in Section97-15-29.(b)Any person who violates this section in an amount exceeding fifteen (15) pounds or twenty-seven (27) cubic feet in volume, but not exceeding five hundred (500) pounds in weight or one hundred (100) cubic feet in volume and not for commercial purposes is guilty of a misdemeanor and subject to a fine of not less than One Hundred Dollars (\$100.00), nor more than One Thousand Dollars (\$1,000.00), or to imprisonment for a term of not more than one (1) year, or both.(c)Any person who violates this section in an amount exceeding five hundred (500) pounds in weight or one hundred (100) cubic feet in volume, or in any amount or volume of solid waste for commercial purposes, or in any amount or volume of hazardous waste is guilty of a felony and subject to a fine of not less than Five Hundred Dollars (\$500.00), nor more than Fifty Thousand Dollars (\$50,000.00) or to imprisonment for a term of not more than five (5) years, or both. For purposes of the fine, each day shall constitute a separate violation.(d)In addition to any other fines, penalties or injunctive relief prescribed by law, a person convicted under subsections (3)(b) or (3)(c) of this section shall:(i)Remove or render harmless, in accordance with written direction from the Department of Environmental Quality, the unlawfully discarded solid waste;(ii)Repair or restore property damaged by, or pay damages for any damage arising out of the unlawfully discarded solid waste;(iii)Perform community public service relating to the removal of any unlawfully discarded solid waste or to the restoration of an area polluted by unlawfully discarded solid waste; and(iv)Pay all reasonable investigative and prosecutorial expenses and costs to the investigative and/or prosecutorial agency or agencies.(e)If a conviction under subsection (3) of this section is for a violation committed after a first conviction of that person under this section,

the maximum punishment under the respective paragraphs shall be doubled with respect to both fine and imprisonment.(4)A court may enjoin a violation of subsection (2) of this section.(5)Any motor vehicle, vessel, aircraft, container, crane, winch, or machine used in a felony violation of this section may be seized with process or without process if a law enforcement officer has probable cause to believe that the property was used in violation of that section. The seized property shall be subject to an administrative and/or judicial forfeiture by the same standards and procedures provided under Sections41-29-176through41-29-185.(6)In the criminal trial of any person charged with violating subsection (2) of this section, the defendant must affirmatively show that he had authority to discard the solid waste.(7)Any person who conspires to commit a violation of this section shall be punished in accordance with the underlying offense set forth in this section.(8)It shall be the duty of all law enforcement officers to enforce the provisions of this chapter.(9)All prosecutions for felony violations of this section shall be instituted only by the Attorney General, his designee, the district attorney of the district in which the violation occurred or his designee and shall be conducted in the name of the people of the State of Mississippi. In the prosecution of any criminal proceeding under this section by the Attorney General, or his designee, and in any proceeding before a grand jury in connection therewith, the Attorney General or his designee shall exercise all the powers and perform all the duties which the district attorney would otherwise be authorized or required to exercise or perform. The Attorney General shall have the authority to issue and serve subpoenas for any felony violation in the same manner as prescribed under Section7-5-59.(10)Jurisdiction for all felony violations shall be in the circuit court of the county in which the violation occurred.(11)Nothing in this section shall limit the authority of the department to enforce the provisions of the Solid Waste Disposal Law or shall limit the authority of any state or local agency to enforce any other laws, rules or ordinances.(12)The Department of Transportation may erect warning signs along the roads and highways of this state advising the public of the existence of these sections and of the penalty for the violation thereof.(13)This section shall not prohibit the storage of ties poles, other materials and machinery by a railroad or a public utility on its right-of-way. This section does not apply to any vehicle transporting agricultural products or supplies when the solid waste from that vehicle is a nontoxic, biodegradable agricultural product or supply.(14)The Attorney General may pay an award, not to exceed Ten Thousand Dollars (\$10,000.00) to any person who furnishes information or services that lead to a felony criminal conviction for any violation of this section. The payment shall be subject to available appropriations for those purposes as provided in annual appropriation acts. Any officer or employee of the United States or any state or local government who furnishes information or renders service in the performance of an official duty is ineligible for payment under this subsection.Laws, 1994, ch. 543, § 1, eff. 7/1/1994. Laws, 1994, ch. 543, § 1, eff. 7/1/1994.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51)Section 97-15-31 - Littering highways, streets, sidewalks, etc. with tacks, glass or other damaging objects

It shall be unlawful for any person, or corporation acting through any employee or agent, to knowingly or wilfully or carelessly place glass, nails, tacks, or other objects which may damage the property of another, in any public street, highway, alley-way, or sidewalk. If said person or corporation shall not immediately gather up and remove same, he or it shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than one hundred dollars for each offense, and in addition shall be liable to any person injured thereby, or injury to his property, for two times the amount of actual damage sustained.Codes, Hemingway's 1921 Supp. § 1142i; 1930, § 984; 1942, § 2214; Laws, 1920, ch. 204. It shall be unlawful for any person, or corporation acting through any employee or agent, to knowingly or wilfully or carelessly place glass, nails, tacks, or other objects which may damage the property of another, in any public street, highway, alley-way, or sidewalk. If said person or corporation shall not immediately gather up and remove same, he or it shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than one hundred dollars for each offense, and in addition shall be liable to any person injured thereby, or injury to his property, for two times the amount of actual damage sustained.Codes, Hemingway's 1921 Supp. § 1142i; 1930, § 984; 1942, § 2214; Laws, 1920, ch. 204. It shall be unlawful for any person, or corporation acting through any employee or agent, to knowingly or wilfully or carelessly place glass, nails, tacks, or other objects which may damage the property of another, in any public street, highway, alley-way, or sidewalk. If said person or corporation shall not immediately gather up and remove same, he or it shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than one hundred dollars for each offense, and in addition shall be liable to any person injured thereby, or injury to his property, for two times the amount of actual damage sustained. Codes, Hemingway's 1921 Supp. § 1142i; 1930, § 984; 1942, § 2214; Laws, 1920, ch. 204.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51)Section 97-15-32 - Dumping of dead wildlife, wildlife parts or waste in or on highways, private property, lakes, navigable waters, etc.; penalties

(1)Anyone who puts, throws or dumps on the streets, roads or highways within this state, or within the limits of the rights-of-way of such streets, roads or highways, or in the lakes, streams, rivers or navigable waters or upon any private property without permission

of the owner of such property, any dead wildlife, wildlife parts or waste, in addition to being civilly liable for all damages caused by such act, upon conviction, shall be guilty of a misdemeanor and punished as provided in this section.(2)Any person found guilty of the violation of this section shall, upon conviction, be fined not less than Two Hundred Dollars (\$200.00) nor more than Four Hundred Dollars (\$400.00).(3)A person convicted for a first offense under this section may be required to perform the following, and a person convicted for a second or subsequent offense shall be required to:(a)Remove the unlawfully discarded dead wildlife or waste;(b)Restore property damaged by, or pay damages for any damage arising out of the unlawfully discarded dead wildlife or waste;(c)Perform community public service relating to the removal of any unlawfully discarded dead wildlife or waste or to the restoration of any area polluted by unlawfully discarded dead wildlife or waste; and(d)Pay all reasonable investigative and prosecutorial expenses and costs to the investigative and/or prosecutorial agency or agencies.(4)It shall be the duty of all law enforcement officers to enforce the provisions of this section.Laws, 2007, ch. 509, § 2, eff. 7/1/2007. (1)Anyone who puts, throws or dumps on the streets, roads or highways within this state, or within the limits of the rights-of-way of such streets, roads or highways, or in the lakes, streams, rivers or navigable waters or upon any private property without permission of the owner of such property, any dead wildlife, wildlife parts or waste, in addition to being civilly liable for all damages caused by such act, upon conviction, shall be guilty of a misdemeanor and punished as provided in this section.(2)Any person found guilty of the violation of this section shall, upon conviction, be fined not less than Two Hundred Dollars (\$200.00) nor more than Four Hundred Dollars (\$400.00).(3)A person convicted for a first offense under this section may be required to perform the following, and a person convicted for a second or subsequent offense shall be required to:(a)Remove the unlawfully discarded dead wildlife or waste;(b)Restore property damaged by, or pay damages for any damage arising out of the unlawfully discarded dead wildlife or waste;(c)Perform community public service relating to the removal of any unlawfully discarded dead wildlife or waste or to the restoration of any area polluted by unlawfully discarded dead wildlife or waste; and(d)Pay all reasonable investigative and prosecutorial expenses and costs to the investigative and/or prosecutorial agency or agencies.(4)It shall be the duty of all law enforcement officers to enforce the provisions of this section.Laws, 2007, ch. 509, § 2, eff. 7/1/2007. (1)Anyone who puts, throws or dumps on the streets, roads or highways within this state, or within the limits of the rights-of-way of such streets, roads or highways, or in the lakes, streams, rivers or navigable waters or upon any private property without permission of the owner of such property, any dead wildlife, wildlife parts or waste, in addition to being civilly liable for all damages caused by such act, upon conviction, shall be guilty of a misdemeanor and punished as provided in this section.(2)Any person found guilty of the violation of this section shall, upon conviction, be fined not less than Two Hundred Dollars (\$200.00) nor more than Four Hundred Dollars (\$400.00).(3)A person convicted for a first offense under this section may be required to perform the following, and a person convicted for a second or subsequent offense shall be required to:(a)Remove the unlawfully discarded dead wildlife or waste;(b)Restore property damaged by, or pay damages for any damage arising out of the unlawfully discarded dead wildlife or waste;(c)Perform community public service relating to the removal of any unlawfully discarded dead wildlife or waste or to the restoration of any area polluted by unlawfully discarded dead wildlife or waste; and(d)Pay all reasonable investigative and prosecutorial expenses and costs to the investigative and/or prosecutorial agency or agencies.(4)It shall be the duty of all law enforcement officers to enforce the provisions of this section.Laws, 2007, ch. 509, § 2, eff. 7/1/2007. Laws, 2007, ch. 509, § 2, eff. 7/1/2007.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51)Section 97-15-33 - Obstructing, injuring, destroying bridge, causeway or ferry

If any person shall wilfully obstruct, break, injure, or destroy any bridge, causeway, or ferry, or any appurtenances thereof which shall have been established for the convenience of the public by the proper authority, he shall, on conviction, be fined not more than one hundred dollars, and shall be liable, further, for all damages occasioned by such wrongful act.Codes, Hutchinson's 1848, ch. 10, art. 10(1); 1857, ch. 64, art. 157; 1871, § 2620; 1880, § 2867; 1892, § 1141; 1906, § 1219; Hemingway's 1917, § 949; 1930, § 976; 1942, § 2206. If any person shall wilfully obstruct, break, injure, or destroy any bridge, causeway, or ferry, or any appurtenances thereof which shall have been established for the convenience of the public by the proper authority, he shall, on conviction, be fined not more than one hundred dollars, and shall be liable, further, for all damages occasioned by such wrongful act.Codes, Hutchinson's 1848, ch. 10, art. 10(1); 1857, ch. 64, art. 157; 1871, § 2620; 1880, § 2867; 1892, § 1141; 1906, § 1219; Hemingway's 1917, § 949; 1930, § 976; 1942, § 2206. If any person shall wilfully obstruct, break, injure, or destroy any bridge, causeway, or ferry, or any appurtenances thereof which shall have been established for the convenience of the public by the proper authority, he shall, on conviction, be fined not more than one hundred dollars, and shall be liable, further, for all damages occasioned by such wrongful act.Codes, Hutchinson's 1848, ch. 10, art. 10(1); 1857, ch. 64, art. 157; 1871, § 2620; 1880, § 2867; 1892, § 1141; 1906, § 1219; Hemingway's 1917, § 949; 1930, § 976; 1942, § 2206. If any person shall wilfully obstruct, break, injure, or destroy any bridge, causeway, or ferry, or any appurtenances thereof which shall have been established for the convenience of the public by the proper authority, he shall, on conviction, be fined not more than one hundred dollars, and shall be liable, further, for all damages occasioned by such wrongful act. Codes, Hutchinson's 1848, ch. 10, art. 10(1); 1857, ch. 64, art. 157; 1871, § 2620; 1880, § 2867; 1892, § 1141; 1906, § 1219; Hemingway's 1917, § 949; 1930, § 976; 1942, § 2206.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51)Section 97-15-35 - Obstructing or injuring plank-road, covered, or other roads

If any person shall wantonly or negligently obstruct or injure any plank-road, or any covered road, or other roads, on conviction thereof, he shall be fined not more than five hundred dollars, or imprisoned not longer than six months in the county jail, or both. Codes, 1857, ch. 64, art. 163; 1871, § 2626; 1880, § 2873; 1892, § 1147; 1906, § 1225; Hemingway's 1917, § 955; 1930, § 982; 1942, § 2212. If any person shall wantonly or negligently obstruct or injure any plank-road, or any covered road, or other roads, on conviction thereof, he shall be fined not more than five hundred dollars, or imprisoned not longer than six months in the county jail, or both. Codes, 1857, ch. 64, art. 163; 1871, § 2626; 1880, § 2873; 1892, § 1147; 1906, § 1225; Hemingway's 1917, § 955; 1930, § 982; 1942, § 2212. If any person shall wantonly or negligently obstruct or injure any plank-road, or any covered road, or other roads, on conviction thereof, he shall be fined not more than five hundred dollars, or imprisoned not longer than six months in the county jail, or both. Codes, 1857, ch. 64, art. 163; 1871, § 2626; 1880, § 2873; 1892, § 1147; 1906, § 1225; Hemingway's 1917, § 955; 1930, § 982; 1942, § 2212. If any person shall wantonly or negligently obstruct or injure any plank-road, or any covered road, or other roads, on conviction thereof, he shall be fined not more than five hundred dollars, or imprisoned not longer than six months in the county jail, or both. Codes, 1857, ch. 64, art. 163; 1871, § 2626; 1880, § 2873; 1892, § 1147; 1906, § 1225; Hemingway's 1917, § 955; 1930, § 982; 1942, § 2212.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51) Section 97-15-37 - Obstructing public highway

If any person shall fell any bush or tree into any public highway, or obstruct the same in any manner whatever, and shall not remove the obstruction immediately, it shall be deemed a misdemeanor, and, on conviction thereof the offender, in addition to the penalty recoverable by law, shall be fined not more than fifty dollars or be imprisoned not more than one week. Codes, Hutchinson's 1848, ch. 10, art. 7(32); 1857, ch. 64, art. 160; 1871, § 2623; 1880, § 2871; 1892, § 1145; 1906, § 1223; Hemingway's 1917, § 953; 1930, § 980; 1942, § 2210. If any person shall fell any bush or tree into any public highway, or obstruct the same in any manner whatever, and shall not remove the obstruction immediately, it shall be deemed a misdemeanor, and, on conviction thereof the offender, in addition to the penalty recoverable by law, shall be fined not more than fifty dollars or be imprisoned not more than one week. Codes, Hutchinson's 1848, ch. 10, art. 7(32); 1857, ch. 64, art. 160; 1871, § 2623; 1880, § 2871; 1892, § 1145; 1906, § 1223; Hemingway's 1917, § 953; 1930, § 980; 1942, § 2210. If any person shall fell any bush or tree into any public highway, or obstruct the same in any manner whatever, and shall not remove the obstruction immediately, it shall be deemed a misdemeanor, and, on conviction thereof the offender, in addition to the penalty recoverable by law, shall be fined not more than fifty dollars or be imprisoned not more than one week. Codes, Hutchinson's 1848, ch. 10, art. 7(32); 1857, ch. 64, art. 160; 1871, § 2623; 1880, § 2871; 1892, § 1145; 1906, § 1223; Hemingway's 1917, § 953; 1930, § 980; 1942, § 2210.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51) Section 97-15-39 - Obstructing waterways; felling tree or bush into stream or canal or obstructing in any way

If any person shall fell any bush or tree into a stream or canal not less than one hundred and fifty (150) feet wide, or obstruct the same in any way whatever, and shall not remove the obstruction immediately, it shall be deemed a misdemeanor, and, on conviction thereof, the offender, in addition to the penalty recoverable by law, shall be fined not more than fifty dollars or be imprisoned not more than one week. Codes, Hutchinson's 1848, ch. 10, art. 7(32); 1857, ch. 64, art. 160; 1871, § 2623; 1880, § 2871; 1892, § 1145; 1906, § 1223; Hemingway's 1917, § 953; 1930, § 980; 1942, § 2210. If any person shall fell any bush or tree into a stream or canal not less than one hundred and fifty (150) feet wide, or obstruct the same in any way whatever, and shall not remove the obstruction immediately, it shall be deemed a misdemeanor, and, on conviction thereof, the offender, in addition to the penalty recoverable by law, shall be fined not more than fifty dollars or be imprisoned not more than one week. Codes, Hutchinson's 1848, ch. 10, art. 7(32); 1857, ch. 64, art. 160; 1871, § 2623; 1880, § 2871; 1892, § 1145; 1906, § 1223; Hemingway's 1917, § 953; 1930, § 980; 1942, § 2210. If any person shall fell any bush or tree into a stream or canal not less than one hundred and fifty (150) feet wide, or obstruct the same in any way whatever, and shall not remove the obstruction immediately, it shall be deemed a misdemeanor, and, on conviction thereof, the offender, in addition to the penalty recoverable by law, shall be fined not more than fifty dollars or be imprisoned not more than one week. Codes, Hutchinson's 1848, ch. 10, art. 7(32); 1857, ch. 64, art. 160; 1871, § 2623; 1880, § 2871; 1892, § 1145; 1906, § 1223; Hemingway's 1917, § 953; 1930, § 980; 1942, § 2210.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51) Section 97-15-41 - Obstructing waterways; felling trees in excess of

six inches in diameter into running stream

It shall be unlawful and a misdemeanor for any person, firm, corporation, association or organization to push, fell or cut trees, in excess of six (6) inches in diameter, into a running stream, or deposit or leave in a running stream, trees, in excess of six (6) inches in diameter, logs in excess of six (6) inches in diameter or tree tops, without removing the same immediately, in such cases where such will materially impede the flow of or navigation upon such running stream. Any violation of this section shall be punishable by a fine of not less than twenty-five dollars (\$25.00) and not more than two hundred dollars (\$200.00). Provided, however, that the provisions of this section shall not apply to the rafting and movement of logs in a running stream in the customary manner and for commercial purposes. Provided, however, the provisions of this section shall not be construed to affect in any way the riparian rights of any person, firm, corporation, association or organization. Codes, 1942, § 2415.5; Laws, 1966, ch. 394, § 1, eff. 6/3/1966. It shall be unlawful and a misdemeanor for any person, firm, corporation, association or organization to push, fell or cut trees, in excess of six (6) inches in diameter, into a running stream, or deposit or leave in a running stream, trees, in excess of six (6) inches in diameter, logs in excess of six (6) inches in diameter or tree tops, without removing the same immediately, in such cases where such will materially impede the flow of or navigation upon such running stream. Any violation of this section shall be punishable by a fine of not less than twenty-five dollars (\$25.00) and not more than two hundred dollars (\$200.00). Provided, however, that the provisions of this section shall not apply to the rafting and movement of logs in a running stream in the customary manner and for commercial purposes. Provided, however, the provisions of this section shall not be construed to affect in any way the riparian rights of any person, firm, corporation, association or organization. Codes, 1942, § 2415.5; Laws, 1966, ch. 394, § 1, eff. 6/3/1966. It shall be unlawful and a misdemeanor for any person, firm, corporation, association or organization to push, fell or cut trees, in excess of six (6) inches in diameter, into a running stream, or deposit or leave in a running stream, trees, in excess of six (6) inches in diameter, logs in excess of six (6) inches in diameter or tree tops, without removing the same immediately, in such cases where such will materially impede the flow of or navigation upon such running stream. Any violation of this section shall be punishable by a fine of not less than twenty-five dollars (\$25.00) and not more than two hundred dollars (\$200.00). Provided, however, that the provisions of this section shall not apply to the rafting and movement of logs in a running stream in the customary manner and for commercial purposes. Provided, however, the provisions of this section shall not be construed to affect in any way the riparian rights of any person, firm, corporation, association or organization. Codes, 1942, § 2415.5; Laws, 1966, ch. 394, § 1, eff. 6/3/1966. It shall be unlawful and a misdemeanor for any person, firm, corporation, association or organization to push, fell or cut trees, in excess of six (6) inches in diameter, into a running stream, or deposit or leave in a running stream, trees, in excess of six (6) inches in diameter, logs in excess of six (6) inches in diameter or tree tops, without removing the same immediately, in such cases where such will materially impede the flow of or navigation upon such running stream. Any violation of this section shall be punishable by a fine of not less than twenty-five dollars (\$25.00) and not more than two hundred dollars (\$200.00). Provided, however, that the provisions of this section shall not apply to the rafting and movement of logs in a running stream in the customary manner and for commercial purposes. Provided, however, the provisions of this section shall not be construed to affect in any way the riparian rights of any person, firm, corporation, association or organization. Codes, 1942, § 2415.5; Laws, 1966, ch. 394, § 1, eff. 6/3/1966.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51) Section 97-15-43 - Obstructing waterways; navigable channel

If any captain or master of a vessel, or any person, shall obstruct, or cause to be obstructed, any navigable bay, river, creek, or other navigable channel or pass thereof, in any manner whatever, or shall discharge any ballast in any harbor or place other than that designated by the harbor commissioners therefor, on conviction thereof, the offender shall be fined not more than one thousand dollars, or imprisoned not longer than six months, or both. Codes, Hutchinson's 1848, ch. 10, art. 7(41); 1857, ch. 64, art. 161; 1871, § 2624; 1880, § 2872; 1892, § 1146; 1906, § 1224; Hemingway's 1917, § 954; 1930, § 981; 1942, § 2211. If any captain or master of a vessel, or any person, shall obstruct, or cause to be obstructed, any navigable bay, river, creek, or other navigable channel or pass thereof, in any manner whatever, or shall discharge any ballast in any harbor or place other than that designated by the harbor commissioners therefor, on conviction thereof, the offender shall be fined not more than one thousand dollars, or imprisoned not longer than six months, or both. Codes, Hutchinson's 1848, ch. 10, art. 7(41); 1857, ch. 64, art. 161; 1871, § 2624; 1880, § 2872; 1892, § 1146; 1906, § 1224; Hemingway's 1917, § 954; 1930, § 981; 1942, § 2211. If any captain or master of a vessel, or any person, shall obstruct, or cause to be obstructed, any navigable bay, river, creek, or other navigable channel or pass thereof, in any manner whatever, or shall discharge any ballast in any harbor or place other than that designated by the harbor commissioners therefor, on conviction thereof, the offender shall be fined not more than one thousand dollars, or imprisoned not longer than six months, or both. Codes, Hutchinson's 1848, ch. 10, art. 7(41); 1857, ch. 64, art. 161; 1871, § 2624; 1880, § 2872; 1892, § 1146; 1906, § 1224; Hemingway's 1917, § 954; 1930, § 981; 1942, § 2211. If any captain or master of a vessel, or any person, shall obstruct, or cause to be obstructed, any navigable bay, river, creek, or other navigable channel or pass thereof, in any manner whatever, or shall discharge any ballast in any harbor or place other than that designated by the harbor commissioners therefor, on conviction thereof, the offender shall be fined not more than one thousand dollars, or imprisoned not longer than six months, or both. Codes, Hutchinson's 1848, ch. 10, art. 7(41); 1857, ch. 64, art. 161; 1871, § 2624; 1880, § 2872; 1892, § 1146; 1906, § 1224; Hemingway's 1917, § 954; 1930, § 981; 1942, § 2211.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51) Section 97-15-45 - Obstructing waterways; permanently

obstructing navigable waters

If any person shall, in any manner, permanently obstruct any of the navigable waters, or shall place any obstruction therein and not remove the same within a reasonable time, the person offending shall be guilty of a misdemeanor, and, on conviction shall be punished by a fine of not more than fifty dollars or by imprisonment in the county jail not more than thirty days, or both. Codes, 1892, § 1326; 1906, § 1397; Hemingway's 1917, § 1140; 1930, § 1171; 1942, § 2414; Laws, 1898, ch. 89; Laws, 1932, ch. 239. If any person shall, in any manner, permanently obstruct any of the navigable waters, or shall place any obstruction therein and not remove the same within a reasonable time, the person offending shall be guilty of a misdemeanor, and, on conviction shall be punished by a fine of not more than fifty dollars or by imprisonment in the county jail not more than thirty days, or both. Codes, 1892, § 1326; 1906, § 1397; Hemingway's 1917, § 1140; 1930, § 1171; 1942, § 2414; Laws, 1898, ch. 89; Laws, 1932, ch. 239. If any person shall, in any manner, permanently obstruct any of the navigable waters, or shall place any obstruction therein and not remove the same within a reasonable time, the person offending shall be guilty of a misdemeanor, and, on conviction shall be punished by a fine of not more than fifty dollars or by imprisonment in the county jail not more than thirty days, or both. Codes, 1892, § 1326; 1906, § 1397; Hemingway's 1917, § 1140; 1930, § 1171; 1942, § 2414; Laws, 1898, ch. 89; Laws, 1932, ch. 239. If any person shall, in any manner, permanently obstruct any of the navigable waters, or shall place any obstruction therein and not remove the same within a reasonable time, the person offending shall be guilty of a misdemeanor, and, on conviction shall be punished by a fine of not more than fifty dollars or by imprisonment in the county jail not more than thirty days, or both. Codes, 1892, § 1326; 1906, § 1397; Hemingway's 1917, § 1140; 1930, § 1171; 1942, § 2414; Laws, 1898, ch. 89; Laws, 1932, ch. 239.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51) Section 97-15-47 - Road overseers; refusing or neglecting duty

All overseers of roads who shall refuse or neglect to do their duty, in any respect, as required by law, after notice of their appointment as such, shall, on conviction, for each neglect be fined not more than fifty dollars. Codes, Hutchinson's 1848, ch. 10, art. 7(15); 1857, ch. 64, art. 158; 1871, § 2621; 1880, § 2868; 1892, § 1142; 1906, § 1220; Hemingway's 1917, § 950; 1930, § 977; 1942, § 2207. All overseers of roads who shall refuse or neglect to do their duty, in any respect, as required by law, after notice of their appointment as such, shall, on conviction, for each neglect be fined not more than fifty dollars. Codes, Hutchinson's 1848, ch. 10, art. 7(15); 1857, ch. 64, art. 158; 1871, § 2621; 1880, § 2868; 1892, § 1142; 1906, § 1220; Hemingway's 1917, § 950; 1930, § 977; 1942, § 2207. All overseers of roads who shall refuse or neglect to do their duty, in any respect, as required by law, after notice of their appointment as such, shall, on conviction, for each neglect be fined not more than fifty dollars. Codes, Hutchinson's 1848, ch. 10, art. 7(15); 1857, ch. 64, art. 158; 1871, § 2621; 1880, § 2868; 1892, § 1142; 1906, § 1220; Hemingway's 1917, § 950; 1930, § 977; 1942, § 2207. All overseers of roads who shall refuse or neglect to do their duty, in any respect, as required by law, after notice of their appointment as such, shall, on conviction, for each neglect be fined not more than fifty dollars. Codes, Hutchinson's 1848, ch. 10, art. 7(15); 1857, ch. 64, art. 158; 1871, § 2621; 1880, § 2868; 1892, § 1142; 1906, § 1220; Hemingway's 1917, § 950; 1930, § 977; 1942, § 2207.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51) Section 97-15-49 - Road overseers; suffering road to remain out of repair

If any person shall suffer any public road of which he is the overseer to remain out of repair for more than ten days at any one time, unless hindered by extreme bad weather, or other unavoidable cause, on conviction thereof he shall be fined not more than fifty dollars. Codes, Hutchinson's 1848, ch. 10, art. 7(15); 1857, ch. 64, art. 162; 1871, § 2625; 1880, § 2869; 1892, § 1143; 1906, § 1221; Hemingway's 1917, § 951; 1930, § 978; 1942, § 2208. If any person shall suffer any public road of which he is the overseer to remain out of repair for more than ten days at any one time, unless hindered by extreme bad weather, or other unavoidable cause, on conviction thereof he shall be fined not more than fifty dollars. Codes, Hutchinson's 1848, ch. 10, art. 7(15); 1857, ch. 64, art. 162; 1871, § 2625; 1880, § 2869; 1892, § 1143; 1906, § 1221; Hemingway's 1917, § 951; 1930, § 978; 1942, § 2208. If any person shall suffer any public road of which he is the overseer to remain out of repair for more than ten days at any one time, unless hindered by extreme bad weather, or other unavoidable cause, on conviction thereof he shall be fined not more than fifty dollars. Codes, Hutchinson's 1848, ch. 10, art. 7(15); 1857, ch. 64, art. 162; 1871, § 2625; 1880, § 2869; 1892, § 1143; 1906, § 1221; Hemingway's 1917, § 951; 1930, § 978; 1942, § 2208. If any person shall suffer any public road of which he is the overseer to remain out of repair for more than ten days at any one time, unless hindered by extreme bad weather, or other unavoidable cause, on conviction thereof he shall be fined not more than fifty dollars. Codes, Hutchinson's 1848, ch. 10, art. 7(15); 1857, ch. 64, art. 162; 1871, § 2625; 1880, § 2869; 1892, § 1143; 1906, § 1221; Hemingway's 1917, § 951; 1930, § 978; 1942, § 2208.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51) Section 97-15-5 - Highway commission members, employees or highway contractors; conspiracy to violate contracts and defraud state

Any member of the state highway commission or any person employed by the state highway commission, in connection with the carrying on of the work outlined in Title 65, Mississippi Code of 1972, who shall knowingly perform any act with intent to injure the state, or any contractor or his agent, or employee, or any other person, who shall conspire with the director or with any member

of the state highway commission, or employee thereof or with any state official, to permit a violation of any contract with intent to injure or defraud the state, or any contractor or agent, or employee of any contractor who shall knowingly do any work on any state highway in violation of contract, and with intent to defraud the state, the member of the state highway commission, or employee thereof, state official or contractor, or employee or agent of such contractor, or any other person so conspiring or so doing, shall be guilty of a felony, and, upon conviction thereof shall be confined in the state penitentiary not less than one year, nor more than five years, or be fined not less than one thousand dollars (\$1,000.00) and not more than five thousand dollars (\$5,000.00) or both. In addition, any such person shall be liable to the state highway commission for double the amount the state may have lost by reason thereof, such liability to be covered by any bond that may have been executed by such official, contractor, or employee, the liability hereunder of the bondsmen, however, being limited to the total amount of said bond and not more. Codes, 1930, § 5016; 1942, § 8048; Laws, 1930, ch. 47; Laws, 1948, ch. 332, § 25. Any member of the state highway commission or any person employed by the state highway commission, in connection with the carrying on of the work outlined in Title 65, Mississippi Code of 1972, who shall knowingly perform any act with intent to injure the state, or any contractor or his agent, or employee, or any other person, who shall conspire with the director or with any member of the state highway commission, or employee thereof or with any state official, to permit a violation of any contract with intent to injure or defraud the state, or any contractor or agent, or employee of any contractor who shall knowingly do any work on any state highway in violation of contract, and with intent to defraud the state, the member of the state highway commission, or employee thereof, state official or contractor, or employee or agent of such contractor, or any other person so conspiring or so doing, shall be guilty of a felony, and, upon conviction thereof shall be confined in the state penitentiary not less than one year, nor more than five years, or be fined not less than one thousand dollars (\$1,000.00) and not more than five thousand dollars (\$5,000.00) or both. In addition, any such person shall be liable to the state highway commission for double the amount the state may have lost by reason thereof, such liability to be covered by any bond that may have been executed by such official, contractor, or employee, the liability hereunder of the bondsmen, however, being limited to the total amount of said bond and not more. Codes, 1930, § 5016; 1942, § 8048; Laws, 1930, ch. 47; Laws, 1948, ch. 332, § 25. Any member of the state highway commission or any person employed by the state highway commission, in connection with the carrying on of the work outlined in Title 65, Mississippi Code of 1972, who shall knowingly perform any act with intent to injure the state, or any contractor or his agent, or employee, or any other person, who shall conspire with the director or with any member of the state highway commission, or employee thereof or with any state official, to permit a violation of any contract with intent to injure or defraud the state, or any contractor or agent, or employee of any contractor who shall knowingly do any work on any state highway in violation of contract, and with intent to defraud the state, the member of the state highway commission, or employee thereof, state official or contractor, or employee or agent of such contractor, or any other person so conspiring or so doing, shall be guilty of a felony, and, upon conviction thereof shall be confined in the state penitentiary not less than one year, nor more than five years, or be fined not less than one thousand dollars (\$1,000.00) and not more than five thousand dollars (\$5,000.00) or both. In addition, any such person shall be liable to the state highway commission for double the amount the state may have lost by reason thereof, such liability to be covered by any bond that may have been executed by such official, contractor, or employee, the liability hereunder of the bondsmen, however, being limited to the total amount of said bond and not more. Codes, 1930, § 5016; 1942, § 8048; Laws, 1930, ch. 47; Laws, 1948, ch. 332, § 25. Any member of the state highway commission or any person employed by the state highway commission, in connection with the carrying on of the work outlined in Title 65, Mississippi Code of 1972, who shall knowingly perform any act with intent to injure the state, or any contractor or his agent, or employee, or any other person, who shall conspire with the director or with any member of the state highway commission, or employee thereof or with any state official, to permit a violation of any contract with intent to injure or defraud the state, or any contractor or agent, or employee of any contractor who shall knowingly do any work on any state highway in violation of contract, and with intent to defraud the state, the member of the state highway commission, or employee thereof, state official or contractor, or employee or agent of such contractor, or any other person so conspiring or so doing, shall be guilty of a felony, and, upon conviction thereof shall be confined in the state penitentiary not less than one year, nor more than five years, or be fined not less than one thousand dollars (\$1,000.00) and not more than five thousand dollars (\$5,000.00) or both. In addition, any such person shall be liable to the state highway commission for double the amount the state may have lost by reason thereof, such liability to be covered by any bond that may have been executed by such official, contractor, or employee, the liability hereunder of the bondsmen, however, being limited to the total amount of said bond and not more. Codes, 1930, § 5016; 1942, § 8048; Laws, 1930, ch. 47; Laws, 1948, ch. 332, § 25.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 15 - OFFENSES AFFECTING HIGHWAYS, FERRIES AND WATERWAYS (§§ 97-15-1 — 97-15-51) Section 97-15-51 - Corporation convicted for failure to keep road, etc., in repair; consequences of failure to pay fine

When a corporation shall be convicted, on indictment for a nuisance, for not repairing or keeping in repair any road, causeway, bridge, or ferry, and shall neglect to pay the fine and costs awarded against it therefor for the space of three months after an execution shall have been issued for the same, then it shall not be lawful for such corporation, its officers, agents, or any other person, to demand or take any toll upon any part of its road, or any causeway, bridge, or ferry not kept in repair, until the fine and costs be paid. Codes, 1857, ch. 64, art. 272; 1871, § 2772; 1880, § 3022; 1892, § 1371; 1906, § 1443; Hemingway's 1917, § 1200; 1930, § 1223; 1942, § 2466. When a corporation shall be convicted, on indictment for a nuisance, for not repairing or keeping in repair any road, causeway, bridge, or ferry, and shall neglect to pay the fine and costs awarded against it therefor for the space of three months after an execution shall have been issued for the same, then it shall not be lawful for such corporation, its officers,

agents, or any other person, to demand or take any toll upon any part of its road, or any causeway, bridge, or ferry not kept in repair, until the fine and costs be paid. Codes, 1857, ch. 64, art. 272; 1871, § 2772; 1880, § 3022; 1892, § 1371; 1906, § 1443; Hemingway's 1917, § 1200; 1930, § 1223; 1942, § 2466. When a corporation shall be convicted, on indictment for a nuisance, for not repairing or keeping in repair any road, causeway, bridge, or ferry, and shall neglect to pay the fine and costs awarded against it therefor for the space of three months after an execution shall have been issued for the same, then it shall not be lawful for such corporation, its officers, agents, or any other person, to demand or take any toll upon any part of its road, or any causeway, bridge, or ferry not kept in repair, until the fine and costs be paid. Codes, 1857, ch. 64, art. 272; 1871, § 2772; 1880, § 3022; 1892, § 1371; 1906, § 1443; Hemingway's 1917, § 1200; 1930, § 1223; 1942, § 2466. When a corporation shall be convicted, on indictment for a nuisance, for not repairing or keeping in repair any road, causeway, bridge, or ferry, and shall neglect to pay the fine and costs awarded against it therefor for the space of three months after an execution shall have been issued for the same, then it shall not be lawful for such corporation, its officers, agents, or any other person, to demand or take any toll upon any part of its road, or any causeway, bridge, or ferry not kept in repair, until the fine and costs be paid. Codes, 1857, ch. 64, art. 272; 1871, § 2772; 1880, § 3022; 1892, § 1371; 1906, § 1443; Hemingway's 1917, § 1200; 1930, § 1223; 1942, § 2466.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-1 - Arson; first degree; burning dwelling house or outbuilding

(1) Any person who willfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any dwelling house, whether occupied, unoccupied or vacant, or any kitchen, shop, barn, stable or other outhouse that is parcel thereof, or belonging to or adjoining thereto, or any state-supported school building in this state whether the property of himself or of another, shall be guilty of arson in the first degree, and upon conviction thereof, be sentenced to the penitentiary for not less than five (5) nor more than twenty (20) years and shall pay restitution for any damage caused. (2) Any person convicted under this section shall be subject to treble damages for any damage caused by such person. (3) Any property used in the commission of the offense of arson in the first degree shall be subject to forfeiture as provided in Section 97-17-4. Codes, 1942, § 2006; Laws, 1932, ch. 272; Laws, 1997, ch. 473, § 1, eff. 3/27/1997. (1) Any person who willfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any dwelling house, whether occupied, unoccupied or vacant, or any kitchen, shop, barn, stable or other outhouse that is parcel thereof, or belonging to or adjoining thereto, or any state-supported school building in this state whether the property of himself or of another, shall be guilty of arson in the first degree, and upon conviction thereof, be sentenced to the penitentiary for not less than five (5) nor more than twenty (20) years and shall pay restitution for any damage caused. (2) Any person convicted under this section shall be subject to treble damages for any damage caused by such person. (3) Any property used in the commission of the offense of arson in the first degree shall be subject to forfeiture as provided in Section 97-17-4. Codes, 1942, § 2006; Laws, 1932, ch. 272; Laws, 1997, ch. 473, § 1, eff. 3/27/1997. (1) Any person who willfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any dwelling house, whether occupied, unoccupied or vacant, or any kitchen, shop, barn, stable or other outhouse that is parcel thereof, or belonging to or adjoining thereto, or any state-supported school building in this state whether the property of himself or of another, shall be guilty of arson in the first degree, and upon conviction thereof, be sentenced to the penitentiary for not less than five (5) nor more than twenty (20) years and shall pay restitution for any damage caused. (2) Any person convicted under this section shall be subject to treble damages for any damage caused by such person. (3) Any property used in the commission of the offense of arson in the first degree shall be subject to forfeiture as provided in Section 97-17-4. Codes, 1942, § 2006; Laws, 1932, ch. 272; Laws, 1997, ch. 473, § 1, eff. 3/27/1997. Codes, 1942, § 2006; Laws, 1932, ch. 272; Laws, 1997, ch. 473, § 1, eff. 3/27/1997.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-103 - Prohibition of recovery for injuries sustained during criminal trespass

(1) As used in this section: (a) "Perpetrator" means a person who has engaged in criminal trespass and includes a person convicted of trespass under applicable state law; (b) "Victim" means a person who was the object of another's criminal trespass and includes a person at the scene of an emergency who gives reasonable assistance to another person who is exposed to or has suffered grave physical harm; (c) "Course of criminal conduct" includes the acts or omissions of a victim in resisting criminal conduct; (d) "Convicted" includes a finding of guilt, whether or not the adjudication of guilt is stayed or executed, an unwithdrawn judicial admission of guilt or guilty plea, a no contest plea, a judgment of conviction, an adjudication as a delinquent child, an admission to a juvenile delinquency petition, or a disposition as an extended jurisdiction juvenile; and (e) "Trespass" means an offense named in Sections 97-17-1 through 97-17-97, Mississippi Code of 1972, or any attempt to commit any of these offenses. Trespass includes crimes in other states or jurisdictions which would have been within the definition set forth in this subdivision if they had been committed in this state. (2) A perpetrator assumes the risk of loss, injury or death resulting from or arising out of a course of criminal trespass, as defined in this section, engaged in by the perpetrator or an accomplice, and the crime victim is immune from and not liable for any civil damages as a result of acts or omissions of the victim. (3) Notwithstanding other evidence which the victim may adduce relating to the perpetrator's conviction of the crime involving the parties to the civil action, a certified copy of a guilty plea, a court judgment of guilt, a court record of conviction or an adjudication as a delinquent child is conclusive proof of the perpetrator's assumption of the risk. (4) In a civil action that is subject to this section, the court shall award reasonable

expenses, including attorney's fees and disbursements, to the prevailing party.(5)Except to the extent needed to preserve evidence, any civil action in which the defense set forth in subsection (2) is raised shall be stayed by the court on the motion of the defendant during the pendency of any criminal action against the plaintiff based on the alleged trespass.Laws, 1997, ch. 471, § 2, eff. 3/27/1997. (1)As used in this section:(a)"Perpetrator" means a person who has engaged in criminal trespass and includes a person convicted of trespass under applicable state law;(b)"Victim" means a person who was the object of another's criminal trespass and includes a person at the scene of an emergency who gives reasonable assistance to another person who is exposed to or has suffered grave physical harm;(c)"Course of criminal conduct" includes the acts or omissions of a victim in resisting criminal conduct;(d)"Convicted" includes a finding of guilt, whether or not the adjudication of guilt is stayed or executed, an unwithdrawn judicial admission of guilt or guilty plea, a no contest plea, a judgment of conviction, an adjudication as a delinquent child, an admission to a juvenile delinquency petition, or a disposition as an extended jurisdiction juvenile; and(e)"Trespass" means an offense named in Sections97-17-1through97-17-97, Mississippi Code of 1972, or any attempt to commit any of these offenses. Trespass includes crimes in other states or jurisdictions which would have been within the definition set forth in this subdivision if they had been committed in this state.(2)A perpetrator assumes the risk of loss, injury or death resulting from or arising out of a course of criminal trespass, as defined in this section, engaged in by the perpetrator or an accomplice, and the crime victim is immune from and not liable for any civil damages as a result of acts or omissions of the victim.(3)Notwithstanding other evidence which the victim may adduce relating to the perpetrator's conviction of the crime involving the parties to the civil action, a certified copy of a guilty plea, a court judgment of guilt, a court record of conviction or an adjudication as a delinquent child is conclusive proof of the perpetrator's assumption of the risk.(4)In a civil action that is subject to this section, the court shall award reasonable expenses, including attorney's fees and disbursements, to the prevailing party.(5)Except to the extent needed to preserve evidence, any civil action in which the defense set forth in subsection (2) is raised shall be stayed by the court on the motion of the defendant during the pendency of any criminal action against the plaintiff based on the alleged trespass.Laws, 1997, ch. 471, § 2, eff. 3/27/1997. (1)As used in this section:(a)"Perpetrator" means a person who has engaged in criminal trespass and includes a person convicted of trespass under applicable state law;(b)"Victim" means a person who was the object of another's criminal trespass and includes a person at the scene of an emergency who gives reasonable assistance to another person who is exposed to or has suffered grave physical harm;(c)"Course of criminal conduct" includes the acts or omissions of a victim in resisting criminal conduct;(d)"Convicted" includes a finding of guilt, whether or not the adjudication of guilt is stayed or executed, an unwithdrawn judicial admission of guilt or guilty plea, a no contest plea, a judgment of conviction, an adjudication as a delinquent child, an admission to a juvenile delinquency petition, or a disposition as an extended jurisdiction juvenile; and(e)"Trespass" means an offense named in Sections97-17-1through97-17-97, Mississippi Code of 1972, or any attempt to commit any of these offenses. Trespass includes crimes in other states or jurisdictions which would have been within the definition set forth in this subdivision if they had been committed in this state.(2)A perpetrator assumes the risk of loss, injury or death resulting from or arising out of a course of criminal trespass, as defined in this section, engaged in by the perpetrator or an accomplice, and the crime victim is immune from and not liable for any civil damages as a result of acts or omissions of the victim.(3)Notwithstanding other evidence which the victim may adduce relating to the perpetrator's conviction of the crime involving the parties to the civil action, a certified copy of a guilty plea, a court judgment of guilt, a court record of conviction or an adjudication as a delinquent child is conclusive proof of the perpetrator's assumption of the risk.(4)In a civil action that is subject to this section, the court shall award reasonable expenses, including attorney's fees and disbursements, to the prevailing party.(5)Except to the extent needed to preserve evidence, any civil action in which the defense set forth in subsection (2) is raised shall be stayed by the court on the motion of the defendant during the pendency of any criminal action against the plaintiff based on the alleged trespass.Laws, 1997, ch. 471, § 2, eff. 3/27/1997. Laws, 1997, ch. 471, § 2, eff. 3/27/1997.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207)IN GENERAL (§§ 97-17-1 — 97-17-103)Section 97-17-11 - Arson; insured property

Any person who wilfully and with intent to injure or defraud the insurer sets fire to or burns or attempts so to do or who causes to be burned or who aids, counsels or procures the burning of any building, structure or personal property, of whatsoever class or character, whether the property of himself or of another, which shall at the time be insured by any person, company or corporation against loss or damage by fire, shall be guilty of a felony and upon conviction thereof, be sentenced to the penitentiary for not less than one (1) nor more than ten (10) years.Codes, 1942, § 2010; Laws, 1932, ch. 272; Laws, 1986, ch. 377, eff. 7/1/1986. Any person who wilfully and with intent to injure or defraud the insurer sets fire to or burns or attempts so to do or who causes to be burned or who aids, counsels or procures the burning of any building, structure or personal property, of whatsoever class or character, whether the property of himself or of another, which shall at the time be insured by any person, company or corporation against loss or damage by fire, shall be guilty of a felony and upon conviction thereof, be sentenced to the penitentiary for not less than one (1) nor more than ten (10) years.Codes, 1942, § 2010; Laws, 1932, ch. 272; Laws, 1986, ch. 377, eff. 7/1/1986. Any person who wilfully and with intent to injure or defraud the insurer sets fire to or burns or attempts so to do or who causes to be burned or who aids, counsels or procures the burning of any building, structure or personal property, of whatsoever class or character, whether the property of himself or of another, which shall at the time be insured by any person, company or corporation against loss or damage by fire, shall be guilty of a felony and upon conviction thereof, be sentenced to the penitentiary for not less than one (1) nor more than ten (10) years.Codes, 1942, § 2010; Laws, 1932, ch. 272; Laws, 1986, ch. 377, eff. 7/1/1986. Any person who wilfully and with intent to injure or defraud the insurer sets fire to or burns or attempts so to do or who causes to be burned or who aids, counsels or

procures the burning of any building, structure or personal property, of whatsoever class or character, whether the property of himself or of another, which shall at the time be insured by any person, company or corporation against loss or damage by fire, shall be guilty of a felony and upon conviction thereof, be sentenced to the penitentiary for not less than one (1) nor more than ten (10) years. Codes, 1942, § 2010; Laws, 1932, ch. 272; Laws, 1986, ch. 377, eff. 7/1/1986.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-13 - Arson; willfully or negligently firing woods, marsh, meadow, etc.; restitution of fire suppression costs

(1) If any person willfully, maliciously, and feloniously sets on fire any woods, meadow, marsh, field or prairie, not his own, he is guilty of a felony and shall, upon conviction, be sentenced to the State Penitentiary for not more than two (2) years nor less than one (1) year, or fined not less than Two Hundred Dollars (\$200.00) nor more than One Thousand Dollars (\$1,000.00), or both, in the discretion of the court. (2)(a) If any person recklessly or with gross negligence causes fire to burn any woods, meadow, marsh, field or prairie, not his own, he is guilty of a misdemeanor and shall, on conviction, be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or imprisoned in the county jail not more than three (3) months, or both, in the discretion of the court. (b) If a person has a brush or debris pile or other material which is or was being burned and reasonable and prudent efforts were not taken to prevent the spread of the fire onto the lands of another shall be evidence that such person recklessly or with gross negligence caused the land to burn. (3) In addition to the penalties provided in this section, upon conviction, a person shall be ordered to reimburse and pay in restitution directly to any organized fire suppression agency recognized by the Mississippi Forestry Commission all the costs the agency incurred related to the suppression and abatement of the fire. Codes, Hutchinson's 1848, ch. 13, art. 5(1); 1857, ch. 28, art. 1; 1871, § 2741; 1880, § 2816; 1892, § 1091; 1906, § 1172; Hemingway's 1917, § 901; 1930, § 928; 1942, § 2157; Laws, 1954, ch. 222, §§ 1, 2; Laws, 1960, ch. 243; Laws, 2005, ch. 495, § 2, eff. 7/1/2005. (1) If any person willfully, maliciously, and feloniously sets on fire any woods, meadow, marsh, field or prairie, not his own, he is guilty of a felony and shall, upon conviction, be sentenced to the State Penitentiary for not more than two (2) years nor less than one (1) year, or fined not less than Two Hundred Dollars (\$200.00) nor more than One Thousand Dollars (\$1,000.00), or both, in the discretion of the court. (2)(a) If any person recklessly or with gross negligence causes fire to burn any woods, meadow, marsh, field or prairie, not his own, he is guilty of a misdemeanor and shall, on conviction, be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or imprisoned in the county jail not more than three (3) months, or both, in the discretion of the court. (b) If a person has a brush or debris pile or other material which is or was being burned and reasonable and prudent efforts were not taken to prevent the spread of the fire onto the lands of another shall be evidence that such person recklessly or with gross negligence caused the land to burn. (3) In addition to the penalties provided in this section, upon conviction, a person shall be ordered to reimburse and pay in restitution directly to any organized fire suppression agency recognized by the Mississippi Forestry Commission all the costs the agency incurred related to the suppression and abatement of the fire. Codes, Hutchinson's 1848, ch. 13, art. 5(1); 1857, ch. 28, art. 1; 1871, § 2741; 1880, § 2816; 1892, § 1091; 1906, § 1172; Hemingway's 1917, § 901; 1930, § 928; 1942, § 2157; Laws, 1954, ch. 222, §§ 1, 2; Laws, 1960, ch. 243; Laws, 2005, ch. 495, § 2, eff. 7/1/2005. (1) If any person willfully, maliciously, and feloniously sets on fire any woods, meadow, marsh, field or prairie, not his own, he is guilty of a felony and shall, upon conviction, be sentenced to the State Penitentiary for not more than two (2) years nor less than one (1) year, or fined not less than Two Hundred Dollars (\$200.00) nor more than One Thousand Dollars (\$1,000.00), or both, in the discretion of the court. (2)(a) If any person recklessly or with gross negligence causes fire to burn any woods, meadow, marsh, field or prairie, not his own, he is guilty of a misdemeanor and shall, on conviction, be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or imprisoned in the county jail not more than three (3) months, or both, in the discretion of the court. (b) If a person has a brush or debris pile or other material which is or was being burned and reasonable and prudent efforts were not taken to prevent the spread of the fire onto the lands of another shall be evidence that such person recklessly or with gross negligence caused the land to burn. (3) In addition to the penalties provided in this section, upon conviction, a person shall be ordered to reimburse and pay in restitution directly to any organized fire suppression agency recognized by the Mississippi Forestry Commission all the costs the agency incurred related to the suppression and abatement of the fire. Codes, Hutchinson's 1848, ch. 13, art. 5(1); 1857, ch. 28, art. 1; 1871, § 2741; 1880, § 2816; 1892, § 1091; 1906, § 1172; Hemingway's 1917, § 901; 1930, § 928; 1942, § 2157; Laws, 1954, ch. 222, §§ 1, 2; Laws, 1960, ch. 243; Laws, 2005, ch. 495, § 2, eff. 7/1/2005. Codes, Hutchinson's 1848, ch. 13, art. 5(1); 1857, ch. 28, art. 1; 1871, § 2741; 1880, § 2816; 1892, § 1091; 1906, § 1172; Hemingway's 1917, § 901; 1930, § 928; 1942, § 2157; Laws, 1954, ch. 222, §§ 1, 2; Laws, 1960, ch. 243; Laws, 2005, ch. 495, § 2, eff. 7/1/2005.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-14 - Aggravated assault upon fire fighter, law enforcement officer or emergency medical personnel by injury-causing arson

Any person or persons who willfully, feloniously and maliciously set fire to or burn or cause to be burned or who aid, counsel or procure the burning of any commercial or residential building, whether occupied, unoccupied or vacant or any kitchen, shop, barn, stable, outhouse, vehicle, or wood, meadow, marsh, field or prairie, whether the property of the person or persons setting the fire or of another, and thereby cause serious bodily injury to a firefighter, law enforcement officer or any emergency medical personnel while said firefighter, law enforcement officer or emergency personnel is acting within the scope of his duty and office, whether said injury shall be intentional or unintentional, shall be guilty of aggravated assault and upon conviction thereof shall be punished by a

fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than ten (10) years in the Penitentiary or by both such fine and imprisonment. Laws, 1986, ch. 394; Laws, 2001, ch. 402, § 1, eff. 7/1/2001. Any person or persons who willfully, feloniously and maliciously set fire to or burn or cause to be burned or who aid, counsel or procure the burning of any commercial or residential building, whether occupied, unoccupied or vacant or any kitchen, shop, barn, stable, outhouse, vehicle, or wood, meadow, marsh, field or prairie, whether the property of the person or persons setting the fire or of another, and thereby cause serious bodily injury to a firefighter, law enforcement officer or any emergency medical personnel while said firefighter, law enforcement officer or emergency personnel is acting within the scope of his duty and office, whether said injury shall be intentional or unintentional, shall be guilty of aggravated assault and upon conviction thereof shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than ten (10) years in the Penitentiary or by both such fine and imprisonment. Laws, 1986, ch. 394; Laws, 2001, ch. 402, § 1, eff. 7/1/2001. Any person or persons who willfully, feloniously and maliciously set fire to or burn or cause to be burned or who aid, counsel or procure the burning of any commercial or residential building, whether occupied, unoccupied or vacant or any kitchen, shop, barn, stable, outhouse, vehicle, or wood, meadow, marsh, field or prairie, whether the property of the person or persons setting the fire or of another, and thereby cause serious bodily injury to a firefighter, law enforcement officer or any emergency medical personnel while said firefighter, law enforcement officer or emergency personnel is acting within the scope of his duty and office, whether said injury shall be intentional or unintentional, shall be guilty of aggravated assault and upon conviction thereof shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than ten (10) years in the Penitentiary or by both such fine and imprisonment. Laws, 1986, ch. 394; Laws, 2001, ch. 402, § 1, eff. 7/1/2001. Any person or persons who willfully, feloniously and maliciously set fire to or burn or cause to be burned or who aid, counsel or procure the burning of any commercial or residential building, whether occupied, unoccupied or vacant or any kitchen, shop, barn, stable, outhouse, vehicle, or wood, meadow, marsh, field or prairie, whether the property of the person or persons setting the fire or of another, and thereby cause serious bodily injury to a firefighter, law enforcement officer or any emergency medical personnel while said firefighter, law enforcement officer or emergency personnel is acting within the scope of his duty and office, whether said injury shall be intentional or unintentional, shall be guilty of aggravated assault and upon conviction thereof shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than ten (10) years in the Penitentiary or by both such fine and imprisonment. Laws, 1986, ch. 394; Laws, 2001, ch. 402, § 1, eff. 7/1/2001.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-15 - Boundary landmarks; altering or destroying

If any person shall knowingly cut, fell, alter, remove, or destroy, or shall cause to be cut, felled, altered, removed, or destroyed, any boundary tree, or other boundary landmark, to the wrong of another person, he shall, on conviction, be fined not more than two hundred dollars nor less than fifty dollars. Codes, Hutchinson's 1848, ch. 64, art. 1(64); 1857, ch. 64, art. 189; 1871, § 2711; 1880, § 2900; 1892, § 1172; 1906, § 1250; Hemingway's 1917, § 980; 1930, § 1008; 1942, § 2239. If any person shall knowingly cut, fell, alter, remove, or destroy, or shall cause to be cut, felled, altered, removed, or destroyed, any boundary tree, or other boundary landmark, to the wrong of another person, he shall, on conviction, be fined not more than two hundred dollars nor less than fifty dollars. Codes, Hutchinson's 1848, ch. 64, art. 1(64); 1857, ch. 64, art. 189; 1871, § 2711; 1880, § 2900; 1892, § 1172; 1906, § 1250; Hemingway's 1917, § 980; 1930, § 1008; 1942, § 2239. If any person shall knowingly cut, fell, alter, remove, or destroy, or shall cause to be cut, felled, altered, removed, or destroyed, any boundary tree, or other boundary landmark, to the wrong of another person, he shall, on conviction, be fined not more than two hundred dollars nor less than fifty dollars. Codes, Hutchinson's 1848, ch. 64, art. 1(64); 1857, ch. 64, art. 189; 1871, § 2711; 1880, § 2900; 1892, § 1172; 1906, § 1250; Hemingway's 1917, § 980; 1930, § 1008; 1942, § 2239. If any person shall knowingly cut, fell, alter, remove, or destroy, or shall cause to be cut, felled, altered, removed, or destroyed, any boundary tree, or other boundary landmark, to the wrong of another person, he shall, on conviction, be fined not more than two hundred dollars nor less than fifty dollars. Codes, Hutchinson's 1848, ch. 64, art. 1(64); 1857, ch. 64, art. 189; 1871, § 2711; 1880, § 2900; 1892, § 1172; 1906, § 1250; Hemingway's 1917, § 980; 1930, § 1008; 1942, § 2239.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-17 - Brands of saw-logs; altering or defacing

If any person shall knowingly and wilfully alter or deface the mark or brand of any saw-log, the property of another, without his consent, and with intent to deprive the owner of his property, he shall, on conviction, be fined not exceeding one hundred dollars, or imprisoned in the county jail not more than three months, or both. Codes, 1892, § 980; 1906, § 1056; Hemingway's 1917, § 784; 1930, § 800; 1942, § 2026; Laws, 1882, p. 144. If any person shall knowingly and wilfully alter or deface the mark or brand of any saw-log, the property of another, without his consent, and with intent to deprive the owner of his property, he shall, on conviction, be fined not exceeding one hundred dollars, or imprisoned in the county jail not more than three months, or both. Codes, 1892, § 980; 1906, § 1056; Hemingway's 1917, § 784; 1930, § 800; 1942, § 2026; Laws, 1882, p. 144. If any person shall knowingly and wilfully alter or deface the mark or brand of any saw-log, the property of another, without his consent, and with intent to deprive the owner of his property, he shall, on conviction, be fined not exceeding one hundred dollars, or imprisoned in the county jail not more than three months, or both. Codes, 1892, § 980; 1906, § 1056; Hemingway's 1917, § 784; 1930, § 800; 1942, § 2026; Laws, 1882, p. 144. If any person shall knowingly and wilfully alter or deface the mark or brand of any saw-log, the property of another, without

his consent, and with intent to deprive the owner of his property, he shall, on conviction, be fined not exceeding one hundred dollars, or imprisoned in the county jail not more than three months, or both. Codes, 1892, § 980; 1906, § 1056; Hemingway's 1917, § 784; 1930, § 800; 1942, § 2026; Laws, 1882, p. 144.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-23 - Burglary; breaking and entering inhabited dwelling; home invasion

(1) Every person who shall be convicted of breaking and entering the dwelling house or inner door of such dwelling house of another, whether armed with a deadly weapon or not, and whether there shall be at the time some human being in such dwelling house or not, with intent to commit some crime therein, shall be punished by commitment to the custody of the Department of Corrections for not less than three (3) years nor more than twenty-five (25) years. (2) Every person who shall be convicted of violating subsection (1) under circumstances likely to terrorize any person who is actually occupying the house at the time of the criminal invasion of the premises shall be punished by imprisonment in the custody of the Department of Corrections for not less than ten (10) years nor more than twenty-five (25) years. Codes, 1906, § 1067; Hemingway's 1917, § 795; 1930, § 811; 1942, § 2037; Laws, 1996, ch. 519, § 1; Laws, 2008, ch. 307, § 1, eff. 7/1/2008. (1) Every person who shall be convicted of breaking and entering the dwelling house or inner door of such dwelling house of another, whether armed with a deadly weapon or not, and whether there shall be at the time some human being in such dwelling house or not, with intent to commit some crime therein, shall be punished by commitment to the custody of the Department of Corrections for not less than three (3) years nor more than twenty-five (25) years. (2) Every person who shall be convicted of violating subsection (1) under circumstances likely to terrorize any person who is actually occupying the house at the time of the criminal invasion of the premises shall be punished by imprisonment in the custody of the Department of Corrections for not less than ten (10) years nor more than twenty-five (25) years. Codes, 1906, § 1067; Hemingway's 1917, § 795; 1930, § 811; 1942, § 2037; Laws, 1996, ch. 519, § 1; Laws, 2008, ch. 307, § 1, eff. 7/1/2008. (1) Every person who shall be convicted of breaking and entering the dwelling house or inner door of such dwelling house of another, whether armed with a deadly weapon or not, and whether there shall be at the time some human being in such dwelling house or not, with intent to commit some crime therein, shall be punished by commitment to the custody of the Department of Corrections for not less than three (3) years nor more than twenty-five (25) years. (2) Every person who shall be convicted of violating subsection (1) under circumstances likely to terrorize any person who is actually occupying the house at the time of the criminal invasion of the premises shall be punished by imprisonment in the custody of the Department of Corrections for not less than ten (10) years nor more than twenty-five (25) years. Codes, 1906, § 1067; Hemingway's 1917, § 795; 1930, § 811; 1942, § 2037; Laws, 1996, ch. 519, § 1; Laws, 2008, ch. 307, § 1, eff. 7/1/2008. Codes, 1906, § 1067; Hemingway's 1917, § 795; 1930, § 811; 1942, § 2037; Laws, 1996, ch. 519, § 1; Laws, 2008, ch. 307, § 1, eff. 7/1/2008.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-25 - Burglary; breaking out of dwelling

Every person who, being in the dwelling house of another, shall commit a crime, and shall break any outer door, or any other part of said house, to get out of the same, shall be guilty of burglary, and be imprisoned in the penitentiary not more than ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(12); 1857, ch. 64, art. 46; 1871, § 2523; 1880, § 2739; 1892, § 992; 1906, § 1069; Hemingway's 1917, § 797; 1930, § 813; 1942, § 2039. Every person who, being in the dwelling house of another, shall commit a crime, and shall break any outer door, or any other part of said house, to get out of the same, shall be guilty of burglary, and be imprisoned in the penitentiary not more than ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(12); 1857, ch. 64, art. 46; 1871, § 2523; 1880, § 2739; 1892, § 992; 1906, § 1069; Hemingway's 1917, § 797; 1930, § 813; 1942, § 2039. Every person who, being in the dwelling house of another, shall commit a crime, and shall break any outer door, or any other part of said house, to get out of the same, shall be guilty of burglary, and be imprisoned in the penitentiary not more than ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(12); 1857, ch. 64, art. 46; 1871, § 2523; 1880, § 2739; 1892, § 992; 1906, § 1069; Hemingway's 1917, § 797; 1930, § 813; 1942, § 2039. Every person who, being in the dwelling house of another, shall commit a crime, and shall break any outer door, or any other part of said house, to get out of the same, shall be guilty of burglary, and be imprisoned in the penitentiary not more than ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(12); 1857, ch. 64, art. 46; 1871, § 2523; 1880, § 2739; 1892, § 992; 1906, § 1069; Hemingway's 1917, § 797; 1930, § 813; 1942, § 2039.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-29 - Burglary; breaking inner door of dwelling by one lawfully in house

Every person who, being lawfully in the dwelling house of another, shall break an inner door of the same house, with intent to commit a crime, shall be guilty of burglary, and imprisoned in the penitentiary not more than ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(15); 1857, ch. 64, art. 48; 1871, § 2525; 1880, § 2741; 1892, § 994; 1906, § 1071; Hemingway's 1917, § 799; 1930, § 815; 1942, § 2041. Every person who, being lawfully in the dwelling house of another, shall break an inner door of the same house, with intent to commit a crime, shall be guilty of burglary, and imprisoned in the penitentiary not more than ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(15); 1857, ch. 64, art. 48; 1871, § 2525; 1880, § 2741; 1892, § 994; 1906, § 1071; Hemingway's 1917, § 799; 1930, § 815; 1942, § 2041. Every person who, being lawfully in the dwelling house of another, shall

break an inner door of the same house, with intent to commit a crime, shall be guilty of burglary, and imprisoned in the penitentiary not more than ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(15); 1857, ch. 64, art. 48; 1871, § 2525; 1880, § 2741; 1892, § 994; 1906, § 1071; Hemingway's 1917, § 799; 1930, § 815; 1942, § 2041. Every person who, being lawfully in the dwelling house of another, shall break an inner door of the same house, with intent to commit a crime, shall be guilty of burglary, and imprisoned in the penitentiary not more than ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(15); 1857, ch. 64, art. 48; 1871, § 2525; 1880, § 2741; 1892, § 994; 1906, § 1071; Hemingway's 1917, § 799; 1930, § 815; 1942, § 2041.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-3 - Arson; first degree; place of worship; failure to report accidental fires; juvenile offenders

(1) Any person who willfully and maliciously sets fire to, or burns, or causes to be burned, or who is a party to destruction by explosion from combustible material, who aids, counsels, or procures the burning or destruction of any church, temple, synagogue or other established place of worship, whether in use or vacant, shall be guilty of arson in the first degree and, upon conviction therefor, shall be sentenced to the penitentiary for not less than five (5) nor more than thirty (30) years and shall pay restitution for any damage caused. (2) Any person observing or witnessing the destruction by fire of any state-supported school building or any church, temple, synagogue or other established place of worship, whether occupied or vacant, which fire was the result of his or her act of an accidental nature, and who willfully fails to sound the general alarm or report such fire to the local fire department or other local authorities, shall be guilty of a felony and, upon conviction therefor, shall be sentenced to the penitentiary for not less than two (2) nor more than ten (10) years and shall pay restitution for any damage caused. (3) Any person, who by reason of his age comes under the jurisdiction of juvenile authorities and who is found guilty under subsection (1) of this section, shall not be eligible for probation unless and until at least six (6) months' confinement has been served in a state reform school. (4) Any person convicted under this section shall be subject to treble damages for any damage caused by such person. (5) Any property used in the commission of arson in the first degree shall be subject to forfeiture as provided in Section 97-17-4. Codes, 1942, § 2006.5; Laws, 1958, ch. 256; Laws, 1997, ch. 473, § 2, eff. 3/27/1997. (1) Any person who willfully and maliciously sets fire to, or burns, or causes to be burned, or who is a party to destruction by explosion from combustible material, who aids, counsels, or procures the burning or destruction of any church, temple, synagogue or other established place of worship, whether in use or vacant, shall be guilty of arson in the first degree and, upon conviction therefor, shall be sentenced to the penitentiary for not less than five (5) nor more than thirty (30) years and shall pay restitution for any damage caused. (2) Any person observing or witnessing the destruction by fire of any state-supported school building or any church, temple, synagogue or other established place of worship, whether occupied or vacant, which fire was the result of his or her act of an accidental nature, and who willfully fails to sound the general alarm or report such fire to the local fire department or other local authorities, shall be guilty of a felony and, upon conviction therefor, shall be sentenced to the penitentiary for not less than two (2) nor more than ten (10) years and shall pay restitution for any damage caused. (3) Any person, who by reason of his age comes under the jurisdiction of juvenile authorities and who is found guilty under subsection (1) of this section, shall not be eligible for probation unless and until at least six (6) months' confinement has been served in a state reform school. 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(4) Any person convicted under this section shall be subject to treble damages for any damage caused by such person. (5) Any property used in the commission of arson in the first degree shall be subject to forfeiture as provided in Section 97-17-4. Codes, 1942, § 2006.5; Laws, 1958, ch. 256; Laws, 1997, ch. 473, § 2, eff. 3/27/1997. Codes, 1942, § 2006.5; Laws, 1958, ch. 256; Laws, 1997, ch. 473, § 2, eff. 3/27/1997.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-31 - Burglary; dwelling house defined

Every building joined to, immediately connected with, or being part of the dwelling house, shall be deemed the dwelling house. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(16); 1857, ch. 64, art. 49; 1871, § 2526; 1880, § 2742; 1892, § 995; 1906, § 1072; Hemingway's 1917, § 800; 1930, § 816; 1942, § 2042. Every building joined to, immediately connected with, or being part of the dwelling house, shall be deemed the dwelling house. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(16); 1857, ch. 64, art. 49; 1871, § 2526; 1880, § 2742; 1892, § 995; 1906, § 1072; Hemingway's 1917, § 800; 1930, § 816; 1942, § 2042. Every building

joined to, immediately connected with, or being part of the dwelling house, shall be deemed the dwelling house. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(16); 1857, ch. 64, art. 49; 1871, § 2526; 1880, § 2742; 1892, § 995; 1906, § 1072; Hemingway's 1917, § 800; 1930, § 816; 1942, § 2042. Every building joined to, immediately connected with, or being part of the dwelling house, shall be deemed the dwelling house. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(16); 1857, ch. 64, art. 49; 1871, § 2526; 1880, § 2742; 1892, § 995; 1906, § 1072; Hemingway's 1917, § 800; 1930, § 816; 1942, § 2042.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-33 - Burglary; breaking and entering building other than dwelling; railroad car; vessels; automobiles

(1) Every person who shall be convicted of breaking and entering, in the day or night, any shop, store, booth, tent, warehouse, or other building or private room or office therein, water vessel, commercial or pleasure craft, ship, steamboat, flatboat, railroad car, automobile, truck or trailer in which any goods, merchandise, equipment or valuable thing shall be kept for use, sale, deposit, or transportation, with intent to steal therein, or to commit any felony, or who shall be convicted of breaking and entering in the day or night time, any building within the curtilage of a dwelling house, not joined to, immediately connected with or forming a part thereof, shall be guilty of burglary, and imprisoned in the penitentiary not more than seven (7) years. (2) Any person who shall be convicted of breaking and entering a church, synagogue, temple or other established place of worship with intent to commit some crime therein shall be punished by imprisonment in the penitentiary not more than fourteen (14) years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(17); 1857, ch. 64, art. 50; 1871, § 2527; 1880, § 2743; 1892, § 996; 1906, § 1073; Hemingway's 1917, § 801; 1930, § 817; 1942, § 2043; Laws, 1940, ch. 243; Laws, 1960, ch. 241; Laws, 1989, ch. 347, § 1; Laws, 1997, ch. 473, § 4, eff. 3/27/1997. (1) Every person who shall be convicted of breaking and entering, in the day or night, any shop, store, booth, tent, warehouse, or other building or private room or office therein, water vessel, commercial or pleasure craft, ship, steamboat, flatboat, railroad car, automobile, truck or trailer in which any goods, merchandise, equipment or valuable thing shall be kept for use, sale, deposit, or transportation, with intent to steal therein, or to commit any felony, or who shall be convicted of breaking and entering in the day or night time, any building within the curtilage of a dwelling house, not joined to, immediately connected with or forming a part thereof, shall be guilty of burglary, and imprisoned in the penitentiary not more than seven (7) years. (2) Any person who shall be convicted of breaking and entering a church, synagogue, temple or other established place of worship with intent to commit some crime therein shall be punished by imprisonment in the penitentiary not more than fourteen (14) years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(17); 1857, ch. 64, art. 50; 1871, § 2527; 1880, § 2743; 1892, § 996; 1906, § 1073; Hemingway's 1917, § 801; 1930, § 817; 1942, § 2043; Laws, 1940, ch. 243; Laws, 1960, ch. 241; Laws, 1989, ch. 347, § 1; Laws, 1997, ch. 473, § 4, eff. 3/27/1997. (1) Every person who shall be convicted of breaking and entering, in the day or night, any shop, store, booth, tent, warehouse, or other building or private room or office therein, water vessel, commercial or pleasure craft, ship, steamboat, flatboat, railroad car, automobile, truck or trailer in which any goods, merchandise, equipment or valuable thing shall be kept for use, sale, deposit, or transportation, with intent to steal therein, or to commit any felony, or who shall be convicted of breaking and entering in the day or night time, any building within the curtilage of a dwelling house, not joined to, immediately connected with or forming a part thereof, shall be guilty of burglary, and imprisoned in the penitentiary not more than seven (7) years. (2) Any person who shall be convicted of breaking and entering a church, synagogue, temple or other established place of worship with intent to commit some crime therein shall be punished by imprisonment in the penitentiary not more than fourteen (14) years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(17); 1857, ch. 64, art. 50; 1871, § 2527; 1880, § 2743; 1892, § 996; 1906, § 1073; Hemingway's 1917, § 801; 1930, § 817; 1942, § 2043; Laws, 1940, ch. 243; Laws, 1960, ch. 241; Laws, 1989, ch. 347, § 1; Laws, 1997, ch. 473, § 4, eff. 3/27/1997. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(17); 1857, ch. 64, art. 50; 1871, § 2527; 1880, § 2743; 1892, § 996; 1906, § 1073; Hemingway's 1917, § 801; 1930, § 817; 1942, § 2043; Laws, 1940, ch. 243; Laws, 1960, ch. 241; Laws, 1989, ch. 347, § 1; Laws, 1997, ch. 473, § 4, eff. 3/27/1997.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-35 - Burglary; possession of burglar's tools

It is unlawful for any person to have in his possession implements, tools, or instruments designed to aid in the commission of burglary, larceny or robbery; and on the conviction of any person thereof, he shall be punished by imprisonment in the penitentiary not exceeding five (5) years, or in the county jail not exceeding one year. The carrying concealed about one's person, or in one's baggage, implements, tools, or instruments peculiarly adapted to aid in the commission of burglary, larceny or robbery, shall be prima facie evidence of intention to use them for such purpose. Codes, 1892, § 997; 1906, § 1074; Hemingway's 1917, § 802; 1930, § 818; 1942, § 2044; Laws, 1956, ch. 246. It is unlawful for any person to have in his possession implements, tools, or instruments designed to aid in the commission of burglary, larceny or robbery; and on the conviction of any person thereof, he shall be punished by imprisonment in the penitentiary not exceeding five (5) years, or in the county jail not exceeding one year. The carrying concealed about one's person, or in one's baggage, implements, tools, or instruments peculiarly adapted to aid in the commission of burglary, larceny or robbery, shall be prima facie evidence of intention to use them for such purpose. Codes, 1892, § 997; 1906, § 1074; Hemingway's 1917, § 802; 1930, § 818; 1942, § 2044; Laws, 1956, ch. 246. It is unlawful for any person to have in his possession implements, tools, or instruments designed to aid in the commission of burglary, larceny or robbery; and on the conviction of any person thereof, he shall be punished by imprisonment in the penitentiary not exceeding five (5) years, or in the county jail not exceeding one year. The carrying concealed about one's person, or in one's baggage, implements, tools, or

instruments peculiarly adapted to aid in the commission of burglary, larceny or robbery, shall be prima facie evidence of intention to use them for such purpose. Codes, 1892, § 997; 1906, § 1074; Hemingway's 1917, § 802; 1930, § 818; 1942, § 2044; Laws, 1956, ch. 246. It is unlawful for any person to have in his possession implements, tools, or instruments designed to aid in the commission of burglary, larceny or robbery; and on the conviction of any person thereof, he shall be punished by imprisonment in the penitentiary not exceeding five (5) years, or in the county jail not exceeding one year. The carrying concealed about one's person, or in one's baggage, implements, tools, or instruments peculiarly adapted to aid in the commission of burglary, larceny or robbery, shall be prima facie evidence of intention to use them for such purpose. Codes, 1892, § 997; 1906, § 1074; Hemingway's 1917, § 802; 1930, § 818; 1942, § 2044; Laws, 1956, ch. 246.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-37 - Burglary; with explosives

Any person, who, with intent to commit crime, breaks and enters, either by day or by night, any building, whether inhabited or not, and opens or attempts to open any vault, safe or other secure place by the use of nitroglycerine, dynamite, gunpowder or any other explosive, shall be deemed guilty of burglary with explosives. Any person duly convicted of burglary with explosives shall be punished by imprisonment in the state penitentiary for a term of not less than five (5) years nor more than forty (40) years. Codes, 1930, §§ 819, 820; 1942, §§ 2045, 2046; Laws, 1926, ch. 176; Laws, 1940, ch. 240. Any person, who, with intent to commit crime, breaks and enters, either by day or by night, any building, whether inhabited or not, and opens or attempts to open any vault, safe or other secure place by the use of nitroglycerine, dynamite, gunpowder or any other explosive, shall be deemed guilty of burglary with explosives. Any person duly convicted of burglary with explosives shall be punished by imprisonment in the state penitentiary for a term of not less than five (5) years nor more than forty (40) years. Codes, 1930, §§ 819, 820; 1942, §§ 2045, 2046; Laws, 1926, ch. 176; Laws, 1940, ch. 240. Any person, who, with intent to commit crime, breaks and enters, either by day or by night, any building, whether inhabited or not, and opens or attempts to open any vault, safe or other secure place by the use of nitroglycerine, dynamite, gunpowder or any other explosive, shall be deemed guilty of burglary with explosives. Any person duly convicted of burglary with explosives shall be punished by imprisonment in the state penitentiary for a term of not less than five (5) years nor more than forty (40) years. Codes, 1930, §§ 819, 820; 1942, §§ 2045, 2046; Laws, 1926, ch. 176; Laws, 1940, ch. 240. Any person, who, with intent to commit crime, breaks and enters, either by day or by night, any building, whether inhabited or not, and opens or attempts to open any vault, safe or other secure place by the use of nitroglycerine, dynamite, gunpowder or any other explosive, shall be deemed guilty of burglary with explosives. Any person duly convicted of burglary with explosives shall be punished by imprisonment in the state penitentiary for a term of not less than five (5) years nor more than forty (40) years. Codes, 1930, §§ 819, 820; 1942, §§ 2045, 2046; Laws, 1926, ch. 176; Laws, 1940, ch. 240.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-39 - Penalties for injuring, destroying or defacing certain cemetery property, public buildings, schools or churches, or property thereof

If any person, by any means whatever, shall willfully or mischievously injure or destroy any of the burial vaults, urns, memorials, vases, foundations, bases or other similar items in a cemetery, or injure or destroy any of the work, materials, or furniture of any courthouse or jail, or other public building, or schoolhouse or church, or deface any of the walls or other parts thereof, or shall write, or make any drawings or character, or do any other act, either on or in said building or the walls thereof, or shall deface or injure the trees, fences, pavements, or soil, on the grounds belonging thereto, or an ornamental or shade tree on any public road or street leading thereto, such person, upon conviction, for such offense, shall be punished as follows: (a) If the damage caused by the destruction or defacement of such property has a value of less than Five Hundred Dollars (\$500.00), any person who is convicted of this offense may be fined not more than One Thousand Dollars (\$1,000.00) or be imprisoned in the county jail for not more than one (1) year, or both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding Two Thousand Dollars (\$2,000.00), or both. (b) If the damage caused by the destruction or defacement of such property has a value equal to or exceeding Five Hundred Dollars (\$500.00) or more but less than Five Thousand Dollars (\$5,000.00), any person who is convicted of this offense shall be fined not more than Five Thousand Dollars (\$5,000.00) or be imprisoned in the State Penitentiary for up to five (5) years, or both. (c) If the damage caused by the destruction or defacement of such property has a value of Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), any person who is convicted of this offense shall be fined not more than Ten Thousand Dollars (\$10,000.00) or be imprisoned in the Penitentiary for up to ten (10) years, or both. (d) If the damage caused by the destruction or defacement of such property has a value of Twenty-five Thousand Dollars (\$25,000.00) or more, any person who is convicted of this offense shall be fined not more than Ten Thousand Dollars (\$10,000.00) or be imprisoned in the Penitentiary for up to twenty (20) years, or both. Codes, 1880, § 2978; 1892, § 989; 1906, § 1065; Hemingway's 1917, § 793; 1930, § 809; 1942, § 2035; Laws, 1989, ch. 451, § 1, eff. 7/1/1989. Amended by Laws, 2014, ch. 457, HB 585, 14, eff. 7/1/2014. If any person, by any means whatever, shall willfully or mischievously injure or destroy any of the burial vaults, urns, memorials, vases, foundations, bases or

other similar items in a cemetery, or injure or destroy any of the work, materials, or furniture of any courthouse or jail, or other public building, or schoolhouse or church, or deface any of the walls or other parts thereof, or shall write, or make any drawings or character, or do any other act, either on or in said building or the walls thereof, or shall deface or injure the trees, fences, pavements, or soil, on the grounds belonging thereto, or an ornamental or shade tree on any public road or street leading thereto, such person, upon conviction, for such offense, shall be punished as follows:(a)If the damage caused by the destruction or defacement of such property has a value of less than Five Hundred Dollars (\$500.00), any person who is convicted of this offense may be fined not more than One Thousand Dollars (\$1,000.00) or be imprisoned in the county jail for not more than one (1) year, or both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding Two Thousand Dollars (\$2,000.00), or both.(b)If the damage caused by the destruction or defacement of such property has a value equal to or exceeding Five Hundred Dollars (\$500.00) or more but less than Five Thousand Dollars (\$5,000.00), any person who is convicted of this offense shall be fined not more than Five Thousand Dollars (\$5,000.00) or be imprisoned in the State Penitentiary for up to five (5) years, or both.(c)If the damage caused by the destruction or defacement of such property has a value of Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), any person who is convicted of this offense shall be fined not more than Ten Thousand Dollars (\$10,000.00) or be imprisoned in the Penitentiary for up to ten (10) years, or both.(d)If the damage caused by the destruction or defacement of such property has a value of Twenty-five Thousand Dollars (\$25,000.00) or more, any person who is convicted of this offense shall be fined not more than Ten Thousand Dollars (\$10,000.00) or be imprisoned in the Penitentiary for up to twenty (20) years, or both.Codes, 1880, § 2978; 1892, § 989; 1906, § 1065; Hemingway's 1917, § 793; 1930, § 809; 1942, § 2035; Laws, 1989, ch. 451, § 1, eff. 7/1/1989.Amended by Laws, 2014, ch. 457, HB 585, 14, eff. 7/1/2014. If any person, by any means whatever, shall willfully or mischievously injure or destroy any of the burial vaults, urns, memorials, vases, foundations, bases or other similar items in a cemetery, or injure or destroy any of the work, materials, or furniture of any courthouse or jail, or other public building, or schoolhouse or church, or deface any of the walls or other parts thereof, or shall write, or make any drawings or character, or do any other act, either on or in said building or the walls thereof, or shall deface or injure the trees, fences, pavements, or soil, on the grounds belonging thereto, or an ornamental or shade tree on any public road or street leading thereto, such person, upon conviction, for such offense, shall be punished as follows:(a)If the damage caused by the destruction or defacement of such property has a value of less than Five Hundred Dollars (\$500.00), any person who is convicted of this offense may be fined not more than One Thousand Dollars (\$1,000.00) or be imprisoned in the county jail for not more than one (1) year, or both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding Two Thousand Dollars (\$2,000.00), or both.(b)If the damage caused by the destruction or defacement of such property has a value equal to or exceeding Five Hundred Dollars (\$500.00) or more but less than Five Thousand Dollars (\$5,000.00), any person who is convicted of this offense shall be fined not more than Five Thousand Dollars (\$5,000.00) or be imprisoned in the State Penitentiary for up to five (5) years, or both.(c)If the damage caused by the destruction or defacement of such property has a value of Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), any person who is convicted of this offense shall be fined not more than Ten Thousand Dollars (\$10,000.00) or be imprisoned in the Penitentiary for up to ten (10) years, or both.(d)If the damage caused by the destruction or defacement of such property has a value of Twenty-five Thousand Dollars (\$25,000.00) or more, any person who is convicted of this offense shall be fined not more than Ten Thousand Dollars (\$10,000.00) or be imprisoned in the Penitentiary for up to twenty (20) years, or both.Codes, 1880, § 2978; 1892, § 989; 1906, § 1065; Hemingway's 1917, § 793; 1930, § 809; 1942, § 2035; Laws, 1989, ch. 451, § 1, eff. 7/1/1989.Amended by Laws, 2014, ch. 457, HB 585, 14, eff. 7/1/2014. If any person, by any means whatever, shall willfully or mischievously injure or destroy any of the burial vaults, urns, memorials, vases, foundations, bases or other similar items in a cemetery, or injure or destroy any of the work, materials, or furniture of any courthouse or jail, or other public building, or schoolhouse or church, or deface any of the walls or other parts thereof, or shall write, or make any drawings or character, or do any other act, either on or in said building or the walls thereof, or shall deface or injure the trees, fences, pavements, or soil, on the grounds belonging thereto, or an ornamental or shade tree on any public road or street leading thereto, such person, upon conviction, for such offense, shall be punished as follows: Codes, 1880, § 2978; 1892, § 989; 1906, § 1065; Hemingway's 1917, § 793; 1930, § 809; 1942, § 2035; Laws, 1989, ch. 451, § 1, eff. 7/1/1989. Amended by Laws, 2014, ch. 457, HB 585, 14, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207)IN GENERAL (§§ 97-17-1 — 97-17-103)Section 97-17-4 - Forfeiture of property used in commission of arson

(1)All property, real or personal, including money, used in the course of, intended for use in the course of, derived from, or realized

through, conduct in violation of a provision of Section 97-17-1 or 97-17-3 is subject to civil forfeiture to the state pursuant to the provisions of this section; provided, however, that a forfeiture of personal property encumbered by a bona fide security interest or real property encumbered by a bona fide mortgage, deed of trust, lien or encumbrance of record shall be subject to the interest of the secured party or subject to the interest of the holder of the mortgage deed of trust, lien or encumbrance of record if such secured party or holder neither had knowledge of or consented to the act or omission. (2) Property subject to forfeiture may be seized by law enforcement officers upon process issued by any appropriate court having jurisdiction over the property. Seizure without process may be made if: (a) The seizure is incident to an arrest or a search under a search warrant or an inspection under a lawful administrative inspection; (b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this section. (3) When any property is seized pursuant to this section, proceedings under this section shall be instituted promptly. (4) (a) A petition for forfeiture shall be filed promptly in the name of the State of Mississippi with the clerk of the circuit court of the county in which the seizure is made. A copy of such petition shall be served upon the following persons by service of process in the same manner as in civil cases: (i) The owner of the property, if address is known; (ii) Any secured party who has registered his lien or filed a financing statement as provided by law, if the identity of such secured party can be ascertained by the state by making a good faith effort to ascertain the identity of such secured party as described in paragraphs (b), (c), (d), (e) and (f) of this subsection; (iii) Any other bona fide lienholder or secured party or other person holding an interest in the property in the nature of a security interest of whom the state has actual knowledge; (iv) A holder of a mortgage, deed of trust, lien or encumbrance of record, if the property is real estate by making a good faith inquiry as described in paragraph (g) of this section; and (v) Any person in possession of property subject to forfeiture at the time that it was seized. (b) If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle has been titled, the state shall make inquiry of the State Tax Commission as to what the records of the State Tax Commission show as to who is the record owner of the vehicle and who, if anyone, holds any lien or security interest which affects the vehicle. (c) If the property is a motor vehicle and is not titled in the State of Mississippi, then the state shall attempt to ascertain the name and address of the person in whose name the vehicle is licensed, and if the vehicle is licensed in a state which has in effect a certificate of title law, the state shall make inquiry of the appropriate agency of that state as to what the records of the agency show as to who is the record owner of the vehicle and who, if anyone, holds any lien, security interest, or other instrument in the nature of a security device which affects the vehicle. (d) If the property is of a nature that a financing statement is required by the laws of this state to be filed to perfect a security interest affecting the property and if there is any reasonable cause to believe that a financing statement covering the security interest has been filed under the laws of this state, the state shall make inquiry of the appropriate office designated in Section 75-9-501 as to what the records show as to who is the record owner of the property and who, if anyone, has filed a financing statement affecting the property. (e) If the property is an aircraft or part thereof and if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the state shall make inquiry of the administrator of the Federal Aviation Administration as to what the records of the administrator show as to who is the record owner of the property and who, if anyone, holds an instrument in the nature of a security device which affects the property. (f) In the case of all other personal property subject to forfeiture, if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the state shall make a good faith inquiry to identify the holder of any such instrument. (g) If the property is real estate, the state shall make inquiry at the appropriate places to determine who is the owner of record and who, if anyone is a holder of a bona fide mortgage, deed of trust, lien or encumbrance. (h) In the event the answer to an inquiry states that the record owner of the property is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust which affects the property, the state shall cause any record owner and also any lienholder, secured party, other person who holds an interest in the property in the nature of a security interest, or holder of an encumbrance, mortgage or deed of trust which affects the property to be named in the petition of forfeiture and to be served with process in the same manner as in civil cases. (i) If the owner of the property cannot be found and served with a copy of the petition of forfeiture, or if no person was in possession of the property subject to forfeiture at the time that it was seized and the owner of the property is unknown, the state shall file with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the hearing addressed to "the Unknown Owner of _____," filling in the blank space with a reasonably detailed description of the property subject to forfeiture. Service by publication shall contain the other requisites prescribed in Section 11-33-41, and shall be served as provided in Section 11-33-37 for publication of notice for attachments at law. (j) No proceedings instituted pursuant to the provisions of this article shall proceed to hearing unless the judge conducting the hearing is satisfied that this section has been complied with. Any answer received from an inquiry required by paragraphs (b) through (g) of this section shall be introduced into evidence at the hearing. (5) (a) An owner of property that has been seized shall file a verified answer within twenty (20) days after the completion of service of process. If no answer is filed, the court shall hear evidence that the property is subject to forfeiture and forfeit the property to the state. If an answer is filed, a time for hearing on forfeiture shall be set within thirty (30) days of filing the answer or at the succeeding term of court if court would not be in progress within thirty (30) days after filing the answer. Provided, however, that upon request by the state or the owner of the property, the court may postpone said forfeiture hearing to a date past the time any criminal action is pending against said owner. (b) If the owner of the property has filed a verified answer denying that the property is subject to forfeiture, then the burden is on the state to prove that the property is subject to forfeiture. The burden of proof placed upon the state shall be clear and convincing proof. However, if no answer has been filed by the owner of the property, the petition for forfeiture may be introduced into evidence and is prima facie

evidence that the property is subject to forfeiture.(c)At the hearing any claimant of any right, title, or interest in the property may prove his lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust to be bona fide and created without knowledge or consent that the property was to be used so as to cause the property to be subject to forfeiture.(d)If it is found that the property is subject to forfeiture, then the judge shall forfeit the property to the state. However, if proof at the hearing discloses that the interest of any bona fide lienholder, secured party, other person holding an interest in the property in the nature of a security interest or any holder of a bona fide encumbrance, mortgage or deed of trust is greater than or equal to the present value of the property, the court shall order the property released to him. If such interest is less than the present value of the property and if the proof shows that the property is subject to forfeiture, the court shall order the property forfeited to the state.(6)(a)All personal property, including money, which is forfeited to the state and is not capable of being sold at public auction shall be liquidated and the proceeds, after deduction of all storage and court costs, shall be forwarded to the State Treasurer and deposited in the General Fund of the state.(b)All real estate which is forfeited to the state shall be sold to the highest bidder at a public auction to be conducted by the state at such place, on such notice and in accordance with the same procedure, as far as practicable, as is required in the case of sales of land under execution of law. The proceeds of such sale shall first be applied to the cost and expense in administering and conducting such sale, then to the satisfaction of all mortgages, deeds of trusts, liens and encumbrances of record on such property. All proceeds in excess of the amount necessary for the cost of the sale of such land and the satisfaction of any liens thereon shall be deposited in the General Fund of the State Treasury.(c)All other property that has been seized by the state and that has been forfeited shall, except as otherwise provided, be sold at a public auction for cash by the state to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale, in a newspaper having a general circulation throughout the State of Mississippi. Such notices shall contain a description of the property to be sold and a statement of the time and place of sale. It shall not be necessary to the validity of such sale either to have the property present at the place of sale or to have the name of the owner thereof stated in such notice. The proceeds of the sale shall be delivered to the circuit clerk and shall be disposed of as follows:(i)To any bona fide lienholder, secured party, or other party holding an interest in the property in the nature of a security interest, to the extent of his interest; and(ii)The balance, if any, after deduction of all storage and court costs, shall be forwarded to the State Treasurer and deposited with and used as general funds of the state.(ii)The balance, if any, after deduction of all storage and court costs, shall be forwarded to the State Treasurer and deposited with and used as general funds of the state.(d)The State Tax Commission shall issue a certificate of title to any person who purchases property under the provisions of this section when a certificate of title is required under the laws of this state.(d)The State Tax Commission shall issue a certificate of title to any person who purchases property under the provisions of this section when a certificate of title is required under the laws of this state.Laws, 1997, ch. 473, § 3; Laws, 2001, ch. 495, § 27, eff. 1/1/2002. (1)All property, real or personal, including money, used in the course of, intended for use in the course of, derived from, or realized through, conduct in violation of a provision of Section97-17-1or97-17-3is subject to civil forfeiture to the state pursuant to the provisions of this section; provided, however, that a forfeiture of personal property encumbered by a bona fide security interest or real property encumbered by a bona fide mortgage, deed of trust, lien or encumbrance of record shall be subject to the interest of the secured party or subject to the interest of the holder of the mortgage deed of trust, lien of encumbrance of record if such secured party or holder neither had knowledge of or consented to the act or omission.(2)Property subject to forfeiture may be seized by law enforcement officers upon process issued by any appropriate court having jurisdiction over the property. Seizure without process may be made if:(a)The seizure is incident to an arrest or a search under a search warrant or an inspection under a lawful administrative inspection;(b)The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this section.(3)When any property is seized pursuant to this section, proceedings under this section shall be instituted promptly.(4)(a)A petition for forfeiture shall be filed promptly in the name of the State of Mississippi with the clerk of the circuit court of the county in which the seizure is made. A copy of such petition shall be served upon the following persons by service of process in the same manner as in civil cases:(i)The owner of the property, if address is known;(ii)Any secured party who has registered his lien or filed a financing statement as provided by law, if the identity of such secured party can be ascertained by the state by making a good faith effort to ascertain the identity of such secured party as described in paragraphs (b), (c), (d), (e) and (f) of this subsection;(iii)Any other bona fide lienholder or secured party or other person holding an interest in the property in the nature of a security interest of whom the state has actual knowledge;(iv)A holder of a mortgage, deed of trust, lien or encumbrance of record, if the property is real estate by making a good faith inquiry as described in paragraph (g) of this section; and(v)Any person in possession of property subject to forfeiture at the time that it was seized.(b)If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle has been titled, the state shall make inquiry of the State Tax Commission as to what the records of the State Tax Commission show as to who is the record owner of the vehicle and who, if anyone, holds any lien or security interest which affects the vehicle.(c)If the property is a motor vehicle and is not titled in the State of Mississippi, then the state shall attempt to ascertain the name and address of the person in whose name the vehicle is licensed, and if the vehicle is licensed in a state which has in effect a certificate of title law, the state shall make inquiry of the appropriate agency of that state as to what the records of the agency show as to who is the record owner of the vehicle and who, if anyone, holds any lien, security interest, or other instrument in the nature of a security device which affects the vehicle.(d)If the property is of a nature that a financing statement is required by the laws of this state to be filed to perfect a security interest affecting the property and if there is any reasonable cause to believe that a financing statement covering the security interest has been filed under the laws of this state, the state shall make inquiry of the appropriate office designated in Section75-9-501as to what the

records show as to who is the record owner of the property and who, if anyone, has filed a financing statement affecting the property.(e)If the property is an aircraft or part thereof and if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the state shall make inquiry of the administrator of the Federal Aviation Administration as to what the records of the administrator show as to who is the record owner of the property and who, if anyone, holds an instrument in the nature of a security device which affects the property.(f)In the case of all other personal property subject to forfeiture, if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the state shall make a good faith inquiry to identify the holder of any such instrument.(g)If the property is real estate, the state shall make inquiry at the appropriate places to determine who is the owner of record and who, if anyone is a holder of a bona fide mortgage, deed of trust, lien or encumbrance.(h)In the event the answer to an inquiry states that the record owner of the property is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust which affects the property, the state shall cause any record owner and also any lienholder, secured party, other person who holds an interest in the property in the nature of a security interest, or holder of an encumbrance, mortgage or deed of trust which affects the property to be named in the petition of forfeiture and to be served with process in the same manner as in civil cases.(i)If the owner of the property cannot be found and served with a copy of the petition of forfeiture, or if no person was in possession of the property subject to forfeiture at the time that it was seized and the owner of the property is unknown, the state shall file with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the hearing addressed to "the Unknown Owner of _____," filling in the blank space with a reasonably detailed description of the property subject to forfeiture. Service by publication shall contain the other requisites prescribed in Section11-33-41, and shall be served as provided in Section11-33-37for publication of notice for attachments at law.(j)No proceedings instituted pursuant to the provisions of this article shall proceed to hearing unless the judge conducting the hearing is satisfied that this section has been complied with. Any answer received from an inquiry required by paragraphs (b) through (g) of this section shall be introduced into evidence at the hearing.(5)(a)An owner of property that has been seized shall file a verified answer within twenty (20) days after the completion of service of process. If no answer is filed, the court shall hear evidence that the property is subject to forfeiture and forfeit the property to the state. If an answer is filed, a time for hearing on forfeiture shall be set within thirty (30) days of filing the answer or at the succeeding term of court if court would not be in progress within thirty (30) days after filing the answer. Provided, however, that upon request by the state or the owner of the property, the court may postpone said forfeiture hearing to a date past the time any criminal action is pending against said owner.(b)If the owner of the property has filed a verified answer denying that the property is subject to forfeiture, then the burden is on the state to prove that the property is subject to forfeiture. The burden of proof placed upon the state shall be clear and convincing proof. However, if no answer has been filed by the owner of the property, the petition for forfeiture may be introduced into evidence and is prima facie evidence that the property is subject to forfeiture.(c)At the hearing any claimant of any right, title, or interest in the property may prove his lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust to be bona fide and created without knowledge or consent that the property was to be used so as to cause the property to be subject to forfeiture.(d)If it is found that the property is subject to forfeiture, then the judge shall forfeit the property to the state. However, if proof at the hearing discloses that the interest of any bona fide lienholder, secured party, other person holding an interest in the property in the nature of a security interest or any holder of a bona fide encumbrance, mortgage or deed of trust is greater than or equal to the present value of the property, the court shall order the property released to him. If such interest is less than the present value of the property and if the proof shows that the property is subject to forfeiture, the court shall order the property forfeited to the state.(6)(a)All personal property, including money, which is forfeited to the state and is not capable of being sold at public auction shall be liquidated and the proceeds, after deduction of all storage and court costs, shall be forwarded to the State Treasurer and deposited in the General Fund of the state.(b)All real estate which is forfeited to the state shall be sold to the highest bidder at a public auction to be conducted by the state at such place, on such notice and in accordance with the same procedure, as far as practicable, as is required in the case of sales of land under execution of law. The proceeds of such sale shall first be applied to the cost and expense in administering and conducting such sale, then to the satisfaction of all mortgages, deeds of trusts, liens and encumbrances of record on such property. All proceeds in excess of the amount necessary for the cost of the sale of such land and the satisfaction of any liens thereon shall be deposited in the General Fund of the State Treasury.(c)All other property that has been seized by the state and that has been forfeited shall, except as otherwise provided, be sold at a public auction for cash by the state to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale, in a newspaper having a general circulation throughout the State of Mississippi. Such notices shall contain a description of the property to be sold and a statement of the time and place of sale. It shall not be necessary to the validity of such sale either to have the property present at the place of sale or to have the name of the owner thereof stated in such notice. The proceeds of the sale shall be delivered to the circuit clerk and shall be disposed of as follows:(i)To any bona fide lienholder, secured party, or other party holding an interest in the property in the nature of a security interest, to the extent of his interest; and(ii)The balance, if any, after deduction of all storage and court costs, shall be forwarded to the State Treasurer and deposited with and used as general funds of the state.(ii)The balance, if any, after deduction of all storage and court costs, shall be forwarded to the State Treasurer and deposited with and used as general funds of the state.(d)The State Tax Commission shall issue a certificate of title to any person who purchases property under the provisions of this section when a certificate of title is required under the laws of this state.(d)The State Tax Commission shall issue a certificate of title to any person who purchases property under the provisions of this

section when a certificate of title is required under the laws of this state. Laws, 1997, ch. 473, § 3; Laws, 2001, ch. 495, § 27, eff. 1/1/2002. (1) All property, real or personal, including money, used in the course of, intended for use in the course of, derived from, or realized through, conduct in violation of a provision of Section 97-17-1 or 97-17-3 is subject to civil forfeiture to the state pursuant to the provisions of this section; provided, however, that a forfeiture of personal property encumbered by a bona fide security interest or real property encumbered by a bona fide mortgage, deed of trust, lien or encumbrance of record shall be subject to the interest of the secured party or subject to the interest of the holder of the mortgage deed of trust, lien or encumbrance of record if such secured party or holder neither had knowledge of or consented to the act or omission. (2) Property subject to forfeiture may be seized by law enforcement officers upon process issued by any appropriate court having jurisdiction over the property. Seizure without process may be made if: (a) The seizure is incident to an arrest or a search under a search warrant or an inspection under a lawful administrative inspection; (b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this section. (3) When any property is seized pursuant to this section, proceedings under this section shall be instituted promptly. (4) (a) A petition for forfeiture shall be filed promptly in the name of the State of Mississippi with the clerk of the circuit court of the county in which the seizure is made. A copy of such petition shall be served upon the following persons by service of process in the same manner as in civil cases: (i) The owner of the property, if address is known; (ii) Any secured party who has registered his lien or filed a financing statement as provided by law, if the identity of such secured party can be ascertained by the state by making a good faith effort to ascertain the identity of such secured party as described in paragraphs (b), (c), (d), (e) and (f) of this subsection; (iii) Any other bona fide lienholder or secured party or other person holding an interest in the property in the nature of a security interest of whom the state has actual knowledge; (iv) A holder of a mortgage, deed of trust, lien or encumbrance of record, if the property is real estate by making a good faith inquiry as described in paragraph (g) of this section; and (v) Any person in possession of property subject to forfeiture at the time that it was seized. (b) If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle has been titled, the state shall make inquiry of the State Tax Commission as to what the records of the State Tax Commission show as to who is the record owner of the vehicle and who, if anyone, holds any lien or security interest which affects the vehicle. (c) If the property is a motor vehicle and is not titled in the State of Mississippi, then the state shall attempt to ascertain the name and address of the person in whose name the vehicle is licensed, and if the vehicle is licensed in a state which has in effect a certificate of title law, the state shall make inquiry of the appropriate agency of that state as to what the records of the agency show as to who is the record owner of the vehicle and who, if anyone, holds any lien, security interest, or other instrument in the nature of a security device which affects the vehicle. (d) If the property is of a nature that a financing statement is required by the laws of this state to be filed to perfect a security interest affecting the property and if there is any reasonable cause to believe that a financing statement covering the security interest has been filed under the laws of this state, the state shall make inquiry of the appropriate office designated in Section 75-9-501 as to what the records show as to who is the record owner of the property and who, if anyone, has filed a financing statement affecting the property. (e) If the property is an aircraft or part thereof and if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the state shall make inquiry of the administrator of the Federal Aviation Administration as to what the records of the administrator show as to who is the record owner of the property and who, if anyone, holds an instrument in the nature of a security device which affects the property. (f) In the case of all other personal property subject to forfeiture, if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the state shall make a good faith inquiry to identify the holder of any such instrument. (g) If the property is real estate, the state shall make inquiry at the appropriate places to determine who is the owner of record and who, if anyone is a holder of a bona fide mortgage, deed of trust, lien or encumbrance. (h) In the event the answer to an inquiry states that the record owner of the property is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust which affects the property, the state shall cause any record owner and also any lienholder, secured party, other person who holds an interest in the property in the nature of a security interest, or holder of an encumbrance, mortgage or deed of trust which affects the property to be named in the petition of forfeiture and to be served with process in the same manner as in civil cases. (i) If the owner of the property cannot be found and served with a copy of the petition of forfeiture, or if no person was in possession of the property subject to forfeiture at the time that it was seized and the owner of the property is unknown, the state shall file with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the hearing addressed to "the Unknown Owner of _____," filling in the blank space with a reasonably detailed description of the property subject to forfeiture. Service by publication shall contain the other requisites prescribed in Section 11-33-41, and shall be served as provided in Section 11-33-37 for publication of notice for attachments at law. (j) No proceedings instituted pursuant to the provisions of this article shall proceed to hearing unless the judge conducting the hearing is satisfied that this section has been complied with. Any answer received from an inquiry required by paragraphs (b) through (g) of this section shall be introduced into evidence at the hearing. (5) (a) An owner of property that has been seized shall file a verified answer within twenty (20) days after the completion of service of process. If no answer is filed, the court shall hear evidence that the property is subject to forfeiture and forfeit the property to the state. If an answer is filed, a time for hearing on forfeiture shall be set within thirty (30) days of filing the answer or at the succeeding term of court if court would not be in progress within thirty (30) days after filing the answer. Provided, however, that upon request by the state or the owner of the property, the court may postpone said forfeiture hearing to a date past the time any criminal action is pending against said owner. (b) If the owner of the property has filed a verified answer denying that the property is subject to forfeiture, then the burden is on the state to prove

that the property is subject to forfeiture. The burden of proof placed upon the state shall be clear and convincing proof. However, if no answer has been filed by the owner of the property, the petition for forfeiture may be introduced into evidence and is prima facie evidence that the property is subject to forfeiture.(c)At the hearing any claimant of any right, title, or interest in the property may prove his lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust to be bona fide and created without knowledge or consent that the property was to be used so as to cause the property to be subject to forfeiture.(d)If it is found that the property is subject to forfeiture, then the judge shall forfeit the property to the state. However, if proof at the hearing discloses that the interest of any bona fide lienholder, secured party, other person holding an interest in the property in the nature of a security interest or any holder of a bona fide encumbrance, mortgage or deed of trust is greater than or equal to the present value of the property, the court shall order the property released to him. If such interest is less than the present value of the property and if the proof shows that the property is subject to forfeiture, the court shall order the property forfeited to the state.(6)(a)All personal property, including money, which is forfeited to the state and is not capable of being sold at public auction shall be liquidated and the proceeds, after deduction of all storage and court costs, shall be forwarded to the State Treasurer and deposited in the General Fund of the state.(b)All real estate which is forfeited to the state shall be sold to the highest bidder at a public auction to be conducted by the state at such place, on such notice and in accordance with the same procedure, as far as practicable, as is required in the case of sales of land under execution of law. The proceeds of such sale shall first be applied to the cost and expense in administering and conducting such sale, then to the satisfaction of all mortgages, deeds of trusts, liens and encumbrances of record on such property. All proceeds in excess of the amount necessary for the cost of the sale of such land and the satisfaction of any liens thereon shall be deposited in the General Fund of the State Treasury.(c)All other property that has been seized by the state and that has been forfeited shall, except as otherwise provided, be sold at a public auction for cash by the state to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale, in a newspaper having a general circulation throughout the State of Mississippi. Such notices shall contain a description of the property to be sold and a statement of the time and place of sale. It shall not be necessary to the validity of such sale either to have the property present at the place of sale or to have the name of the owner thereof stated in such notice. The proceeds of the sale shall be delivered to the circuit clerk and shall be disposed of as follows:(i)To any bona fide lienholder, secured party, or other party holding an interest in the property in the nature of a security interest, to the extent of his interest; and(ii)The balance, if any, after deduction of all storage and court costs, shall be forwarded to the State Treasurer and deposited with and used as general funds of the state.(ii)The balance, if any, after deduction of all storage and court costs, shall be forwarded to the State Treasurer and deposited with and used as general funds of the state.(d)The State Tax Commission shall issue a certificate of title to any person who purchases property under the provisions of this section when a certificate of title is required under the laws of this state.(d)The State Tax Commission shall issue a certificate of title to any person who purchases property under the provisions of this section when a certificate of title is required under the laws of this state.Laws, 1997, ch. 473, § 3; Laws, 2001, ch. 495, § 27, eff. 1/1/2002. Laws, 1997, ch. 473, § 3; Laws, 2001, ch. 495, § 27, eff. 1/1/2002.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207)IN GENERAL (§§ 97-17-1 — 97-17-103)Section 97-17-41 - Grand larceny; felonious taking of personal property; felonious taking of property of established place of worship; penalties

(1)Any person who shall be convicted of taking and carrying away, feloniously, the personal property of another, of the value of One Thousand Dollars (\$1,000.00) or more, but less than Five Thousand Dollars (\$5,000.00), shall be guilty of grand larceny, and shall be imprisoned in the Penitentiary for a term not exceeding five (5) years; or shall be fined not more than Ten Thousand Dollars (\$10,000.00), or both. The total value of property taken and carried away by the person from a single victim shall be aggregated in determining the gravity of the offense.(2)Any person who shall be convicted of taking and carrying away, feloniously, the personal property of another, of the value of Five Thousand Dollars (\$5,000.00) or more, but less than Twenty-five Thousand Dollars (\$25,000.00), shall be guilty of grand larceny, and shall be imprisoned in the Penitentiary for a term not exceeding ten (10) years; or shall be fined not more than Ten Thousand Dollars (\$10,000.00), or both. The total value of property taken and carried away by the person from a single victim shall be aggregated in determining the gravity of the offense.(3)Any person who shall be convicted of taking and carrying away, feloniously, the personal property of another, of the value of Twenty-five Thousand Dollars (\$25,000.00) or more, shall be guilty of grand larceny, and shall be imprisoned in the Penitentiary for a term not exceeding twenty (20) years; or shall be fined not more than Ten Thousand Dollars (\$10,000.00), or both. The total value of property taken and carried away by the person from a single victim shall be aggregated in determining the gravity of the offense.(4)(a)Any person who shall be convicted of taking and carrying away, feloniously, the property of a church, synagogue, temple or other established place of worship, of the value of One Thousand Dollars (\$1,000.00) or more, shall be guilty of grand larceny, and shall be imprisoned in the Penitentiary for a term not exceeding ten (10) years, or shall be fined not more than Ten Thousand Dollars (\$10,000.00), or both.(b)Any person who shall be convicted of taking and carrying away, feloniously, the property of a church, synagogue, temple or other established place of worship, of the value of Twenty-five Thousand Dollars (\$25,000.00) or more, shall be guilty of grand larceny, and shall be imprisoned in the Penitentiary for a term not exceeding twenty (20) years, or shall be fined not more than Ten Thousand Dollars (\$10,000.00), or both. The total value of property taken and carried away by the person from a single victim shall be aggregated in determining the gravity of the offense.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(63); 1857, ch. 64, art. 190; 1871, § 2652; 1880, § 2901; 1892, § 1173; 1906, § 1251; Hemingway's 1917, § 981; 1930, § 1009; 1942, § 2240; Laws, 1966, ch. 359, § 1; Laws,

1992, ch. 380, § 1; Laws, 1993, ch. 337, § 1; Laws, 1996, ch. 544, § 2; Laws, 1997, ch. 473, § 5; Laws, 2003, ch. 499, § 1; Laws, 2004, ch. 526, § 7, eff. 7/1/2004. Amended by Laws, 2014, ch. 457, HB 585, 15, eff. 7/1/2014. (1) Any person who shall be convicted of taking and carrying away, feloniously, the personal property of another, of the value of One Thousand Dollars (\$1,000.00) or more, but less than Five Thousand Dollars (\$5,000.00), shall be guilty of grand larceny, and shall be imprisoned in the Penitentiary for a term not exceeding five (5) years; or shall be fined not more than Ten Thousand Dollars (\$10,000.00), or both. The total value of property taken and carried away by the person from a single victim shall be aggregated in determining the gravity of the offense. (2) Any person who shall be convicted of taking and carrying away, feloniously, the personal property of another, of the value of Five Thousand Dollars (\$5,000.00) or more, but less than Twenty-five Thousand Dollars (\$25,000.00), shall be guilty of grand larceny, and shall be imprisoned in the Penitentiary for a term not exceeding ten (10) years; or shall be fined not more than Ten Thousand Dollars (\$10,000.00), or both. The total value of property taken and carried away by the person from a single victim shall be aggregated in determining the gravity of the offense. (3) Any person who shall be convicted of taking and carrying away, feloniously, the personal property of another, of the value of Twenty-five Thousand Dollars (\$25,000.00) or more, shall be guilty of grand larceny, and shall be imprisoned in the Penitentiary for a term not exceeding twenty (20) years; or shall be fined not more than Ten Thousand Dollars (\$10,000.00), or both. The total value of property taken and carried away by the person from a single victim shall be aggregated in determining the gravity of the offense. (4)(a) Any person who shall be convicted of taking and carrying away, feloniously, the property of a church, synagogue, temple or other established place of worship, of the value of One Thousand Dollars (\$1,000.00) or more, shall be guilty of grand larceny, and shall be imprisoned in the Penitentiary for a term not exceeding ten (10) years, or shall be fined not more than Ten Thousand Dollars (\$10,000.00), or both. (b) Any person who shall be convicted of taking and carrying away, feloniously, the property of a church, synagogue, temple or other established place of worship, of the value of Twenty-five Thousand Dollars (\$25,000.00) or more, shall be guilty of grand larceny, and shall be imprisoned in the Penitentiary for a term not exceeding twenty (20) years, or shall be fined not more than Ten Thousand Dollars (\$10,000.00), or both. The total value of property taken and carried away by the person from a single victim shall be aggregated in determining the gravity of the offense. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(63); 1857, ch. 64, art. 190; 1871, § 2652; 1880, § 2901; 1892, § 1173; 1906, § 1251; Hemingway's 1917, § 981; 1930, § 1009; 1942, § 2240; Laws, 1966, ch. 359, § 1; Laws, 1992, ch. 380, § 1; Laws, 1993, ch. 337, § 1; Laws, 1996, ch. 544, § 2; Laws, 1997, ch. 473, § 5; Laws, 2003, ch. 499, § 1; Laws, 2004, ch. 526, § 7, eff. 7/1/2004. Amended by Laws, 2014, ch. 457, HB 585, 15, eff. 7/1/2014. (1) Any person who shall be convicted of taking and carrying away, feloniously, the personal property of another, of the value of One Thousand Dollars (\$1,000.00) or more, but less than Five Thousand Dollars (\$5,000.00), shall be guilty of grand larceny, and shall be imprisoned in the Penitentiary for a term not exceeding five (5) years; or shall be fined not more than Ten Thousand Dollars (\$10,000.00), or both. The total value of property taken and carried away by the person from a single victim shall be aggregated in determining the gravity of the offense. (2) Any person who shall be convicted of taking and carrying away, feloniously, the personal property of another, of the value of Five Thousand Dollars (\$5,000.00) or more, but less than Twenty-five Thousand Dollars (\$25,000.00), shall be guilty of grand larceny, and shall be imprisoned in the Penitentiary for a term not exceeding ten (10) years; or shall be fined not more than Ten Thousand Dollars (\$10,000.00), or both. The total value of property taken and carried away by the person from a single victim shall be aggregated in determining the gravity of the offense. (3) Any person who shall be convicted of taking and carrying away, feloniously, the personal property of another, of the value of Twenty-five Thousand Dollars (\$25,000.00) or more, shall be guilty of grand larceny, and shall be imprisoned in the Penitentiary for a term not exceeding twenty (20) years; or shall be fined not more than Ten Thousand Dollars (\$10,000.00), or both. The total value of property taken and carried away by the person from a single victim shall be aggregated in determining the gravity of the offense. (4)(a) Any person who shall be convicted of taking and carrying away, feloniously, the property of a church, synagogue, temple or other established place of worship, of the value of One Thousand Dollars (\$1,000.00) or more, shall be guilty of grand larceny, and shall be imprisoned in the Penitentiary for a term not exceeding ten (10) years, or shall be fined not more than Ten Thousand Dollars (\$10,000.00), or both. (b) Any person who shall be convicted of taking and carrying away, feloniously, the property of a church, synagogue, temple or other established place of worship, of the value of Twenty-five Thousand Dollars (\$25,000.00) or more, shall be guilty of grand larceny, and shall be imprisoned in the Penitentiary for a term not exceeding twenty (20) years, or shall be fined not more than Ten Thousand Dollars (\$10,000.00), or both. The total value of property taken and carried away by the person from a single victim shall be aggregated in determining the gravity of the offense. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(63); 1857, ch. 64, art. 190; 1871, § 2652; 1880, § 2901; 1892, § 1173; 1906, § 1251; Hemingway's 1917, § 981; 1930, § 1009; 1942, § 2240; Laws, 1966, ch. 359, § 1; Laws, 1992, ch. 380, § 1; Laws, 1993, ch. 337, § 1; Laws, 1996, ch. 544, § 2; Laws, 1997, ch. 473, § 5; Laws, 2003, ch. 499, § 1; Laws, 2004, ch. 526, § 7, eff. 7/1/2004. Amended by Laws, 2014, ch. 457, HB 585, 15, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-42 - Larceny; taking possession of or taking away a motor vehicle; second or subsequent offense

(1) Any person who shall, willfully and without authority, take possession of or take away a motor vehicle of any value belonging to another, with intent to either permanently or temporarily convert it or to permanently or temporarily deprive the owner of possession

or ownership, and any person who knowingly shall aid and abet in the taking possession or taking away of the motor vehicle, shall be guilty of a felony and shall be fined not more than Ten Thousand Dollars (\$10,000.00) or imprisoned in the custody of the Department of Corrections for a term not to exceed fifteen (15) years, or both.(2)Any person convicted under this section who causes damage to any motor vehicle shall be ordered by the court to pay restitution to the owner or owners of the motor vehicle or vehicles damaged in the amount of damages caused to the vehicle and reasonable repair costs.(3)This section shall not apply to the enforcement of a security interest in a motor vehicle.(4)Any person who shall be convicted for a second or subsequent offense under this section shall be fined not more than Twenty Thousand Dollars (\$20,000.00) or imprisoned in the custody of the Department of Corrections for a term of not less than five (5) years but not to exceed twenty (20) years, or both.(5)Notwithstanding the penalties authorized in subsections (1) and (4) of this section, the penalty for a person convicted of an offense under this section where the motor vehicle was in the possession of a commercial entity in the business of buying, selling, leasing, renting, storing or transporting motor vehicles shall be instead a fine of not more than Twenty Thousand Dollars (\$20,000.00) or imprisonment in the custody of the Department of Corrections for a term of not less than ten (10) years but not to exceed thirty (30) years, or both.(6)As used in this section, "motor vehicle" includes every self-propelled device in, upon or by which any person or property is or may be transported or drawn upon a highway and shall also include any and all other land-based, self-propelled devices which are not designed for use upon a highway, including, but not limited to, farm machinery, construction equipment, all-terrain vehicles and off-road vehicles.Laws, 1996, ch. 544, § 1; Laws, 2003, ch. 499, § 2; Laws, 2007, ch. 464, § 1, eff. 7/1/2007.Amended by Laws, 2024, ch. 483, SB 2174,§ 1, eff. 7/1/2024.Amended by Laws, 2014, ch. 457, HB 585, 16, eff. 7/1/2014. (1)Any person who shall, willfully and without authority, take possession of or take away a motor vehicle of any value belonging to another, with intent to either permanently or temporarily convert it or to permanently or temporarily deprive the owner of possession or ownership, and any person who knowingly shall aid and abet in the taking possession or taking away of the motor vehicle, shall be guilty of a felony and shall be fined not more than Ten Thousand Dollars (\$10,000.00) or imprisoned in the custody of the Department of Corrections for a term not to exceed fifteen (15) years, or both.(2)Any person convicted under this section who causes damage to any motor vehicle shall be ordered by the court to pay restitution to the owner or owners of the motor vehicle or vehicles damaged in the amount of damages caused to the vehicle and reasonable repair costs.(3)This section shall not apply to the enforcement of a security interest in a motor vehicle.(4)Any person who shall be convicted for a second or subsequent offense under this section shall be fined not more than Twenty Thousand Dollars (\$20,000.00) or imprisoned in the custody of the Department of Corrections for a term of not less than five (5) years but not to exceed twenty (20) years, or both.(5)Notwithstanding the penalties authorized in subsections (1) and (4) of this section, the penalty for a person convicted of an offense under this section where the motor vehicle was in the possession of a commercial entity in the business of buying, selling, leasing, renting, storing or transporting motor vehicles shall be instead a fine of not more than Twenty Thousand Dollars (\$20,000.00) or imprisonment in the custody of the Department of Corrections for a term of not less than ten (10) years but not to exceed thirty (30) years, or both.(6)As used in this section, "motor vehicle" includes every self-propelled device in, upon or by which any person or property is or may be transported or drawn upon a highway and shall also include any and all other land-based, self-propelled devices which are not designed for use upon a highway, including, but not limited to, farm machinery, construction equipment, all-terrain vehicles and off-road vehicles.Laws, 1996, ch. 544, § 1; Laws, 2003, ch. 499, § 2; Laws, 2007, ch. 464, § 1, eff. 7/1/2007.Amended by Laws, 2024, ch. 483, SB 2174,§ 1, eff. 7/1/2024.Amended by Laws, 2014, ch. 457, HB 585, 16, eff. 7/1/2014. (1)Any person who shall, willfully and without authority, take possession of or take away a motor vehicle of any value belonging to another, with intent to either permanently or temporarily convert it or to permanently or temporarily deprive the owner of possession or ownership, and any person who knowingly shall aid and abet in the taking possession or taking away of the motor vehicle, shall be guilty of a felony and shall be fined not more than Ten Thousand Dollars (\$10,000.00) or imprisoned in the custody of the Department of Corrections for a term not to exceed fifteen (15) years, or both.(2)Any person convicted under this section who causes damage to any motor vehicle shall be ordered by the court to pay restitution to the owner or owners of the motor vehicle or vehicles damaged in the amount of damages caused to the vehicle and reasonable repair costs.(3)This section shall not apply to the enforcement of a security interest in a motor vehicle.(4)Any person who shall be convicted for a second or subsequent offense under this section shall be fined not more than Twenty Thousand Dollars (\$20,000.00) or imprisoned in the custody of the Department of Corrections for a term of not less than five (5) years but not to exceed twenty (20) years, or both.(5)Notwithstanding the penalties authorized in subsections (1) and (4) of this section, the penalty for a person convicted of an offense under this section where the motor vehicle was in the possession of a commercial entity in the business of buying, selling, leasing, renting, storing or transporting motor vehicles shall be instead a fine of not more than Twenty Thousand Dollars (\$20,000.00) or imprisonment in the custody of the Department of Corrections for a term of not less than ten (10) years but not to exceed thirty (30) years, or both.(6)As used in this section, "motor vehicle" includes every self-propelled device in, upon or by which any person or property is or may be transported or drawn upon a highway and shall also include any and all other land-based, self-propelled devices which are not designed for use upon a highway, including, but not limited to, farm machinery, construction equipment, all-terrain vehicles and off-road vehicles.Laws, 1996, ch. 544, § 1; Laws, 2003, ch. 499, § 2; Laws, 2007, ch. 464, § 1, eff. 7/1/2007.Amended by Laws, 2024, ch. 483, SB 2174,§ 1, eff. 7/1/2024.Amended by Laws, 2014, ch. 457, HB 585, 16, eff. 7/1/2014. Laws, 1996, ch. 544, § 1; Laws, 2003, ch. 499, § 2; Laws, 2007, ch. 464, § 1, eff. 7/1/2007. Amended by Laws, 2024, ch. 483, SB 2174,§ 1, eff. 7/1/2024. Amended by Laws, 2014, ch. 457, HB 585, 16, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207)IN GENERAL (§§ 97-17-1 — 97-17-103)Section 97-17-43 - Petit larceny defined; penalty

(1) If any person shall feloniously take, steal and carry away any personal property of another under the value of One Thousand Dollars (\$1,000.00), he shall be guilty of petit larceny and, upon conviction, may be punished by imprisonment in the county jail not exceeding six (6) months or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine not exceeding One Thousand Dollars (\$1,000.00), or both. The total value of property taken, stolen or carried away by the person from a single victim shall be aggregated in determining the gravity of the offense. Any person convicted of a third or subsequent offense under this section where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding One Thousand Dollars (\$1,000.00), or both. (2) If any person shall feloniously take, steal and carry away any property of a church, synagogue, temple or other established place of worship under the value of One Thousand Dollars (\$1,000.00), he shall be guilty of petit larceny and, upon conviction, may be punished by imprisonment in the county jail not exceeding one (1) year or by fine not exceeding Two Thousand Dollars (\$2,000.00), or both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine not exceeding Two Thousand Dollars (\$2,000.00), or both. Any person convicted of a third or subsequent offense under this section where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding Two Thousand Dollars (\$2,000.00), or both. (3) Any person who leaves the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of a motor vehicle by driving away in that motor vehicle without having made due payment or authorized charge for the motor fuel so dispensed, with intent to defraud the retail establishment, shall be guilty of petit larceny and punished as provided in subsection (1) of this section and, upon any second or subsequent such offense, the driver's license of the person shall be suspended as follows: (a) The person shall submit the driver's license to the court upon conviction and the court shall forward the driver's license to the Department of Public Safety. (b) The first suspension of a driver's license under this subsection shall be for a period of six (6) months. (c) A second or subsequent suspension of a driver's license under this subsection shall be for a period of one (1) year. (d) At the expiration of the suspension period, and upon payment of a restoration fee of Twenty-five Dollars (\$25.00), the suspension shall terminate and the Department of Public Safety shall return the person's driver's license to the person. The restoration fee shall be in addition to the fees provided for in Title 63, Chapter 1, and shall be deposited into the State General Fund in accordance with Section 45-1-23. Codes, Hutchinson's 1848, ch. 64, art. 1(19); 1857, ch. 64, art. 191; 1871, § 2653; 1880, § 2902; 1892, § 1174; 1906, § 1252; Hemingway's 1917, § 982; 1930, § 1010; 1942, § 2242; Laws, 1896, ch. 85; Laws, 1940, ch. 238; Laws, 1966, ch. 360, § 1; Laws, 1971, ch. 491, § 1; Laws, 1992, ch. 380, § 2; Laws, 1997, ch. 473, § 6; Laws, 1999, ch. 553, § 1; Laws, 2003, ch. 499, § 3; Laws, 2004, ch. 526, § 8, eff. 7/1/2004. Amended by Laws, 2014, ch. 457, HB 585, 17, eff. 7/1/2014. (1) If any person shall feloniously take, steal and carry away any personal property of another under the value of One Thousand Dollars (\$1,000.00), he shall be guilty of petit larceny and, upon conviction, may be punished by imprisonment in the county jail not exceeding six (6) months or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine not exceeding One Thousand Dollars (\$1,000.00), or both. The total value of property taken, stolen or carried away by the person from a single victim shall be aggregated in determining the gravity of the offense. Any person convicted of a third or subsequent offense under this section where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding One Thousand Dollars (\$1,000.00), or both. (2) If any person shall feloniously take, steal and carry away any property of a church, synagogue, temple or other established place of worship under the value of One Thousand Dollars (\$1,000.00), he shall be guilty of petit larceny and, upon conviction, may be punished by imprisonment in the county jail not exceeding one (1) year or by fine not exceeding Two Thousand Dollars (\$2,000.00), or both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine not exceeding Two Thousand Dollars (\$2,000.00), or both. Any person convicted of a third or subsequent offense under this section where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding Two Thousand Dollars (\$2,000.00), or both. (3) Any person who leaves the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of a motor vehicle by driving away in that motor vehicle without having made due payment or authorized charge for the motor fuel so dispensed, with intent to defraud the retail establishment, shall be guilty of petit larceny and punished as provided in subsection (1) of this section and, upon any second or subsequent such offense, the driver's license of the person shall be suspended as follows: (a) The person shall submit the driver's license to the court upon conviction and the court shall forward the driver's license to the Department of Public Safety. (b) The first suspension of a driver's license under this subsection shall be for a period of six (6) months. (c) A second or subsequent suspension of a driver's license under this subsection shall be for a period of one (1) year. (d) At the expiration of the suspension period, and upon payment of a restoration fee of Twenty-five Dollars (\$25.00), the suspension shall

terminate and the Department of Public Safety shall return the person's driver's license to the person. The restoration fee shall be in addition to the fees provided for in Title 63, Chapter 1, and shall be deposited into the State General Fund in accordance with Section 45-1-23. Codes, Hutchinson's 1848, ch. 64, art. 1(19); 1857, ch. 64, art. 191; 1871, § 2653; 1880, § 2902; 1892, § 1174; 1906, § 1252; Hemingway's 1917, § 982; 1930, § 1010; 1942, § 2242; Laws, 1896, ch. 85; Laws, 1940, ch. 238; Laws, 1966, ch. 360, § 1; Laws, 1971, ch. 491, § 1; Laws, 1992, ch. 380, § 2; Laws, 1997, ch. 473, § 6; Laws, 1999, ch. 553, § 1; Laws, 2003, ch. 499, § 3; Laws, 2004, ch. 526, § 8, eff. 7/1/2004. Amended by Laws, 2014, ch. 457, HB 585, 17, eff. 7/1/2014. (1) If any person shall feloniously take, steal and carry away any personal property of another under the value of One Thousand Dollars (\$1,000.00), he shall be guilty of petit larceny and, upon conviction, may be punished by imprisonment in the county jail not exceeding six (6) months or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine not exceeding One Thousand Dollars (\$1,000.00), or both. The total value of property taken, stolen or carried away by the person from a single victim shall be aggregated in determining the gravity of the offense. Any person convicted of a third or subsequent offense under this section where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding One Thousand Dollars (\$1,000.00), or both. (2) If any person shall feloniously take, steal and carry away any property of a church, synagogue, temple or other established place of worship under the value of One Thousand Dollars (\$1,000.00), he shall be guilty of petit larceny and, upon conviction, may be punished by imprisonment in the county jail not exceeding one (1) year or by fine not exceeding Two Thousand Dollars (\$2,000.00), or both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine not exceeding Two Thousand Dollars (\$2,000.00), or both. Any person convicted of a third or subsequent offense under this section where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding Two Thousand Dollars (\$2,000.00), or both. (3) Any person who leaves the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of a motor vehicle by driving away in that motor vehicle without having made due payment or authorized charge for the motor fuel so dispensed, with intent to defraud the retail establishment, shall be guilty of petit larceny and punished as provided in subsection (1) of this section and, upon any second or subsequent such offense, the driver's license of the person shall be suspended as follows: (a) The person shall submit the driver's license to the court upon conviction and the court shall forward the driver's license to the Department of Public Safety. (b) The first suspension of a driver's license under this subsection shall be for a period of six (6) months. (c) A second or subsequent suspension of a driver's license under this subsection shall be for a period of one (1) year. (d) At the expiration of the suspension period, and upon payment of a restoration fee of Twenty-five Dollars (\$25.00), the suspension shall terminate and the Department of Public Safety shall return the person's driver's license to the person. The restoration fee shall be in addition to the fees provided for in Title 63, Chapter 1, and shall be deposited into the State General Fund in accordance with Section 45-1-23. Codes, Hutchinson's 1848, ch. 64, art. 1(19); 1857, ch. 64, art. 191; 1871, § 2653; 1880, § 2902; 1892, § 1174; 1906, § 1252; Hemingway's 1917, § 982; 1930, § 1010; 1942, § 2242; Laws, 1896, ch. 85; Laws, 1940, ch. 238; Laws, 1966, ch. 360, § 1; Laws, 1971, ch. 491, § 1; Laws, 1992, ch. 380, § 2; Laws, 1997, ch. 473, § 6; Laws, 1999, ch. 553, § 1; Laws, 2003, ch. 499, § 3; Laws, 2004, ch. 526, § 8, eff. 7/1/2004. Amended by Laws, 2014, ch. 457, HB 585, 17, eff. 7/1/2014. Codes, Hutchinson's 1848, ch. 64, art. 1(19); 1857, ch. 64, art. 191; 1871, § 2653; 1880, § 2902; 1892, § 1174; 1906, § 1252; Hemingway's 1917, § 982; 1930, § 1010; 1942, § 2242; Laws, 1896, ch. 85; Laws, 1940, ch. 238; Laws, 1966, ch. 360, § 1; Laws, 1971, ch. 491, § 1; Laws, 1992, ch. 380, § 2; Laws, 1997, ch. 473, § 6; Laws, 1999, ch. 553, § 1; Laws, 2003, ch. 499, § 3; Laws, 2004, ch. 526, § 8, eff. 7/1/2004. Amended by Laws, 2014, ch. 457, HB 585, 17, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-45 - Larceny; stealing bond, note, bill, securities, etc.; proof of value

If any person shall steal any bond, covenant, note, bank-bill, bill of exchange, draft, order, receipt, or other evidence of debt, or chose in action, or any public security issued by the United States, or any state, or any instrument whereby any demand, right, or obligation shall be created, increased, released, extinguished, or diminished, the money due thereon, or secured thereby, and remaining unsatisfied, or which in any event might be collected thereon, or the value of the property transferred or affected thereby, as the case may be, shall be deemed the value of the article sold, without further proof thereof. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(67); 1857, ch. 64, art. 193; 1871, § 2654; 1880, § 2904; 1892, § 1176; 1906, § 1254; Hemingway's 1917, § 984; 1930, § 1012; 1942, § 2244. If any person shall steal any bond, covenant, note, bank-bill, bill of exchange, draft, order, receipt, or other evidence of debt, or chose in action, or any public security issued by the United States, or any state, or any instrument whereby any demand, right, or obligation shall be created, increased, released, extinguished, or diminished, the money due thereon, or secured thereby, and remaining unsatisfied, or which in any event might be collected thereon, or the value of the property transferred or affected thereby, as the case may be, shall be deemed the value of the article sold, without further proof thereof. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(67); 1857, ch. 64, art. 193; 1871, § 2654; 1880, § 2904; 1892, § 1176; 1906, § 1254; Hemingway's

1917, § 984; 1930, § 1012; 1942, § 2244. If any person shall steal any bond, covenant, note, bank-bill, bill of exchange, draft, order, receipt, or other evidence of debt, or chose in action, or any public security issued by the United States, or any state, or any instrument whereby any demand, right, or obligation shall be created, increased, released, extinguished, or diminished, the money due thereon, or secured thereby, and remaining unsatisfied, or which in any event might be collected thereon, or the value of the property transferred or affected thereby, as the case may be, shall be deemed the value of the article sold, without further proof thereof. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(67); 1857, ch. 64, art. 193; 1871, § 2654; 1880, § 2904; 1892, § 1176; 1906, § 1254; Hemingway's 1917, § 984; 1930, § 1012; 1942, § 2244. If any person shall steal any bond, covenant, note, bank-bill, bill of exchange, draft, order, receipt, or other evidence of debt, or chose in action, or any public security issued by the United States, or any state, or any instrument whereby any demand, right, or obligation shall be created, increased, released, extinguished, or diminished, the money due thereon, or secured thereby, and remaining unsatisfied, or which in any event might be collected thereon, or the value of the property transferred or affected thereby, as the case may be, shall be deemed the value of the article sold, without further proof thereof. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(67); 1857, ch. 64, art. 193; 1871, § 2654; 1880, § 2904; 1892, § 1176; 1906, § 1254; Hemingway's 1917, § 984; 1930, § 1012; 1942, § 2244.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-47 - Larceny; severing crops, or parts of improvements or enclosures

If any person shall sever from the soil of another any produce growing thereon, or shall sever from any building, gate, fence, railing, or other improvement or enclosure any part thereof, and shall take and convert the same to his own use with intent to steal the same, he shall be guilty of larceny in the same manner and of the same degree as if the article so taken had been severed at some previous and different time and shall be punished based on the value of the property involved according to the schedule in Sections 97-17-41 and 97-17-43. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(69); 1857, ch. 64, art. 194; 1871, § 2655; 1880, § 2905; 1892, § 1178; 1906, § 1256; Hemingway's 1917, § 986; 1930, § 1014; 1942, § 2246. Amended by Laws, 2014, ch. 457, HB 585, 18, eff. 7/1/2014. If any person shall sever from the soil of another any produce growing thereon, or shall sever from any building, gate, fence, railing, or other improvement or enclosure any part thereof, and shall take and convert the same to his own use with intent to steal the same, he shall be guilty of larceny in the same manner and of the same degree as if the article so taken had been severed at some previous and different time and shall be punished based on the value of the property involved according to the schedule in Sections 97-17-41 and 97-17-43. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(69); 1857, ch. 64, art. 194; 1871, § 2655; 1880, § 2905; 1892, § 1178; 1906, § 1256; Hemingway's 1917, § 986; 1930, § 1014; 1942, § 2246. Amended by Laws, 2014, ch. 457, HB 585, 18, eff. 7/1/2014. If any person shall sever from the soil of another any produce growing thereon, or shall sever from any building, gate, fence, railing, or other improvement or enclosure any part thereof, and shall take and convert the same to his own use with intent to steal the same, he shall be guilty of larceny in the same manner and of the same degree as if the article so taken had been severed at some previous and different time and shall be punished based on the value of the property involved according to the schedule in Sections 97-17-41 and 97-17-43. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(69); 1857, ch. 64, art. 194; 1871, § 2655; 1880, § 2905; 1892, § 1178; 1906, § 1256; Hemingway's 1917, § 986; 1930, § 1014; 1942, § 2246. Amended by Laws, 2014, ch. 457, HB 585, 18, eff. 7/1/2014. If any person shall sever from the soil of another any produce growing thereon, or shall sever from any building, gate, fence, railing, or other improvement or enclosure any part thereof, and shall take and convert the same to his own use with intent to steal the same, he shall be guilty of larceny in the same manner and of the same degree as if the article so taken had been severed at some previous and different time and shall be punished based on the value of the property involved according to the schedule in Sections 97-17-41 and 97-17-43. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(69); 1857, ch. 64, art. 194; 1871, § 2655; 1880, § 2905; 1892, § 1178; 1906, § 1256; Hemingway's 1917, § 986; 1930, § 1014; 1942, § 2246. Amended by Laws, 2014, ch. 457, HB 585, 18, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-49 - Larceny; shearing wool from dead sheep

If any person shall shear or take off in any manner the wool from any sheep that has been killed by dog or otherwise, without first obtaining permission from the owner of such sheep so killed, with intent to convert to his own use or conceal the same, he shall be guilty of a misdemeanor, and on conviction, shall be fined not less than five dollars nor more than twenty-five dollars and imprisoned in the county jail not less than five days nor more than twenty days. Codes, 1880, § 818; 1892, § 1180; 1906, § 1258; Hemingway's 1917, § 988; 1930, § 1016; 1942, § 2248. If any person shall shear or take off in any manner the wool from any sheep that has been killed by dog or otherwise, without first obtaining permission from the owner of such sheep so killed, with intent to convert to his own use or conceal the same, he shall be guilty of a misdemeanor, and on conviction, shall be fined not less than five dollars nor more than twenty-five dollars and imprisoned in the county jail not less than five days nor more than twenty days. Codes, 1880, § 818; 1892, § 1180; 1906, § 1258; Hemingway's 1917, § 988; 1930, § 1016; 1942, § 2248. If any person shall shear or take off in any manner the wool from any sheep that has been killed by dog or otherwise, without first obtaining permission from the owner of such sheep so killed, with intent to convert to his own use or conceal the same, he shall be guilty of a misdemeanor, and on conviction, shall be fined not less than five dollars nor more than twenty-five dollars and imprisoned in the county jail not less than five days nor more than twenty days. Codes, 1880, § 818; 1892, § 1180; 1906, § 1258; Hemingway's 1917, § 988; 1930, § 1016; 1942, § 2248. If any person shall shear or take off in any manner the wool from any sheep that has been killed by dog or otherwise,

without first obtaining permission from the owner of such sheep so killed, with intent to convert to his own use or conceal the same, he shall be guilty of a misdemeanor, and on conviction, shall be fined not less than five dollars nor more than twenty-five dollars and imprisoned in the county jail not less than five days nor more than twenty days. Codes, 1880, § 818; 1892, § 1180; 1906, § 1258; Hemingway's 1917, § 988; 1930, § 1016; 1942, § 2248.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-5 - Arson; second degree; other buildings or structures

Any person who wilfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of any building or structure of whatsoever class or character, whether the property of himself or of another, not included or described in Section 97-17-1 or Section 97-17-3, shall be guilty of arson in the second degree, and upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than ten years. Codes, 1942, § 2007; Laws, 1932, ch. 272. Any person who wilfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of any building or structure of whatsoever class or character, whether the property of himself or of another, not included or described in Section 97-17-1 or Section 97-17-3, shall be guilty of arson in the second degree, and upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than ten years. Codes, 1942, § 2007; Laws, 1932, ch. 272. Any person who wilfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of any building or structure of whatsoever class or character, whether the property of himself or of another, not included or described in Section 97-17-1 or Section 97-17-3, shall be guilty of arson in the second degree, and upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than ten years. Codes, 1942, § 2007; Laws, 1932, ch. 272. Any person who wilfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of any building or structure of whatsoever class or character, whether the property of himself or of another, not included or described in Section 97-17-1 or Section 97-17-3, shall be guilty of arson in the second degree, and upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than ten years. Codes, 1942, § 2007; Laws, 1932, ch. 272.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-51 - Larceny; stealing dog

Every person who shall feloniously steal, take and carry away any dog, the property of another, shall be subject to indictment therefor, and on conviction shall be punished by a fine of not more than five hundred dollars (\$500.00), or imprisoned in the county jail not more than six (6) months, or both, or imprisoned in the penitentiary not less than one year nor more than two years. Codes, 1880, § 2903; 1892, § 1175; 1906, § 1253; Hemingway's 1917, § 983; 1930, § 1011; 1942, § 2243; Laws, 1962, ch. 314, eff. 7/1/1962. Every person who shall feloniously steal, take and carry away any dog, the property of another, shall be subject to indictment therefor, and on conviction shall be punished by a fine of not more than five hundred dollars (\$500.00), or imprisoned in the county jail not more than six (6) months, or both, or imprisoned in the penitentiary not less than one year nor more than two years. Codes, 1880, § 2903; 1892, § 1175; 1906, § 1253; Hemingway's 1917, § 983; 1930, § 1011; 1942, § 2243; Laws, 1962, ch. 314, eff. 7/1/1962. Every person who shall feloniously steal, take and carry away any dog, the property of another, shall be subject to indictment therefor, and on conviction shall be punished by a fine of not more than five hundred dollars (\$500.00), or imprisoned in the county jail not more than six (6) months, or both, or imprisoned in the penitentiary not less than one year nor more than two years. Codes, 1880, § 2903; 1892, § 1175; 1906, § 1253; Hemingway's 1917, § 983; 1930, § 1011; 1942, § 2243; Laws, 1962, ch. 314, eff. 7/1/1962. Every person who shall feloniously steal, take and carry away any dog, the property of another, shall be subject to indictment therefor, and on conviction shall be punished by a fine of not more than five hundred dollars (\$500.00), or imprisoned in the county jail not more than six (6) months, or both, or imprisoned in the penitentiary not less than one year nor more than two years. Codes, 1880, § 2903; 1892, § 1175; 1906, § 1253; Hemingway's 1917, § 983; 1930, § 1011; 1942, § 2243; Laws, 1962, ch. 314, eff. 7/1/1962.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-53 - Larceny; knowing and willful stealing or carrying away of livestock; obtaining livestock by means of fraudulent conduct; prima facie evidence of fraudulent conduct; restitution

(1)(a) If any person shall knowingly, willfully and feloniously take, steal and carry away livestock of any value belonging to another without the consent of the owner, he is guilty of larceny and punishable pursuant to Section 97-17-41 or 97-17-43 depending on the gravity of the offense. The total value of the livestock obtained from the individual owner or merchant shall be aggregated in determining the gravity of the offense. (b) If any person obtains livestock belonging to another by means of any fraudulent conduct, practice or representation, he is guilty of fraud and punishable pursuant to Section 97-19-39. The total value of the livestock obtained from the individual owner or merchant shall be aggregated in determining the gravity of the offense. (c) Obtaining livestock from a commission merchant or livestock owner by representing that prompt payment will be made pursuant to Section 409 of the Packers and Stockyards Act, 7 USCS Section 228b, and failing to make prompt payment in accordance therewith, shall constitute prima facie evidence of fraudulent conduct, practices or representation. (2) In addition to any such fine or imprisonment which may be imposed, the court shall order that restitution be made to the owner of any such stolen livestock. The measure for restitution in

money shall be the amount of the actual financial loss to the owner of the livestock, including any loss of income, any court costs and attorney's fees incurred by the owner to recover the stolen livestock, the current replacement value of the stolen livestock if the livestock is not recovered, and any other costs incurred by the owner as a result of actions in violation of subsection (1) of this section.(3)For purposes of this section, the term "livestock" means horses, cattle, swine, sheep and other domestic animals produced for profit.Codes, Hutchinson's 1848, ch. 64, art. 1(19); 1857, ch. 64, art. 191; 1871, § 2653; 1880, § 2902; 1892, § 1174; 1906, § 1252; Hemingway's 1917, § 982; 1930, § 1010; 1942, § 2242; Laws, 1896, ch. 85; Laws, 1940, ch. 238; Laws, 1966, ch. 360, § 1; Laws, 1971, ch. 491, § 1; Laws, 1981, ch. 385, § 1; Laws, 1993, ch. 438, § 1, eff. 7/1/1993.Amended by Laws, 2013, ch. 458, HB 178, 1, eff. 7/1/2013. (1)(a)If any person shall knowingly, willfully and feloniously take, steal and carry away livestock of any value belonging to another without the consent of the owner, he is guilty of larceny and punishable pursuant to Section97-17-41or97-17-43depending on the gravity of the offense. The total value of the livestock obtained from the individual owner or merchant shall be aggregated in determining the gravity of the offense.(b)If any person obtains livestock belonging to another by means of any fraudulent conduct, practice or representation, he is guilty of fraud and punishable pursuant to Section97-19-39. The total value of the livestock obtained from the individual owner or merchant shall be aggregated in determining the gravity of the offense.(c)Obtaining livestock from a commission merchant or livestock owner by representing that prompt payment will be made pursuant to Section 409 of the Packers and Stockyards Act, 7 USCS Section 228b, and failing to make prompt payment in accordance therewith, shall constitute prima facie evidence of fraudulent conduct, practices or representation.(2)In addition to any such fine or imprisonment which may be imposed, the court shall order that restitution be made to the owner of any such stolen livestock. The measure for restitution in money shall be the amount of the actual financial loss to the owner of the livestock, including any loss of income, any court costs and attorney's fees incurred by the owner to recover the stolen livestock, the current replacement value of the stolen livestock if the livestock is not recovered, and any other costs incurred by the owner as a result of actions in violation of subsection (1) of this section.(3)For purposes of this section, the term "livestock" means horses, cattle, swine, sheep and other domestic animals produced for profit.Codes, Hutchinson's 1848, ch. 64, art. 1(19); 1857, ch. 64, art. 191; 1871, § 2653; 1880, § 2902; 1892, § 1174; 1906, § 1252; Hemingway's 1917, § 982; 1930, § 1010; 1942, § 2242; Laws, 1896, ch. 85; Laws, 1940, ch. 238; Laws, 1966, ch. 360, § 1; Laws, 1971, ch. 491, § 1; Laws, 1981, ch. 385, § 1; Laws, 1993, ch. 438, § 1, eff. 7/1/1993.Amended by Laws, 2013, ch. 458, HB 178, 1, eff. 7/1/2013. 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The total value of the livestock obtained from the individual owner or merchant shall be aggregated in determining the gravity of the offense.(c)Obtaining livestock from a commission merchant or livestock owner by representing that prompt payment will be made pursuant to Section 409 of the Packers and Stockyards Act, 7 USCS Section 228b, and failing to make prompt payment in accordance therewith, shall constitute prima facie evidence of fraudulent conduct, practices or representation.(2)In addition to any such fine or imprisonment which may be imposed, the court shall order that restitution be made to the owner of any such stolen livestock. The measure for restitution in money shall be the amount of the actual financial loss to the owner of the livestock, including any loss of income, any court costs and attorney's fees incurred by the owner to recover the stolen livestock, the current replacement value of the stolen livestock if the livestock is not recovered, and any other costs incurred by the owner as a result of actions in violation of subsection (1) of this section.(3)For purposes of this section, the term "livestock" means horses, cattle, swine, sheep and other domestic animals produced for profit.Codes, Hutchinson's 1848, ch. 64, art. 1(19); 1857, ch. 64, art. 191; 1871, § 2653; 1880, § 2902; 1892, § 1174; 1906, § 1252; Hemingway's 1917, § 982; 1930, § 1010; 1942, § 2242; Laws, 1896, ch. 85; Laws, 1940, ch. 238; Laws, 1966, ch. 360, § 1; Laws, 1971, ch. 491, § 1; Laws, 1981, ch. 385, § 1; Laws, 1993, ch. 438, § 1, eff. 7/1/1993.Amended by Laws, 2013, ch. 458, HB 178, 1, eff. 7/1/2013. Codes, Hutchinson's 1848, ch. 64, art. 1(19); 1857, ch. 64, art. 191; 1871, § 2653; 1880, § 2902; 1892, § 1174; 1906, § 1252; Hemingway's 1917, § 982; 1930, § 1010; 1942, § 2242; Laws, 1896, ch. 85; Laws, 1940, ch. 238; Laws, 1966, ch. 360, § 1; Laws, 1971, ch. 491, § 1; Laws, 1981, ch. 385, § 1; Laws, 1993, ch. 438, § 1, eff. 7/1/1993. Amended by Laws, 2013, ch. 458, HB 178, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207)IN GENERAL (§§ 97-17-1 — 97-17-103)Section 97-17-55 - Larceny; stealing milk from cow

Any person who shall milk the cow of another, knowingly, without his consent, or who shall pen or confine by any means any milk-cow, or the calf of any such cow, not his own, with intent to procure milk from such cow, without the consent of the owner, shall, on conviction, be fined not more than one hundred dollars, or be imprisoned in the county jail not more than three months, or both. Proof that any one penned or confined any cow or her calf not his own, shall be deemed prima facie evidence of an intent to procure milk in violation of this section.Codes, 1880, § 1912; 1892, § 1187; 1906, § 1265; Hemingway's 1917, § 995; 1930, § 1023; 1942, § 2255. Any person who shall milk the cow of another, knowingly, without his consent, or who shall pen or confine by any means any milk-cow, or the calf of any such cow, not his own, with intent to procure milk from such cow, without the consent of the owner, shall, on conviction, be fined not more than one hundred dollars, or be imprisoned in the county jail not more than three months, or both. Proof that any one penned or confined any cow or her calf not his own, shall be deemed prima facie evidence of an intent to procure milk in violation of this section.Codes, 1880, § 1912; 1892, § 1187; 1906, § 1265; Hemingway's 1917, § 995; 1930, § 1023; 1942, § 2255. Any person who shall milk the cow of another, knowingly, without his consent, or who shall pen or

confine by any means any milk-cow, or the calf of any such cow, not his own, with intent to procure milk from such cow, without the consent of the owner, shall, on conviction, be fined not more than one hundred dollars, or be imprisoned in the county jail not more than three months, or both. Proof that any one penned or confined any cow or her calf not his own, shall be deemed prima facie evidence of an intent to procure milk in violation of this section. Codes, 1880, § 1912; 1892, § 1187; 1906, § 1265; Hemingway's 1917, § 995; 1930, § 1023; 1942, § 2255. Any person who shall milk the cow of another, knowingly, without his consent, or who shall pen or confine by any means any milk-cow, or the calf of any such cow, not his own, with intent to procure milk from such cow, without the consent of the owner, shall, on conviction, be fined not more than one hundred dollars, or be imprisoned in the county jail not more than three months, or both. Proof that any one penned or confined any cow or her calf not his own, shall be deemed prima facie evidence of an intent to procure milk in violation of this section. Codes, 1880, § 1912; 1892, § 1187; 1906, § 1265; Hemingway's 1917, § 995; 1930, § 1023; 1942, § 2255.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-59 - Larceny; stealing timber; restitution

(1) Any person who shall knowingly, willfully and feloniously take, steal and carry away from the lands of another any merchantable timber on the property of another, of the value of less than Two Hundred Fifty Dollars (\$250.00), whether such timber is growing, standing or lying on the lands, shall be guilty of a misdemeanor; and upon conviction thereof, shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a term of not less than thirty (30) days nor more than one hundred (100) days, or both, in the discretion of the court. (2) Any person who shall knowingly, willfully and feloniously take, steal and carry away from the lands of another any merchantable timber on the property of another, of the value of Two Hundred Fifty Dollars (\$250.00) or more, whether such timber is growing, standing, or lying on the lands, shall be guilty of a felony; and upon conviction thereof, shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the Penitentiary for a term of not less than one (1) year nor more than five (5) years, or both, in the discretion of the court. (3) In addition to any such fine or imprisonment which may be imposed upon a convicted individual, the court shall order that restitution be made to the owner of any such stolen timber. The measure for restitution in money shall be the amount of the actual financial loss to the owner of the timber, including any loss of income, any court costs, expert fees and attorney's fees incurred by the owner to recover the loss and any other costs incurred by the owner as a result of actions in violation of subsections (1) and (2) of this section. The value of the timber shall be calculated by the fair market value of the timber at the time of the loss. Codes, 1942, § 2386.5; Laws, 1954, ch. 221, §§ 1, 2 (Para. Para. 1, 2); Laws, 2000, ch. 355, § 1; Laws, 2004, ch. 419, § 3, eff. 7/1/2004. (1) Any person who shall knowingly, willfully and feloniously take, steal and carry away from the lands of another any merchantable timber on the property of another, of the value of less than Two Hundred Fifty Dollars (\$250.00), whether such timber is growing, standing or lying on the lands, shall be guilty of a misdemeanor; and upon conviction thereof, shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a term of not less than thirty (30) days nor more than one hundred (100) days, or both, in the discretion of the court. (2) Any person who shall knowingly, willfully and feloniously take, steal and carry away from the lands of another any merchantable timber on the property of another, of the value of Two Hundred Fifty Dollars (\$250.00) or more, whether such timber is growing, standing, or lying on the lands, shall be guilty of a felony; and upon conviction thereof, shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the Penitentiary for a term of not less than one (1) year nor more than five (5) years, or both, in the discretion of the court. (3) In addition to any such fine or imprisonment which may be imposed upon a convicted individual, the court shall order that restitution be made to the owner of any such stolen timber. The measure for restitution in money shall be the amount of the actual financial loss to the owner of the timber, including any loss of income, any court costs, expert fees and attorney's fees incurred by the owner to recover the loss and any other costs incurred by the owner as a result of actions in violation of subsections (1) and (2) of this section. The value of the timber shall be calculated by the fair market value of the timber at the time of the loss. Codes, 1942,

§ 2386.5; Laws, 1954, ch. 221, §§ 1, 2(Para.Para. 1, 2); Laws, 2000, ch. 355, § 1; Laws, 2004, ch. 419, § 3, eff. 7/1/2004. Codes, 1942, § 2386.5; Laws, 1954, ch. 221, §§ 1, 2(Para.Para. 1, 2); Laws, 2000, ch. 355, § 1; Laws, 2004, ch. 419, § 3, eff. 7/1/2004.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-60 - Payment for timber acquired for resale; penalties

(1) Any person who acquires, with the consent of an owner, any timber product from that owner and who receives payment for the timber product shall, within thirty (30) days of such receipt, make payment in full to the owner. (2) If the owner has not received payment within the required thirty (30) days, the owner shall notify the offender of his demand for payment at the offender's last known address by certified mail or by personal delivery of the written notice to the offender. The offender shall make payment in full within ten (10) days after the mailing or delivery of the written notice or the offender shall be in violation of this section. (3) A written agreement signed by the owner providing for a means of payment contrary to this section shall constitute an affirmative defense. (4) For the purposes of this section, the following terms shall have the meanings ascribed to them herein unless the context clearly indicates otherwise: (a) "Timber product" means timber of all kinds, species or sizes, including, but not limited to, logs, lumber, poles, pilings, posts, blocks, bolts, cordwood and pulpwood, pine stumpwood, pine knots or other distillate wood, crossties, turpentine (crude gum), pine straw, firewood and all other products derived from timber or trees which have a sale or commercial value. (b) "Owner" means any person, partnership, corporation, unincorporated association or other legal entity having any interest in any timber product, any land upon which a timber product is growing or any land from which a timber product has been removed. (5) Whoever violates this section, upon conviction thereof, when the value of the timber product is Five Hundred Dollars (\$500.00) or less, shall be fined not more than One Thousand Dollars (\$1,000.00), or imprisoned for not more than one (1) year, or both. When the value of the timber product is more than Five Hundred Dollars (\$500.00), the violator, upon conviction thereof, shall be fined not more than Five Thousand Dollars (\$5,000.00), or imprisoned for not more than ten (10) years, or both. Laws, 2004, ch. 419, § 2, eff. 7/1/2004. (1) Any person who acquires, with the consent of an owner, any timber product from that owner and who receives payment for the timber product shall, within thirty (30) days of such receipt, make payment in full to the owner. (2) If the owner has not received payment within the required thirty (30) days, the owner shall notify the offender of his demand for payment at the offender's last known address by certified mail or by personal delivery of the written notice to the offender. The offender shall make payment in full within ten (10) days after the mailing or delivery of the written notice or the offender shall be in violation of this section. (3) A written agreement signed by the owner providing for a means of payment contrary to this section shall constitute an affirmative defense. (4) For the purposes of this section, the following terms shall have the meanings ascribed to them herein unless the context clearly indicates otherwise: (a) "Timber product" means timber of all kinds, species or sizes, including, but not limited to, logs, lumber, poles, pilings, posts, blocks, bolts, cordwood and pulpwood, pine stumpwood, pine knots or other distillate wood, crossties, turpentine (crude gum), pine straw, firewood and all other products derived from timber or trees which have a sale or commercial value. (b) "Owner" means any person, partnership, corporation, unincorporated association or other legal entity having any interest in any timber product, any land upon which a timber product is growing or any land from which a timber product has been removed. (5) Whoever violates this section, upon conviction thereof, when the value of the timber product is Five Hundred Dollars (\$500.00) or less, shall be fined not more than One Thousand Dollars (\$1,000.00), or imprisoned for not more than one (1) year, or both. When the value of the timber product is more than Five Hundred Dollars (\$500.00), the violator, upon conviction thereof, shall be fined not more than Five Thousand Dollars (\$5,000.00), or imprisoned for not more than ten (10) years, or both. Laws, 2004, ch. 419, § 2, eff. 7/1/2004. (1) Any person who acquires, with the consent of an owner, any timber product from that owner and who receives payment for the timber product shall, within thirty (30) days of such receipt, make payment in full to the owner. (2) If the owner has not received payment within the required thirty (30) days, the owner shall notify the offender of his demand for payment at the offender's last known address by certified mail or by personal delivery of the written notice to the offender. The offender shall make payment in full within ten (10) days after the mailing or delivery of the written notice or the offender shall be in violation of this section. (3) A written agreement signed by the owner providing for a means of payment contrary to this section shall constitute an affirmative defense. (4) For the purposes of this section, the following terms shall have the meanings ascribed to them herein unless the context clearly indicates otherwise: (a) "Timber product" means timber of all kinds, species or sizes, including, but not limited to, logs, lumber, poles, pilings, posts, blocks, bolts, cordwood and pulpwood, pine stumpwood, pine knots or other distillate wood, crossties, turpentine (crude gum), pine straw, firewood and all other products derived from timber or trees which have a sale or commercial value. (b) "Owner" means any person, partnership, corporation, unincorporated association or other legal entity having any interest in any timber product, any land upon which a timber product is growing or any land from which a timber product has been removed. (5) Whoever violates this section, upon conviction thereof, when the value of the timber product is Five Hundred Dollars (\$500.00) or less, shall be fined not more than One Thousand Dollars (\$1,000.00), or imprisoned for not more than one (1) year, or both. When the value of the timber product is more than Five Hundred Dollars (\$500.00), the violator, upon conviction thereof, shall be fined not more than Five Thousand Dollars (\$5,000.00), or imprisoned for not more than ten (10) years, or both. Laws, 2004, ch. 419, § 2, eff. 7/1/2004. Laws, 2004, ch. 419, § 2, eff. 7/1/2004.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-61 - Larceny; taking and carrying away certain animals or motor vehicles not amounting to larceny

Any person who shall, without the consent of the owner or his agent, take away any horse, mare, gelding, mule, jack, jennet, sheep, cow, bull, ox, hog, or other livestock or dog, or automobile, truck or other motor vehicle, where such taking and carrying away shall not amount to larceny, shall upon conviction, be fined not exceeding One Thousand Dollars (\$1,000.00), or be imprisoned not exceeding one (1) year in the county jail, or both. A verdict of guilty of such taking and carrying away may be rendered under an indictment for larceny, if the evidence shall not warrant a verdict of guilty of larceny but shall warrant a conviction under this section. This section shall not apply to anyone who takes such property believing, in good faith, that he has a right to it. The court shall order any person convicted under this section to pay restitution for any damage caused to any property as a result of violating this section. Codes, 1880, § 2911; 1892, § 1186; 1906, § 1264; Hemingway's 1917, § 994; 1930, § 1022; 1942, § 2254; Laws, 1940, ch. 239; Laws, 1996, ch. 544, § 3, eff. 7/1/1996. Any person who shall, without the consent of the owner or his agent, take away any horse, mare, gelding, mule, jack, jennet, sheep, cow, bull, ox, hog, or other livestock or dog, or automobile, truck or other motor vehicle, where such taking and carrying away shall not amount to larceny, shall upon conviction, be fined not exceeding One Thousand Dollars (\$1,000.00), or be imprisoned not exceeding one (1) year in the county jail, or both. A verdict of guilty of such taking and carrying away may be rendered under an indictment for larceny, if the evidence shall not warrant a verdict of guilty of larceny but shall warrant a conviction under this section. This section shall not apply to anyone who takes such property believing, in good faith, that he has a right to it. The court shall order any person convicted under this section to pay restitution for any damage caused to any property as a result of violating this section. Codes, 1880, § 2911; 1892, § 1186; 1906, § 1264; Hemingway's 1917, § 994; 1930, § 1022; 1942, § 2254; Laws, 1940, ch. 239; Laws, 1996, ch. 544, § 3, eff. 7/1/1996. Any person who shall, without the consent of the owner or his agent, take away any horse, mare, gelding, mule, jack, jennet, sheep, cow, bull, ox, hog, or other livestock or dog, or automobile, truck or other motor vehicle, where such taking and carrying away shall not amount to larceny, shall upon conviction, be fined not exceeding One Thousand Dollars (\$1,000.00), or be imprisoned not exceeding one (1) year in the county jail, or both. A verdict of guilty of such taking and carrying away may be rendered under an indictment for larceny, if the evidence shall not warrant a verdict of guilty of larceny but shall warrant a conviction under this section. This section shall not apply to anyone who takes such property believing, in good faith, that he has a right to it. The court shall order any person convicted under this section to pay restitution for any damage caused to any property as a result of violating this section. Codes, 1880, § 2911; 1892, § 1186; 1906, § 1264; Hemingway's 1917, § 994; 1930, § 1022; 1942, § 2254; Laws, 1940, ch. 239; Laws, 1996, ch. 544, § 3, eff. 7/1/1996. Any person who shall, without the consent of the owner or his agent, take away any horse, mare, gelding, mule, jack, jennet, sheep, cow, bull, ox, hog, or other livestock or dog, or automobile, truck or other motor vehicle, where such taking and carrying away shall not amount to larceny, shall upon conviction, be fined not exceeding One Thousand Dollars (\$1,000.00), or be imprisoned not exceeding one (1) year in the county jail, or both. A verdict of guilty of such taking and carrying away may be rendered under an indictment for larceny, if the evidence shall not warrant a verdict of guilty of larceny but shall warrant a conviction under this section. This section shall not apply to anyone who takes such property believing, in good faith, that he has a right to it. The court shall order any person convicted under this section to pay restitution for any damage caused to any property as a result of violating this section. Codes, 1880, § 2911; 1892, § 1186; 1906, § 1264; Hemingway's 1917, § 994; 1930, § 1022; 1942, § 2254; Laws, 1940, ch. 239; Laws, 1996, ch. 544, § 3, eff. 7/1/1996.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-62 - Larceny; theft of rental property

(1)(a) It is unlawful to obtain custody of personal property or equipment by trick, deceit, fraud or willful false representation with intent to defraud the owner or any person in lawful possession of the personal property or equipment. (b) It is unlawful to hire or lease personal property or equipment from any person who is in lawful possession of the personal property or equipment with intent to defraud that person of the rental due under the rental agreement. (c) It is unlawful to abandon or willfully refuse to redeliver personal property as required under a rental agreement without the consent of the lessor or the lessor's agent with intent to defraud the lessor or the lessor's agent. (d) A person who violates this subsection (1) shall be guilty of a misdemeanor, punishable as provided in Section 97-17-43, unless the value of the personal property or equipment is of a value of One Thousand Dollars (\$1,000.00) or more; in that event the violation constitutes a felony, and shall be punished based on the property involved according to the schedule in Section 97-17-41. (2)(a) In prosecutions under this section, the following acts are prima facie evidence of fraudulent intent: obtaining the property or equipment under false pretenses; absconding without payment; or removing or attempting to remove the property or equipment from the county without the express written consent of the lessor or the lessor's agent. (b) Demand for return of overdue property or equipment and for payment of amounts due may be made personally, by hand delivery, or by certified mail, return receipt requested, to the lessee's address shown in the rental contract. (c) In a prosecution under subsection (1)(c): (i) Failure to redeliver the property or equipment within five (5) days after hand delivery to or return receipt from the lessee is prima facie evidence of fraudulent intent. Notice that is returned undelivered after mailing to the address given by the lessee at the time of rental shall be deemed equivalent to return receipt from the lessee. (ii) Failure to pay any amount due which is incurred as the result of the failure to redeliver property after the rental period expires is prima facie evidence of fraudulent intent. Amounts due include unpaid rental for the time period during which the property or equipment was not returned, and include the lesser of the cost of repairing or replacing the property or equipment, as necessary, if it has been damaged or not returned. Laws, 2007, ch. 489, § 1, eff. 7/1/2007. Amended by Laws, 2014, ch. 457, HB 585, 19, eff. 7/1/2014. (1)(a) It is unlawful to obtain custody of personal property or equipment by trick, deceit, fraud or willful false representation with intent to defraud the owner or any person in lawful possession of the personal property or equipment. (b) It is unlawful to hire or lease personal property or equipment from any person who is in

lawful possession of the personal property or equipment with intent to defraud that person of the rental due under the rental agreement.(c)It is unlawful to abandon or willfully refuse to redeliver personal property as required under a rental agreement without the consent of the lessor or the lessor's agent with intent to defraud the lessor or the lessor's agent.(d)A person who violates this subsection (1) shall be guilty of a misdemeanor, punishable as provided in Section97-17-43, unless the value of the personal property or equipment is of a value of One Thousand Dollars (\$1,000.00) or more; in that event the violation constitutes a felony, and shall be punished based on the property involved according to the schedule in Section97-17-41.(2)(a)In prosecutions under this section, the following acts are prima facie evidence of fraudulent intent: obtaining the property or equipment under false pretenses; absconding without payment; or removing or attempting to remove the property or equipment from the county without the express written consent of the lessor or the lessor's agent.(b)Demand for return of overdue property or equipment and for payment of amounts due may be made personally, by hand delivery, or by certified mail, return receipt requested, to the lessee's address shown in the rental contract.(c)In a prosecution under subsection (1)(c):(i)Failure to redeliver the property or equipment within five (5) days after hand delivery to or return receipt from the lessee is prima facie evidence of fraudulent intent. Notice that is returned undelivered after mailing to the address given by the lessee at the time of rental shall be deemed equivalent to return receipt from the lessee.(ii)Failure to pay any amount due which is incurred as the result of the failure to redeliver property after the rental period expires is prima facie evidence of fraudulent intent. Amounts due include unpaid rental for the time period during which the property or equipment was not returned, and include the lesser of the cost of repairing or replacing the property or equipment, as necessary, if it has been damaged or not returned.Laws, 2007, ch. 489, § 1, eff. 7/1/2007.Amended by Laws, 2014, ch. 457, HB 585, 19, eff. 7/1/2014. (1)(a)It is unlawful to obtain custody of personal property or equipment by trick, deceit, fraud or willful false representation with intent to defraud the owner or any person in lawful possession of the personal property or equipment.(b)It is unlawful to hire or lease personal property or equipment from any person who is in lawful possession of the personal property or equipment with intent to defraud that person of the rental due under the rental agreement.(c)It is unlawful to abandon or willfully refuse to redeliver personal property as required under a rental agreement without the consent of the lessor or the lessor's agent with intent to defraud the lessor or the lessor's agent.(d)A person who violates this subsection (1) shall be guilty of a misdemeanor, punishable as provided in Section97-17-43, unless the value of the personal property or equipment is of a value of One Thousand Dollars (\$1,000.00) or more; in that event the violation constitutes a felony, and shall be punished based on the property involved according to the schedule in Section97-17-41.(2)(a)In prosecutions under this section, the following acts are prima facie evidence of fraudulent intent: obtaining the property or equipment under false pretenses; absconding without payment; or removing or attempting to remove the property or equipment from the county without the express written consent of the lessor or the lessor's agent.(b)Demand for return of overdue property or equipment and for payment of amounts due may be made personally, by hand delivery, or by certified mail, return receipt requested, to the lessee's address shown in the rental contract.(c)In a prosecution under subsection (1)(c):(i)Failure to redeliver the property or equipment within five (5) days after hand delivery to or return receipt from the lessee is prima facie evidence of fraudulent intent. Notice that is returned undelivered after mailing to the address given by the lessee at the time of rental shall be deemed equivalent to return receipt from the lessee.(ii)Failure to pay any amount due which is incurred as the result of the failure to redeliver property after the rental period expires is prima facie evidence of fraudulent intent. Amounts due include unpaid rental for the time period during which the property or equipment was not returned, and include the lesser of the cost of repairing or replacing the property or equipment, as necessary, if it has been damaged or not returned.Laws, 2007, ch. 489, § 1, eff. 7/1/2007.Amended by Laws, 2014, ch. 457, HB 585, 19, eff. 7/1/2014. Laws, 2007, ch. 489, § 1, eff. 7/1/2007. Amended by Laws, 2014, ch. 457, HB 585, 19, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207)IN GENERAL (§§ 97-17-1 — 97-17-103)Section 97-17-63 - Larceny; tenants in common

Any tenant in common of personal property, or person who is in any manner interested in any such property in which any other person has an interest, who shall sell, give away, conceal, or in any way convert or dispose of such property, with intent to defraud his cotenant or other person interested in such property, shall be punished as if he had committed larceny of such property of the value of the interest of his cotenant or other person interested in such property.Codes, 1880, § 2913; 1892, § 1188; 1906, § 1266; Hemingway's 1917, § 996; 1930, § 1024; 1942, § 2256. Any tenant in common of personal property, or person who is in any manner interested in any such property in which any other person has an interest, who shall sell, give away, conceal, or in any way convert or dispose of such property, with intent to defraud his cotenant or other person interested in such property, shall be punished as if he had committed larceny of such property of the value of the interest of his cotenant or other person interested in such property.Codes, 1880, § 2913; 1892, § 1188; 1906, § 1266; Hemingway's 1917, § 996; 1930, § 1024; 1942, § 2256. Any tenant in common of personal property, or person who is in any manner interested in any such property in which any other person has an interest, who shall sell, give away, conceal, or in any way convert or dispose of such property, with intent to defraud his cotenant or other person interested in such property, shall be punished as if he had committed larceny of such property of the value of the interest of his cotenant or other person interested in such property.Codes, 1880, § 2913; 1892, § 1188; 1906, § 1266; Hemingway's 1917, § 996; 1930, § 1024; 1942, § 2256. Any tenant in common of personal property, or person who is in any manner interested in any such property in which any other person has an interest, who shall sell, give away, conceal, or in any way convert or dispose of such property, with intent to defraud his cotenant or other person interested in such property, shall be punished as if he had committed larceny of such property of the value of the interest of his cotenant or other person interested in such property. Codes, 1880, § 2913; 1892, § 1188; 1906, § 1266; Hemingway's 1917, § 996; 1930, § 1024; 1942, § 2256.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-64 - Larceny; under lease or rental agreement

(1) A person who obtains personal property of another under a lease or rental agreement is guilty of theft if he exercises unlawful or unauthorized control over the property with purpose to deprive the owner thereof. As used in this section, the word "deprive" means to withhold property of another permanently or for so extended a period that a significant portion of its economic value, or the use or benefit thereof, is lost to the owner; or to withhold the property with intent to restore it to the owner only upon payment of a reward or other compensation; or to conceal, abandon or dispose of the property so as to make it unlikely that the owner will recover it; or to sell, give, pledge, or otherwise transfer any interest in the property. (2) It shall be prima facie evidence of purpose to deprive when a person: (a) In obtaining such property presents identification or information which is materially false, fictitious, misleading or not current, with respect to such person's name, address, place of employment, or any other material matter; or (b) Fails to return such property to the owner or his representative within ten (10) days after proper notice following the expiration of the term for which such person's use, possession or control of the property is authorized; or (c) Fails to contact the owner or his representative to make arrangements to return such property within ten (10) days after proper notice following the expiration of the term for which such person's use, possession or control of such property is authorized. (3) For the purpose of this section, "proper notice" means either actual notification as may be otherwise proven beyond a reasonable doubt or a written demand for return of the property mailed to the defendant, which satisfies the following procedure: (a) The written demand must be mailed to the defendant by certified or registered mail with return receipt attached, which return receipt by its terms must be signed by the defendant personally and not by his representative; (b) The written demand must be mailed to the defendant at either the address given at the time he obtained the property or the defendant's last-known address if later furnished in writing by the defendant to the owner or his representative; and (c) The return receipt bearing the defendant's signature must be returned to the owner or his representative. (4) It shall be an affirmative defense to prosecution under this section that: (a) The defendant was unaware that the property was that of another; or (b) The defendant acted under an honest claim of right to the property involved or that he had a right to acquire or dispose of it as he did; or (c) The defendant was physically incapacitated and unable to request or obtain permission of the owner to retain the property; or (d) The property was in such a condition, through no fault of the defendant, that it could not be returned within the requisite time after receipt of proper notice. (5) Any person convicted of the offense of theft under this section shall be: (a) Guilty of a misdemeanor when the value of the personal property is less than One Thousand Dollars (\$1,000.00) and may be punished by a fine of not more than Two Hundred Fifty Dollars (\$250.00), or by imprisonment in the county jail for a term of not more than six (6) months, by both such fine and imprisonment if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or both. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding One Thousand Dollars (\$1,000.00); or (b) Guilty of a felony when the value of the personal property is One Thousand Dollars (\$1,000.00) or more and punished by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary for a term of not more than five (5) years, or by both such fine and imprisonment. Laws, 1987, ch. 352, eff. 7/1/1987. Amended by Laws, 2014, ch. 457, HB 585, 20, eff. 7/1/2014. (1) A person who obtains personal property of another under a lease or rental agreement is guilty of theft if he exercises unlawful or unauthorized control over the property with purpose to deprive the owner thereof. As used in this section, the word "deprive" means to withhold property of another permanently or for so extended a period that a significant portion of its economic value, or the use or benefit thereof, is lost to the owner; or to withhold the property with intent to restore it to the owner only upon payment of a reward or other compensation; or to conceal, abandon or dispose of the property so as to make it unlikely that the owner will recover it; or to sell, give, pledge, or otherwise transfer any interest in the property. (2) It shall be prima facie evidence of purpose to deprive when a person: (a) In obtaining such property presents identification or information which is materially false, fictitious, misleading or not current, with respect to such person's name, address, place of employment, or any other material matter; or (b) Fails to return such property to the owner or his representative within ten (10) days after proper notice following the expiration of the term for which such person's use, possession or control of the property is authorized; or (c) Fails to contact the owner or his representative to make arrangements to return such property within ten (10) days after proper notice following the expiration of the term for which such person's use, possession or control of such property is authorized. (3) For the purpose of this section, "proper notice" means either actual notification as may be otherwise proven beyond a reasonable doubt or a written demand for return of the property mailed to the defendant, which satisfies the following procedure: (a) The written demand must be mailed to the defendant by certified or registered mail with return receipt attached, which return receipt by its terms must be signed by the defendant personally and not by his representative; (b) The written demand must be mailed to the defendant at either the address given at the time he obtained the property or the defendant's last-known address if later furnished in writing by the defendant to the owner or his representative; and (c) The return receipt bearing the defendant's signature must be returned to the owner or his representative. (4) It shall be an affirmative defense to prosecution under this section that: (a) The defendant was unaware that the property was that of another; or (b) The defendant acted under an honest claim of right to the property involved or that he had a right to acquire or dispose of it as he did; or (c) The defendant was physically incapacitated and unable to request or obtain permission of the owner to retain the property; or (d) The property was in such a condition, through no fault of the defendant, that it could not be returned within the requisite time after receipt of proper notice. (5) Any person convicted of the offense of theft under

this section shall be:(a)Guilty of a misdemeanor when the value of the personal property is less than One Thousand Dollars (\$1,000.00) and may be punished by a fine of not more than Two Hundred Fifty Dollars (\$250.00), or by imprisonment in the county jail for a term of not more than six (6) months, by both such fine and imprisonment if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or both. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding One Thousand Dollars (\$1,000.00); or(b)Guilty of a felony when the value of the personal property is One Thousand Dollars (\$1,000.00) or more and punished by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary for a term of not more than five (5) years, or by both such fine and imprisonment.Laws, 1987, ch. 352, eff. 7/1/1987.Amended by Laws, 2014, ch. 457, HB 585, 20, eff. 7/1/2014. (1)A person who obtains personal property of another under a lease or rental agreement is guilty of theft if he exercises unlawful or unauthorized control over the property with purpose to deprive the owner thereof. As used in this section, the word "deprive" means to withhold property of another permanently or for so extended a period that a significant portion of its economic value, or the use or benefit thereof, is lost to the owner; or to withhold the property with intent to restore it to the owner only upon payment of a reward or other compensation; or to conceal, abandon or dispose of the property so as to make it unlikely that the owner will recover it; or to sell, give, pledge, or otherwise transfer any interest in the property.(2)It shall be prima facie evidence of purpose to deprive when a person:(a)In obtaining such property presents identification or information which is materially false, fictitious, misleading or not current, with respect to such person's name, address, place of employment, or any other material matter; or(b)Fails to return such property to the owner or his representative within ten (10) days after proper notice following the expiration of the term for which such person's use, possession or control of the property is authorized; or(c)Fails to contact the owner or his representative to make arrangements to return such property within ten (10) days after proper notice following the expiration of the term for which such person's use, possession or control of such property is authorized.(3)For the purpose of this section, "proper notice" means either actual notification as may be otherwise proven beyond a reasonable doubt or a written demand for return of the property mailed to the defendant, which satisfies the following procedure:(a)The written demand must be mailed to the defendant by certified or registered mail with return receipt attached, which return receipt by its terms must be signed by the defendant personally and not by his representative;(b)The written demand must be mailed to the defendant at either the address given at the time he obtained the property or the defendant's last-known address if later furnished in writing by the defendant to the owner or his representative; and(c)The return receipt bearing the defendant's signature must be returned to the owner or his representative.(4)It shall be an affirmative defense to prosecution under this section that:(a)The defendant was unaware that the property was that of another; or(b)The defendant acted under an honest claim of right to the property involved or that he had a right to acquire or dispose of it as he did; or(c)The defendant was physically incapacitated and unable to request or obtain permission of the owner to retain the property; or(d)The property was in such a condition, through no fault of the defendant, that it could not be returned within the requisite time after receipt of proper notice.(5)Any person convicted of the offense of theft under this section shall be:(a)Guilty of a misdemeanor when the value of the personal property is less than One Thousand Dollars (\$1,000.00) and may be punished by a fine of not more than Two Hundred Fifty Dollars (\$250.00), or by imprisonment in the county jail for a term of not more than six (6) months, by both such fine and imprisonment if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine not exceeding Two Hundred Fifty Dollars (\$250.00), or both. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding One Thousand Dollars (\$1,000.00); or(b)Guilty of a felony when the value of the personal property is One Thousand Dollars (\$1,000.00) or more and punished by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary for a term of not more than five (5) years, or by both such fine and imprisonment.Laws, 1987, ch. 352, eff. 7/1/1987.Amended by Laws, 2014, ch. 457, HB 585, 20, eff. 7/1/2014. Laws, 1987, ch. 352, eff. 7/1/1987. Amended by Laws, 2014, ch. 457, HB 585, 20, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207)IN GENERAL (§§ 97-17-1 — 97-17-103)Section 97-17-65 - Looting

(1)A person commits looting when he knowingly without authority of law or of the owner enters any home or dwelling, or upon any premises of another, or enters any commercial, mercantile, business or industrial building, plant or establishment, in which a normal security of property is not present by virtue of a hurricane, fire or vis major of any kind or by virtue of a riot, mob, or other human agency and obtains or exerts control over or injures or removes property of the owner.(2)Any person who commits looting shall be guilty of a felony and, upon conviction, such person shall be punished by imprisonment in the penitentiary for a period not to exceed fifteen (15) years or by a fine not to exceed ten thousand dollars (\$10,000.00), or both such fine and imprisonment.(3)The fact that a person may be subject to prosecution under this section shall not bar his prosecution or punishment under the statutes relating to larceny or burglary, or under any other statute or ordinance to the extent that such would otherwise be permitted in the absence of this section.Codes, 1942, § 2257.5; Laws, 1968, ch. 348, §§ 1-3, eff. 7/11/1968. (1)A person commits looting when he knowingly

without authority of law or of the owner enters any home or dwelling, or upon any premises of another, or enters any commercial, mercantile, business or industrial building, plant or establishment, in which a normal security of property is not present by virtue of a hurricane, fire or vis major of any kind or by virtue of a riot, mob, or other human agency and obtains or exerts control over or injures or removes property of the owner.(2)Any person who commits looting shall be guilty of a felony and, upon conviction, such person shall be punished by imprisonment in the penitentiary for a period not to exceed fifteen (15) years or by a fine not to exceed ten thousand dollars (\$10,000.00), or both such fine and imprisonment.(3)The fact that a person may be subject to prosecution under this section shall not bar his prosecution or punishment under the statutes relating to larceny or burglary, or under any other statute or ordinance to the extent that such would otherwise be permitted in the absence of this section.Codes, 1942, § 2257.5; Laws, 1968, ch. 348, §§ 1-3, eff. 7/11/1968. (1)A person commits looting when he knowingly without authority of law or of the owner enters any home or dwelling, or upon any premises of another, or enters any commercial, mercantile, business or industrial building, plant or establishment, in which a normal security of property is not present by virtue of a hurricane, fire or vis major of any kind or by virtue of a riot, mob, or other human agency and obtains or exerts control over or injures or removes property of the owner.(2)Any person who commits looting shall be guilty of a felony and, upon conviction, such person shall be punished by imprisonment in the penitentiary for a period not to exceed fifteen (15) years or by a fine not to exceed ten thousand dollars (\$10,000.00), or both such fine and imprisonment.(3)The fact that a person may be subject to prosecution under this section shall not bar his prosecution or punishment under the statutes relating to larceny or burglary, or under any other statute or ordinance to the extent that such would otherwise be permitted in the absence of this section.Codes, 1942, § 2257.5; Laws, 1968, ch. 348, §§ 1-3, eff. 7/11/1968. Codes, 1942, § 2257.5; Laws, 1968, ch. 348, §§ 1-3, eff. 7/11/1968.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207)IN GENERAL (§§ 97-17-1 — 97-17-103)Section 97-17-67 - Malicious mischief

(1)Every person who shall maliciously or mischievously destroy, disfigure, or injure, or cause to be destroyed, disfigured, or injured, any property of another, either real or personal, shall be guilty of malicious mischief.(2)If the value of the property destroyed, disfigured or injured is One Thousand Dollars (\$1,000.00) or less, it shall be a misdemeanor and may be punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment in the county jail not exceeding twelve (12) months, or both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding One Thousand Dollars (\$1,000.00), or both.(3)If the value of the property destroyed, disfigured or injured is in excess of One Thousand Dollars (\$1,000.00) but less than Five Thousand Dollars (\$5,000.00), it shall be a felony punishable by a fine not exceeding Ten Thousand Dollars (\$10,000.00) or imprisonment in the Penitentiary not exceeding five (5) years, or both.(4)If the value of the property is Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), it shall be punishable by a fine of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment in the Penitentiary not exceeding ten (10) years, or both.(5)If the value of the property is Twenty-five Thousand Dollars (\$25,000.00) or more, it shall be punishable by a fine of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment in the Penitentiary not exceeding twenty (20) years, or both.(6)In all cases restitution to the victim for all damages shall be ordered. The value of property destroyed, disfigured or injured by the same party as part of a common crime against the same or multiple victims may be aggregated together and if the value exceeds One Thousand Dollars (\$1,000.00), shall be a felony.(7)For purposes of this statute, value shall be the cost of repair or replacement of the property damaged or destroyed.(8)Anyone who by any word, deed or act directly or indirectly urges, aids, abets, suggests or otherwise instills in the mind of another the will to so act shall be considered a principal in the commission of said crime and shall be punished in the same manner.Codes, Hutchinson's 1848, ch. 64, art. 7(2); 1857, ch. 64, art. 202; 1871, § 2709; 1880, § 2919; 1892, § 1209; 1906, § 1287; Hemingway's 1917, § 1019; 1930, § 1049; 1942, § 2281; Laws, 1962, ch. 319; Laws, 1968, ch. 357, § 1; Laws, 2003, ch. 434, § 1; Laws, 2009, ch. 379, § 2, eff. 7/1/2009.Amended by Laws, 2014, ch. 457, HB 585, 21, eff. 7/1/2014. (1)Every person who shall maliciously or mischievously destroy, disfigure, or injure, or cause to be destroyed, disfigured, or injured, any property of another, either real or personal, shall be guilty of malicious mischief.(2)If the value of the property destroyed, disfigured or injured is One Thousand Dollars (\$1,000.00) or less, it shall be a misdemeanor and may be punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment in the county jail not exceeding twelve (12) months, or both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding One Thousand Dollars (\$1,000.00), or both.(3)If the value of the property destroyed, disfigured or injured is in excess of One Thousand Dollars (\$1,000.00) but less than Five Thousand Dollars (\$5,000.00), it shall be a felony punishable by a fine not exceeding Ten Thousand Dollars (\$10,000.00) or imprisonment in the Penitentiary not exceeding five (5) years, or both.(4)If the value of the property is Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), it

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The value of property destroyed, disfigured or injured by the same party as part of a common crime against the same or multiple victims may be aggregated together and if the value exceeds One Thousand Dollars (\$1,000.00), shall be a felony.(7)For purposes of this statute, value shall be the cost of repair or replacement of the property damaged or destroyed.(8)Anyone who by any word, deed or act directly or indirectly urges, aids, abets, suggests or otherwise instills in the mind of another the will to so act shall be considered a principal in the commission of said crime and shall be punished in the same manner.Codes, Hutchinson's 1848, ch. 64, art. 7(2); 1857, ch. 64, art. 202; 1871, § 2709; 1880, § 2919; 1892, § 1209; 1906, § 1287; Hemingway's 1917, § 1019; 1930, § 1049; 1942, § 2281; Laws, 1962, ch. 319; Laws, 1968, ch. 357, § 1; Laws, 2003, ch. 434, § 1; Laws, 2009, ch. 379, § 2, eff. 7/1/2009.Amended by Laws, 2014, ch. 457, HB 585, 21, eff. 7/1/2014. (1)Every person who shall maliciously or mischievously destroy, disfigure, or injure, or cause to be destroyed, disfigured, or injured, any property of another, either real or personal, shall be guilty of malicious mischief.(2)If the value of the property destroyed, disfigured or injured is One Thousand Dollars (\$1,000.00) or less, it shall be a misdemeanor and may be punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment in the county jail not exceeding twelve (12) months, or both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding One Thousand Dollars (\$1,000.00), or both.(3)If the value of the property destroyed, disfigured or injured is in excess of One Thousand Dollars (\$1,000.00) but less than Five Thousand Dollars (\$5,000.00), it shall be a felony punishable by a fine not exceeding Ten Thousand Dollars (\$10,000.00) or imprisonment in the Penitentiary not exceeding five (5) years, or both.(4)If the value of the property is Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), it shall be punishable by a fine of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment in the Penitentiary not exceeding ten (10) years, or both.(5)If the value of the property is Twenty-five Thousand Dollars (\$25,000.00) or more, it shall be punishable by a fine of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment in the Penitentiary not exceeding twenty (20) years, or both.(6)In all cases restitution to the victim for all damages shall be ordered. The value of property destroyed, disfigured or injured by the same party as part of a common crime against the same or multiple victims may be aggregated together and if the value exceeds One Thousand Dollars (\$1,000.00), shall be a felony.(7)For purposes of this statute, value shall be the cost of repair or replacement of the property damaged or destroyed.(8)Anyone who by any word, deed or act directly or indirectly urges, aids, abets, suggests or otherwise instills in the mind of another the will to so act shall be considered a principal in the commission of said crime and shall be punished in the same manner.Codes, Hutchinson's 1848, ch. 64, art. 7(2); 1857, ch. 64, art. 202; 1871, § 2709; 1880, § 2919; 1892, § 1209; 1906, § 1287; Hemingway's 1917, § 1019; 1930, § 1049; 1942, § 2281; Laws, 1962, ch. 319; Laws, 1968, ch. 357, § 1; Laws, 2003, ch. 434, § 1; Laws, 2009, ch. 379, § 2, eff. 7/1/2009.Amended by Laws, 2014, ch. 457, HB 585, 21, eff. 7/1/2014. Codes, Hutchinson's 1848, ch. 64, art. 7(2); 1857, ch. 64, art. 202; 1871, § 2709; 1880, § 2919; 1892, § 1209; 1906, § 1287; Hemingway's 1917, § 1019; 1930, § 1049; 1942, § 2281; Laws, 1962, ch. 319; Laws, 1968, ch. 357, § 1; Laws, 2003, ch. 434, § 1; Laws, 2009, ch. 379, § 2, eff. 7/1/2009. Amended by Laws, 2014, ch. 457, HB 585, 21, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207)IN GENERAL (§§ 97-17-1 — 97-17-103)Section 97-17-68 - Coin operated devices; description of offenses and imposition of penalties; prosecution under this section does not bar prosecution or punishment under other statutes

(1)It shall be unlawful for any person:(a)to willfully open, enter, remove, break into or tamper with any parking meter, coin telephone or other coin-operated vending machine dispensing goods or services with the intent to commit a larceny therefrom;(b)to possess a key or device designed and intended by him to aid in the commission of larceny from any parking meter, coin telephone or other coin-operated vending machine dispensing goods or services;(c)to possess a drawing, print or mold of a key or device designed and intended by him to aid in the commission of larceny from any parking meter, coin telephone or other coin-operated vending machine dispensing goods or services; or(d)to break into or enter any parking meter, coin telephone or other coin-operated vending machine dispensing goods or services with the intent to steal therefrom.(2)Any person who violates any provision of this section shall be punished upon the first conviction by imprisonment in the county jail or sentenced to hard labor for the county for a period of not more than thirty (30) days, or by a fine of not more than Two Hundred Dollars (\$200.00), or by both such fine and imprisonment. Upon any subsequent conviction, such person shall be punished by imprisonment in the county jail for a period of not less than six (6) months nor more than one (1) year, or by a fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.(3)The fact that a person may be subject to prosecution under this section shall not bar his prosecution or punishment under Section97-17-67relating to malicious mischief, under the statutes relating to larceny, or under any other statute or ordinance to the extent that such would otherwise be permitted in the absence of this section.Laws, 1974, ch. 356, §§ 1, 2; Laws, 2009, ch. 379, § 1, eff. 7/1/2009. (1)It shall be unlawful for any person:(a)to willfully open, enter, remove, break into or tamper with

any parking meter, coin telephone or other coin-operated vending machine dispensing goods or services with the intent to commit a larceny therefrom;(b)to possess a key or device designed and intended by him to aid in the commission of larceny from any parking meter, coin telephone or other coin-operated vending machine dispensing goods or services;(c)to possess a drawing, print or mold of a key or device designed and intended by him to aid in the commission of larceny from any parking meter, coin telephone or other coin-operated vending machine dispensing goods or services; or(d)to break into or enter any parking meter, coin telephone or other coin-operated vending machine dispensing goods or services with the intent to steal therefrom.(2)Any person who violates any provision of this section shall be punished upon the first conviction by imprisonment in the county jail or sentenced to hard labor for the county for a period of not more than thirty (30) days, or by a fine of not more than Two Hundred Dollars (\$200.00), or by both such fine and imprisonment. Upon any subsequent conviction, such person shall be punished by imprisonment in the county jail for a period of not less than six (6) months nor more than one (1) year, or by a fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.(3)The fact that a person may be subject to prosecution under this section shall not bar his prosecution or punishment under Section97-17-67relating to malicious mischief, under the statutes relating to larceny, or under any other statute or ordinance to the extent that such would otherwise be permitted in the absence of this section.Laws, 1974, ch. 356, §§ 1, 2; Laws, 2009, ch. 379, § 1, eff. 7/1/2009. (1)It shall be unlawful for any person:(a)to willfully open, enter, remove, break into or tamper with any parking meter, coin telephone or other coin-operated vending machine dispensing goods or services with the intent to commit a larceny therefrom;(b)to possess a key or device designed and intended by him to aid in the commission of larceny from any parking meter, coin telephone or other coin-operated vending machine dispensing goods or services;(c)to possess a drawing, print or mold of a key or device designed and intended by him to aid in the commission of larceny from any parking meter, coin telephone or other coin-operated vending machine dispensing goods or services; or(d)to break into or enter any parking meter, coin telephone or other coin-operated vending machine dispensing goods or services with the intent to steal therefrom.(2)Any person who violates any provision of this section shall be punished upon the first conviction by imprisonment in the county jail or sentenced to hard labor for the county for a period of not more than thirty (30) days, or by a fine of not more than Two Hundred Dollars (\$200.00), or by both such fine and imprisonment. Upon any subsequent conviction, such person shall be punished by imprisonment in the county jail for a period of not less than six (6) months nor more than one (1) year, or by a fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.(3)The fact that a person may be subject to prosecution under this section shall not bar his prosecution or punishment under Section97-17-67relating to malicious mischief, under the statutes relating to larceny, or under any other statute or ordinance to the extent that such would otherwise be permitted in the absence of this section.Laws, 1974, ch. 356, §§ 1, 2; Laws, 2009, ch. 379, § 1, eff. 7/1/2009. Laws, 1974, ch. 356, §§ 1, 2; Laws, 2009, ch. 379, § 1, eff. 7/1/2009.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207)IN GENERAL (§§ 97-17-1 — 97-17-103)Section 97-17-7 - Arson; third degree; personal property

Any person who wilfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of any personal property of whatsoever class or character; (such property being of the value of twenty-five dollars and the property of another person), shall be guilty of arson in the third degree and upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than three years.Codes, 1942, § 2008; Laws, 1932, ch. 272. Any person who wilfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of any personal property of whatsoever class or character; (such property being of the value of twenty-five dollars and the property of another person), shall be guilty of arson in the third degree and upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than three years.Codes, 1942, § 2008; Laws, 1932, ch. 272. Any person who wilfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of any personal property of whatsoever class or character; (such property being of the value of twenty-five dollars and the property of another person), shall be guilty of arson in the third degree and upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than three years.Codes, 1942, § 2008; Laws, 1932, ch. 272. Any person who wilfully and maliciously sets fire to or burns or causes to be burned, or who aids, counsels or procures the burning of any personal property of whatsoever class or character; (such property being of the value of twenty-five dollars and the property of another person), shall be guilty of arson in the third degree and upon conviction thereof, be sentenced to the penitentiary for not less than one nor more than three years. Codes, 1942, § 2008; Laws, 1932, ch. 272.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207)IN GENERAL (§§ 97-17-1 — 97-17-103)Section 97-17-70 - Receiving stolen property; dual charges of both stealing and receiving same property not to be brought against single defendant in same jurisdiction; penalties

(1)A person commits the crime of receiving stolen property if he intentionally possesses, receives, retains or disposes of stolen property knowing that it has been stolen or having reasonable grounds to believe it has been stolen, unless the property is possessed, received, retained or disposed of with intent to restore it to the owner.(2)The fact that the person who stole the property has not been convicted, apprehended or identified is not a defense to a charge of receiving stolen property.(3)(a)Evidence that the person charged under this section stole the property that is the subject of the charge of receiving stolen property is not a defense to a charge under this section; however, dual charges of both stealing and receiving the same property shall not be brought against a single defendant in a single jurisdiction.(b)Proof that a defendant stole the property that is the subject of a charge under this section shall be prima facie evidence that the defendant had knowledge that the property was stolen.(4)Any person who shall be convicted of receiving

stolen property which exceeds One Thousand Dollars (\$1,000.00) or more, but less than Five Thousand Dollars (\$5,000.00) in value shall be punished by imprisonment in the custody of the State Department of Corrections for a term not exceeding five (5) years or by a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(5)Any person who shall be convicted of receiving stolen property which exceeds Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00) in value shall be punished by imprisonment in the custody of the State Department of Corrections for a term not exceeding ten (10) years or by a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(6)Any person who shall be convicted of receiving stolen property which exceeds Twenty-five Thousand Dollars (\$25,000.00) in value shall be punished by imprisonment in the custody of the State Department of Corrections for a term not exceeding twenty (20) years or by a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(7)Any person who shall be convicted of receiving stolen property which does not exceed One Thousand Dollars (\$1,000.00) in value may be punished by imprisonment in the county jail for not more than six (6) months or by a fine of not more than One Thousand Dollars (\$1,000.00), or both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding One Thousand Dollars (\$1,000.00), or both.Laws, 1993, ch. 359, § 1; Laws, 2003, ch. 499, § 4; Laws, 2005, ch. 511, § 1; Laws, 2007, ch. 437, § 1, eff. 7/1/2007.Amended by Laws, 2014, ch. 457, HB 585, 22, eff. 7/1/2014. (1)A person commits the crime of receiving stolen property if he intentionally possesses, receives, retains or disposes of stolen property knowing that it has been stolen or having reasonable grounds to believe it has been stolen, unless the property is possessed, received, retained or disposed of with intent to restore it to the owner.(2)The fact that the person who stole the property has not been convicted, apprehended or identified is not a defense to a charge of receiving stolen property.(3)(a)Evidence that the person charged under this section stole the property that is the subject of the charge of receiving stolen property is not a defense to a charge under this section; however, dual charges of both stealing and receiving the same property shall not be brought against a single defendant in a single jurisdiction.(b)Proof that a defendant stole the property that is the subject of a charge under this section shall be prima facie evidence that the defendant had knowledge that the property was stolen.(4)Any person who shall be convicted of receiving stolen property which exceeds One Thousand Dollars (\$1,000.00) or more, but less than Five Thousand Dollars (\$5,000.00) in value shall be punished by imprisonment in the custody of the State Department of Corrections for a term not exceeding five (5) years or by a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(5)Any person who shall be convicted of receiving stolen property which exceeds Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00) in value shall be punished by imprisonment in the custody of the State Department of Corrections for a term not exceeding ten (10) years or by a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(6)Any person who shall be convicted of receiving stolen property which exceeds Twenty-five Thousand Dollars (\$25,000.00) in value shall be punished by imprisonment in the custody of the State Department of Corrections for a term not exceeding twenty (20) years or by a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(7)Any person who shall be convicted of receiving stolen property which does not exceed One Thousand Dollars (\$1,000.00) in value may be punished by imprisonment in the county jail for not more than six (6) months or by a fine of not more than One Thousand Dollars (\$1,000.00), or both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. 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(1)A person commits the crime of receiving stolen property if he intentionally possesses, receives, retains or disposes of stolen property knowing that it has been stolen or having reasonable grounds to believe it has been stolen, unless the property is possessed, received, retained or disposed of with intent to restore it to the owner.(2)The fact that the person who stole the property has not been convicted, apprehended or identified is not a defense to a charge of receiving stolen property.(3)(a)Evidence that the person charged under this section stole the property that is the subject of the charge of receiving stolen property is not a defense to a charge under this section; however, dual charges of both stealing and receiving the same property shall not be brought against a single defendant in a single jurisdiction.(b)Proof that a defendant stole the property that is the subject of a charge under this section shall be prima facie evidence that the defendant had knowledge that the property was stolen.(4)Any person who shall be convicted of receiving stolen property which exceeds One Thousand Dollars (\$1,000.00) or more, but less than Five Thousand Dollars (\$5,000.00) in value shall be punished by imprisonment in the custody of the State Department of Corrections for a term not exceeding five (5) years or by a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(5)Any person who shall be convicted of receiving stolen property which exceeds Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00) in value shall be punished by imprisonment in the custody of the State Department of Corrections for a term not exceeding ten (10) years or by a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(6)Any person who shall be convicted of receiving stolen property which exceeds Twenty-five Thousand Dollars (\$25,000.00) in value shall be punished by imprisonment in the custody of the State Department of Corrections for a term not

exceeding twenty (20) years or by a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(7)Any person who shall be convicted of receiving stolen property which does not exceed One Thousand Dollars (\$1,000.00) in value may be punished by imprisonment in the county jail for not more than six (6) months or by a fine of not more than One Thousand Dollars (\$1,000.00), or both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding One Thousand Dollars (\$1,000.00), or both.Laws, 1993, ch. 359, § 1; Laws, 2003, ch. 499, § 4; Laws, 2005, ch. 511, § 1; Laws, 2007, ch. 437, § 1, eff. 7/1/2007.Amended by Laws, 2014, ch. 457, HB 585, 22, eff. 7/1/2014. Laws, 1993, ch. 359, § 1; Laws, 2003, ch. 499, § 4; Laws, 2005, ch. 511, § 1; Laws, 2007, ch. 437, § 1, eff. 7/1/2007. Amended by Laws, 2014, ch. 457, HB 585, 22, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207)IN GENERAL (§§ 97-17-1 — 97-17-103)Section 97-17-71.1 - Registration by scrap metal dealers with office of Secretary of State required; false or misleading statements prohibited; penalties for violations; enforcement

(1)(a)From and after August 7, 2008, it shall be unlawful for any scrap metal dealer or any person who purchases scrap metal, deals in scrap metal, or otherwise engages in the scrap metal business to fail to register with the Secretary of State. All registrations under this section shall expire two (2) years from the date of the registration or the renewal thereof.(b)The Secretary of State may promulgate and adopt such rules and regulations as are reasonably necessary to carry out the provisions of this section and establish such registration and renewal fees as are adequate to cover the administrative costs associated with the registration program.(c)The Secretary of State may deny, suspend, revoke or refuse to renew any registration following notice to the applicant or registrant in accordance with the promulgated rules and an opportunity for a hearing for any failure to comply with this section, or for other good cause.(2)A violation of this section is a misdemeanor punishable by a fine of not less than Five Hundred Dollars (\$500.00) but not to exceed One Thousand Dollars (\$1,000.00) for the first offense. Any person who shall be guilty of any subsequent violations of this section requiring registration shall be guilty of a felony offense and shall be imprisoned in the custody of the Department of Corrections for a term not to exceed three (3) years, fined not more than Five Thousand Dollars (\$5,000.00), or both.(3)(a)To register or renew registration, the registrant must declare, under penalty of perjury, whether such registrant has ever been convicted of any felony offense, or any misdemeanor offense involving fraud, dishonesty, or deceit within five (5) years preceding the date of application. If the registrant is a business entity, the registrant shall make the same declarations on behalf of every owner of the business who participates in the operation or management of the business.(b)(i)An applicant who has been convicted of an offense as described in paragraph (a) of this subsection may be prohibited from registering under this section for five (5) years from the date of conviction.(ii)Any false statement submitted to the Secretary of State for the purpose of unlawfully registering under this section shall be punished as perjury in the manner provided in Section97-9-61, and a person so convicted shall be disqualified for life from registering as a scrap metal dealer under this section.(4)The Secretary of State shall immediately report any suspected criminal violation accompanied by all relevant records to the Office of Attorney General and the appropriate district attorney for further proceedings.(5)It is unlawful for a person to make or cause to be made, in a record or statement that is used or obtained in an examination, action, proceeding, or filed under this section, a statement that, at the time and in light of the circumstances under which it is made, is false or misleading in a material respect, or, in connection with the statement, to omit to state a material fact necessary to make the statement made, in light of the circumstances under which it was made, not false or misleading.(6)The Secretary of State shall have the authority to:(a)Conduct and carry out criminal background history verification of the information provided by the applicant or registrant and to require the submission of information and forms from the applicant or registrant in order to accomplish the registration duties imposed by this section;(b)Require or permit a person to testify, file a statement, or produce a record, under oath or otherwise, as to all the facts and circumstances concerning a matter to be investigated or about which an action or proceeding is to be instituted;(c)Issue a cease and desist order, with a prior hearing, against the scrap metal dealer or other purchaser alleged to be in violation of this section, directing the person or persons to cease and desist from further illegal activity. When an immediate cease and desist order is issued, the Secretary of State shall hold an administrative hearing on the alleged violations within fifteen (15) business days;(d)(i)Issue an order against any scrap metal dealer or other purchaser for any violation of this section, imposing an administrative penalty up to a maximum of One Thousand Dollars (\$1,000.00) for each offense. Each violation shall be considered a separate offense in a single proceeding or a series of related proceedings. Any administrative penalty, plus reimbursement for all costs and expenses incurred in the investigation of the violation and any administrative proceedings, shall be paid to the Secretary of State;(ii)For the purpose of determining the amount or extent of a sanction, if any, to be imposed under paragraph (c)(i) of this subsection, the Secretary of State shall consider, among other factors, the frequency, persistence and willfulness of the conduct constituting a violation of this section or any rule or order hereunder; the number of persons adversely affected by the conduct; and the resources of the person committing the violation;(e)Bring an action in chancery court to enjoin the acts or practices complained of to enforce compliance with this section or any rule promulgated or order entered hereunder. Upon a proper showing, a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. In addition, upon a proper showing by the Secretary of State, the court may enter an order of rescission or restitution directed to any person who has engaged

in any act constituting a violation of any provision of this section or any rule or order hereunder, or the court may impose a civil penalty up to a maximum of One Thousand Dollars (\$1,000.00) for each offense, provided that each violation shall be considered as a separate offense in a single proceeding or a series of related proceedings. The court may not require the Secretary of State to post a bond.(7)Any person aggrieved by a final order of the Secretary of State may obtain a review of the order in the Chancery Court of the First Judicial District of Hinds County, Mississippi, by filing in the court, within thirty (30) days after the entry of the order, a written petition praying that the order be modified or set aside, in whole or in part. A copy of the petition shall be forthwith served upon the Secretary of State and thereupon the Secretary of State shall certify and file in court a copy of the filing and evidence upon which the order was entered. When these have been filed, the court has exclusive jurisdiction to affirm, modify, enforce or set aside the order, in whole or in part.Laws, 2008, 1st Ex Sess, ch. 29, § 2, eff. 8/8/2008.Amended by Laws, 2022, ch. 452, SB 2545,§ 2, eff. 7/1/2022.Amended by Laws, 2016, ch. 447, SB 2649, 3, eff. 7/1/2016. (1)(a)From and after August 7, 2008, it shall be unlawful for any scrap metal dealer or any person who purchases scrap metal, deals in scrap metal, or otherwise engages in the scrap metal business to fail to register with the Secretary of State. All registrations under this section shall expire two (2) years from the date of the registration or the renewal thereof.(b)The Secretary of State may promulgate and adopt such rules and regulations as are reasonably necessary to carry out the provisions of this section and establish such registration and renewal fees as are adequate to cover the administrative costs associated with the registration program.(c)The Secretary of State may deny, suspend, revoke or refuse to renew any registration following notice to the applicant or registrant in accordance with the promulgated rules and an opportunity for a hearing for any failure to comply with this section, or for other good cause.(2)A violation of this section is a misdemeanor punishable by a fine of not less than Five Hundred Dollars (\$500.00) but not to exceed One Thousand Dollars (\$1,000.00) for the first offense. Any person who shall be guilty of any subsequent violations of this section requiring registration shall be guilty of a felony offense and shall be imprisoned in the custody of the Department of Corrections for a term not to exceed three (3) years, fined not more than Five Thousand Dollars (\$5,000.00), or both.(3)(a)To register or renew registration, the registrant must declare, under penalty of perjury, whether such registrant has ever been convicted of any felony offense, or any misdemeanor offense involving fraud, dishonesty, or deceit within five (5) years preceding the date of application. If the registrant is a business entity, the registrant shall make the same declarations on behalf of every owner of the business who participates in the operation or management of the business.(b)(i)An applicant who has been convicted of an offense as described in paragraph (a) of this subsection may be prohibited from registering under this section for five (5) years from the date of conviction.(ii)Any false statement submitted to the Secretary of State for the purpose of unlawfully registering under this section shall be punished as perjury in the manner provided in Section97-9-61, and a person so convicted shall be disqualified for life from registering as a scrap metal dealer under this section.(4)The Secretary of State shall immediately report any suspected criminal violation accompanied by all relevant records to the Office of Attorney General and the appropriate district attorney for further proceedings.(5)It is unlawful for a person to make or cause to be made, in a record or statement that is used or obtained in an examination, action, proceeding, or filed under this section, a statement that, at the time and in light of the circumstances under which it is made, is false or misleading in a material respect, or, in connection with the statement, to omit to state a material fact necessary to make the statement made, in light of the circumstances under which it was made, not false or misleading.(6)The Secretary of State shall have the authority to:(a)Conduct and carry out criminal background history verification of the information provided by the applicant or registrant and to require the submission of information and forms from the applicant or registrant in order to accomplish the registration duties imposed by this section;(b)Require or permit a person to testify, file a statement, or produce a record, under oath or otherwise, as to all the facts and circumstances concerning a matter to be investigated or about which an action or proceeding is to be instituted;(c)Issue a cease and desist order, with a prior hearing, against the scrap metal dealer or other purchaser alleged to be in violation of this section, directing the person or persons to cease and desist from further illegal activity. When an immediate cease and desist order is issued, the Secretary of State shall hold an administrative hearing on the alleged violations within fifteen (15) business days;(d)(i)Issue an order against any scrap metal dealer or other purchaser for any violation of this section, imposing an administrative penalty up to a maximum of One Thousand Dollars (\$1,000.00) for each offense. Each violation shall be considered a separate offense in a single proceeding or a series of related proceedings. Any administrative penalty, plus reimbursement for all costs and expenses incurred in the investigation of the violation and any administrative proceedings, shall be paid to the Secretary of State;(ii)For the purpose of determining the amount or extent of a sanction, if any, to be imposed under paragraph (c)(i) of this subsection, the Secretary of State shall consider, among other factors, the frequency, persistence and willfulness of the conduct constituting a violation of this section or any rule or order hereunder; the number of persons adversely affected by the conduct; and the resources of the person committing the violation;(e)Bring an action in chancery court to enjoin the acts or practices complained of to enforce compliance with this section or any rule promulgated or order entered hereunder. Upon a proper showing, a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. In addition, upon a proper showing by the Secretary of State, the court may enter an order of rescission or restitution directed to any person who has engaged in any act constituting a violation of any provision of this section or any rule or order hereunder, or the court may impose a civil penalty up to a maximum of One Thousand Dollars (\$1,000.00) for each offense, provided that each violation shall be considered as a separate offense in a single proceeding or a series of related proceedings. The court may not require the Secretary of State to post a bond.(7)Any person aggrieved by a final order of the Secretary of State may obtain a review of the order in the Chancery Court of the First Judicial District of Hinds County, Mississippi, by filing in the court, within thirty (30) days after the entry of the order, a written petition praying that the order be modified or set aside, in whole or in part. A copy of the petition shall be forthwith served upon the Secretary of State and thereupon the Secretary of State shall certify

and file in court a copy of the filing and evidence upon which the order was entered. When these have been filed, the court has exclusive jurisdiction to affirm, modify, enforce or set aside the order, in whole or in part. Laws, 2008, 1st Ex Sess, ch. 29, § 2, eff. 8/8/2008. Amended by Laws, 2022, ch. 452, SB 2545, § 2, eff. 7/1/2022. Amended by Laws, 2016, ch. 447, SB 2649, 3, eff. 7/1/2016.

(1)(a) From and after August 7, 2008, it shall be unlawful for any scrap metal dealer or any person who purchases scrap metal, deals in scrap metal, or otherwise engages in the scrap metal business to fail to register with the Secretary of State. All registrations under this section shall expire two (2) years from the date of the registration or the renewal thereof. (b) The Secretary of State may promulgate and adopt such rules and regulations as are reasonably necessary to carry out the provisions of this section and establish such registration and renewal fees as are adequate to cover the administrative costs associated with the registration program. (c) The Secretary of State may deny, suspend, revoke or refuse to renew any registration following notice to the applicant or registrant in accordance with the promulgated rules and an opportunity for a hearing for any failure to comply with this section, or for other good cause. (2) A violation of this section is a misdemeanor punishable by a fine of not less than Five Hundred Dollars (\$500.00) but not to exceed One Thousand Dollars (\$1,000.00) for the first offense. Any person who shall be guilty of any subsequent violations of this section requiring registration shall be guilty of a felony offense and shall be imprisoned in the custody of the Department of Corrections for a term not to exceed three (3) years, fined not more than Five Thousand Dollars (\$5,000.00), or both. (3)(a) To register or renew registration, the registrant must declare, under penalty of perjury, whether such registrant has ever been convicted of any felony offense, or any misdemeanor offense involving fraud, dishonesty, or deceit within five (5) years preceding the date of application. If the registrant is a business entity, the registrant shall make the same declarations on behalf of every owner of the business who participates in the operation or management of the business. (b)(i) An applicant who has been convicted of an offense as described in paragraph (a) of this subsection may be prohibited from registering under this section for five (5) years from the date of conviction. (ii) Any false statement submitted to the Secretary of State for the purpose of unlawfully registering under this section shall be punished as perjury in the manner provided in Section 97-9-61, and a person so convicted shall be disqualified for life from registering as a scrap metal dealer under this section. (4) The Secretary of State shall immediately report any suspected criminal violation accompanied by all relevant records to the Office of Attorney General and the appropriate district attorney for further proceedings. (5) It is unlawful for a person to make or cause to be made, in a record or statement that is used or obtained in an examination, action, proceeding, or filed under this section, a statement that, at the time and in light of the circumstances under which it is made, is false or misleading in a material respect, or, in connection with the statement, to omit to state a material fact necessary to make the statement made, in light of the circumstances under which it was made, not false or misleading. (6) The Secretary of State shall have the authority to: (a) Conduct and carry out criminal background history verification of the information provided by the applicant or registrant and to require the submission of information and forms from the applicant or registrant in order to accomplish the registration duties imposed by this section; (b) Require or permit a person to testify, file a statement, or produce a record, under oath or otherwise, as to all the facts and circumstances concerning a matter to be investigated or about which an action or proceeding is to be instituted; (c) Issue a cease and desist order, with a prior hearing, against the scrap metal dealer or other purchaser alleged to be in violation of this section, directing the person or persons to cease and desist from further illegal activity. When an immediate cease and desist order is issued, the Secretary of State shall hold an administrative hearing on the alleged violations within fifteen (15) business days; (d)(i) Issue an order against any scrap metal dealer or other purchaser for any violation of this section, imposing an administrative penalty up to a maximum of One Thousand Dollars (\$1,000.00) for each offense. Each violation shall be considered a separate offense in a single proceeding or a series of related proceedings. Any administrative penalty, plus reimbursement for all costs and expenses incurred in the investigation of the violation and any administrative proceedings, shall be paid to the Secretary of State; (ii) For the purpose of determining the amount or extent of a sanction, if any, to be imposed under paragraph (c)(i) of this subsection, the Secretary of State shall consider, among other factors, the frequency, persistence and willfulness of the conduct constituting a violation of this section or any rule or order hereunder; the number of persons adversely affected by the conduct; and the resources of the person committing the violation; (e) Bring an action in chancery court to enjoin the acts or practices complained of to enforce compliance with this section or any rule promulgated or order entered hereunder. Upon a proper showing, a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. In addition, upon a proper showing by the Secretary of State, the court may enter an order of rescission or restitution directed to any person who has engaged in any act constituting a violation of any provision of this section or any rule or order hereunder, or the court may impose a civil penalty up to a maximum of One Thousand Dollars (\$1,000.00) for each offense, provided that each violation shall be considered as a separate offense in a single proceeding or a series of related proceedings. The court may not require the Secretary of State to post a bond. (7) Any person aggrieved by a final order of the Secretary of State may obtain a review of the order in the Chancery Court of the First Judicial District of Hinds County, Mississippi, by filing in the court, within thirty (30) days after the entry of the order, a written petition praying that the order be modified or set aside, in whole or in part. A copy of the petition shall be forthwith served upon the Secretary of State and thereupon the Secretary of State shall certify and file in court a copy of the filing and evidence upon which the order was entered. When these have been filed, the court has exclusive jurisdiction to affirm, modify, enforce or set aside the order, in whole or in part. Laws, 2008, 1st Ex Sess, ch. 29, § 2, eff. 8/8/2008. Amended by Laws, 2022, ch. 452, SB 2545, § 2, eff. 7/1/2022. Amended by Laws, 2016, ch. 447, SB 2649, 3, eff. 7/1/2016. Laws, 2008, 1st Ex Sess, ch. 29, § 2, eff. 8/8/2008. Amended by Laws, 2022, ch. 452, SB 2545, § 2, eff. 7/1/2022. Amended by Laws, 2016, ch. 447, SB 2649, 3, eff. 7/1/2016.

97-17-1 — 97-17-207)IN GENERAL (§§ 97-17-1 — 97-17-103)Section 97-17-71.2 - Scrap metal dealers prohibited from paying cash for air conditioner evaporator coil or condenser; scrap metal dealers permitted to purchase air conditioner evaporator coil or condenser only from certain contractors or companies; payment for scrap metal to be made by check or money order; penalties for violations

(1)It is an offense for a scrap metal dealer to pay cash to a person who presents an air conditioner evaporator coil or condenser, in whole or in part, for sale as scrap.(2)Scrap metal described in subsection (1) may only be sold for scrap by an authorized agent, representative or employee of one (1) of the following:(a)A licensed HVAC contractor who acquired the evaporator coil or condenser in the performance as a contractor as defined in Section31-3-1;(b)A company meeting all local or municipal requirements to obtain a permit from that jurisdiction to repair, replace and install HVAC units containing copper evaporator coils or condensers;(c)Where the jurisdiction does not require a permit to repair, replace and install HVAC units containing copper evaporator coils or condensers, by a company holding a privilege license indicating the business as that of an HVAC installer or repairer; or(d)A company holding a privilege license indicating the business as that of an HVAC installer or repairer.(3)The person offering an air conditioner evaporator coil or condenser for sale as scrap on behalf of a company listed in subsection (2) shall have in the person's possession documentation that the company for whom it is being sold is a company described in subsection (2), and that the person selling the evaporator coil or condenser is an authorized agent, representative or employee of that company.(4)Payment for scrap metal described in subsection (1) must be made by check or money order, and the name of the company or the individual meeting the requirements of subsection (2) of this section must be the payee on the check.(5)(a)A violation of this section is a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) per offense.(b)Nothing in this section shall be construed to preclude a person violating this section from also being prosecuted for any other applicable criminal offense.(6)Any purchase of any air conditioner evaporator coil or condenser, as described in this section, in whole or in part, is subject to the record keeping requirements required by Section97-17-71.Laws, 2008, 1st Ex Sess, ch. 29, § 3, eff. 8/8/2008.Amended by Laws, 2022, ch. 452, SB 2545,§ 3, eff. 7/1/2022. (1)It is an offense for a scrap metal dealer to pay cash to a person who presents an air conditioner evaporator coil or condenser, in whole or in part, for sale as scrap.(2)Scrap metal described in subsection (1) may only be sold for scrap by an authorized agent, representative or employee of one (1) of the following:(a)A licensed HVAC contractor who acquired the evaporator coil or condenser in the performance as a contractor as defined in Section31-3-1;(b)A company meeting all local or municipal requirements to obtain a permit from that jurisdiction to repair, replace and install HVAC units containing copper evaporator coils or condensers;(c)Where the jurisdiction does not require a permit to repair, replace and install HVAC units containing copper evaporator coils or condensers, by a company holding a privilege license indicating the business as that of an HVAC installer or repairer; or(d)A company holding a privilege license indicating the business as that of an HVAC installer or repairer.(3)The person offering an air conditioner evaporator coil or condenser for sale as scrap on behalf of a company listed in subsection (2) shall have in the person's possession documentation that the company for whom it is being sold is a company described in subsection (2), and that the person selling the evaporator coil or condenser is an authorized agent, representative or employee of that company.(4)Payment for scrap metal described in subsection (1) must be made by check or money order, and the name of the company or the individual meeting the requirements of subsection (2) of this section must be the payee on the check.(5)(a)A violation of this section is a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) per offense.(b)Nothing in this section shall be construed to preclude a person violating this section from also being prosecuted for any other applicable criminal offense.(6)Any purchase of any air conditioner evaporator coil or condenser, as described in this section, in whole or in part, is subject to the record keeping requirements required by Section97-17-71.Laws, 2008, 1st Ex Sess, ch. 29, § 3, eff. 8/8/2008.Amended by Laws, 2022, ch. 452, SB 2545,§ 3, eff. 7/1/2022. Laws, 2008, 1st Ex Sess, ch. 29, § 3, eff. 8/8/2008. Amended by Laws, 2022, ch. 452, SB 2545,§ 3, eff. 7/1/2022.

97-17-1 — 97-17-207)IN GENERAL (§§ 97-17-1 — 97-17-103)Section 97-17-71.3 - Unlawful acquisition or use of detached catalytic converter or nonferrous parts thereof; provision of false, fraudulent, altered or counterfeit information by seller of detached catalytic converter or nonferrous part thereof; violation

(1)It is unlawful for any person to purchase or otherwise acquire, a used, detached catalytic converter, or any nonferrous part thereof, unless all of the following apply:(a)The purchaser is registered as a scrap metal dealer under Section97-17-71;(b)The sale, transfer, purchase or acquisition occurs at the fixed business address of a scrap metal dealer that is a party to the transaction. For purposes of this subsection, the fixed business address of the scrap metal dealer is the address of the business that is registered pursuant to Section97-17-71;(c)The purchaser has maintained all of the information required under Section97-17-71;(d)One or more of the following apply:(i)The used, detached catalytic converter or nonferrous part thereof was obtained by the seller thereof as part of a vehicle;(ii)The catalytic converter or nonferrous part thereof was purchased in a dealer-to-dealer transaction or from any of the following bona fide entities: a new or used motor vehicle dealer, an automotive repair service, a motor vehicle manufacturer, a vehicle demolisher or a distributor of catalytic converters; or(iii)The seller of the catalytic converter or nonferrous part thereof provides the purchaser with all of the following information for the motor vehicle from which the catalytic converter or part thereof was taken:1.The name of the person who removed the catalytic converter;2.The name of the person for whom the removal was completed;3.The make and model of the vehicle from which the catalytic converter was removed;4.The vehicle identification number of the vehicle from which the catalytic converter was removed; and5.A copy of the driver's license or nondriver identification card of the seller of the catalytic converter;(e)Before each purchase or acquisition of a used, detached catalytic converter or part thereof, the scrap metal dealer, including an agent, employee, or representative thereof, shall retain the necessary records and information to comply with Sections97-17-71through97-17-71.3.(2)It is unlawful for a seller of a used, detached catalytic converter, or any nonferrous part of a catalytic converter, to provide any false, fraudulent, altered or counterfeit information or documentation as required by this section.(3)Each catalytic converter that is purchased, possessed, obtained, transported or otherwise acquired in violation of this section is a separate violation of this section.(4)A person who violates this section is guilty of a misdemeanor or a felony for subsequent violations as specifically prescribed under Sections97-17-71and97-17-71.1, Mississippi Code of 1972.(5)For purposes of this section, a used, detached catalytic converter does not include a catalytic converter that has been tested, certified and labeled for reuse in accordance with applicable U.S. Environmental Protection Agency Clean Air Act regulations.Added by Laws, 2022, ch. 452, SB 2545,§ 4, eff. 7/1/2022. (1)It is unlawful for any person to purchase or otherwise acquire, a used, detached catalytic converter, or any nonferrous part thereof, unless all of the following apply:(a)The purchaser is registered as a scrap metal dealer under Section97-17-71;(b)The sale, transfer, purchase or acquisition occurs at the fixed business address of a scrap metal dealer that is a party to the transaction. For purposes of this subsection, the fixed business address of the scrap metal dealer is the address of the business that is registered pursuant to Section97-17-71;(c)The purchaser has maintained all of the information required under Section97-17-71;(d)One or more of the following apply:(i)The used, detached catalytic converter or nonferrous part thereof was obtained by the seller thereof as part of a vehicle;(ii)The catalytic converter or nonferrous part thereof was purchased in a dealer-to-dealer transaction or from any of the following bona fide entities: a new or used motor vehicle dealer, an automotive repair service, a motor vehicle manufacturer, a vehicle demolisher or a distributor of catalytic converters; or(iii)The seller of the catalytic converter or nonferrous part thereof provides the purchaser with all of the following information for the motor vehicle from which the catalytic converter or part thereof was taken:1.The name of the person who removed the catalytic converter;2.The name of the person for whom the removal was completed;3.The make and model of the vehicle from which the catalytic converter was removed;4.The vehicle identification number of the vehicle from which the catalytic converter was removed; and5.A copy of the driver's license or nondriver identification card of the seller of the catalytic converter;(e)Before each purchase or acquisition of a used, detached catalytic converter or part thereof, the scrap metal dealer, including an agent, employee, or representative thereof, shall retain the necessary records and information to comply with Sections97-17-71through97-17-71.3.(2)It is unlawful for a seller of a used, detached catalytic converter, or any nonferrous part of a catalytic converter, to provide any false, fraudulent, altered or counterfeit information or documentation as required by this section.(3)Each catalytic converter that is purchased, possessed, obtained, transported or otherwise acquired in violation of this section is a separate violation of this section.(4)A person who violates this section is guilty of a misdemeanor or a felony for subsequent violations as specifically prescribed under Sections97-17-71and97-17-71.1, Mississippi Code of 1972.(5)For purposes of this section, a used, detached catalytic converter does not include a catalytic converter that has been tested, certified and labeled for reuse in accordance with applicable U.S. Environmental Protection Agency Clean Air Act regulations.Added by Laws, 2022, ch. 452, SB 2545,§ 4, eff. 7/1/2022. (1)It is unlawful for any person to purchase or otherwise acquire, a used, detached catalytic converter, or any nonferrous part thereof, unless all of the following apply:(a)The purchaser is registered as a scrap metal dealer under Section97-17-71;(b)The sale, transfer, purchase or acquisition occurs at the fixed business address of a scrap metal dealer that is a party to the transaction. For purposes of this subsection, the fixed business address of the scrap metal dealer is the address of the business that is registered pursuant to Section97-17-71;(c)The purchaser has maintained all of the information required under Section97-17-71;(d)One or more of the following apply:(i)The used, detached catalytic converter or nonferrous part thereof was obtained by the seller thereof as part of a vehicle;(ii)The catalytic converter or nonferrous part thereof was purchased in a dealer-to-dealer transaction or from any of the following bona fide entities: a new or used motor vehicle dealer, an automotive repair service, a motor vehicle manufacturer, a vehicle demolisher or a distributor of catalytic converters; or(iii)The seller of the catalytic converter or nonferrous part thereof provides the purchaser with all of the following information for the motor vehicle from which the catalytic converter or part thereof was taken:1.The name of the person who removed the catalytic converter;2.The name of the person for whom the removal was

completed;3.The make and model of the vehicle from which the catalytic converter was removed;4.The vehicle identification number of the vehicle from which the catalytic converter was removed; and5.A copy of the driver's license or nondriver identification card of the seller of the catalytic converter;(e)Before each purchase or acquisition of a used, detached catalytic converter or part thereof, the scrap metal dealer, including an agent, employee, or representative thereof, shall retain the necessary records and information to comply with Sections97-17-71through97-17-71.3.(2)It is unlawful for a seller of a used, detached catalytic converter, or any nonferrous part of a catalytic converter, to provide any false, fraudulent, altered or counterfeit information or documentation as required by this section.(3)Each catalytic converter that is purchased, possessed, obtained, transported or otherwise acquired in violation of this section is a separate violation of this section.(4)A person who violates this section is guilty of a misdemeanor or a felony for subsequent violations as specifically prescribed under Sections97-17-71and97-17-71.1, Mississippi Code of 1972.(5)For purposes of this section, a used, detached catalytic converter does not include a catalytic converter that has been tested, certified and labeled for reuse in accordance with applicable U.S. Environmental Protection Agency Clean Air Act regulations.Added by Laws, 2022, ch. 452, SB 2545,§ 4, eff. 7/1/2022. Added by Laws, 2022, ch. 452, SB 2545,§ 4, eff. 7/1/2022.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207)IN GENERAL (§§ 97-17-1 — 97-17-103)Section 97-17-71 - Receiving stolen property; definitions; record keeping requirements for scrap metal dealers and other purchasers; content of records; inspection by law enforcement personnel; hold notice; recovery of metal property by rightful owner; restitution to dealer by unlawful seller; false statement of ownership; cash transactions for purchase of scrap metal prohibited; failure to maintain appropriate records; interstate transportation of metal property; purchase and possession of metal beer kegs and/or metal syrup tanks generally used by soft drink industry prohibited except in limited circumstances; purchases and sales of bronze memorials, utility access covers or metal property identified as belonging to political subdivision, copper telecommunication wire or property identified as belonging to telecommunications company, prohibited except in limited circumstances; purchases of metal property from minors prohibited; limitation on hours of purchase; penalties

(1)For the purposes of this section, the following terms shall have the meanings ascribed in this section:(a)"Railroad materials" means any materials, equipment and parts used in the construction, operation, protection and maintenance of a railroad.(b)"Copper materials" means any copper wire, bars, rods or tubing, including copper wire or cable or coaxial cable of the type used by public utilities, common carriers or communication services providers, whether wireless or wire line, copper air conditioner evaporator coil or condenser, aluminum copper radiators not attached to a motor vehicle, or any combination of these.(c)"Aluminum materials" means any aluminum cable, bars, rods or tubing of the type used to construct utility, communication or broadcasting towers, aluminum utility wire and aluminum irrigation pipes or tubing. "Aluminum materials" does not include aluminum cans that have served their original economic purpose.(d)"Dealer-to-dealer transaction(s)" means any transaction of regulated metals, regardless of compensation, between registered scrap metal dealers.(e)"Law enforcement officer" means any person appointed or employed full time by the state or any political subdivision thereof, or by the state military department as provided in Section33-1-33, who is duly sworn and vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime, the apprehension of criminals and the enforcement of the criminal traffic laws of this state or the ordinances of any political subdivision thereof.(f)"Metal property" means materials as defined in this section as railroad track materials, copper materials and aluminum materials and electrical, communications or utility brass, metal covers for service access and entrances to sewers and storm drains, metal bridge pilings, irrigation wiring and other metal property attached to or part of center pivots, grain bins, stainless steel sinks, catalytic converters not attached to a motor vehicle and metal beer kegs. Metal property does not include ferrous materials not listed in this section.(g)"Person" means an individual, partnership, corporation, joint venture, trust, limited liability company, association or any other legal or commercial entity.(h)"Personal identification card" means any government issued photographic identification card including a valid identification card issued by a federally recognized Indian tribe that contains a color photograph of the card holder and the card holder's legal name, residence address and date of birth.(i)"Photograph" or "photographically" means a still photographic image, including images captured in digital format, that are of such quality that the persons and objects depicted are clearly identifiable.(j)"Purchase transaction" means a transaction in which metal property is acquired whether the person acquiring the metal property gives consideration for the metal property or not. For purposes of Sections97-17-71through97-17-71.3, the words "purchase" and "purchased" mean a purchase transaction.(k)"Purchaser" means a person who acquires metal property, whether the person gives consideration for the metal property or not.(l)"Record" or "records" means a paper, electronic or other method of storing information.(m)"Registered business entity" means a business entity created by statute, registered and in good standing with its state of incorporation or formation, and having a federal Employer Identification Number (EIN). This term does not include any sole proprietorship, fictitious business name, or nonstatutory general partnership.(n)"Scrap metal" means any metal property that is acquired by a scrap metal dealer in a purchase transaction.(o)"Scrap metal dealer" means any person who is engaged, from a fixed location or otherwise, acquiring by purchase transaction, metal property that has served its original economic purpose, whether or not the person is engaged in the business of performing the manufacturing process by which metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value. Any person who falls under this definition must register as a scrap metal dealer pursuant to Sections97-17-71through97-17-71.3and its rules.(2)Every scrap metal dealer or other purchaser shall keep an accurate and legible record in which he shall enter the following information for each purchase transaction:(a)The name, address and age of the person from whom the metal property is purchased as obtained from the seller's personal identification card;(i)If a person other than the

seller delivers the metal property to the purchaser, the purchaser shall enter the name, address, and age of the person who delivers the metal property, as obtained from the personal identification card of the person delivering the metal property. If the person delivering the metal property is the employee of the scrap metal dealer acting in his official capacity and at the direction of the scrap metal dealer, the purchaser is not required to enter the name, address, and age of the person who delivers the metal property. (ii) If the seller is a registered business entity, and a person other than the seller delivers the metal property to the purchaser, in addition to the information required by this paragraph (a), the purchaser shall enter the name, principal business address, state of incorporation or formation of the entity, the federal Employer Identification Number (EIN) of the entity, and the name and telephone number of a contact person for the seller; (b) The date and place of each acquisition of the metal property; (c) The weight, quantity or volume and a general physical description of the type of metal property, such as wire, tubing, extrusions or casting, acquired in a purchase transaction; (d) The amount of consideration given in a purchase transaction for the metal property. If no consideration is given, a record of the origin of the regulated metal; (e) The vehicle license tag number, state of issue and the make and type of the vehicle used to deliver the metal property to the purchaser; (f) A signed statement from the person receiving consideration in the purchase transaction stating that he or she is the rightful owner of the metal property or is entitled to sell the metal property being sold. Signed statements as required by this section may be collected and recorded on paper, by photographic copy, or other alternative formats as set forth in the rules promulgated by the Secretary of State; (g) A scanned copy or a photocopy of the personal identification card of the person receiving consideration, or delivering the metal property in the purchase transaction; and (h) A photograph, videotape or similar likeness of the person receiving consideration or any person other than the seller who delivers the metal property to the purchaser in which the person's facial features are clearly visible and in which the metal property the person is selling or delivering is clearly visible. Such records shall be maintained by the scrap metal dealer or purchaser for not less than two (2) years from the date of the purchase transaction, and such records shall be made available to any law enforcement officer or Secretary of State examiner during usual and customary business hours. (3) The purchaser shall photographically capture the metal property as it exists when it is acquired by the purchaser. The time and date shall be digitally recorded on the photograph, and the identity of the person taking the photograph shall be recorded. The purchaser shall permit any law enforcement officer or Secretary of State examiner to make an inspection of the metal property, if the metal property is still in the purchaser's possession, and of all photographs of the metal property. Any photograph of metal property taken and maintained pursuant to this subsection shall be admissible in any civil or criminal proceeding. (4) During the usual and customary business hours of a scrap metal dealer, a law enforcement officer or Secretary of State examiner, after proper identification as a law enforcement officer or Secretary of State examiner, shall have the right to inspect all purchased metal property and all records pertaining to the purchase of regulated metals in the possession of the scrap metal dealer or purchaser. (5) (a) Whenever a law enforcement officer has reasonable cause to believe that any item of metal property in the possession of a scrap metal dealer has been stolen, a law enforcement officer who has an affidavit from the alleged rightful owner of the property identifying the property with specificity, including any identifying markings, may issue and deliver a written hold notice to the scrap metal dealer. The hold notice shall specifically identify those items of metal property that are believed to have been stolen and that are subject to the hold notice. Upon receipt of the notice, the scrap metal dealer may not process or remove the metal property identified in the notice from the place of business of the scrap metal dealer for fifteen (15) calendar days after receipt of the notice, unless sooner released by a law enforcement officer. (b) No later than the expiration of the fifteen-day period, a law enforcement officer, after receiving additional substantive evidence beyond the initial affidavit, may issue and deliver a second written hold notice, which shall be an extended hold notice. The extended hold notice shall specifically identify those items of metal property that are believed to have been stolen and that are subject to the extended hold notice. Upon receipt of the extended hold notice, the scrap metal dealer may not process or remove the items of metal property identified in the notice from the place of business of the scrap metal dealer for fifteen (15) calendar days after receipt of the extended hold notice, unless sooner released by a law enforcement officer. (c) At the expiration of the hold period or, if extended in accordance with this subsection, at the expiration of the extended hold period, the hold is automatically released, then the scrap metal dealer may dispose of the metal property unless other disposition has been ordered by a court of competent jurisdiction. (d) If the scrap metal dealer contests the identification or ownership of the metal property, the party other than the scrap metal dealer claiming ownership of any metal property in the possession of a scrap metal dealer, provided that a timely report of the theft of the metal property was made to the proper authorities, may bring a civil action in the circuit court of the county in which the scrap metal dealer or purchaser is located. The petition for the action shall include the means of identification of the metal property utilized by the petitioner to determine ownership of the metal property in the possession of the scrap metal dealer. (e) When a lawful owner recovers stolen metal property from a scrap metal dealer who has complied with this section, and the person who sold the metal property to the scrap metal dealer is convicted of a violation of this section, or theft by receiving stolen property under Section 97-17-70, the court shall order the convicted person to make full restitution to the scrap metal dealer, including, without limitation, attorney's fees, court costs and other expenses. (6) For dealer-to-dealer transactions, records required to be kept include: (a) Name and address of selling dealer; (b) Date and place of each acquisition of the metal property; (c) The weight, quantity, or volume and a general description of the type of metal property; and (d) The amount or type of consideration given for the metal property by the purchasing dealer. Such records shall be maintained by the scrap metal dealer for not less than two (2) years from the date of the purchase transaction, and such records shall be made available to any law enforcement officer or Secretary of State examiner during usual and customary business hours. (7) It shall be unlawful for any person to give a false statement of ownership or to give a false or altered identification or vehicle tag number and receive money or other consideration from a scrap metal dealer or other purchaser in return for metal property. (8) A scrap metal dealer or other purchaser shall not enter into any cash transactions in payment for the purchase of metal

property. Payment shall be made by check issued to the seller of the metal property or by electronic funds transfer.(9)If a person acquiring metal property fails to maintain the records or to hold such materials as requested by a law enforcement officer under Sections97-17-71through97-17-71.3, such failure shall be prima facie evidence that the person receiving the metal property received it knowing it to be stolen in violation of Section97-17-70.(10)It shall be unlawful for any person to transport or cause to be transported for himself or another from any point within this state to any point outside this state any metal property, unless the person or entity first reports to the sheriff of the county from which he departs this state transporting such materials the same information that a purchaser in this state would be required to obtain and keep in a record as set forth in subsection (2) of this section. In such a case the sheriff receiving the report shall keep the information in records maintained in his office as a public record available for inspection by any person at all reasonable times. This section shall not apply to a public utility, as that term is defined in Section77-3-3, engaged in carrying on utility operations; to a railroad, as that term is defined in Section77-9-5; to a communications service provider, whether wireless or wire line; to a scrap metal dealer; or to a person identified in subsection (6) as being exempt from the provisions of this section.(11)It shall be unlawful for a scrap metal dealer or other purchaser to knowingly purchase or possess a metal beer keg, or a metal syrup tank generally used by the soft drink industry, whether damaged or undamaged, or any reasonably recognizable part thereof, on any premises that the dealer uses to buy, sell, store, shred, melt, cut or otherwise alter scrap metal. However, it shall not be unlawful to purchase or possess a metal syrup tank generally used by the soft drink industry if the scrap metal dealer or other purchaser obtains a bill of sale at the time of purchase from a seller if the seller is a manufacturer of such tanks, a soft drink company or a soft drink distributor.(12)It shall be unlawful to sell to a scrap metal dealer any bronze vase and/or marker, memorial, statue, plaque, or other bronze object used at a cemetery or other location where deceased persons are interred or memorialized, or for any such dealer to purchase those objects, unless the source of the bronze is known and notice is provided to the municipal or county law enforcement agency where the dealer is located. The notice shall identify all names, letters, dates and symbols on the bronze and a photograph of the bronze shall be attached thereto. Written permission from the cemetery and the appropriate law enforcement agency must be received before any type of bronze described in this subsection may be purchased, processed, sold or melted.(13)(a)It shall be unlawful for any scrap metal dealer to purchase any manhole cover and other similar types of utility access covers, including storm drain covers, or any metal property clearly identified as belonging to a political subdivision of the state or a municipality, unless that metal property is purchased from the political subdivision, the municipal utility or the manufacturer of the metal. Any purchaser who purchases metal property in bulk shall be allowed twenty-four (24) hours to determine if any metal property prohibited by this subsection is included in a bulk purchase. If such prohibited metal property is included in a bulk purchase, the purchaser shall notify law enforcement no later than twenty-four (24) hours after the purchase.(b)It shall be unlawful for a person to sell, or any scrap metal dealer to purchase, any copper telecommunication wire in any form or any metal property clearly identified as belonging to a telecommunications company, unless that metal property is purchased from (i) an electrician or contractor to whom either a license has been issued by a municipality or county in this state or a current certificate of responsibility has been issued by the State Board of Public Contractors; or (ii) a person who holds a demolition permit issued by a municipality or county in this state. It shall be unlawful for a person to sell, or a scrap metal dealer to purchase, copper telecommunication wire that has been burned to remove the insulation, unless the seller provides certification, on a form as issued by the Secretary of State and signed by a firefighter who is currently in compliance with the certification requirements of the Mississippi Fire Personnel Minimum Standards and Certification Board or a certified law enforcement officer, that the source of the copper telecommunication wire was from a building destroyed by fire.(14)It shall be unlawful for a scrap metal dealer or other purchaser to purchase metal property from a person younger than eighteen (18) years of age.(15)Metal property may not be purchased, acquired or collected between the hours of 9:00 p.m. and 6:00 a.m.(16)Except as provided in this subsection, any person willfully or knowingly violating the provisions of Sections97-17-71through97-17-71.3shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) per offense, unless the purchase transaction or transactions related to the violation, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft of or removal of the metal property, including replacement costs of the metal property, are in aggregate an amount which exceeds One Thousand Dollars (\$1,000.00) but less than Five Thousand Dollars (\$5,000.00), in which case the person shall be guilty of a felony and shall be imprisoned in the custody of the Department of Corrections for a term not to exceed five (5) years, fined not more than Ten Thousand Dollars (\$10,000.00), or both. Any person found guilty of stealing metal property or receiving metal property, knowing it to be stolen in violation of Section97-17-70, shall be ordered to make full restitution to the victim, including, without limitation, restitution for property damage that resulted from the theft of the property.(17)If the purchase transaction or transactions related to the violation, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft of or removal of the metal property, including replacement costs of the metal property, are in aggregate an amount which exceeds Five Thousand Dollars (\$5,000.00) but less than Twenty-five Thousand Dollars (\$25,000.00), the person shall be guilty of a felony and shall be imprisoned in the custody of the Department of Corrections for a term not less than one (1) year, but not to exceed ten (10) years, fined not more than Fifteen Thousand Dollars (\$15,000.00), or both.(18)If the purchase transaction or transactions related to the violation, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft of or removal of the metal property, including replacement costs of the metal property, are in aggregate an amount which exceeds Twenty-five Thousand Dollars (\$25,000.00), the person shall be guilty of a felony and shall be imprisoned in the custody of the Department of Corrections for a term not less than three (3) years, but not to exceed twenty (20) years, fined not more than Twenty Thousand Dollars (\$20,000.00), or both.(19)This section shall not be construed to repeal other criminal laws.

Whenever conduct proscribed by any provision of this section is also proscribed by any other provision of law, the provision which carries the more serious penalty shall be applied.(20)This section shall apply to all businesses regulated under this section without regard to the location within the State of Mississippi.(21)Sections97-17-71through97-17-71.3shall take precedence over any and all local ordinances governing purchase transactions of metal property. If any municipal or county ordinance, rule or regulation conflicts with the provisions of Sections97-17-71through97-17-71.3, the provisions of Sections97-17-71through97-17-71.3shall preempt the municipal or county ordinance, rule or regulation.(22)This section shall be fully applicable to the requirements for the purchase and sale of detached catalytic converters provided in Section97-17-71.3, Mississippi Code of 1972.Codes, 1942, § 2249.5; Laws, 1966, ch. 390, §§ 1-3, 1971, ch. 474, §§ 1-5; Laws, 1989, ch. 578, § 1; Laws, 1993, ch. 359, § 2; Laws, 2008, 1st Ex Sess, ch. 29, § 1, eff. 8/8/2008; Laws, 2012, ch. 536, § 1, eff. 7/1/2012.Amended by Laws, 2022, ch. 452, SB 2545,§ 1, eff. 7/1/2022.Amended by Laws, 2021, ch. 378, HB 277,§ 14, eff. 7/1/2021.Amended by Laws, 2014, ch. 457, HB 585, 23, eff. 7/1/2014. (1)For the purposes of this section, the following terms shall have the meanings ascribed in this section:(a)"Railroad materials" means any materials, equipment and parts used in the construction, operation, protection and maintenance of a railroad.(b)"Copper materials" means any copper wire, bars, rods or tubing, including copper wire or cable or coaxial cable of the type used by public utilities, common carriers or communication services providers, whether wireless or wire line, copper air conditioner evaporator coil or condenser, aluminum copper radiators not attached to a motor vehicle, or any combination of these.(c)"Aluminum materials" means any aluminum cable, bars, rods or tubing of the type used to construct utility, communication or broadcasting towers, aluminum utility wire and aluminum irrigation pipes or tubing. "Aluminum materials" does not include aluminum cans that have served their original economic purpose.(d)"Dealer-to-dealer transaction(s)" means any transaction of regulated metals, regardless of compensation, between registered scrap metal dealers.(e)"Law enforcement officer" means any person appointed or employed full time by the state or any political subdivision thereof, or by the state military department as provided in Section33-1-33, who is duly sworn and vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime, the apprehension of criminals and the enforcement of the criminal traffic laws of this state or the ordinances of any political subdivision thereof.(f)"Metal property" means materials as defined in this section as railroad track materials, copper materials and aluminum materials and electrical, communications or utility brass, metal covers for service access and entrances to sewers and storm drains, metal bridge pilings, irrigation wiring and other metal property attached to or part of center pivots, grain bins, stainless steel sinks, catalytic converters not attached to a motor vehicle and metal beer kegs. Metal property does not include ferrous materials not listed in this section.(g)"Person" means an individual, partnership, corporation, joint venture, trust, limited liability company, association or any other legal or commercial entity.(h)"Personal identification card" means any government issued photographic identification card including a valid identification card issued by a federally recognized Indian tribe that contains a color photograph of the card holder and the card holder's legal name, residence address and date of birth.(i)"Photograph" or "photographically" means a still photographic image, including images captured in digital format, that are of such quality that the persons and objects depicted are clearly identifiable.(j)"Purchase transaction" means a transaction in which metal property is acquired whether the person acquiring the metal property gives consideration for the metal property or not. For purposes of Sections97-17-71through97-17-71.3, the words "purchase" and "purchased" mean a purchase transaction.(k)"Purchaser" means a person who acquires metal property, whether the person gives consideration for the metal property or not.(l)"Record" or "records" means a paper, electronic or other method of storing information.(m)"Registered business entity" means a business entity created by statute, registered and in good standing with its state of incorporation or formation, and having a federal Employer Identification Number (EIN). This term does not include any sole proprietorship, fictitious business name, or nonstatutory general partnership.(n)"Scrap metal" means any metal property that is acquired by a scrap metal dealer in a purchase transaction.(o)"Scrap metal dealer" means any person who is engaged, from a fixed location or otherwise, acquiring by purchase transaction, metal property that has served its original economic purpose, whether or not the person is engaged in the business of performing the manufacturing process by which metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value. Any person who falls under this definition must register as a scrap metal dealer pursuant to Sections97-17-71through97-17-71.3and its rules.(2)Every scrap metal dealer or other purchaser shall keep an accurate and legible record in which he shall enter the following information for each purchase transaction:(a)The name, address and age of the person from whom the metal property is purchased as obtained from the seller's personal identification card;(i)If a person other than the seller delivers the metal property to the purchaser, the purchaser shall enter the name, address, and age of the person who delivers the metal property, as obtained from the personal identification card of the person delivering the metal property. If the person delivering the metal property is the employee of the scrap metal dealer acting in his official capacity and at the direction of the scrap metal dealer, the purchaser is not required to enter the name, address, and age of the person who delivers the metal property.(ii)If the seller is a registered business entity, and a person other than the seller delivers the metal property to the purchaser, in addition to the information required by this paragraph (a), the purchaser shall enter the name, principal business address, state of incorporation or formation of the entity, the federal Employer Identification Number (EIN) of the entity, and the name and telephone number of a contact person for the seller;(b)The date and place of each acquisition of the metal property;(c)The weight, quantity or volume and a general physical description of the type of metal property, such as wire, tubing, extrusions or casting, acquired in a purchase transaction;(d)The amount of consideration given in a purchase transaction for the metal property. If no consideration is given, a record of the origin of the regulated metal;(e)The vehicle license tag number, state of issue and the make and type of the vehicle used to deliver the metal property to the purchaser;(f)A signed statement from the person receiving consideration in the purchase transaction stating that he or she is the rightful owner of the metal property or is entitled to sell the metal property being sold. Signed

statements as required by this section may be collected and recorded on paper, by photographic copy, or other alternative formats as set forth in the rules promulgated by the Secretary of State;(g)A scanned copy or a photocopy of the personal identification card of the person receiving consideration, or delivering the metal property in the purchase transaction; and(h)A photograph, videotape or similar likeness of the person receiving consideration or any person other than the seller who delivers the metal property to the purchaser in which the person's facial features are clearly visible and in which the metal property the person is selling or delivering is clearly visible.Such records shall be maintained by the scrap metal dealer or purchaser for not less than two (2) years from the date of the purchase transaction, and such records shall be made available to any law enforcement officer or Secretary of State examiner during usual and customary business hours.(3)The purchaser shall photographically capture the metal property as it exists when it is acquired by the purchaser. The time and date shall be digitally recorded on the photograph, and the identity of the person taking the photograph shall be recorded. The purchaser shall permit any law enforcement officer or Secretary of State examiner to make an inspection of the metal property, if the metal property is still in the purchaser's possession, and of all photographs of the metal property. Any photograph of metal property taken and maintained pursuant to this subsection shall be admissible in any civil or criminal proceeding.(4)During the usual and customary business hours of a scrap metal dealer, a law enforcement officer or Secretary of State examiner, after proper identification as a law enforcement officer or Secretary of State examiner, shall have the right to inspect all purchased metal property and all records pertaining to the purchase of regulated metals in the possession of the scrap metal dealer or purchaser.(5)(a)Whenever a law enforcement officer has reasonable cause to believe that any item of metal property in the possession of a scrap metal dealer has been stolen, a law enforcement officer who has an affidavit from the alleged rightful owner of the property identifying the property with specificity, including any identifying markings, may issue and deliver a written hold notice to the scrap metal dealer. The hold notice shall specifically identify those items of metal property that are believed to have been stolen and that are subject to the hold notice. Upon receipt of the notice, the scrap metal dealer may not process or remove the metal property identified in the notice from the place of business of the scrap metal dealer for fifteen (15) calendar days after receipt of the notice, unless sooner released by a law enforcement officer.(b)No later than the expiration of the fifteen-day period, a law enforcement officer, after receiving additional substantive evidence beyond the initial affidavit, may issue and deliver a second written hold notice, which shall be an extended hold notice. The extended hold notice shall specifically identify those items of metal property that are believed to have been stolen and that are subject to the extended hold notice. Upon receipt of the extended hold notice, the scrap metal dealer may not process or remove the items of metal property identified in the notice from the place of business of the scrap metal dealer for fifteen (15) calendar days after receipt of the extended hold notice, unless sooner released by a law enforcement officer.(c)At the expiration of the hold period or, if extended in accordance with this subsection, at the expiration of the extended hold period, the hold is automatically released, then the scrap metal dealer may dispose of the metal property unless other disposition has been ordered by a court of competent jurisdiction.(d)If the scrap metal dealer contests the identification or ownership of the metal property, the party other than the scrap metal dealer claiming ownership of any metal property in the possession of a scrap metal dealer, provided that a timely report of the theft of the metal property was made to the proper authorities, may bring a civil action in the circuit court of the county in which the scrap metal dealer or purchaser is located. The petition for the action shall include the means of identification of the metal property utilized by the petitioner to determine ownership of the metal property in the possession of the scrap metal dealer.(e)When a lawful owner recovers stolen metal property from a scrap metal dealer who has complied with this section, and the person who sold the metal property to the scrap metal dealer is convicted of a violation of this section, or theft by receiving stolen property under Section97-17-70, the court shall order the convicted person to make full restitution to the scrap metal dealer, including, without limitation, attorney's fees, court costs and other expenses.(6)For dealer-to-dealer transactions, records required to be kept include:(a)Name and address of selling dealer;(b)Date and place of each acquisition of the metal property;(c)The weight, quantity, or volume and a general description of the type of metal property; and(d)The amount or type of consideration given for the metal property by the purchasing dealer.Such records shall be maintained by the scrap metal dealer for not less than two (2) years from the date of the purchase transaction, and such records shall be made available to any law enforcement officer or Secretary of State examiner during usual and customary business hours.(7)It shall be unlawful for any person to give a false statement of ownership or to give a false or altered identification or vehicle tag number and receive money or other consideration from a scrap metal dealer or other purchaser in return for metal property.(8)A scrap metal dealer or other purchaser shall not enter into any cash transactions in payment for the purchase of metal property. Payment shall be made by check issued to the seller of the metal property or by electronic funds transfer.(9)If a person acquiring metal property fails to maintain the records or to hold such materials as requested by a law enforcement officer under Sections97-17-71through97-17-71.3, such failure shall be prima facie evidence that the person receiving the metal property received it knowing it to be stolen in violation of Section97-17-70.(10)It shall be unlawful for any person to transport or cause to be transported for himself or another from any point within this state to any point outside this state any metal property, unless the person or entity first reports to the sheriff of the county from which he departs this state transporting such materials the same information that a purchaser in this state would be required to obtain and keep in a record as set forth in subsection (2) of this section. In such a case the sheriff receiving the report shall keep the information in records maintained in his office as a public record available for inspection by any person at all reasonable times. This section shall not apply to a public utility, as that term is defined in Section77-3-3, engaged in carrying on utility operations; to a railroad, as that term is defined in Section77-9-5; to a communications service provider, whether wireless or wire line; to a scrap metal dealer; or to a person identified in subsection (6) as being exempt from the provisions of this section.(11)It shall be unlawful for a scrap metal dealer or other purchaser to knowingly purchase or possess a metal beer keg, or a metal syrup tank generally used by the soft drink industry, whether damaged or

undamaged, or any reasonably recognizable part thereof, on any premises that the dealer uses to buy, sell, store, shred, melt, cut or otherwise alter scrap metal. However, it shall not be unlawful to purchase or possess a metal syrup tank generally used by the soft drink industry if the scrap metal dealer or other purchaser obtains a bill of sale at the time of purchase from a seller if the seller is a manufacturer of such tanks, a soft drink company or a soft drink distributor.(12)It shall be unlawful to sell to a scrap metal dealer any bronze vase and/or marker, memorial, statue, plaque, or other bronze object used at a cemetery or other location where deceased persons are interred or memorialized, or for any such dealer to purchase those objects, unless the source of the bronze is known and notice is provided to the municipal or county law enforcement agency where the dealer is located. The notice shall identify all names, letters, dates and symbols on the bronze and a photograph of the bronze shall be attached thereto. Written permission from the cemetery and the appropriate law enforcement agency must be received before any type of bronze described in this subsection may be purchased, processed, sold or melted.(13)(a)It shall be unlawful for any scrap metal dealer to purchase any manhole cover and other similar types of utility access covers, including storm drain covers, or any metal property clearly identified as belonging to a political subdivision of the state or a municipality, unless that metal property is purchased from the political subdivision, the municipal utility or the manufacturer of the metal. Any purchaser who purchases metal property in bulk shall be allowed twenty-four (24) hours to determine if any metal property prohibited by this subsection is included in a bulk purchase. If such prohibited metal property is included in a bulk purchase, the purchaser shall notify law enforcement no later than twenty-four (24) hours after the purchase.(b)It shall be unlawful for a person to sell, or any scrap metal dealer to purchase, any copper telecommunication wire in any form or any metal property clearly identified as belonging to a telecommunications company, unless that metal property is purchased from (i) an electrician or contractor to whom either a license has been issued by a municipality or county in this state or a current certificate of responsibility has been issued by the State Board of Public Contractors; or (ii) a person who holds a demolition permit issued by a municipality or county in this state. It shall be unlawful for a person to sell, or a scrap metal dealer to purchase, copper telecommunication wire that has been burned to remove the insulation, unless the seller provides certification, on a form as issued by the Secretary of State and signed by a firefighter who is currently in compliance with the certification requirements of the Mississippi Fire Personnel Minimum Standards and Certification Board or a certified law enforcement officer, that the source of the copper telecommunication wire was from a building destroyed by fire.(14)It shall be unlawful for a scrap metal dealer or other purchaser to purchase metal property from a person younger than eighteen (18) years of age.(15)Metal property may not be purchased, acquired or collected between the hours of 9:00 p.m. and 6:00 a.m.(16)Except as provided in this subsection, any person willfully or knowingly violating the provisions of Sections97-17-71through97-17-71.3shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) per offense, unless the purchase transaction or transactions related to the violation, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft of or removal of the metal property, including replacement costs of the metal property, are in aggregate an amount which exceeds One Thousand Dollars (\$1,000.00) but less than Five Thousand Dollars (\$5,000.00), in which case the person shall be guilty of a felony and shall be imprisoned in the custody of the Department of Corrections for a term not to exceed five (5) years, fined not more than Ten Thousand Dollars (\$10,000.00), or both. Any person found guilty of stealing metal property or receiving metal property, knowing it to be stolen in violation of Section97-17-70, shall be ordered to make full restitution to the victim, including, without limitation, restitution for property damage that resulted from the theft of the property.(17)If the purchase transaction or transactions related to the violation, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft of or removal of the metal property, including replacement costs of the metal property, are in aggregate an amount which exceeds Five Thousand Dollars (\$5,000.00) but less than Twenty-five Thousand Dollars (\$25,000.00), the person shall be guilty of a felony and shall be imprisoned in the custody of the Department of Corrections for a term not less than one (1) year, but not to exceed ten (10) years, fined not more than Fifteen Thousand Dollars (\$15,000.00), or both.(18)If the purchase transaction or transactions related to the violation, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft of or removal of the metal property, including replacement costs of the metal property, are in aggregate an amount which exceeds Twenty-five Thousand Dollars (\$25,000.00), the person shall be guilty of a felony and shall be imprisoned in the custody of the Department of Corrections for a term not less than three (3) years, but not to exceed twenty (20) years, fined not more than Twenty Thousand Dollars (\$20,000.00), or both.(19)This section shall not be construed to repeal other criminal laws. Whenever conduct proscribed by any provision of this section is also proscribed by any other provision of law, the provision which carries the more serious penalty shall be applied.(20)This section shall apply to all businesses regulated under this section without regard to the location within the State of Mississippi.(21)Sections97-17-71through97-17-71.3shall take precedence over any and all local ordinances governing purchase transactions of metal property. If any municipal or county ordinance, rule or regulation conflicts with the provisions of Sections97-17-71through97-17-71.3, the provisions of Sections97-17-71through97-17-71.3shall preempt the municipal or county ordinance, rule or regulation.(22)This section shall be fully applicable to the requirements for the purchase and sale of detached catalytic converters provided in Section97-17-71.3, Mississippi Code of 1972.Codes, 1942, § 2249.5; Laws, 1966, ch. 390, §§ 1-3, 1971, ch. 474, §§ 1-5; Laws, 1989, ch. 578, § 1; Laws, 1993, ch. 359, § 2; Laws, 2008, 1st Ex Sess, ch. 29, § 1, eff. 8/8/2008; Laws, 2012, ch. 536, § 1, eff. 7/1/2012.Amended by Laws, 2022, ch. 452, SB 2545,§ 1, eff. 7/1/2022.Amended by Laws, 2021, ch. 378, HB 277,§ 14, eff. 7/1/2021.Amended by Laws, 2014, ch. 457, HB 585, 23, eff. 7/1/2014. (1)For the purposes of this section, the following terms shall have the meanings ascribed in this section:(a)"Railroad materials" means any materials, equipment and parts used in the construction, operation, protection and maintenance of a railroad.(b)"Copper materials" means any copper wire, bars, rods or tubing, including copper wire or cable or coaxial cable of the

type used by public utilities, common carriers or communication services providers, whether wireless or wire line, copper air conditioner evaporator coil or condenser, aluminum copper radiators not attached to a motor vehicle, or any combination of these.(c)"Aluminum materials" means any aluminum cable, bars, rods or tubing of the type used to construct utility, communication or broadcasting towers, aluminum utility wire and aluminum irrigation pipes or tubing. "Aluminum materials" does not include aluminum cans that have served their original economic purpose.(d)"Dealer-to-dealer transaction(s)" means any transaction of regulated metals, regardless of compensation, between registered scrap metal dealers.(e)"Law enforcement officer" means any person appointed or employed full time by the state or any political subdivision thereof, or by the state military department as provided in Section33-1-33, who is duly sworn and vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime, the apprehension of criminals and the enforcement of the criminal traffic laws of this state or the ordinances of any political subdivision thereof.(f)"Metal property" means materials as defined in this section as railroad track materials, copper materials and aluminum materials and electrical, communications or utility brass, metal covers for service access and entrances to sewers and storm drains, metal bridge pilings, irrigation wiring and other metal property attached to or part of center pivots, grain bins, stainless steel sinks, catalytic converters not attached to a motor vehicle and metal beer kegs. Metal property does not include ferrous materials not listed in this section.(g)"Person" means an individual, partnership, corporation, joint venture, trust, limited liability company, association or any other legal or commercial entity.(h)"Personal identification card" means any government issued photographic identification card including a valid identification card issued by a federally recognized Indian tribe that contains a color photograph of the card holder and the card holder's legal name, residence address and date of birth.(i)"Photograph" or "photographically" means a still photographic image, including images captured in digital format, that are of such quality that the persons and objects depicted are clearly identifiable.(j)"Purchase transaction" means a transaction in which metal property is acquired whether the person acquiring the metal property gives consideration for the metal property or not. For purposes of Sections97-17-71through97-17-71.3, the words "purchase" and "purchased" mean a purchase transaction.(k)"Purchaser" means a person who acquires metal property, whether the person gives consideration for the metal property or not.(l)"Record" or "records" means a paper, electronic or other method of storing information.(m)"Registered business entity" means a business entity created by statute, registered and in good standing with its state of incorporation or formation, and having a federal Employer Identification Number (EIN). This term does not include any sole proprietorship, fictitious business name, or nonstatutory general partnership.(n)"Scrap metal" means any metal property that is acquired by a scrap metal dealer in a purchase transaction.(o)"Scrap metal dealer" means any person who is engaged, from a fixed location or otherwise, acquiring by purchase transaction, metal property that has served its original economic purpose, whether or not the person is engaged in the business of performing the manufacturing process by which metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value. Any person who falls under this definition must register as a scrap metal dealer pursuant to Sections97-17-71through97-17-71.3and its rules.(2)Every scrap metal dealer or other purchaser shall keep an accurate and legible record in which he shall enter the following information for each purchase transaction:(a)The name, address and age of the person from whom the metal property is purchased as obtained from the seller's personal identification card;(i)If a person other than the seller delivers the metal property to the purchaser, the purchaser shall enter the name, address, and age of the person who delivers the metal property, as obtained from the personal identification card of the person delivering the metal property. If the person delivering the metal property is the employee of the scrap metal dealer acting in his official capacity and at the direction of the scrap metal dealer, the purchaser is not required to enter the name, address, and age of the person who delivers the metal property.(ii)If the seller is a registered business entity, and a person other than the seller delivers the metal property to the purchaser, in addition to the information required by this paragraph (a), the purchaser shall enter the name, principal business address, state of incorporation or formation of the entity, the federal Employer Identification Number (EIN) of the entity, and the name and telephone number of a contact person for the seller;(b)The date and place of each acquisition of the metal property;(c)The weight, quantity or volume and a general physical description of the type of metal property, such as wire, tubing, extrusions or casting, acquired in a purchase transaction;(d)The amount of consideration given in a purchase transaction for the metal property. If no consideration is given, a record of the origin of the regulated metal;(e)The vehicle license tag number, state of issue and the make and type of the vehicle used to deliver the metal property to the purchaser;(f)A signed statement from the person receiving consideration in the purchase transaction stating that he or she is the rightful owner of the metal property or is entitled to sell the metal property being sold. Signed statements as required by this section may be collected and recorded on paper, by photographic copy, or other alternative formats as set forth in the rules promulgated by the Secretary of State;(g)A scanned copy or a photocopy of the personal identification card of the person receiving consideration, or delivering the metal property in the purchase transaction; and(h)A photograph, videotape or similar likeness of the person receiving consideration or any person other than the seller who delivers the metal property to the purchaser in which the person's facial features are clearly visible and in which the metal property the person is selling or delivering is clearly visible.Such records shall be maintained by the scrap metal dealer or purchaser for not less than two (2) years from the date of the purchase transaction, and such records shall be made available to any law enforcement officer or Secretary of State examiner during usual and customary business hours.(3)The purchaser shall photographically capture the metal property as it exists when it is acquired by the purchaser. The time and date shall be digitally recorded on the photograph, and the identity of the person taking the photograph shall be recorded. The purchaser shall permit any law enforcement officer or Secretary of State examiner to make an inspection of the metal property, if the metal property is still in the purchaser's possession, and of all photographs of the metal property. Any photograph of metal property taken and maintained pursuant to this subsection shall be admissible in any civil or criminal proceeding.(4)During the usual and customary business hours of a scrap metal dealer, a law enforcement officer or

Secretary of State examiner, after proper identification as a law enforcement officer or Secretary of State examiner, shall have the right to inspect all purchased metal property and all records pertaining to the purchase of regulated metals in the possession of the scrap metal dealer or purchaser.(5)(a)Whenever a law enforcement officer has reasonable cause to believe that any item of metal property in the possession of a scrap metal dealer has been stolen, a law enforcement officer who has an affidavit from the alleged rightful owner of the property identifying the property with specificity, including any identifying markings, may issue and deliver a written hold notice to the scrap metal dealer. The hold notice shall specifically identify those items of metal property that are believed to have been stolen and that are subject to the hold notice. Upon receipt of the notice, the scrap metal dealer may not process or remove the metal property identified in the notice from the place of business of the scrap metal dealer for fifteen (15) calendar days after receipt of the notice, unless sooner released by a law enforcement officer.(b)No later than the expiration of the fifteen-day period, a law enforcement officer, after receiving additional substantive evidence beyond the initial affidavit, may issue and deliver a second written hold notice, which shall be an extended hold notice. The extended hold notice shall specifically identify those items of metal property that are believed to have been stolen and that are subject to the extended hold notice. Upon receipt of the extended hold notice, the scrap metal dealer may not process or remove the items of metal property identified in the notice from the place of business of the scrap metal dealer for fifteen (15) calendar days after receipt of the extended hold notice, unless sooner released by a law enforcement officer.(c)At the expiration of the hold period or, if extended in accordance with this subsection, at the expiration of the extended hold period, the hold is automatically released, then the scrap metal dealer may dispose of the metal property unless other disposition has been ordered by a court of competent jurisdiction.(d)If the scrap metal dealer contests the identification or ownership of the metal property, the party other than the scrap metal dealer claiming ownership of any metal property in the possession of a scrap metal dealer, provided that a timely report of the theft of the metal property was made to the proper authorities, may bring a civil action in the circuit court of the county in which the scrap metal dealer or purchaser is located. The petition for the action shall include the means of identification of the metal property utilized by the petitioner to determine ownership of the metal property in the possession of the scrap metal dealer.(e)When a lawful owner recovers stolen metal property from a scrap metal dealer who has complied with this section, and the person who sold the metal property to the scrap metal dealer is convicted of a violation of this section, or theft by receiving stolen property under Section97-17-70, the court shall order the convicted person to make full restitution to the scrap metal dealer, including, without limitation, attorney's fees, court costs and other expenses.(6)For dealer-to-dealer transactions, records required to be kept include:(a)Name and address of selling dealer;(b)Date and place of each acquisition of the metal property;(c)The weight, quantity, or volume and a general description of the type of metal property; and(d)The amount or type of consideration given for the metal property by the purchasing dealer.Such records shall be maintained by the scrap metal dealer for not less than two (2) years from the date of the purchase transaction, and such records shall be made available to any law enforcement officer or Secretary of State examiner during usual and customary business hours.(7)It shall be unlawful for any person to give a false statement of ownership or to give a false or altered identification or vehicle tag number and receive money or other consideration from a scrap metal dealer or other purchaser in return for metal property.(8)A scrap metal dealer or other purchaser shall not enter into any cash transactions in payment for the purchase of metal property. Payment shall be made by check issued to the seller of the metal property or by electronic funds transfer.(9)If a person acquiring metal property fails to maintain the records or to hold such materials as requested by a law enforcement officer under Sections97-17-71through97-17-71.3, such failure shall be prima facie evidence that the person receiving the metal property received it knowing it to be stolen in violation of Section97-17-70.(10)It shall be unlawful for any person to transport or cause to be transported for himself or another from any point within this state to any point outside this state any metal property, unless the person or entity first reports to the sheriff of the county from which he departs this state transporting such materials the same information that a purchaser in this state would be required to obtain and keep in a record as set forth in subsection (2) of this section. In such a case the sheriff receiving the report shall keep the information in records maintained in his office as a public record available for inspection by any person at all reasonable times. This section shall not apply to a public utility, as that term is defined in Section77-3-3, engaged in carrying on utility operations; to a railroad, as that term is defined in Section77-9-5; to a communications service provider, whether wireless or wire line; to a scrap metal dealer; or to a person identified in subsection (6) as being exempt from the provisions of this section.(11)It shall be unlawful for a scrap metal dealer or other purchaser to knowingly purchase or possess a metal beer keg, or a metal syrup tank generally used by the soft drink industry, whether damaged or undamaged, or any reasonably recognizable part thereof, on any premises that the dealer uses to buy, sell, store, shred, melt, cut or otherwise alter scrap metal. However, it shall not be unlawful to purchase or possess a metal syrup tank generally used by the soft drink industry if the scrap metal dealer or other purchaser obtains a bill of sale at the time of purchase from a seller if the seller is a manufacturer of such tanks, a soft drink company or a soft drink distributor.(12)It shall be unlawful to sell to a scrap metal dealer any bronze vase and/or marker, memorial, statue, plaque, or other bronze object used at a cemetery or other location where deceased persons are interred or memorialized, or for any such dealer to purchase those objects, unless the source of the bronze is known and notice is provided to the municipal or county law enforcement agency where the dealer is located. The notice shall identify all names, letters, dates and symbols on the bronze and a photograph of the bronze shall be attached thereto. Written permission from the cemetery and the appropriate law enforcement agency must be received before any type of bronze described in this subsection may be purchased, processed, sold or melted.(13)(a)It shall be unlawful for any scrap metal dealer to purchase any manhole cover and other similar types of utility access covers, including storm drain covers, or any metal property clearly identified as belonging to a political subdivision of the state or a municipality, unless that metal property is purchased from the political subdivision, the municipal utility or the manufacturer of the metal. Any purchaser who purchases metal property in bulk shall be allowed

twenty-four (24) hours to determine if any metal property prohibited by this subsection is included in a bulk purchase. If such prohibited metal property is included in a bulk purchase, the purchaser shall notify law enforcement no later than twenty-four (24) hours after the purchase.(b)It shall be unlawful for a person to sell, or any scrap metal dealer to purchase, any copper telecommunication wire in any form or any metal property clearly identified as belonging to a telecommunications company, unless that metal property is purchased from (i) an electrician or contractor to whom either a license has been issued by a municipality or county in this state or a current certificate of responsibility has been issued by the State Board of Public Contractors; or (ii) a person who holds a demolition permit issued by a municipality or county in this state. It shall be unlawful for a person to sell, or a scrap metal dealer to purchase, copper telecommunication wire that has been burned to remove the insulation, unless the seller provides certification, on a form as issued by the Secretary of State and signed by a firefighter who is currently in compliance with the certification requirements of the Mississippi Fire Personnel Minimum Standards and Certification Board or a certified law enforcement officer, that the source of the copper telecommunication wire was from a building destroyed by fire.(14)It shall be unlawful for a scrap metal dealer or other purchaser to purchase metal property from a person younger than eighteen (18) years of age.(15)Metal property may not be purchased, acquired or collected between the hours of 9:00 p.m. and 6:00 a.m.(16)Except as provided in this subsection, any person willfully or knowingly violating the provisions of Sections97-17-71through97-17-71.3shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) per offense, unless the purchase transaction or transactions related to the violation, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft of or removal of the metal property, including replacement costs of the metal property, are in aggregate an amount which exceeds One Thousand Dollars (\$1,000.00) but less than Five Thousand Dollars (\$5,000.00), in which case the person shall be guilty of a felony and shall be imprisoned in the custody of the Department of Corrections for a term not to exceed five (5) years, fined not more than Ten Thousand Dollars (\$10,000.00), or both. Any person found guilty of stealing metal property or receiving metal property, knowing it to be stolen in violation of Section97-17-70, shall be ordered to make full restitution to the victim, including, without limitation, restitution for property damage that resulted from the theft of the property.(17)If the purchase transaction or transactions related to the violation, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft of or removal of the metal property, including replacement costs of the metal property, are in aggregate an amount which exceeds Five Thousand Dollars (\$5,000.00) but less than Twenty-five Thousand Dollars (\$25,000.00), the person shall be guilty of a felony and shall be imprisoned in the custody of the Department of Corrections for a term not less than one (1) year, but not to exceed ten (10) years, fined not more than Fifteen Thousand Dollars (\$15,000.00), or both.(18)If the purchase transaction or transactions related to the violation, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft of or removal of the metal property, including replacement costs of the metal property, are in aggregate an amount which exceeds Twenty-five Thousand Dollars (\$25,000.00), the person shall be guilty of a felony and shall be imprisoned in the custody of the Department of Corrections for a term not less than three (3) years, but not to exceed twenty (20) years, fined not more than Twenty Thousand Dollars (\$20,000.00), or both.(19)This section shall not be construed to repeal other criminal laws. Whenever conduct proscribed by any provision of this section is also proscribed by any other provision of law, the provision which carries the more serious penalty shall be applied.(20)This section shall apply to all businesses regulated under this section without regard to the location within the State of Mississippi.(21)Sections97-17-71through97-17-71.3shall take precedence over any and all local ordinances governing purchase transactions of metal property. If any municipal or county ordinance, rule or regulation conflicts with the provisions of Sections97-17-71through97-17-71.3, the provisions of Sections97-17-71through97-17-71.3shall preempt the municipal or county ordinance, rule or regulation.(22)This section shall be fully applicable to the requirements for the purchase and sale of detached catalytic converters provided in Section97-17-71.3, Mississippi Code of 1972.Codes, 1942, § 2249.5; Laws, 1966, ch. 390, §§ 1-3, 1971, ch. 474, §§ 1-5; Laws, 1989, ch. 578, § 1; Laws, 1993, ch. 359, § 2; Laws, 2008, 1st Ex Sess, ch. 29, § 1, eff. 8/8/2008; Laws, 2012, ch. 536, § 1, eff. 7/1/2012.Amended by Laws, 2022, ch. 452, SB 2545,§ 1, eff. 7/1/2022.Amended by Laws, 2021, ch. 378, HB 277,§ 14, eff. 7/1/2021.Amended by Laws, 2014, ch. 457, HB 585, 23, eff. 7/1/2014. Such records shall be maintained by the scrap metal dealer or purchaser for not less than two (2) years from the date of the purchase transaction, and such records shall be made available to any law enforcement officer or Secretary of State examiner during usual and customary business hours. Such records shall be maintained by the scrap metal dealer for not less than two (2) years from the date of the purchase transaction, and such records shall be made available to any law enforcement officer or Secretary of State examiner during usual and customary business hours. Codes, 1942, § 2249.5; Laws, 1966, ch. 390, §§ 1-3, 1971, ch. 474, §§ 1-5; Laws, 1989, ch. 578, § 1; Laws, 1993, ch. 359, § 2; Laws, 2008, 1st Ex Sess, ch. 29, § 1, eff. 8/8/2008; Laws, 2012, ch. 536, § 1, eff. 7/1/2012. Amended by Laws, 2022, ch. 452, SB 2545,§ 1, eff. 7/1/2022. Amended by Laws, 2021, ch. 378, HB 277,§ 14, eff. 7/1/2021. Amended by Laws, 2014, ch. 457, HB 585, 23, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207)IN GENERAL (§§ 97-17-1 — 97-17-103)Section 97-17-73 - Removing agricultural products subject to lien from premises where produced

Any person who, with notice of an employer's, employee's, laborer's, cropper's, part-owner's, or landlord's lien on any agricultural products, and with intent to defeat or impair the lien shall remove from the premises on which it was produced, or shall conceal, or aid or assist to remove or conceal, anything subject to such lien, and upon which any other person shall have such lien, without the consent of such person, shall, upon conviction, be punished by a fine of not more than five hundred dollars, and by imprisonment in

the county jail not more than six months, or by either. Codes, 1880, § 1362; 1892, § 1183; 1906, § 1261; Hemingway's 1917, § 991; 1930, § 1019; 1942, § 2251. Any person who, with notice of an employer's, employee's, laborer's, cropper's, part-owner's, or landlord's lien on any agricultural products, and with intent to defeat or impair the lien shall remove from the premises on which it was produced, or shall conceal, or aid or assist to remove or conceal, anything subject to such lien, and upon which any other person shall have such lien, without the consent of such person, shall, upon conviction, be punished by a fine of not more than five hundred dollars, and by imprisonment in the county jail not more than six months, or by either. Codes, 1880, § 1362; 1892, § 1183; 1906, § 1261; Hemingway's 1917, § 991; 1930, § 1019; 1942, § 2251. Any person who, with notice of an employer's, employee's, laborer's, cropper's, part-owner's, or landlord's lien on any agricultural products, and with intent to defeat or impair the lien shall remove from the premises on which it was produced, or shall conceal, or aid or assist to remove or conceal, anything subject to such lien, and upon which any other person shall have such lien, without the consent of such person, shall, upon conviction, be punished by a fine of not more than five hundred dollars, and by imprisonment in the county jail not more than six months, or by either. Codes, 1880, § 1362; 1892, § 1183; 1906, § 1261; Hemingway's 1917, § 991; 1930, § 1019; 1942, § 2251.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-75 - Removing personal property subject to lien from county, or selling same

Any person who shall remove, or cause to be removed, or aid or assist in removing from the county in which it may be, any personal property which may be the subject of a pledge, mortgage, deed of trust, conditional sales contract, lien of a lessor of lands, or lien by judgment, or any other lien of which such party has notice, without the consent of the holder of such encumbrance or lien, or who shall conceal or secrete such property, or who shall sell or dispose of the same or any part thereof without the consent of the mortgagee or beneficiary, or conditional vendor, with intent to defraud the holder of the encumbrance or lien, whether any of these acts shall be done before or after the maturity of the debt secured by the lien, and shall not immediately discharge such encumbrance or lien or pay to the holder of such lien or encumbrance the value of such property in event same is less than the amount of such lien or encumbrance, shall, upon conviction, be imprisoned in the custody of the Department of Corrections not more than three (3) years, or be fined not more than Five Thousand Dollars (\$5,000.00), or both. Codes, 1871, § 2659; 1880, § 2909; 1892, § 1184; 1906, § 1262; Hemingway's 1917, § 992; 1930, § 1020; 1942, § 2252; Laws, 1954, ch. 237, § 2; Laws, 2005, ch. 511, § 5, eff. 7/1/2005. Any person who shall remove, or cause to be removed, or aid or assist in removing from the county in which it may be, any personal property which may be the subject of a pledge, mortgage, deed of trust, conditional sales contract, lien of a lessor of lands, or lien by judgment, or any other lien of which such party has notice, without the consent of the holder of such encumbrance or lien, or who shall conceal or secrete such property, or who shall sell or dispose of the same or any part thereof without the consent of the mortgagee or beneficiary, or conditional vendor, with intent to defraud the holder of the encumbrance or lien, whether any of these acts shall be done before or after the maturity of the debt secured by the lien, and shall not immediately discharge such encumbrance or lien or pay to the holder of such lien or encumbrance the value of such property in event same is less than the amount of such lien or encumbrance, shall, upon conviction, be imprisoned in the custody of the Department of Corrections not more than three (3) years, or be fined not more than Five Thousand Dollars (\$5,000.00), or both. Codes, 1871, § 2659; 1880, § 2909; 1892, § 1184; 1906, § 1262; Hemingway's 1917, § 992; 1930, § 1020; 1942, § 2252; Laws, 1954, ch. 237, § 2; Laws, 2005, ch. 511, § 5, eff. 7/1/2005. Any person who shall remove, or cause to be removed, or aid or assist in removing from the county in which it may be, any personal property which may be the subject of a pledge, mortgage, deed of trust, conditional sales contract, lien of a lessor of lands, or lien by judgment, or any other lien of which such party has notice, without the consent of the holder of such encumbrance or lien, or who shall conceal or secrete such property, or who shall sell or dispose of the same or any part thereof without the consent of the mortgagee or beneficiary, or conditional vendor, with intent to defraud the holder of the encumbrance or lien, whether any of these acts shall be done before or after the maturity of the debt secured by the lien, and shall not immediately discharge such encumbrance or lien or pay to the holder of such lien or encumbrance the value of such property in event same is less than the amount of such lien or encumbrance, shall, upon conviction, be imprisoned in the custody of the Department of Corrections

not more than three (3) years, or be fined not more than Five Thousand Dollars (\$5,000.00), or both. Codes, 1871, § 2659; 1880, § 2909; 1892, § 1184; 1906, § 1262; Hemingway's 1917, § 992; 1930, § 1020; 1942, § 2252; Laws, 1954, ch. 237, § 2; Laws, 2005, ch. 511, § 5, eff. 7/1/2005.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-77 - Removing personal property subject to lien out of state

If any person shall move, or cause to be removed, to any place beyond the jurisdiction of this state, any personal property which shall at the time of such removal be under written pledge, or mortgage, or deed of trust, or conditional sales contract, or lien by judgment, or any other lien in this state, with intent to defraud the pledgee, mortgagee, trustee, cestui que trust, conditional vendor, or creditor, he shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned in the county jail not more than twelve (12) months, or both. The removal with intent to defraud of such property valued at four hundred dollars (\$400.00) or more shall be a felony punishable upon conviction by a fine of not less than five hundred dollars (\$500.00) nor more than five thousand dollars (\$5,000.00), or by imprisonment in the penitentiary not less than one (1) nor more than three (3) years, or by both. Codes, 1871, § 2658; 1880, § 2908; 1892, § 1182; 1906, § 1260; Hemingway's 1917, § 990; 1930, § 1018; 1942, § 2250; Laws, 1954, ch. 237, § 1; Laws, 1975, ch. 459, eff. 7/1/1975. If any person shall move, or cause to be removed, to any place beyond the jurisdiction of this state, any personal property which shall at the time of such removal be under written pledge, or mortgage, or deed of trust, or conditional sales contract, or lien by judgment, or any other lien in this state, with intent to defraud the pledgee, mortgagee, trustee, cestui que trust, conditional vendor, or creditor, he shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned in the county jail not more than twelve (12) months, or both. The removal with intent to defraud of such property valued at four hundred dollars (\$400.00) or more shall be a felony punishable upon conviction by a fine of not less than five hundred dollars (\$500.00) nor more than five thousand dollars (\$5,000.00), or by imprisonment in the penitentiary not less than one (1) nor more than three (3) years, or by both. Codes, 1871, § 2658; 1880, § 2908; 1892, § 1182; 1906, § 1260; Hemingway's 1917, § 990; 1930, § 1018; 1942, § 2250; Laws, 1954, ch. 237, § 1; Laws, 1975, ch. 459, eff. 7/1/1975. If any person shall move, or cause to be removed, to any place beyond the jurisdiction of this state, any personal property which shall at the time of such removal be under written pledge, or mortgage, or deed of trust, or conditional sales contract, or lien by judgment, or any other lien in this state, with intent to defraud the pledgee, mortgagee, trustee, cestui que trust, conditional vendor, or creditor, he shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned in the county jail not more than twelve (12) months, or both. The removal with intent to defraud of such property valued at four hundred dollars (\$400.00) or more shall be a felony punishable upon conviction by a fine of not less than five hundred dollars (\$500.00) nor more than five thousand dollars (\$5,000.00), or by imprisonment in the penitentiary not less than one (1) nor more than three (3) years, or by both. Codes, 1871, § 2658; 1880, § 2908; 1892, § 1182; 1906, § 1260; Hemingway's 1917, § 990; 1930, § 1018; 1942, § 2250; Laws, 1954, ch. 237, § 1; Laws, 1975, ch. 459, eff. 7/1/1975. If any person shall move, or cause to be removed, to any place beyond the jurisdiction of this state, any personal property which shall at the time of such removal be under written pledge, or mortgage, or deed of trust, or conditional sales contract, or lien by judgment, or any other lien in this state, with intent to defraud the pledgee, mortgagee, trustee, cestui que trust, conditional vendor, or creditor, he shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned in the county jail not more than twelve (12) months, or both. The removal with intent to defraud of such property valued at four hundred dollars (\$400.00) or more shall be a felony punishable upon conviction by a fine of not less than five hundred dollars (\$500.00) nor more than five thousand dollars (\$5,000.00), or by imprisonment in the penitentiary not less than one (1) nor more than three (3) years, or by both. Codes, 1871, § 2658; 1880, § 2908; 1892, § 1182; 1906, § 1260; Hemingway's 1917, § 990; 1930, § 1018; 1942, § 2250; Laws, 1954, ch. 237, § 1; Laws, 1975, ch. 459, eff. 7/1/1975.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-79 - Trees; boxing pine trees

If any person shall box for turpentine, or cut or cause to be cut, a box or boxes in a pine tree growing on land known to belong to another, without the consent of the owner, he shall, on conviction, be fined not less than five dollars nor more than twenty dollars for each tree so cut or boxed, or be imprisoned in the county jail not exceeding three months, or both. Codes, 1892, § 1317; 1906, § 1391; Hemingway's 1917, § 1134; 1930, § 1165; 1942, § 2408; Laws, 1890, p. 70. If any person shall box for turpentine, or cut or cause to be cut, a box or boxes in a pine tree growing on land known to belong to another, without the consent of the owner, he shall, on conviction, be fined not less than five dollars nor more than twenty dollars for each tree so cut or boxed, or be imprisoned in the county jail not exceeding three months, or both. Codes, 1892, § 1317; 1906, § 1391; Hemingway's 1917, § 1134; 1930, § 1165; 1942, § 2408; Laws, 1890, p. 70. If any person shall box for turpentine, or cut or cause to be cut, a box or boxes in a pine tree growing on land known to belong to another, without the consent of the owner, he shall, on conviction, be fined not less than five dollars nor more than twenty dollars for each tree so cut or boxed, or be imprisoned in the county jail not exceeding three months, or both. Codes, 1892, § 1317; 1906, § 1391; Hemingway's 1917, § 1134; 1930, § 1165; 1942, § 2408; Laws, 1890, p. 70. If any person shall box for turpentine, or cut or cause to be cut, a box or boxes in a pine tree growing on land known to belong to another, without the consent of the owner, he shall, on conviction, be fined not less than five dollars nor more than twenty dollars for each tree so cut or boxed, or be imprisoned in the county jail not exceeding three months, or both. Codes, 1892, § 1317; 1906, § 1391; Hemingway's 1917, § 1134; 1930, § 1165; 1942, § 2408; Laws, 1890, p. 70.

1917, § 1134; 1930, § 1165; 1942, § 2408; Laws, 1890, p. 70.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-81 - Trees; cutting or rafting upon lands of another

If any person shall cut or raft any cypress, pine, oak, gum, hickory, pecan, walnut, mulberry, poplar, cottonwood, sassafras, or ash trees or timber upon any lands belonging to any other person or corporation, without permission from the owner thereof, or his agent duly authorized, such person shall, on conviction, be imprisoned in the county jail not more than five months, or fined not less than ten dollars nor more than one thousand dollars, or both. Codes, Hutchinson's 1848, ch. 12, art. 6(7); 1857, ch. 64, art. 231; 1871, § 2685; 1880, § 2956; 1892, § 1305; 1906, § 1379; Hemingway's 1917, § 1119; 1930, § 1149; 1942, § 2386. If any person shall cut or raft any cypress, pine, oak, gum, hickory, pecan, walnut, mulberry, poplar, cottonwood, sassafras, or ash trees or timber upon any lands belonging to any other person or corporation, without permission from the owner thereof, or his agent duly authorized, such person shall, on conviction, be imprisoned in the county jail not more than five months, or fined not less than ten dollars nor more than one thousand dollars, or both. Codes, Hutchinson's 1848, ch. 12, art. 6(7); 1857, ch. 64, art. 231; 1871, § 2685; 1880, § 2956; 1892, § 1305; 1906, § 1379; Hemingway's 1917, § 1119; 1930, § 1149; 1942, § 2386. If any person shall cut or raft any cypress, pine, oak, gum, hickory, pecan, walnut, mulberry, poplar, cottonwood, sassafras, or ash trees or timber upon any lands belonging to any other person or corporation, without permission from the owner thereof, or his agent duly authorized, such person shall, on conviction, be imprisoned in the county jail not more than five months, or fined not less than ten dollars nor more than one thousand dollars, or both. Codes, Hutchinson's 1848, ch. 12, art. 6(7); 1857, ch. 64, art. 231; 1871, § 2685; 1880, § 2956; 1892, § 1305; 1906, § 1379; Hemingway's 1917, § 1119; 1930, § 1149; 1942, § 2386. If any person shall cut or raft any cypress, pine, oak, gum, hickory, pecan, walnut, mulberry, poplar, cottonwood, sassafras, or ash trees or timber upon any lands belonging to any other person or corporation, without permission from the owner thereof, or his agent duly authorized, such person shall, on conviction, be imprisoned in the county jail not more than five months, or fined not less than ten dollars nor more than one thousand dollars, or both. Codes, Hutchinson's 1848, ch. 12, art. 6(7); 1857, ch. 64, art. 231; 1871, § 2685; 1880, § 2956; 1892, § 1305; 1906, § 1379; Hemingway's 1917, § 1119; 1930, § 1149; 1942, § 2386.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-83 - Trees; injuring or destroying shade or ornamental tree

If any person shall wilfully injure or destroy any shade tree or any ornamental tree not his own, on any highway or street, or in any yard, garden, or park, he shall, on conviction, be fined not less than five dollars nor more than twenty dollars for each tree so injured or destroyed, or shall be imprisoned in the county jail not less than ten days nor more than thirty days for each offense. Codes, 1892, § 1319; 1906, § 1393; Hemingway's 1917, § 1136; 1930, § 1167; 1942, § 2410. If any person shall wilfully injure or destroy any shade tree or any ornamental tree not his own, on any highway or street, or in any yard, garden, or park, he shall, on conviction, be fined not less than five dollars nor more than twenty dollars for each tree so injured or destroyed, or shall be imprisoned in the county jail not less than ten days nor more than thirty days for each offense. Codes, 1892, § 1319; 1906, § 1393; Hemingway's 1917, § 1136; 1930, § 1167; 1942, § 2410. If any person shall wilfully injure or destroy any shade tree or any ornamental tree not his own, on any highway or street, or in any yard, garden, or park, he shall, on conviction, be fined not less than five dollars nor more than twenty dollars for each tree so injured or destroyed, or shall be imprisoned in the county jail not less than ten days nor more than thirty days for each offense. Codes, 1892, § 1319; 1906, § 1393; Hemingway's 1917, § 1136; 1930, § 1167; 1942, § 2410. If any person shall wilfully injure or destroy any shade tree or any ornamental tree not his own, on any highway or street, or in any yard, garden, or park, he shall, on conviction, be fined not less than five dollars nor more than twenty dollars for each tree so injured or destroyed, or shall be imprisoned in the county jail not less than ten days nor more than thirty days for each offense. Codes, 1892, § 1319; 1906, § 1393; Hemingway's 1917, § 1136; 1930, § 1167; 1942, § 2410.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-84 - Penalty for removal of "sea oats" or "uniola paniculata" from shores

Any person who removes a plant commonly known as "sea oats" or "uniola paniculata" from the shores of this state shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than Five Hundred Dollars (\$500.00). Laws, 1989, ch. 453, § 1, eff. 7/1/1989. Any person who removes a plant commonly known as "sea oats" or "uniola paniculata" from the shores of this state shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than Five Hundred Dollars (\$500.00). Laws, 1989, ch. 453, § 1, eff. 7/1/1989. Any person who removes a plant commonly known as "sea oats" or "uniola paniculata" from the shores of this state shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than Five Hundred Dollars (\$500.00). Laws, 1989, ch. 453, § 1, eff. 7/1/1989. Any person who removes a plant commonly known as "sea oats" or "uniola paniculata" from the shores of this state shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than Five Hundred Dollars (\$500.00). Laws, 1989, ch. 453, § 1, eff. 7/1/1989.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§

97-17-1 — 97-17-207)IN GENERAL (§§ 97-17-1 — 97-17-103)Section 97-17-85 - Trespass; going upon inclosed land of another

Except as otherwise provided in Sections 73-13-103 and 49-7-79, if any person shall go upon the enclosed land of another without his consent, after having been notified by such person or his agent not to do so, either personally or by published or posted notice, or shall remain on such land after a request by such person or his agent to depart, he shall, upon conviction, be fined not more than Fifty Dollars (\$50.00) for such offense. The provisions of this section shall apply to land not enclosed where the stock law is in force. Codes, 1880, § 2980; 1892, § 1320; 1906, § 1394; Hemingway's 1917, § 1137; 1930, § 1168; 1942, § 2411; Laws, 1997, ch. 425, § 2, eff. 7/1/1997. Amended by Laws, 2024, ch. 517, HB 1208, § 2, eff. 7/1/2024. Except as otherwise provided in Sections 73-13-103 and 49-7-79, if any person shall go upon the enclosed land of another without his consent, after having been notified by such person or his agent not to do so, either personally or by published or posted notice, or shall remain on such land after a request by such person or his agent to depart, he shall, upon conviction, be fined not more than Fifty Dollars (\$50.00) for such offense. The provisions of this section shall apply to land not enclosed where the stock law is in force. Codes, 1880, § 2980; 1892, § 1320; 1906, § 1394; Hemingway's 1917, § 1137; 1930, § 1168; 1942, § 2411; Laws, 1997, ch. 425, § 2, eff. 7/1/1997. Amended by Laws, 2024, ch. 517, HB 1208, § 2, eff. 7/1/2024. Except as otherwise provided in Sections 73-13-103 and 49-7-79, if any person shall go upon the enclosed land of another without his consent, after having been notified by such person or his agent not to do so, either personally or by published or posted notice, or shall remain on such land after a request by such person or his agent to depart, he shall, upon conviction, be fined not more than Fifty Dollars (\$50.00) for such offense. The provisions of this section shall apply to land not enclosed where the stock law is in force. Codes, 1880, § 2980; 1892, § 1320; 1906, § 1394; Hemingway's 1917, § 1137; 1930, § 1168; 1942, § 2411; Laws, 1997, ch. 425, § 2, eff. 7/1/1997. Amended by Laws, 2024, ch. 517, HB 1208, § 2, eff. 7/1/2024.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207)IN GENERAL (§§ 97-17-1 — 97-17-103)Section 97-17-87 - Trespass; willful or malicious; penalty; enhanced penalties for willful trespass upon airport operations area

(1) Any person who shall be guilty of a willful or malicious trespass upon the real or personal property of another, for which no other penalty is prescribed, shall, upon conviction, be fined not exceeding Five Hundred Dollars (\$500.00), or imprisoned not longer than six (6) months in the county jail, or both. (2)(a) Any person who shall willfully trespass upon any air operations area or sterile area of an airport serving the general public shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned in the county jail for up to one (1) year, or both. (b) For the purposes of this subsection (2), "air operations area" means a portion of an airport designed and used for landing, taking off, or surface maneuvering of airplanes; "sterile area" means an area to which access is controlled by the inspection of persons and property in accordance with an approved security program. Codes, 1880, §§ 969, 2967; 1892, § 1315; 1906, § 1389; Hemingway's 1917, § 1132; 1930, § 1163; 1942, § 2406; Laws, 2001, ch. 475, § 1, eff. 3/23/2001. (1) Any person who shall be guilty of a willful or malicious trespass upon the real or personal property of another, for which no other penalty is prescribed, shall, upon conviction, be fined not exceeding Five Hundred Dollars (\$500.00), or imprisoned not longer than six (6) months in the county jail, or both. (2)(a) Any person who shall willfully trespass upon any air operations area or sterile area of an airport serving the general public shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned in the county jail for up to one (1) year, or both. (b) For the purposes of this subsection (2), "air operations area" means a portion of an airport designed and used for landing, taking off, or surface maneuvering of airplanes; "sterile area" means an area to which access is controlled by the inspection of persons and property in accordance with an approved security program. Codes, 1880, §§ 969, 2967; 1892, § 1315; 1906, § 1389; Hemingway's 1917, § 1132; 1930, § 1163; 1942, § 2406; Laws, 2001, ch. 475, § 1, eff. 3/23/2001. (1) Any person who shall be guilty of a willful or malicious trespass upon the real or personal property of another, for which no other penalty is prescribed, shall, upon conviction, be fined not exceeding Five Hundred Dollars (\$500.00), or imprisoned not longer than six (6) months in the county jail, or both. (2)(a) Any person who shall willfully trespass upon any air operations area or sterile area of an airport serving the general public shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned in the county jail for up to one (1) year, or both. (b) For the purposes of this subsection (2), "air operations area" means a portion of an airport designed and used for landing, taking off, or surface maneuvering of airplanes; "sterile area" means an area to which access is controlled by the inspection of persons and property in accordance with an approved security program. Codes, 1880, §§ 969, 2967; 1892, § 1315; 1906, § 1389; Hemingway's 1917, § 1132; 1930, § 1163; 1942, § 2406; Laws, 2001, ch. 475, § 1, eff. 3/23/2001. Codes, 1880, §§ 969, 2967; 1892, § 1315; 1906, § 1389; Hemingway's 1917, § 1132; 1930, § 1163; 1942, § 2406; Laws, 2001, ch. 475, § 1, eff. 3/23/2001.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207)IN GENERAL (§§ 97-17-1 — 97-17-103)Section 97-17-89 - Trespass; destruction or carrying away of

vegetation, etc. not amounting to larceny

Any person who shall enter upon the closed or unenclosed lands of another or of the public and who shall willfully and wantonly gather and unlawfully sever, destroy, carry away or injure any trees, shrubs, flowers, moss, grain, turf, grass, hay, fruits, nuts or vegetables thereon, where such action shall not amount to larceny, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars (\$500.00), or be imprisoned not exceeding six (6) months in the county jail, or both; and a verdict of guilty of such action may be rendered under an indictment for larceny, if the evidence shall not warrant a verdict of guilty of larceny, but shall warrant a conviction under this section. Codes, 1942, § 2411.5; Laws, 1958, ch. 264; Laws, 1962, ch. 323, § 3.

Any person who shall enter upon the closed or unenclosed lands of another or of the public and who shall willfully and wantonly gather and unlawfully sever, destroy, carry away or injure any trees, shrubs, flowers, moss, grain, turf, grass, hay, fruits, nuts or vegetables thereon, where such action shall not amount to larceny, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars (\$500.00), or be imprisoned not exceeding six (6) months in the county jail, or both; and a verdict of guilty of such action may be rendered under an indictment for larceny, if the evidence shall not warrant a verdict of guilty of larceny, but shall warrant a conviction under this section. Codes, 1942, § 2411.5; Laws, 1958, ch. 264; Laws, 1962, ch. 323, § 3.

Any person who shall enter upon the closed or unenclosed lands of another or of the public and who shall willfully and wantonly gather and unlawfully sever, destroy, carry away or injure any trees, shrubs, flowers, moss, grain, turf, grass, hay, fruits, nuts or vegetables thereon, where such action shall not amount to larceny, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars (\$500.00), or be imprisoned not exceeding six (6) months in the county jail, or both; and a verdict of guilty of such action may be rendered under an indictment for larceny, if the evidence shall not warrant a verdict of guilty of larceny, but shall warrant a conviction under this section. Codes, 1942, § 2411.5; Laws, 1958, ch. 264; Laws, 1962, ch. 323, § 3.

Any person who shall enter upon the closed or unenclosed lands of another or of the public and who shall willfully and wantonly gather and unlawfully sever, destroy, carry away or injure any trees, shrubs, flowers, moss, grain, turf, grass, hay, fruits, nuts or vegetables thereon, where such action shall not amount to larceny, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars (\$500.00), or be imprisoned not exceeding six (6) months in the county jail, or both; and a verdict of guilty of such action may be rendered under an indictment for larceny, if the evidence shall not warrant a verdict of guilty of larceny, but shall warrant a conviction under this section. Codes, 1942, § 2411.5; Laws, 1958, ch. 264; Laws, 1962, ch. 323, § 3.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-9 - Arson; fourth degree; attempt to burn

(1) Any person who wilfully and maliciously attempts to set fire to or attempts to burn or to aid, counsel or procure the burning of any of the buildings or property mentioned in the foregoing sections, or who commits any act preliminary thereto, or in furtherance thereof, shall be guilty of arson in the fourth degree and upon conviction thereof be sentenced to the penitentiary for not less than one nor more than two years or fined not to exceed one thousand dollars. (2) The placing or distributing of any flammable, explosive or combustible material or substance, or any device in any building or property mentioned in the foregoing sections in an arrangement or preparation with intent to eventually, wilfully and maliciously set fire to or burn same, or to procure the setting fire to or burning of same shall, for the purposes of this section constitute an attempt to burn such building or property. Codes, 1942, § 2009; Laws, 1932, ch. 272. (1) Any person who wilfully and maliciously attempts to set fire to or attempts to burn or to aid, counsel or procure the burning of any of the buildings or property mentioned in the foregoing sections, or who commits any act preliminary thereto, or in furtherance thereof, shall be guilty of arson in the fourth degree and upon conviction thereof be sentenced to the penitentiary for not less than one nor more than two years or fined not to exceed one thousand dollars. (2) The placing or distributing of any flammable, explosive or combustible material or substance, or any device in any building or property mentioned in the foregoing sections in an arrangement or preparation with intent to eventually, wilfully and maliciously set fire to or burn same, or to procure the setting fire to or burning of same shall, for the purposes of this section constitute an attempt to burn such building or property. Codes, 1942, § 2009; Laws, 1932, ch. 272. (1) Any person who wilfully and maliciously attempts to set fire to or attempts to burn or to aid, counsel or procure the burning of any of the buildings or property mentioned in the foregoing sections, or who commits any act preliminary thereto, or in furtherance thereof, shall be guilty of arson in the fourth degree and upon conviction thereof be sentenced to the penitentiary for not less than one nor more than two years or fined not to exceed one thousand dollars. (2) The placing or distributing of any flammable, explosive or combustible material or substance, or any device in any building or property mentioned in the foregoing sections in an arrangement or preparation with intent to eventually, wilfully and maliciously set fire to or burn same, or to procure the setting fire to or burning of same shall, for the purposes of this section constitute an attempt to burn such building or property. Codes, 1942, § 2009; Laws, 1932, ch. 272. Codes, 1942, § 2009; Laws, 1932, ch. 272.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-91 - Trespass; defacing, altering or destroying notices posted on land

Any person who shall deface, remove, alter or destroy any notice placed upon any lands by the owner thereof or his agent posting or otherwise prohibiting the entrance upon any lands in this state shall, upon conviction, be fined not more than fifty dollars (\$50.00) for each such notice defaced, removed, altered or destroyed. Codes, 1942, § 2409.3; Laws, 1962, ch. 323, § 2. Any person who shall

deface, remove, alter or destroy any notice placed upon any lands by the owner thereof or his agent posting or otherwise prohibiting the entrance upon any lands in this state shall, upon conviction, be fined not more than fifty dollars (\$50.00) for each such notice defaced, removed, altered or destroyed. Codes, 1942, § 2409.3; Laws, 1962, ch. 323, § 2. Any person who shall deface, remove, alter or destroy any notice placed upon any lands by the owner thereof or his agent posting or otherwise prohibiting the entrance upon any lands in this state shall, upon conviction, be fined not more than fifty dollars (\$50.00) for each such notice defaced, removed, altered or destroyed. Codes, 1942, § 2409.3; Laws, 1962, ch. 323, § 2. Any person who shall deface, remove, alter or destroy any notice placed upon any lands by the owner thereof or his agent posting or otherwise prohibiting the entrance upon any lands in this state shall, upon conviction, be fined not more than fifty dollars (\$50.00) for each such notice defaced, removed, altered or destroyed. Codes, 1942, § 2409.3; Laws, 1962, ch. 323, § 2.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-93 - Entering lands of another without permission; enforcement; relation to other statutes; dismissal of prosecution

(1) Any person who knowingly enters the lands of another without the permission of or without being accompanied by the landowner or the lessee of the land, or the agent of such landowner or lessee, shall be guilty of a misdemeanor and, upon conviction, shall be punished for the first offense by a fine of Two Hundred Fifty Dollars (\$250.00). Upon conviction of any person for a second or subsequent offense, the offenses being committed within five (5) years of the last offense, such person shall be punished by a fine of Five Hundred Dollars (\$500.00), and may be imprisoned in the county jail for a period of not less than ten (10) nor more than thirty (30) days, or by both such fine and imprisonment. This section shall not apply to the landowner's or lessee's family, guests, or agents, to a surveyor as provided in Section 73-13-103, or to persons entering upon such lands for lawful business purposes. (2)(a) It shall be the duty of sheriffs, deputy sheriffs, constables and conservation officers to enforce this section. (b) Such officers shall enforce this section by issuing a citation to those charged with trespassing under this section. (3) The provisions of this section are supplementary to the provisions of any other statute of this state. (4) A prosecution under the provisions of this section shall be dismissed upon the request of the landowner, lessee of the land or agent of such landowner or lessee, as the case may be. Codes, 1892, § 1318; 1906, § 1392; Hemingway's 1917, § 1135; 1930, § 1166; 1942, § 2409; Laws, 1962, ch. 323, § 1; Laws, 1976, ch. 404; Laws, 1978, ch. 417, § 1; Laws, 1984, ch. 504; Laws, 1987, ch. 331; Laws, 1997, ch. 425, § 3; Laws, 2008, ch. 545, § 2, eff. 7/1/2008. (1) Any person who knowingly enters the lands of another without the permission of or without being accompanied by the landowner or the lessee of the land, or the agent of such landowner or lessee, shall be guilty of a misdemeanor and, upon conviction, shall be punished for the first offense by a fine of Two Hundred Fifty Dollars (\$250.00). Upon conviction of any person for a second or subsequent offense, the offenses being committed within five (5) years of the last offense, such person shall be punished by a fine of Five Hundred Dollars (\$500.00), and may be imprisoned in the county jail for a period of not less than ten (10) nor more than thirty (30) days, or by both such fine and imprisonment. This section shall not apply to the landowner's or lessee's family, guests, or agents, to a surveyor as provided in Section 73-13-103, or to persons entering upon such lands for lawful business purposes. (2)(a) It shall be the duty of sheriffs, deputy sheriffs, constables and conservation officers to enforce this section. (b) Such officers shall enforce this section by issuing a citation to those charged with trespassing under this section. (3) The provisions of this section are supplementary to the provisions of any other statute of this state. (4) A prosecution under the provisions of this section shall be dismissed upon the request of the landowner, lessee of the land or agent of such landowner or lessee, as the case may be. Codes, 1892, § 1318; 1906, § 1392; Hemingway's 1917, § 1135; 1930, § 1166; 1942, § 2409; Laws, 1962, ch. 323, § 1; Laws, 1976, ch. 404; Laws, 1978, ch. 417, § 1; Laws, 1984, ch. 504; Laws, 1987, ch. 331; Laws, 1997, ch. 425, § 3; Laws, 2008, ch. 545, § 2, eff. 7/1/2008. (1) Any person who knowingly enters the lands of another without the permission of or without being accompanied by the landowner or the lessee of the land, or the agent of such landowner or lessee, shall be guilty of a misdemeanor and, upon conviction, shall be punished for the first offense by a fine of Two Hundred Fifty Dollars (\$250.00). Upon conviction of any person for a second or subsequent offense, the offenses being committed within five (5) years of the last offense, such person shall be punished by a fine of Five Hundred Dollars (\$500.00), and may be imprisoned in the county jail for a period of not less than ten (10) nor more than thirty (30) days, or by both such fine and imprisonment. This section shall not apply to the landowner's or lessee's family, guests, or agents, to a surveyor as provided in Section 73-13-103, or to persons entering upon such lands for lawful business purposes. (2)(a) It shall be the duty of sheriffs, deputy sheriffs, constables and conservation officers to enforce this section. (b) Such officers shall enforce this section by issuing a citation to those charged with trespassing under this section. (3) The provisions of this section are supplementary to the provisions of any other statute of this state. (4) A prosecution under the provisions of this section shall be dismissed upon the request of the landowner, lessee of the land or agent of such landowner or lessee, as the case may be. Codes, 1892, § 1318; 1906, § 1392; Hemingway's 1917, § 1135; 1930, § 1166; 1942, § 2409; Laws, 1962, ch. 323, § 1; Laws, 1976, ch. 404; Laws, 1978, ch. 417, § 1; Laws, 1984, ch. 504; Laws, 1987, ch. 331; Laws, 1997, ch. 425, § 3; Laws, 2008, ch. 545, § 2, eff. 7/1/2008.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-95 - Trespass; entry on premises where atomic machinery, rockets and other dangerous devices are manufactured, etc

It shall be unlawful for any person to wilfully enter or trespass within the premises of any person, firm or corporation manufacturing or constructing or erecting or assembling or maintaining or repairing or operating any nuclear powered machinery, equipment or vessels, or rockets, missiles, propulsion systems, explosives or other dangerous devices, or parts thereof, with the intent to commit any crime under the laws of this state, or of the United States, or pursuant to a conspiracy to commit any such crime or in an attempt to commit any such crime. Any person convicted of a violation of this section shall be adjudged guilty of a felony, and punished by a fine not to exceed five thousand dollars (\$5,000.00) or by imprisonment in the state penitentiary not to exceed five (5) years, or both such fine and imprisonment, in the discretion of the court. Any person wilfully entering or trespassing within such premises, if found within any area designated as a restricted area therein, shall be guilty of a violation of this section. Codes, 1942, § 2406.5; Laws, 1962, ch. 324, eff. 5/31/1962. It shall be unlawful for any person to wilfully enter or trespass within the premises of any person, firm or corporation manufacturing or constructing or erecting or assembling or maintaining or repairing or operating any nuclear powered machinery, equipment or vessels, or rockets, missiles, propulsion systems, explosives or other dangerous devices, or parts thereof, with the intent to commit any crime under the laws of this state, or of the United States, or pursuant to a conspiracy to commit any such crime or in an attempt to commit any such crime. Any person convicted of a violation of this section shall be adjudged guilty of a felony, and punished by a fine not to exceed five thousand dollars (\$5,000.00) or by imprisonment in the state penitentiary not to exceed five (5) years, or both such fine and imprisonment, in the discretion of the court. Any person wilfully entering or trespassing within such premises, if found within any area designated as a restricted area therein, shall be guilty of a violation of this section. Codes, 1942, § 2406.5; Laws, 1962, ch. 324, eff. 5/31/1962. It shall be unlawful for any person to wilfully enter or trespass within the premises of any person, firm or corporation manufacturing or constructing or erecting or assembling or maintaining or repairing or operating any nuclear powered machinery, equipment or vessels, or rockets, missiles, propulsion systems, explosives or other dangerous devices, or parts thereof, with the intent to commit any crime under the laws of this state, or of the United States, or pursuant to a conspiracy to commit any such crime or in an attempt to commit any such crime. Any person convicted of a violation of this section shall be adjudged guilty of a felony, and punished by a fine not to exceed five thousand dollars (\$5,000.00) or by imprisonment in the state penitentiary not to exceed five (5) years, or both such fine and imprisonment, in the discretion of the court. Any person wilfully entering or trespassing within such premises, if found within any area designated as a restricted area therein, shall be guilty of a violation of this section. Codes, 1942, § 2406.5; Laws, 1962, ch. 324, eff. 5/31/1962. It shall be unlawful for any person to wilfully enter or trespass within the premises of any person, firm or corporation manufacturing or constructing or erecting or assembling or maintaining or repairing or operating any nuclear powered machinery, equipment or vessels, or rockets, missiles, propulsion systems, explosives or other dangerous devices, or parts thereof, with the intent to commit any crime under the laws of this state, or of the United States, or pursuant to a conspiracy to commit any such crime or in an attempt to commit any such crime. Any person convicted of a violation of this section shall be adjudged guilty of a felony, and punished by a fine not to exceed five thousand dollars (\$5,000.00) or by imprisonment in the state penitentiary not to exceed five (5) years, or both such fine and imprisonment, in the discretion of the court. Any person wilfully entering or trespassing within such premises, if found within any area designated as a restricted area therein, shall be guilty of a violation of this section. Codes, 1942, § 2406.5; Laws, 1962, ch. 324, eff. 5/31/1962.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-97 - Trespass; going into or upon, or remaining in or upon, buildings, premises or lands of another after being forbidden to do so

(1) Except as otherwise provided in Section 73-13-103, if any person or persons shall without authority of law go into or upon or remain in or upon any building, premises or land of another, including the premises of any public housing authority after having been banned from returning to the premises of the housing authority, whether an individual, a corporation, partnership, or association, or any part, portion or area thereof, after having been forbidden to do so, either orally or in writing including any sign hereinafter mentioned, by any owner, or lessee, or custodian, or other authorized person, or by the administrators of a public housing authority regardless of whether or not having been invited onto the premises of the housing authority by a tenant, or after having been forbidden to do so by such sign or signs posted on, or in such building, premises or land, or part, or portion, or area thereof, at a place or places where such sign or signs may be reasonably seen, such person or persons shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by confinement in the county jail not exceeding six (6) months, or by both such fine and imprisonment. (2) The provisions of this section are supplementary to the provisions of any other statute of this state. Codes, 1942, § 2409.7; Laws, 1960, ch. 246, §§ 1, 2; Laws, 1997, ch. 471, § 1; Laws, 1997, ch. 425, § 4, eff. 7/1/1997. (1) Except as otherwise provided in Section 73-13-103, if any person or persons shall without authority of law go into or upon or remain in or upon any building, premises or land of another, including the premises of any public housing authority after having been banned from returning to the premises of the housing authority, whether an individual, a corporation, partnership, or association, or any part, portion or area thereof, after having been forbidden to do so, either orally or in writing including any sign hereinafter mentioned, by any owner, or lessee, or custodian, or other authorized person, or by the administrators of a public housing authority regardless of whether or not having been invited onto the premises of the housing authority by a tenant, or after having been forbidden to do so by such sign or signs posted on, or in such building, premises or land, or part, or portion, or area thereof, at a place or places where such sign or signs may be reasonably seen, such person or persons shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by confinement in the county jail not exceeding six (6) months, or by both such fine and imprisonment. (2) The

provisions of this section are supplementary to the provisions of any other statute of this state. Codes, 1942, § 2409.7; Laws, 1960, ch. 246, §§ 1, 2; Laws, 1997, ch. 471, § 1; Laws, 1997, ch. 425, § 4, eff. 7/1/1997. (1) Except as otherwise provided in Section 73-13-103, if any person or persons shall without authority of law go into or upon or remain in or upon any building, premises or land of another, including the premises of any public housing authority after having been banned from returning to the premises of the housing authority, whether an individual, a corporation, partnership, or association, or any part, portion or area thereof, after having been forbidden to do so, either orally or in writing including any sign hereinafter mentioned, by any owner, or lessee, or custodian, or other authorized person, or by the administrators of a public housing authority regardless of whether or not having been invited onto the premises of the housing authority by a tenant, or after having been forbidden to do so by such sign or signs posted on, or in such building, premises or land, or part, or portion, or area thereof, at a place or places where such sign or signs may be reasonably seen, such person or persons shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by confinement in the county jail not exceeding six (6) months, or by both such fine and imprisonment. (2) The provisions of this section are supplementary to the provisions of any other statute of this state. Codes, 1942, § 2409.7; Laws, 1960, ch. 246, §§ 1, 2; Laws, 1997, ch. 471, § 1; Laws, 1997, ch. 425, § 4, eff. 7/1/1997. Codes, 1942, § 2409.7; Laws, 1960, ch. 246, §§ 1, 2; Laws, 1997, ch. 471, § 1; Laws, 1997, ch. 425, § 4, eff. 7/1/1997.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) IN GENERAL (§§ 97-17-1 — 97-17-103) Section 97-17-99 - Trespass; inciting or soliciting etc., persons to go into or upon, or remain in or upon, buildings, premises or lands of another

(1) If any person or persons shall incite, or solicit, or urge, or encourage, or exhort, or instigate, or procure any other person or persons to go into or upon or to remain in or upon any building, or premises, or land of another whether an individual, a corporation, partnership, or association, or any part, portion or area thereof, knowing such other person or persons to have been forbidden, either orally or in writing including any sign hereinafter mentioned, to do so by any owner, or lessee, or custodian, or other authorized person, or knowing such other person or persons to have been forbidden to do so by a sign or signs posted in or upon such building, or premises, or land, or part, or portion thereof, at a place or places where it or they may be reasonably seen, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) or by confinement in the county jail not exceeding six (6) months, or by both such fine and imprisonment. (2) The provisions of this section are supplementary to the provisions of any other statute of this state. Codes, 1942, § 2409.5; Laws, 1960, ch. 245, §§ 1, 2. (1) If any person or persons shall incite, or solicit, or urge, or encourage, or exhort, or instigate, or procure any other person or persons to go into or upon or to remain in or upon any building, or premises, or land of another whether an individual, a corporation, partnership, or association, or any part, portion or area thereof, knowing such other person or persons to have been forbidden, either orally or in writing including any sign hereinafter mentioned, to do so by any owner, or lessee, or custodian, or other authorized person, or knowing such other person or persons to have been forbidden to do so by a sign or signs posted in or upon such building, or premises, or land, or part, or portion thereof, at a place or places where it or they may be reasonably seen, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) or by confinement in the county jail not exceeding six (6) months, or by both such fine and imprisonment. (2) The provisions of this section are supplementary to the provisions of any other statute of this state. Codes, 1942, § 2409.5; Laws, 1960, ch. 245, §§ 1, 2. Codes, 1942, § 2409.5; Laws, 1960, ch. 245, §§ 1, 2.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) LARCENY OF CONSIGNED MOTOR FUEL (§§ 97-17-201 — 97-17-207) Section 97-17-201 - Definition of consigned motor fuel

As used in Sections 97-17-201 through 97-17-207, the term "consigned motor fuels" means all grades of gasoline including gasohol or any gasoline blend, any grade of diesel or kerosene and all aviation fuels that are delivered or caused to be delivered by one (1) merchant, hereinafter designated the consignor, to another merchant who deals in goods of that kind for the purpose of sale, hereinafter designated the consignee, and which are not owned by the consignee, but remain the property of the consignor. Added by Laws, 2019, ch. 428, HB 940, § 1, eff. 7/1/2019. As used in Sections 97-17-201 through 97-17-207, the term "consigned motor fuels" means all grades of gasoline including gasohol or any gasoline blend, any grade of diesel or kerosene and all aviation fuels that are delivered or caused to be delivered by one (1) merchant, hereinafter designated the consignor, to another merchant who deals in goods of that kind for the purpose of sale, hereinafter designated the consignee, and which are not owned by the consignee, but remain the property of the consignor. Added by Laws, 2019, ch. 428, HB 940, § 1, eff. 7/1/2019. As used in

Sections 97-17-201 through 97-17-207, the term "consigned motor fuels" means all grades of gasoline including gasohol or any gasoline blend, any grade of diesel or kerosene and all aviation fuels that are delivered or caused to be delivered by one (1) merchant, hereinafter designated the consignor, to another merchant who deals in goods of that kind for the purpose of sale, hereinafter designated the consignee, and which are not owned by the consignee, but remain the property of the consignor. Added by Laws, 2019, ch. 428, HB 940, § 1, eff. 7/1/2019. As used in Sections 97-17-201 through 97-17-207, the term "consigned motor fuels" means all grades of gasoline including gasohol or any gasoline blend, any grade of diesel or kerosene and all aviation fuels that are delivered or caused to be delivered by one (1) merchant, hereinafter designated the consignor, to another merchant who deals in goods of that kind for the purpose of sale, hereinafter designated the consignee, and which are not owned by the consignee, but remain the property of the consignor. Added by Laws, 2019, ch. 428, HB 940, § 1, eff. 7/1/2019.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) LARCENY OF CONSIGNED MOTOR FUEL (§§ 97-17-201 — 97-17-207) Section 97-17-203 - Written consignment agreement required

(1) There shall be a written agreement between the consignor and the consignee, reflecting not only the consignment agreement between the parties, but that title to the consigned motor fuels and to the proceeds from the sale of the consigned motor fuels is always vested in the consignor and never the consignee. (2) Nothing in this section shall be construed to create a new or additional element necessary to prove the commission of theft of property in any degree. Added by Laws, 2019, ch. 428, HB 940, § 2, eff. 7/1/2019. (1) There shall be a written agreement between the consignor and the consignee, reflecting not only the consignment agreement between the parties, but that title to the consigned motor fuels and to the proceeds from the sale of the consigned motor fuels is always vested in the consignor and never the consignee. (2) Nothing in this section shall be construed to create a new or additional element necessary to prove the commission of theft of property in any degree. Added by Laws, 2019, ch. 428, HB 940, § 2, eff. 7/1/2019. (1) There shall be a written agreement between the consignor and the consignee, reflecting not only the consignment agreement between the parties, but that title to the consigned motor fuels and to the proceeds from the sale of the consigned motor fuels is always vested in the consignor and never the consignee. (2) Nothing in this section shall be construed to create a new or additional element necessary to prove the commission of theft of property in any degree. Added by Laws, 2019, ch. 428, HB 940, § 2, eff. 7/1/2019. Added by Laws, 2019, ch. 428, HB 940, § 2, eff. 7/1/2019.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) LARCENY OF CONSIGNED MOTOR FUEL (§§ 97-17-201 — 97-17-207) Section 97-17-205 - Taking consigned motor fuels without consent of consignor and in violation of written consignment agreement

It shall be unlawful for any person to take, use, sell or dispose of consigned motor fuels, or the proceeds from the sale of consigned motor fuels, without the consent of the consignor and in violation of the written agreement required in Section 97-17-203. Added by Laws, 2019, ch. 428, HB 940, § 3, eff. 7/1/2019. It shall be unlawful for any person to take, use, sell or dispose of consigned motor fuels, or the proceeds from the sale of consigned motor fuels, without the consent of the consignor and in violation of the written agreement required in Section 97-17-203. Added by Laws, 2019, ch. 428, HB 940, § 3, eff. 7/1/2019. It shall be unlawful for any person to take, use, sell or dispose of consigned motor fuels, or the proceeds from the sale of consigned motor fuels, without the consent of the consignor and in violation of the written agreement required in Section 97-17-203. Added by Laws, 2019, ch. 428, HB 940, § 3, eff. 7/1/2019. It shall be unlawful for any person to take, use, sell or dispose of consigned motor fuels, or the proceeds from the sale of consigned motor fuels, without the consent of the consignor and in violation of the written agreement required in Section 97-17-203. Added by Laws, 2019, ch. 428, HB 940, § 3, eff. 7/1/2019.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 17 - CRIMES AGAINST PROPERTY (§§ 97-17-1 — 97-17-207) LARCENY OF CONSIGNED MOTOR FUEL (§§ 97-17-201 — 97-17-207) Section 97-17-207 - Penalties

A person who violates Sections 97-17-201 through 97-17-207 shall be guilty of larceny of consigned motor fuels and subject to those penalties provided in Section 97-17-41 or 97-17-43 based on value of the property taken. Added by Laws, 2019, ch. 428, HB 940, § 4, eff. 7/1/2019. A person who violates Sections 97-17-201 through 97-17-207 shall be guilty of larceny of consigned motor fuels and subject to those penalties provided in Section 97-17-41 or 97-17-43 based on value of the property taken. Added by Laws, 2019, ch. 428, HB 940, § 4, eff. 7/1/2019. A person who violates Sections 97-17-201 through 97-17-207 shall be guilty of larceny of consigned motor fuels and subject to those penalties provided in Section 97-17-41 or 97-17-43 based on value of the property taken. Added by Laws, 2019, ch. 428, HB 940, § 4, eff. 7/1/2019. A person who violates Sections 97-17-201 through 97-17-207 shall be guilty of larceny of consigned motor fuels and subject to those penalties provided in Section 97-17-41 or 97-17-43 based on value of the property taken. Added by Laws, 2019, ch. 428, HB 940, § 4, eff. 7/1/2019.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-11 - Credit cards; procuring issuance by false statements

Any person who makes or causes to be made either directly or indirectly any false statement in writing with intent that it be relied upon with respect to his identity or that of any other person, firm or corporation, for the purpose of procuring the issuance of a credit

card is guilty of a misdemeanor. Codes, 1942, § 2148.7-03; Laws, 1968, ch. 345, § 3, eff. 10/7/1968. Any person who makes or causes to be made either directly or indirectly any false statement in writing with intent that it be relied upon with respect to his identity or that of any other person, firm or corporation, for the purpose of procuring the issuance of a credit card is guilty of a misdemeanor. Codes, 1942, § 2148.7-03; Laws, 1968, ch. 345, § 3, eff. 10/7/1968. Any person who makes or causes to be made either directly or indirectly any false statement in writing with intent that it be relied upon with respect to his identity or that of any other person, firm or corporation, for the purpose of procuring the issuance of a credit card is guilty of a misdemeanor. Codes, 1942, § 2148.7-03; Laws, 1968, ch. 345, § 3, eff. 10/7/1968. Any person who makes or causes to be made either directly or indirectly any false statement in writing with intent that it be relied upon with respect to his identity or that of any other person, firm or corporation, for the purpose of procuring the issuance of a credit card is guilty of a misdemeanor. Codes, 1942, § 2148.7-03; Laws, 1968, ch. 345, § 3, eff. 10/7/1968.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-13 - Credit cards; acquisition by theft or artifice; unlawful sales and purchases; receipt of cards issued in another's name

A person who takes a credit card from the person, possession, custody or control of another by acts constituting statutory larceny, common law larceny by trespassory taking, common law larceny by trick, embezzlement, false pretense or extortion, or by any other method known to the criminal law of this state, without the cardholder's consent, or who, with knowledge that a credit card has been so taken, receives the credit card with intent to use it or to sell it or to transfer it to a person other than the issuer or the cardholder or one authorized by him to receive it is guilty of credit card theft. A person other than the issuer who sells a credit card or a person who buys a credit card from a person other than the issuer violates Sections 97-19-5 to 97-19-29. Any person other than the issuer or cardholder or members of his immediate family who, during any consecutive twelve-month period, receives two (2) or more credit cards not issued in his name and which cards he has reason to know were taken or retained under circumstances which constitute credit card theft under this section or a violation of Section 97-19-11 is considered to be in violation of Sections 97-19-5 through 97-19-29. Codes, 1942, § 2148.7-04; Laws, 1968, ch. 345, § 4, eff. 10/7/1968. A person who takes a credit card from the person, possession, custody or control of another by acts constituting statutory larceny, common law larceny by trespassory taking, common law larceny by trick, embezzlement, false pretense or extortion, or by any other method known to the criminal law of this state, without the cardholder's consent, or who, with knowledge that a credit card has been so taken, receives the credit card with intent to use it or to sell it or to transfer it to a person other than the issuer or the cardholder or one authorized by him to receive it is guilty of credit card theft. A person other than the issuer who sells a credit card or a person who buys a credit card from a person other than the issuer violates Sections 97-19-5 to 97-19-29. Any person other than the issuer or cardholder or members of his immediate family who, during any consecutive twelve-month period, receives two (2) or more credit cards not issued in his name and which cards he has reason to know were taken or retained under circumstances which constitute credit card theft under this section or a violation of Section 97-19-11 is considered to be in violation of Sections 97-19-5 through 97-19-29. Codes, 1942, § 2148.7-04; Laws, 1968, ch. 345, § 4, eff. 10/7/1968. A person who takes a credit card from the person, possession, custody or control of another by acts constituting statutory larceny, common law larceny by trespassory taking, common law larceny by trick, embezzlement, false pretense or extortion, or by any other method known to the criminal law of this state, without the cardholder's consent, or who, with knowledge that a credit card has been so taken, receives the credit card with intent to use it or to sell it or to transfer it to a person other than the issuer or the cardholder or one authorized by him to receive it is guilty of credit card theft. A person other than the issuer who sells a credit card or a person who buys a credit card from a person other than the issuer violates Sections 97-19-5 to 97-19-29. Any person other than the issuer or cardholder or members of his immediate family who, during any consecutive twelve-month period, receives two (2) or more credit cards not issued in his name and which cards he has reason to know were taken or retained under circumstances which constitute credit card theft under this section or a violation of Section 97-19-11 is considered to be in violation of Sections 97-19-5 through 97-19-29. Codes, 1942, § 2148.7-04; Laws, 1968, ch. 345, § 4, eff. 10/7/1968.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-15 - Credit cards; controlling card as security for debt

Any person, who, with intent to defraud the issuer, a person or organization providing money, goods, property, services or anything else of value, or any other person, obtains control of a credit card as security for debt is guilty of a misdemeanor. Codes, 1942, § 2148.7-05; Laws, 1968, ch. 345, § 5, eff. 10/7/1968. Any person, who, with intent to defraud the issuer, a person or organization

providing money, goods, property, services or anything else of value, or any other person, obtains control of a credit card as security for debt is guilty of a misdemeanor. Codes, 1942, § 2148.7-05; Laws, 1968, ch. 345, § 5, eff. 10/7/1968. Any person, who, with intent to defraud the issuer, a person or organization providing money, goods, property, services or anything else of value, or any other person, obtains control of a credit card as security for debt is guilty of a misdemeanor. Codes, 1942, § 2148.7-05; Laws, 1968, ch. 345, § 5, eff. 10/7/1968. Any person, who, with intent to defraud the issuer, a person or organization providing money, goods, property, services or anything else of value, or any other person, obtains control of a credit card as security for debt is guilty of a misdemeanor. Codes, 1942, § 2148.7-05; Laws, 1968, ch. 345, § 5, eff. 10/7/1968.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-17 - Credit cards; forgery

Every person who, with intent to defraud a purported cardholder, issuer, or a person or organization providing money, goods, property, services or anything else of value, falsely makes or alters or embosses a card purporting to be a credit card or other such credit device is guilty of credit card forgery. Codes, 1942, § 2148.7-06; Laws, 1968, ch. 345, § 6, eff. 10/7/1968. Every person who, with intent to defraud a purported cardholder, issuer, or a person or organization providing money, goods, property, services or anything else of value, falsely makes or alters or embosses a card purporting to be a credit card or other such credit device is guilty of credit card forgery. Codes, 1942, § 2148.7-06; Laws, 1968, ch. 345, § 6, eff. 10/7/1968. Every person who, with intent to defraud a purported cardholder, issuer, or a person or organization providing money, goods, property, services or anything else of value, falsely makes or alters or embosses a card purporting to be a credit card or other such credit device is guilty of credit card forgery. Codes, 1942, § 2148.7-06; Laws, 1968, ch. 345, § 6, eff. 10/7/1968. Every person who, with intent to defraud a purported cardholder, issuer, or a person or organization providing money, goods, property, services or anything else of value, falsely makes or alters or embosses a card purporting to be a credit card or other such credit device is guilty of credit card forgery. Codes, 1942, § 2148.7-06; Laws, 1968, ch. 345, § 6, eff. 10/7/1968.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-19 - Credit cards; signing with intent to defraud

Any person other than the cardholder or a person authorized by him, who, with intent to defraud the cardholder, issuer, or a person or organization providing money, goods, property, services, or anything else of value, signs a credit card, violates Sections 97-19-5 through 97-19-29. Codes, 1942, § 2148.7-07; Laws, 1968, ch. 345, § 7, eff. 10/7/1968. Any person other than the cardholder or a person authorized by him, who, with intent to defraud the cardholder, issuer, or a person or organization providing money, goods, property, services, or anything else of value, signs a credit card, violates Sections 97-19-5 through 97-19-29. Codes, 1942, § 2148.7-07; Laws, 1968, ch. 345, § 7, eff. 10/7/1968. Any person other than the cardholder or a person authorized by him, who, with intent to defraud the cardholder, issuer, or a person or organization providing money, goods, property, services, or anything else of value, signs a credit card, violates Sections 97-19-5 through 97-19-29. Codes, 1942, § 2148.7-07; Laws, 1968, ch. 345, § 7, eff. 10/7/1968. Any person other than the cardholder or a person authorized by him, who, with intent to defraud the cardholder, issuer, or a person or organization providing money, goods, property, services, or anything else of value, signs a credit card, violates Sections 97-19-5 through 97-19-29. Codes, 1942, § 2148.7-07; Laws, 1968, ch. 345, § 7, eff. 10/7/1968.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-21 - Credit cards; use to obtain things of value or to operate automatic cash dispensing machines with intent to defraud; penalties

(1) It is unlawful for any person, with intent to defraud the cardholder, the issuer, a person or organization providing money, goods, property, services or anything else of value, or any other person, (a) to use a credit card or credit card number obtained or retained in violation of Sections 97-19-5 through 97-19-29, or a credit card which he knows is forged, for the purpose of obtaining money, goods, property, services or anything else of value, or (b) to obtain money, goods, property, services or anything else of value (i) by representing without the consent of the cardholder that he is the holder of a specified card, or (ii) by representing that he is the holder of a card when he has reason to know that such card has not in fact been issued, or (iii) by representing that he has been authorized to use the credit card or credit card number. (2) It is unlawful for any person, with intent to defraud the cardholder or issuer of a credit card used in the operation of an automatic unmanned cash dispensing machine, to use such card for the purpose of obtaining money from such machine. (3) Any person convicted for a violation of subsection (1) or (2) of this section shall be punished as follows: (a) For a first offense of violating subsection (1) or (2) of this section, whenever the value of the money, goods, property, services or other thing of value obtained or attempted to be obtained is less than One Hundred Dollars (\$100.00), the person committing the offense shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term not to exceed one (1) year, or by both such fine and imprisonment. (b) For a second or subsequent offense of violating subsection (1) or (2) of this section, whenever the value of the money, goods, property, services or other thing of value obtained or attempted to be obtained is less than One Hundred Dollars (\$100.00), the person committing the offense shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary for a term not to exceed three (3) years, or by both such fine and imprisonment. (c) Whenever the value of the money, goods, property, services or other thing of value obtained or attempted to be obtained is One Hundred Dollars (\$100.00) or more, the person committing the offense, whether the offense is a first, second

or subsequent offense, shall be guilty of a felony and such person, upon conviction, shall be punished as provided in paragraph (b) of this subsection (3).(4)For the purpose of determining the punishment to be imposed under subsection (3) of this section, the value of all money, goods, property, services and other things of value obtained or attempted to be obtained by two (2) or more uses of the same credit card shall be aggregated.Codes, 1942, § 2148.7-08; Laws, 1968, ch. 345, § 8; Laws, 1979, ch. 402, § 2; Laws, 1992, ch. 384, § 1, eff. 7/1/1992. (1)It is unlawful for any person, with intent to defraud the cardholder, the issuer, a person or organization providing money, goods, property, services or anything else of value, or any other person, (a) to use a credit card or credit card number obtained or retained in violation of Sections97-19-5through97-19-29, or a credit card which he knows is forged, for the purpose of obtaining money, goods, property, services or anything else of value, or (b) to obtain money, goods, property, services or anything else of value (i) by representing without the consent of the cardholder that he is the holder of a specified card, or (ii) by representing that he is the holder of a card when he has reason to know that such card has not in fact been issued, or (iii) by representing that he has been authorized to use the credit card or credit card number.(2)It is unlawful for any person, with intent to defraud the cardholder or issuer of a credit card used in the operation of an automatic unmanned cash dispensing machine, to use such card for the purpose of obtaining money from such machine.(3)Any person convicted for a violation of subsection (1) or (2) of this section shall be punished as follows:(a)For a first offense of violating subsection (1) or (2) of this section, whenever the value of the money, goods, property, services or other thing of value obtained or attempted to be obtained is less than One Hundred Dollars (\$100.00), the person committing the offense shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term not to exceed one (1) year, or by both such fine and imprisonment.(b)For a second or subsequent offense of violating subsection (1) or (2) of this section, whenever the value of the money, goods, property, services or other thing of value obtained or attempted to be obtained is less than One Hundred Dollars (\$100.00), the person committing the offense shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary for a term not to exceed three (3) years, or by both such fine and imprisonment.(c)Whenever the value of the money, goods, property, services or other thing of value obtained or attempted to be obtained is One Hundred Dollars (\$100.00) or more, the person committing the offense, whether the offense is a first, second or subsequent offense, shall be guilty of a felony and such person, upon conviction, shall be punished as provided in paragraph (b) of this subsection (3).(4)For the purpose of determining the punishment to be imposed under subsection (3) of this section, the value of all money, goods, property, services and other things of value obtained or attempted to be obtained by two (2) or more uses of the same credit card shall be aggregated.Codes, 1942, § 2148.7-08; Laws, 1968, ch. 345, § 8; Laws, 1979, ch. 402, § 2; Laws, 1992, ch. 384, § 1, eff. 7/1/1992. (1)It is unlawful for any person, with intent to defraud the cardholder, the issuer, a person or organization providing money, goods, property, services or anything else of value, or any other person, (a) to use a credit card or credit card number obtained or retained in violation of Sections97-19-5through97-19-29, or a credit card which he knows is forged, for the purpose of obtaining money, goods, property, services or anything else of value, or (b) to obtain money, goods, property, services or anything else of value (i) by representing without the consent of the cardholder that he is the holder of a specified card, or (ii) by representing that he is the holder of a card when he has reason to know that such card has not in fact been issued, or (iii) by representing that he has been authorized to use the credit card or credit card number.(2)It is unlawful for any person, with intent to defraud the cardholder or issuer of a credit card used in the operation of an automatic unmanned cash dispensing machine, to use such card for the purpose of obtaining money from such machine.(3)Any person convicted for a violation of subsection (1) or (2) of this section shall be punished as follows:(a)For a first offense of violating subsection (1) or (2) of this section, whenever the value of the money, goods, property, services or other thing of value obtained or attempted to be obtained is less than One Hundred Dollars (\$100.00), the person committing the offense shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term not to exceed one (1) year, or by both such fine and imprisonment.(b)For a second or subsequent offense of violating subsection (1) or (2) of this section, whenever the value of the money, goods, property, services or other thing of value obtained or attempted to be obtained is less than One Hundred Dollars (\$100.00), the person committing the offense shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary for a term not to exceed three (3) years, or by both such fine and imprisonment.(c)Whenever the value of the money, goods, property, services or other thing of value obtained or attempted to be obtained is One Hundred Dollars (\$100.00) or more, the person committing the offense, whether the offense is a first, second or subsequent offense, shall be guilty of a felony and such person, upon conviction, shall be punished as provided in paragraph (b) of this subsection (3).(4)For the purpose of determining the punishment to be imposed under subsection (3) of this section, the value of all money, goods, property, services and other things of value obtained or attempted to be obtained by two (2) or more uses of the same credit card shall be aggregated.Codes, 1942, § 2148.7-08; Laws, 1968, ch. 345, § 8; Laws, 1979, ch. 402, § 2; Laws, 1992, ch. 384, § 1, eff. 7/1/1992. Codes, 1942, § 2148.7-08; Laws, 1968, ch. 345, § 8; Laws, 1979, ch. 402, § 2; Laws, 1992, ch. 384, § 1, eff. 7/1/1992.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87)Section 97-19-23 - Credit cards; furnishing things of value on forged or unlawfully obtained card; failing to give value represented as given

Any person or any agent of said person who is authorized to furnish money, goods, property, services, or anything else of value upon presentation of a credit card by the cardholder or one authorized by him, who, with intent to defraud the issuer, furnishes money, goods, property, services, or anything of value upon presentation of a credit card which he knows to have been obtained in

violation of Sections 97-19-5 through 97-19-29 or a credit card which he knows to be forged, is considered to be in violation of said sections. Any person or any agent of said person who is authorized by an issuer to furnish money, goods, property, services, or anything else of value upon presentation of a credit card by the cardholder or one authorized by him, who with intent to defraud the issuer or the cardholder, fails to furnish money, goods, property, services, or anything else of value which he represents in writing to the issuer to have been furnished, is guilty of violation of Sections 97-19-5 through 97-19-29. Codes, 1942, § 2148.7-09; Laws, 1968, ch. 345, § 9, eff. 10/7/1968. Any person or any agent of said person who is authorized to furnish money, goods, property, services, or anything else of value upon presentation of a credit card by the cardholder or one authorized by him, who, with intent to defraud the issuer, furnishes money, goods, property, services, or anything of value upon presentation of a credit card which he knows to have been obtained in violation of Sections 97-19-5 through 97-19-29 or a credit card which he knows to be forged, is considered to be in violation of said sections. Any person or any agent of said person who is authorized by an issuer to furnish money, goods, property, services, or anything else of value upon presentation of a credit card by the cardholder or one authorized by him, who with intent to defraud the issuer or the cardholder, fails to furnish money, goods, property, services, or anything else of value which he represents in writing to the issuer to have been furnished, is guilty of violation of Sections 97-19-5 through 97-19-29. Codes, 1942, § 2148.7-09; Laws, 1968, ch. 345, § 9, eff. 10/7/1968. Any person or any agent of said person who is authorized to furnish money, goods, property, services, or anything else of value upon presentation of a credit card by the cardholder or one authorized by him, who, with intent to defraud the issuer, furnishes money, goods, property, services, or anything of value upon presentation of a credit card which he knows to have been obtained in violation of Sections 97-19-5 through 97-19-29 or a credit card which he knows to be forged, is considered to be in violation of said sections. Any person or any agent of said person who is authorized by an issuer to furnish money, goods, property, services, or anything else of value upon presentation of a credit card by the cardholder or one authorized by him, who with intent to defraud the issuer or the cardholder, fails to furnish money, goods, property, services, or anything else of value which he represents in writing to the issuer to have been furnished, is guilty of violation of Sections 97-19-5 through 97-19-29. Codes, 1942, § 2148.7-09; Laws, 1968, ch. 345, § 9, eff. 10/7/1968.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-25 - Credit cards; possession of incomplete cards or plates and devices for their reproduction

Any person other than the cardholder or one authorized by him possessing two (2) or more incomplete credit cards, with the intent to complete them without the consent of the issuer or the cardholder, or a person possessing, with knowledge of their character, machinery, plates, or any other contrivance designed to reproduce instruments purporting to be credit cards of an issuer who has not in fact consented to the preparation of such credit cards, is guilty of a misdemeanor. Codes, 1942, § 2148.7-10; Laws, 1968, ch. 345, § 10, eff. 10/7/1968. Any person other than the cardholder or one authorized by him possessing two (2) or more incomplete credit cards, with the intent to complete them without the consent of the issuer or the cardholder, or a person possessing, with knowledge of their character, machinery, plates, or any other contrivance designed to reproduce instruments purporting to be credit cards of an issuer who has not in fact consented to the preparation of such credit cards, is guilty of a misdemeanor. Codes, 1942, § 2148.7-10; Laws, 1968, ch. 345, § 10, eff. 10/7/1968. Any person other than the cardholder or one authorized by him possessing two (2) or more incomplete credit cards, with the intent to complete them without the consent of the issuer or the cardholder, or a person possessing, with knowledge of their character, machinery, plates, or any other contrivance designed to reproduce instruments purporting to be credit cards of an issuer who has not in fact consented to the preparation of such credit cards, is guilty of a misdemeanor. Codes, 1942, § 2148.7-10; Laws, 1968, ch. 345, § 10, eff. 10/7/1968.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-27 - Credit cards; receipt of things of value in violation of law

Any person who receives money, goods, property, services, or anything else of value obtained in violation of Sections 97-19-5 through 97-19-29 and knowing or believing that it was so obtained violates said sections. Codes, 1942, § 2148.7-11; Laws, 1968, ch. 345, § 11, eff. 10/7/1968. Any person who receives money, goods, property, services, or anything else of value obtained in violation of Sections 97-19-5 through 97-19-29 and knowing or believing that it was so obtained violates said

sections. Codes, 1942, § 2148.7-11; Laws, 1968, ch. 345, § 11, eff. 10/7/1968. Any person who receives money, goods, property, services, or anything else of value obtained in violation of Sections 97-19-5 through 97-19-29 and knowing or believing that it was so obtained violates said sections. Codes, 1942, § 2148.7-11; Laws, 1968, ch. 345, § 11, eff. 10/7/1968. Any person who receives money, goods, property, services, or anything else of value obtained in violation of Sections 97-19-5 through 97-19-29 and knowing or believing that it was so obtained violates said sections. Codes, 1942, § 2148.7-11; Laws, 1968, ch. 345, § 11, eff. 10/7/1968.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-29 - Credit cards; penalty for violation of Sections 97-19-5 through 97-19-29

Except as otherwise provided in Section 97-19-21, any person who violates any of the provisions of Sections 97-19-5 through 97-19-29 or commits any of the offenses described therein shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00), or to imprisonment for a term not to exceed one (1) year, or both. Codes, 1942, § 2148.7-12; Laws, 1968, ch. 345, § 12; Laws, 1992, ch. 384, § 2, eff. 7/1/1992. Except as otherwise provided in Section 97-19-21, any person who violates any of the provisions of Sections 97-19-5 through 97-19-29 or commits any of the offenses described therein shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00), or to imprisonment for a term not to exceed one (1) year, or both. Codes, 1942, § 2148.7-12; Laws, 1968, ch. 345, § 12; Laws, 1992, ch. 384, § 2, eff. 7/1/1992. Except as otherwise provided in Section 97-19-21, any person who violates any of the provisions of Sections 97-19-5 through 97-19-29 or commits any of the offenses described therein shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00), or to imprisonment for a term not to exceed one (1) year, or both. Codes, 1942, § 2148.7-12; Laws, 1968, ch. 345, § 12; Laws, 1992, ch. 384, § 2, eff. 7/1/1992. Except as otherwise provided in Section 97-19-21, any person who violates any of the provisions of Sections 97-19-5 through 97-19-29 or commits any of the offenses described therein shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00), or to imprisonment for a term not to exceed one (1) year, or both. Codes, 1942, § 2148.7-12; Laws, 1968, ch. 345, § 12; Laws, 1992, ch. 384, § 2, eff. 7/1/1992.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-31 - Credit cards; use of credit numbers or other credit device to obtain credit, goods, property or services

(1) It shall be unlawful for any person knowingly to obtain or attempt to obtain credit, or to purchase or attempt to purchase any goods, property or service, by the use of any false, fictitious, counterfeit or expired telephone number, credit number or other credit device, or by the use of any telephone number, credit number or other credit device of another without the authority of the person to whom such number or device was issued, or by the use of any telephone number, credit number or other credit device in any case where such number or device has been revoked and notice of revocation has been given to the person to whom issued. (2) It shall be unlawful for any person to use or to assist another to use a credit number or other credit device in connection with any fraudulent scheme, means or method with intent to defraud the issuer of such credit number or other credit device. (3) It shall be unlawful for any person to obtain or attempt to obtain by the use of any false or fraudulent scheme, device, means or method, telephone or telegraph service or the transmission of a message, signal or other communication by telephone or telegraph, or over telephone or telegraph facilities. (4) The word "notice" as used in subsection (1) of this section shall be construed to include either notice given in person or notice given in writing to the person to whom the number or device was issued. The sending of a notice in writing personally signed by the issuer or his duly authorized agent or employee by registered or certified mail in the United States mail, duly stamped and addressed to such person at his last address known to the issuer, shall be prima facie evidence that such notice was duly received. (5) Any person who violates any provision of subsections (1), (2) or (3) of this section is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) or imprisonment for not more than one (1) year, or by both such fine and imprisonment. Codes, 1942, § 2148.5; Laws, 1960, ch. 248, §§ 1-5; Laws, 1968, ch. 345, § 15; Laws, 1986, ch. 326, eff. 7/1/1986. (1) It shall be unlawful for any person knowingly to obtain or attempt to obtain credit, or to purchase or attempt to purchase any goods, property or service, by the use of any false, fictitious, counterfeit or expired telephone number, credit number or other credit device, or by the use of any telephone number, credit number or other credit device of another without the authority of the person to whom such number or device was issued, or by the use of any telephone number, credit number or other credit device in any case where such number or device has been revoked and notice of revocation has been given to the person to whom issued. (2) It shall be unlawful for any person to use or to assist another to use a credit number or other credit device in connection with any fraudulent scheme, means or method with intent to defraud the issuer of such credit number or other credit device. (3) It shall be unlawful for any person to obtain or attempt to obtain by the use of any false or fraudulent scheme, device, means or method, telephone or telegraph service or the transmission of a message, signal or other communication by telephone or telegraph, or over telephone or telegraph facilities. (4) The word "notice" as used in subsection (1) of this section shall be construed to include either notice given in person or notice given in writing to the person to whom the number or device was issued. The sending of a notice in writing personally signed by the issuer or his duly authorized agent or employee by registered or certified mail in the United States mail, duly stamped and addressed to such person at his last address known to the issuer, shall be prima facie evidence that such notice was duly received. (5) Any person who violates any provision of subsections (1), (2) or (3) of this section is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) or imprisonment for not more than one (1) year, or by both such fine and

imprisonment. Codes, 1942, § 2148.5; Laws, 1960, ch. 248, §§ 1-5; Laws, 1968, ch. 345, § 15; Laws, 1986, ch. 326, eff. 7/1/1986. (1) It shall be unlawful for any person knowingly to obtain or attempt to obtain credit, or to purchase or attempt to purchase any goods, property or service, by the use of any false, fictitious, counterfeit or expired telephone number, credit number or other credit device, or by the use of any telephone number, credit number or other credit device of another without the authority of the person to whom such number or device was issued, or by the use of any telephone number, credit number or other credit device in any case where such number or device has been revoked and notice of revocation has been given to the person to whom issued. (2) It shall be unlawful for any person to use or to assist another to use a credit number or other credit device in connection with any fraudulent scheme, means or method with intent to defraud the issuer of such credit number or other credit device. (3) It shall be unlawful for any person to obtain or attempt to obtain by the use of any false or fraudulent scheme, device, means or method, telephone or telegraph service or the transmission of a message, signal or other communication by telephone or telegraph, or over telephone or telegraph facilities. (4) The word "notice" as used in subsection (1) of this section shall be construed to include either notice given in person or notice given in writing to the person to whom the number or device was issued. The sending of a notice in writing personally signed by the issuer or his duly authorized agent or employee by registered or certified mail in the United States mail, duly stamped and addressed to such person at his last address known to the issuer, shall be prima facie evidence that such notice was duly received. (5) Any person who violates any provision of subsections (1), (2) or (3) of this section is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) or imprisonment for not more than one (1) year, or by both such fine and imprisonment. Codes, 1942, § 2148.5; Laws, 1960, ch. 248, §§ 1-5; Laws, 1968, ch. 345, § 15; Laws, 1986, ch. 326, eff. 7/1/1986. Codes, 1942, § 2148.5; Laws, 1960, ch. 248, §§ 1-5; Laws, 1968, ch. 345, § 15; Laws, 1986, ch. 326, eff. 7/1/1986.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-32 - Credit cards; possession of scanning device or reencoder without permission of cardholder; scanning or reencoding with intent to defraud; penalties

(1) For the purposes of this section, the following terms shall have the meanings ascribed to them unless the context clearly requires otherwise: (a) "Cardholder" means any person: (i) Named on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer; or (ii) In possession of a credit card with the consent of the person to whom the credit card was issued. (b) "Credit card" means: (i) Any instrument or device, whether known as a credit card, charge card, credit plate, courtesy card, identification card or any other name that is issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value, either on credit or in consideration of an undertaking or guaranty by the issuer of the payment of a check drawn by the cardholder, on a promise to pay in part or in full therefor at a future time, whether or not all or any part of the indebtedness that is represented by the promise to make deferred payment is secured or unsecured. (ii) A debit card, electronic benefit transfer card or other access instrument or device, other than a check that is signed by the holder or other authorized signatory on the deposit account, that draws funds from a deposit account in order to obtain money, goods, services or anything else of value. (iii) A stored value card, smart card or other instrument or device that enables a person to obtain goods, services or anything else of value through the use of value stored on the card instrument or device. (iv) The number that is assigned the card, instrument or device, even if the physical card, instrument or device is not used or presented. (c) "Issuer" means any business organization, state agency or financial institution, or its duly authorized agent, that issues a credit card. (d) "Merchant" means a person who is authorized under a written contract with a participating party to furnish money, goods, services or anything else of value on presentation of a credit card by a cardholder. (e) "Reencoder" means an electronic device that places encoded information from the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different credit card. (f) "Scanning device" means a scanner, reader, skimmer or other electronic device that is used to access, read, scan, obtain, memorize or store, temporarily or permanently, information that is encoded on a magnetic strip or stripe of a credit card. (2) (a) It is unlawful for a person to possess a scanning device or reencoder without the permission of the cardholder of the credit card from which the information is being scanned or reencoded with the intent to defraud the cardholder, the issuer or a merchant. (b) A person who violates this section commits a felony punishable, upon conviction thereof, by imprisonment not to exceed five (5) years, a fine not to exceed Ten Thousand Dollars (\$10,000.00), or both. Added by Laws, 2019, ch. 409, SB 2050, § 1, eff. 7/1/2019. (1) For the purposes of this section, the following terms shall have the meanings ascribed to them unless the context clearly requires otherwise: (a) "Cardholder" means any person: (i) Named on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer; or (ii) In possession of a credit card with the consent of the person to whom the credit card was issued. (b) "Credit card" means: (i) Any instrument or device, whether known as a credit card, charge card, credit plate, courtesy card, identification card or any other name that is issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value, either on credit or in consideration of an undertaking or guaranty by the issuer of the payment of a check drawn by the cardholder, on a promise to pay in part or in full therefor at a future time, whether or not all or any part of the indebtedness that is represented by the promise to make deferred payment is secured or unsecured. (ii) A debit card, electronic benefit transfer card or other access instrument or device, other than a check that is signed by the holder or other authorized signatory on the deposit account, that draws funds from a deposit account in order to obtain money, goods, services or anything else of value. (iii) A stored value card, smart card or other instrument or device that enables a person to obtain goods, services or anything else of value through the use of value stored on the card instrument or device. (iv) The number that is assigned the card, instrument or device, even if the physical card, instrument or device is not used or presented. (c) "Issuer" means any business organization, state agency or financial institution, or its duly authorized agent, that issues a

credit card.(d)"Merchant" means a person who is authorized under a written contract with a participating party to furnish money, goods, services or anything else of value on presentation of a credit card by a cardholder.(e)"Reencoder" means an electronic device that places encoded information from the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different credit card.(f)"Scanning device" means a scanner, reader, skimmer or other electronic device that is used to access, read, scan, obtain, memorize or store, temporarily or permanently, information that is encoded on a magnetic strip or stripe of a credit card.(2)(a)It is unlawful for a person to possess a scanning device or reencoder without the permission of the cardholder of the credit card from which the information is being scanned or reencoded with the intent to defraud the cardholder, the issuer or a merchant.(b)A person who violates this section commits a felony punishable, upon conviction thereof, by imprisonment not to exceed five (5) years, a fine not to exceed Ten Thousand Dollars (\$10,000.00), or both.Added by Laws, 2019, ch. 409, SB 2050,§ 1, eff. 7/1/2019. (1)For the purposes of this section, the following terms shall have the meanings ascribed to them unless the context clearly requires otherwise:(a)"Cardholder" means any person:(i)Named on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer; or(ii)In possession of a credit card with the consent of the person to whom the credit card was issued.(b)"Credit card" means:(i)Any instrument or device, whether known as a credit card, charge card, credit plate, courtesy card, identification card or any other name that is issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value, either on credit or in consideration of an undertaking or guaranty by the issuer of the payment of a check drawn by the cardholder, on a promise to pay in part or in full therefor at a future time, whether or not all or any part of the indebtedness that is represented by the promise to make deferred payment is secured or unsecured.(ii)A debit card, electronic benefit transfer card or other access instrument or device, other than a check that is signed by the holder or other authorized signatory on the deposit account, that draws funds from a deposit account in order to obtain money, goods, services or anything else of value.(iii)A stored value card, smart card or other instrument or device that enables a person to obtain goods, services or anything else of value through the use of value stored on the card instrument or device.(iv)The number that is assigned the card, instrument or device, even if the physical card, instrument or device is not used or presented.(c)"Issuer" means any business organization, state agency or financial institution, or its duly authorized agent, that issues a credit card.(d)"Merchant" means a person who is authorized under a written contract with a participating party to furnish money, goods, services or anything else of value on presentation of a credit card by a cardholder.(e)"Reencoder" means an electronic device that places encoded information from the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different credit card.(f)"Scanning device" means a scanner, reader, skimmer or other electronic device that is used to access, read, scan, obtain, memorize or store, temporarily or permanently, information that is encoded on a magnetic strip or stripe of a credit card.(2)(a)It is unlawful for a person to possess a scanning device or reencoder without the permission of the cardholder of the credit card from which the information is being scanned or reencoded with the intent to defraud the cardholder, the issuer or a merchant.(b)A person who violates this section commits a felony punishable, upon conviction thereof, by imprisonment not to exceed five (5) years, a fine not to exceed Ten Thousand Dollars (\$10,000.00), or both.Added by Laws, 2019, ch. 409, SB 2050,§ 1, eff. 7/1/2019. Added by Laws, 2019, ch. 409, SB 2050,§ 1, eff. 7/1/2019.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87)Section 97-19-33 - False personation; personating another to marry, become bail or surety, confess judgment, acknowledge recorded instrument, or act in suit

Every person who shall falsely represent or personate another, and in such assumed character shall marry another, or become bail or surety for any party in any proceeding, civil or criminal, before any court or officer authorized to take such bail or surety; or confess any judgment, or acknowledge the execution of any conveyance of real estate, or of any other instrument which by law may be recorded; or do any other act in the course of any suit, proceeding, or prosecution, whereby the person so represented or personated might be made liable in any event to the payment of any debt, damages, costs, or sum of money, or his rights or interests in any manner be affected if the same were legal shall, upon conviction, be punished by imprisonment in the penitentiary for a term not exceeding ten years. An indictment under this section for marrying shall not be found unless on the complaint of the injured party, before cohabitation, after knowledge of the fraud.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(48, 49); 1857, ch. 64, arts. 100, 101; 1871, §§ 2564, 2565; 1880, §§ 2806, 2807; 1892, § 1082; 1906, § 1162; Hemingway's 1917, § 889; 1930, § 915; 1942, § 2145. Every person who shall falsely represent or personate another, and in such assumed character shall marry another, or become bail or surety for any party in any proceeding, civil or criminal, before any court or officer authorized to take such bail or surety; or confess any judgment, or acknowledge the execution of any conveyance of real estate, or of any other instrument which by law may be recorded; or do any other act in the course of any suit, proceeding, or prosecution, whereby the person so represented or personated might be made liable in any event to the payment of any debt, damages, costs, or sum of money, or his rights or interests in any manner be affected if the same were legal shall, upon conviction, be punished by imprisonment in the penitentiary for a term not exceeding ten years. An indictment under this section for marrying shall not be found unless on the complaint of the injured party, before cohabitation, after knowledge of the fraud.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(48, 49); 1857, ch. 64, arts. 100, 101; 1871, §§ 2564, 2565; 1880, §§ 2806, 2807; 1892, § 1082; 1906, § 1162; Hemingway's 1917, § 889; 1930, § 915; 1942, § 2145. Every person who shall falsely represent or personate another, and in such assumed character shall marry another, or become bail or surety for any party in any proceeding, civil or criminal, before any court or officer authorized to take such bail or surety; or confess any judgment, or acknowledge the execution of any conveyance of real estate, or of any other instrument which by law may be recorded; or do any other act in the course of any suit, proceeding, or prosecution, whereby the person so represented or personated

might be made liable in any event to the payment of any debt, damages, costs, or sum of money, or his rights or interests in any manner be affected if the same were legal shall, upon conviction, be punished by imprisonment in the penitentiary for a term not exceeding ten years. An indictment under this section for marrying shall not be found unless on the complaint of the injured party, before cohabitation, after knowledge of the fraud. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(48, 49); 1857, ch. 64, arts. 100, 101; 1871, §§ 2564, 2565; 1880, §§ 2806, 2807; 1892, § 1082; 1906, § 1162; Hemingway's 1917, § 889; 1930, § 915; 1942, § 2145. Every person who shall falsely represent or personate another, and in such assumed character shall marry another, or become bail or surety for any party in any proceeding, civil or criminal, before any court or officer authorized to take such bail or surety; or confess any judgment, or acknowledge the execution of any conveyance of real estate, or of any other instrument which by law may be recorded; or do any other act in the course of any suit, proceeding, or prosecution, whereby the person so represented or personated might be made liable in any event to the payment of any debt, damages, costs, or sum of money, or his rights or interests in any manner be affected if the same were legal shall, upon conviction, be punished by imprisonment in the penitentiary for a term not exceeding ten years. An indictment under this section for marrying shall not be found unless on the complaint of the injured party, before cohabitation, after knowledge of the fraud. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(48, 49); 1857, ch. 64, arts. 100, 101; 1871, §§ 2564, 2565; 1880, §§ 2806, 2807; 1892, § 1082; 1906, § 1162; Hemingway's 1917, § 889; 1930, § 915; 1942, § 2145.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-35 - False personation; personating another to receive money or property

Every person who shall falsely represent or personate another, and, in such assumed character, shall receive any money or valuable property of any description, intended to be delivered to the individual so personated, shall, upon conviction, be punished in the same manner and to the same extent as for feloniously stealing the money or property so received. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(50); 1857, ch. 64, art. 102; 1871, § 2566; 1880, § 2808; 1892, § 1083; 1906, § 1163; Hemingway's 1917, § 890; 1930, § 916; 1942, § 2146. Every person who shall falsely represent or personate another, and, in such assumed character, shall receive any money or valuable property of any description, intended to be delivered to the individual so personated, shall, upon conviction, be punished in the same manner and to the same extent as for feloniously stealing the money or property so received. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(50); 1857, ch. 64, art. 102; 1871, § 2566; 1880, § 2808; 1892, § 1083; 1906, § 1163; Hemingway's 1917, § 890; 1930, § 916; 1942, § 2146. Every person who shall falsely represent or personate another, and, in such assumed character, shall receive any money or valuable property of any description, intended to be delivered to the individual so personated, shall, upon conviction, be punished in the same manner and to the same extent as for feloniously stealing the money or property so received. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(50); 1857, ch. 64, art. 102; 1871, § 2566; 1880, § 2808; 1892, § 1083; 1906, § 1163; Hemingway's 1917, § 890; 1930, § 916; 1942, § 2146.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-37 - False personation; masquerading as deaf person

No person in this state shall engage in the business of peddling finger alphabet cards or printed matter stating that the person is deaf or use finger alphabet cards or such printed matter or masquerade as a deaf person in any way as a means of inducement in the sale of merchandise. Any person who peddles finger alphabet cards or such printed matter or uses the same or masquerades as a deaf person in any way as a means of inducement in the sale of merchandise in this state shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed two hundred fifty dollars (\$250.00) or imprisoned for a term not to exceed three (3) months, or in the discretion of the court, shall be subject to both such fine and imprisonment. Codes, 1942, § 2314.5; Laws, 1962, ch. 313, eff. 6/1/1962. No person in this state shall engage in the business of peddling finger alphabet cards or printed matter stating that the person is deaf or use finger alphabet cards or such printed matter or masquerade as a deaf person in any way as a means of inducement in the sale of merchandise. Any person who peddles finger alphabet cards or such printed matter or uses the same or masquerades as a deaf person in any way as a means of inducement in the sale of merchandise in this state shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed two hundred fifty dollars (\$250.00) or imprisoned for a term not to exceed three (3) months, or in the discretion of the court, shall be subject to both such fine and imprisonment. Codes, 1942, § 2314.5; Laws, 1962, ch. 313, eff. 6/1/1962. No person in this state shall engage in the business of peddling finger alphabet cards or printed matter stating that the person is deaf or use finger alphabet cards or such printed matter or masquerade as a deaf person in any way as a means of inducement in the sale of merchandise. Any person who peddles finger alphabet cards or such printed matter or uses the same or masquerades as a deaf person in any way as a means of inducement in the sale of merchandise in this state shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed two hundred fifty dollars (\$250.00) or imprisoned for a term not to exceed three (3) months, or in the discretion of the court, shall be subject to both such fine and imprisonment. Codes, 1942, § 2314.5; Laws, 1962, ch. 313, eff. 6/1/1962. No person in this state shall engage in the business of peddling finger alphabet cards or printed matter stating that the person is deaf or use finger alphabet cards or such printed matter or masquerade as a deaf person in any way as a means of inducement in the sale of merchandise. Any person who peddles finger alphabet cards or such printed matter or uses the same or masquerades as a deaf person in any way as a means of inducement in the sale of merchandise in this state shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed two hundred fifty dollars (\$250.00) or imprisoned for a term not to exceed three (3) months, or in the discretion of the court, shall be subject to both such fine and imprisonment. Codes, 1942, § 2314.5; Laws, 1962, ch. 313, eff. 6/1/1962. No person in this state shall engage in the business of peddling finger alphabet cards or printed matter stating that the person is deaf or use finger alphabet cards or such printed matter or masquerade as a deaf person in any way as a means of inducement in the sale of merchandise. Any person who peddles finger alphabet cards or such printed matter or uses the same or masquerades as a deaf person in any way as a means of inducement in the sale of merchandise in this state shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed two hundred fifty dollars (\$250.00) or imprisoned for a term not to exceed three (3) months, or in the discretion of the court, shall be subject to both such fine and imprisonment. Codes, 1942, § 2314.5; Laws, 1962, ch. 313, eff. 6/1/1962.

sale of merchandise in this state shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed two hundred fifty dollars (\$250.00) or imprisoned for a term not to exceed three (3) months, or in the discretion of the court, shall be subject to both such fine and imprisonment. Codes, 1942, § 2314.5; Laws, 1962, ch. 313, eff. 6/1/1962.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-39 - Obtaining signature or thing of value with intent to defraud

(1) Every person who, with intent to cheat or defraud another, shall designedly, by color of any false token or writing, or by another false pretense, obtain the signature of any person to any written instrument, or obtain from any person any money, personal property, or valuable thing, with a value of less than Five Hundred Dollars (\$500.00), upon conviction thereof, shall be guilty of a misdemeanor and punished by imprisonment in the county jail not exceeding six (6) months, and by fine not exceeding One Thousand Dollars (\$1,000.00). (2) Every person, who with intent to cheat or defraud another, shall designedly, by color of any false token or writing, or by another false pretense, obtain the signature of any person to any written instrument, or obtain from any person any money, personal property, or valuable thing, with a value of Five Hundred Dollars (\$500.00) or more, upon conviction thereof shall be guilty of a felony and punished by imprisonment in the State Penitentiary not exceeding ten (10) years, and by a fine not exceeding Ten Thousand Dollars (\$10,000.00). Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(53); 1857, ch. 64, art. 105; 1871, § 2569; 1880, § 2811; 1892, § 1086; 1906, § 1166; Hemingway's 1917, § 893; 1930, § 919; 1942, § 2149; Laws, 2003, ch. 499, § 5, eff. 7/1/2003. (1) Every person who, with intent to cheat or defraud another, shall designedly, by color of any false token or writing, or by another false pretense, obtain the signature of any person to any written instrument, or obtain from any person any money, personal property, or valuable thing, with a value of less than Five Hundred Dollars (\$500.00), upon conviction thereof, shall be guilty of a misdemeanor and punished by imprisonment in the county jail not exceeding six (6) months, and by fine not exceeding One Thousand Dollars (\$1,000.00). (2) Every person, who with intent to cheat or defraud another, shall designedly, by color of any false token or writing, or by another false pretense, obtain the signature of any person to any written instrument, or obtain from any person any money, personal property, or valuable thing, with a value of Five Hundred Dollars (\$500.00) or more, upon conviction thereof shall be guilty of a felony and punished by imprisonment in the State Penitentiary not exceeding ten (10) years, and by a fine not exceeding Ten Thousand Dollars (\$10,000.00). Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(53); 1857, ch. 64, art. 105; 1871, § 2569; 1880, § 2811; 1892, § 1086; 1906, § 1166; Hemingway's 1917, § 893; 1930, § 919; 1942, § 2149; Laws, 2003, ch. 499, § 5, eff. 7/1/2003. (1) Every person who, with intent to cheat or defraud another, shall designedly, by color of any false token or writing, or by another false pretense, obtain the signature of any person to any written instrument, or obtain from any person any money, personal property, or valuable thing, with a value of less than Five Hundred Dollars (\$500.00), upon conviction thereof, shall be guilty of a misdemeanor and punished by imprisonment in the county jail not exceeding six (6) months, and by fine not exceeding One Thousand Dollars (\$1,000.00). (2) Every person, who with intent to cheat or defraud another, shall designedly, by color of any false token or writing, or by another false pretense, obtain the signature of any person to any written instrument, or obtain from any person any money, personal property, or valuable thing, with a value of Five Hundred Dollars (\$500.00) or more, upon conviction thereof shall be guilty of a felony and punished by imprisonment in the State Penitentiary not exceeding ten (10) years, and by a fine not exceeding Ten Thousand Dollars (\$10,000.00). Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(53); 1857, ch. 64, art. 105; 1871, § 2569; 1880, § 2811; 1892, § 1086; 1906, § 1166; Hemingway's 1917, § 893; 1930, § 919; 1942, § 2149; Laws, 2003, ch. 499, § 5, eff. 7/1/2003.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-41 - Obtaining signature or thing of value with intent to defraud; penalty for using false negotiable instrument

If the false token by which any money, personal property, or valuable thing shall be obtained, as specified in Section 97-19-39, be a promissory note, or other negotiable evidence of debt, purporting to have been issued by or under the authority of any person, banking company, or moneyed corporation not in existence, the person convicted of such cheat shall be punished by imprisonment in the penitentiary not exceeding seven years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(54); 1857, ch. 64, art. 106; 1871, § 2570; 1880, § 2812; 1892, § 1087; 1906, § 1167; Hemingway's 1917, § 894; 1930, § 920; 1942, § 2150. If the false token by which any money, personal property, or valuable thing shall be obtained, as specified in Section 97-19-39, be a promissory note, or other negotiable evidence of debt, purporting to have been issued by or under the authority of any person, banking company, or moneyed corporation not in existence, the person convicted of such cheat shall be punished by imprisonment in the penitentiary not exceeding seven years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(54); 1857, ch. 64, art. 106; 1871, § 2570; 1880, § 2812; 1892, § 1087; 1906, § 1167; Hemingway's 1917, § 894; 1930, § 920; 1942, § 2150. If the false token by which any money, personal property, or valuable thing shall be obtained, as specified in Section 97-19-39, be a promissory note, or other negotiable evidence of debt, purporting to have

been issued by or under the authority of any person, banking company, or moneyed corporation not in existence, the person convicted of such cheat shall be punished by imprisonment in the penitentiary not exceeding seven years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(54); 1857, ch. 64, art. 106; 1871, § 2570; 1880, § 2812; 1892, § 1087; 1906, § 1167; Hemingway's 1917, § 894; 1930, § 920; 1942, § 2150.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-43 - Patriotic and fraternal organizations; unauthorized use of membership buttons, insignia, etc

Any person not being a member of the Confederate Veterans, of the Daughters of the Confederacy, of the Sons of Confederate Veterans, of the Sons of the American Revolution, of the Daughters of the American Revolution, of the Colonial Dames, of the Grand Army of the Republic, of the Sons of Veterans, of the Woman's Relief Corps, of the Military Order of the Foreign Wars of the United States, or the American Legion, of the American Legion Auxiliary, Veterans of Foreign Wars, Veterans of Foreign Wars Auxiliary, Disabled American Veterans, Disabled American Veterans Auxiliary, American Veterans of World War II, American Veterans of World War II Auxiliary, of the Masons, of the Woodmen of the World, of the Knights of Pythias, or of any other patriotic or fraternal organization, who shall wilfully wear the insignia, distinctive ribbons or membership rosette or button or any imitation thereof, shall be punished by a fine of not more than twenty dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment. Provided however that these emblems may be worn, by consent, by those nearest of kin. Codes, 1930, § 899; 1942, § 2125; Laws, 1922, ch. 272; Laws, 1948, ch. 507. Any person not being a member of the Confederate Veterans, of the Daughters of the Confederacy, of the Sons of Confederate Veterans, of the Sons of the American Revolution, of the Daughters of the American Revolution, of the Colonial Dames, of the Grand Army of the Republic, of the Sons of Veterans, of the Woman's Relief Corps, of the Military Order of the Foreign Wars of the United States, or the American Legion, of the American Legion Auxiliary, Veterans of Foreign Wars, Veterans of Foreign Wars Auxiliary, Disabled American Veterans, Disabled American Veterans Auxiliary, American Veterans of World War II, American Veterans of World War II Auxiliary, of the Masons, of the Woodmen of the World, of the Knights of Pythias, or of any other patriotic or fraternal organization, who shall wilfully wear the insignia, distinctive ribbons or membership rosette or button or any imitation thereof, shall be punished by a fine of not more than twenty dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment. Provided however that these emblems may be worn, by consent, by those nearest of kin. Codes, 1930, § 899; 1942, § 2125; Laws, 1922, ch. 272; Laws, 1948, ch. 507. Any person not being a member of the Confederate Veterans, of the Daughters of the Confederacy, of the Sons of Confederate Veterans, of the Sons of the American Revolution, of the Daughters of the American Revolution, of the Colonial Dames, of the Grand Army of the Republic, of the Sons of Veterans, of the Woman's Relief Corps, of the Military Order of the Foreign Wars of the United States, or the American Legion, of the American Legion Auxiliary, Veterans of Foreign Wars, Veterans of Foreign Wars Auxiliary, Disabled American Veterans, Disabled American Veterans Auxiliary, American Veterans of World War II, American Veterans of World War II Auxiliary, of the Masons, of the Woodmen of the World, of the Knights of Pythias, or of any other patriotic or fraternal organization, who shall wilfully wear the insignia, distinctive ribbons or membership rosette or button or any imitation thereof, shall be punished by a fine of not more than twenty dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment. Provided however that these emblems may be worn, by consent, by those nearest of kin. Codes, 1930, § 899; 1942, § 2125; Laws, 1922, ch. 272; Laws, 1948, ch. 507.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-45 - Producing child with intent to intercept inheritance

Every person who shall fraudulently produce an infant, falsely pretending it to have been born of parents whose child would have been entitled to a share of any personal estate, or to inherit any real estate, with the intent of intercepting the inheritance of any such real estate, or the distribution of any such personal property from any person lawfully entitled thereto, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(51); 1857, ch. 64, art. 103; 1871, § 2567; 1880, § 2809; 1892, § 1084; 1906, § 1164; Hemingway's 1917, § 891; 1930, § 917; 1942, § 2147. Every person who shall fraudulently produce an infant, falsely pretending it to have been born of parents whose child would have been entitled to a share of any personal estate, or to inherit any real estate, with the intent of intercepting the inheritance of any such real estate, or the distribution of any such personal property from any person lawfully entitled thereto, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(51); 1857,

ch. 64, art. 103; 1871, § 2567; 1880, § 2809; 1892, § 1084; 1906, § 1164; Hemingway's 1917, § 891; 1930, § 917; 1942, § 2147. Every person who shall fraudulently produce an infant, falsely pretending it to have been born of parents whose child would have been entitled to a share of any personal estate, or to inherit any real estate, with the intent of intercepting the inheritance of any such real estate, or the distribution of any such personal property from any person lawfully entitled thereto, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(51); 1857, ch. 64, art. 103; 1871, § 2567; 1880, § 2809; 1892, § 1084; 1906, § 1164; Hemingway's 1917, § 891; 1930, § 917; 1942, § 2147. Every person who shall fraudulently produce an infant, falsely pretending it to have been born of parents whose child would have been entitled to a share of any personal estate, or to inherit any real estate, with the intent of intercepting the inheritance of any such real estate, or the distribution of any such personal property from any person lawfully entitled thereto, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(51); 1857, ch. 64, art. 103; 1871, § 2567; 1880, § 2809; 1892, § 1084; 1906, § 1164; Hemingway's 1917, § 891; 1930, § 917; 1942, § 2147.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-47 - Receiving deposits when bank is insolvent

The officers or employees of any bank or branch bank who shall receive any deposit knowing or having reason to believe that such bank or branch bank is insolvent, and the owners of any bank or branch bank who shall receive any deposit knowing that such bank or branch bank is insolvent, shall be deemed guilty of a felony and punished, upon conviction therefor, by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment in the state penitentiary for not more than two years, nor less than one year, or by both such fine and imprisonment at the discretion of the court, for each offense. Codes, 1880, § 2814; 1892, § 1089; 1906, § 1169; Hemingway's 1917, § 896; 1930, § 922; 1942, §§ 2152, 5239; Laws, 1914, ch. 124, § 52; Laws, 1934, ch. 146. The officers or employees of any bank or branch bank who shall receive any deposit knowing or having reason to believe that such bank or branch bank is insolvent, and the owners of any bank or branch bank who shall receive any deposit knowing that such bank or branch bank is insolvent, shall be deemed guilty of a felony and punished, upon conviction therefor, by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment in the state penitentiary for not more than two years, nor less than one year, or by both such fine and imprisonment at the discretion of the court, for each offense. Codes, 1880, § 2814; 1892, § 1089; 1906, § 1169; Hemingway's 1917, § 896; 1930, § 922; 1942, §§ 2152, 5239; Laws, 1914, ch. 124, § 52; Laws, 1934, ch. 146. The officers or employees of any bank or branch bank who shall receive any deposit knowing or having reason to believe that such bank or branch bank is insolvent, and the owners of any bank or branch bank who shall receive any deposit knowing that such bank or branch bank is insolvent, shall be deemed guilty of a felony and punished, upon conviction therefor, by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment in the state penitentiary for not more than two years, nor less than one year, or by both such fine and imprisonment at the discretion of the court, for each offense. Codes, 1880, § 2814; 1892, § 1089; 1906, § 1169; Hemingway's 1917, § 896; 1930, § 922; 1942, §§ 2152, 5239; Laws, 1914, ch. 124, § 52; Laws, 1934, ch. 146. The officers or employees of any bank or branch bank who shall receive any deposit knowing or having reason to believe that such bank or branch bank is insolvent, and the owners of any bank or branch bank who shall receive any deposit knowing that such bank or branch bank is insolvent, shall be deemed guilty of a felony and punished, upon conviction therefor, by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment in the state penitentiary for not more than two years, nor less than one year, or by both such fine and imprisonment at the discretion of the court, for each offense. Codes, 1880, § 2814; 1892, § 1089; 1906, § 1169; Hemingway's 1917, § 896; 1930, § 922; 1942, §§ 2152, 5239; Laws, 1914, ch. 124, § 52; Laws, 1934, ch. 146.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-49 - Registering animal falsely; giving false pedigree

If any person shall, by any false pretense whatever, obtain from any person, club, association, society, or company for improving the breed of cattle, horses, sheep, swine, or goats, or other domestic animal, the registration of any animal in the herd register, or other register of such person, club, association, society, or company, or a transfer of any such registration, and every person who shall knowingly publish or give to any person, club, association, society, or company a false pedigree of any animal, shall be guilty of a misdemeanor, and, on conviction, shall be fined not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months, or both. Codes, 1892, § 1090; 1906, § 1170; Hemingway's 1917, § 899; 1930, § 926; 1942, § 2155; Laws, 1888, p. 90. If any person shall, by any false pretense whatever, obtain from any person, club, association, society, or company for improving the breed of cattle, horses, sheep, swine, or goats, or other domestic animal, the registration of any animal in the herd register, or other register of such person, club, association, society, or company, or a transfer of any such registration, and every person who shall knowingly publish or give to any person, club, association, society, or company a false pedigree of any animal, shall be guilty of a misdemeanor, and, on conviction, shall be fined not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months, or both. Codes, 1892, § 1090; 1906, § 1170; Hemingway's 1917, § 899; 1930, § 926; 1942, § 2155; Laws, 1888, p. 90. If any person shall, by any false pretense whatever, obtain from any person, club, association, society, or company for improving the breed of cattle, horses, sheep, swine, or goats, or other domestic animal, the registration of any animal in the herd register, or other register of such person, club, association, society, or company, or a transfer of any such registration, and every person who shall knowingly publish or give to any person, club, association, society, or company a false pedigree of any animal, shall be guilty of a misdemeanor, and, on conviction, shall be fined not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months, or both. Codes, 1892, § 1090; 1906, § 1170; Hemingway's 1917, § 899; 1930, § 926; 1942, § 2155; Laws, 1888, p. 90. If

any person shall, by any false pretense whatever, obtain from any person, club, association, society, or company for improving the breed of cattle, horses, sheep, swine, or goats, or other domestic animal, the registration of any animal in the herd register, or other register of such person, club, association, society, or company, or a transfer of any such registration, and every person who shall knowingly publish or give to any person, club, association, society, or company a false pedigree of any animal, shall be guilty of a misdemeanor, and, on conviction, shall be fined not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months, or both. Codes, 1892, § 1090; 1906, § 1170; Hemingway's 1917, § 899; 1930, § 926; 1942, § 2155; Laws, 1888, p. 90.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-5 - Citation of Sections 97-19-5 through 97-19-29

Sections 97-19-5 through 97-19-29 shall be known as the "Mississippi Credit Card Crime Law of 1968." Codes, 1942, § 2148.7-01; Laws, 1968, ch. 345, § 1, eff. 10/7/1968. Sections 97-19-5 through 97-19-29 shall be known as the "Mississippi Credit Card Crime Law of 1968." Codes, 1942, § 2148.7-01; Laws, 1968, ch. 345, § 1, eff. 10/7/1968. Sections 97-19-5 through 97-19-29 shall be known as the "Mississippi Credit Card Crime Law of 1968." Codes, 1942, § 2148.7-01; Laws, 1968, ch. 345, § 1, eff. 10/7/1968. Sections 97-19-5 through 97-19-29 shall be known as the "Mississippi Credit Card Crime Law of 1968." Codes, 1942, § 2148.7-01; Laws, 1968, ch. 345, § 1, eff. 10/7/1968.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-51 - Selling property previously sold or encumbered

If any person shall sell, barter, or exchange or mortgage, or give deed of trust on, any property, real or personal, which he had before sold, bartered, or exchanged, or obligated himself to sell, barter, or exchange, or which he had mortgaged, or in any manner encumbered, or on which he knows there is a lien of any kind by contract or by law, without informing the person to whom he so sells, barter, exchanges, or bargains, or mortgages or gives deed of trust on it, of the exact state of the property as affected by said acts or of the lien or incumbrance thereon, he shall be guilty of obtaining under false pretenses whatever he received from the person dealing with him, and shall, on conviction, be punished therefor, as for obtaining goods under false pretenses. Codes, 1880, § 2813; 1892, § 1088; 1906, § 1168; Hemingway's 1917, § 895; 1930, § 921; 1942, § 2151; Laws, 1900, ch. 96. If any person shall sell, barter, or exchange or mortgage, or give deed of trust on, any property, real or personal, which he had before sold, bartered, or exchanged, or obligated himself to sell, barter, or exchange, or which he had mortgaged, or in any manner encumbered, or on which he knows there is a lien of any kind by contract or by law, without informing the person to whom he so sells, barter, exchanges, or bargains, or mortgages or gives deed of trust on it, of the exact state of the property as affected by said acts or of the lien or incumbrance thereon, he shall be guilty of obtaining under false pretenses whatever he received from the person dealing with him, and shall, on conviction, be punished therefor, as for obtaining goods under false pretenses. Codes, 1880, § 2813; 1892, § 1088; 1906, § 1168; Hemingway's 1917, § 895; 1930, § 921; 1942, § 2151; Laws, 1900, ch. 96. If any person shall sell, barter, or exchange or mortgage, or give deed of trust on, any property, real or personal, which he had before sold, bartered, or exchanged, or obligated himself to sell, barter, or exchange, or which he had mortgaged, or in any manner encumbered, or on which he knows there is a lien of any kind by contract or by law, without informing the person to whom he so sells, barter, exchanges, or bargains, or mortgages or gives deed of trust on it, of the exact state of the property as affected by said acts or of the lien or incumbrance thereon, he shall be guilty of obtaining under false pretenses whatever he received from the person dealing with him, and shall, on conviction, be punished therefor, as for obtaining goods under false pretenses. Codes, 1880, § 2813; 1892, § 1088; 1906, § 1168; Hemingway's 1917, § 895; 1930, § 921; 1942, § 2151; Laws, 1900, ch. 96. If any person shall sell, barter, or exchange or mortgage, or give deed of trust on, any property, real or personal, which he had before sold, bartered, or exchanged, or obligated himself to sell, barter, or exchange, or which he had mortgaged, or in any manner encumbered, or on which he knows there is a lien of any kind by contract or by law, without informing the person to whom he so sells, barter, exchanges, or bargains, or mortgages or gives deed of trust on it, of the exact state of the property as affected by said acts or of the lien or incumbrance thereon, he shall be guilty of obtaining under false pretenses whatever he received from the person dealing with him, and shall, on conviction, be punished therefor, as for obtaining goods under false pretenses. Codes, 1880, § 2813; 1892, § 1088; 1906, § 1168; Hemingway's 1917, § 895; 1930, § 921; 1942, § 2151; Laws, 1900, ch. 96.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-53 - Substituting child to deceive parent or guardian

Every person to whom an infant, under the age of six years, shall be confided for nursing, education, or any other purpose, who shall, with intent to deceive any parent or guardian of such child, substitute and produce to such parent or guardian another child in the place of the one so confided, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding seven years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(52); 1857, ch. 64, art. 104; 1871, § 2568; 1880, § 2810; 1892, § 1085; 1906, § 1165; Hemingway's 1917, § 892; 1930, § 918; 1942, § 2148. Every person to whom an infant, under the age of six years, shall be confided for nursing, education, or any other purpose, who shall, with intent to deceive any parent or guardian of such child, substitute and produce to such parent or guardian another child in the place of the one so confided, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding seven years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(52); 1857, ch. 64, art. 104; 1871, § 2568; 1880, § 2810; 1892, § 1085; 1906, § 1165; Hemingway's 1917, § 892; 1930, § 918; 1942, § 2148. Every person to whom an infant, under the age of six years, shall be confided for nursing, education, or any other purpose, who

shall, with intent to deceive any parent or guardian of such child, substitute and produce to such parent or guardian another child in the place of the one so confided, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding seven years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(52); 1857, ch. 64, art. 104; 1871, § 2568; 1880, § 2810; 1892, § 1085; 1906, § 1165; Hemingway's 1917, § 892; 1930, § 918; 1942, § 2148. Every person to whom an infant, under the age of six years, shall be confided for nursing, education, or any other purpose, who shall, with intent to deceive any parent or guardian of such child, substitute and produce to such parent or guardian another child in the place of the one so confided, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding seven years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(52); 1857, ch. 64, art. 104; 1871, § 2568; 1880, § 2810; 1892, § 1085; 1906, § 1165; Hemingway's 1917, § 892; 1930, § 918; 1942, § 2148.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-55 - Bad checks, electronically converted checks or electronic commercial debits and insufficient funds

(1) It shall be unlawful for any person with fraudulent intent: (a) To make, draw, issue, utter, deliver, or authorize any check, draft, electronically converted check, or electronic commercial debit to obtain money, delivery of other valuable property, services, the use of property or credit extended by any licensed gaming establishment drawn on any real or fictitious bank, corporation, firm or person, knowing at the time of making, drawing, issuing, uttering, delivering or authorizing said check, draft, order, electronically converted check, or electronic commercial debit that the maker, drawer or payor has not sufficient funds in or on deposit with such bank, corporation, firm or person for the payment of such check, draft, order, electronically converted check, or electronic commercial debit in full, and all other checks, drafts or orders, or electronic fund transfers upon such funds then outstanding; (b) To close an account without leaving sufficient funds to cover all outstanding checks, electronically converted check, or electronic commercial debit written or authorized on such account. (2) For purposes of Sections 97-19-55 through 97-19-69: (a) "Check" includes a casino marker issued to any licensed gaming establishment. (b) "Credit" means an arrangement or understanding with a bank, corporation, firm or person for the payment of a check or other instrument. (c) "Electronically converted check" means a single-entry electronic debit transaction initiated with a check and cleared through the ACH Network as an Accounts Receivable Entry, a Point of Purchase Entry, or a Back Office Conversion Entry. (d) "Electronic commercial debit" means an electronic debit transaction initiated through the ACH Network by a person for commercial, and not consumer, purposes whereby (i) the payor has signed an agreement to pay the payee for goods or services provided, (ii) as part of that agreement and as a condition thereof the payor provides the payee its bank and account information for the purposes of initiating such a debit in payment for the service or goods provided, (iii) the payee delivers such goods or services to the payor in reliance upon the agreement and the payor's debit authorization, and (iv) the payee initiates such a debit for such purposes. This definition does not include a consumer transaction governed by the Federal Electronic Fund Transfer Act (15 USC Section 1693et seq.) and its implementing Regulation E (12 CFR Part 205) or a credit transaction governed by Section 75-4A-101et seq., Mississippi Code of 1972. (e) "Payor" means the party making payment through the referenced transaction. (f) "Payee" means the party receiving payment through the referenced transaction. (g) "Payor bank" is the bank on whom the payor's funds are drawn for the purposes of making payment through the referenced transaction. (h) "Payee bank" is the bank through which payee is collecting funds for deposit into the payee's account by using the referenced transaction. Codes, 1942, § 2153-01; Laws, 1972, ch. 476, § 1; Laws, 1983, ch. 523, § 1; Laws, 1998, ch. 477, § 1; Laws, 2002, ch. 311, § 1; Laws, 2009, ch. 454, § 2, eff. 7/1/2009. Amended by Laws, 2016, ch. 331, SB 2704, 1, eff. 4/4/2016. Amended by Laws, 2015, ch. 323, HB 272, 1, eff. 7/1/2015. (1) It shall be unlawful for any person with fraudulent intent: (a) To make, draw, issue, utter, deliver, or authorize any check, draft, electronically converted check, or electronic commercial debit to obtain money, delivery of other valuable property, services, the use of property or credit extended by any licensed gaming establishment drawn on any real or fictitious bank, corporation, firm or person, knowing at the time of making, drawing, issuing, uttering, delivering or authorizing said check, draft, order, electronically converted check, or electronic commercial debit that the maker, drawer or payor has not sufficient funds in or on deposit with such bank, corporation, firm or person for the payment of such check, draft, order, electronically converted check, or electronic commercial debit in full, and all other checks, drafts or orders, or electronic fund transfers upon such funds then outstanding; (b) To close an account without leaving sufficient funds to cover all outstanding checks, electronically converted check, or electronic commercial debit written or authorized on such account. (2) For purposes of Sections 97-19-55 through 97-19-69: (a) "Check" includes a casino marker issued to any licensed gaming establishment. (b) "Credit" means an arrangement or understanding with a bank, corporation, firm or person for the payment of a check or other instrument. (c) "Electronically converted check" means a single-entry electronic debit transaction initiated with a check and cleared through the ACH Network as an Accounts Receivable Entry, a Point of Purchase Entry, or a Back Office Conversion Entry. (d) "Electronic commercial debit" means an electronic debit transaction initiated through the ACH Network by a person for commercial, and not consumer, purposes whereby (i) the payor has signed an agreement to pay the payee for goods or services provided, (ii) as part of that agreement and as a condition thereof the payor provides the payee its bank and account information for the purposes of initiating such a debit in payment for the service or goods provided, (iii) the payee delivers such goods or services to the payor in reliance upon the agreement and the payor's debit authorization, and (iv) the payee initiates such a debit for such purposes. This definition does not include a consumer transaction governed by the Federal Electronic Fund Transfer Act (15 USC Section 1693et seq.) and its implementing Regulation E (12 CFR Part 205) or a credit transaction governed by Section 75-4A-101et seq., Mississippi Code of 1972. (e) "Payor" means the party making payment through the referenced

transaction.(f)"Payee" means the party receiving payment through the referenced transaction.(g)"Payor bank" is the bank on whom the payor's funds are drawn for the purposes of making payment through the referenced transaction.(h)"Payee bank" is the bank through which payee is collecting funds for deposit into the payee's account by using the referenced transaction.Codes, 1942, § 2153-01; Laws, 1972, ch. 476, § 1; Laws, 1983, ch. 523, § 1; Laws, 1998, ch. 477, § 1; Laws, 2002, ch. 311, § 1; Laws, 2009, ch. 454, § 2, eff. 7/1/2009.Amended by Laws, 2016, ch. 331, SB 2704, 1, eff. 4/4/2016.Amended by Laws, 2015, ch. 323, HB 272, 1, eff. 7/1/2015. (1)It shall be unlawful for any person with fraudulent intent:(a)To make, draw, issue, utter, deliver, or authorize any check, draft, electronically converted check, or electronic commercial debit to obtain money, delivery of other valuable property, services, the use of property or credit extended by any licensed gaming establishment drawn on any real or fictitious bank, corporation, firm or person, knowing at the time of making, drawing, issuing, uttering, delivering or authorizing said check, draft, order, electronically converted check, or electronic commercial debit that the maker, drawer or payor has not sufficient funds in or on deposit with such bank, corporation, firm or person for the payment of such check, draft, order, electronically converted check, or electronic commercial debit in full, and all other checks, drafts or orders, or electronic fund transfers upon such funds then outstanding;(b)To close an account without leaving sufficient funds to cover all outstanding checks, electronically converted check, or electronic commercial debit written or authorized on such account.(2)For purposes of Sections97-19-55through97-19-69:(a)"Check" includes a casino marker issued to any licensed gaming establishment.(b)"Credit" means an arrangement or understanding with a bank, corporation, firm or person for the payment of a check or other instrument.(c)"Electronically converted check" means a single-entry electronic debit transaction initiated with a check and cleared through the ACH Network as an Accounts Receivable Entry, a Point of Purchase Entry, or a Back Office Conversion Entry.(d)"Electronic commercial debit" means an electronic debit transaction initiated through the ACH Network by a person for commercial, and not consumer, purposes whereby (i) the payor has signed an agreement to pay the payee for goods or services provided, (ii) as part of that agreement and as a condition thereof the payor provides the payee its bank and account information for the purposes of initiating such a debit in payment for the service or goods provided, (iii) the payee delivers such goods or services to the payor in reliance upon the agreement and the payor's debit authorization, and (iv) the payee initiates such a debit for such purposes. This definition does not include a consumer transaction governed by the Federal Electronic Fund Transfer Act (15 USC Section 1693et seq.) and its implementing Regulation E (12 CFR Part 205) or a credit transaction governed by Section75-4A-101et seq., Mississippi Code of 1972.(e)"Payor" means the party making payment through the referenced transaction.(f)"Payee" means the party receiving payment through the referenced transaction.(g)"Payor bank" is the bank on whom the payor's funds are drawn for the purposes of making payment through the referenced transaction.(h)"Payee bank" is the bank through which payee is collecting funds for deposit into the payee's account by using the referenced transaction.Codes, 1942, § 2153-01; Laws, 1972, ch. 476, § 1; Laws, 1983, ch. 523, § 1; Laws, 1998, ch. 477, § 1; Laws, 2002, ch. 311, § 1; Laws, 2009, ch. 454, § 2, eff. 7/1/2009.Amended by Laws, 2016, ch. 331, SB 2704, 1, eff. 4/4/2016.Amended by Laws, 2015, ch. 323, HB 272, 1, eff. 7/1/2015. Codes, 1942, § 2153-01; Laws, 1972, ch. 476, § 1; Laws, 1983, ch. 523, § 1; Laws, 1998, ch. 477, § 1; Laws, 2002, ch. 311, § 1; Laws, 2009, ch. 454, § 2, eff. 7/1/2009. Amended by Laws, 2016, ch. 331, SB 2704, 1, eff. 4/4/2016. Amended by Laws, 2015, ch. 323, HB 272, 1, eff. 7/1/2015.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87)Section 97-19-57 - Bad checks, electronically converted checks, electronic commercial debits; presumption of fraudulent intent; notice that check or electronic fund transfer has not been paid; notice returned undelivered as evidence of intent to defraud; transactions involving motor vehicles

(1)As against the maker, drawer or payor thereof, the making, drawing, issuing, uttering, delivering, or initiation of a check, draft, order, electronically converted check, or electronic commercial debit payment of which is refused by the drawee, shall be prima facie evidence and create a presumption of intent to defraud and of knowledge of insufficient funds in, or on deposit with, such bank, corporation, firm or person, provided such maker, drawer or payor shall not have paid the holder or payee thereof the amount due thereon, together with a service charge of Forty Dollars (\$40.00), within fifteen (15) days after receiving notice that such check, draft, order, electronically converted check, or electronic commercial debit has not been paid by the drawee or payor's bank.(2)For purposes of Section11-7-12, the form of the notice provided for in subsection (1) of this section for a check, draft, order, or electronically converted check shall be sent by regular mail and shall be substantially as follows: "This statutory notice is provided pursuant to Section97-19-57, Mississippi Code of 1972. You are hereby notified that a check, draft, order, or electronically converted check numbered _____, apparently issued by you on _____ (date), drawn upon _____ (name of bank), and payable to _____, has been dishonored. Pursuant to Mississippi law, you have fifteen (15) days from receipt of this notice to tender payment of the full amount of such check, draft or order, or electronically converted check plus a service charge of Forty Dollars (\$40.00), the total amount due being \$ _____. Failure to pay this amount in full within the time specified above shall be prima facie evidence of and create a presumption of both the intent to defraud and the knowledge of insufficient funds in, or on deposit with, such bank in violation of Section97-19-55."(3)For purposes of Section97-19-67, the form of the notice provided for in subsection (1) of this section for a check, draft, order, or electronically converted check shall be sent by regular mail, supported by an affidavit of service by mailing, and shall be substantially as follows: "This statutory notice is provided pursuant to Section97-19-57, Mississippi Code of 1972. You are hereby notified that a check, draft, order, or electronically converted check numbered _____, apparently issued by you on _____ (date), drawn upon _____ (name of bank), and payable to _____, has been dishonored. Pursuant to Mississippi law, you have fifteen (15) days from receipt of this notice to

tender payment of the full amount of such check, draft or order, or electronically converted check plus a service charge of Forty Dollars (\$40.00), the total amount due being \$ _____. Unless this amount is paid in full within the time specified above, the holder may assume that you delivered the instrument with intent to defraud and may turn over the dishonored instrument and all other available information relating to this incident to the proper authorities for criminal prosecution."(4)For purposes of Sections11-7-12and97-19-67, the form of notice provided for in subsection (1) of this section for an electronic commercial debit shall be sent by regular mail, supported by an affidavit of service by mailing, and shall be substantially as follows: "This statutory notice is provided pursuant to Section97-19-57, Mississippi Code of 1972. You are hereby notified that on _____ (date) an electronic commercial debit was initiated by _____ (name of payee bank) on behalf of _____ (payee) to _____ (name of payor bank) through the ACH Network requesting a payment in the amount of \$ _____ to _____ (payee) from your account pursuant to invoice number _____ and our agreement dated _____, but that payment has been dishonored. Pursuant to Mississippi law, because the payee delivered _____ (goods or service) to you in reliance upon the agreement, you have fifteen (15) days from receipt of this notice to tender payment of the full amount of such electronic commercial debit plus a service charge of Forty Dollars (\$40.00), the total amount due being \$ _____. Failure to pay this amount in full within the time specified above shall be prima facie evidence of and create a presumption of both the intent to defraud and the knowledge of insufficient funds in, or on deposit with, such bank in violation of Section97-19-55, and the payee may assume that you entered into such agreement with intent to defraud and may turn over all documentation related to the dishonored electronic commercial debit to the proper authorities for criminal prosecution."(5)If any notice is returned undelivered to the sender after such notice was mailed to the address printed on the check, draft or order, or to the address given by the accused at the time of issuance of the instrument, such return shall be prima facie evidence of the maker's or drawer's intent to defraud.(6)Affidavit of service by mail shall be adequate if made in substantially the following form:"STATE OF _____ COUNTY OF _____, being first duly sworn on oath, deposes and states that he/she is at least eighteen (18) years of age and that on (date) _____, 2 _____, he/she served the attached Notice of Dishonor by placing a true and correct copy thereof securely enclosed in an envelope addressed as follows:_____ and deposited the same, postage prepaid, in the United States mail at _____. _____ (signature)Subscribed to and sworn before me, this the _____ day of _____, 2 _____. _____ (Notary Public)My commission expires:(SEAL)"(7)Without in any way limiting the provisions of this section, this section shall apply to a draft for the payment of money given for a motor vehicle even if such payment is conditioned upon delivery of documents necessary for transfer of a valid title to the purchaser.Codes, 1942, § 2153-02; Laws, 1972, ch. 476, § 2; Laws, 1983, ch. 523, § 2; Laws, 1992, ch. 513, § 1; Laws, 1999, ch. 436, § 1; Laws, 2000, ch. 364, § 2; Laws, 2001, ch. 328, § 1; Laws, 2002, ch. 312, § 1; Laws, 2004, ch. 374, § 1, eff. 7/1/2004.Amended by Laws, 2015, ch. 323, HB 272, 2, eff. 7/1/2015. (1)As against the maker, drawer or payor thereof, the making, drawing, issuing, uttering, delivering, or initiation of a check, draft, order, electronically converted check, or electronic commercial debit payment of which is refused by the drawee, shall be prima facie evidence and create a presumption of intent to defraud and of knowledge of insufficient funds in, or on deposit with, such bank, corporation, firm or person, provided such maker, drawer or payor shall not have paid the holder or payee thereof the amount due thereon, together with a service charge of Forty Dollars (\$40.00), within fifteen (15) days after receiving notice that such check, draft, order, electronically converted check, or electronic commercial debit has not been paid by the drawee or payor's bank.(2)For purposes of Section11-7-12, the form of the notice provided for in subsection (1) of this section for a check, draft, order, or electronically converted check shall be sent by regular mail and shall be substantially as follows: "This statutory notice is provided pursuant to Section97-19-57, Mississippi Code of 1972. You are hereby notified that a check, draft, order, or electronically converted check numbered _____, apparently issued by you on _____ (date), drawn upon _____ (name of bank), and payable to _____, has been dishonored. Pursuant to Mississippi law, you have fifteen (15) days from receipt of this notice to tender payment of the full amount of such check, draft or order, or electronically converted check plus a service charge of Forty Dollars (\$40.00), the total amount due being \$ _____. Failure to pay this amount in full within the time specified above shall be prima facie evidence of and create a presumption of both the intent to defraud and the knowledge of insufficient funds in, or on deposit with, such bank in violation of Section97-19-55."(3)For purposes of Section97-19-67, the form of the notice provided for in subsection (1) of this section for a check, draft, order, or electronically converted check shall be sent by regular mail, supported by an affidavit of service by mailing, and shall be substantially as follows: "This statutory notice is provided pursuant to Section97-19-57, Mississippi Code of 1972. You are hereby notified that a check, draft, order, or electronically converted check numbered _____, apparently issued by you on _____ (date), drawn upon _____ (name of bank), and payable to _____, has been dishonored. Pursuant to Mississippi law, you have fifteen (15) days from receipt of this notice to tender payment of the full amount of such check, draft or order, or electronically converted check plus a service charge of Forty Dollars (\$40.00), the total amount due being \$ _____. Unless this amount is paid in full within the time specified above, the holder may assume that you delivered the instrument with intent to defraud and may turn over the dishonored instrument and all other available information relating to this incident to the proper authorities for criminal prosecution."(4)For purposes of Sections11-7-12and97-19-67, the form of notice provided for in subsection (1) of this section for an electronic commercial debit shall be sent by regular mail, supported by an affidavit of service by mailing, and shall be substantially as follows: "This statutory

notice is provided pursuant to Section 97-19-57, Mississippi Code of 1972. You are hereby notified that on _____ (date) an electronic commercial debit was initiated by _____ (name of payee bank) on behalf of _____ (payee) to _____ (name of payor bank) through the ACH Network requesting a payment in the amount of \$ _____ to _____ (payee) from your account pursuant to invoice number _____ and our agreement dated _____, but that payment has been dishonored. Pursuant to Mississippi law, because the payee delivered _____ (goods or service) to you in reliance upon the agreement, you have fifteen (15) days from receipt of this notice to tender payment of the full amount of such electronic commercial debit plus a service charge of Forty Dollars (\$40.00), the total amount due being \$ _____. Failure to pay this amount in full within the time specified above shall be prima facie evidence of and create a presumption of both the intent to defraud and the knowledge of insufficient funds in, or on deposit with, such bank in violation of Section 97-19-55, and the payee may assume that you entered into such agreement with intent to defraud and may turn over all documentation related to the dishonored electronic commercial debit to the proper authorities for criminal prosecution."(5) If any notice is returned undelivered to the sender after such notice was mailed to the address printed on the check, draft or order, or to the address given by the accused at the time of issuance of the instrument, such return shall be prima facie evidence of the maker's or drawer's intent to defraud.(6) Affidavit of service by mail shall be adequate if made in substantially the following form: "STATE OF _____ COUNTY OF _____, being first duly sworn on oath, deposes and states that he/she is at least eighteen (18) years of age and that on (date) _____, 2 _____, he/she served the attached Notice of Dishonor by placing a true and correct copy thereof securely enclosed in an envelope addressed as follows: _____ and deposited the same, postage prepaid, in the United States mail at _____. _____ (signature) Subscribed to and sworn before me, this the _____ day of _____, 2 _____. _____ (Notary Public) My commission expires: (SEAL)"(7) Without in any way limiting the provisions of this section, this section shall apply to a draft for the payment of money given for a motor vehicle even if such payment is conditioned upon delivery of documents necessary for transfer of a valid title to the purchaser. Codes, 1942, § 2153-02; Laws, 1972, ch. 476, § 2; Laws, 1983, ch. 523, § 2; Laws, 1992, ch. 513, § 1; Laws, 1999, ch. 436, § 1; Laws, 2000, ch. 364, § 2; Laws, 2001, ch. 328, § 1; Laws, 2002, ch. 312, § 1; Laws, 2004, ch. 374, § 1, eff. 7/1/2004. Amended by Laws, 2015, ch. 323, HB 272, 2, eff. 7/1/2015. (1) As against the maker, drawer or payor thereof, the making, drawing, issuing, uttering, delivering, or initiation of a check, draft, order, electronically converted check, or electronic commercial debit payment of which is refused by the drawee, shall be prima facie evidence and create a presumption of intent to defraud and of knowledge of insufficient funds in, or on deposit with, such bank, corporation, firm or person, provided such maker, drawer or payor shall not have paid the holder or payee thereof the amount due thereon, together with a service charge of Forty Dollars (\$40.00), within fifteen (15) days after receiving notice that such check, draft, order, electronically converted check, or electronic commercial debit has not been paid by the drawee or payor's bank. (2) For purposes of Section 11-7-12, the form of the notice provided for in subsection (1) of this section for a check, draft, order, or electronically converted check shall be sent by regular mail and shall be substantially as follows: "This statutory notice is provided pursuant to Section 97-19-57, Mississippi Code of 1972. You are hereby notified that a check, draft, order, or electronically converted check numbered _____, apparently issued by you on _____ (date), drawn upon _____ (name of bank), and payable to _____, has been dishonored. Pursuant to Mississippi law, you have fifteen (15) days from receipt of this notice to tender payment of the full amount of such check, draft or order, or electronically converted check plus a service charge of Forty Dollars (\$40.00), the total amount due being \$ _____. Failure to pay this amount in full within the time specified above shall be prima facie evidence of and create a presumption of both the intent to defraud and the knowledge of insufficient funds in, or on deposit with, such bank in violation of Section 97-19-55."(3) For purposes of Section 97-19-67, the form of the notice provided for in subsection (1) of this section for a check, draft, order, or electronically converted check shall be sent by regular mail, supported by an affidavit of service by mailing, and shall be substantially as follows: "This statutory notice is provided pursuant to Section 97-19-57, Mississippi Code of 1972. You are hereby notified that a check, draft, order, or electronically converted check numbered _____, apparently issued by you on _____ (date), drawn upon _____ (name of bank), and payable to _____, has been dishonored. Pursuant to Mississippi law, you have fifteen (15) days from receipt of this notice to tender payment of the full amount of such check, draft or order, or electronically converted check plus a service charge of Forty Dollars (\$40.00), the total amount due being \$ _____. Unless this amount is paid in full within the time specified above, the holder may assume that you delivered the instrument with intent to defraud and may turn over the dishonored instrument and all other available information relating to this incident to the proper authorities for criminal prosecution."(4) For purposes of Sections 11-7-12 and 97-19-67, the form of notice provided for in subsection (1) of this section for an electronic commercial debit shall be sent by regular mail, supported by an affidavit of service by mailing, and shall be substantially as follows: "This statutory notice is provided pursuant to Section 97-19-57, Mississippi Code of 1972. You are hereby notified that on _____ (date) an electronic commercial debit was initiated by _____ (name of payee bank) on behalf of _____ (payee) to _____ (name of payor bank) through the ACH Network requesting a payment in the amount of \$ _____ to _____ (payee) from your account pursuant to invoice number _____ and our agreement dated _____, but that payment has been dishonored. Pursuant to Mississippi law, because the payee delivered _____ (goods or service) to you in reliance upon the agreement, you

have fifteen (15) days from receipt of this notice to tender payment of the full amount of such electronic commercial debit plus a service charge of Forty Dollars (\$40.00), the total amount due being \$ _____. Failure to pay this amount in full within the time specified above shall be prima facie evidence of and create a presumption of both the intent to defraud and the knowledge of insufficient funds in, or on deposit with, such bank in violation of Section 97-19-55, and the payee may assume that you entered into such agreement with intent to defraud and may turn over all documentation related to the dishonored electronic commercial debit to the proper authorities for criminal prosecution." (5) If any notice is returned undelivered to the sender after such notice was mailed to the address printed on the check, draft or order, or to the address given by the accused at the time of issuance of the instrument, such return shall be prima facie evidence of the maker's or drawer's intent to defraud. (6) Affidavit of service by mail shall be adequate if made in substantially the following form: "STATE OF _____ COUNTY OF _____,

being first duly sworn on oath, deposes and states that he/she is at least eighteen (18) years of age and that on (date) _____, 2 _____, he/she served the attached Notice of Dishonor by placing a true and correct copy thereof securely enclosed in an envelope addressed as follows: _____ and deposited the same, postage prepaid, in the

United States mail at _____. _____ (signature) Subscribed to and sworn before me, this the _____ day of _____, 2 _____.

(Notary Public) My commission expires: (SEAL)" (7) Without in any way limiting the provisions of this section, this section shall apply to a draft for the payment of money given for a motor vehicle even if such payment is conditioned upon delivery of documents necessary for transfer of a valid title to the purchaser. Codes, 1942, § 2153-02; Laws, 1972, ch. 476, § 2; Laws, 1983, ch. 523, § 2; Laws, 1992, ch. 513, § 1; Laws, 1999, ch. 436, § 1; Laws, 2000, ch. 364, § 2; Laws, 2001, ch. 328, § 1; Laws, 2002, ch. 312, § 1; Laws, 2004, ch. 374, § 1, eff. 7/1/2004. Amended by Laws, 2015, ch. 323, HB 272, 2, eff. 7/1/2015. "STATE OF _____ COUNTY OF _____,

being first duly sworn on oath, deposes and states that he/she is at least eighteen (18) years of age and that on (date) _____, 2 _____, he/she served the attached Notice of Dishonor by placing a true and correct copy thereof securely enclosed in an envelope addressed as follows: _____

and deposited the same, postage prepaid, in the United States mail at _____. _____ (signature) Subscribed to and sworn before me, this the _____ day of _____, 2 _____.

(Notary Public) My commission expires: (SEAL)" Codes, 1942, § 2153-02; Laws, 1972, ch. 476, § 2; Laws, 1983, ch. 523, § 2; Laws, 1992, ch. 513, § 1; Laws, 1999, ch. 436, § 1; Laws, 2000, ch. 364, § 2; Laws, 2001, ch. 328, § 1; Laws, 2002, ch. 312, § 1; Laws, 2004, ch. 374, § 1, eff. 7/1/2004. Amended by Laws, 2015, ch. 323, HB 272, 2, eff. 7/1/2015.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-61 - Bad checks, electronically converted check, electronic commercial debit; when notice need not be given

Such notice as is provided for in Section 97-19-57 is dispensed with: (a) in the event the situs of the drawee is not in the State of Mississippi; (b) if the drawer or payor is not a resident of the State of Mississippi or has left the State of Mississippi at the time such check, draft, order, electronically converted check, or electronic commercial debit is dishonored; or (c) if the drawer or payor of such check, draft, order, electronically converted check, or electronic commercial debit did not have an account with the drawee or payor bank of such check, draft, order, electronically converted check, or electronic commercial debit at the time the same was issued or dishonored, or payment of the same is denied because the account was closed at the time the check, draft, order, or electronically converted check, or electronic commercial debit was issued or dishonored. Codes, 1942, § 2153-04; Laws, 1972, ch. 476, § 4; Laws, 1983, ch. 523, § 3; Laws, 2001, ch. 328, § 2, eff. 7/1/2001. Amended by Laws, 2015, ch. 323, HB 272, 3, eff. 7/1/2015. Such notice as is provided for in Section 97-19-57 is dispensed with: (a) in the event the situs of the drawee is not in the State of Mississippi; (b) if the drawer or payor is not a resident of the State of Mississippi or has left the State of Mississippi at the time such check, draft, order, electronically converted check, or electronic commercial debit is dishonored; or (c) if the drawer or payor of such check, draft, order, electronically converted check, or electronic commercial debit did not have an account with the drawee or payor bank of such check, draft, order, electronically converted check, or electronic commercial debit at the time the same was issued or dishonored, or payment of the same is denied because the account was closed at the time the check, draft, order, or electronically converted check, or electronic commercial debit was issued or dishonored. Codes, 1942, § 2153-04; Laws, 1972, ch. 476, § 4; Laws, 1983, ch. 523, § 3; Laws, 2001, ch. 328, § 2, eff. 7/1/2001. Amended by Laws, 2015, ch. 323, HB 272, 3, eff. 7/1/2015. Such notice as is provided for in Section 97-19-57 is dispensed with: Codes, 1942, § 2153-04; Laws, 1972, ch. 476, § 4; Laws, 1983, ch. 523, § 3; Laws, 2001, ch.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-62 - Bad checks, electronically converted checks, electronic commercial debits; evidence of identity of party issuing, uttering or delivering check or party authorized to draw upon named account

(1) In any prosecution or action under the provisions of Section 97-19-55, a check, draft, order, or electronically converted check for which the information required in subsections (2) and (3) of this section is available at the time of issuance, utterance or delivery shall constitute prima facie evidence of the identity of the party issuing, uttering or delivering the check, draft, order, or electronically converted check and that such person was a party authorized to draw upon the named account. (2) To establish prima facie evidence of the identity of the party presenting such check, draft, order, or electronically converted check, the following information regarding such identity shall be requested by the party receiving such instrument: The presenter's name, residence address and home phone number. Such information may be provided in the following manner: (a) The information may be recorded upon the check, draft or order, or electronically converted check itself; or (b) The number of a check-cashing identification card issued by the receiving party may be recorded on the check, draft, order, or electronically converted check. Such check-cashing identification card shall be issued only after the information required in this subsection has been placed on file by the receiving party. (3) In addition to the information required in subsection (2) of this section, the party receiving the check, draft, order, or electronically converted check shall witness the signature or endorsement of the party presenting such instrument and, as evidence of such, the receiving party shall initial the instrument. (4) In any prosecution or action under the provisions of Section 97-19-55 for an electronic commercial debit, the following shall constitute prima facie evidence that the payee was a party authorized to draw upon the named account for the electronic commercial debit: (i) the existence of an enforceable written agreement between the payor and the payee whereby the payee agrees to provide a good or service to the payor conditioned and in reliance upon the payor's provision of its account and bank information and agreement to pay for the good or service through an electronic commercial debit, and (ii) an invoice, bill of lading, or other business record evidencing the delivery of the good or service by the payee to the payor. Laws, 1983, ch. 523, § 4, eff. 1/1/1984. Amended by Laws, 2015, ch. 323, HB 272, 4, eff. 7/1/2015. (1) In any prosecution or action under the provisions of Section 97-19-55, a check, draft, order, or electronically converted check for which the information required in subsections (2) and (3) of this section is available at the time of issuance, utterance or delivery shall constitute prima facie evidence of the identity of the party issuing, uttering or delivering the check, draft, order, or electronically converted check and that such person was a party authorized to draw upon the named account. (2) To establish prima facie evidence of the identity of the party presenting such check, draft, order, or electronically converted check, the following information regarding such identity shall be requested by the party receiving such instrument: The presenter's name, residence address and home phone number. Such information may be provided in the following manner: (a) The information may be recorded upon the check, draft or order, or electronically converted check itself; or (b) The number of a check-cashing identification card issued by the receiving party may be recorded on the check, draft, order, or electronically converted check. Such check-cashing identification card shall be issued only after the information required in this subsection has been placed on file by the receiving party. (3) In addition to the information required in subsection (2) of this section, the party receiving the check, draft, order, or electronically converted check shall witness the signature or endorsement of the party presenting such instrument and, as evidence of such, the receiving party shall initial the instrument. (4) In any prosecution or action under the provisions of Section 97-19-55 for an electronic commercial debit, the following shall constitute prima facie evidence that the payee was a party authorized to draw upon the named account for the electronic commercial debit: (i) the existence of an enforceable written agreement between the payor and the payee whereby the payee agrees to provide a good or service to the payor conditioned and in reliance upon the payor's provision of its account and bank information and agreement to pay for the good or

service through an electronic commercial debit, and(ii)an invoice, bill of lading, or other business record evidencing the delivery of the good or service by the payee to the payor.Laws, 1983, ch. 523, § 4, eff. 1/1/1984.Amended by Laws, 2015, ch. 323, HB 272, 4, eff. 7/1/2015. Laws, 1983, ch. 523, § 4, eff. 1/1/1984. Amended by Laws, 2015, ch. 323, HB 272, 4, eff. 7/1/2015.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87)Section 97-19-63 - Bad checks, electronically converted checks, electronic commercial debits; statement of reason for dishonor

(1)It shall be the duty of the drawee of any check, draft or other order for the payment of money, before refusing to pay the same to the holder thereof upon presentation, to cause to be written, printed, or stamped in plain language thereon or attached thereto, the reason for drawee's dishonor or refusal of the same. In all prosecutions under Sections97-19-55through97-19-69, the introduction in evidence of any unpaid and dishonored check, draft or other order for the payment of money, having the drawee's refusal to pay stamped or written thereon or attached thereto, with the reason therefor as aforesaid, shall be prima facie evidence of the making or uttering of said check, draft or other order for the payment of money and the dishonor thereof, and that the same was properly dishonored for the reasons written, stamped or attached by the drawee on such dishonored check, draft or other such order for the payment of money.(2)It shall be the duty of the drawee or the payor's bank in an electronically converted check or electronic commercial debit transaction, before refusing to pay the same to the payee's bank and the payee thereof upon initiation of such a transaction through the ACH Network, to provide such notice for the reason for dishonor or refusal of the same by the payor's bank as would be required by the NACHA Operating Rules Guidelines for the reasons of insufficient funds, account closed, no account or unable to locate account, payment stopped, or uncollected funds. In all prosecutions under Sections97-19-55through97-19-69, the introduction in evidence of any such notice of an unpaid and dishonored electronically converted check or electronic commercial debit properly given under the NACHA rules with the reason of insufficient funds, account closed, no account or unable to locate account, payment stopped, or uncollected funds shall be prima facie evidence of the dishonor of said electronically converted check or electronic commercial debit for the reasons recorded and noticed pursuant to the NACHA Operating Rules & Guidelines.(3)In the case of an electronically converted check, the introduction into evidence of a check payable to the payee and signed by the drawer to authorize the transaction is prima facie evidence of the making or uttering of said electronically converted check for the payment of money.Codes, 1942, § 2153-05; Laws, 1972, ch. 476, § 5, eff. 7/1/1972.Amended by Laws, 2015, ch. 323, HB 272, 5, eff. 7/1/2015.

(1)It shall be the duty of the drawee of any check, draft or other order for the payment of money, before refusing to pay the same to the holder thereof upon presentation, to cause to be written, printed, or stamped in plain language thereon or attached thereto, the reason for drawee's dishonor or refusal of the same. In all prosecutions under Sections97-19-55through97-19-69, the introduction in evidence of any unpaid and dishonored check, draft or other order for the payment of money, having the drawee's refusal to pay stamped or written thereon or attached thereto, with the reason therefor as aforesaid, shall be prima facie evidence of the making or uttering of said check, draft or other order for the payment of money and the dishonor thereof, and that the same was properly dishonored for the reasons written, stamped or attached by the drawee on such dishonored check, draft or other such order for the payment of money.(2)It shall be the duty of the drawee or the payor's bank in an electronically converted check or electronic commercial debit transaction, before refusing to pay the same to the payee's bank and the payee thereof upon initiation of such a transaction through the ACH Network, to provide such notice for the reason for dishonor or refusal of the same by the payor's bank as would be required by the NACHA Operating Rules Guidelines for the reasons of insufficient funds, account closed, no account or unable to locate account, payment stopped, or uncollected funds. In all prosecutions under Sections97-19-55through97-19-69, the introduction in evidence of any such notice of an unpaid and dishonored electronically converted check or electronic commercial debit properly given under the NACHA rules with the reason of insufficient funds, account closed, no account or unable to locate account, payment stopped, or uncollected funds shall be prima facie evidence of the dishonor of said electronically converted check or electronic commercial debit for the reasons recorded and noticed pursuant to the NACHA Operating Rules & Guidelines.(3)In the case of an electronically converted check, the introduction into evidence of a check payable to the payee and signed by the drawer to authorize the transaction is prima facie evidence of the making or uttering of said electronically converted check for the payment of money.Codes, 1942, § 2153-05; Laws, 1972, ch. 476, § 5, eff. 7/1/1972.Amended by Laws, 2015, ch. 323, HB 272, 5, eff. 7/1/2015.

(1)It shall be the duty of the drawee of any check, draft or other order for the payment of money, before refusing to pay the same to the holder thereof upon presentation, to cause to be written, printed, or stamped in plain language thereon or attached thereto, the reason for drawee's dishonor or refusal of the same. In all prosecutions under Sections97-19-55through97-19-69, the introduction in evidence of any unpaid and dishonored check, draft or other order for the payment of money, having the drawee's refusal to pay stamped or written thereon or attached thereto, with the reason therefor as aforesaid, shall be prima facie evidence of the making or uttering of said check, draft or other order for the payment of money and the dishonor thereof, and that the same was properly dishonored for the reasons written, stamped or attached by the drawee on such dishonored check, draft or other such order for the payment of money.(2)It shall be the duty of the drawee or the payor's bank in an electronically converted check or electronic commercial debit transaction, before refusing to pay the same to the payee's bank and the payee thereof upon initiation of such a transaction through the ACH Network, to provide such notice for the reason for dishonor or refusal of the same by the payor's bank as would be required by the NACHA Operating Rules Guidelines for the reasons of insufficient funds, account closed, no account or unable to locate account, payment stopped, or uncollected funds. In all prosecutions under Sections97-19-55through97-19-69, the introduction in evidence of any such notice of an unpaid and dishonored electronically converted check or electronic commercial debit properly given under the NACHA rules with the reason of insufficient funds, account closed, no account or unable to locate

account, payment stopped, or uncollected funds shall be prima facie evidence of the dishonor of said electronically converted check or electronic commercial debit for the reasons recorded and noticed pursuant to the NACHA Operating Rules & Guidelines.(3)In the case of an electronically converted check, the introduction into evidence of a check payable to the payee and signed by the drawer to authorize the transaction is prima facie evidence of the making or uttering of said electronically converted check for the payment of money.Codes, 1942, § 2153-05; Laws, 1972, ch. 476, § 5, eff. 7/1/1972.Amended by Laws, 2015, ch. 323, HB 272, 5, eff. 7/1/2015. Codes, 1942, § 2153-05; Laws, 1972, ch. 476, § 5, eff. 7/1/1972. Amended by Laws, 2015, ch. 323, HB 272, 5, eff. 7/1/2015.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87)Section 97-19-65 - Bad checks, electronically converted checks, electronic commercial debits; each violation constitutes a separate offense

Each making, drawing, issuing, uttering, delivering, or initiation of any such check, draft, order, electronically converted check, or electronic commercial debit as aforesaid shall constitute a separate offense.Codes, 1942, § 2153-07; Laws, 1972, ch. 476, § 7, eff. 7/1/1972.Amended by Laws, 2015, ch. 323, HB 272, 6, eff. 7/1/2015. Each making, drawing, issuing, uttering, delivering, or initiation of any such check, draft, order, electronically converted check, or electronic commercial debit as aforesaid shall constitute a separate offense.Codes, 1942, § 2153-07; Laws, 1972, ch. 476, § 7, eff. 7/1/1972.Amended by Laws, 2015, ch. 323, HB 272, 6, eff. 7/1/2015. Each making, drawing, issuing, uttering, delivering, or initiation of any such check, draft, order, electronically converted check, or electronic commercial debit as aforesaid shall constitute a separate offense.Codes, 1942, § 2153-07; Laws, 1972, ch. 476, § 7, eff. 7/1/1972.Amended by Laws, 2015, ch. 323, HB 272, 6, eff. 7/1/2015. Each making, drawing, issuing, uttering, delivering, or initiation of any such check, draft, order, electronically converted check, or electronic commercial debit as aforesaid shall constitute a separate offense. Codes, 1942, § 2153-07; Laws, 1972, ch. 476, § 7, eff. 7/1/1972. Amended by Laws, 2015, ch. 323, HB 272, 6, eff. 7/1/2015.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87)Section 97-19-67 - Bad checks, electronically converted checks, electronic commercial debits; penalties; restitution

(1)Except as may be otherwise provided by subsection (2) of this section, any person violating Section97-19-55, upon conviction, shall be punished as follows:(a)For the first offense of violating said section, where the check, draft, order, electronically converted check, or electronic commercial debit involved be less than One Hundred Dollars (\$100.00), the person committing such offense shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a term of not less than five (5) days nor more than six (6) months, or by both such fine and imprisonment, in the discretion of the court.(b)Upon commission of a second offense of violating said section, where the check, draft, order, electronically converted check, or electronic commercial debit involved is less than One Hundred Dollars (\$100.00), the person committing such offense shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term of not less than thirty (30) days nor more than one (1) year, or by both such fine and imprisonment, in the discretion of the court.(c)Upon commission of a third or any subsequent offense of violating said section, regardless of the amount of the check, draft, order, electronically converted check, or electronic commercial debit involved, and regardless of the amount of the checks, drafts or orders involved in the prior convictions, the person committing such offense shall be guilty of a felony and, upon conviction, shall be punished by imprisonment in the State Penitentiary for a term of not less than one (1) nor more than five (5) years.(d)Where the check, draft, order, electronically converted check, or electronic commercial debit involved shall be One Hundred Dollars (\$100.00) or more, the person committing such offense, whether same be a first or second offense, shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary for a term of not more than three (3) years, or by both such fine and imprisonment, in the discretion of the court. Upon conviction of a third or any subsequent offense, the person convicted shall be punished as is provided in the immediately preceding paragraph hereof.(2)Where the conviction was based on a worthless check, draft, order, or electronically converted check given for the purpose of satisfying a preexisting debt or making a payment or payments on a past-due account or accounts, no imprisonment shall be ordered as punishment, but the court may order the convicted person to pay a fine of up to the applicable amounts prescribed in subsection (1)(a), (b) and (d) of this section; provided, however, that an electronic commercial debit initiated following the delivery of goods or services that were provided in reliance upon the agreement for payment through that means shall not be considered payment for a preexisting debt or a past-due account or accounts for the purposes of this section.(3)In addition to or in lieu of any penalty imposed under the provisions of subsection (1) or subsection (2) of this section, the court may, in its discretion, order any person convicted of violating Section97-19-55to make restitution in accordance with the provisions of Sections99-37-1through99-37-23to the holder or payee of any check, draft, order, electronically converted check, or electronic commercial debit for which payment has been refused.(4)Upon conviction of any person for a violation of Section97-19-55, when the prosecution of such person was commenced by the filing of a complaint with the court by the district attorney under the provisions of Section97-19-79, the court shall, in addition to any other fine, fee, cost or penalty which may be imposed under this section or as otherwise provided by law, and in addition to any order as the court may enter under subsection (3) of this section requiring the offender to pay restitution under Sections99-37-1through99-37-23, impose a fee in the amount up to eighty-five percent (85%) of the face amount of the check, draft,

order, electronically converted check, or electronic commercial debit for which the offender was convicted of drawing, making, issuing, uttering, delivering or authorizing in violation of Section 97-19-55. (5) It shall be the duty of the clerk or judicial officer of the court collecting the fees imposed under subsection (4) of this section to monthly deposit all such fees so collected with the State Treasurer, either directly or by other appropriate procedures, for deposit in the special fund of the State Treasury created under Section 99-19-32, known as the "Criminal Justice Fund." (6) After the accused has complied with all terms of the statute and the complainant or victim has been paid, the district attorney's check unit may dispose of the accused's file after one (1) year has expired after the last audit. Codes, 1942, § 2153-06; Laws, 1972, ch. 476, § 6; Laws, 1983, ch. 523, § 5; Laws, 1988, ch. 551, § 6; Laws, 1994, ch. 389, § 1, eff. 7/1/1994. Amended by Laws, 2015, ch. 323, HB 272, 7, eff. 7/1/2015. (1) Except as may be otherwise provided by subsection (2) of this section, any person violating Section 97-19-55, upon conviction, shall be punished as follows: (a) For the first offense of violating said section, where the check, draft, order, electronically converted check, or electronic commercial debit involved be less than One Hundred Dollars (\$100.00), the person committing such offense shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a term of not less than five (5) days nor more than six (6) months, or by both such fine and imprisonment, in the discretion of the court. (b) Upon commission of a second offense of violating said section, where the check, draft, order, electronically converted check, or electronic commercial debit involved is less than One Hundred Dollars (\$100.00), the person committing such offense shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term of not less than thirty (30) days nor more than one (1) year, or by both such fine and imprisonment, in the discretion of the court. (c) Upon commission of a third or any subsequent offense of violating said section, regardless of the amount of the check, draft, order, electronically converted check, or electronic commercial debit involved, and regardless of the amount of the checks, drafts or orders involved in the prior convictions, the person committing such offense shall be guilty of a felony and, upon conviction, shall be punished by imprisonment in the State Penitentiary for a term of not less than one (1) nor more than five (5) years. (d) Where the check, draft, order, electronically converted check, or electronic commercial debit involved shall be One Hundred Dollars (\$100.00) or more, the person committing such offense, whether same be a first or second offense, shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary for a term of not more than three (3) years, or by both such fine and imprisonment, in the discretion of the court. Upon conviction of a third or any subsequent offense, the person convicted shall be punished as is provided in the immediately preceding paragraph hereof. (2) Where the conviction was based on a worthless check, draft, order, or electronically converted check given for the purpose of satisfying a preexisting debt or making a payment or payments on a past-due account or accounts, no imprisonment shall be ordered as punishment, but the court may order the convicted person to pay a fine of up to the applicable amounts prescribed in subsection (1)(a), (b) and (d) of this section; provided, however, that an electronic commercial debit initiated following the delivery of goods or services that were provided in reliance upon the agreement for payment through that means shall not be considered payment for a preexisting debt or a past-due account or accounts for the purposes of this section. (3) In addition to or in lieu of any penalty imposed under the provisions of subsection (1) or subsection (2) of this section, the court may, in its discretion, order any person convicted of violating Section 97-19-55 to make restitution in accordance with the provisions of Sections 99-37-1 through 99-37-23 to the holder or payee of any check, draft, order, electronically converted check, or electronic commercial debit for which payment has been refused. (4) Upon conviction of any person for a violation of Section 97-19-55, when the prosecution of such person was commenced by the filing of a complaint with the court by the district attorney under the provisions of Section 97-19-79, the court shall, in addition to any other fine, fee, cost or penalty which may be imposed under this section or as otherwise provided by law, and in addition to any order as the court may enter under subsection (3) of this section requiring the offender to pay restitution under Sections 99-37-1 through 99-37-23, impose a fee in the amount up to eighty-five percent (85%) of the face amount of the check, draft, order, electronically converted check, or electronic commercial debit for which the offender was convicted of drawing, making, issuing, uttering, delivering or authorizing in violation of Section 97-19-55. (5) It shall be the duty of the clerk or judicial officer of the court collecting the fees imposed under subsection (4) of this section to monthly deposit all such fees so collected with the State Treasurer, either directly or by other appropriate procedures, for deposit in the special fund of the State Treasury created under Section 99-19-32, known as the "Criminal Justice Fund." (6) After the accused has complied with all terms of the statute and the complainant or victim has been paid, the district attorney's check unit may dispose of the accused's file after one (1) year has expired after the last audit. Codes, 1942, § 2153-06; Laws, 1972, ch. 476, § 6; Laws, 1983, ch. 523, § 5; Laws, 1988, ch. 551, § 6; Laws, 1994, ch. 389, § 1, eff. 7/1/1994. Amended by Laws, 2015, ch. 323, HB 272, 7, eff. 7/1/2015. (1) Except as may be otherwise provided by subsection (2) of this section, any person violating Section 97-19-55, upon conviction, shall be punished as follows: (a) For the first offense of violating said section, where the check, draft, order, electronically converted check, or electronic commercial debit involved be less than One Hundred Dollars (\$100.00), the person committing such offense shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a term of not less than five (5) days nor more than six (6) months, or by both such fine and imprisonment, in the discretion of the court. (b) Upon commission of a second offense of violating said section, where the check, draft, order, electronically converted check, or electronic commercial debit involved is less than One Hundred Dollars (\$100.00), the person committing such offense shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in

the county jail for a term of not less than thirty (30) days nor more than one (1) year, or by both such fine and imprisonment, in the discretion of the court.(c)Upon commission of a third or any subsequent offense of violating said section, regardless of the amount of the check, draft, order, electronically converted check, or electronic commercial debit involved, and regardless of the amount of the checks, drafts or orders involved in the prior convictions, the person committing such offense shall be guilty of a felony and, upon conviction, shall be punished by imprisonment in the State Penitentiary for a term of not less than one (1) nor more than five (5) years.(d)Where the check, draft, order, electronically converted check, or electronic commercial debit involved shall be One Hundred Dollars (\$100.00) or more, the person committing such offense, whether same be a first or second offense, shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary for a term of not more than three (3) years, or by both such fine and imprisonment, in the discretion of the court. Upon conviction of a third or any subsequent offense, the person convicted shall be punished as is provided in the immediately preceding paragraph hereof.(2)Where the conviction was based on a worthless check, draft, order, or electronically converted check given for the purpose of satisfying a preexisting debt or making a payment or payments on a past-due account or accounts, no imprisonment shall be ordered as punishment, but the court may order the convicted person to pay a fine of up to the applicable amounts prescribed in subsection (1)(a), (b) and (d) of this section; provided, however, that an electronic commercial debit initiated following the delivery of goods or services that were provided in reliance upon the agreement for payment through that means shall not be considered payment for a preexisting debt or a past-due account or accounts for the purposes of this section.(3)In addition to or in lieu of any penalty imposed under the provisions of subsection (1) or subsection (2) of this section, the court may, in its discretion, order any person convicted of violating Section97-19-55to make restitution in accordance with the provisions of Sections99-37-1through99-37-23to the holder or payee of any check, draft, order, electronically converted check, or electronic commercial debit for which payment has been refused.(4)Upon conviction of any person for a violation of Section97-19-55, when the prosecution of such person was commenced by the filing of a complaint with the court by the district attorney under the provisions of Section97-19-79, the court shall, in addition to any other fine, fee, cost or penalty which may be imposed under this section or as otherwise provided by law, and in addition to any order as the court may enter under subsection (3) of this section requiring the offender to pay restitution under Sections99-37-1through99-37-23, impose a fee in the amount up to eighty-five percent (85%) of the face amount of the check, draft, order, electronically converted check, or electronic commercial debit for which the offender was convicted of drawing, making, issuing, uttering, delivering or authorizing in violation of Section97-19-55.(5)It shall be the duty of the clerk or judicial officer of the court collecting the fees imposed under subsection (4) of this section to monthly deposit all such fees so collected with the State Treasurer, either directly or by other appropriate procedures, for deposit in the special fund of the State Treasury created under Section99-19-32, known as the "Criminal Justice Fund."(6)After the accused has complied with all terms of the statute and the complainant or victim has been paid, the district attorney's check unit may dispose of the accused's file after one (1) year has expired after the last audit.Codes, 1942, § 2153-06; Laws, 1972, ch. 476, § 6; Laws, 1983, ch. 523, § 5; Laws, 1988, ch. 551, § 6; Laws, 1994, ch. 389, § 1, eff. 7/1/1994.Amended by Laws, 2015, ch. 323, HB 272, 7, eff. 7/1/2015. Codes, 1942, § 2153-06; Laws, 1972, ch. 476, § 6; Laws, 1983, ch. 523, § 5; Laws, 1988, ch. 551, § 6; Laws, 1994, ch. 389, § 1, eff. 7/1/1994. Amended by Laws, 2015, ch. 323, HB 272, 7, eff. 7/1/2015.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87)Section 97-19-69 - Bad checks, electronically converted checks, electronic commercial debits; non-liability for causing arrest or imprisonment of drawer

In the event of the existence of prima facie evidence of fraudulent intent as defined in Section97-19-57and the giving of notice under Section97-19-57, if required, any person, firm or corporation causing the arrest of the drawer of such check, draft, order, electronically converted check, or electronic commercial debit shall not be criminally or civilly liable for false arrest or false imprisonment.Codes, 1942, § 2153-08; Laws, 1972, ch. 476, § 8; Laws, 1983, ch. 523, § 6, eff. 1/1/1984.Amended by Laws, 2015, ch. 323, HB 272, 8, eff. 7/1/2015. In the event of the existence of prima facie evidence of fraudulent intent as defined in Section97-19-57and the giving of notice under Section97-19-57, if required, any person, firm or corporation causing the arrest of the drawer of such check, draft, order, electronically converted check, or electronic commercial debit shall not be criminally or civilly liable for false arrest or false imprisonment.Codes, 1942, § 2153-08; Laws, 1972, ch. 476, § 8; Laws, 1983, ch. 523, § 6, eff. 1/1/1984.Amended by Laws, 2015, ch. 323, HB 272, 8, eff. 7/1/2015. In the event of the existence of prima facie evidence of fraudulent intent as defined in Section97-19-57and the giving of notice under Section97-19-57, if required, any person, firm or corporation causing the arrest of the drawer of such check, draft, order, electronically converted check, or electronic commercial debit shall not be criminally or civilly liable for false arrest or false imprisonment.Codes, 1942, § 2153-08; Laws, 1972, ch. 476, § 8; Laws, 1983, ch. 523, § 6, eff. 1/1/1984.Amended by Laws, 2015, ch. 323, HB 272, 8, eff. 7/1/2015. In the event of the existence of prima facie evidence of fraudulent intent as defined in Section97-19-57and the giving of notice under Section97-19-57, if required, any person, firm or corporation causing the arrest of the drawer of such check, draft, order, electronically converted check, or electronic commercial debit shall not be criminally or civilly liable for false arrest or false imprisonment. Codes, 1942, § 2153-08; Laws, 1972, ch. 476, § 8; Laws, 1983, ch. 523, § 6, eff. 1/1/1984. Amended by Laws, 2015, ch. 323, HB 272, 8, eff. 7/1/2015.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87)Section 97-19-7 - Credit cards; construction of provisions

Sections 97-19-5 through 97-19-29 shall not be construed so as to preclude the applicability of any other provision of the criminal law of this state which presently applies or may in the future apply to any transaction which violates said sections, unless such provision is inconsistent with the terms of said sections. Codes, 1942, § 2148.7-13; Laws, 1968, ch. 345, § 13, eff. 10/7/1968.

Sections 97-19-5 through 97-19-29 shall not be construed so as to preclude the applicability of any other provision of the criminal law of this state which presently applies or may in the future apply to any transaction which violates said sections, unless such provision is inconsistent with the terms of said sections. Codes, 1942, § 2148.7-13; Laws, 1968, ch. 345, § 13, eff. 10/7/1968.

Sections 97-19-5 through 97-19-29 shall not be construed so as to preclude the applicability of any other provision of the criminal law of this state which presently applies or may in the future apply to any transaction which violates said sections, unless such provision is inconsistent with the terms of said sections. Codes, 1942, § 2148.7-13; Laws, 1968, ch. 345, § 13, eff. 10/7/1968.

Sections 97-19-5 through 97-19-29 shall not be construed so as to preclude the applicability of any other provision of the criminal law of this state which presently applies or may in the future apply to any transaction which violates said sections, unless such provision is inconsistent with the terms of said sections. Codes, 1942, § 2148.7-13; Laws, 1968, ch. 345, § 13, eff. 10/7/1968.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-71 - Fraud in connection with state or federally funded assistance programs; penalty

(1) Any person who knowingly: (a) Fails, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose a material fact used in making a determination as to such person's qualification to receive aid or benefits or services under any state or federally funded assistance program; or (b) Fails to disclose a change in circumstances in order to obtain or continue to receive under any such program aid or benefits or services to which he is not entitled or in an amount larger than that to which he is entitled, or who knowingly aids and abets another person in the commission of any such act is guilty of fraud. (2) Any person who knowingly: (a) Uses, transfers, acquires, traffics, alters, forges or possesses; (b) Attempts to use, transfer, acquire, traffic, alter, forge or possess; or (c) Aids and abets another person in the use, transfer, acquisition, trafficking, alteration, forgery or possession of a food stamp, a food stamp identification card, an electronic benefits transfer card or the benefits accessed by such card, an authorization for the purchase of food stamps, a certificate of eligibility for medical services, or a Medicaid identification card, for profit or in any manner not authorized by law or regulations issued by the agency responsible for the administration of the state or federally funded program is guilty of fraud. (3) Any person who knowingly: (a) Exchanges food purchased or obtained with; or (b) Attempts to exchange food purchased or obtained with benefits or an electronic benefits transfer card under the federal Food and Nutrition Program for cash or anything of value other than food, is guilty of fraud. (4) Any person having duties in the administration of a state or federally funded assistance program who fraudulently misappropriates, attempts to misappropriate, or aids and abets in the misappropriation of, a food stamp, an authorization for food stamps, a food stamp identification card, an electronic benefits transfer card, the benefits accessible by such card, a certificate of eligibility for prescribed medicine, a Medicaid identification card, or assistance from any other state or federally funded program with which he has been entrusted or of which he has gained possession by virtue of his position, or who knowingly fails to disclose any such fraudulent activity, is guilty of fraud. (5) Any person who: (a) Knowingly files, attempts to file, or aids and abets in the filing of, a claim for services to a recipient of benefits under any state or federally funded assistance program for services which were not rendered; knowingly files a false claim for nonauthorized items or services under such a program; or knowingly bills the recipient of benefits under such a program, or his family, for an amount in excess of that provided for by law or regulations; or (b) In any way knowingly receives, attempts to receive, or aids and abets in the receipt of unauthorized payment as provided herein is guilty of fraud. (6) Any person who knowingly signs, or aids and abets any person to sign, a false application for the replacement of benefits or aid to which that person is entitled claiming that person's benefits or aid was not received, is guilty of fraud. (7) Any person convicted of the crime of fraud under this section shall be: (a) Punished by imprisonment in the State Penitentiary for a term not exceeding three (3) years, and fined not less than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00); or (b) Punished by imprisonment in the county jail for a term not exceeding one (1) year, and fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00); and (c) Ordered to make full restitution of the money or services or the value of those services unlawfully received; and (d) Where the legislation creating a program allows, suspended from participation in the program for the length of time allowed by the legislation creating the program. (8) This section shall not prohibit prosecution under any other criminal statute of this state or the United States. Laws, 1981, ch. 530, § 1; Laws, 2008, ch. 342, § 1, eff. 7/1/2008. (1) Any person who knowingly: (a) Fails, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose a material fact used in making a determination as to such person's qualification to receive aid or benefits or services under any state or federally funded assistance program; or (b) Fails to disclose a change in circumstances in order to obtain or continue to receive under any such program aid or benefits or services to which he is not entitled or in an amount larger than that to which he is entitled, or who knowingly aids and abets another person in the commission of any such act is guilty of fraud. (2) Any person who knowingly: (a) Uses, transfers, acquires, traffics, alters, forges or possesses; (b) Attempts to use, transfer, acquire, traffic, alter, forge or possess; or (c) Aids and abets another person in the use, transfer, acquisition, trafficking, alteration, forgery or possession of a food stamp, a food stamp identification card, an electronic benefits transfer card or the benefits accessed by such card, an authorization for the purchase of food stamps, a certificate of eligibility for medical services, or a Medicaid identification card, for profit or in any manner not authorized by law or regulations issued by the agency responsible for the administration of the state or federally funded program is guilty of fraud. (3) Any person who knowingly: (a) Exchanges food purchased or obtained with; or (b) Attempts to exchange food purchased or obtained with benefits or an electronic benefits transfer card under the federal Food and Nutrition Program for cash or anything of value other than food, is

guilty of fraud.(4)Any person having duties in the administration of a state or federally funded assistance program who fraudulently misappropriates, attempts to misappropriate, or aids and abets in the misappropriation of, a food stamp, an authorization for food stamps, a food stamp identification card, an electronic benefits transfer card, the benefits accessible by such card, a certificate of eligibility for prescribed medicine, a Medicaid identification card, or assistance from any other state or federally funded program with which he has been entrusted or of which he has gained possession by virtue of his position, or who knowingly fails to disclose any such fraudulent activity, is guilty of fraud.(5)Any person who:(a)Knowingly files, attempts to file, or aids and abets in the filing of, a claim for services to a recipient of benefits under any state or federally funded assistance program for services which were not rendered; knowingly files a false claim for nonauthorized items or services under such a program; or knowingly bills the recipient of benefits under such a program, or his family, for an amount in excess of that provided for by law or regulations; or(b)In any way knowingly receives, attempts to receive, or aids and abets in the receipt of unauthorized payment as provided herein is guilty of fraud.(6)Any person who knowingly signs, or aids and abets any person to sign, a false application for the replacement of benefits or aid to which that person is entitled claiming that person's benefits or aid was not received, is guilty of fraud.(7)Any person convicted of the crime of fraud under this section shall be:(a)Punished by imprisonment in the State Penitentiary for a term not exceeding three (3) years, and fined not less than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00); or(b)Punished by imprisonment in the county jail for a term not exceeding one (1) year, and fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00); and(c)Ordered to make full restitution of the money or services or the value of those services unlawfully received; and(d)Where the legislation creating a program allows, suspended from participation in the program for the length of time allowed by the legislation creating the program.(8)This section shall not prohibit prosecution under any other criminal statute of this state or the United States.Laws, 1981, ch. 530, § 1; Laws, 2008, ch. 342, § 1, eff. 7/1/2008.

(1)Any person who knowingly:(a)Fails, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose a material fact used in making a determination as to such person's qualification to receive aid or benefits or services under any state or federally funded assistance program; or(b)Fails to disclose a change in circumstances in order to obtain or continue to receive under any such program aid or benefits or services to which he is not entitled or in an amount larger than that to which he is entitled, or who knowingly aids and abets another person in the commission of any such act is guilty of fraud.(2)Any person who knowingly:(a)Uses, transfers, acquires, traffics, alters, forges or possesses;(b)Attempts to use, transfer, acquire, traffic, alter, forge or possess; or(c)Aids and abets another person in the use, transfer, acquisition, trafficking, alteration, forgery or possession of a food stamp, a food stamp identification card, an electronic benefits transfer card or the benefits accessed by such card, an authorization for the purchase of food stamps, a certificate of eligibility for medical services, or a Medicaid identification card, for profit or in any manner not authorized by law or regulations issued by the agency responsible for the administration of the state or federally funded program is guilty of fraud.(3)Any person who knowingly:(a)Exchanges food purchased or obtained with; or(b)Attempts to exchange food purchased or obtained with benefits or an electronic benefits transfer card under the federal Food and Nutrition Program for cash or anything of value other than food, is guilty of fraud.(4)Any person having duties in the administration of a state or federally funded assistance program who fraudulently misappropriates, attempts to misappropriate, or aids and abets in the misappropriation of, a food stamp, an authorization for food stamps, a food stamp identification card, an electronic benefits transfer card, the benefits accessible by such card, a certificate of eligibility for prescribed medicine, a Medicaid identification card, or assistance from any other state or federally funded program with which he has been entrusted or of which he has gained possession by virtue of his position, or who knowingly fails to disclose any such fraudulent activity, is guilty of fraud.(5)Any person who:(a)Knowingly files, attempts to file, or aids and abets in the filing of, a claim for services to a recipient of benefits under any state or federally funded assistance program for services which were not rendered; knowingly files a false claim for nonauthorized items or services under such a program; or knowingly bills the recipient of benefits under such a program, or his family, for an amount in excess of that provided for by law or regulations; or(b)In any way knowingly receives, attempts to receive, or aids and abets in the receipt of unauthorized payment as provided herein is guilty of fraud.(6)Any person who knowingly signs, or aids and abets any person to sign, a false application for the replacement of benefits or aid to which that person is entitled claiming that person's benefits or aid was not received, is guilty of fraud.(7)Any person convicted of the crime of fraud under this section shall be:(a)Punished by imprisonment in the State Penitentiary for a term not exceeding three (3) years, and fined not less than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00); or(b)Punished by imprisonment in the county jail for a term not exceeding one (1) year, and fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00); and(c)Ordered to make full restitution of the money or services or the value of those services unlawfully received; and(d)Where the legislation creating a program allows, suspended from participation in the program for the length of time allowed by the legislation creating the program.(8)This section shall not prohibit prosecution under any other criminal statute of this state or the United States.Laws, 1981, ch. 530, § 1; Laws, 2008, ch. 342, § 1, eff. 7/1/2008. Laws, 1981, ch. 530, § 1; Laws, 2008, ch. 342, § 1, eff. 7/1/2008.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87)Section 97-19-73 - District attorney authorized to assist in recovery and distribution of restitution from persons issuing bad checks; construction of Sections 97-19-73 through 97-19-79

(1)In addition to such powers and duties as may be otherwise provided by law, the district attorney of each circuit court district in the state is hereby authorized, in his discretion, and in accordance with the provisions of Sections97-19-73through97-19-79, to assist complainants in the recovery and distribution of restitution from persons accused of violating Section97-19-55, Mississippi Code of

1972, relating to the issuance of bad checks, whether conviction for such violation may constitute a misdemeanor or a felony.(2)Sections97-19-73through97-19-79shall not be construed as amending or repealing the provisions of Sections97-19-55through97-19-69, Mississippi Code of 1972, nor the provisions of any other law prohibiting and prescribing penalties for similar violations, but shall be supplementary and in addition thereto.Laws, 1988, ch. 551, § 1, eff. 7/1/1988. (1)In addition to such powers and duties as may be otherwise provided by law, the district attorney of each circuit court district in the state is hereby authorized, in his discretion, and in accordance with the provisions of Sections97-19-73through97-19-79, to assist complainants in the recovery and distribution of restitution from persons accused of violating Section97-19-55, Mississippi Code of 1972, relating to the issuance of bad checks, whether conviction for such violation may constitute a misdemeanor or a felony.(2)Sections97-19-73through97-19-79shall not be construed as amending or repealing the provisions of Sections97-19-55through97-19-69, Mississippi Code of 1972, nor the provisions of any other law prohibiting and prescribing penalties for similar violations, but shall be supplementary and in addition thereto.Laws, 1988, ch. 551, § 1, eff. 7/1/1988. (1)In addition to such powers and duties as may be otherwise provided by law, the district attorney of each circuit court district in the state is hereby authorized, in his discretion, and in accordance with the provisions of Sections97-19-73through97-19-79, to assist complainants in the recovery and distribution of restitution from persons accused of violating Section97-19-55, Mississippi Code of 1972, relating to the issuance of bad checks, whether conviction for such violation may constitute a misdemeanor or a felony.(2)Sections97-19-73through97-19-79shall not be construed as amending or repealing the provisions of Sections97-19-55through97-19-69, Mississippi Code of 1972, nor the provisions of any other law prohibiting and prescribing penalties for similar violations, but shall be supplementary and in addition thereto.Laws, 1988, ch. 551, § 1, eff. 7/1/1988. Laws, 1988, ch. 551, § 1, eff. 7/1/1988.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87)Section 97-19-75 - Bad check complaint procedures; restitution procedures

(1)The holder of any check, draft or order for the payment of money which has been made, drawn, issued, uttered or delivered in violation of Section97-19-55, Mississippi Code of 1972, may, after complying with the provisions of Section97-19-57, Mississippi Code of 1972, present a complaint to the district attorney. The complaint shall be accompanied by the original check, draft or order upon which the complaint is filed and the return receipt showing mailing of notice under Section97-19-57, Mississippi Code of 1972. Not more than one (1) check, draft or order shall be included within a single complaint. Upon receipt of such complaint, the district attorney shall evaluate the complaint to determine whether or not the complaint is appropriate to be processed by the district attorney.(2)If, after filing a complaint with the district attorney, the complainant wishes to withdraw the complaint for good cause, the complainant shall pay a fee of Thirty Dollars (\$30.00) to the office of the district attorney for processing such complaint. Upon payment of the processing fee and withdrawal of the complaint, the district attorney shall return the original check, draft or order to the complainant.(3)After approval of the complaint by the district attorney, a warrant may be issued by any judicial officer authorized by law to issue arrest warrants, and the warrant may be held by the district attorney. After issuance of a warrant or upon approval of a complaint by the district attorney, the district attorney shall issue a notice to the individual charged in the complaint, informing him that a warrant has been issued for his arrest or that a complaint has been received by the district attorney and that he may be eligible for deferred prosecution for a violation of Section97-19-55, Mississippi Code of 1972, by voluntarily surrendering himself to the district attorney within ten (10) days, Saturdays, Sundays and legal holidays excepted, from receipt of the notice. Such notice shall be sent by United States mail.(4)(a)If the check is not a casino marker, and the accused voluntarily surrenders himself within the time period as provided by subsection (3) of this section, the accused shall be presented with the complaint and/or warrant and prosecution of the accused may be deferred upon payment by the accused of a service charge in the amount of Forty Dollars (\$40.00) to the district attorney and by execution of a restitution agreement as hereinafter provided.(b)If the check is a casino marker, and the accused voluntarily surrenders himself within the time period as provided by subsection (3) of this section, the accused shall be presented with the complaint and/or warrant, and prosecution of the accused may be deferred upon payment by the accused of a service charge in the amounts specified in this paragraph (b) to the district attorney and by execution of a restitution agreement as hereinafter provided. The amounts of the service charge are as follows:(i)Forty Dollars (\$40.00), if the amount of the check or draft is equal to or less than One Hundred Dollars (\$100.00).(ii)Fifty Dollars (\$50.00), if the face amount of the check or draft is more than One Hundred Dollars (\$100.00) but does not exceed Three Hundred Dollars (\$300.00).(iii)Seventy-five Dollars (\$75.00), if the face amount of the check or draft is more than Three Hundred Dollars (\$300.00) but does not exceed One Thousand Dollars (\$1,000.00).(iv)One Hundred Fifty Dollars (\$150.00), if the face amount of the check or draft is more than One Thousand Dollars (\$1,000.00) but does not exceed Two Thousand Five Hundred Dollars (\$2,500.00).(v)Five Hundred Dollars (\$500.00), if the face amount of the check or draft is more than Two Thousand Five Hundred Dollars (\$2,500.00) but does not exceed Ten Thousand Dollars (\$10,000.00).(vi)Ten percent (10%) of the face amount of the check or draft, if the face amount of the check or draft is more than Ten Thousand Dollars (\$10,000.00).(5)For the purposes of Sections97-19-73through97-19-81, the term "restitution" shall mean and be defined as the face amount of any check, draft or order for the payment of money made, drawn, issued, uttered or delivered in violation of Section97-19-55, Mississippi Code of 1972, plus a service charge payable to the complainant in the amount of Thirty Dollars (\$30.00).(6)After an accused has voluntarily surrendered himself and paid the service charge as provided by subsection (4) of this section, the district attorney may enter into a restitution agreement with the accused prescribing the terms by which the accused shall satisfy restitution to the district attorney on behalf of the complainant. The terms of such agreement shall be determined on a case-by-case basis by the district attorney, but the duration of any such agreement shall be no longer than a period

of six (6) months. No interest shall be charged or collected on restitution monies. The restitution agreement shall be signed by the accused and approved by the district attorney before it is effective. If the accused does not honor each term of the restitution agreement signed by him, the accused may be proceeded against by prosecution under the provisions of Sections 97-19-55 through 97-19-69, Mississippi Code of 1972, and as provided by Section 97-19-79. If the accused makes restitution and pays all charges set out by statute or if the accused enters into a restitution agreement as set out above and honors all terms of such agreement, then if requested, the original check may be returned to the accused and a photocopy retained in the check file. (7) If the holder of any check, draft or order for the payment of money presents to the district attorney satisfactory evidence that the original check, draft or order is unavailable and satisfactory evidence of the check, draft or order is presented in the form of bank records or a photographic copy of the instrument, whether from microfilm or otherwise, then the procedures provided for in this section may be followed in the absence of the original check, draft or order. Laws, 1988, ch. 551, § 2; Laws, 1990, ch. 566, § 1; Laws, 1992, ch. 513, § 2; Laws, 1999, ch. 368, § 1; Laws, 2009, ch. 454, § 3, eff. 7/1/2009. (1) The holder of any check, draft or order for the payment of money which has been made, drawn, issued, uttered or delivered in violation of Section 97-19-55, Mississippi Code of 1972, may, after complying with the provisions of Section 97-19-57, Mississippi Code of 1972, present a complaint to the district attorney. The complaint shall be accompanied by the original check, draft or order upon which the complaint is filed and the return receipt showing mailing of notice under Section 97-19-57, Mississippi Code of 1972. Not more than one (1) check, draft or order shall be included within a single complaint. Upon receipt of such complaint, the district attorney shall evaluate the complaint to determine whether or not the complaint is appropriate to be processed by the district attorney. (2) If, after filing a complaint with the district attorney, the complainant wishes to withdraw the complaint for good cause, the complainant shall pay a fee of Thirty Dollars (\$30.00) to the office of the district attorney for processing such complaint. Upon payment of the processing fee and withdrawal of the complaint, the district attorney shall return the original check, draft or order to the complainant. (3) After approval of the complaint by the district attorney, a warrant may be issued by any judicial officer authorized by law to issue arrest warrants, and the warrant may be held by the district attorney. After issuance of a warrant or upon approval of a complaint by the district attorney, the district attorney shall issue a notice to the individual charged in the complaint, informing him that a warrant has been issued for his arrest or that a complaint has been received by the district attorney and that he may be eligible for deferred prosecution for a violation of Section 97-19-55, Mississippi Code of 1972, by voluntarily surrendering himself to the district attorney within ten (10) days, Saturdays, Sundays and legal holidays excepted, from receipt of the notice. Such notice shall be sent by United States mail. (4)(a) If the check is not a casino marker, and the accused voluntarily surrenders himself within the time period as provided by subsection (3) of this section, the accused shall be presented with the complaint and/or warrant and prosecution of the accused may be deferred upon payment by the accused of a service charge in the amount of Forty Dollars (\$40.00) to the district attorney and by execution of a restitution agreement as hereinafter provided. (b) If the check is a casino marker, and the accused voluntarily surrenders himself within the time period as provided by subsection (3) of this section, the accused shall be presented with the complaint and/or warrant, and prosecution of the accused may be deferred upon payment by the accused of a service charge in the amounts specified in this paragraph (b) to the district attorney and by execution of a restitution agreement as hereinafter provided. The amounts of the service charge are as follows: (i) Forty Dollars (\$40.00), if the amount of the check or draft is equal to or less than One Hundred Dollars (\$100.00). (ii) Fifty Dollars (\$50.00), if the face amount of the check or draft is more than One Hundred Dollars (\$100.00) but does not exceed Three Hundred Dollars (\$300.00). (iii) Seventy-five Dollars (\$75.00), if the face amount of the check or draft is more than Three Hundred Dollars (\$300.00) but does not exceed One Thousand Dollars (\$1,000.00). (iv) One Hundred Fifty Dollars (\$150.00), if the face amount of the check or draft is more than One Thousand Dollars (\$1,000.00) but does not exceed Two Thousand Five Hundred Dollars (\$2,500.00). (v) Five Hundred Dollars (\$500.00), if the face amount of the check or draft is more than Two Thousand Five Hundred Dollars (\$2,500.00) but does not exceed Ten Thousand Dollars (\$10,000.00). (vi) Ten percent (10%) of the face amount of the check or draft, if the face amount of the check or draft is more than Ten Thousand Dollars (\$10,000.00). (5) For the purposes of Sections 97-19-73 through 97-19-81, the term "restitution" shall mean and be defined as the face amount of any check, draft or order for the payment of money made, drawn, issued, uttered or delivered in violation of Section 97-19-55, Mississippi Code of 1972, plus a service charge payable to the complainant in the amount of Thirty Dollars (\$30.00). (6) After an accused has voluntarily surrendered himself and paid the service charge as provided by subsection (4) of this section, the district attorney may enter into a restitution agreement with the accused prescribing the terms by which the accused shall satisfy restitution to the district attorney on behalf of the complainant. The terms of such agreement shall be determined on a case-by-case basis by the district attorney, but the duration of any such agreement shall be no longer than a period of six (6) months. No interest shall be charged or collected on restitution monies. The restitution agreement shall be signed by the accused and approved by the district attorney before it is effective. If the accused does not honor each term of the restitution agreement signed by him, the accused may be proceeded against by prosecution under the provisions of Sections 97-19-55 through 97-19-69, Mississippi Code of 1972, and as provided by Section 97-19-79. If the accused makes restitution and pays all charges set out by statute or if the accused enters into a restitution agreement as set out above and honors all terms of such agreement, then if requested, the original check may be returned to the accused and a photocopy retained in the check file. (7) If the holder of any check, draft or order for the payment of money presents to the district attorney satisfactory evidence that the original check, draft or order is unavailable and satisfactory evidence of the check, draft or order is presented in the form of bank records or a photographic copy of the instrument, whether from microfilm or otherwise, then the procedures provided for in this section may be followed in the absence of the original check, draft or order. Laws, 1988, ch. 551, § 2; Laws, 1990, ch. 566, § 1; Laws, 1992, ch. 513, § 2; Laws, 1999, ch. 368, § 1; Laws, 2009, ch. 454, § 3, eff. 7/1/2009. (1) The holder of any check, draft or

order for the payment of money which has been made, drawn, issued, uttered or delivered in violation of Section 97-19-55, Mississippi Code of 1972, may, after complying with the provisions of Section 97-19-57, Mississippi Code of 1972, present a complaint to the district attorney. The complaint shall be accompanied by the original check, draft or order upon which the complaint is filed and the return receipt showing mailing of notice under Section 97-19-57, Mississippi Code of 1972. Not more than one (1) check, draft or order shall be included within a single complaint. Upon receipt of such complaint, the district attorney shall evaluate the complaint to determine whether or not the complaint is appropriate to be processed by the district attorney. (2) If, after filing a complaint with the district attorney, the complainant wishes to withdraw the complaint for good cause, the complainant shall pay a fee of Thirty Dollars (\$30.00) to the office of the district attorney for processing such complaint. Upon payment of the processing fee and withdrawal of the complaint, the district attorney shall return the original check, draft or order to the complainant. (3) After approval of the complaint by the district attorney, a warrant may be issued by any judicial officer authorized by law to issue arrest warrants, and the warrant may be held by the district attorney. After issuance of a warrant or upon approval of a complaint by the district attorney, the district attorney shall issue a notice to the individual charged in the complaint, informing him that a warrant has been issued for his arrest or that a complaint has been received by the district attorney and that he may be eligible for deferred prosecution for a violation of Section 97-19-55, Mississippi Code of 1972, by voluntarily surrendering himself to the district attorney within ten (10) days, Saturdays, Sundays and legal holidays excepted, from receipt of the notice. Such notice shall be sent by United States mail. (4) (a) If the check is not a casino marker, and the accused voluntarily surrenders himself within the time period as provided by subsection (3) of this section, the accused shall be presented with the complaint and/or warrant and prosecution of the accused may be deferred upon payment by the accused of a service charge in the amount of Forty Dollars (\$40.00) to the district attorney and by execution of a restitution agreement as hereinafter provided. (b) If the check is a casino marker, and the accused voluntarily surrenders himself within the time period as provided by subsection (3) of this section, the accused shall be presented with the complaint and/or warrant, and prosecution of the accused may be deferred upon payment by the accused of a service charge in the amounts specified in this paragraph (b) to the district attorney and by execution of a restitution agreement as hereinafter provided. The amounts of the service charge are as follows: (i) Forty Dollars (\$40.00), if the amount of the check or draft is equal to or less than One Hundred Dollars (\$100.00). (ii) Fifty Dollars (\$50.00), if the face amount of the check or draft is more than One Hundred Dollars (\$100.00) but does not exceed Three Hundred Dollars (\$300.00). (iii) Seventy-five Dollars (\$75.00), if the face amount of the check or draft is more than Three Hundred Dollars (\$300.00) but does not exceed One Thousand Dollars (\$1,000.00). (iv) One Hundred Fifty Dollars (\$150.00), if the face amount of the check or draft is more than One Thousand Dollars (\$1,000.00) but does not exceed Two Thousand Five Hundred Dollars (\$2,500.00). (v) Five Hundred Dollars (\$500.00), if the face amount of the check or draft is more than Two Thousand Five Hundred Dollars (\$2,500.00) but does not exceed Ten Thousand Dollars (\$10,000.00). (vi) Ten percent (10%) of the face amount of the check or draft, if the face amount of the check or draft is more than Ten Thousand Dollars (\$10,000.00). (5) For the purposes of Sections 97-19-73 through 97-19-81, the term "restitution" shall mean and be defined as the face amount of any check, draft or order for the payment of money made, drawn, issued, uttered or delivered in violation of Section 97-19-55, Mississippi Code of 1972, plus a service charge payable to the complainant in the amount of Thirty Dollars (\$30.00). (6) After an accused has voluntarily surrendered himself and paid the service charge as provided by subsection (4) of this section, the district attorney may enter into a restitution agreement with the accused prescribing the terms by which the accused shall satisfy restitution to the district attorney on behalf of the complainant. The terms of such agreement shall be determined on a case-by-case basis by the district attorney, but the duration of any such agreement shall be no longer than a period of six (6) months. No interest shall be charged or collected on restitution monies. The restitution agreement shall be signed by the accused and approved by the district attorney before it is effective. If the accused does not honor each term of the restitution agreement signed by him, the accused may be proceeded against by prosecution under the provisions of Sections 97-19-55 through 97-19-69, Mississippi Code of 1972, and as provided by Section 97-19-79. If the accused makes restitution and pays all charges set out by statute or if the accused enters into a restitution agreement as set out above and honors all terms of such agreement, then if requested, the original check may be returned to the accused and a photocopy retained in the check file. (7) If the holder of any check, draft or order for the payment of money presents to the district attorney satisfactory evidence that the original check, draft or order is unavailable and satisfactory evidence of the check, draft or order is presented in the form of bank records or a photographic copy of the instrument, whether from microfilm or otherwise, then the procedures provided for in this section may be followed in the absence of the original check, draft or order. Laws, 1988, ch. 551, § 2; Laws, 1990, ch. 566, § 1; Laws, 1992, ch. 513, § 2; Laws, 1999, ch. 368, § 1; Laws, 2009, ch. 454, § 3, eff. 7/1/2009. Laws, 1988, ch. 551, § 2; Laws, 1990, ch. 566, § 1; Laws, 1992, ch. 513, § 2; Laws, 1999, ch. 368, § 1; Laws, 2009, ch. 454, § 3, eff. 7/1/2009.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-77 - Accounting and distribution of monies received with respect to bad check complaint

(1) All monies collected by the district attorney from any complainant under subsection (2) of Section 97-19-75 and from any accused as a service charge under subsection (4) of Section 97-19-75 may be expended by the district attorney for any of the purposes authorized for the expenditure of money under Section 25-31-8, Mississippi Code of 1972 or for any law enforcement related purpose including, but not limited to, the purchase of equipment and supplies and the payment of training costs for any local law enforcement agency within the district attorney's judicial district at the discretion of the district attorney. (2) Each district attorney in the state shall establish a clearing account in a state depository of any county within his circuit court district in which shall be

deposited all such monies which the district attorney's office shall receive from an accused pursuant to any restitution agreement executed in accordance with the provisions of Section 97-19-75. The district attorney, or his designee, shall account for all monies deposited in and disbursed from such clearing account and shall be authorized and empowered to draw and issue checks on such account to such persons, in such amounts and at such times as provided for in the restitution agreement executed by the accused. (3) If a complainant on whose behalf a restitution agreement has been executed cannot, upon diligent efforts and after a reasonable time be located, all such restitution monies as shall have been collected on his behalf shall escheat to the state and shall be forwarded by the district attorney to the State Treasurer for deposit in the special fund of the State Treasury created under Section 99-19-32, Mississippi Code of 1972, known as the "Criminal Justice Fund." (4) All books, documents, records and transactions relating to the receipt and expenditure of monies under the provisions of Sections 97-19-73 through 97-19-79 shall be subject to audit by the State Auditor in the same manner and in accordance with the same procedure as provided by law for other monies received and expended by the office of the district attorney. Laws, 1988, ch. 551, § 3; Laws, 1994, ch. 389, § 3, eff. 7/1/1994.

(1) All monies collected by the district attorney from any complainant under subsection (2) of Section 97-19-75 and from any accused as a service charge under subsection (4) of Section 97-19-75 may be expended by the district attorney for any of the purposes authorized for the expenditure of money under Section 25-31-8, Mississippi Code of 1972 or for any law enforcement related purpose including, but not limited to, the purchase of equipment and supplies and the payment of training costs for any local law enforcement agency within the district attorney's judicial district at the discretion of the district attorney. (2) Each district attorney in the state shall establish a clearing account in a state depository of any county within his circuit court district in which shall be deposited all such monies which the district attorney's office shall receive from an accused pursuant to any restitution agreement executed in accordance with the provisions of Section 97-19-75. The district attorney, or his designee, shall account for all monies deposited in and disbursed from such clearing account and shall be authorized and empowered to draw and issue checks on such account to such persons, in such amounts and at such times as provided for in the restitution agreement executed by the accused. (3) If a complainant on whose behalf a restitution agreement has been executed cannot, upon diligent efforts and after a reasonable time be located, all such restitution monies as shall have been collected on his behalf shall escheat to the state and shall be forwarded by the district attorney to the State Treasurer for deposit in the special fund of the State Treasury created under Section 99-19-32, Mississippi Code of 1972, known as the "Criminal Justice Fund." (4) All books, documents, records and transactions relating to the receipt and expenditure of monies under the provisions of Sections 97-19-73 through 97-19-79 shall be subject to audit by the State Auditor in the same manner and in accordance with the same procedure as provided by law for other monies received and expended by the office of the district attorney. Laws, 1988, ch. 551, § 3; Laws, 1994, ch. 389, § 3, eff. 7/1/1994.

(1) All monies collected by the district attorney from any complainant under subsection (2) of Section 97-19-75 and from any accused as a service charge under subsection (4) of Section 97-19-75 may be expended by the district attorney for any of the purposes authorized for the expenditure of money under Section 25-31-8, Mississippi Code of 1972 or for any law enforcement related purpose including, but not limited to, the purchase of equipment and supplies and the payment of training costs for any local law enforcement agency within the district attorney's judicial district at the discretion of the district attorney. (2) Each district attorney in the state shall establish a clearing account in a state depository of any county within his circuit court district in which shall be deposited all such monies which the district attorney's office shall receive from an accused pursuant to any restitution agreement executed in accordance with the provisions of Section 97-19-75. The district attorney, or his designee, shall account for all monies deposited in and disbursed from such clearing account and shall be authorized and empowered to draw and issue checks on such account to such persons, in such amounts and at such times as provided for in the restitution agreement executed by the accused. (3) If a complainant on whose behalf a restitution agreement has been executed cannot, upon diligent efforts and after a reasonable time be located, all such restitution monies as shall have been collected on his behalf shall escheat to the state and shall be forwarded by the district attorney to the State Treasurer for deposit in the special fund of the State Treasury created under Section 99-19-32, Mississippi Code of 1972, known as the "Criminal Justice Fund." (4) All books, documents, records and transactions relating to the receipt and expenditure of monies under the provisions of Sections 97-19-73 through 97-19-79 shall be subject to audit by the State Auditor in the same manner and in accordance with the same procedure as provided by law for other monies received and expended by the office of the district attorney. Laws, 1988, ch. 551, § 3; Laws, 1994, ch. 389, § 3, eff. 7/1/1994.

Laws, 1988, ch. 551, § 3; Laws, 1994, ch. 389, § 3, eff. 7/1/1994.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-79 - District attorney to file court complaint upon failure of accused to make restitution

If, after receiving notice as provided for by subsection (3) of Section 97-19-75, the accused fails to timely surrender himself to the district attorney as prescribed in the notice or, if having timely surrendered himself, the accused fails to pay the service charge prescribed by subsection (4) of Section 97-19-75 and/or fails to execute or comply with the terms of any restitution agreement executed in accordance with the provisions of Section 97-19-75, then the district attorney shall file the complaint, along with the arrest warrant, if any, which the district attorney may be holding against the accused, with the municipal court, justice court, county court or circuit court in his district having jurisdiction, and prosecution against the accused may be commenced in accordance with the provisions of Sections 97-19-55 through 97-19-69, Mississippi Code of 1972, or as otherwise provided by law. If such prosecution is commenced, the court may assess the defendant the service charge payable to the district attorney as provided in Section 97-19-75(4), Mississippi Code of 1972. Laws, 1988, ch. 551, § 4; Laws, 1990, ch. 566, § 2; Laws, 1991, ch. 435, § 1, eff.

7/1/1991. If, after receiving notice as provided for by subsection (3) of Section 97-19-75, the accused fails to timely surrender himself to the district attorney as prescribed in the notice or, if having timely surrendered himself, the accused fails to pay the service charge prescribed by subsection (4) of Section 97-19-75 and/or fails to execute or comply with the terms of any restitution agreement executed in accordance with the provisions of Section 97-19-75, then the district attorney shall file the complaint, along with the arrest warrant, if any, which the district attorney may be holding against the accused, with the municipal court, justice court, county court or circuit court in his district having jurisdiction, and prosecution against the accused may be commenced in accordance with the provisions of Sections 97-19-55 through 97-19-69, Mississippi Code of 1972, or as otherwise provided by law. If such prosecution is commenced, the court may assess the defendant the service charge payable to the district attorney as provided in Section 97-19-75(4), Mississippi Code of 1972. Laws, 1988, ch. 551, § 4; Laws, 1990, ch. 566, § 2; Laws, 1991, ch. 435, § 1, eff. 7/1/1991. If, after receiving notice as provided for by subsection (3) of Section 97-19-75, the accused fails to timely surrender himself to the district attorney as prescribed in the notice or, if having timely surrendered himself, the accused fails to pay the service charge prescribed by subsection (4) of Section 97-19-75 and/or fails to execute or comply with the terms of any restitution agreement executed in accordance with the provisions of Section 97-19-75, then the district attorney shall file the complaint, along with the arrest warrant, if any, which the district attorney may be holding against the accused, with the municipal court, justice court, county court or circuit court in his district having jurisdiction, and prosecution against the accused may be commenced in accordance with the provisions of Sections 97-19-55 through 97-19-69, Mississippi Code of 1972, or as otherwise provided by law. If such prosecution is commenced, the court may assess the defendant the service charge payable to the district attorney as provided in Section 97-19-75(4), Mississippi Code of 1972. Laws, 1988, ch. 551, § 4; Laws, 1990, ch. 566, § 2; Laws, 1991, ch. 435, § 1, eff. 7/1/1991. If, after receiving notice as provided for by subsection (3) of Section 97-19-75, the accused fails to timely surrender himself to the district attorney as prescribed in the notice or, if having timely surrendered himself, the accused fails to pay the service charge prescribed by subsection (4) of Section 97-19-75 and/or fails to execute or comply with the terms of any restitution agreement executed in accordance with the provisions of Section 97-19-75, then the district attorney shall file the complaint, along with the arrest warrant, if any, which the district attorney may be holding against the accused, with the municipal court, justice court, county court or circuit court in his district having jurisdiction, and prosecution against the accused may be commenced in accordance with the provisions of Sections 97-19-55 through 97-19-69, Mississippi Code of 1972, or as otherwise provided by law. If such prosecution is commenced, the court may assess the defendant the service charge payable to the district attorney as provided in Section 97-19-75(4), Mississippi Code of 1972. Laws, 1988, ch. 551, § 4; Laws, 1990, ch. 566, § 2; Laws, 1991, ch. 435, § 1, eff. 7/1/1991.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-81 - Right of lender to add fee to amount of loan when payment on loan made with bad check

When an entity that is authorized by the laws of this state to make loans or grant extensions of credit is paid by check to retire all or a part of a loan or extension of credit, and such check is returned because of insufficient funds, and the lender is charged a fee or service charge as a result of such return, the lender shall be authorized to add the actual amount of such fee or service charge up to a maximum amount of Fifteen Dollars (\$15.00) to the principal of the unpaid balance of the loan or extension of credit. Laws, 1988, ch. 551, § 5, eff. 7/1/1988. When an entity that is authorized by the laws of this state to make loans or grant extensions of credit is paid by check to retire all or a part of a loan or extension of credit, and such check is returned because of insufficient funds, and the lender is charged a fee or service charge as a result of such return, the lender shall be authorized to add the actual amount of such fee or service charge up to a maximum amount of Fifteen Dollars (\$15.00) to the principal of the unpaid balance of the loan or extension of credit. Laws, 1988, ch. 551, § 5, eff. 7/1/1988. When an entity that is authorized by the laws of this state to make loans or grant extensions of credit is paid by check to retire all or a part of a loan or extension of credit, and such check is returned because of insufficient funds, and the lender is charged a fee or service charge as a result of such return, the lender shall be authorized to add the actual amount of such fee or service charge up to a maximum amount of Fifteen Dollars (\$15.00) to the principal of the unpaid balance of the loan or extension of credit. Laws, 1988, ch. 551, § 5, eff. 7/1/1988. When an entity that is authorized by the laws of this state to make loans or grant extensions of credit is paid by check to retire all or a part of a loan or extension of credit, and such check is returned because of insufficient funds, and the lender is charged a fee or service charge as a result of such return, the lender shall be authorized to add the actual amount of such fee or service charge up to a maximum amount of Fifteen Dollars (\$15.00) to the principal of the unpaid balance of the loan or extension of credit. Laws, 1988, ch. 551, § 5, eff. 7/1/1988.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-83 - Fraud by mail or other means of communication

(1) Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money, property or services, or for unlawfully avoiding the payment or loss of money, property or services, or for securing business or personal advantage by means of false or fraudulent pretenses, representations or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, transmits or causes to be transmitted by mail, telephone, newspaper, radio, television, wire,

electromagnetic waves, microwaves, or other means of communication or by person, any writings, signs, signals, pictures, sounds, data, or other matter across county or state jurisdictional lines, shall, upon conviction, be punished by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.(2)For the purposes of venue under the provisions of this section, any violation of this section may be prosecuted in the county in which the delivery or transmission originated, the county in which the delivery or transmission was made, or the county in which any act in execution or furtherance of the scheme occurred.(3)This section shall not prohibit the prosecution under any other criminal statute of the state.Laws, 1988, ch. 511, § 3, eff. 7/1/1988.Brought forward by Laws, 2014, ch. 457, HB 585, 75, eff. 7/1/2014. (1)Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money, property or services, or for unlawfully avoiding the payment or loss of money, property or services, or for securing business or personal advantage by means of false or fraudulent pretenses, representations or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, transmits or causes to be transmitted by mail, telephone, newspaper, radio, television, wire, electromagnetic waves, microwaves, or other means of communication or by person, any writings, signs, signals, pictures, sounds, data, or other matter across county or state jurisdictional lines, shall, upon conviction, be punished by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.(2)For the purposes of venue under the provisions of this section, any violation of this section may be prosecuted in the county in which the delivery or transmission originated, the county in which the delivery or transmission was made, or the county in which any act in execution or furtherance of the scheme occurred.(3)This section shall not prohibit the prosecution under any other criminal statute of the state.Laws, 1988, ch. 511, § 3, eff. 7/1/1988.Brought forward by Laws, 2014, ch. 457, HB 585, 75, eff. 7/1/2014. (1)Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money, property or services, or for unlawfully avoiding the payment or loss of money, property or services, or for securing business or personal advantage by means of false or fraudulent pretenses, representations or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, transmits or causes to be transmitted by mail, telephone, newspaper, radio, television, wire, electromagnetic waves, microwaves, or other means of communication or by person, any writings, signs, signals, pictures, sounds, data, or other matter across county or state jurisdictional lines, shall, upon conviction, be punished by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.(2)For the purposes of venue under the provisions of this section, any violation of this section may be prosecuted in the county in which the delivery or transmission originated, the county in which the delivery or transmission was made, or the county in which any act in execution or furtherance of the scheme occurred.(3)This section shall not prohibit the prosecution under any other criminal statute of the state.Laws, 1988, ch. 511, § 3, eff. 7/1/1988.Brought forward by Laws, 2014, ch. 457, HB 585, 75, eff. 7/1/2014. Laws, 1988, ch. 511, § 3, eff. 7/1/1988. Brought forward by Laws, 2014, ch. 457, HB 585, 75, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87)Section 97-19-85 - Fraudulent use of identity, Social Security number, credit card or debit card number or other identifying information to obtain thing of value

(1)Any person who shall make or cause to be made any false statement or representation as to his or another person's or entity's identity, social security account number, credit card number, debit card number, DD-214 or other identifying information for the purpose of fraudulently obtaining or with the intent to obtain goods, services or any thing of value, shall be guilty of a felony and, upon conviction thereof, for a first offense shall be fined not more than Five Thousand Dollars (\$5,000.00) or imprisoned for a term not to exceed five (5) years, or both. For a second or subsequent offense such person, upon conviction, shall be fined not more than Ten Thousand Dollars (\$10,000.00) or imprisoned for a term not to exceed ten (10) years, or both. In addition to the fines and imprisonment provided in this section, a person convicted under this section shall be ordered to pay restitution as provided in Section99-37-1et seq.(2)A person is guilty of fraud under subsection (1) who:(a)Shall furnish false information willfully, knowingly and with intent to deceive anyone as to his true identity or the true identity of another person; or(b)Willfully, knowingly, and with intent to deceive, uses a social security account number to establish and maintain business or other records; or(c)With intent to deceive, falsely represents a number to be the social security account number assigned to him or another person, when in fact the number is not the social security account number assigned to him or such other person; or(d)With intent to deceive, falsely represents to be a representative of an entity in order to open banking accounts, obtain credit cards, or other services and supplies in the entity's name; or(e)Knowingly alters a social security card, buys or sells a social security card or counterfeit or altered social security card, counterfeits a social security card, or possesses a social security card or counterfeit social security card with intent to sell or alter it; or(f)Willfully and knowingly, with intent to deceive, falsely uses a form DD-214, Military Retiree Identification Card, United States Department of Veterans Affairs Medical Identification Card, United States Department of Veterans Affairs Identification Card or National Guard Form NGB 22, for the purpose of fraudulently obtaining a veterans driver's license or any other state or federal government benefit available only to honorably discharged veterans.Laws, 1993, ch. 387, § 1; Laws, 1998, ch. 555, § 1; Laws, 2009, ch. 391, § 1, eff. 7/1/2009.Amended by Laws, 2021, ch. 416, SB 2294,§ 2, eff. 7/1/2021.Brought forward by Laws, 2014, ch. 457, HB 585, 76, eff. 7/1/2014. (1)Any person who shall make or cause to be made any false statement or

representation as to his or another person's or entity's identity, social security account number, credit card number, debit card number, DD-214 or other identifying information for the purpose of fraudulently obtaining or with the intent to obtain goods, services or any thing of value, shall be guilty of a felony and, upon conviction thereof, for a first offense shall be fined not more than Five Thousand Dollars (\$5,000.00) or imprisoned for a term not to exceed five (5) years, or both. For a second or subsequent offense such person, upon conviction, shall be fined not more than Ten Thousand Dollars (\$10,000.00) or imprisoned for a term not to exceed ten (10) years, or both. In addition to the fines and imprisonment provided in this section, a person convicted under this section shall be ordered to pay restitution as provided in Section 99-37-1 et seq. (2) A person is guilty of fraud under subsection (1) who: (a) Shall furnish false information willfully, knowingly and with intent to deceive anyone as to his true identity or the true identity of another person; or (b) Willfully, knowingly, and with intent to deceive, uses a social security account number to establish and maintain business or other records; or (c) With intent to deceive, falsely represents a number to be the social security account number assigned to him or another person, when in fact the number is not the social security account number assigned to him or such other person; or (d) With intent to deceive, falsely represents to be a representative of an entity in order to open banking accounts, obtain credit cards, or other services and supplies in the entity's name; or (e) Knowingly alters a social security card, buys or sells a social security card or counterfeit or altered social security card, counterfeits a social security card, or possesses a social security card or counterfeit social security card with intent to sell or alter it; or (f) Willfully and knowingly, with intent to deceive, falsely uses a form DD-214, Military Retiree Identification Card, United States Department of Veterans Affairs Medical Identification Card, United States Department of Veterans Affairs Identification Card or National Guard Form NGB 22, for the purpose of fraudulently obtaining a veterans driver's license or any other state or federal government benefit available only to honorably discharged veterans. Laws, 1993, ch. 387, § 1; Laws, 1998, ch. 555, § 1; Laws, 2009, ch. 391, § 1, eff. 7/1/2009. Amended by Laws, 2021, ch. 416, SB 2294, § 2, eff. 7/1/2021. Brought forward by Laws, 2014, ch. 457, HB 585, 76, eff. 7/1/2014. (1) Any person who shall make or cause to be made any false statement or representation as to his or another person's or entity's identity, social security account number, credit card number, debit card number, DD-214 or other identifying information for the purpose of fraudulently obtaining or with the intent to obtain goods, services or any thing of value, shall be guilty of a felony and, upon conviction thereof, for a first offense shall be fined not more than Five Thousand Dollars (\$5,000.00) or imprisoned for a term not to exceed five (5) years, or both. For a second or subsequent offense such person, upon conviction, shall be fined not more than Ten Thousand Dollars (\$10,000.00) or imprisoned for a term not to exceed ten (10) years, or both. In addition to the fines and imprisonment provided in this section, a person convicted under this section shall be ordered to pay restitution as provided in Section 99-37-1 et seq. (2) A person is guilty of fraud under subsection (1) who: (a) Shall furnish false information willfully, knowingly and with intent to deceive anyone as to his true identity or the true identity of another person; or (b) Willfully, knowingly, and with intent to deceive, uses a social security account number to establish and maintain business or other records; or (c) With intent to deceive, falsely represents a number to be the social security account number assigned to him or another person, when in fact the number is not the social security account number assigned to him or such other person; or (d) With intent to deceive, falsely represents to be a representative of an entity in order to open banking accounts, obtain credit cards, or other services and supplies in the entity's name; or (e) Knowingly alters a social security card, buys or sells a social security card or counterfeit or altered social security card, counterfeits a social security card, or possesses a social security card or counterfeit social security card with intent to sell or alter it; or (f) Willfully and knowingly, with intent to deceive, falsely uses a form DD-214, Military Retiree Identification Card, United States Department of Veterans Affairs Medical Identification Card, United States Department of Veterans Affairs Identification Card or National Guard Form NGB 22, for the purpose of fraudulently obtaining a veterans driver's license or any other state or federal government benefit available only to honorably discharged veterans. Laws, 1993, ch. 387, § 1; Laws, 1998, ch. 555, § 1; Laws, 2009, ch. 391, § 1, eff. 7/1/2009. Amended by Laws, 2021, ch. 416, SB 2294, § 2, eff. 7/1/2021. Brought forward by Laws, 2014, ch. 457, HB 585, 76, eff. 7/1/2014. Laws, 1993, ch. 387, § 1; Laws, 1998, ch. 555, § 1; Laws, 2009, ch. 391, § 1, eff. 7/1/2009. Amended by Laws, 2021, ch. 416, SB 2294, § 2, eff. 7/1/2021. Brought forward by Laws, 2014, ch. 457, HB 585, 76, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87) Section 97-19-87 - Intent to defraud or cause deceitful drug or alcohol screening test results prohibited; in-state sale, distribution, manufacture or marketing, or transportation into the state of human or synthetic urine prohibited; attempt to defeat or interfere with results prohibited; possession of adulterants with intent to defraud or cause deceitful drug or alcohol screening test prohibited; rebuttable presumption of intent; penalties

(1) As used in this section, "adulterant" means a substance that is not expected to be in human urine or another human bodily fluid or a substance expected to be present in human urine or another human bodily fluid but that is at a concentration so high that it is not consistent with human urine or another human bodily fluid, including, without limitation: (a) Bleach; (b) Chromium; (c) Creatinine; (d) Detergent; (e) Glutaraldehyde; (f) Glutaraldehyde/squalene; (g) Hydrochloric acid; (h) Hydroiodic acid; (i) Iodine; (j) Nitrite; (k) Peroxidase; (l) Potassium dichromate; (m) Potassium nitrite; (n) Pyridinium chlorochromate; and (o) Sodium nitrite. (2) It is unlawful for a person to: (a) Sell, give away, distribute, manufacture or market human or synthetic urine in this state or transport human or synthetic urine into this state with the intent of using the human or synthetic urine to defraud or cause deceitful results in a drug or alcohol screening test; (b) Attempt to defeat or interfere with the results of a drug or alcohol screening test by substituting synthetic urine or substituting or spiking a human urine sample or by advertising urine sample substitution or human urine spiking devices or measures; (c) Possess adulterants with intent to use such a substance to

adulterate a human urine sample or other human bodily fluid sample with intent to defraud or cause deceitful results in a drug or alcohol screening test; or(d)Sell or market an adulterant with the intent by the seller or marketer that the product be used to adulterate a human urine sample or other human bodily fluid sample for the purpose of defrauding or causing deceitful results in a drug or alcohol screening test.(3)There shall be a rebuttable presumption of intent to defraud or obtain deceitful results in a drug or alcohol screening test if:(a)A heating element or any other device used to thwart a drug screening test accompanies the sale, giving, distribution, manufacture or marketing of human or synthetic urine; or(b)Instructions that provide a method for thwarting a drug screening test accompany the sale, giving, distribution, manufacture or marketing of human or synthetic urine.(4)(a)Upon a first conviction, a person who violates this section is guilty of a misdemeanor and shall be subject to a fine of One Thousand Dollars (\$1,000.00), imprisonment in the county jail not to exceed six (6) months, or both.(b)Upon a second conviction, a person who violates this section is guilty of a misdemeanor and shall be subject to a fine of Two Thousand Dollars (\$2,000.00), imprisonment in the county jail not to exceed one (1) year, or both.(c)Upon a third or subsequent conviction, a person who violates this section is guilty of a felony and shall be subject to a fine not to exceed Five Thousand Dollars (\$5,000.00), imprisonment in the custody of the Department of Corrections not to exceed three (3) years, or both.(5)Nothing in this section shall be construed to encourage, conflict, or otherwise interfere with the preemption of state and local laws under federal laws or United States Department of Transportation regulations related to drug testing procedures and confidentiality.Added by Laws, 2021, ch. 433, SB 2569,§ 1, eff. 7/1/2021. (1)As used in this section, "adulterant" means a substance that is not expected to be in human urine or another human bodily fluid or a substance expected to be present in human urine or another human bodily fluid but that is at a concentration so high that it is not consistent with human urine or another human bodily fluid, including, without limitation:(a)Bleach;(b)Chromium;(c)Creatinine;(d)Detergent;(e)Glutaraldehyde;(f)Glutaraldehyde/squalene;(g)Hydrochloric acid;(h)Hydroiodic acid;(i)Iodine;(j)Nitrite;(k)Peroxidase;(l)Potassium dichromate;(m)Potassium nitrite;(n)Pyridinium chlorochromate; and(o)Sodium nitrite.(2)It is unlawful for a person to:(a)Sell, give away, distribute, manufacture or market human or synthetic urine in this state or transport human or synthetic urine into this state with the intent of using the human or synthetic urine to defraud or cause deceitful results in a drug or alcohol screening test;(b)Attempt to defeat or interfere with the results of a drug or alcohol screening test by substituting synthetic urine or substituting or spiking a human urine sample or by advertising urine sample substitution or human urine spiking devices or measures;(c)Possess adulterants with intent to use such a substance to adulterate a human urine sample or other human bodily fluid sample with intent to defraud or cause deceitful results in a drug or alcohol screening test; or(d)Sell or market an adulterant with the intent by the seller or marketer that the product be used to adulterate a human urine sample or other human bodily fluid sample for the purpose of defrauding or causing deceitful results in a drug or alcohol screening test.(3)There shall be a rebuttable presumption of intent to defraud or obtain deceitful results in a drug or alcohol screening test if:(a)A heating element or any other device used to thwart a drug screening test accompanies the sale, giving, distribution, manufacture or marketing of human or synthetic urine; or(b)Instructions that provide a method for thwarting a drug screening test accompany the sale, giving, distribution, manufacture or marketing of human or synthetic urine.(4)(a)Upon a first conviction, a person who violates this section is guilty of a misdemeanor and shall be subject to a fine of One Thousand Dollars (\$1,000.00), imprisonment in the county jail not to exceed six (6) months, or both.(b)Upon a second conviction, a person who violates this section is guilty of a misdemeanor and shall be subject to a fine of Two Thousand Dollars (\$2,000.00), imprisonment in the county jail not to exceed one (1) year, or both.(c)Upon a third or subsequent conviction, a person who violates this section is guilty of a felony and shall be subject to a fine not to exceed Five Thousand Dollars (\$5,000.00), imprisonment in the custody of the Department of Corrections not to exceed three (3) years, or both.(5)Nothing in this section shall be construed to encourage, conflict, or otherwise interfere with the preemption of state and local laws under federal laws or United States Department of Transportation regulations related to drug testing procedures and confidentiality.Added by Laws, 2021, ch. 433, SB 2569,§ 1, eff. 7/1/2021. (1)As used in this section, "adulterant" means a substance that is not expected to be in human urine or another human bodily fluid or a substance expected to be present in human urine or another human bodily fluid but that is at a concentration so high that it is not consistent with human urine or another human bodily fluid, including, without limitation:(a)Bleach;(b)Chromium;(c)Creatinine;(d)Detergent;(e)Glutaraldehyde;(f)Glutaraldehyde/squalene;(g)Hydrochloric acid;(h)Hydroiodic acid;(i)Iodine;(j)Nitrite;(k)Peroxidase;(l)Potassium dichromate;(m)Potassium nitrite;(n)Pyridinium chlorochromate; and(o)Sodium nitrite.(2)It is unlawful for a person to:(a)Sell, give away, distribute, manufacture or market human or synthetic urine in this state or transport human or synthetic urine into this state with the intent of using the human or synthetic urine to defraud or cause deceitful results in a drug or alcohol screening test;(b)Attempt to defeat or interfere with the results of a drug or alcohol screening test by substituting synthetic urine or substituting or spiking a human urine sample or by advertising urine sample substitution or human urine spiking devices or measures;(c)Possess adulterants with intent to use such a substance to adulterate a human urine sample or other human bodily fluid sample with intent to defraud or cause deceitful results in a drug or alcohol screening test; or(d)Sell or market an adulterant with the intent by the seller or marketer that the product be used to adulterate a human urine sample or other human bodily fluid sample for the purpose of defrauding or causing deceitful results in a drug or alcohol screening test.(3)There shall be a rebuttable presumption of intent to defraud or obtain deceitful results in a drug or alcohol screening test if:(a)A heating element or any other device used to thwart a drug screening test accompanies the sale, giving, distribution, manufacture or marketing of human or synthetic urine; or(b)Instructions that provide a method for thwarting a drug screening test accompany the sale, giving, distribution, manufacture or marketing of human or synthetic urine.(4)(a)Upon a first conviction, a person who violates this section is guilty of a misdemeanor and shall be subject to a fine of One Thousand Dollars (\$1,000.00), imprisonment in the county jail not to exceed six (6) months, or both.(b)Upon a second conviction, a person who

violates this section is guilty of a misdemeanor and shall be subject to a fine of Two Thousand Dollars (\$2,000.00), imprisonment in the county jail not to exceed one (1) year, or both.(c)Upon a third or subsequent conviction, a person who violates this section is guilty of a felony and shall be subject to a fine not to exceed Five Thousand Dollars (\$5,000.00), imprisonment in the custody of the Department of Corrections not to exceed three (3) years, or both.(5)Nothing in this section shall be construed to encourage, conflict, or otherwise interfere with the preemption of state and local laws under federal laws or United States Department of Transportation regulations related to drug testing procedures and confidentiality.Added by Laws, 2021, ch. 433, SB 2569,§ 1, eff. 7/1/2021. Added by Laws, 2021, ch. 433, SB 2569,§ 1, eff. 7/1/2021.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 19 - FALSE PRETENSES AND CHEATS (§§ 97-19-1 — 97-19-87)Section 97-19-9 - Credit cards; definitions

The following words and phrases as used in Sections97-19-5through97-19-29shall have the following meanings ascribed to them, unless a different meaning is plainly required by the context:(a)"Cardholder" is defined as the person or organization named on the face of a credit card, as defined hereinafter, to whom or for whose benefit the credit card is issued by an issuer.(b)"Credit card" is defined as any instrument or device, whether known as a credit card, credit plate or by any other name, issued with or without fee by an issuer for the use of the cardholder or one authorized by him in obtaining money, goods, property, services or anything else of value on credit or in consideration of an undertaking or guaranty of the issuer of the payment of a check or draft drawn by the cardholder or one authorized by him, and shall include a card issued by a financial institution to be used in operating an automatic unmanned cash dispensing machine.(c)"Expired credit card" means a credit card which is no longer valid because the term shown on its face has elapsed.(d)"Issuer" is defined as any business organization or financial institution, including but not limited to merchants, state and national banks, and any and all other persons, firms, corporations, trusts, and organizations, or any duly authorized agent thereof, which issues a credit card.(e)"Receives" or "receiving" is defined as acquiring possession of or control of or accepting as security for a loan a credit card.(f)"Revoked credit card" is defined as a credit card which is no longer valid because permission to use it has been suspended or terminated by the issuer.(g)A credit card is "incomplete" if part of the matter other than the signature of the cardholder which an issuer requires to appear on the credit card before it can be used by a cardholder has not been stamped, embossed, imprinted or written on said card.(h)A person "falsely makes" a credit card when he makes or draws in whole or in part a device or instrument which purports to be the credit card of a named issuer, but which is not in fact such a credit card because the issuer did not authorize the making or drawing of said card; or when one materially alters a credit card which was validly issued.(i)A person "falsely embosses" a credit card when, without the authorization of the named issuer, he completes a credit card by adding any other matter than the signature of the cardholder which an issuer requires to appear on the credit card before it can be used by a cardholder.Codes, 1942, § 2148.7-02; Laws, 1968, ch. 345, § 2; Laws, 1979, ch. 402, § 1, eff. 7/1/1979. The following words and phrases as used in Sections97-19-5through97-19-29shall have the following meanings ascribed to them, unless a different meaning is plainly required by the context:(a)"Cardholder" is defined as the person or organization named on the face of a credit card, as defined hereinafter, to whom or for whose benefit the credit card is issued by an issuer.(b)"Credit card" is defined as any instrument or device, whether known as a credit card, credit plate or by any other name, issued with or without fee by an issuer for the use of the cardholder or one authorized by him in obtaining money, goods, property, services or anything else of value on credit or in consideration of an undertaking or guaranty of the issuer of the payment of a check or draft drawn by the cardholder or one authorized by him, and shall include a card issued by a financial institution to be used in operating an automatic unmanned cash dispensing machine.(c)"Expired credit card" means a credit card which is no longer valid because the term shown on its face has elapsed.(d)"Issuer" is defined as any business organization or financial institution, including but not limited to

merchants, state and national banks, and any and all other persons, firms, corporations, trusts, and organizations, or any duly authorized agent thereof, which issues a credit card.(e)"Receives" or "receiving" is defined as acquiring possession of or control of or accepting as security for a loan a credit card.(f)"Revoked credit card" is defined as a credit card which is no longer valid because permission to use it has been suspended or terminated by the issuer.(g)A credit card is "incomplete" if part of the matter other than the signature of the cardholder which an issuer requires to appear on the credit card before it can be used by a cardholder has not been stamped, embossed, imprinted or written on said card.(h)A person "falsely makes" a credit card when he makes or draws in whole or in part a device or instrument which purports to be the credit card of a named issuer, but which is not in fact such a credit card because the issuer did not authorize the making or drawing of said card; or when one materially alters a credit card which was validly issued.(i)A person "falsely embosses" a credit card when, without the authorization of the named issuer, he completes a credit card by adding any other matter than the signature of the cardholder which an issuer requires to appear on the credit card before it can be used by a cardholder.Codes, 1942, § 2148.7-02; Laws, 1968, ch. 345, § 2; Laws, 1979, ch. 402, § 1, eff. 7/1/1979. The following words and phrases as used in Sections97-19-5through97-19-29shall have the following meanings ascribed to them, unless a different meaning is plainly required by the context: Codes, 1942, § 2148.7-02; Laws, 1968, ch. 345, § 2; Laws, 1979, ch. 402, § 1, eff. 7/1/1979.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103)Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63)Section 97-21-1 - Account books kept in public offices

Every person who, with intent to defraud, shall make any false entry, or shall falsely alter any entry made in any book of accounts kept in the office of the auditor of public accounts, or in the office of the treasurer of this state, or in the office of any county treasurer, or in any other public office, by which any demand or obligation, claim, right, or interest, either against or in favor of this state, or any county, city, town, or village, or any individual, shall be or purport to be discharged, diminished, increased, created, or in any manner affected, shall, upon conviction thereof, be guilty of forgery.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(34); 1857, ch. 64, art. 118; 1871, § 2582; 1880, § 2828; 1892, § 1107; 1906, § 1188; Hemingway's 1917, § 918; 1930, § 945; 1942, § 2174. Every person who, with intent to defraud, shall make any false entry, or shall falsely alter any entry made in any book of accounts kept in the office of the auditor of public accounts, or in the office of the treasurer of this state, or in the office of any county treasurer, or in any other public office, by which any demand or obligation, claim, right, or interest, either against or in favor of this state, or any county, city, town, or village, or any individual, shall be or purport to be discharged, diminished, increased, created, or in any manner affected, shall, upon conviction thereof, be guilty of forgery.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(34); 1857, ch. 64, art. 118; 1871, § 2582; 1880, § 2828; 1892, § 1107; 1906, § 1188; Hemingway's 1917, § 918; 1930, § 945; 1942, § 2174. Every person who, with intent to defraud, shall make any false entry, or shall falsely alter any entry made in any book of accounts kept in the office of the auditor of public accounts, or in the office of the treasurer of this state, or in the office of any county treasurer, or in any other public office, by which any demand or obligation, claim, right, or interest, either against or in favor of this state, or any county, city, town, or village, or any individual, shall be or purport to be discharged, diminished, increased, created, or in any manner affected, shall, upon conviction thereof, be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(34); 1857, ch. 64, art. 118; 1871, § 2582; 1880, § 2828; 1892, § 1107; 1906, § 1188; Hemingway's 1917, § 918; 1930, § 945; 1942, § 2174.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103)Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63)Section 97-21-11 - Coin operated machines; use or sale of slug or other device

Any person who shall operate or cause to be operated, or who shall attempt to operate, or attempt to cause to be operated, any automatic vending machine, slot machine, coin box telephone, or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use, or enjoyment of property or service, by means of a slug or any false, counterfeit, mutilated, sweated, or foreign coin or by any means, method, trick or device whatsoever not lawfully authorized by the owner, lessee or licensee of such machine, coin box telephone or receptacle, or who shall take, obtain, or receive from or in connection with any automatic vending machine, slot machine, coin box telephone, or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use, or enjoyment of property or service, any goods, wares, merchandise, gas, electric current, article of value, or the use or enjoyment of any telephone or telegraph facilities or service, or of any musical instrument, phonograph, or other property, without depositing in and surrendering to such machine, coin box telephone or receptacle lawful coin of the United States of America to the amount required therefor by the owner, lessee or licensee of such machine, coin box telephone or receptacle, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred dollars (\$100.00) or imprisoned in the county jail not exceeding thirty days, or both.Any person, who, with intent to cheat or defraud the

owner, lessee, licensee, or other person entitled to the contents of any automatic vending machine, slot machine, coin box telephone or other receptacle, depository, or contrivance designed to receive lawful coin of the United States of America in connection with the sale, use, or enjoyment of property or service, or who, knowing that the same is intended for unlawful use, shall manufacture for sale, or sell or give away any slug, device or substance whatsoever intended or calculated to be placed or deposited in any such automatic vending machine, slot machine, coin box telephone or other such receptacle, depository or contrivance, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars (\$500.00) or imprisoned in the county jail not exceeding six months, or both. Provided, however, that this section shall not apply when a privilege license for the operation of said automatic vending machines has not been procured for the operation of said automatic vending machines by the owners thereof. Codes, 1842, § 2178; Laws, 1932, ch. 267. Any person who shall operate or cause to be operated, or who shall attempt to operate, or attempt to cause to be operated, any automatic vending machine, slot machine, coin box telephone, or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use, or enjoyment of property or service, by means of a slug or any false, counterfeit, mutilated, sweated, or foreign coin or by any means, method, trick or device whatsoever not lawfully authorized by the owner, lessee or licensee of such machine, coin box telephone or receptacle, or who shall take, obtain, or receive from or in connection with any automatic vending machine, slot machine, coin box telephone, or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use, or enjoyment of property or service, any goods, wares, merchandise, gas, electric current, article of value, or the use or enjoyment of any telephone or telegraph facilities or service, or of any musical instrument, phonograph, or other property, without depositing in and surrendering to such machine, coin box telephone or receptacle lawful coin of the United States of America to the amount required therefor by the owner, lessee or licensee of such machine, coin box telephone or receptacle, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred dollars (\$100.00) or imprisoned in the county jail not exceeding thirty days, or both. Any person, who, with intent to cheat or defraud the owner, lessee, licensee, or other person entitled to the contents of any automatic vending machine, slot machine, coin box telephone or other receptacle, depository, or contrivance designed to receive lawful coin of the United States of America in connection with the sale, use, or enjoyment of property or service, or who, knowing that the same is intended for unlawful use, shall manufacture for sale, or sell or give away any slug, device or substance whatsoever intended or calculated to be placed or deposited in any such automatic vending machine, slot machine, coin box telephone or other such receptacle, depository or contrivance, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars (\$500.00) or imprisoned in the county jail not exceeding six months, or both. Provided, however, that this section shall not apply when a privilege license for the operation of said automatic vending machines has not been procured for the operation of said automatic vending machines by the owners thereof. Codes, 1842, § 2178; Laws, 1932, ch. 267. Any person who shall operate or cause to be operated, or who shall attempt to operate, or attempt to cause to be operated, any automatic vending machine, slot machine, coin box telephone, or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use, or enjoyment of property or service, by means of a slug or any false, counterfeit, mutilated, sweated, or foreign coin or by any means, method, trick or device whatsoever not lawfully authorized by the owner, lessee or licensee of such machine, coin box telephone or receptacle, or who shall take, obtain, or receive from or in connection with any automatic vending machine, slot machine, coin box telephone, or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use, or enjoyment of property or service, any goods, wares, merchandise, gas, electric current, article of value, or the use or enjoyment of any telephone or telegraph facilities or service, or of any musical instrument, phonograph, or other property, without depositing in and surrendering to such machine, coin box telephone or receptacle lawful coin of the United States of America to the amount required therefor by the owner, lessee or licensee of such machine, coin box telephone or receptacle, shall

be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred dollars (\$100.00) or imprisoned in the county jail not exceeding thirty days, or both. Any person, who, with intent to cheat or defraud the owner, lessee, licensee, or other person entitled to the contents of any automatic vending machine, slot machine, coin box telephone or other receptacle, depository, or contrivance designed to receive lawful coin of the United States of America in connection with the sale, use, or enjoyment of property or service, or who, knowing that the same is intended for unlawful use, shall manufacture for sale, or sell or give away any slug, device or substance whatsoever intended or calculated to be placed or deposited in any such automatic vending machine, slot machine, coin box telephone or other such receptacle, depository or contrivance, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars (\$500.00) or imprisoned in the county jail not exceeding six months, or both. Provided, however, that this section shall not apply when a privilege license for the operation of said automatic vending machines has not been procured for the operation of said automatic vending machines by the owners thereof. Codes, 1842, § 2178; Laws, 1932, ch. 267.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-13 - Counterfeiting: currency or treasury notes of United States

Every person who shall be convicted of having counterfeited any currency which shall be at the time current, by custom or usage, within this state, or the treasury notes of the United States, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(28); 1857, ch. 64, art. 112; 1871, § 2576; 1880, § 2822; 1892, § 1098; 1906, § 1179; Hemingway's 1917, § 909; 1930, § 936; 1942, § 2165; Laws, 1924, ch. 161. Amended by Laws, 2019, ch. 388, SB 2470, § 2, eff. 7/1/2019. Every person who shall be convicted of having counterfeited any currency which shall be at the time current, by custom or usage, within this state, or the treasury notes of the United States, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(28); 1857, ch. 64, art. 112; 1871, § 2576; 1880, § 2822; 1892, § 1098; 1906, § 1179; Hemingway's 1917, § 909; 1930, § 936; 1942, § 2165; Laws, 1924, ch. 161. Amended by Laws, 2019, ch. 388, SB 2470, § 2, eff. 7/1/2019. Every person who shall be convicted of having counterfeited any currency which shall be at the time current, by custom or usage, within this state, or the treasury notes of the United States, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(28); 1857, ch. 64, art. 112; 1871, § 2576; 1880, § 2822; 1892, § 1098; 1906, § 1179; Hemingway's 1917, § 909; 1930, § 936; 1942, § 2165; Laws, 1924, ch. 161. Amended by Laws, 2019, ch. 388, SB 2470, § 2, eff. 7/1/2019. Every person who shall be convicted of having counterfeited any currency which shall be at the time current, by custom or usage, within this state, or the treasury notes of the United States, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(28); 1857, ch. 64, art. 112; 1871, § 2576; 1880, § 2822; 1892, § 1098; 1906, § 1179; Hemingway's 1917, § 909; 1930, § 936; 1942, § 2165; Laws, 1924, ch. 161. Amended by Laws, 2019, ch. 388, SB 2470, § 2, eff. 7/1/2019.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-15 - Counterfeiting: currency of foreign countries

Every person who shall be convicted of having counterfeited currency of any foreign government or country, with the intent of exporting the same to injure or defraud any foreign government or the subjects or citizens thereof, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(29); 1857, ch. 64, art. 113; 1871, § 2577; 1880, § 2823; 1892, § 1099; 1906, § 1180; Hemingway's 1917, § 910; 1930, § 937; 1942, § 2166. Amended by Laws, 2019, ch. 388, SB 2470, § 3, eff. 7/1/2019. Every person who shall be convicted of having counterfeited currency of any foreign government or country, with the intent of exporting the same to injure or defraud any foreign government or the subjects or citizens thereof, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(29); 1857, ch. 64, art. 113; 1871, § 2577; 1880, § 2823; 1892, § 1099; 1906, § 1180; Hemingway's 1917, § 910; 1930, § 937; 1942, § 2166. Amended by Laws, 2019, ch. 388, SB 2470, § 3, eff. 7/1/2019. Every person who shall be convicted of having counterfeited currency of any foreign government or country, with the intent of exporting the same to injure or defraud any foreign government or the subjects or citizens thereof, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(29); 1857, ch. 64, art. 113; 1871, § 2577; 1880, § 2823; 1892, § 1099; 1906, § 1180; Hemingway's 1917, § 910; 1930, § 937; 1942, § 2166. Amended by Laws, 2019, ch. 388, SB 2470, § 3, eff. 7/1/2019. Every person who shall be convicted of having counterfeited currency of any foreign government or country, with the intent of exporting the same to injure or defraud any foreign government or the subjects or citizens thereof, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(29); 1857, ch. 64, art. 113; 1871, § 2577; 1880, § 2823; 1892, § 1099; 1906, § 1180; Hemingway's 1917, § 910; 1930, § 937; 1942, § 2166. Amended by Laws, 2019, ch. 388, SB 2470, § 3, eff. 7/1/2019.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-17 - Counterfeiting: possession of counterfeit currency with intention to utter

Every person who shall have in his possession any counterfeit of any currency, which shall be at the time current in this state, knowing the same to be counterfeited, with intention to defraud or injure, by uttering the same, as true or false, or by causing the same to be so uttered, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(38); 1857, ch. 64, art. 121; 1871, § 2585; 1880, § 2831; 1892, § 1110; 1906, § 1191; Hemingway's 1917, § 921; 1930, § 948; 1942, § 2177. Amended by Laws, 2019,

ch. 388, SB 2470, § 4, eff. 7/1/2019. Every person who shall have in his possession any counterfeit of any currency, which shall be at the time current in this state, knowing the same to be counterfeited, with intention to defraud or injure, by uttering the same, as true or false, or by causing the same to be so uttered, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(38); 1857, ch. 64, art. 121; 1871, § 2585; 1880, § 2831; 1892, § 1110; 1906, § 1191; Hemingway's 1917, § 921; 1930, § 948; 1942, § 2177. Amended by Laws, 2019, ch. 388, SB 2470, § 4, eff. 7/1/2019. Every person who shall have in his possession any counterfeit of any currency, which shall be at the time current in this state, knowing the same to be counterfeited, with intention to defraud or injure, by uttering the same, as true or false, or by causing the same to be so uttered, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(38); 1857, ch. 64, art. 121; 1871, § 2585; 1880, § 2831; 1892, § 1110; 1906, § 1191; Hemingway's 1917, § 921; 1930, § 948; 1942, § 2177. Amended by Laws, 2019, ch. 388, SB 2470, § 4, eff. 7/1/2019. Every person who shall have in his possession any counterfeit of any currency, which shall be at the time current in this state, knowing the same to be counterfeited, with intention to defraud or injure, by uttering the same, as true or false, or by causing the same to be so uttered, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(38); 1857, ch. 64, art. 121; 1871, § 2585; 1880, § 2831; 1892, § 1110; 1906, § 1191; Hemingway's 1917, § 921; 1930, § 948; 1942, § 2177. Amended by Laws, 2019, ch. 388, SB 2470, § 4, eff. 7/1/2019.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-19 - Corporate evidences of debt signed by pretended officer

The false making, forging, or counterfeiting of any evidence of debt issued, or purporting to have been issued, by any corporation having authority for that purpose, to which shall be affixed the pretended signature of any person as an agent or officer of such corporation, shall be forgery, in the same manner as if such person was at the time an officer or agent of such corporation, notwithstanding there never was any such person in existence. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(47); 1857, ch. 64, art. 129; 1871, § 2593; 1880, § 2838; 1892, § 1117; 1906, § 1198; Hemingway's 1917, § 928; 1930, § 955; 1942, § 2185. The false making, forging, or counterfeiting of any evidence of debt issued, or purporting to have been issued, by any corporation having authority for that purpose, to which shall be affixed the pretended signature of any person as an agent or officer of such corporation, shall be forgery, in the same manner as if such person was at the time an officer or agent of such corporation, notwithstanding there never was any such person in existence. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(47); 1857, ch. 64, art. 129; 1871, § 2593; 1880, § 2838; 1892, § 1117; 1906, § 1198; Hemingway's 1917, § 928; 1930, § 955; 1942, § 2185. The false making, forging, or counterfeiting of any evidence of debt issued, or purporting to have been issued, by any corporation having authority for that purpose, to which shall be affixed the pretended signature of any person as an agent or officer of such corporation, shall be forgery, in the same manner as if such person was at the time an officer or agent of such corporation, notwithstanding there never was any such person in existence. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(47); 1857, ch. 64, art. 129; 1871, § 2593; 1880, § 2838; 1892, § 1117; 1906, § 1198; Hemingway's 1917, § 928; 1930, § 955; 1942, § 2185. The false making, forging, or counterfeiting of any evidence of debt issued, or purporting to have been issued, by any corporation having authority for that purpose, to which shall be affixed the pretended signature of any person as an agent or officer of such corporation, shall be forgery, in the same manner as if such person was at the time an officer or agent of such corporation, notwithstanding there never was any such person in existence. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(47); 1857, ch. 64, art. 129; 1871, § 2593; 1880, § 2838; 1892, § 1117; 1906, § 1198; Hemingway's 1917, § 928; 1930, § 955; 1942, § 2185.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-21 - Destruction, erasure, or obliteration of writing deemed forgery

The total erasure, obliteration, or destruction of any instrument of writing, with the intent to defraud, by which any pecuniary obligation or any right, interest, or claim to property, shall be or shall be intended to be created, increased, discharged, diminished, or in any manner affected, shall be forgery in the same manner and in the same degree as the false alteration of any part of such instrument of writing. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(43); 1857, ch. 64, art. 125; 1871, § 2589; 1880, § 2834; 1892, § 1113; 1906, § 1194; Hemingway's 1917, § 924; 1930, § 951; 1942, § 2181. The total erasure, obliteration, or destruction of any instrument of writing, with the intent to defraud, by which any pecuniary obligation or any right, interest, or claim to property, shall be or shall be intended to be created, increased, discharged, diminished, or in any manner affected, shall be forgery in the same manner and in the same degree as the false alteration of any part of such instrument of writing. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(43); 1857, ch. 64, art. 125; 1871, § 2589; 1880, § 2834; 1892, § 1113; 1906, § 1194; Hemingway's 1917, § 924; 1930, § 951; 1942, § 2181. The total erasure, obliteration, or destruction of any instrument of writing, with the intent to defraud, by which any pecuniary obligation or any right, interest, or claim to property, shall be or shall be intended to be created, increased, discharged, diminished, or in any manner affected, shall be forgery in the same manner and in the same degree as the false alteration of any part of such instrument of writing. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(43); 1857, ch. 64, art. 125; 1871, § 2589; 1880, § 2834; 1892, § 1113; 1906, § 1194; Hemingway's 1917, § 924; 1930, § 951; 1942, § 2181. The total erasure, obliteration, or destruction of any instrument of writing, with the intent to defraud, by which any pecuniary obligation or any right, interest, or claim to property, shall be or shall be intended to be created, increased, discharged, diminished, or in any manner affected, shall be forgery in the same manner and in the same degree as the false alteration of any part of such instrument of writing. Codes, Hutchinson's

1848, ch. 64, art. 12, Title 4(43); 1857, ch. 64, art. 125; 1871, § 2589; 1880, § 2834; 1892, § 1113; 1906, § 1194; Hemingway's 1917, § 924; 1930, § 951; 1942, § 2181.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-23 - Engraving or possessing plate for printing bank check, note or other evidence of debt; possessing impressions made from such plate

Every person who shall be convicted of having made or engraved, or having caused or procured to be made or engraved, any plate in the form or similitude of any promissory note, bill of exchange, draft, check, certificate of deposit, or other evidence of debt, issued by any incorporated bank in this state, or by any bank incorporated under the laws of the United States, or of any state or territory, or under the laws of any foreign country or government, without the authority of such bank, with the intent of using or having the same used for the purpose of taking therefrom any impression, to be passed, sold, or altered, or of having made or caused to be made, or having in his custody or possession any plate upon which shall be engraved any figures or words which may be used for the purpose of falsely altering any evidence of debt issued by any such incorporated bank, with the intent of having the same used for such purpose, or of having or keeping in his custody or possession, without the authority of such bank, any impression taken from any such plate, with intent to have the same filled up and completed for the purpose of being passed, sold, or uttered, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(30); 1857, ch. 64, art. 114; 1871, § 2578; 1880, § 2824; 1892, § 1103; 1906, § 1184; Hemingway's 1917, § 914; 1930, § 941; 1942, § 2170. Every person who shall be convicted of having made or engraved, or having caused or procured to be made or engraved, any plate in the form or similitude of any promissory note, bill of exchange, draft, check, certificate of deposit, or other evidence of debt, issued by any incorporated bank in this state, or by any bank incorporated under the laws of the United States, or of any state or territory, or under the laws of any foreign country or government, without the authority of such bank, with the intent of using or having the same used for the purpose of taking therefrom any impression, to be passed, sold, or altered, or of having made or caused to be made, or having in his custody or possession any plate upon which shall be engraved any figures or words which may be used for the purpose of falsely altering any evidence of debt issued by any such incorporated bank, with the intent of having the same used for such purpose, or of having or keeping in his custody or possession, without the authority of such bank, any impression taken from any such plate, with intent to have the same filled up and completed for the purpose of being passed, sold, or uttered, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(30); 1857, ch. 64, art. 114; 1871, § 2578; 1880, § 2824; 1892, § 1103; 1906, § 1184; Hemingway's 1917, § 914; 1930, § 941; 1942, § 2170. Every person who shall be convicted of having made or engraved, or having caused or procured to be made or engraved, any plate in the form or similitude of any promissory note, bill of exchange, draft, check, certificate of deposit, or other evidence of debt, issued by any incorporated bank in this state, or by any bank incorporated under the laws of the United States, or of any state or territory, or under the laws of any foreign country or government, without the authority of such bank, with the intent of using or having the same used for the purpose of taking therefrom any impression, to be passed, sold, or altered, or of having made or caused to be made, or having in his custody or possession any plate upon which shall be engraved any figures or words which may be used for the purpose of falsely altering any evidence of debt issued by any such incorporated bank, with the intent of having the same used for such purpose, or of having or keeping in his custody or possession, without the authority of such bank, any impression taken from any such plate, with intent to have the same filled up and completed for the purpose of being passed, sold, or uttered, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(30); 1857, ch. 64, art. 114; 1871, § 2578; 1880, § 2824; 1892, § 1103; 1906, § 1184; Hemingway's 1917, § 914; 1930, § 941; 1942, § 2170. Every person who shall be convicted of having made or engraved, or having caused or procured to be made or engraved, any plate in the form or similitude of any promissory note, bill of exchange, draft, check, certificate of deposit, or other evidence of debt, issued by any incorporated bank in this state, or by any bank incorporated under the laws of the United States, or of any state or territory, or under the laws of any foreign country or government, without the authority of such bank, with the intent of using or having the same used for the purpose of taking therefrom any impression, to be passed, sold, or altered, or of having made or caused to be made, or having in his custody or possession any plate upon which shall be engraved any figures or words which may be used for the purpose of falsely altering any evidence of debt issued by any such incorporated bank, with the intent of having the same used for such purpose, or of having or keeping in his custody or possession, without the authority of such bank, any impression taken from any such plate, with intent to have the same filled up and completed for the purpose of being passed, sold, or uttered, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(30); 1857, ch. 64, art. 114; 1871, § 2578; 1880, § 2824; 1892, § 1103; 1906, § 1184; Hemingway's 1917, § 914; 1930, § 941; 1942, § 2170.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-25 - Engraving or possessing plate for printing bank check, note or other evidence of debt; when plate deemed imitation of genuine instrument

Every plate specified in Section 97-21-23, shall be deemed to be in the form and similitude of the genuine instrument imitated, in either of the following cases: When the engraving on such plate resembles and is intended to conform to such parts of the genuine instrument as are engraved; or when such plate shall be partly finished, and the part so finished resembles and is intended to conform to similar parts of the genuine instrument. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(31); 1857, ch. 64, art. 115; 1871, § 2579; 1880, § 2825; 1892, § 1104; 1906, § 1185; Hemingway's 1917, § 915; 1930, § 942; 1942, § 2171. Every plate specified in Section 97-21-23, shall be deemed to be in the form and similitude of the genuine instrument imitated, in either of the

following cases: When the engraving on such plate resembles and is intended to conform to such parts of the genuine instrument as are engraved; or when such plate shall be partly finished, and the part so finished resembles and is intended to conform to similar parts of the genuine instrument. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(31); 1857, ch. 64, art. 115; 1871, § 2579; 1880, § 2825; 1892, § 1104; 1906, § 1185; Hemingway's 1917, § 915; 1930, § 942; 1942, § 2171. Every plate specified in Section 97-21-23, shall be deemed to be in the form and similitude of the genuine instrument imitated, in either of the following cases: When the engraving on such plate resembles and is intended to conform to such parts of the genuine instrument as are engraved; or when such plate shall be partly finished, and the part so finished resembles and is intended to conform to similar parts of the genuine instrument. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(31); 1857, ch. 64, art. 115; 1871, § 2579; 1880, § 2825; 1892, § 1104; 1906, § 1185; Hemingway's 1917, § 915; 1930, § 942; 1942, § 2171.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-27 - Intent to defraud

Whenever, by any of the provisions of this chapter, an intent to defraud is required to constitute a forgery, it shall be sufficient if such intent appear to defraud the United States, any state or territory, and body-corporate, county, city, town, or village, or any public officer in his official capacity, any copartnership, or any one of such partners, or any real person whatever. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(46); 1857, ch. 64, art. 128; 1871, § 2592; 1880, § 2837; 1892, § 1116; 1906, § 1197; Hemingway's 1917, § 927; 1930, § 954; 1942, § 2184. Whenever, by any of the provisions of this chapter, an intent to defraud is required to constitute a forgery, it shall be sufficient if such intent appear to defraud the United States, any state or territory, and body-corporate, county, city, town, or village, or any public officer in his official capacity, any copartnership, or any one of such partners, or any real person whatever. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(46); 1857, ch. 64, art. 128; 1871, § 2592; 1880, § 2837; 1892, § 1116; 1906, § 1197; Hemingway's 1917, § 927; 1930, § 954; 1942, § 2184. Whenever, by any of the provisions of this chapter, an intent to defraud is required to constitute a forgery, it shall be sufficient if such intent appear to defraud the United States, any state or territory, and body-corporate, county, city, town, or village, or any public officer in his official capacity, any copartnership, or any one of such partners, or any real person whatever. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(46); 1857, ch. 64, art. 128; 1871, § 2592; 1880, § 2837; 1892, § 1116; 1906, § 1197; Hemingway's 1917, § 927; 1930, § 954; 1942, § 2184.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-29 - Making and uttering instrument in own name under pretense that it is act of another of same name

If any person shall, with intent to injure or defraud, make any instrument in his own name, intended to create, increase, discharge, defeat, or diminish any pecuniary obligation, right or interest, or to transfer or affect any property whatever, and shall utter and pass it under the pretense that it is the act of another who bears the same name, he shall be guilty of forgery and shall be punished according to the schedule in Section 97-21-33. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(41); 1857, ch. 64, art. 123; 1871, § 2587; 1880, § 2833; 1892, § 1112; 1906, § 1193; Hemingway's 1917, § 923; 1930, § 950; 1942, § 2180. Amended by Laws, 2014, ch. 457, HB 585, 24, eff. 7/1/2014. If any person shall, with intent to injure or defraud, make any instrument in his own name, intended to create, increase, discharge, defeat, or diminish any pecuniary obligation, right or interest, or to transfer or affect any property whatever, and shall utter and pass it under the pretense that it is the act of another who bears the same name, he shall be guilty of forgery and shall be punished according to the schedule in Section 97-21-33. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(41); 1857, ch. 64, art. 123; 1871, § 2587; 1880, § 2833; 1892, § 1112; 1906, § 1193; Hemingway's 1917, § 923; 1930, § 950; 1942, § 2180. Amended by Laws, 2014, ch. 457, HB 585, 24, eff. 7/1/2014. If any person shall, with intent to injure or defraud, make any instrument in his own name, intended to create, increase, discharge, defeat, or diminish any pecuniary obligation, right or interest, or to transfer or affect any property whatever, and shall utter and pass it under the pretense that it is the act of another who bears the same name, he shall be guilty of forgery and shall be punished according to the schedule in Section 97-21-33. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(41); 1857, ch. 64, art. 123; 1871, § 2587; 1880, §

2833; 1892, § 1112; 1906, § 1193; Hemingway's 1917, § 923; 1930, § 950; 1942, § 2180. Amended by Laws, 2014, ch. 457, HB 585, 24, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-3 - Account books kept by corporations

Every person who, with intent to defraud, shall make any false entry, or shall falsely alter any entry made in any book of accounts kept by any moneyed corporation within this state, or in any book of accounts kept by any corporation or its officers, and to be delivered or intended to be delivered to any person dealing with such corporation, by which any pecuniary obligation, claim, or credit shall be or shall purport to be discharged, diminished, increased, created, or in any manner affected, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(35); 1857, ch. 64, art. 119; 1871, § 2583; 1880, § 2829; 1892, § 1108; 1906, § 1189; Hemingway's 1917, § 919; 1930, § 946; 1942, § 2175. Every person who, with intent to defraud, shall make any false entry, or shall falsely alter any entry made in any book of accounts kept by any moneyed corporation within this state, or in any book of accounts kept by any corporation or its officers, and to be delivered or intended to be delivered to any person dealing with such corporation, by which any pecuniary obligation, claim, or credit shall be or shall purport to be discharged, diminished, increased, created, or in any manner affected, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(35); 1857, ch. 64, art. 119; 1871, § 2583; 1880, § 2829; 1892, § 1108; 1906, § 1189; Hemingway's 1917, § 919; 1930, § 946; 1942, § 2175. Every person who, with intent to defraud, shall make any false entry, or shall falsely alter any entry made in any book of accounts kept by any moneyed corporation within this state, or in any book of accounts kept by any corporation or its officers, and to be delivered or intended to be delivered to any person dealing with such corporation, by which any pecuniary obligation, claim, or credit shall be or shall purport to be discharged, diminished, increased, created, or in any manner affected, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(35); 1857, ch. 64, art. 119; 1871, § 2583; 1880, § 2829; 1892, § 1108; 1906, § 1189; Hemingway's 1917, § 919; 1930, § 946; 1942, § 2175.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-31 - Parts of several genuine instruments connected to make one instrument

When different parts of several genuine instruments shall be so placed or connected together as to produce one instrument, with intent to defraud, the same shall be forgery, in the same manner as if the parts so put together were falsely made or forged. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(44); 1857, ch. 64, art. 126; 1871, § 2590; 1880, § 2835; 1892, § 1114; 1906, § 1195; Hemingway's 1917, § 925; 1930, § 952; 1942, § 2182. When different parts of several genuine instruments shall be so placed or connected together as to produce one instrument, with intent to defraud, the same shall be forgery, in the same manner as if the parts so put together were falsely made or forged. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(44); 1857, ch. 64, art. 126; 1871, § 2590; 1880, § 2835; 1892, § 1114; 1906, § 1195; Hemingway's 1917, § 925; 1930, § 952; 1942, § 2182. When different parts of several genuine instruments shall be so placed or connected together as to produce one instrument, with intent to defraud, the same shall be forgery, in the same manner as if the parts so put together were falsely made or forged. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(44); 1857, ch. 64, art. 126; 1871, § 2590; 1880, § 2835; 1892, § 1114; 1906, § 1195; Hemingway's 1917, § 925; 1930, § 952; 1942, § 2182.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-33 - Penalty for forgery

(1) Except as provided in subsection (2) of this section for offenses under Sections 97-21-13, 97-21-15, 97-21-17 and 97-21-23, a person convicted of forgery shall be punished as follows: (a) When the amount of value involved is under One Thousand Dollars (\$1,000.00), by imprisonment in the county jail for a term of not more than six (6) months, or by a fine of not more than One Thousand Dollars (\$1,000.00), or both, if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. A person convicted of a third or subsequent offense under this paragraph (a), where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be punished by imprisonment in the Penitentiary for a term not exceeding three (3) years or by a fine not exceeding One Thousand Dollars

(\$1,000.00), or both.(b)When the amount of value involved is One Thousand Dollars (\$1,000.00) or more but less than Five Thousand Dollars (\$5,000.00), by imprisonment in the Penitentiary for a term not more than five (5) years, or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(c)When the amount of value involved is Five Thousand Dollars (\$5,000.00) or more, but less than Twenty-five Thousand Dollars (\$25,000.00), by imprisonment in the Penitentiary for a term not exceeding ten (10) years, or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(d)When the amount of value involved is Twenty-five Thousand Dollars (\$25,000.00) or more, by imprisonment in the Penitentiary for a term not exceeding twenty (20) years, or be fined not more than Ten Thousand Dollars (\$10,000.00), or both.(2)A person convicted of forgery under any of the following: Section97-21-13, relating to counterfeiting of currency or treasury notes of the United States; Section97-21-15, relating to the counterfeiting of currency of a foreign government; Section97-21-17, relating to possession of counterfeited currency; or Section97-21-23, relating to engraving or possessing a plate to counterfeit certain notes, bills, drafts, checks and other evidence of debt, shall be guilty of a felony and shall be punished as follows:(a)When the amount of value involved is less than Five Thousand Dollars (\$5,000.00), by imprisonment in the custody of the Department of Corrections for a term of not more than five (5) years, or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both;(b)When the amount of value involved is Five Thousand Dollars (\$5,000.00) or more, but less than Twenty-five Thousand Dollars (\$25,000.00), by imprisonment in the custody of the Department of Corrections for a term not exceeding ten (10) years, or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both;(c)When the amount of value involved is Twenty-five Thousand Dollars (\$25,000.00) or more, by imprisonment for a term not exceeding twenty (20) years, or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(3)The total value of the forgery by the person from a single victim shall be aggregated in determining the gravity of the offense.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(42); 1857, ch. 64, art. 124; 1871, § 2588; 1880, § 2840; 1892, § 1119; 1906, § 1200; Hemingway's 1917, § 930; 1930, § 957; 1942, § 2187; Laws, 1928, ch. 38; Laws, 1970, ch. 343, § 1; Laws, 2003, ch. 499, § 6, eff. 7/1/2003.Amended by Laws, 2019, ch. 388, SB 2470,§ 1, eff. 7/1/2019.Amended by Laws, 2014, ch. 457, HB 585, 25, eff. 7/1/2014. (1)Except as provided in subsection (2) of this section for offenses under Sections97-21-13,97-21-15,97-21-17and97-21-23, a person convicted of forgery shall be punished as follows:(a)When the amount of value involved is under One Thousand Dollars (\$1,000.00), by imprisonment in the county jail for a term of not more than six (6) months, or by a fine of not more than One Thousand Dollars (\$1,000.00), or both, if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. A person convicted of a third or subsequent offense under this paragraph (a), where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be punished by imprisonment in the Penitentiary for a term not exceeding three (3) years or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both.(b)When the amount of value involved is One Thousand Dollars (\$1,000.00) or more but less than Five Thousand Dollars (\$5,000.00), by imprisonment in the Penitentiary for a term not more than five (5) years, or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(c)When the amount of value involved is Five Thousand Dollars (\$5,000.00) or more, but less than Twenty-five Thousand Dollars (\$25,000.00), by imprisonment in the Penitentiary for a term not exceeding ten (10) years, or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(d)When the amount of value involved is Twenty-five Thousand Dollars (\$25,000.00) or more, by imprisonment in the Penitentiary for a term not exceeding twenty (20) years, or be fined not more than Ten Thousand Dollars (\$10,000.00), or both.(2)A person convicted of forgery under any of the following: Section97-21-13, relating to counterfeiting of currency or treasury notes of the United States; Section97-21-15, relating to the counterfeiting of currency of a foreign government; Section97-21-17, relating to possession of counterfeited currency; or Section97-21-23, relating to engraving or possessing a plate to counterfeit certain notes, bills, drafts, checks and other evidence of debt, shall be guilty of a felony and shall be punished as follows:(a)When the amount of value involved is less than Five Thousand Dollars (\$5,000.00), by imprisonment in the custody of the Department of Corrections for a term of not more than five (5) years, or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both;(b)When the amount of value involved is Five Thousand Dollars (\$5,000.00) or more, but less than Twenty-five Thousand Dollars (\$25,000.00), by imprisonment in the custody of the Department of Corrections for a term not exceeding ten (10) years, or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both;(c)When the amount of value involved is Twenty-five Thousand Dollars (\$25,000.00) or more, by imprisonment for a term not exceeding twenty (20) years, or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(3)The total value of the forgery by the person from a single victim shall be aggregated in determining the gravity of the offense.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(42); 1857, ch. 64, art. 124; 1871, § 2588; 1880, § 2840; 1892, § 1119; 1906, § 1200; Hemingway's 1917, § 930; 1930, § 957; 1942, § 2187; Laws, 1928, ch. 38; Laws, 1970, ch. 343, § 1; Laws, 2003, ch. 499, § 6, eff. 7/1/2003.Amended by Laws, 2019, ch. 388, SB 2470,§ 1, eff. 7/1/2019.Amended by Laws, 2014, ch. 457, HB 585, 25, eff. 7/1/2014. (1)Except as provided in subsection (2) of this section for offenses under Sections97-21-13,97-21-15,97-21-17and97-21-23, a person convicted of forgery shall be punished as follows:(a)When the amount of value involved is under One Thousand Dollars (\$1,000.00), by imprisonment in the county jail for a term of not more than six (6) months, or by a fine of not more than One Thousand Dollars (\$1,000.00), or both, if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. A person convicted of a third or subsequent offense under this paragraph (a), where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be punished by imprisonment in the Penitentiary for a term not

exceeding three (3) years or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both.(b)When the amount of value involved is One Thousand Dollars (\$1,000.00) or more but less than Five Thousand Dollars (\$5,000.00), by imprisonment in the Penitentiary for a term not more than five (5) years, or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(c)When the amount of value involved is Five Thousand Dollars (\$5,000.00) or more, but less than Twenty-five Thousand Dollars (\$25,000.00), by imprisonment in the Penitentiary for a term not exceeding ten (10) years, or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(d)When the amount of value involved is Twenty-five Thousand Dollars (\$25,000.00) or more, by imprisonment in the Penitentiary for a term not exceeding twenty (20) years, or be fined not more than Ten Thousand Dollars (\$10,000.00), or both.(2)A person convicted of forgery under any of the following: Section97-21-13, relating to counterfeiting of currency or treasury notes of the United States; Section97-21-15, relating to the counterfeiting of currency of a foreign government; Section97-21-17, relating to possession of counterfeited currency; or Section97-21-23, relating to engraving or possessing a plate to counterfeit certain notes, bills, drafts, checks and other evidence of debt, shall be guilty of a felony and shall be punished as follows:(a)When the amount of value involved is less than Five Thousand Dollars (\$5,000.00), by imprisonment in the custody of the Department of Corrections for a term of not more than five (5) years, or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both;(b)When the amount of value involved is Five Thousand Dollars (\$5,000.00) or more, but less than Twenty-five Thousand Dollars (\$25,000.00), by imprisonment in the custody of the Department of Corrections for a term not exceeding ten (10) years, or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both;(c)When the amount of value involved is Twenty-five Thousand Dollars (\$25,000.00) or more, by imprisonment for a term not exceeding twenty (20) years, or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(3)The total value of the forgery by the person from a single victim shall be aggregated in determining the gravity of the offense.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(42); 1857, ch. 64, art. 124; 1871, § 2588; 1880, § 2840; 1892, § 1119; 1906, § 1200; Hemingway's 1917, § 930; 1930, § 957; 1942, § 2187; Laws, 1928, ch. 38; Laws, 1970, ch. 343, § 1; Laws, 2003, ch. 499, § 6, eff. 7/1/2003.Amended by Laws, 2019, ch. 388, SB 2470,§ 1, eff. 7/1/2019.Amended by Laws, 2014, ch. 457, HB 585, 25, eff. 7/1/2014. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(42); 1857, ch. 64, art. 124; 1871, § 2588; 1880, § 2840; 1892, § 1119; 1906, § 1200; Hemingway's 1917, § 930; 1930, § 957; 1942, § 2187; Laws, 1928, ch. 38; Laws, 1970, ch. 343, § 1; Laws, 2003, ch. 499, § 6, eff. 7/1/2003. Amended by Laws, 2019, ch. 388, SB 2470,§ 1, eff. 7/1/2019. Amended by Laws, 2014, ch. 457, HB 585, 25, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103)Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63)Section 97-21-35 - Pleadings, process and other court papers, licenses, or written instruments generally

Every person who, with the intent to injure or defraud, shall falsely make, alter, forge, or counterfeit any instrument or writing being or purporting to be any process issued by any competent court, magistrate, or officer, or being or purporting to be any pleading or proceeding filed or entered in any court of law or equity, or being or purporting to be any certificate, order, or allowance, by any competent court, board, or officer, or being or purporting to be any license or authority authorized by any statute, or any instrument or writing being or purporting to be the act of another, by which any pecuniary demand or obligation shall be or purport to be created, increased, discharged, or diminished, or by which any right or property whatever shall be or purport to be transferred, conveyed, discharged, diminished, or in any manner affected, by which false making, forging, altering or counterfeiting any person may be affected, bound, or in any way injured in his person or property, shall be guilty of forgery.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(33); 1857, ch. 64, art. 117; 1871, § 2581; 1880, § 2827; 1892, § 1106; 1906, § 1187; Hemingway's 1917, § 917; 1930, § 944; 1942, § 2173. Every person who, with the intent to injure or defraud, shall falsely make, alter, forge, or counterfeit any instrument or writing being or purporting to be any process issued by any competent court, magistrate, or officer, or being or purporting to be any pleading or proceeding filed or entered in any court of law or equity, or being or purporting to be any certificate, order, or allowance, by any competent court, board, or officer, or being or purporting to be any license or authority authorized by any statute, or any instrument or writing being or purporting to be the act of another, by which any pecuniary demand or obligation shall be or purport to be created, increased, discharged, or diminished, or by which any right or property whatever shall be or purport to be transferred, conveyed, discharged, diminished, or in any manner affected, by which false making, forging, altering or counterfeiting any person may be affected, bound, or in any way injured in his person or property, shall be guilty of forgery.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(33); 1857, ch. 64, art. 117; 1871, § 2581; 1880, § 2827; 1892, § 1106; 1906, § 1187; Hemingway's 1917, § 917; 1930, § 944; 1942, § 2173. Every person who, with the intent to injure or defraud, shall falsely make, alter, forge, or counterfeit any instrument or writing being or purporting to be any process issued by any competent court, magistrate, or officer, or being or purporting to be any pleading or proceeding filed or entered in any court of law or equity, or being or purporting to be any certificate, order, or allowance, by any competent court, board, or officer, or being or purporting to be any license or authority authorized by any statute, or any instrument or writing being or purporting to be the act of another, by which any pecuniary demand or obligation shall be or purport to be created, increased, discharged, or diminished, or by which any right or property whatever shall be or purport to be transferred, conveyed, discharged, diminished, or in any manner affected, by which false making, forging, altering or counterfeiting any person may be affected, bound, or in any way injured in his person or property, shall be guilty of forgery.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(33); 1857, ch. 64, art. 117; 1871, § 2581; 1880, § 2827; 1892, § 1106; 1906, § 1187; Hemingway's 1917, § 917; 1930, § 944; 1942, § 2173. Every person who, with the intent to injure or defraud, shall falsely make, alter, forge, or counterfeit any instrument or writing being or purporting to be any process issued by any competent court, magistrate, or officer, or being or purporting to be any pleading or proceeding filed or entered in any court of law

or equity, or being or purporting to be any certificate, order, or allowance, by any competent court, board, or officer, or being or purporting to be any license or authority authorized by any statute, or any instrument or writing being or purporting to be the act of another, by which any pecuniary demand or obligation shall be or purport to be created, increased, discharged, or diminished, or by which any right or property whatever shall be or purport to be transferred, conveyed, discharged, diminished, or in any manner affected, by which false making, forging, altering or counterfeiting any person may be affected, bound, or in any way injured in his person or property, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(33); 1857, ch. 64, art. 117; 1871, § 2581; 1880, § 2827; 1892, § 1106; 1906, § 1187; Hemingway's 1917, § 917; 1930, § 944; 1942, § 2173.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-37 - Possession of counterfeit bank notes or other instrument with intention to utter

Every person who shall have in his possession any forged, altered or counterfeited negotiable note, bill, draft, or other evidence of debt issued or purported to have been issued by any corporation or company duly authorized for that purpose by the laws of the United States or of this state, or of any other state, government, or country, or any other forged, altered, or counterfeit, instrument the forgery of which is declared by the provisions of this chapter to be punishable, knowing the same to be forged, altered, or counterfeited, with intention to utter the same as true or as false, or to cause the same to be uttered, with intent to injure or defraud, shall be guilty of forgery and shall be punished according to the schedule in Section 97-21-33. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(36); 1857, ch. 64, art. 120; 1871, § 2584; 1880, § 2830; 1892, § 1109; 1906, § 1190; Hemingway's 1917, § 920; 1930, § 947; 1942, § 2176. Amended by Laws, 2014, ch. 457, HB 585, 26, eff. 7/1/2014. Every person who shall have in his possession any forged, altered or counterfeited negotiable note, bill, draft, or other evidence of debt issued or purported to have been issued by any corporation or company duly authorized for that purpose by the laws of the United States or of this state, or of any other state, government, or country, or any other forged, altered, or counterfeit, instrument the forgery of which is declared by the provisions of this chapter to be punishable, knowing the same to be forged, altered, or counterfeited, with intention to utter the same as true or as false, or to cause the same to be uttered, with intent to injure or defraud, shall be guilty of forgery and shall be punished according to the schedule in Section 97-21-33. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(36); 1857, ch. 64, art. 120; 1871, § 2584; 1880, § 2830; 1892, § 1109; 1906, § 1190; Hemingway's 1917, § 920; 1930, § 947; 1942, § 2176. Amended by Laws, 2014, ch. 457, HB 585, 26, eff. 7/1/2014. Every person who shall have in his possession any forged, altered or counterfeited negotiable note, bill, draft, or other evidence of debt issued or purported to have been issued by any corporation or company duly authorized for that purpose by the laws of the United States or of this state, or of any other state, government, or country, or any other forged, altered, or counterfeit, instrument the forgery of which is declared by the provisions of this chapter to be punishable, knowing the same to be forged, altered, or counterfeited, with intention to utter the same as true or as false, or to cause the same to be uttered, with intent to injure or defraud, shall be guilty of forgery and shall be punished according to the schedule in Section 97-21-33. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(36); 1857, ch. 64, art. 120; 1871, § 2584; 1880, § 2830; 1892, § 1109; 1906, § 1190; Hemingway's 1917, § 920; 1930, § 947; 1942, § 2176. Amended by Laws, 2014, ch. 457, HB 585, 26, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-39 - Railroad tickets; definition

The words "railroad passenger ticket," as used in Sections 97-21-41 and 97-21-43, shall be construed to embrace any ticket, card, pass, certificate, or paper, providing or intending to provide for the carriage or transportation of any person or persons upon any railroad, and shall include not only such tickets fully prepared for use, but those not so fully prepared, and all others which have been once used. Codes, 1892, § 1102; 1906, § 1183; Hemingway's 1917, § 913; 1930, § 940; Laws, 1942, § 2169. The words "railroad passenger ticket," as used in Sections 97-21-41 and 97-21-43, shall be construed to embrace any ticket, card, pass, certificate, or paper, providing or intending to provide for the carriage or transportation of any person or persons upon any railroad, and shall include not only such tickets fully prepared for use, but those not so fully prepared, and all others which have been once used. Codes, 1892, § 1102; 1906, § 1183; Hemingway's 1917, § 913; 1930, § 940; Laws, 1942, § 2169. The words "railroad passenger ticket," as used in Sections 97-21-41 and 97-21-43, shall be construed to embrace any ticket, card, pass, certificate, or paper, providing or intending to

provide for the carriage or transportation of any person or persons upon any railroad, and shall include not only such tickets fully prepared for use, but those not so fully prepared, and all others which have been once used. Codes, 1892, § 1102; 1906, § 1183; Hemingway's 1917, § 913; 1930, § 940; Laws, 1942, § 2169.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-41 - Railroad tickets; making or altering

Every person who shall falsely make, forge, or counterfeit any railroad passenger ticket, purporting to be made or issued by any railroad company or companies, with intent to injure or defraud, or who shall, with like intent, alter any railroad passenger ticket made or issued by any railroad company or companies, shall be guilty of forgery. Codes, 1892, § 1100; 1906, § 1181; Hemingway's 1917, § 911; 1930, § 938; 1942, § 2167. Every person who shall falsely make, forge, or counterfeit any railroad passenger ticket, purporting to be made or issued by any railroad company or companies, with intent to injure or defraud, or who shall, with like intent, alter any railroad passenger ticket made or issued by any railroad company or companies, shall be guilty of forgery. Codes, 1892, § 1100; 1906, § 1181; Hemingway's 1917, § 911; 1930, § 938; 1942, § 2167. Every person who shall falsely make, forge, or counterfeit any railroad passenger ticket, purporting to be made or issued by any railroad company or companies, with intent to injure or defraud, or who shall, with like intent, alter any railroad passenger ticket made or issued by any railroad company or companies, shall be guilty of forgery. Codes, 1892, § 1100; 1906, § 1181; Hemingway's 1917, § 911; 1930, § 938; 1942, § 2167. Every person who shall falsely make, forge, or counterfeit any railroad passenger ticket, purporting to be made or issued by any railroad company or companies, with intent to injure or defraud, or who shall, with like intent, alter any railroad passenger ticket made or issued by any railroad company or companies, shall be guilty of forgery. Codes, 1892, § 1100; 1906, § 1181; Hemingway's 1917, § 911; 1930, § 938; 1942, § 2167.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-43 - Railroad tickets; possession of forged or altered tickets

Every person who shall sell or offer to sell, or who shall have in his possession with intent to sell, any such false, forged, altered or counterfeit railroad passenger ticket, knowing the same to be false, forged, altered, or counterfeit, shall be guilty of forgery. Codes, 1892, § 1101; 1906, § 1182; Hemingway's 1917, § 912; 1930, § 939; 1942, § 2168. Every person who shall sell or offer to sell, or who shall have in his possession with intent to sell, any such false, forged, altered or counterfeit railroad passenger ticket, knowing the same to be false, forged, altered, or counterfeit, shall be guilty of forgery. Codes, 1892, § 1101; 1906, § 1182; Hemingway's 1917, § 912; 1930, § 939; 1942, § 2168. Every person who shall sell or offer to sell, or who shall have in his possession with intent to sell, any such false, forged, altered or counterfeit railroad passenger ticket, knowing the same to be false, forged, altered, or counterfeit, shall be guilty of forgery. Codes, 1892, § 1101; 1906, § 1182; Hemingway's 1917, § 912; 1930, § 939; 1942, § 2168. Every person who shall sell or offer to sell, or who shall have in his possession with intent to sell, any such false, forged, altered or counterfeit railroad passenger ticket, knowing the same to be false, forged, altered, or counterfeit, shall be guilty of forgery. Codes, 1892, § 1101; 1906, § 1182; Hemingway's 1917, § 912; 1930, § 939; 1942, § 2168.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-45 - Record of will or other instrument constituting evidence, judgment or decree of court, or return on process

Every person who, with intent to defraud, shall falsely alter, destroy, corrupt, or falsify the record of any will, conveyance or other instrument the record of which shall by law be evidence, or any record or any judgment or decree of a court of record, or the enrollment of any such judgment or decree, or the return of an officer, court, or tribunal, to any process of any court, or who shall falsely make, forge, or alter any entry in any book of record, or any instrument purporting to be any such record or return, with intent to defraud, shall, upon conviction, be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(25); 1857, ch. 64, art. 110; 1871, § 2574; 1880, § 2820; 1892, § 1096; 1906, § 1177; Hemingway's 1917, § 907; 1930, § 934; 1942, § 2163. Every person who, with intent to defraud, shall falsely alter, destroy, corrupt, or falsify the record of any will, conveyance or other instrument the record of which shall by law be evidence, or any record or any judgment or decree of a court of record, or the enrollment of any such judgment or decree, or the return of an officer, court, or tribunal, to any process of any court, or who shall falsely make, forge, or alter any entry in any book of record, or any instrument purporting to be any such record or return, with intent to defraud, shall, upon conviction, be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(25); 1857, ch. 64, art. 110; 1871, § 2574; 1880, § 2820; 1892, § 1096; 1906, § 1177; Hemingway's 1917, § 907; 1930, § 934; 1942, § 2163. Every person who, with intent to defraud, shall falsely alter, destroy, corrupt, or falsify the record of any will, conveyance or other instrument the record of which shall by law be evidence, or any record or any judgment or decree of a court of record, or the enrollment of any such judgment or decree, or the return of an officer, court, or tribunal, to any process of any court, or who shall falsely make, forge, or alter any entry in any book of record, or any instrument purporting to be any such record or return, with intent to defraud, shall, upon conviction, be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(25); 1857, ch. 64, art. 110; 1871, § 2574; 1880, § 2820; 1892, § 1096; 1906, § 1177; Hemingway's 1917, § 907; 1930, § 934; 1942, § 2163. Every person who, with intent to defraud, shall falsely alter, destroy, corrupt, or falsify the record of any will, conveyance or other instrument the record of which shall by law be evidence,

or any record or any judgment or decree of a court of record, or the enrollment of any such judgment or decree, or the return of an officer, court, or tribunal, to any process of any court, or who shall falsely make, forge, or alter any entry in any book of record, or any instrument purporting to be any such record or return, with intent to defraud, shall, upon conviction, be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(25); 1857, ch. 64, art. 110; 1871, § 2574; 1880, § 2820; 1892, § 1096; 1906, § 1177; Hemingway's 1917, § 907; 1930, § 934; 1942, § 2163.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-47 - Seal of state and other government and corporate seals or their impressions

Every person who shall forge or counterfeit the great seal of this state, the seal of any public office or officer authorized by law, the seal of any court of record, the seal of any county, city, town or village, or the seal of any body-corporate, duly incorporated, or who shall falsely make, forge, or counterfeit any impression purporting to be the impression of any such seal, with intent to defraud, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(24); 1857, ch. 64, art. 109; 1871, § 2573; 1880, § 2819; 1892, § 1095; 1906, § 1176; Hemingway's 1917, § 906; 1930, § 933; 1942, § 2162. Every person who shall forge or counterfeit the great seal of this state, the seal of any public office or officer authorized by law, the seal of any court of record, the seal of any county, city, town or village, or the seal of any body-corporate, duly incorporated, or who shall falsely make, forge, or counterfeit any impression purporting to be the impression of any such seal, with intent to defraud, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(24); 1857, ch. 64, art. 109; 1871, § 2573; 1880, § 2819; 1892, § 1095; 1906, § 1176; Hemingway's 1917, § 906; 1930, § 933; 1942, § 2162. Every person who shall forge or counterfeit the great seal of this state, the seal of any public office or officer authorized by law, the seal of any court of record, the seal of any county, city, town or village, or the seal of any body-corporate, duly incorporated, or who shall falsely make, forge, or counterfeit any impression purporting to be the impression of any such seal, with intent to defraud, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(24); 1857, ch. 64, art. 109; 1871, § 2573; 1880, § 2819; 1892, § 1095; 1906, § 1176; Hemingway's 1917, § 906; 1930, § 933; 1942, § 2162. Every person who shall forge or counterfeit the great seal of this state, the seal of any public office or officer authorized by law, the seal of any court of record, the seal of any county, city, town or village, or the seal of any body-corporate, duly incorporated, or who shall falsely make, forge, or counterfeit any impression purporting to be the impression of any such seal, with intent to defraud, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(24); 1857, ch. 64, art. 109; 1871, § 2573; 1880, § 2819; 1892, § 1095; 1906, § 1176; Hemingway's 1917, § 906; 1930, § 933; 1942, § 2162.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-49 - Selling or offering to sell counterfeit notes or other evidence of debt, etc

Every person who shall be convicted of having sold, exchanged, or delivered, for any consideration, any forged or counterfeited promissory note, check, bill, draft or other evidence of debt, or engagement for the payment of money, absolutely, or upon contingency, knowing the same to be forged or counterfeited, with the intent to have the same uttered or passed; or of having offered any such notes or other instruments for sale, exchange, or delivery, for any consideration, with the like knowledge and with the like intention, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(32); 1857, ch. 64, art. 116; 1871, § 2580; 1880, § 2826; 1892, § 1105; 1906, § 1186; Hemingway's 1917, § 916; 1930, § 943; 1942, § 2172. Every person who shall be convicted of having sold, exchanged, or delivered, for any consideration, any forged or counterfeited promissory note, check, bill, draft or other evidence of debt, or engagement for the payment of money, absolutely, or upon contingency, knowing the same to be forged or counterfeited, with the intent to have the same uttered or passed; or of having offered any such notes or other instruments for sale, exchange, or delivery, for any consideration, with the like knowledge and with the like intention, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(32); 1857, ch. 64, art. 116; 1871, § 2580; 1880, § 2826; 1892, § 1105; 1906, § 1186; Hemingway's 1917, § 916; 1930, § 943; 1942, § 2172. Every person who shall be convicted of having sold, exchanged, or delivered, for any consideration, any forged or counterfeited promissory note, check, bill, draft or other evidence of debt, or engagement for the payment of money, absolutely, or upon contingency, knowing the same to be forged or counterfeited, with the intent to have the same uttered or passed; or of having offered any such notes or other instruments for sale, exchange, or delivery, for any consideration, with the like knowledge and with the like intention, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(32); 1857, ch. 64, art. 116; 1871, § 2580; 1880, § 2826; 1892, § 1105; 1906, § 1186; Hemingway's 1917, § 916; 1930, § 943; 1942, § 2172.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-5 - Certain instruments deemed writings

Every instrument, partly written and partly printed, or wholly printed, with a written signature thereto, and every signature of an individual, firm, or corporate body, or of any officer of such body, and every writing purporting to be such signature, shall be deemed a writing and a written instrument within the meaning of the provisions of this chapter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(45); 1857, ch. 64, art. 127; 1871, § 2591; 1880, § 2836; 1892, § 1115; 1906, § 1196; Hemingway's 1917, § 926; 1930, § 953; 1942, § 2183. Every instrument, partly written and partly printed, or wholly printed, with a written signature thereto, and every signature of an individual, firm, or corporate body, or of any officer of such body, and every writing purporting to be such signature, shall be deemed a writing and a written instrument within the meaning of the provisions of this chapter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(45); 1857, ch. 64, art. 127; 1871, § 2591; 1880, § 2836; 1892, § 1115; 1906, § 1196; Hemingway's 1917, § 926; 1930, § 953; 1942, § 2183. Every instrument, partly written and partly printed, or wholly printed, with a written signature thereto, and every signature of an individual, firm, or corporate body, or of any officer of such body, and every writing purporting to be such signature, shall be deemed a writing and a written instrument within the meaning of the provisions of this chapter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(45); 1857, ch. 64, art. 127; 1871, § 2591; 1880, § 2836; 1892, § 1115; 1906, § 1196; Hemingway's 1917, § 926; 1930, § 953; 1942, § 2183.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-51 - Unauthorized use or signing of another's name to telegram, petition or related communication

If any person shall wilfully and falsely, or fraudulently forge, sign, or otherwise use the name of another person to a telegram, petition or related communication or instrument of writing with intent to deceive, defraud, or for personal gain or benefit, or for the benefit of another person, without the express written approval of such person, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for not more than 90 days and by a fine of not more than \$500.00, or both in the discretion of the court. Codes, 1942, § 2187.5; Laws, 1962, ch. 316, eff. 5/16/1962. If any person shall wilfully and falsely, or fraudulently forge, sign, or otherwise use the name of another person to a telegram, petition or related communication or instrument of writing with intent to deceive, defraud, or for personal gain or benefit, or for the benefit of another person, without the express written approval of such person, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for not more than 90 days and by a fine of not more than \$500.00, or both in the discretion of the court. Codes, 1942, § 2187.5; Laws, 1962, ch. 316, eff. 5/16/1962. If any person shall wilfully and falsely, or fraudulently forge, sign, or otherwise use the name of another person to a telegram, petition or related communication or instrument of writing with intent to deceive, defraud, or for personal gain or benefit, or for the benefit of another person, without the express written approval of such person, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for not more than 90 days and by a fine of not more than \$500.00, or both in the discretion of the court. Codes, 1942, § 2187.5; Laws, 1962, ch. 316, eff. 5/16/1962. If any person shall wilfully and falsely, or fraudulently forge, sign, or otherwise use the name of another person to a telegram, petition or related communication or instrument of writing with intent to deceive, defraud, or for personal gain or benefit, or for the benefit of another person, without the express written approval of such person, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for not more than 90 days and by a fine of not more than \$500.00, or both in the discretion of the court. Codes, 1942, § 2187.5; Laws, 1962, ch. 316, eff. 5/16/1962.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-53 - Trade-marks; counterfeiting and forging of

(1) Every person who shall knowingly and willfully forge or counterfeit, or cause or procure to be forged or counterfeited, any representation, likeness, similitude, copy, or imitation of the private stamp, wrappers, or labels usually fixed by any mechanic or manufacturer to, and used by such mechanic or manufacturer on, in, or about the sale of any goods, wares, or merchandise whatsoever, shall be punished as follows: (a) If the goods or services to which the forged or counterfeit representation, likeness, similitude, copy of imitation of the private stamp, wrappers or labels are attached or affixed, or in connection with which they are used, or to which the offender intended they be attached or affixed, or in connection with which the offender intended they be used, have, in the aggregate, a retail value of the goods if they were not forged or counterfeited of One Thousand Dollars (\$1,000.00), or more, the person shall be guilty of a felony and, upon conviction, may be imprisoned for up to five (5) years and fined up to Ten Thousand Dollars (\$10,000.00); or (b) If the goods or services to which the forged or counterfeit representation, likeness, similitude, copy, or imitation of the private stamp, wrappers, or labels are attached or affixed, or in connection with which they are used, or to which the offender intended they be attached or affixed, or in connection with which the offender intended they be used, have, in the aggregate, a retail value of less than One Thousand Dollars (\$1,000.00), the person shall be guilty of a misdemeanor and, upon conviction, may be imprisoned for up to one (1) year and fined up to Five Thousand Dollars (\$5,000.00). (2) Property used in any way to violate the provisions of this section shall be subject to forfeiture under Sections 97-21-101 and 97-21-103. Codes, 1857, ch.

64, art. 131; 1871, § 2595; 1880, § 2841; 1892, § 1306; 1906, § 1380; Hemingway's 1917, § 1123; 1930, § 1153; 1942, § 2390; Laws, 2009, ch. 378, § 1; Laws, 2011, ch. 346, § 3, eff. 7/1/2011. (1)Every person who shall knowingly and willfully forge or counterfeit, or cause or procure to be forged or counterfeited, any representation, likeness, similitude, copy, or imitation of the private stamp, wrappers, or labels usually fixed by any mechanic or manufacturer to, and used by such mechanic or manufacturer on, in, or about the sale of any goods, wares, or merchandise whatsoever, shall be punished as follows:(a)If the goods or services to which the forged or counterfeit representation, likeness, similitude, copy of imitation of the private stamp, wrappers or labels are attached or affixed, or in connection with which they are used, or to which the offender intended they be attached or affixed, or in connection with which the offender intended they be used, have, in the aggregate, a retail value of the goods if they were not forged or counterfeited of One Thousand Dollars (\$1,000.00), or more, the person shall be guilty of a felony and, upon conviction, may be imprisoned for up to five (5) years and fined up to Ten Thousand Dollars (\$10,000.00); or(b)If the goods or services to which the forged or counterfeit representation, likeness, similitude, copy, or imitation of the private stamp, wrappers, or labels are attached or affixed, or in connection with which they are used, or to which the offender intended they be attached or affixed, or in connection with which the offender intended they be used, have, in the aggregate, a retail value of less than One Thousand Dollars (\$1,000.00), the person shall be guilty of a misdemeanor and, upon conviction, may be imprisoned for up to one (1) year and fined up to Five Thousand Dollars (\$5,000.00).(2)Property used in any way to violate the provisions of this section shall be subject to forfeiture under Sections97-21-101and97-21-103.Codes, 1857, ch. 64, art. 131; 1871, § 2595; 1880, § 2841; 1892, § 1306; 1906, § 1380; Hemingway's 1917, § 1123; 1930, § 1153; 1942, § 2390; Laws, 2009, ch. 378, § 1; Laws, 2011, ch. 346, § 3, eff. 7/1/2011. (1)Every person who shall knowingly and willfully forge or counterfeit, or cause or procure to be forged or counterfeited, any representation, likeness, similitude, copy, or imitation of the private stamp, wrappers, or labels usually fixed by any mechanic or manufacturer to, and used by such mechanic or manufacturer on, in, or about the sale of any goods, wares, or merchandise whatsoever, shall be punished as follows:(a)If the goods or services to which the forged or counterfeit representation, likeness, similitude, copy of imitation of the private stamp, wrappers or labels are attached or affixed, or in connection with which they are used, or to which the offender intended they be attached or affixed, or in connection with which the offender intended they be used, have, in the aggregate, a retail value of the goods if they were not forged or counterfeited of One Thousand Dollars (\$1,000.00), or more, the person shall be guilty of a felony and, upon conviction, may be imprisoned for up to five (5) years and fined up to Ten Thousand Dollars (\$10,000.00); or(b)If the goods or services to which the forged or counterfeit representation, likeness, similitude, copy, or imitation of the private stamp, wrappers, or labels are attached or affixed, or in connection with which they are used, or to which the offender intended they be attached or affixed, or in connection with which the offender intended they be used, have, in the aggregate, a retail value of less than One Thousand Dollars (\$1,000.00), the person shall be guilty of a misdemeanor and, upon conviction, may be imprisoned for up to one (1) year and fined up to Five Thousand Dollars (\$5,000.00).(2)Property used in any way to violate the provisions of this section shall be subject to forfeiture under Sections97-21-101and97-21-103.Codes, 1857, ch. 64, art. 131; 1871, § 2595; 1880, § 2841; 1892, § 1306; 1906, § 1380; Hemingway's 1917, § 1123; 1930, § 1153; 1942, § 2390; Laws, 2009, ch. 378, § 1; Laws, 2011, ch. 346, § 3, eff. 7/1/2011. Codes, 1857, ch. 64, art. 131; 1871, § 2595; 1880, § 2841; 1892, § 1306; 1906, § 1380; Hemingway's 1917, § 1123; 1930, § 1153; 1942, § 2390; Laws, 2009, ch. 378, § 1; Laws, 2011, ch. 346, § 3, eff. 7/1/2011.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103)Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63)Section 97-21-55 - Trade-marks; possession of dies, plates, printed label or any imitation for purpose of vending imitation goods

(1)Every person who shall have in his possession any die, plate, engraving, or printed label, stamp, or wrapper, or any representation, likeness, similitude, copy, or imitation of the private stamp, wrapper, or label usually fixed by any mechanic or manufacturer to, and used by such mechanic or manufacturer on, in, or about the sale of any goods, wares, or merchandise, with intent to use or sell the said die, plate or engraving, or printed stamp, label, or wrapper, for the purpose of aiding or assisting, in any way whatever, in vending any goods, wares, or merchandise in imitation of, or intended to resemble and be sold for the goods, wares, or merchandise of such mechanic or manufacturer, shall be guilty of a felony, and, upon conviction, be punished by imprisonment for not more than five (5) years and a fine of Ten Thousand Dollars (\$10,000.00).(2)Property used in any way to violate the provisions of this section shall be subject to forfeiture under Sections97-21-101and97-21-103.Codes, 1857, ch. 64, art. 132; 1871, § 2596; 1880, § 2842; 1892, § 1307; 1906, § 1381; Hemingway's 1917, § 1124; 1930, § 1154; 1942, § 2391; Laws, 2009, ch. 378, § 2; Laws, 2011, ch. 346, § 4, eff. 7/1/2011. (1)Every person who shall have in his possession any die, plate, engraving, or printed label, stamp, or wrapper, or any representation, likeness, similitude, copy, or imitation of the private stamp, wrapper, or label usually fixed by any mechanic or manufacturer to, and used by such mechanic or manufacturer on, in, or about the sale of any goods, wares, or merchandise, with intent to use or sell the said die, plate or engraving, or printed stamp, label, or wrapper, for the purpose of aiding or assisting, in any way whatever, in vending any goods, wares, or merchandise in imitation of, or intended to resemble and be sold for the goods, wares, or merchandise of such mechanic or manufacturer, shall be guilty of a felony, and, upon conviction, be punished by imprisonment for not more than five (5) years and a fine of Ten Thousand Dollars (\$10,000.00).(2)Property used in any way to violate the provisions of this section shall be subject to forfeiture under Sections97-21-101and97-21-103.Codes, 1857, ch. 64, art. 132; 1871, § 2596; 1880, § 2842; 1892, § 1307; 1906, § 1381; Hemingway's 1917, § 1124; 1930, § 1154; 1942, § 2391; Laws, 2009, ch. 378, § 2; Laws, 2011, ch. 346, § 4, eff. 7/1/2011. (1)Every person who shall have in his possession any die, plate, engraving, or printed label, stamp, or wrapper, or any representation,

likeness, similitude, copy, or imitation of the private stamp, wrapper, or label usually fixed by any mechanic or manufacturer to, and used by such mechanic or manufacturer on, in, or about the sale of any goods, wares, or merchandise, with intent to use or sell the said die, plate or engraving, or printed stamp, label, or wrapper, for the purpose of aiding or assisting, in any way whatever, in vending any goods, wares, or merchandise in imitation of, or intended to resemble and be sold for the goods, wares, or merchandise of such mechanic or manufacturer, shall be guilty of a felony, and, upon conviction, be punished by imprisonment for not more than five (5) years and a fine of Ten Thousand Dollars (\$10,000.00).(2)Property used in any way to violate the provisions of this section shall be subject to forfeiture under Sections97-21-101and97-21-103.Codes, 1857, ch. 64, art. 132; 1871, § 2596; 1880, § 2842; 1892, § 1307; 1906, § 1381; Hemingway's 1917, § 1124; 1930, § 1154; 1942, § 2391; Laws, 2009, ch. 378, § 2; Laws, 2011, ch. 346, § 4, eff. 7/1/2011. Codes, 1857, ch. 64, art. 132; 1871, § 2596; 1880, § 2842; 1892, § 1307; 1906, § 1381; Hemingway's 1917, § 1124; 1930, § 1154; 1942, § 2391; Laws, 2009, ch. 378, § 2; Laws, 2011, ch. 346, § 4, eff. 7/1/2011.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103)Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63)Section 97-21-57 - Trade-marks; sale of goods bearing counterfeit stamp or label

(1)Every person who shall sell, vend, or possess with intent to sell or vend any goods, wares, or merchandise having thereon any forged or counterfeit stamp or label, imitating, resembling, or purporting to be the stamp or label of any mechanic or manufacturer, knowing the same to be forged or counterfeited, and resembling or purporting to be imitations of the stamps or labels of such mechanic or manufacturer shall be punished as follows:(a)If the goods or services to which the forged or counterfeit representation, likeness, similitude, copy, or imitation of the private stamp, wrappers, or labels are attached or affixed, or in connection with which they are used, or to which the offender intended they be attached or affixed, or in connection with which the offender intended they be used, have, in the aggregate, a retail value of the goods if they were not forged or counterfeited of One Thousand Dollars (\$1,000.00), or more, the person shall be guilty of a felony and, upon conviction, may be imprisoned for up to five (5) years and fined up to Ten Thousand Dollars (\$10,000.00); or(b)If the goods or services to which the forged or counterfeit representation, likeness, similitude, copy, or imitation of the private stamp, wrappers, or labels are attached or affixed, or in connection with which they are used, or to which the offender intended they be attached or affixed, or in connection with which the offender intended they be used, have, in the aggregate, a retail value of the goods if they were not forged or counterfeited of less than One Thousand Dollars (\$1,000.00), the person shall be guilty of a misdemeanor and, upon conviction, may be imprisoned for up to one (1) year and fined up to Five Thousand Dollars (\$5,000.00).(2)Property used in any way to violate the provisions of this section shall be subject to forfeiture under Sections97-21-101and97-21-103.Codes, 1857, ch. 64, art. 133; 1871, § 2597; 1880, § 2843; 1892, § 1308; 1906, § 1382; Hemingway's 1917, § 1125; 1930, § 1155; 1942, § 2392; Laws, 2009, ch. 378, § 3; Laws, 2011, ch. 346, § 5; Laws, 2012, ch. 389, § 1, eff. 7/1/2012. (1)Every person who shall sell, vend, or possess with intent to sell or vend any goods, wares, or merchandise having thereon any forged or counterfeit stamp or label, imitating, resembling, or purporting to be the stamp or label of any mechanic or manufacturer, knowing the same to be forged or counterfeited, and resembling or purporting to be imitations of the stamps or labels of such mechanic or manufacturer shall be punished as follows:(a)If the goods or services to which the forged or counterfeit representation, likeness, similitude, copy, or imitation of the private stamp, wrappers, or labels are attached or affixed, or in connection with which they are used, or to which the offender intended they be attached or affixed, or in connection with which the offender intended they be used, have, in the aggregate, a retail value of the goods if they were not forged or counterfeited of One Thousand Dollars (\$1,000.00), or more, the person shall be guilty of a felony and, upon conviction, may be imprisoned for up to five (5) years and fined up to Ten Thousand Dollars (\$10,000.00); or(b)If the goods or services to which the forged or counterfeit representation, likeness, similitude, copy, or imitation of the private stamp, wrappers, or labels are attached or affixed, or in connection with which they are used, or to which the offender intended they be attached or affixed, or in connection with which the offender intended they be used, have, in the aggregate, a retail value of the goods if they were not forged or counterfeited of less than One Thousand Dollars (\$1,000.00), the person shall be guilty of a misdemeanor and, upon conviction, may be imprisoned for up to one (1) year and fined up to Five Thousand Dollars (\$5,000.00).(2)Property used in any way to violate the provisions of this section shall be subject to forfeiture under Sections97-21-101and97-21-103.Codes, 1857, ch. 64, art. 133; 1871, § 2597; 1880, § 2843; 1892, § 1308; 1906, § 1382; Hemingway's 1917, § 1125; 1930, § 1155; 1942, § 2392; Laws, 2009, ch. 378, § 3; Laws, 2011, ch. 346, § 5; Laws, 2012, ch. 389, § 1, eff. 7/1/2012. (1)Every person who shall sell, vend, or possess with intent to sell or vend any goods, wares, or merchandise having thereon any forged or counterfeit stamp or label, imitating, resembling, or purporting to be the stamp or label of any mechanic or manufacturer, knowing the same to be forged or counterfeited, and resembling or purporting to be imitations of the stamps or labels of such mechanic or manufacturer shall be punished as follows:(a)If the goods or services to which the forged or counterfeit representation, likeness, similitude, copy, or imitation of the private stamp, wrappers, or labels are attached or affixed, or in connection with which they are used, or to which the offender intended they be attached or affixed, or in connection with which the offender intended they be used, have, in the aggregate, a retail value of the goods if they were not forged or counterfeited of One Thousand Dollars (\$1,000.00), or more, the person shall be guilty of a felony and, upon conviction, may be imprisoned for up to five (5) years and fined up to Ten Thousand Dollars (\$10,000.00); or(b)If the goods or services to which the forged or counterfeit representation, likeness, similitude, copy, or imitation of the private stamp, wrappers, or labels are attached or affixed, or in connection with which they are used, or to which the offender intended they be attached or affixed, or in connection with which the offender intended they be used, have, in the aggregate, a retail value of the goods if they were not forged or counterfeited of less than One Thousand Dollars (\$1,000.00), the person shall be guilty of a misdemeanor and, upon conviction, may

be imprisoned for up to one (1) year and fined up to Five Thousand Dollars (\$5,000.00).(2)Property used in any way to violate the provisions of this section shall be subject to forfeiture under Sections97-21-101and97-21-103.Codes, 1857, ch. 64, art. 133; 1871, § 2597; 1880, § 2843; 1892, § 1308; 1906, § 1382; Hemingway's 1917, § 1125; 1930, § 1155; 1942, § 2392; Laws, 2009, ch. 378, § 3; Laws, 2011, ch. 346, § 5; Laws, 2012, ch. 389, § 1, eff. 7/1/2012. Codes, 1857, ch. 64, art. 133; 1871, § 2597; 1880, § 2843; 1892, § 1308; 1906, § 1382; Hemingway's 1917, § 1125; 1930, § 1155; 1942, § 2392; Laws, 2009, ch. 378, § 3; Laws, 2011, ch. 346, § 5; Laws, 2012, ch. 389, § 1, eff. 7/1/2012.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103)Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63)Section 97-21-59 - Uttering counterfeit instrument or coin

Every person who shall be convicted of having uttered or published as true, and with intent to defraud, any forged, altered, or counterfeit instrument, or any counterfeit gold or silver coin, the forgery, altering, or counterfeiting of which is declared by the provisions of this chapter to be an offense, knowing such instrument or coin to be forged, altered, or counterfeited, shall suffer the punishment herein provided for forgery, pursuant to Section97-21-33.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(39); 1857, ch. 64, art. 122; 1871, § 2586; 1880, § 2832; 1892, § 1111; 1906, § 1192; Hemingway's 1917, § 922; 1930, § 949; 1942, § 2179.Amended by Laws, 2014, ch. 457, HB 585, 27, eff. 7/1/2014. Every person who shall be convicted of having uttered or published as true, and with intent to defraud, any forged, altered, or counterfeit instrument, or any counterfeit gold or silver coin, the forgery, altering, or counterfeiting of which is declared by the provisions of this chapter to be an offense, knowing such instrument or coin to be forged, altered, or counterfeited, shall suffer the punishment herein provided for forgery, pursuant to Section97-21-33.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(39); 1857, ch. 64, art. 122; 1871, § 2586; 1880, § 2832; 1892, § 1111; 1906, § 1192; Hemingway's 1917, § 922; 1930, § 949; 1942, § 2179.Amended by Laws, 2014, ch. 457, HB 585, 27, eff. 7/1/2014. Every person who shall be convicted of having uttered or published as true, and with intent to defraud, any forged, altered, or counterfeit instrument, or any counterfeit gold or silver coin, the forgery, altering, or counterfeiting of which is declared by the provisions of this chapter to be an offense, knowing such instrument or coin to be forged, altered, or counterfeited, shall suffer the punishment herein provided for forgery, pursuant to Section97-21-33.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(39); 1857, ch. 64, art. 122; 1871, § 2586; 1880, § 2832; 1892, § 1111; 1906, § 1192; Hemingway's 1917, § 922; 1930, § 949; 1942, § 2179. Amended by Laws, 2014, ch. 457, HB 585, 27, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103)Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63)Section 97-21-61 - Warrants on state treasury, United States treasury, or county, city, town or village treasury

If any person shall falsely or fraudulently make, forge, or alter any writing, being, or pretending to be, an auditor's warrant on the state treasury, or any order or warrant on the treasury of this state or the treasury of the United States, or of any county, or of any city, town, or village, with intent to defraud the state, the United States, or any county, city, village, or town, or any person, he shall be guilty of forgery.Codes, 1857, ch. 64, art. 130; 1871, § 2594; 1880, § 2839; 1892, § 1118; 1906, § 1199; Hemingway's 1917, § 929; 1930, § 956; 1942, § 2186. If any person shall falsely or fraudulently make, forge, or alter any writing, being, or pretending to be, an auditor's warrant on the state treasury, or any order or warrant on the treasury of this state or the treasury of the United States, or of any county, or of any city, town, or village, with intent to defraud the state, the United States, or any county, city, village, or town, or any person, he shall be guilty of forgery.Codes, 1857, ch. 64, art. 130; 1871, § 2594; 1880, § 2839; 1892, § 1118; 1906, § 1199; Hemingway's 1917, § 929; 1930, § 956; 1942, § 2186. If any person shall falsely or fraudulently make, forge, or alter any writing, being, or pretending to be, an auditor's warrant on the state treasury, or any order or warrant on the treasury of this state or the treasury of the United States, or of any county, or of any city, town, or village, with intent to defraud the state, the United States, or any county, city, village, or town, or any person, he shall be guilty of forgery.Codes, 1857, ch. 64, art. 130; 1871, § 2594; 1880, § 2839; 1892, § 1118; 1906, § 1199; Hemingway's 1917, § 929; 1930, § 956; 1942, § 2186. If any person shall falsely or fraudulently make, forge, or alter any writing, being, or pretending to be, an auditor's warrant on the state treasury, or any order or warrant on the treasury of this state or the treasury of the United States, or of any county, or of any city, town, or village, with intent to defraud the state, the United States, or any county, city, village, or town, or any person, he shall be guilty of forgery. Codes, 1857, ch. 64, art. 130; 1871, § 2594; 1880, § 2839; 1892, § 1118; 1906, § 1199; Hemingway's 1917, § 929; 1930, § 956; 1942, § 2186.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103)Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63)Section 97-21-63 - Will, deed, certificate of acknowledgment or proof of recordable instrument

Every person who shall be convicted of having forged, counterfeited, or falsely altered any will of real or personal property, or any deed or other instrument, being or purporting to be the act of another by which any right or interest in real or personal property shall

be or purport to be transferred, conveyed, or in any way changed or affected; or any certificate or indorsement of the acknowledgment of any person of any deed or other instrument which by law may be recorded, made or purporting to have been made by any officer duly authorized to make such certificate or indorsement; or any certificate of the proof of any deed or other instrument which by law may be recorded, made or purporting to have been made by any officer duly authorized to make such certificate, with intent to defraud, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(22); 1857, ch. 64, art. 107; 1871, § 2571; 1880, § 2817; 1892, § 1093; 1906, § 1174; Hemingway's 1917, § 904; 1930, § 931; 1942, § 2160. Every person who shall be convicted of having forged, counterfeited, or falsely altered any will of real or personal property, or any deed or other instrument, being or purporting to be the act of another by which any right or interest in real or personal property shall be or purport to be transferred, conveyed, or in any way changed or affected; or any certificate or indorsement of the acknowledgment of any person of any deed or other instrument which by law may be recorded, made or purporting to have been made by any officer duly authorized to make such certificate or indorsement; or any certificate of the proof of any deed or other instrument which by law may be recorded, made or purporting to have been made by any officer duly authorized to make such certificate, with intent to defraud, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(22); 1857, ch. 64, art. 107; 1871, § 2571; 1880, § 2817; 1892, § 1093; 1906, § 1174; Hemingway's 1917, § 904; 1930, § 931; 1942, § 2160. Every person who shall be convicted of having forged, counterfeited, or falsely altered any will of real or personal property, or any deed or other instrument, being or purporting to be the act of another by which any right or interest in real or personal property shall be or purport to be transferred, conveyed, or in any way changed or affected; or any certificate or indorsement of the acknowledgment of any person of any deed or other instrument which by law may be recorded, made or purporting to have been made by any officer duly authorized to make such certificate or indorsement; or any certificate of the proof of any deed or other instrument which by law may be recorded, made or purporting to have been made by any officer duly authorized to make such certificate, with intent to defraud, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(22); 1857, ch. 64, art. 107; 1871, § 2571; 1880, § 2817; 1892, § 1093; 1906, § 1174; Hemingway's 1917, § 904; 1930, § 931; 1942, § 2160.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-7 - Certificate of acknowledgment or proof of deeds and other recordable instruments

If any officer authorized to take the proof or acknowledgment of any conveyance of real or personal estate, or of any other instrument which by law may be recorded, shall wilfully and falsely certify that any such conveyance or instrument was acknowledged by any party thereto, when in truth such acknowledgment was not made, or that any such instrument or conveyance was proved, when in truth such proof was not made, he shall, upon conviction, be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(27); 1857, ch. 64, art. 111; 1871, § 2575; 1880, § 2821; 1892, § 1097; 1906, § 1178; Hemingway's 1917, § 908; 1930, § 935; 1942, § 2164. If any officer authorized to take the proof or acknowledgment of any conveyance of real or personal estate, or of any other instrument which by law may be recorded, shall wilfully and falsely certify that any such conveyance or instrument was acknowledged by any party thereto, when in truth such acknowledgment was not made, or that any such instrument or conveyance was proved, when in truth such proof was not made, he shall, upon conviction, be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(27); 1857, ch. 64, art. 111; 1871, § 2575; 1880, § 2821; 1892, § 1097; 1906, § 1178; Hemingway's 1917, § 908; 1930, § 935; 1942, § 2164. If any officer authorized to take the proof or acknowledgment of any conveyance of real or personal estate, or of any other instrument which by law may be recorded, shall wilfully and falsely certify that any such conveyance or instrument was acknowledged by any party thereto, when in truth such acknowledgment was not made, or that any such instrument or conveyance was proved, when in truth such proof was not made, he shall, upon conviction, be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(27); 1857, ch. 64, art. 111; 1871, § 2575; 1880, § 2821; 1892, § 1097; 1906, § 1178; Hemingway's 1917, § 908; 1930, § 935; 1942, § 2164.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 1 - GENERAL PROVISIONS (§§ 97-21-1 — 97-21-63) Section 97-21-9 - Certificate or public security, share in public stock or indorsement thereof

Every person who shall be convicted of having forged, counterfeited, or falsely altered any certificate or other public security issued or purporting to have been issued under the authority of this state by virtue of any law thereof, by which certificate or other public security the payment of any money, absolutely or upon contingency, shall be promised, or the receipt of any money, goods, or valuable thing shall be acknowledged; or any certificate of any share, right or interest in any public stock, created by virtue of any law of this state, issued or purporting to have been issued by any public officer, or any other evidence of any debt or liability of this state, either absolute or contingent, issued or purporting to be issued by any public officer; or any indorsement or other instrument transferring or purporting to transfer the right or interest of any holder of any such certificate, public security, certificate of stock, evidence of debt or liability, or of any person entitled to such right or interest, with intent to defraud this state, or any public officer thereof, or any other person, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(23); 1857, ch. 64, art. 108; 1871, § 2572; 1880, § 2818; 1892, § 1094; 1906, § 1175; Hemingway's 1917, § 905; 1930, § 932; 1942, § 2161. Every person who shall be convicted of having forged, counterfeited, or falsely altered any certificate or other public security issued or purporting to have been issued under the authority of this state by virtue of any law thereof, by which certificate or other public security the payment of any money, absolutely or upon contingency, shall be promised, or the receipt of any money, goods, or valuable thing shall be acknowledged; or any certificate of any share, right or interest in any public stock, created by virtue of any law of this state, issued or purporting to have been issued by any public officer, or any other evidence of any debt or liability of this state, either absolute or contingent, issued or purporting to be issued by any public officer; or any indorsement or other instrument transferring or purporting to transfer the right or interest of any holder of any such certificate, public security, certificate of stock, evidence of debt or liability, or of any person entitled to such right or interest, with intent to defraud this state, or any public officer thereof, or any other person, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(23); 1857, ch. 64, art. 108; 1871, § 2572; 1880, § 2818; 1892, § 1094; 1906, § 1175; Hemingway's 1917, § 905; 1930, § 932; 1942, § 2161. Every person who shall be convicted of having forged, counterfeited, or falsely altered any certificate or other public security issued or purporting to have been issued under the authority of this state by virtue of any law thereof, by which certificate or other public security the payment of any money, absolutely or upon contingency, shall be promised, or the receipt of any money, goods, or valuable thing shall be acknowledged; or any certificate of any share, right or interest in any public stock, created by virtue of any law of this state, issued or purporting to have been issued by any public officer, or any other evidence of any debt or liability of this state, either absolute or contingent, issued or purporting to be issued by any public officer; or any indorsement or other instrument transferring or purporting to transfer the right or interest of any holder of any such certificate, public security, certificate of stock, evidence of debt or liability, or of any person entitled to such right or interest, with intent to defraud this state, or any public officer thereof, or any other person, shall be guilty of forgery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(23); 1857, ch. 64, art. 108; 1871, § 2572; 1880, § 2818; 1892, § 1094; 1906, § 1175; Hemingway's 1917, § 905; 1930, § 932; 1942, § 2161.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103) Article 2 - FORFEITURE OF PROPERTY FOR VIOLATIONS OF TRADEMARK AND RECORDINGS LAWS (§§ 97-21-101 — 97-21-103) Section 97-21-101 - Property used in trademark and recordings violations subject to civil forfeiture; who may institute proceedings

(1) All property, real or personal, including money, used in the course of, intended for use in the course of, derived from, or realized through, conduct in violation of Section 97-21-53, 97-21-55, 97-21-57 or 97-23-89 is subject to civil forfeiture to the state pursuant to the provisions of Section 97-21-103; provided, however, that a forfeiture of personal property encumbered by a bona fide security interest or real property encumbered by a bona fide mortgage, deed of trust, lien or encumbrance of record shall be subject to the interest of the secured party or subject to the interest of the holder of the mortgage, deed of trust, lien or encumbrance of record if such secured party or holder neither had knowledge of or consented to the act or omission. (2) Property subject to forfeiture may be seized by law enforcement officers upon process issued by any appropriate court having jurisdiction over the property. Seizure without process may be made if: (a) The seizure is incident to an arrest or a search under a search warrant or an inspection under a lawful administrative inspection; (b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this article. (3) The Attorney General, any district attorney or any state agency having jurisdiction over conduct in violation of Section 97-21-53, 97-21-55, 97-21-57 or 97-23-89 may institute civil proceedings under this section. In any action brought under this section, the circuit court shall proceed as soon as practicable to the hearing and determination. Pending final determination, the circuit court may at any time enter such injunctions or restraining orders, or take such actions, including the acceptance of satisfactory performance bonds, as the court may deem proper. (4) Any

aggrieved person may institute a civil proceeding against any person or enterprise convicted of engaging in activity in violation of Section 97-21-53, 97-21-55, 97-21-57 or 97-23-89. In such proceeding, relief shall be granted in conformity with the principles that govern the granting of injunctive relief from threatened loss or damage in other civil cases, except that no showing of immediate and irreparable injury, loss or damage to the person shall have to be made. (5) The Attorney General may, upon timely application, intervene in any civil action or proceeding brought under this section if he certifies that, in his opinion, the action or proceeding is of general public importance. In such action or proceeding, the state shall be entitled to the same relief as if the Attorney General instituted the action or proceeding. (6) Notwithstanding any other provision of law, a criminal or civil action or proceeding under this article may be commenced at any time within five (5) years after the conduct in violation of law terminates or the cause of action accrues. If a criminal prosecution or civil action or other proceeding is brought, or intervened in, to punish, prevent or restrain any violation of law, the running of the period of limitations prescribed by this section with respect to any cause of action arising under this section which is based, in whole or in part, upon any matter complained of in any such prosecution, action or proceeding shall be suspended during the pendency of such prosecution, action or proceeding and for two (2) years following its termination. (7) The application of one (1) civil remedy under any provision of this article shall not preclude the application of any other remedy, civil or criminal, under this article or any other provision of law. Civil remedies under this article are supplemental. Laws, 2011, ch. 346, § 1, eff. 7/1/2011. (1) All property, real or personal, including money, used in the course of, intended for use in the course of, derived from, or realized through, conduct in violation of Section 97-21-53, 97-21-55, 97-21-57 or 97-23-89 is subject to civil forfeiture to the state pursuant to the provisions of Section 97-21-103; provided, however, that a forfeiture of personal property encumbered by a bona fide security interest or real property encumbered by a bona fide mortgage, deed of trust, lien or encumbrance of record shall be subject to the interest of the secured party or subject to the interest of the holder of the mortgage, deed of trust, lien or encumbrance of record if such secured party or holder neither had knowledge of or consented to the act or omission. (2) Property subject to forfeiture may be seized by law enforcement officers upon process issued by any appropriate court having jurisdiction over the property. Seizure without process may be made if: (a) The seizure is incident to an arrest or a search under a search warrant or an inspection under a lawful administrative inspection; (b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this article. (3) The Attorney General, any district attorney or any state agency having jurisdiction over conduct in violation of Section 97-21-53, 97-21-55, 97-21-57 or 97-23-89 may institute civil proceedings under this section. In any action brought under this section, the circuit court shall proceed as soon as practicable to the hearing and determination. Pending final determination, the circuit court may at any time enter such injunctions or restraining orders, or take such actions, including the acceptance of satisfactory performance bonds, as the court may deem proper. (4) Any aggrieved person may institute a civil proceeding against any person or enterprise convicted of engaging in activity in violation of Section 97-21-53, 97-21-55, 97-21-57 or 97-23-89. In such proceeding, relief shall be granted in conformity with the principles that govern the granting of injunctive relief from threatened loss or damage in other civil cases, except that no showing of immediate and irreparable injury, loss or damage to the person shall have to be made. (5) The Attorney General may, upon timely application, intervene in any civil action or proceeding brought under this section if he certifies that, in his opinion, the action or proceeding is of general public importance. In such action or proceeding, the state shall be entitled to the same relief as if the Attorney General instituted the action or proceeding. (6) Notwithstanding any other provision of law, a criminal or civil action or proceeding under this article may be commenced at any time within five (5) years after the conduct in violation of law terminates or the cause of action accrues. If a criminal prosecution or civil action or other proceeding is brought, or intervened in, to punish, prevent or restrain any violation of law, the running of the period of limitations prescribed by this section with respect to any cause of action arising under this section which is based, in whole or in part, upon any matter complained of in any such prosecution, action or proceeding shall be suspended during the pendency of such prosecution, action or proceeding and for two (2) years following its termination. (7) The application of one (1) civil remedy under any provision of this article shall not preclude the application of any other remedy, civil or criminal, under this article or any other provision of law. Civil remedies under this article are supplemental. Laws, 2011, ch. 346, § 1, eff. 7/1/2011. (1) All property, real or personal, including money, used in the course of, intended for use in the course of, derived from, or realized through, conduct in violation of Section 97-21-53, 97-21-55, 97-21-57 or 97-23-89 is subject to civil forfeiture to the state pursuant to the provisions of Section 97-21-103; provided, however, that a forfeiture of personal property encumbered by a bona fide security interest or real property encumbered by a bona fide mortgage, deed of trust, lien or encumbrance of record shall be subject to the interest of the secured party or subject to the interest of the holder of the mortgage, deed of trust, lien or encumbrance of record if such secured party or holder neither had knowledge of or consented to the act or omission. (2) Property subject to forfeiture may be seized by law enforcement officers upon process issued by any appropriate court having jurisdiction over the property. Seizure without process may be made if: (a) The seizure is incident to an arrest or a search under a search warrant or an inspection under a lawful administrative inspection; (b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this article. (3) The Attorney General, any district attorney or any state agency having jurisdiction over conduct in violation of Section 97-21-53, 97-21-55, 97-21-57 or 97-23-89 may institute civil proceedings under this section. In any action brought under this section, the circuit court shall proceed as soon as practicable to the hearing and determination. Pending final determination, the circuit court may at any time enter such injunctions or restraining orders, or take such actions, including the acceptance of satisfactory performance bonds, as the court may deem proper. (4) Any aggrieved person may institute a civil proceeding against any person or enterprise convicted of engaging in activity in violation of Section 97-21-53, 97-21-55, 97-21-57 or 97-23-89. In such proceeding, relief shall be granted in conformity with the principles that

govern the granting of injunctive relief from threatened loss or damage in other civil cases, except that no showing of immediate and irreparable injury, loss or damage to the person shall have to be made.(5)The Attorney General may, upon timely application, intervene in any civil action or proceeding brought under this section if he certifies that, in his opinion, the action or proceeding is of general public importance. In such action or proceeding, the state shall be entitled to the same relief as if the Attorney General instituted the action or proceeding.(6)Notwithstanding any other provision of law, a criminal or civil action or proceeding under this article may be commenced at any time within five (5) years after the conduct in violation of law terminates or the cause of action accrues. If a criminal prosecution or civil action or other proceeding is brought, or intervened in, to punish, prevent or restrain any violation of law, the running of the period of limitations prescribed by this section with respect to any cause of action arising under this section which is based, in whole or in part, upon any matter complained of in any such prosecution, action or proceeding shall be suspended during the pendency of such prosecution, action or proceeding and for two (2) years following its termination.(7)The application of one (1) civil remedy under any provision of this article shall not preclude the application of any other remedy, civil or criminal, under this article or any other provision of law. Civil remedies under this article are supplemental.Laws, 2011, ch. 346, § 1, eff. 7/1/2011. Laws, 2011, ch. 346, § 1, eff. 7/1/2011.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 21 - FORGERY AND COUNTERFEITING (§§ 97-21-1 — 97-21-103)Article 2 - FORFEITURE OF PROPERTY FOR VIOLATIONS OF TRADEMARK AND RECORDINGS LAWS (§§ 97-21-101 — 97-21-103)Section 97-21-103 - Seizure and forfeiture proceedings; determination of property owner; determination of existence of parties with security interests affecting property; notice to holders of security interests; hearing; disposition of forfeited property and proceeds

(1)When any property is seized pursuant to Section97-21-101, proceedings under this section shall be instituted promptly.(2)(a)A petition for forfeiture shall be filed promptly in the name of the State of Mississippi with the clerk of the circuit court of the county in which the seizure is made. A copy of such petition shall be served upon the following persons by service of process in the same manner as in civil cases:(i)The owner of the property, if address is known;(ii)Any secured party who has registered his lien or filed a financing statement as provided by law, if the identity of such secured party can be ascertained by the state by making a good faith effort to ascertain the identity of such secured party as described in paragraphs (b), (c), (d), (e) and (f) of this subsection;(iii)Any other bona fide lienholder or secured party or other person holding an interest in the property in the nature of a security interest of whom the state has actual knowledge;(iv)A holder of a mortgage, deed of trust, lien or encumbrance of record, if the property is real estate by making a good faith inquiry as described in paragraph (g) of this subsection; and(v)Any person in possession of property subject to forfeiture at the time that it was seized.(b)If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle has been titled, the state shall make inquiry of the Department of Revenue as to what the records of the Department of Revenue show as to who is the record owner of the vehicle and who, if anyone, holds any lien or security interest which affects the vehicle.(c)If the property is a motor vehicle and is not titled in the State of Mississippi, then the state shall attempt to ascertain the name and address of the person in whose name the vehicle is licensed, and if the vehicle is licensed in a state which has in effect a certificate of title law, the state shall make inquiry of the appropriate agency of that state as to what the records of the agency show as to who is the record owner of the vehicle and who, if anyone, holds any lien, security interest, or other instrument in the nature of a security device which affects the vehicle.(d)If the property is of a nature that a financing statement is required by the laws of this state to be filed to perfect a security interest affecting the property and if there is any reasonable cause to believe that a financing statement covering the security interest has been filed under the laws of this state, the state shall make inquiry of the appropriate office designated in Section75-9-501as to what the records show as to who is the record owner of the property and who, if anyone, has filed a financing statement affecting the property.(e)If the property is an aircraft or part thereof and if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the state shall make inquiry of the administrator of the Federal Aviation Administration as to what the records of the administrator show as to who is the record owner of the property and who, if anyone, holds an instrument in the nature of a security device which affects the property.(f)In the case of all other personal property subject to forfeiture, if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the state shall make a good faith inquiry to identify the holder of any such instrument.(g)If the property is real estate, the state shall make inquiry at the appropriate places to determine who is the owner of record and who, if anyone is a holder of a bona fide mortgage, deed of trust, lien or encumbrance.(h)In the event the answer to an inquiry states that the record owner of the property is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust which affects the property, the state shall cause any record owner and also any lienholder, secured party, other person who holds an interest in the property in the nature of a security interest, or holder of an encumbrance, mortgage or deed of trust which affects the property to be named in the petition of forfeiture and to be served with process in the same manner as in civil cases.(i)If the owner of the property cannot be found and served with a copy of the petition of forfeiture, or if no person was in possession of the property subject to forfeiture at the time that it was seized and the owner of the property is unknown, the state shall file with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the hearing addressed to "the Unknown Owner of _____," filling in the blank space with a reasonably detailed description of the property subject to forfeiture. Service by publication shall contain the other requisites prescribed in Section11-33-41, and shall be served as provided in Section11-33-37for publication of notice for attachments at law.(j)No proceedings instituted pursuant to the provisions

of this article shall proceed to hearing unless the judge conducting the hearing is satisfied that this section has been complied with. Any answer received from an inquiry required by paragraphs (b) through (g) of this subsection shall be introduced into evidence at the hearing.

(3)(a) An owner of property that has been seized shall file a verified answer within twenty (20) days after the completion of service of process. If no answer is filed, the court shall hear evidence that the property is subject to forfeiture and forfeit the property to the state. If an answer is filed, a time for hearing on forfeiture shall be set within thirty (30) days of filing the answer or at the succeeding term of court if court would not be in progress within thirty (30) days after filing the answer. Provided, however, that upon request by the state or the owner of the property, the court may postpone said forfeiture hearing to a date past the time any criminal action is pending against said owner.

(b) If the owner of the property has filed a verified answer denying that the property is subject to forfeiture, then the burden is on the state or the jurisdiction instituting proceedings to prove that the property is subject to forfeiture. The burden of proof placed upon the state or the jurisdiction instituting proceedings shall be clear and convincing proof. However, if no answer has been filed by the owner of the property, the petition for forfeiture may be introduced into evidence and is prima facie evidence that the property is subject to forfeiture.

(c) At the hearing any claimant of any right, title, or interest in the property may prove his lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust to be bona fide and created without knowledge or consent that the property was to be used so as to cause the property to be subject to forfeiture.

(d) If it is found that the property is subject to forfeiture, then the judge shall forfeit the property to the state or the jurisdiction instituting proceedings. However, if proof at the hearing discloses that the interest of any bona fide lienholder, secured party, other person holding an interest in the property in the nature of a security interest or any holder of a bona fide encumbrance, mortgage or deed of trust is greater than or equal to the present value of the property, the court shall order the property released to him. If such interest is less than the present value of the property and if the proof shows that the property is subject to forfeiture, the court shall order the property forfeited to the state or the jurisdiction instituting proceedings.

(4)(a) All personal property, including money, which is forfeited to the state or the jurisdiction instituting proceedings and is not capable of being sold at public auction shall be liquidated and the proceeds, after deduction of all storage and court costs, shall be forwarded to the State Treasurer and deposited in the General Fund of the state or in the general fund of the county of the jurisdiction instituting proceedings.

(b) All real estate which is forfeited to the state or the jurisdiction instituting proceedings shall be sold to the highest bidder at a public auction to be conducted by the state or the jurisdiction instituting proceedings at such place, on such notice and in accordance with the same procedure, as far as practicable, as is required in the case of sales of land under execution of law. The proceeds of such sale shall first be applied to the cost and expense in administering and conducting such sale, then to the satisfaction of all mortgages, deeds of trusts, liens and encumbrances of record on such property. All proceeds in excess of the amount necessary for the cost of the sale of such land and the satisfaction of any liens thereon shall be deposited in the General Fund of the State Treasury or in the general fund of the county of the jurisdiction instituting proceedings.

(c) All other property that has been seized by the state or the jurisdiction instituting proceedings and that has been forfeited shall, except as otherwise provided, be sold at a public auction for cash by the state or the jurisdiction instituting proceedings to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale, in a newspaper having a general circulation in the jurisdiction instituting proceedings or throughout the State of Mississippi. Such notices shall contain a description of the property to be sold and a statement of the time and place of sale. It shall not be necessary to the validity of such sale either to have the property present at the place of sale or to have the name of the owner thereof stated in such notice. The proceeds of the sale shall be delivered to the circuit clerk and shall be disposed of as follows:

(i) To any bona fide lienholder, secured party, or other party holding an interest in the property in the nature of a security interest, to the extent of his interest; and

(ii) The balance, if any, after deduction of all storage and court costs, shall be forwarded to the State Treasurer and deposited with and used as general funds of the state or to the jurisdiction instituting proceedings and deposited in the county general fund.

(d) The Department of Revenue shall issue a certificate of title to any person who purchases property under the provisions of this section when a certificate of title is required under the laws of this state.

Laws, 2011, ch. 346, § 2, eff. 7/1/2011.

(1) When any property is seized pursuant to Section 97-21-101, proceedings under this section shall be instituted promptly.

(2)(a) A petition for forfeiture shall be filed promptly in the name of the State of Mississippi with the clerk of the circuit court of the county in which the seizure is made. A copy of such petition shall be served upon the following persons by service of process in the same manner as in civil cases:

(i) The owner of the property, if address is known;

(ii) Any secured party who has registered his lien or filed a financing statement as provided by law, if the identity of such secured party can be ascertained by the state by making a good faith effort to ascertain the identity of such secured party as described in paragraphs (b), (c), (d), (e) and (f) of this subsection;

(iii) Any other bona fide lienholder or secured party or other person holding an interest in the property in the nature of a security interest of whom the state has actual knowledge;

(iv) A holder of a mortgage, deed of trust, lien or encumbrance of record, if the property is real estate by making a good faith inquiry as described in paragraph (g) of this subsection; and

(v) Any person in possession of property subject to forfeiture at the time that it was seized.

(b) If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle has been titled, the state shall make inquiry of the Department of Revenue as to what the records of the Department of Revenue show as to who is the record owner of the vehicle and who, if anyone, holds any lien or security interest which affects the vehicle.

(c) If the property is a motor vehicle and is not titled in the State of Mississippi, then the state shall attempt to ascertain the name and address of the person in whose name the vehicle is licensed, and if the vehicle is licensed in a state which has in effect a certificate of title law, the state shall make inquiry of the appropriate agency of that state as to what the records of the agency show as to who is the record owner of the vehicle and who, if anyone, holds any lien, security interest, or other instrument in the nature of a security device which affects the vehicle.

(d) If the

property is of a nature that a financing statement is required by the laws of this state to be filed to perfect a security interest affecting the property and if there is any reasonable cause to believe that a financing statement covering the security interest has been filed under the laws of this state, the state shall make inquiry of the appropriate office designated in Section 75-9-501 as to what the records show as to who is the record owner of the property and who, if anyone, has filed a financing statement affecting the property. (e) If the property is an aircraft or part thereof and if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the state shall make inquiry of the administrator of the Federal Aviation Administration as to what the records of the administrator show as to who is the record owner of the property and who, if anyone, holds an instrument in the nature of a security device which affects the property. (f) In the case of all other personal property subject to forfeiture, if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the state shall make a good faith inquiry to identify the holder of any such instrument. (g) If the property is real estate, the state shall make inquiry at the appropriate places to determine who is the owner of record and who, if anyone is a holder of a bona fide mortgage, deed of trust, lien or encumbrance. (h) In the event the answer to an inquiry states that the record owner of the property is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust which affects the property, the state shall cause any record owner and also any lienholder, secured party, other person who holds an interest in the property in the nature of a security interest, or holder of an encumbrance, mortgage or deed of trust which affects the property to be named in the petition of forfeiture and to be served with process in the same manner as in civil cases. (i) If the owner of the property cannot be found and served with a copy of the petition of forfeiture, or if no person was in possession of the property subject to forfeiture at the time that it was seized and the owner of the property is unknown, the state shall file with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the hearing addressed to "the Unknown Owner of _____," filling in the blank space with a reasonably detailed description of the property subject to forfeiture. Service by publication shall contain the other requisites prescribed in Section 11-33-41, and shall be served as provided in Section 11-33-37 for publication of notice for attachments at law. (j) No proceedings instituted pursuant to the provisions of this article shall proceed to hearing unless the judge conducting the hearing is satisfied that this section has been complied with. Any answer received from an inquiry required by paragraphs (b) through (g) of this subsection shall be introduced into evidence at the hearing. (3)(a) An owner of property that has been seized shall file a verified answer within twenty (20) days after the completion of service of process. If no answer is filed, the court shall hear evidence that the property is subject to forfeiture and forfeit the property to the state. If an answer is filed, a time for hearing on forfeiture shall be set within thirty (30) days of filing the answer or at the succeeding term of court if court would not be in progress within thirty (30) days after filing the answer. Provided, however, that upon request by the state or the owner of the property, the court may postpone said forfeiture hearing to a date past the time any criminal action is pending against said owner. (b) If the owner of the property has filed a verified answer denying that the property is subject to forfeiture, then the burden is on the state or the jurisdiction instituting proceedings to prove that the property is subject to forfeiture. The burden of proof placed upon the state or the jurisdiction instituting proceedings shall be clear and convincing proof. However, if no answer has been filed by the owner of the property, the petition for forfeiture may be introduced into evidence and is prima facie evidence that the property is subject to forfeiture. (c) At the hearing any claimant of any right, title, or interest in the property may prove his lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust to be bona fide and created without knowledge or consent that the property was to be used so as to cause the property to be subject to forfeiture. (d) If it is found that the property is subject to forfeiture, then the judge shall forfeit the property to the state or the jurisdiction instituting proceedings. However, if proof at the hearing discloses that the interest of any bona fide lienholder, secured party, other person holding an interest in the property in the nature of a security interest or any holder of a bona fide encumbrance, mortgage or deed of trust is greater than or equal to the present value of the property, the court shall order the property released to him. If such interest is less than the present value of the property and if the proof shows that the property is subject to forfeiture, the court shall order the property forfeited to the state or the jurisdiction instituting proceedings. (4)(a) All personal property, including money, which is forfeited to the state or the jurisdiction instituting proceedings and is not capable of being sold at public auction shall be liquidated and the proceeds, after deduction of all storage and court costs, shall be forwarded to the State Treasurer and deposited in the General Fund of the state or in the general fund of the county of the jurisdiction instituting proceedings. (b) All real estate which is forfeited to the state or the jurisdiction instituting proceedings shall be sold to the highest bidder at a public auction to be conducted by the state or the jurisdiction instituting proceedings at such place, on such notice and in accordance with the same procedure, as far as practicable, as is required in the case of sales of land under execution of law. The proceeds of such sale shall first be applied to the cost and expense in administering and conducting such sale, then to the satisfaction of all mortgages, deeds of trusts, liens and encumbrances of record on such property. All proceeds in excess of the amount necessary for the cost of the sale of such land and the satisfaction of any liens thereon shall be deposited in the General Fund of the State Treasury or in the general fund of the county of the jurisdiction instituting proceedings. (c) All other property that has been seized by the state or the jurisdiction instituting proceedings and that has been forfeited shall, except as otherwise provided, be sold at a public auction for cash by the state or the jurisdiction instituting proceedings to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale, in a newspaper having a general circulation in the jurisdiction instituting proceedings or throughout the State of Mississippi. Such notices shall contain a description of the property to be sold and a statement of the time and place of sale. It shall not be necessary to the validity of such sale either to have the property present at the place of sale or to have the name of the owner

thereof stated in such notice. The proceeds of the sale shall be delivered to the circuit clerk and shall be disposed of as follows:(i)To any bona fide lienholder, secured party, or other party holding an interest in the property in the nature of a security interest, to the extent of his interest; and(ii)The balance, if any, after deduction of all storage and court costs, shall be forwarded to the State Treasurer and deposited with and used as general funds of the state or to the jurisdiction instituting proceedings and deposited in the county general fund.(d)The Department of Revenue shall issue a certificate of title to any person who purchases property under the provisions of this section when a certificate of title is required under the laws of this state.Laws, 2011, ch. 346, § 2, eff. 7/1/2011.

(1)When any property is seized pursuant to Section97-21-101, proceedings under this section shall be instituted promptly.(2)(a)A petition for forfeiture shall be filed promptly in the name of the State of Mississippi with the clerk of the circuit court of the county in which the seizure is made. A copy of such petition shall be served upon the following persons by service of process in the same manner as in civil cases:(i)The owner of the property, if address is known;(ii)Any secured party who has registered his lien or filed a financing statement as provided by law, if the identity of such secured party can be ascertained by the state by making a good faith effort to ascertain the identity of such secured party as described in paragraphs (b), (c), (d), (e) and (f) of this subsection;(iii)Any other bona fide lienholder or secured party or other person holding an interest in the property in the nature of a security interest of whom the state has actual knowledge;(iv)A holder of a mortgage, deed of trust, lien or encumbrance of record, if the property is real estate by making a good faith inquiry as described in paragraph (g) of this subsection; and(v)Any person in possession of property subject to forfeiture at the time that it was seized.(b)If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle has been titled, the state shall make inquiry of the Department of Revenue as to what the records of the Department of Revenue show as to who is the record owner of the vehicle and who, if anyone, holds any lien or security interest which affects the vehicle.(c)If the property is a motor vehicle and is not titled in the State of Mississippi, then the state shall attempt to ascertain the name and address of the person in whose name the vehicle is licensed, and if the vehicle is licensed in a state which has in effect a certificate of title law, the state shall make inquiry of the appropriate agency of that state as to what the records of the agency show as to who is the record owner of the vehicle and who, if anyone, holds any lien, security interest, or other instrument in the nature of a security device which affects the vehicle.(d)If the property is of a nature that a financing statement is required by the laws of this state to be filed to perfect a security interest affecting the property and if there is any reasonable cause to believe that a financing statement covering the security interest has been filed under the laws of this state, the state shall make inquiry of the appropriate office designated in Section75-9-501as to what the records show as to who is the record owner of the property and who, if anyone, has filed a financing statement affecting the property.(e)If the property is an aircraft or part thereof and if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the state shall make inquiry of the administrator of the Federal Aviation Administration as to what the records of the administrator show as to who is the record owner of the property and who, if anyone, holds an instrument in the nature of a security device which affects the property.(f)In the case of all other personal property subject to forfeiture, if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the state shall make a good faith inquiry to identify the holder of any such instrument.(g)If the property is real estate, the state shall make inquiry at the appropriate places to determine who is the owner of record and who, if anyone is a holder of a bona fide mortgage, deed of trust, lien or encumbrance.(h)In the event the answer to an inquiry states that the record owner of the property is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust which affects the property, the state shall cause any record owner and also any lienholder, secured party, other person who holds an interest in the property in the nature of a security interest, or holder of an encumbrance, mortgage or deed of trust which affects the property to be named in the petition of forfeiture and to be served with process in the same manner as in civil cases.(i)If the owner of the property cannot be found and served with a copy of the petition of forfeiture, or if no person was in possession of the property subject to forfeiture at the time that it was seized and the owner of the property is unknown, the state shall file with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the hearing addressed to "the Unknown Owner of _____," filling in the blank space with a reasonably detailed description of the property subject to forfeiture. Service by publication shall contain the other requisites prescribed in Section11-33-41, and shall be served as provided in Section11-33-37for publication of notice for attachments at law.(j)No proceedings instituted pursuant to the provisions of this article shall proceed to hearing unless the judge conducting the hearing is satisfied that this section has been complied with. Any answer received from an inquiry required by paragraphs (b) through (g) of this subsection shall be introduced into evidence at the hearing.(3)(a)An owner of property that has been seized shall file a verified answer within twenty (20) days after the completion of service of process. If no answer is filed, the court shall hear evidence that the property is subject to forfeiture and forfeit the property to the state. If an answer is filed, a time for hearing on forfeiture shall be set within thirty (30) days of filing the answer or at the succeeding term of court if court would not be in progress within thirty (30) days after filing the answer. Provided, however, that upon request by the state or the owner of the property, the court may postpone said forfeiture hearing to a date past the time any criminal action is pending against said owner.(b)If the owner of the property has filed a verified answer denying that the property is subject to forfeiture, then the burden is on the state or the jurisdiction instituting proceedings to prove that the property is subject to forfeiture. The burden of proof placed upon the state or the jurisdiction instituting proceedings shall be clear and convincing proof. However, if no answer has been filed by the owner of the property, the petition for forfeiture may be introduced into evidence and is prima facie evidence that the property is subject to forfeiture.(c)At the hearing any claimant of any right, title, or interest in the property may prove his lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of

trust to be bona fide and created without knowledge or consent that the property was to be used so as to cause the property to be subject to forfeiture.(d)If it is found that the property is subject to forfeiture, then the judge shall forfeit the property to the state or the jurisdiction instituting proceedings. However, if proof at the hearing discloses that the interest of any bona fide lienholder, secured party, other person holding an interest in the property in the nature of a security interest or any holder of a bona fide encumbrance, mortgage or deed of trust is greater than or equal to the present value of the property, the court shall order the property released to him. If such interest is less than the present value of the property and if the proof shows that the property is subject to forfeiture, the court shall order the property forfeited to the state or the jurisdiction instituting proceedings.(4)(a)All personal property, including money, which is forfeited to the state or the jurisdiction instituting proceedings and is not capable of being sold at public auction shall be liquidated and the proceeds, after deduction of all storage and court costs, shall be forwarded to the State Treasurer and deposited in the General Fund of the state or in the general fund of the county of the jurisdiction instituting proceedings.(b)All real estate which is forfeited to the state or the jurisdiction instituting proceedings shall be sold to the highest bidder at a public auction to be conducted by the state or the jurisdiction instituting proceedings at such place, on such notice and in accordance with the same procedure, as far as practicable, as is required in the case of sales of land under execution of law. The proceeds of such sale shall first be applied to the cost and expense in administering and conducting such sale, then to the satisfaction of all mortgages, deeds of trusts, liens and encumbrances of record on such property. All proceeds in excess of the amount necessary for the cost of the sale of such land and the satisfaction of any liens thereon shall be deposited in the General Fund of the State Treasury or in the general fund of the county of the jurisdiction instituting proceedings.(c)All other property that has been seized by the state or the jurisdiction instituting proceedings and that has been forfeited shall, except as otherwise provided, be sold at a public auction for cash by the state or the jurisdiction instituting proceedings to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale, in a newspaper having a general circulation in the jurisdiction instituting proceedings or throughout the State of Mississippi. Such notices shall contain a description of the property to be sold and a statement of the time and place of sale. It shall not be necessary to the validity of such sale either to have the property present at the place of sale or to have the name of the owner thereof stated in such notice. The proceeds of the sale shall be delivered to the circuit clerk and shall be disposed of as follows:(i)To any bona fide lienholder, secured party, or other party holding an interest in the property in the nature of a security interest, to the extent of his interest; and(ii)The balance, if any, after deduction of all storage and court costs, shall be forwarded to the State Treasurer and deposited with and used as general funds of the state or to the jurisdiction instituting proceedings and deposited in the county general fund.(d)The Department of Revenue shall issue a certificate of title to any person who purchases property under the provisions of this section when a certificate of title is required under the laws of this state.Laws, 2011, ch. 346, § 2, eff. 7/1/2011. Laws, 2011, ch. 346, § 2, eff. 7/1/2011.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111)Section 97-23-1 - False advertising and misrepresentation of nature of business

(1)It shall be unlawful for any person, firm, association or corporation to misrepresent the true nature of its business by use of the words "manufacturer," "wholesaler," "retailer," or words of similar import or for any person, firm, association or corporation to represent itself as selling at wholesale, or use the word "wholesale" in any form of sale or advertising unless such person, firm, association or corporation is actually selling at wholesale those items advertised for the purpose of resale. For the purpose of this section, the term "wholesale" shall be defined as a sale made for the purpose of resale by the purchaser on which a wholesale sales tax is charged, and not one made to a consuming purchaser on which a retail sales tax is charged.However, this section shall in nowise affect or prohibit a corporation from using the word "wholesale" in its corporate name even though such corporation also does a retail business. However, if it does a retail business, it must indicate in its advertisements that such business is being conducted by its retail division, or that such advertised products are to be sold only at retail.(2)The violation of this section shall constitute a misdemeanor, and any person or firm convicted of violating this section shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).Codes, 1942, § 2144.3; Laws, 1962, ch. 315, §§ 1, 2. (1)It shall be unlawful for any person, firm, association or corporation to misrepresent the true nature of its business by use of the words "manufacturer," "wholesaler," "retailer," or words of similar import or for any person, firm, association or corporation to represent itself as selling at wholesale, or use the word "wholesale" in any form of sale or advertising unless such person, firm, association or corporation is actually selling at wholesale those items advertised for the purpose of resale. For the purpose of this section, the term "wholesale" shall be defined as a sale made for the purpose of resale by the purchaser on which a wholesale sales tax is charged, and not one made to a consuming purchaser on which a retail sales tax is charged.However, this section shall in nowise affect or prohibit a corporation from using the word "wholesale" in its corporate name even though such corporation also does a retail business. However, if it does a retail business, it must indicate in its advertisements that such business is being conducted by its retail division, or that such advertised products are to be sold only at retail.(2)The violation of this section shall constitute a misdemeanor, and any person or firm convicted of violating this section shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).Codes, 1942, § 2144.3; Laws, 1962, ch. 315, §§ 1, 2. (1)It shall be unlawful for any person, firm, association or corporation to misrepresent the true nature of its business by use of the words "manufacturer," "wholesaler," "retailer," or words of similar import or for any person, firm, association or corporation to represent itself as selling at wholesale, or use the word "wholesale" in any form of sale or advertising unless such person, firm, association or corporation is actually selling at

wholesale those items advertised for the purpose of resale. For the purpose of this section, the term "wholesale" shall be defined as a sale made for the purpose of resale by the purchaser on which a wholesale sales tax is charged, and not one made to a consuming purchaser on which a retail sales tax is charged. However, this section shall in no wise affect or prohibit a corporation from using the word "wholesale" in its corporate name even though such corporation also does a retail business. However, if it does a retail business, it must indicate in its advertisements that such business is being conducted by its retail division, or that such advertised products are to be sold only at retail. (2) The violation of this section shall constitute a misdemeanor, and any person or firm convicted of violating this section shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). Codes, 1942, § 2144.3; Laws, 1962, ch. 315, §§ 1, 2. However, this section shall in no wise affect or prohibit a corporation from using the word "wholesale" in its corporate name even though such corporation also does a retail business. However, if it does a retail business, it must indicate in its advertisements that such business is being conducted by its retail division, or that such advertised products are to be sold only at retail. Codes, 1942, § 2144.3; Laws, 1962, ch. 315, §§ 1, 2.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-101 - Laundering of monetary instruments; offense; penalties; effect of federal conviction

(1)(a) Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity: (i) 1. With the intent to promote the carrying on of specified unlawful activity; or 2. With intent to engage in conduct constituting a violation of Section 7201 or 7206 of the Internal Revenue Code of 1986; or (ii) Knowing that the transaction is designed in whole or in part: 1. To conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or 2. To avoid a transaction reporting requirement under state or federal law, shall be sentenced to a fine of not more than Five Hundred Thousand Dollars (\$500,000.00) or twice the value of the property involved in the transaction, whichever is greater, or imprisonment for not more than twenty (20) years, or both. (b) Whoever transports, transmits, or transfers, or attempts to transport, transmit, or transfer a monetary instrument or funds from a place in the state to or through a place outside the state or to a place in the state from or through a place outside the state: (i) With the intent to promote the carrying on of specified unlawful activity; or (ii) Knowing that the monetary instrument or funds involved in the transportation represent the proceeds of some form of unlawful activity and knowing that such transportation is designed in whole or in part: 1. To conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or 2. To avoid a transaction reporting requirement under state or federal law, shall be sentenced to a fine of Five Hundred Thousand Dollars (\$500,000.00) or twice the value of the monetary instrument or funds involved in the transportation, whichever is greater, or imprisonment for not more than twenty (20) years, or both. (c) Whoever, with the intent: (i) To promote the carrying on of specified unlawful activity; (ii) To conceal or disguise the nature, location, source, ownership, or control of property believed to be the proceeds of specified unlawful activity; or (iii) To avoid a transaction reporting requirement under state or federal law, conducts or attempts to conduct a financial transaction involving property represented by a law enforcement officer to be the proceeds of specified unlawful activity, or property used to conduct or facilitate specified unlawful activity, shall be fined under this title or imprisoned for not more than twenty (20) years, or both. For purposes of this paragraph, the term "represented" means any representation made by a law enforcement officer or by another person at the direction of, or with the approval of, a government official authorized to investigate or prosecute violations of this section. (2) Whoever conducts or attempts to conduct a transaction described in subsection (1)(a), or a transportation described in subsection (1)(b), is liable to the state for a civil penalty of not more than the greater of: (a) The value of the property, funds, or monetary instruments involved in the transaction; or (b) Ten Thousand Dollars (\$10,000.00). (3) As used in this section: (a) The term "knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity" means that the person knew the property involved in the transaction represented proceeds from some form, though not necessarily which form, of activity that constitutes a felony under state or federal law; (b) The term "conducts" includes initiating, concluding, or participating in initiating, or concluding a transaction; (c) The term "transaction" includes a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition, and with respect to a financial institution includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected; (d) The term "financial transaction" means a transaction involving the movement of funds by wire or other means or involving one or more monetary instruments, which in any way or degree affects interstate or foreign commerce, or a transaction involving the use of a financial institution which is engaged in, or the activities of which affect, interstate or foreign commerce in any way or degree; (e) The term "monetary instruments" means coin or currency of the United States or of any other country, travelers' checks, personal checks, bank checks, money orders, investment securities in bearer form or otherwise in such form that title thereto passes upon delivery, and negotiable instruments in bearer form or otherwise in such form that title thereto passes upon delivery; (f) The term "financial institution" has the definition given that term in Section 5312(a)(2) of Title 31, United States Code, and the regulations promulgated thereunder. (4) Nothing in this section shall supersede any provision of federal, state, or other law imposing criminal penalties or affording civil remedies in addition to those provided for in this section. (5) Violations of this section may be investigated by the Attorney General. (6) If a person is convicted of a federal violation of laundering of monetary instruments, such person shall not be prosecuted under this section for the same set of facts which resulted in the federal conviction. Laws, 1998, ch. 475, § 1, eff. 7/1/1998. (1)(a) Whoever, knowing that the property involved in a financial

transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity:(i)1.With the intent to promote the carrying on of specified unlawful activity; or2.With intent to engage in conduct constituting a violation of Section 7201 or 7206 of the Internal Revenue Code of 1986; or(ii)Knowing that the transaction is designed in whole or in part:1.To conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or2.To avoid a transaction reporting requirement under state or federal law, shall be sentenced to a fine of not more than Five Hundred Thousand Dollars (\$500,000.00) or twice the value of the property involved in the transaction, whichever is greater, or imprisonment for not more than twenty (20) years, or both.(b)Whoever transports, transmits, or transfers, or attempts to transport, transmit, or transfer a monetary instrument or funds from a place in the state to or through a place outside the state or to a place in the state from or through a place outside the state;(i)With the intent to promote the carrying on of specified unlawful activity; or(ii)Knowing that the monetary instrument or funds involved in the transportation represent the proceeds of some form of unlawful activity and knowing that such transportation is designed in whole or in part:1.To conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or2.To avoid a transaction reporting requirement under state or federal law, shall be sentenced to a fine of Five Hundred Thousand Dollars (\$500,000.00) or twice the value of the monetary instrument or funds involved in the transportation, whichever is greater, or imprisonment for not more than twenty (20) years, or both.(c)Whoever, with the intent:(i)To promote the carrying on of specified unlawful activity;(ii)To conceal or disguise the nature, location, source, ownership, or control of property believed to be the proceeds of specified unlawful activity; or(iii)To avoid a transaction reporting requirement under state or federal law, conducts or attempts to conduct a financial transaction involving property represented by a law enforcement officer to be the proceeds of specified unlawful activity, or property used to conduct or facilitate specified unlawful activity, shall be fined under this title or imprisoned for not more than twenty (20) years, or both. For purposes of this paragraph, the term "represented" means any representation made by a law enforcement officer or by another person at the direction of, or with the approval of, a government official authorized to investigate or prosecute violations of this section.(2)Whoever conducts or attempts to conduct a transaction described in subsection (1)(a), or a transportation described in subsection (1)(b), is liable to the state for a civil penalty of not more than the greater of:(a)The value of the property, funds, or monetary instruments involved in the transaction; or(b)Ten Thousand Dollars (\$10,000.00).(3)As used in this section:(a)The term "knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity" means that the person knew the property involved in the transaction represented proceeds from some form, though not necessarily which form, of activity that constitutes a felony under state or federal law;(b)The term "conducts" includes initiating, concluding, or participating in initiating, or concluding a transaction;(c)The term "transaction" includes a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition, and with respect to a financial institution includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected;(d)The term "financial transaction" means a transaction involving the movement of funds by wire or other means or involving one or more monetary instruments, which in any way or degree affects interstate or foreign commerce, or a transaction involving the use of a financial institution which is engaged in, or the activities of which affect, interstate or foreign commerce in any way or degree;(e)The term "monetary instruments" means coin or currency of the United States or of any other country, travelers' checks, personal checks, bank checks, money orders, investment securities in bearer form or otherwise in such form that title thereto passes upon delivery, and negotiable instruments in bearer form or otherwise in such form that title thereto passes upon delivery;(f)The term "financial institution" has the definition given that term in Section 5312(a)(2) of Title 31, United States Code, and the regulations promulgated thereunder.(4)Nothing in this section shall supersede any provision of federal, state, or other law imposing criminal penalties or affording civil remedies in addition to those provided for in this section.(5)Violations of this section may be investigated by the Attorney General.(6)If a person is convicted of a federal violation of laundering of monetary instruments, such person shall not be prosecuted under this section for the same set of facts which resulted in the federal conviction.Laws, 1998, ch. 475, § 1, eff. 7/1/1998. (1)(a)Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity:(i)1.With the intent to promote the carrying on of specified unlawful activity; or2.With intent to engage in conduct constituting a violation of Section 7201 or 7206 of the Internal Revenue Code of 1986; or(ii)Knowing that the transaction is designed in whole or in part:1.To conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or2.To avoid a transaction reporting requirement under state or federal law, shall be sentenced to a fine of not more than Five Hundred Thousand Dollars (\$500,000.00) or twice the value of the property involved in the transaction, whichever is greater, or imprisonment for not more than twenty (20) years, or both.(b)Whoever transports, transmits, or transfers, or attempts to transport, transmit, or transfer a monetary instrument or funds from a place in the state to or through a place outside the state or to a place in the state from or through a place outside the state;(i)With the intent to promote the carrying on of specified unlawful activity; or(ii)Knowing that the monetary instrument or funds involved in the transportation represent the proceeds of some form of unlawful activity and knowing that such transportation is designed in whole or in part:1.To conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or2.To avoid a transaction reporting requirement under state or federal law, shall be sentenced to a fine of Five Hundred Thousand Dollars (\$500,000.00) or twice the value of the monetary instrument or funds involved in the transportation, whichever is greater, or imprisonment for not more than twenty (20) years, or both.(c)Whoever, with the intent:(i)To promote the carrying on of specified unlawful activity;(ii)To conceal or disguise the

nature, location, source, ownership, or control of property believed to be the proceeds of specified unlawful activity; or (iii) To avoid a transaction reporting requirement under state or federal law, conducts or attempts to conduct a financial transaction involving property represented by a law enforcement officer to be the proceeds of specified unlawful activity, or property used to conduct or facilitate specified unlawful activity, shall be fined under this title or imprisoned for not more than twenty (20) years, or both. For purposes of this paragraph, the term "represented" means any representation made by a law enforcement officer or by another person at the direction of, or with the approval of, a government official authorized to investigate or prosecute violations of this section. (2) Whoever conducts or attempts to conduct a transaction described in subsection (1)(a), or a transportation described in subsection (1)(b), is liable to the state for a civil penalty of not more than the greater of: (a) The value of the property, funds, or monetary instruments involved in the transaction; or (b) Ten Thousand Dollars (\$10,000.00). (3) As used in this section: (a) The term "knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity" means that the person knew the property involved in the transaction represented proceeds from some form, though not necessarily which form, of activity that constitutes a felony under state or federal law; (b) The term "conducts" includes initiating, concluding, or participating in initiating, or concluding a transaction; (c) The term "transaction" includes a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition, and with respect to a financial institution includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected; (d) The term "financial transaction" means a transaction involving the movement of funds by wire or other means or involving one or more monetary instruments, which in any way or degree affects interstate or foreign commerce, or a transaction involving the use of a financial institution which is engaged in, or the activities of which affect, interstate or foreign commerce in any way or degree; (e) The term "monetary instruments" means coin or currency of the United States or of any other country, travelers' checks, personal checks, bank checks, money orders, investment securities in bearer form or otherwise in such form that title thereto passes upon delivery, and negotiable instruments in bearer form or otherwise in such form that title thereto passes upon delivery; (f) The term "financial institution" has the definition given that term in Section 5312(a)(2) of Title 31, United States Code, and the regulations promulgated thereunder. (4) Nothing in this section shall supersede any provision of federal, state, or other law imposing criminal penalties or affording civil remedies in addition to those provided for in this section. (5) Violations of this section may be investigated by the Attorney General. (6) If a person is convicted of a federal violation of laundering of monetary instruments, such person shall not be prosecuted under this section for the same set of facts which resulted in the federal conviction. Laws, 1998, ch. 475, § 1, eff. 7/1/1998. Laws, 1998, ch. 475, § 1, eff. 7/1/1998.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-103 - Home repair fraud; definitions; exceptions; penalties

(1) As used in this section, unless the context clearly requires otherwise: (a) "Home repair" means the fixing, replacing, altering, converting, modernizing, improving of or the making of an addition to any real property primarily designed or used as a residence. (i) Home repair shall include the construction, installation, replacement or improvement of driveways, swimming pools, porches, kitchens, chimneys, chimney liners, garages, fences, fallout shelters, central air conditioning, central heating, boilers, furnaces, hot water heaters, electrical wiring, sewers, plumbing fixtures, storm doors, storm windows, awnings, carpets and other improvements to structures within the residence or upon the land adjacent thereto. (ii) Home repair shall not include the sale of goods or materials by a merchant who does not directly or through a subsidiary perform any work or labor in connection with the installation or application of the goods or materials; the repair, installation, replacement or connection of any home appliance, including, but not limited to, disposals, refrigerators, ranges, garage door openers, television antennas, washing machines, telephones or other home appliances when the person replacing, installing, repairing or connecting such home appliance is an employee or agent of the merchant that sold the home appliance; or landscaping. (b) "Person" means any individual, partnership, corporation, business, trust or other legal entity. (c) "Residence" means a single or multiple family dwelling, including, but not limited to, a single family home, apartment building, condominium, duplex, townhouse or mobile home which is used or intended to be used by its occupants as their dwelling place. (2) A person commits the offense of home repair fraud when he knowingly: (a) Enters into an agreement or contract, written or oral, with a person for home repair, and he knowingly: (i) Misrepresents a material fact relating to the terms of the contract or agreement or the preexisting or existing condition of any portion of the property involved, or creates or confirms another's impression which is false and which he does not believe to be true, or promises performance which he does not intend to perform or knows will not be performed; (ii) Uses or employs any deception, false pretense or false promises in order to induce, encourage or solicit such person to enter into any contract or agreement; (iii) Misrepresents or conceals either his real name, the name of his business or his business address; or (iv) Uses deception, coercion or force to obtain the victim's consent to modification of the terms of the original contract or agreement; (b) Damages the property of a person with the intent to enter into an agreement or contract for home repair; or (c) Misrepresents himself or another to be an employee or agent of any unit of the federal, state or municipal government or any other governmental unit, or an employee or agent of any public utility, with the intent to cause a person to enter into, with himself or another, any contract or agreement for home repair. (3) Intent and knowledge shall be determined by an evaluation of all circumstances surrounding a transaction and the determination shall not be limited to the time of contract or agreement. (4) Substantial performance shall not include work performed in a manner of little or no value or work that fails to comply with the appropriate municipal, county, state or federal regulations or codes. (5) Violation of this section shall be

punished as follows:(a)A first conviction under this section shall be a misdemeanor when the amount of the fraud is less than Five Thousand Dollars (\$5,000.00) and shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment in the county jail not to exceed six (6) months, or both.(b)A second or subsequent conviction under this section shall be punished as follows:(i)As a felony punishable by imprisonment in the custody of the Department of Corrections not to exceed two (2) years when the amount of the fraud is more than One Thousand Dollars (\$1,000.00) but less than Five Thousand Dollars (\$5,000.00).(ii)As a misdemeanor punishable by imprisonment in the county jail for not more than six (6) months when the amount of the fraud is One Thousand Dollars (\$1,000.00) or less.(c)A first or subsequent conviction under this section shall be a felony when the amount of the fraud is over Five Thousand Dollars (\$5,000.00) and shall be punished as follows:(i)By imprisonment in the custody of the Department of Corrections not to exceed five (5) years or a fine not to exceed Ten Thousand Dollars (\$10,000.00) or both when the amount of the fraud is Five Thousand Dollars (\$5,000.00) or more, but less than Ten Thousand Dollars (\$10,000.00).(ii)By imprisonment in the custody of the Department of Corrections not to exceed ten (10) years or a fine not to exceed Ten Thousand Dollars (\$10,000.00) when the amount of the fraud is Ten Thousand Dollars (\$10,000.00) or more.(6)In addition to any other sentence it may impose, the court shall order that the defendant shall make restitution to the victim, either within a specified period of time or in specified installments. The order shall not be enforceable during the period of imprisonment unless the court expressly finds that the defendant has assets to pay the amounts ordered at the time of sentencing. Intentional refusal to obey the restitution order or a failure by a defendant to make a good faith effort to make such restitution may be considered a violation of the defendant's probation and may be cause for revocation of his probation or suspension of sentence.Laws, 2003, ch. 499, § 10; Laws, 2006, ch. 348, § 1, eff. 3/13/2006. (1)As used in this section, unless the context clearly requires otherwise:(a)"Home repair" means the fixing, replacing, altering, converting, modernizing, improving of or the making of an addition to any real property primarily designed or used as a residence.(i)Home repair shall include the construction, installation, replacement or improvement of driveways, swimming pools, porches, kitchens, chimneys, chimney liners, garages, fences, fallout shelters, central air conditioning, central heating, boilers, furnaces, hot water heaters, electrical wiring, sewers, plumbing fixtures, storm doors, storm windows, awnings, carpets and other improvements to structures within the residence or upon the land adjacent thereto.(ii)Home repair shall not include the sale of goods or materials by a merchant who does not directly or through a subsidiary perform any work or labor in connection with the installation or application of the goods or materials; the repair, installation, replacement or connection of any home appliance, including, but not limited to, disposals, refrigerators, ranges, garage door openers, television antennas, washing machines, telephones or other home appliances when the person replacing, installing, repairing or connecting such home appliance is an employee or agent of the merchant that sold the home appliance; or landscaping.(b)"Person" means any individual, partnership, corporation, business, trust or other legal entity.(c)"Residence" means a single or multiple family dwelling, including, but not limited to, a single family home, apartment building, condominium, duplex, townhouse or mobile home which is used or intended to be used by its occupants as their dwelling place.(2)A person commits the offense of home repair fraud when he knowingly:(a)Enters into an agreement or contract, written or oral, with a person for home repair, and he knowingly:(i)Misrepresents a material fact relating to the terms of the contract or agreement or the preexisting or existing condition of any portion of the property involved, or creates or confirms another's impression which is false and which he does not believe to be true, or promises performance which he does not intend to perform or knows will not be performed;(ii)Uses or employs any deception, false pretense or false promises in order to induce, encourage or solicit such person to enter into any contract or agreement;(iii)Misrepresents or conceals either his real name, the name of his business or his business address; or(iv)Uses deception, coercion or force to obtain the victim's consent to modification of the terms of the original contract or agreement;(b)Damages the property of a person with the intent to enter into an agreement or contract for home repair; or(c)Misrepresents himself or another to be an employee or agent of any unit of the federal, state or municipal government or any other governmental unit, or an employee or agent of any public utility, with the intent to cause a person to enter into, with himself or another, any contract or agreement for home repair.(3)Intent and knowledge shall be determined by an evaluation of all circumstances surrounding a transaction and the determination shall not be limited to the time of contract or agreement.(4)Substantial performance shall not include work performed in a manner of little or no value or work that fails to comply with the appropriate municipal, county, state or federal regulations or codes.(5)Violation of this section shall be punished as follows:(a)A first conviction under this section shall be a misdemeanor when the amount of the fraud is less than Five Thousand Dollars (\$5,000.00) and shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment in the county jail not to exceed six (6) months, or both.(b)A second or subsequent conviction under this section shall be punished as follows:(i)As a felony punishable by imprisonment in the custody of the Department of Corrections not to exceed two (2) years when the amount of the fraud is more than One Thousand Dollars (\$1,000.00) but less than Five Thousand Dollars (\$5,000.00).(ii)As a misdemeanor punishable by imprisonment in the county jail for not more than six (6) months when the amount of the fraud is One Thousand Dollars (\$1,000.00) or less.(c)A first or subsequent conviction under this section shall be a felony when the amount of the fraud is over Five Thousand Dollars (\$5,000.00) and shall be punished as follows:(i)By imprisonment in the custody of the Department of Corrections not to exceed five (5) years or a fine not to exceed Ten Thousand Dollars (\$10,000.00) or both when the amount of the fraud is Five Thousand Dollars (\$5,000.00) or more, but less than Ten Thousand Dollars (\$10,000.00).(ii)By imprisonment in the custody of the Department of Corrections not to exceed ten (10) years or a fine not to exceed Ten Thousand Dollars (\$10,000.00) when the amount of the fraud is Ten Thousand Dollars (\$10,000.00) or more.(6)In addition to any other sentence it may impose, the court shall order that the defendant shall make restitution to the victim, either within a specified period of time or in specified installments. The order shall not be enforceable during the period of imprisonment unless the court expressly finds that the

defendant has assets to pay the amounts ordered at the time of sentencing. Intentional refusal to obey the restitution order or a failure by a defendant to make a good faith effort to make such restitution may be considered a violation of the defendant's probation and may be cause for revocation of his probation or suspension of sentence. Laws, 2003, ch. 499, § 10; Laws, 2006, ch. 348, § 1, eff. 3/13/2006. (1) As used in this section, unless the context clearly requires otherwise: (a) "Home repair" means the fixing, replacing, altering, converting, modernizing, improving or the making of an addition to any real property primarily designed or used as a residence. (i) Home repair shall include the construction, installation, replacement or improvement of driveways, swimming pools, porches, kitchens, chimneys, chimney liners, garages, fences, fallout shelters, central air conditioning, central heating, boilers, furnaces, hot water heaters, electrical wiring, sewers, plumbing fixtures, storm doors, storm windows, awnings, carpets and other improvements to structures within the residence or upon the land adjacent thereto. (ii) Home repair shall not include the sale of goods or materials by a merchant who does not directly or through a subsidiary perform any work or labor in connection with the installation or application of the goods or materials; the repair, installation, replacement or connection of any home appliance, including, but not limited to, disposals, refrigerators, ranges, garage door openers, television antennas, washing machines, telephones or other home appliances when the person replacing, installing, repairing or connecting such home appliance is an employee or agent of the merchant that sold the home appliance; or landscaping. (b) "Person" means any individual, partnership, corporation, business, trust or other legal entity. (c) "Residence" means a single or multiple family dwelling, including, but not limited to, a single family home, apartment building, condominium, duplex, townhouse or mobile home which is used or intended to be used by its occupants as their dwelling place. (2) A person commits the offense of home repair fraud when he knowingly: (a) Enters into an agreement or contract, written or oral, with a person for home repair, and he knowingly: (i) Misrepresents a material fact relating to the terms of the contract or agreement or the preexisting or existing condition of any portion of the property involved, or creates or confirms another's impression which is false and which he does not believe to be true, or promises performance which he does not intend to perform or knows will not be performed; (ii) Uses or employs any deception, false pretense or false promises in order to induce, encourage or solicit such person to enter into any contract or agreement; (iii) Misrepresents or conceals either his real name, the name of his business or his business address; or (iv) Uses deception, coercion or force to obtain the victim's consent to modification of the terms of the original contract or agreement; (b) Damages the property of a person with the intent to enter into an agreement or contract for home repair; or (c) Misrepresents himself or another to be an employee or agent of any unit of the federal, state or municipal government or any other governmental unit, or an employee or agent of any public utility, with the intent to cause a person to enter into, with himself or another, any contract or agreement for home repair. (3) Intent and knowledge shall be determined by an evaluation of all circumstances surrounding a transaction and the determination shall not be limited to the time of contract or agreement. (4) Substantial performance shall not include work performed in a manner of little or no value or work that fails to comply with the appropriate municipal, county, state or federal regulations or codes. (5) Violation of this section shall be punished as follows: (a) A first conviction under this section shall be a misdemeanor when the amount of the fraud is less than Five Thousand Dollars (\$5,000.00) and shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment in the county jail not to exceed six (6) months, or both. (b) A second or subsequent conviction under this section shall be punished as follows: (i) As a felony punishable by imprisonment in the custody of the Department of Corrections not to exceed two (2) years when the amount of the fraud is more than One Thousand Dollars (\$1,000.00) but less than Five Thousand Dollars (\$5,000.00). (ii) As a misdemeanor punishable by imprisonment in the county jail for not more than six (6) months when the amount of the fraud is One Thousand Dollars (\$1,000.00) or less. (c) A first or subsequent conviction under this section shall be a felony when the amount of the fraud is over Five Thousand Dollars (\$5,000.00) and shall be punished as follows: (i) By imprisonment in the custody of the Department of Corrections not to exceed five (5) years or a fine not to exceed Ten Thousand Dollars (\$10,000.00) or both when the amount of the fraud is Five Thousand Dollars (\$5,000.00) or more, but less than Ten Thousand Dollars (\$10,000.00). (ii) By imprisonment in the custody of the Department of Corrections not to exceed ten (10) years or a fine not to exceed Ten Thousand Dollars (\$10,000.00) when the amount of the fraud is Ten Thousand Dollars (\$10,000.00) or more. (6) In addition to any other sentence it may impose, the court shall order that the defendant shall make restitution to the victim, either within a specified period of time or in specified installments. The order shall not be enforceable during the period of imprisonment unless the court expressly finds that the defendant has assets to pay the amounts ordered at the time of sentencing. Intentional refusal to obey the restitution order or a failure by a defendant to make a good faith effort to make such restitution may be considered a violation of the defendant's probation and may be cause for revocation of his probation or suspension of sentence. Laws, 2003, ch. 499, § 10; Laws, 2006, ch. 348, § 1, eff. 3/13/2006. Laws, 2003, ch. 499, § 10; Laws, 2006, ch. 348, § 1, eff. 3/13/2006.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-105 - Falsely using or producing retail sales receipts and universal product codes

(1) A person who, with intent to cheat or defraud a retailer, possesses, uses, utters transfers, makes, alters, counterfeits or reproduces a retail sales receipt or a universal product code label commits a misdemeanor which shall be punished, upon conviction thereof, by imprisonment not to exceed one (1) year, a fine not to exceed Five Thousand Dollars (\$5,000.00), or both. (2) A person who, with intent to cheat or defraud a retailer, possesses fifteen (15) or more retail sales receipts or universal product code labels or possesses a device the purpose of which is to manufacture fraudulent retail sale receipts or universal product code labels commits a felony punishable, upon conviction thereof, by imprisonment not to exceed five (5) years, a fine not to exceed Ten Thousand Dollars (\$10,000.00), or both. Laws, 2005, ch. 511, § 3, eff. 7/1/2005. (1) A person who, with intent to cheat or defraud a retailer, possesses,

uses, utters transfers, makes, alters, counterfeits or reproduces a retail sales receipt or a universal product code label commits a misdemeanor which shall be punished, upon conviction thereof, by imprisonment not to exceed one (1) year, a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.(2)A person who, with intent to cheat or defraud a retailer, possesses fifteen (15) or more retail sales receipts or universal product code labels or possesses a device the purpose of which is to manufacture fraudulent retail sale receipts or universal product code labels commits a felony punishable, upon conviction thereof, by imprisonment not to exceed five (5) years, a fine not to exceed Ten Thousand Dollars (\$10,000.00), or both.Laws, 2005, ch. 511, § 3, eff. 7/1/2005. (1)A person who, with intent to cheat or defraud a retailer, possesses, uses, utters transfers, makes, alters, counterfeits or reproduces a retail sales receipt or a universal product code label commits a misdemeanor which shall be punished, upon conviction thereof, by imprisonment not to exceed one (1) year, a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.(2)A person who, with intent to cheat or defraud a retailer, possesses fifteen (15) or more retail sales receipts or universal product code labels or possesses a device the purpose of which is to manufacture fraudulent retail sale receipts or universal product code labels commits a felony punishable, upon conviction thereof, by imprisonment not to exceed five (5) years, a fine not to exceed Ten Thousand Dollars (\$10,000.00), or both.Laws, 2005, ch. 511, § 3, eff. 7/1/2005. Laws, 2005, ch. 511, § 3, eff. 7/1/2005.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111)Section 97-23-107 - Residential mortgage fraud; elements of offense; establishing venue; penalties; forfeiture of all property used in or obtained through violation of section; pattern of residential mortgage fraud

(1)A person commits the offense of residential mortgage fraud when, with the intent to defraud such person, he:(a)Knowingly makes any deliberate misstatement, misrepresentation or omission during the mortgage lending process with the intention that it be relied on by a licensed mortgage broker or mortgage lender, borrower or any other party to the mortgage lending process;(b)Knowingly uses or facilitates the use of any deliberate misstatement, misrepresentation or omission, knowing the same to contain a misstatement, misrepresentation or omission, during the mortgage lending process with the intention that it be relied on by a company, borrower, or any other party to the mortgage lending process;(c)Receives any proceeds or any other funds in connection with a residential mortgage closing that such person knew resulted from a violation of paragraph (a) or (b) of this subsection;(d)Conspires to violate any of the provisions of paragraph (a), (b) or (c) of this subsection; or(e)Files or causes to be filed with the chancery clerk of any county of this state any deed of trust such person knows to contain a deliberate misstatement, misrepresentation or omission.(2)An offense of residential mortgage fraud shall not be predicated solely upon information lawfully disclosed under federal disclosure laws, regulations and interpretations related to the mortgage lending process.(3)For the purposes of venue under this section, any violation of this section shall be considered to have been committed:(a)In the county in which the residential property for which a mortgage loan is being sought is located;(b)In any county in which any act was performed in furtherance of this violation;(c)In any county in which any person alleged to have violated this chapter had control or possession of any proceeds of this violation;(d)If a closing occurred, in any county in which the closing occurred; or(e)In any county in which a document containing a deliberate misstatement, misrepresentation or omission is filed with the chancery clerk.(4)District attorneys and the Attorney General shall have the authority to conduct the criminal investigation of all cases of residential mortgage fraud under this section.(5)(a)Any person violating this section shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not less than one (1) year nor more than ten (10) years, by a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.(b)If a violation of this section involves engaging or participating in a pattern of residential mortgage fraud or a conspiracy or endeavor to engage or participate in a pattern of residential mortgage fraud, the violation shall be punishable by imprisonment for not less than three (3) years nor more than twenty (20) years, by a fine not to exceed One Hundred Thousand Dollars (\$100,000.00), or both.(c)Each residential property transaction subject to a violation of this section shall constitute a separate offense and shall not merge with any other crimes set forth in this section.(6)All real and personal property of every kind used or intended for use in the course of, derived from, or realized through a violation of this section shall be subject to forfeiture to the state. Forfeiture shall be had by the same procedure as outlined in Sections97-43-9and97-43-11. District attorneys and the Attorney General may commence forfeiture proceedings under this section.(7)For purposes of this section, the term "pattern of residential mortgage fraud" means one or more violations of subsection (1) of this section that involve two (2) or more residential properties which have the same or similar intents, results, accomplices, victims or methods of commission or otherwise are interrelated by distinguishing characteristics.Laws, 2007, ch. 581, § 31, eff. 7/1/2007. (1)A person commits the offense of residential mortgage fraud when, with the intent to defraud such person, he:(a)Knowingly makes any deliberate misstatement, misrepresentation or omission during the mortgage lending process with the intention that it be relied on by a licensed mortgage broker or mortgage lender, borrower or any other party to the mortgage lending process;(b)Knowingly uses or facilitates the use of any deliberate misstatement, misrepresentation or omission, knowing the same to contain a misstatement, misrepresentation or omission, during the mortgage lending process with the intention that it be relied on by a company, borrower, or any other party to the mortgage lending process;(c)Receives any proceeds or any other funds in connection with a residential mortgage closing that such person knew resulted from a violation of paragraph (a) or (b) of this subsection;(d)Conspires to violate any of the provisions of paragraph (a), (b) or (c) of this subsection; or(e)Files or causes to be filed with the chancery clerk of any county of this state any deed of trust such person knows to contain a deliberate misstatement, misrepresentation or omission.(2)An offense of residential mortgage fraud shall not be predicated solely upon information lawfully disclosed under federal disclosure laws, regulations and interpretations related to the mortgage lending process.(3)For the purposes of venue under this section, any violation of this section shall be considered to have been committed:(a)In the county in which the

residential property for which a mortgage loan is being sought is located;(b)In any county in which any act was performed in furtherance of this violation;(c)In any county in which any person alleged to have violated this chapter had control or possession of any proceeds of this violation;(d)If a closing occurred, in any county in which the closing occurred; or(e)In any county in which a document containing a deliberate misstatement, misrepresentation or omission is filed with the chancery clerk.(4)District attorneys and the Attorney General shall have the authority to conduct the criminal investigation of all cases of residential mortgage fraud under this section.(5)(a)Any person violating this section shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not less than one (1) year nor more than ten (10) years, by a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.(b)If a violation of this section involves engaging or participating in a pattern of residential mortgage fraud or a conspiracy or endeavor to engage or participate in a pattern of residential mortgage fraud, the violation shall be punishable by imprisonment for not less than three (3) years nor more than twenty (20) years, by a fine not to exceed One Hundred Thousand Dollars (\$100,000.00), or both.(c)Each residential property transaction subject to a violation of this section shall constitute a separate offense and shall not merge with any other crimes set forth in this section.(6)All real and personal property of every kind used or intended for use in the course of, derived from, or realized through a violation of this section shall be subject to forfeiture to the state. Forfeiture shall be had by the same procedure as outlined in Sections97-43-9and97-43-11. District attorneys and the Attorney General may commence forfeiture proceedings under this section.(7)For purposes of this section, the term "pattern of residential mortgage fraud" means one or more violations of subsection (1) of this section that involve two (2) or more residential properties which have the same or similar intents, results, accomplices, victims or methods of commission or otherwise are interrelated by distinguishing characteristics.Laws, 2007, ch. 581, § 31, eff. 7/1/2007. (1)A person commits the offense of residential mortgage fraud when, with the intent to defraud such person, he:(a)Knowingly makes any deliberate misstatement, misrepresentation or omission during the mortgage lending process with the intention that it be relied on by a licensed mortgage broker or mortgage lender, borrower or any other party to the mortgage lending process;(b)Knowingly uses or facilitates the use of any deliberate misstatement, misrepresentation or omission, knowing the same to contain a misstatement, misrepresentation or omission, during the mortgage lending process with the intention that it be relied on by a company, borrower, or any other party to the mortgage lending process;(c)Receives any proceeds or any other funds in connection with a residential mortgage closing that such person knew resulted from a violation of paragraph (a) or (b) of this subsection;(d)Conspires to violate any of the provisions of paragraph (a), (b) or (c) of this subsection; or(e)Files or causes to be filed with the chancery clerk of any county of this state any deed of trust such person knows to contain a deliberate misstatement, misrepresentation or omission.(2)An offense of residential mortgage fraud shall not be predicated solely upon information lawfully disclosed under federal disclosure laws, regulations and interpretations related to the mortgage lending process.(3)For the purposes of venue under this section, any violation of this section shall be considered to have been committed:(a)In the county in which the residential property for which a mortgage loan is being sought is located;(b)In any county in which any act was performed in furtherance of this violation;(c)In any county in which any person alleged to have violated this chapter had control or possession of any proceeds of this violation;(d)If a closing occurred, in any county in which the closing occurred; or(e)In any county in which a document containing a deliberate misstatement, misrepresentation or omission is filed with the chancery clerk.(4)District attorneys and the Attorney General shall have the authority to conduct the criminal investigation of all cases of residential mortgage fraud under this section.(5)(a)Any person violating this section shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not less than one (1) year nor more than ten (10) years, by a fine not to exceed Five Thousand Dollars (\$5,000.00), or both.(b)If a violation of this section involves engaging or participating in a pattern of residential mortgage fraud or a conspiracy or endeavor to engage or participate in a pattern of residential mortgage fraud, the violation shall be punishable by imprisonment for not less than three (3) years nor more than twenty (20) years, by a fine not to exceed One Hundred Thousand Dollars (\$100,000.00), or both.(c)Each residential property transaction subject to a violation of this section shall constitute a separate offense and shall not merge with any other crimes set forth in this section.(6)All real and personal property of every kind used or intended for use in the course of, derived from, or realized through a violation of this section shall be subject to forfeiture to the state. Forfeiture shall be had by the same procedure as outlined in Sections97-43-9and97-43-11. District attorneys and the Attorney General may commence forfeiture proceedings under this section.(7)For purposes of this section, the term "pattern of residential mortgage fraud" means one or more violations of subsection (1) of this section that involve two (2) or more residential properties which have the same or similar intents, results, accomplices, victims or methods of commission or otherwise are interrelated by distinguishing characteristics.Laws, 2007, ch. 581, § 31, eff. 7/1/2007. Laws, 2007, ch. 581, § 31, eff. 7/1/2007.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111)Section 97-23-109 - Mass picketing by union which obstructs or interferes with free ingress or egress of any person to and from any place of business or private residence; injunctive relief without showing of irreparable harm for business or property owner

(1)(a)It shall be unlawful for any union, labor union or agency thereof, singly or in concert with others, to engage in mass picketing or mass demonstrations in such a manner as to obstruct or unreasonably interfere with free ingress or egress of any person to and from any place of business or act or conduct themselves in any manner that would have the effect as to obstruct or unreasonably interfere with free use of business entryways, streets, sidewalks or rights-of-ways adjacent or contiguous to a business or has or intends the effect of violence or intimidation, near or contiguous to the business's customers.(b)It shall be unlawful for any union, labor union or agency thereof, singly or in concert with others, to engage in mass picketing or mass demonstrations in such a manner as to obstruct or unreasonably interfere with free ingress or egress of any person to and from any private residences or act or conduct

themselves in any manner that would have the effect as to obstruct or unreasonably interfere with free use of residential driveways, streets, sidewalks or rights-of-ways adjacent to a residence, or unreasonably interfere with the resident's right to quiet enjoyment, or where such picketing of a residence has or intends the effect of violence or intimidation, near contiguous to a residence.(2)It shall be unlawful for any union, labor union or agency thereof, singly or in concert with others to use equipment or any other object to obstruct or unreasonably interfere with free ingress or egress of any person to and from any private residences or place of business, or act or conduct themselves in any manner that would have the effect as to obstruct or unreasonably interfere with free use of residential driveways, streets, sidewalks or rights-of-ways adjacent or contiguous thereto a residence, or as to obstruct or unreasonably interfere with free use of business entryways, streets, sidewalks or rights-of-ways adjacent to or contiguous to a business, or interfere in any other manner described in subsection (1) of this section.(3)Each individual person guilty of violating this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than Five Hundred Dollars (\$500.00), or imprisoned in jail not more than six (6) months, or both such fine and imprisonment.(4)It shall be no defense under state law that an organization or individual engages in mass picketing or mass demonstrations to further an objective in the context of a labor dispute.(5)For purposes of this section, "mass picketing" and "mass demonstration" means a picket actually prevents an individual from the reasonable free ingress to and egress from an entrance to any place of employment or place of residence, either by obstructing the free ingress and egress with the person's body or by placing a vehicle or other physical obstruction for such purpose. The picketing prevents the pursuit of any entrance to a private residence, lawful work or employment.(6)If, in the context of a labor dispute, an organization or individual is engaged in mass picketing at a business or private residence, the business or property owner shall be able to seek injunctive relief without the showing of irreparable harm. Upon proper showing, a person or business who is injured or threatened with injury shall be afforded relief in any court of competent jurisdiction to enjoin any behavior made unlawful. Nothing in this section shall be interpreted to alter or change the protections afforded under the federal labor laws, including the National Labor Relations Act or the Labor Management Relations Act.(7)Nothing in this section shall be construed to conflict with any federal law to the contrary or Section97-7-63, Mississippi Code of 1972.(8)Nothing in the provisions of this section shall be construed to infringe and impede upon any individual's First Amendment right.Added by Laws, 2014, ch. 498, SB 2653, 1, eff. 7/1/2014. (1)(a)It shall be unlawful for any union, labor union or agency thereof, singly or in concert with others, to engage in mass picketing or mass demonstrations in such a manner as to obstruct or unreasonably interfere with free ingress or egress of any person to and from any place of business or act or conduct themselves in any manner that would have the effect as to obstruct or unreasonably interfere with free use of business entryways, streets, sidewalks or rights-of-ways adjacent or contiguous to a business or has or intends the effect of violence or intimidation, near or contiguous to the business's customers.(b)It shall be unlawful for any union, labor union or agency thereof, singly or in concert with others, to engage in mass picketing or mass demonstrations in such a manner as to obstruct or unreasonably interfere with free ingress or egress of any person to and from any private residences or act or conduct themselves in any manner that would have the effect as to obstruct or unreasonably interfere with free use of residential driveways, streets, sidewalks or rights-of-ways adjacent to a residence, or unreasonably interfere with the resident's right to quiet enjoyment, or where such picketing of a residence has or intends the effect of violence or intimidation, near contiguous to a residence.(2)It shall be unlawful for any union, labor union or agency thereof, singly or in concert with others to use equipment or any other object to obstruct or unreasonably interfere with free ingress or egress of any person to and from any private residences or place of business, or act or conduct themselves in any manner that would have the effect as to obstruct or unreasonably interfere with free use of residential driveways, streets, sidewalks or rights-of-ways adjacent or contiguous thereto a residence, or as to obstruct or unreasonably interfere with free use of business entryways, streets, sidewalks or rights-of-ways adjacent to or contiguous to a business, or interfere in any other manner described in subsection (1) of this section.(3)Each individual person guilty of violating this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than Five Hundred Dollars (\$500.00), or imprisoned in jail not more than six (6) months, or both such fine and imprisonment.(4)It shall be no defense under state law that an organization or individual engages in mass picketing or mass demonstrations to further an objective in the context of a labor dispute.(5)For purposes of this section, "mass picketing" and "mass demonstration" means a picket actually prevents an individual from the reasonable free ingress to and egress from an entrance to any place of employment or place of residence, either by obstructing the free ingress and egress with the person's body or by placing a vehicle or other physical obstruction for such purpose. 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others, to engage in mass picketing or mass demonstrations in such a manner as to obstruct or unreasonably interfere with free ingress or egress of any person to and from any private residences or act or conduct themselves in any manner that would have the effect as to obstruct or unreasonably interfere with free use of residential driveways, streets, sidewalks or rights-of-ways adjacent to a residence, or unreasonably interfere with the resident's right to quiet enjoyment, or where such picketing of a residence has or intends the effect of violence or intimidation, near contiguous to a residence.(2)It shall be unlawful for any union, labor union or agency thereof, singly or in concert with others to use equipment or any other object to obstruct or unreasonably interfere with free ingress or egress of any person to and from any private residences or place of business, or act or conduct themselves in any manner that would have the effect as to obstruct or unreasonably interfere with free use of residential driveways, streets, sidewalks or rights-of-ways adjacent or contiguous thereto a residence, or as to obstruct or unreasonably interfere with free use of business entryways, streets, sidewalks or rights-of-ways adjacent to or contiguous to a business, or interfere in any other manner described in subsection (1) of this section.(3)Each individual person guilty of violating this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than Five Hundred Dollars (\$500.00), or imprisoned in jail not more than six (6) months, or both such fine and imprisonment.(4)It shall be no defense under state law that an organization or individual engages in mass picketing or mass demonstrations to further an objective in the context of a labor dispute.(5)For purposes of this section, "mass picketing" and "mass demonstration" means a picket actually prevents an individual from the reasonable free ingress to and egress from an entrance to any place of employment or place of residence, either by obstructing the free ingress and egress with the person's body or by placing a vehicle or other physical obstruction for such purpose. The picketing prevents the pursuit of any entrance to a private residence, lawful work or employment.(6)If, in the context of a labor dispute, an organization or individual is engaged in mass picketing at a business or private residence, the business or property owner shall be able to seek injunctive relief without the showing of irreparable harm. Upon proper showing, a person or business who is injured or threatened with injury shall be afforded relief in any court of competent jurisdiction to enjoin any behavior made unlawful. Nothing in this section shall be interpreted to alter or change the protections afforded under the federal labor laws, including the National Labor Relations Act or the Labor Management Relations Act.(7)Nothing in this section shall be construed to conflict with any federal law to the contrary or Section 97-7-63, Mississippi Code of 1972.(8)Nothing in the provisions of this section shall be construed to infringe and impede upon any individual's First Amendment right.Added by Laws, 2014, ch. 498, SB 2653, 1, eff. 7/1/2014. Added by Laws, 2014, ch. 498, SB 2653, 1, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111)Section 97-23-11 - Cotton; scalage; deductions from true weight of bale prohibited

If any purchaser or weigher of cotton shall deduct from the true weight of any bale or package thereof any amount whatever, as scalage, with intent to diminish the sum to be paid or credited to the seller, he shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten dollars nor more than twenty dollars.Codes, 1892, § 1296; 1906, § 1370; Hemingway's 1917, § 1106; 1930, § 1135; 1942, § 2372; Laws, 1888, p. 91. If any purchaser or weigher of cotton shall deduct from the true weight of any bale or package thereof any amount whatever, as scalage, with intent to diminish the sum to be paid or credited to the seller, he shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten dollars nor more than twenty dollars.Codes, 1892, § 1296; 1906, § 1370; Hemingway's 1917, § 1106; 1930, § 1135; 1942, § 2372; Laws, 1888, p. 91. If any purchaser or weigher of cotton shall deduct from the true weight of any bale or package thereof any amount whatever, as scalage, with intent to diminish the sum to be paid or credited to the seller, he shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten dollars nor more than twenty dollars.Codes, 1892, § 1296; 1906, § 1370; Hemingway's 1917, § 1106; 1930, § 1135; 1942, § 2372; Laws, 1888, p. 91. If any purchaser or weigher of cotton shall deduct from the true weight of any bale or package thereof any amount whatever, as scalage, with intent to diminish the sum to be paid or credited to the seller, he shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten dollars nor more than twenty dollars. Codes, 1892, § 1296; 1906, § 1370; Hemingway's 1917, § 1106; 1930, § 1135; 1942, § 2372; Laws, 1888, p. 91.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111)Section 97-23-111 - Automated sales suppression devices, zappers and phantom-ware programs prohibited; definitions; penalties

(1)As used in this section, the following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:(a)"Automated sales suppression device" or "zapper" means a software program carried on a memory stick or other flash memory data storage device, or on a removable optical disc or accessed through an Internet link, or by any other means, that falsifies the electronic records of electronic cash registers and other point-of-sale systems, including, but not limited to, transaction data and transaction reports.(b)"Electronic cash register" means a device that keeps an electronic record, register or supporting documentation, through the use of an electronic device or computer system, of data for the purpose of computing, compiling or processing retail sales transaction data, and includes a cash register or any other point-of-sale system.(c)"Phantom-ware" means a hidden or concealed programming option embedded in the operating system of, or hardwired into, an electronic cash register that can be used to create a second or alternate set of records or to eliminate or manipulate transaction records, which may or may not be preserved in digital format, to represent either the actual or the manipulated record of transactions.(d)"Transaction data" means data relating to a transaction which includes, but is not limited to, data identifying each

item purchased by a customer; the price for each item; a taxability determination for each item; a segregated tax amount for each of the taxed items; the amount of cash or credit tendered; the net amount returned to a customer in change; the date and time of a purchase; the name, address and identification number of a vendor; and the receipt or invoice number of a transaction.(e)"Transaction report" means:(i)A report that contains, but is not limited to, documentation of the sales, taxes or fees collected, media totals, and discount voids of an electronic cash register and that is printed on cash register tape or other hard copy at the end of a day or shift;(ii)A report that documents every action performed on or by an electronic cash register and that is stored electronically; and/or(iii)Any variation of reports described in subparagraphs (i) and (ii) of this paragraph (e).(2)It shall be unlawful for any person to knowingly create, design, manufacture, sell, purchase, lease, install, update, repair, service, transfer, use, or possess or otherwise make available any automated sales suppression device, zapper or phantom-ware.(3)Any person who violates the provisions of this section shall be guilty of a felony and, upon conviction thereof, shall be fined not more than One Hundred Thousand Dollars (\$100,000.00) or imprisoned for not more than fifteen (15) years, or both.(4)An automated sales suppression device, zapper or phantom-ware and any device containing such device or software shall be contraband and shall be forfeited to the state.Added by Laws, 2018, ch. 414, SB 2754,§ 1, eff. 7/1/2018. (1)As used in this section, the following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:(a)"Automated sales suppression device" or "zapper" means a software program carried on a memory stick or other flash memory data storage device, or on a removable optical disc or accessed through an Internet link, or by any other means, that falsifies the electronic records of electronic cash registers and other point-of-sale systems, including, but not limited to, transaction data and transaction reports.(b)"Electronic cash register" means a device that keeps an electronic record, register or supporting documentation, through the use of an electronic device or computer system, of data for the purpose of computing, compiling or processing retail sales transaction data, and includes a cash register or any other point-of-sale system.(c)"Phantom-ware" means a hidden or concealed programming option embedded in the operating system of, or hardwired into, an electronic cash register that can be used to create a second or alternate set of records or to eliminate or manipulate transaction records, which may or may not be preserved in digital format, to represent either the actual or the manipulated record of transactions.(d)"Transaction data" means data relating to a transaction which includes, but is not limited to, data identifying each item purchased by a customer; the price for each item; a taxability determination for each item; a segregated tax amount for each of the taxed items; the amount of cash or credit tendered; the net amount returned to a customer in change; the date and time of a purchase; the name, address and identification number of a vendor; and the receipt or invoice number of a transaction.(e)"Transaction report" means:(i)A report that contains, but is not limited to, documentation of the sales, taxes or fees collected, media totals, and discount voids of an electronic cash register and that is printed on cash register tape or other hard copy at the end of a day or shift;(ii)A report that documents every action performed on or by an electronic cash register and that is stored electronically; and/or(iii)Any variation of reports described in subparagraphs (i) and (ii) of this paragraph (e).(2)It shall be unlawful for any person to knowingly create, design, manufacture, sell, purchase, lease, install, update, repair, service, transfer, use, or possess or otherwise make available any automated sales suppression device, zapper or phantom-ware.(3)Any person who violates the provisions of this section shall be guilty of a felony and, upon conviction thereof, shall be fined not more than One Hundred Thousand Dollars (\$100,000.00) or imprisoned for not more than fifteen (15) years, or both.(4)An automated sales suppression device, zapper or phantom-ware and any device containing such device or software shall be contraband and shall be forfeited to the state.Added by Laws, 2018, ch. 414, SB 2754,§ 1, eff. 7/1/2018. Added by Laws, 2018, ch. 414, SB 2754,§ 1, eff. 7/1/2018.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-13 - Cotton; scalage; purchasers of cotton to account for actual weight

If any purchaser of cotton shall fail to account to the seller for the actual weight of the cotton bought, except where the amount of the deduction is agreed upon between them, or adjudged by a disinterested person for them, he shall be guilty of a misdemeanor, and, on conviction, shall be punished as prescribed in the last section. Codes, 1892, § 1297; 1906, § 1371; Hemingway's 1917, § 1107; 1930, § 1136; 1942, § 2373; Laws, 1888, p 91. If any purchaser of cotton shall fail to account to the seller for the actual weight of the cotton bought, except where the amount of the deduction is agreed upon between them, or adjudged by a disinterested person for them, he shall be guilty of a misdemeanor, and, on conviction, shall be punished as prescribed in the last section. Codes, 1892, § 1297; 1906, § 1371; Hemingway's 1917, § 1107; 1930, § 1136; 1942, § 2373; Laws, 1888, p 91. If any purchaser of cotton shall fail to account to the seller for the actual weight of the cotton bought, except where the amount of the deduction is agreed upon between them, or adjudged by a disinterested person for them, he shall be guilty of a misdemeanor, and, on conviction, shall be punished as prescribed in the last section. Codes, 1892, § 1297; 1906, § 1371; Hemingway's 1917, § 1107; 1930, § 1136; 1942, § 2373; Laws, 1888, p 91. If any purchaser of cotton shall fail to account to the seller for the actual weight of the cotton bought, except where the amount of the deduction is agreed upon between them, or adjudged by a disinterested person for them, he shall be guilty of a misdemeanor, and, on conviction, shall be punished as prescribed in the last section. Codes, 1892, § 1297; 1906, § 1371; Hemingway's 1917, § 1107; 1930, § 1136; 1942, § 2373; Laws, 1888, p 91.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-15 - Cottonseed meal; adulterated meal to be branded

It shall be unlawful for any person or corporation to adulterate any cottonseed meal with hulls, sawdust or anything else, without noting such adulteration in plain and legible characters on each sack, and it shall be unlawful for any person to sell or barter in this state any cottonseed meal adulterated with sawdust or anything else without such adulteration being noted in plain and legible characters on each sack or receptacle thereof. Any person or corporation violating the foregoing provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined in a sum not less than one hundred nor more than one thousand dollars. Codes, 1906, § 1317; Hemingway's 1917, § 1050; 1930, § 840; 1942, § 2066; Laws, 1912, ch. 138. It shall be unlawful for any person or corporation to adulterate any cottonseed meal with hulls, sawdust or anything else, without noting such adulteration in plain and legible characters on each sack, and it shall be unlawful for any person to sell or barter in this state any cottonseed meal adulterated with sawdust or anything else without such adulteration being noted in plain and legible characters on each sack or receptacle thereof. Any person or corporation violating the foregoing provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined in a sum not less than one hundred nor more than one thousand dollars. Codes, 1906, § 1317; Hemingway's 1917, § 1050; 1930, § 840; 1942, § 2066; Laws, 1912, ch. 138. It shall be unlawful for any person or corporation to adulterate any cottonseed meal with hulls, sawdust or anything else, without noting such adulteration in plain and legible characters on each sack, and it shall be unlawful for any person to sell or barter in this state any cottonseed meal adulterated with sawdust or anything else without such adulteration being noted in plain and legible characters on each sack or receptacle thereof. Any person or corporation violating the foregoing provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined in a sum not less than one hundred nor more than one thousand dollars. Codes, 1906, § 1317; Hemingway's 1917, § 1050; 1930, § 840; 1942, § 2066; Laws, 1912, ch. 138.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-17 - Customers, patrons or clients; right to choose or refuse to serve; penalty for violation

(1) Every person, firm or corporation engaged in any public business, trade or profession of any kind whatsoever in the State of Mississippi, including, but not restricted to, hotels, motels, tourist courts, lodging houses, restaurants, dining room or lunch counters, barber shops, beauty parlors, theatres, moving picture shows, or other places of entertainment and amusement, including public parks and swimming pools, stores of any kind wherein merchandise is offered for sale, is hereby authorized and empowered to choose or select the person or persons he or it desires to do business with, and is further authorized and empowered to refuse to sell to, wait upon or serve any person that the owner, manager or employee of such public place of business does not desire to sell to, wait upon or serve. The provisions of this section shall not apply to corporations or associations engaged in the business of selling electricity, natural gas, or water to the general public, or furnishing telephone service to the public. (2) Any public place of business may, if it so desires, display a sign posted in said place of business serving notice upon the general public that "the management reserves the right to refuse to sell to, wait upon or serve any person," however, the display of such a sign shall not be a prerequisite

to exercising the authority conferred by this section.(3)Any person who enters a public place of business in this state, or upon the premises thereof, and is requested or ordered to leave therefrom by the owner, manager or any employee thereof, and after having been so requested or ordered to leave, refuses so to do, shall be guilty of a trespass and upon conviction therefor shall be fined not more than five hundred dollars (\$500.00) or imprisoned in jail not more than six (6) months, or both such fine and imprisonment.Codes, 1942, § 2046.5; Laws, 1956, ch. 257, §§ 1-3. (1)Every person, firm or corporation engaged in any public business, trade or profession of any kind whatsoever in the State of Mississippi, including, but not restricted to, hotels, motels, tourist courts, lodging houses, restaurants, dining room or lunch counters, barber shops, beauty parlors, theatres, moving picture shows, or other places of entertainment and amusement, including public parks and swimming pools, stores of any kind wherein merchandise is offered for sale, is hereby authorized and empowered to choose or select the person or persons he or it desires to do business with, and is further authorized and empowered to refuse to sell to, wait upon or serve any person that the owner, manager or employee of such public place of business does not desire to sell to, wait upon or serve. The provisions of this section shall not apply to corporations or associations engaged in the business of selling electricity, natural gas, or water to the general public, or furnishing telephone service to the public.(2)Any public place of business may, if it so desires, display a sign posted in said place of business serving notice upon the general public that "the management reserves the right to refuse to sell to, wait upon or serve any person," however, the display of such a sign shall not be a prerequisite to exercising the authority conferred by this section.(3)Any person who enters a public place of business in this state, or upon the premises thereof, and is requested or ordered to leave therefrom by the owner, manager or any employee thereof, and after having been so requested or ordered to leave, refuses so to do, shall be guilty of a trespass and upon conviction therefor shall be fined not more than five hundred dollars (\$500.00) or imprisoned in jail not more than six (6) months, or both such fine and imprisonment.Codes, 1942, § 2046.5; Laws, 1956, ch. 257, §§ 1-3. (1)Every person, firm or corporation engaged in any public business, trade or profession of any kind whatsoever in the State of Mississippi, including, but not restricted to, hotels, motels, tourist courts, lodging houses, restaurants, dining room or lunch counters, barber shops, beauty parlors, theatres, moving picture shows, or other places of entertainment and amusement, including public parks and swimming pools, stores of any kind wherein merchandise is offered for sale, is hereby authorized and empowered to choose or select the person or persons he or it desires to do business with, and is further authorized and empowered to refuse to sell to, wait upon or serve any person that the owner, manager or employee of such public place of business does not desire to sell to, wait upon or serve. The provisions of this section shall not apply to corporations or associations engaged in the business of selling electricity, natural gas, or water to the general public, or furnishing telephone service to the public.(2)Any public place of business may, if it so desires, display a sign posted in said place of business serving notice upon the general public that "the management reserves the right to refuse to sell to, wait upon or serve any person," however, the display of such a sign shall not be a prerequisite to exercising the authority conferred by this section.(3)Any person who enters a public place of business in this state, or upon the premises thereof, and is requested or ordered to leave therefrom by the owner, manager or any employee thereof, and after having been so requested or ordered to leave, refuses so to do, shall be guilty of a trespass and upon conviction therefor shall be fined not more than five hundred dollars (\$500.00) or imprisoned in jail not more than six (6) months, or both such fine and imprisonment.Codes, 1942, § 2046.5; Laws, 1956, ch. 257, §§ 1-3. Codes, 1942, § 2046.5; Laws, 1956, ch. 257, §§ 1-3.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111)Section 97-23-19 - Embezzlement; by agents, bailees, trustees, servants and persons generally

If any person shall embezzle or fraudulently secrete, conceal, or convert to his own use, or make way with, or secrete with intent to embezzle or convert to his own use, any goods, rights in action, money, or other valuable security, effects, or property of any kind or description which shall have come or been entrusted to his care or possession by virtue of his office, position, place, or employment, either in mass or otherwise, he shall be guilty of embezzlement.(a)Any person guilty of embezzlement of any goods, rights of action, money, or other valuable security, effects or property of any kind or description with a value of less than One Thousand Dollars (\$1,000.00), shall be guilty of misdemeanor embezzlement, and, upon conviction thereof, may be sentenced to a term of imprisonment in the county jail not exceeding six (6) months, or fined not more than One Thousand Dollars (\$1,000.00), or both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00) or both. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding Two Thousand Dollars (\$2,000.00), or both.(b)Any person guilty of embezzlement of any goods, rights in action, money, or other valuable security, effects or property of any kind or description with a value of One Thousand Dollars (\$1,000.00) or more but less than Five Thousand Dollars (\$5,000.00), shall be guilty of felony embezzlement, and, upon conviction thereof, shall be imprisoned in the custody of the Department of Corrections not more than five (5) years, or fined not more than Five Thousand Dollars (\$5,000.00), or both.(c)Any person guilty of embezzlement of any goods, rights in action, money, or other valuable security, effects or property of any kind or description with a value of Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), shall be guilty of felony embezzlement, and, upon conviction thereof, shall be imprisoned in the Penitentiary for not more than ten (10) years, or fined not more than Twenty-five Thousand Dollars (\$25,000.00), or both.(d)Any person guilty of embezzlement of any goods, rights in action, money, or other

valuable security, effects or property of any kind or description with a value of Twenty-five Thousand Dollars (\$25,000.00) or more, shall be guilty of felony embezzlement, and, upon conviction thereof, shall be imprisoned in the Penitentiary not more than twenty (20) years, or fined not more than Twenty-five Thousand Dollars (\$25,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(59); 1857, ch. 64, art. 82; 1871, § 2547; 1880, § 2782; 1892, § 1058; 1906, § 1136; Hemingway's 1917, § 864; 1930, § 889; 1942, § 2115; Laws, 2003, ch. 499, § 7; Laws, 2007, ch. 378, § 1, eff. 3/15/2007. Amended by Laws, 2014, ch. 457, HB 585, 28, eff. 7/1/2014. If any person shall embezzle or fraudulently secrete, conceal, or convert to his own use, or make way with, or secrete with intent to embezzle or convert to his own use, any goods, rights in action, money, or other valuable security, effects, or property of any kind or description which shall have come or been entrusted to his care or possession by virtue of his office, position, place, or employment, either in mass or otherwise, he shall be guilty of embezzlement. (a) Any person guilty of embezzlement of any goods, rights of action, money, or other valuable security, effects or property of any kind or description with a value of less than One Thousand Dollars (\$1,000.00), shall be guilty of misdemeanor embezzlement, and, upon conviction thereof, may be sentenced to a term of imprisonment in the county jail not exceeding six (6) months, or fined not more than One Thousand Dollars (\$1,000.00), or both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00) or both. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding Two Thousand Dollars (\$2,000.00), or both. (b) Any person guilty of embezzlement of any goods, rights in action, money, or other valuable security, effects or property of any kind or description with a value of One Thousand Dollars (\$1,000.00) or more but less than Five Thousand Dollars (\$5,000.00), shall be guilty of felony embezzlement, and, upon conviction thereof, shall be imprisoned in the custody of the Department of Corrections not more than five (5) years, or fined not more than Five Thousand Dollars (\$5,000.00), or both. 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Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(59); 1857, ch. 64, art. 82; 1871, § 2547; 1880, § 2782; 1892, § 1058; 1906, § 1136; Hemingway's 1917, § 864; 1930, § 889; 1942, § 2115; Laws, 2003, ch. 499, § 7; Laws, 2007, ch. 378, § 1, eff. 3/15/2007. Amended by Laws, 2014, ch. 457, HB 585, 28, eff. 7/1/2014. If any person shall embezzle or fraudulently secrete, conceal, or convert to his own use, or make way with, or secrete with intent to embezzle or convert to his own use, any goods, rights in action, money, or other valuable security, effects, or property of any kind or description which shall have come or been entrusted to his care or possession by virtue of his office, position, place, or employment, either in mass or otherwise, he shall be guilty of embezzlement. (a) Any person guilty of embezzlement of any goods, rights of action, money, or other valuable security, effects or property of any kind or description with a value of less than One Thousand Dollars (\$1,000.00), shall be guilty of misdemeanor embezzlement, and, upon conviction thereof, may be sentenced to a term of imprisonment in the county jail not exceeding six (6) months, or fined not more than One Thousand Dollars (\$1,000.00), or both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00) or both. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding Two Thousand Dollars (\$2,000.00), or both. (b) Any person guilty of embezzlement of any goods, rights in action, money, or other valuable security, effects or property of any kind or description with a value of One Thousand Dollars (\$1,000.00) or more but less than Five Thousand Dollars (\$5,000.00), shall be guilty of felony embezzlement, and, upon conviction thereof, shall be imprisoned in the custody of the Department of Corrections not more than five (5) years, or fined not more than Five Thousand Dollars (\$5,000.00), or both. (c) Any person guilty of embezzlement of any goods, rights in action, money, or other valuable security, effects or property of any kind or description with a value of Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), shall be guilty of felony embezzlement, and, upon conviction thereof, shall be imprisoned in the Penitentiary for not more than ten (10) years, or fined not more than Twenty-five Thousand Dollars (\$25,000.00), or both. (d) Any person guilty of embezzlement of any goods, rights in action, money, or other valuable security, effects or property of any kind or description with a value of Twenty-five Thousand Dollars (\$25,000.00) or more, shall be guilty of felony embezzlement, and, upon conviction thereof, shall be imprisoned in the Penitentiary not more than twenty (20) years, or fined not more than Twenty-five Thousand Dollars (\$25,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(59); 1857, ch. 64, art. 82; 1871, § 2547; 1880, § 2782; 1892, § 1058; 1906, § 1136; Hemingway's 1917, § 864; 1930, § 889; 1942, § 2115; Laws, 2003, ch. 499, § 7; Laws, 2007, ch. 378, § 1, eff. 3/15/2007. Amended by Laws, 2014, ch. 457, HB 585, 28, eff. 7/1/2014. If any person shall embezzle or fraudulently secrete, conceal, or convert to his own use, or make way with, or secrete with intent to embezzle or convert to his own use, any goods, rights in action, money, or other valuable security, effects, or property of

any kind or description which shall have come or been entrusted to his care or possession by virtue of his office, position, place, or employment, either in mass or otherwise, he shall be guilty of embezzlement. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(59); 1857, ch. 64, art. 82; 1871, § 2547; 1880, § 2782; 1892, § 1058; 1906, § 1136; Hemingway's 1917, § 864; 1930, § 889; 1942, § 2115; Laws, 2003, ch. 499, § 7; Laws, 2007, ch. 378, § 1, eff. 3/15/2007. Amended by Laws, 2014, ch. 457, HB 585, 28, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-21 - Embezzlement; evidence of debt negotiable by delivery but not delivered

Every officer, clerk, agent, or other person mentioned in Section 97-23-19 who shall embezzle or fraudulently secrete, conceal, or convert to his own use, by putting the same in circulation, any evidence of debt negotiable by delivery, but not delivered or issued as a valid instrument, shall be guilty of embezzlement, and punished, on conviction, as provided in the last section. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(60); 1857, ch. 64, art. 83; 1871, § 2548; 1880, § 2783; 1892, § 1059; 1906, § 1137; Hemingway's 1917, § 865; 1930, § 890; 1942, § 2116. Every officer, clerk, agent, or other person mentioned in Section 97-23-19 who shall embezzle or fraudulently secrete, conceal, or convert to his own use, by putting the same in circulation, any evidence of debt negotiable by delivery, but not delivered or issued as a valid instrument, shall be guilty of embezzlement, and punished, on conviction, as provided in the last section. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(60); 1857, ch. 64, art. 83; 1871, § 2548; 1880, § 2783; 1892, § 1059; 1906, § 1137; Hemingway's 1917, § 865; 1930, § 890; 1942, § 2116. Every officer, clerk, agent, or other person mentioned in Section 97-23-19 who shall embezzle or fraudulently secrete, conceal, or convert to his own use, by putting the same in circulation, any evidence of debt negotiable by delivery, but not delivered or issued as a valid instrument, shall be guilty of embezzlement, and punished, on conviction, as provided in the last section. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(60); 1857, ch. 64, art. 83; 1871, § 2548; 1880, § 2783; 1892, § 1059; 1906, § 1137; Hemingway's 1917, § 865; 1930, § 890; 1942, § 2116. Every officer, clerk, agent, or other person mentioned in Section 97-23-19 who shall embezzle or fraudulently secrete, conceal, or convert to his own use, by putting the same in circulation, any evidence of debt negotiable by delivery, but not delivered or issued as a valid instrument, shall be guilty of embezzlement, and punished, on conviction, as provided in the last section. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(60); 1857, ch. 64, art. 83; 1871, § 2548; 1880, § 2783; 1892, § 1059; 1906, § 1137; Hemingway's 1917, § 865; 1930, § 890; 1942, § 2116.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-23 - Embezzlement; buying or receiving embezzled goods

Every person who shall buy or in any way receive any money, goods, rights in action, or other valuable security, effects, or property, knowing the same to have been embezzled, taken or secreted contrary to law, on conviction thereof, shall suffer the penalty provided in Section 97-17-70, for receiving stolen property. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(61); 1857, ch. 64, art. 84; 1871, § 2549; 1880, § 2784; 1892, § 1060; 1906, § 1138; Hemingway's 1917, § 866; 1930, § 891; 1942, § 2117; Laws, 1993, ch. 359, § 3, eff. 7/1/1993. Every person who shall buy or in any way receive any money, goods, rights in action, or other valuable security, effects, or property, knowing the same to have been embezzled, taken or secreted contrary to law, on conviction thereof, shall suffer the penalty provided in Section 97-17-70, for receiving stolen property. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(61); 1857, ch. 64, art. 84; 1871, § 2549; 1880, § 2784; 1892, § 1060; 1906, § 1138; Hemingway's 1917, § 866; 1930, § 891; 1942, § 2117; Laws, 1993, ch. 359, § 3, eff. 7/1/1993. Every person who shall buy or in any way receive any money, goods, rights in action, or other valuable security, effects, or property, knowing the same to have been embezzled, taken or secreted contrary to law, on conviction thereof, shall suffer the penalty provided in Section 97-17-70, for receiving stolen property. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(61); 1857, ch. 64, art. 84; 1871, § 2549; 1880, § 2784; 1892, § 1060; 1906, § 1138; Hemingway's 1917, § 866; 1930, § 891; 1942, § 2117; Laws, 1993, ch. 359, § 3, eff. 7/1/1993. Every person who shall buy or in any way receive any money, goods, rights in action, or other valuable security, effects, or property, knowing the same to have been embezzled, taken or secreted contrary to law, on conviction thereof, shall suffer the penalty provided in Section 97-17-70, for receiving stolen property. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(61); 1857, ch. 64, art. 84; 1871, § 2549; 1880, § 2784; 1892, § 1060; 1906, § 1138; Hemingway's 1917, § 866; 1930, § 891; 1942, § 2117; Laws, 1993, ch. 359, § 3, eff. 7/1/1993.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-25 - Embezzlement; property held in trust or received on contract

If any person shall fraudulently appropriate personal property or money which has been delivered to him on deposit, or to be carried or repaired, or on any other contract or trust by which he was bound to deliver or return the thing received or its proceeds, on conviction, he shall be punished by imprisonment in the penitentiary not more than ten years, or be fined not more than one thousand dollars and imprisoned in the county jail not more than one year, or either. Codes, 1880, § 2785; 1892, § 1061; 1906, § 1139; Hemingway's 1917, § 867; 1930, § 892; 1942, § 2118. If any person shall fraudulently appropriate personal property or money which has been delivered to him on deposit, or to be carried or repaired, or on any other contract or trust by which he was bound to deliver or return the thing received or its proceeds, on conviction, he shall be punished by imprisonment in the penitentiary

not more than ten years, or be fined not more than one thousand dollars and imprisoned in the county jail not more than one year, or either. Codes, 1880, § 2785; 1892, § 1061; 1906, § 1139; Hemingway's 1917, § 867; 1930, § 892; 1942, § 2118. If any person shall fraudulently appropriate personal property or money which has been delivered to him on deposit, or to be carried or repaired, or on any other contract or trust by which he was bound to deliver or return the thing received or its proceeds, on conviction, he shall be punished by imprisonment in the penitentiary not more than ten years, or be fined not more than one thousand dollars and imprisoned in the county jail not more than one year, or either. Codes, 1880, § 2785; 1892, § 1061; 1906, § 1139; Hemingway's 1917, § 867; 1930, § 892; 1942, § 2118. If any person shall fraudulently appropriate personal property or money which has been delivered to him on deposit, or to be carried or repaired, or on any other contract or trust by which he was bound to deliver or return the thing received or its proceeds, on conviction, he shall be punished by imprisonment in the penitentiary not more than ten years, or be fined not more than one thousand dollars and imprisoned in the county jail not more than one year, or either. Codes, 1880, § 2785; 1892, § 1061; 1906, § 1139; Hemingway's 1917, § 867; 1930, § 892; 1942, § 2118.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-27 - Embezzlement; property borrowed or hired

The fraudulent appropriation of certain specific property by one to whom it has been delivered on a contract or loan for use, or of letting and hiring, after the time at which, according to the contract, the right of use acquired thereby has ceased, or before that time by a disposition not authorized by the contract, shall be an offense within the meaning of Section 97-23-25 and shall be punished as therein prescribed. Codes, 1880, § 2786; 1892, § 1062; 1906, § 1140; Hemingway's 1917, § 868; 1930, § 893; 1942, § 2119. The fraudulent appropriation of certain specific property by one to whom it has been delivered on a contract or loan for use, or of letting and hiring, after the time at which, according to the contract, the right of use acquired thereby has ceased, or before that time by a disposition not authorized by the contract, shall be an offense within the meaning of Section 97-23-25 and shall be punished as therein prescribed. Codes, 1880, § 2786; 1892, § 1062; 1906, § 1140; Hemingway's 1917, § 868; 1930, § 893; 1942, § 2119. The fraudulent appropriation of certain specific property by one to whom it has been delivered on a contract or loan for use, or of letting and hiring, after the time at which, according to the contract, the right of use acquired thereby has ceased, or before that time by a disposition not authorized by the contract, shall be an offense within the meaning of Section 97-23-25 and shall be punished as therein prescribed. Codes, 1880, § 2786; 1892, § 1062; 1906, § 1140; Hemingway's 1917, § 868; 1930, § 893; 1942, § 2119. The fraudulent appropriation of certain specific property by one to whom it has been delivered on a contract or loan for use, or of letting and hiring, after the time at which, according to the contract, the right of use acquired thereby has ceased, or before that time by a disposition not authorized by the contract, shall be an offense within the meaning of Section 97-23-25 and shall be punished as therein prescribed. Codes, 1880, § 2786; 1892, § 1062; 1906, § 1140; Hemingway's 1917, § 868; 1930, § 893; 1942, § 2119.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-29 - Enticing away servant or lessee without written consent; provisions applicable to minors

If any person shall wilfully interfere with, entice away, or who shall knowingly employ, or who shall in any manner induce a laborer or renter who has contracted with another person for a specified time to leave his employer or the leased premises, before the expiration of his contract without the consent of the employer or landlord in writing signed by said landlord or employer under or with whom said laborer had first contracted, he shall, upon conviction, be fined not less than twenty-five dollars nor more than one hundred dollars, and in addition shall be liable to the employer or landlord for all advances made by him to said renter or laborer by virtue of his contract with said renter or laborer, and for all damages which he may have sustained by reason thereof. The provisions of this section shall apply to minors under contract made by a parent or guardian. Codes, 1892, § 1068; 1906, § 1146; Hemingway's 1917, § 874; 1930, § 900; 1942, § 2129; Laws, 1924, ch. 160; Laws, 1928, ch. 292. If any person shall wilfully interfere with, entice away, or who shall knowingly employ, or who shall in any manner induce a laborer or renter who has contracted with another person for a specified time to leave his employer or the leased premises, before the expiration of his contract without the consent of the employer or landlord in writing signed by said landlord or employer under or with whom said laborer had first contracted, he shall, upon conviction, be fined not less than twenty-five dollars nor more than one hundred dollars, and in addition shall be liable to the employer or landlord for all advances made by him to said renter or laborer by virtue of his contract with said renter or laborer, and for all damages which he may have sustained by reason thereof. The provisions of this section shall apply to minors under contract made by a parent or guardian. Codes, 1892, § 1068; 1906, § 1146; Hemingway's 1917, § 874; 1930, § 900; 1942, § 2129; Laws, 1924, ch. 160; Laws, 1928, ch. 292. If any person shall wilfully interfere with, entice away, or who shall knowingly employ, or who shall in any manner induce a laborer or renter who has contracted with another person for a specified time to leave his employer or the leased premises, before the expiration of his contract without the consent of the employer or landlord in writing signed by said landlord or employer under or with whom said laborer had first contracted, he shall, upon conviction, be fined not less than twenty-five dollars nor more than one hundred dollars, and in addition shall be liable to the employer or landlord for all advances made by him to said renter or laborer by virtue of his contract with said renter or laborer, and for all damages which he may have sustained by reason thereof. The provisions of this section shall apply to minors under contract made by a parent or guardian. Codes, 1892, § 1068; 1906, § 1146; Hemingway's 1917, § 874; 1930, § 900; 1942, § 2129; Laws, 1924, ch. 160; Laws, 1928, ch. 292. If any person shall wilfully interfere with, entice away, or who shall knowingly employ, or who shall in any manner induce a laborer or renter who has contracted with another person for a specified time to leave his employer or the leased premises,

before the expiration of his contract without the consent of the employer or landlord in writing signed by said landlord or employer under or with whom said laborer had first contracted, he shall, upon conviction, be fined not less than twenty-five dollars nor more than one hundred dollars, and in addition shall be liable to the employer or landlord for all advances made by him to said renter or laborer by virtue of his contract with said renter or laborer, and for all damages which he may have sustained by reason thereof. The provisions of this section shall apply to minors under contract made by a parent or guardian. Codes, 1892, § 1068; 1906, § 1146; Hemingway's 1917, § 874; 1930, § 900; 1942, § 2129; Laws, 1924, ch. 160; Laws, 1928, ch. 292.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-3 - Advertising; untrue, deceptive, or misleading

Any person who, with intent to sell or in any way dispose of merchandise, securities, service, or anything offered by such person, directly or indirectly, to the public for sale or distribution, or who, with intent to increase the consumption of or demand for such merchandise, securities, service or other thing, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, makes, publishes, disseminates, circulates or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated or placed before the public within the state, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet or letter, or by a label affixed to the merchandise or its container, or in any other way, an advertisement of any sort regarding merchandise, securities, service or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading, including but not limited to representing himself as selling at wholesale unless he is actually selling at wholesale those items so represented, and which such person knew, or might on reasonable investigation have ascertained to be untrue, deceptive or misleading, shall be punished by a fine of not more than five hundred dollars (\$500.00), and the offending person, whether found guilty or not, may be held civilly responsible in tort for damages to persons or property proximately resulting from a violation of this section. This section shall not apply to any owner, publisher, printer, agent or employee of a newspaper or other publication, periodical or circular, or to any agent of the advertiser who in good faith and without knowledge of the falsity or deceptive character thereof publishes, causes to be published, or participates in the publication of such advertisement. Firms with the word "wholesale" in their corporate title are not in violation of this section so long as they identify the sales as being made by their retail division. Codes, 1942, § 2003.5; Laws, 1962, ch. 317, eff. 7/1/1962. Any person who, with intent to sell or in any way dispose of merchandise, securities, service, or anything offered by such person, directly or indirectly, to the public for sale or distribution, or who, with intent to increase the consumption of or demand for such merchandise, securities, service or other thing, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, makes, publishes, disseminates, circulates or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated or placed before the public within the state, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet or letter, or by a label affixed to the merchandise or its container, or in any other way, an advertisement of any sort regarding merchandise, securities, service or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading, including but not limited to representing himself as selling at wholesale unless he is actually selling at wholesale those items so represented, and which such person knew, or might on reasonable investigation have ascertained to be untrue, deceptive or misleading, shall be punished by a fine of not more than five hundred dollars (\$500.00), and the offending person, whether found guilty or not, may be held civilly responsible in tort for damages to persons or property proximately resulting from a violation of this section. This section shall not apply to any owner, publisher, printer, agent or employee of a newspaper or other publication, periodical or circular, or to any agent of the advertiser who in good faith and without knowledge of the falsity or deceptive character thereof publishes, causes to be published, or participates in the publication of such advertisement. Firms with the word "wholesale" in their corporate title are not in violation of this section so long as they identify the sales as being made by their retail division. Codes, 1942, § 2003.5; Laws, 1962, ch. 317, eff. 7/1/1962. Any person who, with intent to sell or in any way dispose of merchandise, securities, service, or anything offered by such person, directly or indirectly, to the public for sale or distribution, or who, with intent to increase the consumption of or demand for such merchandise, securities, service or other thing, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, makes, publishes, disseminates, circulates or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated or placed before the public within the state, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet or letter, or by a label affixed to the merchandise or its container, or in any other way, an advertisement of any sort regarding merchandise, securities, service or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading, including but not limited to representing himself as selling at wholesale unless he is actually selling at wholesale those items so represented, and which such person knew, or might on reasonable investigation have ascertained to be untrue, deceptive or misleading, shall be punished by a fine of not more than five hundred dollars (\$500.00), and the offending person, whether found guilty or not, may be held civilly responsible in tort for damages to persons or property proximately resulting from a violation of this section. This section shall not apply to any owner, publisher, printer, agent or employee of a newspaper or other publication, periodical or circular, or to any agent of the advertiser who in good faith and without knowledge of the falsity or deceptive character thereof publishes, causes to be published, or participates in the publication of such advertisement. Firms with the word "wholesale" in their corporate title are not in violation of this section so long as they identify the sales as being made by their retail division. Codes, 1942, § 2003.5; Laws, 1962, ch. 317, eff. 7/1/1962. Any person who, with intent to sell or in any way dispose

of merchandise, securities, service, or anything offered by such person, directly or indirectly, to the public for sale or distribution, or who, with intent to increase the consumption of or demand for such merchandise, securities, service or other thing, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, makes, publishes, disseminates, circulates or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated or placed before the public within the state, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet or letter, or by a label affixed to the merchandise or its container, or in any other way, an advertisement of any sort regarding merchandise, securities, service or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading, including but not limited to representing himself as selling at wholesale unless he is actually selling at wholesale those items so represented, and which such person knew, or might on reasonable investigation have ascertained to be untrue, deceptive or misleading, shall be punished by a fine of not more than five hundred dollars (\$500.00), and the offending person, whether found guilty or not, may be held civilly responsible in tort for damages to persons or property proximately resulting from a violation of this section. This section shall not apply to any owner, publisher, printer, agent or employee of a newspaper or other publication, periodical or circular, or to any agent of the advertiser who in good faith and without knowledge of the falsity or deceptive character thereof publishes, causes to be published, or participates in the publication of such advertisement. Firms with the word "wholesale" in their corporate title are not in violation of this section so long as they identify the sales as being made by their retail division. Codes, 1942, § 2003.5; Laws, 1962, ch. 317, eff. 7/1/1962.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-31 - Insurance; acting as agent for company not complying with law

Any person who shall do or perform any of the acts or things mentioned in the laws governing insurance companies, the doing or performing of which is there provided, shall constitute such person the agent of the company, for any insurance company not organized under or incorporated by the laws of this state, without such company having first complied with the requirements of the laws of this state or having received the certificate of authority from the commissioner of insurance, as required by law, shall be guilty of a misdemeanor, and, on conviction, be fined five hundred dollars and be imprisoned in the county jail not exceeding twelve months, or by either; but the penalties of this section shall not apply to an adjuster of a loss, if the insurance could not have been obtained from a company which had complied with the laws of this state, or if the insurance was given at a rate fully one-half of one per centum less than that charged by such companies. Codes, 1857, ch. 35, art. 63; 1871, § 2453; 1880, § 1086; 1892, § 1170; 1906, § 1248; Hemingway's 1917, § 978; 1930, § 1006; 1942, § 2236. Any person who shall do or perform any of the acts or things mentioned in the laws governing insurance companies, the doing or performing of which is there provided, shall constitute such person the agent of the company, for any insurance company not organized under or incorporated by the laws of this state, without such company having first complied with the requirements of the laws of this state or having received the certificate of authority from the commissioner of insurance, as required by law, shall be guilty of a misdemeanor, and, on conviction, be fined five hundred dollars and be imprisoned in the county jail not exceeding twelve months, or by either; but the penalties of this section shall not apply to an adjuster of a loss, if the insurance could not have been obtained from a company which had complied with the laws of this state, or if the insurance was given at a rate fully one-half of one per centum less than that charged by such companies. Codes, 1857, ch. 35, art. 63; 1871, § 2453; 1880, § 1086; 1892, § 1170; 1906, § 1248; Hemingway's 1917, § 978; 1930, § 1006; 1942, § 2236. Any person who shall do or perform any of the acts or things mentioned in the laws governing insurance companies, the doing or performing of which is there provided, shall constitute such person the agent of the company, for any insurance company not organized under or incorporated by the laws of this state, without such company having first complied with the requirements of the laws of this state or having received the certificate of authority from the commissioner of insurance, as required by law, shall be guilty of a misdemeanor, and, on conviction, be fined five hundred dollars and be imprisoned in the county jail not exceeding twelve months, or by either; but the penalties of this section shall not apply to an adjuster of a loss, if the insurance could not have been obtained from a company which had complied with the laws of this state, or if the insurance was given at a rate fully one-half of one per centum less than that charged by such companies. Codes, 1857, ch. 35, art. 63; 1871, § 2453; 1880, § 1086; 1892, § 1170; 1906, § 1248; Hemingway's 1917, § 978; 1930, § 1006; 1942, § 2236.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-33 - Interference with exercise of lawful trade or

calling by printing or distributing of matter, etc

If any person shall wilfully and maliciously print, circulate or distribute, cause to be printed, circulated or distributed, or assist in printing, circulating or distributing, in any form whatever, any matter, the purpose and design of the contents thereof being to wilfully and maliciously interfere with, or prevent another from exercising a lawful trade or calling, or engaging in a lawful business, or engaging in lawful use and enjoyment of his property, he shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than six (6) months in the county jail or be fined not more than five hundred dollars (\$500.00) or both. Codes, 1942, § 2236.5; Laws, 1964, ch. 344, eff. 3/3/1964. If any person shall wilfully and maliciously print, circulate or distribute, cause to be printed, circulated or distributed, or assist in printing, circulating or distributing, in any form whatever, any matter, the purpose and design of the contents thereof being to wilfully and maliciously interfere with, or prevent another from exercising a lawful trade or calling, or engaging in a lawful business, or engaging in lawful use and enjoyment of his property, he shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than six (6) months in the county jail or be fined not more than five hundred dollars (\$500.00) or both. Codes, 1942, § 2236.5; Laws, 1964, ch. 344, eff. 3/3/1964. If any person shall wilfully and maliciously print, circulate or distribute, cause to be printed, circulated or distributed, or assist in printing, circulating or distributing, in any form whatever, any matter, the purpose and design of the contents thereof being to wilfully and maliciously interfere with, or prevent another from exercising a lawful trade or calling, or engaging in a lawful business, or engaging in lawful use and enjoyment of his property, he shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than six (6) months in the county jail or be fined not more than five hundred dollars (\$500.00) or both. Codes, 1942, § 2236.5; Laws, 1964, ch. 344, eff. 3/3/1964. If any person shall wilfully and maliciously print, circulate or distribute, cause to be printed, circulated or distributed, or assist in printing, circulating or distributing, in any form whatever, any matter, the purpose and design of the contents thereof being to wilfully and maliciously interfere with, or prevent another from exercising a lawful trade or calling, or engaging in a lawful business, or engaging in lawful use and enjoyment of his property, he shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment for not more than six (6) months in the county jail or be fined not more than five hundred dollars (\$500.00) or both. Codes, 1942, § 2236.5; Laws, 1964, ch. 344, eff. 3/3/1964.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-35 - Newspapers and periodicals to print names of their editors

Newspapers and periodicals published in this state, for regular distribution through the mails or otherwise, shall print at the top of the editorial page of said publication the full name of its chief editor, the assistant editor, if any, or the person or persons directly responsible for the editorial utterances of said publication. The owner or owners of any newspaper or periodical published in this state in violation of this section, shall be guilty of a misdemeanor and upon conviction, shall be fined not more than twenty-five dollars for each offense. Codes, Hemingway's 1917, §§ 1023, 1024; 1930, § 1055; 1942, § 2287; Laws, 1912, ch. 156. Newspapers and periodicals published in this state, for regular distribution through the mails or otherwise, shall print at the top of the editorial page of said publication the full name of its chief editor, the assistant editor, if any, or the person or persons directly responsible for the editorial utterances of said publication. The owner or owners of any newspaper or periodical published in this state in violation of this section, shall be guilty of a misdemeanor and upon conviction, shall be fined not more than twenty-five dollars for each offense. Codes, Hemingway's 1917, §§ 1023, 1024; 1930, § 1055; 1942, § 2287; Laws, 1912, ch. 156. Newspapers and periodicals published in this state, for regular distribution through the mails or otherwise, shall print at the top of the editorial page of said publication the full name of its chief editor, the assistant editor, if any, or the person or persons directly responsible for the editorial utterances of said publication. The owner or owners of any newspaper or periodical published in this state in violation of this section, shall be guilty of a misdemeanor and upon conviction, shall be fined not more than twenty-five dollars for each offense. Codes, Hemingway's 1917, §§ 1023, 1024; 1930, § 1055; 1942, § 2287; Laws, 1912, ch. 156. Newspapers and periodicals published in this state, for regular distribution through the mails or otherwise, shall print at the top of the editorial page of said publication the full name of its chief editor, the assistant editor, if any, or the person or persons directly responsible for the editorial utterances of said publication. The owner or owners of any newspaper or periodical published in this state in violation of this section, shall be guilty of a misdemeanor and upon conviction, shall be fined not more than twenty-five dollars for each offense. Codes, Hemingway's 1917, §§ 1023, 1024; 1930, § 1055; 1942, § 2287; Laws, 1912, ch. 156.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-37 - Oleomargarine and other imitation food to be branded

A person who sells or manufactures, exposes or offers for sale as an article of food, any oleomargarine or other substance in imitation of any article of food, without disclosing the imitation by a suitable and plainly visible mark or brand, indicating and naming what the substance really is, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding one month, or both. Codes, 1892, § 1242; 1906, § 1316; Hemingway's 1917, § 1049; 1930, § 1081; 1942, § 2314; Laws, 1892, p. 85. A person who sells or manufactures, exposes or offers for sale as an article of food, any oleomargarine or other substance in imitation of any article of food, without disclosing the

imitation by a suitable and plainly visible mark or brand, indicating and naming what the substance really is, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding one month, or both. Codes, 1892, § 1242; 1906, § 1316; Hemingway's 1917, § 1049; 1930, § 1081; 1942, § 2314; Laws, 1892, p. 85. A person who sells or manufactures, exposes or offers for sale as an article of food, any oleomargarine or other substance in imitation of any article of food, without disclosing the imitation by a suitable and plainly visible mark or brand, indicating and naming what the substance really is, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding one month, or both. Codes, 1892, § 1242; 1906, § 1316; Hemingway's 1917, § 1049; 1930, § 1081; 1942, § 2314; Laws, 1892, p. 85. A person who sells or manufactures, exposes or offers for sale as an article of food, any oleomargarine or other substance in imitation of any article of food, without disclosing the imitation by a suitable and plainly visible mark or brand, indicating and naming what the substance really is, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding one month, or both. Codes, 1892, § 1242; 1906, § 1316; Hemingway's 1917, § 1049; 1930, § 1081; 1942, § 2314; Laws, 1892, p. 85.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-39 - Preventing employment by force or violence; penalty

It shall be unlawful for any person by the use of force or violence, or threat of the use of force or violence, to prevent or to attempt to prevent any person from engaging in any lawful vocation within this state. Any person guilty of violating this section shall be deemed guilty of a felony and, upon conviction thereof, shall be fined in the sum of not more than five hundred dollars (\$500.00) or imprisoned in the county jail not more than six months, or both, or in the state penitentiary not more than two (2) years. Codes, 1942, § 2126; Laws, 1942, ch. 323. It shall be unlawful for any person by the use of force or violence, or threat of the use of force or violence, to prevent or to attempt to prevent any person from engaging in any lawful vocation within this state. Any person guilty of violating this section shall be deemed guilty of a felony and, upon conviction thereof, shall be fined in the sum of not more than five hundred dollars (\$500.00) or imprisoned in the county jail not more than six months, or both, or in the state penitentiary not more than two (2) years. Codes, 1942, § 2126; Laws, 1942, ch. 323. It shall be unlawful for any person by the use of force or violence, or threat of the use of force or violence, to prevent or to attempt to prevent any person from engaging in any lawful vocation within this state. Any person guilty of violating this section shall be deemed guilty of a felony and, upon conviction thereof, shall be fined in the sum of not more than five hundred dollars (\$500.00) or imprisoned in the county jail not more than six months, or both, or in the state penitentiary not more than two (2) years. Codes, 1942, § 2126; Laws, 1942, ch. 323. It shall be unlawful for any person by the use of force or violence, or threat of the use of force or violence, to prevent or to attempt to prevent any person from engaging in any lawful vocation within this state. Any person guilty of violating this section shall be deemed guilty of a felony and, upon conviction thereof, shall be fined in the sum of not more than five hundred dollars (\$500.00) or imprisoned in the county jail not more than six months, or both, or in the state penitentiary not more than two (2) years. Codes, 1942, § 2126; Laws, 1942, ch. 323.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-41 - Preventing employment by force or violence; conspiracy

It shall be unlawful for any two or more persons to conspire together to use force or violence, or threats thereof, to prevent any person or persons from engaging in any lawful vocation or work in this state, and it shall be unlawful for any two or more persons in furtherance of such conspiracy to assemble or gather together at any place where a labor dispute exists or anywhere in this state for the purpose of carrying such unlawful conspiracy into effect. Any person violating this section, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment in the county jail not more than six months, or both, or in the state penitentiary not more than two years. The term "labor dispute" as used in this section shall include any controversy between an employer and two (2) or more of his employees concerning the terms or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment. Codes, 1942, §§ 2127, 2128; Laws, 1942, ch. 323. It shall be unlawful for any two or more persons to conspire together to use force or violence, or threats thereof, to prevent any person or persons from engaging in any lawful vocation or work in this state, and it shall be unlawful for any two or more persons in furtherance of such conspiracy to assemble or gather together at any place where a labor dispute exists or anywhere in this state for the purpose of carrying such unlawful conspiracy into effect. Any person violating this section, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment in the county jail not more than six months, or both, or in the state penitentiary not more than two years. The term "labor dispute" as used in this section shall include any controversy between an employer and two (2) or more of his employees concerning the terms or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment. Codes, 1942, §§ 2127, 2128; Laws, 1942, ch. 323. It shall be unlawful for any two or more persons to conspire together to use force or violence, or threats thereof, to prevent any person or persons from engaging in any lawful vocation or work in this state, and it shall be unlawful for any two or more persons in furtherance of such conspiracy to assemble or gather together at any place where a labor dispute exists or anywhere in this state for the purpose of carrying such unlawful conspiracy into effect. Any person violating this section, upon

conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment in the county jail not more than six months, or both, or in the state penitentiary not more than two years. The term "labor dispute" as used in this section shall include any controversy between an employer and two (2) or more of his employees concerning the terms or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment. Codes, 1942, §§ 2127, 2128; Laws, 1942, ch. 323. It shall be unlawful for any two or more persons to conspire together to use force or violence, or threats thereof, to prevent any person or persons from engaging in any lawful vocation or work in this state, and it shall be unlawful for any two or more persons in furtherance of such conspiracy to assemble or gather together at any place where a labor dispute exists or anywhere in this state for the purpose of carrying such unlawful conspiracy into effect. Any person violating this section, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment in the county jail not more than six months, or both, or in the state penitentiary not more than two years. The term "labor dispute" as used in this section shall include any controversy between an employer and two (2) or more of his employees concerning the terms or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment. Codes, 1942, §§ 2127, 2128; Laws, 1942, ch. 323.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-43 - Profession; practicing without license

If any person shall practice as an attorney and counsellor-at-law, or shall practice as a physician or surgeon, or shall practice as a dentist, or shall practice as a pharmacist, without having first been examined and obtained a license as required by law, he shall, on conviction, of the first offense, be punished by a fine of not less than one hundred (\$100.00) dollars or more than two hundred (\$200.00) dollars or by imprisonment in the county jail not less than three months or more than twelve months or both; and such person, upon conviction of the second offense against this section, shall be punished by a fine of not less than two hundred (\$200.00) dollars or more than five hundred (\$500.00) dollars or by imprisonment in the penitentiary not less than one year or more than two years; and such person, upon conviction of any succeeding offense, shall be punished in the discretion of the court; provided, however, that such punishment shall in no case exceed the payment of a fine of five thousand dollars (\$5,000.00) or imprisonment for five years. Codes, Hutchinson's § 1848, ch. 26, art. 3(4); 1857, ch. 9, art. 3; 1871, § 2246; 1880, § 2398; 1892, § 1258; 1906, § 1334; Hemingway's 1917, § 1068; 1930, § 1099; 1942, § 2332; Laws, 1932, ch. 270. If any person shall practice as an attorney and counsellor-at-law, or shall practice as a physician or surgeon, or shall practice as a dentist, or shall practice as a pharmacist, without having first been examined and obtained a license as required by law, he shall, on conviction, of the first offense, be punished by a fine of not less than one hundred (\$100.00) dollars or more than two hundred (\$200.00) dollars or by imprisonment in the county jail not less than three months or more than twelve months or both; and such person, upon conviction of the second offense against this section, shall be punished by a fine of not less than two hundred (\$200.00) dollars or more than five hundred (\$500.00) dollars or by imprisonment in the penitentiary not less than one year or more than two years; and such person, upon conviction of any succeeding offense, shall be punished in the discretion of the court; provided, however, that such punishment shall in no case exceed the payment of a fine of five thousand dollars (\$5,000.00) or imprisonment for five years. Codes, Hutchinson's § 1848, ch. 26, art. 3(4); 1857, ch. 9, art. 3; 1871, § 2246; 1880, § 2398; 1892, § 1258; 1906, § 1334; Hemingway's 1917, § 1068; 1930, § 1099; 1942, § 2332; Laws, 1932, ch. 270. If any person shall practice as an attorney and counsellor-at-law, or shall practice as a physician or surgeon, or shall practice as a dentist, or shall practice as a pharmacist, without having first been examined and obtained a license as required by law, he shall, on conviction, of the first offense, be punished by a fine of not less than one hundred (\$100.00) dollars or more than two hundred (\$200.00) dollars or by imprisonment in the county jail not less than three months or more than twelve months or both; and such person, upon conviction of the second offense against this section, shall be punished by a fine of not less than two hundred (\$200.00) dollars or more than five hundred (\$500.00) dollars or by imprisonment in the penitentiary not less than one year or more than two years; and such person, upon conviction of any succeeding offense, shall be punished in the discretion of the court; provided, however, that such punishment shall in no case exceed the payment of a fine of five thousand dollars (\$5,000.00) or imprisonment for five years. Codes, Hutchinson's § 1848, ch. 26, art. 3(4); 1857, ch. 9, art. 3; 1871, § 2246; 1880, § 2398; 1892, § 1258; 1906, § 1334; Hemingway's 1917, § 1068; 1930, § 1099; 1942, § 2332; Laws, 1932, ch. 270.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-5 - Advertising; pulling down advertisements

If any person shall pull down any advertisement authorized by law, he shall, on conviction thereof, be fined not more than five hundred dollars, or be imprisoned not more than six months. Codes, Hutchinson's 1848, ch. 64, art. 1(74); 1857, ch. 64, art. 337; 1871, § 2830; 1880, § 2702; 1892, § 958; 1906, § 1034; Hemingway's 1917, § 759; 1930, § 777; 1942, § 2003. If any person shall pull down any advertisement authorized by law, he shall, on conviction thereof, be fined not more than five hundred dollars, or be imprisoned not more than six months. Codes, Hutchinson's 1848, ch. 64, art. 1(74); 1857, ch. 64, art. 337; 1871, § 2830; 1880, § 2702; 1892, § 958; 1906, § 1034; Hemingway's 1917, § 759; 1930, § 777; 1942, § 2003. If any person shall pull down any advertisement authorized by law, he shall, on conviction thereof, be fined not more than five hundred dollars, or be imprisoned not more than six months. Codes, Hutchinson's 1848, ch. 64, art. 1(74); 1857, ch. 64, art. 337; 1871, § 2830; 1880, § 2702; 1892, § 958; 1906, § 1034; Hemingway's 1917, § 759; 1930, § 777; 1942, § 2003.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-55 - Storage battery; unlawful to deface rental battery

It shall be unlawful for any person to remove or deface or alter or destroy, or cause to be removed or defaced or altered or destroyed the word "rental" or any letter, word, mark or character, printed or painted or stamped or branded upon or attached to, any electric storage battery which has been so placed upon or attached to such electric storage battery to identify the same as belonging to or being the property of another. Codes, 1930, § 1140; 1942, § 2377; Laws, 1926, ch. 166. It shall be unlawful for any person to remove or deface or alter or destroy, or cause to be removed or defaced or altered or destroyed the word "rental" or any letter, word, mark or character, printed or painted or stamped or branded upon or attached to, any electric storage battery which has been so placed upon or attached to such electric storage battery to identify the same as belonging to or being the property of another. Codes, 1930, § 1140; 1942, § 2377; Laws, 1926, ch. 166. It shall be unlawful for any person to remove or deface or alter or destroy, or cause to be removed or defaced or altered or destroyed the word "rental" or any letter, word, mark or character, printed or painted or stamped or branded upon or attached to, any electric storage battery which has been so placed upon or attached to such electric storage battery to identify the same as belonging to or being the property of another. Codes, 1930, § 1140; 1942, § 2377; Laws, 1926, ch. 166.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-57 - Storage battery; unlawful to sell or give away rental battery

It shall be unlawful for any person to sell, dispose of, deliver or give, or to attempt to sell, dispose of, deliver or give, to any person other than the owner thereof or his agent any electric storage battery upon which the word "rental" or letter, word, mark or character is printed, painted, stamped or branded, for the purpose of identifying said electric storage battery as being a rental battery belonging to or being the property of another. Codes, 1930, § 1141; 1942, § 2378; Laws, 1926, ch. 166. It shall be unlawful for any person to sell, dispose of, deliver or give, or to attempt to sell, dispose of, deliver or give, to any person other than the owner thereof or his agent any electric storage battery upon which the word "rental" or letter, word, mark or character is printed, painted, stamped or branded, for the purpose of identifying said electric storage battery as being a rental battery belonging to or being the property of another. Codes, 1930, § 1141; 1942, § 2378; Laws, 1926, ch. 166. It shall be unlawful for any person to sell, dispose of, deliver or give, or to attempt to sell, dispose of, deliver or give, to any person other than the owner thereof or his agent any electric storage battery upon which the word "rental" or letter, word, mark or character is printed, painted, stamped or branded, for the purpose of identifying said electric storage battery as being a rental battery belonging to or being the property of another. Codes, 1930, § 1141; 1942, § 2378; Laws, 1926, ch. 166.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-59 - Storage battery; unlawful to retain or recharge rental battery

It shall be unlawful for any person to retain in his possession for a longer period than fourteen days, or to recharge, except in cases of emergency, without the consent of the owner thereof, any electric storage battery upon which the word "rental" or any letter, word, mark or character is printed, painted, stamped or branded for the purpose of identifying the said electric storage battery as belonging to or being the property of another. Codes, 1930, § 1142; 1942, § 2379; Laws, 1926, ch. 166. It shall be unlawful for any

person to retain in his possession for a longer period than fourteen days, or to recharge, except in cases of emergency, without the consent of the owner thereof, any electric storage battery upon which the word "rental" or any letter, word, mark or character is printed, painted, stamped or branded for the purpose of identifying the said electric storage battery as belonging to or being the property of another. Codes, 1930, § 1142; 1942, § 2379; Laws, 1926, ch. 166. It shall be unlawful for any person to retain in his possession for a longer period than fourteen days, or to recharge, except in cases of emergency, without the consent of the owner thereof, any electric storage battery upon which the word "rental" or any letter, word, mark or character is printed, painted, stamped or branded for the purpose of identifying the said electric storage battery as belonging to or being the property of another. Codes, 1930, § 1142; 1942, § 2379; Laws, 1926, ch. 166. It shall be unlawful for any person to retain in his possession for a longer period than fourteen days, or to recharge, except in cases of emergency, without the consent of the owner thereof, any electric storage battery upon which the word "rental" or any letter, word, mark or character is printed, painted, stamped or branded for the purpose of identifying the said electric storage battery as belonging to or being the property of another. Codes, 1930, § 1142; 1942, § 2379; Laws, 1926, ch. 166.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-61 - Storage battery; penalty

Any person violating any of the provisions of any one of Sections 97-23-55 through 97-23-59 shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding twenty-five dollars or be imprisoned for a term not exceeding thirty days, or both such fine and imprisonment. Codes, 1930, § 1143; 1942, § 2380; Laws, 1926, ch. 166. Any person violating any of the provisions of any one of Sections 97-23-55 through 97-23-59 shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding twenty-five dollars or be imprisoned for a term not exceeding thirty days, or both such fine and imprisonment. Codes, 1930, § 1143; 1942, § 2380; Laws, 1926, ch. 166. Any person violating any of the provisions of any one of Sections 97-23-55 through 97-23-59 shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding twenty-five dollars or be imprisoned for a term not exceeding thirty days, or both such fine and imprisonment. Codes, 1930, § 1143; 1942, § 2380; Laws, 1926, ch. 166. Any person violating any of the provisions of any one of Sections 97-23-55 through 97-23-59 shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding twenty-five dollars or be imprisoned for a term not exceeding thirty days, or both such fine and imprisonment. Codes, 1930, § 1143; 1942, § 2380; Laws, 1926, ch. 166.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-7 - Cotton; fraudulent packing

If any person shall fraudulently pack or bale any cotton, he shall, on conviction thereof, be fined not more than five hundred dollars, or imprisoned in the county jail not more than six months, or both. Codes, Hutchinson's 1848, ch. 56, art. 12; 1857, ch. 64, art. 65; 1871, § 2720; 1880, § 2762; 1892, § 1011; 1906, § 1088; Hemingway's 1917, § 814; 1930, § 837; 1942, § 2063. If any person shall fraudulently pack or bale any cotton, he shall, on conviction thereof, be fined not more than five hundred dollars, or imprisoned in the county jail not more than six months, or both. Codes, Hutchinson's 1848, ch. 56, art. 12; 1857, ch. 64, art. 65; 1871, § 2720; 1880, § 2762; 1892, § 1011; 1906, § 1088; Hemingway's 1917, § 814; 1930, § 837; 1942, § 2063. If any person shall fraudulently pack or bale any cotton, he shall, on conviction thereof, be fined not more than five hundred dollars, or imprisoned in the county jail not more than six months, or both. Codes, Hutchinson's 1848, ch. 56, art. 12; 1857, ch. 64, art. 65; 1871, § 2720; 1880, § 2762; 1892, § 1011; 1906, § 1088; Hemingway's 1917, § 814; 1930, § 837; 1942, § 2063. If any person shall fraudulently pack or bale any cotton, he shall, on conviction thereof, be fined not more than five hundred dollars, or imprisoned in the county jail not more than six months, or both. Codes, Hutchinson's 1848, ch. 56, art. 12; 1857, ch. 64, art. 65; 1871, § 2720; 1880, § 2762; 1892, § 1011; 1906, § 1088; Hemingway's 1917, § 814; 1930, § 837; 1942, § 2063.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-83 - Threats or coercion to prevent lawful conduct of business

If any person shall in any manner threaten with bodily harm, intimidate or coerce another person to prevent said person from lawfully trading or carrying on business, including buying or selling, he shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment for not more than one (1) year in the county jail or be fined not more than one thousand dollars (\$1,000.00) or both. Codes, 1942, § 2384.5; Laws, 1966, ch. 384, § 1, eff. 2/9/1966. If any person shall in any manner threaten with bodily harm, intimidate or coerce another person to prevent said person from lawfully trading or carrying on business, including buying or selling, he shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment for not more than one (1) year in the county jail or be fined not more than one thousand dollars (\$1,000.00) or both. Codes, 1942, § 2384.5; Laws, 1966, ch. 384, § 1, eff. 2/9/1966. If any person shall in any manner threaten with bodily harm, intimidate or coerce another person to prevent said person from lawfully trading or carrying on business, including buying or selling, he shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment for not more than one (1) year in the county jail or be fined not more than one thousand dollars (\$1,000.00) or both. Codes, 1942, § 2384.5; Laws, 1966, ch. 384, § 1, eff. 2/9/1966. If any person shall in any manner threaten with bodily harm, intimidate or coerce another person to prevent said person from lawfully trading or carrying on business, including buying or selling, he shall be guilty of a misdemeanor and, upon conviction thereof, shall

be punished by imprisonment for not more than one (1) year in the county jail or be fined not more than one thousand dollars (\$1,000.00) or both. Codes, 1942, § 2384.5; Laws, 1966, ch. 384, § 1, eff. 2/9/1966.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-85 - Unlawful restraint of trade; boycott; civil liability

If two (2) or more persons conspire to prevent another person or other persons from trading or doing business with any merchant or other business and as a result of said conspiracy said persons induce or encourage any individual or individuals to cease doing business with any merchant or other person, and when such conspiracy is formed and effectuated because of a reasonable grievance of the conspirators over which the said merchant or place of business boycotted or against which a boycott is attempted has no direct control or no legal authority to correct, or when the conspiracy results from such alleged grievance against the merchant or other person boycotted when no notice of such grievance has been given the merchant or party boycotted and no reasonable opportunity to correct such alleged grievance has been given such merchant or other person against whom the conspiracy was formed, then each of such persons shall be guilty of the crime of unlawful restraint of trade and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than two (2) years and in addition each such person shall be liable in civil action for any damages suffered by said merchant or place of business so wrongfully boycotted and also for attorney fees incurred by said merchant or person boycotted in a civil action to recover damages. Codes, 1942, § 2059.3; Laws, 1968, ch. 344, § 3, eff. 7/30/1968.

If two (2) or more persons conspire to prevent another person or other persons from trading or doing business with any merchant or other business and as a result of said conspiracy said persons induce or encourage any individual or individuals to cease doing business with any merchant or other person, and when such conspiracy is formed and effectuated because of a reasonable grievance of the conspirators over which the said merchant or place of business boycotted or against which a boycott is attempted has no direct control or no legal authority to correct, or when the conspiracy results from such alleged grievance against the merchant or other person boycotted when no notice of such grievance has been given the merchant or party boycotted and no reasonable opportunity to correct such alleged grievance has been given such merchant or other person against whom the conspiracy was formed, then each of such persons shall be guilty of the crime of unlawful restraint of trade and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than two (2) years and in addition each such person shall be liable in civil action for any damages suffered by said merchant or place of business so wrongfully boycotted and also for attorney fees incurred by said merchant or person boycotted in a civil action to recover damages. Codes, 1942, § 2059.3; Laws, 1968, ch. 344, § 3, eff. 7/30/1968.

If two (2) or more persons conspire to prevent another person or other persons from trading or doing business with any merchant or other business and as a result of said conspiracy said persons induce or encourage any individual or individuals to cease doing business with any merchant or other person, and when such conspiracy is formed and effectuated because of a reasonable grievance of the conspirators over which the said merchant or place of business boycotted or against which a boycott is attempted has no direct control or no legal authority to correct, or when the conspiracy results from such alleged grievance against the merchant or other person boycotted when no notice of such grievance has been given the merchant or party boycotted and no reasonable opportunity to correct such alleged grievance has been given such merchant or other person against whom the conspiracy was formed, then each of such persons shall be guilty of the crime of unlawful restraint of trade and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than two (2) years and in addition each such person shall be liable in civil action for any damages suffered by said merchant or place of business so wrongfully boycotted and also for attorney fees incurred by said merchant or person boycotted in a civil action to recover damages. Codes, 1942, § 2059.3; Laws, 1968, ch. 344, § 3, eff. 7/30/1968.

If two (2) or more persons conspire to prevent another person or other persons from trading or doing business with any merchant or other business and as a result of said conspiracy said persons induce or encourage any individual or individuals to cease doing business with any merchant or other person, and when such conspiracy is formed and effectuated because of a reasonable grievance of the conspirators over which the said merchant or place of business boycotted or against which a boycott is attempted has no direct control or no legal authority to correct, or when the conspiracy results from such alleged grievance against the merchant or other person boycotted when no notice of such grievance has been given the merchant or party boycotted and no reasonable opportunity to correct such alleged grievance has been given such merchant or other person against whom the conspiracy was formed, then each of such persons shall be guilty of the crime of unlawful restraint of trade and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than two (2) years and in addition each such person shall be liable in civil action for any damages suffered by said merchant or place of business so wrongfully boycotted and also for attorney fees incurred by said merchant or person boycotted in a civil action to recover damages. Codes, 1942, § 2059.3; Laws, 1968, ch. 344, § 3, eff. 7/30/1968.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-87 - Unauthorized copying or sale of recordings

(1) For purposes of this section, the following words shall have the meaning ascribed herein, unless the context requires otherwise: (a) "Person" means any individual, partnership, corporation, association or any communications media, including radio or television, broadcasters or licensees, newspapers, magazines, or other publications or media which offer facilities for the purposes stated herein. (b) "Owner" means the person who owns, or who has the license in the United States to produce or to distribute to the public copies of the original fixation of sounds or pictures embodied in, the master phonograph record, master disc, master tape, master videocassette, master film or other device used for reproducing recorded sounds or images on phonograph records, discs,

tapes, films or other articles on which sound or images are recorded, and from which the transferred recorded sounds or images are directly or indirectly derived.(2)(a)Any person who shall knowingly and willfully transfer or cause to be transferred, without the consent of the owner, any sounds or images recorded on phonograph record, disc, wire, tape, videocassette, film, or other article or device on which sounds or images are recorded with intent to sell, rent for a fee, or cause to be sold, or rented for a fee or for any financial gain the article on which such sounds or images are transferred, shall be guilty of a felony and, upon conviction of a first violation of this subsection, shall be fined not more than Twenty-five Thousand Dollars (\$25,000.00) or be imprisoned in the State Penitentiary for not more than five (5) years, or both. Any person who shall be convicted of a second or subsequent violation of this subsection shall be fined not more than One Hundred Thousand Dollars (\$100,000.00) or be imprisoned not more than ten (10) years, or both.(b)Any person who records, masters or causes to be recorded or mastered on any recorded article or device with the intent to sell, market or lease for commercial advantage or private financial gain, the sounds or images of a live performance, with the knowledge that the sounds or images so recorded have been recorded or mastered without the consent of the owner of the sounds of the live performance, is guilty of a felony, and upon conviction thereof, shall be subject to fine and imprisonment as provided for the first and subsequent convictions of violations of subsection (2)(a). In the absence of a written agreement or operation of law to the contrary, the performer or performers of the sounds of a live performance shall be presumed to own the right to record or master those sounds. Such performers shall also be deemed, in absence of such agreement or operation of law, to own the right to display and distribute their own personal images.(c)Each and every individual and separate manufacture of a recorded device as described in this subsection shall constitute a separate offense of this subsection.(3)(a)It is unlawful for any person to:(i)Advertise, offer for sale or sell any such article or device described in subsection (2)(a) of this section with the knowledge that the sounds or images thereon have been transferred without the consent of the owner;(ii)Offer or make available for a fee, rental or any other form of compensation, directly or indirectly, any equipment or machinery with the knowledge that it will be used by another to reproduce, without the consent of the owner, any phonograph record, disc, wire, tape, videocassette, film or other article on which sounds or images have been transferred; or(iii)Possess with intent to sell, to make available for a fee, rental or other form of compensation, or for the purpose of obtaining any form of compensation through the use of any article or device described in subsection (2) (a), with the knowledge that the sounds or images thereon have been transferred without the consent of the owner.Any person convicted of a first violation of this subsection shall be guilty of a felony and fined not more than Five Thousand Dollars (\$5,000.00) or imprisoned in the State Penitentiary for not more than three (3) years, or both. Any person convicted of a second or subsequent violation of this subsection shall be guilty of a felony and fined not more than Fifty Thousand Dollars (\$50,000.00) or imprisoned in the State Penitentiary for not more than seven (7) years, or both.(b)Each and every individual advertisement, offer for sale, sale, rental or possession of such recorded devices or offer or making available of equipment or machinery in violation of the provisions of this subsection shall constitute a separate offense.(4)The provisions of this subsection shall not apply to reproduction of sounds or images made in the home for private use with no purpose of otherwise capitalizing commercially on such reproduction.Laws, 1974, ch. 527, § 1; Laws, 1992, ch. 556, § 1; Laws, 2009, ch. 378, § 4, eff. 7/1/2009. (1)For purposes of this section, the following words shall have the meaning ascribed herein, unless the context requires otherwise:(a)"Person" means any individual, partnership, corporation, association or any communications media, including radio or television, broadcasters or licensees, newspapers, magazines, or other publications or media which offer facilities for the purposes stated herein.(b)"Owner" means the person who owns, or who has the license in the United States to produce or to distribute to the public copies of the original fixation of sounds or pictures embodied in, the master phonograph record, master disc, master tape, master videocassette, master film or other device used for reproducing recorded sounds or images on phonograph records, discs, tapes, films or other articles on which sound or images are recorded, and from which the transferred recorded sounds or images are directly or indirectly derived.(2)(a)Any person who shall knowingly and willfully transfer or cause to be transferred, without the consent of the owner, any sounds or images recorded on phonograph record, disc, wire, tape, videocassette, film, or other article or device on which sounds or images are recorded with intent to sell, rent for a fee, or cause to be sold, or rented for a fee or for any financial gain the article on which such sounds or images are transferred, shall be guilty of a felony and, upon conviction of a first violation of this subsection, shall be fined not more than Twenty-five Thousand Dollars (\$25,000.00) or be imprisoned in the State Penitentiary for not more than five (5) years, or both. Any person who shall be convicted of a second or subsequent violation of this subsection shall be fined not more than One Hundred Thousand Dollars (\$100,000.00) or be imprisoned not more than ten (10) years, or both.(b)Any person who records, masters or causes to be recorded or mastered on any recorded article or device with the intent to sell, market or lease for commercial advantage or private financial gain, the sounds or images of a live performance, with the knowledge that the sounds or images so recorded have been recorded or mastered without the consent of the owner of the sounds of the live performance, is guilty of a felony, and upon conviction thereof, shall be subject to fine and imprisonment as provided for the first and subsequent convictions of violations of subsection (2)(a). In the absence of a written agreement or operation of law to the contrary, the performer or performers of the sounds of a live performance shall be presumed to own the right to record or master those sounds. Such performers shall also be deemed, in absence of such agreement or operation of law, to own the right to display and distribute their own personal images.(c)Each and every individual and separate manufacture of a recorded device as described in this subsection shall constitute a separate offense of this subsection.(3)(a)It is unlawful for any person to:(i)Advertise, offer for sale or sell any such article or device described in subsection (2)(a) of this section with the knowledge that the sounds or images thereon have been transferred without the consent of the owner;(ii)Offer or make available for a fee, rental or any other form of compensation, directly or indirectly, any equipment or machinery with the knowledge that it will be used by another to reproduce, without the consent of the owner, any phonograph record, disc, wire, tape, videocassette, film or other article on which sounds or images have been transferred;

or(iii)Possess with intent to sell, to make available for a fee, rental or other form of compensation, or for the purpose of obtaining any form of compensation through the use of any article or device described in subsection (2) (a), with the knowledge that the sounds or images thereon have been transferred without the consent of the owner.Any person convicted of a first violation of this subsection shall be guilty of a felony and fined not more than Five Thousand Dollars (\$5,000.00) or imprisoned in the State Penitentiary for not more than three (3) years, or both. Any person convicted of a second or subsequent violation of this subsection shall be guilty of a felony and fined not more than Fifty Thousand Dollars (\$50,000.00) or imprisoned in the State Penitentiary for not more than seven (7) years, or both.(b)Each and every individual advertisement, offer for sale, sale, rental or possession of such recorded devices or offer or making available of equipment or machinery in violation of the provisions of this subsection shall constitute a separate offense.(4)The provisions of this subsection shall not apply to reproduction of sounds or images made in the home for private use with no purpose of otherwise capitalizing commercially on such reproduction.Laws, 1974, ch. 527, § 1; Laws, 1992, ch. 556, § 1; Laws, 2009, ch. 378, § 4, eff. 7/1/2009. (1)For purposes of this section, the following words shall have the meaning ascribed herein, unless the context requires otherwise:(a)"Person" means any individual, partnership, corporation, association or any communications media, including radio or television, broadcasters or licensees, newspapers, magazines, or other publications or media which offer facilities for the purposes stated herein.(b)"Owner" means the person who owns, or who has the license in the United States to produce or to distribute to the public copies of the original fixation of sounds or pictures embodied in, the master phonograph record, master disc, master tape, master videocassette, master film or other device used for reproducing recorded sounds or images on phonograph records, discs, tapes, films or other articles on which sound or images are recorded, and from which the transferred recorded sounds or images are directly or indirectly derived.(2)(a)Any person who shall knowingly and willfully transfer or cause to be transferred, without the consent of the owner, any sounds or images recorded on phonograph record, disc, wire, tape, videocassette, film, or other article or device on which sounds or images are recorded with intent to sell, rent for a fee, or cause to be sold, or rented for a fee or for any financial gain the article on which such sounds or images are transferred, shall be guilty of a felony and, upon conviction of a first violation of this subsection, shall be fined not more than Twenty-five Thousand Dollars (\$25,000.00) or be imprisoned in the State Penitentiary for not more than five (5) years, or both. Any person who shall be convicted of a second or subsequent violation of this subsection shall be fined not more than One Hundred Thousand Dollars (\$100,000.00) or be imprisoned not more than ten (10) years, or both.(b)Any person who records, masters or causes to be recorded or mastered on any recorded article or device with the intent to sell, market or lease for commercial advantage or private financial gain, the sounds or images of a live performance, with the knowledge that the sounds or images so recorded have been recorded or mastered without the consent of the owner of the sounds of the live performance, is guilty of a felony, and upon conviction thereof, shall be subject to fine and imprisonment as provided for the first and subsequent convictions of violations of subsection (2)(a). In the absence of a written agreement or operation of law to the contrary, the performer or performers of the sounds of a live performance shall be presumed to own the right to record or master those sounds. Such performers shall also be deemed, in absence of such agreement or operation of law, to own the right to display and distribute their own personal images.(c)Each and every individual and separate manufacture of a recorded device as described in this subsection shall constitute a separate offense of this subsection.(3)(a)It is unlawful for any person to:(i)Advertise, offer for sale or sell any such article or device described in subsection (2)(a) of this section with the knowledge that the sounds or images thereon have been transferred without the consent of the owner;(ii)Offer or make available for a fee, rental or any other form of compensation, directly or indirectly, any equipment or machinery with the knowledge that it will be used by another to reproduce, without the consent of the owner, any phonograph record, disc, wire, tape, videocassette, film or other article on which sounds or images have been transferred; or(iii)Possess with intent to sell, to make available for a fee, rental or other form of compensation, or for the purpose of obtaining any form of compensation through the use of any article or device described in subsection (2) (a), with the knowledge that the sounds or images thereon have been transferred without the consent of the owner.Any person convicted of a first violation of this subsection shall be guilty of a felony and fined not more than Five Thousand Dollars (\$5,000.00) or imprisoned in the State Penitentiary for not more than three (3) years, or both. Any person convicted of a second or subsequent violation of this subsection shall be guilty of a felony and fined not more than Fifty Thousand Dollars (\$50,000.00) or imprisoned in the State Penitentiary for not more than seven (7) years, or both.(b)Each and every individual advertisement, offer for sale, sale, rental or possession of such recorded devices or offer or making available of equipment or machinery in violation of the provisions of this subsection shall constitute a separate offense.(4)The provisions of this subsection shall not apply to reproduction of sounds or images made in the home for private use with no purpose of otherwise capitalizing commercially on such reproduction.Laws, 1974, ch. 527, § 1; Laws, 1992, ch. 556, § 1; Laws, 2009, ch. 378, § 4, eff. 7/1/2009. Any person convicted of a first violation of this subsection shall be guilty of a felony and fined not more than Five Thousand Dollars (\$5,000.00) or imprisoned in the State Penitentiary for not more than three (3) years, or both. Any person convicted of a second or subsequent violation of this subsection shall be guilty of a felony and fined not more than Fifty Thousand Dollars (\$50,000.00) or imprisoned in the State Penitentiary for not more than seven (7) years, or both. Laws, 1974, ch. 527, § 1; Laws, 1992, ch. 556, § 1; Laws, 2009, ch. 378, § 4, eff. 7/1/2009.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111)Section 97-23-89 - Sale, distribution of recordings without display of required information

(1)For purposes of this section, the following words shall have the meaning ascribed herein, unless the context requires otherwise:(a)"Person" means any individual, partnership, corporation or association.(b)"Manufacturer" means any individual,

partnership, corporation or association which, after first having acquired the right to transfer sounds or images from the lawful owner thereof, actually transfers or causes the transfer thereon of such sounds or images recorded on a phonograph record, disc, wire, tape, videocassette, film or other article on which sounds or images are recorded, or assembles and transfers any product containing such transferred sounds or images as a component thereof.(2)It shall be unlawful for any person to manufacture or knowingly (a) sell, rent, distribute or circulate, (b) cause to be sold, distributed or circulated, or (c) possess with intent to sell, rent, distribute or circulate, for any compensation, a recorded article or device containing sounds or images, including any phonograph record, tape, disc, videocassette, film or other article or device upon which sounds or images may be fixed or reproduced, without the actual name and street address of the manufacturer thereof and, when the recorded article or device contains sounds only, without the name of the actual performer or group of performers prominently disclosed on the cover, jacket, box or label containing such recorded article or device. Any person who is convicted of a first violation of this subsection shall be guilty of a felony and fined not more than Ten Thousand Dollars (\$10,000.00) or be imprisoned in the State Penitentiary for not more than three (3) years, or both. Any person who is convicted of a second or subsequent violation of this subsection shall be guilty of a felony and fined not more than Fifty Thousand Dollars (\$50,000.00) or be imprisoned in the State Penitentiary for not more than seven (7) years, or both.(3)Each and every individual manufacture, distribution or sale or transfer for a consideration of such recorded article or device in violation of the provisions of this section shall constitute a separate offense.(4)Property used in any way to violate the provisions of this section shall be subject to forfeiture under Sections97-21-101and97-21-103.Laws, 1974, ch. 527, § 2; Laws, 1992, ch. 556, § 2; Laws, 2011, ch. 346, § 6, eff. 7/1/2011. (1)For purposes of this section, the following words shall have the meaning ascribed herein, unless the context requires otherwise:(a)"Person" means any individual, partnership, corporation or association.(b)"Manufacturer" means any individual, partnership, corporation or association which, after first having acquired the right to transfer sounds or images from the lawful owner thereof, actually transfers or causes the transfer thereon of such sounds or images recorded on a phonograph record, disc, wire, tape, videocassette, film or other article on which sounds or images are recorded, or assembles and transfers any product containing such transferred sounds or images as a component thereof.(2)It shall be unlawful for any person to manufacture or knowingly (a) sell, rent, distribute or circulate, (b) cause to be sold, distributed or circulated, or (c) possess with intent to sell, rent, distribute or circulate, for any compensation, a recorded article or device containing sounds or images, including any phonograph record, tape, disc, videocassette, film or other article or device upon which sounds or images may be fixed or reproduced, without the actual name and street address of the manufacturer thereof and, when the recorded article or device contains sounds only, without the name of the actual performer or group of performers prominently disclosed on the cover, jacket, box or label containing such recorded article or device. Any person who is convicted of a first violation of this subsection shall be guilty of a felony and fined not more than Ten Thousand Dollars (\$10,000.00) or be imprisoned in the State Penitentiary for not more than three (3) years, or both. Any person who is convicted of a second or subsequent violation of this subsection shall be guilty of a felony and fined not more than Fifty Thousand Dollars (\$50,000.00) or be imprisoned in the State Penitentiary for not more than seven (7) years, or both.(3)Each and every individual manufacture, distribution or sale or transfer for a consideration of such recorded article or device in violation of the provisions of this section shall constitute a separate offense.(4)Property used in any way to violate the provisions of this section shall be subject to forfeiture under Sections97-21-101and97-21-103.Laws, 1974, ch. 527, § 2; Laws, 1992, ch. 556, § 2; Laws, 2011, ch. 346, § 6, eff. 7/1/2011. (1)For purposes of this section, the following words shall have the meaning ascribed herein, unless the context requires otherwise:(a)"Person" means any individual, partnership, corporation or association.(b)"Manufacturer" means any individual, partnership, corporation or association which, after first having acquired the right to transfer sounds or images from the lawful owner thereof, actually transfers or causes the transfer thereon of such sounds or images recorded on a phonograph record, disc, wire, tape, videocassette, film or other article on which sounds or images are recorded, or assembles and transfers any product containing such transferred sounds or images as a component thereof.(2)It shall be unlawful for any person to manufacture or knowingly (a) sell, rent, distribute or circulate, (b) cause to be sold, distributed or circulated, or (c) possess with intent to sell, rent, distribute or circulate, for any compensation, a recorded article or device containing sounds or images, including any phonograph record, tape, disc, videocassette, film or other article or device upon which sounds or images may be fixed or reproduced, without the actual name and street address of the manufacturer thereof and, when the recorded article or device contains sounds only, without the name of the actual performer or group of performers prominently disclosed on the cover, jacket, box or label containing such recorded article or device. Any person who is convicted of a first violation of this subsection shall be guilty of a felony and fined not more than Ten Thousand Dollars (\$10,000.00) or be imprisoned in the State Penitentiary for not more than three (3) years, or both. Any person who is convicted of a second or subsequent violation of this subsection shall be guilty of a felony and fined not more than Fifty Thousand Dollars (\$50,000.00) or be imprisoned in the State Penitentiary for not more than seven (7) years, or both.(3)Each and every individual manufacture, distribution or sale or transfer for a consideration of such recorded article or device in violation of the provisions of this section shall constitute a separate offense.(4)Property used in any way to violate the provisions of this section shall be subject to forfeiture under Sections97-21-101and97-21-103.Laws, 1974, ch. 527, § 2; Laws, 1992, ch. 556, § 2; Laws, 2011, ch. 346, § 6, eff. 7/1/2011. Laws, 1974, ch. 527, § 2; Laws, 1992, ch. 556, § 2; Laws, 2011, ch. 346, § 6, eff. 7/1/2011.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111)Section 97-23-9 - Cotton; seed-cotton not sold at night

Any person who shall buy, sell, or exchange or receive or deliver, in pursuance of any contract of sale or exchange, any cotton in the

seed or ginned and not baled, between sunset on one day and sunrise on the next, shall, upon conviction, be punished as for a misdemeanor. Codes, 1880, § 2763; 1892, § 1012; 1906, § 1089; Hemingway's 1917, § 815; 1930, § 838; 1942, § 2064. Any person who shall buy, sell, or exchange or receive or deliver, in pursuance of any contract of sale or exchange, any cotton in the seed or ginned and not baled, between sunset on one day and sunrise on the next, shall, upon conviction, be punished as for a misdemeanor. Codes, 1880, § 2763; 1892, § 1012; 1906, § 1089; Hemingway's 1917, § 815; 1930, § 838; 1942, § 2064. Any person who shall buy, sell, or exchange or receive or deliver, in pursuance of any contract of sale or exchange, any cotton in the seed or ginned and not baled, between sunset on one day and sunrise on the next, shall, upon conviction, be punished as for a misdemeanor. Codes, 1880, § 2763; 1892, § 1012; 1906, § 1089; Hemingway's 1917, § 815; 1930, § 838; 1942, § 2064. Any person who shall buy, sell, or exchange or receive or deliver, in pursuance of any contract of sale or exchange, any cotton in the seed or ginned and not baled, between sunset on one day and sunrise on the next, shall, upon conviction, be punished as for a misdemeanor. Codes, 1880, § 2763; 1892, § 1012; 1906, § 1089; Hemingway's 1917, § 815; 1930, § 838; 1942, § 2064.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-91 - Construction of Sections 97-23-87 through 97-23-91; private causes of action; confiscation of illegal recordings

(1) Except as otherwise provided in this section, the provisions of Sections 97-23-87 through 97-23-91 shall not be construed or interpreted to enlarge or diminish the rights of parties in civil litigation. Such sections shall not be construed or interpreted to apply to the transfer by a television operator, radio or television broadcaster, librarian or archivist of any such sounds (other than from the sound track of a motion picture) intended for, or in connection with, broadcast transmission, retransmission or related uses, or for archival purposes only. (2) Any owner of a recorded article or device whose work is allegedly the subject of a violation of the provisions of Section 97-23-87 or 97-23-89 shall have a cause of action in the circuit courts of this state for all damages resulting therefrom, including actual, compensatory, incidental and punitive damages. (3) Any lawful producer of a recorded article or device whose product is allegedly the subject of a violation of the provisions of Section 97-23-87 or 97-23-89 shall have a cause of action in the circuit courts of this state for all damages resulting therefrom, including actual, compensatory, incidental and punitive damages. (4) It shall be the duty of any state, county or local law enforcement officer to confiscate all recorded articles and devices prohibited by the provisions of Sections 97-23-87 and 97-23-89 and all equipment and components used or intended to be used in the manufacture of the recordings prohibited by said sections. The law enforcement officer confiscating such materials and equipment shall deliver the prohibited recorded material, equipment and components to the State Attorney General or the appropriate local district attorney of the judicial district in which the confiscation was made, or cause the same to be stored in a safe place until such time as the court having jurisdiction over the confiscated recorded material and equipment shall determine the rights, if any, of any person in and to said confiscated materials and the appropriate disposition of such material and equipment. The provisions of this section shall apply to any prohibited recording, regardless of lack of knowledge or intent on the part of the person in possession of same to violate Section 97-23-87 or 97-23-89. Laws, 1974, ch. 527, § 3; Laws, 1992, ch. 556, § 3, eff. 7/1/1992. (1) Except as otherwise provided in this section, the provisions of Sections 97-23-87 through 97-23-91 shall not be construed or interpreted to enlarge or diminish the rights of parties in civil litigation. Such sections shall not be construed or interpreted to apply to the transfer by a television operator, radio or television broadcaster, librarian or archivist of any such sounds (other than from the sound track of a motion picture) intended for, or in connection with, broadcast transmission, retransmission or related uses, or for archival purposes only. (2) Any owner of a recorded article or device whose work is allegedly the subject of a violation of the provisions of Section 97-23-87 or 97-23-89 shall have a cause of action in the circuit courts of this state for all damages resulting therefrom, including actual, compensatory, incidental and punitive damages. (3) Any lawful producer of a recorded article or device whose product is allegedly the subject of a violation of the provisions of Section 97-23-87 or 97-23-89 shall have a cause of action in the circuit courts of this state for all damages resulting therefrom, including actual, compensatory, incidental and punitive damages. (4) It shall be the duty of any state, county or local law enforcement officer to confiscate all recorded articles and devices prohibited by the provisions of Sections 97-23-87 and 97-23-89 and all equipment and components used or intended to be used in the manufacture of the recordings prohibited by said sections. The law enforcement officer confiscating such materials and equipment shall deliver the prohibited recorded material, equipment and components to the State Attorney General or the appropriate local district attorney of the judicial district in which the confiscation was made, or cause the same to be stored in a safe place until such time as the court having jurisdiction over the confiscated recorded material and equipment shall determine the rights, if any, of any person in and to said confiscated materials and the appropriate disposition of such material and equipment. The provisions of this section shall apply to any prohibited recording, regardless of lack of knowledge or intent on the part of the person in possession of same to violate Section 97-23-87 or 97-23-89. Laws, 1974, ch. 527, § 3; Laws, 1992, ch. 556, § 3, eff. 7/1/1992. 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(3) Any lawful producer of a recorded article or device whose product is allegedly the subject of a violation of the provisions of Section 97-23-87 or 97-23-89 shall have a cause of action in the

circuit courts of this state for all damages resulting therefrom, including actual, compensatory, incidental and punitive damages.(4)It shall be the duty of any state, county or local law enforcement officer to confiscate all recorded articles and devices prohibited by the provisions of Sections97-23-87and97-23-89and all equipment and components used or intended to be used in the manufacture of the recordings prohibited by said sections. The law enforcement officer confiscating such materials and equipment shall deliver the prohibited recorded material, equipment and components to the State Attorney General or the appropriate local district attorney of the judicial district in which the confiscation was made, or cause the same to be stored in a safe place until such time as the court having jurisdiction over the confiscated recorded material and equipment shall determine the rights, if any, of any person in and to said confiscated materials and the appropriate disposition of such material and equipment. The provisions of this section shall apply to any prohibited recording, regardless of lack of knowledge or intent on the part of the person in possession of same to violate Section97-23-87or97-23-89.Laws, 1974, ch. 527, § 3; Laws, 1992, ch. 556, § 3, eff. 7/1/1992. Laws, 1974, ch. 527, § 3; Laws, 1992, ch. 556, § 3, eff. 7/1/1992.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111)Section 97-23-92 - Unauthorized use of audiovisual recording device in motion picture theater

(1)Any person who knowingly operates the audiovisual recording function of any device in a motion picture theater while a motion picture is being exhibited without the consent of the motion picture theater owner commits a crime punishable as provided in subsection (7) of this section.(2)The term "audiovisual recording function" means the capability of a device to record or transmit a motion picture or any part thereof by means of any technology whether developed before or after July 1, 2005.(3)The term "motion picture theater" means a movie theater, screening room or other venue that is being utilized primarily for the exhibition of a motion picture at the time of the alleged offense.(4)The owner or lessee of a motion picture theater, or the authorized agent or employee of the owner or lessee, who alerts law enforcement authorities of an alleged violation of this section shall not be liable in any civil action arising out of measures taken while awaiting the arrival of law enforcement authorities by the owner, lessee, agent or employee in the course of subsequently detaining a person whom the owner, lessee, agent or employee in good faith believed to have violated this section unless the plaintiff can show by clear and convincing evidence that the measures were manifestly unreasonable or the period of detention was unreasonably long.(5)This section does not prevent any lawfully authorized investigative, law enforcement, protective, or intelligence gathering employee or agent of the local, state or federal government from operating any audiovisual recording device in a motion picture theater as part of lawfully authorized investigative, protective, law enforcement, or intelligence gathering activities.(6)Nothing in this section shall prevent prosecution under any provision of law providing for greater penalty.(7)A person convicted of violating this section shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment in the county jail not to exceed six (6) months, or either.Laws, 2005, ch. 336, § 1, eff. 7/1/2005. (1)Any person who knowingly operates the audiovisual recording function of any device in a motion picture theater while a motion picture is being exhibited without the consent of the motion picture theater owner commits a crime punishable as provided in subsection (7) of this section.(2)The term "audiovisual recording function" means the capability of a device to record or transmit a motion picture or any part thereof by means of any technology whether developed before or after July 1, 2005.(3)The term "motion picture theater" means a movie theater, screening room or other venue that is being utilized primarily for the exhibition of a motion picture at the time of the alleged offense.(4)The owner or lessee of a motion picture theater, or the authorized agent or employee of the owner or lessee, who alerts law enforcement authorities of an alleged violation of this section shall not be liable in any civil action arising out of measures taken while awaiting the arrival of law enforcement authorities by the owner, lessee, agent or employee in the course of subsequently detaining a person whom the owner, lessee, agent or employee in good faith believed to have violated this section unless the plaintiff can show by clear and convincing evidence that the measures were manifestly unreasonable or the period of detention was unreasonably long.(5)This section does not prevent any lawfully authorized investigative, law enforcement, protective, or intelligence gathering employee or agent of the local, state or federal government from operating any audiovisual recording device in a motion picture theater as part of lawfully authorized investigative, protective, law enforcement, or intelligence gathering activities.(6)Nothing in this section shall prevent prosecution under any provision of law providing for greater penalty.(7)A person convicted of violating this section shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment in the county jail not to exceed six (6) months, or either.Laws, 2005, ch. 336, § 1, eff. 7/1/2005. 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operating any audiovisual recording device in a motion picture theater as part of lawfully authorized investigative, protective, law enforcement, or intelligence gathering activities.(6)Nothing in this section shall prevent prosecution under any provision of law providing for greater penalty.(7)A person convicted of violating this section shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment in the county jail not to exceed six (6) months, or either.Laws, 2005, ch. 336, § 1, eff. 7/1/2005. Laws, 2005, ch. 336, § 1, eff. 7/1/2005.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111)Section 97-23-93.1 - Shoplifting; use of theft detection device remover prohibited; use of theft detection shielding device prohibited; activation of anti-shoplifting device constitutes probable cause for detention

(1)As used in this section:(a)"Theft detection device" means any tag or other device that is used to prevent or detect theft and that is attached to merchandise held for resale by a merchant or to property of a merchant.(b)"Theft detection device remover" means any tool or device specifically designed or manufactured to be used to remove a theft detection device from merchandise held for resale by a merchant or property of a merchant.(c)"Theft detection shielding device" means any laminated or coated bag or device designed to shield merchandise held for resale by a merchant or property of a merchant from being detected by an electronic or magnetic theft alarm sensor.(2)(a)A person commits unlawful distribution of a theft detection shielding device when he or she knowingly manufactures, sells, offers to sell or distributes any theft detection shielding device.(b)A person commits unlawful possession of a theft detection shielding device when he or she knowingly possesses any theft detection shielding device with the intent to commit larceny or shoplifting.(c)A person commits unlawful possession of a theft detection device remover when he or she knowingly possesses any theft detection device remover with the intent to use such tool to remove any theft detection device from any merchandise without the permission of the merchant or person owning or holding said merchandise.(d)A person commits unlawful use of a theft detection shielding device or a theft detection device remover when he or she uses or attempts to use either device while committing a violation of Section97-23-93, Mississippi Code of 1972.(e)Any person convicted of violating this subsection (2) is guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned for not less than thirty (30) days nor more than one (1) year, and fined not less than Two Hundred Fifty Dollars (\$250.00), nor more than One Thousand Dollars (\$1,000.00).(3)(a)A person commits unlawful removal of a theft detection device when he or she intentionally removes any theft detection device from merchandise prior to purchase without the permission of the merchant or person owning or holding said merchandise.(b)Any person convicted of violating this subsection (3) is guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), and such fine shall not be suspended, or the person shall be imprisoned not more than sixty (60) days, or both.(4)(a)The activation of an anti-shoplifting or inventory control device as a result of a person exiting the establishment or a protected area within the establishment shall constitute reasonable cause for the detention of the person so exiting by the owner or operator of the establishment or by an agent or employee of the owner or operator, provided notice has been posted to advise patrons that such a device is being utilized. Each such detention shall be made only in a reasonable manner and only for a reasonable period of time sufficient for any inquiry into the circumstances surrounding the activation of the device or for the recovery of goods.(b)The taking into custody and detention by a law enforcement officer, merchant or merchant's employee, if in compliance with the requirements of this section, does not render such law enforcement officer, merchant or merchant's employee criminally or civilly liable for false arrest, false imprisonment, unlawful detention, malicious prosecution, intentional infliction of emotional distress or defamation.Laws, 2001, ch. 558, § 1, eff. 7/1/2001.

(1)As used in this section:(a)"Theft detection device" means any tag or other device that is used to prevent or detect theft and that is attached to merchandise held for resale by a merchant or to property of a merchant.(b)"Theft detection device remover" means any tool or device specifically designed or manufactured to be used to remove a theft detection device from merchandise held for resale by a merchant or property of a merchant.(c)"Theft detection shielding device" means any laminated or coated bag or device designed to shield merchandise held for resale by a merchant or property of a merchant from being detected by an electronic or magnetic theft alarm sensor.(2)(a)A person commits unlawful distribution of a theft detection shielding device when he or she knowingly manufactures, sells, offers to sell or distributes any theft detection shielding device.(b)A person commits unlawful possession of a theft detection shielding device when he or she knowingly possesses any theft detection shielding device with the intent to commit larceny or shoplifting.(c)A person commits unlawful possession of a theft detection device remover when he or she knowingly possesses any theft detection device remover with the intent to use such tool to remove any theft detection device from any merchandise without the permission of the merchant or person owning or holding said merchandise.(d)A person commits unlawful use of a theft detection shielding device or a theft detection device remover when he or she uses or attempts to use either device while committing a violation of Section97-23-93, Mississippi Code of 1972.(e)Any person convicted of violating this subsection (2) is guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned for not less than thirty (30) days nor more than one (1) year, and fined not less than Two Hundred Fifty Dollars (\$250.00), nor more than One Thousand Dollars (\$1,000.00).(3)(a)A person commits unlawful removal of a theft detection device when he or she intentionally removes any theft detection device from merchandise prior to purchase without the permission of the merchant or person owning or holding said merchandise.(b)Any person convicted of violating this subsection (3) is guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), and such fine shall not be suspended, or the person shall be imprisoned not more than sixty (60) days, or both.(4)(a)The activation of an anti-shoplifting or inventory control device as a result of a person exiting the establishment or a protected area within the establishment shall constitute

reasonable cause for the detention of the person so exiting by the owner or operator of the establishment or by an agent or employee of the owner or operator, provided notice has been posted to advise patrons that such a device is being utilized. Each such detention shall be made only in a reasonable manner and only for a reasonable period of time sufficient for any inquiry into the circumstances surrounding the activation of the device or for the recovery of goods.(b)The taking into custody and detention by a law enforcement officer, merchant or merchant's employee, if in compliance with the requirements of this section, does not render such law enforcement officer, merchant or merchant's employee criminally or civilly liable for false arrest, false imprisonment, unlawful detention, malicious prosecution, intentional infliction of emotional distress or defamation.Laws, 2001, ch. 558, § 1, eff. 7/1/2001.

(1)As used in this section:(a)"Theft detection device" means any tag or other device that is used to prevent or detect theft and that is attached to merchandise held for resale by a merchant or to property of a merchant.(b)"Theft detection device remover" means any tool or device specifically designed or manufactured to be used to remove a theft detection device from merchandise held for resale by a merchant or property of a merchant.(c)"Theft detection shielding device" means any laminated or coated bag or device designed to shield merchandise held for resale by a merchant or property of a merchant from being detected by an electronic or magnetic theft alarm sensor.(2)(a)A person commits unlawful distribution of a theft detection shielding device when he or she knowingly manufactures, sells, offers to sell or distributes any theft detection shielding device.(b)A person commits unlawful possession of a theft detection shielding device when he or she knowingly possesses any theft detection shielding device with the intent to commit larceny or shoplifting.(c)A person commits unlawful possession of a theft detection device remover when he or she knowingly possesses any theft detection device remover with the intent to use such tool to remove any theft detection device from any merchandise without the permission of the merchant or person owning or holding said merchandise.(d)A person commits unlawful use of a theft detection shielding device or a theft detection device remover when he or she uses or attempts to use either device while committing a violation of Section97-23-93, Mississippi Code of 1972.(e)Any person convicted of violating this subsection (2) is guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned for not less than thirty (30) days nor more than one (1) year, and fined not less than Two Hundred Fifty Dollars (\$250.00), nor more than One Thousand Dollars (\$1,000.00).(3)(a)A person commits unlawful removal of a theft detection device when he or she intentionally removes any theft detection device from merchandise prior to purchase without the permission of the merchant or person owning or holding said merchandise.(b)Any person convicted of violating this subsection (3) is guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), and such fine shall not be suspended, or the person shall be imprisoned not more than sixty (60) days, or both.(4)(a)The activation of an anti-shoplifting or inventory control device as a result of a person exiting the establishment or a protected area within the establishment shall constitute reasonable cause for the detention of the person so exiting by the owner or operator of the establishment or by an agent or employee of the owner or operator, provided notice has been posted to advise patrons that such a device is being utilized. Each such detention shall be made only in a reasonable manner and only for a reasonable period of time sufficient for any inquiry into the circumstances surrounding the activation of the device or for the recovery of goods.(b)The taking into custody and detention by a law enforcement officer, merchant or merchant's employee, if in compliance with the requirements of this section, does not render such law enforcement officer, merchant or merchant's employee criminally or civilly liable for false arrest, false imprisonment, unlawful detention, malicious prosecution, intentional infliction of emotional distress or defamation.Laws, 2001, ch. 558, § 1, eff. 7/1/2001.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111)Section 97-23-93 - Shoplifting; elements of offense; presumptions; evidence; penalties; aggregation of multiple offenses occurring within same jurisdiction over 30-day period in determining gravity of offense

(1)Any person who shall willfully and unlawfully take possession of any merchandise owned or held by and offered or displayed for sale by any merchant, store or other mercantile establishment with the intention and purpose of converting such merchandise to his own use without paying the merchant's stated price therefor shall be guilty of the crime of shoplifting and, upon conviction, shall be punished as is provided in this section.(2)The requisite intention to convert merchandise without paying the merchant's stated price for the merchandise is presumed, and shall be prima facie evidence thereof, when such person, alone or in concert with another person, willfully:(a)Conceals the unpurchased merchandise;(b)Removes or causes the removal of unpurchased merchandise from a store or other mercantile establishment;(c)Alters, transfers or removes any price-marking, any other marking which aids in determining value affixed to the unpurchased merchandise, or any tag or device used in electronic surveillance of unpurchased merchandise;(d)Transfers the unpurchased merchandise from one (1) container to another; or(e)Causes the cash register or other sales recording device to reflect less than the merchant's stated price for the unpurchased merchandise.(3)Evidence of stated price or ownership of merchandise may include, but is not limited to:(a)The actual merchandise or the container which held the merchandise alleged to have been shoplifted; or(b)The content of the price tag or marking from such merchandise; or(c)Properly identified photographs of such merchandise.(4)Any merchant or his agent or employee may testify at a trial as to the stated price or ownership of merchandise.(5)A person convicted of shoplifting merchandise for which the total price of all items shoplifted in violation of this section is less than or equal to One Thousand Dollars (\$1,000.00) shall be punished as follows:(a)Upon a first shoplifting conviction the defendant shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00), or punished by imprisonment in the county jail not to exceed six (6) months, or both .(b)Upon a second shoplifting conviction the defendant shall be guilty of a misdemeanor and fined not more than Two Thousand Five Hundred Dollars (\$2,500.00) or punished by imprisonment in

the county jail for a term not less than forty-eight (48) hours, not to exceed six (6) months, or by both .(6)Upon a third or subsequent shoplifting conviction where the total price of all shoplifted merchandise is not less than Five Hundred Dollars (\$500.00) or greater than One Thousand Dollars (\$1,000.00), the defendant shall be guilty of a felony and fined not more than Three Thousand Dollars (\$3,000.00), or imprisoned for a term not to exceed three (3) years, or by both such fine and imprisonment.(7)A person convicted of shoplifting merchandise for which the total price of all items shoplifted in violation of this section exceeds One Thousand Dollars (\$1,000.00) shall be guilty of a felony and, upon conviction, punished as provided in Section97-17-41for the offense of grand larceny.(8)In determining the number of prior shoplifting convictions for purposes of imposing punishment under this section, the court shall disregard all such convictions occurring more than seven (7) years prior to the shoplifting offense in question.(9)For the purpose of determining the gravity of the offense under subsection (7) of this section, the prosecutor may aggregate the total price of merchandise shoplifted from the same or separate mercantile establishments within the same legal jurisdiction over a period of thirty (30) or fewer days.(10)A person convicted of shoplifting merchandise, acting in concert with, aiding, abetting, or encouraging one or more persons to commit such crime, regardless of whether such others are prosecuted for such crime, for which the total price of all items shoplifted in violation of this section exceeds One Thousand Dollars (\$1,000.00), shall be guilty of a felony and, upon conviction, punished as provided in Section97-17-41for the offense of grand larceny.Laws, 1988, ch. 556, § 1; Laws, 2003, ch. 499, § 8; Laws, 2005, ch. 511, § 2, eff. 7/1/2005.Amended by Laws, 2024, ch. 476, HB 438,§ 1, eff. 7/1/2024.Amended by Laws, 2023, ch. 537, HB 795,§ 1, eff. 7/1/2023.Amended by Laws, 2014, ch. 457, HB 585, 29, eff. 7/1/2014. (1)Any person who shall willfully and unlawfully take possession of any merchandise owned or held by and offered or displayed for sale by any merchant, store or other mercantile establishment with the intention and purpose of converting such merchandise to his own use without paying the merchant's stated price therefor shall be guilty of the crime of shoplifting and, upon conviction, shall be punished as is provided in this section.(2)The requisite intention to convert merchandise without paying the merchant's stated price for the merchandise is presumed, and shall be prima facie evidence thereof, when such person, alone or in concert with another person, willfully:(a)Conceals the unpurchased merchandise;(b)Removes or causes the removal of unpurchased merchandise from a store or other mercantile establishment;(c)Alters, transfers or removes any price-marking, any other marking which aids in determining value affixed to the unpurchased merchandise, or any tag or device used in electronic surveillance of unpurchased merchandise;(d)Transfers the unpurchased merchandise from one (1) container to another; or(e)Causes the cash register or other sales recording device to reflect less than the merchant's stated price for the unpurchased merchandise.(3)Evidence of stated price or ownership of merchandise may include, but is not limited to:(a)The actual merchandise or the container which held the merchandise alleged to have been shoplifted; or(b)The content of the price tag or marking from such merchandise; or(c)Properly identified photographs of such merchandise.(4)Any merchant or his agent or employee may testify at a trial as to the stated price or ownership of merchandise.(5)A person convicted of shoplifting merchandise for which the total price of all items shoplifted in violation of this section is less than or equal to One Thousand Dollars (\$1,000.00) shall be punished as follows:(a)Upon a first shoplifting conviction the defendant shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00), or punished by imprisonment in the county jail not to exceed six (6) months, or both .(b)Upon a second shoplifting conviction the defendant shall be guilty of a misdemeanor and fined not more than Two Thousand Five Hundred Dollars (\$2,500.00) or punished by imprisonment in the county jail for a term not less than forty-eight (48) hours, not to exceed six (6) months, or by both .(6)Upon a third or subsequent shoplifting conviction where the total price of all shoplifted merchandise is not less than Five Hundred Dollars (\$500.00) or greater than One Thousand Dollars (\$1,000.00), the defendant shall be guilty of a felony and fined not more than Three Thousand Dollars (\$3,000.00), or imprisoned for a term not to exceed three (3) years, or by both such fine and imprisonment.(7)A person convicted of shoplifting merchandise for which the total price of all items shoplifted in violation of this section exceeds One Thousand Dollars (\$1,000.00) shall be guilty of a felony and, upon conviction, punished as provided in Section97-17-41for the offense of grand larceny.(8)In determining the number of prior shoplifting convictions for purposes of imposing punishment under this section, the court shall disregard all such convictions occurring more than seven (7) years prior to the shoplifting offense in question.(9)For the purpose of determining the gravity of the offense under subsection (7) of this section, the prosecutor may aggregate the total price of merchandise shoplifted from the same or separate mercantile establishments within the same legal jurisdiction over a period of thirty (30) or fewer days.(10)A person convicted of shoplifting merchandise, acting in concert with, aiding, abetting, or encouraging one or more persons to commit such crime, regardless of whether such others are prosecuted for such crime, for which the total price of all items shoplifted in violation of this section exceeds One Thousand Dollars (\$1,000.00), shall be guilty of a felony and, upon conviction, punished as provided in Section97-17-41for the offense of grand larceny.Laws, 1988, ch. 556, § 1; Laws, 2003, ch. 499, § 8; Laws, 2005, ch. 511, § 2, eff. 7/1/2005.Amended by Laws, 2024, ch. 476, HB 438,§ 1, eff. 7/1/2024.Amended by Laws, 2023, ch. 537, HB 795,§ 1, eff. 7/1/2023.Amended by Laws, 2014, ch. 457, HB 585, 29, eff. 7/1/2014. (1)Any person who shall willfully and unlawfully take possession of any merchandise owned or held by and offered or displayed for sale by any merchant, store or other mercantile establishment with the intention and purpose of converting such merchandise to his own use without paying the merchant's stated price therefor shall be guilty of the crime of shoplifting and, upon conviction, shall be punished as is provided in this section.(2)The requisite intention to convert merchandise without paying the merchant's stated price for the merchandise is presumed, and shall be prima facie evidence thereof, when such person, alone or in concert with another person, willfully:(a)Conceals the unpurchased merchandise;(b)Removes or causes the removal of unpurchased merchandise from a store or other mercantile establishment;(c)Alters, transfers or removes any price-marking, any other marking which aids in determining value affixed to the unpurchased merchandise, or any tag or device used in electronic surveillance of unpurchased merchandise;(d)Transfers the unpurchased merchandise from one (1) container to another; or(e)Causes the cash register or other

sales recording device to reflect less than the merchant's stated price for the unpurchased merchandise.(3)Evidence of stated price or ownership of merchandise may include, but is not limited to:(a)The actual merchandise or the container which held the merchandise alleged to have been shoplifted; or(b)The content of the price tag or marking from such merchandise; or(c)Properly identified photographs of such merchandise.(4)Any merchant or his agent or employee may testify at a trial as to the stated price or ownership of merchandise.(5)A person convicted of shoplifting merchandise for which the total price of all items shoplifted in violation of this section is less than or equal to One Thousand Dollars (\$1,000.00) shall be punished as follows:(a)Upon a first shoplifting conviction the defendant shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00), or punished by imprisonment in the county jail not to exceed six (6) months, or both .(b)Upon a second shoplifting conviction the defendant shall be guilty of a misdemeanor and fined not more than Two Thousand Five Hundred Dollars (\$2,500.00) or punished by imprisonment in the county jail for a term not less than forty-eight (48) hours, not to exceed six (6) months, or by both .(6)Upon a third or subsequent shoplifting conviction where the total price of all shoplifted merchandise is not less than Five Hundred Dollars (\$500.00) or greater than One Thousand Dollars (\$1,000.00), the defendant shall be guilty of a felony and fined not more than Three Thousand Dollars (\$3,000.00), or imprisoned for a term not to exceed three (3) years, or by both such fine and imprisonment.(7)A person convicted of shoplifting merchandise for which the total price of all items shoplifted in violation of this section exceeds One Thousand Dollars (\$1,000.00) shall be guilty of a felony and, upon conviction, punished as provided in Section97-17-41for the offense of grand larceny.(8)In determining the number of prior shoplifting convictions for purposes of imposing punishment under this section, the court shall disregard all such convictions occurring more than seven (7) years prior to the shoplifting offense in question.(9)For the purpose of determining the gravity of the offense under subsection (7) of this section, the prosecutor may aggregate the total price of merchandise shoplifted from the same or separate mercantile establishments within the same legal jurisdiction over a period of thirty (30) or fewer days.(10)A person convicted of shoplifting merchandise, acting in concert with, aiding, abetting, or encouraging one or more persons to commit such crime, regardless of whether such others are prosecuted for such crime, for which the total price of all items shoplifted in violation of this section exceeds One Thousand Dollars (\$1,000.00), shall be guilty of a felony and, upon conviction, punished as provided in Section97-17-41for the offense of grand larceny.Laws, 1988, ch. 556, § 1; Laws, 2003, ch. 499, § 8; Laws, 2005, ch. 511, § 2, eff. 7/1/2005.Amended by Laws, 2024, ch. 476, HB 438,§ 1, eff. 7/1/2024.Amended by Laws, 2023, ch. 537, HB 795,§ 1, eff. 7/1/2023.Amended by Laws, 2014, ch. 457, HB 585, 29, eff. 7/1/2014. Laws, 1988, ch. 556, § 1; Laws, 2003, ch. 499, § 8; Laws, 2005, ch. 511, § 2, eff. 7/1/2005. Amended by Laws, 2024, ch. 476, HB 438,§ 1, eff. 7/1/2024. Amended by Laws, 2023, ch. 537, HB 795,§ 1, eff. 7/1/2023. Amended by Laws, 2014, ch. 457, HB 585, 29, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111)Section 97-23-94.1 - Punishment for violation of Section 97-23-94

Any person aged eighteen (18) years or older who encourages, aids or abets any person under the age of eighteen (18) years to violate Section97-23-93shall be punished as provided in Section97-23-94and as otherwise provided by law.Laws, 1994, ch. 595, § 8, eff. 7/1/1994. Any person aged eighteen (18) years or older who encourages, aids or abets any person under the age of eighteen (18) years to violate Section97-23-93shall be punished as provided in Section97-23-94and as otherwise provided by law.Laws, 1994, ch. 595, § 8, eff. 7/1/1994. Any person aged eighteen (18) years or older who encourages, aids or abets any person under the age of eighteen (18) years to violate Section97-23-93shall be punished as provided in Section97-23-94and as otherwise provided by law.Laws, 1994, ch. 595, § 8, eff. 7/1/1994. Any person aged eighteen (18) years or older who encourages, aids or abets any person under the age of eighteen (18) years to violate Section97-23-93shall be punished as provided in Section97-23-94and as otherwise provided by law. Laws, 1994, ch. 595, § 8, eff. 7/1/1994.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111)Section 97-23-94 - Aiding and abetting shoplifting by minor; penalty

(1)In addition to any other offense and penalty provided by law, it shall be unlawful for any person eighteen (18) years of age or older to encourage, aid or abet any person under the age of eighteen (18) years to commit the crime of shoplifting as defined in Section97-23-93. In addition to any other penalty provided by law, any person who violates this section shall be punished as follows:(a)Upon a first conviction the defendant shall be guilty of a misdemeanor and fined not more than Seven Hundred Fifty Dollars (\$750.00), or punished by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment.(b)Upon a second conviction the defendant shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00) or punished by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment.(c)Upon a third or subsequent conviction the defendant shall be guilty of a felony and fined One Thousand Dollars (\$1,000.00), or imprisoned for a term not exceeding three (3) years, or by both such fine and imprisonment.(2)In addition to the penalties prescribed in subsection (1) of this section, the court is authorized to require the defendant to make restitution to the owner of the property where shoplifting occurred in an amount equal to twice the value of such property.Laws, 1994, ch. 595, § 6, eff. 7/1/1994.Amended by Laws, 2014, ch. 457, HB 585, 30, eff. 7/1/2014. (1)In addition to any other offense and penalty provided by law, it shall be unlawful for any person eighteen (18) years of age or older to encourage, aid or abet any person under the age of eighteen (18) years to commit the crime of shoplifting as defined in Section97-23-93. In addition to any other penalty provided by law, any person who violates this section shall be punished as follows:(a)Upon a first conviction the defendant shall be guilty of a misdemeanor and fined not more than Seven Hundred Fifty Dollars (\$750.00), or punished by imprisonment not to exceed thirty (30) days, or by both such fine and

imprisonment.(b)Upon a second conviction the defendant shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00) or punished by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment.(c)Upon a third or subsequent conviction the defendant shall be guilty of a felony and fined One Thousand Dollars (\$1,000.00), or imprisoned for a term not exceeding three (3) years, or by both such fine and imprisonment.(2)In addition to the penalties prescribed in subsection (1) of this section, the court is authorized to require the defendant to make restitution to the owner of the property where shoplifting occurred in an amount equal to twice the value of such property.Laws, 1994, ch. 595, § 6, eff. 7/1/1994.Amended by Laws, 2014, ch. 457, HB 585, 30, eff. 7/1/2014. (1)In addition to any other offense and penalty provided by law, it shall be unlawful for any person eighteen (18) years of age or older to encourage, aid or abet any person under the age of eighteen (18) years to commit the crime of shoplifting as defined in Section97-23-93. In addition to any other penalty provided by law, any person who violates this section shall be punished as follows:(a)Upon a first conviction the defendant shall be guilty of a misdemeanor and fined not more than Seven Hundred Fifty Dollars (\$750.00), or punished by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment.(b)Upon a second conviction the defendant shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00) or punished by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment.(c)Upon a third or subsequent conviction the defendant shall be guilty of a felony and fined One Thousand Dollars (\$1,000.00), or imprisoned for a term not exceeding three (3) years, or by both such fine and imprisonment.(2)In addition to the penalties prescribed in subsection (1) of this section, the court is authorized to require the defendant to make restitution to the owner of the property where shoplifting occurred in an amount equal to twice the value of such property.Laws, 1994, ch. 595, § 6, eff. 7/1/1994.Amended by Laws, 2014, ch. 457, HB 585, 30, eff. 7/1/2014. Laws, 1994, ch. 595, § 6, eff. 7/1/1994. Amended by Laws, 2014, ch. 457, HB 585, 30, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111)Section 97-23-95 - Shoplifting; detention of suspect for questioning without incurring civil liability

If any person shall commit or attempt to commit the offense of shoplifting, or if any person shall wilfully conceal upon his person or otherwise any unpurchased goods, wares or merchandise held or owned by any store or mercantile establishment, the merchant or any employee thereof or any peace or police officer, acting in good faith and upon probable cause based upon reasonable grounds therefor, may question such person in a reasonable manner for the purpose of ascertaining whether or not such person is guilty of shoplifting as defined herein. Such questioning of a person by a merchant, merchant's employee or peace or police officer shall not render such merchant, merchant's employee or peace or police officer civilly liable for slander, false arrest, false imprisonment, malicious prosecution, unlawful detention or otherwise in any case where such merchant, merchant's employee or peace or police officer acts in good faith and upon reasonable grounds to believe that the person questioned is committing or attempting to commit the crime of shoplifting.Laws, 1988, ch. 556, § 2, eff. 7/1/1988. If any person shall commit or attempt to commit the offense of shoplifting, or if any person shall wilfully conceal upon his person or otherwise any unpurchased goods, wares or merchandise held or owned by any store or mercantile establishment, the merchant or any employee thereof or any peace or police officer, acting in good faith and upon probable cause based upon reasonable grounds therefor, may question such person in a reasonable manner for the purpose of ascertaining whether or not such person is guilty of shoplifting as defined herein. Such questioning of a person by a merchant, merchant's employee or peace or police officer shall not render such merchant, merchant's employee or peace or police officer civilly liable for slander, false arrest, false imprisonment, malicious prosecution, unlawful detention or otherwise in any case where such merchant, merchant's employee or peace or police officer acts in good faith and upon reasonable grounds to believe that the person questioned is committing or attempting to commit the crime of shoplifting.Laws, 1988, ch. 556, § 2, eff. 7/1/1988. If any person shall commit or attempt to commit the offense of shoplifting, or if any person shall wilfully conceal upon his person or otherwise any unpurchased goods, wares or merchandise held or owned by any store or mercantile establishment, the merchant or any employee thereof or any peace or police officer, acting in good faith and upon probable cause based upon reasonable grounds therefor, may question such person in a reasonable manner for the purpose of ascertaining whether or not such person is guilty of shoplifting as defined herein. Such questioning of a person by a merchant, merchant's employee or peace or police officer shall not render such merchant, merchant's employee or peace or police officer civilly liable for slander, false arrest, false imprisonment, malicious prosecution, unlawful detention or otherwise in any case where such merchant, merchant's employee or peace or police officer acts in good faith and upon reasonable grounds to believe that the person questioned is committing or attempting to commit the crime of shoplifting. Laws, 1988, ch. 556, § 2, eff. 7/1/1988.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 23 - OFFENSES AFFECTING TRADE,

BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111)Section 97-23-96 - Civil remedy for shoplifting violations; written demand prior to commencing civil proceedings; recovery from parents or legal guardians of minors; costs

(1)Any person who proves by clear and convincing evidence that he has been injured in any fashion by reason of any violation of the provisions of Section97-23-93, Mississippi Code of 1972, has a cause of action for threefold the actual damages sustained or damages in the amount of Two Hundred Dollars (\$200.00), whichever is greater, reasonable attorney's fees and court costs in the trial and in any proceedings in appellate courts. The recovery of stolen goods regardless of condition shall not affect the right to the minimum recovery provided herein.(2)Before filing an action for damages under this section, the person claiming injury must make a written demand for Two Hundred Dollars (\$200.00) or threefold the actual damages sustained, whichever is greater, of the person or accused liable for damages under this section. If the accused to whom a written demand is made complies with such demand within thirty (30) days after receipt of the demand, he shall be given a written release from further civil liability for the specific act of shoplifting by the victim making the written demand.(3)Any victim who has a cause of action under this section may recover the damages allowed under this section from the parents or legal guardian of any unemancipated minor who lives with his parents or legal guardian and who is liable for damages under this section if it is proven that the parents or legal guardian had knowledge of the minor's intent to violate the provisions of Section97-23-93or aided and abetted the minor in such violations. Foster parents shall not be liable for the acts of children placed with them.Nothing in this section shall in any way be construed as to abrogate, compromise or violate any minor's right to confidentiality under any other provision of the Mississippi Code of 1972 or otherwise.(4)In no event shall punitive damages be awarded under this section.(5)In awarding damages, attorney's fees, expenses or costs under this section, the court shall not consider the ability of the opposing party to pay such fees and costs. Nothing under this section shall be interpreted as limiting any right to recover damages, attorney's fees, expenses or costs provided under other provisions of law.Laws, 1991, ch. 498, § 1, eff. 7/1/1991. (1)Any person who proves by clear and convincing evidence that he has been injured in any fashion by reason of any violation of the provisions of Section97-23-93, Mississippi Code of 1972, has a cause of action for threefold the actual damages sustained or damages in the amount of Two Hundred Dollars (\$200.00), whichever is greater, reasonable attorney's fees and court costs in the trial and in any proceedings in appellate courts. The recovery of stolen goods regardless of condition shall not affect the right to the minimum recovery provided herein.(2)Before filing an action for damages under this section, the person claiming injury must make a written demand for Two Hundred Dollars (\$200.00) or threefold the actual damages sustained, whichever is greater, of the person or accused liable for damages under this section. If the accused to whom a written demand is made complies with such demand within thirty (30) days after receipt of the demand, he shall be given a written release from further civil liability for the specific act of shoplifting by the victim making the written demand.(3)Any victim who has a cause of action under this section may recover the damages allowed under this section from the parents or legal guardian of any unemancipated minor who lives with his parents or legal guardian and who is liable for damages under this section if it is proven that the parents or legal guardian had knowledge of the minor's intent to violate the provisions of Section97-23-93or aided and abetted the minor in such violations. Foster parents shall not be liable for the acts of children placed with them.Nothing in this section shall in any way be construed as to abrogate, compromise or violate any minor's right to confidentiality under any other provision of the Mississippi Code of 1972 or otherwise.(4)In no event shall punitive damages be awarded under this section.(5)In awarding damages, attorney's fees, expenses or costs under this section, the court shall not consider the ability of the opposing party to pay such fees and costs. Nothing under this section shall be interpreted as limiting any right to recover damages, attorney's fees, expenses or costs provided under other provisions of law.Laws, 1991, ch. 498, § 1, eff. 7/1/1991. (1)Any person who proves by clear and convincing evidence that he has been injured in any fashion by reason of any violation of the provisions of Section97-23-93, Mississippi Code of 1972, has a cause of action for threefold the actual damages sustained or damages in the amount of Two Hundred Dollars (\$200.00), whichever is greater, reasonable attorney's fees and court costs in the trial and in any proceedings in appellate courts. The recovery of stolen goods regardless of condition shall not affect the right to the minimum recovery provided herein.(2)Before filing an action for damages under this section, the person claiming injury must make a written demand for Two Hundred Dollars (\$200.00) or threefold the actual damages sustained, whichever is greater, of the person or accused liable for damages under this section. If the accused to whom a written demand is made complies with such demand within thirty (30) days after receipt of the demand, he shall be given a written release from further civil liability for the specific act of shoplifting by the victim making the written demand.(3)Any victim who has a cause of action under this section may recover the damages allowed under this section from the parents or legal guardian of any unemancipated minor who lives with his parents or legal guardian and who is liable for damages under this section if it is proven that the parents or legal guardian had knowledge of the minor's intent to violate the provisions of Section97-23-93or aided and abetted the minor in such violations. Foster parents shall not be liable for the acts of children placed with them.Nothing in this section shall in any way be construed as to abrogate, compromise or violate any minor's right to confidentiality under any other provision of the Mississippi Code of 1972 or otherwise.(4)In no event shall punitive damages be awarded under this section.(5)In awarding damages, attorney's fees, expenses or costs under this section, the court shall not consider the ability of the opposing party to pay such fees and costs. Nothing under this section shall be interpreted as limiting any right to recover damages, attorney's fees, expenses or costs provided under other provisions of law.Laws, 1991, ch. 498, § 1, eff. 7/1/1991. Nothing in this section shall in any way be construed as to abrogate, compromise or violate any minor's right to confidentiality under any other provision of the Mississippi Code of 1972 or otherwise. Laws, 1991, ch. 498, § 1, eff. 7/1/1991.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111)Section 97-23-97 - Scalping of admission tickets at college events

held on state property

It shall be unlawful for any admission ticket to any athletic contest of any college or university of the State of Mississippi or for any admission ticket to any entertainment event held on state property to be sold for a price in excess of the price printed on the face of the ticket. It shall be unlawful to sell any such admission tickets at any place or in any manner except at such places and in such manner as designated by the proper authorities issuing such tickets. Nothing in this section shall prohibit a private individual from selling tickets bought for personal use at a price not to exceed the price on the face of the ticket. Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as for a misdemeanor. Laws, 1990, ch. 342, § 1, eff. 7/1/1990. It shall be unlawful for any admission ticket to any athletic contest of any college or university of the State of Mississippi or for any admission ticket to any entertainment event held on state property to be sold for a price in excess of the price printed on the face of the ticket. It shall be unlawful to sell any such admission tickets at any place or in any manner except at such places and in such manner as designated by the proper authorities issuing such tickets. Nothing in this section shall prohibit a private individual from selling tickets bought for personal use at a price not to exceed the price on the face of the ticket. Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as for a misdemeanor. Laws, 1990, ch. 342, § 1, eff. 7/1/1990. It shall be unlawful for any admission ticket to any athletic contest of any college or university of the State of Mississippi or for any admission ticket to any entertainment event held on state property to be sold for a price in excess of the price printed on the face of the ticket. It shall be unlawful to sell any such admission tickets at any place or in any manner except at such places and in such manner as designated by the proper authorities issuing such tickets. Nothing in this section shall prohibit a private individual from selling tickets bought for personal use at a price not to exceed the price on the face of the ticket. Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as for a misdemeanor. Laws, 1990, ch. 342, § 1, eff. 7/1/1990. It shall be unlawful for any admission ticket to any athletic contest of any college or university of the State of Mississippi or for any admission ticket to any entertainment event held on state property to be sold for a price in excess of the price printed on the face of the ticket. It shall be unlawful to sell any such admission tickets at any place or in any manner except at such places and in such manner as designated by the proper authorities issuing such tickets. Nothing in this section shall prohibit a private individual from selling tickets bought for personal use at a price not to exceed the price on the face of the ticket. Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as for a misdemeanor. Laws, 1990, ch. 342, § 1, eff. 7/1/1990.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 23 - OFFENSES AFFECTING TRADE, BUSINESS AND PROFESSIONS (§§ 97-23-1 — 97-23-111) Section 97-23-99 - Giving away of merchandise by employee without authorization of merchant

It shall be unlawful for any employee of a merchant engaged in the sale of goods to the public to willfully give away any merchandise of a value of less than Two Hundred Fifty Dollars (\$250.00) intended for sale without receiving full payment for such merchandise or to give away any merchandise without the specific authorization of the merchant. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than one (1) year or both. Laws, 1996, ch. 330, § 1, eff. 7/1/1996. It shall be unlawful for any employee of a merchant engaged in the sale of goods to the public to willfully give away any merchandise of a value of less than Two Hundred Fifty Dollars (\$250.00) intended for sale without receiving full payment for such merchandise or to give away any merchandise without the specific authorization of the merchant. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than one (1) year or both. Laws, 1996, ch. 330, § 1, eff. 7/1/1996. It shall be unlawful for any employee of a merchant engaged in the sale of goods to the public to willfully give away any merchandise of a value of less than Two Hundred Fifty Dollars (\$250.00) intended for sale without receiving full payment for such merchandise or to give away any merchandise without the specific authorization of the merchant. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than one (1) year or both. Laws, 1996, ch. 330, § 1, eff. 7/1/1996. It shall be unlawful for any employee of a merchant engaged in the sale of goods to the public to willfully give away any merchandise of a value of less than Two Hundred Fifty Dollars (\$250.00) intended for sale without receiving full payment for such merchandise or to give away any merchandise without the specific authorization of the merchant. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than one (1) year or both. Laws, 1996, ch. 330, § 1, eff. 7/1/1996.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59) Section 97-25-1 - Electric power lines and facilities; tampering, injury or unauthorized use; stealing or destroying fixtures and equipment

(1) Any person who shall intentionally in anywise obstruct, injure, break, tamper with or destroy or in any manner interrupt any electric power line or the transmission of electric current in connection with such line, or who shall make or use electric power from

any unauthorized connection with such line, or who shall intentionally injure or destroy any of the posts, wires, insulators, fixtures, equipment, installations or other things belonging to any electric power system, or used in connection with the furnishing of electric power service, shall be guilty of a misdemeanor and such person shall, on conviction, be fined not less than two hundred fifty dollars (\$250.00) nor more than seven hundred fifty dollars (\$750.00), or imprisoned in the county jail for not exceeding six (6) months, or both.(2)Every person who shall be convicted of taking and carrying away, feloniously, such property as listed in subsection (1) of this section, of the value of one hundred dollars (\$100.00) or more, shall be guilty of grand larceny and shall be imprisoned in the penitentiary for a term not exceeding five (5) years, or shall be fined not more than one thousand dollars (\$1,000.00), or both.(3)If any person shall feloniously take, steal and carry away any such property as listed in subsection (1) of this section, under the value of one hundred dollars (\$100.00), he shall be guilty of petit larceny and shall be punished by imprisonment in the county jail not exceeding three (3) months, or by fine not exceeding one hundred dollars (\$100.00), or both.Codes, 1942, § 2114.5; Laws, 1960, ch. 252; Laws, 1981, ch. 541, § 1, eff. 7/1/1981. (1)Any person who shall intentionally in anywise obstruct, injure, break, tamper with or destroy or in any manner interrupt any electric power line or the transmission of electric current in connection with such line, or who shall make or use electric power from any unauthorized connection with such line, or who shall intentionally injure or destroy any of the posts, wires, insulators, fixtures, equipment, installations or other things belonging to any electric power system, or used in connection with the furnishing of electric power service, shall be guilty of a misdemeanor and such person shall, on conviction, be fined not less than two hundred fifty dollars (\$250.00) nor more than seven hundred fifty dollars (\$750.00), or imprisoned in the county jail for not exceeding six (6) months, or both.(2)Every person who shall be convicted of taking and carrying away, feloniously, such property as listed in subsection (1) of this section, of the value of one hundred dollars (\$100.00) or more, shall be guilty of grand larceny and shall be imprisoned in the penitentiary for a term not exceeding five (5) years, or shall be fined not more than one thousand dollars (\$1,000.00), or both.(3)If any person shall feloniously take, steal and carry away any such property as listed in subsection (1) of this section, under the value of one hundred dollars (\$100.00), he shall be guilty of petit larceny and shall be punished by imprisonment in the county jail not exceeding three (3) months, or by fine not exceeding one hundred dollars (\$100.00), or both.Codes, 1942, § 2114.5; Laws, 1960, ch. 252; Laws, 1981, ch. 541, § 1, eff. 7/1/1981. (1)Any person who shall intentionally in anywise obstruct, injure, break, tamper with or destroy or in any manner interrupt any electric power line or the transmission of electric current in connection with such line, or who shall make or use electric power from any unauthorized connection with such line, or who shall intentionally injure or destroy any of the posts, wires, insulators, fixtures, equipment, installations or other things belonging to any electric power system, or used in connection with the furnishing of electric power service, shall be guilty of a misdemeanor and such person shall, on conviction, be fined not less than two hundred fifty dollars (\$250.00) nor more than seven hundred fifty dollars (\$750.00), or imprisoned in the county jail for not exceeding six (6) months, or both.(2)Every person who shall be convicted of taking and carrying away, feloniously, such property as listed in subsection (1) of this section, of the value of one hundred dollars (\$100.00) or more, shall be guilty of grand larceny and shall be imprisoned in the penitentiary for a term not exceeding five (5) years, or shall be fined not more than one thousand dollars (\$1,000.00), or both.(3)If any person shall feloniously take, steal and carry away any such property as listed in subsection (1) of this section, under the value of one hundred dollars (\$100.00), he shall be guilty of petit larceny and shall be punished by imprisonment in the county jail not exceeding three (3) months, or by fine not exceeding one hundred dollars (\$100.00), or both.Codes, 1942, § 2114.5; Laws, 1960, ch. 252; Laws, 1981, ch. 541, § 1, eff. 7/1/1981. Codes, 1942, § 2114.5; Laws, 1960, ch. 252; Laws, 1981, ch. 541, § 1, eff. 7/1/1981.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59)Section 97-25-11 - Railroads; stealing tickets

If any person shall steal any passenger railroad-ticket or tickets belonging to or issued by any railroad company, the amount of money which in the usual course of business it would have required to have purchased it or them from such railroad company, shall be deemed the value of the stolen ticket or tickets.Codes, 1892, § 1177; 1906, § 1255; Hemingway's 1917, § 985; 1930, § 1013; 1942, § 2245. If any person shall steal any passenger railroad-ticket or tickets belonging to or issued by any railroad company, the amount of money which in the usual course of business it would have required to have purchased it or them from such railroad company, shall be deemed the value of the stolen ticket or tickets.Codes, 1892, § 1177; 1906, § 1255; Hemingway's 1917, § 985; 1930, § 1013; 1942, § 2245. If any person shall steal any passenger railroad-ticket or tickets belonging to or issued by any railroad company, the amount of money which in the usual course of business it would have required to have purchased it or them from such railroad company, shall be deemed the value of the stolen ticket or tickets.Codes, 1892, § 1177; 1906, § 1255; Hemingway's 1917, § 985; 1930, § 1013; 1942, § 2245. If any person shall steal any passenger railroad-ticket or tickets belonging to or issued by any railroad company, the amount of money which in the usual course of business it would have required to have purchased it or them from such railroad company, shall be deemed the value of the stolen ticket or tickets. Codes, 1892, § 1177; 1906, § 1255; Hemingway's 1917, § 985; 1930, § 1013; 1942, § 2245.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59)Section 97-25-13 - Railroads; intoxication of engineer or conductor

If any person, while on duty in charge of a locomotive-engine running or standing upon any railroad, or if any conductor in charge of a car or train on any railroad, shall be intoxicated, he shall, on conviction, be imprisoned in the penitentiary not less than one year nor more than fifteen years.Codes, 1880, § 1063; 1892, § 1275; 1906, § 1350; Hemingway's 1917, § 1084; 1930, § 1114; 1942, §

2350. If any person, while on duty in charge of a locomotive-engine running or standing upon any railroad, or if any conductor in charge of a car or train on any railroad, shall be intoxicated, he shall, on conviction, be imprisoned in the penitentiary not less than one year nor more than fifteen years. Codes, 1880, § 1063; 1892, § 1275; 1906, § 1350; Hemingway's 1917, § 1084; 1930, § 1114; 1942, § 2350. If any person, while on duty in charge of a locomotive-engine running or standing upon any railroad, or if any conductor in charge of a car or train on any railroad, shall be intoxicated, he shall, on conviction, be imprisoned in the penitentiary not less than one year nor more than fifteen years. Codes, 1880, § 1063; 1892, § 1275; 1906, § 1350; Hemingway's 1917, § 1084; 1930, § 1114; 1942, § 2350. If any person, while on duty in charge of a locomotive-engine running or standing upon any railroad, or if any conductor in charge of a car or train on any railroad, shall be intoxicated, he shall, on conviction, be imprisoned in the penitentiary not less than one year nor more than fifteen years. Codes, 1880, § 1063; 1892, § 1275; 1906, § 1350; Hemingway's 1917, § 1084; 1930, § 1114; 1942, § 2350.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59) Section 97-25-15 - Railroads; jumping on or off cars in motion

If any person, other than passengers or employees engaged in operating the railroad, shall wilfully climb, jump or step upon, or in any way attach himself to, or shall jump off a locomotive, tender or car while in motion on a railroad track or siding, he shall, upon conviction, be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or be imprisoned in the county jail not less than five (5) days nor more than twenty-five (25) days, or both. Codes, 1892, § 1272; 1906, § 1347; Hemingway's 1917, § 1081; 1930, § 1111; 1942, § 2347; Laws, 1981, ch. 541, § 6, eff. 7/1/1981. If any person, other than passengers or employees engaged in operating the railroad, shall wilfully climb, jump or step upon, or in any way attach himself to, or shall jump off a locomotive, tender or car while in motion on a railroad track or siding, he shall, upon conviction, be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or be imprisoned in the county jail not less than five (5) days nor more than twenty-five (25) days, or both. Codes, 1892, § 1272; 1906, § 1347; Hemingway's 1917, § 1081; 1930, § 1111; 1942, § 2347; Laws, 1981, ch. 541, § 6, eff. 7/1/1981. If any person, other than passengers or employees engaged in operating the railroad, shall wilfully climb, jump or step upon, or in any way attach himself to, or shall jump off a locomotive, tender or car while in motion on a railroad track or siding, he shall, upon conviction, be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or be imprisoned in the county jail not less than five (5) days nor more than twenty-five (25) days, or both. Codes, 1892, § 1272; 1906, § 1347; Hemingway's 1917, § 1081; 1930, § 1111; 1942, § 2347; Laws, 1981, ch. 541, § 6, eff. 7/1/1981. If any person, other than passengers or employees engaged in operating the railroad, shall wilfully climb, jump or step upon, or in any way attach himself to, or shall jump off a locomotive, tender or car while in motion on a railroad track or siding, he shall, upon conviction, be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or be imprisoned in the county jail not less than five (5) days nor more than twenty-five (25) days, or both. Codes, 1892, § 1272; 1906, § 1347; Hemingway's 1917, § 1081; 1930, § 1111; 1942, § 2347; Laws, 1981, ch. 541, § 6, eff. 7/1/1981.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59) Section 97-25-17 - Railroads; leaving switch open or improperly placed

If any brakeman, switchman, or other person in charge of any switch, shall wilfully or carelessly leave the same open or improperly placed, whereby any person shall be killed or injured, he shall, on conviction, be imprisoned in the penitentiary not more than fifteen years. Codes, 1880, § 1061; 1892, § 1279; 1906, § 1354; Hemingway's 1917, § 1088; 1930, § 1118; 1942, § 2354. If any brakeman, switchman, or other person in charge of any switch, shall wilfully or carelessly leave the same open or improperly placed, whereby any person shall be killed or injured, he shall, on conviction, be imprisoned in the penitentiary not more than fifteen years. Codes, 1880, § 1061; 1892, § 1279; 1906, § 1354; Hemingway's 1917, § 1088; 1930, § 1118; 1942, § 2354. If any brakeman, switchman, or other person in charge of any switch, shall wilfully or carelessly leave the same open or improperly placed, whereby any person shall be killed or injured, he shall, on conviction, be imprisoned in the penitentiary not more than fifteen years. Codes, 1880, § 1061; 1892, § 1279; 1906, § 1354; Hemingway's 1917, § 1088; 1930, § 1118; 1942, § 2354. If any brakeman, switchman, or other person in charge of any switch, shall wilfully or carelessly leave the same open or improperly placed, whereby any person shall be killed or injured, he shall, on conviction, be imprisoned in the penitentiary not more than fifteen years. Codes, 1880, § 1061; 1892, § 1279; 1906, § 1354; Hemingway's 1917, § 1088; 1930, § 1118; 1942, § 2354.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59) Section 97-25-19 - Railroads; locomotive to be stopped before entering or crossing track of another company

If any person shall run, or cause to be run, a locomotive propelled by steam upon or across the track of any other railroad company without first coming to a full stop just before it comes upon or across such track, he shall, on conviction, be fined not less than twenty-five dollars nor more than one thousand dollars, or imprisoned in the county jail not more than one year, or both; and if, by reason of his coming upon or across such track, some person shall be killed or injured, he shall, upon conviction, be imprisoned in the penitentiary not more than fifteen years. Codes, 1880, § 1060; 1892, § 1278; 1906, § 1353; Hemingway's 1917, § 1087; 1930, § 1117; 1942, § 2353. If any person shall run, or cause to be run, a locomotive propelled by steam upon or across the track of any

other railroad company without first coming to a full stop just before it comes upon or across such track, he shall, on conviction, be fined not less than twenty-five dollars nor more than one thousand dollars, or imprisoned in the county jail not more than one year, or both; and if, by reason of his coming upon or across such track, some person shall be killed or injured, he shall, upon conviction, be imprisoned in the penitentiary not more than fifteen years. Codes, 1880, § 1060; 1892, § 1278; 1906, § 1353; Hemingway's 1917, § 1087; 1930, § 1117; 1942, § 2353. If any person shall run, or cause to be run, a locomotive propelled by steam upon or across the track of any other railroad company without first coming to a full stop just before it comes upon or across such track, he shall, on conviction, be fined not less than twenty-five dollars nor more than one thousand dollars, or imprisoned in the county jail not more than one year, or both; and if, by reason of his coming upon or across such track, some person shall be killed or injured, he shall, upon conviction, be imprisoned in the penitentiary not more than fifteen years. Codes, 1880, § 1060; 1892, § 1278; 1906, § 1353; Hemingway's 1917, § 1087; 1930, § 1117; 1942, § 2353. If any person shall run, or cause to be run, a locomotive propelled by steam upon or across the track of any other railroad company without first coming to a full stop just before it comes upon or across such track, he shall, on conviction, be fined not less than twenty-five dollars nor more than one thousand dollars, or imprisoned in the county jail not more than one year, or both; and if, by reason of his coming upon or across such track, some person shall be killed or injured, he shall, upon conviction, be imprisoned in the penitentiary not more than fifteen years. Codes, 1880, § 1060; 1892, § 1278; 1906, § 1353; Hemingway's 1917, § 1087; 1930, § 1117; 1942, § 2353.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59) Section 97-25-21 - Railroads; obstructing or injuring

If any person shall wantonly or negligently obstruct or injure any railroad, on conviction, he shall be fined not less than five hundred dollars (\$500.00) nor more than two thousand dollars (\$2,000.00), or imprisoned not longer than twelve (12) months in the county jail, or both. Codes, 1857, ch. 64, art. 163; 1871, § 2626; 1880, § 2873; 1892, § 1265; 1906, § 1340; Hemingway's 1917, § 1074; 1930, § 1104; 1942, § 2340; Laws, 1981, ch. 541, § 7, eff. 7/1/1981. If any person shall wantonly or negligently obstruct or injure any railroad, on conviction, he shall be fined not less than five hundred dollars (\$500.00) nor more than two thousand dollars (\$2,000.00), or imprisoned not longer than twelve (12) months in the county jail, or both. Codes, 1857, ch. 64, art. 163; 1871, § 2626; 1880, § 2873; 1892, § 1265; 1906, § 1340; Hemingway's 1917, § 1074; 1930, § 1104; 1942, § 2340; Laws, 1981, ch. 541, § 7, eff. 7/1/1981. If any person shall wantonly or negligently obstruct or injure any railroad, on conviction, he shall be fined not less than five hundred dollars (\$500.00) nor more than two thousand dollars (\$2,000.00), or imprisoned not longer than twelve (12) months in the county jail, or both. Codes, 1857, ch. 64, art. 163; 1871, § 2626; 1880, § 2873; 1892, § 1265; 1906, § 1340; Hemingway's 1917, § 1074; 1930, § 1104; 1942, § 2340; Laws, 1981, ch. 541, § 7, eff. 7/1/1981. If any person shall wantonly or negligently obstruct or injure any railroad, on conviction, he shall be fined not less than five hundred dollars (\$500.00) nor more than two thousand dollars (\$2,000.00), or imprisoned not longer than twelve (12) months in the county jail, or both. Codes, 1857, ch. 64, art. 163; 1871, § 2626; 1880, § 2873; 1892, § 1265; 1906, § 1340; Hemingway's 1917, § 1074; 1930, § 1104; 1942, § 2340; Laws, 1981, ch. 541, § 7, eff. 7/1/1981.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59) Section 97-25-23 - Railroads; obstructing or injuring; derailling cars

If any person shall wantonly or maliciously injure, or place any impediment or obstruction on any railroad, or do any other act by means of which any car or vehicle might be caused to diverge, or be derailed, or thrown from the track, such person, on conviction, shall be committed to the custody of the department of corrections for a term of not less than one (1) year nor more than ten (10) years, and the penalty provided in this section shall apply to any engineer, conductor, switchman, brakeman, train dispatcher or telegraph operator who shall wilfully or negligently cause the derailment or collision of a passenger train. Codes, 1857, ch. 64, art. 164; 1871, § 2627; 1880, § 2874; 1892, § 1266; 1906, § 1341; Hemingway's 1917, § 1075; 1930, § 1105; 1942, § 2341; Laws, 1981, ch. 541, § 8, eff. 7/1/1981. If any person shall wantonly or maliciously injure, or place any impediment or obstruction on any railroad, or do any other act by means of which any car or vehicle might be caused to diverge, or be derailed, or thrown from the track, such person, on conviction, shall be committed to the custody of the department of corrections for a term of not less than one (1) year nor more than ten (10) years, and the penalty provided in this section shall apply to any engineer, conductor, switchman, brakeman, train dispatcher or telegraph operator who shall wilfully or negligently cause the derailment or collision of a passenger train. Codes, 1857, ch. 64, art. 164; 1871, § 2627; 1880, § 2874; 1892, § 1266; 1906, § 1341; Hemingway's 1917, § 1075; 1930, § 1105; 1942, § 2341; Laws, 1981, ch. 541, § 8, eff. 7/1/1981. If any person shall wantonly or maliciously injure, or place any impediment or obstruction on any railroad, or do any other act by means of which any car or vehicle might be caused to diverge, or be derailed, or thrown from the track, such person, on conviction, shall be committed to the custody of the department of corrections for a term of not less than one (1) year nor more than ten (10) years, and the penalty provided in this section shall apply to any engineer, conductor, switchman, brakeman, train dispatcher or telegraph operator who shall wilfully or negligently cause the derailment or collision of a passenger train. Codes, 1857, ch. 64, art. 164; 1871, § 2627; 1880, § 2874; 1892, § 1266; 1906, § 1341; Hemingway's 1917, § 1075; 1930, § 1105; 1942, § 2341; Laws, 1981, ch. 541, § 8, eff. 7/1/1981. If any person shall wantonly or maliciously injure, or place any impediment or obstruction on any railroad, or do any other act by means of which any car or vehicle might be caused to diverge, or be derailed, or thrown from the track, such person, on conviction, shall be committed to the custody of the department of corrections for a term of not less than one (1) year nor more than ten (10) years, and the penalty provided in this section shall apply to any engineer, conductor, switchman, brakeman, train dispatcher or telegraph operator who shall wilfully or negligently cause the derailment or collision of a passenger train. Codes, 1857, ch. 64, art. 164; 1871, § 2627; 1880, § 2874; 1892, § 1266; 1906, § 1341; Hemingway's 1917, § 1075; 1930, § 1105; 1942, § 2341; Laws, 1981, ch. 541, § 8, eff. 7/1/1981.

of the department of corrections for a term of not less than one (1) year nor more than ten (10) years, and the penalty provided in this section shall apply to any engineer, conductor, switchman, brakeman, train dispatcher or telegraph operator who shall wilfully or negligently cause the derailment or collision of a passenger train. Codes, 1857, ch. 64, art. 164; 1871, § 2627; 1880, § 2874; 1892, § 1266; 1906, § 1341; Hemingway's 1917, § 1075; 1930, § 1105; 1942, § 2341; Laws, 1981, ch. 541, § 8, eff. 7/1/1981.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59) Section 97-25-25 - Railroads; seizing and running locomotive

If any person shall unlawfully seize upon any locomotive and run it away, or shall aid, abet or procure the doing of the same, he shall, upon conviction, be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), or imprisoned in the county jail not exceeding six (6) months, or both. Codes, 1892, § 1273; 1906, § 1348; Hemingway's 1917, § 1082; 1930, § 1112; 1942, § 2348; Laws, 1981, ch. 541, § 9, eff. 7/1/1981. If any person shall unlawfully seize upon any locomotive and run it away, or shall aid, abet or procure the doing of the same, he shall, upon conviction, be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), or imprisoned in the county jail not exceeding six (6) months, or both. Codes, 1892, § 1273; 1906, § 1348; Hemingway's 1917, § 1082; 1930, § 1112; 1942, § 2348; Laws, 1981, ch. 541, § 9, eff. 7/1/1981. If any person shall unlawfully seize upon any locomotive and run it away, or shall aid, abet or procure the doing of the same, he shall, upon conviction, be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), or imprisoned in the county jail not exceeding six (6) months, or both. Codes, 1892, § 1273; 1906, § 1348; Hemingway's 1917, § 1082; 1930, § 1112; 1942, § 2348; Laws, 1981, ch. 541, § 9, eff. 7/1/1981. If any person shall unlawfully seize upon any locomotive and run it away, or shall aid, abet or procure the doing of the same, he shall, upon conviction, be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), or imprisoned in the county jail not exceeding six (6) months, or both. Codes, 1892, § 1273; 1906, § 1348; Hemingway's 1917, § 1082; 1930, § 1112; 1942, § 2348; Laws, 1981, ch. 541, § 9, eff. 7/1/1981.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59) Section 97-25-27 - Railroads; signaling or unlawfully interfering with train

If any person, without authority and in the absence of apparent danger warranting such act, shall, out of a spirit of mischief, or with any purpose other than to prevent or give information of an accident, make, or cause to be made, any sign or signal to persons in charge of any locomotive, or railroad train or cars, or to any of such persons, or in sight of any of them, with intent to cause the stopping or starting of such locomotive, train, or cars; or if any person unlawfully interfere with the management or running of such locomotive, train, or cars on any railroad, the person so offending shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or shall be imprisoned in the county jail not exceeding three (3) months. Codes, 1892, § 1280; 1906, § 1355; Hemingway's 1917, § 1089; 1930, § 1119; 1942, § 2355; Laws, 1981, ch. 541, § 10, eff. 7/1/1981. If any person, without authority and in the absence of apparent danger warranting such act, shall, out of a spirit of mischief, or with any purpose other than to prevent or give information of an accident, make, or cause to be made, any sign or signal to persons in charge of any locomotive, or railroad train or cars, or to any of such persons, or in sight of any of them, with intent to cause the stopping or starting of such locomotive, train, or cars; or if any person unlawfully interfere with the management or running of such locomotive, train, or cars on any railroad, the person so offending shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or shall be imprisoned in the county jail not exceeding three (3) months. Codes, 1892, § 1280; 1906, § 1355; Hemingway's 1917, § 1089; 1930, § 1119; 1942, § 2355; Laws, 1981, ch. 541, § 10, eff. 7/1/1981. If any person, without authority and in the absence of apparent danger warranting such act, shall, out of a spirit of mischief, or with any purpose other than to prevent or give information of an accident, make, or cause to be made, any sign or signal to persons in charge of any locomotive, or railroad train or cars, or to any of such persons, or in sight of any of them, with intent to cause the stopping or starting of such locomotive, train, or cars; or if any person unlawfully interfere with the management or running of such locomotive, train, or cars on any railroad, the person so offending shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or shall be imprisoned in the county jail not exceeding three (3) months. Codes, 1892, § 1280; 1906, § 1355; Hemingway's 1917, § 1089; 1930, § 1119; 1942, § 2355; Laws, 1981, ch. 541, § 10, eff. 7/1/1981.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 25 - OFFENSES AFFECTING

RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59)Section 97-25-29 - Railroads; stealing a ride

Any person who shall ride on any engine, tender, car or train of any railroad company, without authority or permission of the proper officers or employees of the company, or of the persons in charge of such engine, tender, car or train, shall, on conviction, be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) or be imprisoned not more than thirty (30) days, or both. Codes, 1892, § 1269; 1906, § 1344; Hemingway's 1917, § 1078; 1930, § 1108; 1942, § 2344; Laws, 1981, ch. 541, § 11, eff. 7/1/1981. Any person who shall ride on any engine, tender, car or train of any railroad company, without authority or permission of the proper officers or employees of the company, or of the persons in charge of such engine, tender, car or train, shall, on conviction, be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) or be imprisoned not more than thirty (30) days, or both. Codes, 1892, § 1269; 1906, § 1344; Hemingway's 1917, § 1078; 1930, § 1108; 1942, § 2344; Laws, 1981, ch. 541, § 11, eff. 7/1/1981. Any person who shall ride on any engine, tender, car or train of any railroad company, without authority or permission of the proper officers or employees of the company, or of the persons in charge of such engine, tender, car or train, shall, on conviction, be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) or be imprisoned not more than thirty (30) days, or both. Codes, 1892, § 1269; 1906, § 1344; Hemingway's 1917, § 1078; 1930, § 1108; 1942, § 2344; Laws, 1981, ch. 541, § 11, eff. 7/1/1981. Any person who shall ride on any engine, tender, car or train of any railroad company, without authority or permission of the proper officers or employees of the company, or of the persons in charge of such engine, tender, car or train, shall, on conviction, be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) or be imprisoned not more than thirty (30) days, or both. Codes, 1892, § 1269; 1906, § 1344; Hemingway's 1917, § 1078; 1930, § 1108; 1942, § 2344; Laws, 1981, ch. 541, § 11, eff. 7/1/1981.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59)Section 97-25-3 - Meters; tampering with electric, gas or water meters

Whoever, intentionally, by any means or device, prevents electric current, water or gas from passing through any meter or meters belonging to any person, firm or corporation engaged in the manufacture, sale or distribution of electricity, water or gas for lighting, power or other purposes, furnished such persons to register current or electricity, water or gas, passing through meters, or intentionally prevents the meter from duly registering the quantity of electricity, water or gas supplied, or in any manner interferes with its proper action or just registration, or, without the consent of such person, firm or corporation, intentionally diverts any electrical current from any wire or cable, or water or gas from any pipe or main of such person, firm or corporation, or otherwise intentionally uses, or causes to be used, without the consent of such person, firm or corporation, any electricity or gas manufactured, or water produced or distributed, by such person, firm or corporation, or any person, firm or corporation who retains possession of, or refuses to deliver any meter or meters, lamp or lamps, or other appliances which may be, or may have been, loaned them by any person, firm or corporation for the purpose of furnishing electricity, water or gas, through the same, with the intent to defraud such person, firm or corporation, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not more than three (3) months, or by both fine and imprisonment in the discretion of the court. The presence at any time on or about such meter or meters, wire, cable, pipe or main of any device or unauthorized meter or pipe or wire resulting in the diversion of electric current, water or gas, as above defined, or resulting in the prevention of the proper action or just registration of the meter or meters as above set forth, the same being knowingly or intentionally installed, shall constitute prima facie evidence of knowledge on the part of the person, firm or corporation having custody or control of the room or place where such device or pipe or wire is located, or the existence thereof and the effect thereof, and shall constitute prima facie evidence of the intention on the part of such person, firm or corporation to defraud and shall bring such person, firm or corporation prima facie within the scope, meaning and penalties of this section. Provided further, that if any person, firm or corporation engaged in the selling or delivering of any electric current, water or gas, to a consumer shall knowingly cause to be installed any meter or meters intentionally adjusted or regulated so as to cause such meter or meters to register a greater amount of such electric current, water or gas, than actually passes through the same, shall be prima facie evidence of the knowledge of such person, firm or corporation engaged in selling or delivering such electric current, water or gas, of the existence thereof and shall bring such person, firm or corporation within the scope and meaning of this section, and subject to the operation of this section. Provided further, any employee, stockholder, or member of the board of directors who, with intent to defraud a customer, falsifies, or acquiesces in the falsifying, of any record which results in billing in excess of the amount lawfully due and owing, shall be guilty of a misdemeanor and shall be fined not more than Five Hundred Dollars (\$500.00) or sentenced to serve not more than six (6) months in jail, or both. Provided further, this section shall not relieve any person, firm or corporation from any other liabilities now imposed by law. The governing authorities of any municipality are authorized to prosecute any violation of this section which is committed upon meters owned or operated by a utility which is owned or operated by a municipality. In addition, the governing authorities of a municipality are authorized to prosecute within the municipality when any violation of this section is committed upon such meters that lie outside the municipal boundaries of the municipality. Codes, 1930, § 1025; 1942, § 2257; Laws, 1922, ch. 271; Laws, 1932, ch. 268; Laws, 1981, ch. 541, § 3; Laws, 1984, ch. 338; Laws, 1992, ch. 385, § 1; Laws, 2009, ch. 397, § 1, eff. 7/1/2009. Amended by Laws, 2013, ch. 435, HB 1519, 1, eff. 7/1/2013. Whoever, intentionally, by any means or device, prevents electric current, water or gas from passing through any meter or meters belonging to any person, firm or corporation engaged in the manufacture, sale or distribution of electricity, water or gas for lighting, power or other purposes,

furnished such persons to register current or electricity, water or gas, passing through meters, or intentionally prevents the meter from duly registering the quantity of electricity, water or gas supplied, or in any manner interferes with its proper action or just registration, or, without the consent of such person, firm or corporation, intentionally diverts any electrical current from any wire or cable, or water or gas from any pipe or main of such person, firm or corporation, or otherwise intentionally uses, or causes to be used, without the consent of such person, firm or corporation, any electricity or gas manufactured, or water produced or distributed, by such person, firm or corporation, or any person, firm or corporation who retains possession of, or refuses to deliver any meter or meters, lamp or lamps, or other appliances which may be, or may have been, loaned them by any person, firm or corporation for the purpose of furnishing electricity, water or gas, through the same, with the intent to defraud such person, firm or corporation, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not more than three (3) months, or by both fine and imprisonment in the discretion of the court. The presence at any time on or about such meter or meters, wire, cable, pipe or main of any device or unauthorized meter or pipe or wire resulting in the diversion of electric current, water or gas, as above defined, or resulting in the prevention of the proper action or just registration of the meter or meters as above set forth, the same being knowingly or intentionally installed, shall constitute prima facie evidence of knowledge on the part of the person, firm or corporation having custody or control of the room or place where such device or pipe or wire is located, or the existence thereof and the effect thereof, and shall constitute prima facie evidence of the intention on the part of such person, firm or corporation to defraud and shall bring such person, firm or corporation prima facie within the scope, meaning and penalties of this section. Provided further, that if any person, firm or corporation engaged in the selling or delivering of any electric current, water or gas, to a consumer shall knowingly cause to be installed any meter or meters intentionally adjusted or regulated so as to cause such meter or meters to register a greater amount of such electric current, water or gas, than actually passes through the same, shall be prima facie evidence of the knowledge of such person, firm or corporation engaged in selling or delivering such electric current, water or gas, of the existence thereof and shall bring such person, firm or corporation within the scope and meaning of this section, and subject to the operation of this section. Provided further, any employee, stockholder, or member of the board of directors who, with intent to defraud a customer, falsifies, or acquiesces in the falsifying, of any record which results in billing in excess of the amount lawfully due and owing, shall be guilty of a misdemeanor and shall be fined not more than Five Hundred Dollars (\$500.00) or sentenced to serve not more than six (6) months in jail, or both. Provided further, this section shall not relieve any person, firm or corporation from any other liabilities now imposed by law. The governing authorities of any municipality are authorized to prosecute any violation of this section which is committed upon meters owned or operated by a utility which is owned or operated by a municipality. In addition, the governing authorities of a municipality are authorized to prosecute within the municipality when any violation of this section is committed upon such meters that lie outside the municipal boundaries of the municipality. Codes, 1930, § 1025; 1942, § 2257; Laws, 1922, ch. 271; Laws, 1932, ch. 268; Laws, 1981, ch. 541, § 3; Laws, 1984, ch. 338; Laws, 1992, ch. 385, § 1; Laws, 2009, ch. 397, § 1, eff. 7/1/2009. Amended by Laws, 2013, ch. 435, HB 1519, 1, eff. 7/1/2013. Whoever, intentionally, by any means or device, prevents electric current, water or gas from passing through any meter or meters belonging to any person, firm or corporation engaged in the manufacture, sale or distribution of electricity, water or gas for lighting, power or other purposes, furnished such persons to register current or electricity, water or gas, passing through meters, or intentionally prevents the meter from duly registering the quantity of electricity, water or gas supplied, or in any manner interferes with its proper action or just registration, or, without the consent of such person, firm or corporation, intentionally diverts any electrical current from any wire or cable, or water or gas from any pipe or main of such person, firm or corporation, or otherwise intentionally uses, or causes to be used, without the consent of such person, firm or corporation, any electricity or gas manufactured, or water produced or distributed, by such person, firm or corporation, or any person, firm or corporation who retains possession of, or refuses to deliver any meter or meters, lamp or lamps, or other appliances which may be, or may have been, loaned them by any person, firm or corporation for the purpose of furnishing electricity, water or gas, through the same, with the intent to defraud such person, firm or corporation, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not more than three (3) months, or by both fine and imprisonment in the discretion of the court. The presence at any time on or about such meter or meters, wire, cable, pipe or main of any device or unauthorized meter or pipe or wire resulting in the diversion of electric current, water or gas, as above defined, or resulting in the prevention of the proper action or just registration of the meter or meters as above set forth, the same being knowingly or intentionally installed, shall constitute prima facie evidence of knowledge on the part of the person, firm or corporation having custody or control of the room or place where such device or pipe or wire is located, or the existence thereof and the effect thereof, and shall constitute prima facie evidence of the intention on the part of such person, firm or corporation to defraud and shall bring such person, firm or corporation prima facie within the scope, meaning and penalties of this section. Provided further, that if any person, firm or corporation engaged in the selling or delivering of any electric current, water or gas, to a consumer shall knowingly cause to be installed any meter or meters intentionally adjusted or regulated so as to cause such meter or meters to register a greater amount of such electric current, water or gas, than actually passes through the same, shall be prima facie evidence of the knowledge of such person, firm or corporation engaged in selling or delivering such electric current, water or gas, of the existence thereof and shall bring such person, firm or corporation within the scope and meaning of this section, and subject to the operation of this section. Provided further, any employee, stockholder, or member of the board of directors who, with intent to defraud a customer, falsifies, or acquiesces in the falsifying, of any record which results in billing in excess of the amount lawfully due and owing, shall be guilty of a misdemeanor and shall be fined not more than Five Hundred Dollars (\$500.00) or sentenced to

serve not more than six (6) months in jail, or both. Provided further, this section shall not relieve any person, firm or corporation from any other liabilities now imposed by law. The governing authorities of any municipality are authorized to prosecute any violation of this section which is committed upon meters owned or operated by a utility which is owned or operated by a municipality. In addition, the governing authorities of a municipality are authorized to prosecute within the municipality when any violation of this section is committed upon such meters that lie outside the municipal boundaries of the municipality. Codes, 1930, § 1025; 1942, § 2257; Laws, 1922, ch. 271; Laws, 1932, ch. 268; Laws, 1981, ch. 541, § 3; Laws, 1984, ch. 338; Laws, 1992, ch. 385, § 1; Laws, 2009, ch. 397, § 1, eff. 7/1/2009. Amended by Laws, 2013, ch. 435, HB 1519, 1, eff. 7/1/2013. Whoever, intentionally, by any means or device, prevents electric current, water or gas from passing through any meter or meters belonging to any person, firm or corporation engaged in the manufacture, sale or distribution of electricity, water or gas for lighting, power or other purposes, furnished such persons to register current or electricity, water or gas, passing through meters, or intentionally prevents the meter from duly registering the quantity of electricity, water or gas supplied, or in any manner interferes with its proper action or just registration, or, without the consent of such person, firm or corporation, intentionally diverts any electrical current from any wire or cable, or water or gas from any pipe or main of such person, firm or corporation, or otherwise intentionally uses, or causes to be used, without the consent of such person, firm or corporation, any electricity or gas manufactured, or water produced or distributed, by such person, firm or corporation, or any person, firm or corporation who retains possession of, or refuses to deliver any meter or meters, lamp or lamps, or other appliances which may be, or may have been, loaned them by any person, firm or corporation for the purpose of furnishing electricity, water or gas, through the same, with the intent to defraud such person, firm or corporation, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not more than three (3) months, or by both fine and imprisonment in the discretion of the court. The presence at any time on or about such meter or meters, wire, cable, pipe or main of any device or unauthorized meter or pipe or wire resulting in the diversion of electric current, water or gas, as above defined, or resulting in the prevention of the proper action or just registration of the meter or meters as above set forth, the same being knowingly or intentionally installed, shall constitute prima facie evidence of knowledge on the part of the person, firm or corporation having custody or control of the room or place where such device or pipe or wire is located, or the existence thereof and the effect thereof, and shall constitute prima facie evidence of the intention on the part of such person, firm or corporation to defraud and shall bring such person, firm or corporation prima facie within the scope, meaning and penalties of this section. Provided further, that if any person, firm or corporation engaged in the selling or delivering of any electric current, water or gas, to a consumer shall knowingly cause to be installed any meter or meters intentionally adjusted or regulated so as to cause such meter or meters to register a greater amount of such electric current, water or gas, than actually passes through the same, shall be prima facie evidence of the knowledge of such person, firm or corporation engaged in selling or delivering such electric current, water or gas, of the existence thereof and shall bring such person, firm or corporation within the scope and meaning of this section, and subject to the operation of this section. Provided further, any employee, stockholder, or member of the board of directors who, with intent to defraud a customer, falsifies, or acquiesces in the falsifying, of any record which results in billing in excess of the amount lawfully due and owing, shall be guilty of a misdemeanor and shall be fined not more than Five Hundred Dollars (\$500.00) or sentenced to serve not more than six (6) months in jail, or both. Provided further, this section shall not relieve any person, firm or corporation from any other liabilities now imposed by law. The governing authorities of any municipality are authorized to prosecute any violation of this section which is committed upon meters owned or operated by a utility which is owned or operated by a municipality. In addition, the governing authorities of a municipality are authorized to prosecute within the municipality when any violation of this section is committed upon such meters that lie outside the municipal boundaries of the municipality. Codes, 1930, § 1025; 1942, § 2257; Laws, 1922, ch. 271; Laws, 1932, ch. 268; Laws, 1981, ch. 541, § 3; Laws, 1984, ch. 338; Laws, 1992, ch. 385, § 1; Laws, 2009, ch. 397, § 1, eff. 7/1/2009. Amended by Laws, 2013, ch. 435, HB 1519, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59) Section 97-25-31 - Railroads; stealing animal killed or wounded by railroad

Any person other than the owner thereof or the agents or employees of the railroad company who shall take and carry away, with intent to appropriate to his own use, any animal killed or wounded by the engine or cars of a railroad company, without obtaining the consent of such owner or the agent of such company, shall be guilty of larceny, and, upon conviction, be punished as provided by law for the larceny of such animal. Codes, 1880, § 2910; 1892, § 1185; 1906, § 1263; Hemingway's 1917, § 993; 1930, § 1021; 1942, § 2253. Any person other than the owner thereof or the agents or employees of the railroad company who shall take and carry away, with intent to appropriate to his own use, any animal killed or wounded by the engine or cars of a railroad company, without obtaining the consent of such owner or the agent of such company, shall be guilty of larceny, and, upon conviction, be punished as provided by law for the larceny of such animal. Codes, 1880, § 2910; 1892, § 1185; 1906, § 1263; Hemingway's 1917, § 993; 1930, § 1021; 1942, § 2253. Any person other than the owner thereof or the agents or employees of the railroad company who shall take and carry away, with intent to appropriate to his own use, any animal killed or wounded by the engine or cars of a railroad company, without obtaining the consent of such owner or the agent of such company, shall be guilty of larceny, and, upon conviction, be punished as provided by law for the larceny of such animal. Codes, 1880, § 2910; 1892, § 1185; 1906, § 1263; Hemingway's 1917, § 993; 1930, § 1021; 1942, § 2253. Any person other than the owner thereof or the agents or employees of the railroad company who shall take and carry away, with intent to appropriate to his own use, any animal killed or wounded by the engine or cars of a railroad

company, without obtaining the consent of such owner or the agent of such company, shall be guilty of larceny, and, upon conviction, be punished as provided by law for the larceny of such animal. Codes, 1880, § 2910; 1892, § 1185; 1906, § 1263; Hemingway's 1917, § 993; 1930, § 1021; 1942, § 2253.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59) Section 97-25-33 - Railroads; not to destroy or bury animal killed by train until report made

If any person or corporation operating a railroad shall bury or otherwise destroy, or cause to be buried or destroyed, the carcass of any domestic animal killed or injured by the running of a locomotive or cars, before a report in writing has been made to the nearest station agent, giving as near as can be the time of the killing or injury and a description of the animal, with marks and brands, and a fair estimate of its value if killed, and of the extent of damage if injured, said person or corporation shall, upon conviction, be fined not more than one hundred dollars. This section shall not apply in any case where the owner or possessor of the animal has been notified and had opportunity to examine the carcass of injured animal. Codes, 1892, § 1277; 1906, § 1352; Hemingway's 1917, § 1086; 1930, § 1116; 1942, § 2352. If any person or corporation operating a railroad shall bury or otherwise destroy, or cause to be buried or destroyed, the carcass of any domestic animal killed or injured by the running of a locomotive or cars, before a report in writing has been made to the nearest station agent, giving as near as can be the time of the killing or injury and a description of the animal, with marks and brands, and a fair estimate of its value if killed, and of the extent of damage if injured, said person or corporation shall, upon conviction, be fined not more than one hundred dollars. This section shall not apply in any case where the owner or possessor of the animal has been notified and had opportunity to examine the carcass of injured animal. Codes, 1892, § 1277; 1906, § 1352; Hemingway's 1917, § 1086; 1930, § 1116; 1942, § 2352. If any person or corporation operating a railroad shall bury or otherwise destroy, or cause to be buried or destroyed, the carcass of any domestic animal killed or injured by the running of a locomotive or cars, before a report in writing has been made to the nearest station agent, giving as near as can be the time of the killing or injury and a description of the animal, with marks and brands, and a fair estimate of its value if killed, and of the extent of damage if injured, said person or corporation shall, upon conviction, be fined not more than one hundred dollars. This section shall not apply in any case where the owner or possessor of the animal has been notified and had opportunity to examine the carcass of injured animal. Codes, 1892, § 1277; 1906, § 1352; Hemingway's 1917, § 1086; 1930, § 1116; 1942, § 2352. If any person or corporation operating a railroad shall bury or otherwise destroy, or cause to be buried or destroyed, the carcass of any domestic animal killed or injured by the running of a locomotive or cars, before a report in writing has been made to the nearest station agent, giving as near as can be the time of the killing or injury and a description of the animal, with marks and brands, and a fair estimate of its value if killed, and of the extent of damage if injured, said person or corporation shall, upon conviction, be fined not more than one hundred dollars. This section shall not apply in any case where the owner or possessor of the animal has been notified and had opportunity to examine the carcass of injured animal. Codes, 1892, § 1277; 1906, § 1352; Hemingway's 1917, § 1086; 1930, § 1116; 1942, § 2352.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59) Section 97-25-35 - Railroads; stealing or interfering with communications or signaling equipment

If any person shall maliciously remove, take, steal, change or in any manner interfere with any railroad transmission line, signaling device, microwave tower or any of the parts or attachments belonging to any communication or signaling device owned, leased or used by any railroad or transportation company, he shall, on conviction, be fined not more than Three Thousand Dollars (\$3,000.00), or shall be imprisoned not more than five (5) years, or both. In addition, any person who is convicted for a violation of this section shall be ordered by the court to make restitution to the owners or operators of the railroad line or property in an amount determined by the court to compensate for all damages caused by such person and all costs related to cleanup necessitated as a result of such person's unlawful conduct. Codes, 1942, § 2355.5; Laws, 1968, ch. 342, § 1; Laws, 1981, ch. 541, § 12; Laws, 2007, ch. 572, § 5, eff. 7/1/2007. If any person shall maliciously remove, take, steal, change or in any manner interfere with any railroad transmission line, signaling device, microwave tower or any of the parts or attachments belonging to any communication or signaling device owned, leased or used by any railroad or transportation company, he shall, on conviction, be fined not more than Three Thousand Dollars (\$3,000.00), or shall be imprisoned not more than five (5) years, or both. In addition, any person who is convicted for a violation of this section shall be ordered by the court to make restitution to the owners or operators of the railroad line or property in an amount determined by the court to compensate for all damages caused by such person and all costs related to cleanup necessitated as a result of such person's unlawful conduct. Codes, 1942, § 2355.5; Laws, 1968, ch. 342, § 1; Laws, 1981, ch. 541, § 12; Laws, 2007, ch. 572, § 5, eff. 7/1/2007. If any person shall maliciously remove, take, steal, change or in any manner interfere with any railroad transmission line, signaling device, microwave tower or any of the parts or attachments belonging to any communication or signaling device owned, leased or used by any railroad or transportation company, he shall, on conviction, be fined not more than Three Thousand Dollars (\$3,000.00), or shall be imprisoned not more than five (5) years, or both. In addition, any person who is convicted for a violation of this section shall be ordered by the court to make restitution to the owners or operators of the railroad line or property in an amount determined by the court to compensate for all damages caused by such person and all costs related to cleanup necessitated as a result of such person's unlawful conduct. Codes, 1942, § 2355.5; Laws, 1968, ch. 342, § 1; Laws, 1981, ch. 541, § 12; Laws, 2007, ch. 572, § 5, eff. 7/1/2007. If any person shall maliciously remove, take, steal,

change or in any manner interfere with any railroad transmission line, signaling device, microwave tower or any of the parts or attachments belonging to any communication or signaling device owned, leased or used by any railroad or transportation company, he shall, on conviction, be fined not more than Three Thousand Dollars (\$3,000.00), or shall be imprisoned not more than five (5) years, or both. In addition, any person who is convicted for a violation of this section shall be ordered by the court to make restitution to the owners or operators of the railroad line or property in an amount determined by the court to compensate for all damages caused by such person and all costs related to cleanup necessitated as a result of such person's unlawful conduct. Codes, 1942, § 2355.5; Laws, 1968, ch. 342, § 1; Laws, 1981, ch. 541, § 12; Laws, 2007, ch. 572, § 5, eff. 7/1/2007.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59) Section 97-25-37 - Railroads; stopping or standing at crossing

It shall be unlawful for any locomotive or train of cars to be stopped or left standing on any railroad crossing, unless done under regulations adopted by those having the right to control such matter. Any person violating this section shall, on conviction be fined not less than one hundred dollars, nor more than one thousand dollars, or be imprisoned in the county jail for one year, or both; and if, in consequence of such violation, any person shall be killed or injured, the guilty party shall be imprisoned in the penitentiary not exceeding fifteen years. Codes, 1871, § 2423; 1880, § 1062; 1892, § 1274; 1906, § 1349; Hemingway's 1917, § 1083; 1930, § 1113; 1942, § 2349. It shall be unlawful for any locomotive or train of cars to be stopped or left standing on any railroad crossing, unless done under regulations adopted by those having the right to control such matter. Any person violating this section shall, on conviction be fined not less than one hundred dollars, nor more than one thousand dollars, or be imprisoned in the county jail for one year, or both; and if, in consequence of such violation, any person shall be killed or injured, the guilty party shall be imprisoned in the penitentiary not exceeding fifteen years. Codes, 1871, § 2423; 1880, § 1062; 1892, § 1274; 1906, § 1349; Hemingway's 1917, § 1083; 1930, § 1113; 1942, § 2349. It shall be unlawful for any locomotive or train of cars to be stopped or left standing on any railroad crossing, unless done under regulations adopted by those having the right to control such matter. Any person violating this section shall, on conviction be fined not less than one hundred dollars, nor more than one thousand dollars, or be imprisoned in the county jail for one year, or both; and if, in consequence of such violation, any person shall be killed or injured, the guilty party shall be imprisoned in the penitentiary not exceeding fifteen years. Codes, 1871, § 2423; 1880, § 1062; 1892, § 1274; 1906, § 1349; Hemingway's 1917, § 1083; 1930, § 1113; 1942, § 2349. It shall be unlawful for any locomotive or train of cars to be stopped or left standing on any railroad crossing, unless done under regulations adopted by those having the right to control such matter. Any person violating this section shall, on conviction be fined not less than one hundred dollars, nor more than one thousand dollars, or be imprisoned in the county jail for one year, or both; and if, in consequence of such violation, any person shall be killed or injured, the guilty party shall be imprisoned in the penitentiary not exceeding fifteen years. Codes, 1871, § 2423; 1880, § 1062; 1892, § 1274; 1906, § 1349; Hemingway's 1917, § 1083; 1930, § 1113; 1942, § 2349.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59) Section 97-25-39 - Railroads; uncoupling locomotives and cars by persons not employed by railroad

If any person, not being employed on any railroad, shall wilfully and maliciously uncouple or detach the locomotive or tender or any of the cars of any railroad train, or shall in any way aid, abet or procure the doing of the same, such person shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00), or imprisonment in the county jail not exceeding six (6) months, or both. Codes 1892, § 1271; 1906, § 1346; Hemingway's 1917, § 1080; 1930, § 1110; 1942, § 2346; Laws, 1981, ch. 541, § 13, eff. 7/1/1981. If any person, not being employed on any railroad, shall wilfully and maliciously uncouple or detach the locomotive or tender or any of the cars of any railroad train, or shall in any way aid, abet or procure the doing of the same, such person shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00), or imprisonment in the county jail not exceeding six (6) months, or both. Codes 1892, § 1271; 1906, § 1346; Hemingway's 1917, § 1080; 1930, § 1110; 1942, § 2346; Laws, 1981, ch. 541, § 13, eff. 7/1/1981. If any person, not being employed on any railroad, shall wilfully and maliciously uncouple or detach the locomotive or tender or any of the cars of any railroad train, or shall in any way aid, abet or procure the doing of the same, such person shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00), or imprisonment in the county jail not exceeding six (6) months, or both. Codes 1892, § 1271; 1906, § 1346; Hemingway's 1917, § 1080; 1930, § 1110; 1942, § 2346; Laws, 1981, ch. 541, § 13, eff. 7/1/1981. If any person, not being employed on any railroad, shall wilfully and maliciously uncouple or detach the locomotive or tender or any of the cars of any railroad train, or shall in any way aid, abet or procure the doing of the same, such person shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00), or imprisonment in the county jail not exceeding six (6) months, or both. Codes 1892, § 1271; 1906, § 1346; Hemingway's 1917, § 1080; 1930, § 1110; 1942, § 2346; Laws, 1981, ch. 541, § 13, eff. 7/1/1981.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59) Section 97-25-4 - Railroads; offenses committed on railroad right-of-way

(1) Except as otherwise provided in subsection (2) of this section, it shall be unlawful for any person to do any of the following acts

without first having obtained written permission from the owner or operator of the railroad line:(a)To attempt to board or disembark from a moving freight train;(b)To damage or deface, or attempt to damage or deface, railroad track, signals, switches, buildings, structures, bridges, rights-of-way, wire lines, motive power, rolling stock or other property; or(c)To dump, or cause to be dumped, upon railroad right-of-way any paper, ashes, sweepings, household wastes, glass, metal, tires, mattresses, furniture, dangerous substances or any other refuse or substance of any kind.(2)Subsection (1) of this section shall not apply to:(a)Railroad employees engaged in the performance of their duties; or(b)Representatives of utilities or other agencies with easements across or along the railroad in the performance of their duties.(3)Any person who violates the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, be punished by imprisonment for not more than thirty (30) days or by a fine of not less than One Hundred Dollars (\$100.00) but not more than Four Hundred Dollars (\$400.00), or both, and may be required to pay any clean-up costs. In addition, any person who is convicted for a violation of subsection (1)(b) or subsection (1)(c) of this section shall be ordered by the court to make restitution to the owners or operators of the railroad line or property in an amount determined by the court to compensate for all damages caused by such person and all costs related to cleanup necessitated as a result of such person's unlawful conduct.(4)The penalties provided for in this section shall be in addition to any other penalties provided by law for the same or similar acts.(5)As used in this section the term "right-of-way" means track, roadbed and adjacent property which would be readily recognizable to a reasonable person as railroad property.Laws, 2001, ch. 446, § 1; Laws, 2007, ch. 572, § 3, eff. 7/1/2007.

(1)Except as otherwise provided in subsection (2) of this section, it shall be unlawful for any person to do any of the following acts without first having obtained written permission from the owner or operator of the railroad line:(a)To attempt to board or disembark from a moving freight train;(b)To damage or deface, or attempt to damage or deface, railroad track, signals, switches, buildings, structures, bridges, rights-of-way, wire lines, motive power, rolling stock or other property; or(c)To dump, or cause to be dumped, upon railroad right-of-way any paper, ashes, sweepings, household wastes, glass, metal, tires, mattresses, furniture, dangerous substances or any other refuse or substance of any kind.(2)Subsection (1) of this section shall not apply to:(a)Railroad employees engaged in the performance of their duties; or(b)Representatives of utilities or other agencies with easements across or along the railroad in the performance of their duties.(3)Any person who violates the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, be punished by imprisonment for not more than thirty (30) days or by a fine of not less than One Hundred Dollars (\$100.00) but not more than Four Hundred Dollars (\$400.00), or both, and may be required to pay any clean-up costs. In addition, any person who is convicted for a violation of subsection (1)(b) or subsection (1)(c) of this section shall be ordered by the court to make restitution to the owners or operators of the railroad line or property in an amount determined by the court to compensate for all damages caused by such person and all costs related to cleanup necessitated as a result of such person's unlawful conduct.(4)The penalties provided for in this section shall be in addition to any other penalties provided by law for the same or similar acts.(5)As used in this section the term "right-of-way" means track, roadbed and adjacent property which would be readily recognizable to a reasonable person as railroad property.Laws, 2001, ch. 446, § 1; Laws, 2007, ch. 572, § 3, eff. 7/1/2007.

(1)Except as otherwise provided in subsection (2) of this section, it shall be unlawful for any person to do any of the following acts without first having obtained written permission from the owner or operator of the railroad line:(a)To attempt to board or disembark from a moving freight train;(b)To damage or deface, or attempt to damage or deface, railroad track, signals, switches, buildings, structures, bridges, rights-of-way, wire lines, motive power, rolling stock or other property; or(c)To dump, or cause to be dumped, upon railroad right-of-way any paper, ashes, sweepings, household wastes, glass, metal, tires, mattresses, furniture, dangerous substances or any other refuse or substance of any kind.(2)Subsection (1) of this section shall not apply to:(a)Railroad employees engaged in the performance of their duties; or(b)Representatives of utilities or other agencies with easements across or along the railroad in the performance of their duties.(3)Any person who violates the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, be punished by imprisonment for not more than thirty (30) days or by a fine of not less than One Hundred Dollars (\$100.00) but not more than Four Hundred Dollars (\$400.00), or both, and may be required to pay any clean-up costs. In addition, any person who is convicted for a violation of subsection (1)(b) or subsection (1)(c) of this section shall be ordered by the court to make restitution to the owners or operators of the railroad line or property in an amount determined by the court to compensate for all damages caused by such person and all costs related to cleanup necessitated as a result of such person's unlawful conduct.(4)The penalties provided for in this section shall be in addition to any other penalties provided by law for the same or similar acts.(5)As used in this section the term "right-of-way" means track, roadbed and adjacent property which would be readily recognizable to a reasonable person as railroad property.Laws, 2001, ch. 446, § 1; Laws, 2007, ch. 572, § 3, eff. 7/1/2007.

Laws, 2001, ch. 446, § 1; Laws, 2007, ch. 572, § 3, eff. 7/1/2007.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59)Section 97-25-41 - Railroads; wilfully shooting from or on moving train

If any person shall wilfully shoot any firearms on or from any moving train, such person shall, on conviction, be fined not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00), or be imprisoned in the county jail not more than six (6) months, or both.Codes, 1906, § 1357; Hemingway's 1917, § 1091; 1930, § 1121; 1942, § 2357; Laws, 1981, ch. 541, § 14, eff. 7/1/1981. If any person shall wilfully shoot any firearms on or from any moving train, such person shall, on conviction, be fined not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00), or be imprisoned in the county jail not more than six (6) months, or both.Codes, 1906, § 1357; Hemingway's 1917, § 1091; 1930, § 1121; 1942, § 2357; Laws, 1981, ch. 541, § 14, eff. 7/1/1981. If any person shall wilfully shoot any firearms on or from any moving train, such person

shall, on conviction, be fined not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00), or be imprisoned in the county jail not more than six (6) months, or both. Codes, 1906, § 1357; Hemingway's 1917, § 1091; 1930, § 1121; 1942, § 2357; Laws, 1981, ch. 541, § 14, eff. 7/1/1981. If any person shall wilfully shoot any firearms on or from any moving train, such person shall, on conviction, be fined not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00), or be imprisoned in the county jail not more than six (6) months, or both. Codes, 1906, § 1357; Hemingway's 1917, § 1091; 1930, § 1121; 1942, § 2357; Laws, 1981, ch. 541, § 14, eff. 7/1/1981.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59) Section 97-25-43 - Railroads, public utilities, and carriers; conspiracy to impede

If two (2) or more persons shall wilfully or maliciously combine or conspire together to obstruct or impede or hinder by any unlawful act or threat of violence, terror or intimidation the regular operation and conduct of the business of any railroad company, or any public service corporation, or any public utility, or any person or corporation carrying passengers or property for hire, such persons, and each of them, shall, on conviction, be punished by a fine of not less than one thousand dollars (\$1,000.00) and not exceeding three thousand dollars (\$3,000.00), or imprisonment in the county jail for not less than ninety (90) days nor more than one (1) year, or by both such fine and imprisonment. This section shall not apply to persons who merely quit the employment of a railroad company, whether by concert of action or otherwise. Codes, 1892, § 1270; 1906, § 1345; Hemingway's 1917, § 1079; 1930, § 1109; 1942, §§ 2345, 2345-01; Laws, 1947, 2nd Ex. ch. 5, § 1; Laws, 1981, ch. 541, § 15, eff. 7/1/1981. If two (2) or more persons shall wilfully or maliciously combine or conspire together to obstruct or impede or hinder by any unlawful act or threat of violence, terror or intimidation the regular operation and conduct of the business of any railroad company, or any public service corporation, or any public utility, or any person or corporation carrying passengers or property for hire, such persons, and each of them, shall, on conviction, be punished by a fine of not less than one thousand dollars (\$1,000.00) and not exceeding three thousand dollars (\$3,000.00), or imprisonment in the county jail for not less than ninety (90) days nor more than one (1) year, or by both such fine and imprisonment. This section shall not apply to persons who merely quit the employment of a railroad company, whether by concert of action or otherwise. Codes, 1892, § 1270; 1906, § 1345; Hemingway's 1917, § 1079; 1930, § 1109; 1942, §§ 2345, 2345-01; Laws, 1947, 2nd Ex. ch. 5, § 1; Laws, 1981, ch. 541, § 15, eff. 7/1/1981. If two (2) or more persons shall wilfully or maliciously combine or conspire together to obstruct or impede or hinder by any unlawful act or threat of violence, terror or intimidation the regular operation and conduct of the business of any railroad company, or any public service corporation, or any public utility, or any person or corporation carrying passengers or property for hire, such persons, and each of them, shall, on conviction, be punished by a fine of not less than one thousand dollars (\$1,000.00) and not exceeding three thousand dollars (\$3,000.00), or imprisonment in the county jail for not less than ninety (90) days nor more than one (1) year, or by both such fine and imprisonment. This section shall not apply to persons who merely quit the employment of a railroad company, whether by concert of action or otherwise. Codes, 1892, § 1270; 1906, § 1345; Hemingway's 1917, § 1079; 1930, § 1109; 1942, §§ 2345, 2345-01; Laws, 1947, 2nd Ex. ch. 5, § 1; Laws, 1981, ch. 541, § 15, eff. 7/1/1981.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59) Section 97-25-45 - Railroads, public utilities, and carriers; obstructing or impeding by intimidation, force or violence

If any person shall unlawfully obstruct or impede by any act of force or violence, or by any means of intimidation, the regular operation and conduct of the business of any railroad company or any public service corporation, or person carrying passengers or property, or any public utility, or shall impede, hinder, or obstruct, by force or violence, the regular running of any locomotive-engine, freight or passenger train of any railroad, or any vehicle used in the transportation of persons or property on the public highways, or the operation of any public utility, such person shall be guilty of a felony and, upon conviction, shall be committed to the custody of the department of corrections for a term of not less than one (1) year nor exceeding five (5) years. Codes, 1942, § 2345-02; Laws, 1947, 2nd Ex. ch. 5, § 2; Laws, 1981, ch. 541, § 16, eff. 7/1/1981. If any person shall unlawfully obstruct or impede by any act of force or violence, or by any means of intimidation, the regular operation and conduct of the business of any railroad company or any public service corporation, or person carrying passengers or property, or any public utility, or shall impede, hinder, or obstruct, by force or violence, the regular running of any locomotive-engine, freight or passenger train of any railroad, or any vehicle used in the transportation of persons or property on the public highways, or the operation of any public utility, such person shall be guilty of a felony and, upon conviction, shall be committed to the custody of the department of corrections for a term of not less than one (1) year nor exceeding five (5) years. Codes, 1942, § 2345-02; Laws, 1947, 2nd Ex. ch. 5,

§ 2; Laws, 1981, ch. 541, § 16, eff. 7/1/1981. If any person shall unlawfully obstruct or impede by any act of force or violence, or by any means of intimidation, the regular operation and conduct of the business of any railroad company or any public service corporation, or person carrying passengers or property, or any public utility, or shall impede, hinder, or obstruct, by force or violence, the regular running of any locomotive-engine, freight or passenger train of any railroad, or any vehicle used in the transportation of persons or property on the public highways, or the operation of any public utility, such person shall be guilty of a felony and, upon conviction, shall be committed to the custody of the department of corrections for a term of not less than one (1) year nor exceeding five (5) years. Codes, 1942, § 2345-02; Laws, 1947, 2nd Ex. ch. 5, § 2; Laws, 1981, ch. 541, § 16, eff. 7/1/1981. If any person shall unlawfully obstruct or impede by any act of force or violence, or by any means of intimidation, the regular operation and conduct of the business of any railroad company or any public service corporation, or person carrying passengers or property, or any public utility, or shall impede, hinder, or obstruct, by force or violence, the regular running of any locomotive-engine, freight or passenger train of any railroad, or any vehicle used in the transportation of persons or property on the public highways, or the operation of any public utility, such person shall be guilty of a felony and, upon conviction, shall be committed to the custody of the department of corrections for a term of not less than one (1) year nor exceeding five (5) years. Codes, 1942, § 2345-02; Laws, 1947, 2nd Ex. ch. 5, § 2; Laws, 1981, ch. 541, § 16, eff. 7/1/1981.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59) Section 97-25-47 - Railroad trains, buses, trucks, motor vehicles, depots, stations, and other transportation facilities; wilfully shooting or throwing at

If any person or persons shall wilfully shoot any firearms or hurl any missile at, or into, any train, bus, truck, motor vehicle, depot, station, or any other transportation facility, such person shall, upon conviction, be punished by a fine of not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00), or be committed to the custody of the department of corrections not less than one (1) year nor more than five (5) years, or by both such fine and imprisonment. Codes, 1906, § 1356; Hemingway's 1917, § 1090; 1930, § 1120; 1942, § 2356; Laws, 1947, 2nd Ex. ch. 4; Laws, 1981, ch. 541, § 17, eff. 7/1/1981. If any person or persons shall wilfully shoot any firearms or hurl any missile at, or into, any train, bus, truck, motor vehicle, depot, station, or any other transportation facility, such person shall, upon conviction, be punished by a fine of not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00), or be committed to the custody of the department of corrections not less than one (1) year nor more than five (5) years, or by both such fine and imprisonment. Codes, 1906, § 1356; Hemingway's 1917, § 1090; 1930, § 1120; 1942, § 2356; Laws, 1947, 2nd Ex. ch. 4; Laws, 1981, ch. 541, § 17, eff. 7/1/1981. If any person or persons shall wilfully shoot any firearms or hurl any missile at, or into, any train, bus, truck, motor vehicle, depot, station, or any other transportation facility, such person shall, upon conviction, be punished by a fine of not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00), or be committed to the custody of the department of corrections not less than one (1) year nor more than five (5) years, or by both such fine and imprisonment. Codes, 1906, § 1356; Hemingway's 1917, § 1090; 1930, § 1120; 1942, § 2356; Laws, 1947, 2nd Ex. ch. 4; Laws, 1981, ch. 541, § 17, eff. 7/1/1981. If any person or persons shall wilfully shoot any firearms or hurl any missile at, or into, any train, bus, truck, motor vehicle, depot, station, or any other transportation facility, such person shall, upon conviction, be punished by a fine of not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00), or be committed to the custody of the department of corrections not less than one (1) year nor more than five (5) years, or by both such fine and imprisonment. Codes, 1906, § 1356; Hemingway's 1917, § 1090; 1930, § 1120; 1942, § 2356; Laws, 1947, 2nd Ex. ch. 4; Laws, 1981, ch. 541, § 17, eff. 7/1/1981.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59) Section 97-25-49 - Wrongful access to telecommunications messages by cellular telephone; inadmissibility of information obtained in violation of this section

(1) A person who commits either of the following offenses shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail not exceeding six (6) months, or both: (a) Wrongfully obtains, or attempts to obtain, any knowledge of a private telecommunications message by gaining access to the origination, transmission, emission or reception of signs, signals, data, writings, images and sounds or intelligence of any nature by cellular telephone, when such person is not the lawfully intended recipient of the message or is not authorized to have access to such message, or by connivance with a clerk, operator, messenger or other employee of a telecommunications company; or (b) Being such clerk, operator, messenger or other employee, uses, or suffers to be used, or willfully divulges to anyone but the person for whom it was intended, the contents of a cellular phone message. (c) The provisions of this subsection shall not apply to the use of a telephone monitoring device by either a law enforcement agency acting pursuant to a valid court order or to a corporation or other business entity engaged in marketing research or telephone solicitation conversations by an employee of the corporation or other business entity when the monitoring is used for the purpose of service quality control and the monitoring is used with the consent of at least one (1) person who is a party to the conversation. (d) The provisions of this subsection shall not apply to an employee of a cellular telephone company who discloses or uses an intercepted communication in the normal course of business as a necessary incident to providing service or to the protection of the rights or property of the employer or who provides assistance to an investigative or law enforcement officer acting under a valid court order. (2) Any information obtained in violation of this section shall not be admissible in any civil proceeding unless the information was obtained by the lawful owner of the device that obtained the information. Codes, 1892, § 1301; 1906, § 1375; Hemingway's 1917, § 1115; 1930, § 1145; 1942, § 2382; Laws, 1999, ch. 514, § 1, eff. 7/1/1999. (1) A person who commits

either of the following offenses shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail not exceeding six (6) months, or both:(a)Wrongfully obtains, or attempts to obtain, any knowledge of a private telecommunications message by gaining access to the origination, transmission, emission or reception of signs, signals, data, writings, images and sounds or intelligence of any nature by cellular telephone, when such person is not the lawfully intended recipient of the message or is not authorized to have access to such message, or by connivance with a clerk, operator, messenger or other employee of a telecommunications company; or(b)Being such clerk, operator, messenger or other employee, uses, or suffers to be used, or willfully divulges to anyone but the person for whom it was intended, the contents of a cellular phone message.(c)The provisions of this subsection shall not apply to the use of a telephone monitoring device by either a law enforcement agency acting pursuant to a valid court order or to a corporation or other business entity engaged in marketing research or telephone solicitation conversations by an employee of the corporation or other business entity when the monitoring is used for the purpose of service quality control and the monitoring is used with the consent of at least one (1) person who is a party to the conversation.(d)The provisions of this subsection shall not apply to an employee of a cellular telephone company who discloses or uses an intercepted communication in the normal course of business as a necessary incident to providing service or to the protection of the rights or property of the employer or who provides assistance to an investigative or law enforcement officer acting under a valid court order.(2)Any information obtained in violation of this section shall not be admissible in any civil proceeding unless the information was obtained by the lawful owner of the device that obtained the information.Codes, 1892, § 1301; 1906, § 1375; Hemingway's 1917, § 1115; 1930, § 1145; 1942, § 2382; Laws, 1999, ch. 514, § 1, eff. 7/1/1999. (1)A person who commits either of the following offenses shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail not exceeding six (6) months, or both:(a)Wrongfully obtains, or attempts to obtain, any knowledge of a private telecommunications message by gaining access to the origination, transmission, emission or reception of signs, signals, data, writings, images and sounds or intelligence of any nature by cellular telephone, when such person is not the lawfully intended recipient of the message or is not authorized to have access to such message, or by connivance with a clerk, operator, messenger or other employee of a telecommunications company; or(b)Being such clerk, operator, messenger or other employee, uses, or suffers to be used, or willfully divulges to anyone but the person for whom it was intended, the contents of a cellular phone message.(c)The provisions of this subsection shall not apply to the use of a telephone monitoring device by either a law enforcement agency acting pursuant to a valid court order or to a corporation or other business entity engaged in marketing research or telephone solicitation conversations by an employee of the corporation or other business entity when the monitoring is used for the purpose of service quality control and the monitoring is used with the consent of at least one (1) person who is a party to the conversation.(d)The provisions of this subsection shall not apply to an employee of a cellular telephone company who discloses or uses an intercepted communication in the normal course of business as a necessary incident to providing service or to the protection of the rights or property of the employer or who provides assistance to an investigative or law enforcement officer acting under a valid court order.(2)Any information obtained in violation of this section shall not be admissible in any civil proceeding unless the information was obtained by the lawful owner of the device that obtained the information.Codes, 1892, § 1301; 1906, § 1375; Hemingway's 1917, § 1115; 1930, § 1145; 1942, § 2382; Laws, 1999, ch. 514, § 1, eff. 7/1/1999. Codes, 1892, § 1301; 1906, § 1375; Hemingway's 1917, § 1115; 1930, § 1145; 1942, § 2382; Laws, 1999, ch. 514, § 1, eff. 7/1/1999.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59)Section 97-25-5 - Railroads; destroying crossing-sign, gate or warning-signals

If any person shall willfully obliterate, injure or destroy any railroad-gate, warning-signals, cattle-gap or any board or sign erected or maintained by a railroad company in pursuance of law, he shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or be imprisoned in the county jail not exceeding three (3) months, or both. In addition, any person who is convicted for a violation of this section shall be ordered by the court to make restitution to the owners or operators of the railroad line or property in an amount determined by the court to compensate for all damages caused by such person and all costs related to cleanup necessitated as a result of such person's unlawful conduct.Codes, 1857, ch. 35, art. 39; 1871, § 2425; 1880, § 1051; 1892, § 1268; 1906, § 1343; Hemingway's 1917, § 1077; 1930, § 1107; 1942, § 2343; Laws, 1981, ch. 541, § 4; Laws, 2007, ch. 572, § 4, eff. 7/1/2007. If any person shall willfully obliterate, injure or destroy any railroad-gate, warning-signals, cattle-gap or any board or sign erected or maintained by a railroad company in pursuance of law, he shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or be imprisoned in the county jail not exceeding three (3) months, or both. In addition, any person who is convicted for a violation of this section shall be ordered by the court to make restitution to the owners or operators of the railroad line or property in an amount determined by the court to compensate for all damages caused by such person and all costs related to cleanup necessitated as a result of such person's unlawful conduct.Codes, 1857, ch. 35, art. 39; 1871, § 2425; 1880, § 1051; 1892, § 1268; 1906, § 1343; Hemingway's 1917, § 1077; 1930, § 1107; 1942, § 2343; Laws, 1981, ch. 541, § 4; Laws, 2007, ch. 572, § 4, eff. 7/1/2007. If any person shall willfully obliterate, injure or destroy any railroad-gate, warning-signals, cattle-gap or any board or sign erected or maintained by a railroad company in pursuance of law, he shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or be imprisoned in the county jail not exceeding three (3) months, or both. In addition, any person who is convicted for a violation of this section shall be ordered by the court to make restitution to the owners or operators of the railroad line or property in an amount determined by the court to compensate for all damages caused by such person and all costs related to cleanup necessitated as a result of such person's

unlawful conduct. Codes, 1857, ch. 35, art. 39; 1871, § 2425; 1880, § 1051; 1892, § 1268; 1906, § 1343; Hemingway's 1917, § 1077; 1930, § 1107; 1942, § 2343; Laws, 1981, ch. 541, § 4; Laws, 2007, ch. 572, § 4, eff. 7/1/2007. If any person shall willfully obliterate, injure or destroy any railroad-gate, warning-signals, cattle-gap or any board or sign erected or maintained by a railroad company in pursuance of law, he shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or be imprisoned in the county jail not exceeding three (3) months, or both. In addition, any person who is convicted for a violation of this section shall be ordered by the court to make restitution to the owners or operators of the railroad line or property in an amount determined by the court to compensate for all damages caused by such person and all costs related to cleanup necessitated as a result of such person's unlawful conduct. Codes, 1857, ch. 35, art. 39; 1871, § 2425; 1880, § 1051; 1892, § 1268; 1906, § 1343; Hemingway's 1917, § 1077; 1930, § 1107; 1942, § 2343; Laws, 1981, ch. 541, § 4; Laws, 2007, ch. 572, § 4, eff. 7/1/2007.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59) Section 97-25-51 - Telegraphs and telephones; governmental messages

If any telegraph company, or an officer, agent, operator, or employee of any such company or association, shall refuse or wilfully omit to transmit a dispatch tendered by an officer of this state, or of the United States, which by law is required to be given immediate dispatch, for the price of ordinary communications of the same length, or shall designedly alter or falsify the same for any purpose whatever, such company or such officer, agent, operator, or employee, shall, on conviction, be fined not exceeding two thousand dollars, or imprisoned in the county jail not exceeding one year, or both. Codes 1892, § 1302; 1906, § 1376; Hemingway's 1917, § 1116; 1930, § 1146; 1942, § 2383. If any telegraph company, or an officer, agent, operator, or employee of any such company or association, shall refuse or wilfully omit to transmit a dispatch tendered by an officer of this state, or of the United States, which by law is required to be given immediate dispatch, for the price of ordinary communications of the same length, or shall designedly alter or falsify the same for any purpose whatever, such company or such officer, agent, operator, or employee, shall, on conviction, be fined not exceeding two thousand dollars, or imprisoned in the county jail not exceeding one year, or both. Codes 1892, § 1302; 1906, § 1376; Hemingway's 1917, § 1116; 1930, § 1146; 1942, § 2383. If any telegraph company, or an officer, agent, operator, or employee of any such company or association, shall refuse or wilfully omit to transmit a dispatch tendered by an officer of this state, or of the United States, which by law is required to be given immediate dispatch, for the price of ordinary communications of the same length, or shall designedly alter or falsify the same for any purpose whatever, such company or such officer, agent, operator, or employee, shall, on conviction, be fined not exceeding two thousand dollars, or imprisoned in the county jail not exceeding one year, or both. Codes 1892, § 1302; 1906, § 1376; Hemingway's 1917, § 1116; 1930, § 1146; 1942, § 2383. If any telegraph company, or an officer, agent, operator, or employee of any such company or association, shall refuse or wilfully omit to transmit a dispatch tendered by an officer of this state, or of the United States, which by law is required to be given immediate dispatch, for the price of ordinary communications of the same length, or shall designedly alter or falsify the same for any purpose whatever, such company or such officer, agent, operator, or employee, shall, on conviction, be fined not exceeding two thousand dollars, or imprisoned in the county jail not exceeding one year, or both. Codes 1892, § 1302; 1906, § 1376; Hemingway's 1917, § 1116; 1930, § 1146; 1942, § 2383.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59) Section 97-25-53 - Telegraphs and telephones; injuring or destroying lines; interrupting communications; stealing or destroying fixtures

(1) Any person who shall intentionally obstruct, injure, break or destroy, or in any manner interrupt any telegraph or telephone line, or communication thereon between any two (2) points, by or through which the said lines may pass, or who shall injure or destroy any of the posts, wires, insulators, or fixtures, or things belonging to such telegraph or telephone lines, such person shall, on conviction, be fined not less than two hundred fifty dollars (\$250.00), nor more than five hundred dollars (\$500.00), or imprisoned in the county jail not exceeding six (6) months, or both such fine and imprisonment. (2) Every person who shall be convicted of taking and carrying away, feloniously, such property as listed in subsection (1) of this section, of the value of one hundred dollars (\$100.00) or more, shall be guilty of grand larceny, and shall be imprisoned in the penitentiary for a term not exceeding five (5) years, or shall be fined not more than one thousand dollars (\$1,000.00), or both. (3) If any person shall feloniously take, steal and carry away any such property as listed in subsection (1) of this section, under the value of one hundred dollars (\$100.00), he shall be guilty of petit larceny and shall be punished by imprisonment in the county jail not exceeding three (3) months, or by fine not exceeding one hundred dollars (\$100.00), or both. Codes, 1857, ch. 64, art. 235; 1871, § 2702; 1880, § 2954; 1892, § 1300; 1906, § 1374; Hemingway's 1917, § 1114; 1930, § 1144; 1942, § 2381; Laws, 1902, ch. 100; Laws, 1981, ch. 541, § 18, eff. 7/1/1981. (1) Any person who shall intentionally obstruct, injure, break or destroy, or in any manner interrupt any telegraph or telephone line, or communication thereon between any two (2) points, by or through which the said lines may pass, or who shall injure or destroy any of the posts, wires, insulators, or fixtures, or things belonging to such telegraph or telephone lines, such person shall, on conviction, be fined not less than two hundred fifty dollars (\$250.00), nor more than five hundred dollars (\$500.00), or imprisoned in the county jail not exceeding six (6) months, or both such fine and imprisonment. (2) Every person who shall be convicted of taking and carrying away, feloniously, such property as listed in subsection (1) of this section, of the value of one hundred dollars (\$100.00) or more, shall be guilty of grand larceny, and shall be imprisoned in the penitentiary for a term not exceeding five (5)

years, or shall be fined not more than one thousand dollars (\$1,000.00), or both.(3)If any person shall feloniously take, steal and carry away any such property as listed in subsection (1) of this section, under the value of one hundred dollars (\$100.00), he shall be guilty of petit larceny and shall be punished by imprisonment in the county jail not exceeding three (3) months, or by fine not exceeding one hundred dollars (\$100.00), or both.Codes, 1857, ch. 64, art. 235; 1871, § 2702; 1880, § 2954; 1892, § 1300; 1906, § 1374; Hemingway's 1917, § 1114; 1930, § 1144; 1942, § 2381; Laws, 1902, ch. 100; Laws, 1981, ch. 541, § 18, eff. 7/1/1981.

(1)Any person who shall intentionally obstruct, injure, break or destroy, or in any manner interrupt any telegraph or telephone line, or communication thereon between any two (2) points, by or through which the said lines may pass, or who shall injure or destroy any of the posts, wires, insulators, or fixtures, or things belonging to such telegraph or telephone lines, such person shall, on conviction, be fined not less than two hundred fifty dollars (\$250.00), nor more than five hundred dollars (\$500.00), or imprisoned in the county jail not exceeding six (6) months, or both such fine and imprisonment.(2)Every person who shall be convicted of taking and carrying away, feloniously, such property as listed in subsection (1) of this section, of the value of one hundred dollars (\$100.00) or more, shall be guilty of grand larceny, and shall be imprisoned in the penitentiary for a term not exceeding five (5) years, or shall be fined not more than one thousand dollars (\$1,000.00), or both.(3)If any person shall feloniously take, steal and carry away any such property as listed in subsection (1) of this section, under the value of one hundred dollars (\$100.00), he shall be guilty of petit larceny and shall be punished by imprisonment in the county jail not exceeding three (3) months, or by fine not exceeding one hundred dollars (\$100.00), or both.Codes, 1857, ch. 64, art. 235; 1871, § 2702; 1880, § 2954; 1892, § 1300; 1906, § 1374; Hemingway's 1917, § 1114; 1930, § 1144; 1942, § 2381; Laws, 1902, ch. 100; Laws, 1981, ch. 541, § 18, eff. 7/1/1981. Codes, 1857, ch. 64, art. 235; 1871, § 2702; 1880, § 2954; 1892, § 1300; 1906, § 1374; Hemingway's 1917, § 1114; 1930, § 1144; 1942, § 2381; Laws, 1902, ch. 100; Laws, 1981, ch. 541, § 18, eff. 7/1/1981.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59)Section 97-25-54 - Theft of telephone and other communication services prohibited; definitions; manufacture and possession of devices to facilitate theft prohibited; penalties

(1)The following words and phrases shall have the meanings ascribed herein unless the context clearly requires otherwise:(a)"Telecommunication device" means any type of instrument, device, machine, or equipment that is designed for or capable of transmitting or receiving telephonic, electronic or radio communications, or any part of such instrument, device, machine or equipment, or any computer circuit, computer chip, electronic mechanism or other component which is capable of facilitating the transmission or reception of telephonic, electronic or radio communications;(b)"Telecommunication service" means any service provided for a charge or compensation to facilitate the origination, transmission, emission or reception of signs, signals, data, writings, images and sounds or intelligence of any nature by telephone, including cellular telephones, wire, radio, electromagnetic, photoelectronic or photo-optical system.(c)"Telecommunication service provider" means an entity engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text, voice, video or data by wire or by wireless means, or entities engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above activities. The term does not include companies organized to do business as commercial broadcast radio stations, television stations or news organizations primarily serving in-state markets.(d)"Unlawful telecommunication device" means any electronic serial number, mobile identification number, personal identification number or any telecommunication device that is capable or has been altered, modified, programmed or reprogrammed alone or in conjunction with another access device or other equipment so as to be capable of acquiring or facilitating the acquisition of a telecommunication service without the consent of the telecommunication service provider. The term includes without limitation phones altered to obtain service without the consent of the telecommunication service provider, tumbler phones, counterfeit or clone phones, tumbler microchips, counterfeit or clone microchips, scanning receivers of wireless telecommunication service of a telecommunication service provider and other instruments capable of disguising their identity or location or of gaining access to a communications system operated by a telecommunication service provider.(2)(a)It shall be unlawful for any person to use a telecommunication device intending to avoid the payment of any lawful charge for service to the device.(b)It shall be unlawful for any person to knowingly, willfully and with intent to defraud a person providing telephone or telegraph service to avoid or attempt to avoid or to aid, abet or cause another to avoid the lawful charge in whole or in part for telephone or telegraph service by any of the following means:(i)By charging the service to an existing telephone number or credit card number without the authority of the subscriber thereto or the lawful holder thereof;(ii)By charging the service to a nonexistent telephone number or credit card number, or to a number associated with telephone service which is suspended or terminated, or to a revoked, cancelled or expired credit card number, notice of the suspension, termination, revocation or cancellation of the telephone service or credit card having been given to the subscriber thereto or the holder thereof;(iii)By use of a code, prearranged scheme, or other similar stratagem or device whereby the person, in effect, sends or receives information;(iv)By rearranging, tampering with, or making connection with telephone or telegraph facilities or equipment, whether physically, electrically, acoustically, inductively, or otherwise, or by using telephone or telegraph service with knowledge or reason to believe that the rearrangement, tampering or connection existed at the time of the use;(v)By using any other deception, false pretense, trick, scheme, device, conspiracy, or means, including the fraudulent use of false, altered, or stolen identification.(c)The first offense under this subsection shall be a misdemeanor and shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment not to exceed one (1) year, or both. A second or subsequent offense under this subsection shall be a felony and shall be punishable by a fine not to exceed Fifty Thousand Dollars (\$50,000.00)

or commitment to the custody of the State Department of Corrections not to exceed ten (10) years, or both.(3)(a)It shall be unlawful for any person to make, possess, sell, give or otherwise transfer to another, or offer or advertise any instrument, apparatus, or device with intent to use it or with knowledge or reason to believe it is intended to be used to avoid any lawful telephone or telegraph toll charge or to conceal the existence or place of origin or destination of any telephone or telegraph message or to sell, give, or otherwise transfer to another or offer or advertise plans, instructions or any kit for making or assembling such an instrument, apparatus, or device with knowledge or reason to believe that the plans, instructions or kit may be used to make or assemble such an instrument, apparatus, or device.(b)Any person who possesses a telecommunications device with intent to sell or offer to sell to another, intending to avoid the payment of any lawful charge for service to the device or who makes, distributes, possesses, uses or assembles an unlawful telecommunication device or modifies, alters, programs or reprograms a telecommunications device designed, adapted or which can be used for commission of a theft of telecommunication service or to acquire or facilitate the acquisition of telecommunication service without the consent of the telecommunication service provider or to conceal or to assist another to conceal from any telecommunication service provider or from any lawful authority the existence or place of origin or of destination of any communication is guilty of a misdemeanor and shall be punished by imprisonment not to exceed one (1) year, a fine to not exceed Ten Thousand Dollars (\$10,000.00), or both. Any person who possesses ten (10) or more such unlawful telecommunication devices is guilty of a felony, and shall be punished by a fine not to exceed Fifty Thousand Dollars (\$50,000.00), commitment to the custody of the State Department of Corrections not to exceed ten (10) years, or both.(c)Any person who manufactures ten (10) or more telecommunications devices and intends to sell them to others intending to avoid the payment of any lawful charge for service to the device is guilty of a felony, and shall be punished by a fine not to exceed Fifty Thousand Dollars (\$50,000.00), commitment to the custody of the State Department of Corrections not to exceed ten (10) years, or both.(4)It shall be unlawful for any person to publish the number or code of an existing, canceled, revoked, expired, or nonexistent credit card, or the numbering or coding which is employed in the issuance of credit cards, with the intent that it be used or with knowledge or reason to believe that it will be used to avoid the payment of any lawful telephone or telegraph toll charge. For the purposes of this section, "publishes" means the communication of information to any one or more persons, either orally, in person or by telephone, radio or television, or electronic means, including without limitation a bulletin board system, or in a writing of any kind, including without limitation a letter or memorandum, circular or handbill, newspaper, magazine article, or book.(5)It shall be unlawful for any person who is the holder of a calling card, credit card, calling code, or any other means or device for the legal use of telecommunications services and who receives anything of value for knowingly allowing another person to use the means or device in order to fraudulently obtain telecommunication services.(6)(a)A person shall be guilty of theft of telecommunications services if, having control over the disposition of services of others to which he is not entitled, he knowingly diverts such services to his own benefit or to the benefit of another not entitled thereto. Theft of telecommunications services when the value of the services obtained or diverted is less than Fifty Dollars (\$50.00) shall be a misdemeanor. Theft of telecommunications services when the value of the services obtained or diverted is Fifty Dollars (\$50.00) or more shall be a felony and shall be punished by a fine not to exceed Ten Thousand Dollars (\$10,000.00), or commitment to the custody of the State Department of Corrections for a period not to exceed ten (10) years, or both.(b)Amounts involved in theft of services committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the gravity of the offense.(7)The provisions of this section shall apply to any telecommunication service which either originates or terminates or both originates and terminates in this state or when the charges for service would have been billable, in normal course, by a person or entity providing telecommunication service in this state, but for the fact that the charge or service was avoided, or attempted to be avoided, by one or more means proscribed by this section.(8)Except as otherwise provided herein, the first offense under this section shall be a misdemeanor and shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment not to exceed one (1) year, or both. A second or subsequent offense under this section shall be a felony and shall be punishable by a fine not to exceed Fifty Thousand Dollars (\$50,000.00) or commitment to the custody of the State Department of Corrections not to exceed ten (10) years, or both.(9)Any person defrauded by any acts prohibited under this section shall be entitled to restitution for the entire amount of the charges avoided from any person or persons convicted under this section. The court may, in addition to any other sentence authorized by law, sentence a person convicted of violating this section to make restitution.(10)A telecommunication service provider aggrieved by a violation of this section may, in a civil action in any court of competent jurisdiction, obtain appropriate relief, including preliminary and other equitable or declaratory relief, compensatory and punitive damages, reasonable investigation expenses, costs of court and attorney fees.(11)Any instrument, apparatus, device, plans, instructions, kit, or written publication described in subsection (2) or (3) of this section may be seized under warrant or incident to a lawful arrest, and, upon the conviction of a person for a violation of this section, the instrument, apparatus, device, plans, instructions, or written publication may be destroyed as contraband as provided by law.Laws, 1995, ch. 411, § 1, eff. 7/1/1995. (1)The following words and phrases shall have the meanings ascribed herein unless the context clearly requires otherwise:(a)"Telecommunication device" means any type of instrument, device, machine, or equipment that is designed for or capable of transmitting or receiving telephonic, electronic or radio communications, or any part of such instrument, device, machine or equipment, or any computer circuit, computer chip, electronic mechanism or other component which is capable of facilitating the transmission or reception of telephonic, electronic or radio communications;(b)"Telecommunication service" means any service provided for a charge or compensation to facilitate the origination, transmission, emission or reception of signs, signals, data, writings, images and sounds or intelligence of any nature by telephone, including cellular telephones, wire, radio, electromagnetic, photoelectronic or photo-optical system.(c)"Telecommunication service provider" means an entity engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text, voice, video

or data by wire or by wireless means, or entities engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above activities. The term does not include companies organized to do business as commercial broadcast radio stations, television stations or news organizations primarily serving in-state markets.(d)"Unlawful telecommunication device" means any electronic serial number, mobile identification number, personal identification number or any telecommunication device that is capable or has been altered, modified, programmed or reprogrammed alone or in conjunction with another access device or other equipment so as to be capable of acquiring or facilitating the acquisition of a telecommunication service without the consent of the telecommunication service provider. The term includes without limitation phones altered to obtain service without the consent of the telecommunication service provider, tumbler phones, counterfeit or clone phones, tumbler microchips, counterfeit or clone microchips, scanning receivers of wireless telecommunication service of a telecommunication service provider and other instruments capable of disguising their identity or location or of gaining access to a communications system operated by a telecommunication service provider.(2)(a)It shall be unlawful for any person to use a telecommunication device intending to avoid the payment of any lawful charge for service to the device.(b)It shall be unlawful for any person to knowingly, willfully and with intent to defraud a person providing telephone or telegraph service to avoid or attempt to avoid or to aid, abet or cause another to avoid the lawful charge in whole or in part for telephone or telegraph service by any of the following means:(i)By charging the service to an existing telephone number or credit card number without the authority of the subscriber thereto or the lawful holder thereof;(ii)By charging the service to a nonexistent telephone number or credit card number, or to a number associated with telephone service which is suspended or terminated, or to a revoked, cancelled or expired credit card number, notice of the suspension, termination, revocation or cancellation of the telephone service or credit card having been given to the subscriber thereto or the holder thereof;(iii)By use of a code, prearranged scheme, or other similar stratagem or device whereby the person, in effect, sends or receives information;(iv)By rearranging, tampering with, or making connection with telephone or telegraph facilities or equipment, whether physically, electrically, acoustically, inductively, or otherwise, or by using telephone or telegraph service with knowledge or reason to believe that the rearrangement, tampering or connection existed at the time of the use;(v)By using any other deception, false pretense, trick, scheme, device, conspiracy, or means, including the fraudulent use of false, altered, or stolen identification.(c)The first offense under this subsection shall be a misdemeanor and shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment not to exceed one (1) year, or both. A second or subsequent offense under this subsection shall be a felony and shall be punishable by a fine not to exceed Fifty Thousand Dollars (\$50,000.00) or commitment to the custody of the State Department of Corrections not to exceed ten (10) years, or both.(3)(a)It shall be unlawful for any person to make, possess, sell, give or otherwise transfer to another, or offer or advertise any instrument, apparatus, or device with intent to use it or with knowledge or reason to believe it is intended to be used to avoid any lawful telephone or telegraph toll charge or to conceal the existence or place of origin or destination of any telephone or telegraph message or to sell, give, or otherwise transfer to another or offer or advertise plans, instructions or any kit for making or assembling such an instrument, apparatus, or device with knowledge or reason to believe that the plans, instructions or kit may be used to make or assemble such an instrument, apparatus, or device.(b)Any person who possesses a telecommunications device with intent to sell or offer to sell to another, intending to avoid the payment of any lawful charge for service to the device or who makes, distributes, possesses, uses or assembles an unlawful telecommunication device or modifies, alters, programs or reprograms a telecommunications device designed, adapted or which can be used for commission of a theft of telecommunication service or to acquire or facilitate the acquisition of telecommunication service without the consent of the telecommunication service provider or to conceal or to assist another to conceal from any telecommunication service provider or from any lawful authority the existence or place of origin or of destination of any communication is guilty of a misdemeanor and shall be punished by imprisonment not to exceed one (1) year, a fine to not exceed Ten Thousand Dollars (\$10,000.00), or both. Any person who possesses ten (10) or more such unlawful telecommunication devices is guilty of a felony, and shall be punished by a fine not to exceed Fifty Thousand Dollars (\$50,000.00), commitment to the custody of the State Department of Corrections not to exceed ten (10) years, or both.(c)Any person who manufactures ten (10) or more telecommunications devices and intends to sell them to others intending to avoid the payment of any lawful charge for service to the device is guilty of a felony, and shall be punished by a fine not to exceed Fifty Thousand Dollars (\$50,000.00), commitment to the custody of the State Department of Corrections not to exceed ten (10) years, or both.(4)It shall be unlawful for any person to publish the number or code of an existing, canceled, revoked, expired, or nonexistent credit card, or the numbering or coding which is employed in the issuance of credit cards, with the intent that it be used or with knowledge or reason to believe that it will be used to avoid the payment of any lawful telephone or telegraph toll charge. For the purposes of this section, "publishes" means the communication of information to any one or more persons, either orally, in person or by telephone, radio or television, or electronic means, including without limitation a bulletin board system, or in a writing of any kind, including without limitation a letter or memorandum, circular or handbill, newspaper, magazine article, or book.(5)It shall be unlawful for any person who is the holder of a calling card, credit card, calling code, or any other means or device for the legal use of telecommunications services and who receives anything of value for knowingly allowing another person to use the means or device in order to fraudulently obtain telecommunication services.(6)(a)A person shall be guilty of theft of telecommunications services if, having control over the disposition of services of others to which he is not entitled, he knowingly diverts such services to his own benefit or to the benefit of another not entitled thereto. Theft of telecommunications services when the value of the services obtained or diverted is less than Fifty Dollars (\$50.00) shall be a misdemeanor. Theft of telecommunications services when the value of the services obtained or diverted is Fifty Dollars (\$50.00) or more shall be a felony and shall be punished by a fine not to exceed Ten Thousand Dollars (\$10,000.00), or commitment to the custody of the State Department of Corrections for a period not to exceed ten

(10) years, or both.(b)Amounts involved in theft of services committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the gravity of the offense.(7)The provisions of this section shall apply to any telecommunication service which either originates or terminates or both originates and terminates in this state or when the charges for service would have been billable, in normal course, by a person or entity providing telecommunication service in this state, but for the fact that the charge or service was avoided, or attempted to be avoided, by one or more means proscribed by this section.(8)Except as otherwise provided herein, the first offense under this section shall be a misdemeanor and shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment not to exceed one (1) year, or both. A second or subsequent offense under this section shall be a felony and shall be punishable by a fine not to exceed Fifty Thousand Dollars (\$50,000.00) or commitment to the custody of the State Department of Corrections not to exceed ten (10) years, or both.(9)Any person defrauded by any acts prohibited under this section shall be entitled to restitution for the entire amount of the charges avoided from any person or persons convicted under this section. The court may, in addition to any other sentence authorized by law, sentence a person convicted of violating this section to make restitution.(10)A telecommunication service provider aggrieved by a violation of this section may, in a civil action in any court of competent jurisdiction, obtain appropriate relief, including preliminary and other equitable or declaratory relief, compensatory and punitive damages, reasonable investigation expenses, costs of court and attorney fees.(11)Any instrument, apparatus, device, plans, instructions, kit, or written publication described in subsection (2) or (3) of this section may be seized under warrant or incident to a lawful arrest, and, upon the conviction of a person for a violation of this section, the instrument, apparatus, device, plans, instructions, or written publication may be destroyed as contraband as provided by law.Laws, 1995, ch. 411, § 1, eff. 7/1/1995. (1)The following words and phrases shall have the meanings ascribed herein unless the context clearly requires otherwise:(a)"Telecommunication device" means any type of instrument, device, machine, or equipment that is designed for or capable of transmitting or receiving telephonic, electronic or radio communications, or any part of such instrument, device, machine or equipment, or any computer circuit, computer chip, electronic mechanism or other component which is capable of facilitating the transmission or reception of telephonic, electronic or radio communications;(b)"Telecommunication service" means any service provided for a charge or compensation to facilitate the origination, transmission, emission or reception of signs, signals, data, writings, images and sounds or intelligence of any nature by telephone, including cellular telephones, wire, radio, electromagnetic, photoelectronic or photo-optical system.(c)"Telecommunication service provider" means an entity engaged in the creation, display, management, storage, processing, transmission or distribution for compensation of images, text, voice, video or data by wire or by wireless means, or entities engaged in the construction, design, development, manufacture, maintenance or distribution for compensation of devices, products, software or structures used in the above activities. The term does not include companies organized to do business as commercial broadcast radio stations, television stations or news organizations primarily serving in-state markets.(d)"Unlawful telecommunication device" means any electronic serial number, mobile identification number, personal identification number or any telecommunication device that is capable or has been altered, modified, programmed or reprogrammed alone or in conjunction with another access device or other equipment so as to be capable of acquiring or facilitating the acquisition of a telecommunication service without the consent of the telecommunication service provider. The term includes without limitation phones altered to obtain service without the consent of the telecommunication service provider, tumbler phones, counterfeit or clone phones, tumbler microchips, counterfeit or clone microchips, scanning receivers of wireless telecommunication service of a telecommunication service provider and other instruments capable of disguising their identity or location or of gaining access to a communications system operated by a telecommunication service provider.(2)(a)It shall be unlawful for any person to use a telecommunication device intending to avoid the payment of any lawful charge for service to the device.(b)It shall be unlawful for any person to knowingly, willfully and with intent to defraud a person providing telephone or telegraph service to avoid or attempt to avoid or to aid, abet or cause another to avoid the lawful charge in whole or in part for telephone or telegraph service by any of the following means:(i)By charging the service to an existing telephone number or credit card number without the authority of the subscriber thereto or the lawful holder thereof;(ii)By charging the service to a nonexistent telephone number or credit card number, or to a number associated with telephone service which is suspended or terminated, or to a revoked, cancelled or expired credit card number, notice of the suspension, termination, revocation or cancellation of the telephone service or credit card having been given to the subscriber thereto or the holder thereof;(iii)By use of a code, prearranged scheme, or other similar stratagem or device whereby the person, in effect, sends or receives information;(iv)By rearranging, tampering with, or making connection with telephone or telegraph facilities or equipment, whether physically, electrically, acoustically, inductively, or otherwise, or by using telephone or telegraph service with knowledge or reason to believe that the rearrangement, tampering or connection existed at the time of the use;(v)By using any other deception, false pretense, trick, scheme, device, conspiracy, or means, including the fraudulent use of false, altered, or stolen identification.(c)The first offense under this subsection shall be a misdemeanor and shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment not to exceed one (1) year, or both. A second or subsequent offense under this subsection shall be a felony and shall be punishable by a fine not to exceed Fifty Thousand Dollars (\$50,000.00) or commitment to the custody of the State Department of Corrections not to exceed ten (10) years, or both.(3)(a)It shall be unlawful for any person to make, possess, sell, give or otherwise transfer to another, or offer or advertise any instrument, apparatus, or device with intent to use it or with knowledge or reason to believe it is intended to be used to avoid any lawful telephone or telegraph toll charge or to conceal the existence or place of origin or destination of any telephone or telegraph message or to sell, give, or otherwise transfer to another or offer or advertise plans, instructions or any kit for making or assembling such an instrument, apparatus, or device with knowledge or reason to believe that the plans, instructions or kit may be used to make or assemble such an instrument, apparatus, or device.(b)Any person who possesses a telecommunications device with intent to sell or

offer to sell to another, intending to avoid the payment of any lawful charge for service to the device or who makes, distributes, possesses, uses or assembles an unlawful telecommunication device or modifies, alters, programs or reprograms a telecommunications device designed, adapted or which can be used for commission of a theft of telecommunication service or to acquire or facilitate the acquisition of telecommunication service without the consent of the telecommunication service provider or to conceal or to assist another to conceal from any telecommunication service provider or from any lawful authority the existence or place of origin or of destination of any communication is guilty of a misdemeanor and shall be punished by imprisonment not to exceed one (1) year, a fine to not exceed Ten Thousand Dollars (\$10,000.00), or both. Any person who possesses ten (10) or more such unlawful telecommunication devices is guilty of a felony, and shall be punished by a fine not to exceed Fifty Thousand Dollars (\$50,000.00), commitment to the custody of the State Department of Corrections not to exceed ten (10) years, or both.(c)Any person who manufactures ten (10) or more telecommunications devices and intends to sell them to others intending to avoid the payment of any lawful charge for service to the device is guilty of a felony, and shall be punished by a fine not to exceed Fifty Thousand Dollars (\$50,000.00), commitment to the custody of the State Department of Corrections not to exceed ten (10) years, or both.(4)It shall be unlawful for any person to publish the number or code of an existing, canceled, revoked, expired, or nonexistent credit card, or the numbering or coding which is employed in the issuance of credit cards, with the intent that it be used or with knowledge or reason to believe that it will be used to avoid the payment of any lawful telephone or telegraph toll charge. For the purposes of this section, "publishes" means the communication of information to any one or more persons, either orally, in person or by telephone, radio or television, or electronic means, including without limitation a bulletin board system, or in a writing of any kind, including without limitation a letter or memorandum, circular or handbill, newspaper, magazine article, or book.(5)It shall be unlawful for any person who is the holder of a calling card, credit card, calling code, or any other means or device for the legal use of telecommunications services and who receives anything of value for knowingly allowing another person to use the means or device in order to fraudulently obtain telecommunication services.(6)(a)A person shall be guilty of theft of telecommunications services if, having control over the disposition of services of others to which he is not entitled, he knowingly diverts such services to his own benefit or to the benefit of another not entitled thereto. Theft of telecommunications services when the value of the services obtained or diverted is less than Fifty Dollars (\$50.00) shall be a misdemeanor. Theft of telecommunications services when the value of the services obtained or diverted is Fifty Dollars (\$50.00) or more shall be a felony and shall be punished by a fine not to exceed Ten Thousand Dollars (\$10,000.00), or commitment to the custody of the State Department of Corrections for a period not to exceed ten (10) years, or both.(b)Amounts involved in theft of services committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the gravity of the offense.(7)The provisions of this section shall apply to any telecommunication service which either originates or terminates or both originates and terminates in this state or when the charges for service would have been billable, in normal course, by a person or entity providing telecommunication service in this state, but for the fact that the charge or service was avoided, or attempted to be avoided, by one or more means proscribed by this section.(8)Except as otherwise provided herein, the first offense under this section shall be a misdemeanor and shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment not to exceed one (1) year, or both. A second or subsequent offense under this section shall be a felony and shall be punishable by a fine not to exceed Fifty Thousand Dollars (\$50,000.00) or commitment to the custody of the State Department of Corrections not to exceed ten (10) years, or both.(9)Any person defrauded by any acts prohibited under this section shall be entitled to restitution for the entire amount of the charges avoided from any person or persons convicted under this section. The court may, in addition to any other sentence authorized by law, sentence a person convicted of violating this section to make restitution.(10)A telecommunication service provider aggrieved by a violation of this section may, in a civil action in any court of competent jurisdiction, obtain appropriate relief, including preliminary and other equitable or declaratory relief, compensatory and punitive damages, reasonable investigation expenses, costs of court and attorney fees.(11)Any instrument, apparatus, device, plans, instructions, kit, or written publication described in subsection (2) or (3) of this section may be seized under warrant or incident to a lawful arrest, and, upon the conviction of a person for a violation of this section, the instrument, apparatus, device, plans, instructions, or written publication may be destroyed as contraband as provided by law.Laws, 1995, ch. 411, § 1, eff. 7/1/1995. Laws, 1995, ch. 411, § 1, eff. 7/1/1995.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59)Section 97-25-55 - Aircraft piracy; boarding aircraft with dangerous or deadly weapon or instrument

(1)The offense of aircraft piracy is defined as the seizure or exercise of control, by force or violence or threat of force or violence, of any aircraft within the airspace jurisdiction of the State of Mississippi. Any person convicted of the offense of aircraft piracy shall suffer death or imprisonment for life in the state penitentiary.(2)The offense of assault with the intent to commit aircraft piracy is defined as an intimidation, threat, assault or battery toward any flight crew member or flight attendant (including any steward or stewardess) of such aircraft so as to interfere with the performance of duties by such member or attendant to perform his duties, with the intent to commit aircraft piracy as defined in subsection (1) of this section. Any person convicted of the offense of assault with intent to commit aircraft piracy shall serve a term not to exceed twenty (20) years or be fined a sum not to exceed ten thousand dollars (\$10,000.00), or both.Any person who, in the commission of such intimidation, threat, assault or battery with the intent to commit aircraft piracy, employs a dangerous or deadly weapon or other means capable of inflicting serious bodily injury shall serve a term not to exceed fifty (50) years or be fined a sum not to exceed twenty thousand dollars (\$20,000.00), or both.(3)Any person who boards an aircraft with a dangerous or deadly weapon or other means capable of inflicting serious bodily injury concealed upon

his person or effects shall, upon conviction, serve a term not to exceed ten (10) years or be fined a sum not to exceed five thousand dollars (\$5,000.00), or both. The prohibition of this subsection shall not apply to duly elected or appointed law enforcement officers or commercial security personnel who are in possession of weapons used within the course and scope of their employment; nor shall the prohibition apply to persons who are in possession of weapons or means with the consent of the owner of such aircraft, or his agent, or the lessee or bailee of such aircraft.(4)Anyone accused of violating subsection (1), (2) or (3) of this section shall be indicted and tried as provided by section99-11-19.Laws, 1974, ch. 576, § 2; Laws, 1977, ch. 458, § 9, eff. 4/13/1977. (1)The offense of aircraft piracy is defined as the seizure or exercise of control, by force or violence or threat of force or violence, of any aircraft within the airspace jurisdiction of the State of Mississippi. Any person convicted of the offense of aircraft piracy shall suffer death or imprisonment for life in the state penitentiary.(2)The offense of assault with the intent to commit aircraft piracy is defined as an intimidation, threat, assault or battery toward any flight crew member or flight attendant (including any steward or stewardess) of such aircraft so as to interfere with the performance of duties by such member or attendant to perform his duties, with the intent to commit aircraft piracy as defined in subsection (1) of this section. Any person convicted of the offense of assault with intent to commit aircraft piracy shall serve a term not to exceed twenty (20) years or be fined a sum not to exceed ten thousand dollars (\$10,000.00), or both.Any person who, in the commission of such intimidation, threat, assault or battery with the intent to commit aircraft piracy, employs a dangerous or deadly weapon or other means capable of inflicting serious bodily injury shall serve a term not to exceed fifty (50) years or be fined a sum not to exceed twenty thousand dollars (\$20,000.00), or both.(3)Any person who boards an aircraft with a dangerous or deadly weapon or other means capable of inflicting serious bodily injury concealed upon his person or effects shall, upon conviction, serve a term not to exceed ten (10) years or be fined a sum not to exceed five thousand dollars (\$5,000.00), or both. The prohibition of this subsection shall not apply to duly elected or appointed law enforcement officers or commercial security personnel who are in possession of weapons used within the course and scope of their employment; nor shall the prohibition apply to persons who are in possession of weapons or means with the consent of the owner of such aircraft, or his agent, or the lessee or bailee of such aircraft.(4)Anyone accused of violating subsection (1), (2) or (3) of this section shall be indicted and tried as provided by section99-11-19.Laws, 1974, ch. 576, § 2; Laws, 1977, ch. 458, § 9, eff. 4/13/1977. (1)The offense of aircraft piracy is defined as the seizure or exercise of control, by force or violence or threat of force or violence, of any aircraft within the airspace jurisdiction of the State of Mississippi. Any person convicted of the offense of aircraft piracy shall suffer death or imprisonment for life in the state penitentiary.(2)The offense of assault with the intent to commit aircraft piracy is defined as an intimidation, threat, assault or battery toward any flight crew member or flight attendant (including any steward or stewardess) of such aircraft so as to interfere with the performance of duties by such member or attendant to perform his duties, with the intent to commit aircraft piracy as defined in subsection (1) of this section. Any person convicted of the offense of assault with intent to commit aircraft piracy shall serve a term not to exceed twenty (20) years or be fined a sum not to exceed ten thousand dollars (\$10,000.00), or both.Any person who, in the commission of such intimidation, threat, assault or battery with the intent to commit aircraft piracy, employs a dangerous or deadly weapon or other means capable of inflicting serious bodily injury shall serve a term not to exceed fifty (50) years or be fined a sum not to exceed twenty thousand dollars (\$20,000.00), or both.(3)Any person who boards an aircraft with a dangerous or deadly weapon or other means capable of inflicting serious bodily injury concealed upon his person or effects shall, upon conviction, serve a term not to exceed ten (10) years or be fined a sum not to exceed five thousand dollars (\$5,000.00), or both. The prohibition of this subsection shall not apply to duly elected or appointed law enforcement officers or commercial security personnel who are in possession of weapons used within the course and scope of their employment; nor shall the prohibition apply to persons who are in possession of weapons or means with the consent of the owner of such aircraft, or his agent, or the lessee or bailee of such aircraft.(4)Anyone accused of violating subsection (1), (2) or (3) of this section shall be indicted and tried as provided by section99-11-19.Laws, 1974, ch. 576, § 2; Laws, 1977, ch. 458, § 9, eff. 4/13/1977. Any person who, in the commission of such intimidation, threat, assault or battery with the intent to commit aircraft piracy, employs a dangerous or deadly weapon or other means capable of inflicting serious bodily injury shall serve a term not to exceed fifty (50) years or be fined a sum not to exceed twenty thousand dollars (\$20,000.00), or both. Laws, 1974, ch. 576, § 2; Laws, 1977, ch. 458, § 9, eff. 4/13/1977.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59)Section 97-25-57 - Nuclear sabotage

Any person who shall, by any act or omission, (a) wilfully and maliciously destroy or cause or attempt to cause damage or loss to a nuclear electrical generating facility or its components, including the electrical transmission lines or switching equipment used in direct connection with such a facility; or (b) feloniously take, steal and carry away or remove, alter or otherwise render unusable or unsafe the spent or unspent nuclear fuel used or stored in a nuclear electrical generating facility or nuclear storage facility shall be guilty of the crime of nuclear sabotage and, upon conviction, shall be punished by imprisonment for a period of not less than one (1) year nor more than five (5) years or by a fine of not more than ten thousand dollars (\$10,000.00), or both.This section shall be construed to cover acts and omissions of persons employed at such nuclear facilities, or persons otherwise rightfully upon the premises of such a facility, as well as all other persons; provided, however, that this section does not apply to acts or omissions carried out in accordance with official rules or directives relating to plant operation, or within the scope of responsibility of judgment delegated to persons employed at such nuclear facilities.Laws, 1981, ch. 541, § 2, eff. 7/1/1981. Any person who shall, by any act or omission, (a) wilfully and maliciously destroy or cause or attempt to cause damage or loss to a nuclear electrical generating facility or its components, including the electrical transmission lines or switching equipment used in direct connection

with such a facility; or (b) feloniously take, steal and carry away or remove, alter or otherwise render unusable or unsafe the spent or unspent nuclear fuel used or stored in a nuclear electrical generating facility or nuclear storage facility shall be guilty of the crime of nuclear sabotage and, upon conviction, shall be punished by imprisonment for a period of not less than one (1) year nor more than five (5) years or by a fine of not more than ten thousand dollars (\$10,000.00), or both. This section shall be construed to cover acts and omissions of persons employed at such nuclear facilities, or persons otherwise rightfully upon the premises of such a facility, as well as all other persons; provided, however, that this section does not apply to acts or omissions carried out in accordance with official rules or directives relating to plant operation, or within the scope of responsibility of judgment delegated to persons employed at such nuclear facilities. Laws, 1981, ch. 541, § 2, eff. 7/1/1981. Any person who shall, by any act or omission, (a) wilfully and maliciously destroy or cause or attempt to cause damage or loss to a nuclear electrical generating facility or its components, including the electrical transmission lines or switching equipment used in direct connection with such a facility; or (b) feloniously take, steal and carry away or remove, alter or otherwise render unusable or unsafe the spent or unspent nuclear fuel used or stored in a nuclear electrical generating facility or nuclear storage facility shall be guilty of the crime of nuclear sabotage and, upon conviction, shall be punished by imprisonment for a period of not less than one (1) year nor more than five (5) years or by a fine of not more than ten thousand dollars (\$10,000.00), or both. This section shall be construed to cover acts and omissions of persons employed at such nuclear facilities, or persons otherwise rightfully upon the premises of such a facility, as well as all other persons; provided, however, that this section does not apply to acts or omissions carried out in accordance with official rules or directives relating to plant operation, or within the scope of responsibility of judgment delegated to persons employed at such nuclear facilities. Laws, 1981, ch. 541, § 2, eff. 7/1/1981.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59) Section 97-25-59 - Impeding critical infrastructure; critical infrastructure trespass; penalties

(1) Definition of "critical infrastructure facility." As used in this section, unless otherwise defined, "critical infrastructure facility" means: (a) Any portion of an oil, gas, carbon dioxide, hazardous liquid or chemical pipeline or tank that is buried or enclosed by a fence or other physical barrier obviously designed to exclude intruders, or clearly marked with a sign or signs reasonably likely to come to the attention of intruders and indicating that entry is forbidden without authorization. (b) One (1) of the following, if enclosed by a fence or other physical barrier obviously designed to exclude intruders, or if clearly marked with a sign or signs reasonably likely to come to the attention of intruders and indicating that entry is forbidden without authorization: (i) A chemical or polymer manufacturing facility; (ii) A telecommunications central switching office; (iii) Wireless or other telecommunications infrastructure, including cell towers, communication towers, telephone poles and lines, cable headend or fiber-optic lines, other than those connecting to individual residences; (iv) A transmission facility used by a federally licensed radio or television station, a governmental law enforcement or emergency services radio system, or electric utility; (v) A petroleum refinery; (vi) A liquid natural gas terminal or storage facility or compressed gas liquids plant or storage facility; (vii) A natural gas compressor station; (viii) A hydrocarbon processing plant, including a plant used in the processing, treatment or fractionation of oil, natural gas or natural gas liquids; (ix) A natural gas distribution utility facility, including transmission facilities, pipeline interconnections, a city gate or town border station, metering stations, piping, a regulator station or a natural gas storage facility; (x) A crude oil or refined products storage and distribution facility, including storage tanks, valve sites, pipeline interconnections, pump stations, metering stations, pipelines, or piping and truck loading or offloading facilities; (xi) An above-ground or underground mining facility; (xii) An electrical power generating facility, substation, switching station, communication facility, electrical control center or electric power lines and associated equipment infrastructure other than those connections to individual residences; (xiii) A data center or supercomputing center that has an average constant draw of at least one (1) megawatt of electricity; (xiv) A commercial airport, trucking terminal or other freight transportation facility, including a railroad switching yard, railroad facility or railroad track; (xv) Any reservoir that supplies water for industrial or municipal supplies or irrigation for multiple users or an irrigation district; or (xvi) A water intake structure, water treatment facility, wastewater treatment plant, pump station or water lines and associated equipment infrastructure other than those connections to individual residences. (c) Any site where the construction or improvement of any facility or structure referenced in this section is occurring. (2) Impeding critical infrastructure. (a) A person is guilty of impeding critical infrastructure if he or she intentionally or knowingly impedes the operations of a critical infrastructure facility in a manner not otherwise authorized by law. (b) Impeding critical infrastructure is: (i) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than One Thousand Dollars (\$1,000.00), or both, if the impediment causes damage or economic loss, the cost of which

is less than One Thousand Dollars (\$1,000.00);(ii)A felony punishable by imprisonment for not more than seven (7) years, a fine of not more than Ten Thousand Dollars (\$10,000.00), or both, if the impediment causes damage or economic loss, the cost of which is One Thousand Dollars (\$1,000.00) or more.(c)If a series of damage or loss results from a single continuing course of conduct, a single violation of this section may be charged and penalties imposed based on the aggregate cost of the damage or loss.(d)An organization that aids, abets, solicits, compensates, hires, conspires with, commands or procures a person to commit the crime of impeding critical infrastructure is subject to a fine not to exceed One Hundred Thousand Dollars (\$100,000.00), provided that the organization acted with the intent that the crime of impeding critical infrastructure be completed. A critical infrastructure facility may maintain a civil action against an organization for damages suffered as a consequence of a violation of this subsection, including damages for lost profits, whether or not any fine is imposed pursuant to this subsection.(e)No person shall be liable for a violation of paragraph (a) or (b) of this subsection if the person:(i)Owns or legally occupies the land upon which the critical infrastructure facility is located and is engaged in conduct that is not inconsistent with the operation of the critical infrastructure facility or that is authorized by an agreement;(ii)Is lawfully engaged in any regulatory or legal process to which the critical infrastructure facility is subject; or(iii)Is engaged in conduct arising out of a bona fide dispute about access to land.(f)As used in this subsection, "impede" means:(i)To block the operation of or prevent legal access to a critical infrastructure facility or the construction site of a permitted critical infrastructure facility; or(ii)To damage, destroy, deface or tamper with the equipment of a critical infrastructure facility, whether completed or under construction.(3)Critical infrastructure trespass.(a)A person is guilty of critical infrastructure trespass if he or she enters or remains on or in a critical infrastructure facility or the construction site of a permitted critical infrastructure facility knowing he is not authorized to do so, or by means of false, forged, altered or counterfeit identification, or after having been notified to depart or not to trespass. For purposes of this subsection, notice is given by:(i)Personal communication to the person by the owner or occupant, or his agent, or by a peace officer;(ii)Posting of signs reasonably likely to come to the attention of intruders; or(iii)The presence of fencing or other physical barrier designed to exclude intruders.(b)Critical infrastructure trespass is a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than One Thousand Dollars (\$1,000.00), or both.(c)No person shall be liable for a violation of paragraph (a) of this subsection if that person:(i)Owns or legally occupies the land upon which the facility is located and is engaged in conduct that is not inconsistent with the operation of the critical infrastructure facility or that is authorized by an agreement; or(ii)Is lawfully engaged in any regulatory or legal process to which the critical infrastructure facility is subject.(4)Nothing in this section shall be construed to prohibit:(a)Public demonstrations or other expressions of free speech or free association to the extent such activity is protected under the United States or Mississippi Constitutions;(b)Lawful commercial or recreational activities conducted in the open or unconfined areas around a pipeline, including, but not limited to, fishing, hunting, boating and birdwatching; or(c)The lawful exercise of the right of ownership by an owner of real property, including use, enjoyment and disposition within the limits and under the conditions established by law.Added by Laws, 2020, ch. 356, HB 1243,§ 1, eff. 7/1/2020. (1)Definition of "critical infrastructure facility."As used in this section, unless otherwise defined, "critical infrastructure facility" means:(a)Any portion of an oil, gas, carbon dioxide, hazardous liquid or chemical pipeline or tank that is buried or enclosed by a fence or other physical barrier obviously designed to exclude intruders, or clearly marked with a sign or signs reasonably likely to come to the attention of intruders and indicating that entry is forbidden without authorization.(b)One (1) of the following, if enclosed by a fence or other physical barrier obviously designed to exclude intruders, or if clearly marked with a sign or signs reasonably likely to come to the attention of intruders and indicating that entry is forbidden without authorization:(i)A chemical or polymer manufacturing facility;(ii)A telecommunications central switching office;(iii)Wireless or other telecommunications infrastructure, including cell towers, communication towers, telephone poles and lines, cable headend or fiber-optic lines, other than those connecting to individual residences;(iv)A transmission facility used by a federally licensed radio or television station, a governmental law enforcement or emergency services radio system, or electric utility;(v)A petroleum refinery;(vi)A liquid natural gas terminal or storage facility or compressed gas liquids plant or storage facility;(vii)A natural gas compressor station;(viii)A hydrocarbon processing plant, including a plant used in the processing, treatment or fractionation of oil, natural gas or natural gas liquids;(ix)A natural gas distribution utility facility, including transmission facilities, pipeline interconnections, a city gate or town border station, metering stations, piping, a regulator station or a natural gas storage facility;(x)A crude oil or refined products storage and distribution facility, including storage tanks, valve sites, pipeline interconnections, pump stations, metering stations, pipelines, or piping and truck loading or offloading facilities;(xi)An above-ground or underground mining facility;(xii)An electrical power generating facility, substation, switching station, communication facility, electrical control center or electric power lines and associated equipment infrastructure other than those connections to individual residences;(xiii)A data center or supercomputing center that has an average constant draw of at least one (1) megawatt of electricity;(xiv)A commercial airport, trucking terminal or other freight transportation facility, including a railroad switching yard, railroad facility or railroad track;(xv)Any reservoir that supplies water for industrial or municipal supplies or irrigation for multiple users or an irrigation district; or(xvi)A water intake structure, water treatment facility, wastewater treatment plant, pump station or water lines and associated equipment infrastructure other than those connections to individual residences.(c)Any site where the construction or improvement of any facility or structure referenced in this section is occurring.(2)Impeding critical infrastructure.(a)A person is guilty of impeding critical infrastructure if he or she intentionally or knowingly impedes the operations of a critical infrastructure facility in a manner not otherwise authorized by law.(b)Impeding critical infrastructure is:(i)A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than One Thousand Dollars (\$1,000.00), or both, if the impediment causes damage or economic loss, the cost of which is less than One Thousand Dollars (\$1,000.00);(ii)A felony punishable by imprisonment for not more than seven (7) years, a fine of not more than

Ten Thousand Dollars (\$10,000.00), or both, if the impediment causes damage or economic loss, the cost of which is One Thousand Dollars (\$1,000.00) or more.(c)If a series of damage or loss results from a single continuing course of conduct, a single violation of this section may be charged and penalties imposed based on the aggregate cost of the damage or loss.(d)An organization that aids, abets, solicits, compensates, hires, conspires with, commands or procures a person to commit the crime of impeding critical infrastructure is subject to a fine not to exceed One Hundred Thousand Dollars (\$100,000.00), provided that the organization acted with the intent that the crime of impeding critical infrastructure be completed. A critical infrastructure facility may maintain a civil action against an organization for damages suffered as a consequence of a violation of this subsection, including damages for lost profits, whether or not any fine is imposed pursuant to this subsection.(e)No person shall be liable for a violation of paragraph (a) or (b) of this subsection if the person:(i)Owns or legally occupies the land upon which the critical infrastructure facility is located and is engaged in conduct that is not inconsistent with the operation of the critical infrastructure facility or that is authorized by an agreement;(ii)Is lawfully engaged in any regulatory or legal process to which the critical infrastructure facility is subject; or(iii)Is engaged in conduct arising out of a bona fide dispute about access to land.(f)As used in this subsection, "impede" means:(i)To block the operation of or prevent legal access to a critical infrastructure facility or the construction site of a permitted critical infrastructure facility; or(ii)To damage, destroy, deface or tamper with the equipment of a critical infrastructure facility, whether completed or under construction.(3)Critical infrastructure trespass.(a)A person is guilty of critical infrastructure trespass if he or she enters or remains on or in a critical infrastructure facility or the construction site of a permitted critical infrastructure facility knowing he is not authorized to do so, or by means of false, forged, altered or counterfeit identification, or after having been notified to depart or not to trespass. For purposes of this subsection, notice is given by:(i)Personal communication to the person by the owner or occupant, or his agent, or by a peace officer;(ii)Posting of signs reasonably likely to come to the attention of intruders; or(iii)The presence of fencing or other physical barrier designed to exclude intruders.(b)Critical infrastructure trespass is a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than One Thousand Dollars (\$1,000.00), or both.(c)No person shall be liable for a violation of paragraph (a) of this subsection if that person:(i)Owns or legally occupies the land upon which the facility is located and is engaged in conduct that is not inconsistent with the operation of the critical infrastructure facility or that is authorized by an agreement; or(ii)Is lawfully engaged in any regulatory or legal process to which the critical infrastructure facility is subject.(4)Nothing in this section shall be construed to prohibit:(a)Public demonstrations or other expressions of free speech or free association to the extent such activity is protected under the United States or Mississippi Constitutions;(b)Lawful commercial or recreational activities conducted in the open or unconfined areas around a pipeline, including, but not limited to, fishing, hunting, boating and birdwatching; or(c)The lawful exercise of the right of ownership by an owner of real property, including use, enjoyment and disposition within the limits and under the conditions established by law.Added by Laws, 2020, ch. 356, HB 1243,§ 1, eff. 7/1/2020. (1)Definition of "critical infrastructure facility."As used in this section, unless otherwise defined, "critical infrastructure facility" means:(a)Any portion of an oil, gas, carbon dioxide, hazardous liquid or chemical pipeline or tank that is buried or enclosed by a fence or other physical barrier obviously designed to exclude intruders, or clearly marked with a sign or signs reasonably likely to come to the attention of intruders and indicating that entry is forbidden without authorization.(b)One (1) of the following, if enclosed by a fence or other physical barrier obviously designed to exclude intruders, or if clearly marked with a sign or signs reasonably likely to come to the attention of intruders and indicating that entry is forbidden without authorization:(i)A chemical or polymer manufacturing facility;(ii)A telecommunications central switching office;(iii)Wireless or other telecommunications infrastructure, including cell towers, communication towers, telephone poles and lines, cable headend or fiber-optic lines, other than those connecting to individual residences;(iv)A transmission facility used by a federally licensed radio or television station, a governmental law enforcement or emergency services radio system, or electric utility;(v)A petroleum refinery;(vi)A liquid natural gas terminal or storage facility or compressed gas liquids plant or storage facility;(vii)A natural gas compressor station;(viii)A hydrocarbon processing plant, including a plant used in the processing, treatment or fractionation of oil, natural gas or natural gas liquids;(ix)A natural gas distribution utility facility, including transmission facilities, pipeline interconnections, a city gate or town border station, metering stations, piping, a regulator station or a natural gas storage facility;(x)A crude oil or refined products storage and distribution facility, including storage tanks, valve sites, pipeline interconnections, pump stations, metering stations, pipelines, or piping and truck loading or offloading facilities;(xi)An above-ground or underground mining facility;(xii)An electrical power generating facility, substation, switching station, communication facility, electrical control center or electric power lines and associated equipment infrastructure other than those connections to individual residences;(xiii)A data center or supercomputing center that has an average constant draw of at least one (1) megawatt of electricity;(xiv)A commercial airport, trucking terminal or other freight transportation facility, including a railroad switching yard, railroad facility or railroad track;(xv)Any reservoir that supplies water for industrial or municipal supplies or irrigation for multiple users or an irrigation district; or(xvi)A water intake structure, water treatment facility, wastewater treatment plant, pump station or water lines and associated equipment infrastructure other than those connections to individual residences.(c)Any site where the construction or improvement of any facility or structure referenced in this section is occurring.(2)Impeding critical infrastructure.(a)A person is guilty of impeding critical infrastructure if he or she intentionally or knowingly impedes the operations of a critical infrastructure facility in a manner not otherwise authorized by law.(b)Impeding critical infrastructure is:(i)A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than One Thousand Dollars (\$1,000.00), or both, if the impediment causes damage or economic loss, the cost of which is less than One Thousand Dollars (\$1,000.00);(ii)A felony punishable by imprisonment for not more than seven (7) years, a fine of not more than Ten Thousand Dollars (\$10,000.00), or both, if the impediment causes damage or economic loss, the cost of which is One Thousand

Dollars (\$1,000.00) or more.(c)If a series of damage or loss results from a single continuing course of conduct, a single violation of this section may be charged and penalties imposed based on the aggregate cost of the damage or loss.(d)An organization that aids, abets, solicits, compensates, hires, conspires with, commands or procures a person to commit the crime of impeding critical infrastructure is subject to a fine not to exceed One Hundred Thousand Dollars (\$100,000.00), provided that the organization acted with the intent that the crime of impeding critical infrastructure be completed. A critical infrastructure facility may maintain a civil action against an organization for damages suffered as a consequence of a violation of this subsection, including damages for lost profits, whether or not any fine is imposed pursuant to this subsection.(e)No person shall be liable for a violation of paragraph (a) or (b) of this subsection if the person:(i)Owns or legally occupies the land upon which the critical infrastructure facility is located and is engaged in conduct that is not inconsistent with the operation of the critical infrastructure facility or that is authorized by an agreement;(ii)Is lawfully engaged in any regulatory or legal process to which the critical infrastructure facility is subject; or(iii)Is engaged in conduct arising out of a bona fide dispute about access to land.(f)As used in this subsection, "impede" means:(i)To block the operation of or prevent legal access to a critical infrastructure facility or the construction site of a permitted critical infrastructure facility; or(ii)To damage, destroy, deface or tamper with the equipment of a critical infrastructure facility, whether completed or under construction.(3)Critical infrastructure trespass.(a)A person is guilty of critical infrastructure trespass if he or she enters or remains on or in a critical infrastructure facility or the construction site of a permitted critical infrastructure facility knowing he is not authorized to do so, or by means of false, forged, altered or counterfeit identification, or after having been notified to depart or not to trespass. For purposes of this subsection, notice is given by:(i)Personal communication to the person by the owner or occupant, or his agent, or by a peace officer;(ii)Posting of signs reasonably likely to come to the attention of intruders; or(iii)The presence of fencing or other physical barrier designed to exclude intruders.(b)Critical infrastructure trespass is a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than One Thousand Dollars (\$1,000.00), or both.(c)No person shall be liable for a violation of paragraph (a) of this subsection if that person:(i)Owns or legally occupies the land upon which the facility is located and is engaged in conduct that is not inconsistent with the operation of the critical infrastructure facility or that is authorized by an agreement; or(ii)Is lawfully engaged in any regulatory or legal process to which the critical infrastructure facility is subject.(4)Nothing in this section shall be construed to prohibit:(a)Public demonstrations or other expressions of free speech or free association to the extent such activity is protected under the United States or Mississippi Constitutions;(b)Lawful commercial or recreational activities conducted in the open or unconfined areas around a pipeline, including, but not limited to, fishing, hunting, boating and birdwatching; or(c)The lawful exercise of the right of ownership by an owner of real property, including use, enjoyment and disposition within the limits and under the conditions established by law.Added by Laws, 2020, ch. 356, HB 1243,§ 1, eff. 7/1/2020. Added by Laws, 2020, ch. 356, HB 1243,§ 1, eff. 7/1/2020.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59)Section 97-25-7 - Railroads; driving vehicle or livestock on track

Any person who shall ride, drive any vehicle, drive any cattle, horses, mules or other livestock along or on any railroad track open and operated for traffic, unless by permission of the owners of said track, or their agent, shall be guilty of a misdemeanor and be fined not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00). The penalty hereof shall not be incurred by operating a street railroad or by crossing a track.Codes, 1892, § 1267; 1906, § 1342; Hemingway's 1917, § 1076; 1930, § 1106; 1942, § 2342; Laws, 1981, ch. 541, § 5, eff. 7/1/1981. Any person who shall ride, drive any vehicle, drive any cattle, horses, mules or other livestock along or on any railroad track open and operated for traffic, unless by permission of the owners of said track, or their agent, shall be guilty of a misdemeanor and be fined not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00). The penalty hereof shall not be incurred by operating a street railroad or by crossing a track.Codes, 1892, § 1267; 1906, § 1342; Hemingway's 1917, § 1076; 1930, § 1106; 1942, § 2342; Laws, 1981, ch. 541, § 5, eff. 7/1/1981. Any person who shall ride, drive any vehicle, drive any cattle, horses, mules or other livestock along or on any railroad track open and operated for traffic, unless by permission of the owners of said track, or their agent, shall be guilty of a misdemeanor and be fined not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00). The penalty hereof shall not be incurred by operating a street railroad or by crossing a track.Codes, 1892, § 1267; 1906, § 1342; Hemingway's 1917, § 1076; 1930, § 1106; 1942, § 2342; Laws, 1981, ch. 541, § 5, eff. 7/1/1981. Any person who shall ride, drive any vehicle, drive any cattle, horses, mules or other livestock along or on any railroad track open and operated for traffic, unless by permission of the owners of said track, or their agent, shall be guilty of a misdemeanor and be fined not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00). The penalty hereof shall not be incurred by operating a street railroad or by crossing a track. Codes, 1892, § 1267; 1906, § 1342; Hemingway's 1917, § 1076; 1930, § 1106; 1942, § 2342; Laws, 1981, ch. 541, § 5, eff. 7/1/1981.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 25 - OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS (§§ 97-25-1 — 97-25-59)Section 97-25-9 - Railroads; embezzlement of tickets

If any officer, agent, clerk, or employee of any railroad company, shall fraudulently embezzle, dispose of, or convert to his own use any passenger railroad ticket or tickets, whether such tickets be fully prepared for use or not, or who shall use such tickets which have been once used, and which have come to his hands or charge by virtue of his office or employment, he shall be punished by imprisonment in the penitentiary not exceeding five years, or by fine not exceeding one thousand dollars.Codes, 1892, § 1067; 1906,

§ 1145; Hemingway's 1917, § 873; 1930, § 898; 1942, § 2124. If any officer, agent, clerk, or employee of any railroad company, shall fraudulently embezzle, dispose of, or convert to his own use any passenger railroad ticket or tickets, whether such tickets be fully prepared for use or not, or who shall use such tickets which have been once used, and which have come to his hands or charge by virtue of his office or employment, he shall be punished by imprisonment in the penitentiary not exceeding five years, or by fine not exceeding one thousand dollars. Codes, 1892, § 1067; 1906, § 1145; Hemingway's 1917, § 873; 1930, § 898; 1942, § 2124. If any officer, agent, clerk, or employee of any railroad company, shall fraudulently embezzle, dispose of, or convert to his own use any passenger railroad ticket or tickets, whether such tickets be fully prepared for use or not, or who shall use such tickets which have been once used, and which have come to his hands or charge by virtue of his office or employment, he shall be punished by imprisonment in the penitentiary not exceeding five years, or by fine not exceeding one thousand dollars. Codes, 1892, § 1067; 1906, § 1145; Hemingway's 1917, § 873; 1930, § 898; 1942, § 2124. If any officer, agent, clerk, or employee of any railroad company, shall fraudulently embezzle, dispose of, or convert to his own use any passenger railroad ticket or tickets, whether such tickets be fully prepared for use or not, or who shall use such tickets which have been once used, and which have come to his hands or charge by virtue of his office or employment, he shall be punished by imprisonment in the penitentiary not exceeding five years, or by fine not exceeding one thousand dollars. Codes, 1892, § 1067; 1906, § 1145; Hemingway's 1917, § 873; 1930, § 898; 1942, § 2124.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 27 - CRIMES AFFECTING PUBLIC HEALTH (§§ 97-27-1 — 97-27-35) Section 97-27-1 - Adulteration of food, drugs or candy

If any person shall manufacture, sell or keep or offer or exhibit for sale any adulterated food, or drug, as defined by law; or if any person shall manufacture, sell, or keep or offer or exhibit for sale any candy, confection, or sweetmeat, in making which any preparation of lime or other deleterious substance is used, he shall, upon conviction, be fined not exceeding five hundred dollars, or be imprisoned in the county jail not more than six months, or both. Codes, 1880, § 2744; 1892, § 952; 1906, § 1028; Hemingway's 1917, § 753; 1930, § 771; 1942, § 1997. If any person shall manufacture, sell or keep or offer or exhibit for sale any adulterated food, or drug, as defined by law; or if any person shall manufacture, sell, or keep or offer or exhibit for sale any candy, confection, or sweetmeat, in making which any preparation of lime or other deleterious substance is used, he shall, upon conviction, be fined not exceeding five hundred dollars, or be imprisoned in the county jail not more than six months, or both. Codes, 1880, § 2744; 1892, § 952; 1906, § 1028; Hemingway's 1917, § 753; 1930, § 771; 1942, § 1997. If any person shall manufacture, sell or keep or offer or exhibit for sale any adulterated food, or drug, as defined by law; or if any person shall manufacture, sell, or keep or offer or exhibit for sale any candy, confection, or sweetmeat, in making which any preparation of lime or other deleterious substance is used, he shall, upon conviction, be fined not exceeding five hundred dollars, or be imprisoned in the county jail not more than six months, or both. Codes, 1880, § 2744; 1892, § 952; 1906, § 1028; Hemingway's 1917, § 753; 1930, § 771; 1942, § 1997. If any person shall manufacture, sell or keep or offer or exhibit for sale any adulterated food, or drug, as defined by law; or if any person shall manufacture, sell, or keep or offer or exhibit for sale any candy, confection, or sweetmeat, in making which any preparation of lime or other deleterious substance is used, he shall, upon conviction, be fined not exceeding five hundred dollars, or be imprisoned in the county jail not more than six months, or both. Codes, 1880, § 2744; 1892, § 952; 1906, § 1028; Hemingway's 1917, § 753; 1930, § 771; 1942, § 1997.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 27 - CRIMES AFFECTING PUBLIC HEALTH (§§ 97-27-1 — 97-27-35) Section 97-27-10 - Definition of harmful substances

As used in Sections 97-27-10 through 97-27-12: (a) "Harmful biological substance" means a bacteria, virus or other microorganism or a toxic substance derived from or produced by an organism that can be used to cause death, injury or disease in humans, animals or plants. (b) "Harmful biological device" means a device designed or intended to release a harmful biological substance. (c) "Harmful chemical substance" means a solid, liquid, or gas that through its chemical or physical properties, along or in combination with one or more other chemical substances, can be used to cause death, injury or disease in humans, animals or plants. (d) "Harmful chemical device" means a device that is designed or intended to release a harmful chemical substance. (e) "Harmful radioactive material" means material that is radioactive and that can be used to cause death, injury or disease in humans, animals or growing plants by its radioactivity. (f) "Harmful radioactive device" means a device that is designed or intended to release a harmful radioactive material. Laws, 2002, ch. 310, § 1, eff. 3/14/2002. As used in Sections 97-27-10 through 97-27-12: (a) "Harmful biological substance" means a bacteria, virus or other microorganism or a toxic substance derived from or produced by an organism that can be used to cause death, injury or disease in humans, animals or plants. (b) "Harmful biological device" means a device designed or intended to release a harmful biological substance. (c) "Harmful chemical substance" means a solid, liquid, or gas that through its chemical or physical properties, along or in combination with one or more other chemical substances, can be used to cause death, injury or disease in humans, animals or plants. (d) "Harmful chemical device" means a device that is designed or intended to release a harmful chemical substance. (e) "Harmful radioactive material" means material that is radioactive and that can be used to cause death, injury or disease in humans, animals or growing plants by its radioactivity. (f) "Harmful radioactive device" means a device that is designed or intended to release a harmful radioactive material. Laws, 2002, ch. 310, § 1, eff. 3/14/2002. As used in Sections 97-27-10 through 97-27-12: (a) "Harmful biological substance" means a bacteria, virus or other microorganism or a toxic substance derived from or produced by an organism that can be used to cause death, injury or disease in humans, animals or plants. (b) "Harmful biological device" means a device designed or intended to release a harmful biological substance. (c) "Harmful chemical substance" means a solid, liquid, or gas that through its chemical or physical properties, along or in combination with one

or more other chemical substances, can be used to cause death, injury or disease in humans, animals or plants.(d)"Harmful chemical device" means a device that is designed or intended to release a harmful chemical substance.(e)"Harmful radioactive material" means material that is radioactive and that can be used to cause death, injury or disease in humans, animals or growing plants by its radioactivity.(f)"Harmful radioactive device" means a device that is designed or intended to release a harmful radioactive material.Laws, 2002, ch. 310, § 1, eff. 3/14/2002. As used in Sections97-27-10through97-27-12: Laws, 2002, ch. 310, § 1, eff. 3/14/2002.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 27 - CRIMES AFFECTING PUBLIC HEALTH (§§ 97-27-1 — 97-27-35)Section 97-27-11 - Introduction of harmful biological substances into Mississippi prohibited; development, manufacture or possession of harmful biological substances prohibited except for authorized purposes; penalties

(1)It shall be unlawful for any person to willfully and knowingly import, bring or send into this state a harmful biological substance including smallpox, anthrax or any other contagious or infectious disease, with the design to unlawfully spread the same or assist in spreading the same with intent to cause harm to human, animal or plant life and it shall likewise be unlawful for any person to develop, manufacture or possess such harmful biological substances, except for purposes authorized by law.(2)A person convicted of subsection (1) shall be guilty of a felony and, upon conviction, shall be fined not more than One Hundred Thousand Dollars (\$100,000.00), and be imprisoned not more than twenty (20) years in the State Penitentiary, or both.Codes, 1857, ch. 64, art. 64; 1871, § 2719; 1880, § 2760; 1892, § 1008; 1906, § 1085; Hemingway's 1917, § 811; 1930, § 834; 1942, § 2060; Laws, 2002, ch. 310, § 2, eff. 3/14/2002. (1)It shall be unlawful for any person to willfully and knowingly import, bring or send into this state a harmful biological substance including smallpox, anthrax or any other contagious or infectious disease, with the design to unlawfully spread the same or assist in spreading the same with intent to cause harm to human, animal or plant life and it shall likewise be unlawful for any person to develop, manufacture or possess such harmful biological substances, except for purposes authorized by law.(2)A person convicted of subsection (1) shall be guilty of a felony and, upon conviction, shall be fined not more than One Hundred Thousand Dollars (\$100,000.00), and be imprisoned not more than twenty (20) years in the State Penitentiary, or both.Codes, 1857, ch. 64, art. 64; 1871, § 2719; 1880, § 2760; 1892, § 1008; 1906, § 1085; Hemingway's 1917, § 811; 1930, § 834; 1942, § 2060; Laws, 2002, ch. 310, § 2, eff. 3/14/2002. (1)It shall be unlawful for any person to willfully and knowingly import, bring or send into this state a harmful biological substance including smallpox, anthrax or any other contagious or infectious disease, with the design to unlawfully spread the same or assist in spreading the same with intent to cause harm to human, animal or plant life and it shall likewise be unlawful for any person to develop, manufacture or possess such harmful biological substances, except for purposes authorized by law.(2)A person convicted of subsection (1) shall be guilty of a felony and, upon conviction, shall be fined not more than One Hundred Thousand Dollars (\$100,000.00), and be imprisoned not more than twenty (20) years in the State Penitentiary, or both.Codes, 1857, ch. 64, art. 64; 1871, § 2719; 1880, § 2760; 1892, § 1008; 1906, § 1085; Hemingway's 1917, § 811; 1930, § 834; 1942, § 2060; Laws, 2002, ch. 310, § 2, eff. 3/14/2002. Codes, 1857, ch. 64, art. 64; 1871, § 2719; 1880, § 2760; 1892, § 1008; 1906, § 1085; Hemingway's 1917, § 811; 1930, § 834; 1942, § 2060; Laws, 2002, ch. 310, § 2, eff. 3/14/2002.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 27 - CRIMES AFFECTING PUBLIC HEALTH (§§ 97-27-1 — 97-27-35)Section 97-27-12 - Unlawful hoaxes intended to cause belief that exposure to certain harmful substances or devices has occurred; penalties; imposition of costs for individual or governmental response to unlawful hoax

(1)It shall be unlawful for any person to commit an act intended to cause another person or persons to falsely believe that said person or persons have been exposed to a harmful biological substance, harmful biological device, harmful chemical substance, harmful chemical device, harmful radioactive material or harmful radioactive device.(2)Any person convicted of subsection (1) of this section shall be guilty of a felony, and, upon conviction, shall be punished by imprisonment in the State Penitentiary for not more than five (5) years or shall be fined not more than Ten Thousand Dollars (\$10,000.00), or both.(3)In addition to any such imprisonment and/or fine which may be imposed upon a violation of subsection (1) of this section, the court shall also order that any person convicted for such violation shall reimburse any individual or governmental agency for the expenses incurred as a result of the violation.Laws, 2002, ch. 310, § 3, eff. 3/14/2002. (1)It shall be unlawful for any person to commit an act intended to cause another person or persons to falsely believe that said person or persons have been exposed to a harmful biological substance, harmful biological device, harmful chemical substance, harmful chemical device, harmful radioactive material or harmful radioactive device.(2)Any person convicted of subsection (1) of this section shall be guilty of a felony, and, upon conviction, shall be punished by imprisonment in the State Penitentiary for not more than five (5) years or shall be fined not more than Ten Thousand Dollars (\$10,000.00), or both.(3)In addition to any such imprisonment and/or fine

which may be imposed upon a violation of subsection (1) of this section, the court shall also order that any person convicted for such violation shall reimburse any individual or governmental agency for the expenses incurred as a result of the violation. Laws, 2002, ch. 310, § 3, eff. 3/14/2002. Laws, 2002, ch. 310, § 3, eff. 3/14/2002.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 27 - CRIMES AFFECTING PUBLIC HEALTH (§§ 97-27-1 — 97-27-35) Section 97-27-13 - Contagious diseases; smallpox patient not to go abroad

A person having recently had the smallpox shall not, until after having obtained a certificate of the attending physician, and of his person qualified to give such certificate, of his recovery, or other being perfectly clean in his person and clothes, remove from the place where he shall have had the smallpox, to go abroad in the company of other persons who have not had the disease, or go into any public road or highway where travelers usually pass, without retiring out of the same or giving notice on the approach of any passenger, or go into any public place, or into any railroad car or coach, or upon any steamboat, under the penalty of one hundred dollars fine, or thirty days imprisonment in the county jail, or both. Codes, 1871, § 2738; 1880, § 2761; 1892, § 1009; 1906, § 1086; Hemingway's 1917, § 812; 1930, § 835; 1942, § 2061. A person having recently had the smallpox shall not, until after having obtained a certificate of the attending physician, and of his person qualified to give such certificate, of his recovery, or other being perfectly clean in his person and clothes, remove from the place where he shall have had the smallpox, to go abroad in the company of other persons who have not had the disease, or go into any public road or highway where travelers usually pass, without retiring out of the same or giving notice on the approach of any passenger, or go into any public place, or into any railroad car or coach, or upon any steamboat, under the penalty of one hundred dollars fine, or thirty days imprisonment in the county jail, or both. Codes, 1871, § 2738; 1880, § 2761; 1892, § 1009; 1906, § 1086; Hemingway's 1917, § 812; 1930, § 835; 1942, § 2061. A person having recently had the smallpox shall not, until after having obtained a certificate of the attending physician, and of his person qualified to give such certificate, of his recovery, or other being perfectly clean in his person and clothes, remove from the place where he shall have had the smallpox, to go abroad in the company of other persons who have not had the disease, or go into any public road or highway where travelers usually pass, without retiring out of the same or giving notice on the approach of any passenger, or go into any public place, or into any railroad car or coach, or upon any steamboat, under the penalty of one hundred dollars fine, or thirty days imprisonment in the county jail, or both. Codes, 1871, § 2738; 1880, § 2761; 1892, § 1009; 1906, § 1086; Hemingway's 1917, § 812; 1930, § 835; 1942, § 2061. A person having recently had the smallpox shall not, until after having obtained a certificate of the attending physician, and of his person qualified to give such certificate, of his recovery, or other being perfectly clean in his person and clothes, remove from the place where he shall have had the smallpox, to go abroad in the company of other persons who have not had the disease, or go into any public road or highway where travelers usually pass, without retiring out of the same or giving notice on the approach of any passenger, or go into any public place, or into any railroad car or coach, or upon any steamboat, under the penalty of one hundred dollars fine, or thirty days imprisonment in the county jail, or both. Codes, 1871, § 2738; 1880, § 2761; 1892, § 1009; 1906, § 1086; Hemingway's 1917, § 812; 1930, § 835; 1942, § 2061.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 27 - CRIMES AFFECTING PUBLIC HEALTH (§§ 97-27-1 — 97-27-35) Section 97-27-14 - Contagious diseases; causing exposure to human immunodeficiency virus (HIV)

(1) It shall be unlawful for any person to knowingly expose another person to human immunodeficiency virus (HIV), hepatitis B or hepatitis C. Prior knowledge and willing consent to the exposure is a defense to a charge brought under this subsection. A violation of this subsection shall be a felony. (2)(a) A person commits the crime of endangerment by bodily substance if the person attempts to cause or knowingly causes a corrections employee, a visitor to a correctional facility or another prisoner or offender to come into contact with blood, seminal fluid, urine, feces or saliva. (b) As used in this subsection, the following definitions shall apply unless the context clearly requires otherwise: (i) "Corrections employee" means a person who is an employee or contracted employee of a subcontractor of a department or agency responsible for operating a jail, prison, correctional facility or a person who is assigned to work in a jail, prison or correctional facility. (ii) "Offender" means a person who is in the custody of the Department of Corrections. (iii) "Prisoner" means a person confined in a county or city jail. (c) A violation of this subsection is a misdemeanor unless the person violating this section knows that he is infected with human immunodeficiency virus (HIV), hepatitis B or hepatitis C, in which case it is a felony. (3) Any person convicted of a felony violation of this section shall be imprisoned for not less than three (3) years nor more than ten (10) years and a fine of not more than Ten Thousand Dollars (\$10,000.00), or both. (4) Any person guilty of a misdemeanor violation of this section shall be punished by imprisonment in the county jail for up to one (1) year and may be fined One Thousand Dollars (\$1,000.00), or both. (5) The provisions of this section shall be in addition to any other provisions of law for which the actions described in this section may be prosecuted. Laws, 2004, ch. 468, § 1; Laws, 2007, ch. 490, § 1, eff. 7/1/2007. (1) It shall be unlawful for any person to knowingly expose another person to human immunodeficiency virus (HIV), hepatitis B or hepatitis C. Prior knowledge and willing consent to the exposure is a defense to a charge brought under this subsection. A violation of this subsection shall be a felony. (2)(a) A person commits the crime of endangerment by bodily substance if the person attempts to cause or knowingly causes a corrections employee, a visitor to a correctional facility or another prisoner or offender to come into contact with blood, seminal fluid, urine, feces or saliva. (b) As used in this subsection, the following definitions shall apply unless the context clearly requires otherwise: (i) "Corrections employee" means a person who is an employee or contracted employee of a subcontractor of a department or agency responsible for operating a jail, prison, correctional facility or a person who is assigned to work in a jail, prison or correctional facility. (ii) "Offender" means a person who is in the custody of the Department of

Corrections.(iii)"Prisoner" means a person confined in a county or city jail.(c)A violation of this subsection is a misdemeanor unless the person violating this section knows that he is infected with human immunodeficiency virus (HIV), hepatitis B or hepatitis C, in which case it is a felony.(3)Any person convicted of a felony violation of this section shall be imprisoned for not less than three (3) years nor more than ten (10) years and a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(4)Any person guilty of a misdemeanor violation of this section shall be punished by imprisonment in the county jail for up to one (1) year and may be fined One Thousand Dollars (\$1,000.00), or both.(5)The provisions of this section shall be in addition to any other provisions of law for which the actions described in this section may be prosecuted.Laws, 2004, ch. 468, § 1; Laws, 2007, ch. 490, § 1, eff. 7/1/2007. (1)It shall be unlawful for any person to knowingly expose another person to human immunodeficiency virus (HIV), hepatitis B or hepatitis C. Prior knowledge and willing consent to the exposure is a defense to a charge brought under this subsection. A violation of this subsection shall be a felony.(2)(a)A person commits the crime of endangerment by bodily substance if the person attempts to cause or knowingly causes a corrections employee, a visitor to a correctional facility or another prisoner or offender to come into contact with blood, seminal fluid, urine, feces or saliva.(b)As used in this subsection, the following definitions shall apply unless the context clearly requires otherwise:(i)"Corrections employee" means a person who is an employee or contracted employee of a subcontractor of a department or agency responsible for operating a jail, prison, correctional facility or a person who is assigned to work in a jail, prison or correctional facility.(ii)"Offender" means a person who is in the custody of the Department of Corrections.(iii)"Prisoner" means a person confined in a county or city jail.(c)A violation of this subsection is a misdemeanor unless the person violating this section knows that he is infected with human immunodeficiency virus (HIV), hepatitis B or hepatitis C, in which case it is a felony.(3)Any person convicted of a felony violation of this section shall be imprisoned for not less than three (3) years nor more than ten (10) years and a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(4)Any person guilty of a misdemeanor violation of this section shall be punished by imprisonment in the county jail for up to one (1) year and may be fined One Thousand Dollars (\$1,000.00), or both.(5)The provisions of this section shall be in addition to any other provisions of law for which the actions described in this section may be prosecuted.Laws, 2004, ch. 468, § 1; Laws, 2007, ch. 490, § 1, eff. 7/1/2007. Laws, 2004, ch. 468, § 1; Laws, 2007, ch. 490, § 1, eff. 7/1/2007.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 27 - CRIMES AFFECTING PUBLIC HEALTH (§§ 97-27-1 — 97-27-35)Section 97-27-15 - Food sales; selling meat of animal not slaughtered, or unwholesome bread or drink

Any butcher or other person who shall knowingly sell the flesh of any animal dying otherwise than by slaughter, or slaughtered when diseased, or any baker, brewer, distiller, or other person, who shall knowingly sell unwholesome bread or drink, shall, on conviction thereof, be punished by imprisonment in the penitentiary not more than five years nor less than one year.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(14); 1857, ch. 64, art. 216; 1871, § 2703; 1880, § 2939; 1892, § 1262; 1906, § 1337; Hemingway's 1917, § 1071; 1930, § 1100; 1942, § 2336. Any butcher or other person who shall knowingly sell the flesh of any animal dying otherwise than by slaughter, or slaughtered when diseased, or any baker, brewer, distiller, or other person, who shall knowingly sell unwholesome bread or drink, shall, on conviction thereof, be punished by imprisonment in the penitentiary not more than five years nor less than one year.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(14); 1857, ch. 64, art. 216; 1871, § 2703; 1880, § 2939; 1892, § 1262; 1906, § 1337; Hemingway's 1917, § 1071; 1930, § 1100; 1942, § 2336. Any butcher or other person who shall knowingly sell the flesh of any animal dying otherwise than by slaughter, or slaughtered when diseased, or any baker, brewer, distiller, or other person, who shall knowingly sell unwholesome bread or drink, shall, on conviction thereof, be punished by imprisonment in the penitentiary not more than five years nor less than one year.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(14); 1857, ch. 64, art. 216; 1871, § 2703; 1880, § 2939; 1892, § 1262; 1906, § 1337; Hemingway's 1917, § 1071; 1930, § 1100; 1942, § 2336. Any butcher or other person who shall knowingly sell the flesh of any animal dying otherwise than by slaughter, or slaughtered when diseased, or any baker, brewer, distiller, or other person, who shall knowingly sell unwholesome bread or drink, shall, on conviction thereof, be punished by imprisonment in the penitentiary not more than five years nor less than one year. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(14); 1857, ch. 64, art. 216; 1871, § 2703; 1880, § 2939; 1892, § 1262; 1906, § 1337; Hemingway's 1917, § 1071; 1930, § 1100; 1942, § 2336.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 27 - CRIMES AFFECTING PUBLIC HEALTH (§§ 97-27-1 — 97-27-35)Section 97-27-17 - Food sales; flour and other provisions

Any person who shall knowingly and wilfully sell, or hold or offer for sale, any tainted, putrid, unsound, unwholesome, unmerchantable flour, or other provisions, as sound and good; or shall practice any fraud or deception, to put off and sell any damaged, unsound, or unmerchantable provisions, shall, upon conviction, be punished by fine not exceeding five hundred dollars, or imprisonment in the county jail not more than thirty days, or both.Codes, 1857, ch. 64, art. 217; 1871, § 2704; 1880, § 2940; 1892, § 1263; 1906, § 1338; Hemingway's 1917, § 1072; 1930, § 1101; 1942, § 2337. Any person who shall knowingly and wilfully sell, or hold or offer for sale, any tainted, putrid, unsound, unwholesome, unmerchantable flour, or other provisions, as sound and good; or shall practice any fraud or deception, to put off and sell any damaged, unsound, or unmerchantable provisions, shall, upon conviction, be punished by fine not exceeding five hundred dollars, or imprisonment in the county jail not more than thirty days, or both.Codes, 1857, ch. 64, art. 217; 1871, § 2704; 1880, § 2940; 1892, § 1263; 1906, § 1338; Hemingway's 1917, § 1072; 1930, § 1101; 1942, § 2337. Any person who shall knowingly and wilfully sell, or hold or offer for sale, any tainted, putrid, unsound, unwholesome, unmerchantable flour, or other provisions, as sound and good; or shall practice any fraud or deception, to put off and

sell any damaged, unsound, or unmerchantable provisions, shall, upon conviction, be punished by fine not exceeding five hundred dollars, or imprisonment in the county jail not more than thirty days, or both. Codes, 1857, ch. 64, art. 217; 1871, § 2704; 1880, § 2940; 1892, § 1263; 1906, § 1338; Hemingway's 1917, § 1072; 1930, § 1101; 1942, § 2337. Any person who shall knowingly and wilfully sell, or hold or offer for sale, any tainted, putrid, unsound, unwholesome, unmerchantable flour, or other provisions, as sound and good; or shall practice any fraud or deception, to put off and sell any damaged, unsound, or unmerchantable provisions, shall, upon conviction, be punished by fine not exceeding five hundred dollars, or imprisonment in the county jail not more than thirty days, or both. Codes, 1857, ch. 64, art. 217; 1871, § 2704; 1880, § 2940; 1892, § 1263; 1906, § 1338; Hemingway's 1917, § 1072; 1930, § 1101; 1942, § 2337.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 27 - CRIMES AFFECTING PUBLIC HEALTH (§§ 97-27-1 — 97-27-35) Section 97-27-19 - Food sales; meat; sale of flesh of dead, diseased, and unclean animals; punishment

If any person shall sell or offer for sale as human food, the flesh of any animal which shall have died a natural death, or been killed or injured by any accident; or shall sell, or offer for sale, or ship for sale, as human food, the flesh of any diseased animal, or of any dog, cat, or other like unclean animal, such person shall be fined, on conviction, not less than one hundred dollars and imprisoned not less than thirty days. Codes, 1892, § 1264; 1906, § 1339; Hemingway's 1917, § 1073; 1930, § 1102; 1942, § 2338. If any person shall sell or offer for sale as human food, the flesh of any animal which shall have died a natural death, or been killed or injured by any accident; or shall sell, or offer for sale, or ship for sale, as human food, the flesh of any diseased animal, or of any dog, cat, or other like unclean animal, such person shall be fined, on conviction, not less than one hundred dollars and imprisoned not less than thirty days. Codes, 1892, § 1264; 1906, § 1339; Hemingway's 1917, § 1073; 1930, § 1102; 1942, § 2338. If any person shall sell or offer for sale as human food, the flesh of any animal which shall have died a natural death, or been killed or injured by any accident; or shall sell, or offer for sale, or ship for sale, as human food, the flesh of any diseased animal, or of any dog, cat, or other like unclean animal, such person shall be fined, on conviction, not less than one hundred dollars and imprisoned not less than thirty days. Codes, 1892, § 1264; 1906, § 1339; Hemingway's 1917, § 1073; 1930, § 1102; 1942, § 2338. If any person shall sell or offer for sale as human food, the flesh of any animal which shall have died a natural death, or been killed or injured by any accident; or shall sell, or offer for sale, or ship for sale, as human food, the flesh of any diseased animal, or of any dog, cat, or other like unclean animal, such person shall be fined, on conviction, not less than one hundred dollars and imprisoned not less than thirty days. Codes, 1892, § 1264; 1906, § 1339; Hemingway's 1917, § 1073; 1930, § 1102; 1942, § 2338.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 27 - CRIMES AFFECTING PUBLIC HEALTH (§§ 97-27-1 — 97-27-35) Section 97-27-21 - Poisons; sale and giving away regulated

It shall not be lawful for any apothecary, druggist, or other person to sell or give away any article belonging to the class of medicines usually denominated poisons, except in compliance with Sections 97-27-23 and 97-27-25. Codes, 1857, ch. 31, art. 1; 1871, § 2742; 1880, § 2930; 1892, § 1248; 1906, § 1323; Hemingway's 1917, § 1056; 1930, § 1087; 1942, § 2320. It shall not be lawful for any apothecary, druggist, or other person to sell or give away any article belonging to the class of medicines usually denominated poisons, except in compliance with Sections 97-27-23 and 97-27-25. Codes, 1857, ch. 31, art. 1; 1871, § 2742; 1880, § 2930; 1892, § 1248; 1906, § 1323; Hemingway's 1917, § 1056; 1930, § 1087; 1942, § 2320. It shall not be lawful for any apothecary, druggist, or other person to sell or give away any article belonging to the class of medicines usually denominated poisons, except in compliance with Sections 97-27-23 and 97-27-25. Codes, 1857, ch. 31, art. 1; 1871, § 2742; 1880, § 2930; 1892, § 1248; 1906, § 1323; Hemingway's 1917, § 1056; 1930, § 1087; 1942, § 2320. It shall not be lawful for any apothecary, druggist, or other person to sell or give away any article belonging to the class of medicines usually denominated poisons, except in compliance with Sections 97-27-23 and 97-27-25. Codes, 1857, ch. 31, art. 1; 1871, § 2742; 1880, § 2930; 1892, § 1248; 1906, § 1323; Hemingway's 1917, § 1056; 1930, § 1087; 1942, § 2320.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 27 - CRIMES AFFECTING PUBLIC HEALTH (§§ 97-27-1 — 97-27-35) Section 97-27-23 - Poisons; register to be kept; label

Every druggist, apothecary, or other person, who shall sell or give away except on the written prescription of a physician, any article of medicine belonging to the class usually known as poisons, shall be required to register in a book kept for that purpose, the name, place of residence, age, sex, and color of the person obtaining such poison, the quantity sold, the purpose for which it was required, the day and date on which it was obtained, and the name and place of abode of the person for whom the article is intended; and he shall carefully mark the word "poison" upon the label or wrapper of each package. Codes, 1857, ch. 31, art. 2; 1871, § 2743; 1880, § 2931; 1892, § 1249; 1906, § 1324; Hemingway's 1917, § 1057; 1930, § 1088; 1942, § 2321. Every druggist, apothecary, or other person, who shall sell or give away except on the written prescription of a physician, any article of medicine belonging to the class usually known as poisons, shall be required to register in a book kept for that purpose, the name, place of residence, age, sex, and color of the person obtaining such poison, the quantity sold, the purpose for which it was required, the day and date on which it was obtained, and the name and place of abode of the person for whom the article is intended; and he shall carefully mark the word "poison" upon the label or wrapper of each package. Codes, 1857, ch. 31, art. 2; 1871, § 2743; 1880, § 2931; 1892, § 1249; 1906, § 1324; Hemingway's 1917, § 1057; 1930, § 1088; 1942, § 2321. Every druggist, apothecary, or other person, who shall sell or give away except on the written prescription of a physician, any article of medicine belonging to the class usually known as poisons, shall

be required to register in a book kept for that purpose, the name, place of residence, age, sex, and color of the person obtaining such poison, the quantity sold, the purpose for which it was required, the day and date on which it was obtained, and the name and place of abode of the person for whom the article is intended; and he shall carefully mark the word "poison" upon the label or wrapper of each package. Codes, 1857, ch. 31, art. 2; 1871, § 2743; 1880, § 2931; 1892, § 1249; 1906, § 1324; Hemingway's 1917, § 1057; 1930, § 1088; 1942, § 2321. Every druggist, apothecary, or other person, who shall sell or give away except on the written prescription of a physician, any article of medicine belonging to the class usually known as poisons, shall be required to register in a book kept for that purpose, the name, place of residence, age, sex, and color of the person obtaining such poison, the quantity sold, the purpose for which it was required, the day and date on which it was obtained, and the name and place of abode of the person for whom the article is intended; and he shall carefully mark the word "poison" upon the label or wrapper of each package. Codes, 1857, ch. 31, art. 2; 1871, § 2743; 1880, § 2931; 1892, § 1249; 1906, § 1324; Hemingway's 1917, § 1057; 1930, § 1088; 1942, § 2321.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 27 - CRIMES AFFECTING PUBLIC HEALTH (§§ 97-27-1 — 97-27-35) Section 97-27-25 - Poisons; arsenic to be mixed with soot or indigo

A druggist, apothecary, or other person shall not sell or give away, except to physicians, any quantity of arsenic less than one pound without first mixing soot or indigo therewith in the proportion of one ounce of soot or half an ounce of indigo to the pound of arsenic. Codes, 1857, ch. 31, art. 4; 1871, § 2744; 1880, § 2932; 1892, § 1250; 1906, § 1325; Hemingway's 1917, § 1058; 1930, § 1089; 1942, § 2322. A druggist, apothecary, or other person shall not sell or give away, except to physicians, any quantity of arsenic less than one pound without first mixing soot or indigo therewith in the proportion of one ounce of soot or half an ounce of indigo to the pound of arsenic. Codes, 1857, ch. 31, art. 4; 1871, § 2744; 1880, § 2932; 1892, § 1250; 1906, § 1325; Hemingway's 1917, § 1058; 1930, § 1089; 1942, § 2322. A druggist, apothecary, or other person shall not sell or give away, except to physicians, any quantity of arsenic less than one pound without first mixing soot or indigo therewith in the proportion of one ounce of soot or half an ounce of indigo to the pound of arsenic. Codes, 1857, ch. 31, art. 4; 1871, § 2744; 1880, § 2932; 1892, § 1250; 1906, § 1325; Hemingway's 1917, § 1058; 1930, § 1089; 1942, § 2322. A druggist, apothecary, or other person shall not sell or give away, except to physicians, any quantity of arsenic less than one pound without first mixing soot or indigo therewith in the proportion of one ounce of soot or half an ounce of indigo to the pound of arsenic. Codes, 1857, ch. 31, art. 4; 1871, § 2744; 1880, § 2932; 1892, § 1250; 1906, § 1325; Hemingway's 1917, § 1058; 1930, § 1089; 1942, § 2322.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 27 - CRIMES AFFECTING PUBLIC HEALTH (§§ 97-27-1 — 97-27-35) Section 97-27-27 - Poisons; arsenic or other deadly poison not to be used in embalming fluid

A druggist, apothecary, or other person shall not sell or give away any embalming fluid for embalming the dead, which contains arsenic or other deadly poisons; nor shall any embalmer use any fluid containing arsenic or other deadly poison in embalming the dead. Codes, 1906, § 1326; Hemingway's 1917, § 1059; 1930, § 1090; 1942, § 2323. A druggist, apothecary, or other person shall not sell or give away any embalming fluid for embalming the dead, which contains arsenic or other deadly poisons; nor shall any embalmer use any fluid containing arsenic or other deadly poison in embalming the dead. Codes, 1906, § 1326; Hemingway's 1917, § 1059; 1930, § 1090; 1942, § 2323. A druggist, apothecary, or other person shall not sell or give away any embalming fluid for embalming the dead, which contains arsenic or other deadly poisons; nor shall any embalmer use any fluid containing arsenic or other deadly poison in embalming the dead. Codes, 1906, § 1326; Hemingway's 1917, § 1059; 1930, § 1090; 1942, § 2323. A druggist, apothecary, or other person shall not sell or give away any embalming fluid for embalming the dead, which contains arsenic or other deadly poisons; nor shall any embalmer use any fluid containing arsenic or other deadly poison in embalming the dead. Codes, 1906, § 1326; Hemingway's 1917, § 1059; 1930, § 1090; 1942, § 2323. A druggist, apothecary, or other person shall not sell or give away any embalming fluid for embalming the dead, which contains arsenic or other deadly poisons; nor shall any embalmer use any fluid containing arsenic or other deadly poison in embalming the dead. Codes, 1906, § 1326; Hemingway's 1917, § 1059; 1930, § 1090; 1942, § 2323.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 27 - CRIMES AFFECTING PUBLIC HEALTH (§§ 97-27-1 — 97-27-35) Section 97-27-29 - Poisons; penalty for violation of certain sections

Any person who shall violate the provisions of Sections 97-27-23, 97-27-25, or 97-27-27, on conviction, shall be fined not exceeding five hundred dollars, or confined in the county jail thirty days, or both. Codes, 1857, ch. 31, art. 5; 1871, § 2745; 1880, § 2933; 1892, § 1251; 1906, § 1327; Hemingway's 1917, § 1060; 1930, § 1091; 1942, § 2324. Any person who shall violate the provisions of Sections 97-27-23, 97-27-25, or 97-27-27, on conviction, shall be fined not exceeding five hundred dollars, or confined in the county jail thirty days, or both. Codes, 1857, ch. 31, art. 5; 1871, § 2745; 1880, § 2933; 1892, § 1251; 1906, § 1327; Hemingway's 1917, § 1060; 1930, § 1091; 1942, § 2324. Any person who shall violate the provisions of Sections 97-27-23, 97-27-25, or 97-27-27, on conviction, shall be fined not exceeding five hundred dollars, or confined in the county jail thirty days, or both. Codes, 1857, ch. 31, art. 5; 1871, § 2745; 1880, § 2933; 1892, § 1251; 1906, § 1327; Hemingway's 1917, § 1060; 1930, § 1091; 1942, § 2324. Any person who shall violate the provisions of Sections 97-27-23, 97-27-25, or 97-27-27, on conviction, shall be fined not exceeding five hundred dollars, or confined in the county jail thirty days, or both. Codes, 1857, ch. 31, art. 5; 1871, § 2745; 1880, § 2933; 1892, § 1251; 1906, § 1327; Hemingway's 1917, § 1060; 1930, § 1091; 1942, § 2324.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 27 - CRIMES AFFECTING PUBLIC HEALTH (§§ 97-27-1 — 97-27-35) Section 97-27-3 - Animals and fowl; diseased animals and fowl to be confined and

segregated; burial

Owners of cattle, horses, mules, sheep, jacks and jennets dying of charbon or glanders or anything of the fowl species dying of cholera, or hogs dying of any disease on their premises, and which fact may be known to them, are hereby required to quick lime and bury such two feet from surface of ground, or burn the same within twenty-four hours from the death thereof. Any person or persons having herds or flocks, infected with any of the diseases enumerated in this section shall be required to confine same, upon his or her premises, in a manner that will seclude them from contact with other non-infected herds or flocks. Any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in a sum not less than five dollars or more than twenty-five dollars for each offense. Codes, Hemingway's 1917, §§ 761 et seq.; 1930, § 779; 1942, § 2005; Laws, 1914, ch. 133. Owners of cattle, horses, mules, sheep, jacks and jennets dying of charbon or glanders or anything of the fowl species dying of cholera, or hogs dying of any disease on their premises, and which fact may be known to them, are hereby required to quick lime and bury such two feet from surface of ground, or burn the same within twenty-four hours from the death thereof. Any person or persons having herds or flocks, infected with any of the diseases enumerated in this section shall be required to confine same, upon his or her premises, in a manner that will seclude them from contact with other non-infected herds or flocks. Any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in a sum not less than five dollars or more than twenty-five dollars for each offense. Codes, Hemingway's 1917, §§ 761 et seq.; 1930, § 779; 1942, § 2005; Laws, 1914, ch. 133. Owners of cattle, horses, mules, sheep, jacks and jennets dying of charbon or glanders or anything of the fowl species dying of cholera, or hogs dying of any disease on their premises, and which fact may be known to them, are hereby required to quick lime and bury such two feet from surface of ground, or burn the same within twenty-four hours from the death thereof. Any person or persons having herds or flocks, infected with any of the diseases enumerated in this section shall be required to confine same, upon his or her premises, in a manner that will seclude them from contact with other non-infected herds or flocks. Any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in a sum not less than five dollars or more than twenty-five dollars for each offense. Codes, Hemingway's 1917, §§ 761 et seq.; 1930, § 779; 1942, § 2005; Laws, 1914, ch. 133.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 27 - CRIMES AFFECTING PUBLIC HEALTH (§§ 97-27-1 — 97-27-35) Section 97-27-31 - Poisons; not to be sold to minors

A druggist, apothecary, or other person shall not sell or give away any poison to any minor, and for so doing he shall be punished as for a misdemeanor. Codes, 1857, ch. 31, art. 3; 1880, § 2934; 1892, § 1252; 1906, § 1328; Hemingway's 1917, § 1061; 1930, § 1092; 1942, § 2325. A druggist, apothecary, or other person shall not sell or give away any poison to any minor, and for so doing he shall be punished as for a misdemeanor. Codes, 1857, ch. 31, art. 3; 1880, § 2934; 1892, § 1252; 1906, § 1328; Hemingway's 1917, § 1061; 1930, § 1092; 1942, § 2325. A druggist, apothecary, or other person shall not sell or give away any poison to any minor, and for so doing he shall be punished as for a misdemeanor. Codes, 1857, ch. 31, art. 3; 1880, § 2934; 1892, § 1252; 1906, § 1328; Hemingway's 1917, § 1061; 1930, § 1092; 1942, § 2325. A druggist, apothecary, or other person shall not sell or give away any poison to any minor, and for so doing he shall be punished as for a misdemeanor. Codes, 1857, ch. 31, art. 3; 1880, § 2934; 1892, § 1252; 1906, § 1328; Hemingway's 1917, § 1061; 1930, § 1092; 1942, § 2325.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 27 - CRIMES AFFECTING PUBLIC HEALTH (§§ 97-27-1 — 97-27-35) Section 97-27-33 - Poisons; inhalation of toxic vapors from model glue; unlawful glue sales to minors

(1) It shall be unlawful for any person to intentionally smell or inhale the fumes of any type of model glue for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system; or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental processes. (2) As used in this section, the term "model glue" shall mean any glue or cement of the type commonly used in the building of model airplanes, boats and automobiles and which contains one or more of the following volatile solvents: (a) toluol, (b) hexane, (c) trichlorethylene, (d) acetone, (e) toluene, (f) ethyl acetate, (g) methyl ethyl ketone, (h) trichlorochthane, (i) isopropanol, (j) methyl isobutyl ketone, (k) methyl cellosolve acetate, (l) cyclohexanone, or (m) any other solvent, material, substance, chemical or combination thereof having the property of releasing toxic vapors. (3) It shall be unlawful for any person to sell or otherwise transfer possession of any type of model glue to any minor for any purpose whatsoever, unless the minor receiving possession of the model glue is the child or ward of and under the lawful custody of such person. (4) Any person violating any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00), or imprisoned for not more than ninety (90) days, or both, for each such offense. Codes, 1942, §

2329.5; Laws, 1968, ch. 347, §§ 1-4, eff. 8/11/1968. (1)It shall be unlawful for any person to intentionally smell or inhale the fumes of any type of model glue for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system; or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental processes.(2)As used in this section, the term "model glue" shall mean any glue or cement of the type commonly used in the building of model airplanes, boats and automobiles and which contains one or more of the following volatile

solvents:(a)toluol,(b)hexane,(c)trichlorethylene,(d)acetone,(e)toluene,(f)ethyl acetate,(g)methyl ethyl

ketone,(h)trichlorochthane,(i)isopropanol,(j)methyl isobutyl ketone,(k)methyl cellosolve acetate,(l)cyclohexanone, or(m)any other solvent, material, substance, chemical or combination thereof having the property of releasing toxic vapors.(3)It shall be unlawful for any person to sell or otherwise transfer possession of any type of model glue to any minor for any purpose whatsoever, unless the minor receiving possession of the model glue is the child or ward of and under the lawful custody of such person.(4)Any person violating any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00), or imprisoned for not more than ninety (90) days, or both, for each such offense.Codes, 1942, § 2329.5; Laws, 1968, ch. 347, §§ 1-4, eff. 8/11/1968. (1)It shall be unlawful for any person to intentionally smell or inhale the fumes of any type of model glue for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system; or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental processes.(2)As used in this section, the term "model glue" shall mean any glue or cement of the type commonly used in the building of model airplanes, boats and automobiles and which contains one or more of the following volatile

solvents:(a)toluol,(b)hexane,(c)trichlorethylene,(d)acetone,(e)toluene,(f)ethyl acetate,(g)methyl ethyl

ketone,(h)trichlorochthane,(i)isopropanol,(j)methyl isobutyl ketone,(k)methyl cellosolve acetate,(l)cyclohexanone, or(m)any other solvent, material, substance, chemical or combination thereof having the property of releasing toxic vapors.(3)It shall be unlawful for any person to sell or otherwise transfer possession of any type of model glue to any minor for any purpose whatsoever, unless the minor receiving possession of the model glue is the child or ward of and under the lawful custody of such person.(4)Any person violating any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00), or imprisoned for not more than ninety (90) days, or both, for each such offense.Codes, 1942, § 2329.5; Laws, 1968, ch. 347, §§ 1-4, eff. 8/11/1968. Codes, 1942, § 2329.5; Laws, 1968, ch. 347, §§ 1-4, eff. 8/11/1968.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 27 - CRIMES AFFECTING PUBLIC HEALTH (§§ 97-27-1 — 97-27-35)Section 97-27-5 - Animals and fowl; selling, exposing or using animal with infectious disease

If any person shall knowingly sell or offer for sale, or use or expose, or shall cause or procure to be sold or offered for sale, or used or exposed, any horse or other animal having the disease known as glanders or farcy, or any other like contagious or infectious disease, he shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than twenty-five dollars nor more than two hundred dollars, or imprisoned in the county jail not exceeding four months; or both.Codes, 1880, § 809; 1892, § 1010; 1906, § 1087; Hemingway's 1917, § 813; 1930, § 836; 1942, § 2062. If any person shall knowingly sell or offer for sale, or use or expose, or shall cause or procure to be sold or offered for sale, or used or exposed, any horse or other animal having the disease known as glanders or farcy, or any other like contagious or infectious disease, he shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than twenty-five dollars nor more than two hundred dollars, or imprisoned in the county jail not exceeding four months; or both.Codes, 1880, § 809; 1892, § 1010; 1906, § 1087; Hemingway's 1917, § 813; 1930, § 836; 1942, § 2062. If any person shall knowingly sell or offer for sale, or use or expose, or shall cause or procure to be sold or offered for sale, or used or exposed, any horse or other animal having the disease known as glanders or farcy, or any other like contagious or infectious disease, he shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than twenty-five dollars nor more than two hundred dollars, or imprisoned in the county jail not exceeding four months; or both.Codes, 1880, § 809; 1892, § 1010; 1906, § 1087; Hemingway's 1917, § 813; 1930, § 836; 1942, § 2062. If any person shall knowingly sell or offer for sale, or use or expose, or shall cause or procure to be sold or offered for sale, or used or exposed, any horse or other animal having the disease known as glanders or farcy, or any other like contagious or infectious disease, he shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than twenty-five dollars nor more than two hundred dollars, or imprisoned in the county jail not exceeding four months; or both. Codes, 1880, § 809; 1892, § 1010; 1906, § 1087; Hemingway's 1917, § 813; 1930, § 836; 1942, § 2062.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 27 - CRIMES AFFECTING PUBLIC HEALTH (§§ 97-27-1 — 97-27-35)Section 97-27-7 - Animals and fowl; glandered animals to be reported to board of supervisors; destruction or quarantine of diseased animals

If any person, being the owner or having the charge of any animal diseased with the glanders or farcy, shall not deprive the animal of life or closely confine it remote from all other animals liable to contract the disease, he shall be guilty of a misdemeanor and, on conviction, shall be punished as provided in Section97-41-13.Whenever a case of glanders or farcy is reported to the president of the board of supervisors, he may employ a competent veterinary surgeon, if necessary, at the expense of the county. If such veterinary surgeon declare the animal or animals affected with the glanders or farcy the sheriff shall immediately kill the animal or animals, for which service he shall be allowed not more than two dollars for each animal destroyed, to be paid out of the county treasury. And

the said board of supervisors are hereby authorized and empowered, in the discretion of said board, to allow to the owner of said animal or animals, to be paid out of the county treasury, such sum therefor as the board may deem proper. If any owner of stock, having good reason to suspect that his stock is diseased shall fail to report to the president of the board, or if any official named in this section shall fail to perform the duties herein imposed, such offender shall, on conviction, be fined not less than twenty-five dollars or more than two hundred dollars, or shall be imprisoned in the county jail for a term not exceeding two months or both. The board of supervisors when any animal shall have been exposed to glanders or farcy and not actually infected, may order all such animals to be quarantined until such time as the danger of contagion shall have passed, and the place where such animals are kept shall also be quarantined. Codes, 1880, § 810; 1892, § 1019; 1906, § 1096; Hemingway's 1917, § 822; 1930, § 846; 1942, § 2072; Laws, 1914, ch. 136. If any person, being the owner or having the charge of any animal diseased with the glanders or farcy, shall not deprive the animal of life or closely confine it remote from all other animals liable to contract the disease, he shall be guilty of a misdemeanor and, on conviction, shall be punished as provided in Section 97-41-13. Whenever a case of glanders or farcy is reported to the president of the board of supervisors, he may employ a competent veterinary surgeon, if necessary, at the expense of the county. If such veterinary surgeon declare the animal or animals affected with the glanders or farcy the sheriff shall immediately kill the animal or animals, for which service he shall be allowed not more than two dollars for each animal destroyed, to be paid out of the county treasury. And the said board of supervisors are hereby authorized and empowered, in the discretion of said board, to allow to the owner of said animal or animals, to be paid out of the county treasury, such sum therefor as the board may deem proper. If any owner of stock, having good reason to suspect that his stock is diseased shall fail to report to the president of the board, or if any official named in this section shall fail to perform the duties herein imposed, such offender shall, on conviction, be fined not less than twenty-five dollars or more than two hundred dollars, or shall be imprisoned in the county jail for a term not exceeding two months or both. The board of supervisors when any animal shall have been exposed to glanders or farcy and not actually infected, may order all such animals to be quarantined until such time as the danger of contagion shall have passed, and the place where such animals are kept shall also be quarantined. Codes, 1880, § 810; 1892, § 1019; 1906, § 1096; Hemingway's 1917, § 822; 1930, § 846; 1942, § 2072; Laws, 1914, ch. 136. If any person, being the owner or having the charge of any animal diseased with the glanders or farcy, shall not deprive the animal of life or closely confine it remote from all other animals liable to contract the disease, he shall be guilty of a misdemeanor and, on conviction, shall be punished as provided in Section 97-41-13. Whenever a case of glanders or farcy is reported to the president of the board of supervisors, he may employ a competent veterinary surgeon, if necessary, at the expense of the county. If such veterinary surgeon declare the animal or animals affected with the glanders or farcy the sheriff shall immediately kill the animal or animals, for which service he shall be allowed not more than two dollars for each animal destroyed, to be paid out of the county treasury. And the said board of supervisors are hereby authorized and empowered, in the discretion of said board, to allow to the owner of said animal or animals, to be paid out of the county treasury, such sum therefor as the board may deem proper. If any owner of stock, having good reason to suspect that his stock is diseased shall fail to report to the president of the board, or if any official named in this section shall fail to perform the duties herein imposed, such offender shall, on conviction, be fined not less than twenty-five dollars or more than two hundred dollars, or shall be imprisoned in the county jail for a term not exceeding two months or both. The board of supervisors when any animal shall have been exposed to glanders or farcy and not actually infected, may order all such animals to be quarantined until such time as the danger of contagion shall have passed, and the place where such animals are kept shall also be quarantined. Codes, 1880, § 810; 1892, § 1019; 1906, § 1096; Hemingway's 1917, § 822; 1930, § 846; 1942, § 2072; Laws, 1914, ch. 136. If any person, being the owner or having the charge of any animal diseased with the glanders or farcy, shall not deprive the animal of life or closely confine it remote from all other animals liable to contract the disease, he shall be guilty of a misdemeanor and, on conviction, shall be punished as provided in Section 97-41-13. Whenever a case of glanders or farcy is reported to the president of the board of supervisors, he may employ a competent veterinary surgeon, if necessary, at the expense of the county. If such veterinary surgeon declare the animal or animals affected with the glanders or farcy the sheriff shall immediately kill the animal or animals, for which service he shall be allowed not more than two dollars for each animal destroyed, to be paid out of the county treasury. And the said board of supervisors are hereby authorized and empowered, in the discretion of said board, to allow to the owner of said animal or animals, to be paid out of the county treasury, such sum therefor as the board may deem proper. If any owner of stock, having good reason to suspect that his stock is diseased shall fail to report to the president of the board, or if any official named in this section shall fail to perform the duties herein imposed, such offender shall, on conviction, be fined not less than twenty-five dollars or more than two hundred dollars, or shall be imprisoned in the county jail for a term not exceeding two months or both. The board of supervisors when any animal shall have been exposed to glanders or farcy and not actually infected, may order all such animals to be quarantined until such time as the danger of contagion shall have passed, and the place where such animals are kept shall also be quarantined. Codes, 1880, § 810; 1892, § 1019; 1906, § 1096; Hemingway's 1917, § 822; 1930, § 846; 1942, § 2072; Laws, 1914, ch. 136.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 27 - CRIMES AFFECTING PUBLIC HEALTH (§§ 97-27-1 — 97-27-35) Section 97-27-9 - Beaches; bringing or leaving breakable containers or other injurious debris upon established beaches

(1) Whoever shall bring, put, throw, dump or leave on any established beach any cans, bottles, jars, glassware or broken glass, or any debris of any kind that might cause injury to barefoot persons using the beach, shall be guilty of a misdemeanor and punished as provided for in subsection (3) of this section. (2) For the purposes of this section, "established beach" shall include any sand beach, natural or man-made, along any natural coastline or inland lake within the State of Mississippi designated or used for public

recreational purposes.(3)Any person who shall be found guilty of the violation of this section shall, upon conviction, be fined in a sum not exceeding twenty dollars (\$20.00) for each offense.Codes, 1942, § 2018.7; Laws, 1964, ch. 342, §§ 1-3, eff. 5/15/1964.

(1)Whoever shall bring, put, throw, dump or leave on any established beach any cans, bottles, jars, glassware or broken glass, or any debris of any kind that might cause injury to barefoot persons using the beach, shall be guilty of a misdemeanor and punished as provided for in subsection (3) of this section.(2)For the purposes of this section, "established beach" shall include any sand beach, natural or man-made, along any natural coastline or inland lake within the State of Mississippi designated or used for public recreational purposes.(3)Any person who shall be found guilty of the violation of this section shall, upon conviction, be fined in a sum not exceeding twenty dollars (\$20.00) for each offense.Codes, 1942, § 2018.7; Laws, 1964, ch. 342, §§ 1-3, eff. 5/15/1964.

(1)Whoever shall bring, put, throw, dump or leave on any established beach any cans, bottles, jars, glassware or broken glass, or any debris of any kind that might cause injury to barefoot persons using the beach, shall be guilty of a misdemeanor and punished as provided for in subsection (3) of this section.(2)For the purposes of this section, "established beach" shall include any sand beach, natural or man-made, along any natural coastline or inland lake within the State of Mississippi designated or used for public recreational purposes.(3)Any person who shall be found guilty of the violation of this section shall, upon conviction, be fined in a sum not exceeding twenty dollars (\$20.00) for each offense.Codes, 1942, § 2018.7; Laws, 1964, ch. 342, §§ 1-3, eff. 5/15/1964.

Codes, 1942, § 2018.7; Laws, 1964, ch. 342, §§ 1-3, eff. 5/15/1964.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109)IN GENERAL (§§ 97-29-1 — 97-29-65)Section 97-29-1 - Adultery and fornication; unlawful cohabitation

If any man and woman shall unlawfully cohabit, whether in adultery or fornication, they shall be fined in any sum not more than five hundred dollars each, and imprisoned in the county jail not more than six months; and it shall not be necessary, to constitute the offense, that the parties shall dwell together publicly as husband and wife, but it may be proved by circumstances which show habitual sexual intercourse.Codes, Hutchinson's 1848, ch. 64, art. 1(58); 1857, ch. 64, art. 8; 1871, § 2486; 1880, § 2700; 1892, § 953; 1906, § 1029; Hemingway's 1917, § 754; 1930, § 772; 1942, § 1998. If any man and woman shall unlawfully cohabit, whether in adultery or fornication, they shall be fined in any sum not more than five hundred dollars each, and imprisoned in the county jail not more than six months; and it shall not be necessary, to constitute the offense, that the parties shall dwell together publicly as husband and wife, but it may be proved by circumstances which show habitual sexual intercourse.Codes, Hutchinson's 1848, ch. 64, art. 1(58); 1857, ch. 64, art. 8; 1871, § 2486; 1880, § 2700; 1892, § 953; 1906, § 1029; Hemingway's 1917, § 754; 1930, § 772; 1942, § 1998. If any man and woman shall unlawfully cohabit, whether in adultery or fornication, they shall be fined in any sum not more than five hundred dollars each, and imprisoned in the county jail not more than six months; and it shall not be necessary, to constitute the offense, that the parties shall dwell together publicly as husband and wife, but it may be proved by circumstances which show habitual sexual intercourse.Codes, Hutchinson's 1848, ch. 64, art. 1(58); 1857, ch. 64, art. 8; 1871, § 2486; 1880, § 2700; 1892, § 953; 1906, § 1029; Hemingway's 1917, § 754; 1930, § 772; 1942, § 1998. If any man and woman shall unlawfully cohabit, whether in adultery or fornication, they shall be fined in any sum not more than five hundred dollars each, and imprisoned in the county jail not more than six months; and it shall not be necessary, to constitute the offense, that the parties shall dwell together publicly as husband and wife, but it may be proved by circumstances which show habitual sexual intercourse. Codes, Hutchinson's 1848, ch. 64, art. 1(58); 1857, ch. 64, art. 8; 1871, § 2486; 1880, § 2700; 1892, § 953; 1906, § 1029; Hemingway's 1917, § 754; 1930, § 772; 1942, § 1998.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109)IN GENERAL (§§ 97-29-1 — 97-29-65)Section 97-29-11 - Illegitimate children; person becoming natural parent of second illegitimate child; jurisdiction

(1)If any person, who shall have previously become the natural parent of an illegitimate child within or without this state by coition within or without this state, shall again become the natural parent of an illegitimate child born within this state, he or she shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for not less than thirty (30) days nor more than ninety (90) days or by a fine of not more than Two Hundred Fifty Dollars (\$250.00), or both. A subsequent conviction hereunder shall be punishable by imprisonment in the county jail for not less than three (3) months nor more than six (6) months or by a fine of not more than Five Hundred Dollars (\$500.00), or both. Provided, however, that for the purpose of this section, multiple births shall be construed to be the birth of one (1) child.(2)The circuit court of the county in which said illegitimate child is born shall have jurisdiction of any action brought under this section. No male person shall be convicted solely on the uncorroborated testimony of the female person giving birth to the child.Codes, 1942, § 2018.6; Laws, 1964, ch. 341, §§ 1-3(Para.Para. 1-3); Laws, 2004, ch. 399, § 1, eff. 7/1/2004. (1)If any person, who shall have previously become the natural parent of an illegitimate child within or without this state by coition within or without this state, shall again become the natural parent of an illegitimate child born within this state, he or she shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for not less than thirty (30) days nor more than ninety (90) days or by a fine of not more than Two Hundred Fifty Dollars (\$250.00), or both. A subsequent conviction hereunder shall be punishable by imprisonment in the county jail for not less than three (3) months nor more than six (6) months or by a fine of not more than Five Hundred Dollars (\$500.00), or both. Provided, however, that for the purpose of this section, multiple births shall be construed to be the birth of one (1) child.(2)The circuit court of the county in which said illegitimate child is born shall have jurisdiction of any action brought under

this section. No male person shall be convicted solely on the uncorroborated testimony of the female person giving birth to the child. Codes, 1942, § 2018.6; Laws, 1964, ch. 341, §§ 1-3(Para. Para. 1-3); Laws, 2004, ch. 399, § 1, eff. 7/1/2004. (1) If any person, who shall have previously become the natural parent of an illegitimate child within or without this state by coition within or without this state, shall again become the natural parent of an illegitimate child born within this state, he or she shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for not less than thirty (30) days nor more than ninety (90) days or by a fine of not more than Two Hundred Fifty Dollars (\$250.00), or both. A subsequent conviction hereunder shall be punishable by imprisonment in the county jail for not less than three (3) months nor more than six (6) months or by a fine of not more than Five Hundred Dollars (\$500.00), or both. Provided, however, that for the purpose of this section, multiple births shall be construed to be the birth of one (1) child. (2) The circuit court of the county in which said illegitimate child is born shall have jurisdiction of any action brought under this section. No male person shall be convicted solely on the uncorroborated testimony of the female person giving birth to the child. Codes, 1942, § 2018.6; Laws, 1964, ch. 341, §§ 1-3(Para. Para. 1-3); Laws, 2004, ch. 399, § 1, eff. 7/1/2004. Codes, 1942, § 2018.6; Laws, 1964, ch. 341, §§ 1-3(Para. Para. 1-3); Laws, 2004, ch. 399, § 1, eff. 7/1/2004.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109) IN GENERAL (§§ 97-29-1 — 97-29-65) Section 97-29-13 - Bigamy; definition; penalty

Every person having a husband or wife living, who shall marry again, and every unmarried person who shall knowingly marry the husband or wife of another living, except in the cases hereinafter named, shall be guilty of bigamy, and imprisoned in the penitentiary not longer than ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(1); 1857, ch. 64, art. 28; 1871, § 2505; 1880, § 2721; 1892, § 975; 1906, § 1051; Hemingway's 1917, § 779; 1930, § 795; 1942, § 2019. Every person having a husband or wife living, who shall marry again, and every unmarried person who shall knowingly marry the husband or wife of another living, except in the cases hereinafter named, shall be guilty of bigamy, and imprisoned in the penitentiary not longer than ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(1); 1857, ch. 64, art. 28; 1871, § 2505; 1880, § 2721; 1892, § 975; 1906, § 1051; Hemingway's 1917, § 779; 1930, § 795; 1942, § 2019. Every person having a husband or wife living, who shall marry again, and every unmarried person who shall knowingly marry the husband or wife of another living, except in the cases hereinafter named, shall be guilty of bigamy, and imprisoned in the penitentiary not longer than ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(1); 1857, ch. 64, art. 28; 1871, § 2505; 1880, § 2721; 1892, § 975; 1906, § 1051; Hemingway's 1917, § 779; 1930, § 795; 1942, § 2019. Every person having a husband or wife living, who shall marry again, and every unmarried person who shall knowingly marry the husband or wife of another living, except in the cases hereinafter named, shall be guilty of bigamy, and imprisoned in the penitentiary not longer than ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(1); 1857, ch. 64, art. 28; 1871, § 2505; 1880, § 2721; 1892, § 975; 1906, § 1051; Hemingway's 1917, § 779; 1930, § 795; 1942, § 2019.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109) IN GENERAL (§§ 97-29-1 — 97-29-65) Section 97-29-15 - Bigamy; exceptions

Section 97-29-13 shall not extend to any person whose husband or wife shall have been absent for seven successive years, without being known to such person, within the time, to be living; nor to any person whose husband or wife shall have absented himself or herself from his or her husband or wife, and remained without the United States continually for seven years; nor to any person, by reason of any former marriage which shall have been dissolved by the decree of a competent court, unless the said decree provide that such person shall not be at liberty to marry again; nor to any person, by reason of any former marriage which shall have been pronounced void by the sentence or decree, of a competent court, for the nullity of the marriage contract; nor to any person by reason of any former marriage, contracted by such person within the age of legal consent, and which shall have been annulled by the decree of a competent court. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(2); 1857, ch. 64, art. 29; 1871, § 2506; 1880, § 2722; 1892, § 976; 1906, § 1052; Hemingway's 1917, § 780; 1930, § 796; 1942, § 2020. Section 97-29-13 shall not extend to any person whose husband or wife shall have been absent for seven successive years, without being known to such person, within the time, to be living; nor to any person whose husband or wife shall have absented himself or herself from his or her husband or wife, and remained without the United States continually for seven years; nor to any person, by reason of any former marriage which shall have been dissolved by the decree of a competent court, unless the said decree provide that such person shall not be at liberty to marry again; nor to any person, by reason of any former marriage which shall have been pronounced void by the sentence or decree, of a competent court, for the nullity of the marriage contract; nor to any person by reason of any former marriage, contracted by such person within the age of legal consent, and which shall have been annulled by the decree of a competent court. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(2); 1857, ch. 64, art. 29; 1871, § 2506; 1880, § 2722; 1892, § 976; 1906, § 1052; Hemingway's 1917, § 780; 1930, § 796; 1942, § 2020. Section 97-29-13 shall not extend to any person whose husband or wife shall have been absent for seven successive years, without being known to such person, within the time, to be living; nor to any person whose husband or wife shall have absented himself or herself from his or her husband or wife, and remained without the United States continually for seven years; nor to any person, by reason of any former marriage which shall have been dissolved by the decree of a competent court, unless the said decree provide that such person shall not be at liberty to marry again; nor to any person, by reason of any former marriage which shall have been pronounced void by the sentence or decree, of a competent court, for the nullity of the marriage contract; nor to any person by reason of any former marriage, contracted by such person within the age of

legal consent, and which shall have been annulled by the decree of a competent court. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(2); 1857, ch. 64, art. 29; 1871, § 2506; 1880, § 2722; 1892, § 976; 1906, § 1052; Hemingway's 1917, § 780; 1930, § 796; 1942, § 2020. Section 97-29-13 shall not extend to any person whose husband or wife shall have been absent for seven successive years, without being known to such person, within the time, to be living; nor to any person whose husband or wife shall have absented himself or herself from his or her husband or wife, and remained without the United States continually for seven years; nor to any person, by reason of any former marriage which shall have been dissolved by the decree of a competent court, unless the said decree provide that such person shall not be at liberty to marry again; nor to any person, by reason of any former marriage which shall have been pronounced void by the sentence or decree, of a competent court, for the nullity of the marriage contract; nor to any person by reason of any former marriage, contracted by such person within the age of legal consent, and which shall have been annulled by the decree of a competent court. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(2); 1857, ch. 64, art. 29; 1871, § 2506; 1880, § 2722; 1892, § 976; 1906, § 1052; Hemingway's 1917, § 780; 1930, § 796; 1942, § 2020.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109) IN GENERAL (§§ 97-29-1 — 97-29-65) Section 97-29-17 - Bribery; participant in professional or amateur games or other athletic contests; wrestling excepted

(1) Whoever gives, promises, or offers to any professional or amateur baseball, football, basketball, or tennis player, or any player who participates in or expects to participate in any professional or amateur game or sport, or any person participating or expecting to participate in any other athletic contest or any coach, manager, or trainer of any team or participant or prospective participant in any such game, contest, or sport, anything of value with the intent to influence such participant to lose or try to lose or cause to be lost or to limit his or his team's margin of victory in any baseball, football, basketball or tennis game, boxing, or other athletic contest in which such player or participant is taking part or expects to take part or has any duty in connection therewith shall be guilty of a felony and upon conviction shall be punished by imprisonment in the county jail for not less than six (6) months nor more than five (5) years in the penitentiary, or by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or by both such fine and imprisonment. (2) Any professional or amateur baseball, football, basketball, or tennis player or any boxer or participant or prospective participant in any sport or game or a manager, coach, or trainer of any team or individual participant or prospective participant in such game, contest, or sport who solicits or accepts anything of value to influence him to lose or try to lose or cause to be lost or to limit his or his team's margin of victory in any baseball, football, basketball, tennis or boxing contest or any other game or sport in which he is taking part or expects to take part or has any duties in connection therewith shall be guilty of a felony and upon conviction shall be punished by imprisonment in the county jail for not less than six (6) months nor more than five (5) years in the penitentiary, or by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or by both such fine and imprisonment. (3) The provisions of this section shall not be deemed to include any wrestling matches, it being expressly provided hereby that wrestling matches shall be deemed to be shows or exhibitions and not athletic contests. Codes, 1942, § 2034.5; Laws, 1954, ch. 232, §§ 1-3 (Para. 1-3). (1) Whoever gives, promises, or offers to any professional or amateur baseball, football, basketball, or tennis player, or any player who participates in or expects to participate in any professional or amateur game or sport, or any person participating or expecting to participate in any other athletic contest or any coach, manager, or trainer of any team or participant or prospective participant in any such game, contest, or sport, anything of value with the intent to influence such participant to lose or try to lose or cause to be lost or to limit his or his team's margin of victory in any baseball, football, basketball or tennis game, boxing, or other athletic contest in which such player or participant is taking part or expects to take part or has any duty in connection therewith shall be guilty of a felony and upon conviction shall be punished by imprisonment in the county jail for not less than six (6) months nor more than five (5) years in the penitentiary, or by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or by both such fine and imprisonment. (2) Any professional or amateur baseball, football, basketball, or tennis player or any boxer or participant or prospective participant in any sport or game or a manager, coach, or trainer of any team or individual participant or prospective participant in such game, contest, or sport who solicits or accepts anything of value to influence him to lose or try to lose or cause to be lost or to limit his or his team's margin of victory in any baseball, football, basketball, tennis or boxing contest or any other game or sport in which he is taking part or expects to take part or has any duties in connection therewith shall be guilty of a felony and upon conviction shall be punished by imprisonment in the county jail for not less than six (6) months nor more than five (5) years in the penitentiary, or by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or by both such fine and imprisonment. (3) The provisions of this section shall not be deemed to include any wrestling matches, it being expressly provided hereby that wrestling matches shall be deemed to be shows or exhibitions and not athletic contests. Codes, 1942, § 2034.5; Laws, 1954, ch. 232, §§ 1-3 (Para. 1-3). (1) Whoever gives, promises, or offers to any professional or amateur baseball, football, basketball, or tennis player, or any player who participates in or expects to participate in any professional or amateur game or sport, or any person participating or expecting to participate in any other athletic contest or any coach, manager, or trainer of any team or participant or prospective participant in any such game, contest, or sport, anything of value with the intent to influence such participant to lose or try to lose or cause to be lost or to limit his or his team's margin of victory in any baseball, football, basketball or tennis game, boxing, or other athletic contest in which such player or participant is taking part or expects to take part or has any duty in connection therewith shall be guilty of a felony and upon conviction shall be punished by imprisonment in the county jail for not less than six (6) months nor more than five (5) years in the penitentiary, or by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or by both such fine and imprisonment. (2) Any

professional or amateur baseball, football, basketball, or tennis player or any boxer or participant or prospective participant in any sport or game or a manager, coach, or trainer of any team or individual participant or prospective participant in such game, contest, or sport who solicits or accepts anything of value to influence him to lose or try to lose or cause to be lost or to limit his or his team's margin of victory in any baseball, football, basketball, tennis or boxing contest or any other game or sport in which he is taking part or expects to take part or has any duties in connection therewith shall be guilty of a felony and upon conviction shall be punished by imprisonment in the county jail for not less than six (6) months nor more than five (5) years in the penitentiary, or by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or by both such fine and imprisonment.(3)The provisions of this section shall not be deemed to include any wrestling matches, it being expressly provided hereby that wrestling matches shall be deemed to be shows or exhibitions and not athletic contests.Codes, 1942, § 2034.5; Laws, 1954, ch. 232, §§ 1-3(Para.Para. 1-3). Codes, 1942, § 2034.5; Laws, 1954, ch. 232, §§ 1-3(Para.Para. 1-3).

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109)IN GENERAL (§§ 97-29-1 — 97-29-65)Section 97-29-19 - Dead bodies; disinterment for sale or wantonness

Every person who shall remove the dead body of any human being from the grave or other place of interment for the purpose of selling the same or for mere wantonness, or who shall wantonly dig into or open the grave or other place of interment where the remains of any dead human body is interred, or wantonly disturb the remains of any dead human body therein interred, shall upon conviction be imprisoned in the penitentiary not exceeding five years or in the county jail not more than one year, or be fined not more than five hundred dollars or both.Codes, Hutchinson's 1848, ch. 64, art 12, Title 7(10); 1857, ch. 64, art. 66; 1871, § 2715; 1880, § 2764; 1892, § 1023; 1906, § 1100; Hemingway's 1917, § 826; 1930, § 850; 1942, § 2076; Laws, 1920, ch. 300. Every person who shall remove the dead body of any human being from the grave or other place of interment for the purpose of selling the same or for mere wantonness, or who shall wantonly dig into or open the grave or other place of interment where the remains of any dead human body is interred, or wantonly disturb the remains of any dead human body therein interred, shall upon conviction be imprisoned in the penitentiary not exceeding five years or in the county jail not more than one year, or be fined not more than five hundred dollars or both.Codes, Hutchinson's 1848, ch. 64, art 12, Title 7(10); 1857, ch. 64, art. 66; 1871, § 2715; 1880, § 2764; 1892, § 1023; 1906, § 1100; Hemingway's 1917, § 826; 1930, § 850; 1942, § 2076; Laws, 1920, ch. 300. Every person who shall remove the dead body of any human being from the grave or other place of interment for the purpose of selling the same or for mere wantonness, or who shall wantonly dig into or open the grave or other place of interment where the remains of any dead human body is interred, or wantonly disturb the remains of any dead human body therein interred, shall upon conviction be imprisoned in the penitentiary not exceeding five years or in the county jail not more than one year, or be fined not more than five hundred dollars or both.Codes, Hutchinson's 1848, ch. 64, art 12, Title 7(10); 1857, ch. 64, art. 66; 1871, § 2715; 1880, § 2764; 1892, § 1023; 1906, § 1100; Hemingway's 1917, § 826; 1930, § 850; 1942, § 2076; Laws, 1920, ch. 300. Every person who shall remove the dead body of any human being from the grave or other place of interment for the purpose of selling the same or for mere wantonness, or who shall wantonly dig into or open the grave or other place of interment where the remains of any dead human body is interred, or wantonly disturb the remains of any dead human body therein interred, shall upon conviction be imprisoned in the penitentiary not exceeding five years or in the county jail not more than one year, or be fined not more than five hundred dollars or both. Codes, Hutchinson's 1848, ch. 64, art 12, Title 7(10); 1857, ch. 64, art. 66; 1871, § 2715; 1880, § 2764; 1892, § 1023; 1906, § 1100; Hemingway's 1917, § 826; 1930, § 850; 1942, § 2076; Laws, 1920, ch. 300.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109)IN GENERAL (§§ 97-29-1 — 97-29-65)Section 97-29-21 - Dead bodies; buying or receiving

Every person who shall purchase or receive the dead body of any human being, knowing the same to have been disinterred contrary to Section97-29-19, shall, on conviction, be subjected to the punishment therein prescribed.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(11); 1857, ch. 64, art. 67; 1871, § 2716; 1880, § 2765; 1892, § 1024; 1906, § 1101; Hemingway's 1917, § 827; 1930, § 851; 1942, § 2077. Every person who shall purchase or receive the dead body of any human being, knowing the same to have been disinterred contrary to Section97-29-19, shall, on conviction, be subjected to the punishment therein prescribed.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(11); 1857, ch. 64, art. 67; 1871, § 2716; 1880, § 2765; 1892, § 1024; 1906, § 1101; Hemingway's 1917, § 827; 1930, § 851; 1942, § 2077. Every person who shall purchase or receive the dead body of any human being, knowing the same to have been disinterred contrary to Section97-29-19, shall, on conviction, be subjected to the punishment therein prescribed.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(11); 1857, ch. 64, art. 67; 1871, § 2716; 1880, § 2765; 1892, § 1024; 1906, § 1101; Hemingway's 1917, § 827; 1930, § 851; 1942, § 2077. Every person who shall purchase or receive the dead body of any human being, knowing the same to have been disinterred contrary to Section97-29-19, shall, on conviction, be subjected to the punishment therein prescribed. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(11); 1857, ch. 64, art. 67; 1871, § 2716; 1880, § 2765; 1892, § 1024; 1906, § 1101; Hemingway's 1917, § 827; 1930, § 851; 1942, § 2077.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109)IN GENERAL (§§ 97-29-1 — 97-29-65)Section 97-29-23 - Dead bodies; opening graves for certain purposes

Every person who shall open a grave or other place of interment with intent to move the dead body of any human being for the purpose of selling the same, or for the purpose of dissection, or to steal the coffin or any part thereof, or the vestments or other articles interred with the dead body, or any of them, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding two years, or in the county jail not more than six months, or by fine of not more than three hundred dollars or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(12); 1857, ch. 64, art. 68; 1871, § 2717; 1880, § 2766; 1892, § 1025; 1906, § 1102; Hemingway's 1917, § 828; 1930, § 852; 1942, § 2078. Every person who shall open a grave or other place of interment with intent to move the dead body of any human being for the purpose of selling the same, or for the purpose of dissection, or to steal the coffin or any part thereof, or the vestments or other articles interred with the dead body, or any of them, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding two years, or in the county jail not more than six months, or by fine of not more than three hundred dollars or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(12); 1857, ch. 64, art. 68; 1871, § 2717; 1880, § 2766; 1892, § 1025; 1906, § 1102; Hemingway's 1917, § 828; 1930, § 852; 1942, § 2078. Every person who shall open a grave or other place of interment with intent to move the dead body of any human being for the purpose of selling the same, or for the purpose of dissection, or to steal the coffin or any part thereof, or the vestments or other articles interred with the dead body, or any of them, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding two years, or in the county jail not more than six months, or by fine of not more than three hundred dollars or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(12); 1857, ch. 64, art. 68; 1871, § 2717; 1880, § 2766; 1892, § 1025; 1906, § 1102; Hemingway's 1917, § 828; 1930, § 852; 1942, § 2078.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109) IN GENERAL (§§ 97-29-1 — 97-29-65) Section 97-29-25 - Desecration of cemetery; desecration of human corpse

(1)(a) Every person who shall knowingly and willfully dig up, except as otherwise provided by law, obliterate, or in any way desecrate any cemetery where human dead are interred, or cause through word, deed or action the same to happen, shall upon conviction be imprisoned for not more than one (1) year in the county jail or fined not more than Five Hundred Dollars (\$500.00), or both, in the discretion of the court. In addition to any penalties that the court is otherwise authorized to impose the court may, in its discretion, order such restitution as it deems appropriate. (b) In construing this subsection (1), a cemetery shall mean any plot of ground (i) on which are grave markers of stone, wood, metal or any other material recognizable as marking graves, or (ii) the boundaries of which are defined by a recorded plat, a fence line or corner markers, or trees, or are defined in any other discernible manner. (2)(a) Every person who shall knowingly and willfully dig up, except as otherwise provided by law, or in any way desecrate any corpse or remains of any human being, or cause through word, deed or action the same to happen, shall upon conviction be guilty of a felony and shall be imprisoned for not more than three (3) years or fined not more than Five Thousand Dollars (\$5,000.00), or both, in the discretion of the court. (b)(b) The prohibitions of this subsection (2) shall not apply to the good faith harvesting of any organ for transplant or to any good faith use of a cadaver or body part for medical or scientific education or research. Codes, 1942, § 2076.5; Laws, 1971, ch. 398, § 1; Laws, 1972, ch. 351, § 1; Laws, 1983, ch. 406; Laws, 2004, ch. 387, § 1, eff. 7/1/2004. (1)(a) Every person who shall knowingly and willfully dig up, except as otherwise provided by law, obliterate, or in any way desecrate any cemetery where human dead are interred, or cause through word, deed or action the same to happen, shall upon conviction be imprisoned for not more than one (1) year in the county jail or fined not more than Five Hundred Dollars (\$500.00), or both, in the discretion of the court. In addition to any penalties that the court is otherwise authorized to impose the court may, in its discretion, order such restitution as it deems appropriate. (b) In construing this subsection (1), a cemetery shall mean any plot of ground (i) on which are grave markers of stone, wood, metal or any other material recognizable as marking graves, or (ii) the boundaries of which are defined by a recorded plat, a fence line or corner markers, or trees, or are defined in any other discernible manner. (2)(a) Every person who shall knowingly and willfully dig up, except as otherwise provided by law, or in any way desecrate any corpse or remains of any human being, or cause through word, deed or action the same to happen, shall upon conviction be guilty of a felony and shall be imprisoned for not more than three (3) years or fined not more than Five Thousand Dollars (\$5,000.00), or both, in the discretion of the court. (b)(b) The prohibitions of this subsection (2) shall not apply to the good faith harvesting of any organ for transplant or to any good faith use of a cadaver or body part for medical or scientific education or research. Codes, 1942, § 2076.5; Laws, 1971, ch. 398, § 1; Laws, 1972, ch. 351, § 1; Laws, 1983, ch. 406; Laws, 2004, ch. 387, § 1, eff. 7/1/2004. (1)(a) Every person who shall knowingly and willfully dig up, except as otherwise provided by law, obliterate, or in any way desecrate any cemetery where human dead are interred, or cause through word, deed or action the same to happen, shall upon conviction be imprisoned for not more than one (1) year in the county jail or fined not more than Five Hundred Dollars (\$500.00), or both, in the discretion of the court. In addition to any penalties that the court is otherwise authorized to impose the court may, in its discretion, order such restitution as it deems appropriate. (b) In construing this subsection (1), a cemetery shall mean any plot of ground (i) on which are grave markers of stone, wood, metal or any other material recognizable as marking graves, or (ii) the boundaries of which are defined by a recorded plat, a fence line or corner markers, or trees, or are defined in any other

discernible manner.(2)(a)Every person who shall knowingly and willfully dig up, except as otherwise provided by law, or in any way desecrate any corpse or remains of any human being, or cause through word, deed or action the same to happen, shall upon conviction be guilty of a felony and shall be imprisoned for not more than three (3) years or fined not more than Five Thousand Dollars (\$5,000.00), or both, in the discretion of the court.(b)(b)The prohibitions of this subsection (2) shall not apply to the good faith harvesting of any organ for transplant or to any good faith use of a cadaver or body part for medical or scientific education or research.Codes, 1942, § 2076.5; Laws, 1971, ch. 398, § 1; Laws, 1972, ch. 351, § 1; Laws, 1983, ch. 406; Laws, 2004, ch. 387, § 1, eff. 7/1/2004. Codes, 1942, § 2076.5; Laws, 1971, ch. 398, § 1; Laws, 1972, ch. 351, § 1; Laws, 1983, ch. 406; Laws, 2004, ch. 387, § 1, eff. 7/1/2004.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109)IN GENERAL (§§ 97-29-1 — 97-29-65)Section 97-29-27 - Incest; marriage within prohibited degrees

If any person shall marry within the degrees prohibited by law, he shall be guilty of incest, and on conviction thereof he shall be fined five hundred dollars or imprisoned in the penitentiary not longer than ten years, or punished by both such fine and imprisonment, and such marriage shall be void.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(5); 1857, ch. 64, art. 184; 1871, § 2647; 1880, § 2895; 1892, § 1168; 1906, § 1246; Hemingway's 1917, § 976; 1930, § 1004; 1942, § 2234. If any person shall marry within the degrees prohibited by law, he shall be guilty of incest, and on conviction thereof he shall be fined five hundred dollars or imprisoned in the penitentiary not longer than ten years, or punished by both such fine and imprisonment, and such marriage shall be void.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(5); 1857, ch. 64, art. 184; 1871, § 2647; 1880, § 2895; 1892, § 1168; 1906, § 1246; Hemingway's 1917, § 976; 1930, § 1004; 1942, § 2234. If any person shall marry within the degrees prohibited by law, he shall be guilty of incest, and on conviction thereof he shall be fined five hundred dollars or imprisoned in the penitentiary not longer than ten years, or punished by both such fine and imprisonment, and such marriage shall be void.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(5); 1857, ch. 64, art. 184; 1871, § 2647; 1880, § 2895; 1892, § 1168; 1906, § 1246; Hemingway's 1917, § 976; 1930, § 1004; 1942, § 2234. If any person shall marry within the degrees prohibited by law, he shall be guilty of incest, and on conviction thereof he shall be fined five hundred dollars or imprisoned in the penitentiary not longer than ten years, or punished by both such fine and imprisonment, and such marriage shall be void. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(5); 1857, ch. 64, art. 184; 1871, § 2647; 1880, § 2895; 1892, § 1168; 1906, § 1246; Hemingway's 1917, § 976; 1930, § 1004; 1942, § 2234.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109)IN GENERAL (§§ 97-29-1 — 97-29-65)Section 97-29-29 - Incest; persons divorced for incest not to cohabit or copulate

If persons divorced for incest shall, after such divorce, cohabit or live together as man and wife, or be guilty of a single act of adultery or fornication, such persons so offending shall be guilty of incest and fined, on conviction, five hundred dollars or be imprisoned in the penitentiary not longer than ten years or both.Codes, 1857, ch. 64, art. 185; 1871, § 2648; 1880, § 2896; 1892, § 1169; 1906, § 1247; Hemingway's 1917, § 977; 1930, § 1005; 1942, § 2235. If persons divorced for incest shall, after such divorce, cohabit or live together as man and wife, or be guilty of a single act of adultery or fornication, such persons so offending shall be guilty of incest and fined, on conviction, five hundred dollars or be imprisoned in the penitentiary not longer than ten years or both.Codes, 1857, ch. 64, art. 185; 1871, § 2648; 1880, § 2896; 1892, § 1169; 1906, § 1247; Hemingway's 1917, § 977; 1930, § 1005; 1942, § 2235. If persons divorced for incest shall, after such divorce, cohabit or live together as man and wife, or be guilty of a single act of adultery or fornication, such persons so offending shall be guilty of incest and fined, on conviction, five hundred dollars or be imprisoned in the penitentiary not longer than ten years or both.Codes, 1857, ch. 64, art. 185; 1871, § 2648; 1880, § 2896; 1892, § 1169; 1906, § 1247; Hemingway's 1917, § 977; 1930, § 1005; 1942, § 2235. If persons divorced for incest shall, after such divorce, cohabit or live together as man and wife, or be guilty of a single act of adultery or fornication, such persons so offending shall be guilty of incest and fined, on conviction, five hundred dollars or be imprisoned in the penitentiary not longer than ten years or both. Codes, 1857, ch. 64, art. 185; 1871, § 2648; 1880, § 2896; 1892, § 1169; 1906, § 1247; Hemingway's 1917, § 977; 1930, § 1005; 1942, § 2235.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109)IN GENERAL (§§ 97-29-1 — 97-29-65)Section 97-29-3 - Adultery and fornication; between teacher and pupil

If any teacher and any pupil under eighteen (18) years of age of such teacher, not being married to each other, shall have sexual intercourse, each with the other, they shall, for every such offense, be fined in any sum, not more than five hundred dollars (\$500.00) each, and the teacher may be imprisoned not less than three (3) months nor more than six (6) months.Codes, 1892, § 954; 1906 § 1030; Hemingway's 1917, § 755; 1930, § 773; 1942, § 1999; Laws, 1980, ch. 517, eff. 5/20/1980. If any teacher and any pupil under eighteen (18) years of age of such teacher, not being married to each other, shall have sexual intercourse, each with the other, they shall, for every such offense, be fined in any sum, not more than five hundred dollars (\$500.00) each, and the teacher may be imprisoned not less than three (3) months nor more than six (6) months.Codes, 1892, § 954; 1906 § 1030; Hemingway's 1917, § 755; 1930, § 773; 1942, § 1999; Laws, 1980, ch. 517, eff. 5/20/1980. If any teacher and any pupil under eighteen (18) years of age of such teacher, not being married to each other, shall have sexual intercourse, each with the other, they shall, for every such

offense, be fined in any sum, not more than five hundred dollars (\$500.00) each, and the teacher may be imprisoned not less than three (3) months nor more than six (6) months. Codes, 1892, § 954; 1906 § 1030; Hemingway's 1917, § 755; 1930, § 773; 1942, § 1999; Laws, 1980, ch. 517, eff. 5/20/1980. If any teacher and any pupil under eighteen (18) years of age of such teacher, not being married to each other, shall have sexual intercourse, each with the other, they shall, for every such offense, be fined in any sum, not more than five hundred dollars (\$500.00) each, and the teacher may be imprisoned not less than three (3) months nor more than six (6) months. Codes, 1892, § 954; 1906 § 1030; Hemingway's 1917, § 755; 1930, § 773; 1942, § 1999; Laws, 1980, ch. 517, eff. 5/20/1980.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109) IN GENERAL (§§ 97-29-1 — 97-29-65) Section 97-29-31 - Indecent exposure

A person who willfully and lewdly exposes his person, or private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself, is guilty of a misdemeanor and, on conviction for a first offense, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or be imprisoned not exceeding six (6) months, or both. Upon conviction for a second offense within five (5) years, such person shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or shall be imprisoned not exceeding one (1) year, or both. Upon conviction of a third or subsequent offense within five (5) years, such person shall be guilty of a felony and shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or shall be imprisoned for not more than five (5) years in the State Penitentiary, or both. It is not a violation of this statute for a woman to breast-feed. Codes, 1892, § 1218; 1906, § 1294; Hemingway's 1917, § 1027; 1930, § 1058; 1942, § 2290; Laws, 1971, ch. 448, § 1; Laws, 2006, ch. 520, § 5; Laws, 2012, ch. 510, § 2, eff. 7/1/2012. A person who willfully and lewdly exposes his person, or private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself, is guilty of a misdemeanor and, on conviction for a first offense, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or be imprisoned not exceeding six (6) months, or both. Upon conviction for a second offense within five (5) years, such person shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or shall be imprisoned not exceeding one (1) year, or both. Upon conviction of a third or subsequent offense within five (5) years, such person shall be guilty of a felony and shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or shall be imprisoned for not more than five (5) years in the State Penitentiary, or both. It is not a violation of this statute for a woman to breast-feed. Codes, 1892, § 1218; 1906, § 1294; Hemingway's 1917, § 1027; 1930, § 1058; 1942, § 2290; Laws, 1971, ch. 448, § 1; Laws, 2006, ch. 520, § 5; Laws, 2012, ch. 510, § 2, eff. 7/1/2012. A person who willfully and lewdly exposes his person, or private parts thereof, in any public place, or in any place where others are present, or procures another to so expose himself, is guilty of a misdemeanor and, on conviction for a first offense, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or be imprisoned not exceeding six (6) months, or both. Upon conviction for a second offense within five (5) years, such person shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or shall be imprisoned not exceeding one (1) year, or both. Upon conviction of a third or subsequent offense within five (5) years, such person shall be guilty of a felony and shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or shall be imprisoned for not more than five (5) years in the State Penitentiary, or both. It is not a violation of this statute for a woman to breast-feed. Codes, 1892, § 1218; 1906, § 1294; Hemingway's 1917, § 1027; 1930, § 1058; 1942, § 2290; Laws, 1971, ch. 448, § 1; Laws, 2006, ch. 520, § 5; Laws, 2012, ch. 510, § 2, eff. 7/1/2012.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109) IN GENERAL (§§ 97-29-1 — 97-29-65) Section 97-29-43 - Polygamy; teaching of

If any person shall teach another the doctrines, principles, or tenets, or any of them, of polygamy; or shall endeavor so to do; or shall induce or persuade another by words or acts, or otherwise, to embrace or adopt polygamy, or to emigrate to any other state, territory, district, or country for the purpose of embracing, adopting, or practicing polygamy, or shall endeavor so to do, he shall, on conviction, be fined not less than twenty-five dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than one month nor more than six months, or both. Codes, 1892, § 1257; 1906, § 1333; Hemingway's 1917, § 1066; 1930, § 1097; 1942, § 2330. If any person shall teach another the doctrines, principles, or tenets, or any of them, of polygamy; or shall endeavor so to do; or shall induce or persuade another by words or acts, or otherwise, to embrace or adopt polygamy, or to emigrate to any other state, territory, district, or country for the purpose of embracing, adopting, or practicing polygamy, or shall endeavor so to do, he shall, on conviction, be fined not less than twenty-five dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than one month nor more than six months, or both. Codes, 1892, § 1257; 1906, § 1333; Hemingway's 1917, § 1066; 1930, §

1097; 1942, § 2330. If any person shall teach another the doctrines, principles, or tenets, or any of them, of polygamy; or shall endeavor so to do; or shall induce or persuade another by words or acts, or otherwise, to embrace or adopt polygamy, or to emigrate to any other state, territory, district, or country for the purpose of embracing, adopting, or practicing polygamy, or shall endeavor so to do, he shall, on conviction, be fined not less than twenty-five dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than one month nor more than six months, or both. Codes, 1892, § 1257; 1906, § 1333; Hemingway's 1917, § 1066; 1930, § 1097; 1942, § 2330. If any person shall teach another the doctrines, principles, or tenets, or any of them, of polygamy; or shall endeavor so to do; or shall induce or persuade another by words or acts, or otherwise, to embrace or adopt polygamy, or to emigrate to any other state, territory, district, or country for the purpose of embracing, adopting, or practicing polygamy, or shall endeavor so to do, he shall, on conviction, be fined not less than twenty-five dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than one month nor more than six months, or both. Codes, 1892, § 1257; 1906, § 1333; Hemingway's 1917, § 1066; 1930, § 1097; 1942, § 2330.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109) IN GENERAL (§§ 97-29-1 — 97-29-65) Section 97-29-45 - Obscene electronic communications

(1) It shall be unlawful for any person or persons: (a) To make any comment, request, suggestion or proposal by means of telecommunication or electronic communication which is obscene, lewd or lascivious with intent to abuse, threaten or harass any party to a telephone conversation, telecommunication or electronic communication; (b) To make a telecommunication or electronic communication with intent to terrify, intimidate or harass, and threaten to inflict injury or physical harm to any person or to his property; (c) To make a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten or harass any person at the called number; (d) To make or cause the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; (e) To make repeated telephone calls, during which conversation ensues, solely to harass any person at the called number; or (f) Knowingly to permit a computer or a telephone of any type under his control to be used for any purpose prohibited by this section. (2) Upon conviction of any person for the first offense of violating subsection (1) of this section, such person shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned in the county jail for not more than six (6) months, or both. (3) Upon conviction of any person for the second offense of violating subsection (1) of this section, the offenses being committed within a period of five (5) years, such person shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned in the county jail for not more than one (1) year, or both. (4) For any third or subsequent conviction of any person violating subsection (1) of this section, the offenses being committed within a period of five (5) years, such person shall be guilty of a felony and fined not more than Two Thousand Dollars (\$2,000.00) and/or imprisoned in the State Penitentiary for not more than two (2) years, or both. (5) The provisions of this section do not apply to a person or persons who make a telephone call that would be covered by the provisions of the federal Fair Debt Collection Practices Act, 15 USCS Section 1692 et seq. (6) Any person violating this section may be prosecuted in the county where the telephone call, conversation or language originates in case such call, conversation or language originates in the State of Mississippi. In case the call, conversation or language originates outside of the State of Mississippi then such person shall be prosecuted in the county to which it is transmitted. (7) For the purposes of this section, telecommunication and electronic communication mean and include any type of telephonic, electronic or radio communications, or transmission of signs, signals, data, writings, images and sounds or intelligence of any nature by telephone, including cellular telephones, wire, cable, radio, electromagnetic, photoelectronic or photo-optical system or the creation, display, management, storage, processing, transmission or distribution of images, text, voice, video or data by wire, cable or wireless means, including the Internet. (8) No person shall be held to have violated this section solely for providing access or connection to telecommunications or electronic communications services where the services do not include the creation of the content of the communication. Companies organized to do business as commercial broadcast radio stations, television stations, telecommunications service providers, Internet service providers, cable service providers or news organizations shall not be criminally liable under this section. Codes, 1942, § 2291.5; Laws, 1956, ch. 261; Laws, 1964, ch. 351, § 1; Laws, 1982, ch. 385; Laws, 2001, ch. 468, § 1; Laws, 2002, ch. 503, § 1, eff. 7/1/2002. (1) It shall be unlawful for any person or persons: (a) To make any comment, request, suggestion or proposal by means of telecommunication or electronic communication which is obscene, lewd or lascivious with intent to abuse, threaten or harass any party to a telephone conversation, telecommunication or electronic communication; (b) To make a telecommunication or electronic communication with intent to terrify, intimidate or harass, and threaten to inflict injury or physical harm to any person or to his property; (c) To make a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten or harass any person at the called number; (d) To make or cause the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; (e) To make repeated telephone calls, during which conversation ensues, solely to harass any person at the called number; or (f) Knowingly to permit a computer or a telephone of any type under his control to be used for any purpose prohibited by this section. (2) Upon conviction of any person for the first offense of violating subsection (1) of this section, such person shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned in the county jail for not more than six (6) months, or both. (3) Upon conviction of any person for the second offense of violating subsection (1) of this section, the offenses being committed within a period of five (5) years, such person shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned in the county jail for not more than one (1) year, or both. (4) For any third or subsequent conviction of any person violating subsection (1) of this section, the offenses being committed within a period of five (5) years, such person shall be guilty of a felony and fined not more

than Two Thousand Dollars (\$2,000.00) and/or imprisoned in the State Penitentiary for not more than two (2) years, or both.(5)The provisions of this section do not apply to a person or persons who make a telephone call that would be covered by the provisions of the federal Fair Debt Collection Practices Act, 15 USCS Section 1692 et seq.(6)Any person violating this section may be prosecuted in the county where the telephone call, conversation or language originates in case such call, conversation or language originates in the State of Mississippi. In case the call, conversation or language originates outside of the State of Mississippi then such person shall be prosecuted in the county to which it is transmitted.(7)For the purposes of this section, telecommunication and electronic communication mean and include any type of telephonic, electronic or radio communications, or transmission of signs, signals, data, writings, images and sounds or intelligence of any nature by telephone, including cellular telephones, wire, cable, radio, electromagnetic, photoelectronic or photo-optical system or the creation, display, management, storage, processing, transmission or distribution of images, text, voice, video or data by wire, cable or wireless means, including the Internet.(8)No person shall be held to have violated this section solely for providing access or connection to telecommunications or electronic communications services where the services do not include the creation of the content of the communication. Companies organized to do business as commercial broadcast radio stations, television stations, telecommunications service providers, Internet service providers, cable service providers or news organizations shall not be criminally liable under this section.Codes, 1942, § 2291.5; Laws, 1956, ch. 261; Laws, 1964, ch. 351, § 1; Laws, 1982, ch. 385; Laws, 2001, ch. 468, § 1; Laws, 2002, ch. 503, § 1, eff. 7/1/2002. (1)It shall be unlawful for any person or persons:(a)To make any comment, request, suggestion or proposal by means of telecommunication or electronic communication which is obscene, lewd or lascivious with intent to abuse, threaten or harass any party to a telephone conversation, telecommunication or electronic communication;(b)To make a telecommunication or electronic communication with intent to terrify, intimidate or harass, and threaten to inflict injury or physical harm to any person or to his property;(c)To make a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten or harass any person at the called number;(d)To make or cause the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number;(e)To make repeated telephone calls, during which conversation ensues, solely to harass any person at the called number; or(f)Knowingly to permit a computer or a telephone of any type under his control to be used for any purpose prohibited by this section.(2)Upon conviction of any person for the first offense of violating subsection (1) of this section, such person shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned in the county jail for not more than six (6) months, or both.(3)Upon conviction of any person for the second offense of violating subsection (1) of this section, the offenses being committed within a period of five (5) years, such person shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned in the county jail for not more than one (1) year, or both.(4)For any third or subsequent conviction of any person violating subsection (1) of this section, the offenses being committed within a period of five (5) years, such person shall be guilty of a felony and fined not more than Two Thousand Dollars (\$2,000.00) and/or imprisoned in the State Penitentiary for not more than two (2) years, or both.(5)The provisions of this section do not apply to a person or persons who make a telephone call that would be covered by the provisions of the federal Fair Debt Collection Practices Act, 15 USCS Section 1692 et seq.(6)Any person violating this section may be prosecuted in the county where the telephone call, conversation or language originates in case such call, conversation or language originates in the State of Mississippi. In case the call, conversation or language originates outside of the State of Mississippi then such person shall be prosecuted in the county to which it is transmitted.(7)For the purposes of this section, telecommunication and electronic communication mean and include any type of telephonic, electronic or radio communications, or transmission of signs, signals, data, writings, images and sounds or intelligence of any nature by telephone, including cellular telephones, wire, cable, radio, electromagnetic, photoelectronic or photo-optical system or the creation, display, management, storage, processing, transmission or distribution of images, text, voice, video or data by wire, cable or wireless means, including the Internet.(8)No person shall be held to have violated this section solely for providing access or connection to telecommunications or electronic communications services where the services do not include the creation of the content of the communication. Companies organized to do business as commercial broadcast radio stations, television stations, telecommunications service providers, Internet service providers, cable service providers or news organizations shall not be criminally liable under this section.Codes, 1942, § 2291.5; Laws, 1956, ch. 261; Laws, 1964, ch. 351, § 1; Laws, 1982, ch. 385; Laws, 2001, ch. 468, § 1; Laws, 2002, ch. 503, § 1, eff. 7/1/2002. Codes, 1942, § 2291.5; Laws, 1956, ch. 261; Laws, 1964, ch. 351, § 1; Laws, 1982, ch. 385; Laws, 2001, ch. 468, § 1; Laws, 2002, ch. 503, § 1, eff. 7/1/2002.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109)IN GENERAL (§§ 97-29-1 — 97-29-65)Section 97-29-47 - Profanity or drunkenness in public place

If any person shall profanely swear or curse, or use vulgar and indecent language, or be drunk in any public place, in the presence of two (2) or more persons, he shall, on conviction thereof, be fined not more than one hundred dollars (\$100.00) or be imprisoned in the county jail not more than thirty (30) days or both.Codes, Hutchinson's 1848, ch. 64, art. 4(1); 1857, ch. 64, art. 340; 1871, § 2833; 1880, § 2974; 1892, § 1219; 1906, § 1295; Hemingway's 1917, § 1028; 1930, § 1059; 1942, § 2291; Laws, 1912, ch. 212; Laws, 1971, ch. 448, § 2, eff. 3/25/1971. If any person shall profanely swear or curse, or use vulgar and indecent language, or be drunk in any public place, in the presence of two (2) or more persons, he shall, on conviction thereof, be fined not more than one hundred dollars (\$100.00) or be imprisoned in the county jail not more than thirty (30) days or both.Codes, Hutchinson's 1848, ch. 64, art. 4(1); 1857, ch. 64, art. 340; 1871, § 2833; 1880, § 2974; 1892, § 1219; 1906, § 1295; Hemingway's 1917, § 1028; 1930, § 1059; 1942, § 2291; Laws, 1912, ch. 212; Laws, 1971, ch. 448, § 2, eff. 3/25/1971. If any person shall profanely swear or curse, or

use vulgar and indecent language, or be drunk in any public place, in the presence of two (2) or more persons, he shall, on conviction thereof, be fined not more than one hundred dollars (\$100.00) or be imprisoned in the county jail not more than thirty (30) days or both. Codes, Hutchinson's 1848, ch. 64, art. 4(1); 1857, ch. 64, art. 340; 1871, § 2833; 1880, § 2974; 1892, § 1219; 1906, § 1295; Hemingway's 1917, § 1028; 1930, § 1059; 1942, § 2291; Laws, 1912, ch. 212; Laws, 1971, ch. 448, § 2, eff. 3/25/1971. If any person shall profanely swear or curse, or use vulgar and indecent language, or be drunk in any public place, in the presence of two (2) or more persons, he shall, on conviction thereof, be fined not more than one hundred dollars (\$100.00) or be imprisoned in the county jail not more than thirty (30) days or both. Codes, Hutchinson's 1848, ch. 64, art. 4(1); 1857, ch. 64, art. 340; 1871, § 2833; 1880, § 2974; 1892, § 1219; 1906, § 1295; Hemingway's 1917, § 1028; 1930, § 1059; 1942, § 2291; Laws, 1912, ch. 212; Laws, 1971, ch. 448, § 2, eff. 3/25/1971.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109) IN GENERAL (§§ 97-29-1 — 97-29-65) Section 97-29-49 - Prostitution; report to Department of Child Protection Services for suspected child sexual abuse or neglect if minor involved; immunity from prosecution if trafficked person involved

(1) A person who is eighteen (18) years of age or older commits the misdemeanor of prostitution if the person knowingly or intentionally performs, or offers or agrees to perform, sexual intercourse or sexual conduct for money or other property. "Sexual conduct" includes cunnilingus, fellatio, masturbation of another, anal intercourse or the causing of penetration to any extent and with any object or body part of the genital or anal opening of another. (2) Any person violating the provisions of this section shall, upon conviction, be punished by a fine not exceeding Two Hundred Dollars (\$200.00) or by confinement in the county jail for not more than six (6) months, or both. (3) In addition to the mandatory reporting provisions contained in Section 97-5-51, any law enforcement officer who encounters a minor under eighteen (18) years of age and has reasonable cause to suspect that the minor has engaged in acts described in this section may take the minor into emergency custody in accordance with the requirements of the Youth Court Act for the purpose of obtaining an order of removal of the minor, and shall contact and make a report to the Department of Child Protection Services as required in Section 43-21-353 for suspected child sexual abuse or neglect, and the department shall commence an initial investigation into suspected child sexual abuse or neglect as required in Section 43-21-353. (4) If it is determined that a person suspected of or charged with engaging in prostitution is engaging in those acts as a direct result of being a trafficked person, as defined by Section 97-3-54.4, that person shall be immune from prosecution for prostitution as an adult. If the person suspected of engaging in acts that would constitute prostitution is under the age of eighteen (18) the provisions of Section 97-3-54.1(4) shall be applicable. Codes, 1942, § 2333; Laws, 1942, ch. 284. Amended by Laws, 2019, ch. 420, HB 571, § 1, eff. 7/1/2019. Amended by Laws, 2013, ch. 543, HB 673, 10, eff. 7/1/2013. (1) A person who is eighteen (18) years of age or older commits the misdemeanor of prostitution if the person knowingly or intentionally performs, or offers or agrees to perform, sexual intercourse or sexual conduct for money or other property. "Sexual conduct" includes cunnilingus, fellatio, masturbation of another, anal intercourse or the causing of penetration to any extent and with any object or body part of the genital or anal opening of another. (2) Any person violating the provisions of this section shall, upon conviction, be punished by a fine not exceeding Two Hundred Dollars (\$200.00) or by confinement in the county jail for not more than six (6) months, or both. (3) In addition to the mandatory reporting provisions contained in Section 97-5-51, any law enforcement officer who encounters a minor under eighteen (18) years of age and has reasonable cause to suspect that the minor has engaged in acts described in this section may take the minor into emergency custody in accordance with the requirements of the Youth Court Act for the purpose of obtaining an order of removal of the minor, and shall contact and make a report to the Department of Child Protection Services as required in Section 43-21-353 for suspected child sexual abuse or neglect, and the department shall commence an initial investigation into suspected child sexual abuse or neglect as required in Section 43-21-353. (4) If it is determined that a person suspected of or charged with engaging in prostitution is engaging in those acts as a direct result of being a trafficked person, as defined by Section 97-3-54.4, that person shall be immune from prosecution for prostitution as an adult. If the person suspected of engaging in acts that would constitute prostitution is under the age of eighteen (18) the provisions of Section 97-3-54.1(4) shall be applicable. Codes, 1942, § 2333; Laws, 1942, ch. 284. Amended by Laws, 2019, ch. 420, HB 571, § 1, eff. 7/1/2019. Amended by Laws, 2013, ch. 543, HB 673, 10, eff. 7/1/2013. (1) A person who is eighteen (18) years of age or older commits the misdemeanor of prostitution if the person knowingly or intentionally performs, or offers or agrees to perform, sexual intercourse or sexual conduct for money or other property. "Sexual conduct" includes cunnilingus, fellatio, masturbation of another, anal intercourse or the causing of penetration to any extent and with any object or body part of the genital or anal opening of another. (2) Any person violating the provisions of this section shall, upon conviction, be punished by a fine not exceeding Two Hundred Dollars (\$200.00) or by confinement in the county jail for not more than six (6) months, or both. (3) In addition to the mandatory reporting provisions contained in Section 97-5-51, any law enforcement officer who encounters a minor under eighteen (18) years of age and has reasonable cause to suspect that the minor has engaged in acts described in this section may take the minor into emergency custody in accordance with the requirements of the Youth Court Act for the purpose of obtaining an order of removal of the minor, and shall contact and make a report to the Department of Child Protection Services as required in Section 43-21-353 for suspected child sexual abuse or neglect, and the department shall commence an initial investigation into suspected child sexual abuse or neglect as required in Section 43-21-353. (4) If it is determined that a person suspected of or charged with engaging in prostitution is engaging in those acts as a direct result of being a trafficked person, as defined by Section 97-3-54.4, that person shall be immune from prosecution for prostitution as an adult. If the person suspected of engaging in acts that would constitute prostitution is under the age of eighteen (18) the provisions of Section 97-3-54.1(4) shall be applicable. Codes, 1942, §

2333; Laws, 1942, ch. 284. Amended by Laws, 2019, ch. 420, HB 571, § 1, eff. 7/1/2019. Amended by Laws, 2013, ch. 543, HB 673, 10, eff. 7/1/2013. Codes, 1942, § 2333; Laws, 1942, ch. 284. Amended by Laws, 2019, ch. 420, HB 571, § 1, eff. 7/1/2019. Amended by Laws, 2013, ch. 543, HB 673, 10, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109) IN GENERAL (§§ 97-29-1 — 97-29-65) Section 97-29-5 - Adultery and fornication; between certain persons forbidden to inter-marry

Persons being within the degrees within which marriages are prohibited by law to be incestuous and void, or persons who are prohibited from marrying by reason of blood and between whom marriage is declared to be unlawful and void, who shall cohabit, or live together as husband and wife, or be guilty of a single act of adultery or fornication, upon conviction, shall be punished by imprisonment in the penitentiary for a term not exceeding ten (10) years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(5); 1857, ch. 64, art. 9; 1871, § 2787; 1880, § 2701; 1892, § 955; 1906, § 1031; Hemingway's 1917, § 756; 1930, § 774; 1942, § 2000; Laws, 1956, ch. 241; Laws, 1960, ch. 240. Persons being within the degrees within which marriages are prohibited by law to be incestuous and void, or persons who are prohibited from marrying by reason of blood and between whom marriage is declared to be unlawful and void, who shall cohabit, or live together as husband and wife, or be guilty of a single act of adultery or fornication, upon conviction, shall be punished by imprisonment in the penitentiary for a term not exceeding ten (10) years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(5); 1857, ch. 64, art. 9; 1871, § 2787; 1880, § 2701; 1892, § 955; 1906, § 1031; Hemingway's 1917, § 756; 1930, § 774; 1942, § 2000; Laws, 1956, ch. 241; Laws, 1960, ch. 240. Persons being within the degrees within which marriages are prohibited by law to be incestuous and void, or persons who are prohibited from marrying by reason of blood and between whom marriage is declared to be unlawful and void, who shall cohabit, or live together as husband and wife, or be guilty of a single act of adultery or fornication, upon conviction, shall be punished by imprisonment in the penitentiary for a term not exceeding ten (10) years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(5); 1857, ch. 64, art. 9; 1871, § 2787; 1880, § 2701; 1892, § 955; 1906, § 1031; Hemingway's 1917, § 756; 1930, § 774; 1942, § 2000; Laws, 1956, ch. 241; Laws, 1960, ch. 240. Persons being within the degrees within which marriages are prohibited by law to be incestuous and void, or persons who are prohibited from marrying by reason of blood and between whom marriage is declared to be unlawful and void, who shall cohabit, or live together as husband and wife, or be guilty of a single act of adultery or fornication, upon conviction, shall be punished by imprisonment in the penitentiary for a term not exceeding ten (10) years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(5); 1857, ch. 64, art. 9; 1871, § 2787; 1880, § 2701; 1892, § 955; 1906, § 1031; Hemingway's 1917, § 756; 1930, § 774; 1942, § 2000; Laws, 1956, ch. 241; Laws, 1960, ch. 240.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109) IN GENERAL (§§ 97-29-1 — 97-29-65) Section 97-29-51 - Prostitution; misdemeanor procuring services of prostitute; felony promoting prostitution; penalties

(1)(a) A person commits the misdemeanor of procuring the services of a prostitute if the person knowingly or intentionally pays, or offers or agrees to pay, money or other property to another person for having engaged in, or on the understanding that the other person will engage in, sexual intercourse or sexual conduct with the person or with any other person. "Sexual conduct" includes cunnilingus, fellatio, masturbation of another, anal intercourse or the causing of penetration to any extent and with any object or body part of the genital or anal opening of another. (b) Upon conviction under this subsection, a person shall be punished by a fine not exceeding Two Hundred Dollars (\$200.00) or by confinement in the county jail for not more than six (6) months, or both. A second or subsequent violation of this section shall be a felony, punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or both. (c) However, in all cases, if the person whose services are procured in violation of this subsection (1) is a minor under eighteen (18) years of age, the person convicted shall be guilty of a felony and shall, upon conviction, be punished by imprisonment for not less than five (5) years, nor more than thirty (30) years, or by a fine of not less than Fifty Thousand Dollars (\$50,000.00) nor more than Five Hundred Thousand Dollars (\$500,000.00), or both. (d) Consent of a minor is not a defense to prosecution under this subsection (1). (2)(a) A person commits the felony of promoting prostitution if the person: (i) Knowingly or intentionally entices, compels, causes, induces, persuades, or encourages by promise, threat, violence, or by scheme or device, another person to become a prostitute, engage in conduct in violation of Section 97-29-49, regardless of whether the other person can be or is arrested for, charged with or convicted of the offense of prostitution; (ii) Knowingly or intentionally solicits or offers or agrees to solicit, or receives or gives, or agrees to receive or give any money or thing of value for soliciting, or attempting to solicit, another person for the purpose of prostitution; (iii) Knowingly induces, persuades, or encourages a person to come into or leave this state for the purpose of prostitution; (iv) Having control over the use of a place or vehicle, knowingly or intentionally permits another person to use the place or vehicle for prostitution; (v) Accepts, receives, levies or appropriates money or other property of value from a prostitute, without lawful consideration, with knowledge or reasonable cause to know it was earned, in whole or in part, from prostitution; or (vi) Conducts, directs, takes, or transports, or offers or agrees to take or transport, or aids or assists in transporting, any person to any vehicle, conveyance, place, structure, or building, or to any other person with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is prostitution. (b) Upon conviction, a person shall be punished by a fine not exceeding Five Thousand Dollars (\$5,000.00) or by imprisonment in the custody of the Department of Corrections for not more than ten (10) years, or both. A second or subsequent violation shall be punished by a fine not exceeding Twenty Thousand Dollars

(\$20,000.00) or by imprisonment in the custody of the Department of Corrections for up to twenty (20) years, or both.(c)However, in all cases, if the person whose services are promoted in violation of this subsection (2) is a minor under eighteen (18) years of age, the person convicted shall be guilty of a felony and shall, upon conviction, be punished by imprisonment for not less than five (5) years, nor more than thirty (30) years, or by a fine of not less than Fifty Thousand Dollars (\$50,000.00) nor more than Five Hundred Thousand Dollars (\$500,000.00), or both. There is no requirement that the defendant have actual knowledge of the age of the person and consent of a minor is not a defense to prosecution under this section.(3)If it is determined that a person suspected of or charged with promoting prostitution is a trafficked person, as defined by Section97-3-54.4, that fact shall be considered a mitigating factor in any prosecution of that person for prostitution, and the person shall be referred to appropriate resources for assistance. If it is determined that a person suspected of or charged with promoting prostitution is a minor under eighteen (18) years of age who meets the definition of a trafficked person as defined in Section97-3-54.4, the minor is immune from prosecution for promoting prostitution as a juvenile or adult and provisions of Section97-3-54.1(4)shall be applicable.(4)Any partnership, association, corporation or other entity violating any provision of subsection (2) against the promotion of prostitution shall, upon conviction, be punished by a fine not exceeding Fifty Thousand Dollars (\$50,000.00). If the person whose services are promoted is under eighteen (18) years of age, the partnership, association, corporation or other legal entity convicted shall be punished by a fine not exceeding One Million Dollars (\$1,000,000.00). There is no requirement that the defendant have knowledge of the age of the person. Consent of a minor is not a defense to prosecution under this section.(5)Investigation and prosecution of a person, partnership, association, corporation or other entity under this section shall not preclude investigation or prosecution against that person, partnership, association, corporation or other entity for a violation of other applicable criminal laws, including, but not limited to, the Mississippi Human Trafficking Act, Section97-3-54et seq.Codes, 1942, § 2334; Laws, 1942, ch. 284.Amended by Laws, 2022, ch. 427, SB 2321,§ 6, eff. 7/1/2022.Amended by Laws, 2013, ch. 543, HB 673, 11, eff. 7/1/2013. (1)(a)A person commits the misdemeanor of procuring the services of a prostitute if the person knowingly or intentionally pays, or offers or agrees to pay, money or other property to another person for having engaged in, or on the understanding that the other person will engage in, sexual intercourse or sexual conduct with the person or with any other person. "Sexual conduct" includes cunnilingus, fellatio, masturbation of another, anal intercourse or the causing of penetration to any extent and with any object or body part of the genital or anal opening of another.(b)Upon conviction under this subsection, a person shall be punished by a fine not exceeding Two Hundred Dollars (\$200.00) or by confinement in the county jail for not more than six (6) months, or both. A second or subsequent violation of this section shall be a felony, punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or both.(c)However, in all cases, if the person whose services are procured in violation of this subsection (1) is a minor under eighteen (18) years of age, the person convicted shall be guilty of a felony and shall, upon conviction, be punished by imprisonment for not less than five (5) years, nor more than thirty (30) years, or by a fine of not less than Fifty Thousand Dollars (\$50,000.00) nor more than Five Hundred Thousand Dollars (\$500,000.00), or both.(d)Consent of a minor is not a defense to prosecution under this subsection (1).(2)(a)A person commits the felony of promoting prostitution if the person:(i)Knowingly or intentionally entices, compels, causes, induces, persuades, or encourages by promise, threat, violence, or by scheme or device, another person to become a prostitute, engage in conduct in violation of Section97-29-49, regardless of whether the other person can be or is arrested for, charged with or convicted of the offense of prostitution;(ii)Knowingly or intentionally solicits or offers or agrees to solicit, or receives or gives, or agrees to receive or give any money or thing of value for soliciting, or attempting to solicit, another person for the purpose of prostitution;(iii)Knowingly induces, persuades, or encourages a person to come into or leave this state for the purpose of prostitution;(iv)Having control over the use of a place or vehicle, knowingly or intentionally permits another person to use the place or vehicle for prostitution;(v)Accepts, receives, levies or appropriates money or other property of value from a prostitute, without lawful consideration, with knowledge or reasonable cause to know it was earned, in whole or in part, from prostitution; or(vi)Conducts, directs, takes, or transports, or offers or agrees to take or transport, or aids or assists in transporting, any person to any vehicle, conveyance, place, structure, or building, or to any other person with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is prostitution.(b)Upon conviction, a person shall be punished by a fine not exceeding Five Thousand Dollars (\$5,000.00) or by imprisonment in the custody of the Department of Corrections for not more than ten (10) years, or both. A second or subsequent violation shall be punished by a fine not exceeding Twenty Thousand Dollars (\$20,000.00) or by imprisonment in the custody of the Department of Corrections for up to twenty (20) years, or both.(c)However, in all cases, if the person whose services are promoted in violation of this subsection (2) is a minor under eighteen (18) years of age, the person convicted shall be guilty of a felony and shall, upon conviction, be punished by imprisonment for not less than five (5) years, nor more than thirty (30) years, or by a fine of not less than Fifty Thousand Dollars (\$50,000.00) nor more than Five Hundred Thousand Dollars (\$500,000.00), or both. There is no requirement that the defendant have actual knowledge of the age of the person and consent of a minor is not a defense to prosecution under this section.(3)If it is determined that a person suspected of or charged with promoting prostitution is a trafficked person, as defined by Section97-3-54.4, that fact shall be considered a mitigating factor in any prosecution of that person for prostitution, and the person shall be referred to appropriate resources for assistance. If it is determined that a person suspected of or charged with promoting prostitution is a minor under eighteen (18) years of age who meets the definition of a trafficked person as defined in Section97-3-54.4, the minor is immune from prosecution for promoting prostitution as a juvenile or adult and provisions of Section97-3-54.1(4)shall be applicable.(4)Any partnership, association, corporation or other entity violating any provision of subsection (2) against the promotion of prostitution shall, upon conviction, be punished by a fine not exceeding Fifty Thousand Dollars (\$50,000.00). If the person whose services are promoted is under eighteen (18) years of age, the partnership, association,

corporation or other legal entity convicted shall be punished by a fine not exceeding One Million Dollars (\$1,000,000.00). There is no requirement that the defendant have knowledge of the age of the person. Consent of a minor is not a defense to prosecution under this section.(5)Investigation and prosecution of a person, partnership, association, corporation or other entity under this section shall not preclude investigation or prosecution against that person, partnership, association, corporation or other entity for a violation of other applicable criminal laws, including, but not limited to, the Mississippi Human Trafficking Act, Section97-3-54et seq.Codes, 1942, § 2334; Laws, 1942, ch. 284.Amended by Laws, 2022, ch. 427, SB 2321,§ 6, eff. 7/1/2022.Amended by Laws, 2013, ch. 543, HB 673, 11, eff. 7/1/2013. (1)(a)A person commits the misdemeanor of procuring the services of a prostitute if the person knowingly or intentionally pays, or offers or agrees to pay, money or other property to another person for having engaged in, or on the understanding that the other person will engage in, sexual intercourse or sexual conduct with the person or with any other person. "Sexual conduct" includes cunnilingus, fellatio, masturbation of another, anal intercourse or the causing of penetration to any extent and with any object or body part of the genital or anal opening of another.(b)Upon conviction under this subsection, a person shall be punished by a fine not exceeding Two Hundred Dollars (\$200.00) or by confinement in the county jail for not more than six (6) months, or both. A second or subsequent violation of this section shall be a felony, punishable by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or both.(c)However, in all cases, if the person whose services are procured in violation of this subsection (1) is a minor under eighteen (18) years of age, the person convicted shall be guilty of a felony and shall, upon conviction, be punished by imprisonment for not less than five (5) years, nor more than thirty (30) years, or by a fine of not less than Fifty Thousand Dollars (\$50,000.00) nor more than Five Hundred Thousand Dollars (\$500,000.00), or both.(d)Consent of a minor is not a defense to prosecution under this subsection (1).(2)(a)A person commits the felony of promoting prostitution if the person:(i)Knowingly or intentionally entices, compels, causes, induces, persuades, or encourages by promise, threat, violence, or by scheme or device, another person to become a prostitute, engage in conduct in violation of Section97-29-49, regardless of whether the other person can be or is arrested for, charged with or convicted of the offense of prostitution;(ii)Knowingly or intentionally solicits or offers or agrees to solicit, or receives or gives, or agrees to receive or give any money or thing of value for soliciting, or attempting to solicit, another person for the purpose of prostitution;(iii)Knowingly induces, persuades, or encourages a person to come into or leave this state for the purpose of prostitution;(iv)Having control over the use of a place or vehicle, knowingly or intentionally permits another person to use the place or vehicle for prostitution;(v)Accepts, receives, levies or appropriates money or other property of value from a prostitute, without lawful consideration, with knowledge or reasonable cause to know it was earned, in whole or in part, from prostitution; or(vi)Conducts, directs, takes, or transports, or offers or agrees to take or transport, or aids or assists in transporting, any person to any vehicle, conveyance, place, structure, or building, or to any other person with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is prostitution.(b)Upon conviction, a person shall be punished by a fine not exceeding Five Thousand Dollars (\$5,000.00) or by imprisonment in the custody of the Department of Corrections for not more than ten (10) years, or both. A second or subsequent violation shall be punished by a fine not exceeding Twenty Thousand Dollars (\$20,000.00) or by imprisonment in the custody of the Department of Corrections for up to twenty (20) years, or both.(c)However, in all cases, if the person whose services are promoted in violation of this subsection (2) is a minor under eighteen (18) years of age, the person convicted shall be guilty of a felony and shall, upon conviction, be punished by imprisonment for not less than five (5) years, nor more than thirty (30) years, or by a fine of not less than Fifty Thousand Dollars (\$50,000.00) nor more than Five Hundred Thousand Dollars (\$500,000.00), or both. There is no requirement that the defendant have actual knowledge of the age of the person and consent of a minor is not a defense to prosecution under this section.(3)If it is determined that a person suspected of or charged with promoting prostitution is a trafficked person, as defined by Section97-3-54.4, that fact shall be considered a mitigating factor in any prosecution of that person for prostitution, and the person shall be referred to appropriate resources for assistance. If it is determined that a person suspected of or charged with promoting prostitution is a minor under eighteen (18) years of age who meets the definition of a trafficked person as defined in Section97-3-54.4, the minor is immune from prosecution for promoting prostitution as a juvenile or adult and provisions of Section97-3-54.1(4)shall be applicable.(4)Any partnership, association, corporation or other entity violating any provision of subsection (2) against the promotion of prostitution shall, upon conviction, be punished by a fine not exceeding Fifty Thousand Dollars (\$50,000.00). If the person whose services are promoted is under eighteen (18) years of age, the partnership, association, corporation or other legal entity convicted shall be punished by a fine not exceeding One Million Dollars (\$1,000,000.00). There is no requirement that the defendant have knowledge of the age of the person. Consent of a minor is not a defense to prosecution under this section.(5)Investigation and prosecution of a person, partnership, association, corporation or other entity under this section shall not preclude investigation or prosecution against that person, partnership, association, corporation or other entity for a violation of other applicable criminal laws, including, but not limited to, the Mississippi Human Trafficking Act, Section97-3-54et seq.Codes, 1942, § 2334; Laws, 1942, ch. 284.Amended by Laws, 2022, ch. 427, SB 2321,§ 6, eff. 7/1/2022.Amended by Laws, 2013, ch. 543, HB 673, 11, eff. 7/1/2013. Codes, 1942, § 2334; Laws, 1942, ch. 284. Amended by Laws, 2022, ch. 427, SB 2321,§ 6, eff. 7/1/2022. Amended by Laws, 2013, ch. 543, HB 673, 11, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109)IN GENERAL (§§ 97-29-1 — 97-29-65)Section 97-29-55 - Seduction of female over age of eighteen by promised or pretended marriage

If any person shall obtain carnal knowledge of any woman, or female child, over the age of eighteen years, of previous chaste character, by virtue of any feigned or pretended marriage or any false or feigned promise of marriage, he shall, upon conviction, be

imprisoned in the penitentiary not more than five years; but the testimony of the female seduced, alone, shall not be sufficient to warrant a conviction. Codes, 1892, § 1298; 1906, § 1372; Hemingway's 1917, § 1108; 1930, § 1137; 1942, § 2374; Laws, 1888, p. 89. If any person shall obtain carnal knowledge of any woman, or female child, over the age of eighteen years, of previous chaste character, by virtue of any feigned or pretended marriage or any false or feigned promise of marriage, he shall, upon conviction, be imprisoned in the penitentiary not more than five years; but the testimony of the female seduced, alone, shall not be sufficient to warrant a conviction. Codes, 1892, § 1298; 1906, § 1372; Hemingway's 1917, § 1108; 1930, § 1137; 1942, § 2374; Laws, 1888, p. 89. If any person shall obtain carnal knowledge of any woman, or female child, over the age of eighteen years, of previous chaste character, by virtue of any feigned or pretended marriage or any false or feigned promise of marriage, he shall, upon conviction, be imprisoned in the penitentiary not more than five years; but the testimony of the female seduced, alone, shall not be sufficient to warrant a conviction. Codes, 1892, § 1298; 1906, § 1372; Hemingway's 1917, § 1108; 1930, § 1137; 1942, § 2374; Laws, 1888, p. 89.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109) IN GENERAL (§§ 97-29-1 — 97-29-65) Section 97-29-57 - Stallion or jack not to be kept in public view or permitted to run at large

A person shall not keep a stallion or jack nearer than one hundred yards to a church, or in public view in an inclosure bordering on a public highway, or nearer thereto, than one hundred yards; nor shall any person stand such animals in open view of any public place, or negligently keep such animal or suffer it to run at large. Any such offender, upon conviction, shall be fined not less than twenty-five dollars, and shall be liable for all damages done by such animals so kept or running at large. Codes, 1892, § 1220; 1906, § 1296; Hemingway's 1917, § 1029; 1930, § 1060; 1942, § 2292. A person shall not keep a stallion or jack nearer than one hundred yards to a church, or in public view in an inclosure bordering on a public highway, or nearer thereto, than one hundred yards; nor shall any person stand such animals in open view of any public place, or negligently keep such animal or suffer it to run at large. Any such offender, upon conviction, shall be fined not less than twenty-five dollars, and shall be liable for all damages done by such animals so kept or running at large. Codes, 1892, § 1220; 1906, § 1296; Hemingway's 1917, § 1029; 1930, § 1060; 1942, § 2292. A person shall not keep a stallion or jack nearer than one hundred yards to a church, or in public view in an inclosure bordering on a public highway, or nearer thereto, than one hundred yards; nor shall any person stand such animals in open view of any public place, or negligently keep such animal or suffer it to run at large. Any such offender, upon conviction, shall be fined not less than twenty-five dollars, and shall be liable for all damages done by such animals so kept or running at large. Codes, 1892, § 1220; 1906, § 1296; Hemingway's 1917, § 1029; 1930, § 1060; 1942, § 2292.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109) IN GENERAL (§§ 97-29-1 — 97-29-65) Section 97-29-59 - Unnatural intercourse

Every person who shall be convicted of the detestable and abominable crime against nature committed with mankind or with a beast, shall be punished by imprisonment in the penitentiary for a term of not more than ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(20); 1857, ch. 64, art. 238; 1871, § 2701; 1880, § 2968; 1892, § 1321; 1906, § 1396; Hemingway's 1917, § 1139; 1930, § 1170; 1942, § 2413. Every person who shall be convicted of the detestable and abominable crime against nature committed with mankind or with a beast, shall be punished by imprisonment in the penitentiary for a term of not more than ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(20); 1857, ch. 64, art. 238; 1871, § 2701; 1880, § 2968; 1892, § 1321; 1906, § 1396; Hemingway's 1917, § 1139; 1930, § 1170; 1942, § 2413. Every person who shall be convicted of the detestable and abominable crime against nature committed with mankind or with a beast, shall be punished by imprisonment in the penitentiary for a term of not more than ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(20); 1857, ch. 64, art. 238; 1871, § 2701; 1880, § 2968; 1892, § 1321; 1906, § 1396; Hemingway's 1917, § 1139; 1930, § 1170; 1942, § 2413.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109) IN GENERAL (§§ 97-29-1 — 97-29-65) Section 97-29-61 - Voyeurism; trespass by "peeping Tom"; when victim is adult; when victim is child under sixteen

(1)(a) Any person who enters upon real property, whether the original entry is legal or not, and thereafter pries or peeps through a window or other opening in a dwelling or other building structure for the lewd, licentious and indecent purpose of spying upon the

occupants thereof, shall be guilty of a felonious trespass.(b)Any person who looks through a window, hole or opening, or otherwise views by means of any instrumentality, including, but not limited to, a periscope, telescope, binoculars, drones, camera, motion-picture camera, camcorder or mobile phone, into the interior of a bedroom, bathroom, changing room, fitting room, dressing room, spa, massage room or therapy room or tanning booth, or the interior of any other area in which the occupant has a reasonable expectation of privacy, with the intent to invade the privacy of a person or persons inside and without the consent or knowledge of every person present, for the lewd, licentious and indecent purpose of spying upon the occupant or occupants thereof, shall be guilty of a felony.(2)(a)Except as provided in paragraph (b) of this subsection, a person who is over the age of eighteen (18) at the time of the offense and is convicted of a violation of subsection (1) of this section shall be imprisoned in the custody of the Department of Corrections not more than five (5) years.(b)When one or more occupants spied upon is a child under sixteen (16) years of age, a person who was over the age of twenty-one (21) at the time of the offense who is convicted of a violation of subsection (1) of this section shall be imprisoned in the custody of the Department of Corrections not more than ten (10) years.Codes, 1942, § 2412.5; Laws, 1958, ch. 281; Laws, 1980, ch. 391; Laws, 2012, ch. 557, § 1, eff. 7/1/2012.Amended by Laws, 2022, ch. 423, SB 2245,§ 1, eff. 7/1/2022.Amended by Laws, 2015, ch. 489, SB 2022, 1, eff. 7/1/2015. (1)(a)Any person who enters upon real property, whether the original entry is legal or not, and thereafter pries or peeps through a window or other opening in a dwelling or other building structure for the lewd, licentious and indecent purpose of spying upon the occupants thereof, shall be guilty of a felonious trespass.(b)Any person who looks through a window, hole or opening, or otherwise views by means of any instrumentality, including, but not limited to, a periscope, telescope, binoculars, drones, camera, motion-picture camera, camcorder or mobile phone, into the interior of a bedroom, bathroom, changing room, fitting room, dressing room, spa, massage room or therapy room or tanning booth, or the interior of any other area in which the occupant has a reasonable expectation of privacy, with the intent to invade the privacy of a person or persons inside and without the consent or knowledge of every person present, for the lewd, licentious and indecent purpose of spying upon the occupant or occupants thereof, shall be guilty of a felony.(2)(a)Except as provided in paragraph (b) of this subsection, a person who is over the age of eighteen (18) at the time of the offense and is convicted of a violation of subsection (1) of this section shall be imprisoned in the custody of the Department of Corrections not more than five (5) years.(b)When one or more occupants spied upon is a child under sixteen (16) years of age, a person who was over the age of twenty-one (21) at the time of the offense who is convicted of a violation of subsection (1) of this section shall be imprisoned in the custody of the Department of Corrections not more than ten (10) years.Codes, 1942, § 2412.5; Laws, 1958, ch. 281; Laws, 1980, ch. 391; Laws, 2012, ch. 557, § 1, eff. 7/1/2012.Amended by Laws, 2022, ch. 423, SB 2245,§ 1, eff. 7/1/2022.Amended by Laws, 2015, ch. 489, SB 2022, 1, eff. 7/1/2015. (1)(a)Any person who enters upon real property, whether the original entry is legal or not, and thereafter pries or peeps through a window or other opening in a dwelling or other building structure for the lewd, licentious and indecent purpose of spying upon the occupants thereof, shall be guilty of a felonious trespass.(b)Any person who looks through a window, hole or opening, or otherwise views by means of any instrumentality, including, but not limited to, a periscope, telescope, binoculars, drones, camera, motion-picture camera, camcorder or mobile phone, into the interior of a bedroom, bathroom, changing room, fitting room, dressing room, spa, massage room or therapy room or tanning booth, or the interior of any other area in which the occupant has a reasonable expectation of privacy, with the intent to invade the privacy of a person or persons inside and without the consent or knowledge of every person present, for the lewd, licentious and indecent purpose of spying upon the occupant or occupants thereof, shall be guilty of a felony.(2)(a)Except as provided in paragraph (b) of this subsection, a person who is over the age of eighteen (18) at the time of the offense and is convicted of a violation of subsection (1) of this section shall be imprisoned in the custody of the Department of Corrections not more than five (5) years.(b)When one or more occupants spied upon is a child under sixteen (16) years of age, a person who was over the age of twenty-one (21) at the time of the offense who is convicted of a violation of subsection (1) of this section shall be imprisoned in the custody of the Department of Corrections not more than ten (10) years.Codes, 1942, § 2412.5; Laws, 1958, ch. 281; Laws, 1980, ch. 391; Laws, 2012, ch. 557, § 1, eff. 7/1/2012. Amended by Laws, 2022, ch. 423, SB 2245,§ 1, eff. 7/1/2022. Amended by Laws, 2015, ch. 489, SB 2022, 1, eff. 7/1/2015.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109)IN GENERAL (§§ 97-29-1 — 97-29-65)Section 97-29-63 - Photographing or filming another without permission where there is expectation of privacy; when victim is adult; when victim is child under sixteen

(1)(a)It is a felony for any person with lewd, licentious or indecent intent to photograph, film, videotape, record or otherwise reproduces the image of another person without the permission of the other person when the other person is located in a place where a person would intend to be in a state of undress and have a reasonable expectation of privacy, including, but not limited to, private dwellings or any facility, public or private, used as a restroom, bathroom, shower room, tanning booth, locker room, fitting room, dressing room or bedroom shall be guilty of a felony.(b)It is a felony for any person to invade the privacy of another person and with lewd, licentious or indecent intent to photograph, film, videotape, record or otherwise reproduce the image of another, identifiable person under or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, the other person without the consent or knowledge of the other person and under circumstances in which the other person has a reasonable expectation that the other person's body or undergarments would not be viewed or would not be the subject of a reproduced image.(2)(a)Except as provided in paragraph (b) of this subsection, a person who was over the age of twenty-one (21) at

the time of the offense who is convicted of a violation of subsection (1) of this section shall be punished by a fine of Five Thousand Dollars (\$5,000.00) or by imprisonment of not more than five (5) years in the custody of the Department of Corrections, or both.(b)Where the person who is secretly photographed, filmed, videotaped or otherwise reproduced is a child under sixteen (16) years of age, a person who was over the age of twenty-one (21) at the time of the offense who is convicted of a violation of subsection (1) of this section shall be punished by a fine of Five Thousand Dollars (\$5,000.00) or by imprisonment of not more than ten (10) years in the custody of the Department of Corrections, or both.Laws, 1999, ch. 514, § 2; Laws, 2012, ch. 557, § 2, eff. 7/1/2012.Amended by Laws, 2015, ch. 489, SB 2022, 2, eff. 7/1/2015. (1)(a)It is a felony for any person with lewd, licentious or indecent intent to photograph, film, videotape, record or otherwise reproduces the image of another person without the permission of the other person when the other person is located in a place where a person would intend to be in a state of undress and have a reasonable expectation of privacy, including, but not limited to, private dwellings or any facility, public or private, used as a restroom, bathroom, shower room, tanning booth, locker room, fitting room, dressing room or bedroom shall be guilty of a felony.(b)It is a felony for any person to invade the privacy of another person and with lewd, licentious or indecent intent to photograph, film, videotape, record or otherwise reproduce the image of another, identifiable person under or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, the other person without the consent or knowledge of the other person and under circumstances in which the other person has a reasonable expectation that the other person's body or undergarments would not be viewed or would not be the subject of a reproduced image.(2)(a)Except as provided in paragraph (b) of this subsection, a person who was over the age of twenty-one (21) at the time of the offense who is convicted of a violation of subsection (1) of this section shall be punished by a fine of Five Thousand Dollars (\$5,000.00) or by imprisonment of not more than five (5) years in the custody of the Department of Corrections, or both.(b)Where the person who is secretly photographed, filmed, videotaped or otherwise reproduced is a child under sixteen (16) years of age, a person who was over the age of twenty-one (21) at the time of the offense who is convicted of a violation of subsection (1) of this section shall be punished by a fine of Five Thousand Dollars (\$5,000.00) or by imprisonment of not more than ten (10) years in the custody of the Department of Corrections, or both.Laws, 1999, ch. 514, § 2; Laws, 2012, ch. 557, § 2, eff. 7/1/2012.Amended by Laws, 2015, ch. 489, SB 2022, 2, eff. 7/1/2015. (1)(a)It is a felony for any person with lewd, licentious or indecent intent to photograph, film, videotape, record or otherwise reproduces the image of another person without the permission of the other person when the other person is located in a place where a person would intend to be in a state of undress and have a reasonable expectation of privacy, including, but not limited to, private dwellings or any facility, public or private, used as a restroom, bathroom, shower room, tanning booth, locker room, fitting room, dressing room or bedroom shall be guilty of a felony.(b)It is a felony for any person to invade the privacy of another person and with lewd, licentious or indecent intent to photograph, film, videotape, record or otherwise reproduce the image of another, identifiable person under or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, the other person without the consent or knowledge of the other person and under circumstances in which the other person has a reasonable expectation that the other person's body or undergarments would not be viewed or would not be the subject of a reproduced image.(2)(a)Except as provided in paragraph (b) of this subsection, a person who was over the age of twenty-one (21) at the time of the offense who is convicted of a violation of subsection (1) of this section shall be punished by a fine of Five Thousand Dollars (\$5,000.00) or by imprisonment of not more than five (5) years in the custody of the Department of Corrections, or both.(b)Where the person who is secretly photographed, filmed, videotaped or otherwise reproduced is a child under sixteen (16) years of age, a person who was over the age of twenty-one (21) at the time of the offense who is convicted of a violation of subsection (1) of this section shall be punished by a fine of Five Thousand Dollars (\$5,000.00) or by imprisonment of not more than ten (10) years in the custody of the Department of Corrections, or both.Laws, 1999, ch. 514, § 2; Laws, 2012, ch. 557, § 2, eff. 7/1/2012.Amended by Laws, 2015, ch. 489, SB 2022, 2, eff. 7/1/2015. Laws, 1999, ch. 514, § 2; Laws, 2012, ch. 557, § 2, eff. 7/1/2012. Amended by Laws, 2015, ch. 489, SB 2022, 2, eff. 7/1/2015.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109)IN GENERAL (§§ 97-29-1 — 97-29-65)Section 97-29-64.1 - Disclosure of intimate visual material; what constitutes offense; defenses; penalties

(1)A person commits an offense if:(a)Without the effective consent of the depicted person and with the intent to harm the depicted person, the offender discloses visual material depicting another person with the depicted person's intimate parts exposed or engaged in sexual conduct;(b)At the time of the disclosure, the offender knows or has reason to believe that the visual material was obtained by the offender or created under circumstances in which the depicted person had a reasonable expectation that the visual material would remain private;(c)The disclosure of the visual material causes harm to the depicted person; and(d)The disclosure of the visual material reveals the identity of the depicted person in any manner, including through:(i)Any accompanying or subsequent information or material related to the visual material; or(ii)Information or material provided by a third party in response to the disclosure of the visual material.(2)A person commits an offense if the offender intentionally threatens to disclose, without the consent of the depicted person, visual material depicting another person with the depicted person's intimate parts exposed or engaged in sexual conduct and the offender makes the threat to obtain a benefit:(a)In return for not making the disclosure; or(b)In connection with the threatened disclosure.(3)A person commits an offense if, knowing the character and content of the visual material, the offender promotes visual material described by subsection (1) of this section on an internet website or other forum for publication that is owned or operated by the offender.(4)It is not a defense to prosecution under this section that the depicted person:(a)Created or consented to the creation of the visual material; or(b)Voluntarily transmitted the visual material to the

actor.(5)It is an affirmative defense to prosecution under subsection (1) or (3) of this section that:(a)The disclosure or promotion is made in the course of:(i)Lawful and common practices of law enforcement or medical treatment;(ii)Reporting unlawful activity; or(iii)A legal proceeding, if the disclosure or promotion is permitted or required by law; or(b)The disclosure or promotion consists of visual material depicting in a public or commercial setting only a person's voluntary exposure of:(i)The person's intimate parts; or(ii)The person engaging in sexual conduct.(6)Where content is provided by another person or entity, nothing in this section shall be construed to impose criminal liability on the following:(a)An internet service provider;(b)an interactive computer service, as defined in47 USC Section 230;(c)A provider of an electronic communications service, as defined in18 USC Section 2510;(d)A telecommunications service, information service or mobile service, as defined in47 USC Section 153, including a commercial mobile service, as defined in47 USC Section 332(d); or(e)A cable operator, as defined in47 USC Section 522.(7)(a)A first offense under this section is a misdemeanor and, upon conviction, shall be punished by imprisonment in the county jail not exceeding six (6) months or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both.(b)A second or subsequent violation of this section is a felony and, upon conviction, shall be punished by imprisonment not exceeding one (1) year or by a fine not exceeding Two Thousand Dollars (\$2,000.00), or both.(c)Notwithstanding paragraphs (a) and (b) of this subsection, any offense under this section committed for financial profit shall constitute a felony and, upon conviction, shall be punished by imprisonment not exceeding one (1) year or by fine not exceeding Two Thousand Dollars (\$2,000.00), or both.(8)A person shall be subject to prosecution in this state for any conduct made unlawful by this section which the person engages in while:(a)Either within or outside of this state if, by such conduct, the person commits a violation of this section which involves an individual who resides in this state; or(b)Within this state if, by such conduct, the person commits a violation of this section which involves an individual who resides within or outside this state.(9)The provisions of this section are supplementary to the provisions of any other statute of this state. If conduct that constitutes an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.Added by Laws, 2021, ch. 462, SB 2121,§ 2, eff. 7/1/2021. (1)A person commits an offense if:(a)Without the effective consent of the depicted person and with the intent to harm the depicted person, the offender discloses visual material depicting another person with the depicted person's intimate parts exposed or engaged in sexual conduct;(b)At the time of the disclosure, the offender knows or has reason to believe that the visual material was obtained by the offender or created under circumstances in which the depicted person had a reasonable expectation that the visual material would remain private;(c)The disclosure of the visual material causes harm to the depicted person; and(d)The disclosure of the visual material reveals the identity of the depicted person in any manner, including through:(i)Any accompanying or subsequent information or material related to the visual material; or(ii)Information or material provided by a third party in response to the disclosure of the visual material.(2)A person commits an offense if the offender intentionally threatens to disclose, without the consent of the depicted person, visual material depicting another person with the depicted person's intimate parts exposed or engaged in sexual conduct and the offender makes the threat to obtain a benefit:(a)In return for not making the disclosure; or(b)In connection with the threatened disclosure.(3)A person commits an offense if, knowing the character and content of the visual material, the offender promotes visual material described by subsection (1) of this section on an internet website or other forum for publication that is owned or operated by the offender.(4)It is not a defense to prosecution under this section that the depicted person:(a)Created or consented to the creation of the visual material; or(b)Voluntarily transmitted the visual material to the actor.(5)It is an affirmative defense to prosecution under subsection (1) or (3) of this section that:(a)The disclosure or promotion is made in the course of:(i)Lawful and common practices of law enforcement or medical treatment;(ii)Reporting unlawful activity; or(iii)A legal proceeding, if the disclosure or promotion is permitted or required by law; or(b)The disclosure or promotion consists of visual material depicting in a public or commercial setting only a person's voluntary exposure of:(i)The person's intimate parts; or(ii)The person engaging in sexual conduct.(6)Where content is provided by another person or entity, nothing in this section shall be construed to impose criminal liability on the following:(a)An internet service provider;(b)an interactive computer service, as defined in47 USC Section 230;(c)A provider of an electronic communications service, as defined in18 USC Section 2510;(d)A telecommunications service, information service or mobile service, as defined in47 USC Section 153, including a commercial mobile service, as defined in47 USC Section 332(d); or(e)A cable operator, as defined in47 USC Section 522.(7)(a)A first offense under this section is a misdemeanor and, upon conviction, shall be punished by imprisonment in the county jail not exceeding six (6) months or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both.(b)A second or subsequent violation of this section is a felony and, upon conviction, shall be punished by imprisonment not exceeding one (1) year or by a fine not exceeding Two Thousand Dollars (\$2,000.00), or both.(c)Notwithstanding paragraphs (a) and (b) of this subsection, any offense under this section committed for financial profit shall constitute a felony and, upon conviction, shall be punished by imprisonment not exceeding one (1) year or by fine not exceeding Two Thousand Dollars (\$2,000.00), or both.(8)A person shall be subject to prosecution in this state for any conduct made unlawful by this section which the person engages in while:(a)Either within or outside of this state if, by such conduct, the person commits a violation of this section which involves an individual who resides in this state; or(b)Within this state if, by such conduct, the person commits a violation of this section which involves an individual who resides within or outside this state.(9)The provisions of this section are supplementary to the provisions of any other statute of this state. If conduct that constitutes an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.Added by Laws, 2021, ch. 462, SB 2121,§ 2, eff. 7/1/2021. (1)A person commits an offense if:(a)Without the effective consent of the depicted person and with the intent to harm the depicted person, the offender discloses visual material depicting another person with the depicted person's intimate parts exposed or engaged in sexual conduct;(b)At the time of the disclosure, the offender knows or has reason to believe that the visual material was obtained by the offender or created

under circumstances in which the depicted person had a reasonable expectation that the visual material would remain private;(c)The disclosure of the visual material causes harm to the depicted person; and(d)The disclosure of the visual material reveals the identity of the depicted person in any manner, including through:(i)Any accompanying or subsequent information or material related to the visual material; or(ii)Information or material provided by a third party in response to the disclosure of the visual material.(2)A person commits an offense if the offender intentionally threatens to disclose, without the consent of the depicted person, visual material depicting another person with the depicted person's intimate parts exposed or engaged in sexual conduct and the offender makes the threat to obtain a benefit:(a)In return for not making the disclosure; or(b)In connection with the threatened disclosure.(3)A person commits an offense if, knowing the character and content of the visual material, the offender promotes visual material described by subsection (1) of this section on an internet website or other forum for publication that is owned or operated by the offender.(4)It is not a defense to prosecution under this section that the depicted person:(a)Created or consented to the creation of the visual material; or(b)Voluntarily transmitted the visual material to the actor.(5)It is an affirmative defense to prosecution under subsection (1) or (3) of this section that:(a)The disclosure or promotion is made in the course of:(i)Lawful and common practices of law enforcement or medical treatment;(ii)Reporting unlawful activity; or(iii)A legal proceeding, if the disclosure or promotion is permitted or required by law; or(b)The disclosure or promotion consists of visual material depicting in a public or commercial setting only a person's voluntary exposure of:(i)The person's intimate parts; or(ii)The person engaging in sexual conduct.(6)Where content is provided by another person or entity, nothing in this section shall be construed to impose criminal liability on the following:(a)An internet service provider;(b)an interactive computer service, as defined in47 USC Section 230;(c)A provider of an electronic communications service, as defined in18 USC Section 2510;(d)A telecommunications service, information service or mobile service, as defined in47 USC Section 153, including a commercial mobile service, as defined in47 USC Section 332(d); or(e)A cable operator, as defined in47 USC Section 522.(7)(a)A first offense under this section is a misdemeanor and, upon conviction, shall be punished by imprisonment in the county jail not exceeding six (6) months or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both.(b)A second or subsequent violation of this section is a felony and, upon conviction, shall be punished by imprisonment not exceeding one (1) year or by a fine not exceeding Two Thousand Dollars (\$2,000.00), or both.(c)Notwithstanding paragraphs (a) and (b) of this subsection, any offense under this section committed for financial profit shall constitute a felony and, upon conviction, shall be punished by imprisonment not exceeding one (1) year or by fine not exceeding Two Thousand Dollars (\$2,000.00), or both.(8)A person shall be subject to prosecution in this state for any conduct made unlawful by this section which the person engages in while:(a)Either within or outside of this state if, by such conduct, the person commits a violation of this section which involves an individual who resides in this state; or(b)Within this state if, by such conduct, the person commits a violation of this section which involves an individual who resides within or outside this state.(9)The provisions of this section are supplementary to the provisions of any other statute of this state. If conduct that constitutes an offense under this section also constitutes an offense under another law, the actor may be prosecuted under this section, the other law, or both.Added by Laws, 2021, ch. 462, SB 2121,§ 2, eff. 7/1/2021. Added by Laws, 2021, ch. 462, SB 2121,§ 2, eff. 7/1/2021.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109)IN GENERAL (§§ 97-29-1 — 97-29-65)Section 97-29-64 - Disclosure of intimate visual material; definitions

As used in this section and Section97-29-64.1:(a)"Intimate parts" means the naked genitals, pubic area, anus, buttocks or female nipple of a person.(b)"Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit or advertise or to offer or agree to promote.(c)"Sexual conduct" means sexual contact, actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation or sadomasochistic abuse.(d)"Simulated" means the explicit depiction of sexual conduct that creates the appearance of actual sexual conduct and during which a person engaging in the conduct exhibits any uncovered portion of the genitals, buttocks or female nipple.(e)"Visual material" means:(i)Any film, photograph, videotape, negative or slide or any photographic reproduction that contains or incorporates in any manner any film, photograph, videotape, negative or slide; or(ii)Any disk, diskette or other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen by telephone line, cable, satellite transmission, or other method.Added by Laws, 2021, ch. 462, SB 2121,§ 1, eff. 7/1/2021. As used in this section and Section97-29-64.1:(a)"Intimate parts" means the naked genitals, pubic area, anus, buttocks or female nipple of a person.(b)"Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit or advertise or to offer or agree to promote.(c)"Sexual conduct" means sexual contact, actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation or sadomasochistic abuse.(d)"Simulated" means the explicit depiction of sexual conduct that creates the appearance of actual sexual conduct and during which a person engaging in the conduct exhibits any uncovered portion of the genitals, buttocks or female nipple.(e)"Visual material" means:(i)Any film, photograph, videotape, negative or slide or any photographic reproduction that contains or incorporates in any manner any film, photograph, videotape, negative or slide; or(ii)Any disk, diskette or other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen by telephone line, cable, satellite transmission, or other method.Added by Laws, 2021, ch. 462, SB 2121,§ 1, eff. 7/1/2021. As used in this section and Section97-29-64.1:(a)"Intimate parts" means the naked genitals, pubic area, anus, buttocks or female nipple of a person.(b)"Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish,

distribute, circulate, disseminate, present, exhibit or advertise or to offer or agree to promote.(c)"Sexual conduct" means sexual contact, actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation or sadomasochistic abuse.(d)"Simulated" means the explicit depiction of sexual conduct that creates the appearance of actual sexual conduct and during which a person engaging in the conduct exhibits any uncovered portion of the genitals, buttocks or female nipple.(e)"Visual material" means:(i)Any film, photograph, videotape, negative or slide or any photographic reproduction that contains or incorporates in any manner any film, photograph, videotape, negative or slide; or(ii)Any disk, diskette or other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen by telephone line, cable, satellite transmission, or other method.Added by Laws, 2021, ch. 462, SB 2121,§ 1, eff. 7/1/2021. As used in this section and Section97-29-64.1: Added by Laws, 2021, ch. 462, SB 2121,§ 1, eff. 7/1/2021.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109)IN GENERAL (§§ 97-29-1 — 97-29-65)Section 97-29-65 - Strip clubs prohibited within one-fourth mile of church, school, kindergarten, or courthouse

It shall be unlawful to locate within one-fourth (1/4) of one (1) mile of any church, school, kindergarten or courthouse any establishment where public displays of nudity are present. Any person found guilty of violating this section shall, upon conviction, be fined not more than Ten Thousand Dollars (\$10,000.00) or imprisoned for not more than one (1) year, or both.For the purposes of this section the term "nudity" and "public display" shall have the same meanings as those terms are defined in Section19-5-103.Laws, 2000, ch. 558, § 1, eff. 7/1/2000. It shall be unlawful to locate within one-fourth (1/4) of one (1) mile of any church, school, kindergarten or courthouse any establishment where public displays of nudity are present. Any person found guilty of violating this section shall, upon conviction, be fined not more than Ten Thousand Dollars (\$10,000.00) or imprisoned for not more than one (1) year, or both.For the purposes of this section the term "nudity" and "public display" shall have the same meanings as those terms are defined in Section19-5-103.Laws, 2000, ch. 558, § 1, eff. 7/1/2000. It shall be unlawful to locate within one-fourth (1/4) of one (1) mile of any church, school, kindergarten or courthouse any establishment where public displays of nudity are present. Any person found guilty of violating this section shall, upon conviction, be fined not more than Ten Thousand Dollars (\$10,000.00) or imprisoned for not more than one (1) year, or both.For the purposes of this section the term "nudity" and "public display" shall have the same meanings as those terms are defined in Section19-5-103.Laws, 2000, ch. 558, § 1, eff. 7/1/2000. It shall be unlawful to locate within one-fourth (1/4) of one (1) mile of any church, school, kindergarten or courthouse any establishment where public displays of nudity are present. Any person found guilty of violating this section shall, upon conviction, be fined not more than Ten Thousand Dollars (\$10,000.00) or imprisoned for not more than one (1) year, or both. For the purposes of this section the term "nudity" and "public display" shall have the same meanings as those terms are defined in Section19-5-103. Laws, 2000, ch. 558, § 1, eff. 7/1/2000.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109)IN GENERAL (§§ 97-29-1 — 97-29-65)Section 97-29-7 - Adultery and fornication; between guardian and ward

If any guardian and ward of such guardian, not being married to each other, shall have sexual intercourse each with the other, they shall for every such offense be fined in any sum not more than five hundred dollars (\$500.00) each and the guardian shall be imprisoned not less than three (3) months nor more than six (6) months.Codes, 1892, § 956; 1906, § 1032; Hemingway's 1917, § 757; 1930, § 775; 1942, § 2001; Laws, 1980, ch. 388, eff. 4/28/1980. If any guardian and ward of such guardian, not being married to each other, shall have sexual intercourse each with the other, they shall for every such offense be fined in any sum not more than five hundred dollars (\$500.00) each and the guardian shall be imprisoned not less than three (3) months nor more than six (6) months.Codes, 1892, § 956; 1906, § 1032; Hemingway's 1917, § 757; 1930, § 775; 1942, § 2001; Laws, 1980, ch. 388, eff. 4/28/1980. If any guardian and ward of such guardian, not being married to each other, shall have sexual intercourse each with the other, they shall for every such offense be fined in any sum not more than five hundred dollars (\$500.00) each and the guardian shall be imprisoned not less than three (3) months nor more than six (6) months.Codes, 1892, § 956; 1906, § 1032; Hemingway's 1917, § 757; 1930, § 775; 1942, § 2001; Laws, 1980, ch. 388, eff. 4/28/1980. If any guardian and ward of such guardian, not being married to each other, shall have sexual intercourse each with the other, they shall for every such offense be fined in any sum not more than five hundred dollars (\$500.00) each and the guardian shall be imprisoned not less than three (3) months nor more than six (6) months. Codes, 1892, § 956; 1906, § 1032; Hemingway's 1917, § 757; 1930, § 775; 1942, § 2001; Laws, 1980, ch. 388, eff. 4/28/1980.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109)IN GENERAL (§§ 97-29-1 — 97-29-65)Section 97-29-9 - Adultery and fornication; going out of state to marry

If any persons, citizens or residents of this state, who are prohibited by the laws thereof from marrying, because of kindred, shall go out of this state for the purpose of marrying, and shall marry in any other state or country and return to this state and live together and cohabit as man and wife, or be guilty of a single act of copulation, they shall, on conviction, be punished, notwithstanding their marriage out of this state, by imprisonment in the penitentiary not longer than ten years, or be fined five hundred dollars, or both.Codes, 1892, § 957; 1906, § 1033; Hemingway's 1917, § 758; 1930, § 776; 1942, § 2002. If any persons, citizens or residents

of this state, who are prohibited by the laws thereof from marrying, because of kindred, shall go out of this state for the purpose of marrying, and shall marry in any other state or country and return to this state and live together and cohabit as man and wife, or be guilty of a single act of copulation, they shall, on conviction, be punished, notwithstanding their marriage out of this state, by imprisonment in the penitentiary not longer than ten years, or be fined five hundred dollars, or both. Codes, 1892, § 957; 1906, § 1033; Hemingway's 1917, § 758; 1930, § 776; 1942, § 2002. If any persons, citizens or residents of this state, who are prohibited by the laws thereof from marrying, because of kindred, shall go out of this state for the purpose of marrying, and shall marry in any other state or country and return to this state and live together and cohabit as man and wife, or be guilty of a single act of copulation, they shall, on conviction, be punished, notwithstanding their marriage out of this state, by imprisonment in the penitentiary not longer than ten years, or be fined five hundred dollars, or both. Codes, 1892, § 957; 1906, § 1033; Hemingway's 1917, § 758; 1930, § 776; 1942, § 2002. If any persons, citizens or residents of this state, who are prohibited by the laws thereof from marrying, because of kindred, shall go out of this state for the purpose of marrying, and shall marry in any other state or country and return to this state and live together and cohabit as man and wife, or be guilty of a single act of copulation, they shall, on conviction, be punished, notwithstanding their marriage out of this state, by imprisonment in the penitentiary not longer than ten years, or be fined five hundred dollars, or both. Codes, 1892, § 957; 1906, § 1033; Hemingway's 1917, § 758; 1930, § 776; 1942, § 2002.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109) OBSCENE MATERIALS, PERFORMANCES AND DEVICES (§§ 97-29-101 — 97-29-109) Section 97-29-101 - Distribution or wholesale distribution of obscene materials or performances; character and reputation as evidence; prosecutor's bond

A person commits the offense of distributing obscene materials or obscene performances when he sells, rents, leases, advertises, publishes or exhibits to any person any obscene material or obscene performance of any description knowing the obscene nature thereof, or offers to do so, or possesses such material with the intent to do so. A person commits the offense of wholesale distributing obscene materials or obscene performances when he distributes for the purpose of resale any obscene material or obscene performance of any description knowing the obscene nature thereof, or offers to do so, or possesses such material with the intent to do so. The word "knowing" as used in this section means either actual or constructive knowledge of the obscene contents of the subject matter, and a person has constructive knowledge of the obscene contents if he has knowledge of facts which would put a reasonable and prudent person on notice as to the suspect nature of the material. The character and reputation of an individual charged with an offense under Sections 97-29-101 through 97-29-109 and, if a commercial dissemination of obscene material or an obscene performance is involved, the character and reputation of the business establishment involved, may be placed in evidence by the defendant on the question of intent to violate Sections 97-29-101 through 97-29-109. Any person, other than a city attorney, county prosecuting attorney or district attorney, who shall sign an affidavit charging an offense prescribed by this section shall file a bond in the amount of five hundred dollars (\$500.00) at the time such affidavit is lodged. Such bond shall be conditioned that the affidavit was not filed frivolously, maliciously or out of ill will. Laws, 1983, ch. 498, § 1, eff. 7/1/1983. A person commits the offense of distributing obscene materials or obscene performances when he sells, rents, leases, advertises, publishes or exhibits to any person any obscene material or obscene performance of any description knowing the obscene nature thereof, or offers to do so, or possesses such material with the intent to do so. A person commits the offense of wholesale distributing obscene materials or obscene performances when he distributes for the purpose of resale any obscene material or obscene performance of any description knowing the obscene nature thereof, or offers to do so, or possesses such material with the intent to do so. The word "knowing" as used in this section means either actual or constructive knowledge of the obscene contents of the subject matter, and a person has constructive knowledge of the obscene contents if he has knowledge of facts which would put a reasonable and prudent person on notice as to the suspect nature of the material. The character and reputation of an individual charged with an offense under Sections 97-29-101 through 97-29-109 and, if a commercial dissemination of obscene material or an obscene performance is involved, the character and reputation of the business establishment involved, may be placed in evidence by the defendant on the question of intent to violate Sections 97-29-101 through 97-29-109. Any person, other than a city attorney, county prosecuting attorney or district attorney, who shall sign an affidavit charging an offense prescribed by this section shall file a bond in the amount of five hundred dollars (\$500.00) at the time such affidavit is lodged. Such bond shall be conditioned that the affidavit was not filed frivolously, maliciously or out of ill will. Laws, 1983, ch. 498, § 1, eff. 7/1/1983. A person commits the offense of distributing obscene materials or obscene performances when he sells, rents, leases, advertises, publishes or exhibits to any person any obscene material or obscene performance of any description knowing the obscene nature thereof, or offers to do so, or possesses such material with the intent to do so. A person commits the offense of wholesale distributing obscene materials or obscene performances when he distributes for the purpose of resale any obscene material or obscene performance of any description knowing the obscene nature thereof, or offers to do so, or possesses such material with the intent to do so. The word "knowing" as used in this section means either actual or constructive knowledge of the obscene contents of the subject matter, and a person has constructive knowledge of the obscene contents if he has knowledge of facts which would put a reasonable and prudent person on notice as to the suspect nature of the material. The character and reputation of an individual charged with an offense under Sections 97-29-101 through 97-29-109 and, if a commercial dissemination of obscene material or an obscene performance is involved, the character and reputation of the business establishment involved, may be placed in evidence by the defendant on the question of intent to violate Sections 97-29-101 through 97-29-109. Any person, other than a city attorney, county prosecuting attorney or district attorney, who shall sign an affidavit charging an offense prescribed by this section shall file a bond in the amount of five hundred dollars (\$500.00)

at the time such affidavit is lodged. Such bond shall be conditioned that the affidavit was not filed frivolously, maliciously or out of ill will. Laws, 1983, ch. 498, § 1, eff. 7/1/1983. A person commits the offense of distributing obscene materials or obscene performances when he sells, rents, leases, advertises, publishes or exhibits to any person any obscene material or obscene performance of any description knowing the obscene nature thereof, or offers to do so, or possesses such material with the intent to do so. A person commits the offense of wholesale distributing obscene materials or obscene performances when he distributes for the purpose of resale any obscene material or obscene performance of any description knowing the obscene nature thereof, or offers to do so, or possesses such material with the intent to do so. The word "knowing" as used in this section means either actual or constructive knowledge of the obscene contents of the subject matter, and a person has constructive knowledge of the obscene contents if he has knowledge of facts which would put a reasonable and prudent person on notice as to the suspect nature of the material. The character and reputation of an individual charged with an offense under Sections 97-29-101 through 97-29-109 and, if a commercial dissemination of obscene material or an obscene performance is involved, the character and reputation of the business establishment involved, may be placed in evidence by the defendant on the question of intent to violate Sections 97-29-101 through 97-29-109. Any person, other than a city attorney, county prosecuting attorney or district attorney, who shall sign an affidavit charging an offense prescribed by this section shall file a bond in the amount of five hundred dollars (\$500.00) at the time such affidavit is lodged. Such bond shall be conditioned that the affidavit was not filed frivolously, maliciously or out of ill will. Laws, 1983, ch. 498, § 1, eff. 7/1/1983.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109) OBSCENE MATERIALS, PERFORMANCES AND DEVICES (§§ 97-29-101 — 97-29-109) Section 97-29-103 - Definitions

(1) Material or performance is obscene if: (a) To the average person, applying contemporary community standards, taken as a whole, it appeals to the prurient interest, that is, a lustful, erotic, shameful, or morbid interest in nudity, sex or excretion; and (b) The material taken as a whole lacks serious literary, artistic, political or scientific value; and (c) The material depicts or describes in a patently offensive way, sexual conduct specifically defined in subparagraphs (i) through (v) below: (i) Acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated; (ii) Acts of masturbation; (iii) Acts involving excretory functions or lewd exhibition of the genitals; (iv) Acts of bestiality or the fondling of sex organs of animals; or (v) Sexual acts of flagellation, torture or other violence indicating a sadomasochistic sexual relationship. (2) Undeveloped photographs, molds, printing plates and the like shall be deemed obscene material, notwithstanding that processing or other acts may be required to make the obscenity patent or to distribute it. (3) "Performance" means a play, motion picture, dance or other exhibition performed before an audience. (4) "Patently offensive" means so offensive on its face as to affront current community standards of decency. (5) "Wholesale distributes" means to distribute for the purpose of resale. (6) "Material" means any book, magazine, newspaper, advertisement, pamphlet, poster, print, picture, figure, image, drawing, description, motion picture film, phonographic record, recording tape, video tape, or other tangible thing producing, reproducing or capable of producing or reproducing an image, picture, sound or sensation through sight, sound or touch, but it does not include an actual three-dimensional sexual device as defined in Section 97-29-105. Laws, 1983, ch. 498, § 2, eff. 7/1/1983. (1) Material or performance is obscene if: (a) To the average person, applying contemporary community standards, taken as a whole, it appeals to the prurient interest, that is, a lustful, erotic, shameful, or morbid interest in nudity, sex or excretion; and (b) The material taken as a whole lacks serious literary, artistic, political or scientific value; and (c) The material depicts or describes in a patently offensive way, sexual conduct specifically defined in subparagraphs (i) through (v) below: (i) Acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated; (ii) Acts of masturbation; (iii) Acts involving excretory functions or lewd exhibition of the genitals; (iv) Acts of bestiality or the fondling of sex organs of animals; or (v) Sexual acts of flagellation, torture or other violence indicating a sadomasochistic sexual relationship. (2) Undeveloped photographs, molds, printing plates and the like shall be deemed obscene material, notwithstanding that processing or other acts may be required to make the obscenity patent or to distribute it. (3) "Performance" means a play, motion picture, dance or other exhibition performed before an audience. (4) "Patently offensive" means so offensive on its face as to affront current community standards of decency. (5) "Wholesale distributes" means to distribute for the purpose of resale. (6) "Material" means any book, magazine, newspaper, advertisement, pamphlet, poster, print, picture, figure, image, drawing, description, motion picture film, phonographic record, recording tape, video tape, or other tangible thing producing, reproducing or capable of producing or reproducing an image, picture, sound or sensation through sight, sound or touch, but it does not include an actual three-dimensional sexual device as defined in Section 97-29-105. Laws, 1983, ch. 498, § 2, eff. 7/1/1983. (1) Material or performance is obscene if: (a) To the average person, applying contemporary community standards, taken as a whole, it appeals to the prurient interest, that is, a lustful, erotic, shameful, or morbid interest in nudity, sex or excretion; and (b) The material taken as a whole lacks serious literary, artistic, political or scientific value; and (c) The material depicts or describes in a patently offensive way, sexual conduct specifically defined in subparagraphs (i) through (v) below: (i) Acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated; (ii) Acts of masturbation; (iii) Acts involving excretory functions or lewd exhibition of the genitals; (iv) Acts of bestiality or the fondling of sex organs of animals; or (v) Sexual acts of flagellation, torture or other violence indicating a sadomasochistic sexual relationship. (2) Undeveloped photographs, molds, printing plates and the like shall be deemed obscene material, notwithstanding that processing or other acts may be required to make the obscenity patent or to distribute it. (3) "Performance" means a play, motion picture, dance or other exhibition performed before an audience. (4) "Patently offensive" means so offensive on its face as to affront current community standards of decency. (5) "Wholesale distributes" means to distribute for the purpose of resale. (6) "Material"

means any book, magazine, newspaper, advertisement, pamphlet, poster, print, picture, figure, image, drawing, description, motion picture film, phonographic record, recording tape, video tape, or other tangible thing producing, reproducing or capable of producing or reproducing an image, picture, sound or sensation through sight, sound or touch, but it does not include an actual three-dimensional sexual device as defined in Section 97-29-105. Laws, 1983, ch. 498, § 2, eff. 7/1/1983. Laws, 1983, ch. 498, § 2, eff. 7/1/1983.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109) OBSCENE MATERIALS, PERFORMANCES AND DEVICES (§§ 97-29-101 — 97-29-109) Section 97-29-105 - Distribution or wholesale distribution of unlawful sexual devices; prosecutor's bond

A person commits the offense of distributing unlawful sexual devices when he knowingly sells, advertises, publishes or exhibits to any person any three-dimensional device designed or marketed as useful primarily for the stimulation of human genital organs, or offers to do so, or possesses such devices with the intent to do so. A person commits the offense of wholesale distributing unlawful sexual devices when he distributes for the purpose of resale any three-dimensional device designed or marketed as useful primarily for the stimulation of human genital organs, or offers to do so, or possesses such devices with the intent to do so. Any person, other than a city attorney, county prosecuting attorney or district attorney, who shall sign an affidavit charging an offense prescribed by this section shall file a bond in the amount of five hundred dollars (\$500.00) at the time such affidavit is lodged. Such bond shall be conditioned that the affidavit was not filed frivolously, maliciously or out of ill will. Laws, 1983, ch. 498, § 3, eff. 7/1/1983. A person commits the offense of distributing unlawful sexual devices when he knowingly sells, advertises, publishes or exhibits to any person any three-dimensional device designed or marketed as useful primarily for the stimulation of human genital organs, or offers to do so, or possesses such devices with the intent to do so. A person commits the offense of wholesale distributing unlawful sexual devices when he distributes for the purpose of resale any three-dimensional device designed or marketed as useful primarily for the stimulation of human genital organs, or offers to do so, or possesses such devices with the intent to do so. Any person, other than a city attorney, county prosecuting attorney or district attorney, who shall sign an affidavit charging an offense prescribed by this section shall file a bond in the amount of five hundred dollars (\$500.00) at the time such affidavit is lodged. Such bond shall be conditioned that the affidavit was not filed frivolously, maliciously or out of ill will. Laws, 1983, ch. 498, § 3, eff. 7/1/1983. A person commits the offense of distributing unlawful sexual devices when he knowingly sells, advertises, publishes or exhibits to any person any three-dimensional device designed or marketed as useful primarily for the stimulation of human genital organs, or offers to do so, or possesses such devices with the intent to do so. A person commits the offense of wholesale distributing unlawful sexual devices when he distributes for the purpose of resale any three-dimensional device designed or marketed as useful primarily for the stimulation of human genital organs, or offers to do so, or possesses such devices with the intent to do so. Any person, other than a city attorney, county prosecuting attorney or district attorney, who shall sign an affidavit charging an offense prescribed by this section shall file a bond in the amount of five hundred dollars (\$500.00) at the time such affidavit is lodged. Such bond shall be conditioned that the affidavit was not filed frivolously, maliciously or out of ill will. Laws, 1983, ch. 498, § 3, eff. 7/1/1983. A person commits the offense of distributing unlawful sexual devices when he knowingly sells, advertises, publishes or exhibits to any person any three-dimensional device designed or marketed as useful primarily for the stimulation of human genital organs, or offers to do so, or possesses such devices with the intent to do so. A person commits the offense of wholesale distributing unlawful sexual devices when he distributes for the purpose of resale any three-dimensional device designed or marketed as useful primarily for the stimulation of human genital organs, or offers to do so, or possesses such devices with the intent to do so. Any person, other than a city attorney, county prosecuting attorney or district attorney, who shall sign an affidavit charging an offense prescribed by this section shall file a bond in the amount of five hundred dollars (\$500.00) at the time such affidavit is lodged. Such bond shall be conditioned that the affidavit was not filed frivolously, maliciously or out of ill will. Laws, 1983, ch. 498, § 3, eff. 7/1/1983.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109) OBSCENE MATERIALS, PERFORMANCES AND DEVICES (§§ 97-29-101 — 97-29-109) Section 97-29-107 - Exemptions from application of Sections 97-29-101 through 97-29-109; procedure for claiming exemption; defenses

(1) Sections 97-29-101 through 97-29-109 shall not apply when the distribution or wholesale distribution of the material, performance or device was made by: (a) A person, corporation, company, partnership, firm, association, business, establishment or other legal entity to a person associated with an institution of higher learning, either as a member of the faculty or as a matriculated student, teaching or pursuing a course of study related to such material, performance or device; (b) A licensed physician or a licensed psychologist to a person whose receipt of such material or device was authorized in writing by such physician or psychologist in the course of medical or psychological treatment or care; (c) A person who while acting in his capacity as an employee is employed on a full-time or part-time basis by (i) any recognized historical society or museum accorded charitable status by the federal government; (ii) any state, county or municipal public library; or (iii) any library of any public or private school, college or university in this state; or (d) A community television antenna services system or a cable television system operating pursuant to a written agreement not in conflict with this paragraph granted by a county, municipality or other political subdivision of this state, or by an employee of such system while acting within the scope of his employment, when the signal transmitting the material or performance originates outside of the state of Mississippi. (2) Any exemption from prosecution claimed under the provisions of this section may be raised at a pretrial hearing by motion, and the court shall determine whether sufficient evidence exists to constitute an exemption from

prosecution under the provisions of Sections 97-29-101 through 97-29-109. If the motion is sustained, the case shall be dismissed; provided, however, if the motion is not sustained then the defendant may offer into evidence at trial as an affirmative defense to conviction under Sections 97-29-101 through 97-29-109 any matter which could have been raised by the defendant in the motion to dismiss. Laws, 1983, ch. 498, § 4, eff. 7/1/1983. (1) Sections 97-29-101 through 97-29-109 shall not apply when the distribution or wholesale distribution of the material, performance or device was made by: (a) A person, corporation, company, partnership, firm, association, business, establishment or other legal entity to a person associated with an institution of higher learning, either as a member of the faculty or as a matriculated student, teaching or pursuing a course of study related to such material, performance or device; (b) A licensed physician or a licensed psychologist to a person whose receipt of such material or device was authorized in writing by such physician or psychologist in the course of medical or psychological treatment or care; (c) A person who while acting in his capacity as an employee is employed on a full-time or part-time basis by (i) any recognized historical society or museum accorded charitable status by the federal government; (ii) any state, county or municipal public library; or (iii) any library of any public or private school, college or university in this state; or (d) A community television antenna services system or a cable television system operating pursuant to a written agreement not in conflict with this paragraph granted by a county, municipality or other political subdivision of this state, or by an employee of such system while acting within the scope of his employment, when the signal transmitting the material or performance originates outside of the state of Mississippi. (2) Any exemption from prosecution claimed under the provisions of this section may be raised at a pretrial hearing by motion, and the court shall determine whether sufficient evidence exists to constitute an exemption from prosecution under the provisions of Sections 97-29-101 through 97-29-109. If the motion is sustained, the case shall be dismissed; provided, however, if the motion is not sustained then the defendant may offer into evidence at trial as an affirmative defense to conviction under Sections 97-29-101 through 97-29-109 any matter which could have been raised by the defendant in the motion to dismiss. Laws, 1983, ch. 498, § 4, eff. 7/1/1983.

(1) Sections 97-29-101 through 97-29-109 shall not apply when the distribution or wholesale distribution of the material, performance or device was made by: (a) A person, corporation, company, partnership, firm, association, business, establishment or other legal entity to a person associated with an institution of higher learning, either as a member of the faculty or as a matriculated student, teaching or pursuing a course of study related to such material, performance or device; (b) A licensed physician or a licensed psychologist to a person whose receipt of such material or device was authorized in writing by such physician or psychologist in the course of medical or psychological treatment or care; (c) A person who while acting in his capacity as an employee is employed on a full-time or part-time basis by (i) any recognized historical society or museum accorded charitable status by the federal government; (ii) any state, county or municipal public library; or (iii) any library of any public or private school, college or university in this state; or (d) A community television antenna services system or a cable television system operating pursuant to a written agreement not in conflict with this paragraph granted by a county, municipality or other political subdivision of this state, or by an employee of such system while acting within the scope of his employment, when the signal transmitting the material or performance originates outside of the state of Mississippi. (2) Any exemption from prosecution claimed under the provisions of this section may be raised at a pretrial hearing by motion, and the court shall determine whether sufficient evidence exists to constitute an exemption from prosecution under the provisions of Sections 97-29-101 through 97-29-109. If the motion is sustained, the case shall be dismissed; provided, however, if the motion is not sustained then the defendant may offer into evidence at trial as an affirmative defense to conviction under Sections 97-29-101 through 97-29-109 any matter which could have been raised by the defendant in the motion to dismiss. Laws, 1983, ch. 498, § 4, eff. 7/1/1983. Laws, 1983, ch. 498, § 4, eff. 7/1/1983.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 29 - CRIMES AGAINST PUBLIC MORALS AND DECENCY (§§ 97-29-1 — 97-29-109) OBSCENE MATERIALS, PERFORMANCES AND DEVICES (§§ 97-29-101 — 97-29-109) Section 97-29-109 - Penalties

Any person, except one who wholesale distributes, who violates Section 97-29-101 or Section 97-29-105 shall be guilty of a misdemeanor and, upon conviction, shall, in the case of the first offense, be fined not more than five thousand dollars (\$5,000.00) or imprisoned in the county jail for a term not to exceed six (6) months, or both. If the person has been previously convicted of a violation of Section 97-29-101 or Section 97-29-105 or of Section 97-5-27 or 97-5-29, Mississippi Code of 1972, then the person shall be fined not less than two thousand five hundred dollars (\$2,500.00) nor more than ten thousand dollars (\$10,000.00) or imprisoned for a term not to exceed one (1) year, or both. Any person who wholesale distributes in violation of Section 97-29-101 or Section 97-29-105 shall, upon conviction, be fined not more than ten thousand dollars (\$10,000.00) or imprisoned for a term not to exceed one (1) year, or both. If the person has been previously convicted of a violation of Section 97-29-101 or Section 97-29-105 or of Section 97-5-27 or 97-5-29, Mississippi Code of 1972, then the person shall, upon conviction, be fined not less than two thousand five hundred dollars (\$2,500.00) nor more than fifty thousand dollars (\$50,000.00) or imprisoned for a term not to exceed one (1) year, or both. A corporation, company, partnership, firm, association, business, establishment, organization or other legal entity other than an individual convicted of distributing obscenity or unlawful sexual devices or wholesale distribution of obscenity or unlawful sexual devices shall be fined not less than one thousand dollars (\$1,000.00) nor more than ten thousand dollars (\$10,000.00). If such legal entity has been previously convicted of distributing obscenity or unlawful sexual devices or wholesale distribution of obscenity or unlawful sexual devices or of a violation of Section 97-5-27 or Section 97-5-29, Mississippi Code of 1972, then such legal entity shall be fined not less than five thousand dollars (\$5,000.00) nor more than fifty thousand dollars (\$50,000.00). Laws, 1983, ch. 498, § 5, eff. 7/1/1983. Any person, except one who wholesale distributes, who violates Section 97-29-101 or Section 97-29-105 shall be guilty of a misdemeanor and, upon conviction, shall, in the case of the first offense, be fined not more than five thousand dollars

(\$5,000.00) or imprisoned in the county jail for a term not to exceed six (6) months, or both. If the person has been previously convicted of a violation of Section97-29-101or Section97-29-105or of Section97-5-27or97-5-29, Mississippi Code of 1972, then the person shall be fined not less than two thousand five hundred dollars (\$2,500.00) nor more than ten thousand dollars (\$10,000.00) or imprisoned for a term not to exceed one (1) year, or both. Any person who wholesale distributes in violation of Section97-29-101or Section97-29-105shall, upon conviction, be fined not more than ten thousand dollars (\$10,000.00) or imprisoned for a term not to exceed one (1) year, or both. 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If such legal entity has been previously convicted of distributing obscenity or unlawful sexual devices or wholesale distribution of obscenity or unlawful sexual devices or of a violation of Section97-5-27or Section97-5-29, Mississippi Code of 1972, then such legal entity shall be fined not less than five thousand dollars (\$5,000.00) nor more than fifty thousand dollars (\$50,000.00). Laws, 1983, ch. 498, § 5, eff. 7/1/1983. Any person, except one who wholesale distributes, who violates Section97-29-101or Section97-29-105shall be guilty of a misdemeanor and, upon conviction, shall, in the case of the first offense, be fined not more than five thousand dollars (\$5,000.00) or imprisoned in the county jail for a term not to exceed six (6) months, or both. If the person has been previously convicted of a violation of Section97-29-101or Section97-29-105or of Section97-5-27or97-5-29, Mississippi Code of 1972, then the person shall be fined not less than two thousand five hundred dollars (\$2,500.00) nor more than ten thousand dollars (\$10,000.00) or imprisoned for a term not to exceed one (1) year, or both. Any person who wholesale distributes in violation of Section97-29-101or Section97-29-105shall, upon conviction, be fined not more than ten thousand dollars (\$10,000.00) or imprisoned for a term not to exceed one (1) year, or both. If the person has been previously convicted of a violation of Section97-29-101or Section97-29-105or of Section97-5-27or97-5-29, Mississippi Code of 1972, then the person shall, upon conviction, be fined not less than two thousand five hundred dollars (\$2,500.00) nor more than fifty thousand dollars (\$50,000.00) or imprisoned for a term not to exceed one (1) year, or both. A corporation, company, partnership, firm, association, business, establishment, organization or other legal entity other than an individual convicted of distributing obscenity or unlawful sexual devices or wholesale distribution of obscenity or unlawful sexual devices shall be fined not less than one thousand dollars (\$1,000.00) nor more than ten thousand dollars (\$10,000.00). If such legal entity has been previously convicted of distributing obscenity or unlawful sexual devices or wholesale distribution of obscenity or unlawful sexual devices or of a violation of Section97-5-27or Section97-5-29, Mississippi Code of 1972, then such legal entity shall be fined not less than five thousand dollars (\$5,000.00) nor more than fifty thousand dollars (\$50,000.00). Laws, 1983, ch. 498, § 5, eff. 7/1/1983. 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If such legal entity has been previously convicted of distributing obscenity or unlawful sexual devices or wholesale distribution of obscenity or unlawful sexual devices or of a violation of Section97-5-27or Section97-5-29, Mississippi Code of 1972, then such legal entity shall be fined not less than five thousand dollars (\$5,000.00) nor more than fifty thousand dollars (\$50,000.00). Laws, 1983, ch. 498, § 5, eff. 7/1/1983.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-1 - Abduction for purposes of marriage

Every person who shall take any person over the age of fourteen (14) years unlawfully, against his or her will, and by force, menace, fraud, deceit, stratagem or duress, compel or induce him or her to marry such person or to marry any other person, or to be defiled, and shall be thereof duly convicted, shall be punished by imprisonment in the penitentiary not less than five (5) years and not more than fifteen (15) years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (24); 1857, ch. 64, art. 1; 1871, § 2483; 1880, § 2697; 1892, § 949; 1906, § 1025; Hemingway's 1917, § 750; 1930, § 768; 1942, § 1994; Laws, 1980, ch. 356, eff. 4/23/1980. Every person who shall take any person over the age of fourteen (14) years unlawfully, against his or her will, and by force, menace, fraud, deceit, stratagem or duress, compel or induce him or her to marry such person or to marry any other person, or to be defiled, and shall be thereof duly convicted, shall be punished by imprisonment in the penitentiary not less than five (5) years and not more than fifteen (15) years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (24); 1857, ch. 64, art. 1; 1871, § 2483; 1880, § 2697; 1892, § 949;

1906, § 1025; Hemingway's 1917, § 750; 1930, § 768; 1942, § 1994; Laws, 1980, ch. 356, eff. 4/23/1980. Every person who shall take any person over the age of fourteen (14) years unlawfully, against his or her will, and by force, menace, fraud, deceit, stratagem or duress, compel or induce him or her to marry such person or to marry any other person, or to be defiled, and shall be thereof duly convicted, shall be punished by imprisonment in the penitentiary not less than five (5) years and not more than fifteen (15) years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (24); 1857, ch. 64, art. 1; 1871, § 2483; 1880, § 2697; 1892, § 949; 1906, § 1025; Hemingway's 1917, § 750; 1930, § 768; 1942, § 1994; Laws, 1980, ch. 356, eff. 4/23/1980. Every person who shall take any person over the age of fourteen (14) years unlawfully, against his or her will, and by force, menace, fraud, deceit, stratagem or duress, compel or induce him or her to marry such person or to marry any other person, or to be defiled, and shall be thereof duly convicted, shall be punished by imprisonment in the penitentiary not less than five (5) years and not more than fifteen (15) years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (24); 1857, ch. 64, art. 1; 1871, § 2483; 1880, § 2697; 1892, § 949; 1906, § 1025; Hemingway's 1917, § 750; 1930, § 768; 1942, § 1994; Laws, 1980, ch. 356, eff. 4/23/1980.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-101 - Sexual battery; penalty; criminal sexual assault protection order

(1) Every person who shall be convicted of sexual battery under Section 97-3-95(1)(a), (b) or (2) shall be imprisoned in the State Penitentiary for a period of not more than thirty (30) years, and for a second or subsequent such offense shall be imprisoned in the Penitentiary for not more than forty (40) years. (2)(a) Every person who shall be convicted of sexual battery under Section 97-3-95(1)(c) who is at least eighteen (18) but under twenty-one (21) years of age shall be imprisoned for not more than five (5) years in the State Penitentiary or fined not more than Five Thousand Dollars (\$5,000.00), or both; (b) Every person who shall be convicted of sexual battery under Section 97-3-95(1)(c) who is twenty-one (21) years of age or older shall be imprisoned not more than thirty (30) years in the State Penitentiary or fined not more than Ten Thousand Dollars (\$10,000.00), or both, for the first offense, and not more than forty (40) years in the State Penitentiary for each subsequent offense. (3) Every person who shall be convicted of sexual battery under Section 97-3-95(1)(d) who is eighteen (18) years of age or older shall be imprisoned for life in the State Penitentiary or such lesser term of imprisonment as the court may determine, but not less than twenty (20) years. (4) Every person who shall be convicted of sexual battery who is thirteen (13) years of age or older but under eighteen (18) years of age shall be sentenced to such imprisonment, fine or other sentence as the court, in its discretion, may determine. (5)(a) Upon conviction under this section, the court may issue a criminal sexual assault protection order prohibiting the offender from any contact with the victim, without regard to the relationship between the victim and offender. The court may include in a criminal sexual assault protection order any relief available under Section 93-21-15. The term of a criminal sexual assault protection order shall be for a time period determined by the court, but all orders shall, at a minimum, remain in effect for a period of two (2) years following the expiration of any sentence of imprisonment and subsequent period of community supervision, conditional release, probation, or parole. Upon issuance of a criminal sexual assault protection order, the clerk of the issuing court shall enter the order in the Mississippi Protection Order Registry within twenty-four (24) hours of issuance with no exceptions for weekends or holidays as provided in Section 93-21-25, and a copy must be provided to both the victim and offender. (b) Criminal sexual assault protection orders shall be issued on the standardized form developed by the Office of the Attorney General. (c) It is a misdemeanor to knowingly violate any condition of a criminal sexual assault protection order. Upon conviction for a violation, the defendant shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both. Any sentence imposed for the violation of a criminal sexual assault protection order shall run consecutively to any other sentences imposed on the offender. The court may extend the criminal sexual assault protection order for a period of one (1) year for each violation. The incarceration of a person at the time of the violation is not a bar to prosecution under this section. Nothing in this subsection shall be construed to prohibit the imposition of any other penalties or disciplinary action otherwise allowed by law or policy. Laws, 1980, ch. 450, § 4; Laws, 1993, ch. 512, § 3; Laws, 1995, ch. 596, § 15; Laws, 1998, ch. 549, § 4; Laws, 1999, ch. 560, § 2, eff. 4/21/1999. Amended by Laws, 2017, ch. 414, HB 1356, 2, eff. 4/6/2017. (1) Every person who shall be convicted of sexual battery under Section 97-3-95(1)(a), (b) or (2) shall be imprisoned in the State Penitentiary for a period of not more than thirty (30) years, and for a second or subsequent such offense shall be imprisoned in the Penitentiary for not more than forty (40) years. (2)(a) Every person who shall be convicted of sexual battery under Section 97-3-95(1)(c) who is at least eighteen (18) but under twenty-one (21) years of age shall be imprisoned for not more than five (5) years in the State Penitentiary or fined not more than Five Thousand Dollars (\$5,000.00), or both; (b) Every person who shall be convicted of sexual battery under Section 97-3-95(1)(c) who is twenty-one (21) years of age or older shall be imprisoned not more than thirty (30) years in the State Penitentiary or fined not more than Ten Thousand Dollars (\$10,000.00), or both, for the first offense, and not more than forty (40) years in the State Penitentiary for each subsequent offense. (3) Every person who shall be convicted of sexual battery under Section 97-3-95(1)(d) who is eighteen (18) years of age or older shall be imprisoned for life in the State Penitentiary or such lesser term of imprisonment as the court may determine, but not less than twenty (20) years. (4) Every person who shall be convicted of sexual battery who is thirteen (13) years of age or older but under eighteen (18) years of age shall be sentenced to such imprisonment, fine or other sentence as the court, in its discretion, may determine. (5)(a) Upon conviction under this section, the court may issue a criminal sexual assault protection order prohibiting the offender from any contact with the victim, without regard to the relationship between the victim and offender. The court may include in a criminal sexual assault protection order any relief available under Section 93-21-15. The term of a criminal sexual assault protection order shall be for a time period determined by the court, but all orders shall, at a minimum, remain in effect for a period of two (2) years following the expiration of any sentence of

imprisonment and subsequent period of community supervision, conditional release, probation, or parole. Upon issuance of a criminal sexual assault protection order, the clerk of the issuing court shall enter the order in the Mississippi Protection Order Registry within twenty-four (24) hours of issuance with no exceptions for weekends or holidays as provided in Section 93-21-25, and a copy must be provided to both the victim and offender. (b) Criminal sexual assault protection orders shall be issued on the standardized form developed by the Office of the Attorney General. (c) It is a misdemeanor to knowingly violate any condition of a criminal sexual assault protection order. Upon conviction for a violation, the defendant shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both. Any sentence imposed for the violation of a criminal sexual assault protection order shall run consecutively to any other sentences imposed on the offender. The court may extend the criminal sexual assault protection order for a period of one (1) year for each violation. The incarceration of a person at the time of the violation is not a bar to prosecution under this section. Nothing in this subsection shall be construed to prohibit the imposition of any other penalties or disciplinary action otherwise allowed by law or policy. Laws, 1980, ch. 450, § 4; Laws, 1993, ch. 512, § 3; Laws, 1995, ch. 596, § 15; Laws, 1998, ch. 549, § 4; Laws, 1999, ch. 560, § 2, eff. 4/21/1999. Amended by Laws, 2017, ch. 414, HB 1356, 2, eff. 4/6/2017. (1) Every person who shall be convicted of sexual battery under Section 97-3-95(1)(a), (b) or (2) shall be imprisoned in the State Penitentiary for a period of not more than thirty (30) years, and for a second or subsequent such offense shall be imprisoned in the Penitentiary for not more than forty (40) years. (2)(a) Every person who shall be convicted of sexual battery under Section 97-3-95(1)(c) who is at least eighteen (18) but under twenty-one (21) years of age shall be imprisoned for not more than five (5) years in the State Penitentiary or fined not more than Five Thousand Dollars (\$5,000.00), or both; (b) Every person who shall be convicted of sexual battery under Section 97-3-95(1)(c) who is twenty-one (21) years of age or older shall be imprisoned not more than thirty (30) years in the State Penitentiary or fined not more than Ten Thousand Dollars (\$10,000.00), or both, for the first offense, and not more than forty (40) years in the State Penitentiary for each subsequent offense. (3) Every person who shall be convicted of sexual battery under Section 97-3-95(1)(d) who is eighteen (18) years of age or older shall be imprisoned for life in the State Penitentiary or such lesser term of imprisonment as the court may determine, but not less than twenty (20) years. (4) Every person who shall be convicted of sexual battery who is thirteen (13) years of age or older but under eighteen (18) years of age shall be sentenced to such imprisonment, fine or other sentence as the court, in its discretion, may determine. (5)(a) Upon conviction under this section, the court may issue a criminal sexual assault protection order prohibiting the offender from any contact with the victim, without regard to the relationship between the victim and offender. The court may include in a criminal sexual assault protection order any relief available under Section 93-21-15. The term of a criminal sexual assault protection order shall be for a time period determined by the court, but all orders shall, at a minimum, remain in effect for a period of two (2) years following the expiration of any sentence of imprisonment and subsequent period of community supervision, conditional release, probation, or parole. Upon issuance of a criminal sexual assault protection order, the clerk of the issuing court shall enter the order in the Mississippi Protection Order Registry within twenty-four (24) hours of issuance with no exceptions for weekends or holidays as provided in Section 93-21-25, and a copy must be provided to both the victim and offender. (b) Criminal sexual assault protection orders shall be issued on the standardized form developed by the Office of the Attorney General. (c) It is a misdemeanor to knowingly violate any condition of a criminal sexual assault protection order. Upon conviction for a violation, the defendant shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both. Any sentence imposed for the violation of a criminal sexual assault protection order shall run consecutively to any other sentences imposed on the offender. The court may extend the criminal sexual assault protection order for a period of one (1) year for each violation. The incarceration of a person at the time of the violation is not a bar to prosecution under this section. Nothing in this subsection shall be construed to prohibit the imposition of any other penalties or disciplinary action otherwise allowed by law or policy. Laws, 1980, ch. 450, § 4; Laws, 1993, ch. 512, § 3; Laws, 1995, ch. 596, § 15; Laws, 1998, ch. 549, § 4; Laws, 1999, ch. 560, § 2, eff. 4/21/1999. Amended by Laws, 2017, ch. 414, HB 1356, 2, eff. 4/6/2017. Laws, 1980, ch. 450, § 4; Laws, 1993, ch. 512, § 3; Laws, 1995, ch. 596, § 15; Laws, 1998, ch. 549, § 4; Laws, 1999, ch. 560, § 2, eff. 4/21/1999. Amended by Laws, 2017, ch. 414, HB 1356, 2, eff. 4/6/2017.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-103 - Sexual battery; relationship with other criminal statutes

Sections 97-3-95 through 97-3-103 shall not be held to repeal, modify or amend any other criminal statute of this state. Laws, 1980, ch. 450, § 5, eff. 7/1/1980. Sections 97-3-95 through 97-3-103 shall not be held to repeal, modify or amend any other criminal statute of this state. Laws, 1980, ch. 450, § 5, eff. 7/1/1980. Sections 97-3-95 through 97-3-103 shall not be held to repeal, modify or amend any other criminal statute of this state. Laws, 1980, ch. 450, § 5, eff. 7/1/1980. Sections 97-3-95 through 97-3-103 shall not be held to repeal, modify or amend any other criminal statute of this state. Laws, 1980, ch. 450, § 5, eff. 7/1/1980.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-104 - Crime of sexual activity between certain individuals and offenders incarcerated in correctional facilities or on correctional supervision; sanctions

(1) It is unlawful for any jailer, guard, employee of the Department of Corrections, sheriff, constable, marshal, other officer, or employee of a law enforcement agency or correctional facility to engage in any sexual penetration, as defined in Section 97-3-97, or other sexual act with any offender, with the offender's consent, who is incarcerated at any jail or any state, county or private correctional facility or who is serving on probation, parole, earned-release supervision, post-release supervision, earned probation,

intensive supervision or any other form of correctional supervision.(2)It is unlawful for any civilian with supervisory or custodial authority over an offender to engage in any sexual penetration, as defined in Section97-3-97, or other sexual act with the offender, with the offender's consent, who is incarcerated at any jail or any state, county or private correctional facility.(3)Any person who violates this section is guilty of a felony and upon conviction shall be fined not more than Five Thousand Dollars (\$5,000.00) or imprisoned for a term not to exceed five (5) years, or both.Laws, 1998, ch. 470, § 1; Laws, 2004, ch. 589, § 1; Laws, 2005, ch. 518, § 1; Laws, 2010, ch. 369, § 1, eff. 3/16/2010. (1)It is unlawful for any jailer, guard, employee of the Department of Corrections, sheriff, constable, marshal, other officer, or employee of a law enforcement agency or correctional facility to engage in any sexual penetration, as defined in Section97-3-97, or other sexual act with any offender, with the offender's consent, who is incarcerated at any jail or any state, county or private correctional facility or who is serving on probation, parole, earned-release supervision, post-release supervision, earned probation, intensive supervision or any other form of correctional supervision.(2)It is unlawful for any civilian with supervisory or custodial authority over an offender to engage in any sexual penetration, as defined in Section97-3-97, or other sexual act with the offender, with the offender's consent, who is incarcerated at any jail or any state, county or private correctional facility.(3)Any person who violates this section is guilty of a felony and upon conviction shall be fined not more than Five Thousand Dollars (\$5,000.00) or imprisoned for a term not to exceed five (5) years, or both.Laws, 1998, ch. 470, § 1; Laws, 2004, ch. 589, § 1; Laws, 2005, ch. 518, § 1; Laws, 2010, ch. 369, § 1, eff. 3/16/2010. (1)It is unlawful for any jailer, guard, employee of the Department of Corrections, sheriff, constable, marshal, other officer, or employee of a law enforcement agency or correctional facility to engage in any sexual penetration, as defined in Section97-3-97, or other sexual act with any offender, with the offender's consent, who is incarcerated at any jail or any state, county or private correctional facility or who is serving on probation, parole, earned-release supervision, post-release supervision, earned probation, intensive supervision or any other form of correctional supervision.(2)It is unlawful for any civilian with supervisory or custodial authority over an offender to engage in any sexual penetration, as defined in Section97-3-97, or other sexual act with the offender, with the offender's consent, who is incarcerated at any jail or any state, county or private correctional facility.(3)Any person who violates this section is guilty of a felony and upon conviction shall be fined not more than Five Thousand Dollars (\$5,000.00) or imprisoned for a term not to exceed five (5) years, or both.Laws, 1998, ch. 470, § 1; Laws, 2004, ch. 589, § 1; Laws, 2005, ch. 518, § 1; Laws, 2010, ch. 369, § 1, eff. 3/16/2010. Laws, 1998, ch. 470, § 1; Laws, 2004, ch. 589, § 1; Laws, 2005, ch. 518, § 1; Laws, 2010, ch. 369, § 1, eff. 3/16/2010.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-105 - Hazing; initiation into organization

(1)A person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury.(2)Any person violating the provisions of subsection (1) of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00) or imprisonment in the county jail for not more than six (6) months, or both.(3)A person is guilty of hazing in the second degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person.(4)Any person violating the provisions of subsection (3) of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00).(5)The provisions of this section shall be in addition to other criminal laws, and actions taken pursuant to this section shall not bar prosecutions for other violations of criminal law.Laws, 1990, ch. 343, § 1, eff. 7/1/1990. (1)A person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury.(2)Any person violating the provisions of subsection (1) of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00) or imprisonment in the county jail for not more than six (6) months, or both.(3)A person is guilty of hazing in the second degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person.(4)Any person violating the provisions of subsection (3) of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00).(5)The provisions of this section shall be in addition to other criminal laws, and actions taken pursuant to this section shall not bar prosecutions for other violations of criminal law.Laws, 1990, ch. 343, § 1, eff. 7/1/1990. Laws, 1990, ch. 343, § 1, eff. 7/1/1990.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-107 - Stalking; aggravated stalking; penalties; definitions

(1)(a) Any person who purposefully engages in a course of conduct directed at a specific person, or who makes a credible threat, and who knows or should know that the conduct would cause a reasonable person to fear for his or her own safety, to fear for the safety of another person, or to fear damage or destruction of his or her property, is guilty of the crime of stalking. (b) A person who is convicted of the crime of stalking under this section shall be punished by imprisonment in the county jail for not more than one (1) year or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. (c) Any person who is convicted of a violation of this section when there is in effect at the time of the commission of the offense a valid temporary restraining order, ex parte protective order, protective order after hearing, court approved consent agreement, or an injunction issued by a municipal, justice, county, circuit or chancery court, federal or tribal court or by a foreign court of competent jurisdiction prohibiting the behavior described in this section against the same party, shall be punished by imprisonment in the county jail for not more than one (1) year and by a fine of not more than One Thousand Five Hundred Dollars (\$1,500.00). (2)(a) A person who commits acts that would constitute the crime of stalking as defined in this section is guilty of the crime of aggravated stalking if any of the following circumstances exist: (i) At least one (1) of the actions constituting the offense involved the use or display of a deadly weapon with the intent to place the victim of the stalking in reasonable fear of death or great bodily injury to self or a third person; (ii) Within the past seven (7) years, the perpetrator has been previously convicted of stalking or aggravated stalking under this section or a substantially similar law of another state, political subdivision of another state, of the United States, or of a federally recognized Indian tribe, whether against the same or another victim; or (iii) At the time of the offense, the perpetrator was a person required to register as a sex offender pursuant to state, federal, military or tribal law and the victim was under the age of eighteen (18) years. (b) Aggravated stalking is a felony punishable as follows: (i) Except as provided in subparagraph (ii), by imprisonment in the custody of the Department of Corrections for not more than five (5) years and a fine of not more than Three Thousand Dollars (\$3,000.00). (ii) If, at the time of the offense, the perpetrator was required to register as a sex offender pursuant to state, federal, military or tribal law, and the victim was under the age of eighteen (18) years, by imprisonment for not more than six (6) years in the custody of the Department of Corrections and a fine of Four Thousand Dollars (\$4,000.00). (3) Upon conviction, the sentencing court shall consider issuance of an order prohibiting the perpetrator from any contact with the victim. The duration of any order prohibiting contact with the victim shall be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim or another person. (4) Every conviction of stalking or aggravated stalking may require as a condition of any suspended sentence or sentence of probation that the defendant, at his own expense, submit to psychiatric or psychological counseling or other such treatment or behavioral modification program deemed appropriate by the court. (5) In any prosecution under this section, it shall not be a defense that the perpetrator was not given actual notice that the course of conduct was unwanted or that the perpetrator did not intend to cause the victim fear. (6) When investigating allegations of a violation of this section, law enforcement officers shall utilize the Uniform Offense Report prescribed by the Office of the Attorney General in consultation with the sheriffs' and police chiefs' associations. However, failure of law enforcement to utilize the Uniform Offense Report shall in no way invalidate the crime charged under this section. (7) For purposes of venue, any violation of this section shall be considered to have been committed in any county in which any single act was performed in furtherance of a violation of this section. An electronic communication shall be deemed to have been committed in any county from which the electronic communication is generated or in which it is received. (8) For the purposes of this section: (a) "Course of conduct" means a pattern of conduct composed of a series of two (2) or more acts over a period of time, however short, evidencing a continuity of purpose and that would cause a reasonable person to fear for his or her own safety, to fear for the safety of another person, or to fear damage or destruction of his or her property. Such acts may include, but are not limited to, the following or any combination thereof, whether done directly or indirectly: (i) following or confronting the other person in a public place or on private property against the other person's will; (ii) contacting the other person by telephone or mail, or by electronic mail or communication as defined in Section 97-45-1; or (iii) threatening or causing harm to the other person or a third party. (b) "Credible threat" means a verbal or written threat to cause harm to a specific person or to cause damage to property that would cause a reasonable person to fear for the safety of that person or damage to the property. (c) "Reasonable person" means a reasonable person in the victim's circumstances. (9) The incarceration of a person at the time the threat is made shall not be a bar to prosecution under this section. Constitutionally protected activity is not prohibited by this section. Laws, 1992, ch. 532, § 1; Laws, 1996, ch. 326, § 1; Laws, 2000, ch. 553, § 1; Laws, 2006, ch. 583, § 1; Laws, 2010, ch. 453, § 1, eff. 7/1/2010. (1)(a) Any person who purposefully engages in a course of conduct directed at a specific person, or who makes a credible threat, and who knows or should know that the conduct would cause a reasonable person to fear for his or her own safety, to fear for the safety of another person, or to fear damage or destruction of his or her property, is guilty of the crime of stalking. (b) A person who is convicted of the crime of stalking under this section shall be punished by imprisonment in the county jail for not more than one (1) year or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. (c) Any person who is convicted of a violation of this section when there is in effect at the time of the commission of the offense a valid temporary restraining order, ex parte protective order, protective order after hearing, court approved consent agreement, or an injunction issued by a municipal, justice, county, circuit or chancery court, federal or tribal court or by a foreign court of competent jurisdiction prohibiting the behavior described in this section against the same party, shall be punished by imprisonment in the county jail for not more than one (1) year and by a fine of not more than One Thousand Five Hundred Dollars (\$1,500.00). (2)(a) A person who commits acts that would constitute the crime of stalking as defined in this section is guilty of the crime of aggravated stalking if any of the following circumstances exist: (i) At least one (1) of the actions constituting

the offense involved the use or display of a deadly weapon with the intent to place the victim of the stalking in reasonable fear of death or great bodily injury to self or a third person;(ii)Within the past seven (7) years, the perpetrator has been previously convicted of stalking or aggravated stalking under this section or a substantially similar law of another state, political subdivision of another state, of the United States, or of a federally recognized Indian tribe, whether against the same or another victim; or(iii)At the time of the offense, the perpetrator was a person required to register as a sex offender pursuant to state, federal, military or tribal law and the victim was under the age of eighteen (18) years.(b)Aggravated stalking is a felony punishable as follows:(i)Except as provided in subparagraph (ii), by imprisonment in the custody of the Department of Corrections for not more than five (5) years and a fine of not more than Three Thousand Dollars (\$3,000.00).(ii)If, at the time of the offense, the perpetrator was required to register as a sex offender pursuant to state, federal, military or tribal law, and the victim was under the age of eighteen (18) years, by imprisonment for not more than six (6) years in the custody of the Department of Corrections and a fine of Four Thousand Dollars (\$4,000.00).(3)Upon conviction, the sentencing court shall consider issuance of an order prohibiting the perpetrator from any contact with the victim. The duration of any order prohibiting contact with the victim shall be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim or another person.(4)Every conviction of stalking or aggravated stalking may require as a condition of any suspended sentence or sentence of probation that the defendant, at his own expense, submit to psychiatric or psychological counseling or other such treatment or behavioral modification program deemed appropriate by the court.(5)In any prosecution under this section, it shall not be a defense that the perpetrator was not given actual notice that the course of conduct was unwanted or that the perpetrator did not intend to cause the victim fear.(6)When investigating allegations of a violation of this section, law enforcement officers shall utilize the Uniform Offense Report prescribed by the Office of the Attorney General in consultation with the sheriffs' and police chiefs' associations. However, failure of law enforcement to utilize the Uniform Offense Report shall in no way invalidate the crime charged under this section.(7)For purposes of venue, any violation of this section shall be considered to have been committed in any county in which any single act was performed in furtherance of a violation of this section. An electronic communication shall be deemed to have been committed in any county from which the electronic communication is generated or in which it is received.(8)For the purposes of this section:(a)"Course of conduct" means a pattern of conduct composed of a series of two (2) or more acts over a period of time, however short, evidencing a continuity of purpose and that would cause a reasonable person to fear for his or her own safety, to fear for the safety of another person, or to fear damage or destruction of his or her property. Such acts may include, but are not limited to, the following or any combination thereof, whether done directly or indirectly:(i)following or confronting the other person in a public place or on private property against the other person's will;(ii)contacting the other person by telephone or mail, or by electronic mail or communication as defined in Section 97-45-1; or(iii)threatening or causing harm to the other person or a third party.(b)"Credible threat" means a verbal or written threat to cause harm to a specific person or to cause damage to property that would cause a reasonable person to fear for the safety of that person or damage to the property.(c)"Reasonable person" means a reasonable person in the victim's circumstances.(9)The incarceration of a person at the time the threat is made shall not be a bar to prosecution under this section. Constitutionally protected activity is not prohibited by this section.Laws, 1992, ch. 532, § 1; Laws, 1996, ch. 326, § 1; Laws, 2000, ch. 553, § 1; Laws, 2006, ch. 583, § 1; Laws, 2010, ch. 453, § 1, eff. 7/1/2010. (1)(a)Any person who purposefully engages in a course of conduct directed at a specific person, or who makes a credible threat, and who knows or should know that the conduct would cause a reasonable person to fear for his or her own safety, to fear for the safety of another person, or to fear damage or destruction of his or her property, is guilty of the crime of stalking.(b)A person who is convicted of the crime of stalking under this section shall be punished by imprisonment in the county jail for not more than one (1) year or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.(c)Any person who is convicted of a violation of this section when there is in effect at the time of the commission of the offense a valid temporary restraining order, ex parte protective order, protective order after hearing, court approved consent agreement, or an injunction issued by a municipal, justice, county, circuit or chancery court, federal or tribal court or by a foreign court of competent jurisdiction prohibiting the behavior described in this section against the same party, shall be punished by imprisonment in the county jail for not more than one (1) year and by a fine of not more than One Thousand Five Hundred Dollars (\$1,500.00).(2)(a)A person who commits acts that would constitute the crime of stalking as defined in this section is guilty of the crime of aggravated stalking if any of the following circumstances exist:(i)At least one (1) of the actions constituting the offense involved the use or display of a deadly weapon with the intent to place the victim of the stalking in reasonable fear of death or great bodily injury to self or a third person;(ii)Within the past seven (7) years, the perpetrator has been previously convicted of stalking or aggravated stalking under this section or a substantially similar law of another state, political subdivision of another state, of the United States, or of a federally recognized Indian tribe, whether against the same or another victim; or(iii)At the time of the offense, the perpetrator was a person required to register as a sex offender pursuant to state, federal, military or tribal law and the victim was under the age of eighteen (18) years.(b)Aggravated stalking is a felony punishable as follows:(i)Except as provided in subparagraph (ii), by imprisonment in the custody of the Department of Corrections for not more than five (5) years and a fine of not more than Three Thousand Dollars (\$3,000.00).(ii)If, at the time of the offense, the perpetrator was required to register as a sex offender pursuant to state, federal, military or tribal law, and the victim was under the age of eighteen (18) years, by imprisonment for not more than six (6) years in the custody of the Department of Corrections and a fine of Four Thousand Dollars (\$4,000.00).(3)Upon conviction, the sentencing court shall consider issuance of an order prohibiting the perpetrator from any contact with the victim. The duration of any order prohibiting contact with the victim shall be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim or another person.(4)Every conviction of stalking or aggravated stalking may require as a condition of any suspended sentence or

sentence of probation that the defendant, at his own expense, submit to psychiatric or psychological counseling or other such treatment or behavioral modification program deemed appropriate by the court.(5)In any prosecution under this section, it shall not be a defense that the perpetrator was not given actual notice that the course of conduct was unwanted or that the perpetrator did not intend to cause the victim fear.(6)When investigating allegations of a violation of this section, law enforcement officers shall utilize the Uniform Offense Report prescribed by the Office of the Attorney General in consultation with the sheriffs' and police chiefs' associations. However, failure of law enforcement to utilize the Uniform Offense Report shall in no way invalidate the crime charged under this section.(7)For purposes of venue, any violation of this section shall be considered to have been committed in any county in which any single act was performed in furtherance of a violation of this section. An electronic communication shall be deemed to have been committed in any county from which the electronic communication is generated or in which it is received.(8)For the purposes of this section:(a)"Course of conduct" means a pattern of conduct composed of a series of two (2) or more acts over a period of time, however short, evidencing a continuity of purpose and that would cause a reasonable person to fear for his or her own safety, to fear for the safety of another person, or to fear damage or destruction of his or her property. Such acts may include, but are not limited to, the following or any combination thereof, whether done directly or indirectly:(i)following or confronting the other person in a public place or on private property against the other person's will;(ii)contacting the other person by telephone or mail, or by electronic mail or communication as defined in Section97-45-1; or(iii)threatening or causing harm to the other person or a third party.(b)"Credible threat" means a verbal or written threat to cause harm to a specific person or to cause damage to property that would cause a reasonable person to fear for the safety of that person or damage to the property.(c)"Reasonable person" means a reasonable person in the victim's circumstances.(9)The incarceration of a person at the time the threat is made shall not be a bar to prosecution under this section. Constitutionally protected activity is not prohibited by this section.Laws, 1992, ch. 532, § 1; Laws, 1996, ch. 326, § 1; Laws, 2000, ch. 553, § 1; Laws, 2006, ch. 583, § 1; Laws, 2010, ch. 453, § 1, eff. 7/1/2010. Laws, 1992, ch. 532, § 1; Laws, 1996, ch. 326, § 1; Laws, 2000, ch. 553, § 1; Laws, 2006, ch. 583, § 1; Laws, 2010, ch. 453, § 1, eff. 7/1/2010.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-109 - Drive-by shooting; drive-by bombing

(1)A person is guilty of a drive-by shooting if he attempts, other than for lawful self-defense, to cause serious bodily injury to another, or causes such injury purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life by discharging a firearm while in or on a vehicle.(2)A person is guilty of a drive-by bombing if he attempts to cause serious bodily injury to another or attempts to cause damage to the property of another, or causes such injury or damage purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life by throwing or ejecting any bomb or explosive device from a vehicle while in or on the vehicle.(3)A person convicted of violating subsection (1) or (2) of this section shall be punished by commitment to the custody of the State Department of Corrections for a term not to exceed thirty (30) years and a fine not to exceed Ten Thousand Dollars (\$10,000.00). A drive-by shooting or a drive-by bombing shall be a felony.(4)This section shall not be construed to restrict the power to apprehend or arrest a person committing an offense if such apprehension or arrest is otherwise lawful.Laws, 1993, ch. 376, § 1; Laws, 1994, ch. 373, § 1; Laws, 1995, ch. 608, § 2, eff. 7/1/1995. (1)A person is guilty of a drive-by shooting if he attempts, other than for lawful self-defense, to cause serious bodily injury to another, or causes such injury purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life by discharging a firearm while in or on a vehicle.(2)A person is guilty of a drive-by bombing if he attempts to cause serious bodily injury to another or attempts to cause damage to the property of another, or causes such injury or damage purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life by throwing or ejecting any bomb or explosive device from a vehicle while in or on the vehicle.(3)A person convicted of violating subsection (1) or (2) of this section shall be punished by commitment to the custody of the State Department of Corrections for a term not to exceed thirty (30) years and a fine not to exceed Ten Thousand Dollars (\$10,000.00). A drive-by shooting or a drive-by bombing shall be a felony.(4)This section shall not be construed to restrict the power to apprehend or arrest a person committing an offense if such apprehension or arrest is otherwise lawful.Laws, 1993, ch. 376, § 1; Laws, 1994, ch. 373, § 1; Laws, 1995, ch. 608, § 2, eff. 7/1/1995. (1)A person is guilty of a drive-by shooting if he attempts, other than for lawful self-defense, to cause serious bodily injury to another, or causes such injury purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life by discharging a firearm while in or on a vehicle.(2)A person is guilty of a drive-by bombing if he attempts to cause serious bodily injury to another or attempts to cause damage to the property of another, or causes such injury or damage purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life by throwing or ejecting any bomb or explosive device from a vehicle while in or on the vehicle.(3)A person convicted of violating subsection (1) or (2) of this section shall be punished by commitment to the custody of the State Department of Corrections for a term not to exceed thirty (30) years and a fine not to exceed Ten Thousand Dollars (\$10,000.00). A drive-by shooting or a drive-by bombing shall be a felony.(4)This section shall not be construed to restrict the power to apprehend or arrest a person committing an offense if such apprehension or arrest is otherwise lawful.Laws, 1993, ch. 376, § 1; Laws, 1994, ch. 373, § 1; Laws, 1995, ch. 608, § 2, eff. 7/1/1995. Laws, 1993, ch. 376, § 1; Laws, 1994, ch. 373, § 1; Laws, 1995, ch. 608, § 2, eff. 7/1/1995.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-110 - Seizure and forfeiture of firearms unlawfully possessed by juveniles and of motor

vehicles used in drive-by shootings or bombings

(1)Whenever a person under eighteen (18) years of age is unlawfully in possession of a firearm, the firearm shall be seized and, after an adjudication of delinquency or conviction, shall be subject to forfeiture.(2)Whenever a person under eighteen (18) years of age unlawfully discharges a firearm in or throws or ejects a bomb from a motor vehicle in violation of Section97-3-109, Mississippi Code of 1972, the motor vehicle shall be subject to seizure and, after an adjudication of delinquency or conviction, be subject to forfeiture pursuant to the procedures set forth in Section97-3-111, Mississippi Code of 1972.Laws, 1995, ch. 608 § 1, eff. 7/1/1995.

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(1)Whenever a person under eighteen (18) years of age is unlawfully in possession of a firearm, the firearm shall be seized and, after an adjudication of delinquency or conviction, shall be subject to forfeiture.(2)Whenever a person under eighteen (18) years of age unlawfully discharges a firearm in or throws or ejects a bomb from a motor vehicle in violation of Section97-3-109, Mississippi Code of 1972, the motor vehicle shall be subject to seizure and, after an adjudication of delinquency or conviction, be subject to forfeiture pursuant to the procedures set forth in Section97-3-111, Mississippi Code of 1972.Laws, 1995, ch. 608 § 1, eff. 7/1/1995.

Laws, 1995, ch. 608 § 1, eff. 7/1/1995.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-111 - Forfeiture of vehicles used in drive-by shootings or bombings

(1)All vehicles which are used in any manner to facilitate the discharging of a firearm or the throwing or ejection of a bomb or explosive device in violation of Section97-3-109shall be subject to forfeiture, however:(a)No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of Section97-3-109and this section;(b)No conveyance is subject to forfeiture under this section by reason of any act or omission proved by the owner thereof to have been committed or omitted without his knowledge or consent; if the confiscating authority has reason to believe that the conveyance is a leased or rented conveyance, then the confiscating authority shall notify the owner of the conveyance within five (5) days of the confiscation;(c)A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission.(2)Except as otherwise provided in subsection (16), when any property is seized pursuant to subsection (1), proceedings under this section shall be instituted promptly.(3)A petition for forfeiture shall be filed promptly in the name of the State of Mississippi, the county or the municipality and may be filed in the county in which the seizure is made, the county in which the criminal prosecution is brought or the county in which the owner of the seized property is found. Forfeiture proceedings may be brought in (a) the circuit court, or (b) the county court if a county court exists in the county and the value of the seized property is within the jurisdictional limits of the county court as set forth in Section9-9-21, Mississippi Code of 1972, or (c) the youth court in the case of a person adjudicated delinquent where the underlying basis for the delinquency is a violation of Section97-3-109, Mississippi Code of 1972. A copy of such petition shall be served upon the following persons by service of process in the same manner as in civil cases:(a)The owner of the property, if address is known;(b)Any secured party who has registered his lien or filed a financing statement as provided by law, if the identity of such secured party can be ascertained by the local law enforcement agency by making a good faith effort to ascertain the identity of such secured party as described in subsections (4), (5), (6), (7) and (8) of this section;(c)Any other bona fide lienholder or secured party or other person holding an interest in the property in the nature of a security interest of whom the local law enforcement agency has actual knowledge; and(d)Any person in possession of property subject to forfeiture at the time that it was seized.(4)If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle has been titled, the local law enforcement agency shall make inquiry of the State Tax Commission as to what the records of the State Tax Commission show as to who is the record owner of the vehicle and who, if anyone, holds any lien or security interest which affects the vehicle.(5)If the property is a motor vehicle and is not titled in the State of Mississippi, then the local law enforcement agency shall attempt to ascertain the name and address of the person in whose name the vehicle is licensed, and if the vehicle is licensed in a state which has in effect a certificate of title law, the local law enforcement agency shall make inquiry of the appropriate agency of that state as to what the records of the agency show as to who is the record owner of the vehicle and who, if anyone, holds any lien, security interest or other instrument in the nature of a security device which affects the vehicle.(6)In the event the answer to an inquiry states that the record owner of the property is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, encumbrance, security interest or other interest which affects the property, the local law enforcement agency shall cause any record owner and also any lienholder, secured party or other person who holds an interest in the property in the nature of a security interest which affects the property to be named in the petition of forfeiture and to be served with process in the same manner as in civil cases.(7)If the owner of the property cannot be found and served with a copy of the petition of forfeiture, or if no person was in possession of the property subject to forfeiture at the time that it was seized and the owner of the property is unknown, the local law enforcement agency shall file with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the

hearing addressed to "the Unknown Owner of _____", filling in the blank space with a reasonably detailed description of the property subject to forfeiture. Service by publication shall contain the other requisites prescribed in Section 11-33-41, Mississippi Code of 1972, and shall be served as provided in Section 11-33-37, Mississippi Code of 1972, for publication of notice for attachments at law. (8) No proceedings instituted pursuant to the provisions of this section shall proceed to hearing unless the judge conducting the hearing is satisfied that this section has been complied with. Any answer received from an inquiry required by subsections (4) through (5) of this section shall be introduced into evidence at the hearing. (9) Except as otherwise provided in subsection (16), an owner of property that has been seized pursuant to subsection (1) shall file an answer within thirty (30) days after the completion of service of process. If an answer is not filed, the court shall hear evidence that the property is subject to forfeiture and forfeit the property to the local law enforcement agency. If an answer is filed, a time for hearing on forfeiture shall be set within thirty (30) days of filing the answer or at the succeeding term of court, if court would not be in progress within thirty (30) days after filing the answer. Provided, however, that upon request by the local law enforcement agency or the owner of the property, the court may postpone said forfeiture hearing to a date past the time any criminal action is pending against said owner. (10) If the owner of the property has filed an answer denying that the property is subject to forfeiture, then the burden is on the petitioner to prove that the property is subject to forfeiture. However, if an answer has not been filed by the owner of the property, the petition for forfeiture may be introduced into evidence and is prima facie evidence that the property is subject to forfeiture. The standard of proof placed upon the petitioner in regard to property forfeited under the provisions of Section 97-3-109 and this section shall be by a preponderance of the evidence. (11) At the hearing any claimant of any right, title or interest in the property may prove his lien, encumbrance, security interest or other interest in the nature of a security interest to be bona fide and created without knowledge or consent that the property was to be used so as to cause the property to be subject to forfeiture. (12) If it is found that the property is subject to forfeiture, then the judge shall forfeit the property to the local law enforcement agency. However, if proof at the hearing discloses that the interest of any bona fide lienholder, secured party or other person holding an interest in the property in the nature of a security interest is greater than or equal to the present value of the property, the court shall order the property released to him. If such interest is less than the present value of the property and if the proof shows that the property is subject to forfeiture, the court shall order the property forfeited to the local law enforcement agency. (13) All other property which is forfeited under this section shall be liquidated and, after deduction of court costs and the expenses of liquidation, the proceeds shall be divided and deposited as follows: (a) In the event only one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, fifty percent (50%) of the proceeds shall be forwarded to the State Treasurer and deposited in the General Fund of the state and fifty percent (50%) of the proceeds shall be deposited and credited to the budget of the participating law enforcement agency. (b) In the event more than one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, fifty percent (50%) of the proceeds shall be deposited and credited to the budget of the law enforcement agency whose officers initiated the criminal case and fifty percent (50%) shall be divided equitably between or among the other participating law enforcement agencies, and shall be deposited and credited to the budgets of the participating law enforcement agencies. In the event that the other participating law enforcement agencies cannot agree on the division of their fifty percent (50%), a petition shall be filed by any one (1) of them in the court in which the civil forfeiture case is brought and the court shall make an equitable division. (14) All other property that has been forfeited shall, except as otherwise provided, be sold at a public auction for cash by the chief law enforcement officer of the initiating law enforcement agency, or his designee, to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale, in a newspaper having a general circulation in the jurisdiction in which said law enforcement agency is located. Such notices shall contain a description of the property to be sold and a statement of the time and place of sale. It shall not be necessary to the validity of such sale either to have the property present at the place of sale or to have the name of the owner thereof stated in such notice. The proceeds of the sale shall be disposed of as follows: (a) To any bona fide lienholder, secured party or other party holding an interest in the property in the nature of a security interest, to the extent of his interest; and (b) The balance, if any, remaining after deduction of all storage, court costs and expenses of liquidation shall be divided, forwarded and deposited in the same manner set out in subsection (13) of this section. (15) The State Tax Commission shall issue a certificate of title to any person who purchases property under the provisions of this section when a certificate of title is required under the laws of this state. (16) When any property the value of which does not exceed Five Thousand Dollars (\$5,000.00) is seized pursuant to subsection (1), the property may be forfeited by the administrative forfeiture procedures provided for in subsections (16) through (22). (17) The attorney for the seizing law enforcement agency shall provide notice of intention to forfeit the seized property administratively, by certified mail, return receipt requested, to all persons who are required to be notified. (18) In the event that notice of intention to forfeit the seized property administratively cannot be given as provided in subsection (17) of this section because of refusal, failure to claim, insufficient address or any other reason, the attorney for the seizing law enforcement agency shall provide notice by publication in a newspaper of general circulation in the county in which the seizure occurred for once a week for three (3) consecutive weeks. (19) Notice pursuant to subsections (17) and (18) of this section shall include the following information: (a) A description of the property; (b) The approximate value of the property; (c) The date and place of the seizure; (d) The connection between the property and the violation of Section 97-3-109; (e) The instructions for filing a request for judicial review; and (f) A statement that the property will be forfeited to the seizing law enforcement agency if a request for judicial review is not timely filed. (20) Persons claiming an interest in the seized property may initiate judicial review of the seizure and proposed forfeiture by filing a request for judicial review with the attorney for the seizing law enforcement agency, within thirty (30) days after receipt of the certified letter or within thirty (30) days after the first

publication of notice, whichever is applicable.(21)If no request for judicial review is timely filed, the attorney for the seizing law enforcement agency shall prepare a written declaration of forfeiture of the subject property and the forfeited property shall be used, distributed or disposed of in accordance with the provisions of this section.(22)Upon receipt of a timely request for judicial review, the attorney for the seizing law enforcement agency shall promptly file a petition for forfeiture and proceed as provided in subsections (3) through (15).Laws, 1993, ch. 376, § 2; Laws, 1995, ch. 608, § 3, eff. 7/1/1995. 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(11) At the hearing any claimant of any right, title or interest in the property may prove his lien, encumbrance, security interest or other interest in the nature of a security interest to be bona fide and created without knowledge or consent that the property was to be used so as to cause the property to be subject to forfeiture. (12) If it is found that the property is subject to forfeiture, then the judge shall forfeit the property to the local law enforcement agency. However, if proof at the hearing discloses that the interest of any bona fide lienholder, secured party or other person holding an interest in the property in the nature of a security interest is greater than or equal to the present value of the property, the court shall order the property released to him. If such interest is less than the present value of the property and if the proof shows that the property is subject to forfeiture, the court shall order the property forfeited to the local law enforcement agency. (13) All other property which is forfeited under this section shall be liquidated and, after deduction of court costs and the expenses of liquidation, the proceeds shall be divided and deposited as follows: (a) In the event only one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, fifty percent (50%) of the proceeds shall be forwarded to the State Treasurer and deposited in the General Fund of the state and fifty percent (50%) of the proceeds shall be deposited and credited to the budget of the participating law enforcement agency. (b) In the event more than one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, fifty percent (50%) of the proceeds shall be deposited and credited to the budget of the law enforcement agency whose officers initiated the criminal case and fifty percent (50%) shall be divided equitably between or among the other participating law enforcement agencies, and shall be deposited and credited to the budgets of the participating law enforcement agencies. In the event that the other participating law enforcement agencies cannot

agree on the division of their fifty percent (50%), a petition shall be filed by any one (1) of them in the court in which the civil forfeiture case is brought and the court shall make an equitable division.(14)All other property that has been forfeited shall, except as otherwise provided, be sold at a public auction for cash by the chief law enforcement officer of the initiating law enforcement agency, or his designee, to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale, in a newspaper having a general circulation in the jurisdiction in which said law enforcement agency is located. Such notices shall contain a description of the property to be sold and a statement of the time and place of sale. It shall not be necessary to the validity of such sale either to have the property present at the place of sale or to have the name of the owner thereof stated in such notice. The proceeds of the sale shall be disposed of as follows:(a)To any bona fide lienholder, secured party or other party holding an interest in the property in the nature of a security interest, to the extent of his interest; and(b)The balance, if any, remaining after deduction of all storage, court costs and expenses of liquidation shall be divided, forwarded and deposited in the same manner set out in subsection (13) of this section.(15)The State Tax Commission shall issue a certificate of title to any person who purchases property under the provisions of this section when a certificate of title is required under the laws of this state.(16)When any property the value of which does not exceed Five Thousand Dollars (\$5,000.00) is seized pursuant to subsection (1), the property may be forfeited by the administrative forfeiture procedures provided for in subsections (16) through (22).(17)The attorney for the seizing law enforcement agency shall provide notice of intention to forfeit the seized property administratively, by certified mail, return receipt requested, to all persons who are required to be notified.(18)In the event that notice of intention to forfeit the seized property administratively cannot be given as provided in subsection (17) of this section because of refusal, failure to claim, insufficient address or any other reason, the attorney for the seizing law enforcement agency shall provide notice by publication in a newspaper of general circulation in the county in which the seizure occurred for once a week for three (3) consecutive weeks.(19)Notice pursuant to subsections (17) and (18) of this section shall include the following information:(a)A description of the property;(b)The approximate value of the property;(c)The date and place of the seizure;(d)The connection between the property and the violation of Section97-3-109;(e)The instructions for filing a request for judicial review; and(f)A statement that the property will be forfeited to the seizing law enforcement agency if a request for judicial review is not timely filed.(20)Persons claiming an interest in the seized property may initiate judicial review of the seizure and proposed forfeiture by filing a request for judicial review with the attorney for the seizing law enforcement agency, within thirty (30) days after receipt of the certified letter or within thirty (30) days after the first publication of notice, whichever is applicable.(21)If no request for judicial review is timely filed, the attorney for the seizing law enforcement agency shall prepare a written declaration of forfeiture of the subject property and the forfeited property shall be used, distributed or disposed of in accordance with the provisions of this section.(22)Upon receipt of a timely request for judicial review, the attorney for the seizing law enforcement agency shall promptly file a petition for forfeiture and proceed as provided in subsections (3) through (15).Laws, 1993, ch. 376, § 2; Laws, 1995, ch. 608, § 3, eff. 7/1/1995. Laws, 1993, ch. 376, § 2; Laws, 1995, ch. 608, § 3, eff. 7/1/1995.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-113 - Mississippi Carjacking Act; short title

Sections97-3-113,97-3-115and97-3-117shall be known and may be cited as the "Mississippi Carjacking Act of 1993."Laws, 1993, ch. 471, § 1, eff. 3/27/1993. Sections97-3-113,97-3-115and97-3-117shall be known and may be cited as the "Mississippi Carjacking Act of 1993."Laws, 1993, ch. 471, § 1, eff. 3/27/1993. Sections97-3-113,97-3-115and97-3-117shall be known and may be cited as the "Mississippi Carjacking Act of 1993."Laws, 1993, ch. 471, § 1, eff. 3/27/1993. Sections97-3-113,97-3-115and97-3-117shall be known and may be cited as the "Mississippi Carjacking Act of 1993." Laws, 1993, ch. 471, § 1, eff. 3/27/1993.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-115 - Mississippi Carjacking Act; definitions

The following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:(a)"Carjacking" means taking of a motor vehicle from another person's immediate actual possession knowingly or recklessly by force or violence, whether against resistance or by sudden or stealthy seizure or snatching, or by putting in fear, or attempting to do so, or by any other means.(b)"Motor vehicle" includes every device in, upon or by which any person or property is or may be transported or drawn upon a highway, which is self-propelled.Laws, 1993, ch. 471, § 2, eff. 3/27/1993. The following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:(a)"Carjacking" means taking of a motor vehicle from another person's immediate actual possession knowingly or recklessly by force or violence, whether against resistance or by sudden or stealthy seizure or snatching, or by putting in fear, or attempting to do so, or by any other means.(b)"Motor vehicle" includes every device in, upon or by which any person or property is or may be transported or drawn upon a highway, which is self-propelled.Laws, 1993, ch. 471, § 2, eff. 3/27/1993. The following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise: Laws, 1993, ch. 471, § 2, eff. 3/27/1993.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-117 - Mississippi Carjacking Act; what constitutes offense of carjacking; attempted carjacking; armed carjacking; penalties

(1) Whoever shall knowingly or recklessly by force or violence, whether against resistance or by sudden or stealthy seizure or snatching, or by putting in fear, or attempting to do so, or by any other means shall take a motor vehicle from another person's immediate actual possession shall be guilty of carjacking. (a) A person who is convicted of carjacking shall be fined not more than Five Thousand Dollars (\$5,000.00) and be committed to the custody of the State Department of Corrections for not less than five (5) years nor more than fifteen (15) years. (b) A person who is convicted of attempted carjacking shall receive the same punishment as the person who is convicted of carjacking. (2) Whoever commits the offense of carjacking while armed with or having readily available any pistol or other firearm or imitation thereof or other dangerous or deadly weapon, including a sawed-off shotgun, shotgun, machine gun, rifle, dirk, bowie knife, butcher knife, switchblade, razor, blackjack, billy, or metallic or other false knuckles, or any object capable of inflicting death or serious bodily harm, shall be guilty of armed carjacking. (a) Any person who is convicted of armed carjacking shall be fined not more than Ten Thousand Dollars (\$10,000.00) and be committed to the custody of the State Department of Corrections for not less than ten (10) years nor more than thirty (30) years. (b) Any person who is convicted of attempted armed carjacking shall receive the same punishment as the person who is convicted of armed carjacking. (3) Any person convicted of a second or subsequent offense under this section shall be fined an amount up to twice that otherwise authorized and shall be imprisoned for a term of at least twice the minimum term provided for the offense and up to twice the maximum term otherwise authorized. (4) Notwithstanding any other law to the contrary, the minimum terms imposed under this section shall not be reduced or suspended nor shall the defendant be eligible for electronic monitoring, house arrest or intensive supervision. Laws, 1993, ch. 471, § 3, eff. 3/27/1993. Amended by Laws, 2023, ch. 538, SB 2101, § 2, eff. 7/1/2023. (1) Whoever shall knowingly or recklessly by force or violence, whether against resistance or by sudden or stealthy seizure or snatching, or by putting in fear, or attempting to do so, or by any other means shall take a motor vehicle from another person's immediate actual possession shall be guilty of carjacking. (a) A person who is convicted of carjacking shall be fined not more than Five Thousand Dollars (\$5,000.00) and be committed to the custody of the State Department of Corrections for not less than five (5) years nor more than fifteen (15) years. (b) A person who is convicted of attempted carjacking shall receive the same punishment as the person who is convicted of carjacking. (2) Whoever commits the offense of carjacking while armed with or having readily available any pistol or other firearm or imitation thereof or other dangerous or deadly weapon, including a sawed-off shotgun, shotgun, machine gun, rifle, dirk, bowie knife, butcher knife, switchblade, razor, blackjack, billy, or metallic or other false knuckles, or any object capable of inflicting death or serious bodily harm, shall be guilty of armed carjacking. (a) Any person who is convicted of armed carjacking shall be fined not more than Ten Thousand Dollars (\$10,000.00) and be committed to the custody of the State Department of Corrections for not less than ten (10) years nor more than thirty (30) years. (b) Any person who is convicted of attempted armed carjacking shall receive the same punishment as the person who is convicted of armed carjacking. (3) Any person convicted of a second or subsequent offense under this section shall be fined an amount up to twice that otherwise authorized and shall be imprisoned for a term of at least twice the minimum term provided for the offense and up to twice the maximum term otherwise authorized. (4) Notwithstanding any other law to the contrary, the minimum terms imposed under this section shall not be reduced or suspended nor shall the defendant be eligible for electronic monitoring, house arrest or intensive supervision. Laws, 1993, ch. 471, § 3, eff. 3/27/1993. Amended by Laws, 2023, ch. 538, SB 2101, § 2, eff. 7/1/2023. (1) Whoever shall knowingly or recklessly by force or violence, whether against resistance or by sudden or stealthy seizure or snatching, or by putting in fear, or attempting to do so, or by any other means shall take a motor vehicle from another person's immediate actual possession shall be guilty of carjacking. (a) A person who is convicted of carjacking shall be fined not more than Five Thousand Dollars (\$5,000.00) and be committed to the custody of the State Department of Corrections for not less than five (5) years nor more than fifteen (15) years. (b) A person who is convicted of attempted carjacking shall receive the same punishment as the person who is convicted of carjacking. (2) Whoever commits the offense of carjacking while armed with or having readily available any pistol or other firearm or imitation thereof or other dangerous or deadly weapon, including a sawed-off shotgun, shotgun, machine gun, rifle, dirk, bowie knife, butcher knife, switchblade, razor, blackjack, billy, or metallic or other false knuckles, or any object capable of inflicting death or serious bodily harm, shall be guilty of armed carjacking. (a) Any person who is convicted of armed carjacking shall be fined not more than Ten Thousand Dollars (\$10,000.00) and be committed to the custody of the State Department of Corrections for not less than ten (10) years nor more than thirty (30) years. (b) Any person who is convicted of attempted armed carjacking shall receive the same punishment as the person who is convicted of armed carjacking. (3) Any person convicted of a second or subsequent offense under this section shall be fined an amount up to twice that otherwise authorized and shall be imprisoned for a term of at least twice the minimum term provided for the offense and up to twice the maximum term otherwise authorized. (4) Notwithstanding any other law to the contrary, the minimum terms imposed under this section shall not be reduced or suspended nor shall the defendant be eligible for electronic monitoring, house arrest or intensive supervision. Laws, 1993, ch. 471, § 3, eff. 3/27/1993. Amended by Laws, 2023, ch. 538, SB 2101, § 2, eff. 7/1/2023. Laws, 1993, ch. 471, § 3, eff. 3/27/1993. Amended by Laws, 2023, ch. 538, SB 2101, § 2, eff. 7/1/2023.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-119.1 - Sexual extortion; definitions

As used in this section, the following words have the meaning ascribed herein unless the context clearly requires

otherwise:(a)"Adult" means a person eighteen (18) years or older.(b)"Minor" means any person under eighteen (18) years of age at the time of the alleged offense.(c)"Great bodily injury" means bodily injury which causes a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of a bodily member or organ.(d)"Private image" means an image depicting sexually explicit nudity, sexual activity, sexual conduct as defined in Section97-29-64, sexually explicit conduct as defined in Section97-5-31, or sexual intercourse as defined in Section97-3-65.(e)"Image" means a photograph, film, videotape, recording, live transmission, digital or computer-generated visual depiction, or any other reproduction made by electronic, mechanical or other means.(f)"Electronic mail" means the transmission of information or communication by the use of the Internet, a computer, a facsimile machine, a pager, a cellular telephone, a video recorder or other electronic means sent to a person identified by a unique address or address number and received by that person.(g)"Electronic communication" means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature, transmitted in whole or in part by a wire, radio, computer, electromagnetic, photoelectric or photo-optical system.(h)"Disclose" means exhibit, transfer, publicize, distribute or reproduce.(i)"Vulnerable person" has the same meaning as in Section43-47-5.Added by Laws, 2024, ch. 443, HB 1196,§ 2, eff. 7/1/2024. As used in this section, the following words have the meaning ascribed herein unless the context clearly requires otherwise:(a)"Adult" means a person eighteen (18) years or older.(b)"Minor" means any person under eighteen (18) years of age at the time of the alleged offense.(c)"Great bodily injury" means bodily injury which causes a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of a bodily member or organ.(d)"Private image" means an image depicting sexually explicit nudity, sexual activity, sexual conduct as defined in Section97-29-64, sexually explicit conduct as defined in Section97-5-31, or sexual intercourse as defined in Section97-3-65.(e)"Image" means a photograph, film, videotape, recording, live transmission, digital or computer-generated visual depiction, or any other reproduction made by electronic, mechanical or other means.(f)"Electronic mail" means the transmission of information or communication by the use of the Internet, a computer, a facsimile machine, a pager, a cellular telephone, a video recorder or other electronic means sent to a person identified by a unique address or address number and received by that person.(g)"Electronic communication" means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature, transmitted in whole or in part by a wire, radio, computer, electromagnetic, photoelectric or photo-optical system.(h)"Disclose" means exhibit, transfer, publicize, distribute or reproduce.(i)"Vulnerable person" has the same meaning as in Section43-47-5.Added by Laws, 2024, ch. 443, HB 1196,§ 2, eff. 7/1/2024. As used in this section, the following words have the meaning ascribed herein unless the context clearly requires otherwise:(a)"Adult" means a person eighteen (18) years or older.(b)"Minor" means any person under eighteen (18) years of age at the time of the alleged offense.(c)"Great bodily injury" means bodily injury which causes a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of a bodily member or organ.(d)"Private image" means an image depicting sexually explicit nudity, sexual activity, sexual conduct as defined in Section97-29-64, sexually explicit conduct as defined in Section97-5-31, or sexual intercourse as defined in Section97-3-65.(e)"Image" means a photograph, film, videotape, recording, live transmission, digital or computer-generated visual depiction, or any other reproduction made by electronic, mechanical or other means.(f)"Electronic mail" means the transmission of information or communication by the use of the Internet, a computer, a facsimile machine, a pager, a cellular telephone, a video recorder or other electronic means sent to a person identified by a unique address or address number and received by that person.(g)"Electronic communication" means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature, transmitted in whole or in part by a wire, radio, computer, electromagnetic, photoelectric or photo-optical system.(h)"Disclose" means exhibit, transfer, publicize, distribute or reproduce.(i)"Vulnerable person" has the same meaning as in Section43-47-5.Added by Laws, 2024, ch. 443, HB 1196,§ 2, eff. 7/1/2024. As used in this section, the following words have the meaning ascribed herein unless the context clearly requires otherwise: Added by Laws, 2024, ch. 443, HB 1196,§ 2, eff. 7/1/2024.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-119.2 - Sexual extortion; offense; imprisonment upon conviction

A person commits the offense of sexual extortion if the person intentionally threatens, including through the use of electronic mail or electronic communication, to release, exhibit or distribute a private image of another in order to compel or attempt to compel the victim to do any act or refrain from doing any act against his or her will, with the intent to obtain an additional private image or anything else of value. Notwithstanding provisions of this act to the contrary, a person convicted of sexual extortion shall be imprisoned:(a)Not more than five (5) years for a first offense;(b)Not more than ten (10) years for a second offense; or(c)Not more than fifteen (15) years for a third or subsequent offense.Added by Laws, 2024, ch. 443, HB 1196,§ 3, eff. 7/1/2024. A person commits the offense of sexual extortion if the person intentionally threatens, including through the use of electronic mail or electronic communication, to release, exhibit or distribute a private image of another in order to compel or attempt to compel the victim to do any act or refrain from doing any act against his or her will, with the intent to obtain an additional private image or anything else of value. Notwithstanding provisions of this act to the contrary, a person convicted of sexual extortion shall be imprisoned:(a)Not more than five (5) years for a first offense;(b)Not more than ten (10) years for a second offense; or(c)Not more than fifteen (15) years for a third or subsequent offense.Added by Laws, 2024, ch. 443, HB 1196,§ 3, eff. 7/1/2024. A person commits the offense of sexual extortion if the person intentionally threatens, including through the use of electronic mail or electronic communication, to release, exhibit or distribute a private image of another in order to compel or attempt to compel the victim to do any act or refrain from doing any act against his or her will, with the intent to obtain an additional private image or anything else of value. Notwithstanding provisions of this act to the contrary, a person convicted of sexual extortion shall be

imprisoned:(a)Not more than five (5) years for a first offense;(b)Not more than ten (10) years for a second offense; or(c)Not more than fifteen (15) years for a third or subsequent offense.Added by Laws, 2024, ch. 443, HB 1196,§ 3, eff. 7/1/2024. A person commits the offense of sexual extortion if the person intentionally threatens, including through the use of electronic mail or electronic communication, to release, exhibit or distribute a private image of another in order to compel or attempt to compel the victim to do any act or refrain from doing any act against his or her will, with the intent to obtain an additional private image or anything else of value. Notwithstanding provisions of this act to the contrary, a person convicted of sexual extortion shall be imprisoned: Added by Laws, 2024, ch. 443, HB 1196,§ 3, eff. 7/1/2024.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-119.3 - Sexual extortion; offense of aggravated sexual extortion; imprisonment upon conviction

(1)A person commits the offense of aggravated sexual extortion if the person intentionally threatens, including through the use of electronic mail or electronic communication, to release, exhibit or distribute a private image of another in order to compel or attempt to compel the victim to do any act or refrain from doing any act against his or her will, with the intent to obtain an additional private image or anything else of value, and either:(a)The victim is a minor or vulnerable person, and the person convicted of sexual extortion is an adult; or(b)The victim suffers great bodily injury or death, and the appropriate court finds beyond a reasonable doubt that the sexual extortion of the victim was the proximate cause of the great bodily injury or death.(2)A person convicted of aggravated sexual extortion shall be imprisoned not more than fifteen (15) years.Added by Laws, 2024, ch. 443, HB 1196,§ 4, eff. 7/1/2024. (1)A person commits the offense of aggravated sexual extortion if the person intentionally threatens, including through the use of electronic mail or electronic communication, to release, exhibit or distribute a private image of another in order to compel or attempt to compel the victim to do any act or refrain from doing any act against his or her will, with the intent to obtain an additional private image or anything else of value, and either:(a)The victim is a minor or vulnerable person, and the person convicted of sexual extortion is an adult; or(b)The victim suffers great bodily injury or death, and the appropriate court finds beyond a reasonable doubt that the sexual extortion of the victim was the proximate cause of the great bodily injury or death.(2)A person convicted of aggravated sexual extortion shall be imprisoned not more than fifteen (15) years.Added by Laws, 2024, ch. 443, HB 1196,§ 4, eff. 7/1/2024. (1)A person commits the offense of aggravated sexual extortion if the person intentionally threatens, including through the use of electronic mail or electronic communication, to release, exhibit or distribute a private image of another in order to compel or attempt to compel the victim to do any act or refrain from doing any act against his or her will, with the intent to obtain an additional private image or anything else of value, and either:(a)The victim is a minor or vulnerable person, and the person convicted of sexual extortion is an adult; or(b)The victim suffers great bodily injury or death, and the appropriate court finds beyond a reasonable doubt that the sexual extortion of the victim was the proximate cause of the great bodily injury or death.(2)A person convicted of aggravated sexual extortion shall be imprisoned not more than fifteen (15) years.Added by Laws, 2024, ch. 443, HB 1196,§ 4, eff. 7/1/2024. Added by Laws, 2024, ch. 443, HB 1196,§ 4, eff. 7/1/2024.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-119.4 - Sexual extortion; behavioral health counseling as condition of sentencing for juveniles adjudicated under Sections 97-3-119 through 97-3-119.5

The youth court may order as a condition of sentencing behavioral health counseling from an appropriate agency or provider for any juvenile adjudicated under this act.Added by Laws, 2024, ch. 443, HB 1196,§ 5, eff. 7/1/2024. The youth court may order as a condition of sentencing behavioral health counseling from an appropriate agency or provider for any juvenile adjudicated under this act.Added by Laws, 2024, ch. 443, HB 1196,§ 5, eff. 7/1/2024. The youth court may order as a condition of sentencing behavioral health counseling from an appropriate agency or provider for any juvenile adjudicated under this act.Added by Laws, 2024, ch. 443, HB 1196,§ 5, eff. 7/1/2024. The youth court may order as a condition of sentencing behavioral health counseling from an appropriate agency or provider for any juvenile adjudicated under this act. Added by Laws, 2024, ch. 443, HB 1196,§ 5, eff. 7/1/2024.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-119.5 - Sexual extortion; venue

For the purposes of venue under the provisions of Sections 97-3-119 through 97-3-119.5, any violation of Sections 97-3-119 through 97-3-119.5 may be prosecuted in the county in which the communication originated, the county in which the communication was made, the county in which the communication was received or the county in which any act in execution or furtherance of the scheme occurred.Added by Laws, 2024, ch. 443, HB 1196,§ 6, eff. 7/1/2024. For the purposes of venue under the provisions of Sections 97-3-119 through 97-3-119.5, any violation of Sections 97-3-119 through 97-3-119.5 may be prosecuted in the county in which the communication originated, the county in which the communication was made, the county in which the communication was received or the county in which any act in execution or furtherance of the scheme occurred.Added by Laws, 2024, ch. 443, HB 1196,§ 6, eff. 7/1/2024. For the purposes of venue under the provisions of Sections 97-3-119 through 97-3-119.5, any violation of Sections 97-3-119 through 97-3-119.5 may be prosecuted in the county in which the communication originated, the county in which the communication was made, the county in which the communication was received or the county in which any act in execution or furtherance of the scheme occurred.Added by Laws, 2024, ch. 443, HB 1196,§ 6, eff. 7/1/2024. For the purposes of

venue under the provisions of Sections 97-3-119 through 97-3-119.5, any violation of Sections 97-3-119 through 97-3-119.5 may be prosecuted in the county in which the communication originated, the county in which the communication was made, the county in which the communication was received or the county in which any act in execution or furtherance of the scheme occurred. Added by Laws, 2024, ch. 443, HB 1196, § 6, eff. 7/1/2024.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-119 - Sexual extortion; Walker's Law

Sections 97-3-119 through 97-3-119.5 shall be known and may be cited as "Walker's Law." Added by Laws, 2024, ch. 443, HB 1196, § 1, eff. 7/1/2024. Sections 97-3-119 through 97-3-119.5 shall be known and may be cited as "Walker's Law." Added by Laws, 2024, ch. 443, HB 1196, § 1, eff. 7/1/2024. Sections 97-3-119 through 97-3-119.5 shall be known and may be cited as "Walker's Law." Added by Laws, 2024, ch. 443, HB 1196, § 1, eff. 7/1/2024. Sections 97-3-119 through 97-3-119.5 shall be known and may be cited as "Walker's Law." Added by Laws, 2024, ch. 443, HB 1196, § 1, eff. 7/1/2024.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-13 - False confinement; sending sane person to psychiatric hospital or institution

Every person or officer who maliciously sends to or confines in a psychiatric hospital or institution or other place, any sane person as a person with mental illness, knowing the person to be sane, shall be guilty of a felony, and, on conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the Penitentiary not more than one (1) year, or in the county jail not more than six (6) months. Codes, 1892, § 1316; 1906, § 1390; Hemingway's 1917, § 1133; 1930, § 1164; 1942, § 2407; Laws, 2008, ch. 442, § 32, eff. 7/1/2008. Every person or officer who maliciously sends to or confines in a psychiatric hospital or institution or other place, any sane person as a person with mental illness, knowing the person to be sane, shall be guilty of a felony, and, on conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the Penitentiary not more than one (1) year, or in the county jail not more than six (6) months. Codes, 1892, § 1316; 1906, § 1390; Hemingway's 1917, § 1133; 1930, § 1164; 1942, § 2407; Laws, 2008, ch. 442, § 32, eff. 7/1/2008. Every person or officer who maliciously sends to or confines in a psychiatric hospital or institution or other place, any sane person as a person with mental illness, knowing the person to be sane, shall be guilty of a felony, and, on conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the Penitentiary not more than one (1) year, or in the county jail not more than six (6) months. Codes, 1892, § 1316; 1906, § 1390; Hemingway's 1917, § 1133; 1930, § 1164; 1942, § 2407; Laws, 2008, ch. 442, § 32, eff. 7/1/2008. Every person or officer who maliciously sends to or confines in a psychiatric hospital or institution or other place, any sane person as a person with mental illness, knowing the person to be sane, shall be guilty of a felony, and, on conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the Penitentiary not more than one (1) year, or in the county jail not more than six (6) months. Codes, 1892, § 1316; 1906, § 1390; Hemingway's 1917, § 1133; 1930, § 1164; 1942, § 2407; Laws, 2008, ch. 442, § 32, eff. 7/1/2008.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-15 - Homicide; justifiable homicide; use of defensive force; duty to retreat

(1) The killing of a human being by the act, procurement or omission of another shall be justifiable in the following cases: (a) When committed by public officers, or those acting by their aid and assistance, in obedience to any judgment of a competent court; (b) When necessarily committed by public officers, or those acting by their command in their aid and assistance, in overcoming actual resistance to the execution of some legal process, or to the discharge of any other legal duty; (c) When necessarily committed by public officers, or those acting by their command in their aid and assistance, in retaking any felon who has been rescued or has escaped; (d) When necessarily committed by public officers, or those acting by their command in their aid and assistance, in arresting any felon fleeing from justice; (e) When committed by any person in resisting any attempt unlawfully to kill such person or to commit any felony upon him, or upon or in any dwelling, in any occupied vehicle, in any place of business, in any place of employment or in the immediate premises thereof in which such person shall be; (f) When committed in the lawful defense of one's own person or any other human being, where there shall be reasonable ground to apprehend a design to commit a felony or to do some great personal injury, and there shall be imminent danger of such design being accomplished; (g) When necessarily committed in attempting by lawful ways and means to apprehend any person for any felony committed; (h) When necessarily committed in lawfully suppressing any riot or in lawfully keeping and preserving the peace; (i) When necessarily committed in the performance of duty as a member of a church or place of worship security program as described in Section 45-9-171; and (j) When necessarily committed in the performance of duty as a member of a School Safety Guardian Program as described in Section 45-9-181. (2) (a) As used in subsection (1)(c) and (d) of this section, the term "when necessarily committed" means that a public officer or a person acting by or at the officer's command, aid or assistance is authorized to use such force as necessary in securing and detaining the felon offender, overcoming the offender's resistance, preventing the offender's escape, recapturing the offender if the offender escapes or in protecting himself or others from bodily harm; but such officer or person shall not be authorized to resort to deadly or dangerous means when to do so would be unreasonable under the circumstances. The public officer or person acting by or at the officer's command may act upon a reasonable apprehension of the surrounding circumstances; however, such officer or person shall not use excessive force or force that is greater than reasonably necessary in securing and detaining the offender, overcoming the offender's resistance, preventing the offender's escape, recapturing the offender if the offender escapes or in protecting himself or

others from bodily harm.(b)As used in subsection (1)(c) and (d) of this section, the term "felon" shall include an offender who has been convicted of a felony and shall also include an offender who is in custody, or whose custody is being sought, on a charge or for an offense which is punishable, upon conviction, by death or confinement in the Penitentiary.(c)As used in subsections (1)(e) and (3) of this section, "dwelling" means a building or conveyance of any kind that has a roof over it, whether the building or conveyance is temporary or permanent, mobile or immobile, including a tent, that is designed to be occupied by people lodging therein at night, including any attached porch.(3)A person who uses defensive force shall be presumed to have reasonably feared imminent death or great bodily harm, or the commission of a felony upon him or another or upon his dwelling, or against a vehicle which he was occupying, or against his business or place of employment or the immediate premises of such business or place of employment, if the person against whom the defensive force was used, was in the process of unlawfully and forcibly entering, or had unlawfully and forcibly entered, a dwelling, occupied vehicle, business, place of employment or the immediate premises thereof or if that person had unlawfully removed or was attempting to unlawfully remove another against the other person's will from that dwelling, occupied vehicle, business, place of employment or the immediate premises thereof and the person who used defensive force knew or had reason to believe that the forcible entry or unlawful and forcible act was occurring or had occurred. This presumption shall not apply if the person against whom defensive force was used has a right to be in or is a lawful resident or owner of the dwelling, vehicle, business, place of employment or the immediate premises thereof or is the lawful resident or owner of the dwelling, vehicle, business, place of employment or the immediate premises thereof or if the person who uses defensive force is engaged in unlawful activity or if the person is a law enforcement officer engaged in the performance of his official duties.(4)A person who is not the initial aggressor and is not engaged in unlawful activity shall have no duty to retreat before using deadly force under subsection (1)(e) or (f) of this section if the person is in a place where the person has a right to be, and no finder of fact shall be permitted to consider the person's failure to retreat as evidence that the person's use of force was unnecessary, excessive or unreasonable.(5)(a)The presumptions contained in subsection (3) of this section shall apply in civil cases in which self-defense or defense of another is claimed as a defense.(b)The court shall award reasonable attorney's fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by a plaintiff if the court finds that the defendant acted in accordance with subsection (1)(e) or (f) of this section. A defendant who has previously been adjudicated "not guilty" of any crime by reason of subsection (1)(e) or (f) of this section shall be immune from any civil action for damages arising from the same conduct.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (2); 1857, ch. 64, art. 168; 1871, § 2631; 1880, § 2878; 1892, § 1152; 1906, § 1230; Hemingway's 1917, § 960; 1930, § 988; 1942, § 2218; Laws, 1983, ch. 382; Laws, 2006, ch. 492, § 1, eff. 7/1/2006.Amended by Laws, 2023, ch. 458, SB 2079,§ 3, eff. 7/1/2023.Amended by Laws, 2016, ch. 421, HB 786, 4, eff. 4/15/2016. (1)The killing of a human being by the act, procurement or omission of another shall be justifiable in the following cases:(a)When committed by public officers, or those acting by their aid and assistance, in obedience to any judgment of a competent court;(b)When necessarily committed by public officers, or those acting by their command in their aid and assistance, in overcoming actual resistance to the execution of some legal process, or to the discharge of any other legal duty;(c)When necessarily committed by public officers, or those acting by their command in their aid and assistance, in retaking any felon who has been rescued or has escaped;(d)When necessarily committed by public officers, or those acting by their command in their aid and assistance, in arresting any felon fleeing from justice;(e)When committed by any person in resisting any attempt unlawfully to kill such person or to commit any felony upon him, or upon or in any dwelling, in any occupied vehicle, in any place of business, in any place of employment or in the immediate premises thereof in which such person shall be;(f)When committed in the lawful defense of one's own person or any other human being, where there shall be reasonable ground to apprehend a design to commit a felony or to do some great personal injury, and there shall be imminent danger of such design being accomplished;(g)When necessarily committed in attempting by lawful ways and means to apprehend any person for any felony committed;(h)When necessarily committed in lawfully suppressing any riot or in lawfully keeping and preserving the peace;(i)When necessarily committed in the performance of duty as a member of a church or place of worship security program as described in Section45-9-171; and(j)When necessarily committed in the performance of duty as a member of a School Safety Guardian Program as described in Section45-9-181.(2)(a)As used in subsection (1)(c) and (d) of this section, the term "when necessarily committed" means that a public officer or a person acting by or at the officer's command, aid or assistance is authorized to use such force as necessary in securing and detaining the felon offender, overcoming the offender's resistance, preventing the offender's escape, recapturing the offender if the offender escapes or in protecting himself or others from bodily harm; but such officer or person shall not be authorized to resort to deadly or dangerous means when to do so would be unreasonable under the circumstances. The public officer or person acting by or at the officer's command may act upon a reasonable apprehension of the surrounding circumstances; however, such officer or person shall not use excessive force or force that is greater than reasonably necessary in securing and detaining the offender, overcoming the offender's resistance, preventing the offender's escape, recapturing the offender if the offender escapes or in protecting himself or others from bodily harm.(b)As used in subsection (1)(c) and (d) of this section, the term "felon" shall include an offender who has been convicted of a felony and shall also include an offender who is in custody, or whose custody is being sought, on a charge or for an offense which is punishable, upon conviction, by death or confinement in the Penitentiary.(c)As used in subsections (1)(e) and (3) of this section, "dwelling" means a building or conveyance of any kind that has a roof over it, whether the building or conveyance is temporary or permanent, mobile or immobile, including a tent, that is designed to be occupied by people lodging therein at night, including any attached porch.(3)A person who uses defensive force shall be presumed to have reasonably feared imminent death or great bodily harm, or the commission of a felony upon him or another or upon his dwelling, or against a vehicle which he was occupying, or against his business or place of employment or the immediate premises of such

business or place of employment, if the person against whom the defensive force was used, was in the process of unlawfully and forcibly entering, or had unlawfully and forcibly entered, a dwelling, occupied vehicle, business, place of employment or the immediate premises thereof or if that person had unlawfully removed or was attempting to unlawfully remove another against the other person's will from that dwelling, occupied vehicle, business, place of employment or the immediate premises thereof and the person who used defensive force knew or had reason to believe that the forcible entry or unlawful and forcible act was occurring or had occurred. This presumption shall not apply if the person against whom defensive force was used has a right to be in or is a lawful resident or owner of the dwelling, vehicle, business, place of employment or the immediate premises thereof or is the lawful resident or owner of the dwelling, vehicle, business, place of employment or the immediate premises thereof or if the person who uses defensive force is engaged in unlawful activity or if the person is a law enforcement officer engaged in the performance of his official duties.(4)A person who is not the initial aggressor and is not engaged in unlawful activity shall have no duty to retreat before using deadly force under subsection (1)(e) or (f) of this section if the person is in a place where the person has a right to be, and no finder of fact shall be permitted to consider the person's failure to retreat as evidence that the person's use of force was unnecessary, excessive or unreasonable.(5)(a)The presumptions contained in subsection (3) of this section shall apply in civil cases in which self-defense or defense of another is claimed as a defense.(b)The court shall award reasonable attorney's fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by a plaintiff if the court finds that the defendant acted in accordance with subsection (1)(e) or (f) of this section. A defendant who has previously been adjudicated "not guilty" of any crime by reason of subsection (1)(e) or (f) of this section shall be immune from any civil action for damages arising from the same conduct.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (2); 1857, ch. 64, art. 168; 1871, § 2631; 1880, § 2878; 1892, § 1152; 1906, § 1230; Hemingway's 1917, § 960; 1930, § 988; 1942, § 2218; Laws, 1983, ch. 382; Laws, 2006, ch. 492, § 1, eff. 7/1/2006.Amended by Laws, 2023, ch. 458, SB 2079,§ 3, eff. 7/1/2023.Amended by Laws, 2016, ch. 421, HB 786, 4, eff. 4/15/2016. (1)The killing of a human being by the act, procurement or omission of another shall be justifiable in the following cases:(a)When committed by public officers, or those acting by their aid and assistance, in obedience to any judgment of a competent court;(b)When necessarily committed by public officers, or those acting by their command in their aid and assistance, in overcoming actual resistance to the execution of some legal process, or to the discharge of any other legal duty;(c)When necessarily committed by public officers, or those acting by their command in their aid and assistance, in retaking any felon who has been rescued or has escaped;(d)When necessarily committed by public officers, or those acting by their command in their aid and assistance, in arresting any felon fleeing from justice;(e)When committed by any person in resisting any attempt unlawfully to kill such person or to commit any felony upon him, or upon or in any dwelling, in any occupied vehicle, in any place of business, in any place of employment or in the immediate premises thereof in which such person shall be;(f)When committed in the lawful defense of one's own person or any other human being, where there shall be reasonable ground to apprehend a design to commit a felony or to do some great personal injury, and there shall be imminent danger of such design being accomplished;(g)When necessarily committed in attempting by lawful ways and means to apprehend any person for any felony committed;(h)When necessarily committed in lawfully suppressing any riot or in lawfully keeping and preserving the peace;(i)When necessarily committed in the performance of duty as a member of a church or place of worship security program as described in Section45-9-171; and(j)When necessarily committed in the performance of duty as a member of a School Safety Guardian Program as described in Section45-9-181.(2)(a)As used in subsection (1)(c) and (d) of this section, the term "when necessarily committed" means that a public officer or a person acting by or at the officer's command, aid or assistance is authorized to use such force as necessary in securing and detaining the felon offender, overcoming the offender's resistance, preventing the offender's escape, recapturing the offender if the offender escapes or in protecting himself or others from bodily harm; but such officer or person shall not be authorized to resort to deadly or dangerous means when to do so would be unreasonable under the circumstances. The public officer or person acting by or at the officer's command may act upon a reasonable apprehension of the surrounding circumstances; however, such officer or person shall not use excessive force or force that is greater than reasonably necessary in securing and detaining the offender, overcoming the offender's resistance, preventing the offender's escape, recapturing the offender if the offender escapes or in protecting himself or others from bodily harm.(b)As used in subsection (1)(c) and (d) of this section, the term "felon" shall include an offender who has been convicted of a felony and shall also include an offender who is in custody, or whose custody is being sought, on a charge or for an offense which is punishable, upon conviction, by death or confinement in the Penitentiary.(c)As used in subsections (1)(e) and (3) of this section, "dwelling" means a building or conveyance of any kind that has a roof over it, whether the building or conveyance is temporary or permanent, mobile or immobile, including a tent, that is designed to be occupied by people lodging therein at night, including any attached porch.(3)A person who uses defensive force shall be presumed to have reasonably feared imminent death or great bodily harm, or the commission of a felony upon him or another or upon his dwelling, or against a vehicle which he was occupying, or against his business or place of employment or the immediate premises of such business or place of employment, if the person against whom the defensive force was used, was in the process of unlawfully and forcibly entering, or had unlawfully and forcibly entered, a dwelling, occupied vehicle, business, place of employment or the immediate premises thereof or if that person had unlawfully removed or was attempting to unlawfully remove another against the other person's will from that dwelling, occupied vehicle, business, place of employment or the immediate premises thereof and the person who used defensive force knew or had reason to believe that the forcible entry or unlawful and forcible act was occurring or had occurred. This presumption shall not apply if the person against whom defensive force was used has a right to be in or is a lawful resident or owner of the dwelling, vehicle, business, place of employment or the immediate premises thereof or is the lawful resident or owner of the dwelling, vehicle, business, place of employment or the immediate premises thereof or if the person who

uses defensive force is engaged in unlawful activity or if the person is a law enforcement officer engaged in the performance of his official duties.(4)A person who is not the initial aggressor and is not engaged in unlawful activity shall have no duty to retreat before using deadly force under subsection (1)(e) or (f) of this section if the person is in a place where the person has a right to be, and no finder of fact shall be permitted to consider the person's failure to retreat as evidence that the person's use of force was unnecessary, excessive or unreasonable.(5)(a)The presumptions contained in subsection (3) of this section shall apply in civil cases in which self-defense or defense of another is claimed as a defense.(b)The court shall award reasonable attorney's fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by a plaintiff if the court finds that the defendant acted in accordance with subsection (1)(e) or (f) of this section. A defendant who has previously been adjudicated "not guilty" of any crime by reason of subsection (1)(e) or (f) of this section shall be immune from any civil action for damages arising from the same conduct.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (2); 1857, ch. 64, art. 168; 1871, § 2631; 1880, § 2878; 1892, § 1152; 1906, § 1230; Hemingway's 1917, § 960; 1930, § 988; 1942, § 2218; Laws, 1983, ch. 382; Laws, 2006, ch. 492, § 1, eff. 7/1/2006.Amended by Laws, 2023, ch. 458, SB 2079,§ 3, eff. 7/1/2023.Amended by Laws, 2016, ch. 421, HB 786, 4, eff. 4/15/2016. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (2); 1857, ch. 64, art. 168; 1871, § 2631; 1880, § 2878; 1892, § 1152; 1906, § 1230; Hemingway's 1917, § 960; 1930, § 988; 1942, § 2218; Laws, 1983, ch. 382; Laws, 2006, ch. 492, § 1, eff. 7/1/2006. Amended by Laws, 2023, ch. 458, SB 2079,§ 3, eff. 7/1/2023. Amended by Laws, 2016, ch. 421, HB 786, 4, eff. 4/15/2016.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-17 - Homicide; excusable homicide

The killing of any human being by the act, procurement, or omission of another shall be excusable:(a)When committed by accident and misfortune in doing any lawful act by lawful means, with usual and ordinary caution, and without any unlawful intent;(b)When committed by accident and misfortune, in the heat of passion, upon any sudden and sufficient provocation;(c)When committed upon any sudden combat, without undue advantage being taken, and without any dangerous weapon being used, and not done in a cruel or unusual manner.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (3); 1857, ch. 64, art. 169; 1871, § 2632; 1880, § 2879; 1892, § 1153; 1906, § 1231; Hemingway's 1917, § 961; 1930, § 989; 1942, § 2219; Laws, 1985, ch. 380, eff. 7/1/1985. The killing of any human being by the act, procurement, or omission of another shall be excusable:(a)When committed by accident and misfortune in doing any lawful act by lawful means, with usual and ordinary caution, and without any unlawful intent;(b)When committed by accident and misfortune, in the heat of passion, upon any sudden and sufficient provocation;(c)When committed upon any sudden combat, without undue advantage being taken, and without any dangerous weapon being used, and not done in a cruel or unusual manner.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (3); 1857, ch. 64, art. 169; 1871, § 2632; 1880, § 2879; 1892, § 1153; 1906, § 1231; Hemingway's 1917, § 961; 1930, § 989; 1942, § 2219; Laws, 1985, ch. 380, eff. 7/1/1985. The killing of any human being by the act, procurement, or omission of another shall be excusable: Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (3); 1857, ch. 64, art. 169; 1871, § 2632; 1880, § 2879; 1892, § 1153; 1906, § 1231; Hemingway's 1917, § 961; 1930, § 989; 1942, § 2219; Laws, 1985, ch. 380, eff. 7/1/1985.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-19 - Homicide; murder defined; first-degree murder; second-degree murder; capital murder; lesser-included offenses

(1)The killing of a human being without the authority of law by any means or in any manner shall be murder in the following cases:(a)When done with deliberate design to effect the death of the person killed, or of any human being, shall be first-degree murder;(b)When done in the commission of an act eminently dangerous to others and evincing a depraved heart, regardless of human life, although without any premeditated design to effect the death of any particular individual, shall be second-degree murder;(c)When done without any design to effect death by any person engaged in the commission of any felony other than rape, kidnapping, burglary, arson, robbery, sexual battery, unnatural intercourse with any child under the age of twelve (12), or nonconsensual unnatural intercourse with mankind, or felonious abuse and/or battery of a child in violation of subsection (2) of Section97-5-39, or in any attempt to commit such felonies, shall be first-degree murder;(d)When done with deliberate design to effect the death of an unborn child, shall be first-degree murder.(2)The killing of a human being without the authority of law by any means or in any manner shall be capital murder in the following cases:(a)Murder which is perpetrated by killing a peace officer or fireman while such officer or fireman is acting in his official capacity or by reason of an act performed in his official capacity, and with knowledge that the victim was a peace officer or fireman. For purposes of this paragraph, the term "peace officer" means any state or federal law enforcement officer, including, but not limited to, a federal park ranger, the sheriff of or police officer of a city or town, a conservation officer, a parole officer, a judge, senior status judge, special judge, district attorney, legal assistant to a district attorney, county prosecuting attorney or any other court official, an agent of the Alcoholic Beverage Control Division of the

Department of Revenue, an agent of the Bureau of Narcotics, personnel of the Mississippi Highway Patrol, and the employees of the Department of Corrections who are designated as peace officers by the Commissioner of Corrections pursuant to Section 47-5-54, and the superintendent and his deputies, guards, officers and other employees of the Mississippi State Penitentiary; (b) Murder which is perpetrated by a person who is under sentence of life imprisonment; (c) Murder which is perpetrated by use or detonation of a bomb or explosive device; (d) Murder which is perpetrated by any person who has been offered or has received anything of value for committing the murder, and all parties to such a murder, are guilty as principals; (e) When done with or without any design to effect death, by any person engaged in the commission of the crime of rape, burglary, kidnapping, arson, robbery, sexual battery, unnatural intercourse with any child under the age of twelve (12), or nonconsensual unnatural intercourse with mankind, or in any attempt to commit such felonies; (f) When done with or without any design to effect death, by any person engaged in the commission of the crime of felonious abuse and/or battery of a child in violation of subsection (2) of Section 97-5-39, or in any attempt to commit such felony; (g) Murder which is perpetrated on educational property as defined in Section 97-37-17; (h) Murder which is perpetrated by the killing of any elected official of a county, municipal, state or federal government with knowledge that the victim was such public official; (i) Murder of three (3) or more persons who are killed incident to one (1) act, scheme, course of conduct or criminal episode; (j) Murder of more than three (3) persons within a three-year period; (k) Murder which is perpetrated by the killing of a person who: (i) is or would be a witness for the state or federal government in a criminal trial; (ii) is a confidential informant for any agency of the state or federal government; or (iii) is any other person who was cooperating or assisting the state or federal government or was suspected of cooperation or assistance to the state or federal government, if the motive for the killing was either the person's status as a witness, potential witness or informant, or was to prevent the cooperation or assistance to the prosecution. It shall not be a defense to a killing under this subsection that the defendant erroneously suspected or believed the victim to have cooperated or assisted the state or federal government. (3) An indictment for murder or capital murder shall serve as notice to the defendant that the indictment may include any and all lesser included offenses thereof, including, but not limited to, manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2 (3, 4); 1857, ch. 64, art. 165; 1871, § 2628; 1880, § 2875; 1892, § 1149; 1906, § 1227; Hemingway's 1917, § 957; 1930, § 985; 1942, § 2215; Laws, 1974, ch. 576, § 6(1, 2); Laws, 1983, ch. 429, § 1; Laws, 1992, ch. 508, § 1; Laws, 1996, ch. 422, § 3; Laws, 1998, ch. 588, § 1; Laws, 2000, ch. 516, § 134; Laws, 2004, ch. 393, § 1; Laws, 2004, ch. 515, § 2, eff. 5/4/2004. Amended by Laws, 2017, ch. 382, HB 1367, 10, eff. 7/1/2017. Amended by Laws, 2015, ch. 450, HB 1052, 1, eff. 7/1/2015. Amended by Laws, 2013, ch. 555, SB 2377, 1, eff. 7/1/2013. (1) The killing of a human being without the authority of law by any means or in any manner shall be murder in the following cases: (a) When done with deliberate design to effect the death of the person killed, or of any human being, shall be first-degree murder; (b) When done in the commission of an act eminently dangerous to others and evincing a depraved heart, regardless of human life, although without any premeditated design to effect the death of any particular individual, shall be second-degree murder; (c) When done without any design to effect death by any person engaged in the commission of any felony other than rape, kidnapping, burglary, arson, robbery, sexual battery, unnatural intercourse with any child under the age of twelve (12), or nonconsensual unnatural intercourse with mankind, or felonious abuse and/or battery of a child in violation of subsection (2) of Section 97-5-39, or in any attempt to commit such felonies, shall be first-degree murder; (d) When done with deliberate design to effect the death of an unborn child, shall be first-degree murder. (2) The killing of a human being without the authority of law by any means or in any manner shall be capital murder in the following cases: (a) Murder which is perpetrated by killing a peace officer or fireman while such officer or fireman is acting in his official capacity or by reason of an act performed in his official capacity, and with knowledge that the victim was a peace officer or fireman. For purposes of this paragraph, the term "peace officer" means any state or federal law enforcement officer, including, but not limited to, a federal park ranger, the sheriff of or police officer of a city or town, a conservation officer, a parole officer, a judge, senior status judge, special judge, district attorney, legal assistant to a district attorney, county prosecuting attorney or any other court official, an agent of the Alcoholic Beverage Control Division of the Department of Revenue, an agent of the Bureau of Narcotics, personnel of the Mississippi Highway Patrol, and the employees of the Department of Corrections who are designated as peace officers by the Commissioner of Corrections pursuant to Section 47-5-54, and the superintendent and his deputies, guards, officers and other employees of the Mississippi State Penitentiary; (b) Murder which is perpetrated by a person who is under sentence of life imprisonment; (c) Murder which is perpetrated by use or detonation of a bomb or explosive device; (d) Murder which is perpetrated by any person who has been offered or has received anything of value for committing the murder, and all parties to such a murder, are guilty as principals; (e) When done with or without any design to effect death, by any person engaged in the commission of the crime of rape, burglary, kidnapping, arson, robbery, sexual battery, unnatural intercourse with any child under the age of twelve (12), or nonconsensual unnatural intercourse with mankind, or in any attempt to commit such felonies; (f) When done with or without any design to effect death, by any person engaged in the commission of the crime of felonious abuse and/or battery of a child in violation of subsection (2) of Section 97-5-39, or in any attempt to commit such felony; (g) Murder which is perpetrated on educational property as defined in Section 97-37-17; (h) Murder which is perpetrated by the killing of any elected official of a county, municipal, state or federal government with knowledge that the victim was such public official; (i) Murder of three (3) or more persons who are killed incident to one (1) act, scheme, course of conduct or criminal episode; (j) Murder of more than three (3) persons within a three-year period; (k) Murder which is perpetrated by the killing of a person who: (i) is or would be a witness for the state or federal government in a criminal trial; (ii) is a confidential informant for any agency of the state or federal government; or (iii) is any other person who was cooperating or assisting the state or federal government or was suspected of cooperation or assistance to the state or federal government, if the motive for the killing was either the person's status as a witness, potential witness or informant, or was to prevent the cooperation or assistance to the prosecution. It shall not be a defense to a killing under this

subsection that the defendant erroneously suspected or believed the victim to have cooperated or assisted the state or federal government.(3)An indictment for murder or capital murder shall serve as notice to the defendant that the indictment may include any and all lesser included offenses thereof, including, but not limited to, manslaughter.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2 (3, 4); 1857, ch. 64, art. 165; 1871, § 2628; 1880, § 2875; 1892, § 1149; 1906, § 1227; Hemingway's 1917, § 957; 1930, § 985; 1942, § 2215; Laws, 1974, ch. 576, § 6(1, 2); Laws, 1983, ch. 429, § 1; Laws, 1992, ch. 508, § 1; Laws, 1996, ch. 422, § 3; Laws, 1998, ch. 588, § 1; Laws, 2000, ch. 516, § 134; Laws, 2004, ch. 393, § 1; Laws, 2004, ch. 515, § 2, eff. 5/4/2004.Amended by Laws, 2017, ch. 382, HB 1367, 10, eff. 7/1/2017.Amended by Laws, 2015, ch. 450, HB 1052, 1, eff. 7/1/2015.Amended by Laws, 2013, ch. 555, SB 2377, 1, eff. 7/1/2013. (1)The killing of a human being without the authority of law by any means or in any manner shall be murder in the following cases:(a)When done with deliberate design to effect the death of the person killed, or of any human being, shall be first-degree murder;(b)When done in the commission of an act eminently dangerous to others and evincing a depraved heart, regardless of human life, although without any premeditated design to effect the death of any particular individual, shall be second-degree murder;(c)When done without any design to effect death by any person engaged in the commission of any felony other than rape, kidnapping, burglary, arson, robbery, sexual battery, unnatural intercourse with any child under the age of twelve (12), or nonconsensual unnatural intercourse with mankind, or felonious abuse and/or battery of a child in violation of subsection (2) of Section97-5-39, or in any attempt to commit such felonies, shall be first-degree murder;(d)When done with deliberate design to effect the death of an unborn child, shall be first-degree murder.(2)The killing of a human being without the authority of law by any means or in any manner shall be capital murder in the following cases:(a)Murder which is perpetrated by killing a peace officer or fireman while such officer or fireman is acting in his official capacity or by reason of an act performed in his official capacity, and with knowledge that the victim was a peace officer or fireman. For purposes of this paragraph, the term "peace officer" means any state or federal law enforcement officer, including, but not limited to, a federal park ranger, the sheriff of or police officer of a city or town, a conservation officer, a parole officer, a judge, senior status judge, special judge, district attorney, legal assistant to a district attorney, county prosecuting attorney or any other court official, an agent of the Alcoholic Beverage Control Division of the Department of Revenue, an agent of the Bureau of Narcotics, personnel of the Mississippi Highway Patrol, and the employees of the Department of Corrections who are designated as peace officers by the Commissioner of Corrections pursuant to Section47-5-54, and the superintendent and his deputies, guards, officers and other employees of the Mississippi State Penitentiary;(b)Murder which is perpetrated by a person who is under sentence of life imprisonment;(c)Murder which is perpetrated by use or detonation of a bomb or explosive device;(d)Murder which is perpetrated by any person who has been offered or has received anything of value for committing the murder, and all parties to such a murder, are guilty as principals;(e)When done with or without any design to effect death, by any person engaged in the commission of the crime of rape, burglary, kidnapping, arson, robbery, sexual battery, unnatural intercourse with any child under the age of twelve (12), or nonconsensual unnatural intercourse with mankind, or in any attempt to commit such felonies;(f)When done with or without any design to effect death, by any person engaged in the commission of the crime of felonious abuse and/or battery of a child in violation of subsection (2) of Section97-5-39, or in any attempt to commit such felony;(g)Murder which is perpetrated on educational property as defined in Section97-37-17;(h)Murder which is perpetrated by the killing of any elected official of a county, municipal, state or federal government with knowledge that the victim was such public official;(i)Murder of three (3) or more persons who are killed incident to one (1) act, scheme, course of conduct or criminal episode;(j)Murder of more than three (3) persons within a three-year period;(k)Murder which is perpetrated by the killing of a person who:(i)is or would be a witness for the state or federal government in a criminal trial;(ii)is a confidential informant for any agency of the state or federal government; or(iii)is any other person who was cooperating or assisting the state or federal government or was suspected of cooperation or assistance to the state or federal government, if the motive for the killing was either the person's status as a witness, potential witness or informant, or was to prevent the cooperation or assistance to the prosecution. It shall not be a defense to a killing under this subsection that the defendant erroneously suspected or believed the victim to have cooperated or assisted the state or federal government.(3)An indictment for murder or capital murder shall serve as notice to the defendant that the indictment may include any and all lesser included offenses thereof, including, but not limited to, manslaughter.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2 (3, 4); 1857, ch. 64, art. 165; 1871, § 2628; 1880, § 2875; 1892, § 1149; 1906, § 1227; Hemingway's 1917, § 957; 1930, § 985; 1942, § 2215; Laws, 1974, ch. 576, § 6(1, 2); Laws, 1983, ch. 429, § 1; Laws, 1992, ch. 508, § 1; Laws, 1996, ch. 422, § 3; Laws, 1998, ch. 588, § 1; Laws, 2000, ch. 516, § 134; Laws, 2004, ch. 393, § 1; Laws, 2004, ch. 515, § 2, eff. 5/4/2004.Amended by Laws, 2017, ch. 382, HB 1367, 10, eff. 7/1/2017.Amended by Laws, 2015, ch. 450, HB 1052, 1, eff. 7/1/2015.Amended by Laws, 2013, ch. 555, SB 2377, 1, eff. 7/1/2013. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2 (3, 4); 1857, ch. 64, art. 165; 1871, § 2628; 1880, § 2875; 1892, § 1149; 1906, § 1227; Hemingway's 1917, § 957; 1930, § 985; 1942, § 2215; Laws, 1974, ch. 576, § 6(1, 2); Laws, 1983, ch. 429, § 1; Laws, 1992, ch. 508, § 1; Laws, 1996, ch. 422, § 3; Laws, 1998, ch. 588, § 1; Laws, 2000, ch. 516, § 134; Laws, 2004, ch. 393, § 1; Laws, 2004, ch. 515, § 2, eff. 5/4/2004. Amended by Laws, 2017, ch. 382, HB 1367, 10, eff. 7/1/2017. Amended by Laws, 2015, ch. 450, HB 1052, 1, eff. 7/1/2015. Amended by Laws, 2013, ch. 555, SB 2377, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-2 - Crimes of violence defined

(1)The following shall be classified as crimes of violence:(a)Driving under the influence as provided in Sections63-11-30(5)and63-11-30(12)(d);(b)Murder and attempted murder as provided in

Sections 97-1-7(2), 97-3-19, 97-3-23 and 97-3-25; (c) Aggravated assault as provided in Sections 97-3-7(2)(a) and (b) and 97-3-7(4)(a); (d) Manslaughter as provided in Sections 97-3-27, 97-3-29, 97-3-31, 97-3-33, 97-3-35, 97-3-39, 97-3-41, 97-3-43, 97-3-45 and 97-3-47; (e) Killing of an unborn child as provided in Sections 97-3-37(2)(a) and 97-3-37(2)(b); (f) Kidnapping as provided in Section 97-3-53; (g) Human trafficking as provided in Section 97-3-54.1; (h) Poisoning as provided in Section 97-3-61; (i) Rape as provided in Sections 97-3-65 and 97-3-71; (j) Robbery as provided in Sections 97-3-73 and 97-3-79; (k) Sexual battery as provided in Section 97-3-95; (l) Drive-by shooting or bombing as provided in Section 97-3-109; (m) Carjacking as provided in Section 97-3-117; (n) Felonious neglect, abuse or battery of a child as provided in Section 97-5-39; (o) Burglary of a dwelling as provided in Sections 97-17-23 and 97-17-37; (p) Use of explosives or weapons of mass destruction as provided in Section 97-37-25; (q) Statutory rape as provided in Section 97-3-65(1), but this classification is rebuttable on hearing by a judge; (r) Exploitation of a child as provided in Section 97-5-33; (s) Gratification of lust as provided in Section 97-5-23; and (t) Shooting into a dwelling as provided in Section 97-37-29. (2) In any felony offense with a maximum sentence of no less than five (5) years, upon conviction, the judge may find and place in the sentencing order, on the record in open court, that the offense, while not listed in subsection (1) of this section, shall be classified as a crime of violence if the facts show that the defendant used physical force, or made a credible attempt or threat of physical force against another person as part of the criminal act. No person convicted of a crime of violence listed in this section is eligible for parole or for early release from the custody of the Department of Corrections until the person has served at least fifty percent (50%) of the sentence imposed by the court. Added by Laws, 2014, ch. 457, HB 585, 39, eff. 7/1/2014. (1) The following shall be classified as crimes of violence: (a) Driving under the influence as provided in Sections 63-11-30(5) and 63-11-30(12)(d); (b) Murder and attempted murder as provided in Sections 97-1-7(2), 97-3-19, 97-3-23 and 97-3-25; (c) Aggravated assault as provided in Sections 97-3-7(2)(a) and (b) and 97-3-7(4)(a); (d) Manslaughter as provided in Sections 97-3-27, 97-3-29, 97-3-31, 97-3-33, 97-3-35, 97-3-39, 97-3-41, 97-3-43, 97-3-45 and 97-3-47; (e) Killing of an unborn child as provided in Sections 97-3-37(2)(a) and 97-3-37(2)(b); (f) Kidnapping as provided in Section 97-3-53; (g) Human trafficking as provided in Section 97-3-54.1; (h) Poisoning as provided in Section 97-3-61; (i) Rape as provided in Sections 97-3-65 and 97-3-71; (j) Robbery as provided in Sections 97-3-73 and 97-3-79; (k) Sexual battery as provided in Section 97-3-95; (l) Drive-by shooting or bombing as provided in Section 97-3-109; (m) Carjacking as provided in Section 97-3-117; (n) Felonious neglect, abuse or battery of a child as provided in Section 97-5-39; (o) Burglary of a dwelling as provided in Sections 97-17-23 and 97-17-37; (p) Use of explosives or weapons of mass destruction as provided in Section 97-37-25; (q) Statutory rape as provided in Section 97-3-65(1), but this classification is rebuttable on hearing by a judge; (r) Exploitation of a child as provided in Section 97-5-33; (s) Gratification of lust as provided in Section 97-5-23; and (t) Shooting into a dwelling as provided in Section 97-37-29. (2) In any felony offense with a maximum sentence of no less than five (5) years, upon conviction, the judge may find and place in the sentencing order, on the record in open court, that the offense, while not listed in subsection (1) of this section, shall be classified as a crime of violence if the facts show that the defendant used physical force, or made a credible attempt or threat of physical force against another person as part of the criminal act. No person convicted of a crime of violence listed in this section is eligible for parole or for early release from the custody of the Department of Corrections until the person has served at least fifty percent (50%) of the sentence imposed by the court. Added by Laws, 2014, ch. 457, HB 585, 39, eff. 7/1/2014. Added by Laws, 2014, ch. 457, HB 585, 39, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-21 - Homicide; penalty for first- or second-degree murder or capital murder

(1) Except as otherwise provided for a juvenile offender in subsection (2) of this section, every person who is: (a) Convicted of first-degree murder shall be sentenced by the court to imprisonment for life in the custody of the Department of Corrections. (b) Convicted of second-degree murder shall be imprisoned for life in the custody of the Department of Corrections if

the punishment is so fixed by the jury in its verdict after a separate sentencing proceeding. If the jury fails to agree on fixing the penalty at imprisonment for life, the court shall fix the penalty at not less than twenty (20) nor more than forty (40) years in the custody of the Department of Corrections.(c)Convicted of capital murder shall be sentenced (i) to death;(ii) to imprisonment for life in the State Penitentiary without parole; or (iii) to imprisonment for life in the State Penitentiary with eligibility for parole as provided in Section47-7-3(1)(c)(iii).(2)(a)For the purposes of this section, "juvenile offender" means a person who had not reached the age of eighteen (18) years at the time of the commission of the offense.(b)A juvenile offender who is convicted of first-degree murder after July 1, 2024, may be sentenced to life imprisonment in the custody of the Department of Corrections if the punishment is so fixed by the jury. If the jury fails to fix the penalty at life imprisonment, the court shall fix the penalty at not less than twenty (20) nor more than forty (40) years in the custody of the Department of Corrections.(c)A juvenile offender who is convicted of capital murder after July 1, 2024, may be sentenced to life imprisonment in the custody of the Department of Corrections or life imprisonment without eligibility for parole in the custody of the Department of Corrections if the punishment is so fixed by the jury. If the jury fails to fix the penalty at life imprisonment or life imprisonment without parole, the court shall fix the penalty at not less than twenty-five (25) nor more than fifty (50) years in the custody of the Department of Corrections.(d)For a juvenile offender who was convicted of first-degree murder or capital murder prior to July 1, 2024, and who is entitled to a hearing under this subsection, the judge who presided over the trial, or a judge appointed by the senior circuit judge, if the presiding judge is unavailable, shall fix the penalty.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2 (1); 1857, ch. 64, art. 167; 1871, § 2630; 1880, § 2877; 1892, § 1151; 1906, § 1229; Hemingway's 1917, § 959, 1930, § 987; 1942, § 2217; Laws, 1974, ch. 576, § 7; Laws, 1977, ch. 458, § 1; Laws, 1994, ch. 566, § 3, eff. 7/1/1994.Amended by Laws, 2024, ch. 526, SB 2022,§ 1, eff. 7/1/2024.Amended by Laws, 2013, ch. 555, SB 2377, 2, eff. 7/1/2013. (1)Except as otherwise provided for a juvenile offender in subsection (2) of this section, every person who is:(a)Convicted of first-degree murder shall be sentenced by the court to imprisonment for life in the custody of the Department of Corrections.(b)Convicted of second-degree murder shall be imprisoned for life in the custody of the Department of Corrections if the punishment is so fixed by the jury in its verdict after a separate sentencing proceeding. If the jury fails to agree on fixing the penalty at imprisonment for life, the court shall fix the penalty at not less than twenty (20) nor more than forty (40) years in the custody of the Department of Corrections.(c)Convicted of capital murder shall be sentenced (i) to death;(ii) to imprisonment for life in the State Penitentiary without parole; or (iii) to imprisonment for life in the State Penitentiary with eligibility for parole as provided in Section47-7-3(1)(c)(iii).(2)(a)For the purposes of this section, "juvenile offender" means a person who had not reached the age of eighteen (18) years at the time of the commission of the offense.(b)A juvenile offender who is convicted of first-degree murder after July 1, 2024, may be sentenced to life imprisonment in the custody of the Department of Corrections if the punishment is so fixed by the jury. If the jury fails to fix the penalty at life imprisonment, the court shall fix the penalty at not less than twenty (20) nor more than forty (40) years in the custody of the Department of Corrections.(c)A juvenile offender who is convicted of capital murder after July 1, 2024, may be sentenced to life imprisonment in the custody of the Department of Corrections or life imprisonment without eligibility for parole in the custody of the Department of Corrections if the punishment is so fixed by the jury. If the jury fails to fix the penalty at life imprisonment or life imprisonment without parole, the court shall fix the penalty at not less than twenty-five (25) nor more than fifty (50) years in the custody of the Department of Corrections.(d)For a juvenile offender who was convicted of first-degree murder or capital murder prior to July 1, 2024, and who is entitled to a hearing under this subsection, the judge who presided over the trial, or a judge appointed by the senior circuit judge, if the presiding judge is unavailable, shall fix the penalty.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2 (1); 1857, ch. 64, art. 167; 1871, § 2630; 1880, § 2877; 1892, § 1151; 1906, § 1229; Hemingway's 1917, § 959, 1930, § 987; 1942, § 2217; Laws, 1974, ch. 576, § 7; Laws, 1977, ch. 458, § 1; Laws, 1994, ch. 566, § 3, eff. 7/1/1994.Amended by Laws, 2024, ch. 526, SB 2022,§ 1, eff. 7/1/2024.Amended by Laws, 2013, ch. 555, SB 2377, 2, eff. 7/1/2013. (1)Except as otherwise provided for a juvenile offender in subsection (2) of this section, every person who is:(a)Convicted of first-degree murder shall be sentenced by the court to imprisonment for life in the custody of the Department of Corrections.(b)Convicted of second-degree murder shall be imprisoned for life in the custody of the Department of Corrections if the punishment is so fixed by the jury in its verdict after a separate sentencing proceeding. If the jury fails to agree on fixing the penalty at imprisonment for life, the court shall fix the penalty at not less than twenty (20) nor more than forty (40) years in the custody of the Department of Corrections.(c)Convicted of capital murder shall be sentenced (i) to death;(ii) to imprisonment for life in the State Penitentiary without parole; or (iii) to imprisonment for life in the State Penitentiary with eligibility for parole as provided in Section47-7-3(1)(c)(iii).(2)(a)For the purposes of this section, "juvenile offender" means a person who had not reached the age of eighteen (18) years at the time of the commission of the offense.(b)A juvenile offender who is convicted of first-degree murder after July 1, 2024, may be sentenced to life imprisonment in the custody of the Department of Corrections if the punishment is so fixed by the jury. If the jury fails to fix the penalty at life imprisonment, the court shall fix the penalty at not less than twenty (20) nor more than forty (40) years in the custody of the Department of Corrections.(c)A juvenile offender who is convicted of capital murder after July 1, 2024, may be sentenced to life imprisonment in the custody of the Department of Corrections or life imprisonment without eligibility for parole in the custody of the Department of Corrections if the punishment is so fixed by the jury. If the jury fails to fix the penalty at life imprisonment or life imprisonment without parole, the court shall fix the penalty at not less than twenty-five (25) nor more than fifty (50) years in the custody of the Department of Corrections.(d)For a juvenile offender who was convicted of first-degree murder or capital murder prior to July 1, 2024, and who is entitled to a hearing under this subsection, the judge who presided over the trial, or a judge appointed by the senior circuit judge, if the presiding judge is unavailable, shall fix the penalty.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2 (1); 1857, ch. 64, art. 167; 1871, § 2630; 1880, § 2877; 1892, § 1151; 1906, § 1229; Hemingway's 1917, § 959, 1930, § 987; 1942, § 2217; Laws, 1974, ch. 576, § 7; Laws, 1977, ch. 458, § 1; Laws,

1994, ch. 566, § 3, eff. 7/1/1994. Amended by Laws, 2024, ch. 526, SB 2022, § 1, eff. 7/1/2024. Amended by Laws, 2013, ch. 555, SB 2377, 2, eff. 7/1/2013. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2 (1); 1857, ch. 64, art. 167; 1871, § 2630; 1880, § 2877; 1892, § 1151; 1906, § 1229; Hemingway's 1917, § 959, 1930, § 987; 1942, § 2217; Laws, 1974, ch. 576, § 7; Laws, 1977, ch. 458, § 1; Laws, 1994, ch. 566, § 3, eff. 7/1/1994. Amended by Laws, 2024, ch. 526, SB 2022, § 1, eff. 7/1/2024. Amended by Laws, 2013, ch. 555, SB 2377, 2, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-23 - Homicide; death following duels fought out of state

Every person who shall, by previous appointment, agreement, or understanding made in this state, fight a duel without the jurisdiction of this state, and, in so doing, shall inflict a wound upon his antagonist or any other person, whereof the person thus injured die within this state, and every second engaged in such duel, shall be guilty of murder in this state, and may be indicted, tried, and convicted in the county where such death shall happen. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2 (5); 1857, ch. 64, art. 166; 1871, § 2629; 1880, § 2876; 1892, § 1150; 1906, § 1228; Hemingway's 1917, § 958; 1930, § 986; 1942, § 2216. Every person who shall, by previous appointment, agreement, or understanding made in this state, fight a duel without the jurisdiction of this state, and, in so doing, shall inflict a wound upon his antagonist or any other person, whereof the person thus injured die within this state, and every second engaged in such duel, shall be guilty of murder in this state, and may be indicted, tried, and convicted in the county where such death shall happen. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2 (5); 1857, ch. 64, art. 166; 1871, § 2629; 1880, § 2876; 1892, § 1150; 1906, § 1228; Hemingway's 1917, § 958; 1930, § 986; 1942, § 2216. Every person who shall, by previous appointment, agreement, or understanding made in this state, fight a duel without the jurisdiction of this state, and, in so doing, shall inflict a wound upon his antagonist or any other person, whereof the person thus injured die within this state, and every second engaged in such duel, shall be guilty of murder in this state, and may be indicted, tried, and convicted in the county where such death shall happen. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2 (5); 1857, ch. 64, art. 166; 1871, § 2629; 1880, § 2876; 1892, § 1150; 1906, § 1228; Hemingway's 1917, § 958; 1930, § 986; 1942, § 2216. Every person who shall, by previous appointment, agreement, or understanding made in this state, fight a duel without the jurisdiction of this state, and, in so doing, shall inflict a wound upon his antagonist or any other person, whereof the person thus injured die within this state, and every second engaged in such duel, shall be guilty of murder in this state, and may be indicted, tried, and convicted in the county where such death shall happen. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2 (5); 1857, ch. 64, art. 166; 1871, § 2629; 1880, § 2876; 1892, § 1150; 1906, § 1228; Hemingway's 1917, § 958; 1930, § 986; 1942, § 2216.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-25 - Homicide; killing of child under 18 years of age by perpetrator over 21 years of age; penalties for manslaughter and child homicide

(1) Except as otherwise provided in this section, any person convicted of manslaughter shall be fined in a sum not less than Five Hundred Dollars (\$500.00), or imprisoned in the county jail not more than one (1) year, or both, or in the custody of the Department of Corrections not less than two (2) years, nor more than twenty (20) years. (2)(a) A person is guilty of child homicide if: (i) The person is found guilty of manslaughter in circumstances where the killing, although without malice, was intentional and not accidental; and (ii) The perpetrator was over the age of twenty-one (21) years and the victim was a child under the age of eighteen (18) years. (b) A person found guilty of child homicide shall be imprisoned in the custody of the Department of Corrections for a term not to exceed thirty (30) years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (20, 21); 1857, ch. 64, art. 183; 1871, § 2646; 1880, § 2894; 1892, § 1167; 1906, § 1245; Hemingway's 1917, § 975; 1930, § 1003; 1942, § 2233. Amended by Laws, 2013, ch. 379, SB 2255, 1, eff. 7/1/2013. (1) Except as otherwise provided in this section, any person convicted of manslaughter shall be fined in a sum not less than Five Hundred Dollars (\$500.00), or imprisoned in the county jail not more than one (1) year, or both, or in the custody of the Department of Corrections not less than two (2) years, nor more than twenty (20) years. (2)(a) A person is guilty of child homicide if: (i) The person is found guilty of manslaughter in circumstances where the killing, although without malice, was intentional and not accidental; and (ii) The perpetrator was over the age of twenty-one (21) years and the victim was a child under the age of eighteen (18) years. (b) A person found guilty of child homicide shall be imprisoned in the custody of the Department of Corrections for a term not to exceed thirty (30) years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (20, 21); 1857, ch. 64, art. 183; 1871, § 2646; 1880, § 2894; 1892, § 1167; 1906, § 1245; Hemingway's 1917, § 975; 1930, § 1003; 1942, § 2233. Amended by Laws, 2013, ch. 379, SB 2255, 1, eff. 7/1/2013. (1) Except as otherwise provided in this section, any person convicted of manslaughter shall be fined in a sum not less than Five Hundred Dollars (\$500.00), or imprisoned in the county jail not more than one (1) year, or both, or in the custody of the Department of Corrections not less than two (2) years, nor more than twenty (20) years. (2)(a) A person is guilty of child homicide if: (i) The person is found guilty of manslaughter in circumstances where the killing, although without malice, was intentional and not accidental; and (ii) The perpetrator was over the age of twenty-one (21) years and the victim was a child under the age of eighteen (18) years. (b) A person found guilty of child homicide shall be imprisoned in the custody of the Department of Corrections for a term not to exceed thirty (30) years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (20, 21); 1857, ch. 64, art. 183; 1871, § 2646; 1880, § 2894; 1892, § 1167; 1906, § 1245; Hemingway's 1917, § 975; 1930, § 1003; 1942, § 2233. Amended by Laws, 2013, ch. 379, SB 2255, 1, eff. 7/1/2013. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (20, 21); 1857, ch. 64, art. 183; 1871, § 2646; 1880, § 2894; 1892, § 1167; 1906, § 1245; Hemingway's 1917, § 975; 1930, § 1003; 1942, § 2233. Amended by Laws, 2013, ch. 379, SB 2255, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-27 - Homicide; killing while committing felony

The killing of a human being without malice, by the act, procurement, or culpable negligence of another, while such other is engaged in the perpetration of any felony, except those felonies enumerated in Section 97-3-19(2)(e) and (f), or while such other is attempting to commit any felony besides such as are above enumerated and excepted, shall be manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (6); 1857, ch. 64, art. 170; 1871, § 2633; 1880, § 2880; 1892, § 1154; 1906, § 1232; Hemingway's 1917, § 962; 1930, § 990; 1942, § 2220; Laws, 1994 Ex Sess, ch. 27, § 1, eff. 8/23/1994. The killing of a human being without malice, by the act, procurement, or culpable negligence of another, while such other is engaged in the perpetration of any felony, except those felonies enumerated in Section 97-3-19(2)(e) and (f), or while such other is attempting to commit any felony besides such as are above enumerated and excepted, shall be manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (6); 1857, ch. 64, art. 170; 1871, § 2633; 1880, § 2880; 1892, § 1154; 1906, § 1232; Hemingway's 1917, § 962; 1930, § 990; 1942, § 2220; Laws, 1994 Ex Sess, ch. 27, § 1, eff. 8/23/1994. The killing of a human being without malice, by the act, procurement, or culpable negligence of another, while such other is engaged in the perpetration of any felony, except those felonies enumerated in Section 97-3-19(2)(e) and (f), or while such other is attempting to commit any felony besides such as are above enumerated and excepted, shall be manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (6); 1857, ch. 64, art. 170; 1871, § 2633; 1880, § 2880; 1892, § 1154; 1906, § 1232; Hemingway's 1917, § 962; 1930, § 990; 1942, § 2220; Laws, 1994 Ex Sess, ch. 27, § 1, eff. 8/23/1994. The killing of a human being without malice, by the act, procurement, or culpable negligence of another, while such other is engaged in the perpetration of any felony, except those felonies enumerated in Section 97-3-19(2)(e) and (f), or while such other is attempting to commit any felony besides such as are above enumerated and excepted, shall be manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (6); 1857, ch. 64, art. 170; 1871, § 2633; 1880, § 2880; 1892, § 1154; 1906, § 1232; Hemingway's 1917, § 962; 1930, § 990; 1942, § 2220; Laws, 1994 Ex Sess, ch. 27, § 1, eff. 8/23/1994.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-29 - Homicide; killing while committing a misdemeanor

The killing of a human being without malice, by the act, procurement, or culpable negligence of another, while such other is engaged in the perpetration of any crime or misdemeanor not amounting to felony, or in the attempt to commit any crime or misdemeanor, where such killing would be murder at common law, shall be manslaughter. Codes, 1880, § 2881; 1892, § 1155; 1906, § 1233; Hemingway's 1917, § 963; 1930, 991; 1942, § 2221. The killing of a human being without malice, by the act, procurement, or culpable negligence of another, while such other is engaged in the perpetration of any crime or misdemeanor not amounting to felony, or in the attempt to commit any crime or misdemeanor, where such killing would be murder at common law, shall be manslaughter. Codes, 1880, § 2881; 1892, § 1155; 1906, § 1233; Hemingway's 1917, § 963; 1930, 991; 1942, § 2221. The killing of a human being without malice, by the act, procurement, or culpable negligence of another, while such other is engaged in the perpetration of any crime or misdemeanor not amounting to felony, or in the attempt to commit any crime or misdemeanor, where such killing would be murder at common law, shall be manslaughter. Codes, 1880, § 2881; 1892, § 1155; 1906, § 1233; Hemingway's 1917, § 963; 1930, 991; 1942, § 2221. The killing of a human being without malice, by the act, procurement, or culpable negligence of another, while such other is engaged in the perpetration of any crime or misdemeanor not amounting to felony, or in the attempt to commit any crime or misdemeanor, where such killing would be murder at common law, shall be manslaughter. Codes, 1880, § 2881; 1892, § 1155; 1906, § 1233; Hemingway's 1917, § 963; 1930, 991; 1942, § 2221.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-3 - Abortion; causing abortion or miscarriage

(1) Any person wilfully and knowingly causing, by means of any instrument, medicine, drug or other means whatever, any woman pregnant with child to abort or miscarry, or attempts to procure or produce an abortion or miscarriage shall be guilty of a felony unless the same were done by a duly licensed, practicing physician: (a) Where necessary for the preservation of the mother's life; (b) Where pregnancy was caused by rape. Said person shall, upon conviction, be imprisoned in the State Penitentiary not less than one (1) year nor more than ten (10) years; provided, however, if the death of the mother results therefrom, the person procuring, causing or attempting to procure or cause the illegal abortion or miscarriage shall be guilty of murder. (2) No act prohibited in subsection (1) of this section shall be considered exempt under the provisions of paragraph (a) thereof unless performed upon the prior advice in writing, of two (2) reputable licensed physicians. (3) The license of any physician or nurse shall be automatically revoked upon conviction under the provisions of this section. (4) Nothing in this section shall be construed as conflicting with Section 41-41-73. Codes, 1942, § 2223; Laws, 1952, ch. 260, §§ 1-3; Laws, 1966, ch. 358, § 1; Laws, 1997, ch. 350, § 3, eff. 7/1/1997. (1) Any person wilfully and knowingly causing, by means of any instrument, medicine, drug or other means whatever, any woman pregnant with child to abort or miscarry, or attempts to procure or produce an abortion or miscarriage shall be guilty of a felony unless the same were done by a duly licensed, practicing physician: (a) Where necessary for the preservation of the mother's life; (b) Where pregnancy was caused by rape. Said person shall, upon conviction, be imprisoned in the State Penitentiary not less than one (1) year nor more than ten (10) years; provided, however, if the death of the mother results therefrom, the person procuring, causing or attempting to procure or cause the illegal abortion or miscarriage shall be guilty of murder. (2) No act prohibited in subsection (1) of this section shall be considered exempt under the provisions of paragraph (a) thereof unless performed upon the

prior advice in writing, of two (2) reputable licensed physicians.(3)The license of any physician or nurse shall be automatically revoked upon conviction under the provisions of this section.(4)Nothing in this section shall be construed as conflicting with Section 41-41-73. Codes, 1942, § 2223; Laws, 1952, ch. 260, §§ 1-3; Laws, 1966, ch. 358, § 1; Laws, 1997, ch. 350, § 3, eff. 7/1/1997. (1)Any person wilfully and knowingly causing, by means of any instrument, medicine, drug or other means whatever, any woman pregnant with child to abort or miscarry, or attempts to procure or produce an abortion or miscarriage shall be guilty of a felony unless the same were done by a duly licensed, practicing physician:(a)Where necessary for the preservation of the mother's life;(b)Where pregnancy was caused by rape.Said person shall, upon conviction, be imprisoned in the State Penitentiary not less than one (1) year nor more than ten (10) years; provided, however, if the death of the mother results therefrom, the person procuring, causing or attempting to procure or cause the illegal abortion or miscarriage shall be guilty of murder.(2)No act prohibited in subsection (1) of this section shall be considered exempt under the provisions of paragraph (a) thereof unless performed upon the prior advice in writing, of two (2) reputable licensed physicians.(3)The license of any physician or nurse shall be automatically revoked upon conviction under the provisions of this section.(4)Nothing in this section shall be construed as conflicting with Section 41-41-73. Codes, 1942, § 2223; Laws, 1952, ch. 260, §§ 1-3; Laws, 1966, ch. 358, § 1; Laws, 1997, ch. 350, § 3, eff. 7/1/1997. Said person shall, upon conviction, be imprisoned in the State Penitentiary not less than one (1) year nor more than ten (10) years; provided, however, if the death of the mother results therefrom, the person procuring, causing or attempting to procure or cause the illegal abortion or miscarriage shall be guilty of murder. Codes, 1942, § 2223; Laws, 1952, ch. 260, §§ 1-3; Laws, 1966, ch. 358, § 1; Laws, 1997, ch. 350, § 3, eff. 7/1/1997.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-31 - Homicide; killing unnecessarily, while resisting effort of slain to commit felony or do unlawful act

Every person who shall unnecessarily kill another, either while resisting an attempt by such other person to commit any felony, or to do any unlawful act, or after such attempt shall have failed, shall be guilty of manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (11); 1857, ch. 64, art. 175; 1871, § 2638; 1880, § 2886; 1892, § 1159; 1906, § 1237; Hemingway's 1917, § 967; 1930, § 995; 1942, § 2225. Every person who shall unnecessarily kill another, either while resisting an attempt by such other person to commit any felony, or to do any unlawful act, or after such attempt shall have failed, shall be guilty of manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (11); 1857, ch. 64, art. 175; 1871, § 2638; 1880, § 2886; 1892, § 1159; 1906, § 1237; Hemingway's 1917, § 967; 1930, § 995; 1942, § 2225. Every person who shall unnecessarily kill another, either while resisting an attempt by such other person to commit any felony, or to do any unlawful act, or after such attempt shall have failed, shall be guilty of manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (11); 1857, ch. 64, art. 175; 1871, § 2638; 1880, § 2886; 1892, § 1159; 1906, § 1237; Hemingway's 1917, § 967; 1930, § 995; 1942, § 2225. Every person who shall unnecessarily kill another, either while resisting an attempt by such other person to commit any felony, or to do any unlawful act, or after such attempt shall have failed, shall be guilty of manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (11); 1857, ch. 64, art. 175; 1871, § 2638; 1880, § 2886; 1892, § 1159; 1906, § 1237; Hemingway's 1917, § 967; 1930, § 995; 1942, § 2225.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-33 - Killing trespasser involuntarily

The involuntary killing of a human being by the act, procurement, or culpable negligence of another, while such human being is engaged in the commission of a trespass or other injury to private rights or property, or is engaged in an attempt to commit such injury, shall be manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (13); 1857, ch. 64, art. 177; 1871, § 2640; 1880, § 2888; 1892, § 1161; 1906, § 1239; Hemingway's 1917, § 969; 1930, § 997; 1942, § 2227. The involuntary killing of a human being by the act, procurement, or culpable negligence of another, while such human being is engaged in the commission of a trespass or other injury to private rights or property, or is engaged in an attempt to commit such injury, shall be manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (13); 1857, ch. 64, art. 177; 1871, § 2640; 1880, § 2888; 1892, § 1161; 1906, § 1239; Hemingway's 1917, § 969; 1930, § 997; 1942, § 2227. The involuntary killing of a human being by the act, procurement, or culpable negligence of another, while such human being is engaged in the commission of a trespass or other injury to private rights or property, or is engaged in an attempt to commit such injury, shall be manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (13); 1857, ch. 64, art. 177; 1871, § 2640; 1880, § 2888; 1892, § 1161; 1906, § 1239; Hemingway's 1917, § 969; 1930, § 997; 1942, § 2227.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-35 - Homicide; killing without malice in the heat of passion

The killing of a human being, without malice, in the heat of passion, but in a cruel or unusual manner, or by the use of a dangerous weapon, without authority of law, and not in necessary self-defense, shall be manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (10), (12); 1857, ch. 64, arts. 174, 176; 1871, §§ 2637, 2639; 1880, §§ 2885, 2887; 1892, §§ 1158, 1160; 1906, §§ 1236, 1238; Hemingway's 1917, §§ 966, 968; 1930, §§ 994, 996; 1942, §§ 2224, 2226. The killing of a human being, without malice, in

the heat of passion, but in a cruel or unusual manner, or by the use of a dangerous weapon, without authority of law, and not in necessary self-defense, shall be manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (10), (12); 1857, ch. 64, arts. 174, 176; 1871, §§ 2637, 2639; 1880, §§ 2885, 2887; 1892, §§ 1158, 1160; 1906, §§ 1236, 1238; Hemingway's 1917, §§ 966, 968; 1930, §§ 994, 996; 1942, §§ 2224, 2226. The killing of a human being, without malice, in the heat of passion, but in a cruel or unusual manner, or by the use of a dangerous weapon, without authority of law, and not in necessary self-defense, shall be manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (10), (12); 1857, ch. 64, arts. 174, 176; 1871, §§ 2637, 2639; 1880, §§ 2885, 2887; 1892, §§ 1158, 1160; 1906, §§ 1236, 1238; Hemingway's 1917, §§ 966, 968; 1930, §§ 994, 996; 1942, §§ 2224, 2226. The killing of a human being, without malice, in the heat of passion, but in a cruel or unusual manner, or by the use of a dangerous weapon, without authority of law, and not in necessary self-defense, shall be manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (10), (12); 1857, ch. 64, arts. 174, 176; 1871, §§ 2637, 2639; 1880, §§ 2885, 2887; 1892, §§ 1158, 1160; 1906, §§ 1236, 1238; Hemingway's 1917, §§ 966, 968; 1930, §§ 994, 996; 1942, §§ 2224, 2226.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-37 - Homicide; killing of an unborn child; "human being" includes unborn child at every stage of gestation from conception until live birth for purposes of offenses of assault and homicide; "unborn child" defined; intentional injury to pregnant woman; penalties; provisions of section not applicable to legal medical procedures, including abortion

(1) For purposes of the offenses enumerated in this subsection (1), the term "human being" includes an unborn child at every stage of gestation from conception until live birth and the term "unborn child" means a member of the species homo sapiens, at any stage of development, who is carried in the womb: (a) Section 97-3-7, simple and aggravated assault and domestic violence; (b) Section 97-3-15, justifiable homicide; (c) Section 97-3-17, excusable homicide; (d) Section 97-3-19, murder, capital murder; (e) Section 97-3-27, homicide while committing a felony; (f) Section 97-3-29, homicide while committing a misdemeanor; (g) Section 97-3-33, killing a trespasser unnecessarily; (h) Section 97-3-35, killing without malice in the heat of passion; (i) Section 97-3-45, homicide by means of a dangerous animal; (j) Section 97-3-47, all other homicides; (k) Section 97-3-61, poisoning with intent to kill or injure. (2) A person who intentionally injures a pregnant woman is guilty of a crime as follows: (a) If the conduct results in a miscarriage or stillbirth by that individual, a felony punishable by imprisonment for not more than twenty (20) years or a fine of not more than Seven Thousand Five Hundred Dollars (\$7,500.00), or both. (b) If the conduct results in serious physical injury to the embryo or fetus, a felony punishable by imprisonment for not more than twenty (20) years or a fine of not more than Five Thousand Dollars (\$5,000.00), or both. (c) If the conduct results in minor physical injury to the embryo or fetus, a misdemeanor punishable by imprisonment for not more than six (6) months or a fine of not more than One Thousand Dollars (\$1,000.00), or both. (3) The provisions of this section shall not apply to any legal medical procedure performed by a licensed physician or other licensed medical professional, including legal abortions, when done at the request of a mother of an unborn child or the mother's legal guardian, or to the lawful dispensing or administration of lawfully prescribed medication. (4) Nothing contained in this section shall be construed to prohibit prosecution of an offender pursuant to the provisions of any other applicable statute. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (8); 1857, ch. 64, art. 172; 1871, § 2635; 1880, § 2883; 1892, § 1156; 1906, § 1234; Hemingway's 1917, § 964; 1930, § 992; 1942, § 2222; Laws, 2000, ch. 337, § 1; Laws, 2004, ch. 515, § 3; Laws, 2004, ch. 521, § 1; Laws, 2011, ch. 307, § 1, eff. 7/1/2011. (1) For purposes of the offenses enumerated in this subsection (1), the term "human being" includes an unborn child at every stage of gestation from conception until live birth and the term "unborn child" means a member of the species homo sapiens, at any stage of development, who is carried in the womb: (a) Section 97-3-7, simple and aggravated assault and domestic violence; (b) Section 97-3-15, justifiable homicide; (c) Section 97-3-17, excusable homicide; (d) Section 97-3-19, murder, capital murder; (e) Section 97-3-27, homicide while committing a felony; (f) Section 97-3-29, homicide while committing a misdemeanor; (g) Section 97-3-33, killing a trespasser unnecessarily; (h) Section 97-3-35, killing without malice in the heat of passion; (i) Section 97-3-45, homicide by means of a dangerous animal; (j) Section 97-3-47, all other homicides; (k) Section 97-3-61, poisoning with intent to kill or injure. (2) A person who intentionally injures a pregnant woman is guilty of a crime as follows: (a) If the conduct results in a miscarriage or stillbirth by that individual, a felony punishable by imprisonment for not more than twenty (20) years or a fine of not more than Seven Thousand Five Hundred Dollars (\$7,500.00), or both. (b) If the conduct results in serious physical injury to the embryo or fetus, a felony punishable by imprisonment for not more than twenty (20) years or a fine of not more than Five Thousand Dollars (\$5,000.00), or both. (c) If the conduct results in minor physical injury to the embryo or fetus, a misdemeanor punishable by imprisonment for not more than six (6) months or a fine of not more than One Thousand Dollars (\$1,000.00), or both. (3) The provisions of this section shall not apply to any legal medical procedure performed by a licensed physician or other licensed medical professional, including legal abortions, when done at the request of a mother of an unborn child or the mother's legal guardian, or to the lawful dispensing or administration of lawfully prescribed medication. (4) Nothing contained in this section shall be construed to prohibit prosecution of an offender pursuant to the provisions of any other applicable statute. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (8); 1857, ch. 64, art. 172; 1871, § 2635; 1880, § 2883; 1892, § 1156; 1906, § 1234; Hemingway's 1917, § 964; 1930, § 992; 1942, § 2222; Laws, 2000, ch. 337, § 1; Laws, 2004, ch. 515, § 3; Laws, 2004, ch. 521, § 1; Laws, 2011, ch. 307, § 1, eff. 7/1/2011. (1) For purposes of the offenses enumerated in this subsection (1), the term "human being" includes an unborn child at every stage of gestation from conception until live birth and the term "unborn child" means a member of the species homo sapiens, at any stage of development, who is carried in the womb: (a) Section 97-3-7, simple and aggravated assault and domestic violence; (b) Section 97-3-15, justifiable homicide; (c) Section 97-3-17, excusable homicide; (d) Section 97-3-19, murder, capital murder; (e) Section 97-3-27, homicide while

committing a felony;(f)Section97-3-29, homicide while committing a misdemeanor;(g)Section97-3-33, killing a trespasser unnecessarily;(h)Section97-3-35, killing without malice in the heat of passion;(i)Section97-3-45, homicide by means of a dangerous animal;(j)Section97-3-47, all other homicides;(k)Section97-3-61, poisoning with intent to kill or injure.(2)A person who intentionally injures a pregnant woman is guilty of a crime as follows:(a)If the conduct results in a miscarriage or stillbirth by that individual, a felony punishable by imprisonment for not more than twenty (20) years or a fine of not more than Seven Thousand Five Hundred Dollars (\$7,500.00), or both.(b)If the conduct results in serious physical injury to the embryo or fetus, a felony punishable by imprisonment for not more than twenty (20) years or a fine of not more than Five Thousand Dollars (\$5,000.00), or both.(c)If the conduct results in minor physical injury to the embryo or fetus, a misdemeanor punishable by imprisonment for not more than six (6) months or a fine of not more than One Thousand Dollars (\$1,000.00), or both.(3)The provisions of this section shall not apply to any legal medical procedure performed by a licensed physician or other licensed medical professional, including legal abortions, when done at the request of a mother of an unborn child or the mother's legal guardian, or to the lawful dispensing or administration of lawfully prescribed medication.(4)Nothing contained in this section shall be construed to prohibit prosecution of an offender pursuant to the provisions of any other applicable statute.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (8); 1857, ch. 64, art. 172; 1871, § 2635; 1880, § 2883; 1892, § 1156; 1906, § 1234; Hemingway's 1917, § 964; 1930, § 992; 1942, § 2222; Laws, 2000, ch. 337, § 1; Laws, 2004, ch. 515, § 3; Laws, 2004, ch. 521, § 1; Laws, 2011, ch. 307, § 1, eff. 7/1/2011. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (8); 1857, ch. 64, art. 172; 1871, § 2635; 1880, § 2883; 1892, § 1156; 1906, § 1234; Hemingway's 1917, § 964; 1930, § 992; 1942, § 2222; Laws, 2000, ch. 337, § 1; Laws, 2004, ch. 515, § 3; Laws, 2004, ch. 521, § 1; Laws, 2011, ch. 307, § 1, eff. 7/1/2011.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-39 - Homicide; drunken doctor, etc., unintentionally causing death

If any physician or other person, while in a state of intoxication, shall, without a design to effect death, administer or cause to be administered, any poison, drug, or other medicine, or shall perform any surgical operation on another, which shall cause the death of such other person, he shall be guilty of manslaughter.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (17); 1857, ch. 64, art. 181; 1871, § 2644; 1880, § 1892, § 1165; 1906, § 1243; Hemingway's 1917, § 973; 1930, § 1001; 1942, § 2231. If any physician or other person, while in a state of intoxication, shall, without a design to effect death, administer or cause to be administered, any poison, drug, or other medicine, or shall perform any surgical operation on another, which shall cause the death of such other person, he shall be guilty of manslaughter.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (17); 1857, ch. 64, art. 181; 1871, § 2644; 1880, § 1892, § 1165; 1906, § 1243; Hemingway's 1917, § 973; 1930, § 1001; 1942, § 2231. If any physician or other person, while in a state of intoxication, shall, without a design to effect death, administer or cause to be administered, any poison, drug, or other medicine, or shall perform any surgical operation on another, which shall cause the death of such other person, he shall be guilty of manslaughter.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (17); 1857, ch. 64, art. 181; 1871, § 2644; 1880, § 1892, § 1165; 1906, § 1243; Hemingway's 1917, § 973; 1930, § 1001; 1942, § 2231. If any physician or other person, while in a state of intoxication, shall, without a design to effect death, administer or cause to be administered, any poison, drug, or other medicine, or shall perform any surgical operation on another, which shall cause the death of such other person, he shall be guilty of manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (17); 1857, ch. 64, art. 181; 1871, § 2644; 1880, § 1892, § 1165; 1906, § 1243; Hemingway's 1917, § 973; 1930, § 1001; 1942, § 2231.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-4 - Failed abortion; unlawful for physician to intentionally allow or cause living child to die; care of living child mandated; penalties

(1)It shall be unlawful for any physician performing an abortion that results in the delivery of a living child to intentionally allow or cause the child to die.(2)If the child is viable, such child shall be immediately provided appropriate medical care and comfort care necessary to sustain life. If the child is not viable, such child shall be provided comfort care. The provision of this section shall include, but not be limited to, a child born with physical or mental handicapping conditions which, in the opinion of the parent, the physician or other persons, diminishes the quality of the child's life, a child born alive during the course of an attempted abortion and a child not wanted by the parent.(3)As used in this section the term "child" includes every infant member of the species homo sapiens who is born alive at any stage of development.(4)Any person who violates this section shall be guilty of a felony and, upon conviction, be imprisoned for not less than one (1) year nor more than ten (10) years in the State Penitentiary and fined not more than Fifty Thousand Dollars (\$50,000.00) but not less than Twenty-five Thousand Dollars (\$25,000.00).Laws, 2004, ch. 436, § 1, eff. 7/1/2004. (1)It shall be unlawful for any physician performing an abortion that results in the delivery of a living child to intentionally allow or cause the child to die.(2)If the child is viable, such child shall be immediately provided appropriate medical care and comfort care necessary to sustain life. If the child is not viable, such child shall be provided comfort care. The provision of this section shall include, but not be limited to, a child born with physical or mental handicapping conditions which, in the opinion of the parent, the physician or other persons, diminishes the quality of the child's life, a child born alive during the course of an attempted abortion and a child not wanted by the parent.(3)As used in this section the term "child" includes every infant member of the species homo sapiens who is born alive at any stage of development.(4)Any person who violates this section shall be guilty of a felony and, upon conviction, be imprisoned for not less than one (1) year nor more than ten (10) years in the State Penitentiary and fined not more than Fifty Thousand Dollars (\$50,000.00) but not less than Twenty-five Thousand Dollars (\$25,000.00).Laws, 2004,

ch. 436, § 1, eff. 7/1/2004. (1)It shall be unlawful for any physician performing an abortion that results in the delivery of a living child to intentionally allow or cause the child to die.(2)If the child is viable, such child shall be immediately provided appropriate medical care and comfort care necessary to sustain life. If the child is not viable, such child shall be provided comfort care. The provision of this section shall include, but not be limited to, a child born with physical or mental handicapping conditions which, in the opinion of the parent, the physician or other persons, diminishes the quality of the child's life, a child born alive during the course of an attempted abortion and a child not wanted by the parent.(3)As used in this section the term "child" includes every infant member of the species homo sapiens who is born alive at any stage of development.(4)Any person who violates this section shall be guilty of a felony and, upon conviction, be imprisoned for not less than one (1) year nor more than ten (10) years in the State Penitentiary and fined not more than Fifty Thousand Dollars (\$50,000.00) but not less than Twenty-five Thousand Dollars (\$25,000.00).Laws, 2004, ch. 436, § 1, eff. 7/1/2004. Laws, 2004, ch. 436, § 1, eff. 7/1/2004.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-41 - Homicide; overloading boat

Any person navigating any boat or vessel for gain, who shall wilfully or negligently receive so many passengers, or such quantity of lading, that by means thereof such boat or vessel shall sink or overset, and thereby any human being shall be drowned or otherwise killed, shall be guilty of manslaughter.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (15); 1857, ch. 64, art. 179; 1871, § 2642; 1880, § 2890; 1892, § 1163; 1906, § 1241; Hemingway's 1917, § 971; 1930, § 999; 1942, § 2229. Any person navigating any boat or vessel for gain, who shall wilfully or negligently receive so many passengers, or such quantity of lading, that by means thereof such boat or vessel shall sink or overset, and thereby any human being shall be drowned or otherwise killed, shall be guilty of manslaughter.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (15); 1857, ch. 64, art. 179; 1871, § 2642; 1880, § 2890; 1892, § 1163; 1906, § 1241; Hemingway's 1917, § 971; 1930, § 999; 1942, § 2229. Any person navigating any boat or vessel for gain, who shall wilfully or negligently receive so many passengers, or such quantity of lading, that by means thereof such boat or vessel shall sink or overset, and thereby any human being shall be drowned or otherwise killed, shall be guilty of manslaughter.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (15); 1857, ch. 64, art. 179; 1871, § 2642; 1880, § 2890; 1892, § 1163; 1906, § 1241; Hemingway's 1917, § 971; 1930, § 999; 1942, § 2229. Any person navigating any boat or vessel for gain, who shall wilfully or negligently receive so many passengers, or such quantity of lading, that by means thereof such boat or vessel shall sink or overset, and thereby any human being shall be drowned or otherwise killed, shall be guilty of manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (15); 1857, ch. 64, art. 179; 1871, § 2642; 1880, § 2890; 1892, § 1163; 1906, § 1241; Hemingway's 1917, § 971; 1930, § 999; 1942, § 2229.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-43 - Homicide; ignorant or negligent management of steamboat or railroad engine

If any captain, engineer, or any other person having charge of a steamboat or railroad engine connected with a car or cars used for the conveyance of passengers; or if the engineer or other person having charge of the boiler of such boat or engine, or of any other apparatus for the generation of steam, shall, from ignorance or gross neglect, or for the purpose of excelling any other boat in speed, or for the purpose of unusual speed, create or allow to be created such an undue quantity of steam as to burst or break the boiler or other apparatus in which it shall be generated, or any apparatus or machinery connected therewith, or shall thereby cause the said engine or cars to run off of said railroad track, or from any other ignorant or gross neglect shall permit or cause such cars or engine to be thus thrown, by which bursting, breaking, or running off the track any person shall be killed, every such captain, engineer, or other person, shall be guilty of manslaughter.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (16); 1857, ch. 64, art. 180; 1871, § 2643; 1880, § 2891; 1892, § 1164; 1906, § 1242; Hemingway's 1917, § 972; 1930, § 1000; 1942, § 2230. If any captain, engineer, or any other person having charge of a steamboat or railroad engine connected with a car or cars used for the conveyance of passengers; or if the engineer or other person having charge of the boiler of such boat or engine, or of any other apparatus for the generation of steam, shall, from ignorance or gross neglect, or for the purpose of excelling any other boat in speed, or for the purpose of unusual speed, create or allow to be created such an undue quantity of steam as to burst or break the boiler or other apparatus in which it shall be generated, or any apparatus or machinery connected therewith, or shall thereby cause the said engine or cars to run off of said railroad track, or from any other ignorant or gross neglect shall permit or cause such cars or engine to be thus thrown, by which bursting, breaking, or running off the track any person shall be killed, every such captain, engineer, or other person, shall be guilty of manslaughter.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (16); 1857, ch. 64, art. 180; 1871, § 2643; 1880, § 2891; 1892, § 1164; 1906, § 1242; Hemingway's 1917, § 972; 1930, § 1000; 1942, § 2230. If any captain, engineer, or any other person having

charge of a steamboat or railroad engine connected with a car or cars used for the conveyance of passengers; or if the engineer or other person having charge of the boiler of such boat or engine, or of any other apparatus for the generation of steam, shall, from ignorance or gross neglect, or for the purpose of excelling any other boat in speed, or for the purpose of unusual speed, create or allow to be created such an undue quantity of steam as to burst or break the boiler or other apparatus in which it shall be generated, or any apparatus or machinery connected therewith, or shall thereby cause the said engine or cars to run off of said railroad track, or from any other ignorant or gross neglect shall permit or cause such cars or engine to be thus thrown, by which bursting, breaking, or running off the track any person shall be killed, every such captain, engineer, or other person, shall be guilty of manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (16); 1857, ch. 64, art. 180; 1871, § 2643; 1880, § 2891; 1892, § 1164; 1906, § 1242; Hemingway's 1917, § 972; 1930, § 1000; 1942, § 2230.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-45 - Homicide; owner of dangerous animal

If the owner of a mischievous animal, knowing its propensity, wilfully suffer it to go at large, or shall keep it without ordinary care, and such animal, while so at large, or not confined, kill any human being who shall have taken reasonable precautions to avoid the animal, such owner shall be guilty of manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (14); 1857, ch. 64, art. 178; 1871, § 2641; 1880, § 2889; 1892, § 1162; 1906, § 1240; Hemingway's 1917, § 970; 1930, § 998; 1942, § 2228. If the owner of a mischievous animal, knowing its propensity, wilfully suffer it to go at large, or shall keep it without ordinary care, and such animal, while so at large, or not confined, kill any human being who shall have taken reasonable precautions to avoid the animal, such owner shall be guilty of manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (14); 1857, ch. 64, art. 178; 1871, § 2641; 1880, § 2889; 1892, § 1162; 1906, § 1240; Hemingway's 1917, § 970; 1930, § 998; 1942, § 2228. If the owner of a mischievous animal, knowing its propensity, wilfully suffer it to go at large, or shall keep it without ordinary care, and such animal, while so at large, or not confined, kill any human being who shall have taken reasonable precautions to avoid the animal, such owner shall be guilty of manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (14); 1857, ch. 64, art. 178; 1871, § 2641; 1880, § 2889; 1892, § 1162; 1906, § 1240; Hemingway's 1917, § 970; 1930, § 998; 1942, § 2228. If the owner of a mischievous animal, knowing its propensity, wilfully suffer it to go at large, or shall keep it without ordinary care, and such animal, while so at large, or not confined, kill any human being who shall have taken reasonable precautions to avoid the animal, such owner shall be guilty of manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (14); 1857, ch. 64, art. 178; 1871, § 2641; 1880, § 2889; 1892, § 1162; 1906, § 1240; Hemingway's 1917, § 970; 1930, § 998; 1942, § 2228.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-47 - Homicide; all other killings

Every other killing of a human being, by the act, procurement, or culpable negligence of another, and without authority of law, not provided for in this title, shall be manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (19); 1857, ch. 64, art. 182; 1871, § 2645; 1880, § 2893; 1892, § 1166; 1906, § 1244; Hemingway's 1917, § 974; 1930, § 1002; 1942, § 2232. Every other killing of a human being, by the act, procurement, or culpable negligence of another, and without authority of law, not provided for in this title, shall be manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (19); 1857, ch. 64, art. 182; 1871, § 2645; 1880, § 2893; 1892, § 1166; 1906, § 1244; Hemingway's 1917, § 974; 1930, § 1002; 1942, § 2232. Every other killing of a human being, by the act, procurement, or culpable negligence of another, and without authority of law, not provided for in this title, shall be manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (19); 1857, ch. 64, art. 182; 1871, § 2645; 1880, § 2893; 1892, § 1166; 1906, § 1244; Hemingway's 1917, § 974; 1930, § 1002; 1942, § 2232. Every other killing of a human being, by the act, procurement, or culpable negligence of another, and without authority of law, not provided for in this title, shall be manslaughter. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (19); 1857, ch. 64, art. 182; 1871, § 2645; 1880, § 2893; 1892, § 1166; 1906, § 1244; Hemingway's 1917, § 974; 1930, § 1002; 1942, § 2232.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-49 - Suicide; aiding

A person who wilfully, or in any manner, advises, encourages, abets, or assists another person to take, or in taking, the latter's life, or in attempting to take the latter's life, is guilty of felony and, on conviction, shall be punished by imprisonment in the penitentiary not exceeding ten years, or by fine not exceeding one thousand dollars, and imprisonment in the county jail not exceeding one year. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (7); 1857, ch. 64, art. 171; 1871, § 2634; 1880, § 2882; 1892, § 1299; 1906, § 1373; Hemingway's 1917, § 1109; 1930, § 1138; 1942, § 2375. A person who wilfully, or in any manner, advises, encourages, abets, or assists another person to take, or in taking, the latter's life, or in attempting to take the latter's life, is guilty of felony and, on conviction, shall be punished by imprisonment in the penitentiary not exceeding ten years, or by fine not exceeding one thousand dollars, and imprisonment in the county jail not exceeding one year. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (7); 1857, ch. 64, art. 171; 1871, § 2634; 1880, § 2882; 1892, § 1299; 1906, § 1373; Hemingway's 1917, § 1109; 1930, § 1138; 1942, § 2375. A person who wilfully, or in any manner, advises, encourages, abets, or assists another person to take, or in taking, the latter's life, or in attempting to take the latter's life, is guilty of felony and, on conviction, shall be punished by imprisonment in the penitentiary not exceeding ten years, or by fine not exceeding one thousand dollars, and imprisonment in the county jail not exceeding one year. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (7); 1857, ch. 64, art. 171; 1871, § 2634; 1880, § 2882; 1892, § 1299; 1906, §

1373; Hemingway's 1917, § 1109; 1930, § 1138; 1942, § 2375. A person who wilfully, or in any manner, advises, encourages, abets, or assists another person to take, or in taking, the latter's life, or in attempting to take the latter's life, is guilty of felony and, on conviction, shall be punished by imprisonment in the penitentiary not exceeding ten years, or by fine not exceeding one thousand dollars, and imprisonment in the county jail not exceeding one year. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (7); 1857, ch. 64, art. 171; 1871, § 2634; 1880, § 2882; 1892, § 1299; 1906, § 1373; Hemingway's 1917, § 1109; 1930, § 1138; 1942, § 2375.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-5 - Abortion; advertisement, sale or gift of drugs or instruments

A person who sells, lends, gives away, or in any manner exhibits, or offers to sell, lend, or give away, or has in his possession with intent to sell, lend, or give away, or advertises or offers for sale, loan or distribution any instrument or article, or any drug or medicine, for causing unlawful abortion; or who writes or prints, or causes to be written or printed, a card, circular, pamphlet, advertisement, or notice of any kind, or gives information orally, stating when, where, how, of whom, or by what means such article or medicine can be purchased or obtained, or who manufactures any such article or medicine, is guilty of a misdemeanor, and, on conviction, shall be punished by fine not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00), and by imprisonment in the county jail not exceeding three (3) months. Codes, 1892, § 1217; 1906, § 1293; Hemingway's 1917, § 1026; 1930, § 1057; 1942, § 2289; Laws, 1970, ch. 344, § 1, eff. 3/4/1970. A person who sells, lends, gives away, or in any manner exhibits, or offers to sell, lend, or give away, or has in his possession with intent to sell, lend, or give away, or advertises or offers for sale, loan or distribution any instrument or article, or any drug or medicine, for causing unlawful abortion; or who writes or prints, or causes to be written or printed, a card, circular, pamphlet, advertisement, or notice of any kind, or gives information orally, stating when, where, how, of whom, or by what means such article or medicine can be purchased or obtained, or who manufactures any such article or medicine, is guilty of a misdemeanor, and, on conviction, shall be punished by fine not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00), and by imprisonment in the county jail not exceeding three (3) months. Codes, 1892, § 1217; 1906, § 1293; Hemingway's 1917, § 1026; 1930, § 1057; 1942, § 2289; Laws, 1970, ch. 344, § 1, eff. 3/4/1970. A person who sells, lends, gives away, or in any manner exhibits, or offers to sell, lend, or give away, or has in his possession with intent to sell, lend, or give away, or advertises or offers for sale, loan or distribution any instrument or article, or any drug or medicine, for causing unlawful abortion; or who writes or prints, or causes to be written or printed, a card, circular, pamphlet, advertisement, or notice of any kind, or gives information orally, stating when, where, how, of whom, or by what means such article or medicine can be purchased or obtained, or who manufactures any such article or medicine, is guilty of a misdemeanor, and, on conviction, shall be punished by fine not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00), and by imprisonment in the county jail not exceeding three (3) months. Codes, 1892, § 1217; 1906, § 1293; Hemingway's 1917, § 1026; 1930, § 1057; 1942, § 2289; Laws, 1970, ch. 344, § 1, eff. 3/4/1970. A person who sells, lends, gives away, or in any manner exhibits, or offers to sell, lend, or give away, or has in his possession with intent to sell, lend, or give away, or advertises or offers for sale, loan or distribution any instrument or article, or any drug or medicine, for causing unlawful abortion; or who writes or prints, or causes to be written or printed, a card, circular, pamphlet, advertisement, or notice of any kind, or gives information orally, stating when, where, how, of whom, or by what means such article or medicine can be purchased or obtained, or who manufactures any such article or medicine, is guilty of a misdemeanor, and, on conviction, shall be punished by fine not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00), and by imprisonment in the county jail not exceeding three (3) months. Codes, 1892, § 1217; 1906, § 1293; Hemingway's 1917, § 1026; 1930, § 1057; 1942, § 2289; Laws, 1970, ch. 344, § 1, eff. 3/4/1970.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-51 - Interstate removal of child under age fourteen by noncustodial parent or relative

(1) For the purposes of this section, the following terms shall have the meaning herein ascribed unless the context otherwise clearly requires: (a) "Child" means a person under the age of fourteen (14) years at the time a violation of this section is alleged to have occurred. (b) "Court order" means an order, decree or judgment of any court of this state which is competent to decide child custody matters. (2) It shall be unlawful for any noncustodial parent or relative with intent to violate a court order awarding custody of a child to another to remove the child from this state or to hold the child out of state after the entry of a court order. (3) Any person convicted of a violation of subsection (2) of this section shall be guilty of a felony and may be punished by a fine of not more than Two Thousand Dollars (\$2,000.00), or by imprisonment in the state penitentiary for a term not to exceed three (3) years, or by both such fine and imprisonment. (4) The provisions of this section shall not be construed to repeal, modify or amend any other criminal statute of this state. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (27, 29); 1857, ch. 64, arts. 186, 188; 1871, §§ 2649, 2651; 1880, §§ 2897, 2899; 1892, § 1171; 1906, § 1249; Hemingway's 1917, § 979; 1930, § 1007; 1942, § 2237; Former § 97-3-51, repealed, 1980, ch. 394; added, 1984, ch. 469; Laws, 1995, ch. 583, § 1, eff. 7/1/1995. (1) For the purposes of this section, the following terms shall have the meaning herein ascribed unless the context otherwise clearly requires: (a) "Child" means a person under the age of fourteen (14) years at the time a violation of this section is alleged to have occurred. (b) "Court order" means an order, decree or judgment of any court of this state which is competent to decide child custody matters. (2) It shall be unlawful for any noncustodial parent or relative with intent to violate a court order awarding custody of a child to another to remove the child from this state or to hold the child out of state after the entry of a court order. (3) Any person convicted of a violation of subsection (2) of this section shall be guilty of a felony and may be punished by a fine of not more than Two Thousand Dollars (\$2,000.00), or by imprisonment in the

state penitentiary for a term not to exceed three (3) years, or by both such fine and imprisonment.(4)The provisions of this section shall not be construed to repeal, modify or amend any other criminal statute of this state.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (27, 29); 1857, ch. 64, arts. 186, 188; 1871, §§ 2649, 2651; 1880, §§ 2897, 2899; 1892, § 1171; 1906, § 1249; Hemingway's 1917, § 979; 1930, § 1007; 1942, § 2237; Former § 97-3-51, repealed, 1980, ch. 394; added, 1984, ch. 469; Laws, 1995, ch. 583, § 1, eff. 7/1/1995. (1)For the purposes of this section, the following terms shall have the meaning herein ascribed unless the context otherwise clearly requires:(a)"Child" means a person under the age of fourteen (14) years at the time a violation of this section is alleged to have occurred.(b)"Court order" means an order, decree or judgment of any court of this state which is competent to decide child custody matters.(2)It shall be unlawful for any noncustodial parent or relative with intent to violate a court order awarding custody of a child to another to remove the child from this state or to hold the child out of state after the entry of a court order.(3)Any person convicted of a violation of subsection (2) of this section shall be guilty of a felony and may be punished by a fine of not more than Two Thousand Dollars (\$2,000.00), or by imprisonment in the state penitentiary for a term not to exceed three (3) years, or by both such fine and imprisonment.(4)The provisions of this section shall not be construed to repeal, modify or amend any other criminal statute of this state.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (27, 29); 1857, ch. 64, arts. 186, 188; 1871, §§ 2649, 2651; 1880, §§ 2897, 2899; 1892, § 1171; 1906, § 1249; Hemingway's 1917, § 979; 1930, § 1007; 1942, § 2237; Former § 97-3-51, repealed, 1980, ch. 394; added, 1984, ch. 469; Laws, 1995, ch. 583, § 1, eff. 7/1/1995. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (27, 29); 1857, ch. 64, arts. 186, 188; 1871, §§ 2649, 2651; 1880, §§ 2897, 2899; 1892, § 1171; 1906, § 1249; Hemingway's 1917, § 979; 1930, § 1007; 1942, § 2237; Former § 97-3-51, repealed, 1980, ch. 394; added, 1984, ch. 469; Laws, 1995, ch. 583, § 1, eff. 7/1/1995.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-52 - Prohibition against selling, buying, offering to sell and offering to buy child or unborn child; penalties

(1)Selling, buying, offering to sell and offering to buy a child or an unborn child is prohibited and, upon conviction, shall be punishable by a fine not to exceed Twenty Thousand Dollars (\$20,000.00), imprisonment in the custody of the Department of Corrections for a term not to exceed ten (10) years, or both.(2)This section shall not be construed so as to prohibit any payment to an entity licensed for child placing or as otherwise authorized under Section43-15-117.Laws, 2009, ch. 450, § 13, eff. 7/1/2009. (1)Selling, buying, offering to sell and offering to buy a child or an unborn child is prohibited and, upon conviction, shall be punishable by a fine not to exceed Twenty Thousand Dollars (\$20,000.00), imprisonment in the custody of the Department of Corrections for a term not to exceed ten (10) years, or both.(2)This section shall not be construed so as to prohibit any payment to an entity licensed for child placing or as otherwise authorized under Section43-15-117.Laws, 2009, ch. 450, § 13, eff. 7/1/2009. (1)Selling, buying, offering to sell and offering to buy a child or an unborn child is prohibited and, upon conviction, shall be punishable by a fine not to exceed Twenty Thousand Dollars (\$20,000.00), imprisonment in the custody of the Department of Corrections for a term not to exceed ten (10) years, or both.(2)This section shall not be construed so as to prohibit any payment to an entity licensed for child placing or as otherwise authorized under Section43-15-117.Laws, 2009, ch. 450, § 13, eff. 7/1/2009. Laws, 2009, ch. 450, § 13, eff. 7/1/2009.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-53 - Kidnapping; punishment

Any person who, without lawful authority and with or without intent to secretly confine, shall forcibly seize and confine any other person, or shall inveigle or kidnap any other person with intent to cause such person to be confined or imprisoned against his or her will, or without lawful authority shall forcibly seize, inveigle or kidnap any vulnerable person as defined in Section43-47-5or any child under the age of sixteen (16) years against the will of the parents or guardian or person having the lawful custody of the child, upon conviction, shall be imprisoned for life in the custody of the Department of Corrections if the punishment is so fixed by the jury in its verdict. If the jury fails to agree on fixing the penalty at imprisonment for life, the court shall fix the penalty at not less than one (1) year nor more than thirty (30) years in the custody of the Department of Corrections.This section shall not be held to repeal, modify or amend any other criminal statute of this state.Codes, 1942, § 2238; Laws, 1932, ch. 301; Laws, 1974, ch. 576, § 3; Laws, 2004, ch. 365, § 1; Laws, 2011, ch. 341, § 1, eff. 7/1/2011. Any person who, without lawful authority and with or without intent to secretly confine, shall forcibly seize and confine any other person, or shall inveigle or kidnap any other person with intent to cause such person to be confined or imprisoned against his or her will, or without lawful authority shall forcibly seize, inveigle or kidnap any vulnerable person as defined in Section43-47-5or any child under the age of sixteen (16) years against the will of the parents or guardian or person having the lawful custody of the child, upon conviction, shall be imprisoned for life in the custody of the Department of Corrections if the punishment is so fixed by the jury in its verdict. If the jury fails to agree on fixing the penalty at imprisonment for life, the court shall fix the penalty at not less than one (1) year nor more than thirty (30) years in the custody of the Department of Corrections.This section shall not be held to repeal, modify or amend any other criminal statute of this state.Codes, 1942, § 2238; Laws, 1932, ch. 301; Laws, 1974, ch. 576, § 3; Laws, 2004, ch. 365, § 1; Laws, 2011, ch. 341, § 1, eff. 7/1/2011. Any person who, without lawful authority and with or without intent to secretly confine, shall forcibly seize and confine any other person, or shall inveigle or kidnap any other person with intent to cause such person to be confined or imprisoned against his or her will, or without lawful authority shall forcibly seize, inveigle or kidnap any vulnerable person as defined in Section43-47-5or any child under the age of sixteen (16) years against the will of the parents or guardian or person having the lawful custody of the child,

upon conviction, shall be imprisoned for life in the custody of the Department of Corrections if the punishment is so fixed by the jury in its verdict. If the jury fails to agree on fixing the penalty at imprisonment for life, the court shall fix the penalty at not less than one (1) year nor more than thirty (30) years in the custody of the Department of Corrections. This section shall not be held to repeal, modify or amend any other criminal statute of this state. Codes, 1942, § 2238; Laws, 1932, ch. 301; Laws, 1974, ch. 576, § 3; Laws, 2004, ch. 365, § 1; Laws, 2011, ch. 341, § 1, eff. 7/1/2011. Any person who, without lawful authority and with or without intent to secretly confine, shall forcibly seize and confine any other person, or shall inveigle or kidnap any other person with intent to cause such person to be confined or imprisoned against his or her will, or without lawful authority shall forcibly seize, inveigle or kidnap any vulnerable person as defined in Section 43-47-5 or any child under the age of sixteen (16) years against the will of the parents or guardian or person having the lawful custody of the child, upon conviction, shall be imprisoned for life in the custody of the Department of Corrections if the punishment is so fixed by the jury in its verdict. If the jury fails to agree on fixing the penalty at imprisonment for life, the court shall fix the penalty at not less than one (1) year nor more than thirty (30) years in the custody of the Department of Corrections. This section shall not be held to repeal, modify or amend any other criminal statute of this state. Codes, 1942, § 2238; Laws, 1932, ch. 301; Laws, 1974, ch. 576, § 3; Laws, 2004, ch. 365, § 1; Laws, 2011, ch. 341, § 1, eff. 7/1/2011.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-54.1 - Human Trafficking Act; prohibited conduct; penalty

(1)(a) A person who coerces, recruits, entices, harbors, transports, provides or obtains by any means, or attempts to coerce, recruit, entice, harbor, transport, provide or obtain by any means, another person, intending or knowing that the person will be subjected to forced labor or services, or who benefits, whether financially or by receiving anything of value from participating in an enterprise that he knows or reasonably should have known has engaged in such acts, shall be guilty of the crime of human-trafficking. (b) A person who knowingly purchases the forced labor or services of a trafficked person or who otherwise knowingly subjects, or attempts to subject, another person to forced labor or services or who benefits, whether financially or by receiving anything of value from participating in an enterprise that he knows or reasonably should have known has engaged in such acts, shall be guilty of the crime of procuring involuntary servitude. (c) A person who knowingly subjects, or attempts to subject, or who recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, a minor, knowing that the minor will engage in commercial sexual activity, sexually explicit performance, or the production of sexually oriented material, or causes or attempts to cause a minor to engage in commercial sexual activity, sexually explicit performance, or the production of sexually oriented material, shall be guilty of procuring sexual servitude of a minor and shall be punished by commitment to the custody of the Department of Corrections for not less than twenty (20) years nor more than life in prison, or by a fine of not less than Fifty Thousand Dollars (\$50,000.00) nor more than Five Hundred Thousand Dollars (\$500,000.00), or both. It is not a defense in a prosecution under this section that a minor consented to engage in the commercial sexual activity, sexually explicit performance, or the production of sexually oriented material, or that the defendant reasonably believed that the minor was eighteen (18) years of age or older. (2) If the victim is not a minor, a person who is convicted of an offense set forth in subsection (1)(a) or (b) of this section shall be committed to the custody of the Department of Corrections for not less than two (2) years nor more than twenty (20) years, or by a fine of not less than Ten Thousand Dollars (\$10,000.00) nor more than One Hundred Thousand Dollars (\$100,000.00), or both. If the victim of the offense is a minor, a person who is convicted of an offense set forth in subsection (1)(a) or (b) of this section shall be committed to the custody of the Department of Corrections for not less than twenty (20) years nor more than life in prison, or by a fine of not less than Twenty Thousand Dollars (\$20,000.00) nor more than One Hundred Thousand Dollars (\$100,000.00), or both. (3) An enterprise may be prosecuted for an offense under this chapter if: (a) An agent of the enterprise knowingly engages in conduct that constitutes an offense under this chapter while acting within the scope of employment and for the benefit of the entity. (b) An employee of the enterprise engages in conduct that constitutes an offense under this chapter and the commission of the offense was part of a pattern of illegal activity for the benefit of the enterprise, which an agent of the enterprise either knew was occurring or recklessly disregarded, and the agent failed to take effective action to stop the illegal activity. (c) It is an affirmative defense to a prosecution of an enterprise that the enterprise had in place adequate procedures, including an effective complaint procedure, designed to prevent persons associated with the enterprise from engaging in the unlawful conduct and to promptly correct any violations of this chapter. (d) The court may consider the severity of the enterprise's offense and order penalties, including: (i) a fine of not more than One Million Dollars (\$1,000,000.00); (ii) disgorgement of profit; and (iii) debarment from government contracts. Additionally, the court may order any of the relief provided in Section 97-3-54.7. (4) In addition to the mandatory reporting provisions contained in Sections 43-21-353 and 97-5-51, any person who has reasonable cause to suspect that a minor under the age of eighteen (18) is a trafficked person shall immediately make a report of the suspected child abuse or neglect to the Department of Child Protection Services and to the Statewide Human Trafficking Coordinator. The Department of Child Protection Services or the Statewide Human Trafficking Coordinator, whichever is applicable, shall then immediately notify the law enforcement agency in the jurisdiction where the suspected child abuse, neglect or trafficking occurred as required in Section 43-21-353, and the department that received the report shall also commence an initial investigation into the suspected abuse or neglect as required in Section 43-21-353. The department that received such report shall provide an annual report to the Speaker of the Mississippi House of Representatives, the Lieutenant Governor, the Chairpersons of the House and Senate Judiciary Committees that includes the number of reports received, the number of cases screened in or out, the number of cases in which care and services were provided as a result of the report, and the type of care and services that were provided. A minor who has been identified as a victim of trafficking

shall not be liable for criminal activity in violation of this section.(5)It is an affirmative defense in a prosecution under this act that the defendant:(a)Is a victim; and(b)Committed the offense under a reasonable apprehension created by a person that, if the defendant did not commit the act, the person would inflict serious harm on the defendant, a member of the defendant's family, or a close associate.Laws, 2006, ch. 583, § 3, eff. 7/1/2006.Amended by Laws, 2019, ch. 420, HB 571,§ 4, eff. 7/1/2019.Amended by Laws, 2016, ch. 362, HB 1413, 3, eff. 4/6/2016.Amended by Laws, 2013, ch. 543, HB 673, 2, eff. 7/1/2013. (1)(a)A person who coerces, recruits, entices, harbors, transports, provides or obtains by any means, or attempts to coerce, recruit, entice, harbor, transport, provide or obtain by any means, another person, intending or knowing that the person will be subjected to forced labor or services, or who benefits, whether financially or by receiving anything of value from participating in an enterprise that he knows or reasonably should have known has engaged in such acts, shall be guilty of the crime of human-trafficking.(b)A person who knowingly purchases the forced labor or services of a trafficked person or who otherwise knowingly subjects, or attempts to subject, another person to forced labor or services or who benefits, whether financially or by receiving anything of value from participating in an enterprise that he knows or reasonably should have known has engaged in such acts, shall be guilty of the crime of procuring involuntary servitude.(c)A person who knowingly subjects, or attempts to subject, or who recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by any means, a minor, knowing that the minor will engage in commercial sexual activity, sexually explicit performance, or the production of sexually oriented material, or causes or attempts to cause a minor to engage in commercial sexual activity, sexually explicit performance, or the production of sexually oriented material, shall be guilty of procuring sexual servitude of a minor and shall be punished by commitment to the custody of the Department of Corrections for not less than twenty (20) years nor more than life in prison, or by a fine of not less than Fifty Thousand Dollars (\$50,000.00) nor more than Five Hundred Thousand Dollars (\$500,000.00), or both. It is not a defense in a prosecution under this section that a minor consented to engage in the commercial sexual activity, sexually explicit performance, or the production of sexually oriented material, or that the defendant reasonably believed that the minor was eighteen (18) years of age or older.(2)If the victim is not a minor, a person who is convicted of an offense set forth in subsection (1)(a) or (b) of this section shall be committed to the custody of the Department of Corrections for not less than two (2) years nor more than twenty (20) years, or by a fine of not less than Ten Thousand Dollars (\$10,000.00) nor more than One Hundred Thousand Dollars (\$100,000.00), or both. If the victim of the offense is a minor, a person who is convicted of an offense set forth in subsection (1)(a) or (b) of this section shall be committed to the custody of the Department of Corrections for not less than twenty (20) years nor more than life in prison, or by a fine of not less than Twenty Thousand Dollars (\$20,000.00) nor more than One Hundred Thousand Dollars (\$100,000.00), or both.(3)An enterprise may be prosecuted for an offense under this chapter if:(a)An agent of the enterprise knowingly engages in conduct that constitutes an offense under this chapter while acting within the scope of employment and for the benefit of the entity.(b)An employee of the enterprise engages in conduct that constitutes an offense under this chapter and the commission of the offense was part of a pattern of illegal activity for the benefit of the enterprise, which an agent of the enterprise either knew was occurring or recklessly disregarded, and the agent failed to take effective action to stop the illegal activity.(c)It is an affirmative defense to a prosecution of an enterprise that the enterprise had in place adequate procedures, including an effective complaint procedure, designed to prevent persons associated with the enterprise from engaging in the unlawful conduct and to promptly correct any violations of this chapter.(d)The court may consider the severity of the enterprise's offense and order penalties, including:(i)a fine of not more than One Million Dollars (\$1,000,000.00);(ii)disgorgement of profit; and(iii)debarment from government contracts. Additionally, the court may order any of the relief provided in Section97-3-54.7.(4)In addition to the mandatory reporting provisions contained in Sections43-21-353and97-5-51, any person who has reasonable cause to suspect that a minor under the age of eighteen (18) is a trafficked person shall immediately make a report of the suspected child abuse or neglect to the Department of Child Protection Services and to the Statewide Human Trafficking Coordinator. The Department of Child Protection Services or the Statewide Human Trafficking Coordinator, whichever is applicable, shall then immediately notify the law enforcement agency in the jurisdiction where the suspected child abuse, neglect or trafficking occurred as required in Section43-21-353, and the department that received the report shall also commence an initial investigation into the suspected abuse or neglect as required in Section43-21-353. The department that received such report shall provide an annual report to the Speaker of the Mississippi House of Representatives, the Lieutenant Governor, the Chairpersons of the House and Senate Judiciary Committees that includes the number of reports received, the number of cases screened in or out, the number of cases in which care and services were provided as a result of the report, and the type of care and services that were provided. A minor who has been identified as a victim of trafficking shall not be liable for criminal activity in violation of this section.(5)It is an affirmative defense in a prosecution under this act that the defendant:(a)Is a victim; and(b)Committed the offense under a reasonable apprehension created by a person that, if the defendant did not commit the act, the person would inflict serious harm on the defendant, a member of the defendant's family, or a close associate.Laws, 2006, ch. 583, § 3, eff. 7/1/2006.Amended by Laws, 2019, ch. 420, HB 571,§ 4, eff. 7/1/2019.Amended by Laws, 2016, ch. 362, HB 1413, 3, eff. 4/6/2016.Amended by Laws, 2013, ch. 543, HB 673, 2, eff. 7/1/2013. 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If the victim of the offense is a minor, a person who is convicted of an offense set forth in subsection (1)(a) or (b) of this section shall be committed to the custody of the Department of Corrections for not less than twenty (20) years nor more than life in prison, or by a fine of not less than Twenty Thousand Dollars (\$20,000.00) nor more than One Hundred Thousand Dollars (\$100,000.00), or both.(3)An enterprise may be prosecuted for an offense under this chapter if:(a)An agent of the enterprise knowingly engages in conduct that constitutes an offense under this chapter while acting within the scope of employment and for the benefit of the entity.(b)An employee of the enterprise engages in conduct that constitutes an offense under this chapter and the commission of the offense was part of a pattern of illegal activity for the benefit of the enterprise, which an agent of the enterprise either knew was occurring or recklessly disregarded, and the agent failed to take effective action to stop the illegal activity.(c)It is an affirmative defense to a prosecution of an enterprise that the enterprise had in place adequate procedures, including an effective complaint procedure, designed to prevent persons associated with the enterprise from engaging in the unlawful conduct and to promptly correct any violations of this chapter.(d)The court may consider the severity of the enterprise's offense and order penalties, including:(i)a fine of not more than One Million Dollars (\$1,000,000.00);(ii)disgorgement of profit; and(iii)debarment from government contracts. 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The department that received such report shall provide an annual report to the Speaker of the Mississippi House of Representatives, the Lieutenant Governor, the Chairpersons of the House and Senate Judiciary Committees that includes the number of reports received, the number of cases screened in or out, the number of cases in which care and services were provided as a result of the report, and the type of care and services that were provided. A minor who has been identified as a victim of trafficking shall not be liable for criminal activity in violation of this section.(5)It is an affirmative defense in a prosecution under this act that the defendant:(a)Is a victim; and(b)Committed the offense under a reasonable apprehension created by a person that, if the defendant did not commit the act, the person would inflict serious harm on the defendant, a member of the defendant's family, or a close associate.Laws, 2006, ch. 583, § 3, eff. 7/1/2006.Amended by Laws, 2019, ch. 420, HB 571,§ 4, eff. 7/1/2019.Amended by Laws, 2016, ch. 362, HB 1413, 3, eff. 4/6/2016.Amended by Laws, 2013, ch. 543, HB 673, 2, eff. 7/1/2013. Laws, 2006, ch. 583, § 3, eff. 7/1/2006. Amended by Laws, 2019, ch. 420, HB 571,§ 4, eff. 7/1/2019. Amended by Laws, 2016, ch. 362, HB 1413, 3, eff. 4/6/2016. Amended by Laws, 2013, ch. 543, HB 673, 2, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-54.10 - Victims of Human Trafficking and Commercial Sexual Exploitation Fund; authorization to establish program to fund certain victim service providers for victims of human trafficking or commercial sexual exploitation

The Office of the Attorney General is authorized to establish a program to fund victim service providers that offer shelter, counseling, medical needs, transitional housing and other related services to victims of human trafficking and victims of commercial sexual exploitation at no charge to the victim. The program shall be funded from monies in the "Victims of Human Trafficking and Commercial Sexual Exploitation Fund." The Office of the Attorney General, shall have the authority to promulgate the administrative rules that are necessary and proper to further carry out the purposes of Sections97-3-54.10through97-3-54.13.Added by Laws, 2020, ch. 493, HB 1559,§ 1, eff. 7/8/2020. The Office of the Attorney General is authorized to establish a program to fund victim service providers that offer shelter, counseling, medical needs, transitional housing and other related services to victims of human trafficking and victims of commercial sexual exploitation at no charge to the victim. The program shall be funded from monies in the "Victims of Human Trafficking and Commercial Sexual Exploitation Fund." The Office of the Attorney General, shall have the authority to promulgate the administrative rules that are necessary and proper to further carry out the purposes of Sections97-3-54.10through97-3-54.13.Added by Laws, 2020, ch. 493, HB 1559,§ 1, eff. 7/8/2020. The Office of the Attorney

General is authorized to establish a program to fund victim service providers that offer shelter, counseling, medical needs, transitional housing and other related services to victims of human trafficking and victims of commercial sexual exploitation at no charge to the victim. The program shall be funded from monies in the "Victims of Human Trafficking and Commercial Sexual Exploitation Fund." The Office of the Attorney General, shall have the authority to promulgate the administrative rules that are necessary and proper to further carry out the purposes of Sections 97-3-54.10 through 97-3-54.13. Added by Laws, 2020, ch. 493, HB 1559, § 1, eff. 7/8/2020. The Office of the Attorney General is authorized to establish a program to fund victim service providers that offer shelter, counseling, medical needs, transitional housing and other related services to victims of human trafficking and victims of commercial sexual exploitation at no charge to the victim. The program shall be funded from monies in the "Victims of Human Trafficking and Commercial Sexual Exploitation Fund." The Office of the Attorney General, shall have the authority to promulgate the administrative rules that are necessary and proper to further carry out the purposes of Sections 97-3-54.10 through 97-3-54.13. Added by Laws, 2020, ch. 493, HB 1559, § 1, eff. 7/8/2020.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-54.11 - Victims of Human Trafficking and Commercial Sexual Exploitation Fund; creation, funding, distribution; convening of committee to develop strategic plan to coordinate state's response to victims; member terms

(1) There is created in the State Treasury a special fund to be known as the "Victims of Human Trafficking and Commercial Sexual Exploitation Fund." The administration and regulation of the fund shall be vested in the Office of the Attorney General, and shall consist of: (a) Monies appropriated by the Legislature; (b) The interest accruing to the fund; (c) Monies received under the provisions of Section 99-19-75; (d) Monies received from the federal government; (e) Donations to the fund; (f) Assessments collected pursuant to Section 83-39-31; (g) All other monies received by the state from every source for the support of shelters for victims of human trafficking and commercial sexual exploitation; and (h) Monies received from such other sources as may be provided by law. (2) The monies in the fund shall be distributed by the Office of the Attorney General, upon appropriation by the Legislature, to fund and assist human trafficking shelters, commercial sexual exploitation shelters and victim service providers under the provisions of Sections 97-3-54.10 through 97-3-54.13. Not more than ten percent (10%) of the monies from the fund may be used for administrative expenses and other expenses related to carrying out the provisions of Sections 97-3-54.10 through 97-3-54.13; however, the total amount used for administrative and related expenses during a state fiscal year shall not exceed One Hundred Thousand Dollars (\$100,000.00). (3) Within six (6) months of July 9, 2020, the Office of the Attorney General shall convene a committee comprised of persons described in this subsection (3) to develop a strategic plan to coordinate the state's response to victims of human trafficking and commercial sexual exploitation, to include the administration and disbursement of funds for the support and assistance of service providers. The committee members shall serve two (2) year terms. The committee shall consist of seven (7) members, who shall be appointed as follows: (i) One (1) person to be appointed by the Governor; (ii) One (1) person to be appointed by the Lieutenant Governor; (iii) One (1) person to be appointed by the Speaker of the House; (iv) One (1) person to be appointed by the Attorney General; (v) One (1) person to be appointed by the Commissioner of the Department of Public Safety; (vi) One (1) person to be appointed by the board of a victim services provider; and (vii) One (1) person to be appointed by the Commissioner of the Department of Child Protection Services. (4) By January 5 of each year, the Office of the Attorney General shall provide an itemized financial report to the Legislature and the State Auditor of all expenditures, statistical data regarding services that has provided, and a report of all service activity with geographical description. (5) Nothing in Sections 97-3-54.10 through 97-3-54.13 shall be construed to limit the ability of a human trafficking shelter, commercial sexual exploitation shelter or victim services provider from soliciting private donations or community support. Any funds raised by a shelter or program described in Sections 97-3-54.10 through 97-3-54.13 from private donations or community support shall not be subject to the requirements described in Sections 97-3-54.10 through 97-3-54.13. Added by Laws, 2020, ch. 493, HB 1559, § 2, eff. 7/8/2020. (1) There is created in the State Treasury a special fund to be known as the "Victims of Human Trafficking and Commercial Sexual Exploitation Fund." The administration and regulation of the fund shall be vested in the Office of the Attorney General, and shall consist of: (a) Monies appropriated by the Legislature; (b) The interest accruing to the fund; (c) Monies received under the provisions of Section 99-19-75; (d) Monies received from the federal government; (e) Donations to the fund; (f) Assessments collected pursuant to Section 83-39-31; (g) All other monies received by the state from every source for the support of shelters for victims of human trafficking and commercial sexual exploitation; and (h) Monies received from such other sources as may be provided by law. (2) The monies in the fund shall be distributed by the Office of the Attorney General, upon appropriation by the Legislature, to fund and assist human trafficking shelters, commercial sexual exploitation shelters and victim service providers under the provisions of Sections 97-3-54.10 through 97-3-54.13. Not more than ten percent (10%) of the monies from the fund may be used for administrative expenses and other expenses related to carrying out the provisions of Sections 97-3-54.10 through 97-3-54.13; however, the total amount used for administrative and related expenses during a state fiscal year shall not exceed One Hundred Thousand Dollars (\$100,000.00). (3) Within six (6) months of July 9, 2020, the Office of the Attorney General shall convene a committee comprised of persons described in this subsection (3) to develop a strategic plan to coordinate the state's response to victims of human trafficking and commercial sexual exploitation, to include the administration and disbursement of funds for the support and assistance of service providers. The committee members shall serve two (2) year terms. The committee shall consist of seven (7) members, who shall be appointed as follows: (i) One (1) person to be appointed by the Governor; (ii) One (1) person to be appointed by the Lieutenant Governor; (iii) One (1) person to be appointed by the Speaker of the House; (iv) One (1) person to be appointed by the

Attorney General;(v)One (1) person to be appointed by the Commissioner of the Department of Public Safety;(vi)One (1) person to be appointed by the board of a victim services provider; and(vii)One (1) person to be appointed by the Commissioner of the Department of Child Protection Services.(4)By January 5 of each year, the Office of the Attorney General shall provide an itemized financial report to the Legislature and the State Auditor of all expenditures, statistical data regarding services that has provided, and a report of all service activity with geographical description.(5)Nothing in Sections97-3-54.10through97-3-54.13shall be construed to limit the ability of a human trafficking shelter, commercial sexual exploitation shelter or victim services provider from soliciting private donations or community support. Any funds raised by a shelter or program described in Sections97-3-54.10through97-3-54.13from private donations or community support shall not be subject to the requirements described in Sections97-3-54.10through97-3-54.13.Added by Laws, 2020, ch. 493, HB 1559,§ 2, eff. 7/8/2020. (1)There is created in the State Treasury a special fund to be known as the "Victims of Human Trafficking and Commercial Sexual Exploitation Fund." The administration and regulation of the fund shall be vested in the Office of the Attorney General, and shall consist of:(a)Monies appropriated by the Legislature;(b)The interest accruing to the fund;(c)Monies received under the provisions of Section99-19-75;(d)Monies received from the federal government;(e)Donations to the fund;(f)Assessments collected pursuant to Section83-39-31;(g)All other monies received by the state from every source for the support of shelters for victims of human trafficking and commercial sexual exploitation; and(h)Monies received from such other sources as may be provided by law.(2)The monies in the fund shall be distributed by the Office of the Attorney General, upon appropriation by the Legislature, to fund and assist human trafficking shelters, commercial sexual exploitation shelters and victim service providers under the provisions of Sections97-3-54.10through97-3-54.13. Not more than ten percent (10%) of the monies from the fund may be used for administrative expenses and other expenses related to carrying out the provisions of Sections97-3-54.10through97-3-54.13; however, the total amount used for administrative and related expenses during a state fiscal year shall not exceed One Hundred Thousand Dollars (\$100,000.00).(3)Within six (6) months of July 9, 2020, the Office of the Attorney General shall convene a committee comprised of persons described in this subsection (3) to develop a strategic plan to coordinate the state's response to victims of human trafficking and commercial sexual exploitation, to include the administration and disbursement of funds for the support and assistance of service providers.The committee members shall serve two (2) year terms. The committee shall consist of seven (7) members, who shall be appointed as follows:(i)One (1) person to be appointed by the Governor;(ii)One (1) person to be appointed by the Lieutenant Governor;(iii)One (1) person to be appointed by the Speaker of the House;(iv)One (1) person to be appointed by the Attorney General;(v)One (1) person to be appointed by the Commissioner of the Department of Public Safety;(vi)One (1) person to be appointed by the board of a victim services provider; and(vii)One (1) person to be appointed by the Commissioner of the Department of Child Protection Services.(4)By January 5 of each year, the Office of the Attorney General shall provide an itemized financial report to the Legislature and the State Auditor of all expenditures, statistical data regarding services that has provided, and a report of all service activity with geographical description.(5)Nothing in Sections97-3-54.10through97-3-54.13shall be construed to limit the ability of a human trafficking shelter, commercial sexual exploitation shelter or victim services provider from soliciting private donations or community support. Any funds raised by a shelter or program described in Sections97-3-54.10through97-3-54.13from private donations or community support shall not be subject to the requirements described in Sections97-3-54.10through97-3-54.13.Added by Laws, 2020, ch. 493, HB 1559,§ 2, eff. 7/8/2020. The committee members shall serve two (2) year terms. The committee shall consist of seven (7) members, who shall be appointed as follows: Added by Laws, 2020, ch. 493, HB 1559,§ 2, eff. 7/8/2020.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-54.12 - Victims of Human Trafficking and Commercial Sexual Exploitation Fund; requirements shelters must meet to qualify for funds; local contributions

(1)To qualify for funds under the program authorized in Sections97-3-54.10through97-3-54.13, a shelter must meet all of the following requirements:(a)Be incorporated in the state or recognized by the Secretary of State as a private or public nonprofit corporation. Such corporation must have a board of directors and/or an advisory committee that represents the racial, ethnic and socio-economic diversity of the area to be served, including, if possible, at least one (1) person who is or has been a victim of human trafficking and commercial sexual exploitation; and(b)Have designed and developed a program to provide all of the following services to victims of human trafficking and commercial sexual exploitation and their children, if applicable:(i)Shelter on a twenty-four (24) hours a day, seven (7) days a week basis;(ii)A twenty-four (24) hours, seven (7) days a week crisis line for calls;(iii)Temporary housing and food facilities;(iv)Referrals to existing services in the community and follow-up on the outcome of the referrals, including, but not limited to, referrals for medical care, legal assistance and alcohol and drug treatment;(v)Information regarding reeducation, trauma-informed therapy, job counseling, and training programs, housing referrals and other available social services; and(vi)An available licensed therapist on a twenty-four (24) hours a day basis.(c)Have established procedures for twenty-four-hour a day, seven (7) days a week admission of victims of human trafficking or commercial sexual exploitation who may seek admission to these shelters on a voluntary basis.(d)In addition to the above requirements, all shelters and victim service providers, receiving funding under Sections97-3-54.10through97-3-54.13shall comply with minimum guidelines for services developed by the Office of the Attorney General, including, but not limited to:(i)Provision of victim-centered, trauma-informed and culturally and linguistically appropriate care;(ii)Utilization of evidence-based interventions;(iii)Adequate safety and security for staff and clients;(iv)Mandatory training for staff and volunteers;(v)Adherence to ethical and professional standards;(vi)Strict adherence to confidentiality;(vii)Nondiscrimination;(viii)Collaboration with other nongovernmental and governmental agencies;

and(ix)Maintenance of any required licensure and certification of staff and facility as required by the Department of Mental Health, the Department of Health, the Department of Child Protection Services or any other regulatory body.(2)No human trafficking or commercial sexual exploitation shelter shall qualify for funds under Sections 1 through 4 of this act if it discriminates in its admissions or provision of services on the basis of race, religion, color, age, disability, marital status, national origin or ancestry.(3)Any human trafficking shelter, commercial sexual exploitation shelter or victim service provider receiving funds under Sections97-3-54.10through97-3-54.13must show receipt of local funds in an amount not less than fifteen percent (15%). The local contribution may include in-kind contributions.(4)A human trafficking shelter, commercial sexual exploitation shelter or victim service provider receiving funds under Sections97-3-54.10through97-3-54.13shall not be prohibited from accepting gifts, trusts, bequests, grants, endowments, federal funds, other special source funds or transfers of property of any kind for the support of that shelter program.(5)Each human trafficking shelter, commercial sexual exploitation shelter or victim service provider receiving funds under Sections97-3-54.10through97-3-54.13shall:(a)Perform background checks and maintain copies of such for each employee or volunteer; and(b)Require employees and volunteers to maintain the confidentiality of any information that would identify individuals served by the shelter or victim service provider.Added by Laws, 2020, ch. 493, HB 1559,§ 3, eff. 7/8/2020. (1)To qualify for funds under the program authorized in Sections97-3-54.10through97-3-54.13, a shelter must meet all of the following requirements:(a)Be incorporated in the state or recognized by the Secretary of State as a private or public nonprofit corporation. Such corporation must have a board of directors and/or an advisory committee that represents the racial, ethnic and socio-economic diversity of the area to be served, including, if possible, at least one (1) person who is or has been a victim of human trafficking and commercial sexual exploitation; and(b)Have designed and developed a program to provide all of the following services to victims of human trafficking and commercial sexual exploitation and their children, if applicable:(i)Shelter on a twenty-four (24) hours a day, seven (7) days a week basis;(ii)A twenty-four (24) hours, seven (7) days a week crisis line for calls;(iii)Temporary housing and food facilities;(iv)Referrals to existing services in the community and follow-up on the outcome of the referrals, including, but not limited to, referrals for medical care, legal assistance and alcohol and drug treatment;(v)Information regarding reeducation, trauma-informed therapy, job counseling, and training programs, housing referrals and other available social services; and(vi)An available licensed therapist on a twenty-four (24) hours a day basis.(c)Have established procedures for twenty-four-hour a day, seven (7) days a week admission of victims of human trafficking or commercial sexual exploitation who may seek admission to these shelters on a voluntary basis.(d)In addition to the above requirements, all shelters and victim service providers, receiving funding under Sections97-3-54.10through97-3-54.13shall comply with minimum guidelines for services developed by the Office of the Attorney General, including, but not limited to:(i)Provision of victim-centered, trauma-informed and culturally and linguistically appropriate care;(ii)Utilization of evidence-based interventions;(iii)Adequate safety and security for staff and clients;(iv)Mandatory training for staff and volunteers;(v)Adherence to ethical and professional standards;(vi)Strict adherence to confidentiality;(vii)Nondiscrimination;(viii)Collaboration with other nongovernmental and governmental agencies; and(ix)Maintenance of any required licensure and certification of staff and facility as required by the Department of Mental Health, the Department of Health, the Department of Child Protection Services or any other regulatory body.(2)No human trafficking or commercial sexual exploitation shelter shall qualify for funds under Sections 1 through 4 of this act if it discriminates in its admissions or provision of services on the basis of race, religion, color, age, disability, marital status, national origin or ancestry.(3)Any human trafficking shelter, commercial sexual exploitation shelter or victim service provider receiving funds under Sections97-3-54.10through97-3-54.13must show receipt of local funds in an amount not less than fifteen percent (15%). The local contribution may include in-kind contributions.(4)A human trafficking shelter, commercial sexual exploitation shelter or victim service provider receiving funds under Sections97-3-54.10through97-3-54.13shall not be prohibited from accepting gifts, trusts, bequests, grants, endowments, federal funds, other special source funds or transfers of property of any kind for the support of that shelter program.(5)Each human trafficking shelter, commercial sexual exploitation shelter or victim service provider receiving funds under Sections97-3-54.10through97-3-54.13shall:(a)Perform background checks and maintain copies of such for each employee or volunteer; and(b)Require employees and volunteers to maintain the confidentiality of any information that would identify individuals served by the shelter or victim service provider.Added by Laws, 2020, ch. 493, HB 1559,§ 3, eff. 7/8/2020. (1)To qualify for funds under the program authorized in Sections97-3-54.10through97-3-54.13, a shelter must meet all of the following requirements:(a)Be incorporated in the state or recognized by the Secretary of State as a private or public nonprofit corporation. Such corporation must have a board of directors and/or an advisory committee that represents the racial, ethnic and socio-economic diversity of the area to be served, including, if possible, at least one (1) person who is or has been a victim of human trafficking and commercial sexual exploitation; and(b)Have designed and developed a program to provide all of the following services to victims of human trafficking and commercial sexual exploitation and their children, if applicable:(i)Shelter on a twenty-four (24) hours a day, seven (7) days a week basis;(ii)A twenty-four (24) hours, seven (7) days a week crisis line for calls;(iii)Temporary housing and food facilities;(iv)Referrals to existing services in the community and follow-up on the outcome of the referrals, including, but not limited to, referrals for medical care, legal assistance and alcohol and drug treatment;(v)Information regarding reeducation, trauma-informed therapy, job counseling, and training programs, housing referrals and other available social services; and(vi)An available licensed therapist on a twenty-four (24) hours a day basis.(c)Have established procedures for twenty-four-hour a day, seven (7) days a week admission of victims of human trafficking or commercial sexual exploitation who may seek admission to these shelters on a voluntary basis.(d)In addition to the above requirements, all shelters and victim service providers, receiving funding under Sections97-3-54.10through97-3-54.13shall comply with minimum guidelines for services developed by the Office of the Attorney General, including, but not limited to:(i)Provision of victim-centered, trauma-informed and culturally and linguistically

appropriate care;(ii)Utilization of evidence-based interventions;(iii)Adequate safety and security for staff and clients;(iv)Mandatory training for staff and volunteers;(v)Adherence to ethical and professional standards;(vi)Strict adherence to confidentiality;(vii)Nondiscrimination;(viii)Collaboration with other nongovernmental and governmental agencies; and(ix)Maintenance of any required licensure and certification of staff and facility as required by the Department of Mental Health, the Department of Health, the Department of Child Protection Services or any other regulatory body.(2)No human trafficking or commercial sexual exploitation shelter shall qualify for funds under Sections 1 through 4 of this act if it discriminates in its admissions or provision of services on the basis of race, religion, color, age, disability, marital status, national origin or ancestry.(3)Any human trafficking shelter, commercial sexual exploitation shelter or victim service provider receiving funds under Sections97-3-54.10through97-3-54.13must show receipt of local funds in an amount not less than fifteen percent (15%). The local contribution may include in-kind contributions.(4)A human trafficking shelter, commercial sexual exploitation shelter or victim service provider receiving funds under Sections97-3-54.10through97-3-54.13shall not be prohibited from accepting gifts, trusts, bequests, grants, endowments, federal funds, other special source funds or transfers of property of any kind for the support of that shelter program.(5)Each human trafficking shelter, commercial sexual exploitation shelter or victim service provider receiving funds under Sections97-3-54.10through97-3-54.13shall:(a)Perform background checks and maintain copies of such for each employee or volunteer; and(b)Require employees and volunteers to maintain the confidentiality of any information that would identify individuals served by the shelter or victim service provider.Added by Laws, 2020, ch. 493, HB 1559,§ 3, eff. 7/8/2020. Added by Laws, 2020, ch. 493, HB 1559,§ 3, eff. 7/8/2020.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-54.13 - Victims of Human Trafficking and Commercial Sexual Exploitation Fund; confidentiality of information identifying victims; disclosure of physical location of shelter to public or private agency

(1)Any employee, contractor, volunteer or agent of a human trafficking or commercial sexual exploitation shelter receiving funds under Sections97-3-54.10through97-3-54.13, or of any other entity in possession of information which would tend to identify a victim of human trafficking and commercial sexual exploitation, shall comply and be held liable as provided in Section93-21-125.(2)A resident, employee, contractor, volunteer or agent of a human trafficking shelter, commercial sexual exploitation shelter or victim services provider receiving funds under Sections97-3-54.10through97-3-54.13shall not be required to disclose the street address or physical location of that shelter to any public or private agency. In all cases where the provision of a physical address is required, a post office box address for the human trafficking and commercial sexual exploitation shelter shall be deemed sufficient.Added by Laws, 2020, ch. 493, HB 1559,§ 4, eff. 7/8/2020. (1)Any employee, contractor, volunteer or agent of a human trafficking or commercial sexual exploitation shelter receiving funds under Sections97-3-54.10through97-3-54.13, or of any other entity in possession of information which would tend to identify a victim of human trafficking and commercial sexual exploitation, shall comply and be held liable as provided in Section93-21-125.(2)A resident, employee, contractor, volunteer or agent of a human trafficking shelter, commercial sexual exploitation shelter or victim services provider receiving funds under Sections97-3-54.10through97-3-54.13shall not be required to disclose the street address or physical location of that shelter to any public or private agency. In all cases where the provision of a physical address is required, a post office box address for the human trafficking and commercial sexual exploitation shelter shall be deemed sufficient.Added by Laws, 2020, ch. 493, HB 1559,§ 4, eff. 7/8/2020. (1)Any employee, contractor, volunteer or agent of a human trafficking or commercial sexual exploitation shelter receiving funds under Sections97-3-54.10through97-3-54.13, or of any other entity in possession of information which would tend to identify a victim of human trafficking and commercial sexual exploitation, shall comply and be held liable as provided in Section93-21-125.(2)A resident, employee, contractor, volunteer or agent of a human trafficking shelter, commercial sexual exploitation shelter or victim services provider receiving funds under Sections97-3-54.10through97-3-54.13shall not be required to disclose the street address or physical location of that shelter to any public or private agency. In all cases where the provision of a physical address is required, a post office box address for the human trafficking and commercial sexual exploitation shelter shall be deemed sufficient.Added by Laws, 2020, ch. 493, HB 1559,§ 4, eff. 7/8/2020. Added by Laws, 2020, ch. 493, HB 1559,§ 4, eff. 7/8/2020.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-54.2 - Human Trafficking Act; destruction, concealment, or confiscation of passport or other immigration document for purpose of preventing person's freedom of movement or ability to travel; penalties

Anyone who knowingly destroys, conceals, removes, confiscates or possesses, or attempts to destroy, conceal, remove, confiscate or possess, any actual or purported passport or other immigration document, or any other actual or purported government identification document of any person to prevent or restrict, or attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel in order to maintain the labor or services of that person, when the person is or has been a victim of a violation set out in Section97-3-54.1, shall be punished by commitment to the custody of the Department of Corrections for not more than five (5) years.Laws, 2006, ch. 583, § 4, eff. 7/1/2006. Anyone who knowingly destroys, conceals, removes, confiscates or possesses, or attempts to destroy, conceal, remove, confiscate or possess, any actual or purported passport or other immigration document, or any other actual or purported government identification document of any person to prevent or restrict, or attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel in order to maintain the labor or services of that person, when the person is or has been a victim of a violation set out in Section97-3-54.1, shall be punished by commitment to the custody of the

Department of Corrections for not more than five (5) years. Laws, 2006, ch. 583, § 4, eff. 7/1/2006. Anyone who knowingly destroys, conceals, removes, confiscates or possesses, or attempts to destroy, conceal, remove, confiscate or possess, any actual or purported passport or other immigration document, or any other actual or purported government identification document of any person to prevent or restrict, or attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel in order to maintain the labor or services of that person, when the person is or has been a victim of a violation set out in Section 97-3-54.1, shall be punished by commitment to the custody of the Department of Corrections for not more than five (5) years. Laws, 2006, ch. 583, § 4, eff. 7/1/2006. Anyone who knowingly destroys, conceals, removes, confiscates or possesses, or attempts to destroy, conceal, remove, confiscate or possess, any actual or purported passport or other immigration document, or any other actual or purported government identification document of any person to prevent or restrict, or attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel in order to maintain the labor or services of that person, when the person is or has been a victim of a violation set out in Section 97-3-54.1, shall be punished by commitment to the custody of the Department of Corrections for not more than five (5) years. Laws, 2006, ch. 583, § 4, eff. 7/1/2006.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-54.3 - Human Trafficking Act; aiding, abetting, or conspiring to violate human trafficking provisions

A person who knowingly aids, abets or conspires with one or more persons to violate the Mississippi Human Trafficking Act shall be considered a principal in the offense and shall be indicted and punished as such whether the principal has been previously convicted or not. Laws, 2006, ch. 583, § 5, eff. 7/1/2006. Amended by Laws, 2013, ch. 543, HB 673, 3, eff. 7/1/2013. A person who knowingly aids, abets or conspires with one or more persons to violate the Mississippi Human Trafficking Act shall be considered a principal in the offense and shall be indicted and punished as such whether the principal has been previously convicted or not. Laws, 2006, ch. 583, § 5, eff. 7/1/2006. Amended by Laws, 2013, ch. 543, HB 673, 3, eff. 7/1/2013. A person who knowingly aids, abets or conspires with one or more persons to violate the Mississippi Human Trafficking Act shall be considered a principal in the offense and shall be indicted and punished as such whether the principal has been previously convicted or not. Laws, 2006, ch. 583, § 5, eff. 7/1/2006. Amended by Laws, 2013, ch. 543, HB 673, 3, eff. 7/1/2013. A person who knowingly aids, abets or conspires with one or more persons to violate the Mississippi Human Trafficking Act shall be considered a principal in the offense and shall be indicted and punished as such whether the principal has been previously convicted or not. Laws, 2006, ch. 583, § 5, eff. 7/1/2006. Amended by Laws, 2013, ch. 543, HB 673, 3, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-54.4 - Human Trafficking Act; definitions

For the purposes of the Mississippi Human Trafficking Act the following words and phrases shall have the meanings ascribed herein unless the context clearly requires otherwise: (a) "Act" or "this act" means the Mississippi Human Trafficking Act. (b) "Actor" means a person who violates any of the provisions of Sections 97-3-54 through 97-3-54.4. (c) "Blackmail" means obtaining property or things of value of another by threatening to (i) inflict bodily injury on anyone; or (ii) commit any other criminal offense. (d) "Coerce" or "coercion" means: (i) Causing or threatening to cause bodily harm to any person, physically restraining or confining any person, or threatening to physically restrain or confine any person; (ii) Exposing or threatening to expose any fact or information or disseminating or threatening to disseminate any fact or information that would tend to subject a person to criminal or immigration proceedings, hatred, contempt or ridicule; (iii) Destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document of any person; (iv) Providing a controlled substance to a person for the purpose of compelling the person to engage in labor or sexual servitude against the person's will; (v) Causing or threatening to cause financial harm to any person or using financial control over any person; (vi) Abusing or threatening to abuse a position of power, the law, or legal process; (vii) Using blackmail; (viii) Using an individual's personal services as payment or satisfaction of a real or purported debt when: 1. the reasonable value of the services is not applied toward the liquidation of the debt; 2. the length of the services is not limited and the nature of the services is not defined; 3. the principal amount of the debt does not reasonably reflect the value of the items or services for which the debt is incurred; or 4. the individual is prevented from acquiring accurate and timely information about the disposition of the debt; or (ix) Using any scheme, plan or pattern of conduct intended to cause any person to believe that, if the person did not perform the labor or services, that the person or another person would suffer serious harm or physical restraint. (e) "Commercial sexual activity" means any sex act on account of which anything of value is given to, promised to, or received by any person. (f) "Enterprise" means any individual, sole proprietorship, partnership, corporation, union or other legal entity, or any association or group of individuals associated in fact regardless of whether a legal entity has been formed pursuant to any state, federal or territorial law. It includes illicit as well as licit enterprises and governmental as well as other entities. (g) "Financial harm" includes, but is not limited to, extortion as defined by Section 97-3-82, Mississippi Code of 1972, or violation of the usury law as defined by Title 75, Chapter 17, Mississippi Code of 1972. (h) "Forced labor or services" means labor or services that are performed or provided by another person and are obtained or maintained through coercion. (i) "Labor" means work of economic or financial value. (j) "Maintain" means, in relation to labor or services, to secure continued performance thereof, regardless of any initial agreement on the part of the trafficked person to perform such labor or service. (k) "Minor" means a person under the age of eighteen (18) years. (l) "Obtain" means, in relation to labor or services, to secure performance thereof. (m) "Pecuniary damages" means any of the following: (i) The greater of the gross income or

value to the defendant of the victim's labor or services, including sexual services, not reduced by the expense the defendant incurred as a result of maintaining the victim, or the value of the victim's labor or services calculated under the minimum wage and overtime provisions of the Fair Labor Standards Act, 29 USCS Section 201 et seq., whichever is higher;(ii)If it is not possible or in the best interest of the victim to compute a value under subparagraph (i) of this paragraph (m), the equivalent of the value of the victim's labor or services if the victim had provided labor or services that were subject to the minimum wage and overtime provisions of the Fair Labor Standards Act, 29 USCS 201 et seq.;

(iii)Costs and expenses incurred by the victim as a result of the offense for:1.Medical services;2.Therapy or psychological counseling;3.Temporary housing;4.Transportation;5.Childcare;6.Physical and occupational therapy or rehabilitation;7.Funeral, interment, and burial services;reasonable attorney's fees and other legal costs; and8.Other expenses incurred by the victim.

(n)"Serious harm" means harm, whether physical or nonphysical, including psychological, economic or reputational, to an individual that would compel a reasonable person in similar circumstances as the individual to perform or continue to perform labor or services to avoid incurring the harm.

(o)"Services" means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor or a third party and includes, without limitation, commercial sexual activity, sexually explicit performances, or the production of sexually explicit materials.

(p)"Sexually explicit performance" means a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

(q)"Trafficked person" means a person subjected to the practices prohibited by this act regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted, and is a term used interchangeably with the terms "victim," "victim of trafficking" and "trafficking victim."

(r)"Venture" means any group of two (2) or more individuals associated in fact, whether or not a legal entity.

(s)"Sexually oriented material" shall have the meaning ascribed in Section97-5-27, Mississippi Code of 1972.Laws, 2006, ch. 583, § 6, eff. 7/1/2006.Amended by Laws, 2016, ch. 362, HB 1413, 4, eff. 4/6/2016.Amended by Laws, 2013, ch. 543, HB 673, 4, eff. 7/1/2013. For the purposes of the Mississippi Human Trafficking Act the following words and phrases shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a)"Act" or "this act" means the Mississippi Human Trafficking Act.

(b)"Actor" means a person who violates any of the provisions of Sections97-3-54through97-3-54.4.

(c)"Blackmail" means obtaining property or things of value of another by threatening to (i) inflict bodily injury on anyone; or (ii) commit any other criminal offense.

(d)"Coerce" or "coercion" means:(i)Causing or threatening to cause bodily harm to any person, physically restraining or confining any person, or threatening to physically restrain or confine any person;(ii)Exposing or threatening to expose any fact or information or disseminating or threatening to disseminate any fact or information that would tend to subject a person to criminal or immigration proceedings, hatred, contempt or ridicule;(iii)Destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document of any person;(iv)Providing a controlled substance to a person for the purpose of compelling the person to engage in labor or sexual servitude against the person's will;(v)Causing or threatening to cause financial harm to any person or using financial control over any person;(vi)Abusing or threatening to abuse a position of power, the law, or legal process;(vii)Using blackmail;(viii)Using an individual's personal services as payment or satisfaction of a real or purported debt when:1.the reasonable value of the services is not applied toward the liquidation of the debt;2.the length of the services is not limited and the nature of the services is not defined;3.the principal amount of the debt does not reasonably reflect the value of the items or services for which the debt is incurred; or4.the individual is prevented from acquiring accurate and timely information about the disposition of the debt; or(ix)Using any scheme, plan or pattern of conduct intended to cause any person to believe that, if the person did not perform the labor or services, that the person or another person would suffer serious harm or physical restraint.

(e)"Commercial sexual activity" means any sex act on account of which anything of value is given to, promised to, or received by any person.

(f)"Enterprise" means any individual, sole proprietorship, partnership, corporation, union or other legal entity, or any association or group of individuals associated in fact regardless of whether a legal entity has been formed pursuant to any state, federal or territorial law. It includes illicit as well as licit enterprises and governmental as well as other entities.

(g)"Financial harm" includes, but is not limited to, extortion as defined by Section97-3-82, Mississippi Code of 1972, or violation of the usury law as defined by Title 75, Chapter 17, Mississippi Code of 1972.

(h)"Forced labor or services" means labor or services that are performed or provided by another person and are obtained or maintained through coercion.

(i)"Labor" means work of economic or financial value.

(j)"Maintain" means, in relation to labor or services, to secure continued performance thereof, regardless of any initial agreement on the part of the trafficked person to perform such labor or service.

(k)"Minor" means a person under the age of eighteen (18) years.

(l)"Obtain" means, in relation to labor or services, to secure performance thereof.

(m)"Pecuniary damages" means any of the following:(i)The greater of the gross income or value to the defendant of the victim's labor or services, including sexual services, not reduced by the expense the defendant incurred as a result of maintaining the victim, or the value of the victim's labor or services calculated under the minimum wage and overtime provisions of the Fair Labor Standards Act, 29 USCS Section 201 et seq., whichever is higher;(ii)If it is not possible or in the best interest of the victim to compute a value under subparagraph (i) of this paragraph (m), the equivalent of the value of the victim's labor or services if the victim had provided labor or services that were subject to the minimum wage and overtime provisions of the Fair Labor Standards Act, 29 USCS 201 et seq.;

(iii)Costs and expenses incurred by the victim as a result of the offense for:1.Medical services;2.Therapy or psychological counseling;3.Temporary housing;4.Transportation;5.Childcare;6.Physical and occupational therapy or rehabilitation;7.Funeral, interment, and burial services;reasonable attorney's fees and other legal costs; and8.Other expenses incurred by the victim.

(n)"Serious harm" means harm, whether physical or nonphysical, including psychological, economic or reputational, to an individual that would compel a reasonable person in similar circumstances as the individual to perform or continue to perform labor or services to avoid incurring the harm.

(o)"Services" means an ongoing relationship between a person and the actor in which the

person performs activities under the supervision of or for the benefit of the actor or a third party and includes, without limitation, commercial sexual activity, sexually explicit performances, or the production of sexually explicit materials.(p)"Sexually explicit performance" means a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.(q)"Trafficked person" means a person subjected to the practices prohibited by this act regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted, and is a term used interchangeably with the terms "victim," "victim of trafficking" and "trafficking victim."(r)"Venture" means any group of two (2) or more individuals associated in fact, whether or not a legal entity.(s)"Sexually oriented material" shall have the meaning ascribed in Section 97-5-27, Mississippi Code of 1972.Laws, 2006, ch. 583, § 6, eff. 7/1/2006.Amended by Laws, 2016, ch. 362, HB 1413, 4, eff. 4/6/2016.Amended by Laws, 2013, ch. 543, HB 673, 4, eff. 7/1/2013. For the purposes of the Mississippi Human Trafficking Act the following words and phrases shall have the meanings ascribed herein unless the context clearly requires otherwise:(a)"Act" or "this act" means the Mississippi Human Trafficking Act.(b)"Actor" means a person who violates any of the provisions of Sections 97-3-54 through 97-3-54.4.(c)"Blackmail" means obtaining property or things of value of another by threatening to (i) inflict bodily injury on anyone; or (ii) commit any other criminal offense.(d)"Coerce" or "coercion" means:(i)Causing or threatening to cause bodily harm to any person, physically restraining or confining any person, or threatening to physically restrain or confine any person;(ii)Exposing or threatening to expose any fact or information or disseminating or threatening to disseminate any fact or information that would tend to subject a person to criminal or immigration proceedings, hatred, contempt or ridicule;(iii)Destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document of any person;(iv)Providing a controlled substance to a person for the purpose of compelling the person to engage in labor or sexual servitude against the person's will;(v)Causing or threatening to cause financial harm to any person or using financial control over any person;(vi)Abusing or threatening to abuse a position of power, the law, or legal process;(vii)Using blackmail;(viii)Using an individual's personal services as payment or satisfaction of a real or purported debt when:1.the reasonable value of the services is not applied toward the liquidation of the debt;2.the length of the services is not limited and the nature of the services is not defined;3.the principal amount of the debt does not reasonably reflect the value of the items or services for which the debt is incurred; or 4.the individual is prevented from acquiring accurate and timely information about the disposition of the debt; or (ix)Using any scheme, plan or pattern of conduct intended to cause any person to believe that, if the person did not perform the labor or services, that the person or another person would suffer serious harm or physical restraint.(e)"Commercial sexual activity" means any sex act on account of which anything of value is given to, promised to, or received by any person.(f)"Enterprise" means any individual, sole proprietorship, partnership, corporation, union or other legal entity, or any association or group of individuals associated in fact regardless of whether a legal entity has been formed pursuant to any state, federal or territorial law. It includes illicit as well as licit enterprises and governmental as well as other entities.(g)"Financial harm" includes, but is not limited to, extortion as defined by Section 97-3-82, Mississippi Code of 1972, or violation of the usury law as defined by Title 75, Chapter 17, Mississippi Code of 1972.(h)"Forced labor or services" means labor or services that are performed or provided by another person and are obtained or maintained through coercion.(i)"Labor" means work of economic or financial value.(j)"Maintain" means, in relation to labor or services, to secure continued performance thereof, regardless of any initial agreement on the part of the trafficked person to perform such labor or service.(k)"Minor" means a person under the age of eighteen (18) years.(l)"Obtain" means, in relation to labor or services, to secure performance thereof.(m)"Pecuniary damages" means any of the following:(i)The greater of the gross income or value to the defendant of the victim's labor or services, including sexual services, not reduced by the expense the defendant incurred as a result of maintaining the victim, or the value of the victim's labor or services calculated under the minimum wage and overtime provisions of the Fair Labor Standards Act, 29 USCS Section 201 et seq., whichever is higher;(ii)If it is not possible or in the best interest of the victim to compute a value under subparagraph (i) of this paragraph (m), the equivalent of the value of the victim's labor or services if the victim had provided labor or services that were subject to the minimum wage and overtime provisions of the Fair Labor Standards Act, 29 USCS 201 et seq.:(iii)Costs and expenses incurred by the victim as a result of the offense for:1.Medical services;2.Therapy or psychological counseling;3.Temporary housing;4.Transportation;5.Childcare;6.Physical and occupational therapy or rehabilitation;7.Funeral, interment, and burial services;reasonable attorney's fees and other legal costs; and 8.Other expenses incurred by the victim.(n)"Serious harm" means harm, whether physical or nonphysical, including psychological, economic or reputational, to an individual that would compel a reasonable person in similar circumstances as the individual to perform or continue to perform labor or services to avoid incurring the harm.(o)"Services" means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor or a third party and includes, without limitation, commercial sexual activity, sexually explicit performances, or the production of sexually explicit materials.(p)"Sexually explicit performance" means a live or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.(q)"Trafficked person" means a person subjected to the practices prohibited by this act regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted, and is a term used interchangeably with the terms "victim," "victim of trafficking" and "trafficking victim."(r)"Venture" means any group of two (2) or more individuals associated in fact, whether or not a legal entity.(s)"Sexually oriented material" shall have the meaning ascribed in Section 97-5-27, Mississippi Code of 1972.Laws, 2006, ch. 583, § 6, eff. 7/1/2006.Amended by Laws, 2016, ch. 362, HB 1413, 4, eff. 4/6/2016.Amended by Laws, 2013, ch. 543, HB 673, 4, eff. 7/1/2013. For the purposes of the Mississippi Human Trafficking Act the following words and phrases shall have the meanings ascribed herein unless the context clearly requires otherwise: reasonable attorney's fees and other legal costs; and Laws, 2006, ch. 583, § 6, eff. 7/1/2006. Amended by Laws, 2016, ch. 362, HB 1413, 4, eff. 4/6/2016. Amended by Laws, 2013, ch. 543, HB 673, 4,

eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-54.5 - Human Trafficking Act; use of undercover operative in detection of offense permitted

The fact that an undercover operative or law enforcement officer was involved in any manner in the detection and investigation of an offense under this act shall not constitute a defense to a prosecution under this act. Added by Laws, 2013, ch. 543, HB 673, 5, eff. 7/1/2013. The fact that an undercover operative or law enforcement officer was involved in any manner in the detection and investigation of an offense under this act shall not constitute a defense to a prosecution under this act. Added by Laws, 2013, ch. 543, HB 673, 5, eff. 7/1/2013. The fact that an undercover operative or law enforcement officer was involved in any manner in the detection and investigation of an offense under this act shall not constitute a defense to a prosecution under this act. Added by Laws, 2013, ch. 543, HB 673, 5, eff. 7/1/2013. The fact that an undercover operative or law enforcement officer was involved in any manner in the detection and investigation of an offense under this act shall not constitute a defense to a prosecution under this act. Added by Laws, 2013, ch. 543, HB 673, 5, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-54.6 - Human Trafficking Act; injunctive and other relief for victims of trafficking; confidentiality

(1) Any circuit court may, after making due provision for the rights of trafficked persons, enjoin violations of the provisions of this act by issuing appropriate orders and judgments, including, but not limited to: (a) Ordering any defendant to divest himself of any interest in any enterprise, including real property. (b) Imposing reasonable restrictions upon the future activities or investments of any defendant, including, but not limited to, prohibiting any defendant from engaging in the same type of endeavor as the enterprise in which he was engaged in violation of the provisions of this act. (c) Ordering the dissolution or reorganization of any enterprise. (d) Ordering the suspension or revocation of a license or permit granted to any enterprise by any agency of the state. (e) Ordering the forfeiture of the charter of a corporation organized under the laws of the state, or the revocation of a certificate authorizing a foreign corporation to conduct business within the state, upon finding that the board of directors or a managerial agent acting on behalf of the corporation in conducting the affairs of the corporation, has authorized or engaged in conduct in violation of this chapter and that, for the prevention of future criminal activity, the public interest requires the charter of the corporation forfeited and the corporation dissolved or the certificate revoked. (2) Notwithstanding any provisions to the contrary in Section 99-37-1 et seq., the court shall order restitution to the victim for any offense under this chapter. The order of restitution under this section shall direct the defendant to pay the victim, through the appropriate court mechanism, the full amount of the victim's pecuniary damages. For the purposes of determining restitution, the term "victim" means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under eighteen (18) years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such a representative or guardian. The court may order restitution even if the victim is absent from the jurisdiction or unavailable. (3) Any person who is injured by reason of any violation of the provisions of this chapter shall have a cause of action against any person or enterprise convicted of engaging in activity in violation of this chapter for threefold the actual damages sustained and, when appropriate, punitive damages. The person shall also recover attorney's fees in the trial and appellate courts and reasonable costs of investigation and litigation. (4) The application of one (1) civil remedy under any provision of this act shall not preclude the application of any other remedy, civil or criminal, under this act or any other provision of law. Civil remedies under this act are supplemental. (5) At any time after a conviction under this act, the court in which the conviction was entered may, upon appropriate motion, vacate the conviction if the court finds the defendant's participation in the offense was the result of being a victim. Official documentation from a federal, state or local government agency as to the defendant's status as a victim at the time of the offense creates a presumption that the defendant's participation in the offense was a result of being a victim, but official documentation is not required to grant a motion under this subsection. (6) In a prosecution or civil action for damages for an offense under this act in which there is evidence that the alleged victim was subjected to sexual servitude, reputation or opinion evidence of past sexual behavior of the alleged victim is not admissible, unless admitted in accordance with the Mississippi Rules of Evidence. (7) In any investigation or prosecution for an offense under this act, the responsible law enforcement agency or prosecutor's office are required to take all reasonable efforts to keep the identity of the victim and the victim's family confidential by ensuring that the names and identifying information of those individuals are not disclosed to the public. Added by Laws, 2013, ch. 543, HB 673, 6, eff. 7/1/2013. (1) Any circuit court may, after making due provision for the rights of trafficked persons, enjoin violations of the provisions of this act by issuing appropriate orders and judgments, including, but not limited to: (a) Ordering any defendant to divest himself of any interest in any enterprise, including real property. (b) Imposing reasonable restrictions upon the future activities or investments of any defendant, including, but not limited to, prohibiting any defendant from engaging in the same type of endeavor as the enterprise in which he was engaged in violation of the provisions of this act. (c) Ordering the dissolution or reorganization of any enterprise. (d) Ordering the suspension or revocation of a license or permit granted to any enterprise by any agency of the state. (e) Ordering the forfeiture of the charter of a corporation organized under the laws of the state, or the revocation of a certificate authorizing a foreign corporation to conduct business within the state, upon finding that the board of directors or a managerial agent acting on behalf of the corporation in conducting the affairs of the

corporation, has authorized or engaged in conduct in violation of this chapter and that, for the prevention of future criminal activity, the public interest requires the charter of the corporation forfeited and the corporation dissolved or the certificate revoked.(2)Notwithstanding any provisions to the contrary in Section99-37-1et seq., the court shall order restitution to the victim for any offense under this chapter. The order of restitution under this section shall direct the defendant to pay the victim, through the appropriate court mechanism, the full amount of the victim's pecuniary damages. For the purposes of determining restitution, the term "victim" means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under eighteen (18) years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such a representative or guardian. The court may order restitution even if the victim is absent from the jurisdiction or unavailable.(3)Any person who is injured by reason of any violation of the provisions of this chapter shall have a cause of action against any person or enterprise convicted of engaging in activity in violation of this chapter for threefold the actual damages sustained and, when appropriate, punitive damages. The person shall also recover attorney's fees in the trial and appellate courts and reasonable costs of investigation and litigation.(4)The application of one (1) civil remedy under any provision of this act shall not preclude the application of any other remedy, civil or criminal, under this act or any other provision of law. Civil remedies under this act are supplemental.(5)At any time after a conviction under this act, the court in which the conviction was entered may, upon appropriate motion, vacate the conviction if the court finds the defendant's participation in the offense was the result of being a victim. Official documentation from a federal, state or local government agency as to the defendant's status as a victim at the time of the offense creates a presumption that the defendant's participation in the offense was a result of being a victim, but official documentation is not required to grant a motion under this subsection.(6)In a prosecution or civil action for damages for an offense under this act in which there is evidence that the alleged victim was subjected to sexual servitude, reputation or opinion evidence of past sexual behavior of the alleged victim is not admissible, unless admitted in accordance with the Mississippi Rules of Evidence.(7)In any investigation or prosecution for an offense under this act, the responsible law enforcement agency or prosecutor's office are required to take all reasonable efforts to keep the identity of the victim and the victim's family confidential by ensuring that the names and identifying information of those individuals are not disclosed to the public.Added by Laws, 2013, ch. 543, HB 673, 6, eff. 7/1/2013. (1)Any circuit court may, after making due provision for the rights of trafficked persons, enjoin violations of the provisions of this act by issuing appropriate orders and judgments, including, but not limited to:(a)Ordering any defendant to divest himself of any interest in any enterprise, including real property.(b)Imposing reasonable restrictions upon the future activities or investments of any defendant, including, but not limited to, prohibiting any defendant from engaging in the same type of endeavor as the enterprise in which he was engaged in violation of the provisions of this act.(c)Ordering the dissolution or reorganization of any enterprise.(d)Ordering the suspension or revocation of a license or permit granted to any enterprise by any agency of the state.(e)Ordering the forfeiture of the charter of a corporation organized under the laws of the state, or the revocation of a certificate authorizing a foreign corporation to conduct business within the state, upon finding that the board of directors or a managerial agent acting on behalf of the corporation in conducting the affairs of the corporation, has authorized or engaged in conduct in violation of this chapter and that, for the prevention of future criminal activity, the public interest requires the charter of the corporation forfeited and the corporation dissolved or the certificate revoked.(2)Notwithstanding any provisions to the contrary in Section99-37-1et seq., the court shall order restitution to the victim for any offense under this chapter. The order of restitution under this section shall direct the defendant to pay the victim, through the appropriate court mechanism, the full amount of the victim's pecuniary damages. For the purposes of determining restitution, the term "victim" means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under eighteen (18) years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such a representative or guardian. The court may order restitution even if the victim is absent from the jurisdiction or unavailable.(3)Any person who is injured by reason of any violation of the provisions of this chapter shall have a cause of action against any person or enterprise convicted of engaging in activity in violation of this chapter for threefold the actual damages sustained and, when appropriate, punitive damages. The person shall also recover attorney's fees in the trial and appellate courts and reasonable costs of investigation and litigation.(4)The application of one (1) civil remedy under any provision of this act shall not preclude the application of any other remedy, civil or criminal, under this act or any other provision of law. Civil remedies under this act are supplemental.(5)At any time after a conviction under this act, the court in which the conviction was entered may, upon appropriate motion, vacate the conviction if the court finds the defendant's participation in the offense was the result of being a victim. Official documentation from a federal, state or local government agency as to the defendant's status as a victim at the time of the offense creates a presumption that the defendant's participation in the offense was a result of being a victim, but official documentation is not required to grant a motion under this subsection.(6)In a prosecution or civil action for damages for an offense under this act in which there is evidence that the alleged victim was subjected to sexual servitude, reputation or opinion evidence of past sexual behavior of the alleged victim is not admissible, unless admitted in accordance with the Mississippi Rules of Evidence.(7)In any investigation or prosecution for an offense under this act, the responsible law enforcement agency or prosecutor's office are required to take all reasonable efforts to keep the identity of the victim and the victim's family confidential by ensuring that the names and identifying information of those individuals are not disclosed to the public.Added by Laws, 2013, ch. 543, HB 673, 6, eff. 7/1/2013. 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Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-54.7 - Human Trafficking Act; forfeiture of assets and disposition of proceeds

(1) In addition to any other civil or criminal penalties provided by law, any property used in the commission of a violation of this act shall be forfeited as provided herein. (a) The following property shall be subject to forfeiture if used or intended for use as an instrumentality in or used in furtherance of a violation of this act: (i) Conveyances, including aircraft, vehicles or vessels; (ii) Books, records, telecommunication equipment, or computers; (iii) Money or weapons; (iv) Everything of value furnished, or intended to be furnished, in exchange for an act in violation and all proceeds traceable to the exchange; (v) Negotiable instruments and securities; (vi) Any property, real or personal, directly or indirectly acquired or received in a violation or as an inducement to violate; (vii) Any property traceable to proceeds from a violation; and (viii) Any real property, including any right, title and interest in the whole of or any part of any lot or tract of land used in furtherance of a violation of this act. (b) (i) No property used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the property is a consenting party or privy to a violation of this act; (ii) No property is subject to forfeiture under this section by reason of any act or omission proved by the owner thereof to have been committed or omitted without his knowledge or consent; if the confiscating authority has reason to believe that the property is a leased or rented property, then the confiscating authority shall notify the owner of the property within five (5) days of the confiscation or within five (5) days of forming reason to believe that the property is a leased or rented property; (iii) Forfeiture of a property encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission. (2) No property shall be forfeited under the provisions of this section, to the extent of the interest of an owner, by reason of any act or omission established by him to have been committed or omitted without his knowledge or consent. (3) Seizure without process may be made if the seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant. (4) (a) When any property is seized under this section, proceedings shall be instituted within a reasonable period of time from the date of seizure or the subject property shall be immediately returned to the party from whom seized. (b) A petition for forfeiture shall be filed by the Attorney General or a district attorney in the name of the State of Mississippi, the county, or the municipality, and may be filed in the county in which the seizure is made, the county in which the criminal prosecution is brought, or the county in which the owner of the seized property is found. Forfeiture proceedings may be brought in the circuit court or the county court if a county court exists in the county and the value of the seized property is within the jurisdictional limits of the county court as set forth in Section 9-9-21. A copy of the petition shall be served upon the following persons by service of process in the same manner as in civil cases: (i) The owner of the property, if address is known; (ii) Any secured party who has registered his lien or filed a financing statement as provided by law, if the identity of the secured party can be ascertained by the entity filing the petition by making a good faith effort to ascertain the identity of the secured party; (iii) Any other bona fide lienholder or secured party or other person holding an interest in the property in the nature of a security interest of whom the seizing law enforcement agency has actual knowledge; and (iv) Any person in possession of property subject to forfeiture at the time that it was seized. (5) If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle has been titled, inquiry of the Department of Revenue shall be made as to what the records of the Department of Revenue show as to who is the record owner of the vehicle and who, if anyone, holds any lien or security interest that affects the vehicle. (6) If the property is a motor vehicle and is not titled in the State of Mississippi, then an attempt shall be made to ascertain the name and address of the person in whose name the vehicle is licensed, and if the vehicle is licensed in a state which has in effect a certificate of title law, inquiry of the appropriate agency of that state shall be made as to what the records of the agency show as to who is the record owner of the vehicle and who, if anyone, holds any lien, security interest or other instrument in the nature of a security device that affects the vehicle. (7) If the property is of a nature that a financing statement is required by the laws of this state to be filed to perfect a security interest affecting the property and if there is any reasonable cause to believe that a financing statement covering the security interest has been filed under the laws of this state, inquiry of the appropriate office designated in Section 75-9-501, shall be made as to what the records show as to who is the record owner of the property and who, if anyone, has filed a financing statement affecting the property. (8) If the property is an aircraft or part thereof and if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, inquiry of the Mississippi Department of Transportation shall be made as to what the records of the Federal Aviation Administration show as to who is the record owner of the property and who, if anyone, holds an instrument in the nature of a security device which affects the property. (9) If the answer to an inquiry states that the record owner of the property is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust that affects the property, the record owner and also any lienholder, secured party, other person who holds an interest in the property in the nature of a security interest, or holder of an encumbrance, mortgage or deed of trust that affects the property is to be named in the petition of forfeiture and is to be served with process in the same manner as in civil cases. (10) If the owner of the property cannot be found and served with a copy of the petition of forfeiture, or if no person was in possession of the property subject to forfeiture at the time that it was seized and the owner of the property is unknown, there shall be filed with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the hearing addressed to "the Unknown Owner of _____," filling in the blank space with a reasonably detailed description of the property subject to forfeiture. Service by publication shall contain the other requisites prescribed in Section 11-33-41, and shall be served as provided in Section 11-33-37, for publication of notice for attachments at law. (11) No proceedings instituted pursuant to the provisions of this section shall proceed to hearing unless

the judge conducting the hearing is satisfied that this section has been complied with. Any answer received from an inquiry required by this section shall be introduced into evidence at the hearing.(12)(a)An owner of a property that has been seized shall file an answer within thirty (30) days after the completion of service of process. If an answer is not filed, the court shall hear evidence that the property is subject to forfeiture and forfeit the property to the seizing law enforcement agency. If an answer is filed, a time for hearing on forfeiture shall be set within thirty (30) days of filing the answer or at the succeeding term of court if court would not be in session within thirty (30) days after filing the answer. The court may postpone the forfeiture hearing to a date past the time any criminal action is pending against the owner upon request of any party.(b)If the owner of the property has filed an answer denying that the property is subject to forfeiture, then the burden is on the petitioner to prove that the property is subject to forfeiture. However, if an answer has not been filed by the owner of the property, the petition for forfeiture may be introduced into evidence and is prima facie evidence that the property is subject to forfeiture. The burden of proof placed upon the petitioner in regard to property forfeited under the provisions of this chapter shall be by a preponderance of the evidence.(c)At the hearing any claimant of any right, title or interest in the property may prove his lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust to be bona fide and created without knowledge or consent that the property was to be used so as to cause the property to be subject to forfeiture.(d)If it is found that the property is subject to forfeiture, then the judge shall forfeit the property. However, if proof at the hearing discloses that the interest of any bona fide lienholder, secured party, other person holding an interest in the property in the nature of a security interest, or any holder of a bona fide encumbrance, mortgage or deed of trust is greater than or equal to the present value of the property, the court shall order the property released to him. If the interest is less than the present value of the property and if the proof shows that the property is subject to forfeiture, the court shall order the property forfeited.(13)Unless otherwise provided herein, all personal property which is forfeited under this section shall be liquidated and, after deduction of court costs and the expense of liquidation, the proceeds shall be divided as follows:(a)If only one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, fifty percent (50%) of the proceeds shall be forwarded to the State Treasurer and deposited in the Victims of Human Trafficking and Commercial Sexual Exploitation Fund, and fifty percent (50%) shall be deposited and credited to the budget of the participating law enforcement agency.(b)If more than one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, fifty percent (50%) of the proceeds shall be forwarded to the State Treasurer and deposited in the Victims of Human Trafficking and Commercial Sexual Exploitation Fund, twenty-five percent (25%) of the proceeds shall be deposited and credited to the budget of the law enforcement agency whose officers initiated the criminal case and twenty-five percent (25%) shall be divided equitably between or among the other participating law enforcement agencies, and shall be deposited and credited to the budgets of the participating law enforcement agencies. In the event that the other participating law enforcement agencies cannot agree on the division of their twenty-five percent (25%), a petition shall be filed by any one of them in the court in which the civil forfeiture case is brought and the court shall make an equitable division.(14)All money forfeited under this section shall be divided, deposited and credited in the same manner as provided in subsection (13).(15)All real estate forfeited under the provisions of this section shall be sold to the highest and best bidder at a public auction for cash, the auction to be conducted by the chief law enforcement officer of the initiating law enforcement agency, or his designee, at such place, on such notice and in accordance with the same procedure, as far as practicable, as is required in the case of sales of land under execution at law. The proceeds of the sale shall first be applied to the cost and expense in administering and conducting the sale, then to the satisfaction of all mortgages, deeds of trust, liens and encumbrances of record on the property. The remaining proceeds shall be divided, forwarded and deposited in the same manner as provided in subsection (13).(16)(a)Any county or municipal law enforcement agency may maintain, repair, use and operate for official purposes all property described in subsection (1)(a)(i) of this section that has been forfeited to the agency if it is free from any interest of a bona fide lienholder, secured party or other party who holds an interest in the property in the nature of a security interest. The county or municipal law enforcement agency may purchase the interest of a bona fide lienholder, secured party or other party who holds an interest so that the property can be released for its use. If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law, the law enforcement agency shall be deemed to be the purchaser, and the certificate of title shall be issued to it as required by subsection (9) of this section.(b)(i)If a vehicle is forfeited to or transferred to a sheriff's department, then the sheriff may transfer the vehicle to the county for official or governmental use as the board of supervisors may direct.(ii)If a vehicle is forfeited to or transferred to a police department, then the police chief may transfer the vehicle to the municipality for official or governmental use as the governing authority of the municipality may direct.(c)If a motor vehicle forfeited to a county or municipal law enforcement agency becomes obsolete or is no longer needed for official or governmental purposes, it may be disposed of in accordance with Section 19-7-5or in the manner provided by law for disposing of municipal property.(17)The forfeiture procedure set forth in this section is the sole remedy of any claimant, and no court shall have jurisdiction to interfere therewith by replevin, injunction, supersedeas or in any other manner.Amended by Laws, 2022, ch. 427, SB 2321, § 7, eff. 7/1/2022.Added by Laws, 2013, ch. 543, HB 673, § 7, eff. 7/1/2013. (1)In addition to any other civil or criminal penalties provided by law, any property used in the commission of a violation of this act shall be forfeited as provided herein.(a)The following property shall be subject to forfeiture if used or intended for use as an instrumentality in or used in furtherance of a violation of this act:(i)Conveyances, including aircraft, vehicles or vessels;(ii)Books, records, telecommunication equipment, or computers;(iii)Money or weapons;(iv)Everything of value furnished, or intended to be furnished, in exchange for an act in violation and all proceeds traceable to the exchange;(v)Negotiable instruments and securities;(vi)Any property, real or personal, directly or indirectly acquired or received in a violation or as an inducement to violate;(vii)Any property traceable to proceeds from a violation; and(viii)Any real property, including any right, title and interest in the whole of or any part of any lot or tract of land used in

furtherance of a violation of this act.(b)(i)No property used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the property is a consenting party or privy to a violation of this act;(ii)No property is subject to forfeiture under this section by reason of any act or omission proved by the owner thereof to have been committed or omitted without his knowledge or consent; if the confiscating authority has reason to believe that the property is a leased or rented property, then the confiscating authority shall notify the owner of the property within five (5) days of the confiscation or within five (5) days of forming reason to believe that the property is a leased or rented property;(iii)Forfeiture of a property encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission.(2)No property shall be forfeited under the provisions of this section, to the extent of the interest of an owner, by reason of any act or omission established by him to have been committed or omitted without his knowledge or consent.(3)Seizure without process may be made if the seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant.(4)(a)When any property is seized under this section, proceedings shall be instituted within a reasonable period of time from the date of seizure or the subject property shall be immediately returned to the party from whom seized.(b)A petition for forfeiture shall be filed by the Attorney General or a district attorney in the name of the State of Mississippi, the county, or the municipality, and may be filed in the county in which the seizure is made, the county in which the criminal prosecution is brought, or the county in which the owner of the seized property is found. Forfeiture proceedings may be brought in the circuit court or the county court if a county court exists in the county and the value of the seized property is within the jurisdictional limits of the county court as set forth in Section9-9-21. A copy of the petition shall be served upon the following persons by service of process in the same manner as in civil cases:(i)The owner of the property, if address is known;(ii)Any secured party who has registered his lien or filed a financing statement as provided by law, if the identity of the secured party can be ascertained by the entity filing the petition by making a good faith effort to ascertain the identity of the secured party;(iii)Any other bona fide lienholder or secured party or other person holding an interest in the property in the nature of a security interest of whom the seizing law enforcement agency has actual knowledge; and(iv)Any person in possession of property subject to forfeiture at the time that it was seized.(5)If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle has been titled, inquiry of the Department of Revenue shall be made as to what the records of the Department of Revenue show as to who is the record owner of the vehicle and who, if anyone, holds any lien or security interest that affects the vehicle.(6)If the property is a motor vehicle and is not titled in the State of Mississippi, then an attempt shall be made to ascertain the name and address of the person in whose name the vehicle is licensed, and if the vehicle is licensed in a state which has in effect a certificate of title law, inquiry of the appropriate agency of that state shall be made as to what the records of the agency show as to who is the record owner of the vehicle and who, if anyone, holds any lien, security interest or other instrument in the nature of a security device that affects the vehicle.(7)If the property is of a nature that a financing statement is required by the laws of this state to be filed to perfect a security interest affecting the property and if there is any reasonable cause to believe that a financing statement covering the security interest has been filed under the laws of this state, inquiry of the appropriate office designated in Section75-9-501, shall be made as to what the records show as to who is the record owner of the property and who, if anyone, has filed a financing statement affecting the property.(8)If the property is an aircraft or part thereof and if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, inquiry of the Mississippi Department of Transportation shall be made as to what the records of the Federal Aviation Administration show as to who is the record owner of the property and who, if anyone, holds an instrument in the nature of a security device which affects the property.(9)If the answer to an inquiry states that the record owner of the property is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust that affects the property, the record owner and also any lienholder, secured party, other person who holds an interest in the property in the nature of a security interest, or holder of an encumbrance, mortgage or deed of trust that affects the property is to be named in the petition of forfeiture and is to be served with process in the same manner as in civil cases.(10)If the owner of the property cannot be found and served with a copy of the petition of forfeiture, or if no person was in possession of the property subject to forfeiture at the time that it was seized and the owner of the property is unknown, there shall be filed with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the hearing addressed to "the Unknown Owner of _____," filling in the blank space with a reasonably detailed description of the property subject to forfeiture. Service by publication shall contain the other requisites prescribed in Section11-33-41, and shall be served as provided in Section11-33-37, for publication of notice for attachments at law.(11)No proceedings instituted pursuant to the provisions of this section shall proceed to hearing unless the judge conducting the hearing is satisfied that this section has been complied with. Any answer received from an inquiry required by this section shall be introduced into evidence at the hearing.(12)(a)An owner of a property that has been seized shall file an answer within thirty (30) days after the completion of service of process. If an answer is not filed, the court shall hear evidence that the property is subject to forfeiture and forfeit the property to the seizing law enforcement agency. If an answer is filed, a time for hearing on forfeiture shall be set within thirty (30) days of filing the answer or at the succeeding term of court if court would not be in session within thirty (30) days after filing the answer. The court may postpone the forfeiture hearing to a date past the time any criminal action is pending against the owner upon request of any party.(b)If the owner of the property has filed an answer denying that the property is subject to forfeiture, then the burden is on the petitioner to prove that the property is subject to forfeiture. However, if an answer has not been filed by the owner of the property, the petition for forfeiture may be introduced into evidence and is prima facie evidence that the property is subject to forfeiture. The

burden of proof placed upon the petitioner in regard to property forfeited under the provisions of this chapter shall be by a preponderance of the evidence.(c)At the hearing any claimant of any right, title or interest in the property may prove his lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust to be bona fide and created without knowledge or consent that the property was to be used so as to cause the property to be subject to forfeiture.(d)If it is found that the property is subject to forfeiture, then the judge shall forfeit the property. However, if proof at the hearing discloses that the interest of any bona fide lienholder, secured party, other person holding an interest in the property in the nature of a security interest, or any holder of a bona fide encumbrance, mortgage or deed of trust is greater than or equal to the present value of the property, the court shall order the property released to him. If the interest is less than the present value of the property and if the proof shows that the property is subject to forfeiture, the court shall order the property forfeited.(13)Unless otherwise provided herein, all personal property which is forfeited under this section shall be liquidated and, after deduction of court costs and the expense of liquidation, the proceeds shall be divided as follows:(a)If only one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, fifty percent (50%) of the proceeds shall be forwarded to the State Treasurer and deposited in the Victims of Human Trafficking and Commercial Sexual Exploitation Fund, and fifty percent (50%) shall be deposited and credited to the budget of the participating law enforcement agency.(b)If more than one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, fifty percent (50%) of the proceeds shall be forwarded to the State Treasurer and deposited in the Victims of Human Trafficking and Commercial Sexual Exploitation Fund, twenty-five percent (25%) of the proceeds shall be deposited and credited to the budget of the law enforcement agency whose officers initiated the criminal case and twenty-five percent (25%) shall be divided equitably between or among the other participating law enforcement agencies, and shall be deposited and credited to the budgets of the participating law enforcement agencies. In the event that the other participating law enforcement agencies cannot agree on the division of their twenty-five percent (25%), a petition shall be filed by any one of them in the court in which the civil forfeiture case is brought and the court shall make an equitable division.(14)All money forfeited under this section shall be divided, deposited and credited in the same manner as provided in subsection (13).(15)All real estate forfeited under the provisions of this section shall be sold to the highest and best bidder at a public auction for cash, the auction to be conducted by the chief law enforcement officer of the initiating law enforcement agency, or his designee, at such place, on such notice and in accordance with the same procedure, as far as practicable, as is required in the case of sales of land under execution at law. The proceeds of the sale shall first be applied to the cost and expense in administering and conducting the sale, then to the satisfaction of all mortgages, deeds of trust, liens and encumbrances of record on the property. The remaining proceeds shall be divided, forwarded and deposited in the same manner as provided in subsection (13).(16)(a)Any county or municipal law enforcement agency may maintain, repair, use and operate for official purposes all property described in subsection (1)(a)(i) of this section that has been forfeited to the agency if it is free from any interest of a bona fide lienholder, secured party or other party who holds an interest in the property in the nature of a security interest. The county or municipal law enforcement agency may purchase the interest of a bona fide lienholder, secured party or other party who holds an interest so that the property can be released for its use. If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law, the law enforcement agency shall be deemed to be the purchaser, and the certificate of title shall be issued to it as required by subsection (9) of this section.(b)(i)If a vehicle is forfeited to or transferred to a sheriff's department, then the sheriff may transfer the vehicle to the county for official or governmental use as the board of supervisors may direct.(ii)If a vehicle is forfeited to or transferred to a police department, then the police chief may transfer the vehicle to the municipality for official or governmental use as the governing authority of the municipality may direct.(c)If a motor vehicle forfeited to a county or municipal law enforcement agency becomes obsolete or is no longer needed for official or governmental purposes, it may be disposed of in accordance with Section 19-7-5 or in the manner provided by law for disposing of municipal property.(17)The forfeiture procedure set forth in this section is the sole remedy of any claimant, and no court shall have jurisdiction to interfere therewith by replevin, injunction, supersedeas or in any other manner.Amended by Laws, 2022, ch. 427, SB 2321, § 7, eff. 7/1/2022.Added by Laws, 2013, ch. 543, HB 673, 7, eff. 7/1/2013. (1)In addition to any other civil or criminal penalties provided by law, any property used in the commission of a violation of this act shall be forfeited as provided herein.(a)The following property shall be subject to forfeiture if used or intended for use as an instrumentality in or used in furtherance of a violation of this act:(i)Conveyances, including aircraft, vehicles or vessels;(ii)Books, records, telecommunication equipment, or computers;(iii)Money or weapons;(iv)Everything of value furnished, or intended to be furnished, in exchange for an act in violation and all proceeds traceable to the exchange;(v)Negotiable instruments and securities;(vi)Any property, real or personal, directly or indirectly acquired or received in a violation or as an inducement to violate;(vii)Any property traceable to proceeds from a violation; and(viii)Any real property, including any right, title and interest in the whole of or any part of any lot or tract of land used in furtherance of a violation of this act.(b)(i)No property used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the property is a consenting party or privy to a violation of this act;(ii)No property is subject to forfeiture under this section by reason of any act or omission proved by the owner thereof to have been committed or omitted without his knowledge or consent; if the confiscating authority has reason to believe that the property is a leased or rented property, then the confiscating authority shall notify the owner of the property within five (5) days of the confiscation or within five (5) days of forming reason to believe that the property is a leased or rented property;(iii)Forfeiture of a property encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission.(2)No property shall be forfeited under the provisions of this section, to the extent of the interest of an owner, by reason of any act or omission established by him to have been committed or omitted without his knowledge or

consent.(3)Seizure without process may be made if the seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant.(4)(a)When any property is seized under this section, proceedings shall be instituted within a reasonable period of time from the date of seizure or the subject property shall be immediately returned to the party from whom seized.(b)A petition for forfeiture shall be filed by the Attorney General or a district attorney in the name of the State of Mississippi, the county, or the municipality, and may be filed in the county in which the seizure is made, the county in which the criminal prosecution is brought, or the county in which the owner of the seized property is found. Forfeiture proceedings may be brought in the circuit court or the county court if a county court exists in the county and the value of the seized property is within the jurisdictional limits of the county court as set forth in Section9-9-21. A copy of the petition shall be served upon the following persons by service of process in the same manner as in civil cases:(i)The owner of the property, if address is known;(ii)Any secured party who has registered his lien or filed a financing statement as provided by law, if the identity of the secured party can be ascertained by the entity filing the petition by making a good faith effort to ascertain the identity of the secured party;(iii)Any other bona fide lienholder or secured party or other person holding an interest in the property in the nature of a security interest of whom the seizing law enforcement agency has actual knowledge; and(iv)Any person in possession of property subject to forfeiture at the time that it was seized.(5)If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle has been titled, inquiry of the Department of Revenue shall be made as to what the records of the Department of Revenue show as to who is the record owner of the vehicle and who, if anyone, holds any lien or security interest that affects the vehicle.(6)If the property is a motor vehicle and is not titled in the State of Mississippi, then an attempt shall be made to ascertain the name and address of the person in whose name the vehicle is licensed, and if the vehicle is licensed in a state which has in effect a certificate of title law, inquiry of the appropriate agency of that state shall be made as to what the records of the agency show as to who is the record owner of the vehicle and who, if anyone, holds any lien, security interest or other instrument in the nature of a security device that affects the vehicle.(7)If the property is of a nature that a financing statement is required by the laws of this state to be filed to perfect a security interest affecting the property and if there is any reasonable cause to believe that a financing statement covering the security interest has been filed under the laws of this state, inquiry of the appropriate office designated in Section75-9-501, shall be made as to what the records show as to who is the record owner of the property and who, if anyone, has filed a financing statement affecting the property.(8)If the property is an aircraft or part thereof and if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, inquiry of the Mississippi Department of Transportation shall be made as to what the records of the Federal Aviation Administration show as to who is the record owner of the property and who, if anyone, holds an instrument in the nature of a security device which affects the property.(9)If the answer to an inquiry states that the record owner of the property is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust that affects the property, the record owner and also any lienholder, secured party, other person who holds an interest in the property in the nature of a security interest, or holder of an encumbrance, mortgage or deed of trust that affects the property is to be named in the petition of forfeiture and is to be served with process in the same manner as in civil cases.(10)If the owner of the property cannot be found and served with a copy of the petition of forfeiture, or if no person was in possession of the property subject to forfeiture at the time that it was seized and the owner of the property is unknown, there shall be filed with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the hearing addressed to "the Unknown Owner of _____," filling in the blank space with a reasonably detailed description of the property subject to forfeiture. Service by publication shall contain the other requisites prescribed in Section11-33-41, and shall be served as provided in Section11-33-37, for publication of notice for attachments at law.(11)No proceedings instituted pursuant to the provisions of this section shall proceed to hearing unless the judge conducting the hearing is satisfied that this section has been complied with. Any answer received from an inquiry required by this section shall be introduced into evidence at the hearing.(12)(a)An owner of a property that has been seized shall file an answer within thirty (30) days after the completion of service of process. If an answer is not filed, the court shall hear evidence that the property is subject to forfeiture and forfeit the property to the seizing law enforcement agency. If an answer is filed, a time for hearing on forfeiture shall be set within thirty (30) days of filing the answer or at the succeeding term of court if court would not be in session within thirty (30) days after filing the answer. The court may postpone the forfeiture hearing to a date past the time any criminal action is pending against the owner upon request of any party.(b)If the owner of the property has filed an answer denying that the property is subject to forfeiture, then the burden is on the petitioner to prove that the property is subject to forfeiture. However, if an answer has not been filed by the owner of the property, the petition for forfeiture may be introduced into evidence and is prima facie evidence that the property is subject to forfeiture. The burden of proof placed upon the petitioner in regard to property forfeited under the provisions of this chapter shall be by a preponderance of the evidence.(c)At the hearing any claimant of any right, title or interest in the property may prove his lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust to be bona fide and created without knowledge or consent that the property was to be used so as to cause the property to be subject to forfeiture.(d)If it is found that the property is subject to forfeiture, then the judge shall forfeit the property. However, if proof at the hearing discloses that the interest of any bona fide lienholder, secured party, other person holding an interest in the property in the nature of a security interest, or any holder of a bona fide encumbrance, mortgage or deed of trust is greater than or equal to the present value of the property, the court shall order the property released to him. If the interest is less than the present value of the property and if the proof shows that the property is subject to forfeiture, the court shall order the property forfeited.(13)Unless otherwise provided herein, all personal property which is forfeited under this section shall be

liquidated and, after deduction of court costs and the expense of liquidation, the proceeds shall be divided as follows:(a)If only one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, fifty percent (50%) of the proceeds shall be forwarded to the State Treasurer and deposited in the Victims of Human Trafficking and Commercial Sexual Exploitation Fund, and fifty percent (50%) shall be deposited and credited to the budget of the participating law enforcement agency.(b)If more than one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, fifty percent (50%) of the proceeds shall be forwarded to the State Treasurer and deposited in the Victims of Human Trafficking and Commercial Sexual Exploitation Fund, twenty-five percent (25%) of the proceeds shall be deposited and credited to the budget of the law enforcement agency whose officers initiated the criminal case and twenty-five percent (25%) shall be divided equitably between or among the other participating law enforcement agencies, and shall be deposited and credited to the budgets of the participating law enforcement agencies. In the event that the other participating law enforcement agencies cannot agree on the division of their twenty-five percent (25%), a petition shall be filed by any one of them in the court in which the civil forfeiture case is brought and the court shall make an equitable division.(14)All money forfeited under this section shall be divided, deposited and credited in the same manner as provided in subsection (13).(15)All real estate forfeited under the provisions of this section shall be sold to the highest and best bidder at a public auction for cash, the auction to be conducted by the chief law enforcement officer of the initiating law enforcement agency, or his designee, at such place, on such notice and in accordance with the same procedure, as far as practicable, as is required in the case of sales of land under execution at law. The proceeds of the sale shall first be applied to the cost and expense in administering and conducting the sale, then to the satisfaction of all mortgages, deeds of trust, liens and encumbrances of record on the property. The remaining proceeds shall be divided, forwarded and deposited in the same manner as provided in subsection (13).(16)(a)Any county or municipal law enforcement agency may maintain, repair, use and operate for official purposes all property described in subsection (1)(a)(i) of this section that has been forfeited to the agency if it is free from any interest of a bona fide lienholder, secured party or other party who holds an interest in the property in the nature of a security interest. The county or municipal law enforcement agency may purchase the interest of a bona fide lienholder, secured party or other party who holds an interest so that the property can be released for its use. If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law, the law enforcement agency shall be deemed to be the purchaser, and the certificate of title shall be issued to it as required by subsection (9) of this section.(b)(i)If a vehicle is forfeited to or transferred to a sheriff's department, then the sheriff may transfer the vehicle to the county for official or governmental use as the board of supervisors may direct.(ii)If a vehicle is forfeited to or transferred to a police department, then the police chief may transfer the vehicle to the municipality for official or governmental use as the governing authority of the municipality may direct.(c)If a motor vehicle forfeited to a county or municipal law enforcement agency becomes obsolete or is no longer needed for official or governmental purposes, it may be disposed of in accordance with Section 19-7-5 or in the manner provided by law for disposing of municipal property.(17)The forfeiture procedure set forth in this section is the sole remedy of any claimant, and no court shall have jurisdiction to interfere therewith by replevin, injunction, supersedeas or in any other manner.Amended by Laws, 2022, ch. 427, SB 2321, § 7, eff. 7/1/2022.Added by Laws, 2013, ch. 543, HB 673, § 7, eff. 7/1/2013. Amended by Laws, 2022, ch. 427, SB 2321, § 7, eff. 7/1/2022. Added by Laws, 2013, ch. 543, HB 673, § 7, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-54.9 - Statewide Human Trafficking Coordinator; duties

(1)There is created the position of statewide human trafficking coordinator within the Mississippi Bureau of Investigation of the Department of Public Safety office. The duties of the coordinator shall be as follows:(a)Coordinate the implementation of this act;(b)Evaluate state efforts to combat human trafficking;(c)Collect data on human trafficking activity within the state on an ongoing basis, including types of activities reported, efforts to combat human trafficking, and impact on victims and on the state;(d)Exclude from publicly released portions of the data collected under subsection (1)(c) the identity of any victim and the victim's family;(e)Promote public awareness about human trafficking, remedies and services for victims, and national hotline information;(f>Create and maintain a website to publicize the coordinator's work;(g)Submit to the Legislature an annual report of its evaluation under subsection (1)(b) and any other annual report required by law, including any recommendations, and summary of data collected under subsection (1)(c) and any other data otherwise required by law to be collected by the coordinator;(h)Assist in the creation and operations of local human trafficking task forces or working groups around the state, including serving on a task force or a multidisciplinary child protection team;(i)Conduct other activities, including, but not limited to, applying for grants to enhance investigation and prosecution of trafficking offenses or to improve victim services to combat human trafficking within this state which are appropriate; and(j)Perform any other duties specifically required by law for the coordinator.(2)The coordinator shall be authorized to seek input and assistance from state agencies, nongovernmental agencies, service providers and other individuals in the performance of the foregoing duties.(3)Each state agency, board and commission shall be required to fully cooperate with the coordinator in the performance of the duties of that position.(4)Every investigation of an offense under this chapter shall be reported to the coordinator by the initiating law enforcement agency pursuant to guidelines established by the coordinator.(5)Notwithstanding the provisions of Section 43-21-261, disclosure by any state agency, nongovernmental agency, service provider or local or state law enforcement agency of nonidentifying information regarding a minor victim to the coordinator for the purposes of evaluating and collecting data regarding trafficking offenses in the state is specifically authorized.Amended by Laws, 2022, ch. 427, SB 2321, § 8, eff. 7/1/2022.Amended by Laws, 2019, ch. 420, HB 571, § 12, eff. 7/1/2019.Added by Laws, 2013, ch. 543, HB 673, § 9, eff. 7/1/2013. (1)There is created the position of statewide human trafficking coordinator within the Mississippi Bureau of Investigation

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(1)There is created the position of statewide human trafficking coordinator within the Mississippi Bureau of Investigation of the Department of Public Safety office. The duties of the coordinator shall be as follows:(a)Coordinate the implementation of this act;(b)Evaluate state efforts to combat human trafficking;(c)Collect data on human trafficking activity within the state on an ongoing basis, including types of activities reported, efforts to combat human trafficking, and impact on victims and on the state;(d)Exclude from publicly released portions of the data collected under subsection (1)(c) the identity of any victim and the victim's family;(e)Promote public awareness about human trafficking, remedies and services for victims, and national hotline information;(f)Create and maintain a website to publicize the coordinator's work;(g)Submit to the Legislature an annual report of its evaluation under subsection (1)(b) and any other annual report required by law, including any recommendations, and summary of data collected under subsection (1)(c) and any other data otherwise required by law to be collected by the coordinator;(h)Assist in the creation and operations of local human trafficking task forces or working groups around the state, including serving on a task force or a multidisciplinary child protection team;(i)Conduct other activities, including, but not limited to, applying for grants to enhance investigation and prosecution of trafficking offenses or to improve victim services to combat human trafficking within this state which are appropriate; and(j)Perform any other duties specifically required by law for the coordinator.(2)The coordinator shall be authorized to seek input and assistance from state agencies, nongovernmental agencies, service providers and other individuals in the performance of the foregoing duties.(3)Each state agency, board and commission shall be required to fully cooperate with the coordinator in the performance of the duties of that position.(4)Every investigation of an offense under this chapter shall be reported to the coordinator by the initiating law enforcement agency pursuant to guidelines established by the coordinator.(5)Notwithstanding the provisions of Section43-21-261, disclosure by any state agency, nongovernmental agency, service provider or local or state law enforcement agency of nonidentifying information regarding a minor victim to the coordinator for the purposes of evaluating and collecting data regarding trafficking offenses in the state is specifically authorized.Amended by Laws, 2022, ch. 427, SB 2321,§ 8, eff. 7/1/2022.Amended by Laws, 2019, ch. 420, HB 571,§ 12, eff. 7/1/2019.Added by Laws, 2013, ch. 543, HB 673, 9, eff. 7/1/2013. Amended by Laws, 2022, ch. 427, SB 2321,§ 8, eff. 7/1/2022. Amended by Laws, 2019, ch. 420, HB 571,§ 12, eff. 7/1/2019. Added by Laws, 2013, ch. 543, HB 673, 9, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-54 - Human Trafficking Act; short title

Sections97-3-54through97-3-54.9may be known and cited as the Mississippi Human Trafficking Act.Laws, 2006, ch. 583, § 2, eff. 7/1/2006.Amended by Laws, 2013, ch. 543, HB 673, 1, eff. 7/1/2013. Sections97-3-54through97-3-54.9may be known and cited as the Mississippi Human Trafficking Act.Laws, 2006, ch. 583, § 2, eff. 7/1/2006.Amended by Laws, 2013, ch. 543, HB 673, 1, eff. 7/1/2013. Sections97-3-54through97-3-54.9may be known and cited as the Mississippi Human Trafficking Act.Laws, 2006, ch. 583, § 2, eff. 7/1/2006.Amended by Laws, 2013, ch. 543, HB 673, 1, eff. 7/1/2013. Sections97-3-54through97-3-54.9may be known and cited as the Mississippi Human Trafficking Act. Laws, 2006, ch. 583, § 2, eff. 7/1/2006. Amended by Laws, 2013, ch. 543, HB 673, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-55 - Libel; penalty

Any person who shall be convicted of writing or publishing any libel, shall be fined in such sum or imprisoned in the county jail for such term as the court, in its discretion, may adjudge, having regard to the nature and enormity of the offense, or be punished by both such fine and imprisonment.Codes, Hutchinson's 1848, ch. 65, art. 2 (61); 1857, ch 64, art. 199; 1871, § 2706; 1880, § 2195;

1892, § 1197; 1906, § 1275; Hemingway's 1917, § 1007; 1930, § 1036; 1942, § 2268. Any person who shall be convicted of writing or publishing any libel, shall be fined in such sum or imprisoned in the county jail for such term as the court, in its discretion, may adjudge, having regard to the nature and enormity of the offense, or be punished by both such fine and imprisonment. Codes, Hutchinson's 1848, ch. 65, art. 2 (61); 1857, ch 64, art. 199; 1871, § 2706; 1880, § 2195; 1892, § 1197; 1906, § 1275; Hemingway's 1917, § 1007; 1930, § 1036; 1942, § 2268. Any person who shall be convicted of writing or publishing any libel, shall be fined in such sum or imprisoned in the county jail for such term as the court, in its discretion, may adjudge, having regard to the nature and enormity of the offense, or be punished by both such fine and imprisonment. Codes, Hutchinson's 1848, ch. 65, art. 2 (61); 1857, ch 64, art. 199; 1871, § 2706; 1880, § 2195; 1892, § 1197; 1906, § 1275; Hemingway's 1917, § 1007; 1930, § 1036; 1942, § 2268. Any person who shall be convicted of writing or publishing any libel, shall be fined in such sum or imprisoned in the county jail for such term as the court, in its discretion, may adjudge, having regard to the nature and enormity of the offense, or be punished by both such fine and imprisonment. Codes, Hutchinson's 1848, ch. 65, art. 2 (61); 1857, ch 64, art. 199; 1871, § 2706; 1880, § 2195; 1892, § 1197; 1906, § 1275; Hemingway's 1917, § 1007; 1930, § 1036; 1942, § 2268.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-57 - Libel; truth as defense

In every criminal prosecution for libel it shall be lawful for the defendant, upon the trial, to give in evidence the truth of the matter written or published, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the defendant shall be acquitted. Codes, Hutchinson's 1848, ch. 64, art. 2 (60); 1857, ch. 64, art. 200; 1871, § 2707; 1880, § 2916; 1892, § 1198; 1906, § 1276; Hemingway's 1917, § 1008; 1930, § 1037; 1942, § 2269. In every criminal prosecution for libel it shall be lawful for the defendant, upon the trial, to give in evidence the truth of the matter written or published, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the defendant shall be acquitted. Codes, Hutchinson's 1848, ch. 64, art. 2 (60); 1857, ch. 64, art. 200; 1871, § 2707; 1880, § 2916; 1892, § 1198; 1906, § 1276; Hemingway's 1917, § 1008; 1930, § 1037; 1942, § 2269. In every criminal prosecution for libel it shall be lawful for the defendant, upon the trial, to give in evidence the truth of the matter written or published, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the defendant shall be acquitted. Codes, Hutchinson's 1848, ch. 64, art. 2 (60); 1857, ch. 64, art. 200; 1871, § 2707; 1880, § 2916; 1892, § 1198; 1906, § 1276; Hemingway's 1917, § 1008; 1930, § 1037; 1942, § 2269. In every criminal prosecution for libel it shall be lawful for the defendant, upon the trial, to give in evidence the truth of the matter written or published, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the defendant shall be acquitted. Codes, Hutchinson's 1848, ch. 64, art. 2 (60); 1857, ch. 64, art. 200; 1871, § 2707; 1880, § 2916; 1892, § 1198; 1906, § 1276; Hemingway's 1917, § 1008; 1930, § 1037; 1942, § 2269.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-59 - Mayhem

Every person who, from premeditated design or with intent to kill or commit any felony, shall mutilate, disfigure, disable or destroy the tongue, eye, lip, nose, or any other limb or member of any person, shall be guilty of mayhem, and, on conviction thereof, shall be punished by imprisonment in the penitentiary not more than seven years or in the county jail not less than six months. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (26); 1857, ch. 64, art. 203; 1871, § 2710; 1880, § 2920; 1892, § 1210; 1906, § 1288; Hemingway's 1917, § 1020; 1930, § 1051; 1942, § 2283. Every person who, from premeditated design or with intent to kill or commit any felony, shall mutilate, disfigure, disable or destroy the tongue, eye, lip, nose, or any other limb or member of any person, shall be guilty of mayhem, and, on conviction thereof, shall be punished by imprisonment in the penitentiary not more than seven years or in the county jail not less than six months. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (26); 1857, ch. 64, art. 203; 1871, § 2710; 1880, § 2920; 1892, § 1210; 1906, § 1288; Hemingway's 1917, § 1020; 1930, § 1051; 1942, § 2283. Every person who, from premeditated design or with intent to kill or commit any felony, shall mutilate, disfigure, disable or destroy the tongue, eye, lip, nose, or any other limb or member of any person, shall be guilty of mayhem, and, on conviction thereof, shall be punished by imprisonment in the penitentiary not more than seven years or in the county jail not less than six months. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (26); 1857, ch. 64, art. 203; 1871, § 2710; 1880, § 2920; 1892, § 1210; 1906, § 1288; Hemingway's 1917, § 1020; 1930, § 1051; 1942, § 2283. Every person who, from premeditated design or with intent to kill or commit any felony, shall mutilate, disfigure, disable or destroy the tongue, eye, lip, nose, or any other limb or member of any person, shall be guilty of mayhem, and, on conviction thereof, shall be punished by imprisonment in the penitentiary not more than seven years or in the county jail not less than six months. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (26); 1857, ch. 64, art. 203; 1871, § 2710; 1880, § 2920; 1892, § 1210; 1906, § 1288; Hemingway's 1917, § 1020; 1930, § 1051; 1942, § 2283.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-61 - Poisoning with intent to kill or injure

Every person who shall mingle any poison with any food, drink, or medicine with intent to kill or injure any human being, or who shall wilfully poison any well, spring, or reservoir of water, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding ten years, or in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (35); 1857, ch. 64, art. 214; 1871, § 2670; 1880, § 2937; 1892, § 1255; 1906, § 1331;

Hemingway's 1917, § 1064; 1930, § 1095; 1942, § 2328. Every person who shall mingle any poison with any food, drink, or medicine with intent to kill or injure any human being, or who shall wilfully poison any well, spring, or reservoir of water, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding ten years, or in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (35); 1857, ch. 64, art. 214; 1871, § 2670; 1880, § 2937; 1892, § 1255; 1906, § 1331; Hemingway's 1917, § 1064; 1930, § 1095; 1942, § 2328. Every person who shall mingle any poison with any food, drink, or medicine with intent to kill or injure any human being, or who shall wilfully poison any well, spring, or reservoir of water, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding ten years, or in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (35); 1857, ch. 64, art. 214; 1871, § 2670; 1880, § 2937; 1892, § 1255; 1906, § 1331; Hemingway's 1917, § 1064; 1930, § 1095; 1942, § 2328. Every person who shall mingle any poison with any food, drink, or medicine with intent to kill or injure any human being, or who shall wilfully poison any well, spring, or reservoir of water, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding ten years, or in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (35); 1857, ch. 64, art. 214; 1871, § 2670; 1880, § 2937; 1892, § 1255; 1906, § 1331; Hemingway's 1917, § 1064; 1930, § 1095; 1942, § 2328.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-63 - Poisoning with intent to kill; where death does not ensue

Every person who shall be convicted of having administered, or having caused or procured to be administered, any poison to any human being with intent to kill such human being, whereof death shall not ensue, shall be punished by imprisonment in the penitentiary for a term not less than ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (34); 1857, ch 64, art. 213, 1871; § 2669; 1880, § 2936; 1892, § 1254; 1906, § 1330; Hemingway's 1917, § 1063; 1930, § 1094; 1942, § 2327. Every person who shall be convicted of having administered, or having caused or procured to be administered, any poison to any human being with intent to kill such human being, whereof death shall not ensue, shall be punished by imprisonment in the penitentiary for a term not less than ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (34); 1857, ch 64, art. 213, 1871; § 2669; 1880, § 2936; 1892, § 1254; 1906, § 1330; Hemingway's 1917, § 1063; 1930, § 1094; 1942, § 2327. Every person who shall be convicted of having administered, or having caused or procured to be administered, any poison to any human being with intent to kill such human being, whereof death shall not ensue, shall be punished by imprisonment in the penitentiary for a term not less than ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (34); 1857, ch 64, art. 213, 1871; § 2669; 1880, § 2936; 1892, § 1254; 1906, § 1330; Hemingway's 1917, § 1063; 1930, § 1094; 1942, § 2327.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-65 - Statutory rape; enhanced penalty for forcible sexual intercourse or statutory rape by administering certain substances; criminal sexual assault protection order

(1) The crime of statutory rape is committed when: (a) Any person seventeen (17) years of age or older has sexual intercourse with a child who: (i) Is at least fourteen (14) but under sixteen (16) years of age; (ii) Is thirty-six (36) or more months younger than the person; and (iii) Is not the person's spouse; or (b) A person of any age has sexual intercourse with a child who: (i) Is under the age of fourteen (14) years; and (ii) Is twenty-four (24) or more months younger than the person. (2) Neither the victim's consent nor the victim's lack of chastity is a defense to a charge of statutory rape. (3) Upon conviction for statutory rape, the defendant shall be sentenced as follows: (a) If eighteen (18) years of age or older, but under twenty-one (21) years of age, and convicted under subsection (1)(a) of this section, to imprisonment for not more than five (5) years in the State Penitentiary or a fine of not more than Five Thousand Dollars (\$5,000.00), or both; (b) If twenty-one (21) years of age or older and convicted under subsection (1)(a) of this section, to imprisonment of not more than thirty (30) years in the State Penitentiary or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both, for the first offense, and not more than forty (40) years in the State Penitentiary for each subsequent offense; (c) If eighteen (18) years of age or older and convicted under subsection (1)(b) of this section, to imprisonment for life in the State Penitentiary or such lesser term of imprisonment as the court may determine, but not less than twenty (20) years; (d) If thirteen (13) years of age or older but under eighteen (18) years of age and convicted under subsection (1)(a) or (1)(b) of this section, such imprisonment, fine or other sentence as the court, in its discretion, may determine. (4) (a) Every person who shall have forcible sexual intercourse with any person, or who shall have sexual intercourse not constituting forcible sexual intercourse or statutory rape with any person without that person's consent by administering to such person any substance or liquid which shall produce such stupor or such imbecility of mind or weakness of body as to prevent effectual resistance, upon conviction, shall be imprisoned for life in the State Penitentiary if the jury by its verdict so prescribes; and in cases where the jury fails to fix the penalty at life imprisonment, the court shall fix the penalty at imprisonment in the State Penitentiary for any term as the court, in its discretion, may determine. (b) This subsection (4) shall apply whether the perpetrator is married to the victim or not. (5) In all cases where a victim is under the age of sixteen (16) years, it shall not be necessary to prove penetration where it is shown the genitals, anus or perineum of the child have been lacerated or torn in the attempt to have sexual intercourse with the child. (6) (a) Upon conviction under this

section, the court may issue a criminal sexual assault protection order prohibiting the offender from any contact with the victim, without regard to the relationship between the victim and offender. The court may include in a criminal sexual assault protection order any relief available under Section 93-21-15. The term of a criminal sexual assault protection order shall be for a time period determined by the court, but all orders shall, at a minimum, remain in effect for a period of two (2) years after the expiration of any sentence of imprisonment and subsequent period of community supervision, conditional release, probation, or parole. Upon issuance of a criminal sexual assault protection order, the clerk of the issuing court shall enter the order in the Mississippi Protection Order Registry within twenty-four (24) hours of issuance, with no exceptions for weekends or holidays as provided in Section 93-21-25, and a copy must be provided to both the victim and offender.

(b) Criminal sexual assault protection orders shall be issued on the standardized form developed by the Office of the Attorney General.

(c) It is a misdemeanor to knowingly violate any condition of a criminal sexual assault protection order. Upon conviction for a violation, the defendant shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both. Any sentence imposed for the violation of a criminal sexual assault protection order shall run consecutively to any other sentences imposed on the offender. The court shall also be empowered to extend the criminal sexual assault protection order for a period of one (1) year for each violation. The incarceration of a person at the time of the violation is not a bar to prosecution under this section. Nothing in this subsection shall be construed to prohibit the imposition of any other penalties or disciplinary action otherwise allowed by law or policy.

(7) For the purposes of this section, "sexual intercourse" shall mean a joining of the sexual organs of a male and female human being in which the penis of the male is inserted into the vagina of the female or the penetration of the sexual organs of a male or female human being in which the penis or an object is inserted into the genitals, anus or perineum of a male or female.

Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (22); 1857, ch. 64, art. 218; 1871, § 2672; 1880, § 2942; 1892, § 1281; 1906, § 1358; Hemingway's 1917, § 1092; 1930, § 1122; 1942, § 2358; Laws, 1908, ch. 171; Laws, 1974, ch. 576, § 8; Laws, 1977, ch. 458, § 7; Laws, 1985, ch. 389, § 3; Laws, 1993, ch. 497, § 1; Laws, 1998, ch. 549, § 2; Laws, 2007, ch. 335, § 1, eff. 3/14/2007. Amended by Laws, 2023, ch. 483, HB 995, § 3, eff. 7/1/2023. Amended by Laws, 2017, ch. 414, HB 1356, 1, eff. 4/6/2017.

(1) The crime of statutory rape is committed when:

(a) Any person seventeen (17) years of age or older has sexual intercourse with a child who:

(i) Is at least fourteen (14) but under sixteen (16) years of age;

(ii) Is thirty-six (36) or more months younger than the person; and

(iii) Is not the person's spouse;

or

(b) A person of any age has sexual intercourse with a child who:

(i) Is under the age of fourteen (14) years; and

(ii) Is twenty-four (24) or more months younger than the person.

(2) Neither the victim's consent nor the victim's lack of chastity is a defense to a charge of statutory rape.

(3) Upon conviction for statutory rape, the defendant shall be sentenced as follows:

(a) If eighteen (18) years of age or older, but under twenty-one (21) years of age, and convicted under subsection (1)(a) of this section, to imprisonment for not more than five (5) years in the State Penitentiary or a fine of not more than Five Thousand Dollars (\$5,000.00), or both;

(b) If twenty-one (21) years of age or older and convicted under subsection (1)(a) of this section, to imprisonment of not more than thirty (30) years in the State Penitentiary or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both, for the first offense, and not more than forty (40) years in the State Penitentiary for each subsequent offense;

(c) If eighteen (18) years of age or older and convicted under subsection (1)(b) of this section, to imprisonment for life in the State Penitentiary or such lesser term of imprisonment as the court may determine, but not less than twenty (20) years;

(d) If thirteen (13) years of age or older but under eighteen (18) years of age and convicted under subsection (1)(a) or (1)(b) of this section, such imprisonment, fine or other sentence as the court, in its discretion, may determine.

(4) (a) Every person who shall have forcible sexual intercourse with any person, or who shall have sexual intercourse not constituting forcible sexual intercourse or statutory rape with any person without that person's consent by administering to such person any substance or liquid which shall produce such stupor or such imbecility of mind or weakness of body as to prevent effectual resistance, upon conviction, shall be imprisoned for life in the State Penitentiary if the jury by its verdict so prescribes; and in cases where the jury fails to fix the penalty at life imprisonment, the court shall fix the penalty at imprisonment in the State Penitentiary for any term as the court, in its discretion, may determine.

(b) This subsection (4) shall apply whether the perpetrator is married to the victim or not.

(5) In all cases where a victim is under the age of sixteen (16) years, it shall not be necessary to prove penetration where it is shown the genitals, anus or perineum of the child have been lacerated or torn in the attempt to have sexual intercourse with the child.

(6) (a) Upon conviction under this section, the court may issue a criminal sexual assault protection order prohibiting the offender from any contact with the victim, without regard to the relationship between the victim and offender. The court may include in a criminal sexual assault protection order any relief available under Section 93-21-15. The term of a criminal sexual assault protection order shall be for a time period determined by the court, but all orders shall, at a minimum, remain in effect for a period of two (2) years after the expiration of any sentence of imprisonment and subsequent period of community supervision, conditional release, probation, or parole. Upon issuance of a criminal sexual assault protection order, the clerk of the issuing court shall enter the order in the Mississippi Protection Order Registry within twenty-four (24) hours of issuance, with no exceptions for weekends or holidays as provided in Section 93-21-25, and a copy must be provided to both the victim and offender.

(b) Criminal sexual assault protection orders shall be issued on the standardized form developed by the Office of the Attorney General.

(c) It is a misdemeanor to knowingly violate any condition of a criminal sexual assault protection order. Upon conviction for a violation, the defendant shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both. Any sentence imposed for the violation of a criminal sexual assault protection order shall run consecutively to any other sentences imposed on the offender. The court shall also be empowered to extend the criminal sexual assault protection order for a period of one (1) year for each violation. The incarceration of a person at the time of the violation is not a bar to prosecution under this section. Nothing in this subsection shall be construed to prohibit the imposition of any other penalties or disciplinary action otherwise allowed by law or

policy.(7)For the purposes of this section, "sexual intercourse" shall mean a joining of the sexual organs of a male and female human being in which the penis of the male is inserted into the vagina of the female or the penetration of the sexual organs of a male or female human being in which the penis or an object is inserted into the genitals, anus or perineum of a male or female.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (22); 1857, ch. 64, art. 218; 1871, § 2672; 1880, § 2942; 1892, § 1281; 1906, § 1358; Hemingway's 1917, § 1092; 1930, § 1122; 1942, § 2358; Laws, 1908, ch. 171; Laws, 1974, ch. 576, § 8; Laws, 1977, ch. 458, § 7; Laws, 1985, ch. 389, § 3; Laws, 1993, ch. 497, § 1; Laws, 1998, ch. 549, § 2; Laws, 2007, ch. 335, § 1, eff. 3/14/2007.Amended by Laws, 2023, ch. 483, HB 995,§ 3, eff. 7/1/2023.Amended by Laws, 2017, ch. 414, HB 1356, 1, eff. 4/6/2017. (1)The crime of statutory rape is committed when:(a)Any person seventeen (17) years of age or older has sexual intercourse with a child who:(i)Is at least fourteen (14) but under sixteen (16) years of age;(ii)Is thirty-six (36) or more months younger than the person; and(iii)Is not the person's spouse; or(b)A person of any age has sexual intercourse with a child who:(i)Is under the age of fourteen (14) years; and(ii)Is twenty-four (24) or more months younger than the person.(2)Neither the victim's consent nor the victim's lack of chastity is a defense to a charge of statutory rape.(3)Upon conviction for statutory rape, the defendant shall be sentenced as follows:(a)If eighteen (18) years of age or older, but under twenty-one (21) years of age, and convicted under subsection (1)(a) of this section, to imprisonment for not more than five (5) years in the State Penitentiary or a fine of not more than Five Thousand Dollars (\$5,000.00), or both;(b)If twenty-one (21) years of age or older and convicted under subsection (1)(a) of this section, to imprisonment of not more than thirty (30) years in the State Penitentiary or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both, for the first offense, and not more than forty (40) years in the State Penitentiary for each subsequent offense;(c)If eighteen (18) years of age or older and convicted under subsection (1)(b) of this section, to imprisonment for life in the State Penitentiary or such lesser term of imprisonment as the court may determine, but not less than twenty (20) years;(d)If thirteen (13) years of age or older but under eighteen (18) years of age and convicted under subsection (1)(a) or (1)(b) of this section, such imprisonment, fine or other sentence as the court, in its discretion, may determine.(4)(a)Every person who shall have forcible sexual intercourse with any person, or who shall have sexual intercourse not constituting forcible sexual intercourse or statutory rape with any person without that person's consent by administering to such person any substance or liquid which shall produce such stupor or such imbecility of mind or weakness of body as to prevent effectual resistance, upon conviction, shall be imprisoned for life in the State Penitentiary if the jury by its verdict so prescribes; and in cases where the jury fails to fix the penalty at life imprisonment, the court shall fix the penalty at imprisonment in the State Penitentiary for any term as the court, in its discretion, may determine.(b)This subsection (4) shall apply whether the perpetrator is married to the victim or not.(5)In all cases where a victim is under the age of sixteen (16) years, it shall not be necessary to prove penetration where it is shown the genitals, anus or perineum of the child have been lacerated or torn in the attempt to have sexual intercourse with the child.(6)(a)Upon conviction under this section, the court may issue a criminal sexual assault protection order prohibiting the offender from any contact with the victim, without regard to the relationship between the victim and offender. The court may include in a criminal sexual assault protection order any relief available under Section93-21-15. The term of a criminal sexual assault protection order shall be for a time period determined by the court, but all orders shall, at a minimum, remain in effect for a period of two (2) years after the expiration of any sentence of imprisonment and subsequent period of community supervision, conditional release, probation, or parole. Upon issuance of a criminal sexual assault protection order, the clerk of the issuing court shall enter the order in the Mississippi Protection Order Registry within twenty-four (24) hours of issuance, with no exceptions for weekends or holidays as provided in Section93-21-25, and a copy must be provided to both the victim and offender.(b)Criminal sexual assault protection orders shall be issued on the standardized form developed by the Office of the Attorney General.(c)It is a misdemeanor to knowingly violate any condition of a criminal sexual assault protection order. Upon conviction for a violation, the defendant shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both. Any sentence imposed for the violation of a criminal sexual assault protection order shall run consecutively to any other sentences imposed on the offender. The court shall also be empowered to extend the criminal sexual assault protection order for a period of one (1) year for each violation. The incarceration of a person at the time of the violation is not a bar to prosecution under this section. Nothing in this subsection shall be construed to prohibit the imposition of any other penalties or disciplinary action otherwise allowed by law or policy.(7)For the purposes of this section, "sexual intercourse" shall mean a joining of the sexual organs of a male and female human being in which the penis of the male is inserted into the vagina of the female or the penetration of the sexual organs of a male or female human being in which the penis or an object is inserted into the genitals, anus or perineum of a male or female.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (22); 1857, ch. 64, art. 218; 1871, § 2672; 1880, § 2942; 1892, § 1281; 1906, § 1358; Hemingway's 1917, § 1092; 1930, § 1122; 1942, § 2358; Laws, 1908, ch. 171; Laws, 1974, ch. 576, § 8; Laws, 1977, ch. 458, § 7; Laws, 1985, ch. 389, § 3; Laws, 1993, ch. 497, § 1; Laws, 1998, ch. 549, § 2; Laws, 2007, ch. 335, § 1, eff. 3/14/2007.Amended by Laws, 2023, ch. 483, HB 995,§ 3, eff. 7/1/2023.Amended by Laws, 2017, ch. 414, HB 1356, 1, eff. 4/6/2017. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (22); 1857, ch. 64, art. 218; 1871, § 2672; 1880, § 2942; 1892, § 1281; 1906, § 1358; Hemingway's 1917, § 1092; 1930, § 1122; 1942, § 2358; Laws, 1908, ch. 171; Laws, 1974, ch. 576, § 8; Laws, 1977, ch. 458, § 7; Laws, 1985, ch. 389, § 3; Laws, 1993, ch. 497, § 1; Laws, 1998, ch. 549, § 2; Laws, 2007, ch. 335, § 1, eff. 3/14/2007. Amended by Laws, 2023, ch. 483, HB 995,§ 3, eff. 7/1/2023. Amended by Laws, 2017, ch. 414, HB 1356, 1, eff. 4/6/2017.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-68 - Rape; procedure for introducing evidence of sexual conduct of complaining witness; "complaining witness" defined

(1) In any prosecution for rape under Section 97-3-65 or 97-3-71, if evidence of sexual conduct of the complaining witness is offered to attack the credibility of said complaining witness, the following procedure shall be followed: (a) A written motion shall be made by the defendant to the court and prosecutor stating that the defense has an offer of proof of the relevancy of evidence of the sexual conduct of the complaining witness proposed to be presented and its relevancy in attacking the credibility of the complaining witness. (b) The written motion shall be accompanied by an affidavit in which the offer of proof shall be stated. (c) If the court finds that the offer of proof is sufficient, the court shall order a closed hearing in chambers, out of the presence of the jury, if any, and at such closed hearing allow the questioning of the complaining witness regarding the offer of proof made by the defendant. (d) At the conclusion of the hearing, if the court finds that evidence proposed to be offered by the defendant regarding the sexual conduct of the complaining witness is relevant and otherwise admissible, the court may make an order stating what evidence may be introduced by the defendant, and the nature of the questions to be permitted. The defendant may then offer evidence pursuant to the order of the court. (2) As used in this section and Section 97-3-70, "complaining witness" means the alleged victim of the crime charged, the prosecution of which is subject to this section. Laws, 1977, ch. 438, § 1, eff. 7/1/1977. Amended by Laws, 2023, ch. 483, HB 995, § 4, eff. 7/1/2023. (1) In any prosecution for rape under Section 97-3-65 or 97-3-71, if evidence of sexual conduct of the complaining witness is offered to attack the credibility of said complaining witness, the following procedure shall be followed: (a) A written motion shall be made by the defendant to the court and prosecutor stating that the defense has an offer of proof of the relevancy of evidence of the sexual conduct of the complaining witness proposed to be presented and its relevancy in attacking the credibility of the complaining witness. (b) The written motion shall be accompanied by an affidavit in which the offer of proof shall be stated. (c) If the court finds that the offer of proof is sufficient, the court shall order a closed hearing in chambers, out of the presence of the jury, if any, and at such closed hearing allow the questioning of the complaining witness regarding the offer of proof made by the defendant. (d) At the conclusion of the hearing, if the court finds that evidence proposed to be offered by the defendant regarding the sexual conduct of the complaining witness is relevant and otherwise admissible, the court may make an order stating what evidence may be introduced by the defendant, and the nature of the questions to be permitted. The defendant may then offer evidence pursuant to the order of the court. (2) As used in this section and Section 97-3-70, "complaining witness" means the alleged victim of the crime charged, the prosecution of which is subject to this section. Laws, 1977, ch. 438, § 1, eff. 7/1/1977. Amended by Laws, 2023, ch. 483, HB 995, § 4, eff. 7/1/2023. (1) In any prosecution for rape under Section 97-3-65 or 97-3-71, if evidence of sexual conduct of the complaining witness is offered to attack the credibility of said complaining witness, the following procedure shall be followed: (a) A written motion shall be made by the defendant to the court and prosecutor stating that the defense has an offer of proof of the relevancy of evidence of the sexual conduct of the complaining witness proposed to be presented and its relevancy in attacking the credibility of the complaining witness. (b) The written motion shall be accompanied by an affidavit in which the offer of proof shall be stated. (c) If the court finds that the offer of proof is sufficient, the court shall order a closed hearing in chambers, out of the presence of the jury, if any, and at such closed hearing allow the questioning of the complaining witness regarding the offer of proof made by the defendant. (d) At the conclusion of the hearing, if the court finds that evidence proposed to be offered by the defendant regarding the sexual conduct of the complaining witness is relevant and otherwise admissible, the court may make an order stating what evidence may be introduced by the defendant, and the nature of the questions to be permitted. The defendant may then offer evidence pursuant to the order of the court. (2) As used in this section and Section 97-3-70, "complaining witness" means the alleged victim of the crime charged, the prosecution of which is subject to this section. Laws, 1977, ch. 438, § 1, eff. 7/1/1977. Amended by Laws, 2023, ch. 483, HB 995, § 4, eff. 7/1/2023. Laws, 1977, ch. 438, § 1, eff. 7/1/1977. Amended by Laws, 2023, ch. 483, HB 995, § 4, eff. 7/1/2023.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-69 - Rape; uncorroborated testimony of victim insufficient

In the trial of all cases under Section 97-3-68, no person shall be convicted upon the uncorroborated testimony of the injured person. Codes, Hemingway's 1917, § 1094; 1930, § 1124; 1942, § 2360; Laws, 1914, ch. 171. Amended by Laws, 2023, ch. 483, HB 995, § 1, eff. 7/1/2023. In the trial of all cases under Section 97-3-68, no person shall be convicted upon the uncorroborated testimony of the injured person. Codes, Hemingway's 1917, § 1094; 1930, § 1124; 1942, § 2360; Laws, 1914, ch. 171. Amended by Laws, 2023, ch. 483, HB 995, § 1, eff. 7/1/2023. In the trial of all cases under Section 97-3-68, no person shall be convicted upon the uncorroborated testimony of the injured person. Codes, Hemingway's 1917, § 1094; 1930, § 1124; 1942, § 2360; Laws, 1914, ch. 171. Amended by Laws, 2023, ch. 483, HB 995, § 1, eff. 7/1/2023. In the trial of all cases under Section 97-3-68, no person shall be convicted upon the uncorroborated testimony of the injured person. Codes, Hemingway's 1917, § 1094; 1930, § 1124; 1942, § 2360; Laws, 1914, ch. 171. Amended by Laws, 2023, ch. 483, HB 995, § 1, eff. 7/1/2023.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-7 - Simple assault; aggravated assault; simple domestic violence; simple domestic violence third; aggravated domestic violence; aggravated domestic violence third

(1) (a) A person is guilty of simple assault if he or she (i) attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; (ii) negligently causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or (iii) attempts by physical menace to put another in fear of imminent serious bodily harm; and, upon conviction, he or she shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both. (b) However, a person convicted of simple assault upon any of the persons listed in subsection (14)

of this section under the circumstances enumerated in subsection (14) shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than five (5) years, or both.(2)(a)A person is guilty of aggravated assault if he or she (i) attempts to cause serious bodily injury to another, or causes such injury purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life; (ii) attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or (iii) causes any injury to a child who is in the process of boarding or exiting a school bus in the course of a violation of Section63-3-615; and, upon conviction, he or she shall be punished by imprisonment in the county jail for not more than one (1) year or sentenced to the custody of the Department of Corrections for not more than twenty (20) years.(b)However, a person convicted of aggravated assault upon any of the persons listed in subsection (14) of this section under the circumstances enumerated in subsection (14) shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment for not more than thirty (30) years, or both.(3)(a)When the offense is committed against a current or former spouse of the defendant or a child of that person, a person living as a spouse or who formerly lived as a spouse with the defendant or a child of that person, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, a person who has a current or former dating relationship with the defendant, or a person with whom the defendant has had a biological or legally adopted child, a person is guilty of simple domestic violence who:(i)Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another;(ii)Negligently causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or(iii)Attempts by physical menace to put another in fear of imminent serious bodily harm.Upon conviction, the defendant shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both.(b)Simple domestic violence: third.A person is guilty of the felony of simple domestic violence third who commits simple domestic violence as defined in this subsection (3) and who, at the time of the commission of the offense in question, has two (2) prior convictions, whether against the same or another victim, within seven (7) years, for any combination of simple domestic violence under this subsection (3) or aggravated domestic violence as defined in subsection (4) of this section or substantially similar offenses under the law of another state, of the United States, or of a federally recognized Native American tribe. Upon conviction, the defendant shall be sentenced to a term of imprisonment not less than five (5) nor more than ten (10) years.(4)(a)When the offense is committed against a current or former spouse of the defendant or a child of that person, a person living as a spouse or who formerly lived as a spouse with the defendant or a child of that person, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, a person who has a current or former dating relationship with the defendant, or a person with whom the defendant has had a biological or legally adopted child, a person is guilty of aggravated domestic violence who:(i)Attempts to cause serious bodily injury to another, or causes such an injury purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life;(ii)Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or(iii)Strangles, or attempts to strangle another.Upon conviction, the defendant shall be punished by imprisonment in the custody of the Department of Corrections for not less than two (2) nor more than twenty (20) years.(b)Aggravated domestic violence; third.A person is guilty of aggravated domestic violence third who, at the time of the commission of that offense, commits aggravated domestic violence as defined in this subsection (4) and who has two (2) prior convictions within the past seven (7) years, whether against the same or another victim, for any combination of aggravated domestic violence under this subsection (4) or simple domestic violence third as defined in subsection (3) of this section, or substantially similar offenses under the laws of another state, of the United States, or of a federally recognized Native American tribe. Upon conviction for aggravated domestic violence third, the defendant shall be sentenced to a term of imprisonment of not less than ten (10) nor more than twenty (20) years.(5)Sentencing for fourth or subsequent domestic violence offense.Any person who commits an offense defined in subsection (3) or (4) of this section, and who, at the time of the commission of that offense, has at least three (3) previous convictions, whether against the same or different victims, for any combination of offenses defined in subsections (3) and (4) of this section or substantially similar offenses under the law of another state, of the United States, or of a federally recognized Native American tribe, shall, upon conviction, be sentenced to imprisonment for not less than fifteen (15) years nor more than twenty (20) years.(6)In sentencing under subsections (3), (4) and (5) of this section, the court shall consider as an aggravating factor whether the crime was committed in the physical presence or hearing of a child under sixteen (16) years of age who was, at the time of the offense, living within either the residence of the victim, the residence of the perpetrator, or the residence where the offense occurred.(7)Reasonable discipline of a child, such as spanking, is not an offense under subsections (3) and (4) of this section.(8)A person convicted under subsection (4) or (5) of this section shall not be eligible for parole under the provisions of Section47-7-3(1)(c)until he or she shall have served one (1) year of his or her sentence.(9)For the purposes of this section:(a)"Strangle" means to restrict the flow of oxygen or blood by intentionally applying pressure on the neck, throat or chest of another person by any means or to intentionally block the nose or mouth of another person by any means.(b)"Dating relationship" means a social relationship as defined in Section93-21-3.(10)Every conviction under subsection (3), (4) or (5) of this section may require as a condition of any suspended sentence that the defendant participate in counseling or treatment to bring about the cessation of domestic abuse. The defendant may be required to pay all or part of the cost of the counseling or treatment, in the discretion of the court.(11)(a)Upon conviction under subsection (3), (4) or (5) of this section, the court shall be empowered to issue a criminal protection order prohibiting the defendant from any contact with the victim. The court may include in a criminal protection order any other condition available under Section93-21-15. The duration of a criminal protection order shall be based upon the seriousness of the facts before the court, the probability of future violations, and the continued safety of the victim or another person. However, municipal and justice courts may issue criminal protection orders for

a maximum period of time not to exceed one (1) year. Circuit and county courts may issue a criminal protection order for any period of time deemed necessary. Upon issuance of a criminal protection order, the clerk of the issuing court shall enter the order in the Mississippi Protection Order Registry within twenty-four (24) hours of issuance with no exceptions for weekends or holidays, pursuant to Section 93-21-25.(b) A criminal protection order shall not be issued against the defendant if the victim of the offense, or the victim's lawful representative where the victim is a minor or incompetent person, objects to its issuance, except in circumstances where the court, in its discretion, finds that a criminal protection order is necessary for the safety and well-being of a victim who is a minor child or incompetent adult.(c) Criminal protection orders shall be issued on the standardized form developed by the Office of the Attorney General and a copy provided to both the victim and the defendant.(d) It shall be a misdemeanor to knowingly violate any condition of a criminal protection order. Upon conviction for a violation, the defendant shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both.(12) When investigating allegations of a violation of subsection (3), (4), (5) or (11) of this section, whether or not an arrest results, law enforcement officers shall utilize the form prescribed for such purposes by the Office of the Attorney General in consultation with the sheriff's and police chief's associations. However, failure of law enforcement to utilize the uniform offense report shall not be a defense to a crime charged under this section. The uniform offense report shall not be required if, upon investigation, the offense does not involve persons in the relationships specified in subsections (3) and (4) of this section.(13) In any conviction under subsection (3), (4), (5) or (11) of this section, the sentencing order shall include the designation "domestic violence." The court clerk shall enter the disposition of the matter into the corresponding uniform offense report.(14) Assault upon any of the following listed persons is an aggravating circumstance for charging under subsections (1)(b) and (2)(b) of this section:(a) When acting within the scope of his or her duty, office or employment at the time of the assault: a statewide elected official; law enforcement officer; fireman; emergency medical personnel; health care provider; employees of a health care provider or health care facility; social worker, family protection specialist or family protection worker employed by the Department of Human Services or another agency; Division of Youth Services personnel; any county or municipal jail officer; superintendent, principal, teacher or other instructional personnel, school attendance officer or school bus driver; any member of the Mississippi National Guard or United States Armed Forces; a judge of a circuit, chancery, county, justice, municipal or youth court or a judge of the Court of Appeals or a justice of the Supreme Court; district attorney or legal assistant to a district attorney; county prosecutor or municipal prosecutor; court reporter employed by a court, court administrator, clerk or deputy clerk of the court; public defender; or utility worker;(b) A legislator while the Legislature is in regular or extraordinary session or while otherwise acting within the scope of his or her duty, office or employment; or(c) A person who is sixty-five (65) years of age or older or a person who is a vulnerable person, as defined in Section 43-47-5. Codes, 1857, ch. 64, art. 18; 1871, § 2497; 1880, § 2711; 1892, § 967; 1906, § 1043; Hemingway's 1917, § 771; 1930, § 787; 1942, § 2011; Laws, 1974, ch. 458, § 1; Laws, 1992, ch. 431, § 2; Laws, 1993, ch. 580, § 1; Laws, 1998, ch. 425, § 1; Laws, 1998, ch. 525, § 1; Laws, 1999, ch. 552, § 2; Laws, 2000, ch. 552, § 1; Laws, 2001, ch. 566, § 1; Laws, 2002, ch. 353, § 1; Laws, 2004, ch. 489, § 9; Laws, 2006, ch. 589, § 1; Laws, 2006, ch. 600, § 11; Laws, 2007, ch. 589, § 10; Laws, 2008, ch. 391, § 2; Laws, 2008, ch. 553, § 1; Laws, 2009, ch. 433, § 3; Laws, 2010, ch. 536, § 1; Laws, 2011, ch. 481, § 3; Laws, 2012, ch. 514, § 8, eff. 7/1/2012. Amended by Laws, 2019, ch. 341, HB 1465, § 1, eff. 7/1/2019. Amended by Laws, 2016, ch. 346, SB 2468, 1, eff. 7/1/2016. Amended by Laws, 2015, ch. 397, HB 172, 1, eff. 7/1/2015. Amended by Laws, 2015, ch. 332, HB 556, 3, eff. 7/1/2015. Amended by Laws, 2014, ch. 463, SB 2476, 1, eff. 7/1/2014. Amended by Laws, 2013, ch. 565, HB 709, 1, eff. 7/1/2013.

(1)(a) A person is guilty of simple assault if he or she (i) attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; (ii) negligently causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or (iii) attempts by physical menace to put another in fear of imminent serious bodily harm; and, upon conviction, he or she shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both.(b) However, a person convicted of simple assault upon any of the persons listed in subsection (14) of this section under the circumstances enumerated in subsection (14) shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than five (5) years, or both.(2)(a) A person is guilty of aggravated assault if he or she (i) attempts to cause serious bodily injury to another, or causes such injury purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life; (ii) attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or (iii) causes any injury to a child who is in the process of boarding or exiting a school bus in the course of a violation of Section 63-3-615; and, upon conviction, he or she shall be punished by imprisonment in the county jail for not more than one (1) year or sentenced to the custody of the Department of Corrections for not more than twenty (20) years.(b) However, a person convicted of aggravated assault upon any of the persons listed in subsection (14) of this section under the circumstances enumerated in subsection (14) shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment for not more than thirty (30) years, or both.(3)(a) When the offense is committed against a current or former spouse of the defendant or a child of that person, a person living as a spouse or who formerly lived as a spouse with the defendant or a child of that person, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, a person who has a current or former dating relationship with the defendant, or a person with whom the defendant has had a biological or legally adopted child, a person is guilty of simple domestic violence who:(i) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another;(ii) Negligently causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or (iii) Attempts by physical menace to put another in fear of imminent serious bodily harm. Upon conviction, the defendant shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or

both.(b)Simple domestic violence: third.A person is guilty of the felony of simple domestic violence third who commits simple domestic violence as defined in this subsection (3) and who, at the time of the commission of the offense in question, has two (2) prior convictions, whether against the same or another victim, within seven (7) years, for any combination of simple domestic violence under this subsection (3) or aggravated domestic violence as defined in subsection (4) of this section or substantially similar offenses under the law of another state, of the United States, or of a federally recognized Native American tribe. Upon conviction, the defendant shall be sentenced to a term of imprisonment not less than five (5) nor more than ten (10) years.(4)(a)When the offense is committed against a current or former spouse of the defendant or a child of that person, a person living as a spouse or who formerly lived as a spouse with the defendant or a child of that person, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, a person who has a current or former dating relationship with the defendant, or a person with whom the defendant has had a biological or legally adopted child, a person is guilty of aggravated domestic violence who:(i)Attempts to cause serious bodily injury to another, or causes such an injury purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life;(ii)Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or(iii)Strangles, or attempts to strangle another.Upon conviction, the defendant shall be punished by imprisonment in the custody of the Department of Corrections for not less than two (2) nor more than twenty (20) years.(b)Aggravated domestic violence; third.A person is guilty of aggravated domestic violence third who, at the time of the commission of that offense, commits aggravated domestic violence as defined in this subsection (4) and who has two (2) prior convictions within the past seven (7) years, whether against the same or another victim, for any combination of aggravated domestic violence under this subsection (4) or simple domestic violence third as defined in subsection (3) of this section, or substantially similar offenses under the laws of another state, of the United States, or of a federally recognized Native American tribe. Upon conviction for aggravated domestic violence third, the defendant shall be sentenced to a term of imprisonment of not less than ten (10) nor more than twenty (20) years.(5)Sentencing for fourth or subsequent domestic violence offense.Any person who commits an offense defined in subsection (3) or (4) of this section, and who, at the time of the commission of that offense, has at least three (3) previous convictions, whether against the same or different victims, for any combination of offenses defined in subsections (3) and (4) of this section or substantially similar offenses under the law of another state, of the United States, or of a federally recognized Native American tribe, shall, upon conviction, be sentenced to imprisonment for not less than fifteen (15) years nor more than twenty (20) years.(6)In sentencing under subsections (3), (4) and (5) of this section, the court shall consider as an aggravating factor whether the crime was committed in the physical presence or hearing of a child under sixteen (16) years of age who was, at the time of the offense, living within either the residence of the victim, the residence of the perpetrator, or the residence where the offense occurred.(7)Reasonable discipline of a child, such as spanking, is not an offense under subsections (3) and (4) of this section.(8)A person convicted under subsection (4) or (5) of this section shall not be eligible for parole under the provisions of Section47-7-3(1)(c)until he or she shall have served one (1) year of his or her sentence.(9)For the purposes of this section:(a)"Strangle" means to restrict the flow of oxygen or blood by intentionally applying pressure on the neck, throat or chest of another person by any means or to intentionally block the nose or mouth of another person by any means.(b)"Dating relationship" means a social relationship as defined in Section93-21-3.(10)Every conviction under subsection (3), (4) or (5) of this section may require as a condition of any suspended sentence that the defendant participate in counseling or treatment to bring about the cessation of domestic abuse. The defendant may be required to pay all or part of the cost of the counseling or treatment, in the discretion of the court.(11)(a)Upon conviction under subsection (3), (4) or (5) of this section, the court shall be empowered to issue a criminal protection order prohibiting the defendant from any contact with the victim. The court may include in a criminal protection order any other condition available under Section93-21-15. The duration of a criminal protection order shall be based upon the seriousness of the facts before the court, the probability of future violations, and the continued safety of the victim or another person. However, municipal and justice courts may issue criminal protection orders for a maximum period of time not to exceed one (1) year. Circuit and county courts may issue a criminal protection order for any period of time deemed necessary. Upon issuance of a criminal protection order, the clerk of the issuing court shall enter the order in the Mississippi Protection Order Registry within twenty-four (24) hours of issuance with no exceptions for weekends or holidays, pursuant to Section93-21-25.(b)A criminal protection order shall not be issued against the defendant if the victim of the offense, or the victim's lawful representative where the victim is a minor or incompetent person, objects to its issuance, except in circumstances where the court, in its discretion, finds that a criminal protection order is necessary for the safety and well-being of a victim who is a minor child or incompetent adult.(c)Criminal protection orders shall be issued on the standardized form developed by the Office of the Attorney General and a copy provided to both the victim and the defendant.(d)It shall be a misdemeanor to knowingly violate any condition of a criminal protection order. Upon conviction for a violation, the defendant shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both.(12)When investigating allegations of a violation of subsection (3), (4), (5) or (11) of this section, whether or not an arrest results, law enforcement officers shall utilize the form prescribed for such purposes by the Office of the Attorney General in consultation with the sheriff's and police chief's associations. However, failure of law enforcement to utilize the uniform offense report shall not be a defense to a crime charged under this section. The uniform offense report shall not be required if, upon investigation, the offense does not involve persons in the relationships specified in subsections (3) and (4) of this section.(13)In any conviction under subsection (3), (4), (5) or (11) of this section, the sentencing order shall include the designation "domestic violence." The court clerk shall enter the disposition of the matter into the corresponding uniform offense report.(14)Assault upon any of the following listed persons is an aggravating circumstance for charging under subsections (1)(b) and (2)(b) of this section:(a)When acting within the

scope of his or her duty, office or employment at the time of the assault: a statewide elected official; law enforcement officer; fireman; emergency medical personnel; health care provider; employees of a health care provider or health care facility; social worker, family protection specialist or family protection worker employed by the Department of Human Services or another agency; Division of Youth Services personnel; any county or municipal jail officer; superintendent, principal, teacher or other instructional personnel, school attendance officer or school bus driver; any member of the Mississippi National Guard or United States Armed Forces; a judge of a circuit, chancery, county, justice, municipal or youth court or a judge of the Court of Appeals or a justice of the Supreme Court; district attorney or legal assistant to a district attorney; county prosecutor or municipal prosecutor; court reporter employed by a court, court administrator, clerk or deputy clerk of the court; public defender; or utility worker;(b)A legislator while the Legislature is in regular or extraordinary session or while otherwise acting within the scope of his or her duty, office or employment; or(c)A person who is sixty-five (65) years of age or older or a person who is a vulnerable person, as defined in Section 43-47-5. Codes, 1857, ch. 64, art. 18; 1871, § 2497; 1880, § 2711; 1892, § 967; 1906, § 1043; Hemingway's 1917, § 771; 1930, § 787; 1942, § 2011; Laws, 1974, ch. 458, § 1; Laws, 1992, ch. 431, § 2; Laws, 1993, ch. 580, § 1; Laws, 1998, ch. 425, § 1; Laws, 1998, ch. 525, § 1; Laws, 1999, ch. 552, § 2; Laws, 2000, ch. 552, § 1; Laws, 2001, ch. 566, § 1; Laws, 2002, ch. 353, § 1; Laws, 2004, ch. 489, § 9; Laws, 2006, ch. 589, § 1; Laws, 2006, ch. 600, § 11; Laws, 2007, ch. 589, § 10; Laws, 2008, ch. 391, § 2; Laws, 2008, ch. 553, § 1; Laws, 2009, ch. 433, § 3; Laws, 2010, ch. 536, § 1; Laws, 2011, ch. 481, § 3; Laws, 2012, ch. 514, § 8, eff. 7/1/2012. Amended by Laws, 2019, ch. 341, HB 1465, § 1, eff. 7/1/2019. Amended by Laws, 2016, ch. 346, SB 2468, 1, eff. 7/1/2016. Amended by Laws, 2015, ch. 397, HB 172, 1, eff. 7/1/2015. Amended by Laws, 2015, ch. 332, HB 556, 3, eff. 7/1/2015. Amended by Laws, 2014, ch. 463, SB 2476, 1, eff. 7/1/2014. Amended by Laws, 2013, ch. 565, HB 709, 1, eff. 7/1/2013.

(1)(a)A person is guilty of simple assault if he or she (i) attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; (ii) negligently causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or (iii) attempts by physical menace to put another in fear of imminent serious bodily harm; and, upon conviction, he or she shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both.(b)However, a person convicted of simple assault upon any of the persons listed in subsection (14) of this section under the circumstances enumerated in subsection (14) shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than five (5) years, or both.(2)(a)A person is guilty of aggravated assault if he or she (i) attempts to cause serious bodily injury to another, or causes such injury purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life; (ii) attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or (iii) causes any injury to a child who is in the process of boarding or exiting a school bus in the course of a violation of Section 63-3-615; and, upon conviction, he or she shall be punished by imprisonment in the county jail for not more than one (1) year or sentenced to the custody of the Department of Corrections for not more than twenty (20) years.(b)However, a person convicted of aggravated assault upon any of the persons listed in subsection (14) of this section under the circumstances enumerated in subsection (14) shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment for not more than thirty (30) years, or both.(3)(a)When the offense is committed against a current or former spouse of the defendant or a child of that person, a person living as a spouse or who formerly lived as a spouse with the defendant or a child of that person, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, a person who has a current or former dating relationship with the defendant, or a person with whom the defendant has had a biological or legally adopted child, a person is guilty of simple domestic violence who:(i)Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another;(ii)Negligently causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or(iii)Attempts by physical menace to put another in fear of imminent serious bodily harm.Upon conviction, the defendant shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both.(b)Simple domestic violence: third.A person is guilty of the felony of simple domestic violence third who commits simple domestic violence as defined in this subsection (3) and who, at the time of the commission of the offense in question, has two (2) prior convictions, whether against the same or another victim, within seven (7) years, for any combination of simple domestic violence under this subsection (3) or aggravated domestic violence as defined in subsection (4) of this section or substantially similar offenses under the law of another state, of the United States, or of a federally recognized Native American tribe. Upon conviction, the defendant shall be sentenced to a term of imprisonment not less than five (5) nor more than ten (10) years.(4)(a)When the offense is committed against a current or former spouse of the defendant or a child of that person, a person living as a spouse or who formerly lived as a spouse with the defendant or a child of that person, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, a person who has a current or former dating relationship with the defendant, or a person with whom the defendant has had a biological or legally adopted child, a person is guilty of aggravated domestic violence who:(i)Attempts to cause serious bodily injury to another, or causes such an injury purposely, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life;(ii)Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon or other means likely to produce death or serious bodily harm; or(iii)Strangles, or attempts to strangle another.Upon conviction, the defendant shall be punished by imprisonment in the custody of the Department of Corrections for not less than two (2) nor more than twenty (20) years.(b)Aggravated domestic violence; third.A person is guilty of aggravated domestic violence third who, at the time of the commission of that offense, commits aggravated domestic violence as defined in this subsection (4) and who has two (2) prior convictions within the past seven (7) years, whether against the same or another victim, for any combination of aggravated domestic violence under this subsection (4) or simple

domestic violence third as defined in subsection (3) of this section, or substantially similar offenses under the laws of another state, of the United States, or of a federally recognized Native American tribe. Upon conviction for aggravated domestic violence third, the defendant shall be sentenced to a term of imprisonment of not less than ten (10) nor more than twenty (20) years.(5)Sentencing for fourth or subsequent domestic violence offense.Any person who commits an offense defined in subsection (3) or (4) of this section, and who, at the time of the commission of that offense, has at least three (3) previous convictions, whether against the same or different victims, for any combination of offenses defined in subsections (3) and (4) of this section or substantially similar offenses under the law of another state, of the United States, or of a federally recognized Native American tribe, shall, upon conviction, be sentenced to imprisonment for not less than fifteen (15) years nor more than twenty (20) years.(6)In sentencing under subsections (3), (4) and (5) of this section, the court shall consider as an aggravating factor whether the crime was committed in the physical presence or hearing of a child under sixteen (16) years of age who was, at the time of the offense, living within either the residence of the victim, the residence of the perpetrator, or the residence where the offense occurred.(7)Reasonable discipline of a child, such as spanking, is not an offense under subsections (3) and (4) of this section.(8)A person convicted under subsection (4) or (5) of this section shall not be eligible for parole under the provisions of Section47-7-3(1)(c)until he or she shall have served one (1) year of his or her sentence.(9)For the purposes of this section:(a)"Strangle" means to restrict the flow of oxygen or blood by intentionally applying pressure on the neck, throat or chest of another person by any means or to intentionally block the nose or mouth of another person by any means.(b)"Dating relationship" means a social relationship as defined in Section93-21-3.(10)Every conviction under subsection (3), (4) or (5) of this section may require as a condition of any suspended sentence that the defendant participate in counseling or treatment to bring about the cessation of domestic abuse. The defendant may be required to pay all or part of the cost of the counseling or treatment, in the discretion of the court.(11)(a)Upon conviction under subsection (3), (4) or (5) of this section, the court shall be empowered to issue a criminal protection order prohibiting the defendant from any contact with the victim. The court may include in a criminal protection order any other condition available under Section93-21-15. The duration of a criminal protection order shall be based upon the seriousness of the facts before the court, the probability of future violations, and the continued safety of the victim or another person. However, municipal and justice courts may issue criminal protection orders for a maximum period of time not to exceed one (1) year. Circuit and county courts may issue a criminal protection order for any period of time deemed necessary. Upon issuance of a criminal protection order, the clerk of the issuing court shall enter the order in the Mississippi Protection Order Registry within twenty-four (24) hours of issuance with no exceptions for weekends or holidays, pursuant to Section93-21-25.(b)A criminal protection order shall not be issued against the defendant if the victim of the offense, or the victim's lawful representative where the victim is a minor or incompetent person, objects to its issuance, except in circumstances where the court, in its discretion, finds that a criminal protection order is necessary for the safety and well-being of a victim who is a minor child or incompetent adult.(c)Criminal protection orders shall be issued on the standardized form developed by the Office of the Attorney General and a copy provided to both the victim and the defendant.(d)It shall be a misdemeanor to knowingly violate any condition of a criminal protection order. Upon conviction for a violation, the defendant shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both.(12)When investigating allegations of a violation of subsection (3), (4), (5) or (11) of this section, whether or not an arrest results, law enforcement officers shall utilize the form prescribed for such purposes by the Office of the Attorney General in consultation with the sheriff's and police chief's associations. However, failure of law enforcement to utilize the uniform offense report shall not be a defense to a crime charged under this section. The uniform offense report shall not be required if, upon investigation, the offense does not involve persons in the relationships specified in subsections (3) and (4) of this section.(13)In any conviction under subsection (3), (4), (5) or (11) of this section, the sentencing order shall include the designation "domestic violence." The court clerk shall enter the disposition of the matter into the corresponding uniform offense report.(14)Assault upon any of the following listed persons is an aggravating circumstance for charging under subsections (1)(b) and (2)(b) of this section:(a)When acting within the scope of his or her duty, office or employment at the time of the assault: a statewide elected official; law enforcement officer; fireman; emergency medical personnel; health care provider; employees of a health care provider or health care facility; social worker, family protection specialist or family protection worker employed by the Department of Human Services or another agency; Division of Youth Services personnel; any county or municipal jail officer; superintendent, principal, teacher or other instructional personnel, school attendance officer or school bus driver; any member of the Mississippi National Guard or United States Armed Forces; a judge of a circuit, chancery, county, justice, municipal or youth court or a judge of the Court of Appeals or a justice of the Supreme Court; district attorney or legal assistant to a district attorney; county prosecutor or municipal prosecutor; court reporter employed by a court, court administrator, clerk or deputy clerk of the court; public defender; or utility worker;(b)A legislator while the Legislature is in regular or extraordinary session or while otherwise acting within the scope of his or her duty, office or employment; or(c)A person who is sixty-five (65) years of age or older or a person who is a vulnerable person, as defined in Section43-47-5.Codes, 1857, ch. 64, art. 18; 1871, § 2497; 1880, § 2711; 1892, § 967; 1906, § 1043; Hemingway's 1917, § 771; 1930, § 787; 1942, § 2011; Laws, 1974, ch. 458, § 1; Laws, 1992, ch. 431, § 2; Laws, 1993, ch. 580, § 1; Laws, 1998, ch. 425, § 1; Laws, 1998, ch. 525, § 1; Laws, 1999, ch. 552, § 2; Laws, 2000, ch. 552, § 1; Laws, 2001, ch. 566, § 1; Laws, 2002, ch. 353, § 1; Laws, 2004, ch. 489, § 9; Laws, 2006, ch. 589, § 1; Laws, 2006, ch. 600, § 11; Laws, 2007, ch. 589, § 10; Laws, 2008, ch. 391, § 2; Laws, 2008, ch. 553, § 1; Laws, 2009, ch. 433, § 3; Laws, 2010, ch. 536, § 1; Laws, 2011, ch. 481, § 3; Laws, 2012, ch. 514, § 8, eff. 7/1/2012.Amended by Laws, 2019, ch. 341, HB 1465, § 1, eff. 7/1/2019.Amended by Laws, 2016, ch. 346, SB 2468, 1, eff. 7/1/2016.Amended by Laws, 2015, ch. 397, HB 172, 1, eff. 7/1/2015.Amended by Laws, 2015, ch. 332, HB 556, 3, eff. 7/1/2015.Amended by Laws, 2014, ch. 463, SB 2476, 1, eff. 7/1/2014.Amended by Laws, 2013, ch. 565, HB 709, 1, eff. 7/1/2013.

Upon conviction, the defendant shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both. Upon conviction, the defendant shall be punished by imprisonment in the custody of the Department of Corrections for not less than two (2) nor more than twenty (20) years. Codes, 1857, ch. 64, art. 18; 1871, § 2497; 1880, § 2711; 1892, § 967; 1906, § 1043; Hemingway's 1917, § 771; 1930, § 787; 1942, § 2011; Laws, 1974, ch. 458, § 1; Laws, 1992, ch. 431, § 2; Laws, 1993, ch. 580, § 1; Laws, 1998, ch. 425, § 1; Laws, 1998, ch. 525, § 1; Laws, 1999, ch. 552, § 2; Laws, 2000, ch. 552, § 1; Laws, 2001, ch. 566, § 1; Laws, 2002, ch. 353, § 1; Laws, 2004, ch. 489, § 9; Laws, 2006, ch. 589, § 1; Laws, 2006, ch. 600, § 11; Laws, 2007, ch. 589, § 10; Laws, 2008, ch. 391, § 2; Laws, 2008, ch. 553, § 1; Laws, 2009, ch. 433, § 3; Laws, 2010, ch. 536, § 1; Laws, 2011, ch. 481, § 3; Laws, 2012, ch. 514, § 8, eff. 7/1/2012. Amended by Laws, 2019, ch. 341, HB 1465, § 1, eff. 7/1/2019. Amended by Laws, 2016, ch. 346, SB 2468, 1, eff. 7/1/2016. Amended by Laws, 2015, ch. 397, HB 172, 1, eff. 7/1/2015. Amended by Laws, 2015, ch. 332, HB 556, 3, eff. 7/1/2015. Amended by Laws, 2014, ch. 463, SB 2476, 1, eff. 7/1/2014. Amended by Laws, 2013, ch. 565, HB 709, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-71 - Rape; assault with intent of forcible sexual penetration of any person

Every person who shall be convicted of an assault with intent of forcible sexual penetration of any person shall be punished by imprisonment in the Penitentiary for life, or for such shorter time as may be fixed by the jury, or by the court upon the entry of a plea of guilty. Codes, 1906, § 1359; Hemingway's 1917, § 1096; 1930, § 1125; 1942, § 2361; Laws, 1962, ch. 321, eff. 3/8/1962. Amended by Laws, 2023, ch. 483, HB 995, § 5, eff. 7/1/2023. Every person who shall be convicted of an assault with intent of forcible sexual penetration of any person shall be punished by imprisonment in the Penitentiary for life, or for such shorter time as may be fixed by the jury, or by the court upon the entry of a plea of guilty. Codes, 1906, § 1359; Hemingway's 1917, § 1096; 1930, § 1125; 1942, § 2361; Laws, 1962, ch. 321, eff. 3/8/1962. Amended by Laws, 2023, ch. 483, HB 995, § 5, eff. 7/1/2023. Every person who shall be convicted of an assault with intent of forcible sexual penetration of any person shall be punished by imprisonment in the Penitentiary for life, or for such shorter time as may be fixed by the jury, or by the court upon the entry of a plea of guilty. Codes, 1906, § 1359; Hemingway's 1917, § 1096; 1930, § 1125; 1942, § 2361; Laws, 1962, ch. 321, eff. 3/8/1962. Amended by Laws, 2023, ch. 483, HB 995, § 5, eff. 7/1/2023. Every person who shall be convicted of an assault with intent of forcible sexual penetration of any person shall be punished by imprisonment in the Penitentiary for life, or for such shorter time as may be fixed by the jury, or by the court upon the entry of a plea of guilty. Codes, 1906, § 1359; Hemingway's 1917, § 1096; 1930, § 1125; 1942, § 2361; Laws, 1962, ch. 321, eff. 3/8/1962. Amended by Laws, 2023, ch. 483, HB 995, § 5, eff. 7/1/2023.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-73 - Robbery; definition

Every person who shall feloniously take the personal property of another, in his presence or from his person and against his will, by violence to his person or by putting such person in fear of some immediate injury to his person, shall be guilty of robbery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4 (55); 1857, ch. 64, art. 220; 1871, § 2674; 1880, § 2944; 1892, § 1284; 1906, § 1361; Hemingway's 1917, § 1097; 1930, § 1126; 1942, § 2362. Every person who shall feloniously take the personal property of another, in his presence or from his person and against his will, by violence to his person or by putting such person in fear of some immediate injury to his person, shall be guilty of robbery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4 (55); 1857, ch. 64, art. 220; 1871, § 2674; 1880, § 2944; 1892, § 1284; 1906, § 1361; Hemingway's 1917, § 1097; 1930, § 1126; 1942, § 2362. Every person who shall feloniously take the personal property of another, in his presence or from his person and against his will, by violence to his person or by putting such person in fear of some immediate injury to his person, shall be guilty of robbery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4 (55); 1857, ch. 64, art. 220; 1871, § 2674; 1880, § 2944; 1892, § 1284; 1906, § 1361; Hemingway's 1917, § 1097; 1930, § 1126; 1942, § 2362. Every person who shall feloniously take the personal property of another, in his presence or from his person and against his will, by violence to his person or by putting such person in fear of some immediate injury to his person, shall be guilty of robbery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4 (55); 1857, ch. 64, art. 220; 1871, § 2674; 1880, § 2944; 1892, § 1284; 1906, § 1361; Hemingway's 1917, § 1097; 1930, § 1126; 1942, § 2362.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-75 - Robbery; penalty

Every person convicted of robbery shall be punished by imprisonment in the penitentiary for a term not more than fifteen years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4 (57); 1857, ch. 64, art. 222; 1871, § 2676; 1880, § 2946; 1892, § 1286; 1906, § 1363; Hemingway's 1917, § 1099; 1930, § 1128; 1942, § 2364. Every person convicted of robbery shall be punished by imprisonment in the penitentiary for a term not more than fifteen years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4 (57); 1857, ch. 64, art. 222; 1871, § 2676; 1880, § 2946; 1892, § 1286; 1906, § 1363; Hemingway's 1917, § 1099; 1930, § 1128; 1942, § 2364. Every person convicted of robbery shall be punished by imprisonment in the penitentiary for a term not more than fifteen years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4 (57); 1857, ch. 64, art. 222; 1871, § 2676; 1880, § 2946; 1892, § 1286; 1906, § 1363; Hemingway's 1917, § 1099; 1930, § 1128; 1942, § 2364. Every person convicted of robbery shall be punished by imprisonment in the penitentiary for a term not more than fifteen years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4 (57); 1857, ch. 64, art. 222; 1871, § 2676; 1880, § 2946; 1892, § 1286; 1906, § 1363; Hemingway's 1917, § 1099; 1930, § 1128; 1942, § 2364.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-77 - Robbery; threat to injure person or relative at another time

Every person who shall feloniously take the personal property of another, in his presence or from his person, which shall have been delivered or suffered to be taken through fear of some injury threatened to be inflicted at some different time to his person or property, or to the person of any member of his family or relative, which fear shall have been produced by the threats of the person so receiving or taking such property, shall be guilty of robbery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4 (56); 1857, ch. 64, art. 221; 1871, § 2675; 1880, § 2945; 1892, § 1285; 1906, § 1362; Hemingway's 1917, § 1098; 1930, § 1127; 1942, § 2363. Every person who shall feloniously take the personal property of another, in his presence or from his person, which shall have been delivered or suffered to be taken through fear of some injury threatened to be inflicted at some different time to his person or property, or to the person of any member of his family or relative, which fear shall have been produced by the threats of the person so receiving or taking such property, shall be guilty of robbery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4 (56); 1857, ch. 64, art. 221; 1871, § 2675; 1880, § 2945; 1892, § 1285; 1906, § 1362; Hemingway's 1917, § 1098; 1930, § 1127; 1942, § 2363. Every person who shall feloniously take the personal property of another, in his presence or from his person, which shall have been delivered or suffered to be taken through fear of some injury threatened to be inflicted at some different time to his person or property, or to the person of any member of his family or relative, which fear shall have been produced by the threats of the person so receiving or taking such property, shall be guilty of robbery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4 (56); 1857, ch. 64, art. 221; 1871, § 2675; 1880, § 2945; 1892, § 1285; 1906, § 1362; Hemingway's 1917, § 1098; 1930, § 1127; 1942, § 2363. Every person who shall feloniously take the personal property of another, in his presence or from his person, which shall have been delivered or suffered to be taken through fear of some injury threatened to be inflicted at some different time to his person or property, or to the person of any member of his family or relative, which fear shall have been produced by the threats of the person so receiving or taking such property, shall be guilty of robbery. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4 (56); 1857, ch. 64, art. 221; 1871, § 2675; 1880, § 2945; 1892, § 1285; 1906, § 1362; Hemingway's 1917, § 1098; 1930, § 1127; 1942, § 2363.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-79 - Robbery; use of deadly weapon

Every person who shall feloniously take or attempt to take from the person or from the presence the personal property of another and against his will by violence to his person or by putting such person in fear of immediate injury to his person by the exhibition of a deadly weapon shall be guilty of robbery and, upon conviction, shall be imprisoned for life in the state penitentiary if the penalty is so fixed by the jury; and in cases where the jury fails to fix the penalty at imprisonment for life in the state penitentiary the court shall fix the penalty at imprisonment in the state penitentiary for any term not less than three (3) years. Codes, 1942, § 2367; Laws, 1932, ch. 328; Laws, 1974, ch. 576, § 4, eff. 4/23/1974. Every person who shall feloniously take or attempt to take from the person or from the presence the personal property of another and against his will by violence to his person or by putting such person in fear of immediate injury to his person by the exhibition of a deadly weapon shall be guilty of robbery and, upon conviction, shall be imprisoned for life in the state penitentiary if the penalty is so fixed by the jury; and in cases where the jury fails to fix the penalty at imprisonment for life in the state penitentiary the court shall fix the penalty at imprisonment in the state penitentiary for any term not less than three (3) years. Codes, 1942, § 2367; Laws, 1932, ch. 328; Laws, 1974, ch. 576, § 4, eff. 4/23/1974. Every person who shall feloniously take or attempt to take from the person or from the presence the personal property of another and against his will by violence to his person or by putting such person in fear of immediate injury to his person by the exhibition of a deadly weapon shall be guilty of robbery and, upon conviction, shall be imprisoned for life in the state penitentiary if the penalty is so fixed by the jury; and in cases where the jury fails to fix the penalty at imprisonment for life in the state penitentiary the court shall fix the penalty at imprisonment in the state penitentiary for any term not less than three (3) years. Codes, 1942, § 2367; Laws, 1932, ch. 328; Laws, 1974, ch. 576, § 4, eff. 4/23/1974. Every person who shall feloniously take or attempt to take from the person or from the presence the personal property of another and against his will by violence to his person or by putting such person in fear of immediate injury to his person by the exhibition of a deadly weapon shall be guilty of robbery and, upon conviction, shall be imprisoned for life in the state penitentiary if the penalty is so fixed by the jury; and in cases where the jury fails to fix the penalty at imprisonment for life in the state penitentiary the court shall fix the penalty at imprisonment in the state penitentiary for any term not less than three (3) years. Codes, 1942, § 2367; Laws, 1932, ch. 328; Laws, 1974, ch. 576, § 4, eff. 4/23/1974.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-81 - Robbery; threatening letter demanding money, property

Every person who shall knowingly send or deliver, or shall make, and, for the purpose of being sent or delivered, shall part with the possession of any letter or writing with or without a name subscribed thereto, or signed with a fictitious name, or with any letter, mark, or other designation, threatening therein to accuse any person of a crime or to do any injury to the person or property of any one, with a view or intent to extort or gain money or property of any description belonging to another, shall be guilty of an attempt to rob, and shall, on conviction be punished by imprisonment in the penitentiary not exceeding five years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4 (58); 1857, ch. 64, art. 223; 1871, § 2677; 1880, § 2947; 1892, § 1287; 1906, § 1364; Hemingway's 1917, § 1100; 1930, § 1129; 1942, § 2365. Every person who shall knowingly send or deliver, or shall make, and, for the purpose of being sent or delivered, shall part with the possession of any letter or writing with or without a name subscribed thereto, or signed with a

fictitious name, or with any letter, mark, or other designation, threatening therein to accuse any person of a crime or to do any injury to the person or property of any one, with a view or intent to extort or gain money or property of any description belonging to another, shall be guilty of an attempt to rob, and shall, on conviction be punished by imprisonment in the penitentiary not exceeding five years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4 (58); 1857, ch. 64, art. 223; 1871, § 2677; 1880, § 2947; 1892, § 1287; 1906, § 1364; Hemingway's 1917, § 1100; 1930, § 1129; 1942, § 2365. Every person who shall knowingly send or deliver, or shall make, and, for the purpose of being sent or delivered, shall part with the possession of any letter or writing with or without a name subscribed thereto, or signed with a fictitious name, or with any letter, mark, or other designation, threatening therein to accuse any person of a crime or to do any injury to the person or property of any one, with a view or intent to extort or gain money or property of any description belonging to another, shall be guilty of an attempt to rob, and shall, on conviction be punished by imprisonment in the penitentiary not exceeding five years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4 (58); 1857, ch. 64, art. 223; 1871, § 2677; 1880, § 2947; 1892, § 1287; 1906, § 1364; Hemingway's 1917, § 1100; 1930, § 1129; 1942, § 2365. Every person who shall knowingly send or deliver, or shall make, and, for the purpose of being sent or delivered, shall part with the possession of any letter or writing with or without a name subscribed thereto, or signed with a fictitious name, or with any letter, mark, or other designation, threatening therein to accuse any person of a crime or to do any injury to the person or property of any one, with a view or intent to extort or gain money or property of any description belonging to another, shall be guilty of an attempt to rob, and shall, on conviction be punished by imprisonment in the penitentiary not exceeding five years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4 (58); 1857, ch. 64, art. 223; 1871, § 2677; 1880, § 2947; 1892, § 1287; 1906, § 1364; Hemingway's 1917, § 1100; 1930, § 1129; 1942, § 2365.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-82 - Extortion; definitions; offense and penalties

(1) For the purposes of this section the following words and phrases shall have the meanings ascribed herein, unless the context clearly indicates otherwise: (a) "Obtain" means: (i) in relation to property, to bring about a transfer or purported transfer of a legal interest in, or physical possession of, the property, whether to the obtainer or another; or (ii) in relation to labor or service, or any reward, favor, or advantage of any kind, to secure performance thereof; or attempt to do (i) or (ii). (b) "Property" means anything of value, including, but not limited to, real estate, tangible and intangible personal property, contract rights, choses-in-action, reputation of a person and other interests in or claims to wealth, admission or transportation tickets, captured or domestic animals, food and drink, electric or other power. (c) "Property of another" includes property in which any person other than the actor has an interest which the actor is not privileged to infringe, regardless of the fact that the actor also has an interest in the property and regardless of the fact that the other person might be precluded from civil recovery because the property was used in an unlawful transaction or was subject to forfeiture as contraband. Property in possession of the actor shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security agreement. (d) "Public official" means any person elected or appointed to any office, position or employment whereby the person is paid a fee or salary by the State of Mississippi or any political subdivision thereof or any agency or subdivision of the government of the United States, regardless of the source or sources of the funds for the payment. (2) A person is guilty of extortion if he purposely obtains or attempts to obtain property of another or any reward, favor, or advantage of any kind by threatening to inflict bodily injury on any person or by committing or threatening to commit any other criminal offense, violation of civil statute, or the public or private revelation of information not previously in the public domain for the purpose of humiliating or embarrassing the other person, without regard to whether the revelation otherwise constitutes a violation of a specific statute. (3) (a) Except as provided in paragraph (d) of this subsection, any person, whether a public official or not, who commits the offense of extortion of property or things of value of another under the value of Five Hundred Dollars (\$500.00) shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail not to exceed six (6) months. (b) Except as provided in paragraph (d) of this subsection, any person, whether a public official or not, who commits the offense of extortion of property or things of value of another of the value of Five Hundred Dollars (\$500.00) or more shall be guilty of a felony and, upon conviction thereof, shall be punished by commitment to the custody of the Department of Corrections for a term not to exceed fifteen (15) years. (c) Except as provided in paragraph (d) of this subsection, any person, whether a public official or not, who commits the offense of extortion in order to obtain any intangible reward, favor or advantage to which no monetary value is normally given shall be guilty of a felony and, upon conviction thereof, shall be punished by commitment to the custody of the Department of Corrections for a term not to exceed fifteen (15) years. (d) Any public official acting in his official capacity or under color of his office who commits the offense of extortion in order to obtain any intangible reward, favor or advantage to which no monetary value is normally given, or who commits the offense of extortion of tangible property, regardless of the value of the property, shall be guilty of a felony and, upon conviction thereof, shall be punished by commitment to the custody of the Department of Corrections for a term not less than two (2) nor more than twenty (20) years. Laws, 1994, ch. 466, §§ 1, 2; Laws, 2001, ch. 384, § 1; Laws, 2005, ch. 538, § 2, eff. 7/1/2005. (1) For the purposes of this section the following words and phrases shall have the meanings ascribed herein, unless the context clearly indicates otherwise: (a) "Obtain" means: (i) in relation to property, to bring about a transfer or purported transfer of a legal interest in, or physical possession of, the property, whether to the obtainer or another; or (ii) in relation to labor or service, or any reward, favor, or advantage of any kind, to secure performance thereof; or attempt to do (i) or (ii). (b) "Property" means anything of value, including, but not limited to, real estate, tangible and intangible personal property, contract rights, choses-in-action, reputation of a person and other interests in or claims to wealth, admission or transportation tickets, captured or domestic animals, food and

drink, electric or other power.(c)"Property of another" includes property in which any person other than the actor has an interest which the actor is not privileged to infringe, regardless of the fact that the actor also has an interest in the property and regardless of the fact that the other person might be precluded from civil recovery because the property was used in an unlawful transaction or was subject to forfeiture as contraband. Property in possession of the actor shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security agreement.(d)"Public official" means any person elected or appointed to any office, position or employment whereby the person is paid a fee or salary by the State of Mississippi or any political subdivision thereof or any agency or subdivision of the government of the United States, regardless of the source or sources of the funds for the payment.(2)A person is guilty of extortion if he purposely obtains or attempts to obtain property of another or any reward, favor, or advantage of any kind by threatening to inflict bodily injury on any person or by committing or threatening to commit any other criminal offense, violation of civil statute, or the public or private revelation of information not previously in the public domain for the purpose of humiliating or embarrassing the other person, without regard to whether the revelation otherwise constitutes a violation of a specific statute.(3)(a)Except as provided in paragraph (d) of this subsection, any person, whether a public official or not, who commits the offense of extortion of property or things of value of another under the value of Five Hundred Dollars (\$500.00) shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail not to exceed six (6) months.(b)Except as provided in paragraph (d) of this subsection, any person, whether a public official or not, who commits the offense of extortion of property or things of value of another of the value of Five Hundred Dollars (\$500.00) or more shall be guilty of a felony and, upon conviction thereof, shall be punished by commitment to the custody of the Department of Corrections for a term not to exceed fifteen (15) years.(c)Except as provided in paragraph (d) of this subsection, any person, whether a public official or not, who commits the offense of extortion in order to obtain any intangible reward, favor or advantage to which no monetary value is normally given shall be guilty of a felony and, upon conviction thereof, shall be punished by commitment to the custody of the Department of Corrections for a term not to exceed fifteen (15) years.(d)Any public official acting in his official capacity or under color of his office who commits the offense of extortion in order to obtain any intangible reward, favor or advantage to which no monetary value is normally given, or who commits the offense of extortion of tangible property, regardless of the value of the property, shall be guilty of a felony and, upon conviction thereof, shall be punished by commitment to the custody of the Department of Corrections for a term not less than two (2) nor more than twenty (20) years.Laws, 1994, ch. 466, §§ 1, 2; Laws, 2001, ch. 384, § 1; Laws, 2005, ch. 538, § 2, eff. 7/1/2005.

(1)For the purposes of this section the following words and phrases shall have the meanings ascribed herein, unless the context clearly indicates otherwise:(a)"Obtain" means:(i)in relation to property, to bring about a transfer or purported transfer of a legal interest in, or physical possession of, the property, whether to the obtainer or another; or(ii)in relation to labor or service, or any reward, favor, or advantage of any kind, to secure performance thereof; or attempt to do (i) or (ii).(b)"Property" means anything of value, including, but not limited to, real estate, tangible and intangible personal property, contract rights, choses-in-action, reputation of a person and other interests in or claims to wealth, admission or transportation tickets, captured or domestic animals, food and drink, electric or other power.(c)"Property of another" includes property in which any person other than the actor has an interest which the actor is not privileged to infringe, regardless of the fact that the actor also has an interest in the property and regardless of the fact that the other person might be precluded from civil recovery because the property was used in an unlawful transaction or was subject to forfeiture as contraband. Property in possession of the actor shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security agreement.(d)"Public official" means any person elected or appointed to any office, position or employment whereby the person is paid a fee or salary by the State of Mississippi or any political subdivision thereof or any agency or subdivision of the government of the United States, regardless of the source or sources of the funds for the payment.(2)A person is guilty of extortion if he purposely obtains or attempts to obtain property of another or any reward, favor, or advantage of any kind by threatening to inflict bodily injury on any person or by committing or threatening to commit any other criminal offense, violation of civil statute, or the public or private revelation of information not previously in the public domain for the purpose of humiliating or embarrassing the other person, without regard to whether the revelation otherwise constitutes a violation of a specific statute.(3)(a)Except as provided in paragraph (d) of this subsection, any person, whether a public official or not, who commits the offense of extortion of property or things of value of another under the value of Five Hundred Dollars (\$500.00) shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail not to exceed six (6) months.(b)Except as provided in paragraph (d) of this subsection, any person, whether a public official or not, who commits the offense of extortion of property or things of value of another of the value of Five Hundred Dollars (\$500.00) or more shall be guilty of a felony and, upon conviction thereof, shall be punished by commitment to the custody of the Department of Corrections for a term not to exceed fifteen (15) years.(c)Except as provided in paragraph (d) of this subsection, any person, whether a public official or not, who commits the offense of extortion in order to obtain any intangible reward, favor or advantage to which no monetary value is normally given shall be guilty of a felony and, upon conviction thereof, shall be punished by commitment to the custody of the Department of Corrections for a term not to exceed fifteen (15) years.(d)Any public official acting in his official capacity or under color of his office who commits the offense of extortion in order to obtain any intangible reward, favor or advantage to which no monetary value is normally given, or who commits the offense of extortion of tangible property, regardless of the value of the property, shall be guilty of a felony and, upon conviction thereof, shall be punished by commitment to the custody of the Department of Corrections for a term not less than two (2) nor more than twenty (20) years.Laws, 1994, ch. 466, §§ 1, 2; Laws, 2001, ch. 384, § 1; Laws, 2005, ch. 538, § 2, eff. 7/1/2005.

Laws, 1994, ch. 466, §§ 1, 2; Laws, 2001, ch. 384, § 1; Laws, 2005, ch. 538, § 2, eff. 7/1/2005.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-83 - Robbery; bonds, bills, notes, etc., cotton receipts and railroad tickets

Robbery of obligations or bonds, bill obligatory, bank bills or bills of exchange, promissory notes for the payment of any money or specific property, paper bills of credit, cotton receipts, railroad passenger tickets, certificates granted by or under authority of this state or the United States, or any state, territory, or district therein, or of any foreign country, shall be punished in the same manner, both as to the principal and accessory, as robbery of goods and chattels. Codes, 1857, ch. 64, art. 224; 1871, § 2678; 1880, § 2948; 1892, § 1290; 1906, § 1365; Hemingway's 1917, § 1101; 1930, § 1130; 1942, § 2366. Robbery of obligations or bonds, bill obligatory, bank bills or bills of exchange, promissory notes for the payment of any money or specific property, paper bills of credit, cotton receipts, railroad passenger tickets, certificates granted by or under authority of this state or the United States, or any state, territory, or district therein, or of any foreign country, shall be punished in the same manner, both as to the principal and accessory, as robbery of goods and chattels. Codes, 1857, ch. 64, art. 224; 1871, § 2678; 1880, § 2948; 1892, § 1290; 1906, § 1365; Hemingway's 1917, § 1101; 1930, § 1130; 1942, § 2366. Robbery of obligations or bonds, bill obligatory, bank bills or bills of exchange, promissory notes for the payment of any money or specific property, paper bills of credit, cotton receipts, railroad passenger tickets, certificates granted by or under authority of this state or the United States, or any state, territory, or district therein, or of any foreign country, shall be punished in the same manner, both as to the principal and accessory, as robbery of goods and chattels. Codes, 1857, ch. 64, art. 224; 1871, § 2678; 1880, § 2948; 1892, § 1290; 1906, § 1365; Hemingway's 1917, § 1101; 1930, § 1130; 1942, § 2366. Robbery of obligations or bonds, bill obligatory, bank bills or bills of exchange, promissory notes for the payment of any money or specific property, paper bills of credit, cotton receipts, railroad passenger tickets, certificates granted by or under authority of this state or the United States, or any state, territory, or district therein, or of any foreign country, shall be punished in the same manner, both as to the principal and accessory, as robbery of goods and chattels. Codes, 1857, ch. 64, art. 224; 1871, § 2678; 1880, § 2948; 1892, § 1290; 1906, § 1365; Hemingway's 1917, § 1101; 1930, § 1130; 1942, § 2366.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-85 - Threats and intimidation; by letter or notice

If any person shall post, mail, deliver, or drop a threatening letter or notice to another, whether such other be named or indicated therein or not, with intent to terrorize or to intimidate such other, he shall, upon conviction, be punished by imprisonment in the county jail not more than six months, or by fine not more than five hundred dollars, or both. Codes, 1892, § 1303; 1906, § 1377; Hemingway's 1917, § 1117; 1930, § 1147; 1942, § 2384. If any person shall post, mail, deliver, or drop a threatening letter or notice to another, whether such other be named or indicated therein or not, with intent to terrorize or to intimidate such other, he shall, upon conviction, be punished by imprisonment in the county jail not more than six months, or by fine not more than five hundred dollars, or both. Codes, 1892, § 1303; 1906, § 1377; Hemingway's 1917, § 1117; 1930, § 1147; 1942, § 2384. If any person shall post, mail, deliver, or drop a threatening letter or notice to another, whether such other be named or indicated therein or not, with intent to terrorize or to intimidate such other, he shall, upon conviction, be punished by imprisonment in the county jail not more than six months, or by fine not more than five hundred dollars, or both. Codes, 1892, § 1303; 1906, § 1377; Hemingway's 1917, § 1117; 1930, § 1147; 1942, § 2384. If any person shall post, mail, deliver, or drop a threatening letter or notice to another, whether such other be named or indicated therein or not, with intent to terrorize or to intimidate such other, he shall, upon conviction, be punished by imprisonment in the county jail not more than six months, or by fine not more than five hundred dollars, or both. Codes, 1892, § 1303; 1906, § 1377; Hemingway's 1917, § 1117; 1930, § 1147; 1942, § 2384.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-87 - Threats and intimidation; whitecapping

Any person or persons who shall, by placards, or other writing, or verbally, attempt by threats, direct or implied, of injury to the person or property of another, to intimidate such other person into an abandonment or change of home or employment, shall, upon conviction, be fined not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months, or in the penitentiary not exceeding five years, as the court, in its discretion may determine. Codes, 1906, § 1398; Hemingway's 1917, § 1141; 1930, § 1173; 1942, § 2416. Any person or persons who shall, by placards, or other writing, or verbally, attempt by threats, direct or implied, of injury to the person or property of another, to intimidate such other person into an abandonment or change of home or employment, shall, upon conviction, be fined not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months, or in the penitentiary not exceeding five years, as the court, in its discretion may determine. Codes, 1906, § 1398; Hemingway's 1917, § 1141; 1930, § 1173; 1942, § 2416. Any person or persons who shall, by placards, or other writing, or verbally, attempt by threats, direct or implied, of injury to the person or property of another, to intimidate such other person into an abandonment or change of home or employment, shall, upon conviction, be fined not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months, or in the penitentiary not exceeding five years, as the court, in its discretion may determine. Codes, 1906, § 1398; Hemingway's 1917, § 1141; 1930, § 1173; 1942, § 2416. Any person or persons who shall, by placards, or other writing, or verbally, attempt by threats, direct or implied, of injury to the person or property of another, to intimidate such other person into an abandonment or change of home or employment, shall, upon conviction, be fined not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months, or in the penitentiary not exceeding five years, as the court, in its discretion may determine. Codes, 1906, § 1398; Hemingway's 1917, § 1141; 1930, § 1173; 1942, § 2416.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-89 - Timber, trees and saw logs; tampering with to injure or harass the owner prohibited

Any person who shall maliciously and knowingly drive, force, place, or otherwise insert, or cause to be driven, forced, placed or otherwise inserted any piece or kind of iron, steel, or metallic spike, nail, bar, rod, explosive, or other substance of any kind whatsoever into any kind of saw timber, trees, logs, or timber or logs, standing or fallen, which are not his own, and which are, or may be classed as commercial, or merchantable timber, logs or trees, from which lumber may be produced, with the intent and purpose of annoying, harassing, injuring or damaging the owner of same, in his person or property, or any other person, or for any other unauthorized purpose whatsoever, without the consent of the owner of such timber, logs, or trees, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the county jail not less than three months nor more than six months, or by a fine not exceeding five hundred dollars, or both. Codes, Hemingway's 1917, § 1120; 1930, § 1150; 1942, § 2387; Laws, 1914, ch. 143. Any person who shall maliciously and knowingly drive, force, place, or otherwise insert, or cause to be driven, forced, placed or otherwise inserted any piece or kind of iron, steel, or metallic spike, nail, bar, rod, explosive, or other substance of any kind whatsoever into any kind of saw timber, trees, logs, or timber or logs, standing or fallen, which are not his own, and which are, or may be classed as commercial, or merchantable timber, logs or trees, from which lumber may be produced, with the intent and purpose of annoying, harassing, injuring or damaging the owner of same, in his person or property, or any other person, or for any other unauthorized purpose whatsoever, without the consent of the owner of such timber, logs, or trees, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the county jail not less than three months nor more than six months, or by a fine not exceeding five hundred dollars, or both. Codes, Hemingway's 1917, § 1120; 1930, § 1150; 1942, § 2387; Laws, 1914, ch. 143. Any person who shall maliciously and knowingly drive, force, place, or otherwise insert, or cause to be driven, forced, placed or otherwise inserted any piece or kind of iron, steel, or metallic spike, nail, bar, rod, explosive, or other substance of any kind whatsoever into any kind of saw timber, trees, logs, or timber or logs, standing or fallen, which are not his own, and which are, or may be classed as commercial, or merchantable timber, logs or trees, from which lumber may be produced, with the intent and purpose of annoying, harassing, injuring or damaging the owner of same, in his person or property, or any other person, or for any other unauthorized purpose whatsoever, without the consent of the owner of such timber, logs, or trees, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the county jail not less than three months nor more than six months, or by a fine not exceeding five hundred dollars, or both. Codes, Hemingway's 1917, § 1120; 1930, § 1150; 1942, § 2387; Laws, 1914, ch. 143. Any person who shall maliciously and knowingly drive, force, place, or otherwise insert, or cause to be driven, forced, placed or otherwise inserted any piece or kind of iron, steel, or metallic spike, nail, bar, rod, explosive, or other substance of any kind whatsoever into any kind of saw timber, trees, logs, or timber or logs, standing or fallen, which are not his own, and which are, or may be classed as commercial, or merchantable timber, logs or trees, from which lumber may be produced, with the intent and purpose of annoying, harassing, injuring or damaging the owner of same, in his person or property, or any other person, or for any other unauthorized purpose whatsoever, without the consent of the owner of such timber, logs, or trees, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment in the county jail not less than three months nor more than six months, or by a fine not exceeding five hundred dollars, or both. Codes, Hemingway's 1917, § 1120; 1930, § 1150; 1942, § 2387; Laws, 1914, ch. 143.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-91 - Timber, trees and saw logs; penalty for tampering when injury occurs

When any person shall be physically injured in handling, sawing, squaring, or otherwise manufacturing such trees, logs, or timber into lumber, or other sawmill products, by reason of such metallic or explosive substances having been driven, inserted or placed in such timber, trees, or logs, the person so offending shall be guilty of a felony and on conviction shall be imprisoned in the penitentiary for a period of not more than ten years. Codes, Hemingway's 1917, § 1121; 1930, § 1151; 1942, § 2388; Laws, 1914, ch. 143. When any person shall be physically injured in handling, sawing, squaring, or otherwise manufacturing such trees, logs, or timber into lumber, or other sawmill products, by reason of such metallic or explosive substances having been driven, inserted or placed in such timber, trees, or logs, the person so offending shall be guilty of a felony and on conviction shall be imprisoned in the penitentiary for a period of not more than ten years. Codes, Hemingway's 1917, § 1121; 1930, § 1151; 1942, § 2388; Laws, 1914, ch. 143. When any person shall be physically injured in handling, sawing, squaring, or otherwise manufacturing such trees, logs, or timber into lumber, or other sawmill products, by reason of such metallic or explosive substances having been driven, inserted or placed in such timber, trees, or logs, the person so offending shall be guilty of a felony and on conviction shall be imprisoned in the penitentiary for a period of not more than ten years. Codes, Hemingway's 1917, § 1121; 1930, § 1151; 1942, § 2388; Laws, 1914, ch. 143. When any person shall be physically injured in handling, sawing, squaring, or otherwise manufacturing such trees, logs, or timber into lumber, or other sawmill products, by reason of such metallic or explosive substances having been driven, inserted or placed in such timber, trees, or logs, the person so offending shall be guilty of a felony and on conviction shall be imprisoned in the penitentiary for a period of not more than ten years. Codes, Hemingway's 1917, § 1121; 1930, § 1151; 1942, § 2388; Laws, 1914, ch. 143.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5) Section 97-3-93 - Timber, trees and saw logs; penalty for tampering when death results

Whenever the death of any person shall be caused by reason of such metallic or explosive substances having been driven, placed or inserted in such merchantable timber as provided in Section97-3-89, the person so offending shall be guilty of manslaughter, and upon conviction shall be punished as the law directs.Codes, Hemingway's 1917, § 1122; 1930, § 1152; 1942, § 2389; Laws, 1914, ch. 143. Whenever the death of any person shall be caused by reason of such metallic or explosive substances having been driven, placed or inserted in such merchantable timber as provided in Section97-3-89, the person so offending shall be guilty of manslaughter, and upon conviction shall be punished as the law directs.Codes, Hemingway's 1917, § 1122; 1930, § 1152; 1942, § 2389; Laws, 1914, ch. 143. Whenever the death of any person shall be caused by reason of such metallic or explosive substances having been driven, placed or inserted in such merchantable timber as provided in Section97-3-89, the person so offending shall be guilty of manslaughter, and upon conviction shall be punished as the law directs.Codes, Hemingway's 1917, § 1122; 1930, § 1152; 1942, § 2389; Laws, 1914, ch. 143.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-95 - Sexual battery

(1)A person is guilty of sexual battery if he or she engages in sexual penetration with:(a)Another person without his or her consent;(b)A mentally defective, mentally incapacitated or physically helpless person;(c)A child at least fourteen (14) but under sixteen (16) years of age, if the person is thirty-six (36) or more months older than the child; or(d)A child under the age of fourteen (14) years of age, if the person is twenty-four (24) or more months older than the child.(2)A person is guilty of sexual battery if he or she engages in sexual penetration with a child under the age of eighteen (18) years if the person is in a position of trust or authority over the child including without limitation the child's teacher, counselor, physician, psychiatrist, psychologist, minister, priest, physical therapist, chiropractor, legal guardian, parent, stepparent, aunt, uncle, scout leader or coach.Laws, 1980, ch. 450, § 1; Laws, 1983, ch. 429, § 3; Laws, 1985, ch. 389, § 6; Laws, 1993, ch. 512, § 2; Laws, 1998, ch. 549, § 3, eff. 7/1/1998. (1)A person is guilty of sexual battery if he or she engages in sexual penetration with:(a)Another person without his or her consent;(b)A mentally defective, mentally incapacitated or physically helpless person;(c)A child at least fourteen (14) but under sixteen (16) years of age, if the person is thirty-six (36) or more months older than the child; or(d)A child under the age of fourteen (14) years of age, if the person is twenty-four (24) or more months older than the child.(2)A person is guilty of sexual battery if he or she engages in sexual penetration with a child under the age of eighteen (18) years if the person is in a position of trust or authority over the child including without limitation the child's teacher, counselor, physician, psychiatrist, psychologist, minister, priest, physical therapist, chiropractor, legal guardian, parent, stepparent, aunt, uncle, scout leader or coach.Laws, 1980, ch. 450, § 1; Laws, 1983, ch. 429, § 3; Laws, 1985, ch. 389, § 6; Laws, 1993, ch. 512, § 2; Laws, 1998, ch. 549, § 3, eff. 7/1/1998. Laws, 1980, ch. 450, § 1; Laws, 1983, ch. 429, § 3; Laws, 1985, ch. 389, § 6; Laws, 1993, ch. 512, § 2; Laws, 1998, ch. 549, § 3, eff. 7/1/1998.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 3 - CRIMES AGAINST THE PERSON (§§ 97-3-1 — 97-3-119.5)Section 97-3-97 - Sexual battery; definitions

For purposes of Sections97-3-95through97-3-103the following words shall have the meaning ascribed herein unless the context otherwise requires:(a)"Sexual penetration" includes cunnilingus, fellatio, buggery or pederasty, any penetration of the genital or anal openings of another person's body by any part of a person's body, and insertion of any object into the genital or anal openings of another person's body.(b)A "mentally defective person" is one who suffers from a mental disease, defect or condition which renders that person temporarily or permanently incapable of knowing the nature and quality of his or her conduct.(c)A "mentally incapacitated person" is one rendered incapable of knowing or controlling his or her conduct, or incapable of resisting an act due to the influence of any drug, narcotic, anesthetic, or other substance administered to that person without his or her consent.(d)A "physically helpless person" is one who is unconscious or one who for any other reason is physically incapable of communicating an unwillingness to engage in an act.Laws, 1980, ch. 450, § 2, eff. 7/1/1980. For purposes of Sections97-3-95through97-3-103the following words shall have the meaning ascribed herein unless the context otherwise requires:(a)"Sexual penetration" includes cunnilingus, fellatio, buggery or pederasty, any penetration of the genital or anal openings of another person's body by any part of a person's body, and insertion of any object into the genital or anal openings of another person's body.(b)A "mentally defective person" is one who suffers from a mental disease, defect or condition which renders that person temporarily or permanently incapable of knowing the nature and quality of his or her conduct.(c)A "mentally incapacitated person" is one rendered incapable of knowing or controlling his or her conduct, or incapable of resisting an act due to the influence of any drug, narcotic, anesthetic, or

other substance administered to that person without his or her consent.(d)A "physically helpless person" is one who is unconscious or one who for any other reason is physically incapable of communicating an unwillingness to engage in an act.Laws, 1980, ch. 450, § 2, eff. 7/1/1980. For purposes of Sections97-3-95through97-3-103the following words shall have the meaning ascribed herein unless the context otherwise requires:(a)"Sexual penetration" includes cunnilingus, fellatio, buggery or pederasty, any penetration of the genital or anal openings of another person's body by any part of a person's body, and insertion of any object into the genital or anal openings of another person's body.(b)A "mentally defective person" is one who suffers from a mental disease, defect or condition which renders that person temporarily or permanently incapable of knowing the nature and quality of his or her conduct.(c)A "mentally incapacitated person" is one rendered incapable of knowing or controlling his or her conduct, or incapable of resisting an act due to the influence of any drug, narcotic, anesthetic, or other substance administered to that person without his or her consent.(d)A "physically helpless person" is one who is unconscious or one who for any other reason is physically incapable of communicating an unwillingness to engage in an act.Laws, 1980, ch. 450, § 2, eff. 7/1/1980. For purposes of Sections97-3-95through97-3-103the following words shall have the meaning ascribed herein unless the context otherwise requires: Laws, 1980, ch. 450, § 2, eff. 7/1/1980.

**Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 31 - INTOXICATING BEVERAGE
OFFENSES (§§ 97-31-1 — 97-31-55)Section 97-31-11 - Ginger preparations; extracts**

It shall be unlawful for any person, firm, corporation or association to have, control or possess in this state, or to transport from place to place in the state, or to bring into the state, any liquid ginger preparation, which might be used as an intoxicating beverage, elixir of orange peel, or pear extract by whatever name designated, whether intended for personal use or otherwise.Any person, firm, corporation or association, violating any of the provisions of this section shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not more than three hundred dollars, or by imprisonment in the county jail for a period of ninety days, or both such fine and imprisonment in the discretion of the court, for each violation.Codes, 1930, § 2024; 1942, § 2663; Laws, 1930, ch. 39. It shall be unlawful for any person, firm, corporation or association to have, control or possess in this state, or to transport from place to place in the state, or to bring into the state, any liquid ginger preparation, which might be used as an intoxicating beverage, elixir of orange peel, or pear extract by whatever name designated, whether intended for personal use or otherwise.Any person, firm, corporation or association, violating any of the provisions of this section shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not more than three hundred dollars, or by imprisonment in the county jail for a period of ninety days, or both such fine and imprisonment in the discretion of the court, for each violation.Codes, 1930, § 2024; 1942, § 2663; Laws, 1930, ch. 39. It shall be unlawful for any person, firm, corporation or association to have, control or possess in this state, or to transport from place to place in the state, or to bring into the state, any liquid ginger preparation, which might be used as an intoxicating beverage, elixir of orange peel, or pear extract by whatever name designated, whether intended for personal use or otherwise.Any person, firm, corporation or association, violating any of the provisions of this section shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not more than three hundred dollars, or by imprisonment in the county jail for a period of ninety days, or both such fine and imprisonment in the discretion of the court, for each violation.Codes, 1930, § 2024; 1942, § 2663; Laws, 1930, ch. 39. It shall be unlawful for any person, firm, corporation or association to have, control or possess in this state, or to transport from place to place in the state, or to bring into the state, any liquid ginger preparation, which might be used as an intoxicating beverage, elixir of orange peel, or pear extract by whatever name designated, whether intended for personal use or otherwise. Any person, firm, corporation or association, violating any of the provisions of this section shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not more than three hundred dollars, or by imprisonment in the county jail for a period of ninety days, or both such fine and imprisonment in the discretion of the court, for each violation. Codes, 1930, § 2024; 1942, § 2663; Laws, 1930, ch. 39.

**Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 31 - INTOXICATING BEVERAGE
OFFENSES (§§ 97-31-1 — 97-31-55)Section 97-31-15 - Delivery of alcohol or wine to person other than consignee; affidavit required; penalty for false affidavit**

It shall be unlawful for any railroad company, express company, corporation or other common carrier, or any officer, agent or employee of any of them, or any other person, to deliver any of the alcohol or wine mentioned in this chapter, when transported into or delivered into this state other than to consignees, provided that in any case where the consignee is unable on account of sickness of himself or family, to appear in person and sign for such liquor, the consignee may by written order or authority, authorize some reputable person to sign and receive same for him. In no case shall any delivery be made of a consignment or package of such alcohol or wine as aforesaid without first having such consignee or his lawful agent as aforesaid, sign and deliver to the person in whose charge such consignment or package may be for delivery, a written statement in substance as follows:"I hereby state that my name is _____; that my postoffice address is _____ Mississippi; that I am more than twenty-one years of age; that I am the consignee to whom the package containing _____ of alcohol or wine (as it may be) was consigned at _____ on the _____ day of _____ 2 _____ to be used for (set out the use for which they are to be used). I will not use this liquor in violation of any law of this state.Signed and dated at _____, Miss., this _____ day of _____ 2 _____. Consignee.By _____, Agent of the consignee."In no case shall any railroad company, express company, corporation or common carrier or person, or agent of such railroad company, express

company, corporation or other common carrier, or person, be liable for damages for not delivering such alcohol or wine or package containing the same until such statement is executed and delivered as herein provided. Any person who shall make the statement provided in this section, knowing the same to be false, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars nor more than five hundred dollars, and be imprisoned in the county jail not less than thirty days nor more than ninety days, in the discretion of the court. Codes, Hemingway's 1921 Supp. § 2163o; 1930, § 2015; 1942, § 2654; Laws, 1918, ch. 189. It shall be unlawful for any railroad company, express company, corporation or other common carrier, or any officer, agent or employee of any of them, or any other person, to deliver any of the alcohol or wine mentioned in this chapter, when transported into or delivered into this state other than to consignees, provided that in any case where the consignee is unable on account of sickness of himself or family, to appear in person and sign for such liquor, the consignee may by written order or authority, authorize some reputable person to sign and receive same for him. In no case shall any delivery be made of a consignment or package of such alcohol or wine as aforesaid without first having such consignee or his lawful agent as aforesaid, sign and deliver to the person in whose charge such consignment or package may be for delivery, a written statement in substance as follows: "I hereby state that my name is _____; that my postoffice address is _____ Mississippi; that I am more than twenty-one years of age; that I am the consignee to whom the package containing _____ of alcohol or wine (as it may be) was consigned at _____ on the _____ day of _____ 2 _____ to be used for (set out the use for which they are to be used). I will not use this liquor in violation of any law of this state. Signed and dated at _____, Miss., this _____ day of _____ 2 _____. _____ Consignee. By _____, Agent of the consignee." In no case shall any railroad company, express company, corporation or common carrier or person, or agent of such railroad company, express company, corporation or other common carrier, or person, be liable for damages for not delivering such alcohol or wine or package containing the same until such statement is executed and delivered as herein provided. Any person who shall make the statement provided in this section, knowing the same to be false, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars nor more than five hundred dollars, and be imprisoned in the county jail not less than thirty days nor more than ninety days, in the discretion of the court. Codes, Hemingway's 1921 Supp. § 2163o; 1930, § 2015; 1942, § 2654; Laws, 1918, ch. 189. It shall be unlawful for any railroad company, express company, corporation or other common carrier, or any officer, agent or employee of any of them, or any other person, to deliver any of the alcohol or wine mentioned in this chapter, when transported into or delivered into this state other than to consignees, provided that in any case where the consignee is unable on account of sickness of himself or family, to appear in person and sign for such liquor, the consignee may by written order or authority, authorize some reputable person to sign and receive same for him. In no case shall any delivery be made of a consignment or package of such alcohol or wine as aforesaid without first having such consignee or his lawful agent as aforesaid, sign and deliver to the person in whose charge such consignment or package may be for delivery, a written statement in substance as follows: "I hereby state that my name is _____; that my postoffice address is _____ Mississippi; that I am more than twenty-one years of age; that I am the consignee to whom the package containing _____ of alcohol or wine (as it may be) was consigned at _____ on the _____ day of _____ 2 _____ to be used for (set out the use for which they are to be used). I will not use this liquor in violation of any law of this state. Signed and dated at _____, Miss., this _____ day of _____ 2 _____. _____ Consignee. By _____, Agent of the consignee." In no case shall any railroad company, express company, corporation or common carrier or person, or agent of such railroad company, express company, corporation or other common carrier, or person, be liable for damages for not delivering such alcohol or wine or package containing the same until such statement is executed and delivered as herein provided. Any person who shall make the statement

provided in this section, knowing the same to be false, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars nor more than five hundred dollars, and be imprisoned in the county jail not less than thirty days nor more than ninety days, in the discretion of the court. Codes, Hemingway's 1921 Supp. § 2163o; 1930, § 2015; 1942, § 2654; Laws, 1918, ch. 189.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 31 - INTOXICATING BEVERAGE OFFENSES (§§ 97-31-1 — 97-31-55) Section 97-31-17 - Denatured alcohol

Nothing in this chapter shall affect or limit the manufacturing or shipping or receiving of wood or denatured alcohol which cannot be used for beverage purposes, and which can only be used for scientific or mechanical purposes. Codes, Hemingway's 1921 Supp. § 2163n; 1930, § 2014; 1942, § 2653; Laws, 1918, ch. 189. Nothing in this chapter shall affect or limit the manufacturing or shipping or receiving of wood or denatured alcohol which cannot be used for beverage purposes, and which can only be used for scientific or mechanical purposes. Codes, Hemingway's 1921 Supp. § 2163n; 1930, § 2014; 1942, § 2653; Laws, 1918, ch. 189. Nothing in this chapter shall affect or limit the manufacturing or shipping or receiving of wood or denatured alcohol which cannot be used for beverage purposes, and which can only be used for scientific or mechanical purposes. Codes, Hemingway's 1921 Supp. § 2163n; 1930, § 2014; 1942, § 2653; Laws, 1918, ch. 189. Nothing in this chapter shall affect or limit the manufacturing or shipping or receiving of wood or denatured alcohol which cannot be used for beverage purposes, and which can only be used for scientific or mechanical purposes. Codes, Hemingway's 1921 Supp. § 2163n; 1930, § 2014; 1942, § 2653; Laws, 1918, ch. 189.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 31 - INTOXICATING BEVERAGE OFFENSES (§§ 97-31-1 — 97-31-55) Section 97-31-19 - Law officers may store confiscated liquors, stills, etc.; consumption of liquor prohibited

It shall be lawful under this chapter for any officer of the law to store in a public building where appropriate any liquors, stills, vehicles, or other appliances used for violating this chapter and taken by him or by authority of law and placed in his keeping, until such time as the court may order the same to be sold or destroyed, or until such time as the law requires the sale or destruction of them, or any of them. But such officer in charge or possession of such liquors shall not drink or consume any of them, nor shall he permit any other person to drink or consume them, or any of them, nor shall it be permissible for any person to use, consume, or give away or allow any of said liquors to be given away or used or consumed for any purpose, and any officer, or other person violating the provisions of this section shall be guilty of a misdemeanor, and punished as provided herein, and any officer convicted of violating the provisions of this section shall be removed from his office in addition. Codes, Hemingway's 1921 Supp. § 2163f; 1930, § 2005; Laws, 1942, § 2644; Laws, 1918, ch. 189. It shall be lawful under this chapter for any officer of the law to store in a public building where appropriate any liquors, stills, vehicles, or other appliances used for violating this chapter and taken by him or by authority of law and placed in his keeping, until such time as the court may order the same to be sold or destroyed, or until such time as the law requires the sale or destruction of them, or any of them. But such officer in charge or possession of such liquors shall not drink or consume any of them, nor shall he permit any other person to drink or consume them, or any of them, nor shall it be permissible for any person to use, consume, or give away or allow any of said liquors to be given away or used or consumed for any purpose, and any officer, or other person violating the provisions of this section shall be guilty of a misdemeanor, and punished as provided herein, and any officer convicted of violating the provisions of this section shall be removed from his office in addition. Codes, Hemingway's 1921 Supp. § 2163f; 1930, § 2005; Laws, 1942, § 2644; Laws, 1918, ch. 189. It shall be lawful under this chapter for any officer of the law to store in a public building where appropriate any liquors, stills, vehicles, or other appliances used for violating this chapter and taken by him or by authority of law and placed in his keeping, until such time as the court may order the same to be sold or destroyed, or until such time as the law requires the sale or destruction of them, or any of them. But such officer in charge or possession of such liquors shall not drink or consume any of them, nor shall he permit any other person to drink or consume them, or any of them, nor shall it be permissible for any person to use, consume, or give away or allow any of said liquors to be given away or used or consumed for any purpose, and any officer, or other person violating the provisions of this section shall be guilty of a misdemeanor, and punished as provided herein, and any officer convicted of violating the provisions of this section shall be removed from his office in addition. Codes, Hemingway's 1921 Supp. § 2163f; 1930, § 2005; Laws, 1942, § 2644; Laws, 1918, ch. 189. It shall be lawful under this chapter for any officer of the law to store in a public building where appropriate any liquors, stills, vehicles, or other appliances used for violating this chapter and taken by him or by authority of law and placed in his keeping, until such time as the court may order the same to be sold or destroyed, or until such time as the law requires the sale or destruction of them, or any of them. But such officer in charge or possession of such liquors shall not drink or consume any of them, nor shall he permit any other person to drink or consume them, or any of them, nor shall it be permissible for any person to use, consume, or give away or allow any of said liquors to be given away or used or consumed for any purpose, and any officer, or other person violating the provisions of this section shall be guilty of a misdemeanor, and punished as provided herein, and any officer convicted of violating the provisions of this section shall be removed from his office in addition. Codes, Hemingway's 1921 Supp. § 2163f; 1930, § 2005; Laws, 1942, § 2644; Laws, 1918, ch. 189.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 31 - INTOXICATING BEVERAGE OFFENSES (§§ 97-31-1 — 97-31-55) Section 97-31-21 - Manufacturing or distilling unlawful; making wine at home permitted; penalties

It shall be unlawful for any person, firm or corporation to manufacture, or distill any vinous, malt, spirituous, or intoxicating liquor or drink which if drunk to excess will produce intoxication. But this statute shall not prohibit citizens of this state from making wine from grapes or berries grown in this state, at their respective homes and using and consuming the same in the home where made, by the family residing therein and dispensing same to guests within said home. Any person convicted of violating this section shall be guilty of a felony and on conviction thereof shall serve a term in the state penitentiary of not less than one year, nor more than three years for the first offense under this section, and for the second or any subsequent conviction under this section such person shall serve a term of not less than five years, nor more than ten years in the state penitentiary. Codes, Hemingway's 1917, § 2113; Hemingway's 1921 Supp. § 2163t; 1930, § 1992; 1942, § 2631; Laws, 1908, ch. 113; Laws, 1918, ch. 189. It shall be unlawful for any person, firm or corporation to manufacture, or distill any vinous, malt, spirituous, or intoxicating liquor or drink which if drunk to excess will produce intoxication. But this statute shall not prohibit citizens of this state from making wine from grapes or berries grown in this state, at their respective homes and using and consuming the same in the home where made, by the family residing therein and dispensing same to guests within said home. Any person convicted of violating this section shall be guilty of a felony and on conviction thereof shall serve a term in the state penitentiary of not less than one year, nor more than three years for the first offense under this section, and for the second or any subsequent conviction under this section such person shall serve a term of not less than five years, nor more than ten years in the state penitentiary. Codes, Hemingway's 1917, § 2113; Hemingway's 1921 Supp. § 2163t; 1930, § 1992; 1942, § 2631; Laws, 1908, ch. 113; Laws, 1918, ch. 189. It shall be unlawful for any person, firm or corporation to manufacture, or distill any vinous, malt, spirituous, or intoxicating liquor or drink which if drunk to excess will produce intoxication. But this statute shall not prohibit citizens of this state from making wine from grapes or berries grown in this state, at their respective homes and using and consuming the same in the home where made, by the family residing therein and dispensing same to guests within said home. Any person convicted of violating this section shall be guilty of a felony and on conviction thereof shall serve a term in the state penitentiary of not less than one year, nor more than three years for the first offense under this section, and for the second or any subsequent conviction under this section such person shall serve a term of not less than five years, nor more than ten years in the state penitentiary. Codes, Hemingway's 1917, § 2113; Hemingway's 1921 Supp. § 2163t; 1930, § 1992; 1942, § 2631; Laws, 1908, ch. 113; Laws, 1918, ch. 189. It shall be unlawful for any person, firm or corporation to manufacture, or distill any vinous, malt, spirituous, or intoxicating liquor or drink which if drunk to excess will produce intoxication. But this statute shall not prohibit citizens of this state from making wine from grapes or berries grown in this state, at their respective homes and using and consuming the same in the home where made, by the family residing therein and dispensing same to guests within said home. Any person convicted of violating this section shall be guilty of a felony and on conviction thereof shall serve a term in the state penitentiary of not less than one year, nor more than three years for the first offense under this section, and for the second or any subsequent conviction under this section such person shall serve a term of not less than five years, nor more than ten years in the state penitentiary. Codes, Hemingway's 1917, § 2113; Hemingway's 1921 Supp. § 2163t; 1930, § 1992; 1942, § 2631; Laws, 1908, ch. 113; Laws, 1918, ch. 189.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 31 - INTOXICATING BEVERAGE OFFENSES (§§ 97-31-1 — 97-31-55) Section 97-31-23 - Manufacturing or distilling unlawful; possession of still

It shall be unlawful for any person, firm or corporation to own or control or have in his or its possession any distillery commonly called a still or any integral part thereof. But it shall not be unlawful to own or have in possession a distillery or still in the following circumstances: (a) Where the same is used exclusively for the distillation of rosin products; (b) Where the same is used exclusively for the distillation of water; (c) Where the same is kept and lawfully used in any laboratory; (d) Where the same is in the possession of any officers of the law, to be disposed of according to law; (e) Where the person or corporation can prove that the same is in his or its possession for the purpose of being delivered up to an officer of the law to be disposed of according to law; (f) Where the same is used exclusively for the distillation of ethyl alcohol to be used solely for fuel purposes. Any person guilty of violating this section shall be guilty of a felony and on conviction shall be confined in the state penitentiary not less than one (1) year, nor more than three (3) years for his first offense, and for his second offense he shall be confined in the state penitentiary not less than five (5), nor more than ten (10) years. Codes, 1930, §§ 1993, 1994; 1942, §§ 2632, 2633; Laws, 1924, ch. 245; Laws, 1980, ch. 348, § 2, eff. 4/23/1980. It shall be unlawful for any person, firm or corporation to own or control or have in his or its possession any distillery commonly called a still or any integral part thereof. But it shall not be unlawful to own or have in possession a distillery or still in the following circumstances: (a) Where the same is used exclusively for the distillation of rosin products; (b) Where the same is used exclusively for the distillation of water; (c) Where the same is kept and lawfully used in any laboratory; (d) Where the same is in the possession of any officers of the law, to be disposed of according to law; (e) Where the person or corporation can prove that the same is in his or its possession for the purpose of being delivered up to an officer of the law to be disposed of according to law; (f) Where the same is used exclusively for the distillation of ethyl alcohol to be used solely for fuel purposes. Any person guilty of violating this section shall be guilty of a felony and on conviction shall be confined in the state penitentiary not less than one (1) year, nor more than three (3) years for his first offense, and for his second offense he shall be confined in the state penitentiary not less than five (5), nor more than ten (10) years. Codes, 1930, §§ 1993, 1994; 1942, §§ 2632, 2633; Laws, 1924, ch. 245; Laws, 1980, ch. 348, § 2, eff. 4/23/1980. It shall be unlawful for any person, firm or corporation to own or control or have in his or its possession any distillery commonly called a still or any integral part thereof. But it shall not be unlawful to own or have in possession a distillery or still in the following circumstances: (a) Where the same is used exclusively for the distillation of rosin products; (b) Where the same is used exclusively for the distillation of water; (c) Where the same is kept and lawfully used in any laboratory; (d) Where the same is in the possession of any

officers of the law, to be disposed of according to law;(e)Where the person or corporation can prove that the same is in his or its possession for the purpose of being delivered up to an officer of the law to be disposed of according to law;(f)Where the same is used exclusively for the distillation of ethyl alcohol to be used solely for fuel purposes.Any person guilty of violating this section shall be guilty of a felony and on conviction shall be confined in the state penitentiary not less than one (1) year, nor more than three (3) years for his first offense, and for his second offense he shall be confined in the state penitentiary not less than five (5), nor more than ten (10) years.Codes, 1930, §§ 1993, 1994; 1942, §§ 2632, 2633; Laws, 1924, ch. 245; Laws, 1980, ch. 348, § 2, eff. 4/23/1980. It shall be unlawful for any person, firm or corporation to own or control or have in his or its possession any distillery commonly called a still or any integral part thereof. But it shall not be unlawful to own or have in possession a distillery or still in the following circumstances: Any person guilty of violating this section shall be guilty of a felony and on conviction shall be confined in the state penitentiary not less than one (1) year, nor more than three (3) years for his first offense, and for his second offense he shall be confined in the state penitentiary not less than five (5), nor more than ten (10) years. Codes, 1930, §§ 1993, 1994; 1942, §§ 2632, 2633; Laws, 1924, ch. 245; Laws, 1980, ch. 348, § 2, eff. 4/23/1980.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 31 - INTOXICATING BEVERAGE OFFENSES (§§ 97-31-1 — 97-31-55)Section 97-31-25 - Patent medicines

The sale or giving away of any proprietary or patent medicine by whatsoever name called, which, if drunk to excess, will produce intoxication, shall be deemed and held to be a sale of intoxicating liquors, unless there shall be a printed label attached to each bottle or other receptacle containing the same, a facsimile of a certificate issued by the commissioner of internal revenue of the United States to the effect that such medicine has been examined by him or under his direction and that it does not contain such percentage of alcohol as to make the sale of same unlawful without an internal revenue license for the sale of liquors.Codes, 1906, § 1767; Hemingway's 1917, § 2102; 1930, § 1989; 1942, § 2628; Laws, 1908, ch. 115. The sale or giving away of any proprietary or patent medicine by whatsoever name called, which, if drunk to excess, will produce intoxication, shall be deemed and held to be a sale of intoxicating liquors, unless there shall be a printed label attached to each bottle or other receptacle containing the same, a facsimile of a certificate issued by the commissioner of internal revenue of the United States to the effect that such medicine has been examined by him or under his direction and that it does not contain such percentage of alcohol as to make the sale of same unlawful without an internal revenue license for the sale of liquors.Codes, 1906, § 1767; Hemingway's 1917, § 2102; 1930, § 1989; 1942, § 2628; Laws, 1908, ch. 115. The sale or giving away of any proprietary or patent medicine by whatsoever name called, which, if drunk to excess, will produce intoxication, shall be deemed and held to be a sale of intoxicating liquors, unless there shall be a printed label attached to each bottle or other receptacle containing the same, a facsimile of a certificate issued by the commissioner of internal revenue of the United States to the effect that such medicine has been examined by him or under his direction and that it does not contain such percentage of alcohol as to make the sale of same unlawful without an internal revenue license for the sale of liquors.Codes, 1906, § 1767; Hemingway's 1917, § 2102; 1930, § 1989; 1942, § 2628; Laws, 1908, ch. 115. The sale or giving away of any proprietary or patent medicine by whatsoever name called, which, if drunk to excess, will produce intoxication, shall be deemed and held to be a sale of intoxicating liquors, unless there shall be a printed label attached to each bottle or other receptacle containing the same, a facsimile of a certificate issued by the commissioner of internal revenue of the United States to the effect that such medicine has been examined by him or under his direction and that it does not contain such percentage of alcohol as to make the sale of same unlawful without an internal revenue license for the sale of liquors. Codes, 1906, § 1767; Hemingway's 1917, § 2102; 1930, § 1989; 1942, § 2628; Laws, 1908, ch. 115.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 31 - INTOXICATING BEVERAGE OFFENSES (§§ 97-31-1 — 97-31-55)Section 97-31-27 - Sale, possession, etc. of intoxicating beverages prohibited; penalties

If any person shall sell or barter, or give away or keep or have in his possession, except as authorized in this chapter, any vinous, alcoholic, malt, intoxicating or spirituous liquor, or intoxicating bitters or drinks, which if drunk to excess will produce intoxication, such person, and all others who may have owned or had any interest at the time in the liquors, bitters or drinks sold or bartered, or kept or in possession contrary to law, shall on conviction, be punished as follows:(a)By a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail not less than one week nor more than three months, or both, for the first conviction under this section.(b)By a fine of not less than one hundred dollars and by imprisonment in the county jail not less than sixty days, nor more than six months, for the second conviction for violating this section.(c)By imprisonment in the state penitentiary not less than one year nor more than five years for conviction the third time under this section for the violation thereof after having been twice convicted of its violation.Codes, Hutchinson's 1848, ch. 11, art. 8(3); 1857, ch. 20, art. 9; 1871, § 2690; 1880, § 1112; 1892, § 1592; 1906, § 1746; Hemingway's 1917, § 2086; 1930, § 1974; 1942, § 2613; Laws, 1908, ch. 115; Laws, 1912, ch. 214. If any person shall sell or barter, or give away or keep or have in his possession, except as authorized in this chapter, any vinous, alcoholic, malt, intoxicating or spirituous liquor, or intoxicating bitters or drinks, which if drunk to excess will produce intoxication, such person, and all others who may have owned or had any interest at the time in the liquors, bitters or drinks sold or bartered, or kept or in possession contrary to law, shall on conviction, be punished as follows:(a)By a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail not less than one week nor more than three months, or both, for the first conviction under this section.(b)By a fine of not less than one hundred dollars and by imprisonment in the county jail not less than sixty days, nor more than six months, for the second conviction for violating this section.(c)By imprisonment in the state penitentiary not less than one year nor more than five years for conviction the third time

under this section for the violation thereof after having been twice convicted of its violation. Codes, Hutchinson's 1848, ch. 11, art. 8(3); 1857, ch. 20, art. 9; 1871, § 2690; 1880, § 1112; 1892, § 1592; 1906, § 1746; Hemingway's 1917, § 2086; 1930, § 1974; 1942, § 2613; Laws, 1908, ch. 115; Laws, 1912, ch. 214. If any person shall sell or barter, or give away or keep or have in his possession, except as authorized in this chapter, any vinous, alcoholic, malt, intoxicating or spirituous liquor, or intoxicating bitters or drinks, which if drunk to excess will produce intoxication, such person, and all others who may have owned or had any interest at the time in the liquors, bitters or drinks sold or bartered, or kept or in possession contrary to law, shall on conviction, be punished as follows: (a) By a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail not less than one week nor more than three months, or both, for the first conviction under this section. (b) By a fine of not less than one hundred dollars and by imprisonment in the county jail not less than sixty days, nor more than six months, for the second conviction for violating this section. (c) By imprisonment in the state penitentiary not less than one year nor more than five years for conviction the third time under this section for the violation thereof after having been twice convicted of its violation. Codes, Hutchinson's 1848, ch. 11, art. 8(3); 1857, ch. 20, art. 9; 1871, § 2690; 1880, § 1112; 1892, § 1592; 1906, § 1746; Hemingway's 1917, § 2086; 1930, § 1974; 1942, § 2613; Laws, 1908, ch. 115; Laws, 1912, ch. 214. If any person shall sell or barter, or give away or keep or have in his possession, except as authorized in this chapter, any vinous, alcoholic, malt, intoxicating or spirituous liquor, or intoxicating bitters or drinks, which if drunk to excess will produce intoxication, such person, and all others who may have owned or had any interest at the time in the liquors, bitters or drinks sold or bartered, or kept or in possession contrary to law, shall on conviction, be punished as follows: Codes, Hutchinson's 1848, ch. 11, art. 8(3); 1857, ch. 20, art. 9; 1871, § 2690; 1880, § 1112; 1892, § 1592; 1906, § 1746; Hemingway's 1917, § 2086; 1930, § 1974; 1942, § 2613; Laws, 1908, ch. 115; Laws, 1912, ch. 214.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 31 - INTOXICATING BEVERAGE OFFENSES (§§ 97-31-1 — 97-31-55) Section 97-31-29 - Sale, possession, etc. of intoxicating beverages prohibited; agent or assistant of seller or buyer punished

If any person shall act as agent or assistant of either the seller or purchaser, in effecting the sale of any liquor, bitters or drinks, the sale of which is forbidden under this chapter, he shall be guilty of a misdemeanor and on conviction shall be fined not less than one hundred dollars, or be imprisoned in the county jail not less than thirty days, or both. Codes, 1892, § 1604; 1906, § 1771; Hemingway's 1917, § 2103; 1930, § 1990; 1942, § 2629; Laws, 1890, p. 71; Laws, 1908, ch. 115. If any person shall act as agent or assistant of either the seller or purchaser, in effecting the sale of any liquor, bitters or drinks, the sale of which is forbidden under this chapter, he shall be guilty of a misdemeanor and on conviction shall be fined not less than one hundred dollars, or be imprisoned in the county jail not less than thirty days, or both. Codes, 1892, § 1604; 1906, § 1771; Hemingway's 1917, § 2103; 1930, § 1990; 1942, § 2629; Laws, 1890, p. 71; Laws, 1908, ch. 115. If any person shall act as agent or assistant of either the seller or purchaser, in effecting the sale of any liquor, bitters or drinks, the sale of which is forbidden under this chapter, he shall be guilty of a misdemeanor and on conviction shall be fined not less than one hundred dollars, or be imprisoned in the county jail not less than thirty days, or both. Codes, 1892, § 1604; 1906, § 1771; Hemingway's 1917, § 2103; 1930, § 1990; 1942, § 2629; Laws, 1890, p. 71; Laws, 1908, ch. 115. If any person shall act as agent or assistant of either the seller or purchaser, in effecting the sale of any liquor, bitters or drinks, the sale of which is forbidden under this chapter, he shall be guilty of a misdemeanor and on conviction shall be fined not less than one hundred dollars, or be imprisoned in the county jail not less than thirty days, or both. Codes, 1892, § 1604; 1906, § 1771; Hemingway's 1917, § 2103; 1930, § 1990; 1942, § 2629; Laws, 1890, p. 71; Laws, 1908, ch. 115.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 31 - INTOXICATING BEVERAGE OFFENSES (§§ 97-31-1 — 97-31-55) Section 97-31-31 - Sale, possession, etc. of intoxicating beverages prohibited; connivance by owner, occupant, etc. of house or boat where liquor kept

Every owner, lessee, sub-lessee, or occupant of any boat, house, outhouse, or other building, or tenement in which the liquors described in Section 97-31-27 are unlawfully kept, sold, bartered, or given away, shall be guilty of a misdemeanor, if he shall connive therein, directly or indirectly, in any manner, or shall fail to give information thereof when he knows of the same, or of circumstances indicating the same, to some conservator of the peace. Proof of an unlawful keeping of such liquors, or of an unlawful sale, barter, or giving away thereof, in such building, shall constitute presumptive evidence of a violation of this section by any owner, lessee, sub-lessee, or occupant who has not given the information herein required. Any person convicted of violating the provisions of this section shall be fined not less than one hundred dollars, nor more than five hundred dollars, or be imprisoned in the county jail not less than one week nor more than three months, or by both such fine and imprisonment. Codes, 1857, ch. 20, art. 21; 1871, § 2694; 1880, § 1117; 1892, § 1598; 1906, § 1764; Hemingway's 1917, § 2100; 1930, § 1987; 1942, § 2626. Every owner, lessee, sub-lessee, or occupant of any boat, house, outhouse, or other building, or tenement in which the liquors described in Section 97-31-27 are unlawfully kept, sold, bartered, or given away, shall be guilty of a misdemeanor, if he shall connive therein, directly or indirectly, in any manner, or shall fail to give information thereof when he knows of the same, or of circumstances indicating the same, to some conservator of the peace. Proof of an unlawful keeping of such liquors, or of an unlawful sale, barter, or giving away thereof, in such building, shall constitute presumptive evidence of a violation of this section by any owner, lessee, sub-lessee, or occupant who has not given the information herein required. Any person convicted of violating the provisions of this section shall be fined not less than one hundred dollars, nor more than five hundred dollars, or be imprisoned in the county jail not less than one week nor more than three months, or by both such fine and imprisonment. Codes, 1857, ch. 20, art. 21; 1871, § 2694; 1880, § 1117; 1892, § 1598; 1906, § 1764; Hemingway's 1917, § 2100; 1930, § 1987; 1942, § 2626. Every owner, lessee,

sub-lessee, or occupant of any boat, house, outhouse, or other building, or tenement in which the liquors described in Section 97-31-27 are unlawfully kept, sold, bartered, or given away, shall be guilty of a misdemeanor, if he shall connive therein, directly or indirectly, in any manner, or shall fail to give information thereof when he knows of the same, or of circumstances indicating the same, to some conservator of the peace. Proof of an unlawful keeping of such liquors, or of an unlawful sale, barter, or giving away thereof, in such building, shall constitute presumptive evidence of a violation of this section by any owner, lessee, sub-lessee, or occupant who has not given the information herein required. Any person convicted of violating the provisions of this section shall be fined not less than one hundred dollars, nor more than five hundred dollars, or be imprisoned in the county jail not less than one week nor more than three months, or by both such fine and imprisonment. Codes, 1857, ch. 20, art. 21; 1871, § 2694; 1880, § 1117; 1892, § 1598; 1906, § 1764; Hemingway's 1917, § 2100; 1930, § 1987; 1942, § 2626. Every owner, lessee, sub-lessee, or occupant of any boat, house, outhouse, or other building, or tenement in which the liquors described in Section 97-31-27 are unlawfully kept, sold, bartered, or given away, shall be guilty of a misdemeanor, if he shall connive therein, directly or indirectly, in any manner, or shall fail to give information thereof when he knows of the same, or of circumstances indicating the same, to some conservator of the peace. Proof of an unlawful keeping of such liquors, or of an unlawful sale, barter, or giving away thereof, in such building, shall constitute presumptive evidence of a violation of this section by any owner, lessee, sub-lessee, or occupant who has not given the information herein required. Any person convicted of violating the provisions of this section shall be fined not less than one hundred dollars, nor more than five hundred dollars, or be imprisoned in the county jail not less than one week nor more than three months, or by both such fine and imprisonment. Codes, 1857, ch. 20, art. 21; 1871, § 2694; 1880, § 1117; 1892, § 1598; 1906, § 1764; Hemingway's 1917, § 2100; 1930, § 1987; 1942, § 2626.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 31 - INTOXICATING BEVERAGE OFFENSES (§§ 97-31-1 — 97-31-55) Section 97-31-33 - Sale, possession, etc. of intoxicating beverages prohibited; exceptions; records to be kept by carrier; exceptions may be relied upon as defense

Nothing in this chapter shall make it unlawful: (a) For any minister or priest of any religious sect or denomination in actual charge of a church, religious order or congregation to order, purchase, and have shipped, transported and delivered, wine for sacramental purposes, nor for any common carrier to ship, transport, carry or deliver wine for said purposes to any such minister or priest, nor for any such minister or priest to have, receive, control or possess wine for sacramental purposes, but the said wine shall remain in the possession of such minister or priest save when the wine is being administered in the sacramental service or in the service in commemoration of the Lord's Supper. (b) For any practicing physician, who is the sole proprietor of a drugstore, any licensed druggist, wholesale druggist, pharmacist, manufacturer, college, medical or pharmaceutical college, public or charity hospital, or state institution or chemists or bacteriologists, to order, purchase and have shipped and delivered, or to have, receive and possess, nor for any common carrier to transport, ship and deliver to any of said persons, firms, corporations or institutions grain or pure alcohol for any purpose now permitted by the laws of the state, to any such person, college, hospital, or institution, and to be used only for medicinal, mechanical, and scientific purposes not contravening in any way the prohibition laws of this state. Nor for any dentist to order, purchase, nor for any dentist to have, control, receive and possess alcohol as is herein provided in the case of a physician. (c) But, records shall be kept by the carrier, or delivering party, of such wines for sacramental purposes, and of all such alcohol and statement thereof shall be filed with the clerk of the circuit court as provided by law. (d) The exceptions defined in this section may be relied upon as a defense and the burden of establishing the same shall be upon the person claiming the benefits thereof. Codes, Hemingway's 1921 Supp. §§ 2163m, 2163n; 1930, §§ 2012, 2013; 1942, §§ 2651, 2652; Laws, 1918, ch. 189. Nothing in this chapter shall make it unlawful: (a) For any minister or priest of any religious sect or denomination in actual charge of a church, religious order or congregation to order, purchase, and have shipped, transported and delivered, wine for sacramental purposes, nor for any common carrier to ship, transport, carry or deliver wine for said purposes to any such minister or priest, nor for any such minister or priest to have, receive, control or possess wine for sacramental purposes, but the said wine shall remain in the possession of such minister or priest save when the wine is being administered in the sacramental service or in the service in commemoration of the Lord's Supper. (b) For any practicing physician, who is the sole proprietor of a drugstore, any licensed druggist, wholesale druggist, pharmacist, manufacturer, college, medical or pharmaceutical college, public or charity hospital, or state institution or chemists or bacteriologists, to order, purchase and have shipped and delivered, or to have, receive and possess, nor for any common carrier to transport, ship and deliver to any of said persons, firms, corporations or institutions grain or pure alcohol for any purpose now permitted by the laws of the state, to any such person, college, hospital, or institution, and to be used only for medicinal, mechanical, and scientific purposes not contravening in any way the prohibition laws of this state. Nor for any dentist to order, purchase, nor for any dentist to have, control, receive and possess alcohol as is herein provided in the case of a physician. (c) But, records shall be kept by the carrier, or delivering party, of such wines for sacramental purposes, and of all such alcohol and statement thereof shall be filed with the clerk of the circuit court as provided by law. (d) The exceptions defined in this section may be relied upon as a defense and the burden of establishing the same shall be upon the person claiming the benefits thereof. Codes, Hemingway's 1921 Supp. §§ 2163m, 2163n; 1930, §§ 2012, 2013; 1942, §§ 2651, 2652; Laws, 1918, ch. 189. Nothing in this chapter shall make it unlawful: (a) For any minister or priest of any religious sect or denomination in actual charge of a church, religious order or congregation to order, purchase, and have shipped, transported and delivered, wine for sacramental purposes, nor for any common carrier to ship, transport, carry or deliver wine for said purposes to any such minister or priest, nor for any such minister or priest to have, receive, control or possess wine for sacramental purposes, but the said wine shall remain in the possession of such minister or priest save when the wine is being administered in the sacramental service or in the service in

commemoration of the Lord's Supper.(b)For any practicing physician, who is the sole proprietor of a drugstore, any licensed druggist, wholesale druggist, pharmacist, manufacturer, college, medical or pharmaceutical college, public or charity hospital, or state institution or chemists or bacteriologists, to order, purchase and have shipped and delivered, or to have, receive and possess, nor for any common carrier to transport, ship and deliver to any of said persons, firms, corporations or institutions grain or pure alcohol for any purpose now permitted by the laws of the state, to any such person, college, hospital, or institution, and to be used only for medicinal, mechanical, and scientific purposes not contravening in any way the prohibition laws of this state. Nor for any dentist to order, purchase, nor for any dentist to have, control, receive and possess alcohol as is herein provided in the case of a physician.(c)But, records shall be kept by the carrier, or delivering party, of such wines for sacramental purposes, and of all such alcohol and statement thereof shall be filed with the clerk of the circuit court as provided by law.(d)The exceptions defined in this section may be relied upon as a defense and the burden of establishing the same shall be upon the person claiming the benefits thereof.Codes, Hemingway's 1921 Supp. §§ 2163m, 2163n; 1930, §§ 2012, 2013; 1942, §§ 2651, 2652; Laws, 1918, ch. 189. Nothing in this chapter shall make it unlawful: Codes, Hemingway's 1921 Supp. §§ 2163m, 2163n; 1930, §§ 2012, 2013; 1942, §§ 2651, 2652; Laws, 1918, ch. 189.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 31 - INTOXICATING BEVERAGE OFFENSES (§§ 97-31-1 — 97-31-55)Section 97-31-35 - Sale, possession, or use of alcoholic beverages within facilities; employee knowledge; punishment for violations

(1)It is unlawful for any person to sell within, bring to, or be in possession of, in any correctional facility or convict camp within the state or any county, municipal or other jail within the state, except as authorized by this chapter, any alcoholic beverage including any vinous, spirituous, malt or intoxicating liquor, or intoxicating drinks which if drunk to excess will produce intoxication.(2)It is unlawful for any person who is the keeper or officer in charge of the facility, camp or jail, or who is employed in or about the facility, camp or jail to knowingly permit any alcoholic beverage to be sold, possessed or used therein contrary to law.(3)Any person who violates the provisions of this section and is convicted shall be fined up to Ten Thousand Dollars (\$10,000.00) and be punished by imprisonment for not less than two (2) years, nor more than five (5) years; and that person will not be eligible for probation, parole, suspension of sentence, earned time allowance or other reduction of sentence.Codes, 1857, ch. 20, art. 22; 1871, § 2695; 1880, § 1118; 1892, § 1599; 1906, § 1765; Hemingway's 1917, § 2101; 1930, § 1988; 1942, § 2627; Laws, 1998, ch. 391, § 4, eff. 7/1/1998. (1)It is unlawful for any person to sell within, bring to, or be in possession of, in any correctional facility or convict camp within the state or any county, municipal or other jail within the state, except as authorized by this chapter, any alcoholic beverage including any vinous, spirituous, malt or intoxicating liquor, or intoxicating drinks which if drunk to excess will produce intoxication.(2)It is unlawful for any person who is the keeper or officer in charge of the facility, camp or jail, or who is employed in or about the facility, camp or jail to knowingly permit any alcoholic beverage to be sold, possessed or used therein contrary to law.(3)Any person who violates the provisions of this section and is convicted shall be fined up to Ten Thousand Dollars (\$10,000.00) and be punished by imprisonment for not less than two (2) years, nor more than five (5) years; and that person will not be eligible for probation, parole, suspension of sentence, earned time allowance or other reduction of sentence.Codes, 1857, ch. 20, art. 22; 1871, § 2695; 1880, § 1118; 1892, § 1599; 1906, § 1765; Hemingway's 1917, § 2101; 1930, § 1988; 1942, § 2627; Laws, 1998, ch. 391, § 4, eff. 7/1/1998. (1)It is unlawful for any person to sell within, bring to, or be in possession of, in any correctional facility or convict camp within the state or any county, municipal or other jail within the state, except as authorized by this chapter, any alcoholic beverage including any vinous, spirituous, malt or intoxicating liquor, or intoxicating drinks which if drunk to excess will produce intoxication.(2)It is unlawful for any person who is the keeper or officer in charge of the facility, camp or jail, or who is employed in or about the facility, camp or jail to knowingly permit any alcoholic beverage to be sold, possessed or used therein contrary to law.(3)Any person who violates the provisions of this section and is convicted shall be fined up to Ten Thousand Dollars (\$10,000.00) and be punished by imprisonment for not less than two (2) years, nor more than five (5) years; and that person will not be eligible for probation, parole, suspension of sentence, earned time allowance or other reduction of sentence.Codes, 1857, ch. 20, art. 22; 1871, § 2695; 1880, § 1118; 1892, § 1599; 1906, § 1765; Hemingway's 1917, § 2101; 1930, § 1988; 1942, § 2627; Laws, 1998, ch. 391, § 4, eff. 7/1/1998. Codes, 1857, ch. 20, art. 22; 1871, § 2695; 1880, § 1118; 1892, § 1599; 1906, § 1765; Hemingway's 1917, § 2101; 1930, § 1988; 1942, § 2627; Laws, 1998, ch. 391, § 4, eff. 7/1/1998.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 31 - INTOXICATING BEVERAGE OFFENSES (§§ 97-31-1 — 97-31-55)Section 97-31-37 - Sale of alcohol by druggists; certain sales by retail and wholesale druggists permitted

Any licensed retail druggist in this state may sell in the manner herein set out pure alcohol for medicinal purposes only; grain alcohol to chemists and bacteriologists actually engaged in scientific work and for the purpose of being used only in such work; and wine to be used for sacramental purposes only; provided that the wholesale druggists domiciled and doing business in this state may sell pure alcohol in quantities not less than one gallon to licensed retail druggists, and to licensed and practicing physicians, and to public or charity hospitals, and to medical or pharmaceutical colleges, but all wholesale druggists shall make and preserve for two years after such sales a complete record of sales of alcohol which shall at all times be open for inspection to any conservator of the peace of the county; and provided further, that nothing in this chapter shall be construed to prohibit the manufacture or sale of wood and denatured alcohol for art, scientific and mechanical purposes. A person shall not be deemed a licensed retail druggist within the meaning of this section by reason of being a licensed physician or pharmacist.Codes, Hemingway's 1917, § 2114; 1930, § 1995;

1942, § 2634; Laws, 1908, ch. 113. Any licensed retail druggist in this state may sell in the manner herein set out pure alcohol for medicinal purposes only; grain alcohol to chemists and bacteriologists actually engaged in scientific work and for the purpose of being used only in such work; and wine to be used for sacramental purposes only; provided that the wholesale druggists domiciled and doing business in this state may sell pure alcohol in quantities not less than one gallon to licensed retail druggists, and to licensed and practicing physicians, and to public or charity hospitals, and to medical or pharmaceutical colleges, but all wholesale druggists shall make and preserve for two years after such sales a complete record of sales of alcohol which shall at all times be open for inspection to any conservator of the peace of the county; and provided further, that nothing in this chapter shall be construed to prohibit the manufacture or sale of wood and denatured alcohol for art, scientific and mechanical purposes. A person shall not be deemed a licensed retail druggist within the meaning of this section by reason of being a licensed physician or pharmacist. Codes, Hemingway's 1917, § 2114; 1930, § 1995; 1942, § 2634; Laws, 1908, ch. 113. Any licensed retail druggist in this state may sell in the manner herein set out pure alcohol for medicinal purposes only; grain alcohol to chemists and bacteriologists actually engaged in scientific work and for the purpose of being used only in such work; and wine to be used for sacramental purposes only; provided that the wholesale druggists domiciled and doing business in this state may sell pure alcohol in quantities not less than one gallon to licensed retail druggists, and to licensed and practicing physicians, and to public or charity hospitals, and to medical or pharmaceutical colleges, but all wholesale druggists shall make and preserve for two years after such sales a complete record of sales of alcohol which shall at all times be open for inspection to any conservator of the peace of the county; and provided further, that nothing in this chapter shall be construed to prohibit the manufacture or sale of wood and denatured alcohol for art, scientific and mechanical purposes. A person shall not be deemed a licensed retail druggist within the meaning of this section by reason of being a licensed physician or pharmacist. Codes, Hemingway's 1917, § 2114; 1930, § 1995; 1942, § 2634; Laws, 1908, ch. 113. Any licensed retail druggist in this state may sell in the manner herein set out pure alcohol for medicinal purposes only; grain alcohol to chemists and bacteriologists actually engaged in scientific work and for the purpose of being used only in such work; and wine to be used for sacramental purposes only; provided that the wholesale druggists domiciled and doing business in this state may sell pure alcohol in quantities not less than one gallon to licensed retail druggists, and to licensed and practicing physicians, and to public or charity hospitals, and to medical or pharmaceutical colleges, but all wholesale druggists shall make and preserve for two years after such sales a complete record of sales of alcohol which shall at all times be open for inspection to any conservator of the peace of the county; and provided further, that nothing in this chapter shall be construed to prohibit the manufacture or sale of wood and denatured alcohol for art, scientific and mechanical purposes. A person shall not be deemed a licensed retail druggist within the meaning of this section by reason of being a licensed physician or pharmacist. Codes, Hemingway's 1917, § 2114; 1930, § 1995; 1942, § 2634; Laws, 1908, ch. 113.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 31 - INTOXICATING BEVERAGE OFFENSES (§§ 97-31-1 — 97-31-55) Section 97-31-39 - Sale of alcohol by druggists; medicinal purposes; physician's certificate

No sale of pure alcohol for medicinal purposes shall be made except upon the written prescription of a licensed and practicing physician of this state, who, before writing such prescription shall have made an actual examination of the patient for whom the prescription is issued, which prescription shall be dated and signed by the physician and shall be in substantially the following form: "State of Mississippi, _____ County, I _____ a regularly licensed and practicing physician under the laws of this state, do hereby certify that I have examined _____ a patient in my charge, and hereby prescribe for the use of said patient _____ of pure alcohol, and I certify that the use thereof is necessary to alleviate or cure the illness or disease from which such patient is suffering. Dated _____

_____, M. D. No prescription shall be filled hereunder except upon the day upon which it is issued or the following day, and no more than half a pint of alcohol shall be furnished on any one prescription, and when such prescription is filled it shall not be refilled, but shall be delivered to the druggist filling the same, and at the end of the month in which the same is filled shall be filed by such druggist in the office of the circuit clerk of the county. In towns having a population of 1,000 or more the physician's prescription shall not be filled at any drug store of which he is the proprietor, or in which he has a financial interest, either as partner, stockholder, or otherwise. Any person purchasing alcohol for any purpose set out in this section, for which a prescription is not required herein, shall first sign a written or printed statement properly dated and deliver the same to the druggist, stating his name, residence and occupation, and the purpose for which he intends to use said alcohol. Codes, Hemingway's 1917, § 2115; 1930, § 1996; 1942, § 2635; Laws, 1908, ch. 113. No sale of pure alcohol for medicinal purposes shall be made except upon the written prescription of a licensed and practicing physician of this state, who, before writing such prescription shall have made an actual examination of the patient for whom the prescription is issued, which prescription shall be dated and signed by the physician and shall be in substantially the following form: "State of Mississippi, _____ County, I _____ a regularly licensed and practicing physician under the laws of this state, do hereby certify that I have examined _____ a patient in my charge, and hereby prescribe for the use of said patient _____ of pure alcohol, and I certify that the use thereof is necessary to alleviate or cure the illness or disease from which such patient is suffering. Dated _____, M. D. No prescription shall be filled hereunder except upon the day upon which it is issued or the following day, and no more than half a pint of alcohol shall be furnished on any one prescription, and when such prescription is filled it shall not be refilled, but shall be delivered to the druggist filling the same, and at the end of the month in which the same is filed shall be filed by such druggist in the office of the circuit clerk

of the county. In towns having a population of 1,000 or more the physician's prescription shall not be filled at any drug store of which he is the proprietor, or in which he has a financial interest, either as partner, stockholder, or otherwise. Any person purchasing alcohol for any purpose set out in this section, for which a prescription is not required herein, shall first sign a written or printed statement properly dated and deliver the same to the druggist, stating his name, residence and occupation, and the purpose for which he intends to use said alcohol. Codes, Hemingway's 1917, § 2115; 1930, § 1996; 1942, § 2635; Laws, 1908, ch. 113. No sale of pure alcohol for medicinal purposes shall be made except upon the written prescription of a licensed and practicing physician of this state, who, before writing such prescription shall have made an actual examination of the patient for whom the prescription is issued, which prescription shall be dated and signed by the physician and shall be in substantially the following form: "State of Mississippi, _____ County, I _____ a regularly licensed and practicing physician under the laws of this state, do hereby certify that I have examined _____ a patient in my charge, and hereby prescribe for the use of said patient _____ of pure alcohol, and I certify that the use thereof is necessary to alleviate or cure the illness or disease from which such patient is suffering. Dated _____" _____, M. D. No prescription shall be filled hereunder except upon the day upon which it is issued or the following day, and no more than half a pint of alcohol shall be furnished on any one prescription, and when such prescription is filled it shall not be refilled, but shall be delivered to the druggist filling the same, and at the end of the month in which the same is filed shall be filed by such druggist in the office of the circuit clerk of the county. In towns having a population of 1,000 or more the physician's prescription shall not be filled at any drug store of which he is the proprietor, or in which he has a financial interest, either as partner, stockholder, or otherwise. Any person purchasing alcohol for any purpose set out in this section, for which a prescription is not required herein, shall first sign a written or printed statement properly dated and deliver the same to the druggist, stating his name, residence and occupation, and the purpose for which he intends to use said alcohol. Codes, Hemingway's 1917, § 2115; 1930, § 1996; 1942, § 2635; Laws, 1908, ch. 113. No sale of pure alcohol for medicinal purposes shall be made except upon the written prescription of a licensed and practicing physician of this state, who, before writing such prescription shall have made an actual examination of the patient for whom the prescription is issued, which prescription shall be dated and signed by the physician and shall be in substantially the following form: "State of Mississippi, _____ County, I _____ a regularly licensed and practicing physician under the laws of this state, do hereby certify that I have examined _____ a patient in my charge, and hereby prescribe for the use of said patient _____ of pure alcohol, and I certify that the use thereof is necessary to alleviate or cure the illness or disease from which such patient is suffering. Dated _____" _____, M. D. No prescription shall be filled hereunder except upon the day upon which it is issued or the following day, and no more than half a pint of alcohol shall be furnished on any one prescription, and when such prescription is filled it shall not be refilled, but shall be delivered to the druggist filling the same, and at the end of the month in which the same is filed shall be filed by such druggist in the office of the circuit clerk of the county. In towns having a population of 1,000 or more the physician's prescription shall not be filled at any drug store of which he is the proprietor, or in which he has a financial interest, either as partner, stockholder, or otherwise. Any person purchasing alcohol for any purpose set out in this section, for which a prescription is not required herein, shall first sign a written or printed statement properly dated and deliver the same to the druggist, stating his name, residence and occupation, and the purpose for which he intends to use said alcohol. Codes, Hemingway's 1917, § 2115; 1930, § 1996; 1942, § 2635; Laws, 1908, ch. 113.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 31 - INTOXICATING BEVERAGE OFFENSES (§§ 97-31-1 — 97-31-55) Section 97-31-41 - Sale of alcohol by druggists; wine for sacramental purposes

It shall be unlawful to sell wine for sacramental purposes except to a minister, pastor, priest, or officer of a regularly organized church or religious congregation, and before such a sale is made, the person desiring to make such purchase shall sign and deliver to the druggist a written or printed statement giving his name, residence, and the name and location of the church for which the wine is purchased, and shall certify that it is purchased in good faith to be used only for sacramental purposes. Codes, Hemingway's 1917, § 2116; 1930, § 1997; 1942, § 2636; Laws, 1908, ch. 113. It shall be unlawful to sell wine for sacramental purposes except to a minister, pastor, priest, or officer of a regularly organized church or religious congregation, and before such a sale is made, the person desiring to make such purchase shall sign and deliver to the druggist a written or printed statement giving his name, residence, and the name and location of the church for which the wine is purchased, and shall certify that it is purchased in good faith to be used only for sacramental purposes. Codes, Hemingway's 1917, § 2116; 1930, § 1997; 1942, § 2636; Laws, 1908, ch. 113. It shall be unlawful to sell wine for sacramental purposes except to a minister, pastor, priest, or officer of a regularly organized church or religious congregation, and before such a sale is made, the person desiring to make such purchase shall sign and deliver to the druggist a written or printed statement giving his name, residence, and the name and location of the church for which the wine is purchased, and shall certify that it is purchased in good faith to be used only for sacramental purposes. Codes, Hemingway's 1917, § 2116; 1930, § 1997; 1942, § 2636; Laws, 1908, ch. 113.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 31 - INTOXICATING BEVERAGE

OFFENSES (§§ 97-31-1 — 97-31-55)Section 97-31-43 - Sale of alcohol by druggists; statement of sales or prescriptions to be filed with circuit clerk; filing fee

All statements or prescriptions required by this chapter shall be delivered at the end of the month in which they were given or within five days thereafter to the circuit clerk of the county in which the sale was made and shall be filed and preserved by the circuit clerk in his office for a period of not less than two years, and shall moreover be promptly listed and indexed in a book kept for that purpose, which shall show the name of the druggist making the sale, the name of the purchaser, the date of the statement or prescription and the quantity of alcohol purchased. The original statement or prescription with the certificate of the circuit clerk endorsed thereon, showing that it has been registered, or a certified copy of such record, shall be prima facie evidence in any prosecution, suit or proceeding of the facts recited therein. The circuit clerk for filing and registering each statement or prescription, shall be entitled to a fee of ten cents, which shall be paid by the druggist filing the same. Codes, Hemingway's 1917, § 2117; 1930, § 1998; 1942, § 2637; Laws, 1908, ch. 113. All statements or prescriptions required by this chapter shall be delivered at the end of the month in which they were given or within five days thereafter to the circuit clerk of the county in which the sale was made and shall be filed and preserved by the circuit clerk in his office for a period of not less than two years, and shall moreover be promptly listed and indexed in a book kept for that purpose, which shall show the name of the druggist making the sale, the name of the purchaser, the date of the statement or prescription and the quantity of alcohol purchased. The original statement or prescription with the certificate of the circuit clerk endorsed thereon, showing that it has been registered, or a certified copy of such record, shall be prima facie evidence in any prosecution, suit or proceeding of the facts recited therein. The circuit clerk for filing and registering each statement or prescription, shall be entitled to a fee of ten cents, which shall be paid by the druggist filing the same. Codes, Hemingway's 1917, § 2117; 1930, § 1998; 1942, § 2637; Laws, 1908, ch. 113. All statements or prescriptions required by this chapter shall be delivered at the end of the month in which they were given or within five days thereafter to the circuit clerk of the county in which the sale was made and shall be filed and preserved by the circuit clerk in his office for a period of not less than two years, and shall moreover be promptly listed and indexed in a book kept for that purpose, which shall show the name of the druggist making the sale, the name of the purchaser, the date of the statement or prescription and the quantity of alcohol purchased. The original statement or prescription with the certificate of the circuit clerk endorsed thereon, showing that it has been registered, or a certified copy of such record, shall be prima facie evidence in any prosecution, suit or proceeding of the facts recited therein. The circuit clerk for filing and registering each statement or prescription, shall be entitled to a fee of ten cents, which shall be paid by the druggist filing the same. Codes, Hemingway's 1917, § 2117; 1930, § 1998; 1942, § 2637; Laws, 1908, ch. 113. All statements or prescriptions required by this chapter shall be delivered at the end of the month in which they were given or within five days thereafter to the circuit clerk of the county in which the sale was made and shall be filed and preserved by the circuit clerk in his office for a period of not less than two years, and shall moreover be promptly listed and indexed in a book kept for that purpose, which shall show the name of the druggist making the sale, the name of the purchaser, the date of the statement or prescription and the quantity of alcohol purchased. The original statement or prescription with the certificate of the circuit clerk endorsed thereon, showing that it has been registered, or a certified copy of such record, shall be prima facie evidence in any prosecution, suit or proceeding of the facts recited therein. The circuit clerk for filing and registering each statement or prescription, shall be entitled to a fee of ten cents, which shall be paid by the druggist filing the same. Codes, Hemingway's 1917, § 2117; 1930, § 1998; 1942, § 2637; Laws, 1908, ch. 113.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 31 - INTOXICATING BEVERAGE OFFENSES (§§ 97-31-1 — 97-31-55)Section 97-31-45 - Sale of alcohol by druggists; penalties for certain violations

Any physician who signs or issues any prescription containing any false statement; any druggist who shall sell any alcohol or shall fill any prescription for alcohol in anywise other than herein allowed, or shall refill any prescription for alcohol or who shall fail to file a prescription filled by him in the office of the circuit clerk within the time prescribed; any person who shall obtain alcohol or wine for any purpose authorized herein and who shall convert the same to any other use; shall be guilty of a misdemeanor and shall, on conviction, be fined not less than fifty dollars, nor more than five hundred dollars, or be imprisoned in the county jail not less than one week, or more than three months, or both. But in no case of a conviction of any person for an offense under this section committed after a conviction and punishment for a former offense hereunder, shall the punishment be less than a fine of one hundred dollars nor more than provided in this section, or imprisonment in the county jail for not less than sixty days nor more than six months, or both, in the discretion of the court. Codes, Hemingway's 1917, § 2118; 1930, § 1999; 1942, § 2638; Laws, 1908, ch. 113. Any physician who signs or issues any prescription containing any false statement; any druggist who shall sell any alcohol or shall fill any prescription for alcohol in anywise other than herein allowed, or shall refill any prescription for alcohol or who shall fail to file a prescription filled by him in the office of the circuit clerk within the time prescribed; any person who shall obtain alcohol or wine for any purpose authorized herein and who shall convert the same to any other use; shall be guilty of a misdemeanor and shall, on conviction, be fined not less than fifty dollars, nor more than five hundred dollars, or be imprisoned in the county jail not less than one week, or more than three months, or both. But in no case of a conviction of any person for an offense under this section committed after a conviction and punishment for a former offense hereunder, shall the punishment be less than a fine of one hundred dollars nor more than provided in this section, or imprisonment in the county jail for not less than sixty days nor more than six months, or both, in the discretion of the court. Codes, Hemingway's 1917, § 2118; 1930, § 1999; 1942, § 2638; Laws, 1908, ch. 113. Any physician who signs or issues any prescription containing any false statement; any druggist who shall sell any alcohol or shall

fill any prescription for alcohol in anywise other than herein allowed, or shall refill any prescription for alcohol or who shall fail to file a prescription filled by him in the office of the circuit clerk within the time prescribed; any person who shall obtain alcohol or wine for any purpose authorized herein and who shall convert the same to any other use; shall be guilty of a misdemeanor and shall, on conviction, be fined not less than fifty dollars, nor more than five hundred dollars, or be imprisoned in the county jail not less than one week, or more than three months, or both. But in no case of a conviction of any person for an offense under this section committed after a conviction and punishment for a former offense hereunder, shall the punishment be less than a fine of one hundred dollars nor more than provided in this section, or imprisonment in the county jail for not less than sixty days nor more than six months, or both, in the discretion of the court. Codes, Hemingway's 1917, § 2118; 1930, § 1999; 1942, § 2638; Laws, 1908, ch. 113. Any physician who signs or issues any prescription containing any false statement; any druggist who shall sell any alcohol or shall fill any prescription for alcohol in anywise other than herein allowed, or shall refill any prescription for alcohol or who shall fail to file a prescription filled by him in the office of the circuit clerk within the time prescribed; any person who shall obtain alcohol or wine for any purpose authorized herein and who shall convert the same to any other use; shall be guilty of a misdemeanor and shall, on conviction, be fined not less than fifty dollars, nor more than five hundred dollars, or be imprisoned in the county jail not less than one week, or more than three months, or both. But in no case of a conviction of any person for an offense under this section committed after a conviction and punishment for a former offense hereunder, shall the punishment be less than a fine of one hundred dollars nor more than provided in this section, or imprisonment in the county jail for not less than sixty days nor more than six months, or both, in the discretion of the court. Codes, Hemingway's 1917, § 2118; 1930, § 1999; 1942, § 2638; Laws, 1908, ch. 113.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 31 - INTOXICATING BEVERAGE OFFENSES (§§ 97-31-1 — 97-31-55) Section 97-31-47 - Transportation of intoxicating liquors into or within state unlawful

It shall be unlawful for any transportation company, or any agent, employee, or officer of such company, or any other person, or corporation to transport into or deliver in this state in any manner or by any means any spirituous, vinous, malt, or other intoxicating liquors or drinks, or for any such person, company, or corporation to transport any spirituous, malt, vinous, or intoxicating liquors or drinks from one place within this state to another place within the state, or from one (1) point within this state to any point without the state, except in cases where this chapter or Section 67-9-1 authorizes the transportation. Codes, Hemingway's 1921 Supp. § 2163a; 1930, § 2003; 1942, § 2642; Laws, 1918, ch. 189; Laws, 1996, ch. 417, § 13, eff. 7/1/1996. It shall be unlawful for any transportation company, or any agent, employee, or officer of such company, or any other person, or corporation to transport into or deliver in this state in any manner or by any means any spirituous, vinous, malt, or other intoxicating liquors or drinks, or for any such person, company, or corporation to transport any spirituous, malt, vinous, or intoxicating liquors or drinks from one place within this state to another place within the state, or from one (1) point within this state to any point without the state, except in cases where this chapter or Section 67-9-1 authorizes the transportation. Codes, Hemingway's 1921 Supp. § 2163a; 1930, § 2003; 1942, § 2642; Laws, 1918, ch. 189; Laws, 1996, ch. 417, § 13, eff. 7/1/1996. It shall be unlawful for any transportation company, or any agent, employee, or officer of such company, or any other person, or corporation to transport into or deliver in this state in any manner or by any means any spirituous, vinous, malt, or other intoxicating liquors or drinks, or for any such person, company, or corporation to transport any spirituous, malt, vinous, or intoxicating liquors or drinks from one place within this state to another place within the state, or from one (1) point within this state to any point without the state, except in cases where this chapter or Section 67-9-1 authorizes the transportation. Codes, Hemingway's 1921 Supp. § 2163a; 1930, § 2003; 1942, § 2642; Laws, 1918, ch. 189; Laws, 1996, ch. 417, § 13, eff. 7/1/1996.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 31 - INTOXICATING BEVERAGE OFFENSES (§§ 97-31-1 — 97-31-55) Section 97-31-49 - Solicitation of orders for liquors, etc. unlawful

It shall be unlawful for any person, firm or corporation in this state, in person, by letter, circular, or other printed or written matter, or in any other manner, to solicit or take order in this state for any liquors, bitters or drinks prohibited by the laws of this state to be sold, bartered, or otherwise disposed of. The inhibition of this section shall apply to such liquors, bitters and drinks, whether the parties intend that the same shall be shipped into this state from outside of the state, or from one point in this state to another point in this state. If such order be in writing, parol evidence thereof is admissible without producing or accounting for the absence of the original; and the taking or soliciting of such orders is within the inhibition of this section, although the orders are subject to approval by some other person, and no part of the price is paid, nor any part of the goods is delivered when the order is taken. Codes, Hemingway's 1921 Supp. § 2163g; 1930, § 2006; 1942, § 2645; Laws, 1918, ch. 189. It shall be unlawful for any person, firm or corporation in this state, in person, by letter, circular, or other printed or written matter, or in any other manner, to solicit or take order in this state for any liquors, bitters or drinks prohibited by the laws of this state to be sold, bartered, or otherwise disposed of. The inhibition of this section shall apply to such liquors, bitters and drinks, whether the parties intend that the same shall be shipped into this state from outside of the state, or from one point in this state to another point in this state. If such order be in writing, parol

evidence thereof is admissible without producing or accounting for the absence of the original; and the taking or soliciting of such orders is within the inhibition of this section, although the orders are subject to approval by some other person, and no part of the price is paid, nor any part of the goods is delivered when the order is taken. Codes, Hemingway's 1921 Supp. § 2163g; 1930, § 2006; 1942, § 2645; Laws, 1918, ch. 189. It shall be unlawful for any person, firm or corporation in this state, in person, by letter, circular, or other printed or written matter, or in any other manner, to solicit or take order in this state for any liquors, bitters or drinks prohibited by the laws of this state to be sold, bartered, or otherwise disposed of. The inhibition of this section shall apply to such liquors, bitters and drinks, whether the parties intend that the same shall be shipped into this state from outside of the state, or from one point in this state to another point in this state. If such order be in writing, parol evidence thereof is admissible without producing or accounting for the absence of the original; and the taking or soliciting of such orders is within the inhibition of this section, although the orders are subject to approval by some other person, and no part of the price is paid, nor any part of the goods is delivered when the order is taken. Codes, Hemingway's 1921 Supp. § 2163g; 1930, § 2006; 1942, § 2645; Laws, 1918, ch. 189. It shall be unlawful for any person, firm or corporation in this state, in person, by letter, circular, or other printed or written matter, or in any other manner, to solicit or take order in this state for any liquors, bitters or drinks prohibited by the laws of this state to be sold, bartered, or otherwise disposed of. The inhibition of this section shall apply to such liquors, bitters and drinks, whether the parties intend that the same shall be shipped into this state from outside of the state, or from one point in this state to another point in this state. If such order be in writing, parol evidence thereof is admissible without producing or accounting for the absence of the original; and the taking or soliciting of such orders is within the inhibition of this section, although the orders are subject to approval by some other person, and no part of the price is paid, nor any part of the goods is delivered when the order is taken. Codes, Hemingway's 1921 Supp. § 2163g; 1930, § 2006; 1942, § 2645; Laws, 1918, ch. 189.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 31 - INTOXICATING BEVERAGE OFFENSES (§§ 97-31-1 — 97-31-55) Section 97-31-5 - Alcoholic preparations; unlawful to sell or keep certain preparations; exceptions

It shall be unlawful for any person, firm, corporation or association, to sell, barter, or give away, or keep for such purposes any sweet spirits of nitre, liquid ginger preparation, elixir of orange peel, pear extract, or any like drug, compound, bitters, elixir or preparation of any kind whatsoever, except where otherwise legalized under the laws of this state, which when drunk to excess, in the form sold, will produce intoxication, except when the same is kept, sold, bartered or given away for either medicinal, or household purposes, or for uses in cooking, baking, and purposes incidental to the treatment of disease. This section shall have no effect whatsoever on the sections appearing in Chapter 1 of Title 67, Mississippi Code of 1972, cited as the "Local Option Alcoholic Beverage Control Law" of the State of Mississippi. If there is any conflict whatsoever between this section and the Local Option Alcoholic Beverage Control Law cited hereinabove, the provisions of the Local Option Alcoholic Beverage Control Law shall be paramount. Codes, 1930, § 2021; 1942, § 2660; Laws, 1926, ch. 201; Laws, 1928, ch. 213; Laws, 1968, ch. 356, § 1, eff. 5/27/1968. It shall be unlawful for any person, firm, corporation or association, to sell, barter, or give away, or keep for such purposes any sweet spirits of nitre, liquid ginger preparation, elixir of orange peel, pear extract, or any like drug, compound, bitters, elixir or preparation of any kind whatsoever, except where otherwise legalized under the laws of this state, which when drunk to excess, in the form sold, will produce intoxication, except when the same is kept, sold, bartered or given away for either medicinal, or household purposes, or for uses in cooking, baking, and purposes incidental to the treatment of disease. This section shall have no effect whatsoever on the sections appearing in Chapter 1 of Title 67, Mississippi Code of 1972, cited as the "Local Option Alcoholic Beverage Control Law" of the State of Mississippi. If there is any conflict whatsoever between this section and the Local Option Alcoholic Beverage Control Law cited hereinabove, the provisions of the Local Option Alcoholic Beverage Control Law shall be paramount. Codes, 1930, § 2021; 1942, § 2660; Laws, 1926, ch. 201; Laws, 1928, ch. 213; Laws, 1968, ch. 356, § 1, eff. 5/27/1968. It shall be unlawful for any person, firm, corporation or association, to sell, barter, or give away, or keep for such purposes any sweet spirits of nitre, liquid ginger preparation, elixir of orange peel, pear extract, or any like drug, compound, bitters, elixir or preparation of any kind whatsoever, except where otherwise legalized under the laws of this state, which when drunk to excess, in the form sold, will produce intoxication, except when the same is kept, sold, bartered or given away for either medicinal, or household purposes, or for uses in cooking, baking, and purposes incidental to the treatment of disease. This section shall have no effect whatsoever on the sections appearing in Chapter 1 of Title 67, Mississippi Code of 1972, cited as the "Local Option Alcoholic Beverage Control Law" of the State of Mississippi. If there is any conflict whatsoever between this section and the Local Option Alcoholic Beverage Control Law cited hereinabove, the provisions of the Local Option Alcoholic Beverage Control Law shall be paramount. Codes, 1930, § 2021; 1942, § 2660; Laws, 1926, ch. 201; Laws, 1928, ch. 213; Laws, 1968, ch. 356, § 1, eff. 5/27/1968.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 31 - INTOXICATING BEVERAGE OFFENSES (§§ 97-31-1 — 97-31-55) Section 97-31-51 - Witnesses; immunity from prosecution granted; penalty for refusing to testify

No person shall be excused from attending and testifying before a grand jury, or before any court, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this chapter, or any amendment thereof, on the ground and for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter or thing, concerning which he may testify, or produce evidence, documentary or otherwise, before the grand jury, or any court; provided, that no person so testifying shall be exempt from prosecution or punishment for perjury in so testifying. Any person who shall neglect or refuse to so attend or testify, or to answer any lawful inquiry, or to produce books or other documentary evidence, if in his power to do so, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars or more than five hundred dollars, or by imprisonment for not more than ninety days, or by both such fines and imprisonment. Codes, 1906, § 1792; Hemingway's 1917, § 2106; 1930, § 1991; 1942, § 2630. No person shall be excused from attending and testifying before a grand jury, or before any court, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this chapter, or any amendment thereof, on the ground and for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter or thing, concerning which he may testify, or produce evidence, documentary or otherwise, before the grand jury, or any court; provided, that no person so testifying shall be exempt from prosecution or punishment for perjury in so testifying. Any person who shall neglect or refuse to so attend or testify, or to answer any lawful inquiry, or to produce books or other documentary evidence, if in his power to do so, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars or more than five hundred dollars, or by imprisonment for not more than ninety days, or by both such fines and imprisonment. Codes, 1906, § 1792; Hemingway's 1917, § 2106; 1930, § 1991; 1942, § 2630. No person shall be excused from attending and testifying before a grand jury, or before any court, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this chapter, or any amendment thereof, on the ground and for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter or thing, concerning which he may testify, or produce evidence, documentary or otherwise, before the grand jury, or any court; provided, that no person so testifying shall be exempt from prosecution or punishment for perjury in so testifying. Any person who shall neglect or refuse to so attend or testify, or to answer any lawful inquiry, or to produce books or other documentary evidence, if in his power to do so, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars or more than five hundred dollars, or by imprisonment for not more than ninety days, or by both such fines and imprisonment. Codes, 1906, § 1792; Hemingway's 1917, § 2106; 1930, § 1991; 1942, § 2630. No person shall be excused from attending and testifying before a grand jury, or before any court, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this chapter, or any amendment thereof, on the ground and for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter or thing, concerning which he may testify, or produce evidence, documentary or otherwise, before the grand jury, or any court; provided, that no person so testifying shall be exempt from prosecution or punishment for perjury in so testifying. Any person who shall neglect or refuse to so attend or testify, or to answer any lawful inquiry, or to produce books or other documentary evidence, if in his power to do so, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars or more than five hundred dollars, or by imprisonment for not more than ninety days, or by both such fines and imprisonment. Codes, 1906, § 1792; Hemingway's 1917, § 2106; 1930, § 1991; 1942, § 2630.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 31 - INTOXICATING BEVERAGE OFFENSES (§§ 97-31-1 — 97-31-55) Section 97-31-53 - Penalty for violations where punishment not specifically prescribed

Any person, firm or corporation convicted of violating any part of this chapter for which there is not prescribed specifically the punishment for such violation, shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars, nor more than five hundred dollars, or be imprisoned in the county jail not longer than six months, or both. Codes, Hemingway's 1921 Supp. § 2163s; 1930, § 2019; 1942, § 2658; Laws, 1918, ch. 189. Any person, firm or corporation convicted of violating any part of this chapter for which there is not prescribed specifically the punishment for such violation, shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars, nor more than five hundred dollars, or be imprisoned in the county jail not longer than six months, or both. Codes, Hemingway's 1921 Supp. § 2163s; 1930, § 2019; 1942, § 2658; Laws, 1918, ch. 189. Any person, firm or corporation convicted of violating any part of this chapter for which there is not prescribed specifically the punishment for such violation, shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars, nor more than five hundred dollars, or be imprisoned in the county jail not longer than six months, or both. Codes, Hemingway's 1921 Supp. § 2163s; 1930, § 2019; 1942, § 2658; Laws, 1918, ch. 189. Any person, firm or corporation convicted of violating any part of this chapter for which there is not prescribed specifically the punishment for such violation, shall be guilty of a misdemeanor and shall be fined not less than one

hundred dollars, nor more than five hundred dollars, or be imprisoned in the county jail not longer than six months, or both. Codes, Hemingway's 1921 Supp. § 2163s; 1930, § 2019; 1942, § 2658; Laws, 1918, ch. 189.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 31 - INTOXICATING BEVERAGE OFFENSES (§§ 97-31-1 — 97-31-55) Section 97-31-55 - Immunity for certain persons who request emergency medical assistance for individuals appearing to need medical assistance due to alcohol consumption; immunity for peace officer for complying or failing to comply with this section

(1) A peace officer shall not take a person into custody based solely on the commission of an offense involving alcohol if the peace officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that all of the following apply: (a) The peace officer has contact with the person because the person acting in good faith requested emergency medical assistance for an individual who reasonably appeared to be in need of medical assistance due to alcohol consumption and the person did not illegally provide alcohol to the individual. (b) The person: (i) Provided his full name and any other relevant information requested by the peace officer; (ii) Remained at the scene with the individual who reasonably appeared to be in need of medical assistance due to alcohol consumption until emergency medical assistance arrived; and (iii) Cooperated with emergency medical assistance personnel and peace officers at the scene. (2) A person who meets the criteria of subsection (1) of this section shall be immune from criminal prosecution for any offense related solely to the possession and consumption of alcohol. (3) A person shall not initiate or maintain an action against a peace officer or the employing state agency or political subdivision based on the officer's compliance or failure to comply with this section. Added by Laws, 2018, ch. 443, SB 2197, § 1, eff. 7/1/2018. (1) A peace officer shall not take a person into custody based solely on the commission of an offense involving alcohol if the peace officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that all of the following apply: (a) The peace officer has contact with the person because the person acting in good faith requested emergency medical assistance for an individual who reasonably appeared to be in need of medical assistance due to alcohol consumption and the person did not illegally provide alcohol to the individual. (b) The person: (i) Provided his full name and any other relevant information requested by the peace officer; (ii) Remained at the scene with the individual who reasonably appeared to be in need of medical assistance due to alcohol consumption until emergency medical assistance arrived; and (iii) Cooperated with emergency medical assistance personnel and peace officers at the scene. (2) A person who meets the criteria of subsection (1) of this section shall be immune from criminal prosecution for any offense related solely to the possession and consumption of alcohol. (3) A person shall not initiate or maintain an action against a peace officer or the employing state agency or political subdivision based on the officer's compliance or failure to comply with this section. Added by Laws, 2018, ch. 443, SB 2197, § 1, eff. 7/1/2018. (1) A peace officer shall not take a person into custody based solely on the commission of an offense involving alcohol if the peace officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that all of the following apply: (a) The peace officer has contact with the person because the person acting in good faith requested emergency medical assistance for an individual who reasonably appeared to be in need of medical assistance due to alcohol consumption and the person did not illegally provide alcohol to the individual. (b) The person: (i) Provided his full name and any other relevant information requested by the peace officer; (ii) Remained at the scene with the individual who reasonably appeared to be in need of medical assistance due to alcohol consumption until emergency medical assistance arrived; and (iii) Cooperated with emergency medical assistance personnel and peace officers at the scene. (2) A person who meets the criteria of subsection (1) of this section shall be immune from criminal prosecution for any offense related solely to the possession and consumption of alcohol. (3) A person shall not initiate or maintain an action against a peace officer or the employing state agency or political subdivision based on the officer's compliance or failure to comply with this section. Added by Laws, 2018, ch. 443, SB 2197, § 1, eff. 7/1/2018. Added by Laws, 2018, ch. 443, SB 2197, § 1, eff. 7/1/2018.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 31 - INTOXICATING BEVERAGE OFFENSES (§§ 97-31-1 — 97-31-55) Section 97-31-7 - Alcoholic preparations; permit to solicit or take orders

No person, firm or corporation, or any association whatsoever, except traveling salesmen engaged in selling exclusively to wholesale and retail merchants shall sell, barter or give away or keep for such purposes, or solicit or take orders therefor, any of the preparations, compounds, bitters, elixirs or extracts mentioned in Section 97-31-5, until a permit so to do shall be granted by the mayor and board of aldermen or mayor and councilmen of any incorporated city, town or village within which said business is or may be proposed to be carried on, or the board of supervisors of the county if the same is or proposed to be carried on without corporate limits of any city, town or village. Such permits may be granted by said authorities upon written application of the person, firm or corporation desiring to deal in such preparation, and the permit, if granted, shall be in writing, shall be spread at large upon the minutes of the proceedings of the mayor and board of aldermen or councilmen or the board of supervisors, as the case may be, giving the name of the dealer, or dealers, the preparation or commodities which it covers, and shall be for a period of one year from the date of its being granted. The granting of a permit to any person, firm or corporation, to barter, sell, give away, keep for sale, or solicit orders for the sale of same shall be in the discretion of the mayor and board of aldermen or councilmen or the board of supervisors, as the case may be, and they shall likewise have full authority and power, in their discretion, to revoke the same. Codes, 1930, § 2022; 1942, § 2661; Laws, 1926, ch. 201. No person, firm or corporation, or any association whatsoever, except traveling salesmen engaged in selling exclusively to wholesale and retail merchants shall sell, barter or give away or keep for such purposes, or solicit or take orders therefor, any of the preparations, compounds, bitters, elixirs or extracts mentioned in Section 97-31-5, until a

permit so to do shall be granted by the mayor and board of aldermen or mayor and councilmen of any incorporated city, town or village within which said business is or may be proposed to be carried on, or the board of supervisors of the county if the same is or proposed to be carried on without corporate limits of any city, town or village. Such permits may be granted by said authorities upon written application of the person, firm or corporation desiring to deal in such preparation, and the permit, if granted, shall be in writing, shall be spread at large upon the minutes of the proceedings of the mayor and board of aldermen or councilmen or the board of supervisors, as the case may be, giving the name of the dealer, or dealers, the preparation or commodities which it covers, and shall be for a period of one year from the date of its being granted. The granting of a permit to any person, firm or corporation, to barter, sell, give away, keep for sale, or solicit orders for the sale of same shall be in the discretion of the mayor and board of aldermen or councilmen or the board of supervisors, as the case may be, and they shall likewise have full authority and power, in their discretion, to revoke the same. Codes, 1930, § 2022; 1942, § 2661; Laws, 1926, ch. 201. No person, firm or corporation, or any association whatsoever, except traveling salesmen engaged in selling exclusively to wholesale and retail merchants shall sell, barter or give away or keep for such purposes, or solicit or take orders therefor, any of the preparations, compounds, bitters, elixirs or extracts mentioned in Section 97-31-5, until a permit so to do shall be granted by the mayor and board of aldermen or mayor and councilmen of any incorporated city, town or village within which said business is or may be proposed to be carried on, or the board of supervisors of the county if the same is or proposed to be carried on without corporate limits of any city, town or village. Such permits may be granted by said authorities upon written application of the person, firm or corporation desiring to deal in such preparation, and the permit, if granted, shall be in writing, shall be spread at large upon the minutes of the proceedings of the mayor and board of aldermen or councilmen or the board of supervisors, as the case may be, giving the name of the dealer, or dealers, the preparation or commodities which it covers, and shall be for a period of one year from the date of its being granted. The granting of a permit to any person, firm or corporation, to barter, sell, give away, keep for sale, or solicit orders for the sale of same shall be in the discretion of the mayor and board of aldermen or councilmen or the board of supervisors, as the case may be, and they shall likewise have full authority and power, in their discretion, to revoke the same. Codes, 1930, § 2022; 1942, § 2661; Laws, 1926, ch. 201. No person, firm or corporation, or any association whatsoever, except traveling salesmen engaged in selling exclusively to wholesale and retail merchants shall sell, barter or give away or keep for such purposes, or solicit or take orders therefor, any of the preparations, compounds, bitters, elixirs or extracts mentioned in Section 97-31-5, until a permit so to do shall be granted by the mayor and board of aldermen or mayor and councilmen of any incorporated city, town or village within which said business is or may be proposed to be carried on, or the board of supervisors of the county if the same is or proposed to be carried on without corporate limits of any city, town or village. Such permits may be granted by said authorities upon written application of the person, firm or corporation desiring to deal in such preparation, and the permit, if granted, shall be in writing, shall be spread at large upon the minutes of the proceedings of the mayor and board of aldermen or councilmen or the board of supervisors, as the case may be, giving the name of the dealer, or dealers, the preparation or commodities which it covers, and shall be for a period of one year from the date of its being granted. The granting of a permit to any person, firm or corporation, to barter, sell, give away, keep for sale, or solicit orders for the sale of same shall be in the discretion of the mayor and board of aldermen or councilmen or the board of supervisors, as the case may be, and they shall likewise have full authority and power, in their discretion, to revoke the same. Codes, 1930, § 2022; 1942, § 2661; Laws, 1926, ch. 201.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 31 - INTOXICATING BEVERAGE OFFENSES (§§ 97-31-1 — 97-31-55) Section 97-31-9 - Alcoholic preparations; record of purchases required

Every person, firm, or corporation, selling, bartering or giving away, keeping for sale or soliciting orders for any of the preparations mentioned in Sections 97-31-5 and 97-31-7 shall keep a complete record of such preparations so purchased, including invoice or freight bill, which record shall be open to the inspection of any member of the mayor and board of aldermen or councilmen or the board of supervisors, as the case may be, or any peace officer of the state. Codes, 1930, § 2023; 1942, § 2662; Laws, 1926, ch. 201. Every person, firm, or corporation, selling, bartering or giving away, keeping for sale or soliciting orders for any of the preparations mentioned in Sections 97-31-5 and 97-31-7 shall keep a complete record of such preparations so purchased, including invoice or freight bill, which record shall be open to the inspection of any member of the mayor and board of aldermen or councilmen or the board of supervisors, as the case may be, or any peace officer of the state. Codes, 1930, § 2023; 1942, § 2662; Laws, 1926, ch. 201. Every person, firm, or corporation, selling, bartering or giving away, keeping for sale or soliciting orders for any of the preparations mentioned in Sections 97-31-5 and 97-31-7 shall keep a complete record of such preparations so purchased, including invoice or freight bill, which record shall be open to the inspection of any member of the mayor and board of aldermen or councilmen or the board of supervisors, as the case may be, or any peace officer of the state. Codes, 1930, § 2023; 1942, § 2662; Laws, 1926, ch. 201. Every person, firm, or corporation, selling, bartering or giving away, keeping for sale or soliciting orders for any of the preparations mentioned in Sections 97-31-5 and 97-31-7 shall keep a complete record of such preparations so purchased, including invoice or freight bill, which record shall be open to the inspection of any member of the mayor and board of aldermen or councilmen or the board of supervisors, as the case may be, or any peace officer of the state. Codes, 1930, § 2023; 1942, § 2662; Laws, 1926, ch. 201.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 32 - TOBACCO OFFENSES (§§ 97-32-1 — 97-32-52) Article 1 - MISSISSIPPI JUVENILE TOBACCO ACCESS PREVENTION ACT (§§ 97-32-1 — 97-32-23) Section 97-32-1 - Short title

This article shall be known and cited as "The Mississippi Juvenile Tobacco Access Prevention Act of 1997." Laws, 1997, ch. 578, §

1, eff. 2/1/1998. This article shall be known and cited as "The Mississippi Juvenile Tobacco Access Prevention Act of 1997." Laws, 1997, ch. 578, § 1, eff. 2/1/1998. This article shall be known and cited as "The Mississippi Juvenile Tobacco Access Prevention Act of 1997." Laws, 1997, ch. 578, § 1, eff. 2/1/1998. This article shall be known and cited as "The Mississippi Juvenile Tobacco Access Prevention Act of 1997." Laws, 1997, ch. 578, § 1, eff. 2/1/1998.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 32 - TOBACCO OFFENSES (§§ 97-32-1 — 97-32-52) Article 1 - MISSISSIPPI JUVENILE TOBACCO ACCESS PREVENTION ACT (§§ 97-32-1 — 97-32-23) Section 97-32-11 - Point of sale warning signs

Point of sale warning signs are required, and each seller shall place and maintain in legible condition, at each point of sale of tobacco products to consumers, a sign no smaller than eight and one-half (8-1/2) by eleven (11) inches or ninety-three (93) square inches stating: "STATE LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF 18 YEARS. PROOF OF AGE REQUIRED." Any person who violates this section shall be punished by a penalty of not more than One Hundred Dollars (\$100.00). Laws, 1997, ch. 578, § 6, eff. 2/1/1998. Point of sale warning signs are required, and each seller shall place and maintain in legible condition, at each point of sale of tobacco products to consumers, a sign no smaller than eight and one-half (8-1/2) by eleven (11) inches or ninety-three (93) square inches stating: "STATE LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF 18 YEARS. PROOF OF AGE REQUIRED." Any person who violates this section shall be punished by a penalty of not more than One Hundred Dollars (\$100.00). Laws, 1997, ch. 578, § 6, eff. 2/1/1998. Point of sale warning signs are required, and each seller shall place and maintain in legible condition, at each point of sale of tobacco products to consumers, a sign no smaller than eight and one-half (8-1/2) by eleven (11) inches or ninety-three (93) square inches stating: "STATE LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF 18 YEARS. PROOF OF AGE REQUIRED." Any person who violates this section shall be punished by a penalty of not more than One Hundred Dollars (\$100.00). Laws, 1997, ch. 578, § 6, eff. 2/1/1998. Point of sale warning signs are required, and each seller shall place and maintain in legible condition, at each point of sale of tobacco products to consumers, a sign no smaller than eight and one-half (8-1/2) by eleven (11) inches or ninety-three (93) square inches stating: "STATE LAW PROHIBITS THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF 18 YEARS. PROOF OF AGE REQUIRED." Any person who violates this section shall be punished by a penalty of not more than One Hundred Dollars (\$100.00). Laws, 1997, ch. 578, § 6, eff. 2/1/1998.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 32 - TOBACCO OFFENSES (§§ 97-32-1 — 97-32-52) Article 1 - MISSISSIPPI JUVENILE TOBACCO ACCESS PREVENTION ACT (§§ 97-32-1 — 97-32-23) Section 97-32-13 - Juvenile misrepresentation of age

Any person under the age of twenty-one (21) years who falsely states he is twenty-one (21) years of age or older, or presents any document that indicates he is twenty-one (21) years of age or older, for the purpose of purchasing or possessing any alternative nicotine product, tobacco or tobacco product shall be penalized not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) or required to complete at least thirty (30) days' community service, or both. Laws, 1997, ch. 578, § 7, eff. 2/1/1998. Amended by Laws, 2020, ch. 470, SB 2596, § 6, eff. 7/8/2020. Any person under the age of twenty-one (21) years who falsely states he is twenty-one (21) years of age or older, or presents any document that indicates he is twenty-one (21) years of age or older, for the purpose of purchasing or possessing any alternative nicotine product, tobacco or tobacco product shall be penalized not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) or required to complete at least thirty (30) days' community service, or both. Laws, 1997, ch. 578, § 7, eff. 2/1/1998. Amended by Laws, 2020, ch. 470, SB 2596, § 6, eff. 7/8/2020. Any person under the age of twenty-one (21) years who falsely states he is twenty-one (21) years of age or older, or presents any document that indicates he is twenty-one (21) years of age or older, for the purpose of purchasing or possessing any alternative nicotine product, tobacco or tobacco product shall be penalized not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) or required to complete at least thirty (30) days' community service, or both. Laws, 1997, ch. 578, § 7, eff. 2/1/1998. Amended by Laws, 2020, ch. 470, SB 2596, § 6, eff. 7/8/2020. Any person under the age of twenty-one (21) years who falsely states he is twenty-one (21) years of age or older, or presents any document that indicates he is twenty-one (21) years of age or older, for the purpose of purchasing or possessing any alternative nicotine product, tobacco or tobacco product shall be penalized not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) or required to complete at least thirty (30) days' community service, or both. Laws, 1997, ch. 578, § 7, eff. 2/1/1998. Amended by Laws, 2020, ch. 470, SB 2596, § 6, eff. 7/8/2020.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 32 - TOBACCO OFFENSES (§§ 97-32-1 — 97-32-52) Article 1 - MISSISSIPPI JUVENILE TOBACCO ACCESS PREVENTION ACT (§§ 97-32-1 — 97-32-23) Section 97-32-15 - Vending machine tobacco sales; location

It shall be unlawful for any person to sell tobacco products through a vending machine, unless the vending machine is located in an establishment to which individuals under the age of eighteen (18) years are denied access or are required to be accompanied by an adult. A person who violates this section shall be punished by a penalty of not more than Two Hundred Fifty Dollars (\$250.00). Laws, 1997, ch. 578, § 8, eff. 2/1/1998. It shall be unlawful for any person to sell tobacco products through a vending machine, unless the vending machine is located in an establishment to which individuals under the age of eighteen (18) years are

denied access or are required to be accompanied by an adult. A person who violates this section shall be punished by a penalty of not more than Two Hundred Fifty Dollars (\$250.00). Laws, 1997, ch. 578, § 8, eff. 2/1/1998. It shall be unlawful for any person to sell tobacco products through a vending machine, unless the vending machine is located in an establishment to which individuals under the age of eighteen (18) years are denied access or are required to be accompanied by an adult. A person who violates this section shall be punished by a penalty of not more than Two Hundred Fifty Dollars (\$250.00). Laws, 1997, ch. 578, § 8, eff. 2/1/1998. It shall be unlawful for any person to sell tobacco products through a vending machine, unless the vending machine is located in an establishment to which individuals under the age of eighteen (18) years are denied access or are required to be accompanied by an adult. A person who violates this section shall be punished by a penalty of not more than Two Hundred Fifty Dollars (\$250.00). Laws, 1997, ch. 578, § 8, eff. 2/1/1998.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 32 - TOBACCO OFFENSES (§§ 97-32-1 — 97-32-52) Article 1 - MISSISSIPPI JUVENILE TOBACCO ACCESS PREVENTION ACT (§§ 97-32-1 — 97-32-23) Section 97-32-17 - Prohibition on the distribution of tobacco products other than in sealed packages

No retailer shall distribute tobacco products other than cigars and pipe tobacco for commercial purposes other than in a sealed package provided by the manufacturer with the required health warning. A retailer who is in violation of this section shall be liable for a penalty of not more than One Hundred Dollars (\$100.00) for the first violation or enrollment in a Retailer Tobacco Education Prevention Program, or both; not more than Two Hundred Dollars (\$200.00) for a second violation within one (1) year of a prior violation; and a penalty of Three Hundred Dollars (\$300.00) for all subsequent violations. In addition, for a third and all subsequent violations within one (1) year of two (2) prior violations, the permit to sell tobacco products of any person violating this section may be suspended or revoked under the provisions of Section 27-69-1 et seq., Mississippi Code of 1972, for a period of one (1) year after notice and opportunity for a hearing. For the purposes of this section, "subsequent violations" are those committed at the same place of business. Laws, 1997, ch. 578, § 9, eff. 2/1/1998. No retailer shall distribute tobacco products other than cigars and pipe tobacco for commercial purposes other than in a sealed package provided by the manufacturer with the required health warning. A retailer who is in violation of this section shall be liable for a penalty of not more than One Hundred Dollars (\$100.00) for the first violation or enrollment in a Retailer Tobacco Education Prevention Program, or both; not more than Two Hundred Dollars (\$200.00) for a second violation within one (1) year of a prior violation; and a penalty of Three Hundred Dollars (\$300.00) for all subsequent violations. In addition, for a third and all subsequent violations within one (1) year of two (2) prior violations, the permit to sell tobacco products of any person violating this section may be suspended or revoked under the provisions of Section 27-69-1 et seq., Mississippi Code of 1972, for a period of one (1) year after notice and opportunity for a hearing. For the purposes of this section, "subsequent violations" are those committed at the same place of business. Laws, 1997, ch. 578, § 9, eff. 2/1/1998. No retailer shall distribute tobacco products other than cigars and pipe tobacco for commercial purposes other than in a sealed package provided by the manufacturer with the required health warning. A retailer who is in violation of this section shall be liable for a penalty of not more than One Hundred Dollars (\$100.00) for the first violation or enrollment in a Retailer Tobacco Education Prevention Program, or both; not more than Two Hundred Dollars (\$200.00) for a second violation within one (1) year of a prior violation; and a penalty of Three Hundred Dollars (\$300.00) for all subsequent violations. In addition, for a third and all subsequent violations within one (1) year of two (2) prior violations, the permit to sell tobacco products of any person violating this section may be suspended or revoked under the provisions of Section 27-69-1 et seq., Mississippi Code of 1972, for a period of one (1) year after notice and opportunity for a hearing. For the purposes of this section, "subsequent violations" are those committed at the same place of business. Laws, 1997, ch. 578, § 9, eff. 2/1/1998.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 32 - TOBACCO OFFENSES (§§ 97-32-1 — 97-32-52) Article 1 - MISSISSIPPI JUVENILE TOBACCO ACCESS PREVENTION ACT (§§ 97-32-1 — 97-32-23) Section 97-32-19 - Transfers of tobacco products from distributors or wholesalers to retailers

No distributor or wholesaler of tobacco products shall sell, distribute, deliver, or in any other manner transfer any tobacco products for sale at retail to any person not possessing a valid tobacco permit under Section 27-69-1 et seq., Mississippi Code of 1972. Any distributor or wholesaler who violates this section shall be liable for a penalty of up to Two Hundred Fifty Dollars (\$250.00) for a first offense. For a second offense within one (1) year of the prior offense, any distributor or wholesaler shall be liable for a penalty of up to Five Hundred Dollars (\$500.00). For all subsequent offenses within one (1) year of two (2) prior offenses, the distributor or wholesaler may become ineligible to hold a tobacco distributor's permit for a period of at least one (1) year under Section 27-69-1 et seq., Mississippi Code of 1972, and shall be liable for a penalty of One Thousand Dollars (\$1,000.00). Laws, 1997, ch. 578, § 10, eff. 2/1/1998. No distributor or wholesaler of tobacco products shall sell, distribute, deliver, or in any other manner transfer any tobacco

products for sale at retail to any person not possessing a valid tobacco permit under Section 27-69-1et seq., Mississippi Code of 1972. Any distributor or wholesaler who violates this section shall be liable for a penalty of up to Two Hundred Fifty Dollars (\$250.00) for a first offense. For a second offense within one (1) year of the prior offense, any distributor or wholesaler shall be liable for a penalty of up to Five Hundred Dollars (\$500.00). For all subsequent offenses within one (1) year of two (2) prior offenses, the distributor or wholesaler may become ineligible to hold a tobacco distributor's permit for a period of at least one (1) year under Section 27-69-1et seq., Mississippi Code of 1972, and shall be liable for a penalty of One Thousand Dollars (\$1,000.00). Laws, 1997, ch. 578, § 10, eff. 2/1/1998. No distributor or wholesaler of tobacco products shall sell, distribute, deliver, or in any other manner transfer any tobacco products for sale at retail to any person not possessing a valid tobacco permit under Section 27-69-1et seq., Mississippi Code of 1972. Any distributor or wholesaler who violates this section shall be liable for a penalty of up to Two Hundred Fifty Dollars (\$250.00) for a first offense. For a second offense within one (1) year of the prior offense, any distributor or wholesaler shall be liable for a penalty of up to Five Hundred Dollars (\$500.00). For all subsequent offenses within one (1) year of two (2) prior offenses, the distributor or wholesaler may become ineligible to hold a tobacco distributor's permit for a period of at least one (1) year under Section 27-69-1et seq., Mississippi Code of 1972, and shall be liable for a penalty of One Thousand Dollars (\$1,000.00). Laws, 1997, ch. 578, § 10, eff. 2/1/1998. No distributor or wholesaler of tobacco products shall sell, distribute, deliver, or in any other manner transfer any tobacco products for sale at retail to any person not possessing a valid tobacco permit under Section 27-69-1et seq., Mississippi Code of 1972. Any distributor or wholesaler who violates this section shall be liable for a penalty of up to Two Hundred Fifty Dollars (\$250.00) for a first offense. For a second offense within one (1) year of the prior offense, any distributor or wholesaler shall be liable for a penalty of up to Five Hundred Dollars (\$500.00). For all subsequent offenses within one (1) year of two (2) prior offenses, the distributor or wholesaler may become ineligible to hold a tobacco distributor's permit for a period of at least one (1) year under Section 27-69-1et seq., Mississippi Code of 1972, and shall be liable for a penalty of One Thousand Dollars (\$1,000.00). Laws, 1997, ch. 578, § 10, eff. 2/1/1998.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 32 - TOBACCO OFFENSES (§§ 97-32-1 — 97-32-52) Article 1 - MISSISSIPPI JUVENILE TOBACCO ACCESS PREVENTION ACT (§§ 97-32-1 — 97-32-23) Section 97-32-2 - Legislative intent; supersedes local laws, ordinances and regulations

It is the intent of the Legislature that enforcement of this chapter be implemented in an equitable manner throughout the state. The provisions of Sections 97-32-5, 97-32-7, 97-32-9, 97-32-11, 97-32-13, 97-32-15, 97-32-17, 97-32-19, 97-32-21 and 97-32-51 shall supersede any existing or subsequently enacted local law, ordinance or regulation which relates to the sale, promotion and distribution of alternative nicotine products, tobacco and tobacco products. Laws, 1998, ch. 312, § 1, eff. 3/12/1998. Amended by Laws, 2020, ch. 470, SB 2596, § 8, eff. 7/8/2020. It is the intent of the Legislature that enforcement of this chapter be implemented in an equitable manner throughout the state. The provisions of Sections 97-32-5, 97-32-7, 97-32-9, 97-32-11, 97-32-13, 97-32-15, 97-32-17, 97-32-19, 97-32-21 and 97-32-51 shall supersede any existing or subsequently enacted local law, ordinance or regulation which relates to the sale, promotion and distribution of alternative nicotine products, tobacco and tobacco products. Laws, 1998, ch. 312, § 1, eff. 3/12/1998. Amended by Laws, 2020, ch. 470, SB 2596, § 8, eff. 7/8/2020. It is the intent of the Legislature that enforcement of this chapter be implemented in an equitable manner throughout the state. The provisions of Sections 97-32-5, 97-32-7, 97-32-9, 97-32-11, 97-32-13, 97-32-15, 97-32-17, 97-32-19, 97-32-21 and 97-32-51 shall supersede any existing or subsequently enacted local law, ordinance or regulation which relates to the sale, promotion and distribution of alternative nicotine products, tobacco and tobacco products. Laws, 1998, ch. 312, § 1, eff. 3/12/1998. Amended by Laws, 2020, ch. 470, SB 2596, § 8, eff. 7/8/2020.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 32 - TOBACCO OFFENSES (§§ 97-32-1 — 97-32-52) Article 1 - MISSISSIPPI JUVENILE TOBACCO ACCESS PREVENTION ACT (§§ 97-32-1 — 97-32-23) Section 97-32-21 - Unannounced inspections

The Office of the Attorney General or local law enforcement agencies shall at least annually conduct random, unannounced inspections at locations where alternative nicotine products, tobacco or tobacco products are sold or distributed to ensure compliance with the Mississippi Juvenile Tobacco Access Prevention Act of 1997. Persons under the age of twenty-one (21) years may be enlisted by the Office of the Attorney General or local law enforcement to test compliance with the Mississippi Juvenile Tobacco Access Prevention Act of 1997, provided that the parent or legal guardian of the person under twenty-one (21) years of age so utilized has given prior written consent for the minor's participation in unannounced inspections. The Office of the Attorney General must prepare a report of the findings, and report these findings to the Department of Health and Department of Mental Health. The Department of Mental Health shall prepare the annual report required by Section 1926, subpart 1 of Part B, Title XIX of the Federal Public Health Service Act (42 USCS 300X-26). The report shall be approved by the Governor and then promptly transmitted to the Secretary of the United States Department of Health and Human Services. Laws, 1997, ch. 578, § 11, eff. 2/1/1998. Amended by

Laws, 2020, ch. 470, SB 2596, § 7, eff. 7/8/2020. The Office of the Attorney General or local law enforcement agencies shall at least annually conduct random, unannounced inspections at locations where alternative nicotine products, tobacco or tobacco products are sold or distributed to ensure compliance with the Mississippi Juvenile Tobacco Access Prevention Act of 1997. Persons under the age of twenty-one (21) years may be enlisted by the Office of the Attorney General or local law enforcement to test compliance with the Mississippi Juvenile Tobacco Access Prevention Act of 1997, provided that the parent or legal guardian of the person under twenty-one (21) years of age so utilized has given prior written consent for the minor's participation in unannounced inspections. The Office of the Attorney General must prepare a report of the findings, and report these findings to the Department of Health and Department of Mental Health. The Department of Mental Health shall prepare the annual report required by Section 1926, subpart 1 of Part B, Title XIX of the Federal Public Health Service Act (42 USCS 300X-26). The report shall be approved by the Governor and then promptly transmitted to the Secretary of the United States Department of Health and Human Services. Laws, 1997, ch. 578, § 11, eff. 2/1/1998. Amended by Laws, 2020, ch. 470, SB 2596, § 7, eff. 7/8/2020. The Office of the Attorney General or local law enforcement agencies shall at least annually conduct random, unannounced inspections at locations where alternative nicotine products, tobacco or tobacco products are sold or distributed to ensure compliance with the Mississippi Juvenile Tobacco Access Prevention Act of 1997. Persons under the age of twenty-one (21) years may be enlisted by the Office of the Attorney General or local law enforcement to test compliance with the Mississippi Juvenile Tobacco Access Prevention Act of 1997, provided that the parent or legal guardian of the person under twenty-one (21) years of age so utilized has given prior written consent for the minor's participation in unannounced inspections. The Office of the Attorney General must prepare a report of the findings, and report these findings to the Department of Health and Department of Mental Health. The Department of Mental Health shall prepare the annual report required by Section 1926, subpart 1 of Part B, Title XIX of the Federal Public Health Service Act (42 USCS 300X-26). The report shall be approved by the Governor and then promptly transmitted to the Secretary of the United States Department of Health and Human Services. Laws, 1997, ch. 578, § 11, eff. 2/1/1998. Amended by Laws, 2020, ch. 470, SB 2596, § 7, eff. 7/8/2020. The Office of the Attorney General or local law enforcement agencies shall at least annually conduct random, unannounced inspections at locations where alternative nicotine products, tobacco or tobacco products are sold or distributed to ensure compliance with the Mississippi Juvenile Tobacco Access Prevention Act of 1997. Persons under the age of twenty-one (21) years may be enlisted by the Office of the Attorney General or local law enforcement to test compliance with the Mississippi Juvenile Tobacco Access Prevention Act of 1997, provided that the parent or legal guardian of the person under twenty-one (21) years of age so utilized has given prior written consent for the minor's participation in unannounced inspections. The Office of the Attorney General must prepare a report of the findings, and report these findings to the Department of Health and Department of Mental Health. The Department of Mental Health shall prepare the annual report required by Section 1926, subpart 1 of Part B, Title XIX of the Federal Public Health Service Act (42 USCS 300X-26). The report shall be approved by the Governor and then promptly transmitted to the Secretary of the United States Department of Health and Human Services. Laws, 1997, ch. 578, § 11, eff. 2/1/1998. Amended by Laws, 2020, ch. 470, SB 2596, § 7, eff. 7/8/2020.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 32 - TOBACCO OFFENSES (§§ 97-32-1 — 97-32-52) Article 1 - MISSISSIPPI JUVENILE TOBACCO ACCESS PREVENTION ACT (§§ 97-32-1 — 97-32-23) Section 97-32-23 - Confidentiality

It shall be unlawful to publish the name or identity of any person under the age of eighteen (18) years who is convicted or adjudicated of any violation of this article. Laws, 1997, ch. 578, § 14, eff. 2/1/1998. It shall be unlawful to publish the name or identity of any person under the age of eighteen (18) years who is convicted or adjudicated of any violation of this article. Laws, 1997, ch. 578, § 14, eff. 2/1/1998. It shall be unlawful to publish the name or identity of any person under the age of eighteen (18) years who is convicted or adjudicated of any violation of this article. Laws, 1997, ch. 578, § 14, eff. 2/1/1998. It shall be unlawful to publish the name or identity of any person under the age of eighteen (18) years who is convicted or adjudicated of any violation of this article. Laws, 1997, ch. 578, § 14, eff. 2/1/1998.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 32 - TOBACCO OFFENSES (§§ 97-32-1 — 97-32-52) Article 1 - MISSISSIPPI JUVENILE TOBACCO ACCESS PREVENTION ACT (§§ 97-32-1 — 97-32-23) Section 97-32-3 - Definitions

For the purposes of this article: (a) "Dealer" means every person, firm, corporation or association of persons, except retailers as defined herein, who receives the product from the manufacturer of tobacco for distribution, for sale, for use, or for consumption in the State of Mississippi. (b) "Person" means any natural person. (c) "Photographic identification" means any government-issued card that includes a photograph of the person seeking to purchase tobacco products and that is accepted as proof of age under Mississippi law. (d) "Point of sale" means a store, stand, or any other place of business or point of distribution maintained by a seller from which tobacco products are made available for sale or distribution to consumers. (e) "Retailer" includes every company, corporation, partnership, business association, joint venture, estate, trust, or any other combination acting as a unit or legal entity other than a wholesale dealer as defined below, whose business is that of selling merchandise at retail, who shall sell or offer for sale tobacco to the consumer. (f) "Seller" means any natural person, company, corporation, firm, partnership, organization or other legal entity who sells, dispenses, distributes or issues tobacco products for commercial purposes. (g) "Tobacco product" means any substance that contains tobacco, including, but not limited to, cigarettes, cigars, pipes, snuff, smoking tobacco or smokeless tobacco; "tobacco product" also means cigarette rolling papers. (h) "Wholesaler" includes dealers whose principal business is that of wholesale dealer or

jobber, who is known to the retail trade as such, and whose place of business is located in Mississippi or in a state which affords reciprocity to wholesalers domiciled in Mississippi, who shall sell any taxable tobacco to retail dealers only for the purpose of resale.(i)"Retailer Tobacco Prevention Education Program" includes any program authorized by the Attorney General that teaches and informs retailers and wholesalers about the laws regarding youth access to tobacco products.Laws, 1997, ch. 578, § 2; Laws, 2002, ch. 307, § 1, eff. 7/1/2002. For the purposes of this article:(a)"Dealer" means every person, firm, corporation or association of persons, except retailers as defined herein, who receives the product from the manufacturer of tobacco for distribution, for sale, for use, or for consumption in the State of Mississippi.(b)"Person" means any natural person.(c)"Photographic identification" means any government-issued card that includes a photograph of the person seeking to purchase tobacco products and that is accepted as proof of age under Mississippi law.(d)"Point of sale" means a store, stand, or any other place of business or point of distribution maintained by a seller from which tobacco products are made available for sale or distribution to consumers.(e)"Retailer" includes every company, corporation, partnership, business association, joint venture, estate, trust, or any other combination acting as a unit or legal entity other than a wholesale dealer as defined below, whose business is that of selling merchandise at retail, who shall sell or offer for sale tobacco to the consumer.(f)"Seller" means any natural person, company, corporation, firm, partnership, organization or other legal entity who sells, dispenses, distributes or issues tobacco products for commercial purposes.(g)"Tobacco product" means any substance that contains tobacco, including, but not limited to, cigarettes, cigars, pipes, snuff, smoking tobacco or smokeless tobacco; "tobacco product" also means cigarette rolling papers.(h)"Wholesaler" includes dealers whose principal business is that of wholesale dealer or jobber, who is known to the retail trade as such, and whose place of business is located in Mississippi or in a state which affords reciprocity to wholesalers domiciled in Mississippi, who shall sell any taxable tobacco to retail dealers only for the purpose of resale.(i)"Retailer Tobacco Prevention Education Program" includes any program authorized by the Attorney General that teaches and informs retailers and wholesalers about the laws regarding youth access to tobacco products.Laws, 1997, ch. 578, § 2; Laws, 2002, ch. 307, § 1, eff. 7/1/2002. For the purposes of this article:(a)"Dealer" means every person, firm, corporation or association of persons, except retailers as defined herein, who receives the product from the manufacturer of tobacco for distribution, for sale, for use, or for consumption in the State of Mississippi.(b)"Person" means any natural person.(c)"Photographic identification" means any government-issued card that includes a photograph of the person seeking to purchase tobacco products and that is accepted as proof of age under Mississippi law.(d)"Point of sale" means a store, stand, or any other place of business or point of distribution maintained by a seller from which tobacco products are made available for sale or distribution to consumers.(e)"Retailer" includes every company, corporation, partnership, business association, joint venture, estate, trust, or any other combination acting as a unit or legal entity other than a wholesale dealer as defined below, whose business is that of selling merchandise at retail, who shall sell or offer for sale tobacco to the consumer.(f)"Seller" means any natural person, company, corporation, firm, partnership, organization or other legal entity who sells, dispenses, distributes or issues tobacco products for commercial purposes.(g)"Tobacco product" means any substance that contains tobacco, including, but not limited to, cigarettes, cigars, pipes, snuff, smoking tobacco or smokeless tobacco; "tobacco product" also means cigarette rolling papers.(h)"Wholesaler" includes dealers whose principal business is that of wholesale dealer or jobber, who is known to the retail trade as such, and whose place of business is located in Mississippi or in a state which affords reciprocity to wholesalers domiciled in Mississippi, who shall sell any taxable tobacco to retail dealers only for the purpose of resale.(i)"Retailer Tobacco Prevention Education Program" includes any program authorized by the Attorney General that teaches and informs retailers and wholesalers about the laws regarding youth access to tobacco products.Laws, 1997, ch. 578, § 2; Laws, 2002, ch. 307, § 1, eff. 7/1/2002. For the purposes of this article: Laws, 1997, ch. 578, § 2; Laws, 2002, ch. 307, § 1, eff. 7/1/2002.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 32 - TOBACCO OFFENSES (§§ 97-32-1 — 97-32-52) Article 1 - MISSISSIPPI JUVENILE TOBACCO ACCESS PREVENTION ACT (§§ 97-32-1 — 97-32-23) Section 97-32-5 - Prohibition of the sale or transfer of tobacco products to persons under 18 years of age

It shall be unlawful for any person, or retailer, to sell, barter, deliver or give tobacco products to any individual under eighteen (18) years of age unless the individual under eighteen (18) years of age holds a retailer's license to sell tobacco under Section 27-69-1 et seq., Mississippi Code of 1972. It shall be an absolute affirmative defense that the person selling, bartering, delivering or giving tobacco products over the counter in a retail establishment to an individual under eighteen (18) years of age in violation of this article had requested and examined a government-issued photographic identification from such person establishing his age as at least eighteen (18) years prior to selling such person a tobacco product. The failure of a seller, barterer, deliverer or giver of tobacco products over the counter in a retail establishment to request and examine photographic identification from a person under eighteen (18) years of age prior to the sale of a tobacco product to such person if the individual is not known to the seller, barterer, deliverer or giver of the tobacco product to be over the age of eighteen (18) years, shall be construed against the seller, barterer, deliverer or giver and form a conclusive basis for the seller's violation of this section. It shall be an absolute affirmative defense that the person or entity giving tobacco products through the mail to an individual under eighteen (18) years of age in violation of this article had requested and received documentary or written evidence from such person purportedly establishing his age to be at least eighteen (18) years of age. Any person who violates this section shall be liable as follows: For a first conviction, a fine of Fifty Dollars (\$50.00); for a second conviction, a fine of Seventy-five Dollars (\$75.00); and for all subsequent convictions, a fine of One Hundred Fifty Dollars (\$150.00) shall be imposed. Any person found in violation of this section shall be issued a citation and the holder of the retailer permit shall be sent notification of this citation by registered mail by the law enforcement agency issuing the citation. Notification shall include the opportunity for hearing before the appropriate court. For a first conviction, the retailer shall be sent a

warning letter informing him of the retailer's responsibility in the selling of tobacco products. For a second conviction, the retailer, or retailer's designee, shall be required to enroll in and complete a "Retailer Tobacco Education Program."For a third or subsequent violation of this section by any retailer, within one (1) year of the two (2) prior violations, any retailer's permit issued pursuant to Section 27-69-1 et seq., Mississippi Code of 1972, may be revoked or suspended for a period of at least one (1) year after notice and opportunity for hearing. If said permit is revoked by the Department of Revenue, the retailer may not reapply for a permit to sell tobacco for a period of six (6) months. For the purposes of this section, "subsequent violations" are those committed at the same place of business. It is the responsibility of all law enforcement officers and law enforcement agencies of this state to ensure that the provisions of this article are enforced. It shall not be considered a violation of this section on the part of any law enforcement officer or person under eighteen (18) years of age for any law enforcement officer of this state to use persons under eighteen (18) years of age to purchase or attempt to purchase tobacco products for the purpose of monitoring compliance with this section, as long as those persons are supervised by duly authorized law enforcement agency officials. Any law enforcement agency conducting enforcement efforts undertaken pursuant to this article shall prepare a report as prescribed by the Attorney General which includes the number of unannounced inspections conducted by the agency, a summary of enforcement actions taken pursuant to this article, the name and permit number of the retailer pursuant to Section 27-69-1 et seq., Mississippi Code of 1972, and final judicial disposition on all enforcement actions. Reports shall be forwarded to the Office of the Attorney General within twenty (20) working days of the final judicial disposition. On notification from local law enforcement that a retailer has violated this article so as to warrant a revocation of the retailer's permit, the Attorney General shall notify in writing the Department of Revenue within twenty (20) working days. In accordance with the procedures of Section 27-69-9, Mississippi Code of 1972, the Department of Revenue shall initiate revocation procedures of the retailer's permit. The Office of the Attorney General shall provide legal assistance in revocation procedures when requested by the Department of Revenue. Laws, 1997, ch. 578, § 3, eff. 2/1/1998. Amended by Laws, 2020, ch. 331, HB 1486, § 4, eff. 7/1/2020. It shall be unlawful for any person, or retailer, to sell, barter, deliver or give tobacco products to any individual under eighteen (18) years of age unless the individual under eighteen (18) years of age holds a retailer's license to sell tobacco under Section 27-69-1 et seq., Mississippi Code of 1972. It shall be an absolute affirmative defense that the person selling, bartering, delivering or giving tobacco products over the counter in a retail establishment to an individual under eighteen (18) years of age in violation of this article had requested and examined a government-issued photographic identification from such person establishing his age as at least eighteen (18) years prior to selling such person a tobacco product. The failure of a seller, barterer, deliverer or giver of tobacco products over the counter in a retail establishment to request and examine photographic identification from a person under eighteen (18) years of age prior to the sale of a tobacco product to such person if the individual is not known to the seller, barterer, deliverer or giver of the tobacco product to be over the age of eighteen (18) years, shall be construed against the seller, barterer, deliverer or giver and form a conclusive basis for the seller's violation of this section. It shall be an absolute affirmative defense that the person or entity giving tobacco products through the mail to an individual under eighteen (18) years of age in violation of this article had requested and received documentary or written evidence from such person purportedly establishing his age to be at least eighteen (18) years of age. Any person who violates this section shall be liable as follows: For a first conviction, a fine of Fifty Dollars (\$50.00); for a second conviction, a fine of Seventy-five Dollars (\$75.00); and for all subsequent convictions, a fine of One Hundred Fifty Dollars (\$150.00) shall be imposed. Any person found in violation of this section shall be issued a citation and the holder of the retailer permit shall be sent notification of this citation by registered mail by the law enforcement agency issuing the citation. Notification shall include the opportunity for hearing before the appropriate court. For a first conviction, the retailer shall be sent a warning letter informing him of the retailer's responsibility in the selling of tobacco products. For a second conviction, the retailer, or retailer's designee, shall be required to enroll in and complete a "Retailer Tobacco Education Program."For a third or subsequent violation of this section by any retailer, within one (1) year of the two (2) prior violations, any retailer's permit issued pursuant to Section 27-69-1 et seq., Mississippi Code of 1972, may be revoked or suspended for a period of at least one (1) year after notice and opportunity for hearing. If said permit is revoked by the Department of Revenue, the retailer may not reapply for a permit to sell tobacco for a period of six (6) months. For the purposes of this section, "subsequent violations" are those committed at the same place of business. It is the responsibility of all law enforcement officers and law enforcement agencies of this state to ensure that the provisions of this article are enforced. It shall not be considered a violation of this section on the part of any law enforcement officer or person under eighteen (18) years of age for any law enforcement officer of this state to use persons under eighteen (18) years of age to purchase or attempt to purchase tobacco products for the purpose of monitoring compliance with this section, as long as those persons are supervised by duly authorized law enforcement agency officials. Any law enforcement agency conducting enforcement efforts undertaken pursuant to this article shall prepare a report as prescribed by the Attorney General which includes the number of unannounced inspections conducted by the agency, a summary of enforcement actions taken pursuant to this article, the name and permit number of the retailer pursuant to Section 27-69-1 et seq., Mississippi Code of 1972, and final judicial disposition on all enforcement actions. Reports shall be forwarded to the Office of the Attorney General within twenty (20) working days of the final judicial disposition. On notification from local law enforcement that a retailer has violated this article so as to warrant a revocation of the retailer's permit, the Attorney General shall notify in writing the Department of Revenue within twenty (20) working days. In accordance with the procedures of Section 27-69-9, Mississippi Code of 1972, the Department of Revenue shall initiate revocation procedures of the retailer's permit. The Office of the Attorney General shall provide legal assistance in revocation procedures when requested by the Department of Revenue. Laws, 1997, ch. 578, § 3, eff. 2/1/1998. Amended by Laws, 2020, ch. 331, HB 1486, § 4, eff. 7/1/2020. It shall be unlawful for any person, or retailer, to sell, barter, deliver or give tobacco products to any individual under eighteen (18) years of age unless the individual under eighteen (18) years of age holds a

retailer's license to sell tobacco under Section 27-69-1 et seq., Mississippi Code of 1972. It shall be an absolute affirmative defense that the person selling, bartering, delivering or giving tobacco products over the counter in a retail establishment to an individual under eighteen (18) years of age in violation of this article had requested and examined a government-issued photographic identification from such person establishing his age as at least eighteen (18) years prior to selling such person a tobacco product. The failure of a seller, barterer, deliverer or giver of tobacco products over the counter in a retail establishment to request and examine photographic identification from a person under eighteen (18) years of age prior to the sale of a tobacco product to such person if the individual is not known to the seller, barterer, deliverer or giver of the tobacco product to be over the age of eighteen (18) years, shall be construed against the seller, barterer, deliverer or giver and form a conclusive basis for the seller's violation of this section. It shall be an absolute affirmative defense that the person or entity giving tobacco products through the mail to an individual under eighteen (18) years of age in violation of this article had requested and received documentary or written evidence from such person purportedly establishing his age to be at least eighteen (18) years of age. Any person who violates this section shall be liable as follows: For a first conviction, a fine of Fifty Dollars (\$50.00); for a second conviction, a fine of Seventy-five Dollars (\$75.00); and for all subsequent convictions, a fine of One Hundred Fifty Dollars (\$150.00) shall be imposed. Any person found in violation of this section shall be issued a citation and the holder of the retailer permit shall be sent notification of this citation by registered mail by the law enforcement agency issuing the citation. Notification shall include the opportunity for hearing before the appropriate court. For a first conviction, the retailer shall be sent a warning letter informing him of the retailer's responsibility in the selling of tobacco products. For a second conviction, the retailer, or retailer's designee, shall be required to enroll in and complete a "Retailer Tobacco Education Program." For a third or subsequent violation of this section by any retailer, within one (1) year of the two (2) prior violations, any retailer's permit issued pursuant to Section 27-69-1 et seq., Mississippi Code of 1972, may be revoked or suspended for a period of at least one (1) year after notice and opportunity for hearing. If said permit is revoked by the Department of Revenue, the retailer may not reapply for a permit to sell tobacco for a period of six (6) months. For the purposes of this section, "subsequent violations" are those committed at the same place of business. It is the responsibility of all law enforcement officers and law enforcement agencies of this state to ensure that the provisions of this article are enforced. It shall not be considered a violation of this section on the part of any law enforcement officer or person under eighteen (18) years of age for any law enforcement officer of this state to use persons under eighteen (18) years of age to purchase or attempt to purchase tobacco products for the purpose of monitoring compliance with this section, as long as those persons are supervised by duly authorized law enforcement agency officials. Any law enforcement agency conducting enforcement efforts undertaken pursuant to this article shall prepare a report as prescribed by the Attorney General which includes the number of unannounced inspections conducted by the agency, a summary of enforcement actions taken pursuant to this article, the name and permit number of the retailer pursuant to Section 27-69-1 et seq., Mississippi Code of 1972, and final judicial disposition on all enforcement actions. Reports shall be forwarded to the Office of the Attorney General within twenty (20) working days of the final judicial disposition. On notification from local law enforcement that a retailer has violated this article so as to warrant a revocation of the retailer's permit, the Attorney General shall notify in writing the Department of Revenue within twenty (20) working days. In accordance with the procedures of Section 27-69-9, Mississippi Code of 1972, the Department of Revenue shall initiate revocation procedures of the retailer's permit. The Office of the Attorney General shall provide legal assistance in revocation procedures when requested by the Department of Revenue. Laws, 1997, ch. 578, § 3, eff. 2/1/1998. Amended by Laws, 2020, ch. 331, HB 1486, § 4, eff. 7/1/2020. It shall be unlawful for any person, or retailer, to sell, barter, deliver or give tobacco products to any individual under eighteen (18) years of age unless the individual under eighteen (18) years of age holds a retailer's license to sell tobacco under Section 27-69-1 et seq., Mississippi Code of 1972. It shall be an absolute affirmative defense that the person selling, bartering, delivering or giving tobacco products over the counter in a retail establishment to an individual under eighteen (18) years of age in violation of this article had requested and examined a government-issued photographic identification from such person establishing his age as at least eighteen (18) years prior to selling such person a tobacco product. The failure of a seller, barterer, deliverer or giver of tobacco products over the counter in a retail establishment to request and examine photographic identification from a person under eighteen (18) years of age prior to the sale of a tobacco product to such person if the individual is not known to the seller, barterer, deliverer or giver of the tobacco product to be over the age of eighteen (18) years, shall be construed against the seller, barterer, deliverer or giver and form a conclusive basis for the seller's violation of this section. It shall be an absolute affirmative defense that the person or entity giving tobacco products through the mail to an individual under eighteen (18) years of age in violation of this article had requested and received documentary or written evidence from such person purportedly establishing his age to be at least eighteen (18) years of age. Any person who violates this section shall be liable as follows: For a first conviction, a fine of Fifty Dollars (\$50.00); for a second conviction, a fine of Seventy-five Dollars (\$75.00); and for all subsequent convictions, a fine of One Hundred Fifty Dollars (\$150.00) shall be imposed. Any person found in violation of this section shall be issued a citation and the holder of the retailer permit shall be sent notification of this citation by registered mail by the law enforcement agency issuing the citation. Notification shall include the opportunity for hearing before the appropriate court. For a first conviction, the retailer shall be sent a warning letter informing him of the retailer's responsibility in the selling of tobacco products. For a second conviction, the retailer, or retailer's designee, shall be required to enroll in and complete a "Retailer Tobacco Education Program." For a third or subsequent violation of this section by any retailer, within one (1) year of the two (2) prior violations, any retailer's permit issued pursuant to Section 27-69-1 et seq., Mississippi Code of 1972, may be revoked or suspended for a period of at least one (1) year after notice and opportunity for hearing. If said permit is revoked by the Department of Revenue, the retailer may not reapply for a permit to sell tobacco for a period of six (6) months. For the purposes of this section, "subsequent violations" are those committed at the same place of business. It is the

responsibility of all law enforcement officers and law enforcement agencies of this state to ensure that the provisions of this article are enforced. It shall not be considered a violation of this section on the part of any law enforcement officer or person under eighteen (18) years of age for any law enforcement officer of this state to use persons under eighteen (18) years of age to purchase or attempt to purchase tobacco products for the purpose of monitoring compliance with this section, as long as those persons are supervised by duly authorized law enforcement agency officials. Any law enforcement agency conducting enforcement efforts undertaken pursuant to this article shall prepare a report as prescribed by the Attorney General which includes the number of unannounced inspections conducted by the agency, a summary of enforcement actions taken pursuant to this article, the name and permit number of the retailer pursuant to Section 27-69-1 et seq., Mississippi Code of 1972, and final judicial disposition on all enforcement actions. Reports shall be forwarded to the Office of the Attorney General within twenty (20) working days of the final judicial disposition. On notification from local law enforcement that a retailer has violated this article so as to warrant a revocation of the retailer's permit, the Attorney General shall notify in writing the Department of Revenue within twenty (20) working days. In accordance with the procedures of Section 27-69-9, Mississippi Code of 1972, the Department of Revenue shall initiate revocation procedures of the retailer's permit. The Office of the Attorney General shall provide legal assistance in revocation procedures when requested by the Department of Revenue. Laws, 1997, ch. 578, § 3, eff. 2/1/1998. Amended by Laws, 2020, ch. 331, HB 1486, § 4, eff. 7/1/2020.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 32 - TOBACCO OFFENSES (§§ 97-32-1 — 97-32-52) Article 1 - MISSISSIPPI JUVENILE TOBACCO ACCESS PREVENTION ACT (§§ 97-32-1 — 97-32-23) Section 97-32-7 - Retail sales clerks; notification and agreement; penalties for violations

(1) Every person engaged in the business of selling tobacco products or alternative nicotine products at retail shall notify each individual employed by that person as a retail sales clerk that state law: (a) Prohibits the sale or distribution of tobacco products or alternative nicotine products, including samples, to any person under twenty-one (21) years of age and the purchase or receipt of tobacco products or alternative nicotine products by any person under twenty-one (21) years of age; and (b) Requires that proof of age be demanded from a prospective purchaser or recipient if the prospective purchaser or recipient is under the age of twenty-one (21) years. Every person employed by a person engaged in the business of selling tobacco products or alternative nicotine products at retail shall sign an agreement with his employer in substantially the following or similar form: "I understand that state and federal law prohibit the sale or distribution of tobacco products and alternative nicotine products to persons under the age of twenty-one (21) years and out-of-package sales, and requires that proof of age be demanded from a prospective purchaser or recipient under twenty-one (21) years of age if the individual is not known to the seller, barterer, deliverer or giver of the tobacco product or alternative nicotine product to be over the age of twenty-one (21) years. I promise, as a condition of my employment, to observe this law." (2) Any person violating the provisions of this section shall be penalized not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00). (3) No retailer who instructs his employee as provided in this section shall be liable for any violations committed by such employees. Laws, 1997, ch. 578, § 4, eff. 2/1/1998. Amended by Laws, 2020, ch. 470, SB 2596, § 5, eff. 7/8/2020.

(1) Every person engaged in the business of selling tobacco products or alternative nicotine products at retail shall notify each individual employed by that person as a retail sales clerk that state law: (a) Prohibits the sale or distribution of tobacco products or alternative nicotine products, including samples, to any person under twenty-one (21) years of age and the purchase or receipt of tobacco products or alternative nicotine products by any person under twenty-one (21) years of age; and (b) Requires that proof of age be demanded from a prospective purchaser or recipient if the prospective purchaser or recipient is under the age of twenty-one (21) years. Every person employed by a person engaged in the business of selling tobacco products or alternative nicotine products at retail shall sign an agreement with his employer in substantially the following or similar form: "I understand that state and federal law prohibit the sale or distribution of tobacco products and alternative nicotine products to persons under the age of twenty-one (21) years and out-of-package sales, and requires that proof of age be demanded from a prospective purchaser or recipient under twenty-one (21) years of age if the individual is not known to the seller, barterer, deliverer or giver of the tobacco product or alternative nicotine product to be over the age of twenty-one (21) years. I promise, as a condition of my employment, to observe this law." (2) Any person violating the provisions of this section shall be penalized not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00). (3) No retailer who instructs his employee as provided in this section shall be liable for any violations committed by such employees. Laws, 1997, ch. 578, § 4, eff. 2/1/1998. Amended by Laws, 2020, ch. 470, SB 2596, § 5, eff. 7/8/2020.

(1) Every person engaged in the business of selling tobacco products or alternative nicotine products at retail shall notify each individual employed by that person as a retail sales clerk that state law: (a) Prohibits the sale or distribution of tobacco products or alternative nicotine products, including samples, to any person under twenty-one (21) years of age and the purchase or receipt of tobacco products or alternative nicotine products by any person under twenty-one (21) years of age; and (b) Requires that proof of age be demanded from a prospective purchaser or recipient if the prospective purchaser or recipient is under the age of twenty-one (21) years. Every person employed by a person engaged in the business of selling tobacco products or alternative nicotine products at retail shall sign an agreement with his employer in substantially the following or similar form: "I understand that state and federal law prohibit the sale or distribution of tobacco products and alternative nicotine products to persons under the age of twenty-one (21) years and out-of-package sales, and requires that proof of age be demanded from a prospective purchaser or recipient under twenty-one (21) years of age if the individual is not known to the seller, barterer, deliverer or giver of the tobacco product or alternative nicotine product to be over the age of twenty-one (21) years. I promise, as a condition of my employment, to observe this law." (2) Any person violating the provisions of this section shall be penalized not less than Fifty Dollars (\$50.00) nor more than One

Hundred Dollars (\$100.00).(3)No retailer who instructs his employee as provided in this section shall be liable for any violations committed by such employees.Laws, 1997, ch. 578, § 4, eff. 2/1/1998.Amended by Laws, 2020, ch. 470, SB 2596,§ 5, eff. 7/8/2020. "I understand that state and federal law prohibit the sale or distribution of tobacco products and alternative nicotine products to persons under the age of twenty-one (21) years and out-of-package sales, and requires that proof of age be demanded from a prospective purchaser or recipient under twenty-one (21) years of age if the individual is not known to the seller, barterer, deliverer or giver of the tobacco product or alternative nicotine product to be over the age of twenty-one (21) years. I promise, as a condition of my employment, to observe this law." Laws, 1997, ch. 578, § 4, eff. 2/1/1998. Amended by Laws, 2020, ch. 470, SB 2596,§ 5, eff. 7/8/2020.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 32 - TOBACCO OFFENSES (§§ 97-32-1 — 97-32-52)Article 1 - MISSISSIPPI JUVENILE TOBACCO ACCESS PREVENTION ACT (§§ 97-32-1 — 97-32-23)Section 97-32-9 - Juvenile purchase, possession and consumption of tobacco or alternative nicotine product; penalties

No person under twenty-one (21) years of age shall purchase any tobacco or alternative nicotine product. No student of any high school, junior high school or elementary school shall possess tobacco or alternative nicotine on any educational property as defined in Section97-37-17.(a)If a person under twenty-one (21) years of age is found by a court to be in violation of any other statute and is also found to be in possession of a tobacco or alternative nicotine product, the court shall punish the minor as follows:(i)For a first offense, pay a fine of One Hundred Dollars (\$100.00), and perform no more than fifteen (15) hours of community service;(ii)For a second offense, a fine of Three Hundred Dollars (\$300.00), and no more than twenty-five (25) hours of community service;(iii)For a third offense or subsequent offense, a fine of Five Hundred Dollars (\$500.00), and no more than forty (40) hours of community service.(b)A violation under this section is not to be recorded on the criminal history of the minor and, upon proof of satisfaction of the court's order, the record shall be expunged from any records other than youth court records.Laws, 1997, ch. 578, § 5; Laws, 2012, ch. 533, § 1, eff. 7/1/2012.Amended by Laws, 2020, ch. 470, SB 2596,§ 4, eff. 7/8/2020. No person under twenty-one (21) years of age shall purchase any tobacco or alternative nicotine product. No student of any high school, junior high school or elementary school shall possess tobacco or alternative nicotine on any educational property as defined in Section97-37-17.(a)If a person under twenty-one (21) years of age is found by a court to be in violation of any other statute and is also found to be in possession of a tobacco or alternative nicotine product, the court shall punish the minor as follows:(i)For a first offense, pay a fine of One Hundred Dollars (\$100.00), and perform no more than fifteen (15) hours of community service;(ii)For a second offense, a fine of Three Hundred Dollars (\$300.00), and no more than twenty-five (25) hours of community service;(iii)For a third offense or subsequent offense, a fine of Five Hundred Dollars (\$500.00), and no more than forty (40) hours of community service.(b)A violation under this section is not to be recorded on the criminal history of the minor and, upon proof of satisfaction of the court's order, the record shall be expunged from any records other than youth court records.Laws, 1997, ch. 578, § 5; Laws, 2012, ch. 533, § 1, eff. 7/1/2012.Amended by Laws, 2020, ch. 470, SB 2596,§ 4, eff. 7/8/2020. No person under twenty-one (21) years of age shall purchase any tobacco or alternative nicotine product. No student of any high school, junior high school or elementary school shall possess tobacco or alternative nicotine on any educational property as defined in Section97-37-17. Laws, 1997, ch. 578, § 5; Laws, 2012, ch. 533, § 1, eff. 7/1/2012. Amended by Laws, 2020, ch. 470, SB 2596,§ 4, eff. 7/8/2020.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 32 - TOBACCO OFFENSES (§§ 97-32-1 — 97-32-52)Article 3 - MISSISSIPPI ADULT TOBACCO USE ON EDUCATIONAL PROPERTY ACT (§§ 97-32-25 — 97-32-29)Section 97-32-25 - Short title

This article shall be known and cited as "Mississippi Adult Tobacco Use on Educational Property Act of 2000."Laws, 2000, ch. 626, § 1, eff. 7/1/2000. This article shall be known and cited as "Mississippi Adult Tobacco Use on Educational Property Act of 2000."Laws, 2000, ch. 626, § 1, eff. 7/1/2000. This article shall be known and cited as "Mississippi Adult Tobacco Use on Educational Property Act of 2000."Laws, 2000, ch. 626, § 1, eff. 7/1/2000. This article shall be known and cited as "Mississippi Adult Tobacco Use on Educational Property Act of 2000." Laws, 2000, ch. 626, § 1, eff. 7/1/2000.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 32 - TOBACCO OFFENSES (§§ 97-32-1 — 97-32-52)Article 3 - MISSISSIPPI ADULT TOBACCO USE ON EDUCATIONAL PROPERTY ACT (§§ 97-32-25 — 97-32-29)Section 97-32-27 - Definitions

(1)"Adult" means any natural person at least eighteen (18) years old.(2)"Minor" means any natural person under the age of eighteen

(18) years.(3)"Person" means any natural person.(4)"Tobacco product" means any substance that contains tobacco including, but not limited to, cigarettes, cigars, pipes, snuff, smoking tobacco or smokeless tobacco.(5)"Educational property" means any public school building or bus, public school campus, grounds, recreational area, athletic field, or other property owned, used or operated by any local school board, school, or directors for the administration of any public educational institution or during a school-related activity; provided, however, that the term "educational property" shall not include any sixteenth section school land or lieu land on which is not located a public school building, public school campus, public school recreational area or public school athletic field. Educational property shall not include property owned or operated by the state institutions of higher learning, the public community and junior colleges, or vocational-technical complexes where only adult students are in attendance.Laws, 2000, ch. 626, § 2, eff. 7/1/2000. (1)"Adult" means any natural person at least eighteen (18) years old.(2)"Minor" means any natural person under the age of eighteen (18) years.(3)"Person" means any natural person.(4)"Tobacco product" means any substance that contains tobacco including, but not limited to, cigarettes, cigars, pipes, snuff, smoking tobacco or smokeless tobacco.(5)"Educational property" means any public school building or bus, public school campus, grounds, recreational area, athletic field, or other property owned, used or operated by any local school board, school, or directors for the administration of any public educational institution or during a school-related activity; provided, however, that the term "educational property" shall not include any sixteenth section school land or lieu land on which is not located a public school building, public school campus, public school recreational area or public school athletic field. Educational property shall not include property owned or operated by the state institutions of higher learning, the public community and junior colleges, or vocational-technical complexes where only adult students are in attendance.Laws, 2000, ch. 626, § 2, eff. 7/1/2000. (1)"Adult" means any natural person at least eighteen (18) years old.(2)"Minor" means any natural person under the age of eighteen (18) years.(3)"Person" means any natural person.(4)"Tobacco product" means any substance that contains tobacco including, but not limited to, cigarettes, cigars, pipes, snuff, smoking tobacco or smokeless tobacco.(5)"Educational property" means any public school building or bus, public school campus, grounds, recreational area, athletic field, or other property owned, used or operated by any local school board, school, or directors for the administration of any public educational institution or during a school-related activity; provided, however, that the term "educational property" shall not include any sixteenth section school land or lieu land on which is not located a public school building, public school campus, public school recreational area or public school athletic field. Educational property shall not include property owned or operated by the state institutions of higher learning, the public community and junior colleges, or vocational-technical complexes where only adult students are in attendance.Laws, 2000, ch. 626, § 2, eff. 7/1/2000. Laws, 2000, ch. 626, § 2, eff. 7/1/2000.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 32 - TOBACCO OFFENSES (§§ 97-32-1 — 97-32-52) Article 3 - MISSISSIPPI ADULT TOBACCO USE ON EDUCATIONAL PROPERTY ACT (§§ 97-32-25 — 97-32-29) Section 97-32-29 - Use of tobacco by adults on certain educational property prohibited; penalties for violation

No person shall use any tobacco product on any educational property as defined in Section 97-32-27. Any adult who violates this section shall be subject to a fine and shall be liable as follows: (a) for a first conviction, a warning; (b) for a second conviction, a fine of Seventy-five Dollars (\$75.00); and (c) for all subsequent convictions, a fine not to exceed One Hundred Fifty Dollars (\$150.00) shall be imposed. Any adult found in violation of this section shall be issued a citation by a law enforcement officer, which citation shall include notice of the date, time and location for hearing before the justice court having jurisdiction where the violation is alleged to have occurred. For the purposes of this section, "subsequent convictions" are for violations committed on any educational property within the State of Mississippi. Anyone convicted under this article shall be recorded as being fined for a civil violation of this article and not for violating a criminal statute. It is the responsibility of all law enforcement officers and law enforcement agencies of this state to ensure that the provisions of this article are enforced. Laws, 2000, ch. 626, § 3, eff. 7/1/2000. No person shall use any tobacco product on any educational property as defined in Section 97-32-27. Any adult who violates this section shall be subject to a fine and shall be liable as follows: (a) for a first conviction, a warning; (b) for a second conviction, a fine of Seventy-five Dollars (\$75.00); and (c) for all subsequent convictions, a fine not to exceed One Hundred Fifty Dollars (\$150.00) shall be imposed. Any adult found in violation of this section shall be issued a citation by a law enforcement officer, which citation shall include notice of the date, time and location for hearing before the justice court having jurisdiction where the violation is alleged to have occurred. For the purposes of this section, "subsequent convictions" are for violations committed on any educational property within the State of Mississippi. Anyone convicted under this article shall be recorded as being fined for a civil violation of this article and not for violating a criminal statute. It is the responsibility of all law enforcement officers and law enforcement agencies of this state to ensure that the provisions of this article are enforced. Laws, 2000, ch. 626, § 3, eff. 7/1/2000. No person shall use any tobacco product on any educational property as defined in Section 97-32-27. Any adult who violates this section shall be subject to a fine and shall be liable as follows: (a) for a first conviction, a warning; (b) for a second conviction, a fine of Seventy-five Dollars (\$75.00); and (c) for all subsequent convictions, a fine not to exceed One Hundred Fifty Dollars (\$150.00) shall be imposed. Any adult found in violation of this section shall be issued a citation by a law enforcement officer, which citation shall include notice of the date, time and location for hearing before the justice court having jurisdiction where the violation is alleged to have occurred. For the purposes of this section, "subsequent convictions" are for violations committed on any educational property within the State of Mississippi. Anyone convicted under this article shall be recorded as being fined for a civil violation of this article and not for violating a criminal statute. It is the responsibility of all law enforcement officers and law enforcement agencies of this state to ensure that the provisions of this article are enforced. Laws, 2000, ch. 626, § 3, eff. 7/1/2000. No person shall use any tobacco product on any educational property as defined in Section 97-32-27. Any adult who violates this section shall be subject to a fine and

shall be liable as follows: Any adult found in violation of this section shall be issued a citation by a law enforcement officer, which citation shall include notice of the date, time and location for hearing before the justice court having jurisdiction where the violation is alleged to have occurred. For the purposes of this section, "subsequent convictions" are for violations committed on any educational property within the State of Mississippi. Anyone convicted under this article shall be recorded as being fined for a civil violation of this article and not for violating a criminal statute. It is the responsibility of all law enforcement officers and law enforcement agencies of this state to ensure that the provisions of this article are enforced. Laws, 2000, ch. 626, § 3, eff. 7/1/2000.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 32 - TOBACCO OFFENSES (§§ 97-32-1 — 97-32-52) Article 5 - DISTRIBUTION OF ALTERNATIVE NICOTINE PRODUCTS TO MINORS (§§ 97-32-51 — 97-32-52) Section 97-32-51 - Distribution of alternative nicotine products to minors prohibited; definitions; penalties; verification of purchaser's age

(1) For the purposes of this chapter: (a)(i) "Alternative nicotine product" means: 1. An electronic cigarette; 2. Any other product that consists of or contains nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling or by any other means; 3. Any electronic device that can be used to deliver nicotine to an individual inhaling from the device, including, but not limited to, any cartridge component, liquid, capsule or powder used to refill or resupply such an electronic device; or 4. An electronic cigar or cigarillo. (ii) Alternative nicotine product does not include: 1. A cigarette or other tobacco product as defined in Section 97-32-3; 2. A product that is a drug under 21 USCS 321(g)(1); 3. A product that is a device under 21 USCS 321(h); or 4. A combination product described in 21 USCS 353(g). (b)(i) "Electronic cigarette" means an electronic product or device that produces a vapor that delivers nicotine or other substances to the person inhaling from the device to simulate smoking, and is likely to be offered to, or purchased by, consumers as an electronic cigarette, electronic cigar, electronic cigarillo or electronic pipe. (ii) Electronic cigarette does not include: 1. A cigarette or other tobacco products as defined in Section 97-32-3; 2. A product that is a drug under 21 USCS 321(g)(1); 3. A product that is a device under 21 USCS 321(h); or 4. A combination product described in 21 USCS 353(g). (2) No person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, shall sell, offer for sale, give or furnish any alternative nicotine product, or any cartridge, component, liquid, capsule or powder thereof, to an individual under twenty-one (21) years of age. The penalties described in this subsection shall be treble the fines described in this section, plus any other penalty provided by law, for the sale, use, possession or furnishing of a controlled substance or other substance to a person, if the alternative nicotine product contains any controlled substance that is otherwise prohibited by law, or any other substance that causes the recipient of such to require emergency medical care as a result of using the product. Each violation of the provisions of this section shall be treated as a separate offense. A violation of this subsection is punishable as follows: (a) By a fine of Two Hundred Fifty Dollars (\$250.00) for a first offense; (b) By a fine of Five Hundred Dollars (\$500.00) for a second offense; and (c) By a fine of One Thousand Dollars (\$1,000.00) for a third or subsequent offense. (3) Before selling, offering for sale, giving or furnishing an alternative nicotine product, or any cartridge, component liquid, capsule or powder thereof, to an individual, a person shall verify that the individual is at least twenty-one (21) years of age by: (a) Examining from any individual that appears to be under twenty-seven (27) years of age a government-issued photographic identification that establishes the individual is at least twenty-one (21) years of age; or (b) For sales made through the internet or other remote sales methods, performing an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the individual during the ordering process that establishes the individual is twenty-one (21) years of age or older. Amended by Laws, 2020, ch. 470, SB 2596, § 3, eff. 7/8/2020. Added by Laws, 2013, ch. 355, HB 613, 1, eff. 7/1/2013. (1) For the purposes of this chapter: (a)(i) "Alternative nicotine product" means: 1. An electronic cigarette; 2. Any other product that consists of or contains nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling or by any other means; 3. Any electronic device that can be used to deliver nicotine to an individual inhaling from the device, including, but not limited to, any cartridge component, liquid, capsule or powder used to refill or resupply such an electronic device; or 4. An electronic cigar or cigarillo. (ii) Alternative nicotine product does not include: 1. A cigarette or other tobacco product as defined in Section 97-32-3; 2. A product that is a drug under 21 USCS 321(g)(1); 3. A product that is a device under 21 USCS 321(h); or 4. A combination product described in 21 USCS 353(g). (b)(i) "Electronic cigarette" means an electronic product or device that produces a vapor that delivers nicotine or other substances to the person inhaling from the device to simulate smoking, and is likely to be offered to, or purchased by, consumers as an electronic cigarette, electronic cigar, electronic cigarillo or electronic pipe. (ii) Electronic cigarette does not include: 1. A cigarette or other tobacco products as defined in Section 97-32-3; 2. A product that is a drug under 21 USCS 321(g)(1); 3. A product that is a device under 21 USCS 321(h); or 4. A combination product described in 21 USCS 353(g). (2) No person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, shall sell, offer for sale, give or furnish any alternative nicotine product, or any cartridge, component, liquid, capsule or powder thereof, to an individual under twenty-one (21) years of age. The penalties described in this subsection shall be treble the fines described in this section, plus any other penalty provided by law, for the sale, use, possession or furnishing of a controlled substance or other substance to a person, if the alternative nicotine product contains any controlled substance that is otherwise prohibited by law, or any other substance that causes the recipient of such to require emergency medical care as a result of using the product. Each violation of the provisions of this section shall be treated as a separate offense. A violation of this subsection is punishable as follows: (a) By a fine of Two Hundred Fifty Dollars (\$250.00) for a first offense; (b) By a fine of Five Hundred Dollars (\$500.00) for a second offense; and (c) By a fine of One Thousand Dollars (\$1,000.00) for a third or subsequent offense. (3) Before selling, offering for sale, giving or furnishing an

alternative nicotine product, or any cartridge, component liquid, capsule or powder thereof, to an individual, a person shall verify that the individual is at least twenty-one (21) years of age by:(a)Examining from any individual that appears to be under twenty-seven (27) years of age a government-issued photographic identification that establishes the individual is at least twenty-one (21) years of age; or(b)For sales made through the internet or other remote sales methods, performing an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the individual during the ordering process that establishes the individual is twenty-one (21) years of age or older.Amended by Laws, 2020, ch. 470, SB 2596,§ 3, eff. 7/8/2020.Added by Laws, 2013, ch. 355, HB 613, 1, eff. 7/1/2013. (1)For the purposes of this chapter:(a)(i)"Alternative nicotine product" means:1.An electronic cigarette;2.Any other product that consists of or contains nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling or by any other means;3.Any electronic device that can be used to deliver nicotine to an individual inhaling from the device, including, but not limited to, any cartridge component, liquid, capsule or powder used to refill or resupply such an electronic device; or4.An electronic cigar or cigarillo.(ii)Alternative nicotine product does not include:1.A cigarette or other tobacco product as defined in Section97-32-3;2.A product that is a drug under 21 USCS 321(g)(1);3.A product that is a device under 21 USCS 321(h); or4.A combination product described in 21 USCS 353(g).(b)(i)"Electronic cigarette" means an electronic product or device that produces a vapor that delivers nicotine or other substances to the person inhaling from the device to simulate smoking, and is likely to be offered to, or purchased by, consumers as an electronic cigarette, electronic cigar, electronic cigarillo or electronic pipe.(ii)Electronic cigarette does not include:1.A cigarette or other tobacco products as defined in Section97-32-3;2.A product that is a drug under 21 USCS 321(g)(1);3.A product that is a device under 21 USCS 321(h); or4.A combination product described in 21 USCS 353(g).(2)No person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, shall sell, offer for sale, give or furnish any alternative nicotine product, or any cartridge, component, liquid, capsule or powder thereof, to an individual under twenty-one (21) years of age. The penalties described in this subsection shall be treble the fines described in this section, plus any other penalty provided by law, for the sale, use, possession or furnishing of a controlled substance or other substance to a person, if the alternative nicotine product contains any controlled substance that is otherwise prohibited by law, or any other substance that causes the recipient of such to require emergency medical care as a result of using the product. Each violation of the provisions of this section shall be treated as a separate offense. A violation of this subsection is punishable as follows:(a)By a fine of Two Hundred Fifty Dollars (\$250.00) for a first offense;(b)By a fine of Five Hundred Dollars (\$500.00) for a second offense; and(c)By a fine of One Thousand Dollars (\$1,000.00) for a third or subsequent offense.(3)Before selling, offering for sale, giving or furnishing an alternative nicotine product, or any cartridge, component liquid, capsule or powder thereof, to an individual, a person shall verify that the individual is at least twenty-one (21) years of age by:(a)Examining from any individual that appears to be under twenty-seven (27) years of age a government-issued photographic identification that establishes the individual is at least twenty-one (21) years of age; or(b)For sales made through the internet or other remote sales methods, performing an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the individual during the ordering process that establishes the individual is twenty-one (21) years of age or older.Amended by Laws, 2020, ch. 470, SB 2596,§ 3, eff. 7/8/2020.Added by Laws, 2013, ch. 355, HB 613, 1, eff. 7/1/2013. Amended by Laws, 2020, ch. 470, SB 2596,§ 3, eff. 7/8/2020. Added by Laws, 2013, ch. 355, HB 613, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 32 - TOBACCO OFFENSES (§§ 97-32-1 — 97-32-52)Article 5 - DISTRIBUTION OF ALTERNATIVE NICOTINE PRODUCTS TO MINORS (§§ 97-32-51 — 97-32-52)Section 97-32-52 - Distribution of alternative nicotine products on, in or within 1500 feet of buildings on educational property to individuals under twenty-one years of age prohibited; penalties

(1)It shall be unlawful for any person who is in, on or within one thousand five hundred (1,500) feet of a building or outbuilding which is all or part of educational property as defined by Section97-37-17to sell or furnish an alternative nicotine product to any individual under twenty-one (21) years of age. Each violation of the provisions of this subsection (1) shall be treated as a separate offense.(2)Upon conviction for violation of the provisions in subsection (1) of this section, the offender shall be punished as follows:(a)For a first offense, a fine of Five Hundred Dollars (\$500.00), and no more than twenty (20) hours of community service;(b)For a second offense, a fine of One Thousand Dollars (\$1,000.00), and no more than thirty (30) hours of community service; and(c)For a third offense or subsequent offense, a fine of One Thousand Five Hundred Dollars (\$1,500.00), and no more than fifty (50) hours of community service.(3)It shall be unlawful for any person who is in, on or within one thousand (1,000) feet of any church, public park, ballpark, public gymnasium, youth center or movie theater to sell or furnish an alternative nicotine product to any individual under twenty-one (21) years of age. Each violation of the provisions of this subsection (3) shall be treated as a separate offense.(4)Upon conviction for violation of the provisions in subsection (3) of this section, the offender shall be punished with treble the fines and community service described in subsection (2) of this section.(5)If the alternative nicotine product sold or furnished in violation of this section contains any controlled substance that is otherwise prohibited by law, or any other substance that causes the recipient to require emergency medical care as a result of using the product, the penalty, upon conviction, shall be treble the fines and community service described in subsection (2) of this section, plus any other penalty provided by law for the sale or furnishing of the controlled substance or other substance.Added by Laws, 2020, ch. 470, SB 2596,§ 2, eff. 7/8/2020. (1)It shall be unlawful for any person who is in, on or within one thousand five hundred (1,500) feet of a building or outbuilding which is all or part of educational property as defined by Section97-37-17to sell or furnish an alternative nicotine product to any individual under

twenty-one (21) years of age. Each violation of the provisions of this subsection (1) shall be treated as a separate offense.(2)Upon conviction for violation of the provisions in subsection (1) of this section, the offender shall be punished as follows:(a)For a first offense, a fine of Five Hundred Dollars (\$500.00), and no more than twenty (20) hours of community service;(b)For a second offense, a fine of One Thousand Dollars (\$1,000.00), and no more than thirty (30) hours of community service; and(c)For a third offense or subsequent offense, a fine of One Thousand Five Hundred Dollars (\$1,500.00), and no more than fifty (50) hours of community service.(3)It shall be unlawful for any person who is in, on or within one thousand (1,000) feet of any church, public park, ballpark, public gymnasium, youth center or movie theater to sell or furnish an alternative nicotine product to any individual under twenty-one (21) years of age. Each violation of the provisions of this subsection (3) shall be treated as a separate offense.(4)Upon conviction for violation of the provisions in subsection (3) of this section, the offender shall be punished with treble the fines and community service described in subsection (2) of this section.(5)If the alternative nicotine product sold or furnished in violation of this section contains any controlled substance that is otherwise prohibited by law, or any other substance that causes the recipient to require emergency medical care as a result of using the product, the penalty, upon conviction, shall be treble the fines and community service described in subsection (2) of this section, plus any other penalty provided by law for the sale or furnishing of the controlled substance or other substance.Added by Laws, 2020, ch. 470, SB 2596,§ 2, eff. 7/8/2020. (1)It shall be unlawful for any person who is in, on or within one thousand five hundred (1,500) feet of a building or outbuilding which is all or part of educational property as defined by Section97-37-17to sell or furnish an alternative nicotine product to any individual under twenty-one (21) years of age. Each violation of the provisions of this subsection (1) shall be treated as a separate offense.(2)Upon conviction for violation of the provisions in subsection (1) of this section, the offender shall be punished as follows:(a)For a first offense, a fine of Five Hundred Dollars (\$500.00), and no more than twenty (20) hours of community service;(b)For a second offense, a fine of One Thousand Dollars (\$1,000.00), and no more than thirty (30) hours of community service; and(c)For a third offense or subsequent offense, a fine of One Thousand Five Hundred Dollars (\$1,500.00), and no more than fifty (50) hours of community service.(3)It shall be unlawful for any person who is in, on or within one thousand (1,000) feet of any church, public park, ballpark, public gymnasium, youth center or movie theater to sell or furnish an alternative nicotine product to any individual under twenty-one (21) years of age. Each violation of the provisions of this subsection (3) shall be treated as a separate offense.(4)Upon conviction for violation of the provisions in subsection (3) of this section, the offender shall be punished with treble the fines and community service described in subsection (2) of this section.(5)If the alternative nicotine product sold or furnished in violation of this section contains any controlled substance that is otherwise prohibited by law, or any other substance that causes the recipient to require emergency medical care as a result of using the product, the penalty, upon conviction, shall be treble the fines and community service described in subsection (2) of this section, plus any other penalty provided by law for the sale or furnishing of the controlled substance or other substance.Added by Laws, 2020, ch. 470, SB 2596,§ 2, eff. 7/8/2020. Added by Laws, 2020, ch. 470, SB 2596,§ 2, eff. 7/8/2020.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317)CHARITABLE BINGO LAW (§§ 97-33-50 — 97-33-203)Section 97-33-103 - Annual report by Commission

(1)The commission shall annually prepare and submit a comprehensive report on the scope and nature of charitable bingo game activities in this state and impact of the commission on such activities. The report shall be submitted to the Lieutenant Governor, the Speaker of the House of Representatives, the Chairmen of the House and Senate Judiciary Committees, the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee.(2)The commission shall furnish a copy of its rules and regulations, including any amendments thereto as they are adopted, pursuant to the Charitable Bingo Law, to the Chairman and Counsel of the House Ways and Means Committee and the Chairman and Counsel of the Senate Finance Committee. Further, upon a written request from any member of the Legislature, the commission shall furnish such rules and regulations to the member, by return United States Mail.Laws, 1992, ch. 581, § 19; Laws, 1994, ch. 635, § 16, eff. 10/1/1994. (1)The commission shall annually prepare and submit a comprehensive report on the scope and nature of charitable bingo game activities in this state and impact of the commission on such activities. The report shall be submitted to the Lieutenant Governor, the Speaker of the House of Representatives, the Chairmen of the House and Senate Judiciary Committees, the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee.(2)The commission shall furnish a copy of its rules and regulations, including any amendments thereto as they are adopted, pursuant to the Charitable Bingo Law, to the Chairman and Counsel of the House Ways and Means Committee and the Chairman and Counsel of the Senate Finance Committee. Further, upon a written request from any member of the Legislature, the commission shall furnish such rules and regulations to the member, by return United States Mail.Laws, 1992, ch. 581, § 19; Laws, 1994, ch. 635, § 16, eff. 10/1/1994. (1)The commission shall annually prepare and submit a comprehensive report on the scope and nature of charitable bingo game activities in this state and impact of the commission on such activities. The report shall be submitted to the Lieutenant Governor, the Speaker of the House of Representatives, the Chairmen of the House and Senate Judiciary Committees, the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance Committee.(2)The commission shall furnish a copy of its rules and regulations, including any amendments thereto as they are adopted, pursuant to the Charitable Bingo Law, to the Chairman and Counsel of the House Ways and Means Committee and the Chairman and Counsel of the Senate Finance Committee. Further, upon a written request from any member of the Legislature, the commission shall furnish such rules and regulations to the member, by return United States Mail.Laws, 1992, ch. 581, § 19; Laws, 1994, ch. 635, § 16, eff. 10/1/1994. Laws, 1992, ch. 581, § 19; Laws, 1994, ch.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) CHARITABLE BINGO LAW (§§ 97-33-50 — 97-33-203) Section 97-33-105 - Commission personnel not to have interest in organization conducting bingo or manufacturing or distributing supplies or equipment

Neither the director nor any employee of the commission shall be an officer, director or manager of any organization licensed by the state to conduct charitable bingo games or have a direct or indirect financial interest in any entity manufacturing or distributing supplies or equipment used in such games. Laws, 1992, ch. 581, § 20, eff. 10/1/1992. Neither the director nor any employee of the commission shall be an officer, director or manager of any organization licensed by the state to conduct charitable bingo games or have a direct or indirect financial interest in any entity manufacturing or distributing supplies or equipment used in such games. Laws, 1992, ch. 581, § 20, eff. 10/1/1992. Neither the director nor any employee of the commission shall be an officer, director or manager of any organization licensed by the state to conduct charitable bingo games or have a direct or indirect financial interest in any entity manufacturing or distributing supplies or equipment used in such games. Laws, 1992, ch. 581, § 20, eff. 10/1/1992. Neither the director nor any employee of the commission shall be an officer, director or manager of any organization licensed by the state to conduct charitable bingo games or have a direct or indirect financial interest in any entity manufacturing or distributing supplies or equipment used in such games. Laws, 1992, ch. 581, § 20, eff. 10/1/1992.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) CHARITABLE BINGO LAW (§§ 97-33-50 — 97-33-203) Section 97-33-107 - Functions, duties, and responsibilities of Commission

In connection with its regulation of charitable bingo games, the commission shall have the following functions, duties and responsibilities: (a) To issue and renew annual state licenses required by law for organizations conducting bingo games and for manufacturers, distributors or operators of supplies or equipment for such games; (b) To assess and collect fees not to exceed two and one-half percent (2-1/2%) of the net proceeds of pull-tabs, electronic bingo machines and electronic pull-tab machines, which fees shall be limited to the amounts necessary to administer the Charitable Bingo Law; (c) To assess and collect fees equal to one percent (1%) of the gross proceeds of each bingo session conducted by a Class "A" charitable organization and equal to one-half (1/2) of one percent (1%) of the gross proceeds of each bingo session conducted by a Class "B" or a Class "C" charitable organization; provided, however, that the fees assessed and collected under this subsection (c) shall not apply to pull-tabs, electronic bingo machines or electronic pull-tab machines as described in subsection (b) above; and provided, that the fees shall not be collected in any bingo session held by a religious organization which has been in existence for ten (10) years or longer, held on the premises owned by the religious organization, and held without any person being compensated for operating the game, and until the gross proceeds of bingo games conducted by such organization exceed Fifty Thousand Dollars (\$50,000.00) during the calendar year; (d) To deny applications for licensure or license renewal and to issue orders for suspension or revocation of licenses issued pursuant to Sections 97-33-51 through 97-33-203; (e) To monitor licensees to ensure compliance with all provisions of law and regulations relative to charitable bingo games through routine scheduled and unscheduled inspections, investigations and audits; (f) To enforce all provisions of law and regulations relative to charitable bingo games and to assist local law enforcement agencies in these enforcement responsibilities and bingo enforcement agents shall have the powers of a peace officer; (g) To establish and assess penalties for violations of regulations relative to charitable bingo games; (h) To familiarize the members of organizations which conduct charitable bingo games of chance, with provisions of the Charitable Bingo Law and other applicable laws and regulations; (i) To adopt rules and regulations to provide for the sale or transfer of surplus supplies or equipment from one licensed organization to another and such other rules and regulations as are necessary to carry out the purposes and functions of Sections 97-33-51 through 97-33-203, including the adoption of rules and regulations pursuant to Section 97-33-69(10) which may provide for differing requirements, with regard to the number of participants, sessions, amount of prizes offered, proceeds received or other factors which affect the regulatory and administrative burdens on organizations operating charitable bingo games, for a certain class of organizations, provided that such rules and regulations shall be no more restrictive than the provisions of law that govern such factors; (j) To prescribe rules and regulations creating a class of organizations that are exempt from the purchase of reprinted tickets as provided for in paragraph (c) of this section based on the number of participants or the amount of prizes offered or other factors which affect the regulatory and administrative burdens on the organizations imposed by the commission; and (k) To establish the classes described in this paragraph of charitable organizations that are licensed to conduct bingo games and to prescribe rules and regulations to provide for differing reporting requirements imposed upon each different class; provided that such rules and regulations shall be no more restrictive than the provisions of law that relate to reporting requirements. Such classes of organizations are as follows: (i) Class "A" shall be composed of licensed charitable organizations which conduct bingo games in which the prizes awarded total an aggregate amount in excess of Five Thousand Dollars (\$5,000.00) per session; (ii) Class "B" shall be composed of licensed charitable organizations which conduct bingo games in which the prizes awarded total an aggregate amount of not less than Two Thousand Five Hundred Dollars (\$2,500.00) and not more than Five Thousand Dollars (\$5,000.00); (iii) Class "C" shall be composed of licensed charitable organizations which conduct bingo games in which the prizes awarded total an aggregate amount of less than Two Thousand Five Hundred Dollars (\$2,500.00). Laws, 1992, ch. 581, § 21; Laws, 1994, ch. 635, § 17; Laws, 1995, ch. 511, § 1; Laws, 1999, ch. 490, § 1, eff. 7/1/1999. In connection with its regulation of charitable bingo games, the commission shall have the following functions, duties and responsibilities: (a) To issue and renew annual state licenses required by law for

organizations conducting bingo games and for manufacturers, distributors or operators of supplies or equipment for such games;(b)To assess and collect fees not to exceed two and one-half percent (2-1/2%) of the net proceeds of pull-tabs, electronic bingo machines and electronic pull-tab machines, which fees shall be limited to the amounts necessary to administer the Charitable Bingo Law;(c)To assess and collect fees equal to one percent (1%) of the gross proceeds of each bingo session conducted by a Class "A" charitable organization and equal to one-half (1/2) of one percent (1%) of the gross proceeds of each bingo session conducted by a Class "B" or a Class "C" charitable organization; provided, however, that the fees assessed and collected under this subsection (c) shall not apply to pull-tabs, electronic bingo machines or electronic pull-tab machines as described in subsection (b) above; and provided, that the fees shall not be collected in any bingo session held by a religious organization which has been in existence for ten (10) years or longer, held on the premises owned by the religious organization, and held without any person being compensated for operating the game, and until the gross proceeds of bingo games conducted by such organization exceed Fifty Thousand Dollars (\$50,000.00) during the calendar year;(d)To deny applications for licensure or license renewal and to issue orders for suspension or revocation of licenses issued pursuant to Sections97-33-51through97-33-203;(e)To monitor licensees to ensure compliance with all provisions of law and regulations relative to charitable bingo games through routine scheduled and unscheduled inspections, investigations and audits;(f)To enforce all provisions of law and regulations relative to charitable bingo games and to assist local law enforcement agencies in these enforcement responsibilities and bingo enforcement agents shall have the powers of a peace officer;(g)To establish and assess penalties for violations of regulations relative to charitable bingo games;(h)To familiarize the members of organizations which conduct charitable bingo games of chance, with provisions of the Charitable Bingo Law and other applicable laws and regulations;(i)To adopt rules and regulations to provide for the sale or transfer of surplus supplies or equipment from one licensed organization to another and such other rules and regulations as are necessary to carry out the purposes and functions of Sections97-33-51through97-33-203, including the adoption of rules and regulations pursuant to Section97-33-69(10)which may provide for differing requirements, with regard to the number of participants, sessions, amount of prizes offered, proceeds received or other factors which affect the regulatory and administrative burdens on organizations operating charitable bingo games, for a certain class of organizations, provided that such rules and regulations shall be no more restrictive than the provisions of law that govern such factors;(j)To prescribe rules and regulations creating a class of organizations that are exempt from the purchase of reprinted tickets as provided for in paragraph (c) of this section based on the number of participants or the amount of prizes offered or other factors which affect the regulatory and administrative burdens on the organizations imposed by the commission; and(k)To establish the classes described in this paragraph of charitable organizations that are licensed to conduct bingo games and to prescribe rules and regulations to provide for differing reporting requirements imposed upon each different class; provided that such rules and regulations shall be no more restrictive than the provisions of law that relate to reporting requirements. Such classes of organizations are as follows:(i)Class "A" shall be composed of licensed charitable organizations which conduct bingo games in which the prizes awarded total an aggregate amount in excess of Five Thousand Dollars (\$5,000.00) per session;(ii)Class "B" shall be composed of licensed charitable organizations which conduct bingo games in which the prizes awarded total an aggregate amount of not less than Two Thousand Five Hundred Dollars (\$2,500.00) and not more than Five Thousand Dollars (\$5,000.00);(iii)Class "C" shall be composed of licensed charitable organizations which conduct bingo games in which the prizes awarded total an aggregate amount of less than Two Thousand Five Hundred Dollars (\$2,500.00).Laws, 1992, ch. 581, § 21; Laws, 1994, ch. 635, § 17; Laws, 1995, ch. 511, § 1; Laws, 1999, ch. 490, § 1, eff. 7/1/1999. In connection with its regulation of charitable bingo games, the commission shall have the following functions, duties and responsibilities:(a)To issue and renew annual state licenses required by law for organizations conducting bingo games and for manufacturers, distributors or operators of supplies or equipment for such games;(b)To assess and collect fees not to exceed two and one-half percent (2-1/2%) of the net proceeds of pull-tabs, electronic bingo machines and electronic pull-tab machines, which fees shall be limited to the amounts necessary to administer the Charitable Bingo Law;(c)To assess and collect fees equal to one percent (1%) of the gross proceeds of each bingo session conducted by a Class "A" charitable organization and equal to one-half (1/2) of one percent (1%) of the gross proceeds of each bingo session conducted by a Class "B" or a Class "C" charitable organization; provided, however, that the fees assessed and collected under this subsection (c) shall not apply to pull-tabs, electronic bingo machines or electronic pull-tab machines as described in subsection (b) above; and provided, that the fees shall not be collected in any bingo session held by a religious organization which has been in existence for ten (10) years or longer, held on the premises owned by the religious organization, and held without any person being compensated for operating the game, and until the gross proceeds of bingo games conducted by such organization exceed Fifty Thousand Dollars (\$50,000.00) during the calendar year;(d)To deny applications for licensure or license renewal and to issue orders for suspension or revocation of licenses issued pursuant to Sections97-33-51through97-33-203;(e)To monitor licensees to ensure compliance with all provisions of law and regulations relative to charitable bingo games through routine scheduled and unscheduled inspections, investigations and audits;(f)To enforce all provisions of law and regulations relative to charitable bingo games and to assist local law enforcement agencies in these enforcement responsibilities and bingo enforcement agents shall have the powers of a peace officer;(g)To establish and assess penalties for violations of regulations relative to charitable bingo games;(h)To familiarize the members of organizations which conduct charitable bingo games of chance, with provisions of the Charitable Bingo Law and other applicable laws and regulations;(i)To adopt rules and regulations to provide for the sale or transfer of surplus supplies or equipment from one licensed organization to another and such other rules and regulations as are necessary to carry out the purposes and functions of Sections97-33-51through97-33-203, including the adoption of rules and regulations pursuant to Section97-33-69(10)which may provide for differing requirements, with regard to the number of participants, sessions, amount of prizes offered, proceeds received

or other factors which affect the regulatory and administrative burdens on organizations operating charitable bingo games, for a certain class of organizations, provided that such rules and regulations shall be no more restrictive than the provisions of law that govern such factors;(j)To prescribe rules and regulations creating a class of organizations that are exempt from the purchase of reprinted tickets as provided for in paragraph (c) of this section based on the number of participants or the amount of prizes offered or other factors which affect the regulatory and administrative burdens on the organizations imposed by the commission; and(k)To establish the classes described in this paragraph of charitable organizations that are licensed to conduct bingo games and to prescribe rules and regulations to provide for differing reporting requirements imposed upon each different class; provided that such rules and regulations shall be no more restrictive than the provisions of law that relate to reporting requirements. Such classes of organizations are as follows:(i)Class "A" shall be composed of licensed charitable organizations which conduct bingo games in which the prizes awarded total an aggregate amount in excess of Five Thousand Dollars (\$5,000.00) per session;(ii)Class "B" shall be composed of licensed charitable organizations which conduct bingo games in which the prizes awarded total an aggregate amount of not less than Two Thousand Five Hundred Dollars (\$2,500.00) and not more than Five Thousand Dollars (\$5,000.00);(iii)Class "C" shall be composed of licensed charitable organizations which conduct bingo games in which the prizes awarded total an aggregate amount of less than Two Thousand Five Hundred Dollars (\$2,500.00).Laws, 1992, ch. 581, § 21; Laws, 1994, ch. 635, § 17; Laws, 1995, ch. 511, § 1; Laws, 1999, ch. 490, § 1, eff. 7/1/1999. In connection with its regulation of charitable bingo games, the commission shall have the following functions, duties and responsibilities: Laws, 1992, ch. 581, § 21; Laws, 1994, ch. 635, § 17; Laws, 1995, ch. 511, § 1; Laws, 1999, ch. 490, § 1, eff. 7/1/1999.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317)CHARITABLE BINGO LAW (§§ 97-33-50 — 97-33-203)Section 97-33-109 - Monitoring of licensees; enforcement powers and actions; prosecutions; penalties

(1)The commission shall monitor the conduct or business of licensees, both on a routine scheduled and an unscheduled basis, to the extent necessary to ensure compliance with the provisions of charitable bingo game laws and regulations of the state.(2)In carrying out its enforcement responsibilities, the commission may:(a)Inspect and examine all premises in which charitable bingo games are conducted or supplies or equipment for such games are manufactured and distributed;(b)Inspect all such supplies and equipment in, upon or about such premises;(c)Seize and remove from such premises and impound such supplies and equipment for the purpose of examination and inspection pursuant to an appropriate court order;(d)Demand access to and audit and inspect books and records of licensees for the purpose of determining compliance with laws and regulations relative to charitable bingo games;(e)Conduct in-depth audits and investigations; and(f)Mandate that internal controls be executed in accordance with the provisions of the Charitable Bingo Law and other applicable laws and regulations.(3)The commission shall require licensees to maintain records and submit reports.(4)In addition to license revocation or suspension or any criminal penalty imposed, the commission may assess a fine against any person who violates any law or regulation relative to charitable bingo games. Such a fine shall only be assessed after notice and an opportunity for a hearing to be held.(5)All departments, commissions, boards, agencies, officers and institutions of the state, and all subdivisions thereof, shall cooperate with the commission in carrying out its enforcement responsibilities.(6)Except as otherwise authorized in Section7-5-39, the Attorney General shall be the attorney for the commission in regard to its duties to regulate the Charitable Bingo Law and he shall represent it in all legal proceedings and shall prosecute any civil action for a violation of the provisions of Sections97-33-51through97-33-203or the rules and regulations of the commission.(7)It is the duty of the sheriffs, deputy sheriffs and police officers of this state to assist the commission in the enforcement of the provisions of Sections97-33-51through97-33-203and to arrest and complain against any person violating the provisions of Sections97-33-51through97-33-203. It is the duty of the district attorneys of this state to prosecute all violations of the provisions of Sections97-33-51through97-33-203if requested to do so by the commission.(8)(a)Whenever any person who is a resident of the State of Mississippi has reason to believe that a person or organization is or has violated the provisions of Sections97-33-51through97-33-203and that proceedings would be in the public interest, he may bring an action in the name of the state against such person to restrain by temporary or permanent injunction such violation, upon at least five (5) days' summons before the hearing of the action. The action shall be brought in the chancery or county court of the county in which such violation has occurred or, with consent of the parties, may be brought in the chancery or county court of the county in which the State Capitol is located. The said courts are authorized to issue temporary or permanent injunctions to restrain and prevent violations of Sections97-33-51through97-33-203, and such injunctions shall be issued without bond.(b)Any person who violates the terms of an injunction issued under this subsection shall forfeit and pay to the state a civil penalty of not more than Five Thousand Dollars (\$5,000.00) per violation which shall be payable to the General Fund of the State of Mississippi. For the purposes of this subsection, the chancery or county court issuing an injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the person bringing the action may petition for recovery of civil penalties.(c)In any action brought under this subsection, if the court finds that a person is willfully violating the provisions of Sections97-33-51through97-33-203, the person bringing the action, upon petition to the court, may recover on behalf of the state a civil penalty of not exceeding Five Hundred Dollars (\$500.00) per violation which shall be payable to the General Fund of the State of Mississippi.(d)No penalty authorized by this subsection shall be deemed to limit the court's powers to insure compliance with its orders, decrees and judgments, or punish for the violations thereof.(e)For purposes of this subsection, a willful violation occurs when the party committing the violation knew or should have known that his conduct was a violation of the provisions of Sections97-33-51through97-33-203.Laws, 1992, ch. 581, § 22; Laws, 1994, ch. 635, § 18; Laws, 2012, ch. 546, § 43, eff. 7/1/2012. (1)The commission shall monitor the conduct or business of licensees,

both on a routine scheduled and an unscheduled basis, to the extent necessary to ensure compliance with the provisions of charitable bingo game laws and regulations of the state.(2)In carrying out its enforcement responsibilities, the commission may:(a)Inspect and examine all premises in which charitable bingo games are conducted or supplies or equipment for such games are manufactured and distributed;(b)Inspect all such supplies and equipment in, upon or about such premises;(c)Seize and remove from such premises and impound such supplies and equipment for the purpose of examination and inspection pursuant to an appropriate court order;(d)Demand access to and audit and inspect books and records of licensees for the purpose of determining compliance with laws and regulations relative to charitable bingo games;(e)Conduct in-depth audits and investigations; and(f)Mandate that internal controls be executed in accordance with the provisions of the Charitable Bingo Law and other applicable laws and regulations.(3)The commission shall require licensees to maintain records and submit reports.(4)In addition to license revocation or suspension or any criminal penalty imposed, the commission may assess a fine against any person who violates any law or regulation relative to charitable bingo games. Such a fine shall only be assessed after notice and an opportunity for a hearing to be held.(5)All departments, commissions, boards, agencies, officers and institutions of the state, and all subdivisions thereof, shall cooperate with the commission in carrying out its enforcement responsibilities.(6)Except as otherwise authorized in Section7-5-39, the Attorney General shall be the attorney for the commission in regard to its duties to regulate the Charitable Bingo Law and he shall represent it in all legal proceedings and shall prosecute any civil action for a violation of the provisions of Sections97-33-51through97-33-203or the rules and regulations of the commission.(7)It is the duty of the sheriffs, deputy sheriffs and police officers of this state to assist the commission in the enforcement of the provisions of Sections97-33-51through97-33-203and to arrest and complain against any person violating the provisions of Sections97-33-51through97-33-203. It is the duty of the district attorneys of this state to prosecute all violations of the provisions of Sections97-33-51through97-33-203if requested to do so by the commission.(8)(a)Whenever any person who is a resident of the State of Mississippi has reason to believe that a person or organization is or has violated the provisions of Sections97-33-51through97-33-203and that proceedings would be in the public interest, he may bring an action in the name of the state against such person to restrain by temporary or permanent injunction such violation, upon at least five (5) days' summons before the hearing of the action. The action shall be brought in the chancery or county court of the county in which such violation has occurred or, with consent of the parties, may be brought in the chancery or county court of the county in which the State Capitol is located. The said courts are authorized to issue temporary or permanent injunctions to restrain and prevent violations of Sections97-33-51through97-33-203, and such injunctions shall be issued without bond.(b)Any person who violates the terms of an injunction issued under this subsection shall forfeit and pay to the state a civil penalty of not more than Five Thousand Dollars (\$5,000.00) per violation which shall be payable to the General Fund of the State of Mississippi. For the purposes of this subsection, the chancery or county court issuing an injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the person bringing the action may petition for recovery of civil penalties.(c)In any action brought under this subsection, if the court finds that a person is willfully violating the provisions of Sections97-33-51through97-33-203, the person bringing the action, upon petition to the court, may recover on behalf of the state a civil penalty of not exceeding Five Hundred Dollars (\$500.00) per violation which shall be payable to the General Fund of the State of Mississippi.(d)No penalty authorized by this subsection shall be deemed to limit the court's powers to insure compliance with its orders, decrees and judgments, or punish for the violations thereof.(e)For purposes of this subsection, a willful violation occurs when the party committing the violation knew or should have known that his conduct was a violation of the provisions of Sections97-33-51through97-33-203.Laws, 1992, ch. 581, § 22; Laws, 1994, ch. 635, § 18; Laws, 2012, ch. 546, § 43, eff. 7/1/2012. 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Such a fine shall only be assessed after notice and an opportunity for a hearing to be held.(5)All departments, commissions, boards, agencies, officers and institutions of the state, and all subdivisions thereof, shall cooperate with the commission in carrying out its enforcement responsibilities.(6)Except as otherwise authorized in Section7-5-39, the Attorney General shall be the attorney for the commission in regard to its duties to regulate the Charitable Bingo Law and he shall represent it in all legal proceedings and shall prosecute any civil action for a violation of the provisions of Sections97-33-51through97-33-203or the rules and regulations of the commission.(7)It is the duty of the sheriffs, deputy sheriffs and police officers of this state to assist the commission in the enforcement of the provisions of Sections97-33-51through97-33-203and to arrest and complain against any person violating the provisions of Sections97-33-51through97-33-203. 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Sections 97-33-51 through 97-33-203 and that proceedings would be in the public interest, he may bring an action in the name of the state against such person to restrain by temporary or permanent injunction such violation, upon at least five (5) days' summons before the hearing of the action. The action shall be brought in the chancery or county court of the county in which such violation has occurred or, with consent of the parties, may be brought in the chancery or county court of the county in which the State Capitol is located. The said courts are authorized to issue temporary or permanent injunctions to restrain and prevent violations of Sections 97-33-51 through 97-33-203, and such injunctions shall be issued without bond. (b) Any person who violates the terms of an injunction issued under this subsection shall forfeit and pay to the state a civil penalty of not more than Five Thousand Dollars (\$5,000.00) per violation which shall be payable to the General Fund of the State of Mississippi. For the purposes of this subsection, the chancery or county court issuing an injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the person bringing the action may petition for recovery of civil penalties. (c) In any action brought under this subsection, if the court finds that a person is willfully violating the provisions of Sections 97-33-51 through 97-33-203, the person bringing the action, upon petition to the court, may recover on behalf of the state a civil penalty of not exceeding Five Hundred Dollars (\$500.00) per violation which shall be payable to the General Fund of the State of Mississippi. (d) No penalty authorized by this subsection shall be deemed to limit the court's powers to insure compliance with its orders, decrees and judgments, or punish for the violations thereof. (e) For purposes of this subsection, a willful violation occurs when the party committing the violation knew or should have known that his conduct was a violation of the provisions of Sections 97-33-51 through 97-33-203. Laws, 1992, ch. 581, § 22; Laws, 1994, ch. 635, § 18; Laws, 2012, ch. 546, § 43, eff. 7/1/2012. Laws, 1992, ch. 581, § 22; Laws, 1994, ch. 635, § 18; Laws, 2012, ch. 546, § 43, eff. 7/1/2012.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) CHARITABLE BINGO LAW (§§ 97-33-50 — 97-33-203) Section 97-33-201 - Licensure as manufacturer, distributor, or operator of supplies or equipment or as commercial lessor; application; fee; requirements; denial, refusal to renew, suspension or revocation; grounds

(1)(a) Any organization or person seeking licensure as a manufacturer, distributor or operator of bingo gaming supplies or equipment, shall submit an application to the commission on forms provided for such purposes. Such application shall contain such information as may be reasonably required by rules of the commission. The application shall be accompanied by a fee as established by the commission. (b) The commission shall investigate all applications for licensure and, in addition to the information required on the application, may require the applicant to furnish such additional information as it deems necessary. (2) The commission shall not issue a license under this section to: (a) Any person who has been convicted of certain related offenses as established by the commission or who presently has such a charge pending in any state or federal court; (b) Any person who has ever been convicted of a gambling-related offense in any state or federal court; (c) Any person who is or has ever been a professional gambler; (d) Any firm, organization or corporation in which any person as described in paragraphs (a) through (c) of this subsection is an officer or director, whether compensated or not, or in which such person has a direct or indirect financial interest; (e) Any person, firm, organization, entity or corporation which has a direct or indirect financial interest in a licensed charity. (3) The commission may deny an application for licensure, refuse to renew a license, or suspend or revoke a license for any reason consistent with the purposes of Sections 97-33-201 and 97-33-203 which it deems to be in the interest of the public. However, policies regarding such denial, suspension, revocation or refusal to renew shall be established by rule and regulation. (4) Any significant change in the information submitted on its application for licensure shall be filed by a licensee with the commission within ten (10) days of the change. A significant change shall include but not be limited to any change in the officers, directors, managers, proprietors or persons having a direct or indirect financial interest in any licensed organization or entity. Laws, 1992, ch. 581, § 23; Laws, 1994, ch. 635, § 19; Laws, 1999, ch. 490, § 2, eff. 7/1/1999. (1)(a) Any organization or person seeking licensure as a manufacturer, distributor or operator of bingo gaming supplies or equipment, shall submit an application to the commission on forms provided for such purposes. Such application shall contain such information as may be reasonably required by rules of the commission. The application shall be accompanied by a fee as established by the commission. (b) The commission shall investigate all applications for licensure and, in addition to the information required on the application, may require the applicant to furnish such additional information as it deems necessary. (2) The commission shall not issue a license under this section to: (a) Any person who has been convicted of certain related offenses as established by the commission or who presently has such a charge pending in any state or federal court; (b) Any person who has ever been convicted of a gambling-related offense in any state or federal court; (c) Any person who is or has ever been a professional gambler; (d) Any firm, organization or corporation in which any person as described in paragraphs (a) through (c) of this subsection is an officer or director, whether compensated or not, or in which such person has a direct or indirect financial interest; (e) Any person, firm, organization, entity or corporation which has a direct or indirect financial interest in a licensed charity. (3) The commission may deny an application for licensure, refuse to renew a license, or suspend or revoke a license for any reason consistent with the purposes of Sections 97-33-201 and 97-33-203 which it deems to be in the interest of the public. However, policies regarding such denial, suspension, revocation or refusal to renew shall be established by rule and regulation. (4) Any significant change in the information submitted on its application for licensure shall be filed by a licensee with the commission within ten (10) days of the change. A significant change shall include but not be limited to any change in the officers, directors, managers, proprietors or persons having a direct or indirect financial interest in any licensed organization or entity. Laws, 1992, ch. 581, § 23; Laws, 1994, ch. 635, § 19; Laws, 1999, ch. 490, § 2, eff. 7/1/1999. (1)(a) Any organization or person seeking licensure as a manufacturer, distributor or operator of bingo gaming supplies or equipment, shall submit an application to the commission on

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Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317)CHARITABLE BINGO LAW (§§ 97-33-50 — 97-33-203)Section 97-33-203 - Commercial lessor's license; rental rates and other charges allowable; length and frequency of rentals; agreements with distributors

(1)No lease of any premises by a commercial lessor to any charitable organization for a charitable bingo game shall provide for payment in excess of the reasonable market rental rate for such premises. The commission shall determine whether a market rental rate for such premises is reasonable. No lease shall provide for rental for less than a five-hour session. No more than two (2) sessions shall be conducted within one (1) day and more often than eight (8) sessions in any one (1) week on the premises of a commercial lessor. Any licensee who holds no more than one (1) session per week shall be entitled to conduct one (1) six-hour session per week.(2)No commercial lessor shall require the payment of any other cost or fee from an organization licensed to hold, operate or conduct bingo games other than the rental amount provided for by the rental agreement or contract or charge admission fees to persons entering the premises to participate in the games.(3)No commercial lessor leasing premises for authorized charitable bingo game activities shall enter into any agreement with a distributor of gaming supplies for the use, purchase, promotion or sale of supplies to be used in such bingo games.Laws, 1992, ch. 581, § 24; Laws, 1994, ch. 635, § 20; Laws, 1999, ch. 490, § 3, eff. 7/1/1999. (1)No lease of any premises by a commercial lessor to any charitable organization for a charitable bingo game shall provide for payment in excess of the reasonable market rental rate for such premises. The commission shall determine whether a market rental rate for such premises is reasonable. No lease shall provide for rental for less than a five-hour session. No more than two (2) sessions shall be conducted within one (1) day and more often than eight (8) sessions in any one (1) week on the premises of a commercial lessor. Any licensee who holds no more than one (1) session per week shall be entitled to conduct one (1) six-hour session per week.(2)No commercial lessor shall require the payment of any other cost or fee from an organization licensed to hold, operate or conduct bingo games other than the rental amount provided for by the rental agreement or contract or charge admission fees to persons entering the premises to participate in the games.(3)No commercial lessor leasing premises for authorized charitable bingo game activities shall enter into any agreement with a distributor of gaming supplies for the use, purchase, promotion or sale of supplies to be used in such bingo games.Laws, 1992, ch. 581, § 24; Laws, 1994, ch. 635, § 20; Laws, 1999, ch. 490, § 3, eff. 7/1/1999. (1)No lease of any premises by a commercial lessor to any charitable organization for a charitable bingo game shall provide for payment in excess of the reasonable market rental rate for such premises. The commission shall determine whether a market rental rate for such premises is reasonable. No lease shall provide for rental for less than a five-hour session. No more than two (2) sessions shall be conducted within one (1) day and more often than eight (8) sessions in any one (1) week on the premises of a commercial lessor. Any licensee who holds no more than one (1) session per week shall be entitled to conduct one (1) six-hour session per week.(2)No commercial lessor shall require the payment of any other cost or fee from an organization licensed to hold, operate or conduct bingo games other than the rental amount provided for by the rental agreement or contract or charge admission fees to persons entering the premises to participate in the games.(3)No commercial lessor leasing premises for authorized charitable bingo game activities shall enter into any agreement with a distributor of gaming supplies for the use, purchase, promotion or sale of supplies to be used in such bingo games.Laws, 1992, ch. 581, § 24; Laws, 1994, ch. 635, § 20; Laws, 1999, ch. 490, § 3, eff. 7/1/1999. Laws, 1992, ch. 581, § 24; Laws, 1994, ch. 635, § 20; Laws, 1999, ch. 490, § 3, eff. 7/1/1999.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317)CHARITABLE BINGO LAW (§§ 97-33-50 — 97-33-203)Section 97-33-50 - Short title

The provisions of Sections97-33-51through97-33-81, 97-33-101 through97-33-109,97-33-201and97-33-203, Mississippi Code of 1972, may be cited as the "Charitable Bingo Law."Laws, 1992, ch. 581, § 1, eff. 10/1/1992. The provisions of Sections97-33-51through97-33-81, 97-33-101 through97-33-109,97-33-201and97-33-203, Mississippi Code of 1972, may be cited as the "Charitable Bingo Law."Laws, 1992, ch. 581, § 1, eff. 10/1/1992. The provisions of Sections97-33-51through97-33-81,

97-33-101 through 97-33-109, 97-33-201 and 97-33-203, Mississippi Code of 1972, may be cited as the "Charitable Bingo Law." Laws, 1992, ch. 581, § 1, eff. 10/1/1992. The provisions of Sections 97-33-51 through 97-33-81, 97-33-101 through 97-33-109, 97-33-201 and 97-33-203, Mississippi Code of 1972, may be cited as the "Charitable Bingo Law." Laws, 1992, ch. 581, § 1, eff. 10/1/1992.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) CHARITABLE BINGO LAW (§§ 97-33-50 — 97-33-203) Section 97-33-51 - Exemptions for certain bingo games and raffles; funding of expenses of Charitable Bingo Law; deposit of user charges and fees authorized under this section into State General Fund

(1) The provisions of Sections 97-33-1 through 97-33-49 shall not apply to any raffle wherein a ticket is sold and a prize is offered when such raffle is being held by and for the benefit of any nonprofit civic, educational, wildlife conservation or religious organization with all proceeds going to said organization. (2) The provisions of Sections 97-33-1 through 97-33-49 shall not apply to any bingo game wherein a prize is offered when such bingo game is being held in accordance with the provisions of the Charitable Bingo Law. (3) A bingo game or a raffle held pursuant to the provisions of the Charitable Bingo Law shall not be considered a game or gambling game for the purposes of Section 75-76-1 et seq. (4) From and after July 1, 2016, the expenses of the Charitable Bingo Law shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law and as determined by the State Fiscal Officer. (5) From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section. Laws, 1979, ch. 390; Laws, 1987, ch. 445; Laws, 1991, ch. 588, § 2; Laws, 1992, ch. 581, § 2, eff. 10/1/1992. Amended by Laws, 2017 EX 1, ch. 7, SB 2001, § 42, eff. 6/23/2017. (1) The provisions of Sections 97-33-1 through 97-33-49 shall not apply to any raffle wherein a ticket is sold and a prize is offered when such raffle is being held by and for the benefit of any nonprofit civic, educational, wildlife conservation or religious organization with all proceeds going to said organization. (2) The provisions of Sections 97-33-1 through 97-33-49 shall not apply to any bingo game wherein a prize is offered when such bingo game is being held in accordance with the provisions of the Charitable Bingo Law. (3) A bingo game or a raffle held pursuant to the provisions of the Charitable Bingo Law shall not be considered a game or gambling game for the purposes of Section 75-76-1 et seq. (4) From and after July 1, 2016, the expenses of the Charitable Bingo Law shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law and as determined by the State Fiscal Officer. (5) From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section. Laws, 1979, ch. 390; Laws, 1987, ch. 445; Laws, 1991, ch. 588, § 2; Laws, 1992, ch. 581, § 2, eff. 10/1/1992. Amended by Laws, 2017 EX 1, ch. 7, SB 2001, § 42, eff. 6/23/2017. Laws, 1979, ch. 390; Laws, 1987, ch. 445; Laws, 1991, ch. 588, § 2; Laws, 1992, ch. 581, § 2, eff. 10/1/1992. Amended by Laws, 2017 EX 1, ch. 7, SB 2001, § 42, eff. 6/23/2017.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) CHARITABLE BINGO LAW (§§ 97-33-50 — 97-33-203) Section 97-33-52 - Organizations authorized to conduct bingo games; disposition of proceeds; records and reports

(1) A bingo game may be conducted only: (a) When held for the benefit of a charitable organization that (i) is licensed pursuant to Section 97-33-55 or Section 97-33-59; (ii) is domiciled in the State of Mississippi; and (b) When the game is held by active members of such organization. (2) Except as may be otherwise provided in Sections 97-33-51 through 97-33-203, all net proceeds derived from a bingo game authorized by this section shall be expended only for the purposes for which the organization is created, and no net proceeds derived from a bingo game authorized by this section shall be distributed to a charity outside of the State of Mississippi without the approval of the Mississippi Gaming Commission. Nothing in the Charitable Bingo Law shall prohibit a charitable organization from using gross receipts derived from a bingo game conducted under the Charitable Bingo Law to pay administrative penalties imposed by any state agency against the charitable organization. (3) None of the proceeds of a bingo game authorized to be held under this section shall be used to purchase, construct or improve a building, hall or other facility solely for the purpose of conducting or operating a bingo game. (4) Every organization which conducts bingo games shall report to the Mississippi Gaming Commission at such time, in such manner and on such forms as the commission prescribes. All records and reports so filed shall be public records and shall be available for inspection in accordance with the Mississippi Public Records Act of 1983. Laws, 1991, ch.

588, § 1; Laws, 1992, ch. 581, § 3; Laws, 1994, ch. 635, § 1; Laws, 2002, ch. 366, § 1, eff. 3/18/2002. (1)A bingo game may be conducted only:(a)When held for the benefit of a charitable organization that (i) is licensed pursuant to Section97-33-55or Section97-33-59; (ii) is domiciled in the State of Mississippi; and(b)When the game is held by active members of such organization.(2)Except as may be otherwise provided in Sections97-33-51through97-33-203, all net proceeds derived from a bingo game authorized by this section shall be expended only for the purposes for which the organization is created, and no net proceeds derived from a bingo game authorized by this section shall be distributed to a charity outside of the State of Mississippi without the approval of the Mississippi Gaming Commission. Nothing in the Charitable Bingo Law shall prohibit a charitable organization from using gross receipts derived from a bingo game conducted under the Charitable Bingo Law to pay administrative penalties imposed by any state agency against the charitable organization.(3)None of the proceeds of a bingo game authorized to be held under this section shall be used to purchase, construct or improve a building, hall or other facility solely for the purpose of conducting or operating a bingo game.(4)Every organization which conducts bingo games shall report to the Mississippi Gaming Commission at such time, in such manner and on such forms as the commission prescribes. All records and reports so filed shall be public records and shall be available for inspection in accordance with the Mississippi Public Records Act of 1983.Laws, 1991, ch. 588, § 1; Laws, 1992, ch. 581, § 3; Laws, 1994, ch. 635, § 1; Laws, 2002, ch. 366, § 1, eff. 3/18/2002. (1)A bingo game may be conducted only:(a)When held for the benefit of a charitable organization that (i) is licensed pursuant to Section97-33-55or Section97-33-59; (ii) is domiciled in the State of Mississippi; and(b)When the game is held by active members of such organization.(2)Except as may be otherwise provided in Sections97-33-51through97-33-203, all net proceeds derived from a bingo game authorized by this section shall be expended only for the purposes for which the organization is created, and no net proceeds derived from a bingo game authorized by this section shall be distributed to a charity outside of the State of Mississippi without the approval of the Mississippi Gaming Commission. Nothing in the Charitable Bingo Law shall prohibit a charitable organization from using gross receipts derived from a bingo game conducted under the Charitable Bingo Law to pay administrative penalties imposed by any state agency against the charitable organization.(3)None of the proceeds of a bingo game authorized to be held under this section shall be used to purchase, construct or improve a building, hall or other facility solely for the purpose of conducting or operating a bingo game.(4)Every organization which conducts bingo games shall report to the Mississippi Gaming Commission at such time, in such manner and on such forms as the commission prescribes. All records and reports so filed shall be public records and shall be available for inspection in accordance with the Mississippi Public Records Act of 1983.Laws, 1991, ch. 588, § 1; Laws, 1992, ch. 581, § 3; Laws, 1994, ch. 635, § 1; Laws, 2002, ch. 366, § 1, eff. 3/18/2002. Laws, 1991, ch. 588, § 1; Laws, 1992, ch. 581, § 3; Laws, 1994, ch. 635, § 1; Laws, 2002, ch. 366, § 1, eff. 3/18/2002.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317)CHARITABLE BINGO LAW (§§ 97-33-50 — 97-33-203)Section 97-33-53 - Definitions

As used in Sections97-33-51through97-33-203, the following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:(a)"Bingo" means a game of chance in which a right to participate is sold to a player and prizes are awarded, that is:(i)Played with a card, sheet, or an electronic representation thereof, bearing numbers or symbols;(ii)Played with the participant covering, marking or revealing the numbers or symbols, as objects similarly numbered or designated are drawn from a receptacle and orally called; in the case of electronic representations, the requisite covering, marking or revealing may be accomplished electronically to match objects similarly numbered or designated and stored in memory in advance as winners, or which are generated randomly by an electronic process;(iii)Won by the player who first covers, marks or reveals a previously designated arrangement of numbers or symbols; and(iv)Played on the premises of a licensed organization and during the organization's regular hours of conducting bingo games.The term "bingo" includes pull-tabs made available as a companion game to bingo and played on the premises. The term "bingo" does not include any game which is played via television, telephone, satellite dish or any other telecommunications transmission or receiving device.Any electronic device used to produce an electronic representation must maintain an inventory recorded in computed memory, not on cartridge memory, of the number of winners and losers. It must also be equipped with tamper-proof electric meters as a backup to the computer memory. It may not dispense cash or coins. Paybacks will be dispensed by printed ticket only. The printer shall maintain duplicate records of all transactions. All such electronic devices shall be approved by the Mississippi Gaming Commission.(b)"Charitable organization" means:(i)Any nonprofit organization domiciled in this state that is tax exempt under Section 501(c) or (d) of the United States Internal Revenue Code and which has on file with the Mississippi Gaming Commission either a tax exemption letter issued by the United States Internal Revenue Service, or a certified copy of its application for such tax exempt status if the commission determines that the organization is likely to be granted the tax exempt status, and is:1.Any chapter or post domiciled in this state of a nationally chartered organization whose membership is composed of former members of the military forces of the United States of America or whose membership is composed of members of the Merchant Marine Veterans Association; or2.Any nonprofit civic, educational, wildlife conservation organization or religious organization domiciled in this state.If an organization which has on file with the commission a certified copy of its application for a tax exemption under Section 501(c) or (d) of the U.S. Internal Revenue Code is not granted the exemption within twelve (12) months from the date of such application, the organization's license shall be subject to revocation pursuant to Section97-33-61.(ii)Any senior citizen recreation club, which is defined as an organization sanctioned by the local council on aging and composed of members aged sixty (60) years or older, the sole function of which is to provide amusement and diversion for its members.(c)"Commission" means the Mississippi Gaming Commission.(d)"Distributor" means any person or other entity who sells, offers for sale or otherwise furnishes to any person, gaming supplies or equipment for use in the conducting of a

bingo game authorized by Sections 97-33-51 through 97-33-203. (e) "Manufacturer" means any person or other entity who manufactures for sale, offers for sale, or otherwise furnishes, any gaming supplies or equipment for use in the conducting of a bingo game authorized by Sections 97-33-51 through 97-33-203. (f) "Commercial lessor" means any person or other entity, other than a bona fide nonprofit organization licensed to conduct charitable bingo games, who leases any building, structure or premises to organizations licensed under the provisions of Sections 97-33-51 through 97-33-203. (g) "Operator" means a person or other entity who supplies the charity an electronic facsimile pull-tab device or labor saving device as described in Section 97-33-53. This person or entity may not be engaged in any other form of bingo operations such as a distributor, manufacturer, charity or commercial lessor. (h) "Pull-tabs" means single or banded tickets or cards each with its face covered to conceal one or more numbers or symbols, where one or more cards or tickets in each set have been designed in advance as winners. "Pull-tabs" shall also mean any device for dispensing pull-tabs. (i) "Session" means any five-hour time period within one (1) day or six-hour time period within one (1) week. (j) "Day" means the whole or any part of the time period of twenty-four (24) hours from midnight to midnight. (k) "Week" means the seven-day period from 12:01 a.m. on Monday until midnight the following Sunday. (l) "Net proceeds" means the gross amount collected from participants less the actual prizes or winnings paid, the actual cost or expenses of conducting the bingo game, any administrative penalties imposed by any state agency against the charitable organization, and any other expense authorized under the Charitable Bingo Law or any regulation promulgated thereunder. (m) "Gross receipts" means all revenue received from bingo operations. Laws, 1992, ch. 581, § 4; Laws, 1994, ch. 635, § 2; Laws, 2002, ch. 366, § 2, eff. 3/18/2002. As used in Sections 97-33-51 through 97-33-203, the following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise: (a) "Bingo" means a game of chance in which a right to participate is sold to a player and prizes are awarded, that is: (i) Played with a card, sheet, or an electronic representation thereof, bearing numbers or symbols; (ii) Played with the participant covering, marking or revealing the numbers or symbols, as objects similarly numbered or designated are drawn from a receptacle and orally called; in the case of electronic representations, the requisite covering, marking or revealing may be accomplished electronically to match objects similarly numbered or designated and stored in memory in advance as winners, or which are generated randomly by an electronic process; (iii) Won by the player who first covers, marks or reveals a previously designated arrangement of numbers or symbols; and (iv) Played on the premises of a licensed organization and during the organization's regular hours of conducting bingo games. The term "bingo" includes pull-tabs made available as a companion game to bingo and played on the premises. The term "bingo" does not include any game which is played via television, telephone, satellite dish or any other telecommunications transmission or receiving device. Any electronic device used to produce an electronic representation must maintain an inventory recorded in computed memory, not on cartridge memory, of the number of winners and losers. It must also be equipped with tamper-proof electric meters as a backup to the computer memory. It may not dispense cash or coins. Paybacks will be dispensed by printed ticket only. The printer shall maintain duplicate records of all transactions. All such electronic devices shall be approved by the Mississippi Gaming Commission. 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If an organization which has on file with the commission a certified copy of its application for a tax exemption under Section 501(c) or (d) of the U.S. Internal Revenue Code is not granted the exemption within twelve (12) months from the date of such application, the organization's license shall be subject to revocation pursuant to Section 97-33-61. (ii) Any senior citizen recreation club, which is defined as an organization sanctioned by the local council on aging and composed of members aged sixty (60) years or older, the sole function of which is to provide amusement and diversion for its members. (c) "Commission" means the Mississippi Gaming Commission. (d) "Distributor" means any person or other entity who sells, offers for sale or otherwise furnishes to any person, gaming supplies or equipment for use in the conducting of a bingo game authorized by Sections 97-33-51 through 97-33-203. (e) "Manufacturer" means any person or other entity who manufactures for sale, offers for sale, or otherwise furnishes, any gaming supplies or equipment for use in the conducting of a bingo game authorized by Sections 97-33-51 through 97-33-203. (f) "Commercial lessor" means any person or other entity, other than a bona fide nonprofit organization licensed to conduct charitable bingo games, who leases any building, structure or premises to organizations licensed under the provisions of Sections 97-33-51 through 97-33-203. (g) "Operator" means a person or other entity who supplies the charity an electronic facsimile pull-tab device or labor saving device as described in Section 97-33-53. This person or entity may not be engaged in any other form of bingo operations such as a distributor, manufacturer, charity or commercial lessor. (h) "Pull-tabs" means single or banded tickets or cards each with its face covered to conceal one or more numbers or symbols, where one or more cards or tickets in each set have been designed in advance as winners. "Pull-tabs" shall also mean any device for dispensing pull-tabs. (i) "Session" means any five-hour time period within one (1) day or six-hour time period within one (1) week. (j) "Day" means the whole or any part of the time period of twenty-four (24) hours from midnight to midnight. (k) "Week" means the seven-day period from 12:01 a.m. on Monday until midnight the following Sunday. (l) "Net proceeds" means the gross amount collected from participants less the actual prizes or winnings paid, the actual cost or expenses of conducting the bingo game, any administrative penalties imposed by any state agency against the charitable organization, and any other expense authorized under the Charitable Bingo Law or any regulation promulgated thereunder. 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The printer shall maintain duplicate records of all transactions. All such electronic devices shall be approved by the Mississippi Gaming Commission. If an organization which has on file with the commission a certified copy of its application for a tax exemption under Section 501(c) or (d) of the U.S. Internal Revenue Code is not granted the exemption within twelve (12) months from the date of such application, the organization's license shall be subject to revocation pursuant to Section 97-33-61. Laws, 1992, ch. 581, § 4; Laws, 1994, ch. 635, § 2; Laws, 2002, ch. 366, § 2, eff. 3/18/2002.

application; person or persons responsible; fee

(1)Any charitable organization desiring to conduct bingo games must obtain a license to do so from the Mississippi Gaming Commission.(2)Each applicant for such a license shall file with the commission a written application therefor in a form prescribed by the commission on which shall be stated:(a)The name and address of the applicant, together with sufficient facts relating to its incorporation and organization to enable the commission to determine whether or not the applicant is a bona fide organization;(b)The names and addresses of its officers;(c)The place or places where, and the date or dates and the time or times when, bingo games are intended to be conducted by the applicant, under the license applied for;(d)The items of expense intended to be incurred or paid in connection with the holding, operating and conducting of bingo games and the names and addresses of the persons to whom, and the purposes for which, they are to be paid;(e)The specific purposes to which the entire net proceeds of the bingo games are to be devoted and in what manner;(f)That, except as otherwise provided in Section97-33-69, no commission, salary, compensation, reward or recompense will be paid to any person for holding, operating or conducting bingo games;(g)A description of all prizes to be offered and given in all bingo games to be held, operated and conducted under such license; and(h)Such other information as shall be prescribed by the commission by its rules and regulations.(3)In each application there shall be designated an active member or members of the organization under whom the bingo games are to be held, operated and conducted. The application shall include a statement executed by the applicant and by the member or members so designated, that he or they will be responsible for the holding, operation and conduct of the bingo games in accordance with the terms of the license and the provisions of the commission's rules and regulations governing bingo games and of Sections97-33-51through97-33-203, if such license is granted.(4)An original application shall be accompanied by a fee of Fifty Dollars (\$50.00). Such application fee shall be refunded by the commission to an organization deemed to be an exempt organization pursuant to Section97-33-107.Laws, 1992, ch. 581, § 5; Laws, 1994, ch. 635, § 3, eff. 10/1/1994. (1)Any charitable organization desiring to conduct bingo games must obtain a license to do so from the Mississippi Gaming Commission.(2)Each applicant for such a license shall file with the commission a written application therefor in a form prescribed by the commission on which shall be stated:(a)The name and address of the applicant, together with sufficient facts relating to its incorporation and organization to enable the commission to determine whether or not the applicant is a bona fide organization;(b)The names and addresses of its officers;(c)The place or places where, and the date or dates and the time or times when, bingo games are intended to be conducted by the applicant, under the license applied for;(d)The items of expense intended to be incurred or paid in connection with the holding, operating and conducting of bingo games and the names and addresses of the persons to whom, and the purposes for which, they are to be paid;(e)The specific purposes to which the entire net proceeds of the bingo games are to be devoted and in what manner;(f)That, except as otherwise provided in Section97-33-69, no commission, salary, compensation, reward or recompense will be paid to any person for holding, operating or conducting bingo games;(g)A description of all prizes to be offered and given in all bingo games to be held, operated and conducted under such license; and(h)Such other information as shall be prescribed by the commission by its rules and regulations.(3)In each application there shall be designated an active member or members of the organization under whom the bingo games are to be held, operated and conducted. The application shall include a statement executed by the applicant and by the member or members so designated, that he or they will be responsible for the holding, operation and conduct of the bingo games in accordance with the terms of the license and the provisions of the commission's rules and regulations governing bingo games and of Sections97-33-51through97-33-203, if such license is granted.(4)An original application shall be accompanied by a fee of Fifty Dollars (\$50.00). Such application fee shall be refunded by the commission to an organization deemed to be an exempt organization pursuant to Section97-33-107.Laws, 1992, ch. 581, § 5; Laws, 1994, ch. 635, § 3, eff. 10/1/1994. (1)Any charitable organization desiring to conduct bingo games must obtain a license to do so from the Mississippi Gaming Commission.(2)Each applicant for such a license shall file with the commission a written application therefor in a form prescribed by the commission on which shall be stated:(a)The name and address of the applicant, together with sufficient facts relating to its incorporation and organization to enable the commission to determine whether or not the applicant is a bona fide organization;(b)The names and addresses of its officers;(c)The place or places where, and the date or dates and the time or times when, bingo games are intended to be conducted by the applicant, under the license applied for;(d)The items of expense intended to be incurred or paid in connection with the holding, operating and conducting of bingo games and the names and addresses of the persons to whom, and the purposes for which, they are to be paid;(e)The specific purposes to which the entire net proceeds of the bingo games are to be devoted and in what manner;(f)That, except as otherwise provided in Section97-33-69, no commission, salary, compensation, reward or recompense will be paid to any person for holding, operating or conducting bingo games;(g)A description of all prizes to be offered and given in all bingo games to be held, operated and conducted under such license; and(h)Such other information as shall be prescribed by the commission by its rules and regulations.(3)In each application there shall be designated an active member or members of the organization under whom the bingo games are to be held, operated and conducted. The application shall include a statement executed by the applicant and by the member or members so designated, that he or they will be responsible for the holding, operation and conduct of the bingo games in accordance with the terms of the license and the provisions of the commission's rules and regulations governing bingo games and of Sections97-33-51through97-33-203, if such license is granted.(4)An original application shall be accompanied by a fee of Fifty Dollars (\$50.00). Such application fee shall be refunded by the commission to an organization deemed to be an exempt organization pursuant to Section97-33-107.Laws, 1992, ch. 581, § 5; Laws, 1994, ch. 635, § 3, eff. 10/1/1994. Laws, 1992, ch. 581, § 5; Laws, 1994, ch. 635, § 3, eff. 10/1/1994.

97-33-1 — 97-33-317)CHARITABLE BINGO LAW (§§ 97-33-50 — 97-33-203)Section 97-33-57 - Investigation of qualifications of applicants for licenses; criteria; term of license; denial, refusal, suspension or revocation of license

(1)The commission shall investigate the qualifications of each applicant and the merits of the application, with due expedition after the filing of the application, and shall make the following determinations:(a)That the applicant is duly qualified to hold, operate and conduct bingo games under the provisions of Sections97-33-51through97-33-203and the rules and regulations of the commission governing same.(b)That the member or members of the organization designated in the application to hold, operate, conduct, or assist in holding, operating, or conducting, the bingo games are bona fide active members of the organization and of good moral character, who have never been convicted of certain offenses as designated by the commission.(c)That bingo games are to be held, operated and conducted in accordance with the provisions of Sections97-33-51through97-33-203and in accordance with the rules and regulations of the commission governing same, and that the proceeds thereof are to be disposed of as provided by Sections97-33-51through97-33-203.(2)If the commission is satisfied that no commission, salary, compensation, reward or recompense whatever, except as otherwise provided in Section97-33-69, will be paid or given to any person holding, operating or conducting any bingo game, it may issue a license to the applicant for the holding, operating and conducting of bingo games.(3)No license for holding, operating or conducting bingo games that is issued under Sections97-33-51through97-33-203shall be effective for more than three (3) calendar years.(4)The commission shall not issue a license to:(a)Any person who has been convicted of certain related offenses as established by the commission or who presently has such a charge pending in any state or federal court;(b)Any person who has ever been convicted of a gambling-related offense in any state or federal court;(c)Any person who is or has ever been a professional gambler;(d)Any firm, organization or corporation in which any person as described in paragraphs (a) through (c) is an officer or director, whether compensated or not, or in which such person has a direct or indirect financial interest;(e)The commission may deny an application for licensure, refuse to renew a license, or suspend or revoke a license for any reason consistent with the purposes of Sections97-33-51through97-33-203which it deems to be in the interest of the public. However, policies regarding such denial, suspension, revocation or refusal to renew shall be established by rule and regulation. If the commission fails to act upon the license application within sixty (60) days of the date of filing of the application by the charitable organization, such application shall be deemed accepted.(5)Any significant change in the information submitted on its application for licensure shall be filed by a licensee with the commission within ten (10) days of the change. A significant change shall include, but not be limited to, any change in the officers, directors, managers, proprietors or persons having a direct or indirect financial interest in any licensed organization or entity.Laws, 1992, ch. 581, § 6; Laws, 1994, ch. 635, § 4; Laws, 2007, ch. 542, § 1, eff. 7/1/2007. (1)The commission shall investigate the qualifications of each applicant and the merits of the application, with due expedition after the filing of the application, and shall make the following determinations:(a)That the applicant is duly qualified to hold, operate and conduct bingo games under the provisions of Sections97-33-51through97-33-203and the rules and regulations of the commission governing same.(b)That the member or members of the organization designated in the application to hold, operate, conduct, or assist in holding, operating, or conducting, the bingo games are bona fide active members of the organization and of good moral character, who have never been convicted of certain offenses as designated by the commission.(c)That bingo games are to be held, operated and conducted in accordance with the provisions of Sections97-33-51through97-33-203and in accordance with the rules and regulations of the commission governing same, and that the proceeds thereof are to be disposed of as provided by Sections97-33-51through97-33-203.(2)If the commission is satisfied that no commission, salary, compensation, reward or recompense whatever, except as otherwise provided in Section97-33-69, will be paid or given to any person holding, operating or conducting any bingo game, it may issue a license to the applicant for the holding, operating and conducting of bingo games.(3)No license for holding, operating or conducting bingo games that is issued under Sections97-33-51through97-33-203shall be effective for more than three (3) calendar years.(4)The commission shall not issue a license to:(a)Any person who has been convicted of certain related offenses as established by the commission or who presently has such a charge pending in any state or federal court;(b)Any person who has ever been convicted of a gambling-related offense in any state or federal court;(c)Any person who is or has ever been a professional gambler;(d)Any firm, organization or corporation in which any person as described in paragraphs (a) through (c) is an officer or director, whether compensated or not, or in which such person has a direct or indirect financial interest;(e)The commission may deny an application for licensure, refuse to renew a license, or suspend or revoke a license for any reason consistent with the purposes of Sections97-33-51through97-33-203which it deems to be in the interest of the public. However, policies regarding such denial, suspension, revocation or refusal to renew shall be established by rule and regulation. If the commission fails to act upon the license application within sixty (60) days of the date of filing of the application by the charitable organization, such application shall be deemed accepted.(5)Any significant change in the information submitted on its application for licensure shall be filed by a licensee with the commission within ten (10) days of the change. A significant change shall include, but not be limited to, any change in the officers, directors, managers, proprietors or persons having a direct or indirect financial interest in any licensed organization or entity.Laws, 1992, ch. 581, § 6; Laws, 1994, ch. 635, § 4; Laws, 2007, ch. 542, § 1, eff. 7/1/2007. (1)The commission shall investigate the qualifications of each applicant and the merits of the application, with due expedition after the filing of the application, and shall make the following determinations:(a)That the applicant is duly qualified to hold, operate and conduct bingo games under the provisions of Sections97-33-51through97-33-203and the rules and regulations of the commission governing same.(b)That the member or members of the organization designated in the application to hold, operate, conduct, or assist in holding, operating, or conducting, the bingo games are bona fide active members of the organization and of good moral character, who have never been convicted of certain offenses as designated by the commission.(c)That bingo games are to be held, operated and conducted in accordance with the provisions of Sections97-33-51through97-33-203and in accordance with

the rules and regulations of the commission governing same, and that the proceeds thereof are to be disposed of as provided by Sections 97-33-51 through 97-33-203. (2) If the commission is satisfied that no commission, salary, compensation, reward or recompense whatever, except as otherwise provided in Section 97-33-69, will be paid or given to any person holding, operating or conducting any bingo game, it may issue a license to the applicant for the holding, operating and conducting of bingo games. (3) No license for holding, operating or conducting bingo games that is issued under Sections 97-33-51 through 97-33-203 shall be effective for more than three (3) calendar years. (4) The commission shall not issue a license to: (a) Any person who has been convicted of certain related offenses as established by the commission or who presently has such a charge pending in any state or federal court; (b) Any person who has ever been convicted of a gambling-related offense in any state or federal court; (c) Any person who is or has ever been a professional gambler; (d) Any firm, organization or corporation in which any person as described in paragraphs (a) through (c) is an officer or director, whether compensated or not, or in which such person has a direct or indirect financial interest; (e) The commission may deny an application for licensure, refuse to renew a license, or suspend or revoke a license for any reason consistent with the purposes of Sections 97-33-51 through 97-33-203 which it deems to be in the interest of the public. However, policies regarding such denial, suspension, revocation or refusal to renew shall be established by rule and regulation. If the commission fails to act upon the license application within sixty (60) days of the date of filing of the application by the charitable organization, such application shall be deemed accepted. (5) Any significant change in the information submitted on its application for licensure shall be filed by a licensee with the commission within ten (10) days of the change. A significant change shall include, but not be limited to, any change in the officers, directors, managers, proprietors or persons having a direct or indirect financial interest in any licensed organization or entity. Laws, 1992, ch. 581, § 6; Laws, 1994, ch. 635, § 4; Laws, 2007, ch. 542, § 1, eff. 7/1/2007. Laws, 1992, ch. 581, § 6; Laws, 1994, ch. 635, § 4; Laws, 2007, ch. 542, § 1, eff. 7/1/2007.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) CHARITABLE BINGO LAW (§§ 97-33-50 — 97-33-203) Section 97-33-59 - Special licenses for emergency financial relief; special charitable limited license requirement

(1) The commission may issue a special license for the conducting of limited fund-raising bingo games for the benefit of a person, family or group of persons who, because of circumstances which cause a financial crisis of an emergency nature, are in need of immediate fund-raising relief. Bingo games conducted under this section shall consist of no more than two (2) bingo sessions annually by the same person, family or group of persons, at which the total amount of prizes which may be awarded on any calendar day under such a license shall not exceed Fifteen Thousand Dollars (\$15,000.00) in cash or other thing or things of value. Except as otherwise provided in this section or as may be otherwise provided by Section 97-33-69(10) or 97-33-107(k), all other provisions of Sections 97-33-51 through 97-33-203 shall apply to the issuance of such special licenses. (2) The commission shall not authorize any organization to conduct limited bingo games as described in subsection (1) as provided herein unless that organization has first obtained a special charitable limited license from the commission. (3) All proceeds derived from bingo games conducted under a special charitable limited license shall go to the specific need for which the games are conducted, as outlined in the application for such license. (4) The fee for a special charitable limited license shall be limited to the actual administrative costs of issuing it. Laws, 1992, ch. 581, § 7; Laws, 1994, ch. 635, § 5, eff. 10/1/1994. (1) The commission may issue a special license for the conducting of limited fund-raising bingo games for the benefit of a person, family or group of persons who, because of circumstances which cause a financial crisis of an emergency nature, are in need of immediate fund-raising relief. Bingo games conducted under this section shall consist of no more than two (2) bingo sessions annually by the same person, family or group of persons, at which the total amount of prizes which may be awarded on any calendar day under such a license shall not exceed Fifteen Thousand Dollars (\$15,000.00) in cash or other thing or things of value. Except as otherwise provided in this section or as may be otherwise provided by Section 97-33-69(10) or 97-33-107(k), all other provisions of Sections 97-33-51 through 97-33-203 shall apply to the issuance of such special licenses. (2) The commission shall not authorize any organization to conduct limited bingo games as described in subsection (1) as provided herein unless that organization has first obtained a special charitable limited license from the commission. (3) All proceeds derived from bingo games conducted under a special charitable limited license shall go to the specific need for which the games are conducted, as outlined in the application for such license. (4) The fee for a special charitable limited license shall be limited to the actual administrative costs of issuing it. Laws, 1992, ch. 581, § 7; Laws, 1994, ch. 635, § 5, eff. 10/1/1994. (1) The commission may issue a special license for the conducting of limited fund-raising bingo games for the benefit of a person, family or group of persons who, because of circumstances which cause a financial crisis of an emergency nature, are in need of immediate fund-raising relief. Bingo games conducted under this section shall consist of no more than two (2) bingo sessions annually by the same person, family or group of persons, at which the total amount of prizes which may be awarded on any calendar day under such a license shall not exceed Fifteen Thousand Dollars (\$15,000.00) in cash or other thing or things of value. Except as otherwise provided in this section or as may be otherwise provided by Section 97-33-69(10) or 97-33-107(k), all other provisions of Sections 97-33-51 through 97-33-203 shall apply to the issuance of such special licenses. (2) The commission shall not authorize any organization to conduct limited bingo games as described in subsection (1) as provided herein unless that organization has first obtained a special charitable limited license from the commission. (3) All proceeds derived from bingo games conducted under a special charitable limited license shall go to the specific need for which the games are conducted, as outlined in the application for such license. (4) The fee for a special charitable limited license shall be limited to the actual administrative costs of issuing it. Laws, 1992, ch. 581, § 7; Laws, 1994, ch. 635, § 5, eff. 10/1/1994. Laws, 1992, ch. 581, § 7; Laws, 1994, ch. 635, § 5, eff. 10/1/1994.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) CHARITABLE BINGO LAW (§§ 97-33-50 — 97-33-203) Section 97-33-61 - Notice and hearing prerequisites to denial of license; judicial review

No license shall be revoked by the commission until after a hearing is held on due notice. The commission may designate a hearing examiner to hear the case and render a decision. A licensee aggrieved by the decision of the hearing examiner may apply within fifteen (15) days after announcement of the decision in writing to the commission for review of the decision. Review is limited to the record of proceedings before the hearing examiner. The commission may sustain or reverse the hearing examiner's decision. Any person aggrieved by the final decision of the commission may obtain a judicial review thereof in the circuit court of the county in which the bingo games are conducted. The judicial review must be instituted by filing a petition within ten (10) days after the decision is rendered. Laws, 1992, ch. 581, § 8; Laws, 1994, ch. 635, § 6, eff. 10/1/1994. No license shall be revoked by the commission until after a hearing is held on due notice. The commission may designate a hearing examiner to hear the case and render a decision. A licensee aggrieved by the decision of the hearing examiner may apply within fifteen (15) days after announcement of the decision in writing to the commission for review of the decision. Review is limited to the record of proceedings before the hearing examiner. The commission may sustain or reverse the hearing examiner's decision. Any person aggrieved by the final decision of the commission may obtain a judicial review thereof in the circuit court of the county in which the bingo games are conducted. The judicial review must be instituted by filing a petition within ten (10) days after the decision is rendered. Laws, 1992, ch. 581, § 8; Laws, 1994, ch. 635, § 6, eff. 10/1/1994. No license shall be revoked by the commission until after a hearing is held on due notice. The commission may designate a hearing examiner to hear the case and render a decision. A licensee aggrieved by the decision of the hearing examiner may apply within fifteen (15) days after announcement of the decision in writing to the commission for review of the decision. Review is limited to the record of proceedings before the hearing examiner. The commission may sustain or reverse the hearing examiner's decision. Any person aggrieved by the final decision of the commission may obtain a judicial review thereof in the circuit court of the county in which the bingo games are conducted. The judicial review must be instituted by filing a petition within ten (10) days after the decision is rendered. Laws, 1992, ch. 581, § 8; Laws, 1994, ch. 635, § 6, eff. 10/1/1994. No license shall be revoked by the commission until after a hearing is held on due notice. The commission may designate a hearing examiner to hear the case and render a decision. A licensee aggrieved by the decision of the hearing examiner may apply within fifteen (15) days after announcement of the decision in writing to the commission for review of the decision. Review is limited to the record of proceedings before the hearing examiner. The commission may sustain or reverse the hearing examiner's decision. Any person aggrieved by the final decision of the commission may obtain a judicial review thereof in the circuit court of the county in which the bingo games are conducted. The judicial review must be instituted by filing a petition within ten (10) days after the decision is rendered. Laws, 1992, ch. 581, § 8; Laws, 1994, ch. 635, § 6, eff. 10/1/1994.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) CHARITABLE BINGO LAW (§§ 97-33-50 — 97-33-203) Section 97-33-65 - Commission to control games; entry and inspection by agents; suspension or revocation of license for violations

The commission shall control all bingo games held, operated or conducted by a licensee to assure that they are fairly held, operated and conducted in accordance with the provisions of the license, the commission's rules and regulations, and the provisions of Sections 97-33-51 through 97-33-203. The commission may suspend or revoke any license for violation of any such rule and regulation or provision. Its officers and agents may enter and inspect any premises where any bingo game is being held, operated and conducted or is intended to be held, operated and conducted, or where any equipment is being used or intended to be used in the conduct thereof. Laws, 1992, ch. 581, § 9; Laws, 1994, ch. 635, § 7, eff. 10/1/1994. The commission shall control all bingo games held, operated or conducted by a licensee to assure that they are fairly held, operated and conducted in accordance with the provisions of the license, the commission's rules and regulations, and the provisions of Sections 97-33-51 through 97-33-203. The commission may suspend or revoke any license for violation of any such rule and regulation or provision. Its officers and agents may enter and inspect any premises where any bingo game is being held, operated and conducted or is intended to be held, operated and conducted, or where any equipment is being used or intended to be used in the conduct thereof. Laws, 1992, ch. 581, § 9; Laws, 1994, ch. 635, § 7, eff. 10/1/1994. The commission shall control all bingo games held, operated or conducted by a licensee to assure that they are fairly held, operated and conducted in accordance with the provisions of the license, the commission's rules and regulations, and the provisions of Sections 97-33-51 through 97-33-203. The commission may suspend or revoke any license for violation of any such rule and regulation or provision. Its officers and agents may enter and inspect any premises where any bingo game is being held, operated and conducted or is intended to be held, operated and conducted, or where any equipment is being used or intended to be used in the conduct thereof. Laws, 1992, ch. 581, § 9; Laws, 1994, ch. 635, § 7, eff. 10/1/1994. The commission shall control all bingo games held, operated or conducted by a licensee to assure that they are fairly held, operated and conducted in accordance with the provisions of the license, the commission's rules and regulations, and the provisions of Sections 97-33-51 through 97-33-203. The commission may suspend or revoke any license for violation of any such rule and regulation or provision. Its officers and agents may enter and inspect any premises where any bingo game is being held, operated and conducted or is intended to be held, operated and conducted, or where any equipment is being used or intended to be used in the conduct thereof. Laws, 1992, ch. 581, § 9; Laws, 1994, ch. 635, § 7, eff. 10/1/1994.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§

97-33-1 — 97-33-317)CHARITABLE BINGO LAW (§§ 97-33-50 — 97-33-203)Section 97-33-67 - Length and frequency of sessions; prize limits; designated supervisor responsible for session; purchase of supplies only from licensees; persons under 18 years of age

(1)(a)No licensee shall hold, operate or conduct any bingo game more often than for two (2) sessions within one (1) day and more often than eight (8) sessions in any one (1) week. Any licensee who holds no more than one (1) session per week shall be entitled to conduct one (1) six-hour session per week. Notwithstanding the provisions of this paragraph, pull-tabs, video pull-tabs or video bingo games may be played for up to eighty (80) hours per week.(b)No licensee shall hold, operate or conduct any bingo game in more than one (1) physical location. Any bingo operation for which a license has been issued by the Gaming Commission on or after April 1, 1995, and which is located within one thousand five hundred (1,500) feet of a school, church or public library building, shall not conduct bingo sessions during the hours of the school day or during church or library hours.(2)The total amount of prizes which may be awarded in any one (1) session by a licensee shall not exceed Seven Thousand Five Hundred Dollars (\$7,500.00) in cash or other thing or things of value, except as otherwise provided in Section97-33-59and except that the total amount of prizes which may be awarded in any one (1) session shall not exceed Eight Thousand Dollars (\$8,000.00) if only one (1) session is held in any one (1) week. The Seven Thousand Five Hundred Dollars (\$7,500.00) and the Eight Thousand Dollars (\$8,000.00) limits do not include payback of pull-tabs or electronic representations. The commission shall establish by rule the method of calculating the value of anything offered as a prize.(3)Each licensee shall designate a supervisor and a sufficient number of alternate supervisors to be in charge of and primarily responsible for each session of a bingo game. Such individual shall be familiar with the provisions of Sections97-33-51through97-33-203and the rules and regulations of the commission. Such individual, or alternate who shall be designated as the bingo supervisor, shall supervise all activities of such session and be responsible for the conduct of all games of such session. The supervisor shall be present at all times on the premises during the session.(4)No licensee shall purchase or otherwise obtain any gaming supplies or equipment from any distributor, operator or manufacturer until it has first determined that the individual selling or otherwise offering such supplies or equipment has a valid license issued by the commission.(5)No licensee shall allow any person under eighteen (18) years of age to assist in the holding, operation or conduct of any bingo game. No licensee shall allow any person under eighteen (18) years of age to play a bingo game unless accompanied by his or her parent or legal guardian, except that a licensee may prohibit all persons under eighteen (18) years from entering the licensed premises by posting a written notice to that effect on the premises.Laws, 1992, ch. 581, § 10; Laws, 1994, ch. 635, § 8; Laws, 1995, ch. 618, § 1; Laws, 2002, ch. 508, § 1, eff. 4/1/2002. (1)(a)No licensee shall hold, operate or conduct any bingo game more often than for two (2) sessions within one (1) day and more often than eight (8) sessions in any one (1) week. Any licensee who holds no more than one (1) session per week shall be entitled to conduct one (1) six-hour session per week. Notwithstanding the provisions of this paragraph, pull-tabs, video pull-tabs or video bingo games may be played for up to eighty (80) hours per week.(b)No licensee shall hold, operate or conduct any bingo game in more than one (1) physical location. Any bingo operation for which a license has been issued by the Gaming Commission on or after April 1, 1995, and which is located within one thousand five hundred (1,500) feet of a school, church or public library building, shall not conduct bingo sessions during the hours of the school day or during church or library hours.(2)The total amount of prizes which may be awarded in any one (1) session by a licensee shall not exceed Seven Thousand Five Hundred Dollars (\$7,500.00) in cash or other thing or things of value, except as otherwise provided in Section97-33-59and except that the total amount of prizes which may be awarded in any one (1) session shall not exceed Eight Thousand Dollars (\$8,000.00) if only one (1) session is held in any one (1) week. The Seven Thousand Five Hundred Dollars (\$7,500.00) and the Eight Thousand Dollars (\$8,000.00) limits do not include payback of pull-tabs or electronic representations. 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The supervisor shall be present at all times on the premises during the session.(4)No licensee shall purchase or otherwise obtain any gaming supplies or equipment from any distributor, operator or manufacturer until it has first determined that the individual selling or otherwise offering such supplies or equipment has a valid license issued by the commission.(5)No licensee shall allow any person under eighteen (18) years of age to assist in the holding, operation or conduct of any bingo game. No licensee shall allow any person under eighteen (18) years of age to play a bingo game unless accompanied by his or her parent or legal guardian, except that a licensee may prohibit all persons under eighteen (18) years from entering the licensed premises by posting a written notice to that effect on the premises.Laws, 1992, ch. 581, § 10; Laws, 1994, ch. 635, § 8; Laws, 1995, ch. 618, § 1; Laws, 2002, ch. 508, § 1, eff. 4/1/2002. 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Any bingo operation for which a license has been issued by the Gaming Commission on or after April 1, 1995, and which is located within one thousand five hundred (1,500) feet of a school, church or public library building, shall not conduct bingo sessions during the hours of the school day or during church or library hours.(2)The total amount of prizes which may be awarded in any one (1) session by a licensee shall not exceed Seven Thousand Five Hundred Dollars (\$7,500.00) in cash or other thing or things of value, except as otherwise provided in Section97-33-59and except that the total amount of prizes which may be awarded in any one (1)

session shall not exceed Eight Thousand Dollars (\$8,000.00) if only one (1) session is held in any one (1) week. The Seven Thousand Five Hundred Dollars (\$7,500.00) and the Eight Thousand Dollars (\$8,000.00) limits do not include payback of pull-tabs or electronic representations. The commission shall establish by rule the method of calculating the value of anything offered as a prize.(3)Each licensee shall designate a supervisor and a sufficient number of alternate supervisors to be in charge of and primarily responsible for each session of a bingo game. Such individual shall be familiar with the provisions of Sections97-33-51through97-33-203and the rules and regulations of the commission. Such individual, or alternate who shall be designated as the bingo supervisor, shall supervise all activities of such session and be responsible for the conduct of all games of such session. The supervisor shall be present at all times on the premises during the session.(4)No licensee shall purchase or otherwise obtain any gaming supplies or equipment from any distributor, operator or manufacturer until it has first determined that the individual selling or otherwise offering such supplies or equipment has a valid license issued by the commission.(5)No licensee shall allow any person under eighteen (18) years of age to assist in the holding, operation or conduct of any bingo game. No licensee shall allow any person under eighteen (18) years of age to play a bingo game unless accompanied by his or her parent or legal guardian, except that a licensee may prohibit all persons under eighteen (18) years from entering the licensed premises by posting a written notice to that effect on the premises.Laws, 1992, ch. 581, § 10; Laws, 1994, ch. 635, § 8; Laws, 1995, ch. 618, § 1; Laws, 2002, ch. 508, § 1, eff. 4/1/2002. Laws, 1992, ch. 581, § 10; Laws, 1994, ch. 635, § 8; Laws, 1995, ch. 618, § 1; Laws, 2002, ch. 508, § 1, eff. 4/1/2002.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317)CHARITABLE BINGO LAW (§§ 97-33-50 — 97-33-203)Section 97-33-69 - Active member to conduct games; compensation, rentals and fees regulated; contract to be in writing; furnisher of services or equipment not to conduct games; allowable expenses

(1)Except as otherwise provided in subsection (3) of this section, no person shall hold, operate, conduct or assist in holding, operating or conducting, any bingo game under any license issued pursuant to Sections97-33-51through97-33-81, except designated supervisors or alternate supervisors designated as provided for in Section97-33-67(3).(2)Except as otherwise provided in subsection (3) of this section and as may be otherwise provided pursuant to subsection (10) of this section, no commission, salary, compensation, reward or recompense, including, but not limited to, granting or use of bingo cards without charge or at a reduced charge, shall be paid or given directly or indirectly to the bingo supervisor or alternate supervisor or any person related to such supervisor or alternate supervisor by blood, marriage or business relationship, for the holding, operating or conducting any licensed game or games of chance.(3)Except as may be otherwise provided pursuant to subsection (10) of this section, any licensee may pay as compensation for all persons involved in the holding, operating or conducting of any licensed game or games of chance, an amount not to exceed Six Hundred Dollars (\$600.00) per session. Persons who may be compensated from the Six Hundred Dollars (\$600.00) per session amount may include the bingo supervisor or alternate supervisor, callers, runners and cashiers. Neither the bingo supervisor nor any alternate supervisor, or any person related to such supervisor by blood, marriage or business relationship, while being compensated as the bingo supervisor, shall receive any other compensation, directly or indirectly, from the licensee. No employee receiving compensation for the holding, operating or conducting or assisting in the holding, operating or conducting of a bingo game shall receive compensation for more than one (1) job function.(4)(a)Any corporation, person or entity operating bingo games, under contract, for the benefit of organizations as prescribed in subsection (3) of this section shall be restricted to operating such games for a limit of one (1) such organization authorized to pay employees up to a maximum of Six Hundred Dollars (\$600.00) per session. Such corporation, person or entity shall only be authorized to conduct such sessions at one (1) physical location or building.(b)Any corporation, person or entity operating bingo games, under contract, for the benefit of organizations as prescribed in subsection (3) of this section shall have a written contract with the organization and shall be subject to any rules and regulations promulgated by the commission for the purpose of investigating or regulating contracting agents.(5)Except as may be otherwise provided pursuant to subsection (10) of this section, no manufacturer, operator, distributor, commercial lessor, or his agents or employees, who directly or indirectly leases premises, sells, leases, otherwise distributes gaming supplies or equipment, or furnishes any commodities or services, in relation to the conducting of any bingo game pursuant to Sections97-33-51through97-33-203shall take part in the holding, operation or conducting of a bingo game. However, nothing in this section shall prohibit the owner of a premises from having a representative present to protect his interests in the premises.(6)Except as may be otherwise provided pursuant to subsection (10) of this section, no bingo game shall be conducted with any supplies or equipment except such as shall be owned by the licensee, provided without payment of any compensation by the licensee or purchased from a licensed manufacturer or distributor of such supplies or equipment.(7)Except as may be otherwise provided pursuant to subsection (10) of this section, no item of expense shall be incurred or paid in connection with the holding, operating or conducting of any bingo game by a licensee, except:(a)The actual and reasonable costs of purchasing or leasing necessary supplies, equipment and materials to be used exclusively in the holding, operating or conducting of the bingo game; and(b)The actual and reasonable costs incurred in obtaining and performing necessary bookkeeping, security and janitorial services for the holding, operating or conducting of the bingo game. The reasonableness of the amounts of, and the necessity for, an expense authorized by this subsection shall be determined by the commission.(8)Except as may be otherwise provided pursuant to subsection (10) of this section, no licensee shall pay any consulting fees to any person for any service performed in relation to the conducting of any charitable game of chance or concession fees to any person who provides refreshments to the participants in any such games.(9)Except as may be otherwise provided pursuant to subsection (10) of this section, no lease providing for a rental arrangement for premises or equipment shall provide for payment in

excess of the reasonable market rental rate for such premises or equipment, and in no case shall any payment be based on a percentage of gross receipts or profits derived from a bingo game. Whether a market rental rate is reasonable shall be determined by the commission.(10)Administrative exceptions to the provisions of this section with regard to organizations which have demonstrated to the Mississippi Gaming Commission a practice of legitimate operation of such games, may be made by the Mississippi Gaming Commission pursuant to its rules and regulations, as duly adopted and promulgated by the commission; provided that such an administrative exception shall be no more restrictive than the provision of law to which it is an exception.Laws, 1992, ch. 581, § 11; Laws, 1994, ch. 635; Laws, 1995, ch. 618, § 2, eff. 7/1/1995.Amended by Laws, 2017, ch. 324, HB 918, 1, eff. 7/1/2017. (1)Except as otherwise provided in subsection (3) of this section, no person shall hold, operate, conduct or assist in holding, operating or conducting, any bingo game under any license issued pursuant to Sections97-33-51through97-33-81, except designated supervisors or alternate supervisors designated as provided for in Section97-33-67(3).(2)Except as otherwise provided in subsection (3) of this section and as may be otherwise provided pursuant to subsection (10) of this section, no commission, salary, compensation, reward or recompense, including, but not limited to, granting or use of bingo cards without charge or at a reduced charge, shall be paid or given directly or indirectly to the bingo supervisor or alternate supervisor or any person related to such supervisor or alternate supervisor by blood, marriage or business relationship, for the holding, operating or conducting any licensed game or games of chance.(3)Except as may be otherwise provided pursuant to subsection (10) of this section, any licensee may pay as compensation for all persons involved in the holding, operating or conducting of any licensed game or games of chance, an amount not to exceed Six Hundred Dollars (\$600.00) per session. Persons who may be compensated from the Six Hundred Dollars (\$600.00) per session amount may include the bingo supervisor or alternate supervisor, callers, runners and cashiers. Neither the bingo supervisor nor any alternate supervisor, or any person related to such supervisor by blood, marriage or business relationship, while being compensated as the bingo supervisor, shall receive any other compensation, directly or indirectly, from the licensee. No employee receiving compensation for the holding, operating or conducting or assisting in the holding, operating or conducting of a bingo game shall receive compensation for more than one (1) job function.(4)(a)Any corporation, person or entity operating bingo games, under contract, for the benefit of organizations as prescribed in subsection (3) of this section shall be restricted to operating such games for a limit of one (1) such organization authorized to pay employees up to a maximum of Six Hundred Dollars (\$600.00) per session. Such corporation, person or entity shall only be authorized to conduct such sessions at one (1) physical location or building.(b)Any corporation, person or entity operating bingo games, under contract, for the benefit of organizations as prescribed in subsection (3) of this section shall have a written contract with the organization and shall be subject to any rules and regulations promulgated by the commission for the purpose of investigating or regulating contracting agents.(5)Except as may be otherwise provided pursuant to subsection (10) of this section, no manufacturer, operator, distributor, commercial lessor, or his agents or employees, who directly or indirectly leases premises, sells, leases, otherwise distributes gaming supplies or equipment, or furnishes any commodities or services, in relation to the conducting of any bingo game pursuant to Sections97-33-51through97-33-203shall take part in the holding, operation or conducting of a bingo game. However, nothing in this section shall prohibit the owner of a premises from having a representative present to protect his interests in the premises.(6)Except as may be otherwise provided pursuant to subsection (10) of this section, no bingo game shall be conducted with any supplies or equipment except such as shall be owned by the licensee, provided without payment of any compensation by the licensee or purchased from a licensed manufacturer or distributor of such supplies or equipment.(7)Except as may be otherwise provided pursuant to subsection (10) of this section, no item of expense shall be incurred or paid in connection with the holding, operating or conducting of any bingo game by a licensee, except:(a)The actual and reasonable costs of purchasing or leasing necessary supplies, equipment and materials to be used exclusively in the holding, operating or conducting of the bingo game; and(b)The actual and reasonable costs incurred in obtaining and performing necessary bookkeeping, security and janitorial services for the holding, operating or conducting of the bingo game. The reasonableness of the amounts of, and the necessity for, an expense authorized by this subsection shall be determined by the commission.(8)Except as may be otherwise provided pursuant to subsection (10) of this section, no licensee shall pay any consulting fees to any person for any service performed in relation to the conducting of any charitable game of chance or concession fees to any person who provides refreshments to the participants in any such games.(9)Except as may be otherwise provided pursuant to subsection (10) of this section, no lease providing for a rental arrangement for premises or equipment shall provide for payment in excess of the reasonable market rental rate for such premises or equipment, and in no case shall any payment be based on a percentage of gross receipts or profits derived from a bingo game. Whether a market rental rate is reasonable shall be determined by the commission.(10)Administrative exceptions to the provisions of this section with regard to organizations which have demonstrated to the Mississippi Gaming Commission a practice of legitimate operation of such games, may be made by the Mississippi Gaming Commission pursuant to its rules and regulations, as duly adopted and promulgated by the commission; provided that such an administrative exception shall be no more restrictive than the provision of law to which it is an exception.Laws, 1992, ch. 581, § 11; Laws, 1994, ch. 635; Laws, 1995, ch. 618, § 2, eff. 7/1/1995.Amended by Laws, 2017, ch. 324, HB 918, 1, eff. 7/1/2017. (1)Except as otherwise provided in subsection (3) of this section, no person shall hold, operate, conduct or assist in holding, operating or conducting, any bingo game under any license issued pursuant to Sections97-33-51through97-33-81, except designated supervisors or alternate supervisors designated as provided for in Section97-33-67(3).(2)Except as otherwise provided in subsection (3) of this section and as may be otherwise provided pursuant to subsection (10) of this section, no commission, salary, compensation, reward or recompense, including, but not limited to, granting or use of bingo cards without charge or at a reduced charge, shall be paid or given directly or indirectly to the bingo supervisor or alternate supervisor or any person related to such supervisor or alternate supervisor by blood, marriage or business relationship, for

the holding, operating or conducting any licensed game or games of chance.(3)Except as may be otherwise provided pursuant to subsection (10) of this section, any licensee may pay as compensation for all persons involved in the holding, operating or conducting of any licensed game or games of chance, an amount not to exceed Six Hundred Dollars (\$600.00) per session. Persons who may be compensated from the Six Hundred Dollars (\$600.00) per session amount may include the bingo supervisor or alternate supervisor, callers, runners and cashiers. Neither the bingo supervisor nor any alternate supervisor, or any person related to such supervisor by blood, marriage or business relationship, while being compensated as the bingo supervisor, shall receive any other compensation, directly or indirectly, from the licensee. No employee receiving compensation for the holding, operating or conducting or assisting in the holding, operating or conducting of a bingo game shall receive compensation for more than one (1) job function.(4)(a)Any corporation, person or entity operating bingo games, under contract, for the benefit of organizations as prescribed in subsection (3) of this section shall be restricted to operating such games for a limit of one (1) such organization authorized to pay employees up to a maximum of Six Hundred Dollars (\$600.00) per session. Such corporation, person or entity shall only be authorized to conduct such sessions at one (1) physical location or building.(b)Any corporation, person or entity operating bingo games, under contract, for the benefit of organizations as prescribed in subsection (3) of this section shall have a written contract with the organization and shall be subject to any rules and regulations promulgated by the commission for the purpose of investigating or regulating contracting agents.(5)Except as may be otherwise provided pursuant to subsection (10) of this section, no manufacturer, operator, distributor, commercial lessor, or his agents or employees, who directly or indirectly leases premises, sells, leases, otherwise distributes gaming supplies or equipment, or furnishes any commodities or services, in relation to the conducting of any bingo game pursuant to Sections97-33-51through97-33-203shall take part in the holding, operation or conducting of a bingo game. However, nothing in this section shall prohibit the owner of a premises from having a representative present to protect his interests in the premises.(6)Except as may be otherwise provided pursuant to subsection (10) of this section, no bingo game shall be conducted with any supplies or equipment except such as shall be owned by the licensee, provided without payment of any compensation by the licensee or purchased from a licensed manufacturer or distributor of such supplies or equipment.(7)Except as may be otherwise provided pursuant to subsection (10) of this section, no item of expense shall be incurred or paid in connection with the holding, operating or conducting of any bingo game by a licensee, except:(a)The actual and reasonable costs of purchasing or leasing necessary supplies, equipment and materials to be used exclusively in the holding, operating or conducting of the bingo game; and(b)The actual and reasonable costs incurred in obtaining and performing necessary bookkeeping, security and janitorial services for the holding, operating or conducting of the bingo game. The reasonableness of the amounts of, and the necessity for, an expense authorized by this subsection shall be determined by the commission.(8)Except as may be otherwise provided pursuant to subsection (10) of this section, no licensee shall pay any consulting fees to any person for any service performed in relation to the conducting of any charitable game of chance or concession fees to any person who provides refreshments to the participants in any such games.(9)Except as may be otherwise provided pursuant to subsection (10) of this section, no lease providing for a rental arrangement for premises or equipment shall provide for payment in excess of the reasonable market rental rate for such premises or equipment, and in no case shall any payment be based on a percentage of gross receipts or profits derived from a bingo game. Whether a market rental rate is reasonable shall be determined by the commission.(10)Administrative exceptions to the provisions of this section with regard to organizations which have demonstrated to the Mississippi Gaming Commission a practice of legitimate operation of such games, may be made by the Mississippi Gaming Commission pursuant to its rules and regulations, as duly adopted and promulgated by the commission; provided that such an administrative exception shall be no more restrictive than the provision of law to which it is an exception.Laws, 1992, ch. 581, § 11; Laws, 1994, ch. 635; Laws, 1995, ch. 618, § 2, eff. 7/1/1995.Amended by Laws, 2017, ch. 324, HB 918, 1, eff. 7/1/2017. Laws, 1992, ch. 581, § 11; Laws, 1994, ch. 635; Laws, 1995, ch. 618, § 2, eff. 7/1/1995. Amended by Laws, 2017, ch. 324, HB 918, 1, eff. 7/1/2017.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317)CHARITABLE BINGO LAW (§§ 97-33-50 — 97-33-203)Section 97-33-71 - Records and reports to Commission

(1)Except as may be otherwise provided pursuant to Section97-33-107(k), the organization which held, operated or conducted the bingo game, and its bingo supervisor or supervisors who were in charge thereof, shall furnish to the commission the following information not less than quarterly:(a)A verified statement showing the amount of the gross receipts derived from each bingo game, which shall include receipts from the sale of shares, tickets or rights in any manner connected with participation in said game;(b)Each item of expense incurred or paid, and each item of expenditure made or to be made;(c)The name and address of each person to whom each such item has been paid or is to be paid, with a detailed description of the merchandise purchased or the service rendered therefor;(d)The net profit derived from each such bingo game and the uses to which such net profit has been or is to be applied;(e)A list of prizes offered or given, with the respective values thereof;(f)The number of participants in each game.(2)Each licensee shall maintain and keep such books and records as may be necessary to substantiate the particulars of each such report.(3)All licensees shall maintain records and submit reports as provided by rules of the commission. Such rules may require that all income of a licensee derived from charitable bingo games be recorded to the extent necessary to disclose gross and net income.Laws, 1992, ch. 581, § 12; Laws, 1994, ch. 635, § 10; Laws, 1995, ch. 618, § 3, eff. 7/1/1995. (1)Except as may be otherwise provided pursuant to Section97-33-107(k), the organization which held, operated or conducted the bingo game, and its bingo supervisor or supervisors who were in charge thereof, shall furnish to the commission the following information not less than

quarterly:(a)A verified statement showing the amount of the gross receipts derived from each bingo game, which shall include receipts from the sale of shares, tickets or rights in any manner connected with participation in said game;(b)Each item of expense incurred or paid, and each item of expenditure made or to be made;(c)The name and address of each person to whom each such item has been paid or is to be paid, with a detailed description of the merchandise purchased or the service rendered therefor;(d)The net profit derived from each such bingo game and the uses to which such net profit has been or is to be applied;(e)A list of prizes offered or given, with the respective values thereof;(f)The number of participants in each game.(2)Each licensee shall maintain and keep such books and records as may be necessary to substantiate the particulars of each such report.(3)All licensees shall maintain records and submit reports as provided by rules of the commission. Such rules may require that all income of a licensee derived from charitable bingo games be recorded to the extent necessary to disclose gross and net income.Laws, 1992, ch. 581, § 12; Laws, 1994, ch. 635, § 10; Laws, 1995, ch. 618, § 3, eff. 7/1/1995. (1)Except as may be otherwise provided pursuant to Section97-33-107(k), the organization which held, operated or conducted the bingo game, and its bingo supervisor or supervisors who were in charge thereof, shall furnish to the commission the following information not less than quarterly:(a)A verified statement showing the amount of the gross receipts derived from each bingo game, which shall include receipts from the sale of shares, tickets or rights in any manner connected with participation in said game;(b)Each item of expense incurred or paid, and each item of expenditure made or to be made;(c)The name and address of each person to whom each such item has been paid or is to be paid, with a detailed description of the merchandise purchased or the service rendered therefor;(d)The net profit derived from each such bingo game and the uses to which such net profit has been or is to be applied;(e)A list of prizes offered or given, with the respective values thereof;(f)The number of participants in each game.(2)Each licensee shall maintain and keep such books and records as may be necessary to substantiate the particulars of each such report.(3)All licensees shall maintain records and submit reports as provided by rules of the commission. Such rules may require that all income of a licensee derived from charitable bingo games be recorded to the extent necessary to disclose gross and net income.Laws, 1992, ch. 581, § 12; Laws, 1994, ch. 635, § 10; Laws, 1995, ch. 618, § 3, eff. 7/1/1995. Laws, 1992, ch. 581, § 12; Laws, 1994, ch. 635, § 10; Laws, 1995, ch. 618, § 3, eff. 7/1/1995.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317)CHARITABLE BINGO LAW (§§ 97-33-50 — 97-33-203)Section 97-33-73 - Gaming and Tax Commissions may examine books and records

(1)The Mississippi Gaming Commission shall have power to examine or to cause to be examined the books and records of any organization to which such license is issued so far as they may relate to any transactions connected with the holding and conducting of bingo and to examine any manager, officer, director, agent, member or employee thereof under oath in relation to the conduct of any such game, but any information so received shall not be disclosed except so far as may be necessary for the purpose of carrying out the provisions of Sections97-33-51through97-33-203.(2)The State Tax Commission shall have the power to examine or to cause to be examined the books and records of any organization to which a license is issued for the purpose of determining compliance with the Charitable Bingo Law and any other laws and regulations and to conduct in-depth audits and investigation of the licensee.Laws, 1992, ch. 581, § 13; Laws, 1994, ch. 635, § 11, eff. 10/1/1994. (1)The Mississippi Gaming Commission shall have power to examine or to cause to be examined the books and records of any organization to which such license is issued so far as they may relate to any transactions connected with the holding and conducting of bingo and to examine any manager, officer, director, agent, member or employee thereof under oath in relation to the conduct of any such game, but any information so received shall not be disclosed except so far as may be necessary for the purpose of carrying out the provisions of Sections97-33-51through97-33-203.(2)The State Tax Commission shall have the power to examine or to cause to be examined the books and records of any organization to which a license is issued for the purpose of determining compliance with the Charitable Bingo Law and any other laws and regulations and to conduct in-depth audits and investigation of the licensee.Laws, 1992, ch. 581, § 13; Laws, 1994, ch. 635, § 11, eff. 10/1/1994. Laws, 1992, ch. 581, § 13; Laws, 1994, ch. 635, § 11, eff. 10/1/1994.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317)CHARITABLE BINGO LAW (§§ 97-33-50 — 97-33-203)Section 97-33-75 - Violations; sanctions

(1)Any person, association or corporation violating any provision of Sections97-33-51through97-33-203or any rule or regulation of the commission shall be subject to a fine imposed by the commission and to suspension or revocation of its license.(2)Any person who commits any of the following acts, upon conviction, shall be fined not more than Five Thousand Dollars (\$5,000.00) or imprisoned for one (1) year, or both:(a)Making any false statement in any application for a license under Sections97-33-51through97-33-203, or in any official report to the commission;(b)Holding, operating or conducting any bingo game

without a license;(c)Knowingly falsifying or making any false entry in any books or records, with respect to any transaction connected with the holding, operating or conducting of any bingo game;(d)Refusing to allow the commission access to any premises where a game of chance is being conducted or to any book, record or document relating to such conduct;(e)Intentionally causing, aiding, abetting or conspiring with another to cause any person to violate any provision of Sections97-33-51through97-33-203;(f)Possessing, displaying, selling or otherwise furnishing to any person any pull-tabs, except as provided for in Section97-33-77.(3)Any person who violates any other provision of Sections97-33-51through97-33-203that is not listed in this section may be imprisoned for not more than six (6) months or fined not more than Five Hundred Dollars (\$500.00), or both.(4)Any conviction of any person pursuant to subsections (2) and (3) of this section shall constitute cause for revocation of the license of such person or the organization with which such person is affiliated.Laws, 1992, ch. 581, § 14; Laws, 1994, ch. 635, § 12, eff. 10/1/1994. (1)Any person, association or corporation violating any provision of Sections97-33-51through97-33-203or any rule or regulation of the commission shall be subject to a fine imposed by the commission and to suspension or revocation of its license.(2)Any person who commits any of the following acts, upon conviction, shall be fined not more than Five Thousand Dollars (\$5,000.00) or imprisoned for one (1) year, or both:(a)Making any false statement in any application for a license under Sections97-33-51through97-33-203, or in any official report to the commission;(b)Holding, operating or conducting any bingo game without a license;(c)Knowingly falsifying or making any false entry in any books or records, with respect to any transaction connected with the holding, operating or conducting of any bingo game;(d)Refusing to allow the commission access to any premises where a game of chance is being conducted or to any book, record or document relating to such conduct;(e)Intentionally causing, aiding, abetting or conspiring with another to cause any person to violate any provision of Sections97-33-51through97-33-203;(f)Possessing, displaying, selling or otherwise furnishing to any person any pull-tabs, except as provided for in Section97-33-77.(3)Any person who violates any other provision of Sections97-33-51through97-33-203that is not listed in this section may be imprisoned for not more than six (6) months or fined not more than Five Hundred Dollars (\$500.00), or both.(4)Any conviction of any person pursuant to subsections (2) and (3) of this section shall constitute cause for revocation of the license of such person or the organization with which such person is affiliated.Laws, 1992, ch. 581, § 14; Laws, 1994, ch. 635, § 12, eff. 10/1/1994. (1)Any person, association or corporation violating any provision of Sections97-33-51through97-33-203or any rule or regulation of the commission shall be subject to a fine imposed by the commission and to suspension or revocation of its license.(2)Any person who commits any of the following acts, upon conviction, shall be fined not more than Five Thousand Dollars (\$5,000.00) or imprisoned for one (1) year, or both:(a)Making any false statement in any application for a license under Sections97-33-51through97-33-203, or in any official report to the commission;(b)Holding, operating or conducting any bingo game without a license;(c)Knowingly falsifying or making any false entry in any books or records, with respect to any transaction connected with the holding, operating or conducting of any bingo game;(d)Refusing to allow the commission access to any premises where a game of chance is being conducted or to any book, record or document relating to such conduct;(e)Intentionally causing, aiding, abetting or conspiring with another to cause any person to violate any provision of Sections97-33-51through97-33-203;(f)Possessing, displaying, selling or otherwise furnishing to any person any pull-tabs, except as provided for in Section97-33-77.(3)Any person who violates any other provision of Sections97-33-51through97-33-203that is not listed in this section may be imprisoned for not more than six (6) months or fined not more than Five Hundred Dollars (\$500.00), or both.(4)Any conviction of any person pursuant to subsections (2) and (3) of this section shall constitute cause for revocation of the license of such person or the organization with which such person is affiliated.Laws, 1992, ch. 581, § 14; Laws, 1994, ch. 635, § 12, eff. 10/1/1994. Laws, 1992, ch. 581, § 14; Laws, 1994, ch. 635, § 12, eff. 10/1/1994.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317)CHARITABLE BINGO LAW (§§ 97-33-50 — 97-33-203)Section 97-33-77 - Regulation of pull-tabs

(1)No organization, distributor, manufacturer, or any representative thereof, either with knowledge or in circumstances whereunder he reasonably should have known, shall possess, display, put out for play, sell or otherwise furnish to any person any pull-tabs:(a)In which the winning pull-tabs have not been completely and randomly distributed and mixed among all other pull-tabs in the deal;(b)In which the location or approximate location of any of the winning pull-tabs can be determined in advance of opening the pull-tabs in any manner or by any device, including but not limited to any pattern in the manufacture, assembly, or packaging of pull-tabs by the manufacturer, by any markings on the pull-tabs or container, or by the hue of a light; or(c)Which does not conform in any respect to these requirements as to manufacturer, assembly or packaging.(2)A distributor shall not purchase or be furnished any pull-tabs from a manufacturer of pull-tabs unless all of the following conditions are met:(a)The manufacturer's label or trademark has been registered with the Mississippi Gaming Commission.(b)Each individual pull-tab manufactured has conspicuously set forth on it the name of the manufacturer or a label or trademark which identifies its manufacturer.(c)The pull-tab is of a type approved by the commission for use in Mississippi.Laws, 1992, ch. 581, § 15, eff. 10/1/1992. (1)No organization, distributor, manufacturer, or any representative thereof, either with knowledge or in circumstances whereunder he reasonably should have known, shall possess, display, put out for play, sell or otherwise furnish to any person any pull-tabs:(a)In which the winning pull-tabs have not been completely and randomly distributed and mixed among all other pull-tabs in the deal;(b)In which the location or approximate location of any of the winning pull-tabs can be determined in advance of opening the pull-tabs in any manner or by any device, including but not limited to any pattern in the manufacture, assembly, or packaging of pull-tabs by the manufacturer, by any markings on the pull-tabs or container, or by the hue of a light; or(c)Which does not conform in any respect to these requirements as to manufacturer, assembly or packaging.(2)A distributor shall not purchase or be furnished any pull-tabs from

a manufacturer of pull-tabs unless all of the following conditions are met:(a)The manufacturer's label or trademark has been registered with the Mississippi Gaming Commission.(b)Each individual pull-tab manufactured has conspicuously set forth on it the name of the manufacturer or a label or trademark which identifies its manufacturer.(c)The pull-tab is of a type approved by the commission for use in Mississippi.Laws, 1992, ch. 581, § 15, eff. 10/1/1992. (1)No organization, distributor, manufacturer, or any representative thereof, either with knowledge or in circumstances whereunder he reasonably should have known, shall possess, display, put out for play, sell or otherwise furnish to any person any pull-tabs:(a)In which the winning pull-tabs have not been completely and randomly distributed and mixed among all other pull-tabs in the deal;(b)In which the location or approximate location of any of the winning pull-tabs can be determined in advance of opening the pull-tabs in any manner or by any device, including but not limited to any pattern in the manufacture, assembly, or packaging of pull-tabs by the manufacturer, by any markings on the pull-tabs or container, or by the hue of a light; or(c)Which does not conform in any respect to these requirements as to manufacturer, assembly or packaging.(2)A distributor shall not purchase or be furnished any pull-tabs from a manufacturer of pull-tabs unless all of the following conditions are met:(a)The manufacturer's label or trademark has been registered with the Mississippi Gaming Commission.(b)Each individual pull-tab manufactured has conspicuously set forth on it the name of the manufacturer or a label or trademark which identifies its manufacturer.(c)The pull-tab is of a type approved by the commission for use in Mississippi.Laws, 1992, ch. 581, § 15, eff. 10/1/1992. Laws, 1992, ch. 581, § 15, eff. 10/1/1992.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317)CHARITABLE BINGO LAW (§§ 97-33-50 — 97-33-203)Section 97-33-79 - Regulation of manufacturers of supplies and equipment; license required; sale of supplies only to licensees; gifts, etc.; records and reports

(1)No person or other entity shall fabricate, concoct or manufacture any supplies or equipment for use in the conducting of any bingo game authorized under Sections97-33-51through97-33-203, including but not limited to bingo equipment, pull-tabs, or electronic representations, within this state or for use within this state without having obtained a manufacturer's license from the commission.(2)No person or other entity shall sell, offer for sale, or otherwise furnish any other person any supplies or equipment of use in the conduct of any bingo game authorized under Sections97-33-51through97-33-203, including but not limited to bingo equipment and pull-tabs without having obtained a distributor's or operator's license from the commission.(3)No person licensed as a manufacturer, distributor or operator shall sell or otherwise make available any such gaming supplies or equipment to any individual unless he has first determined that the individual is a licensed distributor or is acting as an agent of an organization which has a valid license issued by the commission.(4)No manufacturer, distributor or operator of gaming supplies or equipment shall directly or indirectly give gifts, trips, prizes, premiums or other such gratuities to any charitable gaming organization, its employees, or commercial lessors.(5)Each manufacturer, distributor or operator of gaming supplies or equipment shall maintain records and submit reports as required by rules of the commission. The rules may require maintenance of purchase and sale invoices of all gaming supplies and equipment manufactured or distributed, whether by sale, lease, rental, loan or donation, to any charitable gaming organization.Laws, 1992, ch. 581, § 16; Laws, 1994, ch. 635, § 13, eff. 10/1/1994. (1)No person or other entity shall fabricate, concoct or manufacture any supplies or equipment for use in the conducting of any bingo game authorized under Sections97-33-51through97-33-203, including but not limited to bingo equipment, pull-tabs, or electronic representations, within this state or for use within this state without having obtained a manufacturer's license from the commission.(2)No person or other entity shall sell, offer for sale, or otherwise furnish any other person any supplies or equipment of use in the conduct of any bingo game authorized under Sections97-33-51through97-33-203, including but not limited to bingo equipment and pull-tabs without having obtained a distributor's or operator's license from the commission.(3)No person licensed as a manufacturer, distributor or operator shall sell or otherwise make available any such gaming supplies or equipment to any individual unless he has first determined that the individual is a licensed distributor or is acting as an agent of an organization which has a valid license issued by the commission.(4)No manufacturer, distributor or operator of gaming supplies or equipment shall directly or indirectly give gifts, trips, prizes, premiums or other such gratuities to any charitable gaming organization, its employees, or commercial lessors.(5)Each manufacturer, distributor or operator of gaming supplies or equipment shall maintain records and submit reports as required by rules of the commission. The rules may require maintenance of purchase and sale invoices of all gaming supplies and equipment manufactured or distributed, whether by sale, lease, rental, loan or donation, to any charitable gaming organization.Laws, 1992, ch. 581, § 16; Laws, 1994, ch. 635, § 13, eff. 10/1/1994. (1)No person or other entity shall fabricate, concoct or manufacture any supplies or equipment for use in the conducting of any bingo game authorized under Sections97-33-51through97-33-203, including but not limited to bingo equipment, pull-tabs, or electronic representations, within this state or for use within this state without having obtained a manufacturer's license from the commission.(2)No person or other entity shall sell, offer for sale, or otherwise furnish any other person any supplies or equipment of use in the conduct of any bingo game authorized under Sections97-33-51through97-33-203, including but not limited to bingo equipment and pull-tabs without having obtained a distributor's or operator's license from the commission.(3)No person licensed as a manufacturer, distributor or operator shall sell or otherwise make available any such gaming supplies or equipment to any individual unless he has first determined that the individual is a licensed distributor or is acting as an agent of an organization which has a valid license issued by the commission.(4)No manufacturer, distributor or operator of gaming supplies or equipment shall directly or indirectly give gifts, trips, prizes, premiums or other such gratuities to any charitable gaming organization, its employees, or commercial lessors.(5)Each manufacturer, distributor or operator of gaming supplies or equipment shall maintain records and submit reports as required by rules of the commission. The rules may require maintenance of purchase and sale invoices of all gaming supplies and equipment manufactured

or distributed, whether by sale, lease, rental, loan or donation, to any charitable gaming organization. Laws, 1992, ch. 581, § 16; Laws, 1994, ch. 635, § 13, eff. 10/1/1994. Laws, 1992, ch. 581, § 16; Laws, 1994, ch. 635, § 13, eff. 10/1/1994.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) CHARITABLE BINGO LAW (§§ 97-33-50 — 97-33-203) Section 97-33-81 - Overlap of financial interest between organizations conducting games and manufacturers, distributors, or lessors

(1) No organization which conducts charitable bingo games shall be a manufacturer, distributor or operator of supplies or equipment for such games. (2) No officer, director or manager of an organization which conducts charitable bingo games shall: (a) Have a direct or indirect financial interest in any entity which manufactures or distributes supplies or equipment for charitable bingo games; (b) Serve as an officer, director, shareholder, proprietor or employee of an entity which manufactures or distributes supplies or equipment for charitable bingo games; or (c) Serve as an officer, director, shareholder, proprietor or employee of a commercial lessor who leases buildings, structures or premises to organizations licensed under the provisions of Sections 97-33-51 through 97-33-203. (3) No entity which manufactures or distributes supplies or equipment for charitable bingo games of chance; no officer, director, shareholder, proprietor or employee of such entity; and no person having a direct or indirect financial interest in such an entity shall lease premises, directly or indirectly, to an organization for purposes of conducting charitable bingo games of chance. (4) No entity or person described in subsections (1), (2) or (3) of this section shall serve as a commercial lessor. Laws, 1992, ch. 581, § 17; Laws, 1994, ch. 635, § 14, eff. 10/1/1994. (1) No organization which conducts charitable bingo games shall be a manufacturer, distributor or operator of supplies or equipment for such games. (2) No officer, director or manager of an organization which conducts charitable bingo games shall: (a) Have a direct or indirect financial interest in any entity which manufactures or distributes supplies or equipment for charitable bingo games; (b) Serve as an officer, director, shareholder, proprietor or employee of an entity which manufactures or distributes supplies or equipment for charitable bingo games; or (c) Serve as an officer, director, shareholder, proprietor or employee of a commercial lessor who leases buildings, structures or premises to organizations licensed under the provisions of Sections 97-33-51 through 97-33-203. (3) No entity which manufactures or distributes supplies or equipment for charitable bingo games of chance; no officer, director, shareholder, proprietor or employee of such entity; and no person having a direct or indirect financial interest in such an entity shall lease premises, directly or indirectly, to an organization for purposes of conducting charitable bingo games of chance. (4) No entity or person described in subsections (1), (2) or (3) of this section shall serve as a commercial lessor. Laws, 1992, ch. 581, § 17; Laws, 1994, ch. 635, § 14, eff. 10/1/1994. (1) No organization which conducts charitable bingo games shall be a manufacturer, distributor or operator of supplies or equipment for such games. (2) No officer, director or manager of an organization which conducts charitable bingo games shall: (a) Have a direct or indirect financial interest in any entity which manufactures or distributes supplies or equipment for charitable bingo games; (b) Serve as an officer, director, shareholder, proprietor or employee of an entity which manufactures or distributes supplies or equipment for charitable bingo games; or (c) Serve as an officer, director, shareholder, proprietor or employee of a commercial lessor who leases buildings, structures or premises to organizations licensed under the provisions of Sections 97-33-51 through 97-33-203. (3) No entity which manufactures or distributes supplies or equipment for charitable bingo games of chance; no officer, director, shareholder, proprietor or employee of such entity; and no person having a direct or indirect financial interest in such an entity shall lease premises, directly or indirectly, to an organization for purposes of conducting charitable bingo games of chance. (4) No entity or person described in subsections (1), (2) or (3) of this section shall serve as a commercial lessor. Laws, 1992, ch. 581, § 17; Laws, 1994, ch. 635, § 14, eff. 10/1/1994. Laws, 1992, ch. 581, § 17; Laws, 1994, ch. 635, § 14, eff. 10/1/1994.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) FANTASY CONTEST ACT (§§ 97-33-301 — 97-33-317) Section 97-33-301 - Short title

Sections 97-33-301 through 97-33-317 shall be known as the "Fantasy Contest Act." Amended by Laws, 2017, ch. 336, HB 967, 1, eff. 7/1/2017. Added by Laws, 2016, ch. 488, § 2, eff. 5/12/2016. Sections 97-33-301 through 97-33-317 shall be known as the "Fantasy Contest Act." Amended by Laws, 2017, ch. 336, HB 967, 1, eff. 7/1/2017. Added by Laws, 2016, ch. 488, § 2, eff. 5/12/2016. Sections 97-33-301 through 97-33-317 shall be known as the "Fantasy Contest Act." Amended by Laws, 2017, ch. 336, HB 967, 1, eff. 7/1/2017. Added by Laws, 2016, ch. 488, § 2, eff. 5/12/2016. Sections 97-33-301 through 97-33-317 shall be known as the "Fantasy Contest Act." Amended by Laws, 2017, ch. 336, HB 967, 1, eff. 7/1/2017. Added by Laws, 2016, ch. 488, § 2, eff. 5/12/2016.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) FANTASY CONTEST ACT (§§ 97-33-301 — 97-33-317) Section 97-33-303 - Definitions

As used in Sections 97-33-301 through 97-33-317, the following terms shall have the meanings ascribed unless the context requires otherwise: (a) "Cash prize" means winnings in the form of cash or cash equivalents and includes credits to a player's account with an operator. (b) "Commission" means the Mississippi Gaming Commission created in Section 75-76-7. (c) "Confidential information" means information related to the play of a fantasy contest by fantasy contest players obtained as a result of or by virtue of a person's employment. (d) "Entry fee" means cash or a cash equivalent that is required to be paid to an operator to participate in a fantasy contest. (e) "Executive director" means the Executive Director of the Mississippi Gaming Commission. (f) "Fantasy contest" or "contest" means a simulated game in which: (i) Winning outcomes are determined predominately by accumulated statistical results of the performance of individual athletes in actual sporting events; and (ii) Winning outcomes are not based on the score, point

spread, or any performance of any single actual sports team or combination of teams or solely on any single performance of an individual athlete in any single actual sporting event.(g)"Highly experienced player" means an individual who has:(i)Entered more than one thousand (1,000) contests offered by a particular operator; or(ii)Won more than three (3) prizes which are each valued at One Thousand Dollars (\$1,000.00) or more, from a particular operator.(h)"Operator" or "fantasy contest operator" means a person or entity that offers fantasy contests, requires an entry fee, and offers a cash prize.(i)"Player" means a person who participates in a fantasy contest offered by an operator.(j)"Sporting event" means an athletic game or team competition in which an individual athlete's performance is used to accumulate statistical results.Amended by Laws, 2017, ch. 336, HB 967, 2, eff. 7/1/2017.Added by Laws, 2016, ch. 488, § 3, eff. 5/12/2016. As used in Sections97-33-301through97-33-317, the following terms shall have the meanings ascribed unless the context requires otherwise:(a)"Cash prize" means winnings in the form of cash or cash equivalents and includes credits to a player's account with an operator.(b)"Commission" means the Mississippi Gaming Commission created in Section75-76-7.(c)"Confidential information" means information related to the play of a fantasy contest by fantasy contest players obtained as a result of or by virtue of a person's employment.(d)"Entry fee" means cash or a cash equivalent that is required to be paid to an operator to participate in a fantasy contest.(e)"Executive director" means the Executive Director of the Mississippi Gaming Commission.(f)"Fantasy contest" or "contest " means a simulated game in which:(i)Winning outcomes are determined predominately by accumulated statistical results of the performance of individual athletes in actual sporting events; and(ii)Winning outcomes are not based on the score, point spread, or any performance of any single actual sports team or combination of teams or solely on any single performance of an individual athlete in any single actual sporting event.(g)"Highly experienced player" means an individual who has:(i)Entered more than one thousand (1,000) contests offered by a particular operator; or(ii)Won more than three (3) prizes which are each valued at One Thousand Dollars (\$1,000.00) or more, from a particular operator.(h)"Operator" or "fantasy contest operator" means a person or entity that offers fantasy contests, requires an entry fee, and offers a cash prize.(i)"Player" means a person who participates in a fantasy contest offered by an operator.(j)"Sporting event" means an athletic game or team competition in which an individual athlete's performance is used to accumulate statistical results.Amended by Laws, 2017, ch. 336, HB 967, 2, eff. 7/1/2017.Added by Laws, 2016, ch. 488, § 3, eff. 5/12/2016. As used in Sections97-33-301through97-33-317, the following terms shall have the meanings ascribed unless the context requires otherwise:(a)"Cash prize" means winnings in the form of cash or cash equivalents and includes credits to a player's account with an operator.(b)"Commission" means the Mississippi Gaming Commission created in Section75-76-7.(c)"Confidential information" means information related to the play of a fantasy contest by fantasy contest players obtained as a result of or by virtue of a person's employment.(d)"Entry fee" means cash or a cash equivalent that is required to be paid to an operator to participate in a fantasy contest.(e)"Executive director" means the Executive Director of the Mississippi Gaming Commission.(f)"Fantasy contest" or "contest " means a simulated game in which:(i)Winning outcomes are determined predominately by accumulated statistical results of the performance of individual athletes in actual sporting events; and(ii)Winning outcomes are not based on the score, point spread, or any performance of any single actual sports team or combination of teams or solely on any single performance of an individual athlete in any single actual sporting event.(g)"Highly experienced player" means an individual who has:(i)Entered more than one thousand (1,000) contests offered by a particular operator; or(ii)Won more than three (3) prizes which are each valued at One Thousand Dollars (\$1,000.00) or more, from a particular operator.(h)"Operator" or "fantasy contest operator" means a person or entity that offers fantasy contests, requires an entry fee, and offers a cash prize.(i)"Player" means a person who participates in a fantasy contest offered by an operator.(j)"Sporting event" means an athletic game or team competition in which an individual athlete's performance is used to accumulate statistical results.Amended by Laws, 2017, ch. 336, HB 967, 2, eff. 7/1/2017. Added by Laws, 2016, ch. 488, § 3, eff. 5/12/2016.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317)FANTASY CONTEST ACT (§§ 97-33-301 — 97-33-317)Section 97-33-305 - Procedures to be implemented by fantasy contest operator; annual third-party independent audit to insure compliance with section

(1)Fantasy contests are legal in this state. A fantasy contest operator must comply with the provisions of this section if the operator's total player roster for all fantasy contests consists of one hundred (100) or more members of the general public.(2)A fantasy contest operator must implement commercially reasonable procedures for fantasy contests with an entry fee to:(a)Prevent employees of the operator, and relatives living in the same household with an employee of an operator, from competing in fantasy contests offered by an operator in which the operator offers a cash prize;(b)Prevent sharing with third parties of confidential information that could affect fantasy contest play until the information is made publicly available;(c)Prevent the operator from participating in a fantasy contest offered by the operator;(d)Verify that a fantasy contest player is eighteen (18) years of age or older except as required in Section97-33-307(5);(e)Ensure that individuals who participate or officiate in a sporting event or who own, manage or coach a team or player who participates in a sporting event will not knowingly be allowed to enter a fantasy contest that is determined, in whole or in part, on accumulated statistical results that include a sporting event in which the individual could be involved as an athlete, official, owner, manager or coach;(f)Allow individuals to restrict themselves from entering a fantasy contest upon request and provide reasonable steps to prevent the person from entering fantasy contests offered by the operator;(g)Disclose the number of entries that a player may submit to each fantasy contest and provide reasonable steps to prevent players from submitting more than the allowable number;(h)Restrict the number of entries submitted by a single player for any contest as follows:(i)An operator shall

not allow a player to submit more than one (1) entry in a contest involving twelve (12) or fewer players.(ii)If the number of players in a contest is more than twelve (12) but fewer than thirty-seven (37), an operator shall not allow a player to submit more than two (2) entries.(iii)If the number of players in a contest is at least thirty-seven (37) but no more than one hundred (100), an operator shall not allow a player to submit more than three (3) entries.(iv)In any contest involving more than one hundred (100) players, an operator shall not allow a player to submit more than the lesser of:1.Three percent (3%) of all entries; or2.One hundred fifty (150) entries.(v)For all advertised fantasy contests, the operator must prominently include information about the maximum number of entries that may be submitted for that contest.(vi)An operator may establish fantasy contests in which there is no restriction on the number of entries, if those contests constitute less than two percent (2%) of the total number of contests it offers, and if the operator clearly discloses:1.That there are no limits on the number of entries by each player in the contest; and2.That the cost of participating in such a contest is Fifty Dollars (\$50.00) or more per entry;(i)Offer introductory procedures for players that are prominently displayed on the main page of the operator's platform to explain contest play and how to identify a highly experienced player;(j)Identify all highly experienced players in every fantasy contest by a symbol attached to the players' usernames, or by other easily visible means, on all platforms supported by the operator; and(k)Segregate fantasy contest player funds from operational funds or maintain a reserve in the form of cash, cash equivalents, payment processor reserves and receivables, an irrevocable letter of credit, a bond, or a combination thereof, in the amount of the total account balances of the fantasy contest players for the benefit and protection of the funds held in the accounts.(3)An operator shall not offer contests based on the performance of participants in collegiate, high-school or youth sports events.(4)A fantasy contest operator offering fantasy contests with an entry fee in this state shall comply with audit procedures adopted by the commission to ensure compliance with this section.(5)(a)Advertisements for contests and prizes offered by an operator shall not target prohibited participants, minors, or self-excluded persons.(b)Representations or implications about average winnings from contests shall not be unfair or misleading. Such representations shall include, at a minimum:(i)The median and mean net winnings of all players participating in contests offered by the operator; and(ii)The percentage of winnings awarded by the operator to highly experienced players participating in contests offered by the operator within the preceding calendar year.(6)Operators shall prohibit the use of third-party scripts or scripting programs for any contest and ensure that measures are in place to deter, detect and, to the extent reasonably possible, prevent cheating, including collusion, and the use of cheating devices, including use of software programs that submit entry fees or adjust the athletes selected by a player.(7)The values of all prizes and awards offered to winning players must be established and made known to the players in advance of the contest.Amended by Laws, 2017, ch. 336, HB 967, 3, eff. 7/1/2017.Added by Laws, 2016, ch. 488, § 4, eff. 5/12/2016. (1)Fantasy contests are legal in this state. A fantasy contest operator must comply with the provisions of this section if the operator's total player roster for all fantasy contests consists of one hundred (100) or more members of the general public.(2)A fantasy contest operator must implement commercially reasonable procedures for fantasy contests with an entry fee to:(a)Prevent employees of the operator, and relatives living in the same household with an employee of an operator, from competing in fantasy contests offered by an operator in which the operator offers a cash prize;(b)Prevent sharing with third parties of confidential information that could affect fantasy contest play until the information is made publicly available;(c)Prevent the operator from participating in a fantasy contest offered by the operator;(d)Verify that a fantasy contest player is eighteen (18) years of age or older except as required in Section97-33-307(5);(e)Ensure that individuals who participate or officiate in a sporting event or who own, manage or coach a team or player who participates in a sporting event will not knowingly be allowed to enter a fantasy contest that is determined, in whole or in part, on accumulated statistical results that include a sporting event in which the individual could be involved as an athlete, official, owner, manager or coach;(f)Allow individuals to restrict themselves from entering a fantasy contest upon request and provide reasonable steps to prevent the person from entering fantasy contests offered by the operator;(g)Disclose the number of entries that a player may submit to each fantasy contest and provide reasonable steps to prevent players from submitting more than the allowable number;(h)Restrict the number of entries submitted by a single player for any contest as follows:(i)An operator shall not allow a player to submit more than one (1) entry in a contest involving twelve (12) or fewer players.(ii)If the number of players in a contest is more than twelve (12) but fewer than thirty-seven (37), an operator shall not allow a player to submit more than two (2) entries.(iii)If the number of players in a contest is at least thirty-seven (37) but no more than one hundred (100), an operator shall not allow a player to submit more than three (3) entries.(iv)In any contest involving more than one hundred (100) players, an operator shall not allow a player to submit more than the lesser of:1.Three percent (3%) of all entries; or2.One hundred fifty (150) entries.(v)For all advertised fantasy contests, the operator must prominently include information about the maximum number of entries that may be submitted for that contest.(vi)An operator may establish fantasy contests in which there is no restriction on the number of entries, if those contests constitute less than two percent (2%) of the total number of contests it offers, and if the operator clearly discloses:1.That there are no limits on the number of entries by each player in the contest; and2.That the cost of participating in such a contest is Fifty Dollars (\$50.00) or more per entry;(i)Offer introductory procedures for players that are prominently displayed on the main page of the operator's platform to explain contest play and how to identify a highly experienced player;(j)Identify all highly experienced players in every fantasy contest by a symbol attached to the players' usernames, or by other easily visible means, on all platforms supported by the operator; and(k)Segregate fantasy contest player funds from operational funds or maintain a reserve in the form of cash, cash equivalents, payment processor reserves and receivables, an irrevocable letter of credit, a bond, or a combination thereof, in the amount of the total account balances of the fantasy contest players for the benefit and protection of the funds held in the accounts.(3)An operator shall not offer contests based on the performance of participants in collegiate, high-school or youth sports events.(4)A fantasy contest operator offering fantasy contests with an entry fee in this state shall comply with audit procedures adopted by the commission to ensure compliance with this

section.(5)(a)Advertisements for contests and prizes offered by an operator shall not target prohibited participants, minors, or self-excluded persons.(b)Representations or implications about average winnings from contests shall not be unfair or misleading. Such representations shall include, at a minimum:(i)The median and mean net winnings of all players participating in contests offered by the operator; and(ii)The percentage of winnings awarded by the operator to highly experienced players participating in contests offered by the operator within the preceding calendar year.(6)Operators shall prohibit the use of third-party scripts or scripting programs for any contest and ensure that measures are in place to deter, detect and, to the extent reasonably possible, prevent cheating, including collusion, and the use of cheating devices, including use of software programs that submit entry fees or adjust the athletes selected by a player.(7)The values of all prizes and awards offered to winning players must be established and made known to the players in advance of the contest.Amended by Laws, 2017, ch. 336, HB 967, 3, eff. 7/1/2017.Added by Laws, 2016, ch. 488, § 4, eff. 5/12/2016. (1)Fantasy contests are legal in this state. A fantasy contest operator must comply with the provisions of this section if the operator's total player roster for all fantasy contests consists of one hundred (100) or more members of the general public.(2)A fantasy contest operator must implement commercially reasonable procedures for fantasy contests with an entry fee to:(a)Prevent employees of the operator, and relatives living in the same household with an employee of an operator, from competing in fantasy contests offered by an operator in which the operator offers a cash prize;(b)Prevent sharing with third parties of confidential information that could affect fantasy contest play until the information is made publicly available;(c)Prevent the operator from participating in a fantasy contest offered by the operator;(d)Verify that a fantasy contest player is eighteen (18) years of age or older except as required in Section97-33-307(5);(e)Ensure that individuals who participate or officiate in a sporting event or who own, manage or coach a team or player who participates in a sporting event will not knowingly be allowed to enter a fantasy contest that is determined, in whole or in part, on accumulated statistical results that include a sporting event in which the individual could be involved as an athlete, official, owner, manager or coach;(f)Allow individuals to restrict themselves from entering a fantasy contest upon request and provide reasonable steps to prevent the person from entering fantasy contests offered by the operator;(g)Disclose the number of entries that a player may submit to each fantasy contest and provide reasonable steps to prevent players from submitting more than the allowable number;(h)Restrict the number of entries submitted by a single player for any contest as follows:(i)An operator shall not allow a player to submit more than one (1) entry in a contest involving twelve (12) or fewer players.(ii)If the number of players in a contest is more than twelve (12) but fewer than thirty-seven (37), an operator shall not allow a player to submit more than two (2) entries.(iii)If the number of players in a contest is at least thirty-seven (37) but no more than one hundred (100), an operator shall not allow a player to submit more than three (3) entries.(iv)In any contest involving more than one hundred (100) players, an operator shall not allow a player to submit more than the lesser of:1.Three percent (3%) of all entries; or2.One hundred fifty (150) entries.(v)For all advertised fantasy contests, the operator must prominently include information about the maximum number of entries that may be submitted for that contest.(vi)An operator may establish fantasy contests in which there is no restriction on the number of entries, if those contests constitute less than two percent (2%) of the total number of contests it offers, and if the operator clearly discloses:1.That there are no limits on the number of entries by each player in the contest; and2.That the cost of participating in such a contest is Fifty Dollars (\$50.00) or more per entry;(i)Offer introductory procedures for players that are prominently displayed on the main page of the operator's platform to explain contest play and how to identify a highly experienced player;(j)Identify all highly experienced players in every fantasy contest by a symbol attached to the players' usernames, or by other easily visible means, on all platforms supported by the operator; and(k)Segregate fantasy contest player funds from operational funds or maintain a reserve in the form of cash, cash equivalents, payment processor reserves and receivables, an irrevocable letter of credit, a bond, or a combination thereof, in the amount of the total account balances of the fantasy contest players for the benefit and protection of the funds held in the accounts.(3)An operator shall not offer contests based on the performance of participants in collegiate, high-school or youth sports events.(4)A fantasy contest operator offering fantasy contests with an entry fee in this state shall comply with audit procedures adopted by the commission to ensure compliance with this section.(5)(a)Advertisements for contests and prizes offered by an operator shall not target prohibited participants, minors, or self-excluded persons.(b)Representations or implications about average winnings from contests shall not be unfair or misleading. Such representations shall include, at a minimum:(i)The median and mean net winnings of all players participating in contests offered by the operator; and(ii)The percentage of winnings awarded by the operator to highly experienced players participating in contests offered by the operator within the preceding calendar year.(6)Operators shall prohibit the use of third-party scripts or scripting programs for any contest and ensure that measures are in place to deter, detect and, to the extent reasonably possible, prevent cheating, including collusion, and the use of cheating devices, including use of software programs that submit entry fees or adjust the athletes selected by a player.(7)The values of all prizes and awards offered to winning players must be established and made known to the players in advance of the contest.Amended by Laws, 2017, ch. 336, HB 967, 3, eff. 7/1/2017.Added by Laws, 2016, ch. 488, § 4, eff. 5/12/2016. Amended by Laws, 2017, ch. 336, HB 967, 3, eff. 7/1/2017. 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Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317)FANTASY CONTEST ACT (§§ 97-33-301 — 97-33-317)Section 97-33-307 - Licensure of fantasy contest operators

(1)An operator offering fantasy contests to be played by persons in this state must obtain a license from the commission to conduct fantasy contests within this state.(2)An operator offering fantasy contests within this state must be lawfully conducting business within this state.(3)Application for licensure shall be made to the executive director on forms furnished by the executive director and

in accordance with the regulations of the commission. The application shall include:(a)The name of the proposed licensee.(b)The location of his place or places of business.(c)The names of all persons directly or indirectly interested in the business and the nature of such interest.(d)Complete information and details with respect to the applicant's antecedents, habits, character, business activities, financial affairs and business associates, covering at least a ten-year period immediately preceding the date of the application.(e)The applicant's criminal history.(f)Evidence of compliance with Section97-33-305(2).(g)Such other information and details as the commission or the executive director may require in order to discharge their duties properly.(4)An application to conduct fantasy contests shall not be granted unless the applicant has satisfied the commission that:(a)The applicant has adequate business probity, competence and experience; and(b)The proposed financing of the entire operation is:(i)Adequate for the nature of the proposed operation; and(ii)From a suitable source; any lender or other source of money or credit which the commission finds does not meet the standards set forth in this paragraph (b) may be deemed unsuitable.(c)An application for a license to conduct fantasy contests constitutes a request for a determination of the general character, integrity and ability to participate or engage in, or be associated with fantasy contests of any individual associated with the applicant. Any written or oral statement made in the course of an official proceeding of the commission or the executive director or any testimony of a witness testifying under oath that is relevant to the purpose of the proceeding is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.(d)The commission, in its discretion, may grant a license to a corporation that has complied with the provisions of Sections97-33-301through97-33-317.(e)The commission, in its discretion, may grant a license to a limited partnership that has complied with the provisions of Sections97-33-301through97-33-317.(f)No limited partnership, except one whose sole limited partner is a publicly traded corporation that is licensed by the commission, or business trust or organization or other association of a quasi-corporate character is eligible to receive or hold any license under Sections97-33-301through97-33-317unless all persons having any direct or indirect interest therein of any nature whatsoever, whether financial, administrative, policymaking or supervisory, are individually qualified to be licensed under the provisions of Sections97-33-301through97-33-317.(5)Only a licensee under the Gaming Control Act may offer on-premises fantasy contests in the licensee's licensed gaming establishment. It is illegal to offer on-premises fantasy contests at any other commercial or business establishment. An operator offering on-premises fantasy contests under this subsection (5) must verify that a fantasy contest player is twenty-one (21) years of age or older.(6)Each applicant for licensure as a fantasy contest operator shall pay an application fee of Five Thousand Dollars (\$5,000.00). A license is valid for three (3) years.Amended by Laws, 2017, ch. 336, HB 967, 4, eff. 7/1/2017.Added by Laws, 2016, ch. 488, § 5, eff. 5/12/2016. (1)An operator offering fantasy contests to be played by persons in this state must obtain a license from the commission to conduct fantasy contests within this state.(2)An operator offering fantasy contests within this state must be lawfully conducting business within this state.(3)Application for licensure shall be made to the executive director on forms furnished by the executive director and in accordance with the regulations of the commission. The application shall include:(a)The name of the proposed licensee.(b)The location of his place or places of business.(c)The names of all persons directly or indirectly interested in the business and the nature of such interest.(d)Complete information and details with respect to the applicant's antecedents, habits, character, business activities, financial affairs and business associates, covering at least a ten-year period immediately preceding the date of the application.(e)The applicant's criminal history.(f)Evidence of compliance with Section97-33-305(2).(g)Such other information and details as the commission or the executive director may require in order to discharge their duties properly.(4)An application to conduct fantasy contests shall not be granted unless the applicant has satisfied the commission that:(a)The applicant has adequate business probity, competence and experience; and(b)The proposed financing of the entire operation is:(i)Adequate for the nature of the proposed operation; and(ii)From a suitable source; any lender or other source of money or credit which the commission finds does not meet the standards set forth in this paragraph (b) may be deemed unsuitable.(c)An application for a license to conduct fantasy contests constitutes a request for a determination of the general character, integrity and ability to participate or engage in, or be associated with fantasy contests of any individual associated with the applicant. Any written or oral statement made in the course of an official proceeding of the commission or the executive director or any testimony of a witness testifying under oath that is relevant to the purpose of the proceeding is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.(d)The commission, in its discretion, may grant a license to a corporation that has complied with the provisions of Sections97-33-301through97-33-317.(e)The commission, in its discretion, may grant a license to a limited partnership that has complied with the provisions of Sections97-33-301through97-33-317.(f)No limited partnership, except one whose sole limited partner is a publicly traded corporation that is licensed by the commission, or business trust or organization or other association of a quasi-corporate character is eligible to receive or hold any license under Sections97-33-301through97-33-317unless all persons having any direct or indirect interest therein of any nature whatsoever, whether financial, administrative, policymaking or supervisory, are individually qualified to be licensed under the provisions of Sections97-33-301through97-33-317.(5)Only a licensee under the Gaming Control Act may offer on-premises fantasy contests in the licensee's licensed gaming establishment. It is illegal to offer on-premises fantasy contests at any other commercial or business establishment. An operator offering on-premises fantasy contests under this subsection (5) must verify that a fantasy contest player is twenty-one (21) years of age or older.(6)Each applicant for licensure as a fantasy contest operator shall pay an application fee of Five Thousand Dollars (\$5,000.00). A license is valid for three (3) years.Amended by Laws, 2017, ch. 336, HB 967, 4, eff. 7/1/2017.Added by Laws, 2016, ch. 488, § 5, eff. 5/12/2016. (1)An operator offering fantasy contests to be played by persons in this state must obtain a license from the commission to conduct fantasy contests within this state.(2)An operator offering fantasy contests within this state must be lawfully conducting business within this state.(3)Application for licensure shall be made to the executive director on forms furnished by the executive director and in accordance with the regulations of the commission. The application shall include:(a)The name of the proposed licensee.(b)The

location of his place or places of business.(c)The names of all persons directly or indirectly interested in the business and the nature of such interest.(d)Complete information and details with respect to the applicant's antecedents, habits, character, business activities, financial affairs and business associates, covering at least a ten-year period immediately preceding the date of the application.(e)The applicant's criminal history.(f)Evidence of compliance with Section97-33-305(2).(g)Such other information and details as the commission or the executive director may require in order to discharge their duties properly.(4)An application to conduct fantasy contests shall not be granted unless the applicant has satisfied the commission that:(a)The applicant has adequate business probity, competence and experience; and(b)The proposed financing of the entire operation is:(i)Adequate for the nature of the proposed operation; and(ii)From a suitable source; any lender or other source of money or credit which the commission finds does not meet the standards set forth in this paragraph (b) may be deemed unsuitable.(c)An application for a license to conduct fantasy contests constitutes a request for a determination of the general character, integrity and ability to participate or engage in, or be associated with fantasy contests of any individual associated with the applicant. Any written or oral statement made in the course of an official proceeding of the commission or the executive director or any testimony of a witness testifying under oath that is relevant to the purpose of the proceeding is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.(d)The commission, in its discretion, may grant a license to a corporation that has complied with the provisions of Sections97-33-301through97-33-317.(e)The commission, in its discretion, may grant a license to a limited partnership that has complied with the provisions of Sections97-33-301through97-33-317.(f)No limited partnership, except one whose sole limited partner is a publicly traded corporation that is licensed by the commission, or business trust or organization or other association of a quasi-corporate character is eligible to receive or hold any license under Sections97-33-301through97-33-317unless all persons having any direct or indirect interest therein of any nature whatsoever, whether financial, administrative, policymaking or supervisory, are individually qualified to be licensed under the provisions of Sections97-33-301through97-33-317.(5)Only a licensee under the Gaming Control Act may offer on-premises fantasy contests in the licensee's licensed gaming establishment. It is illegal to offer on-premises fantasy contests at any other commercial or business establishment. An operator offering on-premises fantasy contests under this subsection (5) must verify that a fantasy contest player is twenty-one (21) years of age or older.(6)Each applicant for licensure as a fantasy contest operator shall pay an application fee of Five Thousand Dollars (\$5,000.00). A license is valid for three (3) years.Amended by Laws, 2017, ch. 336, HB 967, 4, eff. 7/1/2017.Added by Laws, 2016, ch. 488, § 5, eff. 5/12/2016. Amended by Laws, 2017, ch. 336, HB 967, 4, eff. 7/1/2017. Added by Laws, 2016, ch. 488, § 5, eff. 5/12/2016.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317)FANTASY CONTEST ACT (§§ 97-33-301 — 97-33-317)Section 97-33-309 - Civil penalty for violation

A person, firm, corporation, association, agent or employee violating the Fantasy Contest Act shall be subject to a civil penalty of not more than One Thousand Dollars (\$1,000.00) for each separate violation not to exceed Fifty Thousand Dollars (\$50,000.00), which shall accrue to the state as an administrative remedy as established in Section97-33-315.Amended by Laws, 2017, ch. 336, HB 967, 5, eff. 7/1/2017.Added by Laws, 2016, ch. 488, § 6, eff. 5/12/2016. A person, firm, corporation, association, agent or employee violating the Fantasy Contest Act shall be subject to a civil penalty of not more than One Thousand Dollars (\$1,000.00) for each separate violation not to exceed Fifty Thousand Dollars (\$50,000.00), which shall accrue to the state as an administrative remedy as established in Section97-33-315.Amended by Laws, 2017, ch. 336, HB 967, 5, eff. 7/1/2017.Added by Laws, 2016, ch. 488, § 6, eff. 5/12/2016. A person, firm, corporation, association, agent or employee violating the Fantasy Contest Act shall be subject to a civil penalty of not more than One Thousand Dollars (\$1,000.00) for each separate violation not to exceed Fifty Thousand Dollars (\$50,000.00), which shall accrue to the state as an administrative remedy as established in Section97-33-315.Amended by Laws, 2017, ch. 336, HB 967, 5, eff. 7/1/2017.Added by Laws, 2016, ch. 488, § 6, eff. 5/12/2016. A person, firm, corporation, association, agent or employee violating the Fantasy Contest Act shall be subject to a civil penalty of not more than One Thousand Dollars (\$1,000.00) for each separate violation not to exceed Fifty Thousand Dollars (\$50,000.00), which shall accrue to the state as an administrative remedy as established in Section97-33-315. Amended by Laws, 2017, ch. 336, HB 967, 5, eff. 7/1/2017. Added by Laws, 2016, ch. 488, § 6, eff. 5/12/2016.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317)FANTASY CONTEST ACT (§§ 97-33-301 — 97-33-317)Section 97-33-311 - Applicability of Gaming Control Act to fantasy contests

The Gaming Control Act shall not apply to fantasy contests, except as authorized in Sections97-33-301through97-33-317.Amended by Laws, 2017, ch. 336, HB 967, 6, eff. 7/1/2017.Added by Laws, 2016, ch. 488, § 7, eff. 5/12/2016. The Gaming Control Act shall not apply to fantasy contests, except as authorized in Sections97-33-301through97-33-317.Amended by Laws, 2017, ch. 336, HB 967, 6, eff. 7/1/2017.Added by Laws, 2016, ch. 488, § 7, eff. 5/12/2016. The Gaming Control Act shall not apply to fantasy contests, except as authorized in Sections97-33-301through97-33-317.Amended by Laws, 2017, ch. 336, HB 967, 6, eff. 7/1/2017.Added by Laws, 2016, ch. 488, § 7, eff. 5/12/2016. The Gaming Control Act shall not apply to fantasy contests, except as authorized in Sections97-33-301through97-33-317. Amended by Laws, 2017, ch. 336, HB 967, 6, eff. 7/1/2017. Added by Laws, 2016, ch. 488, § 7, eff. 5/12/2016.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317)FANTASY CONTEST ACT (§§ 97-33-301 — 97-33-317)Section 97-33-313 - Resolution of disputes over

winnings

(1) Disputes over winnings shall be resolved under the procedures set forth in Sections 75-76-157 through 75-76-173. (2) Failure to notify the executive director or patron as provided in Section 75-76-159 is grounds for disciplinary action pursuant to Section 97-33-315. Amended by Laws, 2017, ch. 336, HB 967, 7, eff. 7/1/2017. Added by Laws, 2016, ch. 488, § 8, eff. 5/12/2016.

(1) Disputes over winnings shall be resolved under the procedures set forth in Sections 75-76-157 through 75-76-173. (2) Failure to notify the executive director or patron as provided in Section 75-76-159 is grounds for disciplinary action pursuant to Section 97-33-315. Amended by Laws, 2017, ch. 336, HB 967, 7, eff. 7/1/2017. Added by Laws, 2016, ch. 488, § 8, eff. 5/12/2016.

(1) Disputes over winnings shall be resolved under the procedures set forth in Sections 75-76-157 through 75-76-173. (2) Failure to notify the executive director or patron as provided in Section 75-76-159 is grounds for disciplinary action pursuant to Section 97-33-315. Amended by Laws, 2017, ch. 336, HB 967, 7, eff. 7/1/2017. Added by Laws, 2016, ch. 488, § 8, eff. 5/12/2016.

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Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) FANTASY CONTEST ACT (§§ 97-33-301 — 97-33-317) Section 97-33-315 - Investigations by executive director; hearing to limit, condition, suspend or revoke license; actions; review; automatic resolution

(1) The executive director shall make appropriate investigations: (a) To determine whether there has been any violation of Sections 97-33-301 through 97-33-317 or of any regulations adopted thereunder. (b) To determine any facts, conditions, practices or matters which it may deem necessary or proper to aid in the enforcement of any such law or regulation. (c) To aid in adopting regulations. (d) To secure information as a basis for recommending legislation relating to Sections 97-33-301 through 97-33-317. (e) To determine annual compliance with Sections 97-33-301 through 97-33-317. (2) If after any investigation the executive director is satisfied that a license should be limited, conditioned, suspended or revoked, he shall initiate a hearing by filing a complaint with the commission and transmit therewith a summary of evidence in his possession bearing on the matter and the transcript of testimony at any investigative hearing conducted by or on behalf of the executive director to the licensee. (3) Upon receipt of the complaint of the executive director, the commission shall review all matter presented in support thereof and shall appoint a hearing examiner to conduct further proceedings. (4) After proceedings required by Sections 97-33-301 through 97-33-317, the hearing examiner may recommend that the commission take any or all of the following actions: (a) As to operations at a licensed gaming establishment under Section 97-33-307 (5): (i) Limit, condition, suspend or revoke the license of any licensed gaming establishment or the individual license of any licensee without affecting the license of the establishment; and (ii) Order an operator to exclude an individual licensee from the operation of the registered business or not to pay the licensee any remuneration for services or any profits, income or accruals on his investment in the licensed gaming establishment; (b) Limit, condition, suspend or revoke any license granted to any applicant by the commission; (c) Fine each licensee for any act or transaction for which commission approval was required or permitted, as provided in Section 97-33-309. (5) The hearing examiner shall prepare a written decision containing his recommendation to the commission and shall serve it on all parties. Any party disagreeing with the hearing examiner's recommendation may ask the commission to review the recommendation within ten (10) days of service of the recommendation. The commission may hold a hearing to consider the recommendation whether there has been a request to review the recommendation or not. (6) If the commission decides to review the recommendation, it shall give notice of that fact to all parties within thirty (30) days of the recommendation and shall schedule a hearing to review the recommendation. The commission's review shall be de novo but shall be based upon the evidence presented before the hearing examiner. The commission may remand the case to the hearing examiner for the presentation of additional evidence upon a showing of good cause why the evidence could not have been presented at the previous hearing. (7) If the commission does not decide to review the recommendation within thirty (30) days, the recommendation becomes the final order of the commission. (8) If the commission limits, conditions, suspends or revokes any license, or imposes a fine, it shall issue its written order therefor after causing to be prepared and filed the hearing examiner's written decision upon which the order is based. (9) Any limitation, condition, revocation, suspension or fine is effective until reversed upon judicial review, except that the commission may stay its order pending a rehearing or judicial review upon such terms and conditions as it deems proper. (10) Judicial review of an order or decision of the commission may be had to the Chancery Court of the First Judicial District of Hinds County, Mississippi, as a case in equity. (11) A license is automatically revoked if the individual is convicted of a felony in any court of this state, another state, or the United States or if the individual is convicted of a crime in any court of another state or the United States which, if committed in this state, would be a felony. An appeal from the conviction shall not act as a supersedeas to the revocation required by this subsection. Amended by Laws, 2017, ch. 336, HB 967, 8, eff. 7/1/2017. Added by Laws, 2016, ch. 488, § 9, eff. 5/12/2016.

(1) The executive director shall make appropriate investigations: (a) To determine whether there has been any violation of Sections 97-33-301 through 97-33-317 or of any regulations adopted thereunder. (b) To determine any facts, conditions, practices or matters which it may deem necessary or proper to aid in the enforcement of any such law or regulation. (c) To aid in adopting regulations. (d) To secure information as a basis for recommending legislation relating to Sections 97-33-301 through 97-33-317. (e) To determine annual compliance with Sections 97-33-301 through 97-33-317. (2) If after any investigation the executive director is satisfied that a license should be limited, conditioned, suspended or revoked, he shall initiate a hearing by filing a complaint with the commission and transmit therewith a summary of evidence in his possession bearing on the matter and the transcript of testimony at any investigative hearing conducted by or on behalf of the executive director to the licensee. (3) Upon receipt of the complaint of the executive director, the commission

shall review all matter presented in support thereof and shall appoint a hearing examiner to conduct further proceedings.(4)After proceedings required by Sections97-33-301through97-33-317, the hearing examiner may recommend that the commission take any or all of the following actions:(a)As to operations at a licensed gaming establishment under Section97-33-307(5):(i)Limit, condition, suspend or revoke the license of any licensed gaming establishment or the individual license of any licensee without affecting the license of the establishment; and(ii)Order an operator to exclude an individual licensee from the operation of the registered business or not to pay the licensee any remuneration for services or any profits, income or accruals on his investment in the licensed gaming establishment;(b)Limit, condition, suspend or revoke any license granted to any applicant by the commission;(c)Fine each licensee for any act or transaction for which commission approval was required or permitted, as provided in Section97-33-309.(5)The hearing examiner shall prepare a written decision containing his recommendation to the commission and shall serve it on all parties. Any party disagreeing with the hearing examiner's recommendation may ask the commission to review the recommendation within ten (10) days of service of the recommendation. The commission may hold a hearing to consider the recommendation whether there has been a request to review the recommendation or not.(6)If the commission decides to review the recommendation, it shall give notice of that fact to all parties within thirty (30) days of the recommendation and shall schedule a hearing to review the recommendation. The commission's review shall be de novo but shall be based upon the evidence presented before the hearing examiner. The commission may remand the case to the hearing examiner for the presentation of additional evidence upon a showing of good cause why the evidence could not have been presented at the previous hearing.(7)If the commission does not decide to review the recommendation within thirty (30) days, the recommendation becomes the final order of the commission.(8)If the commission limits, conditions, suspends or revokes any license, or imposes a fine, it shall issue its written order therefor after causing to be prepared and filed the hearing examiner's written decision upon which the order is based.(9)Any limitation, condition, revocation, suspension or fine is effective until reversed upon judicial review, except that the commission may stay its order pending a rehearing or judicial review upon such terms and conditions as it deems proper.(10)Judicial review of an order or decision of the commission may be had to the Chancery Court of the First Judicial District of Hinds County, Mississippi, as a case in equity.(11)A license is automatically revoked if the individual is convicted of a felony in any court of this state, another state, or the United States or if the individual is convicted of a crime in any court of another state or the United States which, if committed in this state, would be a felony. An appeal from the conviction shall not act as a supersedeas to the revocation required by this subsection.Amended by Laws, 2017, ch. 336, HB 967, 8, eff. 7/1/2017.Added by Laws, 2016, ch. 488, § 9, eff. 5/12/2016. (1)The executive director shall make appropriate investigations:(a)To determine whether there has been any violation of Sections97-33-301through97-33-317or of any regulations adopted thereunder.(b)To determine any facts, conditions, practices or matters which it may deem necessary or proper to aid in the enforcement of any such law or regulation.(c)To aid in adopting regulations.(d)To secure information as a basis for recommending legislation relating to Sections97-33-301through97-33-317.(e)To determine annual compliance with Sections97-33-301through97-33-317.(2)If after any investigation the executive director is satisfied that a license should be limited, conditioned, suspended or revoked, he shall initiate a hearing by filing a complaint with the commission and transmit therewith a summary of evidence in his possession bearing on the matter and the transcript of testimony at any investigative hearing conducted by or on behalf of the executive director to the licensee.(3)Upon receipt of the complaint of the executive director, the commission shall review all matter presented in support thereof and shall appoint a hearing examiner to conduct further proceedings.(4)After proceedings required by Sections97-33-301through97-33-317, the hearing examiner may recommend that the commission take any or all of the following actions:(a)As to operations at a licensed gaming establishment under Section97-33-307(5):(i)Limit, condition, suspend or revoke the license of any licensed gaming establishment or the individual license of any licensee without affecting the license of the establishment; and(ii)Order an operator to exclude an individual licensee from the operation of the registered business or not to pay the licensee any remuneration for services or any profits, income or accruals on his investment in the licensed gaming establishment;(b)Limit, condition, suspend or revoke any license granted to any applicant by the commission;(c)Fine each licensee for any act or transaction for which commission approval was required or permitted, as provided in Section97-33-309.(5)The hearing examiner shall prepare a written decision containing his recommendation to the commission and shall serve it on all parties. 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An appeal from the conviction shall not act as a supersedeas to the revocation required by this subsection.Amended by

Laws, 2017, ch. 336, HB 967, 8, eff. 7/1/2017. Added by Laws, 2016, ch. 488, § 9, eff. 5/12/2016. Amended by Laws, 2017, ch. 336, HB 967, 8, eff. 7/1/2017. Added by Laws, 2016, ch. 488, § 9, eff. 5/12/2016.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) FANTASY CONTEST ACT (§§ 97-33-301 — 97-33-317) Section 97-33-317 - Fees

(1) For the privilege of conducting fantasy sports contests in Mississippi, licensees shall pay to the Department of Revenue a fee equivalent to eight percent (8%) of the operator's net Mississippi revenue. (2) "Net Mississippi revenue" means the amount equal to the total of all fantasy contest entry fees that an operator collects from all players, less the total of all sums paid out as cash prizes to all fantasy contest players, multiplied by the location percentage for Mississippi. "Location percentage" means, for each fantasy contest, the percentage of the total entry fees collected from players located in Mississippi, divided by the total entry fees collected by that operator from all players in fantasy contests, rounded to the nearest one-hundredth of a percent (0.01%). (3)(a) The Commissioner of Revenue shall assess and collect all taxes, fees, interest, penalties, damages and fines imposed by this chapter, and is hereby empowered to promulgate rules and regulations to administer collection of the amounts due. Records or other documents submitted by the licensee, or on behalf of the licensee, to the Mississippi Gaming Commission or executive director shall be made available to the Commissioner of Revenue or his authorized agent upon written request. (b) The license fees levied by this chapter shall be due quarterly for the periods January through March, April through June, July through September and October through December, and payable on or before the twentieth day of the month next succeeding the month in which the fees accrue. The licensee shall make a return showing the net Mississippi revenue and compute the fee due for the period. (c) All administrative provisions of the sales tax law, and amendments thereto, including those which provide for collection and administrative appeals procedures, fix damages, penalties and interest for failure to comply with the provisions of said sales tax law, and all other requirements and duties imposed upon any licensee or taxpayer, shall apply to all persons liable for taxes, fees and all other monies imposed under the provisions of this chapter. However, fines or other assessments levied by the Mississippi Gaming Commission or the executive director will not be considered due and payable until thirty (30) days after final determination of the fines or assessments. The Commissioner of Revenue shall exercise all power and authority and perform all duties with respect to licensees or taxpayers under this chapter as are provided in the sales tax law, except where there is conflict, then the provisions of this chapter shall control. (d) Determination and assessment of taxes, fees, licenses, interest, penalties, damages and fines under this chapter by the Commissioner of Revenue, the Executive Director of the Mississippi Gaming Commission or the Mississippi Gaming Commission shall be prima facie correct. (e) Fees authorized under this section shall be deposited into the State General Fund as authorized by law. Added by Laws, 2017, ch. 336, HB 967, 9, eff. 7/1/2017. (1) For the privilege of conducting fantasy sports contests in Mississippi, licensees shall pay to the Department of Revenue a fee equivalent to eight percent (8%) of the operator's net Mississippi revenue. (2) "Net Mississippi revenue" means the amount equal to the total of all fantasy contest entry fees that an operator collects from all players, less the total of all sums paid out as cash prizes to all fantasy contest players, multiplied by the location percentage for Mississippi. "Location percentage" means, for each fantasy contest, the percentage of the total entry fees collected from players located in Mississippi, divided by the total entry fees collected by that operator from all players in fantasy contests, rounded to the nearest one-hundredth of a percent (0.01%). (3)(a) The Commissioner of Revenue shall assess and collect all taxes, fees, interest, penalties, damages and fines imposed by this chapter, and is hereby empowered to promulgate rules and regulations to administer collection of the amounts due. Records or other documents submitted by the licensee, or on behalf of the licensee, to the Mississippi Gaming Commission or executive director shall be made available to the Commissioner of Revenue or his authorized agent upon written request. 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However, fines or other assessments levied by the Mississippi Gaming Commission or the executive director will not be considered due and payable until thirty (30) days after final determination of the fines or assessments. The Commissioner of Revenue shall exercise all power and authority and perform all duties with respect to licensees or taxpayers under this chapter as are provided in the sales tax law, except where there is conflict, then the provisions of this chapter shall control. (d) Determination and assessment of taxes, fees, licenses, interest, penalties, damages and fines under this chapter by the Commissioner of Revenue, the Executive Director of the Mississippi Gaming Commission or the Mississippi Gaming Commission shall be prima facie correct. (e) Fees authorized under this section shall be deposited into the State General Fund as authorized by law. Added by Laws, 2017, ch. 336, HB 967, 9, eff. 7/1/2017. 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empowered to promulgate rules and regulations to administer collection of the amounts due. Records or other documents submitted by the licensee, or on behalf of the licensee, to the Mississippi Gaming Commission or executive director shall be made available to the Commissioner of Revenue or his authorized agent upon written request.(b)The license fees levied by this chapter shall be due quarterly for the periods January through March, April through June, July through September and October through December, and payable on or before the twentieth day of the month next succeeding the month in which the fees accrue. The licensee shall make a return showing the net Mississippi revenue and compute the fee due for the period.(c)All administrative provisions of the sales tax law, and amendments thereto, including those which provide for collection and administrative appeals procedures, fix damages, penalties and interest for failure to comply with the provisions of said sales tax law, and all other requirements and duties imposed upon any licensee or taxpayer, shall apply to all persons liable for taxes, fees and all other monies imposed under the provisions of this chapter. However, fines or other assessments levied by the Mississippi Gaming Commission or the executive director will not be considered due and payable until thirty (30) days after final determination of the fines or assessments. The Commissioner of Revenue shall exercise all power and authority and perform all duties with respect to licensees or taxpayers under this chapter as are provided in the sales tax law, except where there is conflict, then the provisions of this chapter shall control.(d)Determination and assessment of taxes, fees, licenses, interest, penalties, damages and fines under this chapter by the Commissioner of Revenue, the Executive Director of the Mississippi Gaming Commission or the Mississippi Gaming Commission shall be prima facie correct.(e)Fees authorized under this section shall be deposited into the State General Fund as authorized by law.Added by Laws, 2017, ch. 336, HB 967, 9, eff. 7/1/2017. Added by Laws, 2017, ch. 336, HB 967, 9, eff. 7/1/2017.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317)IN GENERAL (§§ 97-33-1 — 97-33-49)Section 97-33-1 - Betting, gaming or wagering; exception from prohibition; penalty

Except as otherwise provided in Section97-33-8, if any person shall encourage, promote or play at any game, play or amusement, other than a fight or fighting match between dogs, for money or other valuable thing, or shall wager or bet, promote or encourage the wagering or betting of any money or other valuable things, upon any game, play, amusement, cockfight, Indian ball play or duel, other than a fight or fighting match between dogs, or upon the result of any election, event or contingency whatever, upon conviction thereof, he shall be fined in a sum not more than Five Hundred Dollars (\$500.00); and, unless such fine and costs be immediately paid, shall be imprisoned for any period not more than ninety (90) days. However, this section shall not apply to betting, gaming or wagering:(a)On a cruise vessel as defined in Section27-109-1whenever such vessel is in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on cruise vessels as provided in Section19-3-79;(b)In a structure located, in whole or in part, on shore in any of the three (3) most southern counties in the State of Mississippi in which the registered voters of the county have voted to allow such betting, gaming or wagering on cruise vessels as provided in Section19-3-79, if:(i)The structure is owned, leased or controlled by a person possessing a gaming license, as defined in Section75-76-5, to conduct legal gaming on a cruise vessel under paragraph (a) of this section;(ii)The part of the structure in which licensed gaming activities are conducted is located entirely in an area which is located no more than eight hundred (800) feet from the mean high-water line (as defined in Section29-15-1) of the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and(iii)In the case of a structure that is located in whole or part on shore, the part of the structure in which licensed gaming activities are conducted shall lie adjacent to state waters south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the structure is located consists of a parcel of real property, easements and rights-of-way for public streets and highways shall not be construed to interrupt the contiguous nature of the parcel, nor shall the footage contained within the easements and rights-of-way be counted in the calculation of the distances specified in subparagraph (ii);(c)On a vessel as defined in Section27-109-1whenever such vessel is on the Mississippi River or navigable waters within any county bordering on the Mississippi River, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on vessels as provided in Section19-3-79; or(d)That is legal under the laws of the State of Mississippi.Codes, Hutchinson's 1848, ch. 64, art. 11(1); 1857, ch. 64, art. 134; 1871, § 2598; 1880, § 2844; 1892, § 1122; 1906, § 1203; Hemingway's 1917, § 933; 1930, § 960; 1942, § 2190; Laws, 1898, ch. 69; Laws, 1987, ch. 489, § 2; Laws, 1989, ch. 481, § 2; Laws, 1990, ch. 449, § 5; Laws, 1990, ch. 573, § 9; Laws, 1990 Ex Sess, ch. 45 § 148; Laws, 2005, 5th Ex Sess, ch. 16, § 3, eff. 10/17/2005.Amended by Laws, 2013, ch. 410, HB 974, 2, eff. 7/1/2013. Except as otherwise provided in Section97-33-8, if any person shall encourage, promote or play at any game, play or amusement, other than a fight or fighting match between dogs, for money or other valuable thing, or shall wager or bet, promote or encourage the wagering or betting of any money or other valuable things, upon any game, play, amusement, cockfight, Indian ball play or duel, other than a fight or fighting match between dogs, or upon the result of any election, event or contingency whatever, upon conviction thereof, he shall be fined in a sum not more than Five Hundred Dollars (\$500.00); and, unless such fine and costs be immediately paid, shall be imprisoned for any period not more than ninety (90) days. However, this section shall not apply to betting, gaming or wagering:(a)On a cruise vessel as defined in Section27-109-1whenever such vessel is in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi

south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on cruise vessels as provided in Section19-3-79;(b)In a structure located, in whole or in part, on shore in any of the three (3) most southern counties in the State of Mississippi in which the registered voters of the county have voted to allow such betting, gaming or wagering on cruise vessels as provided in Section19-3-79, if:(i)The structure is owned, leased or controlled by a person possessing a gaming license, as defined in Section75-76-5, to conduct legal gaming on a cruise vessel under paragraph (a) of this section;(ii)The part of the structure in which licensed gaming activities are conducted is located entirely in an area which is located no more than eight hundred (800) feet from the mean high-water line (as defined in Section29-15-1) of the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and(iii)In the case of a structure that is located in whole or part on shore, the part of the structure in which licensed gaming activities are conducted shall lie adjacent to state waters south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the structure is located consists of a parcel of real property, easements and rights-of-way for public streets and highways shall not be construed to interrupt the contiguous nature of the parcel, nor shall the footage contained within the easements and rights-of-way be counted in the calculation of the distances specified in subparagraph (ii);(c)On a vessel as defined in Section27-109-1whenever such vessel is on the Mississippi River or navigable waters within any county bordering on the Mississippi River, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on vessels as provided in Section19-3-79; or(d)That is legal under the laws of the State of Mississippi.Codes, Hutchinson's 1848, ch. 64, art. 11(1); 1857, ch. 64, art. 134; 1871, § 2598; 1880, § 2844; 1892, § 1122; 1906, § 1203; Hemingway's 1917, § 933; 1930, § 960; 1942, § 2190; Laws, 1898, ch. 69; Laws, 1987, ch. 489, § 2; Laws, 1989, ch. 481, § 2; Laws, 1990, ch. 449, § 5; Laws, 1990, ch. 573, § 9; Laws, 1990 Ex Sess, ch. 45 § 148; Laws, 2005, 5th Ex Sess, ch. 16, § 3, eff. 10/17/2005.Amended by Laws, 2013, ch. 410, HB 974, 2, eff. 7/1/2013. Except as otherwise provided in Section97-33-8, if any person shall encourage, promote or play at any game, play or amusement, other than a fight or fighting match between dogs, for money or other valuable thing, or shall wager or bet, promote or encourage the wagering or betting of any money or other valuable things, upon any game, play, amusement, cockfight, Indian ball play or duel, other than a fight or fighting match between dogs, or upon the result of any election, event or contingency whatever, upon conviction thereof, he shall be fined in a sum not more than Five Hundred Dollars (\$500.00); and, unless such fine and costs be immediately paid, shall be imprisoned for any period not more than ninety (90) days. However, this section shall not apply to betting, gaming or wagering;(a)On a cruise vessel as defined in Section27-109-1whenever such vessel is in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on cruise vessels as provided in Section19-3-79;(b)In a structure located, in whole or in part, on shore in any of the three (3) most southern counties in the State of Mississippi in which the registered voters of the county have voted to allow such betting, gaming or wagering on cruise vessels as provided in Section19-3-79, if:(i)The structure is owned, leased or controlled by a person possessing a gaming license, as defined in Section75-76-5, to conduct legal gaming on a cruise vessel under paragraph (a) of this section;(ii)The part of the structure in which licensed gaming activities are conducted is located entirely in an area which is located no more than eight hundred (800) feet from the mean high-water line (as defined in Section29-15-1) of the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and(iii)In the case of a structure that is located in whole or part on shore, the part of the structure in which licensed gaming activities are conducted shall lie adjacent to state waters south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the structure is located consists of a parcel of real property, easements and rights-of-way for public streets and highways shall not be construed to interrupt the contiguous nature of the parcel, nor shall the footage contained within the easements and rights-of-way be counted in the calculation of the distances specified in subparagraph (ii);(c)On a vessel as defined in Section27-109-1whenever such vessel is on the Mississippi River or navigable waters within any county bordering on the Mississippi River, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on vessels as provided in Section19-3-79; or(d)That is legal under the laws of the State of Mississippi.Codes, Hutchinson's 1848, ch. 64, art. 11(1); 1857, ch. 64, art. 134; 1871, § 2598; 1880, § 2844; 1892, § 1122; 1906, § 1203; Hemingway's 1917, § 933; 1930, § 960; 1942, § 2190; Laws, 1898, ch. 69; Laws, 1987, ch. 489, § 2; Laws, 1989, ch. 481, § 2; Laws, 1990, ch. 449, § 5; Laws, 1990, ch. 573, § 9; Laws, 1990 Ex Sess, ch. 45 § 148; Laws, 2005, 5th Ex Sess, ch. 16, § 3, eff. 10/17/2005.Amended by Laws, 2013, ch. 410, HB 974, 2, eff. 7/1/2013. Except as otherwise provided in Section97-33-8, if any person shall encourage, promote or play at any game, play or amusement, other than a fight or fighting match between dogs, for money or other valuable thing, or shall wager or bet, promote or encourage the wagering or betting of any money or other valuable things, upon any game, play, amusement, cockfight, Indian ball play or duel, other than a fight or fighting match between dogs, or upon the result of any election, event or contingency whatever, upon conviction thereof, he shall be fined in a sum not more than Five Hundred Dollars (\$500.00); and, unless such fine and costs be immediately paid, shall be imprisoned for any period not more

than ninety (90) days. However, this section shall not apply to betting, gaming or wagering: Codes, Hutchinson's 1848, ch. 64, art. 11(1); 1857, ch. 64, art. 134; 1871, § 2598; 1880, § 2844; 1892, § 1122; 1906, § 1203; Hemingway's 1917, § 933; 1930, § 960; 1942, § 2190; Laws, 1898, ch. 69; Laws, 1987, ch. 489, § 2; Laws, 1989, ch. 481, § 2; Laws, 1990, ch. 449, § 5; Laws, 1990, ch. 573, § 9; Laws, 1990 Ex Sess, ch. 45 § 148; Laws, 2005, 5th Ex Sess, ch. 16, § 3, eff. 10/17/2005. Amended by Laws, 2013, ch. 410, HB 974, 2, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) IN GENERAL (§§ 97-33-1 — 97-33-49) Section 97-33-11 - Gambling; clubs not to have interest in gaming; each member fined; grand jury investigation; applicability of section to games or lotteries authorized by Mississippi lottery law

It shall not be lawful for any association of persons of the character commonly known as a "club," whether such association be incorporated or not, in any manner, either directly or indirectly, to have any interest or concern in any gambling tables, banks, or games, by means of what is sometimes called a "rake-off" or "take-out," or by means of an assessment upon certain combinations, or hands at cards, or by means of a percentage extracted from players, or an assessment made upon, or a contribution from them, or by any other means, device or contrivance whatsoever. It shall not be lawful for such an association to lend or advance money or any other valuable thing to any person engaged or about to engage in playing any game of chance prohibited by law, or to become responsible directly or indirectly for any money or other valuable thing lost, or which may be lost, by any player in any such game. If any such association shall violate any of the provisions of this section each and every member thereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not more than Five Hundred Dollars (\$500.00); and unless such fine and costs be immediately paid, shall be imprisoned in the county jail for not less than five (5) nor more than twenty (20) days. Each grand jury shall cause such of the members of such an association as it may choose to appear before them and submit to examination touching the observance or nonobservance by such association of the provisions hereof. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1906, § 1206; Hemingway's 1917, § 936; 1930, § 963; 1942, § 2193. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 54, eff. 9/1/2018. It shall not be lawful for any association of persons of the character commonly known as a "club," whether such association be incorporated or not, in any manner, either directly or indirectly, to have any interest or concern in any gambling tables, banks, or games, by means of what is sometimes called a "rake-off" or "take-out," or by means of an assessment upon certain combinations, or hands at cards, or by means of a percentage extracted from players, or an assessment made upon, or a contribution from them, or by any other means, device or contrivance whatsoever. It shall not be lawful for such an association to lend or advance money or any other valuable thing to any person engaged or about to engage in playing any game of chance prohibited by law, or to become responsible directly or indirectly for any money or other valuable thing lost, or which may be lost, by any player in any such game. If any such association shall violate any of the provisions of this section each and every member thereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not more than Five Hundred Dollars (\$500.00); and unless such fine and costs be immediately paid, shall be imprisoned in the county jail for not less than five (5) nor more than twenty (20) days. Each grand jury shall cause such of the members of such an association as it may choose to appear before them and submit to examination touching the observance or nonobservance by such association of the provisions hereof. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1906, § 1206; Hemingway's 1917, § 936; 1930, § 963; 1942, § 2193. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 54, eff. 9/1/2018. It shall not be lawful for any association of persons of the character commonly known as a "club," whether such association be incorporated or not, in any manner, either directly or indirectly, to have any interest or concern in any gambling tables, banks, or games, by means of what is sometimes called a "rake-off" or "take-out," or by means of an assessment upon certain combinations, or hands at cards, or by means of a percentage extracted from players, or an assessment made upon, or a contribution from them, or by any other means, device or contrivance whatsoever. It shall not be lawful for such an association to lend or advance money or any other valuable thing to any person engaged or about to engage in playing any game of chance prohibited by law, or to become responsible directly or indirectly for any money or other valuable thing lost, or which may be lost, by any player in any such game. If any such association shall violate any of the provisions of this section each and every member thereof shall be guilty of a misdemeanor and,

upon conviction thereof, shall be fined in a sum not more than Five Hundred Dollars (\$500.00); and unless such fine and costs be immediately paid, shall be imprisoned in the county jail for not less than five (5) nor more than twenty (20) days. Each grand jury shall cause such of the members of such an association as it may choose to appear before them and submit to examination touching the observance or nonobservance by such association of the provisions hereof. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1906, § 1206; Hemingway's 1917, § 936; 1930, § 963; 1942, § 2193. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 54, eff. 9/1/2018.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) IN GENERAL (§§ 97-33-1 — 97-33-49) Section 97-33-13 - Gambling; building owners, lessees, etc. not to permit gambling; applicability of section to games or lotteries authorized by Mississippi lottery law

Any owner, lessee, or occupant of any outhouse or other building, who shall knowingly permit or suffer any of the before mentioned tables, banks, or games, or any other game prohibited by law, to be carried on, kept, or exhibited in his said house or other building, or on his lot or premises, being thereof convicted, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00). This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, Hutchinson's 1848, ch. 64, art. 3(12); 1857, ch. 64, art. 138; 1871, § 2602; 1880, § 2848; 1892, § 1126; 1906, § 1208; Hemingway's 1917, § 938; 1930, § 965; 1942, § 2195. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 55, eff. 9/1/2018. Any owner, lessee, or occupant of any outhouse or other building, who shall knowingly permit or suffer any of the before mentioned tables, banks, or games, or any other game prohibited by law, to be carried on, kept, or exhibited in his said house or other building, or on his lot or premises, being thereof convicted, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00). This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, Hutchinson's 1848, ch. 64, art. 3(12); 1857, ch. 64, art. 138; 1871, § 2602; 1880, § 2848; 1892, § 1126; 1906, § 1208; Hemingway's 1917, § 938; 1930, § 965; 1942, § 2195. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 55, eff. 9/1/2018. Any owner, lessee, or occupant of any outhouse or other building, who shall knowingly permit or suffer any of the before mentioned tables, banks, or games, or any other game prohibited by law, to be carried on, kept, or exhibited in his said house or other building, or on his lot or premises, being thereof convicted, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00). This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, Hutchinson's 1848, ch. 64, art. 3(12); 1857, ch. 64, art. 138; 1871, § 2602; 1880, § 2848; 1892, § 1126; 1906, § 1208; Hemingway's 1917, § 938; 1930, § 965; 1942, § 2195. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 55, eff. 9/1/2018.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) IN GENERAL (§§ 97-33-1 — 97-33-49) Section 97-33-15 - Gambling; hotel, tavern and boarding-house keepers to inform on gamblers

If any guest or other person shall play at any game, bank, or table contrary to law, in a tavern, hotel, or boarding-house, or any outhouse, or under any booth, arbor, or other place upon the premises in possession of any tavern, hotel, or boarding-house keeper, and the keeper of the tavern, hotel, or boarding-house shall not forthwith give information of the offense, together with the names of the offenders, to some justice of the peace of his county, and prosecute the same, he shall, upon conviction thereof, be fined not less than twenty dollars nor more than one hundred dollars. Codes, Hutchinson's 1848, ch. 64, art. 3(18); 1857, ch. 64, art. 137; 1871, § 2601; 1880, § 2847; 1892, § 1126; 1906, § 1207; Hemingway's 1917, § 937; 1930, § 964; 1942, § 2194. If any guest or other person shall play at any game, bank, or table contrary to law, in a tavern, hotel, or boarding-house, or any outhouse, or under any booth, arbor, or other place upon the premises in possession of any tavern, hotel, or boarding-house keeper, and the keeper of the tavern, hotel, or boarding-house shall not forthwith give information of the offense, together with the names of the offenders, to some justice of the peace of his county, and prosecute the same, he shall, upon conviction thereof, be fined not less than twenty dollars nor more than one hundred dollars. Codes, Hutchinson's 1848, ch. 64, art. 3(18); 1857, ch. 64, art. 137; 1871, § 2601; 1880, § 2847; 1892, § 1126; 1906, § 1207; Hemingway's 1917, § 937; 1930, § 964; 1942, § 2194. If any guest or other person shall play at any game, bank, or table contrary to law, in a tavern, hotel, or boarding-house, or any outhouse, or under any booth, arbor, or other place upon the premises in possession of any tavern, hotel, or boarding-house keeper, and the keeper of the tavern, hotel, or boarding-house shall not forthwith give information of the offense, together with the names of the offenders, to some justice of the peace of his county, and prosecute the same, he shall, upon conviction thereof, be fined not less than twenty dollars nor more than one hundred dollars. Codes, Hutchinson's 1848, ch. 64, art. 3(18); 1857, ch. 64, art. 137; 1871, § 2601; 1880, § 2847; 1892, § 1126; 1906, § 1207; Hemingway's 1917, § 937; 1930, § 964; 1942, § 2194. If any guest or other person shall play at any game, bank, or table contrary to law, in a tavern, hotel, or boarding-house, or any outhouse, or under any booth, arbor, or other place upon the premises in possession of any tavern, hotel, or boarding-house keeper, and the keeper of the tavern, hotel, or boarding-house shall not forthwith give information of the offense, together with the names of the offenders, to some justice of the peace of his county,

and prosecute the same, he shall, upon conviction thereof, be fined not less than twenty dollars nor more than one hundred dollars. Codes, Hutchinson's 1848, ch. 64, art. 3(18); 1857, ch. 64, art. 137; 1871, § 2601; 1880, § 2847; 1892, § 1126; 1906, § 1207; Hemingway's 1917, § 937; 1930, § 964; 1942, § 2194.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) IN GENERAL (§§ 97-33-1 — 97-33-49) Section 97-33-17 - Gambling; money and appliances forfeited; exceptions

(1) All monies exhibited for the purpose of betting or alluring persons to bet at any game, and all monies staked or betted, shall be liable to seizure by any sheriff, constable, or police officer, together with all the appliances used or kept for use in gambling, or by any other person; and all the monies so seized shall be accounted for by the person making the seizure, and all appliances seized shall be destroyed; provided, however, this section shall not apply to betting, gaming or wagering on: (a) A cruise vessel as defined in Section 27-109-1 whenever such vessel is in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on cruise vessels as provided in Section 19-3-79; (b) In a structure located in whole or in part on shore in any of the three (3) most southern counties in the State of Mississippi in which the registered voters of the county have voted to allow such betting, gaming or wagering on cruise vessels as provided in Section 19-3-79, if: (i) The structure is owned, leased or controlled by a person possessing a gaming license, as defined in Section 75-76-5, to conduct legal gaming on a cruise vessel under paragraph (a) of this subsection; (ii) The part of the structure in which licensed gaming activities are conducted is located entirely in an area which is located no more than eight hundred (800) feet from the mean high-water line (as defined in Section 29-15-1) of the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and (iii) In the case of a structure that is located in whole or part on shore, the part of the structure in which licensed gaming activities are conducted shall lie adjacent to state waters south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the structure is located consists of a parcel of real property, easements and rights-of-way for public streets and highways shall not be construed to interrupt the contiguous nature of the parcel, nor shall the footage contained within the easements and rights-of-way be counted in the calculation of the distances specified in subparagraph (ii). (c) A vessel as defined in Section 27-109-1 whenever such vessel is on the Mississippi River or navigable waters within any county bordering on the Mississippi River, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on vessels as provided in Section 19-3-79; or (d) That is legal under the laws of the State of Mississippi. (2) Nothing in this section shall apply to any gambling device, machine or equipment that is owned, possessed, controlled, installed, procured, repaired or transported in accordance with subsection (4) of Section 97-33-7. Codes, Hutchinson's 1848, ch. 64, art. 3(9); 1857, ch. 64, art. 139; 1871, § 2603; 1880, § 2849; 1892, § 1127; 1906, § 1209; Hemingway's 1917, § 939; 1930, § 966; 1942, § 2196; Laws, 1989, ch. 481, § 3; Laws, 1990, ch. 449, § 6; Laws, 1990, ch. 573, § 12; Laws, 1990 Ex Sess, ch. 45, § 150; Laws, 2005, 5th Ex Sess, ch. 16, § 5, eff. 10/17/2005. (1) All monies exhibited for the purpose of betting or alluring persons to bet at any game, and all monies staked or betted, shall be liable to seizure by any sheriff, constable, or police officer, together with all the appliances used or kept for use in gambling, or by any other person; and all the monies so seized shall be accounted for by the person making the seizure, and all appliances seized shall be destroyed; provided, however, this section shall not apply to betting, gaming or wagering on: (a) A cruise vessel as defined in Section 27-109-1 whenever such vessel is in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on cruise vessels as provided in Section 19-3-79; (b) In a structure located in whole or in part on shore in any of the three (3) most southern counties in the State of Mississippi in which the registered voters of the county have voted to allow such betting, gaming or wagering on cruise vessels as provided in Section 19-3-79, if: (i) The structure is owned, leased or controlled by a person possessing a gaming license, as defined in Section 75-76-5, to conduct legal gaming on a cruise vessel under paragraph (a) of this subsection; (ii) The part of the structure in which licensed gaming activities are conducted is located entirely in an area which is located no more than eight hundred (800) feet from the mean high-water line (as defined in Section 29-15-1) of the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and (iii) In the case of a structure that is located in whole or part on shore, the part of the structure in which licensed gaming activities are conducted shall lie adjacent to state waters south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the structure is located consists of a parcel of real property, easements and rights-of-way for public streets and highways shall not be construed to interrupt the contiguous nature of the parcel, nor shall the footage contained within the easements and rights-of-way be counted in the calculation of the distances specified in subparagraph (ii). (c) A vessel as defined in Section 27-109-1 whenever such vessel is on the Mississippi River or navigable waters within any county bordering on the Mississippi River, and in which the registered voters of the county in which the

port is located have not voted to prohibit such betting, gaming or wagering on vessels as provided in Section 19-3-79; or (d) That is legal under the laws of the State of Mississippi. (2) Nothing in this section shall apply to any gambling device, machine or equipment that is owned, possessed, controlled, installed, procured, repaired or transported in accordance with subsection (4) of Section 97-33-7. Codes, Hutchinson's 1848, ch. 64, art. 3(9); 1857, ch. 64, art. 139; 1871, § 2603; 1880, § 2849; 1892, § 1127; 1906, § 1209; Hemingway's 1917, § 939; 1930, § 966; 1942, § 2196; Laws, 1989, ch. 481, § 3; Laws, 1990, ch. 449, § 6; Laws, 1990, ch. 573, § 12; Laws, 1990 Ex Sess, ch. 45, § 150; Laws, 2005, 5th Ex Sess, ch. 16, § 5, eff. 10/17/2005. (1) All monies exhibited for the purpose of betting or alluring persons to bet at any game, and all monies staked or betted, shall be liable to seizure by any sheriff, constable, or police officer, together with all the appliances used or kept for use in gambling, or by any other person; and all the monies so seized shall be accounted for by the person making the seizure, and all appliances seized shall be destroyed; provided, however, this section shall not apply to betting, gaming or wagering on: (a) A cruise vessel as defined in Section 27-109-1 whenever such vessel is in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on cruise vessels as provided in Section 19-3-79; (b) In a structure located in whole or in part on shore in any of the three (3) most southern counties in the State of Mississippi in which the registered voters of the county have voted to allow such betting, gaming or wagering on cruise vessels as provided in Section 19-3-79, if: (i) The structure is owned, leased or controlled by a person possessing a gaming license, as defined in Section 75-76-5, to conduct legal gaming on a cruise vessel under paragraph (a) of this subsection; (ii) The part of the structure in which licensed gaming activities are conducted is located entirely in an area which is located no more than eight hundred (800) feet from the mean high-water line (as defined in Section 29-15-1) of the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and (iii) In the case of a structure that is located in whole or part on shore, the part of the structure in which licensed gaming activities are conducted shall lie adjacent to state waters south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the structure is located consists of a parcel of real property, easements and rights-of-way for public streets and highways shall not be construed to interrupt the contiguous nature of the parcel, nor shall the footage contained within the easements and rights-of-way be counted in the calculation of the distances specified in subparagraph (ii). (c) A vessel as defined in Section 27-109-1 whenever such vessel is on the Mississippi River or navigable waters within any county bordering on the Mississippi River, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on vessels as provided in Section 19-3-79; or (d) That is legal under the laws of the State of Mississippi. (2) Nothing in this section shall apply to any gambling device, machine or equipment that is owned, possessed, controlled, installed, procured, repaired or transported in accordance with subsection (4) of Section 97-33-7. Codes, Hutchinson's 1848, ch. 64, art. 3(9); 1857, ch. 64, art. 139; 1871, § 2603; 1880, § 2849; 1892, § 1127; 1906, § 1209; Hemingway's 1917, § 939; 1930, § 966; 1942, § 2196; Laws, 1989, ch. 481, § 3; Laws, 1990, ch. 449, § 6; Laws, 1990, ch. 573, § 12; Laws, 1990 Ex Sess, ch. 45, § 150; Laws, 2005, 5th Ex Sess, ch. 16, § 5, eff. 10/17/2005. Codes, Hutchinson's 1848, ch. 64, art. 3(9); 1857, ch. 64, art. 139; 1871, § 2603; 1880, § 2849; 1892, § 1127; 1906, § 1209; Hemingway's 1917, § 939; 1930, § 966; 1942, § 2196; Laws, 1989, ch. 481, § 3; Laws, 1990, ch. 449, § 6; Laws, 1990, ch. 573, § 12; Laws, 1990 Ex Sess, ch. 45, § 150; Laws, 2005, 5th Ex Sess, ch. 16, § 5, eff. 10/17/2005.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) IN GENERAL (§§ 97-33-1 — 97-33-49) Section 97-33-19 - Gambling; money and appliances forfeited; penalty for resisting seizure

Any person or persons who shall oppose the seizure of any such moneys or appliances by any officer or person so authorized to make it, shall, on conviction thereof, be liable to a penalty of fifteen hundred dollars; and any person who shall take any part of said money, after the said seizure shall be declared, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined and imprisoned, at the discretion of the court. Codes, Hutchinson's 1848, ch. 64, art. 3(10); 1857, ch. 64, art. 140; 1871, § 2604; 1880, § 2850; 1892, § 1128; 1906, § 1210; Hemingway's 1917, § 940; 1930, § 967; 1942, § 2197. Any person or persons who shall oppose the seizure of any such moneys or appliances by any officer or person so authorized to make it, shall, on conviction thereof, be liable to a penalty of fifteen hundred dollars; and any person who shall take any part of said money, after the said seizure shall be declared, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined and imprisoned, at the discretion of the court. Codes, Hutchinson's 1848, ch. 64, art. 3(10); 1857, ch. 64, art. 140; 1871, § 2604; 1880, § 2850; 1892, § 1128; 1906, § 1210; Hemingway's 1917, § 940; 1930, § 967; 1942, § 2197. Any person or persons who shall oppose the seizure of any such moneys or appliances by any officer or person so authorized to make it, shall, on conviction thereof, be liable to a penalty of fifteen hundred dollars; and any person who shall take any part of said money, after the said seizure shall be declared, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined and imprisoned, at the discretion of the court. Codes, Hutchinson's 1848, ch. 64, art. 3(10); 1857, ch. 64, art. 140; 1871, § 2604; 1880, § 2850; 1892, § 1128; 1906, § 1210; Hemingway's 1917, § 940; 1930, § 967; 1942, § 2197. Any person or persons who shall oppose the seizure of any such moneys or appliances by any officer or person so authorized to make it, shall, on conviction thereof, be liable to a penalty of fifteen hundred dollars; and any person who shall take any part of said money, after the said seizure shall be declared, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined and

imprisoned, at the discretion of the court. Codes, Hutchinson's 1848, ch. 64, art. 3(10); 1857, ch. 64, art. 140; 1871, § 2604; 1880, § 2850; 1892, § 1128; 1906, § 1210; Hemingway's 1917, § 940; 1930, § 967; 1942, § 2197.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) IN GENERAL (§§ 97-33-1 — 97-33-49) Section 97-33-21 - Gambling; gambling with minor; applicability of section to games or lotteries authorized by Mississippi lottery law

Any person of full age who shall bet any money or thing of any value with a minor, or allow a minor to bet at any game or gaming-table exhibited by him, or in which he is interested or in any manner concerned, on conviction thereof, shall be fined not less than Three Hundred Dollars (\$300.00) and imprisoned not less than three (3) months. This section shall apply to minors under the age of twenty-one (21) as it might apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1857, ch. 64, art. 142; 1871, § 2606; 1880, § 2852; 1892, § 1129; 1906, § 1211; Hemingway's 1917, § 941; 1930, § 968; 1942, § 2198. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 56, eff. 9/1/2018. Any person of full age who shall bet any money or thing of any value with a minor, or allow a minor to bet at any game or gaming-table exhibited by him, or in which he is interested or in any manner concerned, on conviction thereof, shall be fined not less than Three Hundred Dollars (\$300.00) and imprisoned not less than three (3) months. This section shall apply to minors under the age of twenty-one (21) as it might apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1857, ch. 64, art. 142; 1871, § 2606; 1880, § 2852; 1892, § 1129; 1906, § 1211; Hemingway's 1917, § 941; 1930, § 968; 1942, § 2198. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 56, eff. 9/1/2018. Any person of full age who shall bet any money or thing of any value with a minor, or allow a minor to bet at any game or gaming-table exhibited by him, or in which he is interested or in any manner concerned, on conviction thereof, shall be fined not less than Three Hundred Dollars (\$300.00) and imprisoned not less than three (3) months. This section shall apply to minors under the age of twenty-one (21) as it might apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1857, ch. 64, art. 142; 1871, § 2606; 1880, § 2852; 1892, § 1129; 1906, § 1211; Hemingway's 1917, § 941; 1930, § 968; 1942, § 2198. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 56, eff. 9/1/2018.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) IN GENERAL (§§ 97-33-1 — 97-33-49) Section 97-33-23 - Gambling; gambling with minor knowing him to be under-age; applicability of section to games or lotteries authorized by Mississippi lottery law

Any person of full age who shall bet any money or thing of value with a minor, knowing such minor to be under the age of twenty-one (21) years, or allowing any such minor to bet at any game or games, or at any gaming table exhibited by him, or in which he is interested or in any manner concerned, on conviction thereof, shall be punished by imprisonment in the Penitentiary not exceeding two (2) years. This section shall apply to minors under the age of twenty-one (21) as it might apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1857, ch. 64, art. 143; 1871, § 2607; 1880, § 2853; 1892, § 1130; 1906, § 1212; Hemingway's 1917, § 942; 1930, § 969; 1942, § 2199. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 57, eff. 9/1/2018. Any person of full age who shall bet any money or thing of value with a minor, knowing such minor to be under the age of twenty-one (21) years, or allowing any such minor to bet at any game or games, or at any gaming table exhibited by him, or in which he is interested or in any manner concerned, on conviction thereof, shall be punished by imprisonment in the Penitentiary not exceeding two (2) years. This section shall apply to minors under the age of twenty-one (21) as it might apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1857, ch. 64, art. 143; 1871, § 2607; 1880, § 2853; 1892, § 1130; 1906, § 1212; Hemingway's 1917, § 942; 1930, § 969; 1942, § 2199. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 57, eff. 9/1/2018. Any person of full age who shall bet any money or thing of value with a minor, knowing such minor to be under the age of twenty-one (21) years, or allowing any such minor to bet at any game or games, or at any gaming table exhibited by him, or in which he is interested or in any manner concerned, on conviction thereof, shall be punished by imprisonment in the Penitentiary not exceeding two (2) years. This section shall apply to minors under the age of twenty-one (21) as it might apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1857, ch. 64, art. 143; 1871, § 2607; 1880, § 2853; 1892, § 1130; 1906, § 1212; Hemingway's 1917, § 942; 1930, § 969; 1942, § 2199. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 57, eff. 9/1/2018.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§

97-33-1 — 97-33-317)IN GENERAL (§§ 97-33-1 — 97-33-49)Section 97-33-25 - Gambling; pool-selling; exceptions

If any person shall sell or buy, either directly or indirectly, any chance in what is commonly called pool, upon any event whatever, or shall in any manner engage in such business or pastime, he shall be fined not more than Five Hundred Dollars (\$500.00) or shall be imprisoned in the county jail not more than ninety (90) days; provided, however, this section shall not apply to betting, gaming or wagering:(a)On a cruise vessel as defined in Section27-109-1whenever such vessel is in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on cruise vessels as provided in Section19-3-79;(b)In a structure located in whole or in part on shore in any of the three (3) most southern counties in the State of Mississippi in which the registered voters of the county have voted to allow such betting, gaming or wagering on cruise vessels as provided in Section19-3-79, if:(i)The structure is owned, leased or controlled by a person possessing a gaming license, as defined in Section75-76-5, to conduct legal gaming on a cruise vessel under paragraph (a) of this section;(ii)The part of the structure in which licensed gaming activities are conducted is located entirely in an area which is located no more than eight hundred (800) feet from the mean high-water line (as defined in Section29-15-1) of the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and(iii)In the case of a structure that is located in whole or part on shore, the part of the structure in which licensed gaming activities are conducted shall lie adjacent to state waters south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the structure is located consists of a parcel of real property, easements and rights-of-way for public streets and highways shall not be construed to interrupt the contiguous nature of the parcel, nor shall the footage contained within the easements and rights-of-way be counted in the calculation of the distances specified in subparagraph (ii).(c)On a vessel as defined in Section27-109-1whenever such vessel is on the Mississippi River or navigable waters within any county bordering on the Mississippi River, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on vessels as provided in Section19-3-79; or(d)That is legal under the laws of the State of Mississippi.Codes, 1892, § 1131; 1906, § 1213; Hemingway's 1917, § 943; 1930, § 970; 1942, § 2200; Laws, 1989, ch. 481, § 4; Laws, 1990, ch. 449, § 7; Laws, 1990, ch. 573, § 13; Laws, 1990 Ex Sess, ch. 45 § 151; Laws, 2005, 5th Ex Sess, ch. 16, § 6, eff. 10/17/2005. If any person shall sell or buy, either directly or indirectly, any chance in what is commonly called pool, upon any event whatever, or shall in any manner engage in such business or pastime, he shall be fined not more than Five Hundred Dollars (\$500.00) or shall be imprisoned in the county jail not more than ninety (90) days; provided, however, this section shall not apply to betting, gaming or wagering:(a)On a cruise vessel as defined in Section27-109-1whenever such vessel is in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on cruise vessels as provided in Section19-3-79;(b)In a structure located in whole or in part on shore in any of the three (3) most southern counties in the State of Mississippi in which the registered voters of the county have voted to allow such betting, gaming or wagering on cruise vessels as provided in Section19-3-79, if:(i)The structure is owned, leased or controlled by a person possessing a gaming license, as defined in Section75-76-5, to conduct legal gaming on a cruise vessel under paragraph (a) of this section;(ii)The part of the structure in which licensed gaming activities are conducted is located entirely in an area which is located no more than eight hundred (800) feet from the mean high-water line (as defined in Section29-15-1) of the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and(iii)In the case of a structure that is located in whole or part on shore, the part of the structure in which licensed gaming activities are conducted shall lie adjacent to state waters south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the structure is located consists of a parcel of real property, easements and rights-of-way for public streets and highways shall not be construed to interrupt the contiguous nature of the parcel, nor shall the footage contained within the easements and rights-of-way be counted in the calculation of the distances specified in subparagraph (ii).(c)On a vessel as defined in Section27-109-1whenever such vessel is on the Mississippi River or navigable waters within any county bordering on the Mississippi River, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on vessels as provided in Section19-3-79; or(d)That is legal under the laws of the State of Mississippi.Codes, 1892, § 1131; 1906, § 1213; Hemingway's 1917, § 943; 1930, § 970; 1942, § 2200; Laws, 1989, ch. 481, § 4; Laws, 1990, ch. 449, § 7; Laws, 1990, ch. 573, § 13; Laws, 1990 Ex Sess, ch. 45 § 151; Laws, 2005, 5th Ex Sess, ch. 16, § 6, eff. 10/17/2005. If any person shall sell or buy, either directly or indirectly, any chance in what is commonly called pool, upon any event whatever, or shall in any manner engage in such business or pastime, he shall be fined not more than Five Hundred Dollars (\$500.00) or shall be imprisoned in the county jail not more than ninety (90) days; provided, however, this section shall not apply to betting, gaming or wagering:(a)On a cruise vessel as defined in Section27-109-1whenever such vessel is in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, and in which the registered voters of

the county in which the port is located have not voted to prohibit such betting, gaming or wagering on cruise vessels as provided in Section 19-3-79; (b) In a structure located in whole or in part on shore in any of the three (3) most southern counties in the State of Mississippi in which the registered voters of the county have voted to allow such betting, gaming or wagering on cruise vessels as provided in Section 19-3-79, if: (i) The structure is owned, leased or controlled by a person possessing a gaming license, as defined in Section 75-76-5, to conduct legal gaming on a cruise vessel under paragraph (a) of this section; (ii) The part of the structure in which licensed gaming activities are conducted is located entirely in an area which is located no more than eight hundred (800) feet from the mean high-water line (as defined in Section 29-15-1) of the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and (iii) In the case of a structure that is located in whole or part on shore, the part of the structure in which licensed gaming activities are conducted shall lie adjacent to state waters south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the structure is located consists of a parcel of real property, easements and rights-of-way for public streets and highways shall not be construed to interrupt the contiguous nature of the parcel, nor shall the footage contained within the easements and rights-of-way be counted in the calculation of the distances specified in subparagraph (ii). (c) On a vessel as defined in Section 27-109-1 whenever such vessel is on the Mississippi River or navigable waters within any county bordering on the Mississippi River, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on vessels as provided in Section 19-3-79; or (d) That is legal under the laws of the State of Mississippi. Codes, 1892, § 1131; 1906, § 1213; Hemingway's 1917, § 943; 1930, § 970; 1942, § 2200; Laws, 1989, ch. 481, § 4; Laws, 1990, ch. 449, § 7; Laws, 1990, ch. 573, § 13; Laws, 1990 Ex Sess, ch. 45 § 151; Laws, 2005, 5th Ex Sess, ch. 16, § 6, eff. 10/17/2005. If any person shall sell or buy, either directly or indirectly, any chance in what is commonly called pool, upon any event whatever, or shall in any manner engage in such business or pastime, he shall be fined not more than Five Hundred Dollars (\$500.00) or shall be imprisoned in the county jail not more than ninety (90) days; provided, however, this section shall not apply to betting, gaming or wagering: Codes, 1892, § 1131; 1906, § 1213; Hemingway's 1917, § 943; 1930, § 970; 1942, § 2200; Laws, 1989, ch. 481, § 4; Laws, 1990, ch. 449, § 7; Laws, 1990, ch. 573, § 13; Laws, 1990 Ex Sess, ch. 45 § 151; Laws, 2005, 5th Ex Sess, ch. 16, § 6, eff. 10/17/2005.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) IN GENERAL (§§ 97-33-1 — 97-33-49) Section 97-33-27 - Gambling; betting on horse or yacht race or shooting match; exceptions

If any person shall bet on a horse race or a yacht race or on a shooting match, he shall be fined not more than Five Hundred Dollars (\$500.00), and, unless the fine and costs be immediately paid, he shall be imprisoned in the county jail not more than ninety (90) days; provided, however, this section shall not apply to betting, gaming or wagering: (a) On a cruise vessel as defined in Section 27-109-1 whenever such vessel is in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on cruise vessels as provided in Section 19-3-79; (b) In a structure located in whole or in part on shore in any of the three (3) most southern counties in the State of Mississippi in which the registered voters of the county have voted to allow such betting, gaming or wagering on cruise vessels as provided in Section 19-3-79, if: (i) The structure is owned, leased or controlled by a person possessing a gaming license, as defined in Section 75-76-5, to conduct legal gaming on a cruise vessel under paragraph (a) of this section; (ii) The part of the structure in which licensed gaming activities are conducted is located entirely in an area which is located no more than eight hundred (800) feet from the mean high-water line (as defined in Section 29-15-1) of the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and (iii) In the case of a structure that is located in whole or part on shore, the part of the structure in which licensed gaming activities are conducted shall lie adjacent to state waters south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the structure is located consists of a parcel of real property, easements and rights-of-way for public streets and highways shall not be construed to interrupt the contiguous nature of the parcel, nor shall the footage contained within the easements and rights-of-way be counted in the calculation of the distances specified in subparagraph (ii). (c) On a vessel as defined in Section 27-109-1 whenever such vessel is on the Mississippi River or navigable waters within any county bordering on the Mississippi River, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on vessels as provided in Section 19-3-79; or (d) That is legal under the laws of the State of Mississippi. Codes, 1892, § 1132; 1906, § 1214; Hemingway's 1917, § 944; 1930, § 971; 1942, § 2201; Laws, 1989, ch. 481, § 5; Laws, 1990, ch. 449, § 8; Laws, 1990, ch. 573, § 14; Laws, 1990 Ex Sess, ch. 45 § 152; Laws, 2005, 5th Ex Sess, ch. 16, § 7, eff. 10/17/2005. If any person shall bet on a horse race or a yacht race or on a shooting match, he shall be fined not more than Five Hundred Dollars (\$500.00), and, unless the fine and costs be immediately paid, he shall be imprisoned in the county jail not more than ninety (90) days; provided, however, this section shall not apply to betting, gaming or wagering: (a) On a cruise vessel as defined in Section 27-109-1 whenever such vessel is in the waters within the

State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on cruise vessels as provided in Section 19-3-79; (b) In a structure located in whole or in part on shore in any of the three (3) most southern counties in the State of Mississippi in which the registered voters of the county have voted to allow such betting, gaming or wagering on cruise vessels as provided in Section 19-3-79, if: (i) The structure is owned, leased or controlled by a person possessing a gaming license, as defined in Section 75-76-5, to conduct legal gaming on a cruise vessel under paragraph (a) of this section; (ii) The part of the structure in which licensed gaming activities are conducted is located entirely in an area which is located no more than eight hundred (800) feet from the mean high-water line (as defined in Section 29-15-1) of the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and (iii) In the case of a structure that is located in whole or part on shore, the part of the structure in which licensed gaming activities are conducted shall lie adjacent to state waters south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the structure is located consists of a parcel of real property, easements and rights-of-way for public streets and highways shall not be construed to interrupt the contiguous nature of the parcel, nor shall the footage contained within the easements and rights-of-way be counted in the calculation of the distances specified in subparagraph (ii). (c) On a vessel as defined in Section 27-109-1 whenever such vessel is on the Mississippi River or navigable waters within any county bordering on the Mississippi River, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on vessels as provided in Section 19-3-79; or (d) That is legal under the laws of the State of Mississippi. Codes, 1892, § 1132; 1906, § 1214; Hemingway's 1917, § 944; 1930, § 971; 1942, § 2201; Laws, 1989, ch. 481, § 5; Laws, 1990, ch. 449, § 8; Laws, 1990, ch. 573, § 14; Laws, 1990 Ex Sess, ch. 45 § 152; Laws, 2005, 5th Ex Sess, ch. 16, § 7, eff. 10/17/2005. If any person shall bet on a horse race or a yacht race or on a shooting match, he shall be fined not more than Five Hundred Dollars (\$500.00), and, unless the fine and costs be immediately paid, he shall be imprisoned in the county jail not more than ninety (90) days; provided, however, this section shall not apply to betting, gaming or wagering: (a) On a cruise vessel as defined in Section 27-109-1 whenever such vessel is in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on cruise vessels as provided in Section 19-3-79; (b) In a structure located in whole or in part on shore in any of the three (3) most southern counties in the State of Mississippi in which the registered voters of the county have voted to allow such betting, gaming or wagering on cruise vessels as provided in Section 19-3-79, if: (i) The structure is owned, leased or controlled by a person possessing a gaming license, as defined in Section 75-76-5, to conduct legal gaming on a cruise vessel under paragraph (a) of this section; (ii) The part of the structure in which licensed gaming activities are conducted is located entirely in an area which is located no more than eight hundred (800) feet from the mean high-water line (as defined in Section 29-15-1) of the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and (iii) In the case of a structure that is located in whole or part on shore, the part of the structure in which licensed gaming activities are conducted shall lie adjacent to state waters south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the structure is located consists of a parcel of real property, easements and rights-of-way for public streets and highways shall not be construed to interrupt the contiguous nature of the parcel, nor shall the footage contained within the easements and rights-of-way be counted in the calculation of the distances specified in subparagraph (ii). (c) On a vessel as defined in Section 27-109-1 whenever such vessel is on the Mississippi River or navigable waters within any county bordering on the Mississippi River, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on vessels as provided in Section 19-3-79; or (d) That is legal under the laws of the State of Mississippi. Codes, 1892, § 1132; 1906, § 1214; Hemingway's 1917, § 944; 1930, § 971; 1942, § 2201; Laws, 1989, ch. 481, § 5; Laws, 1990, ch. 449, § 8; Laws, 1990, ch. 573, § 14; Laws, 1990 Ex Sess, ch. 45 § 152; Laws, 2005, 5th Ex Sess, ch. 16, § 7, eff. 10/17/2005. If any person shall bet on a horse race or a yacht race or on a shooting match, he shall be fined not more than Five Hundred Dollars (\$500.00), and, unless the fine and costs be immediately paid, he shall be imprisoned in the county jail not more than ninety (90) days; provided, however, this section shall not apply to betting, gaming or wagering: Codes, 1892, § 1132; 1906, § 1214; Hemingway's 1917, § 944; 1930, § 971; 1942, § 2201; Laws, 1989, ch. 481, § 5; Laws, 1990, ch. 449, § 8; Laws, 1990, ch. 573, § 14; Laws, 1990 Ex Sess, ch. 45 § 152; Laws, 2005, 5th Ex Sess, ch. 16, § 7, eff. 10/17/2005.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) IN GENERAL (§§ 97-33-1 — 97-33-49) Section 97-33-29 - Gambling; laws remedial, not penal

All laws made or to be made for the suppression of gambling or gaming, are remedial and not penal statutes, and shall be so construed by the courts. Codes, Hutchinson's 1848, ch. 64, art. 11(7); 1857, ch. 64, art. 146; 1871, § 2610; 1880, § 2856; 1892, § 1133; 1906, § 1215; Hemingway's 1917, § 945; 1930, § 972; 1942, § 2202. All laws made or to be made for the suppression of

gambling or gaming, are remedial and not penal statutes, and shall be so construed by the courts. Codes, Hutchinson's 1848, ch. 64, art. 11(7); 1857, ch. 64, art. 146; 1871, § 2610; 1880, § 2856; 1892, § 1133; 1906, § 1215; Hemingway's 1917, § 945; 1930, § 972; 1942, § 2202. All laws made or to be made for the suppression of gambling or gaming, are remedial and not penal statutes, and shall be so construed by the courts. Codes, Hutchinson's 1848, ch. 64, art. 11(7); 1857, ch. 64, art. 146; 1871, § 2610; 1880, § 2856; 1892, § 1133; 1906, § 1215; Hemingway's 1917, § 945; 1930, § 972; 1942, § 2202. All laws made or to be made for the suppression of gambling or gaming, are remedial and not penal statutes, and shall be so construed by the courts. Codes, Hutchinson's 1848, ch. 64, art. 11(7); 1857, ch. 64, art. 146; 1871, § 2610; 1880, § 2856; 1892, § 1133; 1906, § 1215; Hemingway's 1917, § 945; 1930, § 972; 1942, § 2202.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) IN GENERAL (§§ 97-33-1 — 97-33-49) Section 97-33-3 - Gambling; penalties on certain officers; penalty for use of public money

If a judge of any court, or a justice court judge, or attorney-general or district attorney, or a constable, sheriff, or any person charged by law with the custody of public money, shall violate the provisions of the foregoing section, such person so offending, on conviction thereof, shall be fined Five Hundred Dollars (\$500.00), and be imprisoned in the county jail twenty (20) days. In case any public officer shall in any manner use or loan public money in his hands by virtue of his office, in any game, wager, or bet, on conviction thereof, his commission shall thereby be deemed vacated, and the vacancy supplied as in case of death, resignation, or removal from office. Codes, Hutchinson's 1848, ch. 64, art. 11(2); 1857, ch. 64, art. 135; 1871, § 2599; 1880, § 2845; 1892, § 1123; 1906, § 1204; Hemingway's 1917, § 934; 1930, § 961; 1942, § 2191; Laws, 1986, ch. 459, § 43, eff. 7/1/1986. If a judge of any court, or a justice court judge, or attorney-general or district attorney, or a constable, sheriff, or any person charged by law with the custody of public money, shall violate the provisions of the foregoing section, such person so offending, on conviction thereof, shall be fined Five Hundred Dollars (\$500.00), and be imprisoned in the county jail twenty (20) days. In case any public officer shall in any manner use or loan public money in his hands by virtue of his office, in any game, wager, or bet, on conviction thereof, his commission shall thereby be deemed vacated, and the vacancy supplied as in case of death, resignation, or removal from office. Codes, Hutchinson's 1848, ch. 64, art. 11(2); 1857, ch. 64, art. 135; 1871, § 2599; 1880, § 2845; 1892, § 1123; 1906, § 1204; Hemingway's 1917, § 934; 1930, § 961; 1942, § 2191; Laws, 1986, ch. 459, § 43, eff. 7/1/1986. If a judge of any court, or a justice court judge, or attorney-general or district attorney, or a constable, sheriff, or any person charged by law with the custody of public money, shall violate the provisions of the foregoing section, such person so offending, on conviction thereof, shall be fined Five Hundred Dollars (\$500.00), and be imprisoned in the county jail twenty (20) days. In case any public officer shall in any manner use or loan public money in his hands by virtue of his office, in any game, wager, or bet, on conviction thereof, his commission shall thereby be deemed vacated, and the vacancy supplied as in case of death, resignation, or removal from office. Codes, Hutchinson's 1848, ch. 64, art. 11(2); 1857, ch. 64, art. 135; 1871, § 2599; 1880, § 2845; 1892, § 1123; 1906, § 1204; Hemingway's 1917, § 934; 1930, § 961; 1942, § 2191; Laws, 1986, ch. 459, § 43, eff. 7/1/1986. If a judge of any court, or a justice court judge, or attorney-general or district attorney, or a constable, sheriff, or any person charged by law with the custody of public money, shall violate the provisions of the foregoing section, such person so offending, on conviction thereof, shall be fined Five Hundred Dollars (\$500.00), and be imprisoned in the county jail twenty (20) days. In case any public officer shall in any manner use or loan public money in his hands by virtue of his office, in any game, wager, or bet, on conviction thereof, his commission shall thereby be deemed vacated, and the vacancy supplied as in case of death, resignation, or removal from office. Codes, Hutchinson's 1848, ch. 64, art. 11(2); 1857, ch. 64, art. 135; 1871, § 2599; 1880, § 2845; 1892, § 1123; 1906, § 1204; Hemingway's 1917, § 934; 1930, § 961; 1942, § 2191; Laws, 1986, ch. 459, § 43, eff. 7/1/1986.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) IN GENERAL (§§ 97-33-1 — 97-33-49) Section 97-33-31 - Lotteries; penalty for putting on; applicability of section to games or lotteries authorized by Mississippi lottery law

If any person, in order to raise money for himself or another, or for any purpose whatever, shall publicly or privately put up a lottery to be drawn or adventured for, he shall, on conviction, be imprisoned in the Penitentiary not exceeding five (5) years. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, Hutchinson's 1848, ch. 64, art. 3(23); 1857, ch. 64, art. 141; 1871, § 2605; 1880, § 2851; 1892, § 1199; 1906, § 1277; Hemingway's 1917, § 1009; 1930, § 1038; 1942, § 2270. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 58, eff. 9/1/2018. If any person, in order to raise money for himself or another, or for any purpose whatever, shall publicly or privately put up a lottery to be drawn or adventured for, he shall, on conviction, be imprisoned in the Penitentiary not exceeding five (5) years. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, Hutchinson's 1848, ch. 64, art. 3(23); 1857, ch. 64, art. 141; 1871, § 2605; 1880, § 2851; 1892, § 1199; 1906, § 1277; Hemingway's 1917, § 1009; 1930, § 1038; 1942, § 2270. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 58, eff. 9/1/2018. If any person, in order to raise money for himself or another, or for any purpose whatever, shall publicly or privately put up a lottery to be drawn or adventured for, he shall, on conviction, be imprisoned in the Penitentiary not exceeding five (5) years. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, Hutchinson's 1848, ch. 64, art. 3(23); 1857, ch. 64, art. 141; 1871, § 2605; 1880, § 2851; 1892, § 1199; 1906, § 1277; Hemingway's 1917, § 1009; 1930, § 1038; 1942, § 2270. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 58, eff. 9/1/2018. If any person, in order to raise money for himself or another, or for any purpose whatever, shall publicly or privately put up a lottery to be

drawn or adventured for, he shall, on conviction, be imprisoned in the Penitentiary not exceeding five (5) years. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, Hutchinson's 1848, ch. 64, art. 3(23); 1857, ch. 64, art. 141; 1871, § 2605; 1880, § 2851; 1892, § 1199; 1906, § 1277; Hemingway's 1917, § 1009; 1930, § 1038; 1942, § 2270. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 58, eff. 9/1/2018.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) IN GENERAL (§§ 97-33-1 — 97-33-49) Section 97-33-33 - Lotteries; advertising prohibited; applicability of section to games or lotteries authorized by Mississippi lottery law

If any person shall in any way advertise any lottery whatever, no matter where located, or shall knowingly have in his possession any posters or other lottery advertisements of any kind, save a regularly issued newspaper containing such an advertisement without intent to circulate the same as an advertisement, he shall, on conviction, be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or be imprisoned in the county jail not exceeding three (3) months, or both. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1202; 1906, § 1280; Hemingway's 1917, § 1012; 1930, § 1041; 1942, § 2273. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 59, eff. 9/1/2018. If any person shall in any way advertise any lottery whatever, no matter where located, or shall knowingly have in his possession any posters or other lottery advertisements of any kind, save a regularly issued newspaper containing such an advertisement without intent to circulate the same as an advertisement, he shall, on conviction, be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or be imprisoned in the county jail not exceeding three (3) months, or both. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1202; 1906, § 1280; Hemingway's 1917, § 1012; 1930, § 1041; 1942, § 2273. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 59, eff. 9/1/2018. If any person shall in any way advertise any lottery whatever, no matter where located, or shall knowingly have in his possession any posters or other lottery advertisements of any kind, save a regularly issued newspaper containing such an advertisement without intent to circulate the same as an advertisement, he shall, on conviction, be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or be imprisoned in the county jail not exceeding three (3) months, or both. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1202; 1906, § 1280; Hemingway's 1917, § 1012; 1930, § 1041; 1942, § 2273. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 59, eff. 9/1/2018. If any person shall in any way advertise any lottery whatever, no matter where located, or shall knowingly have in his possession any posters or other lottery advertisements of any kind, save a regularly issued newspaper containing such an advertisement without intent to circulate the same as an advertisement, he shall, on conviction, be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or be imprisoned in the county jail not exceeding three (3) months, or both. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1202; 1906, § 1280; Hemingway's 1917, § 1012; 1930, § 1041; 1942, § 2273. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 59, eff. 9/1/2018.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) IN GENERAL (§§ 97-33-1 — 97-33-49) Section 97-33-35 - Lotteries; advertising prohibited; publication or circulation of newspapers; applicability of section to games or lotteries authorized by Mississippi lottery law

If any newspaper published or circulated in this state shall contain an advertisement of any lottery whatever, or any matter intended to advertise a lottery, no matter where located, the editor or editors, publisher or publishers, and the owner or owners thereof permitting the same, shall be guilty of a misdemeanor and, on conviction, shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), and be imprisoned in the county jail not less than ten (10) days nor more than three (3) months, for each offense. The issuance of each separate daily or weekly edition of the newspaper that shall contain such an advertisement shall be considered a separate offense. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1203; 1906, § 1281; Hemingway's 1917, § 1013; 1930, § 1042; 1942, § 2274. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 60, eff. 9/1/2018. If any newspaper published or circulated in this state shall contain an advertisement of any lottery whatever, or any matter intended to advertise a lottery, no matter where located, the editor or editors, publisher or publishers, and the owner or owners thereof permitting the same, shall be guilty of a misdemeanor and, on conviction, shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), and be imprisoned in the county jail not less than ten (10) days nor more than three (3) months, for each offense. The issuance of each separate daily or weekly edition of the newspaper that shall contain such an advertisement shall be considered a separate offense. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1203; 1906, § 1281; Hemingway's 1917, § 1013; 1930, § 1042; 1942, § 2274. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 60, eff. 9/1/2018. If any newspaper published or circulated in this state shall

contain an advertisement of any lottery whatever, or any matter intended to advertise a lottery, no matter where located, the editor or editors, publisher or publishers, and the owner or owners thereof permitting the same, shall be guilty of a misdemeanor and, on conviction, shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), and be imprisoned in the county jail not less than ten (10) days nor more than three (3) months, for each offense. The issuance of each separate daily or weekly edition of the newspaper that shall contain such an advertisement shall be considered a separate offense. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1203; 1906, § 1281; Hemingway's 1917, § 1013; 1930, § 1042; 1942, § 2274. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 60, eff. 9/1/2018.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) IN GENERAL (§§ 97-33-1 — 97-33-49) Section 97-33-37 - Lotteries; advertising prohibited; sale of newspapers; applicability of section to games or lotteries authorized by Mississippi lottery law

If any newsdealer or other person shall, directly or indirectly, sell or offer for sale any newspaper or other publication containing a lottery advertisement, he shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than Ten Dollars (\$10.00) or imprisoned not less than ten (10) days, or both. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1204; 1906, § 1282; Hemingway's 1917, § 1014; 1930, § 1043; 1942, § 2275. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 61, eff. 9/1/2018. If any newsdealer or other person shall, directly or indirectly, sell or offer for sale any newspaper or other publication containing a lottery advertisement, he shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than Ten Dollars (\$10.00) or imprisoned not less than ten (10) days, or both. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1204; 1906, § 1282; Hemingway's 1917, § 1014; 1930, § 1043; 1942, § 2275. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 61, eff. 9/1/2018. If any newsdealer or other person shall, directly or indirectly, sell or offer for sale any newspaper or other publication containing a lottery advertisement, he shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than Ten Dollars (\$10.00) or imprisoned not less than ten (10) days, or both. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1204; 1906, § 1282; Hemingway's 1917, § 1014; 1930, § 1043; 1942, § 2275. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 61, eff. 9/1/2018. If any newsdealer or other person shall, directly or indirectly, sell or offer for sale any newspaper or other publication containing a lottery advertisement, he shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than Ten Dollars (\$10.00) or imprisoned not less than ten (10) days, or both. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1204; 1906, § 1282; Hemingway's 1917, § 1014; 1930, § 1043; 1942, § 2275. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 61, eff. 9/1/2018.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) IN GENERAL (§§ 97-33-1 — 97-33-49) Section 97-33-39 - Lotteries; sale of tickets; applicability of section to games or lotteries authorized by Mississippi lottery law

If any person shall sell, or offer or expose for sale, any lottery ticket, whether the lottery be in or out of this state, or for or in any other state, territory, district, or country, he shall, on conviction, be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or imprisoned in the county jail not less than ten (10) days nor more than sixty (60) days, or both. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, Hutchinson's 1848, ch. 64, art. 3(23); 1857, ch. 64, art. 141; 1871, § 2605; 1880, § 2851; 1892, § 1200; 1906, § 1278; Hemingway's 1917, § 1010; 1930, § 1039; 1942, § 2271. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 62, eff. 9/1/2018. If any person shall sell, or offer or expose for sale, any lottery ticket, whether the lottery be in or out of this state, or for or in any other state, territory, district, or country, he shall, on conviction, be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or imprisoned in the county jail not less than ten (10) days nor more than sixty (60) days, or both. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, Hutchinson's 1848, ch. 64, art. 3(23); 1857, ch. 64, art. 141; 1871, § 2605; 1880, § 2851; 1892, § 1200; 1906, § 1278; Hemingway's 1917, § 1010; 1930, § 1039; 1942, § 2271. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 62, eff. 9/1/2018. If any person shall sell, or offer or expose for sale, any lottery ticket, whether the lottery be in or out of this state, or for or in any other state, territory, district, or country, he shall, on conviction, be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00), or imprisoned in the county jail not less than ten (10) days nor more than sixty (60) days, or both. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, Hutchinson's 1848, ch. 64, art. 3(23); 1857, ch. 64, art. 141; 1871, § 2605; 1880, § 2851; 1892, § 1200; 1906, § 1278; Hemingway's 1917, § 1010; 1930, § 1039; 1942, § 2271. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 62, eff. 9/1/2018.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) IN GENERAL (§§ 97-33-1 — 97-33-49) Section 97-33-41 - Lotteries; buying tickets in state prohibited;

applicability of section to games or lotteries authorized by Mississippi lottery law

If any person shall buy in this state any lottery ticket, whether the lottery be in or out of this state, or of or in any other state, territory, district, or country, he shall, on conviction, be fined not less than Five Dollars (\$5.00) nor more than Twenty-five Dollars (\$25.00), or be imprisoned in the county jail not exceeding ten (10) days, or both. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1201; 1906, § 1279; Hemingway's 1917, § 1011; 1930, § 1040; 1942, § 2272; Laws, 1992, ch. 388, § 1, eff. 4/27/1992. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 63, eff. 9/1/2018. If any person shall buy in this state any lottery ticket, whether the lottery be in or out of this state, or of or in any other state, territory, district, or country, he shall, on conviction, be fined not less than Five Dollars (\$5.00) nor more than Twenty-five Dollars (\$25.00), or be imprisoned in the county jail not exceeding ten (10) days, or both. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1201; 1906, § 1279; Hemingway's 1917, § 1011; 1930, § 1040; 1942, § 2272; Laws, 1992, ch. 388, § 1, eff. 4/27/1992. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 63, eff. 9/1/2018. If any person shall buy in this state any lottery ticket, whether the lottery be in or out of this state, or of or in any other state, territory, district, or country, he shall, on conviction, be fined not less than Five Dollars (\$5.00) nor more than Twenty-five Dollars (\$25.00), or be imprisoned in the county jail not exceeding ten (10) days, or both. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1201; 1906, § 1279; Hemingway's 1917, § 1011; 1930, § 1040; 1942, § 2272; Laws, 1992, ch. 388, § 1, eff. 4/27/1992. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 63, eff. 9/1/2018.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) IN GENERAL (§§ 97-33-1 — 97-33-49) Section 97-33-43 - Lotteries; railroads; applicability of section to games or lotteries authorized by Mississippi lottery law

If any railroad company shall suffer or permit the sale of a lottery ticket of any kind on its cars, or at its depots or depot grounds, or by its employees, no matter where the lottery is located, it shall be guilty of a misdemeanor and, on conviction, shall be fined not less than Twenty Dollars (\$20.00) nor more than One Hundred Dollars (\$100.00) for every such ticket so sold. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1205; 1906, § 2183; Hemingway's 1917, § 1015; 1930, § 1044; 1942, § 2276. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 64, eff. 9/1/2018. If any railroad company shall suffer or permit the sale of a lottery ticket of any kind on its cars, or at its depots or depot grounds, or by its employees, no matter where the lottery is located, it shall be guilty of a misdemeanor and, on conviction, shall be fined not less than Twenty Dollars (\$20.00) nor more than One Hundred Dollars (\$100.00) for every such ticket so sold. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1205; 1906, § 2183; Hemingway's 1917, § 1015; 1930, § 1044; 1942, § 2276. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 64, eff. 9/1/2018. If any railroad company shall suffer or permit the sale of a lottery ticket of any kind on its cars, or at its depots or depot grounds, or by its employees, no matter where the lottery is located, it shall be guilty of a misdemeanor and, on conviction, shall be fined not less than Twenty Dollars (\$20.00) nor more than One Hundred Dollars (\$100.00) for every such ticket so sold. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1205; 1906, § 2183; Hemingway's 1917, § 1015; 1930, § 1044; 1942, § 2276. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 64, eff. 9/1/2018.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) IN GENERAL (§§ 97-33-1 — 97-33-49) Section 97-33-45 - Lotteries; steamboats; applicability of section to games or lotteries authorized by Mississippi lottery law

If the owner or owners of any steamboat shall suffer or permit the sale of a lottery ticket of any kind on his or their boat, or by his or their employees, no matter where the lottery is located, he or they shall be guilty of a misdemeanor and shall, on conviction, be punished as prescribed in Section 97-33-43. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1206; 1906, § 1284; Hemingway's 1917, § 1016; 1930, § 1045; 1942, § 2277. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 65, eff. 9/1/2018. If the owner or owners of any steamboat shall suffer or permit the sale of a lottery ticket of any kind on his or their boat, or by his or their employees, no matter where the lottery is located, he or they shall be guilty of a misdemeanor and shall, on conviction, be punished as prescribed in Section 97-33-43. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1206; 1906, § 1284; Hemingway's 1917, § 1016; 1930, § 1045; 1942, § 2277. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 65, eff. 9/1/2018.

steamboat shall suffer or permit the sale of a lottery ticket of any kind on his or their boat, or by his or their employees, no matter where the lottery is located, he or they shall be guilty of a misdemeanor and shall, on conviction, be punished as prescribed in Section 97-33-43. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1206; 1906, § 1284; Hemingway's 1917, § 1016; 1930, § 1045; 1942, § 2277. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 65, eff. 9/1/2018. If the owner or owners of any steamboat shall suffer or permit the sale of a lottery ticket of any kind on his or their boat, or by his or their employees, no matter where the lottery is located, he or they shall be guilty of a misdemeanor and shall, on conviction, be punished as prescribed in Section 97-33-43. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1206; 1906, § 1284; Hemingway's 1917, § 1016; 1930, § 1045; 1942, § 2277. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 65, eff. 9/1/2018.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) IN GENERAL (§§ 97-33-1 — 97-33-49) Section 97-33-47 - Lotteries; acting as agent for; applicability of section to games or lotteries authorized by Mississippi lottery law

If any person shall act as agent for any lottery or lottery company, no matter where domiciled or located, or if he shall assume to so act as agent, or if he receive any money or other thing for any such lottery or lottery company, or deliver to any person any ticket or tickets, prize or prizes, or other thing from such lottery or lottery company, he shall, on conviction, be fined not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), and be imprisoned in the county jail not less than three (3) months nor more than six (6) months. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1207; 1906, § 1285; Hemingway's 1917, § 1017; 1930, § 1046; 1942, § 2278. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 66, eff. 9/1/2018. If any person shall act as agent for any lottery or lottery company, no matter where domiciled or located, or if he shall assume to so act as agent, or if he receive any money or other thing for any such lottery or lottery company, or deliver to any person any ticket or tickets, prize or prizes, or other thing from such lottery or lottery company, he shall, on conviction, be fined not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), and be imprisoned in the county jail not less than three (3) months nor more than six (6) months. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1207; 1906, § 1285; Hemingway's 1917, § 1017; 1930, § 1046; 1942, § 2278. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 66, eff. 9/1/2018. If any person shall act as agent for any lottery or lottery company, no matter where domiciled or located, or if he shall assume to so act as agent, or if he receive any money or other thing for any such lottery or lottery company, or deliver to any person any ticket or tickets, prize or prizes, or other thing from such lottery or lottery company, he shall, on conviction, be fined not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), and be imprisoned in the county jail not less than three (3) months nor more than six (6) months. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1207; 1906, § 1285; Hemingway's 1917, § 1017; 1930, § 1046; 1942, § 2278. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 66, eff. 9/1/2018. If any person shall act as agent for any lottery or lottery company, no matter where domiciled or located, or if he shall assume to so act as agent, or if he receive any money or other thing for any such lottery or lottery company, or deliver to any person any ticket or tickets, prize or prizes, or other thing from such lottery or lottery company, he shall, on conviction, be fined not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), and be imprisoned in the county jail not less than three (3) months nor more than six (6) months. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, 1892, § 1207; 1906, § 1285; Hemingway's 1917, § 1017; 1930, § 1046; 1942, § 2278. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 66, eff. 9/1/2018.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) IN GENERAL (§§ 97-33-1 — 97-33-49) Section 97-33-49 - Raffles; applicability of section to games or lotteries authorized by Mississippi lottery law

Except as otherwise provided in Section 97-33-51, if any person, in order to raise money for himself or another, shall publicly or privately put up or in any way offer any prize or thing to be raffled or played for, he shall, on conviction, be fined not more than Twenty Dollars (\$20.00), or be imprisoned not more than one (1) month in the county jail. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, Hutchinson's 1848, ch. 64, art. 3(23); 1857, ch. 64, art. 141; 1871, § 2605; 1880, § 2851; 1892, § 1208; 1906, § 1286; Hemingway's 1917, § 1018; 1930, § 1047; 1942, § 2279; Laws, 1992, ch. 581, § 26, eff. 10/1/1992. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 67, eff. 9/1/2018. Except as otherwise provided in Section 97-33-51, if any person, in order to raise money for himself or another, shall publicly or privately put up or in any way offer any prize or thing to be raffled or played for, he shall, on conviction, be fined not more than Twenty Dollars (\$20.00), or be imprisoned not more than one (1) month in the county jail. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, Hutchinson's 1848, ch. 64, art. 3(23); 1857, ch. 64, art. 141; 1871, § 2605; 1880, § 2851; 1892, § 1208; 1906, § 1286; Hemingway's 1917, § 1018; 1930, § 1047; 1942, § 2279; Laws, 1992, ch. 581, § 26, eff. 10/1/1992. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 67, eff. 9/1/2018. Except as otherwise provided in Section 97-33-51, if any person, in order to raise money for himself or another, shall publicly or privately put up or in any way offer any prize or thing to be raffled or played for, he shall, on conviction, be fined not more than Twenty Dollars (\$20.00), or be imprisoned not more than one (1) month in the county jail. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, Hutchinson's 1848, ch. 64, art. 3(23); 1857, ch. 64, art. 141; 1871, § 2605; 1880, § 2851; 1892, § 1208; 1906, § 1286;

Hemingway's 1917, § 1018; 1930, § 1047; 1942, § 2279; Laws, 1992, ch. 581, § 26, eff. 10/1/1992. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 67, eff. 9/1/2018. Except as otherwise provided in Section 97-33-51, if any person, in order to raise money for himself or another, shall publicly or privately put up or in any way offer any prize or thing to be raffled or played for, he shall, on conviction, be fined not more than Twenty Dollars (\$20.00), or be imprisoned not more than one (1) month in the county jail. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, Hutchinson's 1848, ch. 64, art. 3(23); 1857, ch. 64, art. 141; 1871, § 2605; 1880, § 2851; 1892, § 1208; 1906, § 1286; Hemingway's 1917, § 1018; 1930, § 1047; 1942, § 2279; Laws, 1992, ch. 581, § 26, eff. 10/1/1992. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 67, eff. 9/1/2018.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) IN GENERAL (§§ 97-33-1 — 97-33-49) Section 97-33-5 - Gambling; additional fine against winning gambler for amount won

In a prosecution for gambling or gaming, in addition to penalties elsewhere provided, the jury shall find the amount won, and it shall be the duty of the court to enter judgment against the winning party for the amount so won, to be collected and paid over as fines. Codes, Hutchinson's 1848, ch. 64, art. 3(21); 1857, ch. 64, art. 144; 1871, § 2608; 1880, § 2854; 1892, § 1361; 1906, § 1433; Hemingway's 1917, § 1189; 1930, § 1213; 1942, § 2456. In a prosecution for gambling or gaming, in addition to penalties elsewhere provided, the jury shall find the amount won, and it shall be the duty of the court to enter judgment against the winning party for the amount so won, to be collected and paid over as fines. Codes, Hutchinson's 1848, ch. 64, art. 3(21); 1857, ch. 64, art. 144; 1871, § 2608; 1880, § 2854; 1892, § 1361; 1906, § 1433; Hemingway's 1917, § 1189; 1930, § 1213; 1942, § 2456. In a prosecution for gambling or gaming, in addition to penalties elsewhere provided, the jury shall find the amount won, and it shall be the duty of the court to enter judgment against the winning party for the amount so won, to be collected and paid over as fines. Codes, Hutchinson's 1848, ch. 64, art. 3(21); 1857, ch. 64, art. 144; 1871, § 2608; 1880, § 2854; 1892, § 1361; 1906, § 1433; Hemingway's 1917, § 1189; 1930, § 1213; 1942, § 2456. In a prosecution for gambling or gaming, in addition to penalties elsewhere provided, the jury shall find the amount won, and it shall be the duty of the court to enter judgment against the winning party for the amount so won, to be collected and paid over as fines. Codes, Hutchinson's 1848, ch. 64, art. 3(21); 1857, ch. 64, art. 144; 1871, § 2608; 1880, § 2854; 1892, § 1361; 1906, § 1433; Hemingway's 1917, § 1189; 1930, § 1213; 1942, § 2456.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) IN GENERAL (§§ 97-33-1 — 97-33-49) Section 97-33-7 - Gambling devices defined; prohibition; pin ball machines; penalties; exceptions

(1) Except as otherwise provided in Section 97-33-8, it shall be unlawful for any person or persons, firm, copartnership or corporation to have in possession, own, control, display, or operate any cane rack, knife rack, artful dodger, punch board, roll down, merchandise wheel, slot machine, pinball machine, or similar device or devices. Provided, however, that this section shall not be so construed as to make unlawful the ownership, possession, control, display or operation of any antique coin machine as defined in Section 27-27-12, or any music machine or bona fide automatic vending machine where the purchaser receives exactly the same quantity of merchandise on each operation of said machine. Any slot machine other than an antique coin machine as defined in Section 27-27-12 which delivers, or is so constructed as that by operation thereof it will deliver to the operator thereof anything of value in varying quantities, in addition to the merchandise received, and any slot machine other than an antique coin machine as defined in Section 27-27-12 that is constructed in such manner as that slugs, tokens, coins or similar devices are, or may be, used and delivered to the operator thereof in addition to merchandise of any sort contained in such machine, is hereby declared to be a gambling device, and shall be deemed unlawful under the provisions of this section. Provided, however, that pinball machines which do not return to the operator or player thereof anything but free additional games or plays shall not be deemed to be gambling devices, and neither this section nor any other law shall be construed to prohibit same. (2) No property right shall exist in any person, natural or artificial, or be vested in such person, in any or all of the devices described herein that are not exempted from the provisions of this section; and all such devices are hereby declared to be at all times subject to confiscation and destruction, and their possession shall be unlawful, except when in the possession of officers carrying out the provisions of this section. It shall be the duty of all law enforcing officers to seize and immediately destroy all such machines and devices. (3) A first violation of the provisions of this section shall be deemed a misdemeanor, and the party offending shall, upon conviction, be fined in any sum not exceeding Five Hundred Dollars (\$500.00), or imprisoned not exceeding three (3) months, or both, in the discretion of the court. In the event of a second conviction for a violation of any of the provisions of this section, the party offending shall be subject to a sentence of not less than six (6) months in the county jail, nor more than two (2) years in the State Penitentiary, in the discretion of the trial court. (4) Notwithstanding any provision of this section to the contrary, it shall not be unlawful to operate any equipment or device described in subsection (1) of this section or any gaming, gambling or similar device or devices by whatever name called while: (a) On a cruise vessel as defined in Section 27-109-1 whenever such vessel is in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on cruise vessels as provided in Section 19-3-79; (b) In a structure located, in whole or in part, on shore in any of the three (3) most southern counties in the State of Mississippi in which the registered voters of the county have voted to allow such betting, gaming or wagering on cruise vessels as provided in Section 19-3-79, if: (i) The structure is owned, leased or controlled by a person possessing a gaming license, as defined in

Section 75-76-5, to conduct legal gaming on a cruise vessel under paragraph (a) of this subsection; (ii) The part of the structure in which licensed gaming activities are conducted is located entirely in an area which is located no more than eight hundred (800) feet from the mean high-water line (as defined in Section 29-15-1) of the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and (iii) In the case of a structure that is located in whole or part on shore, the part of the structure in which licensed gaming activities are conducted shall lie adjacent to state waters south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the structure is located consists of a parcel of real property, easements and rights-of-way for public streets and highways shall not be construed to interrupt the contiguous nature of the parcel, nor shall the footage contained within the easements and rights-of-way be counted in the calculation of the distances specified in subparagraph (ii); (c) On a vessel as defined in Section 27-109-1 whenever such vessel is on the Mississippi River or navigable waters within any county bordering on the Mississippi River, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on vessels as provided in Section 19-3-79; or (d) That is legal under the laws of the State of Mississippi. (5) Notwithstanding any provision of this section to the contrary, it shall not be unlawful (a) to own, possess, repair or control any gambling device, machine or equipment in a licensed gaming establishment or on the business premises appurtenant to any such licensed gaming establishment during any period of time in which such licensed gaming establishment is being constructed, repaired, maintained or operated in this state; (b) to install any gambling device, machine or equipment in any licensed gaming establishment; (c) to possess or control any gambling device, machine or equipment during the process of procuring or transporting such device, machine or equipment for installation on any such licensed gaming establishment; or (d) to store in a warehouse or other storage facility any gambling device, machine, equipment, or part thereof, regardless of whether the county or municipality in which the warehouse or storage facility is located has approved gaming aboard cruise vessels or vessels, provided that such device, machine or equipment is operated only in a county or municipality that has approved gaming aboard cruise vessels or vessels. Any gambling device, machine or equipment that is owned, possessed, controlled, installed, procured, repaired, transported or stored in accordance with this subsection shall not be subject to confiscation, seizure or destruction, and any person, firm, partnership or corporation which owns, possesses, controls, installs, procures, repairs, transports or stores any gambling device, machine or equipment in accordance with this subsection shall not be subject to any prosecution or penalty under this section. Any person constructing or repairing such cruise vessels or vessels within a municipality shall comply with all municipal ordinances protecting the general health or safety of the residents of the municipality. Codes, 1930, § 821; 1942, § 2047; Laws, 1924, ch. 339; Laws, 1938, ch. 353; Laws, 1950, ch. 357; Laws, 1990, ch. 573, § 10; Laws, 1990 Ex Sess, ch. 45 § 149; Laws, 1992, ch. 371, § 5; 1994, ch. 530, § 1 eff. 7/1/1994; Laws, 2005, 5th Ex Sess, ch. 16, § 4, eff. 10/17/2005. Amended by Laws, 2013, ch. 410, HB 974, 3, eff. 7/1/2013. (1) Except as otherwise provided in Section 97-33-8, it shall be unlawful for any person or persons, firm, copartnership or corporation to have in possession, own, control, display, or operate any cane rack, knife rack, artful dodger, punch board, roll down, merchandise wheel, slot machine, pinball machine, or similar device or devices. Provided, however, that this section shall not be so construed as to make unlawful the ownership, possession, control, display or operation of any antique coin machine as defined in Section 27-27-12, or any music machine or bona fide automatic vending machine where the purchaser receives exactly the same quantity of merchandise on each operation of said machine. Any slot machine other than an antique coin machine as defined in Section 27-27-12 which delivers, or is so constructed as that by operation thereof it will deliver to the operator thereof anything of value in varying quantities, in addition to the merchandise received, and any slot machine other than an antique coin machine as defined in Section 27-27-12 that is constructed in such manner as that slugs, tokens, coins or similar devices are, or may be, used and delivered to the operator thereof in addition to merchandise of any sort contained in such machine, is hereby declared to be a gambling device, and shall be deemed unlawful under the provisions of this section. Provided, however, that pinball machines which do not return to the operator or player thereof anything but free additional games or plays shall not be deemed to be gambling devices, and neither this section nor any other law shall be construed to prohibit same. (2) No property right shall exist in any person, natural or artificial, or be vested in such person, in any or all of the devices described herein that are not exempted from the provisions of this section; and all such devices are hereby declared to be at all times subject to confiscation and destruction, and their possession shall be unlawful, except when in the possession of officers carrying out the provisions of this section. It shall be the duty of all law enforcing officers to seize and immediately destroy all such machines and devices. (3) A first violation of the provisions of this section shall be deemed a misdemeanor, and the party offending shall, upon conviction, be fined in any sum not exceeding Five Hundred Dollars (\$500.00), or imprisoned not exceeding three (3) months, or both, in the discretion of the court. In the event of a second conviction for a violation of any of the provisions of this section, the party offending shall be subject to a sentence of not less than six (6) months in the county jail, nor more than two (2) years in the State Penitentiary, in the discretion of the trial court. (4) Notwithstanding any provision of this section to the contrary, it shall not be unlawful to operate any equipment or device described in subsection (1) of this section or any gaming, gambling or similar device or devices by whatever name called while: (a) On a cruise vessel as defined in Section 27-109-1 whenever such vessel is in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on cruise vessels as provided in Section 19-3-79; (b) In a structure located, in whole or in part, on shore in any of the three (3) most southern counties in the State of Mississippi in which the

registered voters of the county have voted to allow such betting, gaming or wagering on cruise vessels as provided in Section 19-3-79, if: (i) The structure is owned, leased or controlled by a person possessing a gaming license, as defined in Section 75-76-5, to conduct legal gaming on a cruise vessel under paragraph (a) of this subsection; (ii) The part of the structure in which licensed gaming activities are conducted is located entirely in an area which is located no more than eight hundred (800) feet from the mean high-water line (as defined in Section 29-15-1) of the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and (iii) In the case of a structure that is located in whole or part on shore, the part of the structure in which licensed gaming activities are conducted shall lie adjacent to state waters south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the structure is located consists of a parcel of real property, easements and rights-of-way for public streets and highways shall not be construed to interrupt the contiguous nature of the parcel, nor shall the footage contained within the easements and rights-of-way be counted in the calculation of the distances specified in subparagraph (ii); (c) On a vessel as defined in Section 27-109-1 whenever such vessel is on the Mississippi River or navigable waters within any county bordering on the Mississippi River, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on vessels as provided in Section 19-3-79; or (d) That is legal under the laws of the State of Mississippi. (5) Notwithstanding any provision of this section to the contrary, it shall not be unlawful (a) to own, possess, repair or control any gambling device, machine or equipment in a licensed gaming establishment or on the business premises appurtenant to any such licensed gaming establishment during any period of time in which such licensed gaming establishment is being constructed, repaired, maintained or operated in this state; (b) to install any gambling device, machine or equipment in any licensed gaming establishment; (c) to possess or control any gambling device, machine or equipment during the process of procuring or transporting such device, machine or equipment for installation on any such licensed gaming establishment; or (d) to store in a warehouse or other storage facility any gambling device, machine, equipment, or part thereof, regardless of whether the county or municipality in which the warehouse or storage facility is located has approved gaming aboard cruise vessels or vessels, provided that such device, machine or equipment is operated only in a county or municipality that has approved gaming aboard cruise vessels or vessels. Any gambling device, machine or equipment that is owned, possessed, controlled, installed, procured, repaired, transported or stored in accordance with this subsection shall not be subject to confiscation, seizure or destruction, and any person, firm, partnership or corporation which owns, possesses, controls, installs, procures, repairs, transports or stores any gambling device, machine or equipment in accordance with this subsection shall not be subject to any prosecution or penalty under this section. Any person constructing or repairing such cruise vessels or vessels within a municipality shall comply with all municipal ordinances protecting the general health or safety of the residents of the municipality. Codes, 1930, § 821; 1942, § 2047; Laws, 1924, ch. 339; Laws, 1938, ch. 353; Laws, 1950, ch. 357; Laws, 1990, ch. 573, § 10; Laws, 1990 Ex Sess, ch. 45 § 149; Laws, 1992, ch. 371, § 5; 1994, ch. 530, § 1 eff. 7/1/1994; Laws, 2005, 5th Ex Sess, ch. 16, § 4, eff. 10/17/2005. Amended by Laws, 2013, ch. 410, HB 974, 3, eff. 7/1/2013. (1) Except as otherwise provided in Section 97-33-8, it shall be unlawful for any person or persons, firm, copartnership or corporation to have in possession, own, control, display, or operate any cane rack, knife rack, artful dodger, punch board, roll down, merchandise wheel, slot machine, pinball machine, or similar device or devices. Provided, however, that this section shall not be so construed as to make unlawful the ownership, possession, control, display or operation of any antique coin machine as defined in Section 27-27-12, or any music machine or bona fide automatic vending machine where the purchaser receives exactly the same quantity of merchandise on each operation of said machine. Any slot machine other than an antique coin machine as defined in Section 27-27-12 which delivers, or is so constructed as that by operation thereof it will deliver to the operator thereof anything of value in varying quantities, in addition to the merchandise received, and any slot machine other than an antique coin machine as defined in Section 27-27-12 that is constructed in such manner as that slugs, tokens, coins or similar devices are, or may be, used and delivered to the operator thereof in addition to merchandise of any sort contained in such machine, is hereby declared to be a gambling device, and shall be deemed unlawful under the provisions of this section. Provided, however, that pinball machines which do not return to the operator or player thereof anything but free additional games or plays shall not be deemed to be gambling devices, and neither this section nor any other law shall be construed to prohibit same. (2) No property right shall exist in any person, natural or artificial, or be vested in such person, in any or all of the devices described herein that are not exempted from the provisions of this section; and all such devices are hereby declared to be at all times subject to confiscation and destruction, and their possession shall be unlawful, except when in the possession of officers carrying out the provisions of this section. It shall be the duty of all law enforcing officers to seize and immediately destroy all such machines and devices. (3) A first violation of the provisions of this section shall be deemed a misdemeanor, and the party offending shall, upon conviction, be fined in any sum not exceeding Five Hundred Dollars (\$500.00), or imprisoned not exceeding three (3) months, or both, in the discretion of the court. In the event of a second conviction for a violation of any of the provisions of this section, the party offending shall be subject to a sentence of not less than six (6) months in the county jail, nor more than two (2) years in the State Penitentiary, in the discretion of the trial court. (4) Notwithstanding any provision of this section to the contrary, it shall not be unlawful to operate any equipment or device described in subsection (1) of this section or any gaming, gambling or similar device or devices by whatever name called while: (a) On a cruise vessel as defined in Section 27-109-1 whenever such vessel is in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, and in which the registered voters of the county in which the port

is located have not voted to prohibit such betting, gaming or wagering on cruise vessels as provided in Section 19-3-79; (b) In a structure located, in whole or in part, on shore in any of the three (3) most southern counties in the State of Mississippi in which the registered voters of the county have voted to allow such betting, gaming or wagering on cruise vessels as provided in Section 19-3-79, if: (i) The structure is owned, leased or controlled by a person possessing a gaming license, as defined in Section 75-76-5, to conduct legal gaming on a cruise vessel under paragraph (a) of this subsection; (ii) The part of the structure in which licensed gaming activities are conducted is located entirely in an area which is located no more than eight hundred (800) feet from the mean high-water line (as defined in Section 29-15-1) of the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and (iii) In the case of a structure that is located in whole or part on shore, the part of the structure in which licensed gaming activities are conducted shall lie adjacent to state waters south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the structure is located consists of a parcel of real property, easements and rights-of-way for public streets and highways shall not be construed to interrupt the contiguous nature of the parcel, nor shall the footage contained within the easements and rights-of-way be counted in the calculation of the distances specified in subparagraph (ii); (c) On a vessel as defined in Section 27-109-1 whenever such vessel is on the Mississippi River or navigable waters within any county bordering on the Mississippi River, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on vessels as provided in Section 19-3-79; or (d) That is legal under the laws of the State of Mississippi. (5) Notwithstanding any provision of this section to the contrary, it shall not be unlawful (a) to own, possess, repair or control any gambling device, machine or equipment in a licensed gaming establishment or on the business premises appurtenant to any such licensed gaming establishment during any period of time in which such licensed gaming establishment is being constructed, repaired, maintained or operated in this state; (b) to install any gambling device, machine or equipment in any licensed gaming establishment; (c) to possess or control any gambling device, machine or equipment during the process of procuring or transporting such device, machine or equipment for installation on any such licensed gaming establishment; or (d) to store in a warehouse or other storage facility any gambling device, machine, equipment, or part thereof, regardless of whether the county or municipality in which the warehouse or storage facility is located has approved gaming aboard cruise vessels or vessels, provided that such device, machine or equipment is operated only in a county or municipality that has approved gaming aboard cruise vessels or vessels. Any gambling device, machine or equipment that is owned, possessed, controlled, installed, procured, repaired, transported or stored in accordance with this subsection shall not be subject to confiscation, seizure or destruction, and any person, firm, partnership or corporation which owns, possesses, controls, installs, procures, repairs, transports or stores any gambling device, machine or equipment in accordance with this subsection shall not be subject to any prosecution or penalty under this section. Any person constructing or repairing such cruise vessels or vessels within a municipality shall comply with all municipal ordinances protecting the general health or safety of the residents of the municipality. Codes, 1930, § 821; 1942, § 2047; Laws, 1924, ch. 339; Laws, 1938, ch. 353; Laws, 1950, ch. 357; Laws, 1990, ch. 573, § 10; Laws, 1990 Ex Sess, ch. 45 § 149; Laws, 1992, ch. 371, § 5; 1994, ch. 530, § 1 eff. 7/1/1994; Laws, 2005, 5th Ex Sess, ch. 16, § 4, eff. 10/17/2005. Amended by Laws, 2013, ch. 410, HB 974, 3, eff. 7/1/2013. Codes, 1930, § 821; 1942, § 2047; Laws, 1924, ch. 339; Laws, 1938, ch. 353; Laws, 1950, ch. 357; Laws, 1990, ch. 573, § 10; Laws, 1990 Ex Sess, ch. 45 § 149; Laws, 1992, ch. 371, § 5; 1994, ch. 530, § 1 eff. 7/1/1994; Laws, 2005, 5th Ex Sess, ch. 16, § 4, eff. 10/17/2005. Amended by Laws, 2013, ch. 410, HB 974, 3, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317) IN GENERAL (§§ 97-33-1 — 97-33-49) Section 97-33-8 - Illegal gambling; Internet sweepstakes cafes prohibited

(1) The provisions of this section are intended to clarify that the operation of "Internet sweepstakes cafes" is an illegal gambling activity under state law. (2) It shall be unlawful for any person or entity to possess, own, control, display, operate or have a financial interest in an electronic video monitor that: (a) Is offered or made available to a person to play or participate in a simulated gambling program in return for direct or indirect consideration, including consideration associated with a product, service or activity other than the simulated gambling program; and (b) The person who plays or participates in the simulated gambling program may become eligible to win, redeem or otherwise obtain a cash or cash-equivalent prize, whether or not the eligibility for or value of the prize is determined by or has any relationship to the outcome or play of the program. (3) As used in this section, the following words and phrases shall have the meanings ascribed in this subsection, unless the context clearly indicates otherwise: (a) "Simulated gambling program" means any method intended to be used by a person playing, participating or interacting with an electronic video monitor that is offered by another person or entity; that directly or indirectly implements the predetermination of a cash or cash-equivalent prize, or otherwise connects the player with the cash or cash-equivalent prize; and that is not legal under the Mississippi Gaming Control Act. (b) "Consideration associated with a product, service or activity other than the simulated gambling program" means money or other value collected for a product, service or activity that is offered in any direct or indirect relationship to playing or participating in the simulated gambling program. The term includes consideration paid for Internet access or computer time, or a sweepstakes entry. (c) "Electronic video monitor" means any unit, mechanism, computer or other terminal, or device that is capable of displaying moving or still images. (4) Any person or entity violating the provisions of this section, upon conviction, shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00) or imprisoned for not less than one (1) year, or

both.(5)The provisions of this section shall not apply to:(a)Any lawful activity that is conducted for the primary purpose of entertaining children under the age of eighteen (18) years, during which money is paid for a token or chip that is used to play an electronic or other game, with the winner of the game earning tickets that can be exchanged for prizes;(b)Any lawful marketing promotion, contest, prize or sweepstakes that is designed to attract consumer attention to a specific product or service which is offered for sale by the manufacturer, distributor, vendor or retailer of the product or service; or(c)Any promotional activity as defined in Section75-76-5that is conducted by a gaming licensee.Added by Laws, 2013, ch. 410, HB 974, 1, eff. 7/1/2013. (1)The provisions of this section are intended to clarify that the operation of "Internet sweepstakes cafes" is an illegal gambling activity under state law.(2)It shall be unlawful for any person or entity to possess, own, control, display, operate or have a financial interest in an electronic video monitor that:(a)Is offered or made available to a person to play or participate in a simulated gambling program in return for direct or indirect consideration, including consideration associated with a product, service or activity other than the simulated gambling program; and(b)The person who plays or participates in the simulated gambling program may become eligible to win, redeem or otherwise obtain a cash or cash-equivalent prize, whether or not the eligibility for or value of the prize is determined by or has any relationship to the outcome or play of the program.(3)As used in this section, the following words and phrases shall have the meanings ascribed in this subsection, unless the context clearly indicates otherwise:(a)"Simulated gambling program" means any method intended to be used by a person playing, participating or interacting with an electronic video monitor that is offered by another person or entity; that directly or indirectly implements the predetermination of a cash or cash-equivalent prize, or otherwise connects the player with the cash or cash-equivalent prize; and that is not legal under the Mississippi Gaming Control Act.(b)"Consideration associated with a product, service or activity other than the simulated gambling program" means money or other value collected for a product, service or activity that is offered in any direct or indirect relationship to playing or participating in the simulated gambling program. The term includes consideration paid for Internet access or computer time, or a sweepstakes entry.(c)"Electronic video monitor" means any unit, mechanism, computer or other terminal, or device that is capable of displaying moving or still images.(4)Any person or entity violating the provisions of this section, upon conviction, shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00) or imprisoned for not less than one (1) year, or both.(5)The provisions of this section shall not apply to:(a)Any lawful activity that is conducted for the primary purpose of entertaining children under the age of eighteen (18) years, during which money is paid for a token or chip that is used to play an electronic or other game, with the winner of the game earning tickets that can be exchanged for prizes;(b)Any lawful marketing promotion, contest, prize or sweepstakes that is designed to attract consumer attention to a specific product or service which is offered for sale by the manufacturer, distributor, vendor or retailer of the product or service; or(c)Any promotional activity as defined in Section75-76-5that is conducted by a gaming licensee.Added by Laws, 2013, ch. 410, HB 974, 1, eff. 7/1/2013. Added by Laws, 2013, ch. 410, HB 974, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 33 - GAMBLING AND LOTTERIES (§§ 97-33-1 — 97-33-317)IN GENERAL (§§ 97-33-1 — 97-33-49)Section 97-33-9 - Gambling; keeping, exhibiting, etc. games or gaming tables; exceptions; applicability of section to games or lotteries authorized by Mississippi lottery law

Except as otherwise provided in Section97-33-8, if any person shall be guilty of keeping or exhibiting any game or gaming table commonly called A.B.C. or E.O. roulette or rowley-powley, or rouge et noir, roredo, keno, monte, or any faro-bank, or other game,

gaming table, or bank of the same or like kind or any other kind or description under any other name whatever, or shall be in any manner either directly or indirectly interested or concerned in any gaming tables, banks, or games, either by furnishing money or articles for the purpose of carrying on the same, being interested in the loss or gain of said table, bank or games, or employed in any manner in conducting, carrying on, or exhibiting said gaming tables, games, or banks, every person so offending and being thereof convicted, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00), or be imprisoned in the county jail not longer than two (2) months, or by both such fine and imprisonment, in the discretion of the court. Nothing in this section shall apply to any person who owns, possesses, controls, installs, procures, repairs or transports any gambling device, machine or equipment in accordance with subsection (4) of Section 97-33-7 or Section 75-76-34. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, Hutchinson's 1848, ch. 64, art. 3(11); 1857, ch. 64, art. 136; 1871, § 2600; 1880, § 2846; 1892, § 1124; 1906, § 1205; Hemingway's 1917, § 935; 1930, § 962; 1942, § 2192; Laws, 1896, ch. 105; Laws, 1990, ch. 573, § 11; Laws, 1991, ch. 543, § 4, eff. 7/1/1991. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 53, eff. 9/1/2018. Amended by Laws, 2013, ch. 410, HB 974, 4, eff. 7/1/2013. Except as otherwise provided in Section 97-33-8, if any person shall be guilty of keeping or exhibiting any game or gaming table commonly called A.B.C. or E.O. roulette or rowley-powley, or rouge et noir, roredo, keno, monte, or any faro-bank, or other game, gaming table, or bank of the same or like kind or any other kind or description under any other name whatever, or shall be in any manner either directly or indirectly interested or concerned in any gaming tables, banks, or games, either by furnishing money or articles for the purpose of carrying on the same, being interested in the loss or gain of said table, bank or games, or employed in any manner in conducting, carrying on, or exhibiting said gaming tables, games, or banks, every person so offending and being thereof convicted, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00), or be imprisoned in the county jail not longer than two (2) months, or by both such fine and imprisonment, in the discretion of the court. Nothing in this section shall apply to any person who owns, possesses, controls, installs, procures, repairs or transports any gambling device, machine or equipment in accordance with subsection (4) of Section 97-33-7 or Section 75-76-34. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, Hutchinson's 1848, ch. 64, art. 3(11); 1857, ch. 64, art. 136; 1871, § 2600; 1880, § 2846; 1892, § 1124; 1906, § 1205; Hemingway's 1917, § 935; 1930, § 962; 1942, § 2192; Laws, 1896, ch. 105; Laws, 1990, ch. 573, § 11; Laws, 1991, ch. 543, § 4, eff. 7/1/1991. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 53, eff. 9/1/2018. Amended by Laws, 2013, ch. 410, HB 974, 4, eff. 7/1/2013. Except as otherwise provided in Section 97-33-8, if any person shall be guilty of keeping or exhibiting any game or gaming table commonly called A.B.C. or E.O. roulette or rowley-powley, or rouge et noir, roredo, keno, monte, or any faro-bank, or other game, gaming table, or bank of the same or like kind or any other kind or description under any other name whatever, or shall be in any manner either directly or indirectly interested or concerned in any gaming tables, banks, or games, either by furnishing money or articles for the purpose of carrying on the same, being interested in the loss or gain of said table, bank or games, or employed in any manner in conducting, carrying on, or exhibiting said gaming tables, games, or banks, every person so offending and being thereof convicted, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00), or be imprisoned in the county jail not longer than two (2) months, or by both such fine and imprisonment, in the discretion of the court. Nothing in this section shall apply to any person who owns, possesses, controls, installs, procures, repairs or transports any gambling device, machine or equipment in accordance with subsection (4) of Section 97-33-7 or Section 75-76-34. This section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. Codes, Hutchinson's 1848, ch. 64, art. 3(11); 1857, ch. 64, art. 136; 1871, § 2600; 1880, § 2846; 1892, § 1124; 1906, § 1205; Hemingway's 1917, § 935; 1930, § 962; 1942, § 2192; Laws, 1896, ch. 105; Laws, 1990, ch. 573, § 11; Laws, 1991, ch. 543, § 4, eff. 7/1/1991. Amended by Laws, 2018EX1, ch. 2, SB 2001, § 53, eff. 9/1/2018. Amended by Laws, 2013, ch. 410, HB 974, 4, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 35 - CRIMES AGAINST PUBLIC PEACE AND SAFETY (§§ 97-35-1 — 97-35-51) Section 97-35-1 - Buses; disorderly conduct; use of profane, etc., language; intoxication or smoking on passenger bus

(1) It shall be unlawful for any person to be guilty of disorderly conduct or a breach of the peace or use any obscene, profane or vulgar language, upon any passenger bus or coach while such passenger bus or coach is in the service of passenger transportation

upon any of the highways of this state.(2)It shall be unlawful for any person, while intoxicated, to be in or upon any passenger bus or coach when such passenger bus or coach is engaged in the service of passenger transportation upon any of the highways of this state.(3)It shall be unlawful for any person to drink intoxicating liquors of any kind in or upon any passenger bus or coach while the said passenger bus or coach is in the service of passenger transportation upon any of the highways of this state.(4)It shall be unlawful for any person to smoke a cigar or pipe in or upon any passenger bus or coach while said passenger bus or coach is in the service of passenger transportation upon any of the highways of this state. Before being guilty of a violation of this subsection, the driver of the bus shall have first requested such violator to refrain from smoking.(5)The provisions of the foregoing subsections shall apply only to passenger buses or coaches engaged in interstate commerce or intrastate commerce operating over regularly scheduled routes within this state under a certificate of public convenience and necessity granted by the interstate commerce commission or the Mississippi Public Service Commission or both.(6)If any person shall be guilty of violating any of the five (5) preceding subsections, the driver of the bus or person in charge thereof, may stop it at the place where the offense is committed, or at the next regular or convenient stopping place of the bus and eject such passenger, using only such force as may be necessary to accomplish the removal, and the driver of the bus or person in charge thereof, may command the assistance of passengers thereon to assist in the removal, and the driver of the bus may cause any person so violating any of said subsections to be detained and delivered to the proper authorities.(7)Any person violating any subsection of this section shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not more than five hundred dollars (\$500.00), or imprisoned in the county jail for not exceeding thirty (30) days, in the discretion of the court, or the offender may be punished by both such fine and imprisonment.Codes, 1942, § 2087.3; Laws, 1964, ch. 238, §§ 1-7, eff. 6/11/1964. (1)It shall be unlawful for any person to be guilty of disorderly conduct or a breach of the peace or use any obscene, profane or vulgar language, upon any passenger bus or coach while such passenger bus or coach is in the service of passenger transportation upon any of the highways of this state.(2)It shall be unlawful for any person, while intoxicated, to be in or upon any passenger bus or coach when such passenger bus or coach is engaged in the service of passenger transportation upon any of the highways of this state.(3)It shall be unlawful for any person to drink intoxicating liquors of any kind in or upon any passenger bus or coach while the said passenger bus or coach is in the service of passenger transportation upon any of the highways of this state.(4)It shall be unlawful for any person to smoke a cigar or pipe in or upon any passenger bus or coach while said passenger bus or coach is in the service of passenger transportation upon any of the highways of this state. Before being guilty of a violation of this subsection, the driver of the bus shall have first requested such violator to refrain from smoking.(5)The provisions of the foregoing subsections shall apply only to passenger buses or coaches engaged in interstate commerce or intrastate commerce operating over regularly scheduled routes within this state under a certificate of public convenience and necessity granted by the interstate commerce commission or the Mississippi Public Service Commission or both.(6)If any person shall be guilty of violating any of the five (5) preceding subsections, the driver of the bus or person in charge thereof, may stop it at the place where the offense is committed, or at the next regular or convenient stopping place of the bus and eject such passenger, using only such force as may be necessary to accomplish the removal, and the driver of the bus or person in charge thereof, may command the assistance of passengers thereon to assist in the removal, and the driver of the bus may cause any person so violating any of said subsections to be detained and delivered to the proper authorities.(7)Any person violating any subsection of this section shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not more than five hundred dollars (\$500.00), or imprisoned in the county jail for not exceeding thirty (30) days, in the discretion of the court, or the offender may be punished by both such fine and imprisonment.Codes, 1942, § 2087.3; Laws, 1964, ch. 238, §§ 1-7, eff. 6/11/1964. Codes, 1942, § 2087.3; Laws, 1964, ch. 238, §§ 1-7, eff. 6/11/1964.

AND SAFETY (§§ 97-35-1 — 97-35-51)Section 97-35-11 - Disturbance by abusive language or indecent exposure; exception

Any person who enters the dwelling house of another, or the yard or curtilage thereof, or upon the public highway, or any other place near such premises, and in the presence or hearing of the family or the possessor or occupant thereof, or of any member thereof, makes use of abusive, profane, vulgar or indecent language, or is guilty of any indecent exposure of his or her person at such place, shall be punished for a misdemeanor. The act of breast-feeding shall not constitute indecent exposure. Codes, 1880, § 2770; 1892, § 1033; 1906, § 1112; Hemingway's 1917, § 838; 1930, § 863; 1942, § 2089; Laws, 1980, ch. 389; Laws, 2006, ch. 520, § 8, eff. 4/3/2006. Any person who enters the dwelling house of another, or the yard or curtilage thereof, or upon the public highway, or any other place near such premises, and in the presence or hearing of the family or the possessor or occupant thereof, or of any member thereof, makes use of abusive, profane, vulgar or indecent language, or is guilty of any indecent exposure of his or her person at such place, shall be punished for a misdemeanor. The act of breast-feeding shall not constitute indecent exposure. Codes, 1880, § 2770; 1892, § 1033; 1906, § 1112; Hemingway's 1917, § 838; 1930, § 863; 1942, § 2089; Laws, 1980, ch. 389; Laws, 2006, ch. 520, § 8, eff. 4/3/2006. Any person who enters the dwelling house of another, or the yard or curtilage thereof, or upon the public highway, or any other place near such premises, and in the presence or hearing of the family or the possessor or occupant thereof, or of any member thereof, makes use of abusive, profane, vulgar or indecent language, or is guilty of any indecent exposure of his or her person at such place, shall be punished for a misdemeanor. The act of breast-feeding shall not constitute indecent exposure. Codes, 1880, § 2770; 1892, § 1033; 1906, § 1112; Hemingway's 1917, § 838; 1930, § 863; 1942, § 2089; Laws, 1980, ch. 389; Laws, 2006, ch. 520, § 8, eff. 4/3/2006. Any person who enters the dwelling house of another, or the yard or curtilage thereof, or upon the public highway, or any other place near such premises, and in the presence or hearing of the family or the possessor or occupant thereof, or of any member thereof, makes use of abusive, profane, vulgar or indecent language, or is guilty of any indecent exposure of his or her person at such place, shall be punished for a misdemeanor. The act of breast-feeding shall not constitute indecent exposure. Codes, 1880, § 2770; 1892, § 1033; 1906, § 1112; Hemingway's 1917, § 838; 1930, § 863; 1942, § 2089; Laws, 1980, ch. 389; Laws, 2006, ch. 520, § 8, eff. 4/3/2006.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 35 - CRIMES AGAINST PUBLIC PEACE AND SAFETY (§§ 97-35-1 — 97-35-51)Section 97-35-13 - Disturbance in public place

Any person who shall enter any public place of business of any kind whatsoever, or upon the premises of such public place of business, or any other public place whatsoever, in the State of Mississippi, and while therein or thereon shall create a disturbance, or a breach of the peace, in any way whatsoever, including, but not restricted to, loud and offensive talk, the making of threats or attempting to intimidate, or any other conduct which causes a disturbance or breach of the peace or threatened breach of the peace, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned in jail not more than six (6) months, or both such fine and imprisonment. Codes, 1942, § 2090.5; Laws, 1956, ch. 256. Any person who shall enter any public place of business of any kind whatsoever, or upon the premises of such public place of business, or any other public place whatsoever, in the State of Mississippi, and while therein or thereon shall create a disturbance, or a breach of the peace, in any way whatsoever, including, but not restricted to, loud and offensive talk, the making of threats or attempting to intimidate, or any other conduct which causes a disturbance or breach of the peace or threatened breach of the peace, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned in jail not more than six (6) months, or both such fine and imprisonment. Codes, 1942, § 2090.5; Laws, 1956, ch. 256. Any person who shall enter any public place of business of any kind whatsoever, or upon the premises of such public place of business, or any other public place whatsoever, in the State of Mississippi, and while therein or thereon shall create a disturbance, or a breach of the peace, in any way whatsoever, including, but not restricted to, loud and offensive talk, the making of threats or attempting to intimidate, or any other conduct which causes a disturbance or breach of the peace or threatened breach of the peace, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned in jail not more than six (6) months, or both such fine and imprisonment. Codes, 1942, § 2090.5; Laws, 1956, ch. 256. Any person who shall enter any public place of business of any kind whatsoever, or upon the premises of such public place of business, or any other public place whatsoever, in the State of Mississippi, and while therein or thereon shall create a disturbance, or a breach of the peace, in any way whatsoever, including, but not restricted to, loud and offensive talk, the making of threats or attempting to intimidate, or any other conduct which causes a disturbance or breach of the peace or threatened breach of the peace, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or imprisoned in jail not more than six (6) months, or both such fine and imprisonment. Codes, 1942, § 2090.5; Laws, 1956, ch. 256.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 35 - CRIMES AGAINST PUBLIC PEACE AND SAFETY (§§ 97-35-1 — 97-35-51)Section 97-35-15 - Disturbance of the public peace or the peace of others; exception

(1)Any person who disturbs the public peace, or the peace of others, by violent, or loud, or insulting, or profane, or indecent, or offensive, or boisterous conduct or language, or by intimidation, or seeking to intimidate any other person or persons, or by conduct either calculated to provoke a breach of the peace, or by conduct which may lead to a breach of the peace, or by any other act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail not more than six (6) months, or both.(2)The act of breast-feeding shall not constitute a breach of the peace.(3)The provisions of this section are supplementary to the provisions of any other statute of this

state.Codes, 1942, § 2089.5; Laws, 1960, ch. 254, §§ 1, 2; Laws, 2006, ch. 520, § 9, eff. 4/3/2006. (1)Any person who disturbs the public peace, or the peace of others, by violent, or loud, or insulting, or profane, or indecent, or offensive, or boisterous conduct or language, or by intimidation, or seeking to intimidate any other person or persons, or by conduct either calculated to provoke a breach of the peace, or by conduct which may lead to a breach of the peace, or by any other act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail not more than six (6) months, or both.(2)The act of breast-feeding shall not constitute a breach of the peace.(3)The provisions of this section are supplementary to the provisions of any other statute of this state.Codes, 1942, § 2089.5; Laws, 1960, ch. 254, §§ 1, 2; Laws, 2006, ch. 520, § 9, eff. 4/3/2006. (1)Any person who disturbs the public peace, or the peace of others, by violent, or loud, or insulting, or profane, or indecent, or offensive, or boisterous conduct or language, or by intimidation, or seeking to intimidate any other person or persons, or by conduct either calculated to provoke a breach of the peace, or by conduct which may lead to a breach of the peace, or by any other act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail not more than six (6) months, or both.(2)The act of breast-feeding shall not constitute a breach of the peace.(3)The provisions of this section are supplementary to the provisions of any other statute of this state.Codes, 1942, § 2089.5; Laws, 1960, ch. 254, §§ 1, 2; Laws, 2006, ch. 520, § 9, eff. 4/3/2006. Codes, 1942, § 2089.5; Laws, 1960, ch. 254, §§ 1, 2; Laws, 2006, ch. 520, § 9, eff. 4/3/2006.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 35 - CRIMES AGAINST PUBLIC PEACE AND SAFETY (§§ 97-35-1 — 97-35-51)Section 97-35-17 - Disturbance of worship; proceedings and penalty

If any person shall wilfully disturb any congregation of persons lawfully assembled for religious worship, he may be immediately arrested by any officer or private person, without warrant, and taken before any justice court judge of the county, present or convenient, and on conviction thereof by such justice, municipal, county or circuit court, shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not more than six (6) months, or both.Codes, Hutchinson's 1848, ch. 64, art. 4(3); 1857, ch. 64, art. 71; 1871, § 2713; 1880, § 2767; 1892, § 1034; 1906, § 1113; Hemingway's 1917, § 839; 1930, § 864; 1942, § 2090; Laws, 1998, ch. 432, § 1, eff. 7/1/1998. If any person shall wilfully disturb any congregation of persons lawfully assembled for religious worship, he may be immediately arrested by any officer or private person, without warrant, and taken before any justice court judge of the county, present or convenient, and on conviction thereof by such justice, municipal, county or circuit court, shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not more than six (6) months, or both.Codes, Hutchinson's 1848, ch. 64, art. 4(3); 1857, ch. 64, art. 71; 1871, § 2713; 1880, § 2767; 1892, § 1034; 1906, § 1113; Hemingway's 1917, § 839; 1930, § 864; 1942, § 2090; Laws, 1998, ch. 432, § 1, eff. 7/1/1998. If any person shall wilfully disturb any congregation of persons lawfully assembled for religious worship, he may be immediately arrested by any officer or private person, without warrant, and taken before any justice court judge of the county, present or convenient, and on conviction thereof by such justice, municipal, county or circuit court, shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not more than six (6) months, or both.Codes, Hutchinson's 1848, ch. 64, art. 4(3); 1857, ch. 64, art. 71; 1871, § 2713; 1880, § 2767; 1892, § 1034; 1906, § 1113; Hemingway's 1917, § 839; 1930, § 864; 1942, § 2090; Laws, 1998, ch. 432, § 1, eff. 7/1/1998. If any person shall wilfully disturb any congregation of persons lawfully assembled for religious worship, he may be immediately arrested by any officer or private person, without warrant, and taken before any justice court judge of the county, present or convenient, and on conviction thereof by such justice, municipal, county or circuit court, shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not more than six (6) months, or both. Codes, Hutchinson's 1848, ch. 64, art. 4(3); 1857, ch. 64, art. 71; 1871, § 2713; 1880, § 2767; 1892, § 1034; 1906, § 1113; Hemingway's 1917, § 839; 1930, § 864; 1942, § 2090; Laws, 1998, ch. 432, § 1, eff. 7/1/1998.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 35 - CRIMES AGAINST PUBLIC PEACE AND SAFETY (§§ 97-35-1 — 97-35-51)Section 97-35-18 - Disturbance by disruptive protest of funeral, burial service, or memorial service

(1)For purposes of this section, the following terms shall have the following meanings:(a)"Funeral ceremony" means a service or rite commemorating the deceased with the body present.(b)"Funeral service" means any services which may be used to:(i)Care for and prepare dead human bodies for burial, cremation or other final disposition; and(ii)Arrange, supervise, or conduct the funeral ceremony or the final disposition of dead human bodies.(c)"Graveside service" means a service or rite, conducted at the place of interment, commemorating the deceased with the body present.(d)"Memorial service" means a ceremony or rite commemorating the deceased without the body present.(e)"Targeted residential picketing" includes the following acts when committed on more than one (1) occasion:(i)Marching, standing or patrolling by one or more persons directed solely at a particular residential building in a manner that adversely affects the safety, security or privacy of an occupant of the building; or(ii)Marching, standing or patrolling by one or more persons which prevents an occupant of a residential building from gaining access to or exiting from the property on which the residential building is located.(2)(a)Whoever does any of the following shall be guilty of a misdemeanor:(i)With intent to disrupt a funeral service, graveside service, memorial service, or funeral ceremony, protests or pickets within 1,000 feet of the location or locations at which the service or ceremony is being conducted within one (1) hour before, during, and one (1) hour following the service or ceremony;(ii)With intent to disrupt a funeral procession impedes vehicles that are part of the funeral procession;(iii)Intentionally blocks access to a funeral service, funeral ceremony, graveside service or memorial service; or(iv)Engages in targeted residential picketing at the home or domicile of any surviving member of the deceased person's immediate family on the date of the service or ceremony, and upon conviction thereof, shall be punished by a fine of not more than Five

Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.(b)Whoever is convicted of a second or subsequent violation of paragraph (a) shall be guilty of a gross misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment. For purposes of this paragraph, a second or subsequent violation includes a violation of a statute from another state in conformity with this statute.(3)In addition to the criminal penalties provided in subsection (2) of this section, the court may enjoin conduct prohibited in subsection (2) of this section, and may in such proceeding award damages, including attorney fees or other appropriate relief against a person, if there is credible evidence that the person has violated, or is likely to violate, subsection (2) of this section. Any surviving member of the deceased person's immediate family who is damaged or threatened with loss or injury by reason of a violation described in subsection (2) of this section is entitled to sue for and have injunctive relief and appropriate remedial compensation in any court of competent jurisdiction against any damage or threatened loss or injury by reason of a violation thereof.Laws, 2006, ch. 591, § 1, eff. 7/1/2006.

(1)For purposes of this section, the following terms shall have the following meanings:(a)"Funeral ceremony" means a service or rite commemorating the deceased with the body present.(b)"Funeral service" means any services which may be used to:(i)Care for and prepare dead human bodies for burial, cremation or other final disposition; and(ii)Arrange, supervise, or conduct the funeral ceremony or the final disposition of dead human bodies.(c)"Graveside service" means a service or rite, conducted at the place of interment, commemorating the deceased with the body present.(d)"Memorial service" means a ceremony or rite commemorating the deceased without the body present.(e)"Targeted residential picketing" includes the following acts when committed on more than one (1) occasion:(i)Marching, standing or patrolling by one or more persons directed solely at a particular residential building in a manner that adversely affects the safety, security or privacy of an occupant of the building; or(ii)Marching, standing or patrolling by one or more persons which prevents an occupant of a residential building from gaining access to or exiting from the property on which the residential building is located.(2)(a)Whoever does any of the following shall be guilty of a misdemeanor:(i)With intent to disrupt a funeral service, graveside service, memorial service, or funeral ceremony, protests or pickets within 1,000 feet of the location or locations at which the service or ceremony is being conducted within one (1) hour before, during, and one (1) hour following the service or ceremony;(ii)With intent to disrupt a funeral procession impedes vehicles that are part of the funeral procession;(iii)Intentionally blocks access to a funeral service, funeral ceremony, graveside service or memorial service; or(iv)Engages in targeted residential picketing at the home or domicile of any surviving member of the deceased person's immediate family on the date of the service or ceremony, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.(b)Whoever is convicted of a second or subsequent violation of paragraph (a) shall be guilty of a gross misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment. For purposes of this paragraph, a second or subsequent violation includes a violation of a statute from another state in conformity with this statute.(3)In addition to the criminal penalties provided in subsection (2) of this section, the court may enjoin conduct prohibited in subsection (2) of this section, and may in such proceeding award damages, including attorney fees or other appropriate relief against a person, if there is credible evidence that the person has violated, or is likely to violate, subsection (2) of this section. Any surviving member of the deceased person's immediate family who is damaged or threatened with loss or injury by reason of a violation described in subsection (2) of this section is entitled to sue for and have injunctive relief and appropriate remedial compensation in any court of competent jurisdiction against any damage or threatened loss or injury by reason of a violation thereof.Laws, 2006, ch. 591, § 1, eff. 7/1/2006.

(1)For purposes of this section, the following terms shall have the following meanings:(a)"Funeral ceremony" means a service or rite commemorating the deceased with the body present.(b)"Funeral service" means any services which may be used to:(i)Care for and prepare dead human bodies for burial, cremation or other final disposition; and(ii)Arrange, supervise, or conduct the funeral ceremony or the final disposition of dead human bodies.(c)"Graveside service" means a service or rite, conducted at the place of interment, commemorating the deceased with the body present.(d)"Memorial service" means a ceremony or rite commemorating the deceased without the body present.(e)"Targeted residential picketing" includes the following acts when committed on more than one (1) occasion:(i)Marching, standing or patrolling by one or more persons directed solely at a particular residential building in a manner that adversely affects the safety, security or privacy of an occupant of the building; or(ii)Marching, standing or patrolling by one or more persons which prevents an occupant of a residential building from gaining access to or exiting from the property on which the residential building is located.(2)(a)Whoever does any of the following shall be guilty of a misdemeanor:(i)With intent to disrupt a funeral service, graveside service, memorial service, or funeral ceremony, protests or pickets within 1,000 feet of the location or locations at which the service or ceremony is being conducted within one (1) hour before, during, and one (1) hour following the service or ceremony;(ii)With intent to disrupt a funeral procession impedes vehicles that are part of the funeral procession;(iii)Intentionally blocks access to a funeral service, funeral ceremony, graveside service or memorial service; or(iv)Engages in targeted residential picketing at the home or domicile of any surviving member of the deceased person's immediate family on the date of the service or ceremony, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.(b)Whoever is convicted of a second or subsequent violation of paragraph (a) shall be guilty of a gross misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment. For purposes of this paragraph, a second or subsequent violation includes a violation of a statute from another state in conformity with this statute.(3)In addition to the criminal

penalties provided in subsection (2) of this section, the court may enjoin conduct prohibited in subsection (2) of this section, and may in such proceeding award damages, including attorney fees or other appropriate relief against a person, if there is credible evidence that the person has violated, or is likely to violate, subsection (2) of this section. Any surviving member of the deceased person's immediate family who is damaged or threatened with loss or injury by reason of a violation described in subsection (2) of this section is entitled to sue for and have injunctive relief and appropriate remedial compensation in any court of competent jurisdiction against any damage or threatened loss or injury by reason of a violation thereof. Laws, 2006, ch. 591, § 1, eff. 7/1/2006. Laws, 2006, ch. 591, § 1, eff. 7/1/2006.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 35 - CRIMES AGAINST PUBLIC PEACE AND SAFETY (§§ 97-35-1 — 97-35-51) Section 97-35-19 - Hydraulic brake fluid; sale of inferior quality unlawful; standards

(1) It is the public policy of this state to prohibit the sale of inferior and dangerous qualities and grades of hydraulic brake fluid and only such hydraulic brake fluid which meets the minimum standard of the society of automotive engineers can be lawfully sold or offered for sale in this state. Containers which contain heavy duty hydraulic brake fluid which meets the minimum standards of the society of automotive engineers shall bear the stamp or mark "SAE 70R1," or a later SAE designator, stamp or mark may be used, if the same is assigned to the hydraulic brake fluid on the basis of its being an improved product. Any brands or types of such hydraulic brake fluid being offered for sale in this state after January 1, 1957, which do not bear such a mark or stamp on the label of the container in which they are offered for sale, or meet such minimum standards, shall be impounded, taken up, taken off the market and returned to the seller or manufacturer. (2) It shall be unlawful for any person to sell or offer for sale, any type or brand of hydraulic brake fluid which does not meet the minimum standards of the society of automotive engineers or the container of which does not bear the stamp or mark "SAE 70R1" or a later designator for an improved product, and it shall be unlawful for any person to mark any container of hydraulic brake fluid with the minimum standard number mentioned herein if the container does not in fact contain fluid which meets such minimum standards, or to offer for sale any such fluid which has been improperly marked. The State Chemist is hereby vested with all the rights, powers and duties necessary to administer this section and to adopt and promulgate reasonable rules and regulations for its accomplishment. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than Ten Dollars (\$10.00), nor more than Twenty-five Dollars (\$25.00), for each violation, and each sale of such unlawful hydraulic brake fluid shall constitute a separate offense and violation of this section. Codes, 1942, § 2233.5; Laws, 1956, ch. 244, §§ 1, 2; Laws, 1958, ch. 189, eff. 1/1/1959; Laws, 1986, ch. 395, § 28, eff. 7/1/1986. (1) It is the public policy of this state to prohibit the sale of inferior and dangerous qualities and grades of hydraulic brake fluid and only such hydraulic brake fluid which meets the minimum standard of the society of automotive engineers can be lawfully sold or offered for sale in this state. Containers which contain heavy duty hydraulic brake fluid which meets the minimum standards of the society of automotive engineers shall bear the stamp or mark "SAE 70R1," or a later SAE designator, stamp or mark may be used, if the same is assigned to the hydraulic brake fluid on the basis of its being an improved product. Any brands or types of such hydraulic brake fluid being offered for sale in this state after January 1, 1957, which do not bear such a mark or stamp on the label of the container in which they are offered for sale, or meet such minimum standards, shall be impounded, taken up, taken off the market and returned to the seller or manufacturer. (2) It shall be unlawful for any person to sell or offer for sale, any type or brand of hydraulic brake fluid which does not meet the minimum standards of the society of automotive engineers or the container of which does not bear the stamp or mark "SAE 70R1" or a later designator for an improved product, and it shall be unlawful for any person to mark any container of hydraulic brake fluid with the minimum standard number mentioned herein if the container does not in fact contain fluid which meets such minimum standards, or to offer for sale any such fluid which has been improperly marked. The State Chemist is hereby vested with all the rights, powers and duties necessary to administer this section and to adopt and promulgate reasonable rules and regulations for its accomplishment. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than Ten Dollars (\$10.00), nor more than Twenty-five Dollars (\$25.00), for each violation, and each sale of such unlawful hydraulic brake fluid shall constitute a separate offense and violation of this section. Codes, 1942, § 2233.5; Laws, 1956, ch. 244, §§ 1, 2; Laws, 1958, ch. 189, eff. 1/1/1959; Laws, 1986, ch. 395, § 28, eff. 7/1/1986. (1) It is the public policy of this state to prohibit the sale of inferior and dangerous qualities and grades of hydraulic brake fluid and only such hydraulic brake fluid which meets the minimum standard of the society of automotive engineers can be lawfully sold or offered for sale in this state. Containers which contain heavy duty hydraulic brake fluid which meets the minimum standards of the society of automotive engineers shall bear the stamp or mark "SAE 70R1," or a later SAE designator, stamp or mark may be used, if the same is assigned to the hydraulic brake fluid on the basis of its being an improved product. Any brands or types of such hydraulic brake fluid being offered for sale in this state after January 1, 1957, which do not bear such a mark or stamp on the label of the container in which they are offered for sale, or meet such minimum standards, shall be impounded, taken up, taken off the market and returned to the seller or manufacturer. (2) It shall be unlawful for any person to sell or offer for sale, any type or brand of hydraulic brake fluid which does not meet the minimum standards of the society of automotive engineers or the container of which does not bear the stamp or mark "SAE 70R1" or a later designator for an improved product, and it shall be unlawful for any person to mark any container of hydraulic brake fluid with the minimum standard number mentioned herein if the container does not in fact contain fluid which meets such minimum standards, or to offer for sale any such fluid which has been improperly marked. The State Chemist is hereby vested with all the rights, powers and duties necessary to administer this section and to adopt and promulgate reasonable rules and regulations for its accomplishment. Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than Ten Dollars (\$10.00), nor more than Twenty-five Dollars (\$25.00), for each violation, and each sale of such unlawful hydraulic brake fluid shall constitute a separate offense and violation of this section. Codes, 1942, § 2233.5; Laws, 1956, ch. 244, §§ 1, 2; Laws, 1958, ch. 189, eff. 1/1/1959; Laws, 1986, ch. 395, § 28, eff. 7/1/1986.

for each violation, and each sale of such unlawful hydraulic brake fluid shall constitute a separate offense and violation of this section. Codes, 1942, § 2233.5; Laws, 1956, ch. 244, §§ 1, 2; Laws, 1958, ch. 189, eff. 1/1/1959; Laws, 1986, ch. 395, § 28, eff. 7/1/1986. Codes, 1942, § 2233.5; Laws, 1956, ch. 244, §§ 1, 2; Laws, 1958, ch. 189, eff. 1/1/1959; Laws, 1986, ch. 395, § 28, eff. 7/1/1986.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 35 - CRIMES AGAINST PUBLIC PEACE AND SAFETY (§§ 97-35-1 — 97-35-51) Section 97-35-21 - Lighthouse property and navigation lights; destroying, extinguishing, etc

Every person who shall wilfully break into, deface or destroy any lighthouse station, post, platform, steps, lamp or other structure pertaining to such lighthouse station, or shall extinguish any light erected by the United States upon or along the navigable waters of this state to aid in the navigation thereof, shall, upon conviction, be adjudged guilty of a misdemeanor and punished by imprisonment in the county jail not exceeding one year, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment. Codes, 1906, § 1395; Hemingway's 1917, § 1138; 1930, § 1169; 1942, § 2412; Laws, 1894, ch. 41. Every person who shall wilfully break into, deface or destroy any lighthouse station, post, platform, steps, lamp or other structure pertaining to such lighthouse station, or shall extinguish any light erected by the United States upon or along the navigable waters of this state to aid in the navigation thereof, shall, upon conviction, be adjudged guilty of a misdemeanor and punished by imprisonment in the county jail not exceeding one year, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment. Codes, 1906, § 1395; Hemingway's 1917, § 1138; 1930, § 1169; 1942, § 2412; Laws, 1894, ch. 41. Every person who shall wilfully break into, deface or destroy any lighthouse station, post, platform, steps, lamp or other structure pertaining to such lighthouse station, or shall extinguish any light erected by the United States upon or along the navigable waters of this state to aid in the navigation thereof, shall, upon conviction, be adjudged guilty of a misdemeanor and punished by imprisonment in the county jail not exceeding one year, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment. Codes, 1906, § 1395; Hemingway's 1917, § 1138; 1930, § 1169; 1942, § 2412; Laws, 1894, ch. 41. Every person who shall wilfully break into, deface or destroy any lighthouse station, post, platform, steps, lamp or other structure pertaining to such lighthouse station, or shall extinguish any light erected by the United States upon or along the navigable waters of this state to aid in the navigation thereof, shall, upon conviction, be adjudged guilty of a misdemeanor and punished by imprisonment in the county jail not exceeding one year, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment. Codes, 1906, § 1395; Hemingway's 1917, § 1138; 1930, § 1169; 1942, § 2412; Laws, 1894, ch. 41.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 35 - CRIMES AGAINST PUBLIC PEACE AND SAFETY (§§ 97-35-1 — 97-35-51) Section 97-35-23 - Obstructing public streets, etc.; intentional obstruction of, or interference with, vehicle or pedestrian

(1) It shall be unlawful for any person or persons to intentionally obstruct, or interfere with the normal or ordinary free use and passage of vehicles of or on, any public street or highway provided for use by vehicular traffic, or for any person or persons to intentionally obstruct, or interfere with the normal or ordinary free use and passage of pedestrians of or on any public sidewalk provided for foot travel by pedestrians, and any person or persons who so do shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than four hundred dollars (\$400.00), or by imprisonment in the county jail for not more than four (4) months, or by both such fine and imprisonment. (2) The provisions of this section are supplementary to the provisions of any other statute of this state. Codes, 1942, § 2296.6; Laws, 1960, ch. 253, §§ 1, 2. (1) It shall be unlawful for any person or persons to intentionally obstruct, or interfere with the normal or ordinary free use and passage of vehicles of or on, any public street or highway provided for use by vehicular traffic, or for any person or persons to intentionally obstruct, or interfere with the normal or ordinary free use and passage of pedestrians of or on any public sidewalk provided for foot travel by pedestrians, and any person or persons who so do shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than four hundred dollars (\$400.00), or by imprisonment in the county jail for not more than four (4) months, or by both such fine and imprisonment. (2) The provisions of this section are supplementary to the provisions of any other statute of this state. Codes, 1942, § 2296.6; Laws, 1960, ch. 253, §§ 1, 2. (1) It shall be unlawful for any person or persons to intentionally obstruct, or interfere with the normal or ordinary free use and passage of vehicles of or on, any public street or highway provided for use by vehicular traffic, or for any person or persons to intentionally obstruct, or interfere with the normal or ordinary free use and passage of pedestrians of or on any public sidewalk provided for foot travel by pedestrians, and any person or persons who so do shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than four hundred dollars (\$400.00), or by imprisonment in the county jail for not more than four (4) months, or by both such fine and imprisonment. (2) The provisions of this section are supplementary to the provisions of any other statute of this state. Codes, 1942, § 2296.6; Laws, 1960, ch. 253, §§ 1, 2. Codes, 1942, § 2296.6; Laws, 1960, ch. 253, §§ 1, 2.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 35 - CRIMES AGAINST PUBLIC PEACE AND SAFETY (§§ 97-35-1 — 97-35-51) Section 97-35-25 - Obstructing public streets, etc.; wilful obstruction of use by impeding traffic

(1) It shall be unlawful for any person or persons to wilfully obstruct the free, convenient and normal use of any public sidewalk, street, highway, alley, road, or other passageway by impeding, hindering, stifling, retarding or restraining traffic or passage thereon,

and any person or persons violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) or by confinement in the county jail not exceeding six (6) months, or by both such fine and imprisonment.(2)The provisions of this section are supplementary to the provisions of any other statute of this state.Codes, 1942, § 2296.5; Laws, 1960, ch. 244, §§ 1, 2. (1)It shall be unlawful for any person or persons to wilfully obstruct the free, convenient and normal use of any public sidewalk, street, highway, alley, road, or other passageway by impeding, hindering, stifling, retarding or restraining traffic or passage thereon, and any person or persons violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) or by confinement in the county jail not exceeding six (6) months, or by both such fine and imprisonment.(2)The provisions of this section are supplementary to the provisions of any other statute of this state.Codes, 1942, § 2296.5; Laws, 1960, ch. 244, §§ 1, 2. (1)It shall be unlawful for any person or persons to wilfully obstruct the free, convenient and normal use of any public sidewalk, street, highway, alley, road, or other passageway by impeding, hindering, stifling, retarding or restraining traffic or passage thereon, and any person or persons violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) or by confinement in the county jail not exceeding six (6) months, or by both such fine and imprisonment.(2)The provisions of this section are supplementary to the provisions of any other statute of this state.Codes, 1942, § 2296.5; Laws, 1960, ch. 244, §§ 1, 2. Codes, 1942, § 2296.5; Laws, 1960, ch. 244, §§ 1, 2.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 35 - CRIMES AGAINST PUBLIC PEACE AND SAFETY (§§ 97-35-1 — 97-35-51)Section 97-35-45 - False alarm of fire

It shall be unlawful for any person to report a fire to another by any means, knowing that such report is false. Any violation of this section shall be punishable by imprisonment in the county jail not to exceed one (1) year or by fine not to exceed five hundred dollars (\$500.00), or both.Laws, 1978, ch. 505, § 1, eff. 7/1/1978. It shall be unlawful for any person to report a fire to another by any means, knowing that such report is false. Any violation of this section shall be punishable by imprisonment in the county jail not to exceed one (1) year or by fine not to exceed five hundred dollars (\$500.00), or both.Laws, 1978, ch. 505, § 1, eff. 7/1/1978. It shall be unlawful for any person to report a fire to another by any means, knowing that such report is false. Any violation of this section shall be punishable by imprisonment in the county jail not to exceed one (1) year or by fine not to exceed five hundred dollars (\$500.00), or both.Laws, 1978, ch. 505, § 1, eff. 7/1/1978. It shall be unlawful for any person to report a fire to another by any means, knowing that such report is false. Any violation of this section shall be punishable by imprisonment in the county jail not to exceed one (1) year or by fine not to exceed five hundred dollars (\$500.00), or both. Laws, 1978, ch. 505, § 1, eff. 7/1/1978.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 35 - CRIMES AGAINST PUBLIC PEACE AND SAFETY (§§ 97-35-1 — 97-35-51)Section 97-35-47 - False reporting of crime

It shall be unlawful for any person to report a crime or any element of a crime, including an allegation of child abuse or neglect, to any law enforcement agency or officer, the Department of Child Protection Services, or any officer of any court, by any means, knowing that the report is false. A violation of this section shall be punishable by imprisonment in the county jail not to exceed one (1) year or by fine not to exceed Five Thousand Dollars (\$5,000.00), or both. In addition to any fine and imprisonment, and upon proper showing made to the court, the defendant shall be ordered to pay as restitution to the law enforcement agency reimbursement for any reasonable costs directly related to the investigation of the falsely reported crime and the prosecution of any person convicted under this section.A report is false under this section when it is unsupported by any credible evidence and the person intentionally submitted the report knowing it was false.Laws, 2000, ch. 387, § 1; Laws, 2012, ch. 518, § 1, eff. 7/1/2012.Amended by Laws, 2019, ch. 464, SB 2840,§ 16, eff. 7/1/2019.Amended by Laws, 2019, ch. 473, SB 2576,§ 1, eff. 7/1/2019. It shall be unlawful for any person to report a crime or any element of a crime, including an allegation of child abuse or neglect, to any law enforcement agency or officer, the Department of Child Protection Services, or any officer of any court, by any means, knowing that the report is false. A violation of this section shall be punishable by imprisonment in the county jail not to exceed one (1) year or by fine not to exceed Five Thousand Dollars (\$5,000.00), or both. In addition to any fine and imprisonment, and upon proper showing made to the court, the defendant shall be ordered to pay as restitution to the law enforcement agency reimbursement for any reasonable costs directly related to the investigation of the falsely reported crime and the prosecution of any person convicted under this section.A report is false under this section when it is unsupported by any credible evidence and the person intentionally submitted the report knowing it was false.Laws, 2000, ch. 387, § 1; Laws, 2012, ch. 518, § 1, eff. 7/1/2012.Amended by Laws, 2019, ch. 464, SB 2840,§ 16, eff. 7/1/2019.Amended by Laws, 2019, ch. 473, SB 2576,§ 1, eff. 7/1/2019. It shall be unlawful for any person to report a crime

or any element of a crime, including an allegation of child abuse or neglect, to any law enforcement agency or officer, the Department of Child Protection Services, or any officer of any court, by any means, knowing that the report is false. A violation of this section shall be punishable by imprisonment in the county jail not to exceed one (1) year or by fine not to exceed Five Thousand Dollars (\$5,000.00), or both. In addition to any fine and imprisonment, and upon proper showing made to the court, the defendant shall be ordered to pay as restitution to the law enforcement agency reimbursement for any reasonable costs directly related to the investigation of the falsely reported crime and the prosecution of any person convicted under this section. A report is false under this section when it is unsupported by any credible evidence and the person intentionally submitted the report knowing it was false. Laws, 2000, ch. 387, § 1; Laws, 2012, ch. 518, § 1, eff. 7/1/2012. Amended by Laws, 2019, ch. 464, SB 2840, § 16, eff. 7/1/2019. Amended by Laws, 2019, ch. 473, SB 2576, § 1, eff. 7/1/2019.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 35 - CRIMES AGAINST PUBLIC PEACE AND SAFETY (§§ 97-35-1 — 97-35-51) Section 97-35-49 - Focusing laser beam at law enforcement officer, fire fighter or other emergency personnel; penalties

(1) It shall be unlawful for a person intentionally and without legal justification to focus, point or aim a laser beam directly or indirectly at a law enforcement officer, fire fighter or any emergency personnel who is in uniform and engaged in the performance of official duty in such a manner as to harass, annoy or injure such law enforcement officer, fire fighter or emergency personnel. (2) A person who violates this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$1,000.00). Laws, 2003, ch. 537, § 2, eff. 4/21/2003. (1) It shall be unlawful for a person intentionally and without legal justification to focus, point or aim a laser beam directly or indirectly at a law enforcement officer, fire fighter or any emergency personnel who is in uniform and engaged in the performance of official duty in such a manner as to harass, annoy or injure such law enforcement officer, fire fighter or emergency personnel. (2) A person who violates this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$1,000.00). Laws, 2003, ch. 537, § 2, eff. 4/21/2003. (1) It shall be unlawful for a person intentionally and without legal justification to focus, point or aim a laser beam directly or indirectly at a law enforcement officer, fire fighter or any emergency personnel who is in uniform and engaged in the performance of official duty in such a manner as to harass, annoy or injure such law enforcement officer, fire fighter or emergency personnel. (2) A person who violates this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$1,000.00). Laws, 2003, ch. 537, § 2, eff. 4/21/2003. Laws, 2003, ch. 537, § 2, eff. 4/21/2003.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 35 - CRIMES AGAINST PUBLIC PEACE AND SAFETY (§§ 97-35-1 — 97-35-51) Section 97-35-5 - Disorderly conduct; interference with business, customers, invitees, etc

(1) It shall be unlawful for any person or persons, while in or on the premises of another, whether that of an individual person, or a corporation, or a partnership, or an association, and on which property any store, restaurant, sandwich shop, hotel, motel, lunch counter, bowling alley, moving picture theatre or drive-in theatre, barber shop or beauty parlor, or any other lawful business is operated which engages in selling articles of merchandise or services or accommodation to members of the public, or engages generally in business transactions with members of the public, to: (a) prevent or seek to prevent, or interfere with, the owner or operator of such place of business, or his agents or employees, serving or selling food and drink, or either, or rendering service or accommodation, or selling to or showing merchandise to, or otherwise pursuing his lawful occupation or business with, customers or prospective customers, or other members of the public who may then be in such building, or (b) prevent or seek to prevent, or interfere with, or seek to interfere with, other persons, expressly or impliedly invited upon said premises, or prospective customers, coming into or frequenting such premises in the normal course of the operation of the business conducted and carried on upon said premises. (2) Any person engaging in the unlawful conduct described in subsection (1) shall be guilty of disorderly conduct, a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. (3) The provisions of this section are supplementary to the provisions of any other statute of this state. Codes, 1942, § 2087.7; Laws, 1960, ch. 260, §§ 1, 2. (1) It shall be unlawful for any person or persons, while in or on the premises of another, whether that of an individual person, or a corporation, or a partnership, or an association, and on which property any store, restaurant, sandwich shop, hotel, motel, lunch counter, bowling alley, moving picture theatre or drive-in theatre, barber shop or beauty parlor, or any other lawful business is operated which engages in selling articles of merchandise or services or accommodation to members of the public, or engages generally in business transactions with members of the public, to: (a) prevent or seek to prevent, or interfere with, the owner or operator of such place of business, or his agents or employees, serving or selling food and drink, or either, or rendering service or accommodation, or selling to or showing merchandise to, or otherwise pursuing his lawful occupation or business with, customers or prospective customers, or other members of the public who may then be in such building, or (b) prevent or seek to prevent, or interfere with, or seek to interfere with, other persons, expressly or impliedly invited upon said premises, or prospective customers, coming into or frequenting such premises in the normal course of the operation of the business conducted and carried on upon said premises. (2) Any person engaging in the unlawful conduct described in subsection (1) shall be guilty of disorderly conduct, a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. (3) The provisions of this section are supplementary to the provisions of any other statute of this state. Codes, 1942, § 2087.7; Laws, 1960, ch. 260, §§ 1, 2.

(1)It shall be unlawful for any person or persons, while in or on the premises of another, whether that of an individual person, or a corporation, or a partnership, or an association, and on which property any store, restaurant, sandwich shop, hotel, motel, lunch counter, bowling alley, moving picture theatre or drive-in theatre, barber shop or beauty parlor, or any other lawful business is operated which engages in selling articles of merchandise or services or accommodation to members of the public, or engages generally in business transactions with members of the public, to:(a)prevent or seek to prevent, or interfere with, the owner or operator of such place of business, or his agents or employees, serving or selling food and drink, or either, or rendering service or accommodation, or selling to or showing merchandise to, or otherwise pursuing his lawful occupation or business with, customers or prospective customers, or other members of the public who may then be in such building, or(b)prevent or seek to prevent, or interfere with, or seek to interfere with, other persons, expressly or impliedly invited upon said premises, or prospective customers, coming into or frequenting such premises in the normal course of the operation of the business conducted and carried on upon said premises.(2)Any person engaging in the unlawful conduct described in subsection (1) shall be guilty of disorderly conduct, a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.(3)The provisions of this section are supplementary to the provisions of any other statute of this state.Codes, 1942, § 2087.7; Laws, 1960, ch. 260, §§ 1, 2. Codes, 1942, § 2087.7; Laws, 1960, ch. 260, §§ 1, 2.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 35 - CRIMES AGAINST PUBLIC PEACE AND SAFETY (§§ 97-35-1 — 97-35-51)Section 97-35-51 - Obstructing access to emergency assistance; penalties

Any person who verbally or physically obstructs, prevents, or hinders another person from seeking or receiving emergency medical assistance, emergency assistance from a third party, or emergency assistance from law enforcement or other emergency personnel, with the intent to cause or allow physical harm or injury to that person is guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment not to exceed six (6) months, or both.Laws, 2011, ch. 306, § 1, eff. 7/1/2011. Any person who verbally or physically obstructs, prevents, or hinders another person from seeking or receiving emergency medical assistance, emergency assistance from a third party, or emergency assistance from law enforcement or other emergency personnel, with the intent to cause or allow physical harm or injury to that person is guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment not to exceed six (6) months, or both.Laws, 2011, ch. 306, § 1, eff. 7/1/2011. Any person who verbally or physically obstructs, prevents, or hinders another person from seeking or receiving emergency medical assistance, emergency assistance from a third party, or emergency assistance from law enforcement or other emergency personnel, with the intent to cause or allow physical harm or injury to that person is guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisonment not to exceed six (6) months, or both. Laws, 2011, ch. 306, § 1, eff. 7/1/2011.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 35 - CRIMES AGAINST PUBLIC PEACE AND SAFETY (§§ 97-35-1 — 97-35-51)Section 97-35-7 - Disorderly conduct; failure to comply with requests or commands of law enforcement officers; penalties; exception

(1)Whoever, with intent to provoke a breach of the peace, or under such circumstances as may lead to a breach of the peace, or which may cause or occasion a breach of the peace, fails or refuses to promptly comply with or obey a request, command, or order of a law enforcement officer, having the authority to then and there arrest any person for a violation of the law, to:(a)Move or absent himself and any vehicle or object subject to his control from the immediate vicinity where the request, command or order is given, or(b)Arise, if lying or sitting down, and move to a point designated by said officer outside the immediate area of, or which is affected by the occurrences at, the place of issuing such order, command or request, or(c)Refrain from lying down or sitting down at, or in the immediate vicinity of, the place where said order, request or command is given, or(d)Refrain from obstructing, with his body or any part thereof, or in any manner, the lawful movement or passage of any vehicle, or(e)Refrain from placing, or permitting, or cooperating with another to place, his body or any part thereof, in front of or behind any vehicle, in such manner as to interfere with, or prevent its movement or block its path in lawful movement, or(f)Refrain from chaining or tying or binding himself or another to any object or person, or(g)Unbind, unchain or loosen himself, or remove himself, from any chain or other means whereby he may be prevented from moving away from the place or the immediate vicinity where he may be when such officer issues said order, request or command, or(h)Walk or move to, enter and remain in, either or both, as may be directed by such officer, any police or other vehicle operated by any law enforcement officer or department, or any other vehicle designated by such an officer, or(i)Act or do or refrain from acting or doing as ordered, requested or commanded by said officer to avoid any breach of the peace at or near the place of issuance of such order, request or command, shall be guilty of disorderly conduct, which is made a misdemeanor and, upon conviction thereof, such person or persons shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.(2)Any person who causes, or aids, or encourages, or abets another to violate, or in violating, any provision of subsection (1) hereof, shall be guilty of disorderly

conduct which is made a misdemeanor and, upon conviction thereof, such person or persons shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.(3)If any person alone or in concert with others violates subsection (1) or (2) hereof, or both, under such circumstances or in such a manner as to evince a willful and wanton disregard for the life or safety of another and if as a result thereof another person or persons be injured, maimed or killed, the person or persons so violating subsection (1) or (2) hereof, or both, shall be guilty of a felony and, upon conviction thereof, such person or persons shall be imprisoned in the State Penitentiary not longer than five (5) years or be fined not more than Two Thousand Dollars (\$2,000.00), or both such fine and imprisonment.(4)The act of breast-feeding shall not constitute disorderly conduct.(5)The provisions of this section are supplementary to the provisions of any other statutes of this state.Codes, 1942, § 2087.9; Laws, 1964, ch. 336, §§ 1-4; Laws, 2006, ch. 520, § 7, eff. 4/3/2006. (1)Whoever, with intent to provoke a breach of the peace, or under such circumstances as may lead to a breach of the peace, or which may cause or occasion a breach of the peace, fails or refuses to promptly comply with or obey a request, command, or order of a law enforcement officer, having the authority to then and there arrest any person for a violation of the law, to:(a)Move or absent himself and any vehicle or object subject to his control from the immediate vicinity where the request, command or order is given, or(b)Arise, if lying or sitting down, and move to a point designated by said officer outside the immediate area of, or which is affected by the occurrences at, the place of issuing such order, command or request, or(c)Refrain from lying down or sitting down at, or in the immediate vicinity of, the place where said order, request or command is given, or(d)Refrain from obstructing, with his body or any part thereof, or in any manner, the lawful movement or passage of any vehicle, or(e)Refrain from placing, or permitting, or cooperating with another to place, his body or any part thereof, in front of or behind any vehicle, in such manner as to interfere with, or prevent its movement or block its path in lawful movement, or(f)Refrain from chaining or tying or binding himself or another to any object or person, or(g)Unbind, unchain or loosen himself, or remove himself, from any chain or other means whereby he may be prevented from moving away from the place or the immediate vicinity where he may be when such officer issues said order, request or command, or(h)Walk or move to, enter and remain in, either or both, as may be directed by such officer, any police or other vehicle operated by any law enforcement officer or department, or any other vehicle designated by such an officer, or(i)Act or do or refrain from acting or doing as ordered, requested or commanded by said officer to avoid any breach of the peace at or near the place of issuance of such order, request or command, shall be guilty of disorderly conduct, which is made a misdemeanor and, upon conviction thereof, such person or persons shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.(2)Any person who causes, or aids, or encourages, or abets another to violate, or in violating, any provision of subsection (1) hereof, shall be guilty of disorderly conduct which is made a misdemeanor and, upon conviction thereof, such person or persons shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.(3)If any person alone or in concert with others violates subsection (1) or (2) hereof, or both, under such circumstances or in such a manner as to evince a willful and wanton disregard for the life or safety of another and if as a result thereof another person or persons be injured, maimed or killed, the person or persons so violating subsection (1) or (2) hereof, or both, shall be guilty of a felony and, upon conviction thereof, such person or persons shall be imprisoned in the State Penitentiary not longer than five (5) years or be fined not more than Two Thousand Dollars (\$2,000.00), or both such fine and imprisonment.(4)The act of breast-feeding shall not constitute disorderly conduct.(5)The provisions of this section are supplementary to the provisions of any other statutes of this state.Codes, 1942, § 2087.9; Laws, 1964, ch. 336, §§ 1-4; Laws, 2006, ch. 520, § 7, eff. 4/3/2006. 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(1) or (2) hereof, or both, under such circumstances or in such a manner as to evince a willful and wanton disregard for the life or safety of another and if as a result thereof another person or persons be injured, maimed or killed, the person or persons so violating subsection (1) or (2) hereof, or both, shall be guilty of a felony and, upon conviction thereof, such person or persons shall be imprisoned in the State Penitentiary not longer than five (5) years or be fined not more than Two Thousand Dollars (\$2,000.00), or both such fine and imprisonment.(4)The act of breast-feeding shall not constitute disorderly conduct.(5)The provisions of this section are supplementary to the provisions of any other statutes of this state.Codes, 1942, § 2087.9; Laws, 1964, ch. 336, §§ 1-4; Laws, 2006, ch. 520, § 7, eff. 4/3/2006. Codes, 1942, § 2087.9; Laws, 1964, ch. 336, §§ 1-4; Laws, 2006, ch. 520, § 7, eff. 4/3/2006.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 35 - CRIMES AGAINST PUBLIC PEACE AND SAFETY (§§ 97-35-1 — 97-35-51)Section 97-35-9 - Disturbance by explosions, noises or offensive conduct

A person who wilfully disturbs the peace of any family or person by an explosion of gunpowder or other explosive substance, or by loud or unusual noise, or by any tumultuous or offensive conduct, shall be punished by fine or imprisonment, or both; the fine not to exceed one hundred dollars, and the imprisonment not to exceed six months in the county jail.Codes, 1880, § 2769; 1892, § 1032; 1906, § 1111; Hemingway's 1917, § 837; 1930, § 862; 1942, § 2088. A person who wilfully disturbs the peace of any family or person by an explosion of gunpowder or other explosive substance, or by loud or unusual noise, or by any tumultuous or offensive conduct, shall be punished by fine or imprisonment, or both; the fine not to exceed one hundred dollars, and the imprisonment not to exceed six months in the county jail.Codes, 1880, § 2769; 1892, § 1032; 1906, § 1111; Hemingway's 1917, § 837; 1930, § 862; 1942, § 2088. A person who wilfully disturbs the peace of any family or person by an explosion of gunpowder or other explosive substance, or by loud or unusual noise, or by any tumultuous or offensive conduct, shall be punished by fine or imprisonment, or both; the fine not to exceed one hundred dollars, and the imprisonment not to exceed six months in the county jail.Codes, 1880, § 2769; 1892, § 1032; 1906, § 1111; Hemingway's 1917, § 837; 1930, § 862; 1942, § 2088. A person who wilfully disturbs the peace of any family or person by an explosion of gunpowder or other explosive substance, or by loud or unusual noise, or by any tumultuous or offensive conduct, shall be punished by fine or imprisonment, or both; the fine not to exceed one hundred dollars, and the imprisonment not to exceed six months in the county jail. Codes, 1880, § 2769; 1892, § 1032; 1906, § 1111; Hemingway's 1917, § 837; 1930, § 862; 1942, § 2088.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105)GENERAL PROVISIONS (§§ 97-37-1 — 97-37-39)Section 97-37-1 - [Effective upon occurrence of contingency - see note] Deadly weapons; carrying while concealed; use or attempt to use; penalties; "concealed" defined

(1)Except as otherwise provided in Section45-9-101, any person who carries, concealed on or about one's person, any bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, pistol, revolver, or any rifle with a barrel of less than sixteen (16) inches in length, or any shotgun with a barrel of less than eighteen (18) inches in length, machine gun or any fully automatic firearm or deadly weapon, or uses or attempts to use against another person any imitation firearm, shall, upon conviction, be punished as follows:(a)By a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or both, in the discretion of the court, for the first conviction under this section.(b)By a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), and imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, for the second conviction under this section.(c)By confinement in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, for the third or subsequent conviction under this section.(d)By confinement in the custody of the Department of Corrections for not less than one (1) year nor more than ten (10) years for any person previously convicted of any felony who is convicted under this section.(2)It shall not be a violation of this section for any person over the age of eighteen (18) years to carry a firearm or deadly weapon concealed within the confines of his own home or his place of business, or any real property associated with his home or business or within any motor vehicle.(3)It shall not be a violation of this section for any person to carry a firearm or deadly weapon concealed if the possessor of the weapon is then engaged in a legitimate weapon-related sports activity or is going to or returning from such activity. For purposes of this subsection, "legitimate weapon-related sports activity" means hunting, fishing, target shooting or any other legal activity which normally involves the use of a firearm or other weapon.(4)For the purposes of this section, "concealed" means hidden or obscured from common observation and shall not include any weapon listed in subsection (1) of this section, including, but not limited to, a loaded or unloaded pistol carried upon the person in a sheath, belt holster or shoulder holster that is wholly or partially visible, or carried upon the person in a scabbard or case for carrying the weapon that is wholly or partially visible.Codes, 1880, § 2985; 1892, § 1026; 1906, § 1103; Hemingway's 1917, § 829; 1930, § 853; 1942, § 2079; Laws, 1898, p. 86; Laws, 1960, ch. 242, § 1; Laws, 1962, ch. 310, § 1; Laws, 1991, ch. 609, § 4; Laws, 2007, ch. 530, § 1, eff. 7/1/2007.Amended by Laws, 2023, ch. 461, HB 912,§ 5.Amended by Laws, 2013, ch. 308, HB 2, 1, eff. 7/1/2013.Effective date:Section 7 of Laws, 2023, ch. 461, HB 912, which amended this section, provides: "This act shall take effect and be in force from and after the date that the United States Supreme Court rules in favor of the Texas Attorney General and the State of Texas and its passage and implementation of Texas House Bill 957, 2021 Regular Session, in any appeal related to that certain case pending in the United States District Court for the North District of Texas and styled Paxton et al v. Richardson (4:22-cv-00143), or after ten (10) days following the date of publication by the Attorney General of Mississippi in the administrative bulletin published by the Secretary of State as provided in Section 25-43-2.101, Mississippi Code of 1972, that the Attorney General of Mississippi has determined that the United States Supreme Court has rendered binding precedent that it is reasonably probable that this act would be upheld by the

court as constitutional."This section is set out more than once due to postponed, multiple, or conflicting amendments. (1)Except as otherwise provided in Section45-9-101, any person who carries, concealed on or about one's person, any bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, pistol, revolver, or any rifle with a barrel of less than sixteen (16) inches in length, or any shotgun with a barrel of less than eighteen (18) inches in length, machine gun or any fully automatic firearm or deadly weapon, or uses or attempts to use against another person any imitation firearm, shall, upon conviction, be punished as follows:(a)By a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or both, in the discretion of the court, for the first conviction under this section.(b)By a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), and imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, for the second conviction under this section.(c)By confinement in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, for the third or subsequent conviction under this section.(d)By confinement in the custody of the Department of Corrections for not less than one (1) year nor more than ten (10) years for any person previously convicted of any felony who is convicted under this section.(2)It shall not be a violation of this section for any person over the age of eighteen (18) years to carry a firearm or deadly weapon concealed within the confines of his own home or his place of business, or any real property associated with his home or business or within any motor vehicle.(3)It shall not be a violation of this section for any person to carry a firearm or deadly weapon concealed if the possessor of the weapon is then engaged in a legitimate weapon-related sports activity or is going to or returning from such activity. For purposes of this subsection, "legitimate weapon-related sports activity" means hunting, fishing, target shooting or any other legal activity which normally involves the use of a firearm or other weapon.(4)For the purposes of this section, "concealed" means hidden or obscured from common observation and shall not include any weapon listed in subsection (1) of this section, including, but not limited to, a loaded or unloaded pistol carried upon the person in a sheath, belt holster or shoulder holster that is wholly or partially visible, or carried upon the person in a scabbard or case for carrying the weapon that is wholly or partially visible.Codes, 1880, § 2985; 1892, § 1026; 1906, § 1103; Hemingway's 1917, § 829; 1930, § 853; 1942, § 2079; Laws, 1898, p. 86; Laws, 1960, ch. 242, § 1; Laws, 1962, ch. 310, § 1; Laws, 1991, ch. 609, § 4; Laws, 2007, ch. 530, § 1, eff. 7/1/2007.Amended by Laws, 2023, ch. 461, HB 912,§ 5.Amended by Laws, 2013, ch. 308, HB 2, 1, eff. 7/1/2013.Effective date:Section 7 of Laws, 2023, ch. 461, HB 912, which amended this section, provides: "This act shall take effect and be in force from and after the date that the United States Supreme Court rules in favor of the Texas Attorney General and the State of Texas and its passage and implementation of Texas House Bill 957, 2021 Regular Session, in any appeal related to that certain case pending in the United States District Court for the North District of Texas and styled Paxton et al v. Richardson (4:22-cv-00143), or after ten (10) days following the date of publication by the Attorney General of Mississippi in the administrative bulletin published by the Secretary of State as provided in Section 25-43-2.101, Mississippi Code of 1972, that the Attorney General of Mississippi has determined that the United States Supreme Court has rendered binding precedent that it is reasonably probable that this act would be upheld by the court as constitutional."This section is set out more than once due to postponed, multiple, or conflicting amendments. (1)Except as otherwise provided in Section45-9-101, any person who carries, concealed on or about one's person, any bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, pistol, revolver, or any rifle with a barrel of less than sixteen (16) inches in length, or any shotgun with a barrel of less than eighteen (18) inches in length, machine gun or any fully automatic firearm or deadly weapon, or uses or attempts to use against another person any imitation firearm, shall, upon conviction, be punished as follows:(a)By a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or both, in the discretion of the court, for the first conviction under this section.(b)By a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), and imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, for the second conviction under this section.(c)By confinement in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, for the third or subsequent conviction under this section.(d)By confinement in the custody of the Department of Corrections for not less than one (1) year nor more than ten (10) years for any person previously convicted of any felony who is convicted under this section.(2)It shall not be a violation of this section for any person over the age of eighteen (18) years to carry a firearm or deadly weapon concealed within the confines of his own home or his place of business, or any real property associated with his home or business or within any motor vehicle.(3)It shall not be a violation of this section for any person to carry a firearm or deadly weapon concealed if the possessor of the weapon is then engaged in a legitimate weapon-related sports activity or is going to or returning from such activity. For purposes of this subsection, "legitimate weapon-related sports activity" means hunting, fishing, target shooting or any other legal activity which normally involves the use of a firearm or other weapon.(4)For the purposes of this section, "concealed" means hidden or obscured from common observation and shall not include any weapon listed in subsection (1) of this section, including, but not limited to, a loaded or unloaded pistol carried upon the person in a sheath, belt holster or shoulder holster that is wholly or partially visible, or carried upon the person in a scabbard or case for carrying the weapon that is wholly or partially visible.Codes, 1880, § 2985; 1892, § 1026; 1906, § 1103; Hemingway's 1917, § 829; 1930, § 853; 1942, § 2079; Laws, 1898, p. 86; Laws, 1960, ch. 242, § 1; Laws, 1962, ch. 310, § 1; Laws, 1991, ch. 609, § 4; Laws, 2007, ch. 530, § 1, eff. 7/1/2007.Amended by Laws, 2023, ch. 461, HB 912,§ 5.Amended by Laws, 2013, ch. 308, HB 2, 1, eff. 7/1/2013.Effective date:Section 7 of Laws, 2023, ch. 461, HB 912, which amended this section, provides: "This act shall take effect and be in force from and after the date that the United States Supreme Court rules in favor of the Texas Attorney General and the State of Texas and its passage and implementation of Texas House Bill 957, 2021 Regular Session, in any appeal related to that certain case pending in the United States District Court for the North District of Texas and styled Paxton et al v. Richardson (4:22-cv-00143), or after ten (10) days

following the date of publication by the Attorney General of Mississippi in the administrative bulletin published by the Secretary of State as provided in Section 25-43-2.101, Mississippi Code of 1972, that the Attorney General of Mississippi has determined that the United States Supreme Court has rendered binding precedent that it is reasonably probable that this act would be upheld by the court as constitutional."This section is set out more than once due to postponed, multiple, or conflicting amendments. Codes, 1880, § 2985; 1892, § 1026; 1906, § 1103; Hemingway's 1917, § 829; 1930, § 853; 1942, § 2079; Laws, 1898, p. 86; Laws, 1960, ch. 242, § 1; Laws, 1962, ch. 310, § 1; Laws, 1991, ch. 609, § 4; Laws, 2007, ch. 530, § 1, eff. 7/1/2007. Amended by Laws, 2023, ch. 461, HB 912, § 5. Amended by Laws, 2013, ch. 308, HB 2, 1, eff. 7/1/2013. Effective date:Section 7 of Laws, 2023, ch. 461, HB 912, which amended this section, provides: "This act shall take effect and be in force from and after the date that the United States Supreme Court rules in favor of the Texas Attorney General and the State of Texas and its passage and implementation of Texas House Bill 957, 2021 Regular Session, in any appeal related to that certain case pending in the United States District Court for the North District of Texas and styled Paxton et al v. Richardson (4:22-cv-00143), or after ten (10) days following the date of publication by the Attorney General of Mississippi in the administrative bulletin published by the Secretary of State as provided in Section 25-43-2.101, Mississippi Code of 1972, that the Attorney General of Mississippi has determined that the United States Supreme Court has rendered binding precedent that it is reasonably probable that this act would be upheld by the court as constitutional." This section is set out more than once due to postponed, multiple, or conflicting amendments.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105)GENERAL PROVISIONS (§§ 97-37-1 — 97-37-39)Section 97-37-1 - [Effective until occurrence of contingency - see note] Deadly weapons; carrying while concealed; use or attempt to use; penalties; "concealed" defined

(1)Except as otherwise provided in Section45-9-101, any person who carries, concealed on or about one's person, any bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, pistol, revolver, or any rifle with a barrel of less than sixteen (16) inches in length, or any shotgun with a barrel of less than eighteen (18) inches in length, machine gun or any fully automatic firearm or deadly weapon, or uses or attempts to use against another person any imitation firearm, shall, upon conviction, be punished as follows:(a)By a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or both, in the discretion of the court, for the first conviction under this section.(b)By a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), and imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, for the second conviction under this section.(c)By confinement in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, for the third or subsequent conviction under this section.(d)By confinement in the custody of the Department of Corrections for not less than one (1) year nor more than ten (10) years for any person previously convicted of any felony who is convicted under this section.(2)It shall not be a violation of this section for any person over the age of eighteen (18) years to carry a firearm or deadly weapon concealed within the confines of his own home or his place of business, or any real property associated with his home or business or within any motor vehicle.(3)It shall not be a violation of this section for any person to carry a firearm or deadly weapon concealed if the possessor of the weapon is then engaged in a legitimate weapon-related sports activity or is going to or returning from such activity. For purposes of this subsection, "legitimate weapon-related sports activity" means hunting, fishing, target shooting or any other legal activity which normally involves the use of a firearm or other weapon.(4)For the purposes of this section, "concealed" means hidden or obscured from common observation and shall not include any weapon listed in subsection (1) of this section, including, but not limited to, a loaded or unloaded pistol carried upon the person in a sheath, belt holster or shoulder holster that is wholly or partially visible, or carried upon the person in a scabbard or case for carrying the weapon that is wholly or partially visible.Codes, 1880, § 2985; 1892, § 1026; 1906, § 1103; Hemingway's 1917, § 829; 1930, § 853; 1942, § 2079; Laws, 1898, p. 86; Laws, 1960, ch. 242, § 1; Laws, 1962, ch. 310, § 1; Laws, 1991, ch. 609, § 4; Laws, 2007, ch. 530, § 1, eff. 7/1/2007.Amended by Laws, 2013, ch. 308, HB 2, 1, eff. 7/1/2013.Effective date:Section 7 of Laws, 2023, ch. 461, HB 912, which amended this section, provides: "This act shall take effect and be in force from and after the date that the United States Supreme Court rules in favor of the Texas Attorney General and the State of Texas and its passage and implementation of Texas House Bill 957, 2021 Regular Session, in any appeal related to that certain case pending in the United States District Court for the North District of Texas and styled Paxton et al v. Richardson (4:22-cv-00143), or after ten (10) days following the date of publication by the Attorney General of Mississippi in the administrative bulletin published by the Secretary of State as provided in Section 25-43-2.101, Mississippi Code of 1972, that the Attorney General of Mississippi has determined that the United States Supreme Court has rendered binding precedent that it is reasonably probable that this act would be upheld by the court as constitutional."This section is set out more than once due to postponed, multiple, or conflicting amendments. 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For purposes of this subsection, "legitimate weapon-related sports activity" means hunting, fishing, target shooting or any other legal activity which normally involves the use of a firearm or other weapon.(4)For the purposes of this section, "concealed" means hidden or obscured from common observation and shall not include any weapon listed in subsection (1) of this section, including, but not limited to, a loaded or unloaded pistol carried upon the person in a sheath, belt holster or shoulder holster that is wholly or partially visible, or carried upon the person in a scabbard or case for carrying the weapon that is wholly or partially visible.Codes, 1880, § 2985; 1892, § 1026; 1906, § 1103; Hemingway's 1917, § 829; 1930, § 853; 1942, § 2079; Laws, 1898, p. 86; Laws, 1960, ch. 242, § 1; Laws, 1962, ch. 310, § 1; Laws, 1991, ch. 609, § 4; Laws, 2007, ch. 530, § 1, eff. 7/1/2007.Amended by Laws, 2013, ch. 308, HB 2, 1, eff. 7/1/2013.Effective date:Section 7 of Laws, 2023, ch. 461, HB 912, which amended this section, provides: "This act shall take effect and be in force from and after the date that the United States Supreme Court rules in favor of the Texas Attorney General and the State of Texas and its passage and implementation of Texas House Bill 957, 2021 Regular Session, in any appeal related to that certain case pending in the United States District Court for the North District of Texas and styled Paxton et al v. Richardson (4:22-cv-00143), or after ten (10) days following the date of publication by the Attorney General of Mississippi in the administrative bulletin published by the Secretary of State as provided in Section 25-43-2.101, Mississippi Code of 1972, that the Attorney General of Mississippi has determined that the United States Supreme Court has rendered binding precedent that it is reasonably probable that this act would be upheld by the court as constitutional."This section is set out more than once due to postponed, multiple, or conflicting amendments. (1)Except as otherwise provided in Section45-9-101, any person who carries, concealed on or about one's person, any bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, pistol, revolver, or any rifle with a barrel of less than sixteen (16) inches in length, or any shotgun with a barrel of less than eighteen (18) inches in length, machine gun or any fully automatic firearm or deadly weapon, or uses or attempts to use against another person any imitation firearm, shall, upon conviction, be punished as follows:(a)By a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or both, in the discretion of the court, for the first conviction under this section.(b)By a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), and imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, for the second conviction under this section.(c)By confinement in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, for the third or subsequent conviction under this section.(d)By confinement in the custody of the Department of Corrections for not less than one (1) year nor more than ten (10) years for any person previously convicted of any felony who is convicted under this section.(2)It shall not be a violation of this section for any person over the age of eighteen (18) years to carry a firearm or deadly weapon concealed within the confines of his own home or his place of business, or any real property associated with his home or business or within any motor vehicle.(3)It shall not be a violation of this section for any person to carry a firearm or deadly weapon concealed if the possessor of the weapon is then engaged in a legitimate weapon-related sports activity or is going to or returning from such activity. For purposes of this subsection, "legitimate weapon-related sports activity" means hunting, fishing, target shooting or any other legal activity which normally involves the use of a firearm or other weapon.(4)For the purposes of this section, "concealed" means hidden or obscured from common observation and shall not include any weapon listed in subsection (1) of this section, including, but not limited to, a loaded or unloaded pistol carried upon the person in a sheath, belt holster or shoulder holster that is wholly or partially visible, or carried upon the person in a scabbard or case for carrying the weapon that is wholly or partially visible.Codes, 1880, § 2985; 1892, § 1026; 1906, § 1103; Hemingway's 1917, § 829; 1930, § 853; 1942, § 2079; Laws, 1898, p. 86; Laws, 1960, ch. 242, § 1; Laws, 1962, ch. 310, § 1; Laws, 1991, ch. 609, § 4; Laws, 2007, ch. 530, § 1, eff. 7/1/2007.Amended by Laws, 2013, ch. 308, HB 2, 1, eff. 7/1/2013.Effective date:Section 7 of Laws, 2023, ch. 461, HB 912, which amended this section, provides: "This act shall take effect and be in force from and after the date that the United States Supreme Court rules in favor of the Texas Attorney General and the State of Texas and its passage and implementation of Texas House Bill 957, 2021 Regular Session, in any appeal related to that certain case pending in the United States District Court for the North District of Texas and styled Paxton et al v. Richardson (4:22-cv-00143), or after ten (10) days following the date of publication by the Attorney General of Mississippi in the administrative bulletin published by the Secretary of State as provided in Section 25-43-2.101, Mississippi Code of 1972, that the Attorney General of Mississippi has determined that the United States Supreme Court has rendered binding precedent that it is reasonably probable that this act would be upheld by the court as constitutional."This section is set out more than once due to postponed, multiple, or conflicting amendments. Codes, 1880, § 2985; 1892, § 1026; 1906, § 1103; Hemingway's 1917, § 829; 1930, § 853; 1942, § 2079; Laws, 1898, p. 86; Laws, 1960, ch. 242, § 1; Laws, 1962, ch. 310, § 1; Laws, 1991, ch. 609, § 4; Laws, 2007, ch. 530, § 1, eff. 7/1/2007. Amended by Laws, 2013, ch. 308, HB 2, 1, eff. 7/1/2013. Effective date:Section 7 of Laws, 2023, ch. 461, HB 912, which amended this section, provides: "This act shall take effect and be in force from and after the date that the United States Supreme Court rules in favor of the Texas Attorney General and the State of Texas and its passage and implementation of Texas House Bill 957, 2021 Regular Session, in any appeal related to that certain case pending in the United States District Court for the North District of Texas and styled Paxton et al v. Richardson (4:22-cv-00143), or after ten (10) days following the date of publication by the Attorney General of Mississippi in the

administrative bulletin published by the Secretary of State as provided in Section 25-43-2.101, Mississippi Code of 1972, that the Attorney General of Mississippi has determined that the United States Supreme Court has rendered binding precedent that it is reasonably probable that this act would be upheld by the court as constitutional." This section is set out more than once due to postponed, multiple, or conflicting amendments.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105) GENERAL PROVISIONS (§§ 97-37-1 — 97-37-39) Section 97-37-13 - Deadly weapons; weapons and cartridges not to be given to minor or intoxicated person

It shall not be lawful for any person to sell, give or lend to any minor under eighteen (18) years of age or person intoxicated, knowing him to be a minor under eighteen (18) years of age or in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge; and, on conviction thereof, he shall be punished by a fine not more than One Thousand Dollars (\$1,000.00), or imprisoned in the county jail not exceeding one (1) year, or both. Codes, 1880, § 2986; 1892, § 1028; 1906, § 1107; Hemingway's 1917, § 833; 1930, § 857; 1942, § 2083; Laws, 1994, ch. 607, § 8, eff. 7/2/1994. It shall not be lawful for any person to sell, give or lend to any minor under eighteen (18) years of age or person intoxicated, knowing him to be a minor under eighteen (18) years of age or in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge; and, on conviction thereof, he shall be punished by a fine not more than One Thousand Dollars (\$1,000.00), or imprisoned in the county jail not exceeding one (1) year, or both. Codes, 1880, § 2986; 1892, § 1028; 1906, § 1107; Hemingway's 1917, § 833; 1930, § 857; 1942, § 2083; Laws, 1994, ch. 607, § 8, eff. 7/2/1994. It shall not be lawful for any person to sell, give or lend to any minor under eighteen (18) years of age or person intoxicated, knowing him to be a minor under eighteen (18) years of age or in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge; and, on conviction thereof, he shall be punished by a fine not more than One Thousand Dollars (\$1,000.00), or imprisoned in the county jail not exceeding one (1) year, or both. Codes, 1880, § 2986; 1892, § 1028; 1906, § 1107; Hemingway's 1917, § 833; 1930, § 857; 1942, § 2083; Laws, 1994, ch. 607, § 8, eff. 7/2/1994. It shall not be lawful for any person to sell, give or lend to any minor under eighteen (18) years of age or person intoxicated, knowing him to be a minor under eighteen (18) years of age or in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge; and, on conviction thereof, he shall be punished by a fine not more than One Thousand Dollars (\$1,000.00), or imprisoned in the county jail not exceeding one (1) year, or both. Codes, 1880, § 2986; 1892, § 1028; 1906, § 1107; Hemingway's 1917, § 833; 1930, § 857; 1942, § 2083; Laws, 1994, ch. 607, § 8, eff. 7/2/1994.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105) GENERAL PROVISIONS (§§ 97-37-1 — 97-37-39) Section 97-37-14 - Possession of handgun by minor; act of delinquency; exceptions

(1) Except as otherwise provided in this section, it is an act of delinquency for any person who has not attained the age of eighteen (18) years knowingly to have any handgun in such person's possession. (2) This section shall not apply to: (a) Any person who is: (i) In attendance at a hunter's safety course or a firearms safety course; or (ii) Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited; or (iii) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an organized group under 501(c)(3) as determined by the federal internal revenue service which uses firearms as a part of such performance; or (iv) Hunting or trapping pursuant to a valid license issued to such person by the Department of Wildlife, Fisheries and Parks or as otherwise allowed by law; or (v) Traveling with any handgun in such person's possession being unloaded to or from any activity described in subparagraph (i), (ii), (iii) or (iv) of this paragraph (a) and paragraph (b). (b) Any person under the age of eighteen (18) years who is on real property under the control of an adult and who has the permission of such adult to possess a handgun. (3) This section shall not apply to any person who uses a handgun or other firearm to lawfully defend himself from imminent danger at his home or place of domicile and any such person shall not be held criminally liable for such use of a handgun or other firearm. (4) For the purposes of this section, "handgun" means a pistol, revolver or other firearm of any description, loaded or unloaded, from which any shot, bullet or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable or magazine breech, is less than sixteen (16) inches. Laws, 1994, ch. 595, § 12, eff. 7/1/1994. (1) Except as otherwise provided in this section, it is an act of delinquency for any person who has not attained the age of eighteen (18) years knowingly to have any handgun in such person's possession. (2) This section shall not apply to: (a) Any person who is: (i) In attendance at a hunter's safety course or a firearms safety course; or (ii) Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited; or (iii) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an organized group under 501(c)(3) as determined by the federal internal revenue service which uses firearms as a part of such performance; or (iv) Hunting or trapping pursuant to a valid license issued to such person by the Department of Wildlife, Fisheries and Parks or as otherwise allowed by law; or (v) Traveling with any handgun in such person's possession being unloaded to or from any activity described in subparagraph (i), (ii), (iii) or (iv) of this paragraph (a) and paragraph (b). (b) Any person under the age of eighteen (18) years who is on real property under the control of an adult and who has the permission of such adult to possess a handgun. (3) This section shall not apply to any person who uses a handgun or other firearm to lawfully defend himself from imminent danger at his home or place of domicile and any such person

shall not be held criminally liable for such use of a handgun or other firearm.(4)For the purposes of this section, "handgun" means a pistol, revolver or other firearm of any description, loaded or unloaded, from which any shot, bullet or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable or magazine breech, is less than sixteen (16) inches.Laws, 1994, ch. 595, § 12, eff. 7/1/1994. (1)Except as otherwise provided in this section, it is an act of delinquency for any person who has not attained the age of eighteen (18) years knowingly to have any handgun in such person's possession.(2)This section shall not apply to:(a)Any person who is:(i)In attendance at a hunter's safety course or a firearms safety course; or(ii)Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited; or(iii)Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an organized group under 501(c)(3) as determined by the federal internal revenue service which uses firearms as a part of such performance; or(iv)Hunting or trapping pursuant to a valid license issued to such person by the Department of Wildlife, Fisheries and Parks or as otherwise allowed by law; or(v)Traveling with any handgun in such person's possession being unloaded to or from any activity described in subparagraph (i), (ii), (iii) or (iv) of this paragraph (a) and paragraph (b).(b)Any person under the age of eighteen (18) years who is on real property under the control of an adult and who has the permission of such adult to possess a handgun.(3)This section shall not apply to any person who uses a handgun or other firearm to lawfully defend himself from imminent danger at his home or place of domicile and any such person shall not be held criminally liable for such use of a handgun or other firearm.(4)For the purposes of this section, "handgun" means a pistol, revolver or other firearm of any description, loaded or unloaded, from which any shot, bullet or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable or magazine breech, is less than sixteen (16) inches.Laws, 1994, ch. 595, § 12, eff. 7/1/1994. Laws, 1994, ch. 595, § 12, eff. 7/1/1994.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105)GENERAL PROVISIONS (§§ 97-37-1 — 97-37-39)Section 97-37-15 - Parent or guardian not to permit minor son to have or carry weapon; penalty

Any parent, guardian or custodian who shall knowingly suffer or permit any child under the age of eighteen (18) years to have or to own, or to carry, any weapon the carrying of which concealed is prohibited by Section97-37-1, shall be guilty of a misdemeanor, and, on conviction, shall be fined not more than One Thousand Dollars (\$1,000.00), and shall be imprisoned not more than six (6) months in the county jail. The provisions of this section shall not apply to a minor who is exempt from the provisions of Section97-37-14.Codes, 1880, § 2987; 1892, § 1029; 1906, § 1108; Hemingway's 1917, § 834; 1930, § 858; 1942, § 2084; Laws, 1994, ch. 607, § 9, eff. 7/2/1994.Amended by Laws, 2013, ch. 308, HB 2, 2, eff. 7/1/2013. Any parent, guardian or custodian who shall knowingly suffer or permit any child under the age of eighteen (18) years to have or to own, or to carry, any weapon the carrying of which concealed is prohibited by Section97-37-1, shall be guilty of a misdemeanor, and, on conviction, shall be fined not more than One Thousand Dollars (\$1,000.00), and shall be imprisoned not more than six (6) months in the county jail. The provisions of this section shall not apply to a minor who is exempt from the provisions of Section97-37-14.Codes, 1880, § 2987; 1892, § 1029; 1906, § 1108; Hemingway's 1917, § 834; 1930, § 858; 1942, § 2084; Laws, 1994, ch. 607, § 9, eff. 7/2/1994.Amended by Laws, 2013, ch. 308, HB 2, 2, eff. 7/1/2013. Any parent, guardian or custodian who shall knowingly suffer or permit any child under the age of eighteen (18) years to have or to own, or to carry, any weapon the carrying of which concealed is prohibited by Section97-37-1, shall be guilty of a misdemeanor, and, on conviction, shall be fined not more than One Thousand Dollars (\$1,000.00), and shall be imprisoned not more than six (6) months in the county jail. The provisions of this section shall not apply to a minor who is exempt from the provisions of Section97-37-14. Codes, 1880, § 2987; 1892, § 1029; 1906, § 1108; Hemingway's 1917, § 834; 1930, § 858; 1942, § 2084; Laws, 1994, ch. 607, § 9, eff. 7/2/1994. Amended by Laws, 2013, ch. 308, HB 2, 2, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105)GENERAL PROVISIONS (§§ 97-37-1 — 97-37-39)Section 97-37-17 - Possession of weapons by students; aiding or encouraging

(1)The following definitions apply to this section:(a)"Educational property" shall mean any public or private school building or bus, public or private school campus, grounds, recreational area, athletic field, or other property owned, used or operated by any local school board, school, college or university board of trustees, or directors for the administration of any public or private educational institution or during a school-related activity, and shall include the facility and property of the Oakley Youth Development Center, operated by the Department of Human Services; provided, however, that the term "educational property" shall not include any sixteenth section school land or lieu land on which is not located a school building, school campus, recreational area or athletic field.(b)"Student" shall mean a person enrolled in a public or private school, college or university, or a person who has been suspended or expelled within the last five (5) years from a public or private school, college or university, or a person in the custody of the Oakley Youth Development Center, operated by the Department of Human Services, whether the person is an adult or a

minor.(c)"Switchblade knife" shall mean a knife containing a blade or blades which open automatically by the release of a spring or a similar contrivance.(d)"Weapon" shall mean any device enumerated in subsection (2) or (4) of this section.(2)It shall be a felony for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or powerful explosive on educational property. However, this subsection does not apply to a BB gun, air rifle or air pistol. Any person violating this subsection shall be guilty of a felony and, upon conviction thereof, shall be fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the State Department of Corrections for not more than three (3) years, or both.(3)It shall be a felony for any person to cause, encourage or aid a minor who is less than eighteen (18) years old to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or powerful explosive on educational property. However, this subsection does not apply to a BB gun, air rifle or air pistol. Any person violating this subsection shall be guilty of a felony and, upon conviction thereof, shall be fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the State Department of Corrections for not more than three (3) years, or both.(4)It shall be a misdemeanor for any person to possess or carry, whether openly or concealed, any BB gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), and any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance on educational property. Any person violating this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00), or be imprisoned not exceeding six (6) months, or both.(5)It shall be a misdemeanor for any person to cause, encourage or aid a minor who is less than eighteen (18) years old to possess or carry, whether openly or concealed, any BB gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade, knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving) and any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance on educational property. Any person violating this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00), or be imprisoned not exceeding six (6) months, or both.(6)It shall not be a violation of this section for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind on educational property if:(a)The person is not a student attending school on any educational property;(b)The firearm is within a motor vehicle; and(c)The person does not brandish, exhibit or display the firearm in any careless, angry or threatening manner.(7)This section shall not apply to:(a)A weapon used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority;(b)Armed Forces personnel of the United States, officers and soldiers of the militia and National Guard, law enforcement personnel, any private police employed by an educational institution, State Militia or Emergency Management Corps and any guard or patrolman in a state or municipal institution, and any law enforcement personnel or guard at a state juvenile training school, when acting in the discharge of their official duties;(c)Home schools as defined in the compulsory school attendance law, Section37-13-91;(d)Competitors while participating in organized shooting events;(e)Any person as authorized in Section97-37-7while in the performance of his official duties;(f)Any mail carrier while in the performance of his official duties; or(g)Any weapon not prescribed by Section97-37-1which is in a motor vehicle under the control of a parent, guardian or custodian, as defined in Section43-21-105, which is used to bring or pick up a student at a school building, school property or school function.(8)All schools shall post in public view a copy of the provisions of this section.Codes, 1880, § 2988; 1892, § 1030; 1906, § 1109; Hemingway's 1917, § 835; 1930, § 859; 1942, § 2085; Laws, 1994, ch. 607, § 1; Laws, 1995, ch. 607, § 1; Laws, 2008, ch. 459, § 2; Laws, 2010, ch. 554, § 12, eff. 7/1/2011. (1)The following definitions apply to this section:(a)"Educational property" shall mean any public or private school building or bus, public or private school campus, grounds, recreational area, athletic field, or other property owned, used or operated by any local school board, school, college or university board of trustees, or directors for the administration of any public or private educational institution or during a school-related activity, and shall include the facility and property of the Oakley Youth Development Center, operated by the Department of Human Services; provided, however, that the term "educational property" shall not include any sixteenth section school land or lieu land on which is not located a school building, school campus, recreational area or athletic field.(b)"Student" shall mean a person enrolled in a public or private school, college or university, or a person who has been suspended or expelled within the last five (5) years from a public or private school, college or university, or a person in the custody of the Oakley Youth Development Center, operated by the Department of Human Services, whether the person is an adult or a minor.(c)"Switchblade knife" shall mean a knife containing a blade or blades which open automatically by the release of a spring or a similar contrivance.(d)"Weapon" shall mean any device enumerated in subsection (2) or (4) of this section.(2)It shall be a felony for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or powerful explosive on educational property. However, this subsection does not apply to a BB gun, air rifle or air pistol. Any person violating this subsection shall be guilty of a felony and, upon conviction thereof, shall be fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the State Department of Corrections for not more than three (3) years, or both.(3)It shall be a felony for any person to cause, encourage or aid a minor who is less than eighteen (18) years old to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or powerful explosive on educational property. However, this subsection does not apply to a BB gun, air rifle or air pistol. Any person violating this subsection shall be guilty of a felony and, upon conviction thereof, shall be fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the State Department of Corrections for not more than three (3) years, or both.(4)It shall be a misdemeanor for any person to possess or carry, whether openly or concealed, any BB

gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), and any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance on educational property. Any person violating this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00), or be imprisoned not exceeding six (6) months, or both.(5)It shall be a misdemeanor for any person to cause, encourage or aid a minor who is less than eighteen (18) years old to possess or carry, whether openly or concealed, any BB gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade, knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving) and any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance on educational property. Any person violating this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00), or be imprisoned not exceeding six (6) months, or both.(6)It shall not be a violation of this section for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind on educational property if:(a)The person is not a student attending school on any educational property;(b)The firearm is within a motor vehicle; and(c)The person does not brandish, exhibit or display the firearm in any careless, angry or threatening manner.(7)This section shall not apply to:(a)A weapon used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority;(b)Armed Forces personnel of the United States, officers and soldiers of the militia and National Guard, law enforcement personnel, any private police employed by an educational institution, State Militia or Emergency Management Corps and any guard or patrolman in a state or municipal institution, and any law enforcement personnel or guard at a state juvenile training school, when acting in the discharge of their official duties;(c)Home schools as defined in the compulsory school attendance law, Section37-13-91;(d)Competitors while participating in organized shooting events;(e)Any person as authorized in Section97-37-7while in the performance of his official duties;(f)Any mail carrier while in the performance of his official duties; or(g)Any weapon not prescribed by Section97-37-1which is in a motor vehicle under the control of a parent, guardian or custodian, as defined in Section43-21-105, which is used to bring or pick up a student at a school building, school property or school function.(8)All schools shall post in public view a copy of the provisions of this section.Codes, 1880, § 2988; 1892, § 1030; 1906, § 1109; Hemingway's 1917, § 835; 1930, § 859; 1942, § 2085; Laws, 1994, ch. 607, § 1; Laws, 1995, ch. 607, § 1; Laws, 2008, ch. 459, § 2; Laws, 2010, ch. 554, § 12, eff. 7/1/2011. (1)The following definitions apply to this section:(a)"Educational property" shall mean any public or private school building or bus, public or private school campus, grounds, recreational area, athletic field, or other property owned, used or operated by any local school board, school, college or university board of trustees, or directors for the administration of any public or private educational institution or during a school-related activity, and shall include the facility and property of the Oakley Youth Development Center, operated by the Department of Human Services; provided, however, that the term "educational property" shall not include any sixteenth section school land or lieu land on which is not located a school building, school campus, recreational area or athletic field.(b)"Student" shall mean a person enrolled in a public or private school, college or university, or a person who has been suspended or expelled within the last five (5) years from a public or private school, college or university, or a person in the custody of the Oakley Youth Development Center, operated by the Department of Human Services, whether the person is an adult or a minor.(c)"Switchblade knife" shall mean a knife containing a blade or blades which open automatically by the release of a spring or a similar contrivance.(d)"Weapon" shall mean any device enumerated in subsection (2) or (4) of this section.(2)It shall be a felony for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or powerful explosive on educational property. However, this subsection does not apply to a BB gun, air rifle or air pistol. Any person violating this subsection shall be guilty of a felony and, upon conviction thereof, shall be fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the State Department of Corrections for not more than three (3) years, or both.(3)It shall be a felony for any person to cause, encourage or aid a minor who is less than eighteen (18) years old to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind, or any dynamite cartridge, bomb, grenade, mine or powerful explosive on educational property. However, this subsection does not apply to a BB gun, air rifle or air pistol. Any person violating this subsection shall be guilty of a felony and, upon conviction thereof, shall be fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the State Department of Corrections for not more than three (3) years, or both.(4)It shall be a misdemeanor for any person to possess or carry, whether openly or concealed, any BB gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), and any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance on educational property. Any person violating this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00), or be imprisoned not exceeding six (6) months, or both.(5)It shall be a misdemeanor for any person to cause, encourage or aid a minor who is less than eighteen (18) years old to possess or carry, whether openly or concealed, any BB gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade, knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving) and any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance on educational property. Any person violating this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00), or be imprisoned not exceeding six (6) months, or both.(6)It shall not be a violation of this section for any person to possess or carry, whether openly or concealed, any gun, rifle, pistol or other firearm of any kind on educational property

if:(a)The person is not a student attending school on any educational property;(b)The firearm is within a motor vehicle; and(c)The person does not brandish, exhibit or display the firearm in any careless, angry or threatening manner.(7)This section shall not apply to:(a)A weapon used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority;(b)Armed Forces personnel of the United States, officers and soldiers of the militia and National Guard, law enforcement personnel, any private police employed by an educational institution, State Militia or Emergency Management Corps and any guard or patrolman in a state or municipal institution, and any law enforcement personnel or guard at a state juvenile training school, when acting in the discharge of their official duties;(c)Home schools as defined in the compulsory school attendance law, Section37-13-91;(d)Competitors while participating in organized shooting events;(e)Any person as authorized in Section97-37-7while in the performance of his official duties;(f)Any mail carrier while in the performance of his official duties; or(g)Any weapon not prescribed by Section97-37-1which is in a motor vehicle under the control of a parent, guardian or custodian, as defined in Section43-21-105, which is used to bring or pick up a student at a school building, school property or school function.(8)All schools shall post in public view a copy of the provisions of this section.Codes, 1880, § 2988; 1892, § 1030; 1906, § 1109; Hemingway's 1917, § 835; 1930, § 859; 1942, § 2085; Laws, 1994, ch. 607, § 1; Laws, 1995, ch. 607, § 1; Laws, 2008, ch. 459, § 2; Laws, 2010, ch. 554, § 12, eff. 7/1/2011. Codes, 1880, § 2988; 1892, § 1030; 1906, § 1109; Hemingway's 1917, § 835; 1930, § 859; 1942, § 2085; Laws, 1994, ch. 607, § 1; Laws, 1995, ch. 607, § 1; Laws, 2008, ch. 459, § 2; Laws, 2010, ch. 554, § 12, eff. 7/1/2011.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105)GENERAL PROVISIONS (§§ 97-37-1 — 97-37-39)Section 97-37-19 - Deadly weapons; exhibiting in threatening manner

If any person, having or carrying any dirk, dirk-knife, sword, sword-cane, or any deadly weapon, or other weapon the carrying of which concealed is prohibited by Section97-37-1, shall, in the presence of another person, brandish or wield the same in a threatening manner, not in necessary self-defense, or shall in any manner unlawfully use the same in any fight or quarrel, the person so offending, upon conviction thereof, shall be fined in a sum not exceeding Five Hundred Dollars (\$500.00) or be imprisoned in the county jail not exceeding three (3) months, or both. In prosecutions under this section it shall not be necessary for the affidavit or indictment to aver, nor for the state to prove on the trial, that any gun, pistol, or other firearm was charged, loaded, or in condition to be discharged.Codes, Hutchinson's 1848, ch. 64, art. 9(9); 1857, ch. 64, art. 56; 1871, § 2699; 1880, § 2804; 1892, § 1031; 1906, § 1110; Hemingway's 1917, § 836; 1930, § 860; 1942, § 2086.Amended by Laws, 2013, ch. 308, HB 2, 3, eff. 7/1/2013. If any person, having or carrying any dirk, dirk-knife, sword, sword-cane, or any deadly weapon, or other weapon the carrying of which concealed is prohibited by Section97-37-1, shall, in the presence of another person, brandish or wield the same in a threatening manner, not in necessary self-defense, or shall in any manner unlawfully use the same in any fight or quarrel, the person so offending, upon conviction thereof, shall be fined in a sum not exceeding Five Hundred Dollars (\$500.00) or be imprisoned in the county jail not exceeding three (3) months, or both. In prosecutions under this section it shall not be necessary for the affidavit or indictment to aver, nor for the state to prove on the trial, that any gun, pistol, or other firearm was charged, loaded, or in condition to be discharged.Codes, Hutchinson's 1848, ch. 64, art. 9(9); 1857, ch. 64, art. 56; 1871, § 2699; 1880, § 2804; 1892, § 1031; 1906, § 1110; Hemingway's 1917, § 836; 1930, § 860; 1942, § 2086.Amended by Laws, 2013, ch. 308, HB 2, 3, eff. 7/1/2013. If any person, having or carrying any dirk, dirk-knife, sword, sword-cane, or any deadly weapon, or other weapon the carrying of which concealed is prohibited by Section97-37-1, shall, in the presence of another person, brandish or wield the same in a threatening manner, not in necessary self-defense, or shall in any manner unlawfully use the same in any fight or quarrel, the person so offending, upon conviction thereof, shall be fined in a sum not exceeding Five Hundred Dollars (\$500.00) or be imprisoned in the county jail not exceeding three (3) months, or both. In prosecutions under this section it shall not be necessary for the affidavit or indictment to aver, nor for the state to prove on the trial, that any gun, pistol, or other firearm was charged, loaded, or in condition to be discharged. Codes, Hutchinson's 1848, ch. 64, art. 9(9); 1857, ch. 64, art. 56; 1871, § 2699; 1880, § 2804; 1892, § 1031; 1906, § 1110; Hemingway's 1917, § 836; 1930, § 860; 1942, § 2086. Amended by Laws, 2013, ch. 308, HB 2, 3, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105)GENERAL PROVISIONS (§§ 97-37-1 — 97-37-39)Section 97-37-21 - Explosives and weapons of mass destruction; false report of placing

It shall be unlawful for any person to report to another by any means, including telephone, mail, e-mail, mobile phone, fax or any means of communication, that a bomb or other explosive or chemical, biological or other weapons of mass destruction has been, or is to be, placed or secreted in any public or private place, knowing that such report is false. Any person who shall be convicted of a

violation of this section shall be fined not more than Ten Thousand Dollars (\$10,000.00) or shall be committed to the custody of the Department of Corrections for not more than ten (10) years, or both. Codes, 1942, § 2143.3; Laws, 1971, ch. 351, § 1; Laws, 1979, ch. 485; Laws, 2002, ch. 384, § 1; Laws, 2003, ch. 409, § 1, eff. 7/1/2003. It shall be unlawful for any person to report to another by any means, including telephone, mail, e-mail, mobile phone, fax or any means of communication, that a bomb or other explosive or chemical, biological or other weapons of mass destruction has been, or is to be, placed or secreted in any public or private place, knowing that such report is false. Any person who shall be convicted of a violation of this section shall be fined not more than Ten Thousand Dollars (\$10,000.00) or shall be committed to the custody of the Department of Corrections for not more than ten (10) years, or both. Codes, 1942, § 2143.3; Laws, 1971, ch. 351, § 1; Laws, 1979, ch. 485; Laws, 2002, ch. 384, § 1; Laws, 2003, ch. 409, § 1, eff. 7/1/2003. It shall be unlawful for any person to report to another by any means, including telephone, mail, e-mail, mobile phone, fax or any means of communication, that a bomb or other explosive or chemical, biological or other weapons of mass destruction has been, or is to be, placed or secreted in any public or private place, knowing that such report is false. Any person who shall be convicted of a violation of this section shall be fined not more than Ten Thousand Dollars (\$10,000.00) or shall be committed to the custody of the Department of Corrections for not more than ten (10) years, or both. Codes, 1942, § 2143.3; Laws, 1971, ch. 351, § 1; Laws, 1979, ch. 485; Laws, 2002, ch. 384, § 1; Laws, 2003, ch. 409, § 1, eff. 7/1/2003.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105) GENERAL PROVISIONS (§§ 97-37-1 — 97-37-39) Section 97-37-23 - Unlawful possession of explosives; duty of officers to make search and to seize explosives; exception to prohibition

(1) Except for persons who are engaged in lawful business activities or persons who are engaged in educational activities conducted by educational institutions, it is unlawful for any person to have in his possession: (a) Dynamite caps, nitroglycerine caps, fuses, detonators, dynamite, nitroglycerine, explosives, gas or stink bombs, or other similar explosives peculiarly possessed and adapted to aid in the commission of a crime; except such person or persons who are engaged in a lawful business which ordinarily requires the use thereof in the ordinary and usual conduct of such business, and who possess said articles for the purpose of use in said business; (b) Any: (i) Bomb; (ii) Grenade; (iii) Rocket having a propellant charge of more than four (4) ounces; (iv) Missile having an explosive or incendiary charge of more than one-quarter (1/4) ounce; (v) Mine; (vi) Any combination of parts either designed or intended for use in converting any device into one or more of the destructive devices described in this paragraph (b); or (vii) Any device which consists of or includes a breakable container including a flammable liquid or compound and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound and can be carried or thrown by one (1) individual acting alone; and (viii) Or other similar explosives peculiarly possessed and adapted to aid in the commission of a crime; and (c) Upon conviction of any person thereof, he shall be punished by imprisonment in the penitentiary for a term not to exceed five (5) years. The possession of such explosives by one who does not customarily use same in his regular and ordinary occupational activities shall be prima facie evidence of an intention to use same for such unlawful purposes. (2) It shall be the duty of any sheriff, constable, marshal, or policeman in a municipality, or any person vested with general police authority, who has reason to believe and does believe that the above described explosives are being transported or possessed for aid in the commission of a crime, forthwith to make a reasonable search of such person or vehicle, and to seize such explosives and to at once arrest the person or persons having possession or control thereof. Such officer or officers proceeding in good faith shall not be liable either civilly or criminally for such a search and seizure without a warrant, so long as said search and seizure is conducted in a reasonable manner, it appearing that the officer or officers had reason to believe and did believe that the law was being violated at the time such search was instituted. And the officer or officers making such search shall be competent to testify as a witness or witnesses as to all facts ascertained by means of said reasonable search or seizure, and all such explosives seized shall be admitted in evidence. But this section shall not authorize the search of a residence or home, or room, or building, or the premises belonging to or in the possession lawfully of the party suspected, without a search warrant. (3) In order to invoke the exception provided in subsection (1) for persons who possess explosive articles for business purposes, such person must comply with the provisions of this subsection as follows: (a) One or more individuals shall be designated by the owner of a business employing explosive articles subject to this section as the custodian for such articles; and (b) The custodian shall notify the sheriff of any county wherein such articles are utilized or employed by registering with the sheriff in writing prior to such use and including in such registration: (i) The business name and address of the owner of the articles; (ii) The name, address and local address of the custodian; (iii) The location of the job site where such articles shall be employed; (iv) In the event subject articles will not be in the immediate possession of the custodian, the custodian shall advise the sheriff of the specific location where such articles are left or stored; (v) Whenever business operations subject to this section or the storage of articles subject to this section occur within an incorporated municipality, the mayor or chief of police shall also be notified as required by this subsection. (4) Any person who fails to comply with the provisions of subsection (3) of this section shall, upon conviction thereof, be punished by imprisonment in the state penitentiary for a term not to exceed one (1) year or by a fine in an amount not to exceed Ten Thousand Dollars (\$10,000.00), or by both. (5) The provisions of subsections (3)

and (4) of this section are supplemental to any other statutory provision, ordinances of local governments or liabilities or duties otherwise imposed by law. Codes, 1942, § 2143.5; Laws, 1947, 2nd Ex. ch. 6, §§ 1, 2; Laws, 1986, ch. 385; Laws, 2000, ch. 538, § 1, eff. 7/1/2000. (1) Except for persons who are engaged in lawful business activities or persons who are engaged in educational activities conducted by educational institutions, it is unlawful for any person to have in his possession: (a) Dynamite caps, nitroglycerine caps, fuses, detonators, dynamite, nitroglycerine, explosives, gas or stink bombs, or other similar explosives peculiarly possessed and adapted to aid in the commission of a crime; except such person or persons who are engaged in a lawful business which ordinarily requires the use thereof in the ordinary and usual conduct of such business, and who possess said articles for the purpose of use in said business; (b) Any: (i) Bomb; (ii) Grenade; (iii) Rocket having a propellant charge of more than four (4) ounces; (iv) Missile having an explosive or incendiary charge of more than one-quarter (1/4) ounce; (v) Mine; (vi) Any combination of parts either designed or intended for use in converting any device into one or more of the destructive devices described in this paragraph (b); or (vii) Any device which consists of or includes a breakable container including a flammable liquid or compound and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound and can be carried or thrown by one (1) individual acting alone; and (viii) Or other similar explosives peculiarly possessed and adapted to aid in the commission of a crime; and (c) Upon conviction of any person thereof, he shall be punished by imprisonment in the penitentiary for a term not to exceed five (5) years. The possession of such explosives by one who does not customarily use same in his regular and ordinary occupational activities shall be prima facie evidence of an intention to use same for such unlawful purposes. (2) It shall be the duty of any sheriff, constable, marshal, or policeman in a municipality, or any person vested with general police authority, who has reason to believe and does believe that the above described explosives are being transported or possessed for aid in the commission of a crime, forthwith to make a reasonable search of such person or vehicle, and to seize such explosives and to at once arrest the person or persons having possession or control thereof. Such officer or officers proceeding in good faith shall not be liable either civilly or criminally for such a search and seizure without a warrant, so long as said search and seizure is conducted in a reasonable manner, it appearing that the officer or officers had reason to believe and did believe that the law was being violated at the time such search was instituted. And the officer or officers making such search shall be competent to testify as a witness or witnesses as to all facts ascertained by means of said reasonable search or seizure, and all such explosives seized shall be admitted in evidence. But this section shall not authorize the search of a residence or home, or room, or building, or the premises belonging to or in the possession lawfully of the party suspected, without a search warrant. (3) In order to invoke the exception provided in subsection (1) for persons who possess explosive articles for business purposes, such person must comply with the provisions of this subsection as follows: (a) One or more individuals shall be designated by the owner of a business employing explosive articles subject to this section as the custodian for such articles; and (b) The custodian shall notify the sheriff of any county wherein such articles are utilized or employed by registering with the sheriff in writing prior to such use and including in such registration: (i) The business name and address of the owner of the articles; (ii) The name, address and local address of the custodian; (iii) The location of the job site where such articles shall be employed; (iv) In the event subject articles will not be in the immediate possession of the custodian, the custodian shall advise the sheriff of the specific location where such articles are left or stored; (v) Whenever business operations subject to this section or the storage of articles subject to this section occur within an incorporated municipality, the mayor or chief of police shall also be notified as required by this subsection. (4) Any person who fails to comply with the provisions of subsection (3) of this section shall, upon conviction thereof, be punished by imprisonment in the state penitentiary for a term not to exceed one (1) year or by a fine in an amount not to exceed Ten Thousand Dollars (\$10,000.00), or by both. (5) The provisions of subsections (3) and (4) of this section are supplemental to any other statutory provision, ordinances of local governments or liabilities or duties otherwise imposed by law. Codes, 1942, § 2143.5; Laws, 1947, 2nd Ex. ch. 6, §§ 1, 2; Laws, 1986, ch. 385; Laws, 2000, ch. 538, § 1, eff. 7/1/2000. (1) Except for persons who are engaged in lawful business activities or persons who are engaged in educational activities conducted by educational institutions, it is unlawful for any person to have in his possession: (a) Dynamite caps, nitroglycerine caps, fuses, detonators, dynamite, nitroglycerine, explosives, gas or stink bombs, or other similar explosives peculiarly possessed and adapted to aid in the commission of a crime; except such person or persons who are engaged in a lawful business which ordinarily requires the use thereof in the ordinary and usual conduct of such business, and who possess said articles for the purpose of use in said business; (b) Any: (i) Bomb; (ii) Grenade; (iii) Rocket having a propellant charge of more than four (4) ounces; (iv) Missile having an explosive or incendiary charge of more than one-quarter (1/4) ounce; (v) Mine; (vi) Any combination of parts either designed or intended for use in converting any device into one or more of the destructive devices described in this paragraph (b); or (vii) Any device which consists of or includes a breakable container including a flammable liquid or compound and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound and can be carried or thrown by one (1) individual acting alone; and (viii) Or other similar explosives peculiarly possessed and adapted to aid in the commission of a crime; and (c) Upon conviction of any person thereof, he shall be punished by imprisonment in the penitentiary for a term not to exceed five (5) years. The possession of such explosives by one who does not customarily use same in his regular and ordinary occupational activities shall be prima facie evidence of an intention to use same for such unlawful purposes. (2) It shall be the duty of any sheriff, constable, marshal, or policeman in a municipality, or any person vested with general police authority, who has reason to believe and does believe that the above described explosives are being transported or possessed for aid in the commission of a crime, forthwith to make a reasonable search of such person or vehicle, and to seize such explosives and to at once arrest the person or persons having possession or control thereof. Such officer or officers proceeding in good faith shall not be liable either civilly or criminally for such a search and seizure without a warrant, so long as said search and seizure is conducted in a reasonable manner, it appearing that the officer or officers had reason to believe and did

believe that the law was being violated at the time such search was instituted. And the officer or officers making such search shall be competent to testify as a witness or witnesses as to all facts ascertained by means of said reasonable search or seizure, and all such explosives seized shall be admitted in evidence. But this section shall not authorize the search of a residence or home, or room, or building, or the premises belonging to or in the possession lawfully of the party suspected, without a search warrant.(3)In order to invoke the exception provided in subsection (1) for persons who possess explosive articles for business purposes, such person must comply with the provisions of this subsection as follows:(a)One or more individuals shall be designated by the owner of a business employing explosive articles subject to this section as the custodian for such articles; and(b)The custodian shall notify the sheriff of any county wherein such articles are utilized or employed by registering with the sheriff in writing prior to such use and including in such registration:(i)The business name and address of the owner of the articles;(ii)The name, address and local address of the custodian;(iii)The location of the job site where such articles shall be employed;(iv)In the event subject articles will not be in the immediate possession of the custodian, the custodian shall advise the sheriff of the specific location where such articles are left or stored;(v)Whenever business operations subject to this section or the storage of articles subject to this section occur within an incorporated municipality, the mayor or chief of police shall also be notified as required by this subsection.(4)Any person who fails to comply with the provisions of subsection (3) of this section shall, upon conviction thereof, be punished by imprisonment in the state penitentiary for a term not to exceed one (1) year or by a fine in an amount not to exceed Ten Thousand Dollars (\$10,000.00), or by both.(5)The provisions of subsections (3) and (4) of this section are supplemental to any other statutory provision, ordinances of local governments or liabilities or duties otherwise imposed by law.Codes, 1942, § 2143.5; Laws, 1947, 2nd Ex. ch. 6, §§ 1, 2; Laws, 1986, ch. 385; Laws, 2000, ch. 538, § 1, eff. 7/1/2000. Codes, 1942, § 2143.5; Laws, 1947, 2nd Ex. ch. 6, §§ 1, 2; Laws, 1986, ch. 385; Laws, 2000, ch. 538, § 1, eff. 7/1/2000.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105)GENERAL PROVISIONS (§§ 97-37-1 — 97-37-39)Section 97-37-25 - Explosives and weapons of mass destruction; unlawful use

It shall be unlawful for any person at any time to bomb, or to plant or place any bomb, or other explosive matter or chemical, biological or other weapons of mass destruction or thing in, upon or near any building, residence, ship, vessel, boat, railroad station, railroad car or coach, bus station, or depot, bus, truck, aircraft, or other vehicle, gas and oil stations and pipelines, radio station or radio equipment or other means of communication, warehouse or any electric plant or water plant, telephone exchange or any of the lines belonging thereto, wherein a person or persons are located or being transported, or where there is being manufactured, stored, assembled or shipped or in the preparation of shipment any goods, wares, merchandise or anything of value, with the felonious intent to hurt or harm any person or property, and upon conviction thereof shall be imprisoned for life in the State Penitentiary if the penalty is so fixed by the jury; and in cases where the jury fails to fix the penalty at imprisonment for life in the State Penitentiary the court shall fix the penalty at imprisonment in the State Penitentiary for any term as the court, in its discretion, may determine, but not to be less than five (5) years.Codes, 1942, § 2143; Laws, 1942, ch. 204; Laws, 1947, 2nd Ex. ch. 7; Laws, 1974, ch. 576, § 5; Laws, 2000, ch. 538, § 2; Laws, 2003, ch. 409, § 2, eff. 7/1/2003. It shall be unlawful for any person at any time to bomb, or to plant or place any bomb, or other explosive matter or chemical, biological or other weapons of mass destruction or thing in, upon or near any building, residence, ship, vessel, boat, railroad station, railroad car or coach, bus station, or depot, bus, truck, aircraft, or other vehicle, gas and oil stations and pipelines, radio station or radio equipment or other means of communication, warehouse or any electric plant or water plant, telephone exchange or any of the lines belonging thereto, wherein a person or persons are located or being transported, or where there is being manufactured, stored, assembled or shipped or in the preparation of shipment any goods, wares, merchandise or anything of value, with the felonious intent to hurt or harm any person or property, and upon conviction thereof shall be imprisoned for life in the State Penitentiary if the penalty is so fixed by the jury; and in cases where the jury fails to fix the penalty at imprisonment for life in the State Penitentiary the court shall fix the penalty at imprisonment in the State Penitentiary for any term as the court, in its discretion, may determine, but not to be less than five (5) years.Codes, 1942, § 2143; Laws, 1942, ch. 204; Laws, 1947, 2nd Ex. ch. 7; Laws, 1974, ch. 576, § 5; Laws, 2000, ch. 538, § 2; Laws, 2003, ch. 409, § 2, eff. 7/1/2003. It shall be unlawful for any person at any time to bomb, or to plant or place any bomb, or other explosive matter or chemical, biological or other weapons of mass destruction or thing in, upon or near any building, residence, ship, vessel, boat, railroad station, railroad car or coach, bus station, or depot, bus, truck, aircraft, or other vehicle, gas and oil stations and pipelines, radio station or radio equipment or other means of communication, warehouse or any electric plant or water plant, telephone exchange or any of the lines belonging thereto, wherein a person or persons are located or being transported, or where there is being manufactured, stored, assembled or shipped or in the preparation of shipment any goods, wares, merchandise or anything of value, with the felonious intent to hurt or harm any person or property, and upon conviction thereof shall be imprisoned for life in the State Penitentiary if the penalty is so fixed by the jury; and in cases where the jury fails to fix the penalty at imprisonment for life in the State Penitentiary the court shall fix the penalty at imprisonment in the State Penitentiary for any term as the court, in its discretion, may determine, but not to be less than five (5) years.Codes, 1942, § 2143; Laws, 1942, ch. 204; Laws, 1947, 2nd Ex. ch. 7; Laws, 1974, ch. 576, § 5; Laws, 2000, ch. 538, § 2; Laws, 2003, ch. 409, § 2, eff. 7/1/2003. It shall be unlawful for any person at any time to bomb, or to plant or place any bomb, or other explosive matter or chemical, biological or other weapons of mass destruction or thing in, upon or near any building, residence, ship, vessel, boat, railroad station, railroad car or coach, bus station, or depot, bus, truck, aircraft, or other vehicle, gas and oil stations and pipelines, radio station or radio equipment or other means of communication, warehouse or any electric plant or water plant, telephone exchange or any of the lines belonging thereto, wherein a

person or persons are located or being transported, or where there is being manufactured, stored, assembled or shipped or in the preparation of shipment any goods, wares, merchandise or anything of value, with the felonious intent to hurt or harm any person or property, and upon conviction thereof shall be imprisoned for life in the State Penitentiary if the penalty is so fixed by the jury; and in cases where the jury fails to fix the penalty at imprisonment for life in the State Penitentiary the court shall fix the penalty at imprisonment in the State Penitentiary for any term as the court, in its discretion, may determine, but not to be less than five (5) years. Codes, 1942, § 2143; Laws, 1942, ch. 204; Laws, 1947, 2nd Ex. ch. 7; Laws, 1974, ch. 576, § 5; Laws, 2000, ch. 538, § 2; Laws, 2003, ch. 409, § 2, eff. 7/1/2003.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105) GENERAL PROVISIONS (§§ 97-37-1 — 97-37-39) Section 97-37-27 - Fireworks; unlawful to explode in certain places

It shall be unlawful to explode any fire-crackers, roman candles, sky-rockets or any kind of fireworks in any unincorporated town or village in this state, within three hundred yards of any railroad depot, and cotton or hay warehouse or any cotton-yard. And any one violating the provisions of this section shall, upon conviction, before any justice of the peace, be fined not more than ten dollars nor less than one dollar, or imprisoned not more than ten days, or may be both fined and imprisoned. Codes, 1906, § 1171; Hemingway's 1917, § 900; 1930, § 927; 1942, § 2156; Laws, 1896, ch. 169. It shall be unlawful to explode any fire-crackers, roman candles, sky-rockets or any kind of fireworks in any unincorporated town or village in this state, within three hundred yards of any railroad depot, and cotton or hay warehouse or any cotton-yard. And any one violating the provisions of this section shall, upon conviction, before any justice of the peace, be fined not more than ten dollars nor less than one dollar, or imprisoned not more than ten days, or may be both fined and imprisoned. Codes, 1906, § 1171; Hemingway's 1917, § 900; 1930, § 927; 1942, § 2156; Laws, 1896, ch. 169. It shall be unlawful to explode any fire-crackers, roman candles, sky-rockets or any kind of fireworks in any unincorporated town or village in this state, within three hundred yards of any railroad depot, and cotton or hay warehouse or any cotton-yard. And any one violating the provisions of this section shall, upon conviction, before any justice of the peace, be fined not more than ten dollars nor less than one dollar, or imprisoned not more than ten days, or may be both fined and imprisoned. Codes, 1906, § 1171; Hemingway's 1917, § 900; 1930, § 927; 1942, § 2156; Laws, 1896, ch. 169.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105) GENERAL PROVISIONS (§§ 97-37-1 — 97-37-39) Section 97-37-29 - Shooting into dwelling house

If any person shall willfully and unlawfully shoot or discharge any pistol, shotgun, rifle or firearm of any nature or description into any dwelling house or any other building usually occupied by persons, whether actually occupied or not, he shall be guilty of a felony whether or not anybody be injured thereby and, on conviction thereof, shall be punished by imprisonment in the state penitentiary for a term not to exceed ten (10) years, or by imprisonment in the county jail for not more than one (1) year, or by fine of not more than five thousand dollars (\$5,000.00), or by both such imprisonment and fine, within the discretion of the court. Codes, 1942, § 2086.5; Laws, 1966, ch. 387, § 1, eff. 5/20/1966. If any person shall willfully and unlawfully shoot or discharge any pistol, shotgun, rifle or firearm of any nature or description into any dwelling house or any other building usually occupied by persons, whether actually occupied or not, he shall be guilty of a felony whether or not anybody be injured thereby and, on conviction thereof, shall be punished by imprisonment in the state penitentiary for a term not to exceed ten (10) years, or by imprisonment in the county jail for not more than one (1) year, or by fine of not more than five thousand dollars (\$5,000.00), or by both such imprisonment and fine, within the discretion of the court. Codes, 1942, § 2086.5; Laws, 1966, ch. 387, § 1, eff. 5/20/1966. If any person shall willfully and unlawfully shoot or discharge any pistol, shotgun, rifle or firearm of any nature or description into any dwelling house or any other building usually occupied by persons, whether actually occupied or not, he shall be guilty of a felony whether or not anybody be injured thereby and, on conviction thereof, shall be punished by imprisonment in the state penitentiary for a term not to exceed ten (10) years, or by imprisonment in the county jail for not more than one (1) year, or by fine of not more than five thousand dollars (\$5,000.00), or by both such imprisonment and fine, within the discretion of the court. Codes, 1942, § 2086.5; Laws, 1966, ch. 387, § 1, eff. 5/20/1966. If any person shall willfully and unlawfully shoot or discharge any pistol, shotgun, rifle or firearm of any nature or description into any dwelling house or any other building usually occupied by persons, whether actually occupied or not, he shall be guilty of a felony whether or not anybody be injured thereby and, on conviction thereof, shall be punished by imprisonment in the state penitentiary for a term not to exceed ten (10) years, or by imprisonment in the county jail for not more than one (1) year, or by fine of not more than five thousand dollars (\$5,000.00), or by both such imprisonment and fine, within the discretion of the court. Codes, 1942, § 2086.5; Laws, 1966, ch. 387, § 1, eff. 5/20/1966.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105) GENERAL PROVISIONS (§§ 97-37-1 — 97-37-39) Section 97-37-3 - Deadly weapons; forfeiture of weapon; return upon dismissal or acquittal; confiscated firearms may be sold at auction; proceeds of sale used to purchase

bulletproof vests for seizing law enforcement agency

(1)Any weapon used in violation of Section97-37-1, or used in the commission of any other crime, shall be seized by the arresting officer, may be introduced in evidence, and in the event of a conviction, shall be ordered to be forfeited, and shall be disposed of as ordered by the court having jurisdiction of such offense. In the event of dismissal or acquittal of charges, such weapon shall be returned to the accused from whom it was seized.(2)(a)If the weapon to be forfeited is merchantable, the court may order the weapon forfeited to the seizing law enforcement agency.(b)A weapon so forfeited to a law enforcement agency may be sold at auction as provided by Sections19-3-85and21-39-21to a federally-licensed firearms dealer, with the proceeds from such sale at auction to be used to buy bulletproof vests for the seizing law enforcement agency.Codes, 1880, § 2985; 1892, § 1026; 1906, §§ 1103, 1104; Hemingway's 1917, §§ 829, 830; 1930, §§ 853, 854; 1942, § 2079; Laws, 1898, p. 86; Laws, 1960, ch. 242, § 1; Laws, 1962, ch. 310, § 1; Laws, 1979, ch. 396; Laws, 2003, ch. 349, § 1, eff. 7/1/2003. (1)Any weapon used in violation of Section97-37-1, or used in the commission of any other crime, shall be seized by the arresting officer, may be introduced in evidence, and in the event of a conviction, shall be ordered to be forfeited, and shall be disposed of as ordered by the court having jurisdiction of such offense. In the event of dismissal or acquittal of charges, such weapon shall be returned to the accused from whom it was seized.(2)(a)If the weapon to be forfeited is merchantable, the court may order the weapon forfeited to the seizing law enforcement agency.(b)A weapon so forfeited to a law enforcement agency may be sold at auction as provided by Sections19-3-85and21-39-21to a federally-licensed firearms dealer, with the proceeds from such sale at auction to be used to buy bulletproof vests for the seizing law enforcement agency.Codes, 1880, § 2985; 1892, § 1026; 1906, §§ 1103, 1104; Hemingway's 1917, §§ 829, 830; 1930, §§ 853, 854; 1942, § 2079; Laws, 1898, p. 86; Laws, 1960, ch. 242, § 1; Laws, 1962, ch. 310, § 1; Laws, 1979, ch. 396; Laws, 2003, ch. 349, § 1, eff. 7/1/2003. (1)Any weapon used in violation of Section97-37-1, or used in the commission of any other crime, shall be seized by the arresting officer, may be introduced in evidence, and in the event of a conviction, shall be ordered to be forfeited, and shall be disposed of as ordered by the court having jurisdiction of such offense. In the event of dismissal or acquittal of charges, such weapon shall be returned to the accused from whom it was seized.(2)(a)If the weapon to be forfeited is merchantable, the court may order the weapon forfeited to the seizing law enforcement agency.(b)A weapon so forfeited to a law enforcement agency may be sold at auction as provided by Sections19-3-85and21-39-21to a federally-licensed firearms dealer, with the proceeds from such sale at auction to be used to buy bulletproof vests for the seizing law enforcement agency.Codes, 1880, § 2985; 1892, § 1026; 1906, §§ 1103, 1104; Hemingway's 1917, §§ 829, 830; 1930, §§ 853, 854; 1942, § 2079; Laws, 1898, p. 86; Laws, 1960, ch. 242, § 1; Laws, 1962, ch. 310, § 1; Laws, 1979, ch. 396; Laws, 2003, ch. 349, § 1, eff. 7/1/2003. Codes, 1880, § 2985; 1892, § 1026; 1906, §§ 1103, 1104; Hemingway's 1917, §§ 829, 830; 1930, §§ 853, 854; 1942, § 2079; Laws, 1898, p. 86; Laws, 1960, ch. 242, § 1; Laws, 1962, ch. 310, § 1; Laws, 1979, ch. 396; Laws, 2003, ch. 349, § 1, eff. 7/1/2003.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105)GENERAL PROVISIONS (§§ 97-37-1 — 97-37-39)Section 97-37-30 - Willful discharge of a firearm toward the dwelling of another causing damage to property or domesticated animal or livestock

A person who willfully discharges his firearm toward the dwelling of another, causing property damage to the dwelling or any domesticated animal or livestock, is guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment not exceeding twelve (12) months in the county jail, or both.Laws, 2010, ch. 523, § 1, eff. 7/1/2010. A person who willfully discharges his firearm toward the dwelling of another, causing property damage to the dwelling or any domesticated animal or livestock, is guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment not exceeding twelve (12) months in the county jail, or both.Laws, 2010, ch. 523, § 1, eff. 7/1/2010. A person who willfully discharges his firearm toward the dwelling of another, causing property damage to the dwelling or any domesticated animal or livestock, is guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment not exceeding twelve (12) months in the county jail, or both.Laws, 2010, ch. 523, § 1, eff. 7/1/2010. A person who willfully discharges his firearm toward the dwelling of another, causing property damage to the dwelling or any domesticated animal or livestock, is guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment not exceeding twelve (12) months in the county jail, or both. Laws, 2010, ch. 523, § 1, eff. 7/1/2010.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105)GENERAL PROVISIONS (§§ 97-37-1 — 97-37-39)Section 97-37-33 - Toy pistols; sale of pistol or cartridges prohibited; cap pistols excepted

If any person shall sell, or offer, or expose for sale any toy pistol, or cartridges, or other contrivance by which such pistols are fired or made to cause an explosion, he shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than five dollars nor more than twenty-five dollars, or by imprisonment in the county jail not less than three days nor more than thirty days, or both.It is expressly provided, however, that nothing herein shall be construed to prohibit the sale, or offering, or exposure for sale of any toy cap pistols, or other devices, in which paper caps manufactured in accordance with United States Interstate Commerce Commission regulations for packing or shipping of toy paper caps are used or exploded, and the sale of such toy cap pistols is hereby declared to be permissible.Codes, 1892, § 1247; 1906, § 1322; Hemingway's 1917, § 1055; 1930, § 1086; 1942, § 2319; Laws, 1884, p. 82; Laws, 1952, ch. 257. If any person shall sell, or offer, or expose for sale any toy pistol, or

cartridges, or other contrivance by which such pistols are fired or made to cause an explosion, he shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than five dollars nor more than twenty-five dollars, or by imprisonment in the county jail not less than three days nor more than thirty days, or both. It is expressly provided, however, that nothing herein shall be construed to prohibit the sale, or offering, or exposure for sale of any toy cap pistols, or other devices, in which paper caps manufactured in accordance with United States Interstate Commerce Commission regulations for packing or shipping of toy paper caps are used or exploded, and the sale of such toy cap pistols is hereby declared to be permissible. Codes, 1892, § 1247; 1906, § 1322; Hemingway's 1917, § 1055; 1930, § 1086; 1942, § 2319; Laws, 1884, p. 82; Laws, 1952, ch. 257. If any person shall sell, or offer, or expose for sale any toy pistol, or cartridges, or other contrivance by which such pistols are fired or made to cause an explosion, he shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than five dollars nor more than twenty-five dollars, or by imprisonment in the county jail not less than three days nor more than thirty days, or both. It is expressly provided, however, that nothing herein shall be construed to prohibit the sale, or offering, or exposure for sale of any toy cap pistols, or other devices, in which paper caps manufactured in accordance with United States Interstate Commerce Commission regulations for packing or shipping of toy paper caps are used or exploded, and the sale of such toy cap pistols is hereby declared to be permissible. Codes, 1892, § 1247; 1906, § 1322; Hemingway's 1917, § 1055; 1930, § 1086; 1942, § 2319; Laws, 1884, p. 82; Laws, 1952, ch. 257. If any person shall sell, or offer, or expose for sale any toy pistol, or cartridges, or other contrivance by which such pistols are fired or made to cause an explosion, he shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than five dollars nor more than twenty-five dollars, or by imprisonment in the county jail not less than three days nor more than thirty days, or both. It is expressly provided, however, that nothing herein shall be construed to prohibit the sale, or offering, or exposure for sale of any toy cap pistols, or other devices, in which paper caps manufactured in accordance with United States Interstate Commerce Commission regulations for packing or shipping of toy paper caps are used or exploded, and the sale of such toy cap pistols is hereby declared to be permissible. Codes, 1892, § 1247; 1906, § 1322; Hemingway's 1917, § 1055; 1930, § 1086; 1942, § 2319; Laws, 1884, p. 82; Laws, 1952, ch. 257.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105) GENERAL PROVISIONS (§§ 97-37-1 — 97-37-39) Section 97-37-35 - Stolen firearms; possession, receipt, acquisition or disposal; offense; punishment

(1) It is unlawful for any person knowingly or intentionally to possess, receive, retain, acquire or obtain possession or dispose of a stolen firearm or attempt to possess, receive, retain, acquire or obtain possession or dispose of a stolen firearm. (2) It is unlawful for any person knowingly or intentionally to sell, deliver or transfer a stolen firearm or attempt to sell, deliver or transfer a stolen firearm. (3) Any person convicted of violating this section shall be guilty of a felony and shall be punished as follows: (a) For the first conviction, punishment by commitment to the Department of Corrections for five (5) years; (b) For the second and subsequent convictions, the offense shall be considered trafficking in stolen firearms punishable by commitment to the Department of Corrections for not less than fifteen (15) years. (c) For a conviction where the offender possesses two (2) or more stolen firearms, the offense shall be considered trafficking in stolen firearms punishable by commitment to the Department of Corrections for not less than fifteen (15) years. (4) Any person who commits or attempts to commit any other crime while in possession of a stolen firearm shall be guilty of a separate felony of possession of a stolen firearm under this section and, upon conviction thereof, shall be punished by commitment to the Department of Corrections for five (5) years, such term to run consecutively and not concurrently with any other sentence of incarceration. Laws, 1998, ch. 431, § 1, eff. 7/1/1998. (1) It is unlawful for any person knowingly or intentionally to possess, receive, retain, acquire or obtain possession or dispose of a stolen firearm or attempt to possess, receive, retain, acquire or obtain possession or dispose of a stolen firearm. (2) It is unlawful for any person knowingly or intentionally to sell, deliver or transfer a stolen firearm or attempt to sell, deliver or transfer a stolen firearm. (3) Any person convicted of violating this section shall be guilty of a felony and shall be punished as follows: (a) For the first conviction, punishment by commitment to the Department of Corrections for five (5) years; (b) For the second and subsequent convictions, the offense shall be considered trafficking in stolen firearms punishable by commitment to the Department of Corrections for not less than fifteen (15) years. (c) For a conviction where the offender possesses two (2) or more stolen firearms, the offense shall be considered trafficking in stolen firearms punishable by commitment to the Department of Corrections for not less than fifteen (15) years. (4) Any person who commits or attempts to commit any other crime while in possession of a stolen firearm shall be guilty of a separate felony of possession of a stolen firearm under this section and, upon conviction thereof, shall be punished by commitment to the Department of Corrections for five (5) years, such term to run consecutively and not concurrently with any other sentence of incarceration. Laws, 1998, ch. 431, § 1, eff. 7/1/1998. (1) It is unlawful for any person knowingly or intentionally to possess, receive, retain, acquire or obtain possession or dispose of a stolen firearm or attempt to possess, receive, retain, acquire or obtain possession or dispose of a stolen firearm. (2) It is unlawful for any person knowingly or intentionally to sell, deliver or transfer a stolen firearm or attempt to sell, deliver or transfer a stolen firearm. (3) Any person convicted of violating this section shall be guilty of a felony and shall be punished as follows: (a) For the first conviction, punishment by commitment to the Department of Corrections for five (5) years; (b) For the second and subsequent convictions, the offense shall be considered trafficking in stolen firearms punishable by commitment to the Department of Corrections for not less than fifteen (15) years. (c) For a conviction where the offender possesses two (2) or more stolen firearms, the offense shall be considered trafficking in stolen firearms punishable by commitment to the Department of Corrections for not less than fifteen (15) years. (4) Any person who commits or attempts to commit any other crime while in possession of a stolen firearm shall be guilty of a separate felony of possession of a stolen firearm under this section and,

upon conviction thereof, shall be punished by commitment to the Department of Corrections for five (5) years, such term to run consecutively and not concurrently with any other sentence of incarceration. Laws, 1998, ch. 431, § 1, eff. 7/1/1998. Laws, 1998, ch. 431, § 1, eff. 7/1/1998.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105) GENERAL PROVISIONS (§§ 97-37-1 — 97-37-39) Section 97-37-37 - Enhanced penalty for use of firearm during commission of felony

(1) Except to the extent that a greater minimum sentence is otherwise provided by any other provision of law, any person who uses or displays a firearm during the commission of any felony shall, in addition to the punishment provided for such felony, be sentenced to an additional term of imprisonment in the custody of the Department of Corrections of five (5) years, which sentence shall not be reduced or suspended. (2) Except to the extent that a greater minimum sentence is otherwise provided by any other provision of law, any convicted felon who uses or displays a firearm during the commission of any felony shall, in addition to the punishment provided for such felony, be sentenced to an additional term of imprisonment in the custody of the Department of Corrections of ten (10) years, to run consecutively, not concurrently, which sentence shall not be reduced or suspended. Laws, 2004, ch. 392, § 1; Laws, 2007, ch. 323, § 1, eff. 7/1/2007. (1) Except to the extent that a greater minimum sentence is otherwise provided by any other provision of law, any person who uses or displays a firearm during the commission of any felony shall, in addition to the punishment provided for such felony, be sentenced to an additional term of imprisonment in the custody of the Department of Corrections of five (5) years, which sentence shall not be reduced or suspended. (2) Except to the extent that a greater minimum sentence is otherwise provided by any other provision of law, any convicted felon who uses or displays a firearm during the commission of any felony shall, in addition to the punishment provided for such felony, be sentenced to an additional term of imprisonment in the custody of the Department of Corrections of ten (10) years, to run consecutively, not concurrently, which sentence shall not be reduced or suspended. Laws, 2004, ch. 392, § 1; Laws, 2007, ch. 323, § 1, eff. 7/1/2007. (1) Except to the extent that a greater minimum sentence is otherwise provided by any other provision of law, any person who uses or displays a firearm during the commission of any felony shall, in addition to the punishment provided for such felony, be sentenced to an additional term of imprisonment in the custody of the Department of Corrections of five (5) years, which sentence shall not be reduced or suspended. (2) Except to the extent that a greater minimum sentence is otherwise provided by any other provision of law, any convicted felon who uses or displays a firearm during the commission of any felony shall, in addition to the punishment provided for such felony, be sentenced to an additional term of imprisonment in the custody of the Department of Corrections of ten (10) years, to run consecutively, not concurrently, which sentence shall not be reduced or suspended. Laws, 2004, ch. 392, § 1; Laws, 2007, ch. 323, § 1, eff. 7/1/2007. Laws, 2004, ch. 392, § 1; Laws, 2007, ch. 323, § 1, eff. 7/1/2007.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105) GENERAL PROVISIONS (§§ 97-37-1 — 97-37-39) Section 97-37-39 - [Manufacture, possession, and use of machine gun conversion devices - Punishment]

(1)(a) Any person who manufactures, possesses, or uses a machine gun conversion device and who is not otherwise authorized by federal law to manufacture, possess or use a machine gun conversion device shall be guilty of a felony. (b) For purposes of this section, the following terms shall have the meanings described herein: (i) "Machine gun conversion" means a device that is designed, made and intended to convert a semi-automatic firearm into a machine gun. The term "machine gun conversion" does not include any semi-automatic firearm or any device designed only to aid the operator of a semi-automatic firearm to discharge the firearm more accurately or to pull the trigger more quickly as long as the operator must still function the trigger of the firearm for each shot fired. (ii) Machine gun means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one (1) shot without manual reloading, by a single function of the trigger. (2) Any person convicted of a first offense in violation of this act shall be guilty of a felony, and shall be sentenced to imprisonment for a term of not more than ten (10) years, fined not more than Ten Thousand Dollars (\$10,000.00), or both. (3) A person convicted of a second or subsequent offense shall be charged with a felony under this act and shall be sentenced to imprisonment for a term of not more than fifteen (15) years, fined not more than Twenty Thousand Dollars (\$20,000.00), or both. (4) This section shall be known as the "Jeremy Todd Malone Law." Added by Laws, 2024, ch. 455, HB 903, § 1, eff. 7/1/2024. (1)(a) Any person who manufactures, possesses, or uses a machine gun conversion device and who is not otherwise authorized by federal law to manufacture, possess or use a machine gun conversion device shall be guilty of a felony. (b) For purposes of this section, the following terms shall have the meanings described herein: (i) "Machine gun conversion" means a device that is designed, made and intended to convert a semi-automatic firearm into a machine gun. The term "machine gun conversion" does not include any semi-automatic firearm or any device designed only to aid the operator of a semi-automatic firearm to discharge the firearm more accurately or to pull the trigger more quickly as long as the operator must still function the trigger of the firearm for each shot fired. (ii) Machine gun means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one (1) shot without manual reloading, by a single function of the trigger. (2) Any person convicted of a first offense in violation of this act shall be guilty of a felony, and shall be sentenced to imprisonment for a term of not more than ten (10) years, fined not more than Ten Thousand Dollars (\$10,000.00), or both. (3) A person convicted of a second or subsequent offense shall be charged with a felony under this act and shall be sentenced to imprisonment for a term of not more than fifteen (15) years, fined not more than Twenty Thousand Dollars (\$20,000.00), or both. (4) This section shall be known as the "Jeremy Todd Malone Law." Added by Laws, 2024, ch. 455, HB 903, § 1, eff. 7/1/2024.

(1)(a)Any person who manufactures, possesses, or uses a machine gun conversion device and who is not otherwise authorized by federal law to manufacture, possess or use a machine gun conversion device shall be guilty of a felony.(b)For purposes of this section, the following terms shall have the meanings described herein:(i)"Machine gun conversion" means a device that is designed, made and intended to convert a semi-automatic firearm into a machine gun. The term "machine gun conversion" does not include any semi-automatic firearm or any device designed only to aid the operator of a semi-automatic firearm to discharge the firearm more accurately or to pull the trigger more quickly as long as the operator must still function the trigger of the firearm for each shot fired.(ii)Machine gun means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one (1) shot without manual reloading, by a single function of the trigger.(2)Any person convicted of a first offense in violation of this act shall be guilty of a felony, and shall be sentenced to imprisonment for a term of not more than ten (10) years, fined not more than Ten Thousand Dollars (\$10,000.00), or both.(3)A person convicted of a second or subsequent offense shall be charged with a felony under this act and shall be sentenced to imprisonment for a term of not more than fifteen (15) years, fined not more than Twenty Thousand Dollars (\$20,000.00), or both.(4)This section shall be known as the "Jeremy Todd Malone Law."Added by Laws, 2024, ch. 455, HB 903,§ 1, eff. 7/1/2024. Added by Laws, 2024, ch. 455, HB 903,§ 1, eff. 7/1/2024.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105)GENERAL PROVISIONS (§§ 97-37-1 — 97-37-39)Section 97-37-5 - Unlawful for convicted felon to possess any firearms, or other weapons or devices; penalties; exceptions

(1)It shall be unlawful for any person who has been convicted of a felony under the laws of this state, any other state, or of the United States to possess any firearm or any bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, or any muffler or silencer for any firearm unless such person has received a pardon for such felony, has received a relief from disability pursuant to Section 925(c) of Title 18 of the United States Code, or has received a certificate of rehabilitation pursuant to subsection (3) of this section.(2)Any person violating this section shall be guilty of a felony and, upon conviction thereof, shall be fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the State Department of Corrections for not less than one (1) year nor more than ten (10) years, or both.(3)A person who has been convicted of a felony under the laws of this state, under the laws of another state, under federal law or in state military court may apply for a certificate of rehabilitation as provided in this section. If the person was convicted of a felony under the laws of this state, he or she may apply to the court in which he was convicted for a certificate of rehabilitation. If the person was convicted of a felony under the laws of another state, under federal law or in state military court, he or she may apply to the court in the person's county of residence for a certificate of rehabilitation. A person convicted of a felony under the laws of another state, under federal law or in state military court shall attach a certified copy of his or her judgment and a certified copy of his or her completion of sentence to the petition for a certificate of rehabilitation. The court may grant such certificate in its discretion upon a showing to the satisfaction of the court that the applicant has been rehabilitated and has led a useful, productive and law-abiding life since the completion of his or her sentence and upon the finding of the court that he or she will not be likely to act in a manner dangerous to public safety.(4)(a)A person who is discharged from court-ordered mental health treatment may petition the court which entered the commitment order for an order stating that the person qualifies for relief from a firearms disability.(b)In determining whether to grant relief, the court must hear and consider evidence about:(i)The circumstances that led to imposition of the firearms disability under 18 USCS, Section 922(d)(4);(ii)The person's mental history;(iii)The person's criminal history; and(iv)The person's reputation.(c)A court may not grant relief unless it makes and enters in the record the following affirmative findings:(i)That the person is no longer likely to act in a manner dangerous to public safety; and(ii)Removing the person's disability to purchase a firearm is not against the public interest.Codes, 1880, § 2985; 1892, § 1026; 1906, § 1103; Hemingway's 1917, § 829; 1930, § 853; 1942, § 2079; Laws, 1898, p. 86; Laws, 1960, ch. 242, § 1; Laws, 1962, ch. 310, § 1; Laws, 1993, ch. 482, § 1; Laws, 2007, ch. 322, § 1; Laws, 2007, ch. 530, § 2, eff. 7/1/2007.Amended by Laws, 2021, ch. 430, HB 928,§ 4, eff. 7/1/2021.Amended by Laws, 2013, ch. 384, SB 2647, 3, eff. 7/1/2013. (1)It shall be unlawful for any person who has been convicted of a felony under the laws of this state, any other state, or of the United States to possess any firearm or any bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, or any muffler or silencer for any firearm unless such person has received a pardon for such felony, has received a relief from disability pursuant to Section 925(c) of Title 18 of the United States Code, or has received a certificate of rehabilitation pursuant to subsection (3) of this section.(2)Any person violating this section shall be guilty of a felony and, upon conviction thereof, shall be fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the State Department of Corrections for not less than one (1) year nor more than ten (10) years, or both.(3)A person who has been convicted of a felony under the laws of this state, under the laws of another state, under federal law or in state military court may apply for a certificate of rehabilitation as provided in this section. If the person was convicted of a felony under the laws of this state, he or she may apply to the court in which he was convicted for a certificate of rehabilitation. If the person was convicted of a felony under the laws of another state, under federal law or in state military court, he or she may apply to the court in the person's county of residence for a certificate of rehabilitation. A person convicted of a felony under the laws of another state, under federal law or in state military court shall attach a certified copy of his or her judgment and a certified copy of his or her completion of sentence to the petition for a certificate of rehabilitation. The court may grant such certificate in its discretion upon a showing to the satisfaction of the court that the applicant has been rehabilitated and has led a useful, productive and law-abiding life since the completion of his or her sentence and upon the finding of the court that he or she will not be likely to act in a manner dangerous to public safety.(4)(a)A person who is discharged from court-ordered mental health treatment may petition the court which entered the commitment order for an order stating that the person qualifies for relief from a

firearms disability.(b)In determining whether to grant relief, the court must hear and consider evidence about:(i)The circumstances that led to imposition of the firearms disability under 18 USCS, Section 922(d)(4);(ii)The person's mental history;(iii)The person's criminal history; and(iv)The person's reputation.(c)A court may not grant relief unless it makes and enters in the record the following affirmative findings:(i)That the person is no longer likely to act in a manner dangerous to public safety; and(ii)Removing the person's disability to purchase a firearm is not against the public interest.Codes, 1880, § 2985; 1892, § 1026; 1906, § 1103; Hemingway's 1917, § 829; 1930, § 853; 1942, § 2079; Laws, 1898, p. 86; Laws, 1960, ch. 242, § 1; Laws, 1962, ch. 310, § 1; Laws, 1993, ch. 482, § 1; Laws, 2007, ch. 322, § 1; Laws, 2007, ch. 530, § 2, eff. 7/1/2007.Amended by Laws, 2021, ch. 430, HB 928,§ 4, eff. 7/1/2021.Amended by Laws, 2013, ch. 384, SB 2647, 3, eff. 7/1/2013. (1)It shall be unlawful for any person who has been convicted of a felony under the laws of this state, any other state, or of the United States to possess any firearm or any bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, or any muffler or silencer for any firearm unless such person has received a pardon for such felony, has received a relief from disability pursuant to Section 925(c) of Title 18 of the United States Code, or has received a certificate of rehabilitation pursuant to subsection (3) of this section.(2)Any person violating this section shall be guilty of a felony and, upon conviction thereof, shall be fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the State Department of Corrections for not less than one (1) year nor more than ten (10) years, or both.(3)A person who has been convicted of a felony under the laws of this state, under the laws of another state, under federal law or in state military court may apply for a certificate of rehabilitation as provided in this section. If the person was convicted of a felony under the laws of this state, he or she may apply to the court in which he was convicted for a certificate of rehabilitation. If the person was convicted of a felony under the laws of another state, under federal law or in state military court, he or she may apply to the court in the person's county of residence for a certificate of rehabilitation. A person convicted of a felony under the laws of another state, under federal law or in state military court shall attach a certified copy of his or her judgment and a certified copy of his or her completion of sentence to the petition for a certificate of rehabilitation. The court may grant such certificate in its discretion upon a showing to the satisfaction of the court that the applicant has been rehabilitated and has led a useful, productive and law-abiding life since the completion of his or her sentence and upon the finding of the court that he or she will not be likely to act in a manner dangerous to public safety.(4)(a)A person who is discharged from court-ordered mental health treatment may petition the court which entered the commitment order for an order stating that the person qualifies for relief from a firearms disability.(b)In determining whether to grant relief, the court must hear and consider evidence about:(i)The circumstances that led to imposition of the firearms disability under 18 USCS, Section 922(d)(4);(ii)The person's mental history;(iii)The person's criminal history; and(iv)The person's reputation.(c)A court may not grant relief unless it makes and enters in the record the following affirmative findings:(i)That the person is no longer likely to act in a manner dangerous to public safety; and(ii)Removing the person's disability to purchase a firearm is not against the public interest.Codes, 1880, § 2985; 1892, § 1026; 1906, § 1103; Hemingway's 1917, § 829; 1930, § 853; 1942, § 2079; Laws, 1898, p. 86; Laws, 1960, ch. 242, § 1; Laws, 1962, ch. 310, § 1; Laws, 1993, ch. 482, § 1; Laws, 2007, ch. 322, § 1; Laws, 2007, ch. 530, § 2, eff. 7/1/2007.Amended by Laws, 2021, ch. 430, HB 928,§ 4, eff. 7/1/2021.Amended by Laws, 2013, ch. 384, SB 2647, 3, eff. 7/1/2013. Codes, 1880, § 2985; 1892, § 1026; 1906, § 1103; Hemingway's 1917, § 829; 1930, § 853; 1942, § 2079; Laws, 1898, p. 86; Laws, 1960, ch. 242, § 1; Laws, 1962, ch. 310, § 1; Laws, 1993, ch. 482, § 1; Laws, 2007, ch. 322, § 1; Laws, 2007, ch. 530, § 2, eff. 7/1/2007. Amended by Laws, 2021, ch. 430, HB 928,§ 4, eff. 7/1/2021. Amended by Laws, 2013, ch. 384, SB 2647, 3, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105)GENERAL PROVISIONS (§§ 97-37-1 — 97-37-39)Section 97-37-7 - Deadly weapons; persons permitted to carry weapons; bond; permit to carry weapon; grounds for denying application for permit; required weapons training course; reciprocal agreements

(1)(a)It shall not be a violation of Section97-37-1or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by duly constituted bank guards, company guards, watchmen, railroad special agents or duly authorized representatives who are not sworn law enforcement officers, agents or employees of a patrol service, guard service, or a company engaged in the business of transporting money, securities or other valuables, while actually engaged in the performance of their duties as such, provided that such persons have made a written application and paid a nonrefundable permit fee of One Hundred Dollars (\$100.00) to the Department of Public Safety.(b)No permit shall be issued to any person who has ever been convicted of a felony under the laws of this or any other state or of the United States. To determine an applicant's eligibility for a permit, the person shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. The department shall charge a fee which includes the amounts required by the Federal Bureau of Investigation and the department for the national and state criminal history record checks and any necessary costs incurred by the department for the handling and administration of the criminal history background checks. In the event a legible set of fingerprints, as determined by the Department of Public Safety and the Federal Bureau of Investigation, cannot be obtained after a minimum of three (3) attempts, the Department of Public Safety shall determine eligibility based upon a name check by the Mississippi Highway Safety Patrol and a Federal Bureau of Investigation name check conducted by the Mississippi Highway Safety Patrol at the request of the Department of Public Safety.(c)A person may obtain a duplicate of a lost or destroyed permit upon payment of a Fifteen Dollar (\$15.00) replacement fee to the Department of Public Safety, if he furnishes a notarized statement to the department that the permit has been lost or destroyed.(d)(i)No less than ninety (90) days prior to the expiration date of a permit, the Department of Public Safety shall mail to the permit holder written notice of

expiration together with the renewal form prescribed by the department. The permit holder shall renew the permit on or before the expiration date by filing with the department the renewal form, a notarized affidavit stating that the permit holder remains qualified, and the renewal fee of Fifty Dollars (\$50.00); honorably retired law enforcement officers shall be exempt from payment of the renewal fee. A permit holder who fails to file a renewal application on or before its expiration date shall pay a late fee of Fifteen Dollars (\$15.00). (ii) Renewal of the permit shall be required every four (4) years. The permit of a qualified renewal applicant shall be renewed upon receipt of the completed renewal application and appropriate payment of fees. (iii) A permit cannot be renewed six (6) months or more after its expiration date, and such permit shall be deemed to be permanently expired; the holder may reapply for an original permit as provided in this section. (2) It shall not be a violation of this or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by Department of Wildlife, Fisheries and Parks law enforcement officers, railroad special agents who are sworn law enforcement officers, investigators employed by the Attorney General, criminal investigators employed by the district attorneys, all prosecutors, public defenders, investigators or probation officers employed by the Department of Corrections, employees of the State Auditor who are authorized by the State Auditor to perform investigative functions, or any deputy fire marshal or investigator employed by the State Fire Marshal, while engaged in the performance of their duties as such, or by fraud investigators with the Department of Human Services, or by judges of the Mississippi Supreme Court, Court of Appeals, circuit, chancery, county, justice and municipal courts, or by coroners. Before any person shall be authorized under this subsection to carry a weapon, he shall complete a weapons training course approved by the Board of Law Enforcement Officer Standards and Training. Before any criminal investigator employed by a district attorney shall be authorized under this section to carry a pistol, firearm or other weapon, he shall have complied with Section 45-6-11 or any training program required for employment as an agent of the Federal Bureau of Investigation. A law enforcement officer, as defined in Section 45-6-3, shall be authorized to carry weapons in courthouses in performance of his official duties. A person licensed under Section 45-9-101 to carry a concealed pistol, who (a) has voluntarily completed an instructional course in the safe handling and use of firearms offered by an instructor certified by a nationally recognized organization that customarily offers firearms training, or by any other organization approved by the Department of Public Safety, (b) is a member or veteran of any active or reserve component branch of the United States of America Armed Forces having completed law enforcement or combat training with pistols or other handguns as recognized by such branch after submitting an affidavit attesting to have read, understand and agree to comply with all provisions of the enhanced carry law, or (c) is an honorably retired law enforcement officer or honorably retired member or veteran of any active or reserve component branch of the United States of America Armed Forces having completed law enforcement or combat training with pistols or other handguns, after submitting an affidavit attesting to have read, understand and agree to comply with all provisions of Mississippi enhanced carry law shall also be authorized to carry weapons in courthouses except in courtrooms during a judicial proceeding, and any location listed in subsection (13) of Section 45-9-101, except any place of nuisance as defined in Section 95-3-1, any police, sheriff or highway patrol station or any detention facility, prison or jail. For the purposes of this subsection (2), component branch of the United States Armed Forces includes the Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army National Guard, the Army National Guard of the United States, the Air National Guard or the Air National Guard of the United States, as those terms are defined in Section 101, Title 10, United States Code, and any other reserve component of the United States Armed Forces enumerated in Section 10101, Title 10, United States Code. The department shall promulgate rules and regulations allowing concealed pistol permit holders to obtain an endorsement on their permit indicating that they have completed the aforementioned course and have the authority to carry in these locations. This section shall in no way interfere with the right of a trial judge to restrict the carrying of firearms in the courtroom. For purposes of this subsection (2), the following words shall have the meanings described herein, unless the context otherwise requires: (i) "Courthouse" means any building in which a circuit court, chancery court, youth court, municipal court, justice court or any appellate court is located, or any building in which a court of law is regularly held. (ii) "Courtroom" means the actual room in which a judicial proceeding occurs, including any jury room, witness room, judge's chamber, office housing the judge's staff, or similar room. "Courtroom" shall not mean hallways, courtroom entrances, courthouse grounds, lobbies, corridors, or other areas within a courthouse which are generally open to the public for the transaction of business outside of an active judicial proceeding, the grassed areas, cultivated flower beds, sidewalks, parking lots, or other areas contained within the boundaries of the public land upon which the courthouse is located. (3) It shall not be a violation of this or any other statute for pistols, firearms or other suitable and appropriate weapons, to be carried by any out-of-state, full-time commissioned law enforcement officer who holds a valid commission card from the appropriate out-of-state law enforcement agency and a photo identification. The provisions of this subsection shall only apply if the state where the out-of-state officer is employed has entered into a reciprocity agreement with the state that allows full-time commissioned law enforcement officers in Mississippi to lawfully carry or possess a weapon in such other states. The Commissioner of Public Safety is authorized to enter into reciprocal agreements with other states to carry out the provisions of this subsection. Codes, 1880, § 2985; 1892, § 1026; 1906, § 1103; Hemingway's 1917, § 829; 1930, § 853; 1942, § 2079; Laws, 1898, p. 86; Laws, 1960, ch. 242, § 1; Laws, 1962, ch. 310, § 1; Laws, 1973, ch. 437, § 1; Laws, 1974, ch. 323 § 1; Laws, 1981, ch. 415, § 1; Laws, 1986, ch. 372; Laws, 1990, ch. 483, § 1; Laws, 1991, ch. 609, § 5; Laws, 1995, ch. 534, § 1; Laws, 1998, ch. 472, § 1; Laws, 2000, ch. 439, § 1; Laws, 2001, ch. 566, § 2; Laws, 2002, ch. 577, § 1; Laws, 2008, ch. 319, § 6; Laws, 2011, ch. 338, § 1; Laws, 2011, ch. 535, § 1, eff. 7/1/2011. Amended by Laws, 2019, ch. 313, HB 1581, § 1, eff. 7/1/2019. Amended by Laws, 2015, ch. 433, SB 2619, 1, eff. 4/9/2015. (1)(a) It shall not be a violation of Section 97-37-1 or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by duly constituted bank guards, company guards, watchmen, railroad special agents or duly authorized representatives who are not sworn law enforcement officers, agents or employees of a patrol service, guard service, or a company engaged in the business of transporting money, securities or

other valuables, while actually engaged in the performance of their duties as such, provided that such persons have made a written application and paid a nonrefundable permit fee of One Hundred Dollars (\$100.00) to the Department of Public Safety.(b)No permit shall be issued to any person who has ever been convicted of a felony under the laws of this or any other state or of the United States. To determine an applicant's eligibility for a permit, the person shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. The department shall charge a fee which includes the amounts required by the Federal Bureau of Investigation and the department for the national and state criminal history record checks and any necessary costs incurred by the department for the handling and administration of the criminal history background checks. In the event a legible set of fingerprints, as determined by the Department of Public Safety and the Federal Bureau of Investigation, cannot be obtained after a minimum of three (3) attempts, the Department of Public Safety shall determine eligibility based upon a name check by the Mississippi Highway Safety Patrol and a Federal Bureau of Investigation name check conducted by the Mississippi Highway Safety Patrol at the request of the Department of Public Safety.(c)A person may obtain a duplicate of a lost or destroyed permit upon payment of a Fifteen Dollar (\$15.00) replacement fee to the Department of Public Safety, if he furnishes a notarized statement to the department that the permit has been lost or destroyed.(d)(i)No less than ninety (90) days prior to the expiration date of a permit, the Department of Public Safety shall mail to the permit holder written notice of expiration together with the renewal form prescribed by the department. The permit holder shall renew the permit on or before the expiration date by filing with the department the renewal form, a notarized affidavit stating that the permit holder remains qualified, and the renewal fee of Fifty Dollars (\$50.00); honorably retired law enforcement officers shall be exempt from payment of the renewal fee. A permit holder who fails to file a renewal application on or before its expiration date shall pay a late fee of Fifteen Dollars (\$15.00).(ii)Renewal of the permit shall be required every four (4) years. The permit of a qualified renewal applicant shall be renewed upon receipt of the completed renewal application and appropriate payment of fees.(iii)A permit cannot be renewed six (6) months or more after its expiration date, and such permit shall be deemed to be permanently expired; the holder may reapply for an original permit as provided in this section.(2)It shall not be a violation of this or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by Department of Wildlife, Fisheries and Parks law enforcement officers, railroad special agents who are sworn law enforcement officers, investigators employed by the Attorney General, criminal investigators employed by the district attorneys, all prosecutors, public defenders, investigators or probation officers employed by the Department of Corrections, employees of the State Auditor who are authorized by the State Auditor to perform investigative functions, or any deputy fire marshal or investigator employed by the State Fire Marshal, while engaged in the performance of their duties as such, or by fraud investigators with the Department of Human Services, or by judges of the Mississippi Supreme Court, Court of Appeals, circuit, chancery, county, justice and municipal courts, or by coroners. Before any person shall be authorized under this subsection to carry a weapon, he shall complete a weapons training course approved by the Board of Law Enforcement Officer Standards and Training. Before any criminal investigator employed by a district attorney shall be authorized under this section to carry a pistol, firearm or other weapon, he shall have complied with Section45-6-11or any training program required for employment as an agent of the Federal Bureau of Investigation. A law enforcement officer, as defined in Section45-6-3, shall be authorized to carry weapons in courthouses in performance of his official duties. A person licensed under Section45-9-101to carry a concealed pistol, who (a) has voluntarily completed an instructional course in the safe handling and use of firearms offered by an instructor certified by a nationally recognized organization that customarily offers firearms training, or by any other organization approved by the Department of Public Safety, (b) is a member or veteran of any active or reserve component branch of the United States of America Armed Forces having completed law enforcement or combat training with pistols or other handguns as recognized by such branch after submitting an affidavit attesting to have read, understand and agree to comply with all provisions of the enhanced carry law, or (c) is an honorably retired law enforcement officer or honorably retired member or veteran of any active or reserve component branch of the United States of America Armed Forces having completed law enforcement or combat training with pistols or other handguns, after submitting an affidavit attesting to have read, understand and agree to comply with all provisions of Mississippi enhanced carry law shall also be authorized to carry weapons in courthouses except in courtrooms during a judicial proceeding, and any location listed in subsection (13) of Section45-9-101, except any place of nuisance as defined in Section95-3-1, any police, sheriff or highway patrol station or any detention facility, prison or jail. For the purposes of this subsection (2), component branch of the United States Armed Forces includes the Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army National Guard, the Army National Guard of the United States, the Air National Guard or the Air National Guard of the United States, as those terms are defined in Section 101, Title 10, United States Code, and any other reserve component of the United States Armed Forces enumerated in Section 10101, Title 10, United States Code. The department shall promulgate rules and regulations allowing concealed pistol permit holders to obtain an endorsement on their permit indicating that they have completed the aforementioned course and have the authority to carry in these locations. This section shall in no way interfere with the right of a trial judge to restrict the carrying of firearms in the courtroom.For purposes of this subsection (2), the following words shall have the meanings described herein, unless the context otherwise requires:(i)"Courthouse" means any building in which a circuit court, chancery court, youth court, municipal court, justice court or any appellate court is located, or any building in which a court of law is regularly held.(ii)"Courtroom" means the actual room in which a judicial proceeding occurs, including any jury room, witness room, judge's chamber, office housing the judge's staff, or similar room. "Courtroom" shall not mean hallways, courtroom entrances, courthouse grounds, lobbies, corridors, or other areas within a courthouse which are generally open to the public for the transaction of business outside of an active judicial proceeding, the grassed areas, cultivated flower beds, sidewalks, parking lots, or other areas contained within the boundaries of the

public land upon which the courthouse is located.(3)It shall not be a violation of this or any other statute for pistols, firearms or other suitable and appropriate weapons, to be carried by any out-of-state, full-time commissioned law enforcement officer who holds a valid commission card from the appropriate out-of-state law enforcement agency and a photo identification. The provisions of this subsection shall only apply if the state where the out-of-state officer is employed has entered into a reciprocity agreement with the state that allows full-time commissioned law enforcement officers in Mississippi to lawfully carry or possess a weapon in such other states. The Commissioner of Public Safety is authorized to enter into reciprocal agreements with other states to carry out the provisions of this subsection.Codes, 1880, § 2985; 1892, § 1026; 1906, § 1103; Hemingway's 1917, § 829; 1930, § 853; 1942, § 2079; Laws, 1898, p. 86; Laws, 1960, ch. 242, § 1; Laws, 1962, ch. 310, § 1; Laws, 1973, ch. 437, § 1; Laws, 1974, ch. 323 § 1; Laws, 1981, ch. 415, § 1; Laws, 1986, ch. 372; Laws, 1990, ch. 483, § 1; Laws, 1991, ch. 609, § 5; Laws, 1995, ch. 534, § 1; Laws, 1998, ch. 472, § 1; Laws, 2000, ch. 439, § 1; Laws, 2001, ch. 566, § 2; Laws, 2002, ch. 577, § 1; Laws, 2008, ch. 319, § 6; Laws, 2011, ch. 338, § 1; Laws, 2011, ch. 535, § 1, eff. 7/1/2011.Amended by Laws, 2019, ch. 313, HB 1581,§ 1, eff. 7/1/2019.Amended by Laws, 2015, ch. 433, SB 2619, 1, eff. 4/9/2015. (1)(a)It shall not be a violation of Section97-37-1or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by duly constituted bank guards, company guards, watchmen, railroad special agents or duly authorized representatives who are not sworn law enforcement officers, agents or employees of a patrol service, guard service, or a company engaged in the business of transporting money, securities or other valuables, while actually engaged in the performance of their duties as such, provided that such persons have made a written application and paid a nonrefundable permit fee of One Hundred Dollars (\$100.00) to the Department of Public Safety.(b)No permit shall be issued to any person who has ever been convicted of a felony under the laws of this or any other state or of the United States. To determine an applicant's eligibility for a permit, the person shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. The department shall charge a fee which includes the amounts required by the Federal Bureau of Investigation and the department for the national and state criminal history record checks and any necessary costs incurred by the department for the handling and administration of the criminal history background checks. In the event a legible set of fingerprints, as determined by the Department of Public Safety and the Federal Bureau of Investigation, cannot be obtained after a minimum of three (3) attempts, the Department of Public Safety shall determine eligibility based upon a name check by the Mississippi Highway Safety Patrol and a Federal Bureau of Investigation name check conducted by the Mississippi Highway Safety Patrol at the request of the Department of Public Safety.(c)A person may obtain a duplicate of a lost or destroyed permit upon payment of a Fifteen Dollar (\$15.00) replacement fee to the Department of Public Safety, if he furnishes a notarized statement to the department that the permit has been lost or destroyed.(d)(i)No less than ninety (90) days prior to the expiration date of a permit, the Department of Public Safety shall mail to the permit holder written notice of expiration together with the renewal form prescribed by the department. The permit holder shall renew the permit on or before the expiration date by filing with the department the renewal form, a notarized affidavit stating that the permit holder remains qualified, and the renewal fee of Fifty Dollars (\$50.00); honorably retired law enforcement officers shall be exempt from payment of the renewal fee. A permit holder who fails to file a renewal application on or before its expiration date shall pay a late fee of Fifteen Dollars (\$15.00).(ii)Renewal of the permit shall be required every four (4) years. The permit of a qualified renewal applicant shall be renewed upon receipt of the completed renewal application and appropriate payment of fees.(iii)A permit cannot be renewed six (6) months or more after its expiration date, and such permit shall be deemed to be permanently expired; the holder may reapply for an original permit as provided in this section.(2)It shall not be a violation of this or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by Department of Wildlife, Fisheries and Parks law enforcement officers, railroad special agents who are sworn law enforcement officers, investigators employed by the Attorney General, criminal investigators employed by the district attorneys, all prosecutors, public defenders, investigators or probation officers employed by the Department of Corrections, employees of the State Auditor who are authorized by the State Auditor to perform investigative functions, or any deputy fire marshal or investigator employed by the State Fire Marshal, while engaged in the performance of their duties as such, or by fraud investigators with the Department of Human Services, or by judges of the Mississippi Supreme Court, Court of Appeals, circuit, chancery, county, justice and municipal courts, or by coroners. Before any person shall be authorized under this subsection to carry a weapon, he shall complete a weapons training course approved by the Board of Law Enforcement Officer Standards and Training. Before any criminal investigator employed by a district attorney shall be authorized under this section to carry a pistol, firearm or other weapon, he shall have complied with Section45-6-11or any training program required for employment as an agent of the Federal Bureau of Investigation. A law enforcement officer, as defined in Section45-6-3, shall be authorized to carry weapons in courthouses in performance of his official duties. A person licensed under Section45-9-101to carry a concealed pistol, who (a) has voluntarily completed an instructional course in the safe handling and use of firearms offered by an instructor certified by a nationally recognized organization that customarily offers firearms training, or by any other organization approved by the Department of Public Safety, (b) is a member or veteran of any active or reserve component branch of the United States of America Armed Forces having completed law enforcement or combat training with pistols or other handguns as recognized by such branch after submitting an affidavit attesting to have read, understand and agree to comply with all provisions of the enhanced carry law, or (c) is an honorably retired law enforcement officer or honorably retired member or veteran of any active or reserve component branch of the United States of America Armed Forces having completed law enforcement or combat training with pistols or other handguns, after submitting an affidavit attesting to have read, understand and agree to comply with all provisions of Mississippi enhanced carry law shall also be authorized to carry weapons in courthouses except in courtrooms during a judicial proceeding, and any location listed in subsection

(13) of Section 45-9-101, except any place of nuisance as defined in Section 95-3-1, any police, sheriff or highway patrol station or any detention facility, prison or jail. For the purposes of this subsection (2), component branch of the United States Armed Forces includes the Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army National Guard, the Air National Guard of the United States, the Air National Guard or the Air National Guard of the United States, as those terms are defined in Section 101, Title 10, United States Code, and any other reserve component of the United States Armed Forces enumerated in Section 10101, Title 10, United States Code. The department shall promulgate rules and regulations allowing concealed pistol permit holders to obtain an endorsement on their permit indicating that they have completed the aforementioned course and have the authority to carry in these locations. This section shall in no way interfere with the right of a trial judge to restrict the carrying of firearms in the courtroom. For purposes of this subsection (2), the following words shall have the meanings described herein, unless the context otherwise requires: (i) "Courthouse" means any building in which a circuit court, chancery court, youth court, municipal court, justice court or any appellate court is located, or any building in which a court of law is regularly held. (ii) "Courtroom" means the actual room in which a judicial proceeding occurs, including any jury room, witness room, judge's chamber, office housing the judge's staff, or similar room. "Courtroom" shall not mean hallways, courtroom entrances, courthouse grounds, lobbies, corridors, or other areas within a courthouse which are generally open to the public for the transaction of business outside of an active judicial proceeding, the grassed areas, cultivated flower beds, sidewalks, parking lots, or other areas contained within the boundaries of the public land upon which the courthouse is located. (3) It shall not be a violation of this or any other statute for pistols, firearms or other suitable and appropriate weapons, to be carried by any out-of-state, full-time commissioned law enforcement officer who holds a valid commission card from the appropriate out-of-state law enforcement agency and a photo identification. The provisions of this subsection shall only apply if the state where the out-of-state officer is employed has entered into a reciprocity agreement with the state that allows full-time commissioned law enforcement officers in Mississippi to lawfully carry or possess a weapon in such other states. The Commissioner of Public Safety is authorized to enter into reciprocal agreements with other states to carry out the provisions of this subsection. Codes, 1880, § 2985; 1892, § 1026; 1906, § 1103; Hemingway's 1917, § 829; 1930, § 853; 1942, § 2079; Laws, 1898, p. 86; Laws, 1960, ch. 242, § 1; Laws, 1962, ch. 310, § 1; Laws, 1973, ch. 437, § 1; Laws, 1974, ch. 323 § 1; Laws, 1981, ch. 415, § 1; Laws, 1986, ch. 372; Laws, 1990, ch. 483, § 1; Laws, 1991, ch. 609, § 5; Laws, 1995, ch. 534, § 1; Laws, 1998, ch. 472, § 1; Laws, 2000, ch. 439, § 1; Laws, 2001, ch. 566, § 2; Laws, 2002, ch. 577, § 1; Laws, 2008, ch. 319, § 6; Laws, 2011, ch. 338, § 1; Laws, 2011, ch. 535, § 1, eff. 7/1/2011. Amended by Laws, 2019, ch. 313, HB 1581, § 1, eff. 7/1/2019. Amended by Laws, 2015, ch. 433, SB 2619, 1, eff. 4/9/2015. For purposes of this subsection (2), the following words shall have the meanings described herein, unless the context otherwise requires: Codes, 1880, § 2985; 1892, § 1026; 1906, § 1103; Hemingway's 1917, § 829; 1930, § 853; 1942, § 2079; Laws, 1898, p. 86; Laws, 1960, ch. 242, § 1; Laws, 1962, ch. 310, § 1; Laws, 1973, ch. 437, § 1; Laws, 1974, ch. 323 § 1; Laws, 1981, ch. 415, § 1; Laws, 1986, ch. 372; Laws, 1990, ch. 483, § 1; Laws, 1991, ch. 609, § 5; Laws, 1995, ch. 534, § 1; Laws, 1998, ch. 472, § 1; Laws, 2000, ch. 439, § 1; Laws, 2001, ch. 566, § 2; Laws, 2002, ch. 577, § 1; Laws, 2008, ch. 319, § 6; Laws, 2011, ch. 338, § 1; Laws, 2011, ch. 535, § 1, eff. 7/1/2011. Amended by Laws, 2019, ch. 313, HB 1581, § 1, eff. 7/1/2019. Amended by Laws, 2015, ch. 433, SB 2619, 1, eff. 4/9/2015.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105) GENERAL PROVISIONS (§§ 97-37-1 — 97-37-39) Section 97-37-9 - Deadly weapons; defenses against indictment for carrying deadly weapon

Any person indicted or charged for a violation of Section 97-37-1 may show as a defense: (a) That he was threatened, and had good and sufficient reason to apprehend a serious attack from any enemy, and that he did so apprehend; or (b) That he was traveling and was not a tramp, or was setting out on a journey and was not a tramp; or (c) That he was a law enforcement or peace officer in the discharge of his duties; or (d) That he was at the time in the discharge of his duties as a mail carrier; or (e) That he was at the time engaged in transporting valuables for an express company or bank; or (f) That he was a member of the Armed Forces of the United States, National Guard, State Militia, Emergency Management Corps, guard or patrolman in a state or municipal institution while in the performance of his official duties; or (g) That he was in lawful pursuit of a felon; or (h) That he was lawfully engaged in legitimate sports; or (i) That at the time he was a company guard, bank guard, watchman, or other person enumerated in Section 97-37-7, and was then actually engaged in the performance of his duties as such, and then held a valid permit from the sheriff, the commissioner of public safety, or a valid permit issued by the Secretary of State prior to May 1, 1974, to carry the weapon; and the burden of proving either of said defenses shall be on the accused; or (j) That at the time he or she was a member of a church or place of worship security program, and was then actually engaged in the performance of his or her duties as such and met the requirements of Section 45-9-171; or (k) That at the time he or she was certified under a School Safety Guardian Program, and was then actually engaged in the performance of his or her duties under the program and met the requirements of Section 45-9-181. Codes, 1892, § 1027; 1906, § 1105; Hemingway's 1917, § 831; 1930, § 855; 1942, § 2081; Laws, 1912, ch. 210; Laws, 1960, ch. 242, § 2; Laws, 1962, ch. 310, § 2; Laws, 1974, ch. 323, § 2; Laws, 1980, ch. 491, § 26, eff. 5/9/1980. Amended by Laws, 2023, ch. 458, SB 2079, § 4, eff. 7/1/2023. Amended by Laws, 2016, ch. 421, HB 786, 3, eff. 4/15/2016. Any person indicted or charged for a violation of Section 97-37-1 may show as a defense: (a) That he was threatened, and had good and sufficient reason to apprehend a serious attack from any enemy, and that he did so apprehend; or (b) That he was traveling and was not a tramp, or was setting out on a journey and was not a tramp; or (c) That he was a law enforcement or peace officer in the discharge of his duties; or (d) That he was at the time in the discharge of his duties as a mail carrier; or (e) That he was at the time engaged in transporting valuables for an express company or bank; or (f) That he was a member of the Armed Forces of the United States, National Guard, State Militia, Emergency

Management Corps, guard or patrolman in a state or municipal institution while in the performance of his official duties; or(g)That he was in lawful pursuit of a felon; or(h)That he was lawfully engaged in legitimate sports; or(i)That at the time he was a company guard, bank guard, watchman, or other person enumerated in Section97-37-7, and was then actually engaged in the performance of his duties as such, and then held a valid permit from the sheriff, the commissioner of public safety, or a valid permit issued by the Secretary of State prior to May 1, 1974, to carry the weapon; and the burden of proving either of said defenses shall be on the accused; or(j)That at the time he or she was a member of a church or place of worship security program, and was then actually engaged in the performance of his or her duties as such and met the requirements of Section45-9-171; or(k)That at the time he or she was certified under a School Safety Guardian Program, and was then actually engaged in the performance of his or her duties under the program and met the requirements of Section45-9-181.Codes, 1892, § 1027; 1906, § 1105; Hemingway's 1917, § 831; 1930, § 855; 1942, § 2081; Laws, 1912, ch. 210; Laws, 1960, ch. 242, § 2; Laws, 1962, ch. 310, § 2; Laws, 1974, ch. 323, § 2; Laws, 1980, ch. 491, § 26, eff. 5/9/1980.Amended by Laws, 2023, ch. 458, SB 2079,§ 4, eff. 7/1/2023.Amended by Laws, 2016, ch. 421, HB 786, 3, eff. 4/15/2016. Any person indicted or charged for a violation of Section97-37-1may show as a defense:(a)That he was threatened, and had good and sufficient reason to apprehend a serious attack from any enemy, and that he did so apprehend; or(b)That he was traveling and was not a tramp, or was setting out on a journey and was not a tramp; or(c)That he was a law enforcement or peace officer in the discharge of his duties; or(d)That he was at the time in the discharge of his duties as a mail carrier; or(e)That he was at the time engaged in transporting valuables for an express company or bank; or(f)That he was a member of the Armed Forces of the United States, National Guard, State Militia, Emergency Management Corps, guard or patrolman in a state or municipal institution while in the performance of his official duties; or(g)That he was in lawful pursuit of a felon; or(h)That he was lawfully engaged in legitimate sports; or(i)That at the time he was a company guard, bank guard, watchman, or other person enumerated in Section97-37-7, and was then actually engaged in the performance of his duties as such, and then held a valid permit from the sheriff, the commissioner of public safety, or a valid permit issued by the Secretary of State prior to May 1, 1974, to carry the weapon; and the burden of proving either of said defenses shall be on the accused; or(j)That at the time he or she was a member of a church or place of worship security program, and was then actually engaged in the performance of his or her duties as such and met the requirements of Section45-9-171; or(k)That at the time he or she was certified under a School Safety Guardian Program, and was then actually engaged in the performance of his or her duties under the program and met the requirements of Section45-9-181.Codes, 1892, § 1027; 1906, § 1105; Hemingway's 1917, § 831; 1930, § 855; 1942, § 2081; Laws, 1912, ch. 210; Laws, 1960, ch. 242, § 2; Laws, 1962, ch. 310, § 2; Laws, 1974, ch. 323, § 2; Laws, 1980, ch. 491, § 26, eff. 5/9/1980.Amended by Laws, 2023, ch. 458, SB 2079,§ 4, eff. 7/1/2023.Amended by Laws, 2016, ch. 421, HB 786, 3, eff. 4/15/2016. Any person indicted or charged for a violation of Section97-37-1may show as a defense: Codes, 1892, § 1027; 1906, § 1105; Hemingway's 1917, § 831; 1930, § 855; 1942, § 2081; Laws, 1912, ch. 210; Laws, 1960, ch. 242, § 2; Laws, 1962, ch. 310, § 2; Laws, 1974, ch. 323, § 2; Laws, 1980, ch. 491, § 26, eff. 5/9/1980. Amended by Laws, 2023, ch. 458, SB 2079,§ 4, eff. 7/1/2023. Amended by Laws, 2016, ch. 421, HB 786, 3, eff. 4/15/2016.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105)HONESTY IN PURCHASING FIREARMS ACT (§§ 97-37-101 — 97-37-105)Section 97-37-101 - Short title

Sections97-37-101through97-37-105shall be known and may be cited as the "Honesty in Purchasing Firearms Act."Laws, 2012, ch. 494, § 1, eff. 7/1/2012. Sections97-37-101through97-37-105shall be known and may be cited as the "Honesty in Purchasing Firearms Act."Laws, 2012, ch. 494, § 1, eff. 7/1/2012. Sections97-37-101through97-37-105shall be known and may be cited as the "Honesty in Purchasing Firearms Act."Laws, 2012, ch. 494, § 1, eff. 7/1/2012. Sections97-37-101through97-37-105shall be known and may be cited as the "Honesty in Purchasing Firearms Act." Laws, 2012, ch. 494, § 1, eff. 7/1/2012.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105)HONESTY IN PURCHASING FIREARMS ACT (§§ 97-37-101 — 97-37-105)Section 97-37-103 - Definition

For purposes of Sections97-37-101through97-37-105:(a)"Licensed dealer" means a person who is licensed pursuant to 18 USCS, Section 923, to engage in the business of dealing in firearms.(b)"Private seller" means a person who sells or offers for sale any firearm or ammunition.(c)"Ammunition" means any cartridge, shell or projectile designed for use in a firearm.(d)"Materially false information" means information that portrays an illegal transaction as legal or a legal transaction as illegal.Laws, 2012, ch. 494, § 2, eff. 7/1/2012. For purposes of Sections97-37-101through97-37-105:(a)"Licensed dealer" means a person who is licensed pursuant to 18 USCS, Section 923, to engage in the business of dealing in firearms.(b)"Private seller" means a person who sells or offers for sale any firearm or ammunition.(c)"Ammunition" means any cartridge, shell or projectile designed for use in a firearm.(d)"Materially false information" means information that portrays an illegal transaction as legal or a legal transaction as illegal.Laws, 2012, ch. 494, § 2, eff. 7/1/2012. For purposes of Sections97-37-101through97-37-105:(a)"Licensed dealer" means a person who is licensed pursuant to 18 USCS, Section 923, to engage in the business of dealing in firearms.(b)"Private seller" means a person who sells or offers for sale any firearm or ammunition.(c)"Ammunition" means any cartridge, shell or projectile designed for use in a firearm.(d)"Materially false information" means information that portrays an illegal transaction as legal or a legal transaction as illegal.Laws, 2012, ch. 494, § 2, eff. 7/1/2012. For purposes of Sections97-37-101through97-37-105: Laws, 2012, ch. 494, § 2, eff. 7/1/2012.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 37 - WEAPONS AND EXPLOSIVES (§§ 97-37-1 — 97-37-105) HONESTY IN PURCHASING FIREARMS ACT (§§ 97-37-101 — 97-37-105) Section 97-37-105 - Crime of soliciting, persuading, encouraging or enticing illegal sale of firearms or ammunition; crime of providing false information to licensed dealer or private seller of firearms or ammunition

(1) Any person who knowingly solicits, persuades, encourages or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate the laws of this state or the United States is guilty of a felony. (2) Any person who provides to a licensed dealer or private seller of firearms or ammunition what the person knows to be materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition is guilty of a felony. (3) Any person found guilty of violating the provisions of this section shall be punished by a fine not exceeding Five Thousand Dollars (\$5,000.00) or imprisoned in the custody of the Department of Corrections for not more than three (3) years, or both. (4) This section does not apply to a law enforcement officer acting in the officer's official capacity or to a person acting at the direction of a law enforcement officer. Laws, 2012, ch. 494, § 3, eff. 7/1/2012. (1) Any person who knowingly solicits, persuades, encourages or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate the laws of this state or the United States is guilty of a felony. (2) Any person who provides to a licensed dealer or private seller of firearms or ammunition what the person knows to be materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition is guilty of a felony. (3) Any person found guilty of violating the provisions of this section shall be punished by a fine not exceeding Five Thousand Dollars (\$5,000.00) or imprisoned in the custody of the Department of Corrections for not more than three (3) years, or both. (4) This section does not apply to a law enforcement officer acting in the officer's official capacity or to a person acting at the direction of a law enforcement officer. Laws, 2012, ch. 494, § 3, eff. 7/1/2012. (1) Any person who knowingly solicits, persuades, encourages or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate the laws of this state or the United States is guilty of a felony. (2) Any person who provides to a licensed dealer or private seller of firearms or ammunition what the person knows to be materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition is guilty of a felony. (3) Any person found guilty of violating the provisions of this section shall be punished by a fine not exceeding Five Thousand Dollars (\$5,000.00) or imprisoned in the custody of the Department of Corrections for not more than three (3) years, or both. (4) This section does not apply to a law enforcement officer acting in the officer's official capacity or to a person acting at the direction of a law enforcement officer. Laws, 2012, ch. 494, § 3, eff. 7/1/2012. Laws, 2012, ch. 494, § 3, eff. 7/1/2012.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 39 - DUELING (§§ 97-39-1 — 97-39-11) Section 97-39-1 - Giving, accepting, or carrying challenge; advising, attending or aiding duel; penalty

Every person who shall challenge another to fight a duel, or who shall send, deliver, or cause to be delivered, any written or verbal message purporting or intended to be such challenge, or who shall accept any such challenge or message, or who shall knowingly carry or deliver any such message or challenge, or who shall be present at the time of fighting any duel with deadly weapons, either as second, aid, or surgeon, or who shall advise or give assistance to such duel, shall, on conviction thereof, be fined in a sum not less than three hundred dollars nor exceeding one thousand dollars, or be imprisoned not less than six months in the county jail, or both. Codes, Hutchinson's 1848, ch. 64, art. 9(1); 1857, ch. 64, art. 51; 1871, § 2531; 1880, § 2745; 1892, § 1036; 1906, § 1114; Hemingway's 1917, § 840; 1930, § 865; 1942, § 2091. Every person who shall challenge another to fight a duel, or who shall send, deliver, or cause to be delivered, any written or verbal message purporting or intended to be such challenge, or who shall accept any such challenge or message, or who shall knowingly carry or deliver any such message or challenge, or who shall be present at the time of fighting any duel with deadly weapons, either as second, aid, or surgeon, or who shall advise or give assistance to such duel, shall, on conviction thereof, be fined in a sum not less than three hundred dollars nor exceeding one thousand dollars, or be imprisoned not less than six months in the county jail, or both. Codes, Hutchinson's 1848, ch. 64, art. 9(1); 1857, ch. 64, art. 51; 1871, § 2531; 1880, § 2745; 1892, § 1036; 1906, § 1114; Hemingway's 1917, § 840; 1930, § 865; 1942, § 2091. Every person who shall challenge another to fight a duel, or who shall send, deliver, or cause to be delivered, any written or verbal message purporting or intended to be such challenge, or who shall accept any such challenge or message, or who shall knowingly carry or deliver any such message or challenge, or who shall be present at the time of fighting any duel with deadly weapons, either as second, aid, or surgeon, or who shall advise or give assistance to such duel, shall, on conviction thereof, be fined in a sum not less than three hundred dollars nor exceeding one thousand dollars, or be imprisoned not less than six months in the county jail, or both. Codes, Hutchinson's 1848, ch. 64, art. 9(1); 1857, ch. 64, art. 51; 1871, § 2531; 1880, § 2745; 1892, § 1036; 1906, § 1114; Hemingway's 1917, § 840; 1930, § 865; 1942, § 2091.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 39 - DUELING (§§ 97-39-1 —

97-39-11)Section 97-39-11 - Fighting in public place with deadly weapon, or seconding such a fight; penalty

If any person shall be guilty of fighting in any city, town, village, or other public place, and shall in such fight use any rifle, shotgun, sword, sword-cane, pistol, dirk, bowie-knife, dirk-knife, or any other deadly weapon, or if any person shall be second or aid in such fight, the person so offending shall be fined not less than three hundred dollars, and shall be imprisoned not less than three months; and if any person shall be killed in such fight, the person so killing the other may be prosecuted and convicted as in other cases of murder. Codes, Hutchinson's 1848, ch. 64, art. 9(5); 1857, ch. 64, art. 54; 1871, § 2534; 1880, § 2750; 1892, § 1041; 1906, § 1119; Hemingway's 1917, § 845; 1930, § 870; 1942, § 2096. If any person shall be guilty of fighting in any city, town, village, or other public place, and shall in such fight use any rifle, shotgun, sword, sword-cane, pistol, dirk, bowie-knife, dirk-knife, or any other deadly weapon, or if any person shall be second or aid in such fight, the person so offending shall be fined not less than three hundred dollars, and shall be imprisoned not less than three months; and if any person shall be killed in such fight, the person so killing the other may be prosecuted and convicted as in other cases of murder. Codes, Hutchinson's 1848, ch. 64, art. 9(5); 1857, ch. 64, art. 54; 1871, § 2534; 1880, § 2750; 1892, § 1041; 1906, § 1119; Hemingway's 1917, § 845; 1930, § 870; 1942, § 2096. If any person shall be guilty of fighting in any city, town, village, or other public place, and shall in such fight use any rifle, shotgun, sword, sword-cane, pistol, dirk, bowie-knife, dirk-knife, or any other deadly weapon, or if any person shall be second or aid in such fight, the person so offending shall be fined not less than three hundred dollars, and shall be imprisoned not less than three months; and if any person shall be killed in such fight, the person so killing the other may be prosecuted and convicted as in other cases of murder. Codes, Hutchinson's 1848, ch. 64, art. 9(5); 1857, ch. 64, art. 54; 1871, § 2534; 1880, § 2750; 1892, § 1041; 1906, § 1119; Hemingway's 1917, § 845; 1930, § 870; 1942, § 2096. If any person shall be guilty of fighting in any city, town, village, or other public place, and shall in such fight use any rifle, shotgun, sword, sword-cane, pistol, dirk, bowie-knife, dirk-knife, or any other deadly weapon, or if any person shall be second or aid in such fight, the person so offending shall be fined not less than three hundred dollars, and shall be imprisoned not less than three months; and if any person shall be killed in such fight, the person so killing the other may be prosecuted and convicted as in other cases of murder. Codes, Hutchinson's 1848, ch. 64, art. 9(5); 1857, ch. 64, art. 54; 1871, § 2534; 1880, § 2750; 1892, § 1041; 1906, § 1119; Hemingway's 1917, § 845; 1930, § 870; 1942, § 2096.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 39 - DUELING (§§ 97-39-1 — 97-39-11)Section 97-39-3 - Further penalties

If any person shall fight a duel, or give or accept a challenge to fight a duel, or knowingly carry or deliver such challenge or the acceptance thereof, or be second to either party to any duel, whether such act be done in the state or out of it, or who shall go out of the state to fight a duel, or to assist in the same as second, or to send, accept, or carry a challenge, shall be disqualified from holding any office, be disenfranchised, and incapable of holding or being elected to any post of honor, profit or emolument, civil or military, under the constitution and laws of this state; and the appointment of any such person to office, as also all votes given to any such person, are illegal, and none of the votes given to such person for any office shall be taken or counted. Codes, Hutchinson's 1848, ch. 64, art. 9(2); 1857, ch. 64, art. 52; 1871, § 2532; 1880, § 2746; 1892, § 1037; 1906, § 1115; Hemingway's 1917, § 841; 1930, § 866; 1942, § 2092. If any person shall fight a duel, or give or accept a challenge to fight a duel, or knowingly carry or deliver such challenge or the acceptance thereof, or be second to either party to any duel, whether such act be done in the state or out of it, or who shall go out of the state to fight a duel, or to assist in the same as second, or to send, accept, or carry a challenge, shall be disqualified from holding any office, be disenfranchised, and incapable of holding or being elected to any post of honor, profit or emolument, civil or military, under the constitution and laws of this state; and the appointment of any such person to office, as also all votes given to any such person, are illegal, and none of the votes given to such person for any office shall be taken or counted. Codes, Hutchinson's 1848, ch. 64, art. 9(2); 1857, ch. 64, art. 52; 1871, § 2532; 1880, § 2746; 1892, § 1037; 1906, § 1115; Hemingway's 1917, § 841; 1930, § 866; 1942, § 2092. If any person shall fight a duel, or give or accept a challenge to fight a duel, or knowingly carry or deliver such challenge or the acceptance thereof, or be second to either party to any duel, whether such act be done in the state or out of it, or who shall go out of the state to fight a duel, or to assist in the same as second, or to send, accept, or carry a challenge, shall be disqualified from holding any office, be disenfranchised, and incapable of holding or being elected to any post of honor, profit or emolument, civil or military, under the constitution and laws of this state; and the appointment of any such person to office, as also all votes given to any such person, are illegal, and none of the votes given to such person for any office shall be taken or counted. Codes, Hutchinson's 1848, ch. 64, art. 9(2); 1857, ch. 64, art. 52; 1871, § 2532; 1880, § 2746; 1892, § 1037; 1906, § 1115; Hemingway's 1917, § 841; 1930, § 866; 1942, § 2092. If any person shall fight a duel, or give or accept a challenge to fight a duel, or knowingly carry or deliver such challenge or the acceptance thereof, or be second to either party to any duel, whether such act be done in the state or out of it, or who shall go out of the state to fight a duel, or to assist in the same as second, or to send, accept, or carry a challenge, shall be disqualified from holding any office, be disenfranchised, and incapable of holding or being elected to any post of honor, profit or emolument, civil or military, under the constitution and laws of this state; and the appointment of any such person to office, as also all votes given to any such person, are illegal, and none of the votes given to such person for any office shall be taken or counted. Codes, Hutchinson's 1848, ch. 64, art. 9(2); 1857, ch. 64, art. 52; 1871, § 2532; 1880, § 2746; 1892, § 1037; 1906, § 1115; Hemingway's 1917, § 841; 1930, § 866; 1942, § 2092.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 39 - DUELING (§§ 97-39-1 — 97-39-11)Section 97-39-5 - Leaving the state for purposes of duel

If any person shall send, deliver, or cause to be sent or delivered, any challenge, written or verbal, in this state, to any person to fight a duel out of this state, or shall leave this state to fight a duel out of the same, or shall accept such challenge out of this state, and shall leave this state for the purpose of fighting a duel; or if any person shall leave this state for the purpose of sending, accepting, or bearing a challenge, or the acceptance thereof, to fight a duel or shall knowingly bear any challenge, or be concerned as second, aid, or surgeon, of either party, without this state, the person so offending shall be subject to the like punishment as is provided in Sections 97-39-1 and 97-39-3. Codes, Hutchinson's 1848, ch. 64, art. 9(4); 1857, ch. 64, art. 53; 1871, § 2533; 1880, § 2747; 1892, § 1038; 1906, § 1116; Hemingway's 1917, § 842; 1930, § 867; 1942, § 2093. If any person shall send, deliver, or cause to be sent or delivered, any challenge, written or verbal, in this state, to any person to fight a duel out of this state, or shall leave this state to fight a duel out of the same, or shall accept such challenge out of this state, and shall leave this state for the purpose of fighting a duel; or if any person shall leave this state for the purpose of sending, accepting, or bearing a challenge, or the acceptance thereof, to fight a duel or shall knowingly bear any challenge, or be concerned as second, aid, or surgeon, of either party, without this state, the person so offending shall be subject to the like punishment as is provided in Sections 97-39-1 and 97-39-3. Codes, Hutchinson's 1848, ch. 64, art. 9(4); 1857, ch. 64, art. 53; 1871, § 2533; 1880, § 2747; 1892, § 1038; 1906, § 1116; Hemingway's 1917, § 842; 1930, § 867; 1942, § 2093. If any person shall send, deliver, or cause to be sent or delivered, any challenge, written or verbal, in this state, to any person to fight a duel out of this state, or shall leave this state to fight a duel out of the same, or shall accept such challenge out of this state, and shall leave this state for the purpose of fighting a duel; or if any person shall leave this state for the purpose of sending, accepting, or bearing a challenge, or the acceptance thereof, to fight a duel or shall knowingly bear any challenge, or be concerned as second, aid, or surgeon, of either party, without this state, the person so offending shall be subject to the like punishment as is provided in Sections 97-39-1 and 97-39-3. Codes, Hutchinson's 1848, ch. 64, art. 9(4); 1857, ch. 64, art. 53; 1871, § 2533; 1880, § 2747; 1892, § 1038; 1906, § 1116; Hemingway's 1917, § 842; 1930, § 867; 1942, § 2093. If any person shall send, deliver, or cause to be sent or delivered, any challenge, written or verbal, in this state, to any person to fight a duel out of this state, or shall leave this state to fight a duel out of the same, or shall accept such challenge out of this state, and shall leave this state for the purpose of fighting a duel; or if any person shall leave this state for the purpose of sending, accepting, or bearing a challenge, or the acceptance thereof, to fight a duel or shall knowingly bear any challenge, or be concerned as second, aid, or surgeon, of either party, without this state, the person so offending shall be subject to the like punishment as is provided in Sections 97-39-1 and 97-39-3. Codes, Hutchinson's 1848, ch. 64, art. 9(4); 1857, ch. 64, art. 53; 1871, § 2533; 1880, § 2747; 1892, § 1038; 1906, § 1116; Hemingway's 1917, § 842; 1930, § 867; 1942, § 2093.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 39 - DUELING (§§ 97-39-1 — 97-39-11) Section 97-39-7 - Posting or publishing or vilifying another

If any person shall post or publish another for not fighting a duel or for not sending or accepting a challenge to fight a duel, or shall use any reproachful or contemptuous language, whether oral, written, or printed, to or concerning another for not accepting or sending a challenge to fight a duel, or with intent to provoke a duel, he shall be guilty of a misdemeanor and be punished accordingly. Codes, 1880, § 2748; 1892, § 1039; 1906, § 1117; Hemingway's 1917, § 843; 1930, § 868; 1942, § 2094. If any person shall post or publish another for not fighting a duel or for not sending or accepting a challenge to fight a duel, or shall use any reproachful or contemptuous language, whether oral, written, or printed, to or concerning another for not accepting or sending a challenge to fight a duel, or with intent to provoke a duel, he shall be guilty of a misdemeanor and be punished accordingly. Codes, 1880, § 2748; 1892, § 1039; 1906, § 1117; Hemingway's 1917, § 843; 1930, § 868; 1942, § 2094. If any person shall post or publish another for not fighting a duel or for not sending or accepting a challenge to fight a duel, or shall use any reproachful or contemptuous language, whether oral, written, or printed, to or concerning another for not accepting or sending a challenge to fight a duel, or with intent to provoke a duel, he shall be guilty of a misdemeanor and be punished accordingly. Codes, 1880, § 2748; 1892, § 1039; 1906, § 1117; Hemingway's 1917, § 843; 1930, § 868; 1942, § 2094. If any person shall post or publish another for not fighting a duel or for not sending or accepting a challenge to fight a duel, or shall use any reproachful or contemptuous language, whether oral, written, or printed, to or concerning another for not accepting or sending a challenge to fight a duel, or with intent to provoke a duel, he shall be guilty of a misdemeanor and be punished accordingly. Codes, 1880, § 2748; 1892, § 1039; 1906, § 1117; Hemingway's 1917, § 843; 1930, § 868; 1942, § 2094.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 39 - DUELING (§§ 97-39-1 — 97-39-11) Section 97-39-9 - Arrest of person about to engage in duel; peace bond

Any person, being about to violate the provisions of this chapter against dueling, may be arrested, and be required by any conservator of the peace to furnish bail to keep the peace and not violate the law against dueling for the period of two years. In default of such bail, or on giving bail, he shall be dealt with as provided in other cases of security to keep the peace, and all the provisions of the statute on that subject shall apply to bail as herein provided for. Codes, 1880, § 2749; 1892, § 1040; 1906, § 1118; Hemingway's 1917, § 844; 1930, § 869; 1942, § 2095. Any person, being about to violate the provisions of this chapter against dueling, may be arrested, and be required by any conservator of the peace to furnish bail to keep the peace and not violate the law against dueling for the period of two years. In default of such bail, or on giving bail, he shall be dealt with as provided in other cases of security to keep the peace, and all the provisions of the statute on that subject shall apply to bail as herein provided for. Codes, 1880, § 2749; 1892, § 1040; 1906, § 1118; Hemingway's 1917, § 844; 1930, § 869; 1942, § 2095. Any person, being about to violate the provisions of this chapter against dueling, may be arrested, and be required by any conservator of the peace to furnish bail to

keep the peace and not violate the law against dueling for the period of two years. In default of such bail, or on giving bail, he shall be dealt with as provided in other cases of security to keep the peace, and all the provisions of the statute on that subject shall apply to bail as herein provided for. Codes, 1880, § 2749; 1892, § 1040; 1906, § 1118; Hemingway's 1917, § 844; 1930, § 869; 1942, § 2095. Any person, being about to violate the provisions of this chapter against dueling, may be arrested, and be required by any conservator of the peace to furnish bail to keep the peace and not violate the law against dueling for the period of two years. In default of such bail, or on giving bail, he shall be dealt with as provided in other cases of security to keep the peace, and all the provisions of the statute on that subject shall apply to bail as herein provided for. Codes, 1880, § 2749; 1892, § 1040; 1906, § 1118; Hemingway's 1917, § 844; 1930, § 869; 1942, § 2095.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 41 - CRUELTY TO ANIMALS (§§ 97-41-1 — 97-41-23) Section 97-41-1 - Living creatures not to be cruelly treated

Except as otherwise provided in Section 97-41-16 for a dog or cat, if any person shall intentionally or with criminal negligence override, overdrive, overload, torture, torment, unjustifiably injure, deprive of necessary sustenance, food, or drink; or cruelly beat or needlessly mutilate; or cause or procure to be overridden, overdriven, overloaded, tortured, unjustifiably injured, tormented, or deprived of necessary sustenance, food or drink; or to be cruelly beaten or needlessly mutilated or killed, any living creature, every such offender shall, for every offense, be guilty of a misdemeanor. Codes, 1880, § 804; 1892, § 1014; 1906, § 1091; Hemingway's 1917, § 817; 1930, § 841; 1942, § 2067; Laws, 2011, ch. 536, § 2, eff. 4/26/2011. Except as otherwise provided in Section 97-41-16 for a dog or cat, if any person shall intentionally or with criminal negligence override, overdrive, overload, torture, torment, unjustifiably injure, deprive of necessary sustenance, food, or drink; or cruelly beat or needlessly mutilate; or cause or procure to be overridden, overdriven, overloaded, tortured, unjustifiably injured, tormented, or deprived of necessary sustenance, food or drink; or to be cruelly beaten or needlessly mutilated or killed, any living creature, every such offender shall, for every offense, be guilty of a misdemeanor. Codes, 1880, § 804; 1892, § 1014; 1906, § 1091; Hemingway's 1917, § 817; 1930, § 841; 1942, § 2067; Laws, 2011, ch. 536, § 2, eff. 4/26/2011. Except as otherwise provided in Section 97-41-16 for a dog or cat, if any person shall intentionally or with criminal negligence override, overdrive, overload, torture, torment, unjustifiably injure, deprive of necessary sustenance, food, or drink; or cruelly beat or needlessly mutilate; or cause or procure to be overridden, overdriven, overloaded, tortured, unjustifiably injured, tormented, or deprived of necessary sustenance, food or drink; or to be cruelly beaten or needlessly mutilated or killed, any living creature, every such offender shall, for every offense, be guilty of a misdemeanor. Codes, 1880, § 804; 1892, § 1014; 1906, § 1091; Hemingway's 1917, § 817; 1930, § 841; 1942, § 2067; Laws, 2011, ch. 536, § 2, eff. 4/26/2011. Except as otherwise provided in Section 97-41-16 for a dog or cat, if any person shall intentionally or with criminal negligence override, overdrive, overload, torture, torment, unjustifiably injure, deprive of necessary sustenance, food, or drink; or cruelly beat or needlessly mutilate; or cause or procure to be overridden, overdriven, overloaded, tortured, unjustifiably injured, tormented, or deprived of necessary sustenance, food or drink; or to be cruelly beaten or needlessly mutilated or killed, any living creature, every such offender shall, for every offense, be guilty of a misdemeanor. Codes, 1880, § 804; 1892, § 1014; 1906, § 1091; Hemingway's 1917, § 817; 1930, § 841; 1942, § 2067; Laws, 2011, ch. 536, § 2, eff. 4/26/2011.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 41 - CRUELTY TO ANIMALS (§§ 97-41-1 — 97-41-23) Section 97-41-11 - Fighting animals or cocks

Any person who shall keep or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to, any place kept or used for the purpose of fighting any bear, cock or other creature, except a dog, or of tormenting or torturing the same, and every person who shall encourage, aid, or assist therein, or who shall permit or suffer any place to be so kept or used, shall be guilty of a misdemeanor. It shall be the duty of any policeman or other officer of the law, county or municipal, to enter into any such place kept for such purpose, and to arrest each and every person concerned or participating therein. Codes, 1880, § 805; 1892, § 1016; 1906, § 1093; Hemingway's 1917, § 819; 1930, § 843; 1942, § 2069; Laws, 1987, ch. 489, § 3, eff. 7/1/1987. Any person who shall keep or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to, any place kept or used for the purpose of fighting any bear, cock or other creature, except a dog, or of tormenting or torturing the same, and every person who shall encourage, aid, or assist therein, or who shall permit or suffer any place to be so kept or used, shall be guilty of a misdemeanor. It shall be the duty of any policeman or other officer of the law, county or municipal, to enter into any such place kept for such purpose, and to arrest each and every person concerned or participating therein. Codes, 1880, § 805; 1892, § 1016; 1906, § 1093; Hemingway's 1917, § 819; 1930, § 843; 1942, § 2069; Laws, 1987, ch. 489, § 3, eff. 7/1/1987. Any person who shall keep or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to, any place kept or used for the purpose of fighting any bear, cock or other creature, except a dog, or of tormenting or torturing the same, and every person who shall encourage, aid, or assist therein, or who shall permit or suffer any place to be so kept or used, shall be guilty of a misdemeanor. It shall be the duty of any policeman or other officer of the law, county or municipal, to enter into any such place kept for such purpose, and to arrest each and every person concerned or participating therein. Codes, 1880, § 805; 1892, § 1016; 1906, § 1093; Hemingway's 1917, § 819; 1930, § 843; 1942, § 2069; Laws, 1987, ch. 489, § 3, eff. 7/1/1987. Any person who shall keep or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to, any place kept or used for the purpose of fighting any bear, cock or other creature, except a dog, or of tormenting or torturing the same, and every person who shall encourage, aid, or assist therein, or who shall permit or suffer any place to be so kept or used, shall be guilty of a misdemeanor.

It shall be the duty of any policeman or other officer of the law, county or municipal, to enter into any such place kept for such purpose, and to arrest each and every person concerned or participating therein. Codes, 1880, § 805; 1892, § 1016; 1906, § 1093; Hemingway's 1917, § 819; 1930, § 843; 1942, § 2069; Laws, 1987, ch. 489, § 3, eff. 7/1/1987.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 41 - CRUELTY TO ANIMALS (§§ 97-41-1 — 97-41-23) Section 97-41-13 - Penalty for violating certain sections

Any person who shall violate any of Sections 97-41-3 to 97-41-11, or Section 97-27-7 on the subject of cruelty to animals shall, on conviction, be fined not less than ten dollars nor more than one hundred dollars, or shall be imprisoned in the county jail not less than ten days nor more than one hundred days or both. Codes, 1880, § 813; 1892, § 1020; 1906, § 1097; Hemingway's 1917, § 823; 1930, § 847; 1942, § 2073. Any person who shall violate any of Sections 97-41-3 to 97-41-11, or Section 97-27-7 on the subject of cruelty to animals shall, on conviction, be fined not less than ten dollars nor more than one hundred dollars, or shall be imprisoned in the county jail not less than ten days nor more than one hundred days or both. Codes, 1880, § 813; 1892, § 1020; 1906, § 1097; Hemingway's 1917, § 823; 1930, § 847; 1942, § 2073. Any person who shall violate any of Sections 97-41-3 to 97-41-11, or Section 97-27-7 on the subject of cruelty to animals shall, on conviction, be fined not less than ten dollars nor more than one hundred dollars, or shall be imprisoned in the county jail not less than ten days nor more than one hundred days or both. Codes, 1880, § 813; 1892, § 1020; 1906, § 1097; Hemingway's 1917, § 823; 1930, § 847; 1942, § 2073. Any person who shall violate any of Sections 97-41-3 to 97-41-11, or Section 97-27-7 on the subject of cruelty to animals shall, on conviction, be fined not less than ten dollars nor more than one hundred dollars, or shall be imprisoned in the county jail not less than ten days nor more than one hundred days or both. Codes, 1880, § 813; 1892, § 1020; 1906, § 1097; Hemingway's 1917, § 823; 1930, § 847; 1942, § 2073.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 41 - CRUELTY TO ANIMALS (§§ 97-41-1 — 97-41-23) Section 97-41-15 - Malicious or mischievous injury to livestock; penalty; restitution

(1) Any person who shall maliciously, either out of a spirit of revenge or wanton cruelty, or who shall mischievously kill, maim or wound, or injure any livestock, or cause any person to do the same, shall be guilty of a felony and upon conviction, shall be committed to the custody of the State Department of Corrections for not less than twelve (12) months nor more than five years, and fined an amount not less than One Thousand Five Hundred Dollars (\$1,500.00), nor more than Ten Thousand Dollars (\$10,000.00). (2) In addition to any such fine or imprisonment which may be imposed, the court shall order that restitution be made to the owner of any animal listed in subsection (1) of this section. The measure for restitution in money shall be the current replacement value of such loss and/or the actual veterinarian fees, special supplies, loss of income and other costs incurred as a result of actions in violation of subsection (1) of this section. (3) For purposes of this section, the term "livestock" shall mean horses, cattle, swine, sheep and other domestic animals produced for profit. Codes, Hutchinson's 1848, ch. 64, art. 7(1); 1857, ch. 64, art. 201; 1871, § 8708; 1880, § 2917; 1892, § 1022; 1906, § 1099; Hemingway's 1917, § 825; 1930, § 849; 1942, § 2075; Laws, 1981, ch. 448, § 1; Laws, 1993, ch. 438, § 2, eff. 7/1/1993. (1) Any person who shall maliciously, either out of a spirit of revenge or wanton cruelty, or who shall mischievously kill, maim or wound, or injure any livestock, or cause any person to do the same, shall be guilty of a felony and upon conviction, shall be committed to the custody of the State Department of Corrections for not less than twelve (12) months nor more than five years, and fined an amount not less than One Thousand Five Hundred Dollars (\$1,500.00), nor more than Ten Thousand Dollars (\$10,000.00). (2) In addition to any such fine or imprisonment which may be imposed, the court shall order that restitution be made to the owner of any animal listed in subsection (1) of this section. The measure for restitution in money shall be the current replacement value of such loss and/or the actual veterinarian fees, special supplies, loss of income and other costs incurred as a result of actions in violation of subsection (1) of this section. (3) For purposes of this section, the term "livestock" shall mean horses, cattle, swine, sheep and other domestic animals produced for profit. Codes, Hutchinson's 1848, ch. 64, art. 7(1); 1857, ch. 64, art. 201; 1871, § 8708; 1880, § 2917; 1892, § 1022; 1906, § 1099; Hemingway's 1917, § 825; 1930, § 849; 1942, § 2075; Laws, 1981, ch. 448, § 1; Laws, 1993, ch. 438, § 2, eff. 7/1/1993. (1) Any person who shall maliciously, either out of a spirit of revenge or wanton cruelty, or who shall mischievously kill, maim or wound, or injure any livestock, or cause any person to do the same, shall be guilty of a felony and upon conviction, shall be committed to the custody of the State Department of Corrections for not less than twelve (12) months nor more than five years, and fined an amount not less than One Thousand Five Hundred Dollars (\$1,500.00), nor more than Ten Thousand Dollars (\$10,000.00). (2) In addition to any such fine or imprisonment which may be imposed, the court shall order that restitution be made to the owner of any animal listed in subsection (1) of this section. The measure for restitution in money shall be the current replacement value of such loss and/or the actual veterinarian fees, special supplies, loss of income and other costs incurred as a result of actions in violation of subsection (1) of this section. (3) For purposes of this section, the term "livestock" shall mean horses, cattle, swine, sheep and other domestic animals produced for profit. Codes, Hutchinson's 1848, ch. 64, art. 7(1); 1857, ch. 64, art. 201; 1871, § 8708; 1880, § 2917; 1892, § 1022; 1906, § 1099; Hemingway's 1917, § 825; 1930, § 849; 1942, § 2075; Laws, 1981, ch. 448, § 1; Laws, 1993, ch. 438, § 2, eff. 7/1/1993.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 41 - CRUELTY TO ANIMALS (§§ 97-41-1 — 97-41-23) Section 97-41-16 - Mississippi Dog and Cat Pet Protection Law of 2011; legislative intent; simple cruelty; aggravated cruelty; penalty; restitution; activities not constituting cruelty to domesticated dog or cat; immunity for good

faith reporting of suspected cruelty; registration of organizations that have purpose of protection of or prevention of cruelty to domesticated dogs and cats

(1)(a)The provisions of this section shall be known and may be cited as the "Mississippi Dog and Cat Pet Protection Law of 2011."(b)The intent of the Legislature in enacting this law is to provide only for the protection of domesticated dogs and cats, as these are the animals most often serving as the loyal and beloved pets of the citizens of this state. Animals other than domesticated dogs and cats are specifically excluded from the enhanced protection described in this section for dogs and cats. The provisions of this section do not apply, and shall not be construed as applying, to any animal other than a domesticated dog or cat.(2)(a)If a person shall intentionally or with criminal negligence wound, deprive of adequate shelter, food or water, or carry or confine in a cruel manner, any domesticated dog or cat, or cause any person to do the same, then he or she shall be guilty of the offense of simple cruelty to a domesticated dog or cat. A person who is convicted of the offense of simple cruelty to a domesticated dog or cat shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00), or imprisoned not more than six (6) months, or both. Each act of simple cruelty that is committed against more than one (1) domesticated dog or cat constitutes a separate offense.(b)(i)If a person with malice shall intentionally torture, mutilate, maim, burn, starve to death, crush, disfigure, drown, suffocate or impale any domesticated dog or cat, or cause any person to do the same, then he or she shall be guilty of the offense of aggravated cruelty to a domesticated dog or cat. Each act of aggravated cruelty that is committed against more than one (1) domesticated dog or cat shall constitute a separate offense.(ii)A person who is convicted of a first offense of aggravated cruelty to a domesticated dog or cat shall be guilty of a felony and fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the Department of Corrections for not more than three (3) years, or both.(iii)A person who is convicted of a second or subsequent offense of aggravated cruelty to a domesticated dog or cat, the offenses being committed within a period of five (5) years, shall be guilty of a felony and fined not more than Ten Thousand Dollars (\$10,000.00) and imprisoned in the custody of the Department of Corrections for not less than one (1) year nor more than ten (10) years.For purposes of calculating previous offenses of aggravated cruelty under this subparagraph (iii), commission of one or more acts of aggravated cruelty against one or more domesticated dogs or cats within a twenty-four-hour period shall be considered one (1) offense.(c)A conviction entered upon a plea of nolo contendere to a charge of aggravated cruelty to a domesticated dog or cat shall be counted as a conviction for the purpose of determining whether a later conviction is a first or subsequent offense.(3)In addition to such fine or imprisonment which may be imposed:(a)The court shall order that restitution be made to the owner of such domesticated dog or cat. The measure for restitution in money shall be the current replacement value of such loss and the actual veterinarian fees, medicine, special supplies, loss of income and other costs incurred as a result of actions in violation of subsection (2) of this section; and(b)The court may order that:(i)The reasonable costs of sheltering, transporting and rehabilitating the domesticated dog or cat, and any other costs directly related to the care of the domesticated dog or cat, be reimbursed to:1.Any law enforcement agency; or2.Any agency or department of a political subdivision that is charged with the control, protection or welfare of domesticated or feral dogs or cats within the subdivision. The agency or department may reimburse a nongovernmental organization for such costs, if the organization possesses nonprofit status under the United States Internal Revenue Code and has the purpose of protecting the welfare of, or preventing cruelty to, dogs or cats whether domesticated or feral.(ii)The person convicted:1.Receives a psychiatric or psychological evaluation and counseling or treatment for a length of time as prescribed by the court. The cost of any evaluation, counseling and treatment shall be paid by the offender upon order of the court, up to a maximum amount that is no more than the jurisdictional limit of the sentencing court.2.Performs community service for a period not exceeding the applicable maximum term of imprisonment that may be imposed for conviction of the offense.3.Be enjoined from employment in any position that involves the care of a domesticated dog or cat, or in any place where domesticated dogs or cats are kept or confined, for a period which the court deems appropriate.4.If convicted of simple cruelty under this section, be prohibited from owning or possessing or residing with a domesticated dog or cat for any period of time not exceeding five (5) years from the date of sentencing, or any period of time not exceeding fifteen (15) years from the date of sentencing if the conviction involved four (4) or more counts of simple cruelty.(c)The court shall order that any person convicted of an offense of aggravated cruelty under this section be prohibited from owning or possessing or residing with a domesticated dog or cat for a period not less than five (5) years nor more than fifteen (15) years from the date of sentencing.(d)A person found in violation of a court order incorporating the provisions of paragraph (b)(ii)4. or (c) of this subsection may, in addition to any other punishment provided by law, be fined in an amount not exceeding One Thousand Dollars (\$1,000.00) for each domesticated dog or cat unlawfully owned or possessed.(e)Any domesticated dog or cat involved in a violation of a court order described in paragraph (d) of this subsection shall be forfeited to the state.(4)(a)Nothing in this section shall be construed as prohibiting a person from:(i)Defending himself or herself or another person from physical injury being threatened or caused by a domesticated or feral dog or cat.(ii)Injuring or killing an unconfined domesticated or feral dog or cat on the property of the person, if the unconfined dog or cat is believed to constitute a threat of physical injury or damage to any domesticated animal under the care or control of such person.(iii)Acting under the provisions of Section95-5-19to protect poultry or livestock from a trespassing dog that is in the act of chasing or killing the poultry or livestock, or acting to protect poultry or livestock from a trespassing cat that is in the act of chasing or killing the poultry or livestock.(iv)Engaging in practices that are licensed or lawful under the Mississippi Veterinary Practice Act, Section73-39-51et seq., or engaging in activities by any licensed veterinarian while following accepted standards of practice of the profession within the State of Mississippi, including the euthanizing of a dog or cat.(v)Rendering emergency care, treatment, or assistance to a dog or cat that is abandoned, ill, injured, or in distress, if the person rendering the care, treatment, or assistance is acting in good faith.(vi)Performing activities associated with accepted agricultural and animal husbandry practices with regard to livestock, poultry or other animals, including those activities which involve:1.Using dogs in such

practices.2.Raising, managing and using animals to provide food, fiber or transportation.3.Butchering animals and processing food.(vii)Training for, or participating in, a rodeo, equine activity, dog show, event sponsored by a kennel club or other bona fide organization that promotes the breeding or showing of dogs or cats, or any other competitive event which involves the lawful use of dogs or cats.(viii)Engaging in accepted practices of dog or cat identification.(ix)Engaging in lawful activities that are regulated by the Mississippi Department of Wildlife, Fisheries and Parks or the Mississippi Department of Marine Resources, including, without limitation, hunting, trapping, fishing, and wildlife and seafood management.(x)Performing scientific, research, medical and zoological activities undertaken by research and education facilities or institutions that are:1.Regulated under the provisions of the Animal Welfare Act, 7 USCS 2131 et seq., as in effect on July 1, 2011;2.Regulated under the provisions of the Health Research Extension Act of 1985, Public Law No. 99-158; or3.Subject to any other applicable state or federal law or regulation governing animal research as in effect on July 1, 2011.(xi)Disposing of or destroying certain dogs under authority of Sections19-5-50,21-19-9and41-53-11, which allow counties, municipalities and certain law enforcement officers to destroy dogs running at large without proper identification indicating that such dogs have been vaccinated for rabies.(xii)Engaging in professional pest control activities, including those activities governed by the Mississippi Pesticide Law of 1975, Section69-23-1et seq.; professional services related to entomology, plant pathology, horticulture, tree surgery, weed control or soil classification, as regulated under Section69-19-1et seq.; and any other pest control activities conducted in accordance with state law.(xiii)Performing the humane euthanization of a dog or cat pursuant to Section97-41-3.(xiv)Engaging in the training of service dogs used to assist those with physical or mental health conditions.(b)If the owner or person in control of a domesticated dog or cat is precluded, by natural or other causes beyond his reasonable control, from acting to prevent an act or omission that might otherwise constitute an allegation of the offense of simple cruelty to a domesticated dog or cat or the offense of aggravated cruelty to a domesticated dog or cat, then that person shall not be guilty of the offense. Natural or other causes beyond the reasonable control of the person include, without limitation, acts of God, declarations of disaster, emergencies, acts of war, earthquakes, hurricanes, tornadoes, fires, floods or other natural disasters.(5)The provisions of this section shall not be construed to:(a)Apply to any animal other than a domesticated dog or cat.(b>Create any civil or criminal liability on the part of the driver of a motor vehicle if the driver unintentionally injures or kills a domesticated dog or cat as a result of the domesticated dog or cat being accidentally hit by the vehicle.(6)(a)Except as otherwise provided in Section97-35-47for the false reporting of a crime, a person, who in good faith and acting without malice, reports a suspected incident of simple cruelty to a domesticated dog or cat, or aggravated cruelty to a domesticated dog or cat, to a local animal control, protection or welfare organization, a local law enforcement agency, or the Mississippi Department of Public Safety, shall be immune from civil and criminal liability for reporting the incident.(b)A veterinarian licensed in Mississippi or a person acting at the direction of a veterinarian licensed in Mississippi, who in good faith and acting without malice, participates in the investigation of an alleged offense of simple or aggravated cruelty to a domesticated dog or cat, or makes a decision or renders services regarding the care of a domesticated or feral dog or cat that is involved in the investigation, shall be immune from civil and criminal liability for those acts.(7)Other than an agency or department of a political subdivision that is charged with the control, protection or welfare of dogs or cats within the subdivision, any organization that has the purpose of protecting the welfare of, or preventing cruelty to, domesticated dogs or cats, shall register the organization with the sheriff of the county in which the organization operates a physical facility for the protection, welfare or shelter of dogs or cats, on or before the first day of October each year. The provisions of this subsection (7) shall apply to any organization that has the purpose of protecting the welfare of dogs or cats, or preventing cruelty to dogs or cats, regardless of whether the organization also protects animals other than domesticated dogs or cats.(8)Nothing in this section shall limit the authority of a municipality or board of supervisors to adopt ordinances, rules, regulations or resolutions which may be, in whole or in part, more restrictive than the provisions of this section, and in those cases, the more restrictive ordinances, rules, regulations or resolutions will govern.Laws, 1993, ch. 438, § 3; Laws, 2006, ch. 491, § 1; Laws, 2011, ch. 536, § 1, eff. 4/26/2011.Amended by Laws, 2020, ch. 468, SB 2658,§ 1, eff. 7/1/2020. (1)(a)The provisions of this section shall be known and may be cited as the "Mississippi Dog and Cat Pet Protection Law of 2011."(b)The intent of the Legislature in enacting this law is to provide only for the protection of domesticated dogs and cats, as these are the animals most often serving as the loyal and beloved pets of the citizens of this state. Animals other than domesticated dogs and cats are specifically excluded from the enhanced protection described in this section for dogs and cats. The provisions of this section do not apply, and shall not be construed as applying, to any animal other than a domesticated dog or cat.(2)(a)If a person shall intentionally or with criminal negligence wound, deprive of adequate shelter, food or water, or carry or confine in a cruel manner, any domesticated dog or cat, or cause any person to do the same, then he or she shall be guilty of the offense of simple cruelty to a domesticated dog or cat. A person who is convicted of the offense of simple cruelty to a domesticated dog or cat shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00), or imprisoned not more than six (6) months, or both. Each act of simple cruelty that is committed against more than one (1) domesticated dog or cat constitutes a separate offense.(b)(i)If a person with malice shall intentionally torture, mutilate, maim, burn, starve to death, crush, disfigure, drown, suffocate or impale any domesticated dog or cat, or cause any person to do the same, then he or she shall be guilty of the offense of aggravated cruelty to a domesticated dog or cat. Each act of aggravated cruelty that is committed against more than one (1) domesticated dog or cat shall constitute a separate offense.(ii)A person who is convicted of a first offense of aggravated cruelty to a domesticated dog or cat shall be guilty of a felony and fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the Department of Corrections for not more than three (3) years, or both.(iii)A person who is convicted of a second or subsequent offense of aggravated cruelty to a domesticated dog or cat, the offenses being committed within a period of five (5) years, shall be guilty of a felony and fined not more than Ten Thousand Dollars (\$10,000.00) and imprisoned in the custody of the Department of Corrections for not less

than one (1) year nor more than ten (10) years. For purposes of calculating previous offenses of aggravated cruelty under this subparagraph (iii), commission of one or more acts of aggravated cruelty against one or more domesticated dogs or cats within a twenty-four-hour period shall be considered one (1) offense. (c) A conviction entered upon a plea of nolo contendere to a charge of aggravated cruelty to a domesticated dog or cat shall be counted as a conviction for the purpose of determining whether a later conviction is a first or subsequent offense. (3) In addition to such fine or imprisonment which may be imposed: (a) The court shall order that restitution be made to the owner of such domesticated dog or cat. The measure for restitution in money shall be the current replacement value of such loss and the actual veterinarian fees, medicine, special supplies, loss of income and other costs incurred as a result of actions in violation of subsection (2) of this section; and (b) The court may order that: (i) The reasonable costs of sheltering, transporting and rehabilitating the domesticated dog or cat, and any other costs directly related to the care of the domesticated dog or cat, be reimbursed to: 1. Any law enforcement agency; or 2. Any agency or department of a political subdivision that is charged with the control, protection or welfare of domesticated or feral dogs or cats within the subdivision. The agency or department may reimburse a nongovernmental organization for such costs, if the organization possesses nonprofit status under the United States Internal Revenue Code and has the purpose of protecting the welfare of, or preventing cruelty to, dogs or cats whether domesticated or feral. (ii) The person convicted: 1. Receives a psychiatric or psychological evaluation and counseling or treatment for a length of time as prescribed by the court. The cost of any evaluation, counseling and treatment shall be paid by the offender upon order of the court, up to a maximum amount that is no more than the jurisdictional limit of the sentencing court. 2. Performs community service for a period not exceeding the applicable maximum term of imprisonment that may be imposed for conviction of the offense. 3. Be enjoined from employment in any position that involves the care of a domesticated dog or cat, or in any place where domesticated dogs or cats are kept or confined, for a period which the court deems appropriate. 4. If convicted of simple cruelty under this section, be prohibited from owning or possessing or residing with a domesticated dog or cat for any period of time not exceeding five (5) years from the date of sentencing, or any period of time not exceeding fifteen (15) years from the date of sentencing if the conviction involved four (4) or more counts of simple cruelty. (c) The court shall order that any person convicted of an offense of aggravated cruelty under this section be prohibited from owning or possessing or residing with a domesticated dog or cat for a period not less than five (5) years nor more than fifteen (15) years from the date of sentencing. (d) A person found in violation of a court order incorporating the provisions of paragraph (b)(ii) 4. or (c) of this subsection may, in addition to any other punishment provided by law, be fined in an amount not exceeding One Thousand Dollars (\$1,000.00) for each domesticated dog or cat unlawfully owned or possessed. (e) Any domesticated dog or cat involved in a violation of a court order described in paragraph (d) of this subsection shall be forfeited to the state. (4) (a) Nothing in this section shall be construed as prohibiting a person from: (i) Defending himself or herself or another person from physical injury being threatened or caused by a domesticated or feral dog or cat. (ii) Injuring or killing an unconfined domesticated or feral dog or cat on the property of the person, if the unconfined dog or cat is believed to constitute a threat of physical injury or damage to any domesticated animal under the care or control of such person. (iii) Acting under the provisions of Section 95-5-19 to protect poultry or livestock from a trespassing dog that is in the act of chasing or killing the poultry or livestock, or acting to protect poultry or livestock from a trespassing cat that is in the act of chasing or killing the poultry or livestock. (iv) Engaging in practices that are licensed or lawful under the Mississippi Veterinary Practice Act, Section 73-39-51 et seq., or engaging in activities by any licensed veterinarian while following accepted standards of practice of the profession within the State of Mississippi, including the euthanizing of a dog or cat. (v) Rendering emergency care, treatment, or assistance to a dog or cat that is abandoned, ill, injured, or in distress, if the person rendering the care, treatment, or assistance is acting in good faith. (vi) Performing activities associated with accepted agricultural and animal husbandry practices with regard to livestock, poultry or other animals, including those activities which involve: 1. Using dogs in such practices. 2. Raising, managing and using animals to provide food, fiber or transportation. 3. Butchering animals and processing food. (vii) Training for, or participating in, a rodeo, equine activity, dog show, event sponsored by a kennel club or other bona fide organization that promotes the breeding or showing of dogs or cats, or any other competitive event which involves the lawful use of dogs or cats. (viii) Engaging in accepted practices of dog or cat identification. (ix) Engaging in lawful activities that are regulated by the Mississippi Department of Wildlife, Fisheries and Parks or the Mississippi Department of Marine Resources, including, without limitation, hunting, trapping, fishing, and wildlife and seafood management. (x) Performing scientific, research, medical and zoological activities undertaken by research and education facilities or institutions that are: 1. Regulated under the provisions of the Animal Welfare Act, 7 USCS 2131 et seq., as in effect on July 1, 2011; 2. Regulated under the provisions of the Health Research Extension Act of 1985, Public Law No. 99-158; or 3. Subject to any other applicable state or federal law or regulation governing animal research as in effect on July 1, 2011. (xi) Disposing of or destroying certain dogs under authority of Sections 19-5-50, 21-19-9 and 41-53-11, which allow counties, municipalities and certain law enforcement officers to destroy dogs running at large without proper identification indicating that such dogs have been vaccinated for rabies. (xii) Engaging in professional pest control activities, including those activities governed by the Mississippi Pesticide Law of 1975, Section 69-23-1 et seq.; professional services related to entomology, plant pathology, horticulture, tree surgery, weed control or soil classification, as regulated under Section 69-19-1 et seq.; and any other pest control activities conducted in accordance with state law. (xiii) Performing the humane euthanization of a dog or cat pursuant to Section 97-41-3. (xiv) Engaging in the training of service dogs used to assist those with physical or mental health conditions. (b) If the owner or person in control of a domesticated dog or cat is precluded, by natural or other causes beyond his reasonable control, from acting to prevent an act or omission that might otherwise constitute an allegation of the offense of simple cruelty to a domesticated dog or cat or the offense of aggravated cruelty to a domesticated dog or cat, then that person shall not be guilty of the offense. Natural or other causes beyond the reasonable control of the person include, without limitation, acts of God, declarations of disaster,

emergencies, acts of war, earthquakes, hurricanes, tornadoes, fires, floods or other natural disasters.(5)The provisions of this section shall not be construed to:(a)Apply to any animal other than a domesticated dog or cat.(b>Create any civil or criminal liability on the part of the driver of a motor vehicle if the driver unintentionally injures or kills a domesticated dog or cat as a result of the domesticated dog or cat being accidentally hit by the vehicle.(6)(a)Except as otherwise provided in Section97-35-47for the false reporting of a crime, a person, who in good faith and acting without malice, reports a suspected incident of simple cruelty to a domesticated dog or cat, or aggravated cruelty to a domesticated dog or cat, to a local animal control, protection or welfare organization, a local law enforcement agency, or the Mississippi Department of Public Safety, shall be immune from civil and criminal liability for reporting the incident.(b)A veterinarian licensed in Mississippi or a person acting at the direction of a veterinarian licensed in Mississippi, who in good faith and acting without malice, participates in the investigation of an alleged offense of simple or aggravated cruelty to a domesticated dog or cat, or makes a decision or renders services regarding the care of a domesticated or feral dog or cat that is involved in the investigation, shall be immune from civil and criminal liability for those acts.(7)Other than an agency or department of a political subdivision that is charged with the control, protection or welfare of dogs or cats within the subdivision, any organization that has the purpose of protecting the welfare of, or preventing cruelty to, domesticated dogs or cats, shall register the organization with the sheriff of the county in which the organization operates a physical facility for the protection, welfare or shelter of dogs or cats, on or before the first day of October each year. The provisions of this subsection (7) shall apply to any organization that has the purpose of protecting the welfare of dogs or cats, or preventing cruelty to dogs or cats, regardless of whether the organization also protects animals other than domesticated dogs or cats.(8)Nothing in this section shall limit the authority of a municipality or board of supervisors to adopt ordinances, rules, regulations or resolutions which may be, in whole or in part, more restrictive than the provisions of this section, and in those cases, the more restrictive ordinances, rules, regulations or resolutions will govern.Laws, 1993, ch. 438, § 3; Laws, 2006, ch. 491, § 1; Laws, 2011, ch. 536, § 1, eff. 4/26/2011.Amended by Laws, 2020, ch. 468, SB 2658,§ 1, eff. 7/1/2020. 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A person who is convicted of the offense of simple cruelty to a domesticated dog or cat shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00), or imprisoned not more than six (6) months, or both. Each act of simple cruelty that is committed against more than one (1) domesticated dog or cat constitutes a separate offense.(b)(i)If a person with malice shall intentionally torture, mutilate, maim, burn, starve to death, crush, disfigure, drown, suffocate or impale any domesticated dog or cat, or cause any person to do the same, then he or she shall be guilty of the offense of aggravated cruelty to a domesticated dog or cat. Each act of aggravated cruelty that is committed against more than one (1) domesticated dog or cat shall constitute a separate offense.(ii)A person who is convicted of a first offense of aggravated cruelty to a domesticated dog or cat shall be guilty of a felony and fined not more than Five Thousand Dollars (\$5,000.00), or committed to the custody of the Department of Corrections for not more than three (3) years, or both.(iii)A person who is convicted of a second or subsequent offense of aggravated cruelty to a domesticated dog or cat, the offenses being committed within a period of five (5) years, shall be guilty of a felony and fined not more than Ten Thousand Dollars (\$10,000.00) and imprisoned in the custody of the Department of Corrections for not less than one (1) year nor more than ten (10) years.For purposes of calculating previous offenses of aggravated cruelty under this subparagraph (iii), commission of one or more acts of aggravated cruelty against one or more domesticated dogs or cats within a twenty-four-hour period shall be considered one (1) offense.(c)A conviction entered upon a plea of nolo contendere to a charge of aggravated cruelty to a domesticated dog or cat shall be counted as a conviction for the purpose of determining whether a later conviction is a first or subsequent offense.(3)In addition to such fine or imprisonment which may be imposed:(a)The court shall order that restitution be made to the owner of such domesticated dog or cat. The measure for restitution in money shall be the current replacement value of such loss and the actual veterinarian fees, medicine, special supplies, loss of income and other costs incurred as a result of actions in violation of subsection (2) of this section; and(b)The court may order that:(i)The reasonable costs of sheltering, transporting and rehabilitating the domesticated dog or cat, and any other costs directly related to the care of the domesticated dog or cat, be reimbursed to:1.Any law enforcement agency; or2.Any agency or department of a political subdivision that is charged with the control, protection or welfare of domesticated or feral dogs or cats within the subdivision. The agency or department may reimburse a nongovernmental organization for such costs, if the organization possesses nonprofit status under the United States Internal Revenue Code and has the purpose of protecting the welfare of, or preventing cruelty to, dogs or cats whether domesticated or feral.(ii)The person convicted:1.Receives a psychiatric or psychological evaluation and counseling or treatment for a length of time as prescribed by the court. The cost of any evaluation, counseling and treatment shall be paid by the offender upon order of the court, up to a maximum amount that is no more than the jurisdictional limit of the sentencing court.2.Performs community service for a period not exceeding the applicable maximum term of imprisonment that may be imposed for conviction of the offense.3.Be enjoined from employment in any position that involves the care of a domesticated dog or cat, or in any place where domesticated dogs or cats are kept or confined, for a period which the court deems appropriate.4.If convicted of simple cruelty under this section, be prohibited from owning or possessing or residing with a domesticated dog or cat for any period of time not exceeding five (5)

years from the date of sentencing, or any period of time not exceeding fifteen (15) years from the date of sentencing if the conviction involved four (4) or more counts of simple cruelty.(c)The court shall order that any person convicted of an offense of aggravated cruelty under this section be prohibited from owning or possessing or residing with a domesticated dog or cat for a period not less than five (5) years nor more than fifteen (15) years from the date of sentencing.(d)A person found in violation of a court order incorporating the provisions of paragraph (b)(ii)4. or (c) of this subsection may, in addition to any other punishment provided by law, be fined in an amount not exceeding One Thousand Dollars (\$1,000.00) for each domesticated dog or cat unlawfully owned or possessed.(e)Any domesticated dog or cat involved in a violation of a court order described in paragraph (d) of this subsection shall be forfeited to the state.(4)(a)Nothing in this section shall be construed as prohibiting a person from:(i)Defending himself or herself or another person from physical injury being threatened or caused by a domesticated or feral dog or cat.(ii)Injuring or killing an unconfined domesticated or feral dog or cat on the property of the person, if the unconfined dog or cat is believed to constitute a threat of physical injury or damage to any domesticated animal under the care or control of such person.(iii)Acting under the provisions of Section95-5-19to protect poultry or livestock from a trespassing dog that is in the act of chasing or killing the poultry or livestock, or acting to protect poultry or livestock from a trespassing cat that is in the act of chasing or killing the poultry or livestock.(iv)Engaging in practices that are licensed or lawful under the Mississippi Veterinary Practice Act, Section73-39-51et seq., or engaging in activities by any licensed veterinarian while following accepted standards of practice of the profession within the State of Mississippi, including the euthanizing of a dog or cat.(v)Rendering emergency care, treatment, or assistance to a dog or cat that is abandoned, ill, injured, or in distress, if the person rendering the care, treatment, or assistance is acting in good faith.(vi)Performing activities associated with accepted agricultural and animal husbandry practices with regard to livestock, poultry or other animals, including those activities which involve:1.Using dogs in such practices.2.Raising, managing and using animals to provide food, fiber or transportation.3.Butchering animals and processing food.(vii)Training for, or participating in, a rodeo, equine activity, dog show, event sponsored by a kennel club or other bona fide organization that promotes the breeding or showing of dogs or cats, or any other competitive event which involves the lawful use of dogs or cats.(viii)Engaging in accepted practices of dog or cat identification.(ix)Engaging in lawful activities that are regulated by the Mississippi Department of Wildlife, Fisheries and Parks or the Mississippi Department of Marine Resources, including, without limitation, hunting, trapping, fishing, and wildlife and seafood management.(x)Performing scientific, research, medical and zoological activities undertaken by research and education facilities or institutions that are:1.Regulated under the provisions of the Animal Welfare Act, 7 USCS 2131 et seq., as in effect on July 1, 2011;2.Regulated under the provisions of the Health Research Extension Act of 1985, Public Law No. 99-158; or3.Subject to any other applicable state or federal law or regulation governing animal research as in effect on July 1, 2011.(xi)Disposing of or destroying certain dogs under authority of Sections19-5-50,21-19-9and41-53-11, which allow counties, municipalities and certain law enforcement officers to destroy dogs running at large without proper identification indicating that such dogs have been vaccinated for rabies.(xii)Engaging in professional pest control activities, including those activities governed by the Mississippi Pesticide Law of 1975, Section69-23-1et seq.; professional services related to entomology, plant pathology, horticulture, tree surgery, weed control or soil classification, as regulated under Section69-19-1et seq.; and any other pest control activities conducted in accordance with state law.(xiii)Performing the humane euthanization of a dog or cat pursuant to Section97-41-3.(xiv)Engaging in the training of service dogs used to assist those with physical or mental health conditions.(b)If the owner or person in control of a domesticated dog or cat is precluded, by natural or other causes beyond his reasonable control, from acting to prevent an act or omission that might otherwise constitute an allegation of the offense of simple cruelty to a domesticated dog or cat or the offense of aggravated cruelty to a domesticated dog or cat, then that person shall not be guilty of the offense. Natural or other causes beyond the reasonable control of the person include, without limitation, acts of God, declarations of disaster, emergencies, acts of war, earthquakes, hurricanes, tornadoes, fires, floods or other natural disasters.(5)The provisions of this section shall not be construed to:(a)Apply to any animal other than a domesticated dog or cat.(b>Create any civil or criminal liability on the part of the driver of a motor vehicle if the driver unintentionally injures or kills a domesticated dog or cat as a result of the domesticated dog or cat being accidentally hit by the vehicle.(6)(a)Except as otherwise provided in Section97-35-47for the false reporting of a crime, a person, who in good faith and acting without malice, reports a suspected incident of simple cruelty to a domesticated dog or cat, or aggravated cruelty to a domesticated dog or cat, to a local animal control, protection or welfare organization, a local law enforcement agency, or the Mississippi Department of Public Safety, shall be immune from civil and criminal liability for reporting the incident.(b)A veterinarian licensed in Mississippi or a person acting at the direction of a veterinarian licensed in Mississippi, who in good faith and acting without malice, participates in the investigation of an alleged offense of simple or aggravated cruelty to a domesticated dog or cat, or makes a decision or renders services regarding the care of a domesticated or feral dog or cat that is involved in the investigation, shall be immune from civil and criminal liability for those acts.(7)Other than an agency or department of a political subdivision that is charged with the control, protection or welfare of dogs or cats within the subdivision, any organization that has the purpose of protecting the welfare of, or preventing cruelty to, domesticated dogs or cats, shall register the organization with the sheriff of the county in which the organization operates a physical facility for the protection, welfare or shelter of dogs or cats, on or before the first day of October each year. The provisions of this subsection (7) shall apply to any organization that has the purpose of protecting the welfare of dogs or cats, or preventing cruelty to dogs or cats, regardless of whether the organization also protects animals other than domesticated dogs or cats.(8)Nothing in this section shall limit the authority of a municipality or board of supervisors to adopt ordinances, rules, regulations or resolutions which may be, in whole or in part, more restrictive than the provisions of this section, and in those cases, the more restrictive ordinances, rules, regulations or resolutions will govern.Laws, 1993, ch. 438, § 3; Laws, 2006, ch. 491, § 1; Laws, 2011, ch. 536, § 1, eff.

4/26/2011. Amended by Laws, 2020, ch. 468, SB 2658, § 1, eff. 7/1/2020. For purposes of calculating previous offenses of aggravated cruelty under this subparagraph (iii), commission of one or more acts of aggravated cruelty against one or more domesticated dogs or cats within a twenty-four-hour period shall be considered one (1) offense. Laws, 1993, ch. 438, § 3; Laws, 2006, ch. 491, § 1; Laws, 2011, ch. 536, § 1, eff. 4/26/2011. Amended by Laws, 2020, ch. 468, SB 2658, § 1, eff. 7/1/2020.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 41 - CRUELTY TO ANIMALS (§§ 97-41-1 — 97-41-23) Section 97-41-17 - Poisons; administering to animals

Every person who shall willfully and unlawfully administer any poison to any horse, mare, colt, mule, jack, jennet, cattle, deer, dog, cat, hog, sheep, chicken, duck, goose, turkey, pea-fowl, guinea-fowl, or partridge, or shall maliciously expose any poison substance with intent that the same should be taken or swallowed by any horse, mare, colt, mule, jack, jennet, cattle, dog, cat, hog, sheep, chicken, duck, goose, turkey, pea-fowl, guinea-fowl, or partridge, shall, upon conviction, be punished by imprisonment in the Penitentiary not exceeding three (3) years, or in the county jail not exceeding one (1) year, and by a fine not exceeding Five Hundred Dollars (\$500.00). Codes, Hutchinson's 848, ch. 64, art. 12, Title 7(13); 1857, ch. 64, art. 215; 1871, § 2671; 1880, § 2938; 1892, § 1256; 1906, § 1332; Hemingway's 1917, § 1065; 1930, § 1096; 1942, § 2329; Laws, 2011, ch. 536, § 7, eff. 4/26/2011.

Every person who shall willfully and unlawfully administer any poison to any horse, mare, colt, mule, jack, jennet, cattle, deer, dog, cat, hog, sheep, chicken, duck, goose, turkey, pea-fowl, guinea-fowl, or partridge, or shall maliciously expose any poison substance with intent that the same should be taken or swallowed by any horse, mare, colt, mule, jack, jennet, cattle, dog, cat, hog, sheep, chicken, duck, goose, turkey, pea-fowl, guinea-fowl, or partridge, shall, upon conviction, be punished by imprisonment in the Penitentiary not exceeding three (3) years, or in the county jail not exceeding one (1) year, and by a fine not exceeding Five Hundred Dollars (\$500.00). Codes, Hutchinson's 848, ch. 64, art. 12, Title 7(13); 1857, ch. 64, art. 215; 1871, § 2671; 1880, § 2938; 1892, § 1256; 1906, § 1332; Hemingway's 1917, § 1065; 1930, § 1096; 1942, § 2329; Laws, 2011, ch. 536, § 7, eff. 4/26/2011.

Every person who shall willfully and unlawfully administer any poison to any horse, mare, colt, mule, jack, jennet, cattle, deer, dog, cat, hog, sheep, chicken, duck, goose, turkey, pea-fowl, guinea-fowl, or partridge, or shall maliciously expose any poison substance with intent that the same should be taken or swallowed by any horse, mare, colt, mule, jack, jennet, cattle, dog, cat, hog, sheep, chicken, duck, goose, turkey, pea-fowl, guinea-fowl, or partridge, shall, upon conviction, be punished by imprisonment in the Penitentiary not exceeding three (3) years, or in the county jail not exceeding one (1) year, and by a fine not exceeding Five Hundred Dollars (\$500.00). Codes, Hutchinson's 848, ch. 64, art. 12, Title 7(13); 1857, ch. 64, art. 215; 1871, § 2671; 1880, § 2938; 1892, § 1256; 1906, § 1332; Hemingway's 1917, § 1065; 1930, § 1096; 1942, § 2329; Laws, 2011, ch. 536, § 7, eff. 4/26/2011.

Every person who shall willfully and unlawfully administer any poison to any horse, mare, colt, mule, jack, jennet, cattle, deer, dog, cat, hog, sheep, chicken, duck, goose, turkey, pea-fowl, guinea-fowl, or partridge, or shall maliciously expose any poison substance with intent that the same should be taken or swallowed by any horse, mare, colt, mule, jack, jennet, cattle, dog, cat, hog, sheep, chicken, duck, goose, turkey, pea-fowl, guinea-fowl, or partridge, shall, upon conviction, be punished by imprisonment in the Penitentiary not exceeding three (3) years, or in the county jail not exceeding one (1) year, and by a fine not exceeding Five Hundred Dollars (\$500.00). Codes, Hutchinson's 848, ch. 64, art. 12, Title 7(13); 1857, ch. 64, art. 215; 1871, § 2671; 1880, § 2938; 1892, § 1256; 1906, § 1332; Hemingway's 1917, § 1065; 1930, § 1096; 1942, § 2329; Laws, 2011, ch. 536, § 7, eff. 4/26/2011.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 41 - CRUELTY TO ANIMALS (§§ 97-41-1 — 97-41-23) Section 97-41-18 - Prohibition against intentionally conducting fight between canine and hog; exceptions; penalties

(1) For the purposes of this section, "hog" means a pig, swine or boar. (2) It is unlawful for any person to organize or conduct any commercial event commonly referred to as a "catch" wherein there is a display of combat or fighting among one or more domestic or feral canines and feral or domestic hogs and in which it is intended or reasonably foreseeable that the canines or hogs would be injured, maimed, mutilated or killed. (3) It is unlawful for any person to organize, conduct or financially or materially support any event prohibited by this section. (4) The provisions of this section shall not apply to any competitive event in which canines trained for hunting or herding activities are released in an open or enclosed area to locate and corner hogs, commonly referred to as a "bay event," and in which competitive points are deducted if a hog is caught and held. (5) The provisions of this section shall not apply to the lawful hunting of hogs with canines or the use of canines for the management, farming or herding of hogs which are livestock or the private training of canines for the purposes enumerated in this subsection provided that such training is conducted for the field using accepted dog handling and training practices and is not in violation of the provisions of subsection (1) of this section. (6) Any person convicted under the provisions of this section shall be fined not more than One Thousand Dollars (\$1,000.00), imprisoned for not more than six (6) months, or both. Laws, 2006, ch. 491, § 2; Laws, 2008, ch. 387, § 1; Laws, 2012, ch. 421, § 1, eff. 4/18/2012.

(1) For the purposes of this section, "hog" means a pig, swine or boar. (2) It is unlawful for any person to organize or conduct any commercial event commonly referred to as a "catch" wherein there is a display of combat or fighting among one or more domestic or feral canines and feral or domestic hogs and in which it is intended or reasonably foreseeable that the canines or hogs would be injured, maimed, mutilated or killed. (3) It is unlawful for any person to organize, conduct or financially or materially support any event prohibited by this section. (4) The provisions of this section shall not apply to any competitive event in which canines trained for hunting or herding activities are released in an open or enclosed area to locate and corner hogs, commonly referred to as a "bay event," and in which competitive points are deducted if a hog is caught and held. (5) The provisions of this section shall not apply to the lawful hunting of hogs with canines or the use of canines for the management, farming or herding of hogs which are livestock or

the private training of canines for the purposes enumerated in this subsection provided that such training is conducted for the field using accepted dog handling and training practices and is not in violation of the provisions of subsection (1) of this section.(6)Any person convicted under the provisions of this section shall be fined not more than One Thousand Dollars (\$1,000.00), imprisoned for not more than six (6) months, or both.Laws, 2006, ch. 491, § 2; Laws, 2008, ch. 387, § 1; Laws, 2012, ch. 421, § 1, eff. 4/18/2012. (1)For the purposes of this section, "hog" means a pig, swine or boar.(2)It is unlawful for any person to organize or conduct any commercial event commonly referred to as a "catch" wherein there is a display of combat or fighting among one or more domestic or feral canines and feral or domestic hogs and in which it is intended or reasonably foreseeable that the canines or hogs would be injured, maimed, mutilated or killed.(3)It is unlawful for any person to organize, conduct or financially or materially support any event prohibited by this section.(4)The provisions of this section shall not apply to any competitive event in which canines trained for hunting or herding activities are released in an open or enclosed area to locate and corner hogs, commonly referred to as a "bay event," and in which competitive points are deducted if a hog is caught and held.(5)The provisions of this section shall not apply to the lawful hunting of hogs with canines or the use of canines for the management, farming or herding of hogs which are livestock or the private training of canines for the purposes enumerated in this subsection provided that such training is conducted for the field using accepted dog handling and training practices and is not in violation of the provisions of subsection (1) of this section.(6)Any person convicted under the provisions of this section shall be fined not more than One Thousand Dollars (\$1,000.00), imprisoned for not more than six (6) months, or both.Laws, 2006, ch. 491, § 2; Laws, 2008, ch. 387, § 1; Laws, 2012, ch. 421, § 1, eff. 4/18/2012. Laws, 2006, ch. 491, § 2; Laws, 2008, ch. 387, § 1; Laws, 2012, ch. 421, § 1, eff. 4/18/2012.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 41 - CRUELTY TO ANIMALS (§§ 97-41-1 — 97-41-23)Section 97-41-19 - Dog fights

(1)If any person (a) shall sponsor, promote, stage or conduct a fight or fighting match between dogs, or (b) shall wager or bet, promote or encourage the wagering or betting of any money or other valuable thing upon any such fight or upon the result thereof, or (c) shall own or possess a dog with the intent to willfully enter it or to participate in any such fight, or (d) shall train or transport a dog for the purposes of participation in any such fight, or (e) shall own, possess, buy, sell, transfer, or manufacture paraphernalia for the purpose of engaging in or otherwise promoting or facilitating such fight, the person shall be guilty of a felony and, upon conviction for a first offense, shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the State Penitentiary for a term of not less than one (1) nor more than five (5) years, or by both such fine and imprisonment, in the discretion of the court.Upon conviction for a second or subsequent offense, the person shall be guilty of a felony and punished by a fine of not less than Five Thousand Dollars (\$5,000.00), nor more than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the custody of the Department of Corrections for a term of not less than three (3) years, nor more than ten (10) years, or both.(2)If any person shall be present, as a spectator, at any location where preparations are being made for an exhibition of a fight between dogs with the intent to be present at such preparations, or if any person shall be present at an exhibition of a fight between dogs with the intent to be present at such exhibition, he shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the State Penitentiary for a term of not more than one (1) year, or by both such fine and imprisonment, in the discretion of the court.(3)Any law enforcement officer making an arrest under subsection (1) of this section may lawfully take possession of all paraphernalia, implements, equipment or other property, including dogs, used in violation of subsection (1) of this section. Such officer shall file with the circuit court of the county within which the alleged violation occurred an affidavit stating therein (a) the name of the person charged, (b) a description of the property taken, (c) the time and place of the taking, (d) the name of the person who claims to own such property, if known, and (e) that the affiant has reason to believe, stating the ground of such belief, that the property taken was used in such violation. He shall thereupon deliver the property to such court which shall, by order in writing, place such paraphernalia, implements, equipment, or other property, including dogs, in the custody of the law enforcement agency, or its designee. All paraphernalia, implements, equipment, or other property, excluding dogs forfeited under subsection (4) of this section, are to be kept by such custodian until the conviction or final discharge of the accused, and shall then send a copy of such order without delay to the district attorney of the county. The custodian named and designated in such order shall immediately assume the custody of such property and shall retain same, subject to order of the court.(4)Within ten (10) days of the seizure of dogs under this section, the owner of the dogs may request a hearing to determine the disposition of the dogs. The court shall follow the procedure and guidelines as set out in Section97-41-2(2) through (8)in conducting the hearing and determining the disposition of the dogs. Nothing in subsection (1) of this section shall prohibit any of the following:(a)The use of dogs in the management of livestock, by the owner of such livestock or other persons in lawful custody thereof;(b)The use of dogs in lawful hunting; and(c)The training of dogs for any purpose not prohibited by law.(5)For purposes of this section, the term "paraphernalia" means equipment, products, implements and materials of any kind that are used, intended for use, or designed for use in the training, preparation, conditioning, or furtherance of dog fighting, and includes, but is not limited to, the following: breaking sticks, cat mills, treadmills, fighting pits, spring poles, unprescribed veterinary medicine, or treatment supplies.In determining whether an object is paraphernalia, a court shall consider any prior convictions under federal or state law relating to animal fighting, the proximity of the object in time and space to the direct violation of this section, direct or circumstantial evidence of the intent of the person to deliver the object to persons whom he or she knows or should reasonably know intends to use the object to facilitate a violation of this section, oral or written instructions provided with or in the vicinity of the object concerning its use, descriptive materials accompanying the object which explain or depict its use, and any other relevant factors.Laws, 1987, ch.

489, § 1, eff. 7/1/1987. Amended by Laws, 2018, ch. 456, SB 2934, § 1, eff. 7/1/2018. (1) If any person (a) shall sponsor, promote, stage or conduct a fight or fighting match between dogs, or (b) shall wager or bet, promote or encourage the wagering or betting of any money or other valuable thing upon any such fight or upon the result thereof, or (c) shall own or possess a dog with the intent to willfully enter it or to participate in any such fight, or (d) shall train or transport a dog for the purposes of participation in any such fight, or (e) shall own, possess, buy, sell, transfer, or manufacture paraphernalia for the purpose of engaging in or otherwise promoting or facilitating such fight, the person shall be guilty of a felony and, upon conviction for a first offense, shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the State Penitentiary for a term of not less than one (1) nor more than five (5) years, or by both such fine and imprisonment, in the discretion of the court. Upon conviction for a second or subsequent offense, the person shall be guilty of a felony and punished by a fine of not less than Five Thousand Dollars (\$5,000.00), nor more than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the custody of the Department of Corrections for a term of not less than three (3) years, nor more than ten (10) years, or both. (2) If any person shall be present, as a spectator, at any location where preparations are being made for an exhibition of a fight between dogs with the intent to be present at such preparations, or if any person shall be present at an exhibition of a fight between dogs with the intent to be present at such exhibition, he shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the State Penitentiary for a term of not more than one (1) year, or by both such fine and imprisonment, in the discretion of the court. (3) Any law enforcement officer making an arrest under subsection (1) of this section may lawfully take possession of all paraphernalia, implements, equipment or other property, including dogs, used in violation of subsection (1) of this section. Such officer shall file with the circuit court of the county within which the alleged violation occurred an affidavit stating therein (a) the name of the person charged, (b) a description of the property taken, (c) the time and place of the taking, (d) the name of the person who claims to own such property, if known, and (e) that the affiant has reason to believe, stating the ground of such belief, that the property taken was used in such violation. He shall thereupon deliver the property to such court which shall, by order in writing, place such paraphernalia, implements, equipment, or other property, including dogs, in the custody of the law enforcement agency, or its designee. All paraphernalia, implements, equipment, or other property, excluding dogs forfeited under subsection (4) of this section, are to be kept by such custodian until the conviction or final discharge of the accused, and shall then send a copy of such order without delay to the district attorney of the county. The custodian named and designated in such order shall immediately assume the custody of such property and shall retain same, subject to order of the court. (4) Within ten (10) days of the seizure of dogs under this section, the owner of the dogs may request a hearing to determine the disposition of the dogs. The court shall follow the procedure and guidelines as set out in Section 97-41-2(2) through (8) in conducting the hearing and determining the disposition of the dogs. Nothing in subsection (1) of this section shall prohibit any of the following: (a) The use of dogs in the management of livestock, by the owner of such livestock or other persons in lawful custody thereof; (b) The use of dogs in lawful hunting; and (c) The training of dogs for any purpose not prohibited by law. (5) For purposes of this section, the term "paraphernalia" means equipment, products, implements and materials of any kind that are used, intended for use, or designed for use in the training, preparation, conditioning, or furtherance of dog fighting, and includes, but is not limited to, the following: breaking sticks, cat mills, treadmills, fighting pits, spring poles, unprescribed veterinary medicine, or treatment supplies. In determining whether an object is paraphernalia, a court shall consider any prior convictions under federal or state law relating to animal fighting, the proximity of the object in time and space to the direct violation of this section, direct or circumstantial evidence of the intent of the person to deliver the object to persons whom he or she knows or should reasonably know intends to use the object to facilitate a violation of this section, oral or written instructions provided with or in the vicinity of the object concerning its use, descriptive materials accompanying the object which explain or depict its use, and any other relevant factors. Laws, 1987, ch. 489, § 1, eff.

7/1/1987. Amended by Laws, 2018, ch. 456, SB 2934, § 1, eff. 7/1/2018. (1) If any person (a) shall sponsor, promote, stage or conduct a fight or fighting match between dogs, or (b) shall wager or bet, promote or encourage the wagering or betting of any money or other valuable thing upon any such fight or upon the result thereof, or (c) shall own or possess a dog with the intent to willfully enter it or to participate in any such fight, or (d) shall train or transport a dog for the purposes of participation in any such fight, or (e) shall own, possess, buy, sell, transfer, or manufacture paraphernalia for the purpose of engaging in or otherwise promoting or facilitating such fight, the person shall be guilty of a felony and, upon conviction for a first offense, shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the State Penitentiary for a term of not less than one (1) nor more than five (5) years, or by both such fine and imprisonment, in the discretion of the court. Upon conviction for a second or subsequent offense, the person shall be guilty of a felony and punished by a fine of not less than Five Thousand Dollars (\$5,000.00), nor more than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the custody of the Department of Corrections for a term of not less than three (3) years, nor more than ten (10) years, or both. (2) If any person shall be present, as a spectator, at any location where preparations are being made for an exhibition of a fight between dogs with the intent to be present at such preparations, or if any person shall be present at an exhibition of a fight between dogs with the intent to be present at such exhibition, he shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the State Penitentiary for a term of not more than one (1) year, or by both such fine and imprisonment, in the discretion of the court. (3) Any law enforcement officer making an arrest under subsection (1) of this section may lawfully take possession of all paraphernalia, implements, equipment or other property, including dogs, used in violation of subsection (1) of this section. Such officer shall file with the circuit court of the county within which the alleged violation occurred an affidavit stating therein (a) the name of the person charged, (b) a

description of the property taken, (c) the time and place of the taking, (d) the name of the person who claims to own such property, if known, and (e) that the affiant has reason to believe, stating the ground of such belief, that the property taken was used in such violation. He shall thereupon deliver the property to such court which shall, by order in writing, place such paraphernalia, implements, equipment, or other property, including dogs, in the custody of the law enforcement agency, or its designee. All paraphernalia, implements, equipment, or other property, excluding dogs forfeited under subsection (4) of this section, are to be kept by such custodian until the conviction or final discharge of the accused, and shall then send a copy of such order without delay to the district attorney of the county. The custodian named and designated in such order shall immediately assume the custody of such property and shall retain same, subject to order of the court.(4)Within ten (10) days of the seizure of dogs under this section, the owner of the dogs may request a hearing to determine the disposition of the dogs. The court shall follow the procedure and guidelines as set out in Section97-41-2(2) through (8)in conducting the hearing and determining the disposition of the dogs. Nothing in subsection (1) of this section shall prohibit any of the following:(a)The use of dogs in the management of livestock, by the owner of such livestock or other persons in lawful custody thereof;(b)The use of dogs in lawful hunting; and(c)The training of dogs for any purpose not prohibited by law.(5)For purposes of this section, the term "paraphernalia" means equipment, products, implements and materials of any kind that are used, intended for use, or designed for use in the training, preparation, conditioning, or furtherance of dog fighting, and includes, but is not limited to, the following: breaking sticks, cat mills, treadmills, fighting pits, spring poles, unprescribed veterinary medicine, or treatment supplies.In determining whether an object is paraphernalia, a court shall consider any prior convictions under federal or state law relating to animal fighting, the proximity of the object in time and space to the direct violation of this section, direct or circumstantial evidence of the intent of the person to deliver the object to persons whom he or she knows or should reasonably know intends to use the object to facilitate a violation of this section, oral or written instructions provided with or in the vicinity of the object concerning its use, descriptive materials accompanying the object which explain or depict its use, and any other relevant factors.Laws, 1987, ch. 489, § 1, eff. 7/1/1987.Amended by Laws, 2018, ch. 456, SB 2934,§ 1, eff. 7/1/2018. Upon conviction for a second or subsequent offense, the person shall be guilty of a felony and punished by a fine of not less than Five Thousand Dollars (\$5,000.00), nor more than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the custody of the Department of Corrections for a term of not less than three (3) years, nor more than ten (10) years, or both. In determining whether an object is paraphernalia, a court shall consider any prior convictions under federal or state law relating to animal fighting, the proximity of the object in time and space to the direct violation of this section, direct or circumstantial evidence of the intent of the person to deliver the object to persons whom he or she knows or should reasonably know intends to use the object to facilitate a violation of this section, oral or written instructions provided with or in the vicinity of the object concerning its use, descriptive materials accompanying the object which explain or depict its use, and any other relevant factors. Laws, 1987, ch. 489, § 1, eff. 7/1/1987. Amended by Laws, 2018, ch. 456, SB 2934,§ 1, eff. 7/1/2018.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 41 - CRUELTY TO ANIMALS (§§ 97-41-1 — 97-41-23)Section 97-41-2 - Authority to seize maltreated, neglected, or abandoned animals

(1)All courts in the State of Mississippi may order the seizure of an animal by a law enforcement agency, for its care and protection upon a finding of probable cause to believe said animal is being cruelly treated, neglected or abandoned. Such probable cause may be established upon sworn testimony of any person who has witnessed the condition of said animal. The court may appoint an animal control agency, agent of an animal shelter organization, veterinarian or other person as temporary custodian for the said animal, pending final disposition of the animal pursuant to this section. Such temporary custodian shall directly contract and be responsible for any care rendered to such animal, and may make arrangements for such care as may be necessary. Upon seizure of an animal, the law enforcement agency responsible for removal of the animal shall serve notice upon the owner of the animal, if possible, and shall also post prominently a notice to the owner or custodian to inform such person that the animal has been seized. Such process and notice shall contain a description of the animal seized, the date seized, the name of the law enforcement agency seizing the animal, the name of the temporary custodian, if known at the time, and shall include a copy of the order of the court authorizing the seizure.(2)Within five (5) days of seizure of an animal, the owner of the animal may request a hearing in the court ordering the animal to be seized to determine whether the owner is able to provide adequately for the animal and is fit to have custody of the animal. The court shall hold such hearing within fourteen (14) days of receiving such request. The hearing shall be concluded and the court order entered thereon within twenty-one (21) days after the hearing is commenced. Upon requesting a hearing, the owner shall have three (3) business days to post a bond or security with the court clerk in an amount determined by the court to be sufficient to repay all reasonable costs sufficient to provide for the animal's care. Failure to post such bond within three (3) days shall result in forfeiture of the animal to the court. If the temporary custodian has custody of the animal upon the expiration of the bond or security, the animal shall be forfeited to the court unless the court orders otherwise.(3)In determining the owner's fitness to have custody of an animal, the court may consider, among other matters:(a)Testimony from law enforcement officers, animal control officers, animal protection officials, and other witnesses as to the condition the animal was kept in by its owner or custodian.(b)Testimony and evidence as to the type and amount of care provided to the animal by its owner or custodian.(c)Expert testimony as to the proper and reasonable care of the same type of animal.(d)Testimony from any witnesses as to prior treatment or condition of this or other animals in the same custody.(e)Violations of laws relating to animal cruelty that the owner or custodian has been convicted of prior to the hearing.(f)Any other evidence the court considers to be material or relevant.(4)Upon proof of costs incurred as a result of the animal's seizure, including, but not limited to, animal medical and boarding, the court may order that the animal's owner reimburse the temporary custodian for such costs. A lien for authorized expenses is hereby created upon all

animals seized under this section, and shall have priority to any other lien on such animal.(5)If the court finds the owner of the animal is unable or unfit to adequately provide for the animal, or that the animal is severely injured, diseased, or suffering, and, therefore, not likely to recover, the court may order that the animal be permanently forfeited and released to an animal control agency, animal protection organization or to the appropriate entity to be euthanized or the court may order that such animal be sold at public sale in the manner now provided for judicial sales; any proceeds from such sale shall go first toward the payment of expenses and costs relating to the care and treatment of such animal, and any excess amount shall be paid to the owner of the animal.(6)Upon notice and hearing as provided in this section, or as a part of any preceding conducted under the terms of this section, the court may order that other animals in the custody of the owner that were not seized be surrendered and further enjoin the owner from having custody of other animals in the future.(7)If the court determines the owner is able to provide adequately for, and have custody of, the animal, the court shall order the animal be claimed and removed by the owner within seven (7) days after the date of the order.(8)Nothing in this section shall be construed to prevent or otherwise interfere with a law enforcement officer's authority to seize an animal as evidence or require court action for the taking into custody and making proper disposition of animals as authorized in Sections21-19-9and41-53-11.(9)For the purposes of this section the term "animal" or "animals" means any feline, exotic animal, canine, horse, mule, jack or jennet.Laws, 1997, ch. 575, § 1; Laws, 2001, ch. 497, § 1; Laws, 2003, ch. 357, § 1, eff. 3/12/2003. (1)All courts in the State of Mississippi may order the seizure of an animal by a law enforcement agency, for its care and protection upon a finding of probable cause to believe said animal is being cruelly treated, neglected or abandoned. Such probable cause may be established upon sworn testimony of any person who has witnessed the condition of said animal. The court may appoint an animal control agency, agent of an animal shelter organization, veterinarian or other person as temporary custodian for the said animal, pending final disposition of the animal pursuant to this section. Such temporary custodian shall directly contract and be responsible for any care rendered to such animal, and may make arrangements for such care as may be necessary. Upon seizure of an animal, the law enforcement agency responsible for removal of the animal shall serve notice upon the owner of the animal, if possible, and shall also post prominently a notice to the owner or custodian to inform such person that the animal has been seized. Such process and notice shall contain a description of the animal seized, the date seized, the name of the law enforcement agency seizing the animal, the name of the temporary custodian, if known at the time, and shall include a copy of the order of the court authorizing the seizure.(2)Within five (5) days of seizure of an animal, the owner of the animal may request a hearing in the court ordering the animal to be seized to determine whether the owner is able to provide adequately for the animal and is fit to have custody of the animal. The court shall hold such hearing within fourteen (14) days of receiving such request. The hearing shall be concluded and the court order entered thereon within twenty-one (21) days after the hearing is commenced. Upon requesting a hearing, the owner shall have three (3) business days to post a bond or security with the court clerk in an amount determined by the court to be sufficient to repay all reasonable costs sufficient to provide for the animal's care. Failure to post such bond within three (3) days shall result in forfeiture of the animal to the court. If the temporary custodian has custody of the animal upon the expiration of the bond or security, the animal shall be forfeited to the court unless the court orders otherwise.(3)In determining the owner's fitness to have custody of an animal, the court may consider, among other matters:(a)Testimony from law enforcement officers, animal control officers, animal protection officials, and other witnesses as to the condition the animal was kept in by its owner or custodian.(b)Testimony and evidence as to the type and amount of care provided to the animal by its owner or custodian.(c)Expert testimony as to the proper and reasonable care of the same type of animal.(d)Testimony from any witnesses as to prior treatment or condition of this or other animals in the same custody.(e)Violations of laws relating to animal cruelty that the owner or custodian has been convicted of prior to the hearing.(f)Any other evidence the court considers to be material or relevant.(4)Upon proof of costs incurred as a result of the animal's seizure, including, but not limited to, animal medical and boarding, the court may order that the animal's owner reimburse the temporary custodian for such costs. A lien for authorized expenses is hereby created upon all animals seized under this section, and shall have priority to any other lien on such animal.(5)If the court finds the owner of the animal is unable or unfit to adequately provide for the animal, or that the animal is severely injured, diseased, or suffering, and, therefore, not likely to recover, the court may order that the animal be permanently forfeited and released to an animal control agency, animal protection organization or to the appropriate entity to be euthanized or the court may order that such animal be sold at public sale in the manner now provided for judicial sales; any proceeds from such sale shall go first toward the payment of expenses and costs relating to the care and treatment of such animal, and any excess amount shall be paid to the owner of the animal.(6)Upon notice and hearing as provided in this section, or as a part of any preceding conducted under the terms of this section, the court may order that other animals in the custody of the owner that were not seized be surrendered and further enjoin the owner from having custody of other animals in the future.(7)If the court determines the owner is able to provide adequately for, and have custody of, the animal, the court shall order the animal be claimed and removed by the owner within seven (7) days after the date of the order.(8)Nothing in this section shall be construed to prevent or otherwise interfere with a law enforcement officer's authority to seize an animal as evidence or require court action for the taking into custody and making proper disposition of animals as authorized in Sections21-19-9and41-53-11.(9)For the purposes of this section the term "animal" or "animals" means any feline, exotic animal, canine, horse, mule, jack or jennet.Laws, 1997, ch. 575, § 1; Laws, 2001, ch. 497, § 1; Laws, 2003, ch. 357, § 1, eff. 3/12/2003. (1)All courts in the State of Mississippi may order the seizure of an animal by a law enforcement agency, for its care and protection upon a finding of probable cause to believe said animal is being cruelly treated, neglected or abandoned. Such probable cause may be established upon sworn testimony of any person who has witnessed the condition of said animal. The court may appoint an animal control agency, agent of an animal shelter organization, veterinarian or other person as temporary custodian for the said animal, pending final disposition of the animal pursuant to this section. Such temporary custodian shall directly contract and

be responsible for any care rendered to such animal, and may make arrangements for such care as may be necessary. Upon seizure of an animal, the law enforcement agency responsible for removal of the animal shall serve notice upon the owner of the animal, if possible, and shall also post prominently a notice to the owner or custodian to inform such person that the animal has been seized. Such process and notice shall contain a description of the animal seized, the date seized, the name of the law enforcement agency seizing the animal, the name of the temporary custodian, if known at the time, and shall include a copy of the order of the court authorizing the seizure.(2)Within five (5) days of seizure of an animal, the owner of the animal may request a hearing in the court ordering the animal to be seized to determine whether the owner is able to provide adequately for the animal and is fit to have custody of the animal. The court shall hold such hearing within fourteen (14) days of receiving such request. The hearing shall be concluded and the court order entered thereon within twenty-one (21) days after the hearing is commenced. Upon requesting a hearing, the owner shall have three (3) business days to post a bond or security with the court clerk in an amount determined by the court to be sufficient to repay all reasonable costs sufficient to provide for the animal's care. Failure to post such bond within three (3) days shall result in forfeiture of the animal to the court. If the temporary custodian has custody of the animal upon the expiration of the bond or security, the animal shall be forfeited to the court unless the court orders otherwise.(3)In determining the owner's fitness to have custody of an animal, the court may consider, among other matters:(a)Testimony from law enforcement officers, animal control officers, animal protection officials, and other witnesses as to the condition the animal was kept in by its owner or custodian.(b)Testimony and evidence as to the type and amount of care provided to the animal by its owner or custodian.(c)Expert testimony as to the proper and reasonable care of the same type of animal.(d)Testimony from any witnesses as to prior treatment or condition of this or other animals in the same custody.(e)Violations of laws relating to animal cruelty that the owner or custodian has been convicted of prior to the hearing.(f)Any other evidence the court considers to be material or relevant.(4)Upon proof of costs incurred as a result of the animal's seizure, including, but not limited to, animal medical and boarding, the court may order that the animal's owner reimburse the temporary custodian for such costs. A lien for authorized expenses is hereby created upon all animals seized under this section, and shall have priority to any other lien on such animal.(5)If the court finds the owner of the animal is unable or unfit to adequately provide for the animal, or that the animal is severely injured, diseased, or suffering, and, therefore, not likely to recover, the court may order that the animal be permanently forfeited and released to an animal control agency, animal protection organization or to the appropriate entity to be euthanized or the court may order that such animal be sold at public sale in the manner now provided for judicial sales; any proceeds from such sale shall go first toward the payment of expenses and costs relating to the care and treatment of such animal, and any excess amount shall be paid to the owner of the animal.(6)Upon notice and hearing as provided in this section, or as a part of any preceding conducted under the terms of this section, the court may order that other animals in the custody of the owner that were not seized be surrendered and further enjoin the owner from having custody of other animals in the future.(7)If the court determines the owner is able to provide adequately for, and have custody of, the animal, the court shall order the animal be claimed and removed by the owner within seven (7) days after the date of the order.(8)Nothing in this section shall be construed to prevent or otherwise interfere with a law enforcement officer's authority to seize an animal as evidence or require court action for the taking into custody and making proper disposition of animals as authorized in Sections21-19-9and41-53-11.(9)For the purposes of this section the term "animal" or "animals" means any feline, exotic animal, canine, horse, mule, jack or jennet.Laws, 1997, ch. 575, § 1; Laws, 2001, ch. 497, § 1; Laws, 2003, ch. 357, § 1, eff. 3/12/2003. Laws, 1997, ch. 575, § 1; Laws, 2001, ch. 497, § 1; Laws, 2003, ch. 357, § 1, eff. 3/12/2003.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 41 - CRUELTY TO ANIMALS (§§ 97-41-1 — 97-41-23)Section 97-41-21 - Harassment of guide, leader, hearing, service or support dogs; penalties

(1)An individual shall not do either of the following:(a)Willfully and maliciously assault, beat, harass, injure, or attempt to assault, beat, harass or injure, a dog that he or she knows or has reason to believe is a guide or leader dog for a blind individual, a hearing dog for a deaf or audibly impaired individual, a service dog for a physically limited individual, or a support dog for a mobility impaired person as described in Sections43-6-151through43-6-155.(b)Willfully and maliciously impede or interfere with, or attempt to impede or interfere with, duties performed by a dog that he or she knows or has reason to believe is a guide or leader dog for a blind individual, a hearing dog for a deaf or audibly impaired individual, a service dog for a physically limited individual, or a support dog for a mobility impaired person as described in Sections43-6-151through43-6-155.(2)An individual who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than ninety (90) days or a fine of not more than Five Hundred Dollars (\$500.00), or both.(3)In a prosecution for a violation of subsection (1), evidence that the defendant initiated or continued conduct directed toward a dog described in subsection (1) after being requested to avoid or discontinue that conduct or similar conduct by a blind, deaf, audibly impaired, physically limited or mobility impaired individual being served or assisted by the dog shall give rise to a rebuttable presumption that the conduct was initiated or continued maliciously.(4)A conviction and imposition of a sentence under this section does not prevent a conviction and imposition of a sentence under Section97-41-16pertaining to the offenses of simple or aggravated cruelty to a dog or cat, or any other applicable provision of law.(5)As used in this section:(a)"Audibly impaired" means the inability to hear air conduction thresholds at an average of forty (40) decibels or greater in the individual's better ear.(b)"Blind" means having a visual acuity of 20/200 or less in the individual's better eye with correction, or having a limitation of the individual's field of vision such that the widest diameter of the visual field subtends an angular distance not greater than twenty (20) degrees.(c)"Deaf" means the individual's hearing is totally impaired or the individual's hearing, with or without amplification, is so seriously impaired that the primary means of receiving spoken language is through other sensory input, including, but not limited to, lip reading, sign language, finger spelling or reading.(d)"Harass" means to

engage in any conduct directed toward a guide, leader, hearing or service dog that is likely to impede or interfere with the dog's performance of its duties or that places the blind, deaf, audibly impaired or physically limited individual being served or assisted by the dog in danger of injury.(e)"Injure" means to cause any physical injury to a dog described in subsection (1).(f)"Maliciously" means any of the following:(i)With intent to assault, beat, harass or injure a dog described in subsection (1).(ii)With intent to impede or interfere with duties performed by a dog described in subsection (1).(iii)With intent to disturb, endanger or cause emotional distress to a blind, deaf, audibly impaired or physically limited individual being served or assisted by a dog described in subsection (1).(iv)With knowledge that the individual's conduct will, or is likely to, harass or injure a dog described in subsection (1).(v)With knowledge that the individual's conduct will, or is likely to, impede or interfere with duties performed by a dog described in subsection (1).(vi)With knowledge that the individual's conduct will, or is likely to, disturb, endanger or cause emotional distress to a blind, deaf, audibly impaired or physically limited individual being served or assisted by a dog described in subsection (1).(g)"Physically limited" means having limited ambulatory abilities and includes, but is not limited to, having a temporary or permanent impairment or condition that does one or more of the following:(i)Causes the individual to use a wheelchair or walk with difficulty or insecurity.(ii)Affects sight or hearing to the extent that an individual is insecure or exposed to danger.(iii)Causes faulty coordination.(iv)Reduces mobility, flexibility, coordination or perceptiveness.Laws, 1997, ch. 426, § 1; Laws, 2011, ch. 536, § 8, eff. 4/26/2011. (1)An individual shall not do either of the following:(a)Willfully and maliciously assault, beat, harass, injure, or attempt to assault, beat, harass or injure, a dog that he or she knows or has reason to believe is a guide or leader dog for a blind individual, a hearing dog for a deaf or audibly impaired individual, a service dog for a physically limited individual, or a support dog for a mobility impaired person as described in Sections43-6-151through43-6-155.(b)Willfully and maliciously impede or interfere with, or attempt to impede or interfere with, duties performed by a dog that he or she knows or has reason to believe is a guide or leader dog for a blind individual, a hearing dog for a deaf or audibly impaired individual, a service dog for a physically limited individual, or a support dog for a mobility impaired person as described in Sections43-6-151through43-6-155.(2)An individual who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than ninety (90) days or a fine of not more than Five Hundred Dollars (\$500.00), or both.(3)In a prosecution for a violation of subsection (1), evidence that the defendant initiated or continued conduct directed toward a dog described in subsection (1) after being requested to avoid or discontinue that conduct or similar conduct by a blind, deaf, audibly impaired, physically limited or mobility impaired individual being served or assisted by the dog shall give rise to a rebuttable presumption that the conduct was initiated or continued maliciously.(4)A conviction and imposition of a sentence under this section does not prevent a conviction and imposition of a sentence under Section97-41-16pertaining to the offenses of simple or aggravated cruelty to a dog or cat, or any other applicable provision of law.(5)As used in this section:(a)"Audibly impaired" means the inability to hear air conduction thresholds at an average of forty (40) decibels or greater in the individual's better ear.(b)"Blind" means having a visual acuity of 20/200 or less in the individual's better eye with correction, or having a limitation of the individual's field of vision such that the widest diameter of the visual field subtends an angular distance not greater than twenty (20) degrees.(c)"Deaf" means the individual's hearing is totally impaired or the individual's hearing, with or without amplification, is so seriously impaired that the primary means of receiving spoken language is through other sensory input, including, but not limited to, lip reading, sign language, finger spelling or reading.(d)"Harass" means to engage in any conduct directed toward a guide, leader, hearing or service dog that is likely to impede or interfere with the dog's performance of its duties or that places the blind, deaf, audibly impaired or physically limited individual being served or assisted by the dog in danger of injury.(e)"Injure" means to cause any physical injury to a dog described in subsection (1).(f)"Maliciously" means any of the following:(i)With intent to assault, beat, harass or injure a dog described in subsection (1).(ii)With intent to impede or interfere with duties performed by a dog described in subsection (1).(iii)With intent to disturb, endanger or cause emotional distress to a blind, deaf, audibly impaired or physically limited individual being served or assisted by a dog described in subsection (1).(iv)With knowledge that the individual's conduct will, or is likely to, harass or injure a dog described in subsection (1).(v)With knowledge that the individual's conduct will, or is likely to, impede or interfere with duties performed by a dog described in subsection (1).(vi)With knowledge that the individual's conduct will, or is likely to, disturb, endanger or cause emotional distress to a blind, deaf, audibly impaired or physically limited individual being served or assisted by a dog described in subsection (1).(g)"Physically limited" means having limited ambulatory abilities and includes, but is not limited to, having a temporary or permanent impairment or condition that does one or more of the following:(i)Causes the individual to use a wheelchair or walk with difficulty or insecurity.(ii)Affects sight or hearing to the extent that an individual is insecure or exposed to danger.(iii)Causes faulty coordination.(iv)Reduces mobility, flexibility, coordination or perceptiveness.Laws, 1997, ch. 426, § 1; Laws, 2011, ch. 536, § 8, eff. 4/26/2011. (1)An individual shall not do either of the following:(a)Willfully and maliciously assault, beat, harass, injure, or attempt to assault, beat, harass or injure, a dog that he or she knows or has reason to believe is a guide or leader dog for a blind individual, a hearing dog for a deaf or audibly impaired individual, a service dog for a physically limited individual, or a support dog for a mobility impaired person as described in Sections43-6-151through43-6-155.(b)Willfully and maliciously impede or interfere with, or attempt to impede or interfere with, duties performed by a dog that he or she knows or has reason to believe is a guide or leader dog for a blind individual, a hearing dog for a deaf or audibly impaired individual, a service dog for a physically limited individual, or a support dog for a mobility impaired person as described in Sections43-6-151through43-6-155.(2)An individual who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than ninety (90) days or a fine of not more than Five Hundred Dollars (\$500.00), or both.(3)In a prosecution for a violation of subsection (1), evidence that the defendant initiated or continued conduct directed toward a dog described in subsection (1) after being requested to avoid or discontinue that conduct or similar conduct by a blind, deaf, audibly impaired, physically limited or mobility impaired individual being served or

assisted by the dog shall give rise to a rebuttable presumption that the conduct was initiated or continued maliciously.(4)A conviction and imposition of a sentence under this section does not prevent a conviction and imposition of a sentence under Section97-41-16pertaining to the offenses of simple or aggravated cruelty to a dog or cat, or any other applicable provision of law.(5)As used in this section:(a)"Audibly impaired" means the inability to hear air conduction thresholds at an average of forty (40) decibels or greater in the individual's better ear.(b)"Blind" means having a visual acuity of 20/200 or less in the individual's better eye with correction, or having a limitation of the individual's field of vision such that the widest diameter of the visual field subtends an angular distance not greater than twenty (20) degrees.(c)"Deaf" means the individual's hearing is totally impaired or the individual's hearing, with or without amplification, is so seriously impaired that the primary means of receiving spoken language is through other sensory input, including, but not limited to, lip reading, sign language, finger spelling or reading.(d)"Harass" means to engage in any conduct directed toward a guide, leader, hearing or service dog that is likely to impede or interfere with the dog's performance of its duties or that places the blind, deaf, audibly impaired or physically limited individual being served or assisted by the dog in danger of injury.(e)"Injure" means to cause any physical injury to a dog described in subsection (1).(f)"Maliciously" means any of the following:(i)With intent to assault, beat, harass or injure a dog described in subsection (1).(ii)With intent to impede or interfere with duties performed by a dog described in subsection (1).(iii)With intent to disturb, endanger or cause emotional distress to a blind, deaf, audibly impaired or physically limited individual being served or assisted by a dog described in subsection (1).(iv)With knowledge that the individual's conduct will, or is likely to, harass or injure a dog described in subsection (1).(v)With knowledge that the individual's conduct will, or is likely to, impede or interfere with duties performed by a dog described in subsection (1).(vi)With knowledge that the individual's conduct will, or is likely to, disturb, endanger or cause emotional distress to a blind, deaf, audibly impaired or physically limited individual being served or assisted by a dog described in subsection (1).(g)"Physically limited" means having limited ambulatory abilities and includes, but is not limited to, having a temporary or permanent impairment or condition that does one or more of the following:(i)Causes the individual to use a wheelchair or walk with difficulty or insecurity.(ii)Affects sight or hearing to the extent that an individual is insecure or exposed to danger.(iii)Causes faulty coordination.(iv)Reduces mobility, flexibility, coordination or perceptiveness.Laws, 1997, ch. 426, § 1; Laws, 2011, ch. 536, § 8, eff. 4/26/2011. Laws, 1997, ch. 426, § 1; Laws, 2011, ch. 536, § 8, eff. 4/26/2011.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 41 - CRUELTY TO ANIMALS (§§ 97-41-1 — 97-41-23)Section 97-41-23 - Injury and killing of public service animals; penalties

(1)It is unlawful for any person to willfully and maliciously taunt, torment, tease, beat, strike, or to administer, expose or inject any desensitizing drugs, chemicals or substance to any public service animal. Any person who violates this section is guilty of a misdemeanor, and upon conviction thereof shall be fined not more than Two Hundred Dollars (\$200.00) and be imprisoned not more than five (5) days, or both.(2)Any person who, without just cause, purposely kills or injures any public service animal is guilty of a felony and upon conviction shall be fined not more than Five Thousand Dollars (\$5,000.00) and be imprisoned not more than five (5) years, or both.(3)For purposes of this section, the term "public service animal" means any animal trained and used to assist a law enforcement agency, public safety entity or search and rescue agency.(4)A conviction and imposition of a sentence under this section does not prevent a conviction and imposition of a sentence under Section97-41-16pertaining to the offenses of simple or aggravated cruelty to a dog or cat, or under any other applicable provision of law.(5)Any person guilty of violating subsection (2) of this section shall also be required to make restitution to the law enforcement agency or owner aggrieved thereby.(6)The provisions of this section shall not apply to the lawful practice of veterinary medicine.Laws, 2003, ch. 498, § 1; Laws, 2011, ch. 536, § 9, eff. 4/26/2011. (1)It is unlawful for any person to willfully and maliciously taunt, torment, tease, beat, strike, or to administer, expose or inject any desensitizing drugs, chemicals or substance to any public service animal. Any person who violates this section is guilty of a misdemeanor, and upon conviction thereof shall be fined not more than Two Hundred Dollars (\$200.00) and be imprisoned not more than five (5) days, or both.(2)Any person who, without just cause, purposely kills or injures any public service animal is guilty of a felony and upon conviction shall be fined not more than Five Thousand Dollars (\$5,000.00) and be imprisoned not more than five (5) years, or both.(3)For purposes of this section, the term "public service animal" means any animal trained and used to assist a law enforcement agency, public safety entity or search and rescue agency.(4)A conviction and imposition of a sentence under this section does not prevent a conviction and imposition of a sentence under Section97-41-16pertaining to the offenses of simple or aggravated cruelty to a dog or cat, or under any other applicable provision of law.(5)Any person guilty of violating subsection (2) of this section shall also be required to make restitution to the law enforcement agency or owner aggrieved thereby.(6)The provisions of this section shall not apply to the lawful practice of veterinary medicine.Laws, 2003, ch. 498, § 1; Laws, 2011, ch. 536, § 9, eff. 4/26/2011. (1)It is unlawful for any person to willfully and maliciously taunt, torment, tease, beat, strike, or to administer, expose or inject any desensitizing drugs, chemicals or substance to any public service animal. Any person who violates this section is guilty of a misdemeanor, and upon conviction thereof shall be fined not more than Two Hundred Dollars (\$200.00) and be imprisoned not more than five (5) days, or both.(2)Any person who, without just cause, purposely kills or injures any public service animal is guilty of a felony and upon conviction shall be fined not more than Five Thousand Dollars (\$5,000.00) and be imprisoned not more than five (5) years, or both.(3)For purposes of this section, the term "public service animal" means any animal trained and used to assist a law enforcement agency, public safety entity or search and rescue agency.(4)A conviction and imposition of a sentence under this section does not prevent a conviction and imposition of a sentence under Section97-41-16pertaining to the offenses of simple or aggravated cruelty to a dog or cat, or under any other applicable provision of law.(5)Any person guilty of violating subsection (2) of this section shall also be required to make restitution to the law enforcement agency or owner aggrieved thereby.(6)The provisions

of this section shall not apply to the lawful practice of veterinary medicine. Laws, 2003, ch. 498, § 1; Laws, 2011, ch. 536, § 9, eff. 4/26/2011. Laws, 2003, ch. 498, § 1; Laws, 2011, ch. 536, § 9, eff. 4/26/2011.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 41 - CRUELTY TO ANIMALS (§§ 97-41-1 — 97-41-23) Section 97-41-3 - Authority to kill injured, neglected, etc. animals other than dogs or cats; authorization to euthanize injured, diseased, etc. dog or cat under certain circumstances; immunity of persons acting in good faith and without malice pursuant to section

(1) Any sheriff, constable, policeman, or agent of a society for the prevention of cruelty to animals may kill, or cause to be killed, any animal other than a dog or cat found neglected or abandoned, if in the opinion of three (3) respectable citizens it is injured or diseased past recovery, or by age has become useless. (2)(a) After all reasonable attempts have been made to locate the legal owner of a dog or cat that is found maimed, wounded, injured or diseased, the dog or cat may be euthanized, or caused to be euthanized, by: (i) A law enforcement officer; (ii) A veterinarian licensed in Mississippi; (iii) An employee of an agency or department of a political subdivision that is charged with the control or welfare of dogs or cats within the subdivision; or (iv) An employee or agent of an organization that has the purpose of protecting the welfare of or preventing cruelty to dogs or cats and that possesses nonprofit status under the United States Internal Revenue Code. (b) The provisions of this subsection (2) shall not be construed to prevent the immediate euthanasia by the persons enumerated in this subsection or by any other person, if it is necessary to prevent unrelievable suffering of the dog or cat. (3) Any person acting in good faith and without malice pursuant to this section shall be immune from civil and criminal liability for that action. Codes, 1892, § 1015; 1906, § 1092; Hemingway's 1917, § 818; 1930, § 842; 1942, § 2068; Laws, 2011, ch. 536, § 3, eff. 4/26/2011. (1) Any sheriff, constable, policeman, or agent of a society for the prevention of cruelty to animals may kill, or cause to be killed, any animal other than a dog or cat found neglected or abandoned, if in the opinion of three (3) respectable citizens it is injured or diseased past recovery, or by age has become useless. (2)(a) After all reasonable attempts have been made to locate the legal owner of a dog or cat that is found maimed, wounded, injured or diseased, the dog or cat may be euthanized, or caused to be euthanized, by: (i) A law enforcement officer; (ii) A veterinarian licensed in Mississippi; (iii) An employee of an agency or department of a political subdivision that is charged with the control or welfare of dogs or cats within the subdivision; or (iv) An employee or agent of an organization that has the purpose of protecting the welfare of or preventing cruelty to dogs or cats and that possesses nonprofit status under the United States Internal Revenue Code. (b) The provisions of this subsection (2) shall not be construed to prevent the immediate euthanasia by the persons enumerated in this subsection or by any other person, if it is necessary to prevent unrelievable suffering of the dog or cat. (3) Any person acting in good faith and without malice pursuant to this section shall be immune from civil and criminal liability for that action. Codes, 1892, § 1015; 1906, § 1092; Hemingway's 1917, § 818; 1930, § 842; 1942, § 2068; Laws, 2011, ch. 536, § 3, eff. 4/26/2011. (1) Any sheriff, constable, policeman, or agent of a society for the prevention of cruelty to animals may kill, or cause to be killed, any animal other than a dog or cat found neglected or abandoned, if in the opinion of three (3) respectable citizens it is injured or diseased past recovery, or by age has become useless. (2)(a) After all reasonable attempts have been made to locate the legal owner of a dog or cat that is found maimed, wounded, injured or diseased, the dog or cat may be euthanized, or caused to be euthanized, by: (i) A law enforcement officer; (ii) A veterinarian licensed in Mississippi; (iii) An employee of an agency or department of a political subdivision that is charged with the control or welfare of dogs or cats within the subdivision; or (iv) An employee or agent of an organization that has the purpose of protecting the welfare of or preventing cruelty to dogs or cats and that possesses nonprofit status under the United States Internal Revenue Code. (b) The provisions of this subsection (2) shall not be construed to prevent the immediate euthanasia by the persons enumerated in this subsection or by any other person, if it is necessary to prevent unrelievable suffering of the dog or cat. (3) Any person acting in good faith and without malice pursuant to this section shall be immune from civil and criminal liability for that action. Codes, 1892, § 1015; 1906, § 1092; Hemingway's 1917, § 818; 1930, § 842; 1942, § 2068; Laws, 2011, ch. 536, § 3, eff. 4/26/2011. Codes, 1892, § 1015; 1906, § 1092; Hemingway's 1917, § 818; 1930, § 842; 1942, § 2068; Laws, 2011, ch. 536, § 3, eff. 4/26/2011.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 41 - CRUELTY TO ANIMALS (§§ 97-41-1 — 97-41-23) Section 97-41-5 - Carrying creature other than dog or cat in a cruel manner

If any person shall carry, or cause to be carried by hand or in or upon any vehicle or other conveyance, any creature other than a dog or cat in a cruel or inhuman manner, he shall be guilty of a misdemeanor. Codes, 1880, § 808; 1892, § 1018; 1906, § 1095; Hemingway's 1917, § 821; 1930, § 845; 1942, § 2071; Laws, 2011, ch. 536, § 4, eff. 4/26/2011. If any person shall carry, or cause to be carried by hand or in or upon any vehicle or other conveyance, any creature other than a dog or cat in a cruel or inhuman manner, he shall be guilty of a misdemeanor. Codes, 1880, § 808; 1892, § 1018; 1906, § 1095; Hemingway's 1917, § 821; 1930, § 845; 1942, § 2071; Laws, 2011, ch. 536, § 4, eff. 4/26/2011. If any person shall carry, or cause to be carried by hand or in or upon any vehicle or other conveyance, any creature other than a dog or cat in a cruel or inhuman manner, he shall be guilty of a misdemeanor. Codes, 1880, § 808; 1892, § 1018; 1906, § 1095; Hemingway's 1917, § 821; 1930, § 845; 1942, § 2071; Laws, 2011, ch. 536, § 4, eff. 4/26/2011. If any person shall carry, or cause to be carried by hand or in or upon any vehicle or other conveyance, any creature other than a dog or cat in a cruel or inhuman manner, he shall be guilty of a misdemeanor. Codes, 1880, § 808; 1892, § 1018; 1906, § 1095; Hemingway's 1917, § 821; 1930, § 845; 1942, § 2071; Laws, 2011, ch. 536, § 4, eff. 4/26/2011.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 41 - CRUELTY TO ANIMALS (§§ 97-41-1 — 97-41-23) Section 97-41-7 - Confining creatures other than dogs or cats without food or water

If any person shall confine, or cause to be confined, in any stable, lot, or other place, any living creature other than a dog or cat, without supplying the same during such confinement with a sufficient quantity of good and wholesome food and water, he shall be guilty of a misdemeanor. Codes, 1880, § 806; 1892, § 1017; 1906, § 1094; Hemingway's 1917, § 820; 1930, § 844; 1942, § 2070; Laws, 2011, ch. 536, § 5, eff. 4/26/2011. If any person shall confine, or cause to be confined, in any stable, lot, or other place, any living creature other than a dog or cat, without supplying the same during such confinement with a sufficient quantity of good and wholesome food and water, he shall be guilty of a misdemeanor. Codes, 1880, § 806; 1892, § 1017; 1906, § 1094; Hemingway's 1917, § 820; 1930, § 844; 1942, § 2070; Laws, 2011, ch. 536, § 5, eff. 4/26/2011. If any person shall confine, or cause to be confined, in any stable, lot, or other place, any living creature other than a dog or cat, without supplying the same during such confinement with a sufficient quantity of good and wholesome food and water, he shall be guilty of a misdemeanor. Codes, 1880, § 806; 1892, § 1017; 1906, § 1094; Hemingway's 1917, § 820; 1930, § 844; 1942, § 2070; Laws, 2011, ch. 536, § 5, eff. 4/26/2011.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 41 - CRUELTY TO ANIMALS (§§ 97-41-1 — 97-41-23) Section 97-41-9 - Failure of owner or custodian to provide sustenance to creatures other than dogs or cats

If any person be the owner or have the custody of any living creature other than a dog or cat and unjustifiably neglect or refuse to furnish it necessary sustenance, food, or drink, he shall be guilty of a misdemeanor. Codes, 1892, § 1015; 1906, § 1092; Hemingway's 1917, § 818; 1930, § 842; 1942, § 2068; Laws, 2011, ch. 536, § 6, eff. 4/26/2011. If any person be the owner or have the custody of any living creature other than a dog or cat and unjustifiably neglect or refuse to furnish it necessary sustenance, food, or drink, he shall be guilty of a misdemeanor. Codes, 1892, § 1015; 1906, § 1092; Hemingway's 1917, § 818; 1930, § 842; 1942, § 2068; Laws, 2011, ch. 536, § 6, eff. 4/26/2011. If any person be the owner or have the custody of any living creature other than a dog or cat and unjustifiably neglect or refuse to furnish it necessary sustenance, food, or drink, he shall be guilty of a misdemeanor. Codes, 1892, § 1015; 1906, § 1092; Hemingway's 1917, § 818; 1930, § 842; 1942, § 2068; Laws, 2011, ch. 536, § 6, eff. 4/26/2011. If any person be the owner or have the custody of any living creature other than a dog or cat and unjustifiably neglect or refuse to furnish it necessary sustenance, food, or drink, he shall be guilty of a misdemeanor. Codes, 1892, § 1015; 1906, § 1092; Hemingway's 1917, § 818; 1930, § 842; 1942, § 2068; Laws, 2011, ch. 536, § 6, eff. 4/26/2011.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 43 - RACKETEER INFLUENCED AND CORRUPT ORGANIZATION ACT (RICO) Section 97-43-1 - Short title

This chapter shall be known and may be cited as the "Racketeer Influenced and Corrupt Organization Act." Laws, 1984, ch. 433, § 1; reenacted, Laws, 1986, ch. 461, § 1, eff. 4/11/1986. This chapter shall be known and may be cited as the "Racketeer Influenced and Corrupt Organization Act." Laws, 1984, ch. 433, § 1; reenacted, Laws, 1986, ch. 461, § 1, eff. 4/11/1986. This chapter shall be known and may be cited as the "Racketeer Influenced and Corrupt Organization Act." Laws, 1984, ch. 433, § 1; reenacted, Laws, 1986, ch. 461, § 1, eff. 4/11/1986. This chapter shall be known and may be cited as the "Racketeer Influenced and Corrupt Organization Act." Laws, 1984, ch. 433, § 1; reenacted, Laws, 1986, ch. 461, § 1, eff. 4/11/1986.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 43 - RACKETEER INFLUENCED AND CORRUPT ORGANIZATION ACT (RICO) Section 97-43-11 - Seizure and forfeiture of property; procedures

(1) When any property is seized pursuant to Section 97-43-9, proceedings under this section shall be instituted promptly. (2) (a) A petition for forfeiture shall be filed promptly in the name of the State of Mississippi with the clerk of the circuit court of the county in which the seizure is made. A copy of such petition shall be served upon the following persons by service of process in the same manner as in civil cases: (i) The owner of the property, if address is known; (ii) Any secured party who has registered his lien or filed a financing statement as provided by law, if the identity of such secured party can be ascertained by the state by making a good faith effort to ascertain the identity of such secured party as described in paragraphs (b), (c), (d), (e) and (f) of this subsection; (iii) Any other bona fide lienholder or secured party or other person holding an interest in the property in the nature of a security interest of whom the state has actual knowledge; (iv) A holder of a mortgage, deed of trust, lien or encumbrance of record, if the property is real estate by making a good faith inquiry as described in paragraph (g) of this subsection; and (v) Any person in possession of property subject to forfeiture at the time that it was seized. (b) If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle has been titled, the state shall make inquiry of the State Tax Commission as to what the records of the State Tax Commission show as to who is the record owner of the vehicle and who, if anyone, holds any lien or security interest which affects the vehicle. (c) If the property is a motor vehicle and is not titled in the State of Mississippi, then the state shall attempt to ascertain the name and address of the person in whose name the vehicle is licensed, and if the vehicle is licensed in a state which has in effect a certificate of title law, the state shall make inquiry of the appropriate agency of that state as to what the records of the agency show as to who is the record owner of the vehicle and who, if anyone, holds any lien, security interest, or other instrument in the nature of a security device which affects the vehicle. (d) If the property is of a nature that a financing statement is required by the laws of this state to be filed to perfect a security interest affecting the property and if there is any reasonable cause to believe that a financing statement covering the security interest has been filed

under the laws of this state, the state shall make inquiry of the appropriate office designated in Section 75-9-501 as to what the records show as to who is the record owner of the property and who, if anyone, has filed a financing statement affecting the property. (e) If the property is an aircraft or part thereof and if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the state shall make inquiry of the administrator of the Federal Aviation Administration as to what the records of the administrator show as to who is the record owner of the property and who, if anyone, holds an instrument in the nature of a security device which affects the property. (f) In the case of all other personal property subject to forfeiture, if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the state shall make a good faith inquiry to identify the holder of any such instrument. (g) If the property is real estate, the state shall make inquiry at the appropriate places to determine who is the owner of record and who, if anyone is a holder of a bona fide mortgage, deed of trust, lien or encumbrance. (h) In the event the answer to an inquiry states that the record owner of the property is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust which affects the property, the state shall cause any record owner and also any lienholder, secured party, other person who holds an interest in the property in the nature of a security interest, or holder of an encumbrance, mortgage or deed of trust which affects the property to be named in the petition of forfeiture and to be served with process in the same manner as in civil cases. (i) If the owner of the property cannot be found and served with a copy of the petition of forfeiture, or if no person was in possession of the property subject to forfeiture at the time that it was seized and the owner of the property is unknown, the state shall file with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the hearing addressed to "the Unknown Owner of _____," filling in the blank space with a reasonably detailed description of the property subject to forfeiture. Service by publication shall contain the other requisites prescribed in Section 11-33-41, and shall be served as provided in Section 11-33-37 for publication of notice for attachments at law. (j) No proceedings instituted pursuant to the provisions of this article shall proceed to hearing unless the judge conducting the hearing is satisfied that this section has been complied with. Any answer received from an inquiry required by paragraphs (b) through (g) of this subsection shall be introduced into evidence at the hearing. (3) (a) An owner of property that has been seized shall file a verified answer within twenty (20) days after the completion of service of process. If no answer is filed, the court shall hear evidence that the property is subject to forfeiture and forfeit the property to the state. If an answer is filed, a time for hearing on forfeiture shall be set within thirty (30) days of filing the answer or at the succeeding term of court if court would not be in progress within thirty (30) days after filing the answer. Provided, however, that upon request by the state or the owner of the property, the court may postpone said forfeiture hearing to a date past the time any criminal action is pending against said owner. (b) If the owner of the property has filed a verified answer denying that the property is subject to forfeiture, then the burden is on the state to prove that the property is subject to forfeiture. The burden of proof placed upon the state shall be clear and convincing proof. However, if no answer has been filed by the owner of the property, the petition for forfeiture may be introduced into evidence and is prima facie evidence that the property is subject to forfeiture. (c) At the hearing any claimant of any right, title, or interest in the property may prove his lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust to be bona fide and created without knowledge or consent that the property was to be used so as to cause the property to be subject to forfeiture. (d) If it is found that the property is subject to forfeiture, then the judge shall forfeit the property to the state. However, if proof at the hearing discloses that the interest of any bona fide lienholder, secured party, other person holding an interest in the property in the nature of a security interest or any holder of a bona fide encumbrance, mortgage or deed of trust is greater than or equal to the present value of the property, the court shall order the property released to him. If such interest is less than the present value of the property and if the proof shows that the property is subject to forfeiture, the court shall order the property forfeited to the state. (4) (a) All personal property, including money, which is forfeited to the state and is not capable of being sold at public auction shall be liquidated and the proceeds, after deduction of all storage and court costs, shall be forwarded to the State Treasurer and deposited in the General Fund of the state. (b) All real estate which is forfeited to the state shall be sold to the highest bidder at a public auction to be conducted by the state at such place, on such notice and in accordance with the same procedure, as far as practicable, as is required in the case of sales of land under execution of law. The proceeds of such sale shall first be applied to the cost and expense in administering and conducting such sale, then to the satisfaction of all mortgages, deeds of trusts, liens and encumbrances of record on such property. All proceeds in excess of the amount necessary for the cost of the sale of such land and the satisfaction of any liens thereon shall be deposited in the General Fund of the State Treasury. (c) All other property that has been seized by the state and that has been forfeited shall, except as otherwise provided, be sold at a public auction for cash by the state to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale, in a newspaper having a general circulation throughout the State of Mississippi. Such notices shall contain a description of the property to be sold and a statement of the time and place of sale. It shall not be necessary to the validity of such sale either to have the property present at the place of sale or to have the name of the owner thereof stated in such notice. The proceeds of the sale shall be delivered to the circuit clerk and shall be disposed of as follows: (i) To any bona fide lienholder, secured party, or other party holding an interest in the property in the nature of a security interest, to the extent of his interest; and (ii) The balance, if any, after deduction of all storage and court costs, shall be forwarded to the State Treasurer and deposited with and used as general funds of the state. (d) The State Tax Commission shall issue a certificate of title to any person who purchases property under the provisions of this section when a certificate of title is required under the laws of this state. Laws, 1984, ch. 433, § 6; reenacted, Laws, 1986, ch. 461, § 6; Laws, 2001, ch. 495, § 28, eff. 1/1/2002. (1) When any property is seized pursuant to

Section 97-43-9, proceedings under this section shall be instituted promptly. (2)(a) A petition for forfeiture shall be filed promptly in the name of the State of Mississippi with the clerk of the circuit court of the county in which the seizure is made. A copy of such petition shall be served upon the following persons by service of process in the same manner as in civil cases: (i) The owner of the property, if address is known; (ii) Any secured party who has registered his lien or filed a financing statement as provided by law, if the identity of such secured party can be ascertained by the state by making a good faith effort to ascertain the identity of such secured party as described in paragraphs (b), (c), (d), (e) and (f) of this subsection; (iii) Any other bona fide lienholder or secured party or other person holding an interest in the property in the nature of a security interest of whom the state has actual knowledge; (iv) A holder of a mortgage, deed of trust, lien or encumbrance of record, if the property is real estate by making a good faith inquiry as described in paragraph (g) of this subsection; and (v) Any person in possession of property subject to forfeiture at the time that it was seized. (b) If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle has been titled, the state shall make inquiry of the State Tax Commission as to what the records of the State Tax Commission show as to who is the record owner of the vehicle and who, if anyone, holds any lien or security interest which affects the vehicle. (c) If the property is a motor vehicle and is not titled in the State of Mississippi, then the state shall attempt to ascertain the name and address of the person in whose name the vehicle is licensed, and if the vehicle is licensed in a state which has in effect a certificate of title law, the state shall make inquiry of the appropriate agency of that state as to what the records of the agency show as to who is the record owner of the vehicle and who, if anyone, holds any lien, security interest, or other instrument in the nature of a security device which affects the vehicle. (d) If the property is of a nature that a financing statement is required by the laws of this state to be filed to perfect a security interest affecting the property and if there is any reasonable cause to believe that a financing statement covering the security interest has been filed under the laws of this state, the state shall make inquiry of the appropriate office designated in Section 75-9-501 as to what the records show as to who is the record owner of the property and who, if anyone, has filed a financing statement affecting the property. (e) If the property is an aircraft or part thereof and if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the state shall make inquiry of the administrator of the Federal Aviation Administration as to what the records of the administrator show as to who is the record owner of the property and who, if anyone, holds an instrument in the nature of a security device which affects the property. (f) In the case of all other personal property subject to forfeiture, if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the state shall make a good faith inquiry to identify the holder of any such instrument. (g) If the property is real estate, the state shall make inquiry at the appropriate places to determine who is the owner of record and who, if anyone is a holder of a bona fide mortgage, deed of trust, lien or encumbrance. (h) In the event the answer to an inquiry states that the record owner of the property is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust which affects the property, the state shall cause any record owner and also any lienholder, secured party, other person who holds an interest in the property in the nature of a security interest, or holder of an encumbrance, mortgage or deed of trust which affects the property to be named in the petition of forfeiture and to be served with process in the same manner as in civil cases. (i) If the owner of the property cannot be found and served with a copy of the petition of forfeiture, or if no person was in possession of the property subject to forfeiture at the time that it was seized and the owner of the property is unknown, the state shall file with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the hearing addressed to "the Unknown Owner of _____," filling in the blank space with a reasonably detailed description of the property subject to forfeiture.

Service by publication shall contain the other requisites prescribed in Section 11-33-41, and shall be served as provided in Section 11-33-37 for publication of notice for attachments at law. (j) No proceedings instituted pursuant to the provisions of this article shall proceed to hearing unless the judge conducting the hearing is satisfied that this section has been complied with. Any answer received from an inquiry required by paragraphs (b) through (g) of this subsection shall be introduced into evidence at the hearing. (3)(a) An owner of property that has been seized shall file a verified answer within twenty (20) days after the completion of service of process. If no answer is filed, the court shall hear evidence that the property is subject to forfeiture and forfeit the property to the state. If an answer is filed, a time for hearing on forfeiture shall be set within thirty (30) days of filing the answer or at the succeeding term of court if court would not be in progress within thirty (30) days after filing the answer. Provided, however, that upon request by the state or the owner of the property, the court may postpone said forfeiture hearing to a date past the time any criminal action is pending against said owner. (b) If the owner of the property has filed a verified answer denying that the property is subject to forfeiture, then the burden is on the state to prove that the property is subject to forfeiture. The burden of proof placed upon the state shall be clear and convincing proof. However, if no answer has been filed by the owner of the property, the petition for forfeiture may be introduced into evidence and is prima facie evidence that the property is subject to forfeiture. (c) At the hearing any claimant of any right, title, or interest in the property may prove his lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust to be bona fide and created without knowledge or consent that the property was to be used so as to cause the property to be subject to forfeiture. (d) If it is found that the property is subject to forfeiture, then the judge shall forfeit the property to the state. However, if proof at the hearing discloses that the interest of any bona fide lienholder, secured party, other person holding an interest in the property in the nature of a security interest or any holder of a bona fide encumbrance, mortgage or deed of trust is greater than or equal to the present value of the property, the court shall order the property released to him. If such interest is less than the present value of the property and if the proof shows that the property is subject to forfeiture, the court shall order the property forfeited to the state. (4)(a) All personal property, including money, which is

forfeited to the state and is not capable of being sold at public auction shall be liquidated and the proceeds, after deduction of all storage and court costs, shall be forwarded to the State Treasurer and deposited in the General Fund of the state.(b)All real estate which is forfeited to the state shall be sold to the highest bidder at a public auction to be conducted by the state at such place, on such notice and in accordance with the same procedure, as far as practicable, as is required in the case of sales of land under execution of law. The proceeds of such sale shall first be applied to the cost and expense in administering and conducting such sale, then to the satisfaction of all mortgages, deeds of trusts, liens and encumbrances of record on such property. All proceeds in excess of the amount necessary for the cost of the sale of such land and the satisfaction of any liens thereon shall be deposited in the General Fund of the State Treasury.(c)All other property that has been seized by the state and that has been forfeited shall, except as otherwise provided, be sold at a public auction for cash by the state to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale, in a newspaper having a general circulation throughout the State of Mississippi. Such notices shall contain a description of the property to be sold and a statement of the time and place of sale. It shall not be necessary to the validity of such sale either to have the property present at the place of sale or to have the name of the owner thereof stated in such notice. The proceeds of the sale shall be delivered to the circuit clerk and shall be disposed of as follows:(i)To any bona fide lienholder, secured party, or other party holding an interest in the property in the nature of a security interest, to the extent of his interest; and(ii)The balance, if any, after deduction of all storage and court costs, shall be forwarded to the State Treasurer and deposited with and used as general funds of the state.(d)The State Tax Commission shall issue a certificate of title to any person who purchases property under the provisions of this section when a certificate of title is required under the laws of this state.Laws, 1984, ch. 433, § 6; reenacted, Laws, 1986, ch. 461, § 6; Laws, 2001, ch. 495, § 28, eff. 1/1/2002. (1)When any property is seized pursuant to Section97-43-9, proceedings under this section shall be instituted promptly.(2)(a)A petition for forfeiture shall be filed promptly in the name of the State of Mississippi with the clerk of the circuit court of the county in which the seizure is made. A copy of such petition shall be served upon the following persons by service of process in the same manner as in civil cases:(i)The owner of the property, if address is known;(ii)Any secured party who has registered his lien or filed a financing statement as provided by law, if the identity of such secured party can be ascertained by the state by making a good faith effort to ascertain the identity of such secured party as described in paragraphs (b), (c), (d), (e) and (f) of this subsection;(iii)Any other bona fide lienholder or secured party or other person holding an interest in the property in the nature of a security interest of whom the state has actual knowledge;(iv)A holder of a mortgage, deed of trust, lien or encumbrance of record, if the property is real estate by making a good faith inquiry as described in paragraph (g) of this subsection; and(v)Any person in possession of property subject to forfeiture at the time that it was seized.(b)If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle has been titled, the state shall make inquiry of the State Tax Commission as to what the records of the State Tax Commission show as to who is the record owner of the vehicle and who, if anyone, holds any lien or security interest which affects the vehicle.(c)If the property is a motor vehicle and is not titled in the State of Mississippi, then the state shall attempt to ascertain the name and address of the person in whose name the vehicle is licensed, and if the vehicle is licensed in a state which has in effect a certificate of title law, the state shall make inquiry of the appropriate agency of that state as to what the records of the agency show as to who is the record owner of the vehicle and who, if anyone, holds any lien, security interest, or other instrument in the nature of a security device which affects the vehicle.(d)If the property is of a nature that a financing statement is required by the laws of this state to be filed to perfect a security interest affecting the property and if there is any reasonable cause to believe that a financing statement covering the security interest has been filed under the laws of this state, the state shall make inquiry of the appropriate office designated in Section75-9-501as to what the records show as to who is the record owner of the property and who, if anyone, has filed a financing statement affecting the property.(e)If the property is an aircraft or part thereof and if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the state shall make inquiry of the administrator of the Federal Aviation Administration as to what the records of the administrator show as to who is the record owner of the property and who, if anyone, holds an instrument in the nature of a security device which affects the property.(f)In the case of all other personal property subject to forfeiture, if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the state shall make a good faith inquiry to identify the holder of any such instrument.(g)If the property is real estate, the state shall make inquiry at the appropriate places to determine who is the owner of record and who, if anyone is a holder of a bona fide mortgage, deed of trust, lien or encumbrance.(h)In the event the answer to an inquiry states that the record owner of the property is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust which affects the property, the state shall cause any record owner and also any lienholder, secured party, other person who holds an interest in the property in the nature of a security interest, or holder of an encumbrance, mortgage or deed of trust which affects the property to be named in the petition of forfeiture and to be served with process in the same manner as in civil cases.(i)If the owner of the property cannot be found and served with a copy of the petition of forfeiture, or if no person was in possession of the property subject to forfeiture at the time that it was seized and the owner of the property is unknown, the state shall file with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the hearing addressed to "the Unknown Owner of _____," filling in the blank space with a reasonably detailed description of the property subject to forfeiture. Service by publication shall contain the other requisites prescribed in Section11-33-41, and shall be served as provided in Section11-33-37for publication of notice for attachments at law.(j)No proceedings instituted pursuant to the provisions of this article

shall proceed to hearing unless the judge conducting the hearing is satisfied that this section has been complied with. Any answer received from an inquiry required by paragraphs (b) through (g) of this subsection shall be introduced into evidence at the hearing.(3)(a)An owner of property that has been seized shall file a verified answer within twenty (20) days after the completion of service of process. If no answer is filed, the court shall hear evidence that the property is subject to forfeiture and forfeit the property to the state. If an answer is filed, a time for hearing on forfeiture shall be set within thirty (30) days of filing the answer or at the succeeding term of court if court would not be in progress within thirty (30) days after filing the answer. Provided, however, that upon request by the state or the owner of the property, the court may postpone said forfeiture hearing to a date past the time any criminal action is pending against said owner.(b)If the owner of the property has filed a verified answer denying that the property is subject to forfeiture, then the burden is on the state to prove that the property is subject to forfeiture. The burden of proof placed upon the state shall be clear and convincing proof. However, if no answer has been filed by the owner of the property, the petition for forfeiture may be introduced into evidence and is prima facie evidence that the property is subject to forfeiture.(c)At the hearing any claimant of any right, title, or interest in the property may prove his lien, encumbrance, security interest, other interest in the nature of a security interest, mortgage or deed of trust to be bona fide and created without knowledge or consent that the property was to be used so as to cause the property to be subject to forfeiture.(d)If it is found that the property is subject to forfeiture, then the judge shall forfeit the property to the state. However, if proof at the hearing discloses that the interest of any bona fide lienholder, secured party, other person holding an interest in the property in the nature of a security interest or any holder of a bona fide encumbrance, mortgage or deed of trust is greater than or equal to the present value of the property, the court shall order the property released to him. If such interest is less than the present value of the property and if the proof shows that the property is subject to forfeiture, the court shall order the property forfeited to the state.(4)(a)All personal property, including money, which is forfeited to the state and is not capable of being sold at public auction shall be liquidated and the proceeds, after deduction of all storage and court costs, shall be forwarded to the State Treasurer and deposited in the General Fund of the state.(b)All real estate which is forfeited to the state shall be sold to the highest bidder at a public auction to be conducted by the state at such place, on such notice and in accordance with the same procedure, as far as practicable, as is required in the case of sales of land under execution of law. The proceeds of such sale shall first be applied to the cost and expense in administering and conducting such sale, then to the satisfaction of all mortgages, deeds of trusts, liens and encumbrances of record on such property. All proceeds in excess of the amount necessary for the cost of the sale of such land and the satisfaction of any liens thereon shall be deposited in the General Fund of the State Treasury.(c)All other property that has been seized by the state and that has been forfeited shall, except as otherwise provided, be sold at a public auction for cash by the state to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale, in a newspaper having a general circulation throughout the State of Mississippi. Such notices shall contain a description of the property to be sold and a statement of the time and place of sale. It shall not be necessary to the validity of such sale either to have the property present at the place of sale or to have the name of the owner thereof stated in such notice. The proceeds of the sale shall be delivered to the circuit clerk and shall be disposed of as follows:(i)To any bona fide lienholder, secured party, or other party holding an interest in the property in the nature of a security interest, to the extent of his interest; and(ii)The balance, if any, after deduction of all storage and court costs, shall be forwarded to the State Treasurer and deposited with and used as general funds of the state.(d)The State Tax Commission shall issue a certificate of title to any person who purchases property under the provisions of this section when a certificate of title is required under the laws of this state.Laws, 1984, ch. 433, § 6; reenacted, Laws, 1986, ch. 461, § 6; Laws, 2001, ch. 495, § 28, eff. 1/1/2002. Laws, 1984, ch. 433, § 6; reenacted, Laws, 1986, ch. 461, § 6; Laws, 2001, ch. 495, § 28, eff. 1/1/2002.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 43 - RACKETEER INFLUENCED AND CORRUPT ORGANIZATION ACT (RICO)Section 97-43-3.1 - Organized theft or fraud enterprise

(1)It shall be unlawful for any person to conduct, organize, supervise or manage, directly or indirectly, an organized theft or fraud enterprise. Organized theft or fraud enterprise applies to conduct proscribed in the following provisions:(a)Section97-23-93, which relates to shoplifting;(b)Sections97-45-3and97-45-5, which relate to computer fraud;(c)Section97-45-19, which relates to fraudulent use of identity;(d)Section97-9-79, which relates to false information;(e)Section97-19-83, which relates to fraud by mail or other means of communication;(f)Section97-19-85, which relates to the fraudulent use of a social security number, credit card or debit card number or other identifying information; and(g)Section97-45-19, which relates to obtaining personal identity information of another person without authorization.(2)It shall be unlawful for any person who has, with criminal intent, received any proceeds or services derived, directly or indirectly, from an organized theft or fraud enterprise.(3)For the purposes of this section, an "organized theft or fraud enterprise" means any association of two (2) or more persons who engage in the conduct of or are associated for the purpose of effectuating the transfer or sale of merchandise, services or information that has a pecuniary value that causes a loss to the victim.(4)The value of the merchandise or services or the pecuniary loss involved in a violation of this section may be aggregated in determining the grade of the offense where the acts or conduct constituting a violation were committed pursuant to one (1) scheme or course of conduct, whether from the same person or several persons, or were committed in furtherance of or in conjunction with an organized theft or fraud enterprise.(5)Any person convicted under this section shall be, upon conviction, guilty of a felony and punished by a term of imprisonment of not more than twenty (20) years or fined not more than Twenty-five Thousand Dollars (\$25,000.00), or both.Added by Laws, 2014, ch. 457, HB 585, 36, eff. 7/1/2014. (1)It shall be unlawful for any person to conduct, organize, supervise or manage, directly or indirectly, an organized theft or fraud enterprise. Organized theft or

fraud enterprise applies to conduct proscribed in the following provisions:(a)Section97-23-93, which relates to shoplifting;(b)Sections97-45-3and97-45-5, which relate to computer fraud;(c)Section97-45-19, which relates to fraudulent use of identity;(d)Section97-9-79, which relates to false information;(e)Section97-19-83, which relates to fraud by mail or other means of communication;(f)Section97-19-85, which relates to the fraudulent use of a social security number, credit card or debit card number or other identifying information; and(g)Section97-45-19, which relates to obtaining personal identity information of another person without authorization.(2)It shall be unlawful for any person who has, with criminal intent, received any proceeds or services derived, directly or indirectly, from an organized theft or fraud enterprise.(3)For the purposes of this section, an "organized theft or fraud enterprise" means any association of two (2) or more persons who engage in the conduct of or are associated for the purpose of effectuating the transfer or sale of merchandise, services or information that has a pecuniary value that causes a loss to the victim.(4)The value of the merchandise or services or the pecuniary loss involved in a violation of this section may be aggregated in determining the grade of the offense where the acts or conduct constituting a violation were committed pursuant to one (1) scheme or course of conduct, whether from the same person or several persons, or were committed in furtherance of or in conjunction with an organized theft or fraud enterprise.(5)Any person convicted under this section shall be, upon conviction, guilty of a felony and punished by a term of imprisonment of not more than twenty (20) years or fined not more than Twenty-five Thousand Dollars (\$25,000.00), or both.Added by Laws, 2014, ch. 457, HB 585, 36, eff. 7/1/2014. (1)It shall be unlawful for any person to conduct, organize, supervise or manage, directly or indirectly, an organized theft or fraud enterprise. Organized theft or fraud enterprise applies to conduct proscribed in the following provisions:(a)Section97-23-93, which relates to shoplifting;(b)Sections97-45-3and97-45-5, which relate to computer fraud;(c)Section97-45-19, which relates to fraudulent use of identity;(d)Section97-9-79, which relates to false information;(e)Section97-19-83, which relates to fraud by mail or other means of communication;(f)Section97-19-85, which relates to the fraudulent use of a social security number, credit card or debit card number or other identifying information; and(g)Section97-45-19, which relates to obtaining personal identity information of another person without authorization.(2)It shall be unlawful for any person who has, with criminal intent, received any proceeds or services derived, directly or indirectly, from an organized theft or fraud enterprise.(3)For the purposes of this section, an "organized theft or fraud enterprise" means any association of two (2) or more persons who engage in the conduct of or are associated for the purpose of effectuating the transfer or sale of merchandise, services or information that has a pecuniary value that causes a loss to the victim.(4)The value of the merchandise or services or the pecuniary loss involved in a violation of this section may be aggregated in determining the grade of the offense where the acts or conduct constituting a violation were committed pursuant to one (1) scheme or course of conduct, whether from the same person or several persons, or were committed in furtherance of or in conjunction with an organized theft or fraud enterprise.(5)Any person convicted under this section shall be, upon conviction, guilty of a felony and punished by a term of imprisonment of not more than twenty (20) years or fined not more than Twenty-five Thousand Dollars (\$25,000.00), or both.Added by Laws, 2014, ch. 457, HB 585, 36, eff. 7/1/2014. Added by Laws, 2014, ch. 457, HB 585, 36, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 43 - RACKETEER INFLUENCED AND CORRUPT ORGANIZATION ACT (RICO)Section 97-43-3 - Definitions

The following terms shall have the meanings ascribed to them herein unless the context requires otherwise:(a)"Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce or intimidate another person to commit any crime which is chargeable under the following provisions of the Mississippi Code of 1972:(1)Section97-19-71, which relates to fraud in connection with any state or federally funded assistance programs.(2)Section 75-71-735, which relates to violations of the Mississippi Securities Act.(3)Sections45-13-105,45-13-109,97-37-23and97-37-25, which relate to unlawful possession, use and transportation of explosives.(4)Sections97-3-19and97-3-21, which relate to murder.(5)Section97-3-7(2), which relates to aggravated assaults.(6)Section97-3-53, which relates to kidnapping.(7)Sections97-3-73through97-3-83, which relate to robbery.(8)Sections97-17-23through97-17-37, which relate to burglary.(9)Sections97-17-1through97-17-13, which relate to arson.(10)Sections97-29-49and97-29-51, which relate to prostitution.(11)Sections97-5-5and97-5-31through97-5-37, which relate to the exploitation of children and enticing children for concealment, prostitution or marriage.(12)Section41-29-139, which relates to violations of the Uniform Controlled Substances Law; provided, however, that in order to be classified as "racketeering activity," such offense must be punishable by imprisonment for more than one (1) year.(13)Sections97-21-1through97-21-63, which relate to forgery and counterfeiting.(14)Sections97-9-1through97-9-77, which relate to offenses affecting administration of justice.(15)Sections97-33-1through97-33-49, which relate to gambling and lotteries.(16)Section97-3-54et seq., which relate to human trafficking.(b)"Unlawful debt" means money or any other thing of value constituting principal or interest of a debt which is legally unenforceable, in whole or in part, because the debt was incurred or contracted in gambling activity in violation of state law or in the business of lending money at a rate usurious under state law, where the usurious rate is at least twice the enforceable rate.(c)"Enterprise" means any individual, sole proprietorship, partnership, corporation, union or other legal entity, or any association or group of individuals associated in fact although not a legal entity. It includes illicit as well as licit enterprises and governmental, as well as other, entities.(d)"Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering conduct that have the same or similar intents, results, accomplices, victims, or methods of commission or otherwise are interrelated by distinguishing characteristics and are not isolated incidents, provided at least one (1) of such incidents occurred after July 1, 1984 and that the last of such incidents occurred within five (5) years after a prior incident of racketeering conduct.Laws, 1984, ch. 433, § 2; Laws, 1985, ch. 321; reenacted, Laws, 1986, ch. 461, § 2, eff. 4/11/1986.Amended by Laws, 2013, ch. 543, HB

673, 13, eff. 7/1/2013. The following terms shall have the meanings ascribed to them herein unless the context requires otherwise:(a)"Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce or intimidate another person to commit any crime which is chargeable under the following provisions of the Mississippi Code of 1972:(1)Section97-19-71, which relates to fraud in connection with any state or federally funded assistance programs.(2)Section 75-71-735, which relates to violations of the Mississippi Securities Act.(3)Sections45-13-105,45-13-109,97-37-23and97-37-25, which relate to unlawful possession, use and transportation of explosives.(4)Sections97-3-19and97-3-21, which relate to murder.(5)Section97-3-7(2), which relates to aggravated assaults.(6)Section97-3-53, which relates to kidnapping.(7)Sections97-3-73through97-3-83, which relate to robbery.(8)Sections97-17-23through97-17-37, which relate to burglary.(9)Sections97-17-1through97-17-13, which relate to arson.(10)Sections97-29-49and97-29-51, which relate to prostitution.(11)Sections97-5-5and97-5-31through97-5-37, which relate to the exploitation of children and enticing children for concealment, prostitution or marriage.(12)Section41-29-139, which relates to violations of the Uniform Controlled Substances Law; provided, however, that in order to be classified as "racketeering activity," such offense must be punishable by imprisonment for more than one (1) year.(13)Sections97-21-1through97-21-63, which relate to forgery and counterfeiting.(14)Sections97-9-1through97-9-77, which relate to offenses affecting administration of justice.(15)Sections97-33-1through97-33-49, which relate to gambling and lotteries.(16)Section97-3-54et seq., which relate to human trafficking.(b)"Unlawful debt" means money or any other thing of value constituting principal or interest of a debt which is legally unenforceable, in whole or in part, because the debt was incurred or contracted in gambling activity in violation of state law or in the business of lending money at a rate usurious under state law, where the usurious rate is at least twice the enforceable rate.(c)"Enterprise" means any individual, sole proprietorship, partnership, corporation, union or other legal entity, or any association or group of individuals associated in fact although not a legal entity. It includes illicit as well as licit enterprises and governmental, as well as other, entities.(d)"Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering conduct that have the same or similar intents, results, accomplices, victims, or methods of commission or otherwise are interrelated by distinguishing characteristics and are not isolated incidents, provided at least one (1) of such incidents occurred after July 1, 1984 and that the last of such incidents occurred within five (5) years after a prior incident of racketeering conduct.Laws, 1984, ch. 433, § 2; Laws, 1985, ch. 321; reenacted, Laws, 1986, ch. 461, § 2, eff. 4/11/1986.Amended by Laws, 2013, ch. 543, HB 673, 13, eff. 7/1/2013. The following terms shall have the meanings ascribed to them herein unless the context requires otherwise:(a)"Racketeering activity" means to commit, to attempt to commit, to conspire to commit, or to solicit, coerce or intimidate another person to commit any crime which is chargeable under the following provisions of the Mississippi Code of 1972:(1)Section97-19-71, which relates to fraud in connection with any state or federally funded assistance programs.(2)Section 75-71-735, which relates to violations of the Mississippi Securities Act.(3)Sections45-13-105,45-13-109,97-37-23and97-37-25, which relate to unlawful possession, use and transportation of explosives.(4)Sections97-3-19and97-3-21, which relate to murder.(5)Section97-3-7(2), which relates to aggravated assaults.(6)Section97-3-53, which relates to kidnapping.(7)Sections97-3-73through97-3-83, which relate to robbery.(8)Sections97-17-23through97-17-37, which relate to burglary.(9)Sections97-17-1through97-17-13, which relate to arson.(10)Sections97-29-49and97-29-51, which relate to prostitution.(11)Sections97-5-5and97-5-31through97-5-37, which relate to the exploitation of children and enticing children for concealment, prostitution or marriage.(12)Section41-29-139, which relates to violations of the Uniform Controlled Substances Law; provided, however, that in order to be classified as "racketeering activity," such offense must be punishable by imprisonment for more than one (1) year.(13)Sections97-21-1through97-21-63, which relate to forgery and counterfeiting.(14)Sections97-9-1through97-9-77, which relate to offenses affecting administration of justice.(15)Sections97-33-1through97-33-49, which relate to gambling and lotteries.(16)Section97-3-54et seq., which relate to human trafficking.(b)"Unlawful debt" means money or any other thing of value constituting principal or interest of a debt which is legally unenforceable, in whole or in part, because the debt was incurred or contracted in gambling activity in violation of state law or in the business of lending money at a rate usurious under state law, where the usurious rate is at least twice the enforceable rate.(c)"Enterprise" means any individual, sole proprietorship, partnership, corporation, union or other legal entity, or any association or group of individuals associated in fact although not a legal entity. It includes illicit as well as licit enterprises and governmental, as well as other, entities.(d)"Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering conduct that have the same or similar intents, results, accomplices, victims, or methods of commission or otherwise are interrelated by distinguishing characteristics and are not isolated incidents, provided at least one (1) of such incidents occurred after July 1, 1984 and that the last of such incidents occurred within five (5) years after a prior incident of racketeering conduct.Laws, 1984, ch. 433, § 2; Laws, 1985, ch. 321; reenacted, Laws, 1986, ch. 461, § 2, eff. 4/11/1986.Amended by Laws, 2013, ch. 543, HB 673, 13, eff. 7/1/2013. The following terms shall have the meanings ascribed to them herein unless the context requires otherwise: Laws, 1984, ch. 433, § 2; Laws, 1985, ch. 321; reenacted, Laws, 1986, ch. 461, § 2, eff. 4/11/1986. Amended by Laws, 2013, ch. 543, HB 673, 13, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 43 - RACKETEER INFLUENCED AND CORRUPT ORGANIZATION ACT (RICO)Section 97-43-5 - Prohibited activities

(1)It is unlawful for any person who has with criminal intent received any proceeds derived, directly or indirectly, from a pattern of racketeering activity or through the collection of an unlawful debt to use or invest, whether directly or indirectly, any part of such proceeds or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity

in, real property or in the establishment or operation of any enterprise.(2)It is unlawful for any person, through a pattern of racketeering activity or through the collection of an unlawful debt, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property.(3)It is unlawful for any person employed by, or associated with, any enterprise to conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity or the collection of an unlawful debt.(4)It is unlawful for any person to conspire to violate any of the provisions of subsections (1), (2) or (3) of this section.Laws, 1984, ch. 433, § 3; reenacted, Laws, 1986, ch. 461, § 3, eff. 4/11/1986. (1)It is unlawful for any person who has with criminal intent received any proceeds derived, directly or indirectly, from a pattern of racketeering activity or through the collection of an unlawful debt to use or invest, whether directly or indirectly, any part of such proceeds or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise.(2)It is unlawful for any person, through a pattern of racketeering activity or through the collection of an unlawful debt, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property.(3)It is unlawful for any person employed by, or associated with, any enterprise to conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity or the collection of an unlawful debt.(4)It is unlawful for any person to conspire to violate any of the provisions of subsections (1), (2) or (3) of this section.Laws, 1984, ch. 433, § 3; reenacted, Laws, 1986, ch. 461, § 3, eff. 4/11/1986. (1)It is unlawful for any person who has with criminal intent received any proceeds derived, directly or indirectly, from a pattern of racketeering activity or through the collection of an unlawful debt to use or invest, whether directly or indirectly, any part of such proceeds or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise.(2)It is unlawful for any person, through a pattern of racketeering activity or through the collection of an unlawful debt, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property.(3)It is unlawful for any person employed by, or associated with, any enterprise to conduct or participate, directly or indirectly, in such enterprise through a pattern of racketeering activity or the collection of an unlawful debt.(4)It is unlawful for any person to conspire to violate any of the provisions of subsections (1), (2) or (3) of this section.Laws, 1984, ch. 433, § 3; reenacted, Laws, 1986, ch. 461, § 3, eff. 4/11/1986. Laws, 1984, ch. 433, § 3; reenacted, Laws, 1986, ch. 461, § 3, eff. 4/11/1986.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 43 - RACKETEER INFLUENCED AND CORRUPT ORGANIZATION ACT (RICO)Section 97-43-7 - Penalties

(1)Any person convicted of engaging in activity in violation of the provisions of this chapter shall be guilty of a felony and, upon conviction, shall be fined not more than Twenty-five Thousand Dollars (\$25,000.00) or imprisoned not more than twenty (20) years, or both.(2)In lieu of a fine otherwise authorized by law, any person convicted of engaging in conduct in violation of the provisions of this chapter, through which he derived pecuniary value, or by which he caused personal injury or property damage or other loss, may be sentenced to pay a fine that does not exceed three (3) times the gross value gained or three (3) times the gross loss caused, whichever is the greater, plus court costs and the costs of investigation and prosecution, reasonably incurred.(3)The court shall hold a hearing to determine the amount of the fine authorized by subsection (2) of this section.(4)For the purposes of subsection (2) of this section, "pecuniary value" means:(a)Anything of value in the form of money, a negotiable instrument, or a commercial interest or anything else the primary significance of which is economic advantage; or(b)Any other property or service that has a value in excess of One Hundred Dollars (\$100.00).Laws, 1984, ch. 433, § 4; reenacted, 1986, ch. 461, § 4, eff. 4/11/1986. (1)Any person convicted of engaging in activity in violation of the provisions of this chapter shall be guilty of a felony and, upon conviction, shall be fined not more than Twenty-five Thousand Dollars (\$25,000.00) or imprisoned not more than twenty (20) years, or both.(2)In lieu of a fine otherwise authorized by law, any person convicted of engaging in conduct in violation of the provisions of this chapter, through which he derived pecuniary value, or by which he caused personal injury or property damage or other loss, may be sentenced to pay a fine that does not exceed three (3) times the gross value gained or three (3) times the gross loss caused, whichever is the greater, plus court costs and the costs of investigation and prosecution, reasonably incurred.(3)The court shall hold a hearing to determine the amount of the fine authorized by subsection (2) of this section.(4)For the purposes of subsection (2) of this section, "pecuniary value" means:(a)Anything of value in the form of money, a negotiable instrument, or a commercial interest or anything else the primary significance of which is economic advantage; or(b)Any other property or service that has a value in excess of One Hundred Dollars (\$100.00).Laws, 1984, ch. 433, § 4; reenacted, 1986, ch. 461, § 4, eff. 4/11/1986. (1)Any person convicted of engaging in activity in violation of the provisions of this chapter shall be guilty of a felony and, upon conviction, shall be fined not more than Twenty-five Thousand Dollars (\$25,000.00) or imprisoned not more than twenty (20) years, or both.(2)In lieu of a fine otherwise authorized by law, any person convicted of engaging in conduct in violation of the provisions of this chapter, through which he derived pecuniary value, or by which he caused personal injury or property damage or other loss, may be sentenced to pay a fine that does not exceed three (3) times the gross value gained or three (3) times the gross loss caused, whichever is the greater, plus court costs and the costs of investigation and prosecution, reasonably incurred.(3)The court shall hold a hearing to determine the amount of the fine authorized by subsection (2) of this section.(4)For the purposes of subsection (2) of this section, "pecuniary value" means:(a)Anything of value in the form of money, a negotiable instrument, or a commercial interest or anything else the primary significance of which is economic advantage; or(b)Any other property or service that has a value in excess of One Hundred Dollars (\$100.00).Laws, 1984, ch. 433, § 4; reenacted, 1986, ch. 461, § 4, eff. 4/11/1986. Laws, 1984, ch. 433, § 4; reenacted, 1986, ch. 461, § 4, eff. 4/11/1986.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 43 - RACKETEER INFLUENCED AND CORRUPT ORGANIZATION ACT (RICO) Section 97-43-9 - Powers and duties of circuit court; civil forfeiture of property; seizure; civil proceedings; injunctions; damages; attorneys fees; jury trial; intervention by attorney general; limitation of actions

(1) Any circuit court may, after making due provision for the rights of innocent persons, enjoin violations of the provisions of this chapter by issuing appropriate orders and judgments, including, but not limited to: (a) Ordering any defendant to divest himself of any interest in any enterprise, including real property. (b) Imposing reasonable restrictions upon the future activities or investments of any defendant, including but not limited to, prohibiting any defendant from engaging in the same type of endeavor as the enterprise in which he was engaged in violation of the provisions of this chapter. (c) Ordering the dissolution or reorganization of any enterprise. (d) Ordering the suspension or revocation of a license or permit granted to any enterprise by any agency of the state. (e) Ordering the forfeiture of the charter of a corporation organized under the laws of the state, or the revocation of a certificate authorizing a foreign corporation to conduct business within the state, upon finding that the board of directors or a managerial agent acting on behalf of the corporation, in conducting the affairs of the corporation, has authorized or engaged in conduct in violation of this chapter and that, for the prevention of future criminal activity, the public interest requires the charter of the corporation forfeited and the corporation dissolved or the certificate revoked. (2) All property, real or personal, including money, used in the course of, intended for use in the course of, derived from, or realized through, conduct in violation of a provision of this chapter is subject to civil forfeiture to the state pursuant to the provisions of Section 97-43-11; provided, however, that a forfeiture of personal property encumbered by a bona fide security interest or real property encumbered by a bona fide mortgage, deed of trust, lien or encumbrance of record shall be subject to the interest of the secured party or subject to the interest of the holder of the mortgage deed of trust, lien or encumbrance of record if such secured party or holder neither had knowledge of or consented to the act or omission. (3) Property subject to forfeiture may be seized by law enforcement officers upon process issued by any appropriate court having jurisdiction over the property. Seizure without process may be made if: (a) The seizure is incident to an arrest or a search under a search warrant or an inspection under a lawful administrative inspection; (b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this article; (4) The Attorney General, any district attorney or any state agency having jurisdiction over conduct in violation of a provision of this chapter may institute civil proceedings under this section. In any action brought under this section, the circuit court shall proceed as soon as practicable to the hearing and determination. Pending final determination, the circuit court may at any time enter such injunctions or restraining orders, or take such actions, including the acceptance of satisfactory performance bonds, as the court may deem proper. (5) Any aggrieved person may institute a civil proceeding under subsection (1) of this section against any person or enterprise convicted of engaging in activity in violation of this chapter. In such proceeding, relief shall be granted in conformity with the principles that govern the granting of injunctive relief from threatened loss or damage in other civil cases, except that no showing of immediate and irreparable injury, loss or damage to the person shall have to be made. (6) Any person who is injured by reason of any violation of the provisions of this chapter shall have a cause of action against any person or enterprise convicted of engaging in activity in violation of this chapter for threefold the actual damages sustained and, when appropriate, punitive damages. Such person shall also recover attorneys' fees in the trial and appellate courts and costs of investigation and litigation, reasonably incurred. (a) The defendant or any injured person may demand a trial by jury in any civil action brought pursuant to this subsection. (b) Any injured person shall have a right or claim to forfeited property or to the proceeds derived therefrom superior to any right or claim the state has in the same property or proceeds. (7) The Attorney General may, upon timely application, intervene in any civil action or proceeding brought under subsections (5) or (6) of this section if he certifies that, in his opinion, the action or proceeding is of general public importance. In such action or proceeding, the state shall be entitled to the same relief as if the Attorney General instituted the action or proceeding. (8) Notwithstanding any other provision of law, a criminal or civil action or proceeding under this chapter may be commenced at any time within five (5) years after the conduct in violation of a provision of this chapter terminates or the cause of action accrues. If a criminal prosecution or civil action or other proceeding is brought, or intervened in, to punish, prevent or restrain any violation of the provisions of this chapter, the running of the period of limitations prescribed by this section with respect to any cause of action arising under subsections (5) or (6) of this section which is based in whole or in part upon any matter complained of in any such prosecution, action or proceeding shall be suspended during the pendency of such prosecution, action or proceeding and for two (2) years following its termination. (9) The application of one (1) civil remedy under any provision of this chapter shall not preclude the application of any other remedy, civil or criminal, under this chapter or any other provision of law. Civil remedies under this chapter are supplemental. Laws, 1984, ch. 433, § 5; reenacted and amended, Laws, 1986, ch. 461, § 5, eff. 4/11/1986.

(1) Any circuit court may, after making due provision for the rights of innocent persons, enjoin violations of the provisions of this chapter by issuing appropriate orders and judgments, including, but not limited to: (a) Ordering any defendant to divest himself of any interest in any enterprise, including real property. (b) Imposing reasonable restrictions upon the future activities or investments of any defendant, including but not limited to, prohibiting any defendant from engaging in the same type of endeavor as the enterprise in which he was engaged in violation of the provisions of this chapter. (c) Ordering the dissolution or reorganization of any enterprise. (d) Ordering the suspension or revocation of a license or permit granted to any enterprise by any agency of the state. (e) Ordering the forfeiture of the charter of a corporation organized under the laws of the state, or the revocation of a certificate authorizing a foreign corporation to conduct business within the state, upon finding that the board of directors or a managerial agent acting on behalf of the corporation, in conducting the affairs of the corporation, has authorized or engaged in conduct in violation of this chapter and that, for the prevention of future criminal activity, the public interest requires the charter of the corporation forfeited

and the corporation dissolved or the certificate revoked.(2)All property, real or personal, including money, used in the course of, intended for use in the course of, derived from, or realized through, conduct in violation of a provision of this chapter is subject to civil forfeiture to the state pursuant to the provisions of Section97-43-11; provided, however, that a forfeiture of personal property encumbered by a bona fide security interest or real property encumbered by a bona fide mortgage, deed of trust, lien or encumbrance of record shall be subject to the interest of the secured party or subject to the interest of the holder of the mortgage deed of trust, lien of encumbrance of record if such secured party or holder neither had knowledge of or consented to the act or omission.(3)Property subject to forfeiture may be seized by law enforcement officers upon process issued by any appropriate court having jurisdiction over the property. Seizure without process may be made if:(a)The seizure is incident to an arrest or a search under a search warrant or an inspection under a lawful administrative inspection;(b)The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this article;(4)The Attorney General, any district attorney or any state agency having jurisdiction over conduct in violation of a provision of this chapter may institute civil proceedings under this section. In any action brought under this section, the circuit court shall proceed as soon as practicable to the hearing and determination. Pending final determination, the circuit court may at any time enter such injunctions or restraining orders, or take such actions, including the acceptance of satisfactory performance bonds, as the court may deem proper.(5)Any aggrieved person may institute a civil proceeding under subsection (1) of this section against any person or enterprise convicted of engaging in activity in violation of this chapter. In such proceeding, relief shall be granted in conformity with the principles that govern the granting of injunctive relief from threatened loss or damage in other civil cases, except that no showing of immediate and irreparable injury, loss or damage to the person shall have to be made.(6)Any person who is injured by reason of any violation of the provisions of this chapter shall have a cause of action against any person or enterprise convicted of engaging in activity in violation of this chapter for threefold the actual damages sustained and, when appropriate, punitive damages. Such person shall also recover attorneys' fees in the trial and appellate courts and costs of investigation and litigation, reasonably incurred.(a)The defendant or any injured person may demand a trial by jury in any civil action brought pursuant to this subsection.(b)Any injured person shall have a right or claim to forfeited property or to the proceeds derived therefrom superior to any right or claim the state has in the same property or proceeds.(7)The Attorney General may, upon timely application, intervene in any civil action or proceeding brought under subsections (5) or (6) of this section if he certifies that, in his opinion, the action or proceeding is of general public importance. In such action or proceeding, the state shall be entitled to the same relief as if the Attorney General instituted the action or proceeding.(8)Notwithstanding any other provision of law, a criminal or civil action or proceeding under this chapter may be commenced at any time within five (5) years after the conduct in violation of a provision of this chapter terminates or the cause of action accrues. If a criminal prosecution or civil action or other proceeding is brought, or intervened in, to punish, prevent or restrain any violation of the provisions of this chapter, the running of the period of limitations prescribed by this section with respect to any cause of action arising under subsections (5) or (6) of this section which is based in whole or in part upon any matter complained of in any such prosecution, action or proceeding shall be suspended during the pendency of such prosecution, action or proceeding and for two (2) years following its termination.(9)The application of one (1) civil remedy under any provision of this chapter shall not preclude the application of any other remedy, civil or criminal, under this chapter or any other provision of law. Civil remedies under this chapter are supplemental.Laws, 1984, ch. 433, § 5; reenacted and amended, Laws, 1986, ch. 461, § 5, eff. 4/11/1986.

(1)Any circuit court may, after making due provision for the rights of innocent persons, enjoin violations of the provisions of this chapter by issuing appropriate orders and judgments, including, but not limited to:(a)Ordering any defendant to divest himself of any interest in any enterprise, including real property.(b)Imposing reasonable restrictions upon the future activities or investments of any defendant, including but not limited to, prohibiting any defendant from engaging in the same type of endeavor as the enterprise in which he was engaged in violation of the provisions of this chapter.(c)Ordering the dissolution or reorganization of any enterprise.(d)Ordering the suspension or revocation of a license or permit granted to any enterprise by any agency of the state.(e)Ordering the forfeiture of the charter of a corporation organized under the laws of the state, or the revocation of a certificate authorizing a foreign corporation to conduct business within the state, upon finding that the board of directors or a managerial agent acting on behalf of the corporation, in conducting the affairs of the corporation, has authorized or engaged in conduct in violation of this chapter and that, for the prevention of future criminal activity, the public interest requires the charter of the corporation forfeited and the corporation dissolved or the certificate revoked.(2)All property, real or personal, including money, used in the course of, intended for use in the course of, derived from, or realized through, conduct in violation of a provision of this chapter is subject to civil forfeiture to the state pursuant to the provisions of Section97-43-11; provided, however, that a forfeiture of personal property encumbered by a bona fide security interest or real property encumbered by a bona fide mortgage, deed of trust, lien or encumbrance of record shall be subject to the interest of the secured party or subject to the interest of the holder of the mortgage deed of trust, lien of encumbrance of record if such secured party or holder neither had knowledge of or consented to the act or omission.(3)Property subject to forfeiture may be seized by law enforcement officers upon process issued by any appropriate court having jurisdiction over the property. Seizure without process may be made if:(a)The seizure is incident to an arrest or a search under a search warrant or an inspection under a lawful administrative inspection;(b)The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this article;(4)The Attorney General, any district attorney or any state agency having jurisdiction over conduct in violation of a provision of this chapter may institute civil proceedings under this section. In any action brought under this section, the circuit court shall proceed as soon as practicable to the hearing and determination. Pending final determination, the circuit court may at any time enter such injunctions or restraining orders, or take such actions, including the acceptance of satisfactory performance bonds, as the court may deem proper.(5)Any

aggrieved person may institute a civil proceeding under subsection (1) of this section against any person or enterprise convicted of engaging in activity in violation of this chapter. In such proceeding, relief shall be granted in conformity with the principles that govern the granting of injunctive relief from threatened loss or damage in other civil cases, except that no showing of immediate and irreparable injury, loss or damage to the person shall have to be made.(6)Any person who is injured by reason of any violation of the provisions of this chapter shall have a cause of action against any person or enterprise convicted of engaging in activity in violation of this chapter for threefold the actual damages sustained and, when appropriate, punitive damages. Such person shall also recover attorneys' fees in the trial and appellate courts and costs of investigation and litigation, reasonably incurred.(a)The defendant or any injured person may demand a trial by jury in any civil action brought pursuant to this subsection.(b)Any injured person shall have a right or claim to forfeited property or to the proceeds derived therefrom superior to any right or claim the state has in the same property or proceeds.(7)The Attorney General may, upon timely application, intervene in any civil action or proceeding brought under subsections (5) or (6) of this section if he certifies that, in his opinion, the action or proceeding is of general public importance. In such action or proceeding, the state shall be entitled to the same relief as if the Attorney General instituted the action or proceeding.(8)Notwithstanding any other provision of law, a criminal or civil action or proceeding under this chapter may be commenced at any time within five (5) years after the conduct in violation of a provision of this chapter terminates or the cause of action accrues. If a criminal prosecution or civil action or other proceeding is brought, or intervened in, to punish, prevent or restrain any violation of the provisions of this chapter, the running of the period of limitations prescribed by this section with respect to any cause of action arising under subsections (5) or (6) of this section which is based in whole or in part upon any matter complained of in any such prosecution, action or proceeding shall be suspended during the pendency of such prosecution, action or proceeding and for two (2) years following its termination.(9)The application of one (1) civil remedy under any provision of this chapter shall not preclude the application of any other remedy, civil or criminal, under this chapter or any other provision of law. Civil remedies under this chapter are supplemental.Laws, 1984, ch. 433, § 5; reenacted and amended, Laws, 1986, ch. 461, § 5, eff. 4/11/1986. Laws, 1984, ch. 433, § 5; reenacted and amended, Laws, 1986, ch. 461, § 5, eff. 4/11/1986.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 44 - MISSISSIPPI STREETGANG ACT (§§ 97-44-1 — 97-44-19)Section 97-44-1 - Short title

This chapter shall be known as the "Mississippi Streetgang Act."Laws, 1996, ch. 513, § 1, eff. 7/1/1996. This chapter shall be known as the "Mississippi Streetgang Act."Laws, 1996, ch. 513, § 1, eff. 7/1/1996. This chapter shall be known as the "Mississippi Streetgang Act."Laws, 1996, ch. 513, § 1, eff. 7/1/1996. This chapter shall be known as the "Mississippi Streetgang Act." Laws, 1996, ch. 513, § 1, eff. 7/1/1996.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 44 - MISSISSIPPI STREETGANG ACT (§§ 97-44-1 — 97-44-19)Section 97-44-11 - Service of process

(1)All streetgangs and streetgang members engaged in a gang-related criminal activity within this state impliedly consent to service of process upon them as set forth in this section, or as may be otherwise authorized by the Rules of Civil Procedure.(2)Service of process upon a streetgang may be had by leaving a copy of the complaint and summons directed to any officer of such gang, commanding the gang to appear and answer the complaint or otherwise plead at a time and place certain:(a)With any gang officer; or(b)With any individual member of the gang simultaneously named therein; or(c)In the manner provided for service by publication in a civil action; or(d)With any parent, legal guardian or legal custodian of any persons charged with a gang-related offense when any person sued civilly under this chapter is under seventeen (17) years of age and is also charged criminally or as a delinquent minor; or(e)With the director of any agency or department of this state who is the legal guardian, guardianship administrator or custodian of any person sued under this chapter; or(f)With the probation or parole officer of any person sued under this chapter; or(g)With such other person or agent as the court may, upon petition of the district attorney or his designee or the county attorney, authorize as appropriate and reasonable under all of the circumstances.(3)If after being summoned a streetgang does not appear, the court shall enter an answer for the streetgang neither affirming nor denying the allegations of the complaint but demanding strict proof thereof, and proceed to trial and judgment without further process.(4)When any person is named as a defendant streetgang member in any complaint, or subsequently becomes known and is added or joined as a named defendant, service of process may be had as authorized or provided for in the Rules of Civil Procedure for service of process in a civil case.Laws, 1996, ch. 513, § 6, eff. 7/1/1996. (1)All streetgangs and streetgang members engaged in a gang-related criminal activity within this state impliedly consent to service of process upon them as set forth in this section, or as may be otherwise authorized by the Rules of Civil Procedure.(2)Service of process upon a streetgang may be had by leaving a copy of the complaint and summons directed to any officer of such gang, commanding the gang to appear and answer the complaint or otherwise plead at a time and place certain:(a)With any gang officer; or(b)With any individual member of the gang simultaneously named therein; or(c)In the manner provided for service by publication in a civil action; or(d)With any parent, legal guardian or legal custodian of any persons charged with a gang-related offense when any person sued civilly under this chapter is under seventeen (17) years of age and is also charged criminally or as a delinquent minor; or(e)With the director of any agency or department of this state who is the legal guardian, guardianship administrator or custodian of any person sued under this chapter; or(f)With the probation or parole officer of any person sued under this chapter; or(g)With such other person or agent as the court may, upon petition of the district attorney or his designee or the county attorney, authorize as appropriate and reasonable under all of the circumstances.(3)If after being summoned a streetgang does not appear, the court shall enter an answer for the streetgang neither affirming nor denying the allegations of the

complaint but demanding strict proof thereof, and proceed to trial and judgment without further process.(4)When any person is named as a defendant streetgang member in any complaint, or subsequently becomes known and is added or joined as a named defendant, service of process may be had as authorized or provided for in the Rules of Civil Procedure for service of process in a civil case.Laws, 1996, ch. 513, § 6, eff. 7/1/1996. (1)All streetgangs and streetgang members engaged in a gang-related criminal activity within this state impliedly consent to service of process upon them as set forth in this section, or as may be otherwise authorized by the Rules of Civil Procedure.(2)Service of process upon a streetgang may be had by leaving a copy of the complaint and summons directed to any officer of such gang, commanding the gang to appear and answer the complaint or otherwise plead at a time and place certain:(a)With any gang officer; or(b)With any individual member of the gang simultaneously named therein; or(c)In the manner provided for service by publication in a civil action; or(d)With any parent, legal guardian or legal custodian of any persons charged with a gang-related offense when any person sued civilly under this chapter is under seventeen (17) years of age and is also charged criminally or as a delinquent minor; or(e)With the director of any agency or department of this state who is the legal guardian, guardianship administrator or custodian of any person sued under this chapter; or(f)With the probation or parole officer of any person sued under this chapter; or(g)With such other person or agent as the court may, upon petition of the district attorney or his designee or the county attorney, authorize as appropriate and reasonable under all of the circumstances.(3)If after being summoned a streetgang does not appear, the court shall enter an answer for the streetgang neither affirming nor denying the allegations of the complaint but demanding strict proof thereof, and proceed to trial and judgment without further process.(4)When any person is named as a defendant streetgang member in any complaint, or subsequently becomes known and is added or joined as a named defendant, service of process may be had as authorized or provided for in the Rules of Civil Procedure for service of process in a civil case.Laws, 1996, ch. 513, § 6, eff. 7/1/1996. Laws, 1996, ch. 513, § 6, eff. 7/1/1996.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 44 - MISSISSIPPI STREETGANG ACT (§§ 97-44-1 — 97-44-19)Section 97-44-13 - Punitive damages

(1)In any action brought under this chapter, and upon the verified application of the district attorney or his designee or the county attorney, the circuit court may at any time enter such restraining orders, injunctions or other prohibitions, or order such other relief as it deems proper, including but not limited to ordering any person to divest himself of any involvement or interest, direct or indirect, in any illegal streetgang activity and imposing other reasonable restrictions on the future illegal activities of any defendant.(2)A final judgment in favor of a public authority under this chapter shall entitle it to recover compensatory damages for all damages, losses, impairments or other harm proximately caused, together with the costs of the suit and reasonable attorney's fees. Punitive damages may be assessed against any streetgang, against any streetgang officer or member found guilty of actual participation in, or to be legally accountable for, a criminal activity under this chapter. One hundred percent (100%) of punitive damages awarded will be expended by the public authority to implement preventative programs for juveniles or to fund existing programs.Laws, 1996, ch. 513, § 7, eff. 7/1/1996. (1)In any action brought under this chapter, and upon the verified application of the district attorney or his designee or the county attorney, the circuit court may at any time enter such restraining orders, injunctions or other prohibitions, or order such other relief as it deems proper, including but not limited to ordering any person to divest himself of any involvement or interest, direct or indirect, in any illegal streetgang activity and imposing other reasonable restrictions on the future illegal activities of any defendant.(2)A final judgment in favor of a public authority under this chapter shall entitle it to recover compensatory damages for all damages, losses, impairments or other harm proximately caused, together with the costs of the suit and reasonable attorney's fees. Punitive damages may be assessed against any streetgang, against any streetgang officer or member found guilty of actual participation in, or to be legally accountable for, a criminal activity under this chapter. One hundred percent (100%) of punitive damages awarded will be expended by the public authority to implement preventative programs for juveniles or to fund existing programs.Laws, 1996, ch. 513, § 7, eff. 7/1/1996. (1)In any action brought under this chapter, and upon the verified application of the district attorney or his designee or the county attorney, the circuit court may at any time enter such restraining orders, injunctions or other prohibitions, or order such other relief as it deems proper, including but not limited to ordering any person to divest himself of any involvement or interest, direct or indirect, in any illegal streetgang activity and imposing other reasonable restrictions on the future illegal activities of any defendant.(2)A final judgment in favor of a public authority under this chapter shall entitle it to recover compensatory damages for all damages, losses, impairments or other harm proximately caused, together with the costs of the suit and reasonable attorney's fees. Punitive damages may be assessed against any streetgang, against any streetgang officer or member found guilty of actual participation in, or to be legally accountable for, a criminal activity under this chapter. One hundred percent (100%) of punitive damages awarded will be expended by the public authority to implement preventative programs for juveniles or to fund existing programs.Laws, 1996, ch. 513, § 7, eff. 7/1/1996. Laws, 1996, ch. 513, § 7, eff. 7/1/1996.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 44 - MISSISSIPPI STREETGANG ACT (§§ 97-44-1 — 97-44-19)Section 97-44-15 - Injunction, abatement, damages, or other remedies for unlawful use of private building by criminal street gang

(1)Every private building or place used by members of a criminal street gang for the commission of illegal activity is a nuisance and may be the subject of an injunction or cause of action for damages or for abatement of the nuisance as provided for in this chapter.(2)Any person may file a petition for injunctive relief with the appropriate court seeking eviction from or closure of any premises used for commission of illegal activity by a criminal street gang. Upon clear and convincing proof by the plaintiff that the

premises are being used by members of a criminal street gang for the commission of illegal activity, the court may order the owner of record or the lessee of the premises to remove or evict the persons from the premises and order the premises sealed, prohibit further use of the premises, or enter such order as may be necessary to prohibit the premises from being used for the commission of illegal activity by a gang and to abate the nuisance.(3)Any action for injunction, damages, abatement, or other relief filed pursuant to this section shall proceed according to the provisions of the Rules of Civil Procedure.(4)The court shall not issue an injunction or assess a civil penalty against any owner of record or the lessee of the private building or place, unless there is a showing by clear and convincing proof that the person knew or should have known or had been notified of the use of the premises by a gang for illegal activity. Any injunctive relief other than that specifically authorized in subsection (6) of this section shall be limited to that which is necessary to protect the health and safety of the residents or the public or that which is necessary to prevent further illegal activity.(5)A petition for injunction shall not be filed until thirty (30) days after notice of the unlawful use or criminal conduct has been provided to the owner of record or the lessee, by mail, return receipt requested, postage prepaid, to the owner's last known address, or by personal service. If the premises are abandoned or closed, or if the whereabouts of the owner of record or lessee is unknown, all notices, process, pleadings, and orders required to be delivered or served under this section may be attached to a door of the premises and mailed, return receipt requested, to the last address which is reflected on the ad valorem tax receipt on file in the office of the tax collector of the county where the property is located, and this shall have the same effect as personal service on the owner of record or lessee. No injunctive relief authorized by subsection (6) of this section shall be issued in the form of a temporary restraining order.(6)If the court has previously issued injunctive relief ordering the owner of record or the lessee of the premises to close the premises or otherwise to keep the premises from being used for the commission by a gang of illegal activity, the court, upon proof of failure to comply with the terms of the injunction and that the premises continue to be used by a gang for the commission of illegal activity, may do one or more of the following:(a)Order the premises demolished and cleared at the cost of the owner.(b)Order the premises sold at public auction and the proceeds from the sale, minus the costs of the sale and the expenses of bringing the action, delivered to the owner.(c)Order the defendant to pay damages to persons or local governing authorities who have been damaged or injured or have incurred expense as a result of the defendant's failure to take reasonable steps or precautions to comply with the terms of any injunction issued pursuant to the provisions of this chapter.(d)Assess a civil penalty not to exceed Five Thousand Dollars (\$5,000.00) against the defendant based upon the severity of the nuisance and its duration. In establishing the amount of any civil penalty, the court shall consider all of the following factors:(i)The actions taken by the defendant to mitigate or correct the problem at the private building or place or the reasons why no such action was taken.(ii)Any failure of the plaintiff to provide notice as required by subsection (5) of this section.(iii)Any other factor deemed by the court to be relevant.(7)No nonprofit, fraternal or charitable organization which is conducting its affairs with ordinary care or skill nor any governmental entity shall be enjoined pursuant to the provisions of this chapter.(8)Nothing in this chapter shall preclude any aggrieved person from seeking any other remedy provided by law.Laws, 2001, ch. 525, § 1, eff. 7/1/2001. (1)Every private building or place used by members of a criminal street gang for the commission of illegal activity is a nuisance and may be the subject of an injunction or cause of action for damages or for abatement of the nuisance as provided for in this chapter.(2)Any person may file a petition for injunctive relief with the appropriate court seeking eviction from or closure of any premises used for commission of illegal activity by a criminal street gang. Upon clear and convincing proof by the plaintiff that the premises are being used by members of a criminal street gang for the commission of illegal activity, the court may order the owner of record or the lessee of the premises to remove or evict the persons from the premises and order the premises sealed, prohibit further use of the premises, or enter such order as may be necessary to prohibit the premises from being used for the commission of illegal activity by a gang and to abate the nuisance.(3)Any action for injunction, damages, abatement, or other relief filed pursuant to this section shall proceed according to the provisions of the Rules of Civil Procedure.(4)The court shall not issue an injunction or assess a civil penalty against any owner of record or the lessee of the private building or place, unless there is a showing by clear and convincing proof that the person knew or should have known or had been notified of the use of the premises by a gang for illegal activity. Any injunctive relief other than that specifically authorized in subsection (6) of this section shall be limited to that which is necessary to protect the health and safety of the residents or the public or that which is necessary to prevent further illegal activity.(5)A petition for injunction shall not be filed until thirty (30) days after notice of the unlawful use or criminal conduct has been provided to the owner of record or the lessee, by mail, return receipt requested, postage prepaid, to the owner's last known address, or by personal service. If the premises are abandoned or closed, or if the whereabouts of the owner of record or lessee is unknown, all notices, process, pleadings, and orders required to be delivered or served under this section may be attached to a door of the premises and mailed, return receipt requested, to the last address which is reflected on the ad valorem tax receipt on file in the office of the tax collector of the county where the property is located, and this shall have the same effect as personal service on the owner of record or lessee. No injunctive relief authorized by subsection (6) of this section shall be issued in the form of a temporary restraining order.(6)If the court has previously issued injunctive relief ordering the owner of record or the lessee of the premises to close the premises or otherwise to keep the premises from being used for the commission by a gang of illegal activity, the court, upon proof of failure to comply with the terms of the injunction and that the premises continue to be used by a gang for the commission of illegal activity, may do one or more of the following:(a)Order the premises demolished and cleared at the cost of the owner.(b)Order the premises sold at public auction and the proceeds from the sale, minus the costs of the sale and the expenses of bringing the action, delivered to the owner.(c)Order the defendant to pay damages to persons or local governing authorities who have been damaged or injured or have incurred expense as a result of the defendant's failure to take reasonable steps or precautions to comply with the terms of any injunction issued pursuant to the provisions of this chapter.(d)Assess a civil penalty not to exceed Five Thousand Dollars (\$5,000.00) against the defendant based

upon the severity of the nuisance and its duration. In establishing the amount of any civil penalty, the court shall consider all of the following factors:(i)The actions taken by the defendant to mitigate or correct the problem at the private building or place or the reasons why no such action was taken.(ii)Any failure of the plaintiff to provide notice as required by subsection (5) of this section.(iii)Any other factor deemed by the court to be relevant.(7)No nonprofit, fraternal or charitable organization which is conducting its affairs with ordinary care or skill nor any governmental entity shall be enjoined pursuant to the provisions of this chapter.(8)Nothing in this chapter shall preclude any aggrieved person from seeking any other remedy provided by law.Laws, 2001, ch. 525, § 1, eff. 7/1/2001. (1)Every private building or place used by members of a criminal street gang for the commission of illegal activity is a nuisance and may be the subject of an injunction or cause of action for damages or for abatement of the nuisance as provided for in this chapter.(2)Any person may file a petition for injunctive relief with the appropriate court seeking eviction from or closure of any premises used for commission of illegal activity by a criminal street gang. Upon clear and convincing proof by the plaintiff that the premises are being used by members of a criminal street gang for the commission of illegal activity, the court may order the owner of record or the lessee of the premises to remove or evict the persons from the premises and order the premises sealed, prohibit further use of the premises, or enter such order as may be necessary to prohibit the premises from being used for the commission of illegal activity by a gang and to abate the nuisance.(3)Any action for injunction, damages, abatement, or other relief filed pursuant to this section shall proceed according to the provisions of the Rules of Civil Procedure.(4)The court shall not issue an injunction or assess a civil penalty against any owner of record or the lessee of the private building or place, unless there is a showing by clear and convincing proof that the person knew or should have known or had been notified of the use of the premises by a gang for illegal activity. Any injunctive relief other than that specifically authorized in subsection (6) of this section shall be limited to that which is necessary to protect the health and safety of the residents or the public or that which is necessary to prevent further illegal activity.(5)A petition for injunction shall not be filed until thirty (30) days after notice of the unlawful use or criminal conduct has been provided to the owner of record or the lessee, by mail, return receipt requested, postage prepaid, to the owner's last known address, or by personal service. If the premises are abandoned or closed, or if the whereabouts of the owner of record or lessee is unknown, all notices, process, pleadings, and orders required to be delivered or served under this section may be attached to a door of the premises and mailed, return receipt requested, to the last address which is reflected on the ad valorem tax receipt on file in the office of the tax collector of the county where the property is located, and this shall have the same effect as personal service on the owner of record or lessee. No injunctive relief authorized by subsection (6) of this section shall be issued in the form of a temporary restraining order.(6)If the court has previously issued injunctive relief ordering the owner of record or the lessee of the premises to close the premises or otherwise to keep the premises from being used for the commission by a gang of illegal activity, the court, upon proof of failure to comply with the terms of the injunction and that the premises continue to be used by a gang for the commission of illegal activity, may do one or more of the following:(a)Order the premises demolished and cleared at the cost of the owner.(b)Order the premises sold at public auction and the proceeds from the sale, minus the costs of the sale and the expenses of bringing the action, delivered to the owner.(c)Order the defendant to pay damages to persons or local governing authorities who have been damaged or injured or have incurred expense as a result of the defendant's failure to take reasonable steps or precautions to comply with the terms of any injunction issued pursuant to the provisions of this chapter.(d)Assess a civil penalty not to exceed Five Thousand Dollars (\$5,000.00) against the defendant based upon the severity of the nuisance and its duration. In establishing the amount of any civil penalty, the court shall consider all of the following factors:(i)The actions taken by the defendant to mitigate or correct the problem at the private building or place or the reasons why no such action was taken.(ii)Any failure of the plaintiff to provide notice as required by subsection (5) of this section.(iii)Any other factor deemed by the court to be relevant.(7)No nonprofit, fraternal or charitable organization which is conducting its affairs with ordinary care or skill nor any governmental entity shall be enjoined pursuant to the provisions of this chapter.(8)Nothing in this chapter shall preclude any aggrieved person from seeking any other remedy provided by law.Laws, 2001, ch. 525, § 1, eff. 7/1/2001. Laws, 2001, ch. 525, § 1, eff. 7/1/2001.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 44 - MISSISSIPPI STREETGANG ACT (§§ 97-44-1 — 97-44-19)Section 97-44-17 - Forfeiture of firearms, ammunition, and dangerous weapons used by criminal street gangs; disposition of property seized; procedure

(1)Any firearm, ammunition to be used in a firearm, or dangerous weapon in the possession of a member of a criminal street gang may be seized by any law enforcement agency or peace officer when the law enforcement agency or peace officer has probable cause to believe that the firearm, ammunition to be used in a firearm, or dangerous weapon is or has been used by a gang in the commission of illegal activity.(2)The district attorney or an attorney for the seizing agency shall initiate, in a civil action, forfeiture proceedings by petition in the circuit courts as to any property seized pursuant to the provisions of this section within thirty (30) days of seizure. The district attorney shall provide notice of the filing of the petition to those members of the gang who become known to law enforcement officials as a result of the seizure and any related arrests, and to any person determined by law enforcement officials to be the owner of any of the property involved. After initial notice of the filing of the petition, the court shall assure that all persons so notified continue to receive notice of all subsequent proceedings related to the property.(3)Any person who claims an interest in any seized property shall, in order to assert a claim that the property should not be forfeited, file a notice with the court, without necessity of paying costs, of the intent to establish either of the following:(a)That the persons asserting the claim did not know of, could not have known of, or had no reason to believe in its use by a gang in the commission of illegal activity; or(b)That the law enforcement officer lacked the requisite reasonable belief that the property was or had been used by a gang in the

commission of illegal activity.(4)An acquittal or dismissal in a criminal proceeding shall not preclude civil proceedings under this section; however, for good cause shown, on motion by the district attorney, the court may stay civil forfeiture proceedings during the criminal trial for related criminal indictment or information alleging a violation of this section. Such a stay shall not be available pending an appeal.(5)Except as otherwise provided by this section, all proceedings hereunder shall be governed by the provisions of the Mississippi Rules of Civil Procedure.(6)The issue shall be determined by the court alone, and the hearing on the claim shall be held within sixty (60) days after service of the petition unless continued for good cause. The district attorney shall have the burden of showing by clear and convincing proof that forfeiture of the property is appropriate.(7)Any person who asserts a successful claim in accordance with subsection (3) of this section shall be awarded the seized property by the court, together with costs of filing such action. All property as to which no claim is filed, or as to which no successful claim is made, may be destroyed, sold at a public sale, retained for use by the seizing agency or transferred without charge to any law enforcement agency of the state for use by it. Property that is sold shall be sold by the circuit court at a public auction for cash to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale in a newspaper having a general circulation in the county. Such notice shall contain a description of the property to be sold and a statement of the time and place of sale. It shall not be necessary to the validity of such sale either to have the property present at the place of sale or to have the name of the owner thereof stated in such notice. The proceeds of the sale, less any expenses of concluding the sale, shall be deposited in the seizing agency's general fund to be used only for approved law enforcement activity affecting the agency's efforts to combat gang activities.(8)Any action under the provisions of this section may be consolidated with any other action or proceedings pursuant to this section relating to the same property on motion of the district attorney.Laws, 2001, ch. 525, § 2, eff. 7/1/2001. (1)Any firearm, ammunition to be used in a firearm, or dangerous weapon in the possession of a member of a criminal street gang may be seized by any law enforcement agency or peace officer when the law enforcement agency or peace officer has probable cause to believe that the firearm, ammunition to be used in a firearm, or dangerous weapon is or has been used by a gang in the commission of illegal activity.(2)The district attorney or an attorney for the seizing agency shall initiate, in a civil action, forfeiture proceedings by petition in the circuit courts as to any property seized pursuant to the provisions of this section within thirty (30) days of seizure. The district attorney shall provide notice of the filing of the petition to those members of the gang who become known to law enforcement officials as a result of the seizure and any related arrests, and to any person determined by law enforcement officials to be the owner of any of the property involved. After initial notice of the filing of the petition, the court shall assure that all persons so notified continue to receive notice of all subsequent proceedings related to the property.(3)Any person who claims an interest in any seized property shall, in order to assert a claim that the property should not be forfeited, file a notice with the court, without necessity of paying costs, of the intent to establish either of the following:(a)That the persons asserting the claim did not know of, could not have known of, or had no reason to believe in its use by a gang in the commission of illegal activity; or(b)That the law enforcement officer lacked the requisite reasonable belief that the property was or had been used by a gang in the commission of illegal activity.(4)An acquittal or dismissal in a criminal proceeding shall not preclude civil proceedings under this section; however, for good cause shown, on motion by the district attorney, the court may stay civil forfeiture proceedings during the criminal trial for related criminal indictment or information alleging a violation of this section. Such a stay shall not be available pending an appeal.(5)Except as otherwise provided by this section, all proceedings hereunder shall be governed by the provisions of the Mississippi Rules of Civil Procedure.(6)The issue shall be determined by the court alone, and the hearing on the claim shall be held within sixty (60) days after service of the petition unless continued for good cause. The district attorney shall have the burden of showing by clear and convincing proof that forfeiture of the property is appropriate.(7)Any person who asserts a successful claim in accordance with subsection (3) of this section shall be awarded the seized property by the court, together with costs of filing such action. All property as to which no claim is filed, or as to which no successful claim is made, may be destroyed, sold at a public sale, retained for use by the seizing agency or transferred without charge to any law enforcement agency of the state for use by it. Property that is sold shall be sold by the circuit court at a public auction for cash to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale in a newspaper having a general circulation in the county. Such notice shall contain a description of the property to be sold and a statement of the time and place of sale. It shall not be necessary to the validity of such sale either to have the property present at the place of sale or to have the name of the owner thereof stated in such notice. The proceeds of the sale, less any expenses of concluding the sale, shall be deposited in the seizing agency's general fund to be used only for approved law enforcement activity affecting the agency's efforts to combat gang activities.(8)Any action under the provisions of this section may be consolidated with any other action or proceedings pursuant to this section relating to the same property on motion of the district attorney.Laws, 2001, ch. 525, § 2, eff. 7/1/2001. (1)Any firearm, ammunition to be used in a firearm, or dangerous weapon in the possession of a member of a criminal street gang may be seized by any law enforcement agency or peace officer when the law enforcement agency or peace officer has probable cause to believe that the firearm, ammunition to be used in a firearm, or dangerous weapon is or has been used by a gang in the commission of illegal activity.(2)The district attorney or an attorney for the seizing agency shall initiate, in a civil action, forfeiture proceedings by petition in the circuit courts as to any property seized pursuant to the provisions of this section within thirty (30) days of seizure. The district attorney shall provide notice of the filing of the petition to those members of the gang who become known to law enforcement officials as a result of the seizure and any related arrests, and to any person determined by law enforcement officials to be the owner of any of the property involved. After initial notice of the filing of the petition, the court shall assure that all persons so notified continue to receive notice of all subsequent proceedings related to the property.(3)Any person who

claims an interest in any seized property shall, in order to assert a claim that the property should not be forfeited, file a notice with the court, without necessity of paying costs, of the intent to establish either of the following:(a)That the persons asserting the claim did not know of, could not have known of, or had no reason to believe in its use by a gang in the commission of illegal activity; or(b)That the law enforcement officer lacked the requisite reasonable belief that the property was or had been used by a gang in the commission of illegal activity.(4)An acquittal or dismissal in a criminal proceeding shall not preclude civil proceedings under this section; however, for good cause shown, on motion by the district attorney, the court may stay civil forfeiture proceedings during the criminal trial for related criminal indictment or information alleging a violation of this section. Such a stay shall not be available pending an appeal.(5)Except as otherwise provided by this section, all proceedings hereunder shall be governed by the provisions of the Mississippi Rules of Civil Procedure.(6)The issue shall be determined by the court alone, and the hearing on the claim shall be held within sixty (60) days after service of the petition unless continued for good cause. The district attorney shall have the burden of showing by clear and convincing proof that forfeiture of the property is appropriate.(7)Any person who asserts a successful claim in accordance with subsection (3) of this section shall be awarded the seized property by the court, together with costs of filing such action. All property as to which no claim is filed, or as to which no successful claim is made, may be destroyed, sold at a public sale, retained for use by the seizing agency or transferred without charge to any law enforcement agency of the state for use by it. Property that is sold shall be sold by the circuit court at a public auction for cash to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale in a newspaper having a general circulation in the county. Such notice shall contain a description of the property to be sold and a statement of the time and place of sale. It shall not be necessary to the validity of such sale either to have the property present at the place of sale or to have the name of the owner thereof stated in such notice. The proceeds of the sale, less any expenses of concluding the sale, shall be deposited in the seizing agency's general fund to be used only for approved law enforcement activity affecting the agency's efforts to combat gang activities.(8)Any action under the provisions of this section may be consolidated with any other action or proceedings pursuant to this section relating to the same property on motion of the district attorney.Laws, 2001, ch. 525, § 2, eff. 7/1/2001. Laws, 2001, ch. 525, § 2, eff. 7/1/2001.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 44 - MISSISSIPPI STREETGANG ACT (§§ 97-44-1 — 97-44-19)Section 97-44-19 - Penalties for criminal street gang activity

(1)Any person who intentionally directs, participates, conducts, furthers, or assists in the commission of illegal gang activity shall be punished by imprisonment for not less than one (1) year nor more than one-half (1/2) of the maximum term of imprisonment provided for an underlying offense and may be fined an amount not to exceed Ten Thousand Dollars (\$10,000.00). Any sentence of imprisonment imposed pursuant to this section shall be in addition and consecutive to any sentence imposed for the underlying offense.(2)Any person who is convicted of a felony or an attempted felony which is committed for the benefit of, at the direction of, or in association with any criminal street gang, with the intent to promote, further, or assist in the affairs of a criminal gang, shall, upon conviction of that felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which he or she has been convicted, be imprisoned for not less than one (1) year nor more than one-half (1/2) of the maximum term of imprisonment provided for that offense.(3)Any person who is convicted of an offense other than a felony which is committed for the benefit of, at the direction of, or in association with, any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct or enterprise by gang members, shall, in addition and consecutive to the penalty provided for that offense, be imprisoned for an additional period of not more than one (1) year.(4)Any person who knowingly and willfully sells or buys goods or performs services for a criminal street gang in furtherance of illegal activity shall be punished by imprisonment for not less than one (1) year nor more than one-half (1/2) of the maximum term of imprisonment provided for the underlying offense and may be fined an amount not to exceed Ten Thousand Dollars (\$10,000.00).(5)The court may elect to suspend all or a part of any additional mandatory punishment or enhanced punishment provided for in this chapter to impose alternative punishment in the form of properly supervised community service or placement in an appropriate adolescent offender program, if available, only in an unusual case where the interest of justice would best be served, and if the court specifies on the record and enters into the minutes the circumstances and reasons that the interests of justice would best be served by that suspension of enhanced punishment.Laws, 2001, ch. 525, § 3, eff. 7/1/2001. (1)Any person who intentionally directs, participates, conducts, furthers, or assists in the commission of illegal gang activity shall be punished by imprisonment for not less than one (1) year nor more than one-half (1/2) of the maximum term of imprisonment provided for an underlying offense and may be fined an amount not to exceed Ten Thousand Dollars (\$10,000.00). Any sentence of imprisonment imposed pursuant to this section shall be in addition and consecutive to any sentence imposed for the underlying offense.(2)Any person who is convicted of a felony or an attempted felony which is committed for the benefit of, at the direction of, or in association with any criminal street gang, with the intent to promote, further, or assist in the affairs of a criminal gang, shall, upon conviction of that felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which he or she has been convicted, be imprisoned for not less than one (1) year nor more than one-half (1/2) of the maximum term of imprisonment provided for that offense.(3)Any person who is convicted of an offense other than a felony which is committed for the benefit of, at the direction of, or in association with, any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct or enterprise by gang members, shall, in addition and consecutive to the penalty provided for that offense, be imprisoned for an additional period of not more than one (1) year.(4)Any person who knowingly and willfully sells or buys goods or performs services for a criminal street gang in furtherance of illegal activity shall be punished by imprisonment for not less than one (1) year nor more than one-half (1/2) of the maximum term of imprisonment

provided for the underlying offense and may be fined an amount not to exceed Ten Thousand Dollars (\$10,000.00).(5)The court may elect to suspend all or a part of any additional mandatory punishment or enhanced punishment provided for in this chapter to impose alternative punishment in the form of properly supervised community service or placement in an appropriate adolescent offender program, if available, only in an unusual case where the interest of justice would best be served, and if the court specifies on the record and enters into the minutes the circumstances and reasons that the interests of justice would best be served by that suspension of enhanced punishment.Laws, 2001, ch. 525, § 3, eff. 7/1/2001. (1)Any person who intentionally directs, participates, conducts, furthers, or assists in the commission of illegal gang activity shall be punished by imprisonment for not less than one (1) year nor more than one-half (1/2) of the maximum term of imprisonment provided for an underlying offense and may be fined an amount not to exceed Ten Thousand Dollars (\$10,000.00). Any sentence of imprisonment imposed pursuant to this section shall be in addition and consecutive to any sentence imposed for the underlying offense.(2)Any person who is convicted of a felony or an attempted felony which is committed for the benefit of, at the direction of, or in association with any criminal street gang, with the intent to promote, further, or assist in the affairs of a criminal gang, shall, upon conviction of that felony, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which he or she has been convicted, be imprisoned for not less than one (1) year nor more than one-half (1/2) of the maximum term of imprisonment provided for that offense.(3)Any person who is convicted of an offense other than a felony which is committed for the benefit of, at the direction of, or in association with, any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct or enterprise by gang members, shall, in addition and consecutive to the penalty provided for that offense, be imprisoned for an additional period of not more than one (1) year.(4)Any person who knowingly and willfully sells or buys goods or performs services for a criminal street gang in furtherance of illegal activity shall be punished by imprisonment for not less than one (1) year nor more than one-half (1/2) of the maximum term of imprisonment provided for the underlying offense and may be fined an amount not to exceed Ten Thousand Dollars (\$10,000.00).(5)The court may elect to suspend all or a part of any additional mandatory punishment or enhanced punishment provided for in this chapter to impose alternative punishment in the form of properly supervised community service or placement in an appropriate adolescent offender program, if available, only in an unusual case where the interest of justice would best be served, and if the court specifies on the record and enters into the minutes the circumstances and reasons that the interests of justice would best be served by that suspension of enhanced punishment.Laws, 2001, ch. 525, § 3, eff. 7/1/2001. Laws, 2001, ch. 525, § 3, eff. 7/1/2001.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 44 - MISSISSIPPI STREETGANG ACT (§§ 97-44-1 — 97-44-19)Section 97-44-3 - Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed herein, unless the context clearly requires otherwise:(a)"Streetgang" or "gang" or "organized gang" or "criminal streetgang" means any combination, confederation, alliance, network, conspiracy, understanding, or other similar conjoining, in law or in fact, of three (3) or more persons with an established hierarchy that, through its membership or through the agency of any member, engages in felonious criminal activity.For purposes of this chapter, it shall not be necessary to show that a particular conspiracy, combination or conjoining of persons possesses, acknowledges or is known by any common name, insignia, flag, means of recognition, secret signal or code, creed, belief, structure, leadership or command structure, method of operation or criminal enterprise, concentration or specialty, membership, age or other qualifications, initiation rites, geographical or territorial situs or boundary or location, or other unifying mark, manner, protocol or method of expressing or indicating membership when the conspiracy's existence, in law or in fact, can be demonstrated by a preponderance of the competent evidence. However, any evidence reasonably tending to show or demonstrate, in law or in fact, the existence of or membership in any conspiracy, confederation or other association described herein, or probative of the existence of or membership in any such association, shall be admissible in any action or proceeding brought under this chapter.(b)"Public authority" means the state and political subdivisions as defined in Section11-46-1, Mississippi Code of 1972.(c)"Streetgang member" or "gang member" means any person who actually and in fact belongs to a gang, and any person who knowingly acts in the capacity of an agent for or accessory to, or is legally accountable for, or voluntarily associates himself with a gang-related criminal activity, whether in a preparatory, executory or cover-up phase of any activity, or who knowingly performs, aids or abets any such activity.(d)"Streetgang related" or "gang-related" means any criminal activity, enterprise, pursuit or undertaking directed by, ordered by, authorized by, consented to, agreed to, requested by, acquiesced in, or ratified by any gang leader, officer or governing or policymaking person or authority, or by any agent, representative or deputy of any such officer, person or authority:(i)With intent to increase the gang's size, membership, prestige, dominance or control in any geographical area; or(ii)With intent to exact revenge or retribution for the gang or any member of the gang; or(iii)With intent to provide the gang with any advantage in, or any control or dominance over, any criminal market sector, including but not limited to the unlawful manufacture, delivery, possession or sale of controlled substances; arson; traffic in stolen property or stolen credit cards; traffic in prostitution, obscenity or pornography; or that involves robbery, armed robbery, burglary or larceny; or(iv)With intent to obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang; or(v)With intent to otherwise, directly or indirectly, cause any benefit, aggrandizement, gain, profit or other advantage whatsoever to or for the gang, its reputation, influence or membership.Laws, 1996, ch. 513, § 2, eff. 7/1/1996. For the purposes of this chapter, the following words and phrases shall have the meanings ascribed herein, unless the context clearly requires otherwise:(a)"Streetgang" or "gang" or "organized gang" or "criminal streetgang" means any combination, confederation, alliance, network, conspiracy, understanding, or other similar conjoining, in law or in fact, of three (3) or more persons with an established hierarchy that, through its membership or through the agency of any

member, engages in felonious criminal activity. For purposes of this chapter, it shall not be necessary to show that a particular conspiracy, combination or conjoining of persons possesses, acknowledges or is known by any common name, insignia, flag, means of recognition, secret signal or code, creed, belief, structure, leadership or command structure, method of operation or criminal enterprise, concentration or specialty, membership, age or other qualifications, initiation rites, geographical or territorial situs or boundary or location, or other unifying mark, manner, protocol or method of expressing or indicating membership when the conspiracy's existence, in law or in fact, can be demonstrated by a preponderance of the competent evidence. However, any evidence reasonably tending to show or demonstrate, in law or in fact, the existence of or membership in any conspiracy, confederation or other association described herein, or probative of the existence of or membership in any such association, shall be admissible in any action or proceeding brought under this chapter. (b) "Public authority" means the state and political subdivisions as defined in Section 11-46-1, Mississippi Code of 1972. (c) "Streetgang member" or "gang member" means any person who actually and in fact belongs to a gang, and any person who knowingly acts in the capacity of an agent for or accessory to, or is legally accountable for, or voluntarily associates himself with a gang-related criminal activity, whether in a preparatory, executory or cover-up phase of any activity, or who knowingly performs, aids or abets any such activity. (d) "Streetgang related" or "gang-related" means any criminal activity, enterprise, pursuit or undertaking directed by, ordered by, authorized by, consented to, agreed to, requested by, acquiesced in, or ratified by any gang leader, officer or governing or policymaking person or authority, or by any agent, representative or deputy of any such officer, person or authority: (i) With intent to increase the gang's size, membership, prestige, dominance or control in any geographical area; or (ii) With intent to exact revenge or retribution for the gang or any member of the gang; or (iii) With intent to provide the gang with any advantage in, or any control or dominance over, any criminal market sector, including but not limited to the unlawful manufacture, delivery, possession or sale of controlled substances; arson; traffic in stolen property or stolen credit cards; traffic in prostitution, obscenity or pornography; or that involves robbery, armed robbery, burglary or larceny; or (iv) With intent to obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang; or (v) With intent to otherwise, directly or indirectly, cause any benefit, aggrandizement, gain, profit or other advantage whatsoever to or for the gang, its reputation, influence or membership. Laws, 1996, ch. 513, § 2, eff. 7/1/1996. For the purposes of this chapter, the following words and phrases shall have the meanings ascribed herein, unless the context clearly requires otherwise: (a) "Streetgang" or "gang" or "organized gang" or "criminal streetgang" means any combination, confederation, alliance, network, conspiracy, understanding, or other similar conjoining, in law or in fact, of three (3) or more persons with an established hierarchy that, through its membership or through the agency of any member, engages in felonious criminal activity. For purposes of this chapter, it shall not be necessary to show that a particular conspiracy, combination or conjoining of persons possesses, acknowledges or is known by any common name, insignia, flag, means of recognition, secret signal or code, creed, belief, structure, leadership or command structure, method of operation or criminal enterprise, concentration or specialty, membership, age or other qualifications, initiation rites, geographical or territorial situs or boundary or location, or other unifying mark, manner, protocol or method of expressing or indicating membership when the conspiracy's existence, in law or in fact, can be demonstrated by a preponderance of the competent evidence. However, any evidence reasonably tending to show or demonstrate, in law or in fact, the existence of or membership in any conspiracy, confederation or other association described herein, or probative of the existence of or membership in any such association, shall be admissible in any action or proceeding brought under this chapter. (b) "Public authority" means the state and political subdivisions as defined in Section 11-46-1, Mississippi Code of 1972. (c) "Streetgang member" or "gang member" means any person who actually and in fact belongs to a gang, and any person who knowingly acts in the capacity of an agent for or accessory to, or is legally accountable for, or voluntarily associates himself with a gang-related criminal activity, whether in a preparatory, executory or cover-up phase of any activity, or who knowingly performs, aids or abets any such activity. (d) "Streetgang related" or "gang-related" means any criminal activity, enterprise, pursuit or undertaking directed by, ordered by, authorized by, consented to, agreed to, requested by, acquiesced in, or ratified by any gang leader, officer or governing or policymaking person or authority, or by any agent, representative or deputy of any such officer, person or authority: (i) With intent to increase the gang's size, membership, prestige, dominance or control in any geographical area; or (ii) With intent to exact revenge or retribution for the gang or any member of the gang; or (iii) With intent to provide the gang with any advantage in, or any control or dominance over, any criminal market sector, including but not limited to the unlawful manufacture, delivery, possession or sale of controlled substances; arson; traffic in stolen property or stolen credit cards; traffic in prostitution, obscenity or pornography; or that involves robbery, armed robbery, burglary or larceny; or (iv) With intent to obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang; or (v) With intent to otherwise, directly or indirectly, cause any benefit, aggrandizement, gain, profit or other advantage whatsoever to or for the gang, its reputation, influence or membership. Laws, 1996, ch. 513, § 2, eff. 7/1/1996. For the purposes of this chapter, the following words and phrases shall have the meanings ascribed herein, unless the context clearly requires otherwise: For purposes of this chapter, it shall not be necessary to show that a particular conspiracy, combination or conjoining of persons possesses, acknowledges or is known by any common name, insignia, flag, means of recognition, secret signal or code, creed, belief, structure, leadership or command structure, method of operation or criminal enterprise, concentration or specialty, membership, age or other qualifications, initiation rites, geographical or territorial situs or boundary or location, or other unifying mark, manner, protocol or method of expressing or indicating membership when the conspiracy's existence, in law or in fact, can be demonstrated by a preponderance of the competent evidence. However, any evidence reasonably tending to show or demonstrate, in law or in fact, the existence of or membership in any conspiracy, confederation or other association described herein, or probative of the existence of or membership in any such association, shall be admissible in any action or proceeding brought under this chapter. Laws, 1996, ch. 513, § 2, eff. 7/1/1996.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 44 - MISSISSIPPI STREETGANG ACT (§§ 97-44-1 — 97-44-19) Section 97-44-5 - Cause of action

(1) A civil cause of action is hereby created in favor of any public authority expending money, allocating or reallocating police, firefighting, emergency or other personnel or resources, or otherwise incurring any loss, deprivation or injury, or sustaining any damage, impairment or harm whatsoever, proximately caused by any criminal activity. (2) The cause of action created by this chapter shall lie against: (a) Any streetgang in whose name, for whose benefit, on whose behalf or under whose direction the act was committed; and (b) Any gang officer or director who causes, orders, suggests, authorizes, consents to, agrees to, requests, acquiesces in or ratifies any such act; and (c) Any gang member who, in the furtherance of or in connection with, any gang-related activity, commits any such act; and (d) Any gang officer, director, leader or member. (3) The cause of action authorized by this chapter shall be brought by the Attorney General, the district attorney or attorneys, or the county attorney, or by his or their respective designees. This cause of action shall be in addition to any other civil or criminal proceeding authorized by the laws of this state or by federal law, and shall not be construed as requiring the prosecutor to elect a civil, rather than criminal, remedy, or as replacing any other cause of action. Liability of the gang, its officers, directors, leaders and members shall be joint and several subject only to the apportionment and allocation of punitive damage authorized under Section 97-44-13. Laws, 1996, ch. 513, § 3, eff. 7/1/1996. (1) A civil cause of action is hereby created in favor of any public authority expending money, allocating or reallocating police, firefighting, emergency or other personnel or resources, or otherwise incurring any loss, deprivation or injury, or sustaining any damage, impairment or harm whatsoever, proximately caused by any criminal activity. (2) The cause of action created by this chapter shall lie against: (a) Any streetgang in whose name, for whose benefit, on whose behalf or under whose direction the act was committed; and (b) Any gang officer or director who causes, orders, suggests, authorizes, consents to, agrees to, requests, acquiesces in or ratifies any such act; and (c) Any gang member who, in the furtherance of or in connection with, any gang-related activity, commits any such act; and (d) Any gang officer, director, leader or member. (3) The cause of action authorized by this chapter shall be brought by the Attorney General, the district attorney or attorneys, or the county attorney, or by his or their respective designees. This cause of action shall be in addition to any other civil or criminal proceeding authorized by the laws of this state or by federal law, and shall not be construed as requiring the prosecutor to elect a civil, rather than criminal, remedy, or as replacing any other cause of action. Liability of the gang, its officers, directors, leaders and members shall be joint and several subject only to the apportionment and allocation of punitive damage authorized under Section 97-44-13. Laws, 1996, ch. 513, § 3, eff. 7/1/1996. (1) A civil cause of action is hereby created in favor of any public authority expending money, allocating or reallocating police, firefighting, emergency or other personnel or resources, or otherwise incurring any loss, deprivation or injury, or sustaining any damage, impairment or harm whatsoever, proximately caused by any criminal activity. (2) The cause of action created by this chapter shall lie against: (a) Any streetgang in whose name, for whose benefit, on whose behalf or under whose direction the act was committed; and (b) Any gang officer or director who causes, orders, suggests, authorizes, consents to, agrees to, requests, acquiesces in or ratifies any such act; and (c) Any gang member who, in the furtherance of or in connection with, any gang-related activity, commits any such act; and (d) Any gang officer, director, leader or member. (3) The cause of action authorized by this chapter shall be brought by the Attorney General, the district attorney or attorneys, or the county attorney, or by his or their respective designees. This cause of action shall be in addition to any other civil or criminal proceeding authorized by the laws of this state or by federal law, and shall not be construed as requiring the prosecutor to elect a civil, rather than criminal, remedy, or as replacing any other cause of action. Liability of the gang, its officers, directors, leaders and members shall be joint and several subject only to the apportionment and allocation of punitive damage authorized under Section 97-44-13. Laws, 1996, ch. 513, § 3, eff. 7/1/1996. Laws, 1996, ch. 513, § 3, eff. 7/1/1996.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 44 - MISSISSIPPI STREETGANG ACT (§§ 97-44-1 — 97-44-19) Section 97-44-7 - Filing of complaint

(1) An action may be commenced under this chapter by the filing of a complaint as in civil cases. (2) A complaint filed under this chapter, and all other ancillary or collateral matters arising therefrom, including matter relating to discovery, motions, trial and the perfection or execution of judgments shall be subject to the Rules of Civil Procedure, except as may be otherwise provided in this chapter, or except as the court may otherwise order upon motion of the prosecutor in matters relating to immunity or the physical safety of witnesses. (3) The complaint shall name the Attorney General or his designee, if a complainant, each complaining district attorney or his designee, each complaining county attorney, and the public authority represented by him or by them. (4) The complaint shall also name as defendants the gang, all known gang officers, and any gang members specifically identified or alleged in the complaint as having participated in a gang-related criminal activity. The complaint may also name, as a class of defendants, all unknown gang members. (5) When, at any point prior to trial, other specific gang officers or members become known, the complaint may be amended to include any such person as a named defendant. (6) Any individual who suffers any injury under the provisions of this chapter shall have the right to file a civil action in his or her name. Laws, 1996, ch. 513, § 4, eff. 7/1/1996. (1) An action may be commenced under this chapter by the filing of a complaint as in civil cases. (2) A complaint filed under this chapter, and all other ancillary or collateral matters arising therefrom, including matter relating to discovery, motions, trial and the perfection or execution of judgments shall be subject to the Rules of Civil Procedure, except as may be otherwise provided in this chapter, or except as the court may otherwise order upon motion of the prosecutor in matters relating to immunity or the physical safety of witnesses. (3) The complaint shall name the Attorney General or his designee, if a complainant, each complaining district attorney or

his designee, each complaining county attorney, and the public authority represented by him or by them.(4)The complaint shall also name as defendants the gang, all known gang officers, and any gang members specifically identified or alleged in the complaint as having participated in a gang-related criminal activity. The complaint may also name, as a class of defendants, all unknown gang members.(5)When, at any point prior to trial, other specific gang officers or members become known, the complaint may be amended to include any such person as a named defendant.(6)Any individual who suffers any injury under the provisions of this chapter shall have the right to file a civil action in his or her name.Laws, 1996, ch. 513, § 4, eff. 7/1/1996. (1)An action may be commenced under this chapter by the filing of a complaint as in civil cases.(2)A complaint filed under this chapter, and all other ancillary or collateral matters arising therefrom, including matter relating to discovery, motions, trial and the perfection or execution of judgments shall be subject to the Rules of Civil Procedure, except as may be otherwise provided in this chapter, or except as the court may otherwise order upon motion of the prosecutor in matters relating to immunity or the physical safety of witnesses.(3)The complaint shall name the Attorney General or his designee, if a complainant, each complaining district attorney or his designee, each complaining county attorney, and the public authority represented by him or by them.(4)The complaint shall also name as defendants the gang, all known gang officers, and any gang members specifically identified or alleged in the complaint as having participated in a gang-related criminal activity. The complaint may also name, as a class of defendants, all unknown gang members.(5)When, at any point prior to trial, other specific gang officers or members become known, the complaint may be amended to include any such person as a named defendant.(6)Any individual who suffers any injury under the provisions of this chapter shall have the right to file a civil action in his or her name.Laws, 1996, ch. 513, § 4, eff. 7/1/1996. Laws, 1996, ch. 513, § 4, eff. 7/1/1996.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 44 - MISSISSIPPI STREETGANG ACT (§§ 97-44-1 — 97-44-19)Section 97-44-9 - Venue

(1)In an action brought under this chapter, venue shall lie in any county where an act charged in the complaint as part of a gang-related criminal activity was committed.(2)It shall not be necessary for all offenses necessary to establishing a criminal activity to have occurred in any one county where the district attorneys or county attorneys of several counties, or their designees, each complaining of any offense, elected to join in a complaint. In such instance, it shall be sufficient that the complaint, taken as a whole, alleges a gang-related criminal activity, and each count of any such joint complaint shall be considered as cumulative to other counts for purposes of alleging or demonstrating such an activity.(3)Where an activity is alleged to have been committed or to have occurred in more than one county, the district attorney or county attorney of each such county, or their designees, may join their several causes of action in a single complaint, which may be filed in any such county agreed to by or among them, but no such joinder shall be had without the consent of the district attorney or county attorney having jurisdiction over each offense alleged as part of the activity.Laws, 1996, ch. 513, § 5, eff. 7/1/1996. (1)In an action brought under this chapter, venue shall lie in any county where an act charged in the complaint as part of a gang-related criminal activity was committed.(2)It shall not be necessary for all offenses necessary to establishing a criminal activity to have occurred in any one county where the district attorneys or county attorneys of several counties, or their designees, each complaining of any offense, elected to join in a complaint. In such instance, it shall be sufficient that the complaint, taken as a whole, alleges a gang-related criminal activity, and each count of any such joint complaint shall be considered as cumulative to other counts for purposes of alleging or demonstrating such an activity.(3)Where an activity is alleged to have been committed or to have occurred in more than one county, the district attorney or county attorney of each such county, or their designees, may join their several causes of action in a single complaint, which may be filed in any such county agreed to by or among them, but no such joinder shall be had without the consent of the district attorney or county attorney having jurisdiction over each offense alleged as part of the activity.Laws, 1996, ch. 513, § 5, eff. 7/1/1996. Laws, 1996, ch. 513, § 5, eff. 7/1/1996.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 45 - COMPUTER CRIMES AND IDENTITY THEFT (§§ 97-45-1 — 97-45-33)Section 97-45-1 - Definitions

For the purposes of this chapter, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:(a)"Access" means to program, to execute programs on, to communicate with, store data in, retrieve data from or otherwise make use of any resources, including data or programs, of a computer, computer system or computer network.(b)"Computer" includes an electronic, magnetic, optical or other high-speed data processing device or system performing logical arithmetic and storage functions and includes any property, data storage facility or communications facility directly related to or operating in conjunction with such device or system. "Computer" shall not include an automated typewriter or typesetter, a

machine designed solely for word processing which contains no database intelligence or a portable hand-held calculator nor shall "computer" include any other device which contains components similar to those in computers but in which the components have the sole function of controlling the device for the single purpose for which the device is intended unless the thus controlled device is a processor of data or is a storage of intelligence in which case it too is included.(c)"Computer network" means a set of related, remotely connected devices and communication facilities including at least one (1) computer system with the capability to transmit data through communication facilities.(d)"Computer program" means an ordered set of data representing coded instructions or statements that when executed by a computer cause the computer to process data.(e)"Computer software" means a set of computer programs, procedures and associated documentation concerned with operation of a computer system.(f)"Computer system" means a set of functionally related, connected or unconnected, computer equipment, devices or computer software.(g)"Computer services" means providing access to or service or data from a computer, a computer system or a computer network and includes the actual data processing.(h)"Credible threat" means a threat made with the intent and the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety.(i)"Loss or damage" includes any reasonable cost to any victim, including the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred or other consequential damages incurred because of interruption of service.(j)"Device" includes, but is not limited to, an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic or other impulses.(k)"Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature, transmitted in whole or in part by a wire, radio, computer, electromagnetic, photoelectric or photo-optical system.(l)"Electronic mail" means the transmission of information or communication by the use of the Internet, a computer, a facsimile machine, a pager, a cellular telephone, a video recorder or other electronic means sent to a person identified by a unique address or address number and received by that person.(m)"Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.(n)"Financial instrument" means any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card as defined in Section 97-19-9(b), Mississippi Code of 1972, or marketable security.(o)"Financial transaction device" means any of the following:(i)An electronic funds transfer card.(ii)A credit card.(iii)A debit card.(iv)A point-of-sale card.(v)Any instrument, device, card, plate, code, account number, personal identification number, or a record or copy of a code, account number, or personal identification number or other means of access to a credit account or deposit account, or a driver's license or state identification card used to access a proprietary account, other than access originated solely by a paper instrument, that can be used alone or in conjunction with another access device, for any of the following purposes:1.Obtaining money, cash refund or credit account credit, goods, services or any other thing of value.2.Certifying or guaranteeing to a person or business the availability to the device holder of funds on deposit to honor a draft or check payable to the order of that person or business.3.Providing the device holder access to a deposit account for the purpose of making deposits, withdrawing funds, transferring funds between deposit accounts, obtaining information pertaining to a deposit account or making an electronic funds transfer.(p)"Intellectual property" includes data, computer programs, computer software, trade secrets, copyrighted materials and confidential or proprietary information in any form or medium when such is stored in, produced by or intended for use or storage with or in a computer, a computer system or a computer network.(q)"Internet" means that term as defined in Section 230 of Title II of the Communications Act of 1934, Chapter 652, 110 Stat. 137, 47 USCS 230.(r)"Medical records" includes, but is not limited to, medical and mental health histories, reports, summaries, diagnoses and prognoses, treatment and medication information, notes, entries, and x-rays and other imaging records.(s)"Personal identity information" means any of the following information of another person:(i)A social security number.(ii)A driver's license number, state personal identification card number or tribal identification card number.(iii)Employment information.(iv)Information regarding any financial account held by another person including, but not limited to, any of the following:1.A savings or checking account number.2.A financial transaction device account number.3.A stock or other security certificate or account number.4.A personal information number for an account described in items 1 through 4.(t)"Post a message" means transferring, sending, posting, publishing, disseminating, or otherwise communicating or attempting to transfer, send, post, publish, disseminate or otherwise communicate information, whether truthful or untruthful, about the victim.(u)"Property" means property as defined in Section 1-3-45, Mississippi Code of 1972, and shall specifically include, but not be limited to, financial instruments, electronically stored or produced data and computer programs, whether in machine readable or human readable form.(v)"Proper means" includes:(i)Discovery by independent invention;(ii)Discovery by "reverse engineering"; that is, by starting with the known product and working backward to find the method by which it was developed. The acquisition of the known product must be by lawful means;(iii)Discovery under license or authority of the owner;(iv)Observation of the property in public use or on public display; or(v)Discovery in published literature.(w)"Unconsented contact" means any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes any of the following:(i)Following or appearing within sight of the victim.(ii)Approaching or confronting the victim in a public place or on private property.(iii)Appearing at the victim's workplace or residence.(iv)Entering onto or remaining on property owned, leased or occupied by the victim.(v)Contacting the victim by telephone.(vi)Sending mail or electronic communications to the victim through the use of any medium, including the Internet or a computer, computer program, computer system or computer network.(vii)Placing an object on, or delivering or having delivered an object to, property owned, leased or occupied by the victim.(x)"Use" means to make use of, to convert to one's service, to avail oneself of or to employ. In the context of this chapter, "use" includes to instruct, communicate with, store data in or retrieve data from, or otherwise utilize the logical arithmetic or

memory functions of a computer.(y)"Victim" means the individual who is the target of the conduct elicited by the posted message or a member of that individual's immediate family.Laws, 1985, ch. 319, § 1; Laws, 2003, ch. 562, § 4, eff. 7/1/2003.Amended by Laws, 2021, ch. 378, HB 277,§ 15, eff. 7/1/2021. For the purposes of this chapter, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:(a)"Access" means to program, to execute programs on, to communicate with, store data in, retrieve data from or otherwise make use of any resources, including data or programs, of a computer, computer system or computer network.(b)"Computer" includes an electronic, magnetic, optical or other high-speed data processing device or system performing logical arithmetic and storage functions and includes any property, data storage facility or communications facility directly related to or operating in conjunction with such device or system. "Computer" shall not include an automated typewriter or typesetter, a machine designed solely for word processing which contains no database intelligence or a portable hand-held calculator nor shall "computer" include any other device which contains components similar to those in computers but in which the components have the sole function of controlling the device for the single purpose for which the device is intended unless the thus controlled device is a processor of data or is a storage of intelligence in which case it too is included.(c)"Computer network" means a set of related, remotely connected devices and communication facilities including at least one (1) computer system with the capability to transmit data through communication facilities.(d)"Computer program" means an ordered set of data representing coded instructions or statements that when executed by a computer cause the computer to process data.(e)"Computer software" means a set of computer programs, procedures and associated documentation concerned with operation of a computer system.(f)"Computer system" means a set of functionally related, connected or unconnected, computer equipment, devices or computer software.(g)"Computer services" means providing access to or service or data from a computer, a computer system or a computer network and includes the actual data processing.(h)"Credible threat" means a threat made with the intent and the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety.(i)"Loss or damage" includes any reasonable cost to any victim, including the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred or other consequential damages incurred because of interruption of service.(j)"Device" includes, but is not limited to, an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic or other impulses.(k)"Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature, transmitted in whole or in part by a wire, radio, computer, electromagnetic, photoelectric or photo-optical system.(l)"Electronic mail" means the transmission of information or communication by the use of the Internet, a computer, a facsimile machine, a pager, a cellular telephone, a video recorder or other electronic means sent to a person identified by a unique address or address number and received by that person.(m)"Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.(n)"Financial instrument" means any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card as defined in Section97-19-9(b), Mississippi Code of 1972, or marketable security.(o)"Financial transaction device" means any of the following:(i)An electronic funds transfer card.(ii)A credit card.(iii)A debit card.(iv)A point-of-sale card.(v)Any instrument, device, card, plate, code, account number, personal identification number, or a record or copy of a code, account number, or personal identification number or other means of access to a credit account or deposit account, or a driver's license or state identification card used to access a proprietary account, other than access originated solely by a paper instrument, that can be used alone or in conjunction with another access device, for any of the following purposes.1.Obtaining money, cash refund or credit account credit, goods, services or any other thing of value.2.Certifying or guaranteeing to a person or business the availability to the device holder of funds on deposit to honor a draft or check payable to the order of that person or business.3.Providing the device holder access to a deposit account for the purpose of making deposits, withdrawing funds, transferring funds between deposit accounts, obtaining information pertaining to a deposit account or making an electronic funds transfer.(p)"Intellectual property" includes data, computer programs, computer software, trade secrets, copyrighted materials and confidential or proprietary information in any form or medium when such is stored in, produced by or intended for use or storage with or in a computer, a computer system or a computer network.(q)"Internet" means that term as defined in Section 230 of Title II of the Communications Act of 1934, Chapter 652, 110 Stat. 137, 47 USCS 230.(r)"Medical records" includes, but is not limited to, medical and mental health histories, reports, summaries, diagnoses and prognoses, treatment and medication information, notes, entries, and x-rays and other imaging records.(s)"Personal identity information" means any of the following information of another person:(i)A social security number.(ii)A driver's license number, state personal identification card number or tribal identification card number.(iii)Employment information.(iv)Information regarding any financial account held by another person including, but not limited to, any of the following:1.A savings or checking account number.2.A financial transaction device account number.3.A stock or other security certificate or account number.4.A personal information number for an account described in items 1 through 4.(t)"Post a message" means transferring, sending, posting, publishing, disseminating, or otherwise communicating or attempting to transfer, send, post, publish, disseminate or otherwise communicate information, whether truthful or untruthful, about the victim.(u)"Property" means property as defined in Section1-3-45, Mississippi Code of 1972, and shall specifically include, but not be limited to, financial instruments, electronically stored or produced data and computer programs, whether in machine readable or human readable form.(v)"Proper means" includes:(i)Discovery by independent invention;(ii)Discovery by "reverse engineering"; that is, by starting with the known product and working backward to find the method by which it was developed. The acquisition of the known product must be by lawful means;(iii)Discovery under license or authority of the owner;(iv)Observation of the property in public use or on public display; or(v)Discovery in published literature.(w)"Unconsented contact" means any contact with another

individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes any of the following:(i)Following or appearing within sight of the victim.(ii)Approaching or confronting the victim in a public place or on private property.(iii)Appearing at the victim's workplace or residence.(iv)Entering onto or remaining on property owned, leased or occupied by the victim.(v)Contacting the victim by telephone.(vi)Sending mail or electronic communications to the victim through the use of any medium, including the Internet or a computer, computer program, computer system or computer network.(vii)Placing an object on, or delivering or having delivered an object to, property owned, leased or occupied by the victim.(x)"Use" means to make use of, to convert to one's service, to avail oneself of or to employ. In the context of this chapter, "use" includes to instruct, communicate with, store data in or retrieve data from, or otherwise utilize the logical arithmetic or memory functions of a computer.(y)"Victim" means the individual who is the target of the conduct elicited by the posted message or a member of that individual's immediate family.Laws, 1985, ch. 319, § 1; Laws, 2003, ch. 562, § 4, eff. 7/1/2003.Amended by Laws, 2021, ch. 378, HB 277,§ 15, eff. 7/1/2021. 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"Computer" shall not include an automated typewriter or typesetter, a machine designed solely for word processing which contains no database intelligence or a portable hand-held calculator nor shall "computer" include any other device which contains components similar to those in computers but in which the components have the sole function of controlling the device for the single purpose for which the device is intended unless the thus controlled device is a processor of data or is a storage of intelligence in which case it too is included.(c)"Computer network" means a set of related, remotely connected devices and communication facilities including at least one (1) computer system with the capability to transmit data through communication facilities.(d)"Computer program" means an ordered set of data representing coded instructions or statements that when executed by a computer cause the computer to process data.(e)"Computer software" means a set of computer programs, procedures and associated documentation concerned with operation of a computer system.(f)"Computer system" means a set of functionally related, connected or unconnected, computer equipment, devices or computer software.(g)"Computer services" means providing access to or service or data from a computer, a computer system or a computer network and includes the actual data processing.(h)"Credible threat" means a threat made with the intent and the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety.(i)"Loss or damage" includes any reasonable cost to any victim, including the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred or other consequential damages incurred because of interruption of service.(j)"Device" includes, but is not limited to, an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic or other impulses.(k)"Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature, transmitted in whole or in part by a wire, radio, computer, electromagnetic, photoelectric or photo-optical system.(l)"Electronic mail" means the transmission of information or communication by the use of the Internet, a computer, a facsimile machine, a pager, a cellular telephone, a video recorder or other electronic means sent to a person identified by a unique address or address number and received by that person.(m)"Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.(n)"Financial instrument" means any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card as defined in Section97-19-9(b), Mississippi Code of 1972, or marketable security.(o)"Financial transaction device" means any of the following:(i)An electronic funds transfer card.(ii)A credit card.(iii)A debit card.(iv)A point-of-sale card.(v)Any instrument, device, card, plate, code, account number, personal identification number, or a record or copy of a code, account number, or personal identification number or other means of access to a credit account or deposit account, or a driver's license or state identification card used to access a proprietary account, other than access originated solely by a paper instrument, that can be used alone or in conjunction with another access device, for any of the following purposes.1.Obtaining money, cash refund or credit account credit, goods, services or any other thing of value.2.Certifying or guaranteeing to a person or business the availability to the device holder of funds on deposit to honor a draft or check payable to the order of that person or business.3.Providing the device holder access to a deposit account for the purpose of making deposits, withdrawing funds, transferring funds between deposit accounts, obtaining information pertaining to a deposit account or making an electronic funds transfer.(p)"Intellectual property" includes data, computer programs, computer software, trade secrets, copyrighted materials and confidential or proprietary information in any form or medium when such is stored in, produced by or intended for use or storage with or in a computer, a computer system or a computer network.(q)"Internet" means that term as defined in Section 230 of Title II of the Communications Act of 1934, Chapter 652, 110 Stat. 137, 47 USCS 230.(r)"Medical records" includes, but is not limited to, medical and mental health histories, reports, summaries, diagnoses and prognoses, treatment and medication information, notes, entries, and x-rays and other imaging records.(s)"Personal identity information" means any of the following information of another person:(i)A social security number.(ii)A driver's license number, state personal identification card number or tribal identification card number.(iii)Employment information.(iv)Information regarding any financial account held by another person including, but not limited to, any of the following:1.A savings or checking account number.2.A financial transaction device account number.3.A stock or other security certificate or account number.4.A personal information number for an account described in items 1 through

4.(t)"Post a message" means transferring, sending, posting, publishing, disseminating, or otherwise communicating or attempting to transfer, send, post, publish, disseminate or otherwise communicate information, whether truthful or untruthful, about the victim.(u)"Property" means property as defined in Section 1-3-45, Mississippi Code of 1972, and shall specifically include, but not be limited to, financial instruments, electronically stored or produced data and computer programs, whether in machine readable or human readable form.(v)"Proper means" includes:(i)Discovery by independent invention;(ii)Discovery by "reverse engineering"; that is, by starting with the known product and working backward to find the method by which it was developed. The acquisition of the known product must be by lawful means;(iii)Discovery under license or authority of the owner;(iv)Observation of the property in public use or on public display; or(v)Discovery in published literature.(w)"Unconsented contact" means any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes any of the following:(i)Following or appearing within sight of the victim.(ii)Approaching or confronting the victim in a public place or on private property.(iii)Appearing at the victim's workplace or residence.(iv)Entering onto or remaining on property owned, leased or occupied by the victim.(v)Contacting the victim by telephone.(vi)Sending mail or electronic communications to the victim through the use of any medium, including the Internet or a computer, computer program, computer system or computer network.(vii)Placing an object on, or delivering or having delivered an object to, property owned, leased or occupied by the victim.(x)"Use" means to make use of, to convert to one's service, to avail oneself of or to employ. In the context of this chapter, "use" includes to instruct, communicate with, store data in or retrieve data from, or otherwise utilize the logical arithmetic or memory functions of a computer.(y)"Victim" means the individual who is the target of the conduct elicited by the posted message or a member of that individual's immediate family.Laws, 1985, ch. 319, § 1; Laws, 2003, ch. 562, § 4, eff. 7/1/2003.Amended by Laws, 2021, ch. 378, HB 277, § 15, eff. 7/1/2021. For the purposes of this chapter, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise: Laws, 1985, ch. 319, § 1; Laws, 2003, ch. 562, § 4, eff. 7/1/2003. Amended by Laws, 2021, ch. 378, HB 277, § 15, eff. 7/1/2021.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 45 - COMPUTER CRIMES AND IDENTITY THEFT (§§ 97-45-1 — 97-45-33) Section 97-45-11 - Venue

For the purposes of venue under the provisions of this chapter, any violation of this chapter shall be considered to have been committed:(a)In any county in which any act was performed in furtherance of any transaction violating this chapter; and(b)In any county from which, to which or through which any access to a computer, computer system or computer network was made, whether by wire, electromagnetic waves, microwaves or any other means of communication.Laws, 1985, ch. 319, § 6, eff. 7/1/1985. For the purposes of venue under the provisions of this chapter, any violation of this chapter shall be considered to have been committed:(a)In any county in which any act was performed in furtherance of any transaction violating this chapter; and(b)In any county from which, to which or through which any access to a computer, computer system or computer network was made, whether by wire, electromagnetic waves, microwaves or any other means of communication.Laws, 1985, ch. 319, § 6, eff. 7/1/1985. For the purposes of venue under the provisions of this chapter, any violation of this chapter shall be considered to have been committed:(a)In any county in which any act was performed in furtherance of any transaction violating this chapter; and(b)In any county from which, to which or through which any access to a computer, computer system or computer network was made, whether by wire, electromagnetic waves, microwaves or any other means of communication.Laws, 1985, ch. 319, § 6, eff. 7/1/1985. For the purposes of venue under the provisions of this chapter, any violation of this chapter shall be considered to have been committed: Laws, 1985, ch. 319, § 6, eff. 7/1/1985.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 45 - COMPUTER CRIMES AND IDENTITY THEFT (§§ 97-45-1 — 97-45-33) Section 97-45-13 - Effect on other offenses

The criminal offenses created by this chapter shall not be deemed to supersede, or repeal, any other criminal offense.Laws, 1985, ch. 319, § 7, eff. 7/1/1985. The criminal offenses created by this chapter shall not be deemed to supersede, or repeal, any other criminal offense.Laws, 1985, ch. 319, § 7, eff. 7/1/1985. The criminal offenses created by this chapter shall not be deemed to supersede, or repeal, any other criminal offense.Laws, 1985, ch. 319, § 7, eff. 7/1/1985. The criminal offenses created by this chapter shall not be deemed to supersede, or repeal, any other criminal offense. Laws, 1985, ch. 319, § 7, eff. 7/1/1985.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 45 - COMPUTER CRIMES AND IDENTITY THEFT (§§ 97-45-1 — 97-45-33) Section 97-45-15 - "Cyberstalking"; penalties

(1)It is unlawful for a person to:(a)Use in electronic mail or electronic communication any words or language threatening to inflict bodily harm to any person or to that person's child, sibling, spouse or dependent, or physical injury to the property of any person, or for the purpose of extorting money or other things of value from any person.(b)Electronically mail or electronically communicate to another repeatedly, whether or not conversation ensues, for the purpose of threatening, terrifying or harassing any person.(c)Electronically mail or electronically communicate to another and to knowingly make any false statement concerning death, injury, illness, disfigurement, indecent conduct, or criminal conduct of the person electronically mailed or of any member of the person's family or household with the intent to threaten, terrify or harass.(d)Knowingly permit an electronic communication device under the person's control to be used for any purpose prohibited by this section.(2)Whoever commits the offense of cyberstalking shall be punished, upon conviction:(a)Except as provided herein, the person is guilty of a felony punishable by imprisonment for not more than two (2) years or a fine of not more than Five Thousand Dollars (\$5,000.00), or both.(b)If any of the

following apply, the person is guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both: (i) The offense is in violation of a restraining order and the person has received actual notice of that restraining order or posting the message is in violation of an injunction or preliminary injunction. (ii) The offense is in violation of a condition of probation, a condition of parole, a condition of pretrial release or a condition of release on bond pending appeal. (iii) The offense results in a credible threat being communicated to the victim, a member of the victim's family, or another individual living in the same household as the victim. (iv) The person has been previously convicted of violating this section or a substantially similar law of another state, a political subdivision of another state, or of the United States. (3) This section does not apply to any peaceable, nonviolent, or nonthreatening activity intended to express political views or to provide lawful information to others. This section shall not be construed to impair any constitutionally protected activity, including speech, protest or assembly. Laws, 2003, ch. 562, § 6, eff. 7/1/2003. (1) It is unlawful for a person to: (a) Use in electronic mail or electronic communication any words or language threatening to inflict bodily harm to any person or to that person's child, sibling, spouse or dependent, or physical injury to the property of any person, or for the purpose of extorting money or other things of value from any person. (b) Electronically mail or electronically communicate to another repeatedly, whether or not conversation ensues, for the purpose of threatening, terrifying or harassing any person. (c) Electronically mail or electronically communicate to another and to knowingly make any false statement concerning death, injury, illness, disfigurement, indecent conduct, or criminal conduct of the person electronically mailed or of any member of the person's family or household with the intent to threaten, terrify or harass. (d) Knowingly permit an electronic communication device under the person's control to be used for any purpose prohibited by this section. (2) Whoever commits the offense of cyberstalking shall be punished, upon conviction: (a) Except as provided herein, the person is guilty of a felony punishable by imprisonment for not more than two (2) years or a fine of not more than Five Thousand Dollars (\$5,000.00), or both. (b) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both: (i) The offense is in violation of a restraining order and the person has received actual notice of that restraining order or posting the message is in violation of an injunction or preliminary injunction. (ii) The offense is in violation of a condition of probation, a condition of parole, a condition of pretrial release or a condition of release on bond pending appeal. (iii) The offense results in a credible threat being communicated to the victim, a member of the victim's family, or another individual living in the same household as the victim. (iv) The person has been previously convicted of violating this section or a substantially similar law of another state, a political subdivision of another state, or of the United States. (3) This section does not apply to any peaceable, nonviolent, or nonthreatening activity intended to express political views or to provide lawful information to others. This section shall not be construed to impair any constitutionally protected activity, including speech, protest or assembly. Laws, 2003, ch. 562, § 6, eff. 7/1/2003. (1) It is unlawful for a person to: (a) Use in electronic mail or electronic communication any words or language threatening to inflict bodily harm to any person or to that person's child, sibling, spouse or dependent, or physical injury to the property of any person, or for the purpose of extorting money or other things of value from any person. (b) Electronically mail or electronically communicate to another repeatedly, whether or not conversation ensues, for the purpose of threatening, terrifying or harassing any person. (c) Electronically mail or electronically communicate to another and to knowingly make any false statement concerning death, injury, illness, disfigurement, indecent conduct, or criminal conduct of the person electronically mailed or of any member of the person's family or household with the intent to threaten, terrify or harass. (d) Knowingly permit an electronic communication device under the person's control to be used for any purpose prohibited by this section. (2) Whoever commits the offense of cyberstalking shall be punished, upon conviction: (a) Except as provided herein, the person is guilty of a felony punishable by imprisonment for not more than two (2) years or a fine of not more than Five Thousand Dollars (\$5,000.00), or both. (b) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both: (i) The offense is in violation of a restraining order and the person has received actual notice of that restraining order or posting the message is in violation of an injunction or preliminary injunction. (ii) The offense is in violation of a condition of probation, a condition of parole, a condition of pretrial release or a condition of release on bond pending appeal. (iii) The offense results in a credible threat being communicated to the victim, a member of the victim's family, or another individual living in the same household as the victim. (iv) The person has been previously convicted of violating this section or a substantially similar law of another state, a political subdivision of another state, or of the United States. (3) This section does not apply to any peaceable, nonviolent, or nonthreatening activity intended to express political views or to provide lawful information to others. This section shall not be construed to impair any constitutionally protected activity, including speech, protest or assembly. Laws, 2003, ch. 562, § 6, eff. 7/1/2003. Laws, 2003, ch. 562, § 6, eff. 7/1/2003.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 45 - COMPUTER CRIMES AND IDENTITY THEFT (§§ 97-45-1 — 97-45-33) Section 97-45-17 - Posting of messages through electronic media for purpose of causing injury to any person; penalties

(1) A person shall not post a message for the purpose of causing injury to any person through the use of any medium of communication, including the Internet or a computer, computer program, computer system or computer network, or other electronic medium of communication without the victim's consent, for the purpose of causing injury to any person. (2) A person who violates this section, upon conviction, shall be guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both. Laws, 2003, ch. 562, § 7, eff. 7/1/2003. (1) A person shall not post a message for the purpose of causing injury to any person through the use of any medium of communication, including the Internet or a

computer, computer program, computer system or computer network, or other electronic medium of communication without the victim's consent, for the purpose of causing injury to any person.(2)A person who violates this section, upon conviction, shall be guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.Laws, 2003, ch. 562, § 7, eff. 7/1/2003. (1)A person shall not post a message for the purpose of causing injury to any person through the use of any medium of communication, including the Internet or a computer, computer program, computer system or computer network, or other electronic medium of communication without the victim's consent, for the purpose of causing injury to any person.(2)A person who violates this section, upon conviction, shall be guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.Laws, 2003, ch. 562, § 7, eff. 7/1/2003. Laws, 2003, ch. 562, § 7, eff. 7/1/2003.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 45 - COMPUTER CRIMES AND IDENTITY THEFT (§§ 97-45-1 — 97-45-33)Section 97-45-19 - Identity theft

(1)A person shall not obtain or attempt to obtain personal identity information of another person with the intent to unlawfully use that information for any of the following purposes without that person's authorization:(a)To obtain financial credit.(b)To purchase or otherwise obtain or lease any real or personal property.(c)To obtain employment.(d)To obtain access to medical records or information contained in medical records.(e)To commit any illegal act.(2)(a)A person who violates this section is guilty of a felony punishable by imprisonment for not less than two (2) nor more than fifteen (15) years or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(b)Notwithstanding the provisions of paragraph (a) of this subsection (2), if the violation involves an amount of less than Two Hundred Fifty Dollars (\$250.00), a person who violates this section may be found guilty of a misdemeanor punishable by imprisonment in the county jail for a term of not more than six (6) months, or by a fine of not more than One Thousand Dollars (\$1,000.00), or both, in the discretion of the court.(c)For purposes of determining the amount of the violation, the value of all goods, property, services and other things of value obtained or attempted to be obtained by the use of an individual's identity information shall be aggregated.(3)This section does not prohibit the person from being charged with, convicted of, or sentenced for any other violation of law committed by that person using information obtained in violation of this section.(4)This section does not apply to a person who obtains or attempts to obtain personal identity information of another person pursuant to the discovery process of a civil action, an administrative proceeding or an arbitration proceeding.(5)Upon the request of a person whose identifying information was appropriated, the Attorney General may provide assistance to the victim in obtaining information to correct inaccuracies or errors in the person's credit report or other identifying information; however, no legal representation shall be afforded such person by the Office of the Attorney General.(6)A person convicted under this section or under Section97-19-85shall be ordered to pay restitution as provided in Section99-37-1et seq., and any legal interest in addition to any other fine or imprisonment which may be imposed.Laws, 2003, ch. 562, § 8; Laws, 2004, ch. 526, § 1, eff. 7/1/2004.Brought forward by Laws, 2014, ch. 457, HB 585, 35, eff. 7/1/2014. (1)A person shall not obtain or attempt to obtain personal identity information of another person with the intent to unlawfully use that information for any of the following purposes without that person's authorization:(a)To obtain financial credit.(b)To purchase or otherwise obtain or lease any real or personal property.(c)To obtain employment.(d)To obtain access to medical records or information contained in medical records.(e)To commit any illegal act.(2)(a)A person who violates this section is guilty of a felony punishable by imprisonment for not less than two (2) nor more than fifteen (15) years or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(b)Notwithstanding the provisions of paragraph (a) of this subsection (2), if the violation involves an amount of less than Two Hundred Fifty Dollars (\$250.00), a person who violates this section may be found guilty of a misdemeanor punishable by imprisonment in the county jail for a term of not more than six (6) months, or by a fine of not more than One Thousand Dollars (\$1,000.00), or both, in the discretion of the court.(c)For purposes of determining the amount of the violation, the value of all goods, property, services and other things of value obtained or attempted to be obtained by the use of an individual's identity information shall be aggregated.(3)This section does not prohibit the person from being charged with, convicted of, or sentenced for any other violation of law committed by that person using information obtained in violation of this section.(4)This section does not apply to a person who obtains or attempts to obtain personal identity information of another person pursuant to the discovery process of a civil action, an administrative proceeding or an arbitration proceeding.(5)Upon the request of a person whose identifying information was appropriated, the Attorney General may provide assistance to the victim in obtaining information to correct inaccuracies or errors in the person's credit report or other identifying information; however, no legal representation shall be afforded such person by the Office of the Attorney General.(6)A person convicted under this section or under Section97-19-85shall be ordered to pay restitution as provided in Section99-37-1et seq., and any legal interest in addition to any other fine or imprisonment which may be imposed.Laws, 2003, ch. 562, § 8; Laws, 2004, ch. 526, § 1, eff. 7/1/2004.Brought forward by Laws, 2014, ch. 457, HB 585, 35, eff. 7/1/2014. (1)A person shall not obtain or attempt to obtain personal identity information of another person with the intent to unlawfully use that information for any of the following purposes without that person's authorization:(a)To obtain financial credit.(b)To purchase or otherwise obtain or lease any real or personal property.(c)To obtain employment.(d)To obtain access to medical records or information contained in medical records.(e)To commit any illegal act.(2)(a)A person who violates this section is guilty of a felony punishable by imprisonment for not less than two (2) nor more than fifteen (15) years or a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(b)Notwithstanding the provisions of paragraph (a) of this subsection (2), if the violation involves an amount of less than Two Hundred Fifty Dollars (\$250.00), a person who violates this section may be found guilty of a misdemeanor punishable by imprisonment in the county jail for a term of not more than six (6) months, or by a fine of not more than One Thousand Dollars (\$1,000.00), or both, in the discretion of the court.(c)For purposes of determining the amount of the violation, the value of all goods, property, services and other things of value obtained or attempted to be obtained by the use of an individual's identity information shall be aggregated.(3)This section does not prohibit the person from being charged with, convicted of, or sentenced for any other violation of law committed by that person using information obtained in violation of this section.(4)This section does not apply to a person who obtains or attempts to obtain personal identity information of another person pursuant to the discovery process of a civil action, an administrative proceeding or an arbitration proceeding.(5)Upon the request of a person whose identifying information was appropriated, the Attorney General may provide assistance to the victim in obtaining information to correct inaccuracies or errors in the person's credit report or other identifying information; however, no legal representation shall be afforded such person by the Office of the Attorney General.(6)A person convicted under this section or under Section97-19-85shall be ordered to pay restitution as provided in Section99-37-1et seq., and any legal interest in addition to any other fine or imprisonment which may be imposed.Laws, 2003, ch. 562, § 8; Laws, 2004, ch. 526, § 1, eff. 7/1/2004.Brought forward by Laws, 2014, ch. 457, HB 585, 35, eff. 7/1/2014.

(\$1,000.00), or both, in the discretion of the court.(c)For purposes of determining the amount of the violation, the value of all goods, property, services and other things of value obtained or attempted to be obtained by the use of an individual's identity information shall be aggregated.(3)This section does not prohibit the person from being charged with, convicted of, or sentenced for any other violation of law committed by that person using information obtained in violation of this section.(4)This section does not apply to a person who obtains or attempts to obtain personal identity information of another person pursuant to the discovery process of a civil action, an administrative proceeding or an arbitration proceeding.(5)Upon the request of a person whose identifying information was appropriated, the Attorney General may provide assistance to the victim in obtaining information to correct inaccuracies or errors in the person's credit report or other identifying information; however, no legal representation shall be afforded such person by the Office of the Attorney General.(6)A person convicted under this section or under Section97-19-85shall be ordered to pay restitution as provided in Section99-37-1et seq., and any legal interest in addition to any other fine or imprisonment which may be imposed.Laws, 2003, ch. 562, § 8; Laws, 2004, ch. 526, § 1, eff. 7/1/2004.Brought forward by Laws, 2014, ch. 457, HB 585, 35, eff. 7/1/2014. Laws, 2003, ch. 562, § 8; Laws, 2004, ch. 526, § 1, eff. 7/1/2004. Brought forward by Laws, 2014, ch. 457, HB 585, 35, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 45 - COMPUTER CRIMES AND IDENTITY THEFT (§§ 97-45-1 — 97-45-33)Section 97-45-2 - Identity theft; definitions; investigative authority of Attorney General; form of subpoena; enforcement and penal provisions; refusal to produce documents as requested by subpoena; confidentiality of information

(1)For the purposes of this chapter, "identity theft" includes crimes chargeable under the following provisions of law:(a)Section97-9-79, which relates to false information.(b)Section97-19-83, which relates to fraud by mail or other means of communication.(c)Section97-19-85, which relates to the fraudulent use of identity social security number, credit card or debit card number or other identifying information.(d)Section97-45-19, which relates to obtaining personal identity information of another person without authorization.(2)(a)In conducting identity theft investigations, the Attorney General shall have the authority to issue and serve subpoenas to any person in control of any designated documents for the production of such documents, including, but not limited to, writings, drawings, graphs, charts, photographs, phono-records and other data compilations from which information can be obtained, or translated through detection devices into reasonably usable form. Such subpoenas shall require the named person, his agent or attorney, to appear and deliver the designated documents to a location in the county of his residence unless the court for good cause shown directs that the subpoena be issued for the person to deliver such documents to a location outside of the county of his residence. Mere convenience of the Attorney General shall not be considered good cause. The Attorney General or his designee shall have the authority to inspect and copy such documents. Such subpoenas shall be issued only upon the ex parte and in camera application of the Attorney General to the circuit or chancery court of the county of residence of the person in control of the documents or the circuit or chancery court of the county where the person in control of the documents may be found, and only upon a showing that the documents sought are relevant to a criminal investigation under this chapter or may lead to the discovery of such relevant evidence. Thereafter said court shall have jurisdiction to enforce or quash such subpoenas and to enter appropriate orders thereon, and nothing contained in this section shall affect the right of a person to assert a claim that the information sought is privileged by law.(b)A subpoena issued pursuant to this subsection shall be in substantially the following form:SUBPOENA TO PRODUCE DOCUMENTS PURSUANTTO AN INVESTIGATION BY THE ATTORNEY GENERALTO:YOU ARE HEREBY COMMANDED to appear before the Attorney General of the State of Mississippi or his designated staff attorney at the place, date and time specified below in an investigation being conducted by the Attorney General pursuant to Section _____, Mississippi Code of 1972:Place _____ Date and Time _____ YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s) _____. You are advised that the _____ Court of the _____ Judicial District of _____ County, Mississippi, has approved the ex parte and in camera application of the Attorney General to issue this subpoena, and jurisdiction to enforce and/or quash the subpoena and to enter appropriate orders thereon is statutorily vested in the said court; enforcement and penal provisions applicable to an Attorney General's investigation include those set forth in Section _____, Mississippi Code of 1972; and disclosure of testimony and/or records coming into possession of the Attorney General pursuant to this subpoena shall be limited by and subject to the provisions of said section (for informational purposes, these cited statutes are reproduced on the reverse side of this subpoena).You may wish to consult an attorney in regard to this subpoena. You have certain state and federal constitutional rights, including your protection against self-incrimination and unreasonable search and seizure which this subpoena may affect.ISSUED BY AND UNDER SEAL OF THE ATTORNEY GENERAL OF THE STATE OF MISSISSIPPI, this the _____ day of _____, 20____.(SEAL)_____(c)Following service of any subpoena, pursuant to the provisions of this subsection, a record of the return shall be made and kept by the Attorney General and subject only to such disclosure as may be authorized pursuant to the provisions of this section.(3)Enforcement and penal provisions applicable to an investigation under this section shall include the following:(a)If a person who has been served with a subpoena, which has been issued and served upon him in accordance with the provisions of this section, shall fail to deliver or have delivered the designated documents at the time and place required in the subpoena, on application of the Attorney General the circuit or chancery court having approved the issuance of the subpoena may issue an attachment for such person, returnable immediately, or at such time and place as the court may direct. Bond may be required and fine imposed and proceedings had thereon as in the case of a subpoenaed witness who fails to appear in circuit or chancery court.(b)Every person who shall knowingly and

willfully obstruct, interfere with or impede an investigation under this section by concealing or destroying any documents, papers or other tangible evidence which are relevant to an investigation under this section shall be guilty of a felony and, upon conviction, shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.(c)Every person who shall knowingly and willfully endeavor, by means of bribery, force or intimidation, to obstruct, delay or prevent the communication of information to any agent or employee of the Office of the Attorney General or who injures another person for the purpose of preventing the communication of such information or an account of the giving of such information relevant to an investigation under this section shall be guilty of a felony and, upon conviction, shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.(d)The provisions of paragraphs (a), (b) and (c) of this subsection shall not prohibit the enforcement of, or prosecution under, any other statutes of this state.(4)(a)If any person shall refuse, or is likely to refuse, on the basis of his privilege against self-incrimination, to produce the designated documents as requested by a subpoena issued under this section or issued by a court, the Attorney General may request the court, ex parte and in camera, to issue an order requiring such person to produce the documents information which he refuses to give or provide on the basis of his privilege against self-incrimination. The Attorney General may request said order under this subsection when, in his judgment:(i)The documents sought from such individual may be necessary to the public interest; and(ii)Such individual has refused or is likely to refuse to produce the designated document on the basis of his privilege against self-incrimination.Following such request, an order shall issue in accordance with this section requiring such person to produce the documents which he refuses to produce on the basis of his privilege against self-incrimination.(b)Whenever a witness refuses, on the basis of his privilege against self-incrimination, to produce documents, and the court issues to the witness an order under paragraph (a) of this subsection, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination, but no documents or information compelled under the aforesaid order, or any information directly or indirectly derived from such documents may be used against the witness in any criminal proceeding, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.(5)Documents in the possession of the Attorney General gathered pursuant to the provisions of this section and subpoenas issued by him shall be maintained in confidential files with access limited to prosecutorial and other law enforcement investigative personnel on a "need to know" basis and shall be exempt from the provisions of the Mississippi Public Records Act of 1983, except that upon the filing of an indictment or information, or upon the filing of an action for recovery of property, funds or fines, such documents shall be subject to such disclosure as may be required pursuant to the applicable statutes or court rules governing the trial of any such judicial proceeding.(6)No person, including the Attorney General, a member of his staff, prosecuting attorney, law enforcement officer, witness, court reporter, attorney or other person, shall disclose to an unauthorized person documents, including subpoenas issued and served, gathered by the Attorney General pursuant to the provisions of this section, except that upon the filing of an indictment or information, or upon the filing of an action for recovery of property, funds or fines, or in other legal proceedings, such documents shall be subject to such disclosure as may be required pursuant to applicable statutes and court rules governing the trial of any such judicial proceeding. In event of an unauthorized disclosure of any such documents gathered by the Attorney General pursuant to the provisions of this section, the person making any such unauthorized disclosure shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or imprisonment of not more than six (6) months, or by both such fine and imprisonment.(7)The powers of the Attorney General under this section shall not diminish the powers of local authorities to investigate or prosecute any type of identity theft crime or any other criminal conduct within their respective jurisdictions, and the provisions of this section shall be in addition to the powers and authority previously granted the Attorney General by common, constitutional, statutory or case law.Laws, 2004, ch. 526, § 6, eff. 7/1/2004. (1)For the purposes of this chapter, "identity theft" includes crimes chargeable under the following provisions of law:(a)Section97-9-79, which relates to false information.(b)Section97-19-83, which relates to fraud by mail or other means of communication.(c)Section97-19-85, which relates to the fraudulent use of identity social security number, credit card or debit card number or other identifying information.(d)Section97-45-19, which relates to obtaining personal identity information of another person without authorization.(2)(a)In conducting identity theft investigations, the Attorney General shall have the authority to issue and serve subpoenas to any person in control of any designated documents for the production of such documents, including, but not limited to, writings, drawings, graphs, charts, photographs, phono-records and other data compilations from which information can be obtained, or translated through detection devices into reasonably usable form. Such subpoenas shall require the named person, his agent or attorney, to appear and deliver the designated documents to a location in the county of his residence unless the court for good cause shown directs that the subpoena be issued for the person to deliver such documents to a location outside of the county of his residence. Mere convenience of the Attorney General shall not be considered good cause. The Attorney General or his designee shall have the authority to inspect and copy such documents. Such subpoenas shall be issued only upon the ex parte and in camera application of the Attorney General to the circuit or chancery court of the county of residence of the person in control of the documents or the circuit or chancery court of the county where the person in control of the documents may be found, and only upon a showing that the documents sought are relevant to a criminal investigation under this chapter or may lead to the discovery of such relevant evidence. Thereafter said court shall have jurisdiction to enforce or quash such subpoenas and to enter appropriate orders thereon, and nothing contained in this section shall affect the right of a person to assert a claim that the information sought is privileged by law.(b)A subpoena issued pursuant to this subsection shall be in substantially the following form:SUBPOENA TO PRODUCE DOCUMENTS PURSUANT TO AN INVESTIGATION BY THE ATTORNEY GENERAL TO:YOU ARE HEREBY COMMANDED to appear before the Attorney General of the State of Mississippi or his designated staff attorney at the place, date

and time specified below in an investigation being conducted by the Attorney General pursuant to Section _____, Mississippi Code of 1972: Place _____ Date and Time _____ YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s) _____. You are advised that the _____ Court of the _____ Judicial District of _____ County, Mississippi, has approved the ex parte and in camera application of the Attorney General to issue this subpoena, and jurisdiction to enforce and/or quash the subpoena and to enter appropriate orders thereon is statutorily vested in the said court; enforcement and penal provisions applicable to an Attorney General's investigation include those set forth in Section _____, Mississippi Code of 1972; and disclosure of testimony and/or records coming into possession of the Attorney General pursuant to this subpoena shall be limited by and subject to the provisions of said section (for informational purposes, these cited statutes are reproduced on the reverse side of this subpoena). You may wish to consult an attorney in regard to this subpoena. You have certain state and federal constitutional rights, including your protection against self-incrimination and unreasonable search and seizure which this subpoena may affect. ISSUED BY AND UNDER SEAL OF THE ATTORNEY GENERAL OF THE STATE OF MISSISSIPPI, this the _____ day of _____, 20_____. (SEAL) _____ (c) Following service of any subpoena, pursuant to the provisions of this subsection, a record of the return shall be made and kept by the Attorney General and subject only to such disclosure as may be authorized pursuant to the provisions of this section. (3) Enforcement and penal provisions applicable to an investigation under this section shall include the following: (a) If a person who has been served with a subpoena, which has been issued and served upon him in accordance with the provisions of this section, shall fail to deliver or have delivered the designated documents at the time and place required in the subpoena, on application of the Attorney General the circuit or chancery court having approved the issuance of the subpoena may issue an attachment for such person, returnable immediately, or at such time and place as the court may direct. Bond may be required and fine imposed and proceedings had thereon as in the case of a subpoenaed witness who fails to appear in circuit or chancery court. (b) Every person who shall knowingly and willfully obstruct, interfere with or impede an investigation under this section by concealing or destroying any documents, papers or other tangible evidence which are relevant to an investigation under this section shall be guilty of a felony and, upon conviction, shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment. (c) Every person who shall knowingly and willfully endeavor, by means of bribery, force or intimidation, to obstruct, delay or prevent the communication of information to any agent or employee of the Office of the Attorney General or who injures another person for the purpose of preventing the communication of such information or an account of the giving of such information relevant to an investigation under this section shall be guilty of a felony and, upon conviction, shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment. (d) The provisions of paragraphs (a), (b) and (c) of this subsection shall not prohibit the enforcement of, or prosecution under, any other statutes of this state. (4) (a) If any person shall refuse, or is likely to refuse, on the basis of his privilege against self-incrimination, to produce the designated documents as requested by a subpoena issued under this section or issued by a court, the Attorney General may request the court, ex parte and in camera, to issue an order requiring such person to produce the documents information which he refuses to give or provide on the basis of his privilege against self-incrimination. The Attorney General may request said order under this subsection when, in his judgment: (i) The documents sought from such individual may be necessary to the public interest; and (ii) Such individual has refused or is likely to refuse to produce the designated document on the basis of his privilege against self-incrimination. Following such request, an order shall issue in accordance with this section requiring such person to produce the documents which he refuses to produce on the basis of his privilege against self-incrimination. (b) Whenever a witness refuses, on the basis of his privilege against self-incrimination, to produce documents, and the court issues to the witness an order under paragraph (a) of this subsection, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination, but no documents or information compelled under the aforesaid order, or any information directly or indirectly derived from such documents may be used against the witness in any criminal proceeding, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order. (5) Documents in the possession of the Attorney General gathered pursuant to the provisions of this section and subpoenas issued by him shall be maintained in confidential files with access limited to prosecutorial and other law enforcement investigative personnel on a "need to know" basis and shall be exempt from the provisions of the Mississippi Public Records Act of 1983, except that upon the filing of an indictment or information, or upon the filing of an action for recovery of property, funds or fines, such documents shall be subject to such disclosure as may be required pursuant to the applicable statutes or court rules governing the trial of any such judicial proceeding. (6) No person, including the Attorney General, a member of his staff, prosecuting attorney, law enforcement officer, witness, court reporter, attorney or other person, shall disclose to an unauthorized person documents, including subpoenas issued and served, gathered by the Attorney General pursuant to the provisions of this section, except that upon the filing of an indictment or information, or upon the filing of an action for recovery of property, funds or fines, or in other legal proceedings, such documents shall be subject to such disclosure as may be required pursuant to applicable statutes and court rules governing the trial of any such judicial proceeding. In event of an unauthorized disclosure of any such documents gathered by the Attorney General pursuant to the provisions of this section, the person making any such unauthorized disclosure shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or imprisonment of not more than six (6) months, or by both such fine and imprisonment. (7) The powers of the Attorney General under this section shall not diminish the powers of local authorities to investigate or prosecute any type of identity theft crime or any other criminal conduct within their respective jurisdictions, and the provisions of this section shall be in addition to the powers and

authority previously granted the Attorney General by common, constitutional, statutory or case law. Laws, 2004, ch. 526, § 6, eff. 7/1/2004. (1) For the purposes of this chapter, "identity theft" includes crimes chargeable under the following provisions of law: (a) Section 97-9-79, which relates to false information. (b) Section 97-19-83, which relates to fraud by mail or other means of communication. (c) Section 97-19-85, which relates to the fraudulent use of identity social security number, credit card or debit card number or other identifying information. (d) Section 97-45-19, which relates to obtaining personal identity information of another person without authorization. (2) (a) In conducting identity theft investigations, the Attorney General shall have the authority to issue and serve subpoenas to any person in control of any designated documents for the production of such documents, including, but not limited to, writings, drawings, graphs, charts, photographs, phono-records and other data compilations from which information can be obtained, or translated through detection devices into reasonably usable form. Such subpoenas shall require the named person, his agent or attorney, to appear and deliver the designated documents to a location in the county of his residence unless the court for good cause shown directs that the subpoena be issued for the person to deliver such documents to a location outside of the county of his residence. Mere convenience of the Attorney General shall not be considered good cause. The Attorney General or his designee shall have the authority to inspect and copy such documents. Such subpoenas shall be issued only upon the ex parte and in camera application of the Attorney General to the circuit or chancery court of the county of residence of the person in control of the documents or the circuit or chancery court of the county where the person in control of the documents may be found, and only upon a showing that the documents sought are relevant to a criminal investigation under this chapter or may lead to the discovery of such relevant evidence. Thereafter said court shall have jurisdiction to enforce or quash such subpoenas and to enter appropriate orders thereon, and nothing contained in this section shall affect the right of a person to assert a claim that the information sought is privileged by law. (b) A subpoena issued pursuant to this subsection shall be in substantially the following form: SUBPOENA TO PRODUCE DOCUMENTS PURSUANT TO AN INVESTIGATION BY THE ATTORNEY GENERAL TO: YOU ARE HEREBY COMMANDED to appear before the Attorney General of the State of Mississippi or his designated staff attorney at the place, date and time specified below in an investigation being conducted by the Attorney General pursuant to Section _____, Mississippi Code of 1972: Place _____ Date and Time _____ YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s) _____. You are advised that the _____ Court of the _____ Judicial District of _____ County, Mississippi, has approved the ex parte and in camera application of the Attorney General to issue this subpoena, and jurisdiction to enforce and/or quash the subpoena and to enter appropriate orders thereon is statutorily vested in the said court; enforcement and penal provisions applicable to an Attorney General's investigation include those set forth in Section _____, Mississippi Code of 1972; and disclosure of testimony and/or records coming into possession of the Attorney General pursuant to this subpoena shall be limited by and subject to the provisions of said section (for informational purposes, these cited statutes are reproduced on the reverse side of this subpoena). You may wish to consult an attorney in regard to this subpoena. You have certain state and federal constitutional rights, including your protection against self-incrimination and unreasonable search and seizure which this subpoena may affect. ISSUED BY AND UNDER SEAL OF THE ATTORNEY GENERAL OF THE STATE OF MISSISSIPPI, this the _____ day of _____, 20_____. (SEAL) _____ (c) Following service of any subpoena, pursuant to the provisions of this subsection, a record of the return shall be made and kept by the Attorney General and subject only to such disclosure as may be authorized pursuant to the provisions of this section. (3) Enforcement and penal provisions applicable to an investigation under this section shall include the following: (a) If a person who has been served with a subpoena, which has been issued and served upon him in accordance with the provisions of this section, shall fail to deliver or have delivered the designated documents at the time and place required in the subpoena, on application of the Attorney General the circuit or chancery court having approved the issuance of the subpoena may issue an attachment for such person, returnable immediately, or at such time and place as the court may direct. Bond may be required and fine imposed and proceedings had thereon as in the case of a subpoenaed witness who fails to appear in circuit or chancery court. (b) Every person who shall knowingly and willfully obstruct, interfere with or impede an investigation under this section by concealing or destroying any documents, papers or other tangible evidence which are relevant to an investigation under this section shall be guilty of a felony and, upon conviction, shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment. (c) Every person who shall knowingly and willfully endeavor, by means of bribery, force or intimidation, to obstruct, delay or prevent the communication of information to any agent or employee of the Office of the Attorney General or who injures another person for the purpose of preventing the communication of such information or an account of the giving of such information relevant to an investigation under this section shall be guilty of a felony and, upon conviction, shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment. (d) The provisions of paragraphs (a), (b) and (c) of this subsection shall not prohibit the enforcement of, or prosecution under, any other statutes of this state. (4) (a) If any person shall refuse, or is likely to refuse, on the basis of his privilege against self-incrimination, to produce the designated documents as requested by a subpoena issued under this section or issued by a court, the Attorney General may request the court, ex parte and in camera, to issue an order requiring such person to produce the documents information which he refuses to give or provide on the basis of his privilege against self-incrimination. The Attorney General may request said order under this subsection when, in his judgment: (i) The documents sought from such individual may be necessary to the public interest; and (ii) Such individual has refused or is likely to refuse to produce the designated document on the basis of his privilege against self-incrimination. Following such request, an order shall issue in accordance with this section requiring such person to produce the documents which he refuses to produce on the basis of his

privilege against self-incrimination.(b)Whenever a witness refuses, on the basis of his privilege against self-incrimination, to produce documents, and the court issues to the witness an order under paragraph (a) of this subsection, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination, but no documents or information compelled under the aforesaid order, or any information directly or indirectly derived from such documents may be used against the witness in any criminal proceeding, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.(5)Documents in the possession of the Attorney General gathered pursuant to the provisions of this section and subpoenas issued by him shall be maintained in confidential files with access limited to prosecutorial and other law enforcement investigative personnel on a "need to know" basis and shall be exempt from the provisions of the Mississippi Public Records Act of 1983, except that upon the filing of an indictment or information, or upon the filing of an action for recovery of property, funds or fines, such documents shall be subject to such disclosure as may be required pursuant to the applicable statutes or court rules governing the trial of any such judicial proceeding.(6)No person, including the Attorney General, a member of his staff, prosecuting attorney, law enforcement officer, witness, court reporter, attorney or other person, shall disclose to an unauthorized person documents, including subpoenas issued and served, gathered by the Attorney General pursuant to the provisions of this section, except that upon the filing of an indictment or information, or upon the filing of an action for recovery of property, funds or fines, or in other legal proceedings, such documents shall be subject to such disclosure as may be required pursuant to applicable statutes and court rules governing the trial of any such judicial proceeding. In event of an unauthorized disclosure of any such documents gathered by the Attorney General pursuant to the provisions of this section, the person making any such unauthorized disclosure shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or imprisonment of not more than six (6) months, or by both such fine and imprisonment.(7)The powers of the Attorney General under this section shall not diminish the powers of local authorities to investigate or prosecute any type of identity theft crime or any other criminal conduct within their respective jurisdictions, and the provisions of this section shall be in addition to the powers and authority previously granted the Attorney General by common, constitutional, statutory or case law.Laws, 2004, ch. 526, § 6, eff. 7/1/2004. SUBPOENA TO PRODUCE DOCUMENTS PURSUANT TO AN INVESTIGATION BY THE ATTORNEY GENERAL TO: YOU ARE HEREBY COMMANDED to appear before the Attorney General of the State of Mississippi or his designated staff attorney at the place, date and time specified below in an investigation being conducted by the Attorney General pursuant to Section _____, Mississippi Code of 1972: Place _____ Date and Time _____ YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s) _____. You are advised that the _____ Court of the _____ Judicial District of _____ County, Mississippi, has approved the ex parte and in camera application of the Attorney General to issue this subpoena, and jurisdiction to enforce and/or quash the subpoena and to enter appropriate orders thereon is statutorily vested in the said court; enforcement and penal provisions applicable to an Attorney General's investigation include those set forth in Section _____, Mississippi Code of 1972; and disclosure of testimony and/or records coming into possession of the Attorney General pursuant to this subpoena shall be limited by and subject to the provisions of said section (for informational purposes, these cited statutes are reproduced on the reverse side of this subpoena). You may wish to consult an attorney in regard to this subpoena. You have certain state and federal constitutional rights, including your protection against self-incrimination and unreasonable search and seizure which this subpoena may affect. ISSUED BY AND UNDER SEAL OF THE ATTORNEY GENERAL OF THE STATE OF MISSISSIPPI, this the _____ day of _____, 20_____. (SEAL)_____ Following such request, an order shall issue in accordance with this section requiring such person to produce the documents which he refuses to produce on the basis of his privilege against self-incrimination. Laws, 2004, ch. 526, § 6, eff. 7/1/2004.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 45 - COMPUTER CRIMES AND IDENTITY THEFT (§§ 97-45-1 — 97-45-33)Section 97-45-21 - Jurisdiction for bringing criminal action

(1)For purposes of bringing a criminal action under this chapter, a person who causes, by any means, the access of a computer, computer system or computer network in one jurisdiction from another jurisdiction is deemed to have personally accessed the computer, computer system or computer network in each jurisdiction.(2)For offenses under Section97-45-19or Section97-19-85which occur in multiple jurisdictions but which do not involve a computer, computer system or computer network, jurisdiction is deemed to be proper in each jurisdiction where any element of the offense occurred.Laws, 2003, ch. 562, § 9; Laws, 2004, ch. 526, § 2, eff. 7/1/2004. (1)For purposes of bringing a criminal action under this chapter, a person who causes, by any means, the access of a computer, computer system or computer network in one jurisdiction from another jurisdiction is deemed to have personally accessed the computer, computer system or computer network in each jurisdiction.(2)For offenses under Section97-45-19or Section97-19-85which occur in multiple jurisdictions but which do not involve a computer, computer system or computer network, jurisdiction is deemed to be proper in each jurisdiction where any element of the offense occurred.Laws, 2003, ch. 562, § 9; Laws, 2004, ch. 526, § 2, eff. 7/1/2004. (1)For purposes of bringing a criminal action under this chapter, a person who causes, by any means, the access of a computer, computer system or computer network in one jurisdiction from another jurisdiction is deemed to have personally accessed the computer, computer system or computer network in each jurisdiction.(2)For offenses under Section97-45-19or Section97-19-85which occur in multiple jurisdictions but which do not involve a computer, computer system or computer network, jurisdiction is deemed to be proper in each jurisdiction where any element of the offense occurred.Laws, 2003, ch. 562, § 9; Laws, 2004, ch. 526, § 2, eff. 7/1/2004. Laws, 2003, ch. 562, § 9; Laws, 2004, ch. 526, § 2, eff.

7/1/2004.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 45 - COMPUTER CRIMES AND IDENTITY THEFT (§§ 97-45-1 — 97-45-33) Section 97-45-23 - Investigations and prosecutions

Prosecutions for violations under Title 97, Chapter 45, or Section 97-5-33, may be instituted by the Attorney General, his designee or the district attorney of the district in which the violation occurred, and shall be conducted in the name of the State of Mississippi. In the prosecution of any criminal proceeding in accordance with this subsection by the Attorney General, his designee, and in any proceeding before a grand jury in connection therewith, the Attorney General, or his designee, shall exercise all the powers and perform all the duties which the district attorney would otherwise be authorized or required to exercise or perform. The Attorney General, or his designee, shall have the authority to issue and serve subpoenas in the investigation of any matter which may violate Title 97, Chapter 45, or Section 97-5-33. Laws, 2003, ch. 562, § 10, eff. 7/1/2003. Prosecutions for violations under Title 97, Chapter 45, or Section 97-5-33, may be instituted by the Attorney General, his designee or the district attorney of the district in which the violation occurred, and shall be conducted in the name of the State of Mississippi. In the prosecution of any criminal proceeding in accordance with this subsection by the Attorney General, his designee, and in any proceeding before a grand jury in connection therewith, the Attorney General, or his designee, shall exercise all the powers and perform all the duties which the district attorney would otherwise be authorized or required to exercise or perform. The Attorney General, or his designee, shall have the authority to issue and serve subpoenas in the investigation of any matter which may violate Title 97, Chapter 45, or Section 97-5-33. Laws, 2003, ch. 562, § 10, eff. 7/1/2003. Prosecutions for violations under Title 97, Chapter 45, or Section 97-5-33, may be instituted by the Attorney General, his designee or the district attorney of the district in which the violation occurred, and shall be conducted in the name of the State of Mississippi. In the prosecution of any criminal proceeding in accordance with this subsection by the Attorney General, his designee, and in any proceeding before a grand jury in connection therewith, the Attorney General, or his designee, shall exercise all the powers and perform all the duties which the district attorney would otherwise be authorized or required to exercise or perform. The Attorney General, or his designee, shall have the authority to issue and serve subpoenas in the investigation of any matter which may violate Title 97, Chapter 45, or Section 97-5-33. Laws, 2003, ch. 562, § 10, eff. 7/1/2003. Prosecutions for violations under Title 97, Chapter 45, or Section 97-5-33, may be instituted by the Attorney General, his designee or the district attorney of the district in which the violation occurred, and shall be conducted in the name of the State of Mississippi. In the prosecution of any criminal proceeding in accordance with this subsection by the Attorney General, his designee, and in any proceeding before a grand jury in connection therewith, the Attorney General, or his designee, shall exercise all the powers and perform all the duties which the district attorney would otherwise be authorized or required to exercise or perform. The Attorney General, or his designee, shall have the authority to issue and serve subpoenas in the investigation of any matter which may violate Title 97, Chapter 45, or Section 97-5-33. Laws, 2003, ch. 562, § 10, eff. 7/1/2003.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 45 - COMPUTER CRIMES AND IDENTITY THEFT (§§ 97-45-1 — 97-45-33) Section 97-45-25 - Additional penalties for violations under this chapter; funding of expenses of Attorney General's Cyber Crime Central or special fund program; deposit of user charges and fees authorized under this section into State General Fund

(1) In a proceeding for violations under Title 97, Chapter 45, Section 97-5-33 or Section 97-19-85, the court, in addition to the criminal penalties imposed under this chapter, shall assess against the defendant convicted of such violation double those reasonable costs that are expended by the Office of Attorney General, the district attorney's office, the sheriff's office or police department involved in the investigation of such case, including, but not limited to, the cost of investigators, software and equipment utilized in the investigation, together with costs associated with process service, court reporters and expert witnesses. The Attorney General or district attorney may institute and maintain proceedings in his name for enforcement of payment in the circuit court of the county of residence of the defendant and, if the defendant is a nonresident, such proceedings shall be in the Circuit Court of the First Judicial District of Hinds County, Mississippi. The Attorney General or district attorney shall distribute the property or interest assessed under this section as follows: (a) Fifty percent (50%) shall be distributed to the unit of state or local government whose officers or employees conducted the investigation into computer fraud, identity theft or child exploitation which resulted in the arrest or arrests and prosecution. Amounts distributed to units of local government shall be used for training or enforcement purposes relating to detection, investigation or prosecution of computer and financial crimes, including computer fraud or child exploitation. (b) Where the prosecution was maintained by the district attorney, fifty percent (50%) shall be distributed to the county in which the prosecution was instituted by the district attorney and appropriated to the district attorney for use in training or enforcement purposes relating to detection, investigation or prosecution of computer and financial crimes, including computer fraud or child exploitation. Where a prosecution was maintained by the Attorney General, fifty percent (50%) of the proceeds shall be paid or distributed into the Attorney General's Cyber Crime Central or the Attorney General's special fund to be used for consumer fraud education and investigative and enforcement operations of the Office of Consumer Protection. Where the Attorney General and the district attorney have participated jointly in any part of the proceedings, twenty-five percent (25%) of the property forfeited shall be paid to the county in which the prosecution occurred, and twenty-five percent (25%) shall be paid to the Attorney General's Cyber Crime Central or the Attorney General's special fund to be used for the purposes as stated in this paragraph. (2) From and after July 1, 2016, the expenses of the Attorney General's Cyber Crime Central or Attorney General's special fund program shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the

State General Fund as authorized by law and as determined by the State Fiscal Officer.(3)From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section.Laws, 2003, ch. 562, § 11; Laws, 2004, ch. 526, § 3, eff. 7/1/2004.Amended by Laws, 2017EX1, ch. 7, SB 2001,§ 44, eff. 6/23/2017. (1)In a proceeding for violations under Title 97, Chapter 45, Section97-5-33or Section97-19-85, the court, in addition to the criminal penalties imposed under this chapter, shall assess against the defendant convicted of such violation double those reasonable costs that are expended by the Office of Attorney General, the district attorney's office, the sheriff's office or police department involved in the investigation of such case, including, but not limited to, the cost of investigators, software and equipment utilized in the investigation, together with costs associated with process service, court reporters and expert witnesses. The Attorney General or district attorney may institute and maintain proceedings in his name for enforcement of payment in the circuit court of the county of residence of the defendant and, if the defendant is a nonresident, such proceedings shall be in the Circuit Court of the First Judicial District of Hinds County, Mississippi. The Attorney General or district attorney shall distribute the property or interest assessed under this section as follows:(a)Fifty percent (50%) shall be distributed to the unit of state or local government whose officers or employees conducted the investigation into computer fraud, identity theft or child exploitation which resulted in the arrest or arrests and prosecution. Amounts distributed to units of local government shall be used for training or enforcement purposes relating to detection, investigation or prosecution of computer and financial crimes, including computer fraud or child exploitation.(b)Where the prosecution was maintained by the district attorney, fifty percent (50%) shall be distributed to the county in which the prosecution was instituted by the district attorney and appropriated to the district attorney for use in training or enforcement purposes relating to detection, investigation or prosecution of computer and financial crimes, including computer fraud or child exploitation. Where a prosecution was maintained by the Attorney General, fifty percent (50%) of the proceeds shall be paid or distributed into the Attorney General's Cyber Crime Central or the Attorney General's special fund to be used for consumer fraud education and investigative and enforcement operations of the Office of Consumer Protection. Where the Attorney General and the district attorney have participated jointly in any part of the proceedings, twenty-five percent (25%) of the property forfeited shall be paid to the county in which the prosecution occurred, and twenty-five percent (25%) shall be paid to the Attorney General's Cyber Crime Central or the Attorney General's special fund to be used for the purposes as stated in this paragraph.(2)From and after July 1, 2016, the expenses of the Attorney General's Cyber Crime Central or Attorney General's special fund program shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law and as determined by the State Fiscal Officer.(3)From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section.Laws, 2003, ch. 562, § 11; Laws, 2004, ch. 526, § 3, eff. 7/1/2004.Amended by Laws, 2017EX1, ch. 7, SB 2001,§ 44, eff. 6/23/2017. (1)In a proceeding for violations under Title 97, Chapter 45, Section97-5-33or Section97-19-85, the court, in addition to the criminal penalties imposed under this chapter, shall assess against the defendant convicted of such violation double those reasonable costs that are expended by the Office of Attorney General, the district attorney's office, the sheriff's office or police department involved in the investigation of such case, including, but not limited to, the cost of investigators, software and equipment utilized in the investigation, together with costs associated with process service, court reporters and expert witnesses. The Attorney General or district attorney may institute and maintain proceedings in his name for enforcement of payment in the circuit court of the county of residence of the defendant and, if the defendant is a nonresident, such proceedings shall be in the Circuit Court of the First Judicial District of Hinds County, Mississippi. The Attorney General or district attorney shall distribute the property or interest assessed under this section as follows:(a)Fifty percent (50%) shall be distributed to the unit of state or local government whose officers or employees conducted the investigation into computer fraud, identity theft or child exploitation which resulted in the arrest or arrests and prosecution. Amounts distributed to units of local government shall be used for training or enforcement purposes relating to detection, investigation or prosecution of computer and financial crimes, including computer fraud or child exploitation.(b)Where the prosecution was maintained by the district attorney, fifty percent (50%) shall be distributed to the county in which the prosecution was instituted by the district attorney and appropriated to the district attorney for use in training or enforcement purposes relating to detection, investigation or prosecution of computer and financial crimes, including computer fraud or child exploitation. Where a prosecution was maintained by the Attorney General, fifty percent (50%) of the proceeds shall be paid or distributed into the Attorney General's Cyber Crime Central or the Attorney General's special fund to be used for consumer fraud education and investigative and enforcement operations of the Office of Consumer Protection. Where the Attorney General and the district attorney have participated jointly in any part of the proceedings, twenty-five percent (25%) of the property forfeited shall be paid to the county in which the prosecution occurred, and twenty-five percent (25%) shall be paid to the Attorney General's Cyber Crime Central or the Attorney General's special fund to be used for the purposes as stated in this paragraph.(2)From and after July 1, 2016, the expenses of the Attorney General's Cyber Crime Central or Attorney General's special fund program shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law and as determined by the State Fiscal Officer.(3)From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section.Laws, 2003, ch. 562, § 11; Laws, 2004, ch. 526, § 3, eff. 7/1/2004. Amended by Laws, 2017EX1, ch. 7, SB 2001,§ 44, eff. 6/23/2017.

IDENTITY THEFT (§§ 97-45-1 — 97-45-33)Section 97-45-27 - Identity theft; victim authorized to expunge record of false charges accrued on account of activities of the perpetrator

Any person whose name or other identification has been used without his consent or authorization by another person, with the use resulting in charges, an arrest record, or a conviction putatively on the record of the person whose name or other identification was appropriated, the person whose name or other identification has been used without his consent or authorization may file a petition for expunction of such charges or arrest record or conviction, or any of them, with any court which has jurisdiction over the matter.Laws, 2004, ch. 526, § 4, eff. 7/1/2004. Any person whose name or other identification has been used without his consent or authorization by another person, with the use resulting in charges, an arrest record, or a conviction putatively on the record of the person whose name or other identification was appropriated, the person whose name or other identification has been used without his consent or authorization may file a petition for expunction of such charges or arrest record or conviction, or any of them, with any court which has jurisdiction over the matter.Laws, 2004, ch. 526, § 4, eff. 7/1/2004. Any person whose name or other identification has been used without his consent or authorization by another person, with the use resulting in charges, an arrest record, or a conviction putatively on the record of the person whose name or other identification was appropriated, the person whose name or other identification has been used without his consent or authorization may file a petition for expunction of such charges or arrest record or conviction, or any of them, with any court which has jurisdiction over the matter.Laws, 2004, ch. 526, § 4, eff. 7/1/2004. Any person whose name or other identification has been used without his consent or authorization by another person, with the use resulting in charges, an arrest record, or a conviction putatively on the record of the person whose name or other identification was appropriated, the person whose name or other identification has been used without his consent or authorization may file a petition for expunction of such charges or arrest record or conviction, or any of them, with any court which has jurisdiction over the matter. Laws, 2004, ch. 526, § 4, eff. 7/1/2004.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 45 - COMPUTER CRIMES AND IDENTITY THEFT (§§ 97-45-1 — 97-45-33)Section 97-45-29 - Identity theft; Attorney General authorized to issue "Identity Theft Passports" verifying that expunction order has been entered or police report has been filed; access to identity theft information

(1)A person who has petitioned the court pursuant to Section97-45-27to expunge any charges, arrest record or conviction falsely entered against the person as a result of the appropriation of his name or other identifying information may submit to the Attorney General a certified copy of a court order obtained. The Office of the Attorney General may issue an "Identity Theft Passport" verifying that such order has been entered.(2)Any person who has filed a police report alleging that the person's name or other identification has been used without the person's consent or authorization by another person may submit a copy of the police report to the Attorney General. The Office of the Attorney General may issue an "Identity Theft Passport" stating that such police report has been submitted.(3)The Office of the Attorney General may provide access to identity theft information to law enforcement agencies and individuals who have submitted a police report or court order pursuant to this chapter and any other person or entity as appropriate.Laws, 2004, ch. 526, § 5, eff. 7/1/2004. (1)A person who has petitioned the court pursuant to Section97-45-27to expunge any charges, arrest record or conviction falsely entered against the person as a result of the appropriation of his name or other identifying information may submit to the Attorney General a certified copy of a court order obtained. The Office of the Attorney General may issue an "Identity Theft Passport" verifying that such order has been entered.(2)Any person who has filed a police report alleging that the person's name or other identification has been used without the person's consent or authorization by another person may submit a copy of the police report to the Attorney General. The Office of the Attorney General may issue an "Identity Theft Passport" stating that such police report has been submitted.(3)The Office of the Attorney General may provide access to identity theft information to law enforcement agencies and individuals who have submitted a police report or court order pursuant to this chapter and any other person or entity as appropriate.Laws, 2004, ch. 526, § 5, eff. 7/1/2004. Laws, 2004, ch. 526, § 5, eff. 7/1/2004.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 45 - COMPUTER CRIMES AND IDENTITY THEFT (§§ 97-45-1 — 97-45-33)Section 97-45-3 - Computer fraud; penalties

(1)Computer fraud is the accessing or causing to be accessed of any computer, computer system, computer network or any part thereof with the intent to:(a)Defraud;(b)Obtain money, property or services by means of false or fraudulent conduct, practices or representations; or through the false or fraudulent alteration, deletion or insertion of programs or data; or(c)Insert or attach or knowingly create the opportunity for an unknowing and unwanted insertion or attachment of a set of instructions or a computer

program into a computer program, computer, computer system, or computer network, that is intended to acquire, alter, damage, delete, disrupt, or destroy property or otherwise use the services of a computer program, computer, computer system or computer network.(2)Whoever commits the offense of computer fraud when the damage or loss or attempted damage or loss amounts to a value of less than One Thousand Dollars (\$1,000.00) may be punished, upon conviction, by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than six (6) months in the county jail, or by both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding Two Thousand Dollars (\$2,000.00), or both.(3)Whoever commits the offense of computer fraud when the damage or loss or attempted damage or loss amounts to a value of One Thousand Dollars (\$1,000.00) or more but less than Five Thousand Dollars (\$5,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.(4)Whoever commits the offense of computer fraud when the damage or loss or attempted damage or loss amounts to a value of Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than ten (10) years, or by both such fine and imprisonment.(5)Whoever commits the offense of computer fraud when the damage or loss or attempted damage or loss amounts to a value of Twenty-five Thousand Dollars (\$25,000.00) or more, may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than twenty (20) years, or by both such fine and imprisonment.(6)The definition of the term "computer network" includes the Internet, as defined in Section 230 of Title II of the Communications Act of 1934, Chapter 652, 110 Stat. 137, codified at 47 USCS 230.Laws, 1985, ch. 319, § 2; Laws, 2003, ch. 562, § 5, eff. 7/1/2003.Amended by Laws, 2014, ch. 457, HB 585, 31, eff. 7/1/2014.Amended by Laws, 2013, ch. 367, HB 686, 1, eff. 7/1/2013. (1)Computer fraud is the accessing or causing to be accessed of any computer, computer system, computer network or any part thereof with the intent to:(a)Defraud;(b)Obtain money, property or services by means of false or fraudulent conduct, practices or representations; or through the false or fraudulent alteration, deletion or insertion of programs or data; or(c)Insert or attach or knowingly create the opportunity for an unknowing and unwanted insertion or attachment of a set of instructions or a computer program into a computer program, computer, computer system, or computer network, that is intended to acquire, alter, damage, delete, disrupt, or destroy property or otherwise use the services of a computer program, computer, computer system or computer network.(2)Whoever commits the offense of computer fraud when the damage or loss or attempted damage or loss amounts to a value of less than One Thousand Dollars (\$1,000.00) may be punished, upon conviction, by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than six (6) months in the county jail, or by both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding Two Thousand Dollars (\$2,000.00), or both.(3)Whoever commits the offense of computer fraud when the damage or loss or attempted damage or loss amounts to a value of One Thousand Dollars (\$1,000.00) or more but less than Five Thousand Dollars (\$5,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.(4)Whoever commits the offense of computer fraud when the damage or loss or attempted damage or loss amounts to a value of Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than ten (10) years, or by both such fine and imprisonment.(5)Whoever commits the offense of computer fraud when the damage or loss or attempted damage or loss amounts to a value of Twenty-five Thousand Dollars (\$25,000.00) or more, may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than twenty (20) years, or by both such fine and imprisonment.(6)The definition of the term "computer network" includes the Internet, as defined in Section 230 of Title II of the Communications Act of 1934, Chapter 652, 110 Stat. 137, codified at 47 USCS 230.Laws, 1985, ch. 319, § 2; Laws, 2003, ch. 562, § 5, eff. 7/1/2003.Amended by Laws, 2014, ch. 457, HB 585, 31, eff. 7/1/2014.Amended by Laws, 2013, ch. 367, HB 686, 1, eff. 7/1/2013. (1)Computer fraud is the accessing or causing to be accessed of any computer, computer system, computer network or any part thereof with the intent to:(a)Defraud;(b)Obtain money, property or services by means of false or fraudulent conduct, practices or representations; or through the false or fraudulent alteration, deletion or insertion of programs or data; or(c)Insert or attach or knowingly create the opportunity for an unknowing and unwanted insertion or attachment of a set of instructions or a computer program into a computer program, computer, computer system, or computer network, that is intended to acquire, alter, damage, delete, disrupt, or destroy property or otherwise use the services of a computer program, computer, computer system or computer network.(2)Whoever commits the offense of computer fraud when the damage or loss or attempted damage or loss amounts to a value of less than One Thousand Dollars (\$1,000.00) may be punished, upon conviction, by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than six (6) months in the county jail, or by both if the court finds substantial

and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding Two Thousand Dollars (\$2,000.00), or both.(3)Whoever commits the offense of computer fraud when the damage or loss or attempted damage or loss amounts to a value of One Thousand Dollars (\$1,000.00) or more but less than Five Thousand Dollars (\$5,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.(4)Whoever commits the offense of computer fraud when the damage or loss or attempted damage or loss amounts to a value of Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than ten (10) years, or by both such fine and imprisonment.(5)Whoever commits the offense of computer fraud when the damage or loss or attempted damage or loss amounts to a value of Twenty-five Thousand Dollars (\$25,000.00) or more, may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than twenty (20) years, or by both such fine and imprisonment.(6)The definition of the term "computer network" includes the Internet, as defined in Section 230 of Title II of the Communications Act of 1934, Chapter 652, 110 Stat. 137, codified at 47 USCS 230.Laws, 1985, ch. 319, § 2; Laws, 2003, ch. 562, § 5, eff. 7/1/2003.Amended by Laws, 2014, ch. 457, HB 585, 31, eff. 7/1/2014.Amended by Laws, 2013, ch. 367, HB 686, 1, eff. 7/1/2013. Laws, 1985, ch. 319, § 2; Laws, 2003, ch. 562, § 5, eff. 7/1/2003. Amended by Laws, 2014, ch. 457, HB 585, 31, eff. 7/1/2014. Amended by Laws, 2013, ch. 367, HB 686, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 45 - COMPUTER CRIMES AND IDENTITY THEFT (§§ 97-45-1 — 97-45-33)Section 97-45-31 - Using scanning device or reencoder to capture encoded information from magnetic strip on credit, debit or other payment card; definitions; penalty

(1)For the purposes of this section, the following terms shall have the meanings ascribed to them unless the context clearly requires otherwise:(a)"Cardholder" means any person:(i)Named on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer; or(ii)In possession of a credit card with the consent of the person to whom the credit card was issued.(b)"Credit card" means:(i)Any instrument or device, whether known as a credit card, charge card, credit plate, courtesy card, identification card or any other name that is issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value, either on credit or in consideration of an undertaking or guaranty by the issuer of the payment of a check drawn by the cardholder, on a promise to pay in part or in full therefor at a future time, whether or not all or any part of the indebtedness that is represented by the promise to make deferred payment is secured or unsecured.(ii)A debit card, electronic benefit transfer card or other access instrument or device, other than a check that is signed by the holder or other authorized signatory on the deposit account, that draws funds from a deposit account in order to obtain money, goods, services or anything else of value.(iii)A stored value card, smart card or other instrument or device that enables a person to obtain goods, services or anything else of value through the use of value stored on the card instrument or device.(iv)The number that is assigned the card, instrument or device, even if the physical card, instrument or device is not used or presented.(c)"Issuer" means any business organization, state agency or financial institution, or its duly authorized agent, that issues a credit card.(d)"Merchant" means a person who is authorized under a written contract with a participating party to furnish money, goods, services or anything else of value on presentation of a credit card by a cardholder.(e)"Reencoder" means an electronic device that places encoded information from the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different credit card.(f)"Scanning device" means a scanner, reader or other electronic device that is used to access, read, scan, obtain, memorize or store, temporarily or permanently, information that is encoded on a magnetic strip or stripe of a credit card.(2)(a)It is unlawful for a person to use a scanning device or reencoder without the permission of the cardholder of the credit card from which the information is being scanned or reencoded with the intent to defraud the cardholder, the issuer or a merchant.(b)A person who violates this section commits a felony punishable, upon conviction thereof, by imprisonment not to exceed five (5) years, a fine not to exceed Ten Thousand Dollars (\$10,000.00), or both.Laws, 2005, ch. 511, § 4, eff. 7/1/2005. (1)For the purposes of this section, the following terms shall have the meanings ascribed to them unless the context clearly requires otherwise:(a)"Cardholder" means any person:(i)Named on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer; or(ii)In possession of a credit card with the consent of the person to whom the credit card was issued.(b)"Credit card" means:(i)Any instrument or device, whether known as a credit card, charge card, credit plate, courtesy card, identification card or any other name that is issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value, either on credit or in consideration of an undertaking or guaranty by the issuer of the payment of a check drawn by the cardholder, on a promise to pay in part or in full therefor at a future time, whether or not all or any part of the indebtedness that is represented by the promise to make deferred payment is secured or unsecured.(ii)A debit card, electronic benefit transfer card or other access instrument or device, other than a check that is signed by the holder or other authorized signatory on the deposit account, that draws funds from a deposit account in order to obtain money, goods, services or anything else of value.(iii)A stored value card, smart card or other instrument or device that enables a person to obtain goods, services or anything else of value through the use of value stored on the card instrument or device.(iv)The number that is assigned the card, instrument or device, even if the physical card, instrument or device is not used or presented.(c)"Issuer" means any

business organization, state agency or financial institution, or its duly authorized agent, that issues a credit card.(d)"Merchant" means a person who is authorized under a written contract with a participating party to furnish money, goods, services or anything else of value on presentation of a credit card by a cardholder.(e)"Reencoder" means an electronic device that places encoded information from the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different credit card.(f)"Scanning device" means a scanner, reader or other electronic device that is used to access, read, scan, obtain, memorize or store, temporarily or permanently, information that is encoded on a magnetic strip or stripe of a credit card.(2)(a)It is unlawful for a person to use a scanning device or reencoder without the permission of the cardholder of the credit card from which the information is being scanned or reencoded with the intent to defraud the cardholder, the issuer or a merchant.(b)A person who violates this section commits a felony punishable, upon conviction thereof, by imprisonment not to exceed five (5) years, a fine not to exceed Ten Thousand Dollars (\$10,000.00), or both.Laws, 2005, ch. 511, § 4, eff. 7/1/2005. (1)For the purposes of this section, the following terms shall have the meanings ascribed to them unless the context clearly requires otherwise:(a)"Cardholder" means any person:(i)Named on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer; or(ii)In possession of a credit card with the consent of the person to whom the credit card was issued.(b)"Credit card" means:(i)Any instrument or device, whether known as a credit card, charge card, credit plate, courtesy card, identification card or any other name that is issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value, either on credit or in consideration of an undertaking or guaranty by the issuer of the payment of a check drawn by the cardholder, on a promise to pay in part or in full therefor at a future time, whether or not all or any part of the indebtedness that is represented by the promise to make deferred payment is secured or unsecured.(ii)A debit card, electronic benefit transfer card or other access instrument or device, other than a check that is signed by the holder or other authorized signatory on the deposit account, that draws funds from a deposit account in order to obtain money, goods, services or anything else of value.(iii)A stored value card, smart card or other instrument or device that enables a person to obtain goods, services or anything else of value through the use of value stored on the card instrument or device.(iv)The number that is assigned the card, instrument or device, even if the physical card, instrument or device is not used or presented.(c)"Issuer" means any business organization, state agency or financial institution, or its duly authorized agent, that issues a credit card.(d)"Merchant" means a person who is authorized under a written contract with a participating party to furnish money, goods, services or anything else of value on presentation of a credit card by a cardholder.(e)"Reencoder" means an electronic device that places encoded information from the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different credit card.(f)"Scanning device" means a scanner, reader or other electronic device that is used to access, read, scan, obtain, memorize or store, temporarily or permanently, information that is encoded on a magnetic strip or stripe of a credit card.(2)(a)It is unlawful for a person to use a scanning device or reencoder without the permission of the cardholder of the credit card from which the information is being scanned or reencoded with the intent to defraud the cardholder, the issuer or a merchant.(b)A person who violates this section commits a felony punishable, upon conviction thereof, by imprisonment not to exceed five (5) years, a fine not to exceed Ten Thousand Dollars (\$10,000.00), or both.Laws, 2005, ch. 511, § 4, eff. 7/1/2005. Laws, 2005, ch. 511, § 4, eff. 7/1/2005.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 45 - COMPUTER CRIMES AND IDENTITY THEFT (§§ 97-45-1 — 97-45-33)Section 97-45-33 - Online impersonation; penalties

(1)Notwithstanding any other provision of law, any person who knowingly and without consent impersonates another actual person through or on an Internet website or by other electronic means for purposes of harming, intimidating, threatening or defrauding another person is guilty of a misdemeanor.(2)For purposes of this section, an impersonation is credible if another person would reasonably believe, or did reasonably believe, that the defendant was or is the person who was impersonated.(3)For purposes of this section, "electronic means" shall include opening an email account or an account or profile on a social networking Internet website in another person's name.(4)A violation of this section is punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) and not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment for not less than ten (10) days and not more than one (1) year, or both.(5)This section shall not preclude prosecution under any other provision of law and shall be considered supplemental thereto.Laws, 2011, ch. 340, § 1, eff. 7/1/2011. (1)Notwithstanding any other provision of law, any person who knowingly and without consent impersonates another actual person through or on an Internet website or by other electronic means for purposes of harming, intimidating, threatening or defrauding another person is guilty of a misdemeanor.(2)For purposes of this section, an impersonation is credible if another person would reasonably believe, or did reasonably believe, that the defendant was or is the person who was impersonated.(3)For purposes of this section, "electronic means" shall include opening an email account or an account or profile on a social networking Internet website in another person's name.(4)A violation of this section is punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) and not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment for not less than ten (10) days and not more than one (1) year, or both.(5)This section shall not preclude prosecution under any other provision of law and shall be considered supplemental thereto.Laws, 2011, ch. 340, § 1, eff. 7/1/2011. (1)Notwithstanding any other provision of law, any person who knowingly and without consent impersonates another actual person through or on an Internet website or by other electronic means for purposes of harming, intimidating, threatening or defrauding another person is guilty of a misdemeanor.(2)For purposes of this section, an impersonation is credible if another person would reasonably believe, or did reasonably believe, that the defendant was or is the person who was impersonated.(3)For purposes of this section, "electronic means" shall include opening an email account or an account or profile on a social networking Internet website in another person's name.(4)A violation of this section is punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00) and not exceeding

One Thousand Dollars (\$1,000.00) or by imprisonment for not less than ten (10) days and not more than one (1) year, or both.(5)This section shall not preclude prosecution under any other provision of law and shall be considered supplemental thereto.Laws, 2011, ch. 340, § 1, eff. 7/1/2011. Laws, 2011, ch. 340, § 1, eff. 7/1/2011.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 45 - COMPUTER CRIMES AND IDENTITY THEFT (§§ 97-45-1 — 97-45-33)Section 97-45-5 - Offense against computer users; penalties

(1)An offense against computer users is the intentional:(a)Denial to an authorized user, without consent, of the full and effective use of or access to a computer, a computer system, a computer network or computer services; or(b)Use or disclosure to another, without consent, of the numbers, codes, passwords or other means of access to a computer, a computer system, a computer network or computer services.(2)Whoever commits an offense against computer users when the damage or loss or attempted damage or loss amounts to a value of less than One Thousand Dollars (\$1,000.00) may be punished, upon conviction, by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than six (6) months in the county jail, or by both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. The total value of property taken, stolen or carried away by the person from a single victim shall be aggregated in determining the gravity of the offense. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding One Thousand Dollars (\$1,000.00), or both.(3)Whoever commits an offense against computer users when the damage or loss amounts to a value of One Thousand Dollars (\$1,000.00) or more but less than Five Thousand Dollars (\$5,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00), or imprisonment for not more than five (5) years, or by both such fine and imprisonment.(4)Whoever commits an offense against computer users when the damage or loss amounts to a value of Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00), or imprisonment for not more than ten (10) years, or by both such fine and imprisonment.(5)Whoever commits an offense against computer users when the damage or loss amounts to a value of Twenty-five Thousand Dollars (\$25,000.00) or more, may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00), or imprisonment for not more than twenty (20) years, or by both such fine and imprisonment.Laws, 1985, ch. 319, § 3, eff. 7/1/1985.Amended by Laws, 2014, ch. 457, HB 585, 32, eff. 7/1/2014. (1)An offense against computer users is the intentional:(a)Denial to an authorized user, without consent, of the full and effective use of or access to a computer, a computer system, a computer network or computer services; or(b)Use or disclosure to another, without consent, of the numbers, codes, passwords or other means of access to a computer, a computer system, a computer network or computer services.(2)Whoever commits an offense against computer users when the damage or loss or attempted damage or loss amounts to a value of less than One Thousand Dollars (\$1,000.00) may be punished, upon conviction, by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than six (6) months in the county jail, or by both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. The total value of property taken, stolen or carried away by the person from a single victim shall be aggregated in determining the gravity of the offense. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding One Thousand Dollars (\$1,000.00), or both.(3)Whoever commits an offense against computer users when the damage or loss amounts to a value of One Thousand Dollars (\$1,000.00) or more but less than Five Thousand Dollars (\$5,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00), or imprisonment for not more than five (5) years, or by both such fine and imprisonment.(4)Whoever commits an offense against computer users when the damage or loss amounts to a value of Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00), or imprisonment for not more than ten (10) years, or by both such fine and imprisonment.(5)Whoever commits an offense against computer users when the damage or loss amounts to a value of Twenty-five Thousand Dollars (\$25,000.00) or more, may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00), or imprisonment for not more than twenty (20) years, or by both such fine and imprisonment.Laws, 1985, ch. 319, § 3, eff. 7/1/1985.Amended by Laws, 2014, ch. 457, HB 585, 32, eff. 7/1/2014. (1)An offense against computer users is the intentional:(a)Denial to an authorized user, without consent, of the full and effective use of or access to a computer, a computer system, a computer network or computer services; or(b)Use or disclosure to another, without consent, of the numbers, codes, passwords or other means of access to a computer, a computer system, a computer network or computer services.(2)Whoever commits an offense against computer users when the damage or loss or attempted damage or loss amounts to a value of less than One Thousand Dollars (\$1,000.00) may be punished, upon conviction, by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than six (6) months in the county jail, or by both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to

community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. The total value of property taken, stolen or carried away by the person from a single victim shall be aggregated in determining the gravity of the offense. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding One Thousand Dollars (\$1,000.00), or both.(3)Whoever commits an offense against computer users when the damage or loss amounts to a value of One Thousand Dollars (\$1,000.00) or more but less than Five Thousand Dollars (\$5,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00), or imprisonment for not more than five (5) years, or by both such fine and imprisonment.(4)Whoever commits an offense against computer users when the damage or loss amounts to a value of Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00), or imprisonment for not more than ten (10) years, or by both such fine and imprisonment.(5)Whoever commits an offense against computer users when the damage or loss amounts to a value of Twenty-five Thousand Dollars (\$25,000.00) or more, may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00), or imprisonment for not more than twenty (20) years, or by both such fine and imprisonment.Laws, 1985, ch. 319, § 3, eff. 7/1/1985.Amended by Laws, 2014, ch. 457, HB 585, 32, eff. 7/1/2014. Laws, 1985, ch. 319, § 3, eff. 7/1/1985. Amended by Laws, 2014, ch. 457, HB 585, 32, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 45 - COMPUTER CRIMES AND IDENTITY THEFT (§§ 97-45-1 — 97-45-33)Section 97-45-7 - Offense against computer equipment; penalties

(1)An offense against computer equipment or supplies is the intentional modification or destruction, without consent, of computer equipment or supplies used or intended to be used in a computer, computer system or computer network.(2)Whoever commits an offense against computer equipment or supplies when the damage or loss or attempted damage or loss amounts to a value of less than One Thousand Dollars (\$1,000.00) may be punished, upon conviction, by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than six (6) months in the county jail, or both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. The total value of property taken, stolen or carried away by the person from a single victim shall be aggregated in determining the gravity of the offense. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding One Thousand Dollars (\$1,000.00), or both.(3)Whoever commits an offense against computer equipment or supplies when the damage or loss amounts to a value of One Thousand Dollars (\$1,000.00) or more but less than Five Thousand Dollars (\$5,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.(4)Whoever commits an offense against computer equipment or supplies when the damage or loss amounts to a value of Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than ten (10) years, or by both such fine and imprisonment.(5)Whoever commits an offense against computer equipment or supplies when the damage or loss amounts to a value of Twenty-five Thousand Dollars (\$25,000.00) or more, may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than twenty (20) years, or by both such fine and imprisonment.Laws, 1985, ch. 319, § 4, eff. 7/1/1985.Amended by Laws, 2014, ch. 457, HB 585, 33, eff. 7/1/2014. (1)An offense against computer equipment or supplies is the intentional modification or destruction, without consent, of computer equipment or supplies used or intended to be used in a computer, computer system or computer network.(2)Whoever commits an offense against computer equipment or supplies when the damage or loss or attempted damage or loss amounts to a value of less than One Thousand Dollars (\$1,000.00) may be punished, upon conviction, by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than six (6) months in the county jail, or both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. The total value of property taken, stolen or carried away by the person from a single victim shall be aggregated in determining the gravity of the offense. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding One Thousand Dollars (\$1,000.00), or both.(3)Whoever commits an offense against computer equipment or supplies when the damage or loss amounts to a value of One Thousand Dollars (\$1,000.00) or more but less than Five Thousand Dollars (\$5,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.(4)Whoever commits an offense against computer equipment or supplies when the damage or loss amounts to a value of Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand

Dollars (\$10,000.00) or by imprisonment for not more than ten (10) years, or by both such fine and imprisonment.(5)Whoever commits an offense against computer equipment or supplies when the damage or loss amounts to a value of Twenty-five Thousand Dollars (\$25,000.00) or more, may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than twenty (20) years, or by both such fine and imprisonment.Laws, 1985, ch. 319, § 4, eff. 7/1/1985.Amended by Laws, 2014, ch. 457, HB 585, 33, eff. 7/1/2014. (1)An offense against computer equipment or supplies is the intentional modification or destruction, without consent, of computer equipment or supplies used or intended to be used in a computer, computer system or computer network.(2)Whoever commits an offense against computer equipment or supplies when the damage or loss or attempted damage or loss amounts to a value of less than One Thousand Dollars (\$1,000.00) may be punished, upon conviction, by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than six (6) months in the county jail, or both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. The total value of property taken, stolen or carried away by the person from a single victim shall be aggregated in determining the gravity of the offense. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding One Thousand Dollars (\$1,000.00), or both.(3)Whoever commits an offense against computer equipment or supplies when the damage or loss amounts to a value of One Thousand Dollars (\$1,000.00) or more but less than Five Thousand Dollars (\$5,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.(4)Whoever commits an offense against computer equipment or supplies when the damage or loss amounts to a value of Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than ten (10) years, or by both such fine and imprisonment.(5)Whoever commits an offense against computer equipment or supplies when the damage or loss amounts to a value of Twenty-five Thousand Dollars (\$25,000.00) or more, may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than twenty (20) years, or by both such fine and imprisonment.Laws, 1985, ch. 319, § 4, eff. 7/1/1985.Amended by Laws, 2014, ch. 457, HB 585, 33, eff. 7/1/2014. Laws, 1985, ch. 319, § 4, eff. 7/1/1985. Amended by Laws, 2014, ch. 457, HB 585, 33, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 45 - COMPUTER CRIMES AND IDENTITY THEFT (§§ 97-45-1 — 97-45-33)Section 97-45-9 - Offense against intellectual property; penalties

(1)An offense against intellectual property is the intentional:(a)Destruction, insertion or modification, without consent, of intellectual property; or(b)Disclosure, use, copying, taking or accessing, without consent, of intellectual property.(2)Whoever commits an offense against intellectual property when the damage or loss or attempted damage or loss amounts to a value of less than One Thousand Dollars (\$1,000.00) may be punished, upon conviction, by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than six (6) months in the county jail, or by both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. The total value of property taken, stolen or carried away by the person from a single victim shall be aggregated in determining the gravity of the offense. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding One Thousand Dollars (\$1,000.00), or by both.(3)Whoever commits an offense against intellectual property when the damage or loss amounts to a value of One Thousand Dollars (\$1,000.00) or more but less than Five Thousand Dollars (\$5,000.00), the offender may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.(4)Whoever commits an offense against intellectual property when the damage or loss amounts to a value of Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than ten (10) years, or by both such fine and imprisonment.(5)Whoever commits an offense against intellectual property when the damage or loss amounts to a value of Twenty-five Thousand Dollars (\$25,000.00) or more, may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than twenty (20) years, or by both such fine and imprisonment.(6)The provisions of this section shall not apply to the disclosure, use, copying, taking, or accessing by proper means as defined in this chapter.Laws, 1985, ch. 319, § 5, eff. 7/1/1985.Amended by Laws, 2014, ch. 457, HB 585, 34, eff. 7/1/2014. (1)An offense against intellectual property is the intentional:(a)Destruction, insertion or modification, without consent, of intellectual property; or(b)Disclosure, use, copying, taking or accessing, without consent, of intellectual property.(2)Whoever commits an offense against intellectual property when the damage or loss or attempted damage or loss amounts to a value of less than One Thousand Dollars (\$1,000.00) may be punished, upon conviction, by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than six (6) months in the county jail, or by both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant

risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. The total value of property taken, stolen or carried away by the person from a single victim shall be aggregated in determining the gravity of the offense. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding One Thousand Dollars (\$1,000.00), or by both.(3)Whoever commits an offense against intellectual property when the damage or loss amounts to a value of One Thousand Dollars (\$1,000.00) or more but less than Five Thousand Dollars (\$5,000.00), the offender may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.(4)Whoever commits an offense against intellectual property when the damage or loss amounts to a value of Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than ten (10) years, or by both such fine and imprisonment.(5)Whoever commits an offense against intellectual property when the damage or loss amounts to a value of Twenty-five Thousand Dollars (\$25,000.00) or more, may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than twenty (20) years, or by both such fine and imprisonment.(6)The provisions of this section shall not apply to the disclosure, use, copying, taking, or accessing by proper means as defined in this chapter.Laws, 1985, ch. 319, § 5, eff. 7/1/1985.Amended by Laws, 2014, ch. 457, HB 585, 34, eff. 7/1/2014. (1)An offense against intellectual property is the intentional:(a)Destruction, insertion or modification, without consent, of intellectual property; or(b)Disclosure, use, copying, taking or accessing, without consent, of intellectual property.(2)Whoever commits an offense against intellectual property when the damage or loss or attempted damage or loss amounts to a value of less than One Thousand Dollars (\$1,000.00) may be punished, upon conviction, by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than six (6) months in the county jail, or by both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. The total value of property taken, stolen or carried away by the person from a single victim shall be aggregated in determining the gravity of the offense. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding One Thousand Dollars (\$1,000.00), or by both.(3)Whoever commits an offense against intellectual property when the damage or loss amounts to a value of One Thousand Dollars (\$1,000.00) or more but less than Five Thousand Dollars (\$5,000.00), the offender may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.(4)Whoever commits an offense against intellectual property when the damage or loss amounts to a value of Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than ten (10) years, or by both such fine and imprisonment.(5)Whoever commits an offense against intellectual property when the damage or loss amounts to a value of Twenty-five Thousand Dollars (\$25,000.00) or more, may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than twenty (20) years, or by both such fine and imprisonment.(6)The provisions of this section shall not apply to the disclosure, use, copying, taking, or accessing by proper means as defined in this chapter.Laws, 1985, ch. 319, § 5, eff. 7/1/1985.Amended by Laws, 2014, ch. 457, HB 585, 34, eff. 7/1/2014. Laws, 1985, ch. 319, § 5, eff. 7/1/1985. Amended by Laws, 2014, ch. 457, HB 585, 34, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 47 - MISSISSIPPI UNMANNED AIRCRAFT SYSTEMS PROTECTION ACT OF 2021 (§§ 97-47-1 — 97-47-9)Section 97-47-1 - Short title

This chapter shall be known and referred to as the "Mississippi Unmanned Aircraft Systems Protection Act of 2021."Added by Laws, 2021, ch. 403, HB 974,§ 15, eff. 7/1/2021. This chapter shall be known and referred to as the "Mississippi Unmanned Aircraft Systems Protection Act of 2021."Added by Laws, 2021, ch. 403, HB 974,§ 15, eff. 7/1/2021. This chapter shall be known and referred to as the "Mississippi Unmanned Aircraft Systems Protection Act of 2021."Added by Laws, 2021, ch. 403, HB 974,§ 15, eff. 7/1/2021. This chapter shall be known and referred to as the "Mississippi Unmanned Aircraft Systems Protection Act of 2021."Added by Laws, 2021, ch. 403, HB 974,§ 15, eff. 7/1/2021.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 47 - MISSISSIPPI UNMANNED AIRCRAFT SYSTEMS PROTECTION ACT OF 2021 (§§ 97-47-1 — 97-47-9)Section 97-47-3 - Definitions

For the purposes of this chapter, unless otherwise specified, the following terms shall have the following meanings:(a)"Correctional facility" means any:(i)Confinement facility operated or contracted by the Mississippi Department of Corrections;(ii)Confinement facility operated or contracted by the Federal Department of Prisons;(iii)Municipality or county jail;(iv)Confinement facility operated or contracted by the Federal Department of Prisons; or(v)Public or private youth detention facility.(b)"Critical infrastructure" means any of the following, whether public or private:(i)Petroleum refinery or petroleum tank farm;(ii)Electrical power generation facility which supports the Mississippi power grid system;(iii)Natural gas processing and terminal facility;(iv)Military installation owned by the federal or state government; or(v)Entity contracted by the Department of Defense or

State Military Department to produce defense products.(c)"Unmanned aircraft" means an aircraft that is constructed or operated without the possibility of direct human intervention from within or on the aircraft, including every object that is on board or otherwise attached to the aircraft, or carried or operated during flight, regardless of weight. For purposes of this chapter, this term is synonymous with the term "drone."(d)"Unmanned aircraft system" means an unmanned aircraft and all associated elements, including, but not limited to, communication links, sensing devices, and components that control the unmanned aircraft.Added by Laws, 2021, ch. 403, HB 974,§ 16, eff. 7/1/2021. For the purposes of this chapter, unless otherwise specified, the following terms shall have the following meanings:(a)"Correctional facility" means any:(i)Confinement facility operated or contracted by the Mississippi Department of Corrections;(ii)Confinement facility operated or contracted by the Federal Department of Prisons;(iii)Municipality or county jail;(iv)Confinement facility operated or contracted by the Federal Department of Prisons; or(v)Public or private youth detention facility.(b)"Critical infrastructure" means any of the following, whether public or private:(i)Petroleum refinery or petroleum tank farm;(ii)Electrical power generation facility which supports the Mississippi power grid system;(iii)Natural gas processing and terminal facility;(iv)Military installation owned by the federal or state government; or(v)Entity contracted by the Department of Defense or State Military Department to produce defense products.(c)"Unmanned aircraft" means an aircraft that is constructed or operated without the possibility of direct human intervention from within or on the aircraft, including every object that is on board or otherwise attached to the aircraft, or carried or operated during flight, regardless of weight. For purposes of this chapter, this term is synonymous with the term "drone."(d)"Unmanned aircraft system" means an unmanned aircraft and all associated elements, including, but not limited to, communication links, sensing devices, and components that control the unmanned aircraft.Added by Laws, 2021, ch. 403, HB 974,§ 16, eff. 7/1/2021. For the purposes of this chapter, unless otherwise specified, the following terms shall have the following meanings:(a)"Correctional facility" means any:(i)Confinement facility operated or contracted by the Mississippi Department of Corrections;(ii)Confinement facility operated or contracted by the Federal Department of Prisons;(iii)Municipality or county jail;(iv)Confinement facility operated or contracted by the Federal Department of Prisons; or(v)Public or private youth detention facility.(b)"Critical infrastructure" means any of the following, whether public or private:(i)Petroleum refinery or petroleum tank farm;(ii)Electrical power generation facility which supports the Mississippi power grid system;(iii)Natural gas processing and terminal facility;(iv)Military installation owned by the federal or state government; or(v)Entity contracted by the Department of Defense or State Military Department to produce defense products.(c)"Unmanned aircraft" means an aircraft that is constructed or operated without the possibility of direct human intervention from within or on the aircraft, including every object that is on board or otherwise attached to the aircraft, or carried or operated during flight, regardless of weight. For purposes of this chapter, this term is synonymous with the term "drone."(d)"Unmanned aircraft system" means an unmanned aircraft and all associated elements, including, but not limited to, communication links, sensing devices, and components that control the unmanned aircraft.Added by Laws, 2021, ch. 403, HB 974,§ 16, eff. 7/1/2021. For the purposes of this chapter, unless otherwise specified, the following terms shall have the following meanings: Added by Laws, 2021, ch. 403, HB 974,§ 16, eff. 7/1/2021.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 47 - MISSISSIPPI UNMANNED AIRCRAFT SYSTEMS PROTECTION ACT OF 2021 (§§ 97-47-1 — 97-47-9)Section 97-47-5 - Offense of unlawful use of an unmanned aircraft system

A person commits the offense of unlawful use of an unmanned aircraft system if he or she knowingly:(a)Uses an unmanned aircraft system to conduct surveillance of, collect information or data, or photographically or electronically record a critical infrastructure or correctional facility without the prior written consent of the owner, or the owner's designee, of the critical infrastructure or correctional facility; or(b)Delivers or attempts to deliver contraband using an unmanned aircraft system on a correctional facility property or adjacent property for the purpose of introducing contraband into a correctional facility.Added by Laws, 2021, ch. 403, HB 974,§ 17, eff. 7/1/2021. A person commits the offense of unlawful use of an unmanned aircraft system if he or she knowingly:(a)Uses an unmanned aircraft system to conduct surveillance of, collect information or data, or photographically or electronically record a critical infrastructure or correctional facility without the prior written consent of the owner, or the owner's designee, of the critical infrastructure or correctional facility; or(b)Delivers or attempts to deliver contraband using an unmanned aircraft system on a correctional facility property or adjacent property for the purpose of introducing contraband into a correctional facility.Added by Laws, 2021, ch. 403, HB 974,§ 17, eff. 7/1/2021. A person commits the offense of unlawful use of an unmanned aircraft system if he or she knowingly:(a)Uses an unmanned aircraft system to conduct surveillance of, collect information or data, or photographically or electronically record a critical infrastructure or correctional facility without the prior written consent of the owner, or the owner's designee, of the critical infrastructure or correctional facility; or(b)Delivers or attempts to deliver contraband using an unmanned aircraft system on a correctional facility property or adjacent property for the purpose of introducing contraband into a correctional facility.Added by Laws, 2021, ch. 403, HB 974,§ 17, eff. 7/1/2021. A person commits the offense of unlawful use of an unmanned aircraft system if he or she knowingly: Added by Laws, 2021, ch. 403, HB 974,§ 17, eff. 7/1/2021.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 47 - MISSISSIPPI UNMANNED AIRCRAFT SYSTEMS PROTECTION ACT OF 2021 (§§ 97-47-1 — 97-47-9)Section 97-47-7 - Operation of unmanned aircraft system by law enforcement agency for lawful purpose permitted; operation of unmanned aircraft system by public agency or public contractor permitted under certain circumstances; applicability of chapter

(1)Nothing in this chapter shall be deemed to prohibit the operation of an unmanned aircraft system by a law enforcement agency

for any lawful purpose in this state.(2)A public agency or a public contractor, other than a law enforcement agency or contractor, may operate an unmanned aircraft system only if the public agency or contracted entity operates the unmanned aircraft system:(a)With the written consent of the owner, or the owner's designee, of the critical infrastructure or correctional facility; and(b)In accordance with the rules and regulations adopted by the Federal Aviation Administration.(3)This chapter shall not pertain to unmanned aircraft operating under Federal Aviation Administration Certificates of Waiver Authorization.Added by Laws, 2021, ch. 403, HB 974,§ 18, eff. 7/1/2021. (1)Nothing in this chapter shall be deemed to prohibit the operation of an unmanned aircraft system by a law enforcement agency for any lawful purpose in this state.(2)A public agency or a public contractor, other than a law enforcement agency or contractor, may operate an unmanned aircraft system only if the public agency or contracted entity operates the unmanned aircraft system:(a)With the written consent of the owner, or the owner's designee, of the critical infrastructure or correctional facility; and(b)In accordance with the rules and regulations adopted by the Federal Aviation Administration.(3)This chapter shall not pertain to unmanned aircraft operating under Federal Aviation Administration Certificates of Waiver Authorization.Added by Laws, 2021, ch. 403, HB 974,§ 18, eff. 7/1/2021. (1)Nothing in this chapter shall be deemed to prohibit the operation of an unmanned aircraft system by a law enforcement agency for any lawful purpose in this state.(2)A public agency or a public contractor, other than a law enforcement agency or contractor, may operate an unmanned aircraft system only if the public agency or contracted entity operates the unmanned aircraft system:(a)With the written consent of the owner, or the owner's designee, of the critical infrastructure or correctional facility; and(b)In accordance with the rules and regulations adopted by the Federal Aviation Administration.(3)This chapter shall not pertain to unmanned aircraft operating under Federal Aviation Administration Certificates of Waiver Authorization.Added by Laws, 2021, ch. 403, HB 974,§ 18, eff. 7/1/2021. Added by Laws, 2021, ch. 403, HB 974,§ 18, eff. 7/1/2021.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 47 - MISSISSIPPI UNMANNED AIRCRAFT SYSTEMS PROTECTION ACT OF 2021 (§§ 97-47-1 — 97-47-9)Section 97-47-9 - Penalties

(1)Any person who is convicted under Section97-47-5(a)shall be guilty of a misdemeanor, punishable up to one (1) year in prison or a fine not to exceed One Thousand Dollars (\$1,000.00) for the first offense or both.(2)Any person convicted under Section97-47-5(b)shall be guilty of a felony, punishable by a term of no less than three (3) years and no more than fifteen (15) years in the State Penitentiary or a fine not to exceed Twenty-five Thousand Dollars (\$25,000.00), or both.Added by Laws, 2021, ch. 403, HB 974,§ 19, eff. 7/1/2021. (1)Any person who is convicted under Section97-47-5(a)shall be guilty of a misdemeanor, punishable up to one (1) year in prison or a fine not to exceed One Thousand Dollars (\$1,000.00) for the first offense or both.(2)Any person convicted under Section97-47-5(b)shall be guilty of a felony, punishable by a term of no less than three (3) years and no more than fifteen (15) years in the State Penitentiary or a fine not to exceed Twenty-five Thousand Dollars (\$25,000.00), or both.Added by Laws, 2021, ch. 403, HB 974,§ 19, eff. 7/1/2021. (1)Any person who is convicted under Section97-47-5(a)shall be guilty of a misdemeanor, punishable up to one (1) year in prison or a fine not to exceed One Thousand Dollars (\$1,000.00) for the first offense or both.(2)Any person convicted under Section97-47-5(b)shall be guilty of a felony, punishable by a term of no less than three (3) years and no more than fifteen (15) years in the State Penitentiary or a fine not to exceed Twenty-five Thousand Dollars (\$25,000.00), or both.Added by Laws, 2021, ch. 403, HB 974,§ 19, eff. 7/1/2021. Added by Laws, 2021, ch. 403, HB 974,§ 19, eff. 7/1/2021.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 5 - OFFENSES AFFECTING CHILDREN (§§ 97-5-1 — 97-5-51)Section 97-5-1 - Abandonment of child under age six

If the father or mother of any child under the age of six years, or any other person having the lawful custody of such child, or to whom such child shall have been confided, shall expose such child in any highway, street, field, house, outhouse, or elsewhere, with intent wholly to abandon it, such person shall, upon conviction, be punished by imprisonment in the penitentiary not more than seven years, or in the county jail not more than one year.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (32); 1857, ch. 64, art. 57; 1871, § 2528; 1880, § 2752; 1892, § 1001; 1906, § 1078; Hemingway's 1917, § 805; 1930, § 824; 1942, § 2050. If the father or mother of any child under the age of six years, or any other person having the lawful custody of such child, or to whom such child shall have been confided, shall expose such child in any highway, street, field, house, outhouse, or elsewhere, with intent wholly to abandon it, such person shall, upon conviction, be punished by imprisonment in the penitentiary not more than seven years, or in the county jail not more than one year.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (32); 1857, ch. 64, art. 57; 1871, § 2528; 1880, § 2752; 1892, § 1001; 1906, § 1078; Hemingway's 1917, § 805; 1930, § 824; 1942, § 2050. If the father or mother of any child under the age of six years, or any other person having the lawful custody of such child, or to whom such child shall have been confided, shall expose such child in any highway, street, field, house, outhouse, or elsewhere, with intent wholly to abandon it, such person shall, upon conviction, be punished by imprisonment in the penitentiary not more than seven years, or in the county jail not more than one year.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (32); 1857, ch. 64, art. 57; 1871, § 2528; 1880, § 2752; 1892, § 1001; 1906, § 1078; Hemingway's 1917, § 805; 1930, § 824; 1942, § 2050. If the father or mother of any child under the age of six years, or any other person having the lawful custody of such child, or to whom such child shall have been confided, shall expose such child in any highway, street, field, house, outhouse, or elsewhere, with intent wholly to abandon it, such person shall, upon conviction, be punished by imprisonment in the penitentiary not more than seven years, or in the county jail not more than one year.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (32); 1857, ch. 64, art. 57; 1871, § 2528; 1880, § 2752; 1892, § 1001; 1906, § 1078; Hemingway's 1917, § 805; 1930, § 824; 1942, § 2050.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 5 - OFFENSES AFFECTING CHILDREN (§§ 97-5-1 — 97-5-51) Section 97-5-11 - Pool room or billiard hall; certain minors prohibited from entering

No person under the age of eighteen (18) years shall be allowed to enter and remain in any poolroom or billiard hall except that municipalities shall have the discretion to establish a lower minimum age. However, no person under the age of eighteen (18) years shall be allowed to enter and remain in any poolroom or billiard hall in which beer is sold or consumed. No owner or manager of any poolroom or billiard hall, and no agent or employee of any such owner or manager, shall permit or allow any person under the age of eighteen (18) years to enter and remain in any such poolroom or billiard hall except when a municipality has established a lower minimum age, and provided that in such municipality beer is neither sold nor consumed in such poolroom or billiard hall. Any manager or owner of any poolroom or billiard hall, and any agent or employee of such owner or manager, shall for each offense, upon conviction, be fined not more than one hundred dollars (\$100.00). For the purposes of this section, a poolroom or billiard hall shall not be deemed to include a place of amusement, either for profit or otherwise, wherein the operation of pool and billiard tables is not the main attraction held out to the public, or the primary amusement engaged in by the participants and wherein less than fifteen percent (15%) of the gross revenue derived directly from the operation of such amusement or recreation center within the same room or immediately connecting and adjacent rooms shall be derived directly or indirectly from the operation of such pool or billiard tables and further, all nonprofit corporations, associations and organizations, and educational and religious institutions, shall not be considered as operating poolrooms or billiard halls for the purposes of this section. Codes, Hemingway's 1917, § 1067; 1930, § 1098; 1942, § 2331; Laws, 1910, ch. 166; Laws, 1918, ch. 150; Laws, 1968, ch. 354; Laws, 1972, ch. 353, § 1; Laws, 1977, ch. 316, eff. 2/23/1977. No person under the age of eighteen (18) years shall be allowed to enter and remain in any poolroom or billiard hall except that municipalities shall have the discretion to establish a lower minimum age. However, no person under the age of eighteen (18) years shall be allowed to enter and remain in any poolroom or billiard hall in which beer is sold or consumed. No owner or manager of any poolroom or billiard hall, and no agent or employee of any such owner or manager, shall permit or allow any person under the age of eighteen (18) years to enter and remain in any such poolroom or billiard hall except when a municipality has established a lower minimum age, and provided that in such municipality beer is neither sold nor consumed in such poolroom or billiard hall. Any manager or owner of any poolroom or billiard hall, and any agent or employee of such owner or manager, shall for each offense, upon conviction, be fined not more than one hundred dollars (\$100.00). For the purposes of this section, a poolroom or billiard hall shall not be deemed to include a place of amusement, either for profit or otherwise, wherein the operation of pool and billiard tables is not the main attraction held out to the public, or the primary amusement engaged in by the participants and wherein less than fifteen percent (15%) of the gross revenue derived directly from the operation of such amusement or recreation center within the same room or immediately connecting and adjacent rooms shall be derived directly or indirectly from the operation of such pool or billiard tables and further, all nonprofit corporations, associations and organizations, and educational and religious institutions, shall not be considered as operating poolrooms or billiard halls for the purposes of this section. Codes, Hemingway's 1917, § 1067; 1930, § 1098; 1942, § 2331; Laws, 1910, ch. 166; Laws, 1918, ch. 150; Laws, 1968, ch. 354; Laws, 1972, ch. 353, § 1; Laws, 1977, ch. 316, eff. 2/23/1977. No person under the age of eighteen (18) years shall be allowed to enter and remain in any poolroom or billiard hall except that municipalities shall have the discretion to establish a lower minimum age. However, no person under the age of eighteen (18) years shall be allowed to enter and remain in any poolroom or billiard hall in which beer is sold or consumed. No owner or manager of any poolroom or billiard hall, and no agent or employee of any such owner or manager, shall permit or allow any person under the age of eighteen (18) years to enter and remain in any such poolroom or billiard hall except when a municipality has established a lower minimum age, and provided that in such municipality beer is neither sold nor consumed in such poolroom or billiard hall. Any manager or owner of any poolroom or billiard hall, and any agent or employee of such owner or manager, shall for each offense, upon conviction, be fined not more than one hundred dollars (\$100.00). For the purposes of this section, a poolroom or billiard hall shall not be deemed to include a place of amusement, either for profit or otherwise, wherein the operation of pool and billiard tables is not the main attraction held out to the public, or the primary amusement engaged in by the participants and wherein less than fifteen percent (15%) of the gross revenue derived directly from the operation of such amusement or recreation center within the same room or immediately connecting and adjacent rooms

shall be derived directly or indirectly from the operation of such pool or billiard tables and further, all nonprofit corporations, associations and organizations, and educational and religious institutions, shall not be considered as operating poolrooms or billiard halls for the purposes of this section. Codes, Hemingway's 1917, § 1067; 1930, § 1098; 1942, § 2331; Laws, 1910, ch. 166; Laws, 1918, ch. 150; Laws, 1968, ch. 354; Laws, 1972, ch. 353, § 1; Laws, 1977, ch. 316, eff. 2/23/1977.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 5 - OFFENSES AFFECTING CHILDREN (§§ 97-5-1 — 97-5-51) Section 97-5-23 - Touching, handling, etc., child, mentally defective or incapacitated person or physically helpless person

(1) Any person above the age of eighteen (18) years, who, for the purpose of gratifying his or her lust, or indulging his or her depraved licentious sexual desires, shall handle, touch or rub with hands or any part of his or her body or any member thereof, or with any object, any child under the age of sixteen (16) years, with or without the child's consent, or a mentally defective, mentally incapacitated or physically helpless person as defined in Section 97-3-97, shall be guilty of a felony and, upon conviction thereof, shall be fined in a sum not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or be committed to the custody of the State Department of Corrections not less than two (2) years nor more than fifteen (15) years, or be punished by both such fine and imprisonment, at the discretion of the court. (2) Any person above the age of eighteen (18) years, who, for the purpose of gratifying his or her lust, or indulging his or her depraved licentious sexual desires, shall handle, touch or rub with hands or any part of his or her body or any member thereof, any child younger than himself or herself and under the age of eighteen (18) years who is not such person's spouse, with or without the child's consent, when the person occupies a position of trust or authority over the child shall be guilty of a felony and, upon conviction thereof, shall be fined in a sum not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or be committed to the custody of the State Department of Corrections not less than two (2) years nor more than fifteen (15) years, or be punished by both such fine and imprisonment, at the discretion of the court. A person in a position of trust or authority over a child includes without limitation a child's teacher, counselor, physician, psychiatrist, psychologist, minister, priest, physical therapist, chiropractor, legal guardian, parent, stepparent, aunt, uncle, scout leader or coach. (3) Upon a second conviction for an offense under this section or a substantially similar offense under the laws of another state, the person so convicted shall be punished by commitment to the State Department of Corrections for a term not to exceed twenty (20) years. Codes, Hemingway's 1921 Supp. § 1142c; 1930, § 826; 1942, § 2052; Laws, 1920, ch. 215; Laws, 1958, ch. 276; Laws, 1980, ch. 387; Laws, 1985, ch. 389, § 1; Laws, 1993, ch. 512, § 4; Laws, 1995, ch. 487, § 1; Laws, 1998, ch. 549, § 5, eff. 7/1/1998. Amended by Laws, 2015, ch. 409, SB 2117, 1, eff. 7/1/2015. (1) Any person above the age of eighteen (18) years, who, for the purpose of gratifying his or her lust, or indulging his or her depraved licentious sexual desires, shall handle, touch or rub with hands or any part of his or her body or any member thereof, or with any object, any child under the age of sixteen (16) years, with or without the child's consent, or a mentally defective, mentally incapacitated or physically helpless person as defined in Section 97-3-97, shall be guilty of a felony and, upon conviction thereof, shall be fined in a sum not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or be committed to the custody of the State Department of Corrections not less than two (2) years nor more than fifteen (15) years, or be punished by both such fine and imprisonment, at the discretion of the court. (2) Any person above the age of eighteen (18) years, who, for the purpose of gratifying his or her lust, or indulging his or her depraved licentious sexual desires, shall handle, touch or rub with hands or any part of his or her body or any member thereof, any child younger than himself or herself and under the age of eighteen (18) years who is not such person's spouse, with or without the child's consent, when the person occupies a position of trust or authority over the child shall be guilty of a felony and, upon conviction thereof, shall be fined in a sum not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or be committed to the custody of the State Department of Corrections not less than two (2) years nor more than fifteen (15) years, or be punished by both such fine and imprisonment, at the discretion of the court. (3) Upon a second conviction for an offense under this section or a substantially similar offense under the laws of another state, the person so convicted shall be punished by commitment to the State Department of Corrections for a term not to exceed twenty (20) years. Codes, Hemingway's 1921 Supp. § 1142c; 1930, § 826; 1942, § 2052; Laws, 1920, ch. 215; Laws, 1958, ch. 276; Laws, 1980, ch. 387; Laws, 1985, ch. 389, § 1; Laws, 1993, ch. 512, § 4; Laws, 1995, ch. 487, § 1; Laws, 1998, ch. 549, § 5, eff. 7/1/1998. Amended by Laws, 2015, ch. 409, SB 2117, 1, eff. 7/1/2015. 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(2) Any person above the age of eighteen (18) years, who, for the purpose of gratifying his or her lust, or indulging his or her depraved licentious sexual desires, shall handle, touch or rub with hands or any part of his or her body or any member thereof, any child younger than himself or herself and under the age of eighteen (18) years who is not such person's spouse, with or without the child's consent, when the person occupies a position of trust or authority over the child shall be guilty of a felony and, upon conviction thereof, shall be fined in a sum not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or be committed to the custody of the State Department of Corrections not less than two (2) years nor more than fifteen (15) years, or be punished by both such fine and imprisonment, at the discretion of the court. (3) Upon a second conviction for an offense under this section or a substantially similar offense under the laws of another state, the person so convicted shall be punished by commitment to the State Department of Corrections for a term not to exceed twenty (20) years. Codes, Hemingway's 1921 Supp. § 1142c; 1930, § 826; 1942, § 2052; Laws, 1920, ch. 215; Laws, 1958, ch. 276; Laws, 1980, ch. 387; Laws, 1985, ch. 389, § 1; Laws, 1993, ch. 512, § 4; Laws, 1995, ch. 487, § 1; Laws, 1998, ch. 549, § 5, eff. 7/1/1998. Amended by Laws, 2015, ch. 409, SB 2117, 1, eff. 7/1/2015.

Dollars (\$5,000.00), or be committed to the custody of the State Department of Corrections not less than two (2) years nor more than fifteen (15) years, or be punished by both such fine and imprisonment, at the discretion of the court. A person in a position of trust or authority over a child includes without limitation a child's teacher, counselor, physician, psychiatrist, psychologist, minister, priest, physical therapist, chiropractor, legal guardian, parent, stepparent, aunt, uncle, scout leader or coach.(3)Upon a second conviction for an offense under this section or a substantially similar offense under the laws of another state, the person so convicted shall be punished by commitment to the State Department of Corrections for a term not to exceed twenty (20) years.Codes, Hemingway's 1921 Supp. § 1142c; 1930, § 826; 1942, § 2052; Laws, 1920, ch. 215; Laws, 1958, ch. 276; Laws, 1980, ch. 387; Laws, 1985, ch. 389, § 1; Laws, 1993, ch. 512, § 4; Laws, 1995, ch. 487, § 1; Laws, 1998, ch. 549, § 5, eff. 7/1/1998.Amended by Laws, 2015, ch. 409, SB 2117, 1, eff. 7/1/2015. Codes, Hemingway's 1921 Supp. § 1142c; 1930, § 826; 1942, § 2052; Laws, 1920, ch. 215; Laws, 1958, ch. 276; Laws, 1980, ch. 387; Laws, 1985, ch. 389, § 1; Laws, 1993, ch. 512, § 4; Laws, 1995, ch. 487, § 1; Laws, 1998, ch. 549, § 5, eff. 7/1/1998. Amended by Laws, 2015, ch. 409, SB 2117, 1, eff. 7/1/2015.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 5 - OFFENSES AFFECTING CHILDREN (§§ 97-5-1 — 97-5-51)Section 97-5-24 - Sexual involvement of school employee with student; duty to report; penalties for failure to report; immunity from civil liability for report made in good faith

If any person eighteen (18) years or older who is employed by any public school district or private school in this state is accused of fondling or having any type of sexual involvement with any child under the age of eighteen (18) years who is enrolled in such school, the principal of such school and the superintendent of such school district shall timely notify the district attorney with jurisdiction where the school is located of such accusation, the Mississippi Department of Education and the Department of Child Protection Services, provided that such accusation is reported to the principal and to the school superintendent and that there is a reasonable basis to believe that such accusation is true. Any superintendent, or his designee, who fails to make a report required by this section shall be subject to the penalties provided in Section37-11-35. Any superintendent, principal, teacher or other school personnel participating in the making of a required report pursuant to this section or participating in any judicial proceeding resulting therefrom shall be presumed to be acting in good faith. Any person reporting in good faith shall be immune from any civil liability that might otherwise be incurred or imposed.Laws, 1994, ch. 595, § 11; Laws, 2011, ch. 514, § 2, eff. 4/26/2011.Amended by Laws, 2023, ch. 516, HB 1149,§ 101, eff. 7/1/2023. If any person eighteen (18) years or older who is employed by any public school district or private school in this state is accused of fondling or having any type of sexual involvement with any child under the age of eighteen (18) years who is enrolled in such school, the principal of such school and the superintendent of such school district shall timely notify the district attorney with jurisdiction where the school is located of such accusation, the Mississippi Department of Education and the Department of Child Protection Services, provided that such accusation is reported to the principal and to the school superintendent and that there is a reasonable basis to believe that such accusation is true. Any superintendent, or his designee, who fails to make a report required by this section shall be subject to the penalties provided in Section37-11-35. Any superintendent, principal, teacher or other school personnel participating in the making of a required report pursuant to this section or participating in any judicial proceeding resulting therefrom shall be presumed to be acting in good faith. Any person reporting in good faith shall be immune from any civil liability that might otherwise be incurred or imposed.Laws, 1994, ch. 595, § 11; Laws, 2011, ch. 514, § 2, eff. 4/26/2011.Amended by Laws, 2023, ch. 516, HB 1149,§ 101, eff. 7/1/2023. If any person eighteen (18) years or older who is employed by any public school district or private school in this state is accused of fondling or having any type of sexual involvement with any child under the age of eighteen (18) years who is enrolled in such school, the principal of such school and the superintendent of such school district shall timely notify the district attorney with jurisdiction where the school is located of such accusation, the Mississippi Department of Education and the Department of Child Protection Services, provided that such accusation is reported to the principal and to the school superintendent and that there is a reasonable basis to believe that such accusation is true. Any superintendent, or his designee, who fails to make a report required by this section shall be subject to the penalties provided in Section37-11-35. Any superintendent, principal, teacher or other school personnel participating in the making of a required report pursuant to this section or participating in any judicial proceeding resulting therefrom shall be presumed to be acting in good faith. Any person reporting in good faith shall be immune from any civil liability that might otherwise be incurred or imposed.Laws, 1994, ch. 595, § 11; Laws, 2011, ch. 514, § 2, eff. 4/26/2011. Amended by Laws, 2023, ch. 516, HB 1149,§ 101, eff. 7/1/2023.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 5 - OFFENSES AFFECTING CHILDREN

(§§ 97-5-1 — 97-5-51)Section 97-5-27 - Dissemination of sexually oriented material to persons under eighteen years of age; use of computer for purpose of luring or inducing persons under eighteen years of age to engage in sexual contact

(1)Any person who intentionally and knowingly disseminates sexually oriented material to any person under eighteen (18) years of age shall be guilty of a misdemeanor and, upon conviction, shall be fined for each offense not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or be imprisoned for not more than one (1) year in the county jail, or be punished by both such fine and imprisonment. A person disseminates sexually oriented material within the meaning of this section if he:(a)Sells, delivers or provides, or offers or agrees to sell, deliver or provide, any sexually oriented writing, picture, record or other representation or embodiment that is sexually oriented; or(b)Presents or directs a sexually oriented play, dance or other performance or participates directly in that portion thereof which makes it sexually oriented; or(c)Exhibits, presents, rents, sells, delivers or provides, or offers or agrees to exhibit, present, rent or to provide any sexually oriented still or motion picture, film, filmstrip or projection slide, or sound recording, sound tape or sound track or any matter or material of whatever form which is a representation, embodiment, performance or publication that is sexually oriented.(2)For purposes of this section, any material is sexually oriented if the material contains representations or descriptions, actual or simulated, of masturbation, sodomy, excretory functions, lewd exhibition of the genitals or female breasts, sadomasochistic abuse (for the purpose of sexual stimulation or gratification), homosexuality, lesbianism, bestiality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast or breasts of a female for the purpose of sexual stimulation, gratification or perversion.(3)(a)A person is guilty of computer luring when:(i)Knowing the character and content of any communication of sexually oriented material, he intentionally uses any computer communication system allowing the input, output, examination or transfer of computer data or computer programs from one (1) computer to another, to initiate or engage in such communication with a person under the age of eighteen (18); and(ii)By means of such communication he importunes, invites or induces a person under the age of eighteen (18) years to engage in sexual intercourse, deviant sexual intercourse or sexual contact with him, or to engage in a sexual performance, obscene sexual performance or sexual conduct for his benefit.(b)A person who engages in the conduct proscribed by this subsection (3) is presumed to do so with knowledge of the character and content of the material.(c)In any prosecution for computer luring, it shall be a defense that:(i)The defendant made a reasonable effort to ascertain the true age of the minor and was unable to do so as a result of actions taken by the minor; or(ii)The defendant has taken, in good faith, reasonable, effective and appropriate actions under the circumstances to restrict or prevent access by minors to the materials prohibited, which may involve any appropriate measures to restrict minors from access to such communications, including any method which is feasible under available technology; or(iii)The defendant has restricted access to such materials by requiring use of a verified credit card, debit account, adult access code or adult personal identification number; or(iv)The defendant has in good faith established a mechanism such that the labeling, segregation or other mechanism enables such material to be automatically blocked or screened by software or other capabilities reasonably available to responsible adults wishing to effect such blocking or screening and the defendant has not otherwise solicited minors not subject to such screening or blocking capabilities to access that material or to circumvent any such screening or blocking.(d)In any prosecution for computer luring:(i)No person shall be held to have violated this subsection (3) solely for providing access or connection to or from a facility, system, or network not under that person's control, including transmission, downloading, intermediate storage, access software or other related capabilities that are incidental to providing such access or connection that do not include the creation of the content of the communication.(ii)No employer shall be held liable for the actions of an employee or agent unless the employee's or agent's conduct is within the scope of his employment or agency or the employer, having knowledge of such conduct, authorizes or ratifies such conduct, or recklessly disregards such conduct.(iii)The limitations provided by this paragraph (d) shall not be applicable to a person who is a conspirator with an entity actively involved in the creation or knowing distribution of communications that violate such provisions, or who knowingly advertises the availability of such communications, nor to a person who provides access or connection to a facility, system or network engaged in the violation of such provisions that is owned or controlled by such person.(e)Computer luring is a felony, and any person convicted thereof shall be punished by commitment to the custody of the Department of Corrections for a term not to exceed three (3) years and by a fine not to exceed Ten Thousand Dollars (\$10,000.00).(4)Investigation and prosecution of a defendant under this section does not preclude prosecution of the defendant for a violation of other applicable criminal laws, including, but not limited to, the Mississippi Human Trafficking Act, Section 97-3-54et seq.Laws, 1979, ch. 475, § 1; Laws, 2002, ch. 319, § 1, eff. 7/1/2002.Amended by Laws, 2013, ch. 543, HB 673, 16, eff. 7/1/2013. (1)Any person who intentionally and knowingly disseminates sexually oriented material to any person under eighteen (18) years of age shall be guilty of a misdemeanor and, upon conviction, shall be fined for each offense not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or be imprisoned for not more than one (1) year in the county jail, or be punished by both such fine and imprisonment. A person disseminates sexually oriented material within the meaning of this section if he:(a)Sells, delivers or provides, or offers or agrees to sell, deliver or provide, any sexually oriented writing, picture, record or other representation or embodiment that is sexually oriented; or(b)Presents or directs a sexually oriented play, dance or other performance or participates directly in that portion thereof which makes it sexually oriented; or(c)Exhibits, presents, rents, sells, delivers or provides, or offers or agrees to exhibit, present, rent or to provide any sexually oriented still or motion picture, film, filmstrip or projection slide, or sound recording, sound tape or sound track or any matter or material of whatever form which is a representation, embodiment, performance or publication that is sexually oriented.(2)For purposes of this section, any material is sexually oriented if the material contains representations or descriptions, actual or simulated, of masturbation, sodomy, excretory functions, lewd exhibition of the genitals or female breasts, sadomasochistic abuse (for the purpose of sexual stimulation or gratification), homosexuality, lesbianism, bestiality, sexual intercourse, or physical contact with a person's

clothed or unclothed genitals, pubic area, buttocks, or the breast or breasts of a female for the purpose of sexual stimulation, gratification or perversion.(3)(a)A person is guilty of computer luring when:(i)Knowing the character and content of any communication of sexually oriented material, he intentionally uses any computer communication system allowing the input, output, examination or transfer of computer data or computer programs from one (1) computer to another, to initiate or engage in such communication with a person under the age of eighteen (18); and(ii)By means of such communication he importunes, invites or induces a person under the age of eighteen (18) years to engage in sexual intercourse, deviant sexual intercourse or sexual contact with him, or to engage in a sexual performance, obscene sexual performance or sexual conduct for his benefit.(b)A person who engages in the conduct proscribed by this subsection (3) is presumed to do so with knowledge of the character and content of the material.(c)In any prosecution for computer luring, it shall be a defense that:(i)The defendant made a reasonable effort to ascertain the true age of the minor and was unable to do so as a result of actions taken by the minor; or(ii)The defendant has taken, in good faith, reasonable, effective and appropriate actions under the circumstances to restrict or prevent access by minors to the materials prohibited, which may involve any appropriate measures to restrict minors from access to such communications, including any method which is feasible under available technology; or(iii)The defendant has restricted access to such materials by requiring use of a verified credit card, debit account, adult access code or adult personal identification number; or(iv)The defendant has in good faith established a mechanism such that the labeling, segregation or other mechanism enables such material to be automatically blocked or screened by software or other capabilities reasonably available to responsible adults wishing to effect such blocking or screening and the defendant has not otherwise solicited minors not subject to such screening or blocking capabilities to access that material or to circumvent any such screening or blocking.(d)In any prosecution for computer luring:(i)No person shall be held to have violated this subsection (3) solely for providing access or connection to or from a facility, system, or network not under that person's control, including transmission, downloading, intermediate storage, access software or other related capabilities that are incidental to providing such access or connection that do not include the creation of the content of the communication.(ii)No employer shall be held liable for the actions of an employee or agent unless the employee's or agent's conduct is within the scope of his employment or agency or the employer, having knowledge of such conduct, authorizes or ratifies such conduct, or recklessly disregards such conduct.(iii)The limitations provided by this paragraph (d) shall not be applicable to a person who is a conspirator with an entity actively involved in the creation or knowing distribution of communications that violate such provisions, or who knowingly advertises the availability of such communications, nor to a person who provides access or connection to a facility, system or network engaged in the violation of such provisions that is owned or controlled by such person.(e)Computer luring is a felony, and any person convicted thereof shall be punished by commitment to the custody of the Department of Corrections for a term not to exceed three (3) years and by a fine not to exceed Ten Thousand Dollars (\$10,000.00).(4)Investigation and prosecution of a defendant under this section does not preclude prosecution of the defendant for a violation of other applicable criminal laws, including, but not limited to, the Mississippi Human Trafficking Act, Section 97-3-54 et seq. Laws, 1979, ch. 475, § 1; Laws, 2002, ch. 319, § 1, eff. 7/1/2002. Amended by Laws, 2013, ch. 543, HB 673, 16, eff. 7/1/2013. (1)Any person who intentionally and knowingly disseminates sexually oriented material to any person under eighteen (18) years of age shall be guilty of a misdemeanor and, upon conviction, shall be fined for each offense not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or be imprisoned for not more than one (1) year in the county jail, or be punished by both such fine and imprisonment. A person disseminates sexually oriented material within the meaning of this section if he:(a)Sells, delivers or provides, or offers or agrees to sell, deliver or provide, any sexually oriented writing, picture, record or other representation or embodiment that is sexually oriented; or(b)Presents or directs a sexually oriented play, dance or other performance or participates directly in that portion thereof which makes it sexually oriented; or(c)Exhibits, presents, rents, sells, delivers or provides, or offers or agrees to exhibit, present, rent or to provide any sexually oriented still or motion picture, film, filmstrip or projection slide, or sound recording, sound tape or sound track or any matter or material of whatever form which is a representation, embodiment, performance or publication that is sexually oriented.(2)For purposes of this section, any material is sexually oriented if the material contains representations or descriptions, actual or simulated, of masturbation, sodomy, excretory functions, lewd exhibition of the genitals or female breasts, sadomasochistic abuse (for the purpose of sexual stimulation or gratification), homosexuality, lesbianism, bestiality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast or breasts of a female for the purpose of sexual stimulation, gratification or perversion.(3)(a)A person is guilty of computer luring when:(i)Knowing the character and content of any communication of sexually oriented material, he intentionally uses any computer communication system allowing the input, output, examination or transfer of computer data or computer programs from one (1) computer to another, to initiate or engage in such communication with a person under the age of eighteen (18); and(ii)By means of such communication he importunes, invites or induces a person under the age of eighteen (18) years to engage in sexual intercourse, deviant sexual intercourse or sexual contact with him, or to engage in a sexual performance, obscene sexual performance or sexual conduct for his benefit.(b)A person who engages in the conduct proscribed by this subsection (3) is presumed to do so with knowledge of the character and content of the material.(c)In any prosecution for computer luring, it shall be a defense that:(i)The defendant made a reasonable effort to ascertain the true age of the minor and was unable to do so as a result of actions taken by the minor; or(ii)The defendant has taken, in good faith, reasonable, effective and appropriate actions under the circumstances to restrict or prevent access by minors to the materials prohibited, which may involve any appropriate measures to restrict minors from access to such communications, including any method which is feasible under available technology; or(iii)The defendant has restricted access to such materials by requiring use of a verified credit card, debit account, adult access code or adult personal identification number; or(iv)The defendant has in good faith established a mechanism such that the labeling, segregation or other mechanism

enables such material to be automatically blocked or screened by software or other capabilities reasonably available to responsible adults wishing to effect such blocking or screening and the defendant has not otherwise solicited minors not subject to such screening or blocking capabilities to access that material or to circumvent any such screening or blocking.(d)In any prosecution for computer luring:(i)No person shall be held to have violated this subsection (3) solely for providing access or connection to or from a facility, system, or network not under that person's control, including transmission, downloading, intermediate storage, access software or other related capabilities that are incidental to providing such access or connection that do not include the creation of the content of the communication.(ii)No employer shall be held liable for the actions of an employee or agent unless the employee's or agent's conduct is within the scope of his employment or agency or the employer, having knowledge of such conduct, authorizes or ratifies such conduct, or recklessly disregards such conduct.(iii)The limitations provided by this paragraph (d) shall not be applicable to a person who is a conspirator with an entity actively involved in the creation or knowing distribution of communications that violate such provisions, or who knowingly advertises the availability of such communications, nor to a person who provides access or connection to a facility, system or network engaged in the violation of such provisions that is owned or controlled by such person.(e)Computer luring is a felony, and any person convicted thereof shall be punished by commitment to the custody of the Department of Corrections for a term not to exceed three (3) years and by a fine not to exceed Ten Thousand Dollars (\$10,000.00).(4)Investigation and prosecution of a defendant under this section does not preclude prosecution of the defendant for a violation of other applicable criminal laws, including, but not limited to, the Mississippi Human Trafficking Act, Section 97-3-54 et seq. Laws, 1979, ch. 475, § 1; Laws, 2002, ch. 319, § 1, eff. 7/1/2002. Amended by Laws, 2013, ch. 543, HB 673, 16, eff. 7/1/2013. Laws, 1979, ch. 475, § 1; Laws, 2002, ch. 319, § 1, eff. 7/1/2002. Amended by Laws, 2013, ch. 543, HB 673, 16, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 5 - OFFENSES AFFECTING CHILDREN (§§ 97-5-1 — 97-5-51) Section 97-5-29 - Public display of sexually oriented materials

(1)Any person who intentionally and knowingly places sexually oriented materials upon public display, or who knowingly and intentionally fails to take prompt action to remove such a display from property in his possession after learning of its existence shall be guilty of a misdemeanor and upon conviction shall be fined for each offense not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or be imprisoned for not more than one (1) year in the county jail, or be punished by both such fine and imprisonment.(2)For purposes of this section any material is sexually oriented if the material consists of representations or descriptions of actual or simulated masturbation, sodomy, excretory functions, lewd exhibition of the genitals or female breasts, sadomasochistic abuse (for the purpose of sexual stimulation or gratification), homosexuality, lesbianism, bestiality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or the breast or breasts of a female for the purpose of sexual stimulation, gratification or perversion.(3)A person places sexually oriented material upon public display within the meaning of this section if he places the material on or in a billboard, viewing screen, theater stage or marquee, newsstand, display rack, window, showcase, display case or other similar place, including a viewing screen in a vehicle, so that sexually oriented material is easily visible from a public street, public road or sidewalk or from areas of public businesses in which minors are normally business invitees.Laws, 1979, ch. 475, § 2; Laws, 2005, ch. 491, § 4, eff. 7/1/2005. (1)Any person who intentionally and knowingly places sexually oriented materials upon public display, or who knowingly and intentionally fails to take prompt action to remove such a display from property in his possession after learning of its existence shall be guilty of a misdemeanor and upon conviction shall be fined for each offense not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or be imprisoned for not more than one (1) year in the county jail, or be punished by both such fine and imprisonment.(2)For purposes of this section any material is sexually oriented if the material consists of representations or descriptions of actual or simulated masturbation, sodomy, excretory functions, lewd exhibition of the genitals or female breasts, sadomasochistic abuse (for the purpose of sexual stimulation or gratification), homosexuality, lesbianism, bestiality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or the breast or breasts of a female for the purpose of sexual stimulation, gratification or perversion.(3)A person places sexually oriented material upon public display within the meaning of this section if he places the material on or in a billboard, viewing screen, theater stage or marquee, newsstand, display rack, window, showcase, display case or other similar place, including a viewing screen in a vehicle, so that sexually oriented material is easily visible from a public street, public road or sidewalk or from areas of public businesses in which minors are normally business invitees.Laws, 1979, ch. 475, § 2; Laws, 2005, ch. 491, § 4, eff. 7/1/2005. (1)Any person who intentionally and knowingly places sexually oriented materials upon public display, or who knowingly and intentionally fails to take prompt action to remove such a display from property in his possession after learning of its existence shall be guilty of a misdemeanor and upon conviction shall be fined for each offense not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or be imprisoned for not more than one (1) year in the county jail, or be punished by both such fine and imprisonment.(2)For purposes of this section any material is sexually oriented if the material consists of representations or descriptions of actual or simulated masturbation, sodomy, excretory functions, lewd exhibition of the genitals or female breasts, sadomasochistic abuse (for the purpose of sexual stimulation or gratification), homosexuality, lesbianism, bestiality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or the breast or breasts of a female for the purpose of sexual stimulation, gratification or perversion.(3)A person places sexually oriented material upon public display within the meaning of this section if he places the material on or in a billboard, viewing screen, theater stage or marquee, newsstand, display rack, window, showcase, display case or other similar place, including a viewing screen in a vehicle, so that sexually oriented material is easily visible from a public street, public road or sidewalk or from areas of public businesses in which minors

are normally business invitees. Laws, 1979, ch. 475, § 2; Laws, 2005, ch. 491, § 4, eff. 7/1/2005. Laws, 1979, ch. 475, § 2; Laws, 2005, ch. 491, § 4, eff. 7/1/2005.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 5 - OFFENSES AFFECTING CHILDREN (§§ 97-5-1 — 97-5-51) Section 97-5-3 - Desertion or nonsupport of child under age twenty-one; defenses to prosecution

(1) Any parent who shall desert or willfully neglect or refuse to provide for the support and maintenance of his or her child or children, including the natural parent of an illegitimate child or children wherein paternity has been established by law or when the natural parent has acknowledged paternity in writing, while said child or children are under the age of twenty-one (21) years shall be guilty of a felony and, on conviction thereof, shall be punished for a first offense by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by commitment to the custody of the Department of Corrections not more than five (5) years, or both; and for a second or subsequent offense, by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by commitment to the custody of the Department of Corrections not less than two (2) years nor more than five (5) years, or both, in the discretion of the court. (2) In any prosecution under this section, it is a defense if, during the relevant time period, the child: (i) Marries, or (ii) Joins the military and serves on a full-time basis, or (iii) Is convicted of a felony and is sentenced to incarceration of two (2) or more years for committing such felony, or (iv) Discontinues full-time enrollment in school having attained the age of eighteen (18) years, unless the child is disabled, or (v) Voluntarily moves from the home of the custodial parent or guardian, establishes independent living arrangements, obtains full-time employment and discontinues educational endeavors prior to attaining the age of twenty-one (21) years, or (vi) Cohabits with another person without the approval of the parent obligated to pay support. Codes, 1930, § 861; 1942, § 2087; Laws, 1928, Ex. ch. 89; Laws, 1962, ch. 311; Laws, 1995, ch. 533, § 1, eff. 7/1/1995. Amended by Laws, 2023, ch. 422, SB 2634, § 1, eff. 7/1/2023.

(1) Any parent who shall desert or willfully neglect or refuse to provide for the support and maintenance of his or her child or children, including the natural parent of an illegitimate child or children wherein paternity has been established by law or when the natural parent has acknowledged paternity in writing, while said child or children are under the age of twenty-one (21) years shall be guilty of a felony and, on conviction thereof, shall be punished for a first offense by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by commitment to the custody of the Department of Corrections not more than five (5) years, or both; and for a second or subsequent offense, by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by commitment to the custody of the Department of Corrections not less than two (2) years nor more than five (5) years, or both, in the discretion of the court. (2) In any prosecution under this section, it is a defense if, during the relevant time period, the child: (i) Marries, or (ii) Joins the military and serves on a full-time basis, or (iii) Is convicted of a felony and is sentenced to incarceration of two (2) or more years for committing such felony, or (iv) Discontinues full-time enrollment in school having attained the age of eighteen (18) years, unless the child is disabled, or (v) Voluntarily moves from the home of the custodial parent or guardian, establishes independent living arrangements, obtains full-time employment and discontinues educational endeavors prior to attaining the age of twenty-one (21) years, or (vi) Cohabits with another person without the approval of the parent obligated to pay support. Codes, 1930, § 861; 1942, § 2087; Laws, 1928, Ex. ch. 89; Laws, 1962, ch. 311; Laws, 1995, ch. 533, § 1, eff. 7/1/1995. Amended by Laws, 2023, ch. 422, SB 2634, § 1, eff. 7/1/2023.

(1) Any parent who shall desert or willfully neglect or refuse to provide for the support and maintenance of his or her child or children, including the natural parent of an illegitimate child or children wherein paternity has been established by law or when the natural parent has acknowledged paternity in writing, while said child or children are under the age of twenty-one (21) years shall be guilty of a felony and, on conviction thereof, shall be punished for a first offense by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by commitment to the custody of the Department of Corrections not more than five (5) years, or both; and for a second or subsequent offense, by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by commitment to the custody of the Department of Corrections not less than two (2) years nor more than five (5) years, or both, in the discretion of the court. (2) In any prosecution under this section, it is a defense if, during the relevant time period, the child: (i) Marries, or (ii) Joins the military and serves on a full-time basis, or (iii) Is convicted of a felony and is sentenced to incarceration of two (2) or more years for committing such felony, or (iv) Discontinues full-time enrollment in school having attained the age of eighteen (18) years, unless the child is disabled, or (v) Voluntarily moves from the home of the custodial parent or guardian, establishes independent living arrangements, obtains full-time employment and discontinues educational endeavors prior to attaining the age of twenty-one (21) years, or (vi) Cohabits with another person without the approval of the parent obligated to pay support. Codes, 1930, § 861; 1942, § 2087; Laws, 1928, Ex. ch. 89; Laws, 1962, ch. 311; Laws, 1995, ch. 533, § 1, eff. 7/1/1995. Amended by Laws, 2023, ch. 422, SB 2634, § 1, eff. 7/1/2023.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 5 - OFFENSES AFFECTING CHILDREN (§§ 97-5-1 — 97-5-51) Section 97-5-31 - Exploitation of children; definitions

As used in Sections 97-5-33 through 97-5-37, the following words and phrases shall have the meanings given to them in this section: (a) "Child" means any individual who has not attained the age of eighteen (18) years and is an identifiable child. (b) "Sexually explicit conduct" means actual, morphed or simulated: (i) Oral genital contact, oral anal contact, or sexual intercourse as defined in Section 97-3-65, whether between persons of the same or opposite sex; (ii) Bestiality; (iii) Masturbation; (iv) Sadistic or masochistic

abuse;(v)Lascivious exhibition of the genitals or pubic area of any person; or(vi)Fondling or other erotic touching of the genitals, pubic area, buttocks, anus or breast.(c)"Producing" means producing, directing, manufacturing, issuing, publishing, morphing or advertising.(d)"Visual depiction" includes, without limitation, developed or undeveloped film and video tape or other visual unaltered, altered or morphed reproductions by computer and technology.(e)"Computer" has the meaning given in Title 18, United States Code, Section 1030.(f)"Morphed image" means any visual depiction or representation, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, simulated or other means, of sexually explicit conduct, where such visual depiction or representation has been created, adapted, or modified to appear an identifiable minor is engaging in sexual conduct or sexually explicit activity to appearing in a state of sexually explicit nudity.(g)"Simulated" means any depicting of the genitals or rectal areas that gives the appearance of sexual conduct or incipient sexual conduct.(h)"Identifiable child" means a child who was a minor at the time the image was created, adapted, or modified or whose image as a child was used in the creating, adapting or modifying of the image; and is recognizable as an actual child by the child's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature. The provisions of this paragraph (h) shall not be construed to require proof of the actual identity of the identifiable child.Laws, 1979, ch. 479, § 1; Laws, 1995, ch. 484, § 1; Laws, 2003, ch. 562, § 1, eff. 7/1/2003.Amended by Laws, 2024, ch. 456, HB 1126,§ 9, eff. 7/1/2024.Amended by Laws, 2013, ch. 543, HB 673, 17, eff. 7/1/2013. As used in Sections97-5-33through97-5-37, the following words and phrases shall have the meanings given to them in this section:(a)"Child" means any individual who has not attained the age of eighteen (18) years and is an identifiable child.(b)"Sexually explicit conduct" means actual, morphed or simulated:(i)Oral genital contact, oral anal contact, or sexual intercourse as defined in Section97-3-65, whether between persons of the same or opposite sex;(ii)Bestiality;(iii)Masturbation;(iv)Sadistic or masochistic abuse;(v)Lascivious exhibition of the genitals or pubic area of any person; or(vi)Fondling or other erotic touching of the genitals, pubic area, buttocks, anus or breast.(c)"Producing" means producing, directing, manufacturing, issuing, publishing, morphing or advertising.(d)"Visual depiction" includes, without limitation, developed or undeveloped film and video tape or other visual unaltered, altered or morphed reproductions by computer and technology.(e)"Computer" has the meaning given in Title 18, United States Code, Section 1030.(f)"Morphed image" means any visual depiction or representation, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, simulated or other means, of sexually explicit conduct, where such visual depiction or representation has been created, adapted, or modified to appear an identifiable minor is engaging in sexual conduct or sexually explicit activity to appearing in a state of sexually explicit nudity.(g)"Simulated" means any depicting of the genitals or rectal areas that gives the appearance of sexual conduct or incipient sexual conduct.(h)"Identifiable child" means a child who was a minor at the time the image was created, adapted, or modified or whose image as a child was used in the creating, adapting or modifying of the image; and is recognizable as an actual child by the child's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature. The provisions of this paragraph (h) shall not be construed to require proof of the actual identity of the identifiable child.Laws, 1979, ch. 479, § 1; Laws, 1995, ch. 484, § 1; Laws, 2003, ch. 562, § 1, eff. 7/1/2003.Amended by Laws, 2024, ch. 456, HB 1126,§ 9, eff. 7/1/2024.Amended by Laws, 2013, ch. 543, HB 673, 17, eff. 7/1/2013. As used in Sections97-5-33through97-5-37, the following words and phrases shall have the meanings given to them in this section:(a)"Child" means any individual who has not attained the age of eighteen (18) years and is an identifiable child.(b)"Sexually explicit conduct" means actual, morphed or simulated:(i)Oral genital contact, oral anal contact, or sexual intercourse as defined in Section97-3-65, whether between persons of the same or opposite sex;(ii)Bestiality;(iii)Masturbation;(iv)Sadistic or masochistic abuse;(v)Lascivious exhibition of the genitals or pubic area of any person; or(vi)Fondling or other erotic touching of the genitals, pubic area, buttocks, anus or breast.(c)"Producing" means producing, directing, manufacturing, issuing, publishing, morphing or advertising.(d)"Visual depiction" includes, without limitation, developed or undeveloped film and video tape or other visual unaltered, altered or morphed reproductions by computer and technology.(e)"Computer" has the meaning given in Title 18, United States Code, Section 1030.(f)"Morphed image" means any visual depiction or representation, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, simulated or other means, of sexually explicit conduct, where such visual depiction or representation has been created, adapted, or modified to appear an identifiable minor is engaging in sexual conduct or sexually explicit activity to appearing in a state of sexually explicit nudity.(g)"Simulated" means any depicting of the genitals or rectal areas that gives the appearance of sexual conduct or incipient sexual conduct.(h)"Identifiable child" means a child who was a minor at the time the image was created, adapted, or modified or whose image as a child was used in the creating, adapting or modifying of the image; and is recognizable as an actual child by the child's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature. The provisions of this paragraph (h) shall not be construed to require proof of the actual identity of the identifiable child.Laws, 1979, ch. 479, § 1; Laws, 1995, ch. 484, § 1; Laws, 2003, ch. 562, § 1, eff. 7/1/2003.Amended by Laws, 2024, ch. 456, HB 1126,§ 9, eff. 7/1/2024.Amended by Laws, 2013, ch. 543, HB 673, 17, eff. 7/1/2013. As used in Sections97-5-33through97-5-37, the following words and phrases shall have the meanings given to them in this section: Laws, 1979, ch. 479, § 1; Laws, 1995, ch. 484, § 1; Laws, 2003, ch. 562, § 1, eff. 7/1/2003. Amended by Laws, 2024, ch. 456, HB 1126,§ 9, eff. 7/1/2024. Amended by Laws, 2013, ch. 543, HB 673, 17, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 5 - OFFENSES AFFECTING CHILDREN (§§ 97-5-1 — 97-5-51)Section 97-5-33 - Exploitation of children; prohibitions

(1)No person shall, by any means including computer, cause, solicit or knowingly permit any child to engage in sexually explicit

conduct or in the simulation of sexually explicit conduct for the purpose of producing any visual depiction of such conduct.(2)No person shall, by any means including computer, photograph, film, video tape or otherwise depict or record a child engaging in sexually explicit conduct or in the simulation of sexually explicit conduct.(3)No person shall, by any means including computer, knowingly send, transport, transmit, ship, mail or receive any photograph, drawing, sketch, film, video tape or other visual depiction of an actual child engaging in sexually explicit conduct.(4)No person shall, by any means including computer, receive with intent to distribute, distribute for sale, sell or attempt to sell in any manner any photograph, drawing, sketch, film, video tape or other visual depiction of an actual child engaging in sexually explicit conduct.(5)No person shall, by any means including computer, knowingly possess or knowingly access with intent to view any photograph, drawing, sketch, film, video tape or other visual depiction of an actual child engaging in sexually explicit conduct.(6)No person shall, by any means including computer, knowingly entice, induce, persuade, seduce, solicit, advise, coerce, or order a child to meet with the defendant or any other person for the purpose of engaging in sexually explicit conduct.(7)No person shall by any means, including computer, knowingly entice, induce, persuade, seduce, solicit, advise, coerce or order a child to produce any visual depiction of adult sexual conduct or any sexually explicit conduct.(8)The fact that an undercover operative or law enforcement officer posed as a child or was involved in any other manner in the detection and investigation of an offense under this section shall not constitute a defense to a prosecution under this section.(9)For purposes of determining jurisdiction, the offense is committed in this state if all or part of the conduct described in this section occurs in the State of Mississippi or if the transmission that constitutes the offense either originates in this state or is received in this state.Laws, 1979, ch. 479, § 2; Laws, 1988, ch. 558; Laws, 1995, ch. 484, § 2; Laws, 2003, ch. 562, § 2; Laws, 2005, ch. 467, § 1; Laws, 2005, ch. 491, § 1; Laws, 2007, ch. 376, § 1, eff. 7/1/2007.Amended by Laws, 2013, ch. 412, SB 2197, 1, eff. 7/1/2013. (1)No person shall, by any means including computer, cause, solicit or knowingly permit any child to engage in sexually explicit conduct or in the simulation of sexually explicit conduct for the purpose of producing any visual depiction of such conduct.(2)No person shall, by any means including computer, photograph, film, video tape or otherwise depict or record a child engaging in sexually explicit conduct or in the simulation of sexually explicit conduct.(3)No person shall, by any means including computer, knowingly send, transport, transmit, ship, mail or receive any photograph, drawing, sketch, film, video tape or other visual depiction of an actual child engaging in sexually explicit conduct.(4)No person shall, by any means including computer, receive with intent to distribute, distribute for sale, sell or attempt to sell in any manner any photograph, drawing, sketch, film, video tape or other visual depiction of an actual child engaging in sexually explicit conduct.(5)No person shall, by any means including computer, knowingly possess or knowingly access with intent to view any photograph, drawing, sketch, film, video tape or other visual depiction of an actual child engaging in sexually explicit conduct.(6)No person shall, by any means including computer, knowingly entice, induce, persuade, seduce, solicit, advise, coerce, or order a child to meet with the defendant or any other person for the purpose of engaging in sexually explicit conduct.(7)No person shall by any means, including computer, knowingly entice, induce, persuade, seduce, solicit, advise, coerce or order a child to produce any visual depiction of adult sexual conduct or any sexually explicit conduct.(8)The fact that an undercover operative or law enforcement officer posed as a child or was involved in any other manner in the detection and investigation of an offense under this section shall not constitute a defense to a prosecution under this section.(9)For purposes of determining jurisdiction, the offense is committed in this state if all or part of the conduct described in this section occurs in the State of Mississippi or if the transmission that constitutes the offense either originates in this state or is received in this state.Laws, 1979, ch. 479, § 2; Laws, 1988, ch. 558; Laws, 1995, ch. 484, § 2; Laws, 2003, ch. 562, § 2; Laws, 2005, ch. 467, § 1; Laws, 2005, ch. 491, § 1; Laws, 2007, ch. 376, § 1, eff. 7/1/2007.Amended by Laws, 2013, ch. 412, SB 2197, 1, eff. 7/1/2013. Laws, 1979, ch. 479, § 2; Laws, 1988, ch. 558; Laws, 1995, ch. 484, § 2; Laws, 2003, ch. 562, § 2; Laws, 2005, ch. 467, § 1; Laws, 2005, ch. 491, § 1; Laws, 2007, ch. 376, § 1, eff. 7/1/2007. Amended by Laws, 2013, ch. 412, SB 2197, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 5 - OFFENSES AFFECTING CHILDREN (§§ 97-5-1 — 97-5-51) Section 97-5-35 - Exploitation of children; penalties

Any person who violates any provision of Section 97-5-33 shall be guilty of a felony and upon conviction shall be fined not less than Fifty Thousand Dollars (\$50,000.00) nor more than Five Hundred Thousand Dollars (\$500,000.00) and shall be imprisoned for not less than five (5) years nor more than forty (40) years. Any person convicted of a second or subsequent violation of Section 97-5-33 shall be fined not less than One Hundred Thousand Dollars (\$100,000.00) nor more than One Million Dollars (\$1,000,000.00) and shall be confined in the custody of the Department of Corrections for life or such lesser term as the court may determine, but not less than twenty (20) years. Laws, 1979, ch. 479, § 3; Laws, 1995, ch. 484, § 3; Laws, 2003, ch. 562, § 3; Laws, 2005, ch. 467, § 2; Laws, 2005, ch. 491, § 2, eff. 7/1/2005. Any person who violates any provision of Section 97-5-33 shall be guilty of a felony and upon conviction shall be fined not less than Fifty Thousand Dollars (\$50,000.00) nor more than Five Hundred Thousand Dollars (\$500,000.00) and shall be imprisoned for not less than five (5) years nor more than forty (40) years. Any person convicted of a second or subsequent violation of Section 97-5-33 shall be fined not less than One Hundred Thousand Dollars (\$100,000.00) nor more than One Million Dollars (\$1,000,000.00) and shall be confined in the custody of the Department of Corrections for life or such lesser term as the court may determine, but not less than twenty (20) years. Laws, 1979, ch. 479, § 3; Laws, 1995, ch. 484, § 3; Laws, 2003, ch. 562, § 3; Laws, 2005, ch. 467, § 2; Laws, 2005, ch. 491, § 2, eff. 7/1/2005. Any person who violates any provision of Section 97-5-33 shall be guilty of a felony and upon conviction shall be fined not less than Fifty Thousand Dollars (\$50,000.00) nor more than Five Hundred Thousand Dollars (\$500,000.00) and shall be imprisoned for not less than five (5) years nor more than forty (40) years. Any person convicted of a second or subsequent violation of Section 97-5-33 shall be fined not less than One Hundred Thousand Dollars (\$100,000.00) nor more than One Million Dollars (\$1,000,000.00) and shall be confined in the custody of the Department of Corrections for life or such lesser term as the court may determine, but not less than twenty (20) years. Laws, 1979, ch. 479, § 3; Laws, 1995, ch. 484, § 3; Laws, 2003, ch. 562, § 3; Laws, 2005, ch. 467, § 2; Laws, 2005, ch. 491, § 2, eff. 7/1/2005. Any person who violates any provision of Section 97-5-33 shall be guilty of a felony and upon conviction shall be fined not less than Fifty Thousand Dollars (\$50,000.00) nor more than Five Hundred Thousand Dollars (\$500,000.00) and shall be imprisoned for not less than five (5) years nor more than forty (40) years. Any person convicted of a second or subsequent violation of Section 97-5-33 shall be fined not less than One Hundred Thousand Dollars (\$100,000.00) nor more than One Million Dollars (\$1,000,000.00) and shall be confined in the custody of the Department of Corrections for life or such lesser term as the court may determine, but not less than twenty (20) years. Laws, 1979, ch. 479, § 3; Laws, 1995, ch. 484, § 3; Laws, 2003, ch. 562, § 3; Laws, 2005, ch. 467, § 2; Laws, 2005, ch. 491, § 2, eff. 7/1/2005.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 5 - OFFENSES AFFECTING CHILDREN (§§ 97-5-1 — 97-5-51) Section 97-5-37 - Exploitation of children; other remedies

The provisions of Sections 97-5-31 through 97-5-37 are supplemental to any statute relating to child abuse or neglect, obscenity, enticement of children or contributing to delinquency of a minor and acquittal or conviction pursuant to any other statute shall not be a bar to prosecution under Sections 97-5-31 through 97-5-37. Acquittal or conviction under Sections 97-5-31 through 97-5-37 shall not be a bar to prosecution and conviction under other statutes defining crimes or misdemeanors, nor to any civil or administrative remedy otherwise available. Laws, 1979, ch. 479, § 4, eff. 7/1/1979. The provisions of Sections 97-5-31 through 97-5-37 are supplemental to any statute relating to child abuse or neglect, obscenity, enticement of children or contributing to delinquency of a minor and acquittal or conviction pursuant to any other statute shall not be a bar to prosecution under Sections 97-5-31 through 97-5-37. Acquittal or conviction under Sections 97-5-31 through 97-5-37 shall not be a bar to prosecution and conviction under other statutes defining crimes or misdemeanors, nor to any civil or administrative remedy otherwise available. Laws, 1979, ch. 479, § 4, eff. 7/1/1979. The provisions of Sections 97-5-31 through 97-5-37 are supplemental to any statute relating to child abuse or neglect, obscenity, enticement of children or contributing to delinquency of a minor and acquittal or conviction pursuant to any other statute shall not be a bar to prosecution under Sections 97-5-31 through 97-5-37. Acquittal or conviction under Sections 97-5-31 through 97-5-37 shall not be a bar to prosecution and conviction under other statutes defining crimes or misdemeanors, nor to any civil or administrative remedy otherwise available. Laws, 1979, ch. 479, § 4, eff. 7/1/1979. The provisions of Sections 97-5-31 through 97-5-37 are supplemental to any statute relating to child abuse or neglect, obscenity, enticement of children or contributing to delinquency of a minor and acquittal or conviction pursuant to any other statute shall not be a bar to prosecution under Sections 97-5-31 through 97-5-37. Acquittal or conviction under Sections 97-5-31 through 97-5-37 shall not be a bar to prosecution and conviction under other statutes defining crimes or misdemeanors, nor to any civil or administrative remedy otherwise available. Laws, 1979, ch. 479, § 4, eff. 7/1/1979.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 5 - OFFENSES AFFECTING CHILDREN (§§ 97-5-1 — 97-5-51) Section 97-5-39 - Contributing to the neglect or delinquency of a child; felonious abuse and/or battery of a child

(1)(a) Except as otherwise provided in this section, any parent, guardian or other person who intentionally, knowingly or recklessly commits any act or omits the performance of any duty, which act or omission contributes to or tends to contribute to the neglect or delinquency of any child or which act or omission results in the abuse of any child, as defined in Section 43-21-105(m) of the Youth Court Law, or who knowingly aids any child in escaping or absenting himself from the guardianship or custody of any person,

agency or institution, or knowingly harbors or conceals, or aids in harboring or concealing, any child who has absented himself without permission from the guardianship or custody of any person, agency or institution to which the child shall have been committed by the youth court shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment not to exceed one (1) year in jail, or by both such fine and imprisonment.(b)For the purpose of this section, a child is a person who has not reached his eighteenth birthday. A child who has not reached his eighteenth birthday and is on active duty for a branch of the armed services, or who is married, is not considered a child for the purposes of this statute.(c)If a child commits one (1) of the proscribed acts in subsection (2)(a), (b) or (c) of this section upon another child, then original jurisdiction of all such offenses shall be in youth court.(d)If the parent has failed to provide the child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused by financial inability unless relief services have been offered and refused and the child is in imminent risk of harm, or the parent is unwilling to provide reasonably necessary medical care, though that medical care does not include recommended or optional vaccinations against childhood or any other disease, the person may be sentenced to imprisonment in custody of the Department of Corrections for not more than five (5) years or to payment of a fine of not more than Five Thousand Dollars (\$5,000.00), or both.(e)A parent, legal guardian or other person who knowingly permits the continuing physical or sexual abuse of a child is guilty of neglect of a child and may be sentenced to imprisonment in the custody of the Department of Corrections for not more than ten (10) years or to payment of a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(2)Any person shall be guilty of felonious child abuse in the following circumstances:(a)Whether bodily harm results or not, if the person shall intentionally, knowingly or recklessly:(i)Burn any child;(ii)Torture any child;(iii)Strangle, choke, smother or in any way interfere with any child's breathing;(iv)Poison a child;(v)Starve a child of nourishments needed to sustain life or growth;(vi)Use any type of deadly weapon upon any child;(b)If some bodily harm to any child actually occurs, and if the person shall intentionally, knowingly or recklessly:(i)Throw, kick, bite, or cut any child;(ii)Strike a child under the age of fourteen (14) about the face or head with a closed fist;(iii)Strike a child under the age of five (5) in the face or head;(iv)Kick, bite, cut or strike a child's genitals; circumcision of a male child is not a violation under this subparagraph (iv);(c)If serious bodily harm to any child actually occurs, and if the person shall intentionally, knowingly or recklessly:(i)Strike any child on the face or head;(ii)Disfigure or scar any child;(iii)Whip, strike or otherwise abuse any child;(d)Any person, upon conviction under paragraph (a) or (c) of this subsection, shall be sentenced by the court to imprisonment in the custody of the Department of Corrections for a term of not less than five (5) years and up to life, as determined by the court. Any person, upon conviction under paragraph (b) of this subsection shall be sentenced by the court to imprisonment in the custody of the Department of Corrections for a term of not less than two (2) years nor more than ten (10) years, as determined by the court. For any second or subsequent conviction under this subsection (2), the person shall be sentenced to imprisonment for life.(e)For the purposes of this subsection (2), "bodily harm" means any bodily injury to a child and includes, but is not limited to, bruising, bleeding, lacerations, soft tissue swelling, and external or internal swelling of any body organ.(f)For the purposes of this subsection (2), "serious bodily harm" means any serious bodily injury to a child and includes, but is not limited to, the fracture of a bone, permanent disfigurement, permanent scarring, or any internal bleeding or internal trauma to any organ, any brain damage, any injury to the eye or ear of a child or other vital organ, and impairment of any bodily function.(g)For purposes of this subsection (2), "torture" means any act, omission, or intentional neglect committed by an individual upon a child within his custody or physical control, whereby unnecessary or unjustifiable physical or mental pain or suffering is caused or permitted, regardless of whether serious physical injury results. Child torture involves treatment that is intentionally cruel, inhumane, and degrading, including, but not limited to: intentionally starving a child; forcing a child to sit in urine or feces; binding or restraining a child; repeatedly physically injuring a child; exposing the child to extreme temperatures without adequate clothing or shelter; locking a child in closets or other small spaces; and forcing a child into stress positions or exercise resulting in prolonged suffering.(h)Nothing contained in paragraph (c) of this subsection shall preclude a parent or guardian from disciplining a child of that parent or guardian, or shall preclude a person in loco parentis to a child from disciplining that child, if done in a reasonable manner, and reasonable corporal punishment or reasonable discipline as to that parent or guardian's child or child to whom a person stands in loco parentis shall be a defense to any violation charged under paragraph (c) of this subsection.(i)Reasonable discipline and reasonable corporal punishment shall not be a defense to acts described in paragraphs (a) and (b) of this subsection or if a child suffers serious bodily harm as a result of any act prohibited under paragraph (c) of this subsection.(3)Nothing contained in this section shall prevent proceedings against the parent, guardian or other person under any statute of this state or any municipal ordinance defining any act as a crime or misdemeanor. Nothing in the provisions of this section shall preclude any person from having a right to trial by jury when charged with having violated the provisions of this section.(4)(a)A parent, legal guardian or caretaker who endangers a child's person or health by knowingly causing or permitting the child to be present where any person is selling, manufacturing or possessing immediate precursors or chemical substances with intent to manufacture, sell or possess a controlled substance as prohibited under Section 41-29-139 or 41-29-313, is guilty of child endangerment and may be sentenced to imprisonment for not more than ten (10) years or to payment of a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(b)If the endangerment results in substantial harm to the child's physical, mental or emotional health, the person may be sentenced to imprisonment for not more than twenty (20) years or to payment of a fine of not more than Twenty Thousand Dollars (\$20,000.00), or both.(5)Nothing contained in this section shall prevent proceedings against the parent, guardian or other person under any statute of this state or any municipal ordinance defining any act as a crime or misdemeanor. Nothing in the provisions of this section shall preclude any person from having a right to trial by jury when charged with having violated the provisions of this section.(6)After consultation with the Department of Child Protection Services, a regional mental health center or an appropriate professional person, a judge may suspend

imposition or execution of a sentence provided in subsections (1) and (2) of this section and in lieu thereof require treatment over a specified period of time at any approved public or private treatment facility. A person may be eligible for treatment in lieu of criminal penalties no more than one (1) time.(7)In any proceeding resulting from a report made pursuant to Section43-21-353of the Youth Court Law, the testimony of the physician making the report regarding the child's injuries or condition or cause thereof shall not be excluded on the ground that the physician's testimony violates the physician-patient privilege or similar privilege or rule against disclosure. The physician's report shall not be considered as evidence unless introduced as an exhibit to his testimony.(8)Any criminal prosecution arising from a violation of this section shall be tried in the circuit, county, justice or municipal court having jurisdiction; provided, however, that nothing herein shall abridge or dilute the contempt powers of the youth court.Laws, 1979, ch. 506, § 75; Laws, 1980, ch. 550, § 28; Laws, 1986, ch. 383; Laws, 1989, ch. 566, § 3; Laws, 2005, ch. 467, § 3; Laws, 2005, ch. 491, § 3, eff. 7/1/2005.Amended by Laws, 2024, ch. 531, SB 2792,§ 10, eff. 7/1/2024.Amended by Laws, 2023, ch. 516, HB 1149,§ 102, eff. 7/1/2023.Amended by Laws, 2013, ch. 483, HB 1259, 1, eff. 7/1/2013. (1)(a)Except as otherwise provided in this section, any parent, guardian or other person who intentionally, knowingly or recklessly commits any act or omits the performance of any duty, which act or omission contributes to or tends to contribute to the neglect or delinquency of any child or which act or omission results in the abuse of any child, as defined in Section43-21-105(m)of the Youth Court Law, or who knowingly aids any child in escaping or absenting himself from the guardianship or custody of any person, agency or institution, or knowingly harbors or conceals, or aids in harboring or concealing, any child who has absented himself without permission from the guardianship or custody of any person, agency or institution to which the child shall have been committed by the youth court shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment not to exceed one (1) year in jail, or by both such fine and imprisonment.(b)For the purpose of this section, a child is a person who has not reached his eighteenth birthday. A child who has not reached his eighteenth birthday and is on active duty for a branch of the armed services, or who is married, is not considered a child for the purposes of this statute.(c)If a child commits one (1) of the proscribed acts in subsection (2)(a), (b) or (c) of this section upon another child, then original jurisdiction of all such offenses shall be in youth court.(d)If the parent has failed to provide the child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused by financial inability unless relief services have been offered and refused and the child is in imminent risk of harm, or the parent is unwilling to provide reasonably necessary medical care, though that medical care does not include recommended or optional vaccinations against childhood or any other disease, the person may be sentenced to imprisonment in custody of the Department of Corrections for not more than five (5) years or to payment of a fine of not more than Five Thousand Dollars (\$5,000.00), or both.(e)A parent, legal guardian or other person who knowingly permits the continuing physical or sexual abuse of a child is guilty of neglect of a child and may be sentenced to imprisonment in the custody of the Department of Corrections for not more than ten (10) years or to payment of a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(2)Any person shall be guilty of felonious child abuse in the following circumstances:(a)Whether bodily harm results or not, if the person shall intentionally, knowingly or recklessly:(i)Burn any child;(ii)Torture any child;(iii)Strangle, choke, smother or in any way interfere with any child's breathing;(iv)Poison a child;(v)Starve a child of nourishments needed to sustain life or growth;(vi)Use any type of deadly weapon upon any child;(b)If some bodily harm to any child actually occurs, and if the person shall intentionally, knowingly or recklessly:(i)Throw, kick, bite, or cut any child;(ii)Strike a child under the age of fourteen (14) about the face or head with a closed fist;(iii)Strike a child under the age of five (5) in the face or head;(iv)Kick, bite, cut or strike a child's genitals; circumcision of a male child is not a violation under this subparagraph (iv);(c)If serious bodily harm to any child actually occurs, and if the person shall intentionally, knowingly or recklessly:(i)Strike any child on the face or head;(ii)Disfigure or scar any child;(iii)Whip, strike or otherwise abuse any child;(d)Any person, upon conviction under paragraph (a) or (c) of this subsection, shall be sentenced by the court to imprisonment in the custody of the Department of Corrections for a term of not less than five (5) years and up to life, as determined by the court. Any person, upon conviction under paragraph (b) of this subsection shall be sentenced by the court to imprisonment in the custody of the Department of Corrections for a term of not less than two (2) years nor more than ten (10) years, as determined by the court. For any second or subsequent conviction under this subsection (2), the person shall be sentenced to imprisonment for life.(e)For the purposes of this subsection (2), "bodily harm" means any bodily injury to a child and includes, but is not limited to, bruising, bleeding, lacerations, soft tissue swelling, and external or internal swelling of any body organ.(f)For the purposes of this subsection (2), "serious bodily harm" means any serious bodily injury to a child and includes, but is not limited to, the fracture of a bone, permanent disfigurement, permanent scarring, or any internal bleeding or internal trauma to any organ, any brain damage, any injury to the eye or ear of a child or other vital organ, and impairment of any bodily function.(g)For purposes of this subsection (2), "torture" means any act, omission, or intentional neglect committed by an individual upon a child within his custody or physical control, whereby unnecessary or unjustifiable physical or mental pain or suffering is caused or permitted, regardless of whether serious physical injury results. Child torture involves treatment that is intentionally cruel, inhumane, and degrading, including, but not limited to: intentionally starving a child; forcing a child to sit in urine or feces; binding or restraining a child; repeatedly physically injuring a child; exposing the child to extreme temperatures without adequate clothing or shelter; locking a child in closets or other small spaces; and forcing a child into stress positions or exercise resulting in prolonged suffering.(h)Nothing contained in paragraph (c) of this subsection shall preclude a parent or guardian from disciplining a child of that parent or guardian, or shall preclude a person in loco parentis to a child from disciplining that child, if done in a reasonable manner, and reasonable corporal punishment or reasonable discipline as to that parent or guardian's child or child to whom a person stands in loco parentis shall be a defense to any violation charged under paragraph (c) of this subsection.(i)Reasonable discipline and reasonable corporal punishment shall not be a defense to acts described in paragraphs (a) and (b) of this subsection or if a child

suffers serious bodily harm as a result of any act prohibited under paragraph (c) of this subsection.(3)Nothing contained in this section shall prevent proceedings against the parent, guardian or other person under any statute of this state or any municipal ordinance defining any act as a crime or misdemeanor. Nothing in the provisions of this section shall preclude any person from having a right to trial by jury when charged with having violated the provisions of this section.(4)(a)A parent, legal guardian or caretaker who endangers a child's person or health by knowingly causing or permitting the child to be present where any person is selling, manufacturing or possessing immediate precursors or chemical substances with intent to manufacture, sell or possess a controlled substance as prohibited under Section41-29-139or41-29-313, is guilty of child endangerment and may be sentenced to imprisonment for not more than ten (10) years or to payment of a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(b)If the endangerment results in substantial harm to the child's physical, mental or emotional health, the person may be sentenced to imprisonment for not more than twenty (20) years or to payment of a fine of not more than Twenty Thousand Dollars (\$20,000.00), or both.(5)Nothing contained in this section shall prevent proceedings against the parent, guardian or other person under any statute of this state or any municipal ordinance defining any act as a crime or misdemeanor. Nothing in the provisions of this section shall preclude any person from having a right to trial by jury when charged with having violated the provisions of this section.(6)After consultation with the Department of Child Protection Services, a regional mental health center or an appropriate professional person, a judge may suspend imposition or execution of a sentence provided in subsections (1) and (2) of this section and in lieu thereof require treatment over a specified period of time at any approved public or private treatment facility. A person may be eligible for treatment in lieu of criminal penalties no more than one (1) time.(7)In any proceeding resulting from a report made pursuant to Section43-21-353of the Youth Court Law, the testimony of the physician making the report regarding the child's injuries or condition or cause thereof shall not be excluded on the ground that the physician's testimony violates the physician-patient privilege or similar privilege or rule against disclosure. The physician's report shall not be considered as evidence unless introduced as an exhibit to his testimony.(8)Any criminal prosecution arising from a violation of this section shall be tried in the circuit, county, justice or municipal court having jurisdiction; provided, however, that nothing herein shall abridge or dilute the contempt powers of the youth court.Laws, 1979, ch. 506, § 75; Laws, 1980, ch. 550, § 28; Laws, 1986, ch. 383; Laws, 1989, ch. 566, § 3; Laws, 2005, ch. 467, § 3; Laws, 2005, ch. 491, § 3, eff. 7/1/2005.Amended by Laws, 2024, ch. 531, SB 2792,§ 10, eff. 7/1/2024.Amended by Laws, 2023, ch. 516, HB 1149,§ 102, eff. 7/1/2023.Amended by Laws, 2013, ch. 483, HB 1259, 1, eff. 7/1/2013. (1)(a)Except as otherwise provided in this section, any parent, guardian or other person who intentionally, knowingly or recklessly commits any act or omits the performance of any duty, which act or omission contributes to or tends to contribute to the neglect or delinquency of any child or which act or omission results in the abuse of any child, as defined in Section43-21-105(m)of the Youth Court Law, or who knowingly aids any child in escaping or absenting himself from the guardianship or custody of any person, agency or institution, or knowingly harbors or conceals, or aids in harboring or concealing, any child who has absented himself without permission from the guardianship or custody of any person, agency or institution to which the child shall have been committed by the youth court shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment not to exceed one (1) year in jail, or by both such fine and imprisonment.(b)For the purpose of this section, a child is a person who has not reached his eighteenth birthday. A child who has not reached his eighteenth birthday and is on active duty for a branch of the armed services, or who is married, is not considered a child for the purposes of this statute.(c)If a child commits one (1) of the proscribed acts in subsection (2)(a), (b) or (c) of this section upon another child, then original jurisdiction of all such offenses shall be in youth court.(d)If the parent has failed to provide the child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused by financial inability unless relief services have been offered and refused and the child is in imminent risk of harm, or the parent is unwilling to provide reasonably necessary medical care, though that medical care does not include recommended or optional vaccinations against childhood or any other disease, the person may be sentenced to imprisonment in custody of the Department of Corrections for not more than five (5) years or to payment of a fine of not more than Five Thousand Dollars (\$5,000.00), or both.(e)A parent, legal guardian or other person who knowingly permits the continuing physical or sexual abuse of a child is guilty of neglect of a child and may be sentenced to imprisonment in the custody of the Department of Corrections for not more than ten (10) years or to payment of a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(2)Any person shall be guilty of felonious child abuse in the following circumstances:(a)Whether bodily harm results or not, if the person shall intentionally, knowingly or recklessly:(i)Burn any child;(ii)Torture any child;(iii)Strangle, choke, smother or in any way interfere with any child's breathing;(iv)Poison a child;(v)Starve a child of nourishments needed to sustain life or growth;(vi)Use any type of deadly weapon upon any child;(b)If some bodily harm to any child actually occurs, and if the person shall intentionally, knowingly or recklessly:(i)Throw, kick, bite, or cut any child;(ii)Strike a child under the age of fourteen (14) about the face or head with a closed fist;(iii)Strike a child under the age of five (5) in the face or head;(iv)Kick, bite, cut or strike a child's genitals; circumcision of a male child is not a violation under this subparagraph (iv);(c)If serious bodily harm to any child actually occurs, and if the person shall intentionally, knowingly or recklessly:(i)Strike any child on the face or head;(ii)Disfigure or scar any child;(iii)Whip, strike or otherwise abuse any child;(d)Any person, upon conviction under paragraph (a) or (c) of this subsection, shall be sentenced by the court to imprisonment in the custody of the Department of Corrections for a term of not less than five (5) years and up to life, as determined by the court. Any person, upon conviction under paragraph (b) of this subsection shall be sentenced by the court to imprisonment in the custody of the Department of Corrections for a term of not less than two (2) years nor more than ten (10) years, as determined by the court. For any second or subsequent conviction under this subsection (2), the person shall be sentenced to imprisonment for life.(e)For the purposes of this subsection (2), "bodily harm" means any bodily injury to a child and includes, but is not limited to, bruising, bleeding,

lacerations, soft tissue swelling, and external or internal swelling of any body organ.(f)For the purposes of this subsection (2), "serious bodily harm" means any serious bodily injury to a child and includes, but is not limited to, the fracture of a bone, permanent disfigurement, permanent scarring, or any internal bleeding or internal trauma to any organ, any brain damage, any injury to the eye or ear of a child or other vital organ, and impairment of any bodily function.(g)For purposes of this subsection (2), "torture" means any act, omission, or intentional neglect committed by an individual upon a child within his custody or physical control, whereby unnecessary or unjustifiable physical or mental pain or suffering is caused or permitted, regardless of whether serious physical injury results. Child torture involves treatment that is intentionally cruel, inhumane, and degrading, including, but not limited to: intentionally starving a child; forcing a child to sit in urine or feces; binding or restraining a child; repeatedly physically injuring a child; exposing the child to extreme temperatures without adequate clothing or shelter; locking a child in closets or other small spaces; and forcing a child into stress positions or exercise resulting in prolonged suffering.(h)Nothing contained in paragraph (c) of this subsection shall preclude a parent or guardian from disciplining a child of that parent or guardian, or shall preclude a person in loco parentis to a child from disciplining that child, if done in a reasonable manner, and reasonable corporal punishment or reasonable discipline as to that parent or guardian's child or child to whom a person stands in loco parentis shall be a defense to any violation charged under paragraph (c) of this subsection.(i)Reasonable discipline and reasonable corporal punishment shall not be a defense to acts described in paragraphs (a) and (b) of this subsection or if a child suffers serious bodily harm as a result of any act prohibited under paragraph (c) of this subsection.(3)Nothing contained in this section shall prevent proceedings against the parent, guardian or other person under any statute of this state or any municipal ordinance defining any act as a crime or misdemeanor. Nothing in the provisions of this section shall preclude any person from having a right to trial by jury when charged with having violated the provisions of this section.(4)(a)A parent, legal guardian or caretaker who endangers a child's person or health by knowingly causing or permitting the child to be present where any person is selling, manufacturing or possessing immediate precursors or chemical substances with intent to manufacture, sell or possess a controlled substance as prohibited under Section41-29-139or41-29-313, is guilty of child endangerment and may be sentenced to imprisonment for not more than ten (10) years or to payment of a fine of not more than Ten Thousand Dollars (\$10,000.00), or both.(b)If the endangerment results in substantial harm to the child's physical, mental or emotional health, the person may be sentenced to imprisonment for not more than twenty (20) years or to payment of a fine of not more than Twenty Thousand Dollars (\$20,000.00), or both.(5)Nothing contained in this section shall prevent proceedings against the parent, guardian or other person under any statute of this state or any municipal ordinance defining any act as a crime or misdemeanor. Nothing in the provisions of this section shall preclude any person from having a right to trial by jury when charged with having violated the provisions of this section.(6)After consultation with the Department of Child Protection Services, a regional mental health center or an appropriate professional person, a judge may suspend imposition or execution of a sentence provided in subsections (1) and (2) of this section and in lieu thereof require treatment over a specified period of time at any approved public or private treatment facility. A person may be eligible for treatment in lieu of criminal penalties no more than one (1) time.(7)In any proceeding resulting from a report made pursuant to Section43-21-353of the Youth Court Law, the testimony of the physician making the report regarding the child's injuries or condition or cause thereof shall not be excluded on the ground that the physician's testimony violates the physician-patient privilege or similar privilege or rule against disclosure. The physician's report shall not be considered as evidence unless introduced as an exhibit to his testimony.(8)Any criminal prosecution arising from a violation of this section shall be tried in the circuit, county, justice or municipal court having jurisdiction; provided, however, that nothing herein shall abridge or dilute the contempt powers of the youth court.Laws, 1979, ch. 506, § 75; Laws, 1980, ch. 550, § 28; Laws, 1986, ch. 383; Laws, 1989, ch. 566, § 3; Laws, 2005, ch. 467, § 3; Laws, 2005, ch. 491, § 3, eff. 7/1/2005.Amended by Laws, 2024, ch. 531, SB 2792,§ 10, eff. 7/1/2024.Amended by Laws, 2023, ch. 516, HB 1149,§ 102, eff. 7/1/2023.Amended by Laws, 2013, ch. 483, HB 1259, 1, eff. 7/1/2013. Laws, 1979, ch. 506, § 75; Laws, 1980, ch. 550, § 28; Laws, 1986, ch. 383; Laws, 1989, ch. 566, § 3; Laws, 2005, ch. 467, § 3; Laws, 2005, ch. 491, § 3, eff. 7/1/2005. Amended by Laws, 2024, ch. 531, SB 2792,§ 10, eff. 7/1/2024. Amended by Laws, 2023, ch. 516, HB 1149,§ 102, eff. 7/1/2023. Amended by Laws, 2013, ch. 483, HB 1259, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 5 - OFFENSES AFFECTING CHILDREN (§§ 97-5-1 — 97-5-51)Section 97-5-40 - Condoning child abuse

(1)Any parent, guardian, custodian, stepparent or any other person who lives in the household with a child, who knowingly condones an incident of felonious child abuse of that child, which consists of one or more violations of (a) subsection (2) of Section97-5-39or (b) felonious sexual battery of that child, which consists of one or more violations of Section97-3-95shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment for not more than one (1) year or by a fine of not more than One Thousand Dollars (\$1,000.00), or both.(2)A person shall not be considered to have condoned child abuse merely because such person does not report an act of child abuse.(3)The provisions of this section shall be in addition to any other criminal law.Laws, 1989, ch. 566, § 1; Laws, 1992, ch. 557, § 1, eff. 7/1/1992. (1)Any parent, guardian, custodian, stepparent or any other person who lives in the household with a child, who knowingly condones an incident of felonious child abuse of that child, which consists of one or more violations of (a) subsection (2) of Section97-5-39or (b) felonious sexual battery of that child, which consists of one or more violations of Section97-3-95shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment for not more than one (1) year or by a fine of not more than One Thousand Dollars (\$1,000.00), or both.(2)A person shall not be considered to have condoned child abuse merely because such person does not report an act of child abuse.(3)The provisions of this section shall be in addition to any other criminal law.Laws, 1989, ch. 566, § 1; Laws, 1992, ch. 557, § 1, eff.

7/1/1992. (1)Any parent, guardian, custodian, stepparent or any other person who lives in the household with a child, who knowingly condones an incident of felonious child abuse of that child, which consists of one or more violations of (a) subsection (2) of Section97-5-39or (b) felonious sexual battery of that child, which consists of one or more violations of Section97-3-95shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment for not more than one (1) year or by a fine of not more than One Thousand Dollars (\$1,000.00), or both.(2)A person shall not be considered to have condoned child abuse merely because such person does not report an act of child abuse.(3)The provisions of this section shall be in addition to any other criminal law.Laws, 1989, ch. 566, § 1; Laws, 1992, ch. 557, § 1, eff. 7/1/1992. Laws, 1989, ch. 566, § 1; Laws, 1992, ch. 557, § 1, eff. 7/1/1992.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 5 - OFFENSES AFFECTING CHILDREN (§§ 97-5-1 — 97-5-51)Section 97-5-41 - Carnal knowledge of step or adopted child; carnal knowledge of child by cohabitating partner

(1)Any person who shall have carnal knowledge of his or her unmarried stepchild or adopted child younger than himself or herself and over fourteen (14) and under eighteen (18) years of age, upon conviction, shall be punished by imprisonment in the penitentiary for a term not exceeding ten (10) years.(2)Any person who shall have carnal knowledge of an unmarried child younger than himself or herself and over fourteen (14) and under eighteen (18) years of age, with whose parent he or she is cohabiting or living together as husband and wife, upon conviction, shall be punished by imprisonment in the penitentiary for a term not exceeding ten (10) years.Laws, 1984, ch. 390; Laws, 1985, ch. 389, § 5, eff. 7/1/1985. (1)Any person who shall have carnal knowledge of his or her unmarried stepchild or adopted child younger than himself or herself and over fourteen (14) and under eighteen (18) years of age, upon conviction, shall be punished by imprisonment in the penitentiary for a term not exceeding ten (10) years.(2)Any person who shall have carnal knowledge of an unmarried child younger than himself or herself and over fourteen (14) and under eighteen (18) years of age, with whose parent he or she is cohabiting or living together as husband and wife, upon conviction, shall be punished by imprisonment in the penitentiary for a term not exceeding ten (10) years.Laws, 1984, ch. 390; Laws, 1985, ch. 389, § 5, eff. 7/1/1985. (1)Any person who shall have carnal knowledge of his or her unmarried stepchild or adopted child younger than himself or herself and over fourteen (14) and under eighteen (18) years of age, upon conviction, shall be punished by imprisonment in the penitentiary for a term not exceeding ten (10) years.(2)Any person who shall have carnal knowledge of an unmarried child younger than himself or herself and over fourteen (14) and under eighteen (18) years of age, with whose parent he or she is cohabiting or living together as husband and wife, upon conviction, shall be punished by imprisonment in the penitentiary for a term not exceeding ten (10) years.Laws, 1984, ch. 390; Laws, 1985, ch. 389, § 5, eff. 7/1/1985. Laws, 1984, ch. 390; Laws, 1985, ch. 389, § 5, eff. 7/1/1985.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 5 - OFFENSES AFFECTING CHILDREN (§§ 97-5-1 — 97-5-51)Section 97-5-42 - Protection of children from parents convicted of felony child sexual abuse; creation of local registry; penalties; standards for visitation

(1)(a)For purposes of this section, a conviction of felony parental child sexual abuse shall include any nolo contendere plea, guilty plea or conviction at trial to any offense enumerated in Section93-15-121(h)or any other statute of the State of Mississippi whereby a parent may be penalized as a felon on account of sexual abuse of his or her own child; and shall include any conviction by plea or trial in any other state of the United States to an offense whereby a parent may be penalized as a felon for sexual abuse of his or her own child under the laws of that state, or which would be so penalized for such conduct had the act or acts been committed in the State of Mississippi.(b)A certified copy of the court order or judgment evidencing such a conviction shall be accepted by any public office with responsibilities pursuant to this section, and by any court in the State of Mississippi, as conclusive evidence of the conviction.(2)(a)No person who has been convicted of felony parental child sexual abuse shall contact or attempt to contact the victim child without the prior express written permission of the child's then legal custodian, who may be the other parent, a guardian, person in loco parentis or person with legal or physical custody of a child.(b)No person who has been convicted of felony parental child sexual abuse shall harass, threaten, intimidate or by any other means menace the victim child or any legal custodian of the child, who may be the other parent, a guardian, person in loco parentis or person with legal or physical custody of a child.(c)Any person who believes that a person who has been convicted of felony parental child sexual abuse may violate the provisions of paragraph (a) or (b) of this subsection may register with the sheriff and any municipal law enforcement agency of the child's county and municipality of residence, setting forth the factual basis for that belief which shall include a certified copy of the court order or judgment evidencing the conviction of the child sexual abuse felon. The sheriff's office of each county and all municipal law enforcement agencies shall maintain a separate and distinct register for the purpose of recording the data required herein, and shall advise the reporting party of how emergency contact can be made with that office at any time with respect to a threatened violation of paragraph (a) or (b) of this subsection. Immediate response with police protection shall be provided to any emergency contact made pursuant to this section, which police protection shall be continued in such reasonable manner as to deter future violations and protect the child and any person with legal custody of the child.(d)Any person who has been convicted of felony parental child sexual abuse who violates paragraph (a) of this subsection shall, upon conviction, be punished by imprisonment in the county jail for not more than one (1) year. Any person who has been convicted of felony parental child sexual abuse who violates paragraph (b) of this subsection shall, upon conviction, be punished by imprisonment in the state penitentiary for not more than five (5) years.(3)No person who has been convicted of felony parental child sexual abuse shall be entitled to have parental or other visitation rights as to

that child who was the victim, unless he or she files a petition in the chancery court of the county in which the child resides, reciting the conviction, and joining as parties defendant any other parent, guardian, person standing in loco parentis or having legal or physical custody of the child. A guardian ad litem shall be appointed to represent the child at petitioner's expense. The court shall appoint a qualified psychologist or psychiatrist to conduct an independent examination of the petitioner to determine whether contact with that person poses a physical or emotional risk to the child, and report to the court. Such examination shall be at petitioner's expense. The court shall require any such petitioner to deposit with the court sufficient funds to pay expenses chargeable to a petitioner hereunder, the amount of such deposit to be within the discretion of the chancellor. Any defendant and the child through his or her guardian ad litem shall be entitled to a full evidentiary hearing on the petition. In no event shall a child be required to testify in court or by deposition, or be subjected to any psychological examination, without the express consent of the child through his or her guardian ad litem. Such guardian ad litem shall consult with the child's legal guardian or custodians before consenting to such testimony or examination. At any hearing there is a rebuttable presumption that contact with the child poses a physical and emotional risk to the child. That presumption may be rebutted and visitation or contact allowed on such terms and conditions that the chancery court shall set only upon specific written findings by the court that: (a) Contact between the child and the offending parent is appropriate and poses minimal risk to the child; (b) If the child has received counseling, that the child's counselor believes such contact is in the child's best interest; (c) The offending parent has successfully engaged in treatment for sex offenders or is engaged in such treatment and making progress; and (d) The offending parent's treatment provider believes contact with the child is appropriate and poses minimal risk to the child. If the court, in its discretion, allows visitation or contact it may impose such conditions to the visitation or contact which it finds reasonable, including supervision of contact or visitation by a neutral and independent adult with a detailed plan for supervision of any such contact or visitation. Laws, 2000, ch. 403, § 1, eff. 7/1/2000.

(1)(a) For purposes of this section, a conviction of felony parental child sexual abuse shall include any nolo contendere plea, guilty plea or conviction at trial to any offense enumerated in Section 93-15-121(h) or any other statute of the State of Mississippi whereby a parent may be penalized as a felon on account of sexual abuse of his or her own child; and shall include any conviction by plea or trial in any other state of the United States to an offense whereby a parent may be penalized as a felon for sexual abuse of his or her own child under the laws of that state, or which would be so penalized for such conduct had the act or acts been committed in the State of Mississippi. (b) A certified copy of the court order or judgment evidencing such a conviction shall be accepted by any public office with responsibilities pursuant to this section, and by any court in the State of Mississippi, as conclusive evidence of the conviction. (2)(a) No person who has been convicted of felony parental child sexual abuse shall contact or attempt to contact the victim child without the prior express written permission of the child's then legal custodian, who may be the other parent, a guardian, person in loco parentis or person with legal or physical custody of a child. (b) No person who has been convicted of felony parental child sexual abuse shall harass, threaten, intimidate or by any other means menace the victim child or any legal custodian of the child, who may be the other parent, a guardian, person in loco parentis or person with legal or physical custody of a child. (c) Any person who believes that a person who has been convicted of felony parental child sexual abuse may violate the provisions of paragraph (a) or (b) of this subsection may register with the sheriff and any municipal law enforcement agency of the child's county and municipality of residence, setting forth the factual basis for that belief which shall include a certified copy of the court order or judgment evidencing the conviction of the child sexual abuse felon. The sheriff's office of each county and all municipal law enforcement agencies shall maintain a separate and distinct register for the purpose of recording the data required herein, and shall advise the reporting party of how emergency contact can be made with that office at any time with respect to a threatened violation of paragraph (a) or (b) of this subsection. Immediate response with police protection shall be provided to any emergency contact made pursuant to this section, which police protection shall be continued in such reasonable manner as to deter future violations and protect the child and any person with legal custody of the child. (d) Any person who has been convicted of felony parental child sexual abuse who violates paragraph (a) of this subsection shall, upon conviction, be punished by imprisonment in the county jail for not more than one (1) year. Any person who has been convicted of felony parental child sexual abuse who violates paragraph (b) of this subsection shall, upon conviction, be punished by imprisonment in the state penitentiary for not more than five (5) years. (3) No person who has been convicted of felony parental child sexual abuse shall be entitled to have parental or other visitation rights as to that child who was the victim, unless he or she files a petition in the chancery court of the county in which the child resides, reciting the conviction, and joining as parties defendant any other parent, guardian, person standing in loco parentis or having legal or physical custody of the child. A guardian ad litem shall be appointed to represent the child at petitioner's expense. The court shall appoint a qualified psychologist or psychiatrist to conduct an independent examination of the petitioner to determine whether contact with that person poses a physical or emotional risk to the child, and report to the court. Such examination shall be at petitioner's expense. The court shall require any such petitioner to deposit with the court sufficient funds to pay expenses chargeable to a petitioner hereunder, the amount of such deposit to be within the discretion of the chancellor. Any defendant and the child through his or her guardian ad litem shall be entitled to a full evidentiary hearing on the petition. In no event shall a child be required to testify in court or by deposition, or be subjected to any psychological examination, without the express consent of the child through his or her guardian ad litem. Such guardian ad litem shall consult with the child's legal guardian or custodians before consenting to such testimony or examination. At any hearing there is a rebuttable presumption that contact with the child poses a physical and emotional risk to the child. That presumption may be rebutted and visitation or contact allowed on such terms and conditions that the chancery court shall set only upon specific written findings by the court that: (a) Contact between the child and the offending parent is appropriate and poses minimal risk to the child; (b) If the child has received counseling, that the child's counselor believes such contact is in the child's best interest; (c) The offending parent has successfully engaged in treatment for sex offenders or

is engaged in such treatment and making progress; and(d)The offending parent's treatment provider believes contact with the child is appropriate and poses minimal risk to the child. If the court, in its discretion, allows visitation or contact it may impose such conditions to the visitation or contact which it finds reasonable, including supervision of contact or visitation by a neutral and independent adult with a detailed plan for supervision of any such contact or visitation.Laws, 2000, ch. 403, § 1, eff. 7/1/2000.

(1)(a)For purposes of this section, a conviction of felony parental child sexual abuse shall include any nolo contendere plea, guilty plea or conviction at trial to any offense enumerated in Section93-15-121(h)or any other statute of the State of Mississippi whereby a parent may be penalized as a felon on account of sexual abuse of his or her own child; and shall include any conviction by plea or trial in any other state of the United States to an offense whereby a parent may be penalized as a felon for sexual abuse of his or her own child under the laws of that state, or which would be so penalized for such conduct had the act or acts been committed in the State of Mississippi.(b)A certified copy of the court order or judgment evidencing such a conviction shall be accepted by any public office with responsibilities pursuant to this section, and by any court in the State of Mississippi, as conclusive evidence of the conviction.(2)(a)No person who has been convicted of felony parental child sexual abuse shall contact or attempt to contact the victim child without the prior express written permission of the child's then legal custodian, who may be the other parent, a guardian, person in loco parentis or person with legal or physical custody of a child.(b)No person who has been convicted of felony parental child sexual abuse shall harass, threaten, intimidate or by any other means menace the victim child or any legal custodian of the child, who may be the other parent, a guardian, person in loco parentis or person with legal or physical custody of a child.(c)Any person who believes that a person who has been convicted of felony parental child sexual abuse may violate the provisions of paragraph (a) or (b) of this subsection may register with the sheriff and any municipal law enforcement agency of the child's county and municipality of residence, setting forth the factual basis for that belief which shall include a certified copy of the court order or judgment evidencing the conviction of the child sexual abuse felon. The sheriff's office of each county and all municipal law enforcement agencies shall maintain a separate and distinct register for the purpose of recording the data required herein, and shall advise the reporting party of how emergency contact can be made with that office at any time with respect to a threatened violation of paragraph (a) or (b) of this subsection. Immediate response with police protection shall be provided to any emergency contact made pursuant to this section, which police protection shall be continued in such reasonable manner as to deter future violations and protect the child and any person with legal custody of the child.(d)Any person who has been convicted of felony parental child sexual abuse who violates paragraph (a) of this subsection shall, upon conviction, be punished by imprisonment in the county jail for not more than one (1) year. Any person who has been convicted of felony parental child sexual abuse who violates paragraph (b) of this subsection shall, upon conviction, be punished by imprisonment in the state penitentiary for not more than five (5) years.(3)No person who has been convicted of felony parental child sexual abuse shall be entitled to have parental or other visitation rights as to that child who was the victim, unless he or she files a petition in the chancery court of the county in which the child resides, reciting the conviction, and joining as parties defendant any other parent, guardian, person standing in loco parentis or having legal or physical custody of the child. A guardian ad litem shall be appointed to represent the child at petitioner's expense. The court shall appoint a qualified psychologist or psychiatrist to conduct an independent examination of the petitioner to determine whether contact with that person poses a physical or emotional risk to the child, and report to the court. Such examination shall be at petitioner's expense. The court shall require any such petitioner to deposit with the court sufficient funds to pay expenses chargeable to a petitioner hereunder, the amount of such deposit to be within the discretion of the chancellor. Any defendant and the child through his or her guardian ad litem shall be entitled to a full evidentiary hearing on the petition. In no event shall a child be required to testify in court or by deposition, or be subjected to any psychological examination, without the express consent of the child through his or her guardian ad litem. Such guardian ad litem shall consult with the child's legal guardian or custodians before consenting to such testimony or examination. At any hearing there is a rebuttable presumption that contact with the child poses a physical and emotional risk to the child. That presumption may be rebutted and visitation or contact allowed on such terms and conditions that the chancery court shall set only upon specific written findings by the court that:(a)Contact between the child and the offending parent is appropriate and poses minimal risk to the child;(b)If the child has received counseling, that the child's counselor believes such contact is in the child's best interest;(c)The offending parent has successfully engaged in treatment for sex offenders or is engaged in such treatment and making progress; and(d)The offending parent's treatment provider believes contact with the child is appropriate and poses minimal risk to the child. If the court, in its discretion, allows visitation or contact it may impose such conditions to the visitation or contact which it finds reasonable, including supervision of contact or visitation by a neutral and independent adult with a detailed plan for supervision of any such contact or visitation.Laws, 2000, ch. 403, § 1, eff. 7/1/2000.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 5 - OFFENSES AFFECTING CHILDREN (§§ 97-5-1 — 97-5-51)Section 97-5-49 - Knowingly allowing party where minor obtains, possesses or consumes alcoholic beverage; definitions; applicability of section; penalties

(1)As used in this section:(a)"Adult" means a person over the age of twenty-one (21) years.(b)"Alcoholic beverage" has the meaning as defined in Section67-1-5.(c)"Beer" has the meaning as defined in Section67-3-3.(d)"Light wine" means wine containing five percent (5%) or less of alcohol by weight.(e)"Minor" means a person under the age of twenty-one (21) years.(f)"Party" means a gathering or event at which a group of two (2) or more persons assembles for a social occasion or activity at a private residence or a private premises.(g)"Private premises" means privately owned land, including any appurtenances or improvements on the land.(h)"Private residence" means the place where a person actually lives or has his or her home.(i)"Wine" has the meaning as

defined in Section 67-1-5.(j)"Light spirit product" means a beverage of an alcoholic content of not more than four percent (4%) by weight and containing one or more distilled spirits, as defined in Section 67-1-5.(2)No adult who owns or leases a private residence or private premises shall knowingly allow a party to take place or continue at the residence or premises if a minor at the party obtains, possesses or consumes any alcoholic beverage, light wine, light spirit product or beer if the adult knows that the minor has obtained, possesses or is consuming alcoholic beverages, light wine, light spirit product or beer.(3)This section shall not apply to legally protected religious activities or gatherings of family members or to any of the exemptions set forth in Section 67-3-54.(4)Each incident in violation of subsection (2) of this section or any part of subsection (2) constitutes a separate offense.(5)Any person who violates subsection (2) of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both the fine and imprisonment, in the discretion of the court.Laws, 2011, ch. 435;Laws, 2011, ch. 472, 1, eff. 7/1/2011.Amended by Laws, 2020, ch. 314, HB 917, § 62, eff. 6/18/2020.Amended by Laws, 2016, ch. 405, HB 1292, 1, eff. 7/1/2016. 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Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 5 - OFFENSES AFFECTING CHILDREN (§§ 97-5-1 — 97-5-51) Section 97-5-5 - Enticing child for concealment, prostitution or marriage

Every person who shall maliciously, willfully, or fraudulently lead, take, carry away, decoy or entice away, any child under the age of fourteen (14) years, with intent to detain or conceal such child from its parents, guardian, or other person having lawful charge of such child, or for the purpose of prostitution, concubinage, or marriage, shall, on conviction, be imprisoned in the custody of the Department of Corrections for not less than two (2) years nor more than ten (10) years, or fined not more than Ten Thousand Dollars (\$10,000.00), or both. Investigation and prosecution of a defendant under this section does not preclude prosecution of the defendant for a violation of other applicable criminal laws, including, but not limited to, the Mississippi Human Trafficking Act, Section 97-3-54 et seq. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (31); 1857, ch. 64, art. 58; 1871, § 2529; 1880, § 2753; 1892, § 1002; 1906, § 1079; Hemingway's 1917, § 806; 1930, § 825; 1942, § 2051. Amended by Laws, 2013, ch. 543, HB 673, 14, eff. 7/1/2013. Every person who shall maliciously, willfully, or fraudulently lead, take, carry away, decoy or entice away, any child

under the age of fourteen (14) years, with intent to detain or conceal such child from its parents, guardian, or other person having lawful charge of such child, or for the purpose of prostitution, concubinage, or marriage, shall, on conviction, be imprisoned in the custody of the Department of Corrections for not less than two (2) years nor more than ten (10) years, or fined not more than Ten Thousand Dollars (\$10,000.00), or both. Investigation and prosecution of a defendant under this section does not preclude prosecution of the defendant for a violation of other applicable criminal laws, including, but not limited to, the Mississippi Human Trafficking Act, Section 97-3-54 et seq. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (31); 1857, ch. 64, art. 58; 1871, § 2529; 1880, § 2753; 1892, § 1002; 1906, § 1079; Hemingway's 1917, § 806; 1930, § 825; 1942, § 2051. Amended by Laws, 2013, ch. 543, HB 673, 14, eff. 7/1/2013. Every person who shall maliciously, willfully, or fraudulently lead, take, carry away, decoy or entice away, any child under the age of fourteen (14) years, with intent to detain or conceal such child from its parents, guardian, or other person having lawful charge of such child, or for the purpose of prostitution, concubinage, or marriage, shall, on conviction, be imprisoned in the custody of the Department of Corrections for not less than two (2) years nor more than ten (10) years, or fined not more than Ten Thousand Dollars (\$10,000.00), or both. Investigation and prosecution of a defendant under this section does not preclude prosecution of the defendant for a violation of other applicable criminal laws, including, but not limited to, the Mississippi Human Trafficking Act, Section 97-3-54 et seq. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (31); 1857, ch. 64, art. 58; 1871, § 2529; 1880, § 2753; 1892, § 1002; 1906, § 1079; Hemingway's 1917, § 806; 1930, § 825; 1942, § 2051. Amended by Laws, 2013, ch. 543, HB 673, 14, eff. 7/1/2013. Every person who shall maliciously, willfully, or fraudulently lead, take, carry away, decoy or entice away, any child under the age of fourteen (14) years, with intent to detain or conceal such child from its parents, guardian, or other person having lawful charge of such child, or for the purpose of prostitution, concubinage, or marriage, shall, on conviction, be imprisoned in the custody of the Department of Corrections for not less than two (2) years nor more than ten (10) years, or fined not more than Ten Thousand Dollars (\$10,000.00), or both. Investigation and prosecution of a defendant under this section does not preclude prosecution of the defendant for a violation of other applicable criminal laws, including, but not limited to, the Mississippi Human Trafficking Act, Section 97-3-54 et seq. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3 (31); 1857, ch. 64, art. 58; 1871, § 2529; 1880, § 2753; 1892, § 1002; 1906, § 1079; Hemingway's 1917, § 806; 1930, § 825; 1942, § 2051. Amended by Laws, 2013, ch. 543, HB 673, 14, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 5 - OFFENSES AFFECTING CHILDREN (§§ 97-5-1 — 97-5-51) Section 97-5-51 - Mandatory reporting of sex crimes against minors; definitions; procedure; report contents; forensic samples; penalties

(1) Definitions. For the purposes of this section: (a) "Sex crime against a minor" means any offense under at least one (1) of the following statutes when committed by an adult against a minor who is under the age of sixteen (16): (i) Section 97-3-65 relating to rape; (ii) Section 97-3-71 relating to rape and assault with intent to ravish; (iii) Section 97-3-95 relating to sexual battery; (iv) Section 97-5-23 relating to the touching of a child, mentally defective or incapacitated person or physically helpless person for lustful purposes; (v) Section 97-5-41 relating to the carnal knowledge of a stepchild, adopted child or child of a cohabiting partner; (vi) Section 97-5-33 relating to exploitation of children; (vii) Section 97-3-54.1(1)(c) relating to procuring sexual servitude of a minor; (viii) Section 43-47-18 relating to sexual abuse of a vulnerable person; (ix) Section 97-1-7 relating to the attempt to commit any of the offenses listed in this subsection; (x) Section 97-29-51 relating to procuring sexual services of a minor; and (xi) Section 43-47-18 and Section 43-47-19 relating to sexual battery abuse of a vulnerable person who is a minor. (b) "Mandatory reporter" means any of the following individuals performing their occupational duties: health care practitioner, clergy member, teaching or child care provider, law enforcement officer, or commercial image processor. (c) "Health care practitioner" means any individual who provides health care services, including a physician, surgeon, physical therapist, psychiatrist, psychologist, medical resident, medical intern, hospital staff member, licensed nurse, midwife and emergency medical technician or paramedic. (d) "Clergy member" means any priest, rabbi or duly ordained deacon or minister. (e) "Teaching or child care provider" means anyone who provides training or supervision of a minor under the age of sixteen (16), including a teacher, teacher's aide, principal or staff member of a public or private school, social worker, probation officer, foster home parent, group home or other child care institutional staff member, personnel of residential home facilities, a licensed or unlicensed day care provider. (f) "Commercial image processor" means any person who, for compensation: (i) develops exposed photographic film into negatives, slides or prints; (ii) makes prints from negatives or slides; or (iii) processes or stores digital media or images from any digital process, including, but not limited to, website applications, photography, live streaming of video, posting, creation of power points or any other means of intellectual property communication or media including conversion or manipulation of still shots or video into a digital show stored on a photography site or a media storage site. (g) "Caretaker" means any person legally obligated to provide or secure adequate care for a minor under the age of sixteen (16), including a parent, guardian, tutor, legal custodian or foster home parent. (2) (a) Mandatory reporter requirement. A mandatory reporter shall make a report if it would be reasonable for the mandatory reporter to suspect that a sex crime against a minor has occurred. (b) Failure to file a mandatory report shall be punished as provided in this section. (c) Reports made under this section and the identity of the mandatory reporter are confidential except when the court determines the testimony of the person reporting to be material to a judicial proceeding or when the identity of the reporter is released to law enforcement agencies and the appropriate prosecutor. The identity of the reporting party shall not be disclosed to anyone other than law enforcement or prosecutors except under court order; violation of this requirement is a misdemeanor. Reports made under this section are for the purpose of criminal investigation and prosecution only and information from these reports is not a public record. Disclosure of any information by the prosecutor shall conform to the Mississippi Uniform Rules of Circuit and County Court.

Procedure.(d)Any mandatory reporter who makes a required report under this section or participates in a judicial proceeding resulting from a mandatory report shall be presumed to be acting in good faith. Any person or institution reporting in good faith shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.(3)(a)Mandatory reporting procedure.A report required under subsection (2) must be made immediately to the law enforcement agency in whose jurisdiction the reporter believes the sex crime against the minor occurred. Except as otherwise provided in this subsection (3), a mandatory reporter may not delegate to any other person the responsibility to report, but shall make the report personally.(i)The reporting requirement under this subsection (3) is satisfied if a mandatory reporter in good faith reports a suspected sex crime against a minor to the Department of Child Protection Services under Section43-21-353.(ii)The reporting requirement under this subsection (3) is satisfied if a mandatory reporter reports a suspected sex crime against a minor by following a reporting procedure that is imposed:1.By state agency rule as part of licensure of any person or entity holding a state license to provide services that include the treatment or education of abused or neglected children; or2.By statute.(b)Contents of the report.The report shall identify, to the extent known to the reporter, the following:(i)The name and address of the minor victim;(ii)The name and address of the minor's caretaker;(iii)Any other pertinent information known to the reporter.(4)A law enforcement officer who receives a mandated report under this section shall file an affidavit against the offender on behalf of the State of Mississippi if there is probable cause to believe that the offender has committed a sex crime against a minor.(5)Collection of forensic samples.(a)(i)When an abortion is performed on a minor who is less than fourteen (14) years of age at the time of the abortion procedure, fetal tissue extracted during the abortion shall be collected in accordance with rules and regulations adopted pursuant to this section if it would be reasonable to suspect that the pregnancy being terminated is the result of a sex crime against a minor.(ii)When a minor who is under sixteen (16) years of age gives birth to an infant, umbilical cord blood shall be collected, if possible, in accordance with rules and regulations adopted pursuant to this section if it would be reasonable to suspect that the minor's pregnancy resulted from a sex crime against a minor.(iii)It shall be reasonable to suspect that a sex crime against a minor has occurred if the mother of an infant was less than sixteen (16) years of age at the time of conception and at least one (1) of the following conditions also applies:1.The mother of the infant will not identify the father of the infant;2.The mother of the infant lists the father of the infant as unknown;3.The person the mother identifies as the father of the infant disputes his fatherhood;4.The person the mother identifies as the father of the infant is twenty-one (21) years of age or older; or5.The person the mother identifies as the father is deceased.(b)The State Medical Examiner shall adopt rules and regulations consistent with Section99-49-1that prescribe:(i)The amount and type of fetal tissue or umbilical cord blood to be collected pursuant to this section;(ii)Procedures for the proper preservation of the tissue or blood for the purpose of DNA testing and examination;(iii)Procedures for documenting the chain of custody of such tissue or blood for use as evidence;(iv)Procedures for proper disposal of fetal tissue or umbilical cord blood collected pursuant to this section;(v)A uniform reporting instrument mandated to be utilized, which shall include the complete residence address and name of the parent or legal guardian of the minor who is the subject of the report required under this subsection (5); and(vi)Procedures for communication with law enforcement agencies regarding evidence and information obtained pursuant to this section.(6)Penalties.(a)A person who is convicted of a first offense under this section shall be guilty of a misdemeanor and fined not more than Five Hundred Dollars (\$500.00).(b)A person who is convicted of a second offense under this section shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00), or imprisoned for not more than thirty (30) days, or both.(c)A person who is convicted of a third or subsequent offense under this section shall be guilty of a misdemeanor and fined not more than Five Thousand Dollars (\$5,000.00), or imprisoned for not more than one (1) year, or both.(7)A health care practitioner or health care facility shall be immune from any penalty, civil or criminal, for good-faith compliance with any rules and regulations adopted pursuant to this section.Laws, 2012, ch. 519, § 1, eff. 7/1/2012.Amended by Laws, 2019, ch. 420, HB 571,§ 7, eff. 7/1/2019.Amended by Laws, 2013, ch. 511, HB 151, 1, eff. 7/1/2013. (1)Definitions.For the purposes of this section:(a)"Sex crime against a minor" means any offense under at least one (1) of the following statutes when committed by an adult against a minor who is under the age of sixteen (16):(i)Section97-3-65relating to rape;(ii)Section97-3-71relating to rape and assault with intent to ravish;(iii)Section97-3-95relating to sexual battery;(iv)Section97-5-23relating to the touching of a child, mentally defective or incapacitated person or physically helpless person for lustful purposes;(v)Section97-5-41relating to the carnal knowledge of a stepchild, adopted child or child of a cohabiting partner;(vi)Section97-5-33relating to exploitation of children;(vii)Section97-3-54.1(1)(c)relating to procuring sexual servitude of a minor;(viii)Section43-47-18relating to sexual abuse of a vulnerable person;(ix)Section97-1-7relating to the attempt to commit any of the offenses listed in this subsection;(x)Section97-29-51relating to procuring sexual services of a minor; and(xi)Section43-47-18and Section43-47-19relating to sexual battery abuse of a vulnerable person who is a minor.(b)"Mandatory reporter" means any of the following individuals performing their occupational duties: health care practitioner, clergy member, teaching or child care provider, law enforcement officer, or commercial image processor.(c)"Health care practitioner" means any individual who provides health care services, including a physician, surgeon, physical therapist, psychiatrist, psychologist, medical resident, medical intern, hospital staff member, licensed nurse, midwife and emergency medical technician or paramedic.(d)"Clergy member" means any priest, rabbi or duly ordained deacon or minister.(e)"Teaching or child care provider" means anyone who provides training or supervision of a minor under the age of sixteen (16), including a teacher, teacher's aide, principal or staff member of a public or private school, social worker, probation officer, foster home parent, group home or other child care institutional staff member, personnel of residential home facilities, a licensed or unlicensed day care provider.(f)"Commercial image processor" means any person who, for compensation:(i)develops exposed photographic film into negatives, slides or prints;(ii)makes prints from negatives or slides; or(iii)processes or stores digital media or images from any digital process, including, but not limited to, website applications, photography, live streaming of video, posting, creation of power points or any other means of intellectual

property communication or media including conversion or manipulation of still shots or video into a digital show stored on a photography site or a media storage site.(g)"Caretaker" means any person legally obligated to provide or secure adequate care for a minor under the age of sixteen (16), including a parent, guardian, tutor, legal custodian or foster home parent.(2)(a)Mandatory reporter requirement.A mandatory reporter shall make a report if it would be reasonable for the mandatory reporter to suspect that a sex crime against a minor has occurred.(b)Failure to file a mandatory report shall be punished as provided in this section.(c)Reports made under this section and the identity of the mandatory reporter are confidential except when the court determines the testimony of the person reporting to be material to a judicial proceeding or when the identity of the reporter is released to law enforcement agencies and the appropriate prosecutor. The identity of the reporting party shall not be disclosed to anyone other than law enforcement or prosecutors except under court order; violation of this requirement is a misdemeanor. Reports made under this section are for the purpose of criminal investigation and prosecution only and information from these reports is not a public record. Disclosure of any information by the prosecutor shall conform to the Mississippi Uniform Rules of Circuit and County Court Procedure.(d)Any mandatory reporter who makes a required report under this section or participates in a judicial proceeding resulting from a mandatory report shall be presumed to be acting in good faith. 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The identity of the reporting party shall not be disclosed to anyone other than law enforcement or prosecutors except under court order; violation of this requirement is a misdemeanor. Reports made under this section are for the purpose of criminal investigation and prosecution only and information from these reports is not a public record. Disclosure of any information by the prosecutor shall conform to the Mississippi Uniform Rules of Circuit and County Court Procedure.(d)Any mandatory reporter who makes a required report under this section or participates in a judicial proceeding resulting from a mandatory report shall be presumed to be acting in good faith. Any person or institution reporting in good faith shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.(3)(a)Mandatory reporting procedure.A report required under subsection (2) must be made immediately to the law enforcement agency in whose jurisdiction the reporter believes the sex crime against the minor occurred. Except as otherwise provided in this subsection (3), a mandatory reporter may not delegate to any other person the responsibility to report, but shall make the report personally.(i)The reporting requirement under this subsection (3) is satisfied if a mandatory reporter in good faith reports a suspected sex crime against a minor to the Department of Child Protection Services under Section43-21-353.(ii)The reporting requirement under this subsection (3) is satisfied if a mandatory reporter reports a suspected sex crime against a minor by following a reporting procedure that is imposed:1.By state agency rule as part of licensure of any person or entity holding a state license to provide services that include the treatment or education of abused or neglected children; or2.By statute.(b)Contents of the report.The report shall identify, to the extent known to the reporter, the following:(i)The name and address of the minor victim;(ii)The name and address of the minor's caretaker;(iii)Any other pertinent information known to the reporter.(4)A law enforcement officer who receives a mandated report under this section shall file an affidavit against the offender on behalf of the State of Mississippi if there is probable cause to believe that the offender has committed a sex crime against a minor.(5)Collection of forensic samples.(a)(i)When an abortion is performed on a minor who is less than fourteen (14) years of age at the time of the abortion procedure, fetal tissue extracted during the abortion shall be collected in accordance with rules and regulations adopted pursuant to this section if it would be reasonable to suspect that the pregnancy being terminated is the result of a sex crime against a minor.(ii)When a minor who is under sixteen (16) years of age gives birth to an infant, umbilical cord blood shall be collected, if possible, in accordance with rules and regulations adopted pursuant to this section if it would be reasonable to suspect that the minor's pregnancy resulted from a sex crime against a minor.(iii)It shall be reasonable to suspect that a sex crime against a minor has occurred if the mother of an infant was less than sixteen (16) years of age at the time of conception and at least one (1) of the following conditions also applies:1.The mother of the infant will not identify the father of the infant;2.The mother of the infant lists the father of the infant as unknown;3.The person the mother identifies as the father of the infant disputes his fatherhood;4.The person the mother identifies as the father of the infant is twenty-one (21) years of age or older; or5.The person the mother identifies as the father is deceased.(b)The State Medical Examiner shall adopt rules and regulations consistent with Section99-49-1that prescribe:(i)The amount and type of fetal tissue or umbilical cord blood to be collected pursuant to this section;(ii)Procedures for the proper preservation of the tissue or blood for the purpose of DNA testing and examination;(iii)Procedures for documenting the chain of custody of such tissue or blood for use as evidence;(iv)Procedures for proper disposal of fetal tissue or umbilical cord blood collected pursuant to this section;(v)A uniform reporting instrument mandated to be utilized, which shall include the complete residence address and name of the parent or legal guardian of the minor who is the subject of the report required under this subsection (5); and(vi)Procedures for communication with law enforcement agencies regarding evidence and information obtained pursuant to this section.(6)Penalties.(a)A person who is convicted of a first offense under this section shall be guilty of a misdemeanor and fined not more than Five Hundred Dollars (\$500.00).(b)A person who is convicted of a second offense under this section shall be guilty of a misdemeanor and fined not more than One Thousand Dollars (\$1,000.00), or imprisoned for not more than thirty (30) days, or both.(c)A person who is convicted of a third or subsequent offense under this section shall be guilty of a misdemeanor and fined not more than Five Thousand Dollars (\$5,000.00), or imprisoned for not more than one (1) year, or both.(7)A health care practitioner or health care facility shall be

immune from any penalty, civil or criminal, for good-faith compliance with any rules and regulations adopted pursuant to this section. Laws, 2012, ch. 519, § 1, eff. 7/1/2012. Amended by Laws, 2019, ch. 420, HB 571, § 7, eff. 7/1/2019. Amended by Laws, 2013, ch. 511, HB 151, 1, eff. 7/1/2013. Laws, 2012, ch. 519, § 1, eff. 7/1/2012. Amended by Laws, 2019, ch. 420, HB 571, § 7, eff. 7/1/2019. Amended by Laws, 2013, ch. 511, HB 151, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 5 - OFFENSES AFFECTING CHILDREN (§§ 97-5-1 — 97-5-51) Section 97-5-7 - Enticing child for employment

Any person who shall persuade, entice or decoy away from its father or mother with whom it resides any child under the age of eighteen (18) years, being unmarried, for the purpose of employing such child without the consent of its parents, or one of them, shall upon conviction be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisoned in the county jail not more than one (1) year, or both. Investigation and prosecution of a defendant under this section does not preclude prosecution of the defendant for a violation of other applicable criminal laws, including, but not limited to, the Mississippi Human Trafficking Act, Section 97-3-54 et seq. Codes, 1880, § 2755; 1892, § 1003; 1906, § 1080; Hemingway's 1917, § 807; 1930, § 827; 1942, § 2053; Laws, 1980, ch. 357, eff. 4/23/1980. Amended by Laws, 2013, ch. 543, HB 673, 15, eff. 7/1/2013. Any person who shall persuade, entice or decoy away from its father or mother with whom it resides any child under the age of eighteen (18) years, being unmarried, for the purpose of employing such child without the consent of its parents, or one of them, shall upon conviction be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisoned in the county jail not more than one (1) year, or both. Investigation and prosecution of a defendant under this section does not preclude prosecution of the defendant for a violation of other applicable criminal laws, including, but not limited to, the Mississippi Human Trafficking Act, Section 97-3-54 et seq. Codes, 1880, § 2755; 1892, § 1003; 1906, § 1080; Hemingway's 1917, § 807; 1930, § 827; 1942, § 2053; Laws, 1980, ch. 357, eff. 4/23/1980. Amended by Laws, 2013, ch. 543, HB 673, 15, eff. 7/1/2013. Any person who shall persuade, entice or decoy away from its father or mother with whom it resides any child under the age of eighteen (18) years, being unmarried, for the purpose of employing such child without the consent of its parents, or one of them, shall upon conviction be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisoned in the county jail not more than one (1) year, or both. Investigation and prosecution of a defendant under this section does not preclude prosecution of the defendant for a violation of other applicable criminal laws, including, but not limited to, the Mississippi Human Trafficking Act, Section 97-3-54 et seq. Codes, 1880, § 2755; 1892, § 1003; 1906, § 1080; Hemingway's 1917, § 807; 1930, § 827; 1942, § 2053; Laws, 1980, ch. 357, eff. 4/23/1980. Amended by Laws, 2013, ch. 543, HB 673, 15, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 5 - OFFENSES AFFECTING CHILDREN (§§ 97-5-1 — 97-5-51) Section 97-5-9 - Iceboxes, etc.; abandonment without removing latch prohibited

If any person shall have on his premises, or shall suffer to be or remain upon his premises, any abandoned chest, icebox, refrigerator, or any other box-type container not in active use, any door to which has a latch or lock which automatically fastens upon the closing of such container's door, and which cannot be readily opened from the inside, he shall remove the latch or lock, or otherwise render it inoperative, and on failure to so do shall be guilty of a misdemeanor. Codes, 1942, § 2055.5; Laws, 1954, ch. 233; Laws, 1966, ch. 356, § 1, eff. 4/20/1966. If any person shall have on his premises, or shall suffer to be or remain upon his premises, any abandoned chest, icebox, refrigerator, or any other box-type container not in active use, any door to which has a latch or lock which automatically fastens upon the closing of such container's door, and which cannot be readily opened from the inside, he shall remove the latch or lock, or otherwise render it inoperative, and on failure to so do shall be guilty of a misdemeanor. Codes, 1942, § 2055.5; Laws, 1954, ch. 233; Laws, 1966, ch. 356, § 1, eff. 4/20/1966. If any person shall have on his premises, or shall suffer to be or remain upon his premises, any abandoned chest, icebox, refrigerator, or any other box-type container not in active use, any door to which has a latch or lock which automatically fastens upon the closing of such container's door, and which cannot be readily opened from the inside, he shall remove the latch or lock, or otherwise render it inoperative, and on failure to so do shall be guilty of a misdemeanor. Codes, 1942, § 2055.5; Laws, 1954, ch. 233; Laws, 1966, ch. 356, § 1, eff. 4/20/1966. If any person shall have on his premises, or shall suffer to be or remain upon his premises, any abandoned chest, icebox, refrigerator, or any other box-type container not in active use, any door to which has a latch or lock which automatically fastens upon the closing of such container's door, and which cannot be readily opened from the inside, he shall remove the latch or lock, or otherwise render it inoperative, and on failure to so do shall be guilty of a misdemeanor. Codes, 1942, § 2055.5; Laws, 1954, ch. 233; Laws, 1966, ch. 356, § 1, eff. 4/20/1966.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-1 - Assessment; failure or refusal to

deliver by taxpayer

If any taxpayer shall refuse or wilfully neglect to deliver a list of his taxable property, as required by law, to the assessor, under oath or affirmation, when required, he shall be guilty of a misdemeanor, and, on conviction shall be fined not less than twenty dollars nor more than five hundred dollars, or imprisoned not exceeding three months in the county jail, or both. Codes, Hutchinson's 1848, ch. 8, art. 17 (5); 1857, ch. 3, art. 17; 1871, § 1674; 1880, § 497; 1892, § 970; 1906, § 1046; Hemingway's 1917, § 774; 1930, § 790; 1942, § 2014. If any taxpayer shall refuse or wilfully neglect to deliver a list of his taxable property, as required by law, to the assessor, under oath or affirmation, when required, he shall be guilty of a misdemeanor, and, on conviction shall be fined not less than twenty dollars nor more than five hundred dollars, or imprisoned not exceeding three months in the county jail, or both. Codes, Hutchinson's 1848, ch. 8, art. 17 (5); 1857, ch. 3, art. 17; 1871, § 1674; 1880, § 497; 1892, § 970; 1906, § 1046; Hemingway's 1917, § 774; 1930, § 790; 1942, § 2014. If any taxpayer shall refuse or wilfully neglect to deliver a list of his taxable property, as required by law, to the assessor, under oath or affirmation, when required, he shall be guilty of a misdemeanor, and, on conviction shall be fined not less than twenty dollars nor more than five hundred dollars, or imprisoned not exceeding three months in the county jail, or both. Codes, Hutchinson's 1848, ch. 8, art. 17 (5); 1857, ch. 3, art. 17; 1871, § 1674; 1880, § 497; 1892, § 970; 1906, § 1046; Hemingway's 1917, § 774; 1930, § 790; 1942, § 2014. If any taxpayer shall refuse or wilfully neglect to deliver a list of his taxable property, as required by law, to the assessor, under oath or affirmation, when required, he shall be guilty of a misdemeanor, and, on conviction shall be fined not less than twenty dollars nor more than five hundred dollars, or imprisoned not exceeding three months in the county jail, or both. Codes, Hutchinson's 1848, ch. 8, art. 17 (5); 1857, ch. 3, art. 17; 1871, § 1674; 1880, § 497; 1892, § 970; 1906, § 1046; Hemingway's 1917, § 774; 1930, § 790; 1942, § 2014.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-10 - Fraudulent statements and representations

(1) Whoever, with intent to defraud the state or any department, agency, office, board, commission, county, municipality or other subdivision of state or local government, knowingly and willfully falsifies, conceals or covers up by trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall, upon conviction, be punished by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment. (2) This section shall not prohibit the prosecution under any other criminal statute of the state. Laws, 1988, ch. 511, § 2, eff. 7/1/1988. (1) Whoever, with intent to defraud the state or any department, agency, office, board, commission, county, municipality or other subdivision of state or local government, knowingly and willfully falsifies, conceals or covers up by trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall, upon conviction, be punished by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment. (2) This section shall not prohibit the prosecution under any other criminal statute of the state. Laws, 1988, ch. 511, § 2, eff. 7/1/1988. (1) Whoever, with intent to defraud the state or any department, agency, office, board, commission, county, municipality or other subdivision of state or local government, knowingly and willfully falsifies, conceals or covers up by trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall, upon conviction, be punished by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment. (2) This section shall not prohibit the prosecution under any other criminal statute of the state. Laws, 1988, ch. 511, § 2, eff. 7/1/1988. Laws, 1988, ch. 511, § 2, eff. 7/1/1988.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-11 - Conspiracy to defraud state; obtaining public funds fraudulently

If any person shall enter into any agreement, combination or conspiracy to defraud the State of Mississippi, or any department or political subdivision thereof, by obtaining or aiding to obtain the payment or allowance from the public funds of the state, or of any department or political subdivision thereof, of any false or fraudulent claim, he shall be subject to indictment therefor, and upon conviction thereof, shall be imprisoned in the state penitentiary for a term not to exceed five years, or shall be punished by a fine not to exceed \$1000.00, or by imprisonment in the county jail for a term of not more than six months, or by both such fine and imprisonment, within the discretion of the court. Codes, 1930, § 831; 1942, § 2057; Laws, 1930, ch. 97. If any person shall enter into any agreement, combination or conspiracy to defraud the State of Mississippi, or any department or political subdivision thereof, by obtaining or aiding to obtain the payment or allowance from the public funds of the state, or of any department or political subdivision thereof, of any false or fraudulent claim, he shall be subject to indictment therefor, and upon conviction thereof, shall be imprisoned in the state penitentiary for a term not to exceed five years, or shall be punished by a fine not to exceed \$1000.00, or by imprisonment in the county jail for a term of not more than six months, or by both such fine and imprisonment, within the discretion of the court. Codes, 1930, § 831; 1942, § 2057; Laws, 1930, ch. 97. If any person shall enter into any agreement, combination or conspiracy to defraud the State of Mississippi, or any department or political subdivision thereof, by obtaining or aiding to obtain

the payment or allowance from the public funds of the state, or of any department or political subdivision thereof, of any false or fraudulent claim, he shall be subject to indictment therefor, and upon conviction thereof, shall be imprisoned in the state penitentiary for a term not to exceed five years, or shall be punished by a fine not to exceed \$1000.00, or by imprisonment in the county jail for a term of not more than six months, or by both such fine and imprisonment, within the discretion of the court. Codes, 1930, § 831; 1942, § 2057; Laws, 1930, ch. 97. If any person shall enter into any agreement, combination or conspiracy to defraud the State of Mississippi, or any department or political subdivision thereof, by obtaining or aiding to obtain the payment or allowance from the public funds of the state, or of any department or political subdivision thereof, of any false or fraudulent claim, he shall be subject to indictment therefor, and upon conviction thereof, shall be imprisoned in the state penitentiary for a term not to exceed five years, or shall be punished by a fine not to exceed \$1000.00, or by imprisonment in the county jail for a term of not more than six months, or by both such fine and imprisonment, within the discretion of the court. Codes, 1930, § 831; 1942, § 2057; Laws, 1930, ch. 97.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-13 - Conspiracy to defraud state; defeating or preventing prosecution of just claim due state

If any person, with intent to defraud the State of Mississippi, or any department or political subdivision thereof, shall enter into any agreement, combination or conspiracy to defeat, by any unlawful or fraudulent means, the payment of any just claim or penalty due the State of Mississippi, or any department or political subdivision thereof, or to prevent, by any unlawful or fraudulent means, the prosecution of suit for the proper enforcement of any such claim or penalty, or to defraud the State of Mississippi or any department or political subdivision thereof, in any manner, or for any purpose, he shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state penitentiary for a term not to exceed five years, or by imprisonment in the county jail for not more than six months, or by fine of not more than \$1000.00, or by both such imprisonment and fine, within the discretion of the court. Codes, 1930, § 832; 1942, § 2058; Laws, 1930, ch. 97. If any person, with intent to defraud the State of Mississippi, or any department or political subdivision thereof, shall enter into any agreement, combination or conspiracy to defeat, by any unlawful or fraudulent means, the payment of any just claim or penalty due the State of Mississippi, or any department or political subdivision thereof, or to prevent, by any unlawful or fraudulent means, the prosecution of suit for the proper enforcement of any such claim or penalty, or to defraud the State of Mississippi or any department or political subdivision thereof, in any manner, or for any purpose, he shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state penitentiary for a term not to exceed five years, or by imprisonment in the county jail for not more than six months, or by fine of not more than \$1000.00, or by both such imprisonment and fine, within the discretion of the court. Codes, 1930, § 832; 1942, § 2058; Laws, 1930, ch. 97. If any person, with intent to defraud the State of Mississippi, or any department or political subdivision thereof, shall enter into any agreement, combination or conspiracy to defeat, by any unlawful or fraudulent means, the payment of any just claim or penalty due the State of Mississippi, or any department or political subdivision thereof, or to prevent, by any unlawful or fraudulent means, the prosecution of suit for the proper enforcement of any such claim or penalty, or to defraud the State of Mississippi or any department or political subdivision thereof, in any manner, or for any purpose, he shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state penitentiary for a term not to exceed five years, or by imprisonment in the county jail for not more than six months, or by fine of not more than \$1000.00, or by both such imprisonment and fine, within the discretion of the court. Codes, 1930, § 832; 1942, § 2058; Laws, 1930, ch. 97.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-15 - Conspiracy to defraud state; each party guilty of felony when one or more conspirators act

If two or more persons, with intent to defraud the State of Mississippi, or any department or political subdivision thereof, shall conspire to defeat by any unlawful or fraudulent means, the payment of any just claim or penalty due the State of Mississippi, or any department or political subdivision thereof, or shall conspire to prevent by any unlawful or fraudulent means, the prosecution of suit for the proper enforcement of any such claim or penalty, or shall conspire to defraud the State of Mississippi, or any department or political subdivision thereof, in any manner, or for any purpose, and one or more of such parties shall do any act to effect the object of the conspiracy each of the parties to such conspiracy shall be guilty of a felony, and upon conviction thereof shall be punished as provided in section 97-7-13. Codes, 1930, § 833; 1942, § 2059; Laws, 1930, ch. 97. If two or more persons, with intent to defraud the State of Mississippi, or any department or political subdivision thereof, shall conspire to defeat by any unlawful or fraudulent means, the payment of any just claim or penalty due the State of Mississippi, or any department or political subdivision thereof, or shall conspire to prevent by any unlawful or fraudulent means, the prosecution of suit for the proper enforcement of any such claim or penalty, or shall conspire to defraud the State of Mississippi, or any department or political subdivision thereof, in any manner, or

for any purpose, and one or more of such parties shall do any act to effect the object of the conspiracy each of the parties to such conspiracy shall be guilty of a felony, and upon conviction thereof shall be punished as provided in section 97-7-13. Codes, 1930, § 833; 1942, § 2059; Laws, 1930, ch. 97. If two or more persons, with intent to defraud the State of Mississippi, or any department or political subdivision thereof, shall conspire to defeat by any unlawful or fraudulent means, the payment of any just claim or penalty due the State of Mississippi, or any department or political subdivision thereof, or shall conspire to prevent by any unlawful or fraudulent means, the prosecution of suit for the proper enforcement of any such claim or penalty, or shall conspire to defraud the State of Mississippi, or any department or political subdivision thereof, in any manner, or for any purpose, and one or more of such parties shall do any act to effect the object of the conspiracy each of the parties to such conspiracy shall be guilty of a felony, and upon conviction thereof shall be punished as provided in section 97-7-13. Codes, 1930, § 833; 1942, § 2059; Laws, 1930, ch. 97. If two or more persons, with intent to defraud the State of Mississippi, or any department or political subdivision thereof, shall conspire to defeat by any unlawful or fraudulent means, the payment of any just claim or penalty due the State of Mississippi, or any department or political subdivision thereof, or shall conspire to prevent by any unlawful or fraudulent means, the prosecution of suit for the proper enforcement of any such claim or penalty, or shall conspire to defraud the State of Mississippi, or any department or political subdivision thereof, in any manner, or for any purpose, and one or more of such parties shall do any act to effect the object of the conspiracy each of the parties to such conspiracy shall be guilty of a felony, and upon conviction thereof shall be punished as provided in section 97-7-13. Codes, 1930, § 833; 1942, § 2059; Laws, 1930, ch. 97.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-17 - Conspiracy to prevent holding a public office or discharging its duties, etc.; by use of force, etc

If two (2) or more persons conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the State of Mississippi, or any subdivision thereof, or from discharging any duties thereof, or to induce by like means any officer of the State of Mississippi or subdivision thereof, to leave the place where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties, each of such persons shall be fined upon conviction not more than one thousand dollars (\$1,000.00) or imprisoned for not more than five (5) years, or both. Codes, 1942, § 2059.1; Laws, 1968, ch. 344, § 1, eff. 7/30/1968. If two (2) or more persons conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the State of Mississippi, or any subdivision thereof, or from discharging any duties thereof, or to induce by like means any officer of the State of Mississippi or subdivision thereof, to leave the place where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties, each of such persons shall be fined upon conviction not more than one thousand dollars (\$1,000.00) or imprisoned for not more than five (5) years, or both. Codes, 1942, § 2059.1; Laws, 1968, ch. 344, § 1, eff. 7/30/1968. If two (2) or more persons conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the State of Mississippi, or any subdivision thereof, or from discharging any duties thereof, or to induce by like means any officer of the State of Mississippi or subdivision thereof, to leave the place where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties, each of such persons shall be fined upon conviction not more than one thousand dollars (\$1,000.00) or imprisoned for not more than five (5) years, or both. Codes, 1942, § 2059.1; Laws, 1968, ch. 344, § 1, eff. 7/30/1968. If two (2) or more persons conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the State of Mississippi, or any subdivision thereof, or from discharging any duties thereof, or to induce by like means any officer of the State of Mississippi or subdivision thereof, to leave the place where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties, each of such persons shall be fined upon conviction not more than one thousand dollars (\$1,000.00) or imprisoned for not more than five (5) years, or both. Codes, 1942, § 2059.1; Laws, 1968, ch. 344, § 1, eff. 7/30/1968.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-19 - Conspiracy to prevent holding public office or discharging its duties, etc.; by use of boycott

If two (2) or more persons conspire to prevent any person from accepting or holding any office, trust, or place of confidence under the State of Mississippi or any subdivision thereof, or to induce any officer of the State of Mississippi or subdivision thereof to leave the place where his duties as an officer are required to be performed and as a means of carrying out the object of such conspiracy, shall cause or attempt to cause, or induce or encourage any individual or individuals to cease doing business with any other person or to cease using, buying, selling, or otherwise dealing in the products of any other person, each of such persons shall be fined upon conviction not more than one thousand dollars (\$1,000.00), or imprisoned for not more than five (5) years, or both. Codes, 1942, § 2059.2; Laws, 1968, ch. 344, § 2, eff. 7/30/1968. If two (2) or more persons conspire to prevent any person from accepting or

holding any office, trust, or place of confidence under the State of Mississippi or any subdivision thereof, or to induce any officer of the State of Mississippi or subdivision thereof to leave the place where his duties as an officer are required to be performed and as a means of carrying out the object of such conspiracy, shall cause or attempt to cause, or induce or encourage any individual or individuals to cease doing business with any other person or to cease using, buying, selling, or otherwise dealing in the products of any other person, each of such persons shall be fined upon conviction not more than one thousand dollars (\$1,000.00), or imprisoned for not more than five (5) years, or both. Codes, 1942, § 2059.2; Laws, 1968, ch. 344, § 2, eff. 7/30/1968. If two (2) or more persons conspire to prevent any person from accepting or holding any office, trust, or place of confidence under the State of Mississippi or any subdivision thereof, or to induce any officer of the State of Mississippi or subdivision thereof to leave the place where his duties as an officer are required to be performed and as a means of carrying out the object of such conspiracy, shall cause or attempt to cause, or induce or encourage any individual or individuals to cease doing business with any other person or to cease using, buying, selling, or otherwise dealing in the products of any other person, each of such persons shall be fined upon conviction not more than one thousand dollars (\$1,000.00), or imprisoned for not more than five (5) years, or both. Codes, 1942, § 2059.2; Laws, 1968, ch. 344, § 2, eff. 7/30/1968. If two (2) or more persons conspire to prevent any person from accepting or holding any office, trust, or place of confidence under the State of Mississippi or any subdivision thereof, or to induce any officer of the State of Mississippi or subdivision thereof to leave the place where his duties as an officer are required to be performed and as a means of carrying out the object of such conspiracy, shall cause or attempt to cause, or induce or encourage any individual or individuals to cease doing business with any other person or to cease using, buying, selling, or otherwise dealing in the products of any other person, each of such persons shall be fined upon conviction not more than one thousand dollars (\$1,000.00), or imprisoned for not more than five (5) years, or both. Codes, 1942, § 2059.2; Laws, 1968, ch. 344, § 2, eff. 7/30/1968.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-29 - Destroying, injuring, etc. property to hinder war efforts

Whoever intentionally destroys, impairs, injures, interferes or tampers with real or personal property with reasonable grounds to believe that such act will hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, shall be punished by imprisonment for not more than ten years, or by a fine of not more than ten thousand dollars (\$10,000.00), or both. Codes, 1942, § 2400; Laws, 1942, ch. 183. Whoever intentionally destroys, impairs, injures, interferes or tampers with real or personal property with reasonable grounds to believe that such act will hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, shall be punished by imprisonment for not more than ten years, or by a fine of not more than ten thousand dollars (\$10,000.00), or both. Codes, 1942, § 2400; Laws, 1942, ch. 183. Whoever intentionally destroys, impairs, injures, interferes or tampers with real or personal property with reasonable grounds to believe that such act will hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, shall be punished by imprisonment for not more than ten years, or by a fine of not more than ten thousand dollars (\$10,000.00), or both. Codes, 1942, § 2400; Laws, 1942, ch. 183. Whoever intentionally destroys, impairs, injures, interferes or tampers with real or personal property with reasonable grounds to believe that such act will hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, shall be punished by imprisonment for not more than ten years, or by a fine of not more than ten thousand dollars (\$10,000.00), or both. Codes, 1942, § 2400; Laws, 1942, ch. 183.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-3 - Assessment; failure to deliver by banker

If the president, cashier, or other officer having like duties, of any bank or banking association shall wilfully fail to deliver to the assessor a written statement, under oath, as required by law, of all the bank's effects and assets, other than land, liable to taxation, he shall, on conviction, be fined not exceeding five hundred dollars, or be imprisoned not exceeding three months in the county jail, or both. Codes, 1892, § 972; 1906, § 1048; Hemingway's 1917, § 776; 1930, § 792; 1942, § 2016; Laws, 1890, p. 6. If the president, cashier, or other officer having like duties, of any bank or banking association shall wilfully fail to deliver to the assessor a written statement, under oath, as required by law, of all the bank's effects and assets, other than land, liable to taxation, he shall, on conviction, be fined not exceeding five hundred dollars, or be imprisoned not exceeding three months in the county jail, or both. Codes, 1892, § 972; 1906, § 1048; Hemingway's 1917, § 776; 1930, § 792; 1942, § 2016; Laws, 1890, p. 6. If the president, cashier, or other officer having like duties, of any bank or banking association shall wilfully fail to deliver to the assessor a written statement, under oath, as required by law, of all the bank's effects and assets, other than land, liable to taxation, he shall, on conviction, be fined not exceeding five hundred dollars, or be imprisoned not exceeding three months in the county jail, or both. Codes, 1892, § 972; 1906, § 1048; Hemingway's 1917, § 776; 1930, § 792; 1942, § 2016; Laws, 1890, p. 6. If the president, cashier, or other officer having like duties, of any bank or banking association shall wilfully fail to deliver to the assessor a written statement, under oath, as required by law, of all the bank's effects and assets, other than land, liable to taxation, he shall, on conviction, be fined not exceeding five hundred dollars, or be imprisoned not exceeding three months in the county jail, or both. Codes, 1892, § 972; 1906, § 1048; Hemingway's 1917, § 776; 1930, § 792; 1942, § 2016; Laws, 1890, p. 6.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-31 - Destroying, injuring, etc. state or federally licensed communication systems

Whoever intentionally destroys, impairs, injures, or tampers or interferes with any real or personal property used or useful in the maintenance, repair or operation of any telephone or telegraph system or radio station which is subject to regulation or licensing by any agency of the United States of America or of the State of Mississippi, with reasonable grounds to believe that such act will hinder, delay or interfere with the maintenance, repair or operation of such telephone or telegraph system or radio station, on conviction shall be punished as prescribed in Section 97-7-29. Codes, 1942, § 2401; Laws, 1942, ch. 183. Whoever intentionally destroys, impairs, injures, or tampers or interferes with any real or personal property used or useful in the maintenance, repair or operation of any telephone or telegraph system or radio station which is subject to regulation or licensing by any agency of the United States of America or of the State of Mississippi, with reasonable grounds to believe that such act will hinder, delay or interfere with the maintenance, repair or operation of such telephone or telegraph system or radio station, on conviction shall be punished as prescribed in Section 97-7-29. Codes, 1942, § 2401; Laws, 1942, ch. 183. Whoever intentionally destroys, impairs, injures, or tampers or interferes with any real or personal property used or useful in the maintenance, repair or operation of any telephone or telegraph system or radio station which is subject to regulation or licensing by any agency of the United States of America or of the State of Mississippi, with reasonable grounds to believe that such act will hinder, delay or interfere with the maintenance, repair or operation of such telephone or telegraph system or radio station, on conviction shall be punished as prescribed in Section 97-7-29. Codes, 1942, § 2401; Laws, 1942, ch. 183.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-33 - False statements to federal authorities as to denial of constitutional rights by the state or its agents

It shall be unlawful for any person or persons to wilfully and knowingly, whether orally or in writing, make or cause to be made, to any agency, or board, or commission, or member, or officer or official, or appointee, or employee, or representative thereof, of the executive, or the legislative, or the judicial department, of the United States or any subdivision thereof, which may be now in existence, or who may be now appointed, or hereafter created or appointed, including but not limited to any commissioner, or referee, or voting referee now appointed or who may be hereafter appointed by any court of the United States or any judge thereof, and further including but not limited to any member of the Federal Bureau of Investigation and any agent or representative, or investigator, or member of the Commission on Civil Rights of the United States, or the Advisory Committee or Board of the Commission on Civil Rights of the United States appointed in and for the State of Mississippi, any false or fictitious or fraudulent statement or statements, or to use any false writing or document asserting or claiming, that such person, or persons, or any other person or persons have been, or are about to be denied or deprived of any right, or privilege, or immunity granted or secured to them, or to any of them, by the United States Constitution and laws, or by the Mississippi Constitution and laws, by any officer, or agency, or employee, or representative, or board, or commission, or any member thereof of the State of Mississippi, or of any county or municipality, of the State of Mississippi, or of any other political subdivision of the State of Mississippi, or by the State of Mississippi and any person or persons violating the provisions of this section shall be guilty of the crime of making a false statement, which is created by this section, a felony, and upon conviction thereof shall be punished by imprisonment in the county jail for not less than six (6) months nor more than five (5) years in the penitentiary, or by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or by both such fine and imprisonment. Codes, 1942, § 2155.4; Laws, 1960, ch. 263, § 1. It shall be unlawful for any person or persons to wilfully and knowingly, whether orally or in writing, make or cause to be made, to any agency, or board, or commission, or member, or officer or official, or appointee, or employee, or representative thereof, of the executive, or the legislative, or the judicial department, of the United States or any subdivision thereof, which may be now in existence, or who may be now appointed, or hereafter created or appointed, including but not limited to any commissioner, or referee, or voting referee now appointed or who may be hereafter appointed by any court of the United States or any judge thereof, and further including but not limited to any member of the Federal Bureau of Investigation and any agent or representative, or investigator, or member of the Commission on Civil Rights of the United States, or the Advisory Committee or Board of the Commission on Civil Rights of the United States appointed in and for the State of Mississippi, any false or fictitious or fraudulent statement or statements, or to use any false writing or document asserting or claiming, that such person, or persons, or any other person or persons have been, or are about to be denied or deprived of any right, or privilege, or immunity granted or secured to them, or to any of them, by the United States Constitution and laws, or by the Mississippi Constitution and laws, by any officer, or agency, or employee, or representative, or board, or commission, or any member thereof of the State of Mississippi, or of any county or municipality, of the State of Mississippi, or of any other political subdivision of the State of Mississippi, or by the State of Mississippi and any person or persons violating the provisions of this section shall be guilty of the crime of making a false

statement, which is created by this section, a felony, and upon conviction thereof shall be punished by imprisonment in the county jail for not less than six (6) months nor more than five (5) years in the penitentiary, or by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or by both such fine and imprisonment. Codes, 1942, § 2155.4; Laws, 1960, ch. 263, § 1. It shall be unlawful for any person or persons to wilfully and knowingly, whether orally or in writing, make or cause to be made, to any agency, or board, or commission, or member, or officer or official, or appointee, or employee, or representative thereof, of the executive, or the legislative, or the judicial department, of the United States or any subdivision thereof, which may be now in existence, or who may be now appointed, or hereafter created or appointed, including but not limited to any commissioner, or referee, or voting referee now appointed or who may be hereafter appointed by any court of the United States or any judge thereof, and further including but not limited to any member of the Federal Bureau of Investigation and any agent or representative, or investigator, or member of the Commission on Civil Rights of the United States, or the Advisory Committee or Board of the Commission on Civil Rights of the United States appointed in and for the State of Mississippi, any false or fictitious or fraudulent statement or statements, or to use any false writing or document asserting or claiming, that such person, or persons, or any other person or persons have been, or are about to be denied or deprived of any right, or privilege, or immunity granted or secured to them, or to any of them, by the United States Constitution and laws, or by the Mississippi Constitution and laws, by any officer, or agency, or employee, or representative, or board, or commission, or any member thereof of the State of Mississippi, or of any county or municipality, of the State of Mississippi, or of any other political subdivision of the State of Mississippi, or by the State of Mississippi and any person or persons violating the provisions of this section shall be guilty of the crime of making a false statement, which is created by this section, a felony, and upon conviction thereof shall be punished by imprisonment in the county jail for not less than six (6) months nor more than five (5) years in the penitentiary, or by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or by both such fine and imprisonment. Codes, 1942, § 2155.4; Laws, 1960, ch. 263, § 1. It shall be unlawful for any person or persons to wilfully and knowingly, whether orally or in writing, make or cause to be made, to any agency, or board, or commission, or member, or officer or official, or appointee, or employee, or representative thereof, of the executive, or the legislative, or the judicial department, of the United States or any subdivision thereof, which may be now in existence, or who may be now appointed, or hereafter created or appointed, including but not limited to any commissioner, or referee, or voting referee now appointed or who may be hereafter appointed by any court of the United States or any judge thereof, and further including but not limited to any member of the Federal Bureau of Investigation and any agent or representative, or investigator, or member of the Commission on Civil Rights of the United States, or the Advisory Committee or Board of the Commission on Civil Rights of the United States appointed in and for the State of Mississippi, any false or fictitious or fraudulent statement or statements, or to use any false writing or document asserting or claiming, that such person, or persons, or any other person or persons have been, or are about to be denied or deprived of any right, or privilege, or immunity granted or secured to them, or to any of them, by the United States Constitution and laws, or by the Mississippi Constitution and laws, by any officer, or agency, or employee, or representative, or board, or commission, or any member thereof of the State of Mississippi, or of any county or municipality, of the State of Mississippi, or of any other political subdivision of the State of Mississippi, or by the State of Mississippi and any person or persons violating the provisions of this section shall be guilty of the crime of making a false statement, which is created by this section, a felony, and upon conviction thereof shall be punished by imprisonment in the county jail for not less than six (6) months nor more than five (5) years in the penitentiary, or by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or by both such fine and imprisonment. Codes, 1942, § 2155.4; Laws, 1960, ch. 263, § 1.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-35 - False swearing; false sworn statements to federal authorities as to denial of constitutional rights by the state or its agents

(1) It shall be unlawful for any person or persons to wilfully and knowingly make any oral or written sworn false statement, or affidavit, or attestation, or complaint, or allegation before any individual or officer authorized to administer oaths, to any agency, or board, or commission, or member, or official, or appointee, or employee, or representative thereof, of the executive, or the legislative, or the judicial department, of the United States, or any subdivision thereof, which may be now in existence, or who may be now appointed, or hereafter created or appointed, including but not limited to any member of the Federal Bureau of Investigation and any agent, or representative, or investigator, or member of the Commission on Civil Rights of the United States, or the Advisory Committee or Board of the Commission on Civil Rights of the United States appointed in and for the State of Mississippi, that such person, or persons, or other persons have been or are about to be deprived of any right, or privilege, or immunity granted or secured by the United States Constitution and Laws or by the Mississippi Constitution and Laws, by any officer, or agency, or employee, or representative, or board, or commission, or any member thereof of the State of Mississippi, or of any county or municipality, of the State of Mississippi, or of any other political subdivision of the State of Mississippi, or by the State of Mississippi, and any person or persons violating the provisions of this section shall be guilty of the crime of false swearing which is created by this section, a felony, and upon conviction thereof, shall be punished by imprisonment in the county jail for not less than six (6) months nor more than five (5) years in the penitentiary, or a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), or by both such fine and imprisonment. (2) Corroboration or proof by more than one witness to establish the falsity of testimony or statements under oath is not required in prosecutions under this section. It shall not be necessary to prove, to sustain or charge under this section, that the oath or matter sworn to was material, or, if before an executive, legislative or judicial tribunal

committee or commission that the tribunal committee or commission had jurisdiction. Codes, 1942, § 2155.5; Laws, 1960, ch. 256, §§ 1, 2. (1) It shall be unlawful for any person or persons to wilfully and knowingly make any oral or written sworn false statement, or affidavit, or attestation, or complaint, or allegation before any individual or officer authorized to administer oaths, to any agency, or board, or commission, or member, or official, or appointee, or employee, or representative thereof, of the executive, or the legislative, or the judicial department, of the United States, or any subdivision thereof, which may be now in existence, or who may be now appointed, or hereafter created or appointed, including but not limited to any member of the Federal Bureau of Investigation and any agent, or representative, or investigator, or member of the Commission on Civil Rights of the United States, or the Advisory Committee or Board of the Commission on Civil Rights of the United States appointed in and for the State of Mississippi, that such person, or persons, or other persons have been or are about to be deprived of any right, or privilege, or immunity granted or secured by the United States Constitution and Laws or by the Mississippi Constitution and Laws, by any officer, or agency, or employee, or representative, or board, or commission, or any member thereof of the State of Mississippi, or of any county or municipality, of the State of Mississippi, or of any other political subdivision of the State of Mississippi, or by the State of Mississippi, and any person or persons violating the provisions of this section shall be guilty of the crime of false swearing which is created by this section, a felony, and upon conviction thereof, shall be punished by imprisonment in the county jail for not less than six (6) months nor more than five (5) years in the penitentiary, or a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), or by both such fine and imprisonment. (2) Corroboration or proof by more than one witness to establish the falsity of testimony or statements under oath is not required in prosecutions under this section. It shall not be necessary to prove, to sustain or charge under this section, that the oath or matter sworn to was material, or, if before an executive, legislative or judicial tribunal committee or commission that the tribunal committee or commission had jurisdiction. Codes, 1942, § 2155.5; Laws, 1960, ch. 256, §§ 1, 2. (1) It shall be unlawful for any person or persons to wilfully and knowingly make any oral or written sworn false statement, or affidavit, or attestation, or complaint, or allegation before any individual or officer authorized to administer oaths, to any agency, or board, or commission, or member, or official, or appointee, or employee, or representative thereof, of the executive, or the legislative, or the judicial department, of the United States, or any subdivision thereof, which may be now in existence, or who may be now appointed, or hereafter created or appointed, including but not limited to any member of the Federal Bureau of Investigation and any agent, or representative, or investigator, or member of the Commission on Civil Rights of the United States, or the Advisory Committee or Board of the Commission on Civil Rights of the United States appointed in and for the State of Mississippi, that such person, or persons, or other persons have been or are about to be deprived of any right, or privilege, or immunity granted or secured by the United States Constitution and Laws or by the Mississippi Constitution and Laws, by any officer, or agency, or employee, or representative, or board, or commission, or any member thereof of the State of Mississippi, or of any county or municipality, of the State of Mississippi, or of any other political subdivision of the State of Mississippi, or by the State of Mississippi, and any person or persons violating the provisions of this section shall be guilty of the crime of false swearing which is created by this section, a felony, and upon conviction thereof, shall be punished by imprisonment in the county jail for not less than six (6) months nor more than five (5) years in the penitentiary, or a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), or by both such fine and imprisonment. (2) Corroboration or proof by more than one witness to establish the falsity of testimony or statements under oath is not required in prosecutions under this section. It shall not be necessary to prove, to sustain or charge under this section, that the oath or matter sworn to was material, or, if before an executive, legislative or judicial tribunal committee or commission that the tribunal committee or commission had jurisdiction. Codes, 1942, § 2155.5; Laws, 1960, ch. 256, §§ 1, 2. Codes, 1942, § 2155.5; Laws, 1960, ch. 256, §§ 1, 2.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-37 - False swearing; false sworn statements to federal authorities as to denial of constitutional rights by the state or its agents with intent or purpose to deceive or cause investigation

(1) It shall be unlawful for any person or persons to wilfully make any oral or written sworn false statements or affidavit or attestation or complaint or allegation before any individual or officer authorized to administer oaths, that such person or persons or other persons have been or are about to be deprived of any right or privilege or immunity granted or secured by the United States Constitution and laws, or either, or by the Mississippi Constitution and laws, or either, knowing the same, or any material part thereof to be false, with the intent or purpose to cause or encourage an investigation or which causes or contributes in any way to causing an investigation thereof, or any other action to be taken as a result thereof by any executive or legislative or judicial department, officer or agent, or representative of the United States, including but not limited to any member of the Federal Bureau of Investigation or member or representative or employee of, the Commission on Civil Rights created by an act of the Congress of the United States, or the State Advisory Group or Council, or Committee of the Commission on Civil Rights appointed in or for the State of Mississippi, and any person or persons violating the provisions of this section shall be guilty of the crime of false swearing which is created by this section, a felony, and upon conviction thereof, shall be punished by imprisonment in the county jail for not less than six (6) months nor more than five (5) years in the penitentiary, or a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), or by both such fine and imprisonment. (2) Corroboration or proof by more than one witness to establish the falsity of testimony or statements under oath is not required in prosecutions under this section. It shall not be necessary to prove, to sustain any charge under this section, that the oath or matter sworn to was material, or, if before an executive, legislative or judicial tribunal, committee, or commission that the tribunal, committee, or commission had jurisdiction. Codes, 1942,

§ 2155.6; Laws, 1960, ch. 255, §§ 1, 2. (1)It shall be unlawful for any person or persons to wilfully make any oral or written sworn false statements or affidavit or attestation or complaint or allegation before any individual or officer authorized to administer oaths, that such person or persons or other persons have been or are about to be deprived of any right or privilege or immunity granted or secured by the United States Constitution and laws, or either, or by the Mississippi Constitution and laws, or either, knowing the same, or any material part thereof to be false, with the intent or purpose to cause or encourage an investigation or which causes or contributes in any way to causing an investigation thereof, or any other action to be taken as a result thereof by any executive or legislative or judicial department, officer or agent, or representative of the United States, including but not limited to any member of the Federal Bureau of Investigation or member or representative or employee of, the Commission on Civil Rights created by an act of the Congress of the United States, or the State Advisory Group or Council, or Committee of the Commission on Civil Rights appointed in or for the State of Mississippi, and any person or persons violating the provisions of this section shall be guilty of the crime of false swearing which is created by this section, a felony, and upon conviction thereof, shall be punished by imprisonment in the county jail for not less than six (6) months nor more than five (5) years in the penitentiary, or a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), or by both such fine and imprisonment.(2)Corroboration or proof by more than one witness to establish the falsity of testimony or statements under oath is not required in prosecutions under this section. It shall not be necessary to prove, to sustain any charge under this section, that the oath or matter sworn to was material, or, if before an executive, legislative or judicial tribunal, committee, or commission that the tribunal, committee, or commission had jurisdiction.Codes, 1942, § 2155.6; Laws, 1960, ch. 255, §§ 1, 2. (1)It shall be unlawful for any person or persons to wilfully make any oral or written sworn false statements or affidavit or attestation or complaint or allegation before any individual or officer authorized to administer oaths, that such person or persons or other persons have been or are about to be deprived of any right or privilege or immunity granted or secured by the United States Constitution and laws, or either, or by the Mississippi Constitution and laws, or either, knowing the same, or any material part thereof to be false, with the intent or purpose to cause or encourage an investigation or which causes or contributes in any way to causing an investigation thereof, or any other action to be taken as a result thereof by any executive or legislative or judicial department, officer or agent, or representative of the United States, including but not limited to any member of the Federal Bureau of Investigation or member or representative or employee of, the Commission on Civil Rights created by an act of the Congress of the United States, or the State Advisory Group or Council, or Committee of the Commission on Civil Rights appointed in or for the State of Mississippi, and any person or persons violating the provisions of this section shall be guilty of the crime of false swearing which is created by this section, a felony, and upon conviction thereof, shall be punished by imprisonment in the county jail for not less than six (6) months nor more than five (5) years in the penitentiary, or a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), or by both such fine and imprisonment.(2)Corroboration or proof by more than one witness to establish the falsity of testimony or statements under oath is not required in prosecutions under this section. It shall not be necessary to prove, to sustain any charge under this section, that the oath or matter sworn to was material, or, if before an executive, legislative or judicial tribunal, committee, or commission that the tribunal, committee, or commission had jurisdiction.Codes, 1942, § 2155.6; Laws, 1960, ch. 255, §§ 1, 2. Codes, 1942, § 2155.6; Laws, 1960, ch. 255, §§ 1, 2.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77)Section 97-7-39 - Flags; desecration of national or state flag prohibited

Any person who, in any manner, for exhibition or display, shall place or cause to be placed any word, figure, mark, picture, design, drawing, or any advertisement of any nature, upon any flag, standard, color or ensign of the United States or state flag of the State of Mississippi, or ensign or Confederate flag, or shall expose or cause to be exposed to public view any such flag, standard, color or ensign, upon which shall be attached, appended, affixed or annexed any word, figure, mark, picture, design or drawing, or any advertisement of any nature, or who shall expose to public view, manufacture, sell, expose for sale, give away or have in possession for sale or to give away, or for use for any purpose, any article or substance, being an article of merchandise, or a receptacle of merchandise, or article or things for carrying or transporting merchandise upon which, shall have been printed, painted, attached or otherwise placed, a representation of any such flag, standard, color or ensign, to advertise, call attention to, decorate, mark or distinguish the article or substance, on which so placed, or who shall publicly mutilate, deface, defile or defy, trample upon or cast contempt, either by word or act, upon any such flag, standard, color or ensign, with the intent to desecrate or dishonor such, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for not more than thirty (30) days, or both, in the discretion of the court; shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars (\$100.00) or by imprisonment for not more than thirty (30) days, or both, in the discretion of the court; and shall also forfeit a penalty in the discretion of the court, of not more than fifty dollars (\$50.00) for each such offense, to be recovered with costs in a civil action or suit, in any court having jurisdiction, and such action or suit may be brought by and in the name of any citizen of this state. Such penalty when collected, less the reasonable cost and expense of action or suit, shall be paid into the treasury of this state. Two (2) or more penalties may be sued for and recovered in the same action or suit. The words "flag," "standard," "color," or "ensign," as used in this section, shall include any flag, standard, color, ensign or any picture or representation of either thereof, made of any substance, or represented on any substance, and of any size, evidently purporting to be, either of said flag, standard, color or ensign of the United States of America or a picture or a representation of either thereof, upon which shall be shown the colors, the stars, and the stripes, in any number of either thereof, or

by which the person seeing the same, without deliberation, may believe the same to represent the flag, colors, standard or ensign of the United States of America or of the State of Mississippi or Confederate flag. Codes, Hemingway's 1917, § 903; 1930, § 930; 1942, § 2159; Laws, 1916, ch. 118; Laws, 1971, ch. 311, § 1, eff. 2/8/1971. Any person who, in any manner, for exhibition or display, shall place or cause to be placed any word, figure, mark, picture, design, drawing, or any advertisement of any nature, upon any flag, standard, color or ensign of the United States or state flag of the State of Mississippi, or ensign or Confederate flag, or shall expose or cause to be exposed to public view any such flag, standard, color or ensign, upon which shall be attached, appended, affixed or annexed any word, figure, mark, picture, design or drawing, or any advertisement of any nature, or who shall expose to public view, manufacture, sell, expose for sale, give away or have in possession for sale or to give away, or for use for any purpose, any article or substance, being an article of merchandise, or a receptacle of merchandise, or article or things for carrying or transporting merchandise upon which, shall have been printed, painted, attached or otherwise placed, a representation of any such flag, standard, color or ensign, to advertise, call attention to, decorate, mark or distinguish the article or substance, on which so placed, or who shall publicly mutilate, deface, defile or defy, trample upon or cast contempt, either by word or act, upon any such flag, standard, color or ensign, with the intent to desecrate or dishonor such, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for not more than thirty (30) days, or both, in the discretion of the court; shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars (\$100.00) or by imprisonment for not more than thirty (30) days, or both, in the discretion of the court; and shall also forfeit a penalty in the discretion of the court, of not more than fifty dollars (\$50.00) for each such offense, to be recovered with costs in a civil action or suit, in any court having jurisdiction, and such action or suit may be brought by and in the name of any citizen of this state. Such penalty when collected, less the reasonable cost and expense of action or suit, shall be paid into the treasury of this state. Two (2) or more penalties may be sued for and recovered in the same action or suit. The words "flag," "standard," "color," or "ensign," as used in this section, shall include any flag, standard, color, ensign or any picture or representation of either thereof, made of any substance, or represented on any substance, and of any size, evidently purporting to be, either of said flag, standard, color or ensign of the United States of America or a picture or a representation of either thereof, upon which shall be shown the colors, the stars, and the stripes, in any number of either thereof, or by which the person seeing the same, without deliberation, may believe the same to represent the flag, colors, standard or ensign of the United States of America or of the State of Mississippi or Confederate flag. Codes, Hemingway's 1917, § 903; 1930, § 930; 1942, § 2159; Laws, 1916, ch. 118; Laws, 1971, ch. 311, § 1, eff. 2/8/1971. Any person who, in any manner, for exhibition or display, shall place or cause to be placed any word, figure, mark, picture, design, drawing, or any advertisement of any nature, upon any flag, standard, color or ensign of the United States or state flag of the State of Mississippi, or ensign or Confederate flag, or shall expose or cause to be exposed to public view any such flag, standard, color or ensign, upon which shall be attached, appended, affixed or annexed any word, figure, mark, picture, design or drawing, or any advertisement of any nature, or who shall expose to public view, manufacture, sell, expose for sale, give away or have in possession for sale or to give away, or for use for any purpose, any article or substance, being an article of merchandise, or a receptacle of merchandise, or article or things for carrying or transporting merchandise upon which, shall have been printed, painted, attached or otherwise placed, a representation of any such flag, standard, color or ensign, to advertise, call attention to, decorate, mark or distinguish the article or substance, on which so placed, or who shall publicly mutilate, deface, defile or defy, trample upon or cast contempt, either by word or act, upon any such flag, standard, color or ensign, with the intent to desecrate or dishonor such, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for not more than thirty (30) days, or both, in the discretion of the court; shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars (\$100.00) or by imprisonment for not more than thirty (30) days, or both, in the discretion of the court; and shall also forfeit a penalty in the discretion of the court, of not more than fifty dollars (\$50.00) for each such offense, to be recovered with costs in a civil action or suit, in any court having jurisdiction, and such action or suit may be brought by and in the name of any citizen of this state. Such penalty when collected, less the reasonable cost and expense of action or suit, shall be paid into the treasury of this state. Two (2) or more penalties may be sued for and recovered in the same action or suit. The words "flag," "standard," "color," or "ensign," as used in this section, shall include any flag, standard, color, ensign or any picture or representation of either thereof, made of any substance, or represented on any substance, and of any size, evidently purporting to be, either of said flag, standard, color or ensign of the United States of America or a picture or a representation of either thereof, upon which shall be shown the colors, the stars, and the stripes, in any number of either thereof, or by which the person seeing the same, without deliberation, may believe the same to represent the flag, colors, standard or ensign of the United States of America or of the State of Mississippi or Confederate flag. Codes, Hemingway's 1917, § 903; 1930, § 930; 1942, § 2159; Laws, 1916, ch. 118; Laws, 1971, ch. 311, § 1, eff. 2/8/1971. Any person who, in any manner, for exhibition or display, shall place or cause to be placed any word, figure, mark, picture, design, drawing, or any advertisement of any nature, upon any flag, standard, color or ensign of the United States or state flag of the State of Mississippi, or ensign or Confederate flag, or shall expose or cause to be exposed to public view any such flag, standard, color or ensign, upon which shall be attached, appended, affixed or annexed any word, figure, mark, picture, design or drawing, or any advertisement of any nature, or who shall expose to public view, manufacture, sell, expose for sale, give away or have in possession for sale or to give away, or for use for any purpose, any article or substance, being an article of merchandise, or a receptacle of merchandise, or article or things for carrying or transporting merchandise upon which, shall have been printed, painted, attached or otherwise placed, a representation of any such flag, standard, color or ensign, to advertise, call attention to, decorate, mark or distinguish the article or substance, on which so placed, or who shall publicly mutilate, deface, defile or defy, trample upon or cast contempt, either by word or act, upon any such

flag, standard, color or ensign, with the intent to desecrate or dishonor such, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for not more than thirty (30) days, or both, in the discretion of the court; shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars (\$100.00) or by imprisonment for not more than thirty (30) days, or both, in the discretion of the court; and shall also forfeit a penalty in the discretion of the court, of not more than fifty dollars (\$50.00) for each such offense, to be recovered with costs in a civil action or suit, in any court having jurisdiction, and such action or suit may be brought by and in the name of any citizen of this state. Such penalty when collected, less the reasonable cost and expense of action or suit, shall be paid into the treasury of this state. Two (2) or more penalties may be sued for and recovered in the same action or suit. The words "flag," "standard," "color," or "ensign," as used in this section, shall include any flag, standard, color, ensign or any picture or representation of either thereof, made of any substance, or represented on any substance, and of any size, evidently purporting to be, either of said flag, standard, color or ensign of the United States of America or a picture or a representation of either thereof, upon which shall be shown the colors, the stars, and the stripes, in any number of either thereof, or by which the person seeing the same, without deliberation, may believe the same to represent the flag, colors, standard or ensign of the United States of America or of the State of Mississippi or Confederate flag. Codes, Hemingway's 1917, § 903; 1930, § 930; 1942, § 2159; Laws, 1916, ch. 118; Laws, 1971, ch. 311, § 1, eff. 2/8/1971.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-41 - Food commodity donated by federal or state government; obtaining fraudulently, sale or unauthorized disposition

(1) Whoever obtains, or attempts to obtain, or aids or abets any person to obtain by means of a willfully false statement or representation or by impersonation, or other fraudulent device, any food commodity donated under any program of the federal or state government: (a) to which he is not entitled; or (b) being an employee of the state, makes any unauthorized disposition of such food commodity; or (c) not being an authorized recipient thereof converts to his own use or benefit any such donated food commodities; or (d) being an authorized recipient, sells, exchanges or makes an unauthorized disposition of such donated food commodity in any other way than as prescribed or directed by lawful rules and regulations, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00), or be imprisoned for not more than six (6) months, or be both so fined and imprisoned in the discretion of the court. In assessing the penalty the court shall take into consideration the value of the commodities. (2) Any person who purchases, barter, exchanges or otherwise obtains any donated food commodities from any authorized recipient knowing it to have been furnished said recipient by the state or federal government, or places the same in a channel of trade shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00), or be imprisoned for not more than six (6) months, or be both so fined and imprisoned in the discretion of the court. Codes, 1942, § 2159.5; Laws, 1964, ch. 339, §§ 1, 2, eff. 6/11/1964. (1) Whoever obtains, or attempts to obtain, or aids or abets any person to obtain by means of a willfully false statement or representation or by impersonation, or other fraudulent device, any food commodity donated under any program of the federal or state government: (a) to which he is not entitled; or (b) being an employee of the state, makes any unauthorized disposition of such food commodity; or (c) not being an authorized recipient thereof converts to his own use or benefit any such donated food commodities; or (d) being an authorized recipient, sells, exchanges or makes an unauthorized disposition of such donated food commodity in any other way than as prescribed or directed by lawful rules and regulations, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00), or be imprisoned for not more than six (6) months, or be both so fined and imprisoned in the discretion of the court. In assessing the penalty the court shall take into consideration the value of the commodities. (2) Any person who purchases, barter, exchanges or otherwise obtains any donated food commodities from any authorized recipient knowing it to have been furnished said recipient by the state or federal government, or places the same in a channel of trade shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00), or be imprisoned for not more than six (6) months, or be both so fined and imprisoned in the discretion of the court. Codes, 1942, § 2159.5; Laws, 1964, ch. 339, §§ 1, 2, eff. 6/11/1964. (1) Whoever obtains, or attempts to obtain, or aids or abets any person to obtain by means of a willfully false statement or representation or by impersonation, or other fraudulent device, any food commodity donated under any program of the federal or state government: (a) to which he is not entitled; or (b) being an employee of the state, makes any unauthorized disposition of such food commodity; or (c) not being an authorized recipient thereof converts to his own use or benefit any such donated food commodities; or (d) being an authorized recipient, sells, exchanges or makes an unauthorized disposition of such donated food commodity in any other way than as prescribed or directed by lawful rules and regulations, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00), or be imprisoned for not more than six (6) months, or be both so fined and imprisoned in the discretion of the court. In assessing the penalty the court shall take into consideration the value of the commodities. (2) Any person who purchases, barter, exchanges or otherwise obtains any donated food commodities from any authorized recipient knowing it to have been furnished said recipient by the state or federal government, or places the same in a channel of trade shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00), or be imprisoned for not more than six (6) months, or be both so fined and imprisoned in the discretion of the court. Codes, 1942, § 2159.5; Laws, 1964, ch. 339, §§ 1, 2, eff. 6/11/1964. Codes, 1942, § 2159.5; Laws, 1964, ch. 339, §§ 1, 2, eff. 6/11/1964.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-42 - Fraudulent use of food coupons dispensed by state welfare department

Whoever knowingly obtains or attempts to obtain, or aids or abets any person to obtain food coupons, by means of a willfully false statement or representation or by impersonation or in any manner not authorized by law or regulations issued by the state department of welfare, or presents or causes to be presented any food coupons to which he is not entitled or food coupons of a greater value than that to which he is justly entitled shall be guilty of a misdemeanor and upon conviction thereof be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or imprisoned in the county jail not more than one (1) year, or both in the discretion of the court; provided further, that any person who sells or gives coupons which he legally possesses to another person, and any person not legally entitled to coupons who accepts or purchases same, shall be guilty of a misdemeanor and upon conviction thereof be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or imprisoned in the county jail not more than one (1) year, or both in the discretion of the court. Each violation shall be a separate and distinct offense; and any person committing a third offense shall be guilty of a felony and upon conviction thereof be fined not less than one thousand dollars (\$1,000.00) nor more than ten thousand dollars (\$10,000.00) or imprisoned in the penitentiary not less than one (1) nor more than five (5) years, or both in the discretion of the court. Laws, 1973, ch. 420, § 1, eff. 3/29/1973. Whoever knowingly obtains or attempts to obtain, or aids or abets any person to obtain food coupons, by means of a willfully false statement or representation or by impersonation or in any manner not authorized by law or regulations issued by the state department of welfare, or presents or causes to be presented any food coupons to which he is not entitled or food coupons of a greater value than that to which he is justly entitled shall be guilty of a misdemeanor and upon conviction thereof be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or imprisoned in the county jail not more than one (1) year, or both in the discretion of the court; provided further, that any person who sells or gives coupons which he legally possesses to another person, and any person not legally entitled to coupons who accepts or purchases same, shall be guilty of a misdemeanor and upon conviction thereof be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or imprisoned in the county jail not more than one (1) year, or both in the discretion of the court. Each violation shall be a separate and distinct offense; and any person committing a third offense shall be guilty of a felony and upon conviction thereof be fined not less than one thousand dollars (\$1,000.00) nor more than ten thousand dollars (\$10,000.00) or imprisoned in the penitentiary not less than one (1) nor more than five (5) years, or both in the discretion of the court. Laws, 1973, ch. 420, § 1, eff. 3/29/1973. Whoever knowingly obtains or attempts to obtain, or aids or abets any person to obtain food coupons, by means of a willfully false statement or representation or by impersonation or in any manner not authorized by law or regulations issued by the state department of welfare, or presents or causes to be presented any food coupons to which he is not entitled or food coupons of a greater value than that to which he is justly entitled shall be guilty of a misdemeanor and upon conviction thereof be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or imprisoned in the county jail not more than one (1) year, or both in the discretion of the court; provided further, that any person who sells or gives coupons which he legally possesses to another person, and any person not legally entitled to coupons who accepts or purchases same, shall be guilty of a misdemeanor and upon conviction thereof be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or imprisoned in the county jail not more than one (1) year, or both in the discretion of the court. Each violation shall be a separate and distinct offense; and any person committing a third offense shall be guilty of a felony and upon conviction thereof be fined not less than one thousand dollars (\$1,000.00) nor more than ten thousand dollars (\$10,000.00) or imprisoned in the penitentiary not less than one (1) nor more than five (5) years, or both in the discretion of the court. Laws, 1973, ch. 420, § 1, eff. 3/29/1973. Whoever knowingly obtains or attempts to obtain, or aids or abets any person to obtain food coupons, by means of a willfully false statement or representation or by impersonation or in any manner not authorized by law or regulations issued by the state department of welfare, or presents or causes to be presented any food coupons to which he is not entitled or food coupons of a greater value than that to which he is justly entitled shall be guilty of a misdemeanor and upon conviction thereof be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or imprisoned in the county jail not more than one (1) year, or both in the discretion of the court; provided further, that any person who sells or gives coupons which he legally possesses to another person, and any person not legally entitled to coupons who accepts or purchases same, shall be guilty of a misdemeanor and upon conviction thereof be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or imprisoned in the county jail not more than one (1) year, or both in the discretion of the court. Each violation shall be a separate and distinct offense; and any person committing a third offense shall be guilty of a felony and upon conviction thereof be fined not less than one thousand dollars (\$1,000.00) nor more than ten thousand dollars (\$10,000.00) or imprisoned in the penitentiary not less than one (1) nor more than five (5) years, or both in the discretion of the court. Laws, 1973, ch. 420, § 1, eff. 3/29/1973.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-43 - Impersonating state, county or municipal officer or employee

Whoever falsely and willfully assumes or pretends to be an officer or employee acting under the authority of the State of Mississippi or any department, agency or officer thereof; or of any county, municipality or any other subdivision of the State of Mississippi, or

of any department, agency or officer of such county, municipality or subdivision, shall be guilty of a misdemeanor and punished for each separate such offense by a fine of not more than five hundred dollars (\$500.00) or by imprisonment of not more than six (6) months in jail, or by both such fine and imprisonment. Codes, 1942, § 2144.5; Laws, 1956, ch. 245. Whoever falsely and willfully assumes or pretends to be an officer or employee acting under the authority of the State of Mississippi or any department, agency or officer thereof; or of any county, municipality or any other subdivision of the State of Mississippi, or of any department, agency or officer of such county, municipality or subdivision, shall be guilty of a misdemeanor and punished for each separate such offense by a fine of not more than five hundred dollars (\$500.00) or by imprisonment of not more than six (6) months in jail, or by both such fine and imprisonment. Codes, 1942, § 2144.5; Laws, 1956, ch. 245. Whoever falsely and willfully assumes or pretends to be an officer or employee acting under the authority of the State of Mississippi or any department, agency or officer thereof; or of any county, municipality or any other subdivision of the State of Mississippi, or of any department, agency or officer of such county, municipality or subdivision, shall be guilty of a misdemeanor and punished for each separate such offense by a fine of not more than five hundred dollars (\$500.00) or by imprisonment of not more than six (6) months in jail, or by both such fine and imprisonment. Codes, 1942, § 2144.5; Laws, 1956, ch. 245.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-44 - Impersonation of state, county, municipal or other public officer or employee prohibited; penalties

Any person who falsely and willfully assumes or pretends to be an officer or employee acting under the authority of the State of Mississippi or any department, agency or officer thereof; or of any county, municipality or any other subdivision of the State of Mississippi, or of any department agency or officer of such county, municipality or subdivision, shall be guilty of a misdemeanor and punished for each separate such offense by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment of not more than six (6) months in jail, or by both such fine and imprisonment. Laws, 2001, ch. 322, § 1, eff. 7/1/2001. Any person who falsely and willfully assumes or pretends to be an officer or employee acting under the authority of the State of Mississippi or any department, agency or officer thereof; or of any county, municipality or any other subdivision of the State of Mississippi, or of any department agency or officer of such county, municipality or subdivision, shall be guilty of a misdemeanor and punished for each separate such offense by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment of not more than six (6) months in jail, or by both such fine and imprisonment. Laws, 2001, ch. 322, § 1, eff. 7/1/2001. Any person who falsely and willfully assumes or pretends to be an officer or employee acting under the authority of the State of Mississippi or any department, agency or officer thereof; or of any county, municipality or any other subdivision of the State of Mississippi, or of any department agency or officer of such county, municipality or subdivision, shall be guilty of a misdemeanor and punished for each separate such offense by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment of not more than six (6) months in jail, or by both such fine and imprisonment. Laws, 2001, ch. 322, § 1, eff. 7/1/2001.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-45 - Legislature; preventing or attempting to prevent meetings

Every person who wilfully, and by force or fraud, prevents, or attempts to prevent, the legislature, or either of the houses composing it, or any of the members thereof, from meeting or organizing, shall be guilty of a felony, and, upon conviction, shall be punished by imprisonment in the penitentiary, not exceeding ten years. Codes, 1892, § 1189; 1906, § 1267; Hemingway's 1917, § 997; 1930, § 1026; 1942, § 2258. Every person who wilfully, and by force or fraud, prevents, or attempts to prevent, the legislature, or either of the houses composing it, or any of the members thereof, from meeting or organizing, shall be guilty of a felony, and, upon conviction, shall be punished by imprisonment in the penitentiary, not exceeding ten years. Codes, 1892, § 1189; 1906, § 1267; Hemingway's 1917, § 997; 1930, § 1026; 1942, § 2258. Every person who wilfully, and by force or fraud, prevents, or attempts to prevent, the legislature, or either of the houses composing it, or any of the members thereof, from meeting or organizing, shall be guilty of a felony, and, upon conviction, shall be punished by imprisonment in the penitentiary, not exceeding ten years. Codes, 1892, § 1189; 1906, § 1267; Hemingway's 1917, § 997; 1930, § 1026; 1942, § 2258. Every person who wilfully, and by force or fraud, prevents, or attempts to prevent, the legislature, or either of the houses composing it, or any of the members thereof, from meeting or organizing, shall be guilty of a felony, and, upon conviction, shall be punished by imprisonment in the penitentiary, not exceeding ten years. Codes, 1892, § 1189; 1906, § 1267; Hemingway's 1917, § 997; 1930, § 1026; 1942, § 2258.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-47 - Legislature; disturbing proceedings

Every person who wilfully disturbs the legislature, or either of the houses composing it, while in session; or who commits any disorderly conduct in the view and presence of either house, tending to interrupt its proceedings, or impair the respect due to its authority, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by fine, not less than twenty dollars nor more than two hundred dollars, and by imprisonment in the county jail not more than three months. Codes, 1892, § 1190; 1906, § 1268; Hemingway's 1917, § 998; 1930, § 1027; 1942, § 2259. Every person who wilfully disturbs the legislature, or either of the houses composing it, while in session; or who commits any disorderly conduct in the view and presence of either house, tending to interrupt its proceedings, or impair the respect due to its authority, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by fine, not less than twenty dollars nor more than two hundred dollars, and by imprisonment in the county jail not more than three months. Codes, 1892, § 1190; 1906, § 1268; Hemingway's 1917, § 998; 1930, § 1027; 1942, § 2259. Every person who wilfully disturbs the legislature, or either of the houses composing it, while in session; or who commits any disorderly conduct in the view and presence of either house, tending to interrupt its proceedings, or impair the respect due to its authority, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by fine, not less than twenty dollars nor more than two hundred dollars, and by imprisonment in the county jail not more than three months. Codes, 1892, § 1190; 1906, § 1268; Hemingway's 1917, § 998; 1930, § 1027; 1942, § 2259. Every person who wilfully disturbs the legislature, or either of the houses composing it, while in session; or who commits any disorderly conduct in the view and presence of either house, tending to interrupt its proceedings, or impair the respect due to its authority, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by fine, not less than twenty dollars nor more than two hundred dollars, and by imprisonment in the county jail not more than three months. Codes, 1892, § 1190; 1906, § 1268; Hemingway's 1917, § 998; 1930, § 1027; 1942, § 2259.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-49 - Legislature; altering bills or resolutions before passage

Every person who fraudulently alters, destroys, or mutilates the draft of any bill or resolution which has been presented to either house composing the legislature, or the engrossed copy thereof, to be passed or adopted, with intent to procure it to be passed or adopted by either house, or signed or certified by the presiding officer of either house, in language different than that intended by such house, shall be guilty of a felony, and, on conviction, shall be imprisoned in the penitentiary not exceeding ten years. Codes, 1892, § 1191; 1906, § 1269; Hemingway's 1917, § 999; 1930, § 1028; 1942, § 2260. Every person who fraudulently alters, destroys, or mutilates the draft of any bill or resolution which has been presented to either house composing the legislature, or the engrossed copy thereof, to be passed or adopted, with intent to procure it to be passed or adopted by either house, or signed or certified by the presiding officer of either house, in language different than that intended by such house, shall be guilty of a felony, and, on conviction, shall be imprisoned in the penitentiary not exceeding ten years. Codes, 1892, § 1191; 1906, § 1269; Hemingway's 1917, § 999; 1930, § 1028; 1942, § 2260. Every person who fraudulently alters, destroys, or mutilates the draft of any bill or resolution which has been presented to either house composing the legislature, or the engrossed copy thereof, to be passed or adopted, with intent to procure it to be passed or adopted by either house, or signed or certified by the presiding officer of either house, in language different than that intended by such house, shall be guilty of a felony, and, on conviction, shall be imprisoned in the penitentiary not exceeding ten years. Codes, 1892, § 1191; 1906, § 1269; Hemingway's 1917, § 999; 1930, § 1028; 1942, § 2260. Every person who fraudulently alters, destroys, or mutilates the draft of any bill or resolution which has been presented to either house composing the legislature, or the engrossed copy thereof, to be passed or adopted, with intent to procure it to be passed or adopted by either house, or signed or certified by the presiding officer of either house, in language different than that intended by such house, shall be guilty of a felony, and, on conviction, shall be imprisoned in the penitentiary not exceeding ten years. Codes, 1892, § 1191; 1906, § 1269; Hemingway's 1917, § 999; 1930, § 1028; 1942, § 2260.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-5 - Assessment; frauds on

If any taxpayer shall wilfully render to the assessor for taxation a false list of his taxable property, or shall so render a list which does not contain the whole of his property liable to be listed or taxed, or shall wilfully undervalue the property so listed, he shall be liable to prosecution for fraud on the assessment, and, on conviction, shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned in the county jail not less than one week nor more than three months, or both. Codes, 1892, § 971; 1906, § 1047; Hemingway's 1917, § 775; 1930, § 791; 1942, § 2015. If any taxpayer shall wilfully render to the assessor for taxation a false list of his taxable property, or shall so render a list which does not contain the whole of his property liable to be listed or taxed, or shall wilfully undervalue the property so listed, he shall be liable to prosecution for fraud on the assessment, and, on conviction, shall be fined not less than one hundred

dollars nor more than five hundred dollars, or imprisoned in the county jail not less than one week nor more than three months, or both. Codes, 1892, § 971; 1906, § 1047; Hemingway's 1917, § 775; 1930, § 791; 1942, § 2015. If any taxpayer shall wilfully render to the assessor for taxation a false list of his taxable property, or shall so render a list which does not contain the whole of his property liable to be listed or taxed, or shall wilfully undervalue the property so listed, he shall be liable to prosecution for fraud on the assessment, and, on conviction, shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned in the county jail not less than one week nor more than three months, or both. Codes, 1892, § 971; 1906, § 1047; Hemingway's 1917, § 775; 1930, § 791; 1942, § 2015.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-51 - Legislature; altering bills or resolutions after passage

Every person who fraudulently alters, destroys, or mutilates the enrolled copy of any bill or resolution which has been passed or adopted by the legislature of this state, with intent to procure it to be approved by the governor, or certified by the secretary of state, or printed or published as a statute or law, in language different from that in which it was passed or adopted by the legislature, shall be guilty of a felony, and, upon conviction, shall be punished by imprisonment in the penitentiary not exceeding ten years. Codes, 1892, § 1192; 1906, § 1270; Hemingway's 1917, § 1000; 1930, § 1029; 1942, § 2261. Every person who fraudulently alters, destroys, or mutilates the enrolled copy of any bill or resolution which has been passed or adopted by the legislature of this state, with intent to procure it to be approved by the governor, or certified by the secretary of state, or printed or published as a statute or law, in language different from that in which it was passed or adopted by the legislature, shall be guilty of a felony, and, upon conviction, shall be punished by imprisonment in the penitentiary not exceeding ten years. Codes, 1892, § 1192; 1906, § 1270; Hemingway's 1917, § 1000; 1930, § 1029; 1942, § 2261. Every person who fraudulently alters, destroys, or mutilates the enrolled copy of any bill or resolution which has been passed or adopted by the legislature of this state, with intent to procure it to be approved by the governor, or certified by the secretary of state, or printed or published as a statute or law, in language different from that in which it was passed or adopted by the legislature, shall be guilty of a felony, and, upon conviction, shall be punished by imprisonment in the penitentiary not exceeding ten years. Codes, 1892, § 1192; 1906, § 1270; Hemingway's 1917, § 1000; 1930, § 1029; 1942, § 2261. Every person who fraudulently alters, destroys, or mutilates the enrolled copy of any bill or resolution which has been passed or adopted by the legislature of this state, with intent to procure it to be approved by the governor, or certified by the secretary of state, or printed or published as a statute or law, in language different from that in which it was passed or adopted by the legislature, shall be guilty of a felony, and, upon conviction, shall be punished by imprisonment in the penitentiary not exceeding ten years. Codes, 1892, § 1192; 1906, § 1270; Hemingway's 1917, § 1000; 1930, § 1029; 1942, § 2261.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-53 - Legislature; bribing or influencing member

Every person who gives or offers to give a bribe to any member of the legislature, or to another person for him, or attempts by menace, deceit, suppression of truth, or any corrupt means to influence a member in giving or withholding his vote, or in not attending the house or any committee of which he is a member, shall be guilty of a felony, and, upon conviction, shall be imprisoned in the penitentiary not exceeding ten years. Codes, 1892, § 1193; 1906, § 1271; Hemingway's 1917, § 1001; 1930, § 1030; 1942, § 2262. Every person who gives or offers to give a bribe to any member of the legislature, or to another person for him, or attempts by menace, deceit, suppression of truth, or any corrupt means to influence a member in giving or withholding his vote, or in not attending the house or any committee of which he is a member, shall be guilty of a felony, and, upon conviction, shall be imprisoned in the penitentiary not exceeding ten years. Codes, 1892, § 1193; 1906, § 1271; Hemingway's 1917, § 1001; 1930, § 1030; 1942, § 2262. Every person who gives or offers to give a bribe to any member of the legislature, or to another person for him, or attempts by menace, deceit, suppression of truth, or any corrupt means to influence a member in giving or withholding his vote, or in not attending the house or any committee of which he is a member, shall be guilty of a felony, and, upon conviction, shall be imprisoned in the penitentiary not exceeding ten years. Codes, 1892, § 1193; 1906, § 1271; Hemingway's 1917, § 1001; 1930, § 1030; 1942, § 2262. Every person who gives or offers to give a bribe to any member of the legislature, or to another person for him, or attempts by menace, deceit, suppression of truth, or any corrupt means to influence a member in giving or withholding his vote, or in not attending the house or any committee of which he is a member, shall be guilty of a felony, and, upon conviction, shall be imprisoned in the penitentiary not exceeding ten years. Codes, 1892, § 1193; 1906, § 1271; Hemingway's 1917, § 1001; 1930, § 1030; 1942, § 2262.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-55 - Legislature; member accepting or agreeing to accept bribes

Every member of either house composing the legislature who asks, receives, or agrees to receive any bribe, upon any understanding, express or implied, that his official vote, opinion, judgment, or action shall be influenced thereby, or shall be given in any particular manner or upon any particular side of any question or matter upon which he may be required to act in his official capacity, or gives or offers or promises to give any official vote in consideration that another member of the legislature shall give any such vote, either

upon the same or another question, shall be guilty of a felony, and, upon conviction, shall be imprisoned in the penitentiary not less than one year nor more than ten years. Codes, 1892, § 1194; 1906, § 1272; Hemingway's 1917, § 1002; 1930, § 1031; 1942, § 2263. Every member of either house composing the legislature who asks, receives, or agrees to receive any bribe, upon any understanding, express or implied, that his official vote, opinion, judgment, or action shall be influenced thereby, or shall be given in any particular manner or upon any particular side of any question or matter upon which he may be required to act in his official capacity, or gives or offers or promises to give any official vote in consideration that another member of the legislature shall give any such vote, either upon the same or another question, shall be guilty of a felony, and, upon conviction, shall be imprisoned in the penitentiary not less than one year nor more than ten years. Codes, 1892, § 1194; 1906, § 1272; Hemingway's 1917, § 1002; 1930, § 1031; 1942, § 2263. Every member of either house composing the legislature who asks, receives, or agrees to receive any bribe, upon any understanding, express or implied, that his official vote, opinion, judgment, or action shall be influenced thereby, or shall be given in any particular manner or upon any particular side of any question or matter upon which he may be required to act in his official capacity, or gives or offers or promises to give any official vote in consideration that another member of the legislature shall give any such vote, either upon the same or another question, shall be guilty of a felony, and, upon conviction, shall be imprisoned in the penitentiary not less than one year nor more than ten years. Codes, 1892, § 1194; 1906, § 1272; Hemingway's 1917, § 1002; 1930, § 1031; 1942, § 2263.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-57 - Legislature; influence peddling

Every person who obtains, or seeks to obtain, money or other thing of value from another person upon a pretense, claim or representation that he can or will improperly influence, in any manner, the action of any member of the legislature or officer thereof, in regard to any vote or legislative matter, shall be guilty of felony, and, upon conviction, shall be imprisoned in the penitentiary not exceeding ten years. Codes, 1892, § 1195; 1906, § 1273; Hemingway's 1917, § 1003; 1930, § 1032; 1942, § 2264. Every person who obtains, or seeks to obtain, money or other thing of value from another person upon a pretense, claim or representation that he can or will improperly influence, in any manner, the action of any member of the legislature or officer thereof, in regard to any vote or legislative matter, shall be guilty of felony, and, upon conviction, shall be imprisoned in the penitentiary not exceeding ten years. Codes, 1892, § 1195; 1906, § 1273; Hemingway's 1917, § 1003; 1930, § 1032; 1942, § 2264. Every person who obtains, or seeks to obtain, money or other thing of value from another person upon a pretense, claim or representation that he can or will improperly influence, in any manner, the action of any member of the legislature or officer thereof, in regard to any vote or legislative matter, shall be guilty of felony, and, upon conviction, shall be imprisoned in the penitentiary not exceeding ten years. Codes, 1892, § 1195; 1906, § 1273; Hemingway's 1917, § 1003; 1930, § 1032; 1942, § 2264. Every person who obtains, or seeks to obtain, money or other thing of value from another person upon a pretense, claim or representation that he can or will improperly influence, in any manner, the action of any member of the legislature or officer thereof, in regard to any vote or legislative matter, shall be guilty of felony, and, upon conviction, shall be imprisoned in the penitentiary not exceeding ten years. Codes, 1892, § 1195; 1906, § 1273; Hemingway's 1917, § 1003; 1930, § 1032; 1942, § 2264.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-59 - Military service; failure to report for active duty

Any officer or enlisted man of the Mississippi national guard called out or notified for active duty, who shall fail to report at the time and place appointed, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment, at the discretion of the court, and if the conviction be by a military court in addition thereto, may be dismissed or dishonorably discharged from the military service of the state. Codes, 1892, § 1211; 1906, § 1289; Hemingway's 1917, § 1021; 1930, § 1052; 1942, § 2284; Laws, 1916, ch. 245. Any officer or enlisted man of the Mississippi national guard called out or notified for active duty, who shall fail to report at the time and place appointed, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment, at the discretion of the court, and if the conviction be by a military court in addition thereto, may be dismissed or dishonorably discharged from the military service of the state. Codes, 1892, § 1211; 1906, § 1289; Hemingway's 1917, § 1021; 1930, § 1052; 1942, § 2284; Laws, 1916, ch. 245. Any officer or enlisted man of the Mississippi national guard called out or notified for active duty, who shall fail to report at the time and place appointed, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment, at the discretion of the court, and if the conviction be by a military court in addition thereto, may be dismissed or dishonorably discharged from the military service of the state. Codes, 1892, § 1211; 1906, § 1289; Hemingway's 1917, § 1021; 1930, § 1052; 1942, § 2284; Laws, 1916, ch. 245. Any officer or enlisted man of the Mississippi national guard called

out or notified for active duty, who shall fail to report at the time and place appointed, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment, at the discretion of the court, and if the conviction be by a military court in addition thereto, may be dismissed or dishonorably discharged from the military service of the state. Codes, 1892, § 1211; 1906, § 1289; Hemingway's 1917, § 1021; 1930, § 1052; 1942, § 2284; Laws, 1916, ch. 245.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-61 - Military service; organizing military body for public drill or parade; license required

It shall be unlawful for any body of men whatsoever, other than the regularly organized land and naval militia of this state, the land and naval forces of the United States, and the students of public or of regularly chartered educational institutions where military science is a prescribed part of the course of instruction, to associate themselves together as a military organization for drill or parade in public with firearms in this state, without special license from the governor for each occasion, and application for such license must be approved by the mayor and board of aldermen or commissioners of the town or city where such organization may propose to parade, and any person or persons participating in such unlawful association shall be guilty of a misdemeanor and on conviction of same shall be punished by imprisonment in the county jail for a term not to exceed six months or by a fine not to exceed five hundred dollars, or both fine and imprisonment, at the discretion of the court. Provided that the governor may permit the passage through or the attendance in the state of the organized militia of other states for the purpose of attending joint maneuvers, rifle competitions, or for such other purposes as he may deem proper. Codes, 1892, § 1212; 1906, § 1290; Hemingway's 1917, § 1022; 1930, § 1053; 1942, § 2285; Laws, 1916, ch. 245. It shall be unlawful for any body of men whatsoever, other than the regularly organized land and naval militia of this state, the land and naval forces of the United States, and the students of public or of regularly chartered educational institutions where military science is a prescribed part of the course of instruction, to associate themselves together as a military organization for drill or parade in public with firearms in this state, without special license from the governor for each occasion, and application for such license must be approved by the mayor and board of aldermen or commissioners of the town or city where such organization may propose to parade, and any person or persons participating in such unlawful association shall be guilty of a misdemeanor and on conviction of same shall be punished by imprisonment in the county jail for a term not to exceed six months or by a fine not to exceed five hundred dollars, or both fine and imprisonment, at the discretion of the court. Provided that the governor may permit the passage through or the attendance in the state of the organized militia of other states for the purpose of attending joint maneuvers, rifle competitions, or for such other purposes as he may deem proper. Codes, 1892, § 1212; 1906, § 1290; Hemingway's 1917, § 1022; 1930, § 1053; 1942, § 2285; Laws, 1916, ch. 245. It shall be unlawful for any body of men whatsoever, other than the regularly organized land and naval militia of this state, the land and naval forces of the United States, and the students of public or of regularly chartered educational institutions where military science is a prescribed part of the course of instruction, to associate themselves together as a military organization for drill or parade in public with firearms in this state, without special license from the governor for each occasion, and application for such license must be approved by the mayor and board of aldermen or commissioners of the town or city where such organization may propose to parade, and any person or persons participating in such unlawful association shall be guilty of a misdemeanor and on conviction of same shall be punished by imprisonment in the county jail for a term not to exceed six months or by a fine not to exceed five hundred dollars, or both fine and imprisonment, at the discretion of the court. Provided that the governor may permit the passage through or the attendance in the state of the organized militia of other states for the purpose of attending joint maneuvers, rifle competitions, or for such other purposes as he may deem proper. Codes, 1892, § 1212; 1906, § 1290; Hemingway's 1917, § 1022; 1930, § 1053; 1942, § 2285; Laws, 1916, ch. 245. It shall be unlawful for any body of men whatsoever, other than the regularly organized land and naval militia of this state, the land and naval forces of the United States, and the students of public or of regularly chartered educational institutions where military science is a prescribed part of the course of instruction, to associate themselves together as a military organization for drill or parade in public with firearms in this state, without special license from the governor for each occasion, and application for such license must be approved by the mayor and board of aldermen or commissioners of the town or city where such organization may propose to parade, and any person or persons participating in such unlawful association shall be guilty of a misdemeanor and on conviction of same shall be punished by imprisonment in the county jail for a term not to exceed six months or by a fine not to exceed five hundred dollars, or both fine and imprisonment, at the discretion of the court. Provided that the governor may permit the passage through or the attendance in the state of the organized militia of other states for the purpose of attending joint maneuvers, rifle competitions, or for such other purposes as he may deem proper. Codes, 1892, § 1212; 1906, § 1290; Hemingway's 1917, § 1022; 1930, § 1053; 1942, § 2285; Laws, 1916, ch. 245.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-63 - Picketing which interferes with access to government buildings, property, streets and sidewalks

(1) It shall be unlawful for any person, singly or in concert with others, to engage in picketing or mass demonstrations in such a manner as to obstruct or unreasonably interfere with free ingress or egress to and from any public premises, state property, county or municipal courthouses, city halls, office buildings, jails, or other public buildings or property owned by the State of Mississippi, or any county or municipal government located therein, or with the transaction of public business or administration of justice therein or

thereon conducted or so as to obstruct or unreasonably interfere with free use of public streets, sidewalks, or other public ways adjacent or contiguous thereto.(2)Any person guilty of violating this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00), or imprisoned in jail not more than six (6) months, or both such fine and imprisonment.(3)This section shall not be construed to affect any suit or prosecution pending on July 9, 1964 in any court.Codes, 1942, § 2318.5; Laws, 1964, ch. 343, §§ 1-3; Laws, 1964, 1st Ex Sess ch. 23. (1)It shall be unlawful for any person, singly or in concert with others, to engage in picketing or mass demonstrations in such a manner as to obstruct or unreasonably interfere with free ingress or egress to and from any public premises, state property, county or municipal courthouses, city halls, office buildings, jails, or other public buildings or property owned by the State of Mississippi, or any county or municipal government located therein, or with the transaction of public business or administration of justice therein or thereon conducted or so as to obstruct or unreasonably interfere with free use of public streets, sidewalks, or other public ways adjacent or contiguous thereto.(2)Any person guilty of violating this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00), or imprisoned in jail not more than six (6) months, or both such fine and imprisonment.(3)This section shall not be construed to affect any suit or prosecution pending on July 9, 1964 in any court.Codes, 1942, § 2318.5; Laws, 1964, ch. 343, §§ 1-3; Laws, 1964, 1st Ex Sess ch. 23. (1)It shall be unlawful for any person, singly or in concert with others, to engage in picketing or mass demonstrations in such a manner as to obstruct or unreasonably interfere with free ingress or egress to and from any public premises, state property, county or municipal courthouses, city halls, office buildings, jails, or other public buildings or property owned by the State of Mississippi, or any county or municipal government located therein, or with the transaction of public business or administration of justice therein or thereon conducted or so as to obstruct or unreasonably interfere with free use of public streets, sidewalks, or other public ways adjacent or contiguous thereto.(2)Any person guilty of violating this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00), or imprisoned in jail not more than six (6) months, or both such fine and imprisonment.(3)This section shall not be construed to affect any suit or prosecution pending on July 9, 1964 in any court.Codes, 1942, § 2318.5; Laws, 1964, ch. 343, §§ 1-3; Laws, 1964, 1st Ex Sess ch. 23. Codes, 1942, § 2318.5; Laws, 1964, ch. 343, §§ 1-3; Laws, 1964, 1st Ex Sess ch. 23.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77)Section 97-7-65 - Timber; cutting and rafting from state lands

If any person shall be guilty of cutting or rafting any cypress, pine, oak, persimmon, gum, hickory, pecan, walnut, mulberry, poplar, cottonwood, sassafras, or ash trees, or other merchantable timber upon any lands belonging to this state or held in trust by this state, such person shall be guilty of crime, and on conviction, if the value of the trees or timber so cut or rafted shall be twenty-five dollars or more, such person shall be imprisoned in the penitentiary for a term not exceeding five years; and if the value of the said trees or timber so cut or rafted shall be under twenty-five dollars, such person shall be imprisoned in the county jail not exceeding six months or fined in a sum not less than one hundred dollars nor more than one thousand dollars, or both.Codes, 1857, ch. 64, art. 230; 1871, § 2684; 1880, § 2955; 1892, § 1304; 1906, § 1378; Hemingway's 1917, § 1118; 1930, § 1148; 1942, § 2385; Laws, 1930, ch. 152. If any person shall be guilty of cutting or rafting any cypress, pine, oak, persimmon, gum, hickory, pecan, walnut, mulberry, poplar, cottonwood, sassafras, or ash trees, or other merchantable timber upon any lands belonging to this state or held in trust by this state, such person shall be guilty of crime, and on conviction, if the value of the trees or timber so cut or rafted shall be twenty-five dollars or more, such person shall be imprisoned in the penitentiary for a term not exceeding five years; and if the value of the said trees or timber so cut or rafted shall be under twenty-five dollars, such person shall be imprisoned in the county jail not exceeding six months or fined in a sum not less than one hundred dollars nor more than one thousand dollars, or both.Codes, 1857, ch. 64, art. 230; 1871, § 2684; 1880, § 2955; 1892, § 1304; 1906, § 1378; Hemingway's 1917, § 1118; 1930, § 1148; 1942, § 2385; Laws, 1930, ch. 152. If any person shall be guilty of cutting or rafting any cypress, pine, oak, persimmon, gum, hickory, pecan, walnut, mulberry, poplar, cottonwood, sassafras, or ash trees, or other merchantable timber upon any lands belonging to this state or held in trust by this state, such person shall be guilty of crime, and on conviction, if the value of the trees or timber so cut or rafted shall be twenty-five dollars or more, such person shall be imprisoned in the penitentiary for a term not exceeding five years; and if the value of the said trees or timber so cut or rafted shall be under twenty-five dollars, such person shall be imprisoned in the county jail not exceeding six months or fined in a sum not less than one hundred dollars nor more than one thousand dollars, or both.Codes, 1857, ch. 64, art. 230; 1871, § 2684; 1880, § 2955; 1892, § 1304; 1906, § 1378; Hemingway's 1917, § 1118; 1930, § 1148; 1942, § 2385; Laws, 1930, ch. 152.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 7 - CRIMES AGAINST SOVEREIGNTY

OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77)Section 97-7-67 - Treason; punishment

If any person shall levy war against this state, or adhere to its enemies, giving them aid and comfort, he shall be guilty of treason, and, shall, upon conviction, suffer death or imprisonment for life in the state penitentiary. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2 (2); 1857, ch. 64, art. 236; 1871, § 2688; 1880, § 2965; 1892, § 1313; 1906, § 1387; Hemingway's 1917, § 1130; 1930, § 1160; 1942, § 2397; Laws, 1977, ch. 458, § 8, eff. 4/13/1977. If any person shall levy war against this state, or adhere to its enemies, giving them aid and comfort, he shall be guilty of treason, and, shall, upon conviction, suffer death or imprisonment for life in the state penitentiary. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2 (2); 1857, ch. 64, art. 236; 1871, § 2688; 1880, § 2965; 1892, § 1313; 1906, § 1387; Hemingway's 1917, § 1130; 1930, § 1160; 1942, § 2397; Laws, 1977, ch. 458, § 8, eff. 4/13/1977. If any person shall levy war against this state, or adhere to its enemies, giving them aid and comfort, he shall be guilty of treason, and, shall, upon conviction, suffer death or imprisonment for life in the state penitentiary. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2 (2); 1857, ch. 64, art. 236; 1871, § 2688; 1880, § 2965; 1892, § 1313; 1906, § 1387; Hemingway's 1917, § 1130; 1930, § 1160; 1942, § 2397; Laws, 1977, ch. 458, § 8, eff. 4/13/1977. If any person shall levy war against this state, or adhere to its enemies, giving them aid and comfort, he shall be guilty of treason, and, shall, upon conviction, suffer death or imprisonment for life in the state penitentiary. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2 (2); 1857, ch. 64, art. 236; 1871, § 2688; 1880, § 2965; 1892, § 1313; 1906, § 1387; Hemingway's 1917, § 1130; 1930, § 1160; 1942, § 2397; Laws, 1977, ch. 458, § 8, eff. 4/13/1977.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77)Section 97-7-69 - Treason; essential proof

A person shall not be convicted of treason unless upon the testimony of two witnesses to the same overt act, or on his own confession in open court. Codes, 1857, ch. 64, art. 237; 1871, § 2689; 1880, § 2966; 1892, § 1314; 1906, § 1388; Hemingway's 1917, § 1131; 1930, § 1161; 1942, § 2398. A person shall not be convicted of treason unless upon the testimony of two witnesses to the same overt act, or on his own confession in open court. Codes, 1857, ch. 64, art. 237; 1871, § 2689; 1880, § 2966; 1892, § 1314; 1906, § 1388; Hemingway's 1917, § 1131; 1930, § 1161; 1942, § 2398. A person shall not be convicted of treason unless upon the testimony of two witnesses to the same overt act, or on his own confession in open court. Codes, 1857, ch. 64, art. 237; 1871, § 2689; 1880, § 2966; 1892, § 1314; 1906, § 1388; Hemingway's 1917, § 1131; 1930, § 1161; 1942, § 2398. A person shall not be convicted of treason unless upon the testimony of two witnesses to the same overt act, or on his own confession in open court. Codes, 1857, ch. 64, art. 237; 1871, § 2689; 1880, § 2966; 1892, § 1314; 1906, § 1388; Hemingway's 1917, § 1131; 1930, § 1161; 1942, § 2398.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77)Section 97-7-7 - Capitol building; not to be used for sleeping-rooms

If any person shall occupy any of the offices, apartments, halls, or other portion of the capitol building at Jackson as a lodging or sleeping-room, he shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars, and be imprisoned in the county jail not exceeding thirty days. Codes, Hutchinson's 1848, ch. 4, art. 23 (3); 1857, ch. 6, art. 96; 1871, § 190; 1880, § 272; 1892, § 999; 1906, § 1076; Hemingway's 1917, § 803; 1930, § 822; 1942, § 2048. If any person shall occupy any of the offices, apartments, halls, or other portion of the capitol building at Jackson as a lodging or sleeping-room, he shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars, and be imprisoned in the county jail not exceeding thirty days. Codes, Hutchinson's 1848, ch. 4, art. 23 (3); 1857, ch. 6, art. 96; 1871, § 190; 1880, § 272; 1892, § 999; 1906, § 1076; Hemingway's 1917, § 803; 1930, § 822; 1942, § 2048. If any person shall occupy any of the offices, apartments, halls, or other portion of the capitol building at Jackson as a lodging or sleeping-room, he shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars, and be imprisoned in the county jail not exceeding thirty days. Codes, Hutchinson's 1848, ch. 4, art. 23 (3); 1857, ch. 6, art. 96; 1871, § 190; 1880, § 272; 1892, § 999; 1906, § 1076; Hemingway's 1917, § 803; 1930, § 822; 1942, § 2048. If any person shall occupy any of the offices, apartments, halls, or other portion of the capitol building at Jackson as a lodging or sleeping-room, he shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars, and be imprisoned in the county jail not exceeding thirty days. Codes, Hutchinson's 1848, ch. 4, art. 23 (3); 1857, ch. 6, art. 96; 1871, § 190; 1880, § 272; 1892, § 999; 1906, § 1076; Hemingway's 1917, § 803; 1930, § 822; 1942, § 2048.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77)Section 97-7-71 - Advocacy of violent overthrow of constitution or government; punishment

Any person who advocates in writing or in print or verbally, or otherwise, the overthrow of the constitution or government of the United States or the constitution or the government of the State of Mississippi, by violence, shall be deemed guilty of a felony and on conviction be imprisoned in the state penitentiary not less than three and not more than twenty years. Codes, Hemingway's 1921 Supp. § 1142f; 1930, § 1162; 1942, § 2399; Laws, 1920, ch. 216. Any person who advocates in writing or in print or verbally, or otherwise, the overthrow of the constitution or government of the United States or the constitution or the government of the State of Mississippi, by violence, shall be deemed guilty of a felony and on conviction be imprisoned in the state penitentiary not less than

three and not more than twenty years. Codes, Hemingway's 1921 Supp. § 1142f; 1930, § 1162; 1942, § 2399; Laws, 1920, ch. 216. Any person who advocates in writing or in print or verbally, or otherwise, the overthrow of the constitution or government of the United States or the constitution or the government of the State of Mississippi, by violence, shall be deemed guilty of a felony and on conviction be imprisoned in the state penitentiary not less than three and not more than twenty years. Codes, Hemingway's 1921 Supp. § 1142f; 1930, § 1162; 1942, § 2399; Laws, 1920, ch. 216. Any person who advocates in writing or in print or verbally, or otherwise, the overthrow of the constitution or government of the United States or the constitution or the government of the State of Mississippi, by violence, shall be deemed guilty of a felony and on conviction be imprisoned in the state penitentiary not less than three and not more than twenty years. Codes, Hemingway's 1921 Supp. § 1142f; 1930, § 1162; 1942, § 2399; Laws, 1920, ch. 216.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-73 - Offering a false instrument for recording against a public servant; penalties

(1) A person commits the crime of offering a false instrument for recording against a law enforcement officer, public official or public employee if the person offers, for recording, a lien or encumbrance that relates to or affects the real or personal property, or an interest therein, or a contractual relationship of a law enforcement officer, public official or public employee, knowing that the lien or encumbrance contains a materially false statement or materially false information, with the intent to defraud, intimidate, or harass the law enforcement officer, public official or public employee, or to impede the law enforcement officer, public official or public employee in the performance of his or her duties. (2) Any person who violates this section, upon conviction, shall be punished as follows: (a) For a first offense, by imprisonment for not more than six (6) months or a fine not to exceed One Thousand Dollars (\$1,000.00), or both. (b) For a subsequent offense, by imprisonment for not more than five (5) years or a fine of not more than Five Thousand Dollars (\$5,000.00), or both. Added by Laws, 2013, ch. 530, SB 2385, 1, eff. 7/1/2013. (1) A person commits the crime of offering a false instrument for recording against a law enforcement officer, public official or public employee if the person offers, for recording, a lien or encumbrance that relates to or affects the real or personal property, or an interest therein, or a contractual relationship of a law enforcement officer, public official or public employee, knowing that the lien or encumbrance contains a materially false statement or materially false information, with the intent to defraud, intimidate, or harass the law enforcement officer, public official or public employee, or to impede the law enforcement officer, public official or public employee in the performance of his or her duties. (2) Any person who violates this section, upon conviction, shall be punished as follows: (a) For a first offense, by imprisonment for not more than six (6) months or a fine not to exceed One Thousand Dollars (\$1,000.00), or both. (b) For a subsequent offense, by imprisonment for not more than five (5) years or a fine of not more than Five Thousand Dollars (\$5,000.00), or both. Added by Laws, 2013, ch. 530, SB 2385, 1, eff. 7/1/2013. (1) A person commits the crime of offering a false instrument for recording against a law enforcement officer, public official or public employee if the person offers, for recording, a lien or encumbrance that relates to or affects the real or personal property, or an interest therein, or a contractual relationship of a law enforcement officer, public official or public employee, knowing that the lien or encumbrance contains a materially false statement or materially false information, with the intent to defraud, intimidate, or harass the law enforcement officer, public official or public employee, or to impede the law enforcement officer, public official or public employee in the performance of his or her duties. (2) Any person who violates this section, upon conviction, shall be punished as follows: (a) For a first offense, by imprisonment for not more than six (6) months or a fine not to exceed One Thousand Dollars (\$1,000.00), or both. (b) For a subsequent offense, by imprisonment for not more than five (5) years or a fine of not more than Five Thousand Dollars (\$5,000.00), or both. Added by Laws, 2013, ch. 530, SB 2385, 1, eff. 7/1/2013. Added by Laws, 2013, ch. 530, SB 2385, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77) Section 97-7-75 - Mississippi Terroristic Threats Law; offense of making a terroristic threat; requisite intent; defense; penalties

(1) This section shall be known and may be cited as the "Mississippi Terroristic Threats Law." (2) (a) A person commits the offense of making a terroristic threat when the person makes a threat to commit a crime of violence or a threat to cause bodily injury to another person if the threat does in fact cause a reasonable expectation or reasonable fear of the imminent commission of an offense and if, in making the threat, the person has the intent to: (i) Intimidate or coerce a civilian population or segment of a civilian population; or (ii) Influence or affect, by intimidation or coercion, the policy or conduct of a unit of government, educational institution, business or segment of the civilian population. (b) It is not a defense to a prosecution under this section that, at the time the defendant made the terroristic threat, the defendant did not have the intent or capability to actually commit the specified offense, nor is it a defense that the threat was not made to a person who was a subject or intended victim of the threatened act. (3) A person convicted of the offense of making a terroristic threat is guilty of a felony punishable by imprisonment in the custody of the Mississippi Department of Corrections for not more than ten (10) years. Amended by Laws, 2023, ch. 418, SB 2127, § 1, eff. 3/21/2023. Added by Laws, 2019, ch. 361, SB 2141, § 1, eff. 7/1/2019. (1) This section shall be known and may be cited as the "Mississippi Terroristic Threats Law." (2) (a) A person commits the offense of making a terroristic threat when the person makes a threat to commit a crime of violence or a threat to cause bodily injury to another person if the threat does in fact cause a reasonable expectation or reasonable fear of the imminent commission of an offense and if, in making the threat, the person has the intent to: (i) Intimidate or coerce a civilian population or segment of a civilian population; or (ii) Influence or affect, by intimidation or coercion, the policy or conduct of a unit of government, educational institution, business or segment of the civilian population. (b) It is not a defense to a prosecution

under this section that, at the time the defendant made the terroristic threat, the defendant did not have the intent or capability to actually commit the specified offense, nor is it a defense that the threat was not made to a person who was a subject or intended victim of the threatened act.(3)A person convicted of the offense of making a terroristic threat is guilty of a felony punishable by imprisonment in the custody of the Mississippi Department of Corrections for not more than ten (10) years.Amended by Laws, 2023, ch. 418, SB 2127,§ 1, eff. 3/21/2023.Added by Laws, 2019, ch. 361, SB 2141,§ 1, eff. 7/1/2019. (1)This section shall be known and may be cited as the "Mississippi Terroristic Threats Law."(2)(a)A person commits the offense of making a terroristic threat when the person makes a threat to commit a crime of violence or a threat to cause bodily injury to another person if the threat does in fact cause a reasonable expectation or reasonable fear of the imminent commission of an offense and if, in making the threat, the person has the intent to:(i)Intimidate or coerce a civilian population or segment of a civilian population; or(ii)Influence or affect, by intimidation or coercion, the policy or conduct of a unit of government, educational institution, business or segment of the civilian population.(b)It is not a defense to a prosecution under this section that, at the time the defendant made the terroristic threat, the defendant did not have the intent or capability to actually commit the specified offense, nor is it a defense that the threat was not made to a person who was a subject or intended victim of the threatened act.(3)A person convicted of the offense of making a terroristic threat is guilty of a felony punishable by imprisonment in the custody of the Mississippi Department of Corrections for not more than ten (10) years.Amended by Laws, 2023, ch. 418, SB 2127,§ 1, eff. 3/21/2023.Added by Laws, 2019, ch. 361, SB 2141,§ 1, eff. 7/1/2019. Amended by Laws, 2023, ch. 418, SB 2127,§ 1, eff. 3/21/2023. Added by Laws, 2019, ch. 361, SB 2141,§ 1, eff. 7/1/2019.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77)Section 97-7-77 - Fraudulent display or use of tribal identification card; reproduction of tribal identification card with intent that it be offered as valid card prohibited; punishment for violation

(1)"Tribal identification card" means a valid identification card issued by a federally recognized Indian tribe that contains a color photograph of the card holder and the card holder's legal name, residence address and date of birth.(2)(a)It is unlawful for a person knowingly to:(i)Display, or cause or permit to be displayed, or have in the person's possession, any cancelled, fictitious, fraudulently altered, forged, counterfeited or fraudulently obtained tribal identification card;(ii)Permit the use of a tribal identification card issued to the person or lend a tribal identification card to another person;(iii)Display or represent a tribal identification card not issued to the person as being the person's card;(iv)Display or have in the person's possession a fraudulently altered, forged or counterfeited tribal identification card with intent that the altered, forged or counterfeited card be offered, accepted or mistaken for a valid tribal identification card.(b)A violation of this subsection is a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00), by imprisonment for not more than six (6) months, or both.(3)(a)It is unlawful for a person to photograph, copy, duplicate, alter, forge, counterfeit or in any way reproduce, manufacture, sell or distribute a tribal identification card or facsimile thereof with intent that it be offered, accepted or mistaken for a valid tribal identification card.(b)A violation of this subsection (3) shall be punished as follows:(i)If the person was twenty-one (21) years of age or older at the time of the offense, the person is guilty of a felony and shall be punished by a fine of not less than Five Thousand Dollars (\$5,000.00), imprisonment for not more than three (3) years, or both.(ii)If the person was under twenty-one (21) years of age at the time of the offense, a first offense is a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00), by imprisonment for not more than six (6) months, or both, and a second or subsequent offense committed by a minor is a misdemeanor punishable by a fine of not more than One Thousand Dollars (\$1,000.00), imprisonment for not more than one (1) year, or both.Added by Laws, 2021, ch. 378, HB 277,§ 2, eff. 7/1/2021. (1)"Tribal identification card" means a valid identification card issued by a federally recognized Indian tribe that contains a color photograph of the card holder and the card holder's legal name, residence address and date of birth.(2)(a)It is unlawful for a person knowingly to:(i)Display, or cause or permit to be displayed, or have in the person's possession, any cancelled, fictitious, fraudulently altered, forged, counterfeited or fraudulently obtained tribal identification card;(ii)Permit the use of a tribal identification card issued to the person or lend a tribal identification card to another person;(iii)Display or represent a tribal identification card not issued to the person as being the person's card;(iv)Display or have in the person's possession a fraudulently altered, forged or counterfeited tribal identification card with intent that the altered, forged or counterfeited card be offered, accepted or mistaken for a valid tribal identification card.(b)A violation of this subsection is a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00), by imprisonment for not more than six (6) months, or both.(3)(a)It is unlawful for a person to photograph, copy, duplicate, alter, forge, counterfeit or in any way reproduce, manufacture, sell or distribute a tribal identification card or facsimile thereof with intent that it be offered, accepted or mistaken for a valid tribal identification card.(b)A violation of this subsection (3) shall be punished as follows:(i)If the person was twenty-one (21) years of age or older at the time of the offense, the person is guilty of a felony and shall be punished by a fine of not less than Five Thousand Dollars (\$5,000.00), imprisonment for not more than three (3) years, or both.(ii)If the person was under twenty-one (21) years of age at the time of the offense, a first offense is a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00), by imprisonment for not more than six (6) months, or both, and a second or subsequent offense committed by a minor is a misdemeanor punishable by a fine of not more than One Thousand Dollars (\$1,000.00), imprisonment for not more than one (1) year, or both.Added by Laws, 2021, ch. 378, HB 277,§ 2, eff. 7/1/2021. (1)"Tribal identification card" means a valid identification card issued by a federally recognized Indian tribe that contains a color photograph of the card holder and the card holder's legal name, residence address and date of birth.(2)(a)It is unlawful for a person knowingly to:(i)Display, or cause or permit to be displayed, or have in the person's possession, any cancelled, fictitious, fraudulently

altered, forged, counterfeited or fraudulently obtained tribal identification card;(ii)Permit the use of a tribal identification card issued to the person or lend a tribal identification card to another person;(iii)Display or represent a tribal identification card not issued to the person as being the person's card;(iv)Display or have in the person's possession a fraudulently altered, forged or counterfeited tribal identification card with intent that the altered, forged or counterfeited card be offered, accepted or mistaken for a valid tribal identification card.(b)A violation of this subsection is a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00), by imprisonment for not more than six (6) months, or both.(3)(a)It is unlawful for a person to photograph, copy, duplicate, alter, forge, counterfeit or in any way reproduce, manufacture, sell or distribute a tribal identification card or facsimile thereof with intent that it be offered, accepted or mistaken for a valid tribal identification card.(b)A violation of this subsection (3) shall be punished as follows:(i)If the person was twenty-one (21) years of age or older at the time of the offense, the person is guilty of a felony and shall be punished by a fine of not less than Five Thousand Dollars (\$5,000.00), imprisonment for not more than three (3) years, or both.(ii)If the person was under twenty-one (21) years of age at the time of the offense, a first offense is a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00), by imprisonment for not more than six (6) months, or both, and a second or subsequent offense committed by a minor is a misdemeanor punishable by a fine of not more than One Thousand Dollars (\$1,000.00), imprisonment for not more than one (1) year, or both.Added by Laws, 2021, ch. 378, HB 277,§ 2, eff. 7/1/2021. Added by Laws, 2021, ch. 378, HB 277,§ 2, eff. 7/1/2021.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 7 - CRIMES AGAINST SOVEREIGNTY OR ADMINISTRATION OF GOVERNMENT (§§ 97-7-1 — 97-7-77)Section 97-7-9 - Capitol building; defacing

If any person shall, by any means whatsoever, wilfully injure or destroy any of the works, materials, furniture, or ornaments of the capitol, or any of the buildings or monuments on the grounds belonging thereto, or shall wilfully deface any of the walls thereof, or shall write or make any drawing or characters thereon with pencil-mark, or otherwise, or do any indecent act, either on or to said walls, or within the same, or shall wilfully deface or injure the trees, fences, pavement, or soil on said grounds, such person, on conviction, shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not more than six months, or both.Codes, 1857, ch. 6, art. 101; 1871, § 194; 1880, § 273; 1892, § 1000; 1906, § 1077; Hemingway's 1917, § 804; 1930, § 823; 1942, § 2049. If any person shall, by any means whatsoever, wilfully injure or destroy any of the works, materials, furniture, or ornaments of the capitol, or any of the buildings or monuments on the grounds belonging thereto, or shall wilfully deface any of the walls thereof, or shall write or make any drawing or characters thereon with pencil-mark, or otherwise, or do any indecent act, either on or to said walls, or within the same, or shall wilfully deface or injure the trees, fences, pavement, or soil on said grounds, such person, on conviction, shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not more than six months, or both.Codes, 1857, ch. 6, art. 101; 1871, § 194; 1880, § 273; 1892, § 1000; 1906, § 1077; Hemingway's 1917, § 804; 1930, § 823; 1942, § 2049. If any person shall, by any means whatsoever, wilfully injure or destroy any of the works, materials, furniture, or ornaments of the capitol, or any of the buildings or monuments on the grounds belonging thereto, or shall wilfully deface any of the walls thereof, or shall write or make any drawing or characters thereon with pencil-mark, or otherwise, or do any indecent act, either on or to said walls, or within the same, or shall wilfully deface or injure the trees, fences, pavement, or soil on said grounds, such person, on conviction, shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not more than six months, or both.Codes, 1857, ch. 6, art. 101; 1871, § 194; 1880, § 273; 1892, § 1000; 1906, § 1077; Hemingway's 1917, § 804; 1930, § 823; 1942, § 2049. If any person shall, by any means whatsoever, wilfully injure or destroy any of the works, materials, furniture, or ornaments of the capitol, or any of the buildings or monuments on the grounds belonging thereto, or shall wilfully deface any of the walls thereof, or shall write or make any drawing or characters thereon with pencil-mark, or otherwise, or do any indecent act, either on or to said walls, or within the same, or shall wilfully deface or injure the trees, fences, pavement, or soil on said grounds, such person, on conviction, shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not more than six months, or both. Codes, 1857, ch. 6, art. 101; 1871, § 194; 1880, § 273; 1892, § 1000; 1906, § 1077; Hemingway's 1917, § 804; 1930, § 823; 1942, § 2049.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129)Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79)Section 97-9-1 - Court forms and legal process; printing, selling or distributing simulated legal documents prohibited

(1)It shall be unlawful for any person, firm or corporation to print for the purpose of sale or distribution, to circulate or offer for sale, to send or deliver, to cause to be sent or delivered, any letter, paper, document, notice of intent to bring suit, or other notice or demand which simulates a form of court or legal process, the intention of which document is to lead the recipient or addressee to believe the same to be a genuine court or legal process, for the purpose of obtaining anything of value.(2)The printing, circulating, selling, sending or delivery of such simulating document shall be prima facie evidence of such intent, and it shall be no defense to show that the document bears any statement to the contrary, nor shall it be a defense to show that the thing of value sought to be obtained was to apply as payment on a valid obligation.(3)In prosecutions for violation of this section, the prosecution may show that the simulating document was deposited in the post office for mailing or was delivered to any person with intent to be forwarded, and such showing shall be sufficient proof to the sending or delivery.(4)Nothing in this section shall prevent the printing, publication, sale or distribution of genuine legal forms for the use of attorneys, clerks of court or justices of the peace.(5)Any person, firm or corporation violating subsection (1) of this section shall be fined, for the first offense, not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or be imprisoned in the county jail not to exceed thirty (30) days, or by both

such a fine and imprisonment; for subsequent offenses, not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the county jail not to exceed ninety (90) days, or by both such a fine and imprisonment. Codes, 1942, § 2150.5; Laws, 1966, ch. 386, §§ 1-5, eff. 2/17/1966. (1) It shall be unlawful for any person, firm or corporation to print for the purpose of sale or distribution, to circulate or offer for sale, to send or deliver, to cause to be sent or delivered, any letter, paper, document, notice of intent to bring suit, or other notice or demand which simulates a form of court or legal process, the intention of which document is to lead the recipient or addressee to believe the same to be a genuine court or legal process, for the purpose of obtaining anything of value. (2) The printing, circulating, selling, sending or delivery of such simulating document shall be prima facie evidence of such intent, and it shall be no defense to show that the document bears any statement to the contrary, nor shall it be a defense to show that the thing of value sought to be obtained was to apply as payment on a valid obligation. (3) In prosecutions for violation of this section, the prosecution may show that the simulating document was deposited in the post office for mailing or was delivered to any person with intent to be forwarded, and such showing shall be sufficient proof to the sending or delivery. (4) Nothing in this section shall prevent the printing, publication, sale or distribution of genuine legal forms for the use of attorneys, clerks of court or justices of the peace. (5) Any person, firm or corporation violating subsection (1) of this section shall be fined, for the first offense, not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or be imprisoned in the county jail not to exceed thirty (30) days, or by both such a fine and imprisonment; for subsequent offenses, not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the county jail not to exceed ninety (90) days, or by both such a fine and imprisonment. Codes, 1942, § 2150.5; Laws, 1966, ch. 386, §§ 1-5, eff. 2/17/1966. (1) It shall be unlawful for any person, firm or corporation to print for the purpose of sale or distribution, to circulate or offer for sale, to send or deliver, to cause to be sent or delivered, any letter, paper, document, notice of intent to bring suit, or other notice or demand which simulates a form of court or legal process, the intention of which document is to lead the recipient or addressee to believe the same to be a genuine court or legal process, for the purpose of obtaining anything of value. (2) The printing, circulating, selling, sending or delivery of such simulating document shall be prima facie evidence of such intent, and it shall be no defense to show that the document bears any statement to the contrary, nor shall it be a defense to show that the thing of value sought to be obtained was to apply as payment on a valid obligation. (3) In prosecutions for violation of this section, the prosecution may show that the simulating document was deposited in the post office for mailing or was delivered to any person with intent to be forwarded, and such showing shall be sufficient proof to the sending or delivery. (4) Nothing in this section shall prevent the printing, publication, sale or distribution of genuine legal forms for the use of attorneys, clerks of court or justices of the peace. (5) Any person, firm or corporation violating subsection (1) of this section shall be fined, for the first offense, not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or be imprisoned in the county jail not to exceed thirty (30) days, or by both such a fine and imprisonment; for subsequent offenses, not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the county jail not to exceed ninety (90) days, or by both such a fine and imprisonment. Codes, 1942, § 2150.5; Laws, 1966, ch. 386, §§ 1-5, eff. 2/17/1966. Codes, 1942, § 2150.5; Laws, 1966, ch. 386, §§ 1-5, eff. 2/17/1966.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129) Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79) Section 97-9-10 - Bribery; commercial bribery

(1) Commercial bribery is the giving or offering to give, directly or indirectly, anything of apparent present or prospective value to any private agent, employee or fiduciary, without the knowledge and consent of the principal or employer, with the intent to influence such agent's, employee's or fiduciary's action in relation to the principal's or employer's affairs. (2) The agent's, employee's or fiduciary's acceptance of or offer to accept, directly or indirectly, anything of apparent present or prospective value under the circumstances set forth in subsection (1) of this section shall also constitute commercial bribery. (3) The offender under this section who states the facts, under oath, to the district attorney charged with prosecution of the offense, who gives evidence tending to convict any other offender under this section and who testifies in support of the evidence he gives when requested by the district attorney, may, in the discretion of the district attorney, be granted full immunity from prosecution for commercial bribery, in respect to the particular offense reported. (4) Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months, or by both such fine or imprisonment. Laws, 1983, ch. 515, eff. 7/1/1983. (1) Commercial bribery is the giving or offering to give, directly or indirectly, anything of apparent present or prospective value to any private agent, employee or fiduciary, without the knowledge and consent of the principal or employer, with the intent to influence such agent's, employee's or fiduciary's action in relation to the principal's or employer's affairs. (2) The agent's, employee's or fiduciary's acceptance of or offer to accept, directly or indirectly, anything of apparent present or prospective value under the circumstances set forth in subsection (1) of this section shall also constitute commercial bribery. (3) The offender under this section who states the facts, under oath, to the district attorney charged with prosecution of the offense, who gives evidence tending to convict any other offender under this section and who testifies in support of the evidence he gives when requested by the district attorney, may, in the discretion of the district attorney, be granted full immunity from prosecution for commercial bribery, in respect to the particular offense reported. (4) Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months, or by both such fine or imprisonment. Laws, 1983, ch. 515, eff. 7/1/1983. (1) Commercial bribery is the giving or offering to give, directly or indirectly, anything of apparent present or

prospective value to any private agent, employee or fiduciary, without the knowledge and consent of the principal or employer, with the intent to influence such agent's, employee's or fiduciary's action in relation to the principal's or employer's affairs.(2)The agent's, employee's or fiduciary's acceptance of or offer to accept, directly or indirectly, anything of apparent present or prospective value under the circumstances set forth in subsection (1) of this section shall also constitute commercial bribery.(3)The offender under this section who states the facts, under oath, to the district attorney charged with prosecution of the offense, who gives evidence tending to convict any other offender under this section and who testifies in support of the evidence he gives when requested by the district attorney, may, in the discretion of the district attorney, be granted full immunity from prosecution for commercial bribery, in respect to the particular offense reported.(4)Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months, or by both such fine or imprisonment.Laws, 1983, ch. 515, eff. 7/1/1983. Laws, 1983, ch. 515, eff. 7/1/1983.

**Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 9 - OFFENSES AFFECTING
ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129)Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79)Section 97-9-11 -
Champerty and maintenance; solicitation and stirring up of litigation prohibited**

It shall be unlawful for any person, firm, partnership, corporation, group, organization, or association, either incorporated or unincorporated from this state or any other state, either before or after proceedings commenced:(a)to promise, give, or offer, or to conspire or agree to promise, give, or offer,(b)to receive or accept, or to agree or conspire to receive or accept,(c)to solicit, request, or donate, any money, bank note, bank check, chose in action, personal services, or any other personal or real property, or any other thing of value, or any other assistance as an inducement to any person to commence or to prosecute further, or for the purpose of assisting such person to commence or prosecute further, any proceeding in any court or before any administrative board or other agency, regardless of jurisdiction; provided, however, this section shall not be construed to prohibit the constitutional right of regular employment of any attorney at law or solicitor in chancery, for either a fixed fee or upon a contingent basis, to represent such person, firm, partnership, corporation, group, organization, or association before any court or administrative agency.Codes, 1942, § 2049-01; Laws, 1956, ch. 253, § 1; Laws, 1976, ch. 359, eff. 7/1/1976.Amended by Laws, 2013, ch. 556, SB 2223, 3, eff. 7/1/2013. It shall be unlawful for any person, firm, partnership, corporation, group, organization, or association, either incorporated or unincorporated from this state or any other state, either before or after proceedings commenced:(a)to promise, give, or offer, or to conspire or agree to promise, give, or offer,(b)to receive or accept, or to agree or conspire to receive or accept,(c)to solicit, request, or donate, any money, bank note, bank check, chose in action, personal services, or any other personal or real property, or any other thing of value, or any other assistance as an inducement to any person to commence or to prosecute further, or for the purpose of assisting such person to commence or prosecute further, any proceeding in any court or before any administrative board or other agency, regardless of jurisdiction; provided, however, this section shall not be construed to prohibit the constitutional right of regular employment of any attorney at law or solicitor in chancery, for either a fixed fee or upon a contingent basis, to represent such person, firm, partnership, corporation, group, organization, or association before any court or administrative agency.Codes, 1942, § 2049-01; Laws, 1956, ch. 253, § 1; Laws, 1976, ch. 359, eff. 7/1/1976.Amended by Laws, 2013, ch. 556, SB 2223, 3, eff. 7/1/2013. It shall be unlawful for any person, firm, partnership, corporation, group, organization, or association, either incorporated or unincorporated from this state or any other state, either before or after proceedings commenced: Codes, 1942, § 2049-01; Laws, 1956, ch. 253, § 1; Laws, 1976, ch. 359, eff. 7/1/1976. Amended by Laws, 2013, ch. 556, SB 2223, 3, eff. 7/1/2013.

**Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 9 - OFFENSES AFFECTING
ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129)Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79)Section 97-9-13 -
Champerty and maintenance; penalty**

Any person violating any of the provisions of Section97-9-11shall be guilty of maintenance and, upon conviction thereof, shall be punished by imprisonment for one year in the state penitentiary.Codes, 1942, § 2049-02; Laws, 1956, ch. 253, § 2. Any person violating any of the provisions of Section97-9-11shall be guilty of maintenance and, upon conviction thereof, shall be punished by imprisonment for one year in the state penitentiary.Codes, 1942, § 2049-02; Laws, 1956, ch. 253, § 2. Any person violating any of the provisions of Section97-9-11shall be guilty of maintenance and, upon conviction thereof, shall be punished by imprisonment for one year in the state penitentiary.Codes, 1942, § 2049-02; Laws, 1956, ch. 253, § 2. Any person violating any of the provisions of Section97-9-11shall be guilty of maintenance and, upon conviction thereof, shall be punished by imprisonment for one year in the state penitentiary. Codes, 1942, § 2049-02; Laws, 1956, ch. 253, § 2.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129) Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79) Section 97-9-15 - Champerty and maintenance; affidavit of party

Every person who commences or prosecutes or assists in the commencement or prosecution of any proceeding in any court or before any administrative agency in the State of Mississippi, or who may take an appeal from any such rule, order, or judgment thereof, shall, on motion made by any of the parties of such proceedings, or by the court or agency in which such proceeding is pending, file with such court or agency, as a condition precedent to the further prosecution of such proceeding, the following affidavit: I, _____, petitioner (or complainant, plaintiff, appellant or whatever party he may be) in this matter, do hereby swear (or affirm) that I have neither received, nor conspired to receive, any valuable consideration or assistance whatever as an inducement to the commencement or further prosecution of the proceedings in this matter. _____ (Signature of Affiant) _____ Affiant Sworn to and subscribed before me on this, the _____ day of _____, 20_____. _____ (Signature of Official) _____ (Title of Official) In the case of any firm, corporation, group, organization, or association required to make the above affidavit, such affidavit shall be made by the person having custody and control of the books and records of such firm, corporation, group, organization, or association. Codes, 1942, § 2049-03; Laws, 1956, ch. 253, § 3. Every person who commences or prosecutes or assists in the commencement or prosecution of any proceeding in any court or before any administrative agency in the State of Mississippi, or who may take an appeal from any such rule, order, or judgment thereof, shall, on motion made by any of the parties of such proceedings, or by the court or agency in which such proceeding is pending, file with such court or agency, as a condition precedent to the further prosecution of such proceeding, the following affidavit: I, _____, petitioner (or complainant, plaintiff, appellant or whatever party he may be) in this matter, do hereby swear (or affirm) that I have neither received, nor conspired to receive, any valuable consideration or assistance whatever as an inducement to the commencement or further prosecution of the proceedings in this matter. _____ (Signature of Affiant) _____ Affiant Sworn to and subscribed before me on this, the _____ day of _____, 20_____. _____ (Signature of Official) _____ (Title of Official) In the case of any firm, corporation, group, organization, or association required to make the above affidavit, such affidavit shall be made by the person having custody and control of the books and records of such firm, corporation, group, organization, or association. Codes, 1942, § 2049-03; Laws, 1956, ch. 253, § 3. Every person who commences or prosecutes or assists in the commencement or prosecution of any proceeding in any court or before any administrative agency in the State of Mississippi, or who may take an appeal from any such rule, order, or judgment thereof, shall, on motion made by any of the parties of such proceedings, or by the court or agency in which such proceeding is pending, file with such court or agency, as a condition precedent to the further prosecution of such proceeding, the following affidavit: I, _____, petitioner (or complainant, plaintiff, appellant or whatever party he may be) in this matter, do hereby swear (or affirm) that I have neither received, nor conspired to receive, any valuable consideration or assistance whatever as an inducement to the commencement or further prosecution of the proceedings in this matter. _____ (Signature of Affiant) _____ Affiant Sworn to and subscribed before me on this, the _____ day of _____, 20_____. _____ (Signature of Official) _____ (Title of Official) In the case of any firm, corporation, group, organization, or association required to make the above affidavit, such affidavit shall be made by the person having custody and control of the books and records of such firm, corporation, group, organization, or association. Codes, 1942, § 2049-03; Laws, 1956, ch. 253, § 3. Every person who commences or prosecutes or assists in the commencement or prosecution of any proceeding in any court or before any administrative agency in the State of Mississippi, or who may take an appeal from any such rule, order, or judgment thereof, shall, on motion made by any of the parties of such proceedings, or by the court or agency in which such proceeding is pending, file with such court or agency, as a condition precedent to the further prosecution of such proceeding, the following affidavit: I, _____, petitioner (or complainant, plaintiff, appellant or whatever party he may be) in this matter, do hereby swear (or affirm) that I have neither received, nor conspired to receive, any valuable consideration or assistance whatever as an inducement to the commencement or further prosecution of the proceedings in this matter. _____ (Signature of Affiant) _____ Affiant Sworn to and subscribed before me on this, the _____ day of _____, 20_____. _____ (Signature of Official) _____ (Title of Official) In the case of any firm, corporation, group, organization, or association required to make the above affidavit, such affidavit shall be made by the person having custody and control of the books and records of such firm, corporation, group, organization, or association. Codes, 1942, § 2049-03; Laws, 1956, ch. 253, § 3.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129) Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79) Section 97-9-17 - Champerty and maintenance; affidavit of attorney representing party

Every attorney representing any person, firm, partnership, corporation, group, organization, or association in any proceeding in any court or before any administrative agency in the State of Mississippi, or who may take an appeal from any rule, order, or judgment thereof, shall, on motion made by any of the parties to such proceeding, or by the court or agency in which such proceeding is

pending, file, as a condition precedent to the further prosecution of such proceeding, the following affidavit: I, _____, attorney representing _____, petitioner (or complainant, plaintiff, appellant or whatever party he may be) in this matter, do hereby swear (or affirm) that neither I nor, to the best of my knowledge and belief, any other person, firm, partnership, corporation, group, organization, or association has promised, given, or offered, or conspired to promise, give, or offer, or solicited, received, or accepted any valuable consideration or any assistance whatever to said _____ as an inducement to said _____ to the commencement or further prosecution of the proceedings herein. _____ (Signature of Affiant) _____ Affiant Sworn to and subscribed before me on this, the _____ day of _____, 2(_____. _____ (Signature of Official) _____ (Title of Official) Provided, however, that if, on motion made, such affidavits are promptly filed, the failure in the first instance to have filed same shall not constitute grounds for a continuance of such proceedings. Codes, 1942, § 2049-04; Laws, 1956, ch. 253, § 4. Every attorney representing any person, firm, partnership, corporation, group, organization, or association in any proceeding in any court or before any administrative agency in the State of Mississippi, or who may take an appeal from any rule, order, or judgment thereof, shall, on motion made by any of the parties to such proceeding, or by the court or agency in which such proceeding is pending, file, as a condition precedent to the further prosecution of such proceeding, the following affidavit: I, _____, attorney representing _____, petitioner (or complainant, plaintiff, appellant or whatever party he may be) in this matter, do hereby swear (or affirm) that neither I nor, to the best of my knowledge and belief, any other person, firm, partnership, corporation, group, organization, or association has promised, given, or offered, or conspired to promise, give, or offer, or solicited, received, or accepted any valuable consideration or any assistance whatever to said _____ as an inducement to said _____ to the commencement or further prosecution of the proceedings herein. _____ (Signature of Affiant) _____ Affiant Sworn to and subscribed before me on this, the _____ day of _____, 2(_____. _____ (Signature of Official) _____ (Title of Official) Provided, however, that if, on motion made, such affidavits are promptly filed, the failure in the first instance to have filed same shall not constitute grounds for a continuance of such proceedings. Codes, 1942, § 2049-04; Laws, 1956, ch. 253, § 4. Every attorney representing any person, firm, partnership, corporation, group, organization, or association in any proceeding in any court or before any administrative agency in the State of Mississippi, or who may take an appeal from any rule, order, or judgment thereof, shall, on motion made by any of the parties to such proceeding, or by the court or agency in which such proceeding is pending, file, as a condition precedent to the further prosecution of such proceeding, the following affidavit: I, _____, attorney representing _____, petitioner (or complainant, plaintiff, appellant or whatever party he may be) in this matter, do hereby swear (or affirm) that neither I nor, to the best of my knowledge and belief, any other person, firm, partnership, corporation, group, organization, or association has promised, given, or offered, or conspired to promise, give, or offer, or solicited, received, or accepted any valuable consideration or any assistance whatever to said _____ as an inducement to said _____ to the commencement or further prosecution of the proceedings herein. _____ (Signature of Affiant) _____ Affiant Sworn to and subscribed before me on this, the _____ day of _____, 2(_____. _____ (Signature of Official) _____ (Title of Official) Provided, however, that if, on motion made, such affidavits are promptly filed, the failure in the first instance to have filed same shall not constitute grounds for a continuance of such proceedings. Codes, 1942, § 2049-04; Laws, 1956, ch. 253, § 4. Every attorney representing any person, firm, partnership, corporation, group, organization, or association in any proceeding in any court or before any administrative agency in the State of Mississippi, or who may take an appeal from any rule, order, or judgment thereof, shall, on motion made by any of the parties to such proceeding, or by the court or agency in which such proceeding is pending, file, as a condition precedent to the further prosecution of such proceeding, the following affidavit: I, _____, attorney representing _____, petitioner (or complainant, plaintiff, appellant or whatever party he may be) in this matter, do hereby swear (or affirm) that neither I nor, to the best of my knowledge and belief, any other person, firm, partnership, corporation, group, organization, or association has promised, given, or offered, or conspired to promise, give, or offer, or solicited, received, or accepted any valuable consideration or any assistance whatever to said _____ as an inducement to said _____ to the commencement or further prosecution of the proceedings herein. _____ (Signature of Affiant) _____ Affiant Sworn to and subscribed before me on this, the _____ day of _____, 2(_____. _____ (Signature of Official) _____ (Title of Official) Provided, however, that if, on motion made, such affidavits are promptly filed, the failure in the first instance to have filed same shall not constitute grounds for a continuance of such proceedings. Codes, 1942, § 2049-04; Laws, 1956, ch. 253, § 4.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129) Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79) Section 97-9-19 - Champerty and maintenance; penalty for false affidavit

Every person or attorney who shall file a false affidavit shall be guilty of perjury and shall be punished as provided by law. Every attorney who shall file a false affidavit, or who shall violate any other provision of Sections 97-9-11 through 97-9-23, upon final conviction thereof shall also be disbarred, by order of the court in which convicted. Any attorney who shall file a false affidavit, or

violate any other provision of Sections 97-9-11 through 97-9-23, and who is not a member of the Mississippi Bar shall, in addition to the other penalties provided by Sections 97-9-11 through 97-9-23, be forever barred from practicing before any court or administrative agency of this state. Codes, 1942, § 2049-05; Laws, 1956, ch. 253, § 5. Every person or attorney who shall file a false affidavit shall be guilty of perjury and shall be punished as provided by law. Every attorney who shall file a false affidavit, or who shall violate any other provision of Sections 97-9-11 through 97-9-23, upon final conviction thereof shall also be disbarred, by order of the court in which convicted. Any attorney who shall file a false affidavit, or violate any other provision of Sections 97-9-11 through 97-9-23, and who is not a member of the Mississippi Bar shall, in addition to the other penalties provided by Sections 97-9-11 through 97-9-23, be forever barred from practicing before any court or administrative agency of this state. Codes, 1942, § 2049-05; Laws, 1956, ch. 253, § 5. Every person or attorney who shall file a false affidavit shall be guilty of perjury and shall be punished as provided by law. Every attorney who shall file a false affidavit, or who shall violate any other provision of Sections 97-9-11 through 97-9-23, upon final conviction thereof shall also be disbarred, by order of the court in which convicted. Any attorney who shall file a false affidavit, or violate any other provision of Sections 97-9-11 through 97-9-23, and who is not a member of the Mississippi Bar shall, in addition to the other penalties provided by Sections 97-9-11 through 97-9-23, be forever barred from practicing before any court or administrative agency of this state. Codes, 1942, § 2049-05; Laws, 1956, ch. 253, § 5.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129) Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79) Section 97-9-21 - Champerty and maintenance; immunity granted witnesses compelled to testify concerning violations; penalty for failure to testify

No person shall be excused from attending or testifying or producing evidence of any kind before a grand jury, or before any court, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of the provisions of Sections 97-9-11 through 97-9-23 on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing, concerning which he may be required to testify or produce evidence, documentary or otherwise, before the grand jury or court or in any cause or proceeding; provided, that no person so testifying shall be exempt from prosecution or punishment for perjury in so testifying. Any person who shall neglect or refuse to so attend or testify, or to answer any lawful inquiry, or to produce books or other documentary evidence, if in his power to do so, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Codes, 1942, § 2049-06; Laws, 1956, ch. 253, § 6. No person shall be excused from attending or testifying or producing evidence of any kind before a grand jury, or before any court, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of the provisions of Sections 97-9-11 through 97-9-23 on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing, concerning which he may be required to testify or produce evidence, documentary or otherwise, before the grand jury or court or in any cause or proceeding; provided, that no person so testifying shall be exempt from prosecution or punishment for perjury in so testifying. Any person who shall neglect or refuse to so attend or testify, or to answer any lawful inquiry, or to produce books or other documentary evidence, if in his power to do so, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Codes, 1942, § 2049-06; Laws, 1956, ch. 253, § 6. No person shall be excused from attending or testifying or producing evidence of any kind before a grand jury, or before any court, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of the provisions of

Sections 97-9-11 through 97-9-23 on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing, concerning which he may be required to testify or produce evidence, documentary or otherwise, before the grand jury or court or in any cause or proceeding; provided, that no person so testifying shall be exempt from prosecution or punishment for perjury in so testifying. Any person who shall neglect or refuse to so attend or testify, or to answer any lawful inquiry, or to produce books or other documentary evidence, if in his power to do so, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Codes, 1942, § 2049-06; Laws, 1956, ch. 253, § 6.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129) Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79) Section 97-9-23 - Champerty and maintenance; exceptions; legislative intent

The provisions of Sections 97-9-11 through 97-9-23 shall not be applicable to attorneys who are parties to contingent fee contracts with their clients where the attorney does not pay or protect the client from payment of the costs and expenses of litigation, nor shall said sections apply to suits pertaining to or affecting possession of or title to real or personal property, nor shall said sections apply to suits involving the legality of assessment or collection of taxes, nor shall said sections apply to suits involving rates or charges by common carriers or public utilities, nor shall said sections apply to criminal prosecutions, nor to the payment of attorneys by legal aid societies approved by the Mississippi State Bar. Nothing in Sections 97-9-11 through 97-9-23 is intended to be in derogation of the constitutional right of real parties in interest to employ counsel or to prosecute any available legal remedy. The intent, as herein set out, is to prohibit and punish, more clearly and definitely, champerty, maintenance, barratry, and the solicitation or stirring up of litigation, whether the same be committed by licensed attorneys or by others who are not real parties in interest to the subject matter of such litigation. Codes, 1942, § 2049-07; Laws, 1956, ch. 253, § 7. The provisions of Sections 97-9-11 through 97-9-23 shall not be applicable to attorneys who are parties to contingent fee contracts with their clients where the attorney does not pay or protect the client from payment of the costs and expenses of litigation, nor shall said sections apply to suits pertaining to or affecting possession of or title to real or personal property, nor shall said sections apply to suits involving the legality of assessment or collection of taxes, nor shall said sections apply to suits involving rates or charges by common carriers or public utilities, nor shall said sections apply to criminal prosecutions, nor to the payment of attorneys by legal aid societies approved by the Mississippi State Bar. Nothing in Sections 97-9-11 through 97-9-23 is intended to be in derogation of the constitutional right of real parties in interest to employ counsel or to prosecute any available legal remedy. The intent, as herein set out, is to prohibit and punish, more clearly and definitely, champerty, maintenance, barratry, and the solicitation or stirring up of litigation, whether the same be committed by licensed attorneys or by others who are not real parties in interest to the subject matter of such litigation. Codes, 1942, § 2049-07; Laws, 1956, ch. 253, § 7. The provisions of Sections 97-9-11 through 97-9-23 shall not be applicable to attorneys who are parties to contingent fee contracts with their clients where the attorney does not pay or protect the client from payment of the costs and expenses of litigation, nor shall said sections apply to suits pertaining to or affecting possession of or title to real or personal property, nor shall said sections apply to suits involving the legality of assessment or collection of taxes, nor shall said sections apply to suits involving rates or charges by common carriers or public utilities, nor shall said sections apply to criminal prosecutions, nor to the payment of attorneys by legal aid societies approved by the Mississippi State Bar. Nothing in Sections 97-9-11 through 97-9-23 is intended to be in derogation of the constitutional right of real parties in interest to employ counsel or to prosecute any available legal remedy. The intent, as herein set out, is to prohibit and punish, more clearly and definitely, champerty, maintenance, barratry, and the solicitation or stirring up of litigation, whether the same be committed by licensed attorneys or by others who are not real parties in interest to the subject matter of such litigation. Codes, 1942, § 2049-07; Laws, 1956, ch. 253, § 7.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129) Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79) Section 97-9-25 - Escape of inmates of state institutions; aiding, abetting, etc

It shall be unlawful for any person, firm, copartnership, corporation or association to knowingly entice, harbor, employ, or aid, assist or abet in the escape, enticing, harboring or employment of any delinquent, person with mental illness, person with an intellectual

disability or incorrigible person committed to, or confined in any institution maintained by the state for the treatment, education or welfare of delinquent persons, persons with mental illness, persons with an intellectual disability or incorrigible persons. Any person violating the provisions of this section, upon conviction, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), or imprisonment in the county jail for not less than thirty (30) days, nor more than ninety (90) days, or both. Codes, 1930, § 901; 1942, § 2130; Laws, 1930, ch. 25; Laws, 2008, ch. 442, § 33; Laws, 2010, ch. 476, § 80, eff. 4/1/2010. It shall be unlawful for any person, firm, copartnership, corporation or association to knowingly entice, harbor, employ, or aid, assist or abet in the escape, enticing, harboring or employment of any delinquent, person with mental illness, person with an intellectual disability or incorrigible person committed to, or confined in any institution maintained by the state for the treatment, education or welfare of delinquent persons, persons with mental illness, persons with an intellectual disability or incorrigible persons. Any person violating the provisions of this section, upon conviction, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), or imprisonment in the county jail for not less than thirty (30) days, nor more than ninety (90) days, or both. Codes, 1930, § 901; 1942, § 2130; Laws, 1930, ch. 25; Laws, 2008, ch. 442, § 33; Laws, 2010, ch. 476, § 80, eff. 4/1/2010. It shall be unlawful for any person, firm, copartnership, corporation or association to knowingly entice, harbor, employ, or aid, assist or abet in the escape, enticing, harboring or employment of any delinquent, person with mental illness, person with an intellectual disability or incorrigible person committed to, or confined in any institution maintained by the state for the treatment, education or welfare of delinquent persons, persons with mental illness, persons with an intellectual disability or incorrigible persons. Any person violating the provisions of this section, upon conviction, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), or imprisonment in the county jail for not less than thirty (30) days, nor more than ninety (90) days, or both. Codes, 1930, § 901; 1942, § 2130; Laws, 1930, ch. 25; Laws, 2008, ch. 442, § 33; Laws, 2010, ch. 476, § 80, eff. 4/1/2010. It shall be unlawful for any person, firm, copartnership, corporation or association to knowingly entice, harbor, employ, or aid, assist or abet in the escape, enticing, harboring or employment of any delinquent, person with mental illness, person with an intellectual disability or incorrigible person committed to, or confined in any institution maintained by the state for the treatment, education or welfare of delinquent persons, persons with mental illness, persons with an intellectual disability or incorrigible persons. Any person violating the provisions of this section, upon conviction, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), or imprisonment in the county jail for not less than thirty (30) days, nor more than ninety (90) days, or both. Codes, 1930, § 901; 1942, § 2130; Laws, 1930, ch. 25; Laws, 2008, ch. 442, § 33; Laws, 2010, ch. 476, § 80, eff. 4/1/2010.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129) Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79) Section 97-9-27 - Escape of prisoners; conveying articles useful for escape to felons

Every person who shall convey into the penitentiary, jail, or other place of confinement any disguise, instrument, arms, or other things useful to any prisoner in his escape, with the intent thereby to facilitate the escape of any prisoner lawfully committed to or detained in such prison, jail, or place for any felony whatever, whether such escape be effected or attempted or not, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(13); 1857, ch. 64, art. 86; 1871, § 2551; 1880, § 2791; 1892, § 1069; 1906, § 1149; Hemingway's 1917, § 876; 1930, § 902; 1942, § 2131. Every person who shall convey into the penitentiary, jail, or other place of confinement any disguise, instrument, arms, or other things useful to any prisoner in his escape, with the intent thereby to facilitate the escape of any prisoner lawfully committed to or detained in such prison, jail, or place for any felony whatever, whether such escape be effected or attempted or not, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(13); 1857, ch. 64, art. 86; 1871, § 2551; 1880, § 2791; 1892, § 1069; 1906, § 1149; Hemingway's 1917, § 876; 1930, § 902; 1942, § 2131. Every person who shall convey into the penitentiary, jail, or other place of confinement any disguise, instrument, arms, or other things useful to any prisoner in his escape, with the intent thereby to facilitate the escape of any prisoner lawfully committed to or detained in such prison, jail, or place for any felony whatever, whether such escape be effected or attempted or not, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(13); 1857, ch. 64, art. 86; 1871, § 2551; 1880, § 2791; 1892, § 1069; 1906, § 1149; Hemingway's 1917, § 876; 1930, § 902; 1942, § 2131. Every person who shall convey into the penitentiary, jail, or other place of confinement any disguise, instrument, arms, or other things useful to any prisoner in his escape, with the intent thereby to facilitate the escape of any prisoner lawfully committed to or detained in such prison, jail, or place for any felony whatever, whether such escape be effected or attempted or not, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(13); 1857, ch. 64, art. 86; 1871, § 2551; 1880, § 2791; 1892, § 1069; 1906, § 1149; Hemingway's 1917, § 876; 1930, § 902; 1942, § 2131.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129) Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79) Section 97-9-29 - Escape of prisoners; aiding escape of felons generally; rescuing prisoners from custody

Every person who shall, by any means whatever, aid or assist any prisoner lawfully detained in the penitentiary, or in any jail or place of confinement for any felony, in an attempt to escape therefrom, whether such escape be effective or not, or who shall forcibly rescue any prisoner held in legal custody upon any criminal charge, shall, upon conviction, be punished by imprisonment in

the penitentiary not exceeding ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(14); 1857, ch. 64, art. 87; 1871, § 2552; 1880, § 2792; 1892, § 1070; 1906, § 1150; Hemingway's 1917, § 877; 1930, § 903; 1942, § 2132. Every person who shall, by any means whatever, aid or assist any prisoner lawfully detained in the penitentiary, or in any jail or place of confinement for any felony, in an attempt to escape therefrom, whether such escape be effective or not, or who shall forcibly rescue any prisoner held in legal custody upon any criminal charge, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(14); 1857, ch. 64, art. 87; 1871, § 2552; 1880, § 2792; 1892, § 1070; 1906, § 1150; Hemingway's 1917, § 877; 1930, § 903; 1942, § 2132. Every person who shall, by any means whatever, aid or assist any prisoner lawfully detained in the penitentiary, or in any jail or place of confinement for any felony, in an attempt to escape therefrom, whether such escape be effective or not, or who shall forcibly rescue any prisoner held in legal custody upon any criminal charge, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(14); 1857, ch. 64, art. 87; 1871, § 2552; 1880, § 2792; 1892, § 1070; 1906, § 1150; Hemingway's 1917, § 877; 1930, § 903; 1942, § 2132.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129) Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79) Section 97-9-3 - Court records and public papers; stealing, concealing, destroying, etc

The stealing and carrying away, or fraudulently withdrawing, concealing, or destroying or taking away any record, paper, or proceeding of a court of justice, or any paper or proceeding filed or deposited with any officer or in any public office, shall be larceny without reference to the value of the record, paper, or proceeding so stolen, taken away, or destroyed, and shall be punished by imprisonment in the penitentiary not more than five years, or in the county jail not more than one year, and by fine not exceeding five hundred dollars, or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(70); 1857, ch. 64, art. 195; 1871, § 2656; 1880, § 2906; 1892, § 1179; 1906, § 1257; Hemingway's 1917, § 987; 1930, § 1015; 1942, § 2247. The stealing and carrying away, or fraudulently withdrawing, concealing, or destroying or taking away any record, paper, or proceeding of a court of justice, or any paper or proceeding filed or deposited with any officer or in any public office, shall be larceny without reference to the value of the record, paper, or proceeding so stolen, taken away, or destroyed, and shall be punished by imprisonment in the penitentiary not more than five years, or in the county jail not more than one year, and by fine not exceeding five hundred dollars, or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(70); 1857, ch. 64, art. 195; 1871, § 2656; 1880, § 2906; 1892, § 1179; 1906, § 1257; Hemingway's 1917, § 987; 1930, § 1015; 1942, § 2247. The stealing and carrying away, or fraudulently withdrawing, concealing, or destroying or taking away any record, paper, or proceeding of a court of justice, or any paper or proceeding filed or deposited with any officer or in any public office, shall be larceny without reference to the value of the record, paper, or proceeding so stolen, taken away, or destroyed, and shall be punished by imprisonment in the penitentiary not more than five years, or in the county jail not more than one year, and by fine not exceeding five hundred dollars, or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 4(70); 1857, ch. 64, art. 195; 1871, § 2656; 1880, § 2906; 1892, § 1179; 1906, § 1257; Hemingway's 1917, § 987; 1930, § 1015; 1942, § 2247.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129) Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79) Section 97-9-31 - Escape of prisoners; aiding prisoners other than felons generally; conveying article useful for escape

Every person who, by any means whatever, shall aid or assist any prisoner lawfully committed to any jail or place of confinement, in execution of any conviction for any criminal offense other than felony, to escape, whether such escape be effective or not, or who shall convey into such jail or place of confinement any disguise, instrument, arm, or other things useful to facilitate the escape of any prisoner so committed, whether such escape be effective or attempted or not, shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(15); 1857, ch. 64, art. 88; 1871, § 2553; 1880, § 2793; 1892, § 1071; 1906, § 1151; Hemingway's 1917, § 878; 1930, § 904; 1942, § 2133. Every person who, by any means whatever, shall aid or assist any prisoner lawfully committed to any jail or place of confinement, in execution of any conviction for any criminal offense other than felony, to escape, whether such escape be effective or not, or who shall convey into such jail or place of confinement any disguise, instrument, arm, or other things useful to facilitate the escape of any prisoner so committed, whether such escape be effective or attempted or not, shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(15); 1857, ch. 64, art. 88; 1871, § 2553; 1880, § 2793; 1892, § 1071; 1906, § 1151; Hemingway's 1917, § 878; 1930, §

904; 1942, § 2133. Every person who, by any means whatever, shall aid or assist any prisoner lawfully committed to any jail or place of confinement, in execution of any conviction for any criminal offense other than felony, to escape, whether such escape be effective or not, or who shall convey into such jail or place of confinement any disguise, instrument, arm, or other things useful to facilitate the escape of any prisoner so committed, whether such escape be effective or attempted or not, shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(15); 1857, ch. 64, art. 88; 1871, § 2553; 1880, § 2793; 1892, § 1071; 1906, § 1151; Hemingway's 1917, § 878; 1930, § 904; 1942, § 2133. Every person who, by any means whatever, shall aid or assist any prisoner lawfully committed to any jail or place of confinement, in execution of any conviction for any criminal offense other than felony, to escape, whether such escape be effective or not, or who shall convey into such jail or place of confinement any disguise, instrument, arm, or other things useful to facilitate the escape of any prisoner so committed, whether such escape be effective or attempted or not, shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(15); 1857, ch. 64, art. 88; 1871, § 2553; 1880, § 2793; 1892, § 1071; 1906, § 1151; Hemingway's 1917, § 878; 1930, § 904; 1942, § 2133.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129) Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79) Section 97-9-33 - Escape of prisoners; aiding escapes from officers

Every person who shall aid or assist any prisoner in escaping or attempting to escape from the custody of any sheriff, marshal, constable, or other officer or person who shall have the lawful charge of such prisoner upon any criminal charge, shall, upon conviction, be punished by imprisonment in the county jail not exceeding one (1) year, or by fine not exceeding Five Hundred Dollars (\$500.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(17); 1857, ch. 64, art. 90; 1871, § 2555; 1880, § 2795; 1892, § 1072; 1906, § 1152; Hemingway's 1917, § 879; 1930, § 905; 1942, § 2134; Laws, 1986, ch. 459, § 38, eff. 7/1/1986. Every person who shall aid or assist any prisoner in escaping or attempting to escape from the custody of any sheriff, marshal, constable, or other officer or person who shall have the lawful charge of such prisoner upon any criminal charge, shall, upon conviction, be punished by imprisonment in the county jail not exceeding one (1) year, or by fine not exceeding Five Hundred Dollars (\$500.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(17); 1857, ch. 64, art. 90; 1871, § 2555; 1880, § 2795; 1892, § 1072; 1906, § 1152; Hemingway's 1917, § 879; 1930, § 905; 1942, § 2134; Laws, 1986, ch. 459, § 38, eff. 7/1/1986. Every person who shall aid or assist any prisoner in escaping or attempting to escape from the custody of any sheriff, marshal, constable, or other officer or person who shall have the lawful charge of such prisoner upon any criminal charge, shall, upon conviction, be punished by imprisonment in the county jail not exceeding one (1) year, or by fine not exceeding Five Hundred Dollars (\$500.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(17); 1857, ch. 64, art. 90; 1871, § 2555; 1880, § 2795; 1892, § 1072; 1906, § 1152; Hemingway's 1917, § 879; 1930, § 905; 1942, § 2134; Laws, 1986, ch. 459, § 38, eff. 7/1/1986. Every person who shall aid or assist any prisoner in escaping or attempting to escape from the custody of any sheriff, marshal, constable, or other officer or person who shall have the lawful charge of such prisoner upon any criminal charge, shall, upon conviction, be punished by imprisonment in the county jail not exceeding one (1) year, or by fine not exceeding Five Hundred Dollars (\$500.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(17); 1857, ch. 64, art. 90; 1871, § 2555; 1880, § 2795; 1892, § 1072; 1906, § 1152; Hemingway's 1917, § 879; 1930, § 905; 1942, § 2134; Laws, 1986, ch. 459, § 38, eff. 7/1/1986.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129) Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79) Section 97-9-35 - Escape of prisoners; permitting escape

If any officer, or guard of the penitentiary, or any other person, shall, while any convict is under his keeping or charge, wilfully or negligently permit such convict to escape from custody, the person so offending shall be subject to indictment therefor, and, on conviction, shall be fined not more than one thousand dollars and be imprisoned in the penitentiary not less than one year nor more than two years, or in the county jail not less than six months, or shall be punished by both such fine and imprisonment. Codes, 1857, ch. 64, art. 98; 1871, § 2563; 1880, § 2803; 1892, § 1080; 1906, § 1160; Hemingway's 1917, § 887; 1930, § 913; 1942, § 2142. If any officer, or guard of the penitentiary, or any other person, shall, while any convict is under his keeping or charge, wilfully or negligently permit such convict to escape from custody, the person so offending shall be subject to indictment therefor, and, on conviction, shall be fined not more than one thousand dollars and be imprisoned in the penitentiary not less than one year nor more than two years, or in the county jail not less than six months, or shall be punished by both such fine and imprisonment. Codes, 1857, ch. 64, art. 98; 1871, § 2563; 1880, § 2803; 1892, § 1080; 1906, § 1160; Hemingway's 1917, § 887; 1930, § 913; 1942, § 2142. If any officer, or guard of the penitentiary, or any other person, shall, while any convict is under his keeping or charge, wilfully or negligently permit such convict to escape from custody, the person so offending shall be subject to indictment therefor, and, on conviction, shall be fined not more than one thousand dollars and be imprisoned in the penitentiary not less than one year nor more than two years, or in the county jail not less than six months, or shall be punished by both such fine and imprisonment. Codes, 1857, ch. 64, art. 98; 1871, § 2563; 1880, § 2803; 1892, § 1080; 1906, § 1160; Hemingway's 1917, § 887; 1930, § 913; 1942, § 2142. If any officer, or guard of the penitentiary, or any other person, shall, while any convict is under his keeping or charge, wilfully or negligently permit such convict to escape from custody, the person so offending shall be subject to indictment therefor, and, on conviction, shall be fined not more than one thousand dollars and be imprisoned in the penitentiary not less than one year nor more than two years, or in the county jail not less than six months, or shall be punished by both such fine and imprisonment. Codes, 1857, ch. 64, art. 98; 1871, § 2563; 1880, § 2803; 1892, § 1080; 1906, § 1160; Hemingway's 1917, § 887; 1930, § 913; 1942, § 2142.

than two years, or in the county jail not less than six months, or shall be punished by both such fine and imprisonment. Codes, 1857, ch. 64, art. 98; 1871, § 2563; 1880, § 2803; 1892, § 1080; 1906, § 1160; Hemingway's 1917, § 887; 1930, § 913; 1942, § 2142.

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If any private person having a prisoner in his keeping, arrested on suspicion of felony or other offense, and the prisoner who is so arrested escape by the wilful act or negligence of the person having him in custody, then the person from whom such prisoner so escaped shall, upon conviction, be fined not more than one thousand dollars or imprisoned in the county jail not longer than one year, or both. Codes, 1857, ch. 64, art. 91; 1871, § 2556; 1880, § 2796; 1892, § 1073; 1906, § 1153; Hemingway's 1917, § 880; 1930, § 906; 1942, § 2135. If any private person having a prisoner in his keeping, arrested on suspicion of felony or other offense, and the prisoner who is so arrested escape by the wilful act or negligence of the person having him in custody, then the person from whom such prisoner so escaped shall, upon conviction, be fined not more than one thousand dollars or imprisoned in the county jail not longer than one year, or both. Codes, 1857, ch. 64, art. 91; 1871, § 2556; 1880, § 2796; 1892, § 1073; 1906, § 1153; Hemingway's 1917, § 880; 1930, § 906; 1942, § 2135. If any private person having a prisoner in his keeping, arrested on suspicion of felony or other offense, and the prisoner who is so arrested escape by the wilful act or negligence of the person having him in custody, then the person from whom such prisoner so escaped shall, upon conviction, be fined not more than one thousand dollars or imprisoned in the county jail not longer than one year, or both. Codes, 1857, ch. 64, art. 91; 1871, § 2556; 1880, § 2796; 1892, § 1073; 1906, § 1153; Hemingway's 1917, § 880; 1930, § 906; 1942, § 2135. If any private person having a prisoner in his keeping, arrested on suspicion of felony or other offense, and the prisoner who is so arrested escape by the wilful act or negligence of the person having him in custody, then the person from whom such prisoner so escaped shall, upon conviction, be fined not more than one thousand dollars or imprisoned in the county jail not longer than one year, or both. Codes, 1857, ch. 64, art. 91; 1871, § 2556; 1880, § 2796; 1892, § 1073; 1906, § 1153; Hemingway's 1917, § 880; 1930, § 906; 1942, § 2135.

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If any sheriff, jailer, constable, marshal, or other officer, shall wilfully and corruptly refuse to execute any lawful process directed to him or any of them, requiring the apprehension or confinement of any person charged with a criminal offense; or shall corruptly and wilfully omit to execute such process, by which such person shall escape; or shall wilfully refuse to receive in any jail under his charge any offender lawfully committed to such jail and ordered to be confined therein on any criminal charge or conviction, or any lawful process whatever; or shall suffer any person lawfully committed to his custody to escape and go at large, either wilfully or negligently; or shall receive any gratuity or reward, or any security or engagement for the same, to procure, assist, or connive at, or permit any prisoner in his custody on any criminal charge or conviction to escape, whether such escape be attempted or effected or not, he shall, upon conviction, be punished by imprisonment in the county jail not exceeding one (1) year, or by fine not exceeding One Thousand Dollars (\$1,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(18); 1857, ch. 64, art. 92; 1871, § 2557; 1880, § 2797; 1892, § 1074; 1906, § 1154; Hemingway's 1917, § 881; 1930, § 907; 1942, § 2136; Laws, 1986, ch. 459, § 39, eff. 7/1/1986. If any sheriff, jailer, constable, marshal, or other officer, shall wilfully and corruptly refuse to execute any lawful process directed to him or any of them, requiring the apprehension or confinement of any person charged with a criminal offense; or shall corruptly and wilfully omit to execute such process, by which such person shall escape; or shall wilfully refuse to receive in any jail under his charge any offender lawfully committed to such jail and ordered to be confined therein on any criminal charge or conviction, or any lawful process whatever; or shall suffer any person lawfully committed to his custody to escape and go at large, either wilfully or negligently; or shall receive any gratuity or reward, or any security or engagement for the same, to procure, assist, or connive at, or permit any prisoner in his custody on any criminal charge or conviction to escape, whether such escape be attempted or effected or not, he shall, upon conviction, be punished by imprisonment in the county jail not exceeding one (1) year, or by fine not exceeding One Thousand Dollars (\$1,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(18); 1857, ch. 64, art. 92; 1871, § 2557; 1880, § 2797; 1892, § 1074; 1906, § 1154; Hemingway's 1917, § 881; 1930, § 907; 1942, § 2136; Laws, 1986, ch. 459, § 39, eff. 7/1/1986. If any sheriff, jailer, constable, marshal, or other officer, shall wilfully and

corruptly refuse to execute any lawful process directed to him or any of them, requiring the apprehension or confinement of any person charged with a criminal offense; or shall corruptly and wilfully omit to execute such process, by which such person shall escape; or shall wilfully refuse to receive in any jail under his charge any offender lawfully committed to such jail and ordered to be confined therein on any criminal charge or conviction, or any lawful process whatever; or shall suffer any person lawfully committed to his custody to escape and go at large, either wilfully or negligently; or shall receive any gratuity or reward, or any security or engagement for the same, to procure, assist, or connive at, or permit any prisoner in his custody on any criminal charge or conviction to escape, whether such escape be attempted or effected or not, he shall, upon conviction, be punished by imprisonment in the county jail not exceeding one (1) year, or by fine not exceeding One Thousand Dollars (\$1,000.00), or both. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(18); 1857, ch. 64, art. 92; 1871, § 2557; 1880, § 2797; 1892, § 1074; 1906, § 1154; Hemingway's 1917, § 881; 1930, § 907; 1942, § 2136; Laws, 1986, ch. 459, § 39, eff. 7/1/1986.

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Every person who shall knowingly conceal or harbor any prisoner or convict who has escaped from the lawful custody of any officer, jail, prison, or the penitentiary, within this state shall be guilty of a felony and upon conviction shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or by imprisonment in the penitentiary for a term not to exceed five (5) years. Codes, 1942, § 2142.5; Laws, 1952, ch. 258. Every person who shall knowingly conceal or harbor any prisoner or convict who has escaped from the lawful custody of any officer, jail, prison, or the penitentiary, within this state shall be guilty of a felony and upon conviction shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or by imprisonment in the penitentiary for a term not to exceed five (5) years. Codes, 1942, § 2142.5; Laws, 1952, ch. 258. Every person who shall knowingly conceal or harbor any prisoner or convict who has escaped from the lawful custody of any officer, jail, prison, or the penitentiary, within this state shall be guilty of a felony and upon conviction shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or by imprisonment in the penitentiary for a term not to exceed five (5) years. Codes, 1942, § 2142.5; Laws, 1952, ch. 258.

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If any convict, confined in any jail or in the penitentiary for a criminal offense, shall escape therefrom he may be pursued, retaken and imprisoned again, notwithstanding the term for which he was sentenced to be imprisoned may have expired at the time he shall be retaken, and shall remain so imprisoned until he shall have served as a convict the entire length of time which he would have been required to so serve had he not escaped, and until tried for such escape, or until discharged on a failure to prosecute therefor. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(20); 1857, ch. 64, art. 93; 1871, § 2558; 1880, § 2798; 1892, § 1075; 1906, § 1155; Hemingway's 1917, § 882; 1930, § 908; 1942, § 2137; Laws, 1978, ch. 414, § 1, eff. 7/1/1978. If any convict, confined in any jail or in the penitentiary for a criminal offense, shall escape therefrom he may be pursued, retaken and imprisoned again, notwithstanding the term for which he was sentenced to be imprisoned may have expired at the time he shall be retaken, and shall remain so imprisoned until he shall have served as a convict the entire length of time which he would have been required to so serve had he not escaped, and until tried for such escape, or until discharged on a failure to prosecute therefor. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(20); 1857, ch. 64, art. 93; 1871, § 2558; 1880, § 2798; 1892, § 1075; 1906, § 1155; Hemingway's 1917, § 882; 1930, § 908; 1942, § 2137; Laws, 1978, ch. 414, § 1, eff. 7/1/1978. If any convict, confined in any jail or in the penitentiary for a criminal offense, shall escape therefrom he may be pursued, retaken and imprisoned again, notwithstanding the term for which he was sentenced to be imprisoned may have expired at the time he shall be retaken, and shall remain so imprisoned until he shall have served as a convict the entire length of time which he would have been required to so serve had he not escaped, and until tried for such escape, or until discharged on a failure to prosecute therefor. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(20); 1857, ch. 64, art. 93; 1871, § 2558; 1880, § 2798; 1892, § 1075; 1906, § 1155; Hemingway's 1917, § 882; 1930, § 908; 1942, § 2137; Laws, 1978, ch. 414, § 1, eff. 7/1/1978.

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Escape of prisoners; penalty; willful failure to return to jail after being entrusted to leave

If any person sentenced to the Mississippi Department of Corrections for any term shall escape or attempt to escape from his particular unit or camp of confinement or the boundaries of the penitentiary as a whole, or shall escape or attempt to escape from custody before confinement therein, he shall, upon conviction, be punished by imprisonment in such prison for a term not exceeding five (5) years, to commence from and after the expiration of the original term of his imprisonment as extended in consequence of such escape or attempted escape. Any convict who is entrusted to leave the boundaries of confinement by authorities of the Mississippi Department of Corrections or by the Governor, and who willfully fails to return within the stipulated time, or after the accomplishment of the purpose for which he was entrusted to leave, shall be an escapee and, upon conviction, shall be subject to the penalties provided under this section. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(21); 1857, ch. 64, art. 94; 1871, § 2559; 1880, § 2799; 1892, § 1076; 1906, § 1156; Hemingway's 1917, § 883; 1930, § 909; 1942, § 2138; Laws, 1966, ch. 357, § 1; Laws, 1972, ch. 312, § 1; Laws, 1984, ch. 428; Laws, 2002, ch. 328, § 1, eff. 7/1/2002. If any person sentenced to the Mississippi Department of Corrections for any term shall escape or attempt to escape from his particular unit or camp of confinement or the boundaries of the penitentiary as a whole, or shall escape or attempt to escape from custody before confinement therein, he shall, upon conviction, be punished by imprisonment in such prison for a term not exceeding five (5) years, to commence from and after the expiration of the original term of his imprisonment as extended in consequence of such escape or attempted escape. Any convict who is entrusted to leave the boundaries of confinement by authorities of the Mississippi Department of Corrections or by the Governor, and who willfully fails to return within the stipulated time, or after the accomplishment of the purpose for which he was entrusted to leave, shall be an escapee and, upon conviction, shall be subject to the penalties provided under this section. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(21); 1857, ch. 64, art. 94; 1871, § 2559; 1880, § 2799; 1892, § 1076; 1906, § 1156; Hemingway's 1917, § 883; 1930, § 909; 1942, § 2138; Laws, 1966, ch. 357, § 1; Laws, 1972, ch. 312, § 1; Laws, 1984, ch. 428; Laws, 2002, ch. 328, § 1, eff. 7/1/2002. If any person sentenced to the Mississippi Department of Corrections for any term shall escape or attempt to escape from his particular unit or camp of confinement or the boundaries of the penitentiary as a whole, or shall escape or attempt to escape from custody before confinement therein, he shall, upon conviction, be punished by imprisonment in such prison for a term not exceeding five (5) years, to commence from and after the expiration of the original term of his imprisonment as extended in consequence of such escape or attempted escape. Any convict who is entrusted to leave the boundaries of confinement by authorities of the Mississippi Department of Corrections or by the Governor, and who willfully fails to return within the stipulated time, or after the accomplishment of the purpose for which he was entrusted to leave, shall be an escapee and, upon conviction, shall be subject to the penalties provided under this section. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(21); 1857, ch. 64, art. 94; 1871, § 2559; 1880, § 2799; 1892, § 1076; 1906, § 1156; Hemingway's 1917, § 883; 1930, § 909; 1942, § 2138; Laws, 1966, ch. 357, § 1; Laws, 1972, ch. 312, § 1; Laws, 1984, ch. 428; Laws, 2002, ch. 328, § 1, eff. 7/1/2002. If any person sentenced to the Mississippi Department of Corrections for any term shall escape or attempt to escape from his particular unit or camp of confinement or the boundaries of the penitentiary as a whole, or shall escape or attempt to escape from custody before confinement therein, he shall, upon conviction, be punished by imprisonment in such prison for a term not exceeding five (5) years, to commence from and after the expiration of the original term of his imprisonment as extended in consequence of such escape or attempted escape. Any convict who is entrusted to leave the boundaries of confinement by authorities of the Mississippi Department of Corrections or by the Governor, and who willfully fails to return within the stipulated time, or after the accomplishment of the purpose for which he was entrusted to leave, shall be an escapee and, upon conviction, shall be subject to the penalties provided under this section. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(21); 1857, ch. 64, art. 94; 1871, § 2559; 1880, § 2799; 1892, § 1076; 1906, § 1156; Hemingway's 1917, § 883; 1930, § 909; 1942, § 2138; Laws, 1966, ch. 357, § 1; Laws, 1972, ch. 312, § 1; Laws, 1984, ch. 428; Laws, 2002, ch. 328, § 1, eff. 7/1/2002.

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Every person lawfully imprisoned in the penitentiary for any term less than life, who shall attempt, by force or violence to any person, to escape from such prison, whether such escape be effected or not, shall, upon conviction, be adjudged to imprisonment in the penitentiary for a term not less than five years, to commence after the termination of the imprisonment to which such person shall have been sentenced at the time of such attempt. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(23); 1857, ch. 64, art. 96; 1871, § 2561; 1880, § 2801; 1892, § 1078; 1906, § 1158; Hemingway's 1917, § 885; 1930, § 911; 1942, § 2140. Every person lawfully imprisoned in the penitentiary for any term less than life, who shall attempt, by force or violence to any person, to escape from such prison, whether such escape be effected or not, shall, upon conviction, be adjudged to imprisonment in the penitentiary for a term not less than five years, to commence after the termination of the imprisonment to which such person shall have been sentenced at the time of such attempt. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(23); 1857, ch. 64, art. 96; 1871, § 2561; 1880, § 2801; 1892, § 1078; 1906, § 1158; Hemingway's 1917, § 885; 1930, § 911; 1942, § 2140. Every person lawfully imprisoned in the penitentiary for any term less than life, who shall attempt, by force or violence to any person, to escape from such prison, whether such escape be effected or not, shall, upon conviction, be adjudged to imprisonment in the penitentiary for a term not less than five years, to commence after the termination of the imprisonment to which such person shall have been sentenced at the time of such attempt. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(23); 1857, ch. 64, art. 96; 1871, § 2561; 1880, § 2801; 1892, §

1078; 1906, § 1158; Hemingway's 1917, § 885; 1930, § 911; 1942, § 2140. Every person lawfully imprisoned in the penitentiary for any term less than life, who shall attempt, by force or violence to any person, to escape from such prison, whether such escape be effected or not, shall, upon conviction, be adjudged to imprisonment in the penitentiary for a term not less than five years, to commence after the termination of the imprisonment to which such person shall have been sentenced at the time of such attempt. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(23); 1857, ch. 64, art. 96; 1871, § 2561; 1880, § 2801; 1892, § 1078; 1906, § 1158; Hemingway's 1917, § 885; 1930, § 911; 1942, § 2140.

**Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 9 - OFFENSES AFFECTING
ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129) Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79) Section 97-9-49 -
Escape of prisoners; penalties for convicts in jail and persons under arrest or custody; willful failure to return to jail after
being entrusted to leave**

(1)(a) Whoever escapes or attempts by force or violence to escape from any jail in which he is confined, or from any custody under or by virtue of any process issued under the laws of the State of Mississippi by any court or judge, or from the custody of a sheriff or other peace officer pursuant to lawful arrest or from the assigned area of a work release program or work initiative, shall, upon conviction, if the confinement or custody is by virtue of an arrest on a charge of felony, or conviction of a felony, be punished by imprisonment in the penitentiary not exceeding five (5) years to commence at the expiration of his former sentence, or, if the confinement or custody is by virtue of an arrest of or charge for or conviction of a misdemeanor, be punished by imprisonment in the county jail not exceeding one (1) year to commence at the expiration of the sentence which the court has imposed or which may be imposed for the crime for which he is charged. (b) Whoever escapes or attempts by force or violence to escape from any confinement for contempt of court, shall, upon conviction, be found guilty of a misdemeanor and sentenced to imprisonment not to exceed six (6) months in the county jail. (2) Anyone confined in any jail who is entrusted by any authorized person to leave the jail for any purpose and who willfully fails to return to the jail within the stipulated time, or after the accomplishment of the purpose for which he was entrusted to leave, shall be an escapee and shall be subject to the penalties provided in subsection (1). Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(22); 1857, ch. 64, art. 95; 1871, § 2560; 1880, § 2800; 1892, § 1077; 1906, § 1157; Hemingway's 1917, § 884; 1930, § 910; 1942, § 2139; Laws, 1972, ch. 323, § 1; Laws, 1978, ch. 414, § 2; Laws, 1983, ch. 387, § 1; Laws, 2002, ch. 328, § 2; Laws, 2006, ch. 358, § 1, eff. 7/1/2006. Amended by Laws, 2022, ch. 493, SB 2437, § 4, eff. 7/1/2022.

(1)(a) Whoever escapes or attempts by force or violence to escape from any jail in which he is confined, or from any custody under or by virtue of any process issued under the laws of the State of Mississippi by any court or judge, or from the custody of a sheriff or other peace officer pursuant to lawful arrest or from the assigned area of a work release program or work initiative, shall, upon conviction, if the confinement or custody is by virtue of an arrest on a charge of felony, or conviction of a felony, be punished by imprisonment in the penitentiary not exceeding five (5) years to commence at the expiration of his former sentence, or, if the confinement or custody is by virtue of an arrest of or charge for or conviction of a misdemeanor, be punished by imprisonment in the county jail not exceeding one (1) year to commence at the expiration of the sentence which the court has imposed or which may be imposed for the crime for which he is charged. (b) Whoever escapes or attempts by force or violence to escape from any confinement for contempt of court, shall, upon conviction, be found guilty of a misdemeanor and sentenced to imprisonment not to exceed six (6) months in the county jail. (2) Anyone confined in any jail who is entrusted by any authorized person to leave the jail for any purpose and who willfully fails to return to the jail within the stipulated time, or after the accomplishment of the purpose for which he was entrusted to leave, shall be an escapee and shall be subject to the penalties provided in subsection (1). Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(22); 1857, ch. 64, art. 95; 1871, § 2560; 1880, § 2800; 1892, § 1077; 1906, § 1157; Hemingway's 1917, § 884; 1930, § 910; 1942, § 2139; Laws, 1972, ch. 323, § 1; Laws, 1978, ch. 414, § 2; Laws, 1983, ch. 387, § 1; Laws, 2002, ch. 328, § 2; Laws, 2006, ch. 358, § 1, eff. 7/1/2006. Amended by Laws, 2022, ch. 493, SB 2437, § 4, eff. 7/1/2022.

(1)(a) Whoever escapes or attempts by force or violence to escape from any jail in which he is confined, or from any custody under or by virtue of any process issued under the laws of the State of Mississippi by any court or judge, or from the custody of a sheriff or other peace officer pursuant to lawful arrest or from the assigned area of a work release program or work initiative, shall, upon conviction, if the confinement or custody is by virtue of an arrest on a charge of felony, or conviction of a felony, be punished by imprisonment in the penitentiary not exceeding five (5) years to commence at the expiration of his former sentence, or, if the confinement or custody is by virtue of an arrest of or charge for or conviction of a misdemeanor, be punished by imprisonment in the county jail not exceeding one (1) year to commence at the expiration of the sentence which the court has imposed or which may be imposed for the crime for which he is charged. (b) Whoever escapes or attempts by force or violence to escape from any confinement for contempt of court, shall, upon conviction, be found guilty of a misdemeanor and sentenced to imprisonment not to exceed six (6) months in the county jail. (2) Anyone confined in any jail who is entrusted by any authorized person to leave the jail for any purpose and who willfully fails to return to the jail within the stipulated time, or after the accomplishment of the purpose for which he was entrusted to leave, shall be an escapee and shall be subject to the penalties provided in subsection (1). Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(22); 1857, ch. 64, art. 95; 1871, § 2560; 1880, § 2800; 1892, § 1077; 1906, § 1157; Hemingway's 1917, § 884; 1930, § 910; 1942, § 2139; Laws, 1972, ch. 323, § 1; Laws, 1978, ch. 414, § 2; Laws, 1983, ch. 387, § 1; Laws, 2002, ch. 328, § 2; Laws, 2006, ch. 358, § 1, eff. 7/1/2006. Amended by Laws, 2022, ch. 493, SB 2437, § 4, eff. 7/1/2022. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(22); 1857, ch. 64, art. 95; 1871, § 2560; 1880, § 2800; 1892, § 1077; 1906, § 1157; Hemingway's 1917, § 884; 1930, § 910; 1942, § 2139; Laws, 1972, ch. 323, § 1; Laws, 1978, ch. 414, § 2; Laws, 1983, ch. 387, § 1; Laws, 2002, ch. 328, § 2; Laws, 2006, ch. 358, § 1, eff. 7/1/2006. Amended by Laws, 2022, ch. 493, SB 2437, § 4, eff. 7/1/2022.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129) Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79) Section 97-9-5 - Bribery; jurors, arbitrators, and referees accepting, and person promising them, punished

If any person drawn, summoned, chosen, or appointed as a juror, arbitrator, or referee shall, corruptly take or receive any gratuity, gift, or reward whatever, or any promise thereof, or if the wife of such person, with his knowledge and consent, shall so take or receive, to influence any verdict, award, or report of such juror, arbitrator, or referee, he shall, on conviction, be imprisoned in the penitentiary not more than five years, or in the county jail not more than one year, or fined one thousand dollars, or both, and any person who shall make or offer any such gratuity, reward, or any promise thereof, shall, on conviction, suffer the same penalty. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(11); 1857, ch. 64, art. 36; 1871, § 2513; 1880, § 2729; 1892, § 983; 1906, § 1059; Hemingway's 1917, § 787; 1930, § 803; 1942, § 2029. If any person drawn, summoned, chosen, or appointed as a juror, arbitrator, or referee shall, corruptly take or receive any gratuity, gift, or reward whatever, or any promise thereof, or if the wife of such person, with his knowledge and consent, shall so take or receive, to influence any verdict, award, or report of such juror, arbitrator, or referee, he shall, on conviction, be imprisoned in the penitentiary not more than five years, or in the county jail not more than one year, or fined one thousand dollars, or both, and any person who shall make or offer any such gratuity, reward, or any promise thereof, shall, on conviction, suffer the same penalty. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(11); 1857, ch. 64, art. 36; 1871, § 2513; 1880, § 2729; 1892, § 983; 1906, § 1059; Hemingway's 1917, § 787; 1930, § 803; 1942, § 2029. If any person drawn, summoned, chosen, or appointed as a juror, arbitrator, or referee shall, corruptly take or receive any gratuity, gift, or reward whatever, or any promise thereof, or if the wife of such person, with his knowledge and consent, shall so take or receive, to influence any verdict, award, or report of such juror, arbitrator, or referee, he shall, on conviction, be imprisoned in the penitentiary not more than five years, or in the county jail not more than one year, or fined one thousand dollars, or both, and any person who shall make or offer any such gratuity, reward, or any promise thereof, shall, on conviction, suffer the same penalty. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(11); 1857, ch. 64, art. 36; 1871, § 2513; 1880, § 2729; 1892, § 983; 1906, § 1059; Hemingway's 1917, § 787; 1930, § 803; 1942, § 2029. If any person drawn, summoned, chosen, or appointed as a juror, arbitrator, or referee shall, corruptly take or receive any gratuity, gift, or reward whatever, or any promise thereof, or if the wife of such person, with his knowledge and consent, shall so take or receive, to influence any verdict, award, or report of such juror, arbitrator, or referee, he shall, on conviction, be imprisoned in the penitentiary not more than five years, or in the county jail not more than one year, or fined one thousand dollars, or both, and any person who shall make or offer any such gratuity, reward, or any promise thereof, shall, on conviction, suffer the same penalty. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(11); 1857, ch. 64, art. 36; 1871, § 2513; 1880, § 2729; 1892, § 983; 1906, § 1059; Hemingway's 1917, § 787; 1930, § 803; 1942, § 2029.

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If a grand juror, witness, district attorney, clerk, sheriff, or any other officer of the court, disclose the fact of an indictment being found or returned into court against a defendant, or disclose any action or proceeding had in relation thereto, before the finding of the indictment, or in six months thereafter, or until after the defendant shall have been arrested or given bail or recognizance to answer thereto, he shall be fined not more than two hundred dollars. Codes, 1857, ch. 64, art. 260; 1871, § 2797; 1880, § 3008; 1892, § 1349; 1906, § 1421; Hemingway's 1917, § 1177; 1930, § 1201; 1942, § 2444. If a grand juror, witness, district attorney, clerk, sheriff, or any other officer of the court, disclose the fact of an indictment being found or returned into court against a defendant, or disclose any action or proceeding had in relation thereto, before the finding of the indictment, or in six months thereafter, or until after the defendant shall have been arrested or given bail or recognizance to answer thereto, he shall be fined not more than two hundred dollars. Codes, 1857, ch. 64, art. 260; 1871, § 2797; 1880, § 3008; 1892, § 1349; 1906, § 1421; Hemingway's 1917, § 1177; 1930, § 1201; 1942, § 2444. If a grand juror, witness, district attorney, clerk, sheriff, or any other officer of the court, disclose the fact of an indictment being found or returned into court against a defendant, or disclose any action or proceeding had in relation thereto, before the finding of the indictment, or in six months thereafter, or until after the defendant shall have been arrested or given bail or recognizance to answer thereto, he shall be fined not more than two hundred dollars. Codes, 1857, ch. 64, art. 260; 1871, § 2797; 1880, § 3008; 1892, § 1349; 1906, § 1421; Hemingway's 1917, § 1177; 1930, § 1201; 1942, § 2444. If a grand juror, witness, district attorney, clerk, sheriff, or any other officer of the court, disclose the fact of an indictment being found or returned into court against a defendant, or disclose any action or proceeding had in relation thereto, before the finding of the indictment, or in six months thereafter, or until after the defendant shall have been arrested or given bail or recognizance to answer thereto, he shall be fined not more than two hundred dollars. Codes, 1857, ch. 64, art. 260; 1871, § 2797; 1880, § 3008; 1892, § 1349; 1906, § 1421; Hemingway's 1917, § 1177; 1930, § 1201; 1942, § 2444.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129) Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79) Section 97-9-55 - Intimidating judge, juror, witness, attorney, etc., or otherwise obstructing justice

If any person or persons by threats, force or abuse, attempt to intimidate or otherwise influence a judge, justice of the peace, juror, or one whose name has been drawn for jury service, witness, prosecuting or defense attorney or any other officer in the discharge of his

duties, or by such force, abuse or reprisals or threats thereof after the performance of such duties, or to obstruct or impede the administration of justice in any court, he shall, upon conviction, be punished by imprisonment not less than one (1) month in the county jail nor more than two (2) years in the state penitentiary or by a fine not exceeding five hundred dollars (\$500.00), or both such fine and imprisonment. Codes, 1880, § 2976; 1892, § 1222; 1906, § 1298; Hemingway's 1917, § 1031; 1930, § 1062; 1942, § 2294; Laws, 1926, ch. 149; Laws, 1964, ch. 352, eff. 3/12/1964. If any person or persons by threats, force or abuse, attempt to intimidate or otherwise influence a judge, justice of the peace, juror, or one whose name has been drawn for jury service, witness, prosecuting or defense attorney or any other officer in the discharge of his duties, or by such force, abuse or reprisals or threats thereof after the performance of such duties, or to obstruct or impede the administration of justice in any court, he shall, upon conviction, be punished by imprisonment not less than one (1) month in the county jail nor more than two (2) years in the state penitentiary or by a fine not exceeding five hundred dollars (\$500.00), or both such fine and imprisonment. Codes, 1880, § 2976; 1892, § 1222; 1906, § 1298; Hemingway's 1917, § 1031; 1930, § 1062; 1942, § 2294; Laws, 1926, ch. 149; Laws, 1964, ch. 352, eff. 3/12/1964. If any person or persons by threats, force or abuse, attempt to intimidate or otherwise influence a judge, justice of the peace, juror, or one whose name has been drawn for jury service, witness, prosecuting or defense attorney or any other officer in the discharge of his duties, or by such force, abuse or reprisals or threats thereof after the performance of such duties, or to obstruct or impede the administration of justice in any court, he shall, upon conviction, be punished by imprisonment not less than one (1) month in the county jail nor more than two (2) years in the state penitentiary or by a fine not exceeding five hundred dollars (\$500.00), or both such fine and imprisonment. Codes, 1880, § 2976; 1892, § 1222; 1906, § 1298; Hemingway's 1917, § 1031; 1930, § 1062; 1942, § 2294; Laws, 1926, ch. 149; Laws, 1964, ch. 352, eff. 3/12/1964.

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The sheriff, bailiff, or other officer, shall not be in the room or converse with a juror after the jury has retired from the bar, save by order of the court. A violation of this section shall subject the offender to a fine of fifty dollars and one week's imprisonment for a contempt. Codes, Hutchinson's 1848, ch. 61, art. 1(137); 1857, ch. 61, art. 156; 1871, § 638; 1880, § 1711; 1892, § 729; 1906, § 790; Hemingway's 1917, § 574; 1930, § 583; 1942, § 1527. The sheriff, bailiff, or other officer, shall not be in the room or converse with a juror after the jury has retired from the bar, save by order of the court. A violation of this section shall subject the offender to a fine of fifty dollars and one week's imprisonment for a contempt. Codes, Hutchinson's 1848, ch. 61, art. 1(137); 1857, ch. 61, art. 156; 1871, § 638; 1880, § 1711; 1892, § 729; 1906, § 790; Hemingway's 1917, § 574; 1930, § 583; 1942, § 1527. The sheriff, bailiff, or other officer, shall not be in the room or converse with a juror after the jury has retired from the bar, save by order of the court. A violation of this section shall subject the offender to a fine of fifty dollars and one week's imprisonment for a contempt. Codes, Hutchinson's 1848, ch. 61, art. 1(137); 1857, ch. 61, art. 156; 1871, § 638; 1880, § 1711; 1892, § 729; 1906, § 790; Hemingway's 1917, § 574; 1930, § 583; 1942, § 1527.

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Every person who shall wilfully and corruptly swear, testify, or affirm falsely to any material matter under any oath, affirmation, or declaration legally administered in any matter, cause, or proceeding pending in any court of law or equity, or before any officer thereof, or in any case where an oath or affirmation is required by law or is necessary for the prosecution or defense of any private right or for the ends of public justice, or in any matter or proceeding before any tribunal or officer created by the Constitution or by law, or where any oath may be lawfully required by any judicial, executive, or administrative officer, shall be guilty of perjury, and shall not thereafter be received as a witness to be sworn in any matter or cause whatever, until the judgment against him be reversed. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(1); 1857, ch. 64, art. 204; 1871, § 2660; 1880, § 2921; 1892, § 1243; 1906, § 1318; Hemingway's 1917, § 1051; 1930, § 1082; 1942, § 2315. Every person who shall wilfully and corruptly swear, testify, or affirm falsely to any material matter under any oath, affirmation, or declaration legally administered in any matter, cause, or proceeding pending in any court of law or equity, or before any officer thereof, or in any case where an oath or affirmation is required by law or is necessary for the prosecution or defense of any private right or for the ends of public justice, or in any matter or proceeding before any tribunal or officer created by the Constitution or by law, or where any oath may be lawfully required by

any judicial, executive, or administrative officer, shall be guilty of perjury, and shall not thereafter be received as a witness to be sworn in any matter or cause whatever, until the judgment against him be reversed. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(1); 1857, ch. 64, art. 204; 1871, § 2660; 1880, § 2921; 1892, § 1243; 1906, § 1318; Hemingway's 1917, § 1051; 1930, § 1082; 1942, § 2315. Every person who shall wilfully and corruptly swear, testify, or affirm falsely to any material matter under any oath, affirmation, or declaration legally administered in any matter, cause, or proceeding pending in any court of law or equity, or before any officer thereof, or in any case where an oath or affirmation is required by law or is necessary for the prosecution or defense of any private right or for the ends of public justice, or in any matter or proceeding before any tribunal or officer created by the Constitution or by law, or where any oath may be lawfully required by any judicial, executive, or administrative officer, shall be guilty of perjury, and shall not thereafter be received as a witness to be sworn in any matter or cause whatever, until the judgment against him be reversed. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(1); 1857, ch. 64, art. 204; 1871, § 2660; 1880, § 2921; 1892, § 1243; 1906, § 1318; Hemingway's 1917, § 1051; 1930, § 1082; 1942, § 2315. Every person who shall wilfully and corruptly swear, testify, or affirm falsely to any material matter under any oath, affirmation, or declaration legally administered in any matter, cause, or proceeding pending in any court of law or equity, or before any officer thereof, or in any case where an oath or affirmation is required by law or is necessary for the prosecution or defense of any private right or for the ends of public justice, or in any matter or proceeding before any tribunal or officer created by the Constitution or by law, or where any oath may be lawfully required by any judicial, executive, or administrative officer, shall be guilty of perjury, and shall not thereafter be received as a witness to be sworn in any matter or cause whatever, until the judgment against him be reversed. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(1); 1857, ch. 64, art. 204; 1871, § 2660; 1880, § 2921; 1892, § 1243; 1906, § 1318; Hemingway's 1917, § 1051; 1930, § 1082; 1942, § 2315.

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Persons convicted of perjury shall be punished by imprisonment in the penitentiary as follows: For perjury committed on the trial of any indictment for a capital offense or for any other felony, for a term not less than ten years; for perjury committed on any other judicial trial or inquiry, or in any other case, for a term not exceeding ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(2); 1857, ch. 64, art. 205; 1871, § 2661; 1880, § 2922; 1892, § 1244; 1906, § 1319; Hemingway's 1917, § 1052; 1930, § 1083; 1942, § 2316. Persons convicted of perjury shall be punished by imprisonment in the penitentiary as follows: For perjury committed on the trial of any indictment for a capital offense or for any other felony, for a term not less than ten years; for perjury committed on any other judicial trial or inquiry, or in any other case, for a term not exceeding ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(2); 1857, ch. 64, art. 205; 1871, § 2661; 1880, § 2922; 1892, § 1244; 1906, § 1319; Hemingway's 1917, § 1052; 1930, § 1083; 1942, § 2316. Persons convicted of perjury shall be punished by imprisonment in the penitentiary as follows: For perjury committed on the trial of any indictment for a capital offense or for any other felony, for a term not less than ten years; for perjury committed on any other judicial trial or inquiry, or in any other case, for a term not exceeding ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(2); 1857, ch. 64, art. 205; 1871, § 2661; 1880, § 2922; 1892, § 1244; 1906, § 1319; Hemingway's 1917, § 1052; 1930, § 1083; 1942, § 2316. Persons convicted of perjury shall be punished by imprisonment in the penitentiary as follows: For perjury committed on the trial of any indictment for a capital offense or for any other felony, for a term not less than ten years; for perjury committed on any other judicial trial or inquiry, or in any other case, for a term not exceeding ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(2); 1857, ch. 64, art. 205; 1871, § 2661; 1880, § 2922; 1892, § 1244; 1906, § 1319; Hemingway's 1917, § 1052; 1930, § 1083; 1942, § 2316.

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Every person who shall unlawfully or corruptly procure any witness, by any means whatever, to commit wilful and corrupt perjury in any case, matter, or proceedings, in or concerning which such witness shall be legally sworn and examined, shall be guilty of subornation of perjury, and shall not thereafter be received as a witness to be sworn in any matter or cause whatever, until the judgment against him be reversed, and shall be punished by imprisonment in the penitentiary not exceeding ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(3); 1857, ch. 64, art. 206; 1871, § 2662; 1880, § 2923; 1892, § 1245; 1906, § 1320; Hemingway's 1917, § 1053; 1930, § 1084; 1942, § 2317. Every person who shall unlawfully or corruptly procure any witness, by any means whatever, to commit wilful and corrupt perjury in any case, matter, or proceedings, in or concerning which such witness shall be legally sworn and examined, shall be guilty of subornation of perjury, and shall not thereafter be received as a witness to be sworn in any matter or cause whatever, until the judgment against him be reversed, and shall be punished by imprisonment in the penitentiary not exceeding ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(3); 1857, ch. 64, art. 206; 1871, § 2662; 1880, § 2923; 1892, § 1245; 1906, § 1320; Hemingway's 1917, § 1053; 1930, § 1084; 1942, § 2317. Every person who shall unlawfully or corruptly procure any witness, by any means whatever, to commit wilful and corrupt perjury in any case, matter, or proceedings, in or concerning which such witness shall be legally sworn and examined, shall be guilty of subornation of perjury, and shall not thereafter be received as a witness to be sworn in any matter or cause whatever, until the judgment against him be reversed, and shall be punished by imprisonment in the penitentiary not exceeding ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(3);

1857, ch. 64, art. 206; 1871, § 2662; 1880, § 2923; 1892, § 1245; 1906, § 1320; Hemingway's 1917, § 1053; 1930, § 1084; 1942, § 2317. Every person who shall unlawfully or corruptly procure any witness, by any means whatever, to commit wilful and corrupt perjury in any case, matter, or proceedings, in or concerning which such witness shall be legally sworn and examined, shall be guilty of subornation of perjury, and shall not thereafter be received as a witness to be sworn in any matter or cause whatever, until the judgment against him be reversed, and shall be punished by imprisonment in the penitentiary not exceeding ten years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(3); 1857, ch. 64, art. 206; 1871, § 2662; 1880, § 2923; 1892, § 1245; 1906, § 1320; Hemingway's 1917, § 1053; 1930, § 1084; 1942, § 2317.

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Every person who shall, by the offer of any valuable consideration, attempt, unlawfully and corruptly, to procure any other person to commit wilful and corrupt perjury as a witness in any cause, matter, or proceeding in or concerning which such other person might by law be examined as a witness, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding five years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(8); 1857, ch. 64, art. 210; 1871, § 2663; 1880, § 2927; 1892, § 1246; 1906, § 1321; Hemingway's 1917, § 1954; 1930, § 1085; 1942, § 2318. Every person who shall, by the offer of any valuable consideration, attempt, unlawfully and corruptly, to procure any other person to commit wilful and corrupt perjury as a witness in any cause, matter, or proceeding in or concerning which such other person might by law be examined as a witness, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding five years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(8); 1857, ch. 64, art. 210; 1871, § 2663; 1880, § 2927; 1892, § 1246; 1906, § 1321; Hemingway's 1917, § 1954; 1930, § 1085; 1942, § 2318. Every person who shall, by the offer of any valuable consideration, attempt, unlawfully and corruptly, to procure any other person to commit wilful and corrupt perjury as a witness in any cause, matter, or proceeding in or concerning which such other person might by law be examined as a witness, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding five years. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(8); 1857, ch. 64, art. 210; 1871, § 2663; 1880, § 2927; 1892, § 1246; 1906, § 1321; Hemingway's 1917, § 1954; 1930, § 1085; 1942, § 2318.

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(1) Whoever, with intent of interfering with, obstructing or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the State of Mississippi, or in or near a building or residence occupied or used by such judge, juror, witness or court officer, or which such intent uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six months, or both. (2) Nothing in this section shall interfere with or prevent the exercise by any court of the State of Mississippi of its power to punish for contempt. Codes, 1942, § 2318.7; Laws, 1965, Ex Sess, ch. 6, §§ 1, 2, eff. 6/18/1965. (1) Whoever, with intent of interfering with, obstructing or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the State of Mississippi, or in or near a building or residence occupied or used by such judge, juror, witness or court officer, or which such intent uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six months, or both. (2) Nothing in this section shall interfere with or prevent the exercise by any court of the State of Mississippi of its power to punish for contempt. Codes, 1942, § 2318.7; Laws, 1965, Ex Sess, ch. 6, §§ 1, 2, eff. 6/18/1965. (1) Whoever, with intent of interfering with, obstructing or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of his duty, pickets or parades in or near a building housing a court of the State of Mississippi, or in or near a building or residence occupied or used by such judge, juror, witness or court officer, or which such intent uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six months, or both. (2) Nothing in this section shall interfere with or prevent the exercise by any court of the State of Mississippi of its power to punish for contempt. Codes, 1942, § 2318.7; Laws, 1965, Ex Sess, ch. 6, §§ 1, 2, eff. 6/18/1965. Codes, 1942, § 2318.7; Laws, 1965, Ex Sess, ch. 6, §§ 1, 2, eff. 6/18/1965.

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Any person who shall, without authority of law, remove property of his own or of any other person which he knows has been levied

on by virtue of any legal process, upon conviction, shall be punishable by fine, not exceeding five hundred dollars, and by imprisonment, not exceeding six months, in the county jail. Codes, 1880, § 2982; 1892, § 1224; 1906, § 1300; Hemingway's 1917, § 1033; 1930, § 1064; 1942, § 2296. Any person who shall, without authority of law, remove property of his own or of any other person which he knows has been levied on by virtue of any legal process, upon conviction, shall be punishable by fine, not exceeding five hundred dollars, and by imprisonment, not exceeding six months, in the county jail. Codes, 1880, § 2982; 1892, § 1224; 1906, § 1300; Hemingway's 1917, § 1033; 1930, § 1064; 1942, § 2296. Any person who shall, without authority of law, remove property of his own or of any other person which he knows has been levied on by virtue of any legal process, upon conviction, shall be punishable by fine, not exceeding five hundred dollars, and by imprisonment, not exceeding six months, in the county jail. Codes, 1880, § 2982; 1892, § 1224; 1906, § 1300; Hemingway's 1917, § 1033; 1930, § 1064; 1942, § 2296. Any person who shall, without authority of law, remove property of his own or of any other person which he knows has been levied on by virtue of any legal process, upon conviction, shall be punishable by fine, not exceeding five hundred dollars, and by imprisonment, not exceeding six months, in the county jail. Codes, 1880, § 2982; 1892, § 1224; 1906, § 1300; Hemingway's 1917, § 1033; 1930, § 1064; 1942, § 2296.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129) Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79) Section 97-9-7 - Bribery; taking reward for compounding or concealing, etc. crime punishable by death or life imprisonment

Every person having a knowledge of the actual commission of any offense punishable by death or by imprisonment in the penitentiary for life, who shall take any money or property of another, or any gratuity or reward, or any engagement or promise therefor, upon any agreement or understanding, express or implied, to compound or conceal any such crime, or to abstain from any prosecution thereof, or to withhold any evidence thereof, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding five years, or in the county jail not exceeding one year. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(17); 1857, ch. 64, art. 40; 1871, § 2517; 1880, § 2733; 1892, § 987; 1906, § 1063; Hemingway's 1917, § 791; 1930, § 807; 1942, § 2033. Every person having a knowledge of the actual commission of any offense punishable by death or by imprisonment in the penitentiary for life, who shall take any money or property of another, or any gratuity or reward, or any engagement or promise therefor, upon any agreement or understanding, express or implied, to compound or conceal any such crime, or to abstain from any prosecution thereof, or to withhold any evidence thereof, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding five years, or in the county jail not exceeding one year. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(17); 1857, ch. 64, art. 40; 1871, § 2517; 1880, § 2733; 1892, § 987; 1906, § 1063; Hemingway's 1917, § 791; 1930, § 807; 1942, § 2033. Every person having a knowledge of the actual commission of any offense punishable by death or by imprisonment in the penitentiary for life, who shall take any money or property of another, or any gratuity or reward, or any engagement or promise therefor, upon any agreement or understanding, express or implied, to compound or conceal any such crime, or to abstain from any prosecution thereof, or to withhold any evidence thereof, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding five years, or in the county jail not exceeding one year. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(17); 1857, ch. 64, art. 40; 1871, § 2517; 1880, § 2733; 1892, § 987; 1906, § 1063; Hemingway's 1917, § 791; 1930, § 807; 1942, § 2033. Every person having a knowledge of the actual commission of any offense punishable by death or by imprisonment in the penitentiary for life, who shall take any money or property of another, or any gratuity or reward, or any engagement or promise therefor, upon any agreement or understanding, express or implied, to compound or conceal any such crime, or to abstain from any prosecution thereof, or to withhold any evidence thereof, shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding five years, or in the county jail not exceeding one year. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(17); 1857, ch. 64, art. 40; 1871, § 2517; 1880, § 2733; 1892, § 987; 1906, § 1063; Hemingway's 1917, § 791; 1930, § 807; 1942, § 2033.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129) Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79) Section 97-9-71 - Property subject to seizure; refusing or failing to point out to officers

If any person shall have in his possession or under his control personal property of any kind subject to seizure by virtue of any legal process in the hands of any state or federal law enforcement officer, as the property of another or as subject to such process, and shall refuse or omit to point out such property to such officer on his demanding it, and to permit him to take possession of it, he shall, upon conviction, be subject to a fine of not less than the value of such property, nor more than double such value, or to imprisonment in the county jail not less than one (1) month nor more than six (6) months, or to both such fine and imprisonment. Codes, 1880, § 2981; 1892, § 1223; 1906, § 1299; Hemingway's 1917, § 1032; 1930, § 1063; 1942, § 2295; Laws, 1993, ch. 547, § 3, eff. 4/15/1993. If any person shall have in his possession or under his control personal property of any kind subject to seizure by virtue of any legal process in the hands of any state or federal law enforcement officer, as the property of another or as subject to such process, and shall refuse or omit to point out such property to such officer on his demanding it, and to permit him to take possession of it, he shall, upon conviction, be subject to a fine of not less than the value of such property, nor more than double such value, or to imprisonment in the county jail not less than one (1) month nor more than six (6) months, or to both such fine and imprisonment. Codes, 1880, § 2981; 1892, § 1223; 1906, § 1299; Hemingway's 1917, § 1032; 1930, § 1063; 1942, § 2295; Laws, 1993, ch. 547, § 3, eff. 4/15/1993. If any person shall have in his possession or under his control personal property of any kind subject to seizure by virtue of any legal process in the hands of any state or federal law enforcement officer, as

the property of another or as subject to such process, and shall refuse or omit to point out such property to such officer on his demanding it, and to permit him to take possession of it, he shall, upon conviction, be subject to a fine of not less than the value of such property, nor more than double such value, or to imprisonment in the county jail not less than one (1) month nor more than six (6) months, or to both such fine and imprisonment. Codes, 1880, § 2981; 1892, § 1223; 1906, § 1299; Hemingway's 1917, § 1032; 1930, § 1063; 1942, § 2295; Laws, 1993, ch. 547, § 3, eff. 4/15/1993. If any person shall have in his possession or under his control personal property of any kind subject to seizure by virtue of any legal process in the hands of any state or federal law enforcement officer, as the property of another or as subject to such process, and shall refuse or omit to point out such property to such officer on his demanding it, and to permit him to take possession of it, he shall, upon conviction, be subject to a fine of not less than the value of such property, nor more than double such value, or to imprisonment in the county jail not less than one (1) month nor more than six (6) months, or to both such fine and imprisonment. Codes, 1880, § 2981; 1892, § 1223; 1906, § 1299; Hemingway's 1917, § 1032; 1930, § 1063; 1942, § 2295; Laws, 1993, ch. 547, § 3, eff. 4/15/1993.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129) Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79) Section 97-9-72 - Fleeing or eluding a law enforcement officer in a motor vehicle; felonies; sanctions; defenses

(1) The driver of a motor vehicle who is given a visible or audible signal by a law enforcement officer by hand, voice, emergency light or siren directing the driver to bring his motor vehicle to a stop when such signal is given by a law enforcement officer acting in the lawful performance of duty who has a reasonable suspicion to believe that the driver in question has committed a crime, and who willfully fails to obey such direction shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisoned in the county jail for a term not to exceed six (6) months, or both. (2) Any person who is guilty of violating subsection (1) of this section by operating a motor vehicle in such a manner as to indicate a reckless or willful disregard for the safety of persons or property, or who so operates a motor vehicle in a manner manifesting extreme indifference to the value of human life, shall be guilty of a felony, and upon conviction thereof, shall be punished by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by commitment to the custody of the Mississippi Department of Corrections for not more than ten (10) years, or both. (3) Any person who is guilty of violating subsection (1) of this section, which violation results in serious bodily injury of another, upon conviction, shall be committed to the custody of the Department of Corrections for not less than five (5) nor more than twenty (20) years of imprisonment. (4) Any person who is guilty of violating subsection (1) of this section, which violation results in the death of another, upon conviction, shall be committed to the custody of the Department of Corrections for not less than seven (7) nor more than forty (40) years. (5) It is a defense to prosecution under this section: (a) That the law enforcement officer was not in uniform or that no law enforcement vehicle used in the attempted stop was clearly marked as a law enforcement vehicle; or (b) That the driver proceeded in a safe manner to a reasonably near well-lit public place before stopping. Laws, 2004, ch. 487, § 1, eff. 7/1/2004. Amended by Laws, 2023, ch. 538, SB 2101, § 1, eff. 7/1/2023. (1) The driver of a motor vehicle who is given a visible or audible signal by a law enforcement officer by hand, voice, emergency light or siren directing the driver to bring his motor vehicle to a stop when such signal is given by a law enforcement officer acting in the lawful performance of duty who has a reasonable suspicion to believe that the driver in question has committed a crime, and who willfully fails to obey such direction shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisoned in the county jail for a term not to exceed six (6) months, or both. (2) Any person who is guilty of violating subsection (1) of this section by operating a motor vehicle in such a manner as to indicate a reckless or willful disregard for the safety of persons or property, or who so operates a motor vehicle in a manner manifesting extreme indifference to the value of human life, shall be guilty of a felony, and upon conviction thereof, shall be punished by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by commitment to the custody of the Mississippi Department of Corrections for not more than ten (10) years, or both. (3) Any person who is guilty of violating subsection (1) of this section, which violation results in serious bodily injury of another, upon conviction, shall be committed to the custody of the Department of Corrections for not less than five (5) nor more than twenty (20) years of imprisonment. (4) Any person who is guilty of violating subsection (1) of this section, which violation results in the death of another, upon conviction, shall be committed to the custody of the Department of Corrections for not less than seven (7) nor more than forty (40) years. (5) It is a defense to prosecution under this section: (a) That the law enforcement officer was not in uniform or that no law enforcement vehicle used in the attempted stop was clearly marked as a law enforcement vehicle; or (b) That the driver proceeded in a safe manner to a reasonably near well-lit public place before stopping. Laws, 2004, ch. 487, § 1, eff. 7/1/2004. Amended by Laws, 2023, ch. 538, SB 2101, § 1, eff. 7/1/2023. (1) The driver of a motor vehicle who is given a visible or audible signal by a law enforcement officer by hand, voice, emergency light or siren directing the driver to bring his motor vehicle to a stop when such signal is given by a law enforcement officer acting in the lawful performance of duty who has a reasonable suspicion to believe that the driver in question has committed a crime, and who willfully fails to obey such direction shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisoned in the county jail for a term not to exceed six (6) months, or both. (2) Any person who is guilty of violating subsection (1) of this section by operating a motor vehicle in such a manner as to indicate a reckless or willful disregard for the safety of persons or property, or who so operates a motor vehicle in a manner manifesting extreme indifference to the value of human life, shall be guilty of a felony, and upon conviction thereof, shall be punished by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by commitment to the custody of the Mississippi Department of Corrections for not more than ten (10) years, or both. (3) Any person who is guilty of violating subsection (1) of this section, which violation results in serious bodily injury of another, upon conviction,

shall be committed to the custody of the Department of Corrections for not less than five (5) nor more than twenty (20) years of imprisonment.(4)Any person who is guilty of violating subsection (1) of this section, which violation results in the death of another, upon conviction, shall be committed to the custody of the Department of Corrections for not less than seven (7) nor more than forty (40) years.(5)It is a defense to prosecution under this section:(a)That the law enforcement officer was not in uniform or that no law enforcement vehicle used in the attempted stop was clearly marked as a law enforcement vehicle; or(b)That the driver proceeded in a safe manner to a reasonably near well-lit public place before stopping.Laws, 2004, ch. 487, § 1, eff. 7/1/2004.Amended by Laws, 2023, ch. 538, SB 2101,§ 1, eff. 7/1/2023. Laws, 2004, ch. 487, § 1, eff. 7/1/2004. Amended by Laws, 2023, ch. 538, SB 2101,§ 1, eff. 7/1/2023.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129)Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79)Section 97-9-73 - Resisting or obstructing arrest; fleeing or eluding law enforcement officer in motor vehicle

It shall be unlawful for any person to obstruct or resist by force, or violence, or threats, or in any other manner, his lawful arrest or the lawful arrest of another person by any state, local or federal law enforcement officer, and any person or persons so doing shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not more than six (6) months, or both.Codes, 1942, § 2292.5; Laws, 1960, ch. 261, § 1; Laws, 1993, ch. 547, § 4; Laws, 1994, ch. 592, § 5; Laws, 2003, ch. 536, § 1, eff. 7/1/2003. It shall be unlawful for any person to obstruct or resist by force, or violence, or threats, or in any other manner, his lawful arrest or the lawful arrest of another person by any state, local or federal law enforcement officer, and any person or persons so doing shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not more than six (6) months, or both.Codes, 1942, § 2292.5; Laws, 1960, ch. 261, § 1; Laws, 1993, ch. 547, § 4; Laws, 1994, ch. 592, § 5; Laws, 2003, ch. 536, § 1, eff. 7/1/2003. It shall be unlawful for any person to obstruct or resist by force, or violence, or threats, or in any other manner, his lawful arrest or the lawful arrest of another person by any state, local or federal law enforcement officer, and any person or persons so doing shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not more than six (6) months, or both. Codes, 1942, § 2292.5; Laws, 1960, ch. 261, § 1; Laws, 1993, ch. 547, § 4; Laws, 1994, ch. 592, § 5; Laws, 2003, ch. 536, § 1, eff. 7/1/2003.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129)Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79)Section 97-9-75 - Resisting service of process

Any person who knowingly and wilfully opposes or resists any officer or other authorized person in serving or attempting to serve or execute any legal writ or process, shall be guilty of a misdemeanor.Codes, 1880, § 2975; 1892, § 1221; 1906, § 1297; Hemingway's 1917, § 1030; 1930, § 1061; 1942, § 2293. Any person who knowingly and wilfully opposes or resists any officer or other authorized person in serving or attempting to serve or execute any legal writ or process, shall be guilty of a misdemeanor.Codes, 1880, § 2975; 1892, § 1221; 1906, § 1297; Hemingway's 1917, § 1030; 1930, § 1061; 1942, § 2293. Any person who knowingly and wilfully opposes or resists any officer or other authorized person in serving or attempting to serve or execute any legal writ or process, shall be guilty of a misdemeanor.Codes, 1880, § 2975; 1892, § 1221; 1906, § 1297; Hemingway's 1917, § 1030; 1930, § 1061; 1942, § 2293. Any person who knowingly and wilfully opposes or resists any officer or other authorized person in serving or attempting to serve or execute any legal writ or process, shall be guilty of a misdemeanor. Codes, 1880, § 2975; 1892, § 1221; 1906, § 1297; Hemingway's 1917, § 1030; 1930, § 1061; 1942, § 2293.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129)Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79)Section 97-9-77 - Wills; alteration, destruction or secretion

If any person shall wilfully alter or destroy any will or codicil without the consent of the party making the same, or shall wilfully secrete the same after the death of the testator shall be known to him, the person so offending, on conviction, shall be fined, or imprisoned in the county jail, or both; or shall be imprisoned in the penitentiary not exceeding two years.Codes, Hutchinson's 1848, ch. 64, art. 239; 1871, § 2700; 1880, § 2973; 1892, § 1327; 1906, § 1399; Hemingway's 1917, § 1142; 1930, § 1174; 1942, § 2417. If any person shall wilfully alter or destroy any will or codicil without the consent of the party making the same, or shall wilfully secrete the same after the death of the testator shall be known to him, the person so offending, on conviction, shall be fined, or imprisoned in the county jail, or both; or shall be imprisoned in the penitentiary not exceeding two years.Codes, Hutchinson's 1848, ch. 64, art. 239; 1871, § 2700; 1880, § 2973; 1892, § 1327; 1906, § 1399; Hemingway's 1917, § 1142; 1930, § 1174; 1942, § 2417. If any person shall wilfully alter or destroy any will or codicil without the consent of the party making the same, or shall wilfully secrete the same after the death of the testator shall be known to him, the person so offending, on conviction, shall be fined, or

imprisoned in the county jail, or both; or shall be imprisoned in the penitentiary not exceeding two years. Codes, Hutchinson's 1848, ch. 64, art. 239; 1871, § 2700; 1880, § 2973; 1892, § 1327; 1906, § 1399; Hemingway's 1917, § 1142; 1930, § 1174; 1942, § 2417. If any person shall wilfully alter or destroy any will or codicil without the consent of the party making the same, or shall wilfully secrete the same after the death of the testator shall be known to him, the person so offending, on conviction, shall be fined, or imprisoned in the county jail, or both; or shall be imprisoned in the penitentiary not exceeding two years. Codes, Hutchinson's 1848, ch. 64, art. 239; 1871, § 2700; 1880, § 2973; 1892, § 1327; 1906, § 1399; Hemingway's 1917, § 1142; 1930, § 1174; 1942, § 2417.

**Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 9 - OFFENSES AFFECTING
ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129) Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79) Section 97-9-79 -
Misdemeanor; false information**

Any person who shall make or cause to be made any false statement or representation as to his or another person's identity, social security account number or other identifying information to a law enforcement officer in the course of the officer's duties with the intent to mislead the officer shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than Five Thousand Dollars (\$5,000.00) or imprisoned for a term not to exceed one (1) year, or both. Laws, 1996, ch. 513, § 8, eff. 7/1/1996. Brought forward by Laws, 2014, ch. 457, HB 585, 74, eff. 7/1/2014. Any person who shall make or cause to be made any false statement or representation as to his or another person's identity, social security account number or other identifying information to a law enforcement officer in the course of the officer's duties with the intent to mislead the officer shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than Five Thousand Dollars (\$5,000.00) or imprisoned for a term not to exceed one (1) year, or both. Laws, 1996, ch. 513, § 8, eff. 7/1/1996. Brought forward by Laws, 2014, ch. 457, HB 585, 74, eff. 7/1/2014. Any person who shall make or cause to be made any false statement or representation as to his or another person's identity, social security account number or other identifying information to a law enforcement officer in the course of the officer's duties with the intent to mislead the officer shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than Five Thousand Dollars (\$5,000.00) or imprisoned for a term not to exceed one (1) year, or both. Laws, 1996, ch. 513, § 8, eff. 7/1/1996. Brought forward by Laws, 2014, ch. 457, HB 585, 74, eff. 7/1/2014. Any person who shall make or cause to be made any false statement or representation as to his or another person's identity, social security account number or other identifying information to a law enforcement officer in the course of the officer's duties with the intent to mislead the officer shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than Five Thousand Dollars (\$5,000.00) or imprisoned for a term not to exceed one (1) year, or both. Laws, 1996, ch. 513, § 8, eff. 7/1/1996. Brought forward by Laws, 2014, ch. 457, HB 585, 74, eff. 7/1/2014.

**Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 9 - OFFENSES AFFECTING
ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129) Article 1 - IN GENERAL (§§ 97-9-1 — 97-9-79) Section 97-9-9 -
Bribery; taking reward for compounding or concealing crime punishable by less than life imprisonment**

Every person having a knowledge of the actual commission of any offense punishable by imprisonment in the penitentiary for any other term than for life, who shall take any money or property of another, or any gratuity or reward, or any engagement or promise therefor, upon any agreement or understanding, expressed or implied, to compound or conceal any such crime, or to abstain from any prosecution therefor, or to withhold any evidence thereof shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding three years, or in the county jail not exceeding six months. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(18); 1857, ch. 64, art. 41; 1871, § 2518; 1880, § 2732; 1892, § 988; 1906, § 1064; Hemingway's 1917, § 792; 1930, § 808; 1942, § 2034. Every person having a knowledge of the actual commission of any offense punishable by imprisonment in the penitentiary for any other term than for life, who shall take any money or property of another, or any gratuity or reward, or any engagement or promise therefor, upon any agreement or understanding, expressed or implied, to compound or conceal any such crime, or to abstain from any prosecution therefor, or to withhold any evidence thereof shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding three years, or in the county jail not exceeding six months. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(18); 1857, ch. 64, art. 41; 1871, § 2518; 1880, § 2732; 1892, § 988; 1906, § 1064; Hemingway's 1917, § 792; 1930, § 808; 1942, § 2034. Every person having a knowledge of the actual commission of any offense punishable by imprisonment in the penitentiary for any other term than for life, who shall take any money or property of another, or any gratuity or reward, or any engagement or promise therefor, upon any agreement or understanding, expressed or implied, to compound or conceal any such crime, or to abstain from any prosecution therefor, or to withhold any evidence thereof shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding three years, or in the county jail not exceeding six months. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(18); 1857, ch. 64, art. 41; 1871, § 2518; 1880, § 2732; 1892, § 988; 1906, § 1064; Hemingway's 1917, § 792; 1930, § 808; 1942, § 2034. Every person having a knowledge of the actual commission of any offense punishable by imprisonment in the penitentiary for any other term than for life, who shall take any money or property of another, or any gratuity or reward, or any engagement or promise therefor, upon any agreement or understanding, expressed or implied, to compound or conceal any such crime, or to abstain from any prosecution therefor, or to withhold any evidence thereof shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding three years, or in the county jail not exceeding six months. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 7(18); 1857, ch. 64, art. 41; 1871, § 2518; 1880, § 2732; 1892, § 988; 1906, § 1064; Hemingway's 1917, § 792; 1930, § 808; 1942, § 2034.

Mississippi Code 1972 (2024) Title 97 - CRIMES (§§ 97-1-1 — 97-47-9) Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129) Article 3 - OBSTRUCTION OF JUSTICE (§§ 97-9-101 — 97-9-129) Section 97-9-101 - Definitions

The following words and phrases shall have the meanings ascribed unless the context clearly requires otherwise: (a) "Benefit" means any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary. (b) "Government" means the state, county, municipality or other political subdivision, agency, branch or department of any of the foregoing, and any corporation or other entity established by law to carry out any governmental function. (c) "Governmental function" means any activity which a public servant is legally authorized to undertake on behalf of a government. (d) "Harm" means loss, disadvantage or injury, or anything so regarded by the person affected, including loss, disadvantage or injury to any other person or entity in whose welfare he is interested. (e) "Juror" means any person who is a member of any jury, including a grand jury, impaneled by any court of this state or by any public servant authorized by law to impanel a jury. The term juror also includes any person who has been summoned or whose name has been drawn to attend as a prospective juror. (f) "Official proceeding" means any proceeding heard before any legislative, judicial, administrative or other government agency or official authorized to hear evidence under oath. (g) "Physical evidence" means any article, object, document, record or other thing of physical substance. (h) "Property" means any real or personal property, including books, records and documents. (i) "Public servant" means any officer or employee of government, including legislators and judges and any person participating as juror, advisor, consultant or otherwise, in performing a governmental function; but the term does not include witnesses. This term includes persons who have been elected, appointed or designated to become a public servant although not yet occupying that position. (j) "Testimony" means oral or written statements, documents or any other material that may be offered as evidence in an official proceeding or oral or written statements provided under oath to law enforcement during a felony criminal investigation. (k) "Threat" means any menace, however communicated, to: (i) cause bodily injury to the person threatened or another or commit any other criminal offense; (ii) cause damage to property or cause anyone to part with property; (iii) accuse anyone of a criminal offense; (iv) expose a secret or an asserted fact, whether true or false, tending to subject anyone to hatred, contempt or ridicule; (v) impair the credit or business reputation of any person; or (vi) take or withhold action as a public servant or cause a public servant to take or withhold action. Laws, 2006, ch. 387, § 1, eff. 7/1/2006. Amended by Laws, 2017, ch. 382, HB 1367, 1, eff. 7/1/2017. The following words and phrases shall have the meanings ascribed unless the context clearly requires otherwise: (a) "Benefit" means any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary. (b) "Government" means the state, county, municipality or other political subdivision, agency, branch or department of any of the foregoing, and any corporation or other entity established by law to carry out any governmental function. (c) "Governmental function" means any activity which a public servant is legally authorized to undertake on behalf of a government. (d) "Harm" means loss, disadvantage or injury, or anything so regarded by the person affected, including loss, disadvantage or injury to any other person or entity in whose welfare he is interested. (e) "Juror" means any person who is a member of any jury, including a grand jury, impaneled by any court of this state or by any public servant authorized by law to impanel a jury. The term juror also includes any person who has been summoned or whose name has been drawn to attend as a prospective juror. (f) "Official proceeding" means any proceeding heard before any legislative, judicial, administrative or other government agency or official authorized to hear evidence under oath. (g) "Physical evidence" means any article, object, document, record or other thing of physical substance. (h) "Property" means any real or personal property, including books, records and

documents.(i)"Public servant" means any officer or employee of government, including legislators and judges and any person participating as juror, advisor, consultant or otherwise, in performing a governmental function; but the term does not include witnesses. This term includes persons who have been elected, appointed or designated to become a public servant although not yet occupying that position.(j)"Testimony" means oral or written statements, documents or any other material that may be offered as evidence in an official proceeding or oral or written statements provided under oath to law enforcement during a felony criminal investigation.(k)"Threat" means any menace, however communicated, to:(i)cause bodily injury to the person threatened or another or commit any other criminal offense;(ii)cause damage to property or cause anyone to part with property;(iii)accuse anyone of a criminal offense;(iv)expose a secret or an asserted fact, whether true or false, tending to subject anyone to hatred, contempt or ridicule;(v)impair the credit or business reputation of any person; or(vi)take or withhold action as a public servant or cause a public servant to take or withhold action.Laws, 2006, ch. 387, § 1, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 1, eff. 7/1/2017. The following words and phrases shall have the meanings ascribed unless the context clearly requires otherwise: Laws, 2006, ch. 387, § 1, eff. 7/1/2006. Amended by Laws, 2017, ch. 382, HB 1367, 1, eff. 7/1/2017.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129)Article 3 - OBSTRUCTION OF JUSTICE (§§ 97-9-101 — 97-9-129)Section 97-9-103 - Hindering prosecution or apprehension; definition of "criminal assistance."

For the purposes of this article, a person "renders criminal assistance" to another if he knowingly:(a)Harbors or conceals the other person;(b)Warns the other person of impending discovery or apprehension, except that this paragraph (b) does not apply to a warning given in connection with an effort to bring another into compliance with the law;(c)Provides or aids in providing the other person with money, transportation, weapon, disguise or other means of avoiding discovery or apprehension;(d)Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery, apprehension, prosecution or conviction of the other person;(e)Suppresses, by an act of concealment, alteration or destruction, any physical evidence that might aid in the discovery, apprehension or conviction of the other person;(f)Threatens, harasses, or intimidates a witness or a person reasonably expected to be a witness in a criminal prosecution in an effort to prevent the person from testifying, giving evidence or assisting law enforcement in any way;(g)Provides false testimony, under oath, to the government about the person's knowledge or lack of knowledge of any criminal activity or information or investigation;(h)Provides false information, under oath, or signs an affidavit with false information exonerating or incriminating another person; or(i)Attempts to prevent law enforcement from discovering facts relating to another's criminal activity or engages in acts designed to interfere with or prevent a law enforcement investigation of another.Laws, 2006, ch. 387, § 2, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 2, eff. 7/1/2017. For the purposes of this article, a person "renders criminal assistance" to another if he knowingly:(a)Harbors or conceals the other person;(b)Warns the other person of impending discovery or apprehension, except that this paragraph (b) does not apply to a warning given in connection with an effort to bring another into compliance with the law;(c)Provides or aids in providing the other person with money, transportation, weapon, disguise or other means of avoiding discovery or apprehension;(d)Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery, apprehension, prosecution or conviction of the other person;(e)Suppresses, by an act of concealment, alteration or destruction, any physical evidence that might aid in the discovery, apprehension or conviction of the other person;(f)Threatens, harasses, or intimidates a witness or a person reasonably expected to be a witness in a criminal prosecution in an effort to prevent the person from testifying, giving evidence or assisting law enforcement in any way;(g)Provides false testimony, under oath, to the government about the person's knowledge or lack of knowledge of any criminal activity or information or investigation;(h)Provides false information, under oath, or signs an affidavit with false information exonerating or incriminating another person; or(i)Attempts to prevent law enforcement from discovering facts relating to another's criminal activity or engages in acts designed to interfere with or prevent a law enforcement investigation of another.Laws, 2006, ch. 387, § 2, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 2, eff. 7/1/2017. For the purposes of this article, a person "renders criminal assistance" to another if he knowingly:(a)Harbors or conceals the other person;(b)Warns the other person of impending discovery or apprehension, except that this paragraph (b) does not apply to a warning given in connection with an effort to bring another into compliance with the law;(c)Provides or aids in providing the other person with money, transportation, weapon, disguise or other means of avoiding discovery or apprehension;(d)Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery, apprehension, prosecution or conviction of the other person;(e)Suppresses, by an act of concealment, alteration or destruction, any physical evidence that might aid in the discovery, apprehension or conviction of the other person;(f)Threatens, harasses, or intimidates a witness or a person reasonably expected to be a witness in a criminal prosecution in an effort to prevent the person from testifying, giving evidence or assisting law enforcement in any way;(g)Provides false testimony, under oath, to the government about the person's knowledge or lack of knowledge of any criminal activity or information or investigation;(h)Provides false information, under oath, or signs an affidavit with false information exonerating or incriminating another person; or(i)Attempts to prevent law enforcement from discovering facts relating to another's criminal activity or engages in acts designed to interfere with or prevent a law enforcement investigation of another.Laws, 2006, ch. 387, § 2, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 2, eff. 7/1/2017. For the purposes of this article, a person "renders criminal assistance" to another if he knowingly: Laws, 2006, ch. 387, § 2, eff. 7/1/2006. Amended by Laws, 2017, ch. 382, HB 1367, 2, eff. 7/1/2017.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 9 - OFFENSES AFFECTING

ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129)Article 3 - OBSTRUCTION OF JUSTICE (§§ 97-9-101 — 97-9-129)Section 97-9-105 - Hindering prosecution in the first degree

(1)A person commits the crime of hindering prosecution in the first degree if:(a)With the intent to hinder the apprehension, prosecution, conviction or punishment of another for conduct constituting a felony, he renders criminal assistance to the other person; or(b)Prevents or attempts to prevent law enforcement from discovering facts relating to another's criminal activity or engages in acts designed to interfere with, or prevent a law enforcement investigation of another; or(c)Provides false information, under oath, or signs an affidavit with false information exonerating or incriminating another person.(2)Hindering prosecution in the first degree is a Class 1 felony.Laws, 2006, ch. 387, § 3, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 3, eff. 7/1/2017.

(1)A person commits the crime of hindering prosecution in the first degree if:(a)With the intent to hinder the apprehension, prosecution, conviction or punishment of another for conduct constituting a felony, he renders criminal assistance to the other person; or(b)Prevents or attempts to prevent law enforcement from discovering facts relating to another's criminal activity or engages in acts designed to interfere with, or prevent a law enforcement investigation of another; or(c)Provides false information, under oath, or signs an affidavit with false information exonerating or incriminating another person.(2)Hindering prosecution in the first degree is a Class 1 felony.Laws, 2006, ch. 387, § 3, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 3, eff. 7/1/2017.

(1)A person commits the crime of hindering prosecution in the first degree if:(a)With the intent to hinder the apprehension, prosecution, conviction or punishment of another for conduct constituting a felony, he renders criminal assistance to the other person; or(b)Prevents or attempts to prevent law enforcement from discovering facts relating to another's criminal activity or engages in acts designed to interfere with, or prevent a law enforcement investigation of another; or(c)Provides false information, under oath, or signs an affidavit with false information exonerating or incriminating another person.(2)Hindering prosecution in the first degree is a Class 1 felony.Laws, 2006, ch. 387, § 3, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 3, eff. 7/1/2017.

Laws, 2006, ch. 387, § 3, eff. 7/1/2006. Amended by Laws, 2017, ch. 382, HB 1367, 3, eff. 7/1/2017.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129)Article 3 - OBSTRUCTION OF JUSTICE (§§ 97-9-101 — 97-9-129)Section 97-9-107 - Hindering prosecution in the second degree

(1)A person commits the crime of hindering prosecution in the second degree if, with the intent to hinder the apprehension, prosecution, conviction or punishment of another for conduct constituting a misdemeanor, he renders criminal assistance to the other person.(2)Hindering prosecution in the second degree is a misdemeanor.Laws, 2006, ch. 387, § 4, eff. 7/1/2006. (1)A person commits the crime of hindering prosecution in the second degree if, with the intent to hinder the apprehension, prosecution, conviction or punishment of another for conduct constituting a misdemeanor, he renders criminal assistance to the other person.(2)Hindering prosecution in the second degree is a misdemeanor.Laws, 2006, ch. 387, § 4, eff. 7/1/2006. (1)A person commits the crime of hindering prosecution in the second degree if, with the intent to hinder the apprehension, prosecution, conviction or punishment of another for conduct constituting a misdemeanor, he renders criminal assistance to the other person.(2)Hindering prosecution in the second degree is a misdemeanor.Laws, 2006, ch. 387, § 4, eff. 7/1/2006. Laws, 2006, ch. 387, § 4, eff. 7/1/2006.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129)Article 3 - OBSTRUCTION OF JUSTICE (§§ 97-9-101 — 97-9-129)Section 97-9-109 - Bribing a witness

(1)A person commits the crime of bribing a witness if he intentionally or knowingly offers, confers or agrees to confer any benefit upon a witness or a person he believes will be called as a witness in any official proceeding with intent to:(a)Influence the testimony of that person;(b)Induce that person to avoid legal process summoning him to testify; or(c)Induce that person to absent himself from an official proceeding to which he has been legally summoned.(2)Bribing a witness is a Class 1 felony.Laws, 2006, ch. 387, § 5, eff. 7/1/2006. (1)A person commits the crime of bribing a witness if he intentionally or knowingly offers, confers or agrees to confer any benefit upon a witness or a person he believes will be called as a witness in any official proceeding with intent to:(a)Influence the testimony of that person;(b)Induce that person to avoid legal process summoning him to testify; or(c)Induce that person to absent himself from an official proceeding to which he has been legally summoned.(2)Bribing a witness is a Class 1 felony.Laws, 2006, ch. 387, § 5, eff. 7/1/2006. (1)A person commits the crime of bribing a witness if he intentionally or knowingly offers, confers or agrees to confer any benefit upon a witness or a person he believes will be called as a witness in any official proceeding with intent to:(a)Influence the testimony of that person;(b)Induce that person to avoid legal process summoning him to testify; or(c)Induce that person to absent himself from an official proceeding to which he has been legally summoned.(2)Bribing a witness is a Class 1 felony.Laws, 2006, ch. 387, § 5, eff. 7/1/2006. Laws, 2006, ch. 387, § 5, eff. 7/1/2006.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129)Article 3 - OBSTRUCTION OF JUSTICE (§§ 97-9-101 — 97-9-129)Section 97-9-111 - Bribe receiving by a witness

(1)A witness or a person believing he will be called as a witness in any official proceeding commits the crime of bribe receiving by a witness if he intentionally or knowingly solicits, accepts or agrees to accept any benefit upon an agreement or understanding

that:(a)His testimony will thereby be influenced;(b)He will attempt to avoid legal process summoning him to testify; or(c)He will absent himself from an official proceeding to which he has been legally summoned.(2)Bribe receiving by a witness is a Class 1 felony.Laws, 2006, ch. 387, § 6, eff. 7/1/2006. (1)A witness or a person believing he will be called as a witness in any official proceeding commits the crime of bribe receiving by a witness if he intentionally or knowingly solicits, accepts or agrees to accept any benefit upon an agreement or understanding that:(a)His testimony will thereby be influenced;(b)He will attempt to avoid legal process summoning him to testify; or(c)He will absent himself from an official proceeding to which he has been legally summoned.(2)Bribe receiving by a witness is a Class 1 felony.Laws, 2006, ch. 387, § 6, eff. 7/1/2006. Laws, 2006, ch. 387, § 6, eff. 7/1/2006.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129)Article 3 - OBSTRUCTION OF JUSTICE (§§ 97-9-101 — 97-9-129)Section 97-9-113 - Intimidating a witness

(1)A person commits the crime of intimidating a witness if he intentionally or knowingly:(a)Attempts, by use of a threat directed to a witness or a person he believes will be called as a witness in any official proceedings, to:(i)Influence the testimony of that person;(ii)Induce that person to avoid legal process summoning him to testify; or(iii)Induce that person to absent himself from an official proceeding to which he has been legally summoned;(b)Harasses or intimidates or attempts to threaten, harass or intimidate a witness or a person reasonably expected to be a witness;(c)Attempts to influence the testimony of a witness or a person reasonably expected to be a witness by rendering criminal assistance to another being investigated for or charged with criminal activity; or(d)Solicits, encourages or requests a witness to provide false information intended to defeat or defend against an existing criminal charge or to hinder or interfere an ongoing investigation of a criminal act.(2)Intimidating a witness is a Class 1 felony.(3)It is not a defense to a prosecution under this section if the actual completion of the threat, harassment or intimidation was prevented from occurring.Laws, 2006, ch. 387, § 7, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 4, eff. 7/1/2017. (1)A person commits the crime of intimidating a witness if he intentionally or knowingly:(a)Attempts, by use of a threat directed to a witness or a person he believes will be called as a witness in any official proceedings, to:(i)Influence the testimony of that person;(ii)Induce that person to avoid legal process summoning him to testify; or(iii)Induce that person to absent himself from an official proceeding to which he has been legally summoned;(b)Harasses or intimidates or attempts to threaten, harass or intimidate a witness or a person reasonably expected to be a witness;(c)Attempts to influence the testimony of a witness or a person reasonably expected to be a witness by rendering criminal assistance to another being investigated for or charged with criminal activity; or(d)Solicits, encourages or requests a witness to provide false information intended to defeat or defend against an existing criminal charge or to hinder or interfere an ongoing investigation of a criminal act.(2)Intimidating a witness is a Class 1 felony.(3)It is not a defense to a prosecution under this section if the actual completion of the threat, harassment or intimidation was prevented from occurring.Laws, 2006, ch. 387, § 7, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 4, eff. 7/1/2017. Laws, 2006, ch. 387, § 7, eff. 7/1/2006. Amended by Laws, 2017, ch. 382, HB 1367, 4, eff. 7/1/2017.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129)Article 3 - OBSTRUCTION OF JUSTICE (§§ 97-9-101 — 97-9-129)Section 97-9-115 - Tampering with a witness

(1)A person commits the crime of tampering with a witness if he:(a)Intentionally or knowingly attempts to induce a witness or a person he reasonably believes will be called as a witness in any official proceeding to:(i)Testify falsely or unlawfully withhold testimony;(ii)Absent himself from any official proceeding to which he has been legally summoned; or(b)Solicits, encourages, threatens, harasses or intimidates or attempts to solicit, encourage, threaten, harass or intimidate a witness in an effort to prevent or dissuade the witness from testifying or to provide a false version of events exonerating or incriminating another person of commission of a crime.(2)Tampering with a witness is a Class 2 felony.(3)It is not a defense to a prosecution under this section if the actual completion of the threat, harassment or intimidation was prevented from occurring.Laws, 2006, ch. 387, § 8, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 5, eff. 7/1/2017. (1)A person commits the crime of tampering with a witness

if he:(a)Intentionally or knowingly attempts to induce a witness or a person he reasonably believes will be called as a witness in any official proceeding to:(i)Testify falsely or unlawfully withhold testimony;(ii)Absent himself from any official proceeding to which he has been legally summoned; or(b)Solicits, encourages, threatens, harasses or intimidates or attempts to solicit, encourage, threaten, harass or intimidate a witness in an effort to prevent or dissuade the witness from testifying or to provide a false version of events exonerating or incriminating another person of commission of a crime.(2)Tampering with a witness is a Class 2 felony.(3)It is not a defense to a prosecution under this section if the actual completion of the threat, harassment or intimidation was prevented from occurring.Laws, 2006, ch. 387, § 8, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 5, eff. 7/1/2017. (1)A person commits the crime of tampering with a witness if he:(a)Intentionally or knowingly attempts to induce a witness or a person he reasonably believes will be called as a witness in any official proceeding to:(i)Testify falsely or unlawfully withhold testimony;(ii)Absent himself from any official proceeding to which he has been legally summoned; or(b)Solicits, encourages, threatens, harasses or intimidates or attempts to solicit, encourage, threaten, harass or intimidate a witness in an effort to prevent or dissuade the witness from testifying or to provide a false version of events exonerating or incriminating another person of commission of a crime.(2)Tampering with a witness is a Class 2 felony.(3)It is not a defense to a prosecution under this section if the actual completion of the threat, harassment or intimidation was prevented from occurring.Laws, 2006, ch. 387, § 8, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 5, eff. 7/1/2017. Laws, 2006, ch. 387, § 8, eff. 7/1/2006. Amended by Laws, 2017, ch. 382, HB 1367, 5, eff. 7/1/2017.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129)Article 3 - OBSTRUCTION OF JUSTICE (§§ 97-9-101 — 97-9-129)Section 97-9-116 - Bribing a judge

(1)A person commits the crime of bribing a judge if he intentionally or knowingly offers, confers or agrees to confer any benefit upon a judge with the intent that the judge's decision, vote, recommendation or other exercise of official discretion in a judicial or administrative proceeding will thereby be influenced.(2)Bribing a judge is a felony punishable by imprisonment for not less than five (5) years nor more than twenty (20) years and by a fine three (3) times the amount of the bribe but in no case less than Twenty-five Thousand Dollars (\$25,000.00).Laws, 2008, ch. 428, § 1, eff. 7/1/2008. (1)A person commits the crime of bribing a judge if he intentionally or knowingly offers, confers or agrees to confer any benefit upon a judge with the intent that the judge's decision, vote, recommendation or other exercise of official discretion in a judicial or administrative proceeding will thereby be influenced.(2)Bribing a judge is a felony punishable by imprisonment for not less than five (5) years nor more than twenty (20) years and by a fine three (3) times the amount of the bribe but in no case less than Twenty-five Thousand Dollars (\$25,000.00).Laws, 2008, ch. 428, § 1, eff. 7/1/2008. (1)A person commits the crime of bribing a judge if he intentionally or knowingly offers, confers or agrees to confer any benefit upon a judge with the intent that the judge's decision, vote, recommendation or other exercise of official discretion in a judicial or administrative proceeding will thereby be influenced.(2)Bribing a judge is a felony punishable by imprisonment for not less than five (5) years nor more than twenty (20) years and by a fine three (3) times the amount of the bribe but in no case less than Twenty-five Thousand Dollars (\$25,000.00).Laws, 2008, ch. 428, § 1, eff. 7/1/2008. Laws, 2008, ch. 428, § 1, eff. 7/1/2008.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129)Article 3 - OBSTRUCTION OF JUSTICE (§§ 97-9-101 — 97-9-129)Section 97-9-117 - Bribing a juror

(1)A person commits the crime of bribing a juror if he intentionally or knowingly offers, confers or agrees or attempts to confer any benefit upon a juror with the intent that the juror's vote, opinion, decision or other action as a juror will thereby be influenced.(2)Bribing a juror is a Class 1 felony.Laws, 2006, ch. 387, § 9, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 6, eff. 7/1/2017. (1)A person commits the crime of bribing a juror if he intentionally or knowingly offers, confers or agrees or attempts to confer any benefit upon a juror with the intent that the juror's vote, opinion, decision or other action as a juror will thereby be influenced.(2)Bribing a juror is a Class 1 felony.Laws, 2006, ch. 387, § 9, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 6, eff. 7/1/2017. (1)A person commits the crime of bribing a juror if he intentionally or knowingly offers, confers or agrees or attempts to confer any benefit upon a juror with the intent that the juror's vote, opinion, decision or other action as a juror will thereby be influenced.(2)Bribing a juror is a Class 1 felony.Laws, 2006, ch. 387, § 9, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 6, eff. 7/1/2017. Laws, 2006, ch. 387, § 9, eff. 7/1/2006. Amended by Laws, 2017, ch. 382, HB 1367, 6, eff. 7/1/2017.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129)Article 3 - OBSTRUCTION OF JUSTICE (§§ 97-9-101 — 97-9-129)Section 97-9-119 - Bribe receiving by a juror

(1)A person commits the crime of bribe receiving by a juror if he intentionally or knowingly solicits, accepts or agrees to accept any benefit upon an agreement or understanding that his vote, opinion, decision or other action as a juror will thereby be influenced.(2)Bribe receiving by a juror is a Class 1 felony.Laws, 2006, ch. 387, § 10, eff. 7/1/2006. (1)A person commits the crime of bribe receiving by a juror if he intentionally or knowingly solicits, accepts or agrees to accept any benefit upon an agreement or understanding that his vote, opinion, decision or other action as a juror will thereby be influenced.(2)Bribe receiving by a juror is a

Class 1 felony.Laws, 2006, ch. 387, § 10, eff. 7/1/2006. (1)A person commits the crime of bribe receiving by a juror if he intentionally or knowingly solicits, accepts or agrees to accept any benefit upon an agreement or understanding that his vote, opinion, decision or other action as a juror will thereby be influenced.(2)Bribe receiving by a juror is a Class 1 felony.Laws, 2006, ch. 387, § 10, eff. 7/1/2006. Laws, 2006, ch. 387, § 10, eff. 7/1/2006.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129)Article 3 - OBSTRUCTION OF JUSTICE (§§ 97-9-101 — 97-9-129)Section 97-9-121 - Intimidating a juror

(1)A person commits the crime of intimidating a juror if he intentionally or knowingly attempts, by the use of a threat, harassment or intimidations to influence a juror's vote, opinion, decision or other action as a juror.(2)Intimidating a juror is a Class 1 felony.Laws, 2006, ch. 387, § 11, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 7, eff. 7/1/2017. (1)A person commits the crime of intimidating a juror if he intentionally or knowingly attempts, by the use of a threat, harassment or intimidations to influence a juror's vote, opinion, decision or other action as a juror.(2)Intimidating a juror is a Class 1 felony.Laws, 2006, ch. 387, § 11, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 7, eff. 7/1/2017. (1)A person commits the crime of intimidating a juror if he intentionally or knowingly attempts, by the use of a threat, harassment or intimidations to influence a juror's vote, opinion, decision or other action as a juror.(2)Intimidating a juror is a Class 1 felony.Laws, 2006, ch. 387, § 11, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 7, eff. 7/1/2017. Laws, 2006, ch. 387, § 11, eff. 7/1/2006. Amended by Laws, 2017, ch. 382, HB 1367, 7, eff. 7/1/2017.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129)Article 3 - OBSTRUCTION OF JUSTICE (§§ 97-9-101 — 97-9-129)Section 97-9-123 - Jury tampering

(1)A person commits the crime of jury tampering if, with intent to influence a juror's vote, opinion, decision or other action in the case, he intentionally or knowingly attempts to communicate directly or indirectly with a juror other than as part of the proceedings in the trial of the case.(2)Jury tampering is a Class 2 felony.Laws, 2006, ch. 387, § 12, eff. 7/1/2006. (1)A person commits the crime of jury tampering if, with intent to influence a juror's vote, opinion, decision or other action in the case, he intentionally or knowingly attempts to communicate directly or indirectly with a juror other than as part of the proceedings in the trial of the case.(2)Jury tampering is a Class 2 felony.Laws, 2006, ch. 387, § 12, eff. 7/1/2006. (1)A person commits the crime of jury tampering if, with intent to influence a juror's vote, opinion, decision or other action in the case, he intentionally or knowingly attempts to communicate directly or indirectly with a juror other than as part of the proceedings in the trial of the case.(2)Jury tampering is a Class 2 felony.Laws, 2006, ch. 387, § 12, eff. 7/1/2006. Laws, 2006, ch. 387, § 12, eff. 7/1/2006.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129)Article 3 - OBSTRUCTION OF JUSTICE (§§ 97-9-101 — 97-9-129)Section 97-9-125 - Tampering with physical evidence

(1)A person commits the crime of tampering with physical evidence if, believing that an official proceeding is pending or may be instituted, and acting without legal right or authority, he:(a)Intentionally destroys, mutilates, conceals, removes or alters physical evidence with intent to impair its use, verity or availability in the pending criminal investigation or prospective official proceeding;(b)Knowingly makes, presents or offers any false physical evidence with intent that it be introduced in the pending or prospective official proceeding;(c)Intentionally prevents the production of physical evidence by an act of force, intimidation or deception against any person, or threatens, harasses or intimidates a witness or a person he reasonably believes may be a witness in a criminal investigation to not provide physical evidence or to hide, destroy or alter physical evidence; or(d)Solicits, encourages or assists another person to destroy, hide or conceal evidence of any type if it is reasonably likely the state or federal authorities would use the evidence during the prosecution of a criminal act by the state or federal authorities.(2)Tampering with physical evidence is a Class 2 felony.Laws, 2006, ch. 387, § 13, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 8, eff. 7/1/2017. (1)A person commits the crime of tampering with physical evidence if, believing that an official proceeding is pending or may be instituted, and acting without legal right or authority, he:(a)Intentionally destroys, mutilates, conceals, removes or alters physical evidence with intent to impair its use, verity or availability in the pending criminal investigation or prospective official proceeding;(b)Knowingly makes, presents or offers any false physical evidence with intent that it be introduced in the pending or prospective official proceeding;(c)Intentionally prevents the production of physical evidence by an act of force, intimidation or deception against any person, or threatens, harasses or intimidates a witness or a person he reasonably believes may be a witness in a criminal investigation to not provide physical evidence or to hide, destroy or alter physical evidence; or(d)Solicits, encourages or assists another person to destroy, hide or conceal evidence of any type if it is reasonably likely the state or federal authorities would use the evidence during the prosecution of a criminal act by the state or federal authorities.(2)Tampering with physical evidence is a Class 2 felony.Laws, 2006, ch. 387, § 13, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 8, eff. 7/1/2017. (1)A person commits the crime of tampering with physical evidence if, believing that an official proceeding is pending or may be instituted, and acting without legal right or authority, he:(a)Intentionally destroys, mutilates, conceals, removes or alters physical evidence with intent to impair its use, verity or availability in the pending criminal investigation or prospective official proceeding;(b)Knowingly makes, presents or offers any false physical evidence with intent that it be introduced in the pending or prospective official

proceeding;(c)Intentionally prevents the production of physical evidence by an act of force, intimidation or deception against any person, or threatens, harasses or intimidates a witness or a person he reasonably believes may be a witness in a criminal investigation to not provide physical evidence or to hide, destroy or alter physical evidence; or(d)Solicits, encourages or assists another person to destroy, hide or conceal evidence of any type if it is reasonably likely the state or federal authorities would use the evidence during the prosecution of a criminal act by the state or federal authorities.(2)Tampering with physical evidence is a Class 2 felony.Laws, 2006, ch. 387, § 13, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 8, eff. 7/1/2017. Laws, 2006, ch. 387, § 13, eff. 7/1/2006. Amended by Laws, 2017, ch. 382, HB 1367, 8, eff. 7/1/2017.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129)Article 3 - OBSTRUCTION OF JUSTICE (§§ 97-9-101 — 97-9-129)Section 97-9-127 - Retaliation against a public servant or witness

(1)A person commits the offense of retaliation if he intentionally or knowingly harms or threatens to harm another by any unlawful act in retaliation for anything lawfully done in the capacity of public servant, witness, prospective witness or informant.(2)Retaliation is a Class 2 felony.Laws, 2006, ch. 387, § 14, eff. 7/1/2006. (1)A person commits the offense of retaliation if he intentionally or knowingly harms or threatens to harm another by any unlawful act in retaliation for anything lawfully done in the capacity of public servant, witness, prospective witness or informant.(2)Retaliation is a Class 2 felony.Laws, 2006, ch. 387, § 14, eff. 7/1/2006. (1)A person commits the offense of retaliation if he intentionally or knowingly harms or threatens to harm another by any unlawful act in retaliation for anything lawfully done in the capacity of public servant, witness, prospective witness or informant.(2)Retaliation is a Class 2 felony.Laws, 2006, ch. 387, § 14, eff. 7/1/2006. Laws, 2006, ch. 387, § 14, eff. 7/1/2006.

Mississippi Code 1972 (2024)Title 97 - CRIMES (§§ 97-1-1 — 97-47-9)Chapter 9 - OFFENSES AFFECTING ADMINISTRATION OF JUSTICE (§§ 97-9-1 — 97-9-129)Article 3 - OBSTRUCTION OF JUSTICE (§§ 97-9-101 — 97-9-129)Section 97-9-129 - Sentencing

(1)A person who has been convicted of any Class 1 felony under this article shall be sentenced to imprisonment for a term of not more than fifteen (15) years or fined not more than Five Thousand Dollars (\$5,000.00), or both.(2)A person who has been convicted of any Class 2 felony under this article shall be sentenced to imprisonment for a term of not more than ten (10) years or fined not more than Three Thousand Dollars (\$3,000.00), or both.(3)A person who has been convicted of any misdemeanor under this article shall be sentenced to confinement in the county jail for a term of not more than one (1) year or fined not more than One Thousand Dollars (\$1,000.00), or both.Laws, 2006, ch. 387, § 15, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 9, eff. 7/1/2017. (1)A person who has been convicted of any Class 1 felony under this article shall be sentenced to imprisonment for a term of not more than fifteen (15) years or fined not more than Five Thousand Dollars (\$5,000.00), or both.(2)A person who has been convicted of any Class 2 felony under this article shall be sentenced to imprisonment for a term of not more than ten (10) years or fined not more than Three Thousand Dollars (\$3,000.00), or both.(3)A person who has been convicted of any misdemeanor under this article shall be sentenced to confinement in the county jail for a term of not more than one (1) year or fined not more than One Thousand Dollars (\$1,000.00), or both.Laws, 2006, ch. 387, § 15, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 9, eff. 7/1/2017. (1)A person who has been convicted of any Class 1 felony under this article shall be sentenced to imprisonment for a term of not more than fifteen (15) years or fined not more than Five Thousand Dollars (\$5,000.00), or both.(2)A person who has been convicted of any Class 2 felony under this article shall be sentenced to imprisonment for a term of not more than ten (10) years or fined not more than Three Thousand Dollars (\$3,000.00), or both.(3)A person who has been convicted of any misdemeanor under this article shall be sentenced to confinement in the county jail for a term of not more than one (1) year or fined not more than One Thousand Dollars (\$1,000.00), or both.Laws, 2006, ch. 387, § 15, eff. 7/1/2006.Amended by Laws, 2017, ch. 382, HB 1367, 9, eff. 7/1/2017. Laws, 2006, ch. 387, § 15, eff. 7/1/2006. Amended by Laws, 2017, ch. 382, HB 1367, 9, eff. 7/1/2017.

Title: title-99

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 1 - GENERAL PROVISIONS; TIME LIMITATIONS; COSTS (§§ 99-1-1 — 99-1-29)Section 99-1-1 - Applicability of statutes relating to procedure and appeals generally

All statutes of this state relating to practice and procedure and appeals which, prior to the adoption of this Mississippi Code of 1972, were applicable to criminal cases shall continue to be applicable to criminal cases in the same manner and to the same extent as before, notwithstanding the classification and arrangement of such statutes in this code.[No history available for this section.]. All statutes of this state relating to practice and procedure and appeals which, prior to the adoption of this Mississippi Code of 1972, were applicable to criminal cases shall continue to be applicable to criminal cases in the same manner and to the same extent as before, notwithstanding the classification and arrangement of such statutes in this code.[No history available for this section.]. All statutes of this state relating to practice and procedure and appeals which, prior to the adoption of this Mississippi Code of 1972, were applicable to criminal cases shall continue to be applicable to criminal cases in the same manner and to the same extent as before, notwithstanding the classification and arrangement of such statutes in this code.[No history available for this section.]. All statutes of this state relating to practice and procedure and appeals which, prior to the adoption of this Mississippi Code of 1972, were applicable to criminal cases shall continue to be applicable to criminal cases in the same manner and to the same extent as

before, notwithstanding the classification and arrangement of such statutes in this code. [No history available for this section.].

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 1 - GENERAL PROVISIONS; TIME LIMITATIONS; COSTS (§§ 99-1-1 — 99-1-29) Section 99-1-11 - Costs of search warrant and certain criminal prosecutions

The person who procures a search warrant, or who charges another with any crime or misdemeanor against his person or property before any court, without reasonable cause, may be required by the court to pay the costs incurred; and judgment may be entered and execution issued therefor. Codes, 1880, § 3119; 1892, § 888; 1906, § 965; Hemingway's 1917, § 674; 1930, § 681; 1942, § 1592. The person who procures a search warrant, or who charges another with any crime or misdemeanor against his person or property before any court, without reasonable cause, may be required by the court to pay the costs incurred; and judgment may be entered and execution issued therefor. Codes, 1880, § 3119; 1892, § 888; 1906, § 965; Hemingway's 1917, § 674; 1930, § 681; 1942, § 1592. The person who procures a search warrant, or who charges another with any crime or misdemeanor against his person or property before any court, without reasonable cause, may be required by the court to pay the costs incurred; and judgment may be entered and execution issued therefor. Codes, 1880, § 3119; 1892, § 888; 1906, § 965; Hemingway's 1917, § 674; 1930, § 681; 1942, § 1592. The person who procures a search warrant, or who charges another with any crime or misdemeanor against his person or property before any court, without reasonable cause, may be required by the court to pay the costs incurred; and judgment may be entered and execution issued therefor. Codes, 1880, § 3119; 1892, § 888; 1906, § 965; Hemingway's 1917, § 674; 1930, § 681; 1942, § 1592.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 1 - GENERAL PROVISIONS; TIME LIMITATIONS; COSTS (§§ 99-1-1 — 99-1-29) Section 99-1-23 - Appearance in court by means of closed circuit television or Web cam

(1) When the physical appearance in person in court is required of any person who is represented by counsel and held in a place of custody or confinement operated by the state or any of its political subdivisions, upon waiver of any right such person may have to be physically present, such personal appearance may be made by means of closed circuit television or Web cam from the place of custody or confinement, provided that such television or Web cam facilities provide two-way audio-visual communication between the court and the place of custody or confinement and that a full record of such proceedings be made by split-screen imaging and recording of the proceedings in the courtroom and the place of confinement or custody in addition to such other record as may be required, in the following proceedings: (a) Initial appearance before a judge on a criminal complaint; (b) Waiver of preliminary hearing; (c) Arraignment on information or indictment where a plea of not guilty is entered; (d) Arraignment on information or indictment where a plea of guilty is entered; (e) Any pretrial or post-trial criminal proceeding not allowing the cross-examination of witnesses; (f) Sentencing after conviction at trial; (g) Sentencing after entry of a plea of guilty; and (h) Any civil proceeding other than trial by jury. (2) This section shall not prohibit other appearances via closed circuit television or Web cam upon waiver of any right such person held in custody or confinement might have to be physically present. (3) Nothing contained in this section shall be construed as establishing a right for any person held in custody to appear on television or Web cam or as requiring that a place of custody shall provide a two-way audio-visual communication system. (4) The provisions of this section shall apply to all courts. Laws, 2001, ch. 316, § 1; Laws, 2008, ch. 394, § 1, eff. 7/1/2008. (1) When the physical appearance in person in court is required of any person who is represented by counsel and held in a place of custody or confinement operated by the state or any of its political subdivisions, upon waiver of any right such person may have to be physically present, such personal appearance may be made by means of closed circuit television or Web cam from the place of custody or confinement, provided that such television or Web cam facilities provide two-way audio-visual communication between the court and the place of custody or confinement and that a full record of such proceedings be made by split-screen imaging and recording of the proceedings in the courtroom and the place of confinement or custody in addition to such other record as may be required, in the following proceedings: (a) Initial appearance before a judge on a criminal complaint; (b) Waiver of preliminary hearing; (c) Arraignment on information or indictment where a plea of not guilty is entered; (d) Arraignment on information or indictment where a plea of guilty is entered; (e) Any pretrial or post-trial criminal proceeding not allowing the cross-examination of witnesses; (f) Sentencing after conviction at trial; (g) Sentencing after entry of a plea of guilty; and (h) Any civil proceeding other than trial by jury. (2) This section shall not prohibit other appearances via closed circuit television or Web cam upon waiver of any right such person held in custody or confinement might have to be physically present. (3) Nothing contained in this section shall be construed as establishing a right for any person held in custody to appear on television or Web cam or as requiring that a place of custody shall provide a two-way audio-visual communication system. (4) The provisions of this section shall apply to all courts. Laws, 2001, ch. 316, § 1; Laws, 2008, ch. 394, § 1, eff. 7/1/2008. (1) When the physical appearance in person in court is required of any person who is represented by counsel and held in a place of custody or confinement operated by the state or any of its political subdivisions, upon waiver of any right such person may have to be physically present, such personal appearance may be made by means of closed circuit television or Web cam from the place of custody or confinement, provided that such television or Web cam facilities provide two-way audio-visual communication between the court and the place of custody or confinement and that a full record of such proceedings be made by split-screen imaging and recording of the proceedings in the courtroom and the place of confinement or custody in addition to such other record as may be required, in the following proceedings: (a) Initial appearance before a judge on a criminal complaint; (b) Waiver of preliminary hearing; (c) Arraignment on information or indictment where a plea of not guilty is entered; (d) Arraignment on information or

indictment where a plea of guilty is entered;(e)Any pretrial or post-trial criminal proceeding not allowing the cross-examination of witnesses;(f)Sentencing after conviction at trial;(g)Sentencing after entry of a plea of guilty; and(h)Any civil proceeding other than trial by jury.(2)This section shall not prohibit other appearances via closed circuit television or Web cam upon waiver of any right such person held in custody or confinement might have to be physically present.(3)Nothing contained in this section shall be construed as establishing a right for any person held in custody to appear on television or Web cam or as requiring that a place of custody shall provide a two-way audio-visual communication system.(4)The provisions of this section shall apply to all courts.Laws, 2001, ch. 316, § 1; Laws, 2008, ch. 394, § 1, eff. 7/1/2008. Laws, 2001, ch. 316, § 1; Laws, 2008, ch. 394, § 1, eff. 7/1/2008.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 1 - GENERAL PROVISIONS; TIME LIMITATIONS; COSTS (§§ 99-1-1 — 99-1-29)Section 99-1-25 - Entrapment; affirmative defense to criminal prosecution; burden of proof

(1)It is an affirmative defense to a criminal charge that the person was entrapped. To claim entrapment, the person must admit by the person's testimony or other evidence the substantial elements of the offense charged.(2)A person who asserts an entrapment defense has the burden of proving each of the following by clear and convincing evidence:(a)The idea of committing the offense was initiated by law enforcement officers or their agents rather than by the person.(b)The law enforcement officers or their agents urged and induced the person to commit the offense.(c)The person was not predisposed to commit the type of offense charged before the law enforcement officers or their agents urged and induced the person to commit the offense.(3)A person does not establish entrapment if the person was predisposed to commit the offense and the law enforcement officers or their agents merely provided the person with an opportunity to commit the offense. It is not entrapment for law enforcement officers or their agents merely to use a ruse or to conceal their identity, nor is it entrapment for law enforcement officers or their agents to supply, furnish or sell contraband to an individual where:(a)There is a reasonable indication, based on information developed through informants or other means, that the subject is engaging, has engaged, or is likely to engage in illegal activity of a similar type; or(b)The opportunity for illegal activity has been structured so that there is reason for believing that persons drawn to the opportunity, or brought to it, are predisposed to engage in the contemplated illegal activity.(4)The issue of entrapment shall be tried by the trier of fact. The conduct of law enforcement officers and their agents may be considered in determining if a person has proven entrapment.Laws, 2005, ch. 463, § 7, eff. 7/1/2005. (1)It is an affirmative defense to a criminal charge that the person was entrapped. To claim entrapment, the person must admit by the person's testimony or other evidence the substantial elements of the offense charged.(2)A person who asserts an entrapment defense has the burden of proving each of the following by clear and convincing evidence:(a)The idea of committing the offense was initiated by law enforcement officers or their agents rather than by the person.(b)The law enforcement officers or their agents urged and induced the person to commit the offense.(c)The person was not predisposed to commit the type of offense charged before the law enforcement officers or their agents urged and induced the person to commit the offense.(3)A person does not establish entrapment if the person was predisposed to commit the offense and the law enforcement officers or their agents merely provided the person with an opportunity to commit the offense. It is not entrapment for law enforcement officers or their agents merely to use a ruse or to conceal their identity, nor is it entrapment for law enforcement officers or their agents to supply, furnish or sell contraband to an individual where:(a)There is a reasonable indication, based on information developed through informants or other means, that the subject is engaging, has engaged, or is likely to engage in illegal activity of a similar type; or(b)The opportunity for illegal activity has been structured so that there is reason for believing that persons drawn to the opportunity, or brought to it, are predisposed to engage in the contemplated illegal activity.(4)The issue of entrapment shall be tried by the trier of fact. The conduct of law enforcement officers and their agents may be considered in determining if a person has proven entrapment.Laws, 2005, ch. 463, § 7, eff. 7/1/2005. (1)It is an affirmative defense to a criminal charge that the person was entrapped. To claim entrapment, the person must admit by the person's testimony or other evidence the substantial elements of the offense charged.(2)A person who asserts an entrapment defense has the burden of proving each of the following by clear and convincing evidence:(a)The idea of committing the offense was initiated by law enforcement officers or their agents rather than by the person.(b)The law enforcement officers or their agents urged and induced the person to commit the offense.(c)The person was not predisposed to commit the type of offense charged before the law enforcement officers or their agents urged and induced the person to commit the offense.(3)A person does not establish entrapment if the person was predisposed to commit the offense and the law enforcement officers or their agents merely provided the person with an opportunity to commit the offense. It is not entrapment for law enforcement officers or their agents merely to use a ruse or to conceal their identity, nor is it entrapment for law enforcement officers or their agents to supply, furnish or sell contraband to an individual where:(a)There is a reasonable indication, based on information developed through informants or other means, that the subject is engaging, has engaged, or is likely to engage in illegal activity of a similar type; or(b)The opportunity for illegal activity has been structured so that there is reason for believing that persons drawn to the opportunity, or brought to it, are predisposed to engage in the contemplated illegal activity.(4)The issue of entrapment shall be tried by the trier of fact. The conduct of law enforcement officers and their agents may be considered in determining if a person has proven entrapment.Laws, 2005, ch. 463, § 7, eff. 7/1/2005. Laws, 2005, ch. 463, § 7, eff. 7/1/2005.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 1 - GENERAL PROVISIONS; TIME LIMITATIONS; COSTS (§§ 99-1-1 — 99-1-29)Section 99-1-27 - Victim of sex offenses not required to submit to truth telling devices as condition for proceeding with investigation of offense

(1)No law enforcement officer, prosecutor or other government official shall ask or require an adult, youth or child victim of a sex

offense to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of the offense.(2)The refusal of a victim to submit to an examination described above shall not prevent the investigation of the offense.(3)For purposes of this section, a "sex offense" shall have the meaning ascribed in Section45-33-23(h).Laws, 2008, ch. 391, § 4, eff. 7/1/2008. (1)No law enforcement officer, prosecutor or other government official shall ask or require an adult, youth or child victim of a sex offense to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of the offense.(2)The refusal of a victim to submit to an examination described above shall not prevent the investigation of the offense.(3)For purposes of this section, a "sex offense" shall have the meaning ascribed in Section45-33-23(h).Laws, 2008, ch. 391, § 4, eff. 7/1/2008. (1)No law enforcement officer, prosecutor or other government official shall ask or require an adult, youth or child victim of a sex offense to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of the offense.(2)The refusal of a victim to submit to an examination described above shall not prevent the investigation of the offense.(3)For purposes of this section, a "sex offense" shall have the meaning ascribed in Section45-33-23(h).Laws, 2008, ch. 391, § 4, eff. 7/1/2008. Laws, 2008, ch. 391, § 4, eff. 7/1/2008.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 1 - GENERAL PROVISIONS; TIME LIMITATIONS; COSTS (§§ 99-1-1 — 99-1-29)Section 99-1-29 - Certain reproduction during discovery of property or material that constitutes child pornography prohibited

(1)In any criminal proceeding, evidence that constitutes child pornography prohibited under Sections97-5-31and97-5-33, Mississippi Code of 1972, shall remain in the care, custody, and control of either the prosecution or the court.(2)(a)Notwithstanding Rule 9.04 of the Mississippi Uniform Circuit and County Court Rules, a court shall deny any request by the defendant in a criminal proceeding to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography; however, the prosecution shall be required to make the property or material reasonably available to the defendant.(b)For the purposes of this section, property or material shall be deemed to be reasonably available to the defendant if the prosecution provides ample opportunity at a government facility for inspection, viewing, and examination of the property or material by the defendant, the defendant's attorney, and any person the defendant may seek to qualify to furnish expert testimony at trial.Laws, 2008, ch. 393, § 1, eff. 7/1/2008. (1)In any criminal proceeding, evidence that constitutes child pornography prohibited under Sections97-5-31and97-5-33, Mississippi Code of 1972, shall remain in the care, custody, and control of either the prosecution or the court.(2)(a)Notwithstanding Rule 9.04 of the Mississippi Uniform Circuit and County Court Rules, a court shall deny any request by the defendant in a criminal proceeding to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography; however, the prosecution shall be required to make the property or material reasonably available to the defendant.(b)For the purposes of this section, property or material shall be deemed to be reasonably available to the defendant if the prosecution provides ample opportunity at a government facility for inspection, viewing, and examination of the property or material by the defendant, the defendant's attorney, and any person the defendant may seek to qualify to furnish expert testimony at trial.Laws, 2008, ch. 393, § 1, eff. 7/1/2008. (1)In any criminal proceeding, evidence that constitutes child pornography prohibited under Sections97-5-31and97-5-33, Mississippi Code of 1972, shall remain in the care, custody, and control of either the prosecution or the court.(2)(a)Notwithstanding Rule 9.04 of the Mississippi Uniform Circuit and County Court Rules, a court shall deny any request by the defendant in a criminal proceeding to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography; however, the prosecution shall be required to make the property or material reasonably available to the defendant.(b)For the purposes of this section, property or material shall be deemed to be reasonably available to the defendant if the prosecution provides ample opportunity at a government facility for inspection, viewing, and examination of the property or material by the defendant, the defendant's attorney, and any person the defendant may seek to qualify to furnish expert testimony at trial.Laws, 2008, ch. 393, § 1, eff. 7/1/2008. Laws, 2008, ch. 393, § 1, eff. 7/1/2008.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 1 - GENERAL PROVISIONS; TIME LIMITATIONS; COSTS (§§ 99-1-1 — 99-1-29)Section 99-1-3 - Common-law offenses recognized

Every offense not provided for by the statutes of this state shall be indictable as heretofore at common law.Codes, Hutchinson's 1848, ch. 64, art. 1(48); 1857, ch. 64, art. 355; 1871, § 2862; 1880, § 3097; 1892, § 1452; 1906, § 1525; Hemingway's 1917, § 1287; 1930, § 1312; 1942, § 2560. Every offense not provided for by the statutes of this state shall be indictable as heretofore at common law.Codes, Hutchinson's 1848, ch. 64, art. 1(48); 1857, ch. 64, art. 355; 1871, § 2862; 1880, § 3097; 1892, § 1452; 1906, § 1525; Hemingway's 1917, § 1287; 1930, § 1312; 1942, § 2560. Every offense not provided for by the statutes of this state shall be indictable as heretofore at common law.Codes, Hutchinson's 1848, ch. 64, art. 1(48); 1857, ch. 64, art. 355; 1871, § 2862; 1880, § 3097; 1892, § 1452; 1906, § 1525; Hemingway's 1917, § 1287; 1930, § 1312; 1942, § 2560. Every offense not provided for by the statutes of this state shall be indictable as heretofore at common law. Codes, Hutchinson's 1848, ch. 64, art. 1(48); 1857, ch. 64, art. 355; 1871, § 2862; 1880, § 3097; 1892, § 1452; 1906, § 1525; Hemingway's 1917, § 1287; 1930, § 1312; 1942, § 2560.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 1 - GENERAL PROVISIONS; TIME LIMITATIONS; COSTS (§§ 99-1-1 — 99-1-29)Section 99-1-5 - Time limitation on prosecutions

(1)(a)The passage of time shall never bar prosecution against any person for the offenses of murder, manslaughter, aggravated assault, aggravated domestic violence, kidnapping, arson, burglary, forgery, counterfeiting, robbery, larceny, rape, embezzlement, obtaining money or property under false pretenses or by fraud, felonious abuse or battery of a child as described in Section97-5-39,

touching or handling a child for lustful purposes as described in Section 97-5-23, sexual battery of a child as described in Section 97-3-95(1)(c), (d) or (2), exploitation of children as described in Section 97-5-33, promoting prostitution under Section 97-29-51(2) when the person involved is a minor, felonious abuse of vulnerable persons, as described in Section 43-47-18, sexual battery as described in Section 97-3-95(1)(a) or (b) when the identity of the accused is later discovered due to results of DNA testing of biological evidence, or any human trafficking offense as described in Section 97-3-54.1(1)(a), (1)(b) or (1)(c), Section 97-3-54.2, or Section 97-3-54.3.(b) A person shall not be prosecuted for felonious assistance-program fraud, as described in Section 97-19-71, or for felonious abuse of vulnerable persons, as described in Section 43-47-19, unless the prosecution for the offense is commenced within five (5) years after the commission thereof.(c) A person shall not be prosecuted for larceny of timber as described in Section 97-17-59, unless the prosecution for the offense is commenced within six (6) years after the commission thereof.(d) The time limitation on prosecution for conspiracy, as described in Section 97-1-1, shall be the same as for the underlying offense for which the defendant is accused of conspiring to commit.(e) A person shall not be prosecuted for bribery as defined in Section 97-11-11, unless the prosecution for the offense is commenced within five (5) years after the commission thereof.(2) A person shall not be prosecuted for any other offense not listed in this section unless the prosecution for the offense is commenced within two (2) years after the commission thereof.(3) Nothing contained in this section shall bar any prosecution against any person who shall abscond or flee from justice, or shall absent himself from this state or out of the jurisdiction of the court, or so conduct himself that he cannot be found by the officers of the law, or that process cannot be served upon him. Codes, Hutchinson's 1848, ch. 65, art. 2(52); 1857, ch. 64, art. 247; 1871, § 2766; 1880, § 3002; 1892, § 1342; 1906, § 1414; Hemingway's 1917, § 1169; 1930, § 1194; 1942, § 2437; Laws, 1912, ch. 261; Laws, 1989, ch. 567, § 1; Laws, 1990, ch. 412, § 1; Laws, 1993, ch. 440, § 1; Laws, 1998, ch. 582, § 1; Laws, 2003, ch. 497, § 1; Laws, 2004, ch. 539, § 1; Laws, 2008, ch. 530, § 1; Laws, 2010, ch. 358, § 1; Laws, 2012, ch. 439, § 3; Laws, 2012, ch. 455, § 1, eff. 7/1/2012. Amended by Laws, 2024, ch. 519, HB 1323, § 1, eff. 7/1/2024. Amended by Laws, 2023, ch. 475, HB 405, § 1, eff. 7/1/2023. Amended by Laws, 2023, ch. 378, SB 2337, § 1, eff. 7/1/2023. Amended by Laws, 2013, ch. 565, HB 709, 2, eff. 7/1/2013. Amended by Laws, 2013, ch. 543, HB 673, 18, eff. 7/1/2013. (1)(a) The passage of time shall never bar prosecution against any person for the offenses of murder, manslaughter, aggravated assault, aggravated domestic violence, kidnapping, arson, burglary, forgery, counterfeiting, robbery, larceny, rape, embezzlement, obtaining money or property under false pretenses or by fraud, felonious abuse or battery of a child as described in Section 97-5-39, touching or handling a child for lustful purposes as described in Section 97-5-23, sexual battery of a child as described in Section 97-3-95(1)(c), (d) or (2), exploitation of children as described in Section 97-5-33, promoting prostitution under Section 97-29-51(2) when the person involved is a minor, felonious abuse of vulnerable persons, as described in Section 43-47-18, sexual battery as described in Section 97-3-95(1)(a) or (b) when the identity of the accused is later discovered due to results of DNA testing of biological evidence, or any human trafficking offense as described in Section 97-3-54.1(1)(a), (1)(b) or (1)(c), Section 97-3-54.2, or Section 97-3-54.3.(b) A person shall not be prosecuted for felonious assistance-program fraud, as described in Section 97-19-71, or for felonious abuse of vulnerable persons, as described in Section 43-47-19, unless the prosecution for the offense is commenced within five (5) years after the commission thereof.(c) A person shall not be prosecuted for larceny of timber as described in Section 97-17-59, unless the prosecution for the offense is commenced within six (6) years after the commission thereof.(d) The time limitation on prosecution for conspiracy, as described in Section 97-1-1, shall be the same as for the underlying offense for which the defendant is accused of conspiring to commit.(e) A person shall not be prosecuted for bribery as defined in Section 97-11-11, unless the prosecution for the offense is commenced within five (5) years after the commission thereof.(2) A person shall not be prosecuted for any other offense not listed in this section unless the prosecution for the offense is commenced within two (2) years after the commission thereof.(3) Nothing contained in this section shall bar any prosecution against any person who shall abscond or flee from justice, or shall absent himself from this state or out of the jurisdiction of the court, or so conduct himself that he cannot be found by the officers of the law, or that process cannot be served upon him. Codes, Hutchinson's 1848, ch. 65, art. 2(52); 1857, ch. 64, art. 247; 1871, § 2766; 1880, § 3002; 1892, § 1342; 1906, § 1414; Hemingway's 1917, § 1169; 1930, § 1194; 1942, § 2437; Laws, 1912, ch. 261; Laws, 1989, ch. 567, § 1; Laws, 1990, ch. 412, § 1; Laws, 1993, ch. 440, § 1; Laws, 1998, ch. 582, § 1; Laws, 2003, ch. 497, § 1; Laws, 2004, ch. 539, § 1; Laws, 2008, ch. 530, § 1; Laws, 2010, ch. 358, § 1; Laws, 2012, ch. 439, § 3; Laws, 2012, ch. 455, § 1, eff. 7/1/2012. Amended by Laws, 2024, ch. 519, HB 1323, § 1, eff. 7/1/2024. Amended by Laws, 2023, ch. 475, HB 405, § 1, eff. 7/1/2023. Amended by Laws, 2023, ch. 378, SB 2337, § 1, eff. 7/1/2023. Amended by Laws, 2013, ch. 565, HB 709, 2, eff. 7/1/2013. Amended by Laws, 2013, ch. 543, HB 673, 18, eff. 7/1/2013. (1)(a) The passage of time shall never bar prosecution against any person for the offenses of murder, manslaughter, aggravated assault, aggravated domestic violence, kidnapping, arson, burglary, forgery, counterfeiting, robbery, larceny, rape, embezzlement, obtaining money or property under false pretenses or by fraud, felonious abuse or battery of a child as described in Section 97-5-39, touching or handling a child for lustful purposes as described in Section 97-5-23, sexual battery of a child as described in Section 97-3-95(1)(c), (d) or (2), exploitation of children as described in Section 97-5-33, promoting prostitution under Section 97-29-51(2) when the person involved is a minor, felonious abuse of vulnerable persons, as described in Section 43-47-18, sexual battery as described in Section 97-3-95(1)(a) or (b) when the identity of the accused is later discovered due to results of DNA testing of biological evidence, or any human trafficking offense as described in Section 97-3-54.1(1)(a), (1)(b) or (1)(c), Section 97-3-54.2, or Section 97-3-54.3.(b) A person shall not be prosecuted for felonious assistance-program fraud, as described in Section 97-19-71, or for felonious abuse of vulnerable persons, as described in Section 43-47-19, unless the prosecution for the offense is commenced within five (5) years after the commission thereof.(c) A person shall not be prosecuted for larceny of timber as described in Section 97-17-59, unless the prosecution for the offense is commenced within six (6) years after the commission thereof.(d) The time limitation on prosecution for conspiracy, as described in Section 97-1-1, shall

be the same as for the underlying offense for which the defendant is accused of conspiring to commit.(e)A person shall not be prosecuted for bribery as defined in Section97-11-11, unless the prosecution for the offense is commenced within five (5) years after the commission thereof.(2)A person shall not be prosecuted for any other offense not listed in this section unless the prosecution for the offense is commenced within two (2) years after the commission thereof.(3)Nothing contained in this section shall bar any prosecution against any person who shall abscond or flee from justice, or shall absent himself from this state or out of the jurisdiction of the court, or so conduct himself that he cannot be found by the officers of the law, or that process cannot be served upon him.Codes, Hutchinson's 1848, ch. 65, art. 2(52); 1857, ch. 64, art. 247; 1871, § 2766; 1880, § 3002; 1892, § 1342; 1906, § 1414; Hemingway's 1917, § 1169; 1930, § 1194; 1942, § 2437; Laws, 1912, ch. 261; Laws, 1989, ch. 567, § 1; Laws, 1990, ch. 412, § 1; Laws, 1993, ch. 440, § 1; Laws, 1998, ch. 582, § 1; Laws, 2003, ch. 497, § 1; Laws, 2004, ch. 539, § 1; Laws, 2008, ch. 530, § 1; Laws, 2010, ch. 358, § 1; Laws, 2012, ch. 439, § 3; Laws, 2012, ch. 455, § 1, eff. 7/1/2012.Amended by Laws, 2024, ch. 519, HB 1323,§ 1, eff. 7/1/2024.Amended by Laws, 2023, ch. 475, HB 405,§ 1, eff. 7/1/2023.Amended by Laws, 2023, ch. 378, SB 2337,§ 1, eff. 7/1/2023.Amended by Laws, 2013, ch. 565, HB 709, 2, eff. 7/1/2013.Amended by Laws, 2013, ch. 543, HB 673, 18, eff. 7/1/2013. Codes, Hutchinson's 1848, ch. 65, art. 2(52); 1857, ch. 64, art. 247; 1871, § 2766; 1880, § 3002; 1892, § 1342; 1906, § 1414; Hemingway's 1917, § 1169; 1930, § 1194; 1942, § 2437; Laws, 1912, ch. 261; Laws, 1989, ch. 567, § 1; Laws, 1990, ch. 412, § 1; Laws, 1993, ch. 440, § 1; Laws, 1998, ch. 582, § 1; Laws, 2003, ch. 497, § 1; Laws, 2004, ch. 539, § 1; Laws, 2008, ch. 530, § 1; Laws, 2010, ch. 358, § 1; Laws, 2012, ch. 439, § 3; Laws, 2012, ch. 455, § 1, eff. 7/1/2012. Amended by Laws, 2024, ch. 519, HB 1323,§ 1, eff. 7/1/2024. Amended by Laws, 2023, ch. 475, HB 405,§ 1, eff. 7/1/2023. Amended by Laws, 2023, ch. 378, SB 2337,§ 1, eff. 7/1/2023. Amended by Laws, 2013, ch. 565, HB 709, 2, eff. 7/1/2013. Amended by Laws, 2013, ch. 543, HB 673, 18, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 1 - GENERAL PROVISIONS; TIME LIMITATIONS; COSTS (§§ 99-1-1 — 99-1-29)Section 99-1-7 - Time limitation on prosecutions; commencement of prosecution

A prosecution may be commenced, within the meaning of Section99-1-5by the issuance of a warrant, or by binding over or recognizing the offender to compel his appearance to answer the offense, as well as by indictment or affidavit.Codes, 1857, ch. 64, art. 248; 1871, § 2767; 1880, § 3003; 1892, § 1343; 1906, § 1415; Hemingway's 1917, § 1171; 1930, § 1195; 1942, § 2438. A prosecution may be commenced, within the meaning of Section99-1-5by the issuance of a warrant, or by binding over or recognizing the offender to compel his appearance to answer the offense, as well as by indictment or affidavit.Codes, 1857, ch. 64, art. 248; 1871, § 2767; 1880, § 3003; 1892, § 1343; 1906, § 1415; Hemingway's 1917, § 1171; 1930, § 1195; 1942, § 2438. A prosecution may be commenced, within the meaning of Section99-1-5by the issuance of a warrant, or by binding over or recognizing the offender to compel his appearance to answer the offense, as well as by indictment or affidavit.Codes, 1857, ch. 64, art. 248; 1871, § 2767; 1880, § 3003; 1892, § 1343; 1906, § 1415; Hemingway's 1917, § 1171; 1930, § 1195; 1942, § 2438. A prosecution may be commenced, within the meaning of Section99-1-5by the issuance of a warrant, or by binding over or recognizing the offender to compel his appearance to answer the offense, as well as by indictment or affidavit. Codes, 1857, ch. 64, art. 248; 1871, § 2767; 1880, § 3003; 1892, § 1343; 1906, § 1415; Hemingway's 1917, § 1171; 1930, § 1195; 1942, § 2438.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 1 - GENERAL PROVISIONS; TIME LIMITATIONS; COSTS (§§ 99-1-1 — 99-1-29)Section 99-1-9 - Time limitation on prosecutions; additional year allowed in certain cases

When an indictment shall be lost or destroyed, or quashed or abated, or the judgment thereon arrested or reversed for any defect therein or in the record, or for any matter of form or other cause, not being an acquittal on the merits, the further time of one year from the time when such indictment shall be lost, destroyed, quashed or abated, or the judgment thereon arrested or reversed, shall be allowed for the finding of a new indictment.Codes, 1857, ch. 64, art. 249; 1871, § 2768; 1880, § 3004; 1892, § 1344; 1906, § 1416; Hemingway's 1917, § 1172; 1930, § 1196; 1942, § 2439. When an indictment shall be lost or destroyed, or quashed or abated, or the judgment thereon arrested or reversed for any defect therein or in the record, or for any matter of form or other cause, not being an acquittal on the merits, the further time of one year from the time when such indictment shall be lost, destroyed, quashed or abated, or the judgment thereon arrested or reversed, shall be allowed for the finding of a new indictment.Codes, 1857, ch. 64, art. 249; 1871, § 2768; 1880, § 3004; 1892, § 1344; 1906, § 1416; Hemingway's 1917, § 1172; 1930, § 1196; 1942, § 2439. When an indictment shall be lost or destroyed, or quashed or abated, or the judgment thereon arrested or reversed for any defect therein or in the record, or for any matter of form or other cause, not being an acquittal on the merits, the further time of one year from the time when such indictment shall be lost, destroyed, quashed or abated, or the judgment thereon arrested or reversed, shall be allowed for the finding of a new indictment. Codes, 1857, ch. 64, art. 249; 1871, § 2768; 1880, § 3004; 1892, § 1344; 1906, § 1416; Hemingway's 1917, § 1172; 1930, § 1196; 1942, § 2439.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 11 - JURISDICTION AND

VENUE (§§ 99-11-1 — 99-11-39)Section 99-11-1 - Jurisdiction of crimes generally

The several courts of justice organized under the constitution and laws of this state, shall possess the sole and exclusive jurisdiction of trying and punishing all persons in the manner prescribed by law, for crimes and offenses committed in this state, except such as are exclusively cognizable by the courts deriving their jurisdiction from the constitution and laws of the United States. Codes, 1857, ch. 64, art. 240; 1871, § 2750; 1880, § 2990; 1892, § 1328; 1906, § 1400; Hemingway's 1917, § 1148; 1930, § 1175; 1942, § 2418. The several courts of justice organized under the constitution and laws of this state, shall possess the sole and exclusive jurisdiction of trying and punishing all persons in the manner prescribed by law, for crimes and offenses committed in this state, except such as are exclusively cognizable by the courts deriving their jurisdiction from the constitution and laws of the United States. Codes, 1857, ch. 64, art. 240; 1871, § 2750; 1880, § 2990; 1892, § 1328; 1906, § 1400; Hemingway's 1917, § 1148; 1930, § 1175; 1942, § 2418. The several courts of justice organized under the constitution and laws of this state, shall possess the sole and exclusive jurisdiction of trying and punishing all persons in the manner prescribed by law, for crimes and offenses committed in this state, except such as are exclusively cognizable by the courts deriving their jurisdiction from the constitution and laws of the United States. Codes, 1857, ch. 64, art. 240; 1871, § 2750; 1880, § 2990; 1892, § 1328; 1906, § 1400; Hemingway's 1917, § 1148; 1930, § 1175; 1942, § 2418. The several courts of justice organized under the constitution and laws of this state, shall possess the sole and exclusive jurisdiction of trying and punishing all persons in the manner prescribed by law, for crimes and offenses committed in this state, except such as are exclusively cognizable by the courts deriving their jurisdiction from the constitution and laws of the United States. Codes, 1857, ch. 64, art. 240; 1871, § 2750; 1880, § 2990; 1892, § 1328; 1906, § 1400; Hemingway's 1917, § 1148; 1930, § 1175; 1942, § 2418.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 11 - JURISDICTION AND VENUE (§§ 99-11-1 — 99-11-39)Section 99-11-11 - Embezzlement

When an embezzlement is committed it may be prosecuted in the county in which the money or property, or some part thereof, was received or converted by the accused, or in the county in which he was under obligation to pay over the funds or to deliver up the property. Codes, 1892, § 1330; 1906, § 1402; Hemingway's 1917, § 1157; 1930, § 1182; 1942, § 2425. When an embezzlement is committed it may be prosecuted in the county in which the money or property, or some part thereof, was received or converted by the accused, or in the county in which he was under obligation to pay over the funds or to deliver up the property. Codes, 1892, § 1330; 1906, § 1402; Hemingway's 1917, § 1157; 1930, § 1182; 1942, § 2425. When an embezzlement is committed it may be prosecuted in the county in which the money or property, or some part thereof, was received or converted by the accused, or in the county in which he was under obligation to pay over the funds or to deliver up the property. Codes, 1892, § 1330; 1906, § 1402; Hemingway's 1917, § 1157; 1930, § 1182; 1942, § 2425. When an embezzlement is committed it may be prosecuted in the county in which the money or property, or some part thereof, was received or converted by the accused, or in the county in which he was under obligation to pay over the funds or to deliver up the property. Codes, 1892, § 1330; 1906, § 1402; Hemingway's 1917, § 1157; 1930, § 1182; 1942, § 2425.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 11 - JURISDICTION AND VENUE (§§ 99-11-1 — 99-11-39)Section 99-11-13 - Kidnapping

Every person who shall be accused of kidnapping may be indicted and tried either in the county where the offense may have been committed, or in any county into or through which any person so kidnapped or confined shall have been taken while under such confinement. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3(28); 1857, ch. 64, art. 187; 1871, § 2650; 1880, § 2898; 1892, § 1331; 1906, § 1403; Hemingway's 1917, § 1158; 1930, § 1183; 1942, § 2426. Every person who shall be accused of kidnapping may be indicted and tried either in the county where the offense may have been committed, or in any county into or through which any person so kidnapped or confined shall have been taken while under such confinement. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3(28); 1857, ch. 64, art. 187; 1871, § 2650; 1880, § 2898; 1892, § 1331; 1906, § 1403; Hemingway's 1917, § 1158; 1930, § 1183; 1942, § 2426. Every person who shall be accused of kidnapping may be indicted and tried either in the county where the offense may have been committed, or in any county into or through which any person so kidnapped or confined shall have been taken while under such confinement. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3(28); 1857, ch. 64, art. 187; 1871, § 2650; 1880, § 2898; 1892, § 1331; 1906, § 1403; Hemingway's 1917, § 1158; 1930, § 1183; 1942, § 2426. Every person who shall be accused of kidnapping may be indicted and tried either in the county where the offense may have been committed, or in any county into or through which any person so kidnapped or confined shall have been taken while under such confinement. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 3(28); 1857, ch. 64, art. 187; 1871, § 2650; 1880, § 2898; 1892, § 1331; 1906, § 1403; Hemingway's 1917, § 1158; 1930, § 1183; 1942, § 2426.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 11 - JURISDICTION AND VENUE (§§ 99-11-1 — 99-11-39)Section 99-11-15 - Offenses commenced out of and consummated in state

Where an offense is commenced out of this state and consummated in it, or where an offense is consummated in this state by any means or agency proceeding from a person out of this state, the person so commencing such offense or putting in operation such means or agency, although out of the state at the time such offense was actually consummated, shall be liable to indictment and punishment therefor in the county in which the offense was consummated. Codes, 1857, ch. 64, art. 242; 1871, § 2752; 1880, § 2992; 1892, § 1332; 1906, § 1404; Hemingway's 1917, § 1159; 1930, § 1184; 1942, § 2427. Where an offense is commenced out of this

state and consummated in it, or where an offense is consummated in this state by any means or agency proceeding from a person out of this state, the person so commencing such offense or putting in operation such means or agency, although out of the state at the time such offense was actually consummated, shall be liable to indictment and punishment therefor in the county in which the offense was consummated. Codes, 1857, ch. 64, art. 242; 1871, § 2752; 1880, § 2992; 1892, § 1332; 1906, § 1404; Hemingway's 1917, § 1159; 1930, § 1184; 1942, § 2427. Where an offense is commenced out of this state and consummated in it, or where an offense is consummated in this state by any means or agency proceeding from a person out of this state, the person so commencing such offense or putting in operation such means or agency, although out of the state at the time such offense was actually consummated, shall be liable to indictment and punishment therefor in the county in which the offense was consummated. Codes, 1857, ch. 64, art. 242; 1871, § 2752; 1880, § 2992; 1892, § 1332; 1906, § 1404; Hemingway's 1917, § 1159; 1930, § 1184; 1942, § 2427. Where an offense is commenced out of this state and consummated in it, or where an offense is consummated in this state by any means or agency proceeding from a person out of this state, the person so commencing such offense or putting in operation such means or agency, although out of the state at the time such offense was actually consummated, shall be liable to indictment and punishment therefor in the county in which the offense was consummated. Codes, 1857, ch. 64, art. 242; 1871, § 2752; 1880, § 2992; 1892, § 1332; 1906, § 1404; Hemingway's 1917, § 1159; 1930, § 1184; 1942, § 2427.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 11 - JURISDICTION AND VENUE (§§ 99-11-1 — 99-11-39) Section 99-11-17 - Offenses commenced in and consummated out of state

Where an offense is commenced in this state and consummated out of it, either directly or by the accused or by any means or agency procured by or proceeding from him, he may be indicted and tried in the county in which such offense was commenced or from which such means or agency proceeded. Codes, 1857, ch. 64, art. 243; 1871, § 2753; 1880, § 2993; 1892, § 1333; 1906, § 1405; Hemingway's 1917, § 1160; 1930, § 1185; 1942, § 2428. Where an offense is commenced in this state and consummated out of it, either directly or by the accused or by any means or agency procured by or proceeding from him, he may be indicted and tried in the county in which such offense was commenced or from which such means or agency proceeded. Codes, 1857, ch. 64, art. 243; 1871, § 2753; 1880, § 2993; 1892, § 1333; 1906, § 1405; Hemingway's 1917, § 1160; 1930, § 1185; 1942, § 2428. Where an offense is commenced in this state and consummated out of it, either directly or by the accused or by any means or agency procured by or proceeding from him, he may be indicted and tried in the county in which such offense was commenced or from which such means or agency proceeded. Codes, 1857, ch. 64, art. 243; 1871, § 2753; 1880, § 2993; 1892, § 1333; 1906, § 1405; Hemingway's 1917, § 1160; 1930, § 1185; 1942, § 2428. Where an offense is commenced in this state and consummated out of it, either directly or by the accused or by any means or agency procured by or proceeding from him, he may be indicted and tried in the county in which such offense was commenced or from which such means or agency proceeded. Codes, 1857, ch. 64, art. 243; 1871, § 2753; 1880, § 2993; 1892, § 1333; 1906, § 1405; Hemingway's 1917, § 1160; 1930, § 1185; 1942, § 2428.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 11 - JURISDICTION AND VENUE (§§ 99-11-1 — 99-11-39) Section 99-11-19 - Offenses committed partly in one county and partly in another

When an offense is committed partly in one county and partly in another, or where the acts, effects, means, or agency occur in whole or in part in different counties, the jurisdiction shall be in either county in which said offense was commenced, prosecuted, or consummated, where prosecution shall be first begun. Codes, 1857, ch. 64, art. 244; 1871, § 2754; 1880, § 2994; 1892, § 1334; 1906, § 1406; Hemingway's 1917, § 1161; 1930, § 1186; 1942, § 2429. When an offense is committed partly in one county and partly in another, or where the acts, effects, means, or agency occur in whole or in part in different counties, the jurisdiction shall be in either county in which said offense was commenced, prosecuted, or consummated, where prosecution shall be first begun. Codes, 1857, ch. 64, art. 244; 1871, § 2754; 1880, § 2994; 1892, § 1334; 1906, § 1406; Hemingway's 1917, § 1161; 1930, § 1186; 1942, § 2429. When an offense is committed partly in one county and partly in another, or where the acts, effects, means, or agency occur in whole or in part in different counties, the jurisdiction shall be in either county in which said offense was commenced, prosecuted, or consummated, where prosecution shall be first begun. Codes, 1857, ch. 64, art. 244; 1871, § 2754; 1880, § 2994; 1892, § 1334; 1906, § 1406; Hemingway's 1917, § 1161; 1930, § 1186; 1942, § 2429. When an offense is committed partly in one county and partly in another, or where the acts, effects, means, or agency occur in whole or in part in different counties, the jurisdiction shall be in either county in which said offense was commenced, prosecuted, or consummated, where prosecution shall be first begun. Codes, 1857, ch. 64, art. 244; 1871, § 2754; 1880, § 2994; 1892, § 1334; 1906, § 1406; Hemingway's 1917, § 1161; 1930, § 1186; 1942, § 2429.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 11 - JURISDICTION AND VENUE (§§ 99-11-1 — 99-11-39) Section 99-11-21 - Occurrence in one jurisdiction causing death in another

Where the mortal stroke or other cause of death occurs or is given or administered in one county, and the death occurs in another county, the offender may be indicted and tried in either county; and so, also, if the mortal stroke or cause of death occur or be given or administered in another state or country and the death happen in this state, the offender may be indicted and tried in the county in which the death happened. Codes, 1857, ch. 64, art. 246; 1871, § 2756; 1880, § 2996; 1892, § 1335; 1906, § 1407; Hemingway's 1917, § 1162; 1930, § 1187; 1942, § 2430. Where the mortal stroke or other cause of death occurs or is given or administered in one county, and the death occurs in another county, the offender may be indicted and tried in either county; and so, also, if the mortal stroke or cause of death occur or be given or administered in another state or country and the death happen in this state, the offender may be indicted and tried in the county in which the death happened. Codes, 1857, ch. 64, art. 246; 1871, § 2756; 1880, § 2996;

1892, § 1335; 1906, § 1407; Hemingway's 1917, § 1162; 1930, § 1187; 1942, § 2430. Where the mortal stroke or other cause of death occurs or is given or administered in one county, and the death occurs in another county, the offender may be indicted and tried in either county; and so, also, if the mortal stroke or cause of death occur or be given or administered in another state or country and the death happen in this state, the offender may be indicted and tried in the county in which the death happened. Codes, 1857, ch. 64, art. 246; 1871, § 2756; 1880, § 2996; 1892, § 1335; 1906, § 1407; Hemingway's 1917, § 1162; 1930, § 1187; 1942, § 2430. Where the mortal stroke or other cause of death occurs or is given or administered in one county, and the death occurs in another county, the offender may be indicted and tried in either county; and so, also, if the mortal stroke or cause of death occur or be given or administered in another state or country and the death happen in this state, the offender may be indicted and tried in the county in which the death happened. Codes, 1857, ch. 64, art. 246; 1871, § 2756; 1880, § 2996; 1892, § 1335; 1906, § 1407; Hemingway's 1917, § 1162; 1930, § 1187; 1942, § 2430.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 11 - JURISDICTION AND VENUE (§§ 99-11-1 — 99-11-39) Section 99-11-23 - Stolen property carried into state or carried from one county to another

Where property is stolen in another state or country and brought into this state, or is stolen in one county in this state and carried into another, the offender may be indicted and tried in any county into or through which the property may have passed, or where the same may be found. Codes, 1857, ch. 64, art. 245; 1871, § 2755; 1880, § 2995; 1892, § 1336; 1906, § 1408; Hemingway's 1917, § 1163; 1930, § 1188; 1942, § 2431. Where property is stolen in another state or country and brought into this state, or is stolen in one county in this state and carried into another, the offender may be indicted and tried in any county into or through which the property may have passed, or where the same may be found. Codes, 1857, ch. 64, art. 245; 1871, § 2755; 1880, § 2995; 1892, § 1336; 1906, § 1408; Hemingway's 1917, § 1163; 1930, § 1188; 1942, § 2431. Where property is stolen in another state or country and brought into this state, or is stolen in one county in this state and carried into another, the offender may be indicted and tried in any county into or through which the property may have passed, or where the same may be found. Codes, 1857, ch. 64, art. 245; 1871, § 2755; 1880, § 2995; 1892, § 1336; 1906, § 1408; Hemingway's 1917, § 1163; 1930, § 1188; 1942, § 2431. Where property is stolen in another state or country and brought into this state, or is stolen in one county in this state and carried into another, the offender may be indicted and tried in any county into or through which the property may have passed, or where the same may be found. Codes, 1857, ch. 64, art. 245; 1871, § 2755; 1880, § 2995; 1892, § 1336; 1906, § 1408; Hemingway's 1917, § 1163; 1930, § 1188; 1942, § 2431.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 11 - JURISDICTION AND VENUE (§§ 99-11-1 — 99-11-39) Section 99-11-25 - Aiding, encouraging or causing commission of crime within state by person while out of state

A person who being out of this state causes, aids, advises or encourages any person to commit a crime or public offense within this state and is afterwards found within this state shall be punished in the same manner as if he had been within this state when he caused, aided, advised or encouraged the commission of such crime or public offense. Codes, 1942, § 2431.5; Laws, 1964, ch. 335, eff. 6/11/1964. A person who being out of this state causes, aids, advises or encourages any person to commit a crime or public offense within this state and is afterwards found within this state shall be punished in the same manner as if he had been within this state when he caused, aided, advised or encouraged the commission of such crime or public offense. Codes, 1942, § 2431.5; Laws, 1964, ch. 335, eff. 6/11/1964. A person who being out of this state causes, aids, advises or encourages any person to commit a crime or public offense within this state and is afterwards found within this state shall be punished in the same manner as if he had been within this state when he caused, aided, advised or encouraged the commission of such crime or public offense. Codes, 1942, § 2431.5; Laws, 1964, ch. 335, eff. 6/11/1964. A person who being out of this state causes, aids, advises or encourages any person to commit a crime or public offense within this state and is afterwards found within this state shall be punished in the same manner as if he had been within this state when he caused, aided, advised or encouraged the commission of such crime or public offense. Codes, 1942, § 2431.5; Laws, 1964, ch. 335, eff. 6/11/1964.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 11 - JURISDICTION AND VENUE (§§ 99-11-1 — 99-11-39) Section 99-11-27 - Former acquittal or conviction in another jurisdiction

Every person charged with an offense committed in another state, territory, or country may plead a former conviction or acquittal for the same offense in such other state, territory, or country; and, if such plea be established, it shall be a bar to any further proceedings for the same offense here. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2(6); 1857, ch. 64, art. 4; 1871, § 2881; 1880, § 2997; 1892, § 1337; 1906, § 1409; Hemingway's 1917, § 1164; 1930, § 1189; 1942, § 2432. Every person charged with an offense committed in another state, territory, or country may plead a former conviction or acquittal for the same offense in such other state, territory, or country; and, if such plea be established, it shall be a bar to any further proceedings for the same offense here. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2(6); 1857, ch. 64, art. 4; 1871, § 2881; 1880, § 2997; 1892, § 1337; 1906, § 1409; Hemingway's 1917, § 1164; 1930, § 1189; 1942, § 2432. Every person charged with an offense committed in another state, territory, or country may plead a former conviction or acquittal for the same offense in such other state, territory, or country; and, if such plea be established, it shall be a bar to any further proceedings for the same offense here. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2(6); 1857, ch. 64, art. 4; 1871, § 2881; 1880, § 2997; 1892, § 1337; 1906, § 1409; Hemingway's 1917, § 1164; 1930, § 1189; 1942, § 2432. Every person charged with an offense committed in another state, territory, or country may plead a former conviction or acquittal for the same offense in such other state, territory, or country; and, if such plea be established, it shall be a bar to any further

proceedings for the same offense here. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2(6); 1857, ch. 64, art. 4; 1871, § 2881; 1880, § 2997; 1892, § 1337; 1906, § 1409; Hemingway's 1917, § 1164; 1930, § 1189; 1942, § 2432.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 11 - JURISDICTION AND VENUE (§§ 99-11-1 — 99-11-39) Section 99-11-29 - Acquittal for variance between indictment and proof or on exception to form

Where a defendant is acquitted of a criminal charge upon trial on the ground of a variance between the indictment and proof, or upon exception to the form or substance of the indictment or record, he may be tried and convicted upon a subsequent indictment for the offense actually committed, notwithstanding such acquittal; and it shall be the duty of the court to order the accused into the custody of the proper officer. In all cases of acquittal on the ground of variance between the indictment and proof, the jury, in rendering its verdict, shall so certify. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 1 (5), (6); 1857, ch. 64, arts. 5, 6; 1871, §§ 2882, 2883; 1880, §§ 2998, 2999; 1892, §§ 1338, 1339; 1906, §§ 1410, 1411; Hemingway's 1917, §§ 1165, 1166; 1930, §§ 1190, 1191; 1942, §§ 2433, 2434. Where a defendant is acquitted of a criminal charge upon trial on the ground of a variance between the indictment and proof, or upon exception to the form or substance of the indictment or record, he may be tried and convicted upon a subsequent indictment for the offense actually committed, notwithstanding such acquittal; and it shall be the duty of the court to order the accused into the custody of the proper officer. In all cases of acquittal on the ground of variance between the indictment and proof, the jury, in rendering its verdict, shall so certify. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 1 (5), (6); 1857, ch. 64, arts. 5, 6; 1871, §§ 2882, 2883; 1880, §§ 2998, 2999; 1892, §§ 1338, 1339; 1906, §§ 1410, 1411; Hemingway's 1917, §§ 1165, 1166; 1930, §§ 1190, 1191; 1942, §§ 2433, 2434. Where a defendant is acquitted of a criminal charge upon trial on the ground of a variance between the indictment and proof, or upon exception to the form or substance of the indictment or record, he may be tried and convicted upon a subsequent indictment for the offense actually committed, notwithstanding such acquittal; and it shall be the duty of the court to order the accused into the custody of the proper officer. In all cases of acquittal on the ground of variance between the indictment and proof, the jury, in rendering its verdict, shall so certify. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 1 (5), (6); 1857, ch. 64, arts. 5, 6; 1871, §§ 2882, 2883; 1880, §§ 2998, 2999; 1892, §§ 1338, 1339; 1906, §§ 1410, 1411; Hemingway's 1917, §§ 1165, 1166; 1930, §§ 1190, 1191; 1942, §§ 2433, 2434. Where a defendant is acquitted of a criminal charge upon trial on the ground of a variance between the indictment and proof, or upon exception to the form or substance of the indictment or record, he may be tried and convicted upon a subsequent indictment for the offense actually committed, notwithstanding such acquittal; and it shall be the duty of the court to order the accused into the custody of the proper officer. In all cases of acquittal on the ground of variance between the indictment and proof, the jury, in rendering its verdict, shall so certify. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 1 (5), (6); 1857, ch. 64, arts. 5, 6; 1871, §§ 2882, 2883; 1880, §§ 2998, 2999; 1892, §§ 1338, 1339; 1906, §§ 1410, 1411; Hemingway's 1917, §§ 1165, 1166; 1930, §§ 1190, 1191; 1942, §§ 2433, 2434.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 11 - JURISDICTION AND VENUE (§§ 99-11-1 — 99-11-39) Section 99-11-31 - Acquittal on the merits

When a defendant is acquitted on the merits of his case, and not on any ground stated in Section 99-11-29 such acquittal shall be a bar to any subsequent accusation for the same offense, notwithstanding any defect in the record, or in the form or substance of the indictment upon which such acquittal was had. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 1(5); 1857, ch. 64, art. 6; 1871, § 2883; 1880, § 2999; 1892, § 1339; 1906, § 1411; Hemingway's 1917, § 1166; 1930, § 1191; 1942, § 2434. When a defendant is acquitted on the merits of his case, and not on any ground stated in Section 99-11-29 such acquittal shall be a bar to any subsequent accusation for the same offense, notwithstanding any defect in the record, or in the form or substance of the indictment upon which such acquittal was had. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 1(5); 1857, ch. 64, art. 6; 1871, § 2883; 1880, § 2999; 1892, § 1339; 1906, § 1411; Hemingway's 1917, § 1166; 1930, § 1191; 1942, § 2434. When a defendant is acquitted on the merits of his case, and not on any ground stated in Section 99-11-29 such acquittal shall be a bar to any subsequent accusation for the same offense, notwithstanding any defect in the record, or in the form or substance of the indictment upon which such acquittal was had. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 1(5); 1857, ch. 64, art. 6; 1871, § 2883; 1880, § 2999; 1892, § 1339; 1906, § 1411; Hemingway's 1917, § 1166; 1930, § 1191; 1942, § 2434.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 11 - JURISDICTION AND VENUE (§§ 99-11-1 — 99-11-39) Section 99-11-33 - Acquittal or conviction by justice of the peace for misdemeanor not to bar prosecution for felony

The acquittal or conviction of a person by a justice of the peace, or a county court on a charge of being guilty of a misdemeanor, shall not be a bar to a prosecution for a felony in the same matter; but thereafter, on indictment for the felony, if the accused be acquitted thereof, he shall not be convicted of the constituent misdemeanor; and, if convicted of the felony, the court may moderate the sentence so as not to punish for the constituent misdemeanor. Codes, 1880, § 3000; 1892, § 1340; 1906, § 1412; Hemingway's 1917, § 1167; 1930, § 1192; 1942, § 2435; Laws, 1928, ch. 43. The acquittal or conviction of a person by a justice of the peace, or a

county court on a charge of being guilty of a misdemeanor, shall not be a bar to a prosecution for a felony in the same matter; but thereafter, on indictment for the felony, if the accused be acquitted thereof, he shall not be convicted of the constituent misdemeanor; and, if convicted of the felony, the court may moderate the sentence so as not to punish for the constituent misdemeanor. Codes, 1880, § 3000; 1892, § 1340; 1906, § 1412; Hemingway's 1917, § 1167; 1930, § 1192; 1942, § 2435; Laws, 1928, ch. 43. The acquittal or conviction of a person by a justice of the peace, or a county court on a charge of being guilty of a misdemeanor, shall not be a bar to a prosecution for a felony in the same matter; but thereafter, on indictment for the felony, if the accused be acquitted thereof, he shall not be convicted of the constituent misdemeanor; and, if convicted of the felony, the court may moderate the sentence so as not to punish for the constituent misdemeanor. Codes, 1880, § 3000; 1892, § 1340; 1906, § 1412; Hemingway's 1917, § 1167; 1930, § 1192; 1942, § 2435; Laws, 1928, ch. 43.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 11 - JURISDICTION AND VENUE (§§ 99-11-1 — 99-11-39) Section 99-11-35 - No acquittal for defects of form

A person shall not be acquitted or discharged in a criminal case, before verdict, for any irregularity or informality in the pleadings or proceedings; nor shall any verdict or judgment be arrested, reversed or annulled after the same is rendered, for any defect or omission in any jury, either grand or petit, or for any other defect of form which might have been taken advantage of before verdict, and which shall not have been so taken advantage of. Codes, Hutchinson's 1848, ch. 65, art. 2(65); 1857, ch. 64, art. 7; 1871, § 2884; 1880, § 3001; 1892, § 1341; 1906, § 1413; Hemingway's 1917, § 1168; 1930, § 1193; 1942, § 2436. A person shall not be acquitted or discharged in a criminal case, before verdict, for any irregularity or informality in the pleadings or proceedings; nor shall any verdict or judgment be arrested, reversed or annulled after the same is rendered, for any defect or omission in any jury, either grand or petit, or for any other defect of form which might have been taken advantage of before verdict, and which shall not have been so taken advantage of. Codes, Hutchinson's 1848, ch. 65, art. 2(65); 1857, ch. 64, art. 7; 1871, § 2884; 1880, § 3001; 1892, § 1341; 1906, § 1413; Hemingway's 1917, § 1168; 1930, § 1193; 1942, § 2436. A person shall not be acquitted or discharged in a criminal case, before verdict, for any irregularity or informality in the pleadings or proceedings; nor shall any verdict or judgment be arrested, reversed or annulled after the same is rendered, for any defect or omission in any jury, either grand or petit, or for any other defect of form which might have been taken advantage of before verdict, and which shall not have been so taken advantage of. Codes, Hutchinson's 1848, ch. 65, art. 2(65); 1857, ch. 64, art. 7; 1871, § 2884; 1880, § 3001; 1892, § 1341; 1906, § 1413; Hemingway's 1917, § 1168; 1930, § 1193; 1942, § 2436.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 11 - JURISDICTION AND VENUE (§§ 99-11-1 — 99-11-39) Section 99-11-37 - Cognizance and jurisdiction of crimes committed in particular district in Harrison County or Hinds County

(1) In Harrison County, a county having two (2) judicial districts, all crimes and misdemeanors shall be cognizable only in the proper court of the district in which the offense may be committed, and such court shall have jurisdiction of the same. (2) In Hinds County, a county having two (2) judicial districts, all crimes and misdemeanors committed in Hinds County shall be cognizable in the court of either judicial district of the county, and such court shall have jurisdiction of the same. Any and all proceedings may be conducted in either judicial district. Codes, 1942, § 2910-16; Laws, 1962, ch. 257, § 16; Laws, 1993, ch. 352, § 2, eff. 3/16/1993. (1) In Harrison County, a county having two (2) judicial districts, all crimes and misdemeanors shall be cognizable only in the proper court of the district in which the offense may be committed, and such court shall have jurisdiction of the same. (2) In Hinds County, a county having two (2) judicial districts, all crimes and misdemeanors committed in Hinds County shall be cognizable in the court of either judicial district of the county, and such court shall have jurisdiction of the same. Any and all proceedings may be conducted in either judicial district. Codes, 1942, § 2910-16; Laws, 1962, ch. 257, § 16; Laws, 1993, ch. 352, § 2, eff. 3/16/1993. (1) In Harrison County, a county having two (2) judicial districts, all crimes and misdemeanors shall be cognizable only in the proper court of the district in which the offense may be committed, and such court shall have jurisdiction of the same. (2) In Hinds County, a county having two (2) judicial districts, all crimes and misdemeanors committed in Hinds County shall be cognizable in the court of either judicial district of the county, and such court shall have jurisdiction of the same. Any and all proceedings may be conducted in either judicial district. Codes, 1942, § 2910-16; Laws, 1962, ch. 257, § 16; Laws, 1993, ch. 352, § 2, eff. 3/16/1993. Codes, 1942, § 2910-16; Laws, 1962, ch. 257, § 16; Laws, 1993, ch. 352, § 2, eff. 3/16/1993.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 11 - JURISDICTION AND

VENUE (§§ 99-11-1 — 99-11-39)Section 99-11-39 - Transmittal of records on change of venue or transfer or removal of trial in Harrison County or Hinds County

(1)In Harrison County, a county having two (2) judicial districts, in all criminal cases where the venue thereof shall be changed, or the trial transferred or removed from one district to the other, the original papers, together with certified copies of all motions, orders and decrees made and entered in such suits, proceedings, matters and cases, shall be transmitted, transferred and filed by the proper clerk to and in his office at the proper place to which such change of venue or transfer shall be made.(2)In Hinds County, a county having two (2) judicial districts, in all criminal cases where the venue thereof may be changed, or the trial transferred or removed from one district to the other, the original papers, together with certified copies of all motions, orders and decrees made and entered in such suits, proceedings, matters and cases, may be transmitted, transferred and filed by the proper clerk to and in his office at the proper place to which such change of venue or transfer may be made.Codes, 1942, § 2910-18; Laws, 1962, ch. 257, § 18; Laws, 1993, ch. 352, § 3, eff. 3/16/1993. (1)In Harrison County, a county having two (2) judicial districts, in all criminal cases where the venue thereof shall be changed, or the trial transferred or removed from one district to the other, the original papers, together with certified copies of all motions, orders and decrees made and entered in such suits, proceedings, matters and cases, shall be transmitted, transferred and filed by the proper clerk to and in his office at the proper place to which such change of venue or transfer shall be made.(2)In Hinds County, a county having two (2) judicial districts, in all criminal cases where the venue thereof may be changed, or the trial transferred or removed from one district to the other, the original papers, together with certified copies of all motions, orders and decrees made and entered in such suits, proceedings, matters and cases, may be transmitted, transferred and filed by the proper clerk to and in his office at the proper place to which such change of venue or transfer may be made.Codes, 1942, § 2910-18; Laws, 1962, ch. 257, § 18; Laws, 1993, ch. 352, § 3, eff. 3/16/1993. (1)In Harrison County, a county having two (2) judicial districts, in all criminal cases where the venue thereof shall be changed, or the trial transferred or removed from one district to the other, the original papers, together with certified copies of all motions, orders and decrees made and entered in such suits, proceedings, matters and cases, shall be transmitted, transferred and filed by the proper clerk to and in his office at the proper place to which such change of venue or transfer shall be made.(2)In Hinds County, a county having two (2) judicial districts, in all criminal cases where the venue thereof may be changed, or the trial transferred or removed from one district to the other, the original papers, together with certified copies of all motions, orders and decrees made and entered in such suits, proceedings, matters and cases, may be transmitted, transferred and filed by the proper clerk to and in his office at the proper place to which such change of venue or transfer may be made.Codes, 1942, § 2910-18; Laws, 1962, ch. 257, § 18; Laws, 1993, ch. 352, § 3, eff. 3/16/1993. Codes, 1942, § 2910-18; Laws, 1962, ch. 257, § 18; Laws, 1993, ch. 352, § 3, eff. 3/16/1993.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 11 - JURISDICTION AND VENUE (§§ 99-11-1 — 99-11-39)Section 99-11-5 - Extent of criminal jurisdiction of State of Mississippi

The criminal jurisdiction of the State of Mississippi is hereby extended as follows: Beginning at a point on the Mississippi River where the northern boundary line of the State of Mississippi intersects the thread, or middle of the stream of said river, and extending due west along a line parallel with, and in extension of the northern boundary line of the State of Mississippi to the west bank of said river, thence south along said bank and following the meandering thereof to the southern boundary line of the State of Arkansas, thence east to the thread, or middle of the stream of said river.Codes, Hemingway's 1917, § 1150; 1930, § 1177; 1942, § 2420; Laws, 1910, ch. 141. The criminal jurisdiction of the State of Mississippi is hereby extended as follows: Beginning at a point on the Mississippi River where the northern boundary line of the State of Mississippi intersects the thread, or middle of the stream of said river, and extending due west along a line parallel with, and in extension of the northern boundary line of the State of Mississippi to the west bank of said river, thence south along said bank and following the meandering thereof to the southern boundary line of the State of Arkansas, thence east to the thread, or middle of the stream of said river.Codes, Hemingway's 1917, § 1150; 1930, § 1177; 1942, § 2420; Laws, 1910, ch. 141. The criminal jurisdiction of the State of Mississippi is hereby extended as follows: Beginning at a point on the Mississippi River where the northern boundary line of the State of Mississippi intersects the thread, or middle of the stream of said river, and extending due west along a line parallel with, and in extension of the northern boundary line of the State of Mississippi to the west bank of said river, thence south along said bank and following the meandering thereof to the southern boundary line of the State of Arkansas, thence east to the thread, or middle of the stream of said river.Codes, Hemingway's 1917, § 1150; 1930, § 1177; 1942, § 2420; Laws, 1910, ch. 141. The criminal jurisdiction of the State of Mississippi is hereby extended as follows: Beginning at a point on the Mississippi River where the northern boundary line of the State of Mississippi intersects the thread, or middle of the stream of said river, and extending due west along a line parallel with, and in extension of the northern boundary line of the State of Mississippi to the west bank of said river, thence south along said bank and following the meandering thereof to the southern boundary line of the State of Arkansas, thence east to the thread, or middle of the stream of said river. Codes, Hemingway's 1917, § 1150; 1930, § 1177; 1942, § 2420; Laws, 1910, ch. 141.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 11 - JURISDICTION AND VENUE (§§ 99-11-1 — 99-11-39)Section 99-11-7 - Concurrent jurisdiction with Arkansas

The State of Mississippi, and her sister state, Arkansas, have concurrent criminal jurisdiction over all the waters, islands, and territory lying opposite them and between the east and west banks of said river and the north boundary line of the State of Mississippi and the south boundary line of the State of Arkansas, at their intersection with the Mississippi River.Codes,

Hemingway's 1917, § 1151; 1930, § 1178; 1942, § 2421; Laws, 1910, ch. 141. The State of Mississippi, and her sister state, Arkansas, have concurrent criminal jurisdiction over all the waters, islands, and territory lying opposite them and between the east and west banks of said river and the north boundary line of the State of Mississippi and the south boundary line of the State of Arkansas, at their intersection with the Mississippi River. Codes, Hemingway's 1917, § 1151; 1930, § 1178; 1942, § 2421; Laws, 1910, ch. 141. The State of Mississippi, and her sister state, Arkansas, have concurrent criminal jurisdiction over all the waters, islands, and territory lying opposite them and between the east and west banks of said river and the north boundary line of the State of Mississippi and the south boundary line of the State of Arkansas, at their intersection with the Mississippi River. Codes, Hemingway's 1917, § 1151; 1930, § 1178; 1942, § 2421; Laws, 1910, ch. 141.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 11 - JURISDICTION AND VENUE (§§ 99-11-1 — 99-11-39) Section 99-11-9 - Jurisdiction of paternity proceedings

The circuit court of the county in which an illegitimate child is born shall have jurisdiction of any action brought under section 97-29-11, Mississippi Code of 1972. No male person shall be convicted solely on the uncorroborated testimony of the female person giving birth to the child. Codes, 1942, § 2018.6; Laws, 1964, ch. 341, §§ 1-4 (Para. Para. 1-4). The circuit court of the county in which an illegitimate child is born shall have jurisdiction of any action brought under section 97-29-11, Mississippi Code of 1972. No male person shall be convicted solely on the uncorroborated testimony of the female person giving birth to the child. Codes, 1942, § 2018.6; Laws, 1964, ch. 341, §§ 1-4 (Para. Para. 1-4). The circuit court of the county in which an illegitimate child is born shall have jurisdiction of any action brought under section 97-29-11, Mississippi Code of 1972. No male person shall be convicted solely on the uncorroborated testimony of the female person giving birth to the child. Codes, 1942, § 2018.6; Laws, 1964, ch. 341, §§ 1-4 (Para. Para. 1-4). The circuit court of the county in which an illegitimate child is born shall have jurisdiction of any action brought under section 97-29-11, Mississippi Code of 1972. No male person shall be convicted solely on the uncorroborated testimony of the female person giving birth to the child. Codes, 1942, § 2018.6; Laws, 1964, ch. 341, §§ 1-4 (Para. Para. 1-4).

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 13 - INSANITY PROCEEDINGS (§§ 99-13-1 — 99-13-11) Section 99-13-1 - Definition of "person with an intellectual disability."

The term "person with an intellectual disability," within the meaning of this chapter, shall have the same meaning as the term "person with an intellectual disability" in Section 41-21-61. Codes, Hemingway's 1921 Supp. § 5728b; 1930, § 7269; 1942, § 6764; Laws, 1920, ch. 210; Laws, 1984, ch. 472, § 1; Laws, 2008, ch. 442, § 34; Laws, 2010, ch. 476, § 81, eff. 4/1/2010. The term "person with an intellectual disability," within the meaning of this chapter, shall have the same meaning as the term "person with an intellectual disability" in Section 41-21-61. Codes, Hemingway's 1921 Supp. § 5728b; 1930, § 7269; 1942, § 6764; Laws, 1920, ch. 210; Laws, 1984, ch. 472, § 1; Laws, 2008, ch. 442, § 34; Laws, 2010, ch. 476, § 81, eff. 4/1/2010. The term "person with an intellectual disability," within the meaning of this chapter, shall have the same meaning as the term "person with an intellectual disability" in Section 41-21-61. Codes, Hemingway's 1921 Supp. § 5728b; 1930, § 7269; 1942, § 6764; Laws, 1920, ch. 210; Laws, 1984, ch. 472, § 1; Laws, 2008, ch. 442, § 34; Laws, 2010, ch. 476, § 81, eff. 4/1/2010. The term "person with an intellectual disability," within the meaning of this chapter, shall have the same meaning as the term "person with an intellectual disability" in Section 41-21-61. Codes, Hemingway's 1921 Supp. § 5728b; 1930, § 7269; 1942, § 6764; Laws, 1920, ch. 210; Laws, 1984, ch. 472, § 1; Laws, 2008, ch. 442, § 34; Laws, 2010, ch. 476, § 81, eff. 4/1/2010.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 13 - INSANITY PROCEEDINGS (§§ 99-13-1 — 99-13-11) Section 99-13-11 - Mental examination of person charged with felony; cost

In any criminal action in which the mental competency of a person charged with a felony is in question, the circuit or county court or judge in vacation on motion duly made by the defendant or the district attorney, or on the motion of the court or judge, may order the person to submit to a mental examination by a competent psychiatrist or psychologist selected by the court to determine his ability to make a defense; any cost or expense in connection with such mental examination shall be paid by the county in which the criminal action is pending. Codes, 1942, § 2575.5; Laws, 1960, ch. 262; Laws, 1997, ch. 474, § 1; Laws, 1997, ch. 433, § 1, eff. 7/1/1997. Amended by Laws, 2019, ch. 468, SB 2328, § 2, eff. 7/1/2019. In any criminal action in which the mental competency of a person charged with a felony is in question, the circuit or county court or judge in vacation on motion duly made by the defendant or the district attorney, or on the motion of the court or judge, may order the person to submit to a mental examination by a competent psychiatrist or psychologist selected by the court to determine his ability to make a defense; any cost or expense in connection with such mental examination shall be paid by the county in which the criminal action is pending. Codes, 1942, § 2575.5; Laws, 1960, ch. 262; Laws, 1997, ch. 474, § 1; Laws, 1997, ch. 433, § 1, eff. 7/1/1997. Amended by Laws, 2019, ch. 468, SB 2328, § 2, eff. 7/1/2019. In any criminal action in which the mental competency of a person charged with a felony is in question, the circuit or county court or judge in vacation on motion duly made by the defendant or the district attorney, or on the motion of the court or judge, may order the person to submit to a mental examination by a competent psychiatrist or psychologist selected by the court to determine his ability to make a defense; any cost or expense in connection with such mental examination shall be paid by the county in which the

criminal action is pending. Codes, 1942, § 2575.5; Laws, 1960, ch. 262; Laws, 1997, ch. 474, § 1; Laws, 1997, ch. 433, § 1, eff. 7/1/1997. Amended by Laws, 2019, ch. 468, SB 2328, § 2, eff. 7/1/2019. In any criminal action in which the mental competency of a person charged with a felony is in question, the circuit or county court or judge in vacation on motion duly made by the defendant or the district attorney, or on the motion of the court or judge, may order the person to submit to a mental examination by a competent psychiatrist or psychologist selected by the court to determine his ability to make a defense; any cost or expense in connection with such mental examination shall be paid by the county in which the criminal action is pending. Codes, 1942, § 2575.5; Laws, 1960, ch. 262; Laws, 1997, ch. 474, § 1; Laws, 1997, ch. 433, § 1, eff. 7/1/1997. Amended by Laws, 2019, ch. 468, SB 2328, § 2, eff. 7/1/2019.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 13 - INSANITY PROCEEDINGS (§§ 99-13-1 — 99-13-11) Section 99-13-3 - Disposition of offender who is insane or a person with an intellectual disability brought before conservator of the peace

When any prisoner or any person charged with a crime or delinquency is brought before any conservator of the peace, and in the course of the investigation it appears that the person was insane when the offense was committed and still is insane, or was a person with an intellectual disability to such an extent as not to be responsible for his or her act or omission at the time when the act or omission charged was made, he shall not be discharged, but the conservator of the peace shall remand the prisoner to custody and immediately report the case to the chancellor or clerk of the chancery court, whose duty it shall be to proceed with the case according to the law provided for persons with mental illness or persons with an intellectual disability. Codes, 1880, § 3139; 1892, § 1466; 1906, § 1538; Hemingway's 1917, § 1300; Hemingway's 1921 Supp, § 5728x; 1930, §§ 1325, 7287; 1942, §§ 2573, 6777; Laws, 1920, ch. 210; Laws, 2008, ch. 442, § 35; Laws, 2010, ch. 476, § 82, eff. 4/1/2010. When any prisoner or any person charged with a crime or delinquency is brought before any conservator of the peace, and in the course of the investigation it appears that the person was insane when the offense was committed and still is insane, or was a person with an intellectual disability to such an extent as not to be responsible for his or her act or omission at the time when the act or omission charged was made, he shall not be discharged, but the conservator of the peace shall remand the prisoner to custody and immediately report the case to the chancellor or clerk of the chancery court, whose duty it shall be to proceed with the case according to the law provided for persons with mental illness or persons with an intellectual disability. Codes, 1880, § 3139; 1892, § 1466; 1906, § 1538; Hemingway's 1917, § 1300; Hemingway's 1921 Supp, § 5728x; 1930, §§ 1325, 7287; 1942, §§ 2573, 6777; Laws, 1920, ch. 210; Laws, 2008, ch. 442, § 35; Laws, 2010, ch. 476, § 82, eff. 4/1/2010. When any prisoner or any person charged with a crime or delinquency is brought before any conservator of the peace, and in the course of the investigation it appears that the person was insane when the offense was committed and still is insane, or was a person with an intellectual disability to such an extent as not to be responsible for his or her act or omission at the time when the act or omission charged was made, he shall not be discharged, but the conservator of the peace shall remand the prisoner to custody and immediately report the case to the chancellor or clerk of the chancery court, whose duty it shall be to proceed with the case according to the law provided for persons with mental illness or persons with an intellectual disability. Codes, 1880, § 3139; 1892, § 1466; 1906, § 1538; Hemingway's 1917, § 1300; Hemingway's 1921 Supp, § 5728x; 1930, §§ 1325, 7287; 1942, §§ 2573, 6777; Laws, 1920, ch. 210; Laws, 2008, ch. 442, § 35; Laws, 2010, ch. 476, § 82, eff. 4/1/2010.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 13 - INSANITY PROCEEDINGS (§§ 99-13-1 — 99-13-11) Section 99-13-5 - Disposition of an accused who grand jury has found to be insane or a person with an intellectual disability

When any person is held in prison or on bail, charged with an offense, and the grand jury does not find a true bill for reason of insanity of the accused or for reason that the accused has an intellectual disability, which they judge to be such that he or she was not responsible for his acts or omissions at the time when the act or omission charged was committed or made, the grand jury shall certify the fact to the circuit court and shall state whether or not the insane person or person with an intellectual disability is a danger to the security of persons and property and the peace and safety of the community, and if the grand jury reports that insanity or intellectual disability and that danger, the court shall immediately give notice of the case to the chancellor or to the clerk of the chancery court, whose duty it shall be to proceed with the insane person and his estate or the person with an intellectual disability according to the law provided in the case of persons with mental illness or persons with an intellectual disability. Codes, 1871, § 2878; 1880, § 3140; 1892, § 1467; 1906, § 1539; Hemingway's 1917, § 1301; Hemingway's 1921 Supp, § 5728x; 1930, §§ 1326, 7287; 1942, §§ 2574, 6777; Laws, 1920, ch. 210; Laws, 2008, ch. 442, § 36; Laws, 2010, ch. 476, § 83, eff. 4/1/2010. When any person is held in prison or on bail, charged with an offense, and the grand jury does not find a true bill for reason of insanity of the accused or for reason that the accused has an intellectual disability, which they judge to be such that he or she was not responsible

for his acts or omissions at the time when the act or omission charged was committed or made, the grand jury shall certify the fact to the circuit court and shall state whether or not the insane person or person with an intellectual disability is a danger to the security of persons and property and the peace and safety of the community, and if the grand jury reports that insanity or intellectual disability and that danger, the court shall immediately give notice of the case to the chancellor or to the clerk of the chancery court, whose duty it shall be to proceed with the insane person and his estate or the person with an intellectual disability according to the law provided in the case of persons with mental illness or persons with an intellectual disability. Codes, 1871, § 2878; 1880, § 3140; 1892, § 1467; 1906, § 1539; Hemingway's 1917, § 1301; Hemingway's 1921 Supp, § 5728x; 1930, §§ 1326, 7287; 1942, §§ 2574, 6777; Laws, 1920, ch. 210; Laws, 2008, ch. 442, § 36; Laws, 2010, ch. 476, § 83, eff. 4/1/2010. When any person is held in prison or on bail, charged with an offense, and the grand jury does not find a true bill for reason of insanity of the accused or for reason that the accused has an intellectual disability, which they judge to be such that he or she was not responsible for his acts or omissions at the time when the act or omission charged was committed or made, the grand jury shall certify the fact to the circuit court and shall state whether or not the insane person or person with an intellectual disability is a danger to the security of persons and property and the peace and safety of the community, and if the grand jury reports that insanity or intellectual disability and that danger, the court shall immediately give notice of the case to the chancellor or to the clerk of the chancery court, whose duty it shall be to proceed with the insane person and his estate or the person with an intellectual disability according to the law provided in the case of persons with mental illness or persons with an intellectual disability. Codes, 1871, § 2878; 1880, § 3140; 1892, § 1467; 1906, § 1539; Hemingway's 1917, § 1301; Hemingway's 1921 Supp, § 5728x; 1930, §§ 1326, 7287; 1942, §§ 2574, 6777; Laws, 1920, ch. 210; Laws, 2008, ch. 442, § 36; Laws, 2010, ch. 476, § 83, eff. 4/1/2010. When any person is held in prison or on bail, charged with an offense, and the grand jury does not find a true bill for reason of insanity of the accused or for reason that the accused has an intellectual disability, which they judge to be such that he or she was not responsible for his acts or omissions at the time when the act or omission charged was committed or made, the grand jury shall certify the fact to the circuit court and shall state whether or not the insane person or person with an intellectual disability is a danger to the security of persons and property and the peace and safety of the community, and if the grand jury reports that insanity or intellectual disability and that danger, the court shall immediately give notice of the case to the chancellor or to the clerk of the chancery court, whose duty it shall be to proceed with the insane person and his estate or the person with an intellectual disability according to the law provided in the case of persons with mental illness or persons with an intellectual disability. Codes, 1871, § 2878; 1880, § 3140; 1892, § 1467; 1906, § 1539; Hemingway's 1917, § 1301; Hemingway's 1921 Supp, § 5728x; 1930, §§ 1326, 7287; 1942, §§ 2574, 6777; Laws, 1920, ch. 210; Laws, 2008, ch. 442, § 36; Laws, 2010, ch. 476, § 83, eff. 4/1/2010.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 13 - INSANITY PROCEEDINGS (§§ 99-13-1 — 99-13-11) Section 99-13-7 - Acquittal for insanity; presumption of continuing mental illness and dangerousness of person acquitted on ground of insanity; challenge to presumption; hearing; right to counsel

(1) When any person is indicted for an offense and acquitted on the ground of insanity, the jury rendering the verdict shall state in the verdict that ground and whether the accused has since been restored to his sanity and whether he is dangerous to the community. If the jury certifies that the person is still insane and dangerous, the judge shall order him to be conveyed to and confined in one of the state psychiatric hospitals or institutions. (2) There shall be a presumption of continuing mental illness and dangerousness of the person acquitted on the ground of insanity. The presumption may be challenged by the person confined to the state psychiatric hospital or institution and overcome by clear and convincing evidence that the person has been restored to sanity and is no longer dangerous to the community. The court ordering confinement of the person to a state psychiatric hospital or institution shall conduct the hearing to determine whether the person has been restored to sanity and is no longer dangerous to the community. The person shall have the right to counsel at the hearing and if the person is indigent, counsel shall be appointed. The provisions of this subsection shall not apply to a person found by the jury to have been restored to sanity and no longer a threat to the community. Codes 1930, §§ 1327, 1328; 1942, § 2575; Laws, 1932, ch. 237; Laws, 2008, ch. 442, § 37; Laws, 2010, ch. 440, § 1, eff. 3/29/2010. (1) When any person is indicted for an offense and acquitted on the ground of insanity, the jury rendering the verdict shall state in the verdict that ground and whether the accused has since been restored to his sanity and whether he is dangerous to the community. If the jury certifies that the person is still insane and dangerous, the judge shall order him to be conveyed to and confined in one of the state psychiatric hospitals or institutions. (2) There shall be a presumption of continuing mental illness and dangerousness of the person acquitted on the ground of insanity. The presumption may be challenged by the person confined to the state psychiatric hospital or institution and overcome by clear and convincing evidence that the person has been restored to sanity and is no longer dangerous to the community. The court ordering confinement of the person to a state psychiatric hospital or institution shall conduct the hearing to determine whether the person has been restored to sanity and is no longer dangerous to the community. The person shall have the right to counsel at the hearing and if the person is indigent, counsel shall be appointed. The provisions of this subsection shall not apply to a person found by the jury to have been restored to sanity and no longer a threat to the community. Codes 1930, §§ 1327, 1328; 1942, § 2575; Laws, 1932, ch. 237; Laws, 2008, ch. 442, § 37; Laws, 2010, ch. 440, § 1, eff. 3/29/2010. (1) When any person is indicted for an offense and acquitted on the ground of insanity, the jury rendering the verdict shall state in the verdict that ground and whether the accused has since been restored to his sanity and whether he is dangerous to the community. If the jury certifies that the person is still insane and dangerous, the judge shall order him to be conveyed to and confined in one of the state psychiatric hospitals or institutions. (2) There shall be a presumption of continuing mental illness and dangerousness of the person acquitted on the ground of insanity. The presumption may be challenged by the

person confined to the state psychiatric hospital or institution and overcome by clear and convincing evidence that the person has been restored to sanity and is no longer dangerous to the community. The court ordering confinement of the person to a state psychiatric hospital or institution shall conduct the hearing to determine whether the person has been restored to sanity and is no longer dangerous to the community. The person shall have the right to counsel at the hearing and if the person is indigent, counsel shall be appointed. The provisions of this subsection shall not apply to a person found by the jury to have been restored to sanity and no longer a threat to the community. Codes 1930, §§ 1327, 1328; 1942, § 2575; Laws, 1932, ch. 237; Laws, 2008, ch. 442, § 37; Laws, 2010, ch. 440, § 1, eff. 3/29/2010. Codes 1930, §§ 1327, 1328; 1942, § 2575; Laws, 1932, ch. 237; Laws, 2008, ch. 442, § 37; Laws, 2010, ch. 440, § 1, eff. 3/29/2010.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 13 - INSANITY PROCEEDINGS (§§ 99-13-1 — 99-13-11) Section 99-13-9 - Acquittal on the ground of having an intellectual disability

When any person is indicted for an offense and acquitted on the ground of having an intellectual disability, the jury rendering the verdict shall state in the verdict that ground and whether the accused constitutes a danger to life or property and to the peace and safety of the community. If the jury certifies that the person with an intellectual disability is dangerous to the peace and safety of the community or to himself or herself, the circuit court shall proceed with the person according to the law provided in the case of persons with an intellectual disability, the person with an intellectual disability himself being remanded to custody to await the further action of the circuit court. Codes, Hemingway's 1921 Supp, § 5728x; 1930, § 7287; 1942, § 6777; Laws, 1920, ch. 210; Laws, 2008, ch. 442, § 38; Laws, 2010, ch. 476, § 84, eff. 4/1/2010. Amended by Laws, 2024, ch. 479, HB 1088, § 2, eff. 7/1/2024.

When any person is indicted for an offense and acquitted on the ground of having an intellectual disability, the jury rendering the verdict shall state in the verdict that ground and whether the accused constitutes a danger to life or property and to the peace and safety of the community. If the jury certifies that the person with an intellectual disability is dangerous to the peace and safety of the community or to himself or herself, the circuit court shall proceed with the person according to the law provided in the case of persons with an intellectual disability, the person with an intellectual disability himself being remanded to custody to await the further action of the circuit court. Codes, Hemingway's 1921 Supp, § 5728x; 1930, § 7287; 1942, § 6777; Laws, 1920, ch. 210; Laws, 2008, ch. 442, § 38; Laws, 2010, ch. 476, § 84, eff. 4/1/2010. Amended by Laws, 2024, ch. 479, HB 1088, § 2, eff. 7/1/2024.

When any person is indicted for an offense and acquitted on the ground of having an intellectual disability, the jury rendering the verdict shall state in the verdict that ground and whether the accused constitutes a danger to life or property and to the peace and safety of the community. If the jury certifies that the person with an intellectual disability is dangerous to the peace and safety of the community or to himself or herself, the circuit court shall proceed with the person according to the law provided in the case of persons with an intellectual disability, the person with an intellectual disability himself being remanded to custody to await the further action of the circuit court. Codes, Hemingway's 1921 Supp, § 5728x; 1930, § 7287; 1942, § 6777; Laws, 1920, ch. 210; Laws, 2008, ch. 442, § 38; Laws, 2010, ch. 476, § 84, eff. 4/1/2010. Amended by Laws, 2024, ch. 479, HB 1088, § 2, eff. 7/1/2024.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-1 - Conservators of peace; defined

The judges of the Supreme, circuit and chancery courts and of the court of appeals are conservators of the peace throughout the state, and each judge of the county court and every justice court judge is such within his county. Codes, 1857, ch. 64, art. 328; 1871, § 2821; 1880, § 3112; 1892, § 1460; 1906, § 1533; Hemingway's 1917, § 1295; 1930, § 1320; 1942, § 2568; Laws, 1996, ch. 385, § 1, eff. 7/1/1996. The judges of the Supreme, circuit and chancery courts and of the court of appeals are conservators of the peace throughout the state, and each judge of the county court and every justice court judge is such within his county. Codes, 1857, ch. 64, art. 328; 1871, § 2821; 1880, § 3112; 1892, § 1460; 1906, § 1533; Hemingway's 1917, § 1295; 1930, § 1320; 1942, § 2568; Laws, 1996, ch. 385, § 1, eff. 7/1/1996. The judges of the Supreme, circuit and chancery courts and of the court of appeals are conservators of the peace throughout the state, and each judge of the county court and every justice court judge is such within his county. Codes, 1857, ch. 64, art. 328; 1871, § 2821; 1880, § 3112; 1892, § 1460; 1906, § 1533; Hemingway's 1917, § 1295; 1930, § 1320; 1942, § 2568; Laws, 1996, ch. 385, § 1, eff. 7/1/1996. The judges of the Supreme, circuit and chancery courts and of the court of appeals are conservators of the peace throughout the state, and each judge of the county court and every justice court judge is such within his county. Codes, 1857, ch. 64, art. 328; 1871, § 2821; 1880, § 3112; 1892, § 1460; 1906, § 1533; Hemingway's 1917, § 1295; 1930, § 1320; 1942, § 2568; Laws, 1996, ch. 385, § 1, eff. 7/1/1996.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-11 - Conservators of the

peace; search warrant for stolen property

Any conservator of the peace, on the affidavit of a credible person, may issue a search warrant and cause stolen or embezzled goods to be seized; but the affidavit and warrant must specify the goods to be seized and the person or place to be searched. Codes, Hutchinson's 1848, ch. 64, art. 1(28); 1857, ch. 64, art. 331; 1871, § 2824; 1880, § 3115; 1892, § 1469; 1906, § 1541; Hemingway's 1917, § 1303; 1930, § 1329; 1942, § 2576. Any conservator of the peace, on the affidavit of a credible person, may issue a search warrant and cause stolen or embezzled goods to be seized; but the affidavit and warrant must specify the goods to be seized and the person or place to be searched. Codes, Hutchinson's 1848, ch. 64, art. 1(28); 1857, ch. 64, art. 331; 1871, § 2824; 1880, § 3115; 1892, § 1469; 1906, § 1541; Hemingway's 1917, § 1303; 1930, § 1329; 1942, § 2576. Any conservator of the peace, on the affidavit of a credible person, may issue a search warrant and cause stolen or embezzled goods to be seized; but the affidavit and warrant must specify the goods to be seized and the person or place to be searched. Codes, Hutchinson's 1848, ch. 64, art. 1(28); 1857, ch. 64, art. 331; 1871, § 2824; 1880, § 3115; 1892, § 1469; 1906, § 1541; Hemingway's 1917, § 1303; 1930, § 1329; 1942, § 2576. Any conservator of the peace, on the affidavit of a credible person, may issue a search warrant and cause stolen or embezzled goods to be seized; but the affidavit and warrant must specify the goods to be seized and the person or place to be searched. Codes, Hutchinson's 1848, ch. 64, art. 1(28); 1857, ch. 64, art. 331; 1871, § 2824; 1880, § 3115; 1892, § 1469; 1906, § 1541; Hemingway's 1917, § 1303; 1930, § 1329; 1942, § 2576.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-15 - Appointment of counsel for indigents

When any person shall be charged with a felony, misdemeanor punishable by confinement for ninety (90) days or more, or commission of an act of delinquency, the court or the judge in vacation, being satisfied that such person is an indigent person and is unable to employ counsel, may, in the discretion of the court, appoint counsel to defend him. Such appointed counsel shall have free access to the accused who shall have process to compel the attendance of witnesses in his favor. The accused shall have such representation available at every critical stage of the proceeding against him where a substantial right may be affected. Codes, 1942, § 2505-01; Laws, 1971, ch. 490, § 2; reenacted without change, Laws, 1999, ch. 375, § 1; reenacted without change, Laws, 2000, ch. 332, § 1; reenacted without change, Laws, 2001, ch. 375, § 1, eff. 7/1/2001. When any person shall be charged with a felony, misdemeanor punishable by confinement for ninety (90) days or more, or commission of an act of delinquency, the court or the judge in vacation, being satisfied that such person is an indigent person and is unable to employ counsel, may, in the discretion of the court, appoint counsel to defend him. Such appointed counsel shall have free access to the accused who shall have process to compel the attendance of witnesses in his favor. The accused shall have such representation available at every critical stage of the proceeding against him where a substantial right may be affected. Codes, 1942, § 2505-01; Laws, 1971, ch. 490, § 2; reenacted without change, Laws, 1999, ch. 375, § 1; reenacted without change, Laws, 2000, ch. 332, § 1; reenacted without change, Laws, 2001, ch. 375, § 1, eff. 7/1/2001. When any person shall be charged with a felony, misdemeanor punishable by confinement for ninety (90) days or more, or commission of an act of delinquency, the court or the judge in vacation, being satisfied that such person is an indigent person and is unable to employ counsel, may, in the discretion of the court, appoint counsel to defend him. Such appointed counsel shall have free access to the accused who shall have process to compel the attendance of witnesses in his favor. The accused shall have such representation available at every critical stage of the proceeding against him where a substantial right may be affected. Codes, 1942, § 2505-01; Laws, 1971, ch. 490, § 2; reenacted without change, Laws, 1999, ch. 375, § 1; reenacted without change, Laws, 2000, ch. 332, § 1; reenacted without change, Laws, 2001, ch. 375, § 1, eff. 7/1/2001.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-17 - Compensation of counsel; amount

The compensation for counsel for indigents appointed as provided in Section 99-15-15, shall be approved and allowed by the appropriate judge and in any one (1) case may not exceed one thousand dollars (\$1000.00) for representation in circuit court whether on appeal or originating in said court. Provided, however, if said case is not appealed to or does not originate in a court of record, the maximum compensation shall not exceed two hundred dollars (\$200.00) for any one (1) case, the amount of such compensation to be approved by a judge of the chancery court, county court or circuit court in the county where the case arises. Provided, however, in a capital case two (2) attorneys may be appointed, and the compensation may not exceed two thousand dollars (\$2,000.00) per case. If the case is appealed to the state supreme court by counsel appointed by the judge, the allowable fee for services on appeal shall not exceed one thousand dollars (\$1000.00) per case. In addition, the judge shall allow reimbursement of actual expenses. The

attorney or attorneys so appointed shall itemize the time spent in defending said indigents together with an itemized statement of expenses of such defense, and shall present same to the appropriate judge. The fees and expenses as allowed by the appropriate judge shall be paid by the county treasurer out of the general fund of the county in which the prosecution was commenced. Codes, 1942, § 2505-02; Laws, 1971, ch. 490, § 3; Laws, 1974, ch. 428; Laws, 1980, ch. 444, eff. 10/1/1980. The compensation for counsel for indigents appointed as provided in Section 99-15-15, shall be approved and allowed by the appropriate judge and in any one (1) case may not exceed one thousand dollars (\$1000.00) for representation in circuit court whether on appeal or originating in said court. Provided, however, if said case is not appealed to or does not originate in a court of record, the maximum compensation shall not exceed two hundred dollars (\$200.00) for any one (1) case, the amount of such compensation to be approved by a judge of the chancery court, county court or circuit court in the county where the case arises. Provided, however, in a capital case two (2) attorneys may be appointed, and the compensation may not exceed two thousand dollars (\$2,000.00) per case. If the case is appealed to the state supreme court by counsel appointed by the judge, the allowable fee for services on appeal shall not exceed one thousand dollars (\$1000.00) per case. In addition, the judge shall allow reimbursement of actual expenses. The attorney or attorneys so appointed shall itemize the time spent in defending said indigents together with an itemized statement of expenses of such defense, and shall present same to the appropriate judge. The fees and expenses as allowed by the appropriate judge shall be paid by the county treasurer out of the general fund of the county in which the prosecution was commenced. Codes, 1942, § 2505-02; Laws, 1971, ch. 490, § 3; Laws, 1974, ch. 428; Laws, 1980, ch. 444, eff. 10/1/1980. The compensation for counsel for indigents appointed as provided in Section 99-15-15, shall be approved and allowed by the appropriate judge and in any one (1) case may not exceed one thousand dollars (\$1000.00) for representation in circuit court whether on appeal or originating in said court. Provided, however, if said case is not appealed to or does not originate in a court of record, the maximum compensation shall not exceed two hundred dollars (\$200.00) for any one (1) case, the amount of such compensation to be approved by a judge of the chancery court, county court or circuit court in the county where the case arises. 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The compensation for counsel for indigents appointed as provided in Section 99-15-15, shall be approved and allowed by the appropriate judge and in any one (1) case may not exceed one thousand dollars (\$1000.00) for representation in circuit court whether on appeal or originating in said court. Provided, however, if said case is not appealed to or does not originate in a court of record, the maximum compensation shall not exceed two hundred dollars (\$200.00) for any one (1) case, the amount of such compensation to be approved by a judge of the chancery court, county court or circuit court in the county where the case arises. Provided, however, in a capital case two (2) attorneys may be appointed, and the compensation may not exceed two thousand dollars (\$2,000.00) per case. If the case is appealed to the state supreme court by counsel appointed by the judge, the allowable fee for services on appeal shall not exceed one thousand dollars (\$1000.00) per case. In addition, the judge shall allow reimbursement of actual expenses. The attorney or attorneys so appointed shall itemize the time spent in defending said indigents together with an itemized statement of expenses of such defense, and shall present same to the appropriate judge. The fees and expenses as allowed by the appropriate judge shall be paid by the county treasurer out of the general fund of the county in which the prosecution was commenced. Codes, 1942, § 2505-02; Laws, 1971, ch. 490, § 3; Laws, 1974, ch. 428; Laws, 1980, ch. 444, eff. 10/1/1980.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-18 - Compensation of counsel in post-conviction relief cases involving the death penalty; submission of interim invoice

(1) Counsel employed by an office funded by the State of Mississippi or any county shall receive no compensation or expenses for representation of a party seeking post-conviction relief while under a sentence of death other than the compensation attendant to his office. (2) Unless employed by such an office, counsel appointed to represent a party seeking post-conviction relief while under a sentence of death shall be paid at an hourly rate not to exceed eighty percent (80%) of the hourly rate allowed in the United States District Courts of the Northern and Southern Districts of Mississippi to attorneys appointed to represent defendants seeking habeas corpus relief. (3) Counsel shall submit to the trial court, once each month, an interim invoice. Compensation earned and reimbursable expenses incurred each month shall be claimed on an interim invoice submitted not later than the fifteenth day of the following month, or the first business day thereafter. All interim vouchers shall be supported by detailed and itemized time and expense statements. The trial court shall review the interim invoices when submitted and will authorize compensation to be paid for seventy-five percent (75%) of the approved number of hours. The court shall also authorize for payment all reimbursable expenses, including fees and expenses of experts and of investigators, reasonably incurred. At the conclusion of the state-paid post-conviction representation, counsel shall submit a final voucher seeking payment for representation provided during the final interim period. The final invoice shall also set forth in detail the time and expenses claimed for the entire case, including all documentation. Counsel shall reflect all compensation and reimbursement previously received on the appropriate line of the final invoice. Upon review and approval of the final invoice, the trial court shall authorize compensation to be paid for the approved number of hours provided

during the final interim period, for all reasonable expenses reasonably incurred during the final interim period, and for the withheld twenty-five percent (25%) of hours approved in prior interim periods.(4)All interim invoices will be maintained under seal during the pendency of state post-conviction proceedings. Upon submission by defendant's counsel of a final invoice, the trial court shall unseal the interim invoices unless the trial court determines that petitioner's interest requires a limited disclosure. In determining whether limited disclosure is appropriate, the trial court shall consider the need:(a)to protect the petitioner's Fifth Amendment right against self-incrimination;(b)to protect the petitioner's Sixth Amendment right to effective assistance of counsel;(c)the petitioner's attorney-client privilege;(d)the work product privilege of the petitioner's counsel;(e)the safety of any person;(f)whether petitioner intends to seek federal habeas corpus relief; and(g)any other interest that justice may require.(5)Prior to payment of any fees in a case in excess of Seven Thousand Five Hundred Dollars (\$7,500.00) or expenses of investigation and experts in excess of Two Thousand Five Hundred Dollars (\$2,500.00), the application for such fees and expenses will be submitted to the Supreme Court for review of the award of the convicting court. If counsel believes that the court has failed to allow reasonable compensation, counsel may petition the Supreme Court for review. If counsel is appointed in successive post-conviction proceedings, such counsel shall receive reasonable compensation considering the services performed.(6)The trial court shall also, upon petition by the party seeking post-conviction relief, authorize additional monies to pay for investigative and expert services that are reasonably necessary to adequately litigate the post-conviction claims. The initial petition for such expenses shall present a credible estimate of anticipated expenses, and such estimate shall be updated from time to time as needed to inform the court of the status of such expenses. Payment of such expenses shall be made from funds in the Special Capital Post-Conviction Counsel Fund.Laws, 2000, ch. 569, § 15; Laws, 2001, ch. 526, § 1, eff. 7/1/2001. (1)Counsel employed by an office funded by the State of Mississippi or any county shall receive no compensation or expenses for representation of a party seeking post-conviction relief while under a sentence of death other than the compensation attendant to his office.(2)Unless employed by such an office, counsel appointed to represent a party seeking post-conviction relief while under a sentence of death shall be paid at an hourly rate not to exceed eighty percent (80%) of the hourly rate allowed in the United States District Courts of the Northern and Southern Districts of Mississippi to attorneys appointed to represent defendants seeking habeas corpus relief.(3)Counsel shall submit to the trial court, once each month, an interim invoice. Compensation earned and reimbursable expenses incurred each month shall be claimed on an interim invoice submitted not later than the fifteenth day of the following month, or the first business day thereafter. 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Upon review and approval of the final invoice, the trial court shall authorize compensation to be paid for the approved number of hours provided during the final interim period, for all reasonable expenses reasonably incurred during the final interim period, and for the withheld twenty-five percent (25%) of hours approved in prior interim periods.(4)All interim invoices will be maintained under seal during the pendency of state post-conviction proceedings. Upon submission by defendant's counsel of a final invoice, the trial court shall unseal the interim invoices unless the trial court determines that petitioner's interest requires a limited disclosure. 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seventy-five percent (75%) of the approved number of hours. The court shall also authorize for payment all reimbursable expenses, including fees and expenses of experts and of investigators, reasonably incurred. At the conclusion of the state-paid post-conviction representation, counsel shall submit a final voucher seeking payment for representation provided during the final interim period. The final invoice shall also set forth in detail the time and expenses claimed for the entire case, including all documentation. Counsel shall reflect all compensation and reimbursement previously received on the appropriate line of the final invoice. Upon review and approval of the final invoice, the trial court shall authorize compensation to be paid for the approved number of hours provided during the final interim period, for all reasonable expenses reasonably incurred during the final interim period, and for the withheld twenty-five percent (25%) of hours approved in prior interim periods.(4)All interim invoices will be maintained under seal during the pendency of state post-conviction proceedings. Upon submission by defendant's counsel of a final invoice, the trial court shall unseal the interim invoices unless the trial court determines that petitioner's interest requires a limited disclosure. In determining whether limited disclosure is appropriate, the trial court shall consider the need:(a)to protect the petitioner's Fifth Amendment right against self-incrimination;(b)to protect the petitioner's Sixth Amendment right to effective assistance of counsel;(c)the petitioner's attorney-client privilege;(d)the work product privilege of the petitioner's counsel;(e)the safety of any person;(f)whether petitioner intends to seek federal habeas corpus relief; and(g)any other interest that justice may require.(5)Prior to payment of any fees in a case in excess of Seven Thousand Five Hundred Dollars (\$7,500.00) or expenses of investigation and experts in excess of Two Thousand Five Hundred Dollars (\$2,500.00), the application for such fees and expenses will be submitted to the Supreme Court for review of the award of the convicting court. If counsel believes that the court has failed to allow reasonable compensation, counsel may petition the Supreme Court for review. If counsel is appointed in successive post-conviction proceedings, such counsel shall receive reasonable compensation considering the services performed.(6)The trial court shall also, upon petition by the party seeking post-conviction relief, authorize additional monies to pay for investigative and expert services that are reasonably necessary to adequately litigate the post-conviction claims. The initial petition for such expenses shall present a credible estimate of anticipated expenses, and such estimate shall be updated from time to time as needed to inform the court of the status of such expenses. Payment of such expenses shall be made from funds in the Special Capital Post-Conviction Counsel Fund.Laws, 2000, ch. 569, § 15; Laws, 2001, ch. 526, § 1, eff. 7/1/2001. Laws, 2000, ch. 569, § 15; Laws, 2001, ch. 526, § 1, eff. 7/1/2001.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127)IN GENERAL (§§ 99-15-1 — 99-15-59)Section 99-15-19 - Compensation of counsel; reimbursement of county in certain cases

Any county paying counsel fees and expenses incurred on appeal to the supreme court or by virtue of any prosecution charging the commission of a crime on the premises of the Mississippi State Penitentiary or the commission of a crime by any escapee therefrom, may request reimbursement of all such payments from the state treasurer. The state auditor shall issue his warrant, based upon a voucher sent by the treasurer of any county entitled to such reimbursement together with a certification that such sums have been allowed and paid. The state treasurer shall pay the amount of any such reimbursement out of any funds in the state treasury appropriated for such purpose.Codes, 1942, § 2505-02; Laws, 1971, ch. 490, § 3, eff. 4/5/1971. Any county paying counsel fees and expenses incurred on appeal to the supreme court or by virtue of any prosecution charging the commission of a crime on the premises of the Mississippi State Penitentiary or the commission of a crime by any escapee therefrom, may request reimbursement of all such payments from the state treasurer. The state auditor shall issue his warrant, based upon a voucher sent by the treasurer of any county entitled to such reimbursement together with a certification that such sums have been allowed and paid. The state treasurer shall pay the amount of any such reimbursement out of any funds in the state treasury appropriated for such purpose.Codes, 1942, § 2505-02; Laws, 1971, ch. 490, § 3, eff. 4/5/1971. Any county paying counsel fees and expenses incurred on appeal to the supreme court or by virtue of any prosecution charging the commission of a crime on the premises of the Mississippi State Penitentiary or the commission of a crime by any escapee therefrom, may request reimbursement of all such payments from the state treasurer. The state auditor shall issue his warrant, based upon a voucher sent by the treasurer of any county entitled to such reimbursement together with a certification that such sums have been allowed and paid. The state treasurer shall pay the amount of any such reimbursement out of any funds in the state treasury appropriated for such purpose.Codes, 1942, § 2505-02; Laws, 1971, ch. 490, § 3, eff. 4/5/1971. Any county paying counsel fees and expenses incurred on appeal to the supreme court or by virtue of any prosecution charging the commission of a crime on the premises of the Mississippi State Penitentiary or the commission of a crime by any escapee therefrom, may request reimbursement of all such payments from the state treasurer. The state auditor shall issue his warrant, based upon a voucher sent by the treasurer of any county entitled to such reimbursement together with a certification that such sums have been allowed and paid. The state treasurer shall pay the amount of any such reimbursement out of any funds in the state treasury appropriated for such purpose. Codes, 1942, § 2505-02; Laws, 1971, ch. 490, § 3, eff. 4/5/1971.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127)IN GENERAL (§§ 99-15-1 — 99-15-59)Section 99-15-21 - Compensation of counsel; method of payment

All compensation and reimbursements allowed by the judge shall be made on the basis of an itemized statement as to time and nature of work and the expense incurred by the appointed counsel. The attorney general shall prepare and make available the proper form for the itemized statement which is to be submitted to the appropriate judge by the attorney or attorneys. Compensation and reimbursements authorized by Sections99-15-15through99-15-21shall be allowed only in cases in which the appointment is made

subsequent to April 5, 1971. In all cases in which counsel have been appointed prior to said date, compensation shall be allowed in the same manner and to the same extent as provided by law at the time such appointment was made. Codes, 1942, § 2505-03; Laws, 1971, ch. 490, § 4, eff. 4/5/1971. All compensation and reimbursements allowed by the judge shall be made on the basis of an itemized statement as to time and nature of work and the expense incurred by the appointed counsel. The attorney general shall prepare and make available the proper form for the itemized statement which is to be submitted to the appropriate judge by the attorney or attorneys. Compensation and reimbursements authorized by Sections 99-15-15 through 99-15-21 shall be allowed only in cases in which the appointment is made subsequent to April 5, 1971. In all cases in which counsel have been appointed prior to said date, compensation shall be allowed in the same manner and to the same extent as provided by law at the time such appointment was made. Codes, 1942, § 2505-03; Laws, 1971, ch. 490, § 4, eff. 4/5/1971. All compensation and reimbursements allowed by the judge shall be made on the basis of an itemized statement as to time and nature of work and the expense incurred by the appointed counsel. The attorney general shall prepare and make available the proper form for the itemized statement which is to be submitted to the appropriate judge by the attorney or attorneys. Compensation and reimbursements authorized by Sections 99-15-15 through 99-15-21 shall be allowed only in cases in which the appointment is made subsequent to April 5, 1971. In all cases in which counsel have been appointed prior to said date, compensation shall be allowed in the same manner and to the same extent as provided by law at the time such appointment was made. Codes, 1942, § 2505-03; Laws, 1971, ch. 490, § 4, eff. 4/5/1971. All compensation and reimbursements allowed by the judge shall be made on the basis of an itemized statement as to time and nature of work and the expense incurred by the appointed counsel. The attorney general shall prepare and make available the proper form for the itemized statement which is to be submitted to the appropriate judge by the attorney or attorneys. Compensation and reimbursements authorized by Sections 99-15-15 through 99-15-21 shall be allowed only in cases in which the appointment is made subsequent to April 5, 1971. In all cases in which counsel have been appointed prior to said date, compensation shall be allowed in the same manner and to the same extent as provided by law at the time such appointment was made. Codes, 1942, § 2505-03; Laws, 1971, ch. 490, § 4, eff. 4/5/1971.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-23 - Plea entered when defendant stands mute

If the defendant, on arraignment, refuses or neglects to plead, or stands mute, the court must cause the plea of "not guilty" to be entered, and the trial to proceed. Codes, Hutchinson's 1848, ch. 65, art. 2(51); 1857, ch. 64, art. 293; 1871, § 2757; 1880, § 3056; 1892, § 1407; 1906, § 1480; Hemingway's 1917, § 1238; 1930, § 1261; 1942, § 2504. If the defendant, on arraignment, refuses or neglects to plead, or stands mute, the court must cause the plea of "not guilty" to be entered, and the trial to proceed. Codes, Hutchinson's 1848, ch. 65, art. 2(51); 1857, ch. 64, art. 293; 1871, § 2757; 1880, § 3056; 1892, § 1407; 1906, § 1480; Hemingway's 1917, § 1238; 1930, § 1261; 1942, § 2504. If the defendant, on arraignment, refuses or neglects to plead, or stands mute, the court must cause the plea of "not guilty" to be entered, and the trial to proceed. Codes, Hutchinson's 1848, ch. 65, art. 2(51); 1857, ch. 64, art. 293; 1871, § 2757; 1880, § 3056; 1892, § 1407; 1906, § 1480; Hemingway's 1917, § 1238; 1930, § 1261; 1942, § 2504. If the defendant, on arraignment, refuses or neglects to plead, or stands mute, the court must cause the plea of "not guilty" to be entered, and the trial to proceed. Codes, Hutchinson's 1848, ch. 65, art. 2(51); 1857, ch. 64, art. 293; 1871, § 2757; 1880, § 3056; 1892, § 1407; 1906, § 1480; Hemingway's 1917, § 1238; 1930, § 1261; 1942, § 2504.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-24 - Where to make motions or enter guilty pleas

In criminal cases in circuit courts, unless otherwise provided by law, guilty pleas may be taken and motions may be heard in any county in the circuit court district that contains the county in which venue lies. Nothing in this section shall be construed as affecting venue for the purpose of bringing indictments or the conducting of jury trials. Laws, 1986, ch. 347, eff. 7/1/1986. In criminal cases in circuit courts, unless otherwise provided by law, guilty pleas may be taken and motions may be heard in any county in the circuit court district that contains the county in which venue lies. Nothing in this section shall be construed as affecting venue for the purpose of bringing indictments or the conducting of jury trials. Laws, 1986, ch. 347, eff. 7/1/1986. In criminal cases in circuit courts, unless otherwise provided by law, guilty pleas may be taken and motions may be heard in any county in the circuit court district that contains the county in which venue lies. Nothing in this section shall be construed as affecting venue for the purpose of bringing indictments or the conducting of jury trials. Laws, 1986, ch. 347, eff. 7/1/1986. In criminal cases in circuit courts, unless otherwise provided by law, guilty pleas may be taken and motions may be heard in any county in the circuit court district that contains the county in which venue lies. Nothing in this section shall be construed as affecting venue for the purpose of bringing indictments or the conducting of jury trials. Laws, 1986, ch. 347, eff. 7/1/1986.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-25 - Entry of guilty pleas in vacation; sentencing; records

(1) Any person who is charged in any circuit or county court with the commission of a criminal offense by a proper affidavit, indictment or information in cases of misdemeanors or by indictment by the grand jury in cases of felonies, and who is represented

by counsel, may, by his own election, appear before the judge of the court at such time as the said judge may fix in vacation of the court and be arraigned and enter a plea of guilty to the offense with which he is charged. Upon the entering of such plea of guilty, the judge shall have the power and authority to impose any lawful and proper sentence upon the defendant in vacation just as though the plea was entered and the sentence imposed during a regular term of the court.(2)All judgments and orders imposing sentences in vacation upon such pleas of guilty shall be entered upon the minutes of the proper court in vacation just as though same were had and entered during term time.Codes, 1942, § 2564.5; Laws, 1960, ch. 259, §§ 1, 2. (1)Any person who is charged in any circuit or county court with the commission of a criminal offense by a proper affidavit, indictment or information in cases of misdemeanors or by indictment by the grand jury in cases of felonies, and who is represented by counsel, may, by his own election, appear before the judge of the court at such time as the said judge may fix in vacation of the court and be arraigned and enter a plea of guilty to the offense with which he is charged. Upon the entering of such plea of guilty, the judge shall have the power and authority to impose any lawful and proper sentence upon the defendant in vacation just as though the plea was entered and the sentence imposed during a regular term of the court.(2)All judgments and orders imposing sentences in vacation upon such pleas of guilty shall be entered upon the minutes of the proper court in vacation just as though same were had and entered during term time.Codes, 1942, § 2564.5; Laws, 1960, ch. 259, §§ 1, 2. (1)Any person who is charged in any circuit or county court with the commission of a criminal offense by a proper affidavit, indictment or information in cases of misdemeanors or by indictment by the grand jury in cases of felonies, and who is represented by counsel, may, by his own election, appear before the judge of the court at such time as the said judge may fix in vacation of the court and be arraigned and enter a plea of guilty to the offense with which he is charged. Upon the entering of such plea of guilty, the judge shall have the power and authority to impose any lawful and proper sentence upon the defendant in vacation just as though the plea was entered and the sentence imposed during a regular term of the court.(2)All judgments and orders imposing sentences in vacation upon such pleas of guilty shall be entered upon the minutes of the proper court in vacation just as though same were had and entered during term time.Codes, 1942, § 2564.5; Laws, 1960, ch. 259, §§ 1, 2. Codes, 1942, § 2564.5; Laws, 1960, ch. 259, §§ 1, 2.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127)IN GENERAL (§§ 99-15-1 — 99-15-59)Section 99-15-26 - Dismissal of action upon successful completion of certain court-imposed conditions

(1)(a)In all criminal cases, felony and misdemeanor, other than crimes against the person, a crime of violence as defined in Section97-3-2, a violation of Section97-11-31, or crimes in which a person unlawfully takes, obtains or misappropriates funds received by or entrusted to the person by virtue of his or her public office or employment, the circuit or county court shall be empowered, upon the entry of a plea of guilty by a criminal defendant made on or after July 1, 2014, to withhold acceptance of the plea and sentence thereon pending successful completion of such conditions as may be imposed by the court pursuant to subsection (2) of this section.(b)In all misdemeanor criminal cases, other than crimes against the person, the justice or municipal court shall be empowered, upon the entry of a plea of guilty by a criminal defendant, to withhold acceptance of the plea and sentence thereon pending successful completion of such conditions as may be imposed by the court pursuant to subsection (2) of this section.(c)Notwithstanding paragraph (a) of this subsection (1), in all criminal cases charging a misdemeanor of domestic violence as defined in Section99-3-7(5), a circuit, county, justice or municipal court shall be empowered, upon the entry of a plea of guilty by the criminal defendant, to withhold acceptance of the plea and sentence thereon pending successful completion of such conditions as may be imposed by the court pursuant to subsection (2) of this section.(d)No person having previously qualified under the provisions of this section shall be eligible to qualify for release in accordance with this section for a repeat offense. A person shall not be eligible to qualify for release in accordance with this section if charged with the offense of trafficking of a controlled substance as provided in Section41-29-139(f)or if charged with an offense under the Mississippi Implied Consent Law. Violations under the Mississippi Implied Consent Law can only be nonadjudicated under the provisions of Section63-11-30.(2)(a)Conditions which the circuit, county, justice or municipal court may impose under subsection (1) of this section shall consist of:(i)Reasonable restitution to the victim of the crime.(ii)Performance of not more than nine hundred sixty (960) hours of public service work approved by the court.(iii)Payment of a fine not to exceed the statutory limit.(iv)Successful completion of drug, alcohol, psychological or psychiatric treatment, successful completion of a program designed to bring about the cessation of domestic abuse, or any combination thereof, if the court deems treatment necessary.(v)The circuit or county court, in its discretion, may require the defendant to remain in the program subject to good behavior for a period of time not to exceed five (5) years. The justice or municipal court, in its discretion, may require the defendant to remain in the program subject to good behavior for a period of time not to exceed two (2) years.(b)Conditions which the circuit or county court may impose under subsection (1) of this section also include successful completion of an effective evidence-based program or a properly controlled pilot study designed to contribute to the evidence-based research literature on programs targeted at reducing recidivism. Such program or pilot study may be community based or institutionally based and should address risk factors identified in a formal assessment of the offender's risks and needs.(3)When the court has imposed upon the defendant the conditions set out in this section, the court shall release the bail bond, if any.(4)Upon successful completion of the court-imposed conditions permitted by subsection (2) of this section, the court shall direct that the cause be dismissed and the case be closed.(5)Upon petition therefor, the court shall expunge the record of any case in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped, there was no disposition of such case, or the person was found not guilty at trial.Laws, 1983, ch. 446, §§ 1-4; Laws, 1987, ch. 364; Laws, 1989, ch. 565, § 2; Laws, 1996, ch. 391, § 1; Laws, 1996, ch. 454, § 3; Laws, 2003, ch. 557, § 2; Laws, 2004, ch. 455, § 1; Laws, 2007, ch.

549, § 1; Laws, 2008, ch. 458, § 2; Laws, 2012, ch. 514, § 12, eff. 7/1/2012. Amended by Laws, 2019, ch. 466, HB 1352, § 41, eff. 7/1/2019. Amended by Laws, 2019, ch. 362, SB 2237, § 4, eff. 7/1/2019. Amended by Laws, 2015, ch. 478, HB 555, 1, eff. 7/1/2015. Amended by Laws, 2015, ch. 463, HB 906, 6, eff. 7/1/2015. Amended by Laws, 2014, ch. 457, HB 585, 9, eff. 7/1/2014.

(1)(a) In all criminal cases, felony and misdemeanor, other than crimes against the person, a crime of violence as defined in Section 97-3-2, a violation of Section 97-11-31, or crimes in which a person unlawfully takes, obtains or misappropriates funds received by or entrusted to the person by virtue of his or her public office or employment, the circuit or county court shall be empowered, upon the entry of a plea of guilty by a criminal defendant made on or after July 1, 2014, to withhold acceptance of the plea and sentence thereon pending successful completion of such conditions as may be imposed by the court pursuant to subsection (2) of this section. (b) In all misdemeanor criminal cases, other than crimes against the person, the justice or municipal court shall be empowered, upon the entry of a plea of guilty by a criminal defendant, to withhold acceptance of the plea and sentence thereon pending successful completion of such conditions as may be imposed by the court pursuant to subsection (2) of this section. (c) Notwithstanding paragraph (a) of this subsection (1), in all criminal cases charging a misdemeanor of domestic violence as defined in Section 99-3-7(5), a circuit, county, justice or municipal court shall be empowered, upon the entry of a plea of guilty by the criminal defendant, to withhold acceptance of the plea and sentence thereon pending successful completion of such conditions as may be imposed by the court pursuant to subsection (2) of this section. (d) No person having previously qualified under the provisions of this section shall be eligible to qualify for release in accordance with this section for a repeat offense. A person shall not be eligible to qualify for release in accordance with this section if charged with the offense of trafficking of a controlled substance as provided in Section 41-29-139(f) or if charged with an offense under the Mississippi Implied Consent Law. Violations under the Mississippi Implied Consent Law can only be nonadjudicated under the provisions of Section 63-11-30. (2)(a) Conditions which the circuit, county, justice or municipal court may impose under subsection (1) of this section shall consist of: (i) Reasonable restitution to the victim of the crime. (ii) Performance of not more than nine hundred sixty (960) hours of public service work approved by the court. (iii) Payment of a fine not to exceed the statutory limit. (iv) Successful completion of drug, alcohol, psychological or psychiatric treatment, successful completion of a program designed to bring about the cessation of domestic abuse, or any combination thereof, if the court deems treatment necessary. (v) The circuit or county court, in its discretion, may require the defendant to remain in the program subject to good behavior for a period of time not to exceed five (5) years. The justice or municipal court, in its discretion, may require the defendant to remain in the program subject to good behavior for a period of time not to exceed two (2) years. (b) Conditions which the circuit or county court may impose under subsection (1) of this section also include successful completion of an effective evidence-based program or a properly controlled pilot study designed to contribute to the evidence-based research literature on programs targeted at reducing recidivism. Such program or pilot study may be community based or institutionally based and should address risk factors identified in a formal assessment of the offender's risks and needs. (3) When the court has imposed upon the defendant the conditions set out in this section, the court shall release the bail bond, if any. (4) Upon successful completion of the court-imposed conditions permitted by subsection (2) of this section, the court shall direct that the cause be dismissed and the case be closed. (5) Upon petition therefor, the court shall expunge the record of any case in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped, there was no disposition of such case, or the person was found not guilty at trial. Laws, 1983, ch. 446, §§ 1-4; Laws, 1987, ch. 364; Laws, 1989, ch. 565, § 2; Laws, 1996, ch. 391, § 1; Laws, 1996, ch. 454, § 3; Laws, 2003, ch. 557, § 2; Laws, 2004, ch. 455, § 1; Laws, 2007, ch. 549, § 1; Laws, 2008, ch. 458, § 2; Laws, 2012, ch. 514, § 12, eff. 7/1/2012. Amended by Laws, 2019, ch. 466, HB 1352, § 41, eff. 7/1/2019. Amended by Laws, 2019, ch. 362, SB 2237, § 4, eff. 7/1/2019. Amended by Laws, 2015, ch. 478, HB 555, 1, eff. 7/1/2015. Amended by Laws, 2015, ch. 463, HB 906, 6, eff. 7/1/2015. Amended by Laws, 2014, ch. 457, HB 585, 9, eff. 7/1/2014.

(1)(a) In all criminal cases, felony and misdemeanor, other than crimes against the person, a crime of violence as defined in Section 97-3-2, a violation of Section 97-11-31, or crimes in which a person unlawfully takes, obtains or misappropriates funds received by or entrusted to the person by virtue of his or her public office or employment, the circuit or county court shall be empowered, upon the entry of a plea of guilty by a criminal defendant made on or after July 1, 2014, to withhold acceptance of the plea and sentence thereon pending successful completion of such conditions as may be imposed by the court pursuant to subsection (2) of this section. (b) In all misdemeanor criminal cases, other than crimes against the person, the justice or municipal court shall be empowered, upon the entry of a plea of guilty by a criminal defendant, to withhold acceptance of the plea and sentence thereon pending successful completion of such conditions as may be imposed by the court pursuant to subsection (2) of this section. (c) Notwithstanding paragraph (a) of this subsection (1), in all criminal cases charging a misdemeanor of domestic violence as defined in Section 99-3-7(5), a circuit, county, justice or municipal court shall be empowered, upon the entry of a plea of guilty by the criminal defendant, to withhold acceptance of the plea and sentence thereon pending successful completion of such conditions as may be imposed by the court pursuant to subsection (2) of this section. (d) No person having previously qualified under the provisions of this section shall be eligible to qualify for release in accordance with this section for a repeat offense. A person shall not be eligible to qualify for release in accordance with this section if charged with the offense of trafficking of a controlled substance as provided in Section 41-29-139(f) or if charged with an offense under the Mississippi Implied Consent Law. Violations under the Mississippi Implied Consent Law can only be nonadjudicated under the provisions of Section 63-11-30. (2)(a) Conditions which the circuit, county, justice or municipal court may impose under subsection (1) of this section shall consist of: (i) Reasonable restitution to the victim of the crime. (ii) Performance of not more than nine hundred sixty (960) hours of public service work approved by the court. (iii) Payment of a fine not to exceed the statutory limit. (iv) Successful completion of drug, alcohol, psychological or psychiatric treatment, successful completion of a program designed to bring about the cessation of domestic abuse,

or any combination thereof, if the court deems treatment necessary.(v)The circuit or county court, in its discretion, may require the defendant to remain in the program subject to good behavior for a period of time not to exceed five (5) years. The justice or municipal court, in its discretion, may require the defendant to remain in the program subject to good behavior for a period of time not to exceed two (2) years.(b)Conditions which the circuit or county court may impose under subsection (1) of this section also include successful completion of an effective evidence-based program or a properly controlled pilot study designed to contribute to the evidence-based research literature on programs targeted at reducing recidivism. Such program or pilot study may be community based or institutionally based and should address risk factors identified in a formal assessment of the offender's risks and needs.(3)When the court has imposed upon the defendant the conditions set out in this section, the court shall release the bail bond, if any.(4)Upon successful completion of the court-imposed conditions permitted by subsection (2) of this section, the court shall direct that the cause be dismissed and the case be closed.(5)Upon petition therefor, the court shall expunge the record of any case in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped, there was no disposition of such case, or the person was found not guilty at trial.Laws, 1983, ch. 446, §§ 1-4; Laws, 1987, ch. 364; Laws, 1989, ch. 565, § 2; Laws, 1996, ch. 391, § 1; Laws, 1996, ch. 454, § 3; Laws, 2003, ch. 557, § 2; Laws, 2004, ch. 455, § 1; Laws, 2007, ch. 549, § 1; Laws, 2008, ch. 458, § 2; Laws, 2012, ch. 514, § 12, eff. 7/1/2012.Amended by Laws, 2019, ch. 466, HB 1352,§ 41, eff. 7/1/2019.Amended by Laws, 2019, ch. 362, SB 2237,§ 4, eff. 7/1/2019.Amended by Laws, 2015, ch. 478, HB 555, 1, eff. 7/1/2015.Amended by Laws, 2015, ch. 463, HB 906, 6, eff. 7/1/2015.Amended by Laws, 2014, ch. 457, HB 585, 9, eff. 7/1/2014. Laws, 1983, ch. 446, §§ 1-4; Laws, 1987, ch. 364; Laws, 1989, ch. 565, § 2; Laws, 1996, ch. 391, § 1; Laws, 1996, ch. 454, § 3; Laws, 2003, ch. 557, § 2; Laws, 2004, ch. 455, § 1; Laws, 2007, ch. 549, § 1; Laws, 2008, ch. 458, § 2; Laws, 2012, ch. 514, § 12, eff. 7/1/2012. Amended by Laws, 2019, ch. 466, HB 1352,§ 41, eff. 7/1/2019. Amended by Laws, 2019, ch. 362, SB 2237,§ 4, eff. 7/1/2019. Amended by Laws, 2015, ch. 478, HB 555, 1, eff. 7/1/2015. Amended by Laws, 2015, ch. 463, HB 906, 6, eff. 7/1/2015. Amended by Laws, 2014, ch. 457, HB 585, 9, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127)IN GENERAL (§§ 99-15-1 — 99-15-59)Section 99-15-27 - Copy of indictment and special venire to be given defendant in capital cases

Any person indicted for a capital crime shall, if demanded by him by motion in writing before the completion of drawing of any special venire which is summoned to appear on the day of his trial, have a copy of the indictment and list of the special venire delivered to him or his counsel at least one (1) entire day before said trial.Codes, Hutchinson's 1848, ch. 65, art. 2(49); 1857, ch. 64, art. 294; 1871, § 2758; 1880, § 3057; 1892, § 1408; 1906, § 1481; Hemingway's 1917, § 1239; 1930, § 1262; 1942, § 2505; Laws, 1900, ch. 99; Laws, 1934, ch. 303; Laws, 1950, ch. 351; Laws, 1964, ch. 357; Laws, 1971, ch. 490, § 1; Laws, 1985, ch. 443, § 2, eff. 7/1/1985. Any person indicted for a capital crime shall, if demanded by him by motion in writing before the completion of drawing of any special venire which is summoned to appear on the day of his trial, have a copy of the indictment and list of the special venire delivered to him or his counsel at least one (1) entire day before said trial.Codes, Hutchinson's 1848, ch. 65, art. 2(49); 1857, ch. 64, art. 294; 1871, § 2758; 1880, § 3057; 1892, § 1408; 1906, § 1481; Hemingway's 1917, § 1239; 1930, § 1262; 1942, § 2505; Laws, 1900, ch. 99; Laws, 1934, ch. 303; Laws, 1950, ch. 351; Laws, 1964, ch. 357; Laws, 1971, ch. 490, § 1; Laws, 1985, ch. 443, § 2, eff. 7/1/1985. Any person indicted for a capital crime shall, if demanded by him by motion in writing before the completion of drawing of any special venire which is summoned to appear on the day of his trial, have a copy of the indictment and list of the special venire delivered to him or his counsel at least one (1) entire day before said trial. Codes, Hutchinson's 1848, ch. 65, art. 2(49); 1857, ch. 64, art. 294; 1871, § 2758; 1880, § 3057; 1892, § 1408; 1906, § 1481; Hemingway's 1917, § 1239; 1930, § 1262; 1942, § 2505; Laws, 1900, ch. 99; Laws, 1934, ch. 303; Laws, 1950, ch. 351; Laws, 1964, ch. 357; Laws, 1971, ch. 490, § 1; Laws, 1985, ch. 443, § 2, eff. 7/1/1985.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127)IN GENERAL (§§ 99-15-1 — 99-15-59)Section 99-15-28 - Accused entitled to copy of affidavit or indictment without cost

Any person alleged to have committed a criminal offense in violation of a state law, or ordinance of any political subdivision, which upon conviction carries a sentence of any length of time or fine of any amount, shall be entitled, upon request made by such person or their counsel, to receive a copy of the affidavit or indictment at any time after such affidavit is filed or indictment returned, provided that any person alleged to have committed a felony shall not be entitled to receive a copy of the indictment until after his arrest or apprehension, and such indictment shall be governed according to the provisions of Section99-7-13, Mississippi Code of 1972, until such time as the person is arrested or apprehended. No charge or fee shall be imposed for any copy of an affidavit or indictment as herein provided.Laws, 1973, ch. 367, § 1, eff. 3/23/1973. Any person alleged to have committed a criminal offense in violation of a state law, or ordinance of any political subdivision, which upon conviction carries a sentence of any length of time or fine of any amount, shall be entitled, upon request made by such person or their counsel, to receive a copy of the affidavit or

indictment at any time after such affidavit is filed or indictment returned, provided that any person alleged to have committed a felony shall not be entitled to receive a copy of the indictment until after his arrest or apprehension, and such indictment shall be governed according to the provisions of Section 99-7-13, Mississippi Code of 1972, until such time as the person is arrested or apprehended. No charge or fee shall be imposed for any copy of an affidavit or indictment as herein provided. Laws, 1973, ch. 367, § 1, eff. 3/23/1973. Any person alleged to have committed a criminal offense in violation of a state law, or ordinance of any political subdivision, which upon conviction carries a sentence of any length of time or fine of any amount, shall be entitled, upon request made by such person or their counsel, to receive a copy of the affidavit or indictment at any time after such affidavit is filed or indictment returned, provided that any person alleged to have committed a felony shall not be entitled to receive a copy of the indictment until after his arrest or apprehension, and such indictment shall be governed according to the provisions of Section 99-7-13, Mississippi Code of 1972, until such time as the person is arrested or apprehended. No charge or fee shall be imposed for any copy of an affidavit or indictment as herein provided. Laws, 1973, ch. 367, § 1, eff. 3/23/1973. Any person alleged to have committed a criminal offense in violation of a state law, or ordinance of any political subdivision, which upon conviction carries a sentence of any length of time or fine of any amount, shall be entitled, upon request made by such person or their counsel, to receive a copy of the affidavit or indictment at any time after such affidavit is filed or indictment returned, provided that any person alleged to have committed a felony shall not be entitled to receive a copy of the indictment until after his arrest or apprehension, and such indictment shall be governed according to the provisions of Section 99-7-13, Mississippi Code of 1972, until such time as the person is arrested or apprehended. No charge or fee shall be imposed for any copy of an affidavit or indictment as herein provided. Laws, 1973, ch. 367, § 1, eff. 3/23/1973.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-29 - Continuance; application

On all applications for a continuance the party shall set forth in his affidavit the facts which he expects to prove by his absent witness or documents that the court may judge of the materiality of such facts, the name and residence of the absent witness, that he has used due diligence to procure the absent documents, or presence of the absent witness, as the case may be, stating in what such diligence consists, and that the continuance is not sought for delay only, but that justice may be done. The court may grant or deny a continuance, in its discretion, and may of its own motion cross-examine the party making the affidavit. The attorneys for the other side may also cross-examine and may introduce evidence by affidavit or otherwise for the purpose of showing to the court that a continuance should be denied. No application for a continuance shall be considered in the absence of the party making the affidavit, unless his absence be accounted for to the satisfaction of the court. A denial of the continuance shall not be ground for reversal unless the supreme court shall be satisfied that injustice resulted therefrom. Codes, 1857, ch. 61, art. 151; 1871, § 633; 1880, § 1704; 1892, § 723; 1906, § 784; Hemingway's 1917, § 567; 1930, § 576; 1942, § 1520. On all applications for a continuance the party shall set forth in his affidavit the facts which he expects to prove by his absent witness or documents that the court may judge of the materiality of such facts, the name and residence of the absent witness, that he has used due diligence to procure the absent documents, or presence of the absent witness, as the case may be, stating in what such diligence consists, and that the continuance is not sought for delay only, but that justice may be done. The court may grant or deny a continuance, in its discretion, and may of its own motion cross-examine the party making the affidavit. The attorneys for the other side may also cross-examine and may introduce evidence by affidavit or otherwise for the purpose of showing to the court that a continuance should be denied. No application for a continuance shall be considered in the absence of the party making the affidavit, unless his absence be accounted for to the satisfaction of the court. A denial of the continuance shall not be ground for reversal unless the supreme court shall be satisfied that injustice resulted therefrom. Codes, 1857, ch. 61, art. 151; 1871, § 633; 1880, § 1704; 1892, § 723; 1906, § 784; Hemingway's 1917, § 567; 1930, § 576; 1942, § 1520. On all applications for a continuance the party shall set forth in his affidavit the facts which he expects to prove by his absent witness or documents that the court may judge of the materiality of such facts, the name and residence of the absent witness, that he has used due diligence to procure the absent documents, or presence of the absent witness, as the case may be, stating in what such diligence consists, and that the continuance is not sought for delay only, but that justice may be done. The court may grant or deny a continuance, in its discretion, and may of its own motion cross-examine the party making the affidavit. The attorneys for the other side may also cross-examine and may introduce evidence by affidavit or otherwise for the purpose of showing to the court that a continuance should be denied. No application for a continuance shall be considered in the absence of the party making the affidavit, unless his absence be accounted for to the satisfaction of the court. A denial of the continuance shall not

be ground for reversal unless the supreme court shall be satisfied that injustice resulted therefrom. Codes, 1857, ch. 61, art. 151; 1871, § 633; 1880, § 1704; 1892, § 723; 1906, § 784; Hemingway's 1917, § 567; 1930, § 576; 1942, § 1520.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-3 - Conservators of peace; power to take bonds and recognizances; forfeiture

Any conservator of the peace has power to take all manner of bonds and recognizances from persons charged on affidavit with crimes and offenses, for their appearance in the circuit court to answer thereto, as well as for crimes and offenses committed in their presence. If any person fail to give bond or enter into recognizance, with the sureties prescribed, when required to do so by a conservator of the peace, he shall be committed to the county jail, there to remain until he comply or be otherwise discharged by due course of law. Every bond or recognizance so taken shall be returned to the circuit court before its next term. If any person so bound fail to appear in the circuit court, his bond or recognizance shall be adjudged forfeited, and otherwise proceeded with as provided by law. Codes, 1857, ch. 64, art. 328; 1871, § 2821; 1880, § 3112; 1892, § 1460; 1906, § 1533; Hemingway's 1917, § 1295; 1930, § 1320; 1942, § 2568. Any conservator of the peace has power to take all manner of bonds and recognizances from persons charged on affidavit with crimes and offenses, for their appearance in the circuit court to answer thereto, as well as for crimes and offenses committed in their presence. If any person fail to give bond or enter into recognizance, with the sureties prescribed, when required to do so by a conservator of the peace, he shall be committed to the county jail, there to remain until he comply or be otherwise discharged by due course of law. Every bond or recognizance so taken shall be returned to the circuit court before its next term. If any person so bound fail to appear in the circuit court, his bond or recognizance shall be adjudged forfeited, and otherwise proceeded with as provided by law. Codes, 1857, ch. 64, art. 328; 1871, § 2821; 1880, § 3112; 1892, § 1460; 1906, § 1533; Hemingway's 1917, § 1295; 1930, § 1320; 1942, § 2568. Any conservator of the peace has power to take all manner of bonds and recognizances from persons charged on affidavit with crimes and offenses, for their appearance in the circuit court to answer thereto, as well as for crimes and offenses committed in their presence. If any person fail to give bond or enter into recognizance, with the sureties prescribed, when required to do so by a conservator of the peace, he shall be committed to the county jail, there to remain until he comply or be otherwise discharged by due course of law. Every bond or recognizance so taken shall be returned to the circuit court before its next term. If any person so bound fail to appear in the circuit court, his bond or recognizance shall be adjudged forfeited, and otherwise proceeded with as provided by law. Codes, 1857, ch. 64, art. 328; 1871, § 2821; 1880, § 3112; 1892, § 1460; 1906, § 1533; Hemingway's 1917, § 1295; 1930, § 1320; 1942, § 2568. Any conservator of the peace has power to take all manner of bonds and recognizances from persons charged on affidavit with crimes and offenses, for their appearance in the circuit court to answer thereto, as well as for crimes and offenses committed in their presence. If any person fail to give bond or enter into recognizance, with the sureties prescribed, when required to do so by a conservator of the peace, he shall be committed to the county jail, there to remain until he comply or be otherwise discharged by due course of law. Every bond or recognizance so taken shall be returned to the circuit court before its next term. If any person so bound fail to appear in the circuit court, his bond or recognizance shall be adjudged forfeited, and otherwise proceeded with as provided by law. Codes, 1857, ch. 64, art. 328; 1871, § 2821; 1880, § 3112; 1892, § 1460; 1906, § 1533; Hemingway's 1917, § 1295; 1930, § 1320; 1942, § 2568.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-31 - Continuance; capital cases

Application for continuance in capital cases shall not be entertained after the drawing of any special venire which is summoned to appear on the day the case is set for trial, except for causes arising afterward, unless a good excuse be shown for not having made the application before. Codes, 1880, § 3059; 1892, § 1409; Laws, 1906, § 1482; Hemingway's 1917, § 1240; Laws, 1930, § 1263; Laws, 1942, § 2506; Laws, 1985, ch. 443, § 3, eff. 7/1/1985. Application for continuance in capital cases shall not be entertained after the drawing of any special venire which is summoned to appear on the day the case is set for trial, except for causes arising afterward, unless a good excuse be shown for not having made the application before. Codes, 1880, § 3059; 1892, § 1409; Laws, 1906, § 1482; Hemingway's 1917, § 1240; Laws, 1930, § 1263; Laws, 1942, § 2506; Laws, 1985, ch. 443, § 3, eff. 7/1/1985. Application for continuance in capital cases shall not be entertained after the drawing of any special venire which is summoned to appear on the day the case is set for trial, except for causes arising afterward, unless a good excuse be shown for not having made the application before. Codes, 1880, § 3059; 1892, § 1409; Laws, 1906, § 1482; Hemingway's 1917, § 1240; Laws, 1930, § 1263; Laws, 1942, § 2506; Laws, 1985, ch. 443, § 3, eff. 7/1/1985.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-33 - Continuance; admission of facts in absence of witness

In all cases of application for continuance, it shall be lawful for the state or the defendant to make any admission of any fact sought to be proved by the other party by any absent witness, and such admission shall have the same effect as if the absent witness or other

evidence were present in court, and no more; but if compulsory process will probably obtain the attendance of the absent witness, and the defendant have not had opportunity of obtaining such process, the cause shall be continued, unless the defendant desire a trial. Codes, 1857, ch. 64, art. 302; 1871, § 2806; 1880, § 3077; 1892, § 1425; 1906, § 1498; Hemingway's 1917, § 1256; 1930, § 1279; 1942, § 2522. In all cases of application for continuance, it shall be lawful for the state or the defendant to make any admission of any fact sought to be proved by the other party by any absent witness, and such admission shall have the same effect as if the absent witness or other evidence were present in court, and no more; but if compulsory process will probably obtain the attendance of the absent witness, and the defendant have not had opportunity of obtaining such process, the cause shall be continued, unless the defendant desire a trial. Codes, 1857, ch. 64, art. 302; 1871, § 2806; 1880, § 3077; 1892, § 1425; 1906, § 1498; Hemingway's 1917, § 1256; 1930, § 1279; 1942, § 2522. In all cases of application for continuance, it shall be lawful for the state or the defendant to make any admission of any fact sought to be proved by the other party by any absent witness, and such admission shall have the same effect as if the absent witness or other evidence were present in court, and no more; but if compulsory process will probably obtain the attendance of the absent witness, and the defendant have not had opportunity of obtaining such process, the cause shall be continued, unless the defendant desire a trial. Codes, 1857, ch. 64, art. 302; 1871, § 2806; 1880, § 3077; 1892, § 1425; 1906, § 1498; Hemingway's 1917, § 1256; 1930, § 1279; 1942, § 2522. In all cases of application for continuance, it shall be lawful for the state or the defendant to make any admission of any fact sought to be proved by the other party by any absent witness, and such admission shall have the same effect as if the absent witness or other evidence were present in court, and no more; but if compulsory process will probably obtain the attendance of the absent witness, and the defendant have not had opportunity of obtaining such process, the cause shall be continued, unless the defendant desire a trial. Codes, 1857, ch. 64, art. 302; 1871, § 2806; 1880, § 3077; 1892, § 1425; 1906, § 1498; Hemingway's 1917, § 1256; 1930, § 1279; 1942, § 2522.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-35 - Change of venue; how need shown; grounds

On satisfactory showing, in writing, sworn to by the prisoner, made to the court, or to the judge thereof in vacation, supported by the affidavits of two or more credible persons, that, by reason of prejudgment of the case, or grudge or ill will to the defendant in the public mind, he cannot have a fair and impartial trial in the county where the offense is charged to have been committed, the circuit court, or the judge thereof in vacation, may change the venue in any criminal case to a convenient county, upon such terms, as to the costs in the case, as may be proper. Codes, Hutchinson's 1848, ch. 65, art. 6; 1857, ch. 64, art. 298; 1871, § 2762; 1880, § 3061; 1892, § 1411; 1906, § 1484; Hemingway's 1917, § 1242; 1930, § 1265; 1942, § 2508. On satisfactory showing, in writing, sworn to by the prisoner, made to the court, or to the judge thereof in vacation, supported by the affidavits of two or more credible persons, that, by reason of prejudgment of the case, or grudge or ill will to the defendant in the public mind, he cannot have a fair and impartial trial in the county where the offense is charged to have been committed, the circuit court, or the judge thereof in vacation, may change the venue in any criminal case to a convenient county, upon such terms, as to the costs in the case, as may be proper. Codes, Hutchinson's 1848, ch. 65, art. 6; 1857, ch. 64, art. 298; 1871, § 2762; 1880, § 3061; 1892, § 1411; 1906, § 1484; Hemingway's 1917, § 1242; 1930, § 1265; 1942, § 2508. On satisfactory showing, in writing, sworn to by the prisoner, made to the court, or to the judge thereof in vacation, supported by the affidavits of two or more credible persons, that, by reason of prejudgment of the case, or grudge or ill will to the defendant in the public mind, he cannot have a fair and impartial trial in the county where the offense is charged to have been committed, the circuit court, or the judge thereof in vacation, may change the venue in any criminal case to a convenient county, upon such terms, as to the costs in the case, as may be proper. Codes, Hutchinson's 1848, ch. 65, art. 6; 1857, ch. 64, art. 298; 1871, § 2762; 1880, § 3061; 1892, § 1411; 1906, § 1484; Hemingway's 1917, § 1242; 1930, § 1265; 1942, § 2508. On satisfactory showing, in writing, sworn to by the prisoner, made to the court, or to the judge thereof in vacation, supported by the affidavits of two or more credible persons, that, by reason of prejudgment of the case, or grudge or ill will to the defendant in the public mind, he cannot have a fair and impartial trial in the county where the offense is charged to have been committed, the circuit court, or the judge thereof in vacation, may change the venue in any criminal case to a convenient county, upon such terms, as to the costs in the case, as may be proper. Codes, Hutchinson's 1848, ch. 65, art. 6; 1857, ch. 64, art. 298; 1871, § 2762; 1880, § 3061; 1892, § 1411; 1906, § 1484; Hemingway's 1917, § 1242; 1930, § 1265; 1942, § 2508.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-37 - Change of venue; transfer of records to removal court

Upon the order being made changing the venue in a criminal case, the clerk shall make out a transcript of the caption of the record, also of the proceedings impaneling the grand jury, of the indictment, with the entries or indorsements thereon, and all entries relative thereto in the records of his office, of the bonds and recognizances of the defendant, of the names of all the witnesses, and of all orders, judgments, or other papers or proceedings belonging to or had in said cause and attach his certificate thereto, under his hand, with the seal of the court annexed, and forward it, sealed up, by a special messenger, or deliver it himself, together with all the original subpoenas in the case, to the clerk of the circuit court to which the trial is ordered to be removed. Codes, 1857, ch. 64, art. 299; 1871, § 2763; 1880, § 2062; 1892, § 1412; 1906, § 1485; Hemingway's 1917, § 1243; 1930, § 1266; 1942, § 2509. Upon the order being made changing the venue in a criminal case, the clerk shall make out a transcript of the caption of the record, also of the proceedings impaneling the grand jury, of the indictment, with the entries or indorsements thereon, and all entries relative thereto in

the records of his office, of the bonds and recognizances of the defendant, of the names of all the witnesses, and of all orders, judgments, or other papers or proceedings belonging to or had in said cause and attach his certificate thereto, under his hand, with the seal of the court annexed, and forward it, sealed up, by a special messenger, or deliver it himself, together with all the original subpoenas in the case, to the clerk of the circuit court to which the trial is ordered to be removed. Codes, 1857, ch. 64, art. 299; 1871, § 2763; 1880, § 2062; 1892, § 1412; 1906, § 1485; Hemingway's 1917, § 1243; 1930, § 1266; 1942, § 2509. Upon the order being made changing the venue in a criminal case, the clerk shall make out a transcript of the caption of the record, also of the proceedings impaneling the grand jury, of the indictment, with the entries or indorsements thereon, and all entries relative thereto in the records of his office, of the bonds and recognizances of the defendant, of the names of all the witnesses, and of all orders, judgments, or other papers or proceedings belonging to or had in said cause and attach his certificate thereto, under his hand, with the seal of the court annexed, and forward it, sealed up, by a special messenger, or deliver it himself, together with all the original subpoenas in the case, to the clerk of the circuit court to which the trial is ordered to be removed. Codes, 1857, ch. 64, art. 299; 1871, § 2763; 1880, § 2062; 1892, § 1412; 1906, § 1485; Hemingway's 1917, § 1243; 1930, § 1266; 1942, § 2509. Upon the order being made changing the venue in a criminal case, the clerk shall make out a transcript of the caption of the record, also of the proceedings impaneling the grand jury, of the indictment, with the entries or indorsements thereon, and all entries relative thereto in the records of his office, of the bonds and recognizances of the defendant, of the names of all the witnesses, and of all orders, judgments, or other papers or proceedings belonging to or had in said cause and attach his certificate thereto, under his hand, with the seal of the court annexed, and forward it, sealed up, by a special messenger, or deliver it himself, together with all the original subpoenas in the case, to the clerk of the circuit court to which the trial is ordered to be removed. Codes, 1857, ch. 64, art. 299; 1871, § 2763; 1880, § 2062; 1892, § 1412; 1906, § 1485; Hemingway's 1917, § 1243; 1930, § 1266; 1942, § 2509.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-39 - Change of venue; defendant to be tried on copy of indictment; specific objections to defects in transcript required

The defendant, on a change of venue, shall be tried on the copy of the indictment so certified; and the record, proceedings, and papers therein copied and certified, shall, in all respects become, be received, read, and taken as the original record, papers and proceedings in the said cause, and shall have the same force and effect. Defects in the transcript shall not avail the accused if he do not object to them specifically before trial. Codes, 1857, ch. 64, art. 300; 1871, § 2764; 1880, § 3063; 1892, § 1413; 1906, § 1586; Hemingway's 1917, § 1244; 1930, § 1267; 1942, § 2510. The defendant, on a change of venue, shall be tried on the copy of the indictment so certified; and the record, proceedings, and papers therein copied and certified, shall, in all respects become, be received, read, and taken as the original record, papers and proceedings in the said cause, and shall have the same force and effect. Defects in the transcript shall not avail the accused if he do not object to them specifically before trial. Codes, 1857, ch. 64, art. 300; 1871, § 2764; 1880, § 3063; 1892, § 1413; 1906, § 1586; Hemingway's 1917, § 1244; 1930, § 1267; 1942, § 2510. The defendant, on a change of venue, shall be tried on the copy of the indictment so certified; and the record, proceedings, and papers therein copied and certified, shall, in all respects become, be received, read, and taken as the original record, papers and proceedings in the said cause, and shall have the same force and effect. Defects in the transcript shall not avail the accused if he do not object to them specifically before trial. Codes, 1857, ch. 64, art. 300; 1871, § 2764; 1880, § 3063; 1892, § 1413; 1906, § 1586; Hemingway's 1917, § 1244; 1930, § 1267; 1942, § 2510. The defendant, on a change of venue, shall be tried on the copy of the indictment so certified; and the record, proceedings, and papers therein copied and certified, shall, in all respects become, be received, read, and taken as the original record, papers and proceedings in the said cause, and shall have the same force and effect. Defects in the transcript shall not avail the accused if he do not object to them specifically before trial. Codes, 1857, ch. 64, art. 300; 1871, § 2764; 1880, § 3063; 1892, § 1413; 1906, § 1586; Hemingway's 1917, § 1244; 1930, § 1267; 1942, § 2510.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-41 - Change of venue; correcting errors in record

On suggestion to the court, with satisfactory showing, it may order a more perfect record to be made and certified, or direct the clerk making the same to rectify any errors therein. Codes, 1857, ch. 64, art. 301; 1871, ch. 2765; 1880, § 3064; 1892, § 1414; 1906, § 1487; Hemingway's 1917, § 1245; 1930, § 1268; 1942, § 2511. On suggestion to the court, with satisfactory showing, it may order a more perfect record to be made and certified, or direct the clerk making the same to rectify any errors therein. Codes, 1857, ch. 64, art. 301; 1871, ch. 2765; 1880, § 3064; 1892, § 1414; 1906, § 1487; Hemingway's 1917, § 1245; 1930, § 1268; 1942, § 2511. On suggestion to the court, with satisfactory showing, it may order a more perfect record to be made and certified, or direct the clerk making the same to rectify any errors therein. Codes, 1857, ch. 64, art. 301; 1871, ch. 2765; 1880, § 3064; 1892, § 1414; 1906, § 1487; Hemingway's 1917, § 1245; 1930, § 1268; 1942, § 2511. On suggestion to the court, with satisfactory showing, it may order a more perfect record to be made and certified, or direct the clerk making the same to rectify any errors therein. Codes, 1857, ch. 64, art. 301; 1871, ch. 2765; 1880, § 3064; 1892, § 1414; 1906, § 1487; Hemingway's 1917, § 1245; 1930, § 1268; 1942, § 2511.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-43 - Change of venue; capital cases

In capital cases the application for change of venue must be made before the drawing of any special venire which is summoned to appear on the day the case is set for trial, or it will be too late, except where the ground on which such application is based occurred after the drawing of such venire. Codes, 1880, § 3065; 1892, § 1415; 1906, § 1488; Hemingway's 1917, § 1246; 1930, § 1269; 1942, § 2512; Laws, 1985, ch. 443, § 4, eff. 7/1/1985. In capital cases the application for change of venue must be made before the drawing of any special venire which is summoned to appear on the day the case is set for trial, or it will be too late, except where the ground on which such application is based occurred after the drawing of such venire. Codes, 1880, § 3065; 1892, § 1415; 1906, § 1488; Hemingway's 1917, § 1246; 1930, § 1269; 1942, § 2512; Laws, 1985, ch. 443, § 4, eff. 7/1/1985. In capital cases the application for change of venue must be made before the drawing of any special venire which is summoned to appear on the day the case is set for trial, or it will be too late, except where the ground on which such application is based occurred after the drawing of such venire. Codes, 1880, § 3065; 1892, § 1415; 1906, § 1488; Hemingway's 1917, § 1246; 1930, § 1269; 1942, § 2512; Laws, 1985, ch. 443, § 4, eff. 7/1/1985. In capital cases the application for change of venue must be made before the drawing of any special venire which is summoned to appear on the day the case is set for trial, or it will be too late, except where the ground on which such application is based occurred after the drawing of such venire. Codes, 1880, § 3065; 1892, § 1415; 1906, § 1488; Hemingway's 1917, § 1246; 1930, § 1269; 1942, § 2512; Laws, 1985, ch. 443, § 4, eff. 7/1/1985.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-45 - Change of venue; costs paid by county from which venue is changed

The county from which the venue is changed shall pay the costs and expenses incident to such change and trial in another county as if such change of venue had not been made. Codes, 1880, § 3066; 1892, § 1416; 1906, § 1489; Hemingway's 1917, § 1247; 1930, § 1270; 1942, § 2513. The county from which the venue is changed shall pay the costs and expenses incident to such change and trial in another county as if such change of venue had not been made. Codes, 1880, § 3066; 1892, § 1416; 1906, § 1489; Hemingway's 1917, § 1247; 1930, § 1270; 1942, § 2513. The county from which the venue is changed shall pay the costs and expenses incident to such change and trial in another county as if such change of venue had not been made. Codes, 1880, § 3066; 1892, § 1416; 1906, § 1489; Hemingway's 1917, § 1247; 1930, § 1270; 1942, § 2513. The county from which the venue is changed shall pay the costs and expenses incident to such change and trial in another county as if such change of venue had not been made. Codes, 1880, § 3066; 1892, § 1416; 1906, § 1489; Hemingway's 1917, § 1247; 1930, § 1270; 1942, § 2513.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-47 - Joint indictments; severance in felonies

Any of several persons jointly indicted for a felony may be tried separately on making application therefor, in capital cases, before the drawing of any special venire which is summoned to appear on the day the case is set for trial and in other cases, before arraignment. Codes, 1880, § 3068; 1892, § 1417; 1906, § 1490; Hemingway's 1917, § 1248; 1930, § 1271; 1942, § 2514, Laws, 1985, ch. 443, § 5, eff. 7/1/1985. Any of several persons jointly indicted for a felony may be tried separately on making application therefor, in capital cases, before the drawing of any special venire which is summoned to appear on the day the case is set for trial and in other cases, before arraignment. Codes, 1880, § 3068; 1892, § 1417; 1906, § 1490; Hemingway's 1917, § 1248; 1930, § 1271; 1942, § 2514, Laws, 1985, ch. 443, § 5, eff. 7/1/1985. Any of several persons jointly indicted for a felony may be tried separately on making application therefor, in capital cases, before the drawing of any special venire which is summoned to appear on the day the case is set for trial and in other cases, before arraignment. Codes, 1880, § 3068; 1892, § 1417; 1906, § 1490; Hemingway's 1917, § 1248; 1930, § 1271; 1942, § 2514, Laws, 1985, ch. 443, § 5, eff. 7/1/1985. Any of several persons jointly indicted for a felony may be tried separately on making application therefor, in capital cases, before the drawing of any special venire which is summoned to appear on the day the case is set for trial and in other cases, before arraignment. Codes, 1880, § 3068; 1892, § 1417; 1906, § 1490; Hemingway's 1917, § 1248; 1930, § 1271; 1942, § 2514, Laws, 1985, ch. 443, § 5, eff. 7/1/1985.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-49 - Joint indictments; severance in misdemeanors

Persons jointly indicted for misdemeanors may be tried jointly or separately, in the discretion of the court. Codes, 1880, § 3069; 1892, § 1418; 1906, § 1491; Hemingway's 1917, § 1249; 1930, § 1272; 1942, § 2515. Persons jointly indicted for misdemeanors may be tried jointly or separately, in the discretion of the court. Codes, 1880, § 3069; 1892, § 1418; 1906, § 1491; Hemingway's 1917, § 1249; 1930, § 1272; 1942, § 2515. Persons jointly indicted for misdemeanors may be tried jointly or separately, in the discretion of the court. Codes, 1880, § 3069; 1892, § 1418; 1906, § 1491; Hemingway's 1917, § 1249; 1930, § 1272; 1942, § 2515. Persons jointly indicted for misdemeanors may be tried jointly or separately, in the discretion of the court. Codes, 1880, § 3069; 1892, § 1418; 1906, § 1491; Hemingway's 1917, § 1249; 1930, § 1272; 1942, § 2515.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-5 - Conservators of the peace; arrest and commitment of offenders

Any conservator of the peace may, upon a finding of probable cause, by warrant issued under his hand, cause any person charged on affidavit with having committed, or with being suspected of, any offense against the law, to be arrested and brought before him, or before some other conservator of the peace in the proper county. On examination, the conservator of the peace shall commit the offender to jail if the offense be not bailable, and if it be bailable and the offender fail to find bail. Codes, 1857, ch. 64, art. 329; 1871, § 2822; 1880, § 3113; 1892, § 1461; 1906, § 1534; Hemingway's 1917, § 1296; 1930, § 1321; 1942, § 2569; Laws, 1982, ch. 470, eff. 4/20/1982. Any conservator of the peace may, upon a finding of probable cause, by warrant issued under his hand, cause any person charged on affidavit with having committed, or with being suspected of, any offense against the law, to be arrested and brought before him, or before some other conservator of the peace in the proper county. On examination, the conservator of the peace shall commit the offender to jail if the offense be not bailable, and if it be bailable and the offender fail to find bail. Codes, 1857, ch. 64, art. 329; 1871, § 2822; 1880, § 3113; 1892, § 1461; 1906, § 1534; Hemingway's 1917, § 1296; 1930, § 1321; 1942, § 2569; Laws, 1982, ch. 470, eff. 4/20/1982. Any conservator of the peace may, upon a finding of probable cause, by warrant issued under his hand, cause any person charged on affidavit with having committed, or with being suspected of, any offense against the law, to be arrested and brought before him, or before some other conservator of the peace in the proper county. On examination, the conservator of the peace shall commit the offender to jail if the offense be not bailable, and if it be bailable and the offender fail to find bail. Codes, 1857, ch. 64, art. 329; 1871, § 2822; 1880, § 3113; 1892, § 1461; 1906, § 1534; Hemingway's 1917, § 1296; 1930, § 1321; 1942, § 2569; Laws, 1982, ch. 470, eff. 4/20/1982. Any conservator of the peace may, upon a finding of probable cause, by warrant issued under his hand, cause any person charged on affidavit with having committed, or with being suspected of, any offense against the law, to be arrested and brought before him, or before some other conservator of the peace in the proper county. On examination, the conservator of the peace shall commit the offender to jail if the offense be not bailable, and if it be bailable and the offender fail to find bail. Codes, 1857, ch. 64, art. 329; 1871, § 2822; 1880, § 3113; 1892, § 1461; 1906, § 1534; Hemingway's 1917, § 1296; 1930, § 1321; 1942, § 2569; Laws, 1982, ch. 470, eff. 4/20/1982.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-51 - Dismissal of petty misdemeanor charge upon satisfaction of injured party

In prosecutions for petty misdemeanors, if the party injured appear before the court where the same shall be pending and acknowledge to have received satisfaction, on motion of the prosecuting attorney the court, if it shall adjudge that the ends of justice will be conserved thereby, may discharge the defendant and dismiss the proceedings and may require the payment of court costs. Codes, 1857, ch. 64, art. 360; 1871, § 2868; 1880, § 3102; 1892, § 1457; 1906, § 1530; Hemingway's 1917, § 1292; 1930, § 1317; 1942, § 2565; Laws, 1988, ch. 415, § 1; Laws, 1990, ch. 316, § 1, eff. 7/1/1990. In prosecutions for petty misdemeanors, if the party injured appear before the court where the same shall be pending and acknowledge to have received satisfaction, on motion of the prosecuting attorney the court, if it shall adjudge that the ends of justice will be conserved thereby, may discharge the defendant and dismiss the proceedings and may require the payment of court costs. Codes, 1857, ch. 64, art. 360; 1871, § 2868; 1880, § 3102; 1892, § 1457; 1906, § 1530; Hemingway's 1917, § 1292; 1930, § 1317; 1942, § 2565; Laws, 1988, ch. 415, § 1; Laws, 1990, ch. 316, § 1, eff. 7/1/1990. In prosecutions for petty misdemeanors, if the party injured appear before the court where the same shall be pending and acknowledge to have received satisfaction, on motion of the prosecuting attorney the court, if it shall adjudge that the ends of justice will be conserved thereby, may discharge the defendant and dismiss the proceedings and may require the payment of court costs. Codes, 1857, ch. 64, art. 360; 1871, § 2868; 1880, § 3102; 1892, § 1457; 1906, § 1530; Hemingway's 1917, § 1292; 1930, § 1317; 1942, § 2565; Laws, 1988, ch. 415, § 1; Laws, 1990, ch. 316, § 1, eff. 7/1/1990. In prosecutions for petty misdemeanors, if the party injured appear before the court where the same shall be pending and acknowledge to have received satisfaction, on motion of the prosecuting attorney the court, if it shall adjudge that the ends of justice will be conserved thereby, may discharge the defendant and dismiss the proceedings and may require the payment of court costs. Codes, 1857, ch. 64, art. 360; 1871, § 2868; 1880, § 3102; 1892, § 1457; 1906, § 1530; Hemingway's 1917, § 1292; 1930, § 1317; 1942, § 2565; Laws, 1988, ch. 415, § 1; Laws, 1990, ch. 316, § 1, eff. 7/1/1990.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-53 - Prosecutions not compromised or nol prossed without consent of court, or dismissed, except at defendant's cost

A district attorney, or other prosecuting attorney, shall not compromise any cause or enter a nolle prosequi either before or after indictment found, without the consent of the court; and, except as provided in the last preceding section, it shall not be lawful for any court to dismiss a criminal prosecution at the cost of the defendant, but every cause must be tried unless dismissed by consent of the court. Codes, 1857, ch. 64, art. 367; 1871, § 2872; 1880, § 3103; 1892, § 1458; 1906, § 1531; Hemingway's 1917, § 1293; 1930, § 1318; 1942, § 2566; Laws, 1988, ch. 415, § 2, eff. 7/1/1988. A district attorney, or other prosecuting attorney, shall not compromise any cause or enter a nolle prosequi either before or after indictment found, without the consent of the court; and, except as provided in the last preceding section, it shall not be lawful for any court to dismiss a criminal prosecution at the cost of the defendant, but every cause must be tried unless dismissed by consent of the court. Codes, 1857, ch. 64, art. 367; 1871, § 2872; 1880, § 3103; 1892, § 1458; 1906, § 1531; Hemingway's 1917, § 1293; 1930, § 1318; 1942, § 2566; Laws, 1988, ch. 415, § 2, eff. 7/1/1988. A district attorney, or other prosecuting attorney, shall not compromise any cause or enter a nolle prosequi either before or after indictment found, without the consent of the court; and, except as provided in the last preceding section, it shall not be lawful

for any court to dismiss a criminal prosecution at the cost of the defendant, but every cause must be tried unless dismissed by consent of the court. Codes, 1857, ch. 64, art. 367; 1871, § 2872; 1880, § 3103; 1892, § 1458; 1906, § 1531; Hemingway's 1917, § 1293; 1930, § 1318; 1942, § 2566; Laws, 1988, ch. 415, § 2, eff. 7/1/1988. A district attorney, or other prosecuting attorney, shall not compromise any cause or enter a nolle prosequi either before or after indictment found, without the consent of the court; and, except as provided in the last preceding section, it shall not be lawful for any court to dismiss a criminal prosecution at the cost of the defendant, but every cause must be tried unless dismissed by consent of the court. Codes, 1857, ch. 64, art. 367; 1871, § 2872; 1880, § 3103; 1892, § 1458; 1906, § 1531; Hemingway's 1917, § 1293; 1930, § 1318; 1942, § 2566; Laws, 1988, ch. 415, § 2, eff. 7/1/1988.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-55 - Trial where it appears that accused is only guilty of misdemeanor

If, on the examination into the case of any person brought before a conservator of the peace other than a justice of the peace, on a charge of felony, it shall clearly appear that a felony has not been committed, but that the accused is guilty of a misdemeanor of which a justice of the peace has jurisdiction, the conservator of the peace shall require the accused to be carried before the proper justice of the peace for trial. If the conservator of the peace in such case be a justice of the peace, having territorial jurisdiction of the offense he shall convict the offender and punish him accordingly, but such conviction shall not bar a subsequent prosecution for felony in the same matter. Codes, 1880, § 3118; 1892, § 1465; 1906, § 1537; Hemingway's 1917, § 1299; 1930, § 1324; 1942, § 2572. If, on the examination into the case of any person brought before a conservator of the peace other than a justice of the peace, on a charge of felony, it shall clearly appear that a felony has not been committed, but that the accused is guilty of a misdemeanor of which a justice of the peace has jurisdiction, the conservator of the peace shall require the accused to be carried before the proper justice of the peace for trial. If the conservator of the peace in such case be a justice of the peace, having territorial jurisdiction of the offense he shall convict the offender and punish him accordingly, but such conviction shall not bar a subsequent prosecution for felony in the same matter. Codes, 1880, § 3118; 1892, § 1465; 1906, § 1537; Hemingway's 1917, § 1299; 1930, § 1324; 1942, § 2572. If, on the examination into the case of any person brought before a conservator of the peace other than a justice of the peace, on a charge of felony, it shall clearly appear that a felony has not been committed, but that the accused is guilty of a misdemeanor of which a justice of the peace has jurisdiction, the conservator of the peace shall require the accused to be carried before the proper justice of the peace for trial. If the conservator of the peace in such case be a justice of the peace, having territorial jurisdiction of the offense he shall convict the offender and punish him accordingly, but such conviction shall not bar a subsequent prosecution for felony in the same matter. Codes, 1880, § 3118; 1892, § 1465; 1906, § 1537; Hemingway's 1917, § 1299; 1930, § 1324; 1942, § 2572. If, on the examination into the case of any person brought before a conservator of the peace other than a justice of the peace, on a charge of felony, it shall clearly appear that a felony has not been committed, but that the accused is guilty of a misdemeanor of which a justice of the peace has jurisdiction, the conservator of the peace shall require the accused to be carried before the proper justice of the peace for trial. If the conservator of the peace in such case be a justice of the peace, having territorial jurisdiction of the offense he shall convict the offender and punish him accordingly, but such conviction shall not bar a subsequent prosecution for felony in the same matter. Codes, 1880, § 3118; 1892, § 1465; 1906, § 1537; Hemingway's 1917, § 1299; 1930, § 1324; 1942, § 2572.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-57 - Relief for certain persons who pled guilty within six months prior to March 31, 1983

(1) Any person who pled guilty within six (6) months prior to March 31, 1983, and who would have otherwise been eligible for the relief allowed in Section 99-15-26, may apply to the court in which such person was sentenced for an order to expunge from all official public records all recordation relating to his arrest, indictment, trial, finding of guilty and sentence. If the court determines, after hearing, that such person has satisfactorily served his sentence or period of probation and parole, pled guilty within six (6) months prior to March 31, 1983, and would have otherwise been eligible for the relief allowed in Section 99-15-26, it may enter such order. The effect of such order shall be to restore such person, in the contemplation of the law, to the status he occupied before such arrest or indictment. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his failures to recite or acknowledge such arrest, or indictment or trial in response to any inquiry made of him for any purpose. (2) Upon petition therefor, the court shall expunge the record of any case in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped, there was no disposition of such case, or the person was found not guilty at trial. Laws, 1986, ch. 362; Laws, 1996, ch. 454, § 4; Laws, 2003, ch. 557, § 3, eff. 4/24/2003. Amended by Laws, 2019, ch. 466, HB 1352, § 42, eff. 7/1/2019. (1) Any person who pled guilty within six (6) months prior to March 31, 1983, and who would have otherwise been eligible for the relief allowed in Section 99-15-26, may apply to the court in which such person was sentenced for an order to expunge from all official public records all recordation relating to his arrest, indictment, trial, finding of guilty and sentence. If the court determines, after hearing, that such person has satisfactorily served his sentence or period of probation and parole, pled guilty within six (6) months prior to March 31, 1983, and would have otherwise been eligible for the relief allowed in Section 99-15-26, it may enter such order. The effect of such order shall be to restore such person, in the contemplation of the law, to the status he occupied before such arrest or indictment. No

person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his failures to recite or acknowledge such arrest, or indictment or trial in response to any inquiry made of him for any purpose.(2)Upon petition therefor, the court shall expunge the record of any case in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped, there was no disposition of such case, or the person was found not guilty at trial.Laws, 1986, ch. 362; Laws, 1996, ch. 454, § 4; Laws, 2003, ch. 557, § 3, eff. 4/24/2003.Amended by Laws, 2019, ch. 466, HB 1352,§ 42, eff. 7/1/2019. (1)Any person who pled guilty within six (6) months prior to March 31, 1983, and who would have otherwise been eligible for the relief allowed in Section99-15-26, may apply to the court in which such person was sentenced for an order to expunge from all official public records all recordation relating to his arrest, indictment, trial, finding of guilty and sentence. If the court determines, after hearing, that such person has satisfactorily served his sentence or period of probation and parole, pled guilty within six (6) months prior to March 31, 1983, and would have otherwise been eligible for the relief allowed in Section99-15-26, it may enter such order. The effect of such order shall be to restore such person, in the contemplation of the law, to the status he occupied before such arrest or indictment. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his failures to recite or acknowledge such arrest, or indictment or trial in response to any inquiry made of him for any purpose.(2)Upon petition therefor, the court shall expunge the record of any case in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped, there was no disposition of such case, or the person was found not guilty at trial.Laws, 1986, ch. 362; Laws, 1996, ch. 454, § 4; Laws, 2003, ch. 557, § 3, eff. 4/24/2003.Amended by Laws, 2019, ch. 466, HB 1352,§ 42, eff. 7/1/2019. Laws, 1986, ch. 362; Laws, 1996, ch. 454, § 4; Laws, 2003, ch. 557, § 3, eff. 4/24/2003. Amended by Laws, 2019, ch. 466, HB 1352,§ 42, eff. 7/1/2019.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127)IN GENERAL (§§ 99-15-1 — 99-15-59)Section 99-15-59 - Expunction of misdemeanor charges

Any person who is arrested, issued a citation, or held for any misdemeanor and not formally charged or prosecuted with an offense within twelve (12) months of arrest, or upon dismissal of the charge, may apply to the court with jurisdiction over the matter for the charges to be expunged.Laws, 1998, ch. 556, § 1, eff. 7/1/1998. Any person who is arrested, issued a citation, or held for any misdemeanor and not formally charged or prosecuted with an offense within twelve (12) months of arrest, or upon dismissal of the charge, may apply to the court with jurisdiction over the matter for the charges to be expunged.Laws, 1998, ch. 556, § 1, eff. 7/1/1998. Any person who is arrested, issued a citation, or held for any misdemeanor and not formally charged or prosecuted with an offense within twelve (12) months of arrest, or upon dismissal of the charge, may apply to the court with jurisdiction over the matter for the charges to be expunged.Laws, 1998, ch. 556, § 1, eff. 7/1/1998. Any person who is arrested, issued a citation, or held for any misdemeanor and not formally charged or prosecuted with an offense within twelve (12) months of arrest, or upon dismissal of the charge, may apply to the court with jurisdiction over the matter for the charges to be expunged. Laws, 1998, ch. 556, § 1, eff. 7/1/1998.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127)IN GENERAL (§§ 99-15-1 — 99-15-59)Section 99-15-7 - Conservators of the peace; prosecutor and witnesses may be required to give bond

The conservator of the peace may require the prosecutor and witnesses appearing before him, in any case of examination for felony or other crime, to enter into bond or recognizance, in such sum as he may deem proper, with or without security, as he may think the interest of justice to demand, for their appearance to prosecute or give evidence touching the offense, before him on further examination or in the circuit court; and, in default of such bond or recognizance, he may commit the defaulter to jail until he give bail or be otherwise discharged by due course of law.Codes, 1857, ch. 64, art. 330; 1871, § 2823; 1880, § 3114; 1892, § 1462; 1906, § 1535; Hemingway's 1917, § 1297; 1930, § 1322; 1942, § 2570. The conservator of the peace may require the prosecutor and witnesses appearing before him, in any case of examination for felony or other crime, to enter into bond or recognizance, in such sum as he may deem proper, with or without security, as he may think the interest of justice to demand, for their appearance to prosecute or give evidence touching the offense, before him on further examination or in the circuit court; and, in default of such bond or recognizance, he may commit the defaulter to jail until he give bail or be otherwise discharged by due course of law.Codes, 1857, ch. 64, art. 330; 1871, § 2823; 1880, § 3114; 1892, § 1462; 1906, § 1535; Hemingway's 1917, § 1297; 1930, § 1322; 1942, § 2570. The conservator of the peace may require the prosecutor and witnesses appearing before him, in any case of examination for felony or other crime, to enter into bond or recognizance, in such sum as he may deem proper, with or without security, as he may think the interest of justice to demand, for their appearance to prosecute or give evidence touching the offense, before him on further examination or in the circuit court; and, in default of such bond or recognizance, he may commit the defaulter to jail until he give bail or be otherwise discharged by due course of law. Codes,

1857, ch. 64, art. 330; 1871, § 2823; 1880, § 3114; 1892, § 1462; 1906, § 1535; Hemingway's 1917, § 1297; 1930, § 1322; 1942, § 2570.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) IN GENERAL (§§ 99-15-1 — 99-15-59) Section 99-15-9 - Conservators of the peace; subpoenas

A conservator of the peace, in all examinations had before him for offenses, may issue a subpoena to any county, and compel obedience thereto. Codes, 1857, ch. 64, art. 334; 1871, § 2827; 1880, § 3117; 1892, § 1464; 1906, § 1536; Hemingway's 1917, § 1298; 1930, § 1323; 1942, § 2571. A conservator of the peace, in all examinations had before him for offenses, may issue a subpoena to any county, and compel obedience thereto. Codes, 1857, ch. 64, art. 334; 1871, § 2827; 1880, § 3117; 1892, § 1464; 1906, § 1536; Hemingway's 1917, § 1298; 1930, § 1323; 1942, § 2571. A conservator of the peace, in all examinations had before him for offenses, may issue a subpoena to any county, and compel obedience thereto. Codes, 1857, ch. 64, art. 334; 1871, § 2827; 1880, § 3117; 1892, § 1464; 1906, § 1536; Hemingway's 1917, § 1298; 1930, § 1323; 1942, § 2571. A conservator of the peace, in all examinations had before him for offenses, may issue a subpoena to any county, and compel obedience thereto. Codes, 1857, ch. 64, art. 334; 1871, § 2827; 1880, § 3117; 1892, § 1464; 1906, § 1536; Hemingway's 1917, § 1298; 1930, § 1323; 1942, § 2571.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) PRETRIAL INTERVENTION PROGRAM (§§ 99-15-101 — 99-15-127) Section 99-15-101 - Citation of Sections 99-15-101 through 99-15-127

Sections 99-15-101 through 99-15-127 shall be known and may be cited as the "Pretrial Intervention Act." Laws, 1983, ch. 445, § 1; reenacted without change, Laws, 1987, ch. 329, § 1, eff. 7/1/1987. Sections 99-15-101 through 99-15-127 shall be known and may be cited as the "Pretrial Intervention Act." Laws, 1983, ch. 445, § 1; reenacted without change, Laws, 1987, ch. 329, § 1, eff. 7/1/1987. Sections 99-15-101 through 99-15-127 shall be known and may be cited as the "Pretrial Intervention Act." Laws, 1983, ch. 445, § 1; reenacted without change, Laws, 1987, ch. 329, § 1, eff. 7/1/1987. Sections 99-15-101 through 99-15-127 shall be known and may be cited as the "Pretrial Intervention Act." Laws, 1983, ch. 445, § 1; reenacted without change, Laws, 1987, ch. 329, § 1, eff. 7/1/1987.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) PRETRIAL INTERVENTION PROGRAM (§§ 99-15-101 — 99-15-127) Section 99-15-103 - Definitions

For purposes of Sections 99-15-101 through 99-15-127, the following words shall have the meaning ascribed herein unless the context shall otherwise require: (a) "Prosecutorial discretion" means the power of the district attorney to consider all circumstances of criminal proceedings and to determine whether any legal action is to be taken and, if so taken, of what kind and degree and to what conclusion. (b) "Noncriminal disposition" means the dismissal of a criminal charge without prejudice to the state to reinstate criminal proceedings on motion of the district attorney. Laws, 1983, ch. 445, § 2; reenacted, Laws, 1987, ch. 329, § 2, eff. 7/1/1987. For purposes of Sections 99-15-101 through 99-15-127, the following words shall have the meaning ascribed herein unless the context shall otherwise require: (a) "Prosecutorial discretion" means the power of the district attorney to consider all circumstances of criminal proceedings and to determine whether any legal action is to be taken and, if so taken, of what kind and degree and to what conclusion. (b) "Noncriminal disposition" means the dismissal of a criminal charge without prejudice to the state to reinstate criminal proceedings on motion of the district attorney. Laws, 1983, ch. 445, § 2; reenacted, Laws, 1987, ch. 329, § 2, eff. 7/1/1987. For purposes of Sections 99-15-101 through 99-15-127, the following words shall have the meaning ascribed herein unless the context shall otherwise require: (a) "Prosecutorial discretion" means the power of the district attorney to consider all circumstances of criminal proceedings and to determine whether any legal action is to be taken and, if so taken, of what kind and degree and to what conclusion. (b) "Noncriminal disposition" means the dismissal of a criminal charge without prejudice to the state to reinstate criminal proceedings on motion of the district attorney. Laws, 1983, ch. 445, § 2; reenacted, Laws, 1987, ch. 329, § 2, eff. 7/1/1987. For purposes of Sections 99-15-101 through 99-15-127, the following words shall have the meaning ascribed herein unless the context shall otherwise require: Laws, 1983, ch. 445, § 2; reenacted, Laws, 1987, ch. 329, § 2, eff. 7/1/1987.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) PRETRIAL INTERVENTION PROGRAM (§§ 99-15-101 — 99-15-127) Section 99-15-105 - Establishment of pretrial intervention program; role of district attorney; application

(1) Each district attorney, with the consent of a circuit court judge of his district, shall have the prosecutorial discretion as defined herein and may as a matter of such prosecutorial discretion establish a pretrial intervention program in the circuit court districts. (2) A pretrial intervention program shall be under the direct supervision and control of the district attorney. (3) An offender must make application to an intervention program within the time prescribed by the district attorney. Laws, 1983, ch. 445, § 3; reenacted, Laws, 1987, ch. 329, § 3, eff. 7/1/1987. (1) Each district attorney, with the consent of a circuit court judge of his district, shall have the prosecutorial discretion as defined herein and may as a matter of such prosecutorial discretion establish a pretrial intervention program in the circuit court districts. (2) A pretrial intervention program shall be under the direct supervision and control of the district attorney. (3) An offender must make application to an intervention program within the time prescribed by the district

attorney. Laws, 1983, ch. 445, § 3; reenacted, Laws, 1987, ch. 329, § 3, eff. 7/1/1987. (1) Each district attorney, with the consent of a circuit court judge of his district, shall have the prosecutorial discretion as defined herein and may as a matter of such prosecutorial discretion establish a pretrial intervention program in the circuit court districts. (2) A pretrial intervention program shall be under the direct supervision and control of the district attorney. (3) An offender must make application to an intervention program within the time prescribed by the district attorney. Laws, 1983, ch. 445, § 3; reenacted, Laws, 1987, ch. 329, § 3, eff. 7/1/1987. Laws, 1983, ch. 445, § 3; reenacted, Laws, 1987, ch. 329, § 3, eff. 7/1/1987.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) PRETRIAL INTERVENTION PROGRAM (§§ 99-15-101 — 99-15-127) Section 99-15-107 - Ineligibility for intervention

A person shall not be eligible for the intervention program provided by Sections 99-15-101 through 99-15-127 if the person has been charged with: (a) Any crime of violence listed in Section 97-3-2; (b) Any offense pertaining to trafficking in a controlled substance, as provided in Section 41-29-139(f); or (c) Any crime of fraud or embezzlement committed in a public office pursuant to Section 97-7-11 or 97-11-31, amounting to or exceeding Ten Thousand Dollars (\$10,000.00). Laws, 1983, ch. 445, § 4; reenacted, Laws, 1987, ch. 329, § 4, eff. 7/1/1987. Amended by Laws, 2021, ch. 327, SB 2552, § 1, eff. 7/1/2021. Amended by Laws, 2014, ch. 457, HB 585, 13, eff. 7/1/2014. A person shall not be eligible for the intervention program provided by Sections 99-15-101 through 99-15-127 if the person has been charged with: (a) Any crime of violence listed in Section 97-3-2; (b) Any offense pertaining to trafficking in a controlled substance, as provided in Section 41-29-139(f); or (c) Any crime of fraud or embezzlement committed in a public office pursuant to Section 97-7-11 or 97-11-31, amounting to or exceeding Ten Thousand Dollars (\$10,000.00). Laws, 1983, ch. 445, § 4; reenacted, Laws, 1987, ch. 329, § 4, eff. 7/1/1987. Amended by Laws, 2021, ch. 327, SB 2552, § 1, eff. 7/1/2021. Amended by Laws, 2014, ch. 457, HB 585, 13, eff. 7/1/2014. A person shall not be eligible for the intervention program provided by Sections 99-15-101 through 99-15-127 if the person has been charged with: (a) Any crime of violence listed in Section 97-3-2; (b) Any offense pertaining to trafficking in a controlled substance, as provided in Section 41-29-139(f); or (c) Any crime of fraud or embezzlement committed in a public office pursuant to Section 97-7-11 or 97-11-31, amounting to or exceeding Ten Thousand Dollars (\$10,000.00). Laws, 1983, ch. 445, § 4; reenacted, Laws, 1987, ch. 329, § 4, eff. 7/1/1987. Amended by Laws, 2021, ch. 327, SB 2552, § 1, eff. 7/1/2021. Amended by Laws, 2014, ch. 457, HB 585, 13, eff. 7/1/2014. A person shall not be eligible for the intervention program provided by Sections 99-15-101 through 99-15-127 if the person has been charged with: Laws, 1983, ch. 445, § 4; reenacted, Laws, 1987, ch. 329, § 4, eff. 7/1/1987. Amended by Laws, 2021, ch. 327, SB 2552, § 1, eff. 7/1/2021. Amended by Laws, 2014, ch. 457, HB 585, 13, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) PRETRIAL INTERVENTION PROGRAM (§§ 99-15-101 — 99-15-127) Section 99-15-109 - Conditions when intervention is appropriate

(1) Intervention shall be appropriate only when: (a) The offender is eighteen (18) years of age or older; (b) There is substantial likelihood that justice will be served if the offender is placed in an intervention program; (c) It is determined that the needs of the offender and the state can better be met outside the traditional criminal justice process; (d) It is apparent that the offender poses no threat to the community; (e) It appears that the offender is unlikely to be involved in further criminal activity; (f) The offender, in those cases where it is required, is likely to respond quickly to rehabilitative treatment; (g) The offender has no significant history of prior delinquency or criminal activity; (h) The offender has been indicted and is represented by an attorney; and (i) The court has determined that the office of district attorney or the department of corrections has sufficient support staff to administer such intervention program. (2) When jurisdiction in a case involving a child is acquired by the circuit court pursuant to a transfer from the youth court, the provision of subsection (1)(a) of this section shall not be applicable. (3) Notwithstanding any other provision of this section, in all criminal cases wherein an offender has been held in contempt of court for failure to pay fines or restitution, the offender may be placed in pretrial intervention for the purpose of collecting unpaid restitution and fines regardless of any prior criminal conviction, whether felony or misdemeanor. Laws, 1983, ch. 445, § 5; reenacted, Laws, 1987, ch. 329, § 5; Laws, 2006, ch. 453, § 1, eff. 7/1/2006. (1) Intervention shall be appropriate only when: (a) The offender is eighteen (18) years of age or older; (b) There is substantial likelihood that justice will be served if the offender is placed in an intervention program; (c) It is determined that the needs of the offender and the state can better be met outside the traditional criminal justice process; (d) It is apparent that the offender poses no threat to the community; (e) It appears that the offender is unlikely to be involved in further criminal activity; (f) The offender, in those cases where it is required, is likely to respond quickly to rehabilitative treatment; (g) The offender has no significant history of prior delinquency or criminal activity; (h) The offender has been indicted and is represented by an attorney; and (i) The court has determined that the office of district attorney or the department of corrections has sufficient support staff to administer such intervention program. (2) When jurisdiction in a case involving a child is acquired by the circuit court pursuant to a transfer from the youth court, the provision of subsection (1)(a) of this section shall not be applicable. (3) Notwithstanding any other provision of this section, in all criminal cases wherein an offender has been held in contempt of court for failure to pay fines or restitution, the offender may be placed in pretrial intervention for the purpose of collecting unpaid restitution and fines regardless of any prior criminal conviction, whether felony or misdemeanor. Laws, 1983, ch. 445, § 5; reenacted, Laws, 1987, ch. 329, § 5; Laws, 2006, ch. 453, § 1, eff. 7/1/2006. (1) Intervention shall be appropriate only when: (a) The offender is eighteen (18) years of age or older; (b) There is substantial likelihood that justice will be served if the offender is placed in an intervention program; (c) It is

determined that the needs of the offender and the state can better be met outside the traditional criminal justice process;(d)It is apparent that the offender poses no threat to the community;(e)It appears that the offender is unlikely to be involved in further criminal activity;(f)The offender, in those cases where it is required, is likely to respond quickly to rehabilitative treatment;(g)The offender has no significant history of prior delinquency or criminal activity;(h)The offender has been indicted and is represented by an attorney; and(i)The court has determined that the office of district attorney or the department of corrections has sufficient support staff to administer such intervention program.(2)When jurisdiction in a case involving a child is acquired by the circuit court pursuant to a transfer from the youth court, the provision of subsection (1)(a) of this section shall not be applicable.(3)Notwithstanding any other provision of this section, in all criminal cases wherein an offender has been held in contempt of court for failure to pay fines or restitution, the offender may be placed in pretrial intervention for the purpose of collecting unpaid restitution and fines regardless of any prior criminal conviction, whether felony or misdemeanor.Laws, 1983, ch. 445, § 5; reenacted, Laws, 1987, ch. 329, § 5; Laws, 2006, ch. 453, § 1, eff. 7/1/2006. Laws, 1983, ch. 445, § 5; reenacted, Laws, 1987, ch. 329, § 5; Laws, 2006, ch. 453, § 1, eff. 7/1/2006.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127)PRETRIAL INTERVENTION PROGRAM (§§ 99-15-101 — 99-15-127)Section 99-15-111 - Information required from offender prior to admittance into program

Prior to admittance of an offender into an intervention program, the district attorney may require the offender to furnish information concerning the offender's past criminal record, education and work record, family history, medical or psychiatric treatment or care received, psychological tests taken and other information which, in the district attorney's opinion, bears on the decision as to whether the offender should be admitted.Laws, 1983, ch. 445, § 6; reenacted, Laws, 1987, ch. 329, § 6, eff. 7/1/1987. Prior to admittance of an offender into an intervention program, the district attorney may require the offender to furnish information concerning the offender's past criminal record, education and work record, family history, medical or psychiatric treatment or care received, psychological tests taken and other information which, in the district attorney's opinion, bears on the decision as to whether the offender should be admitted.Laws, 1983, ch. 445, § 6; reenacted, Laws, 1987, ch. 329, § 6, eff. 7/1/1987. Prior to admittance of an offender into an intervention program, the district attorney may require the offender to furnish information concerning the offender's past criminal record, education and work record, family history, medical or psychiatric treatment or care received, psychological tests taken and other information which, in the district attorney's opinion, bears on the decision as to whether the offender should be admitted.Laws, 1983, ch. 445, § 6; reenacted, Laws, 1987, ch. 329, § 6, eff. 7/1/1987. Prior to admittance of an offender into an intervention program, the district attorney may require the offender to furnish information concerning the offender's past criminal record, education and work record, family history, medical or psychiatric treatment or care received, psychological tests taken and other information which, in the district attorney's opinion, bears on the decision as to whether the offender should be admitted. Laws, 1983, ch. 445, § 6; reenacted, Laws, 1987, ch. 329, § 6, eff. 7/1/1987.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127)PRETRIAL INTERVENTION PROGRAM (§§ 99-15-101 — 99-15-127)Section 99-15-113 - Recommendations of victim and law enforcement agency as to offender's admittance into program

Prior to any person's admittance to a pretrial intervention program the victim, if any, of the crime for which the applicant is charged and the law enforcement agency employing the arresting officer shall be asked to comment in writing as to whether or not the applicant should be allowed to enter an intervention program. In each case involving admission to an intervention program, the district attorney and a circuit court judge of his district shall consider the recommendations of the law enforcement agency and the victim, if any, in making a decision.Laws, 1983, ch. 445, § 7; reenacted, Laws, 1987, ch. 329, § 7, eff. 7/1/1987. Prior to any person's admittance to a pretrial intervention program the victim, if any, of the crime for which the applicant is charged and the law enforcement agency employing the arresting officer shall be asked to comment in writing as to whether or not the applicant should be allowed to enter an intervention program. In each case involving admission to an intervention program, the district attorney and a circuit court judge of his district shall consider the recommendations of the law enforcement agency and the victim, if any, in making a decision.Laws, 1983, ch. 445, § 7; reenacted, Laws, 1987, ch. 329, § 7, eff. 7/1/1987. Prior to any person's admittance to a pretrial intervention program the victim, if any, of the crime for which the applicant is charged and the law enforcement agency employing the arresting officer shall be asked to comment in writing as to whether or not the applicant should be allowed to enter an intervention program. In each case involving admission to an intervention program, the district attorney and a circuit court judge of his district shall consider the recommendations of the law enforcement agency and the victim, if any, in making a decision.Laws, 1983, ch. 445, § 7; reenacted, Laws, 1987, ch. 329, § 7, eff. 7/1/1987. Prior to any person's admittance to a pretrial intervention program the victim, if any, of the crime for which the applicant is charged and the law enforcement agency employing the arresting officer shall be asked to comment in writing as to whether or not the applicant should be allowed to enter an intervention program. In each case involving admission to an intervention program, the district attorney and a circuit court judge of his district shall consider the recommendations of the law enforcement agency and the victim, if any, in making a decision. Laws, 1983, ch. 445, § 7; reenacted, Laws, 1987, ch. 329, § 7, eff. 7/1/1987.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127)PRETRIAL INTERVENTION PROGRAM (§§ 99-15-101 — 99-15-127)Section

99-15-115 - Waiver and agreements required of offender who enters program

An offender who enters an intervention program shall:(a)Waive, in writing and contingent upon his successful completion of the program, his or her right to a speedy trial;(b)Agree, in writing, to the tolling while in the program of all periods of limitation established by statutes or rules of court;(c)Agree, in writing, to the conditions of the intervention program established by the district attorney which shall not require or include a guilty plea;(d)In the event there is a victim of the crime, agree, in writing, to make restitution to the victim within a specified period of time and in an amount to be determined by the district attorney and approved by the court; and(e)Agree, in writing, to waive extradition.Laws, 1983, ch. 445, § 8; reenacted, Laws, 1987, ch. 329, § 8, eff. 7/1/1987.

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Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127)PRETRIAL INTERVENTION PROGRAM (§§ 99-15-101 — 99-15-127)Section 99-15-117 - Agreement between district attorney and offender outlining terms of program; approval by court

In any case in which an offender agrees to an intervention program, a specific agreement shall be made between the district attorney and the offender. This agreement shall include the terms of the intervention program, the length of the program, which shall not exceed three (3) years, and a section therein stating the period of time after which the prosecutor will either dismiss the charge or seek a conviction based upon that charge. The agreement shall be signed by the offender and his or her counsel and filed in the district attorney's office. Before an offender is admitted to an intervention program, the court having jurisdiction of the charge must approve of the offender's admission to the program and the terms of the agreement.Laws, 1983, ch. 445, § 9; reenacted, Laws, 1987, ch. 329, § 9, eff. 7/1/1987.

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Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127)PRETRIAL INTERVENTION PROGRAM (§§ 99-15-101 — 99-15-127)Section 99-15-119 - Written reports retained for all offenders accepted into program; information furnished to Mississippi Justice Information Center

In all cases where an offender is accepted for intervention a written report shall be made and retained on file in the district attorney's office, regardless of whether or not the offender successfully completes the intervention program. The district attorney shall furnish to the Mississippi Justice Information Center personal identification information on each person accepted for intervention. This information shall only be released by the Mississippi Justice Information Center in those cases where a district attorney inquires as

to whether a person has previously been accepted into an intervention program. Laws, 1983, ch. 445, § 10; reenacted, Laws, 1987, ch. 329, § 10, eff. 7/1/1987. In all cases where an offender is accepted for intervention a written report shall be made and retained on file in the district attorney's office, regardless of whether or not the offender successfully completes the intervention program. The district attorney shall furnish to the Mississippi Justice Information Center personal identification information on each person accepted for intervention. This information shall only be released by the Mississippi Justice Information Center in those cases where a district attorney inquires as to whether a person has previously been accepted into an intervention program. Laws, 1983, ch. 445, § 10; reenacted, Laws, 1987, ch. 329, § 10, eff. 7/1/1987. In all cases where an offender is accepted for intervention a written report shall be made and retained on file in the district attorney's office, regardless of whether or not the offender successfully completes the intervention program. The district attorney shall furnish to the Mississippi Justice Information Center personal identification information on each person accepted for intervention. This information shall only be released by the Mississippi Justice Information Center in those cases where a district attorney inquires as to whether a person has previously been accepted into an intervention program. Laws, 1983, ch. 445, § 10; reenacted, Laws, 1987, ch. 329, § 10, eff. 7/1/1987.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) PRETRIAL INTERVENTION PROGRAM (§§ 99-15-101 — 99-15-127) Section 99-15-121 - Restitution required prior to completion of program

Prior to the completion of the pretrial intervention program the offender shall make restitution, as determined by the district attorney and approved by the court, to the victim, if any, and shall pay any expenses to the administrator of this program which are incurred as a result of his participation in the program. The amount of such expenses shall be determined by the district attorney and made part of the initial agreement between the district attorney and the offender. Laws, 1983, ch. 445, § 11; reenacted, Laws, 1987, ch. 329, § 11, eff. 7/1/1987. Prior to the completion of the pretrial intervention program the offender shall make restitution, as determined by the district attorney and approved by the court, to the victim, if any, and shall pay any expenses to the administrator of this program which are incurred as a result of his participation in the program. The amount of such expenses shall be determined by the district attorney and made part of the initial agreement between the district attorney and the offender. Laws, 1983, ch. 445, § 11; reenacted, Laws, 1987, ch. 329, § 11, eff. 7/1/1987. Prior to the completion of the pretrial intervention program the offender shall make restitution, as determined by the district attorney and approved by the court, to the victim, if any, and shall pay any expenses to the administrator of this program which are incurred as a result of his participation in the program. The amount of such expenses shall be determined by the district attorney and made part of the initial agreement between the district attorney and the offender. Laws, 1983, ch. 445, § 11; reenacted, Laws, 1987, ch. 329, § 11, eff. 7/1/1987. Prior to the completion of the pretrial intervention program the offender shall make restitution, as determined by the district attorney and approved by the court, to the victim, if any, and shall pay any expenses to the administrator of this program which are incurred as a result of his participation in the program. The amount of such expenses shall be determined by the district attorney and made part of the initial agreement between the district attorney and the offender. Laws, 1983, ch. 445, § 11; reenacted, Laws, 1987, ch. 329, § 11, eff. 7/1/1987.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127) PRETRIAL INTERVENTION PROGRAM (§§ 99-15-101 — 99-15-127) Section 99-15-123 - Disposition of charges upon successful completion of program; violation of program agreement by offender; expunction of record

(1) In the event an offender successfully completes a pretrial intervention program, the court shall make a noncriminal disposition of the charge or charges pending against the offender. (2) In the event the offender violates the conditions of the program agreement: (a) the district attorney may terminate the offender's participation in the program, (b) the waiver executed pursuant to Section 99-15-115 shall be void on the date the offender is removed from the program for the violation, and (c) the prosecution of pending criminal charges against the offender shall be resumed by the district attorney. (3) Upon petition therefor, the court shall expunge the record of any case in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped or there was no disposition of such case. Laws, 1983, ch. 445, § 12; reenacted, Laws, 1987, ch. 329, § 12; Laws, 2008, ch. 444, § 1, eff. 7/1/2008. (1) In the event an offender successfully completes a pretrial intervention program, the court shall make a noncriminal disposition of the charge or charges pending against the offender. (2) In the event the offender violates the conditions of the program agreement: (a) the district attorney may terminate the offender's participation in the program, (b) the waiver executed pursuant to Section 99-15-115 shall be void on the date the offender is removed from the program for the violation, and (c) the prosecution of pending criminal charges against the offender shall be resumed by the district attorney. (3) Upon petition therefor, the court shall expunge the record of any case in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped or there was no disposition of such case. Laws, 1983, ch. 445, § 12; reenacted, Laws, 1987, ch. 329, § 12; Laws, 2008, ch. 444, § 1, eff. 7/1/2008. (1) In the event an offender successfully completes a pretrial intervention program, the court shall make a noncriminal disposition of the charge or charges pending against the offender. (2) In the

event the offender violates the conditions of the program agreement:(a)the district attorney may terminate the offender's participation in the program,(b)the waiver executed pursuant to Section99-15-115shall be void on the date the offender is removed from the program for the violation, and(c)the prosecution of pending criminal charges against the offender shall be resumed by the district attorney.(3)Upon petition therefor, the court shall expunge the record of any case in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped or there was no disposition of such case.Laws, 1983, ch. 445, § 12; reenacted, Laws, 1987, ch. 329, § 12; Laws, 2008, ch. 444, § 1, eff. 7/1/2008. Laws, 1983, ch. 445, § 12; reenacted, Laws, 1987, ch. 329, § 12; Laws, 2008, ch. 444, § 1, eff. 7/1/2008.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127)PRETRIAL INTERVENTION PROGRAM (§§ 99-15-101 — 99-15-127)Section 99-15-125 - Law enforcement officer precluded from referring to program as inducement to any statement, confession or waiver by offender; exception

No law enforcement officer shall refer to, mention and/or offer participation in this program as an inducement to any statement, confession or waiver of any constitutional rights of any person accused of a crime except those enumerated in Section99-15-115.Laws, 1983, ch. 445, § 13; reenacted, Laws, 1987, ch. 329, § 13, eff. 7/1/1987. No law enforcement officer shall refer to, mention and/or offer participation in this program as an inducement to any statement, confession or waiver of any constitutional rights of any person accused of a crime except those enumerated in Section99-15-115.Laws, 1983, ch. 445, § 13; reenacted, Laws, 1987, ch. 329, § 13, eff. 7/1/1987. No law enforcement officer shall refer to, mention and/or offer participation in this program as an inducement to any statement, confession or waiver of any constitutional rights of any person accused of a crime except those enumerated in Section99-15-115.Laws, 1983, ch. 445, § 13; reenacted, Laws, 1987, ch. 329, § 13, eff. 7/1/1987. No law enforcement officer shall refer to, mention and/or offer participation in this program as an inducement to any statement, confession or waiver of any constitutional rights of any person accused of a crime except those enumerated in Section99-15-115.Laws, 1983, ch. 445, § 13; reenacted, Laws, 1987, ch. 329, § 13, eff. 7/1/1987.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 15 - PRETRIAL PROCEEDINGS (§§ 99-15-1 — 99-15-127)PRETRIAL INTERVENTION PROGRAM (§§ 99-15-101 — 99-15-127)Section 99-15-127 - Department of Corrections, Division of Community Corrections to support program

The Department of Corrections, Division of Community Corrections, is directed to support Sections99-15-101through99-15-127to the extent that field support personnel are available in circuit court districts, and the Commissioner of Corrections shall certify to the court that the Division of Community Corrections has sufficient field parole officers to supervise and oversee those individuals who may be placed in this program by the court.Laws, 1983, ch. 445, § 14; reenacted, Laws, 1987, ch. 329, § 14; Laws, 2002, ch. 624, § 9, eff. 7/1/2002. The Department of Corrections, Division of Community Corrections, is directed to support Sections99-15-101through99-15-127to the extent that field support personnel are available in circuit court districts, and the Commissioner of Corrections shall certify to the court that the Division of Community Corrections has sufficient field parole officers to supervise and oversee those individuals who may be placed in this program by the court.Laws, 1983, ch. 445, § 14; reenacted, Laws, 1987, ch. 329, § 14; Laws, 2002, ch. 624, § 9, eff. 7/1/2002. The Department of Corrections, Division of Community Corrections, is directed to support Sections99-15-101through99-15-127to the extent that field support personnel are available in circuit court districts, and the Commissioner of Corrections shall certify to the court that the Division of Community Corrections has sufficient field parole officers to supervise and oversee those individuals who may be placed in this program by the court.Laws, 1983, ch. 445, § 14; reenacted, Laws, 1987, ch. 329, § 14; Laws, 2002, ch. 624, § 9, eff. 7/1/2002. The Department of Corrections, Division of Community Corrections, is directed to support Sections99-15-101through99-15-127to the extent that field support personnel are available in circuit court districts, and the Commissioner of Corrections shall certify to the court that the Division of Community Corrections has sufficient field parole officers to supervise and oversee those individuals who may be placed in this program by the court. Laws, 1983, ch. 445, § 14; reenacted, Laws, 1987, ch. 329, § 14; Laws, 2002, ch. 624, § 9, eff. 7/1/2002.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49)Section 99-17-1 - Indictments to be tried within 270 days of arraignment

Unless good cause be shown, and a continuance duly granted by the court, all offenses for which indictments are presented to the court shall be tried no later than two hundred seventy (270) days after the accused has been arraigned.Codes, 1857, ch. 64, art. 285; 1871, § 2785; 1880, § 3073; 1892, § 1421; 1906, § 1494; Hemingway's 1917, § 1252; 1930, § 1275; 1942, § 2518; Laws, 1976, ch. 420, eff. 7/1/1976. Unless good cause be shown, and a continuance duly granted by the court, all offenses for which indictments are presented to the court shall be tried no later than two hundred seventy (270) days after the accused has been arraigned.Codes, 1857, ch. 64, art. 285; 1871, § 2785; 1880, § 3073; 1892, § 1421; 1906, § 1494; Hemingway's 1917, § 1252; 1930, § 1275; 1942, § 2518; Laws, 1976, ch. 420, eff. 7/1/1976. Unless good cause be shown, and a continuance duly granted by the court, all offenses for which indictments are presented to the court shall be tried no later than two hundred seventy (270) days after the accused has been arraigned.Codes, 1857, ch. 64, art. 285; 1871, § 2785; 1880, § 3073; 1892, § 1421; 1906, § 1494; Hemingway's 1917, § 1252; 1930, § 1275; 1942, § 2518; Laws, 1976, ch. 420, eff. 7/1/1976. Unless good cause be shown, and a continuance duly granted by the court, all offenses for which indictments are presented to the court shall be tried no later than two hundred seventy (270) days after the

accused has been arraigned. Codes, 1857, ch. 64, art. 285; 1871, § 2785; 1880, § 3073; 1892, § 1421; 1906, § 1494; Hemingway's 1917, § 1252; 1930, § 1275; 1942, § 2518; Laws, 1976, ch. 420, eff. 7/1/1976.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-11 - Only two counsel to a side heard

Only two counsel for the state, one of whom shall be the district attorney, and two for the defendant, shall be heard in criminal cases, unless the court, for special reason, in its discretion, see fit to relax this rule. Codes, 1857, ch. 64, art. 302; 1871, § 2806; 1880, § 3077; 1892, § 1424; 1906, § 1497; Hemingway's 1917, § 1255; 1930, § 1278; 1942, § 2521. Only two counsel for the state, one of whom shall be the district attorney, and two for the defendant, shall be heard in criminal cases, unless the court, for special reason, in its discretion, see fit to relax this rule. Codes, 1857, ch. 64, art. 302; 1871, § 2806; 1880, § 3077; 1892, § 1424; 1906, § 1497; Hemingway's 1917, § 1255; 1930, § 1278; 1942, § 2521. Only two counsel for the state, one of whom shall be the district attorney, and two for the defendant, shall be heard in criminal cases, unless the court, for special reason, in its discretion, see fit to relax this rule. Codes, 1857, ch. 64, art. 302; 1871, § 2806; 1880, § 3077; 1892, § 1424; 1906, § 1497; Hemingway's 1917, § 1255; 1930, § 1278; 1942, § 2521.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-13 - Variance between indictment and proof; amendment of record and indictment; continuance

Whenever, on the trial of an indictment for any offense, there shall appear to be any variance between the statement in the indictment and the evidence offered in proof thereof, in the name of any county, city, town, village, division, or any other place mentioned in such indictment, or in the name or description of any person or body politic or corporate, therein stated or alleged to be the owner of any property, real or personal, which shall form the subject of any offense charged therein, or in the name or description of any person, body politic or corporate, therein stated or alleged to be injured or damaged; or intended to be injured or damaged, by the commission of such offense, or in the Christian name or surname, or both, or other description whatever, of any person whomsoever, therein named or described, or in the ownership of any property named or described therein, or in the description of any property or thing, it shall and may be lawful for the court before which the trial shall be had, if it shall consider such variance not material to the merits of the case, and that the defendant cannot be prejudiced thereby in his defense on the merits, to order such indictment and the record and proceedings in the court to be amended according to the proof, whenever it may be deemed necessary by the court to amend such indictment, record, and proceedings, on such terms as to postponing the trial, to be had before the same or another jury, as the court shall think reasonable. After such amendment, the trial shall proceed in the same manner, and with the same consequences in all respects, as if a variance had not occurred; but if the court shall, on application, refuse a continuance, the defendant may take a bill of exceptions thereto, and assign such refusal for error. Codes, 1871, § 2799; 1880, § 3081; 1892, § 1435; 1906, § 1508; Hemingway's 1917, § 1266; 1930, § 1289; 1942, § 2532. Whenever, on the trial of an indictment for any offense, there shall appear to be any variance between the statement in the indictment and the evidence offered in proof thereof, in the name of any county, city, town, village, division, or any other place mentioned in such indictment, or in the name or description of any person or body politic or corporate, therein stated or alleged to be the owner of any property, real or personal, which shall form the subject of any offense charged therein, or in the name or description of any person, body politic or corporate, therein stated or alleged to be injured or damaged; or intended to be injured or damaged, by the commission of such offense, or in the Christian name or surname, or both, or other description whatever, of any person whomsoever, therein named or described, or in the ownership of any property named or described therein, or in the description of any property or thing, it shall and may be lawful for the court before which the trial shall be had, if it shall consider such variance not material to the merits of the case, and that the defendant cannot be prejudiced thereby in his defense on the merits, to order such indictment and the record and proceedings in the court to be amended according to the proof, whenever it may be deemed necessary by the court to amend such indictment, record, and proceedings, on such terms as to postponing the trial, to be had before the same or another jury, as the court shall think reasonable. After such amendment, the trial shall proceed in the same manner, and with the same consequences in all respects, as if a variance had not occurred; but if the court shall, on application, refuse a continuance, the defendant may take a bill of exceptions thereto, and assign such refusal for error. Codes, 1871, § 2799; 1880, § 3081; 1892, § 1435; 1906, § 1508; Hemingway's 1917, § 1266; 1930, § 1289; 1942, § 2532. Whenever, on the trial of an indictment for any offense, there shall appear to be any variance between the statement in the indictment and the evidence offered in proof thereof, in the name of any county, city, town, village, division, or any other place mentioned in such indictment, or in the name or description of any person or body politic or corporate, therein stated or alleged to be the owner of any property, real or personal, which shall form the subject of any offense charged therein, or in the name or description of any person, body politic or corporate, therein stated or alleged to be injured or damaged; or intended to be injured or damaged, by the commission of such offense, or in the Christian name or surname, or both, or other description whatever, of any person whomsoever, therein named or described, or in the ownership of any property named or described therein, or in the description of any property or thing, it shall and may be lawful for the court before which the trial shall be had, if it shall consider such variance not material to the merits of the case, and that the defendant cannot be prejudiced thereby in his defense on the merits, to order such indictment and the record and proceedings in the court to be amended according to the proof, whenever it may be deemed necessary by the court to amend such indictment, record, and proceedings, on such terms as to

postponing the trial, to be had before the same or another jury, as the court shall think reasonable. After such amendment, the trial shall proceed in the same manner, and with the same consequences in all respects, as if a variance had not occurred; but if the court shall, on application, refuse a continuance, the defendant may take a bill of exceptions thereto, and assign such refusal for error. Codes, 1871, § 2799; 1880, § 3081; 1892, § 1435; 1906, § 1508; Hemingway's 1917, § 1266; 1930, § 1289; 1942, § 2532. Whenever, on the trial of an indictment for any offense, there shall appear to be any variance between the statement in the indictment and the evidence offered in proof thereof, in the name of any county, city, town, village, division, or any other place mentioned in such indictment, or in the name or description of any person or body politic or corporate, therein stated or alleged to be the owner of any property, real or personal, which shall form the subject of any offense charged therein, or in the name or description of any person, body politic or corporate, therein stated or alleged to be injured or damaged; or intended to be injured or damaged, by the commission of such offense, or in the Christian name or surname, or both, or other description whatever, of any person whomsoever, therein named or described, or in the ownership of any property named or described therein, or in the description of any property or thing, it shall and may be lawful for the court before which the trial shall be had, if it shall consider such variance not material to the merits of the case, and that the defendant cannot be prejudiced thereby in his defense on the merits, to order such indictment and the record and proceedings in the court to be amended according to the proof, whenever it may be deemed necessary by the court to amend such indictment, record, and proceedings, on such terms as to postponing the trial, to be had before the same or another jury, as the court shall think reasonable. After such amendment, the trial shall proceed in the same manner, and with the same consequences in all respects, as if a variance had not occurred; but if the court shall, on application, refuse a continuance, the defendant may take a bill of exceptions thereto, and assign such refusal for error. Codes, 1871, § 2799; 1880, § 3081; 1892, § 1435; 1906, § 1508; Hemingway's 1917, § 1266; 1930, § 1289; 1942, § 2532.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-15 - Variance between indictment and proof; amendment of record and indictment; order for amendment

The order of the court for amendment of the indictment, record or proceedings provided in Section 99-17-13 shall be entered on the minutes, and shall specify precisely the amendment, and shall be a part of the record of said case, and shall have the same effect as if the indictment or other proceeding were actually changed to conform to the amendment; and wherever necessary or proper for the guidance of the jury, or otherwise, the clerk shall attach to the indictment a copy of the order for amendment. Codes, 1880, § 3082; 1892, § 1436; 1906, § 1509; Hemingway's 1917, § 1267; 1930, § 1290; 1942, § 2533. The order of the court for amendment of the indictment, record or proceedings provided in Section 99-17-13 shall be entered on the minutes, and shall specify precisely the amendment, and shall be a part of the record of said case, and shall have the same effect as if the indictment or other proceeding were actually changed to conform to the amendment; and wherever necessary or proper for the guidance of the jury, or otherwise, the clerk shall attach to the indictment a copy of the order for amendment. Codes, 1880, § 3082; 1892, § 1436; 1906, § 1509; Hemingway's 1917, § 1267; 1930, § 1290; 1942, § 2533. The order of the court for amendment of the indictment, record or proceedings provided in Section 99-17-13 shall be entered on the minutes, and shall specify precisely the amendment, and shall be a part of the record of said case, and shall have the same effect as if the indictment or other proceeding were actually changed to conform to the amendment; and wherever necessary or proper for the guidance of the jury, or otherwise, the clerk shall attach to the indictment a copy of the order for amendment. Codes, 1880, § 3082; 1892, § 1436; 1906, § 1509; Hemingway's 1917, § 1267; 1930, § 1290; 1942, § 2533. The order of the court for amendment of the indictment, record or proceedings provided in Section 99-17-13 shall be entered on the minutes, and shall specify precisely the amendment, and shall be a part of the record of said case, and shall have the same effect as if the indictment or other proceeding were actually changed to conform to the amendment; and wherever necessary or proper for the guidance of the jury, or otherwise, the clerk shall attach to the indictment a copy of the order for amendment. Codes, 1880, § 3082; 1892, § 1436; 1906, § 1509; Hemingway's 1917, § 1267; 1930, § 1290; 1942, § 2533.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-17 - Joint defendants are competent witnesses for one another in separate trials

Where parties jointly indicted are tried separately, the party not on trial, shall, in all cases, be a competent witness for the party being tried. Codes, 1880, § 3071; 1892, § 1420; 1906, § 1493; Hemingway's 1917, § 1251; 1930, § 1274; 1942, § 2517. Where parties jointly indicted are tried separately, the party not on trial, shall, in all cases, be a competent witness for the party being tried. Codes, 1880, § 3071; 1892, § 1420; 1906, § 1493; Hemingway's 1917, § 1251; 1930, § 1274; 1942, § 2517. Where parties jointly indicted are tried separately, the party not on trial, shall, in all cases, be a competent witness for the party being tried. Codes, 1880, § 3071; 1892, § 1420; 1906, § 1493; Hemingway's 1917, § 1251; 1930, § 1274; 1942, § 2517. Where parties jointly indicted are tried separately, the party not on trial, shall, in all cases, be a competent witness for the party being tried. Codes, 1880, § 3071; 1892, § 1420; 1906, § 1493; Hemingway's 1917, § 1251; 1930, § 1274; 1942, § 2517.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-19 - Assaults; insulting words admissible

In all trials for assault and battery, or for an assault, the defendant may give in evidence, in excuse or justification, any insulting words used by the person on whom the assault or assault and battery was committed, at the time of the commission thereof, toward the defendant, and the jury may consider and determine whether such words were or were not a sufficient excuse for or justification

of the offense committed. Codes, 1857, ch. 64, art. 366; 1871, § 2871; 1880, § 3080; 1892, § 1428; 1906, § 1501; Hemingway's 1917, § 1259; 1930, § 1282; 1942, § 2525. In all trials for assault and battery, or for an assault, the defendant may give in evidence, in excuse or justification, any insulting words used by the person on whom the assault or assault and battery was committed, at the time of the commission thereof, toward the defendant, and the jury may consider and determine whether such words were or were not a sufficient excuse for or justification of the offense committed. Codes, 1857, ch. 64, art. 366; 1871, § 2871; 1880, § 3080; 1892, § 1428; 1906, § 1501; Hemingway's 1917, § 1259; 1930, § 1282; 1942, § 2525. In all trials for assault and battery, or for an assault, the defendant may give in evidence, in excuse or justification, any insulting words used by the person on whom the assault or assault and battery was committed, at the time of the commission thereof, toward the defendant, and the jury may consider and determine whether such words were or were not a sufficient excuse for or justification of the offense committed. Codes, 1857, ch. 64, art. 366; 1871, § 2871; 1880, § 3080; 1892, § 1428; 1906, § 1501; Hemingway's 1917, § 1259; 1930, § 1282; 1942, § 2525.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-20 - Capital murder or other crimes punishable by death

No person shall be tried for capital murder, or any other crime punishable by death as provided by law, unless such offense was specifically cited in the indictment returned against the accused by setting forth the section and subsection number of the Code defining the offense alleged to have been committed by the accused. The judge, in cases where the offense cited in the indictment is punishable by death, may grant an instruction for the state or the defendant which instructs the jury as to their discretion to convict the accused of the commission of an offense not specifically set forth in the indictment returned against the accused. Any conviction of the accused for an offense punishable by death shall not be valid unless the offense for which the accused is convicted shall have been set forth in the indictment by section and subsection number of the Code which defined the offense allegedly committed by the accused. Laws, 1974, ch. 576, § 6(3); Laws, 1977, ch. 458, § 10, eff. 4/13/1977. No person shall be tried for capital murder, or any other crime punishable by death as provided by law, unless such offense was specifically cited in the indictment returned against the accused by setting forth the section and subsection number of the Code defining the offense alleged to have been committed by the accused. The judge, in cases where the offense cited in the indictment is punishable by death, may grant an instruction for the state or the defendant which instructs the jury as to their discretion to convict the accused of the commission of an offense not specifically set forth in the indictment returned against the accused. Any conviction of the accused for an offense punishable by death shall not be valid unless the offense for which the accused is convicted shall have been set forth in the indictment by section and subsection number of the Code which defined the offense allegedly committed by the accused. Laws, 1974, ch. 576, § 6(3); Laws, 1977, ch. 458, § 10, eff. 4/13/1977. No person shall be tried for capital murder, or any other crime punishable by death as provided by law, unless such offense was specifically cited in the indictment returned against the accused by setting forth the section and subsection number of the Code defining the offense alleged to have been committed by the accused. The judge, in cases where the offense cited in the indictment is punishable by death, may grant an instruction for the state or the defendant which instructs the jury as to their discretion to convict the accused of the commission of an offense not specifically set forth in the indictment returned against the accused. Any conviction of the accused for an offense punishable by death shall not be valid unless the offense for which the accused is convicted shall have been set forth in the indictment by section and subsection number of the Code which defined the offense allegedly committed by the accused. Laws, 1974, ch. 576, § 6(3); Laws, 1977, ch. 458, § 10, eff. 4/13/1977.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-21 - Bribery; certain proof not necessary

Upon the trial of an indictment for bribery, it shall not be necessary to prove the conviction of any offender, for the offense in relation to which any agreement or understanding, prohibited by sections appearing in Title 97, Mississippi Code of 1972, dealing with bribery, shall have been made. Codes, 1857, ch. 64, art. 42; 1871, § 2519; 1880, § 2735; 1892, § 1429; 1906, § 1502; Hemingway's 1917, § 1260; 1930, § 1283; 1942, § 2526. Upon the trial of an indictment for bribery, it shall not be necessary to prove the conviction of any offender, for the offense in relation to which any agreement or understanding, prohibited by sections appearing in Title 97, Mississippi Code of 1972, dealing with bribery, shall have been made. Codes, 1857, ch. 64, art. 42; 1871, § 2519; 1880, § 2735; 1892, § 1429; 1906, § 1502; Hemingway's 1917, § 1260; 1930, § 1283; 1942, § 2526. Upon the trial of an

indictment for bribery, it shall not be necessary to prove the conviction of any offender, for the offense in relation to which any agreement or understanding, prohibited by sections appearing in Title 97, Mississippi Code of 1972, dealing with bribery, shall have been made. Codes, 1857, ch. 64, art. 42; 1871, § 2519; 1880, § 2735; 1892, § 1429; 1906, § 1502; Hemingway's 1917, § 1260; 1930, § 1283; 1942, § 2526. Upon the trial of an indictment for bribery, it shall not be necessary to prove the conviction of any offender, for the offense in relation to which any agreement or understanding, prohibited by sections appearing in Title 97, Mississippi Code of 1972, dealing with bribery, shall have been made. Codes, 1857, ch. 64, art. 42; 1871, § 2519; 1880, § 2735; 1892, § 1429; 1906, § 1502; Hemingway's 1917, § 1260; 1930, § 1283; 1942, § 2526.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-23 - Dueling; offender compelled to testify against another

If any person offend against any of the provisions of Sections 97-39-1 to 97-39-11, Mississippi Code of 1972, headed Dueling, such person shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence in the same manner as other witnesses; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying, except for perjury in giving such testimony; and the fact that he testified thereof shall be a bar to any prosecution against him for such transaction. Codes, Hutchinson's 1848, ch. 64, art. 9(6); 1857, ch. 64, art. 55; 1871, § 2535; 1880, § 2751; 1892, § 1430; 1906, § 1503; Hemingway's 1917, § 1261; 1930, § 1284; 1942, § 2527. If any person offend against any of the provisions of Sections 97-39-1 to 97-39-11, Mississippi Code of 1972, headed Dueling, such person shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence in the same manner as other witnesses; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying, except for perjury in giving such testimony; and the fact that he testified thereof shall be a bar to any prosecution against him for such transaction. Codes, Hutchinson's 1848, ch. 64, art. 9(6); 1857, ch. 64, art. 55; 1871, § 2535; 1880, § 2751; 1892, § 1430; 1906, § 1503; Hemingway's 1917, § 1261; 1930, § 1284; 1942, § 2527. If any person offend against any of the provisions of Sections 97-39-1 to 97-39-11, Mississippi Code of 1972, headed Dueling, such person shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence in the same manner as other witnesses; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying, except for perjury in giving such testimony; and the fact that he testified thereof shall be a bar to any prosecution against him for such transaction. Codes, Hutchinson's 1848, ch. 64, art. 9(6); 1857, ch. 64, art. 55; 1871, § 2535; 1880, § 2751; 1892, § 1430; 1906, § 1503; Hemingway's 1917, § 1261; 1930, § 1284; 1942, § 2527.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-25 - Gambling and futures contracts; state not confined to proof of single violation

On the trial of all indictments for gambling or gaming or operating a bucket-shop or dealing in contracts commonly called "futures," the state shall not be confined in the proof to a single violation, but under the indictment charging a single offense may give in evidence any one or more offenses of the same character committed anterior to the day laid in the indictment and not barred by the statute of limitations; but in such case, after conviction or acquittal on the merits, the accused shall not be again liable to prosecution for any offense of the same character committed anterior to the day laid in the indictment. Codes, 1857, ch. 64, § 33, art. 148; 1871, § 2611; 1880, § 2857; 1892, § 1431; 1906, § 1504; Hemingway's 1917, § 1262; 1930, § 1285; 1942, § 2528. On the trial of all indictments for gambling or gaming or operating a bucket-shop or dealing in contracts commonly called "futures," the state shall not be confined in the proof to a single violation, but under the indictment charging a single offense may give in evidence any one or more offenses of the same character committed anterior to the day laid in the indictment and not barred by the statute of limitations; but in such case, after conviction or acquittal on the merits, the accused shall not be again liable to prosecution for any offense of the same character committed anterior to the day laid in the indictment. Codes, 1857, ch. 64, § 33, art. 148; 1871, § 2611; 1880, § 2857; 1892, § 1431; 1906, § 1504; Hemingway's 1917, § 1262; 1930, § 1285; 1942, § 2528. On the trial of all indictments for gambling or gaming or operating a bucket-shop or dealing in contracts commonly called "futures," the state shall not be confined in the proof to a single violation, but under the indictment charging a single offense may give in evidence any one or more offenses of the same character committed anterior to the day laid in the indictment and not barred by the statute of limitations; but in such case, after conviction or acquittal on the merits, the accused shall not be again liable to prosecution for any offense of the same character committed anterior to the day laid in the indictment. Codes, 1857, ch. 64, § 33, art. 148; 1871, § 2611; 1880, § 2857; 1892, § 1431; 1906, § 1504; Hemingway's 1917, § 1262; 1930, § 1285; 1942, § 2528. On the trial of all indictments for gambling or gaming or operating a bucket-shop or dealing in contracts commonly called "futures," the state shall not be confined in the proof to a single violation, but under the indictment charging a single offense may give in evidence any one or more offenses of the same character committed anterior to the day laid in the indictment and not barred by the statute of limitations; but in such case, after conviction or acquittal on the merits, the accused shall not be again liable to prosecution for any offense of the same character committed anterior

to the day laid in the indictment. Codes, 1857, ch. 64, § 33, art. 148; 1871, § 2611; 1880, § 2857; 1892, § 1431; 1906, § 1504; Hemingway's 1917, § 1262; 1930, § 1285; 1942, § 2528.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-27 - Gambling and futures contracts; witness compelled to testify; immunity granted; penalty for refusing

No person shall be excused from attending and testifying before a grand jury, or before any court, or in any cause or proceeding, criminal or otherwise based upon or growing out of any alleged violation of the provisions of law as to gambling or gaming, or as to operating a bucket-shop, or the dealing in contracts commonly called "futures," of which he shall have knowledge, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter or thing, concerning which he may testify or produce evidence, documentary or otherwise, before the grand jury or any court; provided, that no person so testifying shall be exempt from prosecution or punishment for perjury in so testifying. Any person who shall neglect or refuse to so attend or testify, or to answer any lawful inquiry, or to produce books or other documentary evidence, if in his power to do so, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars or more than five hundred dollars, or by imprisonment for not more than ninety days, or by both such fine and imprisonment. Codes, Hutchinson's 1848, ch. 64, art. 11(6); 1857, ch. 64, art. 150; 1871, § 2613; 1880, § 2860; 1892, § 1432; 1906, § 1505; Hemingway's 1917, § 1263; 1930, § 1286; 1942, § 2529; Laws, 1912, ch. 261. No person shall be excused from attending and testifying before a grand jury, or before any court, or in any cause or proceeding, criminal or otherwise based upon or growing out of any alleged violation of the provisions of law as to gambling or gaming, or as to operating a bucket-shop, or the dealing in contracts commonly called "futures," of which he shall have knowledge, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter or thing, concerning which he may testify or produce evidence, documentary or otherwise, before the grand jury or any court; provided, that no person so testifying shall be exempt from prosecution or punishment for perjury in so testifying. Any person who shall neglect or refuse to so attend or testify, or to answer any lawful inquiry, or to produce books or other documentary evidence, if in his power to do so, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars or more than five hundred dollars, or by imprisonment for not more than ninety days, or by both such fine and imprisonment. Codes, Hutchinson's 1848, ch. 64, art. 11(6); 1857, ch. 64, art. 150; 1871, § 2613; 1880, § 2860; 1892, § 1432; 1906, § 1505; Hemingway's 1917, § 1263; 1930, § 1286; 1942, § 2529; Laws, 1912, ch. 261. No person shall be excused from attending and testifying before a grand jury, or before any court, or in any cause or proceeding, criminal or otherwise based upon or growing out of any alleged violation of the provisions of law as to gambling or gaming, or as to operating a bucket-shop, or the dealing in contracts commonly called "futures," of which he shall have knowledge, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter or thing, concerning which he may testify or produce evidence, documentary or otherwise, before the grand jury or any court; provided, that no person so testifying shall be exempt from prosecution or punishment for perjury in so testifying. Any person who shall neglect or refuse to so attend or testify, or to answer any lawful inquiry, or to produce books or other documentary evidence, if in his power to do so, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars or more than five hundred dollars, or by imprisonment for not more than ninety days, or by both such fine and imprisonment. Codes, Hutchinson's 1848, ch. 64, art. 11(6); 1857, ch. 64, art. 150; 1871, § 2613; 1880, § 2860; 1892, § 1432; 1906, § 1505; Hemingway's 1917, § 1263; 1930, § 1286; 1942, § 2529; Laws, 1912, ch. 261.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-29 - Lotteries; purchaser of ticket compelled to testify against seller

The purchaser of any lottery ticket, or device in the nature of a lottery ticket, shall be a competent witness against the person from whom the same was purchased, and may be compelled to testify, but shall thereby be exempted from prosecution for buying or

having the same. Codes, 1871, § 2735; 1880, § 2979; 1892, § 1434; 1906, § 1507; Hemingway's 1917, § 1265; 1930, § 1288; 1942, § 2531. The purchaser of any lottery ticket, or device in the nature of a lottery ticket, shall be a competent witness against the person from whom the same was purchased, and may be compelled to testify, but shall thereby be exempted from prosecution for buying or having the same. Codes, 1871, § 2735; 1880, § 2979; 1892, § 1434; 1906, § 1507; Hemingway's 1917, § 1265; 1930, § 1288; 1942, § 2531. The purchaser of any lottery ticket, or device in the nature of a lottery ticket, shall be a competent witness against the person from whom the same was purchased, and may be compelled to testify, but shall thereby be exempted from prosecution for buying or having the same. Codes, 1871, § 2735; 1880, § 2979; 1892, § 1434; 1906, § 1507; Hemingway's 1917, § 1265; 1930, § 1288; 1942, § 2531. The purchaser of any lottery ticket, or device in the nature of a lottery ticket, shall be a competent witness against the person from whom the same was purchased, and may be compelled to testify, but shall thereby be exempted from prosecution for buying or having the same. Codes, 1871, § 2735; 1880, § 2979; 1892, § 1434; 1906, § 1507; Hemingway's 1917, § 1265; 1930, § 1288; 1942, § 2531.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-3 - Peremptory challenges; number allowed

In capital cases the defendant and the state shall each be allowed twelve peremptory challenges. In cases not capital the accused and the state each shall be allowed six peremptory challenges; but all peremptory challenges by the state shall be made before the juror is presented to the prisoner. In all cases the accused shall have presented to him a full panel before being called upon to make his peremptory challenges. Codes, Hutchinson's 1848, ch. 65, art. 8; 1857, ch. 64, art. 297; 1871, § 2761; 1880, § 3076; 1892, § 1423; 1906, § 1496; Hemingway's 1917, § 1254; 1930, § 1277; 1942, § 2520; Laws, 1908, ch. 172. In capital cases the defendant and the state shall each be allowed twelve peremptory challenges. In cases not capital the accused and the state each shall be allowed six peremptory challenges; but all peremptory challenges by the state shall be made before the juror is presented to the prisoner. In all cases the accused shall have presented to him a full panel before being called upon to make his peremptory challenges. Codes, Hutchinson's 1848, ch. 65, art. 8; 1857, ch. 64, art. 297; 1871, § 2761; 1880, § 3076; 1892, § 1423; 1906, § 1496; Hemingway's 1917, § 1254; 1930, § 1277; 1942, § 2520; Laws, 1908, ch. 172. In capital cases the defendant and the state shall each be allowed twelve peremptory challenges. In cases not capital the accused and the state each shall be allowed six peremptory challenges; but all peremptory challenges by the state shall be made before the juror is presented to the prisoner. In all cases the accused shall have presented to him a full panel before being called upon to make his peremptory challenges. Codes, Hutchinson's 1848, ch. 65, art. 8; 1857, ch. 64, art. 297; 1871, § 2761; 1880, § 3076; 1892, § 1423; 1906, § 1496; Hemingway's 1917, § 1254; 1930, § 1277; 1942, § 2520; Laws, 1908, ch. 172. In capital cases the defendant and the state shall each be allowed twelve peremptory challenges. In cases not capital the accused and the state each shall be allowed six peremptory challenges; but all peremptory challenges by the state shall be made before the juror is presented to the prisoner. In all cases the accused shall have presented to him a full panel before being called upon to make his peremptory challenges. Codes, Hutchinson's 1848, ch. 65, art. 8; 1857, ch. 64, art. 297; 1871, § 2761; 1880, § 3076; 1892, § 1423; 1906, § 1496; Hemingway's 1917, § 1254; 1930, § 1277; 1942, § 2520; Laws, 1908, ch. 172.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-31 - Offenses affecting legislature; witness denied privilege against self-incrimination

Upon the trial of a person charged with any of the crimes named and defined in Sections 97-7-45 through 97-7-57, Mississippi Code of 1972, relating to offenses affecting the legislature, a person otherwise competent as a witness shall not be excused from testifying as such concerning the offense charged on the ground that such testimony might criminate him or subject him to public infamy; but such testimony shall not afterward be used against him in any criminal prosecution, except for perjury in giving such testimony, nor shall the punishment of any person for the acts which constitute a violation of either of the said sections by the legislature, or either house thereof, as for a contempt, bar or preclude prosecutions thereunder. Codes, 1892, § 1433; 1906, § 1506; Hemingway's 1917, § 1264; 1930, § 1287; 1942, § 2530; Laws, 1912, ch. 261. Upon the trial of a person charged with any of the crimes named and defined in Sections 97-7-45 through 97-7-57, Mississippi Code of 1972, relating to offenses affecting the legislature, a person otherwise competent as a witness shall not be excused from testifying as such concerning the offense charged on the ground that such testimony might criminate him or subject him to public infamy; but such testimony shall not afterward be used against him in any criminal prosecution, except for perjury in giving such testimony, nor shall the punishment of any person for the acts which constitute a violation of either of the said sections by the legislature, or either house thereof, as for a contempt, bar or preclude prosecutions thereunder. Codes, 1892, § 1433; 1906, § 1506; Hemingway's 1917, § 1264; 1930, § 1287; 1942, § 2530; Laws, 1912, ch. 261. Upon the trial of a person charged with any of the crimes named and defined in Sections 97-7-45 through 97-7-57, Mississippi Code of 1972, relating to offenses affecting the legislature, a person otherwise competent as a witness shall not be excused from testifying as such concerning the offense charged on the ground that such testimony might criminate him or subject him to public infamy; but such testimony shall not afterward be used against him in any criminal prosecution, except for perjury in giving such testimony, nor shall the punishment of any person for the acts which constitute a violation of either of the said sections by the legislature, or either house thereof, as for a contempt, bar or preclude prosecutions thereunder. Codes, 1892, § 1433; 1906, § 1506; Hemingway's 1917, § 1264; 1930, § 1287; 1942, § 2530; Laws, 1912, ch. 261. Upon the trial of a person charged with any of the crimes named and defined in Sections 97-7-45 through 97-7-57, Mississippi Code of 1972, relating to offenses affecting the legislature, a person otherwise competent as a witness shall not be excused from testifying as such concerning the offense charged on the ground that such testimony might criminate him or subject him to public infamy; but such testimony shall not afterward be

used against him in any criminal prosecution, except for perjury in giving such testimony, nor shall the punishment of any person for the acts which constitute a violation of either of the said sections by the legislature, or either house thereof, as for a contempt, bar or preclude prosecutions thereunder. Codes, 1892, § 1433; 1906, § 1506; Hemingway's 1917, § 1264; 1930, § 1287; 1942, § 2530; Laws, 1912, ch. 261.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-33 - Perjury; no variance between "sworn" and "affirmed."

In prosecutions for perjury, where the indictment charges that the defendant was duly sworn at the time he is averred to have testified falsely, it shall not be a variance if the proof show he was affirmed, and vice versa. Codes, 1857, ch. 64, art. 204; 1871, § 776; 1880, § 1605; 1892, § 1437; 1906, § 1510; Hemingway's 1917, § 1268; 1930, § 1291; 1942, § 2534. In prosecutions for perjury, where the indictment charges that the defendant was duly sworn at the time he is averred to have testified falsely, it shall not be a variance if the proof show he was affirmed, and vice versa. Codes, 1857, ch. 64, art. 204; 1871, § 776; 1880, § 1605; 1892, § 1437; 1906, § 1510; Hemingway's 1917, § 1268; 1930, § 1291; 1942, § 2534. In prosecutions for perjury, where the indictment charges that the defendant was duly sworn at the time he is averred to have testified falsely, it shall not be a variance if the proof show he was affirmed, and vice versa. Codes, 1857, ch. 64, art. 204; 1871, § 776; 1880, § 1605; 1892, § 1437; 1906, § 1510; Hemingway's 1917, § 1268; 1930, § 1291; 1942, § 2534. In prosecutions for perjury, where the indictment charges that the defendant was duly sworn at the time he is averred to have testified falsely, it shall not be a variance if the proof show he was affirmed, and vice versa. Codes, 1857, ch. 64, art. 204; 1871, § 776; 1880, § 1605; 1892, § 1437; 1906, § 1510; Hemingway's 1917, § 1268; 1930, § 1291; 1942, § 2534.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-35 - Instructions to jury

The judge in any criminal cause, shall not sum up or comment on the testimony, or charge the jury as to the weight of evidence; but at the request of either party he shall instruct the jury upon the principles of law applicable to the case. All instructions asked by either party must be in writing, and all alterations or modifications of instructions given by the court or refused shall be in writing, and those given may be taken out by the jury on its retirement. The clerk, before they are read or given to the jury, shall mark all instructions asked by either party, or given by the court, as being "given" or "refused," as the case may be, and all instructions so marked shall be a part of the record, on appeal, without a bill of exceptions. Codes, Hutchinson's 1848, ch. 61, art. 1(144); 1857, ch. 61, art. 161; 1871, § 643; 1880, § 1714; 1892, § 732; 1906, § 793; Hemingway's 1917, § 577; 1930, § 586; 1942, § 1530. The judge in any criminal cause, shall not sum up or comment on the testimony, or charge the jury as to the weight of evidence; but at the request of either party he shall instruct the jury upon the principles of law applicable to the case. All instructions asked by either party must be in writing, and all alterations or modifications of instructions given by the court or refused shall be in writing, and those given may be taken out by the jury on its retirement. The clerk, before they are read or given to the jury, shall mark all instructions asked by either party, or given by the court, as being "given" or "refused," as the case may be, and all instructions so marked shall be a part of the record, on appeal, without a bill of exceptions. Codes, Hutchinson's 1848, ch. 61, art. 1(144); 1857, ch. 61, art. 161; 1871, § 643; 1880, § 1714; 1892, § 732; 1906, § 793; Hemingway's 1917, § 577; 1930, § 586; 1942, § 1530. The judge in any criminal cause, shall not sum up or comment on the testimony, or charge the jury as to the weight of evidence; but at the request of either party he shall instruct the jury upon the principles of law applicable to the case. All instructions asked by either party must be in writing, and all alterations or modifications of instructions given by the court or refused shall be in writing, and those given may be taken out by the jury on its retirement. The clerk, before they are read or given to the jury, shall mark all instructions asked by either party, or given by the court, as being "given" or "refused," as the case may be, and all instructions so marked shall be a part of the record, on appeal, without a bill of exceptions. Codes, Hutchinson's 1848, ch. 61, art. 1(144); 1857, ch. 61, art. 161; 1871, § 643; 1880, § 1714; 1892, § 732; 1906, § 793; Hemingway's 1917, § 577; 1930, § 586; 1942, § 1530.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-37 - Papers may be carried out by jury

All papers read in evidence on the trial of any cause may be carried from the bar by the jury. Codes, Hutchinson's 1848, ch. 61, art. 1(80); 1857, ch. 61, art. 157; 1871, § 639; 1880, § 1712; 1892, § 730; 1906, § 791; Hemingway's 1917, § 575; 1930, § 584; 1942, § 1528. All papers read in evidence on the trial of any cause may be carried from the bar by the jury. Codes, Hutchinson's 1848, ch. 61, art. 1(80); 1857, ch. 61, art. 157; 1871, § 639; 1880, § 1712; 1892, § 730; 1906, § 791; Hemingway's 1917, § 575; 1930, § 584; 1942, § 1528. All papers read in evidence on the trial of any cause may be carried from the bar by the jury. Codes, Hutchinson's 1848, ch. 61, art. 1(80); 1857, ch. 61, art. 157; 1871, § 639; 1880, § 1712; 1892, § 730; 1906, § 791; Hemingway's 1917, § 575;

1930, § 584; 1942, § 1528. All papers read in evidence on the trial of any cause may be carried from the bar by the jury. Codes, Hutchinson's 1848, ch. 61, art. 1(80); 1857, ch. 61, art. 157; 1871, § 639; 1880, § 1712; 1892, § 730; 1906, § 791; Hemingway's 1917, § 575; 1930, § 584; 1942, § 1528.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-39 - Bills of exceptions; duty of judge to sign

On the trial of prosecutions for any crime or misdemeanor, it shall be the duty of the judge to sign any bill of exceptions tendered by the defendant during the progress thereof, if the truth of the case be fairly stated therein, and the said exceptions shall be a part of the record of such prosecution. Codes, Hutchinson's 1848, ch. 61, art. 1(145); 1857, ch. 61, art. 163; 1871, § 645; 1880, § 1716; 1892, § 734; 1906, § 795; Hemingway's 1917, § 579; 1930, § 588; 1942, § 1532. On the trial of prosecutions for any crime or misdemeanor, it shall be the duty of the judge to sign any bill of exceptions tendered by the defendant during the progress thereof, if the truth of the case be fairly stated therein, and the said exceptions shall be a part of the record of such prosecution. Codes, Hutchinson's 1848, ch. 61, art. 1(145); 1857, ch. 61, art. 163; 1871, § 645; 1880, § 1716; 1892, § 734; 1906, § 795; Hemingway's 1917, § 579; 1930, § 588; 1942, § 1532. On the trial of prosecutions for any crime or misdemeanor, it shall be the duty of the judge to sign any bill of exceptions tendered by the defendant during the progress thereof, if the truth of the case be fairly stated therein, and the said exceptions shall be a part of the record of such prosecution. Codes, Hutchinson's 1848, ch. 61, art. 1(145); 1857, ch. 61, art. 163; 1871, § 645; 1880, § 1716; 1892, § 734; 1906, § 795; Hemingway's 1917, § 579; 1930, § 588; 1942, § 1532. On the trial of prosecutions for any crime or misdemeanor, it shall be the duty of the judge to sign any bill of exceptions tendered by the defendant during the progress thereof, if the truth of the case be fairly stated therein, and the said exceptions shall be a part of the record of such prosecution. Codes, Hutchinson's 1848, ch. 61, art. 1(145); 1857, ch. 61, art. 163; 1871, § 645; 1880, § 1716; 1892, § 734; 1906, § 795; Hemingway's 1917, § 579; 1930, § 588; 1942, § 1532.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-41 - Bills of exceptions; when tendered and signed; incapacity of judge

Bills of exceptions to any ruling of the court, made before the jury retires from the box, must be tendered and signed during the trial, or during the term of the court, and bills of exceptions to judgments overruling motions for new trials must be presented to the judge for his signature during the term or within ten days, or such further time, not exceeding sixty days, as the court may allow, after the end of the term, and must be signed promptly by him if found to be correct. If the death, resignation, or other incapacity of the judge shall prevent him from signing a bill of exceptions, the affidavit of the attorney of record who represented the party tendering the bill of exceptions, and of all of them if more than one, that it correctly states the facts and rulings of the court, shall be received as a substitute for the signature of the judge to it; but in such case, if the state shall file in the supreme court an affidavit that the bill of exceptions is not correct, stating particularly wherein it is not correct, the state may then file any affidavits touching the matter, and the defendant may likewise file any affidavits other than his own up to the time of the call of the case for trial in the supreme court; and said court shall consider and determine, on submission of the case, both as to the truth of the bill of exceptions and the questions involved in what the court may determine to be the bill of exceptions. Codes, 1880, § 1718; 1892, § 735; 1906, § 796; Hemingway's 1917, § 580; 1930, § 589; 1942, § 1533. Bills of exceptions to any ruling of the court, made before the jury retires from the box, must be tendered and signed during the trial, or during the term of the court, and bills of exceptions to judgments overruling motions for new trials must be presented to the judge for his signature during the term or within ten days, or such further time, not exceeding sixty days, as the court may allow, after the end of the term, and must be signed promptly by him if found to be correct. If the death, resignation, or other incapacity of the judge shall prevent him from signing a bill of exceptions, the affidavit of the attorney of record who represented the party tendering the bill of exceptions, and of all of them if more than one, that it correctly states the facts and rulings of the court, shall be received as a substitute for the signature of the judge to it; but in such case, if the state shall file in the supreme court an affidavit that the bill of exceptions is not correct, stating particularly wherein it is not correct, the state may then file any affidavits touching the matter, and the defendant may likewise file any affidavits other than his own up to the time of the call of the case for trial in the supreme court; and said court shall consider and determine, on submission of the case, both as to the truth of the bill of exceptions and the questions involved in what the court may determine to be the bill of exceptions. Codes, 1880, § 1718; 1892, § 735; 1906, § 796; Hemingway's 1917, § 580; 1930, § 589; 1942, § 1533. Bills of exceptions to any ruling of the court, made before the jury retires from the box, must be tendered and signed during

the trial, or during the term of the court, and bills of exceptions to judgments overruling motions for new trials must be presented to the judge for his signature during the term or within ten days, or such further time, not exceeding sixty days, as the court may allow, after the end of the term, and must be signed promptly by him if found to be correct. If the death, resignation, or other incapacity of the judge shall prevent him from signing a bill of exceptions, the affidavit of the attorney of record who represented the party tendering the bill of exceptions, and of all of them if more than one, that it correctly states the facts and rulings of the court, shall be received as a substitute for the signature of the judge to it; but in such case, if the state shall file in the supreme court an affidavit that the bill of exceptions is not correct, stating particularly wherein it is not correct, the state may then file any affidavits touching the matter, and the defendant may likewise file any affidavits other than his own up to the time of the call of the case for trial in the supreme court; and said court shall consider and determine, on submission of the case, both as to the truth of the bill of exceptions and the questions involved in what the court may determine to be the bill of exceptions. Codes, 1880, § 1718; 1892, § 735; 1906, § 796; Hemingway's 1917, § 580; 1930, § 589; 1942, § 1533.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-43 - Bills of exceptions; attorneys may sign if judge refuses

If the judge shall refuse to sign a bill of exceptions to an opinion, decision, or charge given or made on the trial of any cause or motion, when the bill of exceptions is tendered to him, it shall be lawful for two attorneys at law who may be present at the time of the giving or making of such opinion, decision, or charge, and of the refusal of the judge to sign such bill of exceptions, to sign the same; and the bill of exceptions so signed shall have the same force and effect as if it had been signed by the judge. Codes, 1857, ch. 61, art. 164; 1871, § 646; 1880, § 1717; 1892, § 737; 1906, § 798; Hemingway's 1917, § 586; 1930, § 590; 1942, § 1534. If the judge shall refuse to sign a bill of exceptions to an opinion, decision, or charge given or made on the trial of any cause or motion, when the bill of exceptions is tendered to him, it shall be lawful for two attorneys at law who may be present at the time of the giving or making of such opinion, decision, or charge, and of the refusal of the judge to sign such bill of exceptions, to sign the same; and the bill of exceptions so signed shall have the same force and effect as if it had been signed by the judge. Codes, 1857, ch. 61, art. 164; 1871, § 646; 1880, § 1717; 1892, § 737; 1906, § 798; Hemingway's 1917, § 586; 1930, § 590; 1942, § 1534. If the judge shall refuse to sign a bill of exceptions to an opinion, decision, or charge given or made on the trial of any cause or motion, when the bill of exceptions is tendered to him, it shall be lawful for two attorneys at law who may be present at the time of the giving or making of such opinion, decision, or charge, and of the refusal of the judge to sign such bill of exceptions, to sign the same; and the bill of exceptions so signed shall have the same force and effect as if it had been signed by the judge. Codes, 1857, ch. 61, art. 164; 1871, § 646; 1880, § 1717; 1892, § 737; 1906, § 798; Hemingway's 1917, § 586; 1930, § 590; 1942, § 1534. If the judge shall refuse to sign a bill of exceptions to an opinion, decision, or charge given or made on the trial of any cause or motion, when the bill of exceptions is tendered to him, it shall be lawful for two attorneys at law who may be present at the time of the giving or making of such opinion, decision, or charge, and of the refusal of the judge to sign such bill of exceptions, to sign the same; and the bill of exceptions so signed shall have the same force and effect as if it had been signed by the judge. Codes, 1857, ch. 61, art. 164; 1871, § 646; 1880, § 1717; 1892, § 737; 1906, § 798; Hemingway's 1917, § 586; 1930, § 590; 1942, § 1534.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-45 - Bills of exception; amendment

Bills of exception, with the approval of the trial judge, may be amended at any time before the hearing on appeal, for the purpose of curing omissions, defects, or inaccuracy; but no such amendment shall be made until the parties interested shall have been given five days' notice of such proposed amendment. Codes, 1806, § 799; Hemingway's 1917, § 587; 1930, § 591; 1942, § 1535. Bills of exception, with the approval of the trial judge, may be amended at any time before the hearing on appeal, for the purpose of curing omissions, defects, or inaccuracy; but no such amendment shall be made until the parties interested shall have been given five days' notice of such proposed amendment. Codes, 1806, § 799; Hemingway's 1917, § 587; 1930, § 591; 1942, § 1535. Bills of exception, with the approval of the trial judge, may be amended at any time before the hearing on appeal, for the purpose of curing omissions, defects, or inaccuracy; but no such amendment shall be made until the parties interested shall have been given five days' notice of such proposed amendment. Codes, 1806, § 799; Hemingway's 1917, § 587; 1930, § 591; 1942, § 1535. Bills of exception, with the approval of the trial judge, may be amended at any time before the hearing on appeal, for the purpose of curing omissions, defects, or inaccuracy; but no such amendment shall be made until the parties interested shall have been given five days' notice of such proposed amendment. Codes, 1806, § 799; Hemingway's 1917, § 587; 1930, § 591; 1942, § 1535.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-47 - New trials; terms directed by court; number limited

Every new trial granted shall be on such terms as the court shall direct. No more than two new trials shall be granted to the same party in any cause. Codes, Hutchinson's 1848, ch. 61, art. 1(73); 1857, ch. 61, art. 165; 1871, § 647; 1880, § 1719; 1892, § 738; 1906, § 800; Hemingway's 1917, § 588; 1930, § 592; 1942, § 1536; Laws, 1956, ch. 230. Every new trial granted shall be on such terms as the court shall direct. No more than two new trials shall be granted to the same party in any cause. Codes, Hutchinson's 1848, ch. 61, art. 1(73); 1857, ch. 61, art. 165; 1871, § 647; 1880, § 1719; 1892, § 738; 1906, § 800; Hemingway's 1917, § 588; 1930, § 592; 1942, § 1536; Laws, 1956, ch. 230. Every new trial granted shall be on such terms as the court shall direct. No more than two new trials shall be granted to the same party in any cause. Codes, Hutchinson's 1848, ch. 61, art. 1(73); 1857, ch. 61, art.

165; 1871, § 647; 1880, § 1719; 1892, § 738; 1906, § 800; Hemingway's 1917, § 588; 1930, § 592; 1942, § 1536; Laws, 1956, ch. 230. Every new trial granted shall be on such terms as the court shall direct. No more than two new trials shall be granted to the same party in any cause. Codes, Hutchinson's 1848, ch. 61, art. 1(73); 1857, ch. 61, art. 165; 1871, § 647; 1880, § 1719; 1892, § 738; 1906, § 800; Hemingway's 1917, § 588; 1930, § 592; 1942, § 1536; Laws, 1956, ch. 230.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-49 - New trials; grant or refusal assignable for error

When a motion for a new trial shall be granted or refused, either party may reduce to writing the reasons offered for said new trial, together with the substance of the evidence in the case, and also the decision of the court on said motion, and tender the same as a bill of exceptions; and it shall be the duty of the judge to allow and sign the same. Such bill of exceptions shall be a part of the record in the cause, and it may embrace the motion, the judgment, or other matters of record. The appellant may assign for error that the court below improperly granted or refused a new trial. Codes, 1857, ch. 61, art. 168; 1871, § 648; 1880, § 1720; 1892, § 739; 1906, § 801; Hemingway's 1917, § 589; 1930, § 593; 1942, § 1537. When a motion for a new trial shall be granted or refused, either party may reduce to writing the reasons offered for said new trial, together with the substance of the evidence in the case, and also the decision of the court on said motion, and tender the same as a bill of exceptions; and it shall be the duty of the judge to allow and sign the same. Such bill of exceptions shall be a part of the record in the cause, and it may embrace the motion, the judgment, or other matters of record. The appellant may assign for error that the court below improperly granted or refused a new trial. Codes, 1857, ch. 61, art. 168; 1871, § 648; 1880, § 1720; 1892, § 739; 1906, § 801; Hemingway's 1917, § 589; 1930, § 593; 1942, § 1537. When a motion for a new trial shall be granted or refused, either party may reduce to writing the reasons offered for said new trial, together with the substance of the evidence in the case, and also the decision of the court on said motion, and tender the same as a bill of exceptions; and it shall be the duty of the judge to allow and sign the same. Such bill of exceptions shall be a part of the record in the cause, and it may embrace the motion, the judgment, or other matters of record. The appellant may assign for error that the court below improperly granted or refused a new trial. Codes, 1857, ch. 61, art. 168; 1871, § 648; 1880, § 1720; 1892, § 739; 1906, § 801; Hemingway's 1917, § 589; 1930, § 593; 1942, § 1537.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-5 - Peremptory challenges; joint defendant must agree

Defendants tried jointly must agree in their challenges made without cause, and shall be entitled to only the number to which one defendant is entitled. Codes, 1880, § 3070; 1892, § 1419; 1906, § 1492; Hemingway's 1917, § 1250; 1930, § 1273; 1942, § 2516. Defendants tried jointly must agree in their challenges made without cause, and shall be entitled to only the number to which one defendant is entitled. Codes, 1880, § 3070; 1892, § 1419; 1906, § 1492; Hemingway's 1917, § 1250; 1930, § 1273; 1942, § 2516. Defendants tried jointly must agree in their challenges made without cause, and shall be entitled to only the number to which one defendant is entitled. Codes, 1880, § 3070; 1892, § 1419; 1906, § 1492; Hemingway's 1917, § 1250; 1930, § 1273; 1942, § 2516. Defendants tried jointly must agree in their challenges made without cause, and shall be entitled to only the number to which one defendant is entitled. Codes, 1880, § 3070; 1892, § 1419; 1906, § 1492; Hemingway's 1917, § 1250; 1930, § 1273; 1942, § 2516.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-7 - Interpreters

In all criminal cases wherein the defendant is a Limited English Proficient (LEP) individual, the court shall appoint a qualified interpreter as provided in Section 9-21-80, sworn truly to interpret, and allow him a reasonable compensation, as set by the court, payable out of the county or municipal treasury at no cost to the defendant. Codes, Hutchinson's 1848, ch. 61, art. 1(80); 1857, ch. 61, art. 158; 1871, § 640; 1880, § 1713; 1892, § 731; 1906, § 792; Hemingway's 1917, § 576; 1930, § 585; 1942, § 1529; Laws, 2000, ch. 389, § 1; Laws, 2006, ch. 569, § 7, eff. 7/1/2006. Amended by Laws, 2023, ch. 355, HB 1217, § 7, eff. 7/1/2023. In all criminal cases wherein the defendant is a Limited English Proficient (LEP) individual, the court shall appoint a qualified interpreter as provided in Section 9-21-80, sworn truly to interpret, and allow him a reasonable compensation, as set by the court, payable out of the county or municipal treasury at no cost to the defendant. Codes, Hutchinson's 1848, ch. 61, art. 1(80); 1857, ch. 61, art. 158; 1871, § 640; 1880, § 1713; 1892, § 731; 1906, § 792; Hemingway's 1917, § 576; 1930, § 585; 1942, § 1529; Laws, 2000, ch. 389, § 1; Laws, 2006, ch. 569, § 7, eff. 7/1/2006. Amended by Laws, 2023, ch. 355, HB 1217, § 7, eff. 7/1/2023. In all criminal cases wherein the defendant is a Limited English Proficient (LEP) individual, the court shall appoint a qualified interpreter as provided in Section 9-21-80, sworn truly to interpret, and allow him a reasonable compensation, as set by the court, payable out of the county or municipal treasury at no cost to the defendant. Codes, Hutchinson's 1848, ch. 61, art. 1(80); 1857, ch. 61, art. 158; 1871, § 640; 1880, § 1713; 1892, § 731; 1906, § 792; Hemingway's 1917, § 576; 1930, § 585; 1942, § 1529; Laws, 2000, ch. 389, § 1; Laws, 2006, ch. 569, § 7, eff. 7/1/2006. Amended by Laws, 2023, ch. 355, HB 1217, § 7, eff. 7/1/2023. In all criminal cases wherein the defendant is a Limited English Proficient (LEP) individual, the court shall appoint a qualified interpreter as provided in Section 9-21-80, sworn

truly to interpret, and allow him a reasonable compensation, as set by the court, payable out of the county or municipal treasury at no cost to the defendant. Codes, Hutchinson's 1848, ch. 61, art. 1(80); 1857, ch. 61, art. 158; 1871, § 640; 1880, § 1713; 1892, § 731; 1906, § 792; Hemingway's 1917, § 576; 1930, § 585; 1942, § 1529; Laws, 2000, ch. 389, § 1; Laws, 2006, ch. 569, § 7, eff. 7/1/2006. Amended by Laws, 2023, ch. 355, HB 1217, § 7, eff. 7/1/2023.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 17 - TRIAL (§§ 99-17-1 — 99-17-49) Section 99-17-9 - Trial in the absence of accused

In criminal cases the presence of the prisoner may be waived (a) if the defendant is in custody and consenting thereto, or (b) is on recognizance or bail, has been arrested and escaped, or has been notified in writing by the proper officer of the pendency of the indictment against him, and resisted or fled, or refused to be taken, or is in any way in default for nonappearance, the trial may progress at the discretion of the court, and judgment made final and sentence awarded as though such defendant were personally present in court. Codes, 1857, ch. 64, art. 303; 1871, § 2807; 1880, § 3075; 1892, § 1422; 1906, § 1495; Hemingway's 1917, § 1253; 1930, § 1276; 1942, § 2519; Laws, 2005, ch. 456, § 1, eff. 7/1/2005. In criminal cases the presence of the prisoner may be waived (a) if the defendant is in custody and consenting thereto, or (b) is on recognizance or bail, has been arrested and escaped, or has been notified in writing by the proper officer of the pendency of the indictment against him, and resisted or fled, or refused to be taken, or is in any way in default for nonappearance, the trial may progress at the discretion of the court, and judgment made final and sentence awarded as though such defendant were personally present in court. Codes, 1857, ch. 64, art. 303; 1871, § 2807; 1880, § 3075; 1892, § 1422; 1906, § 1495; Hemingway's 1917, § 1253; 1930, § 1276; 1942, § 2519; Laws, 2005, ch. 456, § 1, eff. 7/1/2005. In criminal cases the presence of the prisoner may be waived (a) if the defendant is in custody and consenting thereto, or (b) is on recognizance or bail, has been arrested and escaped, or has been notified in writing by the proper officer of the pendency of the indictment against him, and resisted or fled, or refused to be taken, or is in any way in default for nonappearance, the trial may progress at the discretion of the court, and judgment made final and sentence awarded as though such defendant were personally present in court. Codes, 1857, ch. 64, art. 303; 1871, § 2807; 1880, § 3075; 1892, § 1422; 1906, § 1495; Hemingway's 1917, § 1253; 1930, § 1276; 1942, § 2519; Laws, 2005, ch. 456, § 1, eff. 7/1/2005. In criminal cases the presence of the prisoner may be waived (a) if the defendant is in custody and consenting thereto, or (b) is on recognizance or bail, has been arrested and escaped, or has been notified in writing by the proper officer of the pendency of the indictment against him, and resisted or fled, or refused to be taken, or is in any way in default for nonappearance, the trial may progress at the discretion of the court, and judgment made final and sentence awarded as though such defendant were personally present in court. Codes, 1857, ch. 64, art. 303; 1871, § 2807; 1880, § 3075; 1892, § 1422; 1906, § 1495; Hemingway's 1917, § 1253; 1930, § 1276; 1942, § 2519; Laws, 2005, ch. 456, § 1, eff. 7/1/2005.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 18 - OFFICE OF STATE PUBLIC DEFENDER (§§ 99-18-1 — 99-18-19) Section 99-18-1 - Office of State Public Defender created; personnel; funding sources; qualifications, duties, removal of state defender; funding of agency expenses; deposit of monies into State General Fund

(1) There is hereby created the Office of State Public Defender. The Office of State Public Defender shall consist of a State Defender who shall be appointed by the Governor with the advice and consent of the Senate for a term of four (4) years and staffed by any necessary personnel as determined and hired by the State Defender. (2) Funding for the Office of State Public Defender shall come from funds available in the Capital Defense Counsel Fund, the Indigent Appeals Fund and the Public Defenders Education Fund as determined by the State Defender. The State Defender shall have the authority to transfer funds between the various funds to efficiently and effectively accomplish the mission of the Office of State Public Defender and its divisions. (3) The State Defender must be a duly licensed attorney admitted to the practice of law in this state, have practiced in the area of criminal law for at least five (5) years and shall meet all qualifications to serve as lead trial and appellate counsel in death penalty cases as may be set by the Supreme Court of Mississippi. The salary of the State Defender shall be no more than the maximum amount allowed by statute for a district attorney. (4) The State Defender may be removed by the Governor upon finding that the State Defender is not qualified under law, has failed to perform the duties of the office, or has acted beyond the scope of the authority granted by law for the office. (5) The Office of State Public Defender shall be responsible for the administration, budget and finances of the Divisions of Capital Defense Counsel, Indigent Appeals and Public Defender Training, which shall be divisions of the Office of State Public Defender. (6) The State Defender may simultaneously serve as State Defender and as director of one or more divisions but shall receive no additional compensation for doing so. Nothing in this chapter shall prohibit the State Defender from directly representing clients of the office. Nothing in this chapter shall be construed to prevent an employee of one (1) division of the Office of the State Public Defender from working, in whole or in part, for another division. (7) The State Defender shall coordinate the collection and dissemination of statistical data and make such reports as are required of the divisions, develop plans and proposals for further development of a statewide public defender system in coordination with the Mississippi Public Defenders Task Force and to act as spokesperson for all matters relating to indigent defense representation. (8) From and after July 1, 2016, the expenses of this agency shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law. (9) From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section. Laws, 2000, ch. 569, § 19; Laws, 2011, ch. 343, § 1; Laws, 2012, ch. 383, § 2, eff. 4/17/2012. Amended by Laws, 2016, ch. 459, SB 2362, 64, eff. 7/1/2016. (1) There is hereby created the Office of State Public Defender. The Office of State Public Defender shall consist of a State Defender who

shall be appointed by the Governor with the advice and consent of the Senate for a term of four (4) years and staffed by any necessary personnel as determined and hired by the State Defender.(2)Funding for the Office of State Public Defender shall come from funds available in the Capital Defense Counsel Fund, the Indigent Appeals Fund and the Public Defenders Education Fund as determined by the State Defender. The State Defender shall have the authority to transfer funds between the various funds to efficiently and effectively accomplish the mission of the Office of State Public Defender and its divisions.(3)The State Defender must be a duly licensed attorney admitted to the practice of law in this state, have practiced in the area of criminal law for at least five (5) years and shall meet all qualifications to serve as lead trial and appellate counsel in death penalty cases as may be set by the Supreme Court of Mississippi. The salary of the State Defender shall be no more than the maximum amount allowed by statute for a district attorney.(4)The State Defender may be removed by the Governor upon finding that the State Defender is not qualified under law, has failed to perform the duties of the office, or has acted beyond the scope of the authority granted by law for the office.(5)The Office of State Public Defender shall be responsible for the administration, budget and finances of the Divisions of Capital Defense Counsel, Indigent Appeals and Public Defender Training, which shall be divisions of the Office of State Public Defender.(6)The State Defender may simultaneously serve as State Defender and as director of one or more divisions but shall receive no additional compensation for doing so. Nothing in this chapter shall prohibit the State Defender from directly representing clients of the office. Nothing in this chapter shall be construed to prevent an employee of one (1) division of the Office of the State Public Defender from working, in whole or in part, for another division.(7)The State Defender shall coordinate the collection and dissemination of statistical data and make such reports as are required of the divisions, develop plans and proposals for further development of a statewide public defender system in coordination with the Mississippi Public Defenders Task Force and to act as spokesperson for all matters relating to indigent defense representation.(8)From and after July 1, 2016, the expenses of this agency shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law.(9)From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section.Laws, 2000, ch. 569, § 19; Laws, 2011, ch. 343, § 1; Laws, 2012, ch. 383, § 2, eff. 4/17/2012.Amended by Laws, 2016, ch. 459, SB 2362, 64, eff. 7/1/2016. (1)There is hereby created the Office of State Public Defender. The Office of State Public Defender shall consist of a State Defender who shall be appointed by the Governor with the advice and consent of the Senate for a term of four (4) years and staffed by any necessary personnel as determined and hired by the State Defender.(2)Funding for the Office of State Public Defender shall come from funds available in the Capital Defense Counsel Fund, the Indigent Appeals Fund and the Public Defenders Education Fund as determined by the State Defender. The State Defender shall have the authority to transfer funds between the various funds to efficiently and effectively accomplish the mission of the Office of State Public Defender and its divisions.(3)The State Defender must be a duly licensed attorney admitted to the practice of law in this state, have practiced in the area of criminal law for at least five (5) years and shall meet all qualifications to serve as lead trial and appellate counsel in death penalty cases as may be set by the Supreme Court of Mississippi. The salary of the State Defender shall be no more than the maximum amount allowed by statute for a district attorney.(4)The State Defender may be removed by the Governor upon finding that the State Defender is not qualified under law, has failed to perform the duties of the office, or has acted beyond the scope of the authority granted by law for the office.(5)The Office of State Public Defender shall be responsible for the administration, budget and finances of the Divisions of Capital Defense Counsel, Indigent Appeals and Public Defender Training, which shall be divisions of the Office of State Public Defender.(6)The State Defender may simultaneously serve as State Defender and as director of one or more divisions but shall receive no additional compensation for doing so. Nothing in this chapter shall prohibit the State Defender from directly representing clients of the office. Nothing in this chapter shall be construed to prevent an employee of one (1) division of the Office of the State Public Defender from working, in whole or in part, for another division.(7)The State Defender shall coordinate the collection and dissemination of statistical data and make such reports as are required of the divisions, develop plans and proposals for further development of a statewide public defender system in coordination with the Mississippi Public Defenders Task Force and to act as spokesperson for all matters relating to indigent defense representation.(8)From and after July 1, 2016, the expenses of this agency shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law.(9)From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section.Laws, 2000, ch. 569, § 19; Laws, 2011, ch. 343, § 1; Laws, 2012, ch. 383, § 2, eff. 4/17/2012.Amended by Laws, 2016, ch. 459, SB 2362, 64, eff. 7/1/2016. Laws, 2000, ch. 569, § 19; Laws, 2011, ch. 343, § 1; Laws, 2012, ch. 383, § 2, eff. 4/17/2012. Amended by Laws, 2016, ch. 459, SB 2362, 64, eff. 7/1/2016.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 18 - OFFICE OF STATE PUBLIC DEFENDER (§§ 99-18-1 — 99-18-19)Section 99-18-11 - Office hours of operation

The Capital Defense Counsel Division shall be open Monday through Friday for not less than eight (8) hours each day and observe such holidays and closings as prescribed by statute.Laws, 2000, ch. 569, § 24; Laws, 2011, ch. 343, § 6, eff. 7/1/2011. The Capital Defense Counsel Division shall be open Monday through Friday for not less than eight (8) hours each day and observe such holidays and closings as prescribed by statute.Laws, 2000, ch. 569, § 24; Laws, 2011, ch. 343, § 6, eff. 7/1/2011. The Capital Defense Counsel Division shall be open Monday through Friday for not less than eight (8) hours each day and observe such holidays and closings as prescribed by statute.Laws, 2000, ch. 569, § 24; Laws, 2011, ch. 343, § 6, eff. 7/1/2011. The Capital Defense Counsel Division shall be open Monday through Friday for not less than eight (8) hours each day and observe such holidays and closings as

prescribed by statute. Laws, 2000, ch. 569, § 24; Laws, 2011, ch. 343, § 6, eff. 7/1/2011.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 18 - OFFICE OF STATE PUBLIC DEFENDER (§§ 99-18-1 — 99-18-19) Section 99-18-13 - Powers and duties of State Defender

(1)The State Defender is hereby empowered to pay and disburse salaries, employment benefits and charges relating to employment of division staff and to establish their salaries and expenses of the office; to incur and pay travel expenses of staff necessary for the performance of the duties of the office; to rent or lease on such terms as he may think proper such office space as is necessary in the City of Jackson to accommodate the staff; to enter into and perform contracts and to purchase such necessary office supplies and equipment as may be needed for the proper administration of said offices within the funds appropriated for such purpose; and to incur and pay such other expenses as are appropriate and customary to the operation of the office.(2)The State Defender may provide representation to parents or guardians who have been determined by the youth court judge to be indigent and in need of representation in an abuse, neglect or termination of parental rights proceeding or appeal therefrom. Representation may be provided by staff or contract counsel including, but not limited to, by contract with legal services organizations.Laws, 2000, ch. 569, § 25; Laws, 2011, ch. 343, § 7, eff. 7/1/2011.Amended by Laws, 2016, ch. 505, HB 772, 2, eff. 7/1/2016. (1)The State Defender is hereby empowered to pay and disburse salaries, employment benefits and charges relating to employment of division staff and to establish their salaries and expenses of the office; to incur and pay travel expenses of staff necessary for the performance of the duties of the office; to rent or lease on such terms as he may think proper such office space as is necessary in the City of Jackson to accommodate the staff; to enter into and perform contracts and to purchase such necessary office supplies and equipment as may be needed for the proper administration of said offices within the funds appropriated for such purpose; and to incur and pay such other expenses as are appropriate and customary to the operation of the office.(2)The State Defender may provide representation to parents or guardians who have been determined by the youth court judge to be indigent and in need of representation in an abuse, neglect or termination of parental rights proceeding or appeal therefrom. Representation may be provided by staff or contract counsel including, but not limited to, by contract with legal services organizations.Laws, 2000, ch. 569, § 25; Laws, 2011, ch. 343, § 7, eff. 7/1/2011.Amended by Laws, 2016, ch. 505, HB 772, 2, eff. 7/1/2016. (1)The State Defender is hereby empowered to pay and disburse salaries, employment benefits and charges relating to employment of division staff and to establish their salaries and expenses of the office; to incur and pay travel expenses of staff necessary for the performance of the duties of the office; to rent or lease on such terms as he may think proper such office space as is necessary in the City of Jackson to accommodate the staff; to enter into and perform contracts and to purchase such necessary office supplies and equipment as may be needed for the proper administration of said offices within the funds appropriated for such purpose; and to incur and pay such other expenses as are appropriate and customary to the operation of the office.(2)The State Defender may provide representation to parents or guardians who have been determined by the youth court judge to be indigent and in need of representation in an abuse, neglect or termination of parental rights proceeding or appeal therefrom. Representation may be provided by staff or contract counsel including, but not limited to, by contract with legal services organizations.Laws, 2000, ch. 569, § 25; Laws, 2011, ch. 343, § 7, eff. 7/1/2011.Amended by Laws, 2016, ch. 505, HB 772, 2, eff. 7/1/2016. Laws, 2000, ch. 569, § 25; Laws, 2011, ch. 343, § 7, eff. 7/1/2011. Amended by Laws, 2016, ch. 505, HB 772, 2, eff. 7/1/2016.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 18 - OFFICE OF STATE PUBLIC DEFENDER (§§ 99-18-1 — 99-18-19) Section 99-18-15 - Director to keep a docket of all indicted death eligible cases in Mississippi

The Capital Defense Director shall keep a docket of all indicted death-eligible cases originating in the courts of Mississippi which must, at all reasonable times, be open to inspection by the public and must show the county, district and court in which the cause is pending. The director shall prepare and maintain a roster of all death penalty cases in the courts of Mississippi indicating the current status of each case and submit this report to the Governor, Chief Justice of the Supreme Court and the Administrative Office of Courts monthly. The director shall also report monthly to the Administrative Office of Courts the activities, receipts and expenditures of the office.Laws, 2000, ch. 569, § 26; Laws, 2011, ch. 343, § 8, eff. 7/1/2011. The Capital Defense Director shall keep a docket of all indicted death-eligible cases originating in the courts of Mississippi which must, at all reasonable times, be open to inspection by the public and must show the county, district and court in which the cause is pending. The director shall prepare and maintain a roster of all death penalty cases in the courts of Mississippi indicating the current status of each case and submit this report to the Governor, Chief Justice of the Supreme Court and the Administrative Office of Courts monthly. The director shall also report monthly to the Administrative Office of Courts the activities, receipts and expenditures of the office.Laws, 2000, ch. 569, § 26; Laws, 2011, ch. 343, § 8, eff. 7/1/2011. The Capital Defense Director shall keep a docket of all indicted death-eligible cases originating in the courts of Mississippi which must, at all reasonable times, be open to inspection by the public and must show the county, district and court in which the cause is pending. The director shall prepare and maintain a roster of all death penalty cases in the courts of Mississippi indicating the current status of each case and submit this report to the Governor, Chief Justice of the Supreme Court and the Administrative Office of Courts monthly. The director shall also report monthly to the Administrative Office of Courts the activities, receipts and expenditures of the office.Laws, 2000, ch. 569, § 26; Laws, 2011, ch. 343, § 8, eff. 7/1/2011. The Capital Defense Director shall keep a docket of all indicted death-eligible cases originating in the courts of Mississippi which must, at all reasonable times, be open to inspection by the public and must show the county, district and court in which the cause is pending. The director shall prepare and maintain a roster of all death penalty cases in the courts of Mississippi indicating the current

status of each case and submit this report to the Governor, Chief Justice of the Supreme Court and the Administrative Office of Courts monthly. The director shall also report monthly to the Administrative Office of Courts the activities, receipts and expenditures of the office. Laws, 2000, ch. 569, § 26; Laws, 2011, ch. 343, § 8, eff. 7/1/2011.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 18 - OFFICE OF STATE PUBLIC DEFENDER (§§ 99-18-1 — 99-18-19) Section 99-18-17 - Conflict of interest; employment of qualified private counsel; payment of fees and expenses; Capital Defense Counsel Fund

(1) If at any time during the representation of two (2) or more defendants, the State Defender determines that the interests of those persons are so adverse or hostile they cannot all be represented by the staff of the Capital Counsel Division without conflict of interest, or if the State Defender determines that the volume or number of representations shall so require, the State Defender, in his sole discretion, notwithstanding any statute or regulation to the contrary, shall be authorized to employ qualified private counsel. Fees and expenses approved by order of the court of original jurisdiction, including investigative and expert witness expenses of such private counsel, shall be paid by funds appropriated to the Capital Defense Counsel Fund for this purpose. (2) There is created in the State Treasury a special fund to be known as the Capital Defense Counsel Fund. The purpose of the fund shall be to provide funding for the Capital Defense Counsel Division. Monies from the funds derived from assessments under Section 99-19-73 shall be distributed by the State Treasurer upon warrants issued by the State Defender. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of: (a) Monies appropriated by the Legislature for the purposes of funding the Capital Defense Counsel Division; (b) The interest accruing to the fund; (c) Monies received under the provisions of Section 99-19-73; (d) Monies received from the federal government; (e) Donations; and (f) Monies received from such other sources as may be provided by law. Laws, 2000, ch. 569, § 27; Laws, 2005, ch. 413, § 2; Laws, 2011, ch. 343, § 9, eff. 7/1/2011. (1) If at any time during the representation of two (2) or more defendants, the State Defender determines that the interests of those persons are so adverse or hostile they cannot all be represented by the staff of the Capital Counsel Division without conflict of interest, or if the State Defender determines that the volume or number of representations shall so require, the State Defender, in his sole discretion, notwithstanding any statute or regulation to the contrary, shall be authorized to employ qualified private counsel. Fees and expenses approved by order of the court of original jurisdiction, including investigative and expert witness expenses of such private counsel, shall be paid by funds appropriated to the Capital Defense Counsel Fund for this purpose. (2) There is created in the State Treasury a special fund to be known as the Capital Defense Counsel Fund. The purpose of the fund shall be to provide funding for the Capital Defense Counsel Division. Monies from the funds derived from assessments under Section 99-19-73 shall be distributed by the State Treasurer upon warrants issued by the State Defender. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of: (a) Monies appropriated by the Legislature for the purposes of funding the Capital Defense Counsel Division; (b) The interest accruing to the fund; (c) Monies received under the provisions of Section 99-19-73; (d) Monies received from the federal government; (e) Donations; and (f) Monies received from such other sources as may be provided by law. Laws, 2000, ch. 569, § 27; Laws, 2005, ch. 413, § 2; Laws, 2011, ch. 343, § 9, eff. 7/1/2011. (1) If at any time during the representation of two (2) or more defendants, the State Defender determines that the interests of those persons are so adverse or hostile they cannot all be represented by the staff of the Capital Counsel Division without conflict of interest, or if the State Defender determines that the volume or number of representations shall so require, the State Defender, in his sole discretion, notwithstanding any statute or regulation to the contrary, shall be authorized to employ qualified private counsel. Fees and expenses approved by order of the court of original jurisdiction, including investigative and expert witness expenses of such private counsel, shall be paid by funds appropriated to the Capital Defense Counsel Fund for this purpose. (2) There is created in the State Treasury a special fund to be known as the Capital Defense Counsel Fund. The purpose of the fund shall be to provide funding for the Capital Defense Counsel Division. Monies from the funds derived from assessments under Section 99-19-73 shall be distributed by the State Treasurer upon warrants issued by the State Defender. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of: (a) Monies appropriated by the Legislature for the purposes of funding the Capital Defense Counsel Division; (b) The interest accruing to the fund; (c) Monies received under the provisions of Section 99-19-73; (d) Monies received from the federal government; (e) Donations; and (f) Monies received from such other sources as may be provided by law. Laws, 2000, ch. 569, § 27; Laws, 2005, ch. 413, § 2; Laws, 2011, ch. 343, § 9, eff. 7/1/2011. Laws, 2000, ch. 569, § 27; Laws, 2005, ch. 413, § 2; Laws, 2011, ch. 343, § 9, eff. 7/1/2011.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 18 - OFFICE OF STATE PUBLIC DEFENDER (§§ 99-18-1 — 99-18-19) Section 99-18-3 - Capital Defense Counsel Division created; personnel; appointment to office; qualifications; removal

There is hereby created the Capital Defense Counsel Division within the Office of the State Public Defender. This office shall consist of a director, sometimes referred to as Capital Defender, who shall be an attorney qualified to serve as lead counsel in death penalty eligible cases and staffed by any necessary personnel as determined and hired by the State Defender. The Capital Defender shall be appointed by the State Defender. The remaining attorneys and other staff shall be appointed by the State Defender and shall serve at the will and pleasure of the State Defender. The Capital Defender and all other attorneys in the office shall be active members of The Mississippi Bar, or, if a member in good standing of the bar of another jurisdiction, must apply to and secure admission to The Mississippi Bar within twelve (12) months of the commencement of the person's employment by the office. The Capital Defender may be removed by the State Defender upon finding that the Capital Defender is not qualified under law, has failed to perform the duties of the office, or has acted beyond the scope of the authority granted by law for the office. Laws, 2000, ch.

569, § 20; Laws, 2011, ch. 343, § 2, eff. 7/1/2011. There is hereby created the Capital Defense Counsel Division within the Office of the State Public Defender. This office shall consist of a director, sometimes referred to as Capital Defender, who shall be an attorney qualified to serve as lead counsel in death penalty eligible cases and staffed by any necessary personnel as determined and hired by the State Defender. The Capital Defender shall be appointed by the State Defender. The remaining attorneys and other staff shall be appointed by the State Defender and shall serve at the will and pleasure of the State Defender. The Capital Defender and all other attorneys in the office shall be active members of The Mississippi Bar, or, if a member in good standing of the bar of another jurisdiction, must apply to and secure admission to The Mississippi Bar within twelve (12) months of the commencement of the person's employment by the office. The Capital Defender may be removed by the State Defender upon finding that the Capital Defender is not qualified under law, has failed to perform the duties of the office, or has acted beyond the scope of the authority granted by law for the office. Laws, 2000, ch. 569, § 20; Laws, 2011, ch. 343, § 2, eff. 7/1/2011. There is hereby created the Capital Defense Counsel Division within the Office of the State Public Defender. This office shall consist of a director, sometimes referred to as Capital Defender, who shall be an attorney qualified to serve as lead counsel in death penalty eligible cases and staffed by any necessary personnel as determined and hired by the State Defender. The Capital Defender shall be appointed by the State Defender. The remaining attorneys and other staff shall be appointed by the State Defender and shall serve at the will and pleasure of the State Defender. The Capital Defender and all other attorneys in the office shall be active members of The Mississippi Bar, or, if a member in good standing of the bar of another jurisdiction, must apply to and secure admission to The Mississippi Bar within twelve (12) months of the commencement of the person's employment by the office. The Capital Defender may be removed by the State Defender upon finding that the Capital Defender is not qualified under law, has failed to perform the duties of the office, or has acted beyond the scope of the authority granted by law for the office. Laws, 2000, ch. 569, § 20; Laws, 2011, ch. 343, § 2, eff. 7/1/2011.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 18 - OFFICE OF STATE PUBLIC DEFENDER (§§ 99-18-1 — 99-18-19) Section 99-18-5 - Purpose of Capital Defense Counsel Division

The Capital Defense Counsel Division is created within the Office of the State Public Defender for the purpose of providing representation to indigent parties under indictment for death penalty eligible offenses and to perform such other duties as set forth by law. Laws, 2000, ch. 569, § 21; Laws, 2011, ch. 343, § 3, eff. 7/1/2011. The Capital Defense Counsel Division is created within the Office of the State Public Defender for the purpose of providing representation to indigent parties under indictment for death penalty eligible offenses and to perform such other duties as set forth by law. Laws, 2000, ch. 569, § 21; Laws, 2011, ch. 343, § 3, eff. 7/1/2011. The Capital Defense Counsel Division is created within the Office of the State Public Defender for the purpose of providing representation to indigent parties under indictment for death penalty eligible offenses and to perform such other duties as set forth by law. Laws, 2000, ch. 569, § 21; Laws, 2011, ch. 343, § 3, eff. 7/1/2011. The Capital Defense Counsel Division is created within the Office of the State Public Defender for the purpose of providing representation to indigent parties under indictment for death penalty eligible offenses and to perform such other duties as set forth by law. Laws, 2000, ch. 569, § 21; Laws, 2011, ch. 343, § 3, eff. 7/1/2011.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 18 - OFFICE OF STATE PUBLIC DEFENDER (§§ 99-18-1 — 99-18-19) Section 99-18-7 - Duties of division; attorneys appointed to office to be full time

The Capital Defense Counsel Division shall limit its activities to representation of defendants accused of death-eligible offenses and ancillary matters related directly to death-eligible offenses and other activities expressly authorized by statute. Representation by the division or by other court-appointed counsel under this chapter shall terminate upon completion of trial or direct appeal. The attorneys appointed to serve in the Capital Defense Counsel Division shall devote their entire time to the duties of the division, shall not represent any persons in other litigation, civil or criminal, nor in any other way engage in the practice of law, and shall in no manner, directly or indirectly, engage in lobbying activities for or against the death penalty. Any violation of this provision shall be grounds for termination from employment by the State Defender. Laws, 2000, ch. 569, § 22; Laws, 2011, ch. 343, § 4, eff. 7/1/2011. The Capital Defense Counsel Division shall limit its activities to representation of defendants accused of death-eligible offenses and ancillary matters related directly to death-eligible offenses and other activities expressly authorized by statute. Representation by the division or by other court-appointed counsel under this chapter shall terminate upon completion of trial or direct appeal. The attorneys appointed to serve in the Capital Defense Counsel Division shall devote their entire time to the duties of the division, shall not represent any persons in other litigation, civil or criminal, nor in any other way engage in the practice of law, and shall in no

manner, directly or indirectly, engage in lobbying activities for or against the death penalty. Any violation of this provision shall be grounds for termination from employment by the State Defender. Laws, 2000, ch. 569, § 22; Laws, 2011, ch. 343, § 4, eff. 7/1/2011. The Capital Defense Counsel Division shall limit its activities to representation of defendants accused of death-eligible offenses and ancillary matters related directly to death-eligible offenses and other activities expressly authorized by statute. Representation by the division or by other court-appointed counsel under this chapter shall terminate upon completion of trial or direct appeal. The attorneys appointed to serve in the Capital Defense Counsel Division shall devote their entire time to the duties of the division, shall not represent any persons in other litigation, civil or criminal, nor in any other way engage in the practice of law, and shall in no manner, directly or indirectly, engage in lobbying activities for or against the death penalty. Any violation of this provision shall be grounds for termination from employment by the State Defender. Laws, 2000, ch. 569, § 22; Laws, 2011, ch. 343, § 4, eff. 7/1/2011. The Capital Defense Counsel Division shall limit its activities to representation of defendants accused of death-eligible offenses and ancillary matters related directly to death-eligible offenses and other activities expressly authorized by statute. Representation by the division or by other court-appointed counsel under this chapter shall terminate upon completion of trial or direct appeal. The attorneys appointed to serve in the Capital Defense Counsel Division shall devote their entire time to the duties of the division, shall not represent any persons in other litigation, civil or criminal, nor in any other way engage in the practice of law, and shall in no manner, directly or indirectly, engage in lobbying activities for or against the death penalty. Any violation of this provision shall be grounds for termination from employment by the State Defender. Laws, 2000, ch. 569, § 22; Laws, 2011, ch. 343, § 4, eff. 7/1/2011.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 18 - OFFICE OF STATE PUBLIC DEFENDER (§§ 99-18-1 — 99-18-19) Section 99-18-9 - Compensation

The Capital Defense Director appointed under this chapter shall be compensated at no more than the maximum amount allowed by statute for a district attorney, and other attorneys in the office shall be compensated at no more than the maximum amount allowed by statute for an assistant district attorney. Laws, 2000, ch. 569, § 23; Laws, 2011, ch. 343, § 5, eff. 7/1/2011. The Capital Defense Director appointed under this chapter shall be compensated at no more than the maximum amount allowed by statute for a district attorney, and other attorneys in the office shall be compensated at no more than the maximum amount allowed by statute for an assistant district attorney. Laws, 2000, ch. 569, § 23; Laws, 2011, ch. 343, § 5, eff. 7/1/2011. The Capital Defense Director appointed under this chapter shall be compensated at no more than the maximum amount allowed by statute for a district attorney, and other attorneys in the office shall be compensated at no more than the maximum amount allowed by statute for an assistant district attorney. Laws, 2000, ch. 569, § 23; Laws, 2011, ch. 343, § 5, eff. 7/1/2011. The Capital Defense Director appointed under this chapter shall be compensated at no more than the maximum amount allowed by statute for a district attorney, and other attorneys in the office shall be compensated at no more than the maximum amount allowed by statute for an assistant district attorney. Laws, 2000, ch. 569, § 23; Laws, 2011, ch. 343, § 5, eff. 7/1/2011.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) ENHANCED PENALTIES FOR CRIMES COMMITTED AGAINST ELDERLY PERSONS (§§ 99-19-351 — 99-19-357) Section 99-19-351 - Penalties subject to enhancement

The penalty for any felony or misdemeanor which is a crime of violence or the crime of burglary or breaking and entering the dwelling of another shall be subject to enhancement as provided in Sections 99-19-351 through 99-19-357 if the felony or misdemeanor was committed against any victim who is sixty-five (65) years of age or older or who is disabled as described in 42 USCS 12102. Laws, 2001, ch. 315, § 1; Laws, 2007, ch. 589, § 12, eff. 7/1/2007. The penalty for any felony or misdemeanor which is a crime of violence or the crime of burglary or breaking and entering the dwelling of another shall be subject to enhancement as provided in Sections 99-19-351 through 99-19-357 if the felony or misdemeanor was committed against any victim who is sixty-five (65) years of age or older or who is disabled as described in 42 USCS 12102. Laws, 2001, ch. 315, § 1; Laws, 2007, ch. 589, § 12, eff. 7/1/2007. The penalty for any felony or misdemeanor which is a crime of violence or the crime of burglary or breaking and entering the dwelling of another shall be subject to enhancement as provided in Sections 99-19-351 through 99-19-357 if the felony or misdemeanor was committed against any victim who is sixty-five (65) years of age or older or who is disabled as described in 42 USCS 12102. Laws, 2001, ch. 315, § 1; Laws, 2007, ch. 589, § 12, eff. 7/1/2007. The penalty for any felony or misdemeanor which is a crime of violence or the crime of burglary or breaking and entering the dwelling of another shall be subject to enhancement as provided in Sections 99-19-351 through 99-19-357 if the felony or misdemeanor was committed against any victim who is sixty-five (65) years of age or older or who is disabled as described in 42 USCS 12102. Laws, 2001, ch. 315, § 1; Laws, 2007, ch. 589, § 12, eff. 7/1/2007.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) ENHANCED PENALTIES FOR CRIMES COMMITTED AGAINST ELDERLY PERSONS (§§ 99-19-351 — 99-19-357) Section 99-19-353 - Notice of enhancement

(1) For enhancement of the penalty for a felony offense to apply, the prosecuting attorney, if the defendant is charged by information, or grand jury, if an indictment is returned, shall provide notice upon the information or indictment that the prosecutor will seek the enhanced penalty provided in Sections 99-19-351 through 99-19-357. The notice shall be in a clause separate from and in addition to the substantive offense charged and shall not be considered as an element of the offense charged. (2) For enhancement of the penalty for a misdemeanor to apply, the affiant, the prosecuting attorney, if the defendant is charged by information, or grand jury, if an

indictment is returned, shall provide written notice that the enhanced penalty will be sought as provided in Sections 99-19-351 through 99-19-357. The notice shall be in a clause separate from and in addition to the substantive offense charge and shall not be considered as an element of the offense charged. (3) There shall be no mention in the guilt or innocence phase of the trial or in any documents or evidence seen by the jury that an enhanced penalty may be sought. Laws, 2001, ch. 315, § 2, eff. 7/1/2001. (1) For enhancement of the penalty for a felony offense to apply, the prosecuting attorney, if the defendant is charged by information, or grand jury, if an indictment is returned, shall provide notice upon the information or indictment that the prosecutor will seek the enhanced penalty provided in Sections 99-19-351 through 99-19-357. The notice shall be in a clause separate from and in addition to the substantive offense charged and shall not be considered as an element of the offense charged. (2) For enhancement of the penalty for a misdemeanor to apply, the affiant, the prosecuting attorney, if the defendant is charged by information, or grand jury, if an indictment is returned, shall provide written notice that the enhanced penalty will be sought as provided in Sections 99-19-351 through 99-19-357. The notice shall be in a clause separate from and in addition to the substantive offense charge and shall not be considered as an element of the offense charged. (3) There shall be no mention in the guilt or innocence phase of the trial or in any documents or evidence seen by the jury that an enhanced penalty may be sought. Laws, 2001, ch. 315, § 2, eff. 7/1/2001. (1) For enhancement of the penalty for a felony offense to apply, the prosecuting attorney, if the defendant is charged by information, or grand jury, if an indictment is returned, shall provide notice upon the information or indictment that the prosecutor will seek the enhanced penalty provided in Sections 99-19-351 through 99-19-357. The notice shall be in a clause separate from and in addition to the substantive offense charged and shall not be considered as an element of the offense charged. (2) For enhancement of the penalty for a misdemeanor to apply, the affiant, the prosecuting attorney, if the defendant is charged by information, or grand jury, if an indictment is returned, shall provide written notice that the enhanced penalty will be sought as provided in Sections 99-19-351 through 99-19-357. The notice shall be in a clause separate from and in addition to the substantive offense charge and shall not be considered as an element of the offense charged. (3) There shall be no mention in the guilt or innocence phase of the trial or in any documents or evidence seen by the jury that an enhanced penalty may be sought. Laws, 2001, ch. 315, § 2, eff. 7/1/2001. Laws, 2001, ch. 315, § 2, eff. 7/1/2001.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) ENHANCED PENALTIES FOR CRIMES COMMITTED AGAINST ELDERLY PERSONS (§§ 99-19-351 — 99-19-357) Section 99-19-355 - Sentencing proceedings; required findings for enhanced penalty

(1) Upon conviction or adjudication of guilt of a defendant where notice has been duly given that an enhanced penalty will be sought as provided in Sections 99-19-351 through 99-19-357, the court shall conduct a separate sentencing proceeding to determine the sentence. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If, through impossibility or inability, the trial jury is unable to reconvene for a hearing on the issue of penalty, having determined the guilt of the accused, the trial judge shall summon a jury to determine whether an enhanced penalty should be imposed. If trial by jury has been waived, or if the defendant pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose. If the defendant enters a plea of guilty and waives trial by jury for the sentencing proceeding, the sentencing proceeding shall be conducted before the trial judge sitting without a jury. In the proceeding, evidence may be presented as to any matter that the court deems relevant to sentence. This subsection shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or of the State of Mississippi. The state and the defendant, or his counsel, or both defendant and counsel, shall be permitted to present arguments for or against any sentence sought. (2) In order to impose an enhanced penalty under the provisions of Sections 99-19-351 through 99-19-357, the jury must find beyond a reasonable doubt: (a) That the defendant perceived, knew, or had reasonable grounds to know or perceive that the victim was within the class delineated; and (b) That the defendant maliciously and with specific intent committed the offense to any victim who is sixty-five (65) years of age or older or who is disabled as described in 42 USCS 12102. Laws, 2001, ch. 315, § 3; Laws, 2007, ch. 589, § 13, eff. 7/1/2007. (1) Upon conviction or adjudication of guilt of a defendant where notice has been duly given that an enhanced penalty will be sought as provided in Sections 99-19-351 through 99-19-357, the court shall conduct a separate sentencing proceeding to determine the sentence. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If, through impossibility or inability, the trial jury is unable to reconvene for a hearing on the issue of penalty, having determined the guilt of the accused, the trial judge shall summon a jury to determine whether an enhanced penalty should be imposed. If trial by jury has been waived, or if the defendant pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose. If the defendant enters a plea of guilty and waives trial by jury for the sentencing proceeding, the sentencing proceeding shall be conducted before the trial judge sitting without a jury. In the proceeding, evidence may be presented as to any matter that the court deems relevant to sentence. This subsection shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or of the State of Mississippi. The state and the defendant, or his counsel, or both defendant and counsel, shall be permitted to present arguments for or against any sentence sought. (2) In order to impose an enhanced penalty under the provisions of Sections 99-19-351 through 99-19-357, the jury must find beyond a reasonable doubt: (a) That the defendant perceived, knew, or had reasonable grounds to know or perceive that the victim was within the class delineated; and (b) That the defendant maliciously and with specific intent committed the offense to any victim who is sixty-five (65) years of age or older or who is disabled as described in 42 USCS 12102. Laws, 2001, ch. 315, § 3; Laws, 2007, ch. 589, § 13, eff. 7/1/2007. (1) Upon conviction or adjudication of guilt of a defendant where notice has been duly given that an enhanced penalty will be sought as

provided in Sections99-19-351through99-19-357, the court shall conduct a separate sentencing proceeding to determine the sentence. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If, through impossibility or inability, the trial jury is unable to reconvene for a hearing on the issue of penalty, having determined the guilt of the accused, the trial judge shall summon a jury to determine whether an enhanced penalty should be imposed. If trial by jury has been waived, or if the defendant pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose. If the defendant enters a plea of guilty and waives trial by jury for the sentencing proceeding, the sentencing proceeding shall be conducted before the trial judge sitting without a jury. In the proceeding, evidence may be presented as to any matter that the court deems relevant to sentence. This subsection shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or of the State of Mississippi. The state and the defendant, or his counsel, or both defendant and counsel, shall be permitted to present arguments for or against any sentence sought.(2)In order to impose an enhanced penalty under the provisions of Sections99-19-351through99-19-357, the jury must find beyond a reasonable doubt:(a)That the defendant perceived, knew, or had reasonable grounds to know or perceive that the victim was within the class delineated; and(b)That the defendant maliciously and with specific intent committed the offense to any victim who is sixty-five (65) years of age or older or who is disabled as described in 42 USCS 12102.Laws, 2001, ch. 315, § 3; Laws, 2007, ch. 589, § 13, eff. 7/1/2007. Laws, 2001, ch. 315, § 3; Laws, 2007, ch. 589, § 13, eff. 7/1/2007.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)ENHANCED PENALTIES FOR CRIMES COMMITTED AGAINST ELDERLY PERSONS (§§ 99-19-351 — 99-19-357)Section 99-19-357 - Amount penalty may be enhanced

The penalty for the offense may be enhanced by punishment for a term of imprisonment of up to twice that authorized by law for the offense committed, or a fine of up to twice that authorized by law for the offense committed, or both.Laws, 2001, ch. 315, § 4, eff. 7/1/2001. The penalty for the offense may be enhanced by punishment for a term of imprisonment of up to twice that authorized by law for the offense committed, or a fine of up to twice that authorized by law for the offense committed, or both.Laws, 2001, ch. 315, § 4, eff. 7/1/2001. The penalty for the offense may be enhanced by punishment for a term of imprisonment of up to twice that authorized by law for the offense committed, or a fine of up to twice that authorized by law for the offense committed, or both.Laws, 2001, ch. 315, § 4, eff. 7/1/2001. The penalty for the offense may be enhanced by punishment for a term of imprisonment of up to twice that authorized by law for the offense committed, or a fine of up to twice that authorized by law for the offense committed, or both. Laws, 2001, ch. 315, § 4, eff. 7/1/2001.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)ENHANCED PENALTIES FOR OFFENSES COMMITTED FOR DISCRIMINATORY REASONS (§§ 99-19-301 — 99-19-309)Section 99-19-301 - Penalties subject to enhancement; definitions

(1)The penalty for any felony or misdemeanor shall be subject to enhancement as provided in Sections99-19-301through99-19-307if the felony or misdemeanor was committed because of the actual or perceived race, color, ancestry, ethnicity, religion, national origin or gender of the victim.(2)The penalty for any felony or misdemeanor shall be subject to enhancement as provided in Sections99-19-301through99-19-307if the felony or misdemeanor was committed with the specific intent to target an individual or group because of actual or perceived employment as a law enforcement officer, firefighter or emergency medical technician.(3)As used in Sections99-19-301through99-19-307:(a)"Law enforcement officer" means any law enforcement officer, part-time law enforcement officer or law enforcement trainee as defined in Section45-6-3, as well as any reserve or volunteer law enforcement officer and any federal law enforcement officer or employee whose permanent duties include making arrests, performing search and seizures, execution of criminal arrest warrants, execution of civil seizure warrants, or the care, custody, control or supervision of inmates.(b)"Firefighter" means any firefighter regularly employed by a fire department of any municipality, county, or fire protection district of the State of Mississippi and includes a volunteer firefighter.(c)"Emergency medical technician" means a person qualified under Sections41-59-33and41-59-35.Laws, 1994, ch. 572, § 1, eff. 7/1/1994.Amended by Laws, 2017, ch. 381, HB 645, 1, eff. 7/1/2017. (1)The penalty for any felony or misdemeanor shall be subject to enhancement as provided in Sections99-19-301through99-19-307if the felony or misdemeanor was committed because of the actual or perceived race, color, ancestry, ethnicity, religion, national origin or gender of the victim.(2)The penalty for any felony or misdemeanor shall be subject to enhancement as provided in Sections99-19-301through99-19-307if the felony or misdemeanor was committed with the specific intent to target an individual or group because of actual or perceived employment as a law enforcement officer, firefighter or emergency medical technician.(3)As used in Sections99-19-301through99-19-307:(a)"Law enforcement officer" means any law enforcement officer, part-time law enforcement officer or law enforcement trainee as defined in Section45-6-3, as well as any reserve or volunteer law enforcement officer and any federal law enforcement officer or employee whose permanent duties include making arrests, performing search and seizures, execution of criminal arrest warrants, execution of civil seizure warrants, or the care, custody, control or supervision of inmates.(b)"Firefighter" means any firefighter regularly employed by a fire department of any municipality, county, or fire protection district of the State of Mississippi and includes a volunteer firefighter.(c)"Emergency medical technician" means a person qualified under Sections41-59-33and41-59-35.Laws, 1994, ch. 572, § 1, eff. 7/1/1994.Amended by Laws, 2017, ch. 381, HB 645, 1, eff. 7/1/2017. (1)The penalty for any felony or misdemeanor shall be subject to enhancement as provided in Sections99-19-301through99-19-307if the felony or misdemeanor was committed because of the actual or perceived

race, color, ancestry, ethnicity, religion, national origin or gender of the victim.(2)The penalty for any felony or misdemeanor shall be subject to enhancement as provided in Sections99-19-301through99-19-307if the felony or misdemeanor was committed with the specific intent to target an individual or group because of actual or perceived employment as a law enforcement officer, firefighter or emergency medical technician.(3)As used in Sections99-19-301through99-19-307:(a)"Law enforcement officer" means any law enforcement officer, part-time law enforcement officer or law enforcement trainee as defined in Section45-6-3, as well as any reserve or volunteer law enforcement officer and any federal law enforcement officer or employee whose permanent duties include making arrests, performing search and seizures, execution of criminal arrest warrants, execution of civil seizure warrants, or the care, custody, control or supervision of inmates.(b)"Firefighter" means any firefighter regularly employed by a fire department of any municipality, county, or fire protection district of the State of Mississippi and includes a volunteer firefighter.(c)"Emergency medical technician" means a person qualified under Sections41-59-33and41-59-35.Laws, 1994, ch. 572, § 1, eff. 7/1/1994.Amended by Laws, 2017, ch. 381, HB 645, 1, eff. 7/1/2017. Laws, 1994, ch. 572, § 1, eff. 7/1/1994. Amended by Laws, 2017, ch. 381, HB 645, 1, eff. 7/1/2017.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)ENHANCED PENALTIES FOR OFFENSES COMMITTED FOR DISCRIMINATORY REASONS (§§ 99-19-301 — 99-19-309)Section 99-19-303 - Notice of enhancement

(1)For enhancement of the penalty for a felony offense to apply, the prosecuting attorney if the defendant is charged by information, or grand jury if an indictment is returned, shall provide notice upon the information or indictment that the prosecutor will seek the enhanced penalty provided in Sections99-19-301through99-19-307. The notice shall be in a clause separate from and in addition to the substantive offense charged and shall not be considered as an element of the offense charged.(2)For enhancement of the penalty for a misdemeanor to apply, the affiant, the prosecuting attorney if the defendant is charged by information, or grand jury if an indictment is returned, shall provide written notice that the enhanced penalty will be sought as provided in Sections99-19-301through99-19-307. The notice shall be in a clause separate from and in addition to the substantive offense charge and shall not be considered as an element of the offense charged.(3)There shall be no mention in the guilt or innocence phase of the trial or in any documents or evidence seen by the jury that an enhanced penalty may be sought.Laws, 1994, ch. 572, § 2, eff. 7/1/1994. (1)For enhancement of the penalty for a felony offense to apply, the prosecuting attorney if the defendant is charged by information, or grand jury if an indictment is returned, shall provide notice upon the information or indictment that the prosecutor will seek the enhanced penalty provided in Sections99-19-301through99-19-307. The notice shall be in a clause separate from and in addition to the substantive offense charged and shall not be considered as an element of the offense charged.(2)For enhancement of the penalty for a misdemeanor to apply, the affiant, the prosecuting attorney if the defendant is charged by information, or grand jury if an indictment is returned, shall provide written notice that the enhanced penalty will be sought as provided in Sections99-19-301through99-19-307. The notice shall be in a clause separate from and in addition to the substantive offense charge and shall not be considered as an element of the offense charged.(3)There shall be no mention in the guilt or innocence phase of the trial or in any documents or evidence seen by the jury that an enhanced penalty may be sought.Laws, 1994, ch. 572, § 2, eff. 7/1/1994. (1)For enhancement of the penalty for a felony offense to apply, the prosecuting attorney if the defendant is charged by information, or grand jury if an indictment is returned, shall provide notice upon the information or indictment that the prosecutor will seek the enhanced penalty provided in Sections99-19-301through99-19-307. The notice shall be in a clause separate from and in addition to the substantive offense charged and shall not be considered as an element of the offense charged.(2)For enhancement of the penalty for a misdemeanor to apply, the affiant, the prosecuting attorney if the defendant is charged by information, or grand jury if an indictment is returned, shall provide written notice that the enhanced penalty will be sought as provided in Sections99-19-301through99-19-307. The notice shall be in a clause separate from and in addition to the substantive offense charge and shall not be considered as an element of the offense charged.(3)There shall be no mention in the guilt or innocence phase of the trial or in any documents or evidence seen by the jury that an enhanced penalty may be sought.Laws, 1994, ch. 572, § 2, eff. 7/1/1994. Laws, 1994, ch. 572, § 2, eff. 7/1/1994.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)ENHANCED PENALTIES FOR OFFENSES COMMITTED FOR DISCRIMINATORY REASONS (§§ 99-19-301 — 99-19-309)Section 99-19-305 - Sentencing proceedings; required findings for enhanced penalty

(1)Upon conviction or adjudication of guilt of a defendant where notice has been duly given that an enhanced penalty will be sought as provided in Sections99-19-301through99-19-307, the court shall conduct a separate sentencing proceeding to determine the sentence. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If, through impossibility or inability, the trial jury is unable to reconvene for a hearing on the issue of penalty, having determined the guilt of the accused, the trial judge shall summon a jury to determine whether an enhanced penalty should be imposed. If trial by jury has been waived, or if the defendant pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose. Provided, however, that if the defendant enters a plea of guilty and waives trial by jury for the sentencing proceeding, the sentencing proceeding shall be conducted before the trial judge sitting without a jury. In the proceeding, evidence may be presented as to any matter that the court deems relevant to sentence. However, this subsection shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or of the State of Mississippi. The state and the defendant or

his counsel or both defendant and counsel shall be permitted to present arguments for or against any sentence sought.(2)In order to impose an enhanced penalty under the provisions of Sections99-19-301through99-19-307, the jury must find beyond a reasonable doubt:(a)That the defendant perceived, knew, or had reasonable grounds to know or perceive that the victim was within the class delineated; and(b)That the defendant maliciously and with specific intent committed the offense because the victim was within the class delineated.(3)That the victim was within the class delineated means that the reason the underlying crime was committed was the victim's actual or perceived race, color, religion, ethnicity, ancestry, national origin or gender, or that the reason the underlying crime was committed was the victim's actual or perceived employment as a law enforcement officer, firefighter or emergency medical technician.Laws, 1994, ch. 572, § 3, eff. 7/1/1994.Amended by Laws, 2017, ch. 381, HB 645, 2, eff. 7/1/2017. (1)Upon conviction or adjudication of guilt of a defendant where notice has been duly given that an enhanced penalty will be sought as provided in Sections99-19-301through99-19-307, the court shall conduct a separate sentencing proceeding to determine the sentence. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If, through impossibility or inability, the trial jury is unable to reconvene for a hearing on the issue of penalty, having determined the guilt of the accused, the trial judge shall summon a jury to determine whether an enhanced penalty should be imposed. If trial by jury has been waived, or if the defendant pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose. Provided, however, that if the defendant enters a plea of guilty and waives trial by jury for the sentencing proceeding, the sentencing proceeding shall be conducted before the trial judge sitting without a jury. 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Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)ENHANCED PENALTIES FOR OFFENSES COMMITTED FOR DISCRIMINATORY REASONS (§§ 99-19-301 — 99-19-309)Section 99-19-307 - Amount penalty may be enhanced

If it is found beyond a reasonable doubt that the offense was committed by reason of (a) the actual or perceived race, color, ancestry, ethnicity, religion, national origin or gender of the victim, or (b) the victim's actual or perceived employment as a law enforcement officer, firefighter or emergency medical technician, then the penalty for the offense may be enhanced by punishment for a term of imprisonment of up to twice that authorized by law for the offense committed, or a fine of up to twice that authorized by law for the offense committed, or both.Laws, 1994, ch. 572, § 4, eff. 7/1/1994.Amended by Laws, 2017, ch. 381, HB 645, 3, eff. 7/1/2017. If it is found beyond a reasonable doubt that the offense was committed by reason of (a) the actual or perceived race, color, ancestry, ethnicity, religion, national origin or gender of the victim, or (b) the victim's actual or perceived employment as a law enforcement officer, firefighter or emergency medical technician, then the penalty for the offense may be enhanced by punishment for a term of imprisonment of up to twice that authorized by law for the offense committed, or a fine of up to twice that authorized by law for the offense committed, or both.Laws, 1994, ch. 572, § 4, eff. 7/1/1994.Amended by Laws, 2017, ch. 381, HB 645, 3, eff. 7/1/2017. If it

is found beyond a reasonable doubt that the offense was committed by reason of (a) the actual or perceived race, color, ancestry, ethnicity, religion, national origin or gender of the victim, or (b) the victim's actual or perceived employment as a law enforcement officer, firefighter or emergency medical technician, then the penalty for the offense may be enhanced by punishment for a term of imprisonment of up to twice that authorized by law for the offense committed, or a fine of up to twice that authorized by law for the offense committed, or both. Laws, 1994, ch. 572, § 4, eff. 7/1/1994. Amended by Laws, 2017, ch. 381, HB 645, 3, eff. 7/1/2017. If it is found beyond a reasonable doubt that the offense was committed by reason of (a) the actual or perceived race, color, ancestry, ethnicity, religion, national origin or gender of the victim, or (b) the victim's actual or perceived employment as a law enforcement officer, firefighter or emergency medical technician, then the penalty for the offense may be enhanced by punishment for a term of imprisonment of up to twice that authorized by law for the offense committed, or a fine of up to twice that authorized by law for the offense committed, or both. Laws, 1994, ch. 572, § 4, eff. 7/1/1994. Amended by Laws, 2017, ch. 381, HB 645, 3, eff. 7/1/2017.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) ENHANCED PENALTIES FOR OFFENSES COMMITTED FOR DISCRIMINATORY REASONS (§§ 99-19-301 — 99-19-309) Section 99-19-309 - Freedom of speech and freedom of assembly not abridged by Sections 99-19-301 through 99-19-307

Nothing in Sections 99-19-301 through 99-19-307 shall abridge freedom of speech or the freedom to peaceably assemble as protected in Article III, Sections 11 and 13 of the Mississippi Constitution of 1890 and the First Amendment of the United States Constitution. Added by Laws, 2017, ch. 381, HB 645, 4, eff. 7/1/2017. Nothing in Sections 99-19-301 through 99-19-307 shall abridge freedom of speech or the freedom to peaceably assemble as protected in Article III, Sections 11 and 13 of the Mississippi Constitution of 1890 and the First Amendment of the United States Constitution. Added by Laws, 2017, ch. 381, HB 645, 4, eff. 7/1/2017. Nothing in Sections 99-19-301 through 99-19-307 shall abridge freedom of speech or the freedom to peaceably assemble as protected in Article III, Sections 11 and 13 of the Mississippi Constitution of 1890 and the First Amendment of the United States Constitution. Added by Laws, 2017, ch. 381, HB 645, 4, eff. 7/1/2017. Nothing in Sections 99-19-301 through 99-19-307 shall abridge freedom of speech or the freedom to peaceably assemble as protected in Article III, Sections 11 and 13 of the Mississippi Constitution of 1890 and the First Amendment of the United States Constitution. Added by Laws, 2017, ch. 381, HB 645, 4, eff. 7/1/2017.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) ENHANCED PENALTIES FOR UNLAWFUL USE OF FINANCIAL INSTRUMENTS OR IDENTIFYING INFORMATION TAKEN FROM OWNER BY MEANS OF VIOLENT CRIME OR BURGLARY (§ 99-19-401) Section 99-19-401 - Enhanced penalty; offenses subject to enhancement of penalty; applicable crimes during which instrumentalities were initially obtained

(1) Every person convicted in this state of any of the offenses listed in subsection (2) of this section may be sentenced to an additional term of up to five (5) years for the offense listed in subsection (2). (2) If the conditions set forth in subsection (3) exist, the following crimes, whether misdemeanor or felony, shall be subject to enhancement of penalty as set out in subsection

(1): (a) Section 63-1-60 or 45-35-13 relating to fraudulent use of an identification card or driver's license; (b) Section 97-19-21 or 97-19-29 relating to fraudulent use of a credit card; (c) Section 97-19-33 or 97-29-35 relating to false personation; (d) Section 97-45-19 relating to identity theft; (e) Section 97-19-39, 97-19-41 or 97-19-85 relating to fraud; and (f) Section 97-21-23, 97-21-25, 97-21-29, 97-21-37, 97-21-49, 97-21-51, 97-21-53 or 97-21-55 relating to forgery. (3) (a) The offenses listed in subsection (2) shall be subject to enhancement under subsection (1) in every case in which the instrumentality used in the commission of the subsection (2) offense was initially obtained, whether by the offender or another person, in the course of the commission of at least one (1) of the following crimes: (i) Section 97-3-7 relating to assault; (ii) Section 97-3-19, 97-3-25, 97-3-27, 97-3-35 or 97-3-47 relating to homicide; (iii) Section 97-3-53 relating to kidnapping; (iv) Section 97-3-73, 97-3-77, 97-3-79 or 97-3-81 relating to robbery; (v) Section 97-3-117 relating to carjacking; (vi) Section 97-17-23 or 97-17-33 relating to burglary; or (vii) Section 97-17-41, 97-17-42, 97-17-43, or 97-17-45 relating to larceny. (b) For the purposes of this section, "instrumentality" means the credit card, debit card, bank card, bank draft, other document or financial instrument, or any identifying information including an account number taken from the person, possession, custody or control of another during the commission of any of the crimes listed in this subsection. (4) This section shall not prohibit prosecution under any other criminal statute of this state or the United States. Laws, 2008, ch. 525, § 1, eff. 7/1/2008.

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assault;(ii)Section97-3-19,97-3-25,97-3-27,97-3-35or97-3-47relating to homicide;(iii)Section97-3-53relating to kidnapping;(iv)Section97-3-73,97-3-77,97-3-79or97-3-81relating to robbery;(v)Section97-3-117relating to carjacking;(vi)Section97-17-23or97-17-33relating to burglary; or(vii)Section97-17-41,97-17-42,97-17-43, or97-17-45relating to larceny.(b)For the purposes of this section, "instrumentality" means the credit card, debit card, bank card, bank draft, other document or financial instrument, or any identifying information including an account number taken from the person, possession, custody or control of another during the commission of any of the crimes listed in this subsection.(4)This section shall not prohibit prosecution under any other criminal statute of this state or the United States.Laws, 2008, ch. 525, § 1, eff. 7/1/2008. (1)Every person convicted in this state of any of the offenses listed in subsection (2) of this section may be sentenced to an additional term of up to five (5) years for the offense listed in subsection (2).(2)If the conditions set forth in subsection (3) exist, the following crimes, whether misdemeanor or felony, shall be subject to enhancement of penalty as set out in subsection (1):(a)Section63-1-60or45-35-13relating to fraudulent use of an identification card or driver's license;(b)Section97-19-21or97-19-29relating to fraudulent use of a credit card;(c)Section97-19-33or97-29-35relating to false personation;(d)Section97-45-19relating to identity theft;(e)Section97-19-39,97-19-41or97-19-85relating to fraud; and(f)Section97-21-23,97-21-25,97-21-29,97-21-37,97-21-49,97-21-51,97-21-53or97-21-55relating to forgery.(3)(a)The offenses listed in subsection (2) shall be subject to enhancement under subsection (1) in every case in which the instrumentality used in the commission of the subsection (2) offense was initially obtained, whether by the offender or another person, in the course of the commission of at least one (1) of the following crimes:(i)Section97-3-7relating to assault;(ii)Section97-3-19,97-3-25,97-3-27,97-3-35or97-3-47relating to homicide;(iii)Section97-3-53relating to kidnapping;(iv)Section97-3-73,97-3-77,97-3-79or97-3-81relating to robbery;(v)Section97-3-117relating to carjacking;(vi)Section97-17-23or97-17-33relating to burglary; or(vii)Section97-17-41,97-17-42,97-17-43, or97-17-45relating to larceny.(b)For the purposes of this section, "instrumentality" means the credit card, debit card, bank card, bank draft, other document or financial instrument, or any identifying information including an account number taken from the person, possession, custody or control of another during the commission of any of the crimes listed in this subsection.(4)This section shall not prohibit prosecution under any other criminal statute of this state or the United States.Laws, 2008, ch. 525, § 1, eff. 7/1/2008. Laws, 2008, ch. 525, § 1, eff. 7/1/2008.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)HIV AND AIDS TESTING OF PERSONS CONVICTED OF SEX OFFENSES (§§ 99-19-201 — 99-19-203)Section 99-19-201 - Definitions

The following terms shall have the meanings ascribed to them herein unless the context requires otherwise:(a)"AIDS" means acquired immunodeficiency syndrome, AIDS related complex and any similar disease.(b)"HIV" means the human immunodeficiency virus or any other identified causative agent of AIDS.(c)"Sex offense" means any offense described in Section45-33-23or any offense involving the crime of rape.(d)"Test" means a test to determine the presence of the AIDS disease or the presence of the antibody or antigen to HIV or the presence of HIV infection.Laws, 1991, ch. 425, § 1; Laws, 2000, ch. 499, § 29, eff. 7/1/2000. The following terms shall have the meanings ascribed to them herein unless the context requires otherwise:(a)"AIDS" means acquired immunodeficiency syndrome, AIDS related complex and any similar disease.(b)"HIV" means the human immunodeficiency virus or any other identified causative agent of AIDS.(c)"Sex offense" means any offense described in Section45-33-23or any offense involving the crime of rape.(d)"Test" means a test to determine the presence of the AIDS disease or the presence of the antibody or antigen to HIV or the presence of HIV infection.Laws, 1991, ch. 425, § 1; Laws, 2000, ch. 499, § 29, eff. 7/1/2000. The following terms shall have the meanings ascribed to them herein unless the context requires otherwise:(a)"AIDS" means acquired immunodeficiency syndrome, AIDS related complex and any similar disease.(b)"HIV" means the human immunodeficiency virus or any other identified causative agent of AIDS.(c)"Sex offense" means any offense described in Section45-33-23or any offense involving the crime of rape.(d)"Test" means a test to determine the presence of the AIDS disease or the presence of the antibody or antigen to HIV or the presence of HIV infection.Laws, 1991, ch. 425, § 1; Laws, 2000, ch. 499, § 29, eff. 7/1/2000. The following terms shall have the meanings ascribed to them herein unless the context requires otherwise: Laws, 1991, ch. 425, § 1; Laws, 2000, ch. 499, § 29, eff. 7/1/2000.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)HIV AND AIDS TESTING OF PERSONS CONVICTED OF SEX OFFENSES (§§ 99-19-201 — 99-19-203)Section 99-19-203 - Testing of persons convicted of sex offenses for HIV and AIDS

Any person who is convicted of a sex offense on or after July 1, 1994, and who is sentenced to any state or local correctional facility, placed on probation, given a suspended sentence or other disposition shall be tested for HIV and AIDS by the State Department of Health in conjunction with the State Department of Corrections. An offender who is confined for more than ninety (90) days shall be tested for HIV and AIDS within thirty (30) days before the date of such offender's release. The results of any positive HIV or AIDS tests shall be reported to the victim(s) of such offense and the offender. Any positive HIV or AIDS test results shall also be reported to the victim's spouse and to the spouse of the person who is convicted of such sex offense, if either or both of them are lawfully married. The State Department of Health shall provide counseling and the referral to appropriate treatment for victim(s) of a sex offense where the convicted offender tested positive for HIV or AIDS.Laws, 1991, ch. 425, § 2; Laws, 1994, ch.

504, § 1, eff. 7/1/1994. Any person who is convicted of a sex offense on or after July 1, 1994, and who is sentenced to any state or local correctional facility, placed on probation, given a suspended sentence or other disposition shall be tested for HIV and AIDS by the State Department of Health in conjunction with the State Department of Corrections. An offender who is confined for more than ninety (90) days shall be tested for HIV and AIDS within thirty (30) days before the date of such offender's release. The results of any positive HIV or AIDS tests shall be reported to the victim(s) of such offense and the offender. Any positive HIV or AIDS test results shall also be reported to the victim's spouse and to the spouse of the person who is convicted of such sex offense, if either or both of them are lawfully married. The State Department of Health shall provide counseling and the referral to appropriate treatment for victim(s) of a sex offense where the convicted offender tested positive for HIV or AIDS. Laws, 1991, ch. 425, § 2; Laws, 1994, ch. 504, § 1, eff. 7/1/1994. Any person who is convicted of a sex offense on or after July 1, 1994, and who is sentenced to any state or local correctional facility, placed on probation, given a suspended sentence or other disposition shall be tested for HIV and AIDS by the State Department of Health in conjunction with the State Department of Corrections. An offender who is confined for more than ninety (90) days shall be tested for HIV and AIDS within thirty (30) days before the date of such offender's release. The results of any positive HIV or AIDS tests shall be reported to the victim(s) of such offense and the offender. Any positive HIV or AIDS test results shall also be reported to the victim's spouse and to the spouse of the person who is convicted of such sex offense, if either or both of them are lawfully married. The State Department of Health shall provide counseling and the referral to appropriate treatment for victim(s) of a sex offense where the convicted offender tested positive for HIV or AIDS. Laws, 1991, ch. 425, § 2; Laws, 1994, ch. 504, § 1, eff. 7/1/1994. Any person who is convicted of a sex offense on or after July 1, 1994, and who is sentenced to any state or local correctional facility, placed on probation, given a suspended sentence or other disposition shall be tested for HIV and AIDS by the State Department of Health in conjunction with the State Department of Corrections. An offender who is confined for more than ninety (90) days shall be tested for HIV and AIDS within thirty (30) days before the date of such offender's release. The results of any positive HIV or AIDS tests shall be reported to the victim(s) of such offense and the offender. Any positive HIV or AIDS test results shall also be reported to the victim's spouse and to the spouse of the person who is convicted of such sex offense, if either or both of them are lawfully married. The State Department of Health shall provide counseling and the referral to appropriate treatment for victim(s) of a sex offense where the convicted offender tested positive for HIV or AIDS. Laws, 1991, ch. 425, § 2; Laws, 1994, ch. 504, § 1, eff. 7/1/1994.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-1 - Change of law not to affect prosecution or punishment of crime committed prior to change

No statutory change of any law affecting a crime or its punishment or the collection of a penalty shall affect or defeat the prosecution of any crime committed prior to its enactment, or the collection of any penalty, whether such prosecution be instituted before or after such enactment; and all laws defining a crime or prescribing its punishment, or for the imposition of penalties, shall be continued in operation for the purpose of providing punishment for crimes committed under them, and for collection of such penalties, notwithstanding amendatory or repealing statutes, unless otherwise specially provided in such statutes. Codes, 1906, § 1573; Hemingway's 1917, § 1335; 1930, § 1361; 1942, § 2608; Laws, 1902, ch. 63. No statutory change of any law affecting a crime or its punishment or the collection of a penalty shall affect or defeat the prosecution of any crime committed prior to its enactment, or the collection of any penalty, whether such prosecution be instituted before or after such enactment; and all laws defining a crime or prescribing its punishment, or for the imposition of penalties, shall be continued in operation for the purpose of providing punishment for crimes committed under them, and for collection of such penalties, notwithstanding amendatory or repealing statutes, unless otherwise specially provided in such statutes. Codes, 1906, § 1573; Hemingway's 1917, § 1335; 1930, § 1361; 1942, § 2608; Laws, 1902, ch. 63. No statutory change of any law affecting a crime or its punishment or the collection of a penalty shall affect or defeat the prosecution of any crime committed prior to its enactment, or the collection of any penalty, whether such prosecution be instituted before or after such enactment; and all laws defining a crime or prescribing its punishment, or for the imposition of penalties, shall be continued in operation for the purpose of providing punishment for crimes committed under them, and for collection of such penalties, notwithstanding amendatory or repealing statutes, unless otherwise specially provided in such statutes. Codes, 1906, § 1573; Hemingway's 1917, § 1335; 1930, § 1361; 1942, § 2608; Laws, 1902, ch. 63. No statutory change of any law affecting a crime or its punishment or the collection of a penalty shall affect or defeat the prosecution of any crime committed prior to its enactment, or the collection of any penalty, whether such prosecution be instituted before or after such enactment; and all laws defining a crime or prescribing its punishment, or for the imposition of penalties, shall be continued in operation for the purpose of providing punishment for crimes committed under them, and for collection of such penalties, notwithstanding amendatory or repealing statutes, unless otherwise specially provided in such statutes. Codes, 1906, § 1573; Hemingway's 1917, § 1335; 1930, § 1361; 1942, § 2608; Laws, 1902, ch. 63.

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If the verdict is informal or defective the court may direct it to be reformed at the bar. Codes, 1906, § 779; Hemingway's 1917, § 562; 1930, § 571; 1942, § 1515. If the verdict is informal or defective the court may direct it to be reformed at the bar. Codes, 1906, § 779; Hemingway's 1917, § 562; 1930, § 571; 1942, § 1515. If the verdict is informal or defective the court may direct it to be

reformed at the bar. Codes, 1906, § 779; Hemingway's 1917, § 562; 1930, § 571; 1942, § 1515. If the verdict is informal or defective the court may direct it to be reformed at the bar. Codes, 1906, § 779; Hemingway's 1917, § 562; 1930, § 571; 1942, § 1515.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-13 - Mississippi Sentencing Disparity Task Force; purpose; composition

(1) There is created the Mississippi Sentencing Disparity Task Force. The purpose of the task force is to study and report the existence of possible disparity in sentencing for crimes as documented by the Mississippi Department of Corrections in order to promote the interest of uniform justice throughout the State of Mississippi. (2) The Mississippi Sentencing Disparity Task Force shall be composed of the following fourteen (14) members, who shall serve for two-year terms: (a) Two (2) members of the Mississippi House of Representatives, appointed by the Speaker of the House; (b) Two (2) members of the Mississippi State Senate, appointed by the Lieutenant Governor; (c) Two (2) members appointed by the Governor; (d) The Commissioner of the Mississippi Department of Corrections, or a designee; (e) The Attorney General of the State of Mississippi, or his or her designee; (f) The director of a faith-based organization involved in re-entry programs, or a designee appointed by the Lieutenant Governor; (g) The Chief Justice of the Mississippi Supreme Court, or a designee; (h) The Chairman of the Parole Board, or a designee; (i) A person who is a former offender appointed by the Chairman of the Parole Board; (j) The President of the Mississippi Prosecutors Association, or a designee; and (k) A sentencing circuit or county court judge, or a designee to be appointed by the Chief Justice of the Mississippi Supreme Court. (3) The Chief Justice of the Mississippi Supreme Court shall call the first meeting of the task force. The task force shall hold its first meeting no later than thirty (30) days after July 1, 2018. At its first meeting, the task force shall elect a chairman and vice chairman from its membership and adopt rules for transacting its business and keeping records. The chairman and vice chairman shall serve one-year terms or until such time as a successor is elected. Added by Laws, 2018, ch. 416, HB 387, § 8, eff. 7/1/2018. (1) There is created the Mississippi Sentencing Disparity Task Force. The purpose of the task force is to study and report the existence of possible disparity in sentencing for crimes as documented by the Mississippi Department of Corrections in order to promote the interest of uniform justice throughout the State of Mississippi. (2) The Mississippi Sentencing Disparity Task Force shall be composed of the following fourteen (14) members, who shall serve for two-year terms: (a) Two (2) members of the Mississippi House of Representatives, appointed by the Speaker of the House; (b) Two (2) members of the Mississippi State Senate, appointed by the Lieutenant Governor; (c) Two (2) members appointed by the Governor; (d) The Commissioner of the Mississippi Department of Corrections, or a designee; (e) The Attorney General of the State of Mississippi, or his or her designee; (f) The director of a faith-based organization involved in re-entry programs, or a designee appointed by the Lieutenant Governor; (g) The Chief Justice of the Mississippi Supreme Court, or a designee; (h) The Chairman of the Parole Board, or a designee; (i) A person who is a former offender appointed by the Chairman of the Parole Board; (j) The President of the Mississippi Prosecutors Association, or a designee; and (k) A sentencing circuit or county court judge, or a designee to be appointed by the Chief Justice of the Mississippi Supreme Court. 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(3) The Chief Justice of the Mississippi Supreme Court shall call the first meeting of the task force. The task force shall hold its first meeting no later than thirty (30) days after July 1, 2018. At its first meeting, the task force shall elect a chairman and vice chairman from its membership and adopt rules for transacting its business and keeping records. The chairman and vice chairman shall serve one-year terms or until such time as a successor is elected. Added by Laws, 2018, ch. 416, HB 387, § 8, eff. 7/1/2018. Added by Laws, 2018, ch. 416, HB 387, § 8, eff. 7/1/2018.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-15 - Sentence; felon under age sixteen

When the court shall be satisfied that a person who has been found guilty of a felony not capital is not more than sixteen, the punishment imposed may, in the discretion of the court, be imprisonment in the county jail not exceeding one year, instead of imprisonment in the penitentiary. Codes, 1880, § 3084; 1892, § 1440; 1906, § 1513; Hemingway's 1917, § 1271; 1930, § 1294; 1942,

§ 2537. When the court shall be satisfied that a person who has been found guilty of a felony not capital is not more than sixteen, the punishment imposed may, in the discretion of the court, be imprisonment in the county jail not exceeding one year, instead of imprisonment in the penitentiary. Codes, 1880, § 3084; 1892, § 1440; 1906, § 1513; Hemingway's 1917, § 1271; 1930, § 1294; 1942, § 2537. When the court shall be satisfied that a person who has been found guilty of a felony not capital is not more than sixteen, the punishment imposed may, in the discretion of the court, be imprisonment in the county jail not exceeding one year, instead of imprisonment in the penitentiary. Codes, 1880, § 3084; 1892, § 1440; 1906, § 1513; Hemingway's 1917, § 1271; 1930, § 1294; 1942, § 2537. When the court shall be satisfied that a person who has been found guilty of a felony not capital is not more than sixteen, the punishment imposed may, in the discretion of the court, be imprisonment in the county jail not exceeding one year, instead of imprisonment in the penitentiary. Codes, 1880, § 3084; 1892, § 1440; 1906, § 1513; Hemingway's 1917, § 1271; 1930, § 1294; 1942, § 2537.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-18 - Mandatory minimum sentence for embezzlement or other unlawful conversion of public funds

When any person is convicted of a felony or felonies in which public funds in the amount of Ten Thousand Dollars (\$10,000.00) or more were unlawfully taken, obtained or misappropriated, the sentence imposed by the court shall include a minimum term of imprisonment of one (1) year in the custody of the Department of Corrections. Notwithstanding any other law to the contrary, such mandatory minimum term shall not be reduced or suspended nor shall such person be eligible for probation or parole before the expiration of one (1) year of incarceration. Laws, 2002, ch. 309, § 1, eff. 7/1/2002. When any person is convicted of a felony or felonies in which public funds in the amount of Ten Thousand Dollars (\$10,000.00) or more were unlawfully taken, obtained or misappropriated, the sentence imposed by the court shall include a minimum term of imprisonment of one (1) year in the custody of the Department of Corrections. Notwithstanding any other law to the contrary, such mandatory minimum term shall not be reduced or suspended nor shall such person be eligible for probation or parole before the expiration of one (1) year of incarceration. Laws, 2002, ch. 309, § 1, eff. 7/1/2002. When any person is convicted of a felony or felonies in which public funds in the amount of Ten Thousand Dollars (\$10,000.00) or more were unlawfully taken, obtained or misappropriated, the sentence imposed by the court shall include a minimum term of imprisonment of one (1) year in the custody of the Department of Corrections. Notwithstanding any other law to the contrary, such mandatory minimum term shall not be reduced or suspended nor shall such person be eligible for probation or parole before the expiration of one (1) year of incarceration. Laws, 2002, ch. 309, § 1, eff. 7/1/2002. When any person is convicted of a felony or felonies in which public funds in the amount of Ten Thousand Dollars (\$10,000.00) or more were unlawfully taken, obtained or misappropriated, the sentence imposed by the court shall include a minimum term of imprisonment of one (1) year in the custody of the Department of Corrections. Notwithstanding any other law to the contrary, such mandatory minimum term shall not be reduced or suspended nor shall such person be eligible for probation or parole before the expiration of one (1) year of incarceration. Laws, 2002, ch. 309, § 1, eff. 7/1/2002.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-20.1 - Nonpayment of fine, restitution or court costs not automatically followed by incarceration; indigent defendants

(1) Incarceration shall not automatically follow the nonpayment of a fine, restitution or court costs. Incarceration may be employed only after the court has conducted a hearing and examined the reasons for nonpayment and finds, on the record, that the defendant was not indigent or could have made payment but refused to do so. When determining whether a person is indigent, the court shall use the current Federal Poverty Guidelines and there shall be a presumption of indigence when a defendant's income is at or below one hundred twenty-five percent (125%) of the Federal Poverty Guidelines, subject to a review of his or her assets. A defendant at or below one hundred twenty-five percent (125%) of the Federal Poverty Guidelines without substantial liquid assets available to pay fines, fees, and costs shall be deemed indigent. In determining whether a defendant has substantial liquid assets, the judge shall not consider up to Ten Thousand Dollars (\$10,000.00) in tangible personal property, including motor vehicles, household goods, or any other assets exempted from seizure under execution or attachment as provided under Section 85-3-1. If the defendant is above one hundred twenty-five percent (125%) of the Federal Poverty Guidelines, the judge shall make an individualized assessment of his or her ability to pay based on the totality of the circumstances including, but not limited to, the defendant's disposable income, financial obligations and liquid assets. If the judge determines that a defendant who claims indigence is not indigent and the defendant could have made payment but refused to do so, the case file shall include a written explanation of the basis for the determination of the judge. In justice and municipal court, such finding shall be included in the court's order. (2) If it appears to the satisfaction of the court that nonpayment is not willful, the court shall enter an order that allows the defendant additional time for payment, reduces the amount of each installment, revokes the fine, in whole or in part, or allows the defendant to perform community service at the state minimum wage per hour rate. If the court finds nonpayment is willful after consideration of the defendant's situation, means, and conduct with regard to the nonpayment, the court shall determine the period of incarceration, if any, subject to the limitations set by law and subsection (3) of this section. (3) If at the time the fine, restitution or court cost is ordered, a sentence of incarceration is also imposed, the aggregate total of the period of incarceration imposed pursuant to this section and the term of the sentence originally imposed may not exceed the maximum term of imprisonment authorized for the offense. (4) A minor who is to serve as a confidential informant must be notified that the minor has the right to contact one (1) or both

parents. Added by Laws, 2018, ch. 416, HB 387, § 1, eff. 7/1/2018. (1) Incarceration shall not automatically follow the nonpayment of a fine, restitution or court costs. Incarceration may be employed only after the court has conducted a hearing and examined the reasons for nonpayment and finds, on the record, that the defendant was not indigent or could have made payment but refused to do so. When determining whether a person is indigent, the court shall use the current Federal Poverty Guidelines and there shall be a presumption of indigence when a defendant's income is at or below one hundred twenty-five percent (125%) of the Federal Poverty Guidelines, subject to a review of his or her assets. A defendant at or below one hundred twenty-five percent (125%) of the Federal Poverty Guidelines without substantial liquid assets available to pay fines, fees, and costs shall be deemed indigent. 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(4) A minor who is to serve as a confidential informant must be notified that the minor has the right to contact one (1) or both parents. Added by Laws, 2018, ch. 416, HB 387, § 1, eff. 7/1/2018. (1) Incarceration shall not automatically follow the nonpayment of a fine, restitution or court costs. Incarceration may be employed only after the court has conducted a hearing and examined the reasons for nonpayment and finds, on the record, that the defendant was not indigent or could have made payment but refused to do so. When determining whether a person is indigent, the court shall use the current Federal Poverty Guidelines and there shall be a presumption of indigence when a defendant's income is at or below one hundred twenty-five percent (125%) of the Federal Poverty Guidelines, subject to a review of his or her assets. 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If the judge determines that a defendant who claims indigence is not indigent and the defendant could have made payment but refused to do so, the case file shall include a written explanation of the basis for the determination of the judge. In justice and municipal court, such finding shall be included in the court's order. (2) If it appears to the satisfaction of the court that nonpayment is not willful, the court shall enter an order that allows the defendant additional time for payment, reduces the amount of each installment, revokes the fine, in whole or in part, or allows the defendant to perform community service at the state minimum wage per hour rate. If the court finds nonpayment is willful after consideration of the defendant's situation, means, and conduct with regard to the nonpayment, the court shall determine the period of incarceration, if any, subject to the limitations set by law and subsection (3) of this section. 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Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-20 - Sentence; imposition of fine; payment; imprisonment for nonpayment; indigent defendants

(1) Except as otherwise provided under Section 99-19-20.1, when any court sentences a defendant to pay a fine, the court may order (a) that the fine be paid immediately, or (b) that the fine be paid in installments to the clerk of the court or to the judge, if there be no clerk, or (c) that payment of the fine be a condition of probation, or (d) that the defendant be required to work on public property for public benefit under the direction of the sheriff for a specific number of hours, or (e) any combination of the above. (2) Except as otherwise provided under Section 99-19-20.1, the defendant may be imprisoned until the fine is paid if the defendant is financially able to pay a fine and the court so finds, subject to the limitations provided under this section. The defendant shall not be imprisoned if the defendant is financially unable to pay a fine and so states to the court in writing, under oath, after sentence is pronounced, and the court so finds, except if the defendant is financially unable to pay a fine and such defendant failed or refused to comply with a prior sentence as specified in subsection (1) of this section, the defendant may be imprisoned. This subsection shall be limited as

follows:(a)In no event shall such period of imprisonment exceed one (1) day for each One Hundred Dollars (\$100.00) of the fine.(b)If a sentence of imprisonment, as well as a fine, were imposed, the aggregate of such term for nonpayment of a fine and the original sentence of imprisonment shall not exceed the maximum authorized term of imprisonment.(c)It shall be in the discretion of the judge to determine the rate of the credit to be earned for work performed under subsection (1)(d), but the rate shall be no lower than the rate of the highest current federal minimum wage.(3)Periods of confinement imposed for nonpayment of two (2) or more fines shall run consecutively unless specified by the court to run concurrently.Laws, 1979, ch. 501, § 1; Laws, 1998, ch. 380, § 1; Laws, 2010, ch. 492, § 4, eff. 4/7/2010.Amended by Laws, 2018, ch. 416, HB 387,§ 2, eff. 7/1/2018. (1)Except as otherwise provided under Section99-19-20.1, when any court sentences a defendant to pay a fine, the court may order (a) that the fine be paid immediately, or (b) that the fine be paid in installments to the clerk of the court or to the judge, if there be no clerk, or (c) that payment of the fine be a condition of probation, or (d) that the defendant be required to work on public property for public benefit under the direction of the sheriff for a specific number of hours, or (e) any combination of the above.(2)Except as otherwise provided under Section99-19-20.1, the defendant may be imprisoned until the fine is paid if the defendant is financially able to pay a fine and the court so finds, subject to the limitations provided under this section. The defendant shall not be imprisoned if the defendant is financially unable to pay a fine and so states to the court in writing, under oath, after sentence is pronounced, and the court so finds, except if the defendant is financially unable to pay a fine and such defendant failed or refused to comply with a prior sentence as specified in subsection (1) of this section, the defendant may be imprisoned.This subsection shall be limited as follows:(a)In no event shall such period of imprisonment exceed one (1) day for each One Hundred Dollars (\$100.00) of the fine.(b)If a sentence of imprisonment, as well as a fine, were imposed, the aggregate of such term for nonpayment of a fine and the original sentence of imprisonment shall not exceed the maximum authorized term of imprisonment.(c)It shall be in the discretion of the judge to determine the rate of the credit to be earned for work performed under subsection (1)(d), but the rate shall be no lower than the rate of the highest current federal minimum wage.(3)Periods of confinement imposed for nonpayment of two (2) or more fines shall run consecutively unless specified by the court to run concurrently.Laws, 1979, ch. 501, § 1; Laws, 1998, ch. 380, § 1; Laws, 2010, ch. 492, § 4, eff. 4/7/2010.Amended by Laws, 2018, ch. 416, HB 387,§ 2, eff. 7/1/2018. 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The defendant shall not be imprisoned if the defendant is financially unable to pay a fine and so states to the court in writing, under oath, after sentence is pronounced, and the court so finds, except if the defendant is financially unable to pay a fine and such defendant failed or refused to comply with a prior sentence as specified in subsection (1) of this section, the defendant may be imprisoned.This subsection shall be limited as follows:(a)In no event shall such period of imprisonment exceed one (1) day for each One Hundred Dollars (\$100.00) of the fine.(b)If a sentence of imprisonment, as well as a fine, were imposed, the aggregate of such term for nonpayment of a fine and the original sentence of imprisonment shall not exceed the maximum authorized term of imprisonment.(c)It shall be in the discretion of the judge to determine the rate of the credit to be earned for work performed under subsection (1)(d), but the rate shall be no lower than the rate of the highest current federal minimum wage.(3)Periods of confinement imposed for nonpayment of two (2) or more fines shall run consecutively unless specified by the court to run concurrently.Laws, 1979, ch. 501, § 1; Laws, 1998, ch. 380, § 1; Laws, 2010, ch. 492, § 4, eff. 4/7/2010. Amended by Laws, 2018, ch. 416, HB 387,§ 2, eff. 7/1/2018.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)IN GENERAL (§§ 99-19-1 — 99-19-77)Section 99-19-21 - Sentence; prison terms to run consecutively or concurrently in discretion of court; sentence for felony committed while on parole, probation, earned-release or post-release supervision, or suspended sentence

(1)When a person is sentenced to imprisonment on two (2) or more convictions, the imprisonment on the second, or each subsequent conviction shall, in the discretion of the court, commence either at the termination of the imprisonment for the preceding conviction or run concurrently with the preceding conviction.(2)When a person is sentenced to imprisonment for a felony committed while the person was on parole, probation, earned-release supervision, post-release supervision or suspended sentence, the imprisonment shall commence at the termination of the imprisonment for the preceding conviction. The term of imprisonment for a felony committed during parole, probation, earned-release supervision, post-release supervision or suspended sentence shall not run concurrently with any preceding term of imprisonment. If the person is not imprisoned in a penitentiary for the preceding conviction, he shall be placed immediately in the custody of the Department of Corrections to serve the term of imprisonment for the felony committed while on parole, probation, earned-release supervision, post-release supervision or suspended sentence.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 8(11); 1857, ch. 64, art. 354; 1871, § 2861; 1880, § 3110; 1892, § 1459; 1906, § 1532; Hemingway's 1917, § 1294; 1930, § 1319; 1942, § 2567; Laws, 1942, ch. 301; Laws, 1983, ch. 333; Laws, 1995, ch. 596, § 14, eff. 6/30/1995. (1)When a person is sentenced to imprisonment on two (2) or more convictions, the imprisonment on the second, or each subsequent conviction shall, in the discretion of the court, commence either at the termination of the imprisonment for the preceding conviction or run

concurrently with the preceding conviction.(2)When a person is sentenced to imprisonment for a felony committed while the person was on parole, probation, earned-release supervision, post-release supervision or suspended sentence, the imprisonment shall commence at the termination of the imprisonment for the preceding conviction. The term of imprisonment for a felony committed during parole, probation, earned-release supervision, post-release supervision or suspended sentence shall not run concurrently with any preceding term of imprisonment. If the person is not imprisoned in a penitentiary for the preceding conviction, he shall be placed immediately in the custody of the Department of Corrections to serve the term of imprisonment for the felony committed while on parole, probation, earned-release supervision, post-release supervision or suspended sentence.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 8(11); 1857, ch. 64, art. 354; 1871, § 2861; 1880, § 3110; 1892, § 1459; 1906, § 1532; Hemingway's 1917, § 1294; 1930, § 1319; 1942, § 2567; Laws, 1942, ch. 301; Laws, 1983, ch. 333; Laws, 1995, ch. 596, § 14, eff. 6/30/1995. (1)When a person is sentenced to imprisonment on two (2) or more convictions, the imprisonment on the second, or each subsequent conviction shall, in the discretion of the court, commence either at the termination of the imprisonment for the preceding conviction or run concurrently with the preceding conviction.(2)When a person is sentenced to imprisonment for a felony committed while the person was on parole, probation, earned-release supervision, post-release supervision or suspended sentence, the imprisonment shall commence at the termination of the imprisonment for the preceding conviction. The term of imprisonment for a felony committed during parole, probation, earned-release supervision, post-release supervision or suspended sentence shall not run concurrently with any preceding term of imprisonment. If the person is not imprisoned in a penitentiary for the preceding conviction, he shall be placed immediately in the custody of the Department of Corrections to serve the term of imprisonment for the felony committed while on parole, probation, earned-release supervision, post-release supervision or suspended sentence.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 8(11); 1857, ch. 64, art. 354; 1871, § 2861; 1880, § 3110; 1892, § 1459; 1906, § 1532; Hemingway's 1917, § 1294; 1930, § 1319; 1942, § 2567; Laws, 1942, ch. 301; Laws, 1983, ch. 333; Laws, 1995, ch. 596, § 14, eff. 6/30/1995. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 8(11); 1857, ch. 64, art. 354; 1871, § 2861; 1880, § 3110; 1892, § 1459; 1906, § 1532; Hemingway's 1917, § 1294; 1930, § 1319; 1942, § 2567; Laws, 1942, ch. 301; Laws, 1983, ch. 333; Laws, 1995, ch. 596, § 14, eff. 6/30/1995.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)IN GENERAL (§§ 99-19-1 — 99-19-77)Section 99-19-23 - Sentence; credit for time of prisoner's pre-trial or pre-appeal confinement

The number of days spent by a prisoner in incarceration in any municipal or county jail while awaiting trial on a criminal charge, or awaiting an appeal to a higher court upon conviction, shall be applied on any sentence rendered by a court of law or on any sentence finally set after all avenues of appeal are exhausted.Codes, 1942, § 2540.5; Laws, 1968, ch. 382, § 1, eff. 4/11/1968. The number of days spent by a prisoner in incarceration in any municipal or county jail while awaiting trial on a criminal charge, or awaiting an appeal to a higher court upon conviction, shall be applied on any sentence rendered by a court of law or on any sentence finally set after all avenues of appeal are exhausted.Codes, 1942, § 2540.5; Laws, 1968, ch. 382, § 1, eff. 4/11/1968. The number of days spent by a prisoner in incarceration in any municipal or county jail while awaiting trial on a criminal charge, or awaiting an appeal to a higher court upon conviction, shall be applied on any sentence rendered by a court of law or on any sentence finally set after all avenues of appeal are exhausted.Codes, 1942, § 2540.5; Laws, 1968, ch. 382, § 1, eff. 4/11/1968. The number of days spent by a prisoner in incarceration in any municipal or county jail while awaiting trial on a criminal charge, or awaiting an appeal to a higher court upon conviction, shall be applied on any sentence rendered by a court of law or on any sentence finally set after all avenues of appeal are exhausted. Codes, 1942, § 2540.5; Laws, 1968, ch. 382, § 1, eff. 4/11/1968.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)IN GENERAL (§§ 99-19-1 — 99-19-77)Section 99-19-25 - Sentence; circuit and county judges and justice courts may suspend in misdemeanor cases; suspension of sentence or execution of sentence subsequent to original sentencing authorized under certain circumstances

The circuit courts and the county courts, in misdemeanor cases, are hereby authorized to suspend a sentence and to suspend the execution of a sentence, or any part thereof, on such terms as may be imposed by the judge of the court. Provided, the suspension of imposition or execution of a sentence hereunder may not be revoked after a period of five (5) years.The justice courts, in misdemeanor cases, are hereby authorized to suspend sentence and to suspend the execution of a sentence, or any part thereof, on such terms as may be imposed by the judge of the court. Subsequent to original sentencing, the justice courts, in misdemeanor cases, are hereby authorized to suspend sentence and to suspend execution of a sentence, or any part thereof, on such terms as may be imposed by the judge of the court, if (a) the judge or his or her predecessor was authorized to order such suspension when the sentence was originally imposed; and (b) such conviction (i) has not been appealed; or (ii) has been appealed and the appeal has been voluntarily dismissed. Provided, the suspension of imposition or execution of a sentence hereunder may not be revoked after a period of two (2) years. Provided, however, the justice courts in cases arising under Sections49-7-81,49-7-95and the Implied Consent Law shall not suspend any fine.Codes, Hemingway's 1917, § 1275; 1930, § 1298; 1942, § 2541; Laws, 1914, ch. 207; Laws, 1950, ch. 347; Laws, 1964, ch. 358; Laws, 1973, ch. 470, § 1; Laws, 1981, ch. 491, § 14; Laws, 1995, ch. 551, § 4; Laws, 2009, ch. 374, § 1, eff. 3/17/2009. The circuit courts and the county courts, in misdemeanor cases, are hereby authorized to suspend a sentence and to suspend the execution of a sentence, or any part thereof, on such terms as may be imposed by the judge of the court. Provided, the suspension of imposition or execution of a sentence hereunder may not be revoked after a period of five (5)

years. The justice courts, in misdemeanor cases, are hereby authorized to suspend sentence and to suspend the execution of a sentence, or any part thereof, on such terms as may be imposed by the judge of the court. Subsequent to original sentencing, the justice courts, in misdemeanor cases, are hereby authorized to suspend sentence and to suspend execution of a sentence, or any part thereof, on such terms as may be imposed by the judge of the court, if (a) the judge or his or her predecessor was authorized to order such suspension when the sentence was originally imposed; and (b) such conviction (i) has not been appealed; or (ii) has been appealed and the appeal has been voluntarily dismissed. Provided, the suspension of imposition or execution of a sentence hereunder may not be revoked after a period of two (2) years. Provided, however, the justice courts in cases arising under Sections 49-7-81, 49-7-95 and the Implied Consent Law shall not suspend any fine. Codes, Hemingway's 1917, § 1275; 1930, § 1298; 1942, § 2541; Laws, 1914, ch. 207; Laws, 1950, ch. 347; Laws, 1964, ch. 358; Laws, 1973, ch. 470, § 1; Laws, 1981, ch. 491, § 14; Laws, 1995, ch. 551, § 4; Laws, 2009, ch. 374, § 1, eff. 3/17/2009. The circuit courts and the county courts, in misdemeanor cases, are hereby authorized to suspend a sentence and to suspend the execution of a sentence, or any part thereof, on such terms as may be imposed by the judge of the court. Provided, the suspension of imposition or execution of a sentence hereunder may not be revoked after a period of five (5) years. The justice courts, in misdemeanor cases, are hereby authorized to suspend sentence and to suspend the execution of a sentence, or any part thereof, on such terms as may be imposed by the judge of the court. Subsequent to original sentencing, the justice courts, in misdemeanor cases, are hereby authorized to suspend sentence and to suspend execution of a sentence, or any part thereof, on such terms as may be imposed by the judge of the court, if (a) the judge or his or her predecessor was authorized to order such suspension when the sentence was originally imposed; and (b) such conviction (i) has not been appealed; or (ii) has been appealed and the appeal has been voluntarily dismissed. Provided, the suspension of imposition or execution of a sentence hereunder may not be revoked after a period of two (2) years. Provided, however, the justice courts in cases arising under Sections 49-7-81, 49-7-95 and the Implied Consent Law shall not suspend any fine. Codes, Hemingway's 1917, § 1275; 1930, § 1298; 1942, § 2541; Laws, 1914, ch. 207; Laws, 1950, ch. 347; Laws, 1964, ch. 358; Laws, 1973, ch. 470, § 1; Laws, 1981, ch. 491, § 14; Laws, 1995, ch. 551, § 4; Laws, 2009, ch. 374, § 1, eff. 3/17/2009. The circuit courts and the county courts, in misdemeanor cases, are hereby authorized to suspend a sentence and to suspend the execution of a sentence, or any part thereof, on such terms as may be imposed by the judge of the court. Provided, the suspension of imposition or execution of a sentence hereunder may not be revoked after a period of five (5) years. The justice courts, in misdemeanor cases, are hereby authorized to suspend sentence and to suspend the execution of a sentence, or any part thereof, on such terms as may be imposed by the judge of the court. Subsequent to original sentencing, the justice courts, in misdemeanor cases, are hereby authorized to suspend sentence and to suspend execution of a sentence, or any part thereof, on such terms as may be imposed by the judge of the court, if (a) the judge or his or her predecessor was authorized to order such suspension when the sentence was originally imposed; and (b) such conviction (i) has not been appealed; or (ii) has been appealed and the appeal has been voluntarily dismissed. Provided, the suspension of imposition or execution of a sentence hereunder may not be revoked after a period of two (2) years. Provided, however, the justice courts in cases arising under Sections 49-7-81, 49-7-95 and the Implied Consent Law shall not suspend any fine. Codes, Hemingway's 1917, § 1275; 1930, § 1298; 1942, § 2541; Laws, 1914, ch. 207; Laws, 1950, ch. 347; Laws, 1964, ch. 358; Laws, 1973, ch. 470, § 1; Laws, 1981, ch. 491, § 14; Laws, 1995, ch. 551, § 4; Laws, 2009, ch. 374, § 1, eff. 3/17/2009.

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Every convicted offender of a criminal law who receives a parole or suspended sentence for a definite time, and fails to surrender himself to the proper authority for execution of sentence on expiration of such parole or suspended sentence, shall be regarded and treated as an escaped convict and subject as such to arrest and return to the proper authorities by any officer or citizen who could have made such arrest had such offender been an ordinary escaped prisoner, and shall be promptly returned to the proper authorities for execution of sentence. Codes, 1930, § 1299; 1942, § 2542; Laws, 1926, ch. 147. Every convicted offender of a criminal law who receives a parole or suspended sentence for a definite time, and fails to surrender himself to the proper authority for execution of sentence on expiration of such parole or suspended sentence, shall be regarded and treated as an escaped convict and subject as such to arrest and return to the proper authorities by any officer or citizen who could have made such arrest had such offender been an ordinary escaped prisoner, and shall be promptly returned to the proper authorities for execution of sentence. Codes, 1930, § 1299; 1942, § 2542; Laws, 1926, ch. 147. Every convicted offender of a criminal law who receives a parole or suspended sentence for a definite time, and fails to surrender himself to the proper authority for execution of sentence on expiration of such parole or suspended sentence, shall be regarded and treated as an escaped convict and subject as such to arrest and return to the proper authorities by any officer or citizen who could have made such arrest had such offender been an ordinary escaped prisoner, and shall be promptly returned to the proper authorities for execution of sentence. Codes, 1930, § 1299; 1942, § 2542; Laws, 1926, ch. 147.

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**SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)IN GENERAL (§§ 99-19-1 — 99-19-77)Section 99-19-29 -
Vacation of suspended sentence and annulment of conditional pardon for violation of terms**

Whenever any court granting a suspended sentence, or the governor granting a pardon, based on conditions which the offender has violated or failed to observe, shall be convinced by proper showing, of such violation of sentence or pardon, then the governor or the judge of the court granting such suspension of sentence shall be authorized to annul and vacate such suspended sentence or conditional pardon in vacation or court time. The convicted offender shall thereafter be subject to arrest and court sentence service, as if no suspended sentence or conditional pardon had been granted, and shall be required to serve the full term of the original sentence that has not been served. The offender shall be subject, after such action by the court or the governor, to arrest and return to proper authorities as in the case with ordinary escaped prisoner. Codes, 1930, § 1300; 1942, § 2543; Laws, 1926, ch. 147. Whenever any court granting a suspended sentence, or the governor granting a pardon, based on conditions which the offender has violated or failed to observe, shall be convinced by proper showing, of such violation of sentence or pardon, then the governor or the judge of the court granting such suspension of sentence shall be authorized to annul and vacate such suspended sentence or conditional pardon in vacation or court time. The convicted offender shall thereafter be subject to arrest and court sentence service, as if no suspended sentence or conditional pardon had been granted, and shall be required to serve the full term of the original sentence that has not been served. The offender shall be subject, after such action by the court or the governor, to arrest and return to proper authorities as in the case with ordinary escaped prisoner. Codes, 1930, § 1300; 1942, § 2543; Laws, 1926, ch. 147. Whenever any court granting a suspended sentence, or the governor granting a pardon, based on conditions which the offender has violated or failed to observe, shall be convinced by proper showing, of such violation of sentence or pardon, then the governor or the judge of the court granting such suspension of sentence shall be authorized to annul and vacate such suspended sentence or conditional pardon in vacation or court time. The convicted offender shall thereafter be subject to arrest and court sentence service, as if no suspended sentence or conditional pardon had been granted, and shall be required to serve the full term of the original sentence that has not been served. The offender shall be subject, after such action by the court or the governor, to arrest and return to proper authorities as in the case with ordinary escaped prisoner. Codes, 1930, § 1300; 1942, § 2543; Laws, 1926, ch. 147. Whenever any court granting a suspended sentence, or the governor granting a pardon, based on conditions which the offender has violated or failed to observe, shall be convinced by proper showing, of such violation of sentence or pardon, then the governor or the judge of the court granting such suspension of sentence shall be authorized to annul and vacate such suspended sentence or conditional pardon in vacation or court time. The convicted offender shall thereafter be subject to arrest and court sentence service, as if no suspended sentence or conditional pardon had been granted, and shall be required to serve the full term of the original sentence that has not been served. The offender shall be subject, after such action by the court or the governor, to arrest and return to proper authorities as in the case with ordinary escaped prisoner. Codes, 1930, § 1300; 1942, § 2543; Laws, 1926, ch. 147.

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Convictions obtained only by verdict or guilty plea; no punishment without legal conviction; waiver of right to trial and payment of fine in lieu thereof without appearing in court for traffic, motor vehicle, and game and fish misdemeanor violations; definitions**

(1)Except as provided in subsection (2) of this section, a person indicted for a criminal offense shall not be convicted thereof, unless by confession of his guilt in open court or by admitting the truth of the charge against him by his plea, or by the verdict of a jury accepted and recorded in court. A person charged with an offense shall not be punished therefor unless legally convicted thereof in a court having jurisdiction of the cause and of the person.(2)In all cases in the circuit, county, justice and municipal courts involving a traffic misdemeanor violation or a game and fish misdemeanor violation where a person has been issued a ticket or has been formally charged by affidavit, indictment or information and desires to waive a trial and not appear in court and defend the charge, the amount of the fine, in the discretion of the court, may be paid in advance to the clerk of the court. When the fine is paid in advance, the person cited must be notified by language plainly printed on a waiver form or the ticket of the person's right to a trial and the consequences of the voluntary advance payment of the fine. In cases where formal charges have been made and the person charged has been notified to appear in court at a certain date and time, the clerk of the court is authorized to accept a cash appearance bond, not to exceed the amount of the fine, conditioned upon the appearance of the person in court at the cited date and time. In the event of default, the cash appearance bond may be forfeited in payment of any judgment in the case in an amount not to exceed the amount of the bond; and in such cases of cash appearance bond forfeiture, it shall be final without necessity of judgment nisi and issuance of the writ of scire facias. In the event a person so cited or charged pays a fine in advance after notice of the person's rights, this shall constitute a waiver of formal charge, arraignment and trial; and in such cases and in cases of default on cash appearance bond, such action shall be a plea of nolo contendere by such person and the court, upon the advance payment of fine or the default on cash appearance bond, may convict the person of the offense stated in the ticket or formal charges without further appearance by the person. Traffic convictions shall be reported to the Commissioner of Public Safety as required by law and convictions for any offense charged by a conservation officer shall be reported to the Commissioner of Wildlife, Fisheries and Parks as required by law. It shall not be necessary to enter traffic misdemeanor cases in the municipal court docket.(3)For the purposes of this section:(a)The term "fine" means, in addition to the pecuniary punishment, all fees, costs, assessments and other charges required by law to be imposed in such cases.(b)The term "traffic misdemeanor" means a violation of traffic or motor vehicle laws

that do not require mandatory imprisonment upon conviction but shall not include repeat offenders where a sentence of imprisonment is likely and shall not include charges under the Mississippi Implied Consent Law.(c)The term "game and fish misdemeanor" means a violation not punishable by imprisonment and charged by a conservation officer.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 1(4); 1857, ch. 64, art. 359; 1871, § 2866; 1880, § 3101; 1892, § 1456; 1906, § 1529; Hemingway's 1917, § 1291; 1930, § 1316; 1942, § 2564; Laws, 2002, ch. 320, § 1, eff. 7/1/2002. (1)Except as provided in subsection (2) of this section, a person indicted for a criminal offense shall not be convicted thereof, unless by confession of his guilt in open court or by admitting the truth of the charge against him by his plea, or by the verdict of a jury accepted and recorded in court. A person charged with an offense shall not be punished therefor unless legally convicted thereof in a court having jurisdiction of the cause and of the person.(2)In all cases in the circuit, county, justice and municipal courts involving a traffic misdemeanor violation or a game and fish misdemeanor violation where a person has been issued a ticket or has been formally charged by affidavit, indictment or information and desires to waive a trial and not appear in court and defend the charge, the amount of the fine, in the discretion of the court, may be paid in advance to the clerk of the court. When the fine is paid in advance, the person cited must be notified by language plainly printed on a waiver form or the ticket of the person's right to a trial and the consequences of the voluntary advance payment of the fine. 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Offenses for which a penalty is not provided elsewhere by statute, and offenses indictable at common law, and for which a statutory penalty is not elsewhere prescribed, shall be punished by fine of not more than one thousand dollars (\$1,000.00) and imprisonment in the county jail not more than six (6) months, or either. Codes, 1957, ch. 64, art. 356; 1871, § 2863; 1880, § 3098; 1892, § 1454; 1906, § 1527; Hemingway's 1917, § 1289; 1930, § 1314; 1942, § 2562; Laws, 1984, ch. 353, § 3, eff. 7/1/1984. Offenses for which a penalty is not provided elsewhere by statute, and offenses indictable at common law, and for which a statutory penalty is not elsewhere prescribed, shall be punished by fine of not more than one thousand dollars (\$1,000.00) and imprisonment in the county jail not more than six (6) months, or either. Codes, 1957, ch. 64, art. 356; 1871, § 2863; 1880, § 3098; 1892, § 1454; 1906, § 1527; Hemingway's 1917, § 1289; 1930, § 1314; 1942, § 2562; Laws, 1984, ch. 353, § 3, eff. 7/1/1984. Offenses for which a penalty is not provided elsewhere by statute, and offenses indictable at common law, and for which a statutory penalty is not elsewhere prescribed, shall be punished by fine of not more than one thousand dollars (\$1,000.00) and imprisonment in the county jail not more than six (6) months, or either. Codes, 1957, ch. 64, art. 356; 1871, § 2863; 1880, § 3098; 1892, § 1454; 1906, § 1527; Hemingway's 1917, § 1289; 1930, § 1314; 1942, § 2562; Laws, 1984, ch. 353, § 3, eff. 7/1/1984. Offenses for which a penalty is not provided elsewhere by statute, and offenses indictable at common law, and for which a statutory penalty is not elsewhere prescribed, shall be punished by fine of not more than one thousand dollars (\$1,000.00) and imprisonment in the county jail not more than six (6) months, or either. Codes, 1957, ch. 64, art. 356; 1871, § 2863; 1880, § 3098; 1892, § 1454; 1906, § 1527; Hemingway's 1917, § 1289; 1930, § 1314; 1942, § 2562; Laws, 1984, ch. 353, § 3, eff. 7/1/1984.

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(1) Offenses punishable by imprisonment in the State Penitentiary for more than one (1) year and for which no fine is provided elsewhere by statute may be punishable by a fine not in excess of Ten Thousand Dollars (\$10,000.00). Such fine, if imposed, may be in addition to imprisonment or any other punishment or penalty authorized by law. (2) Such assessments as are collected under subsection (5) of Section 99-19-73 shall be deposited in a special fund hereby created in the State Treasury to be designated the "Criminal Justice Fund." The Legislature may make appropriations from the Criminal Justice Fund for the purpose of defraying such costs as the state incurs in the administration of the criminal justice system of this state. Laws, 1985, ch. 495, § 1; Laws, 1990, ch. 329, § 14, eff. 10/1/1990. (1) Offenses punishable by imprisonment in the State Penitentiary for more than one (1) year and for which no fine is provided elsewhere by statute may be punishable by a fine not in excess of Ten Thousand Dollars (\$10,000.00). Such fine, if imposed, may be in addition to imprisonment or any other punishment or penalty authorized by law. (2) Such assessments as are collected under subsection (5) of Section 99-19-73 shall be deposited in a special fund hereby created in the State Treasury to be designated the "Criminal Justice Fund." The Legislature may make appropriations from the Criminal Justice Fund for the purpose of defraying such costs as the state incurs in the administration of the criminal justice system of this state. Laws, 1985, ch. 495, § 1; Laws, 1990, ch. 329, § 14, eff. 10/1/1990. (1) Offenses punishable by imprisonment in the State Penitentiary for more than one (1) year and for which no fine is provided elsewhere by statute may be punishable by a fine not in excess of Ten Thousand Dollars (\$10,000.00). Such fine, if imposed, may be in addition to imprisonment or any other punishment or penalty authorized by law. (2) Such assessments as are collected under subsection (5) of Section 99-19-73 shall be deposited in a special fund hereby created in the State Treasury to be designated the "Criminal Justice Fund." The Legislature may make appropriations from the Criminal Justice Fund for the purpose of defraying such costs as the state incurs in the administration of the criminal justice system of this state. Laws, 1985, ch. 495, § 1; Laws, 1990, ch. 329, § 14, eff. 10/1/1990. Laws, 1985, ch. 495, § 1; Laws, 1990, ch. 329, § 14, eff. 10/1/1990.

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If any statute shall provide a punishment of the same character, but of milder type, for an offense which was a crime under pre-existing law, then such milder punishment may be imposed by the court but no conviction, otherwise valid, shall be set aside and new trial granted merely because of an error of the court in fixing punishment. Such error shall only entitle the party injured to vacate or reverse the judgment as to the punishment, and the legal punishment shall then be imposed by another sentence based on the original conviction or plea of guilty. Codes, 1906, § 1574; Hemingway's 1917, § 1336; 1930, § 1362; 1942, § 2609. If any statute shall provide a punishment of the same character, but of milder type, for an offense which was a crime under pre-existing law, then such milder punishment may be imposed by the court but no conviction, otherwise valid, shall be set aside and new trial granted merely because of an error of the court in fixing punishment. Such error shall only entitle the party injured to vacate or reverse the judgment as to the punishment, and the legal punishment shall then be imposed by another sentence based on the original conviction

or plea of guilty. Codes, 1906, § 1574; Hemingway's 1917, § 1336; 1930, § 1362; 1942, § 2609. If any statute shall provide a punishment of the same character, but of milder type, for an offense which was a crime under pre-existing law, then such milder punishment may be imposed by the court but no conviction, otherwise valid, shall be set aside and new trial granted merely because of an error of the court in fixing punishment. Such error shall only entitle the party injured to vacate or reverse the judgment as to the punishment, and the legal punishment shall then be imposed by another sentence based on the original conviction or plea of guilty. Codes, 1906, § 1574; Hemingway's 1917, § 1336; 1930, § 1362; 1942, § 2609. If any statute shall provide a punishment of the same character, but of milder type, for an offense which was a crime under pre-existing law, then such milder punishment may be imposed by the court but no conviction, otherwise valid, shall be set aside and new trial granted merely because of an error of the court in fixing punishment. Such error shall only entitle the party injured to vacate or reverse the judgment as to the punishment, and the legal punishment shall then be imposed by another sentence based on the original conviction or plea of guilty. Codes, 1906, § 1574; Hemingway's 1917, § 1336; 1930, § 1362; 1942, § 2609.

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A person convicted of bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement, or bigamy, shall not be allowed to practice medicine or dentistry, or be appointed to hold or perform the duties of any office of profit, trust, or honor, unless after full pardon for the same. Codes, Hutchinson's 1848, ch. 65, art. 2(63); 1857, ch. 64, art. 358; 1871, § 2865; 1880, § 3100; 1892, § 1455; 1906, § 1528; Hemingway's 1917, § 1290; 1930, § 1315; 1942, § 2563; Laws, 1987, ch. 499, § 18, eff. 7/24/1987 (the date on which the United States Attorney General interposed no objection). A person convicted of bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement, or bigamy, shall not be allowed to practice medicine or dentistry, or be appointed to hold or perform the duties of any office of profit, trust, or honor, unless after full pardon for the same. Codes, Hutchinson's 1848, ch. 65, art. 2(63); 1857, ch. 64, art. 358; 1871, § 2865; 1880, § 3100; 1892, § 1455; 1906, § 1528; Hemingway's 1917, § 1290; 1930, § 1315; 1942, § 2563; Laws, 1987, ch. 499, § 18, eff. 7/24/1987 (the date on which the United States Attorney General interposed no objection). A person convicted of bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement, or bigamy, shall not be allowed to practice medicine or dentistry, or be appointed to hold or perform the duties of any office of profit, trust, or honor, unless after full pardon for the same. Codes, Hutchinson's 1848, ch. 65, art. 2(63); 1857, ch. 64, art. 358; 1871, § 2865; 1880, § 3100; 1892, § 1455; 1906, § 1528; Hemingway's 1917, § 1290; 1930, § 1315; 1942, § 2563; Laws, 1987, ch. 499, § 18, eff. 7/24/1987 (the date on which the United States Attorney General interposed no objection). A person convicted of bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement, or bigamy, shall not be allowed to practice medicine or dentistry, or be appointed to hold or perform the duties of any office of profit, trust, or honor, unless after full pardon for the same. Codes, Hutchinson's 1848, ch. 65, art. 2(63); 1857, ch. 64, art. 358; 1871, § 2865; 1880, § 3100; 1892, § 1455; 1906, § 1528; Hemingway's 1917, § 1290; 1930, § 1315; 1942, § 2563; Laws, 1987, ch. 499, § 18, eff. 7/24/1987 (the date on which the United States Attorney General interposed no objection).

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-37 - Restoration of right of suffrage to World War veterans

(1) Any person who has lost the right of suffrage by reason of conviction of crime and has not been pardoned therefrom, who thereafter served honorably in any branch of the armed forces of the United States during the periods of World War I or World War II as hereinafter defined and shall have received an honorable discharge, or release therefrom, shall by reason of such honorable service, have the full right of suffrage restored, provided, however, this does not apply to any one having an unfinished or suspended sentence. (2) For the purposes of this section the period of World War I shall be from April 6, 1917 to December 1, 1918, and the period of World War II shall be from December 7, 1941 to December 31, 1946. (3) In order to have restored, and to exercise, the right of franchise under the provisions of this section a person affected hereby shall have his discharge, or release, from the armed forces of the United States recorded in the office of the chancery clerk of the county in which such person desires to exercise the right of franchise and if such discharge, or release, appears to be an honorable discharge, or release, and shows such person to have served honorably during either of the periods stated in subsection (2) of this section such person shall have the full right of suffrage restored as though an act had been passed by the legislature in accordance with Section 253 of the Constitution of the State of Mississippi restoring the right of suffrage to such person. Codes, 1942, § 2563.5; Laws, 1948, ch. 505, §§ 1-3. (1) Any person who has lost the right of suffrage by reason of conviction of crime and has not been pardoned therefrom, who thereafter served honorably in any branch of the armed forces of the United States during the periods of World War I or World War II as hereinafter defined and shall have received an honorable discharge, or release therefrom, shall by reason of such honorable service, have the full right of suffrage restored, provided, however, this does not apply to any one having an unfinished or suspended sentence. (2) For the purposes of this section the period of World War I shall be from April 6, 1917 to December 1, 1918, and the period of World War II shall be from December 7, 1941 to December 31, 1946. (3) In order to have restored, and to exercise, the right of franchise under the provisions of this section a person affected hereby shall have his discharge, or release, from the armed forces of the United States recorded in the office of the chancery clerk of the county in which such person desires to exercise the right of franchise and if such

discharge, or release, appears to be an honorable discharge, or release, and shows such person to have served honorably during either of the periods stated in subsection (2) of this section such person shall have the full right of suffrage restored as though an act had been passed by the legislature in accordance with Section 253 of the Constitution of the State of Mississippi restoring the right of suffrage to such person. Codes, 1942, § 2563.5; Laws, 1948, ch. 505, §§ 1-3. (1) Any person who has lost the right of suffrage by reason of conviction of crime and has not been pardoned therefrom, who thereafter served honorably in any branch of the armed forces of the United States during the periods of World War I or World War II as hereinafter defined and shall have received an honorable discharge, or release therefrom, shall by reason of such honorable service, have the full right of suffrage restored, provided, however, this does not apply to any one having an unfinished or suspended sentence. (2) For the purposes of this section the period of World War I shall be from April 6, 1917 to December 1, 1918, and the period of World War II shall be from December 7, 1941 to December 31, 1946. (3) In order to have restored, and to exercise, the right of franchise under the provisions of this section a person affected hereby shall have his discharge, or release, from the armed forces of the United States recorded in the office of the chancery clerk of the county in which such person desires to exercise the right of franchise and if such discharge, or release, appears to be an honorable discharge, or release, and shows such person to have served honorably during either of the periods stated in subsection (2) of this section such person shall have the full right of suffrage restored as though an act had been passed by the legislature in accordance with Section 253 of the Constitution of the State of Mississippi restoring the right of suffrage to such person. Codes, 1942, § 2563.5; Laws, 1948, ch. 505, §§ 1-3. Codes, 1942, § 2563.5; Laws, 1948, ch. 505, §§ 1-3.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-39 - Detention of convict pending appeal

If the defendant appeal from the conviction and be not removed on appeal, as provided in the next succeeding section, he shall be detained, according to the judgment of the circuit court, until the supreme court shall have decided his case, and the judgment thereof shall have been certified to the circuit court and the same fully executed. Codes, 1857, ch. 64, art. 312; 1871, § 2813; 1880, § 3087; 1892, § 1444; 1906, § 1517; Hemingway's 1917, § 1276; 1930, § 1301; 1942, § 2544. If the defendant appeal from the conviction and be not removed on appeal, as provided in the next succeeding section, he shall be detained, according to the judgment of the circuit court, until the supreme court shall have decided his case, and the judgment thereof shall have been certified to the circuit court and the same fully executed. Codes, 1857, ch. 64, art. 312; 1871, § 2813; 1880, § 3087; 1892, § 1444; 1906, § 1517; Hemingway's 1917, § 1276; 1930, § 1301; 1942, § 2544. If the defendant appeal from the conviction and be not removed on appeal, as provided in the next succeeding section, he shall be detained, according to the judgment of the circuit court, until the supreme court shall have decided his case, and the judgment thereof shall have been certified to the circuit court and the same fully executed. Codes, 1857, ch. 64, art. 312; 1871, § 2813; 1880, § 3087; 1892, § 1444; 1906, § 1517; Hemingway's 1917, § 1276; 1930, § 1301; 1942, § 2544. If the defendant appeal from the conviction and be not removed on appeal, as provided in the next succeeding section, he shall be detained, according to the judgment of the circuit court, until the supreme court shall have decided his case, and the judgment thereof shall have been certified to the circuit court and the same fully executed. Codes, 1857, ch. 64, art. 312; 1871, § 2813; 1880, § 3087; 1892, § 1444; 1906, § 1517; Hemingway's 1917, § 1276; 1930, § 1301; 1942, § 2544.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-41 - Delivery of appellant to county where supreme court is held

When any person shall be convicted of an offense and an appeal shall be taken to the supreme court, the sheriff shall, on an order for that purpose from the judge of the court where he was tried, or a judge of the supreme court, deliver such convict to the sheriff of the county where the supreme court is held, at the term thereof to which the appeal shall be made returnable, who shall safely keep such prisoner, subject to the order of the supreme court. Codes, 1857, ch. 64, art. 314; 1871, § 2815; 1880, § 3088; 1892, § 1445; 1906, § 1518; Hemingway's 1917, § 1277; 1930, § 1302; 1942, § 2545. When any person shall be convicted of an offense and an appeal shall be taken to the supreme court, the sheriff shall, on an order for that purpose from the judge of the court where he was tried, or a judge of the supreme court, deliver such convict to the sheriff of the county where the supreme court is held, at the term thereof to which the appeal shall be made returnable, who shall safely keep such prisoner, subject to the order of the supreme court. Codes, 1857, ch. 64, art. 314; 1871, § 2815; 1880, § 3088; 1892, § 1445; 1906, § 1518; Hemingway's 1917, § 1277; 1930, § 1302; 1942, § 2545. When any person shall be convicted of an offense and an appeal shall be taken to the supreme court, the sheriff shall, on an order for that purpose from the judge of the court where he was tried, or a judge of the supreme court, deliver such convict to the sheriff of the county where the supreme court is held, at the term thereof to which the appeal shall be made returnable, who shall safely keep such prisoner, subject to the order of the supreme court. Codes, 1857, ch. 64, art. 314; 1871, § 2815; 1880, § 3088; 1892, § 1445; 1906, § 1518; Hemingway's 1917, § 1277; 1930, § 1302; 1942, § 2545. When any person shall be convicted of an offense and an appeal shall be taken to the supreme court, the sheriff shall, on an order for that purpose from the judge of the court where he was tried, or a judge of the supreme court, deliver such convict to the sheriff of the county where the supreme court is held, at the term thereof to which the appeal shall be made returnable, who shall safely keep such prisoner, subject to the order of the supreme court. Codes, 1857, ch. 64, art. 314; 1871, § 2815; 1880, § 3088; 1892, § 1445; 1906, § 1518; Hemingway's 1917, § 1277; 1930, § 1302; 1942, § 2545.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-42 - Post-conviction proceeding; time for hearing and return to Department of Corrections

Any offender in the custody of the Department of Corrections who is summoned to a county by court order for any post-conviction proceeding shall have such proceeding heard during the term of court in which the offender is returned to the custody of a county. If the offender's case is not heard during such term of court, the offender shall be returned to the facility of the Department of Corrections from which he was summoned. If the offender is not returned within one (1) week of the end of the term of court, the county housing the offender shall not receive the Twenty-five Dollars (\$25.00) allowed under Section 47-5-901, except as authorized in Section 47-5-909(2), for housing state offenders after the one-week time period required for returning the offender to the Department of Corrections. Laws, 1995, ch. 566, § 1, eff. 7/1/1995. Amended by Laws, 2023, ch. 491, SB 2495, § 3, eff. 7/1/2023.

Any offender in the custody of the Department of Corrections who is summoned to a county by court order for any post-conviction proceeding shall have such proceeding heard during the term of court in which the offender is returned to the custody of a county. If the offender's case is not heard during such term of court, the offender shall be returned to the facility of the Department of Corrections from which he was summoned. If the offender is not returned within one (1) week of the end of the term of court, the county housing the offender shall not receive the Twenty-five Dollars (\$25.00) allowed under Section 47-5-901, except as authorized in Section 47-5-909(2), for housing state offenders after the one-week time period required for returning the offender to the Department of Corrections. Laws, 1995, ch. 566, § 1, eff. 7/1/1995. Amended by Laws, 2023, ch. 491, SB 2495, § 3, eff. 7/1/2023.

Any offender in the custody of the Department of Corrections who is summoned to a county by court order for any post-conviction proceeding shall have such proceeding heard during the term of court in which the offender is returned to the custody of a county. If the offender's case is not heard during such term of court, the offender shall be returned to the facility of the Department of Corrections from which he was summoned. If the offender is not returned within one (1) week of the end of the term of court, the county housing the offender shall not receive the Twenty-five Dollars (\$25.00) allowed under Section 47-5-901, except as authorized in Section 47-5-909(2), for housing state offenders after the one-week time period required for returning the offender to the Department of Corrections. Laws, 1995, ch. 566, § 1, eff. 7/1/1995. Amended by Laws, 2023, ch. 491, SB 2495, § 3, eff. 7/1/2023.

Any offender in the custody of the Department of Corrections who is summoned to a county by court order for any post-conviction proceeding shall have such proceeding heard during the term of court in which the offender is returned to the custody of a county. If the offender's case is not heard during such term of court, the offender shall be returned to the facility of the Department of Corrections from which he was summoned. If the offender is not returned within one (1) week of the end of the term of court, the county housing the offender shall not receive the Twenty-five Dollars (\$25.00) allowed under Section 47-5-901, except as authorized in Section 47-5-909(2), for housing state offenders after the one-week time period required for returning the offender to the Department of Corrections. Laws, 1995, ch. 566, § 1, eff. 7/1/1995. Amended by Laws, 2023, ch. 491, SB 2495, § 3, eff. 7/1/2023.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-43 - Duty of judge when convict sentenced to penitentiary

It shall be the duty of the judge, when any convict is sentenced to imprisonment in the penitentiary, to commit the convict to the nearest jail which may be deemed safe, and by the next mail after the sentence to give notice to the warden of the penitentiary that such convict is confined, subject to his order, in a certain county jail, and to inform him whether, in his opinion, he is a dangerous criminal, and whether more than ordinary precautions will be necessary in guarding him. Codes, Hutchinson's 1848, ch. 64, art. 17(82); 1857, ch. 64, art. 321; 1871, § 2852; 1880, § 3089; 1892, § 1446; 1906, § 1519; Hemingway's 1917, § 1278; 1930, § 1303; 1942, § 2546. It shall be the duty of the judge, when any convict is sentenced to imprisonment in the penitentiary, to commit the convict to the nearest jail which may be deemed safe, and by the next mail after the sentence to give notice to the warden of the penitentiary that such convict is confined, subject to his order, in a certain county jail, and to inform him whether, in his opinion, he is a dangerous criminal, and whether more than ordinary precautions will be necessary in guarding him. Codes, Hutchinson's 1848, ch. 64, art. 17(82); 1857, ch. 64, art. 321; 1871, § 2852; 1880, § 3089; 1892, § 1446; 1906, § 1519; Hemingway's 1917, § 1278; 1930, § 1303; 1942, § 2546. It shall be the duty of the judge, when any convict is sentenced to imprisonment in the penitentiary, to commit the convict to the nearest jail which may be deemed safe, and by the next mail after the sentence to give notice to the warden of the penitentiary that such convict is confined, subject to his order, in a certain county jail, and to inform him whether, in his opinion, he is a dangerous criminal, and whether more than ordinary precautions will be necessary in guarding him. Codes, Hutchinson's 1848, ch. 64, art. 17(82); 1857, ch. 64, art. 321; 1871, § 2852; 1880, § 3089; 1892, § 1446; 1906, § 1519; Hemingway's 1917, § 1278; 1930, § 1303; 1942, § 2546. It shall be the duty of the judge, when any convict is sentenced to imprisonment in the penitentiary, to commit the convict to the nearest jail which may be deemed safe, and by the next mail after the sentence to give notice to the warden of the penitentiary that such convict is confined, subject to his order, in a certain county jail, and to inform him whether, in his opinion, he is a dangerous criminal, and whether more than ordinary precautions will be necessary in guarding him. Codes, Hutchinson's 1848, ch. 64, art. 17(82); 1857, ch. 64, art. 321; 1871, § 2852; 1880, § 3089; 1892, § 1446; 1906, § 1519; Hemingway's 1917, § 1278; 1930, § 1303; 1942, § 2546.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-45 -

Commitment to penitentiary; duties of clerks of circuit court; fees

The clerks of the circuit court of the counties in the State of Mississippi shall furnish the Mississippi Department of Corrections, within five (5) days after adjournment of court, a commitment paper showing the name, sex, race and social security number of the person convicted and the crime committed, along with certified copies of the sentencing order and indictment, as well as any subsequent order entered by the court in such cause. The clerks shall also furnish the Department of Corrections, within five (5) days after adjournment of such court, a certified copy of the probation order of an individual who is placed on probation under the supervision of the Division of Community Corrections of the department. Such order shall provide the name of the person placed on probation, the crime, term of sentence, date of sentence, period of probation, sex, race and a brief history of the crime committed. As compensation for such services they shall receive the sum of Fifty Cents (50¢) for each transcript, and the sum shall be paid out of the treasury of the county, with the approval of the board of supervisors, on the filing of a bill for such service. Codes, Hemingway's 1917, §§ 1279, 1280; 1930, §§ 1304, 1305; 1942, §§ 2547, 2548; Laws, 1912, ch. 147; Laws, 1991, ch. 379 § 1; Laws, 2002, ch. 624, § 10; Laws, 2006, ch. 455, § 1, eff. 7/1/2006. The clerks of the circuit court of the counties in the State of Mississippi shall furnish the Mississippi Department of Corrections, within five (5) days after adjournment of court, a commitment paper showing the name, sex, race and social security number of the person convicted and the crime committed, along with certified copies of the sentencing order and indictment, as well as any subsequent order entered by the court in such cause. The clerks shall also furnish the Department of Corrections, within five (5) days after adjournment of such court, a certified copy of the probation order of an individual who is placed on probation under the supervision of the Division of Community Corrections of the department. Such order shall provide the name of the person placed on probation, the crime, term of sentence, date of sentence, period of probation, sex, race and a brief history of the crime committed. As compensation for such services they shall receive the sum of Fifty Cents (50¢) for each transcript, and the sum shall be paid out of the treasury of the county, with the approval of the board of supervisors, on the filing of a bill for such service. Codes, Hemingway's 1917, §§ 1279, 1280; 1930, §§ 1304, 1305; 1942, §§ 2547, 2548; Laws, 1912, ch. 147; Laws, 1991, ch. 379 § 1; Laws, 2002, ch. 624, § 10; Laws, 2006, ch. 455, § 1, eff. 7/1/2006. The clerks of the circuit court of the counties in the State of Mississippi shall furnish the Mississippi Department of Corrections, within five (5) days after adjournment of court, a commitment paper showing the name, sex, race and social security number of the person convicted and the crime committed, along with certified copies of the sentencing order and indictment, as well as any subsequent order entered by the court in such cause. The clerks shall also furnish the Department of Corrections, within five (5) days after adjournment of such court, a certified copy of the probation order of an individual who is placed on probation under the supervision of the Division of Community Corrections of the department. Such order shall provide the name of the person placed on probation, the crime, term of sentence, date of sentence, period of probation, sex, race and a brief history of the crime committed. As compensation for such services they shall receive the sum of Fifty Cents (50¢) for each transcript, and the sum shall be paid out of the treasury of the county, with the approval of the board of supervisors, on the filing of a bill for such service. Codes, Hemingway's 1917, §§ 1279, 1280; 1930, §§ 1304, 1305; 1942, §§ 2547, 2548; Laws, 1912, ch. 147; Laws, 1991, ch. 379 § 1; Laws, 2002, ch. 624, § 10; Laws, 2006, ch. 455, § 1, eff. 7/1/2006. The clerks of the circuit court of the counties in the State of Mississippi shall furnish the Mississippi Department of Corrections, within five (5) days after adjournment of court, a commitment paper showing the name, sex, race and social security number of the person convicted and the crime committed, along with certified copies of the sentencing order and indictment, as well as any subsequent order entered by the court in such cause. The clerks shall also furnish the Department of Corrections, within five (5) days after adjournment of such court, a certified copy of the probation order of an individual who is placed on probation under the supervision of the Division of Community Corrections of the department. Such order shall provide the name of the person placed on probation, the crime, term of sentence, date of sentence, period of probation, sex, race and a brief history of the crime committed. As compensation for such services they shall receive the sum of Fifty Cents (50¢) for each transcript, and the sum shall be paid out of the treasury of the county, with the approval of the board of supervisors, on the filing of a bill for such service. Codes, Hemingway's 1917, §§ 1279, 1280; 1930, §§ 1304, 1305; 1942, §§ 2547, 2548; Laws, 1912, ch. 147; Laws, 1991, ch. 379 § 1; Laws, 2002, ch. 624, § 10; Laws, 2006, ch. 455, § 1, eff. 7/1/2006.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-47 - Commitment to penitentiary; form

The following form, to be furnished by the county, shall be used in transmitting the required data: "Commitment of _____ (insert name of person) Circuit Court, County of _____. To the Mississippi Department of Corrections: You are hereby notified that at the _____ term, 2 _____, of the circuit court, Judge _____ presiding, the following named person was tried, convicted and sentenced to a term in the State Penitentiary, as follows: Name _____ Alias _____ Crime Social Security No. _____ Sex _____ Race _____ Appealed _____ Remarks: _____ Dated _____, 2 _____. Clerk." Codes, Hemingway's 1917, § 1281; 1930, § 1306; 1942, § 2549; Laws, 1912, ch. 147; Laws, 1991, ch. 379 § 2; Laws, 2006, ch. 455, § 2, eff. 7/1/2006. The following form, to be furnished by the county, shall be used in transmitting the required data: "Commitment of _____ (insert name of person) Circuit Court, County of _____. To the Mississippi Department of Corrections: You are hereby notified

that at the _____ term, 2_____, of the circuit court, Judge _____ presiding, the following named person was tried, convicted and sentenced to a term in the State Penitentiary, as follows: Name _____ Alias _____ Crime Social Security No. _____ Sex _____ Race _____ Appealed _____ Remarks: _____ Dated _____, 2_____. Clerk."Codes, Hemingway's 1917, § 1281; 1930, § 1306; 1942, § 2549; Laws, 1912, ch. 147; Laws, 1991, ch. 379 § 2; Laws, 2006, ch. 455, § 2, eff. 7/1/2006. The following form, to be furnished by the county, shall be used in transmitting the required data: "Commitment of _____ (insert name of person) Circuit Court, County of _____. To the Mississippi Department of Corrections: You are hereby notified that at the _____ term, 2_____, of the circuit court, Judge _____ presiding, the following named person was tried, convicted and sentenced to a term in the State Penitentiary, as follows: Name _____ Alias _____ Crime Social Security No. _____ Sex _____ Race _____ Appealed _____ Remarks: _____ Dated _____, 2_____. Clerk."Codes, Hemingway's 1917, § 1281; 1930, § 1306; 1942, § 2549; Laws, 1912, ch. 147; Laws, 1991, ch. 379 § 2; Laws, 2006, ch. 455, § 2, eff. 7/1/2006. The following form, to be furnished by the county, shall be used in transmitting the required data: "Commitment of _____ (insert name of person) Circuit Court, County of _____. To the Mississippi Department of Corrections: You are hereby notified that at the _____ term, 2_____, of the circuit court, Judge _____ presiding, the following named person was tried, convicted and sentenced to a term in the State Penitentiary, as follows: Name _____ Alias _____ Crime Social Security No. _____ Sex _____ Race _____ Appealed _____ Remarks: _____ Dated _____, 2_____. Clerk." Codes, Hemingway's 1917, § 1281; 1930, § 1306; 1942, § 2549; Laws, 1912, ch. 147; Laws, 1991, ch. 379 § 2; Laws, 2006, ch. 455, § 2, eff. 7/1/2006.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-48 - Placement of person on probation; form for report

The following form, to be furnished by the county, shall be used in transmitting the required data for any individual placed on probation under the supervision of the Division of Community Corrections of the Department of Corrections: "Circuit Court, County of _____. To the Mississippi Department of Corrections: You are hereby notified that at the _____ term, 2_____, of the circuit court, Judge _____ presiding, the following named person was tried, convicted and sentenced to a term in the State Penitentiary. The sentence was suspended and the person was placed on probation: Name _____ Alias _____ Date of sentence _____ Crime _____ Term of sentence _____ Sex _____ Race _____ Appealed _____ Remarks: Give brief summary of crime committed. _____ Dated _____, 2_____. Clerk."Laws, 1991, ch. 379, § 3; Laws, 2002, ch. 624, § 11, eff. 7/1/2002. The following form, to be furnished by the county, shall be used in transmitting the required data for any individual placed on probation under the supervision of the Division of Community Corrections of the Department of Corrections: "Circuit Court, County of _____. To the Mississippi Department of Corrections: You are hereby notified that at the _____ term, 2_____, of the circuit court, Judge _____ presiding, the following named person was tried, convicted and sentenced to a term in the State Penitentiary. The sentence was suspended and the person was placed on probation: Name _____ Alias _____ Date of sentence _____ Crime _____ Term of sentence _____ Sex _____ Race _____ Appealed _____ Remarks: Give brief summary of crime committed. _____ Dated _____, 2_____. Clerk."Laws, 1991, ch. 379, § 3; Laws, 2002, ch. 624, § 11, eff. 7/1/2002. The following form, to be furnished by the county, shall be used in transmitting the required data for any individual placed on probation under the supervision of the Division of Community Corrections of the Department of Corrections: "Circuit Court, County of _____. To the Mississippi Department of Corrections: You are hereby notified that at the _____ term, 2_____, of the circuit court, Judge _____ presiding, the following named person was tried, convicted and sentenced to a term in the State Penitentiary. The sentence was suspended and the person was placed on probation: Name _____ Alias _____ Date of sentence _____ Crime _____ Term of sentence _____ Sex _____ Race _____ Appealed _____ Remarks: Give brief summary of crime committed. _____ Dated _____, 2_____. Clerk."Laws, 1991, ch. 379, § 3; Laws, 2002, ch.

624, § 11, eff. 7/1/2002. The following form, to be furnished by the county, shall be used in transmitting the required data for any individual placed on probation under the supervision of the Division of Community Corrections of the Department of Corrections: "Circuit Court, County of _____. To the Mississippi Department of Corrections: You are hereby notified that at the _____ term, 2 _____, of the circuit court, Judge _____ presiding, the following named person was tried, convicted and sentenced to a term in the State Penitentiary. The sentence was suspended and the person was placed on probation: Name _____ Alias _____ Date of sentence _____ Crime _____ Term of sentence _____ Sex _____ Race _____ Appealed _____ Remarks: Give brief summary of crime committed. _____ Dated _____, 2 _____. Clerk." Laws, 1991, ch. 379, § 3; Laws, 2002, ch. 624, § 11, eff. 7/1/2002.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-5 - Findings of jury

(1) On an indictment for any offense the jury may find the defendant guilty of the offense as charged, or of any attempt to commit the same offense, or may find him guilty of an inferior offense, or other offense, the commission of which is necessarily included in the offense with which he is charged in the indictment, whether the same be a felony or misdemeanor, without any additional count in the indictment for that purpose. (2) For purposes of this section, manslaughter shall be considered a lesser included offense of murder and capital murder, and the jury may be properly instructed thereon, upon request by either party or upon the court's own motion, in any case in which the giving of such instruction would be justified by the proof, consistent with the wording of the applicable manslaughter statute. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 8(22); 1857, ch. 64, art. 305; 1871, § 2809; 1880, § 3078; 1892, § 1426; 1906, § 1499; Hemingway's 1917, § 1257; 1930, § 1280; 1942, § 2523; Laws, 2004, ch. 393, § 3, eff. 4/20/2004. (1) On an indictment for any offense the jury may find the defendant guilty of the offense as charged, or of any attempt to commit the same offense, or may find him guilty of an inferior offense, or other offense, the commission of which is necessarily included in the offense with which he is charged in the indictment, whether the same be a felony or misdemeanor, without any additional count in the indictment for that purpose. (2) For purposes of this section, manslaughter shall be considered a lesser included offense of murder and capital murder, and the jury may be properly instructed thereon, upon request by either party or upon the court's own motion, in any case in which the giving of such instruction would be justified by the proof, consistent with the wording of the applicable manslaughter statute. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 8(22); 1857, ch. 64, art. 305; 1871, § 2809; 1880, § 3078; 1892, § 1426; 1906, § 1499; Hemingway's 1917, § 1257; 1930, § 1280; 1942, § 2523; Laws, 2004, ch. 393, § 3, eff. 4/20/2004. (1) On an indictment for any offense the jury may find the defendant guilty of the offense as charged, or of any attempt to commit the same offense, or may find him guilty of an inferior offense, or other offense, the commission of which is necessarily included in the offense with which he is charged in the indictment, whether the same be a felony or misdemeanor, without any additional count in the indictment for that purpose. (2) For purposes of this section, manslaughter shall be considered a lesser included offense of murder and capital murder, and the jury may be properly instructed thereon, upon request by either party or upon the court's own motion, in any case in which the giving of such instruction would be justified by the proof, consistent with the wording of the applicable manslaughter statute. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 8(22); 1857, ch. 64, art. 305; 1871, § 2809; 1880, § 3078; 1892, § 1426; 1906, § 1499; Hemingway's 1917, § 1257; 1930, § 1280; 1942, § 2523; Laws, 2004, ch. 393, § 3, eff. 4/20/2004. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 8(22); 1857, ch. 64, art. 305; 1871, § 2809; 1880, § 3078; 1892, § 1426; 1906, § 1499; Hemingway's 1917, § 1257; 1930, § 1280; 1942, § 2523; Laws, 2004, ch. 393, § 3, eff. 4/20/2004.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-51 - Manner of execution of death sentence; execution team; confidentiality of identities of State Executioner and his or her deputies, members of execution team, supplier of lethal injection chemicals and witnesses listed in Section 99-19-55 (2)

(1) At the discretion of the Commissioner, the Deputy Commissioner for Finance and Administration and the Deputy Commissioner for Institutions of the Mississippi Department of Corrections, the manner of inflicting the punishment of death shall be by one of the following: (a) intravenous injection of a substance or substances in a lethal quantity into the body; (b) nitrogen hypoxia; (c) electrocution; or (d) firing squad, until death is pronounced by the county coroner where the execution takes place or by a licensed physician according to accepted standards of medical practice. Upon receipt of the warrant of execution from the Mississippi Supreme Court, the Commissioner of Corrections shall, within seven (7) days, provide written notice to the condemned person of the manner of execution. It is the policy of the State of Mississippi that intravenous injection of a substance or substances in a lethal quantity into the body shall be the preferred method of execution. (2) The Commissioner of Corrections has the authority and discretion to select and obtain the substances and the means necessary to carry out an execution, and may adopt and promulgate rules and regulations as the Commissioner deems necessary to administer and implement the provisions of this section. (3) (a) The Commissioner of Corrections shall select an execution team to assist the State Executioner and his deputies. The execution team shall consist of those persons, including all medical personnel, who provide direct support for the administration of lethal chemicals, those individuals involved in assisting in the execution in any capacity and those personnel assigned to specific duties related to an

execution.(b)For the purposes of this section, "supplier of lethal injection chemicals" means a supplier or suppliers of lethal injection chemicals located within the State of Mississippi.(c)The identities of the State Executioner and his deputies, all members of the execution team, a supplier of lethal injection chemicals, and those witnesses listed in Section99-19-55(2)who attend as members of the victim's family or designated by the condemned person shall at all times remain confidential, and the information is exempt from disclosure under the provisions of the Mississippi Public Records Act of 1983.(4)Notwithstanding any provision of law to the contrary, any portion of any record of any kind that could identify a person as being a current or former State Executioner, his or her deputies, a member of an execution team, a current or former supplier of lethal injection chemicals, or those witnesses listed in Section99-19-55(2)who attend as members of the victim's family or designated by the condemned person, shall at all times be confidential, exempt, and protected from disclosure, but the remainder of the record shall not be protected unless otherwise provided by law. A court shall preserve the secrecy of all confidential and exempt information described in this section by reasonable means, which may include granting protective orders, holding in-camera hearings, sealing the records of the action, and ordering any person involved in the litigation not to disclose such information without prior court approval.(5)Notwithstanding any provision of law to the contrary, if the State Executioner, his or her deputies, a member of the execution team or supplier of lethal injection chemicals is licensed by a board or department, the licensing board or department shall not censure, reprimand, suspend, revoke, or take any other disciplinary action against the person's license because the person participated in a lawful execution. Any person or institution assisting with or participating in carrying out an execution in accordance with this statute shall be presumed to be acting in good faith. Any person or institution acting in good faith in connection with carrying out an execution shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed. The State Executioner and his deputies, and all members of the execution team perform their respective functions as official duties on behalf of the state or any agency of the state.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2(24); 1857, ch. 64, art. 323; 1871, § 2816; 1880, § 3091; 1892, § 1447; 1906, § 1520; Hemingway's 1917, § 1282; 1930, § 1307; 1942, § 2550; Laws, 1940, ch. 242; Laws, 1954, ch. 220, § 1; Laws, 1984, ch. 448, § 2; Laws, 1994, ch. 479, § 1; Laws, 1998, ch. 404, § 1, eff. 3/18/1998.Amended by Laws, 2022, ch. 414, HB 1479,§ 1, eff. 7/1/2022.Amended by Laws, 2017, ch. 406, HB 638, 1, eff. 4/5/2017.Amended by Laws, 2016, ch. 452, SB 2237, 1, eff. 5/3/2016.

(1)At the discretion of the Commissioner, the Deputy Commissioner for Finance and Administration and the Deputy Commissioner for Institutions of the Mississippi Department of Corrections, the manner of inflicting the punishment of death shall be by one of the following:(a)intravenous injection of a substance or substances in a lethal quantity into the body;(b)nitrogen hypoxia;(c)electrocution; or(d)firing squad, until death is pronounced by the county coroner where the execution takes place or by a licensed physician according to accepted standards of medical practice. Upon receipt of the warrant of execution from the Mississippi Supreme Court, the Commissioner of Corrections shall, within seven (7) days, provide written notice to the condemned person of the manner of execution. It is the policy of the State of Mississippi that intravenous injection of a substance or substances in a lethal quantity into the body shall be the preferred method of execution.(2)The Commissioner of Corrections has the authority and discretion to select and obtain the substances and the means necessary to carry out an execution, and may adopt and promulgate rules and regulations as the Commissioner deems necessary to administer and implement the provisions of this section.(3)(a)The Commissioner of Corrections shall select an execution team to assist the State Executioner and his deputies. The execution team shall consist of those persons, including all medical personnel, who provide direct support for the administration of lethal chemicals, those individuals involved in assisting in the execution in any capacity and those personnel assigned to specific duties related to an execution.(b)For the purposes of this section, "supplier of lethal injection chemicals" means a supplier or suppliers of lethal injection chemicals located within the State of Mississippi.(c)The identities of the State Executioner and his deputies, all members of the execution team, a supplier of lethal injection chemicals, and those witnesses listed in Section99-19-55(2)who attend as members of the victim's family or designated by the condemned person shall at all times remain confidential, and the information is exempt from disclosure under the provisions of the Mississippi Public Records Act of 1983.(4)Notwithstanding any provision of law to the contrary, any portion of any record of any kind that could identify a person as being a current or former State Executioner, his or her deputies, a member of an execution team, a current or former supplier of lethal injection chemicals, or those witnesses listed in Section99-19-55(2)who attend as members of the victim's family or designated by the condemned person, shall at all times be confidential, exempt, and protected from disclosure, but the remainder of the record shall not be protected unless otherwise provided by law. A court shall preserve the secrecy of all confidential and exempt information described in this section by reasonable means, which may include granting protective orders, holding in-camera hearings, sealing the records of the action, and ordering any person involved in the litigation not to disclose such information without prior court approval.(5)Notwithstanding any provision of law to the contrary, if the State Executioner, his or her deputies, a member of the execution team or supplier of lethal injection chemicals is licensed by a board or department, the licensing board or department shall not censure, reprimand, suspend, revoke, or take any other disciplinary action against the person's license because the person participated in a lawful execution. Any person or institution assisting with or participating in carrying out an execution in accordance with this statute shall be presumed to be acting in good faith. Any person or institution acting in good faith in connection with carrying out an execution shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed. The State Executioner and his deputies, and all members of the execution team perform their respective functions as official duties on behalf of the state or any agency of the state.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2(24); 1857, ch. 64, art. 323; 1871, § 2816; 1880, § 3091; 1892, § 1447; 1906, § 1520; Hemingway's 1917, § 1282; 1930, § 1307; 1942, § 2550; Laws, 1940, ch. 242; Laws, 1954, ch. 220, § 1; Laws, 1984, ch. 448, § 2; Laws, 1994, ch. 479, § 1; Laws, 1998, ch. 404, § 1, eff. 3/18/1998.Amended by Laws, 2022, ch. 414, HB 1479,§ 1, eff. 7/1/2022.Amended by Laws, 2017, ch. 406, HB 638, 1, eff. 4/5/2017.Amended by Laws, 2016, ch. 452, SB 2237, 1, eff. 5/3/2016.

(1)At the discretion of the Commissioner, the Deputy Commissioner for Finance and Administration and the Deputy Commissioner for Institutions of the Mississippi Department of Corrections, the manner of inflicting the punishment of death shall be by one of the following:(a)intravenous injection of a substance or substances in a lethal quantity into the body;(b)nitrogen hypoxia;(c)electrocution; or(d)firing squad, until death is pronounced by the county coroner where the execution takes place or by a licensed physician according to accepted standards of medical practice. Upon receipt of the warrant of execution from the Mississippi Supreme Court, the Commissioner of Corrections shall, within seven (7) days, provide written notice to the condemned person of the manner of execution. It is the policy of the State of Mississippi that intravenous injection of a substance or substances in a lethal quantity into the body shall be the preferred method of execution.(2)The Commissioner of Corrections has the authority and discretion to select and obtain the substances and the means necessary to carry out an execution, and may adopt and promulgate rules and regulations as the Commissioner deems necessary to administer and implement the provisions of this section.(3)(a)The Commissioner of Corrections shall select an execution team to assist the State Executioner and his deputies. The execution team shall consist of those persons, including all medical personnel, who provide direct support for the administration of lethal chemicals, those individuals involved in assisting in the execution in any capacity and those personnel assigned to specific duties related to an execution.(b)For the purposes of this section, "supplier of lethal injection chemicals" means a supplier or suppliers of lethal injection chemicals located within the State of Mississippi.(c)The identities of the State Executioner and his deputies, all members of the execution team, a supplier of lethal injection chemicals, and those witnesses listed in Section99-19-55(2)who attend as members of the victim's family or designated by the condemned person shall at all times remain confidential, and the information is exempt from disclosure under the provisions of the Mississippi Public Records Act of 1983.(4)Notwithstanding any provision of law to the contrary, any portion of any record of any kind that could identify a person as being a current or former State Executioner, his or her deputies, a member of an execution team, a current or former supplier of lethal injection chemicals, or those witnesses listed in Section99-19-55(2)who attend as members of the victim's family or designated by the condemned person, shall at all times be confidential, exempt, and protected from disclosure, but the remainder of the record shall not be protected unless otherwise provided by law. A court shall preserve the secrecy of all confidential and exempt information described in this section by reasonable means, which may include granting protective orders, holding in-camera hearings, sealing the records of the action, and ordering any person involved in the litigation not to disclose such information without prior court approval.(5)Notwithstanding any provision of law to the contrary, if the State Executioner, his or her deputies, a member of the execution team or supplier of lethal injection chemicals is licensed by a board or department, the licensing board or department shall not censure, reprimand, suspend, revoke, or take any other disciplinary action against the person's license because the person participated in a lawful execution. Any person or institution assisting with or participating in carrying out an execution in accordance with this statute shall be presumed to be acting in good faith. Any person or institution acting in good faith in connection with carrying out an execution shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed. The State Executioner and his deputies, and all members of the execution team perform their respective functions as official duties on behalf of the state or any agency of the state.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2(24); 1857, ch. 64, art. 323; 1871, § 2816; 1880, § 3091; 1892, § 1447; 1906, § 1520; Hemingway's 1917, § 1282; 1930, § 1307; 1942, § 2550; Laws, 1940, ch. 242; Laws, 1954, ch. 220, § 1; Laws, 1984, ch. 448, § 2; Laws, 1994, ch. 479, § 1; Laws, 1998, ch. 404, § 1, eff. 3/18/1998.Amended by Laws, 2022, ch. 414, HB 1479,§ 1, eff. 7/1/2022.Amended by Laws, 2017, ch. 406, HB 638, 1, eff. 4/5/2017.Amended by Laws, 2016, ch. 452, SB 2237, 1, eff. 5/3/2016. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2(24); 1857, ch. 64, art. 323; 1871, § 2816; 1880, § 3091; 1892, § 1447; 1906, § 1520; Hemingway's 1917, § 1282; 1930, § 1307; 1942, § 2550; Laws, 1940, ch. 242; Laws, 1954, ch. 220, § 1; Laws, 1984, ch. 448, § 2; Laws, 1994, ch. 479, § 1; Laws, 1998, ch. 404, § 1, eff. 3/18/1998. Amended by Laws, 2022, ch. 414, HB 1479,§ 1, eff. 7/1/2022. Amended by Laws, 2017, ch. 406, HB 638, 1, eff. 4/5/2017. Amended by Laws, 2016, ch. 452, SB 2237, 1, eff. 5/3/2016.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)IN GENERAL (§§ 99-19-1 — 99-19-77)Section 99-19-53 - Execution of death sentence; state executioner

(1)The Governor shall appoint the State Executioner who shall serve at the pleasure of the Governor and until his successor shall have been duly appointed to replace him.(2)The State Executioner, or his duly authorized representative, shall supervise and inflict the punishment of death as the same is hereby provided. All duties and necessary acts pertaining to the execution of a convict shall be performed by the Commissioner of Corrections except where such duties and actions are vested in the State Executioner. The State Executioner shall receive for his services in connection therewith compensation in the sum of Five Hundred Dollars (\$500.00) plus all actual and necessary expenses for each such execution, to be paid by the county where the crime was committed. The county of conviction shall likewise pay the fees of the attending physician or physicians in attendance. The State Executioner may appoint not more than two (2) deputies who shall be paid One Hundred Fifty Dollars (\$150.00) per execution and mileage as authorized by law, to be paid by the county where the crime was committed, to assist in the infliction of the punishment of death. The Executioner may appoint such other assistants as may be required; however, such assistants shall not be entitled to compensation or travel expenses. The State Executioner and his deputies may waive compensation, per diem or travel expenses.(3)Any infliction of the punishment of death by administration of the required lethal substance or substances in the manner required by law shall not be construed to be the practice of medicine or nursing. Any pharmacist is authorized to dispense drugs to the State Executioner or the Commissioner of the Mississippi Department of Corrections without a prescription for the purpose of this chapter.(4)The State Executioner shall be custodian of all equipment and supplies involved in the infliction of the death penalty. All expenses for the

maintenance and protection of the property, together with operating expenses, which as a practical matter cannot be allocated to the county of conviction, shall be paid out of funds designated by law for that purpose or out of the general support fund of the Mississippi Department of Corrections.(5)The State Executioner shall receive the per diem compensation authorized in Section25-3-69in addition to actual and necessary expenses, including mileage as authorized by law, for each day, not to exceed three (3) days each month, spent in maintaining the equipment and supplies involved in the infliction of the death penalty or preparing for an execution which does not occur. Such payments shall be paid out of funds designated by law for that purpose or out of the general support fund of the Mississippi Department of Corrections.Codes, 1942, § 2555; Laws, 1940, ch. 242; Laws, 1954, ch. 220, § 3; Laws, 1954, Ex. ch. 33, § 2; Laws, 1955, Ex. ch. 41, § 2; Laws, 1968, ch. 361, § 62; Laws, 1984, ch. 448, § 3, eff. 7/1/1984.Amended by Laws, 2022, ch. 414, HB 1479,§ 2, eff. 7/1/2022. (1)The Governor shall appoint the State Executioner who shall serve at the pleasure of the Governor and until his successor shall have been duly appointed to replace him.(2)The State Executioner, or his duly authorized representative, shall supervise and inflict the punishment of death as the same is hereby provided. All duties and necessary acts pertaining to the execution of a convict shall be performed by the Commissioner of Corrections except where such duties and actions are vested in the State Executioner. The State Executioner shall receive for his services in connection therewith compensation in the sum of Five Hundred Dollars (\$500.00) plus all actual and necessary expenses for each such execution, to be paid by the county where the crime was committed. The county of conviction shall likewise pay the fees of the attending physician or physicians in attendance. The State Executioner may appoint not more than two (2) deputies who shall be paid One Hundred Fifty Dollars (\$150.00) per execution and mileage as authorized by law, to be paid by the county where the crime was committed, to assist in the infliction of the punishment of death. The Executioner may appoint such other assistants as may be required; however, such assistants shall not be entitled to compensation or travel expenses. The State Executioner and his deputies may waive compensation, per diem or travel expenses.(3)Any infliction of the punishment of death by administration of the required lethal substance or substances in the manner required by law shall not be construed to be the practice of medicine or nursing. Any pharmacist is authorized to dispense drugs to the State Executioner or the Commissioner of the Mississippi Department of Corrections without a prescription for the purpose of this chapter.(4)The State Executioner shall be custodian of all equipment and supplies involved in the infliction of the death penalty. All expenses for the maintenance and protection of the property, together with operating expenses, which as a practical matter cannot be allocated to the county of conviction, shall be paid out of funds designated by law for that purpose or out of the general support fund of the Mississippi Department of Corrections.(5)The State Executioner shall receive the per diem compensation authorized in Section25-3-69in addition to actual and necessary expenses, including mileage as authorized by law, for each day, not to exceed three (3) days each month, spent in maintaining the equipment and supplies involved in the infliction of the death penalty or preparing for an execution which does not occur. Such payments shall be paid out of funds designated by law for that purpose or out of the general support fund of the Mississippi Department of Corrections.Codes, 1942, § 2555; Laws, 1940, ch. 242; Laws, 1954, ch. 220, § 3; Laws, 1954, Ex. ch. 33, § 2; Laws, 1955, Ex. ch. 41, § 2; Laws, 1968, ch. 361, § 62; Laws, 1984, ch. 448, § 3, eff. 7/1/1984.Amended by Laws, 2022, ch. 414, HB 1479,§ 2, eff. 7/1/2022. (1)The Governor shall appoint the State Executioner who shall serve at the pleasure of the Governor and until his successor shall have been duly appointed to replace him.(2)The State Executioner, or his duly authorized representative, shall supervise and inflict the punishment of death as the same is hereby provided. All duties and necessary acts pertaining to the execution of a convict shall be performed by the Commissioner of Corrections except where such duties and actions are vested in the State Executioner. The State Executioner shall receive for his services in connection therewith compensation in the sum of Five Hundred Dollars (\$500.00) plus all actual and necessary expenses for each such execution, to be paid by the county where the crime was committed. The county of conviction shall likewise pay the fees of the attending physician or physicians in attendance. The State Executioner may appoint not more than two (2) deputies who shall be paid One Hundred Fifty Dollars (\$150.00) per execution and mileage as authorized by law, to be paid by the county where the crime was committed, to assist in the infliction of the punishment of death. The Executioner may appoint such other assistants as may be required; however, such assistants shall not be entitled to compensation or travel expenses. The State Executioner and his deputies may waive compensation, per diem or travel expenses.(3)Any infliction of the punishment of death by administration of the required lethal substance or substances in the manner required by law shall not be construed to be the practice of medicine or nursing. Any pharmacist is authorized to dispense drugs to the State Executioner or the Commissioner of the Mississippi Department of Corrections without a prescription for the purpose of this chapter.(4)The State Executioner shall be custodian of all equipment and supplies involved in the infliction of the death penalty. All expenses for the maintenance and protection of the property, together with operating expenses, which as a practical matter cannot be allocated to the county of conviction, shall be paid out of funds designated by law for that purpose or out of the general support fund of the Mississippi Department of Corrections.(5)The State Executioner shall receive the per diem compensation authorized in Section25-3-69in addition to actual and necessary expenses, including mileage as authorized by law, for each day, not to exceed three (3) days each month, spent in maintaining the equipment and supplies involved in the infliction of the death penalty or preparing for an execution which does not occur. Such payments shall be paid out of funds designated by law for that purpose or out of the general support fund of the Mississippi Department of Corrections.Codes, 1942, § 2555; Laws, 1940, ch. 242; Laws, 1954, ch. 220, § 3; Laws, 1954, Ex. ch. 33, § 2; Laws, 1955, Ex. ch. 41, § 2; Laws, 1968, ch. 361, § 62; Laws, 1984, ch. 448, § 3, eff. 7/1/1984.Amended by Laws, 2022, ch. 414, HB 1479,§ 2, eff. 7/1/2022. Codes, 1942, § 2555; Laws, 1940, ch. 242; Laws, 1954, ch. 220, § 3; Laws, 1954, Ex. ch. 33, § 2; Laws, 1955, Ex. ch. 41, § 2; Laws, 1968, ch. 361, § 62; Laws, 1984, ch. 448, § 3, eff. 7/1/1984. Amended by Laws, 2022, ch. 414, HB 1479,§ 2, eff. 7/1/2022.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-55 - Execution of death sentence; procedure; witnesses; certificate of execution; disposition of body

(1) Whenever any person shall be condemned to suffer death for any crime for which such person shall have been convicted in any court of any county of this state, such punishment shall be inflicted at 6:00 p.m. or as soon as possible thereafter within the next twenty-four (24) hours at an appropriate place designated by the Commissioner of the Mississippi Department of Corrections. All male persons convicted of a capital offense wherein the death sentence has been imposed shall be immediately committed to the Department of Corrections and transported to the maximum security cell block. All female persons convicted of a capital offense wherein the death sentence has been imposed shall be immediately committed to the Department of Corrections and housed in an appropriate facility designated by the Commissioner of the Mississippi Department of Corrections. Upon final affirmance of the conviction, the punishment shall be imposed in the manner provided by law. The State Executioner or his duly authorized deputy shall supervise and perform such execution. (2) When a person is sentenced to suffer death in the manner provided by law, it shall be the duty of the clerk of the court to deliver forthwith to the Commissioner of Corrections a warrant for the execution of the condemned person. It shall be the duty of the commissioner forthwith to notify the State Executioner of the date of the execution and it shall be the duty of the said State Executioner, or any person deputized by him in writing, in the event of his physical disability, as hereinafter provided, to be present at such execution, to perform the same, and have general supervision over said execution. In addition to the above designated persons, the Commissioner of Corrections shall secure the presence at such execution of the sheriff, or his deputy, of the county of conviction, at least one (1) but not more than two (2) physicians or the county coroner where the execution takes place, and bona fide members of the press, not to exceed eight (8) in number, and at the request of the condemned, such ministers of the gospel, not exceeding two (2), as said condemned person shall name. The Commissioner of Corrections shall also name to be present at the execution such members of the execution team deemed by him or her to be necessary to insure proper security. No other persons shall be permitted to witness the execution, except the commissioner may permit the condemned person to designate two (2) witnesses, if they so request and two (2) members of the victim's family as witnesses, if they so request. Provided further, that the Governor may designate two (2) additional persons of good and reputable character to witness an execution. No person shall be allowed to take photographs or other recordings of any type during the execution. The absence of the sheriff, or deputy, after due notice to attend, shall not delay the execution. (3) The Commissioner of Corrections, or his duly authorized representative, and the physician or physicians or county coroner who witnessed such execution shall prepare and sign officially a certificate setting forth the time and place thereof and that such condemned person was then and there executed in conformity to the sentence of the court and the provisions of Sections 99-19-51 through 99-19-55, which certificate shall be filed with the clerk of the court where the conviction of the criminal was had, and the clerk shall subjoin the certificate to the record of the conviction and sentence. (4) The body of the person so executed shall be released immediately by the State Executioner, or his duly authorized representative, to the relatives of the dead person, or to such friends as may claim the body. The Commissioner of the Mississippi Department of Corrections shall have sole charge of burial in the event the body is not claimed as aforesaid, and his discretion in the premises shall be final. The Commissioner may donate the unclaimed body of an executed person to the University of Mississippi Medical Center for scientific purposes. The county of conviction shall bear the reasonable expense of burial in the event the body is not claimed by relatives or friends or donated to the University of Mississippi Medical Center. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2(25); 1857, ch. 64, art. 324; 1871, § 2817; 1880, § 3092; 1892, § 1448; 1906, § 1521; Hemingway's 1917, § 1283; 1930, § 1308; 1942, § 2551; Laws, 1924, ch. 229; Laws, 1940, ch. 242; Laws, 1954, ch. 220, § 2; Laws, 1954, Ex. ch. 33, § 1; Laws, 1955, Ex. ch. 41, § 1; Laws, 1984, ch. 448, § 4; Laws, 1994, ch. 479, § 2; Laws, 1998, ch. 361, § 1, eff. 7/1/1998. Amended by Laws, 2022, ch. 414, HB 1479, § 3, eff. 7/1/2022. (1) Whenever any person shall be condemned to suffer death for any crime for which such person shall have been convicted in any court of any county of this state, such punishment shall be inflicted at 6:00 p.m. or as soon as possible thereafter within the next twenty-four (24) hours at an appropriate place designated by the Commissioner of the Mississippi Department of Corrections. All male persons convicted of a capital offense wherein the death sentence has been imposed shall be immediately committed to the Department of Corrections and transported to the maximum security cell block. All female persons convicted of a capital offense wherein the death sentence has been imposed shall be immediately committed to the Department of Corrections and housed in an appropriate facility designated by the Commissioner of the Mississippi Department of Corrections. Upon final affirmance of the conviction, the punishment shall be imposed in the manner provided by law. The State Executioner or his duly authorized deputy shall supervise and perform such execution. (2) When a person is sentenced to suffer death in the manner provided by law, it shall be the duty of the clerk of the court to deliver forthwith to the Commissioner of Corrections a warrant for the execution of the condemned person. It shall be the duty of the commissioner forthwith to notify the State Executioner of the date of the execution and it shall be the duty of the said State Executioner, or any person deputized by him in writing, in the event of his physical disability, as hereinafter provided, to be present at such execution, to perform the same, and have general supervision over said execution. In addition to the above designated persons, the Commissioner of Corrections shall secure the presence at such execution of the sheriff, or his deputy, of the county of conviction, at least one (1) but not more than two (2) physicians or the county coroner where the execution takes place, and bona fide members of the press, not to exceed eight (8) in number, and at the request of the condemned, such ministers of the gospel, not exceeding two (2), as said condemned person shall name. The Commissioner of Corrections shall also name to be present at the execution such members of the execution team deemed by him or her to be necessary to insure proper security. No other persons shall be permitted to witness the execution, except the commissioner may permit the condemned person to designate two (2) witnesses, if they so request and two (2)

members of the victim's family as witnesses, if they so request. Provided further, that the Governor may designate two (2) additional persons of good and reputable character to witness an execution. No person shall be allowed to take photographs or other recordings of any type during the execution. The absence of the sheriff, or deputy, after due notice to attend, shall not delay the execution.(3)The Commissioner of Corrections, or his duly authorized representative, and the physician or physicians or county coroner who witnessed such execution shall prepare and sign officially a certificate setting forth the time and place thereof and that such condemned person was then and there executed in conformity to the sentence of the court and the provisions of Sections99-19-51through99-19-55, which certificate shall be filed with the clerk of the court where the conviction of the criminal was had, and the clerk shall subjoin the certificate to the record of the conviction and sentence.(4)The body of the person so executed shall be released immediately by the State Executioner, or his duly authorized representative, to the relatives of the dead person, or to such friends as may claim the body. The Commissioner of the Mississippi Department of Corrections shall have sole charge of burial in the event the body is not claimed as aforesaid, and his discretion in the premises shall be final. The Commissioner may donate the unclaimed body of an executed person to the University of Mississippi Medical Center for scientific purposes. The county of conviction shall bear the reasonable expense of burial in the event the body is not claimed by relatives or friends or donated to the University of Mississippi Medical Center.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2(25); 1857, ch. 64, art. 324; 1871, § 2817; 1880, § 3092; 1892, § 1448; 1906, § 1521; Hemingway's 1917, § 1283; 1930, § 1308; 1942, § 2551; Laws, 1924, ch. 229; Laws, 1940, ch. 242; Laws, 1954, ch. 220, § 2; Laws, 1954, Ex. ch. 33, § 1; Laws, 1955, Ex. ch. 41, § 1; Laws, 1984, ch. 448, § 4; Laws, 1994, ch. 479, § 2; Laws, 1998, ch. 361, § 1, eff. 7/1/1998.Amended by Laws, 2022, ch. 414, HB 1479,§ 3, eff. 7/1/2022. 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The State Executioner or his duly authorized deputy shall supervise and perform such execution.(2)When a person is sentenced to suffer death in the manner provided by law, it shall be the duty of the clerk of the court to deliver forthwith to the Commissioner of Corrections a warrant for the execution of the condemned person. It shall be the duty of the commissioner forthwith to notify the State Executioner of the date of the execution and it shall be the duty of the said State Executioner, or any person deputized by him in writing, in the event of his physical disability, as hereinafter provided, to be present at such execution, to perform the same, and have general supervision over said execution. In addition to the above designated persons, the Commissioner of Corrections shall secure the presence at such execution of the sheriff, or his deputy, of the county of conviction, at least one (1) but not more than two (2) physicians or the county coroner where the execution takes place, and bona fide members of the press, not to exceed eight (8) in number, and at the request of the condemned, such ministers of the gospel, not exceeding two (2), as said condemned person shall name. The Commissioner of Corrections shall also name to be present at the execution such members of the execution team deemed by him or her to be necessary to insure proper security. No other persons shall be permitted to witness the execution, except the commissioner may permit the condemned person to designate two (2) witnesses, if they so request and two (2) members of the victim's family as witnesses, if they so request. Provided further, that the Governor may designate two (2) additional persons of good and reputable character to witness an execution. No person shall be allowed to take photographs or other recordings of any type during the execution. 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The Commissioner of the Mississippi Department of Corrections shall have sole charge of burial in the event the body is not claimed as aforesaid, and his discretion in the premises shall be final. The Commissioner may donate the unclaimed body of an executed person to the University of Mississippi Medical Center for scientific purposes. The county of conviction shall bear the reasonable expense of burial in the event the body is not claimed by relatives or friends or donated to the University of Mississippi Medical Center.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2(25); 1857, ch. 64, art. 324; 1871, § 2817; 1880, § 3092; 1892, § 1448; 1906, § 1521; Hemingway's 1917, § 1283; 1930, § 1308; 1942, § 2551; Laws, 1924, ch. 229; Laws, 1940, ch. 242; Laws, 1954, ch. 220, § 2; Laws, 1954, Ex. ch. 33, § 1; Laws, 1955, Ex. ch. 41, § 1; Laws, 1984, ch. 448, § 4; Laws, 1994, ch. 479, § 2; Laws, 1998, ch. 361, § 1, eff. 7/1/1998.Amended by Laws, 2022, ch. 414, HB 1479,§ 3, eff. 7/1/2022. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2(25); 1857, ch. 64, art. 324; 1871, § 2817; 1880, § 3092; 1892, § 1448; 1906, § 1521; Hemingway's 1917, § 1283; 1930, § 1308; 1942, § 2551; Laws, 1924, ch. 229; Laws, 1940, ch. 242; Laws, 1954, ch. 220, § 2; Laws, 1954, Ex. ch. 33, § 1; Laws, 1955, Ex. ch. 41, § 1; Laws, 1984, ch. 448, § 4; Laws, 1994, ch. 479, § 2; Laws, 1998, ch. 361, § 1, eff. 7/1/1998. Amended by Laws, 2022, ch. 414, HB 1479,§ 3, eff. 7/1/2022.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-57 - Execution of death sentence; suspension of sentence when offender is pregnant or a person with mental illness

(1) If the Commissioner of Corrections at any time is satisfied that any female offender in his custody under sentence of death is pregnant, he shall summon a physician to inquire into the pregnancy. The commissioner shall summons and swear all necessary witnesses and the commissioner after full examination shall certify under his hand what the truth may be in relation to the alleged pregnancy, and in case the offender is found to be pregnant, the commissioner shall immediately transmit his findings to the Governor, and the Governor shall suspend the execution of the sentence until he is satisfied that the offender is not or is no longer pregnant. The Governor shall then order, by his warrant to the commissioner, the execution of the offender on a day to be appointed by the Governor according to the sentence and judgment of the court. (2)(a) If it is believed that an offender under sentence of death has become mentally ill since the judgment of the court, the following shall be the exclusive procedural and substantive procedure. The offender, or a person acting as his next friend, or the Commissioner of Corrections may file an appropriate application seeking post-conviction relief with the Mississippi Supreme Court. If it is found that the offender is a person with mental illness, as defined in this subsection, the court shall suspend the execution of the sentence. The offender shall then be committed to the forensic unit of the Mississippi State Hospital at Whitfield. The order of commitment shall require that the offender be examined and a written report be furnished to the court at that time and every month thereafter, stating whether there is a substantial probability that the offender will become sane under this subsection within the foreseeable future and whether progress is being made toward that goal. If at any time during the commitment, the appropriate official at the state hospital considers the offender to be sane under this subsection, the official shall promptly notify the court to that effect in writing and place the offender in the custody of the Commissioner of Corrections. The court then shall conduct a hearing on the sanity of the offender. The finding of the circuit court is a final order appealable under the terms and conditions of the Mississippi Uniform Post-Conviction Collateral Relief Act. (b) For the purposes of this subsection, a person shall be deemed to be a person with mental illness if the court finds that the offender does not have sufficient intelligence to understand the nature of the proceedings against him, what he was tried for, the purpose of his punishment, the impending fate that awaits him, and a sufficient understanding to know any fact that might exist that would make his punishment unjust or unlawful and the intelligence requisite to convey that information to his attorneys or the court. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2(15-21); 1857, ch. 64, art. 326; 1871, § 2819; 1880, § 3094; 1892, § 1450; 1906, § 1523; Hemingway's 1917, § 1285; 1930, § 1310; 1942, § 2558; Laws, 1926, ch. 186; Laws, 1984, ch. 448, § 5; Laws, 2008, ch. 442, § 39, eff. 7/1/2008. (1) If the Commissioner of Corrections at any time is satisfied that any female offender in his custody under sentence of death is pregnant, he shall summon a physician to inquire into the pregnancy. The commissioner shall summons and swear all necessary witnesses and the commissioner after full examination shall certify under his hand what the truth may be in relation to the alleged pregnancy, and in case the offender is found to be pregnant, the commissioner shall immediately transmit his findings to the Governor, and the Governor shall suspend the execution of the sentence until he is satisfied that the offender is not or is no longer pregnant. The Governor shall then order, by his warrant to the commissioner, the execution of the offender on a day to be appointed by the Governor according to the sentence and judgment of the court. (2)(a) If it is believed that an offender under sentence of death has become mentally ill since the judgment of the court, the following shall be the exclusive procedural and substantive procedure. The offender, or a person acting as his next friend, or the Commissioner of Corrections may file an appropriate application seeking post-conviction relief with the Mississippi Supreme Court. If it is found that the offender is a person with mental illness, as defined in this subsection, the court shall suspend the execution of the sentence. The offender shall then be committed to the forensic unit of the Mississippi State Hospital at Whitfield. The order of commitment shall require that the offender be examined and a written report be furnished to the court at that time and every month thereafter, stating whether there is a substantial probability that the offender will become sane under this subsection within the foreseeable future and whether progress is being made toward that goal. If at any time during the commitment, the appropriate official at the state hospital considers the offender to be sane under this subsection, the official shall promptly notify the court to that effect in writing and place the offender in the custody of the Commissioner of Corrections. The court then shall conduct a hearing on the sanity of the offender. The finding of the circuit court is a final order appealable under the terms and conditions of the Mississippi Uniform Post-Conviction Collateral Relief Act. 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(2)(a) If it is believed that an offender under sentence of death has become mentally ill since the judgment of the court, the following shall be the exclusive procedural and substantive procedure.

The offender, or a person acting as his next friend, or the Commissioner of Corrections may file an appropriate application seeking post-conviction relief with the Mississippi Supreme Court. If it is found that the offender is a person with mental illness, as defined in this subsection, the court shall suspend the execution of the sentence. The offender shall then be committed to the forensic unit of the Mississippi State Hospital at Whitfield. The order of commitment shall require that the offender be examined and a written report be furnished to the court at that time and every month thereafter, stating whether there is a substantial probability that the offender will become sane under this subsection within the foreseeable future and whether progress is being made toward that goal. If at any time during the commitment, the appropriate official at the state hospital considers the offender to be sane under this subsection, the official shall promptly notify the court to that effect in writing and place the offender in the custody of the Commissioner of Corrections. The court then shall conduct a hearing on the sanity of the offender. The finding of the circuit court is a final order appealable under the terms and conditions of the Mississippi Uniform Post-Conviction Collateral Relief Act.(b)For the purposes of this subsection, a person shall be deemed to be a person with mental illness if the court finds that the offender does not have sufficient intelligence to understand the nature of the proceedings against him, what he was tried for, the purpose of his punishment, the impending fate that awaits him, and a sufficient understanding to know any fact that might exist that would make his punishment unjust or unlawful and the intelligence requisite to convey that information to his attorneys or the court.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2(15-21); 1857, ch. 64, art. 326; 1871, § 2819; 1880, § 3094; 1892, § 1450; 1906, § 1523; Hemingway's 1917, § 1285; 1930, § 1310; 1942, § 2558; Laws, 1926, ch. 186; Laws, 1984, ch. 448, § 5; Laws, 2008, ch. 442, § 39, eff. 7/1/2008. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 2(15-21); 1857, ch. 64, art. 326; 1871, § 2819; 1880, § 3094; 1892, § 1450; 1906, § 1523; Hemingway's 1917, § 1285; 1930, § 1310; 1942, § 2558; Laws, 1926, ch. 186; Laws, 1984, ch. 448, § 5; Laws, 2008, ch. 442, § 39, eff. 7/1/2008.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)IN GENERAL (§§ 99-19-1 — 99-19-77)Section 99-19-61 - Cost of trial and/or execution of one committing crime within confines of penitentiary, or of inmate committing crime outside bounds of penitentiary

The commissioner of corrections is hereby authorized and empowered to pay out of any available funds of the department of corrections all lawful costs, fees, and expenses and/or the costs of the execution of any person, not a legal resident of Sunflower County, Mississippi, who is charged, tried and/or executed for the commission of a crime within the confines of the penitentiary, or any crime committed outside the bounds of the land of the penitentiary by any inmate lawfully charged thereto. Such costs shall include the reasonable expense of burial in the event the person is executed and the body is not claimed by relatives or friends, and any and all other expenses required to be borne by the state of Mississippi under the provisions of Sections99-19-53and99-19-55. It is intended hereby to provide a means and method and source of payment of such expenses which said sections require to be borne by the state.Codes, 1942, § 2559.5; Laws, 1955, Ex. ch. 44; Laws, 1964, ch. 359; Laws, 1984, ch. 448, § 6, eff. 7/1/1984. The commissioner of corrections is hereby authorized and empowered to pay out of any available funds of the department of corrections all lawful costs, fees, and expenses and/or the costs of the execution of any person, not a legal resident of Sunflower County, Mississippi, who is charged, tried and/or executed for the commission of a crime within the confines of the penitentiary, or any crime committed outside the bounds of the land of the penitentiary by any inmate lawfully charged thereto. Such costs shall include the reasonable expense of burial in the event the person is executed and the body is not claimed by relatives or friends, and any and all other expenses required to be borne by the state of Mississippi under the provisions of Sections99-19-53and99-19-55. It is intended hereby to provide a means and method and source of payment of such expenses which said sections require to be borne by the state.Codes, 1942, § 2559.5; Laws, 1955, Ex. ch. 44; Laws, 1964, ch. 359; Laws, 1984, ch. 448, § 6, eff. 7/1/1984. The commissioner of corrections is hereby authorized and empowered to pay out of any available funds of the department of corrections all lawful costs, fees, and expenses and/or the costs of the execution of any person, not a legal resident of Sunflower County, Mississippi, who is charged, tried and/or executed for the commission of a crime within the confines of the penitentiary, or any crime committed outside the bounds of the land of the penitentiary by any inmate lawfully charged thereto. Such costs shall include the reasonable expense of burial in the event the person is executed and the body is not claimed by relatives or friends, and any and all other expenses required to be borne by the state of Mississippi under the provisions of Sections99-19-53and99-19-55. It is intended hereby to provide a means and method and source of payment of such expenses which said sections require to be borne by the state. Codes, 1942, § 2559.5; Laws, 1955, Ex. ch. 44; Laws, 1964, ch. 359; Laws, 1984, ch. 448, § 6, eff. 7/1/1984.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)IN GENERAL (§§ 99-19-1 — 99-19-77)Section 99-19-65 -

Collection of fines, penalties, and list reported

The clerk of the circuit court shall, immediately after the adjournment of every term, issue execution according to the nature of the case, for all fines, penalties and forfeitures assessed by the court, or which shall have accrued to the state or to the county, and remaining due and unpaid. Said clerk shall, within thirty days after such adjournment, transmit a list of said executions to the clerk of the board of supervisors of the county, noting the names of the defendants, the amounts, and the sheriff or other officer to whom the same was delivered; and, at the same time he shall transmit to said clerk a statement of the returns made by the sheriff or other officer on execution for fines, penalties, and forfeitures returnable to the last term of the court. Any circuit court clerk who shall fail to issue such executions, or to transmit the lists thereof as required, shall forfeit and pay the sum of two hundred dollars for every such offense, to be recovered by the state or county, on motion against him and his sureties by the district attorney, before the circuit court. The clerk of the board of supervisors shall notify the district attorney of such default. Codes, 1857, ch. 61, art 304; 1871, § 867; 1880, § 1785; 1892, § 764; 1906, § 826; Hemingway's 1917, § 614; 1930, § 618; 1942, § 1562. The clerk of the circuit court shall, immediately after the adjournment of every term, issue execution according to the nature of the case, for all fines, penalties and forfeitures assessed by the court, or which shall have accrued to the state or to the county, and remaining due and unpaid. 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Codes, 1857, ch. 61, art 304; 1871, § 867; 1880, § 1785; 1892, § 764; 1906, § 826; Hemingway's 1917, § 614; 1930, § 618; 1942, § 1562.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-67 - Remedy against officer, in reference to fines

If any sheriff or other officer shall return on any such writ of execution, that he hath levied the fine, penalty, or forfeiture therein mentioned, or any part thereof; or, that he hath taken the body of the defendant, and shall have suffered such defendant to escape; or, if any person be committed to the custody of such sheriff or other officer until the fine, penalty, or forfeiture for which he was committed shall be paid, and such sheriff or officer shall permit such defendant to escape; or, if such sheriff or officer shall have received such fine, penalty, or forfeiture, or any part thereof, and shall not immediately account to the clerk of the board of supervisors and pay the same into the treasury of the county, then, in either of the cases above specified, it shall be the duty of said clerk to notify the district attorney of such default, who shall thereupon, on motion at the next term of the circuit court, demand judgment against such sheriff, or other officer, and his sureties, for the fines, penalties, and forfeitures mentioned in such writs, or for so much thereof as he shall have received on such execution or commitment, or the whole amount thereof in case he shall have suffered such defendant or defendants to escape; and the court shall give judgment accordingly, and award execution thereon. Codes, 1857, ch. 61, art. 308; 1871, § 869; 1880, § 1788; 1892, § 766; 1906, § 828; Hemingway's 1917, § 616; 1930, § 619; 1942, § 1563. If any sheriff or other officer shall return on any such writ of execution, that he hath levied the fine, penalty, or forfeiture therein mentioned, or any part thereof; or, that he hath taken the body of the defendant, and shall have suffered such defendant to escape; or,

if any person be committed to the custody of such sheriff or other officer until the fine, penalty, or forfeiture for which he was committed shall be paid, and such sheriff or officer shall permit such defendant to escape; or, if such sheriff or officer shall have received such fine, penalty, or forfeiture, or any part thereof, and shall not immediately account to the clerk of the board of supervisors and pay the same into the treasury of the county, then, in either of the cases above specified, it shall be the duty of said clerk to notify the district attorney of such default, who shall thereupon, on motion at the next term of the circuit court, demand judgment against such sheriff, or other officer, and his sureties, for the fines, penalties, and forfeitures mentioned in such writs, or for so much thereof as he shall have received on such execution or commitment, or the whole amount thereof in case he shall have suffered such defendant or defendants to escape; and the court shall give judgment accordingly, and award execution thereon. Codes, 1857, ch. 61, art. 308; 1871, § 869; 1880, § 1788; 1892, § 766; 1906, § 828; Hemingway's 1917, § 616; 1930, § 619; 1942, § 1563. If any sheriff or other officer shall return on any such writ of execution, that he hath levied the fine, penalty, or forfeiture therein mentioned, or any part thereof; or, that he hath taken the body of the defendant, and shall have suffered such defendant to escape; or, if any person be committed to the custody of such sheriff or other officer until the fine, penalty, or forfeiture for which he was committed shall be paid, and such sheriff or officer shall permit such defendant to escape; or, if such sheriff or officer shall have received such fine, penalty, or forfeiture, or any part thereof, and shall not immediately account to the clerk of the board of supervisors and pay the same into the treasury of the county, then, in either of the cases above specified, it shall be the duty of said clerk to notify the district attorney of such default, who shall thereupon, on motion at the next term of the circuit court, demand judgment against such sheriff, or other officer, and his sureties, for the fines, penalties, and forfeitures mentioned in such writs, or for so much thereof as he shall have received on such execution or commitment, or the whole amount thereof in case he shall have suffered such defendant or defendants to escape; and the court shall give judgment accordingly, and award execution thereon. Codes, 1857, ch. 61, art. 308; 1871, § 869; 1880, § 1788; 1892, § 766; 1906, § 828; Hemingway's 1917, § 616; 1930, § 619; 1942, § 1563. If any sheriff or other officer shall return on any such writ of execution, that he hath levied the fine, penalty, or forfeiture therein mentioned, or any part thereof; or, that he hath taken the body of the defendant, and shall have suffered such defendant to escape; or, if any person be committed to the custody of such sheriff or other officer until the fine, penalty, or forfeiture for which he was committed shall be paid, and such sheriff or officer shall permit such defendant to escape; or, if such sheriff or officer shall have received such fine, penalty, or forfeiture, or any part thereof, and shall not immediately account to the clerk of the board of supervisors and pay the same into the treasury of the county, then, in either of the cases above specified, it shall be the duty of said clerk to notify the district attorney of such default, who shall thereupon, on motion at the next term of the circuit court, demand judgment against such sheriff, or other officer, and his sureties, for the fines, penalties, and forfeitures mentioned in such writs, or for so much thereof as he shall have received on such execution or commitment, or the whole amount thereof in case he shall have suffered such defendant or defendants to escape; and the court shall give judgment accordingly, and award execution thereon. Codes, 1857, ch. 61, art. 308; 1871, § 869; 1880, § 1788; 1892, § 766; 1906, § 828; Hemingway's 1917, § 616; 1930, § 619; 1942, § 1563.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-69 - Liability of officers for default as to fines

Clerks, sheriffs, and other officers shall be liable to the same proceedings for any neglect of duty, in respect to executions for fines, penalties, and forfeitures, as in case of executions in civil cases. Codes, 1857, ch. 61, art. 308; 1871, § 869; 1880, § 1788; 1892, § 766; 1906, § 828; Hemingway's 1917, § 616; 1930, § 620; 1942, § 1564. Clerks, sheriffs, and other officers shall be liable to the same proceedings for any neglect of duty, in respect to executions for fines, penalties, and forfeitures, as in case of executions in civil cases. Codes, 1857, ch. 61, art. 308; 1871, § 869; 1880, § 1788; 1892, § 766; 1906, § 828; Hemingway's 1917, § 616; 1930, § 620; 1942, § 1564. Clerks, sheriffs, and other officers shall be liable to the same proceedings for any neglect of duty, in respect to executions for fines, penalties, and forfeitures, as in case of executions in civil cases. Codes, 1857, ch. 61, art. 308; 1871, § 869; 1880, § 1788; 1892, § 766; 1906, § 828; Hemingway's 1917, § 616; 1930, § 620; 1942, § 1564. Clerks, sheriffs, and other officers shall be liable to the same proceedings for any neglect of duty, in respect to executions for fines, penalties, and forfeitures, as in case of executions in civil cases. Codes, 1857, ch. 61, art. 308; 1871, § 869; 1880, § 1788; 1892, § 766; 1906, § 828; Hemingway's 1917, § 616; 1930, § 620; 1942, § 1564.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-7 - Verdict as to some, disagreement as to other defendants

On the trial of two or more persons jointly indicted, the jury may render a verdict of guilty or not guilty as to some and disagree and be discharged as to others, without a verdict, if they cannot agree as to all; and the case of those as to whom a verdict was not found shall stand as if it had not been submitted to a jury, and shall be tried accordingly before another jury. Codes, 1880, § 3079; 1892, § 1427; 1906, § 1500; Hemingway's 1917, § 1258; 1930, § 1281; 1942, § 2524. On the trial of two or more persons jointly indicted, the jury may render a verdict of guilty or not guilty as to some and disagree and be discharged as to others, without a verdict, if they cannot agree as to all; and the case of those as to whom a verdict was not found shall stand as if it had not been submitted to a jury, and shall be tried accordingly before another jury. Codes, 1880, § 3079; 1892, § 1427; 1906, § 1500; Hemingway's 1917, § 1258; 1930, § 1281; 1942, § 2524. On the trial of two or more persons jointly indicted, the jury may render a verdict of guilty or not guilty

as to some and disagree and be discharged as to others, without a verdict, if they cannot agree as to all; and the case of those as to whom a verdict was not found shall stand as if it had not been submitted to a jury, and shall be tried accordingly before another jury. Codes, 1880, § 3079; 1892, § 1427; 1906, § 1500; Hemingway's 1917, § 1258; 1930, § 1281; 1942, § 2524. On the trial of two or more persons jointly indicted, the jury may render a verdict of guilty or not guilty as to some and disagree and be discharged as to others, without a verdict, if they cannot agree as to all; and the case of those as to whom a verdict was not found shall stand as if it had not been submitted to a jury, and shall be tried accordingly before another jury. Codes, 1880, § 3079; 1892, § 1427; 1906, § 1500; Hemingway's 1917, § 1258; 1930, § 1281; 1942, § 2524.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-71 - Expunction of misdemeanor conviction of first offender upon petition; expunction of certain felony convictions upon petition

(1) Any person who has been convicted of a misdemeanor that is not a traffic violation, and who is a first offender, may petition the justice, county, circuit or municipal court in which the conviction was had for an order to expunge any such conviction from all public records. (2)(a) Except as otherwise provided in this subsection, a person who has been convicted of a felony and who has paid all criminal fines and costs of court imposed in the sentence of conviction may petition the court in which the conviction was had for an order to expunge one (1) conviction from all public records five (5) years after the successful completion of all terms and conditions of the sentence for the conviction upon a hearing as determined in the discretion of the court; however, a person is not eligible to expunge a felony classified as: (i) A crime of violence as provided in Section 97-3-2; (ii) Arson, first degree as provided in Sections 97-17-1 and 97-17-3; (iii) Trafficking in controlled substances as provided in Section 41-29-139; (iv) A third, fourth or subsequent offense DUI as provided in Section 63-11-30(2)(c) and (2)(d); (v) Felon in possession of a firearm as provided in Section 97-37-5; (vi) Failure to register as a sex offender as provided in Section 45-33-33; (vii) Voyeurism as provided in Section 97-29-61; (viii) Witness intimidation as provided in Section 97-9-113; (ix) Abuse, neglect or exploitation of a vulnerable person as provided in Section 43-47-19; or (x) Embezzlement as provided in Sections 97-11-25 and 97-23-19. A person is eligible for only one (1) felony expunction under this paragraph. For the purposes of this section, the terms "one (1) conviction" and "one (1) felony expunction" mean and include all convictions that arose from a common nucleus of operative facts as determined in the discretion of the court. (b) The petitioner shall give ten (10) days' written notice to the district attorney before any hearing on the petition. In all cases, the court wherein the petition is filed may grant the petition if the court determines, on the record or in writing, that the applicant is rehabilitated from the offense which is the subject of the petition. In those cases where the court denies the petition, the findings of the court in this respect shall be identified specifically and not generally. (3) Upon entering an order of expunction under this section, a nonpublic record thereof shall be retained by the Mississippi Criminal Information Center solely for the purpose of determining whether, in subsequent proceedings, the person is a first offender. The order of expunction shall not preclude a district attorney's office from retaining a nonpublic record thereof for law enforcement purposes only. The existence of an order of expunction shall not preclude an employer from asking a prospective employee if the employee has had an order of expunction entered on his behalf. The effect of the expunction order shall be to restore the person, in the contemplation of the law, to the status he occupied before any arrest or indictment for which convicted. No person as to whom an expunction order has been entered shall be held thereafter under any provision of law to be guilty of perjury or to have otherwise given a false statement by reason of his failure to recite or acknowledge such arrest, indictment or conviction in response to any inquiry made of him for any purpose other than the purpose of determining, in any subsequent proceedings under this section, whether the person is a first offender. A person as to whom an order has been entered, upon request, shall be required to advise the court, in camera, of the previous conviction and expunction in any legal proceeding wherein the person has been called as a prospective juror. The court shall thereafter and before the selection of the jury advise the attorneys representing the parties of the previous conviction and expunction. (4) Upon petition therefor, a justice, county, circuit or municipal court shall expunge the record of any case in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped or there was no disposition of such case, or the person was found not guilty at trial. (5) No public official is eligible for expunction under this section for any conviction related to his official duties. Laws, 1986, ch. 412; Laws, 1987, ch. 380, § 2; Laws, 1996, ch. 454, § 5; Laws, 2003, ch. 557, § 4; Laws, 2010, ch. 460, § 1, eff. 7/1/2010. Amended by Laws, 2019, ch. 466, HB 1352, § 34, eff. 7/1/2019. Amended by Laws, 2019, ch. 428, HB 940, § 5, eff. 7/1/2019. Amended by Laws, 2015, ch. 448, HB 1267, 2, eff. 7/1/2015. Amended by Laws, 2013, ch. 557, HB 1043, 1, eff. 7/1/2013. (1) Any person who has been convicted of a misdemeanor that is not a traffic violation, and who is a first offender, may petition the justice, county, circuit or municipal court in which the conviction was had for an order to expunge any such conviction from all public records. (2)(a) Except as otherwise provided in this subsection, a person who has been convicted of a felony and who has paid all criminal fines and costs of court imposed in the sentence of conviction may petition the court in which the conviction was had for an order to expunge one (1) conviction from all public records five (5) years after the successful completion of all terms and conditions of the sentence for the conviction upon a hearing as determined in the discretion of the court; however, a person is not eligible to expunge a felony classified as: (i) A crime of violence as provided in Section 97-3-2; (ii) Arson, first degree as provided in Sections 97-17-1 and 97-17-3; (iii) Trafficking in controlled substances as provided in Section 41-29-139; (iv) A third, fourth or subsequent offense DUI as provided in Section 63-11-30(2)(c) and (2)(d); (v) Felon in possession of a firearm as provided in Section 97-37-5; (vi) Failure to register as a sex offender as provided in Section 45-33-33; (vii) Voyeurism as provided in Section 97-29-61; (viii) Witness intimidation as provided in Section 97-9-113; (ix) Abuse, neglect or exploitation of a vulnerable person as provided in Section 43-47-19; or (x) Embezzlement as provided in Sections 97-11-25 and 97-23-19. A person is eligible for only one

(1) felony expunction under this paragraph. For the purposes of this section, the terms "one (1) conviction" and "one (1) felony expunction" mean and include all convictions that arose from a common nucleus of operative facts as determined in the discretion of the court.(b)The petitioner shall give ten (10) days' written notice to the district attorney before any hearing on the petition. In all cases, the court wherein the petition is filed may grant the petition if the court determines, on the record or in writing, that the applicant is rehabilitated from the offense which is the subject of the petition. In those cases where the court denies the petition, the findings of the court in this respect shall be identified specifically and not generally.(3)Upon entering an order of expunction under this section, a nonpublic record thereof shall be retained by the Mississippi Criminal Information Center solely for the purpose of determining whether, in subsequent proceedings, the person is a first offender. The order of expunction shall not preclude a district attorney's office from retaining a nonpublic record thereof for law enforcement purposes only. The existence of an order of expunction shall not preclude an employer from asking a prospective employee if the employee has had an order of expunction entered on his behalf. The effect of the expunction order shall be to restore the person, in the contemplation of the law, to the status he occupied before any arrest or indictment for which convicted. No person as to whom an expunction order has been entered shall be held thereafter under any provision of law to be guilty of perjury or to have otherwise given a false statement by reason of his failure to recite or acknowledge such arrest, indictment or conviction in response to any inquiry made of him for any purpose other than the purpose of determining, in any subsequent proceedings under this section, whether the person is a first offender. A person as to whom an order has been entered, upon request, shall be required to advise the court, in camera, of the previous conviction and expunction in any legal proceeding wherein the person has been called as a prospective juror. The court shall thereafter and before the selection of the jury advise the attorneys representing the parties of the previous conviction and expunction.(4)Upon petition therefor, a justice, county, circuit or municipal court shall expunge the record of any case in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped or there was no disposition of such case, or the person was found not guilty at trial.(5)No public official is eligible for expunction under this section for any conviction related to his official duties.Laws, 1986, ch. 412; Laws, 1987, ch. 380, § 2; Laws, 1996, ch. 454, § 5; Laws, 2003, ch. 557, § 4; Laws, 2010, ch. 460, § 1, eff. 7/1/2010.Amended by Laws, 2019, ch. 466, HB 1352,§ 34, eff. 7/1/2019.Amended by Laws, 2019, ch. 428, HB 940,§ 5, eff. 7/1/2019.Amended by Laws, 2015, ch. 448, HB 1267, 2, eff. 7/1/2015.Amended by Laws, 2013, ch. 557, HB 1043, 1, eff. 7/1/2013. (1)Any person who has been convicted of a misdemeanor that is not a traffic violation, and who is a first offender, may petition the justice, county, circuit or municipal court in which the conviction was had for an order to expunge any such conviction from all public records.(2)(a)Except as otherwise provided in this subsection, a person who has been convicted of a felony and who has paid all criminal fines and costs of court imposed in the sentence of conviction may petition the court in which the conviction was had for an order to expunge one (1) conviction from all public records five (5) years after the successful completion of all terms and conditions of the sentence for the conviction upon a hearing as determined in the discretion of the court; however, a person is not eligible to expunge a felony classified as:(i)A crime of violence as provided in Section97-3-2;(ii)Arson, first degree as provided in Sections97-17-1and97-17-3;(iii)Trafficking in controlled substances as provided in Section41-29-139;(iv)A third, fourth or subsequent offense DUI as provided in Section63-11-30(2)(c) and (2)(d);(v)Felon in possession of a firearm as provided in Section97-37-5;(vi)Failure to register as a sex offender as provided in Section45-33-33;(vii)Voyeurism as provided in Section97-29-61;(viii)Witness intimidation as provided in Section97-9-113;(ix)Abuse, neglect or exploitation of a vulnerable person as provided in Section43-47-19; or(x)Embezzlement as provided in Sections97-11-25and97-23-19.A person is eligible for only one (1) felony expunction under this paragraph. For the purposes of this section, the terms "one (1) conviction" and "one (1) felony expunction" mean and include all convictions that arose from a common nucleus of operative facts as determined in the discretion of the court.(b)The petitioner shall give ten (10) days' written notice to the district attorney before any hearing on the petition. In all cases, the court wherein the petition is filed may grant the petition if the court determines, on the record or in writing, that the applicant is rehabilitated from the offense which is the subject of the petition. In those cases where the court denies the petition, the findings of the court in this respect shall be identified specifically and not generally.(3)Upon entering an order of expunction under this section, a nonpublic record thereof shall be retained by the Mississippi Criminal Information Center solely for the purpose of determining whether, in subsequent proceedings, the person is a first offender. The order of expunction shall not preclude a district attorney's office from retaining a nonpublic record thereof for law enforcement purposes only. The existence of an order of expunction shall not preclude an employer from asking a prospective employee if the employee has had an order of expunction entered on his behalf. The effect of the expunction order shall be to restore the person, in the contemplation of the law, to the status he occupied before any arrest or indictment for which convicted. No person as to whom an expunction order has been entered shall be held thereafter under any provision of law to be guilty of perjury or to have otherwise given a false statement by reason of his failure to recite or acknowledge such arrest, indictment or conviction in response to any inquiry made of him for any purpose other than the purpose of determining, in any subsequent proceedings under this section, whether the person is a first offender. A person as to whom an order has been entered, upon request, shall be required to advise the court, in camera, of the previous conviction and expunction in any legal proceeding wherein the person has been called as a prospective juror. The court shall thereafter and before the selection of the jury advise the attorneys representing the parties of the previous conviction and expunction.(4)Upon petition therefor, a justice, county, circuit or municipal court shall expunge the record of any case in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped or there was no disposition of such case, or the person was found not guilty at trial.(5)No public official is eligible for expunction under this section for any conviction related to his official duties.Laws, 1986, ch. 412; Laws, 1987, ch. 380, § 2; Laws, 1996, ch. 454, § 5; Laws, 2003, ch. 557, § 4; Laws, 2010, ch. 460, § 1, eff. 7/1/2010.Amended by Laws, 2019, ch. 466, HB 1352,§ 34, eff. 7/1/2019.Amended by Laws, 2019, ch. 428, HB 940,§

5, eff. 7/1/2019. Amended by Laws, 2015, ch. 448, HB 1267, 2, eff. 7/1/2015. Amended by Laws, 2013, ch. 557, HB 1043, 1, eff. 7/1/2013. A person is eligible for only one (1) felony expunction under this paragraph. For the purposes of this section, the terms "one (1) conviction" and "one (1) felony expunction" mean and include all convictions that arose from a common nucleus of operative facts as determined in the discretion of the court. Laws, 1986, ch. 412; Laws, 1987, ch. 380, § 2; Laws, 1996, ch. 454, § 5; Laws, 2003, ch. 557, § 4; Laws, 2010, ch. 460, § 1, eff. 7/1/2010. Amended by Laws, 2019, ch. 466, HB 1352, § 34, eff. 7/1/2019. Amended by Laws, 2019, ch. 428, HB 940, § 5, eff. 7/1/2019. Amended by Laws, 2015, ch. 448, HB 1267, 2, eff. 7/1/2015. Amended by Laws, 2013, ch. 557, HB 1043, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-72 - Filing fee for petition to expunge certain first offenses; distribution of fees collected

(1) A filing fee of One Hundred Fifty Dollars (\$150.00) is hereby levied on each petition to expunge an offense under Section 99-19-71 to be collected by the circuit clerk and distributed as follows: (a) One Hundred Dollars (\$100.00) to be deposited into the Judicial System Operation Fund; (b) Forty Dollars (\$40.00) to be deposited into the District Attorneys Operation Fund; and (c) Ten Dollars (\$10.00) to be retained by the circuit clerk collecting the fee for administration purposes. (2) From and after July 1, 2016, the expenses of district attorneys shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized by paragraphs (a) and (b) of subsection (1) of this section shall be deposited into the State General Fund as authorized by law and as determined by the State Fiscal Officer, and charges and fees authorized by paragraph (c) of subsection (1) of this section shall be retained by the circuit clerks for expenditures authorized by law. Laws, 2010, ch. 561, § 1, eff. 7/1/2010. Amended by Laws, 2017EX1, ch. 7, SB 2001, § 12, eff. 6/23/2017. (1) A filing fee of One Hundred Fifty Dollars (\$150.00) is hereby levied on each petition to expunge an offense under Section 99-19-71 to be collected by the circuit clerk and distributed as follows: (a) One Hundred Dollars (\$100.00) to be deposited into the Judicial System Operation Fund; (b) Forty Dollars (\$40.00) to be deposited into the District Attorneys Operation Fund; and (c) Ten Dollars (\$10.00) to be retained by the circuit clerk collecting the fee for administration purposes. (2) From and after July 1, 2016, the expenses of district attorneys shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized by paragraphs (a) and (b) of subsection (1) of this section shall be deposited into the State General Fund as authorized by law and as determined by the State Fiscal Officer, and charges and fees authorized by paragraph (c) of subsection (1) of this section shall be retained by the circuit clerks for expenditures authorized by law. Laws, 2010, ch. 561, § 1, eff. 7/1/2010. Amended by Laws, 2017EX1, ch. 7, SB 2001, § 12, eff. 6/23/2017. Laws, 2010, ch. 561, § 1, eff. 7/1/2010. Amended by Laws, 2017EX1, ch. 7, SB 2001, § 12, eff. 6/23/2017.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-73 - Standard State monetary assessment for certain violations, misdemeanors and felonies; suspension or reduction of assessment prohibited; collection and deposit of assessments; refunds

(1) Traffic violations. In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any violation in Title 63, Mississippi Code of 1972, except offenses relating to the Mississippi Implied Consent Law (Section 63-11-1 et seq.) and offenses relating to vehicular parking or registration: FUNDAMENTAL State Court Education Fund.....[Deleted] State Prosecutor Education Fund.....[Deleted] Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....[Deleted] Child Support Prosecution Trust Fund.....[Deleted] Driver Training Penalty Assessment Fund.....[Deleted] Law Enforcement Officers Training Fund.....[Deleted] Spinal Cord and Head Injury Trust Fund (for all moving violations).....[Deleted] Emergency Medical Services Operating Fund.....[Deleted] Mississippi Leadership Council on Aging Fund.....[Deleted] Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....[Deleted] Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....[Deleted] State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants.....[Deleted] Crisis Intervention Mental Health Fund.....[Deleted] Intervention Court Fund.....[Deleted] Judicial Performance Fund.....[Deleted] Capital Defense Counsel Fund.....[Deleted] Indigent Appeals Fund.....[Deleted] Capital Post-Conviction Counsel Fund.....[Deleted] Victims of Domestic Violence Fund.....[Deleted] Public Defenders Education Fund.....[Deleted] Domestic Violence Training Fund.....[Deleted] Attorney General's Cyber Crime Unit.....[Deleted] Children's Safe Center Fund.....[Deleted] DuBard School for Language Disorders

Fund.....[Deleted]Children's Advocacy Centers Fund.....[Deleted]Judicial System Operation
 Fund.....[Deleted]GENERAL FUND.....\$90.50(2)Implied Consent Law violations.In addition to any monetary
 penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each
 person upon whom a court imposes a fine or any other penalty for any violation of the Mississippi Implied Consent Law
 (Section63-11-1et seq.):FUNDAMOUNTCrime Victims' Compensation Fund.....[Deleted]State Court Education
 Fund.....[Deleted]State Prosecutor Education Fund.....[Deleted]Vulnerable Persons Training, Investigation and
 Prosecution Trust Fund.....[Deleted]Child Support Prosecution Trust Fund.....[Deleted]Driver Training Penalty
 Assessment Fund.....[Deleted]Law Enforcement Officers Training Fund.....[Deleted]Emergency Medical Services
 Operating Fund.....[Deleted]Mississippi Alcohol Safety Education Program Fund.....[Deleted]Federal-State
 Alcohol Program Fund.....[Deleted]Mississippi Forensics Laboratory Implied Consent Law
 Fund.....[Deleted]Spinal Cord and Head Injury Trust Fund.....[Deleted]Capital Defense Counsel
 Fund.....[Deleted]Indigent Appeals Fund.....[Deleted]Capital Post-Conviction Counsel
 Fund.....[Deleted]Victims of Domestic Violence Fund.....[Deleted]Law Enforcement Officers and Fire Fighters
 Death Benefits Trust Fund.....[Deleted]Law Enforcement Officers and Fire Fighters Disability Benefits Trust
 Fund.....[Deleted]State Prosecutor Compensation Fund for the purpose of providing additional compensation for district
 attorneys and their legal assistants.....[Deleted]Crisis Intervention Mental Health Fund.....[Deleted]Intervention
 Court Fund.....[Deleted]Statewide Victims' Information and Notification System Fund.....[Deleted]Public
 Defenders Education Fund.....[Deleted]Domestic Violence Training Fund.....[Deleted]Attorney General's Cyber
 Crime Unit.....[Deleted]GENERAL FUND.....\$243.50(3)Game and Fish Law violations.In addition to any
 monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment
 from each person upon whom a court imposes a fine or other penalty for any violation of the game and fish statutes or regulations of
 this state:FUNDAMOUNTState Court Education Fund.....[Deleted]State Prosecutor Education
 Fund.....[Deleted]Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....[Deleted]Law
 Enforcement Officers Training Fund.....[Deleted]Hunter Education and Training Program Fund.....[Deleted]Law
 Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....[Deleted]Law Enforcement Officers and Fire
 Fighters Disability Benefits Trust Fund.....[Deleted]State Prosecutor Compensation Fund for the purpose of providing
 additional compensation for district attorneys and their legal assistants.....[Deleted]Crisis Intervention Mental Health
 Fund.....[Deleted]Intervention Court Fund.....[Deleted]Capital Defense Counsel
 Fund.....[Deleted]Indigent Appeals Fund.....[Deleted]Capital Post-Conviction Counsel
 Fund.....[Deleted]Victims of Domestic Violence Fund.....[Deleted]Public Defenders Education
 Fund.....[Deleted]Domestic Violence Training Fund.....[Deleted]Attorney General's Cyber Crime
 Unit.....[Deleted]GENERAL FUND.....\$89.00(4)[Deleted](5)Speeding, reckless and careless driving violations.In
 addition to any assessment imposed under subsection (1) or (2) of this section, there shall be imposed and collected the following
 state assessment from each person upon whom a court imposes a fine or other penalty for driving a vehicle on a road or highway:(a)
 At a speed that exceeds the posted speed limit by at least ten (10) miles per hour but not more than twenty (20) miles per
 hour.....\$10.00(b) At a speed that exceeds the posted speed limit by at least twenty (20) miles per hour but not more than
 thirty (30) miles per hour.....\$20.00(c) At a speed that exceeds the posted speed limit by thirty (30) miles per hour or
 more.....\$30.00(d) In violation of Section63-3-1201, which is the offense of reckless driving.....\$10.00(e) In
 violation of Section63-3-1213, which is the offense of careless driving.....\$10.00All assessments collected under this
 subsection shall be deposited into the State General Fund.(6)Other misdemeanors.In addition to any monetary penalties and any
 other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a
 court imposes a fine or other penalty for any misdemeanor violation not specified in subsection (1), (2) or (3) of this section, except
 offenses relating to vehicular parking or registration:FUNDAMOUNTCrime Victims' Compensation
 Fund.....[Deleted]State Court Education Fund.....[Deleted]State Prosecutor Education
 Fund.....[Deleted]Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....[Deleted]Child
 Support Prosecution Trust Fund.....[Deleted]Law Enforcement Officers Training Fund.....[Deleted]Capital
 Defense Counsel Fund.....[Deleted]Indigent Appeals Fund.....[Deleted]Capital Post-Conviction Counsel
 Fund.....[Deleted]Victims of Domestic Violence Fund.....[Deleted]State Crime Stoppers
 Fund.....[Deleted]Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....[Deleted]Law
 Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....[Deleted]State Prosecutor Compensation Fund
 for the purpose of providing additional compensation for district attorneys and their legal assistants.....[Deleted]Crisis
 Intervention Mental Health Fund.....[Deleted]Intervention Court Fund.....[Deleted]Judicial Performance
 Fund.....[Deleted]Statewide Victims' Information and Notification System Fund.....[Deleted]Public Defenders
 Education Fund.....[Deleted]Domestic Violence Training Fund.....[Deleted]Attorney General's Cyber Crime
 Unit.....[Deleted]Information Exchange Network Fund.....[Deleted]Motorcycle Officer Training
 Fund.....[Deleted]Civil Legal Assistance Fund.....[Deleted]Justice Court Collections
 Fund.....[Deleted]Municipal Court Collections Fund.....[Deleted]GENERAL FUND.....\$121.75(7)Other
 felonies.In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the
 following state assessment from each person upon whom a court imposes a fine or other penalty for any felony violation not

specified in subsection (1), (2) or (3) of this section: FUNDAMOUNT Crime Victims' Compensation Fund.....[Deleted] State Court Education Fund.....[Deleted] State Prosecutor Education Fund.....[Deleted] Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....[Deleted] Child Support Prosecution Trust Fund.....[Deleted] Law Enforcement Officers Training Fund.....[Deleted] Capital Defense Counsel Fund.....[Deleted] Indigent Appeals Fund.....[Deleted] Capital Post-Conviction Counsel Fund.....[Deleted] Victims of Domestic Violence Fund.....[Deleted] Criminal Justice Fund.....[Deleted] Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....[Deleted] Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....[Deleted] State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants.....[Deleted] Crisis Intervention Mental Health Fund.....[Deleted] Intervention Court Fund.....[Deleted] Statewide Victims' Information and Notification System Fund.....[Deleted] Public Defenders Education Fund.....[Deleted] Domestic Violence Training Fund.....[Deleted] Attorney General's Cyber Crime Unit.....[Deleted] Forensics Laboratory DNA Identification System Fund.....[Deleted] GENERAL FUND.....\$280.50(8) Additional assessments on certain violations: (a) Railroad crossing violations. In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty for any violation involving railroad crossings under Section 37-41-55, 63-3-1007, 63-3-1009, 63-3-1011, 63-3-1013 or 77-9-249: Operation Lifesaver Fund\$25.00 (b) Drug violations. In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty for any violation of Section 41-29-139: Drug Evidence Disposition Fund\$25.00 Mississippi Foster Care Fund.....\$2.00 (c) Motor vehicle liability insurance violations. In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty for any violation of Section 63-15-4(4) or Section 63-16-13(1): Uninsured Motorist Identification Fund: First offense\$200.00 Second offense\$300.00 Third or subsequent offense\$400.00 (9) If a fine or other penalty imposed is suspended, in whole or in part, such suspension shall not affect the state assessment under this section. No state assessment imposed under the provisions of this section may be suspended or reduced by the court. (10) (a) After a determination by the court of the amount due, it shall be the duty of the clerk of the court to promptly collect all state assessments imposed under the provisions of this section. The state assessments imposed under the provisions of this section may not be paid by personal check. (b) It shall be the duty of the chancery clerk of each county to deposit all state assessments collected in the circuit, county and justice courts in the county on a monthly basis with the State Treasurer pursuant to appropriate procedures established by the State Auditor. The chancery clerk shall make a monthly lump-sum deposit of the total state assessments collected in the circuit, county and justice courts in the county under this section, and shall report to the Department of Finance and Administration the total number of violations under each subsection for which state assessments were collected in the circuit, county and justice courts in the county during that month. (c) It shall be the duty of the municipal clerk of each municipality to deposit all the state assessments collected in the municipal court in the municipality on a monthly basis with the State Treasurer pursuant to appropriate procedures established by the State Auditor. The municipal clerk shall make a monthly lump-sum deposit of the total state assessments collected in the municipal court in the municipality under this section, and shall report to the Department of Finance and Administration the total number of violations under each subsection for which state assessments were collected in the municipal court in the municipality during that month. (11) It shall be the duty of the Department of Finance and Administration to deposit on a monthly basis all state assessments into the State General Fund or proper special fund in the State Treasury. The Department of Finance and Administration shall issue regulations providing for the proper allocation of these funds. (12) The State Auditor shall establish by regulation procedures for refunds of state assessments, including refunds associated with assessments imposed before July 1, 1990, and refunds after appeals in which the defendant's conviction is reversed. The Auditor shall provide in the regulations for certification of eligibility for refunds and may require the defendant seeking a refund to submit a verified copy of a court order or abstract by which the defendant is entitled to a refund. All refunds of state assessments shall be made in accordance with the procedures established by the Auditor. Laws, 1990, ch. 329, § 1; Laws, 1991, ch. 356, § 3; Laws, 1995, ch. 500, § 2; Laws, 1996, ch. 505, § 7; Laws, 1996, ch. 506, § 14; Laws, 1997, ch. 550, § 3; Laws, 1997, ch. 574, § 2; Laws, 1998, ch. 429, § 7; Laws, 2001, ch. 417, § 1; Laws, 2002, ch. 622, § 1; Laws, 2003, ch. 425, § 1; Laws, 2004, ch. 535, § 1; Laws, 2004, ch. 543, § 4; Laws, 2005, ch. 406, § 2; Laws, 2005, ch. 413, § 5; Laws, 2005, 2nd Ex Sess, ch. 1, § 4; Laws, 2006, ch. 581, § 2; Laws, 2007, ch. 332, § 1; Laws, 2007, ch. 559, § 3; Laws, 2007, ch. 578, § 1; Laws, 2008, ch. 549, § 6; Laws, 2009, ch. 433, § 6; Laws, 2009, ch. 535, § 1; Laws, 2010, ch. 495, § 1; Laws, 2011, ch. 531, § 1; reenacted without change, Laws, 2011, ch. 545, § 7; Laws, 2012, ch. 329, § 9; Laws, 2012, ch. 554, § 1, eff. 7/1/2012. Amended by Laws, 2019, ch. 466, HB 1352, § 28, eff. 7/1/2019. Amended by Laws, 2019, ch. 412, SB 2196, § 2, eff. 7/1/2019. Amended by Laws, 2018, ch. 454, HB 325, § 3, eff. 4/13/2018. Amended by Laws, 2016, ch. 509, HB 298, 1, eff. 7/1/2016. Amended by Laws, 2016, ch. 459, SB 2362, 71, eff. 7/1/2016. Amended by Laws, 2015, ch. 465, SB 2021, 3, eff. 7/1/2015. Amended by Laws, 2014, ch. 512, HB 579, 3, eff. 7/1/2014. (1) Traffic violations. In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any violation in Title 63, Mississippi Code of 1972, except offenses relating to the Mississippi Implied Consent Law (Section 63-11-1 et seq.) and offenses relating to vehicular parking or

registration:FUNDAMOUNTState Court Education Fund.....[Deleted]State Prosecutor Education Fund.....[Deleted]Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....[Deleted]Child Support Prosecution Trust Fund.....[Deleted]Driver Training Penalty Assessment Fund.....[Deleted]Law Enforcement Officers Training Fund.....[Deleted]Spinal Cord and Head Injury Trust Fund (for all moving violations).....[Deleted]Emergency Medical Services Operating Fund.....[Deleted]Mississippi Leadership Council on Aging Fund.....[Deleted]Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....[Deleted]Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....[Deleted]State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants.....[Deleted]Crisis Intervention Mental Health Fund.....[Deleted]Intervention Court Fund.....[Deleted]Judicial Performance Fund.....[Deleted]Capital Defense Counsel Fund.....[Deleted]Indigent Appeals Fund.....[Deleted]Capital Post-Conviction Counsel Fund.....[Deleted]Victims of Domestic Violence Fund.....[Deleted]Public Defenders Education Fund.....[Deleted]Domestic Violence Training Fund.....[Deleted]Attorney General's Cyber Crime Unit.....[Deleted]Children's Safe Center Fund.....[Deleted]DuBard School for Language Disorders Fund.....[Deleted]Children's Advocacy Centers Fund.....[Deleted]Judicial System Operation Fund.....[Deleted]GENERAL FUND.....\$90.50(2)Implied Consent Law violations.In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or any other penalty for any violation of the Mississippi Implied Consent Law (Section63-11-1et seq.):FUNDAMOUNTCrime Victims' Compensation Fund.....[Deleted]State Court Education Fund.....[Deleted]State Prosecutor Education Fund.....[Deleted]Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....[Deleted]Child Support Prosecution Trust Fund.....[Deleted]Driver Training Penalty Assessment Fund.....[Deleted]Law Enforcement Officers Training Fund.....[Deleted]Emergency Medical Services Operating Fund.....[Deleted]Mississippi Alcohol Safety Education Program Fund.....[Deleted]Federal-State Alcohol Program Fund.....[Deleted]Mississippi Forensics Laboratory Implied Consent Law Fund.....[Deleted]Spinal Cord and Head Injury Trust Fund.....[Deleted]Capital Defense Counsel Fund.....[Deleted]Indigent Appeals Fund.....[Deleted]Capital Post-Conviction Counsel Fund.....[Deleted]Victims of Domestic Violence Fund.....[Deleted]Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....[Deleted]Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....[Deleted]State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants.....[Deleted]Crisis Intervention Mental Health Fund.....[Deleted]Intervention Court Fund.....[Deleted]Statewide Victims' Information and Notification System Fund.....[Deleted]Public Defenders Education Fund.....[Deleted]Domestic Violence Training Fund.....[Deleted]Attorney General's Cyber Crime Unit.....[Deleted]GENERAL FUND.....\$243.50(3)Game and Fish Law violations.In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any violation of the game and fish statutes or regulations of this state:FUNDAMOUNTState Court Education Fund.....[Deleted]State Prosecutor Education Fund.....[Deleted]Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....[Deleted]Law Enforcement Officers Training Fund.....[Deleted]Hunter Education and Training Program Fund.....[Deleted]Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....[Deleted]Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....[Deleted]State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants.....[Deleted]Crisis Intervention Mental Health Fund.....[Deleted]Intervention Court Fund.....[Deleted]Capital Defense Counsel Fund.....[Deleted]Indigent Appeals Fund.....[Deleted]Capital Post-Conviction Counsel Fund.....[Deleted]Victims of Domestic Violence Fund.....[Deleted]Public Defenders Education Fund.....[Deleted]Domestic Violence Training Fund.....[Deleted]Attorney General's Cyber Crime Unit.....[Deleted]GENERAL FUND.....\$89.00(4)[Deleted](5)Speeding, reckless and careless driving violations.In addition to any assessment imposed under subsection (1) or (2) of this section, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for driving a vehicle on a road or highway:(a) At a speed that exceeds the posted speed limit by at least ten (10) miles per hour but not more than twenty (20) miles per hour.....\$10.00(b) At a speed that exceeds the posted speed limit by at least twenty (20) miles per hour but not more than thirty (30) miles per hour.....\$20.00(c) At a speed that exceeds the posted speed limit by thirty (30) miles per hour or more.....\$30.00(d) In violation of Section63-3-1201, which is the offense of reckless driving.....\$10.00(e) In violation of Section63-3-1213, which is the offense of careless driving.....\$10.00All assessments collected under this subsection shall be deposited into the State General Fund.(6)Other misdemeanors.In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any misdemeanor violation not specified in subsection (1), (2) or (3) of this section, except offenses relating to vehicular parking or registration:FUNDAMOUNTCrime Victims' Compensation Fund.....[Deleted]State Court Education Fund.....[Deleted]State Prosecutor Education Fund.....[Deleted]Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....[Deleted]Child

Support Prosecution Trust Fund.....[Deleted]Law Enforcement Officers Training Fund.....[Deleted]Capital
 Defense Counsel Fund.....[Deleted]Indigent Appeals Fund.....[Deleted]Capital Post-Conviction Counsel
 Fund.....[Deleted]Victims of Domestic Violence Fund.....[Deleted]State Crime Stoppers
 Fund.....[Deleted]Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....[Deleted]Law
 Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....[Deleted]State Prosecutor Compensation Fund
 for the purpose of providing additional compensation for district attorneys and their legal assistants.....[Deleted]Crisis
 Intervention Mental Health Fund.....[Deleted]Intervention Court Fund.....[Deleted]Judicial Performance
 Fund.....[Deleted]Statewide Victims' Information and Notification System Fund.....[Deleted]Public Defenders
 Education Fund.....[Deleted]Domestic Violence Training Fund.....[Deleted]Attorney General's Cyber Crime
 Unit.....[Deleted]Information Exchange Network Fund.....[Deleted]Motorcycle Officer Training
 Fund.....[Deleted]Civil Legal Assistance Fund.....[Deleted]Justice Court Collections
 Fund.....[Deleted]Municipal Court Collections Fund.....[Deleted]GENERAL FUND.....\$121.75(7)Other
 felonies.In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the
 following state assessment from each person upon whom a court imposes a fine or other penalty for any felony violation not
 specified in subsection (1), (2) or (3) of this section:FUNDAMOUNTCrime Victims' Compensation Fund.....Deleted]State
 Court Education Fund.....[Deleted]State Prosecutor Education Fund.....[Deleted]Vulnerable Persons Training,
 Investigation and Prosecution Trust Fund.....[Deleted]Child Support Prosecution Trust Fund.....[Deleted]Law
 Enforcement Officers Training Fund.....[Deleted]Capital Defense Counsel Fund.....[Deleted]Indigent Appeals
 Fund.....[Deleted]Capital Post-Conviction Counsel Fund.....[Deleted]Victims of Domestic Violence
 Fund.....[Deleted]Criminal Justice Fund.....[Deleted]Law Enforcement Officers and Fire Fighters Death Benefits
 Trust Fund.....[Deleted]Law Enforcement Officers and Fire Fighters Disability Benefits Trust
 Fund.....[Deleted]State Prosecutor Compensation Fund for the purpose of providing additional compensation for district
 attorneys and their legal assistants.....[Deleted]Crisis Intervention Mental Health Fund.....[Deleted]Intervention
 Court Fund.....[Deleted]Statewide Victims' Information and Notification System Fund.....[Deleted]Public
 Defenders Education Fund.....[Deleted]Domestic Violence Training Fund.....[Deleted]Attorney General's Cyber
 Crime Unit.....[Deleted]Forensics Laboratory DNA Identification System Fund.....[Deleted]GENERAL
 FUND.....\$280.50(8)Additional assessments on certain violations:(a)Railroad crossing violations.In addition to any
 monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in
 addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty
 for any violation involving railroad crossings under
 Section37-41-55,63-3-1007,63-3-1009,63-3-1011,63-3-1013or77-9-249:Operation Lifesaver Fund\$25.00(b)Drug
 violations.In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the
 following state assessment in addition to all other state assessments due under this section from each person upon whom a court
 imposes a fine or other penalty for any violation of Section41-29-139:Drug Evidence Disposition Fund
\$25.00Mississippi Foster Care Fund.....\$2.00(c)Motor vehicle liability insurance violations.In addition to any
 monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in
 addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty
 for any violation of Section63-15-4(4)or Section63-16-13(1):Uninsured Motorist Identification Fund:First offense
\$200.00Second offense\$300.00Third or subsequent offense\$400.00(9)If a fine or other
 penalty imposed is suspended, in whole or in part, such suspension shall not affect the state assessment under this section. No state
 assessment imposed under the provisions of this section may be suspended or reduced by the court.(10)(a)After a determination by
 the court of the amount due, it shall be the duty of the clerk of the court to promptly collect all state assessments imposed under the
 provisions of this section. The state assessments imposed under the provisions of this section may not be paid by personal
 check.(b)It shall be the duty of the chancery clerk of each county to deposit all state assessments collected in the circuit, county and
 justice courts in the county on a monthly basis with the State Treasurer pursuant to appropriate procedures established by the State
 Auditor. The chancery clerk shall make a monthly lump-sum deposit of the total state assessments collected in the circuit, county
 and justice courts in the county under this section, and shall report to the Department of Finance and Administration the total
 number of violations under each subsection for which state assessments were collected in the circuit, county and justice courts in the
 county during that month.(c)It shall be the duty of the municipal clerk of each municipality to deposit all the state assessments
 collected in the municipal court in the municipality on a monthly basis with the State Treasurer pursuant to appropriate procedures
 established by the State Auditor. The municipal clerk shall make a monthly lump-sum deposit of the total state assessments
 collected in the municipal court in the municipality under this section, and shall report to the Department of Finance and
 Administration the total number of violations under each subsection for which state assessments were collected in the municipal
 court in the municipality during that month.(11)It shall be the duty of the Department of Finance and Administration to deposit on a
 monthly basis all state assessments into the State General Fund or proper special fund in the State Treasury. The Department of
 Finance and Administration shall issue regulations providing for the proper allocation of these funds.(12)The State Auditor shall
 establish by regulation procedures for refunds of state assessments, including refunds associated with assessments imposed before
 July 1, 1990, and refunds after appeals in which the defendant's conviction is reversed. The Auditor shall provide in the regulations
 for certification of eligibility for refunds and may require the defendant seeking a refund to submit a verified copy of a court order or

abstract by which the defendant is entitled to a refund. All refunds of state assessments shall be made in accordance with the procedures established by the Auditor. Laws, 1990, ch. 329, § 1; Laws, 1991, ch. 356, § 3; Laws, 1995, ch. 500, § 2; Laws, 1996, ch. 505, § 7; Laws, 1996, ch. 506, § 14; Laws, 1997, ch. 550, § 3; Laws, 1997, ch. 574, § 2; Laws, 1998, ch. 429, § 7; Laws, 2001, ch. 417, § 1; Laws, 2002, ch. 622, § 1; Laws, 2003, ch. 425, § 1; Laws, 2004, ch. 535, § 1; Laws, 2004, ch. 543, § 4; Laws, 2005, ch. 406, § 2; Laws, 2005, ch. 413, § 5; Laws, 2005, 2nd Ex Sess, ch. 1, § 4; Laws, 2006, ch. 581, § 2; Laws, 2007, ch. 332, § 1; Laws, 2007, ch. 559, § 3; Laws, 2007, ch. 578, § 1; Laws, 2008, ch. 549, § 6; Laws, 2009, ch. 433, § 6; Laws, 2009, ch. 535, § 1; Laws, 2010, ch. 495, § 1; Laws, 2011, ch. 531, § 1; reenacted without change, Laws, 2011, ch. 545, § 7; Laws, 2012, ch. 329, § 9; Laws, 2012, ch. 554, § 1, eff. 7/1/2012. Amended by Laws, 2019, ch. 466, HB 1352, § 28, eff. 7/1/2019. Amended by Laws, 2019, ch. 412, SB 2196, § 2, eff. 7/1/2019. Amended by Laws, 2018, ch. 454, HB 325, § 3, eff. 4/13/2018. Amended by Laws, 2016, ch. 509, HB 298, 1, eff. 7/1/2016. Amended by Laws, 2016, ch. 459, SB 2362, 71, eff. 7/1/2016. Amended by Laws, 2015, ch. 465, SB 2021, 3, eff. 7/1/2015. Amended by Laws, 2014, ch. 512, HB 579, 3, eff. 7/1/2014. (1) Traffic violations. In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any violation in Title 63, Mississippi Code of 1972, except offenses relating to the Mississippi Implied Consent Law (Section 63-11-1 et seq.) and offenses relating to vehicular parking or registration: FUNDAMOUNT State Court Education Fund.....[Deleted] State Prosecutor Education Fund.....[Deleted] Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....[Deleted] Child Support Prosecution Trust Fund.....[Deleted] Driver Training Penalty Assessment Fund.....[Deleted] Law Enforcement Officers Training Fund.....[Deleted] Spinal Cord and Head Injury Trust Fund (for all moving violations).....[Deleted] Emergency Medical Services Operating Fund.....[Deleted] Mississippi Leadership Council on Aging Fund.....[Deleted] Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....[Deleted] Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....[Deleted] State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants.....[Deleted] Crisis Intervention Mental Health Fund.....[Deleted] Intervention Court Fund.....[Deleted] Judicial Performance Fund.....[Deleted] Capital Defense Counsel Fund.....[Deleted] Indigent Appeals Fund.....[Deleted] Capital Post-Conviction Counsel Fund.....[Deleted] Victims of Domestic Violence Fund.....[Deleted] Public Defenders Education Fund.....[Deleted] Domestic Violence Training Fund.....[Deleted] Attorney General's Cyber Crime Unit.....[Deleted] Children's Safe Center Fund.....[Deleted] DuBard School for Language Disorders Fund.....[Deleted] Children's Advocacy Centers Fund.....[Deleted] Judicial System Operation Fund.....[Deleted] GENERAL FUND.....\$90.50 (2) Implied Consent Law violations. In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or any other penalty for any violation of the Mississippi Implied Consent Law (Section 63-11-1 et seq.): FUNDAMOUNT Crime Victims' Compensation Fund.....[Deleted] State Court Education Fund.....[Deleted] State Prosecutor Education Fund.....[Deleted] Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....[Deleted] Child Support Prosecution Trust Fund.....[Deleted] Driver Training Penalty Assessment Fund.....[Deleted] Law Enforcement Officers Training Fund.....[Deleted] Emergency Medical Services Operating Fund.....[Deleted] Mississippi Alcohol Safety Education Program Fund.....[Deleted] Federal-State Alcohol Program Fund.....[Deleted] Mississippi Forensics Laboratory Implied Consent Law Fund.....[Deleted] Spinal Cord and Head Injury Trust Fund.....[Deleted] Capital Defense Counsel Fund.....[Deleted] Indigent Appeals Fund.....[Deleted] Capital Post-Conviction Counsel Fund.....[Deleted] Victims of Domestic Violence Fund.....[Deleted] Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....[Deleted] Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....[Deleted] State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants.....[Deleted] Crisis Intervention Mental Health Fund.....[Deleted] Intervention Court Fund.....[Deleted] Statewide Victims' Information and Notification System Fund.....[Deleted] Public Defenders Education Fund.....[Deleted] Domestic Violence Training Fund.....[Deleted] Attorney General's Cyber Crime Unit.....[Deleted] GENERAL FUND.....\$243.50 (3) Game and Fish Law violations. In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any violation of the game and fish statutes or regulations of this state: FUNDAMOUNT State Court Education Fund.....[Deleted] State Prosecutor Education Fund.....[Deleted] Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....[Deleted] Law Enforcement Officers Training Fund.....[Deleted] Hunter Education and Training Program Fund.....[Deleted] Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....[Deleted] Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....[Deleted] State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants.....[Deleted] Crisis Intervention Mental Health Fund.....[Deleted] Intervention Court Fund.....[Deleted] Capital Defense Counsel Fund.....[Deleted] Indigent Appeals Fund.....[Deleted] Capital Post-Conviction Counsel Fund.....[Deleted] Victims of Domestic Violence Fund.....[Deleted] Public Defenders Education Fund.....[Deleted] Domestic Violence Training Fund.....[Deleted] Attorney General's Cyber Crime

Unit.....[Deleted]GENERAL FUND.....\$89.00(4)[Deleted](5)Speeding, reckless and careless driving violations.In addition to any assessment imposed under subsection (1) or (2) of this section, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for driving a vehicle on a road or highway:(a) At a speed that exceeds the posted speed limit by at least ten (10) miles per hour but not more than twenty (20) miles per hour.....\$10.00(b) At a speed that exceeds the posted speed limit by at least twenty (20) miles per hour but not more than thirty (30) miles per hour.....\$20.00(c) At a speed that exceeds the posted speed limit by thirty (30) miles per hour or more.....\$30.00(d) In violation of Section63-3-1201, which is the offense of reckless driving.....\$10.00(e) In violation of Section63-3-1213, which is the offense of careless driving.....\$10.00All assessments collected under this subsection shall be deposited into the State General Fund.(6)Other misdemeanors.In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any misdemeanor violation not specified in subsection (1), (2) or (3) of this section, except offenses relating to vehicular parking or registration:FUNDAMOUNTCrime Victims' Compensation Fund.....[Deleted]State Court Education Fund.....[Deleted]State Prosecutor Education Fund.....[Deleted]Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....[Deleted]Child Support Prosecution Trust Fund.....[Deleted]Law Enforcement Officers Training Fund.....[Deleted]Capital Defense Counsel Fund.....[Deleted]Indigent Appeals Fund.....[Deleted]Capital Post-Conviction Counsel Fund.....[Deleted]Victims of Domestic Violence Fund.....[Deleted]State Crime Stoppers Fund.....[Deleted]Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....[Deleted]Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....[Deleted]State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants.....[Deleted]Crisis Intervention Mental Health Fund.....[Deleted]Intervention Court Fund.....[Deleted]Judicial Performance Fund.....[Deleted]Statewide Victims' Information and Notification System Fund.....[Deleted]Public Defenders Education Fund.....[Deleted]Domestic Violence Training Fund.....[Deleted]Attorney General's Cyber Crime Unit.....[Deleted]Information Exchange Network Fund.....[Deleted]Motorcycle Officer Training Fund.....[Deleted]Civil Legal Assistance Fund.....[Deleted]Justice Court Collections Fund.....[Deleted]Municipal Court Collections Fund.....[Deleted]GENERAL FUND.....\$121.75(7)Other felonies.In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any felony violation not specified in subsection (1), (2) or (3) of this section:FUNDAMOUNTCrime Victims' Compensation Fund.....Deleted]State Court Education Fund.....[Deleted]State Prosecutor Education Fund.....[Deleted]Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....[Deleted]Child Support Prosecution Trust Fund.....[Deleted]Law Enforcement Officers Training Fund.....[Deleted]Capital Defense Counsel Fund.....[Deleted]Indigent Appeals Fund.....[Deleted]Capital Post-Conviction Counsel Fund.....[Deleted]Victims of Domestic Violence Fund.....[Deleted]Criminal Justice Fund.....[Deleted]Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....[Deleted]Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....[Deleted]State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants.....[Deleted]Crisis Intervention Mental Health Fund.....[Deleted]Intervention Court Fund.....[Deleted]Statewide Victims' Information and Notification System Fund.....[Deleted]Public Defenders Education Fund.....[Deleted]Domestic Violence Training Fund.....[Deleted]Attorney General's Cyber Crime Unit.....[Deleted]Forensics Laboratory DNA Identification System Fund.....[Deleted]GENERAL FUND.....\$280.50(8)Additional assessments on certain violations:(a)Railroad crossing violations.In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty for any violation involving railroad crossings under Section37-41-55,63-3-1007,63-3-1009,63-3-1011,63-3-1013or77-9-249:Operation Lifesaver Fund\$25.00(b)Drug violations.In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty for any violation of Section41-29-139:Drug Evidence Disposition Fund\$25.00Mississippi Foster Care Fund.....\$2.00(c)Motor vehicle liability insurance violations.In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty for any violation of Section63-15-4(4)or Section63-16-13(1):Uninsured Motorist Identification Fund:First offense\$200.00Second offense\$300.00Third or subsequent offense\$400.00(9)If a fine or other penalty imposed is suspended, in whole or in part, such suspension shall not affect the state assessment under this section. No state assessment imposed under the provisions of this section may be suspended or reduced by the court.(10)(a)After a determination by the court of the amount due, it shall be the duty of the clerk of the court to promptly collect all state assessments imposed under the provisions of this section. The state assessments imposed under the provisions of this section may not be paid by personal check.(b)It shall be the duty of the chancery clerk of each county to deposit all state assessments collected in the circuit, county and justice courts in the county on a monthly basis with the State Treasurer pursuant to appropriate procedures established by the State

Auditor. The chancery clerk shall make a monthly lump-sum deposit of the total state assessments collected in the circuit, county and justice courts in the county under this section, and shall report to the Department of Finance and Administration the total number of violations under each subsection for which state assessments were collected in the circuit, county and justice courts in the county during that month.(c)It shall be the duty of the municipal clerk of each municipality to deposit all the state assessments collected in the municipal court in the municipality on a monthly basis with the State Treasurer pursuant to appropriate procedures established by the State Auditor. The municipal clerk shall make a monthly lump-sum deposit of the total state assessments collected in the municipal court in the municipality under this section, and shall report to the Department of Finance and Administration the total number of violations under each subsection for which state assessments were collected in the municipal court in the municipality during that month.(11)It shall be the duty of the Department of Finance and Administration to deposit on a monthly basis all state assessments into the State General Fund or proper special fund in the State Treasury. The Department of Finance and Administration shall issue regulations providing for the proper allocation of these funds.(12)The State Auditor shall establish by regulation procedures for refunds of state assessments, including refunds associated with assessments imposed before July 1, 1990, and refunds after appeals in which the defendant's conviction is reversed. The Auditor shall provide in the regulations for certification of eligibility for refunds and may require the defendant seeking a refund to submit a verified copy of a court order or abstract by which the defendant is entitled to a refund. All refunds of state assessments shall be made in accordance with the procedures established by the Auditor.Laws, 1990, ch. 329, § 1; Laws, 1991, ch. 356, § 3; Laws, 1995, ch. 500, § 2; Laws, 1996, ch. 505, § 7; Laws, 1996, ch. 506, § 14; Laws, 1997, ch. 550, § 3; Laws, 1997, ch. 574, § 2; Laws, 1998, ch. 429, § 7; Laws, 2001, ch. 417, § 1; Laws, 2002, ch. 622, § 1; Laws, 2003, ch. 425, § 1; Laws, 2004, ch. 535, § 1; Laws, 2004, ch. 543, § 4; Laws, 2005, ch. 406, § 2; Laws, 2005, ch. 413, § 5; Laws, 2005, 2nd Ex Sess, ch. 1, § 4; Laws, 2006, ch. 581, § 2; Laws, 2007, ch. 332, § 1; Laws, 2007, ch. 559, § 3; Laws, 2007, ch. 578, § 1; Laws, 2008, ch. 549, § 6; Laws, 2009, ch. 433, § 6; Laws, 2009, ch. 535, § 1; Laws, 2010, ch. 495, § 1; Laws, 2011, ch. 531, § 1; reenacted without change, Laws, 2011, ch. 545, § 7; Laws, 2012, ch. 329, § 9; Laws, 2012, ch. 554, § 1, eff. 7/1/2012.Amended by Laws, 2019, ch. 466, HB 1352,§ 28, eff. 7/1/2019.Amended by Laws, 2019, ch. 412, SB 2196,§ 2, eff. 7/1/2019.Amended by Laws, 2018, ch. 454, HB 325,§ 3, eff. 4/13/2018.Amended by Laws, 2016, ch. 509, HB 298, 1, eff. 7/1/2016.Amended by Laws, 2016, ch. 459, SB 2362, 71, eff. 7/1/2016.Amended by Laws, 2015, ch. 465, SB 2021, 3, eff. 7/1/2015.Amended by Laws, 2014, ch. 512, HB 579, 3, eff. 7/1/2014. FUNDAMOUNTState Court Education Fund.....[Deleted]State Prosecutor Education Fund.....[Deleted]Vulnerable Persons Training, Investigation and Prosecution Trust Fund.....[Deleted]Child Support Prosecution Trust Fund.....[Deleted]Driver Training Penalty Assessment Fund.....[Deleted]Law Enforcement Officers Training Fund.....[Deleted]Spinal Cord and Head Injury Trust Fund (for all moving violations).....[Deleted]Emergency Medical Services Operating Fund.....[Deleted]Mississippi Leadership Council on Aging Fund.....[Deleted]Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund.....[Deleted]Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund.....[Deleted]State Prosecutor Compensation Fund for the purpose of providing additional compensation for district attorneys and their legal assistants.....[Deleted]Crisis Intervention Mental Health Fund.....[Deleted]Intervention Court Fund.....[Deleted]Judicial Performance Fund.....[Deleted]Capital Defense Counsel Fund.....[Deleted]Indigent Appeals Fund.....[Deleted]Capital Post-Conviction Counsel Fund.....[Deleted]Victims of Domestic Violence Fund.....[Deleted]Public Defenders Education Fund.....[Deleted]Domestic Violence Training Fund.....[Deleted]Attorney General's Cyber Crime Unit.....[Deleted]Children's Safe Center Fund.....[Deleted]DuBard School for Language Disorders Fund.....[Deleted]Children's Advocacy Centers Fund.....[Deleted]Judicial System Operation Fund.....[Deleted]GENERAL FUND.....\$90.50 FUND AMOUNT State Court Education Fund.....[Deleted] State Prosecutor Education Fund..... 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 (10) miles per hour but not more than twenty (20) miles per hour.....\$10.00(b) At a speed that exceeds the posted speed
 limit by at least twenty (20) miles per hour but not more than thirty (30) miles per hour.....\$20.00(c) At a speed that
 exceeds the posted speed limit by thirty (30) miles per hour or more.....\$30.00(d) In violation of Section63-3-1201, which
 is the offense of reckless driving.....\$10.00(e) In violation of Section63-3-1213, which is the offense of careless
 driving.....\$10.00 (a) At a speed that exceeds the posted speed limit by at least ten (10) miles per hour but not more than
 twenty (20) miles per hour..... \$10.00 (b) At a speed that exceeds the posted speed limit by at least twenty (20) miles per
 hour but not more than thirty (30) miles per hour..... \$20.00 (c) At a speed that exceeds the posted speed limit by thirty (30)
 miles per hour or more..... \$30.00 (d) In violation of Section63-3-1201, which is the offense of reckless driving.....
 \$10.00 (e) In violation of Section63-3-1213, which is the offense of careless driving..... \$10.00 All assessments collected
 under this subsection shall be deposited into the State General Fund. FUNDAMOUNTCrime Victims' Compensation
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Lifesaver Fund \$25.00 Drug Evidence Disposition Fund\$25.00Mississippi Foster Care
Fund.....\$2.00 Drug Evidence Disposition Fund \$25.00 Mississippi Foster Care Fund..... \$2.00
Uninsured Motorist Identification Fund:First offense\$200.00Second offense\$300.00Third or subsequent
offense\$400.00 Uninsured Motorist Identification Fund: First offense \$200.00 Second offense
..... \$300.00 Third or subsequent offense \$400.00 Laws, 1990, ch. 329, § 1; Laws, 1991, ch. 356, § 3; Laws,
1995, ch. 500, § 2; Laws, 1996, ch. 505, § 7; Laws, 1996, ch. 506, § 14; Laws, 1997, ch. 550, § 3; Laws, 1997, ch. 574, § 2; Laws,
1998, ch. 429, § 7; Laws, 2001, ch. 417, § 1; Laws, 2002, ch. 622, § 1; Laws, 2003, ch. 425, § 1; Laws, 2004, ch. 535, § 1; Laws,
2004, ch. 543, § 4; Laws, 2005, ch. 406, § 2; Laws, 2005, ch. 413, § 5; Laws, 2005, 2nd Ex Sess, ch. 1, § 4; Laws, 2006, ch. 581, §
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Laws, 2009, ch. 535, § 1; Laws, 2010, ch. 495, § 1; Laws, 2011, ch. 531, § 1; reenacted without change, Laws, 2011, ch. 545, § 7;
Laws, 2012, ch. 329, § 9; Laws, 2012, ch. 554, § 1, eff. 7/1/2012. Amended by Laws, 2019, ch. 466, HB 1352,§ 28, eff. 7/1/2019.
Amended by Laws, 2019, ch. 412, SB 2196,§ 2, eff. 7/1/2019. Amended by Laws, 2018, ch. 454, HB 325,§ 3, eff. 4/13/2018.

Amended by Laws, 2016, ch. 509, HB 298, 1, eff. 7/1/2016. Amended by Laws, 2016, ch. 459, SB 2362, 71, eff. 7/1/2016.
Amended by Laws, 2015, ch. 465, SB 2021, 3, eff. 7/1/2015. Amended by Laws, 2014, ch. 512, HB 579, 3, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-75 - Assessment on certain offenses to be deposited in Mississippi Children's Trust Fund or Victims of Human Trafficking and Commercial Sexual Exploitation Fund

(1) In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected from each person upon whom a court imposes a fine or other penalty for any violation of Section 97-3-65, 97-5-1 et seq. or 97-3-7, when committed against a minor, an assessment of One Thousand Dollars (\$1,000.00) to be deposited into the Mississippi Children's Trust Fund created in Section 93-21-305, using the procedures described in Section 99-19-73. (2) In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected from each person upon whom a court imposes a fine or other penalty for any violation of Section 97-3-7, 97-3-54.1, 97-3-65, 97-3-95, 97-5-1 et seq., or 97-29-51 an assessment of One Thousand Dollars (\$1,000.00) to be deposited into the "Victims of Human Trafficking and Commercial Sexual Exploitation Fund" created in Section 97-3-54.11. Laws, 2005, ch. 516, § 1, eff. 7/1/2005. Amended by Laws, 2020, ch. 493, HB 1559, § 5, eff. 7/8/2020. (1) In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected from each person upon whom a court imposes a fine or other penalty for any violation of Section 97-3-65, 97-5-1 et seq. or 97-3-7, when committed against a minor, an assessment of One Thousand Dollars (\$1,000.00) to be deposited into the Mississippi Children's Trust Fund created in Section 93-21-305, using the procedures described in Section 99-19-73. (2) In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected from each person upon whom a court imposes a fine or other penalty for any violation of Section 97-3-7, 97-3-54.1, 97-3-65, 97-3-95, 97-5-1 et seq., or 97-29-51 an assessment of One Thousand Dollars (\$1,000.00) to be deposited into the "Victims of Human Trafficking and Commercial Sexual Exploitation Fund" created in Section 97-3-54.11. Laws, 2005, ch. 516, § 1, eff. 7/1/2005. Amended by Laws, 2020, ch. 493, HB 1559, § 5, eff. 7/8/2020. (1) In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected from each person upon whom a court imposes a fine or other penalty for any violation of Section 97-3-65, 97-5-1 et seq. or 97-3-7, when committed against a minor, an assessment of One Thousand Dollars (\$1,000.00) to be deposited into the Mississippi Children's Trust Fund created in Section 93-21-305, using the procedures described in Section 99-19-73. (2) In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected from each person upon whom a court imposes a fine or other penalty for any violation of Section 97-3-7, 97-3-54.1, 97-3-65, 97-3-95, 97-5-1 et seq., or 97-29-51 an assessment of One Thousand Dollars (\$1,000.00) to be deposited into the "Victims of Human Trafficking and Commercial Sexual Exploitation Fund" created in Section 97-3-54.11. Laws, 2005, ch. 516, § 1, eff. 7/1/2005. Amended by Laws, 2020, ch. 493, HB 1559, § 5, eff. 7/8/2020. Laws, 2005, ch. 516, § 1, eff. 7/1/2005. Amended by Laws, 2020, ch. 493, HB 1559, § 5, eff. 7/8/2020.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-77 - Assessment against convicted criminal defendants to cover costs of investigations; use of assessments

In addition to any criminal penalties or fines, the court may impose an assessment against a defendant convicted of a felony violation, or a Class I violation that is punishable as provided in Section 49-7-141, investigated by the Office of the Attorney General, the district attorneys, sheriffs, the Mississippi Bureau of Investigation, the Mississippi Department of Human Services, Office of Inspector General, Fraud Investigative Unit, Mississippi Bureau of Narcotics, the Mississippi Agricultural and Livestock Theft Bureau, the Mississippi Department of Wildlife, Fisheries and Parks and municipal police departments which may cover all reasonable costs of the investigation. Costs are to be paid to the appropriate governmental entity incurring the particular item of cost and include, but are not limited to, the cost of investigators, service of process, court reporters, expert witnesses and attorney's fees, and transportation costs expended by the governmental entity in the investigation of such case, and must be used to augment the governmental entity's existing budget and not to supplant it. Laws, 2010, ch. 350, § 1; Laws, 2011, ch. 403, § 1, eff. 7/1/2011. Amended by Laws, 2024, ch. 356, HB 1024, § 1, eff. 7/1/2024. Amended by Laws, 2015, ch. 373, HB 718, 1, eff. 7/1/2015. In addition to any criminal penalties or fines, the court may impose an assessment against a defendant convicted of a felony violation, or a Class I violation that is punishable as provided in Section 49-7-141, investigated by the Office of the Attorney General, the district attorneys, sheriffs, the Mississippi Bureau of Investigation, the Mississippi Department of Human Services, Office of Inspector General, Fraud Investigative Unit, Mississippi Bureau of Narcotics, the Mississippi Agricultural and Livestock Theft Bureau, the Mississippi Department of Wildlife, Fisheries and Parks and municipal police departments which may cover all reasonable costs of the investigation. Costs are to be paid to the appropriate governmental entity incurring the particular item of cost and include, but are not limited to, the cost of investigators, service of process, court reporters, expert witnesses and attorney's fees, and transportation costs expended by the governmental entity in the investigation of such case, and must be used to augment the governmental entity's existing budget and not to supplant it. Laws, 2010, ch. 350, § 1; Laws, 2011, ch. 403, § 1, eff. 7/1/2011. Amended by Laws, 2024, ch. 356, HB 1024, § 1, eff. 7/1/2024. Amended by Laws, 2015, ch. 373, HB 718, 1, eff. 7/1/2015. In addition to any criminal penalties or fines, the court may impose an assessment against a defendant convicted of a felony violation, or a Class I violation that is punishable as provided in Section 49-7-141, investigated by the Office of the Attorney General, the district attorneys, sheriffs, the Mississippi Bureau of Investigation, the Mississippi Department of Human Services,

Office of Inspector General, Fraud Investigative Unit, Mississippi Bureau of Narcotics, the Mississippi Agricultural and Livestock Theft Bureau, the Mississippi Department of Wildlife, Fisheries and Parks and municipal police departments which may cover all reasonable costs of the investigation. Costs are to be paid to the appropriate governmental entity incurring the particular item of cost and include, but are not limited to, the cost of investigators, service of process, court reporters, expert witnesses and attorney's fees, and transportation costs expended by the governmental entity in the investigation of such case, and must be used to augment the governmental entity's existing budget and not to supplant it. Laws, 2010, ch. 350, § 1; Laws, 2011, ch. 403, § 1, eff. 7/1/2011. Amended by Laws, 2024, ch. 356, HB 1024, § 1, eff. 7/1/2024. Amended by Laws, 2015, ch. 373, HB 718, 1, eff. 7/1/2015.

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Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) IN GENERAL (§§ 99-19-1 — 99-19-77) Section 99-19-9 - No special form of verdict required

No special form of verdict is required, and where there has been a substantial compliance with the requirements of the law in rendering a verdict, a judgment shall not be arrested or reversed for mere want of form therein. Codes, 1906, § 762; Hemingway's 1917, § 565; 1930, § 574; 1942, § 1518. No special form of verdict is required, and where there has been a substantial compliance with the requirements of the law in rendering a verdict, a judgment shall not be arrested or reversed for mere want of form therein. Codes, 1906, § 762; Hemingway's 1917, § 565; 1930, § 574; 1942, § 1518. No special form of verdict is required, and where there has been a substantial compliance with the requirements of the law in rendering a verdict, a judgment shall not be arrested or reversed for mere want of form therein. Codes, 1906, § 762; Hemingway's 1917, § 565; 1930, § 574; 1942, § 1518. No special form of verdict is required, and where there has been a substantial compliance with the requirements of the law in rendering a verdict, a judgment shall not be arrested or reversed for mere want of form therein. Codes, 1906, § 762; Hemingway's 1917, § 565; 1930, § 574; 1942, § 1518.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) SENTENCING OF HABITUAL CRIMINALS (§§ 99-19-81 — 99-19-87) Section 99-19-81 - Sentencing of habitual criminals to maximum term of imprisonment

Every person convicted in this state of a felony who shall have been convicted twice previously of any felony or federal crime upon charges separately brought and arising out of separate incidents at different times and who shall have been sentenced to separate terms of one (1) year or more in any state and/or federal penal institution, whether in this state or elsewhere, shall be sentenced to the maximum term of imprisonment prescribed for such felony unless the court provides an explanation in its sentencing order setting forth the cause for deviating from the maximum sentence, and such sentence shall not be reduced or suspended nor shall such person be eligible for parole or probation. Laws, 1976, ch. 470, § 1, eff. 1/1/1977. Amended by Laws, 2018, ch. 416, HB 387, § 12, eff. 7/1/2018. Brought forward by Laws, 2014, ch. 457, HB 585, 79, eff. 7/1/2014. Every person convicted in this state of a felony who shall have been convicted twice previously of any felony or federal crime upon charges separately brought and arising out of separate incidents at different times and who shall have been sentenced to separate terms of one (1) year or more in any state and/or federal penal institution, whether in this state or elsewhere, shall be sentenced to the maximum term of imprisonment prescribed for such felony unless the court provides an explanation in its sentencing order setting forth the cause for deviating from the maximum sentence, and such sentence shall not be reduced or suspended nor shall such person be eligible for parole or probation. Laws, 1976, ch. 470, § 1, eff. 1/1/1977. Amended by Laws, 2018, ch. 416, HB 387, § 12, eff. 7/1/2018. Brought forward by Laws, 2014, ch. 457, HB 585, 79, eff. 7/1/2014. Every person convicted in this state of a felony who shall have been convicted twice previously of any felony or federal crime upon charges separately brought and arising out of separate incidents at different times and who shall have been sentenced to separate terms of one (1) year or more in any state and/or federal penal institution, whether in this state or elsewhere, shall be sentenced to the maximum term of imprisonment prescribed for such felony unless the court provides an explanation in its sentencing order setting forth the cause for deviating from the maximum sentence, and such sentence shall not be reduced or suspended nor shall such person be eligible for parole or probation. Laws, 1976, ch. 470, § 1, eff. 1/1/1977. Amended by Laws, 2018, ch. 416, HB 387, § 12, eff. 7/1/2018. Brought forward by Laws, 2014, ch. 457, HB 585, 79, eff. 7/1/2014. Every person convicted in this state of a felony who shall have been convicted twice previously of any felony or federal crime upon charges separately brought and arising out of separate incidents at different times and who shall have been sentenced to separate terms of one (1) year or more in any state and/or federal penal institution, whether in this state or elsewhere, shall be sentenced to the maximum term of imprisonment prescribed for such felony unless the court provides an explanation in its sentencing order setting

forth the cause for deviating from the maximum sentence, and such sentence shall not be reduced or suspended nor shall such person be eligible for parole or probation. Laws, 1976, ch. 470, § 1, eff. 1/1/1977. Amended by Laws, 2018, ch. 416, HB 387, § 12, eff. 7/1/2018. Brought forward by Laws, 2014, ch. 457, HB 585, 79, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) SENTENCING OF HABITUAL CRIMINALS (§§ 99-19-81 — 99-19-87) Section 99-19-83 - Sentencing of habitual criminals to life imprisonment

Every person convicted in this state of a felony who shall have been convicted twice previously of any felony or federal crime upon charges separately brought and arising out of separate incidents at different times and who shall have been sentenced to and served separate terms of one (1) year or more, whether served concurrently or not, in any state and/or federal penal institution, whether in this state or elsewhere, and where any one (1) of such felonies shall have been a crime of violence, as defined by Section 97-3-2, shall be sentenced to life imprisonment, and such sentence shall not be reduced or suspended nor shall such person be eligible for parole, probation or any other form of early release from actual physical custody within the Department of Corrections. Laws, 1976, ch. 470, § 2, eff. 1/1/1977. Amended by Laws, 2014, ch. 457, HB 585, 78, eff. 7/1/2014. Every person convicted in this state of a felony who shall have been convicted twice previously of any felony or federal crime upon charges separately brought and arising out of separate incidents at different times and who shall have been sentenced to and served separate terms of one (1) year or more, whether served concurrently or not, in any state and/or federal penal institution, whether in this state or elsewhere, and where any one (1) of such felonies shall have been a crime of violence, as defined by Section 97-3-2, shall be sentenced to life imprisonment, and such sentence shall not be reduced or suspended nor shall such person be eligible for parole, probation or any other form of early release from actual physical custody within the Department of Corrections. Laws, 1976, ch. 470, § 2, eff. 1/1/1977. Amended by Laws, 2014, ch. 457, HB 585, 78, eff. 7/1/2014. Every person convicted in this state of a felony who shall have been convicted twice previously of any felony or federal crime upon charges separately brought and arising out of separate incidents at different times and who shall have been sentenced to and served separate terms of one (1) year or more, whether served concurrently or not, in any state and/or federal penal institution, whether in this state or elsewhere, and where any one (1) of such felonies shall have been a crime of violence, as defined by Section 97-3-2, shall be sentenced to life imprisonment, and such sentence shall not be reduced or suspended nor shall such person be eligible for parole, probation or any other form of early release from actual physical custody within the Department of Corrections. Laws, 1976, ch. 470, § 2, eff. 1/1/1977. Amended by Laws, 2014, ch. 457, HB 585, 78, eff. 7/1/2014. Every person convicted in this state of a felony who shall have been convicted twice previously of any felony or federal crime upon charges separately brought and arising out of separate incidents at different times and who shall have been sentenced to and served separate terms of one (1) year or more, whether served concurrently or not, in any state and/or federal penal institution, whether in this state or elsewhere, and where any one (1) of such felonies shall have been a crime of violence, as defined by Section 97-3-2, shall be sentenced to life imprisonment, and such sentence shall not be reduced or suspended nor shall such person be eligible for parole, probation or any other form of early release from actual physical custody within the Department of Corrections. Laws, 1976, ch. 470, § 2, eff. 1/1/1977. Amended by Laws, 2014, ch. 457, HB 585, 78, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) SENTENCING OF HABITUAL CRIMINALS (§§ 99-19-81 — 99-19-87) Section 99-19-84 - Electronic monitoring as condition of probation for offense requiring registration as a sex offender; rules and regulations

Whenever probation is a part of a sentence prescribed for an offense for which registration as a sex offender is required under Title 45, Chapter 33, the court may include as a condition of probation that the sex offender be placed on electronic monitoring. The Department of Corrections shall promulgate rules and regulations for the implementation of electronic monitoring of sex offenders on probation. Laws, 2006, ch. 566, § 1, eff. 7/1/2007. Brought forward by Laws, 2014, ch. 457, HB 585, 80, eff. 7/1/2014. Whenever probation is a part of a sentence prescribed for an offense for which registration as a sex offender is required under Title 45, Chapter 33, the court may include as a condition of probation that the sex offender be placed on electronic monitoring. The Department of Corrections shall promulgate rules and regulations for the implementation of electronic monitoring of sex offenders on probation. Laws, 2006, ch. 566, § 1, eff. 7/1/2007. Brought forward by Laws, 2014, ch. 457, HB 585, 80, eff. 7/1/2014. Whenever probation is a part of a sentence prescribed for an offense for which registration as a sex offender is required under Title 45, Chapter 33, the court may include as a condition of probation that the sex offender be placed on electronic monitoring. The Department of Corrections shall promulgate rules and regulations for the implementation of electronic monitoring of sex offenders on probation. Laws, 2006, ch. 566, § 1, eff. 7/1/2007. Brought forward by Laws, 2014, ch. 457, HB 585, 80, eff. 7/1/2014. Whenever probation is a part of a sentence prescribed for an offense for which registration as a sex offender is required under Title 45, Chapter 33, the court may include as a condition of probation that the sex offender be placed on electronic monitoring. The Department of Corrections shall promulgate rules and regulations for the implementation of electronic monitoring of sex offenders on probation. Laws, 2006, ch. 566, § 1, eff. 7/1/2007. Brought forward by Laws, 2014, ch. 457, HB 585, 80, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) SENTENCING OF HABITUAL CRIMINALS (§§ 99-19-81 — 99-19-87) Section 99-19-85 - Governor's pardoning power unaffected

Nothing in Sections99-19-81through99-19-87shall be construed or considered as seeking or tending to impair the pardoning power or other powers reserved to the Governor under Section 124 of the Mississippi Constitution of 1890.Laws, 1976, ch. 470, § 3, eff. 1/1/1977. Nothing in Sections99-19-81through99-19-87shall be construed or considered as seeking or tending to impair the pardoning power or other powers reserved to the Governor under Section 124 of the Mississippi Constitution of 1890.Laws, 1976, ch. 470, § 3, eff. 1/1/1977. Nothing in Sections99-19-81through99-19-87shall be construed or considered as seeking or tending to impair the pardoning power or other powers reserved to the Governor under Section 124 of the Mississippi Constitution of 1890.Laws, 1976, ch. 470, § 3, eff. 1/1/1977. Nothing in Sections99-19-81through99-19-87shall be construed or considered as seeking or tending to impair the pardoning power or other powers reserved to the Governor under Section 124 of the Mississippi Constitution of 1890. Laws, 1976, ch. 470, § 3, eff. 1/1/1977.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)SENTENCING OF HABITUAL CRIMINALS (§§ 99-19-81 — 99-19-87)Section 99-19-87 - Punishment by death unaffected

Nothing in Sections99-19-81through99-19-87shall abrogate or affect punishment by death in any and all crimes now or hereafter punishable by death.Laws, 1976, ch. 470, § 4, eff. 1/1/1977.Brought forward by Laws, 2014, ch. 457, HB 585, 81, eff. 7/1/2014. Nothing in Sections99-19-81through99-19-87shall abrogate or affect punishment by death in any and all crimes now or hereafter punishable by death.Laws, 1976, ch. 470, § 4, eff. 1/1/1977.Brought forward by Laws, 2014, ch. 457, HB 585, 81, eff. 7/1/2014. Nothing in Sections99-19-81through99-19-87shall abrogate or affect punishment by death in any and all crimes now or hereafter punishable by death.Laws, 1976, ch. 470, § 4, eff. 1/1/1977.Brought forward by Laws, 2014, ch. 457, HB 585, 81, eff. 7/1/2014. Nothing in Sections99-19-81through99-19-87shall abrogate or affect punishment by death in any and all crimes now or hereafter punishable by death. Laws, 1976, ch. 470, § 4, eff. 1/1/1977. Brought forward by Laws, 2014, ch. 457, HB 585, 81, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)SEPARATE SENTENCING PROCEEDING TO DETERMINE PUNISHMENT IN CAPITAL CASES (§§ 99-19-101 — 99-19-107)Section 99-19-101 - Jury to determine punishment in capital cases in separate sentencing proceeding; aggravating and mitigating circumstances to be considered

(1)Upon conviction or adjudication of guilt of a defendant of capital murder or other capital offense, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death, life imprisonment without eligibility for parole, or life imprisonment; however, a sentence of death cannot be imposed if the defendant was not at least eighteen (18) years of age at the time of the commission of the offense. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If, through impossibility or inability, the trial jury is unable to reconvene for a hearing on the issue of penalty, having determined the guilt of the accused, the trial judge may summon a jury to determine the issue of the imposition of the penalty. If the trial jury has been waived, or if the defendant pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose or may be conducted before the trial judge sitting without a jury if both the State of Mississippi and the defendant agree thereto in writing. In the proceeding, evidence may be presented as to any matter that the court deems relevant to sentence, and shall include matters relating to any of the aggravating or mitigating circumstances. However, this subsection shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or of the State of Mississippi. The state and the defendant and the defendant's counsel shall be permitted to present arguments for or against the sentence of death.(2)After hearing all the evidence, the jury shall deliberate on the following matters:(a)Whether sufficient factors exist as enumerated in subsection (7) of this section;(b)Whether sufficient aggravating circumstances exist as enumerated in subsection (5) of this section;(c)Whether sufficient mitigating circumstances exist as enumerated in subsection (6) of this section, which outweigh the aggravating circumstances found to exist; and(d)Based on these considerations, whether the defendant should be sentenced to life imprisonment, life imprisonment without eligibility for parole, or death.(3)For the jury to impose a sentence of death, it must unanimously find in writing the following:(a)That sufficient factors exist as enumerated in subsection (7) of this section;(b)That sufficient aggravating circumstances exist as enumerated in subsection (5) of this section;(c)That there are insufficient mitigating circumstances, as enumerated in subsection (6), to outweigh the aggravating circumstances ; and(d)That the defendant was eighteen (18) years of age or older at the time of the commission of the offense.In each case in which the jury imposes the death sentence, the determination of the jury shall be supported by specific written findings of fact based upon the circumstances in subsections (5) and (6) of this section and upon the records of the trial and the sentencing proceedings. If, after the trial of the penalty phase, the jury does not make the findings requiring the death sentence or life imprisonment without eligibility for parole, or is unable to reach a decision, the court shall impose a sentence of life imprisonment.(4)The judgment of conviction and sentence of death shall be subject to automatic review by the Supreme Court of Mississippi within sixty (60) days after certification by the sentencing court of the entire record, unless the time is extended for an additional period by the Supreme Court for good cause shown. The review by the Supreme Court shall have priority over all other cases and shall be heard in accordance with rules promulgated by the Supreme Court.(5)Aggravating circumstances shall be limited to the following:(a)The capital offense was committed by a person under sentence of imprisonment.(b)The defendant was previously convicted of another capital offense or of a felony involving the use or threat of violence to the person.(c)The defendant knowingly created a great risk of death to many persons.(d)The capital offense was committed while the defendant was engaged, or was an accomplice, in the commission of, or an attempt to commit, or flight after committing or attempting to commit, any robbery, rape,

arson, burglary, kidnapping, aircraft piracy, sexual battery, unnatural intercourse with any child under the age of twelve (12), or nonconsensual unnatural intercourse with mankind, or felonious abuse or battery of a child in violation of subsection (2) of Section 97-5-39, or the unlawful use or detonation of a bomb or explosive device. (e) The capital offense was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody. (f) The capital offense was committed for pecuniary gain. (g) The capital offense was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws. (h) The capital offense was committed to influence the policy of a governmental entity by intimidation or coercion, or to affect the conduct of a governmental entity by mass destruction or assassination. (i) The capital offense was especially heinous, atrocious or cruel. (j) The capital offense was committed to intimidate or coerce a civilian population. (6) Mitigating circumstances shall be the following: (a) The defendant has no significant history of prior criminal activity. (b) The offense was committed while the defendant was under the influence of extreme mental or emotional disturbance. (c) The victim was a participant in the defendant's conduct or consented to the act. (d) The defendant was an accomplice in the capital offense committed by another person and his participation was relatively minor. (e) The defendant acted under extreme duress or under the substantial domination of another person. (f) The capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired. (g) The age of the defendant at the time of the crime. (7) In order to return and impose a sentence of death the jury must make a written finding of one or more of the following: (a) The defendant actually killed; (b) The defendant attempted to kill; (c) The defendant intended that a killing take place; (d) The defendant contemplated that lethal force would be employed. (8) For the purposes of this section, to "intimidate" or "coerce" do not include peaceful picketing, boycotts or other nonviolent action. (9) This section shall not apply to a juvenile offender who was not at least eighteen (18) years of age at the time of the commission of the offense. A juvenile offender convicted of capital murder shall be sentenced pursuant to Section 97-3-21(2). Laws, 1977, ch. 458, § 2; Laws, 1983, ch. 429, § 2; Laws, 1994, ch. 566, § 1, eff. 7/1/1994. Amended by Laws, 2024, ch. 526, SB 2022, § 2, eff. 7/1/2024. Amended by Laws, 2013, ch. 556, SB 2223, 1, eff. 7/1/2013. (1) Upon conviction or adjudication of guilt of a defendant of capital murder or other capital offense, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death, life imprisonment without eligibility for parole, or life imprisonment; however, a sentence of death cannot be imposed if the defendant was not at least eighteen (18) years of age at the time of the commission of the offense. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If, through impossibility or inability, the trial jury is unable to reconvene for a hearing on the issue of penalty, having determined the guilt of the accused, the trial judge may summon a jury to determine the issue of the imposition of the penalty. If the trial jury has been waived, or if the defendant pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose or may be conducted before the trial judge sitting without a jury if both the State of Mississippi and the defendant agree thereto in writing. In the proceeding, evidence may be presented as to any matter that the court deems relevant to sentence, and shall include matters relating to any of the aggravating or mitigating circumstances. However, this subsection shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or of the State of Mississippi. The state and the defendant and the defendant's counsel shall be permitted to present arguments for or against the sentence of death. (2) After hearing all the evidence, the jury shall deliberate on the following matters: (a) Whether sufficient factors exist as enumerated in subsection (7) of this section; (b) Whether sufficient aggravating circumstances exist as enumerated in subsection (5) of this section; (c) Whether sufficient mitigating circumstances exist as enumerated in subsection (6) of this section, which outweigh the aggravating circumstances found to exist; and (d) Based on these considerations, whether the defendant should be sentenced to life imprisonment, life imprisonment without eligibility for parole, or death. (3) For the jury to impose a sentence of death, it must unanimously find in writing the following: (a) That sufficient factors exist as enumerated in subsection (7) of this section; (b) That sufficient aggravating circumstances exist as enumerated in subsection (5) of this section; (c) That there are insufficient mitigating circumstances, as enumerated in subsection (6), to outweigh the aggravating circumstances; and (d) That the defendant was eighteen (18) years of age or older at the time of the commission of the offense. In each case in which the jury imposes the death sentence, the determination of the jury shall be supported by specific written findings of fact based upon the circumstances in subsections (5) and (6) of this section and upon the records of the trial and the sentencing proceedings. If, after the trial of the penalty phase, the jury does not make the findings requiring the death sentence or life imprisonment without eligibility for parole, or is unable to reach a decision, the court shall impose a sentence of life imprisonment. (4) The judgment of conviction and sentence of death shall be subject to automatic review by the Supreme Court of Mississippi within sixty (60) days after certification by the sentencing court of the entire record, unless the time is extended for an additional period by the Supreme Court for good cause shown. The review by the Supreme Court shall have priority over all other cases and shall be heard in accordance with rules promulgated by the Supreme Court. (5) Aggravating circumstances shall be limited to the following: (a) The capital offense was committed by a person under sentence of imprisonment. (b) The defendant was previously convicted of another capital offense or of a felony involving the use or threat of violence to the person. (c) The defendant knowingly created a great risk of death to many persons. (d) The capital offense was committed while the defendant was engaged, or was an accomplice, in the commission of, or an attempt to commit, or flight after committing or attempting to commit, any robbery, rape, arson, burglary, kidnapping, aircraft piracy, sexual battery, unnatural intercourse with any child under the age of twelve (12), or nonconsensual unnatural intercourse with mankind, or felonious abuse or battery of a child in violation of subsection (2) of Section 97-5-39, or the unlawful use or detonation of a bomb or explosive device. (e) The capital offense was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody. (f) The capital offense was committed for pecuniary gain. (g) The capital offense was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws. (h) The capital offense

was committed to influence the policy of a governmental entity by intimidation or coercion, or to affect the conduct of a governmental entity by mass destruction or assassination.(i)The capital offense was especially heinous, atrocious or cruel.(j)The capital offense was committed to intimidate or coerce a civilian population.(6)Mitigating circumstances shall be the following:(a)The defendant has no significant history of prior criminal activity.(b)The offense was committed while the defendant was under the influence of extreme mental or emotional disturbance.(c)The victim was a participant in the defendant's conduct or consented to the act.(d)The defendant was an accomplice in the capital offense committed by another person and his participation was relatively minor.(e)The defendant acted under extreme duress or under the substantial domination of another person.(f)The capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired.(g)The age of the defendant at the time of the crime.(7)In order to return and impose a sentence of death the jury must make a written finding of one or more of the following:(a)The defendant actually killed;(b)The defendant attempted to kill;(c)The defendant intended that a killing take place;(d)The defendant contemplated that lethal force would be employed.(8)For the purposes of this section, to "intimidate" or "coerce" do not include peaceful picketing, boycotts or other nonviolent action.(9)This section shall not apply to a juvenile offender who was not at least eighteen (18) years of age at the time of the commission of the offense. A juvenile offender convicted of capital murder shall be sentenced pursuant to Section 97-3-21(2).Laws, 1977, ch. 458, § 2; Laws, 1983, ch. 429, § 2; Laws, 1994, ch. 566, § 1, eff. 7/1/1994.Amended by Laws, 2024, ch. 526, SB 2022, § 2, eff. 7/1/2024.Amended by Laws, 2013, ch. 556, SB 2223, 1, eff. 7/1/2013. (1)Upon conviction or adjudication of guilt of a defendant of capital murder or other capital offense, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death, life imprisonment without eligibility for parole, or life imprisonment; however, a sentence of death cannot be imposed if the defendant was not at least eighteen (18) years of age at the time of the commission of the offense. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If, through impossibility or inability, the trial jury is unable to reconvene for a hearing on the issue of penalty, having determined the guilt of the accused, the trial judge may summon a jury to determine the issue of the imposition of the penalty. If the trial jury has been waived, or if the defendant pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose or may be conducted before the trial judge sitting without a jury if both the State of Mississippi and the defendant agree thereto in writing. In the proceeding, evidence may be presented as to any matter that the court deems relevant to sentence, and shall include matters relating to any of the aggravating or mitigating circumstances. However, this subsection shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or of the State of Mississippi. The state and the defendant and the defendant's counsel shall be permitted to present arguments for or against the sentence of death.(2)After hearing all the evidence, the jury shall deliberate on the following matters:(a)Whether sufficient factors exist as enumerated in subsection (7) of this section;(b)Whether sufficient aggravating circumstances exist as enumerated in subsection (5) of this section;(c)Whether sufficient mitigating circumstances exist as enumerated in subsection (6) of this section, which outweigh the aggravating circumstances found to exist; and(d)Based on these considerations, whether the defendant should be sentenced to life imprisonment, life imprisonment without eligibility for parole, or death.(3)For the jury to impose a sentence of death, it must unanimously find in writing the following:(a)That sufficient factors exist as enumerated in subsection (7) of this section;(b)That sufficient aggravating circumstances exist as enumerated in subsection (5) of this section;(c)That there are insufficient mitigating circumstances, as enumerated in subsection (6), to outweigh the aggravating circumstances ; and(d)That the defendant was eighteen (18) years of age or older at the time of the commission of the offense.In each case in which the jury imposes the death sentence, the determination of the jury shall be supported by specific written findings of fact based upon the circumstances in subsections (5) and (6) of this section and upon the records of the trial and the sentencing proceedings. If, after the trial of the penalty phase, the jury does not make the findings requiring the death sentence or life imprisonment without eligibility for parole, or is unable to reach a decision, the court shall impose a sentence of life imprisonment.(4)The judgment of conviction and sentence of death shall be subject to automatic review by the Supreme Court of Mississippi within sixty (60) days after certification by the sentencing court of the entire record, unless the time is extended for an additional period by the Supreme Court for good cause shown. The review by the Supreme Court shall have priority over all other cases and shall be heard in accordance with rules promulgated by the Supreme Court.(5)Aggravating circumstances shall be limited to the following:(a)The capital offense was committed by a person under sentence of imprisonment.(b)The defendant was previously convicted of another capital offense or of a felony involving the use or threat of violence to the person.(c)The defendant knowingly created a great risk of death to many persons.(d)The capital offense was committed while the defendant was engaged, or was an accomplice, in the commission of, or an attempt to commit, or flight after committing or attempting to commit, any robbery, rape, arson, burglary, kidnapping, aircraft piracy, sexual battery, unnatural intercourse with any child under the age of twelve (12), or nonconsensual unnatural intercourse with mankind, or felonious abuse or battery of a child in violation of subsection (2) of Section 97-5-39, or the unlawful use or detonation of a bomb or explosive device.(e)The capital offense was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody.(f)The capital offense was committed for pecuniary gain.(g)The capital offense was committed to disrupt or hinder the lawful exercise of any governmental function or the enforcement of laws.(h)The capital offense was committed to influence the policy of a governmental entity by intimidation or coercion, or to affect the conduct of a governmental entity by mass destruction or assassination.(i)The capital offense was especially heinous, atrocious or cruel.(j)The capital offense was committed to intimidate or coerce a civilian population.(6)Mitigating circumstances shall be the following:(a)The defendant has no significant history of prior criminal activity.(b)The offense was committed while the defendant was under the influence of extreme mental or emotional disturbance.(c)The victim was a participant in the defendant's conduct or consented to the act.(d)The defendant was an accomplice

in the capital offense committed by another person and his participation was relatively minor.(e)The defendant acted under extreme duress or under the substantial domination of another person.(f)The capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired.(g)The age of the defendant at the time of the crime.(7)In order to return and impose a sentence of death the jury must make a written finding of one or more of the following:(a)The defendant actually killed;(b)The defendant attempted to kill;(c)The defendant intended that a killing take place;(d)The defendant contemplated that lethal force would be employed.(8)For the purposes of this section, to "intimidate" or "coerce" do not include peaceful picketing, boycotts or other nonviolent action.(9)This section shall not apply to a juvenile offender who was not at least eighteen (18) years of age at the time of the commission of the offense. A juvenile offender convicted of capital murder shall be sentenced pursuant to Section97-3-21(2).Laws, 1977, ch. 458, § 2; Laws, 1983, ch. 429, § 2; Laws, 1994, ch. 566, § 1, eff. 7/1/1994.Amended by Laws, 2024, ch. 526, SB 2022,§ 2, eff. 7/1/2024.Amended by Laws, 2013, ch. 556, SB 2223, 1, eff. 7/1/2013. In each case in which the jury imposes the death sentence, the determination of the jury shall be supported by specific written findings of fact based upon the circumstances in subsections (5) and (6) of this section and upon the records of the trial and the sentencing proceedings. If, after the trial of the penalty phase, the jury does not make the findings requiring the death sentence or life imprisonment without eligibility for parole, or is unable to reach a decision, the court shall impose a sentence of life imprisonment. Laws, 1977, ch. 458, § 2; Laws, 1983, ch. 429, § 2; Laws, 1994, ch. 566, § 1, eff. 7/1/1994. Amended by Laws, 2024, ch. 526, SB 2022,§ 2, eff. 7/1/2024. Amended by Laws, 2013, ch. 556, SB 2223, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)SEPARATE SENTENCING PROCEEDING TO DETERMINE PUNISHMENT IN CAPITAL CASES (§§ 99-19-101 — 99-19-107)Section 99-19-103 - Instructions; aggravating circumstances shall be designated by jury in writing upon recommending death; effect of jury's failure to agree on punishment

The statutory instructions as determined by the trial judge to be warranted by the evidence shall be given in the charge and in writing to the jury for its deliberation. The jury, if its verdict be a unanimous recommendation of death, shall designate in writing, signed by the foreman of the jury, the statutory aggravating circumstance or circumstances which it unanimously found beyond a reasonable doubt. Unless at least one (1) of the statutory aggravated circumstances enumerated in Section99-19-101is so found or if it is found that any such aggravating circumstance is overcome by the finding of one or more mitigating circumstances, the death penalty shall not be imposed. If the jury cannot, within a reasonable time, agree as to punishment, the judge shall dismiss the jury and impose a sentence of imprisonment for life.Laws, 1977, ch. 458, § 3; Laws, 1994, ch. 566, § 4, eff. 7/1/1994. The statutory instructions as determined by the trial judge to be warranted by the evidence shall be given in the charge and in writing to the jury for its deliberation. The jury, if its verdict be a unanimous recommendation of death, shall designate in writing, signed by the foreman of the jury, the statutory aggravating circumstance or circumstances which it unanimously found beyond a reasonable doubt. Unless at least one (1) of the statutory aggravated circumstances enumerated in Section99-19-101is so found or if it is found that any such aggravating circumstance is overcome by the finding of one or more mitigating circumstances, the death penalty shall not be imposed. If the jury cannot, within a reasonable time, agree as to punishment, the judge shall dismiss the jury and impose a sentence of imprisonment for life.Laws, 1977, ch. 458, § 3; Laws, 1994, ch. 566, § 4, eff. 7/1/1994. The statutory instructions as determined by the trial judge to be warranted by the evidence shall be given in the charge and in writing to the jury for its deliberation. The jury, if its verdict be a unanimous recommendation of death, shall designate in writing, signed by the foreman of the jury, the statutory aggravating circumstance or circumstances which it unanimously found beyond a reasonable doubt. Unless at least one (1) of the statutory aggravated circumstances enumerated in Section99-19-101is so found or if it is found that any such aggravating circumstance is overcome by the finding of one or more mitigating circumstances, the death penalty shall not be imposed. If the jury cannot, within a reasonable time, agree as to punishment, the judge shall dismiss the jury and impose a sentence of imprisonment for life. Laws, 1977, ch. 458, § 3; Laws, 1994, ch. 566, § 4, eff. 7/1/1994.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)SEPARATE SENTENCING PROCEEDING TO DETERMINE PUNISHMENT IN CAPITAL CASES (§§ 99-19-101 — 99-19-107)Section 99-19-105 - Review by State Supreme Court of imposition of death penalty

(1)Whenever the death penalty is imposed, and upon the judgment becoming final in the trial court, the sentence shall be reviewed on the record by the Mississippi Supreme Court. The clerk of the trial court, within ten (10) days after receiving the transcript, shall transmit the entire record and transcript to the Mississippi Supreme Court together with a notice prepared by the clerk and a report prepared by the trial judge. The notice shall set forth the title and docket number of the case, the name of the defendant and the name

and address of his attorney, a narrative statement of the judgment, the offense, and the punishment prescribed. The report shall be in the form of a standard questionnaire prepared and supplied by the Mississippi Supreme Court, a copy of which shall be served upon counsel for the state and counsel for the defendant.(2)The Mississippi Supreme Court shall consider the punishment as well as any errors enumerated by way of appeal.(3)With regard to the sentence, the court shall determine:(a)Whether the sentence of death was imposed under the influence of passion, prejudice or any other arbitrary factor;(b)Whether the evidence supports the jury's or judge's finding of a statutory aggravating circumstance as enumerated in Section99-19-101;(c)Whether the sentence of death is excessive or disproportionate to the penalty imposed in similar cases, considering both the crime and the defendant; and(d)Should one or more of the aggravating circumstances be found invalid on appeal, the Mississippi Supreme Court shall determine whether the remaining aggravating circumstances are outweighed by the mitigating circumstances or whether the inclusion of any invalid circumstance was harmless error, or both.(4)Both the defendant and the state shall have the right to submit briefs within the time provided by the court, and to present oral argument to the court.(5)The court shall include in its decision a reference to those similar cases which it took into consideration. In addition to its authority regarding correction of errors, the court, with regard to review of death sentences, shall be authorized to:(a)Affirm the sentence of death;(b)Reweight the remaining aggravating circumstances against the mitigating circumstances should one or more of the aggravating circumstances be found to be invalid, and (i) affirm the sentence of death or (ii) hold the error in the sentence phase harmless error and affirm the sentence of death or (iii) remand the case for a new sentencing hearing; or(c)Set the sentence aside and remand the case for modification of the sentence to imprisonment for life.(6)The sentence review shall be in addition to direct appeal, if taken, and the review and appeal shall be consolidated for consideration. The court shall render its decision on legal errors enumerated, the factual substantiation of the verdict, and the validity of the sentence.Laws, 1977, ch. 458, § 4; Laws, 1984, ch. 448, § 7; Laws, 1985, ch. 305, § 1; Laws, 1994 Ex Sess, ch. 23, § 2; Laws, 2000, ch. 569, § 11, eff. 7/1/2000. (1)Whenever the death penalty is imposed, and upon the judgment becoming final in the trial court, the sentence shall be reviewed on the record by the Mississippi Supreme Court. The clerk of the trial court, within ten (10) days after receiving the transcript, shall transmit the entire record and transcript to the Mississippi Supreme Court together with a notice prepared by the clerk and a report prepared by the trial judge. The notice shall set forth the title and docket number of the case, the name of the defendant and the name and address of his attorney, a narrative statement of the judgment, the offense, and the punishment prescribed. 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The court shall render its decision on legal errors enumerated, the factual substantiation of the verdict, and the validity of the sentence.Laws, 1977, ch. 458, § 4; Laws, 1984, ch. 448, § 7; Laws, 1985, ch. 305, § 1; Laws, 1994 Ex Sess, ch. 23, § 2; Laws, 2000, ch. 569, § 11, eff. 7/1/2000. (1)Whenever the death penalty is imposed, and upon the judgment becoming final in the trial court, the sentence shall be reviewed on the record by the Mississippi Supreme Court. The clerk of the trial court, within ten (10) days after receiving the transcript, shall transmit the entire record and transcript to the Mississippi Supreme Court together with a notice prepared by the clerk and a report prepared by the trial judge. The notice shall set forth the title and docket number of the case, the name of the defendant and the name and address of his attorney, a narrative statement of the judgment, the offense, and the punishment prescribed. 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In addition to its authority regarding correction of errors, the court, with regard to review of death sentences,

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Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) SEPARATE SENTENCING PROCEEDING TO DETERMINE PUNISHMENT IN CAPITAL CASES (§§ 99-19-101 — 99-19-107) Section 99-19-106 - Date of execution of death sentence

When judgment of death becomes final and a writ of certiorari to the United States Supreme Court has been denied or the time for filing such petition has expired, the court shall set an execution date for a person sentenced to the death penalty. Within sixty (60) days following the appointment of post-conviction counsel, upon declaration by counsel that he deems post-conviction review to be meritorious and that he intends to file an application for post-conviction review, the court may stay execution pending the disposition of the post-conviction proceeding. In the event no application for post-conviction relief is filed within one (1) year of the date of the disposition of the petition for writ of certiorari or the time for certiorari has expired, any stay entered by the court will automatically vacate. The filing of a declaration by counsel that he deems post-conviction review to be meritorious and intends to file an application for post-conviction review shall in no manner constitute the filing of an application for post-conviction review that would toll the running of any statute of limitations. Setting or resetting the date of execution shall be made on motion of the state that all state and federal remedies have been exhausted, or that the defendant has failed to file for further state or federal review within the time allowed by law. Laws of 2000, ch. 569, § 17, eff. 7/1/2000. When judgment of death becomes final and a writ of certiorari to the United States Supreme Court has been denied or the time for filing such petition has expired, the court shall set an execution date for a person sentenced to the death penalty. Within sixty (60) days following the appointment of post-conviction counsel, upon declaration by counsel that he deems post-conviction review to be meritorious and that he intends to file an application for post-conviction review, the court may stay execution pending the disposition of the post-conviction proceeding. In the event no application for post-conviction relief is filed within one (1) year of the date of the disposition of the petition for writ of certiorari or the time for certiorari has expired, any stay entered by the court will automatically vacate. The filing of a declaration by counsel that he deems post-conviction review to be meritorious and intends to file an application for post-conviction review shall in no manner constitute the filing of an application for post-conviction review that would toll the running of any statute of limitations. Setting or resetting the date of execution shall be made on motion of the state that all state and federal remedies have been exhausted, or that the defendant has failed to file for further state or federal review within the time allowed by law. Laws of 2000, ch. 569, § 17, eff. 7/1/2000. When judgment of death becomes final and a writ of certiorari to the United States Supreme Court has been denied or the time for filing such petition has expired, the court shall set an execution date for a person sentenced to the death penalty. Within sixty (60) days following the appointment of post-conviction counsel, upon declaration by counsel that he deems post-conviction review to be meritorious and that he intends to file an application for post-conviction review, the court may stay execution pending the disposition of the post-conviction proceeding. In the event no application for post-conviction relief is filed within one (1) year of the date of the disposition of the petition for writ of certiorari or the time for certiorari has expired, any stay entered by the court will automatically vacate. The filing of a declaration by counsel that he deems post-conviction review to be meritorious and intends to file an application for post-conviction review shall in no manner constitute the filing of an application for post-conviction review that would toll the running of any statute of limitations. Setting or resetting the date of execution shall be made on motion of the state that all state and federal remedies have been exhausted, or that the defendant has failed to file for further state or federal review within the time allowed by law. Laws of 2000, ch. 569, § 17, eff. 7/1/2000.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401) SEPARATE SENTENCING PROCEEDING TO DETERMINE

PUNISHMENT IN CAPITAL CASES (§§ 99-19-101 — 99-19-107)Section 99-19-107 - Life sentence to be imposed if death penalty held to be unconstitutional

In the event the death penalty is held to be unconstitutional by the Mississippi Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death shall cause such person to be brought before the court and the court shall sentence such person to imprisonment for life, and such person shall not be eligible for parole.Laws, 1977, ch. 458, § 5; Laws, 1982, ch. 431, § 6, eff. 7/1/1982. In the event the death penalty is held to be unconstitutional by the Mississippi Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death shall cause such person to be brought before the court and the court shall sentence such person to imprisonment for life, and such person shall not be eligible for parole.Laws, 1977, ch. 458, § 5; Laws, 1982, ch. 431, § 6, eff. 7/1/1982. In the event the death penalty is held to be unconstitutional by the Mississippi Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death shall cause such person to be brought before the court and the court shall sentence such person to imprisonment for life, and such person shall not be eligible for parole.Laws, 1977, ch. 458, § 5; Laws, 1982, ch. 431, § 6, eff. 7/1/1982. In the event the death penalty is held to be unconstitutional by the Mississippi Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death shall cause such person to be brought before the court and the court shall sentence such person to imprisonment for life, and such person shall not be eligible for parole.Laws, 1977, ch. 458, § 5; Laws, 1982, ch. 431, § 6, eff. 7/1/1982.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)VICTIM IMPACT STATEMENT ACT (§§ 99-19-151 — 99-19-161)Section 99-19-151 - Short title

Sections99-19-151through99-19-161shall be known and may be cited as "The Victim Impact Statement Act."Laws, 1987, ch. 433, § 1, eff. 7/1/1987. Sections99-19-151through99-19-161shall be known and may be cited as "The Victim Impact Statement Act."Laws, 1987, ch. 433, § 1, eff. 7/1/1987. Sections99-19-151through99-19-161shall be known and may be cited as "The Victim Impact Statement Act."Laws, 1987, ch. 433, § 1, eff. 7/1/1987. Sections99-19-151through99-19-161shall be known and may be cited as "The Victim Impact Statement Act." Laws, 1987, ch. 433, § 1, eff. 7/1/1987.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)VICTIM IMPACT STATEMENT ACT (§§ 99-19-151 — 99-19-161)Section 99-19-153 - Declaration of purpose

(1)The Legislature finds and declares that:(a)Protection of the public, restitution to the crime victim and the crime victim's family and just punishment for the harm inflicted are primary objectives of the sentencing process;(b)The financial, emotional and physical effects of a criminal act on the victim and the victim's family are among the essential factors to be considered in the sentencing of the person responsible for the crime;(c)In order to impose a just sentence, the court must obtain and consider information about the adverse impact of the crime upon the victim and the victim's family as well as information from and about the defendant; and(d)The victim of the crime or a relative of the victim is usually in the best position to provide information to the court about the direct impact of the crime on the victim and the victim's family.(2)Therefore, the Legislature declares that the purpose of Sections99-19-151through99-19-161is to provide the sentencing court with a victim impact statement prior to sentencing a convicted offender who has caused physical, emotional or financial harm to a victim as defined herein.Laws, 1987, ch. 433, § 2, eff. 7/1/1987. (1)The Legislature finds and declares that:(a)Protection of the public, restitution to the crime victim and the crime victim's family and just punishment for the harm inflicted are primary objectives of the sentencing process;(b)The financial, emotional and physical effects of a criminal act on the victim and the victim's family are among the essential factors to be considered in the sentencing of the person responsible for the crime;(c)In order to impose a just sentence, the court must obtain and consider information about the adverse impact of the crime upon the victim and the victim's family as well as information from and about the defendant; and(d)The victim of the crime or a relative of the victim is usually in the best position to provide information to the court about the direct impact of the crime on the victim and the victim's family.(2)Therefore, the Legislature declares that the purpose of Sections99-19-151through99-19-161is to provide the sentencing court with a victim impact statement prior to sentencing a convicted offender who has caused physical, emotional or financial harm to a victim as defined herein.Laws, 1987, ch. 433, § 2, eff. 7/1/1987. Laws, 1987, ch. 433, § 2, eff. 7/1/1987.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 19 - JUDGMENT,

SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)VICTIM IMPACT STATEMENT ACT (§§ 99-19-151 — 99-19-161)Section 99-19-155 - Definitions

For the purposes of Sections99-19-151through99-19-161, the following words shall have the meanings ascribed herein, unless the context otherwise requires:(a)"Victim" means an individual who suffers direct or threatened physical, emotional or financial harm as the result of the commission of a felony or an immediate family member of a minor victim or a homicide victim.(b)"Victim impact statement" means a statement providing information about the financial, emotional and physical effects of the crime on the victim and the victim's family, and specific information about the victim, the circumstances surrounding the crime and the manner in which it was perpetrated.(c)"Victim representative" means a spouse, parent, child, sibling or other relative of a deceased or incapacitated victim or of a victim who is under fourteen (14) years of age, or a person who has had a close personal relationship with the victim and is designated by the court to be a victim representative.Laws, 1987, ch. 433, § 3, eff. 7/1/1987. For the purposes of Sections99-19-151through99-19-161, the following words shall have the meanings ascribed herein, unless the context otherwise requires:(a)"Victim" means an individual who suffers direct or threatened physical, emotional or financial harm as the result of the commission of a felony or an immediate family member of a minor victim or a homicide victim.(b)"Victim impact statement" means a statement providing information about the financial, emotional and physical effects of the crime on the victim and the victim's family, and specific information about the victim, the circumstances surrounding the crime and the manner in which it was perpetrated.(c)"Victim representative" means a spouse, parent, child, sibling or other relative of a deceased or incapacitated victim or of a victim who is under fourteen (14) years of age, or a person who has had a close personal relationship with the victim and is designated by the court to be a victim representative.Laws, 1987, ch. 433, § 3, eff. 7/1/1987. For the purposes of Sections99-19-151through99-19-161, the following words shall have the meanings ascribed herein, unless the context otherwise requires: Laws, 1987, ch. 433, § 3, eff. 7/1/1987.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)VICTIM IMPACT STATEMENT ACT (§§ 99-19-151 — 99-19-161)Section 99-19-157 - Victim impact statement

(1)If a court orders the preparation of a presentence evaluation report on a defendant in a felony case, the presentence investigator shall prepare a written victim impact statement for the court which shall be appended to such report. The statement shall include applicable information obtained during consultation with the victim or the victim representative. If the victim or victim representative cannot be located or declines to cooperate in the preparation of the statement, the presentence investigator shall include a notation to that effect in the statement. If there are multiple victims and preparation of individual victim impact statements is not feasible, the presentence investigator may submit one or more representative statements.(2)If a court does not order the preparation of a presentence evaluation report on a defendant in a felony case, the victim or victim representative may also submit a victim impact statement in one or both of the following ways:(a)With the permission of the trial court, the victim may present an oral victim impact statement at any sentencing hearing. However, where there are multiple victims, the court may limit the number of oral victim impact statements.(b)The victim may submit a written statement to the prosecuting attorney, who shall present such statement to the trial judge prior to sentencing.Laws, 1987, ch. 433, § 4, eff. 7/1/1987. (1)If a court orders the preparation of a presentence evaluation report on a defendant in a felony case, the presentence investigator shall prepare a written victim impact statement for the court which shall be appended to such report. The statement shall include applicable information obtained during consultation with the victim or the victim representative. If the victim or victim representative cannot be located or declines to cooperate in the preparation of the statement, the presentence investigator shall include a notation to that effect in the statement. If there are multiple victims and preparation of individual victim impact statements is not feasible, the presentence investigator may submit one or more representative statements.(2)If a court does not order the preparation of a presentence evaluation report on a defendant in a felony case, the victim or victim representative may also submit a victim impact statement in one or both of the following ways:(a)With the permission of the trial court, the victim may present an oral victim impact statement at any sentencing hearing. However, where there are multiple victims, the court may limit the number of oral victim impact statements.(b)The victim may submit a written statement to the prosecuting attorney, who shall present such statement to the trial judge prior to sentencing.Laws, 1987, ch. 433, § 4, eff. 7/1/1987. (1)If a court orders the preparation of a presentence evaluation report on a defendant in a felony case, the presentence investigator shall prepare a written victim impact statement for the court which shall be appended to such report. The statement shall include applicable information obtained during consultation with the victim or the victim representative. If the victim or victim representative cannot be located or declines to cooperate in the preparation of the statement, the presentence investigator shall include a notation to that effect in the statement. If there are multiple victims and

preparation of individual victim impact statements is not feasible, the presentence investigator may submit one or more representative statements.(2)If a court does not order the preparation of a presentence evaluation report on a defendant in a felony case, the victim or victim representative may also submit a victim impact statement in one or both of the following ways:(a)With the permission of the trial court, the victim may present an oral victim impact statement at any sentencing hearing. However, where there are multiple victims, the court may limit the number of oral victim impact statements.(b)The victim may submit a written statement to the prosecuting attorney, who shall present such statement to the trial judge prior to sentencing.Laws, 1987, ch. 433, § 4, eff. 7/1/1987. Laws, 1987, ch. 433, § 4, eff. 7/1/1987.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)VICTIM IMPACT STATEMENT ACT (§§ 99-19-151 — 99-19-161)Section 99-19-159 - Victim impact statement to be made available to defense and to prosecution; statement as factor in sentencing; cooperation of victim not mandatory

(1)At least forty-eight (48) hours prior to the date of sentencing, the court shall make available copies of the statement to the defendant, defendant's counsel and the prosecuting attorney. These parties shall return all copies of the statement to the court immediately following the imposition of sentence upon the defendant.(2)Any victim impact statement submitted to the court under Section99-19-157shall be among the factors considered by the court in determining the sentence to be imposed upon the defendant.(3)Sections99-19-151through99-19-161shall not be construed to require a victim or victim representative to submit a victim impact statement or to cooperate in the preparation of a victim impact statement.Laws, 1987, ch. 433, § 5, eff. 7/1/1987.

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Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 19 - JUDGMENT, SENTENCE, AND EXECUTION (§§ 99-19-1 — 99-19-401)VICTIM IMPACT STATEMENT ACT (§§ 99-19-151 — 99-19-161)Section 99-19-161 - Notice to victim prior to sentencing

The prosecuting attorney shall notify the victim or the victim representative in writing of the date, time and place of any sentencing hearing. If a sentencing hearing is not ordered by the trial judge, the prosecuting attorney shall notify the victim or the victim representative of his right to prepare a written victim impact statement to be considered by the trial judge prior to sentencing. A copy of any relevant rules and regulations pertaining to the victim impact statement and the hearing shall accompany the notice. The notice and the copy of any relevant rules and regulations shall be sent to the last known address of the victim or the victim representative at least five (5) days prior to the sentencing hearing.Laws, 1987, ch. 433, § 6, eff. 7/1/1987. The prosecuting attorney shall notify the victim or the victim representative in writing of the date, time and place of any sentencing hearing. If a sentencing hearing is not ordered by the trial judge, the prosecuting attorney shall notify the victim or the victim representative of his right to prepare a written victim impact statement to be considered by the trial judge prior to sentencing. A copy of any relevant rules and regulations pertaining to the victim impact statement and the hearing shall accompany the notice. The notice and the copy of any relevant rules and regulations shall be sent to the last known address of the victim or the victim representative at least five (5) days prior to the sentencing hearing.Laws, 1987, ch. 433, § 6, eff. 7/1/1987. The prosecuting attorney shall notify the victim or the victim representative in writing of the date, time and place of any sentencing hearing. If a sentencing hearing is not ordered by the trial judge, the prosecuting attorney shall notify the victim or the victim representative of his right to prepare a written victim impact statement to be considered by the trial judge prior to sentencing. A copy of any relevant rules and regulations pertaining to the victim impact statement and the hearing shall accompany the notice. The notice and the copy of any relevant rules and regulations shall be sent to the last known address of the victim or the victim representative at least five (5) days prior to the sentencing hearing.Laws, 1987, ch. 433, § 6, eff. 7/1/1987. The prosecuting attorney shall notify the victim or the victim representative in writing of the date, time and place of any sentencing hearing. If a sentencing hearing is not ordered by the trial judge, the prosecuting attorney shall notify the victim or the victim representative of his right to prepare a written victim impact statement to be considered by the trial judge prior to sentencing. A copy of any relevant rules and regulations pertaining to the victim impact statement and the hearing shall accompany the notice. The notice and the copy of any relevant rules and regulations shall be sent to the last known address of the victim or the victim representative at least five (5) days prior to the sentencing hearing. Laws, 1987, ch. 433, § 6, eff. 7/1/1987.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 20 - COMMUNITY SERVICE RESTITUTION (§§ 99-20-1 — 99-20-19) Section 99-20-1 - Short title; purpose

This chapter shall be known as the Mississippi Community Service Restitution Act. The purpose of this chapter is to provide an alternative method of punishment in cases in which the defendant would have otherwise been sentenced to a term of imprisonment. Laws, 1983, ch. 447, § 1; reenacted, Laws, 1987, ch. 367, § 1, eff. 7/1/1987. This chapter shall be known as the Mississippi Community Service Restitution Act. The purpose of this chapter is to provide an alternative method of punishment in cases in which the defendant would have otherwise been sentenced to a term of imprisonment. Laws, 1983, ch. 447, § 1; reenacted, Laws, 1987, ch. 367, § 1, eff. 7/1/1987. This chapter shall be known as the Mississippi Community Service Restitution Act. The purpose of this chapter is to provide an alternative method of punishment in cases in which the defendant would have otherwise been sentenced to a term of imprisonment. Laws, 1983, ch. 447, § 1; reenacted, Laws, 1987, ch. 367, § 1, eff. 7/1/1987. This chapter shall be known as the Mississippi Community Service Restitution Act. The purpose of this chapter is to provide an alternative method of punishment in cases in which the defendant would have otherwise been sentenced to a term of imprisonment. Laws, 1983, ch. 447, § 1; reenacted, Laws, 1987, ch. 367, § 1, eff. 7/1/1987.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 20 - COMMUNITY SERVICE RESTITUTION (§§ 99-20-1 — 99-20-19) Section 99-20-11 - Agreement to and acceptance of sentence by defendant; conditional discharge

If a determination is made to use the community service sentence, the defendant must agree to and accept the determination. Any defendant who is sentenced to the community service restitution program shall receive a conditional discharge from the presiding court and shall be sentenced to perform a certain number of hours of unpaid community service, in the sentencing court's discretion. If a determination is made to use the community service sentence, the defendant must agree to and accept the determination. Any defendant who is sentenced to the community service restitution program shall receive a conditional discharge from the presiding court and shall be sentenced to perform a certain number of hours of unpaid community service, in the sentencing court's discretion. Laws, 1983, ch. 447, § 6; reenacted, Laws, 1987, ch. 367, § 6, eff. 7/1/1987. If a determination is made to use the community service sentence, the defendant must agree to and accept the determination. Any defendant who is sentenced to the community service restitution program shall receive a conditional discharge from the presiding court and shall be sentenced to perform a certain number of hours of unpaid community service, in the sentencing court's discretion. If a determination is made to use the community service sentence, the defendant must agree to and accept the determination. Any defendant who is sentenced to the community service restitution program shall receive a conditional discharge from the presiding court and shall be sentenced to perform a certain number of hours of unpaid community service, in the sentencing court's discretion. Laws, 1983, ch. 447, § 6; reenacted, Laws, 1987, ch. 367, § 6, eff. 7/1/1987. If a determination is made to use the community service sentence, the defendant must agree to and accept the determination. Any defendant who is sentenced to the community service restitution program shall receive a conditional discharge from the presiding court and shall be sentenced to perform a certain number of hours of unpaid community service, in the sentencing court's discretion. If a determination is made to use the community service sentence, the defendant must agree to and accept the determination. Any defendant who is sentenced to the community service restitution program shall receive a conditional discharge from the presiding court and shall be sentenced to perform a certain number of hours of unpaid community service, in the sentencing court's discretion. If a determination is made to use the community service sentence, the defendant must agree to and accept the determination. Any defendant who is sentenced to the community service restitution program shall receive a conditional discharge from the presiding court and shall be sentenced to perform a certain number of hours of unpaid community service, in the sentencing court's discretion. If a determination is made to use the community service sentence, the defendant must agree to and accept the determination. Any defendant who is sentenced to the community service restitution program shall receive a conditional discharge from the presiding court and shall be sentenced to perform a certain number of hours of unpaid community service, in the sentencing court's discretion. Laws, 1983, ch. 447, § 6; reenacted, Laws, 1987, ch. 367, § 6, eff. 7/1/1987.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 20 - COMMUNITY SERVICE RESTITUTION (§§ 99-20-1 — 99-20-19) Section 99-20-13 - Participant informed of possible criminal sentence; consequences of failure to perform community service sentence

Upon sentencing to the community service restitution program, the judge shall instruct the defendant as to what the sentence would have been had he or she not been placed in the community service restitution program, and shall inform the defendant as to consequences of failure to perform the community service sentence. Laws, 1983, ch. 447, § 7; reenacted, Laws, 1987, ch. 367, § 7, eff. 7/1/1987. Upon sentencing to the community service restitution program, the judge shall instruct the defendant as to what the sentence would have been had he or she not been placed in the community service restitution program, and shall inform the defendant as to consequences of failure to perform the community service sentence. Laws, 1983, ch. 447, § 7; reenacted, Laws, 1987, ch. 367, § 7, eff. 7/1/1987. Upon sentencing to the community service restitution program, the judge shall instruct the defendant as to what the sentence would have been had he or she not been placed in the community service restitution program, and shall inform the defendant as to consequences of failure to perform the community service sentence. Laws, 1983, ch. 447, § 7; reenacted, Laws, 1987, ch. 367, § 7, eff. 7/1/1987. Upon sentencing to the community service restitution program, the judge shall instruct the

defendant as to what the sentence would have been had he or she not been placed in the community service restitution program, and shall inform the defendant as to consequences of failure to perform the community service sentence. Laws, 1983, ch. 447, § 7; reenacted, Laws, 1987, ch. 367, § 7, eff. 7/1/1987.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 20 - COMMUNITY SERVICE RESTITUTION (§§ 99-20-1 — 99-20-19) Section 99-20-15 - Written agreement between program participant and department of corrections

If the court imposes the community service sentence, a written agreement shall be immediately executed by the defendant and the Department of Corrections representative. The agreement shall contain such provisions and conditions as the Department of Corrections and the court shall deem just and appropriate. Laws, 1983, ch. 447, § 8; reenacted, Laws, 1987, ch. 367, § 8, eff. 7/1/1987. If the court imposes the community service sentence, a written agreement shall be immediately executed by the defendant and the Department of Corrections representative. The agreement shall contain such provisions and conditions as the Department of Corrections and the court shall deem just and appropriate. Laws, 1983, ch. 447, § 8; reenacted, Laws, 1987, ch. 367, § 8, eff. 7/1/1987. If the court imposes the community service sentence, a written agreement shall be immediately executed by the defendant and the Department of Corrections representative. The agreement shall contain such provisions and conditions as the Department of Corrections and the court shall deem just and appropriate. Laws, 1983, ch. 447, § 8; reenacted, Laws, 1987, ch. 367, § 8, eff. 7/1/1987. If the court imposes the community service sentence, a written agreement shall be immediately executed by the defendant and the Department of Corrections representative. The agreement shall contain such provisions and conditions as the Department of Corrections and the court shall deem just and appropriate. Laws, 1983, ch. 447, § 8; reenacted, Laws, 1987, ch. 367, § 8, eff. 7/1/1987.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 20 - COMMUNITY SERVICE RESTITUTION (§§ 99-20-1 — 99-20-19) Section 99-20-17 - Failure to complete sentence; consequences

Upon failure to complete the community service sentence, the case shall be restored to the court calendar for resentencing and a warrant for the arrest of the defendant shall immediately be issued. Laws, 1983, ch. 447, § 9; reenacted, Laws, 1987, ch. 367, § 9, eff. 7/1/1987. Upon failure to complete the community service sentence, the case shall be restored to the court calendar for resentencing and a warrant for the arrest of the defendant shall immediately be issued. Laws, 1983, ch. 447, § 9; reenacted, Laws, 1987, ch. 367, § 9, eff. 7/1/1987. Upon failure to complete the community service sentence, the case shall be restored to the court calendar for resentencing and a warrant for the arrest of the defendant shall immediately be issued. Laws, 1983, ch. 447, § 9; reenacted, Laws, 1987, ch. 367, § 9, eff. 7/1/1987. Upon failure to complete the community service sentence, the case shall be restored to the court calendar for resentencing and a warrant for the arrest of the defendant shall immediately be issued. Laws, 1983, ch. 447, § 9; reenacted, Laws, 1987, ch. 367, § 9, eff. 7/1/1987.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 20 - COMMUNITY SERVICE RESTITUTION (§§ 99-20-1 — 99-20-19) Section 99-20-19 - Availability of program

This alternative method of punishment shall be available only in circuit court districts where the Department of Corrections Commissioner certifies that such a program exists, can be enforced and that space is available in such program. Laws, 1983, ch. 447, § 10; reenacted, Laws, 1987, ch. 367, § 10, eff. 7/1/1987. This alternative method of punishment shall be available only in circuit court districts where the Department of Corrections Commissioner certifies that such a program exists, can be enforced and that space is available in such program. Laws, 1983, ch. 447, § 10; reenacted, Laws, 1987, ch. 367, § 10, eff. 7/1/1987. This alternative method of punishment shall be available only in circuit court districts where the Department of Corrections Commissioner certifies that such a program exists, can be enforced and that space is available in such program. Laws, 1983, ch. 447, § 10; reenacted, Laws, 1987, ch. 367, § 10, eff. 7/1/1987. This alternative method of punishment shall be available only in circuit court districts where the Department of Corrections Commissioner certifies that such a program exists, can be enforced and that space is available in such program. Laws, 1983, ch. 447, § 10; reenacted, Laws, 1987, ch. 367, § 10, eff. 7/1/1987.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 20 - COMMUNITY SERVICE RESTITUTION (§§ 99-20-1 — 99-20-19) Section 99-20-3 - Participation in community service restitution program

Any defendant who qualifies for participation as set out in this chapter, shall be entitled to participate in a community service restitution program. Any convicted defendant who, having been sentenced prior to July 1, 1983, and who qualifies for participation in the program herein established, may petition the circuit court of the county of his conviction to be sentenced under the provisions of this chapter. Laws, 1983, ch. 447, § 2; reenacted, Laws, 1987, ch. 367, § 2, eff. 7/1/1987. Any defendant who qualifies for participation as set out in this chapter, shall be entitled to participate in a community service restitution program. Any convicted defendant who, having been sentenced prior to July 1, 1983, and who qualifies for participation in the program herein established, may petition the circuit court of the county of his conviction to be sentenced under the provisions of this chapter. Laws, 1983, ch. 447, § 2; reenacted, Laws, 1987, ch. 367, § 2, eff. 7/1/1987. Any defendant who qualifies for participation as set out in this chapter, shall be entitled to participate in a community service restitution program. Any convicted defendant who, having been sentenced prior to July 1, 1983, and who qualifies for participation in the program herein established, may petition the circuit court of the

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Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 20 - COMMUNITY SERVICE RESTITUTION (§§ 99-20-1 — 99-20-19) Section 99-20-5 - Qualifications for participation in program

In order to qualify for participation in a community service restitution program, the defendant must: (a) be a first offender, (b) be convicted of a nonviolent offense that would constitute a felony and (c) not have drug, alcohol or emotional problems so serious that he or she appears unlikely to be able to meet the obligations of the community service sentence. Laws, 1983, ch. 447, § 3; reenacted, Laws, 1987, ch. 367, § 3; Laws, 1999, ch. 382, § 1, eff. 7/1/1999. In order to qualify for participation in a community service restitution program, the defendant must: (a) be a first offender, (b) be convicted of a nonviolent offense that would constitute a felony and (c) not have drug, alcohol or emotional problems so serious that he or she appears unlikely to be able to meet the obligations of the community service sentence. Laws, 1983, ch. 447, § 3; reenacted, Laws, 1987, ch. 367, § 3; Laws, 1999, ch. 382, § 1, eff. 7/1/1999. In order to qualify for participation in a community service restitution program, the defendant must: (a) be a first offender, (b) be convicted of a nonviolent offense that would constitute a felony and (c) not have drug, alcohol or emotional problems so serious that he or she appears unlikely to be able to meet the obligations of the community service sentence. Laws, 1983, ch. 447, § 3; reenacted, Laws, 1987, ch. 367, § 3; Laws, 1999, ch. 382, § 1, eff. 7/1/1999. In order to qualify for participation in a community service restitution program, the defendant must: Laws, 1983, ch. 447, § 3; reenacted, Laws, 1987, ch. 367, § 3; Laws, 1999, ch. 382, § 1, eff. 7/1/1999.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 20 - COMMUNITY SERVICE RESTITUTION (§§ 99-20-1 — 99-20-19) Section 99-20-7 - Determining persons eligible for participation; review of district attorney's files

Department of Corrections personnel shall review the incoming files in the office of district attorney in the circuit court district in which they are operating, to determine which, if any, of the persons charged are eligible for participation in the community service restitution program. Laws, 1983, ch. 447, § 4; reenacted, Laws, 1987, ch. 367, § 4, eff. 7/1/1987. Department of Corrections personnel shall review the incoming files in the office of district attorney in the circuit court district in which they are operating, to determine which, if any, of the persons charged are eligible for participation in the community service restitution program. Laws, 1983, ch. 447, § 4; reenacted, Laws, 1987, ch. 367, § 4, eff. 7/1/1987. Department of Corrections personnel shall review the incoming files in the office of district attorney in the circuit court district in which they are operating, to determine which, if any, of the persons charged are eligible for participation in the community service restitution program. Laws, 1983, ch. 447, § 4; reenacted, Laws, 1987, ch. 367, § 4, eff. 7/1/1987. Department of Corrections personnel shall review the incoming files in the office of district attorney in the circuit court district in which they are operating, to determine which, if any, of the persons charged are eligible for participation in the community service restitution program. Laws, 1983, ch. 447, § 4; reenacted, Laws, 1987, ch. 367, § 4, eff. 7/1/1987.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 20 - COMMUNITY SERVICE RESTITUTION (§§ 99-20-1 — 99-20-19) Section 99-20-9 - Notification of eligible persons; request for sentence to program; recommendations of victim

When a case appears to meet the eligibility criteria established in Section 99-20-5, the Department of Corrections representative shall notify the district attorney of that district and the defense attorney. The Department of Corrections representative, the district attorney and the defense attorney shall request the court to sentence the defendant to the community service restitution program. The Department of Corrections representative shall present to the court its basis for requesting the community service sentence. In addition, the victim, if any, of the crime for which the defendant is charged shall be asked to comment in writing as to whether or not the defendant shall be allowed to enter the program. The court shall not be bound by such recommendations. Laws, 1983, ch. 447, § 5; reenacted, Laws, 1987, ch. 367, § 5, eff. 7/1/1987. When a case appears to meet the eligibility criteria established in Section 99-20-5, the Department of Corrections representative shall notify the district attorney of that district and the defense attorney. The Department of Corrections representative, the district attorney and the defense attorney shall request the court to sentence the defendant to the community service restitution program. The Department of Corrections representative shall present to the court its basis for requesting the community service sentence. In addition, the victim, if any, of the crime for which the defendant is charged shall be asked to comment in writing as to whether or not the

defendant shall be allowed to enter the program. The court shall not be bound by such recommendations. Laws, 1983, ch. 447, § 5; reenacted, Laws, 1987, ch. 367, § 5, eff. 7/1/1987. When a case appears to meet the eligibility criteria established in Section 99-20-5, the Department of Corrections representative shall notify the district attorney of that district and the defense attorney. The Department of Corrections representative, the district attorney and the defense attorney shall request the court to sentence the defendant to the community service restitution program. The Department of Corrections representative shall present to the court its basis for requesting the community service sentence. In addition, the victim, if any, of the crime for which the defendant is charged shall be asked to comment in writing as to whether or not the defendant shall be allowed to enter the program. The court shall not be bound by such recommendations. Laws, 1983, ch. 447, § 5; reenacted, Laws, 1987, ch. 367, § 5, eff. 7/1/1987.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 21 - FUGITIVES FROM OTHER STATES (§§ 99-21-1 — 99-21-11) Section 99-21-1 - Warrant for arrest of fugitives

Any conservator of the peace, upon complaint on oath made before him, or on other satisfactory evidence, that any person within this state has committed treason, felony, or other crime in some other state or territory, and has fled from justice may issue a warrant for the arrest of such person as if the offense had been committed in this state. Codes, 1880, § 3120; 1892, § 1470; 1906, § 1542; Hemingway's 1917, § 1304; 1930, § 1330; 1942, § 2577. Any conservator of the peace, upon complaint on oath made before him, or on other satisfactory evidence, that any person within this state has committed treason, felony, or other crime in some other state or territory, and has fled from justice may issue a warrant for the arrest of such person as if the offense had been committed in this state. Codes, 1880, § 3120; 1892, § 1470; 1906, § 1542; Hemingway's 1917, § 1304; 1930, § 1330; 1942, § 2577. Any conservator of the peace, upon complaint on oath made before him, or on other satisfactory evidence, that any person within this state has committed treason, felony, or other crime in some other state or territory, and has fled from justice may issue a warrant for the arrest of such person as if the offense had been committed in this state. Codes, 1880, § 3120; 1892, § 1470; 1906, § 1542; Hemingway's 1917, § 1304; 1930, § 1330; 1942, § 2577. Any conservator of the peace, upon complaint on oath made before him, or on other satisfactory evidence, that any person within this state has committed treason, felony, or other crime in some other state or territory, and has fled from justice may issue a warrant for the arrest of such person as if the offense had been committed in this state. Codes, 1880, § 3120; 1892, § 1470; 1906, § 1542; Hemingway's 1917, § 1304; 1930, § 1330; 1942, § 2577.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 21 - FUGITIVES FROM OTHER STATES (§§ 99-21-1 — 99-21-11) Section 99-21-11 - Person causing arrest liable for costs; deposit or security may be required

The person making complaint to procure the arrest of any person charged with crime in some other state or territory, shall be answerable for all the costs of the arrest and proceedings, and for the jail fees, if the person be committed to jail; and the conservator of the peace applied to may require such deposit of money, or other security for the payment of all costs, charges, and fees in such proceedings, as he thinks reasonable, and may refuse to issue a warrant or commit the person to jail, or do anything in such matter until compliance with the requirement. Codes, 1880, § 3125; 1892, § 1475; 1906, § 1547; Hemingway's 1917, § 1309; 1930, § 1335; 1942, § 2582. The person making complaint to procure the arrest of any person charged with crime in some other state or territory, shall be answerable for all the costs of the arrest and proceedings, and for the jail fees, if the person be committed to jail; and the conservator of the peace applied to may require such deposit of money, or other security for the payment of all costs, charges, and fees in such proceedings, as he thinks reasonable, and may refuse to issue a warrant or commit the person to jail, or do anything in such matter until compliance with the requirement. Codes, 1880, § 3125; 1892, § 1475; 1906, § 1547; Hemingway's 1917, § 1309; 1930, § 1335; 1942, § 2582. The person making complaint to procure the arrest of any person charged with crime in some other state or territory, shall be answerable for all the costs of the arrest and proceedings, and for the jail fees, if the person be committed to jail; and the conservator of the peace applied to may require such deposit of money, or other security for the payment of all costs, charges, and fees in such proceedings, as he thinks reasonable, and may refuse to issue a warrant or commit the person to jail, or do anything in such matter until compliance with the requirement. Codes, 1880, § 3125; 1892, § 1475; 1906, § 1547; Hemingway's 1917, § 1309; 1930, § 1335; 1942, § 2582. The person making complaint to procure the arrest of any person charged with crime in some other state or territory, shall be answerable for all the costs of the arrest and proceedings, and for the jail fees, if the person be committed to jail; and the conservator of the peace applied to may require such deposit of money, or other security for the payment of all costs, charges, and fees in such proceedings, as he thinks reasonable, and may refuse to issue a warrant or commit the person to jail, or do anything in such matter until compliance with the requirement. Codes, 1880, § 3125; 1892, § 1475; 1906, § 1547; Hemingway's 1917, § 1309; 1930, § 1335; 1942, § 2582.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 21 - FUGITIVES FROM OTHER STATES (§§ 99-21-1 — 99-21-11) Section 99-21-3 - Bail

If it shall appear to the conservator of the peace before whom the fugitive shall be brought, that there is reasonable cause to believe that the complaint is true, he shall, if the prisoner would be entitled to bail if the offense had been committed in this state, require him to furnish bail to appear before the circuit court of the county at its next term, and from day to day and term to term until discharged by law. If such person do not give bail with sufficient sureties as required, he shall be committed to jail until he give such bail, or until he be discharged as hereinafter provided. If such person would not be bailable if the offense charged had been committed in this state, he shall be committed to jail to remain until discharged as provided by law. Codes, 1880, § 3131; 1892, §

1471; 1906, § 1543; Hemingway's 1917, § 1305; 1930, § 1331; 1942, § 2578. If it shall appear to the conservator of the peace before whom the fugitive shall be brought, that there is reasonable cause to believe that the complaint is true, he shall, if the prisoner would be entitled to bail if the offense had been committed in this state, require him to furnish bail to appear before the circuit court of the county at its next term, and from day to day and term to term until discharged by law. If such person do not give bail with sufficient sureties as required, he shall be committed to jail until he give such bail, or until he be discharged as hereinafter provided. If such person would not be bailable if the offense charged had been committed in this state, he shall be committed to jail to remain until discharged as provided by law. Codes, 1880, § 3131; 1892, § 1471; 1906, § 1543; Hemingway's 1917, § 1305; 1930, § 1331; 1942, § 2578. If it shall appear to the conservator of the peace before whom the fugitive shall be brought, that there is reasonable cause to believe that the complaint is true, he shall, if the prisoner would be entitled to bail if the offense had been committed in this state, require him to furnish bail to appear before the circuit court of the county at its next term, and from day to day and term to term until discharged by law. If such person do not give bail with sufficient sureties as required, he shall be committed to jail until he give such bail, or until he be discharged as hereinafter provided. If such person would not be bailable if the offense charged had been committed in this state, he shall be committed to jail to remain until discharged as provided by law. Codes, 1880, § 3131; 1892, § 1471; 1906, § 1543; Hemingway's 1917, § 1305; 1930, § 1331; 1942, § 2578. If it shall appear to the conservator of the peace before whom the fugitive shall be brought, that there is reasonable cause to believe that the complaint is true, he shall, if the prisoner would be entitled to bail if the offense had been committed in this state, require him to furnish bail to appear before the circuit court of the county at its next term, and from day to day and term to term until discharged by law. If such person do not give bail with sufficient sureties as required, he shall be committed to jail until he give such bail, or until he be discharged as hereinafter provided. If such person would not be bailable if the offense charged had been committed in this state, he shall be committed to jail to remain until discharged as provided by law. Codes, 1880, § 3131; 1892, § 1471; 1906, § 1543; Hemingway's 1917, § 1305; 1930, § 1331; 1942, § 2578.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 21 - FUGITIVES FROM OTHER STATES (§§ 99-21-1 — 99-21-11) Section 99-21-5 - Bonds to be filed with circuit clerk

Any bond or recognizance taken shall be delivered at once to the clerk of the circuit court before which the party is bound to appear, and, in case of forfeiture, like proceedings shall be had thereon as in other cases. Codes, 1880, § 3122; 1892, § 1472; 1906, § 1544; Hemingway's 1917, § 1306; 1930, § 1332; 1942, § 2579. Any bond or recognizance taken shall be delivered at once to the clerk of the circuit court before which the party is bound to appear, and, in case of forfeiture, like proceedings shall be had thereon as in other cases. Codes, 1880, § 3122; 1892, § 1472; 1906, § 1544; Hemingway's 1917, § 1306; 1930, § 1332; 1942, § 2579. Any bond or recognizance taken shall be delivered at once to the clerk of the circuit court before which the party is bound to appear, and, in case of forfeiture, like proceedings shall be had thereon as in other cases. Codes, 1880, § 3122; 1892, § 1472; 1906, § 1544; Hemingway's 1917, § 1306; 1930, § 1332; 1942, § 2579. Any bond or recognizance taken shall be delivered at once to the clerk of the circuit court before which the party is bound to appear, and, in case of forfeiture, like proceedings shall be had thereon as in other cases. Codes, 1880, § 3122; 1892, § 1472; 1906, § 1544; Hemingway's 1917, § 1306; 1930, § 1332; 1942, § 2579.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 21 - FUGITIVES FROM OTHER STATES (§§ 99-21-1 — 99-21-11) Section 99-21-7 - Committing officer to notify governor

The conservator of the peace bailing or committing such person shall immediately report the fact to the governor of this state. Codes, 1880, § 3123; 1892, § 1473; 1906, § 1545; Hemingway's 1917, § 1307; 1930, § 1333; 1942, § 2580. The conservator of the peace bailing or committing such person shall immediately report the fact to the governor of this state. Codes, 1880, § 3123; 1892, § 1473; 1906, § 1545; Hemingway's 1917, § 1307; 1930, § 1333; 1942, § 2580. The conservator of the peace bailing or committing such person shall immediately report the fact to the governor of this state. Codes, 1880, § 3123; 1892, § 1473; 1906, § 1545; Hemingway's 1917, § 1307; 1930, § 1333; 1942, § 2580. The conservator of the peace bailing or committing such person shall immediately report the fact to the governor of this state. Codes, 1880, § 3123; 1892, § 1473; 1906, § 1545; Hemingway's 1917, § 1307; 1930, § 1333; 1942, § 2580.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 21 - FUGITIVES FROM OTHER STATES (§§ 99-21-1 — 99-21-11) Section 99-21-9 - Appearance before circuit court

If the person bound appear before the circuit court according to his obligation, he shall be discharged by the court, unless he be demanded by some person authorized by the governor of this state to demand him, or unless the court shall commit him if he were improperly admitted to bail, or shall require him to give a new bond or recognizance if his bail be insufficient, or shall order his bond or recognizance at first given to continue in force for a longer time; but any such person may at any time be taken into custody by any person authorized by the governor of this state, and such taking into custody shall be a discharge from any bail he may have given. Codes, 1880, § 3124; 1892, § 1474; 1906, § 1546; Hemingway's 1917, § 1308; 1930, § 1334; 1942, § 2581. If the person bound appear before the circuit court according to his obligation, he shall be discharged by the court, unless he be demanded by some person authorized by the governor of this state to demand him, or unless the court shall commit him if he were improperly admitted to bail, or shall require him to give a new bond or recognizance if his bail be insufficient, or shall order his bond or recognizance at first given to continue in force for a longer time; but any such person may at any time be taken into custody by any person authorized by the governor of this state, and such taking into custody shall be a discharge from any bail he may have

given. Codes, 1880, § 3124; 1892, § 1474; 1906, § 1546; Hemingway's 1917, § 1308; 1930, § 1334; 1942, § 2581. If the person bound appear before the circuit court according to his obligation, he shall be discharged by the court, unless he be demanded by some person authorized by the governor of this state to demand him, or unless the court shall commit him if he were improperly admitted to bail, or shall require him to give a new bond or recognizance if his bail be insufficient, or shall order his bond or recognizance at first given to continue in force for a longer time; but any such person may at any time be taken into custody by any person authorized by the governor of this state, and such taking into custody shall be a discharge from any bail he may have given. Codes, 1880, § 3124; 1892, § 1474; 1906, § 1546; Hemingway's 1917, § 1308; 1930, § 1334; 1942, § 2581. If the person bound appear before the circuit court according to his obligation, he shall be discharged by the court, unless he be demanded by some person authorized by the governor of this state to demand him, or unless the court shall commit him if he were improperly admitted to bail, or shall require him to give a new bond or recognizance if his bail be insufficient, or shall order his bond or recognizance at first given to continue in force for a longer time; but any such person may at any time be taken into custody by any person authorized by the governor of this state, and such taking into custody shall be a discharge from any bail he may have given. Codes, 1880, § 3124; 1892, § 1474; 1906, § 1546; Hemingway's 1917, § 1308; 1930, § 1334; 1942, § 2581.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 23 - PEACE BONDS (§§ 99-23-1 — 99-23-31) Section 99-23-1 - Complaint; warrant of arrest; condition of bond

Whenever complaint is made under oath by a credible person to a justice of the peace that any person has threatened to commit an offense against the person or property of another, and such justice is satisfied that there is good reason to fear the commission of such offense, he may issue a warrant to arrest and bring the person complained of before him or some other justice of the peace; and the justice of the peace before whom such person may be brought shall examine into the charge, and if there be just reason to apprehend that such person will commit the offense, he shall be required by the justice to enter into bond in such sum, with such sureties, and for such time not exceeding twelve months, as the justice may prescribe, conditioned to keep the peace toward the person against whom or whose property there is reason to fear the offense may be committed. Codes, 1880, § 3126; 1892, § 1476; 1906, § 1548; Hemingway's 1917, § 1310; 1930, § 1336; 1942, § 2583. Whenever complaint is made under oath by a credible person to a justice of the peace that any person has threatened to commit an offense against the person or property of another, and such justice is satisfied that there is good reason to fear the commission of such offense, he may issue a warrant to arrest and bring the person complained of before him or some other justice of the peace; and the justice of the peace before whom such person may be brought shall examine into the charge, and if there be just reason to apprehend that such person will commit the offense, he shall be required by the justice to enter into bond in such sum, with such sureties, and for such time not exceeding twelve months, as the justice may prescribe, conditioned to keep the peace toward the person against whom or whose property there is reason to fear the offense may be committed. Codes, 1880, § 3126; 1892, § 1476; 1906, § 1548; Hemingway's 1917, § 1310; 1930, § 1336; 1942, § 2583. Whenever complaint is made under oath by a credible person to a justice of the peace that any person has threatened to commit an offense against the person or property of another, and such justice is satisfied that there is good reason to fear the commission of such offense, he may issue a warrant to arrest and bring the person complained of before him or some other justice of the peace; and the justice of the peace before whom such person may be brought shall examine into the charge, and if there be just reason to apprehend that such person will commit the offense, he shall be required by the justice to enter into bond in such sum, with such sureties, and for such time not exceeding twelve months, as the justice may prescribe, conditioned to keep the peace toward the person against whom or whose property there is reason to fear the offense may be committed. Codes, 1880, § 3126; 1892, § 1476; 1906, § 1548; Hemingway's 1917, § 1310; 1930, § 1336; 1942, § 2583. Whenever complaint is made under oath by a credible person to a justice of the peace that any person has threatened to commit an offense against the person or property of another, and such justice is satisfied that there is good reason to fear the commission of such offense, he may issue a warrant to arrest and bring the person complained of before him or some other justice of the peace; and the justice of the peace before whom such person may be brought shall examine into the charge, and if there be just reason to apprehend that such person will commit the offense, he shall be required by the justice to enter into bond in such sum, with such sureties, and for such time not exceeding twelve months, as the justice may prescribe, conditioned to keep the peace toward the person against whom or whose property there is reason to fear the offense may be committed. Codes, 1880, § 3126; 1892, § 1476; 1906, § 1548; Hemingway's 1917, § 1310; 1930, § 1336; 1942, § 2583.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 23 - PEACE BONDS (§§ 99-23-1 — 99-23-31) Section 99-23-11 - Judgment after failure to prosecute appeal

If the appellant take an appeal and do not prosecute it, there shall be judgment on the bond for costs if any are due; and such bond shall stand in full force as security to keep the peace. Codes, 1880, § 3131; 1892, § 1481; 1906, § 1553; Hemingway's 1917, § 1315; 1930, § 1341; 1942, § 2588. If the appellant take an appeal and do not prosecute it, there shall be judgment on the bond for costs if any are due; and such bond shall stand in full force as security to keep the peace. Codes, 1880, § 3131; 1892, § 1481; 1906, § 1553; Hemingway's 1917, § 1315; 1930, § 1341; 1942, § 2588. If the appellant take an appeal and do not prosecute it, there shall be judgment on the bond for costs if any are due; and such bond shall stand in full force as security to keep the peace. Codes, 1880, § 3131; 1892, § 1481; 1906, § 1553; Hemingway's 1917, § 1315; 1930, § 1341; 1942, § 2588. If the appellant take an appeal and do not prosecute it, there shall be judgment on the bond for costs if any are due; and such bond shall stand in full force as security to keep the peace. Codes, 1880, § 3131; 1892, § 1481; 1906, § 1553; Hemingway's 1917, § 1315; 1930, § 1341; 1942, § 2588.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 23 - PEACE BONDS (§§ 99-23-1 — 99-23-31) Section 99-23-13 - Certain bonds to be delivered to justice court; proceeding for breach; delivery to circuit court on appeal

When the bond required shall not exceed One Thousand Dollars (\$1,000.00), or after July 1, 1986, when such bond shall not exceed Five Hundred Dollars (\$500.00), it shall be retained by the justice court and the proceeding upon its breach shall be instituted at the instance of the aggrieved party by the justice court and shall be, as nearly as may be, as provided for such case in the circuit court. Any such bond taken by the sheriff, and not exceeding the amount stated above, shall be delivered to the clerk of the justice court which required it. If the party giving bond takes an appeal to the circuit court, such bond shall be delivered, with the other papers in the case, to the clerk of the circuit court, as in other cases of appeal, although the amount of the bond shall not exceed the amount stated above, and such bond shall thereafter remain in said court, and for any breach thereof may be prosecuted in said court as if the amount of its penalty exceeded the amount stated above. Codes, 1880, § 3135; 1892, § 1487; 1906, § 1559; Hemingway's 1917, § 1321; 1930, § 1347; 1942, § 2594; Laws, 1981, ch. 471, § 55; Laws, 1982, ch. 423, § 28; Laws, 1985, ch. 478, § 2, eff. 7/1/1985.

When the bond required shall not exceed One Thousand Dollars (\$1,000.00), or after July 1, 1986, when such bond shall not exceed Five Hundred Dollars (\$500.00), it shall be retained by the justice court and the proceeding upon its breach shall be instituted at the instance of the aggrieved party by the justice court and shall be, as nearly as may be, as provided for such case in the circuit court. Any such bond taken by the sheriff, and not exceeding the amount stated above, shall be delivered to the clerk of the justice court which required it. If the party giving bond takes an appeal to the circuit court, such bond shall be delivered, with the other papers in the case, to the clerk of the circuit court, as in other cases of appeal, although the amount of the bond shall not exceed the amount stated above, and such bond shall thereafter remain in said court, and for any breach thereof may be prosecuted in said court as if the amount of its penalty exceeded the amount stated above. Codes, 1880, § 3135; 1892, § 1487; 1906, § 1559; Hemingway's 1917, § 1321; 1930, § 1347; 1942, § 2594; Laws, 1981, ch. 471, § 55; Laws, 1982, ch. 423, § 28; Laws, 1985, ch. 478, § 2, eff. 7/1/1985.

When the bond required shall not exceed One Thousand Dollars (\$1,000.00), or after July 1, 1986, when such bond shall not exceed Five Hundred Dollars (\$500.00), it shall be retained by the justice court and the proceeding upon its breach shall be instituted at the instance of the aggrieved party by the justice court and shall be, as nearly as may be, as provided for such case in the circuit court. Any such bond taken by the sheriff, and not exceeding the amount stated above, shall be delivered to the clerk of the justice court which required it. If the party giving bond takes an appeal to the circuit court, such bond shall be delivered, with the other papers in the case, to the clerk of the circuit court, as in other cases of appeal, although the amount of the bond shall not exceed the amount stated above, and such bond shall thereafter remain in said court, and for any breach thereof may be prosecuted in said court as if the amount of its penalty exceeded the amount stated above. Codes, 1880, § 3135; 1892, § 1487; 1906, § 1559; Hemingway's 1917, § 1321; 1930, § 1347; 1942, § 2594; Laws, 1981, ch. 471, § 55; Laws, 1982, ch. 423, § 28; Laws, 1985, ch. 478, § 2, eff. 7/1/1985.

When the bond required shall not exceed One Thousand Dollars (\$1,000.00), or after July 1, 1986, when such bond shall not exceed Five Hundred Dollars (\$500.00), it shall be retained by the justice court and the proceeding upon its breach shall be instituted at the instance of the aggrieved party by the justice court and shall be, as nearly as may be, as provided for such case in the circuit court. Any such bond taken by the sheriff, and not exceeding the amount stated above, shall be delivered to the clerk of the justice court which required it. If the party giving bond takes an appeal to the circuit court, such bond shall be delivered, with the other papers in the case, to the clerk of the circuit court, as in other cases of appeal, although the amount of the bond shall not exceed the amount stated above, and such bond shall thereafter remain in said court, and for any breach thereof may be prosecuted in said court as if the amount of its penalty exceeded the amount stated above. Codes, 1880, § 3135; 1892, § 1487; 1906, § 1559; Hemingway's 1917, § 1321; 1930, § 1347; 1942, § 2594; Laws, 1981, ch. 471, § 55; Laws, 1982, ch. 423, § 28; Laws, 1985, ch. 478, § 2, eff. 7/1/1985.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 23 - PEACE BONDS (§§ 99-23-1 — 99-23-31) Section 99-23-15 - Bonds over two hundred dollars returned to circuit clerk

All bonds taken as provided in this chapter, and exceeding in amount two hundred dollars, shall be returned by the officer taking them to the office of the clerk of the circuit court of the county on or before the first day of the next term of said court, and shall be by such clerk carefully preserved in his office. Codes, 1880, § 3132; 1892, § 1482; 1906, § 1554; Hemingway's 1917, § 1316; 1930, § 1342; 1942, § 2589. All bonds taken as provided in this chapter, and exceeding in amount two hundred dollars, shall be returned by the officer taking them to the office of the clerk of the circuit court of the county on or before the first day of the next term of said court, and shall be by such clerk carefully preserved in his office. Codes, 1880, § 3132; 1892, § 1482; 1906, § 1554; Hemingway's 1917, § 1316; 1930, § 1342; 1942, § 2589. All bonds taken as provided in this chapter, and exceeding in amount two hundred dollars, shall be returned by the officer taking them to the office of the clerk of the circuit court of the county on or before the first day of the next term of said court, and shall be by such clerk carefully preserved in his office. Codes, 1880, § 3132; 1892, § 1482; 1906, § 1554; Hemingway's 1917, § 1316; 1930, § 1342; 1942, § 2589. All bonds taken as provided in this chapter, and exceeding in amount two hundred dollars, shall be returned by the officer taking them to the office of the clerk of the circuit court of the county on or before the first day of the next term of said court, and shall be by such clerk carefully preserved in his office. Codes, 1880, § 3132; 1892, § 1482; 1906, § 1554; Hemingway's 1917, § 1316; 1930, § 1342; 1942, § 2589.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 23 - PEACE BONDS (§§ 99-23-1 — 99-23-31) Section 99-23-17 - Grand jury to inquire and report on breach of bonds

It shall be the duty of the clerk of the circuit court, at each term of court, to deliver to the grand jury all peace bonds that have been filed with him or in his office within two (2) years then next past, which bonds shall be returned by the grand jury to said clerk before its final adjournment. It shall be the duty of the grand jury to inquire into whether or not there has been a breach of said bonds, and to notify the district attorney of any breaches. The grand jury shall examine the person at whose instance the bond was required, if he can be found and examined; and it may examine other witnesses. If it finds that there has been a breach of the bond, it shall furnish the district attorney a list of the witnesses by whom the facts can be established. Codes, 1892, § 1483; 1906, § 1555; Hemingway's 1917, § 1317; 1930, § 1343; 1942, § 2590; Laws, 1983, ch. 499, § 28, eff. 7/1/1983. It shall be the duty of the clerk of the circuit court, at each term of court, to deliver to the grand jury all peace bonds that have been filed with him or in his office within two (2) years then next past, which bonds shall be returned by the grand jury to said clerk before its final adjournment. It shall be the duty of the grand jury to inquire into whether or not there has been a breach of said bonds, and to notify the district attorney of any breaches. The grand jury shall examine the person at whose instance the bond was required, if he can be found and examined; and it may examine other witnesses. If it finds that there has been a breach of the bond, it shall furnish the district attorney a list of the witnesses by whom the facts can be established. Codes, 1892, § 1483; 1906, § 1555; Hemingway's 1917, § 1317; 1930, § 1343; 1942, § 2590; Laws, 1983, ch. 499, § 28, eff. 7/1/1983. It shall be the duty of the clerk of the circuit court, at each term of court, to deliver to the grand jury all peace bonds that have been filed with him or in his office within two (2) years then next past, which bonds shall be returned by the grand jury to said clerk before its final adjournment. It shall be the duty of the grand jury to inquire into whether or not there has been a breach of said bonds, and to notify the district attorney of any breaches. The grand jury shall examine the person at whose instance the bond was required, if he can be found and examined; and it may examine other witnesses. If it finds that there has been a breach of the bond, it shall furnish the district attorney a list of the witnesses by whom the facts can be established. Codes, 1892, § 1483; 1906, § 1555; Hemingway's 1917, § 1317; 1930, § 1343; 1942, § 2590; Laws, 1983, ch. 499, § 28, eff. 7/1/1983.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 23 - PEACE BONDS (§§ 99-23-1 — 99-23-31) Section 99-23-19 - District attorney to institute proceedings to forfeit bonds

It shall be the duty of the district attorney whenever informed by the grand jury, or otherwise reliably, of the breach of any peace bond, to institute proceedings thereon as provided in §99-23-21. Codes, 1892, § 1484; 1906, § 1556; Hemingway's 1917, § 1318; 1930, § 1344; 1942, § 2591. It shall be the duty of the district attorney whenever informed by the grand jury, or otherwise reliably, of the breach of any peace bond, to institute proceedings thereon as provided in §99-23-21. Codes, 1892, § 1484; 1906, § 1556; Hemingway's 1917, § 1318; 1930, § 1344; 1942, § 2591. It shall be the duty of the district attorney whenever informed by the grand jury, or otherwise reliably, of the breach of any peace bond, to institute proceedings thereon as provided in §99-23-21. Codes, 1892, § 1484; 1906, § 1556; Hemingway's 1917, § 1318; 1930, § 1344; 1942, § 2591.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 23 - PEACE BONDS (§§ 99-23-1 — 99-23-31) Section 99-23-21 - Proceedings to collect forfeited bonds

The mode of proceeding in the case of a breach of bond shall be by scire facias issued by the clerk of the court, on the order of the court or the district attorney, returnable to the court at its next term, requiring the obligors to show cause why the bond shall not be declared forfeited because of the breach of its condition, which shall be recited in the scire facias. Upon the return of the scire facias executed, or of two of such writs "not found" by the sheriff of the county, if sufficient showing be not made to the contrary, judgment may be rendered on such bonds; but the court may remit any part of the amount of such bond, or the judgment rendered thereon, as may be just and reasonable. Codes, 1880, § 3133; 1892, § 1485; 1906, § 1557; Hemingway's 1917, § 1319; 1930, § 1345; 1942, § 2592. The mode of proceeding in the case of a breach of bond shall be by scire facias issued by the clerk of the court, on the order of the court or the district attorney, returnable to the court at its next term, requiring the obligors to show cause why the bond shall not be declared forfeited because of the breach of its condition, which shall be recited in the scire facias. Upon the return of the scire facias executed, or of two of such writs "not found" by the sheriff of the county, if sufficient showing be not made to the contrary, judgment may be rendered on such bonds; but the court may remit any part of the amount of such bond, or the judgment rendered thereon, as may be just and reasonable. Codes, 1880, § 3133; 1892, § 1485; 1906, § 1557; Hemingway's 1917, § 1319; 1930, § 1345; 1942, § 2592. The mode of proceeding in the case of a breach of bond shall be by scire facias issued by the clerk of the court, on the order of the court or the district attorney, returnable to the court at its next term, requiring the obligors to show cause why the bond shall not be declared forfeited because of the breach of its condition, which shall be recited in the scire facias. Upon the return of the scire facias executed, or of two of such writs "not found" by the sheriff of the county, if sufficient showing be

not made to the contrary, judgment may be rendered on such bonds; but the court may remit any part of the amount of such bond, or the judgment rendered thereon, as may be just and reasonable. Codes, 1880, § 3133; 1892, § 1485; 1906, § 1557; Hemingway's 1917, § 1319; 1930, § 1345; 1942, § 2592. The mode of proceeding in the case of a breach of bond shall be by scire facias issued by the clerk of the court, on the order of the court or the district attorney, returnable to the court at its next term, requiring the obligors to show cause why the bond shall not be declared forfeited because of the breach of its condition, which shall be recited in the scire facias. Upon the return of the scire facias executed, or of two of such writs "not found" by the sheriff of the county, if sufficient showing be not made to the contrary, judgment may be rendered on such bonds; but the court may remit any part of the amount of such bond, or the judgment rendered thereon, as may be just and reasonable. Codes, 1880, § 3133; 1892, § 1485; 1906, § 1557; Hemingway's 1917, § 1319; 1930, § 1345; 1942, § 2592.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 23 - PEACE BONDS (§§ 99-23-1 — 99-23-31) Section 99-23-23 - What constitutes breach of bond; proof

Any offense committed on the person or property of another toward whom the party may have been bound to keep the peace, shall constitute a breach of such bond, which breach may be shown by the record of the conviction of the party of the offense, or by proof of the commission of the offense where conviction has not been had, on proceeding by scire facias, as above provided. Codes, 1880, § 3134; 1892, § 1486; 1906, § 1558; Hemingway's 1917, § 1320; 1930, § 1346; 1942, § 2593. Any offense committed on the person or property of another toward whom the party may have been bound to keep the peace, shall constitute a breach of such bond, which breach may be shown by the record of the conviction of the party of the offense, or by proof of the commission of the offense where conviction has not been had, on proceeding by scire facias, as above provided. Codes, 1880, § 3134; 1892, § 1486; 1906, § 1558; Hemingway's 1917, § 1320; 1930, § 1346; 1942, § 2593. Any offense committed on the person or property of another toward whom the party may have been bound to keep the peace, shall constitute a breach of such bond, which breach may be shown by the record of the conviction of the party of the offense, or by proof of the commission of the offense where conviction has not been had, on proceeding by scire facias, as above provided. Codes, 1880, § 3134; 1892, § 1486; 1906, § 1558; Hemingway's 1917, § 1320; 1930, § 1346; 1942, § 2593. Any offense committed on the person or property of another toward whom the party may have been bound to keep the peace, shall constitute a breach of such bond, which breach may be shown by the record of the conviction of the party of the offense, or by proof of the commission of the offense where conviction has not been had, on proceeding by scire facias, as above provided. Codes, 1880, § 3134; 1892, § 1486; 1906, § 1558; Hemingway's 1917, § 1320; 1930, § 1346; 1942, § 2593.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 23 - PEACE BONDS (§§ 99-23-1 — 99-23-31) Section 99-23-25 - Sureties may surrender their principal

The sureties of any person bound to keep the peace, may, at any time, surrender their principal to the sheriff of the county in which the principal was bound, under the same rules governing such surrender in criminal cases; and the person surrendered may give a new bond, to be approved by the sheriff, in the same sum and with like sureties as the former, for the residue of the time for which he was bound to keep the peace, and thereupon he shall be discharged. Codes, 1880, § 3136; 1892, § 1488; 1906, § 1560; Hemingway's 1917, § 1322; 1930, § 1348; 1942, § 2595. The sureties of any person bound to keep the peace, may, at any time, surrender their principal to the sheriff of the county in which the principal was bound, under the same rules governing such surrender in criminal cases; and the person surrendered may give a new bond, to be approved by the sheriff, in the same sum and with like sureties as the former, for the residue of the time for which he was bound to keep the peace, and thereupon he shall be discharged. Codes, 1880, § 3136; 1892, § 1488; 1906, § 1560; Hemingway's 1917, § 1322; 1930, § 1348; 1942, § 2595. The sureties of any person bound to keep the peace, may, at any time, surrender their principal to the sheriff of the county in which the principal was bound, under the same rules governing such surrender in criminal cases; and the person surrendered may give a new bond, to be approved by the sheriff, in the same sum and with like sureties as the former, for the residue of the time for which he was bound to keep the peace, and thereupon he shall be discharged. Codes, 1880, § 3136; 1892, § 1488; 1906, § 1560; Hemingway's 1917, § 1322; 1930, § 1348; 1942, § 2595. The sureties of any person bound to keep the peace, may, at any time, surrender their principal to the sheriff of the county in which the principal was bound, under the same rules governing such surrender in criminal cases; and the person surrendered may give a new bond, to be approved by the sheriff, in the same sum and with like sureties as the former, for the residue of the time for which he was bound to keep the peace, and thereupon he shall be discharged. Codes, 1880, § 3136; 1892, § 1488; 1906, § 1560; Hemingway's 1917, § 1322; 1930, § 1348; 1942, § 2595.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 23 - PEACE BONDS (§§ 99-23-1 — 99-23-31) Section 99-23-27 - Person convicted of crime less than felony may be made to give peace bond

Every court before which any person shall be convicted of an offense less than a felony may, in addition to the penalty prescribed by law, require the convict to enter into bond in a reasonable sum, with or without sureties, to keep the peace and to be of good behavior for any time not longer than two years, and may order him to stand committed until such bond be executed; and for any breach thereof it may be proceeded on by scire facias as in other cases. Codes, 1880, § 3138; 1892, § 1489; 1906, § 1561; Hemingway's 1917, § 1323; 1930, § 1349; 1942, § 2596. Every court before which any person shall be convicted of an offense less than a felony may, in addition to the penalty prescribed by law, require the convict to enter into bond in a reasonable sum, with or without sureties, to keep the peace and to be of good behavior for any time not longer than two years, and may order him to stand committed until such bond be executed; and for any breach thereof it may be proceeded on by scire facias as in other cases. Codes,

1880, § 3138; 1892, § 1489; 1906, § 1561; Hemingway's 1917, § 1323; 1930, § 1349; 1942, § 2596. Every court before which any person shall be convicted of an offense less than a felony may, in addition to the penalty prescribed by law, require the convict to enter into bond in a reasonable sum, with or without sureties, to keep the peace and to be of good behavior for any time not longer than two years, and may order him to stand committed until such bond be executed; and for any breach thereof it may be proceeded on by scire facias as in other cases. Codes, 1880, § 3138; 1892, § 1489; 1906, § 1561; Hemingway's 1917, § 1323; 1930, § 1349; 1942, § 2596. Every court before which any person shall be convicted of an offense less than a felony may, in addition to the penalty prescribed by law, require the convict to enter into bond in a reasonable sum, with or without sureties, to keep the peace and to be of good behavior for any time not longer than two years, and may order him to stand committed until such bond be executed; and for any breach thereof it may be proceeded on by scire facias as in other cases. Codes, 1880, § 3138; 1892, § 1489; 1906, § 1561; Hemingway's 1917, § 1323; 1930, § 1349; 1942, § 2596.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 23 - PEACE BONDS (§§ 99-23-1 — 99-23-31) Section 99-23-29 - Form of affidavit to obtain security to keep the peace

"State of Mississippi, _____ County." Before me, Andrew Sims, a justice of the peace of said county, Sallie Anderson complains on oath that Junius Brown has threatened to beat her (or to tear down her fence, or whatever may be the threatened offense), and she fears he will do as he has threatened, or some other injury to her person or property, and she prays that he may be required to give security to keep the peace toward her. "Sallie Anderson." Sworn to and subscribed before me, the 30th day of November, 1906. "Andrew Sims, J.P." Codes, 1892, § 1499; 1906, § 1571; Hemingway's 1917, § 1333; 1930, § 1359; 1942, § 2606. "State of Mississippi, _____ County." Before me, Andrew Sims, a justice of the peace of said county, Sallie Anderson complains on oath that Junius Brown has threatened to beat her (or to tear down her fence, or whatever may be the threatened offense), and she fears he will do as he has threatened, or some other injury to her person or property, and she prays that he may be required to give security to keep the peace toward her. "Sallie Anderson." Sworn to and subscribed before me, the 30th day of November, 1906. "Andrew Sims, J.P." Codes, 1892, § 1499; 1906, § 1571; Hemingway's 1917, § 1333; 1930, § 1359; 1942, § 2606. "State of Mississippi, _____ County." Before me, Andrew Sims, a justice of the peace of said county, Sallie Anderson complains on oath that Junius Brown has threatened to beat her (or to tear down her fence, or whatever may be the threatened offense), and she fears he will do as he has threatened, or some other injury to her person or property, and she prays that he may be required to give security to keep the peace toward her. "Sallie Anderson." Sworn to and subscribed before me, the 30th day of November, 1906. "Andrew Sims, J.P." Codes, 1892, § 1499; 1906, § 1571; Hemingway's 1917, § 1333; 1930, § 1359; 1942, § 2606. "State of Mississippi, _____ County." Before me, Andrew Sims, a justice of the peace of said county, Sallie Anderson complains on oath that Junius Brown has threatened to beat her (or to tear down her fence, or whatever may be the threatened offense), and she fears he will do as he has threatened, or some other injury to her person or property, and she prays that he may be required to give security to keep the peace toward her. "Sallie Anderson." Sworn to and subscribed before me, the 30th day of November, 1906. "Andrew Sims, J.P." Codes, 1892, § 1499; 1906, § 1571; Hemingway's 1917, § 1333; 1930, § 1359; 1942, § 2606.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 23 - PEACE BONDS (§§ 99-23-1 — 99-23-31) Section 99-23-3 - Payment of costs

If, on examination, it shall not appear that there is just cause to fear that an offense will be committed by the party complained of, he shall be discharged, and the person who made the complaint shall be taxed with the costs, for which execution may be issued. But if it shall appear that the defendant had threatened to commit an offense, or had so acted as to justify the apprehensions of the person complaining that there was danger of the commission of an offense, the party complained of shall be taxed with the costs of the proceeding, although he may not be required to give bond; and, if he shall be required to furnish bond, he shall be taxed with all costs, for which execution may be issued. Codes, 1880, § 3127; 1892, § 1477; 1906, § 1549; Hemingway's 1917, § 1311; 1930, § 1337; 1942, § 2584. If, on examination, it shall not appear that there is just cause to fear that an offense will be committed by the party complained of, he shall be discharged, and the person who made the complaint shall be taxed with the costs, for which execution may be issued. But if it shall appear that the defendant had threatened to commit an offense, or had so acted as to justify the apprehensions of the person complaining that there was danger of the commission of an offense, the party complained of shall be taxed with the costs of the proceeding, although he may not be required to give bond; and, if he shall be required to furnish bond, he shall be taxed with all costs, for which execution may be issued. Codes, 1880, § 3127; 1892, § 1477; 1906, § 1549; Hemingway's 1917, § 1311; 1930, § 1337; 1942, § 2584. If, on examination, it shall not appear that there is just cause to fear that an offense will be committed by the party complained of, he shall be discharged, and the person who made the complaint shall be taxed with the costs, for which execution may be issued. But if it shall appear that the defendant had threatened to commit an offense, or had so acted as to justify the apprehensions of the person complaining that there was danger of the commission of an offense, the party complained of shall be taxed with the costs of the proceeding, although he may not be required to give bond; and, if he shall be required to furnish bond, he shall be taxed with all costs, for which execution may be issued. Codes, 1880, § 3127; 1892, § 1477; 1906, § 1549; Hemingway's 1917, § 1311; 1930, § 1337; 1942, § 2584. If, on examination, it shall not appear that there is just cause to fear that an offense will be committed by the party complained of, he shall be discharged, and the person who made the complaint shall be taxed with the costs, for which execution may be issued. But if it shall appear that the defendant had threatened to commit an offense, or had so acted as to justify the apprehensions of the person complaining that there was danger of the commission of an offense, the party complained of shall be taxed with the costs of the proceeding, although he may not be required to give bond; and, if he shall be required to furnish bond, he shall be taxed with all costs, for which execution may be issued. Codes, 1880, § 3127; 1892, § 1477; 1906, § 1549; Hemingway's 1917, § 1311; 1930, § 1337; 1942, § 2584. If, on examination, it shall not appear that there is just cause to fear that an offense will be committed by the party complained of, he shall be discharged, and the person who made the complaint shall be taxed with the costs, for which execution may be issued. But if it shall appear that the defendant had threatened to commit an offense, or had so acted as to justify the apprehensions of the person complaining that there was danger of the commission of an offense, the party complained of shall be taxed with the costs of the proceeding, although he may not be required to give bond; and, if he shall be required to furnish bond, he shall be taxed with all costs, for which execution may be issued. Codes, 1880, § 3127; 1892, § 1477; 1906, § 1549; Hemingway's 1917, § 1311; 1930, § 1337; 1942, § 2584. If, on examination, it shall not appear that there is just cause to fear that an offense will be committed by the party complained of, he shall be discharged, and the person who made the complaint shall be taxed with the costs, for which execution may be issued. But if it shall appear that the defendant had threatened to commit an offense, or had so acted as to justify the apprehensions of the person complaining that there was danger of the commission of an offense, the party complained of shall be taxed with the costs of the proceeding, although he may not be required to give bond; and, if he shall be required to furnish bond, he shall be taxed with all costs, for which execution may be issued. Codes, 1880, § 3127; 1892, § 1477; 1906, § 1549; Hemingway's 1917, § 1311; 1930, § 1337; 1942, § 2584.

offense, the party complained of shall be taxed with the costs of the proceeding, although he may not be required to give bond; and, if he shall be required to furnish bond, he shall be taxed with all costs, for which execution may be issued. Codes, 1880, § 3127; 1892, § 1477; 1906, § 1549; Hemingway's 1917, § 1311; 1930, § 1337; 1942, § 2584.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 23 - PEACE BONDS (§§ 99-23-1 — 99-23-31) Section 99-23-31 - Form of bond to keep the peace

"We, Junius Brown, principal, and Joseph Thorn and Daniel Alderson, his sureties, agree to pay to the State of Mississippi five hundred dollars, unless the said Junius Brown, shall for six months, keep the peace toward the person and property of Sallie Anderson." "Witness our signatures, the 1st day of December, 1906." "Junius Brown," "Joseph Thorn," "Daniel Alderson." "Approved by me, 1st day of December, 1906." "Andrew Sims, J.P. _____ County." Codes, 1892, § 1500; 1906, § 1572; Hemingway's 1917, § 1334; 1930, § 1360; 1942, § 2607. "We, Junius Brown, principal, and Joseph Thorn and Daniel Alderson, his sureties, agree to pay to the State of Mississippi five hundred dollars, unless the said Junius Brown, shall for six months, keep the peace toward the person and property of Sallie Anderson." "Witness our signatures, the 1st day of December, 1906." "Junius Brown," "Joseph Thorn," "Daniel Alderson." "Approved by me, 1st day of December, 1906." "Andrew Sims, J.P. _____ County." Codes, 1892, § 1500; 1906, § 1572; Hemingway's 1917, § 1334; 1930, § 1360; 1942, § 2607. "We, Junius Brown, principal, and Joseph Thorn and Daniel Alderson, his sureties, agree to pay to the State of Mississippi five hundred dollars, unless the said Junius Brown, shall for six months, keep the peace toward the person and property of Sallie Anderson." "Witness our signatures, the 1st day of December, 1906." "Junius Brown," "Joseph Thorn," "Daniel Alderson." "Approved by me, 1st day of December, 1906." "Andrew Sims, J.P. _____ County." Codes, 1892, § 1500; 1906, § 1572; Hemingway's 1917, § 1334; 1930, § 1360; 1942, § 2607. "We, Junius Brown, principal, and Joseph Thorn and Daniel Alderson, his sureties, agree to pay to the State of Mississippi five hundred dollars, unless the said Junius Brown, shall for six months, keep the peace toward the person and property of Sallie Anderson." "Witness our signatures, the 1st day of December, 1906." "Junius Brown," "Joseph Thorn," "Daniel Alderson." "Approved by me, 1st day of December, 1906." "Andrew Sims, J.P. _____ County." Codes, 1892, § 1500; 1906, § 1572; Hemingway's 1917, § 1334; 1930, § 1360; 1942, § 2607.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 23 - PEACE BONDS (§§ 99-23-1 — 99-23-31) Section 99-23-5 - Discharge or commitment of accused

If the bond, when required, be given, and the costs be paid, the person shall be discharged from custody, but otherwise he shall be committed to jail until he shall give such bond and pay the costs, or until the expiration of the time for which he was required to furnish security; and in such case the mittimus must state the cause of the commitment, the amount of bail, and the number of sureties required, the time for which the person is to be bound to keep the peace, and the amount of costs taxed against him. He may at any time procure his discharge by giving the required bond, approved by the sheriff of the county, and paying the costs and the jail fees accrued, if any. Codes, 1880, § 3128; 1892, § 1478; 1906, § 1550; Hemingway's 1917, § 1312; 1930, § 1338; 1942, § 2585. If the bond, when required, be given, and the costs be paid, the person shall be discharged from custody, but otherwise he shall be committed to jail until he shall give such bond and pay the costs, or until the expiration of the time for which he was required to furnish security; and in such case the mittimus must state the cause of the commitment, the amount of bail, and the number of sureties required, the time for which the person is to be bound to keep the peace, and the amount of costs taxed against him. He may at any time procure his discharge by giving the required bond, approved by the sheriff of the county, and paying the costs and the jail fees accrued, if any. Codes, 1880, § 3128; 1892, § 1478; 1906, § 1550; Hemingway's 1917, § 1312; 1930, § 1338; 1942, § 2585. If the bond, when required, be given, and the costs be paid, the person shall be discharged from custody, but otherwise he shall be committed to jail until he shall give such bond and pay the costs, or until the expiration of the time for which he was required to furnish security; and in such case the mittimus must state the cause of the commitment, the amount of bail, and the number of sureties required, the time for which the person is to be bound to keep the peace, and the amount of costs taxed against him. He may at any time procure his discharge by giving the required bond, approved by the sheriff of the county, and paying the costs and the jail fees accrued, if any. Codes, 1880, § 3128; 1892, § 1478; 1906, § 1550; Hemingway's 1917, § 1312; 1930, § 1338; 1942, § 2585. If the bond, when required, be given, and the costs be paid, the person shall be discharged from custody, but otherwise he shall be committed to jail until he shall give such bond and pay the costs, or until the expiration of the time for which he was required to furnish security; and in such case the mittimus must state the cause of the commitment, the amount of bail, and the number of sureties required, the time for which the person is to be bound to keep the peace, and the amount of costs taxed against him. He may at any time procure his discharge by giving the required bond, approved by the sheriff of the county, and paying the costs and the jail fees accrued, if any. Codes, 1880, § 3128; 1892, § 1478; 1906, § 1550; Hemingway's 1917, § 1312; 1930, § 1338; 1942, § 2585.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 23 - PEACE BONDS (§§ 99-23-1 — 99-23-31) Section 99-23-7 - Appeal to circuit court and proceedings therein

Any person aggrieved by a requirement to give security to keep the peace may, at any time while such requirement is in force, appeal to the circuit court, on his application to the justice of the peace and giving bonds as required, with the further condition in the bond that the appellant shall pay all costs, in case it shall be adjudged against him in the circuit court; and thereupon all the papers in the case shall be returned by the justice of the peace to the office of the clerk of the circuit court, and said court shall examine the case anew, and either approve the bond the party gave or discharge him therefrom, or require him to enter a new one to

keep the peace, in such sum and for such time not exceeding twelve months, as the court may prescribe, which judgment shall be enforced by committing the party to jail as in other cases of failure to give bail when required, from which he shall be delivered only by giving the required bail, and paying costs and jail fees. But such appeal shall not supersede the judgment requiring a bond to keep the peace, until such judgment shall be reversed by the circuit court. Codes, 1880, § 3129; 1892, § 1479; 1906, § 1551; Hemingway's 1917, § 1313; 1930, § 1339; 1942, § 2586. Any person aggrieved by a requirement to give security to keep the peace may, at any time while such requirement is in force, appeal to the circuit court, on his application to the justice of the peace and giving bonds as required, with the further condition in the bond that the appellant shall pay all costs, in case it shall be adjudged against him in the circuit court; and thereupon all the papers in the case shall be returned by the justice of the peace to the office of the clerk of the circuit court, and said court shall examine the case anew, and either approve the bond the party gave or discharge him therefrom, or require him to enter a new one to keep the peace, in such sum and for such time not exceeding twelve months, as the court may prescribe, which judgment shall be enforced by committing the party to jail as in other cases of failure to give bail when required, from which he shall be delivered only by giving the required bail, and paying costs and jail fees. But such appeal shall not supersede the judgment requiring a bond to keep the peace, until such judgment shall be reversed by the circuit court. Codes, 1880, § 3129; 1892, § 1479; 1906, § 1551; Hemingway's 1917, § 1313; 1930, § 1339; 1942, § 2586. Any person aggrieved by a requirement to give security to keep the peace may, at any time while such requirement is in force, appeal to the circuit court, on his application to the justice of the peace and giving bonds as required, with the further condition in the bond that the appellant shall pay all costs, in case it shall be adjudged against him in the circuit court; and thereupon all the papers in the case shall be returned by the justice of the peace to the office of the clerk of the circuit court, and said court shall examine the case anew, and either approve the bond the party gave or discharge him therefrom, or require him to enter a new one to keep the peace, in such sum and for such time not exceeding twelve months, as the court may prescribe, which judgment shall be enforced by committing the party to jail as in other cases of failure to give bail when required, from which he shall be delivered only by giving the required bail, and paying costs and jail fees. But such appeal shall not supersede the judgment requiring a bond to keep the peace, until such judgment shall be reversed by the circuit court. Codes, 1880, § 3129; 1892, § 1479; 1906, § 1551; Hemingway's 1917, § 1313; 1930, § 1339; 1942, § 2586.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 23 - PEACE BONDS (§§ 99-23-1 — 99-23-31) Section 99-23-9 - Costs in circuit court

The circuit court shall render such judgment for costs on the appeal as may be proper against the appellant and the sureties on his bond. Codes, 1880, § 3130; 1892, § 1480; 1906, § 1552; Hemingway's 1917, § 1314; 1930, § 1340; 1942, § 2587. The circuit court shall render such judgment for costs on the appeal as may be proper against the appellant and the sureties on his bond. Codes, 1880, § 3130; 1892, § 1480; 1906, § 1552; Hemingway's 1917, § 1314; 1930, § 1340; 1942, § 2587. The circuit court shall render such judgment for costs on the appeal as may be proper against the appellant and the sureties on his bond. Codes, 1880, § 3130; 1892, § 1480; 1906, § 1552; Hemingway's 1917, § 1314; 1930, § 1340; 1942, § 2587. The circuit court shall render such judgment for costs on the appeal as may be proper against the appellant and the sureties on his bond. Codes, 1880, § 3130; 1892, § 1480; 1906, § 1552; Hemingway's 1917, § 1314; 1930, § 1340; 1942, § 2587.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 25 - FORMS (§§ 99-25-1 — 99-25-17) Section 99-25-1 - Forms provided

Proceedings may be in accordance with the forms set forth in this chapter, where applicable. Codes, 1892, § 1490; 1906, § 1562; Hemingway's 1917, § 1324; 1930, § 1350; 1942, § 2597. Proceedings may be in accordance with the forms set forth in this chapter, where applicable. Codes, 1892, § 1490; 1906, § 1562; Hemingway's 1917, § 1324; 1930, § 1350; 1942, § 2597. Proceedings may be in accordance with the forms set forth in this chapter, where applicable. Codes, 1892, § 1490; 1906, § 1562; Hemingway's 1917, § 1324; 1930, § 1350; 1942, § 2597. Proceedings may be in accordance with the forms set forth in this chapter, where applicable. Codes, 1892, § 1490; 1906, § 1562; Hemingway's 1917, § 1324; 1930, § 1350; 1942, § 2597.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 25 - FORMS (§§ 99-25-1 — 99-25-17) Section 99-25-11 - Entry on docket

"The State of Mississippi v. Charged with murder. John Jones." Affidavit made 9th July, 1906, and warrant issued for accused same day. July 10th, 1906, accused brought before me and examination of said charge was had, and the accused was required to furnish bail, with sureties, in the sum of two thousand five hundred dollars, for his appearance before the circuit court to answer the charge

of manslaughter, and he gave bail as required, with Cyrus Drane and Virgil Field as his sureties, and was thereupon discharged (or, failing to give bail as required, he was committed to jail, or he was committed to jail to be held without bail, as the case may be)."Codes, 1892, § 1495; 1906, § 1567; Hemingway's 1917, § 1329; 1930, § 1355; 1942, § 2602. "The State of Mississippi. Charged with murder. John Jones." Affidavit made 9th July, 1906, and warrant issued for accused same day. July 10th, 1906, accused brought before me and examination of said charge was had, and the accused was required to furnish bail, with sureties, in the sum of two thousand five hundred dollars, for his appearance before the circuit court to answer the charge of manslaughter, and he gave bail as required, with Cyrus Drane and Virgil Field as his sureties, and was thereupon discharged (or, failing to give bail as required, he was committed to jail, or he was committed to jail to be held without bail, as the case may be)."Codes, 1892, § 1495; 1906, § 1567; Hemingway's 1917, § 1329; 1930, § 1355; 1942, § 2602. "The State of Mississippi. Charged with murder. John Jones." Affidavit made 9th July, 1906, and warrant issued for accused same day. July 10th, 1906, accused brought before me and examination of said charge was had, and the accused was required to furnish bail, with sureties, in the sum of two thousand five hundred dollars, for his appearance before the circuit court to answer the charge of manslaughter, and he gave bail as required, with Cyrus Drane and Virgil Field as his sureties, and was thereupon discharged (or, failing to give bail as required, he was committed to jail, or he was committed to jail to be held without bail, as the case may be)."Codes, 1892, § 1495; 1906, § 1567; Hemingway's 1917, § 1329; 1930, § 1355; 1942, § 2602. "The State of Mississippi v. Charged with murder. John Jones." Affidavit made 9th July, 1906, and warrant issued for accused same day. July 10th, 1906, accused brought before me and examination of said charge was had, and the accused was required to furnish bail, with sureties, in the sum of two thousand five hundred dollars, for his appearance before the circuit court to answer the charge of manslaughter, and he gave bail as required, with Cyrus Drane and Virgil Field as his sureties, and was thereupon discharged (or, failing to give bail as required, he was committed to jail, or he was committed to jail to be held without bail, as the case may be)." Codes, 1892, § 1495; 1906, § 1567; Hemingway's 1917, § 1329; 1930, § 1355; 1942, § 2602.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 25 - FORMS (§§ 99-25-1 — 99-25-17) Section 99-25-13 - Proceedings certified to circuit court

"The State of Mississippi. Charged with murder. John Jones." The said accused having been brought before the undersigned, a justice of the peace of _____ County, for examination of said charge, and I, the undersigned justice of the peace, having heard the testimony of the following witnesses touching said charge, viz.: _____ found the said accused should be held to await the action of the grand jury." And said John Jones was committed to jail without bail (or was required to give bail, with sureties, in the sum of two thousand five hundred dollars for his appearance before the circuit court of said county to answer the charge of manslaughter, and, having given bail as required, was discharged accordingly)." State of Mississippi, _____ County. "I, Andrew Sims, a justice of the peace of said county, certify that the foregoing pages correctly represent the proceedings had and taken before me, on the _____ day of July, 1906, in the matter therein stated." Andrew Sims, J.P. "Codes, 1892, § 1496; 1906, § 1568; Hemingway's 1917, § 1330; 1930, § 1356; 1942, § 2603. "The State of Mississippi. Charged with murder. John Jones." The said accused having been brought before the undersigned, a justice of the peace of _____ County, for examination of said charge, and I, the undersigned justice of the peace, having heard the testimony of the following witnesses touching said charge, viz.: _____ found the said accused should be held to await the action of the grand jury." And said John Jones was committed to jail without bail (or was required to give bail, with sureties, in the sum of two thousand five hundred dollars for his appearance before the circuit court of said county to answer the charge of manslaughter, and, having given bail as required, was discharged accordingly)." State of Mississippi, _____ County. "I, Andrew Sims, a justice of the peace of said county, certify that the foregoing pages correctly represent the proceedings had and taken before me, on the _____ day of July, 1906, in the matter therein stated." Andrew Sims, J.P. "Codes, 1892, § 1496; 1906, § 1568; Hemingway's 1917, § 1330; 1930, § 1356; 1942, § 2603. "The State of Mississippi v. Charged with murder. John Jones." The said accused having been brought before the undersigned, a justice of the peace of _____ County, for examination of said charge, and I, the undersigned justice of the peace, having heard the testimony of the following witnesses touching said charge, viz.: _____ found the said accused should be held to await the action of the grand jury." And said John Jones was committed to jail without bail (or was required to give bail, with sureties, in the sum of two thousand five hundred dollars for his appearance before the circuit court of said county to answer the charge of manslaughter, and, having given bail as required, was discharged accordingly)." State of Mississippi, _____ County. "I, Andrew Sims, a justice of the peace of said county, certify that the foregoing pages correctly represent the proceedings had and taken before me, on the _____ day of July, 1906, in the matter therein stated." Andrew Sims, J.P. "Codes, 1892, § 1496; 1906, § 1568; Hemingway's 1917, § 1330; 1930, § 1356; 1942, § 2603.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 25 - FORMS (§§ 99-25-1 — 99-25-17) Section 99-25-15 - Affidavit to obtain search warrant

"State of Mississippi, _____ County." Before me, Andrew Sims, a justice of the peace of said county, Edward Nolly makes oath that, on or about the _____ day of _____, 1906, in the said county, a box of candles and a case of brogan shoes, the property of affiant, of the value of one hundred dollars were feloniously stolen, taken, or carried away; and affiant suspects Samuel Miller as the person guilty of said crime, and has reason to believe and does believe that the said stolen articles, or some of them, are now concealed in or about the dwelling house, or outhouses connected therewith, of the said Samuel Miller, in said county; and affiant prays a search warrant to search said premises, and seize the said goods if found, and also the body of said Samuel Miller, to be disposed of according to law. "Edward Nolly." Sworn to and subscribed before me, the _____ day of _____, 1906. "Andrew Sims, J.P." Codes, 1892, § 1497; 1906, § 1569; Hemingway's 1917, § 1331; 1930, § 1357; 1942, § 2604. "State of Mississippi, _____ County." Before me, Andrew Sims, a justice of the peace of said county, Edward Nolly makes oath that, on or about the _____ day of _____, 1906, in the said county, a box of candles and a case of brogan shoes, the property of affiant, of the value of one hundred dollars were feloniously stolen, taken, or carried away; and affiant suspects Samuel Miller as the person guilty of said crime, and has reason to believe and does believe that the said stolen articles, or some of them, are now concealed in or about the dwelling house, or outhouses connected therewith, of the said Samuel Miller, in said county; and affiant prays a search warrant to search said premises, and seize the said goods if found, and also the body of said Samuel Miller, to be disposed of according to law. "Edward Nolly." Sworn to and subscribed before me, the _____ day of _____, 1906. "Andrew Sims, J.P." Codes, 1892, § 1497; 1906, § 1569; Hemingway's 1917, § 1331; 1930, § 1357; 1942, § 2604. "State of Mississippi, _____ County." Before me, Andrew Sims, a justice of the peace of said county, Edward Nolly makes oath that, on or about the _____ day of _____, 1906, in the said county, a box of candles and a case of brogan shoes, the property of affiant, of the value of one hundred dollars were feloniously stolen, taken, or carried away; and affiant suspects Samuel Miller as the person guilty of said crime, and has reason to believe and does believe that the said stolen articles, or some of them, are now concealed in or about the dwelling house, or outhouses connected therewith, of the said Samuel Miller, in said county; and affiant prays a search warrant to search said premises, and seize the said goods if found, and also the body of said Samuel Miller, to be disposed of according to law. "Edward Nolly." Sworn to and subscribed before me, the _____ day of _____, 1906. "Andrew Sims, J.P." Codes, 1892, § 1497; 1906, § 1569; Hemingway's 1917, § 1331; 1930, § 1357; 1942, § 2604. "State of Mississippi, _____ County." Before me, Andrew Sims, a justice of the peace of said county, Edward Nolly makes oath that, on or about the _____ day of _____, 1906, in the said county, a box of candles and a case of brogan shoes, the property of affiant, of the value of one hundred dollars were feloniously stolen, taken, or carried away; and affiant suspects Samuel Miller as the person guilty of said crime, and has reason to believe and does believe that the said stolen articles, or some of them, are now concealed in or about the dwelling house, or outhouses connected therewith, of the said Samuel Miller, in said county; and affiant prays a search warrant to search said premises, and seize the said goods if found, and also the body of said Samuel Miller, to be disposed of according to law. "Edward Nolly." Sworn to and subscribed before me, the _____ day of _____, 1906. "Andrew Sims, J.P." Codes, 1892, § 1497; 1906, § 1569; Hemingway's 1917, § 1331; 1930, § 1357; 1942, § 2604.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 25 - FORMS (§§ 99-25-1 — 99-25-17) Section 99-25-16 - Affidavit to obtain search warrant upon oral testimony for computer crime investigations of sex offenses against children

(1) The provisions of this section shall only apply to search warrants issued in relation to computer crime investigations for sex offenses against children who are less than eighteen (18) years old involving a computer defined in Section 7-5-59(1)(a). (2) If circumstances make it reasonable to dispense, in whole or in part, with a written affidavit, a judge who is authorized to issue search warrants may issue a warrant based upon sworn testimony communicated by telephone or other appropriate means, including facsimile transmission. (3) The person who is requesting the warrant shall prepare a document to be known as a "duplicate original warrant" and shall read such duplicate original warrant verbatim to the issuing judge. The judge shall enter what is so read on a document to be known as the "original warrant." The issuing judge may direct that the warrant be modified. (4) If the judge is satisfied that the circumstances are such as to make it reasonable to dispense with a written affidavit and the grounds for the application exist or that there is probable cause to believe that they exist, the judge shall order the issuance of a warrant by directing the person requesting the warrant to sign the judge's name on the duplicate original warrant. The judge shall immediately sign the original warrant and enter on the face of the original warrant the exact time the warrant was ordered to be issued. The finding of probable cause for a warrant upon oral testimony may be based on the same kind of evidence as is sufficient for a warrant upon affidavit. (5) When a telephone caller informs the judge that the purpose of the telephone call is to request a warrant, the judge shall immediately place under oath each person whose testimony forms a basis of the application and each person applying for the warrant. The judge shall record by electronic means or a voice recording device the call after the caller informs the judge that the purpose of the call is to request a warrant. Following the call, the judge shall have the recording transcribed, shall certify the accuracy of the transcript and shall file a copy of the recording and transcript with the court. (6) The contents of a warrant upon oral testimony shall be the same as the contents of a warrant upon affidavit. (7) The person who executes the warrant shall enter the exact

time of execution on the face of the duplicate original warrant. Added by Laws, 2022, ch. 424, SB 2246, § 1, eff. 7/1/2022. (1) The provisions of this section shall only apply to search warrants issued in relation to computer crime investigations for sex offenses against children who are less than eighteen (18) years old involving a computer defined in Section 7-5-59(1)(a). (2) If circumstances make it reasonable to dispense, in whole or in part, with a written affidavit, a judge who is authorized to issue search warrants may issue a warrant based upon sworn testimony communicated by telephone or other appropriate means, including facsimile transmission. (3) The person who is requesting the warrant shall prepare a document to be known as a "duplicate original warrant" and shall read such duplicate original warrant verbatim to the issuing judge. The judge shall enter what is so read on a document to be known as the "original warrant." The issuing judge may direct that the warrant be modified. (4) If the judge is satisfied that the circumstances are such as to make it reasonable to dispense with a written affidavit and the grounds for the application exist or that there is probable cause to believe that they exist, the judge shall order the issuance of a warrant by directing the person requesting the warrant to sign the judge's name on the duplicate original warrant. The judge shall immediately sign the original warrant and enter on the face of the original warrant the exact time the warrant was ordered to be issued. The finding of probable cause for a warrant upon oral testimony may be based on the same kind of evidence as is sufficient for a warrant upon affidavit. (5) When a telephone caller informs the judge that the purpose of the telephone call is to request a warrant, the judge shall immediately place under oath each person whose testimony forms a basis of the application and each person applying for the warrant. The judge shall record by electronic means or a voice recording device the call after the caller informs the judge that the purpose of the call is to request a warrant. Following the call, the judge shall have the recording transcribed, shall certify the accuracy of the transcript and shall file a copy of the recording and transcript with the court. (6) The contents of a warrant upon oral testimony shall be the same as the contents of a warrant upon affidavit. (7) The person who executes the warrant shall enter the exact time of execution on the face of the duplicate original warrant. Added by Laws, 2022, ch. 424, SB 2246, § 1, eff. 7/1/2022. (1) The provisions of this section shall only apply to search warrants issued in relation to computer crime investigations for sex offenses against children who are less than eighteen (18) years old involving a computer defined in Section 7-5-59(1)(a). (2) If circumstances make it reasonable to dispense, in whole or in part, with a written affidavit, a judge who is authorized to issue search warrants may issue a warrant based upon sworn testimony communicated by telephone or other appropriate means, including facsimile transmission. (3) The person who is requesting the warrant shall prepare a document to be known as a "duplicate original warrant" and shall read such duplicate original warrant verbatim to the issuing judge. The judge shall enter what is so read on a document to be known as the "original warrant." The issuing judge may direct that the warrant be modified. (4) If the judge is satisfied that the circumstances are such as to make it reasonable to dispense with a written affidavit and the grounds for the application exist or that there is probable cause to believe that they exist, the judge shall order the issuance of a warrant by directing the person requesting the warrant to sign the judge's name on the duplicate original warrant. The judge shall immediately sign the original warrant and enter on the face of the original warrant the exact time the warrant was ordered to be issued. The finding of probable cause for a warrant upon oral testimony may be based on the same kind of evidence as is sufficient for a warrant upon affidavit. (5) When a telephone caller informs the judge that the purpose of the telephone call is to request a warrant, the judge shall immediately place under oath each person whose testimony forms a basis of the application and each person applying for the warrant. The judge shall record by electronic means or a voice recording device the call after the caller informs the judge that the purpose of the call is to request a warrant. Following the call, the judge shall have the recording transcribed, shall certify the accuracy of the transcript and shall file a copy of the recording and transcript with the court. (6) The contents of a warrant upon oral testimony shall be the same as the contents of a warrant upon affidavit. (7) The person who executes the warrant shall enter the exact time of execution on the face of the duplicate original warrant. Added by Laws, 2022, ch. 424, SB 2246, § 1, eff. 7/1/2022. Added by Laws, 2022, ch. 424, SB 2246, § 1, eff. 7/1/2022.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 25 - FORMS (§§ 99-25-1 — 99-25-17) Section 99-25-17 - Search warrant and capias

"The State of Mississippi." To any lawful officer of _____ County: "Oath having been made before the undersigned, a justice of the peace of said county, that a box of candles and a case of brogan shoes, the property of Edward Nolly, on or about the _____ day of _____ 1906, in said county, were feloniously taken, stolen, and carried away and that suspicion rests on Samuel Miller as guilty of said crime, and affiant has reason to believe and does believe that the said stolen articles, or some of them, are concealed in or about the dwelling house, or outhouses connected therewith, of the said Samuel Miller, in said county: "We command you, with the necessary assistance, to enter into the said dwelling house of Samuel Miller, and the outhouses connected therewith, and there diligently search for the said goods and chattels; and if the same, or any part thereof, be found, that you bring them, and also the body of said Samuel Miller, forthwith before the undersigned, or some other justice of the peace, to be disposed of according to law." Witness my hand, the _____ day of _____, 1906." Andrew Sims, J.P. "A search warrant may be only to search for stolen goods, and omit the command to arrest the person. Codes, 1892, § 1498; 1906, § 1570; Hemingway's 1917, § 1332; 1930, § 1358; 1942, § 2605. "The State of Mississippi." To any lawful officer of _____ County: "Oath having been made before the undersigned, a justice of the peace of said county, that a box of candles and a case of brogan shoes, the property of Edward Nolly, on or about the _____ day of _____ 1906, in said county, were feloniously taken, stolen, and carried away and that suspicion rests on Samuel Miller as guilty of said crime, and affiant has reason to believe and does believe that the said stolen articles, or some of them, are concealed in or about the dwelling house, or outhouses connected therewith, of the said Samuel Miller, in said county: "We command you, with the necessary assistance, to enter into the said dwelling house of Samuel Miller, and the

outhouses connected therewith, and there diligently search for the said goods and chattels; and if the same, or any part thereof, be found, that you bring them, and also the body of said Samuel Miller, forthwith before the undersigned, or some other justice of the peace, to be disposed of according to law."Witness my hand, the _____ day of _____, 1906."Andrew Sims, J.P."A search warrant may be only to search for stolen goods, and omit the command to arrest the person.Codes, 1892, § 1498; 1906, § 1570; Hemingway's 1917, § 1332; 1930, § 1358; 1942, § 2605. "The State of Mississippi."To any lawful officer of _____ County:"Oath having been made before the undersigned, a justice of the peace of said county, that a box of candles and a case of brogan shoes, the property of Edward Nolly, on or about the _____ day of _____ 1906, in said county, were feloniously taken, stolen, and carried away and that suspicion rests on Samuel Miller as guilty of said crime, and affiant has reason to believe and does believe that the said stolen articles, or some of them, are concealed in or about the dwelling house, or outhouses connected therewith, of the said Samuel Miller, in said county:"We command you, with the necessary assistance, to enter into the said dwelling house of Samuel Miller, and the outhouses connected therewith, and there diligently search for the said goods and chattels; and if the same, or any part thereof, be found, that you bring them, and also the body of said Samuel Miller, forthwith before the undersigned, or some other justice of the peace, to be disposed of according to law."Witness my hand, the _____ day of _____, 1906."Andrew Sims, J.P."A search warrant may be only to search for stolen goods, and omit the command to arrest the person.Codes, 1892, § 1498; 1906, § 1570; Hemingway's 1917, § 1332; 1930, § 1358; 1942, § 2605. "The State of Mississippi."To any lawful officer of _____ County:"Oath having been made before the undersigned, a justice of the peace of said county, that a box of candles and a case of brogan shoes, the property of Edward Nolly, on or about the _____ day of _____ 1906, in said county, were feloniously taken, stolen, and carried away and that suspicion rests on Samuel Miller as guilty of said crime, and affiant has reason to believe and does believe that the said stolen articles, or some of them, are concealed in or about the dwelling house, or outhouses connected therewith, of the said Samuel Miller, in said county:"We command you, with the necessary assistance, to enter into the said dwelling house of Samuel Miller, and the outhouses connected therewith, and there diligently search for the said goods and chattels; and if the same, or any part thereof, be found, that you bring them, and also the body of said Samuel Miller, forthwith before the undersigned, or some other justice of the peace, to be disposed of according to law. "Witness my hand, the _____ day of _____, 1906. "Andrew Sims, J.P." A search warrant may be only to search for stolen goods, and omit the command to arrest the person. Codes, 1892, § 1498; 1906, § 1570; Hemingway's 1917, § 1332; 1930, § 1358; 1942, § 2605.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 25 - FORMS (§§ 99-25-1 — 99-25-17)Section 99-25-3 - Affidavit charging crime of murder

"The State of Mississippi, _____ County."Before me, Andrew Sims, a justice of the peace of the said county, David Owens makes oath that John Jones, on or about the 8th day of July, A.D. 1906, in said county, did feloniously, wilfully, and of malice aforethought, kill and murder Timothy Anderson, against the peace and dignity of the State of Mississippi."David Owens."Sworn to and subscribed before me, the 9th day of July, 1906. "Andrew Sims, J.P. "Codes, 1892, § 1491; 1906, § 1563; Hemingway's 1917, § 1325; 1930, § 1351; 1942, § 2598. "The State of Mississippi, _____ County."Before me, Andrew Sims, a justice of the peace of the said county, David Owens makes oath that John Jones, on or about the 8th day of July, A.D. 1906, in said county, did feloniously, wilfully, and of malice aforethought, kill and murder Timothy Anderson, against the peace and dignity of the State of Mississippi."David Owens."Sworn to and subscribed before me, the 9th day of July, 1906. "Andrew Sims, J.P. "Codes, 1892, § 1491; 1906, § 1563; Hemingway's 1917, § 1325; 1930, § 1351; 1942, § 2598. "The State of Mississippi, _____ County."Before me, Andrew Sims, a justice of the peace of the said county, David Owens makes oath that John Jones, on or about the 8th day of July, A.D. 1906, in said county, did feloniously, wilfully, and of malice aforethought, kill and murder Timothy Anderson, against the peace and dignity of the State of Mississippi."David Owens."Sworn to and subscribed before me, the 9th day of July, 1906. "Andrew Sims, J.P. "Codes, 1892, § 1491; 1906, § 1563; Hemingway's 1917, § 1325; 1930, § 1351; 1942, § 2598.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 25 - FORMS (§§ 99-25-1 — 99-25-17)Section 99-25-5 - Warrant

"The State of Mississippi."To any lawful officer of _____ County:"We command you forthwith to take the body of John Jones, charged with murder in the County of _____, and bring him before the undersigned, a justice of the peace of said county, for examination on said charge."Witness my hand, the 9th day of July, 1906."Andrew Sims, J.P."Codes, 1892, § 1492; 1906, § 1564; Hemingway's 1917, § 1326; 1930, § 1352; 1942, § 2599. "The State of Mississippi."To any lawful officer of _____ County:"We command you forthwith to take the body of John Jones, charged with murder in the County of _____, and bring him before the undersigned, a justice of the peace of said county, for examination on said charge."Witness my hand, the 9th day of July, 1906."Andrew Sims, J.P."Codes, 1892, § 1492; 1906, § 1564; Hemingway's 1917, § 1326; 1930, § 1352; 1942, § 2599. "The State of Mississippi."To any lawful officer of _____ County:"We

command you forthwith to take the body of John Jones, charged with murder in the County of _____, and bring him before the undersigned, a justice of the peace of said county, for examination on said charge."Witness my hand, the 9th day of July, 1906."Andrew Sims, J.P."Codes, 1892, § 1492; 1906, § 1564; Hemingway's 1917, § 1326; 1930, § 1352; 1942, § 2599. "The State of Mississippi. "To any lawful officer of _____ County: "We command you forthwith to take the body of John Jones, charged with murder in the County of _____, and bring him before the undersigned, a justice of the peace of said county, for examination on said charge. "Witness my hand, the 9th day of July, 1906. "Andrew Sims, J.P." Codes, 1892, § 1492; 1906, § 1564; Hemingway's 1917, § 1326; 1930, § 1352; 1942, § 2599.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 25 - FORMS (§§ 99-25-1 — 99-25-17)Section 99-25-7 - Mittimus where bail is denied

"The State of Mississippi."To the sheriff of _____ County:"We command you to receive and safely keep in jail John Jones, without bail, to answer to the State of Mississippi on a charge of murder, committed in said county, and not bailable according to the judgment of the undersigned, a justice of the peace of said county, before whom said charge has been examined."Witness my hand, the 10th day of July, 1906."Andrew Sims, J.P."Codes, 1892, § 1493; 1906, § 1565; Hemingway's 1917, § 1327; 1930, § 1353; 1942, § 2600. "The State of Mississippi."To the sheriff of _____ County:"We command you to receive and safely keep in jail John Jones, without bail, to answer to the State of Mississippi on a charge of murder, committed in said county, and not bailable according to the judgment of the undersigned, a justice of the peace of said county, before whom said charge has been examined."Witness my hand, the 10th day of July, 1906."Andrew Sims, J.P."Codes, 1892, § 1493; 1906, § 1565; Hemingway's 1917, § 1327; 1930, § 1353; 1942, § 2600. "The State of Mississippi."To the sheriff of _____ County:"We command you to receive and safely keep in jail John Jones, without bail, to answer to the State of Mississippi on a charge of murder, committed in said county, and not bailable according to the judgment of the undersigned, a justice of the peace of said county, before whom said charge has been examined."Witness my hand, the 10th day of July, 1906."Andrew Sims, J.P."Codes, 1892, § 1493; 1906, § 1565; Hemingway's 1917, § 1327; 1930, § 1353; 1942, § 2600. "The State of Mississippi."To the sheriff of _____ County: "We command you to receive and safely keep in jail John Jones, without bail, to answer to the State of Mississippi on a charge of murder, committed in said county, and not bailable according to the judgment of the undersigned, a justice of the peace of said county, before whom said charge has been examined. "Witness my hand, the 10th day of July, 1906. "Andrew Sims, J.P." Codes, 1892, § 1493; 1906, § 1565; Hemingway's 1917, § 1327; 1930, § 1353; 1942, § 2600.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 25 - FORMS (§§ 99-25-1 — 99-25-17)Section 99-25-9 - Mittimus where bail is allowed and not given

"The State of Mississippi."To the sheriff of _____ County:"We command you to receive and safely keep in jail John Jones, to answer the State of Mississippi on a charge of manslaughter, committed in said county, as appears by the judgment of the undersigned, a justice of the peace of said county, on an examination thereof, unless the said John Jones shall furnish bail, with sufficient sureties, to be approved by you, in the sum of two thousand five hundred dollars, for his appearance before the circuit court of said county to answer said charge, at its next term and thereafter, until discharged by law, whereupon you shall release him."Witness my hand, the 10th day of July, 1906."Andrew Sims, J.P."Codes, 1892, § 1494; 1906, § 1566; Hemingway's 1917, § 1328; 1930, § 1354; 1942, § 2601. "The State of Mississippi."To the sheriff of _____ County:"We command you to receive and safely keep in jail John Jones, to answer the State of Mississippi on a charge of manslaughter, committed in said county, as appears by the judgment of the undersigned, a justice of the peace of said county, on an examination thereof, unless the said John Jones shall furnish bail, with sufficient sureties, to be approved by you, in the sum of two thousand five hundred dollars, for his appearance before the circuit court of said county to answer said charge, at its next term and thereafter, until discharged by law, whereupon you shall release him."Witness my hand, the 10th day of July, 1906."Andrew Sims, J.P."Codes, 1892, § 1494; 1906, § 1566; Hemingway's 1917, § 1328; 1930, § 1354; 1942, § 2601. "The State of Mississippi."To the sheriff of _____ County:"We command you to receive and safely keep in jail John Jones, to answer the State of Mississippi on a charge of manslaughter, committed in said county, as appears by the judgment of the undersigned, a justice of the peace of said county, on an examination thereof, unless the said John Jones shall furnish bail, with sufficient sureties, to be approved by you, in the sum of two thousand five hundred dollars, for his appearance before the circuit court of said county to answer said charge, at its next term and thereafter, until discharged by law, whereupon you shall release him."Witness my hand, the 10th day of July, 1906."Andrew Sims, J.P."Codes, 1892, § 1494; 1906, § 1566; Hemingway's 1917, § 1328; 1930, § 1354; 1942, § 2601. "The State of Mississippi."To the sheriff of _____ County: "We command you to receive and safely keep in jail John Jones, to answer the State of Mississippi on a charge of manslaughter, committed in said county, as appears by the judgment of the undersigned, a justice of the peace of said county, on an examination thereof, unless the said John Jones shall furnish bail, with sufficient sureties, to be approved by you, in the sum of two thousand five hundred dollars, for his appearance before the circuit court of said county to answer said charge, at its next term and thereafter, until discharged by law, whereupon you shall release him. "Witness my hand, the 10th day of July, 1906. "Andrew Sims, J.P." Codes, 1892, § 1494; 1906, § 1566; Hemingway's 1917, § 1328; 1930, § 1354; 1942, § 2601.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 27 - PROCEEDINGS FOR

INTOXICATING BEVERAGE OFFENSES (§§ 99-27-1 — 99-27-45)Section 99-27-1 - Petition to subpoena witnesses having knowledge of violations

When any officer or five or more reputable citizens of any county shall file a petition with any mayor or justice of the peace of any county stating that they have reason to believe, and do believe, that a certain person or persons have knowledge touching a violation of the criminal law against the sale, barter, or possession of intoxicating liquors, or the unlawful keeping of the same, and who shall deposit sufficient money to cover the estimated cost of the proceedings or give bond to secure the same, such mayor or justice of the peace shall forthwith issue a subpoena returnable instant, or on a day certain not later than five days, for such witnesses as may be named in said petition to appear before him at the time and place specified to answer all questions which may be propounded to him. If any witness who has been summoned shall fail to appear and testify, the mayor or justice of the peace may issue an attachment returnable before him at such time and place as he may designate, and said mayor or justice of the peace shall have full power to fine and imprison for contempt any witness failing to appear or refusing to testify, as well as for any other contempt. Codes, 1906, § 1752; Hemingway's 1917, § 2091; 1930, § 1981; 1942, § 2620; Laws, 1900, ch. 106. When any officer or five or more reputable citizens of any county shall file a petition with any mayor or justice of the peace of any county stating that they have reason to believe, and do believe, that a certain person or persons have knowledge touching a violation of the criminal law against the sale, barter, or possession of intoxicating liquors, or the unlawful keeping of the same, and who shall deposit sufficient money to cover the estimated cost of the proceedings or give bond to secure the same, such mayor or justice of the peace shall forthwith issue a subpoena returnable instant, or on a day certain not later than five days, for such witnesses as may be named in said petition to appear before him at the time and place specified to answer all questions which may be propounded to him. 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Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 27 - PROCEEDINGS FOR INTOXICATING BEVERAGE OFFENSES (§§ 99-27-1 — 99-27-45)Section 99-27-11 - Seizure and destruction of intoxicating liquors and appliances permitted; writ of seizure for vehicles, etc

No property rights shall exist in any person, natural or artificial, or be vested in them in any intoxicating liquors or intoxicating drinks prohibited by Chapter 31 of Title 97, Mississippi Code of 1972 or this chapter from being manufactured, or distilled, or sold, or possessed, nor shall any property rights exist in such persons of stills, fixtures, furniture, vehicles, automobiles or other motor-power means of transportation, or in boats, ships, or other water craft, or air-craft or any other articles, when such articles are being kept or used, directly or indirectly, as means and appliances to violate the provisions of said chapters, and all such things may be seized by any sheriff, or other lawful officer of this state and destroyed and rendered useless without any formal order of the court, and may be searched for and seized under the laws of this state. But all vehicles, conveyances, or other means of transportation above described, kept and used in handling of liquor or otherwise violating the provisions of said chapters may be first seized by such sheriff, or other lawful officer, who shall immediately make complaint under oath before the proper officer, or court, stating the facts connected with said seizure by him, giving the name or names of the person or persons found in possession or control of each article taken that was being used in transportation as well as the intoxicating liquors, or drinks and appliances or other articles seized and taken by him, and also giving the name of the owner of each article, if the same is known to him. Whereupon the said officer or court shall summon into his court all interested parties and may issue a writ of seizure, if said

property, or any part of it is not in the possession of said officer, for the seizure of any of said property and the summoning of the interested parties into court, as in proceedings for the enforcement of purchase price liens against property. Codes, Hemingway's 1921 Supp. § 2163e; 1930, § 1979; 1942, § 2618; Laws, 1918, ch 189. No property rights shall exist in any person, natural or artificial, or be vested in them in any intoxicating liquors or intoxicating drinks prohibited by Chapter 31 of Title 97, Mississippi Code of 1972 or this chapter from being manufactured, or distilled, or sold, or possessed, nor shall any property rights exist in such persons of stills, fixtures, furniture, vehicles, automobiles or other motor-power means of transportation, or in boats, ships, or other water craft, or air-craft or any other articles, when such articles are being kept or used, directly or indirectly, as means and appliances to violate the provisions of said chapters, and all such things may be seized by any sheriff, or other lawful officer of this state and destroyed and rendered useless without any formal order of the court, and may be searched for and seized under the laws of this state. But all vehicles, conveyances, or other means of transportation above described, kept and used in handling of liquor or otherwise violating the provisions of said chapters may be first seized by such sheriff, or other lawful officer, who shall immediately make complaint under oath before the proper officer, or court, stating the facts connected with said seizure by him, giving the name or names of the person or persons found in possession or control of each article taken that was being used in transportation as well as the intoxicating liquors, or drinks and appliances or other articles seized and taken by him, and also giving the name of the owner of each article, if the same is known to him. Whereupon the said officer or court shall summon into his court all interested parties and may issue a writ of seizure, if said property, or any part of it is not in the possession of said officer, for the seizure of any of said property and the summoning of the interested parties into court, as in proceedings for the enforcement of purchase price liens against property. Codes, Hemingway's 1921 Supp. § 2163e; 1930, § 1979; 1942, § 2618; Laws, 1918, ch 189. 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Whereupon the said officer or court shall summon into his court all interested parties and may issue a writ of seizure, if said property, or any part of it is not in the possession of said officer, for the seizure of any of said property and the summoning of the interested parties into court, as in proceedings for the enforcement of purchase price liens against property. Codes, Hemingway's 1921 Supp. § 2163e; 1930, § 1979; 1942, § 2618; Laws, 1918, ch 189. 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But all vehicles, conveyances, or other means of transportation above described, kept and used in handling of liquor or otherwise violating the provisions of said chapters may be first seized by such sheriff, or other lawful officer, who shall immediately make complaint under oath before the proper officer, or court, stating the facts connected with said seizure by him, giving the name or names of the person or persons found in possession or control of each article taken that was being used in transportation as well as the intoxicating liquors, or drinks and appliances or other articles seized and taken by him, and also giving the name of the owner of each article, if the same is known to him. Whereupon the said officer or court shall summon into his court all interested parties and may issue a writ of seizure, if said property, or any part of it is not in the possession of said officer, for the seizure of any of said property and the summoning of the interested parties into court, as in proceedings for the enforcement of purchase price liens against property. Codes, Hemingway's 1921 Supp. § 2163e; 1930, § 1979; 1942, § 2618; Laws, 1918, ch 189.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 27 - PROCEEDINGS FOR INTOXICATING BEVERAGE OFFENSES (§§ 99-27-1 — 99-27-45) Section 99-27-13 - Owner may interpose claim to seized property; jurisdiction and procedure

If any person claims the intoxicating liquors seized on any of the appliances either for handling, making, possessing, or transporting which have been seized, he may put in his claim therefor under oath stating in detail why said property, or any of it so seized, should not be destroyed, or sold for the benefit of the county, and said affidavit shall state the market value of the property so claimed by him, which amount as so fixed shall determine the jurisdiction of the court as to the amount involved or the value of the property. If the affidavit fixes the value of the property at \$200.00 or less and the proceeding is returnable before a justice of the peace otherwise having jurisdiction, the said justice of the peace shall finally dispose of the issue in the case joined under his direction. But if the

affidavit fixes the value of the property at more than \$200.00 the justice of the peace before whom the case is returnable shall forthwith transfer said cause to the circuit court of the county having jurisdiction to try the case, where the issues shall, under the direction of the circuit court, be joined between the State of Mississippi and the said claimant, and the case there tried as other cases. But if the affidavit of the officer in the first instance shows that the value of the property does not exceed \$200.00 and no claim is interposed by the parties in interest, on or before the return day of the summons and writ of seizure, the justice of the peace on the return day shall hear and dispose of the property, and may order all liquors, stills or integral parts thereof and all other unlawful articles to be destroyed, and may condemn all vehicles of transportation to be sold and the proceeds, after deducting the costs, paid into the county treasury to the credit of the general county fund. In the event the property is claimed by parties interested and issues joined in any court having jurisdiction of the case, such court trying the case shall have the rights of the state and the claimant determined in a trial according to the rules of procedure in such court, and if it be determined that any property involved in such trial was kept, possessed, manufactured, or used in violation of any provision of Chapter 31 of Title 97, Mississippi Code of 1972 or this chapter it shall be ordered destroyed and rendered useless for unlawful use, but all vehicles, boats and other means of transportation used in transporting articles in violation of said chapters shall be condemned to be sold and the proceeds from such sale, after paying the costs of the courts, shall be placed in the county treasury to the credit of the general county fund. But in all such trials and proceedings as provided for in this section the claimant may, before he shall file his claim, be required to execute a solvent bond in sufficient amount to cover all costs that may likely accrue, conditioned that he will pay all costs in the case that may be adjudged against him, and in the event the claimant fails to establish his claim, or any part of it to said articles, he may be taxed with all, or any part of the costs of the case, and judgment shall go against his sureties for all costs adjudged against him. Codes, 1906, §§ 1750, 1751; Hemingway's 1917, §§ 2089, 2090; 1930, § 1980; 1942, § 2619. If any person claims the intoxicating liquors seized on any of the appliances either for handling, making, possessing, or transporting which have been seized, he may put in his claim therefor under oath stating in detail why said property, or any of it so seized, should not be destroyed, or sold for the benefit of the county, and said affidavit shall state the market value of the property so claimed by him, which amount as so fixed shall determine the jurisdiction of the court as to the amount involved or the value of the property. If the affidavit fixes the value of the property at \$200.00 or less and the proceeding is returnable before a justice of the peace otherwise having jurisdiction, the said justice of the peace shall finally dispose of the issue in the case joined under his direction. But if the affidavit fixes the value of the property at more than \$200.00 the justice of the peace before whom the case is returnable shall forthwith transfer said cause to the circuit court of the county having jurisdiction to try the case, where the issues shall, under the direction of the circuit court, be joined between the State of Mississippi and the said claimant, and the case there tried as other cases. But if the affidavit of the officer in the first instance shows that the value of the property does not exceed \$200.00 and no claim is interposed by the parties in interest, on or before the return day of the summons and writ of seizure, the justice of the peace on the return day shall hear and dispose of the property, and may order all liquors, stills or integral parts thereof and all other unlawful articles to be destroyed, and may condemn all vehicles of transportation to be sold and the proceeds, after deducting the costs, paid into the county treasury to the credit of the general county fund. In the event the property is claimed by parties interested and issues joined in any court having jurisdiction of the case, such court trying the case shall have the rights of the state and the claimant determined in a trial according to the rules of procedure in such court, and if it be determined that

any property involved in such trial was kept, possessed, manufactured, or used in violation of any provision of Chapter 31 of Title 97, Mississippi Code of 1972 or this chapter it shall be ordered destroyed and rendered useless for unlawful use, but all vehicles, boats and other means of transportation used in transporting articles in violation of said chapters shall be condemned to be sold and the proceeds from such sale, after paying the costs of the courts, shall be placed in the county treasury to the credit of the general county fund. But in all such trials and proceedings as provided for in this section the claimant may, before he shall file his claim, be required to execute a solvent bond in sufficient amount to cover all costs that may likely accrue, conditioned that he will pay all costs in the case that may be adjudged against him, and in the event the claimant fails to establish his claim, or any part of it to said articles, he may be taxed with all, or any part of the costs of the case, and judgment shall go against his sureties for all costs adjudged against him. Codes, 1906, §§ 1750, 1751; Hemingway's 1917, §§ 2089, 2090; 1930, § 1980; 1942, § 2619. If any person claims the intoxicating liquors seized on any of the appliances either for handling, making, possessing, or transporting which have been seized, he may put in his claim therefor under oath stating in detail why said property, or any of it so seized, should not be destroyed, or sold for the benefit of the county, and said affidavit shall state the market value of the property so claimed by him, which amount as so fixed shall determine the jurisdiction of the court as to the amount involved or the value of the property. If the affidavit fixes the value of the property at \$200.00 or less and the proceeding is returnable before a justice of the peace otherwise having jurisdiction, the said justice of the peace shall finally dispose of the issue in the case joined under his direction. But if the affidavit fixes the value of the property at more than \$200.00 the justice of the peace before whom the case is returnable shall forthwith transfer said cause to the circuit court of the county having jurisdiction to try the case, where the issues shall, under the direction of the circuit court, be joined between the State of Mississippi and the said claimant, and the case there tried as other cases. But if the affidavit of the officer in the first instance shows that the value of the property does not exceed \$200.00 and no claim is interposed by the parties in interest, on or before the return day of the summons and writ of seizure, the justice of the peace on the return day shall hear and dispose of the property, and may order all liquors, stills or integral parts thereof and all other unlawful articles to be destroyed, and may condemn all vehicles of transportation to be sold and the proceeds, after deducting the costs, paid into the county treasury to the credit of the general county fund. In the event the property is claimed by parties interested and issues joined in any court having jurisdiction of the case, such court trying the case shall have the rights of the state and the claimant determined in a trial according to the rules of procedure in such court, and if it be determined that any property involved in such trial was kept, possessed, manufactured, or used in violation of any provision of Chapter 31 of Title 97, Mississippi Code of 1972 or this chapter it shall be ordered destroyed and rendered useless for unlawful use, but all vehicles, boats and other means of transportation used in transporting articles in violation of said chapters shall be condemned to be sold and the proceeds from such sale, after paying the costs of the courts, shall be placed in the county treasury to the credit of the general county fund. But in all such trials and proceedings as provided for in this section the claimant may, before he shall file his claim, be required to execute a solvent bond in sufficient amount to cover all costs that may likely accrue, conditioned that he will pay all costs in the case that may be adjudged against him, and in the event the claimant fails to establish his claim, or any part of it to said articles, he may be taxed with all, or any part of the costs of the case, and judgment shall go against his sureties for all costs adjudged against him. Codes, 1906, §§ 1750, 1751; Hemingway's 1917, §§ 2089, 2090; 1930, § 1980; 1942, § 2619.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 27 - PROCEEDINGS FOR INTOXICATING BEVERAGE OFFENSES (§§ 99-27-1 — 99-27-45) Section 99-27-15 - Affidavit for search warrant; contents of warrant; service and return

Upon the affidavit of any credible person that he has reason to believe and does believe: (1) That intoxicating liquor is being stored, kept, owned, controlled, or possessed, in violation of the laws of the state, at any designated place or within any designated receptacle, which place is to be stated in the affidavit; or (2) that intoxicating liquor is being sold or offered for sale contrary to law at any designated place; or (3) that liquor is being manufactured or distilled, or attempted to be manufactured or distilled at any designated place, in violation of the laws of the state; or (4) that intoxicating liquor is being transported, attempted to be transported within the state at or over or through any designated place, contrary to the laws of the state, it shall be the duty of any justice of the peace of the county or county judge, or the judge of the circuit court of the district or the chancellor of the district in which the place is situated, to issue a search warrant, directed to the sheriff or any constable of the county, or if in a municipality, to the sheriff or any constable or marshal or policeman therein, commanding him to proceed in the day or night time, to enter by breaking if necessary, and to diligently search any building, room in a building, outhouses, place, wagon, cart, buggy, automobile, motorcycle, motor truck, water or air craft or other vehicle, as may be designated in the affidavit, and to seize said intoxicating liquor, and any wagon, buggy, cart, automobile, motorcycle, motor truck, water or air craft or other vehicle used or attempted to be used in the transporting of the same, or any still or distillery or integral part of the same including appliances, vessels and equipment pertaining thereto used in making or manufacturing or attempting to make or manufacture said intoxicating liquor, and to hold the same until disposed of by law, and to arrest the person, or persons in possession and control of the same. The writ shall be returnable instant or on a day stated and a copy shall be served on the owner or person in possession if such person be present or readily found. Codes, 1930, § 1975; 1942, § 2614; Laws, 1924, ch. 244. Upon the affidavit of any credible person that he has reason to believe and does believe: (1) That intoxicating liquor is being stored, kept, owned, controlled, or possessed, in violation of the laws of the state, at any designated place or within any designated receptacle, which place is to be stated in the affidavit; or (2) that intoxicating liquor is being sold or offered for sale contrary to law at any designated place; or (3) that liquor is being manufactured or distilled, or attempted to be manufactured or distilled at any designated place, in violation of the laws of the state; or (4) that intoxicating liquor is

being transported, attempted to be transported within the state at or over or through any designated place, contrary to the laws of the state, it shall be the duty of any justice of the peace of the county or county judge, or the judge of the circuit court of the district or the chancellor of the district in which the place is situated, to issue a search warrant, directed to the sheriff or any constable of the county, or if in a municipality, to the sheriff or any constable or marshal or policeman therein, commanding him to proceed in the day or night time, to enter by breaking if necessary, and to diligently search any building, room in a building, outhouses, place, wagon, cart, buggy, automobile, motorcycle, motor truck, water or air craft or other vehicle, as may be designated in the affidavit, and to seize said intoxicating liquor, and any wagon, buggy, cart, automobile, motorcycle, motor truck, water or air craft or other vehicle used or attempted to be used in the transporting of the same, or any still or distillery or integral part of the same including appliances, vessels and equipment pertaining thereto used in making or manufacturing or attempting to make or manufacture said intoxicating liquor, and to hold the same until disposed of by law, and to arrest the person, or persons in possession and control of the same. The writ shall be returnable instanter or on a day stated and a copy shall be served on the owner or person in possession if such person be present or readily found. Codes, 1930, § 1975; 1942, § 2614; Laws, 1924, ch. 244. Upon the affidavit of any credible person that he has reason to believe and does believe: (1) That intoxicating liquor is being stored, kept, owned, controlled, or possessed, in violation of the laws of the state, at any designated place or within any designated receptacle, which place is to be stated in the affidavit; or (2) that intoxicating liquor is being sold or offered for sale contrary to law at any designated place; or (3) that liquor is being manufactured or distilled, or attempted to be manufactured or distilled at any designated place, in violation of the laws of the state; or (4) that intoxicating liquor is being transported, attempted to be transported within the state at or over or through any designated place, contrary to the laws of the state, it shall be the duty of any justice of the peace of the county or county judge, or the judge of the circuit court of the district or the chancellor of the district in which the place is situated, to issue a search warrant, directed to the sheriff or any constable of the county, or if in a municipality, to the sheriff or any constable or marshal or policeman therein, commanding him to proceed in the day or night time, to enter by breaking if necessary, and to diligently search any building, room in a building, outhouses, place, wagon, cart, buggy, automobile, motorcycle, motor truck, water or air craft or other vehicle, as may be designated in the affidavit, and to seize said intoxicating liquor, and any wagon, buggy, cart, automobile, motorcycle, motor truck, water or air craft or other vehicle used or attempted to be used in the transporting of the same, or any still or distillery or integral part of the same including appliances, vessels and equipment pertaining thereto used in making or manufacturing or attempting to make or manufacture said intoxicating liquor, and to hold the same until disposed of by law, and to arrest the person, or persons in possession and control of the same. The writ shall be returnable instanter or on a day stated and a copy shall be served on the owner or person in possession if such person be present or readily found. Codes, 1930, § 1975; 1942, § 2614; Laws, 1924, ch. 244. Upon the affidavit of any credible person that he has reason to believe and does believe: The writ shall be returnable instanter or on a day stated and a copy shall be served on the owner or person in possession if such person be present or readily found. Codes, 1930, § 1975; 1942, § 2614; Laws, 1924, ch. 244.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 27 - PROCEEDINGS FOR INTOXICATING BEVERAGE OFFENSES (§§ 99-27-1 — 99-27-45) Section 99-27-17 - Affidavit for search warrant; form

The form of affidavit may be as follows: Affidavit for search warrant. "State of Mississippi, _____ County. This day personally appeared before me, the undersigned officer of said county, _____ of said county, who is known to be a credible person, who upon his oath says that he has reason to believe, and does believe, that intoxicating liquor is being (strike out any of the following not to be sworn to): (1) Stored, kept, owned, controlled or possessed for purposes of sale in violation of law, (2) Sold or offered for sale in violation of law, (3) Manufactured or distilled, in violation of law, (4) Attempted to be manufactured or distilled in violation of law, (5) Attempted to be transported in violation of law, in the residence, outhouses, barns, stalls, smokehouses, crib, and in the field, yard, and garden and woods near the residence of _____ in the _____ district of said _____ County, Mississippi, and on Section _____ Township _____, Range _____ in said _____ County, Mississippi, and more particularly described as follows: _____ in violation of the laws of the state of Mississippi. And that intoxicating liquor is being transported and attempted to be transported in a wagon, cart, automobile, or other vehicle along the public road in said county known as _____ public road, in violation of the laws of said state of Mississippi. And this belief is not feigned of malice against _____ who is believed to be guilty of said violations, but is founded on credible information. Wherefore, affiant prays a search warrant directing a search of the above mentioned places and things, and seizure of the intoxicating liquor, stills, or integral parts thereof, and of the vehicles and receptacles used and employed in the concealment and transportation thereof, and the arrest of the said _____ and any other person or persons in charge, possession or control, guilty of violating the prohibition laws of the state. _____ Affiant. Sworn to and subscribed before me, the _____ day of _____ 2_____. (Official title)" Codes, 1930, § 1977; 1942, § 2616; Laws, 1924, ch. 244. The form of affidavit may be as follows: Affidavit for search warrant. "State of Mississippi, _____ County. This day personally appeared before me, the undersigned officer of said county, _____ of said county, who is known to be a credible person, who upon his oath says that he has reason to believe, and does believe, that intoxicating liquor is being (strike out any of the following not to be sworn to): (1) Stored, kept, owned, controlled or possessed for purposes of sale in violation of law, (2) Sold or offered for sale in violation of law, (3) Manufactured or distilled, in violation of law, (4) Attempted to be manufactured or distilled in violation of law, (5) Attempted to be transported in violation of law, in the residence, outhouses, barns, stalls,

smokehouses, crib, and in the field, yard, and garden and woods near the residence of _____ in the _____ district of said _____ County, Mississippi, and on Section _____ Township _____, Range _____ in said _____ County, Mississippi, and more particularly described as follows: _____ in violation of the laws of the state of Mississippi. And that intoxicating liquor is being transported and attempted to be transported in a wagon, cart, automobile, or other vehicle along the public road in said county known as _____ public road, in violation of the laws of said state of Mississippi. And this belief is not feigned of malice against _____ who is believed to be guilty of said violations, but is founded on credible information. Wherefore, affiant prays a search warrant directing a search of the above mentioned places and things, and seizure of the intoxicating liquor, stills, or integral parts thereof, and of the vehicles and receptacles used and employed in the concealment and transportation thereof, and the arrest of the said _____ and any other person or persons in charge, possession or control, guilty of violating the prohibition laws of the state. _____ Affiant. Sworn to and subscribed before me, the _____ day of _____ 2_____. (Official title)"Codes, 1930, § 1977; 1942, § 2616; Laws, 1924, ch. 244. The form of affidavit may be as follows: Affidavit for search warrant. "State of Mississippi, _____ County. This day personally appeared before me, the undersigned officer of said county, _____ of said county, who is known to be a credible person, who upon his oath says that he has reason to believe, and does believe, that intoxicating liquor is being (strike out any of the following not to be sworn to): (1) Stored, kept, owned, controlled or possessed for purposes of sale in violation of law, (2) Sold or offered for sale in violation of law, (3) Manufactured or distilled, in violation of law, (4) Attempted to be manufactured or distilled in violation of law, (5) Attempted to be transported in violation of law, in the residence, outhouses, barns, stalls, smokehouses, crib, and in the field, yard, and garden and woods near the residence of _____ in the _____ district of said _____ County, Mississippi, and on Section _____ Township _____, Range _____ in said _____ County, Mississippi, and more particularly described as follows: _____ in violation of the laws of the state of Mississippi. And that intoxicating liquor is being transported and attempted to be transported in a wagon, cart, automobile, or other vehicle along the public road in said county known as _____ public road, in violation of the laws of said state of Mississippi. And this belief is not feigned of malice against _____ who is believed to be guilty of said violations, but is founded on credible information. Wherefore, affiant prays a search warrant directing a search of the above mentioned places and things, and seizure of the intoxicating liquor, stills, or integral parts thereof, and of the vehicles and receptacles used and employed in the concealment and transportation thereof, and the arrest of the said _____ and any other person or persons in charge, possession or control, guilty of violating the prohibition laws of the state. _____ Affiant. Sworn to and subscribed before me, the _____ day of _____ 2_____. (Official title)"Codes, 1930, § 1977; 1942, § 2616; Laws, 1924, ch. 244. The form of affidavit may be as follows: Affidavit for search warrant. "State of Mississippi, _____ County. This day personally appeared before me, the undersigned officer of said county, _____ of said county, who is known to be a credible person, who upon his oath says that he has reason to believe, and does believe, that intoxicating liquor is being (strike out any of the following not to be sworn to): _____ in violation of the laws of the state of Mississippi. And that intoxicating liquor is being transported and attempted to be transported in a wagon, cart, automobile, or other vehicle along the public road in said county known as _____ public road, in violation of the laws of said state of Mississippi. And this belief is not feigned of malice against _____ who is believed to be guilty of said violations, but is founded on credible information. Wherefore, affiant prays a search warrant directing a search of the above mentioned places and things, and seizure of the intoxicating liquor, stills, or integral parts thereof, and of the vehicles and receptacles used and employed in the concealment and transportation thereof, and the arrest of the said _____ and any other person or persons in charge, possession or control, guilty of violating the prohibition laws of the state. _____ Affiant. Sworn to and subscribed before me, the _____ day of _____ 2_____. (Official title)"Codes, 1930, § 1977; 1942, § 2616; Laws, 1924, ch. 244.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 27 - PROCEEDINGS FOR INTOXICATING BEVERAGE OFFENSES (§§ 99-27-1 — 99-27-45) Section 99-27-19 - Search warrant; form

The form of search warrant may be as follows: Search Warrant. "State of Mississippi, _____ County. To any lawful officer of _____ County: Whereas, _____ has this day made complaint on oath, before the undersigned officer in and for said county, that he has reason to believe, and does believe, that intoxicating liquor is being (strike out any of the following not sworn to): (1) Stored, kept, owned, controlled or possessed for purposes of sale in violation of law (2) Sold or offered for sale in violation of law (3) Manufactured or distilled in violation of law (4) Attempted to be manufactured or distilled in violation of law (5) Attempted to be transported in violation of law in the residence, outhouses, barns, stalls, smokehouses, crib, and in the yard and garden, and in the field and woods near the residence of _____ in the _____ district of said _____ County and on Section _____ Township _____ Range _____ in said county, and more particularly described as follows: _____ violation of the laws of the state of Mississippi; And that intoxicating liquor is being transported and attempted to be transported in a wagon, cart, automobile or other vehicle along the public road in said

county known as the _____ public road, in violation of the laws of the state of Mississippi. And that _____ is suspected of being guilty of said violations in said county and state. And the undersigned having examined and considered said affidavit, and also after having heard and considered evidence in support thereof, doth find that probable cause for the issuance of a search warrant in the premises doth exist; Wherefore, we command you that with such aid as in your judgment shall be needed, you do proceed in the day, or nighttime, to enter by breaking, if necessary, and to diligently search said above described places, or any of them, or said described vehicles and automobiles, in said county and state, for said intoxicating liquor, stills, and integral parts thereof, vehicles and receptacles and appliances as are used in connection therewith, making known to the person or persons in control thereof, if any, your authority for so doing, and if any intoxicating liquor, stills, or still, or integral part or parts thereof, vehicles, vessels, receptacles, as are used in connection therewith be found, that you seize same, and if practicable, that you bring them before me at my office instanter, and also arrest the said _____ and all other persons as may be in possession or control thereof, and bring them before me, and have then and there this writ, with your proceedings noted thereon. Herein fail not. Witness my hand, this the _____ day of _____, 2_____. (Official title) "Codes, 1930, § 1978; 1942, § 2617; Laws, 1924, ch. 244. The form of search warrant may be as follows: Search Warrant. "State of Mississippi, _____ County. To any lawful officer of _____ County: Whereas, _____ has this day made complaint on oath, before the undersigned officer in and for said county, that he has reason to believe, and does believe, that intoxicating liquor is being (strike out any of the following not sworn to): (1) Stored, kept, owned, controlled or possessed for purposes of sale in violation of law (2) Sold or offered for sale in violation of law (3) Manufactured or distilled in violation of law (4) Attempted to be manufactured or distilled in violation of law (5) Attempted to be transported in violation of law in the residence, outhouses, barns, stalls, smokehouses, crib, and in the yard and garden, and in the field and woods near the residence of _____ in the _____ district of said _____ County and on Section _____ Township _____ Range _____ in said county, and more particularly described as follows: _____ violation of the laws of the state of Mississippi; And that intoxicating liquor is being transported and attempted to be transported in a wagon, cart, automobile or other vehicle along the public road in said county known as the _____ public road, in violation of the laws of the state of Mississippi. And that _____ is suspected of being guilty of said violations in said county and state. And the undersigned having examined and considered said affidavit, and also after having heard and considered evidence in support thereof, doth find that probable cause for the issuance of a search warrant in the premises doth exist; Wherefore, we command you that with such aid as in your judgment shall be needed, you do proceed in the day, or nighttime, to enter by breaking, if necessary, and to diligently search said above described places, or any of them, or said described vehicles and automobiles, in said county and state, for said intoxicating liquor, stills, and integral parts thereof, vehicles and receptacles and appliances as are used in connection therewith, making known to the person or persons in control thereof, if any, your authority for so doing, and if any intoxicating liquor, stills, or still, or integral part or parts thereof, vehicles, vessels, receptacles, as are used in connection therewith be found, that you seize same, and if practicable, that you bring them before me at my office instanter, and also arrest the said _____ and all other persons as may be in possession or control thereof, and bring them before me, and have then and there this writ, with your proceedings noted thereon. Herein fail not. Witness my hand, this the _____ day of _____, 2_____. (Official title) "Codes, 1930, § 1978; 1942, § 2617; Laws, 1924, ch. 244. The form of search warrant may be as follows: Search Warrant. "State of Mississippi, _____ County. To any lawful officer of _____ County: Whereas, _____ has this day made complaint on oath, before the undersigned officer in and for said county, that he has reason to believe, and does believe, that intoxicating liquor is being (strike out any of the following not sworn to): (1) Stored, kept, owned, controlled or possessed for purposes of sale in violation of law (2) Sold or offered for sale in violation of law (3) Manufactured or distilled in violation of law (4) Attempted to be manufactured or distilled in violation of law (5) Attempted to be transported in violation of law in the residence, outhouses, barns, stalls, smokehouses, crib, and in the yard and garden, and in the field and woods near the residence of _____ in the _____ district of said _____ County and on Section _____ Township _____ Range _____ in said county, and more particularly described as follows: _____ violation of the laws of the state of Mississippi; And that intoxicating liquor is being transported and attempted to be transported in a wagon, cart, automobile or other vehicle along the public road in said county known as the _____ public road, in violation of the laws of the state of Mississippi. And that _____ is suspected of being guilty of said violations in said county and state. And the undersigned having examined and considered said affidavit, and also after having heard and considered evidence in support thereof, doth find that probable cause for the issuance of a search warrant in the premises doth exist; Wherefore, we command you that with such aid as in your judgment shall be needed, you do proceed in the day, or nighttime, to enter by breaking, if necessary, and to diligently search said above described places, or any of them, or said described vehicles and automobiles, in said county and state, for said intoxicating liquor, stills, and integral parts thereof, vehicles and receptacles and appliances as are used in connection therewith, making known to the person or persons in control thereof, if any, your authority for so doing, and if any intoxicating liquor, stills, or still, or integral part or parts thereof, vehicles, vessels, receptacles, as are used in connection therewith be found, that you seize same, and if practicable, that you bring them before me at my office instanter, and also arrest the said _____ and all other persons as may be in possession or control thereof, and bring them before me, and have then and there this writ, with your

proceedings noted thereon. Herein fail not. Witness my hand, this the _____ day of _____, 2_____. (Official title)" Codes, 1930, § 1978; 1942, § 2617; Laws, 1924, ch. 244. The form of search warrant may be as follows: Search Warrant. "State of Mississippi, _____ County. To any lawful officer of _____ County: Whereas, _____ has this day made complaint on oath, before the undersigned officer in and for said county, that he has reason to believe, and does believe, that intoxicating liquor is being (strike out any of the following not sworn to): _____ violation of the laws of the state of Mississippi; And that intoxicating liquor is being transported and attempted to be transported in a wagon, cart, automobile or other vehicle along the public road in said county known as the _____ public road, in violation of the laws of the state of Mississippi. And that _____ is suspected of being guilty of said violations in said county and state. And the undersigned having examined and considered said affidavit, and also after having heard and considered evidence in support thereof, doth find that probable cause for the issuance of a search warrant in the premises doth exist; Wherefore, we command you that with such aid as in your judgment shall be needed, you do proceed in the day, or nighttime, to enter by breaking, if necessary, and to diligently search said above described places, or any of them, or said described vehicles and automobiles, in said county and state, for said intoxicating liquor, stills, and integral parts thereof, vehicles and receptacles and appliances as are used in connection therewith, making known to the person or persons in control thereof, if any, your authority for so doing, and if any intoxicating liquor, stills, or still, or integral part or parts thereof, vehicles, vessels, receptacles, as are used in connection therewith be found, that you seize same, and if practicable, that you bring them before me at my office instanter, and also arrest the said _____ and all other persons as may be in possession or control thereof, and bring them before me, and have then and there this writ, with your proceedings noted thereon. Herein fail not. Witness my hand, this the _____ day of _____, 2_____. (Official title)" Codes, 1930, § 1978; 1942, § 2617; Laws, 1924, ch. 244.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 27 - PROCEEDINGS FOR INTOXICATING BEVERAGE OFFENSES (§§ 99-27-1 — 99-27-45) Section 99-27-21 - Search of motor vehicles, etc. and seizure of liquor without warrant

It shall be the duty of any sheriff or constable of a county, or any sheriff, constable or marshal, or policeman in a municipality who has reason to believe and does believe that intoxicating liquor is being transported in violation of law, in any wagon, cart, buggy, automobile, motorcycle, motor truck, water or air craft, or any other vehicle, forthwith to make a reasonable search of such vehicle and to seize any intoxicating liquor so found being transported or being attempted to be transported in violation of law and at once to arrest the person or persons in possession or control thereof and transporting or attempting to transport same in violation of law; and such officer or officers proceeding in good faith shall not be liable either civilly or criminally for such a search and seizure without a warrant, so long as said search and seizure is conducted in a reasonable manner, it appearing that the officer or officers had reason to believe and did believe that the prohibition laws of the State of Mississippi were being violated at the time such search was instituted. And the officers making such search shall be a competent witness, or witnesses, to testify as to all facts ascertained, and discoveries made, by means of said reasonable search, and all liquor, and all appliances for its manufacture or transportation, so seized shall be admitted in evidence. But this section shall not authorize the search of a residence or home or room or building or the premises belonging to or in the possession lawfully of the party suspected, without a search warrant. Codes, 1930, § 1976; 1942, § 2615; Laws, 1924, ch. 244. It shall be the duty of any sheriff or constable of a county, or any sheriff, constable or marshal, or policeman in a municipality who has reason to believe and does believe that intoxicating liquor is being transported in violation of law, in any wagon, cart, buggy, automobile, motorcycle, motor truck, water or air craft, or any other vehicle, forthwith to make a reasonable search of such vehicle and to seize any intoxicating liquor so found being transported or being attempted to be transported in violation of law and at once to arrest the person or persons in possession or control thereof and transporting or attempting to transport same in violation of law; and such officer or officers proceeding in good faith shall not be liable either civilly or criminally for such a search and seizure without a warrant, so long as said search and seizure is conducted in a reasonable manner, it appearing that the officer or officers had reason to believe and did believe that the prohibition laws of the State of Mississippi were being violated at the time such search was instituted. And the officers making such search shall be a competent witness, or witnesses, to testify as to all facts ascertained, and discoveries made, by means of said reasonable search, and all liquor, and all appliances for its manufacture or transportation, so seized shall be admitted in evidence. But this section shall not authorize the search of a residence or home or room or building or the premises belonging to or in the possession lawfully of the party suspected, without a search warrant. Codes, 1930, § 1976; 1942, § 2615; Laws, 1924, ch. 244. It shall be the duty of any sheriff or constable of a county, or any sheriff, constable or marshal, or policeman in a municipality who has reason to believe and does believe that intoxicating liquor is being transported in violation of law, in any wagon, cart, buggy, automobile, motorcycle, motor truck, water or air craft, or any other vehicle, forthwith to make a reasonable search of such vehicle and to seize any intoxicating liquor so found being transported or being attempted to be transported in violation of law and at once to arrest the person or persons in possession or control thereof and transporting or attempting to transport same in violation of law; and such officer or officers proceeding in good faith shall not be liable either civilly or criminally for such a search and seizure without a warrant, so long as said search and seizure is conducted in a reasonable manner, it appearing that the officer or officers had reason to believe and did believe that the prohibition laws of the State of Mississippi were being violated at the time such search was instituted. And the officers making such search shall be a competent witness, or witnesses, to testify as to all facts ascertained, and discoveries made, by means of said reasonable search, and all liquor, and all appliances for its manufacture or transportation, so seized shall be admitted

in evidence. But this section shall not authorize the search of a residence or home or room or building or the premises belonging to or in the possession lawfully of the party suspected, without a search warrant. Codes, 1930, § 1976; 1942, § 2615; Laws, 1924, ch. 244. It shall be the duty of any sheriff or constable of a county, or any sheriff, constable or marshal, or policeman in a municipality who has reason to believe and does believe that intoxicating liquor is being transported in violation of law, in any wagon, cart, buggy, automobile, motorcycle, motor truck, water or air craft, or any other vehicle, forthwith to make a reasonable search of such vehicle and to seize any intoxicating liquor so found being transported or being attempted to be transported in violation of law and at once to arrest the person or persons in possession or control thereof and transporting or attempting to transport same in violation of law; and such officer or officers proceeding in good faith shall not be liable either civilly or criminally for such a search and seizure without a warrant, so long as said search and seizure is conducted in a reasonable manner, it appearing that the officer or officers had reason to believe and did believe that the prohibition laws of the State of Mississippi were being violated at the time such search was instituted. And the officers making such search shall be a competent witness, or witnesses, to testify as to all facts ascertained, and discoveries made, by means of said reasonable search, and all liquor, and all appliances for its manufacture or transportation, so seized shall be admitted in evidence. But this section shall not authorize the search of a residence or home or room or building or the premises belonging to or in the possession lawfully of the party suspected, without a search warrant. Codes, 1930, § 1976; 1942, § 2615; Laws, 1924, ch. 244.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 27 - PROCEEDINGS FOR INTOXICATING BEVERAGE OFFENSES (§§ 99-27-1 — 99-27-45) Section 99-27-23 - Clubs, boats, places where liquor found may be abated as nuisance

Except as authorized in Section 67-1-51(1), any club, vessel or boat, place or room where liquors are found, kept or possessed on any boat or vessel used in any of the waters of this state in conveying any intoxicating liquors or any person with intoxicating liquor in their possession or under their control into or in this state shall be deemed to be a common nuisance and may be abated by writ of injunction issued out of a court of equity upon a bill filed in the name of the state by the attorney general or any district or county attorney whose duty requires him to prosecute criminal cases on behalf of the state, in the county where the nuisance is maintained, or by any citizen or citizens of such county, such bill to be filed in the county in which the nuisance exists. And all rules of evidence and the practice and procedure that pertain to courts of equity generally in this state may be invoked and applied in any injunction procedure hereunder. Upon the abatement of any such place as a nuisance the person found to be the possessor or owner of such liquor may be required by the court to enter into a good and sufficient bond in such amount as may be deemed proper by the court, to be conditioned that the obligor therein will not violate any of the prohibition laws of the State of Mississippi for a period not to exceed two years from the date thereof. The failure to make such bond shall be a contempt of court and for such contempt the person or party shall be confined in the county jail until such bond is made, but not longer than two years. Said bond shall be approved by the clerk of the court where the proceedings were had and shall be filed as a part of the record of such case. Codes, Hemingway's 1921 Supp, § 2163h; 1930, § 2007; 1942, § 2646; Laws, 1918, ch. 189; Laws, 1938, ch. 349. Amended by Laws, 2018, ch. 382, HB 840, § 2, eff. 7/1/2018. Except as authorized in Section 67-1-51(1), any club, vessel or boat, place or room where liquors are found, kept or possessed on any boat or vessel used in any of the waters of this state in conveying any intoxicating liquors or any person with intoxicating liquor in their possession or under their control into or in this state shall be deemed to be a common nuisance and may be abated by writ of injunction issued out of a court of equity upon a bill filed in the name of the state by the attorney general or any district or county attorney whose duty requires him to prosecute criminal cases on behalf of the state, in the county where the nuisance is maintained, or by any citizen or citizens of such county, such bill to be filed in the county in which the nuisance exists. And all rules of evidence and the practice and procedure that pertain to courts of equity generally in this state may be invoked and applied in any injunction procedure hereunder. Upon the abatement of any such place as a nuisance the person found to be the possessor or owner of such liquor may be required by the court to enter into a good and sufficient bond in such amount as may be deemed proper by the court, to be conditioned that the obligor therein will not violate any of the prohibition laws of the State of Mississippi for a period not to exceed two years from the date thereof. The failure to make such bond shall be a contempt of court and for such contempt the person or party shall be confined in the county jail until such bond

is made, but not longer than two years. Said bond shall be approved by the clerk of the court where the proceedings were had and shall be filed as a part of the record of such case. Codes, Hemingway's 1921 Supp, § 2163h; 1930, § 2007; 1942, § 2646; Laws, 1918, ch. 189; Laws, 1938, ch. 349. Amended by Laws, 2018, ch. 382, HB 840, § 2, eff. 7/1/2018. Except as authorized in Section 67-1-51(1), any club, vessel or boat, place or room where liquors are found, kept or possessed on any boat or vessel used in any of the waters of this state in conveying any intoxicating liquors or any person with intoxicating liquor in their possession or under their control into or in this state shall be deemed to be a common nuisance and may be abated by writ of injunction issued out of a court of equity upon a bill filed in the name of the state by the attorney general or any district or county attorney whose duty requires him to prosecute criminal cases on behalf of the state, in the county where the nuisance is maintained, or by any citizen or citizens of such county, such bill to be filed in the county in which the nuisance exists. And all rules of evidence and the practice and procedure that pertain to courts of equity generally in this state may be invoked and applied in any injunction procedure hereunder. Upon the abatement of any such place as a nuisance the person found to be the possessor or owner of such liquor may be required by the court to enter into a good and sufficient bond in such amount as may be deemed proper by the court, to be conditioned that the obligor therein will not violate any of the prohibition laws of the State of Mississippi for a period not to exceed two years from the date thereof. The failure to make such bond shall be a contempt of court and for such contempt the person or party shall be confined in the county jail until such bond is made, but not longer than two years. Said bond shall be approved by the clerk of the court where the proceedings were had and shall be filed as a part of the record of such case. Codes, Hemingway's 1921 Supp, § 2163h; 1930, § 2007; 1942, § 2646; Laws, 1918, ch. 189; Laws, 1938, ch. 349. Amended by Laws, 2018, ch. 382, HB 840, § 2, eff. 7/1/2018.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 27 - PROCEEDINGS FOR INTOXICATING BEVERAGE OFFENSES (§§ 99-27-1 — 99-27-45) Section 99-27-25 - Club to forfeit charter; boat may be sold

Any chartered club or incorporated association of persons under the laws of Mississippi that is guilty of violating any of the provisions of Chapter 31 of Title 97, Mississippi Code of 1972 or this chapter or maintains or keeps any such place as hereinabove described, shall forfeit its charter, and such forfeiture may be declared by a proceeding in quo warranto or other appropriate action against the club or incorporated association in a court of competent jurisdiction in the county where the unlawful act is committed. Any boat or vessel that is guilty of violating any of the provisions of this section, adjudged or decreed to be a nuisance may also be ordered to be sold, as directed by the court and the proceeds after paying costs, paid into the general fund of the county treasury. Codes, Hemingway's 1921 Supp, § 2163i; 1930, § 2008; 1942, § 2647; Laws, 1918, ch. 189. Any chartered club or incorporated association of persons under the laws of Mississippi that is guilty of violating any of the provisions of Chapter 31 of Title 97, Mississippi Code of 1972 or this chapter or maintains or keeps any such place as hereinabove described, shall forfeit its charter, and such forfeiture may be declared by a proceeding in quo warranto or other appropriate action against the club or incorporated association in a court of competent jurisdiction in the county where the unlawful act is committed. Any boat or vessel that is guilty of violating any of the provisions of this section, adjudged or decreed to be a nuisance may also be ordered to be sold, as directed by the court and the proceeds after paying costs, paid into the general fund of the county treasury. Codes, Hemingway's 1921 Supp, § 2163i; 1930, § 2008; 1942, § 2647; Laws, 1918, ch. 189. Any chartered club or incorporated association of persons under the laws of Mississippi that is guilty of violating any of the provisions of Chapter 31 of Title 97, Mississippi Code of 1972 or this chapter or maintains or keeps any such place as hereinabove described, shall forfeit its charter, and such forfeiture may be declared by a proceeding in quo warranto or other appropriate action against the club or incorporated association in a court of competent jurisdiction in the county where the unlawful act is committed. Any boat or vessel that is guilty of violating any of the provisions of this section, adjudged or decreed to be a nuisance may also be ordered to be sold, as directed by the court and the proceeds after paying costs, paid into the general fund of the county treasury. Codes, Hemingway's 1921 Supp, § 2163i; 1930, § 2008; 1942, § 2647; Laws, 1918, ch. 189. Any chartered club or incorporated association of persons under the laws of Mississippi that is guilty of violating any of the provisions of Chapter 31 of Title 97, Mississippi Code of 1972 or this chapter or maintains or keeps any such place as hereinabove described, shall forfeit its charter, and such forfeiture may be declared by a proceeding in quo warranto or other appropriate action against the club or incorporated association in a court of competent jurisdiction in the county where the unlawful act is committed. Any boat or vessel that is guilty of violating any of the provisions of this section, adjudged or decreed to be a nuisance may also be ordered to be sold, as directed by the court and the proceeds after paying costs, paid into the general fund of the county treasury. Codes, Hemingway's 1921 Supp, § 2163i; 1930, § 2008; 1942, § 2647; Laws, 1918, ch. 189.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 27 - PROCEEDINGS FOR INTOXICATING BEVERAGE OFFENSES (§§ 99-27-1 — 99-27-45) Section 99-27-27 - Common carriers, etc., required to produce books for examination

In the prosecutions of violations of Chapter 31 of Title 97, Mississippi Code of 1972, or this chapter any common carrier, or any other person or transportation agency doing business in the State of Mississippi shall be required to produce any books, documents, or records in its possession or under its control throwing any light upon such prosecution, when commanded by process issued under the authority of this state and shall be required to permit an examination to be made of such by an officer of the state, whose duty it is to prosecute crime, where such information is sought in the aid of any criminal prosecution, or as the means to ferret out criminals or persons charged with or suspected of crime. Codes, Hemingway's 1921 Supp, § 2163j; 1930, § 2009; 1942, § 2648; Laws, 1918, ch. 189. In the prosecutions of violations of Chapter 31 of Title 97, Mississippi Code of 1972, or this chapter any common carrier, or

any other person or transportation agency doing business in the State of Mississippi shall be required to produce any books, documents, or records in its possession or under its control throwing any light upon such prosecution, when commanded by process issued under the authority of this state and shall be required to permit an examination to be made of such by an officer of the state, whose duty it is to prosecute crime, where such information is sought in the aid of any criminal prosecution, or as the means to ferret out criminals or persons charged with or suspected of crime. Codes, Hemingway's 1921 Supp, § 2163j; 1930, § 2009; 1942, § 2648; Laws, 1918, ch. 189. In the prosecutions of violations of Chapter 31 of Title 97, Mississippi Code of 1972, or this chapter any common carrier, or any other person or transportation agency doing business in the State of Mississippi shall be required to produce any books, documents, or records in its possession or under its control throwing any light upon such prosecution, when commanded by process issued under the authority of this state and shall be required to permit an examination to be made of such by an officer of the state, whose duty it is to prosecute crime, where such information is sought in the aid of any criminal prosecution, or as the means to ferret out criminals or persons charged with or suspected of crime. Codes, Hemingway's 1921 Supp, § 2163j; 1930, § 2009; 1942, § 2648; Laws, 1918, ch. 189. In the prosecutions of violations of Chapter 31 of Title 97, Mississippi Code of 1972, or this chapter any common carrier, or any other person or transportation agency doing business in the State of Mississippi shall be required to produce any books, documents, or records in its possession or under its control throwing any light upon such prosecution, when commanded by process issued under the authority of this state and shall be required to permit an examination to be made of such by an officer of the state, whose duty it is to prosecute crime, where such information is sought in the aid of any criminal prosecution, or as the means to ferret out criminals or persons charged with or suspected of crime. Codes, Hemingway's 1921 Supp, § 2163j; 1930, § 2009; 1942, § 2648; Laws, 1918, ch. 189.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 27 - PROCEEDINGS FOR INTOXICATING BEVERAGE OFFENSES (§§ 99-27-1 — 99-27-45) Section 99-27-29 - Common carriers, etc. to keep record of alcohol and wine deliveries; inspection by officers; competent evidence at trial

It shall be the duty of every railroad company, express company, or other common carrier, and of every person, firm or corporation, that shall transport any of the alcohol or wine mentioned into the state from any points or places for the purpose of delivery and who shall deliver such alcohol or wine, or either of them, to any person, firm or corporation in this state, to currently keep in a fair and legible hand, or typewritten or otherwise, so that same may be easily read, a record of such alcohol or wine, and of the delivery thereof, which shall set forth the dates on which said alcohol or wine were received and delivered, the names and postoffice address of the consignor and consignee, the place of delivery, and the person to whom delivered and the kind and amount of such alcohol or wine delivered. The record hereinabove required to be kept by common carriers, or persons, firms or corporations making the delivery of said alcohol or wine, or either of them, in this state, shall also be open to the inspection (1) of all officers, (2) of the duly authorized persons seeking information for the prosecution of persons charged with or suspected of crime, and when application is made by any of the said officers or persons for permission to examine and take copies of such record, they shall be allowed to do so during office or business hours, of the persons or corporations keeping such records, and in such reasonable manner as not to interfere with the business of the corporation or person keeping said record. The said record may be secured to be produced in court by any lawful process, issued by any court in this state to be used as evidence, and said record shall be competent evidence upon the trial of any causes whatsoever in any of the said courts, in which the record may be material or relevant to the issues involved. Codes, Hemingway's 1921 Supp. § 2163r; 1930, § 2018; 1942, § 2657; Laws, 1918, ch. 189. It shall be the duty of every railroad company, express company, or other common carrier, and of every person, firm or corporation, that shall transport any of the alcohol or wine mentioned into the state from any points or places for the purpose of delivery and who shall deliver such alcohol or wine, or either of them, to any person, firm or corporation in this state, to currently keep in a fair and legible hand, or typewritten or otherwise, so that same may be easily read, a record of such alcohol or wine, and of the delivery thereof, which shall set forth the dates on which said alcohol or wine were received and delivered, the names and postoffice address of the consignor and consignee, the place of delivery, and the person to whom delivered and the kind and amount of such alcohol or wine delivered. The record hereinabove required to be kept by common carriers, or persons, firms or corporations making the delivery of said alcohol or wine, or either of them, in this state, shall also be open to the inspection (1) of all officers, (2) of the duly authorized persons seeking information for the prosecution of persons charged with or suspected of crime, and when application is made by any of the said officers or persons for permission to examine and take copies of such record, they shall be allowed to do so during office or business hours, of the persons or corporations keeping such records, and in such reasonable manner as not to interfere with the business of the corporation or person keeping said record. The said record may be secured to be produced in court by any lawful process, issued by any court in this state to be used as evidence, and said record shall be competent evidence upon the trial of any causes whatsoever in any of the said courts, in which the record may be material or relevant to the issues involved. Codes, Hemingway's 1921 Supp. § 2163r; 1930, § 2018; 1942, § 2657; Laws, 1918, ch. 189. It shall be the duty of every railroad company, express company, or other common carrier, and of every person, firm or corporation, that shall transport any of the alcohol or wine mentioned into the state from any points or places for the purpose of delivery and who shall deliver such alcohol or wine, or either of them, to any person, firm or corporation in this state, to currently keep in a fair and legible hand, or typewritten or otherwise, so that same may be easily read, a record of such alcohol or wine, and of the delivery thereof, which shall set forth the dates on which said alcohol or wine were received and delivered, the names and postoffice address of the consignor and consignee, the place of delivery, and the person to whom delivered and the kind and amount of such alcohol or wine delivered. The record hereinabove required to be kept by common carriers, or persons, firms or corporations making the delivery of said alcohol or wine, or either of them, in this state, shall also be

open to the inspection (1) of all officers, (2) of the duly authorized persons seeking information for the prosecution of persons charged with or suspected of crime, and when application is made by any of the said officers or persons for permission to examine and take copies of such record, they shall be allowed to do so during office or business hours, of the persons or corporations keeping such records, and in such reasonable manner as not to interfere with the business of the corporation or person keeping said record. The said record may be secured to be produced in court by any lawful process, issued by any court in this state to be used as evidence, and said record shall be competent evidence upon the trial of any causes whatsoever in any of the said courts, in which the record may be material or relevant to the issues involved. Codes, Hemingway's 1921 Supp. § 2163r; 1930, § 2018; 1942, § 2657; Laws, 1918, ch. 189. It shall be the duty of every railroad company, express company, or other common carrier, and of every person, firm or corporation, that shall transport any of the alcohol or wine mentioned into the state from any points or places for the purpose of delivery and who shall deliver such alcohol or wine, or either of them, to any person, firm or corporation in this state, to currently keep in a fair and legible hand, or typewritten or otherwise, so that same may be easily read, a record of such alcohol or wine, and of the delivery thereof, which shall set forth the dates on which said alcohol or wine were received and delivered, the names and postoffice address of the consignor and consignee, the place of delivery, and the person to whom delivered and the kind and amount of such alcohol or wine delivered. The record hereinabove required to be kept by common carriers, or persons, firms or corporations making the delivery of said alcohol or wine, or either of them, in this state, shall also be open to the inspection (1) of all officers, (2) of the duly authorized persons seeking information for the prosecution of persons charged with or suspected of crime, and when application is made by any of the said officers or persons for permission to examine and take copies of such record, they shall be allowed to do so during office or business hours, of the persons or corporations keeping such records, and in such reasonable manner as not to interfere with the business of the corporation or person keeping said record. The said record may be secured to be produced in court by any lawful process, issued by any court in this state to be used as evidence, and said record shall be competent evidence upon the trial of any causes whatsoever in any of the said courts, in which the record may be material or relevant to the issues involved. Codes, Hemingway's 1921 Supp. § 2163r; 1930, § 2018; 1942, § 2657; Laws, 1918, ch. 189.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 27 - PROCEEDINGS FOR INTOXICATING BEVERAGE OFFENSES (§§ 99-27-1 — 99-27-45) Section 99-27-3 - Taking testimony and filing for delivery to grand jury

When said mayor or justice shall be ready to take the testimony of a witness or witnesses so summoned he may do so on private examination or in public, or he may admit such persons as he may deem advisable, but all the testimony so taken shall be in writing and subscribed to under oath administered by said justice, and any witness swearing falsely shall be guilty of and punished for perjury. The testimony so taken shall be filed with the circuit clerk of the county on or before the first day of the circuit court thereafter, and by such clerk delivered to the foreman of the grand jury. Codes, 1906, § 1753; Hemingway's 1917, § 2092; 1930, § 1982; 1942, § 2621. When said mayor or justice shall be ready to take the testimony of a witness or witnesses so summoned he may do so on private examination or in public, or he may admit such persons as he may deem advisable, but all the testimony so taken shall be in writing and subscribed to under oath administered by said justice, and any witness swearing falsely shall be guilty of and punished for perjury. The testimony so taken shall be filed with the circuit clerk of the county on or before the first day of the circuit court thereafter, and by such clerk delivered to the foreman of the grand jury. Codes, 1906, § 1753; Hemingway's 1917, § 2092; 1930, § 1982; 1942, § 2621. When said mayor or justice shall be ready to take the testimony of a witness or witnesses so summoned he may do so on private examination or in public, or he may admit such persons as he may deem advisable, but all the testimony so taken shall be in writing and subscribed to under oath administered by said justice, and any witness swearing falsely shall be guilty of and punished for perjury. The testimony so taken shall be filed with the circuit clerk of the county on or before the first day of the circuit court thereafter, and by such clerk delivered to the foreman of the grand jury. Codes, 1906, § 1753; Hemingway's 1917, § 2092; 1930, § 1982; 1942, § 2621. When said mayor or justice shall be ready to take the testimony of a witness or witnesses so summoned he may do so on private examination or in public, or he may admit such persons as he may deem advisable, but all the testimony so taken shall be in writing and subscribed to under oath administered by said justice, and any witness swearing falsely shall be guilty of and punished for perjury. The testimony so taken shall be filed with the circuit clerk of the county on or before the first day of the circuit court thereafter, and by such clerk delivered to the foreman of the grand jury. Codes, 1906, § 1753; Hemingway's 1917, § 2092; 1930, § 1982; 1942, § 2621.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 27 - PROCEEDINGS FOR INTOXICATING BEVERAGE OFFENSES (§§ 99-27-1 — 99-27-45) Section 99-27-31 - Common carriers, etc. to file statement of deliveries with circuit clerk; procedure to compel compliance

It shall be the duty of every railroad company, express company, or other carrier, and of every person, firm or corporation, that shall transport any of the alcohol or wine authorized, and who shall deliver such alcohol or wine or either of them in this state, to file with the clerk of the circuit court of the county in which said alcohol or wine is delivered, a statement, either printed or plainly written, or typewritten on stout paper, correctly stating the date on which the alcohol or wine was delivered, the name and postoffice address of the consignee and consignor, the place of delivery, and to whom delivered, and the kind and amount of such liquors delivered, such statement to be filed within three days after the date of delivery of such liquor. If said statement is in writing, it shall be in a fair and legible hand, and the names of the consignee and the consignor and of the party who obtained delivery shall be truly ascertained and furnished in such way as to avoid mistakes in names. If any person, firm or corporation making delivery shall neglect to file with the

circuit clerk such statement or statements, then it shall be the duty of the circuit clerk to make written demand upon such person, firm or corporation, to comply with the requirements of this section, such demand to be served by the sheriff and return made by him to the circuit clerk upon a copy of the original demand. Upon further refusal or noncompliance, it shall be the duty of the circuit clerk to promptly inform the attorney-general of the state of such failure or refusal, and it shall then be the duty of the attorney-general, either himself to file, or to direct and secure some district attorney or county attorney whose duty it is to prosecute crime in the county, to file a suit in the name of the state. Codes, Hemingway's 1921 Supp, § 2163p; 1930, § 2016; 1942, § 2655; Laws, 1918, ch. 189. It shall be the duty of every railroad company, express company, or other carrier, and of every person, firm or corporation, that shall transport any of the alcohol or wine authorized, and who shall deliver such alcohol or wine or either of them in this state, to file with the clerk of the circuit court of the county in which said alcohol or wine is delivered, a statement, either printed or plainly written, or typewritten on stout paper, correctly stating the date on which the alcohol or wine was delivered, the name and postoffice address of the consignee and consignor, the place of delivery, and to whom delivered, and the kind and amount of such liquors delivered, such statement to be filed within three days after the date of delivery of such liquor. If said statement is in writing, it shall be in a fair and legible hand, and the names of the consignee and the consignor and of the party who obtained delivery shall be truly ascertained and furnished in such way as to avoid mistakes in names. If any person, firm or corporation making delivery shall neglect to file with the circuit clerk such statement or statements, then it shall be the duty of the circuit clerk to make written demand upon such person, firm or corporation, to comply with the requirements of this section, such demand to be served by the sheriff and return made by him to the circuit clerk upon a copy of the original demand. 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It shall be the duty of every railroad company, express company, or other carrier, and of every person, firm or corporation, that shall transport any of the alcohol or wine authorized, and who shall deliver such alcohol or wine or either of them in this state, to file with the clerk of the circuit court of the county in which said alcohol or wine is delivered, a statement, either printed or plainly written, or typewritten on stout paper, correctly stating the date on which the alcohol or wine was delivered, the name and postoffice address of the consignee and consignor, the place of delivery, and to whom delivered, and the kind and amount of such liquors delivered, such statement to be filed within three days after the date of delivery of such liquor. If said statement is in writing, it shall be in a fair and legible hand, and the names of the consignee and the consignor and of the party who obtained delivery shall be truly ascertained and furnished in such way as to avoid mistakes in names. If any person, firm or corporation making delivery shall neglect to file with the circuit clerk such statement or statements, then it shall be the duty of the circuit clerk to make written demand upon such person, firm or corporation, to comply with the requirements of this section, such demand to be served by the sheriff and return made by him to the circuit clerk upon a copy of the original demand. Upon further refusal or noncompliance, it shall be the duty of the circuit clerk to promptly inform the attorney-general of the state of such failure or refusal, and it shall then be the duty of the attorney-general, either himself to file, or to direct and secure some district attorney or county attorney whose duty it is to prosecute crime in the county, to file a suit in the name of the state. Codes, Hemingway's 1921 Supp, § 2163p; 1930, § 2016; 1942, § 2655; Laws, 1918, ch. 189. It shall be the duty of every railroad company, express company, or other carrier, and of every person, firm or corporation, that shall transport any of the alcohol or wine authorized, and who shall deliver such alcohol or wine or either of them in this state, to file with the clerk of the circuit court of the county in which said alcohol or wine is delivered, a statement, either printed or plainly written, or typewritten on stout paper, correctly stating the date on which the alcohol or wine was delivered, the name and postoffice address of the consignee and consignor, the place of delivery, and to whom delivered, and the kind and amount of such liquors delivered, such statement to be filed within three days after the date of delivery of such liquor. 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Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 27 - PROCEEDINGS FOR INTOXICATING BEVERAGE OFFENSES (§§ 99-27-1 — 99-27-45) Section 99-27-33 - Circuit clerk to file and record statement; inspection by officers; competent evidence at trial; grand jury to investigate compliance

It shall be the duty of the circuit clerk to immediately file the statement required by Section 99-27-31, as a part of the records in his office, and to preserve such statement, or statements, for a period of twelve months, after which time they may be destroyed, and (1) permit any sheriff, deputy sheriff, constable, chief of police, or other police officer of a town or city, or any district or county attorney whose duty it is to prosecute crime in the county in which delivery is made, and any other peace officer of the county to inspect the said statement as they may desire at any time the office of said circuit clerk may be open, and especially to permit

inspection thereof by any officer, or other duly authorized person seeking information for the prosecution of persons charged with or suspected of crime; and (2) to permit any and all other persons so desiring to inspect the said statements, to do so at any time the office of the circuit clerk may be open, it shall be the further duty of the circuit clerk to give a certified copy of such statement to any of said officers without charge or to any other person requesting or demanding the same upon the payment of lawful fees therefor and the said original statements or certified copies thereof shall be competent evidence upon the trial of any cause whatever in any of the courts of this state in which same may be relevant or material to the issue or issues involved. Every grand jury shall appoint a committee of three to examine the records of the circuit clerk and investigate whether this section is being complied with and the circuit judge shall charge the grand jury to this effect. Codes, Hemingway's 1921 Supp, § 2163q; 1930, § 2017; 1942, § 2656; Laws, 1918, ch. 189. It shall be the duty of the circuit clerk to immediately file the statement required by Section 99-27-31, as a part of the records in his office, and to preserve such statement, or statements, for a period of twelve months, after which time they may be destroyed, and (1) permit any sheriff, deputy sheriff, constable, chief of police, or other police officer of a town or city, or any district or county attorney whose duty it is to prosecute crime in the county in which delivery is made, and any other peace officer of the county to inspect the said statement as they may desire at any time the office of said circuit clerk may be open, and especially to permit inspection thereof by any officer, or other duly authorized person seeking information for the prosecution of persons charged with or suspected of crime; and (2) to permit any and all other persons so desiring to inspect the said statements, to do so at any time the office of the circuit clerk may be open, it shall be the further duty of the circuit clerk to give a certified copy of such statement to any of said officers without charge or to any other person requesting or demanding the same upon the payment of lawful fees therefor and the said original statements or certified copies thereof shall be competent evidence upon the trial of any cause whatever in any of the courts of this state in which same may be relevant or material to the issue or issues involved. Every grand jury shall appoint a committee of three to examine the records of the circuit clerk and investigate whether this section is being complied with and the circuit judge shall charge the grand jury to this effect. Codes, Hemingway's 1921 Supp, § 2163q; 1930, § 2017; 1942, § 2656; Laws, 1918, ch. 189. It shall be the duty of the circuit clerk to immediately file the statement required by Section 99-27-31, as a part of the records in his office, and to preserve such statement, or statements, for a period of twelve months, after which time they may be destroyed, and (1) permit any sheriff, deputy sheriff, constable, chief of police, or other police officer of a town or city, or any district or county attorney whose duty it is to prosecute crime in the county in which delivery is made, and any other peace officer of the county to inspect the said statement as they may desire at any time the office of said circuit clerk may be open, and especially to permit inspection thereof by any officer, or other duly authorized person seeking information for the prosecution of persons charged with or suspected of crime; and (2) to permit any and all other persons so desiring to inspect the said statements, to do so at any time the office of the circuit clerk may be open, it shall be the further duty of the circuit clerk to give a certified copy of such statement to any of said officers without charge or to any other person requesting or demanding the same upon the payment of lawful fees therefor and the said original statements or certified copies thereof shall be competent evidence upon the trial of any cause whatever in any of the courts of this state in which same may be relevant or material to the issue or issues involved. Every grand jury shall appoint a committee of three to examine the records of the circuit clerk and investigate whether this section is being complied with and the circuit judge shall charge the grand jury to this effect. Codes, Hemingway's 1921 Supp, § 2163q; 1930, § 2017; 1942, § 2656; Laws, 1918, ch. 189. It shall be the duty of the circuit clerk to immediately file the statement required by Section 99-27-31, as a part of the records in his office, and to preserve such statement, or statements, for a period of twelve months, after which time they may be destroyed, and (1) permit any sheriff, deputy sheriff, constable, chief of police, or other police officer of a town or city, or any district or county attorney whose duty it is to prosecute crime in the county in which delivery is made, and any other peace officer of the county to inspect the said statement as they may desire at any time the office of said circuit clerk may be open, and especially to permit inspection thereof by any officer, or other duly authorized person seeking information for the prosecution of persons charged with or suspected of crime; and (2) to permit any and all other persons so desiring to inspect the said statements, to do so at any time the office of the circuit clerk may be open, it shall be the further duty of the circuit clerk to give a certified copy of such statement to any of said officers without charge or to any other person requesting or demanding the same upon the payment of lawful fees therefor and the said original statements or certified copies thereof shall be competent evidence upon the trial of any cause whatever in any of the courts of this state in which same may be relevant or material to the issue or issues involved. Every grand jury shall appoint a committee of three to examine the records of the circuit clerk and investigate whether this section is being complied with and the circuit judge shall charge the grand jury to this effect. Codes, Hemingway's 1921 Supp, § 2163q; 1930, § 2017; 1942, § 2656; Laws, 1918, ch. 189.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 27 - PROCEEDINGS FOR INTOXICATING BEVERAGE OFFENSES (§§ 99-27-1 — 99-27-45) Section 99-27-35 - Venue of prosecutions for unlawful shipment

In all prosecutions under Chapter 31 of Title 97, Mississippi Code of 1972 and this chapter for unlawful shipments of liquors, bitters, or drinks prohibited by the laws of the state to be sold, bartered or otherwise disposed of in this state, the offense shall be held to have been committed in any county of the state through which or into which said liquors have been carried or transported, or in which they have been unloaded, or in which they have been delivered, or conveyed for delivery; and this applies whether the said liquors, bitters and drinks are shipped into the state from outside of the state, or shipped or transported from one point in the state to any other point in the state. The circuit court held in the county from which, through which, or to which such shipments are made, or in which delivery of any such shipment is made, shall have jurisdiction for the trial of such violations of the chapters and the grand

jury of such counties shall be vested with inquisitorial powers over violations of the chapters. Codes, Hemingway's 1921 Supp. § 2163l; 1930, § 2011; 1942, § 2650; Laws, 1918, ch. 189. In all prosecutions under Chapter 31 of Title 97, Mississippi Code of 1972 and this chapter for unlawful shipments of liquors, bitters, or drinks prohibited by the laws of the state to be sold, bartered or otherwise disposed of in this state, the offense shall be held to have been committed in any county of the state through which or into which said liquors have been carried or transported, or in which they have been unloaded, or in which they have been delivered, or conveyed for delivery; and this applies whether the said liquors, bitters and drinks are shipped into the state from outside of the state, or shipped or transported from one point in the state to any other point in the state. The circuit court held in the county from which, through which, or to which such shipments are made, or in which delivery of any such shipment is made, shall have jurisdiction for the trial of such violations of the chapters and the grand jury of such counties shall be vested with inquisitorial powers over violations of the chapters. Codes, Hemingway's 1921 Supp. § 2163l; 1930, § 2011; 1942, § 2650; Laws, 1918, ch. 189. In all prosecutions under Chapter 31 of Title 97, Mississippi Code of 1972 and this chapter for unlawful shipments of liquors, bitters, or drinks prohibited by the laws of the state to be sold, bartered or otherwise disposed of in this state, the offense shall be held to have been committed in any county of the state through which or into which said liquors have been carried or transported, or in which they have been unloaded, or in which they have been delivered, or conveyed for delivery; and this applies whether the said liquors, bitters and drinks are shipped into the state from outside of the state, or shipped or transported from one point in the state to any other point in the state. The circuit court held in the county from which, through which, or to which such shipments are made, or in which delivery of any such shipment is made, shall have jurisdiction for the trial of such violations of the chapters and the grand jury of such counties shall be vested with inquisitorial powers over violations of the chapters. Codes, Hemingway's 1921 Supp. § 2163l; 1930, § 2011; 1942, § 2650; Laws, 1918, ch. 189. In all prosecutions under Chapter 31 of Title 97, Mississippi Code of 1972 and this chapter for unlawful shipments of liquors, bitters, or drinks prohibited by the laws of the state to be sold, bartered or otherwise disposed of in this state, the offense shall be held to have been committed in any county of the state through which or into which said liquors have been carried or transported, or in which they have been unloaded, or in which they have been delivered, or conveyed for delivery; and this applies whether the said liquors, bitters and drinks are shipped into the state from outside of the state, or shipped or transported from one point in the state to any other point in the state. The circuit court held in the county from which, through which, or to which such shipments are made, or in which delivery of any such shipment is made, shall have jurisdiction for the trial of such violations of the chapters and the grand jury of such counties shall be vested with inquisitorial powers over violations of the chapters. Codes, Hemingway's 1921 Supp. § 2163l; 1930, § 2011; 1942, § 2650; Laws, 1918, ch. 189.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 27 - PROCEEDINGS FOR INTOXICATING BEVERAGE OFFENSES (§§ 99-27-1 — 99-27-45) Section 99-27-37 - Counties and municipalities may appropriate money to procure evidence of liquor and narcotics violations

The board of supervisors of any county in this state and mayor and board of aldermen, or board of aldermen and councilmen, as the case may be, of any municipality in this state are hereby authorized and empowered to appropriate, from time to time, sums of money, not exceeding one-third (1/3) of the fines which have been collected by them respectively, from the unlawful sale or possession of intoxicating liquors and/or narcotics and/or other illegal drugs, for the purpose of defraying expenses incurred by law enforcement agencies in the procuring of evidence of violations of statutes or ordinances, as the case may be, against the unlawful sale or keeping of intoxicating liquors and/or narcotics and/or other illegal drugs. For the purpose of this section, the word "expenses" shall include, but not be limited to, expenditures related to surveillance, the purchase of investigative equipment, the purchase of samples to be used as evidence, the purchase of information, and the defraying of living expenses of persons specially employed in investigations. Codes, Hemingway's 1917, § 2124; 1930, § 2002; 1942, § 2641; Laws, 1912, ch. 124; Laws, 1970, ch. 347, § 1; Laws, 1986, ch. 327, eff. 3/14/1986. The board of supervisors of any county in this state and mayor and board of aldermen, or board of aldermen and councilmen, as the case may be, of any municipality in this state are hereby authorized and empowered to appropriate, from time to time, sums of money, not exceeding one-third (1/3) of the fines which have been collected by them respectively, from the unlawful sale or possession of intoxicating liquors and/or narcotics and/or other illegal drugs, for the purpose of defraying expenses incurred by law enforcement agencies in the procuring of evidence of violations of statutes or ordinances, as the case may be, against the unlawful sale or keeping of intoxicating liquors and/or narcotics and/or other illegal drugs. For the purpose of this section, the word "expenses" shall include, but not be limited to, expenditures related to surveillance, the purchase of investigative equipment, the purchase of samples to be used as evidence, the purchase of information, and the defraying of living expenses of persons specially employed in investigations. Codes, Hemingway's 1917, § 2124; 1930, § 2002; 1942, § 2641; Laws, 1912, ch. 124; Laws, 1970, ch. 347, § 1; Laws, 1986, ch. 327, eff. 3/14/1986. The board of supervisors of any county in this state and mayor and board of aldermen, or board of aldermen and councilmen, as the case may be, of any municipality in this state are hereby authorized and empowered to appropriate, from time to time, sums of money, not exceeding one-third (1/3) of the fines which have been collected by them respectively, from the unlawful sale or possession of intoxicating liquors and/or narcotics and/or other illegal drugs, for the purpose of defraying expenses incurred by law enforcement agencies in the procuring of evidence of violations of statutes or ordinances, as the case may be, against the unlawful sale or keeping of intoxicating liquors and/or narcotics and/or other illegal drugs. For the purpose of this section, the word "expenses" shall include, but not be limited to, expenditures related to surveillance, the purchase of investigative equipment, the purchase of samples to be used as evidence, the purchase of information, and the defraying of living expenses of persons specially employed in investigations. Codes, Hemingway's 1917, § 2124; 1930, § 2002; 1942, § 2641; Laws, 1912, ch. 124; Laws, 1970, ch. 347, § 1; Laws, 1986, ch. 327, eff. 3/14/1986. The board of

supervisors of any county in this state and mayor and board of aldermen, or board of aldermen and councilmen, as the case may be, of any municipality in this state are hereby authorized and empowered to appropriate, from time to time, sums of money, not exceeding one-third (1/3) of the fines which have been collected by them respectively, from the unlawful sale or possession of intoxicating liquors and/or narcotics and/or other illegal drugs, for the purpose of defraying expenses incurred by law enforcement agencies in the procuring of evidence of violations of statutes or ordinances, as the case may be, against the unlawful sale or keeping of intoxicating liquors and/or narcotics and/or other illegal drugs. For the purpose of this section, the word "expenses" shall include, but not be limited to, expenditures related to surveillance, the purchase of investigative equipment, the purchase of samples to be used as evidence, the purchase of information, and the defraying of living expenses of persons specially employed in investigations. Codes, Hemingway's 1917, § 2124; 1930, § 2002; 1942, § 2641; Laws, 1912, ch. 124; Laws, 1970, ch. 347, § 1; Laws, 1986, ch. 327, eff. 3/14/1986.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 27 - PROCEEDINGS FOR INTOXICATING BEVERAGE OFFENSES (§§ 99-27-1 — 99-27-45) Section 99-27-39 - Payment by liquor dealers of penalty to state, county, or municipality

Any person who may sell or give away malt, vinous or spirituous liquors unlawfully, or who shall allow the same to be sold or given away at his place of business, for any purpose whatever, or shall knowingly permit any person not interested in or connected with such business to keep and drink or give away at such place of business any vinous, malt or spirituous liquors, shall be subject to pay to the state, county, city, town or village, where the offense is committed, each, the sum of five hundred dollars (\$500.00). The state, county, city, town or village, or any taxpayer of the state, county, city, town or village in the name thereof, or the state tax commission, or any tax collector within the county acting for them, may sue for and recover civilly, either jointly or separately, each said sum of five hundred dollars (\$500.00); and such civil suit may be commenced by attachment without bond. Codes, Hemingway's 1917, § 2121; 1930, § 2000; 1942, § 2639; Laws, 1910, ch. 134; Laws, 1912, ch. 256; Laws, 1962, ch. 588, § 16, eff. 1/1/1964. Any person who may sell or give away malt, vinous or spirituous liquors unlawfully, or who shall allow the same to be sold or given away at his place of business, for any purpose whatever, or shall knowingly permit any person not interested in or connected with such business to keep and drink or give away at such place of business any vinous, malt or spirituous liquors, shall be subject to pay to the state, county, city, town or village, where the offense is committed, each, the sum of five hundred dollars (\$500.00). The state, county, city, town or village, or any taxpayer of the state, county, city, town or village in the name thereof, or the state tax commission, or any tax collector within the county acting for them, may sue for and recover civilly, either jointly or separately, each said sum of five hundred dollars (\$500.00); and such civil suit may be commenced by attachment without bond. Codes, Hemingway's 1917, § 2121; 1930, § 2000; 1942, § 2639; Laws, 1910, ch. 134; Laws, 1912, ch. 256; Laws, 1962, ch. 588, § 16, eff. 1/1/1964. Any person who may sell or give away malt, vinous or spirituous liquors unlawfully, or who shall allow the same to be sold or given away at his place of business, for any purpose whatever, or shall knowingly permit any person not interested in or connected with such business to keep and drink or give away at such place of business any vinous, malt or spirituous liquors, shall be subject to pay to the state, county, city, town or village, where the offense is committed, each, the sum of five hundred dollars (\$500.00). The state, county, city, town or village, or any taxpayer of the state, county, city, town or village in the name thereof, or the state tax commission, or any tax collector within the county acting for them, may sue for and recover civilly, either jointly or separately, each said sum of five hundred dollars (\$500.00); and such civil suit may be commenced by attachment without bond. Codes, Hemingway's 1917, § 2121; 1930, § 2000; 1942, § 2639; Laws, 1910, ch. 134; Laws, 1912, ch. 256; Laws, 1962, ch. 588, § 16, eff. 1/1/1964. Any person who may sell or give away malt, vinous or spirituous liquors unlawfully, or who shall allow the same to be sold or given away at his place of business, for any purpose whatever, or shall knowingly permit any person not interested in or connected with such business to keep and drink or give away at such place of business any vinous, malt or spirituous liquors, shall be subject to pay to the state, county, city, town or village, where the offense is committed, each, the sum of five hundred dollars (\$500.00). The state, county, city, town or village, or any taxpayer of the state, county, city, town or village in the name thereof, or the state tax commission, or any tax collector within the county acting for them, may sue for and recover civilly, either jointly or separately, each said sum of five hundred dollars (\$500.00); and such civil suit may be commenced by attachment without bond. Codes, Hemingway's 1917, § 2121; 1930, § 2000; 1942, § 2639; Laws, 1910, ch. 134; Laws, 1912, ch. 256; Laws, 1962, ch. 588, § 16, eff. 1/1/1964.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 27 - PROCEEDINGS FOR INTOXICATING BEVERAGE OFFENSES (§§ 99-27-1 — 99-27-45) Section 99-27-41 - Concurrent jurisdiction given chancery courts for enforcing section 99-27-39

The chancery court shall have concurrent jurisdiction with courts of law to entertain suits under Section 99-27-39 for the enforcement thereof, instituted by the state, county, or any city, town or village, or by any taxpayer thereof, in the name of the state, county, city, town or village, or by the state tax commission, or by any tax collector within his county acting for them, and the chancery court shall have authority to suppress as a nuisance any place of business where the said section is violated, and by proper judgments and orders, punish and restrain the violators thereof. Codes, Hemingway's 1917, § 2122; 1930, § 2001; 1942, § 2640; Laws, 1910, ch. 134; Laws, 1962, ch. 588, § 17, eff. 1/1/1964. The chancery court shall have concurrent jurisdiction with courts of law to entertain suits under Section 99-27-39 for the enforcement thereof, instituted by the state, county, or any city, town or village, or by any taxpayer thereof, in the name of the state, county, city, town or village, or by the state tax commission, or by any tax collector within

his county acting for them, and the chancery court shall have authority to suppress as a nuisance any place of business where the said section is violated, and by proper judgments and orders, punish and restrain the violators thereof. Codes, Hemingway's 1917, § 2122; 1930, § 2001; 1942, § 2640; Laws, 1910, ch. 134; Laws, 1962, ch. 588, § 17, eff. 1/1/1964. The chancery court shall have concurrent jurisdiction with courts of law to entertain suits under Section 99-27-39 for the enforcement thereof, instituted by the state, county, or any city, town or village, or by any taxpayer thereof, in the name of the state, county, city, town or village, or by the state tax commission, or by any tax collector within his county acting for them, and the chancery court shall have authority to suppress as a nuisance any place of business where the said section is violated, and by proper judgments and orders, punish and restrain the violators thereof. Codes, Hemingway's 1917, § 2122; 1930, § 2001; 1942, § 2640; Laws, 1910, ch. 134; Laws, 1962, ch. 588, § 17, eff. 1/1/1964. The chancery court shall have concurrent jurisdiction with courts of law to entertain suits under Section 99-27-39 for the enforcement thereof, instituted by the state, county, or any city, town or village, or by any taxpayer thereof, in the name of the state, county, city, town or village, or by the state tax commission, or by any tax collector within his county acting for them, and the chancery court shall have authority to suppress as a nuisance any place of business where the said section is violated, and by proper judgments and orders, punish and restrain the violators thereof. Codes, Hemingway's 1917, § 2122; 1930, § 2001; 1942, § 2640; Laws, 1910, ch. 134; Laws, 1962, ch. 588, § 17, eff. 1/1/1964.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 27 - PROCEEDINGS FOR INTOXICATING BEVERAGE OFFENSES (§§ 99-27-1 — 99-27-45) Section 99-27-43 - Justices of the peace not to suspend sentences

It shall be unlawful for any justice of the peace, with or without condition, to suspend any sentence lawfully imposed under Chapter 31 of Title 97, Mississippi Code of 1972, or this chapter. Codes, 1930, § 2020; 1942, § 2659; Laws, 1922, ch. 210; Laws, 1950, ch. 348. It shall be unlawful for any justice of the peace, with or without condition, to suspend any sentence lawfully imposed under Chapter 31 of Title 97, Mississippi Code of 1972, or this chapter. Codes, 1930, § 2020; 1942, § 2659; Laws, 1922, ch. 210; Laws, 1950, ch. 348. It shall be unlawful for any justice of the peace, with or without condition, to suspend any sentence lawfully imposed under Chapter 31 of Title 97, Mississippi Code of 1972, or this chapter. Codes, 1930, § 2020; 1942, § 2659; Laws, 1922, ch. 210; Laws, 1950, ch. 348. It shall be unlawful for any justice of the peace, with or without condition, to suspend any sentence lawfully imposed under Chapter 31 of Title 97, Mississippi Code of 1972, or this chapter. Codes, 1930, § 2020; 1942, § 2659; Laws, 1922, ch. 210; Laws, 1950, ch. 348.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 27 - PROCEEDINGS FOR INTOXICATING BEVERAGE OFFENSES (§§ 99-27-1 — 99-27-45) Section 99-27-45 - Witnesses compelled to testify; disclosure not to be used against witness

No person shall be excused from testifying before the grand jury or on the trial in any prosecution for any violation of this chapter or other law of this state for the promotion of temperance and the suppression of the evils of intemperance; but no disclosure or discovery made by such person is to be used against him in any criminal or penal prosecution for or on behalf of the matters disclosed. Codes, Hemingway's 1921 Supp, § 2163k; 1930, § 2010; 1942, § 2649; Laws, 1918, ch. 189. No person shall be excused from testifying before the grand jury or on the trial in any prosecution for any violation of this chapter or other law of this state for the promotion of temperance and the suppression of the evils of intemperance; but no disclosure or discovery made by such person is to be used against him in any criminal or penal prosecution for or on behalf of the matters disclosed. Codes, Hemingway's 1921 Supp, § 2163k; 1930, § 2010; 1942, § 2649; Laws, 1918, ch. 189. No person shall be excused from testifying before the grand jury or on the trial in any prosecution for any violation of this chapter or other law of this state for the promotion of temperance and the suppression of the evils of intemperance; but no disclosure or discovery made by such person is to be used against him in any criminal or penal prosecution for or on behalf of the matters disclosed. Codes, Hemingway's 1921 Supp, § 2163k; 1930, § 2010; 1942, § 2649; Laws, 1918, ch. 189. No person shall be excused from testifying before the grand jury or on the trial in any prosecution for any violation of this chapter or other law of this state for the promotion of temperance and the suppression of the evils of intemperance; but no disclosure or discovery made by such person is to be used against him in any criminal or penal prosecution for or on behalf of the matters disclosed. Codes, Hemingway's 1921 Supp, § 2163k; 1930, § 2010; 1942, § 2649; Laws, 1918, ch. 189.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 27 - PROCEEDINGS FOR INTOXICATING BEVERAGE OFFENSES (§§ 99-27-1 — 99-27-45) Section 99-27-5 - Grand jury not prevented from making investigation

The taking of such testimony by such mayor or justice shall not prevent the grand jury from making a thorough investigation of any matter inquired into before such justice of the peace, nor shall the same in any way bar any criminal prosecution not finally disposed of and punished by such justice of the peace. Codes, 1906, § 1754; Hemingway's 1917, § 2093; 1930, § 1983; 1942, § 2622. The taking of such testimony by such mayor or justice shall not prevent the grand jury from making a thorough investigation of any matter inquired into before such justice of the peace, nor shall the same in any way bar any criminal prosecution not finally disposed of and punished by such justice of the peace. Codes, 1906, § 1754; Hemingway's 1917, § 2093; 1930, § 1983; 1942, § 2622. The taking of such testimony by such mayor or justice shall not prevent the grand jury from making a thorough investigation of any matter inquired into before such justice of the peace, nor shall the same in any way bar any criminal prosecution not finally disposed of and punished by such justice of the peace. Codes, 1906, § 1754; Hemingway's 1917, § 2093; 1930, § 1983; 1942, § 2622.

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Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 27 - PROCEEDINGS FOR INTOXICATING BEVERAGE OFFENSES (§§ 99-27-1 — 99-27-45) Section 99-27-7 - Duty of mayor or justice of the peace to issue warrant for offender

If, on investigation before such mayor or justice of the peace, it shall appear that any person has violated the law against unlawful retailing or giving away of intoxicating liquors, or that any person is unlawfully keeping intoxicating liquors, it shall be the duty of such mayor or justice of the peace, upon affidavit being made, to issue his warrant for the person or persons supposed to be guilty and dispose of the same as other criminal prosecutions before a mayor or justice of the peace under the laws of the state. Codes, 1906, § 1755; Hemingway's 1917, § 2094; 1930, § 1984; 1942, § 2623. If, on investigation before such mayor or justice of the peace, it shall appear that any person has violated the law against unlawful retailing or giving away of intoxicating liquors, or that any person is unlawfully keeping intoxicating liquors, it shall be the duty of such mayor or justice of the peace, upon affidavit being made, to issue his warrant for the person or persons supposed to be guilty and dispose of the same as other criminal prosecutions before a mayor or justice of the peace under the laws of the state. Codes, 1906, § 1755; Hemingway's 1917, § 2094; 1930, § 1984; 1942, § 2623. If, on investigation before such mayor or justice of the peace, it shall appear that any person has violated the law against unlawful retailing or giving away of intoxicating liquors, or that any person is unlawfully keeping intoxicating liquors, it shall be the duty of such mayor or justice of the peace, upon affidavit being made, to issue his warrant for the person or persons supposed to be guilty and dispose of the same as other criminal prosecutions before a mayor or justice of the peace under the laws of the state. Codes, 1906, § 1755; Hemingway's 1917, § 2094; 1930, § 1984; 1942, § 2623. If, on investigation before such mayor or justice of the peace, it shall appear that any person has violated the law against unlawful retailing or giving away of intoxicating liquors, or that any person is unlawfully keeping intoxicating liquors, it shall be the duty of such mayor or justice of the peace, upon affidavit being made, to issue his warrant for the person or persons supposed to be guilty and dispose of the same as other criminal prosecutions before a mayor or justice of the peace under the laws of the state. Codes, 1906, § 1755; Hemingway's 1917, § 2094; 1930, § 1984; 1942, § 2623.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 27 - PROCEEDINGS FOR INTOXICATING BEVERAGE OFFENSES (§§ 99-27-1 — 99-27-45) Section 99-27-9 - Statement not limited to proof of single violation at trial

On the trial of all prosecutions for the violation of law by the sale or giving away of liquors, bitters, or drinks, the state shall not be confined to the proof of a single violation, but may give evidence in any one or more offenses of the same character committed anterior to the day laid in the indictment or in the affidavit, and not barred by the statute of limitations; but in such case, after conviction or acquittal on the merits, the accused shall not again be liable to prosecution for any offense of the same character committed anterior to the day laid in the indictment or in the affidavit. Codes, 1892, § 1596; 1906, § 1762; Hemingway's 1917, § 2098; 1930, § 1986; 1942, § 2625. On the trial of all prosecutions for the violation of law by the sale or giving away of liquors, bitters, or drinks, the state shall not be confined to the proof of a single violation, but may give evidence in any one or more offenses of the same character committed anterior to the day laid in the indictment or in the affidavit, and not barred by the statute of limitations; but in such case, after conviction or acquittal on the merits, the accused shall not again be liable to prosecution for any offense of the same character committed anterior to the day laid in the indictment or in the affidavit. Codes, 1892, § 1596; 1906, § 1762; Hemingway's 1917, § 2098; 1930, § 1986; 1942, § 2625. On the trial of all prosecutions for the violation of law by the sale or giving away of liquors, bitters, or drinks, the state shall not be confined to the proof of a single violation, but may give evidence in any one or more offenses of the same character committed anterior to the day laid in the indictment or in the affidavit, and not barred by the statute of limitations; but in such case, after conviction or acquittal on the merits, the accused shall not again be liable to prosecution for any offense of the same character committed anterior to the day laid in the indictment or in the affidavit. Codes, 1892, § 1596; 1906, § 1762; Hemingway's 1917, § 2098; 1930, § 1986; 1942, § 2625. On the trial of all prosecutions for the violation of law by the sale or giving away of liquors, bitters, or drinks, the state shall not be confined to the proof of a single violation, but may give evidence in any one or more offenses of the same character committed anterior to the day laid in the indictment or in the affidavit, and not barred by the statute of limitations; but in such case, after conviction or acquittal on the merits, the accused shall not again be liable to prosecution for any offense of the same character committed anterior to the day laid in the indictment or in the affidavit. Codes, 1892, § 1596; 1906, § 1762; Hemingway's 1917, § 2098; 1930, § 1986; 1942, § 2625.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47) Section 99-3-1 - Who may make arrests

(1) Arrests for crimes and offenses may be made by the sheriff or his deputy or by any constable or conservator of the peace within his county, or by any marshal or policeman of a city, town or village within the same, or by any United States Marshal or Deputy United States Marshal, or, when in cooperation with local law enforcement officers, by any other federal law enforcement officer who is employed by the United States government, authorized to effect an arrest for a violation of the United States Code, and

authorized to carry a firearm in the performance of his duties. Private persons may also make arrests.(2)(a)Any person authorized by a court of law to supervise or monitor a convicted offender who is under an intensive supervision program may arrest the offender when the offender is in violation of the terms or conditions of the intensive supervision program, without having a warrant if:(i)The arrest is authorized or ordered by a judge of the court;(ii)The person making the arrest has been trained at the Law Enforcement Officers Training Academy established under Section45-5-1et seq. or at a course approved by the Board on Law Enforcement Officer Standards and Training; and(iii)The judge identifies the person making the arrest in his order and a copy of the order is served upon the person being arrested.(b)For the purposes of the subsection, the term "intensive supervision program" means an intensive supervision program of the Department of Corrections as described in Section47-5-1001et seq., of any similar program authorized by a court for offenders who are not under jurisdiction of the Department of Corrections.Codes, 1857, ch. 64, art. 273; 1871, § 2773; 1880, § 3023; 1892, § 1372; 1906, § 1444; Hemingway's 1917, § 1201; 1930, § 1224; 1942, § 2467; Laws, 1987, ch. 390, § 2; Laws, 1993, ch. 547, § 1; Laws, 1995, ch. 604, § 1; Laws, 2000, ch. 555, § 1, eff. 7/2/2000. (1)Arrests for crimes and offenses may be made by the sheriff or his deputy or by any constable or conservator of the peace within his county, or by any marshal or policeman of a city, town or village within the same, or by any United States Marshal or Deputy United States Marshal, or, when in cooperation with local law enforcement officers, by any other federal law enforcement officer who is employed by the United States government, authorized to effect an arrest for a violation of the United States Code, and authorized to carry a firearm in the performance of his duties. Private persons may also make arrests.(2)(a)Any person authorized by a court of law to supervise or monitor a convicted offender who is under an intensive supervision program may arrest the offender when the offender is in violation of the terms or conditions of the intensive supervision program, without having a warrant if:(i)The arrest is authorized or ordered by a judge of the court;(ii)The person making the arrest has been trained at the Law Enforcement Officers Training Academy established under Section45-5-1et seq. or at a course approved by the Board on Law Enforcement Officer Standards and Training; and(iii)The judge identifies the person making the arrest in his order and a copy of the order is served upon the person being arrested.(b)For the purposes of the subsection, the term "intensive supervision program" means an intensive supervision program of the Department of Corrections as described in Section47-5-1001et seq., of any similar program authorized by a court for offenders who are not under jurisdiction of the Department of Corrections.Codes, 1857, ch. 64, art. 273; 1871, § 2773; 1880, § 3023; 1892, § 1372; 1906, § 1444; Hemingway's 1917, § 1201; 1930, § 1224; 1942, § 2467; Laws, 1987, ch. 390, § 2; Laws, 1993, ch. 547, § 1; Laws, 1995, ch. 604, § 1; Laws, 2000, ch. 555, § 1, eff. 7/2/2000. (1)Arrests for crimes and offenses may be made by the sheriff or his deputy or by any constable or conservator of the peace within his county, or by any marshal or policeman of a city, town or village within the same, or by any United States Marshal or Deputy United States Marshal, or, when in cooperation with local law enforcement officers, by any other federal law enforcement officer who is employed by the United States government, authorized to effect an arrest for a violation of the United States Code, and authorized to carry a firearm in the performance of his duties. Private persons may also make arrests.(2)(a)Any person authorized by a court of law to supervise or monitor a convicted offender who is under an intensive supervision program may arrest the offender when the offender is in violation of the terms or conditions of the intensive supervision program, without having a warrant if:(i)The arrest is authorized or ordered by a judge of the court;(ii)The person making the arrest has been trained at the Law Enforcement Officers Training Academy established under Section45-5-1et seq. or at a course approved by the Board on Law Enforcement Officer Standards and Training; and(iii)The judge identifies the person making the arrest in his order and a copy of the order is served upon the person being arrested.(b)For the purposes of the subsection, the term "intensive supervision program" means an intensive supervision program of the Department of Corrections as described in Section47-5-1001et seq., of any similar program authorized by a court for offenders who are not under jurisdiction of the Department of Corrections.Codes, 1857, ch. 64, art. 273; 1871, § 2773; 1880, § 3023; 1892, § 1372; 1906, § 1444; Hemingway's 1917, § 1201; 1930, § 1224; 1942, § 2467; Laws, 1987, ch. 390, § 2; Laws, 1993, ch. 547, § 1; Laws, 1995, ch. 604, § 1; Laws, 2000, ch. 555, § 1, eff. 7/2/2000. Codes, 1857, ch. 64, art. 273; 1871, § 2773; 1880, § 3023; 1892, § 1372; 1906, § 1444; Hemingway's 1917, § 1201; 1930, § 1224; 1942, § 2467; Laws, 1987, ch. 390, § 2; Laws, 1993, ch. 547, § 1; Laws, 1995, ch. 604, § 1; Laws, 2000, ch. 555, § 1, eff. 7/2/2000.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47)Section 99-3-11 - Arresting officer or person may break into house

To make an arrest an officer or private person, after notice of his office and object, if admittance is refused, may break open a window or outer or inner door of any dwelling or house in which he has reason to believe the offender may be found.Codes, 1857, ch. 64, art. 277; 1871, § 2777; 1880, § 3027; 1892, § 1376; 1906, § 1448; Hemingway's 1917, § 1205; 1930, § 1228; 1942, § 2471. To make an arrest an officer or private person, after notice of his office and object, if admittance is refused, may break open a window or outer or inner door of any dwelling or house in which he has reason to believe the offender may be found.Codes, 1857, ch. 64, art. 277; 1871, § 2777; 1880, § 3027; 1892, § 1376; 1906, § 1448; Hemingway's 1917, § 1205; 1930, § 1228; 1942, § 2471. To make an arrest an officer or private person, after notice of his office and object, if admittance is refused, may break open a window or outer or inner door of any dwelling or house in which he has reason to believe the offender may be found.Codes, 1857, ch. 64, art. 277; 1871, § 2777; 1880, § 3027; 1892, § 1376; 1906, § 1448; Hemingway's 1917, § 1205; 1930, § 1228; 1942, § 2471. To make an arrest an officer or private person, after notice of his office and object, if admittance is refused, may break open a window or outer or inner door of any dwelling or house in which he has reason to believe the offender may be found. Codes, 1857, ch. 64, art. 277; 1871, § 2777; 1880, § 3027; 1892, § 1376; 1906, § 1448; Hemingway's 1917, § 1205; 1930, § 1228; 1942, § 2471.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47) Section 99-3-13 - Officer may pursue and apprehend offender any place in state; jailing prisoner for safekeeping

If a person commit an offense and be pursued by a sheriff or constable, and escape from the county of the officer, the officer may pursue and apprehend him in any county and take him to the county in which the offense was committed; and in all cases an officer or other person having the lawful custody of a prisoner, passing through any county on his route, may lodge the prisoner in any jail for safekeeping, as circumstances require. In like manner if a person commit an offense within the corporate limits of an incorporated municipality and be pursued by a marshal or any other municipal peace or police officer and shall escape from the municipality, such municipal peace or police officer may pursue and apprehend such offender to places without the corporate limits of the municipality and to any place within the State of Mississippi to which such person may flee and may return such person to the municipality in which such offense was committed. Codes, 1880, § 3034; 1892, § 1382; 1906, § 1454; Hemingway's 1917, § 1211; 1930, § 1234; 1942, § 2477; Laws, 1948, ch. 434. If a person commit an offense and be pursued by a sheriff or constable, and escape from the county of the officer, the officer may pursue and apprehend him in any county and take him to the county in which the offense was committed; and in all cases an officer or other person having the lawful custody of a prisoner, passing through any county on his route, may lodge the prisoner in any jail for safekeeping, as circumstances require. In like manner if a person commit an offense within the corporate limits of an incorporated municipality and be pursued by a marshal or any other municipal peace or police officer and shall escape from the municipality, such municipal peace or police officer may pursue and apprehend such offender to places without the corporate limits of the municipality and to any place within the State of Mississippi to which such person may flee and may return such person to the municipality in which such offense was committed. Codes, 1880, § 3034; 1892, § 1382; 1906, § 1454; Hemingway's 1917, § 1211; 1930, § 1234; 1942, § 2477; Laws, 1948, ch. 434. If a person commit an offense and be pursued by a sheriff or constable, and escape from the county of the officer, the officer may pursue and apprehend him in any county and take him to the county in which the offense was committed; and in all cases an officer or other person having the lawful custody of a prisoner, passing through any county on his route, may lodge the prisoner in any jail for safekeeping, as circumstances require. In like manner if a person commit an offense within the corporate limits of an incorporated municipality and be pursued by a marshal or any other municipal peace or police officer and shall escape from the municipality, such municipal peace or police officer may pursue and apprehend such offender to places without the corporate limits of the municipality and to any place within the State of Mississippi to which such person may flee and may return such person to the municipality in which such offense was committed. Codes, 1880, § 3034; 1892, § 1382; 1906, § 1454; Hemingway's 1917, § 1211; 1930, § 1234; 1942, § 2477; Laws, 1948, ch. 434. If a person commit an offense and be pursued by a sheriff or constable, and escape from the county of the officer, the officer may pursue and apprehend him in any county and take him to the county in which the offense was committed; and in all cases an officer or other person having the lawful custody of a prisoner, passing through any county on his route, may lodge the prisoner in any jail for safekeeping, as circumstances require. In like manner if a person commit an offense within the corporate limits of an incorporated municipality and be pursued by a marshal or any other municipal peace or police officer and shall escape from the municipality, such municipal peace or police officer may pursue and apprehend such offender to places without the corporate limits of the municipality and to any place within the State of Mississippi to which such person may flee and may return such person to the municipality in which such offense was committed. Codes, 1880, § 3034; 1892, § 1382; 1906, § 1454; Hemingway's 1917, § 1211; 1930, § 1234; 1942, § 2477; Laws, 1948, ch. 434.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47) Section 99-3-15 - Escaped offender may be pursued and retaken without warrant

If an offender escape or be rescued, the person from whose possession or custody he escaped or was rescued, may immediately pursue and retake him at any time and in any county without warrant. Codes, 1857, ch. 64, art. 278; 1871, § 2778; 1880, § 3028; 1892, § 1377; 1906, § 1449; Hemingway's 1917, § 1206; 1930, § 1229; 1942, § 2472. If an offender escape or be rescued, the person from whose possession or custody he escaped or was rescued, may immediately pursue and retake him at any time and in any county without warrant. Codes, 1857, ch. 64, art. 278; 1871, § 2778; 1880, § 3028; 1892, § 1377; 1906, § 1449; Hemingway's 1917, § 1206; 1930, § 1229; 1942, § 2472. If an offender escape or be rescued, the person from whose possession or custody he escaped or was rescued, may immediately pursue and retake him at any time and in any county without warrant. Codes, 1857, ch. 64, art. 278; 1871, § 2778; 1880, § 3028; 1892, § 1377; 1906, § 1449; Hemingway's 1917, § 1206; 1930, § 1229; 1942, § 2472. If an offender escape or be rescued, the person from whose possession or custody he escaped or was rescued, may immediately pursue and retake him at any time and in any county without warrant. Codes, 1857, ch. 64, art. 278; 1871, § 2778; 1880, § 3028; 1892, § 1377; 1906, § 1449; Hemingway's 1917, § 1206; 1930, § 1229; 1942, § 2472.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47) Section 99-3-17 - Offender must be taken before proper officer without delay

Every person making an arrest shall take the offender before the proper officer without unnecessary delay for examination of his case, except as otherwise provided in Section 99-3-18. Codes, 1857, ch. 64, art. 279; 1871, § 2779; 1880, § 3029; 1892, § 1378; 1906, § 1450; Hemingway's 1917, § 1207; 1930, § 1230; 1942, § 2473; Laws, 1980, ch. 446, § 2, eff. 7/1/1980. Every person making an arrest shall take the offender before the proper officer without unnecessary delay for examination of his case, except as otherwise provided in Section 99-3-18. Codes, 1857, ch. 64, art. 279; 1871, § 2779; 1880, § 3029; 1892, § 1378; 1906, § 1450; Hemingway's

1917, § 1207; 1930, § 1230; 1942, § 2473; Laws, 1980, ch. 446, § 2, eff. 7/1/1980. Every person making an arrest shall take the offender before the proper officer without unnecessary delay for examination of his case, except as otherwise provided in Section 99-3-18. Codes, 1857, ch. 64, art. 279; 1871, § 2779; 1880, § 3029; 1892, § 1378; 1906, § 1450; Hemingway's 1917, § 1207; 1930, § 1230; 1942, § 2473; Laws, 1980, ch. 446, § 2, eff. 7/1/1980. Every person making an arrest shall take the offender before the proper officer without unnecessary delay for examination of his case, except as otherwise provided in Section 99-3-18. Codes, 1857, ch. 64, art. 279; 1871, § 2779; 1880, § 3029; 1892, § 1378; 1906, § 1450; Hemingway's 1917, § 1207; 1930, § 1230; 1942, § 2473; Laws, 1980, ch. 446, § 2, eff. 7/1/1980.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47) Section 99-3-18 - Post-arrest release on written notice to appear at later date

(1) In any case in which a person is arrested for an offense declared to be a misdemeanor and does not demand to be taken before a municipal judge, justice court judge or other judge, such person may, instead of being taken before a judge, be released according to the procedures set forth by this section and Section 99-3-17. If the arresting officer or his superior determines that the person should be released, such officer or superior shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time when and place where such person shall appear in court. If the person is not released prior to being booked and the officer in charge of the booking or his superior determines that the person should be released, such officer or superior shall prepare such written notice to appear in court. Unless waived by the arrested person, the time specified in the notice to appear shall be at least five (5) days after arrest. The place specified in the notice shall be the court of the municipal judge, justice court judge or other judge before whom the person would be taken if the requirement of taking an arrested person before a judge were complied with, or shall be an officer authorized by such court to receive a deposit of bail. (2) The officer shall deliver one (1) copy of the notice to appear to the arrested person, and the arrested person, in order to secure release, shall give his written promise to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody. The officer shall, as soon as practicable, file the duplicate notice with the municipal judge, justice court judge or other judge specified therein. No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he has violated such promise or has failed to appear for trial or judgment, or to comply with the terms and provisions of the judgment, as required by law. (3) If the arrested person is not released pursuant to the provisions of this section and Section 99-3-17 prior to being booked by the arresting agency, then at the time of booking, the officer in charge of such booking or his superior officer, or any other person designated by a city or county for this purpose may make an immediate investigation into the background of the person to determine whether he should be released pursuant to the provisions of this section and Section 99-3-17. Such investigation shall include, but need not be limited to, the person's name, address, length of residence at that address, length of residence within this state, marital and family status, employment, length of that employment, prior arrest record and such other facts relating to the person's arrest which would bear on the question of his release pursuant to the provisions of this section and Section 99-3-17. Laws, 1980, ch. 446, § 1, eff. 7/1/1980.

(1) In any case in which a person is arrested for an offense declared to be a misdemeanor and does not demand to be taken before a municipal judge, justice court judge or other judge, such person may, instead of being taken before a judge, be released according to the procedures set forth by this section and Section 99-3-17. If the arresting officer or his superior determines that the person should be released, such officer or superior shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time when and place where such person shall appear in court. If the person is not released prior to being booked and the officer in charge of the booking or his superior determines that the person should be released, such officer or superior shall prepare such written notice to appear in court. Unless waived by the arrested person, the time specified in the notice to appear shall be at least five (5) days after arrest. The place specified in the notice shall be the court of the municipal judge, justice court judge or other judge before whom the person would be taken if the requirement of taking an arrested person before a judge were complied with, or shall be an officer authorized by such court to receive a deposit of bail. (2) The officer shall deliver one (1) copy of the notice to appear to the arrested person, and the arrested person, in order to secure release, shall give his written promise to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody. The officer shall, as soon as practicable, file the duplicate notice with the municipal judge, justice court judge or other judge specified therein. No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he has violated such promise or has failed to appear for trial or judgment, or to comply with the terms and provisions of the judgment, as required by law. (3) If the arrested person is not released pursuant to the provisions of this section and Section 99-3-17 prior to being booked by the arresting agency, then at the time of booking, the officer in charge of such booking or his superior officer, or any other person designated by a city or county for this purpose may make an immediate investigation into the background of the person to determine whether he should be released pursuant to the provisions of this section and Section 99-3-17. Such investigation shall include, but need not be limited to, the person's name, address, length of residence at that address, length of residence within this state, marital and family status, employment, length of that employment, prior arrest record and such other facts relating to the person's arrest which would bear on the question of his release pursuant to the provisions of this section and Section 99-3-17. Laws, 1980, ch. 446, § 1, eff. 7/1/1980.

(1) In any case in which a person is arrested for an offense declared to be a misdemeanor and does not demand to be taken before a municipal judge, justice court judge or other judge, such person may, instead of being taken before a judge, be released according to the procedures set forth by this section and Section 99-3-17. If the arresting officer or his superior determines that the person should

be released, such officer or superior shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time when and place where such person shall appear in court. If the person is not released prior to being booked and the officer in charge of the booking or his superior determines that the person should be released, such officer or superior shall prepare such written notice to appear in court. Unless waived by the arrested person, the time specified in the notice to appear shall be at least five (5) days after arrest. The place specified in the notice shall be the court of the municipal judge, justice court judge or other judge before whom the person would be taken if the requirement of taking an arrested person before a judge were complied with, or shall be an officer authorized by such court to receive a deposit of bail.(2)The officer shall deliver one (1) copy of the notice to appear to the arrested person, and the arrested person, in order to secure release, shall give his written promise to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody. The officer shall, as soon as practicable, file the duplicate notice with the municipal judge, justice court judge or other judge specified therein. No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he has violated such promise or has failed to appear for trial or judgment, or to comply with the terms and provisions of the judgment, as required by law.(3)If the arrested person is not released pursuant to the provisions of this section and Section99-3-17prior to being booked by the arresting agency, then at the time of booking, the officer in charge of such booking or his superior officer, or any other person designated by a city or county for this purpose may make an immediate investigation into the background of the person to determine whether he should be released pursuant to the provisions of this section and Section99-3-17. Such investigation shall include, but need not be limited to, the person's name, address, length of residence at that address, length of residence within this state, marital and family status, employment, length of that employment, prior arrest record and such other facts relating to the person's arrest which would bear on the question of his release pursuant to the provisions of this section and Section99-3-17.Laws, 1980, ch. 446, § 1, eff. 7/1/1980. Laws, 1980, ch. 446, § 1, eff. 7/1/1980.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47)Section 99-3-19 - Warrant good across county line

When a person accused of any offense removes or escapes to another county, a warrant issued by a justice of the peace in the county in which the offense was committed shall authorize the arrest of such offender, and his removal to the county in which the offense was committed or is triable.Codes, 1857, ch. 64, art. 333; 1871, § 2826; 1880, § 3032; 1892, § 1380; 1906, § 1452; Hemingway's 1917, § 1209; 1930, § 1232; 1942, § 2475. When a person accused of any offense removes or escapes to another county, a warrant issued by a justice of the peace in the county in which the offense was committed shall authorize the arrest of such offender, and his removal to the county in which the offense was committed or is triable.Codes, 1857, ch. 64, art. 333; 1871, § 2826; 1880, § 3032; 1892, § 1380; 1906, § 1452; Hemingway's 1917, § 1209; 1930, § 1232; 1942, § 2475. When a person accused of any offense removes or escapes to another county, a warrant issued by a justice of the peace in the county in which the offense was committed shall authorize the arrest of such offender, and his removal to the county in which the offense was committed or is triable.Codes, 1857, ch. 64, art. 333; 1871, § 2826; 1880, § 3032; 1892, § 1380; 1906, § 1452; Hemingway's 1917, § 1209; 1930, § 1232; 1942, § 2475. When a person accused of any offense removes or escapes to another county, a warrant issued by a justice of the peace in the county in which the offense was committed shall authorize the arrest of such offender, and his removal to the county in which the offense was committed or is triable. Codes, 1857, ch. 64, art. 333; 1871, § 2826; 1880, § 3032; 1892, § 1380; 1906, § 1452; Hemingway's 1917, § 1209; 1930, § 1232; 1942, § 2475.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47)Section 99-3-2 - Authorization for federal law enforcement officers to make arrests

Any United States Marshal or Deputy United States Marshal is authorized in the performance of his duties to bear arms, to make arrests and to make searches and seizures. Whenever any other federal law enforcement officer who is employed by the United States government, authorized to effect an arrest for a violation of the United States Code, and authorized to carry a firearm in the performance of his duties is working in cooperation with local law enforcement officers, the agent shall have the authority in the performance of his duties to bear arms, to make arrests and to make searches and seizures. Any right granted under this section in no way relieves the requirements of appropriate affidavit and search warrant from the appropriate jurisdiction and authority pursuant to the laws of this state.Laws, 1987, ch. 390, § 1; Laws, 1993, ch. 547, § 2; Laws, 1995, ch. 604, § 2, eff. 4/7/1995. Any United States Marshal or Deputy United States Marshal is authorized in the performance of his duties to bear arms, to make arrests and to make searches and seizures. Whenever any other federal law enforcement officer who is employed by the United States government, authorized to effect an arrest for a violation of the United States Code, and authorized to carry a firearm in the performance of his duties is working in cooperation with local law enforcement officers, the agent shall have the authority in the performance of his duties to bear arms, to make arrests and to make searches and seizures. Any right granted under this section in no way relieves the requirements of appropriate affidavit and search warrant from the appropriate jurisdiction and authority pursuant to the laws of this state.Laws, 1987, ch. 390, § 1; Laws, 1993, ch. 547, § 2; Laws, 1995, ch. 604, § 2, eff. 4/7/1995. Any United States Marshal or Deputy United States Marshal is authorized in the performance of his duties to bear arms, to make arrests and to make searches and seizures. Whenever any other federal law enforcement officer who is employed by the United States government, authorized to effect an arrest for a violation of the United States Code, and authorized to carry a firearm in the performance of his duties is working in cooperation with local law enforcement officers, the agent shall have the authority in the performance of his duties to

bear arms, to make arrests and to make searches and seizures. Any right granted under this section in no way relieves the requirements of appropriate affidavit and search warrant from the appropriate jurisdiction and authority pursuant to the laws of this state. Laws, 1987, ch. 390, § 1; Laws, 1993, ch. 547, § 2; Laws, 1995, ch. 604, § 2, eff. 4/7/1995. Any United States Marshal or Deputy United States Marshal is authorized in the performance of his duties to bear arms, to make arrests and to make searches and seizures. Whenever any other federal law enforcement officer who is employed by the United States government, authorized to effect an arrest for a violation of the United States Code, and authorized to carry a firearm in the performance of his duties is working in cooperation with local law enforcement officers, the agent shall have the authority in the performance of his duties to bear arms, to make arrests and to make searches and seizures. Any right granted under this section in no way relieves the requirements of appropriate affidavit and search warrant from the appropriate jurisdiction and authority pursuant to the laws of this state. Laws, 1987, ch. 390, § 1; Laws, 1993, ch. 547, § 2; Laws, 1995, ch. 604, § 2, eff. 4/7/1995.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47) Section 99-3-21 - Justice of the peace may issue warrant for offender coming into his jurisdiction

A justice of the peace of any county into which an offender may have removed himself or escaped, on the oath of some credible person, may issue his warrant for the arrest of such offender, returnable before any justice of the peace of the county where the offense is cognizable, which shall authorize the arrest and removal of such offender to the proper county for examination. Codes, 1857, ch. 64, art. 335; 1871, § 2828; 1880, § 3033; 1892, § 1381; 1906, § 1453; Hemingway's 1917, § 1210; 1930, § 1233; 1942, § 2476. A justice of the peace of any county into which an offender may have removed himself or escaped, on the oath of some credible person, may issue his warrant for the arrest of such offender, returnable before any justice of the peace of the county where the offense is cognizable, which shall authorize the arrest and removal of such offender to the proper county for examination. Codes, 1857, ch. 64, art. 335; 1871, § 2828; 1880, § 3033; 1892, § 1381; 1906, § 1453; Hemingway's 1917, § 1210; 1930, § 1233; 1942, § 2476. A justice of the peace of any county into which an offender may have removed himself or escaped, on the oath of some credible person, may issue his warrant for the arrest of such offender, returnable before any justice of the peace of the county where the offense is cognizable, which shall authorize the arrest and removal of such offender to the proper county for examination. Codes, 1857, ch. 64, art. 335; 1871, § 2828; 1880, § 3033; 1892, § 1381; 1906, § 1453; Hemingway's 1917, § 1210; 1930, § 1233; 1942, § 2476. A justice of the peace of any county into which an offender may have removed himself or escaped, on the oath of some credible person, may issue his warrant for the arrest of such offender, returnable before any justice of the peace of the county where the offense is cognizable, which shall authorize the arrest and removal of such offender to the proper county for examination. Codes, 1857, ch. 64, art. 335; 1871, § 2828; 1880, § 3033; 1892, § 1381; 1906, § 1453; Hemingway's 1917, § 1210; 1930, § 1233; 1942, § 2476.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47) Section 99-3-23 - No liability for legal arrest

Officers and others who make arrests as authorized or required by law, shall not be liable on account thereof, civilly or criminally, notwithstanding it may appear that the party arrested was innocent of any offense. Codes, 1857, ch. 64, art. 280; 1871, § 2780; 1880, § 3030; 1892, § 1379; 1906, § 1451; Hemingway's 1917, § 1208; 1930, § 1231; 1942, § 2474. Officers and others who make arrests as authorized or required by law, shall not be liable on account thereof, civilly or criminally, notwithstanding it may appear that the party arrested was innocent of any offense. Codes, 1857, ch. 64, art. 280; 1871, § 2780; 1880, § 3030; 1892, § 1379; 1906, § 1451; Hemingway's 1917, § 1208; 1930, § 1231; 1942, § 2474. Officers and others who make arrests as authorized or required by law, shall not be liable on account thereof, civilly or criminally, notwithstanding it may appear that the party arrested was innocent of any offense. Codes, 1857, ch. 64, art. 280; 1871, § 2780; 1880, § 3030; 1892, § 1379; 1906, § 1451; Hemingway's 1917, § 1208; 1930, § 1231; 1942, § 2474. Officers and others who make arrests as authorized or required by law, shall not be liable on account thereof, civilly or criminally, notwithstanding it may appear that the party arrested was innocent of any offense. Codes, 1857, ch. 64, art. 280; 1871, § 2780; 1880, § 3030; 1892, § 1379; 1906, § 1451; Hemingway's 1917, § 1208; 1930, § 1231; 1942, § 2474.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47) Section 99-3-25 - Duty of officers to arrest gamblers, bucket-shop operators and futures dealers

It shall be the duty of the sheriff, justices, constables, and all other civil officers of the county, and of every police officer of any city, town or village, when they know or have reason to suspect any person to be guilty of a violation of the provisions of law in reference to gambling or gaming, or operating a bucket-shop or any business dealing in contracts commonly called "futures," to apprehend such person, and bring him before some officer having jurisdiction thereof, and to appear and prosecute such offender. Codes, Hutchinson's 1848, ch. 64, art. 11(4); 1857, ch. 64, art. 149; 1871, § 2612; 1880, § 2858; 1892, § 1383; 1906, 1455; Hemingway's 1917, § 1212; 1930, § 1235; 1942, § 2478; Laws, 1950, ch. 344. It shall be the duty of the sheriff, justices, constables, and all other civil officers of the county, and of every police officer of any city, town or village, when they know or have reason to suspect any person to be guilty of a violation of the provisions of law in reference to gambling or gaming, or operating a bucket-shop or any business dealing in contracts commonly called "futures," to apprehend such person, and bring him before some officer having jurisdiction thereof, and to appear and prosecute such offender. Codes, Hutchinson's 1848, ch. 64, art. 11(4); 1857, ch. 64, art. 149; 1871, § 2612; 1880, § 2858; 1892, § 1383; 1906, 1455; Hemingway's 1917, § 1212; 1930, § 1235; 1942, § 2478; Laws, 1950, ch. 344. It shall be the duty of the sheriff, justices, constables, and all other civil officers of the county, and of every police

officer of any city, town or village, when they know or have reason to suspect any person to be guilty of a violation of the provisions of law in reference to gambling or gaming, or operating a bucket-shop or any business dealing in contracts commonly called "futures," to apprehend such person, and bring him before some officer having jurisdiction thereof, and to appear and prosecute such offender. Codes, Hutchinson's 1848, ch. 64, art. 11(4); 1857, ch. 64, art. 149; 1871, § 2612; 1880, § 2858; 1892, § 1383; 1906, 1455; Hemingway's 1917, § 1212; 1930, § 1235; 1942, § 2478; Laws, 1950, ch. 344. It shall be the duty of the sheriff, justices, constables, and all other civil officers of the county, and of every police officer of any city, town or village, when they know or have reason to suspect any person to be guilty of a violation of the provisions of law in reference to gambling or gaming, or operating a bucket-shop or any business dealing in contracts commonly called "futures," to apprehend such person, and bring him before some officer having jurisdiction thereof, and to appear and prosecute such offender. Codes, Hutchinson's 1848, ch. 64, art. 11(4); 1857, ch. 64, art. 149; 1871, § 2612; 1880, § 2858; 1892, § 1383; 1906, 1455; Hemingway's 1917, § 1212; 1930, § 1235; 1942, § 2478; Laws, 1950, ch. 344.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47) Section 99-3-27 - Tramps; arrest by any person; proceedings

Any person may arrest a tramp and take him before a justice of the peace, who shall at once take the affidavit of such person charging the offense, and shall then try the accused for being a tramp, and deal with him accordingly, if found guilty. Codes, 1880, § 2962; 1892, § 1311; 1906, § 1385; Hemingway's 1917, § 1128; 1930, § 1158; 1942, § 2395. Any person may arrest a tramp and take him before a justice of the peace, who shall at once take the affidavit of such person charging the offense, and shall then try the accused for being a tramp, and deal with him accordingly, if found guilty. Codes, 1880, § 2962; 1892, § 1311; 1906, § 1385; Hemingway's 1917, § 1128; 1930, § 1158; 1942, § 2395. Any person may arrest a tramp and take him before a justice of the peace, who shall at once take the affidavit of such person charging the offense, and shall then try the accused for being a tramp, and deal with him accordingly, if found guilty. Codes, 1880, § 2962; 1892, § 1311; 1906, § 1385; Hemingway's 1917, § 1128; 1930, § 1158; 1942, § 2395. Any person may arrest a tramp and take him before a justice of the peace, who shall at once take the affidavit of such person charging the offense, and shall then try the accused for being a tramp, and deal with him accordingly, if found guilty. Codes, 1880, § 2962; 1892, § 1311; 1906, § 1385; Hemingway's 1917, § 1128; 1930, § 1158; 1942, § 2395.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47) Section 99-3-28 - Teachers or sworn law enforcement officers charged with committing crime while in the performance of duties; certain procedural requirements to be met prior to issuance of arrest warrant

(1)(a)(i) Except as provided in subsection (2) of this section, before an arrest warrant shall be issued against any teacher who is a licensed public school employee as defined in Section 37-9-1, a certified jail officer as defined in Section 45-4-9, a counselor at an adolescent opportunity program created under Section 43-27-201 et seq., or a sworn law enforcement officer within this state as defined in Section 45-6-3 for a criminal act, whether misdemeanor or felony, which is alleged to have occurred while the teacher, jail officer, counselor at an adolescent opportunity program or law enforcement officer was in the performance of official duties, a probable cause hearing shall be held before a circuit court judge. The purpose of the hearing shall be to determine if adequate probable cause exists for the issuance of a warrant. All parties testifying in these proceedings shall do so under oath. The accused shall have the right to enter an appearance at the hearing, represented by legal counsel at his own expense, to hear the accusations and evidence against him; he may present evidence or testify in his own behalf. (ii) The authority receiving any such charge or complaint against a teacher, jail officer, counselor at an adolescent offender program or law enforcement officer shall immediately present same to the county prosecuting attorney having jurisdiction who shall immediately present the charge or complaint to a circuit judge in the judicial district where the action arose for disposition pursuant to this section. (b) For any person not covered under paragraph (a) of this subsection, before an arrest warrant based on the criminal complaint of a person who is not a law enforcement officer acting in the officer's official capacity may be issued against the person for an alleged criminal act, whether misdemeanor or felony, the appropriate judge must make a determination, with or without a hearing, as to whether the affidavit clearly identifies probable cause to believe that the offense alleged has been committed, at the discretion of the court. If the judge elects to hold a probable cause hearing, parties testifying shall do so under oath and the accused shall have the right to enter an appearance, be represented by legal counsel at his own expense, to hear the accusations and evidence against him, and may present evidence or testify in his own behalf. (2) Nothing in this section shall prohibit the issuance of an arrest warrant by a circuit court judge upon presentation of probable cause, without the holding of a probable cause hearing, if adequate evidence is presented to satisfy the court that there is a significant risk that the accused will flee the court's jurisdiction or that the accused poses a threat to the safety or well-being of the public. (3) Nothing in this section shall prohibit a law enforcement officer from arresting any person under circumstances in which the law enforcement officer would not be required to seek a warrant from a court. Laws, 2001, ch. 566, § 3; Laws, 2002, ch. 488, § 1; Laws, 2004, ch. 486, § 1, eff. 7/1/2004. Amended by Laws, 2020, ch. 334, SB 2061, § 1, eff. 7/1/2020. Amended by Laws, 2015, ch. 330, HB 404, 2, eff. 7/1/2015. (1)(a)(i) Except as provided in subsection (2) of this section, before an arrest warrant shall be issued against any teacher who is a licensed public school employee as defined in Section 37-9-1, a certified jail officer as defined in Section 45-4-9, a counselor at an adolescent opportunity program created under Section 43-27-201 et seq., or a sworn law enforcement officer within this state as defined in Section 45-6-3 for a criminal act, whether misdemeanor or felony, which is alleged to have occurred while the teacher, jail officer, counselor at an adolescent opportunity program or law enforcement officer was in the performance of official duties, a probable cause hearing shall be held before a circuit court judge.

The purpose of the hearing shall be to determine if adequate probable cause exists for the issuance of a warrant. All parties testifying in these proceedings shall do so under oath. The accused shall have the right to enter an appearance at the hearing, represented by legal counsel at his own expense, to hear the accusations and evidence against him; he may present evidence or testify in his own behalf.(ii)The authority receiving any such charge or complaint against a teacher, jail officer, counselor at an adolescent offender program or law enforcement officer shall immediately present same to the county prosecuting attorney having jurisdiction who shall immediately present the charge or complaint to a circuit judge in the judicial district where the action arose for disposition pursuant to this section.(b)For any person not covered under paragraph (a) of this subsection, before an arrest warrant based on the criminal complaint of a person who is not a law enforcement officer acting in the officer's official capacity may be issued against the person for an alleged criminal act, whether misdemeanor or felony, the appropriate judge must make a determination, with or without a hearing, as to whether the affidavit clearly identifies probable cause to believe that the offense alleged has been committed, at the discretion of the court. If the judge elects to hold a probable cause hearing, parties testifying shall do so under oath and the accused shall have the right to enter an appearance, be represented by legal counsel at his own expense, to hear the accusations and evidence against him, and may present evidence or testify in his own behalf.(2)Nothing in this section shall prohibit the issuance of an arrest warrant by a circuit court judge upon presentation of probable cause, without the holding of a probable cause hearing, if adequate evidence is presented to satisfy the court that there is a significant risk that the accused will flee the court's jurisdiction or that the accused poses a threat to the safety or well-being of the public.(3)Nothing in this section shall prohibit a law enforcement officer from arresting any person under circumstances in which the law enforcement officer would not be required to seek a warrant from a court.Laws, 2001, ch. 566, § 3; Laws, 2002, ch. 488, § 1; Laws, 2004, ch. 486, § 1, eff. 7/1/2004.Amended by Laws, 2020, ch. 334, SB 2061,§ 1, eff. 7/1/2020.Amended by Laws, 2015, ch. 330, HB 404, 2, eff. 7/1/2015. (1)(a)(i)Except as provided in subsection (2) of this section, before an arrest warrant shall be issued against any teacher who is a licensed public school employee as defined in Section37-9-1, a certified jail officer as defined in Section45-4-9, a counselor at an adolescent opportunity program created under Section43-27-201et seq., or a sworn law enforcement officer within this state as defined in Section45-6-3for a criminal act, whether misdemeanor or felony, which is alleged to have occurred while the teacher, jail officer, counselor at an adolescent opportunity program or law enforcement officer was in the performance of official duties, a probable cause hearing shall be held before a circuit court judge. The purpose of the hearing shall be to determine if adequate probable cause exists for the issuance of a warrant. All parties testifying in these proceedings shall do so under oath. The accused shall have the right to enter an appearance at the hearing, represented by legal counsel at his own expense, to hear the accusations and evidence against him; he may present evidence or testify in his own behalf.(ii)The authority receiving any such charge or complaint against a teacher, jail officer, counselor at an adolescent offender program or law enforcement officer shall immediately present same to the county prosecuting attorney having jurisdiction who shall immediately present the charge or complaint to a circuit judge in the judicial district where the action arose for disposition pursuant to this section.(b)For any person not covered under paragraph (a) of this subsection, before an arrest warrant based on the criminal complaint of a person who is not a law enforcement officer acting in the officer's official capacity may be issued against the person for an alleged criminal act, whether misdemeanor or felony, the appropriate judge must make a determination, with or without a hearing, as to whether the affidavit clearly identifies probable cause to believe that the offense alleged has been committed, at the discretion of the court. If the judge elects to hold a probable cause hearing, parties testifying shall do so under oath and the accused shall have the right to enter an appearance, be represented by legal counsel at his own expense, to hear the accusations and evidence against him, and may present evidence or testify in his own behalf.(2)Nothing in this section shall prohibit the issuance of an arrest warrant by a circuit court judge upon presentation of probable cause, without the holding of a probable cause hearing, if adequate evidence is presented to satisfy the court that there is a significant risk that the accused will flee the court's jurisdiction or that the accused poses a threat to the safety or well-being of the public.(3)Nothing in this section shall prohibit a law enforcement officer from arresting any person under circumstances in which the law enforcement officer would not be required to seek a warrant from a court.Laws, 2001, ch. 566, § 3; Laws, 2002, ch. 488, § 1; Laws, 2004, ch. 486, § 1, eff. 7/1/2004.Amended by Laws, 2020, ch. 334, SB 2061,§ 1, eff. 7/1/2020.Amended by Laws, 2015, ch. 330, HB 404, 2, eff. 7/1/2015. Laws, 2001, ch. 566, § 3; Laws, 2002, ch. 488, § 1; Laws, 2004, ch. 486, § 1, eff. 7/1/2004. Amended by Laws, 2020, ch. 334, SB 2061,§ 1, eff. 7/1/2020. Amended by Laws, 2015, ch. 330, HB 404, 2, eff. 7/1/2015.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47)Section 99-3-29 - Perjury; court may commit wilful perjurer to prison immediately

Whenever it shall appear to any court that a witness or party who has been sworn or examined in any case, matter, or proceeding pending before the court, has testified in such manner as to induce a reasonable presumption that he has wilfully and corruptly testified falsely to some material point or matter, the court may immediately commit such party or witness, by an order of process for that purpose, to prison, to take bond or recognizance with sureties for his appearing and answering to an indictment for perjury.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(5); 1857, ch. 64, art. 207; 1871, § 2663; 1880, § 2924; 1892, § 1384; 1906, § 1456; Hemingway's 1917, § 1213; 1930, § 1236; 1942, § 2479. Whenever it shall appear to any court that a witness or party who has been sworn or examined in any case, matter, or proceeding pending before the court, has testified in such manner as to induce a reasonable presumption that he has wilfully and corruptly testified falsely to some material point or matter, the court may immediately commit such party or witness, by an order of process for that purpose, to prison, to take bond or recognizance with sureties for his appearing and answering to an indictment for perjury.Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(5); 1857, ch. 64, art. 207; 1871, § 2663; 1880, § 2924; 1892, § 1384; 1906, § 1456; Hemingway's 1917, § 1213; 1930, § 1236; 1942, § 2479.

Whenever it shall appear to any court that a witness or party who has been sworn or examined in any case, matter, or proceeding pending before the court, has testified in such manner as to induce a reasonable presumption that he has wilfully and corruptly testified falsely to some material point or matter, the court may immediately commit such party or witness, by an order of process for that purpose, to prison, to take bond or recognizance with sureties for his appearing and answering to an indictment for perjury. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(5); 1857, ch. 64, art. 207; 1871, § 2663; 1880, § 2924; 1892, § 1384; 1906, § 1456; Hemingway's 1917, § 1213; 1930, § 1236; 1942, § 2479. Whenever it shall appear to any court that a witness or party who has been sworn or examined in any case, matter, or proceeding pending before the court, has testified in such manner as to induce a reasonable presumption that he has wilfully and corruptly testified falsely to some material point or matter, the court may immediately commit such party or witness, by an order of process for that purpose, to prison, to take bond or recognizance with sureties for his appearing and answering to an indictment for perjury. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(5); 1857, ch. 64, art. 207; 1871, § 2663; 1880, § 2924; 1892, § 1384; 1906, § 1456; Hemingway's 1917, § 1213; 1930, § 1236; 1942, § 2479.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47) Section 99-3-3 - Time or place

Arrests for criminal offenses, and to prevent a breach of the peace, or the commission of a crime, may be made at any time or place. Codes, 1857, ch. 64, art. 275; 1871, § 2775; 1880, § 3025; 1892, § 1374; 1906, § 1446; Hemingway's 1917, § 1203; 1930, § 1226; 1942, § 2469. Arrests for criminal offenses, and to prevent a breach of the peace, or the commission of a crime, may be made at any time or place. Codes, 1857, ch. 64, art. 275; 1871, § 2775; 1880, § 3025; 1892, § 1374; 1906, § 1446; Hemingway's 1917, § 1203; 1930, § 1226; 1942, § 2469. Arrests for criminal offenses, and to prevent a breach of the peace, or the commission of a crime, may be made at any time or place. Codes, 1857, ch. 64, art. 275; 1871, § 2775; 1880, § 3025; 1892, § 1374; 1906, § 1446; Hemingway's 1917, § 1203; 1930, § 1226; 1942, § 2469. Arrests for criminal offenses, and to prevent a breach of the peace, or the commission of a crime, may be made at any time or place. Codes, 1857, ch. 64, art. 275; 1871, § 2775; 1880, § 3025; 1892, § 1374; 1906, § 1446; Hemingway's 1917, § 1203; 1930, § 1226; 1942, § 2469.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47) Section 99-3-31 - Perjury; witnesses to be bound over for grand jury and trial

When a person has been committed to custody under Section 99-3-29 the court shall thereupon bind over the witnesses necessary to establish the perjury to appear at the proper court to testify before the grand jury and on the trial, in case an indictment be found for such perjury. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(6); 1857, ch. 64, art. 208; 1871, § 2664; 1880, § 2925; 1892, § 1385; 1906, § 1457; Hemingway's 1917, § 1214; 1930, § 1237; 1942, § 2480. When a person has been committed to custody under Section 99-3-29 the court shall thereupon bind over the witnesses necessary to establish the perjury to appear at the proper court to testify before the grand jury and on the trial, in case an indictment be found for such perjury. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(6); 1857, ch. 64, art. 208; 1871, § 2664; 1880, § 2925; 1892, § 1385; 1906, § 1457; Hemingway's 1917, § 1214; 1930, § 1237; 1942, § 2480. When a person has been committed to custody under Section 99-3-29 the court shall thereupon bind over the witnesses necessary to establish the perjury to appear at the proper court to testify before the grand jury and on the trial, in case an indictment be found for such perjury. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(6); 1857, ch. 64, art. 208; 1871, § 2664; 1880, § 2925; 1892, § 1385; 1906, § 1457; Hemingway's 1917, § 1214; 1930, § 1237; 1942, § 2480. When a person has been committed to custody under Section 99-3-29 the court shall thereupon bind over the witnesses necessary to establish the perjury to appear at the proper court to testify before the grand jury and on the trial, in case an indictment be found for such perjury. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(6); 1857, ch. 64, art. 208; 1871, § 2664; 1880, § 2925; 1892, § 1385; 1906, § 1457; Hemingway's 1917, § 1214; 1930, § 1237; 1942, § 2480.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47) Section 99-3-33 - Perjury; court may detain documents

If, on the hearing of any cause, matter or proceeding in which perjury shall be suspected to have been committed, any paper or document produced by either party be deemed necessary to be used in the prosecution for perjury, the court may by order detain the paper or document from the party producing it, and direct that it be delivered to the district attorney. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(7); 1857, ch. 64, art. 209; 1871, § 2665; 1880, § 2926; 1892, § 1386; 1906, § 1458; Hemingway's 1917, § 1215; 1930, § 1238; 1942, § 2481. If, on the hearing of any cause, matter or proceeding in which perjury shall be suspected to have been committed, any paper or document produced by either party be deemed necessary to be used in the prosecution for perjury, the court may by order detain the paper or document from the party producing it, and direct that it be delivered to the district attorney. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(7); 1857, ch. 64, art. 209; 1871, § 2665; 1880, § 2926; 1892, § 1386; 1906, § 1458; Hemingway's 1917, § 1215; 1930, § 1238; 1942, § 2481. If, on the hearing of any cause, matter or proceeding in which perjury shall be suspected to have been committed, any paper or document produced by either party be deemed necessary to be used in the prosecution for perjury, the court may by order detain the paper or document from the party producing it, and direct that it be delivered to the district attorney. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(7); 1857, ch. 64, art. 209; 1871, § 2665; 1880, § 2926; 1892, § 1386; 1906, § 1458; Hemingway's 1917, § 1215; 1930, § 1238; 1942, § 2481. If, on the hearing of any cause, matter or proceeding in which perjury shall be suspected to have been committed, any paper or document produced by either party be deemed necessary to be used in the prosecution for perjury, the court may by order detain the paper or document from the party

producing it, and direct that it be delivered to the district attorney. Codes, Hutchinson's 1848, ch. 64, art. 12, Title 5(7); 1857, ch. 64, art. 209; 1871, § 2665; 1880, § 2926; 1892, § 1386; 1906, § 1458; Hemingway's 1917, § 1215; 1930, § 1238; 1942, § 2481.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47) Section 99-3-35 - Reward for arrest and delivery of fleeing killer

A person who shall arrest anyone who kills another and is fleeing, or attempting to flee, before arrest, and shall deliver him up for trial, shall be entitled to the sum of one hundred dollars out of the treasury of the county in which the homicide occurred, upon the allowance of the circuit court and the board of supervisors of the county in the manner provided by law. Codes, 1857, ch. 64, art. 286; 1871, § 2786; 1880, § 3035; 1892, § 1387; 1906, § 1459; Hemingway's 1917, § 1216; 1930, § 1239; 1942, § 2482; Laws, 1910, ch. 187. A person who shall arrest anyone who kills another and is fleeing, or attempting to flee, before arrest, and shall deliver him up for trial, shall be entitled to the sum of one hundred dollars out of the treasury of the county in which the homicide occurred, upon the allowance of the circuit court and the board of supervisors of the county in the manner provided by law. Codes, 1857, ch. 64, art. 286; 1871, § 2786; 1880, § 3035; 1892, § 1387; 1906, § 1459; Hemingway's 1917, § 1216; 1930, § 1239; 1942, § 2482; Laws, 1910, ch. 187. A person who shall arrest anyone who kills another and is fleeing, or attempting to flee, before arrest, and shall deliver him up for trial, shall be entitled to the sum of one hundred dollars out of the treasury of the county in which the homicide occurred, upon the allowance of the circuit court and the board of supervisors of the county in the manner provided by law. Codes, 1857, ch. 64, art. 286; 1871, § 2786; 1880, § 3035; 1892, § 1387; 1906, § 1459; Hemingway's 1917, § 1216; 1930, § 1239; 1942, § 2482; Laws, 1910, ch. 187. A person who shall arrest anyone who kills another and is fleeing, or attempting to flee, before arrest, and shall deliver him up for trial, shall be entitled to the sum of one hundred dollars out of the treasury of the county in which the homicide occurred, upon the allowance of the circuit court and the board of supervisors of the county in the manner provided by law. Codes, 1857, ch. 64, art. 286; 1871, § 2786; 1880, § 3035; 1892, § 1387; 1906, § 1459; Hemingway's 1917, § 1216; 1930, § 1239; 1942, § 2482; Laws, 1910, ch. 187.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47) Section 99-3-37 - Reward for arrest and delivery of fleeing killer; sheriff and other officers may receive

The sheriff or other officers who shall arrest anyone who kills another and is fleeing, or attempting to flee, shall be entitled to the reward provided for in Section 99-3-35 the same as other persons, provided the killing is not done in the county in which the officer making the arrest resides. But the court adjudging such award to be due may, in its discretion, order the reward to be divided equally between the officer making the arrest and any person or persons, giving him information leading to such arrest. Codes, Hemingway's 1917, § 1217; 1930, § 1240; 1942, § 2483; Laws, 1910, ch. 187. The sheriff or other officers who shall arrest anyone who kills another and is fleeing, or attempting to flee, shall be entitled to the reward provided for in Section 99-3-35 the same as other persons, provided the killing is not done in the county in which the officer making the arrest resides. But the court adjudging such award to be due may, in its discretion, order the reward to be divided equally between the officer making the arrest and any person or persons, giving him information leading to such arrest. Codes, Hemingway's 1917, § 1217; 1930, § 1240; 1942, § 2483; Laws, 1910, ch. 187. The sheriff or other officers who shall arrest anyone who kills another and is fleeing, or attempting to flee, shall be entitled to the reward provided for in Section 99-3-35 the same as other persons, provided the killing is not done in the county in which the officer making the arrest resides. But the court adjudging such award to be due may, in its discretion, order the reward to be divided equally between the officer making the arrest and any person or persons, giving him information leading to such arrest. Codes, Hemingway's 1917, § 1217; 1930, § 1240; 1942, § 2483; Laws, 1910, ch. 187.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47) Section 99-3-39 - Rewards for information may be offered by counties and municipalities

(1) Boards of supervisors of the various counties of this state and the governing authorities of the municipalities, may either separately or in conjunction with each other, within their discretion, offer monetary rewards, the amount of which shall be fixed by the aforesaid governing authorities, within their discretion, for information leading to the apprehension of any person subsequently convicted of any crime or misdemeanor committed within this state; information regarding the whereabouts of missing persons; the ascertaining or divulging of any information necessary or helpful for the governing or the tranquility of any municipality or county of this state or for any like purpose, provided said reward shall not exceed the sum of Fifteen Thousand Dollars (\$15,000.00) and provided further, that said reward shall not be paid to any law enforcement officer or any employee of the governing authority offering such reward or any member of the immediate family of either. (2) The aforesaid rewards may be paid from the general fund of the respective counties or municipalities. Codes, 1942, § 2482.5; Laws, 1966, ch. 313, §§ 1, 2; Laws, 1970, ch. 345, §§ 1, 2; Laws, 2007, ch. 513, § 1, eff. 7/1/2007. (1) Boards of supervisors of the various counties of this state and the governing authorities of the municipalities, may either separately or in conjunction with each other, within their discretion, offer monetary rewards, the amount of which shall be fixed by the aforesaid governing authorities, within their discretion, for information leading to the apprehension of any person subsequently convicted of any crime or misdemeanor committed within this state; information regarding the

whereabouts of missing persons; the ascertaining or divulging of any information necessary or helpful for the governing or the tranquility of any municipality or county of this state or for any like purpose, provided said reward shall not exceed the sum of Fifteen Thousand Dollars (\$15,000.00) and provided further, that said reward shall not be paid to any law enforcement officer or any employee of the governing authority offering such reward or any member of the immediate family of either.(2)The aforesaid rewards may be paid from the general fund of the respective counties or municipalities.Codes, 1942, § 2482.5; Laws, 1966, ch. 313, §§ 1, 2; Laws, 1970, ch. 345, §§ 1, 2; Laws, 2007, ch. 513, § 1, eff. 7/1/2007. (1)Boards of supervisors of the various counties of this state and the governing authorities of the municipalities, may either separately or in conjunction with each other, within their discretion, offer monetary rewards, the amount of which shall be fixed by the aforesaid governing authorities, within their discretion, for information leading to the apprehension of any person subsequently convicted of any crime or misdemeanor committed within this state; information regarding the whereabouts of missing persons; the ascertaining or divulging of any information necessary or helpful for the governing or the tranquility of any municipality or county of this state or for any like purpose, provided said reward shall not exceed the sum of Fifteen Thousand Dollars (\$15,000.00) and provided further, that said reward shall not be paid to any law enforcement officer or any employee of the governing authority offering such reward or any member of the immediate family of either.(2)The aforesaid rewards may be paid from the general fund of the respective counties or municipalities.Codes, 1942, § 2482.5; Laws, 1966, ch. 313, §§ 1, 2; Laws, 1970, ch. 345, §§ 1, 2; Laws, 2007, ch. 513, § 1, eff. 7/1/2007. Codes, 1942, § 2482.5; Laws, 1966, ch. 313, §§ 1, 2; Laws, 1970, ch. 345, §§ 1, 2; Laws, 2007, ch. 513, § 1, eff. 7/1/2007.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47)Section 99-3-41 - HIV and AIDS testing of persons arrested for the commission of sex crimes against minors

(1)Every person who is arrested for the commission of any sex crime against a minor as provided in Section97-5-51, the Mississippi Child Protection Act, shall be tested for the human immunodeficiency virus (HIV) and the acquired immune deficiency syndrome (AIDS). Such test shall be administered upon arrest but, no later than twenty-four (24) hours after arrest. The test shall be performed by any qualified medical personnel in conjunction with the arresting authority. The arresting authority shall report all test results to the State Department of Health and the Children's Safe Center, no later than twenty-four (24) hours after the test results are available. Each victim of the alleged offense, or the parent, guardian, or custodian of each minor victim, and the accused shall be notified of the test results, no later than twenty-four (24) hours after the test results are available. The State Department of Health shall provide counseling and the referral for the appropriate treatment for each victim when the accused tested positive for HIV or AIDS. For the purposes of this section, the term "minor" means the same as defined in Section97-5-51. The HIV and AIDS tests collected under the authority of this section shall not be used for any other purpose that is not authorized by this section.(2)Any qualified medical personnel and/or arresting authority who is authorized to perform the test required by subsection (1) of this section shall only keep the results of HIV and/or AIDS tests, but shall destroy any biological sample taken from a person for purposes of performing such tests.Amended by Laws, 2016, ch. 371, HB 1380, 1, eff. 4/6/2016.Added by Laws, 2015, ch. 307, HB 257, 1, eff. 7/1/2015. (1)Every person who is arrested for the commission of any sex crime against a minor as provided in Section97-5-51, the Mississippi Child Protection Act, shall be tested for the human immunodeficiency virus (HIV) and the acquired immune deficiency syndrome (AIDS). Such test shall be administered upon arrest but, no later than twenty-four (24) hours after arrest. The test shall be performed by any qualified medical personnel in conjunction with the arresting authority. The arresting authority shall report all test results to the State Department of Health and the Children's Safe Center, no later than twenty-four (24) hours after the test results are available. Each victim of the alleged offense, or the parent, guardian, or custodian of each minor victim, and the accused shall be notified of the test results, no later than twenty-four (24) hours after the test results are available. The State Department of Health shall provide counseling and the referral for the appropriate treatment for each victim when the accused tested positive for HIV or AIDS. For the purposes of this section, the term "minor" means the same as defined in Section97-5-51. The HIV and AIDS tests collected under the authority of this section shall not be used for any other purpose that is not authorized by this section.(2)Any qualified medical personnel and/or arresting authority who is authorized to perform the test required by subsection (1) of this section shall only keep the results of HIV and/or AIDS tests, but shall destroy any biological sample taken from a person for purposes of performing such tests.Amended by Laws, 2016, ch. 371, HB 1380, 1, eff. 4/6/2016.Added by Laws, 2015, ch. 307, HB 257, 1, eff. 7/1/2015. (1)Every person who is arrested for the commission of any sex crime against a minor as provided in Section97-5-51, the Mississippi Child Protection Act, shall be tested for the human immunodeficiency virus (HIV) and the acquired immune deficiency syndrome (AIDS). Such test shall be administered upon arrest but, no later than twenty-four (24) hours after arrest. The test shall be performed by any qualified medical personnel in conjunction with the arresting authority. The arresting authority shall report all test results to the State Department of Health and the Children's Safe Center, no later than twenty-four (24) hours after the test results are available. Each victim of the alleged offense, or the parent, guardian, or custodian of each minor victim, and the accused shall be notified of the test results, no later than twenty-four (24) hours after the test results are available. The State Department of Health shall provide counseling and the referral for the appropriate treatment for each victim when the accused tested positive for HIV or AIDS. For the purposes of this section, the term "minor" means the same as defined in Section97-5-51. The HIV and AIDS tests collected under the authority of this section shall not be used for any other purpose that is not authorized by this section.(2)Any qualified medical personnel and/or arresting authority who is authorized to perform the test required by subsection (1) of this section shall only keep the results of HIV and/or AIDS tests, but shall destroy any biological sample taken from a person for purposes of performing such tests.Amended by Laws, 2016, ch. 371, HB 1380, 1, eff. 4/6/2016.Added by Laws, 2015, ch. 307, HB 257, 1, eff. 7/1/2015. Amended by Laws, 2016, ch. 371, HB 1380, 1, eff. 4/6/2016. Added by Laws, 2015, ch. 307, HB 257, 1, eff. 7/1/2015.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47) Section 99-3-43 - Criminal history background check to be conducted by officers stopping persons to effectuate arrest

(1) When a state, county or local law enforcement officer stops a person with the intent to effectuate an arrest of the person, if the officer has the capability of doing so, the officer shall, at the time of the stop or as soon as possible thereafter, conduct a criminal history background check on the person being arrested using the National Crime Information Center (NCIC) database. If the stop results in the officer arresting the person, the officer shall make a notation of the person's criminal history at the time of arrest. If the criminal history cannot be obtained at the time of the arrest, it must be accessed and noted at the person's booking. The Federal Bureau of Investigation arrest numbers or system identification numbers of prior arrests or convictions shall be noted and become a part of the person's law enforcement record until the disposal of the matter giving rise to the grounds for arrest. A copy of the person's NCIC driver's license query shall become a part of the person's law enforcement record until the disposal of the matter giving rise to the grounds for arrest. (2) Subsection (1) of this section shall apply without regard to whether the person: (a) Is arrested for a misdemeanor or felony offense; (b) Is issued a citation in lieu of continued custody; or (c) Is arrested without a warrant. Added by Laws, 2016, ch. 503, SB 2778, 9, eff. 10/1/2016. (1) When a state, county or local law enforcement officer stops a person with the intent to effectuate an arrest of the person, if the officer has the capability of doing so, the officer shall, at the time of the stop or as soon as possible thereafter, conduct a criminal history background check on the person being arrested using the National Crime Information Center (NCIC) database. If the stop results in the officer arresting the person, the officer shall make a notation of the person's criminal history at the time of arrest. If the criminal history cannot be obtained at the time of the arrest, it must be accessed and noted at the person's booking. The Federal Bureau of Investigation arrest numbers or system identification numbers of prior arrests or convictions shall be noted and become a part of the person's law enforcement record until the disposal of the matter giving rise to the grounds for arrest. A copy of the person's NCIC driver's license query shall become a part of the person's law enforcement record until the disposal of the matter giving rise to the grounds for arrest. (2) Subsection (1) of this section shall apply without regard to whether the person: (a) Is arrested for a misdemeanor or felony offense; (b) Is issued a citation in lieu of continued custody; or (c) Is arrested without a warrant. Added by Laws, 2016, ch. 503, SB 2778, 9, eff. 10/1/2016. (1) When a state, county or local law enforcement officer stops a person with the intent to effectuate an arrest of the person, if the officer has the capability of doing so, the officer shall, at the time of the stop or as soon as possible thereafter, conduct a criminal history background check on the person being arrested using the National Crime Information Center (NCIC) database. If the stop results in the officer arresting the person, the officer shall make a notation of the person's criminal history at the time of arrest. If the criminal history cannot be obtained at the time of the arrest, it must be accessed and noted at the person's booking. The Federal Bureau of Investigation arrest numbers or system identification numbers of prior arrests or convictions shall be noted and become a part of the person's law enforcement record until the disposal of the matter giving rise to the grounds for arrest. A copy of the person's NCIC driver's license query shall become a part of the person's law enforcement record until the disposal of the matter giving rise to the grounds for arrest. (2) Subsection (1) of this section shall apply without regard to whether the person: (a) Is arrested for a misdemeanor or felony offense; (b) Is issued a citation in lieu of continued custody; or (c) Is arrested without a warrant. Added by Laws, 2016, ch. 503, SB 2778, 9, eff. 10/1/2016. Added by Laws, 2016, ch. 503, SB 2778, 9, eff. 10/1/2016.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47) Section 99-3-45 - Requisite notice to be given to persons under the age of twenty-one released following arrest under certain circumstances

A person under the age of twenty-one (21) who is released under either Section 99-3-17 or 99-3-18 following arrest must be given notice: (a) That the person is allowed to call a parent, guardian or custodian in addition to any other opportunity to call that has been afforded to such person; and (b) That Intervention Court and other pretrial diversion programs may be available for many offenses. Amended by Laws, 2019, ch. 466, HB 1352, § 27, eff. 7/1/2019. Added by Laws, 2017, ch. 416, HB 1089, 12, eff. 4/11/2017. A person under the age of twenty-one (21) who is released under either Section 99-3-17 or 99-3-18 following arrest must be given notice: (a) That the person is allowed to call a parent, guardian or custodian in addition to any other opportunity to call that has been afforded to such person; and (b) That Intervention Court and other pretrial diversion programs may be available for many offenses. Amended by Laws, 2019, ch. 466, HB 1352, § 27, eff. 7/1/2019. Added by Laws, 2017, ch. 416, HB 1089, 12, eff. 4/11/2017. A person under the age of twenty-one (21) who is released under either Section 99-3-17 or 99-3-18 following arrest must be given notice: (a) That the person is allowed to call a parent, guardian or custodian in addition to any other opportunity to call that has been afforded to such person; and (b) That Intervention Court and other pretrial diversion programs may be available for many offenses. Amended by Laws, 2019, ch. 466, HB 1352, § 27, eff. 7/1/2019. Added by Laws, 2017, ch. 416, HB 1089, 12, eff. 4/11/2017. A person under the age of twenty-one (21) who is released under either Section 99-3-17 or 99-3-18 following arrest must be given notice: Amended by Laws, 2019, ch. 466, HB 1352, § 27, eff. 7/1/2019. Added by Laws, 2017, ch. 416, HB 1089, 12, eff. 4/11/2017.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47) Section 99-3-47 - Use of electronic felony warrant applications and electronic signatures authorized; certain procedures required; exception

(1)An application for a felony warrant or signature utilized by the judicial branch of state government other than an application for a no-knock warrant shall not be denied legal effect or enforceability solely because it is in electronic form. An application, signature or record in electronic form shall have the full effect of law.(2)If a provision of law requires the application for a felony warrant to be in writing, an electronic version of the written record shall satisfy such provision of law.(3)If a provision of law requires a signature, an electronic signature satisfies such provision of law.(4)An application used to attach a digital signature to a felony warrant or affidavit must have security procedures in place that ensure the authenticity of the digital signature. The application must also be able to keep an electronic record of the warrant or affidavit, including the time and date of when the signature was attached. The application must also include encryption measures to ensure secure access of the application.(5)Unless otherwise agreed to by a sender of a warrant application and the judge, an electronic record is received when:(a)The record enters an information-processing system that the local court rules have designated and approved for the purpose of receiving electronic applications for warrants and from which the recipient is able to retrieve the electronic record; and(b)It is in a form capable of being processed by the system, and in a form that satisfies the provisions of the Mississippi Public Records Act of 1983.(6)In an instance where an affidavit is submitted to a judge electronically, the electronic signature of the affiant shall satisfy the constitutional requirement that the testimony of the affiant be made under oath, provided that such signature is made under penalty of perjury and in compliance with subsection (4) of this section. If the requirements of subsection (4) of this section are met, it shall not be necessary for the oath to be made orally for the affidavit to have legal effect.(7)An application for a felony warrant or signature made pursuant to this section shall contain a statement that the application is being made for a felony criminal investigation.(8)Before an electronic felony warrant shall be issued pursuant to this section, the applicant shall be required to meet with a judge. The meeting required by this subsection may be through the use of video or teleconference devices.(9)This section shall not authorize the issuance of no-knock warrants by the use of electronic warrant applications or electronic signatures for the applications.Added by Laws, 2024, ch. 485, HB 295,§ 1, eff. 7/1/2024. (1)An application for a felony warrant or signature utilized by the judicial branch of state government other than an application for a no-knock warrant shall not be denied legal effect or enforceability solely because it is in electronic form. An application, signature or record in electronic form shall have the full effect of law.(2)If a provision of law requires the application for a felony warrant to be in writing, an electronic version of the written record shall satisfy such provision of law.(3)If a provision of law requires a signature, an electronic signature satisfies such provision of law.(4)An application used to attach a digital signature to a felony warrant or affidavit must have security procedures in place that ensure the authenticity of the digital signature. The application must also be able to keep an electronic record of the warrant or affidavit, including the time and date of when the signature was attached. The application must also include encryption measures to ensure secure access of the application.(5)Unless otherwise agreed to by a sender of a warrant application and the judge, an electronic record is received when:(a)The record enters an information-processing system that the local court rules have designated and approved for the purpose of receiving electronic applications for warrants and from which the recipient is able to retrieve the electronic record; and(b)It is in a form capable of being processed by the system, and in a form that satisfies the provisions of the Mississippi Public Records Act of 1983.(6)In an instance where an affidavit is submitted to a judge electronically, the electronic signature of the affiant shall satisfy the constitutional requirement that the testimony of the affiant be made under oath, provided that such signature is made under penalty of perjury and in compliance with subsection (4) of this section. If the requirements of subsection (4) of this section are met, it shall not be necessary for the oath to be made orally for the affidavit to have legal effect.(7)An application for a felony warrant or signature made pursuant to this section shall contain a statement that the application is being made for a felony criminal investigation.(8)Before an electronic felony warrant shall be issued pursuant to this section, the applicant shall be required to meet with a judge. The meeting required by this subsection may be through the use of

video or teleconference devices.(9)This section shall not authorize the issuance of no-knock warrants by the use of electronic warrant applications or electronic signatures for the applications.Added by Laws, 2024, ch. 485, HB 295,§ 1, eff. 7/1/2024. Added by Laws, 2024, ch. 485, HB 295,§ 1, eff. 7/1/2024.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47)Section 99-3-5 - All persons must aid arresting officer when commanded

Every person when commanded to do so by an officer seeking to arrest an offender, must aid and assist in making the arrest, and must obey the commands of the officer in respect thereto.Codes, 1857, ch. 64, art. 274; 1871, § 2774; 1880, § 3024; 1892, § 1373; 1906, § 1445; Hemingway's 1917, § 1202; 1930, § 1225; 1942, § 2468. Every person when commanded to do so by an officer seeking to arrest an offender, must aid and assist in making the arrest, and must obey the commands of the officer in respect thereto.Codes, 1857, ch. 64, art. 274; 1871, § 2774; 1880, § 3024; 1892, § 1373; 1906, § 1445; Hemingway's 1917, § 1202; 1930, § 1225; 1942, § 2468. Every person when commanded to do so by an officer seeking to arrest an offender, must aid and assist in making the arrest, and must obey the commands of the officer in respect thereto.Codes, 1857, ch. 64, art. 274; 1871, § 2774; 1880, § 3024; 1892, § 1373; 1906, § 1445; Hemingway's 1917, § 1202; 1930, § 1225; 1942, § 2468. Every person when commanded to do so by an officer seeking to arrest an offender, must aid and assist in making the arrest, and must obey the commands of the officer in respect thereto. Codes, 1857, ch. 64, art. 274; 1871, § 2774; 1880, § 3024; 1892, § 1373; 1906, § 1445; Hemingway's 1917, § 1202; 1930, § 1225; 1942, § 2468.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47)Section 99-3-7 - When arrests may be made without warrant

(1)An officer or private person may arrest any person without warrant, for an indictable offense committed, or a breach of the peace threatened or attempted in his presence; or when a person has committed a felony, though not in his presence; or when a felony has been committed, and he has reasonable ground to suspect and believe the person proposed to be arrested to have committed it; or on a charge, made upon reasonable cause, of the commission of a felony by the party proposed to be arrested. And in all cases of arrests without warrant, the person making such arrest must inform the accused of the object and cause of the arrest, except when he is in the actual commission of the offense, or is arrested on pursuit.(2)Any law enforcement officer may arrest any person on a misdemeanor charge without having a warrant in his possession when a warrant is in fact outstanding for that person's arrest and the officer has knowledge through official channels that the warrant is outstanding for that person's arrest. In all such cases, the officer making the arrest must inform such person at the time of the arrest the object and cause therefor. If the person arrested so requests, the warrant shall be shown to him as soon as practicable.(3)(a)Any law enforcement officer shall arrest a person with or without a warrant when he has probable cause to believe that the person has, within twenty-four (24) hours of such arrest, knowingly committed a misdemeanor or felony that is an act of domestic violence or knowingly violated provisions of a criminal domestic violence or sexual assault protection order issued pursuant to Section97-3-7(11),97-3-65(6)or97-3-101(5)or an ex parte protective order, protective order after hearing or court-approved consent agreement entered by a chancery, circuit, county, justice or municipal court pursuant to the Protection from Domestic Abuse Law, Sections93-21-1through93-21-29, Mississippi Code of 1972, or a restraining order entered by a foreign court of competent jurisdiction to protect an applicant from domestic violence.(b)If a law enforcement officer has probable cause to believe that two (2) or more persons committed an act of domestic violence as defined herein, or if two (2) or more persons make complaints of domestic violence to the officer, the officer shall attempt to determine who was the principal aggressor. The term principal aggressor is defined as the party who poses the most serious ongoing threat, or who is the most significant, rather than the first, aggressor. The officer shall presume that arrest is not the appropriate response for the person or persons who were not the principal aggressor. If the officer affirmatively finds more than one (1) principal aggressor was involved, the officer shall document those findings.(c)To determine which party was the principal aggressor, the officer shall consider the following factors, although such consideration is not limited to these factors:(i)Evidence from the persons involved in the domestic abuse;(ii)The history of domestic abuse between the parties, the likelihood of future injury to each person, and the intent of the law to protect victims of domestic violence from continuing abuse;(iii)Whether one (1) of the persons acted in self-defense; and(iv)Evidence from witnesses of the domestic violence.(d)A law enforcement officer shall not base the decision of whether to arrest on the consent or request of the victim.(e)A law enforcement officer's determination regarding the existence of probable cause or the lack of probable cause shall not adversely affect the right of any party to independently seek appropriate remedies.(4)(a)Any person authorized by a court of law to supervise or monitor a convicted offender who is under an intensive supervision program may arrest the offender when the offender is in violation of the terms or conditions of the intensive supervision program, without having a warrant, provided that the person making the arrest has been trained at the Law Enforcement Officers Training Academy established under Section45-5-1et seq., or at a course approved by the Board on Law Enforcement Officer Standards and Training.(b)For the purposes of this subsection, the term "intensive supervision program" means an intensive supervision program of the Department of Corrections as described in Section47-5-1001et seq., or any similar program authorized by a court for offenders who are not under jurisdiction of the Department of Corrections.(5)As used in subsection (3) of this section, the phrase "misdemeanor or felony that is an act of domestic violence" shall mean one or more of the following acts between current or former spouses or a child of current or former spouses, persons living as spouses or who formerly lived as spouses or a child of persons living as spouses or who formerly lived as spouses, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, persons who have a current or former dating relationship, or persons who have a biological or legally adopted child

together:(a)Simple or aggravated domestic violence within the meaning of Section97-3-7;(b)Disturbing the family or public peace within the meaning of Section97-35-9,97-35-11,97-35-13or97-35-15; or(c)Stalking within the meaning of Section97-3-107.(6)Any arrest made pursuant to subsection (3) of this section shall be designated as domestic assault or domestic violence on both the arrest docket and the incident report. Any officer investigating a complaint of a misdemeanor or felony that is a crime of domestic violence who finds probable cause that such an offense has occurred within the past twenty-four (24) hours shall file an affidavit on behalf of the victim(s) of the crime, regardless of whether an arrest is made within that time period. If the crime is reported or investigated outside of that twenty-four-hour period, the officer may file the affidavit on behalf of the victim. In the event the officer does not file an affidavit on behalf of the victim, the officer shall instruct the victim of the procedure for filing on his or her own behalf.(7)A law enforcement officer shall not be held liable in any civil action for an arrest based on probable cause and in good faith pursuant to subsection (3) of this section, or failure, in good faith, to make an arrest pursuant to subsection (3) of this section.(8)The authority for the State Chief Deputy Fire Marshal and deputy state fire marshals to make arrests shall be governed by the provisions of Section45-11-1.Codes, 1857, ch. 64, art. 276; 1871, § 2776; 1880, § 3026; 1892, § 1375; 1906, § 1447; Hemingway's 1917, § 1204; 1930, § 1227; 1942, § 2470; Laws, 1968, ch. 355, § 1; Laws, 1988, ch. 571, § 1; Laws, 1989, ch. 330, § 1; Laws, 1989, ch. 364, § 1; Laws, 1995, ch. 328, § 1; Laws, 1996, ch. 483, § 1; Laws, 1999, ch. 504, § 1; Laws, 2000, ch. 554, § 1; Laws, 2000, ch. 555, § 2; Laws, 2002, ch. 510, § 1; Laws, 2008, ch. 391, § 3; Laws, 2009, ch. 433, § 4; Laws, 2010, ch. 536, § 2; Laws, 2012, ch. 514, § 9, eff. 7/1/2012.Amended by Laws, 2017, ch. 414, HB 1356, 3, eff. 4/6/2017.Amended by Laws, 2015, ch. 332, HB 556, 1, eff. 7/1/2015.Amended by Laws, 2014, ch. 322, SB 2629, 1, eff. 7/1/2014.Amended by Laws, 2013, ch. 360, HB 437, 2, eff. 7/1/2013. (1)An officer or private person may arrest any person without warrant, for an indictable offense committed, or a breach of the peace threatened or attempted in his presence; or when a person has committed a felony, though not in his presence; or when a felony has been committed, and he has reasonable ground to suspect and believe the person proposed to be arrested to have committed it; or on a charge, made upon reasonable cause, of the commission of a felony by the party proposed to be arrested. And in all cases of arrests without warrant, the person making such arrest must inform the accused of the object and cause of the arrest, except when he is in the actual commission of the offense, or is arrested on pursuit.(2)Any law enforcement officer may arrest any person on a misdemeanor charge without having a warrant in his possession when a warrant is in fact outstanding for that person's arrest and the officer has knowledge through official channels that the warrant is outstanding for that person's arrest. In all such cases, the officer making the arrest must inform such person at the time of the arrest the object and cause therefor. If the person arrested so requests, the warrant shall be shown to him as soon as practicable.(3)(a)Any law enforcement officer shall arrest a person with or without a warrant when he has probable cause to believe that the person has, within twenty-four (24) hours of such arrest, knowingly committed a misdemeanor or felony that is an act of domestic violence or knowingly violated provisions of a criminal domestic violence or sexual assault protection order issued pursuant to Section97-3-7(11),97-3-65(6)or97-3-101(5)or an ex parte protective order, protective order after hearing or court-approved consent agreement entered by a chancery, circuit, county, justice or municipal court pursuant to the Protection from Domestic Abuse Law, Sections93-21-1through93-21-29, Mississippi Code of 1972, or a restraining order entered by a foreign court of competent jurisdiction to protect an applicant from domestic violence.(b)If a law enforcement officer has probable cause to believe that two (2) or more persons committed an act of domestic violence as defined herein, or if two (2) or more persons make complaints of domestic violence to the officer, the officer shall attempt to determine who was the principal aggressor. The term principal aggressor is defined as the party who poses the most serious ongoing threat, or who is the most significant, rather than the first, aggressor. The officer shall presume that arrest is not the appropriate response for the person or persons who were not the principal aggressor. If the officer affirmatively finds more than one (1) principal aggressor was involved, the officer shall document those findings.(c)To determine which party was the principal aggressor, the officer shall consider the following factors, although such consideration is not limited to these factors:(i)Evidence from the persons involved in the domestic abuse;(ii)The history of domestic abuse between the parties, the likelihood of future injury to each person, and the intent of the law to protect victims of domestic violence from continuing abuse;(iii)Whether one (1) of the persons acted in self-defense; and(iv)Evidence from witnesses of the domestic violence.(d)A law enforcement officer shall not base the decision of whether to arrest on the consent or request of the victim.(e)A law enforcement officer's determination regarding the existence of probable cause or the lack of probable cause shall not adversely affect the right of any party to independently seek appropriate remedies.(4)(a)Any person authorized by a court of law to supervise or monitor a convicted offender who is under an intensive supervision program may arrest the offender when the offender is in violation of the terms or conditions of the intensive supervision program, without having a warrant, provided that the person making the arrest has been trained at the Law Enforcement Officers Training Academy established under Section45-5-1et seq., or at a course approved by the Board on Law Enforcement Officer Standards and Training.(b)For the purposes of this subsection, the term "intensive supervision program" means an intensive supervision program of the Department of Corrections as described in Section47-5-1001et seq., or any similar program authorized by a court for offenders who are not under jurisdiction of the Department of Corrections.(5)As used in subsection (3) of this section, the phrase "misdemeanor or felony that is an act of domestic violence" shall mean one or more of the following acts between current or former spouses or a child of current or former spouses, persons living as spouses or who formerly lived as spouses or a child of persons living as spouses or who formerly lived as spouses, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, persons who have a current or former dating relationship, or persons who have a biological or legally adopted child together:(a)Simple or aggravated domestic violence within the meaning of Section97-3-7;(b)Disturbing the family or public peace within the meaning of Section97-35-9,97-35-11,97-35-13or97-35-15; or(c)Stalking within the meaning of Section97-3-107.(6)Any arrest made pursuant to subsection (3) of this section shall be designated as domestic assault or domestic violence on both the arrest

docket and the incident report. Any officer investigating a complaint of a misdemeanor or felony that is a crime of domestic violence who finds probable cause that such an offense has occurred within the past twenty-four (24) hours shall file an affidavit on behalf of the victim(s) of the crime, regardless of whether an arrest is made within that time period. If the crime is reported or investigated outside of that twenty-four-hour period, the officer may file the affidavit on behalf of the victim. In the event the officer does not file an affidavit on behalf of the victim, the officer shall instruct the victim of the procedure for filing on his or her own behalf.(7)A law enforcement officer shall not be held liable in any civil action for an arrest based on probable cause and in good faith pursuant to subsection (3) of this section, or failure, in good faith, to make an arrest pursuant to subsection (3) of this section.(8)The authority for the State Chief Deputy Fire Marshal and deputy state fire marshals to make arrests shall be governed by the provisions of Section45-11-1.Codes, 1857, ch. 64, art. 276; 1871, § 2776; 1880, § 3026; 1892, § 1375; 1906, § 1447; Hemingway's 1917, § 1204; 1930, § 1227; 1942, § 2470; Laws, 1968, ch. 355, § 1; Laws, 1988, ch. 571, § 1; Laws, 1989, ch. 330, § 1; Laws, 1989, ch. 364, § 1; Laws, 1995, ch. 328, § 1; Laws, 1996, ch. 483, § 1; Laws, 1999, ch. 504, § 1; Laws, 2000, ch. 554, § 1; Laws, 2000, ch. 555, § 2; Laws, 2002, ch. 510, § 1; Laws, 2008, ch. 391, § 3; Laws, 2009, ch. 433, § 4; Laws, 2010, ch. 536, § 2; Laws, 2012, ch. 514, § 9, eff. 7/1/2012.Amended by Laws, 2017, ch. 414, HB 1356, 3, eff. 4/6/2017.Amended by Laws, 2015, ch. 332, HB 556, 1, eff. 7/1/2015.Amended by Laws, 2014, ch. 322, SB 2629, 1, eff. 7/1/2014.Amended by Laws, 2013, ch. 360, HB 437, 2, eff. 7/1/2013. (1)An officer or private person may arrest any person without warrant, for an indictable offense committed, or a breach of the peace threatened or attempted in his presence; or when a person has committed a felony, though not in his presence; or when a felony has been committed, and he has reasonable ground to suspect and believe the person proposed to be arrested to have committed it; or on a charge, made upon reasonable cause, of the commission of a felony by the party proposed to be arrested. And in all cases of arrests without warrant, the person making such arrest must inform the accused of the object and cause of the arrest, except when he is in the actual commission of the offense, or is arrested on pursuit.(2)Any law enforcement officer may arrest any person on a misdemeanor charge without having a warrant in his possession when a warrant is in fact outstanding for that person's arrest and the officer has knowledge through official channels that the warrant is outstanding for that person's arrest. In all such cases, the officer making the arrest must inform such person at the time of the arrest the object and cause therefor. If the person arrested so requests, the warrant shall be shown to him as soon as practicable.(3)(a)Any law enforcement officer shall arrest a person with or without a warrant when he has probable cause to believe that the person has, within twenty-four (24) hours of such arrest, knowingly committed a misdemeanor or felony that is an act of domestic violence or knowingly violated provisions of a criminal domestic violence or sexual assault protection order issued pursuant to Section97-3-7(11),97-3-65(6)or97-3-101(5)or an ex parte protective order, protective order after hearing or court-approved consent agreement entered by a chancery, circuit, county, justice or municipal court pursuant to the Protection from Domestic Abuse Law, Sections93-21-1through93-21-29, Mississippi Code of 1972, or a restraining order entered by a foreign court of competent jurisdiction to protect an applicant from domestic violence.(b)If a law enforcement officer has probable cause to believe that two (2) or more persons committed an act of domestic violence as defined herein, or if two (2) or more persons make complaints of domestic violence to the officer, the officer shall attempt to determine who was the principal aggressor. The term principal aggressor is defined as the party who poses the most serious ongoing threat, or who is the most significant, rather than the first, aggressor. The officer shall presume that arrest is not the appropriate response for the person or persons who were not the principal aggressor. If the officer affirmatively finds more than one (1) principal aggressor was involved, the officer shall document those findings.(c)To determine which party was the principal aggressor, the officer shall consider the following factors, although such consideration is not limited to these factors:(i)Evidence from the persons involved in the domestic abuse;(ii)The history of domestic abuse between the parties, the likelihood of future injury to each person, and the intent of the law to protect victims of domestic violence from continuing abuse;(iii)Whether one (1) of the persons acted in self-defense; and(iv)Evidence from witnesses of the domestic violence.(d)A law enforcement officer shall not base the decision of whether to arrest on the consent or request of the victim.(e)A law enforcement officer's determination regarding the existence of probable cause or the lack of probable cause shall not adversely affect the right of any party to independently seek appropriate remedies.(4)(a)Any person authorized by a court of law to supervise or monitor a convicted offender who is under an intensive supervision program may arrest the offender when the offender is in violation of the terms or conditions of the intensive supervision program, without having a warrant, provided that the person making the arrest has been trained at the Law Enforcement Officers Training Academy established under Section45-5-1et seq., or at a course approved by the Board on Law Enforcement Officer Standards and Training.(b)For the purposes of this subsection, the term "intensive supervision program" means an intensive supervision program of the Department of Corrections as described in Section47-5-1001et seq., or any similar program authorized by a court for offenders who are not under jurisdiction of the Department of Corrections.(5)As used in subsection (3) of this section, the phrase "misdemeanor or felony that is an act of domestic violence" shall mean one or more of the following acts between current or former spouses or a child of current or former spouses, persons living as spouses or who formerly lived as spouses or a child of persons living as spouses or who formerly lived as spouses, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, persons who have a current or former dating relationship, or persons who have a biological or legally adopted child together:(a)Simple or aggravated domestic violence within the meaning of Section97-3-7;(b)Disturbing the family or public peace within the meaning of Section97-35-9,97-35-11,97-35-13or97-35-15; or(c)Stalking within the meaning of Section97-3-107.(6)Any arrest made pursuant to subsection (3) of this section shall be designated as domestic assault or domestic violence on both the arrest docket and the incident report. Any officer investigating a complaint of a misdemeanor or felony that is a crime of domestic violence who finds probable cause that such an offense has occurred within the past twenty-four (24) hours shall file an affidavit on behalf of the victim(s) of the crime, regardless of whether an arrest is made within that time period. If the crime is reported or

investigated outside of that twenty-four-hour period, the officer may file the affidavit on behalf of the victim. In the event the officer does not file an affidavit on behalf of the victim, the officer shall instruct the victim of the procedure for filing on his or her own behalf.(7)A law enforcement officer shall not be held liable in any civil action for an arrest based on probable cause and in good faith pursuant to subsection (3) of this section, or failure, in good faith, to make an arrest pursuant to subsection (3) of this section.(8)The authority for the State Chief Deputy Fire Marshal and deputy state fire marshals to make arrests shall be governed by the provisions of Section45-11-1.Codes, 1857, ch. 64, art. 276; 1871, § 2776; 1880, § 3026; 1892, § 1375; 1906, § 1447; Hemingway's 1917, § 1204; 1930, § 1227; 1942, § 2470; Laws, 1968, ch. 355, § 1; Laws, 1988, ch. 571, § 1; Laws, 1989, ch. 330, § 1; Laws, 1989, ch. 364, § 1; Laws, 1995, ch. 328, § 1; Laws, 1996, ch. 483, § 1; Laws, 1999, ch. 504, § 1; Laws, 2000, ch. 554, § 1; Laws, 2000, ch. 555, § 2; Laws, 2002, ch. 510, § 1; Laws, 2008, ch. 391, § 3; Laws, 2009, ch. 433, § 4; Laws, 2010, ch. 536, § 2; Laws, 2012, ch. 514, § 9, eff. 7/1/2012.Amended by Laws, 2017, ch. 414, HB 1356, 3, eff. 4/6/2017.Amended by Laws, 2015, ch. 332, HB 556, 1, eff. 7/1/2015.Amended by Laws, 2014, ch. 322, SB 2629, 1, eff. 7/1/2014.Amended by Laws, 2013, ch. 360, HB 437, 2, eff. 7/1/2013. Codes, 1857, ch. 64, art. 276; 1871, § 2776; 1880, § 3026; 1892, § 1375; 1906, § 1447; Hemingway's 1917, § 1204; 1930, § 1227; 1942, § 2470; Laws, 1968, ch. 355, § 1; Laws, 1988, ch. 571, § 1; Laws, 1989, ch. 330, § 1; Laws, 1989, ch. 364, § 1; Laws, 1995, ch. 328, § 1; Laws, 1996, ch. 483, § 1; Laws, 1999, ch. 504, § 1; Laws, 2000, ch. 554, § 1; Laws, 2000, ch. 555, § 2; Laws, 2002, ch. 510, § 1; Laws, 2008, ch. 391, § 3; Laws, 2009, ch. 433, § 4; Laws, 2010, ch. 536, § 2; Laws, 2012, ch. 514, § 9, eff. 7/1/2012. Amended by Laws, 2017, ch. 414, HB 1356, 3, eff. 4/6/2017. Amended by Laws, 2015, ch. 332, HB 556, 1, eff. 7/1/2015. Amended by Laws, 2014, ch. 322, SB 2629, 1, eff. 7/1/2014. Amended by Laws, 2013, ch. 360, HB 437, 2, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 3 - ARRESTS (§§ 99-3-1 — 99-3-47)Section 99-3-9 - Arrest of defendants in presence of court without process

After an indictment is returned into court by the grand jury, the court may direct any defendant who has not been arrested to be taken into custody in the presence of the court, without process therefor.Codes, 1857, ch. 64, art. 261; 1871, § 2798; 1880, § 3009; 1892, § 1350; 1906, § 1422; Hemingway's 1917, § 1178; 1930, § 1202; 1942, § 2445. After an indictment is returned into court by the grand jury, the court may direct any defendant who has not been arrested to be taken into custody in the presence of the court, without process therefor.Codes, 1857, ch. 64, art. 261; 1871, § 2798; 1880, § 3009; 1892, § 1350; 1906, § 1422; Hemingway's 1917, § 1178; 1930, § 1202; 1942, § 2445. After an indictment is returned into court by the grand jury, the court may direct any defendant who has not been arrested to be taken into custody in the presence of the court, without process therefor.Codes, 1857, ch. 64, art. 261; 1871, § 2798; 1880, § 3009; 1892, § 1350; 1906, § 1422; Hemingway's 1917, § 1178; 1930, § 1202; 1942, § 2445. After an indictment is returned into court by the grand jury, the court may direct any defendant who has not been arrested to be taken into custody in the presence of the court, without process therefor. Codes, 1857, ch. 64, art. 261; 1871, § 2798; 1880, § 3009; 1892, § 1350; 1906, § 1422; Hemingway's 1917, § 1178; 1930, § 1202; 1942, § 2445.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 33 - PROSECUTIONS BEFORE JUSTICE COURT JUDGES (§§ 99-33-1 — 99-33-17)Section 99-33-1 - Criminal jurisdiction

(1)Upon the election of any county to employ a clerk for the justice court of such county in accordance with the provisions of subsection (3) of Section9-11-27prior to January 1, 1984, the venue of criminal actions in such county shall be as provided in subsection (2) of this section.(2)From and after January 1, 1984, justice court judges shall have jurisdiction concurrent with the circuit court of the county over all crimes occurring in the county whereof the punishment prescribed does not extend beyond a fine and imprisonment in the county jail.(3)A circuit court grand jury, after an evidentiary determination, may remand any case that may be tried as a felony or misdemeanor, and which it deems should be tried as a misdemeanor, to justice or municipal court to be tried as a misdemeanor.Codes, 1871, § 1304; 1880, § 2216; 1892, § 2420; 1906, § 2749; Hemingway's 1917, § 2248; 1930, § 2097; 1942, § 1831; Laws, 1981, ch. 471, § 2; Laws, 1982, ch. 423, § 2; Laws, 2007, ch. 495, § 1, eff. 7/1/2007. (1)Upon the election of any county to employ a clerk for the justice court of such county in accordance with the provisions of subsection (3) of Section9-11-27prior to January 1, 1984, the venue of criminal actions in such county shall be as provided in subsection (2) of this section.(2)From and after January 1, 1984, justice court judges shall have jurisdiction concurrent with the circuit court of the county over all crimes occurring in the county whereof the punishment prescribed does not extend beyond a fine and imprisonment in the county jail.(3)A circuit court grand jury, after an evidentiary determination, may remand any case that may be tried as a felony or misdemeanor, and which it deems should be tried as a misdemeanor, to justice or municipal court to be tried as a misdemeanor.Codes, 1871, § 1304; 1880, § 2216; 1892, § 2420; 1906, § 2749; Hemingway's 1917, § 2248; 1930, § 2097; 1942, § 1831; Laws, 1981, ch. 471, § 2; Laws, 1982, ch. 423, § 2; Laws, 2007, ch. 495, § 1, eff. 7/1/2007. Codes, 1871, § 1304; 1880, §

2216; 1892, § 2420; 1906, § 2749; Hemingway's 1917, § 2248; 1930, § 2097; 1942, § 1831; Laws, 1981, ch. 471, § 2; Laws, 1982, ch. 423, § 2; Laws, 2007, ch. 495, § 1, eff. 7/1/2007.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 33 - PROSECUTIONS BEFORE JUSTICE COURT JUDGES (§§ 99-33-1 — 99-33-17) Section 99-33-13 - Procedure when accused is guilty of felony; remand

If on the trial of any criminal case the justice court judge discover that it is a felony, and not a misdemeanor, of which the accused has been guilty, he shall not punish the offender nor render any judgment finally disposing of the case, but shall require him to give bail for his appearance in the circuit court, unless the felony be not bailable, in which case the justice shall commit him without bail. A circuit court grand jury may remand a case to justice court to be tried as a misdemeanor after finding that the felony charge presented should be remanded with its bond to justice or municipal court to be tried as a misdemeanor. Codes, 1880, § 2221; 1892, § 2424; Laws, 1906, § 2753; Hemingway's 1917, § 2252; Laws, 1930, § 2101; Laws, 1942, § 1835; Laws, 2007, ch. 495, § 2, eff. 7/1/2007. If on the trial of any criminal case the justice court judge discover that it is a felony, and not a misdemeanor, of which the accused has been guilty, he shall not punish the offender nor render any judgment finally disposing of the case, but shall require him to give bail for his appearance in the circuit court, unless the felony be not bailable, in which case the justice shall commit him without bail. A circuit court grand jury may remand a case to justice court to be tried as a misdemeanor after finding that the felony charge presented should be remanded with its bond to justice or municipal court to be tried as a misdemeanor. Codes, 1880, § 2221; 1892, § 2424; Laws, 1906, § 2753; Hemingway's 1917, § 2252; Laws, 1930, § 2101; Laws, 1942, § 1835; Laws, 2007, ch. 495, § 2, eff. 7/1/2007. If on the trial of any criminal case the justice court judge discover that it is a felony, and not a misdemeanor, of which the accused has been guilty, he shall not punish the offender nor render any judgment finally disposing of the case, but shall require him to give bail for his appearance in the circuit court, unless the felony be not bailable, in which case the justice shall commit him without bail. A circuit court grand jury may remand a case to justice court to be tried as a misdemeanor after finding that the felony charge presented should be remanded with its bond to justice or municipal court to be tried as a misdemeanor. Codes, 1880, § 2221; 1892, § 2424; Laws, 1906, § 2753; Hemingway's 1917, § 2252; Laws, 1930, § 2101; Laws, 1942, § 1835; Laws, 2007, ch. 495, § 2, eff. 7/1/2007. If on the trial of any criminal case the justice court judge discover that it is a felony, and not a misdemeanor, of which the accused has been guilty, he shall not punish the offender nor render any judgment finally disposing of the case, but shall require him to give bail for his appearance in the circuit court, unless the felony be not bailable, in which case the justice shall commit him without bail. A circuit court grand jury may remand a case to justice court to be tried as a misdemeanor after finding that the felony charge presented should be remanded with its bond to justice or municipal court to be tried as a misdemeanor. Codes, 1880, § 2221; 1892, § 2424; Laws, 1906, § 2753; Hemingway's 1917, § 2252; Laws, 1930, § 2101; Laws, 1942, § 1835; Laws, 2007, ch. 495, § 2, eff. 7/1/2007.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 33 - PROSECUTIONS BEFORE JUSTICE COURT JUDGES (§§ 99-33-1 — 99-33-17) Section 99-33-15 - Authority to sentence misdemeanant to imprisonment on weekends or other nonworking hours

Upon conviction of any person of a misdemeanor in a justice court of this state, the justice court judge shall be authorized, in his discretion, to sentence such person to: (a) A period of time in jail to be served either on weekends only; (b) Other periods of time during the week wherein such offender may not be engaged in gainful employment; or (c) A specified number of days in jail with a provision for the release of such offender for the purpose of engaging in gainful employment at such times as the offender is actually gainfully employed, whether self-employed or otherwise. In addition, the court may, in its discretion, sentence any convicted person to split periods of incarceration in lieu of serving the sentence of imprisonment all in one (1) period. Laws, 1986, ch. 373, eff. 7/1/1986. Upon conviction of any person of a misdemeanor in a justice court of this state, the justice court judge shall be authorized, in his discretion, to sentence such person to: (a) A period of time in jail to be served either on weekends only; (b) Other periods of time during the week wherein such offender may not be engaged in gainful employment; or (c) A specified number of days in jail with a provision for the release of such offender for the purpose of engaging in gainful employment at such times as the offender is actually gainfully employed, whether self-employed or otherwise. In addition, the court may, in its discretion, sentence any convicted person to split periods of incarceration in lieu of serving the sentence of imprisonment all in one (1) period. Laws, 1986, ch. 373, eff. 7/1/1986. Upon conviction of any person of a misdemeanor in a justice court of this state, the justice court judge shall be authorized, in his discretion, to sentence such person to: (a) A period of time in jail to be served either on weekends only; (b) Other periods of time during the week wherein such offender may not be engaged in gainful employment; or (c) A specified number of days in jail with a provision for the release of such offender for the purpose of engaging in gainful employment at such times as the offender is actually gainfully employed, whether self-employed or otherwise. In addition, the court may, in its discretion, sentence any convicted person to split periods of incarceration in lieu of serving the sentence of imprisonment all in one (1) period. Laws, 1986, ch. 373, eff. 7/1/1986. Upon conviction of any person of a misdemeanor in a justice court of this state, the justice court judge shall be authorized, in his discretion, to sentence such person to: In addition, the court may, in its discretion, sentence any convicted person to split periods of incarceration in lieu of serving the sentence of imprisonment all in one (1) period. Laws, 1986, ch. 373, eff. 7/1/1986.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 33 - PROSECUTIONS BEFORE JUSTICE COURT JUDGES (§§ 99-33-1 — 99-33-17) Section 99-33-17 - Transfer of criminal case from justice

court to municipal court in case of conflict

A justice court judge shall not dismiss a criminal case but may transfer the case to a municipal court within the county if the justice court judge is prohibited from presiding over the case by the Canons of Judicial Conduct and provided that venue and jurisdiction is proper in the municipal court. Upon transfer of any such case, the justice court judge shall give the justice court clerk a written order to transmit the affidavit or complaint and all other records and evidence in the court's possession to the municipal court by certified mail or to instruct the arresting officer to deliver such documents and records to the municipal court. There shall be no court costs charged for the transfer of the case to the municipal court. Laws, 1991, ch. 322, § 2, eff. 7/1/1991. A justice court judge shall not dismiss a criminal case but may transfer the case to a municipal court within the county if the justice court judge is prohibited from presiding over the case by the Canons of Judicial Conduct and provided that venue and jurisdiction is proper in the municipal court. Upon transfer of any such case, the justice court judge shall give the justice court clerk a written order to transmit the affidavit or complaint and all other records and evidence in the court's possession to the municipal court by certified mail or to instruct the arresting officer to deliver such documents and records to the municipal court. There shall be no court costs charged for the transfer of the case to the municipal court. Laws, 1991, ch. 322, § 2, eff. 7/1/1991. A justice court judge shall not dismiss a criminal case but may transfer the case to a municipal court within the county if the justice court judge is prohibited from presiding over the case by the Canons of Judicial Conduct and provided that venue and jurisdiction is proper in the municipal court. Upon transfer of any such case, the justice court judge shall give the justice court clerk a written order to transmit the affidavit or complaint and all other records and evidence in the court's possession to the municipal court by certified mail or to instruct the arresting officer to deliver such documents and records to the municipal court. There shall be no court costs charged for the transfer of the case to the municipal court. Laws, 1991, ch. 322, § 2, eff. 7/1/1991. A justice court judge shall not dismiss a criminal case but may transfer the case to a municipal court within the county if the justice court judge is prohibited from presiding over the case by the Canons of Judicial Conduct and provided that venue and jurisdiction is proper in the municipal court. Upon transfer of any such case, the justice court judge shall give the justice court clerk a written order to transmit the affidavit or complaint and all other records and evidence in the court's possession to the municipal court by certified mail or to instruct the arresting officer to deliver such documents and records to the municipal court. There shall be no court costs charged for the transfer of the case to the municipal court. Laws, 1991, ch. 322, § 2, eff. 7/1/1991.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 33 - PROSECUTIONS BEFORE JUSTICE COURT JUDGES (§§ 99-33-1 — 99-33-17) Section 99-33-2 - Commencing criminal cases; duties of clerk and judge; penalty for failure of judge to comply

(1) Anyone bringing a criminal matter in the justice court shall lodge the affidavit with the judge or clerk of the justice court. The clerk shall record all affidavits and shall, as far as practicable, assign criminal cases to the justice court judges in the county on a rotating basis to ensure equal distribution of the cases among the judges of the county; however, in all counties in which the courtrooms provided by the county for use of the justice court judges are located in more than one (1) place in the county, the clerk, in addition to assigning cases to the judges on a rotating basis, may also assign a courtroom for each case, such assignment may be made based upon the proximity of the courtroom to the defendant's residence or place of business. (2) When the case has been recorded and assigned and all necessary process issued, the clerk shall, within two (2) working days, forward certified copies of all documents pertaining to the case to the justice court judge to which the case is assigned for further processing. (3) Within forty-eight (48) hours of the receipt of any criminal affidavit lodged with a justice court judge, the justice court judge shall forward such affidavit and all documents pertaining thereto to the clerk of the justice court for the recording of such affidavit and documents and the assignment of the case as provided in subsection (1) of this section. Any justice court judge who willfully fails or refuses to comply with this subsection shall be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not more than six (6) months, or both. Laws, 1981, ch. 471, § 14; Laws, 1982, ch. 423, § 11; Laws, 1991, ch. 551, § 2, eff. 10/1/1991. (1) Anyone bringing a criminal matter in the justice court shall lodge the affidavit with the judge or clerk of the justice court. The clerk shall record all affidavits and shall, as far as practicable, assign criminal cases to the justice court judges in the county on a rotating basis to ensure equal distribution of the cases among the judges of the county; however, in all counties in which the courtrooms provided by the county for use of the justice court judges are located in more than one (1) place in the county, the clerk, in addition to assigning cases to the judges on a rotating basis, may also assign a courtroom for each case, such assignment may be made based upon the proximity of the courtroom to the defendant's residence or place of business. (2) When the case has been recorded and assigned and all necessary process issued, the clerk shall, within two (2) working days, forward certified copies of all documents pertaining to the case to the justice court judge to which the case is assigned for further processing. (3) Within forty-eight (48) hours of the receipt of any criminal affidavit lodged with a justice court judge, the justice court judge shall forward such affidavit and all documents pertaining thereto to the clerk of the justice court for the recording of such affidavit and documents and the assignment of the case as provided in subsection (1) of this section. Any justice court judge who willfully fails or refuses to comply with this subsection shall be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not more than six (6) months, or both. Laws, 1981, ch. 471, § 14; Laws, 1982, ch. 423, § 11; Laws, 1991, ch. 551, § 2, eff. 10/1/1991. (1) Anyone bringing a criminal matter in the justice court shall lodge the affidavit with the judge or clerk of the justice court. The clerk shall record all affidavits and shall, as far as practicable, assign criminal cases to the justice court judges in the county on a rotating basis to ensure equal distribution of the

cases among the judges of the county; however, in all counties in which the courtrooms provided by the county for use of the justice court judges are located in more than one (1) place in the county, the clerk, in addition to assigning cases to the judges on a rotating basis, may also assign a courtroom for each case, such assignment may be made based upon the proximity of the courtroom to the defendant's residence or place of business.(2)When the case has been recorded and assigned and all necessary process issued, the clerk shall, within two (2) working days, forward certified copies of all documents pertaining to the case to the justice court judge to which the case is assigned for further processing.(3)Within forty-eight (48) hours of the receipt of any criminal affidavit lodged with a justice court judge, the justice court judge shall forward such affidavit and all documents pertaining thereto to the clerk of the justice court for the recording of such affidavit and documents and the assignment of the case as provided in subsection (1) of this section. Any justice court judge who willfully fails or refuses to comply with this subsection shall be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not more than six (6) months, or both.Laws, 1981, ch. 471, § 14; Laws, 1982, ch. 423, § 11; Laws, 1991, ch. 551, § 2, eff. 10/1/1991. Laws, 1981, ch. 471, § 14; Laws, 1982, ch. 423, § 11; Laws, 1991, ch. 551, § 2, eff. 10/1/1991.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 33 - PROSECUTIONS BEFORE JUSTICE COURT JUDGES (§§ 99-33-1 — 99-33-17)Section 99-33-3 - Procedures in criminal cases; minimum fine which may be imposed

On affidavit of the commission of any crime, of which the justice court has jurisdiction, lodged with the justice court, the clerk shall, upon direction by a justice court judge of the county, issue a warrant for the arrest of the offender returnable forthwith or on a certain day to be named. The clerk, or the justice court judge to whom the case is assigned, shall issue subpoenas for witnesses as in civil cases, and the justice court judge may enter a conviction as provided in Section99-19-3, or shall try and dispose of the case according to law; and, on conviction, shall order such punishment to be inflicted as the law provides; provided, however, that no fine imposed shall be in an amount less than Fifteen Dollars (\$15.00).Codes, Hutchinson's 1848, ch. 50, art. 2(8); 1857, ch. 64, art. 329; 1871, § 1322; 1880, § 2217; 1892, § 2421; 1906, § 2750; Hemingway's 1917, § 2249; 1930, § 2098; 1942, § 1832; Laws, 1966, ch. 354, § 1; Laws, 1974, ch. 352; Laws, 1982, ch. 423, § 12; Laws, 2002, ch. 320, § 2, eff. 7/1/2002. On affidavit of the commission of any crime, of which the justice court has jurisdiction, lodged with the justice court, the clerk shall, upon direction by a justice court judge of the county, issue a warrant for the arrest of the offender returnable forthwith or on a certain day to be named. The clerk, or the justice court judge to whom the case is assigned, shall issue subpoenas for witnesses as in civil cases, and the justice court judge may enter a conviction as provided in Section99-19-3, or shall try and dispose of the case according to law; and, on conviction, shall order such punishment to be inflicted as the law provides; provided, however, that no fine imposed shall be in an amount less than Fifteen Dollars (\$15.00).Codes, Hutchinson's 1848, ch. 50, art. 2(8); 1857, ch. 64, art. 329; 1871, § 1322; 1880, § 2217; 1892, § 2421; 1906, § 2750; Hemingway's 1917, § 2249; 1930, § 2098; 1942, § 1832; Laws, 1966, ch. 354, § 1; Laws, 1974, ch. 352; Laws, 1982, ch. 423, § 12; Laws, 2002, ch. 320, § 2, eff. 7/1/2002. On affidavit of the commission of any crime, of which the justice court has jurisdiction, lodged with the justice court, the clerk shall, upon direction by a justice court judge of the county, issue a warrant for the arrest of the offender returnable forthwith or on a certain day to be named. The clerk, or the justice court judge to whom the case is assigned, shall issue subpoenas for witnesses as in civil cases, and the justice court judge may enter a conviction as provided in Section99-19-3, or shall try and dispose of the case according to law; and, on conviction, shall order such punishment to be inflicted as the law provides; provided, however, that no fine imposed shall be in an amount less than Fifteen Dollars (\$15.00).Codes, Hutchinson's 1848, ch. 50, art. 2(8); 1857, ch. 64, art. 329; 1871, § 1322; 1880, § 2217; 1892, § 2421; 1906, § 2750; Hemingway's 1917, § 2249; 1930, § 2098; 1942, § 1832; Laws, 1966, ch. 354, § 1; Laws, 1974, ch. 352; Laws, 1982, ch. 423, § 12; Laws, 2002, ch. 320, § 2, eff. 7/1/2002.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 33 - PROSECUTIONS BEFORE JUSTICE COURT JUDGES (§§ 99-33-1 — 99-33-17)Section 99-33-5 - Subpoena may issue to any county

A justice of the peace may issue a subpoena for a witness to any county, in a criminal case, and enforce obedience thereto.Codes, Hutchinson's 1848, ch. 50, art. 2(6); 1857, ch. 64, art. 334; 1871, § 2827; 1880, § 3117; 1892, § 2429; 1906, § 2758; Hemingway's 1917, § 2257; 1930, § 2106; 1942, § 1840. A justice of the peace may issue a subpoena for a witness to any county, in a criminal case, and enforce obedience thereto.Codes, Hutchinson's 1848, ch. 50, art. 2(6); 1857, ch. 64, art. 334; 1871, § 2827; 1880, § 3117; 1892, § 2429; 1906, § 2758; Hemingway's 1917, § 2257; 1930, § 2106; 1942, § 1840. A justice of the peace may issue a subpoena for a witness to any county, in a criminal case, and enforce obedience thereto.Codes, Hutchinson's 1848, ch. 50, art. 2(6); 1857, ch. 64, art. 334; 1871, § 2827; 1880, § 3117; 1892, § 2429; 1906, § 2758; Hemingway's 1917, § 2257; 1930, § 2106; 1942, § 1840. A justice of the peace may issue a subpoena for a witness to any county, in a criminal case, and enforce obedience thereto. Codes,

Hutchinson's 1848, ch. 50, art. 2(6); 1857, ch. 64, art. 334; 1871, § 2827; 1880, § 3117; 1892, § 2429; 1906, § 2758; Hemingway's 1917, § 2257; 1930, § 2106; 1942, § 1840.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 33 - PROSECUTIONS BEFORE JUSTICE COURT JUDGES (§§ 99-33-1 — 99-33-17) Section 99-33-7 - Appearance bond may be taken

It is lawful for any officer having a person in custody by virtue of a warrant of a justice court judge, in a case in which the judge has a final jurisdiction, to take bond with sufficient sureties, in a sum of not less than Fifty Dollars (\$50.00), nor more than One Thousand Dollars (\$1,000.00), except for the violation of any of the criminal statutes of Mississippi prohibiting the sale and possession of intoxicating liquors, when the bond shall not be less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) conditioned for the appearance of such person on the return-day of the writ before the justice court judge before whom the warrant is returnable, and to fix the amount of the bond, which shall be returned to the judge and be filed and proceeded on by him in a case of forfeiture, if for not more than Two Hundred Dollars (\$200.00), as in like cases in the circuit court, as near as may be. A justice court judge before whom any person is brought for trial may take bond or recognizance in such like sum as he may affix, for such person, or may authorize the sheriff or constable to take bond of him for his appearance on adjournment from time to time, and from day to day, or to a subsequent day, for trial, and to be proceeded on in case of forfeiture as provided above. When a bond of recognizance shall exceed in its penalty One Thousand Dollars (\$1,000.00) and be forfeited, the justice court judge shall return the bond or a true copy of the recognizance to the circuit court, with his certificate of the forfeiture; and the circuit court shall enter judgment nisi thereon, and thereafter proceed as if the same had been for appearance in that court. Codes, 1871, § 1325; 1880, § 2220; 1892, § 2423; 1906, § 2752; Hemingway's 1917, § 2251; 1930, § 2100; 1942, § 1834; Laws, 1924, ch. 247; Laws, 1991, ch. 323, § 1, eff. 7/1/1991. It is lawful for any officer having a person in custody by virtue of a warrant of a justice court judge, in a case in which the judge has a final jurisdiction, to take bond with sufficient sureties, in a sum of not less than Fifty Dollars (\$50.00), nor more than One Thousand Dollars (\$1,000.00), except for the violation of any of the criminal statutes of Mississippi prohibiting the sale and possession of intoxicating liquors, when the bond shall not be less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) conditioned for the appearance of such person on the return-day of the writ before the justice court judge before whom the warrant is returnable, and to fix the amount of the bond, which shall be returned to the judge and be filed and proceeded on by him in a case of forfeiture, if for not more than Two Hundred Dollars (\$200.00), as in like cases in the circuit court, as near as may be. A justice court judge before whom any person is brought for trial may take bond or recognizance in such like sum as he may affix, for such person, or may authorize the sheriff or constable to take bond of him for his appearance on adjournment from time to time, and from day to day, or to a subsequent day, for trial, and to be proceeded on in case of forfeiture as provided above. When a bond of recognizance shall exceed in its penalty One Thousand Dollars (\$1,000.00) and be forfeited, the justice court judge shall return the bond or a true copy of the recognizance to the circuit court, with his certificate of the forfeiture; and the circuit court shall enter judgment nisi thereon, and thereafter proceed as if the same had been for appearance in that court. Codes, 1871, § 1325; 1880, § 2220; 1892, § 2423; 1906, § 2752; Hemingway's 1917, § 2251; 1930, § 2100; 1942, § 1834; Laws, 1924, ch. 247; Laws, 1991, ch. 323, § 1, eff. 7/1/1991. It is lawful for any officer having a person in custody by virtue of a warrant of a justice court judge, in a case in which the judge has a final jurisdiction, to take bond with sufficient sureties, in a sum of not less than Fifty Dollars (\$50.00), nor more than One Thousand Dollars (\$1,000.00), except for the violation of any of the criminal statutes of Mississippi prohibiting the sale and possession of intoxicating liquors, when the bond shall not be less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) conditioned for the appearance of such person on the return-day of the writ before the justice court judge before whom the warrant is returnable, and to fix the amount of the bond, which shall be returned to the judge and be filed and proceeded on by him in a case of forfeiture, if for not more than Two Hundred Dollars (\$200.00), as in like cases in the circuit court, as near as may be. A justice court judge before whom any person is brought for trial may take bond or recognizance in such like sum as he may affix, for such person, or may authorize the sheriff or constable to take bond of him for his appearance on adjournment from time to time, and from day to day, or to a subsequent day, for trial, and to be proceeded on in case of forfeiture as provided above. When a bond of recognizance shall exceed in its penalty One Thousand Dollars (\$1,000.00) and be forfeited, the justice court judge shall return the bond or a true copy

of the recognizance to the circuit court, with his certificate of the forfeiture; and the circuit court shall enter judgment nisi thereon, and thereafter proceed as if the same had been for appearance in that court. Codes, 1871, § 1325; 1880, § 2220; 1892, § 2423; 1906, § 2752; Hemingway's 1917, § 2251; 1930, § 2100; 1942, § 1834; Laws, 1924, ch. 247; Laws, 1991, ch. 323, § 1, eff. 7/1/1991.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 33 - PROSECUTIONS BEFORE JUSTICE COURT JUDGES (§§ 99-33-1 — 99-33-17) Section 99-33-9 - Trial by jury

A defendant in a criminal case before a justice court judge where the potential period of incarceration is more than six (6) months in jail, in like manner as in civil cases, may demand a jury, and thereupon the justice shall proceed as in other cases. If the potential of incarceration is less than six (6) months in jail, there shall be no jury trial. Codes, 1871, § 1330; 1880, § 2226; 1892, § 2428; 1906, § 2757; Hemingway's 1917, § 2256; 1930, § 2105; 1942, § 1839; Laws, 2008, ch. 319, § 8, eff. 7/24/2008 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965). A defendant in a criminal case before a justice court judge where the potential period of incarceration is more than six (6) months in jail, in like manner as in civil cases, may demand a jury, and thereupon the justice shall proceed as in other cases. If the potential of incarceration is less than six (6) months in jail, there shall be no jury trial. Codes, 1871, § 1330; 1880, § 2226; 1892, § 2428; 1906, § 2757; Hemingway's 1917, § 2256; 1930, § 2105; 1942, § 1839; Laws, 2008, ch. 319, § 8, eff. 7/24/2008 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965). A defendant in a criminal case before a justice court judge where the potential period of incarceration is more than six (6) months in jail, in like manner as in civil cases, may demand a jury, and thereupon the justice shall proceed as in other cases. If the potential of incarceration is less than six (6) months in jail, there shall be no jury trial. Codes, 1871, § 1330; 1880, § 2226; 1892, § 2428; 1906, § 2757; Hemingway's 1917, § 2256; 1930, § 2105; 1942, § 1839; Laws, 2008, ch. 319, § 8, eff. 7/24/2008 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965). A defendant in a criminal case before a justice court judge where the potential period of incarceration is more than six (6) months in jail, in like manner as in civil cases, may demand a jury, and thereupon the justice shall proceed as in other cases. If the potential of incarceration is less than six (6) months in jail, there shall be no jury trial. Codes, 1871, § 1330; 1880, § 2226; 1892, § 2428; 1906, § 2757; Hemingway's 1917, § 2256; 1930, § 2105; 1942, § 1839; Laws, 2008, ch. 319, § 8, eff. 7/24/2008 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965).

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145) Article 1 - APPEALS TO CIRCUIT COURTS (§§ 99-35-1 — 99-35-13) Section 99-35-1 - Right of appeal; requirement to post bond; trial de novo on appeal

In all cases of conviction of a criminal offense against the laws of the state by the judgment of a justice court, or by a municipal court, for the violation of an ordinance thereof, an appeal may be taken within forty (40) days from the date of such judgment of conviction to the county court of the county, in counties in which a county court is in existence, or the circuit court of the county, in counties in which a county court is not in existence, which shall stay the judgment appealed from. Any person appealing a judgment of a justice court or a municipal court under this section shall post bond for court costs relating to such appeal. The amount of such bond shall be determined by the justice court judge or municipal judge, payable to the state in an amount of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00). On appearance of the appellant in the circuit court the case shall be tried anew and disposed of as other cases pending therein. Codes, Hutchinson's 1848, ch. 50, art. 14(4); 1857, ch. 58, art. 23; 1871, § 1335; 1880, § 2355; 1892, § 86; 1906, § 87; Hemingway's 1917, § 69; 1930, § 68; 1942, § 1202; Laws, 1956, ch. 216; Laws, 1968, ch. 308, § 1; Laws, 1988, ch. 416, § 1; Laws, 1989, ch. 403, § 1, eff. 7/1/1989. In all cases of conviction of a criminal offense against the laws of the state by the judgment of a justice court, or by a municipal court, for the violation of an ordinance thereof, an appeal may be taken within forty (40) days from the date of such judgment of conviction to the county court of the county, in counties in which a county court is in existence, or the circuit court of the county, in counties in which a county court is not in existence, which shall stay the judgment appealed from. Any person appealing a judgment of a justice court or a municipal court under this section shall post bond for court costs relating to such appeal. The amount of such bond shall be determined by the justice court judge or municipal judge, payable to the state in an amount of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00). On appearance of the appellant in the circuit court the case shall be tried anew and disposed of as other cases pending therein. Codes, Hutchinson's 1848, ch. 50, art. 14(4); 1857, ch. 58, art. 23; 1871, § 1335; 1880, § 2355; 1892, § 86; 1906, § 87; Hemingway's 1917, § 69; 1930, § 68; 1942, § 1202; Laws, 1956, ch. 216; Laws, 1968, ch. 308, § 1; Laws, 1988, ch. 416, § 1; Laws, 1989, ch. 403, § 1, eff. 7/1/1989. In all cases of conviction of a criminal offense against the laws of the state by the judgment of a justice court, or by a municipal court, for the violation of an ordinance thereof, an appeal may be taken within forty (40) days from the date of such judgment of conviction to the county court of the county, in counties in which a county court is in existence, or the circuit court of the county, in counties in which a county court is not in existence, which shall stay the judgment appealed from. Any person appealing a judgment of a justice court or a municipal court under this section shall post bond for court costs relating to such appeal. The amount of such bond shall be determined by the justice court judge or municipal judge, payable to the state in an amount of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00). On appearance of the appellant in the circuit court the case shall be tried anew and disposed of as other cases pending therein. Codes, Hutchinson's 1848, ch. 50, art. 14(4); 1857, ch. 58, art. 23; 1871, § 1335; 1880, § 2355; 1892, § 86; 1906, § 87; Hemingway's 1917, § 69; 1930, § 68; 1942, § 1202; Laws, 1956, ch. 216; Laws, 1968, ch. 308, § 1; Laws, 1988, ch. 416, § 1; Laws,

1989, ch. 403, § 1, eff. 7/1/1989. In all cases of conviction of a criminal offense against the laws of the state by the judgment of a justice court, or by a municipal court, for the violation of an ordinance thereof, an appeal may be taken within forty (40) days from the date of such judgment of conviction to the county court of the county, in counties in which a county court is in existence, or the circuit court of the county, in counties in which a county court is not in existence, which shall stay the judgment appealed from. Any person appealing a judgment of a justice court or a municipal court under this section shall post bond for court costs relating to such appeal. The amount of such bond shall be determined by the justice court judge or municipal judge, payable to the state in an amount of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00). On appearance of the appellant in the circuit court the case shall be tried anew and disposed of as other cases pending therein. Codes, Hutchinson's 1848, ch. 50, art. 14(4); 1857, ch. 58, art. 23; 1871, § 1335; 1880, § 2355; 1892, § 86; 1906, § 87; Hemingway's 1917, § 69; 1930, § 68; 1942, § 1202; Laws, 1956, ch. 216; Laws, 1968, ch. 308, § 1; Laws, 1988, ch. 416, § 1; Laws, 1989, ch. 403, § 1, eff. 7/1/1989.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145) Article 1 - APPEALS TO CIRCUIT COURTS (§§ 99-35-1 — 99-35-13) Section 99-35-11 - Amendment of affidavit, pleading, or proceedings

When an appeal is presented to the circuit court in any criminal case from the judgment or sentence of a justice of the peace or municipal court, it shall be permissible, on application of the state or party prosecuting, to amend the affidavit, pleading, or proceedings at any time before a verdict so as to bring the merits of the case fairly to trial on the charge intended to be set out in the original affidavit; the amendment to be made on such terms as the court may consider proper. Codes, 1892, § 1438; 1906, § 1511; Hemingway's 1917, § 1269; 1930, § 1292; 1942, § 2535; Laws, 1886, p. 85. When an appeal is presented to the circuit court in any criminal case from the judgment or sentence of a justice of the peace or municipal court, it shall be permissible, on application of the state or party prosecuting, to amend the affidavit, pleading, or proceedings at any time before a verdict so as to bring the merits of the case fairly to trial on the charge intended to be set out in the original affidavit; the amendment to be made on such terms as the court may consider proper. Codes, 1892, § 1438; 1906, § 1511; Hemingway's 1917, § 1269; 1930, § 1292; 1942, § 2535; Laws, 1886, p. 85. When an appeal is presented to the circuit court in any criminal case from the judgment or sentence of a justice of the peace or municipal court, it shall be permissible, on application of the state or party prosecuting, to amend the affidavit, pleading, or proceedings at any time before a verdict so as to bring the merits of the case fairly to trial on the charge intended to be set out in the original affidavit; the amendment to be made on such terms as the court may consider proper. Codes, 1892, § 1438; 1906, § 1511; Hemingway's 1917, § 1269; 1930, § 1292; 1942, § 2535; Laws, 1886, p. 85.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145) Article 1 - APPEALS TO CIRCUIT COURTS (§§ 99-35-1 — 99-35-13) Section 99-35-13 - Remittance of fines and forfeitures

In the event there is an acquittal or the case is nolle prosequi, the order of the court shall direct that any fine or forfeiture paid in the lower court be remitted, and a certified copy of the said order shall be sufficient authority for the remittance of said fine or forfeiture by the board of supervisors in the event the case was appealed from a judgment of a justice of the peace, or by the governing authorities of a municipality in the event the case was appealed from a judgment of a mayor or police justice of a city, town or village. Codes, Hutchinson's 1848, ch. 50, art. 14(4); 1857, ch. 58, art. 23; 1871, § 1335; 1880, § 2355; 1892, § 86; 1906, § 87; Hemingway's 1917, § 69; 1930, § 68; 1942, § 1202; Laws, 1956, ch. 216; Laws, 1968, ch. 308, § 1, eff. 6/27/1968. In the event there is an acquittal or the case is nolle prosequi, the order of the court shall direct that any fine or forfeiture paid in the lower court be remitted, and a certified copy of the said order shall be sufficient authority for the remittance of said fine or forfeiture by the board of supervisors in the event the case was appealed from a judgment of a justice of the peace, or by the governing authorities of a municipality in the event the case was appealed from a judgment of a mayor or police justice of a city, town or village. Codes, Hutchinson's 1848, ch. 50, art. 14(4); 1857, ch. 58, art. 23; 1871, § 1335; 1880, § 2355; 1892, § 86; 1906, § 87; Hemingway's 1917, § 69; 1930, § 68; 1942, § 1202; Laws, 1956, ch. 216; Laws, 1968, ch. 308, § 1, eff. 6/27/1968. In the event there is an acquittal or the case is nolle prosequi, the order of the court shall direct that any fine or forfeiture paid in the lower court be remitted, and a certified copy of the said order shall be sufficient authority for the remittance of said fine or forfeiture by the board of supervisors in the event the case was appealed from a judgment of a justice of the peace, or by the governing authorities of a municipality in the event the case was appealed from a judgment of a mayor or police justice of a city, town or village. Codes, Hutchinson's 1848, ch. 50, art. 14(4); 1857, ch. 58, art. 23; 1871, § 1335; 1880, § 2355; 1892, § 86; 1906, § 87; Hemingway's 1917, § 69; 1930, § 68; 1942, § 1202; Laws, 1956, ch. 216; Laws, 1968, ch. 308, § 1, eff. 6/27/1968. In the event there is an acquittal or the case is nolle prosequi, the order of the court shall direct that any fine or forfeiture paid in the lower court be remitted, and a certified copy of the said order shall be sufficient authority for the remittance of said fine or forfeiture by the board of supervisors in the event the case was appealed from a judgment of a justice of the peace, or by the governing authorities of a municipality in the event the case was appealed from a judgment of a mayor or police justice of a city, town or village. Codes, Hutchinson's 1848, ch. 50, art. 14(4); 1857,

ch. 58, art. 23; 1871, § 1335; 1880, § 2355; 1892, § 86; 1906, § 87; Hemingway's 1917, § 69; 1930, § 68; 1942, § 1202; Laws, 1956, ch. 216; Laws, 1968, ch. 308, § 1, eff. 6/27/1968.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145) Article 1 - APPEALS TO CIRCUIT COURTS (§§ 99-35-1 — 99-35-13) Section 99-35-3 - Appearance bond

The appellant if sentenced to imprisonment for an offense or to stand committed until his fine and costs shall be paid, may be relieved from such imprisonment or commitment pending his appeal, by giving bond with sufficient resident sureties or one or more guaranty or surety companies authorized to do business in this state, to be approved by the justice court judge or municipal judge, payable to the state in the penalty of not less than One Hundred Dollars (\$100.00), nor more than One Thousand Dollars (\$1,000.00), except for the violation of any of the criminal statutes of Mississippi prohibiting the sale and possession of intoxicating liquors, when the bond shall not be less than One Hundred Fifty Dollars (\$150.00), nor more than One Thousand Dollars (\$1,000.00), to be determined by the justice court judge or municipal judge in reference to the grade of the offense as indicated by the judgment and ability of the appellant to give bond, conditioned to appear before the appellate court at the next term after such appeal shall be taken, to answer to the charge against him, and so to continue until discharged. On default of defendant a forfeiture shall be entered against him and his sureties. Codes, Hutchinson's 1848, ch. 50, art. 14(4); 1857, ch. 58, art. 23; 1871, § 1335; 1880, § 2355; 1892, § 86; 1906, § 87; Hemingway's 1917, § 69; 1930, § 68; 1942, § 1202; Laws, 1956, ch. 216; Laws, 1968, ch. 308, § 1; Laws, 1988, ch. 416, § 2, eff. 7/1/1988. The appellant if sentenced to imprisonment for an offense or to stand committed until his fine and costs shall be paid, may be relieved from such imprisonment or commitment pending his appeal, by giving bond with sufficient resident sureties or one or more guaranty or surety companies authorized to do business in this state, to be approved by the justice court judge or municipal judge, payable to the state in the penalty of not less than One Hundred Dollars (\$100.00), nor more than One Thousand Dollars (\$1,000.00), except for the violation of any of the criminal statutes of Mississippi prohibiting the sale and possession of intoxicating liquors, when the bond shall not be less than One Hundred Fifty Dollars (\$150.00), nor more than One Thousand Dollars (\$1,000.00), to be determined by the justice court judge or municipal judge in reference to the grade of the offense as indicated by the judgment and ability of the appellant to give bond, conditioned to appear before the appellate court at the next term after such appeal shall be taken, to answer to the charge against him, and so to continue until discharged. On default of defendant a forfeiture shall be entered against him and his sureties. Codes, Hutchinson's 1848, ch. 50, art. 14(4); 1857, ch. 58, art. 23; 1871, § 1335; 1880, § 2355; 1892, § 86; 1906, § 87; Hemingway's 1917, § 69; 1930, § 68; 1942, § 1202; Laws, 1956, ch. 216; Laws, 1968, ch. 308, § 1; Laws, 1988, ch. 416, § 2, eff. 7/1/1988. The appellant if sentenced to imprisonment for an offense or to stand committed until his fine and costs shall be paid, may be relieved from such imprisonment or commitment pending his appeal, by giving bond with sufficient resident sureties or one or more guaranty or surety companies authorized to do business in this state, to be approved by the justice court judge or municipal judge, payable to the state in the penalty of not less than One Hundred Dollars (\$100.00), nor more than One Thousand Dollars (\$1,000.00), except for the violation of any of the criminal statutes of Mississippi prohibiting the sale and possession of intoxicating liquors, when the bond shall not be less than One Hundred Fifty Dollars (\$150.00), nor more than One Thousand Dollars (\$1,000.00), to be determined by the justice court judge or municipal judge in reference to the grade of the offense as indicated by the judgment and ability of the appellant to give bond, conditioned to appear before the appellate court at the next term after such appeal shall be taken, to answer to the charge against him, and so to continue until discharged. On default of defendant a forfeiture shall be entered against him and his sureties. Codes, Hutchinson's 1848, ch. 50, art. 14(4); 1857, ch. 58, art. 23; 1871, § 1335; 1880, § 2355; 1892, § 86; 1906, § 87; Hemingway's 1917, § 69; 1930, § 68; 1942, § 1202; Laws, 1956, ch. 216; Laws, 1968, ch. 308, § 1; Laws, 1988, ch. 416, § 2, eff. 7/1/1988. The appellant if sentenced to imprisonment for an offense or to stand committed until his fine and costs shall be paid, may be relieved from such imprisonment or commitment pending his appeal, by giving bond with sufficient resident sureties or one or more guaranty or surety companies authorized to do business in this state, to be approved by the justice court judge or municipal judge, payable to the state in the penalty of not less than One Hundred Dollars (\$100.00), nor more than One Thousand Dollars (\$1,000.00), except for the violation of any of the criminal statutes of Mississippi prohibiting the sale and possession of intoxicating liquors, when the bond shall not be less than One Hundred Fifty Dollars (\$150.00), nor more than One Thousand Dollars (\$1,000.00), to be determined by the justice court judge or municipal judge in reference to the grade of the offense as indicated by the judgment and ability of the appellant to give bond, conditioned to appear before the appellate court at the next term after such appeal shall be taken, to answer to the charge against him, and so to continue until discharged. On default of defendant a forfeiture shall be entered against him and his sureties. Codes, Hutchinson's 1848, ch. 50, art. 14(4); 1857, ch. 58, art. 23; 1871, § 1335; 1880, § 2355; 1892, § 86; 1906, § 87; Hemingway's 1917, § 69; 1930, § 68; 1942, § 1202; Laws, 1956, ch. 216; Laws, 1968, ch. 308, § 1; Laws, 1988, ch. 416, § 2, eff. 7/1/1988.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145) Article 1 - APPEALS TO CIRCUIT COURTS (§§ 99-35-1 — 99-35-13) Section 99-35-5 - Sheriff empowered to take appeal bond from misdemeanor convicted in justice court

The sheriff of any county is empowered and directed to take an appeal bond in any case of a conviction of a misdemeanor before a justice of the peace of his county, and upon the prisoner or his attorney furnishing a valid appeal bond, and the sheriff taking and approving the same, he shall discharge the appellant from custody, turn over the bond to the circuit clerk and notify the justice of the peace that an appeal has been taken and direct him to send up all papers to the next term of the circuit court in the same manner as if

the appeal bond had been filed with the justice from whose judgment the appeal was taken. Nothing in this section shall prevent a justice of the peace from accepting and receiving appeal bonds as provided by law, but the sheriff shall have power concurrent with the justice of the peace of their counties in all matters pertaining to the taking of appeal bonds in similar cases. Codes, Hemingway's 1917, § 67; 1930, § 70; 1942, § 1204; Laws, 1908, ch. 137. The sheriff of any county is empowered and directed to take an appeal bond in any case of a conviction of a misdemeanor before a justice of the peace of his county, and upon the prisoner or his attorney furnishing a valid appeal bond, and the sheriff taking and approving the same, he shall discharge the appellant from custody, turn over the bond to the circuit clerk and notify the justice of the peace that an appeal has been taken and direct him to send up all papers to the next term of the circuit court in the same manner as if the appeal bond had been filed with the justice from whose judgment the appeal was taken. Nothing in this section shall prevent a justice of the peace from accepting and receiving appeal bonds as provided by law, but the sheriff shall have power concurrent with the justice of the peace of their counties in all matters pertaining to the taking of appeal bonds in similar cases. Codes, Hemingway's 1917, § 67; 1930, § 70; 1942, § 1204; Laws, 1908, ch. 137. The sheriff of any county is empowered and directed to take an appeal bond in any case of a conviction of a misdemeanor before a justice of the peace of his county, and upon the prisoner or his attorney furnishing a valid appeal bond, and the sheriff taking and approving the same, he shall discharge the appellant from custody, turn over the bond to the circuit clerk and notify the justice of the peace that an appeal has been taken and direct him to send up all papers to the next term of the circuit court in the same manner as if the appeal bond had been filed with the justice from whose judgment the appeal was taken. Nothing in this section shall prevent a justice of the peace from accepting and receiving appeal bonds as provided by law, but the sheriff shall have power concurrent with the justice of the peace of their counties in all matters pertaining to the taking of appeal bonds in similar cases. Codes, Hemingway's 1917, § 67; 1930, § 70; 1942, § 1204; Laws, 1908, ch. 137.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145) Article 1 - APPEALS TO CIRCUIT COURTS (§§ 99-35-1 — 99-35-13) Section 99-35-7 - Appeals without bond or supersedeas

Any person who shall have been convicted of a criminal offense against the laws of this state, by the judgment of a justice court, or by a municipal court for the violation of an ordinance of the municipality, who by reason of his poverty is not able to give bond as prescribed in Section 99-35-3, may nevertheless appeal from such conviction on his making an affidavit that, by reason of his poverty, he is unable to give bond or other security to obtain such appeal, but the appeal in such case shall not operate as a supersedeas of the judgment, nor discharge the appellant from custody, but the judgment shall be executed as if an appeal had not been taken, unless the presiding judge of the appellate court shall, for good reason, see fit to stay the execution of the judgment rendered by the court below by ordering the release of the defendant on his own recognizance, and this shall not affect the trial of the case anew in the appellate court. Codes, 1880, § 2356; 1892, § 87; 1906, § 88; Hemingway's 1917, § 70; 1930, § 69; 1942, § 1203; Laws, 1938, ch. 273; Laws, 1988, ch. 416, § 3, eff. 7/1/1988. Any person who shall have been convicted of a criminal offense against the laws of this state, by the judgment of a justice court, or by a municipal court for the violation of an ordinance of the municipality, who by reason of his poverty is not able to give bond as prescribed in Section 99-35-3, may nevertheless appeal from such conviction on his making an affidavit that, by reason of his poverty, he is unable to give bond or other security to obtain such appeal, but the appeal in such case shall not operate as a supersedeas of the judgment, nor discharge the appellant from custody, but the judgment shall be executed as if an appeal had not been taken, unless the presiding judge of the appellate court shall, for good reason, see fit to stay the execution of the judgment rendered by the court below by ordering the release of the defendant on his own recognizance, and this shall not affect the trial of the case anew in the appellate court. Codes, 1880, § 2356; 1892, § 87; 1906, § 88; Hemingway's 1917, § 70; 1930, § 69; 1942, § 1203; Laws, 1938, ch. 273; Laws, 1988, ch. 416, § 3, eff. 7/1/1988. Any person who shall have been convicted of a criminal offense against the laws of this state, by the judgment of a justice court, or by a municipal court for the violation of an ordinance of the municipality, who by reason of his poverty is not able to give bond as prescribed in Section 99-35-3, may nevertheless appeal from such conviction on his making an

affidavit that, by reason of his poverty, he is unable to give bond or other security to obtain such appeal, but the appeal in such case shall not operate as a supersedeas of the judgment, nor discharge the appellant from custody, but the judgment shall be executed as if an appeal had not been taken, unless the presiding judge of the appellate court shall, for good reason, see fit to stay the execution of the judgment rendered by the court below by ordering the release of the defendant on his own recognizance, and this shall not affect the trial of the case anew in the appellate court. Codes, 1880, § 2356; 1892, § 87; 1906, § 88; Hemingway's 1917, § 70; 1930, § 69; 1942, § 1203; Laws, 1938, ch. 273; Laws, 1988, ch. 416, § 3, eff. 7/1/1988.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145) Article 1 - APPEALS TO CIRCUIT COURTS (§§ 99-35-1 — 99-35-13) Section 99-35-9 - Papers to be transmitted to circuit court clerk

The clerk of the justice court or municipal court from which judgment convicting of a criminal offense an appeal shall be taken shall at once transmit to the clerk of the circuit court the bond taken and a certified copy of the record of the case, with all the original papers in the case, as in appeals in civil cases. If an appeal be taken from a judgment convicting of a criminal offense, during a session of the circuit court of the county, the transcript and papers shall be returned to, and the case triable at that term of the court, and the bond shall bind the defendant accordingly, and the clerk of the circuit court shall docket the case on the state docket, and shall be entitled to like fees as in other cases. The judge setting the bond shall be liable for the amount of the bond, if he fails to require a good and sufficient one. The clerk of the justice court or municipal court shall make up the transcript of the record and transmit the same to the circuit clerk within ten (10) days after the appeal bond is given. Codes, 1880, § 2357; 1892, § 88; 1906, § 89; Hemingway's 1917, § 71; 1930, § 71; 1942, § 1205; Laws, 1981, ch. 471, § 57; Laws, 1982, ch. 423, § 28, eff. 1/1/1984, or, with respect to a given county, from and after such earlier date as the county appoints a justice court clerk pursuant to §9-11-27(3). The clerk of the justice court or municipal court from which judgment convicting of a criminal offense an appeal shall be taken shall at once transmit to the clerk of the circuit court the bond taken and a certified copy of the record of the case, with all the original papers in the case, as in appeals in civil cases. If an appeal be taken from a judgment convicting of a criminal offense, during a session of the circuit court of the county, the transcript and papers shall be returned to, and the case triable at that term of the court, and the bond shall bind the defendant accordingly, and the clerk of the circuit court shall docket the case on the state docket, and shall be entitled to like fees as in other cases. The judge setting the bond shall be liable for the amount of the bond, if he fails to require a good and sufficient one. The clerk of the justice court or municipal court shall make up the transcript of the record and transmit the same to the circuit clerk within ten (10) days after the appeal bond is given. Codes, 1880, § 2357; 1892, § 88; 1906, § 89; Hemingway's 1917, § 71; 1930, § 71; 1942, § 1205; Laws, 1981, ch. 471, § 57; Laws, 1982, ch. 423, § 28, eff. 1/1/1984, or, with respect to a given county, from and after such earlier date as the county appoints a justice court clerk pursuant to §9-11-27(3). The clerk of the justice court or municipal court from which judgment convicting of a criminal offense an appeal shall be taken shall at once transmit to the clerk of the circuit court the bond taken and a certified copy of the record of the case, with all the original papers in the case, as in appeals in civil cases. If an appeal be taken from a judgment convicting of a criminal offense, during a session of the circuit court of the county, the transcript and papers shall be returned to, and the case triable at that term of the court, and the bond shall bind the defendant accordingly, and the clerk of the circuit court shall docket the case on the state docket, and shall be entitled to like fees as in other cases. The judge setting the bond shall be liable for the amount of the bond, if he fails to require a good and sufficient one. The clerk of the justice court or municipal court shall make up the transcript of the record and transmit the same to the circuit clerk within ten (10) days after the appeal bond is given. Codes, 1880, § 2357; 1892, § 88; 1906, § 89; Hemingway's 1917, § 71; 1930, § 71; 1942, § 1205; Laws, 1981, ch. 471, § 57; Laws, 1982, ch. 423, § 28, eff. 1/1/1984, or, with respect to a given county, from and after such earlier date as the county appoints a justice court clerk pursuant to §9-11-27(3).

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145) Article 3 - APPEALS TO SUPREME COURT AND RELATED PROCEDURES (§§ 99-35-101 — 99-35-145) Section 99-35-101 - Right of appeal

Any person convicted of an offense in a circuit court may appeal to the Supreme Court. However, where the defendant enters a plea of guilty and is sentenced, then no appeal from the circuit court to the Supreme Court shall be allowed. Codes, Hutchinson's 1848, ch. 63, art. 7(1); 1857, ch. 64, arts. 306, 307; 1871, § 2841; 1880, § 2314; 1892, § 36; Laws, 1906, § 37; Hemingway's 1917, § 12; Laws, 1930, § 16; Laws, 1942, § 1150; Laws, 1914, ch. 151; Laws, 2008, ch. 457, § 1, eff. 7/1/2008. Any person convicted of an offense in a circuit court may appeal to the Supreme Court. However, where the defendant enters a plea of guilty and is sentenced,

then no appeal from the circuit court to the Supreme Court shall be allowed. Codes, Hutchinson's 1848, ch. 63, art. 7(1); 1857, ch. 64, arts. 306, 307; 1871, § 2841; 1880, § 2314; 1892, § 36; Laws, 1906, § 37; Hemingway's 1917, § 12; Laws, 1930, § 16; Laws, 1942, § 1150; Laws, 1914, ch. 151; Laws, 2008, ch. 457, § 1, eff. 7/1/2008. Any person convicted of an offense in a circuit court may appeal to the Supreme Court. However, where the defendant enters a plea of guilty and is sentenced, then no appeal from the circuit court to the Supreme Court shall be allowed. Codes, Hutchinson's 1848, ch. 63, art. 7(1); 1857, ch. 64, arts. 306, 307; 1871, § 2841; 1880, § 2314; 1892, § 36; Laws, 1906, § 37; Hemingway's 1917, § 12; Laws, 1930, § 16; Laws, 1942, § 1150; Laws, 1914, ch. 151; Laws, 2008, ch. 457, § 1, eff. 7/1/2008. Any person convicted of an offense in a circuit court may appeal to the Supreme Court. However, where the defendant enters a plea of guilty and is sentenced, then no appeal from the circuit court to the Supreme Court shall be allowed. Codes, Hutchinson's 1848, ch. 63, art. 7(1); 1857, ch. 64, arts. 306, 307; 1871, § 2841; 1880, § 2314; 1892, § 36; Laws, 1906, § 37; Hemingway's 1917, § 12; Laws, 1930, § 16; Laws, 1942, § 1150; Laws, 1914, ch. 151; Laws, 2008, ch. 457, § 1, eff. 7/1/2008.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145) Article 3 - APPEALS TO SUPREME COURT AND RELATED PROCEDURES (§§ 99-35-101 — 99-35-145) Section 99-35-103 - When state or municipality may appeal

The state or any municipal corporation may prosecute an appeal from a judgment of the circuit court in a criminal cause in the following cases: (a) From a judgment sustaining a demurrer to, or a motion to quash an indictment, or an affidavit charging crime; but such appeals shall not bar or preclude another prosecution of the defendant for the same offense. (b) From a judgment actually acquitting the defendant where a question of law has been decided adversely to the state or municipality; but in such case the appeal shall not subject the defendant to further prosecution, nor shall the judgment of acquittal be reversed, but the Supreme Court shall nevertheless decide the question of law presented. (c) From a ruling adverse to the state or municipality in every case in which the defendant is convicted and prosecutes an appeal; and the case shall be treated as if a cross appeal had been formally presented by the state. All questions of law thus presented shall be decided by the Supreme Court. Codes, 1892, § 39; Laws, 1906, § 40; Hemingway's 1917, § 16; Laws, 1930, § 19; Laws, 1942, § 1153; Laws, 1991, ch. 573, § 140, eff. 7/1/1991. The state or any municipal corporation may prosecute an appeal from a judgment of the circuit court in a criminal cause in the following cases: (a) From a judgment sustaining a demurrer to, or a motion to quash an indictment, or an affidavit charging crime; but such appeals shall not bar or preclude another prosecution of the defendant for the same offense. (b) From a judgment actually acquitting the defendant where a question of law has been decided adversely to the state or municipality; but in such case the appeal shall not subject the defendant to further prosecution, nor shall the judgment of acquittal be reversed, but the Supreme Court shall nevertheless decide the question of law presented. (c) From a ruling adverse to the state or municipality in every case in which the defendant is convicted and prosecutes an appeal; and the case shall be treated as if a cross appeal had been formally presented by the state. All questions of law thus presented shall be decided by the Supreme Court. Codes, 1892, § 39; Laws, 1906, § 40; Hemingway's 1917, § 16; Laws, 1930, § 19; Laws, 1942, § 1153; Laws, 1991, ch. 573, § 140, eff. 7/1/1991. The state or any municipal corporation may prosecute an appeal from a judgment of the circuit court in a criminal cause in the following cases: (a) From a judgment sustaining a demurrer to, or a motion to quash an indictment, or an affidavit charging crime; but such appeals shall not bar or preclude another prosecution of the defendant for the same offense. (b) From a judgment actually acquitting the defendant where a question of law has been decided adversely to the state or municipality; but in such case the appeal shall not subject the defendant to further prosecution, nor shall the judgment of acquittal be reversed, but the Supreme Court shall nevertheless decide the question of law presented. (c) From a ruling adverse to the state or municipality in every case in which the defendant is convicted and prosecutes an appeal; and the case shall be treated as if a cross appeal had been formally presented by the state. All questions of law thus presented shall be decided by the Supreme Court. Codes, 1892, § 39; Laws, 1906, § 40; Hemingway's 1917, § 16; Laws, 1930, § 19; Laws, 1942, § 1153; Laws, 1991, ch. 573, § 140, eff. 7/1/1991. The state or any municipal corporation may prosecute an appeal from a judgment of the circuit court in a criminal cause in the following cases: Codes, 1892, § 39; Laws, 1906, § 40; Hemingway's 1917, § 16; Laws, 1930, § 19; Laws, 1942, § 1153; Laws, 1991, ch. 573, § 140, eff. 7/1/1991.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145) Article 3 - APPEALS TO SUPREME COURT AND RELATED PROCEDURES (§§ 99-35-101 — 99-35-145) Section 99-35-105 - Prepayment of costs; appeal without prepayment; reimbursement of successful appellants

Appeals in criminal cases shall not stay the judgment or sentence appealed from unless the appellant shall prepay all of the costs in the lower court, including the cost of preparing the record of the proceedings in the trial court and the fee prescribed in Section 25-7-3, to the clerk of the lower court. If the appellant shall make affidavit that he is unable to prepay the costs, he shall have an appeal without prepayment of costs; and his appeal shall stay the judgment appealed from. It shall be the responsibility of the county in which the conviction was taken to timely prepay all costs when an indigent appellant makes an affidavit that he is unable to make such payments. It shall be the duty and obligation of the county to reimburse a successful appellant in a criminal case for court costs, including the cost of preparing the record of the proceedings in the trial court. Codes, Hutchinson's 1848, ch. 63, art. 2(149); 1857, ch. 64, art. 308; 1871, § 2842; 1880, § 2335; 1892, § 61; 1906, § 62; Hemingway's 1917, § 38; 1930, § 41; 1942, § 1175; Laws, 1978, ch. 335, § 36, eff. 7/1/1978. Appeals in criminal cases shall not stay the judgment or sentence appealed from unless the appellant shall prepay all of the costs in the lower court, including the cost of preparing the record of the proceedings in the trial court and the fee prescribed in Section 25-7-3, to the clerk of the lower court. If the appellant shall make affidavit that he is

unable to prepay the costs, he shall have an appeal without prepayment of costs; and his appeal shall stay the judgment appealed from. It shall be the responsibility of the county in which the conviction was taken to timely prepay all costs when an indigent appellant makes an affidavit that he is unable to make such payments. It shall be the duty and obligation of the county to reimburse a successful appellant in a criminal case for court costs, including the cost of preparing the record of the proceedings in the trial court. Codes, Hutchinson's 1848, ch. 63, art. 2(149); 1857, ch. 64, art. 308; 1871, § 2842; 1880, § 2335; 1892, § 61; 1906, § 62; Hemingway's 1917, § 38; 1930, § 41; 1942, § 1175; Laws, 1978, ch. 335, § 36, eff. 7/1/1978. Appeals in criminal cases shall not stay the judgment or sentence appealed from unless the appellant shall prepay all of the costs in the lower court, including the cost of preparing the record of the proceedings in the trial court and the fee prescribed in Section 25-7-3, to the clerk of the lower court. If the appellant shall make affidavit that he is unable to prepay the costs, he shall have an appeal without prepayment of costs; and his appeal shall stay the judgment appealed from. It shall be the responsibility of the county in which the conviction was taken to timely prepay all costs when an indigent appellant makes an affidavit that he is unable to make such payments. It shall be the duty and obligation of the county to reimburse a successful appellant in a criminal case for court costs, including the cost of preparing the record of the proceedings in the trial court. Codes, Hutchinson's 1848, ch. 63, art. 2(149); 1857, ch. 64, art. 308; 1871, § 2842; 1880, § 2335; 1892, § 61; 1906, § 62; Hemingway's 1917, § 38; 1930, § 41; 1942, § 1175; Laws, 1978, ch. 335, § 36, eff. 7/1/1978. Appeals in criminal cases shall not stay the judgment or sentence appealed from unless the appellant shall prepay all of the costs in the lower court, including the cost of preparing the record of the proceedings in the trial court and the fee prescribed in Section 25-7-3, to the clerk of the lower court. If the appellant shall make affidavit that he is unable to prepay the costs, he shall have an appeal without prepayment of costs; and his appeal shall stay the judgment appealed from. It shall be the responsibility of the county in which the conviction was taken to timely prepay all costs when an indigent appellant makes an affidavit that he is unable to make such payments. It shall be the duty and obligation of the county to reimburse a successful appellant in a criminal case for court costs, including the cost of preparing the record of the proceedings in the trial court. Codes, Hutchinson's 1848, ch. 63, art. 2(149); 1857, ch. 64, art. 308; 1871, § 2842; 1880, § 2335; 1892, § 61; 1906, § 62; Hemingway's 1917, § 38; 1930, § 41; 1942, § 1175; Laws, 1978, ch. 335, § 36, eff. 7/1/1978.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145) Article 3 - APPEALS TO SUPREME COURT AND RELATED PROCEDURES (§§ 99-35-101 — 99-35-145) Section 99-35-107 - Deposit for costs; security for jail fees

A deposit with the clerk of the court from which an appeal is taken of a sum of money sufficient to cover the costs accrued, and to accrue, the amount of which to be determined by the judge, may be made by the appellant with the posting of his appearance bond, and shall serve to stay execution of sentence until the clerk shall compile the trial court costs and file the cost bill required in criminal cases; and any security for jail fees which the sheriff shall certify to the clerk to be satisfactory to him, shall be sufficient, and the sheriff shall not thereafter be entitled to look to the county for such jail fees. Codes, 1880, § 2336; 1892, § 62; 1906, § 63; Hemingway's 1917, § 39; 1930, § 42; 1942, § 1176; Laws, 1978, ch. 335, § 37, eff. 7/1/1978. A deposit with the clerk of the court from which an appeal is taken of a sum of money sufficient to cover the costs accrued, and to accrue, the amount of which to be determined by the judge, may be made by the appellant with the posting of his appearance bond, and shall serve to stay execution of sentence until the clerk shall compile the trial court costs and file the cost bill required in criminal cases; and any security for jail fees which the sheriff shall certify to the clerk to be satisfactory to him, shall be sufficient, and the sheriff shall not thereafter be entitled to look to the county for such jail fees. Codes, 1880, § 2336; 1892, § 62; 1906, § 63; Hemingway's 1917, § 39; 1930, § 42; 1942, § 1176; Laws, 1978, ch. 335, § 37, eff. 7/1/1978. A deposit with the clerk of the court from which an appeal is taken of a sum of money sufficient to cover the costs accrued, and to accrue, the amount of which to be determined by the judge, may be made by the appellant with the posting of his appearance bond, and shall serve to stay execution of sentence until the clerk shall compile the trial court costs and file the cost bill required in criminal cases; and any security for jail fees which the sheriff shall certify to the clerk to be satisfactory to him, shall be sufficient, and the sheriff shall not thereafter be entitled to look to the county for such jail fees. Codes, 1880, § 2336; 1892, § 62; 1906, § 63; Hemingway's 1917, § 39; 1930, § 42; 1942, § 1176; Laws, 1978, ch. 335, § 37, eff. 7/1/1978.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145) Article 3 - APPEALS TO SUPREME COURT AND RELATED PROCEDURES (§§ 99-35-101 — 99-35-145) Section 99-35-109 - Bail after conviction of misdemeanor

In all cases of conviction of a misdemeanor, an appeal taken shall stay the judgment appealed from. The appellant, if sentenced to imprisonment for his offense, or to stand committed until his fine and costs shall be paid, may be relieved from such imprisonment or commitment, pending his appeal, by paying the trial court costs and giving bond, with sufficient resident sureties or one or more guaranty or surety companies authorized to do business in this state, to be approved by the clerk of the court from which the appeal is taken, payable to the state in the penalty of not less than one hundred dollars (\$100.00) nor more than one thousand dollars

(\$1,000.00), to be determined by such clerk, with reference to the grade of the offense, as indicated by the judgment, and the ability of the appellant to give bond, conditioned to surrender himself to the sheriff of the county to suffer the judgment or sentence, if it shall be affirmed by the supreme court, within one (1) week after the judgment of affirmance shall be certified to the circuit court, or to appear before the circuit court at the next term after a judgment of reversal in such case shall be certified to the circuit court, to answer the charge of the state, and so to continue until discharged. Codes, 1880, § 2339; 1892, § 64; 1906, § 65; Hemingway's 1917, § 41; 1930, § 44; 1942, § 1178; Laws, 1978, ch. 335, § 38, eff. 7/1/1978. In all cases of conviction of a misdemeanor, an appeal taken shall stay the judgment appealed from. The appellant, if sentenced to imprisonment for his offense, or to stand committed until his fine and costs shall be paid, may be relieved from such imprisonment or commitment, pending his appeal, by paying the trial court costs and giving bond, with sufficient resident sureties or one or more guaranty or surety companies authorized to do business in this state, to be approved by the clerk of the court from which the appeal is taken, payable to the state in the penalty of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), to be determined by such clerk, with reference to the grade of the offense, as indicated by the judgment, and the ability of the appellant to give bond, conditioned to surrender himself to the sheriff of the county to suffer the judgment or sentence, if it shall be affirmed by the supreme court, within one (1) week after the judgment of affirmance shall be certified to the circuit court, or to appear before the circuit court at the next term after a judgment of reversal in such case shall be certified to the circuit court, to answer the charge of the state, and so to continue until discharged. Codes, 1880, § 2339; 1892, § 64; 1906, § 65; Hemingway's 1917, § 41; 1930, § 44; 1942, § 1178; Laws, 1978, ch. 335, § 38, eff. 7/1/1978. In all cases of conviction of a misdemeanor, an appeal taken shall stay the judgment appealed from. The appellant, if sentenced to imprisonment for his offense, or to stand committed until his fine and costs shall be paid, may be relieved from such imprisonment or commitment, pending his appeal, by paying the trial court costs and giving bond, with sufficient resident sureties or one or more guaranty or surety companies authorized to do business in this state, to be approved by the clerk of the court from which the appeal is taken, payable to the state in the penalty of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), to be determined by such clerk, with reference to the grade of the offense, as indicated by the judgment, and the ability of the appellant to give bond, conditioned to surrender himself to the sheriff of the county to suffer the judgment or sentence, if it shall be affirmed by the supreme court, within one (1) week after the judgment of affirmance shall be certified to the circuit court, or to appear before the circuit court at the next term after a judgment of reversal in such case shall be certified to the circuit court, to answer the charge of the state, and so to continue until discharged. Codes, 1880, § 2339; 1892, § 64; 1906, § 65; Hemingway's 1917, § 41; 1930, § 44; 1942, § 1178; Laws, 1978, ch. 335, § 38, eff. 7/1/1978. In all cases of conviction of a misdemeanor, an appeal taken shall stay the judgment appealed from. The appellant, if sentenced to imprisonment for his offense, or to stand committed until his fine and costs shall be paid, may be relieved from such imprisonment or commitment, pending his appeal, by paying the trial court costs and giving bond, with sufficient resident sureties or one or more guaranty or surety companies authorized to do business in this state, to be approved by the clerk of the court from which the appeal is taken, payable to the state in the penalty of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), to be determined by such clerk, with reference to the grade of the offense, as indicated by the judgment, and the ability of the appellant to give bond, conditioned to surrender himself to the sheriff of the county to suffer the judgment or sentence, if it shall be affirmed by the supreme court, within one (1) week after the judgment of affirmance shall be certified to the circuit court, or to appear before the circuit court at the next term after a judgment of reversal in such case shall be certified to the circuit court, to answer the charge of the state, and so to continue until discharged. Codes, 1880, § 2339; 1892, § 64; 1906, § 65; Hemingway's 1917, § 41; 1930, § 44; 1942, § 1178; Laws, 1978, ch. 335, § 38, eff. 7/1/1978.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145) Article 3 - APPEALS TO SUPREME COURT AND RELATED PROCEDURES (§§ 99-35-101 — 99-35-145) Section 99-35-111 - Bail after conviction of misdemeanor; judge may fix amount of bond

The circuit judge of the district or presiding on the trial, or a supreme judge, may, in any case, fix the amount of the bond to be given under Section 99-35-109, and the clerk shall act accordingly. Any such bail bond shall be filed by the clerk, and carefully preserved among the papers of the case. Codes, 1880, § 2340; 1892, § 65; 1906, § 66; Hemingway's 1917, § 42; 1930, § 45; 1942, § 1179. The circuit judge of the district or presiding on the trial, or a supreme judge, may, in any case, fix the amount of the bond to be given under Section 99-35-109, and the clerk shall act accordingly. Any such bail bond shall be filed by the clerk, and carefully preserved among the papers of the case. Codes, 1880, § 2340; 1892, § 65; 1906, § 66; Hemingway's 1917, § 42; 1930, § 45; 1942, § 1179. The circuit judge of the district or presiding on the trial, or a supreme judge, may, in any case, fix the amount of the bond to be given under Section 99-35-109, and the clerk shall act accordingly. Any such bail bond shall be filed by the clerk, and carefully preserved among the papers of the case. Codes, 1880, § 2340; 1892, § 65; 1906, § 66; Hemingway's 1917, § 42; 1930, § 45; 1942, § 1179. The circuit judge of the district or presiding on the trial, or a supreme judge, may, in any case, fix the amount of the bond to be given under Section 99-35-109, and the clerk shall act accordingly. Any such bail bond shall be filed by the clerk, and carefully preserved among the papers of the case. Codes, 1880, § 2340; 1892, § 65; 1906, § 66; Hemingway's 1917, § 42; 1930, § 45; 1942, § 1179.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145) Article 3 - APPEALS TO SUPREME COURT AND RELATED PROCEDURES (§§ 99-35-101 — 99-35-145) Section 99-35-113 - Failure of appellant on bond to appear in misdemeanor cases

If the judgment in a case of misdemeanor be affirmed, and the appellant shall not surrender himself to the proper sheriff, according

to the condition of his bail-bond, or shall not appear before the circuit court as the case may require, said court shall proceed as in any other case of forfeited bail-bond. All proper process shall be issued to enforce the judgment of the supreme court in the case by the clerk of the circuit court. Codes, 1880, § 1438; 1892, § 4376; 1906, § 4942; Hemingway's 1917, § 3218; 1930, § 3401; 1942, § 1985. If the judgment in a case of misdemeanor be affirmed, and the appellant shall not surrender himself to the proper sheriff, according to the condition of his bail-bond, or shall not appear before the circuit court as the case may require, said court shall proceed as in any other case of forfeited bail-bond. All proper process shall be issued to enforce the judgment of the supreme court in the case by the clerk of the circuit court. Codes, 1880, § 1438; 1892, § 4376; 1906, § 4942; Hemingway's 1917, § 3218; 1930, § 3401; 1942, § 1985. If the judgment in a case of misdemeanor be affirmed, and the appellant shall not surrender himself to the proper sheriff, according to the condition of his bail-bond, or shall not appear before the circuit court as the case may require, said court shall proceed as in any other case of forfeited bail-bond. All proper process shall be issued to enforce the judgment of the supreme court in the case by the clerk of the circuit court. Codes, 1880, § 1438; 1892, § 4376; 1906, § 4942; Hemingway's 1917, § 3218; 1930, § 3401; 1942, § 1985. If the judgment in a case of misdemeanor be affirmed, and the appellant shall not surrender himself to the proper sheriff, according to the condition of his bail-bond, or shall not appear before the circuit court as the case may require, said court shall proceed as in any other case of forfeited bail-bond. All proper process shall be issued to enforce the judgment of the supreme court in the case by the clerk of the circuit court. Codes, 1880, § 1438; 1892, § 4376; 1906, § 4942; Hemingway's 1917, § 3218; 1930, § 3401; 1942, § 1985.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145) Article 3 - APPEALS TO SUPREME COURT AND RELATED PROCEDURES (§§ 99-35-101 — 99-35-145) Section 99-35-115 - Bail after conviction of felony; application for emergency hearing upon denial of bail

(1) A person convicted of felony child abuse, sexual battery of a minor or any offense in which a sentence of death or life imprisonment is imposed shall not be entitled to be released from imprisonment pending an appeal to the Supreme Court. (2)(a) A person convicted of any felony, not enumerated in subsection (1), shall be entitled to be released from imprisonment on bail pending an appeal to the Supreme Court, within the discretion of a judicial officer, if the convict shows by clear and convincing evidence that release of the convict would not constitute a special danger to any other person or to the community, and that a condition or a combination of conditions may be placed on release that will reasonably assure the appearance of the convict as required, and only when the peculiar circumstances of the case render it proper. (b) If bail is denied, the judicial officer shall place the reasons for such denial of record in the case. (c) For the purposes of this section, "judicial officer" means the trial court or trial judge, a judge of the district in which the conviction occurred, the Supreme Court or a justice of the Supreme Court in vacation of the court. (d) The victim or family of a victim shall be entitled to submit a written statement objecting to the granting of release on bail pending appeal. Codes, 1880, § 2341; 1892, § 66; 1906, § 67; Hemingway's 1917, §§ 43, 44, 45; 1930, § 46; 1942, § 1180; Laws, 1916, ch. 217; Laws, 1987, ch. 350; Laws, 1997, ch. 527, § 1; Laws, 2005, ch. 350, § 1, eff. 3/14/2005. (1) A person convicted of felony child abuse, sexual battery of a minor or any offense in which a sentence of death or life imprisonment is imposed shall not be entitled to be released from imprisonment pending an appeal to the Supreme Court. (2)(a) A person convicted of any felony, not enumerated in subsection (1), shall be entitled to be released from imprisonment on bail pending an appeal to the Supreme Court, within the discretion of a judicial officer, if the convict shows by clear and convincing evidence that release of the convict would not constitute a special danger to any other person or to the community, and that a condition or a combination of conditions may be placed on release that will reasonably assure the appearance of the convict as required, and only when the peculiar circumstances of the case render it proper. (b) If bail is denied, the judicial officer shall place the reasons for such denial of record in the case. (c) For the purposes of this section, "judicial officer" means the trial court or trial judge, a judge of the district in which the conviction occurred, the Supreme Court or a justice of the Supreme Court in vacation of the court. (d) The victim or family of a victim shall be entitled to submit a written statement objecting to the granting of release on bail pending appeal. Codes, 1880, § 2341; 1892, § 66; 1906, § 67; Hemingway's 1917, §§ 43, 44, 45; 1930, § 46; 1942, § 1180; Laws, 1916, ch. 217; Laws, 1987, ch. 350; Laws, 1997, ch. 527, § 1; Laws, 2005, ch. 350, § 1, eff. 3/14/2005. (1) A person convicted of felony child abuse, sexual battery of a minor or any offense in which a sentence of death or life imprisonment is imposed shall not be entitled to be released from imprisonment pending an appeal to the Supreme Court. (2)(a) A person convicted of any felony, not enumerated in subsection (1), shall be entitled to be released from imprisonment on bail pending an appeal to the Supreme Court, within the discretion of a judicial officer, if the convict shows by clear and convincing evidence that release of the convict would not constitute a special danger to any other person or to the community, and that a condition or a combination of conditions may be placed on release that will reasonably assure the appearance of the convict as required, and only when the peculiar circumstances of the case render it proper. (b) If bail is denied, the judicial officer shall place the reasons for such denial of record in the case. (c) For the purposes of this section, "judicial officer" means the trial court or trial judge, a judge of the district in which the conviction occurred, the Supreme Court or a justice of the Supreme Court in vacation of the court. (d) The victim or family of a victim shall be entitled to submit a written statement objecting to the granting of release on bail pending appeal. Codes, 1880, § 2341; 1892, § 66; 1906, § 67; Hemingway's 1917, §§ 43, 44, 45; 1930, § 46; 1942, § 1180; Laws, 1916, ch. 217; Laws, 1987, ch. 350; Laws, 1997, ch. 527, § 1; Laws, 2005, ch. 350, § 1, eff. 3/14/2005.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 35 - APPEALS (§§ 99-35-1

— 99-35-145)Article 3 - APPEALS TO SUPREME COURT AND RELATED PROCEDURES (§§ 99-35-101 — 99-35-145)Section 99-35-117 - Bail after conviction of felony; judge to fix amount of bond; judge or sheriff may approve bond

Where an order shall be made as provided in Section99-35-115, the court or judge shall designate the amount of the bond to be given; and the clerk of the court where the conviction was had shall take bond of the appellant with resident sureties or one or more guaranty or surety companies authorized to do business in this state, to be approved by him, in the sum fixed by the order, payable to the state, and conditioned for the appearance of the party in the supreme court and circuit court to abide by and perform such sentence or judgment as may be rendered in the case; or the supreme court or circuit court, or any judge of either court making such order for bail, may take and approve the bond required to be given, or it may be taken by the sheriff in whose custody such prisoner may be, and shall be sent to the supreme court. All the provisions of this chapter on the subject of bail, as far as applicable, shall be applicable to bail for the appearance of any person before the supreme court.Codes, 1880, § 2342; 1892, § 67; 1906, § 68; Hemingway's 1917, § 46; 1930, § 47; 1942, § 1181. Where an order shall be made as provided in Section99-35-115, the court or judge shall designate the amount of the bond to be given; and the clerk of the court where the conviction was had shall take bond of the appellant with resident sureties or one or more guaranty or surety companies authorized to do business in this state, to be approved by him, in the sum fixed by the order, payable to the state, and conditioned for the appearance of the party in the supreme court and circuit court to abide by and perform such sentence or judgment as may be rendered in the case; or the supreme court or circuit court, or any judge of either court making such order for bail, may take and approve the bond required to be given, or it may be taken by the sheriff in whose custody such prisoner may be, and shall be sent to the supreme court. All the provisions of this chapter on the subject of bail, as far as applicable, shall be applicable to bail for the appearance of any person before the supreme court.Codes, 1880, § 2342; 1892, § 67; 1906, § 68; Hemingway's 1917, § 46; 1930, § 47; 1942, § 1181. Where an order shall be made as provided in Section99-35-115, the court or judge shall designate the amount of the bond to be given; and the clerk of the court where the conviction was had shall take bond of the appellant with resident sureties or one or more guaranty or surety companies authorized to do business in this state, to be approved by him, in the sum fixed by the order, payable to the state, and conditioned for the appearance of the party in the supreme court and circuit court to abide by and perform such sentence or judgment as may be rendered in the case; or the supreme court or circuit court, or any judge of either court making such order for bail, may take and approve the bond required to be given, or it may be taken by the sheriff in whose custody such prisoner may be, and shall be sent to the supreme court. All the provisions of this chapter on the subject of bail, as far as applicable, shall be applicable to bail for the appearance of any person before the supreme court.Codes, 1880, § 2342; 1892, § 67; 1906, § 68; Hemingway's 1917, § 46; 1930, § 47; 1942, § 1181. Where an order shall be made as provided in Section99-35-115, the court or judge shall designate the amount of the bond to be given; and the clerk of the court where the conviction was had shall take bond of the appellant with resident sureties or one or more guaranty or surety companies authorized to do business in this state, to be approved by him, in the sum fixed by the order, payable to the state, and conditioned for the appearance of the party in the supreme court and circuit court to abide by and perform such sentence or judgment as may be rendered in the case; or the supreme court or circuit court, or any judge of either court making such order for bail, may take and approve the bond required to be given, or it may be taken by the sheriff in whose custody such prisoner may be, and shall be sent to the supreme court. All the provisions of this chapter on the subject of bail, as far as applicable, shall be applicable to bail for the appearance of any person before the supreme court. Codes, 1880, § 2342; 1892, § 67; 1906, § 68; Hemingway's 1917, § 46; 1930, § 47; 1942, § 1181.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145)Article 3 - APPEALS TO SUPREME COURT AND RELATED PROCEDURES (§§ 99-35-101 — 99-35-145)Section 99-35-119 - Failure of appellant on bond to appear in felony cases

If the appellant in a case of felony do not appear, according to the conditions of his bail-bond, before the supreme court to receive judgment, the court shall proceed as a circuit court is required to do in case of a failure of a party bound to appear in like cases, and may issue the proper process, and may render judgment, and enforce it by execution, and may issue process to any county for the arrest of the appellant, and have him brought before the court to receive judgment.Codes, 1880, § 1437; 1892, § 4375; 1906, § 4941; Hemingway's 1917, § 3217; 1930, § 3400; 1942, § 1984. If the appellant in a case of felony do not appear, according to the conditions of his bail-bond, before the supreme court to receive judgment, the court shall proceed as a circuit court is required to do in case of a failure of a party bound to appear in like cases, and may issue the proper process, and may render judgment, and enforce it by execution, and may issue process to any county for the arrest of the appellant, and have him brought before the court to receive judgment.Codes, 1880, § 1437; 1892, § 4375; 1906, § 4941; Hemingway's 1917, § 3217; 1930, § 3400; 1942, § 1984. If the appellant in a case of felony do not appear, according to the conditions of his bail-bond, before the supreme court to receive judgment, the court shall proceed as a circuit court is required to do in case of a failure of a party bound to appear in like cases, and may issue the proper process, and may render judgment, and enforce it by execution, and may issue process to any county for the arrest of the appellant, and have him brought before the court to receive judgment.Codes, 1880, § 1437; 1892, § 4375; 1906, § 4941; Hemingway's 1917, § 3217; 1930, § 3400; 1942, § 1984. If the appellant in a case of felony do not appear, according to the conditions of his bail-bond, before the supreme court to receive judgment, the court shall proceed as a circuit court is required to do in case of a failure of a party bound to appear in like cases, and may issue the proper process, and may render judgment, and enforce it by execution, and may issue process to any county for the arrest of the appellant, and have him brought before the court to receive

judgment. Codes, 1880, § 1437; 1892, § 4375; 1906, § 4941; Hemingway's 1917, § 3217; 1930, § 3400; 1942, § 1984.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145) Article 3 - APPEALS TO SUPREME COURT AND RELATED PROCEDURES (§§ 99-35-101 — 99-35-145) Section 99-35-127 - Sheriff of Hinds County to receive prisoners; fees

The sheriff of Hinds County shall receive and safely keep, according to the order of the supreme court, all persons ordered into his custody. The sheriff shall be paid his fees therefor out of the treasury of the proper county, or out of the state appropriation for the judicial department, when certified by the supreme court. Codes, 1880, § 1439; 1892, § 4377; 1906, § 4943; Hemingway's 1917, § 3219; 1930, § 3402; 1942, § 1986. The sheriff of Hinds County shall receive and safely keep, according to the order of the supreme court, all persons ordered into his custody. The sheriff shall be paid his fees therefor out of the treasury of the proper county, or out of the state appropriation for the judicial department, when certified by the supreme court. Codes, 1880, § 1439; 1892, § 4377; 1906, § 4943; Hemingway's 1917, § 3219; 1930, § 3402; 1942, § 1986. The sheriff of Hinds County shall receive and safely keep, according to the order of the supreme court, all persons ordered into his custody. The sheriff shall be paid his fees therefor out of the treasury of the proper county, or out of the state appropriation for the judicial department, when certified by the supreme court. Codes, 1880, § 1439; 1892, § 4377; 1906, § 4943; Hemingway's 1917, § 3219; 1930, § 3402; 1942, § 1986. The sheriff of Hinds County shall receive and safely keep, according to the order of the supreme court, all persons ordered into his custody. The sheriff shall be paid his fees therefor out of the treasury of the proper county, or out of the state appropriation for the judicial department, when certified by the supreme court. Codes, 1880, § 1439; 1892, § 4377; 1906, § 4943; Hemingway's 1917, § 3219; 1930, § 3402; 1942, § 1986.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145) Article 3 - APPEALS TO SUPREME COURT AND RELATED PROCEDURES (§§ 99-35-101 — 99-35-145) Section 99-35-129 - Execution of sentence; counsel may prosecute appeal

The sentence of the supreme court in all criminal cases brought before it shall be executed in like manner as if passed by the court in which the prosecution originated. It shall not be necessary to bring any person charged with a criminal offense before the supreme court; but his appeal may be prosecuted by counsel. Codes, Hutchinson's 1848, ch. 63, class 4, art. 1(9); 1857, ch. 63, art. 15; 1871, § 417; 1880, § 1430; 1892, § 4367; 1906, § 4933; Hemingway's 1917, § 3209; 1930, § 3393; 1942, § 1977. The sentence of the supreme court in all criminal cases brought before it shall be executed in like manner as if passed by the court in which the prosecution originated. It shall not be necessary to bring any person charged with a criminal offense before the supreme court; but his appeal may be prosecuted by counsel. Codes, Hutchinson's 1848, ch. 63, class 4, art. 1(9); 1857, ch. 63, art. 15; 1871, § 417; 1880, § 1430; 1892, § 4367; 1906, § 4933; Hemingway's 1917, § 3209; 1930, § 3393; 1942, § 1977. The sentence of the supreme court in all criminal cases brought before it shall be executed in like manner as if passed by the court in which the prosecution originated. It shall not be necessary to bring any person charged with a criminal offense before the supreme court; but his appeal may be prosecuted by counsel. Codes, Hutchinson's 1848, ch. 63, class 4, art. 1(9); 1857, ch. 63, art. 15; 1871, § 417; 1880, § 1430; 1892, § 4367; 1906, § 4933; Hemingway's 1917, § 3209; 1930, § 3393; 1942, § 1977. The sentence of the supreme court in all criminal cases brought before it shall be executed in like manner as if passed by the court in which the prosecution originated. It shall not be necessary to bring any person charged with a criminal offense before the supreme court; but his appeal may be prosecuted by counsel. Codes, Hutchinson's 1848, ch. 63, class 4, art. 1(9); 1857, ch. 63, art. 15; 1871, § 417; 1880, § 1430; 1892, § 4367; 1906, § 4933; Hemingway's 1917, § 3209; 1930, § 3393; 1942, § 1977.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145) Article 3 - APPEALS TO SUPREME COURT AND RELATED PROCEDURES (§§ 99-35-101 — 99-35-145) Section 99-35-131 - Appellant granted credit for time served in prison pending appeal

In case of an affirmance by the supreme court of a judgment for imprisonment, if the appellant had remained in prison pending the appeal, the time of imprisonment shall be credited to him, but if he have been on bail, the supreme court shall fix the time for the commencement of his imprisonment, under the judgment of affirmance, so as to cause him to suffer the full time of imprisonment fixed by the judgment of the court below. Codes, 1880, § 1431; 1892, § 4368; 1906, § 4934; Hemingway's 1917, § 3210; 1930, § 3394; 1942, § 1978. In case of an affirmance by the supreme court of a judgment for imprisonment, if the appellant had remained in prison pending the appeal, the time of imprisonment shall be credited to him, but if he have been on bail, the supreme court shall fix the time for the commencement of his imprisonment, under the judgment of affirmance, so as to cause him to suffer the full time of imprisonment fixed by the judgment of the court below. Codes, 1880, § 1431; 1892, § 4368; 1906, § 4934; Hemingway's 1917, § 3210; 1930, § 3394; 1942, § 1978. In case of an affirmance by the supreme court of a judgment for imprisonment, if the appellant had remained in prison pending the appeal, the time of imprisonment shall be credited to him, but if he have been on bail, the supreme court shall fix the time for the commencement of his imprisonment, under the judgment of affirmance, so as to cause him to suffer the full time of imprisonment fixed by the judgment of the court below. Codes, 1880, § 1431; 1892, § 4368; 1906, § 4934; Hemingway's 1917, § 3210; 1930, § 3394; 1942, § 1978. In case of an affirmance by the supreme court of a judgment for imprisonment, if the appellant had remained in prison pending the appeal, the time of imprisonment shall be credited to him, but if he have been on bail, the supreme court shall fix the time for the commencement of his imprisonment, under the judgment of affirmance, so as to cause him to suffer the full time of imprisonment fixed by the judgment of the court below. Codes, 1880, §

1431; 1892, § 4368; 1906, § 4934; Hemingway's 1917, § 3210; 1930, § 3394; 1942, § 1978.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145)Article 3 - APPEALS TO SUPREME COURT AND RELATED PROCEDURES (§§ 99-35-101 — 99-35-145)Section 99-35-135 - Remand and custody of prisoner on affirmance of sentence

If the judgment be affirmed, on appeal, and the offense be punishable with death, the supreme court shall name the day of execution, and remand the prisoner to the proper county, if necessary; and the sheriff of the county where the prisoner shall have been convicted shall execute the sentence. If the sentence be for confinement in the penitentiary, and the defendant be not present, but in custody, the clerk of the supreme court shall forthwith notify the legal authorities of the penitentiary as in cases of conviction for penitentiary offenses in the circuit court, who shall send for the convict as provided in such cases. Codes, Hutchinson's 1848, ch. 63, art. 15; 1857, ch. 64, art. 313; 1871, § 2814; 1880, § 1434; 1892, § 4371; 1906, § 4937; Hemingway's 1917, § 3213; 1930, § 3396; 1942, § 1980. If the judgment be affirmed, on appeal, and the offense be punishable with death, the supreme court shall name the day of execution, and remand the prisoner to the proper county, if necessary; and the sheriff of the county where the prisoner shall have been convicted shall execute the sentence. If the sentence be for confinement in the penitentiary, and the defendant be not present, but in custody, the clerk of the supreme court shall forthwith notify the legal authorities of the penitentiary as in cases of conviction for penitentiary offenses in the circuit court, who shall send for the convict as provided in such cases. Codes, Hutchinson's 1848, ch. 63, art. 15; 1857, ch. 64, art. 313; 1871, § 2814; 1880, § 1434; 1892, § 4371; 1906, § 4937; Hemingway's 1917, § 3213; 1930, § 3396; 1942, § 1980. If the judgment be affirmed, on appeal, and the offense be punishable with death, the supreme court shall name the day of execution, and remand the prisoner to the proper county, if necessary; and the sheriff of the county where the prisoner shall have been convicted shall execute the sentence. If the sentence be for confinement in the penitentiary, and the defendant be not present, but in custody, the clerk of the supreme court shall forthwith notify the legal authorities of the penitentiary as in cases of conviction for penitentiary offenses in the circuit court, who shall send for the convict as provided in such cases. Codes, Hutchinson's 1848, ch. 63, art. 15; 1857, ch. 64, art. 313; 1871, § 2814; 1880, § 1434; 1892, § 4371; 1906, § 4937; Hemingway's 1917, § 3213; 1930, § 3396; 1942, § 1980.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145)Article 3 - APPEALS TO SUPREME COURT AND RELATED PROCEDURES (§§ 99-35-101 — 99-35-145)Section 99-35-137 - Copy of death sentence to be delivered to sheriff

It shall be the duty of the clerk of the court to which the mandate of the supreme court for the execution of a prisoner punishable by death is sent, forthwith to deliver to the sheriff of the proper county a copy of the sentence, under the seal of his office, which shall be the warrant of the sheriff for executing the convict. Codes, 1880, § 1435; 1892, § 4372; 1906, § 4938; Hemingway's 1917, § 3214; 1930, § 3397; 1942, § 1981. It shall be the duty of the clerk of the court to which the mandate of the supreme court for the execution of a prisoner punishable by death is sent, forthwith to deliver to the sheriff of the proper county a copy of the sentence, under the seal of his office, which shall be the warrant of the sheriff for executing the convict. Codes, 1880, § 1435; 1892, § 4372; 1906, § 4938; Hemingway's 1917, § 3214; 1930, § 3397; 1942, § 1981. It shall be the duty of the clerk of the court to which the mandate of the supreme court for the execution of a prisoner punishable by death is sent, forthwith to deliver to the sheriff of the proper county a copy of the sentence, under the seal of his office, which shall be the warrant of the sheriff for executing the convict. Codes, 1880, § 1435; 1892, § 4372; 1906, § 4938; Hemingway's 1917, § 3214; 1930, § 3397; 1942, § 1981. It shall be the duty of the clerk of the court to which the mandate of the supreme court for the execution of a prisoner punishable by death is sent, forthwith to deliver to the sheriff of the proper county a copy of the sentence, under the seal of his office, which shall be the warrant of the sheriff for executing the convict. Codes, 1880, § 1435; 1892, § 4372; 1906, § 4938; Hemingway's 1917, § 3214; 1930, § 3397; 1942, § 1981.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145)Article 3 - APPEALS TO SUPREME COURT AND RELATED PROCEDURES (§§ 99-35-101 — 99-35-145)Section 99-35-139 - Prisoner to be delivered to sheriff of proper county if new trial ordered

If any person found guilty of a felony shall be in the penitentiary, and the judgment sentencing him shall be reversed and a new trial ordered, he shall be sent to the jail of the county in which he was tried by the legal authorities of the penitentiary, and delivered to the sheriff of the county. Codes, 1880, § 1436; 1892, § 4373; 1906, § 4939; Hemingway's 1917, § 3215; 1930, § 3398; 1942, § 1982. If any person found guilty of a felony shall be in the penitentiary, and the judgment sentencing him shall be reversed and a new trial ordered, he shall be sent to the jail of the county in which he was tried by the legal authorities of the penitentiary, and delivered to the sheriff of the county. Codes, 1880, § 1436; 1892, § 4373; 1906, § 4939; Hemingway's 1917, § 3215; 1930, § 3398; 1942, § 1982. If any person found guilty of a felony shall be in the penitentiary, and the judgment sentencing him shall be reversed and a new trial ordered, he shall be sent to the jail of the county in which he was tried by the legal authorities of the penitentiary, and delivered to

the sheriff of the county. Codes, 1880, § 1436; 1892, § 4373; 1906, § 4939; Hemingway's 1917, § 3215; 1930, § 3398; 1942, § 1982. If any person found guilty of a felony shall be in the penitentiary, and the judgment sentencing him shall be reversed and a new trial ordered, he shall be sent to the jail of the county in which he was tried by the legal authorities of the penitentiary, and delivered to the sheriff of the county. Codes, 1880, § 1436; 1892, § 4373; 1906, § 4939; Hemingway's 1917, § 3215; 1930, § 3398; 1942, § 1982.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145) Article 3 - APPEALS TO SUPREME COURT AND RELATED PROCEDURES (§§ 99-35-101 — 99-35-145) Section 99-35-141 - Clerk to notify penitentiary of reversals

The clerk of the supreme court shall, within five days after the reversal of a judgment sentencing any prisoner to the penitentiary, notify the legal authorities of the penitentiary of the reversal, unless it appear of record that the person so sentenced is not in his keeping. Codes, 1892, § 4374; 1906, § 4940; Hemingway's 1917, § 3216; 1930, § 3399; 1942, § 1983. The clerk of the supreme court shall, within five days after the reversal of a judgment sentencing any prisoner to the penitentiary, notify the legal authorities of the penitentiary of the reversal, unless it appear of record that the person so sentenced is not in his keeping. Codes, 1892, § 4374; 1906, § 4940; Hemingway's 1917, § 3216; 1930, § 3399; 1942, § 1983. The clerk of the supreme court shall, within five days after the reversal of a judgment sentencing any prisoner to the penitentiary, notify the legal authorities of the penitentiary of the reversal, unless it appear of record that the person so sentenced is not in his keeping. Codes, 1892, § 4374; 1906, § 4940; Hemingway's 1917, § 3216; 1930, § 3399; 1942, § 1983. The clerk of the supreme court shall, within five days after the reversal of a judgment sentencing any prisoner to the penitentiary, notify the legal authorities of the penitentiary of the reversal, unless it appear of record that the person so sentenced is not in his keeping. Codes, 1892, § 4374; 1906, § 4940; Hemingway's 1917, § 3216; 1930, § 3399; 1942, § 1983.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 35 - APPEALS (§§ 99-35-1 — 99-35-145) Article 3 - APPEALS TO SUPREME COURT AND RELATED PROCEDURES (§§ 99-35-101 — 99-35-145) Section 99-35-143 - Errors which are not grounds for reversal

A judgment in a criminal case shall not be reversed because the transcript of the record does not show a proper organization of the court below or of the grand jury, or where the court was held, or that the prisoner was present in court during the trial or any part of it, or that the court asked him if he had anything to say why judgment should not be pronounced against him upon the verdict, or because of any error or omission in the case in the court below, except where the errors or omissions are jurisdictional in their character, unless the record show that the errors complained of were made ground of special exception in that court. And no judgment in any case originating in a justice court, or in a municipal court, and appealed to the circuit court, shall be reversed because it may appear in the supreme court transcript that the judgment or record of the said justice or municipal court was not properly certified or was not certified at all, or was missing in whole or in part, unless the record further shows that objection on that account was made in the circuit court, in the absence of which objection in the circuit court there shall be a conclusive presumption that the defects in this clause mentioned did not exist in the circuit court proceedings. Provided however, that the foregoing clause shall not apply to cases wherein a record in the supreme court of the transcript from the justice or municipal court is necessary to a fair understanding of the proceedings in the circuit court. Codes, 1880, § 1433; 1892, § 4370; 1906, § 4936; Hemingway's 1917, § 3212; 1930, § 3403; 1942, § 1987. A judgment in a criminal case shall not be reversed because the transcript of the record does not show a proper organization of the court below or of the grand jury, or where the court was held, or that the prisoner was present in court during the trial or any part of it, or that the court asked him if he had anything to say why judgment should not be pronounced against him upon the verdict, or because of any error or omission in the case in the court below, except where the errors or omissions are jurisdictional in their character, unless the record show that the errors complained of were made ground of special exception in that court. And no judgment in any case originating in a justice court, or in a municipal court, and appealed to the circuit court, shall be reversed because it may appear in the supreme court transcript that the judgment or record of the said justice or municipal court was not properly certified or was not certified at all, or was missing in whole or in part, unless the record further shows that objection on that account was made in the circuit court, in the absence of which objection in the circuit court there shall be a conclusive presumption that the defects in this clause mentioned did not exist in the circuit court proceedings. Provided however, that the foregoing clause shall not apply to cases wherein a record in the supreme court of the transcript from the justice or municipal court is necessary to a fair understanding of the proceedings in the circuit court. Codes, 1880, § 1433; 1892, § 4370; 1906, § 4936; Hemingway's 1917, § 3212; 1930, § 3403; 1942, § 1987. A judgment in a criminal case shall not be reversed because the transcript of the record does not show a proper organization of the court below or of the grand jury, or where the court was held, or that the prisoner was present in court during the trial or any part of it, or that the court asked him if he had anything to say why judgment should not be pronounced against him upon the verdict, or because of any error or omission in the case in the court below, except where the errors or omissions are jurisdictional in their character, unless the record show that the errors complained of were made ground of special exception in that court. And no judgment in any case originating in a justice court, or in a municipal court, and appealed to the circuit court, shall be reversed because it may appear in the supreme court transcript that the judgment or record of the said justice or municipal court was not properly certified or was not certified at all, or was missing in whole or in part, unless the record further shows that objection on that account was made in the circuit court, in the absence of which objection in the circuit court there shall be a conclusive presumption that the defects in this clause mentioned did not exist in the circuit court proceedings.

Provided however, that the foregoing clause shall not apply to cases wherein a record in the supreme court of the transcript from the justice or municipal court is necessary to a fair understanding of the proceedings in the circuit court. Codes, 1880, § 1433; 1892, § 4370; 1906, § 4936; Hemingway's 1917, § 3212; 1930, § 3403; 1942, § 1987. A judgment in a criminal case shall not be reversed because the transcript of the record does not show a proper organization of the court below or of the grand jury, or where the court was held, or that the prisoner was present in court during the trial or any part of it, or that the court asked him if he had anything to say why judgment should not be pronounced against him upon the verdict, or because of any error or omission in the case in the court below, except where the errors or omissions are jurisdictional in their character, unless the record show that the errors complained of were made ground of special exception in that court. And no judgment in any case originating in a justice court, or in a municipal court, and appealed to the circuit court, shall be reversed because it may appear in the supreme court transcript that the judgment or record of the said justice or municipal court was not properly certified or was not certified at all, or was missing in whole or in part, unless the record further shows that objection on that account was made in the circuit court, in the absence of which objection in the circuit court there shall be a conclusive presumption that the defects in this clause mentioned did not exist in the circuit court proceedings. Provided however, that the foregoing clause shall not apply to cases wherein a record in the supreme court of the transcript from the justice or municipal court is necessary to a fair understanding of the proceedings in the circuit court. Codes, 1880, § 1433; 1892, § 4370; 1906, § 4936; Hemingway's 1917, § 3212; 1930, § 3403; 1942, § 1987.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 36 - VICTIM ASSISTANCE COORDINATOR (§§ 99-36-1 — 99-36-7) Section 99-36-1 - Purpose

The purpose of this chapter is to ensure the fair and compassionate treatment of victims and witnesses of crime and to increase the effectiveness of the criminal justice system by affording certain basic rights and considerations to the victims and witnesses of crime who are essential to prosecution. Laws, 1987, ch. 467, § 1; reenacted without change, Laws, 1990, ch 486, § 1; reenacted, Laws, 1993, ch. 331, § 1, eff. 3/12/1993. The purpose of this chapter is to ensure the fair and compassionate treatment of victims and witnesses of crime and to increase the effectiveness of the criminal justice system by affording certain basic rights and considerations to the victims and witnesses of crime who are essential to prosecution. Laws, 1987, ch. 467, § 1; reenacted without change, Laws, 1990, ch 486, § 1; reenacted, Laws, 1993, ch. 331, § 1, eff. 3/12/1993. The purpose of this chapter is to ensure the fair and compassionate treatment of victims and witnesses of crime and to increase the effectiveness of the criminal justice system by affording certain basic rights and considerations to the victims and witnesses of crime who are essential to prosecution. Laws, 1987, ch. 467, § 1; reenacted without change, Laws, 1990, ch 486, § 1; reenacted, Laws, 1993, ch. 331, § 1, eff. 3/12/1993. The purpose of this chapter is to ensure the fair and compassionate treatment of victims and witnesses of crime and to increase the effectiveness of the criminal justice system by affording certain basic rights and considerations to the victims and witnesses of crime who are essential to prosecution. Laws, 1987, ch. 467, § 1; reenacted without change, Laws, 1990, ch 486, § 1; reenacted, Laws, 1993, ch. 331, § 1, eff. 3/12/1993.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 36 - VICTIM ASSISTANCE COORDINATOR (§§ 99-36-1 — 99-36-7) Section 99-36-3 - Definitions

The following terms shall have the meanings ascribed herein, unless the context dictates otherwise: (a) "Victim" means any person against whom a felony has been committed or attempted; (b) "Close relative of a deceased victim" means a person who was the spouse of a deceased victim at the time of the victim's death or who is a parent or adult brother, sister or child of the deceased victim; and (c) "Guardian of a victim" means a person who is the legal guardian of the victim, where the legal relationship between the guardian and victim exists because of the age of the victim or the physical or mental incompetency of the victim. Laws, 1987, ch. 467, § 2; reenacted without change, Laws, 1990, ch 486, § 2; reenacted, Laws, 1993, ch. 331, § 2, eff. 3/12/1993. The following terms shall have the meanings ascribed herein, unless the context dictates otherwise: (a) "Victim" means any person against whom a felony has been committed or attempted; (b) "Close relative of a deceased victim" means a person who was the spouse of a deceased victim at the time of the victim's death or who is a parent or adult brother, sister or child of the deceased victim; and (c) "Guardian of a victim" means a person who is the legal guardian of the victim, where the legal relationship between the guardian and victim exists because of the age of the victim or the physical or mental incompetency of the victim. Laws, 1987, ch. 467, § 2; reenacted without change, Laws, 1990, ch 486, § 2; reenacted, Laws, 1993, ch. 331, § 2, eff. 3/12/1993. The following terms shall have the meanings ascribed herein, unless the context dictates otherwise: Laws, 1987, ch. 467, § 2; reenacted without change, Laws, 1990, ch 486, § 2; reenacted, Laws, 1993, ch. 331, § 2, eff. 3/12/1993.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 36 - VICTIM ASSISTANCE COORDINATOR (§§ 99-36-1 — 99-36-7) Section 99-36-5 - Rights of victim, guardian of victim, or close relative of deceased victim within criminal justice system

(1)A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:(a)The right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts, including, but not limited to, the filing of criminal charges where the perpetrator is known;(b)The right to have a circuit or county court judge take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;(c)The right to be informed of relevant court proceedings and to be informed if those court proceedings have been canceled or rescheduled prior to the event;(d)The right to be informed, when requested, by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements;(e)The right to provide a victim impact statement prior to any sentencing of the offender; and(f)The right to receive information regarding compensation to victims of crime as may be provided by law.(2)A victim, guardian of a victim or close relative of a deceased victim has the right to be present at all public court proceedings related to the prosecution of the accused, consistent with the rules of evidence.(3)A judge, attorney for the state, peace officer or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this chapter. The failure or inability of any person to provide a right or service enumerated in this chapter may not be used by a defendant in a criminal case as a ground for appeal. A victim, guardian of a victim, or close relative of a deceased victim does not have standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.Laws, 1987, ch. 467, § 3; reenacted and amended, Laws, 1990, ch 486, § 3; reenacted, Laws, 1993, ch. 331, § 3, eff. 3/12/1993. (1)A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:(a)The right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts, including, but not limited to, the filing of criminal charges where the perpetrator is known;(b)The right to have a circuit or county court judge take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;(c)The right to be informed of relevant court proceedings and to be informed if those court proceedings have been canceled or rescheduled prior to the event;(d)The right to be informed, when requested, by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements;(e)The right to provide a victim impact statement prior to any sentencing of the offender; and(f)The right to receive information regarding compensation to victims of crime as may be provided by law.(2)A victim, guardian of a victim or close relative of a deceased victim has the right to be present at all public court proceedings related to the prosecution of the accused, consistent with the rules of evidence.(3)A judge, attorney for the state, peace officer or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this chapter. 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(1)A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:(a)The right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts, including, but not limited to, the filing of criminal charges where the perpetrator is known;(b)The right to have a circuit or county court judge take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;(c)The right to be informed of relevant court proceedings and to be informed if those court proceedings have been canceled or rescheduled prior to the event;(d)The right to be informed, when requested, by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements;(e)The right to provide a victim impact statement prior to any sentencing of the offender; and(f)The right to receive information regarding compensation to victims of crime as may be provided by law.(2)A victim, guardian of a victim or close relative of a deceased victim has the right to be present at all public court proceedings related to the prosecution of the accused, consistent with the rules of evidence.(3)A judge, attorney for the state, peace officer or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this chapter. 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Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 36 - VICTIM ASSISTANCE COORDINATOR (§§ 99-36-1 — 99-36-7)Section 99-36-7 - Victim assistance coordinator; duties; salary; county victim assistance coordinator; duties; multi-county coordinator; participation by municipalities; federal grants

(1)(a)In addition to the full-time legal assistants to the district attorney authorized by Section25-31-5, the district attorney in each circuit court district in this state shall, subject to the approval of and upon the order of the senior circuit court judge of the district, employ one (1) person to serve at the will and pleasure of the district attorney as a "victim assistance coordinator" who shall not be considered to be a state employee.(b)The District Attorney of the First Circuit Court District may appoint one (1) additional victim assistance coordinator, and the District Attorney of the Fourteenth Circuit Court District, upon the approval of the boards of supervisors, may appoint one (1) additional victim assistance coordinator, subject to the approval of and upon the order of the senior circuit court judge of the applicable district for a total of two (2) victim assistance coordinators per district.(2)The duty of the victim assistance coordinator is to ensure that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights

granted victims, guardians and relatives by Section99-36-5. The victim assistance coordinator shall work closely with appropriate law enforcement agencies, prosecuting attorneys, the state and the judiciary in fulfilling that duty.(3)The salary of the victim assistance coordinator shall not exceed the salary authorized for criminal investigators in Section25-31-10, and shall be paid jointly by the counties comprising the circuit court district, with each county paying a pro rata share of the salary as determined by the senior circuit court judge.(4)The board of supervisors of any county, with the approval of and upon the order of the senior circuit court judge of the district wherein such county lies, may, in addition to any victim assistance coordinator provided for in subsection (1) of this section, create the position of county victim assistance coordinator. The duty of the county victim assistance coordinator shall be to cooperate with local law enforcement agencies, the county attorney and the district attorney in assuring that a victim, guardian or close relative is afforded the rights granted by Section99-36-5. Two (2) or more counties, by action of their respective boards of supervisors, with the approval of and upon the order of the senior circuit court judge of the district wherein such counties lie, may join in establishing and maintaining the position of victim assistance coordinator to serve these counties. Any municipality, by action of its governing authority, may participate in the establishment and maintenance of a county victim assistance coordinator's office located within the municipality.(5)Any district attorney, county board of supervisors or governing authority of a municipality which has established or is participating in the maintenance of an office of victim assistance coordinator may apply through the Governor's Office of State and Federal Programs for a grant under the federal "Victims of Crimes Act of 1984" (Public Law 98-473) to be used in the continued operation of the victim assistance program.Laws, 1987, ch. 467, § 4; reenacted and amended, Laws, 1990, ch. 486, § 4; reenacted, Laws, 1993, ch. 331, § 4; Laws, 1997, ch. 429, § 1, eff. 10/1/1997.Amended by Laws, 2015, ch. 476, HB 703, 61, eff. 4/22/2015. (1)(a)In addition to the full-time legal assistants to the district attorney authorized by Section25-31-5, the district attorney in each circuit court district in this state shall, subject to the approval of and upon the order of the senior circuit court judge of the district, employ one (1) person to serve at the will and pleasure of the district attorney as a "victim assistance coordinator" who shall not be considered to be a state employee.(b)The District Attorney of the First Circuit Court District may appoint one (1) additional victim assistance coordinator, and the District Attorney of the Fourteenth Circuit Court District, upon the approval of the boards of supervisors, may appoint one (1) additional victim assistance coordinator, subject to the approval of and upon the order of the senior circuit court judge of the applicable district for a total of two (2) victim assistance coordinators per district.(2)The duty of the victim assistance coordinator is to ensure that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted victims, guardians and relatives by Section99-36-5. The victim assistance coordinator shall work closely with appropriate law enforcement agencies, prosecuting attorneys, the state and the judiciary in fulfilling that duty.(3)The salary of the victim assistance coordinator shall not exceed the salary authorized for criminal investigators in Section25-31-10, and shall be paid jointly by the counties comprising the circuit court district, with each county paying a pro rata share of the salary as determined by the senior circuit court judge.(4)The board of supervisors of any county, with the approval of and upon the order of the senior circuit court judge of the district wherein such county lies, may, in addition to any victim assistance coordinator provided for in subsection (1) of this section, create the position of county victim assistance coordinator. 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Any municipality, by action of its governing authority, may participate in the establishment and maintenance of a county victim assistance coordinator's office located within the municipality.(5)Any district attorney, county board of supervisors or governing authority of a municipality which has established or is participating in the maintenance of an office of victim assistance coordinator may apply through the Governor's Office of State and Federal Programs for a grant under the federal "Victims of Crimes Act of 1984" (Public Law 98-473) to be used in the continued operation of the victim assistance program.Laws, 1987, ch. 467, § 4; reenacted and amended, Laws, 1990, ch. 486, § 4; reenacted, Laws, 1993, ch. 331, § 4; Laws, 1997, ch. 429, § 1, eff. 10/1/1997.Amended by Laws, 2015, ch. 476, HB 703, 61, eff. 4/22/2015. (1)(a)In addition to the full-time legal assistants to the district attorney authorized by Section25-31-5, the district attorney in each circuit court district in this state shall, subject to the approval of and upon the order of the senior circuit court judge of the district, employ one (1) person to serve at the will and pleasure of the district attorney as a "victim assistance coordinator" who shall not be considered to be a state employee.(b)The District Attorney of the First Circuit Court District may appoint one (1) additional victim assistance coordinator, and the District Attorney of the Fourteenth Circuit Court District, upon the approval of the boards of supervisors, may appoint one (1) additional victim assistance coordinator, subject to the approval of and upon the order of the senior circuit court judge of the applicable district for a total of two (2) victim assistance coordinators per district.(2)The duty of the victim assistance coordinator is to ensure that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted victims, guardians and relatives by Section99-36-5. The victim assistance coordinator shall work closely with appropriate law enforcement agencies, prosecuting attorneys, the state and the judiciary in fulfilling that duty.(3)The salary of the victim assistance coordinator shall not exceed the salary authorized for criminal investigators in Section25-31-10, and shall be paid jointly by the counties comprising the circuit court district, with each county paying a pro rata share of the salary as determined by the senior circuit court judge.(4)The board of supervisors of any county, with the approval of and upon the order of the senior circuit court judge of the district wherein such county lies, may, in addition to any victim assistance coordinator provided for in subsection (1) of this section, create the position of county victim assistance coordinator. The duty of the county victim assistance coordinator shall be to cooperate with local law enforcement agencies, the county attorney and the district attorney in assuring that a victim, guardian or close relative is afforded the

rights granted by Section 99-36-5. Two (2) or more counties, by action of their respective boards of supervisors, with the approval of and upon the order of the senior circuit court judge of the district wherein such counties lie, may join in establishing and maintaining the position of victim assistance coordinator to serve these counties. Any municipality, by action of its governing authority, may participate in the establishment and maintenance of a county victim assistance coordinator's office located within the municipality. (5) Any district attorney, county board of supervisors or governing authority of a municipality which has established or is participating in the maintenance of an office of victim assistance coordinator may apply through the Governor's Office of State and Federal Programs for a grant under the federal "Victims of Crimes Act of 1984" (Public Law 98-473) to be used in the continued operation of the victim assistance program. Laws, 1987, ch. 467, § 4; reenacted and amended, Laws, 1990, ch. 486, § 4; reenacted, Laws, 1993, ch. 331, § 4; Laws, 1997, ch. 429, § 1, eff. 10/1/1997. Amended by Laws, 2015, ch. 476, HB 703, 61, eff. 4/22/2015. Laws, 1987, ch. 467, § 4; reenacted and amended, Laws, 1990, ch. 486, § 4; reenacted, Laws, 1993, ch. 331, § 4; Laws, 1997, ch. 429, § 1, eff. 10/1/1997. Amended by Laws, 2015, ch. 476, HB 703, 61, eff. 4/22/2015.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 37 - RESTITUTION TO VICTIMS OF CRIMES (§§ 99-37-1 — 99-37-25) Section 99-37-1 - Definitions

As used in this chapter: (a) "Criminal activities" shall mean any offense with respect to which the defendant is convicted or any other criminal conduct admitted by the defendant. (b) "Pecuniary damages" shall mean all special damages, but not general damages, which a person could recover against the defendant in a civil action arising out of the facts or events constituting the defendant's criminal activities and shall include, but not be limited to, the money equivalent of property taken, destroyed, broken or otherwise harmed, and losses such as medical expenses. (c) "Restitution" shall mean full, partial or nominal payment of pecuniary damages to a victim. (d) "Victim" shall mean any person whom the court determines has suffered pecuniary damages as a result of the defendant's criminal activities. "Victim" shall not include any coparticipant in the defendant's criminal activities, or any person knowingly participating in a criminal act at the time he became a victim. Laws, 1978, ch. 400, § 1; Laws, 1992, ch. 422, § 1, eff. 5/4/1992. As used in this chapter: (a) "Criminal activities" shall mean any offense with respect to which the defendant is convicted or any other criminal conduct admitted by the defendant. (b) "Pecuniary damages" shall mean all special damages, but not general damages, which a person could recover against the defendant in a civil action arising out of the facts or events constituting the defendant's criminal activities and shall include, but not be limited to, the money equivalent of property taken, destroyed, broken or otherwise harmed, and losses such as medical expenses. (c) "Restitution" shall mean full, partial or nominal payment of pecuniary damages to a victim. (d) "Victim" shall mean any person whom the court determines has suffered pecuniary damages as a result of the defendant's criminal activities. "Victim" shall not include any coparticipant in the defendant's criminal activities, or any person knowingly participating in a criminal act at the time he became a victim. Laws, 1978, ch. 400, § 1; Laws, 1992, ch. 422, § 1, eff. 5/4/1992. As used in this chapter: Laws, 1978, ch. 400, § 1; Laws, 1992, ch. 422, § 1, eff. 5/4/1992.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 37 - RESTITUTION TO VICTIMS OF CRIMES (§§ 99-37-1 — 99-37-25) Section 99-37-11 - Relief from payment

If it appears to the satisfaction of the court that the default in the payment of a fine or restitution is not contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount thereof or of each installment or revoking the fine or order of restitution or the unpaid portion thereof in whole or in part. Laws, 1978, ch. 400, § 4(5), eff. 7/1/1978. If it appears to the satisfaction of the court that the default in the payment of a fine or restitution is not contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount thereof or of each installment or revoking the fine or order of restitution or the unpaid portion thereof in whole or in part. Laws, 1978, ch. 400, § 4(5), eff. 7/1/1978. If it appears to the satisfaction of the court that the default in the payment of a fine or restitution is not contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount thereof or of each installment or revoking the fine or order of restitution or the unpaid portion thereof in whole or in part. Laws, 1978, ch. 400, § 4(5), eff. 7/1/1978. If it appears to the satisfaction of the court that the default in the payment of a fine or restitution is not contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount thereof or of each installment or revoking the fine or order of restitution or the unpaid portion thereof in whole or in part. Laws, 1978, ch. 400, § 4(5), eff. 7/1/1978.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 37 - RESTITUTION TO VICTIMS OF CRIMES (§§ 99-37-1 — 99-37-25) Section 99-37-13 - Enforcement of judgment

A default in the payment of a fine or costs or failure to make restitution or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of a fine or restitution shall not

discharge a defendant committed to imprisonment for contempt until the amount of the fine or restitution has actually been collected. Laws, 1978, ch. 400, § 4(6), eff. 7/1/1978. A default in the payment of a fine or costs or failure to make restitution or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of a fine or restitution shall not discharge a defendant committed to imprisonment for contempt until the amount of the fine or restitution has actually been collected. Laws, 1978, ch. 400, § 4(6), eff. 7/1/1978. A default in the payment of a fine or costs or failure to make restitution or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of a fine or restitution shall not discharge a defendant committed to imprisonment for contempt until the amount of the fine or restitution has actually been collected. Laws, 1978, ch. 400, § 4(6), eff. 7/1/1978. A default in the payment of a fine or costs or failure to make restitution or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of a fine or restitution shall not discharge a defendant committed to imprisonment for contempt until the amount of the fine or restitution has actually been collected. Laws, 1978, ch. 400, § 4(6), eff. 7/1/1978.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 37 - RESTITUTION TO VICTIMS OF CRIMES (§§ 99-37-1 — 99-37-25) Section 99-37-15 - Resumption of payment upon release from custody

Whenever an offender in the custody of the Department of Corrections is paroled, placed on earned probation or other form of release, and when such offender has been sentenced to make restitution pursuant to Section 99-37-3 but with respect to whom payment of all or a portion of the restitution was suspended until his release from confinement, the making of restitution shall be a condition of the offender's release. The commissioner of corrections shall establish a schedule by which payment of the restitution may be resumed. In fixing the schedule and supervising the released offender's performance thereunder, the commissioner shall consider the factors specified in subsection (2) of Section 99-37-3. The commissioner shall provide to the sentencing court a copy of the schedule and any modifications thereof. Such offenders shall make restitution payments directly to the victim. As an alternative to a contempt proceeding under Sections 99-37-7 through 99-37-13, the intentional refusal to obey the restitution order or a failure by an offender to make a good faith effort to make such restitution may be considered a violation of an offender's release and may be cause for revocation of his parole, earned probation or other form of release. Laws, 1978, ch. 400, § 5; Laws, 1979, ch. 462, § 6; Laws, 1982, ch. 431, § 7, eff. 7/1/1982. Whenever an offender in the custody of the Department of Corrections is paroled, placed on earned probation or other form of release, and when such offender has been sentenced to make restitution pursuant to Section 99-37-3 but with respect to whom payment of all or a portion of the restitution was suspended until his release from confinement, the making of restitution shall be a condition of the offender's release. The commissioner of corrections shall establish a schedule by which payment of the restitution may be resumed. In fixing the schedule and supervising the released offender's performance thereunder, the commissioner shall consider the factors specified in subsection (2) of Section 99-37-3. The commissioner shall provide to the sentencing court a copy of the schedule and any modifications thereof. Such offenders shall make restitution payments directly to the victim. As an alternative to a contempt proceeding under Sections 99-37-7 through 99-37-13, the intentional refusal to obey the restitution order or a failure by an offender to make a good faith effort to make such restitution may be considered a violation of an offender's release and may be cause for revocation of his parole, earned probation or other form of release. Laws, 1978, ch. 400, § 5; Laws, 1979, ch. 462, § 6; Laws, 1982, ch. 431, § 7, eff. 7/1/1982. Whenever an offender in the custody of the Department of Corrections is paroled, placed on earned probation or other form of release, and when such offender has been sentenced to make restitution pursuant to Section 99-37-3 but with respect to whom payment of all or a portion of the restitution was suspended until his release from confinement, the making of restitution shall be a condition of the offender's release. The commissioner of corrections shall establish a schedule by which payment of the restitution may be resumed. In fixing the schedule and supervising the released offender's performance thereunder, the commissioner shall consider the factors specified in subsection (2) of Section 99-37-3. The commissioner shall provide to the sentencing court a copy of the schedule and any modifications thereof. Such offenders shall make restitution payments directly to the victim. As an alternative to a contempt proceeding under Sections 99-37-7 through 99-37-13, the intentional refusal to obey the restitution order or a failure by an offender to make a good faith effort to make such restitution may be considered a violation of an offender's release and may be cause for revocation of his parole, earned probation or other form of release. Laws, 1978, ch. 400, § 5; Laws, 1979, ch. 462, § 6; Laws, 1982, ch. 431, § 7, eff. 7/1/1982.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 37 - RESTITUTION TO

VICTIMS OF CRIMES (§§ 99-37-1 — 99-37-25)Section 99-37-17 - Civil actions by victims; evidence; damages

(1)Nothing in this chapter limits or impairs the right of a person injured by a defendant's criminal activities to sue and recover damages from the defendant in a civil action. Evidence that the defendant has paid or been ordered to pay restitution pursuant to this chapter may not be introduced in any civil action arising out of the facts or events which were the basis for the restitution. However, the court shall credit any restitution paid by the defendant to a victim against any judgment in favor of the victim in such civil action.(2)If conviction in a criminal trial necessarily decides the issue of a defendant's liability for pecuniary damages of a victim, that issue is conclusively determined as to the defendant, if it is involved in a subsequent civil action.Laws, 1978, ch. 400, § 6, eff. 7/1/1978. (1)Nothing in this chapter limits or impairs the right of a person injured by a defendant's criminal activities to sue and recover damages from the defendant in a civil action. Evidence that the defendant has paid or been ordered to pay restitution pursuant to this chapter may not be introduced in any civil action arising out of the facts or events which were the basis for the restitution. However, the court shall credit any restitution paid by the defendant to a victim against any judgment in favor of the victim in such civil action.(2)If conviction in a criminal trial necessarily decides the issue of a defendant's liability for pecuniary damages of a victim, that issue is conclusively determined as to the defendant, if it is involved in a subsequent civil action.Laws, 1978, ch. 400, § 6, eff. 7/1/1978. Laws, 1978, ch. 400, § 6, eff. 7/1/1978.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 37 - RESTITUTION TO VICTIMS OF CRIMES (§§ 99-37-1 — 99-37-25)Section 99-37-19 - Restitution centers

The boards of supervisors of the several counties and the governing authorities of municipalities are hereby authorized to cooperate with the Department of Corrections in the establishment of restitution centers. Such centers may house both probationers referred by the circuit courts as well as inmates transferred from other facilities of the Department of Corrections as provided in Section47-5-110; and may house those contemnors referred by the courts for failure to pay child support. In order to qualify for placement in a restitution center, an offender must:(a)be convicted of a nonviolent offense that constitutes a felony,(b)not be convicted of a sex crime, and(c)not have drug, alcohol, emotional or physical problems so serious that the offender appears unlikely to meet obligations of the restitution program. Such centers shall be operated by the Department of Corrections. County or municipal property may be utilized with the approval of the board of supervisors or municipal governing authority for the construction, renovation and maintenance of facilities owned by the state or a local political subdivision. Such facility may be leased to the Department of Corrections for a period of time for use as a restitution center.It is the intent of this section that county and local governments contribute only to the establishment, renovation and maintenance of the physical plant of a restitution center and that the Department of Corrections support the operation of, and have sole jurisdiction over and responsibility for offenders in, such restitution program.Laws, 1978, ch. 400, § 7; Laws, 1986, ch. 428, § 2; Laws, 2003, ch. 552, § 1; Laws, 2005, ch. 376, § 1; Laws, 2007, ch. 350, § 1; Laws, 2009, ch. 367, § 4, eff. 7/1/2009. The boards of supervisors of the several counties and the governing authorities of municipalities are hereby authorized to cooperate with the Department of Corrections in the establishment of restitution centers. Such centers may house both probationers referred by the circuit courts as well as inmates transferred from other facilities of the Department of Corrections as provided in Section47-5-110; and may house those contemnors referred by the courts for failure to pay child support. In order to qualify for placement in a restitution center, an offender must:(a)be convicted of a nonviolent offense that constitutes a felony,(b)not be convicted of a sex crime, and(c)not have drug, alcohol, emotional or physical problems so serious that the offender appears unlikely to meet obligations of the restitution program. Such centers shall be operated by the Department of Corrections. County or municipal property may be utilized with the approval of the board of supervisors or municipal governing authority for the construction, renovation and maintenance of facilities owned by the state or a local political subdivision. Such facility may be leased to the Department of Corrections for a period of time for use as a restitution center.It is the intent of this section that county and local governments contribute only to the establishment, renovation and maintenance of the physical plant of a restitution center and that the Department of Corrections support the operation of, and have sole jurisdiction over and responsibility for offenders in, such restitution program.Laws, 1978, ch. 400, § 7; Laws, 1986, ch. 428, § 2; Laws, 2003, ch. 552, § 1; Laws, 2005, ch. 376, § 1; Laws, 2007, ch. 350, § 1; Laws, 2009, ch. 367, § 4, eff. 7/1/2009. The boards of supervisors of the several counties and the governing authorities of municipalities are hereby authorized to cooperate with the Department of Corrections in the establishment of restitution centers. Such centers may house both probationers referred by the circuit courts as well as inmates transferred from other facilities of the Department of Corrections as provided in Section47-5-110; and may house those contemnors referred by the courts for failure to pay child support. In order to qualify for placement in a restitution center, an offender must:(a)be convicted of a nonviolent offense that constitutes a felony,(b)not be convicted of a sex crime, and(c)not have drug, alcohol, emotional or physical problems so serious that the offender appears unlikely to meet obligations of the restitution program. Such centers shall be operated by the Department of Corrections. County or municipal property may be utilized with the approval of the board of supervisors or municipal governing authority for the construction, renovation and maintenance of facilities

owned by the state or a local political subdivision. Such facility may be leased to the Department of Corrections for a period of time for use as a restitution center. It is the intent of this section that county and local governments contribute only to the establishment, renovation and maintenance of the physical plant of a restitution center and that the Department of Corrections support the operation of, and have sole jurisdiction over and responsibility for offenders in, such restitution program. Laws, 1978, ch. 400, § 7; Laws, 1986, ch. 428, § 2; Laws, 2003, ch. 552, § 1; Laws, 2005, ch. 376, § 1; Laws, 2007, ch. 350, § 1; Laws, 2009, ch. 367, § 4, eff. 7/1/2009. The boards of supervisors of the several counties and the governing authorities of municipalities are hereby authorized to cooperate with the Department of Corrections in the establishment of restitution centers. Such centers may house both probationers referred by the circuit courts as well as inmates transferred from other facilities of the Department of Corrections as provided in Section 47-5-110; and may house those contemnors referred by the courts for failure to pay child support. In order to qualify for placement in a restitution center, an offender must: It is the intent of this section that county and local governments contribute only to the establishment, renovation and maintenance of the physical plant of a restitution center and that the Department of Corrections support the operation of, and have sole jurisdiction over and responsibility for offenders in, such restitution program. Laws, 1978, ch. 400, § 7; Laws, 1986, ch. 428, § 2; Laws, 2003, ch. 552, § 1; Laws, 2005, ch. 376, § 1; Laws, 2007, ch. 350, § 1; Laws, 2009, ch. 367, § 4, eff. 7/1/2009.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 37 - RESTITUTION TO VICTIMS OF CRIMES (§§ 99-37-1 — 99-37-25) Section 99-37-21 - Powers and duties of public welfare and corrections departments as to restitution centers

(1) The department of public welfare and the department of corrections are hereby authorized to cooperate in the institution and administration of services at restitution centers as authorized by Section 99-37-19 and at other facilities which provide opportunities for restitution for criminal acts. (2) The department of public welfare and the department of corrections are authorized and directed, jointly or separately: (a) to seek funding from federal or other sources to provide the maximum supportive services for offenders and the families of offenders who are participating in restitution programs; (b) to develop additional programs whereby offenders may be afforded opportunities to contribute to society and the support of their families through restitution programs; and (c) to develop pilot programs of counseling, training and supervision for parolees whereby restitution may be accomplished; such programs may be residential or nonresidential as appropriate. Laws, 1978, ch. 400, § 8(1), (2), eff. 7/1/1978. (1) The department of public welfare and the department of corrections are hereby authorized to cooperate in the institution and administration of services at restitution centers as authorized by Section 99-37-19 and at other facilities which provide opportunities for restitution for criminal acts. (2) The department of public welfare and the department of corrections are authorized and directed, jointly or separately: (a) to seek funding from federal or other sources to provide the maximum supportive services for offenders and the families of offenders who are participating in restitution programs; (b) to develop additional programs whereby offenders may be afforded opportunities to contribute to society and the support of their families through restitution programs; and (c) to develop pilot programs of counseling, training and supervision for parolees whereby restitution may be accomplished; such programs may be residential or nonresidential as appropriate. Laws, 1978, ch. 400, § 8(1), (2), eff. 7/1/1978. (1) The department of public welfare and the department of corrections are hereby authorized to cooperate in the institution and administration of services at restitution centers as authorized by Section 99-37-19 and at other facilities which provide opportunities for restitution for criminal acts. (2) The department of public welfare and the department of corrections are authorized and directed, jointly or separately: (a) to seek funding from federal or other sources to provide the maximum supportive services for offenders and the families of offenders who are participating in restitution programs; (b) to develop additional programs whereby offenders may be afforded opportunities to contribute to society and the support of their families through restitution programs; and (c) to develop pilot programs of counseling, training and supervision for parolees whereby restitution may be accomplished; such programs may be residential or nonresidential as appropriate. Laws, 1978, ch. 400, § 8(1), (2), eff. 7/1/1978. Laws, 1978, ch. 400, § 8(1), (2), eff. 7/1/1978.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 37 - RESTITUTION TO VICTIMS OF CRIMES (§§ 99-37-1 — 99-37-25) Section 99-37-23 - Restitution in delinquency cases

In delinquency cases before the youth court, the disposition order may include, in addition to any other requirement, restitution not in excess of actual damages caused by the child to be paid out of his assets or by performance of services acceptable to the parties and reasonably capable of performance within one (1) year. Laws, 1978, ch. 400, § 8(3), eff. 7/1/1978. In delinquency cases before the youth court, the disposition order may include, in addition to any other requirement, restitution not in excess of actual damages caused by the child to be paid out of his assets or by performance of services acceptable to the parties and reasonably capable of performance within one (1) year. Laws, 1978, ch. 400, § 8(3), eff. 7/1/1978. In delinquency cases before the youth court, the disposition order may include, in addition to any other requirement, restitution not in excess of actual damages caused by the child to be paid out of his assets or by performance of services acceptable to the parties and reasonably capable of performance within one (1) year. Laws, 1978, ch. 400, § 8(3), eff. 7/1/1978. In delinquency cases before the youth court, the disposition order may include, in addition to any other requirement, restitution not in excess of actual damages caused by the child to be paid out of his assets or by performance of services acceptable to the parties and reasonably capable of performance within one (1) year. Laws, 1978, ch. 400, § 8(3), eff. 7/1/1978.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 37 - RESTITUTION TO

VICTIMS OF CRIMES (§§ 99-37-1 — 99-37-25)Section 99-37-25 - Payment by Division of Victim Compensation of costs associated with medical forensic examination and sexual assault evidence collection kit; defendant to make restitution to Division of Victim Compensation

(1)(a)When a person is brought into a doctor's office, a hospital or a medical clinic by a law enforcement agency as the victim of an alleged rape or sexual assault having occurred in this state, or comes into a doctor's office, a hospital or a medical clinic alleging rape or sexual assault having occurred in this state, the bill for the medical forensic examination and the preparation of the sexual assault evidence collection kit will be sent to the Division of Victim Compensation, Office of the Attorney General. The Division of Victim Compensation shall pay for the medical examination conducted for the procurement of evidence to aid in the investigation and prosecution of the alleged offense. Such payment shall be limited to the customary and usual hospital and physician charges for such services in the area. Such payment shall be made by the Division of Victim Compensation directly to the health care provider. No bill for the examination will be submitted to the victim, nor shall the medical facility hold the victim responsible for payment. The victim may be billed for any further medical services not required for the investigation and prosecution of the alleged offense. In cases where the damage caused by the alleged sexual assault requires medical treatment or diagnosis in addition to the examination, the patient will be given information about the availability of victim compensation and the procedure for applying for such compensation.(b)Upon application submitted by the district attorney, provided the proper warrant or court order has been issued, the county in which an offense of sexual assault or of felonious abuse or battery of a child as described in Section97-5-39, touching or handling a child for lustful purposes as described in Section97-5-23, exploitation of children as described in Section97-5-33or sexual battery as described in Section97-3-95, or statutory rape as defined in Section97-3-65, or an attempt to commit such offense has occurred shall pay for a medical forensic examination of the person arrested, charged or convicted of such offense to determine if the person so arrested, charged or convicted has any sexually transmitted disease and for the collection of evidence. Such payment shall be made by the county directly to the health care provider or other service performing the collection of evidence and tests. At the victim's request, a test for human immunodeficiency virus (HIV) shall be administered to the defendant/accused not later than forty-eight (48) hours after the date on which the information or indictment is presented, and the defendant/accused shall be subjected to follow-up testing for HIV upon a determination that such follow-up testing is medically necessary and reasonable. The results of any such test shall be confidential but shall be made available to the victim or, if the victim is a child, to the guardian of the victim. After an indictment, if the case is dismissed, the defendant is found not guilty or the case is not prosecuted within three (3) years of the indictment, all records of tests shall be returned to the accused or destroyed. Upon a showing of good cause, the court may retain such records and allow a case to remain open after the expiration of the three-year limitation provided herein.(2)Any defendant who is convicted of, or pleads guilty or nolo contendere to, any offense or an attempt to commit any such offense specified in subsection (1)(b) shall be ordered by the court to make restitution to the Division of Victim Compensation in an amount equal to the compensation paid by the Division of Victim Compensation to the victim or medical provider for the medical forensic examination and to the county for tests for sexually transmitted diseases. Such restitution shall be in addition to any restitution which the court orders the defendant to pay the victim under the provisions of Chapter 37 of Title 99, (Sections99-37-1through99-37-21), Mississippi Code of 1972.(3)The Division of Victim Compensation is hereby authorized, in its discretion, to make application for and comply with such requirements as may be necessary to qualify for any federal funds as may be available as a result of services rendered to crime victims under the provisions of this section.Laws, 1987, ch. 466; Laws, 1997, ch. 509, § 1; Laws, 1999, ch. 560, § 1; Laws, 2005, ch. 507, § 1; Laws, 2007, ch. 587, § 1, eff. 7/1/2007. (1)(a)When a person is brought into a doctor's office, a hospital or a medical clinic by a law enforcement agency as the victim of an alleged rape or sexual assault having occurred in this state, or comes into a doctor's office, a hospital or a medical clinic alleging rape or sexual assault having occurred in this state, the bill for the medical forensic examination and the preparation of the sexual assault evidence collection kit will be sent to the Division of Victim Compensation, Office of the Attorney General. The Division of Victim Compensation shall pay for the medical examination conducted for the procurement of evidence to aid in the investigation and prosecution of the alleged offense. Such payment shall be limited to the customary and usual hospital and physician charges for such services in the area. Such payment shall be made by the Division of Victim Compensation directly to the health care provider. No bill for the examination will be submitted to the victim, nor shall the medical facility hold the victim responsible for payment. The victim may be billed for any further medical services not required for the investigation and prosecution of the alleged offense. In cases where the damage caused by the alleged sexual assault requires medical treatment or diagnosis in addition to the examination, the patient will be given information about the availability of victim compensation and the procedure for applying for such compensation.(b)Upon application submitted by the district attorney, provided the proper warrant or court order has been issued, the county in which an offense of sexual assault or of felonious abuse or battery of a child as described in Section97-5-39, touching or handling a child for lustful purposes as described in Section97-5-23, exploitation of children as described in Section97-5-33or sexual battery as described in Section97-3-95, or statutory rape as defined in Section97-3-65, or an attempt to commit such offense has occurred shall pay for a medical forensic examination of the person arrested, charged or convicted of such offense to determine if the person so arrested, charged or convicted has any sexually transmitted disease and for the collection of evidence. Such payment shall be made by the county directly to the health care provider or other service performing the collection of evidence and tests. At the victim's request, a test for human immunodeficiency virus (HIV) shall be administered to the defendant/accused not later than forty-eight (48) hours after the date on which the information or indictment is presented, and the defendant/accused shall be subjected to follow-up testing for HIV upon a determination that such follow-up testing is medically necessary and reasonable. The results of any such test shall be confidential but shall be made available to the victim or, if the victim is a child, to the guardian of

the victim. After an indictment, if the case is dismissed, the defendant is found not guilty or the case is not prosecuted within three (3) years of the indictment, all records of tests shall be returned to the accused or destroyed. Upon a showing of good cause, the court may retain such records and allow a case to remain open after the expiration of the three-year limitation provided herein.(2)Any defendant who is convicted of, or pleads guilty or nolo contendere to, any offense or an attempt to commit any such offense specified in subsection (1)(b) shall be ordered by the court to make restitution to the Division of Victim Compensation in an amount equal to the compensation paid by the Division of Victim Compensation to the victim or medical provider for the medical forensic examination and to the county for tests for sexually transmitted diseases. Such restitution shall be in addition to any restitution which the court orders the defendant to pay the victim under the provisions of Chapter 37 of Title 99, (Sections99-37-1through99-37-21), Mississippi Code of 1972.(3)The Division of Victim Compensation is hereby authorized, in its discretion, to make application for and comply with such requirements as may be necessary to qualify for any federal funds as may be available as a result of services rendered to crime victims under the provisions of this section.Laws, 1987, ch. 466; Laws, 1997, ch. 509, § 1; Laws, 1999, ch. 560, § 1; Laws, 2005, ch. 507, § 1; Laws, 2007, ch. 587, § 1, eff. 7/1/2007. (1)(a)When a person is brought into a doctor's office, a hospital or a medical clinic by a law enforcement agency as the victim of an alleged rape or sexual assault having occurred in this state, or comes into a doctor's office, a hospital or a medical clinic alleging rape or sexual assault having occurred in this state, the bill for the medical forensic examination and the preparation of the sexual assault evidence collection kit will be sent to the Division of Victim Compensation, Office of the Attorney General. The Division of Victim Compensation shall pay for the medical examination conducted for the procurement of evidence to aid in the investigation and prosecution of the alleged offense. Such payment shall be limited to the customary and usual hospital and physician charges for such services in the area. Such payment shall be made by the Division of Victim Compensation directly to the health care provider. No bill for the examination will be submitted to the victim, nor shall the medical facility hold the victim responsible for payment. The victim may be billed for any further medical services not required for the investigation and prosecution of the alleged offense. In cases where the damage caused by the alleged sexual assault requires medical treatment or diagnosis in addition to the examination, the patient will be given information about the availability of victim compensation and the procedure for applying for such compensation.(b)Upon application submitted by the district attorney, provided the proper warrant or court order has been issued, the county in which an offense of sexual assault or of felonious abuse or battery of a child as described in Section97-5-39, touching or handling a child for lustful purposes as described in Section97-5-23, exploitation of children as described in Section97-5-33or sexual battery as described in Section97-3-95, or statutory rape as defined in Section97-3-65, or an attempt to commit such offense has occurred shall pay for a medical forensic examination of the person arrested, charged or convicted of such offense to determine if the person so arrested, charged or convicted has any sexually transmitted disease and for the collection of evidence. Such payment shall be made by the county directly to the health care provider or other service performing the collection of evidence and tests. At the victim's request, a test for human immunodeficiency virus (HIV) shall be administered to the defendant/accused not later than forty-eight (48) hours after the date on which the information or indictment is presented, and the defendant/accused shall be subjected to follow-up testing for HIV upon a determination that such follow-up testing is medically necessary and reasonable. The results of any such test shall be confidential but shall be made available to the victim or, if the victim is a child, to the guardian of the victim. After an indictment, if the case is dismissed, the defendant is found not guilty or the case is not prosecuted within three (3) years of the indictment, all records of tests shall be returned to the accused or destroyed. Upon a showing of good cause, the court may retain such records and allow a case to remain open after the expiration of the three-year limitation provided herein.(2)Any defendant who is convicted of, or pleads guilty or nolo contendere to, any offense or an attempt to commit any such offense specified in subsection (1)(b) shall be ordered by the court to make restitution to the Division of Victim Compensation in an amount equal to the compensation paid by the Division of Victim Compensation to the victim or medical provider for the medical forensic examination and to the county for tests for sexually transmitted diseases. Such restitution shall be in addition to any restitution which the court orders the defendant to pay the victim under the provisions of Chapter 37 of Title 99, (Sections99-37-1through99-37-21), Mississippi Code of 1972.(3)The Division of Victim Compensation is hereby authorized, in its discretion, to make application for and comply with such requirements as may be necessary to qualify for any federal funds as may be available as a result of services rendered to crime victims under the provisions of this section.Laws, 1987, ch. 466; Laws, 1997, ch. 509, § 1; Laws, 1999, ch. 560, § 1; Laws, 2005, ch. 507, § 1; Laws, 2007, ch. 587, § 1, eff. 7/1/2007. Laws, 1987, ch. 466; Laws, 1997, ch. 509, § 1; Laws, 1999, ch. 560, § 1; Laws, 2005, ch. 507, § 1; Laws, 2007, ch. 587, § 1, eff. 7/1/2007.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 37 - RESTITUTION TO VICTIMS OF CRIMES (§§ 99-37-1 — 99-37-25)Section 99-37-3 - Imposition and amount of restitution

(1)When a person is convicted of criminal activities which have resulted in pecuniary damages, in addition to any other sentence it may impose, the court may order that the defendant make restitution to the victim; provided, however, that the justice court shall not order restitution in an amount exceeding Five Thousand Dollars (\$5,000.00).(2)In determining whether to order restitution which may be complete, partial or nominal, the court shall take into account:(a)The financial resources of the defendant and the burden that payment of restitution will impose, with due regard to the other obligations of the defendant;(b)The ability of the defendant to pay restitution on an installment basis or on other conditions to be fixed by the court; and(c)The rehabilitative effect on the defendant of the payment of restitution and the method of payment.(3)If the defendant objects to the imposition, amount or distribution of the restitution, the court shall, at the time of sentencing, allow him to be heard on such issue.(4)If the court determines that restitution is inappropriate or undesirable, an order reciting such finding shall be entered, which should also state the underlying circumstances

for such determination. Laws, 1978, ch. 400, § 2; Laws, 1990, ch. 379, § 1; Laws, 2003, ch. 314, § 1, eff. 7/1/2003. (1) When a person is convicted of criminal activities which have resulted in pecuniary damages, in addition to any other sentence it may impose, the court may order that the defendant make restitution to the victim; provided, however, that the justice court shall not order restitution in an amount exceeding Five Thousand Dollars (\$5,000.00). (2) In determining whether to order restitution which may be complete, partial or nominal, the court shall take into account: (a) The financial resources of the defendant and the burden that payment of restitution will impose, with due regard to the other obligations of the defendant; (b) The ability of the defendant to pay restitution on an installment basis or on other conditions to be fixed by the court; and (c) The rehabilitative effect on the defendant of the payment of restitution and the method of payment. (3) If the defendant objects to the imposition, amount or distribution of the restitution, the court shall, at the time of sentencing, allow him to be heard on such issue. (4) If the court determines that restitution is inappropriate or undesirable, an order reciting such finding shall be entered, which should also state the underlying circumstances for such determination. Laws, 1978, ch. 400, § 2; Laws, 1990, ch. 379, § 1; Laws, 2003, ch. 314, § 1, eff. 7/1/2003. (1) When a person is convicted of criminal activities which have resulted in pecuniary damages, in addition to any other sentence it may impose, the court may order that the defendant make restitution to the victim; provided, however, that the justice court shall not order restitution in an amount exceeding Five Thousand Dollars (\$5,000.00). (2) In determining whether to order restitution which may be complete, partial or nominal, the court shall take into account: (a) The financial resources of the defendant and the burden that payment of restitution will impose, with due regard to the other obligations of the defendant; (b) The ability of the defendant to pay restitution on an installment basis or on other conditions to be fixed by the court; and (c) The rehabilitative effect on the defendant of the payment of restitution and the method of payment. (3) If the defendant objects to the imposition, amount or distribution of the restitution, the court shall, at the time of sentencing, allow him to be heard on such issue. (4) If the court determines that restitution is inappropriate or undesirable, an order reciting such finding shall be entered, which should also state the underlying circumstances for such determination. Laws, 1978, ch. 400, § 2; Laws, 1990, ch. 379, § 1; Laws, 2003, ch. 314, § 1, eff. 7/1/2003. Laws, 1978, ch. 400, § 2; Laws, 1990, ch. 379, § 1; Laws, 2003, ch. 314, § 1, eff. 7/1/2003.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 37 - RESTITUTION TO VICTIMS OF CRIMES (§§ 99-37-1 — 99-37-25) Section 99-37-5 - Payment; order; enforcement

(1) When a defendant is sentenced to pay a fine or costs or ordered to make restitution, the court may order payment to be made forthwith or within a specified period of time or in specified installments. If a defendant is sentenced to a term of imprisonment, an order of payment of a fine, costs or restitution shall not be enforceable during the period of imprisonment unless the court expressly finds that the defendant has assets to pay all or part of the amounts ordered at the time of sentencing. (2) When a defendant sentenced to pay a fine or costs or ordered to make restitution is also placed on probation or imposition or execution of sentence is suspended, the court may make payment of the fine or costs or the making of restitution a condition of probation or suspension of sentence. Such offenders shall make restitution payments directly to the victim. As an alternative to a contempt proceeding under Sections 99-37-7 through 99-37-13, the intentional refusal to obey the restitution order or a failure by a defendant to make a good faith effort to make such restitution may be considered a violation of the defendant's probation and may be cause for revocation of his probation or suspension of sentence. Laws, 1978, ch. 400, § 3; Laws, 1979, ch. 462, § 5, eff. 7/1/1979. (1) When a defendant is sentenced to pay a fine or costs or ordered to make restitution, the court may order payment to be made forthwith or within a specified period of time or in specified installments. If a defendant is sentenced to a term of imprisonment, an order of payment of a fine, costs or restitution shall not be enforceable during the period of imprisonment unless the court expressly finds that the defendant has assets to pay all or part of the amounts ordered at the time of sentencing. (2) When a defendant sentenced to pay a fine or costs or ordered to make restitution is also placed on probation or imposition or execution of sentence is suspended, the court may make payment of the fine or costs or the making of restitution a condition of probation or suspension of sentence. Such offenders shall make restitution payments directly to the victim. As an alternative to a contempt proceeding under Sections 99-37-7 through 99-37-13, the intentional refusal to obey the restitution order or a failure by a defendant to make a good faith effort to make such restitution may be considered a violation of the defendant's probation and may be cause for revocation of his probation or suspension of sentence. Laws, 1978, ch. 400, § 3; Laws, 1979, ch. 462, § 5, eff. 7/1/1979. (1) When a defendant is sentenced to pay a fine or costs or ordered to make restitution, the court may order payment to be made forthwith or within a specified period of time or in specified installments. If a defendant is sentenced to a term of imprisonment, an order of payment of a fine, costs or restitution shall not be enforceable during the period of imprisonment unless the court expressly finds that the defendant has assets to pay all or part of the amounts ordered at the time of sentencing. (2) When a defendant sentenced to pay a fine or costs or ordered to make restitution is also placed on probation or imposition or execution of sentence is suspended, the court may make payment of the fine or costs or the making of restitution a condition of probation or suspension of sentence. Such offenders shall make restitution payments directly to the victim. As an alternative to a contempt proceeding under Sections 99-37-7 through 99-37-13, the intentional refusal to obey the restitution order or a failure by a defendant to make a good faith effort to make such restitution may be considered a violation of the defendant's probation and may be cause for revocation of his probation or suspension of sentence. Laws, 1978, ch. 400, § 3; Laws, 1979, ch. 462, § 5, eff. 7/1/1979. Laws, 1978, ch. 400, § 3; Laws, 1979, ch. 462, § 5, eff. 7/1/1979.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 37 - RESTITUTION TO VICTIMS OF CRIMES (§§ 99-37-1 — 99-37-25) Section 99-37-7 - Treatment of default in payment as contempt; judicial

officer not liable for failure of defendant to pay fine or make restitution

(1)Subject to the provisions of Section99-19-20.1, when a defendant sentenced to pay a fine or to make restitution defaults in the payment thereof or of any installment, the court, on motion of the district attorney, or upon its own motion, may require him to show cause why his default should not be treated as contempt of court, and may issue a show cause citation or a warrant of arrest for his appearance.(2)Subject to the provisions of Section99-19-20.1, unless the defendant shows that his default was not attributable to an intentional refusal to obey the order of the court or to a failure on his part to make a good faith effort to make the payment, the court may find that his default constitutes contempt and may order him committed until the fine or the restitution, or a specified part thereof, is paid.(3)A judicial officer shall not be held criminally or civilly liable for failure of any defendant to pay any fine or to make restitution if the officer exercises his judicial authority in accordance with subsections (1) and (2) of this section to require the payment of such fine or restitution.(4)When a fine or an order of restitution is imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the fine or make the restitution from those assets, and his failure to do so may be held to be contempt unless he makes the showing required in subsection (2) of this section.Laws, 1978, ch. 400, § 4 (1-3); Laws, 1991, ch. 481, § 1, eff. 7/1/1991.Amended by Laws, 2018, ch. 416, HB 387,§ 3, eff. 7/1/2018. (1)Subject to the provisions of Section99-19-20.1, when a defendant sentenced to pay a fine or to make restitution defaults in the payment thereof or of any installment, the court, on motion of the district attorney, or upon its own motion, may require him to show cause why his default should not be treated as contempt of court, and may issue a show cause citation or a warrant of arrest for his appearance.(2)Subject to the provisions of Section99-19-20.1, unless the defendant shows that his default was not attributable to an intentional refusal to obey the order of the court or to a failure on his part to make a good faith effort to make the payment, the court may find that his default constitutes contempt and may order him committed until the fine or the restitution, or a specified part thereof, is paid.(3)A judicial officer shall not be held criminally or civilly liable for failure of any defendant to pay any fine or to make restitution if the officer exercises his judicial authority in accordance with subsections (1) and (2) of this section to require the payment of such fine or restitution.(4)When a fine or an order of restitution is imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the fine or make the restitution from those assets, and his failure to do so may be held to be contempt unless he makes the showing required in subsection (2) of this section.Laws, 1978, ch. 400, § 4 (1-3); Laws, 1991, ch. 481, § 1, eff. 7/1/1991.Amended by Laws, 2018, ch. 416, HB 387,§ 3, eff. 7/1/2018. (1)Subject to the provisions of Section99-19-20.1, when a defendant sentenced to pay a fine or to make restitution defaults in the payment thereof or of any installment, the court, on motion of the district attorney, or upon its own motion, may require him to show cause why his default should not be treated as contempt of court, and may issue a show cause citation or a warrant of arrest for his appearance.(2)Subject to the provisions of Section99-19-20.1, unless the defendant shows that his default was not attributable to an intentional refusal to obey the order of the court or to a failure on his part to make a good faith effort to make the payment, the court may find that his default constitutes contempt and may order him committed until the fine or the restitution, or a specified part thereof, is paid.(3)A judicial officer shall not be held criminally or civilly liable for failure of any defendant to pay any fine or to make restitution if the officer exercises his judicial authority in accordance with subsections (1) and (2) of this section to require the payment of such fine or restitution.(4)When a fine or an order of restitution is imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the fine or make the restitution from those assets, and his failure to do so may be held to be contempt unless he makes the showing required in subsection (2) of this section.Laws, 1978, ch. 400, § 4 (1-3); Laws, 1991, ch. 481, § 1, eff. 7/1/1991.Amended by Laws, 2018, ch. 416, HB 387,§ 3, eff. 7/1/2018. Laws, 1978, ch. 400, § 4 (1-3); Laws, 1991, ch. 481, § 1, eff. 7/1/1991. Amended by Laws, 2018, ch. 416, HB 387,§ 3, eff. 7/1/2018.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 37 - RESTITUTION TO VICTIMS OF CRIMES (§§ 99-37-1 — 99-37-25)Section 99-37-9 - Term of imprisonment for contempt

The term of imprisonment for contempt for failure to make restitution shall be set forth in the commitment order, and shall not exceed one (1) day for each twenty-five dollars (\$25.00) of the restitution, or thirty (30) days if the order of the restitution was imposed upon conviction of a violation or misdemeanor, or one (1) year in any other case, whichever is the shorter period. A person committed for failure to make restitution shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.Laws, 1978, ch. 400, § 4(4); Laws, 1979, ch. 501, § 3, eff. 4/18/1979. The term of imprisonment for contempt for failure to make restitution shall be set forth in the commitment order, and shall not exceed one (1) day for each twenty-five dollars (\$25.00) of the restitution, or thirty (30) days if the order of the restitution was imposed upon conviction of a violation or misdemeanor, or one (1) year in any other case, whichever is the shorter period. A person committed for failure to make restitution shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.Laws, 1978, ch. 400, § 4(4); Laws, 1979, ch. 501, § 3, eff. 4/18/1979. The term of imprisonment for contempt for failure to make restitution shall be set forth in the commitment order, and shall not exceed one (1) day for each twenty-five dollars (\$25.00) of the restitution, or thirty (30) days if the order of the restitution was imposed upon conviction of a violation or misdemeanor, or one (1) year in any other case, whichever is the shorter period. A person committed for failure to make restitution shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.Laws, 1978, ch. 400, § 4(4); Laws, 1979, ch. 501, § 3, eff. 4/18/1979. The term of imprisonment for contempt for failure to make restitution shall be set forth in the commitment order, and

shall not exceed one (1) day for each twenty-five dollars (\$25.00) of the restitution, or thirty (30) days if the order of the restitution was imposed upon conviction of a violation or misdemeanor, or one (1) year in any other case, whichever is the shorter period. A person committed for failure to make restitution shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order. Laws, 1978, ch. 400, § 4(4); Laws, 1979, ch. 501, § 3, eff. 4/18/1979.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 38 - CRIME VICTIM'S ESCROW ACCOUNT ACT (§§ 99-38-1 — 99-38-11) Section 99-38-1 - Short title

This chapter shall be known and may be cited as the "Crime Victims' Escrow Account Act." Laws, 1987, ch. 468, § 1, eff. 7/1/1987. This chapter shall be known and may be cited as the "Crime Victims' Escrow Account Act." Laws, 1987, ch. 468, § 1, eff. 7/1/1987. This chapter shall be known and may be cited as the "Crime Victims' Escrow Account Act." Laws, 1987, ch. 468, § 1, eff. 7/1/1987. This chapter shall be known and may be cited as the "Crime Victims' Escrow Account Act." Laws, 1987, ch. 468, § 1, eff. 7/1/1987.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 38 - CRIME VICTIM'S ESCROW ACCOUNT ACT (§§ 99-38-1 — 99-38-11) Section 99-38-11 - Offenses and penalties

(1) It shall be unlawful for any person, firm, corporation, partnership, association or other legal entity to fail to comply with the provisions of this chapter. (2) Any person, firm, corporation, partnership, association or other legal entity violating the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction of the violation, shall be punished as for a misdemeanor. (3) Each day any such person, firm, corporation, partnership, association or other legal entity continues in violation of the provisions of this chapter shall constitute a separate offense. (4) Any action taken by any person accused or convicted of a crime or who enters a plea of guilty of a crime, or by a person or legal entity with whom any such person contracts as set forth in Section 99-38-5, whether by way of execution of a contract or agreement outside of this state, execution of a power of attorney, donation, creation of corporate entities, or otherwise, to defeat the purpose of this chapter shall be null and void as against the public policy of the state. (5) In addition to such powers and duties of the Attorney General of this state as are otherwise authorized and prescribed by law, the Attorney General shall be authorized to bring a civil action in any court of competent jurisdiction to enforce the obligations of a contracting party to make payment to the Treasurer of such monies as are required to be paid to the Treasurer under the provisions of Section 99-38-5. Laws, 1987, ch. 468, § 6, eff. 7/1/1987. (1) It shall be unlawful for any person, firm, corporation, partnership, association or other legal entity to fail to comply with the provisions of this chapter. (2) Any person, firm, corporation, partnership, association or other legal entity violating the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction of the violation, shall be punished as for a misdemeanor. (3) Each day any such person, firm, corporation, partnership, association or other legal entity continues in violation of the provisions of this chapter shall constitute a separate offense. (4) Any action taken by any person accused or convicted of a crime or who enters a plea of guilty of a crime, or by a person or legal entity with whom any such person contracts as set forth in Section 99-38-5, whether by way of execution of a contract or agreement outside of this state, execution of a power of attorney, donation, creation of corporate entities, or otherwise, to defeat the purpose of this chapter shall be null and void as against the public policy of the state. (5) In addition to such powers and duties of the Attorney General of this state as are otherwise authorized and prescribed by law, the Attorney General shall be authorized to bring a civil action in any court of competent jurisdiction to enforce the obligations of a contracting party to make payment to the Treasurer of such monies as are required to be paid to the Treasurer under the provisions of Section 99-38-5. Laws, 1987, ch. 468, § 6, eff. 7/1/1987. (1) It shall be unlawful for any person, firm, corporation, partnership, association or other legal entity to fail to comply with the provisions of this chapter. (2) Any person, firm, corporation, partnership, association or other legal entity violating the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction of the violation, shall be punished as for a misdemeanor. (3) Each day any such person, firm, corporation, partnership, association or other legal entity continues in violation of the provisions of this chapter shall constitute a separate offense. (4) Any action taken by any person accused or convicted of a crime or who enters a plea of guilty of a crime, or by a person or legal entity with whom any such person contracts as set forth in Section 99-38-5, whether by way of execution of a contract or agreement outside of this state, execution of a power of attorney, donation, creation of corporate entities, or otherwise, to defeat the purpose of this chapter shall be null and void as against the public policy of the state. (5) In addition to such powers and duties of the Attorney General of this state as are otherwise authorized and prescribed by law, the Attorney General shall be authorized to bring a civil action in any court of competent jurisdiction to enforce the obligations of a contracting party to make payment to the Treasurer of such monies as are required to be paid to the Treasurer under the provisions of Section 99-38-5. Laws, 1987, ch. 468, § 6, eff. 7/1/1987. Laws, 1987, ch. 468, § 6, eff. 7/1/1987.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 38 - CRIME VICTIM'S ESCROW ACCOUNT ACT (§§ 99-38-1 — 99-38-11) Section 99-38-3 - Definitions

As used in this chapter the following terms shall have the meanings herein ascribed: (a) "Accused" shall mean any person who has been indicted for a criminal offense or against whom a criminal prosecution has been commenced; (b) "Treasurer" shall mean the State Treasurer of the State of Mississippi; and (c) "Victim" shall mean any person who suffers damages as a result of another person's criminal activities. The term "victim" shall not include any coparticipant in the criminal activities of an accused or convicted person, or any person knowingly participating in a criminal act at the time he became a victim. Laws, 1987, ch. 468, § 2; Laws, 1992, ch. 422, § 2, eff. 5/4/1992. As used in this chapter the following terms shall have the meanings herein ascribed: (a) "Accused" shall mean any person who has been indicted for a criminal offense or against whom a criminal prosecution

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Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 38 - CRIME VICTIM'S ESCROW ACCOUNT ACT (§§ 99-38-1 — 99-38-11)Section 99-38-5 - Obligation to submit contract with respect to reenactment of crime or expression of defendant's thoughts regarding crime, and to pay over funds due under contract, to Treasurer

Every person, firm, corporation, partnership, association or other legal entity contracting with any person or the legal representative, assignee, beneficiary or heirs at law of any person accused or convicted of a crime in this state, with respect to the reenactment of such crime by way of a movie, book, magazine article, tape recording, phonograph record, photograph, reproduction, radio or television presentation, live entertainment of any kind, or from the expression of such accused or convicted person's thoughts, feelings, opinions or emotions regarding such crime, shall submit a copy of such contract to the Treasurer and pay over to the Treasurer any monies which would otherwise, by the terms of such contract, be owing to the person so accused or convicted or his legal representative, assignee, beneficiary or heirs at law.Laws, 1987, ch. 468, § 3, eff. 7/1/1987. Every person, firm, corporation, partnership, association or other legal entity contracting with any person or the legal representative, assignee, beneficiary or heirs at law of any person accused or convicted of a crime in this state, with respect to the reenactment of such crime by way of a movie, book, magazine article, tape recording, phonograph record, photograph, reproduction, radio or television presentation, live entertainment of any kind, or from the expression of such accused or convicted person's thoughts, feelings, opinions or emotions regarding such crime, shall submit a copy of such contract to the Treasurer and pay over to the Treasurer any monies which would otherwise, by the terms of such contract, be owing to the person so accused or convicted or his legal representative, assignee, beneficiary or heirs at law.Laws, 1987, ch. 468, § 3, eff. 7/1/1987. Every person, firm, corporation, partnership, association or other legal entity contracting with any person or the legal representative, assignee, beneficiary or heirs at law of any person accused or convicted of a crime in this state, with respect to the reenactment of such crime by way of a movie, book, magazine article, tape recording, phonograph record, photograph, reproduction, radio or television presentation, live entertainment of any kind, or from the expression of such accused or convicted person's thoughts, feelings, opinions or emotions regarding such crime, shall submit a copy of such contract to the Treasurer and pay over to the Treasurer any monies which would otherwise, by the terms of such contract, be owing to the person so accused or convicted or his legal representative, assignee, beneficiary or heirs at law.Laws, 1987, ch. 468, § 3, eff. 7/1/1987. Every person, firm, corporation, partnership, association or other legal entity contracting with any person or the legal representative, assignee, beneficiary or heirs at law of any person accused or convicted of a crime in this state, with respect to the reenactment of such crime by way of a movie, book, magazine article, tape recording, phonograph record, photograph, reproduction, radio or television presentation, live entertainment of any kind, or from the expression of such accused or convicted person's thoughts, feelings, opinions or emotions regarding such crime, shall submit a copy of such contract to the Treasurer and pay over to the Treasurer any monies which would otherwise, by the terms of such contract, be owing to the person so accused or convicted or his legal representative, assignee, beneficiary or heirs at law. Laws, 1987, ch. 468, § 3, eff. 7/1/1987.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 38 - CRIME VICTIM'S ESCROW ACCOUNT ACT (§§ 99-38-1 — 99-38-11)Section 99-38-7 - Deposit of funds into escrow account; registration by crime victims; notice of establishment of escrow account; payments from escrow to victims; notice of filing of claim

(1)The Treasurer shall deposit such monies as he receives under the provisions of Section99-38-5, within seven (7) days from the receipt thereof, in an interest-bearing escrow account in the name of the person accused or convicted, for the benefit of and payable to any victim or the legal representative of any victim of crimes committed by an accused or convicted person.(2)Any person, or the legal representative of any person, who is the victim of a crime may register with the Treasurer and request to be notified of the establishment of an escrow account under the provisions of this chapter. Such registration shall include the name and address of the victim and his legal representative if applicable, an identification by name of the person accused or convicted of an offense against the victim, the location where and the date upon which such offense occurred, and such other information as the Treasurer shall require. The Treasurer shall immediately notify, by United States mail, the victim or the legal representative of any victim who has registered with the Treasurer upon the establishment of an escrow account for the benefit of any such registered victim. In addition, the Treasurer shall, at least once every four (4) months for one (1) year from the date he receives monies under the provisions of Section99-38-5, cause to have published a legal notice in some newspaper having a general circulation in the county in which the crime was committed and in counties contiguous to such county advising any and all victims that escrow monies are available to

satisfy money judgments pursuant to this chapter. All costs and expenses incurred by the Treasurer in giving the notice and making publication required by this subsection shall be paid from funds in the escrow account. Payments may be made pursuant to this chapter to the victim or his legal representative only if the accused person is convicted or enters a plea of guilty of the crime, and provided that the victim or his legal representative, within one (1) year of the date of the establishment of such escrow account, brings a civil action in a court of competent jurisdiction and recovers a money judgment for damages against such person or his legal representative, assignee, beneficiary or heirs at law. The Treasurer shall disburse payments on a pro rata basis of all claims filed according to the amount of money in the escrow account comparable to the amount of each such claim; provided, however, such sums shall not be disbursed until all pending claims have been settled or reduced to judgment.(3)It shall be the duty of the victim, the victim's lawyer or the victim's legal representative to notify the Treasurer within thirty (30) days of filing any claim under this chapter.Laws, 1987, ch. 468, § 4, eff. 7/1/1987. (1)The Treasurer shall deposit such monies as he receives under the provisions of Section99-38-5, within seven (7) days from the receipt thereof, in an interest-bearing escrow account in the name of the person accused or convicted, for the benefit of and payable to any victim or the legal representative of any victim of crimes committed by an accused or convicted person.(2)Any person, or the legal representative of any person, who is the victim of a crime may register with the Treasurer and request to be notified of the establishment of an escrow account under the provisions of this chapter. Such registration shall include the name and address of the victim and his legal representative if applicable, an identification by name of the person accused or convicted of an offense against the victim, the location where and the date upon which such offense occurred, and such other information as the Treasurer shall require. The Treasurer shall immediately notify, by United States mail, the victim or the legal representative of any victim who has registered with the Treasurer upon the establishment of an escrow account for the benefit of any such registered victim. In addition, the Treasurer shall, at least once every four (4) months for one (1) year from the date he receives monies under the provisions of Section99-38-5, cause to have published a legal notice in some newspaper having a general circulation in the county in which the crime was committed and in counties contiguous to such county advising any and all victims that escrow monies are available to satisfy money judgments pursuant to this chapter. All costs and expenses incurred by the Treasurer in giving the notice and making publication required by this subsection shall be paid from funds in the escrow account. Payments may be made pursuant to this chapter to the victim or his legal representative only if the accused person is convicted or enters a plea of guilty of the crime, and provided that the victim or his legal representative, within one (1) year of the date of the establishment of such escrow account, brings a civil action in a court of competent jurisdiction and recovers a money judgment for damages against such person or his legal representative, assignee, beneficiary or heirs at law. The Treasurer shall disburse payments on a pro rata basis of all claims filed according to the amount of money in the escrow account comparable to the amount of each such claim; provided, however, such sums shall not be disbursed until all pending claims have been settled or reduced to judgment.(3)It shall be the duty of the victim, the victim's lawyer or the victim's legal representative to notify the Treasurer within thirty (30) days of filing any claim under this chapter.Laws, 1987, ch. 468, § 4, eff. 7/1/1987. (1)The Treasurer shall deposit such monies as he receives under the provisions of Section99-38-5, within seven (7) days from the receipt thereof, in an interest-bearing escrow account in the name of the person accused or convicted, for the benefit of and payable to any victim or the legal representative of any victim of crimes committed by an accused or convicted person.(2)Any person, or the legal representative of any person, who is the victim of a crime may register with the Treasurer and request to be notified of the establishment of an escrow account under the provisions of this chapter. Such registration shall include the name and address of the victim and his legal representative if applicable, an identification by name of the person accused or convicted of an offense against the victim, the location where and the date upon which such offense occurred, and such other information as the Treasurer shall require. The Treasurer shall immediately notify, by United States mail, the victim or the legal representative of any victim who has registered with the Treasurer upon the establishment of an escrow account for the benefit of any such registered victim. In addition, the Treasurer shall, at least once every four (4) months for one (1) year from the date he receives monies under the provisions of Section99-38-5, cause to have published a legal notice in some newspaper having a general circulation in the county in which the crime was committed and in counties contiguous to such county advising any and all victims that escrow monies are available to satisfy money judgments pursuant to this chapter. All costs and expenses incurred by the Treasurer in giving the notice and making publication required by this subsection shall be paid from funds in the escrow account. Payments may be made pursuant to this chapter to the victim or his legal representative only if the accused person is convicted or enters a plea of guilty of the crime, and provided that the victim or his legal representative, within one (1) year of the date of the establishment of such escrow account, brings a civil action in a court of competent jurisdiction and recovers a money judgment for damages against such person or his legal representative, assignee, beneficiary or heirs at law. The Treasurer shall disburse payments on a pro rata basis of all claims filed according to the amount of money in the escrow account comparable to the amount of each such claim; provided, however, such sums shall not be disbursed until all pending claims have been settled or reduced to judgment.(3)It shall be the duty of the victim, the victim's lawyer or the victim's legal representative to notify the Treasurer within thirty (30) days of filing any claim under this chapter.Laws, 1987, ch. 468, § 4, eff. 7/1/1987. Laws, 1987, ch. 468, § 4, eff. 7/1/1987.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 38 - CRIME VICTIM'S ESCROW ACCOUNT ACT (§§ 99-38-1 — 99-38-11)Section 99-38-9 - Disposition of escrow account; mental illness of defendant; payments to defendant; payments to defendant's minor children; payments to Criminal Justice Fund

(1)The Treasurer shall make payments from an escrow account established under Section99-38-5to the accused or convicted person in whose name the account was established upon the order of a court of competent jurisdiction, after a showing by the person that

those monies will be used for the exclusive purpose of retaining legal representation at any stage of any criminal proceedings against the person, including the appeals process.(2)Whenever it is found that a person accused of a crime is unfit to proceed as a result of mental illness because the person lacks the capacity to understand the proceedings against him or to assist in his own defense, the Treasurer shall bring an action of interpleader to determine disposition of the escrow account. For the purposes of this chapter, a person found not guilty by reason of insanity shall be deemed to be a convicted person.(3)Except as otherwise provided in subsection (4) of this section, upon dismissal of charges or acquittal or subsequent exoneration of any person accused of an offense arising out of the same circumstances that led to the establishment of an escrow account under this chapter, the Treasurer shall immediately pay over to the accused person, his legal representative, assignee, beneficiary or heirs at law the monies in the escrow account established on his or their behalf. Except as otherwise provided in subsection (4) of this section, upon a showing that the accused person has been convicted or has pleaded guilty to an offense for which an escrow account has been established under this chapter and that one (1) year has elapsed from the time of establishment of the escrow account, and that no civil actions are pending under the provisions of subsection (2) of Section99-38-7, the Treasurer shall immediately transfer all monies in the escrow account established in the name of the accused person, less such costs and expenses as the Treasurer incurs in the administration of the account, to the Criminal Justice Fund created in Section99-19-32.(4)Notwithstanding the provisions of subsection (3), upon a showing that one (1) year has elapsed from the time of the establishment of the escrow account and that no civil actions are pending under the provisions of Section99-38-7(2), and upon a showing that the accused in whose name the account is established is the parent of one or more minor children and that the minor children are in need of financial support, the chancery court of the district in which the minor children reside may order the Treasurer to pay over an amount set by the court for the support of those children until they reach the age of majority. Upon order of the court, the Treasurer shall pay the specified amount to a guardian appointed by the court for the use and benefit of the minor children. In no event shall the total amount to be paid for the support of any minor children of the accused in whose name the account is established exceed the amount of money in the account at the time the court issues its order.(5)The Treasurer shall be authorized to promulgate such rules and regulations as may be necessary to carry out the provisions of this chapter.Laws, 1987, ch. 468, § 5; Laws, 2008, ch. 442, § 40, eff. 7/1/2008. (1)The Treasurer shall make payments from an escrow account established under Section99-38-5to the accused or convicted person in whose name the account was established upon the order of a court of competent jurisdiction, after a showing by the person that those monies will be used for the exclusive purpose of retaining legal representation at any stage of any criminal proceedings against the person, including the appeals process.(2)Whenever it is found that a person accused of a crime is unfit to proceed as a result of mental illness because the person lacks the capacity to understand the proceedings against him or to assist in his own defense, the Treasurer shall bring an action of interpleader to determine disposition of the escrow account. For the purposes of this chapter, a person found not guilty by reason of insanity shall be deemed to be a convicted person.(3)Except as otherwise provided in subsection (4) of this section, upon dismissal of charges or acquittal or subsequent exoneration of any person accused of an offense arising out of the same circumstances that led to the establishment of an escrow account under this chapter, the Treasurer shall immediately pay over to the accused person, his legal representative, assignee, beneficiary or heirs at law the monies in the escrow account established on his or their behalf. Except as otherwise provided in subsection (4) of this section, upon a showing that the accused person has been convicted or has pleaded guilty to an offense for which an escrow account has been established under this chapter and that one (1) year has elapsed from the time of establishment of the escrow account, and that no civil actions are pending under the provisions of subsection (2) of Section99-38-7, the Treasurer shall immediately transfer all monies in the escrow account established in the name of the accused person, less such costs and expenses as the Treasurer incurs in the administration of the account, to the Criminal Justice Fund created in Section99-19-32.(4)Notwithstanding the provisions of subsection (3), upon a showing that one (1) year has elapsed from the time of the establishment of the escrow account and that no civil actions are pending under the provisions of Section99-38-7(2), and upon a showing that the accused in whose name the account is established is the parent of one or more minor children and that the minor children are in need of financial support, the chancery court of the district in which the minor children reside may order the Treasurer to pay over an amount set by the court for the support of those children until they reach the age of majority. Upon order of the court, the Treasurer shall pay the specified amount to a guardian appointed by the court for the use and benefit of the minor children. In no event shall the total amount to be paid for the support of any minor children of the accused in whose name the account is established exceed the amount of money in the account at the time the court issues its order.(5)The Treasurer shall be authorized to promulgate such rules and regulations as may be necessary to carry out the provisions of this chapter.Laws, 1987, ch. 468, § 5; Laws, 2008, ch. 442, § 40, eff. 7/1/2008. (1)The Treasurer shall make payments from an escrow account established under Section99-38-5to the accused or convicted person in whose name the account was established upon the order of a court of competent jurisdiction, after a showing by the person that those monies will be used for the exclusive purpose of retaining legal representation at any stage of any criminal proceedings against the person, including the appeals process.(2)Whenever it is found that a person accused of a crime is unfit to proceed as a result of mental illness because the person lacks the capacity to understand the proceedings against him or to assist in his own defense, the Treasurer shall bring an action of interpleader to determine disposition of the escrow account. For the purposes of this chapter, a person found not guilty by reason of insanity shall be deemed to be a convicted person.(3)Except as otherwise provided in subsection (4) of this section, upon dismissal of charges or acquittal or subsequent exoneration of any person accused of an offense arising out of the same circumstances that led to the establishment of an escrow account under this chapter, the Treasurer shall immediately pay over to the accused person, his legal representative, assignee, beneficiary or heirs at law the monies in the escrow account established on his or their behalf. Except as otherwise provided in subsection (4) of this section, upon a showing that the accused person has been convicted or has pleaded guilty to an

offense for which an escrow account has been established under this chapter and that one (1) year has elapsed from the time of establishment of the escrow account, and that no civil actions are pending under the provisions of subsection (2) of Section 99-38-7, the Treasurer shall immediately transfer all monies in the escrow account established in the name of the accused person, less such costs and expenses as the Treasurer incurs in the administration of the account, to the Criminal Justice Fund created in Section 99-19-32.(4) Notwithstanding the provisions of subsection (3), upon a showing that one (1) year has elapsed from the time of the establishment of the escrow account and that no civil actions are pending under the provisions of Section 99-38-7(2), and upon a showing that the accused in whose name the account is established is the parent of one or more minor children and that the minor children are in need of financial support, the chancery court of the district in which the minor children reside may order the Treasurer to pay over an amount set by the court for the support of those children until they reach the age of majority. Upon order of the court, the Treasurer shall pay the specified amount to a guardian appointed by the court for the use and benefit of the minor children. In no event shall the total amount to be paid for the support of any minor children of the accused in whose name the account is established exceed the amount of money in the account at the time the court issues its order.(5) The Treasurer shall be authorized to promulgate such rules and regulations as may be necessary to carry out the provisions of this chapter. Laws, 1987, ch. 468, § 5; Laws, 2008, ch. 442, § 40, eff. 7/1/2008. Laws, 1987, ch. 468, § 5; Laws, 2008, ch. 442, § 40, eff. 7/1/2008.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 39 - POST-CONVICTION PROCEEDINGS (§§ 99-39-1 — 99-39-119) Article 1 - MISSISSIPPI UNIFORM POST-CONVICTION COLLATERAL RELIEF ACT (§§ 99-39-1 — 99-39-29) Section 99-39-1 - Short title

This article shall be known and may be cited as the "Mississippi Uniform Post-Conviction Collateral Relief Act." Laws, 1984, ch. 378, § 1. This article shall be known and may be cited as the "Mississippi Uniform Post-Conviction Collateral Relief Act." Laws, 1984, ch. 378, § 1. This article shall be known and may be cited as the "Mississippi Uniform Post-Conviction Collateral Relief Act." Laws, 1984, ch. 378, § 1. This article shall be known and may be cited as the "Mississippi Uniform Post-Conviction Collateral Relief Act." Laws, 1984, ch. 378, § 1.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 39 - POST-CONVICTION PROCEEDINGS (§§ 99-39-1 — 99-39-119) Article 1 - MISSISSIPPI UNIFORM POST-CONVICTION COLLATERAL RELIEF ACT (§§ 99-39-1 — 99-39-29) Section 99-39-11 - Judicial examination of original motion; dismissal; filing answer; court ordered testing of biological evidence

(1) The original motion, together with all the files, records, transcripts and correspondence relating to the judgment under attack, shall be examined promptly by the judge to whom it is assigned.(2) If it plainly appears from the face of the motion, any annexed exhibits and the prior proceedings in the case that the movant is not entitled to any relief, the judge may make an order for its dismissal and cause the petitioner to be notified.(3) If the motion is not dismissed under subsection (2) of this section, the judge shall order the state to file an answer or other pleading within the period of time fixed by the court or to take such other action as the judge deems appropriate and, in cases in which the petitioner's claim rests on the results of DNA testing of biological evidence, order the testing of the biological evidence.(4) To facilitate DNA testing of biological evidence, if granted under subsection (3) and if the interests of justice require, the judge may order:(a) The state to locate and provide the petitioner with any document, note, log or report relating to items of physical evidence collected in connection with the case, or to otherwise assist the petitioner in locating items of biological evidence that the state contends have been lost or destroyed;(b) The state to take reasonable measures to locate biological evidence that may be in its custody and to prepare an itemized inventory of such evidence;(c) The state to assist the petitioner in locating evidence that may be in the custody of a public or private hospital, public or private laboratory or other facility;(d) Both parties to reveal whether any DNA or other biological evidence testing was previously conducted without knowledge of the other party; and (e) Both parties to produce laboratory reports prepared in connection with DNA testing, as well as the underlying data and the laboratory notes, if evidence had previously been subjected to DNA testing.(5) If the court orders DNA testing of biological evidence under subsection (3) and evidence for such testing is located in accordance with subsection (4), such testing shall be conducted by a facility mutually agreed upon by the petitioner and the state and approved by the court, or, if the parties cannot agree, the court shall designate the testing facility and provide parties with a reasonable opportunity to be heard on the choice of laboratory issue. The court shall impose reasonable conditions on the testing to protect the parties' interests in the integrity of the evidence and the testing process.(6) If a state or county forensics laboratory performs DNA testing of biological evidence under this article, the state shall bear the costs of such testing upon a finding of the petitioner's indigence.(7) If testing is performed at a private laboratory, the court may require either the petitioner or the state to pay for the testing, as the interests of justice require.(8) If the state or county forensics laboratory does not have the ability or resources to conduct the type of DNA testing to be performed, the state shall bear the costs of testing at a private laboratory that has such capabilities.(9) The court, in its discretion, may make such other orders as may be appropriate in connection with a granting of testing under subsection (3). These include, but are not limited to, designating:(a) The type of DNA analysis to be used;(b) The testing procedures to be followed;(c) The preservation of some portion of the sample for testing replication;(d) Additional DNA testing, if the results of the initial testing are inconclusive or otherwise merit additional scientific analysis;(e) The collection and DNA testing of elimination samples from third parties; or (f) Any combination of these.(10) The court may order additional testing, paid for in accordance with subsections (6) through (8), upon a showing by the petitioner that the comparison of a DNA profile derived from the biological evidence at the scene of the crime for which he was convicted could, when compared to the DNA profiles in the SDIS or CODIS database systems, provide

evidence that raises a reasonable probability that the trier of fact would have come to a different outcome by virtue of that comparison demonstrating the possible guilt of a third party or parties.(11)This section shall not be applicable where an application for leave to proceed is granted by the Supreme Court under Section99-39-27.(12)Proceedings under this section shall be subject to the provisions of Section99-19-42.Laws, 1984, ch. 378, § 6; Laws, 1995, ch. 566, § 4; Laws, 2009, ch. 339, § 5, eff. 3/16/2009.Amended by Laws, 2015, ch. 452, SB 2159, 19, eff. 7/1/2015. (1)The original motion, together with all the files, records, transcripts and correspondence relating to the judgment under attack, shall be examined promptly by the judge to whom it is assigned.(2)If it plainly appears from the face of the motion, any annexed exhibits and the prior proceedings in the case that the movant is not entitled to any relief, the judge may make an order for its dismissal and cause the petitioner to be notified.(3)If the motion is not dismissed under subsection (2) of this section, the judge shall order the state to file an answer or other pleading within the period of time fixed by the court or to take such other action as the judge deems appropriate and, in cases in which the petitioner's claim rests on the results of DNA testing of biological evidence, order the testing of the biological evidence.(4)To facilitate DNA testing of biological evidence, if granted under subsection (3) and if the interests of justice require, the judge may order:(a)The state to locate and provide the petitioner with any document, note, log or report relating to items of physical evidence collected in connection with the case, or to otherwise assist the petitioner in locating items of biological evidence that the state contends have been lost or destroyed;(b)The state to take reasonable measures to locate biological evidence that may be in its custody and to prepare an itemized inventory of such evidence;(c)The state to assist the petitioner in locating evidence that may be in the custody of a public or private hospital, public or private laboratory or other facility;(d)Both parties to reveal whether any DNA or other biological evidence testing was previously conducted without knowledge of the other party; and(e)Both parties to produce laboratory reports prepared in connection with DNA testing, as well as the underlying data and the laboratory notes, if evidence had previously been subjected to DNA testing.(5)If the court orders DNA testing of biological evidence under subsection (3) and evidence for such testing is located in accordance with subsection (4), such testing shall be conducted by a facility mutually agreed upon by the petitioner and the state and approved by the court, or, if the parties cannot agree, the court shall designate the testing facility and provide parties with a reasonable opportunity to be heard on the choice of laboratory issue. The court shall impose reasonable conditions on the testing to protect the parties' interests in the integrity of the evidence and the testing process.(6)If a state or county forensics laboratory performs DNA testing of biological evidence under this article, the state shall bear the costs of such testing upon a finding of the petitioner's indigence.(7)If testing is performed at a private laboratory, the court may require either the petitioner or the state to pay for the testing, as the interests of justice require.(8)If the state or county forensics laboratory does not have the ability or resources to conduct the type of DNA testing to be performed, the state shall bear the costs of testing at a private laboratory that has such capabilities.(9)The court, in its discretion, may make such other orders as may be appropriate in connection with a granting of testing under subsection (3). These include, but are not limited to, designating:(a)The type of DNA analysis to be used;(b)The testing procedures to be followed;(c)The preservation of some portion of the sample for testing replication;(d)Additional DNA testing, if the results of the initial testing are inconclusive or otherwise merit additional scientific analysis;(e)The collection and DNA testing of elimination samples from third parties; or(f)Any combination of these.(10)The court may order additional testing, paid for in accordance with subsections (6) through (8), upon a showing by the petitioner that the comparison of a DNA profile derived from the biological evidence at the scene of the crime for which he was convicted could, when compared to the DNA profiles in the SDIS or CODIS database systems, provide evidence that raises a reasonable probability that the trier of fact would have come to a different outcome by virtue of that comparison demonstrating the possible guilt of a third party or parties.(11)This section shall not be applicable where an application for leave to proceed is granted by the Supreme Court under Section99-39-27.(12)Proceedings under this section shall be subject to the provisions of Section99-19-42.Laws, 1984, ch. 378, § 6; Laws, 1995, ch. 566, § 4; Laws, 2009, ch. 339, § 5, eff. 3/16/2009.Amended by Laws, 2015, ch. 452, SB 2159, 19, eff. 7/1/2015. (1)The original motion, together with all the files, records, transcripts and correspondence relating to the judgment under attack, shall be examined promptly by the judge to whom it is assigned.(2)If it plainly appears from the face of the motion, any annexed exhibits and the prior proceedings in the case that the movant is not entitled to any relief, the judge may make an order for its dismissal and cause the petitioner to be notified.(3)If the motion is not dismissed under subsection (2) of this section, the judge shall order the state to file an answer or other pleading within the period of time fixed by the court or to take such other action as the judge deems appropriate and, in cases in which the petitioner's claim rests on the results of DNA testing of biological evidence, order the testing of the biological evidence.(4)To facilitate DNA testing of biological evidence, if granted under subsection (3) and if the interests of justice require, the judge may order:(a)The state to locate and provide the petitioner with any document, note, log or report relating to items of physical evidence collected in connection with the case, or to otherwise assist the petitioner in locating items of biological evidence that the state contends have been lost or destroyed;(b)The state to take reasonable measures to locate biological evidence that may be in its custody and to prepare an itemized inventory of such evidence;(c)The state to assist the petitioner in locating evidence that may be in the custody of a public or private hospital, public or private laboratory or other facility;(d)Both parties to reveal whether any DNA or other biological evidence testing was previously conducted without knowledge of the other party; and(e)Both parties to produce laboratory reports prepared in connection with DNA testing, as well as the underlying data and the laboratory notes, if evidence had previously been subjected to DNA testing.(5)If the court orders DNA testing of biological evidence under subsection (3) and evidence for such testing is located in accordance with subsection (4), such testing shall be conducted by a facility mutually agreed upon by the petitioner and the state and approved by the court, or, if the parties cannot agree, the court shall designate the testing facility and provide parties with a reasonable opportunity to be heard on the choice of laboratory issue. The court shall impose reasonable conditions on the testing to protect the parties' interests

in the integrity of the evidence and the testing process.(6)If a state or county forensics laboratory performs DNA testing of biological evidence under this article, the state shall bear the costs of such testing upon a finding of the petitioner's indigence.(7)If testing is performed at a private laboratory, the court may require either the petitioner or the state to pay for the testing, as the interests of justice require.(8)If the state or county forensics laboratory does not have the ability or resources to conduct the type of DNA testing to be performed, the state shall bear the costs of testing at a private laboratory that has such capabilities.(9)The court, in its discretion, may make such other orders as may be appropriate in connection with a granting of testing under subsection (3). These include, but are not limited to, designating:(a)The type of DNA analysis to be used;(b)The testing procedures to be followed;(c)The preservation of some portion of the sample for testing replication;(d)Additional DNA testing, if the results of the initial testing are inconclusive or otherwise merit additional scientific analysis;(e)The collection and DNA testing of elimination samples from third parties; or(f)Any combination of these.(10)The court may order additional testing, paid for in accordance with subsections (6) through (8), upon a showing by the petitioner that the comparison of a DNA profile derived from the biological evidence at the scene of the crime for which he was convicted could, when compared to the DNA profiles in the SDIS or CODIS database systems, provide evidence that raises a reasonable probability that the trier of fact would have come to a different outcome by virtue of that comparison demonstrating the possible guilt of a third party or parties.(11)This section shall not be applicable where an application for leave to proceed is granted by the Supreme Court under Section99-39-27.(12)Proceedings under this section shall be subject to the provisions of Section99-19-42.Laws, 1984, ch. 378, § 6; Laws, 1995, ch. 566, § 4; Laws, 2009, ch. 339, § 5, eff. 3/16/2009.Amended by Laws, 2015, ch. 452, SB 2159, 19, eff. 7/1/2015. Laws, 1984, ch. 378, § 6; Laws, 1995, ch. 566, § 4; Laws, 2009, ch. 339, § 5, eff. 3/16/2009. Amended by Laws, 2015, ch. 452, SB 2159, 19, eff. 7/1/2015.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 39 - POST-CONVICTION PROCEEDINGS (§§ 99-39-1 — 99-39-119)Article 1 - MISSISSIPPI UNIFORM POST-CONVICTION COLLATERAL RELIEF ACT (§§ 99-39-1 — 99-39-29)Section 99-39-13 - Answer; affirmative defenses

The answer shall respond to all of the allegations of the motion and shall assert such affirmative defenses as the state may deem appropriate.Laws, 1984, ch. 378, § 7, eff. 4/17/1984. The answer shall respond to all of the allegations of the motion and shall assert such affirmative defenses as the state may deem appropriate.Laws, 1984, ch. 378, § 7, eff. 4/17/1984. The answer shall respond to all of the allegations of the motion and shall assert such affirmative defenses as the state may deem appropriate.Laws, 1984, ch. 378, § 7, eff. 4/17/1984. The answer shall respond to all of the allegations of the motion and shall assert such affirmative defenses as the state may deem appropriate. Laws, 1984, ch. 378, § 7, eff. 4/17/1984.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 39 - POST-CONVICTION PROCEEDINGS (§§ 99-39-1 — 99-39-119)Article 1 - MISSISSIPPI UNIFORM POST-CONVICTION COLLATERAL RELIEF ACT (§§ 99-39-1 — 99-39-29)Section 99-39-15 - Requests for discovery

(1)A party may invoke the processes of discovery available under the Mississippi Rules of Civil Procedure or elsewhere in the usages and principles of law if, and to the extent that, the judge in the exercise of his discretion and for good cause shown grants leave to do so, but not otherwise.(2)Requests for discovery shall be accomplished by a statement of the interrogatories or requests for admission and a list of the documents, if any, sought to be produced.Laws, 1984, ch. 378, § 8, eff. 4/17/1984. (1)A party may invoke the processes of discovery available under the Mississippi Rules of Civil Procedure or elsewhere in the usages and principles of law if, and to the extent that, the judge in the exercise of his discretion and for good cause shown grants leave to do so, but not otherwise.(2)Requests for discovery shall be accomplished by a statement of the interrogatories or requests for admission and a list of the documents, if any, sought to be produced.Laws, 1984, ch. 378, § 8, eff. 4/17/1984. (1)A party may invoke the processes of discovery available under the Mississippi Rules of Civil Procedure or elsewhere in the usages and principles of law if, and to the extent that, the judge in the exercise of his discretion and for good cause shown grants leave to do so, but not otherwise.(2)Requests for discovery shall be accomplished by a statement of the interrogatories or requests for admission and a list of the documents, if any, sought to be produced.Laws, 1984, ch. 378, § 8, eff. 4/17/1984. Laws, 1984, ch. 378, § 8, eff. 4/17/1984.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 39 - POST-CONVICTION PROCEEDINGS (§§ 99-39-1 — 99-39-119)Article 1 - MISSISSIPPI UNIFORM POST-CONVICTION COLLATERAL RELIEF ACT (§§ 99-39-1 — 99-39-29)Section 99-39-17 - Expansion of record

(1)If the motion is not dismissed summarily, the judge may direct that the record be expanded by the parties by the inclusion of additional materials relevant to the determination of the merits of the motion.(2)The expanded record may include, without limitation, letters predating the filing of the motion in the court, documents, exhibits and answers under oath, if so directed, to written interrogatories propounded by the judge. Affidavits may be submitted and considered as a part of the record.(3)In any case in which an expanded record is directed, copies of the letters, documents, exhibits and affidavits proposed to be included shall be submitted to the party against whom they are to be offered, and he shall be afforded an opportunity to admit or deny their correctness.(4)The court may require the authentication of any material under subsection (1) or (2) of this section.Laws, 1984, ch. 378, § 9, eff. 4/17/1984. (1)If the motion is not dismissed summarily, the judge may direct that the record be expanded by the parties by the inclusion of additional materials relevant to the determination of the merits of the motion.(2)The expanded record may include, without limitation, letters predating the filing of the motion in the court, documents, exhibits and answers under oath, if so directed, to written interrogatories propounded by the judge. Affidavits may be submitted and considered as a part of the

record.(3)In any case in which an expanded record is directed, copies of the letters, documents, exhibits and affidavits proposed to be included shall be submitted to the party against whom they are to be offered, and he shall be afforded an opportunity to admit or deny their correctness.(4)The court may require the authentication of any material under subsection (1) or (2) of this section.Laws, 1984, ch. 378, § 9, eff. 4/17/1984. (1)If the motion is not dismissed summarily, the judge may direct that the record be expanded by the parties by the inclusion of additional materials relevant to the determination of the merits of the motion.(2)The expanded record may include, without limitation, letters predating the filing of the motion in the court, documents, exhibits and answers under oath, if so directed, to written interrogatories propounded by the judge. Affidavits may be submitted and considered as a part of the record.(3)In any case in which an expanded record is directed, copies of the letters, documents, exhibits and affidavits proposed to be included shall be submitted to the party against whom they are to be offered, and he shall be afforded an opportunity to admit or deny their correctness.(4)The court may require the authentication of any material under subsection (1) or (2) of this section.Laws, 1984, ch. 378, § 9, eff. 4/17/1984. Laws, 1984, ch. 378, § 9, eff. 4/17/1984.

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(1)If the motion is not dismissed at a previous stage of the proceeding, the judge, after the answer is filed and discovery, if any, is completed, shall, upon a review of the record, determine whether an evidentiary hearing is required. If it appears that an evidentiary hearing is not required, the judge shall make such disposition of the motion as justice shall require.(2)The court may grant a motion by either party for summary judgment when it appears from the record that there is no genuine issue of material fact and the movant is entitled to judgment as a matter of law.Laws, 1984, ch. 378, § 10, eff. 4/17/1984. (1)If the motion is not dismissed at a previous stage of the proceeding, the judge, after the answer is filed and discovery, if any, is completed, shall, upon a review of the record, determine whether an evidentiary hearing is required. If it appears that an evidentiary hearing is not required, the judge shall make such disposition of the motion as justice shall require.(2)The court may grant a motion by either party for summary judgment when it appears from the record that there is no genuine issue of material fact and the movant is entitled to judgment as a matter of law.Laws, 1984, ch. 378, § 10, eff. 4/17/1984. (1)If the motion is not dismissed at a previous stage of the proceeding, the judge, after the answer is filed and discovery, if any, is completed, shall, upon a review of the record, determine whether an evidentiary hearing is required. If it appears that an evidentiary hearing is not required, the judge shall make such disposition of the motion as justice shall require.(2)The court may grant a motion by either party for summary judgment when it appears from the record that there is no genuine issue of material fact and the movant is entitled to judgment as a matter of law.Laws, 1984, ch. 378, § 10, eff. 4/17/1984. Laws, 1984, ch. 378, § 10, eff. 4/17/1984.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 39 - POST-CONVICTION PROCEEDINGS (§§ 99-39-1 — 99-39-119)Article 1 - MISSISSIPPI UNIFORM POST-CONVICTION COLLATERAL RELIEF ACT (§§ 99-39-1 — 99-39-29)Section 99-39-21 - Procedural waiver of objections, defenses, claims; collateral estoppel; res judicata; burden of proof

(1)Failure by a prisoner to raise objections, defenses, claims, questions, issues or errors either in fact or law which were capable of determination at trial and/or on direct appeal, regardless of whether such are based on the laws and the Constitution of the state of Mississippi or of the United States, shall constitute a waiver thereof and shall be procedurally barred, but the court may upon a showing of cause and actual prejudice grant relief from the waiver.(2)The litigation of a factual issue at trial and on direct appeal of a specific state or federal legal theory or theories shall constitute a waiver of all other state or federal legal theories which could have been raised under said factual issue; and any relief sought under this article upon said facts but upon different state or federal legal theories shall be procedurally barred absent a showing of cause and actual prejudice.(3)The doctrine of res judicata shall apply to all issues, both factual and legal, decided at trial and on direct appeal.(4)The term "cause" as used in this section shall be defined and limited to those cases where the legal foundation upon which the claim for relief is based could not have been discovered with reasonable diligence at the time of trial or direct appeal.(5)The term "actual prejudice" as used in this section shall be defined and limited to those errors which would have actually adversely affected the ultimate outcome of the conviction or sentence.(6)The burden is upon the prisoner to allege in his motion such facts as are necessary to demonstrate that his claims are not procedurally barred under this section.Laws, 1984, ch. 378, § 11, eff. 4/17/1984. (1)Failure by a prisoner to raise objections, defenses, claims, questions, issues or errors either in fact or law which were capable of determination at trial and/or on direct appeal, regardless of whether such are based on the laws and the Constitution of the state of Mississippi or of the United States, shall constitute a waiver thereof and shall be procedurally barred, but the court may upon a showing of cause and actual prejudice grant relief from the waiver.(2)The litigation of a factual issue at trial and on direct appeal of a specific state or federal legal theory or theories shall constitute a waiver of all other state or federal legal theories which could have been raised under said factual issue; and any relief sought under this article upon said facts but upon different state or federal legal theories shall be procedurally barred absent a showing of cause and actual prejudice.(3)The doctrine of res judicata shall apply to all issues, both factual and legal, decided at trial and on direct appeal.(4)The term "cause" as used in this section shall be defined and limited to those cases where the legal foundation upon which the claim for relief is based could not have been discovered with reasonable diligence at the time of trial or direct appeal.(5)The term "actual prejudice" as used in this section shall be defined and limited to those errors which would have actually adversely affected the ultimate outcome of the conviction or sentence.(6)The burden is upon the prisoner to allege in his

motion such facts as are necessary to demonstrate that his claims are not procedurally barred under this section. Laws, 1984, ch. 378, § 11, eff. 4/17/1984. (1) Failure by a prisoner to raise objections, defenses, claims, questions, issues or errors either in fact or law which were capable of determination at trial and/or on direct appeal, regardless of whether such are based on the laws and the Constitution of the state of Mississippi or of the United States, shall constitute a waiver thereof and shall be procedurally barred, but the court may upon a showing of cause and actual prejudice grant relief from the waiver. (2) The litigation of a factual issue at trial and on direct appeal of a specific state or federal legal theory or theories shall constitute a waiver of all other state or federal legal theories which could have been raised under said factual issue; and any relief sought under this article upon said facts but upon different state or federal legal theories shall be procedurally barred absent a showing of cause and actual prejudice. (3) The doctrine of res judicata shall apply to all issues, both factual and legal, decided at trial and on direct appeal. (4) The term "cause" as used in this section shall be defined and limited to those cases where the legal foundation upon which the claim for relief is based could not have been discovered with reasonable diligence at the time of trial or direct appeal. (5) The term "actual prejudice" as used in this section shall be defined and limited to those errors which would have actually adversely affected the ultimate outcome of the conviction or sentence. (6) The burden is upon the prisoner to allege in his motion such facts as are necessary to demonstrate that his claims are not procedurally barred under this section. Laws, 1984, ch. 378, § 11, eff. 4/17/1984. Laws, 1984, ch. 378, § 11, eff. 4/17/1984.

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(1) If an evidentiary hearing is required, the judge may appoint counsel for a petitioner who qualifies for the appointment of counsel under Section 99-15-15. (2) The hearing shall be conducted as promptly as practicable, having regard for the need of counsel for both parties for adequate time for investigation and preparation. (3) The parties shall be entitled to subpoena witnesses and compel their attendance, including, but not being limited to, subpoenas duces tecum. (4) The court may receive proof by affidavits, depositions, oral testimony or other evidence and may order the petitioner brought before it for the hearing. (5) If the court finds in favor of the petitioner, it shall enter an appropriate order with respect to the conviction or sentence under attack, and any supplementary orders as to rearraignment, retrial, custody, bail, discharge, correction of sentence or other matters that may be necessary and proper. The court shall make specific findings of fact, and state expressly its conclusions of law, relating to each issue presented. (6) The order as provided in subsection (5) of this section or any order dismissing the petitioner's motion or otherwise denying relief under this article is a final judgment and shall be conclusive until reversed. It shall be a bar to a second or successive motion under this article. Excepted from this prohibition is a motion filed under Section 99-19-57(2), raising the issue of the convict's supervening mental illness before the execution of a sentence of death. A dismissal or denial of a motion relating to mental illness under Section 99-19-57(2) shall be res judicata on the issue and shall likewise bar any second or successive motions on the issue. Likewise excepted from this prohibition are those cases in which the petitioner can demonstrate either that there has been an intervening decision of the Supreme Court of either the State of Mississippi or the United States which would have actually adversely affected the outcome of his conviction or sentence or that he has evidence, not reasonably discoverable at the time of trial, which is of such nature that it would be practically conclusive that, if it had been introduced at trial, it would have caused a different result in the conviction or sentence. Likewise excepted are those cases in which the petitioner claims that his sentence has expired or his probation, parole or conditional release has been unlawfully revoked. Likewise excepted are those cases in which the petitioner has filed a prior petition and has requested DNA testing under this article, provided the petitioner asserts new or different grounds for relief related to DNA testing not previously presented or the availability of more advanced DNA technology. (7) No relief shall be granted under this article unless the petitioner proves by a preponderance of the evidence that he is entitled to the relief. (8) Proceedings under this section shall be subject to the provisions of Section 99-19-42. (9) In cases resulting in a sentence of death and upon a determination of indigence, appointment of post-conviction counsel shall be made by the Office of Capital Post-Conviction Counsel upon order entered by the Supreme Court promptly upon announcement of the decision on direct appeal affirming the sentence of death. The order shall direct the trial court to immediately determine indigence and whether the inmate will accept counsel. Laws, 1984, ch. 378, § 12; Laws, 1995, ch. 566, § 5; Laws, 2000, ch. 569, § 13; Laws, 2008, ch. 442, § 41; Laws, 2009, ch. 339, § 6, eff. 3/16/2009. (1) If an evidentiary hearing is required, the judge may appoint counsel for a petitioner who qualifies for the appointment of counsel under Section 99-15-15. (2) The hearing shall be conducted as promptly as practicable, having regard for the need of counsel for both parties for adequate time for investigation and preparation. (3) The parties shall be entitled to subpoena witnesses and compel their attendance, including, but not being limited to, subpoenas duces tecum. (4) The court may receive proof by affidavits, depositions, oral testimony or other evidence and may order the petitioner brought before it for the hearing. (5) If the court finds in favor of the petitioner, it shall enter an appropriate order with respect to the conviction or sentence under attack, and any supplementary orders as to rearraignment, retrial, custody, bail, discharge, correction of sentence or other matters that may be necessary and proper. The court shall make specific findings of fact, and state expressly its conclusions of law, relating to each issue presented. (6) The order as provided in subsection (5) of this section or any order dismissing the petitioner's motion or otherwise denying relief under this article is a final judgment and shall be conclusive until reversed. It shall be a bar to a second or successive motion under this article. Excepted from this prohibition is a motion filed under Section 99-19-57(2), raising the issue of the convict's supervening mental illness before the execution of a sentence of death. A dismissal or denial of a motion

relating to mental illness under Section 99-19-57(2) shall be res judicata on the issue and shall likewise bar any second or successive motions on the issue. Likewise excepted from this prohibition are those cases in which the petitioner can demonstrate either that there has been an intervening decision of the Supreme Court of either the State of Mississippi or the United States which would have actually adversely affected the outcome of his conviction or sentence or that he has evidence, not reasonably discoverable at the time of trial, which is of such nature that it would be practically conclusive that, if it had been introduced at trial, it would have caused a different result in the conviction or sentence. Likewise excepted are those cases in which the petitioner claims that his sentence has expired or his probation, parole or conditional release has been unlawfully revoked. Likewise excepted are those cases in which the petitioner has filed a prior petition and has requested DNA testing under this article, provided the petitioner asserts new or different grounds for relief related to DNA testing not previously presented or the availability of more advanced DNA technology. (7) No relief shall be granted under this article unless the petitioner proves by a preponderance of the evidence that he is entitled to the relief. (8) Proceedings under this section shall be subject to the provisions of Section 99-19-42. (9) In cases resulting in a sentence of death and upon a determination of indigence, appointment of post-conviction counsel shall be made by the Office of Capital Post-Conviction Counsel upon order entered by the Supreme Court promptly upon announcement of the decision on direct appeal affirming the sentence of death. The order shall direct the trial court to immediately determine indigence and whether the inmate will accept counsel. Laws, 1984, ch. 378, § 12; Laws, 1995, ch. 566, § 5; Laws, 2000, ch. 569, § 13; Laws, 2008, ch. 442, § 41; Laws, 2009, ch. 339, § 6, eff. 3/16/2009. (1) If an evidentiary hearing is required, the judge may appoint counsel for a petitioner who qualifies for the appointment of counsel under Section 99-15-15. (2) The hearing shall be conducted as promptly as practicable, having regard for the need of counsel for both parties for adequate time for investigation and preparation. (3) The parties shall be entitled to subpoena witnesses and compel their attendance, including, but not being limited to, subpoenas duces tecum. (4) The court may receive proof by affidavits, depositions, oral testimony or other evidence and may order the petitioner brought before it for the hearing. (5) If the court finds in favor of the petitioner, it shall enter an appropriate order with respect to the conviction or sentence under attack, and any supplementary orders as to arraignment, retrial, custody, bail, discharge, correction of sentence or other matters that may be necessary and proper. The court shall make specific findings of fact, and state expressly its conclusions of law, relating to each issue presented. (6) The order as provided in subsection (5) of this section or any order dismissing the petitioner's motion or otherwise denying relief under this article is a final judgment and shall be conclusive until reversed. It shall be a bar to a second or successive motion under this article. Excepted from this prohibition is a motion filed under Section 99-19-57(2), raising the issue of the convict's supervening mental illness before the execution of a sentence of death. A dismissal or denial of a motion relating to mental illness under Section 99-19-57(2) shall be res judicata on the issue and shall likewise bar any second or successive motions on the issue. Likewise excepted from this prohibition are those cases in which the petitioner can demonstrate either that there has been an intervening decision of the Supreme Court of either the State of Mississippi or the United States which would have actually adversely affected the outcome of his conviction or sentence or that he has evidence, not reasonably discoverable at the time of trial, which is of such nature that it would be practically conclusive that, if it had been introduced at trial, it would have caused a different result in the conviction or sentence. Likewise excepted are those cases in which the petitioner claims that his sentence has expired or his probation, parole or conditional release has been unlawfully revoked. Likewise excepted are those cases in which the petitioner has filed a prior petition and has requested DNA testing under this article, provided the petitioner asserts new or different grounds for relief related to DNA testing not previously presented or the availability of more advanced DNA technology. (7) No relief shall be granted under this article unless the petitioner proves by a preponderance of the evidence that he is entitled to the relief. (8) Proceedings under this section shall be subject to the provisions of Section 99-19-42. (9) In cases resulting in a sentence of death and upon a determination of indigence, appointment of post-conviction counsel shall be made by the Office of Capital Post-Conviction Counsel upon order entered by the Supreme Court promptly upon announcement of the decision on direct appeal affirming the sentence of death. The order shall direct the trial court to immediately determine indigence and whether the inmate will accept counsel. Laws, 1984, ch. 378, § 12; Laws, 1995, ch. 566, § 5; Laws, 2000, ch. 569, § 13; Laws, 2008, ch. 442, § 41; Laws, 2009, ch. 339, § 6, eff. 3/16/2009. Laws, 1984, ch. 378, § 12; Laws, 1995, ch. 566, § 5; Laws, 2000, ch. 569, § 13; Laws, 2008, ch. 442, § 41; Laws, 2009, ch. 339, § 6, eff. 3/16/2009.

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(1) A final judgment entered under this article may be reviewed by the supreme court of Mississippi on appeal brought either by the prisoner or the state on such terms and conditions as are provided for in criminal cases. (2) A perfection of appeal by the state shall act as a supersedeas and shall stay the judgment until there is a final adjudication by the supreme court. (3) When the appeal is brought by the state, the prisoner may be released on bail pending appeal under the terms and conditions provided for in Rule 7.02, Mississippi Uniform Criminal Rules of Circuit Court Practice. (4) When the appeal is brought by the prisoner, bail shall not be allowed. (5) The attorney general shall represent the state in all appeals under this article, whether the appeal is brought by the prisoner or by the state. Laws, 1984, ch. 378, § 13, eff. 4/17/1984. (1) A final judgment entered under this article may be reviewed by the supreme court of Mississippi on appeal brought either by the prisoner or the state on such terms and conditions as are provided for in criminal cases. (2) A perfection of appeal by the state shall act as a supersedeas and shall stay the judgment until there is a final adjudication by the supreme court. (3) When the appeal is brought by the state, the prisoner may be released on bail pending appeal under the terms and conditions provided for in Rule 7.02, Mississippi Uniform Criminal Rules of Circuit Court Practice. (4) When the

appeal is brought by the prisoner, bail shall not be allowed.(5)The attorney general shall represent the state in all appeals under this article, whether the appeal is brought by the prisoner or by the state.Laws, 1984, ch. 378, § 13, eff. 4/17/1984. (1)A final judgment entered under this article may be reviewed by the supreme court of Mississippi on appeal brought either by the prisoner or the state on such terms and conditions as are provided for in criminal cases.(2)A perfection of appeal by the state shall act as a supersedeas and shall stay the judgment until there is a final adjudication by the supreme court.(3)When the appeal is brought by the state, the prisoner may be released on bail pending appeal under the terms and conditions provided for in Rule 7.02, Mississippi Uniform Criminal Rules of Circuit Court Practice.(4)When the appeal is brought by the prisoner, bail shall not be allowed.(5)The attorney general shall represent the state in all appeals under this article, whether the appeal is brought by the prisoner or by the state.Laws, 1984, ch. 378, § 13, eff. 4/17/1984. Laws, 1984, ch. 378, § 13, eff. 4/17/1984.

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(1)The application for leave to proceed in the trial court filed with the Supreme Court under Section99-39-7shall name the State of Mississippi as the respondent.(2)The application shall contain the original and two (2) executed copies of the motion proposed to be filed in the trial court together with such other supporting pleadings and documentation as the Supreme Court by rule may require.(3)The prisoner shall serve an executed copy of the application upon the Attorney General simultaneously with the filing of the application with the court.(4)The original motion, together with all files, records, transcripts and correspondence relating to the judgment under attack, shall promptly be examined by the court.(5)Unless it appears from the face of the application, motion, exhibits and the prior record that the claims presented by those documents are not procedurally barred under Section99-39-21and that they further present a substantial showing of the denial of a state or federal right, the court shall by appropriate order deny the application. The court may, in its discretion, require the Attorney General upon sufficient notice to respond to the application.(6)The court, upon satisfaction of the standards set forth in this article, is empowered to grant the application.(7)In granting the application the court, in its discretion, may:(a)Where sufficient facts exist from the face of the application, motion, exhibits, the prior record and the state's response, together with any exhibits submitted with those documents, or upon stipulation of the parties, grant or deny any or all relief requested in the attached motion.(b)Allow the filing of the motion in the trial court for further proceedings under Sections99-39-13through99-39-23.(8)No application or relief shall be granted without the Attorney General being given at least five (5) days to respond.(9)The dismissal or denial of an application under this section is a final judgment and shall be a bar to a second or successive application under this article. Excepted from this prohibition is an application filed under Section99-19-57(2), raising the issue of the offender's supervening mental illness before the execution of a sentence of death. A dismissal or denial of an application relating to mental illness under Section99-19-57(2)shall be res judicata on the issue and shall likewise bar any second or successive applications on the issue. Likewise excepted from this prohibition are those cases in which the prisoner can demonstrate either that there has been an intervening decision of the Supreme Court of either the State of Mississippi or the United States that would have actually adversely affected the outcome of his conviction or sentence or that he has evidence, not reasonably discoverable at the time of trial, that is of such nature that it would be practically conclusive that, if it had been introduced at trial, it would have caused a different result in the conviction or sentence. Likewise exempted are those cases in which the prisoner claims that his sentence has expired or his probation, parole or conditional release has been unlawfully revoked.(10)Proceedings under this section shall be subject to the provisions of Section99-19-42.(11)Post-conviction proceedings in which the defendant is under sentence of death shall be governed by rules established by the Supreme Court as well as the provisions of this section.Laws, 1984, ch. 378, § 14; Laws, 1995, ch. 566, § 6; Laws, 2000, ch. 569, § 14; Laws, 2008, ch. 442, § 42, eff. 7/1/2008. (1)The application for leave to proceed in the trial court filed with the Supreme Court under Section99-39-7shall name the State of Mississippi as the respondent.(2)The application shall contain the original and two (2) executed copies of the motion proposed to be filed in the trial court together with such other supporting pleadings and documentation as the Supreme Court by rule may require.(3)The prisoner shall serve an executed copy of the application upon the Attorney General simultaneously with the filing of the application with the court.(4)The original motion, together with all files, records, transcripts and correspondence relating to the judgment under attack, shall promptly be examined by the court.(5)Unless it appears from the face of the application, motion, exhibits and the prior record that the claims presented by those documents are not procedurally barred under Section99-39-21and that they further present a substantial showing of the denial of a state or federal right, the court shall by appropriate order deny the application. The court may, in its discretion, require the Attorney General upon sufficient notice to respond to the application.(6)The court, upon satisfaction of the standards set forth in this article, is empowered to grant the application.(7)In granting the application the court, in its discretion, may:(a)Where sufficient facts exist from the face of the application, motion, exhibits, the prior record and the state's response, together with any exhibits submitted with those documents, or upon stipulation of the parties, grant or deny any or all relief requested in the attached motion.(b)Allow the filing of the motion in the trial court for further proceedings under Sections99-39-13through99-39-23.(8)No application or relief shall be granted without the Attorney General being given at least five (5) days to respond.(9)The dismissal or denial of an application under this section is a final judgment and shall be a bar to a second or successive application under this article. Excepted from this prohibition is an application filed under Section99-19-57(2), raising the issue of the offender's supervening mental illness before the execution of a sentence of death. A dismissal or denial of an application relating to mental illness under Section99-19-57(2)shall be res judicata on the issue and shall likewise bar any second or

successive applications on the issue. Likewise excepted from this prohibition are those cases in which the prisoner can demonstrate either that there has been an intervening decision of the Supreme Court of either the State of Mississippi or the United States that would have actually adversely affected the outcome of his conviction or sentence or that he has evidence, not reasonably discoverable at the time of trial, that is of such nature that it would be practically conclusive that, if it had been introduced at trial, it would have caused a different result in the conviction or sentence. Likewise exempted are those cases in which the prisoner claims that his sentence has expired or his probation, parole or conditional release has been unlawfully revoked.(10)Proceedings under this section shall be subject to the provisions of Section99-19-42.(11)Post-conviction proceedings in which the defendant is under sentence of death shall be governed by rules established by the Supreme Court as well as the provisions of this section.Laws, 1984, ch. 378, § 14; Laws, 1995, ch. 566, § 6; Laws, 2000, ch. 569, § 14; Laws, 2008, ch. 442, § 42, eff. 7/1/2008. (1)The application for leave to proceed in the trial court filed with the Supreme Court under Section99-39-7shall name the State of Mississippi as the respondent.(2)The application shall contain the original and two (2) executed copies of the motion proposed to be filed in the trial court together with such other supporting pleadings and documentation as the Supreme Court by rule may require.(3)The prisoner shall serve an executed copy of the application upon the Attorney General simultaneously with the filing of the application with the court.(4)The original motion, together with all files, records, transcripts and correspondence relating to the judgment under attack, shall promptly be examined by the court.(5)Unless it appears from the face of the application, motion, exhibits and the prior record that the claims presented by those documents are not procedurally barred under Section99-39-21and that they further present a substantial showing of the denial of a state or federal right, the court shall by appropriate order deny the application. The court may, in its discretion, require the Attorney General upon sufficient notice to respond to the application.(6)The court, upon satisfaction of the standards set forth in this article, is empowered to grant the application.(7)In granting the application the court, in its discretion, may:(a)Where sufficient facts exist from the face of the application, motion, exhibits, the prior record and the state's response, together with any exhibits submitted with those documents, or upon stipulation of the parties, grant or deny any or all relief requested in the attached motion.(b)Allow the filing of the motion in the trial court for further proceedings under Sections99-39-13through99-39-23.(8)No application or relief shall be granted without the Attorney General being given at least five (5) days to respond.(9)The dismissal or denial of an application under this section is a final judgment and shall be a bar to a second or successive application under this article. Excepted from this prohibition is an application filed under Section99-19-57(2), raising the issue of the offender's supervening mental illness before the execution of a sentence of death. A dismissal or denial of an application relating to mental illness under Section99-19-57(2)shall be res judicata on the issue and shall likewise bar any second or successive applications on the issue. Likewise excepted from this prohibition are those cases in which the prisoner can demonstrate either that there has been an intervening decision of the Supreme Court of either the State of Mississippi or the United States that would have actually adversely affected the outcome of his conviction or sentence or that he has evidence, not reasonably discoverable at the time of trial, that is of such nature that it would be practically conclusive that, if it had been introduced at trial, it would have caused a different result in the conviction or sentence. Likewise exempted are those cases in which the prisoner claims that his sentence has expired or his probation, parole or conditional release has been unlawfully revoked.(10)Proceedings under this section shall be subject to the provisions of Section99-19-42.(11)Post-conviction proceedings in which the defendant is under sentence of death shall be governed by rules established by the Supreme Court as well as the provisions of this section.Laws, 1984, ch. 378, § 14; Laws, 1995, ch. 566, § 6; Laws, 2000, ch. 569, § 14; Laws, 2008, ch. 442, § 42, eff. 7/1/2008. Laws, 1984, ch. 378, § 14; Laws, 1995, ch. 566, § 6; Laws, 2000, ch. 569, § 14; Laws, 2008, ch. 442, § 42, eff. 7/1/2008.

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If application to proceed in the trial court is granted, post-conviction proceedings on cases where the death penalty has been imposed in the trial court and appeals from the trial court shall be conducted in accordance with rules established by the Supreme Court.Laws, 2000, ch. 569, § 16, eff. 7/1/2000. If application to proceed in the trial court is granted, post-conviction proceedings on cases where the death penalty has been imposed in the trial court and appeals from the trial court shall be conducted in accordance with rules established by the Supreme Court.Laws, 2000, ch. 569, § 16, eff. 7/1/2000. If application to proceed in the trial court is granted, post-conviction proceedings on cases where the death penalty has been imposed in the trial court and appeals from the trial court shall be conducted in accordance with rules established by the Supreme Court.Laws, 2000, ch. 569, § 16, eff. 7/1/2000. If application to proceed in the trial court is granted, post-conviction proceedings on cases where the death penalty has been imposed in the trial court and appeals from the trial court shall be conducted in accordance with rules established by the Supreme Court.Laws, 2000, ch. 569, § 16, eff. 7/1/2000.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 39 - POST-CONVICTION PROCEEDINGS (§§ 99-39-1 — 99-39-119)Article 1 - MISSISSIPPI UNIFORM POST-CONVICTION COLLATERAL RELIEF ACT (§§ 99-39-1 — 99-39-29)Section 99-39-29 - Stay of death penalty execution

If the prisoner or prisoners shall be under sentence of death and the date fixed for the execution of the sentence shall arrive at a time when proceedings for post-conviction collateral relief are pending, either in the state or the federal courts, the Supreme Court of Mississippi shall have the authority to stay the execution upon a substantial showing of merit pending the determination of said

proceeding. If, however, a stay has been entered either by a state or federal court and post-conviction collateral relief is denied, the Supreme Court of Mississippi shall forthwith fix a day, not more than thirty (30) days distant from the date of said denial or the vacating of any stay entered by any federal court, for the execution of the sentence, and a warrant shall forthwith issue accordingly. Laws, 1984, ch. 378, § 15; Laws, 1985, ch. 305, § 2, eff. 2/28/1985. If the prisoner or prisoners shall be under sentence of death and the date fixed for the execution of the sentence shall arrive at a time when proceedings for post-conviction collateral relief are pending, either in the state or the federal courts, the Supreme Court of Mississippi shall have the authority to stay the execution upon a substantial showing of merit pending the determination of said proceeding. If, however, a stay has been entered either by a state or federal court and post-conviction collateral relief is denied, the Supreme Court of Mississippi shall forthwith fix a day, not more than thirty (30) days distant from the date of said denial or the vacating of any stay entered by any federal court, for the execution of the sentence, and a warrant shall forthwith issue accordingly. Laws, 1984, ch. 378, § 15; Laws, 1985, ch. 305, § 2, eff. 2/28/1985. If the prisoner or prisoners shall be under sentence of death and the date fixed for the execution of the sentence shall arrive at a time when proceedings for post-conviction collateral relief are pending, either in the state or the federal courts, the Supreme Court of Mississippi shall have the authority to stay the execution upon a substantial showing of merit pending the determination of said proceeding. If, however, a stay has been entered either by a state or federal court and post-conviction collateral relief is denied, the Supreme Court of Mississippi shall forthwith fix a day, not more than thirty (30) days distant from the date of said denial or the vacating of any stay entered by any federal court, for the execution of the sentence, and a warrant shall forthwith issue accordingly. Laws, 1984, ch. 378, § 15; Laws, 1985, ch. 305, § 2, eff. 2/28/1985.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 39 - POST-CONVICTION PROCEEDINGS (§§ 99-39-1 — 99-39-119) Article 1 - MISSISSIPPI UNIFORM POST-CONVICTION COLLATERAL RELIEF ACT (§§ 99-39-1 — 99-39-29) Section 99-39-3 - Purpose

(1) The purpose of this article is to revise, streamline and clarify the rules and statutes pertaining to post-conviction collateral relief law and procedures, to resolve any conflicts therein and to provide the courts of this state with an exclusive and uniform procedure for the collateral review of convictions and sentences. Specifically, this article repeals the statutory writ of error coram nobis, supersedes Rule 8.07 of the Mississippi Uniform Criminal Rules of Circuit Court Practice and abolishes the common law writs relating to post-conviction collateral relief, including by way of illustration but not limitation, error coram nobis, error coram vobis, and post-conviction habeas corpus, as well as statutory post-conviction habeas corpus. The relief formerly accorded by such writs may be obtained by an appropriate motion under this article. The enactment of this article does not affect any pre-conviction remedies. (2) Direct appeal shall be the principal means of reviewing all criminal convictions and sentences, and the purpose of this article is to provide prisoners with a procedure, limited in nature, to review those objections, defenses, claims, questions, issues or errors which in practical reality could not be or should not have been raised at trial or on direct appeal. Laws, 1984, ch. 378, § 2, eff. 4/17/1984. (1) The purpose of this article is to revise, streamline and clarify the rules and statutes pertaining to post-conviction collateral relief law and procedures, to resolve any conflicts therein and to provide the courts of this state with an exclusive and uniform procedure for the collateral review of convictions and sentences. Specifically, this article repeals the statutory writ of error coram nobis, supersedes Rule 8.07 of the Mississippi Uniform Criminal Rules of Circuit Court Practice and abolishes the common law writs relating to post-conviction collateral relief, including by way of illustration but not limitation, error coram nobis, error coram vobis, and post-conviction habeas corpus, as well as statutory post-conviction habeas corpus. The relief formerly accorded by such writs may be obtained by an appropriate motion under this article. The enactment of this article does not affect any pre-conviction remedies. (2) Direct appeal shall be the principal means of reviewing all criminal convictions and sentences, and the purpose of this article is to provide prisoners with a procedure, limited in nature, to review those objections, defenses, claims, questions, issues or errors which in practical reality could not be or should not have been raised at trial or on direct appeal. Laws, 1984, ch. 378, § 2, eff. 4/17/1984. Laws, 1984, ch. 378, § 2, eff. 4/17/1984.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 39 - POST-CONVICTION PROCEEDINGS (§§ 99-39-1 — 99-39-119) Article 1 - MISSISSIPPI UNIFORM POST-CONVICTION COLLATERAL RELIEF ACT (§§ 99-39-1 — 99-39-29) Section 99-39-5 - Grounds for relief; time limitations; "biological evidence" defined

(1) Any person sentenced by a court of record of the State of Mississippi, including a person currently incarcerated, civilly committed, on parole or probation or subject to sex offender registration for the period of the registration or for the first five (5) years of the registration, whichever is the shorter period, may file a motion to vacate, set aside or correct the judgment or sentence, a motion to request forensic DNA testing of biological evidence, or a motion for an out-of-time appeal if the person claims: (a) That the conviction or the sentence was imposed in violation of the Constitution of the United States or the Constitution or laws of Mississippi; (b) That the trial court was without jurisdiction to impose sentence; (c) That the statute under which the conviction and/or sentence was obtained is unconstitutional; (d) That the sentence exceeds the maximum authorized by law; (e) That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice; (f) That there exists biological evidence secured in relation to the investigation or prosecution attendant to the petitioner's conviction not tested, or, if previously tested, that can be subjected to additional DNA testing, that would provide a reasonable likelihood of more probative results, and that testing would demonstrate by reasonable probability that the petitioner would not have been convicted or would have received a lesser sentence if favorable results had been obtained through such forensic DNA testing at the time of the original prosecution. (g) That his plea was made involuntarily; (h) That his sentence has expired; his probation, parole or conditional release unlawfully revoked; or he is otherwise unlawfully held in custody; (i) That he is entitled to an out-of-time appeal; or (j) That the conviction or sentence is otherwise subject to collateral attack upon any grounds of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy. (2) A motion for relief under this article shall be made within three (3) years after the time in which the petitioner's direct appeal is ruled upon by the Supreme Court of Mississippi or, in case no appeal is taken, within three (3) years after the time for taking an appeal from the judgment of conviction or sentence has expired, or in case of a guilty plea, within three (3) years after entry of the judgment of conviction. Excepted from this three-year statute of limitations are those cases in which the petitioner can demonstrate either: (a) (i) That there has been an intervening decision of the Supreme Court of either the State of Mississippi or the United States which would have actually adversely affected the outcome of his conviction or sentence or that he has evidence, not reasonably discoverable at the time of trial, which is of such nature that it would be practically conclusive that had such been introduced at trial it would have caused a different result in the conviction or sentence; or (ii) That, even if the petitioner pled guilty or nolo contendere, or confessed or admitted to a crime, there exists biological evidence not tested, or, if previously tested, that can be subjected to additional DNA testing that would provide a reasonable likelihood of more probative results, and that testing would demonstrate by reasonable probability that the petitioner would not have been convicted or would have received a lesser sentence if favorable results had been obtained through such forensic DNA testing at the time of the original prosecution. (b) Likewise excepted are those cases in which the petitioner claims that his sentence has expired or his probation, parole or conditional release has been unlawfully revoked. Likewise excepted are filings for post-conviction relief in capital cases which shall be made within one (1) year after conviction. (3) This motion is not a substitute for, nor does it affect, any remedy incident to the proceeding in the trial court, or direct review of the conviction or sentence. (4) Proceedings under this article shall be subject to the provisions of Section 99-19-42. (5) For the purposes of this article: (a) "Biological evidence" means the contents of a sexual assault examination kit and any item that contains blood, semen, hair, saliva, skin tissue, fingernail scrapings, bone, bodily fluids or other identifiable biological material that was collected as part of the criminal investigation or may reasonably be used to incriminate or exculpate any person for the offense. This definition applies whether that material is catalogued separately, such as on a slide, swab or in a test tube, or is present on other evidence, including, but not limited to, clothing, ligatures, bedding or other household material, drinking cups, cigarettes or other items; (b) "DNA" means deoxyribonucleic acid. Laws, 1984, ch. 378, § 3; Laws, 1995, ch. 566, § 3; Laws, 2000, ch. 569, § 12; Laws, 2009, ch. 339, § 2, eff. 3/16/2009. (1) Any person sentenced by a court of record of the State of Mississippi, including a person currently incarcerated, civilly committed, on parole or probation or subject to sex offender registration for the period of the registration or for the first five (5) years of the registration, whichever is the shorter period, may file a motion to vacate, set aside or correct the judgment or sentence, a motion to request forensic DNA testing of biological evidence, or a motion for an out-of-time appeal if the person claims: (a) That the conviction or the sentence was imposed in violation of the Constitution of the United States or the Constitution or laws of Mississippi; (b) That the trial court was without jurisdiction to impose sentence; (c) That the statute under which the conviction and/or sentence was obtained is unconstitutional; (d) That the sentence exceeds the maximum authorized by law; (e) That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice; (f) That there exists biological evidence secured in relation to the investigation or prosecution attendant to the petitioner's conviction not tested, or, if previously tested, that can be subjected to additional DNA testing, that would provide a reasonable likelihood of more probative results, and that testing would demonstrate by reasonable probability that the petitioner would not have been convicted or would have received a lesser sentence if favorable results had been obtained through such forensic DNA testing at the time of the original prosecution. (g) That his plea was made involuntarily; (h) That his sentence has expired; his probation, parole or conditional release unlawfully revoked; or he is otherwise unlawfully held in custody; (i) That he is entitled to an out-of-time appeal; or (j) That the conviction or sentence is otherwise subject to collateral attack upon any grounds of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy. (2) A motion for relief under this article shall be made within three (3) years after the time in which the petitioner's direct appeal is ruled upon by the Supreme Court of Mississippi or, in case no appeal is taken, within three (3) years after the time for taking an appeal from the judgment of

conviction or sentence has expired, or in case of a guilty plea, within three (3) years after entry of the judgment of conviction. Excepted from this three-year statute of limitations are those cases in which the petitioner can demonstrate either:(a)(i)That there has been an intervening decision of the Supreme Court of either the State of Mississippi or the United States which would have actually adversely affected the outcome of his conviction or sentence or that he has evidence, not reasonably discoverable at the time of trial, which is of such nature that it would be practically conclusive that had such been introduced at trial it would have caused a different result in the conviction or sentence; or(ii)That, even if the petitioner pled guilty or nolo contendere, or confessed or admitted to a crime, there exists biological evidence not tested, or, if previously tested, that can be subjected to additional DNA testing that would provide a reasonable likelihood of more probative results, and that testing would demonstrate by reasonable probability that the petitioner would not have been convicted or would have received a lesser sentence if favorable results had been obtained through such forensic DNA testing at the time of the original prosecution.(b)Likewise excepted are those cases in which the petitioner claims that his sentence has expired or his probation, parole or conditional release has been unlawfully revoked. Likewise excepted are filings for post-conviction relief in capital cases which shall be made within one (1) year after conviction.(3)This motion is not a substitute for, nor does it affect, any remedy incident to the proceeding in the trial court, or direct review of the conviction or sentence.(4)Proceedings under this article shall be subject to the provisions of Section99-19-42.(5)For the purposes of this article:(a)"Biological evidence" means the contents of a sexual assault examination kit and any item that contains blood, semen, hair, saliva, skin tissue, fingernail scrapings, bone, bodily fluids or other identifiable biological material that was collected as part of the criminal investigation or may reasonably be used to incriminate or exculpate any person for the offense. This definition applies whether that material is catalogued separately, such as on a slide, swab or in a test tube, or is present on other evidence, including, but not limited to, clothing, ligatures, bedding or other household material, drinking cups, cigarettes or other items;(b)"DNA" means deoxyribonucleic acid.Laws, 1984, ch. 378, § 3; Laws, 1995, ch. 566, § 3; Laws, 2000, ch. 569, § 12; Laws, 2009, ch. 339, § 2, eff. 3/16/2009. (1)Any person sentenced by a court of record of the State of Mississippi, including a person currently incarcerated, civilly committed, on parole or probation or subject to sex offender registration for the period of the registration or for the first five (5) years of the registration, whichever is the shorter period, may file a motion to vacate, set aside or correct the judgment or sentence, a motion to request forensic DNA testing of biological evidence, or a motion for an out-of-time appeal if the person claims:(a)That the conviction or the sentence was imposed in violation of the Constitution of the United States or the Constitution or laws of Mississippi;(b)That the trial court was without jurisdiction to impose sentence;(c)That the statute under which the conviction and/or sentence was obtained is unconstitutional;(d)That the sentence exceeds the maximum authorized by law;(e)That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;(f)That there exists biological evidence secured in relation to the investigation or prosecution attendant to the petitioner's conviction not tested, or, if previously tested, that can be subjected to additional DNA testing, that would provide a reasonable likelihood of more probative results, and that testing would demonstrate by reasonable probability that the petitioner would not have been convicted or would have received a lesser sentence if favorable results had been obtained through such forensic DNA testing at the time of the original prosecution.(g)That his plea was made involuntarily;(h)That his sentence has expired; his probation, parole or conditional release unlawfully revoked; or he is otherwise unlawfully held in custody;(i)That he is entitled to an out-of-time appeal; or(j)That the conviction or sentence is otherwise subject to collateral attack upon any grounds of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy.(2)A motion for relief under this article shall be made within three (3) years after the time in which the petitioner's direct appeal is ruled upon by the Supreme Court of Mississippi or, in case no appeal is taken, within three (3) years after the time for taking an appeal from the judgment of conviction or sentence has expired, or in case of a guilty plea, within three (3) years after entry of the judgment of conviction. Excepted from this three-year statute of limitations are those cases in which the petitioner can demonstrate either:(a)(i)That there has been an intervening decision of the Supreme Court of either the State of Mississippi or the United States which would have actually adversely affected the outcome of his conviction or sentence or that he has evidence, not reasonably discoverable at the time of trial, which is of such nature that it would be practically conclusive that had such been introduced at trial it would have caused a different result in the conviction or sentence; or(ii)That, even if the petitioner pled guilty or nolo contendere, or confessed or admitted to a crime, there exists biological evidence not tested, or, if previously tested, that can be subjected to additional DNA testing that would provide a reasonable likelihood of more probative results, and that testing would demonstrate by reasonable probability that the petitioner would not have been convicted or would have received a lesser sentence if favorable results had been obtained through such forensic DNA testing at the time of the original prosecution.(b)Likewise excepted are those cases in which the petitioner claims that his sentence has expired or his probation, parole or conditional release has been unlawfully revoked. Likewise excepted are filings for post-conviction relief in capital cases which shall be made within one (1) year after conviction.(3)This motion is not a substitute for, nor does it affect, any remedy incident to the proceeding in the trial court, or direct review of the conviction or sentence.(4)Proceedings under this article shall be subject to the provisions of Section99-19-42.(5)For the purposes of this article:(a)"Biological evidence" means the contents of a sexual assault examination kit and any item that contains blood, semen, hair, saliva, skin tissue, fingernail scrapings, bone, bodily fluids or other identifiable biological material that was collected as part of the criminal investigation or may reasonably be used to incriminate or exculpate any person for the offense. This definition applies whether that material is catalogued separately, such as on a slide, swab or in a test tube, or is present on other evidence, including, but not limited to, clothing, ligatures, bedding or other household material, drinking cups, cigarettes or other items;(b)"DNA" means deoxyribonucleic acid.Laws, 1984, ch. 378, § 3; Laws, 1995, ch. 566, § 3; Laws, 2000, ch. 569, § 12; Laws, 2009, ch. 339, § 2, eff. 3/16/2009. Laws, 1984, ch. 378, § 3; Laws, 1995, ch. 566, § 3; Laws, 2000, ch. 569, § 12; Laws, 2009, ch. 339, § 2, eff. 3/16/2009.

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The motion under this article shall be filed as an original civil action in the trial court, except in cases in which the petitioner's conviction and sentence have been appealed to the Supreme Court of Mississippi and there affirmed or the appeal dismissed. Where the conviction and sentence have been affirmed on appeal or the appeal has been dismissed, the motion under this article shall not be filed in the trial court until the motion shall have first been presented to a quorum of the Justices of the Supreme Court of Mississippi, convened for said purpose either in termtime or in vacation, and an order granted allowing the filing of such motion in the trial court. The procedure governing applications to the Supreme Court for leave to file a motion under this article shall be as provided in Section 99-39-27. Laws, 1984, ch. 378, § 4; Laws, 2009, ch. 339, § 3, eff. 3/16/2009. The motion under this article shall be filed as an original civil action in the trial court, except in cases in which the petitioner's conviction and sentence have been appealed to the Supreme Court of Mississippi and there affirmed or the appeal dismissed. Where the conviction and sentence have been affirmed on appeal or the appeal has been dismissed, the motion under this article shall not be filed in the trial court until the motion shall have first been presented to a quorum of the Justices of the Supreme Court of Mississippi, convened for said purpose either in termtime or in vacation, and an order granted allowing the filing of such motion in the trial court. The procedure governing applications to the Supreme Court for leave to file a motion under this article shall be as provided in Section 99-39-27. Laws, 1984, ch. 378, § 4; Laws, 2009, ch. 339, § 3, eff. 3/16/2009. The motion under this article shall be filed as an original civil action in the trial court, except in cases in which the petitioner's conviction and sentence have been appealed to the Supreme Court of Mississippi and there affirmed or the appeal dismissed. Where the conviction and sentence have been affirmed on appeal or the appeal has been dismissed, the motion under this article shall not be filed in the trial court until the motion shall have first been presented to a quorum of the Justices of the Supreme Court of Mississippi, convened for said purpose either in termtime or in vacation, and an order granted allowing the filing of such motion in the trial court. The procedure governing applications to the Supreme Court for leave to file a motion under this article shall be as provided in Section 99-39-27. Laws, 1984, ch. 378, § 4; Laws, 2009, ch. 339, § 3, eff. 3/16/2009. The motion under this article shall be filed as an original civil action in the trial court, except in cases in which the petitioner's conviction and sentence have been appealed to the Supreme Court of Mississippi and there affirmed or the appeal dismissed. Where the conviction and sentence have been affirmed on appeal or the appeal has been dismissed, the motion under this article shall not be filed in the trial court until the motion shall have first been presented to a quorum of the Justices of the Supreme Court of Mississippi, convened for said purpose either in termtime or in vacation, and an order granted allowing the filing of such motion in the trial court. The procedure governing applications to the Supreme Court for leave to file a motion under this article shall be as provided in Section 99-39-27. Laws, 1984, ch. 378, § 4; Laws, 2009, ch. 339, § 3, eff. 3/16/2009.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 39 - POST-CONVICTION PROCEEDINGS (§§ 99-39-1 — 99-39-119) Article 1 - MISSISSIPPI UNIFORM POST-CONVICTION COLLATERAL RELIEF ACT (§§ 99-39-1 — 99-39-29) Section 99-39-9 - Requirements of motion and service

(1) A motion under this article shall name the State of Mississippi as respondent and shall contain all of the following: (a) The identity of the proceedings in which the petitioner was convicted. (b) The date of the entry of the judgment of conviction and sentence of which complaint is made. (c) A concise statement of the claims or grounds upon which the motion is based. (d) A separate statement of the specific facts which are within the personal knowledge of the petitioner and which shall be sworn to by the petitioner, including, when application is made pursuant to Section 99-39-5, a statement that there exists a reasonable probability that the petitioner would not have been convicted or would have received a lesser sentence if favorable results had been obtained through DNA testing at the time of the original prosecution; that the evidence to be tested was secured in relation to the offense underlying the challenged conviction and (i) was not previously subjected to DNA testing, or (ii) although previously subjected to DNA testing, can be subjected to additional DNA testing that provides a reasonable likelihood of more probative results; and that the chain of custody of the evidence to be tested established that the evidence has not been tampered with, replaced or altered in any material respect or, if the chain of custody does not establish the integrity of the evidence, that the testing itself has the potential to establish the integrity of the evidence. For purposes of this paragraph, evidence that has been in the custody of law enforcement, other government officials, or a public or private hospital shall be presumed to satisfy the chain-of-custody requirement, absent specific evidence of material tampering, replacement or alteration, and that the application for testing is made to demonstrate innocence or the appropriateness of a lesser sentence and not solely to unreasonably delay the execution of sentence or the administration of justice. (e) A specific statement of the facts which are not within the petitioner's personal knowledge. The motion shall state how or by whom said facts will be proven. Affidavits of the witnesses who will testify and copies of documents or records that will be offered shall be attached to the motion. The affidavits of other persons and the copies of documents and records may be excused upon a showing, which shall be specifically detailed in the motion, of good cause why they cannot be obtained. This showing shall state what the petitioner has done to attempt to obtain the affidavits, records and documents, the production of which he requests the court to excuse. (f) The identity of any previous proceedings in federal or state courts that the petitioner may have taken to secure relief from his conviction and sentence. (2) A motion shall be limited to the assertion of a claim for relief against one (1) judgment only. If a petitioner desires to attack the validity of other judgments under which he is in custody, he shall do so by separate

motions.(3)The motion shall be verified by the oath of the petitioner.(4)If the motion received by the clerk does not substantially comply with the requirements of this section, it shall be returned to the petitioner if a judge of the court so directs, together with a statement of the reason for its return. The clerk shall retain a copy of the motion so returned.(5)The petitioner shall deliver or serve a copy of the motion, together with a notice of its filing, on the state. The filing of the motion shall not require an answer or other motion unless so ordered by the court under Section99-39-11(3).Laws, 1984, ch. 378, § 5; Laws, 2009, ch. 339, § 4, eff. 3/16/2009.

(1)A motion under this article shall name the State of Mississippi as respondent and shall contain all of the following:(a)The identity of the proceedings in which the petitioner was convicted.(b)The date of the entry of the judgment of conviction and sentence of which complaint is made.(c)A concise statement of the claims or grounds upon which the motion is based.(d)A separate statement of the specific facts which are within the personal knowledge of the petitioner and which shall be sworn to by the petitioner, including, when application is made pursuant to Section99-39-5, a statement that there exists a reasonable probability that the petitioner would not have been convicted or would have received a lesser sentence if favorable results had been obtained through DNA testing at the time of the original prosecution; that the evidence to be tested was secured in relation to the offense underlying the challenged conviction and (i) was not previously subjected to DNA testing, or (ii) although previously subjected to DNA testing, can be subjected to additional DNA testing that provides a reasonable likelihood of more probative results; and that the chain of custody of the evidence to be tested established that the evidence has not been tampered with, replaced or altered in any material respect or, if the chain of custody does not establish the integrity of the evidence, that the testing itself has the potential to establish the integrity of the evidence. For purposes of this paragraph, evidence that has been in the custody of law enforcement, other government officials, or a public or private hospital shall be presumed to satisfy the chain-of-custody requirement, absent specific evidence of material tampering, replacement or alteration, and that the application for testing is made to demonstrate innocence or the appropriateness of a lesser sentence and not solely to unreasonably delay the execution of sentence or the administration of justice.(e)A specific statement of the facts which are not within the petitioner's personal knowledge. The motion shall state how or by whom said facts will be proven. Affidavits of the witnesses who will testify and copies of documents or records that will be offered shall be attached to the motion. The affidavits of other persons and the copies of documents and records may be excused upon a showing, which shall be specifically detailed in the motion, of good cause why they cannot be obtained. This showing shall state what the petitioner has done to attempt to obtain the affidavits, records and documents, the production of which he requests the court to excuse.(f)The identity of any previous proceedings in federal or state courts that the petitioner may have taken to secure relief from his conviction and sentence.(2)A motion shall be limited to the assertion of a claim for relief against one (1) judgment only. If a petitioner desires to attack the validity of other judgments under which he is in custody, he shall do so by separate motions.(3)The motion shall be verified by the oath of the petitioner.(4)If the motion received by the clerk does not substantially comply with the requirements of this section, it shall be returned to the petitioner if a judge of the court so directs, together with a statement of the reason for its return. The clerk shall retain a copy of the motion so returned.(5)The petitioner shall deliver or serve a copy of the motion, together with a notice of its filing, on the state. The filing of the motion shall not require an answer or other motion unless so ordered by the court under Section99-39-11(3).Laws, 1984, ch. 378, § 5; Laws, 2009, ch. 339, § 4, eff. 3/16/2009.

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Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 39 - POST-CONVICTION PROCEEDINGS (§§ 99-39-1 — 99-39-119) Article 3 - MISSISSIPPI CAPITAL POST-CONVICTION COUNSEL ACT (§§ 99-39-101 — 99-39-119) Section 99-39-101 - Short title

This article may be cited as the "Mississippi Capital Post-Conviction Counsel Act." Laws, 2000, ch. 569, § 1, eff. 7/1/2000. This article may be cited as the "Mississippi Capital Post-Conviction Counsel Act." Laws, 2000, ch. 569, § 1, eff. 7/1/2000. This article may be cited as the "Mississippi Capital Post-Conviction Counsel Act." Laws, 2000, ch. 569, § 1, eff. 7/1/2000. This article may be cited as the "Mississippi Capital Post-Conviction Counsel Act." Laws, 2000, ch. 569, § 1, eff. 7/1/2000.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 39 - POST-CONVICTION PROCEEDINGS (§§ 99-39-1 — 99-39-119) Article 3 - MISSISSIPPI CAPITAL POST-CONVICTION COUNSEL ACT (§§ 99-39-101 — 99-39-119) Section 99-39-103 - Office of Post-Conviction Counsel created; personnel; appointment to office; qualifications; removal

There is created the Mississippi Office of Capital Post-Conviction Counsel. This office shall consist of a director who shall be an attorney who shall meet all qualifications necessary to serve as post-conviction counsel for persons under a sentence of death and staffed by any necessary personnel as determined and hired by the director. The director shall be appointed by the Governor with the advice and consent of the Senate for a term of four (4) years, or until a successor takes office. The remaining attorneys and other staff shall be appointed by the director of the office and shall serve at the will and pleasure of the director. The director and all other attorneys in the office shall either be active members of The Mississippi Bar, or, if a member in good standing of the bar of another jurisdiction, must apply to and secure admission to The Mississippi Bar within twelve (12) months of the commencement of the person's employment by the office. The director may be removed from office by the Governor upon finding that the director is not qualified under law to serve as post-conviction counsel for persons under sentences of death, has failed to perform the duties of the office or has acted beyond the scope of the authority granted by law for the office. Laws, 2000, ch. 569, § 2; Laws, 2001, ch. 526, § 2; Laws, 2009, ch. 335, § 1; Laws, 2011, ch. 343, § 11, eff. 7/1/2011. There is created the Mississippi Office of Capital Post-Conviction Counsel. This office shall consist of a director who shall be an attorney who shall meet all qualifications necessary to serve as post-conviction counsel for persons under a sentence of death and staffed by any necessary personnel as determined and hired by the director. The director shall be appointed by the Governor with the advice and consent of the Senate for a term of four (4) years, or until a successor takes office. The remaining attorneys and other staff shall be appointed by the director of the office and shall serve at the will and pleasure of the director. The director and all other attorneys in the office shall either be active members of The Mississippi Bar, or, if a member in good standing of the bar of another jurisdiction, must apply to and secure admission to The Mississippi Bar within twelve (12) months of the commencement of the person's employment by the office. The director may be removed from office by the Governor upon finding that the director is not qualified under law to serve as post-conviction counsel for persons under sentences of death, has failed to perform the duties of the office or has acted beyond the scope of the authority granted by law for the office. Laws, 2000, ch. 569, § 2; Laws, 2001, ch. 526, § 2; Laws, 2009, ch. 335, § 1; Laws, 2011, ch. 343, § 11, eff. 7/1/2011. There is created the Mississippi Office of Capital Post-Conviction Counsel. This office shall consist of a director who shall be an attorney who shall meet all qualifications necessary to serve as post-conviction counsel for persons under a sentence of death and staffed by any necessary personnel as determined and hired by the director. The director shall be appointed by the Governor with the advice and consent of the Senate for a term of four (4) years, or until a successor takes office. The remaining attorneys and other staff shall be appointed by the director of the office and shall serve at the will and pleasure of the director. The director and all other attorneys in the office shall either be active members of The Mississippi Bar, or, if a member in good standing of the bar of another jurisdiction, must apply to and secure admission to The Mississippi Bar within twelve (12) months of the commencement of the person's employment by the office. The director may be removed from office by the Governor upon finding that the director is not qualified under law to serve as post-conviction counsel for persons under sentences of death, has failed to perform the duties of the office or has acted beyond the scope of the authority granted by law for the office. Laws, 2000, ch. 569, § 2; Laws, 2001, ch. 526, § 2; Laws, 2009, ch. 335, § 1; Laws, 2011, ch. 343, § 11, eff. 7/1/2011.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 39 - POST-CONVICTION PROCEEDINGS (§§ 99-39-1 — 99-39-119) Article 3 - MISSISSIPPI CAPITAL POST-CONVICTION COUNSEL ACT (§§ 99-39-101 — 99-39-119) Section 99-39-105 - Purpose of office

The Office of Capital Post-Conviction Counsel is created for the purpose of providing representation to indigent parties under sentences of death in post-conviction proceedings, and to perform such other duties as set forth by law. Laws, 2000, ch. 569, § 3, eff. 7/1/2000. The Office of Capital Post-Conviction Counsel is created for the purpose of providing representation to indigent parties under sentences of death in post-conviction proceedings, and to perform such other duties as set forth by law. Laws, 2000, ch. 569, § 3, eff. 7/1/2000. The Office of Capital Post-Conviction Counsel is created for the purpose of providing representation to indigent parties under sentences of death in post-conviction proceedings, and to perform such other duties as set forth by law. Laws, 2000, ch. 569, § 3, eff. 7/1/2000. The Office of Capital Post-Conviction Counsel is created for the purpose of providing representation to indigent parties under sentences of death in post-conviction proceedings, and to perform such other duties as set forth by law. Laws, 2000, ch. 569, § 3, eff. 7/1/2000.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 39 - POST-CONVICTION PROCEEDINGS (§§ 99-39-1 — 99-39-119) Article 3 - MISSISSIPPI CAPITAL POST-CONVICTION COUNSEL ACT (§§ 99-39-101 — 99-39-119) Section 99-39-107 - Duties of office; attorneys appointed to office to be full time

The Office of Capital Post-Conviction Counsel shall limit its activities to the representation of inmates under sentence of death in post-conviction proceedings and ancillary matters related directly to post-conviction review of their convictions and sentences and other activities explicitly authorized in statute. Representation by the office or by private counsel under appointment by the office will end upon the filing of proceeding for federal habeas corpus review or for appointment of counsel to represent the defendant in federal habeas corpus proceedings. However, the office may continue representation if the office or a staff attorney employed by the office shall be appointed by a federal court to represent the inmate in federal habeas corpus proceedings. In such event, the office or the employee attorney shall apply to the federal court for compensation and expenses and shall upon receipt of payments by the federal court pay all sums received over to the office for deposit in the Special Capital Post-Conviction Counsel Fund as provided in Section 99-39-117, from which all expenses for investigation and litigation shall be disbursed. Representation in post-conviction proceedings shall further include representation of the inmate from the exhaustion of all state and federal post-conviction litigation until execution of the sentence or an adjudication resulting in either a new trial or a vacation of the death sentence. The attorneys appointed to serve in the Office of Capital Post-Conviction Counsel shall devote their entire time to the duties of the office, shall not represent any persons in other litigation, civil or criminal, nor in any other way engage in the practice of law, and shall in no manner, directly or indirectly, participate in the trial of any person charged with capital murder or direct appeal of any person under sentence of death in the state, nor engage in lobbying activities for or against the death penalty. Any violation of this provision shall be grounds for termination from employment, in the case of the director, by the Governor, and in the case of other attorneys, by the director, with approval of the Chief Justice. Laws, 2000, ch. 569, § 4; Laws, 2009, ch. 335, § 2, eff. 3/16/2009. 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Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 39 - POST-CONVICTION PROCEEDINGS (§§ 99-39-1 — 99-39-119) Article 3 - MISSISSIPPI CAPITAL POST-CONVICTION COUNSEL ACT (§§ 99-39-101 — 99-39-119) Section 99-39-109 - Compensation

The director appointed under this article shall be compensated at no more than the maximum amount allowed by statute for a district attorney, and other attorneys in the office shall be compensated at no more than the maximum amount allowed by statute for an assistant district attorney. Laws, 2000, ch. 569, § 5, eff. 7/1/2000. The director appointed under this article shall be compensated at no more than the maximum amount allowed by statute for a district attorney, and other attorneys in the office shall be compensated at no more than the maximum amount allowed by statute for an assistant district attorney. Laws, 2000, ch. 569, § 5, eff. 7/1/2000. The director appointed under this article shall be compensated at no more than the maximum amount allowed by statute for a district attorney, and other attorneys in the office shall be compensated at no more than the maximum amount allowed by statute for an assistant district attorney. Laws, 2000, ch. 569, § 5, eff. 7/1/2000. The director appointed under this article shall be compensated at no more than the maximum amount allowed by statute for a district attorney, and other attorneys in the office shall be compensated at no more than the maximum amount allowed by statute for an assistant district attorney. Laws, 2000, ch. 569, § 5, eff. 7/1/2000.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 39 - POST-CONVICTION PROCEEDINGS (§§ 99-39-1 — 99-39-119) Article 3 - MISSISSIPPI CAPITAL POST-CONVICTION COUNSEL ACT (§§ 99-39-101 — 99-39-119) Section 99-39-111 - Office hours of operation

The Director of the Office of Post-Conviction Counsel shall keep the office open Monday through Friday for not less than eight (8) hours each day. Laws, 2000, ch. 569, § 6, eff. 7/1/2000. The Director of the Office of Post-Conviction Counsel shall keep the office open Monday through Friday for not less than eight (8) hours each day. Laws, 2000, ch. 569, § 6, eff. 7/1/2000. The Director of the Office of Post-Conviction Counsel shall keep the office open Monday through Friday for not less than eight (8) hours each day. Laws, 2000, ch. 569, § 6, eff. 7/1/2000. The Director of the Office of Post-Conviction Counsel shall keep the office open Monday through Friday for not less than eight (8) hours each day. Laws, 2000, ch. 569, § 6, eff. 7/1/2000.

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In addition to the authority to represent persons under sentence of death in state post-conviction proceedings, the director is hereby empowered to pay and disburse salaries, employment benefits and charges relating to employment of staff and to establish their salaries, and expenses of the office; to incur and pay travel expenses of staff necessary for the performance of the duties of the office; to rent or lease on such terms as he may think proper such office space as is necessary in the City of Jackson to accommodate the staff; to solicit and accept monies, gifts, grants or services from any public or private sources for the purpose of funding,

operating and executing the statutory duties of the office; to enter into and perform contracts, including but not limited to, contracts and agreements necessary to obtain and receive monies, gifts, grants or services from federal, public and private sources, and to purchase such necessary office supplies and equipment as may be needed for the proper administration of said offices; and to incur and pay such other expenses as are appropriate and customary to the operations of the office. The director shall be required to obtain a surety bond in the amount of not less than One Hundred Thousand Dollars (\$100,000.00) payable to the state. The cost of such bond shall be paid out of funds appropriated for the operations of the office. All salaries and other expenditures shall be paid from funds appropriated for such purposes augmented by funds received as gifts and grants from public and private sources. Laws, 2000, ch. 569, § 7, eff. 7/1/2000. In addition to the authority to represent persons under sentence of death in state post-conviction proceedings, the director is hereby empowered to pay and disburse salaries, employment benefits and charges relating to employment of staff and to establish their salaries, and expenses of the office; to incur and pay travel expenses of staff necessary for the performance of the duties of the office; to rent or lease on such terms as he may think proper such office space as is necessary in the City of Jackson to accommodate the staff; to solicit and accept monies, gifts, grants or services from any public or private sources for the purpose of funding, operating and executing the statutory duties of the office; to enter into and perform contracts, including but not limited to, contracts and agreements necessary to obtain and receive monies, gifts, grants or services from federal, public and private sources, and to purchase such necessary office supplies and equipment as may be needed for the proper administration of said offices; and to incur and pay such other expenses as are appropriate and customary to the operations of the office. 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Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 39 - POST-CONVICTION PROCEEDINGS (§§ 99-39-1 — 99-39-119) Article 3 - MISSISSIPPI CAPITAL POST-CONVICTION COUNSEL ACT (§§ 99-39-101 — 99-39-119) Section 99-39-115 - Director to keep a docket of all death penalty cases in Mississippi

The director shall keep a docket of all death penalty cases originating in the courts of Mississippi, which must at all reasonable times be open to the inspection of the public and must show the county, district and court in which the causes have been instituted. The director shall prepare and maintain a roster of all death penalty cases originating in the courts of Mississippi and pending in state and federal courts indicating the current status of each such case, and a history of those death penalty cases filed since 1976. Copies of such dockets and rosters shall be submitted to the Governor, Chief Justice of the Supreme Court and the Administrative Office of Courts monthly. The director shall also report monthly to the Administrative Office of Courts the activities, receipts and expenditures of the office. Laws, 2000, ch. 569, § 8; Laws, 2009, ch. 335, § 3, eff. 3/16/2009. The director shall keep a docket of all death penalty cases originating in the courts of Mississippi, which must at all reasonable times be open to the inspection of the public and must show the county, district and court in which the causes have been instituted. The director shall prepare and maintain a roster of all death penalty cases originating in the courts of Mississippi and pending in state and federal courts indicating the current status of each such case, and a history of those death penalty cases filed since 1976. Copies of such dockets and rosters shall

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Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 39 - POST-CONVICTION PROCEEDINGS (§§ 99-39-1 — 99-39-119) Article 3 - MISSISSIPPI CAPITAL POST-CONVICTION COUNSEL ACT (§§ 99-39-101 — 99-39-119) Section 99-39-117 - Conflict of interest; employment of qualified private counsel; payment of fees and expenses; Capital Post-Conviction Counsel Fund

(1) If at any time during the representation of two (2) or more defendants, the director determines that the interest of those persons are so adverse or hostile that they cannot all be represented by the director or his staff without conflict of interest, or if the director shall determine that the volume or number of representations shall so require, the director, in his sole discretion, notwithstanding any statute or regulation to the contrary, shall be authorized to employ qualified private counsel. Fees and expenses, approved by order of the appropriate court, including investigative and expert witness expenses of such private counsel shall be paid from funds appropriated to the Capital Post-Conviction Counsel Fund for this purpose. (2) There is created in the State Treasury a special fund to be known as the Capital Post-Conviction Counsel Fund. The purpose of the fund shall be to provide funding for the Office of Capital Post-Conviction Counsel. Monies from the funds derived from assessments under Section 99-19-73 shall be distributed by the State Treasurer upon warrants issued by the Mississippi Office of Capital Post-Conviction Counsel. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of: (a) Monies appropriated by the Legislature for the purposes of funding the Office of Capital Post-Conviction Counsel; (b) The interest accruing to the fund; (c) Monies received under the provisions of Section 99-19-73; (d) Monies received from the federal government; (e) Donations; and (f) Monies received from such other sources as may be provided by law. Laws, 2000, ch. 569, § 9; Laws, 2005, ch. 413, § 3, eff. 7/1/2005. (1) If at any time during the representation of two (2) or more defendants, the director determines that the interest of those persons are so adverse or hostile that they cannot all be represented by the director or his staff without conflict of interest, or if the director shall determine that the volume or number of representations shall so require, the director, in his sole discretion, notwithstanding any statute or regulation to the contrary, shall be authorized to employ qualified private counsel. Fees and expenses, approved by order of the appropriate court, including investigative and expert witness expenses of such private counsel shall be paid from funds appropriated to the Capital Post-Conviction Counsel Fund for this purpose. (2) There is created in the State Treasury a special fund to be known as the Capital Post-Conviction Counsel Fund. The purpose of the fund shall be to provide funding for the Office of Capital Post-Conviction Counsel. Monies from the funds derived from assessments under Section 99-19-73 shall be distributed by the State Treasurer upon warrants issued by the Mississippi Office of Capital Post-Conviction Counsel. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of: (a) Monies appropriated by the Legislature for the purposes of funding the Office of Capital Post-Conviction Counsel; (b) The interest accruing to the fund; (c) Monies received under the provisions of Section 99-19-73; (d) Monies received from the federal government; (e) Donations; and (f) Monies received from such other sources as may be provided by law. Laws, 2000, ch. 569, § 9; Laws, 2005, ch. 413, § 3, eff. 7/1/2005. (1) If at any time during the representation of two (2) or more defendants, the director determines that the interest of those persons are so adverse or hostile that they cannot all be represented by the director or his staff without conflict of interest, or if the director shall determine that the volume or number of representations shall so require, the director, in his sole discretion, notwithstanding any statute or regulation to the contrary, shall be authorized to employ qualified private counsel. Fees and expenses, approved by order of the appropriate court, including investigative and expert witness expenses of such private counsel shall be paid from funds appropriated to the Capital Post-Conviction Counsel Fund for this purpose. (2) There is created in the State Treasury a special fund to be known as the Capital Post-Conviction Counsel Fund. The purpose of the fund shall be to provide funding for the Office of Capital Post-Conviction Counsel. Monies from the funds derived from assessments under Section 99-19-73 shall be distributed by the State Treasurer upon warrants issued by the Mississippi Office of Capital Post-Conviction Counsel. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of: (a) Monies appropriated by the Legislature for the purposes of funding the Office of Capital Post-Conviction Counsel; (b) The interest accruing to the fund; (c) Monies received under the provisions of Section 99-19-73; (d) Monies received from the federal government; (e) Donations; and (f) Monies received from such other sources as

may be provided by law. Laws, 2000, ch. 569, § 9; Laws, 2005, ch. 413, § 3, eff. 7/1/2005. Laws, 2000, ch. 569, § 9; Laws, 2005, ch. 413, § 3, eff. 7/1/2005.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 39 - POST-CONVICTION PROCEEDINGS (§§ 99-39-1 — 99-39-119) Article 3 - MISSISSIPPI CAPITAL POST-CONVICTION COUNSEL ACT (§§ 99-39-101 — 99-39-119) Section 99-39-119 - Director authorized to solicit funds for purpose of funding and operating office

The director is further authorized to solicit and accept monies, gifts, grants or services from any public or private source, for the purpose of funding, operating and executing the duties of the office. Laws, 2000, ch. 569, § 10, eff. 7/1/2000. The director is further authorized to solicit and accept monies, gifts, grants or services from any public or private source, for the purpose of funding, operating and executing the duties of the office. Laws, 2000, ch. 569, § 10, eff. 7/1/2000. The director is further authorized to solicit and accept monies, gifts, grants or services from any public or private source, for the purpose of funding, operating and executing the duties of the office. Laws, 2000, ch. 569, § 10, eff. 7/1/2000. The director is further authorized to solicit and accept monies, gifts, grants or services from any public or private source, for the purpose of funding, operating and executing the duties of the office. Laws, 2000, ch. 569, § 10, eff. 7/1/2000.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 40 - INDIGENT APPEALS DIVISION (§ 99-40-1) Section 99-40-1 - Indigent Appeals Division created; director and staff; compensation; duties; Indigent Appeals Fund; Public Defender Training Division created; Public Defenders Education Fund

(1) There is created the Indigent Appeals Division within the Office of the State Public Defender. This office shall consist of the Indigent Appeals Director who must be an attorney in good standing with The Mississippi Bar, and staffed by any necessary personnel as determined and hired by the State Defender. The Indigent Appeals Director shall be appointed by the State Defender. The remaining attorneys and other staff shall be appointed by the State Defender and shall serve at the will and pleasure of the State Defender. The Indigent Appeals Director and all other attorneys in the office shall either be active members of The Mississippi Bar, or, if a member in good standing of the bar of another jurisdiction, must apply to and secure admission to The Mississippi Bar within twelve (12) months of the commencement of the person's employment by the office. The attorneys in the office shall practice law exclusively for the office and shall not engage in any other practice. The office shall not engage in any litigation other than that related to the office. The salary for the Indigent Appeals Director shall be equivalent to the salary of district attorneys and the salary of the other attorneys in the office shall be equivalent to the salary of an assistant district attorney. (2) The office shall provide representation on appeal for indigent persons convicted of felonies but not under sentences of death. Representation shall be provided by staff attorneys, or, in the case of conflict or excessive workload as determined by the State Defender, by attorneys selected, employed and compensated by the office on a contract basis. All fees charged by contract counsel and expenses incurred by attorneys in the office and contract counsel must be approved by the court. At the sole discretion of the State Defender, the office may also represent indigent juveniles adjudicated delinquent on appeals from a county court or chancery court to the Mississippi Supreme Court or the Mississippi Court of Appeals. The office shall provide advice, education and support to attorneys representing persons under felony charges in the trial courts. (3) There is created in the State Treasury a special fund to be known as the Indigent Appeals Fund. The purpose of the fund shall be to provide funding for the Indigent Appeals Division. Monies from the funds derived from assessments under Section 99-19-73 shall be distributed by the State Treasurer upon warrants issued by the State Defender. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of: (a) Monies appropriated by the Legislature for the purposes of funding the Indigent Appeals Division; (b) The interest accruing to the fund; (c) Monies received under the provisions of Section 99-19-73; (d) Monies received from the federal government; (e) Donations; and (f) Monies received from such other sources as may be provided by law. (4) (a) There is created in the Office of the State Public Defender the Public Defender Training Division. The division shall be staffed by any necessary personnel as determined and hired by the State Defender. The mission of the division shall be to work closely with the Mississippi Public Defenders Association to provide training and services to public defenders practicing in all state, county and municipal courts. These services shall include, but not be limited to, continuing legal education, case updates and legal research. The division shall provide (i) education and training for public defenders practicing in all state, county, municipal and youth courts; (ii) technical assistance for public defenders practicing in all state, county, municipal and youth courts; and (iii) current and accurate information for the Legislature pertaining to the needs of public defenders practicing in all state, county, municipal and youth courts. (b) There is created in the State Treasury a special fund to be known as the Public Defenders Education Fund. The purpose of the fund shall be to provide funding for the training of public defenders. Monies from the funds derived from assessments under Section 99-19-73 shall be distributed by the State Treasurer upon warrants issued by the State Defender. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of: (i) Monies appropriated by the Legislature for the purposes of public defender training; (ii) The interest accruing to the fund; (iii) Monies received under the provisions of Section 99-19-73; (iv) Monies received from the federal government; (v) Donations; and (vi) Monies received from such other sources as may be provided by law. Laws, 2005, ch. 413, § 1; Laws, 2006, ch. 560, § 1; Laws, 2007, ch. 559, § 2; Laws, 2011, ch. 343, § 10, eff. 7/1/2011. (1) There is created the Indigent Appeals Division within the Office of the State Public Defender. This office shall consist of the Indigent Appeals Director who must be an attorney in good standing with The Mississippi Bar, and staffed by any necessary personnel as determined and hired by the State Defender. The Indigent Appeals Director shall be appointed by the State Defender. The remaining attorneys and other staff shall be appointed by the State Defender and shall serve at the will and pleasure of the State Defender. The Indigent Appeals Director and all other

attorneys in the office shall either be active members of The Mississippi Bar, or, if a member in good standing of the bar of another jurisdiction, must apply to and secure admission to The Mississippi Bar within twelve (12) months of the commencement of the person's employment by the office. The attorneys in the office shall practice law exclusively for the office and shall not engage in any other practice. The office shall not engage in any litigation other than that related to the office. The salary for the Indigent Appeals Director shall be equivalent to the salary of district attorneys and the salary of the other attorneys in the office shall be equivalent to the salary of an assistant district attorney.(2)The office shall provide representation on appeal for indigent persons convicted of felonies but not under sentences of death. Representation shall be provided by staff attorneys, or, in the case of conflict or excessive workload as determined by the State Defender, by attorneys selected, employed and compensated by the office on a contract basis. All fees charged by contract counsel and expenses incurred by attorneys in the office and contract counsel must be approved by the court. At the sole discretion of the State Defender, the office may also represent indigent juveniles adjudicated delinquent on appeals from a county court or chancery court to the Mississippi Supreme Court or the Mississippi Court of Appeals. The office shall provide advice, education and support to attorneys representing persons under felony charges in the trial courts.(3)There is created in the State Treasury a special fund to be known as the Indigent Appeals Fund. The purpose of the fund shall be to provide funding for the Indigent Appeals Division. 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Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 41 - MISSISSIPPI CRIME VICTIMS' COMPENSATION ACT (§§ 99-41-1 — 99-41-31)Section 99-41-1 - Short title

This chapter shall be known and may be cited as the "Mississippi Crime Victims' Compensation Act."Laws, 1990, ch. 509, § 1, eff. 7/1/1991. This chapter shall be known and may be cited as the "Mississippi Crime Victims' Compensation Act."Laws, 1990, ch. 509, § 1, eff. 7/1/1991. This chapter shall be known and may be cited as the "Mississippi Crime Victims' Compensation Act."Laws, 1990, ch. 509, § 1, eff. 7/1/1991. This chapter shall be known and may be cited as the "Mississippi Crime Victims' Compensation Act." Laws, 1990, ch. 509, § 1, eff. 7/1/1991.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 41 - MISSISSIPPI CRIME VICTIMS' COMPENSATION ACT (§§ 99-41-1 — 99-41-31)Section 99-41-11 - Additional powers and duties of director; conduct of hearing; record

(1)The director shall award compensation for economic loss arising from criminally injurious conduct if satisfied by a preponderance of the evidence that the requirements for compensation have been met.(2)The director shall make such investigations, administer such oaths or affirmations and receive such evidence as he deems relevant and necessary to make a determination on any application received. The director shall have the power to subpoena witnesses, compel their attendance and require the production of records and other evidence. Application to a court for aid in enforcing a subpoena may be made in the name of the director. To the extent that funds are appropriated or otherwise available, the Attorney General may employ such personnel, including expert witnesses, as may be required in connection with particular applications before the director, and the director may take judicial notice of general, technical and scientific facts within his specialized knowledge.(3)The director may settle a claim by stipulation, agreed settlement, consent order or default.(4)The director may request access to and obtain from prosecuting attorneys or law enforcement officers, as well as state and local agencies, any reports of investigations or other data necessary to assist the director in making a determination of eligibility for compensation under the provisions of this chapter.(5)Notwithstanding any other provision of law, every law enforcement agency and prosecuting attorney in the state shall provide to the director, upon request, a complete copy of the report regarding the incident and any supplemental reports involving the crime or incident giving rise to a claim filed pursuant to this chapter within thirty (30) days of such request.(6)Any statute providing for the confidentiality of a claimant or victim's court record shall not be applicable under this chapter, notwithstanding the provisions of any other law to the contrary; provided, however, any such record or report which is otherwise protected from public disclosure by the provisions of any other law shall otherwise remain subject to the provisions of such law.(7)The director may require that the claimant submit with the application material substantiating the facts stated in the application.(8)After processing an application for compensation filed under rules and regulations promulgated by the Attorney General, the director shall enter an order stating:(a)Findings of fact;(b)The decision as to whether or not compensation shall be awarded;(c)The amount of compensation, if any, due under this chapter;(d)The person or persons to whom any compensation should be paid;(e)The percentage share of the total of any compensation award and the dollar amount each person shall receive; and(f)Whether disbursement of any compensation awarded shall be made in a lump sum or in periodic payments.(9)The director on his own motion or on request of the claimant may reconsider a decision granting or denying an award or determining its amount. An order on reconsideration of an award shall not require a refund of amounts previously paid unless the award was obtained by fraud or upon finding that the victim's or claimant's actions and/or circumstances would no longer make the victim or claimant eligible.(10)If a claimant disagrees with the decision of the director, he may contest such decision to the Attorney General within thirty (30) days after notification of issuance of the decision. There shall be no appeal of a decision of the director except as set forth in this subsection.(11)In a contested case, all parties shall be afforded an opportunity for a hearing after reasonable notice pursuant to regulations promulgated pursuant to this chapter and may offer evidence and argument on any issue relevant to the claim and may examine witnesses and offer evidence in reply to any matter of an evidentiary nature relevant to the claim. The Attorney General shall have the power to subpoena witnesses, compel their attendance and require the production of records and other evidence. The decision of the Attorney General becomes the final decision. A record of the hearing in a contested case shall be made and shall be transcribed upon request of any party who shall pay transcription costs unless otherwise ordered by the Attorney General.Laws, 1990, ch. 509, § 6; Laws, 1996, ch. 506, § 4; Laws, 2000, ch. 577, § 1; Laws, 2004, ch. 355, § 7; Laws, 2007, ch. 587, § 4; Laws, 2012, ch. 503, § 2, eff. 7/1/2012. (1)The director shall award compensation for economic loss arising from criminally injurious conduct if satisfied by a preponderance of the evidence that

the requirements for compensation have been met.(2)The director shall make such investigations, administer such oaths or affirmations and receive such evidence as he deems relevant and necessary to make a determination on any application received. The director shall have the power to subpoena witnesses, compel their attendance and require the production of records and other evidence. Application to a court for aid in enforcing a subpoena may be made in the name of the director. To the extent that funds are appropriated or otherwise available, the Attorney General may employ such personnel, including expert witnesses, as may be required in connection with particular applications before the director, and the director may take judicial notice of general, technical and scientific facts within his specialized knowledge.(3)The director may settle a claim by stipulation, agreed settlement, consent order or default.(4)The director may request access to and obtain from prosecuting attorneys or law enforcement officers, as well as state and local agencies, any reports of investigations or other data necessary to assist the director in making a determination of eligibility for compensation under the provisions of this chapter.(5)Notwithstanding any other provision of law, every law enforcement agency and prosecuting attorney in the state shall provide to the director, upon request, a complete copy of the report regarding the incident and any supplemental reports involving the crime or incident giving rise to a claim filed pursuant to this chapter within thirty (30) days of such request.(6)Any statute providing for the confidentiality of a claimant or victim's court record shall not be applicable under this chapter, notwithstanding the provisions of any other law to the contrary; provided, however, any such record or report which is otherwise protected from public disclosure by the provisions of any other law shall otherwise remain subject to the provisions of such law.(7)The director may require that the claimant submit with the application material substantiating the facts stated in the application.(8)After processing an application for compensation filed under rules and regulations promulgated by the Attorney General, the director shall enter an order stating:(a)Findings of fact;(b)The decision as to whether or not compensation shall be awarded;(c)The amount of compensation, if any, due under this chapter;(d)The person or persons to whom any compensation should be paid;(e)The percentage share of the total of any compensation award and the dollar amount each person shall receive; and(f)Whether disbursement of any compensation awarded shall be made in a lump sum or in periodic payments.(9)The director on his own motion or on request of the claimant may reconsider a decision granting or denying an award or determining its amount. An order on reconsideration of an award shall not require a refund of amounts previously paid unless the award was obtained by fraud or upon finding that the victim's or claimant's actions and/or circumstances would no longer make the victim or claimant eligible.(10)If a claimant disagrees with the decision of the director, he may contest such decision to the Attorney General within thirty (30) days after notification of issuance of the decision. There shall be no appeal of a decision of the director except as set forth in this subsection.(11)In a contested case, all parties shall be afforded an opportunity for a hearing after reasonable notice pursuant to regulations promulgated pursuant to this chapter and may offer evidence and argument on any issue relevant to the claim and may examine witnesses and offer evidence in reply to any matter of an evidentiary nature relevant to the claim. The Attorney General shall have the power to subpoena witnesses, compel their attendance and require the production of records and other evidence. The decision of the Attorney General becomes the final decision. A record of the hearing in a contested case shall be made and shall be transcribed upon request of any party who shall pay transcription costs unless otherwise ordered by the Attorney General.Laws, 1990, ch. 509, § 6; Laws, 1996, ch. 506, § 4; Laws, 2000, ch. 577, § 1; Laws, 2004, ch. 355, § 7; Laws, 2007, ch. 587, § 4; Laws, 2012, ch. 503, § 2, eff. 7/1/2012. (1)The director shall award compensation for economic loss arising from criminally injurious conduct if satisfied by a preponderance of the evidence that the requirements for compensation have been met.(2)The director shall make such investigations, administer such oaths or affirmations and receive such evidence as he deems relevant and necessary to make a determination on any application received. The director shall have the power to subpoena witnesses, compel their attendance and require the production of records and other evidence. Application to a court for aid in enforcing a subpoena may be made in the name of the director. To the extent that funds are appropriated or otherwise available, the Attorney General may employ such personnel, including expert witnesses, as may be required in connection with particular applications before the director, and the director may take judicial notice of general, technical and scientific facts within his specialized knowledge.(3)The director may settle a claim by stipulation, agreed settlement, consent order or default.(4)The director may request access to and obtain from prosecuting attorneys or law enforcement officers, as well as state and local agencies, any reports of investigations or other data necessary to assist the director in making a determination of eligibility for compensation under the provisions of this chapter.(5)Notwithstanding any other provision of law, every law enforcement agency and prosecuting attorney in the state shall provide to the director, upon request, a complete copy of the report regarding the incident and any supplemental reports involving the crime or incident giving rise to a claim filed pursuant to this chapter within thirty (30) days of such request.(6)Any statute providing for the confidentiality of a claimant or victim's court record shall not be applicable under this chapter, notwithstanding the provisions of any other law to the contrary; provided, however, any such record or report which is otherwise protected from public disclosure by the provisions of any other law shall otherwise remain subject to the provisions of such law.(7)The director may require that the claimant submit with the application material substantiating the facts stated in the application.(8)After processing an application for compensation filed under rules and regulations promulgated by the Attorney General, the director shall enter an order stating:(a)Findings of fact;(b)The decision as to whether or not compensation shall be awarded;(c)The amount of compensation, if any, due under this chapter;(d)The person or persons to whom any compensation should be paid;(e)The percentage share of the total of any compensation award and the dollar amount each person shall receive; and(f)Whether disbursement of any compensation awarded shall be made in a lump sum or in periodic payments.(9)The director on his own motion or on request of the claimant may reconsider a decision granting or denying an award or determining its amount. An order on reconsideration of an award shall not require a refund of amounts previously paid unless the award was obtained by fraud or upon finding that the victim's or claimant's actions and/or circumstances would no longer make the victim or claimant

eligible.(10)If a claimant disagrees with the decision of the director, he may contest such decision to the Attorney General within thirty (30) days after notification of issuance of the decision. There shall be no appeal of a decision of the director except as set forth in this subsection.(11)In a contested case, all parties shall be afforded an opportunity for a hearing after reasonable notice pursuant to regulations promulgated pursuant to this chapter and may offer evidence and argument on any issue relevant to the claim and may examine witnesses and offer evidence in reply to any matter of an evidentiary nature relevant to the claim. The Attorney General shall have the power to subpoena witnesses, compel their attendance and require the production of records and other evidence. The decision of the Attorney General becomes the final decision. A record of the hearing in a contested case shall be made and shall be transcribed upon request of any party who shall pay transcription costs unless otherwise ordered by the Attorney General.Laws, 1990, ch. 509, § 6; Laws, 1996, ch. 506, § 4; Laws, 2000, ch. 577, § 1; Laws, 2004, ch. 355, § 7; Laws, 2007, ch. 587, § 4; Laws, 2012, ch. 503, § 2, eff. 7/1/2012. Laws, 1990, ch. 509, § 6; Laws, 1996, ch. 506, § 4; Laws, 2000, ch. 577, § 1; Laws, 2004, ch. 355, § 7; Laws, 2007, ch. 587, § 4; Laws, 2012, ch. 503, § 2, eff. 7/1/2012.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 41 - MISSISSIPPI CRIME VICTIMS' COMPENSATION ACT (§§ 99-41-1 — 99-41-31)Section 99-41-13 - Appeals

Any claimant aggrieved by a final decision of the Attorney General shall be entitled to judicial review thereof in the manner provided in this section.(a)An appeal may be taken by such claimant to the circuit court of the claimant's residence or the Circuit Court of the First Judicial District of Hinds County by filing a petition with the clerk of the court and executing and filing bond payable to the State of Mississippi with sufficient sureties to be approved by the clerk of the court, conditioned upon the payment of all costs of appeal, including the cost of preparing the transcript of the hearing before the Attorney General. The petition and bond shall be filed within thirty (30) days of the receipt of the final decision of the Attorney General. Upon approval of the bond, the clerk of the court shall notify the Office of the Attorney General, which shall prepare its record in the matter and transmit it to the circuit court.(b)The scope of review of the circuit court in such cases shall be limited to a review of the record made before the Attorney General to determine if the action of the Attorney General is unlawful for the reason that it was:(i)Not supported by a preponderance of the evidence;(ii)Arbitrary and capricious; or(iii)In violation of a statutory right of claimant.(c)No relief shall be granted based upon the court's finding of harmless error.(d)Any party aggrieved by action of the circuit court may appeal to the Supreme Court in the manner provided by law.Laws, 1990, ch. 509, § 7; Laws, 1996, ch. 506, § 5; Laws, 2000, ch. 577, § 2; Laws, 2004, ch. 355, § 8, eff. 4/20/2004. Any claimant aggrieved by a final decision of the Attorney General shall be entitled to judicial review thereof in the manner provided in this section.(a)An appeal may be taken by such claimant to the circuit court of the claimant's residence or the Circuit Court of the First Judicial District of Hinds County by filing a petition with the clerk of the court and executing and filing bond payable to the State of Mississippi with sufficient sureties to be approved by the clerk of the court, conditioned upon the payment of all costs of appeal, including the cost of preparing the transcript of the hearing before the Attorney General. The petition and bond shall be filed within thirty (30) days of the receipt of the final decision of the Attorney General. Upon approval of the bond, the clerk of the court shall notify the Office of the Attorney General, which shall prepare its record in the matter and transmit it to the circuit court.(b)The scope of review of the circuit court in such cases shall be limited to a review of the record made before the Attorney General to determine if the action of the Attorney General is unlawful for the reason that it was:(i)Not supported by a preponderance of the evidence;(ii)Arbitrary and capricious; or(iii)In violation of a statutory right of claimant.(c)No relief shall be granted based upon the court's finding of harmless error.(d)Any party aggrieved by action of the circuit court may appeal to the Supreme Court in the manner provided by law.Laws, 1990, ch. 509, § 7; Laws, 1996, ch. 506, § 5; Laws, 2000, ch. 577, § 2; Laws, 2004, ch. 355, § 8, eff. 4/20/2004. Any claimant aggrieved by a final decision of the Attorney General shall be entitled to judicial review thereof in the manner provided in this section.(a)An appeal may be taken by such claimant to the circuit court of the claimant's residence or the Circuit Court of the First Judicial District of Hinds County by filing a petition with the clerk of the court and executing and filing bond payable to the State of Mississippi with sufficient sureties to be approved by the clerk of the court, conditioned upon the payment of all costs of appeal, including the cost of preparing the transcript of the hearing before the Attorney General. The petition and bond shall be filed within thirty (30) days of the receipt of the final decision of the Attorney General. Upon approval of the bond, the clerk of the court shall notify the Office of the Attorney General, which shall prepare its record in the matter and transmit it to the circuit court.(b)The scope of review of the circuit court in such cases shall be limited to a review of the record made before the Attorney General to determine if the action of the Attorney General is unlawful for the reason that it was:(i)Not supported by a preponderance of the evidence;(ii)Arbitrary and capricious; or(iii)In violation of a statutory right of claimant.(c)No relief shall be granted based upon the court's finding of harmless error.(d)Any party aggrieved by action of the circuit court may appeal to the Supreme Court in the manner provided by law.Laws, 1990, ch. 509, § 7; Laws, 1996, ch. 506, § 5; Laws, 2000, ch. 577, § 2; Laws, 2004, ch. 355, § 8, eff. 4/20/2004. Any claimant aggrieved by a final decision of the Attorney General shall be entitled to judicial review thereof in the manner provided in this section. Laws, 1990, ch. 509, § 7; Laws, 1996, ch. 506, § 5; Laws, 2000, ch. 577, § 2; Laws, 2004, ch. 355, § 8, eff. 4/20/2004.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 41 - MISSISSIPPI CRIME VICTIMS' COMPENSATION ACT (§§ 99-41-1 — 99-41-31)Section 99-41-15 - Filing of claim as waiver of physician-patient confidentiality; ordering mental or physical examination or autopsy

(1)Any person filing a claim under the provisions of this chapter shall be deemed to have waived any physician-patient privilege as to the communications or records relevant to an issue of the physical, mental or emotional conditions of the claimant. However, any

record or report obtained by the director, the confidentiality of which is otherwise protected by any other law or regulation, shall remain confidential, subject to such law or regulation.(2)If the mental, physical or emotional condition of a claimant is material to a claim, the director, upon good cause shown, may order the claimant to submit to a mental or physical examination and may order an autopsy of a deceased victim. The order shall specify the time, place, manner, conditions and scope of the examination or autopsy and the person by whom it is to be made. The order shall also require the person to file with the director a detailed written report of the examination or autopsy. The report shall set out the findings of the person making the report, including the results of all tests made, the diagnosis, prognosis and other conclusions and reports of earlier examinations of the same conditions.(3)The director shall furnish a copy of the report examined. If the victim is deceased the director shall furnish a copy of the report to the claimant on request.(4)The director may require the claimant to supply any additional medical or psychological reports available relating to the injury or death for which compensation is claimed.Laws, 1990, ch. 509, § 8; Laws, 1996, ch. 506, § 6, eff. 7/1/1996. (1)Any person filing a claim under the provisions of this chapter shall be deemed to have waived any physician-patient privilege as to the communications or records relevant to an issue of the physical, mental or emotional conditions of the claimant. However, any record or report obtained by the director, the confidentiality of which is otherwise protected by any other law or regulation, shall remain confidential, subject to such law or regulation.(2)If the mental, physical or emotional condition of a claimant is material to a claim, the director, upon good cause shown, may order the claimant to submit to a mental or physical examination and may order an autopsy of a deceased victim. The order shall specify the time, place, manner, conditions and scope of the examination or autopsy and the person by whom it is to be made. The order shall also require the person to file with the director a detailed written report of the examination or autopsy. The report shall set out the findings of the person making the report, including the results of all tests made, the diagnosis, prognosis and other conclusions and reports of earlier examinations of the same conditions.(3)The director shall furnish a copy of the report examined. If the victim is deceased the director shall furnish a copy of the report to the claimant on request.(4)The director may require the claimant to supply any additional medical or psychological reports available relating to the injury or death for which compensation is claimed.Laws, 1990, ch. 509, § 8; Laws, 1996, ch. 506, § 6, eff. 7/1/1996. (1)Any person filing a claim under the provisions of this chapter shall be deemed to have waived any physician-patient privilege as to the communications or records relevant to an issue of the physical, mental or emotional conditions of the claimant. However, any record or report obtained by the director, the confidentiality of which is otherwise protected by any other law or regulation, shall remain confidential, subject to such law or regulation.(2)If the mental, physical or emotional condition of a claimant is material to a claim, the director, upon good cause shown, may order the claimant to submit to a mental or physical examination and may order an autopsy of a deceased victim. The order shall specify the time, place, manner, conditions and scope of the examination or autopsy and the person by whom it is to be made. The order shall also require the person to file with the director a detailed written report of the examination or autopsy. The report shall set out the findings of the person making the report, including the results of all tests made, the diagnosis, prognosis and other conclusions and reports of earlier examinations of the same conditions.(3)The director shall furnish a copy of the report examined. If the victim is deceased the director shall furnish a copy of the report to the claimant on request.(4)The director may require the claimant to supply any additional medical or psychological reports available relating to the injury or death for which compensation is claimed.Laws, 1990, ch. 509, § 8; Laws, 1996, ch. 506, § 6, eff. 7/1/1996. Laws, 1990, ch. 509, § 8; Laws, 1996, ch. 506, § 6, eff. 7/1/1996.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 41 - MISSISSIPPI CRIME VICTIMS' COMPENSATION ACT (§§ 99-41-1 — 99-41-31)Section 99-41-17 - Compensation awards; conditions; exceptions; reduction

(1)Compensation shall not be awarded under this chapter:(a)Unless the criminally injurious conduct occurred after July 1, 1991;(b)Unless the claim has been filed with the director within thirty-six (36) months after the crime occurred, or in cases of child sexual abuse, within thirty-six (36) months after the crime was reported to law enforcement or the Department of Child Protection Services, but in no event later than the victim's twenty-fifth birthday. For good cause, the director may extend the time period allowed for filing a claim for an additional period not to exceed twelve (12) months;(c)To a claimant or victim who was the offender or an accomplice to the offender, or, except in cases of children under the age of consent as specified in Section97-3-65,97-3-97or97-5-23, Mississippi Code of 1972, who encouraged or in any way knowingly participated in criminally injurious conduct;(d)To another person, if the award would unjustly benefit the offender or accomplice;(e)Unless the criminally injurious conduct resulting in injury or death was reported to a law enforcement officer within seventy-two (72) hours after its occurrence or unless it is found that there was good cause for the failure to report within such time;(f)To any claimant or victim when the injury or death occurred while the victim was confined in any federal, state, county or city jail or correctional facility;(g)If the victim was injured as a result of the operation of a motor vehicle, boat or airplane, unless the vehicle was used by the offender (i) while under the influence of alcohol or drugs, (ii) as a weapon in the deliberate attempt to injure or cause the death of the victim, (iii) in a hit-and-run accident by leaving the scene of an accident as specified in Section63-3-401, (iv) to flee apprehension by law enforcement as specified in Sections97-9-72and97-9-73, or (v) causes any injury to a child who is in the process of boarding or exiting a school bus in the course of a violation of Section63-3-615;(h)If, following the filing of an application, the claimant failed to take further steps as required by the division to support the application within forty-five (45) days of such request made by the director or failed to otherwise cooperate with requests of the director to determine eligibility, unless failure to provide information was beyond the control of the claimant;(i)To a claimant or victim who, subsequent to the injury for which application is made, is convicted of any felony, and the conviction becomes known to the director;(j)To any claimant or victim who has been under the

actual or constructive supervision of a department of corrections for a felony conviction within five (5) years prior to the injury or death for which application has been made;(k)To any claimant or victim who, at the time of the criminally injurious conduct upon which the claim for compensation is based, engaged in conduct unrelated to the crime upon which the claim for compensation is based that either was (i) a felony, or (ii) a delinquent act which, if committed by an adult, would constitute a felony;(l)To any claimant or victim who knowingly furnishes any false or misleading information or knowingly fails or omits to disclose a material fact or circumstance.(2)Compensation otherwise payable to a claimant shall be diminished to the extent:(a)That the economic loss is recouped from other sources, including collateral sources; and(b)Of the degree of responsibility for the cause of injury or death attributable to the victim or claimant.(3)Upon a finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies and prosecuting attorneys, an award of compensation may be denied, withdrawn or reduced.(4)Compensation otherwise payable to a claimant or victim may be denied or reduced to a claimant or victim who, at the time of the crime upon which the claim for compensation is based, was engaging in or attempting to engage in other unlawful activity unrelated to the crime upon which the claim for compensation is based.Laws, 1990, ch. 509, § 9; Laws, 1996, ch. 506, § 7; Laws, 1998, ch. 484, § 2; Laws, 2000, ch. 577, § 3; Laws, 2004, ch. 355, § 9; Laws, 2007, ch. 587, § 5; Laws, 2012, ch. 503, § 3, eff. 7/1/2012.Amended by Laws, 2023, ch. 516, HB 1149,§ 103, eff. 7/1/2023.Amended by Laws, 2013, ch. 376, HB 710, 1, eff. 7/1/2013. (1)Compensation shall not be awarded under this chapter:(a)Unless the criminally injurious conduct occurred after July 1, 1991;(b)Unless the claim has been filed with the director within thirty-six (36) months after the crime occurred, or in cases of child sexual abuse, within thirty-six (36) months after the crime was reported to law enforcement or the Department of Child Protection Services, but in no event later than the victim's twenty-fifth birthday. For good cause, the director may extend the time period allowed for filing a claim for an additional period not to exceed twelve (12) months;(c)To a claimant or victim who was the offender or an accomplice to the offender, or, except in cases of children under the age of consent as specified in Section97-3-65,97-3-97or97-5-23, Mississippi Code of 1972, who encouraged or in any way knowingly participated in criminally injurious conduct;(d)To another person, if the award would unjustly benefit the offender or accomplice;(e)Unless the criminally injurious conduct resulting in injury or death was reported to a law enforcement officer within seventy-two (72) hours after its occurrence or unless it is found that there was good cause for the failure to report within such time;(f)To any claimant or victim when the injury or death occurred while the victim was confined in any federal, state, county or city jail or correctional facility;(g)If the victim was injured as a result of the operation of a motor vehicle, boat or airplane, unless the vehicle was used by the offender (i) while under the influence of alcohol or drugs, (ii) as a weapon in the deliberate attempt to injure or cause the death of the victim, (iii) in a hit-and-run accident by leaving the scene of an accident as specified in Section63-3-401, (iv) to flee apprehension by law enforcement as specified in Sections97-9-72and97-9-73, or (v) causes any injury to a child who is in the process of boarding or exiting a school bus in the course of a violation of Section63-3-615;(h)If, following the filing of an application, the claimant failed to take further steps as required by the division to support the application within forty-five (45) days of such request made by the director or failed to otherwise cooperate with requests of the director to determine eligibility, unless failure to provide information was beyond the control of the claimant;(i)To a claimant or victim who, subsequent to the injury for which application is made, is convicted of any felony, and the conviction becomes known to the director;(j)To any claimant or victim who has been under the actual or constructive supervision of a department of corrections for a felony conviction within five (5) years prior to the injury or death for which application has been made;(k)To any claimant or victim who, at the time of the criminally injurious conduct upon which the claim for compensation is based, engaged in conduct unrelated to the crime upon which the claim for compensation is based that either was (i) a felony, or (ii) a delinquent act which, if committed by an adult, would constitute a felony;(l)To any claimant or victim who knowingly furnishes any false or misleading information or knowingly fails or omits to disclose a material fact or circumstance.(2)Compensation otherwise payable to a claimant shall be diminished to the extent:(a)That the economic loss is recouped from other sources, including collateral sources; and(b)Of the degree of responsibility for the cause of injury or death attributable to the victim or claimant.(3)Upon a finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies and prosecuting attorneys, an award of compensation may be denied, withdrawn or reduced.(4)Compensation otherwise payable to a claimant or victim may be denied or reduced to a claimant or victim who, at the time of the crime upon which the claim for compensation is based, was engaging in or attempting to engage in other unlawful activity unrelated to the crime upon which the claim for compensation is based.Laws, 1990, ch. 509, § 9; Laws, 1996, ch. 506, § 7; Laws, 1998, ch. 484, § 2; Laws, 2000, ch. 577, § 3; Laws, 2004, ch. 355, § 9; Laws, 2007, ch. 587, § 5; Laws, 2012, ch. 503, § 3, eff. 7/1/2012.Amended by Laws, 2023, ch. 516, HB 1149,§ 103, eff. 7/1/2023.Amended by Laws, 2013, ch. 376, HB 710, 1, eff. 7/1/2013. 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unless the vehicle was used by the offender (i) while under the influence of alcohol or drugs, (ii) as a weapon in the deliberate attempt to injure or cause the death of the victim, (iii) in a hit-and-run accident by leaving the scene of an accident as specified in Section 63-3-401, (iv) to flee apprehension by law enforcement as specified in Sections 97-9-72 and 97-9-73, or (v) causes any injury to a child who is in the process of boarding or exiting a school bus in the course of a violation of Section 63-3-615; (h) If, following the filing of an application, the claimant failed to take further steps as required by the division to support the application within forty-five (45) days of such request made by the director or failed to otherwise cooperate with requests of the director to determine eligibility, unless failure to provide information was beyond the control of the claimant; (i) To a claimant or victim who, subsequent to the injury for which application is made, is convicted of any felony, and the conviction becomes known to the director; (j) To any claimant or victim who has been under the actual or constructive supervision of a department of corrections for a felony conviction within five (5) years prior to the injury or death for which application has been made; (k) To any claimant or victim who, at the time of the criminally injurious conduct upon which the claim for compensation is based, engaged in conduct unrelated to the crime upon which the claim for compensation is based that either was (i) a felony, or (ii) a delinquent act which, if committed by an adult, would constitute a felony; (l) To any claimant or victim who knowingly furnishes any false or misleading information or knowingly fails or omits to disclose a material fact or circumstance. (2) Compensation otherwise payable to a claimant shall be diminished to the extent: (a) That the economic loss is recouped from other sources, including collateral sources; and (b) Of the degree of responsibility for the cause of injury or death attributable to the victim or claimant. (3) Upon a finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies and prosecuting attorneys, an award of compensation may be denied, withdrawn or reduced. (4) Compensation otherwise payable to a claimant or victim may be denied or reduced to a claimant or victim who, at the time of the crime upon which the claim for compensation is based, was engaging in or attempting to engage in other unlawful activity unrelated to the crime upon which the claim for compensation is based. Laws, 1990, ch. 509, § 9; Laws, 1996, ch. 506, § 7; Laws, 1998, ch. 484, § 2; Laws, 2000, ch. 577, § 3; Laws, 2004, ch. 355, § 9; Laws, 2007, ch. 587, § 5; Laws, 2012, ch. 503, § 3, eff. 7/1/2012. Amended by Laws, 2023, ch. 516, HB 1149, § 103, eff. 7/1/2023. Amended by Laws, 2013, ch. 376, HB 710, 1, eff. 7/1/2013. Laws, 1990, ch. 509, § 9; Laws, 1996, ch. 506, § 7; Laws, 1998, ch. 484, § 2; Laws, 2000, ch. 577, § 3; Laws, 2004, ch. 355, § 9; Laws, 2007, ch. 587, § 5; Laws, 2012, ch. 503, § 3, eff. 7/1/2012. Amended by Laws, 2023, ch. 516, HB 1149, § 103, eff. 7/1/2023. Amended by Laws, 2013, ch. 376, HB 710, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 41 - MISSISSIPPI CRIME VICTIMS' COMPENSATION ACT (§§ 99-41-1 — 99-41-31) Section 99-41-19 - Proof of conviction as evidence; suspension of proceedings pending prosecution

Proof of conviction of a person whose acts give rise to a claim shall be conclusive evidence that the crime was committed unless an application for rehearing, an appeal of the conviction or certiorari is pending or unless a rehearing and new trial has been ordered. The director may suspend the proceedings before it pending disposition of a criminal prosecution that has been commenced or is imminent. Laws, 1990, ch. 509, § 10; Laws, 1996, ch. 506, § 8, eff. 7/1/1996. Proof of conviction of a person whose acts give rise to a claim shall be conclusive evidence that the crime was committed unless an application for rehearing, an appeal of the conviction or certiorari is pending or unless a rehearing and new trial has been ordered. The director may suspend the proceedings before it pending disposition of a criminal prosecution that has been commenced or is imminent. Laws, 1990, ch. 509, § 10; Laws, 1996, ch. 506, § 8, eff. 7/1/1996. Proof of conviction of a person whose acts give rise to a claim shall be conclusive evidence that the crime was committed unless an application for rehearing, an appeal of the conviction or certiorari is pending or unless a rehearing and new trial has been ordered. The director may suspend the proceedings before it pending disposition of a criminal prosecution that has been commenced or is imminent. Laws, 1990, ch. 509, § 10; Laws, 1996, ch. 506, § 8, eff. 7/1/1996. Proof of conviction of a person whose acts give rise to a claim shall be conclusive evidence that the crime was committed unless an application for rehearing, an appeal of the conviction or certiorari is pending or unless a rehearing and new trial has been ordered. The director may suspend the proceedings before it pending disposition of a criminal prosecution that has been commenced or is imminent. Laws, 1990, ch. 509, § 10; Laws, 1996, ch. 506, § 8, eff. 7/1/1996.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 41 - MISSISSIPPI CRIME VICTIMS' COMPENSATION ACT (§§ 99-41-1 — 99-41-31) Section 99-41-21 - Repayment of compensation; subrogation of state

(1) If compensation is awarded the state shall be subrogated to all the rights of a claimant or victim to receive or recover from a collateral source to the extent that compensation was awarded. (2) In the event that the claimant or victim recovers compensation, other than under the provisions of this chapter, for injuries or death resulting from criminally injurious conduct, the claimant or victim shall retain, as trustee, so much of the recovered funds as necessary to reimburse the Crime Victims' Compensation Fund, as created in Section 99-41-29, to the extent that compensation was awarded to the claimant or victim from such fund. Such funds as are retained in trust under the provisions of this section shall be promptly deposited in the Crime Victims' Compensation Fund created in Section 99-41-29. (3) If a claimant or victim brings an action to recover damages related to the criminally injurious conduct upon which compensation is claimed or awarded, the claimant shall give the director written notice of the action. After receiving such notice the director may join in the action as a party plaintiff to recover any compensation awarded. Laws, 1990, ch. 509, § 11; Laws, 1996, ch. 506, § 9; Laws, 2012, ch. 503, § 4, eff. 7/1/2012. (1) If compensation is awarded the state shall be subrogated to all the rights of a claimant or victim to receive or recover from a collateral source to the extent that compensation was awarded. (2) In

the event that the claimant or victim recovers compensation, other than under the provisions of this chapter, for injuries or death resulting from criminally injurious conduct, the claimant or victim shall retain, as trustee, so much of the recovered funds as necessary to reimburse the Crime Victims' Compensation Fund, as created in Section 99-41-29, to the extent that compensation was awarded to the claimant or victim from such fund. Such funds as are retained in trust under the provisions of this section shall be promptly deposited in the Crime Victims' Compensation Fund created in Section 99-41-29. (3) If a claimant or victim brings an action to recover damages related to the criminally injurious conduct upon which compensation is claimed or awarded, the claimant shall give the director written notice of the action. After receiving such notice the director may join in the action as a party plaintiff to recover any compensation awarded. Laws, 1990, ch. 509, § 11; Laws, 1996, ch. 506, § 9; Laws, 2012, ch. 503, § 4, eff. 7/1/2012. (1) If compensation is awarded the state shall be subrogated to all the rights of a claimant or victim to receive or recover from a collateral source to the extent that compensation was awarded. (2) In the event that the claimant or victim recovers compensation, other than under the provisions of this chapter, for injuries or death resulting from criminally injurious conduct, the claimant or victim shall retain, as trustee, so much of the recovered funds as necessary to reimburse the Crime Victims' Compensation Fund, as created in Section 99-41-29, to the extent that compensation was awarded to the claimant or victim from such fund. Such funds as are retained in trust under the provisions of this section shall be promptly deposited in the Crime Victims' Compensation Fund created in Section 99-41-29. (3) If a claimant or victim brings an action to recover damages related to the criminally injurious conduct upon which compensation is claimed or awarded, the claimant shall give the director written notice of the action. After receiving such notice the director may join in the action as a party plaintiff to recover any compensation awarded. Laws, 1990, ch. 509, § 11; Laws, 1996, ch. 506, § 9; Laws, 2012, ch. 503, § 4, eff. 7/1/2012. Laws, 1990, ch. 509, § 11; Laws, 1996, ch. 506, § 9; Laws, 2012, ch. 503, § 4, eff. 7/1/2012.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 41 - MISSISSIPPI CRIME VICTIMS' COMPENSATION ACT (§§ 99-41-1 — 99-41-31) Section 99-41-23 - Calculation of award; payment in installments; assignment of award

(1) Compensation for work loss may not exceed Six Hundred Dollars (\$600.00) per week, not to exceed fifty-two (52) weeks; the total amount of the award may not exceed the aggregate limitation of this section. (2) Compensation for economic loss of a dependent may not exceed Six Hundred Dollars (\$600.00) per week not to exceed fifty-two (52) weeks; provided, however, if there is more than one (1) dependent per victim the amount of compensation awarded shall be prorated among the dependents and the total amount of the award may not exceed the aggregate limitation of this section. (3) In the event of the victim's death, compensation for work loss of claimant may not exceed Six Hundred Dollars (\$600.00) per week not to exceed one (1) week; provided, however, if there is more than one (1) claimant per victim, the amount of compensation awarded shall be prorated among the claimants and the total amount of the award may not exceed Six Hundred Dollars (\$600.00). (4) Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed Twenty Thousand Dollars (\$20,000.00) in the aggregate. (5) A determination that compensation shall be awarded may provide for payment to a claimant in a lump sum or in installments. All medical bills may be paid directly to affected health care providers. At the request of the claimant, the director may convert future economic loss, other than allowable expense, to a lump sum, but only upon a finding of either of the following: (a) That the award in a lump sum will promote the interests of the claimant; or (b) That the present value of all future economic loss, other than allowable expense, does not exceed One Thousand Dollars (\$1,000.00). (6) An award payable in installments for future economic loss may be made only for a period as to which the future economic loss can reasonably be determined. An award payable in installments for future economic loss may be modified upon findings that a material and substantial change of circumstances has occurred. (7) If a hospital or hospital ancillary service provider accepts payment from the division on behalf of the victim or claimant, the division may require that the provider shall not collect or attempt to collect further payment from the victim, the claimant, or the division, except that hospital and hospital ancillary service providers may collect or attempt to collect from collateral sources available to the victim or the claimant. The division may also make any such payment contingent upon the provider limiting its right to collect from the victim, the claimant, or the division; or contingent upon the provider entering into a covenant not to sue the victim, the claimant or the division. (8) An award shall not be subject to execution, attachment, garnishment or other process, except that an award shall not be exempt from orders for the withholding of support for minor children in accordance with Section 93-11-71, and except that an award for allowable expense shall not be exempt from a claim of a creditor to the extent that such creditor has provided products, services or accommodations, the costs of which are included in the award. (9) An assignment by the claimant to any future award under the provisions of this chapter is unenforceable, except: (a) An assignment of any award for work loss to assure payment of court-ordered alimony, maintenance or child support; or (b) An assignment for any award for allowable expense to the extent that the benefits are for the cost of products, services or accommodations necessitated by the injury or death on which the claim is based and which are provided or are to be provided by the assignee. (10) Subsections (8) and (9) of this section prevail over Sections 75-9-406 and 75-9-408 of Article 9 of the Uniform Commercial Code to the extent, if any, that Sections 75-9-406 and 75-9-408 may otherwise be applicable. Laws, 1990, ch. 509, § 12; Laws, 1996, ch. 506, § 10; Laws, 1998, ch. 484, § 3; Laws, 2000, ch. 577, § 4; Laws, 2001, ch. 495, § 32; Laws, 2002, ch. 352, § 2; Laws, 2007, ch. 587, § 6; Laws, 2012, ch. 503, § 5, eff. 7/1/2012. (1) Compensation for work loss may not exceed Six Hundred Dollars (\$600.00) per week, not to exceed fifty-two (52) weeks; the total amount of the award may not exceed the aggregate limitation of this section. (2) Compensation for economic loss of a dependent may not exceed Six Hundred Dollars (\$600.00) per week not to exceed fifty-two (52) weeks; provided, however, if there is more than one (1) dependent per victim the amount of

compensation awarded shall be prorated among the dependents and the total amount of the award may not exceed the aggregate limitation of this section.(3)In the event of the victim's death, compensation for work loss of claimant may not exceed Six Hundred Dollars (\$600.00) per week not to exceed one (1) week; provided, however, if there is more than one (1) claimant per victim, the amount of compensation awarded shall be prorated among the claimants and the total amount of the award may not exceed Six Hundred Dollars (\$600.00).(4)Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed Twenty Thousand Dollars (\$20,000.00) in the aggregate.(5)A determination that compensation shall be awarded may provide for payment to a claimant in a lump sum or in installments. All medical bills may be paid directly to affected health care providers. At the request of the claimant, the director may convert future economic loss, other than allowable expense, to a lump sum, but only upon a finding of either of the following:(a)That the award in a lump sum will promote the interests of the claimant; or(b)That the present value of all future economic loss, other than allowable expense, does not exceed One Thousand Dollars (\$1,000.00).(6)An award payable in installments for future economic loss may be made only for a period as to which the future economic loss can reasonably be determined. An award payable in installments for future economic loss may be modified upon findings that a material and substantial change of circumstances has occurred.(7)If a hospital or hospital ancillary service provider accepts payment from the division on behalf of the victim or claimant, the division may require that the provider shall not collect or attempt to collect further payment from the victim, the claimant, or the division, except that hospital and hospital ancillary service providers may collect or attempt to collect from collateral sources available to the victim or the claimant. The division may also make any such payment contingent upon the provider limiting its right to collect from the victim, the claimant, or the division; or contingent upon the provider entering into a covenant not to sue the victim, the claimant or the division.(8)An award shall not be subject to execution, attachment, garnishment or other process, except that an award shall not be exempt from orders for the withholding of support for minor children in accordance with Section93-11-71, and except that an award for allowable expense shall not be exempt from a claim of a creditor to the extent that such creditor has provided products, services or accommodations, the costs of which are included in the award.(9)An assignment by the claimant to any future award under the provisions of this chapter is unenforceable, except:(a)An assignment of any award for work loss to assure payment of court-ordered alimony, maintenance or child support; or(b)An assignment for any award for allowable expense to the extent that the benefits are for the cost of products, services or accommodations necessitated by the injury or death on which the claim is based and which are provided or are to be provided by the assignee.(10)Subsections (8) and (9) of this section prevail over Sections75-9-406and75-9-408of Article 9 of the Uniform Commercial Code to the extent, if any, that Sections75-9-406and75-9-408may otherwise be applicable.Laws, 1990, ch. 509, § 12; Laws, 1996, ch. 506, § 10; Laws, 1998, ch. 484, § 3; Laws, 2000, ch. 577, § 4; Laws, 2001, ch. 495, § 32; Laws, 2002, ch. 352, § 2; Laws, 2007, ch. 587, § 6; Laws, 2012, ch. 503, § 5, eff. 7/1/2012. (1)Compensation for work loss may not exceed Six Hundred Dollars (\$600.00) per week, not to exceed fifty-two (52) weeks; the total amount of the award may not exceed the aggregate limitation of this section.(2)Compensation for economic loss of a dependent may not exceed Six Hundred Dollars (\$600.00) per week not to exceed fifty-two (52) weeks; provided, however, if there is more than one (1) dependent per victim the amount of compensation awarded shall be prorated among the dependents and the total amount of the award may not exceed the aggregate limitation of this section.(3)In the event of the victim's death, compensation for work loss of claimant may not exceed Six Hundred Dollars (\$600.00) per week not to exceed one (1) week; provided, however, if there is more than one (1) claimant per victim, the amount of compensation awarded shall be prorated among the claimants and the total amount of the award may not exceed Six Hundred Dollars (\$600.00).(4)Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed Twenty Thousand Dollars (\$20,000.00) in the aggregate.(5)A determination that compensation shall be awarded may provide for payment to a claimant in a lump sum or in installments. All medical bills may be paid directly to affected health care providers. At the request of the claimant, the director may convert future economic loss, other than allowable expense, to a lump sum, but only upon a finding of either of the following:(a)That the award in a lump sum will promote the interests of the claimant; or(b)That the present value of all future economic loss, other than allowable expense, does not exceed One Thousand Dollars (\$1,000.00).(6)An award payable in installments for future economic loss may be made only for a period as to which the future economic loss can reasonably be determined. An award payable in installments for future economic loss may be modified upon findings that a material and substantial change of circumstances has occurred.(7)If a hospital or hospital ancillary service provider accepts payment from the division on behalf of the victim or claimant, the division may require that the provider shall not collect or attempt to collect further payment from the victim, the claimant, or the division, except that hospital and hospital ancillary service providers may collect or attempt to collect from collateral sources available to the victim or the claimant. The division may also make any such payment contingent upon the provider limiting its right to collect from the victim, the claimant, or the division; or contingent upon the provider entering into a covenant not to sue the victim, the claimant or the division.(8)An award shall not be subject to execution, attachment, garnishment or other process, except that an award shall not be exempt from orders for the withholding of support for minor children in accordance with Section93-11-71, and except that an award for allowable expense shall not be exempt from a claim of a creditor to the extent that such creditor has provided products, services or accommodations, the costs of which are included in the award.(9)An assignment by the claimant to any future award under the provisions of this chapter is unenforceable, except:(a)An assignment of any award for work loss to assure payment of court-ordered alimony, maintenance or child support; or(b)An assignment for any award for allowable expense to the extent that the benefits are for the cost of products, services or accommodations necessitated by the injury or death on which the claim is based and which are provided or are to be provided by the assignee.(10)Subsections (8) and (9) of this section prevail over Sections75-9-406and75-9-408of Article 9 of the Uniform

Commercial Code to the extent, if any, that Sections 75-9-406 and 75-9-408 may otherwise be applicable. Laws, 1990, ch. 509, § 12; Laws, 1996, ch. 506, § 10; Laws, 1998, ch. 484, § 3; Laws, 2000, ch. 577, § 4; Laws, 2001, ch. 495, § 32; Laws, 2002, ch. 352, § 2; Laws, 2007, ch. 587, § 6; Laws, 2012, ch. 503, § 5, eff. 7/1/2012. Laws, 1990, ch. 509, § 12; Laws, 1996, ch. 506, § 10; Laws, 1998, ch. 484, § 3; Laws, 2000, ch. 577, § 4; Laws, 2001, ch. 495, § 32; Laws, 2002, ch. 352, § 2; Laws, 2007, ch. 587, § 6; Laws, 2012, ch. 503, § 5, eff. 7/1/2012.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 41 - MISSISSIPPI CRIME VICTIMS' COMPENSATION ACT (§§ 99-41-1 — 99-41-31) Section 99-41-25 - Advance award

If the director determines that the claim is one with respect to which an award probably will be made and the claimant will suffer financial hardship unless an advance award is made, an amount may be paid to the claimant not to exceed Five Hundred Dollars (\$500.00) and shall be deducted from the final award or shall be repaid by and recoverable from the claimant to the extent that it exceeds the final award. Laws, 1990, ch. 509, § 13; Laws, 1996, ch. 506, § 11; Laws, 2000, ch. 577, § 5, eff. 7/1/2000. If the director determines that the claim is one with respect to which an award probably will be made and the claimant will suffer financial hardship unless an advance award is made, an amount may be paid to the claimant not to exceed Five Hundred Dollars (\$500.00) and shall be deducted from the final award or shall be repaid by and recoverable from the claimant to the extent that it exceeds the final award. Laws, 1990, ch. 509, § 13; Laws, 1996, ch. 506, § 11; Laws, 2000, ch. 577, § 5, eff. 7/1/2000. If the director determines that the claim is one with respect to which an award probably will be made and the claimant will suffer financial hardship unless an advance award is made, an amount may be paid to the claimant not to exceed Five Hundred Dollars (\$500.00) and shall be deducted from the final award or shall be repaid by and recoverable from the claimant to the extent that it exceeds the final award. Laws, 1990, ch. 509, § 13; Laws, 1996, ch. 506, § 11; Laws, 2000, ch. 577, § 5, eff. 7/1/2000. If the director determines that the claim is one with respect to which an award probably will be made and the claimant will suffer financial hardship unless an advance award is made, an amount may be paid to the claimant not to exceed Five Hundred Dollars (\$500.00) and shall be deducted from the final award or shall be repaid by and recoverable from the claimant to the extent that it exceeds the final award. Laws, 1990, ch. 509, § 13; Laws, 1996, ch. 506, § 11; Laws, 2000, ch. 577, § 5, eff. 7/1/2000.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 41 - MISSISSIPPI CRIME VICTIMS' COMPENSATION ACT (§§ 99-41-1 — 99-41-31) Section 99-41-27 - False claims; penalty

(1) Claims shall be made under oath. The filing of a false claim for compensation pursuant to this chapter shall constitute a misdemeanor and shall be punishable by a fine of not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term not to exceed one (1) year, or by both such fine and imprisonment, and the person convicted shall, as part of the sentence in either case, be required to repay to the Crime Victims' Compensation Fund the amount received pursuant to the false claim. (2) Any person who shall knowingly furnish any false information or knowingly fails or omits to disclose a material fact or circumstance with the intent to defraud the division for compensation pursuant to this chapter shall be guilty of a misdemeanor and shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term not to exceed one (1) year, or both, and the person convicted shall, as part of the sentence in either case, be required to repay to the Crime Victims' Compensation Fund the total amount received pursuant to the false claim. (3) If a payment or overpayment of compensation is made because of clerical error, mistaken identity, innocent misrepresentation by or on behalf of the recipient of the compensation award or other circumstances of a similar nature not induced by fraud by or on behalf of the recipient, the recipient is liable for repayment of the compensation. The division may waive, decrease or adjust the amount of the repayment of the compensation. Laws, 1990, ch. 509, § 14; Laws, 1996, ch. 506, § 12; Laws, 2004, ch. 355, § 10, eff. 4/20/2004. (1) Claims shall be made under oath. The filing of a false claim for compensation pursuant to this chapter shall constitute a misdemeanor and shall be punishable by a fine of not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term not to exceed one (1) year, or by both such fine and imprisonment, and the person convicted shall, as part of the sentence in either case, be required to repay to the Crime Victims' Compensation Fund the amount received pursuant to the false claim. (2) Any person who shall knowingly furnish any false information or knowingly fails or omits to disclose a material fact or circumstance with the intent to defraud the division for compensation pursuant to this chapter shall be guilty of a misdemeanor and shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term not to exceed one (1) year, or both, and the person convicted shall, as part of the sentence in either case, be required to repay to the Crime Victims' Compensation Fund the total amount received pursuant to the false claim. (3) If a payment or overpayment of compensation is made because of clerical error, mistaken identity, innocent misrepresentation by or on behalf of the recipient of the compensation award or other circumstances of a similar nature not induced by fraud by or on behalf of the recipient, the recipient is liable for repayment of the compensation. The division may waive, decrease or adjust the amount of the repayment of the compensation. Laws, 1990, ch. 509, § 14; Laws, 1996, ch. 506, § 12; Laws, 2004, ch. 355, § 10, eff. 4/20/2004. (1) Claims shall be made under oath. The filing of a false claim for compensation pursuant to this chapter shall constitute a misdemeanor and shall be punishable by a fine of not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term not to exceed one (1) year, or by both such fine and imprisonment, and the person convicted shall, as part of the sentence in either case, be required to repay to the Crime Victims' Compensation Fund the amount received pursuant to the false claim. (2) Any person who shall knowingly furnish any false information or knowingly fails or omits to disclose a material fact or circumstance with the intent to defraud the division for compensation pursuant to this chapter shall be guilty of a misdemeanor and shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the

county jail for a term not to exceed one (1) year, or both, and the person convicted shall, as part of the sentence in either case, be required to repay to the Crime Victims' Compensation Fund the total amount received pursuant to the false claim.(3)If a payment or overpayment of compensation is made because of clerical error, mistaken identity, innocent misrepresentation by or on behalf of the recipient of the compensation award or other circumstances of a similar nature not induced by fraud by or on behalf of the recipient, the recipient is liable for repayment of the compensation. The division may waive, decrease or adjust the amount of the repayment of the compensation.Laws, 1990, ch. 509, § 14; Laws, 1996, ch. 506, § 12; Laws, 2004, ch. 355, § 10, eff. 4/20/2004. Laws, 1990, ch. 509, § 14; Laws, 1996, ch. 506, § 12; Laws, 2004, ch. 355, § 10, eff. 4/20/2004.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 41 - MISSISSIPPI CRIME VICTIMS' COMPENSATION ACT (§§ 99-41-1 — 99-41-31)Section 99-41-29 - Crime Victims' Compensation Fund; funding of expenses of Crime Victims Compensation Fund program; deposit of user charges and fees authorized under this section into State General Fund

(1)From and after July 1, 1990, there is hereby created in the State Treasury a special interest-bearing fund to be known as the Crime Victims' Compensation Fund. The monies contained in the fund shall be used for the sole purpose of payment of awards of compensation to victims and claimants pursuant to this chapter, the payment of all necessary and proper expenses incurred by the division in the administration of this chapter, payment of sexual assault examinations pursuant to Section99-37-25, payment of Address Confidentiality Program administrative expenses pursuant to Section99-47-1(7)and payment of other expenses in furtherance of providing assistance to victims of crime through information referrals, advocacy outreach programs and victim-related services. Expenditures from the fund shall be paid by the State Treasurer upon warrants issued by the Department of Finance and Administration, and upon requisitions signed by the Attorney General or his duly designated representative in the manner provided by law. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of:(a)monies appropriated by the Legislature for the purposes of compensating the victims of crime and other claimants under this chapter;(b)the interest accruing to the fund;(c)monies recovered by the director under the provisions of Section99-41-21;(d)monies received from the federal government; and(e)monies received from such other sources as may be provided by law.(2)No compensation payments shall be made which exceed the amount of money in the fund. The state shall not be liable for a written order to pay compensation, except to the extent that monies are available in the fund on the date the award is ordered. The Attorney General shall establish such rules and regulations as shall be necessary to adjust awards and payments so that the total amount awarded does not exceed the amount of money on deposit in the fund. Such rules and regulations may include, but shall not be limited to, the authority to provide for suspension of payments and proportioned reduction of benefits to all claimants; provided, however, no such reductions as provided for shall entitle claimants to future retroactive reimbursements in future years.(3)From and after July 1, 2016, the expenses of the Crime Victims Compensation Fund program (including the Crime Victims Compensation Administration Fund) shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law and as determined by the State Fiscal Officer.(4)From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section.Laws, 1990, ch. 509, § 15; Laws, 1993, ch. 517, § 1; Laws, 1994, ch. 388, § 1; Laws, 1996, ch. 506, § 13; Laws, 2004, ch. 355, § 11; Laws, 2007, ch. 587, § 7; Laws, 2012, ch. 503, § 6, eff. 7/1/2012.Amended by Laws, 2017EX1, ch. 7, SB 2001,§ 45, eff. 6/23/2017. (1)From and after July 1, 1990, there is hereby created in the State Treasury a special interest-bearing fund to be known as the Crime Victims' Compensation Fund. The monies contained in the fund shall be used for the sole purpose of payment of awards of compensation to victims and claimants pursuant to this chapter, the payment of all necessary and proper expenses incurred by the division in the administration of this chapter, payment of sexual assault examinations pursuant to Section99-37-25, payment of Address Confidentiality Program administrative expenses pursuant to Section99-47-1(7)and payment of other expenses in furtherance of providing assistance to victims of crime through information referrals, advocacy outreach programs and victim-related services. Expenditures from the fund shall be paid by the State Treasurer upon warrants issued by the Department of Finance and Administration, and upon requisitions signed by the Attorney General or his duly designated representative in the manner provided by law. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of:(a)monies appropriated by the Legislature for the purposes of compensating the victims of crime and other claimants under this chapter;(b)the interest accruing to the fund;(c)monies recovered by the director under the provisions of Section99-41-21;(d)monies received from the federal government; and(e)monies received from such other sources as may be provided by law.(2)No compensation payments shall be made which exceed the amount of money in the fund. The state shall not be liable for a written order to pay compensation, except to the extent that monies are available in the fund on the date the award is ordered. The Attorney General shall establish such rules and regulations as shall be necessary to adjust awards and payments so that the total amount awarded does not exceed the amount of money on deposit in the fund. Such rules and regulations may include, but shall not be limited to, the authority to provide for suspension of payments and proportioned reduction of benefits to all claimants; provided, however, no such reductions as provided for shall entitle claimants to future retroactive reimbursements in future years.(3)From and after July 1, 2016, the expenses of the Crime Victims Compensation Fund program (including the Crime Victims Compensation Administration Fund) shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law and as determined by the State Fiscal Officer.(4)From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section.Laws, 1990, ch. 509, § 15; Laws, 1993, ch. 517, § 1; Laws,

1994, ch. 388, § 1; Laws, 1996, ch. 506, § 13; Laws, 2004, ch. 355, § 11; Laws, 2007, ch. 587, § 7; Laws, 2012, ch. 503, § 6, eff. 7/1/2012. Amended by Laws, 2017EX1, ch. 7, SB 2001, § 45, eff. 6/23/2017. (1) From and after July 1, 1990, there is hereby created in the State Treasury a special interest-bearing fund to be known as the Crime Victims' Compensation Fund. The monies contained in the fund shall be used for the sole purpose of payment of awards of compensation to victims and claimants pursuant to this chapter, the payment of all necessary and proper expenses incurred by the division in the administration of this chapter, payment of sexual assault examinations pursuant to Section 99-37-25, payment of Address Confidentiality Program administrative expenses pursuant to Section 99-47-1(7) and payment of other expenses in furtherance of providing assistance to victims of crime through information referrals, advocacy outreach programs and victim-related services. Expenditures from the fund shall be paid by the State Treasurer upon warrants issued by the Department of Finance and Administration, and upon requisitions signed by the Attorney General or his duly designated representative in the manner provided by law. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of: (a) monies appropriated by the Legislature for the purposes of compensating the victims of crime and other claimants under this chapter; (b) the interest accruing to the fund; (c) monies recovered by the director under the provisions of Section 99-41-21; (d) monies received from the federal government; and (e) monies received from such other sources as may be provided by law. (2) No compensation payments shall be made which exceed the amount of money in the fund. The state shall not be liable for a written order to pay compensation, except to the extent that monies are available in the fund on the date the award is ordered. The Attorney General shall establish such rules and regulations as shall be necessary to adjust awards and payments so that the total amount awarded does not exceed the amount of money on deposit in the fund. Such rules and regulations may include, but shall not be limited to, the authority to provide for suspension of payments and proportioned reduction of benefits to all claimants; provided, however, no such reductions as provided for shall entitle claimants to future retroactive reimbursements in future years. (3) From and after July 1, 2016, the expenses of the Crime Victims Compensation Fund program (including the Crime Victims Compensation Administration Fund) shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law and as determined by the State Fiscal Officer. (4) From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section. Laws, 1990, ch. 509, § 15; Laws, 1993, ch. 517, § 1; Laws, 1994, ch. 388, § 1; Laws, 1996, ch. 506, § 13; Laws, 2004, ch. 355, § 11; Laws, 2007, ch. 587, § 7; Laws, 2012, ch. 503, § 6, eff. 7/1/2012. Amended by Laws, 2017EX1, ch. 7, SB 2001, § 45, eff. 6/23/2017. Laws, 1990, ch. 509, § 15; Laws, 1993, ch. 517, § 1; Laws, 1994, ch. 388, § 1; Laws, 1996, ch. 506, § 13; Laws, 2004, ch. 355, § 11; Laws, 2007, ch. 587, § 7; Laws, 2012, ch. 503, § 6, eff. 7/1/2012. Amended by Laws, 2017EX1, ch. 7, SB 2001, § 45, eff. 6/23/2017.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 41 - MISSISSIPPI CRIME VICTIMS' COMPENSATION ACT (§§ 99-41-1 — 99-41-31) Section 99-41-3 - Legislative intent

It is the intent of the Legislature to provide a method of compensating those persons who are innocent victims of criminal acts within the state and who suffer bodily injury or death and of assisting victims of crime through information referrals and advocacy outreach programs. To this end, it is the Legislature's intention to provide compensation for injuries suffered as a direct result of the criminal acts of other persons. It is the further intent of the Legislature that all agencies, departments, boards and commissions of the state and political subdivisions of the state shall cooperate with the Attorney General's Office in carrying out the provisions of this chapter. Laws, 1990, ch. 509, § 2; Laws, 2004, ch. 355, § 3; Laws, 2005, ch. 507, § 2, eff. 7/1/2005. It is the intent of the Legislature to provide a method of compensating those persons who are innocent victims of criminal acts within the state and who suffer bodily injury or death and of assisting victims of crime through information referrals and advocacy outreach programs. To this end, it is the Legislature's intention to provide compensation for injuries suffered as a direct result of the criminal acts of other persons. It is the further intent of the Legislature that all agencies, departments, boards and commissions of the state and political subdivisions of the state shall cooperate with the Attorney General's Office in carrying out the provisions of this chapter. Laws, 1990, ch. 509, § 2; Laws, 2004, ch. 355, § 3; Laws, 2005, ch. 507, § 2, eff. 7/1/2005. It is the intent of the Legislature to provide a method of compensating those persons who are innocent victims of criminal acts within the state and who suffer bodily injury or death and of assisting victims of crime through information referrals and advocacy outreach programs. To this end, it is the Legislature's intention to provide compensation for injuries suffered as a direct result of the criminal acts of other persons. It is the further intent of the Legislature that all agencies, departments, boards and commissions of the state and political subdivisions of the state shall cooperate with the Attorney General's Office in carrying out the provisions of this chapter. Laws, 1990, ch. 509, § 2; Laws, 2004, ch. 355, § 3; Laws, 2005, ch. 507, § 2, eff. 7/1/2005. It is the intent of the Legislature to provide a method of compensating those persons who are innocent victims of criminal acts within the state and who suffer bodily injury or death and of assisting victims of crime through information referrals and advocacy outreach programs. To this end, it is the Legislature's intention to provide compensation for injuries suffered as a direct result of the criminal acts of other persons. It is the further intent of the Legislature that all agencies, departments, boards and commissions of the state and political subdivisions of the state shall cooperate with the Attorney General's Office in carrying out the provisions of this chapter. Laws, 1990, ch. 509, § 2; Laws, 2004, ch. 355, § 3; Laws, 2005, ch. 507, § 2, eff. 7/1/2005.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 41 - MISSISSIPPI CRIME VICTIMS' COMPENSATION ACT (§§ 99-41-1 — 99-41-31) Section 99-41-31 - Disclosure of records as to claims; confidentiality of records

It is unlawful, except for purposes directly connected with the administration of the division and the processing of a claim, for any person to solicit, disclose, receive or make use of or authorize, knowingly permit, participate in or acquiesce in the use of any list, or names of, or information concerning persons applying for or receiving awards under this chapter without the written consent of the claimant or recipient. The records, papers, files and communications of the division, director, staff and agents must be regarded as confidential information and privileged and not subject to disclosure under any condition including the Mississippi Public Records Act of 1983. Laws, 2000, ch. 577, § 6; Laws, 2004, ch. 355, § 12; Laws, 2012, ch. 503, § 7, eff. 7/1/2012. It is unlawful, except for purposes directly connected with the administration of the division and the processing of a claim, for any person to solicit, disclose, receive or make use of or authorize, knowingly permit, participate in or acquiesce in the use of any list, or names of, or information concerning persons applying for or receiving awards under this chapter without the written consent of the claimant or recipient. The records, papers, files and communications of the division, director, staff and agents must be regarded as confidential information and privileged and not subject to disclosure under any condition including the Mississippi Public Records Act of 1983. Laws, 2000, ch. 577, § 6; Laws, 2004, ch. 355, § 12; Laws, 2012, ch. 503, § 7, eff. 7/1/2012. It is unlawful, except for purposes directly connected with the administration of the division and the processing of a claim, for any person to solicit, disclose, receive or make use of or authorize, knowingly permit, participate in or acquiesce in the use of any list, or names of, or information concerning persons applying for or receiving awards under this chapter without the written consent of the claimant or recipient. The records, papers, files and communications of the division, director, staff and agents must be regarded as confidential information and privileged and not subject to disclosure under any condition including the Mississippi Public Records Act of 1983. Laws, 2000, ch. 577, § 6; Laws, 2004, ch. 355, § 12; Laws, 2012, ch. 503, § 7, eff. 7/1/2012.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 41 - MISSISSIPPI CRIME VICTIMS' COMPENSATION ACT (§§ 99-41-1 — 99-41-31) Section 99-41-5 - Definitions

As used in this chapter, unless the context otherwise requires, the term: (a) "Allowable expense" means reasonable charges incurred for reasonably needed: (i) Products, services and accommodations, including, but not limited to, medical care, rehabilitation, rehabilitative occupational training and other remedial treatment and care, but not to exceed Fifteen Thousand Dollars (\$15,000.00); (ii) Mental health counseling and care not to exceed Three Thousand Five Hundred Dollars (\$3,500.00) for the victim and victim's family member; provided, however, if there is more than one (1) family member, the amount of compensation awarded shall be prorated and not to exceed Three Thousand Five Hundred Dollars (\$3,500.00); (iii) Expenses related to funeral, cremation or burial, but not to exceed a total charge of Six Thousand Five Hundred Dollars (\$6,500.00) and transportation costs to arrange or attend services, but not to exceed Eight Hundred Dollars (\$800.00); and (iv) Necessary expenses, including, but not limited to, temporary housing and relocation assistance for victims of domestic violence in imminent danger, crime scene cleanup, court-related travel, execution travel, property damage repair and replacement costs for windows, doors, locks or other security devices of a residential dwelling. The division shall establish, by administrative rule, guidelines and monetary limits for such expenses. (b) "Claimant" means any of the following persons applying for compensation under this chapter: (i) A victim; (ii) A dependent of a victim who has died because of criminally injurious conduct; (iii) The surviving parent, spouse, child or any person who is legally obligated to pay or has paid medical, funeral or other allowable expenses incurred as a result of the criminally injurious conduct which caused the victim's injuries and/or death; (iv) Family members of the victim who incur mental health counseling expenses as a result of the criminally injurious conduct which caused the victim's injuries and/or death; or (v) A person authorized to act on behalf of any of the persons enumerated in subparagraphs (i), (ii), (iii) and (iv) of this paragraph; however, "claimant" shall not include any of the following: provider or creditor of victim; assignee of provider or creditor, including a collection agency; or another person or entity other than those enumerated in this paragraph. (c) "Collateral source" means a source of benefits or advantages for economic loss for which the claimant would otherwise be eligible to receive compensation under this chapter which the claimant has received, or which is readily available to the claimant, from any one or more of the following: (i) The offender; (ii) The government of the United States or any agency thereof, a state or any of its political subdivisions or an instrumentality of two (2) or more states; (iii) Social security, Medicare and Medicaid; (iv) Workers' compensation; (v) Wage continuation programs of any employer; (vi) Proceeds of a contract of insurance payable to the claimant for loss which the victim sustained because of the criminally injurious conduct; (vii) A contract providing prepaid hospital and other health care services or benefits for disability; or (viii) Any temporary nonoccupational disability insurance. (d) "Criminally injurious conduct" means an act occurring or attempted within the geographical boundaries of this state, or to a resident of Mississippi while that resident is within any other state of the United States or any foreign country, which state or foreign country does not provide compensation for those injuries caused by an act for which compensation would be available had the act occurred in Mississippi, and which act results in personal injury or death to a victim for which punishment by fine, imprisonment or death may be imposed. For purposes of this chapter, "criminally injurious conduct" shall also include federal offenses committed within the state that result in personal injury or death to a victim and which are punishable by fine, imprisonment or death, and delinquent acts as defined in Section 43-21-105 which

result in personal injury or death to a victim and which, if committed by an adult, would be a crime punishable by fine, imprisonment or death.(e)"Dependent" means a natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the death of the victim where the death occurred as a result of criminally injurious conduct.(f)"Economic loss of a dependent" means loss, after death of the victim, of contributions or things of economic value to the dependent, not including services which would have been received from the victim if he or she had not suffered the fatal injury, less expenses of the dependent avoided by reason of death of the victim.(g)"Economic loss" means monetary detriment consisting only of allowable expense, work loss and, if injury causes death, economic loss of a dependent, but shall not include noneconomic loss or noneconomic detriment.(h)"Family member" means the victim's spouse, parent, grandparent, stepparent, child, stepchild, grandchild, brother, sister, half brother, half sister or spouse's parent.(i)"Hospital ancillary services" means those hospital support services other than room, board and medical and nursing services that are provided to hospital patients in the course of care including, but not limited to, laboratory, radiology, pharmacy and physical therapy services.(j)"Noneconomic loss or detriment" means pain, suffering, inconvenience, physical impairment and nonpecuniary damage.(k)"Work loss" means loss of income from work the victim or claimant would have performed if the victim had not been injured, but reduced by any income from substitute work actually performed by the victim or claimant or by income the victim or claimant would have earned in available appropriate substitute work that he or she was capable of performing, but unreasonably failed to undertake.(l)"Victim" means a person who suffers personal injury or death as a result of criminally injurious conduct, regardless of whether that person was the intended victim of the criminally injurious conduct. This definition may include a person who suffers personal injury or death as a result of criminally injurious conduct while going to the aid of another person or a duly sworn law enforcement officer, or while attempting to prevent a crime from occurring.Laws, 1990, ch. 509, § 3; Laws, 1996, ch. 506, § 1; Laws, 1998, ch. 484, § 1; Laws, 2002, ch. 352, § 1; Laws, 2004, ch. 355, § 4; Laws, 2007, ch. 587, § 2; Laws, 2012, ch. 503, § 1, eff. 7/1/2012. As used in this chapter, unless the context otherwise requires, the term:(a)"Allowable expense" means reasonable charges incurred for reasonably needed:(i)Products, services and accommodations, including, but not limited to, medical care, rehabilitation, rehabilitative occupational training and other remedial treatment and care, but not to exceed Fifteen Thousand Dollars (\$15,000.00);(ii)Mental health counseling and care not to exceed Three Thousand Five Hundred Dollars (\$3,500.00) for the victim and victim's family member; provided, however, if there is more than one (1) family member, the amount of compensation awarded shall be prorated and not to exceed Three Thousand Five Hundred Dollars (\$3,500.00);(iii)Expenses related to funeral, cremation or burial, but not to exceed a total charge of Six Thousand Five Hundred Dollars (\$6,500.00) and transportation costs to arrange or attend services, but not to exceed Eight Hundred Dollars (\$800.00); and(iv)Necessary expenses, including, but not limited to, temporary housing and relocation assistance for victims of domestic violence in imminent danger, crime scene cleanup, court-related travel, execution travel, property damage repair and replacement costs for windows, doors, locks or other security devices of a residential dwelling. The division shall establish, by administrative rule, guidelines and monetary limits for such expenses.(b)"Claimant" means any of the following persons applying for compensation under this chapter:(i)A victim;(ii)A dependent of a victim who has died because of criminally injurious conduct;(iii)The surviving parent, spouse, child or any person who is legally obligated to pay or has paid medical, funeral or other allowable expenses incurred as a result of the criminally injurious conduct which caused the victim's injuries and/or death;(iv)Family members of the victim who incur mental health counseling expenses as a result of the criminally injurious conduct which caused the victim's injuries and/or death; or(v)A person authorized to act on behalf of any of the persons enumerated in subparagraphs (i), (ii), (iii) and (iv) of this paragraph; however, "claimant" shall not include any of the following: provider or creditor of victim; assignee of provider or creditor, including a collection agency; or another person or entity other than those enumerated in this paragraph.(c)"Collateral source" means a source of benefits or advantages for economic loss for which the claimant would otherwise be eligible to receive compensation under this chapter which the claimant has received, or which is readily available to the claimant, from any one or more of the following:(i)The offender;(ii)The government of the United States or any agency thereof, a state or any of its political subdivisions or an instrumentality of two (2) or more states;(iii)Social security, Medicare and Medicaid;(iv)Workers' compensation;(v)Wage continuation programs of any employer;(vi)Proceeds of a contract of insurance payable to the claimant for loss which the victim sustained because of the criminally injurious conduct;(vii)A contract providing prepaid hospital and other health care services or benefits for disability; or(viii)Any temporary nonoccupational disability insurance.(d)"Criminally injurious conduct" means an act occurring or attempted within the geographical boundaries of this state, or to a resident of Mississippi while that resident is within any other state of the United States or any foreign country, which state or foreign country does not provide compensation for those injuries caused by an act for which compensation would be available had the act occurred in Mississippi, and which act results in personal injury or death to a victim for which punishment by fine, imprisonment or death may be imposed. For purposes of this chapter, "criminally injurious conduct" shall also include federal offenses committed within the state that result in personal injury or death to a victim and which are punishable by fine, imprisonment or death, and delinquent acts as defined in Section 43-21-105 which result in personal injury or death to a victim and which, if committed by an adult, would be a crime punishable by fine, imprisonment or death.(e)"Dependent" means a natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the death of the victim where the death occurred as a result of criminally injurious conduct.(f)"Economic loss of a dependent" means loss, after death of the victim, of contributions or things of economic value to the dependent, not including services which would have been received from the victim if he or she had not suffered the fatal injury, less expenses of the dependent avoided by reason of death of the victim.(g)"Economic loss" means monetary detriment consisting only of allowable expense, work loss and, if injury causes death, economic loss of a dependent, but shall not include noneconomic loss or noneconomic detriment.(h)"Family member" means

the victim's spouse, parent, grandparent, stepparent, child, stepchild, grandchild, brother, sister, half brother, half sister or spouse's parent.(i)"Hospital ancillary services" means those hospital support services other than room, board and medical and nursing services that are provided to hospital patients in the course of care including, but not limited to, laboratory, radiology, pharmacy and physical therapy services.(j)"Noneconomic loss or detriment" means pain, suffering, inconvenience, physical impairment and nonpecuniary damage.(k)"Work loss" means loss of income from work the victim or claimant would have performed if the victim had not been injured, but reduced by any income from substitute work actually performed by the victim or claimant or by income the victim or claimant would have earned in available appropriate substitute work that he or she was capable of performing, but unreasonably failed to undertake.(l)"Victim" means a person who suffers personal injury or death as a result of criminally injurious conduct, regardless of whether that person was the intended victim of the criminally injurious conduct. This definition may include a person who suffers personal injury or death as a result of criminally injurious conduct while going to the aid of another person or a duly sworn law enforcement officer, or while attempting to prevent a crime from occurring.Laws, 1990, ch. 509, § 3; Laws, 1996, ch. 506, § 1; Laws, 1998, ch. 484, § 1; Laws, 2002, ch. 352, § 1; Laws, 2004, ch. 355, § 4; Laws, 2007, ch. 587, § 2; Laws, 2012, ch. 503, § 1, eff. 7/1/2012. 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For purposes of this chapter, "criminally injurious conduct" shall also include federal offenses committed within the state that result in personal injury or death to a victim and which are punishable by fine, imprisonment or death, and delinquent acts as defined in Section43-21-105which result in personal injury or death to a victim and which, if committed by an adult, would be a crime punishable by fine, imprisonment or death.(e)"Dependent" means a natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the death of the victim where the death occurred as a result of criminally injurious conduct.(f)"Economic loss of a dependent" means loss, after death of the victim, of contributions or things of economic value to the dependent, not including services which would have been received from the victim if he or she had not suffered the fatal injury, less expenses of the dependent avoided by reason of death of the victim.(g)"Economic loss" means monetary detriment consisting only of allowable expense, work loss and, if injury causes death, economic loss of a dependent, but shall not include noneconomic loss or noneconomic detriment.(h)"Family member" means the victim's spouse, parent, grandparent, stepparent, child, stepchild, grandchild, brother, sister, half brother, half sister or spouse's parent.(i)"Hospital ancillary services" means those hospital support services other than room, board and medical and nursing services that are provided to hospital patients in the course of care including, but not limited to, laboratory, radiology, pharmacy and physical therapy services.(j)"Noneconomic loss or detriment" means pain, suffering, inconvenience, physical impairment and nonpecuniary damage.(k)"Work loss" means loss of income from work the victim or claimant would have performed if the victim had not been injured, but reduced by any income from substitute work actually performed by the victim or claimant or by income the victim or claimant would have earned in available appropriate substitute work that he or she was capable of performing, but unreasonably failed to undertake.(l)"Victim" means a person who

suffers personal injury or death as a result of criminally injurious conduct, regardless of whether that person was the intended victim of the criminally injurious conduct. This definition may include a person who suffers personal injury or death as a result of criminally injurious conduct while going to the aid of another person or a duly sworn law enforcement officer, or while attempting to prevent a crime from occurring. Laws, 1990, ch. 509, § 3; Laws, 1996, ch. 506, § 1; Laws, 1998, ch. 484, § 1; Laws, 2002, ch. 352, § 1; Laws, 2004, ch. 355, § 4; Laws, 2007, ch. 587, § 2; Laws, 2012, ch. 503, § 1, eff. 7/1/2012. As used in this chapter, unless the context otherwise requires, the term: Laws, 1990, ch. 509, § 3; Laws, 1996, ch. 506, § 1; Laws, 1998, ch. 484, § 1; Laws, 2002, ch. 352, § 1; Laws, 2004, ch. 355, § 4; Laws, 2007, ch. 587, § 2; Laws, 2012, ch. 503, § 1, eff. 7/1/2012.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 41 - MISSISSIPPI CRIME VICTIMS' COMPENSATION ACT (§§ 99-41-1 — 99-41-31) Section 99-41-7 - Division of Victim Compensation; Director of Victim Compensation; duties; appointment

There is hereby created in the Attorney General's Office the Division of Victim Compensation, hereafter referred to as "division." In the Division of Victim Compensation there is hereby created the position of Director of Victim Compensation, hereafter referred to as "director." The duties of the director shall include receipt, investigation, verification and adjudication of a claim for compensation under the provisions of this chapter. The duties shall also include facilitating assistance to victims of crime through information referrals, advocacy outreach programs and other victim-related services. The director shall be appointed by the Attorney General. Laws, 1990, ch. 509, § 4; Laws, 1996, ch. 506, § 2; Laws, 2004, ch. 355, § 5; Laws, 2005, ch. 507, § 3; Laws, 2007, ch. 587, § 3, eff. 7/1/2007. There is hereby created in the Attorney General's Office the Division of Victim Compensation, hereafter referred to as "division." In the Division of Victim Compensation there is hereby created the position of Director of Victim Compensation, hereafter referred to as "director." The duties of the director shall include receipt, investigation, verification and adjudication of a claim for compensation under the provisions of this chapter. The duties shall also include facilitating assistance to victims of crime through information referrals, advocacy outreach programs and other victim-related services. The director shall be appointed by the Attorney General. Laws, 1990, ch. 509, § 4; Laws, 1996, ch. 506, § 2; Laws, 2004, ch. 355, § 5; Laws, 2005, ch. 507, § 3; Laws, 2007, ch. 587, § 3, eff. 7/1/2007. There is hereby created in the Attorney General's Office the Division of Victim Compensation, hereafter referred to as "division." In the Division of Victim Compensation there is hereby created the position of Director of Victim Compensation, hereafter referred to as "director." The duties of the director shall include receipt, investigation, verification and adjudication of a claim for compensation under the provisions of this chapter. The duties shall also include facilitating assistance to victims of crime through information referrals, advocacy outreach programs and other victim-related services. The director shall be appointed by the Attorney General. Laws, 1990, ch. 509, § 4; Laws, 1996, ch. 506, § 2; Laws, 2004, ch. 355, § 5; Laws, 2005, ch. 507, § 3; Laws, 2007, ch. 587, § 3, eff. 7/1/2007.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 41 - MISSISSIPPI CRIME VICTIMS' COMPENSATION ACT (§§ 99-41-1 — 99-41-31) Section 99-41-9 - Powers and duties of division

In addition to any other powers and duties specified elsewhere in this chapter, the division is hereby authorized to: (a) Except as otherwise provided by this chapter, regulate the procedures for the director to expedite his functions and adopt rules and regulations for the position of director; (b) Define any term not defined in this chapter in a manner not inconsistent with this chapter; (c) Prescribe forms necessary to carry out the purposes of this chapter and make such forms available for use in making applications for compensation; (d) Authorize the director to take judicial notice of general, technical and scientific facts within the director's specialized knowledge; (e) Publicize the availability of compensation and information regarding the filing of claims and ask that public officials and law enforcement agencies take reasonable care that victims be informed about the availability of compensation and the procedure for applying for compensation; (f) Apply for funds from and to submit all necessary forms to any federal agency participating in a cooperative program to compensate victims of crimes, and to apply for and accept any gifts, bequests, grants, donations or funds from other sources, public or private, for carrying out the provisions of this chapter; and (g) Adopt such rules and regulations as shall be necessary for carrying out the provisions of this chapter. Laws, 1990, ch. 509, § 5; Laws, 1996, ch. 506, § 3; Laws, 2004, ch. 355, § 6, eff. 4/20/2004. In addition to any other powers and duties specified elsewhere in this chapter, the division is hereby authorized to: (a) Except as otherwise provided by this chapter, regulate the procedures for the director to expedite his functions and adopt rules and regulations for the position of director; (b) Define any term not defined in this chapter in a manner not inconsistent with this chapter; (c) Prescribe forms necessary to carry out the purposes of this chapter and make such forms available for use in making applications for compensation; (d) Authorize the director to take judicial notice of general, technical and scientific facts within the director's specialized knowledge; (e) Publicize the availability of compensation and information regarding the filing of claims and ask that public officials and law enforcement agencies take reasonable care that victims be informed about the availability of compensation and the procedure for applying for compensation; (f) Apply for funds from and to submit all necessary forms to any federal agency participating in a cooperative program to compensate victims of crimes, and to apply for and accept any

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Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101)Section 99-43-1 - Short title and purpose

This chapter may be cited as the "Mississippi Crime Victims' Bill of Rights." The purpose of this chapter is to ensure the fair and compassionate treatment of victims of crime, to increase the effectiveness of the criminal justice system by affording rights and considerations to the victims of crime, and to preserve and protect victims' rights to justice and fairness in the criminal justice system.Laws, 1998, ch. 577, § 1, eff. 1/1/1999. This chapter may be cited as the "Mississippi Crime Victims' Bill of Rights." The purpose of this chapter is to ensure the fair and compassionate treatment of victims of crime, to increase the effectiveness of the criminal justice system by affording rights and considerations to the victims of crime, and to preserve and protect victims' rights to justice and fairness in the criminal justice system.Laws, 1998, ch. 577, § 1, eff. 1/1/1999. This chapter may be cited as the "Mississippi Crime Victims' Bill of Rights." The purpose of this chapter is to ensure the fair and compassionate treatment of victims of crime, to increase the effectiveness of the criminal justice system by affording rights and considerations to the victims of crime, and to preserve and protect victims' rights to justice and fairness in the criminal justice system.Laws, 1998, ch. 577, § 1, eff. 1/1/1999. This chapter may be cited as the "Mississippi Crime Victims' Bill of Rights." The purpose of this chapter is to ensure the fair and compassionate treatment of victims of crime, to increase the effectiveness of the criminal justice system by affording rights and considerations to the victims of crime, and to preserve and protect victims' rights to justice and fairness in the criminal justice system. Laws, 1998, ch. 577, § 1, eff. 1/1/1999.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101)Section 99-43-101 - Rights of children testifying in criminal proceedings

(1)The following terms have the meanings ascribed:(a)"Child" means any individual under the age of eighteen (18) years of age who must testify in any legal or criminal proceeding.(b)"Proceeding," "criminal proceeding" or "legal proceeding" means:(i)Any criminal hearing, criminal trial or other criminal proceeding in the circuit or county court in which a child testifies as a victim of a crime or as a witness as to a material issue; or(ii)A youth court proceeding in which a child testifies as a victim of a crime or delinquent act or as a witness to a crime or delinquent act.(2)In any proceeding in which a child testifies, a child shall have the following rights to be enforced by the court on its own motion or upon motion or notice of an attorney in the proceeding:(a)To be asked questions in a manner a child of that age can reasonably understand, including, but not limited to, a child-friendly oath.(b)To be free of nuisance, vexatious or harassment tactics in the proceeding.(c)To have present in the courtroom and in a position clearly visible in close proximity to the child, a support person, if the support person is not a witness in the proceeding.(d)To have the courtroom or the hearing room adjusted to ensure the comfort and protection of the child.(e)To have the relaxation of the formalities of the proceedings in an effort to ensure the comfort of the child.(f)To permit a properly trained facility animal or comfort item or both to be present inside the courtroom or hearing room.(g)To permit the use of a properly constructed screen that would permit the judge and jury in the courtroom or hearing room to see the child but would obscure the child's view of the defendant or the public or both.(h)To have a secure and child-friendly waiting area provided for the child during court proceedings and to have a support person stay with the child while waiting.(i)To have an advocate or support person inform the court about the child's ability to understand the nature of the proceedings, special accommodations that may be needed for the child's testimony, and any other testimony relevant to any of the rights set forth in this section.(3)In circumstances where a defendant in a proceeding has chosen to proceed without counsel, the court may appoint standby counsel for that party and may order standby counsel to question a child on behalf of the pro se party if the court finds that there is a substantial likelihood that emotional harm would come to the child if the pro se party were allowed to question the child directly.(4)(a)If the child is the victim of a crime, the court shall ensure that all steps necessary to secure the physical safety of the child, both in the courtroom and during periods of time that the child may spend waiting for court, have been taken.(b)The court and all attorneys involved in a proceeding involving a child shall not disclose to any

third party any discovery, including, but not limited to, the personal information of the child including the child's name, address and date of birth, any and all interviews of the child, and any other identifying information of a child. Upon written motion by a party, the court may authorize by written order the production of any discovery to a third party, if the third party agrees to maintain the security and nondisclosure of the discovery and return the discovery to the party upon conclusion of the case. The court shall enforce any violations of this section through its contempt powers.(c)In any proceeding in which a child is alleged to have been emotionally, sexually, or physically abused, the child shall be given notice of all pretrial discovery motions, and the notice must be given in sufficient time to allow the guardian ad litem or counsel for the child to file any pleadings deemed appropriate to that situation.(5)(a)In a proceeding involving an alleged offense against a child, the prosecuting attorney, the child's attorney, the child's parent or legal guardian, or the guardian ad litem may apply for an order that a deposition be taken of the child's testimony and that the deposition be recorded and preserved on videotape and by stenographic means.(b)The court shall make a preliminary finding as to whether, at the time of trial, the child is likely to be unable to testify in open court in the physical presence of the defendant, jury, judge, or public for any of the following reasons:(i)The child will be unable to testify because of fear.(ii)There is a substantial likelihood, established by expert testimony, that the child would suffer emotional trauma from testifying in open court.(iii)The child suffers a mental or other infirmity or medical condition which could potentially prevent the child from being present to testify at the trial.(iv)Conduct of the defendant or defense counsel may cause or already has caused the child to be unable to testify or continue to testify out of fear or emotional distress.(c)If the court finds that the child is likely to be unable to testify in open court for any of the reasons stated in paragraph (b) of this subsection (5), the court shall order that the child's deposition be taken and preserved by videotape and stenographic means.(d)The trial judge shall preside at the videotape deposition of a child and shall rule on all questions as if at trial. The only other persons who may be permitted to be present at the proceeding are:(i)The prosecuting attorney or attorneys;(ii)The attorney or attorneys for the defendant;(iii)The child's attorney or attorneys and guardian ad litem;(iv)Persons necessary to operate the videotape equipment; and(v)Other persons whose presence is determined by the court to be necessary to the welfare and well-being of the child.The defendant shall be afforded the rights applicable to defendants during trial, including the right to an attorney, the right to be confronted with the witness against the defendant, and the right to cross-examine the child.(e)(i)If the court finds the child is unable to testify in open court, based on evidence that the child is unable to testify in the physical presence of the defendant, the court may order that the defendant, including a defendant represented pro se, be excluded from the room in which the deposition is conducted. If the court orders that the defendant be excluded from the deposition room, the court shall order that two-way closed-circuit television equipment be used as provided in Section 13-1-405.(ii)The complete record of the examination of the child, including the image and voices of all persons who in any way participated in the examination, shall be made and preserved on videotape in addition to being stenographically recorded. The videotape shall be transmitted to the clerk of the court in which the action is pending and shall be made available for viewing to the prosecuting attorney, the defendant, and the defendant's attorney during ordinary business hours.(f)If, at the time of trial, the court finds that the child is unable to testify for a reason described in subsection (5)(b), the court may admit into evidence the child's videotaped deposition in lieu of the child's testimony at trial. The court's ruling must be supported by findings on the record.(g)Upon timely receipt of notice that new evidence has been discovered after the original videotaping and before or during trial, the court, for good cause shown, may order an additional videotaped deposition. The testimony of the child shall be restricted to the matters specified by the court as the basis for granting the order.(h)In connection with the taking of a videotaped deposition, the court may enter a protective order for the purpose of protecting the privacy or emotional well-being of the child or for any other purposes.(i)The videotape of a deposition taken under this paragraph shall be destroyed five (5) years after the date on which the trial court entered its judgment, but not before a final judgment is entered on appeal, including Supreme Court review. The videotape shall become part of the court record and be kept by the court until it is destroyed.Brought forward without change by Laws, 2018, ch. 341, HB 944, § 11, eff. 7/1/2018.Added by Laws, 2015, ch. 493, HB 959, 2, eff. 7/1/2015. (1)The following terms have the meanings ascribed:(a)"Child" means any individual under the age of eighteen (18) years of age who must testify in any legal or criminal proceeding.(b)"Proceeding," "criminal proceeding" or "legal proceeding" means:(i)Any criminal hearing, criminal trial or other criminal proceeding in the circuit or county court in which a child testifies as a victim of a crime or as a witness as to a material issue; or(ii)A youth court proceeding in which a child testifies as a victim of a crime or delinquent act or as a witness to a crime or delinquent act.(2)In any proceeding in which a child testifies, a child shall have the following rights to be enforced by the court on its own motion or upon motion or notice of an attorney in the proceeding:(a)To be asked questions in a manner a child of that age can reasonably understand, including, but not limited to, a child-friendly oath.(b)To be free of nuisance, vexatious or harassment tactics in the proceeding.(c)To have present in the courtroom and in a position clearly visible in close proximity to the child, a support person, if the support person is not a witness in the proceeding.(d)To have the courtroom or the hearing room adjusted to ensure the comfort and protection of the child.(e)To have the relaxation of the formalities of the proceedings in an effort to ensure the comfort of the child.(f)To permit a properly trained facility animal or comfort item or both to be present inside the courtroom or hearing room.(g)To permit the use of a properly constructed screen that would permit the judge and jury in the courtroom or hearing room to see the child but would obscure the child's view of the defendant or the public or both.(h)To have a secure and child-friendly waiting area provided for the child during court proceedings and to have a support person stay with the child while waiting.(i)To have an advocate or support person inform the court about the child's ability to understand the nature of the proceedings, special accommodations that may be needed for the child's testimony, and any other testimony relevant to any of the rights set forth in this section.(3)In circumstances where a defendant in a proceeding has chosen to proceed without counsel, the court may appoint standby counsel for that party and may order standby counsel to question a child on behalf of the pro se party if the court finds that there is a substantial likelihood that emotional harm

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Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101)Section 99-43-11 - Prosecutor's duty to confer with victim prior to disposition

The prosecuting attorney shall confer with the victim prior to the final disposition of a criminal offense, including the views of the victim about a nol pros, reduction of charge, sentence recommendation, and pre-trial diversion programs.Laws, 1998, ch. 577, § 6, eff. 1/1/1999. The prosecuting attorney shall confer with the victim prior to the final disposition of a criminal offense, including the views of the victim about a nol pros, reduction of charge, sentence recommendation, and pre-trial diversion programs.Laws, 1998,

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The prosecuting attorney shall confer with the victim before the commencement of a trial. Any information received by the victim relating to the substance of the case shall be confidential, unless otherwise authorized by law or required by the courts to be disclosed. Laws, 1998, ch. 577, § 7, eff. 1/1/1999. The prosecuting attorney shall confer with the victim before the commencement of a trial. Any information received by the victim relating to the substance of the case shall be confidential, unless otherwise authorized by law or required by the courts to be disclosed. Laws, 1998, ch. 577, § 7, eff. 1/1/1999. The prosecuting attorney shall confer with the victim before the commencement of a trial. Any information received by the victim relating to the substance of the case shall be confidential, unless otherwise authorized by law or required by the courts to be disclosed. Laws, 1998, ch. 577, § 7, eff. 1/1/1999. The prosecuting attorney shall confer with the victim before the commencement of a trial. Any information received by the victim relating to the substance of the case shall be confidential, unless otherwise authorized by law or required by the courts to be disclosed. Laws, 1998, ch. 577, § 7, eff. 1/1/1999.

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The victim has the right to receive a transcript of any criminal proceedings at his own cost. Laws, 1998, ch. 577, § 8, eff. 1/1/1999. The victim has the right to receive a transcript of any criminal proceedings at his own cost. Laws, 1998, ch. 577, § 8, eff. 1/1/1999. The victim has the right to receive a transcript of any criminal proceedings at his own cost. Laws, 1998, ch. 577, § 8, eff. 1/1/1999. The victim has the right to receive a transcript of any criminal proceedings at his own cost. Laws, 1998, ch. 577, § 8, eff. 1/1/1999.

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The rights of the victim do not include the authority to direct the prosecution of the case. Laws, 1998, ch. 577, § 9, eff. 1/1/1999. The rights of the victim do not include the authority to direct the prosecution of the case. Laws, 1998, ch. 577, § 9, eff. 1/1/1999. The rights of the victim do not include the authority to direct the prosecution of the case. Laws, 1998, ch. 577, § 9, eff. 1/1/1999. The rights of the victim do not include the authority to direct the prosecution of the case. Laws, 1998, ch. 577, § 9, eff. 1/1/1999.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101) Section 99-43-19 - Freedom from delay; continuances

The victim shall have the right to a final disposition of the criminal proceeding free from unreasonable delay. To effectuate this right, the court, in determining whether to grant any continuance, should make every reasonable effort to consider whether granting such continuance shall be prejudicial to the victim. Laws, 1998, ch. 577, § 10, eff. 1/1/1999. The victim shall have the right to a final disposition of the criminal proceeding free from unreasonable delay. To effectuate this right, the court, in determining whether to grant any continuance, should make every reasonable effort to consider whether granting such continuance shall be prejudicial to the victim. Laws, 1998, ch. 577, § 10, eff. 1/1/1999. The victim shall have the right to a final disposition of the criminal proceeding free from unreasonable delay. To effectuate this right, the court, in determining whether to grant any continuance, should make every reasonable effort to consider whether granting such continuance shall be prejudicial to the victim. Laws, 1998, ch. 577, § 10, eff. 1/1/1999. The victim shall have the right to a final disposition of the criminal proceeding free from unreasonable delay. To effectuate this right, the court, in determining whether to grant any continuance, should make every reasonable effort to consider whether granting such continuance shall be prejudicial to the victim. Laws, 1998, ch. 577, § 10, eff. 1/1/1999.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101) Section 99-43-21 - Right to be present at criminal proceedings

The victim has the right to be present throughout all criminal proceedings as defined in Section 99-43-3. Laws, 1998, ch. 577, § 11, eff. 1/1/1999. The victim has the right to be present throughout all criminal proceedings as defined in Section 99-43-3. Laws, 1998, ch. 577, § 11, eff. 1/1/1999. The victim has the right to be present throughout all criminal proceedings as defined in Section 99-43-3. Laws, 1998, ch. 577, § 11, eff. 1/1/1999. The victim has the right to be present throughout all criminal proceedings as defined in Section 99-43-3. Laws, 1998, ch. 577, § 11, eff. 1/1/1999.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101) Section 99-43-23 - Separate waiting area; minimizing contact with defendant, defendant's relatives and defense witnesses

The court shall provide a waiting area for the victim separate from the defendant, relatives of the defendant, and defense witnesses, if an area is available and the use of the area is practical. If a separate waiting area is not available, or its use impractical, the court shall minimize contact of the victim with the defendant, relatives of the defendant, and defense witnesses during court proceedings. Laws, 1998, ch. 577, § 12, eff. 1/1/1999. The court shall provide a waiting area for the victim separate from the defendant, relatives of the defendant, and defense witnesses, if an area is available and the use of the area is practical. If a separate waiting area is not available, or its use impractical, the court shall minimize contact of the victim with the defendant, relatives of the defendant, and defense witnesses during court proceedings. Laws, 1998, ch. 577, § 12, eff. 1/1/1999. The court shall provide a waiting area for the victim separate from the defendant, relatives of the defendant, and defense witnesses, if an area is available and the use of the area is practical. If a separate waiting area is not available, or its use impractical, the court shall minimize contact of the victim with the defendant, relatives of the defendant, and defense witnesses during court proceedings. Laws, 1998, ch. 577, § 12, eff. 1/1/1999. The court shall provide a waiting area for the victim separate from the defendant, relatives of the defendant, and defense witnesses, if an area is available and the use of the area is practical. If a separate waiting area is not available, or its use impractical, the court shall minimize contact of the victim with the defendant, relatives of the defendant, and defense witnesses during court proceedings. Laws, 1998, ch. 577, § 12, eff. 1/1/1999.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101) Section 99-43-25 - Victim residence and identification information; petition, hearing and confidentiality

(1)Based upon the reasonable apprehension of the victim of acts or threats of physical violence or intimidation by the defendant, the family of the defendant, or by anyone at the direction of the defendant, against the victim or the immediate family of the victim, the prosecutor may petition the court to direct that the victim or any other witness not be compelled to testify during pre-trial proceedings or in any trial, facts that could divulge the identity, residence, or place of employment of the victim, or other related information, without consent of the victim unless necessary to the prosecution of the criminal proceeding. If the court schedules a hearing on the merits of the petition, it shall be held in camera.(2)The address, phone number, place of employment, and other related information about the victim contained in the prosecuting attorney's file shall not be public record. Laws, 1998, ch. 577, § 13, eff. 1/1/1999. (1)Based upon the reasonable apprehension of the victim of acts or threats of physical violence or intimidation by the defendant, the family of the defendant, or by anyone at the direction of the defendant, against the victim or the immediate family of the victim, the prosecutor may petition the court to direct that the victim or any other witness not be compelled to testify during pre-trial proceedings or in any trial, facts that could divulge the identity, residence, or place of employment of the victim, or other related information, without consent of the victim unless necessary to the prosecution of the criminal proceeding. If the court schedules a hearing on the merits of the petition, it shall be held in camera.(2)The address, phone number, place of employment, and other related information about the victim contained in the prosecuting attorney's file shall not be public record. Laws, 1998, ch. 577, § 13, eff. 1/1/1999. (1)Based upon the reasonable apprehension of the victim of acts or threats of physical violence or intimidation by the defendant, the family of the defendant, or by anyone at the direction of the defendant, against the victim or the immediate family of the victim, the prosecutor may petition the court to direct that the victim or any other witness not be compelled to testify during pre-trial proceedings or in any trial, facts that could divulge the identity, residence, or place of employment of the victim, or other related information, without consent of the victim unless necessary to the prosecution of the criminal proceeding. If the court schedules a hearing on the merits of the petition, it shall be held in camera.(2)The address, phone number, place of employment, and other related information about the victim contained in the prosecuting attorney's file shall not be public record. Laws, 1998, ch. 577, § 13, eff. 1/1/1999. Laws, 1998, ch. 577, § 13, eff. 1/1/1999.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101) Section 99-43-27 - Negotiated plea agreements; notice and presence

The victim has the right to be present at any proceeding at which a negotiated plea for the person accused of committing the criminal offense against the victim will be presented to the court. The court shall not accept a plea agreement unless:(a)The prosecuting attorney advises the court that, before requesting the negotiated plea, reasonable efforts were made to confer with the victim.(b)Reasonable efforts were made to give the victim notice of the plea proceeding, including the offense to which the defendant will plead guilty, the date that the plea will be presented to the court, the terms of any sentence agreed to as part of the negotiated plea, and that the victim has the right to be present. Laws, 1998, ch. 577, § 14, eff. 1/1/1999. The victim has the right to be present at any proceeding at which a negotiated plea for the person accused of committing the criminal offense against the victim will be presented to the court. The court shall not accept a plea agreement unless:(a)The prosecuting attorney advises the court that, before requesting the negotiated plea, reasonable efforts were made to confer with the victim.(b)Reasonable efforts were made to give the victim notice of the plea proceeding, including the offense to which the defendant will plead guilty, the date that the plea will be presented to the court, the terms of any

sentence agreed to as part of the negotiated plea, and that the victim has the right to be present. Laws, 1998, ch. 577, § 14, eff. 1/1/1999. The victim has the right to be present at any proceeding at which a negotiated plea for the person accused of committing the criminal offense against the victim will be presented to the court. The court shall not accept a plea agreement unless: Laws, 1998, ch. 577, § 14, eff. 1/1/1999.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101) Section 99-43-29 - Notice regarding disposition and sentencing

The prosecuting attorney shall provide to the victim the date of a conviction, acquittal, or dismissal of the charges filed against the defendant and prior to sentencing, when applicable, notice of the following: (a) The criminal offense for which the defendant was convicted, acquitted, or the effect of a dismissal of the charges filed against the defendant. (b) If the defendant is convicted, on request, the victim shall be notified, if applicable, of the following: (i) The existence and function of the pre-sentence report. (ii) The name, address, and telephone number of the office which is preparing the pre-sentence report. (iii) The right to make a victim impact statement. (iv) The right of the defendant to view the pre-sentence report. (v) The right to be present and be heard at any sentencing proceeding. (vi) The time, place and date of the sentencing proceeding. (vii) If the court orders restitution, the right to pursue collection of the restitution as provided by Section 99-37-1 et seq., Mississippi Code of 1972. Laws, 1998, ch. 577, § 15, eff. 1/1/1999. The prosecuting attorney shall provide to the victim the date of a conviction, acquittal, or dismissal of the charges filed against the defendant and prior to sentencing, when applicable, notice of the following: (a) The criminal offense for which the defendant was convicted, acquitted, or the effect of a dismissal of the charges filed against the defendant. (b) If the defendant is convicted, on request, the victim shall be notified, if applicable, of the following: (i) The existence and function of the pre-sentence report. (ii) The name, address, and telephone number of the office which is preparing the pre-sentence report. (iii) The right to make a victim impact statement. (iv) The right of the defendant to view the pre-sentence report. (v) The right to be present and be heard at any sentencing proceeding. (vi) The time, place and date of the sentencing proceeding. (vii) If the court orders restitution, the right to pursue collection of the restitution as provided by Section 99-37-1 et seq., Mississippi Code of 1972. Laws, 1998, ch. 577, § 15, eff. 1/1/1999. The prosecuting attorney shall provide to the victim the date of a conviction, acquittal, or dismissal of the charges filed against the defendant and prior to sentencing, when applicable, notice of the following: (a) The criminal offense for which the defendant was convicted, acquitted, or the effect of a dismissal of the charges filed against the defendant. (b) If the defendant is convicted, on request, the victim shall be notified, if applicable, of the following: (i) The existence and function of the pre-sentence report. (ii) The name, address, and telephone number of the office which is preparing the pre-sentence report. (iii) The right to make a victim impact statement. (iv) The right of the defendant to view the pre-sentence report. (v) The right to be present and be heard at any sentencing proceeding. (vi) The time, place and date of the sentencing proceeding. (vii) If the court orders restitution, the right to pursue collection of the restitution as provided by Section 99-37-1 et seq., Mississippi Code of 1972. Laws, 1998, ch. 577, § 15, eff. 1/1/1999. The prosecuting attorney shall provide to the victim the date of a conviction, acquittal, or dismissal of the charges filed against the defendant and prior to sentencing, when applicable, notice of the following: Laws, 1998, ch. 577, § 15, eff. 1/1/1999.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101) Section 99-43-3 - Definitions

As used in this chapter, the following words shall have the meanings ascribed to them unless the context clearly requires otherwise: (a) "Accused" means a person who has been arrested for committing a criminal offense and who is held for an initial appearance or other proceeding before trial or who is a target of an investigation for committing a criminal offense. (b) "Appellate proceeding" means an oral argument held in open court before the Mississippi Court of Appeals, the Mississippi Supreme Court, a federal court of appeals or the United States Supreme Court. (c) "Arrest" means the actual custodial restraint of a person or his submission to custody. (d) "Community status" means extension of the limits of the places of confinement of a prisoner through work release, intensive supervision, house arrest and initial consideration of pre-discretionary leave, passes and furloughs. (e) "Court" means all state courts including juvenile courts. (f) "Victim assistance coordinator" means a person who is employed or authorized by a public entity or a private entity that receives public funding primarily to provide counseling, treatment or other supportive assistance to crime victims. (g) "Criminal offense" means conduct that gives a law enforcement officer or prosecutor probable cause to believe that a felony involving physical injury, the threat of physical injury, a sexual offense, any offense involving spousal abuse or domestic violence has been committed. (h) "Criminal proceeding" means a hearing, argument or other matter scheduled by and held before a trial court but does not include a lineup, grand jury proceeding or other matter not held in the presence of the court. (i) "Custodial agency" means a municipal or county jail, the Department of Corrections, juvenile detention facility, Department of Youth Services or a secure mental health facility having custody of a person who is arrested or is in custody for a criminal offense. (j) "Defendant" means a person or entity that is formally charged by complaint, indictment or information of committing a criminal offense. (k) "Final disposition" means the ultimate termination of the criminal prosecution of a defendant by a trial court, including dismissal, acquittal or imposition of a sentence. (l) "Immediate family" means the spouse, parent, child, sibling, grandparent or guardian of the victim, unless that person is in custody for an offense or is the accused. (m) "Lawful representative" means a person who is a member of the immediate family or who is designated as provided in Section 99-43-5; no person in custody for an offense or who is the accused may serve as lawful representative. (n) "Post-arrest release" means the discharge of the accused from confinement on recognizance, bond or other condition. (o) "Post-conviction release" means parole or discharge from confinement by an agency having custody of the prisoner. (p) "Post-conviction relief proceeding" means a hearing, argument or other matter that is

held in any court and that involves a request for relief from a conviction, sentence or adjudication.(q)"Prisoner" means a person who has been convicted or adjudicated of a criminal offense against a victim and who has been sentenced to the custody of the sheriff, the Department of Corrections, Department of Youth Services, juvenile detention facility, a municipal jail or a secure mental health facility.(r)"Prosecuting attorney" means the district attorney, county prosecuting attorney, municipal prosecuting attorney, youth court prosecuting attorney, special prosecuting attorney or Attorney General.(s)"Right" means any right granted to the victim by the laws of this state.(t)"Victim" means a person against whom the criminal offense has been committed, or if the person is deceased or incapacitated, the lawful representative.Laws, 1998, ch. 577, § 2; Laws, 2004, ch. 355, § 1, eff. 4/20/2004. As used in this chapter, the following words shall have the meanings ascribed to them unless the context clearly requires otherwise:(a)"Accused" means a person who has been arrested for committing a criminal offense and who is held for an initial appearance or other proceeding before trial or who is a target of an investigation for committing a criminal offense.(b)"Appellate proceeding" means an oral argument held in open court before the Mississippi Court of Appeals, the Mississippi Supreme Court, a federal court of appeals or the United States Supreme Court.(c)"Arrest" means the actual custodial restraint of a person or his submission to custody.(d)"Community status" means extension of the limits of the places of confinement of a prisoner through work release, intensive supervision, house arrest and initial consideration of pre-discretionary leave, passes and furloughs.(e)"Court" means all state courts including juvenile courts.(f)"Victim assistance coordinator" means a person who is employed or authorized by a public entity or a private entity that receives public funding primarily to provide counseling, treatment or other supportive assistance to crime victims.(g)"Criminal offense" means conduct that gives a law enforcement officer or prosecutor probable cause to believe that a felony involving physical injury, the threat of physical injury, a sexual offense, any offense involving spousal abuse or domestic violence has been committed.(h)"Criminal proceeding" means a hearing, argument or other matter scheduled by and held before a trial court but does not include a lineup, grand jury proceeding or other matter not held in the presence of the court.(i)"Custodial agency" means a municipal or county jail, the Department of Corrections, juvenile detention facility, Department of Youth Services or a secure mental health facility having custody of a person who is arrested or is in custody for a criminal offense.(j)"Defendant" means a person or entity that is formally charged by complaint, indictment or information of committing a criminal offense.(k)"Final disposition" means the ultimate termination of the criminal prosecution of a defendant by a trial court, including dismissal, acquittal or imposition of a sentence.(l)"Immediate family" means the spouse, parent, child, sibling, grandparent or guardian of the victim, unless that person is in custody for an offense or is the accused.(m)"Lawful representative" means a person who is a member of the immediate family or who is designated as provided in Section99-43-5; no person in custody for an offense or who is the accused may serve as lawful representative.(n)"Post-arrest release" means the discharge of the accused from confinement on recognizance, bond or other condition.(o)"Post-conviction release" means parole or discharge from confinement by an agency having custody of the prisoner.(p)"Post-conviction relief proceeding" means a hearing, argument or other matter that is held in any court and that involves a request for relief from a conviction, sentence or adjudication.(q)"Prisoner" means a person who has been convicted or adjudicated of a criminal offense against a victim and who has been sentenced to the custody of the sheriff, the Department of Corrections, Department of Youth Services, juvenile detention facility, a municipal jail or a secure mental health facility.(r)"Prosecuting attorney" means the district attorney, county prosecuting attorney, municipal prosecuting attorney, youth court prosecuting attorney, special prosecuting attorney or Attorney General.(s)"Right" means any right granted to the victim by the laws of this state.(t)"Victim" means a person against whom the criminal offense has been committed, or if the person is deceased or incapacitated, the lawful representative.Laws, 1998, ch. 577, § 2; Laws, 2004, ch. 355, § 1, eff. 4/20/2004. As used in this chapter, the following words shall have the meanings ascribed to them unless the context clearly requires otherwise:(a)"Accused" means a person who has been arrested for committing a criminal offense and who is held for an initial appearance or other proceeding before trial or who is a target of an investigation for committing a criminal offense.(b)"Appellate proceeding" means an oral argument held in open court before the Mississippi Court of Appeals, the Mississippi Supreme Court, a federal court of appeals or the United States Supreme Court.(c)"Arrest" means the actual custodial restraint of a person or his submission to custody.(d)"Community status" means extension of the limits of the places of confinement of a prisoner through work release, intensive supervision, house arrest and initial consideration of pre-discretionary leave, passes and furloughs.(e)"Court" means all state courts including juvenile courts.(f)"Victim assistance coordinator" means a person who is employed or authorized by a public entity or a private entity that receives public funding primarily to provide counseling, treatment or other supportive assistance to crime victims.(g)"Criminal offense" means conduct that gives a law enforcement officer or prosecutor probable cause to believe that a felony involving physical injury, the threat of physical injury, a sexual offense, any offense involving spousal abuse or domestic violence has been committed.(h)"Criminal proceeding" means a hearing, argument or other matter scheduled by and held before a trial court but does not include a lineup, grand jury proceeding or other matter not held in the presence of the court.(i)"Custodial agency" means a municipal or county jail, the Department of Corrections, juvenile detention facility, Department of Youth Services or a secure mental health facility having custody of a person who is arrested or is in custody for a criminal offense.(j)"Defendant" means a person or entity that is formally charged by complaint, indictment or information of committing a criminal offense.(k)"Final disposition" means the ultimate termination of the criminal prosecution of a defendant by a trial court, including dismissal, acquittal or imposition of a sentence.(l)"Immediate family" means the spouse, parent, child, sibling, grandparent or guardian of the victim, unless that person is in custody for an offense or is the accused.(m)"Lawful representative" means a person who is a member of the immediate family or who is designated as provided in Section99-43-5; no person in custody for an offense or who is the accused may serve as lawful representative.(n)"Post-arrest release" means the discharge of the accused from confinement on recognizance, bond or other condition.(o)"Post-conviction release" means parole or discharge from confinement by an agency having custody of

the prisoner.(p)"Post-conviction relief proceeding" means a hearing, argument or other matter that is held in any court and that involves a request for relief from a conviction, sentence or adjudication.(q)"Prisoner" means a person who has been convicted or adjudicated of a criminal offense against a victim and who has been sentenced to the custody of the sheriff, the Department of Corrections, Department of Youth Services, juvenile detention facility, a municipal jail or a secure mental health facility.(r)"Prosecuting attorney" means the district attorney, county prosecuting attorney, municipal prosecuting attorney, youth court prosecuting attorney, special prosecuting attorney or Attorney General.(s)"Right" means any right granted to the victim by the laws of this state.(t)"Victim" means a person against whom the criminal offense has been committed, or if the person is deceased or incapacitated, the lawful representative.Laws, 1998, ch. 577, § 2; Laws, 2004, ch. 355, § 1, eff. 4/20/2004. As used in this chapter, the following words shall have the meanings ascribed to them unless the context clearly requires otherwise: Laws, 1998, ch. 577, § 2; Laws, 2004, ch. 355, § 1, eff. 4/20/2004.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101)Section 99-43-31 - Victim impact statements to probation officers; duty to consider victim impact

The victim may submit a written impact statement or make an oral impact statement to the probation officer for use in preparing a pre-sentence report. The probation officer shall consider the economic, physical, and psychological impact that the criminal offense has had on the victim and the immediate family of the victim.Laws, 1998, ch. 577, § 16, eff. 1/1/1999. The victim may submit a written impact statement or make an oral impact statement to the probation officer for use in preparing a pre-sentence report. The probation officer shall consider the economic, physical, and psychological impact that the criminal offense has had on the victim and the immediate family of the victim.Laws, 1998, ch. 577, § 16, eff. 1/1/1999. The victim may submit a written impact statement or make an oral impact statement to the probation officer for use in preparing a pre-sentence report. The probation officer shall consider the economic, physical, and psychological impact that the criminal offense has had on the victim and the immediate family of the victim.Laws, 1998, ch. 577, § 16, eff. 1/1/1999. The victim may submit a written impact statement or make an oral impact statement to the probation officer for use in preparing a pre-sentence report. The probation officer shall consider the economic, physical, and psychological impact that the criminal offense has had on the victim and the immediate family of the victim. Laws, 1998, ch. 577, § 16, eff. 1/1/1999.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101)Section 99-43-33 - Victim impact statements during court proceedings

The victim has the right to present an impact statement or information that concerns the criminal offense or the sentence during any entry of a plea of guilty, sentencing or restitution proceeding.Laws, 1998, ch. 577, § 17, eff. 1/1/1999. The victim has the right to present an impact statement or information that concerns the criminal offense or the sentence during any entry of a plea of guilty, sentencing or restitution proceeding.Laws, 1998, ch. 577, § 17, eff. 1/1/1999. The victim has the right to present an impact statement or information that concerns the criminal offense or the sentence during any entry of a plea of guilty, sentencing or restitution proceeding.Laws, 1998, ch. 577, § 17, eff. 1/1/1999. The victim has the right to present an impact statement or information that concerns the criminal offense or the sentence during any entry of a plea of guilty, sentencing or restitution proceeding. Laws, 1998, ch. 577, § 17, eff. 1/1/1999.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101)Section 99-43-35 - Post-arrest release or escape and post-sentencing information

The victim has the right to the following information:(a)As soon as practicable after the date of sentencing, the office of the prosecuting attorney shall notify the victim of the sentence imposed on the defendant.(b)The names, addresses and telephone numbers of the appropriate agencies and departments to whom request for notice should be provided.(c)The status of any post-conviction court review or appellate proceeding or any decisions arising from those proceedings shall be furnished to the victim by the Office of the Attorney General or the office of the district attorney, whichever is appropriate, within five (5) business days after the status is known.(d)Upon any post-arrest release of the defendant, the sheriff or municipal jailer shall, upon request, notify the victim of the release of the defendant. In the case of domestic violence or sexual assault, the appropriate law enforcement agency shall make a reasonable attempt to notify the victim of the defendant's post-arrest release, regardless of the victim's exercise of the right to receive this information.(e)The agency having physical custody of a prisoner shall, if provided a request for notice, and as soon as practicable, give notice to the victim of the escape and, subsequently, the return of the prisoner into custody.(f)Upon receiving notice from the Department of Mental Health of the release of a person who was civilly committed under Section41-21-63as a person with unresolved felony charges found incompetent to stand trial, the office of the prosecuting attorney must notify a victim or victim representative who has complied with Section99-43-9.Laws, 1998, ch. 577, § 18; Laws, 2007, ch. 587, § 9, eff. 7/1/2007.Amended by Laws, 2019, ch. 468, SB 2328,§ 23, eff. 7/1/2019. The victim has the right to the following information:(a)As soon as practicable after the date of sentencing, the office of the prosecuting attorney shall notify the victim of the sentence imposed on the defendant.(b)The names, addresses and telephone numbers of the appropriate agencies and departments to whom request for notice should be provided.(c)The status of any post-conviction court review or appellate proceeding or any

decisions arising from those proceedings shall be furnished to the victim by the Office of the Attorney General or the office of the district attorney, whichever is appropriate, within five (5) business days after the status is known.(d)Upon any post-arrest release of the defendant, the sheriff or municipal jailer shall, upon request, notify the victim of the release of the defendant. In the case of domestic violence or sexual assault, the appropriate law enforcement agency shall make a reasonable attempt to notify the victim of the defendant's post-arrest release, regardless of the victim's exercise of the right to receive this information.(e)The agency having physical custody of a prisoner shall, if provided a request for notice, and as soon as practicable, give notice to the victim of the escape and, subsequently, the return of the prisoner into custody.(f)Upon receiving notice from the Department of Mental Health of the release of a person who was civilly committed under Section41-21-63as a person with unresolved felony charges found incompetent to stand trial, the office of the prosecuting attorney must notify a victim or victim representative who has complied with Section99-43-9.Laws, 1998, ch. 577, § 18; Laws, 2007, ch. 587, § 9, eff. 7/1/2007.Amended by Laws, 2019, ch. 468, SB 2328,§ 23, eff. 7/1/2019. The victim has the right to the following information:(a)As soon as practicable after the date of sentencing, the office of the prosecuting attorney shall notify the victim of the sentence imposed on the defendant.(b)The names, addresses and telephone numbers of the appropriate agencies and departments to whom request for notice should be provided.(c)The status of any post-conviction court review or appellate proceeding or any decisions arising from those proceedings shall be furnished to the victim by the Office of the Attorney General or the office of the district attorney, whichever is appropriate, within five (5) business days after the status is known.(d)Upon any post-arrest release of the defendant, the sheriff or municipal jailer shall, upon request, notify the victim of the release of the defendant. In the case of domestic violence or sexual assault, the appropriate law enforcement agency shall make a reasonable attempt to notify the victim of the defendant's post-arrest release, regardless of the victim's exercise of the right to receive this information.(e)The agency having physical custody of a prisoner shall, if provided a request for notice, and as soon as practicable, give notice to the victim of the escape and, subsequently, the return of the prisoner into custody.(f)Upon receiving notice from the Department of Mental Health of the release of a person who was civilly committed under Section41-21-63as a person with unresolved felony charges found incompetent to stand trial, the office of the prosecuting attorney must notify a victim or victim representative who has complied with Section99-43-9.Laws, 1998, ch. 577, § 18; Laws, 2007, ch. 587, § 9, eff. 7/1/2007.Amended by Laws, 2019, ch. 468, SB 2328,§ 23, eff. 7/1/2019. The victim has the right to the following information: Laws, 1998, ch. 577, § 18; Laws, 2007, ch. 587, § 9, eff. 7/1/2007. Amended by Laws, 2019, ch. 468, SB 2328,§ 23, eff. 7/1/2019.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101)Section 99-43-37 - Presence at court proceedings; oral or written statements by victim

It is the discretion of the victim to exercise the right to be present and heard, where authorized by law, at a court proceeding. The absence of the victim at the proceeding of the court does not preclude the court from going forward with the proceeding. The right of the victim to be heard may be exercised, where authorized by law, at the discretion of the victim, through an oral statement or submission of a written statement, or both.Laws, 1998, ch. 577, § 19; Laws, 2004, ch. 355, § 2, eff. 4/20/2004. It is the discretion of the victim to exercise the right to be present and heard, where authorized by law, at a court proceeding. The absence of the victim at the proceeding of the court does not preclude the court from going forward with the proceeding. The right of the victim to be heard may be exercised, where authorized by law, at the discretion of the victim, through an oral statement or submission of a written statement, or both.Laws, 1998, ch. 577, § 19; Laws, 2004, ch. 355, § 2, eff. 4/20/2004. It is the discretion of the victim to exercise the right to be present and heard, where authorized by law, at a court proceeding. The absence of the victim at the proceeding of the court does not preclude the court from going forward with the proceeding. The right of the victim to be heard may be exercised, where authorized by law, at the discretion of the victim, through an oral statement or submission of a written statement, or both.Laws, 1998, ch. 577, § 19; Laws, 2004, ch. 355, § 2, eff. 4/20/2004. It is the discretion of the victim to exercise the right to be present and heard, where authorized by law, at a court proceeding. The absence of the victim at the proceeding of the court does not preclude the court from going forward with the proceeding. The right of the victim to be heard may be exercised, where authorized by law, at the discretion of the victim, through an oral statement or submission of a written statement, or both. Laws, 1998, ch. 577, § 19; Laws, 2004, ch. 355, § 2, eff. 4/20/2004.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101)Section 99-43-39 - Return and release of victims' property

(1)Prior to the admission into evidence by the court, on request of the victim, after consultation and written approval by the prosecuting attorney, the law enforcement agency responsible for investigating the criminal offense shall return to the victim any property belonging to the victim that was taken during the course of the investigation, or shall inform the victim of the reasons why the property will not be returned. The law enforcement agency shall make reasonable efforts to return the property to the victim as soon as possible.(2)If the property of the victim has been admitted as evidence during a trial or hearing, the court may, upon request of the prosecuting attorney, order its release to the victim if a photograph can be substituted. If evidence is released pursuant to this subsection, the attorney for the defendant or investigator may inspect and independently photograph the evidence before it is released.Laws, 1998, ch. 577, § 20, eff. 1/1/1999. (1)Prior to the admission into evidence by the court, on request of the victim, after consultation and written approval by the prosecuting attorney, the law enforcement agency responsible for investigating the criminal offense shall return to the victim any property belonging to the victim that was taken during the course of the investigation, or shall

inform the victim of the reasons why the property will not be returned. The law enforcement agency shall make reasonable efforts to return the property to the victim as soon as possible.(2)If the property of the victim has been admitted as evidence during a trial or hearing, the court may, upon request of the prosecuting attorney, order its release to the victim if a photograph can be substituted. If evidence is released pursuant to this subsection, the attorney for the defendant or investigator may inspect and independently photograph the evidence before it is released.Laws, 1998, ch. 577, § 20, eff. 1/1/1999. (1)Prior to the admission into evidence by the court, on request of the victim, after consultation and written approval by the prosecuting attorney, the law enforcement agency responsible for investigating the criminal offense shall return to the victim any property belonging to the victim that was taken during the course of the investigation, or shall inform the victim of the reasons why the property will not be returned. The law enforcement agency shall make reasonable efforts to return the property to the victim as soon as possible.(2)If the property of the victim has been admitted as evidence during a trial or hearing, the court may, upon request of the prosecuting attorney, order its release to the victim if a photograph can be substituted. If evidence is released pursuant to this subsection, the attorney for the defendant or investigator may inspect and independently photograph the evidence before it is released.Laws, 1998, ch. 577, § 20, eff. 1/1/1999. Laws, 1998, ch. 577, § 20, eff. 1/1/1999.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101)Section 99-43-41 - Custodial agency notice requirements

Any custodial agency having physical custody of the prisoner, if provided a request for notice, shall mail to the victim the following information:(a)Within fifteen (15) days prior to the end of the sentence of the prisoner, notice of release upon expiration of sentence or notice of medical release.(b)Within fifteen (15) days after the prisoner has died, notice of the death.Laws, 1998, ch. 577, § 21, eff. 1/1/1999. Any custodial agency having physical custody of the prisoner, if provided a request for notice, shall mail to the victim the following information:(a)Within fifteen (15) days prior to the end of the sentence of the prisoner, notice of release upon expiration of sentence or notice of medical release.(b)Within fifteen (15) days after the prisoner has died, notice of the death.Laws, 1998, ch. 577, § 21, eff. 1/1/1999. Any custodial agency having physical custody of the prisoner, if provided a request for notice, shall mail to the victim the following information:(a)Within fifteen (15) days prior to the end of the sentence of the prisoner, notice of release upon expiration of sentence or notice of medical release.(b)Within fifteen (15) days after the prisoner has died, notice of the death.Laws, 1998, ch. 577, § 21, eff. 1/1/1999. Any custodial agency having physical custody of the prisoner, if provided a request for notice, shall mail to the victim the following information: Laws, 1998, ch. 577, § 21, eff. 1/1/1999.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101)Section 99-43-43 - Victim statement or recording for Department of Corrections records; notice regarding parole or pardon proceedings; notice regarding change in custodial status proceedings

(1)Upon written request, the victim shall have the right to be notified that he or she may submit a written statement, or audio or video recording, which shall be entered into the prisoner's Department of Corrections records. The statement or recording shall be considered during any review for community status of the prisoner or prior to release of the prisoner.(2)The victim shall have the right to be notified and allowed to submit a written or recorded statement when parole or pardon is considered.(3)The victim shall have the right to be notified and allowed to submit a written or recorded statement when any change in custodial status is considered, whether such action be by executive order or judicial action.Laws, 1998, ch. 577, § 22; Laws, 2007, ch. 587, § 10, eff. 7/1/2007. (1)Upon written request, the victim shall have the right to be notified that he or she may submit a written statement, or audio or video recording, which shall be entered into the prisoner's Department of Corrections records. The statement or recording shall be considered during any review for community status of the prisoner or prior to release of the prisoner.(2)The victim shall have the right to be notified and allowed to submit a written or recorded statement when parole or pardon is considered.(3)The victim shall have the right to be notified and allowed to submit a written or recorded statement when any change in custodial status is considered, whether such action be by executive order or judicial action.Laws, 1998, ch. 577, § 22; Laws, 2007, ch. 587, § 10, eff. 7/1/2007. (1)Upon written request, the victim shall have the right to be notified that he or she may submit a written statement, or audio or video recording, which shall be entered into the prisoner's Department of Corrections records. The statement or recording shall be considered during any review for community status of the prisoner or prior to release of the prisoner.(2)The victim shall have the right to be notified and allowed to submit a written or recorded statement when parole or pardon is considered.(3)The victim shall have the right to be notified and allowed to submit a written or recorded statement when any change in custodial status is considered, whether such action be by executive order or judicial action.Laws, 1998, ch. 577, § 22; Laws, 2007, ch. 587, § 10, eff. 7/1/2007. Laws, 1998, ch. 577, § 22; Laws, 2007, ch. 587, § 10, eff. 7/1/2007.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101)Section 99-43-45 - Testimony and preparation for criminal proceeding free from threat or fear of losing employment

The victim shall respond to a subpoena to testify in a criminal proceeding or participate in the reasonable preparation of criminal proceeding without loss of employment, intimidation or threat or fear of the loss of employment.Laws, 1998, ch. 577, § 23, eff. 1/1/1999. The victim shall respond to a subpoena to testify in a criminal proceeding or participate in the reasonable preparation of criminal proceeding without loss of employment, intimidation or threat or fear of the loss of employment.Laws, 1998, ch. 577, § 23, eff. 1/1/1999. The victim shall respond to a subpoena to testify in a criminal proceeding or participate in the reasonable preparation

of criminal proceeding without loss of employment, intimidation or threat or fear of the loss of employment. Laws, 1998, ch. 577, § 23, eff. 1/1/1999. The victim shall respond to a subpoena to testify in a criminal proceeding or participate in the reasonable preparation of criminal proceeding without loss of employment, intimidation or threat or fear of the loss of employment. Laws, 1998, ch. 577, § 23, eff. 1/1/1999.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101) Section 99-43-47 - Prosecutor assertion of victims' rights

The prosecuting attorney may assert any right to which the victim is entitled. Laws, 1998, ch. 577, § 24, eff. 1/1/1999. The prosecuting attorney may assert any right to which the victim is entitled. Laws, 1998, ch. 577, § 24, eff. 1/1/1999. The prosecuting attorney may assert any right to which the victim is entitled. Laws, 1998, ch. 577, § 24, eff. 1/1/1999. The prosecuting attorney may assert any right to which the victim is entitled. Laws, 1998, ch. 577, § 24, eff. 1/1/1999.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101) Section 99-43-49 - Failure to provide victim's right; effect; reasonable attempts to provide notice

The failure to provide a right, privilege or notice to a victim under this chapter shall not be grounds for the defendant to seek to have the conviction or sentence set aside, and any reasonable attempt to provide notice shall satisfy the requirements of this chapter. Laws, 1998, ch. 577, § 25, eff. 1/1/1999. The failure to provide a right, privilege or notice to a victim under this chapter shall not be grounds for the defendant to seek to have the conviction or sentence set aside, and any reasonable attempt to provide notice shall satisfy the requirements of this chapter. Laws, 1998, ch. 577, § 25, eff. 1/1/1999. The failure to provide a right, privilege or notice to a victim under this chapter shall not be grounds for the defendant to seek to have the conviction or sentence set aside, and any reasonable attempt to provide notice shall satisfy the requirements of this chapter. Laws, 1998, ch. 577, § 25, eff. 1/1/1999. The failure to provide a right, privilege or notice to a victim under this chapter shall not be grounds for the defendant to seek to have the conviction or sentence set aside, and any reasonable attempt to provide notice shall satisfy the requirements of this chapter. Laws, 1998, ch. 577, § 25, eff. 1/1/1999.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101) Section 99-43-5 - Designated and lawful representatives

(1) If a victim is physically or emotionally unable to exercise any right established by this chapter, but is able to designate in writing a lawful representative, the designated representative or person may exercise the same rights that the victim is entitled to exercise. The victim may revoke his or her designated representation at any time and thereafter personally exercise his or her rights. (2) If a victim is incompetent, deceased or otherwise incapable of designating another person to act in his or her behalf, the court may appoint a lawful representative who is not a witness in the case. If at any time the victim is no longer incompetent, incapacitated, or otherwise incapable of acting, the victim may personally exercise his or her rights. (3) If the victim is a minor, the parent, guardian or other immediate family of the victim, or a designated representative as determined by the court, may exercise all of the rights of the victim on behalf of the victim. Laws, 1998, ch. 577, § 3, eff. 1/1/1999. (1) If a victim is physically or emotionally unable to exercise any right established by this chapter, but is able to designate in writing a lawful representative, the designated representative or person may exercise the same rights that the victim is entitled to exercise. The victim may revoke his or her designated representation at any time and thereafter personally exercise his or her rights. (2) If a victim is incompetent, deceased or otherwise incapable of designating another person to act in his or her behalf, the court may appoint a lawful representative who is not a witness in the case. If at any time the victim is no longer incompetent, incapacitated, or otherwise incapable of acting, the victim may personally exercise his or her rights. (3) If the victim is a minor, the parent, guardian or other immediate family of the victim, or a designated representative as determined by the court, may exercise all of the rights of the victim on behalf of the victim. Laws, 1998, ch. 577, § 3, eff. 1/1/1999. (1) If a victim is physically or emotionally unable to exercise any right established by this chapter, but is able to designate in writing a lawful representative, the designated representative or person may exercise the same rights that the victim is entitled to exercise. The victim may revoke his or her designated representation at any time and thereafter personally exercise his or her rights. (2) If a victim is incompetent, deceased or otherwise incapable of designating another person to act in his or her behalf, the court may appoint a lawful representative who is not a witness in the case. If at any time the victim is no longer incompetent, incapacitated, or otherwise incapable of acting, the victim may personally exercise his or her rights. (3) If the victim is a minor, the parent, guardian or other immediate family of the victim, or a designated representative as determined by the court, may exercise all of the rights of the victim on behalf of the victim. Laws, 1998, ch. 577, § 3, eff. 1/1/1999. Laws, 1998, ch. 577, § 3, eff. 1/1/1999.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101) Section 99-43-7 - Law enforcement notice requirements; clerk of court notice requirements

(1) Unless the victim is unavailable or incapacitated as a result of the crime, within seventy-two (72) hours after the law enforcement agency becomes responsible for investigating the crime, the law enforcement agency shall provide to the victim in a manner and

form prescribed by the Attorney General the following information:(a)The availability of emergency and crisis services.(b)The availability of victims' compensation benefits and the address and telephone number of the Victim Compensation Division.(c)The name of the law enforcement officer and telephone number of the law enforcement agency with the following statement attached: "If within sixty (60) days you are not notified of an arrest in your case, you may call the telephone number of the law enforcement agency for the status of the case."(d)The procedural steps involved in a criminal prosecution.(e)The rights authorized by the Mississippi Constitution on rights of victims, including a form to invoke these rights.(f)The existence of and eligibility requirements for restitution and compensation pursuant to Section99-37-1et seq. and Section99-41-1et seq., Mississippi Code of 1972.(g)A recommended procedure if the victim is subjected to threats or intimidation.(h)The name and telephone number of the office of the prosecuting attorney to contact for further information.(2)In the event a victim initiates proceedings against a person by filing an affidavit, petition or complaint in a court of competent jurisdiction, the clerk of the court shall provide the victim with the information set forth in subsection (1); however, in lieu of the information set forth in subsection (1)(c), the clerk shall advise the victim of the name and telephone number of the law enforcement agency to which the complaint will be referred. This information shall be provided on a form prescribed by the Attorney General. Failure of the clerk of court to provide such information shall not subject the clerk to any criminal or civil liability.Laws, 1998, ch. 577, § 4; Laws, 2007, ch. 587, § 8, eff. 7/1/2007. (1)Unless the victim is unavailable or incapacitated as a result of the crime, within seventy-two (72) hours after the law enforcement agency becomes responsible for investigating the crime, the law enforcement agency shall provide to the victim in a manner and form prescribed by the Attorney General the following information:(a)The availability of emergency and crisis services.(b)The availability of victims' compensation benefits and the address and telephone number of the Victim Compensation Division.(c)The name of the law enforcement officer and telephone number of the law enforcement agency with the following statement attached: "If within sixty (60) days you are not notified of an arrest in your case, you may call the telephone number of the law enforcement agency for the status of the case."(d)The procedural steps involved in a criminal prosecution.(e)The rights authorized by the Mississippi Constitution on rights of victims, including a form to invoke these rights.(f)The existence of and eligibility requirements for restitution and compensation pursuant to Section99-37-1et seq. and Section99-41-1et seq., Mississippi Code of 1972.(g)A recommended procedure if the victim is subjected to threats or intimidation.(h)The name and telephone number of the office of the prosecuting attorney to contact for further information.(2)In the event a victim initiates proceedings against a person by filing an affidavit, petition or complaint in a court of competent jurisdiction, the clerk of the court shall provide the victim with the information set forth in subsection (1); however, in lieu of the information set forth in subsection (1)(c), the clerk shall advise the victim of the name and telephone number of the law enforcement agency to which the complaint will be referred. This information shall be provided on a form prescribed by the Attorney General. Failure of the clerk of court to provide such information shall not subject the clerk to any criminal or civil liability.Laws, 1998, ch. 577, § 4; Laws, 2007, ch. 587, § 8, eff. 7/1/2007. (1)Unless the victim is unavailable or incapacitated as a result of the crime, within seventy-two (72) hours after the law enforcement agency becomes responsible for investigating the crime, the law enforcement agency shall provide to the victim in a manner and form prescribed by the Attorney General the following information:(a)The availability of emergency and crisis services.(b)The availability of victims' compensation benefits and the address and telephone number of the Victim Compensation Division.(c)The name of the law enforcement officer and telephone number of the law enforcement agency with the following statement attached: "If within sixty (60) days you are not notified of an arrest in your case, you may call the telephone number of the law enforcement agency for the status of the case."(d)The procedural steps involved in a criminal prosecution.(e)The rights authorized by the Mississippi Constitution on rights of victims, including a form to invoke these rights.(f)The existence of and eligibility requirements for restitution and compensation pursuant to Section99-37-1et seq. and Section99-41-1et seq., Mississippi Code of 1972.(g)A recommended procedure if the victim is subjected to threats or intimidation.(h)The name and telephone number of the office of the prosecuting attorney to contact for further information.(2)In the event a victim initiates proceedings against a person by filing an affidavit, petition or complaint in a court of competent jurisdiction, the clerk of the court shall provide the victim with the information set forth in subsection (1); however, in lieu of the information set forth in subsection (1)(c), the clerk shall advise the victim of the name and telephone number of the law enforcement agency to which the complaint will be referred. This information shall be provided on a form prescribed by the Attorney General. Failure of the clerk of court to provide such information shall not subject the clerk to any criminal or civil liability.Laws, 1998, ch. 577, § 4; Laws, 2007, ch. 587, § 8, eff. 7/1/2007. Laws, 1998, ch. 577, § 4; Laws, 2007, ch. 587, § 8, eff. 7/1/2007.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101)Section 99-43-8 - Victim's right to receive copy of initial incident report

Upon request, the victim has the right to receive, from the appropriate law enforcement agency, free of charge, a copy of the initial incident report of the case subject to any confidentiality requirements provided by law.Laws, 2012, ch. 518, § 2, eff. 7/1/2012. Upon request, the victim has the right to receive, from the appropriate law enforcement agency, free of charge, a copy of the initial incident report of the case subject to any confidentiality requirements provided by law.Laws, 2012, ch. 518, § 2, eff. 7/1/2012. Upon request, the victim has the right to receive, from the appropriate law enforcement agency, free of charge, a copy of the initial incident report of the case subject to any confidentiality requirements provided by law.Laws, 2012, ch. 518, § 2, eff. 7/1/2012. Upon request, the victim has the right to receive, from the appropriate law enforcement agency, free of charge, a copy of the initial incident report of the case subject to any confidentiality requirements provided by law. Laws, 2012, ch. 518, § 2, eff. 7/1/2012.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 43 - MISSISSIPPI CRIME VICTIMS' BILL OF RIGHTS (§§ 99-43-1 — 99-43-101) Section 99-43-9 - Prosecutor notice requirements upon written request of victim

(1) Upon written request of the victim, the prosecuting attorney shall notify the victim of all charges filed against the defendant and any criminal proceedings, other than initial appearances, as soon as practicable, including any changes that may occur. (2) In order to be entitled to receive notice under this section, the victim shall provide to and maintain with the office of the prosecuting attorney a request for notice which shall include the telephone number and address of the victim. The request for notice shall be considered withdrawn and void in the event the victim fails to update this information as necessary. Except as otherwise provided, all notices provided to a victim pursuant to this chapter shall be on forms as specified by the Attorney General. Laws, 1998, ch. 577, § 5, eff. 1/1/1999. (1) Upon written request of the victim, the prosecuting attorney shall notify the victim of all charges filed against the defendant and any criminal proceedings, other than initial appearances, as soon as practicable, including any changes that may occur. (2) In order to be entitled to receive notice under this section, the victim shall provide to and maintain with the office of the prosecuting attorney a request for notice which shall include the telephone number and address of the victim. The request for notice shall be considered withdrawn and void in the event the victim fails to update this information as necessary. Except as otherwise provided, all notices provided to a victim pursuant to this chapter shall be on forms as specified by the Attorney General. Laws, 1998, ch. 577, § 5, eff. 1/1/1999. (1) Upon written request of the victim, the prosecuting attorney shall notify the victim of all charges filed against the defendant and any criminal proceedings, other than initial appearances, as soon as practicable, including any changes that may occur. (2) In order to be entitled to receive notice under this section, the victim shall provide to and maintain with the office of the prosecuting attorney a request for notice which shall include the telephone number and address of the victim. The request for notice shall be considered withdrawn and void in the event the victim fails to update this information as necessary. Except as otherwise provided, all notices provided to a victim pursuant to this chapter shall be on forms as specified by the Attorney General. Laws, 1998, ch. 577, § 5, eff. 1/1/1999. Laws, 1998, ch. 577, § 5, eff. 1/1/1999.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 45 - STATEWIDE AUTOMATED VICTIM INFORMATION AND NOTIFICATION SYSTEM (§§ 99-45-1 — 99-45-9) Section 99-45-1 - System established to inform crime victims regarding status of criminal offenders

The Department of Corrections shall establish a statewide automated victim information and notification (SAVIN) system that will do the following: (a) Automatically notify a registered victim via their choice of telephone, letter, or email when any of the following events affect an offender housed in the Department of Corrections or any county jail in the state: (i) Is transferred or assigned to another facility; (ii) Is transferred to the custody of another agency outside the state; (iii) Is given a different security classification; (iv) Is released on temporary leave or otherwise; (v) Is discharged; (vi) Has escaped; or (vii) Has been served with a protective order that was requested by the victim. (b) Automatically notify a registered victim via their choice of telephone, letter, or email, when an offender has: (i) An upcoming court event where the victim is entitled to be present; (ii) An upcoming parole or pardon hearing; (iii) A change in status of their parole or probation status including: 1. A change in their supervision status; or 2. A change in their address. (c) Automatically notify a registered victim via their choice of telephone, letter, or email when a sex offender has: (i) Updated his profile information with the state sex offender registry; (ii) Become noncompliant with the state sex offender registry. (d) Permit a crime victim to receive the most recent status report for an offender in the Department of Corrections, county jail, or sex offender registry by calling the SAVIN system on a toll free telephone number as well as by accessing the SAVIN system via a public web site. (e) All victims calling the SAVIN program will be given the option to have live operator assistance to use the program on a 24 hour, 365 day per year basis. (f) Permit a crime victim to register or update the victim's registration information for the SAVIN system by calling a toll free telephone number or accessing a public web site. Laws, 2006, ch. 421, § 1, eff. 7/1/2006. The Department of Corrections shall establish a statewide automated victim information and notification (SAVIN) system that will do the following: (a) Automatically notify a registered victim via their choice of telephone, letter, or email when any of the following events affect an offender housed in the Department of Corrections or any county jail in the state: (i) Is transferred or assigned to another facility; (ii) Is transferred to the custody of another agency outside the state; (iii) Is given a different security classification; (iv) Is released on temporary leave or otherwise; (v) Is discharged; (vi) Has escaped; or (vii) Has been served with a protective order that was requested by the victim. (b) Automatically notify a registered victim via their choice of telephone, letter, or email, when an offender has: (i) An upcoming court event where the victim is entitled to be present; (ii) An upcoming parole or pardon hearing; (iii) A change in status of their parole or probation status including: 1. A change in their supervision status; or 2. A change in their address. (c) Automatically notify a registered victim via their choice of telephone, letter, or email when a sex offender has: (i) Updated his profile information with the state sex offender registry; (ii) Become noncompliant with the state sex offender registry. (d) Permit a crime victim to receive the most recent status report for an offender in the Department of Corrections, county jail, or sex offender registry by calling the SAVIN system on a toll free telephone number as well as by accessing the SAVIN system via a public web site. (e) All victims calling the SAVIN program will be given the option to have live operator assistance to use the program on a 24 hour, 365 day per year basis. (f) Permit a crime victim to register or update the victim's registration information for the SAVIN system by calling a toll free telephone number or accessing a public web site. Laws, 2006, ch. 421, § 1, eff. 7/1/2006. The Department of Corrections shall establish a statewide automated victim information and notification (SAVIN) system that will do the following: (a) Automatically notify a registered victim via their choice of telephone, letter, or email when any

of the following events affect an offender housed in the Department of Corrections or any county jail in the state:(i)Is transferred or assigned to another facility;(ii)Is transferred to the custody of another agency outside the state;(iii)Is given a different security classification;(iv)Is released on temporary leave or otherwise;(v)Is discharged;(vi)Has escaped; or(vii)Has been served with a protective order that was requested by the victim.(b)Automatically notify a registered victim via their choice of telephone, letter, or email, when an offender has:(i)An upcoming court event where the victim is entitled to be present;(ii)An upcoming parole or pardon hearing;(iii)A change in status of their parole or probation status including:1.A change in their supervision status; or2.A change in their address.(c)Automatically notify a registered victim via their choice of telephone, letter, or email when a sex offender has:(i)Updated his profile information with the state sex offender registry;(ii)Become noncompliant with the state sex offender registry.(d)Permit a crime victim to receive the most recent status report for an offender in the Department of Corrections, county jail, or sex offender registry by calling the SAVIN system on a toll free telephone number as well as by accessing the SAVIN system via a public web site.(e)All victims calling the SAVIN program will be given the option to have live operator assistance to use the program on a 24 hour, 365 day per year basis.(f)Permit a crime victim to register or update the victim's registration information for the SAVIN system by calling a toll free telephone number or accessing a public web site.Laws, 2006, ch. 421, § 1, eff. 7/1/2006. The Department of Corrections shall establish a statewide automated victim information and notification (SAVIN) system that will do the following: Laws, 2006, ch. 421, § 1, eff. 7/1/2006.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 45 - STATEWIDE AUTOMATED VICTIM INFORMATION AND NOTIFICATION SYSTEM (§§ 99-45-1 — 99-45-9)Section 99-45-3 - Law enforcement obligation to notify crime victims satisfied through participation in SAVIN program

Participation in the SAVIN program and making offender and case data available on a timely basis to the SAVIN program will satisfy the Department of Corrections', sheriff's, and prosecuting attorney's obligation to notify the crime victim of an offender's custody status and the status of the offender's upcoming court events.Laws, 2006, ch. 421, § 2, eff. 7/1/2006. Participation in the SAVIN program and making offender and case data available on a timely basis to the SAVIN program will satisfy the Department of Corrections', sheriff's, and prosecuting attorney's obligation to notify the crime victim of an offender's custody status and the status of the offender's upcoming court events.Laws, 2006, ch. 421, § 2, eff. 7/1/2006. Participation in the SAVIN program and making offender and case data available on a timely basis to the SAVIN program will satisfy the Department of Corrections', sheriff's, and prosecuting attorney's obligation to notify the crime victim of an offender's custody status and the status of the offender's upcoming court events.Laws, 2006, ch. 421, § 2, eff. 7/1/2006. Participation in the SAVIN program and making offender and case data available on a timely basis to the SAVIN program will satisfy the Department of Corrections', sheriff's, and prosecuting attorney's obligation to notify the crime victim of an offender's custody status and the status of the offender's upcoming court events. Laws, 2006, ch. 421, § 2, eff. 7/1/2006.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 45 - STATEWIDE AUTOMATED VICTIM INFORMATION AND NOTIFICATION SYSTEM (§§ 99-45-1 — 99-45-9)Section 99-45-5 - Department of Corrections required to update offender information frequently; no cause of action created by failure of automated system to provide notice to victim

The Department of Corrections must ensure that the offender information contained within the automated victim notification system is updated frequently enough to timely notify a crime victim that an offender has been released, has been discharged, or has escaped. However, the failure of the automated victim notification system to provide notice to the victim does not establish a separate cause of action by the victim against the state, local officials, or against the Department of Corrections.Laws, 2006, ch. 421, § 3, eff. 7/1/2006. The Department of Corrections must ensure that the offender information contained within the automated victim notification system is updated frequently enough to timely notify a crime victim that an offender has been released, has been discharged, or has escaped. However, the failure of the automated victim notification system to provide notice to the victim does not establish a separate cause of action by the victim against the state, local officials, or against the Department of Corrections.Laws, 2006, ch. 421, § 3, eff. 7/1/2006. The Department of Corrections must ensure that the offender information contained within the automated victim notification system is updated frequently enough to timely notify a crime victim that an offender has been released, has been discharged, or has escaped. However, the failure of the automated victim notification system to provide notice to the victim does not establish a separate cause of action by the victim against the state, local officials, or against the Department of Corrections.Laws, 2006, ch. 421, § 3, eff. 7/1/2006. The Department of Corrections must ensure that the offender information contained within the automated victim notification system is updated frequently enough to timely notify a crime victim that an offender has been released, has been discharged, or has escaped. However, the failure of the automated victim notification system to provide notice to the victim does not establish a separate cause of action by the victim against the state, local officials, or against the Department of Corrections. Laws, 2006, ch. 421, § 3, eff. 7/1/2006.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 45 - STATEWIDE AUTOMATED VICTIM INFORMATION AND NOTIFICATION SYSTEM (§§ 99-45-1 — 99-45-9)Section 99-45-7 - Cooperation among law enforcement agencies

Law enforcement officers shall cooperate with the Department of Corrections in establishing and maintaining the automated victim notification system.Laws, 2006, ch. 421, § 4, eff. 7/1/2006. Law enforcement officers shall cooperate with the Department of

Corrections in establishing and maintaining the automated victim notification system. Laws, 2006, ch. 421, § 4, eff. 7/1/2006. Law enforcement officers shall cooperate with the Department of Corrections in establishing and maintaining the automated victim notification system. Laws, 2006, ch. 421, § 4, eff. 7/1/2006. Law enforcement officers shall cooperate with the Department of Corrections in establishing and maintaining the automated victim notification system. Laws, 2006, ch. 421, § 4, eff. 7/1/2006.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 45 - STATEWIDE AUTOMATED VICTIM INFORMATION AND NOTIFICATION SYSTEM (§§ 99-45-1 — 99-45-9) Section 99-45-9 - Administration by Department of Corrections; Statewide Victims' Information and Notification System Fund created

(1) The Department of Corrections shall administer the automated victim notification system. The cost of administering the system must be paid with appropriations made to the department and from federal grants and contracts. (2) There is created in the State Treasury a special fund to be known as the Statewide Victims' Information and Notification System Fund. The purpose of the fund shall be to provide funding for the Statewide Victims' Information and Notification System. Monies from the funds derived from assessments under Section 99-19-73 shall be distributed by the State Treasurer upon warrants issued by the Mississippi Department of Corrections. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of: (a) Monies appropriated by the Legislature for the purposes of funding the Statewide Victims' Information and Notification System; (b) The interest accruing to the fund; (c) Monies received under the provisions of Section 99-19-73; (d) Monies received from the federal government; (e) Donations; and (f) Monies received from such other sources as may be provided by law. Laws, 2006, ch. 421, § 5; Laws, 2007, ch. 578, § 2, eff. 7/1/2007. (1) The Department of Corrections shall administer the automated victim notification system. The cost of administering the system must be paid with appropriations made to the department and from federal grants and contracts. (2) There is created in the State Treasury a special fund to be known as the Statewide Victims' Information and Notification System Fund. The purpose of the fund shall be to provide funding for the Statewide Victims' Information and Notification System. Monies from the funds derived from assessments under Section 99-19-73 shall be distributed by the State Treasurer upon warrants issued by the Mississippi Department of Corrections. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of: (a) Monies appropriated by the Legislature for the purposes of funding the Statewide Victims' Information and Notification System; (b) The interest accruing to the fund; (c) Monies received under the provisions of Section 99-19-73; (d) Monies received from the federal government; (e) Donations; and (f) Monies received from such other sources as may be provided by law. Laws, 2006, ch. 421, § 5; Laws, 2007, ch. 578, § 2, eff. 7/1/2007. (1) The Department of Corrections shall administer the automated victim notification system. The cost of administering the system must be paid with appropriations made to the department and from federal grants and contracts. (2) There is created in the State Treasury a special fund to be known as the Statewide Victims' Information and Notification System Fund. The purpose of the fund shall be to provide funding for the Statewide Victims' Information and Notification System. Monies from the funds derived from assessments under Section 99-19-73 shall be distributed by the State Treasurer upon warrants issued by the Mississippi Department of Corrections. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of: (a) Monies appropriated by the Legislature for the purposes of funding the Statewide Victims' Information and Notification System; (b) The interest accruing to the fund; (c) Monies received under the provisions of Section 99-19-73; (d) Monies received from the federal government; (e) Donations; and (f) Monies received from such other sources as may be provided by law. Laws, 2006, ch. 421, § 5; Laws, 2007, ch. 578, § 2, eff. 7/1/2007. Laws, 2006, ch. 421, § 5; Laws, 2007, ch. 578, § 2, eff. 7/1/2007.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 47 - VICTIM OF DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING ADDRESS CONFIDENTIALITY PROGRAM (§ 99-47-1) Section 99-47-1 - Definitions; Address Confidentiality Program established; application contents; certification as program participant; penalties for knowingly providing false or incorrect information on application; cancellation of certification; use of substitute address by public bodies; prohibition against disclosure of records in program participant's file; exceptions; immunity from liability

(1) Definitions. -As used in this section: (a) "Confidential address" means any residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant under this section. (b) "Program participant" means a person certified as a program participant under this section. (c) "Domestic violence" means any of the following acts committed against a current or former spouse, a person living as a spouse or who formerly lived as a spouse or a child of persons living as spouses or who formerly lived as spouses, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, a person with whom the defendant has a biological or legally adopted child in common, or a person in a current or former dating relationship: (i) A violation of a domestic violence protection order; (ii) Simple or aggravated domestic violence as defined in Section 97-3-7(3) or 97-3-7(4); or (iii) Threats of such acts. (d) "Sexual assault" means an act as defined in Section 45-33-23(h) as a sex offense. (e) "Stalking" means an act as defined in Section 97-3-107 or Section 97-45-15. (f) "Substitute address" means an address designated and assigned by the Office of the Attorney General to a program participant as a substitute mailing address under the Address Confidentiality Program. (g) "Victim" means an individual against whom domestic violence, sexual assault, or stalking has been committed. (2) (a) Address Confidentiality Program. -An adult, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, may apply to the Office of the Attorney General to have an address designated by the Office of the Attorney General serve as the substitute address for the person, the minor or the incapacitated person. The Office of the Attorney General shall approve an application if it is filed in the manner and on the form

prescribed by the Office of the Attorney General and if it contains:(i)A sworn statement by the applicant that the applicant has good reason to believe that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, stalking, or sexual assault, and that the applicant fears for his or her safety, or his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made;(ii)A designation of the Office of the Attorney General as agent for purposes of services of process and for the purpose of receipt of mail;(iii)The confidential address where the applicant can be contacted by the Office of the Attorney General, and the telephone number or numbers where the applicant can be contacted by the Office of the Attorney General;(iv)The confidential address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, stalking, or sexual assault;(v)A statement of any existing or pending court order or court action involving the applicant that is related to divorce proceedings, child support, child custody, or child visitation; the court that issued each order or has jurisdiction over an action shall be noted;(vi)The signature of the applicant and a representative of a domestic violence shelter or rape crisis center as designated under subsection (6) who assisted in the preparation of the application;(vii)The date on which the applicant signed the application; and(viii)Evidence that the applicant is a victim of domestic violence, sexual assault, or stalking. This evidence shall include at least one (1) of the following:1.Law enforcement, court or other local, state or federal agency records or files;2.Documentation from a domestic violence shelter or rape crisis center; or3.Other form of evidence as determined by the Office of the Attorney General.(b)Applications shall be filed with the Office of the Attorney General.(c)Upon approval of an application, the Office of the Attorney General shall certify the applicant as a program participant. Upon certification, the Office of the Attorney General shall issue an Address Confidentiality Program authorization card to the program participant. Applicants shall be certified for four (4) years following the date of certification unless the certification is withdrawn, cancelled or invalidated before that date.(d)A program applicant who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application or while a program participant, shall be guilty of a misdemeanor, punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a term not to exceed six (6) months.(e)A fraudulent attempt to gain access to a program participant's confidential address shall constitute a felony, punishable by a fine not to exceed Two Thousand Dollars (\$2,000.00) or by imprisonment in the county jail for a term not to exceed two (2) years.(f)Knowingly entering the Address Confidentiality Program to evade civil liability or criminal prosecution shall constitute a felony, punishable by a fine not to exceed Two Thousand Dollars (\$2,000.00) or by imprisonment in the county jail for a term not to exceed two (2) years.(g)A program participant may terminate the certification by filing a notarized request for withdrawal from the program with the Office of the Attorney General.(3)(a)Certification cancellation. -If the program participant obtains a name change, the person's program participation is terminated and the person may immediately reapply for certification under the new name.(b)The Office of the Attorney General may cancel a program participant's certification if there is a change in the residential address or telephone number from the address or the telephone number listed for the program participant on the application unless the program participant provides the Office of the Attorney General with a minimum of seven (7) days' notice before the change of address occurs.(c)The Office of the Attorney General may cancel certification of a program participant if mail forwarded by the Office of the Attorney General to the program participant's confidential address is returned as undeliverable or if service of process documents are returned to the Office of the Attorney General as unable to be served.(d)The Office of the Attorney General shall cancel certification of a program participant who applies using false information.(e)The Office of the Attorney General shall send notice of cancellation to the program participant. Notice of cancellation shall set out the reasons for cancellation. That program participant shall have thirty (30) days from receipt of notification of cancellation to appeal the cancellation decisions under procedures adopted by the Office of the Attorney General.(f)An individual who ceases to be a program participant is responsible for notifying persons, who use the substitute address designated by the Office of the Attorney General as the program participant's address, that the designated substitute address is no longer the individual's address.(4)(a)Agency use of designated address. -Except as otherwise provided in this section, a program participant may request that public bodies use the address designated by the Office of the Attorney General as the participant's substitute address. The program participant, and not the Office of the Attorney General, domestic violence shelter, nor rape crisis center, is responsible for requesting that any public body use the address designated by the Office of the Attorney General as the substitute address of the program participant. If there is any criminal proceeding on behalf of the program participant, the program participant is also responsible for notifying any law enforcement agency and the district attorney's office of the person's participation in the program. There shall be no responsibility on the part of any district attorney's office or any law enforcement agency to request that a public body use the substitute address. Public bodies shall accept the address designated by the Office of the Attorney General as a program participant's substitute address, unless the Office of the Attorney General has determined that:(i)The public body has a bona fide statutory or administrative requirement for the use of the confidential address of the program participant as defined in this section; and(ii)The confidential address will be used only for those statutory and administrative purposes.(b)A program participant may use the substitute address designated by the Office of the Attorney General as his or her work address.(c)The Office of the Attorney General shall forward all first-class, certified or registered mail to the program participant at the confidential address provided by the program participant. The Office of the Attorney General shall not be required to track or otherwise maintain records of any mail received on behalf of a program participant unless the mail is certified or registered.(d)A program participant's name, confidential address, telephone number and any other identifying information within the possession of a public body, as defined by Section 25-61-3, shall not constitute a public record within the meaning of the Mississippi Public Records Act of 1983. The program participant's actual name, address and telephone number shall

be confidential and no public body shall disclose the program participant's name, address, telephone number, or any other identifying information.(5)Disclosure of records prohibited; exceptions. -A program participant's confidential address and telephone number and any other identifying information in the possession of the Office of the Attorney General shall not constitute a public record within the meaning of the Mississippi Public Records Act of 1983, and shall not be disclosed during discovery in any criminal prosecution. The Office of the Attorney General shall not make any records in a program participant's file available for inspection or copying other than the address designated by the Office of the Attorney General, except under the following circumstances:(a)If requested by a law enforcement agency, to the law enforcement agency for official use only, but not to be included in any reports made by the law enforcement agency or required to be produced in discovery in any criminal prosecution;(b)If directed by a court order, to a person identified in the order; or(c)To verify, if requested by a public body, the participation of a specific program participant, in which case the Office of the Attorney General may only confirm participation in the program and confirm information supplied by the requester.(6)Assistance for program applicants. -The Office of the Attorney General shall refer potential participants to domestic violence shelters or rape crisis centers that provide shelter and counseling services to either victims of domestic violence, stalking, or sexual assault to assist persons applying to be program participants.(7)Address confidentiality funding. -Expenses of administering the Address Confidentiality Program shall be paid from the Crime Victims' Compensation Fund.(8)Immunity. -The Office of the Attorney General and/or its agents and/or employees are immune from civil and/or criminal liability for damages for conduct within the scope and arising out of the performance of the duties imposed under this section. Any district attorney and his agents and employees, any law enforcement agency and its agents and employees and any local or state agency and its agents and employees are immune from liability, whether civil or criminal, for damages for conduct within the scope and arising out of the program. Any employee or representative of a domestic violence shelter or rape crisis center who acts in good faith to assist a victim complete an application for participation in the Address Confidentiality Program shall be immune from civil and/or criminal liability. Any assistance rendered pursuant to this section, by the Office of the Attorney General, its agents or employees, shall in no way be construed as legal advice.(9)Adoption of rules. -The Office of the Attorney General Victim Compensation Division is authorized to adopt rules and regulations as shall be necessary for carrying out the provisions of this section.Laws, 2008, ch. 537, § 1; Laws, 2012, ch. 480, § 1, eff. 7/1/2012. (1)Definitions. -As used in this section:(a)"Confidential address" means any residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant under this section.(b)"Program participant" means a person certified as a program participant under this section.(c)"Domestic violence" means any of the following acts committed against a current or former spouse, a person living as a spouse or who formerly lived as a spouse or a child of persons living as spouses or who formerly lived as spouses, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, a person with whom the defendant has a biological or legally adopted child in common, or a person in a current or former dating relationship:(i)A violation of a domestic violence protection order;(ii)Simple or aggravated domestic violence as defined in Section97-3-7(3)or97-3-7(4); or(iii)Threats of such acts.(d)"Sexual assault" means an act as defined in Section45-33-23(h)as a sex offense.(e)"Stalking" means an act as defined in Section97-3-107or Section97-45-15.(f)"Substitute address" means an address designated and assigned by the Office of the Attorney General to a program participant as a substitute mailing address under the Address Confidentiality Program.(g)"Victim" means an individual against whom domestic violence, sexual assault, or stalking has been committed.(2)(a)Address Confidentiality Program. -An adult, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, may apply to the Office of the Attorney General to have an address designated by the Office of the Attorney General serve as the substitute address for the person, the minor or the incapacitated person. The Office of the Attorney General shall approve an application if it is filed in the manner and on the form prescribed by the Office of the Attorney General and if it contains:(i)A sworn statement by the applicant that the applicant has good reason to believe that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, stalking, or sexual assault, and that the applicant fears for his or her safety, or his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made;(ii)A designation of the Office of the Attorney General as agent for purposes of services of process and for the purpose of receipt of mail;(iii)The confidential address where the applicant can be contacted by the Office of the Attorney General, and the telephone number or numbers where the applicant can be contacted by the Office of the Attorney General;(iv)The confidential address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, stalking, or sexual assault;(v)A statement of any existing or pending court order or court action involving the applicant that is related to divorce proceedings, child support, child custody, or child visitation; the court that issued each order or has jurisdiction over an action shall be noted;(vi)The signature of the applicant and a representative of a domestic violence shelter or rape crisis center as designated under subsection (6) who assisted in the preparation of the application;(vii)The date on which the applicant signed the application; and(viii)Evidence that the applicant is a victim of domestic violence, sexual assault, or stalking. This evidence shall include at least one (1) of the following:1.Law enforcement, court or other local, state or federal agency records or files;2.Documentation from a domestic violence shelter or rape crisis center; or3.Other form of evidence as determined by the Office of the Attorney General.(b)Applications shall be filed with the Office of the Attorney General.(c)Upon approval of an application, the Office of the Attorney General shall certify the applicant as a program participant. Upon certification, the Office of the Attorney General shall issue an Address Confidentiality Program authorization card to the program participant. Applicants shall be certified for four (4) years following the date of certification unless the certification is withdrawn, cancelled or invalidated before that date.(d)A program applicant who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children or the minor or incapacitated

person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application or while a program participant, shall be guilty of a misdemeanor, punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a term not to exceed six (6) months.(e)A fraudulent attempt to gain access to a program participant's confidential address shall constitute a felony, punishable by a fine not to exceed Two Thousand Dollars (\$2,000.00) or by imprisonment in the county jail for a term not to exceed two (2) years.(f)Knowingly entering the Address Confidentiality Program to evade civil liability or criminal prosecution shall constitute a felony, punishable by a fine not to exceed Two Thousand Dollars (\$2,000.00) or by imprisonment in the county jail for a term not to exceed two (2) years.(g)A program participant may terminate the certification by filing a notarized request for withdrawal from the program with the Office of the Attorney General.(3)(a)Certification cancellation. -If the program participant obtains a name change, the person's program participation is terminated and the person may immediately reapply for certification under the new name.(b)The Office of the Attorney General may cancel a program participant's certification if there is a change in the residential address or telephone number from the address or the telephone number listed for the program participant on the application unless the program participant provides the Office of the Attorney General with a minimum of seven (7) days' notice before the change of address occurs.(c)The Office of the Attorney General may cancel certification of a program participant if mail forwarded by the Office of the Attorney General to the program participant's confidential address is returned as undeliverable or if service of process documents are returned to the Office of the Attorney General as unable to be served.(d)The Office of the Attorney General shall cancel certification of a program participant who applies using false information.(e)The Office of the Attorney General shall send notice of cancellation to the program participant. Notice of cancellation shall set out the reasons for cancellation. That program participant shall have thirty (30) days from receipt of notification of cancellation to appeal the cancellation decisions under procedures adopted by the Office of the Attorney General.(f)An individual who ceases to be a program participant is responsible for notifying persons, who use the substitute address designated by the Office of the Attorney General as the program participant's address, that the designated substitute address is no longer the individual's address.(4)(a)Agency use of designated address. -Except as otherwise provided in this section, a program participant may request that public bodies use the address designated by the Office of the Attorney General as the participant's substitute address. The program participant, and not the Office of the Attorney General, domestic violence shelter, nor rape crisis center, is responsible for requesting that any public body use the address designated by the Office of the Attorney General as the substitute address of the program participant. If there is any criminal proceeding on behalf of the program participant, the program participant is also responsible for notifying any law enforcement agency and the district attorney's office of the person's participation in the program. There shall be no responsibility on the part of any district attorney's office or any law enforcement agency to request that a public body use the substitute address. Public bodies shall accept the address designated by the Office of the Attorney General as a program participant's substitute address, unless the Office of the Attorney General has determined that:(i)The public body has a bona fide statutory or administrative requirement for the use of the confidential address of the program participant as defined in this section; and(ii)The confidential address will be used only for those statutory and administrative purposes.(b)A program participant may use the substitute address designated by the Office of the Attorney General as his or her work address.(c)The Office of the Attorney General shall forward all first-class, certified or registered mail to the program participant at the confidential address provided by the program participant. The Office of the Attorney General shall not be required to track or otherwise maintain records of any mail received on behalf of a program participant unless the mail is certified or registered.(d)A program participant's name, confidential address, telephone number and any other identifying information within the possession of a public body, as defined by Section 25-61-3, shall not constitute a public record within the meaning of the Mississippi Public Records Act of 1983. The program participant's actual name, address and telephone number shall be confidential and no public body shall disclose the program participant's name, address, telephone number, or any other identifying information.(5)Disclosure of records prohibited; exceptions. -A program participant's confidential address and telephone number and any other identifying information in the possession of the Office of the Attorney General shall not constitute a public record within the meaning of the Mississippi Public Records Act of 1983, and shall not be disclosed during discovery in any criminal prosecution. The Office of the Attorney General shall not make any records in a program participant's file available for inspection or copying other than the address designated by the Office of the Attorney General, except under the following circumstances:(a)If requested by a law enforcement agency, to the law enforcement agency for official use only, but not to be included in any reports made by the law enforcement agency or required to be produced in discovery in any criminal prosecution;(b)If directed by a court order, to a person identified in the order; or(c)To verify, if requested by a public body, the participation of a specific program participant, in which case the Office of the Attorney General may only confirm participation in the program and confirm information supplied by the requester.(6)Assistance for program applicants. -The Office of the Attorney General shall refer potential participants to domestic violence shelters or rape crisis centers that provide shelter and counseling services to either victims of domestic violence, stalking, or sexual assault to assist persons applying to be program participants.(7)Address confidentiality funding. -Expenses of administering the Address Confidentiality Program shall be paid from the Crime Victims' Compensation Fund.(8)Immunity. -The Office of the Attorney General and/or its agents and/or employees are immune from civil and/or criminal liability for damages for conduct within the scope and arising out of the performance of the duties imposed under this section. Any district attorney and his agents and employees, any law enforcement agency and its agents and employees and any local or state agency and its agents and employees are immune from liability, whether civil or criminal, for damages for conduct within the scope and arising out of the program. Any employee or representative of a domestic violence shelter or rape crisis center who acts in good faith to assist a victim complete an application for participation in the Address Confidentiality Program shall be immune from civil and/or criminal liability. Any assistance rendered pursuant to this

section, by the Office of the Attorney General, its agents or employees, shall in no way be construed as legal advice.(9)Adoption of rules. -The Office of the Attorney General Victim Compensation Division is authorized to adopt rules and regulations as shall be necessary for carrying out the provisions of this section.Laws, 2008, ch. 537, § 1; Laws, 2012, ch. 480, § 1, eff. 7/1/2012.

(1)Definitions. -As used in this section:(a)"Confidential address" means any residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant under this section.(b)"Program participant" means a person certified as a program participant under this section.(c)"Domestic violence" means any of the following acts committed against a current or former spouse, a person living as a spouse or who formerly lived as a spouse or a child of persons living as spouses or who formerly lived as spouses, a parent, grandparent, child, grandchild or someone similarly situated to the defendant, a person with whom the defendant has a biological or legally adopted child in common, or a person in a current or former dating relationship:(i)A violation of a domestic violence protection order;(ii)Simple or aggravated domestic violence as defined in Section97-3-7(3)or97-3-7(4); or(iii)Threats of such acts.(d)"Sexual assault" means an act as defined in Section45-33-23(h)as a sex offense.(e)"Stalking" means an act as defined in Section97-3-107or Section97-45-15.(f)"Substitute address" means an address designated and assigned by the Office of the Attorney General to a program participant as a substitute mailing address under the Address Confidentiality Program.(g)"Victim" means an individual against whom domestic violence, sexual assault, or stalking has been committed.(2)(a)Address Confidentiality Program. -An adult, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, may apply to the Office of the Attorney General to have an address designated by the Office of the Attorney General serve as the substitute address for the person, the minor or the incapacitated person. The Office of the Attorney General shall approve an application if it is filed in the manner and on the form prescribed by the Office of the Attorney General and if it contains:(i)A sworn statement by the applicant that the applicant has good reason to believe that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, stalking, or sexual assault, and that the applicant fears for his or her safety, or his or her children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made;(ii)A designation of the Office of the Attorney General as agent for purposes of services of process and for the purpose of receipt of mail;(iii)The confidential address where the applicant can be contacted by the Office of the Attorney General, and the telephone number or numbers where the applicant can be contacted by the Office of the Attorney General;(iv)The confidential address or addresses that the applicant requests not be disclosed for the reason that disclosure will increase the risk of domestic violence, stalking, or sexual assault;(v)A statement of any existing or pending court order or court action involving the applicant that is related to divorce proceedings, child support, child custody, or child visitation; the court that issued each order or has jurisdiction over an action shall be noted;(vi)The signature of the applicant and a representative of a domestic violence shelter or rape crisis center as designated under subsection (6) who assisted in the preparation of the application;(vii)The date on which the applicant signed the application; and(viii)Evidence that the applicant is a victim of domestic violence, sexual assault, or stalking. This evidence shall include at least one (1) of the following:1.Law enforcement, court or other local, state or federal agency records or files;2.Documentation from a domestic violence shelter or rape crisis center; or3.Other form of evidence as determined by the Office of the Attorney General.(b)Applications shall be filed with the Office of the Attorney General.(c)Upon approval of an application, the Office of the Attorney General shall certify the applicant as a program participant. Upon certification, the Office of the Attorney General shall issue an Address Confidentiality Program authorization card to the program participant. Applicants shall be certified for four (4) years following the date of certification unless the certification is withdrawn, cancelled or invalidated before that date.(d)A program applicant who falsely attests in an application that disclosure of the applicant's address would endanger the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, or who knowingly provides false or incorrect information upon making an application or while a program participant, shall be guilty of a misdemeanor, punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a term not to exceed six (6) months.(e)A fraudulent attempt to gain access to a program participant's confidential address shall constitute a felony, punishable by a fine not to exceed Two Thousand Dollars (\$2,000.00) or by imprisonment in the county jail for a term not to exceed two (2) years.(f)Knowingly entering the Address Confidentiality Program to evade civil liability or criminal prosecution shall constitute a felony, punishable by a fine not to exceed Two Thousand Dollars (\$2,000.00) or by imprisonment in the county jail for a term not to exceed two (2) years.(g)A program participant may terminate the certification by filing a notarized request for withdrawal from the program with the Office of the Attorney General.(3)(a)Certification cancellation. -If the program participant obtains a name change, the person's program participation is terminated and the person may immediately reapply for certification under the new name.(b)The Office of the Attorney General may cancel a program participant's certification if there is a change in the residential address or telephone number from the address or the telephone number listed for the program participant on the application unless the program participant provides the Office of the Attorney General with a minimum of seven (7) days' notice before the change of address occurs.(c)The Office of the Attorney General may cancel certification of a program participant if mail forwarded by the Office of the Attorney General to the program participant's confidential address is returned as undeliverable or if service of process documents are returned to the Office of the Attorney General as unable to be served.(d)The Office of the Attorney General shall cancel certification of a program participant who applies using false information.(e)The Office of the Attorney General shall send notice of cancellation to the program participant. Notice of cancellation shall set out the reasons for cancellation. That program participant shall have thirty (30) days from receipt of notification of cancellation to appeal the cancellation decisions under procedures adopted by the Office of the Attorney General.(f)An individual who ceases to be a program participant is responsible for notifying persons, who use the substitute address designated by the Office of the Attorney General as the program participant's

address, that the designated substitute address is no longer the individual's address.(4)(a)Agency use of designated address. -Except as otherwise provided in this section, a program participant may request that public bodies use the address designated by the Office of the Attorney General as the participant's substitute address. The program participant, and not the Office of the Attorney General, domestic violence shelter, nor rape crisis center, is responsible for requesting that any public body use the address designated by the Office of the Attorney General as the substitute address of the program participant. If there is any criminal proceeding on behalf of the program participant, the program participant is also responsible for notifying any law enforcement agency and the district attorney's office of the person's participation in the program. There shall be no responsibility on the part of any district attorney's office or any law enforcement agency to request that a public body use the substitute address. Public bodies shall accept the address designated by the Office of the Attorney General as a program participant's substitute address, unless the Office of the Attorney General has determined that:(i)The public body has a bona fide statutory or administrative requirement for the use of the confidential address of the program participant as defined in this section; and(ii)The confidential address will be used only for those statutory and administrative purposes.(b)A program participant may use the substitute address designated by the Office of the Attorney General as his or her work address.(c)The Office of the Attorney General shall forward all first-class, certified or registered mail to the program participant at the confidential address provided by the program participant. The Office of the Attorney General shall not be required to track or otherwise maintain records of any mail received on behalf of a program participant unless the mail is certified or registered.(d)A program participant's name, confidential address, telephone number and any other identifying information within the possession of a public body, as defined by Section 25-61-3, shall not constitute a public record within the meaning of the Mississippi Public Records Act of 1983. The program participant's actual name, address and telephone number shall be confidential and no public body shall disclose the program participant's name, address, telephone number, or any other identifying information.(5)Disclosure of records prohibited; exceptions. -A program participant's confidential address and telephone number and any other identifying information in the possession of the Office of the Attorney General shall not constitute a public record within the meaning of the Mississippi Public Records Act of 1983, and shall not be disclosed during discovery in any criminal prosecution. The Office of the Attorney General shall not make any records in a program participant's file available for inspection or copying other than the address designated by the Office of the Attorney General, except under the following circumstances:(a)If requested by a law enforcement agency, to the law enforcement agency for official use only, but not to be included in any reports made by the law enforcement agency or required to be produced in discovery in any criminal prosecution;(b)If directed by a court order, to a person identified in the order; or(c)To verify, if requested by a public body, the participation of a specific program participant, in which case the Office of the Attorney General may only confirm participation in the program and confirm information supplied by the requester.(6)Assistance for program applicants. -The Office of the Attorney General shall refer potential participants to domestic violence shelters or rape crisis centers that provide shelter and counseling services to either victims of domestic violence, stalking, or sexual assault to assist persons applying to be program participants.(7)Address confidentiality funding. -Expenses of administering the Address Confidentiality Program shall be paid from the Crime Victims' Compensation Fund.(8)Immunity. -The Office of the Attorney General and/or its agents and/or employees are immune from civil and/or criminal liability for damages for conduct within the scope and arising out of the performance of the duties imposed under this section. Any district attorney and his agents and employees, any law enforcement agency and its agents and employees and any local or state agency and its agents and employees are immune from liability, whether civil or criminal, for damages for conduct within the scope and arising out of the program. Any employee or representative of a domestic violence shelter or rape crisis center who acts in good faith to assist a victim complete an application for participation in the Address Confidentiality Program shall be immune from civil and/or criminal liability. Any assistance rendered pursuant to this section, by the Office of the Attorney General, its agents or employees, shall in no way be construed as legal advice.(9)Adoption of rules. -The Office of the Attorney General Victim Compensation Division is authorized to adopt rules and regulations as shall be necessary for carrying out the provisions of this section.Laws, 2008, ch. 537, § 1; Laws, 2012, ch. 480, § 1, eff. 7/1/2012. Laws, 2008, ch. 537, § 1; Laws, 2012, ch. 480, § 1, eff. 7/1/2012.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 49 - PRESERVATION AND ACCESSIBILITY OF BIOLOGICAL EVIDENCE (§ 99-49-1) Section 99-49-1 - Legislative intent; definitions; preservation of evidence procedures; remedies for noncompliance

(1)Legislative intent. The Legislature finds that:(a)The value of properly preserved biological evidence has been enhanced by the discovery of modern DNA testing methods, which, coupled with a comprehensive system of DNA databases that store crime scene and offender profiles, allow law enforcement to improve its crime-solving potential;(b)Tapping the potential of preserved biological evidence requires the proper identification, collection, preservation, storage, cataloguing and organization of such evidence;(c)Law enforcement agencies indicate that "cold" case investigations are hindered by an inability to access biological evidence that was collected in connection with criminal investigations;(d)Innocent people mistakenly convicted of the serious crimes for which biological evidence is probative cannot prove their innocence if such evidence is not accessible for testing in appropriate circumstances;(e)It is well established that the failure to update policies regarding the preservation of evidence squanders valuable law enforcement resources, manpower hours and storage space; and(f)Simple but crucial enhancements to protocols for properly preserving biological evidence can solve old crimes, enhance public safety and settle claims of innocence.(2)Definitions. For the purposes of this section:(a)"Biological evidence" means the contents of a sexual assault examination kit or any item that contains blood, semen, hair, saliva, skin tissue, fingernail scrapings, bone, bodily fluids or other identifiable biological material that was

collected as part of the criminal investigation or may reasonably be used to incriminate or exculpate any person for the offense. This definition applies whether that material is catalogued separately, such as on a slide, swab or in a test tube, or is present on other evidence, including, but not limited to, clothing, ligatures, bedding or other household material, drinking cups, cigarettes or other items.(b)"DNA" means deoxyribonucleic acid.(c)"Custody" means persons currently incarcerated; civilly committed; on parole or probation; or subject to sex offender registration for the period of the registration or for the first five (5) years of the registration, whichever is the shorter period.(d)"Profile" means an autosomal, Y chromosome, or mitochondrial DNA profile generated from an individual.(e)"State" refers to any governmental or public entity within Mississippi, including all private entities that perform such functions, and its officials or employees, including, but not limited to, law enforcement agencies, prosecutors' offices, courts, public hospitals, forensics laboratories, and any other entity or individual charged with the collection, storage or retrieval of biological evidence.(3)Preservation of evidence procedures.(a)The state shall preserve all biological evidence:(i)That is secured in relation to an investigation or prosecution of a crime for the period of time that the crime remains unsolved or as otherwise provided by law for that crime; or(ii)That is secured in relation to an investigation or prosecution of a crime for the period of time that the person convicted of that crime remains in custody or as otherwise provided by law for that crime.(b)This section applies to evidence that:(i)Was in the possession of the state during the investigation and prosecution of the case; and(ii)At the time of conviction was likely to contain biological material.(c)The state shall not destroy biological evidence should one or more additional co-defendants, convicted of the same crime, remain in custody, and shall preserve the evidence for the period of time in which all co-defendants remain in custody or as otherwise provided by law for that crime.(d)The state shall retain evidence in the amount and manner sufficient to develop a DNA profile from the biological material contained in or included on the evidence.(e)Upon written request by the defendant, the state shall prepare an inventory of biological evidence that has been preserved in connection with the defendant's criminal case.(f)The state may destroy evidence that includes biological material before the expiration of the time period specified in paragraph (a) of this subsection if all of the following apply:(i)No other provision of federal or state law requires the state to preserve the evidence.(ii)The state sends certified delivery of notice of intent to destroy the evidence to:1.All persons who remain in custody as a result of the criminal conviction, delinquency adjudication, or commitment related to evidence in question;2.The attorney of record for each person in custody;3.The Mississippi Office of Indigent Appeals;4.The district attorney in the county of conviction; and5.The Mississippi Attorney General.(iii)No person who is notified under subparagraph (ii) of this paragraph (f) does either of the following within sixty (60) days after the date on which the person received the notice:1.Files a motion for testing of evidence under Chapter 39, Title 99, Mississippi Code of 1972; or2.Submits a written request for retention of evidence to the state entity which provided notice of its intent to destroy evidence under subparagraph (ii) of this paragraph (f).(g)If, after providing notice under paragraph (f)(ii) of this subsection of its intent to destroy evidence, the state receives a written request for retention of the evidence, the state shall retain the evidence while the person remains in custody.(h)The state shall not be required to preserve physical evidence that is of such a size, bulk or physical character as to render retention impracticable. When such retention is impracticable, the state shall remove and preserve portions of the material evidence likely to contain biological evidence related to the offense, in a quantity sufficient to permit future DNA testing, before returning or disposing of the physical evidence.(i)Should the state be called upon to produce biological evidence that could not be located and whose preservation was required under the provisions of this statute, the chief evidence custodian assigned to the entity charged with the preservation of the evidence shall provide an affidavit in which the custodian stipulates, under penalty of perjury, an accurate description of the efforts taken to locate that evidence and that the evidence could not be located.(4)This section does not require the state to preserve the biological evidence that is obtained in performing the test required by Section 99-3-41 and is required to be destroyed under that section.(5)Any evidence in a murder, manslaughter or felony sexual assault case in the possession of the state on July 1, 2009, whether biological or not, shall be preserved by the state consistent with the legislative intent expressed in subsection (1) and subject to compliance with subsection (3)(f).(6)Remedies for noncompliance.If the court finds that biological evidence was destroyed in violation of the provisions of this section, it may impose appropriate sanctions and order appropriate remedies.Laws, 2009, ch. 339, § 1, eff. 3/16/2009.Amended by Laws, 2023, ch. 478, HB 485, § 5, eff. 12/1/2023.Amended by Laws, 2016, ch. 371, HB 1380, 2, eff. 4/6/2016.Amended by Laws, 2015, ch. 452, SB 2159, 20, eff. 7/1/2015.Amended by Laws, 2015, ch. 307, HB 257, 2, eff. 7/1/2015. (1)Legislative intent.The Legislature finds that:(a)The value of properly preserved biological evidence has been enhanced by the discovery of modern DNA testing methods, which, coupled with a comprehensive system of DNA databases that store crime scene and offender profiles, allow law enforcement to improve its crime-solving potential;(b)Tapping the potential of preserved biological evidence requires the proper identification, collection, preservation, storage, cataloguing and organization of such evidence;(c)Law enforcement agencies indicate that "cold" case investigations are hindered by an inability to access biological evidence that was collected in connection with criminal investigations;(d)Innocent people mistakenly convicted of the serious crimes for which biological evidence is probative cannot prove their innocence if such evidence is not accessible for testing in appropriate circumstances;(e)It is well established that the failure to update policies regarding the preservation of evidence squanders valuable law enforcement resources, manpower hours and storage space; and(f)Simple but crucial enhancements to protocols for properly preserving biological evidence can solve old crimes, enhance public safety and settle claims of innocence.(2)Definitions.For the purposes of this section:(a)"Biological evidence" means the contents of a sexual assault examination kit or any item that contains blood, semen, hair, saliva, skin tissue, fingernail scrapings, bone, bodily fluids or other identifiable biological material that was collected as part of the criminal investigation or may reasonably be used to incriminate or exculpate any person for the offense. This definition applies whether that material is catalogued separately, such as on a slide, swab or in a test tube, or is present on other evidence, including, but not limited to, clothing, ligatures, bedding or other household

material, drinking cups, cigarettes or other items.(b)"DNA" means deoxyribonucleic acid.(c)"Custody" means persons currently incarcerated; civilly committed; on parole or probation; or subject to sex offender registration for the period of the registration or for the first five (5) years of the registration, whichever is the shorter period.(d)"Profile" means an autosomal, Y chromosome, or mitochondrial DNA profile generated from an individual.(e)"State" refers to any governmental or public entity within Mississippi, including all private entities that perform such functions, and its officials or employees, including, but not limited to, law enforcement agencies, prosecutors' offices, courts, public hospitals, forensics laboratories, and any other entity or individual charged with the collection, storage or retrieval of biological evidence.(3)Preservation of evidence procedures.(a)The state shall preserve all biological evidence:(i)That is secured in relation to an investigation or prosecution of a crime for the period of time that the crime remains unsolved or as otherwise provided by law for that crime; or(ii)That is secured in relation to an investigation or prosecution of a crime for the period of time that the person convicted of that crime remains in custody or as otherwise provided by law for that crime.(b)This section applies to evidence that:(i)Was in the possession of the state during the investigation and prosecution of the case; and(ii)At the time of conviction was likely to contain biological material.(c)The state shall not destroy biological evidence should one or more additional co-defendants, convicted of the same crime, remain in custody, and shall preserve the evidence for the period of time in which all co-defendants remain in custody or as otherwise provided by law for that crime.(d)The state shall retain evidence in the amount and manner sufficient to develop a DNA profile from the biological material contained in or included on the evidence.(e)Upon written request by the defendant, the state shall prepare an inventory of biological evidence that has been preserved in connection with the defendant's criminal case.(f)The state may destroy evidence that includes biological material before the expiration of the time period specified in paragraph (a) of this subsection if all of the following apply:(i)No other provision of federal or state law requires the state to preserve the evidence.(ii)The state sends certified delivery of notice of intent to destroy the evidence to:1.All persons who remain in custody as a result of the criminal conviction, delinquency adjudication, or commitment related to evidence in question;2.The attorney of record for each person in custody;3.The Mississippi Office of Indigent Appeals;4.The district attorney in the county of conviction; and5.The Mississippi Attorney General.(iii)No person who is notified under subparagraph (ii) of this paragraph (f) does either of the following within sixty (60) days after the date on which the person received the notice:1.Files a motion for testing of evidence under Chapter 39, Title 99, Mississippi Code of 1972; or2.Submits a written request for retention of evidence to the state entity which provided notice of its intent to destroy evidence under subparagraph (ii) of this paragraph (f).(g)If, after providing notice under paragraph (f)(ii) of this subsection of its intent to destroy evidence, the state receives a written request for retention of the evidence, the state shall retain the evidence while the person remains in custody.(h)The state shall not be required to preserve physical evidence that is of such a size, bulk or physical character as to render retention impracticable. When such retention is impracticable, the state shall remove and preserve portions of the material evidence likely to contain biological evidence related to the offense, in a quantity sufficient to permit future DNA testing, before returning or disposing of the physical evidence.(i)Should the state be called upon to produce biological evidence that could not be located and whose preservation was required under the provisions of this statute, the chief evidence custodian assigned to the entity charged with the preservation of the evidence shall provide an affidavit in which the custodian stipulates, under penalty of perjury, an accurate description of the efforts taken to locate that evidence and that the evidence could not be located.(4)This section does not require the state to preserve the biological evidence that is obtained in performing the test required by Section99-3-41and is required to be destroyed under that section.(5)Any evidence in a murder, manslaughter or felony sexual assault case in the possession of the state on July 1, 2009, whether biological or not, shall be preserved by the state consistent with the legislative intent expressed in subsection (1) and subject to compliance with subsection (3)(f).(6)Remedies for noncompliance.If the court finds that biological evidence was destroyed in violation of the provisions of this section, it may impose appropriate sanctions and order appropriate remedies.Laws, 2009, ch. 339, § 1, eff. 3/16/2009.Amended by Laws, 2023, ch. 478, HB 485,§ 5, eff. 12/1/2023.Amended by Laws, 2016, ch. 371, HB 1380, 2, eff. 4/6/2016.Amended by Laws, 2015, ch. 452, SB 2159, 20, eff. 7/1/2015.Amended by Laws, 2015, ch. 307, HB 257, 2, eff. 7/1/2015. 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This definition applies whether that material is catalogued separately, such as on a slide, swab or in a test tube, or is present on other evidence, including, but not limited to, clothing, ligatures, bedding or other household material, drinking cups, cigarettes or other items.(b)"DNA" means deoxyribonucleic acid.(c)"Custody" means persons currently incarcerated; civilly committed; on parole or probation; or subject to sex offender registration for the period of the registration or for the first five (5) years of the registration, whichever is the shorter period.(d)"Profile" means an autosomal,

Y chromosome, or mitochondrial DNA profile generated from an individual.(e)"State" refers to any governmental or public entity within Mississippi, including all private entities that perform such functions, and its officials or employees, including, but not limited to, law enforcement agencies, prosecutors' offices, courts, public hospitals, forensics laboratories, and any other entity or individual charged with the collection, storage or retrieval of biological evidence.(3)Preservation of evidence procedures.(a)The state shall preserve all biological evidence:(i)That is secured in relation to an investigation or prosecution of a crime for the period of time that the crime remains unsolved or as otherwise provided by law for that crime; or(ii)That is secured in relation to an investigation or prosecution of a crime for the period of time that the person convicted of that crime remains in custody or as otherwise provided by law for that crime.(b)This section applies to evidence that:(i)Was in the possession of the state during the investigation and prosecution of the case; and(ii)At the time of conviction was likely to contain biological material.(c)The state shall not destroy biological evidence should one or more additional co-defendants, convicted of the same crime, remain in custody, and shall preserve the evidence for the period of time in which all co-defendants remain in custody or as otherwise provided by law for that crime.(d)The state shall retain evidence in the amount and manner sufficient to develop a DNA profile from the biological material contained in or included on the evidence.(e)Upon written request by the defendant, the state shall prepare an inventory of biological evidence that has been preserved in connection with the defendant's criminal case.(f)The state may destroy evidence that includes biological material before the expiration of the time period specified in paragraph (a) of this subsection if all of the following apply:(i)No other provision of federal or state law requires the state to preserve the evidence.(ii)The state sends certified delivery of notice of intent to destroy the evidence to:1.All persons who remain in custody as a result of the criminal conviction, delinquency adjudication, or commitment related to evidence in question;2.The attorney of record for each person in custody;3.The Mississippi Office of Indigent Appeals;4.The district attorney in the county of conviction; and5.The Mississippi Attorney General.(iii)No person who is notified under subparagraph (ii) of this paragraph (f) does either of the following within sixty (60) days after the date on which the person received the notice:1.Files a motion for testing of evidence under Chapter 39, Title 99, Mississippi Code of 1972; or2.Submits a written request for retention of evidence to the state entity which provided notice of its intent to destroy evidence under subparagraph (ii) of this paragraph (f).(g)If, after providing notice under paragraph (f)(ii) of this subsection of its intent to destroy evidence, the state receives a written request for retention of the evidence, the state shall retain the evidence while the person remains in custody.(h)The state shall not be required to preserve physical evidence that is of such a size, bulk or physical character as to render retention impracticable. When such retention is impracticable, the state shall remove and preserve portions of the material evidence likely to contain biological evidence related to the offense, in a quantity sufficient to permit future DNA testing, before returning or disposing of the physical evidence.(i)Should the state be called upon to produce biological evidence that could not be located and whose preservation was required under the provisions of this statute, the chief evidence custodian assigned to the entity charged with the preservation of the evidence shall provide an affidavit in which the custodian stipulates, under penalty of perjury, an accurate description of the efforts taken to locate that evidence and that the evidence could not be located.(4)This section does not require the state to preserve the biological evidence that is obtained in performing the test required by Section99-3-41and is required to be destroyed under that section.(5)Any evidence in a murder, manslaughter or felony sexual assault case in the possession of the state on July 1, 2009, whether biological or not, shall be preserved by the state consistent with the legislative intent expressed in subsection (1) and subject to compliance with subsection (3)(f).(6)Remedies for noncompliance.If the court finds that biological evidence was destroyed in violation of the provisions of this section, it may impose appropriate sanctions and order appropriate remedies.Laws, 2009, ch. 339, § 1, eff. 3/16/2009.Amended by Laws, 2023, ch. 478, HB 485,§ 5, eff. 12/1/2023.Amended by Laws, 2016, ch. 371, HB 1380, 2, eff. 4/6/2016.Amended by Laws, 2015, ch. 452, SB 2159, 20, eff. 7/1/2015.Amended by Laws, 2015, ch. 307, HB 257, 2, eff. 7/1/2015. 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Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 5 - BAIL (§§ 99-5-1 — 99-5-39)Section 99-5-1 - Form of bail; professional and soliciting bail agents to provide certain additional information; penalties

Bail may be taken in the following form, viz:"State of Mississippi, _____ County.We _____, principal, and _____ and _____, sureties, agree to pay the State of Mississippi _____ Dollars, unless the said _____ shall appear at the next term of the Circuit Court of _____ County, and there remain from day to day and term to term until discharged by law, to answer a charge of _____.Signed _____ Approved _____

_____ "When the bail is for appearance before any committing court or a judge, the form may be varied to suit the condition.When a bond is taken from a professional bail agent, the following must be preprinted or stamped clearly and legibly on the bond form: full name of the professional bail agent, Department of Insurance license number, full and correct legal address of the professional bail agent and complete phone number of the professional bail agent. In addition, if the bond is posted by a limited surety professional bail agent, the name of the insurer, the legal address of the insurer on file with the department and phone number of the insurer must be preprinted or stamped, and a true and correct copy of an individual's power of attorney authorizing the agent to post such bond shall be attached.If the bond is taken from a soliciting bail agent, the full name of the soliciting bail agent and the license number of such agent must be preprinted or stamped clearly and legibly along with all

information required for a professional bail agent and a true and correct copy of an individual's power of attorney authorizing such soliciting bail agent to sign the name of the professional bail agent. Any professional bail agent and/or soliciting bail agents who issue a bail bond that does not contain this required information may have their license suspended up to six (6) months and/or be fined not more than One Thousand Dollars (\$1,000.00) for the first offense, may have their license suspended up to one (1) year and/or be fined not more than Five Thousand Dollars (\$5,000.00) for the second offense and shall have their license permanently revoked if they commit a third offense. The court or the clerk of the court shall notify the department when any professional bail agent or soliciting bail agent or insurer issues a bail bond that contains information that misleads a court about the proper delivery by personal service or certified mail of a writ of scire facias, judgment nisi or final judgment. Codes, 1880, § 3047; 1892, § 1400; 1906, § 1472; Hemingway's 1917, § 1230; 1930, § 1252; 1942, § 2495; Laws, 2007, ch. 390, § 1, eff. 7/1/2007. Amended by Laws, 2014, ch. 479, SB 2677, 4, eff. 7/1/2014. Bail may be taken in the following form, viz: "State of

Mississippi, _____ County. We _____, principal, and _____ and _____, sureties, agree to pay the State of Mississippi _____ Dollars, unless the said _____ shall appear at the next term of the Circuit Court of _____ County, and there remain from day to day and term to term until discharged by law, to answer a charge of _____. Signed _____

Approved _____ "When the bail is for appearance before any committing court or a judge, the form may be varied to suit the condition. When a bond is taken from a professional bail agent, the following must be preprinted or stamped clearly and legibly on the bond form: full name of the professional bail agent, Department of Insurance license number, full and correct legal address of the professional bail agent and complete phone number of the professional bail agent. In addition, if the bond is posted by a limited surety professional bail agent, the name of the insurer, the legal address of the insurer on file with the department and phone number of the insurer must be preprinted or stamped, and a true and correct copy of an individual's power of attorney authorizing the agent to post such bond shall be attached. If the bond is taken from a soliciting bail agent, the full name of the soliciting bail agent and the license number of such agent must be preprinted or stamped clearly and legibly along with all information required for a professional bail agent and a true and correct copy of an individual's power of attorney authorizing such soliciting bail agent to sign the name of the professional bail agent. Any professional bail agent and/or soliciting bail agents who issue a bail bond that does not contain this required information may have their license suspended up to six (6) months and/or be fined not more than One Thousand Dollars (\$1,000.00) for the first offense, may have their license suspended up to one (1) year and/or be fined not more than Five Thousand Dollars (\$5,000.00) for the second offense and shall have their license permanently revoked if they commit a third offense. The court or the clerk of the court shall notify the department when any professional bail agent or soliciting bail agent or insurer issues a bail bond that contains information that misleads a court about the proper delivery by personal service or certified mail of a writ of scire facias, judgment nisi or final judgment. Codes, 1880, § 3047; 1892, § 1400; 1906, § 1472; Hemingway's 1917, § 1230; 1930, § 1252; 1942, § 2495; Laws, 2007, ch. 390, § 1, eff. 7/1/2007. Amended by Laws, 2014, ch. 479, SB 2677, 4, eff. 7/1/2014. Bail may be taken in the following form, viz: "State of Mississippi, _____ County. We _____, principal, and _____

_____ and _____, sureties, agree to pay the State of Mississippi _____ Dollars, unless the said _____ shall appear at the next term of the Circuit Court of _____ County, and there remain from day to day and term to term until discharged by law, to answer a charge of _____. Signed _____ Approved _____

_____ "When the bail is for appearance before any committing court or a judge, the form may be varied to suit the condition. When a bond is taken from a professional bail agent, the following must be preprinted or stamped clearly and legibly on the bond form: full name of the professional bail agent, Department of Insurance license number, full and correct legal address of the professional bail agent and complete phone number of the professional bail agent. In addition, if the bond is posted by a limited surety professional bail agent, the name of the insurer, the legal address of the insurer on file with the department and phone number of the insurer must be preprinted or stamped, and a true and correct copy of an individual's power of attorney authorizing the agent to post such bond shall be attached. If the bond is taken from a soliciting bail agent, the full name of the soliciting bail agent and the license number of such agent must be preprinted or stamped clearly and legibly along with all information required for a professional bail agent and a true and correct copy of an individual's power of attorney authorizing such soliciting bail agent to sign the name of the professional bail agent. Any professional bail agent and/or soliciting bail agents who issue a bail bond that does not contain this required information may have their license suspended up to six (6) months and/or be fined not more than One Thousand Dollars (\$1,000.00) for the first offense, may have their license suspended up to one (1) year and/or be fined not more than Five Thousand Dollars (\$5,000.00) for the second offense and shall have their license permanently revoked if they commit a third offense. The court or the clerk of the court shall notify the department when any professional bail agent or soliciting bail agent or insurer issues a bail bond that contains information that misleads a court about the proper delivery by personal service or certified mail of a writ of scire facias, judgment nisi or final judgment. Codes, 1880, § 3047; 1892, § 1400; 1906, § 1472; Hemingway's 1917, § 1230; 1930, § 1252; 1942, § 2495; Laws, 2007, ch. 390, § 1, eff. 7/1/2007. Amended by Laws, 2014, ch. 479, SB 2677, 4, eff. 7/1/2014. Bail may be taken in the following form, viz: "State of Mississippi,

_____ County. We _____, principal, and _____ and _____, sureties, agree to pay the State of Mississippi _____ Dollars, unless the said _____ shall appear at the next term of the Circuit Court of _____ County, and there remain from day to day and term to term until discharged by law, to answer a charge of _____. Signed _____

Approved _____ " When the bail is for appearance before any committing court or a judge, the form may be varied to suit the condition. When a bond is taken from a professional bail agent, the following must be preprinted or stamped clearly and legibly on the bond form: full name of the professional bail agent, Department of Insurance license number, full and correct legal address of the professional bail agent and complete phone number of the professional bail agent. In addition, if the bond is posted by a limited surety professional bail agent, the name of the insurer, the legal address of the insurer on file with the department and phone number of the insurer must be preprinted or stamped, and a true and correct copy of an individual's power of attorney authorizing the agent to post such bond shall be attached. If the bond is taken from a soliciting bail agent, the full name of the soliciting bail agent and the license number of such agent must be preprinted or stamped clearly and legibly along with all information required for a professional bail agent and a true and correct copy of an individual's power of attorney authorizing such soliciting bail agent to sign the name of the professional bail agent. Any professional bail agent and/or soliciting bail agents who issue a bail bond that does not contain this required information may have their license suspended up to six (6) months and/or be fined not more than One Thousand Dollars (\$1,000.00) for the first offense, may have their license suspended up to one (1) year and/or be fined not more than Five Thousand Dollars (\$5,000.00) for the second offense and shall have their license permanently revoked if they commit a third offense. The court or the clerk of the court shall notify the department when any professional bail agent or soliciting bail agent or insurer issues a bail bond that contains information that misleads a court about the proper delivery by personal service or certified mail of a writ of scire facias, judgment nisi or final judgment. Codes, 1880, § 3047; 1892, § 1400; 1906, § 1472; Hemingway's 1917, § 1230; 1930, § 1252; 1942, § 2495; Laws, 2007, ch. 390, § 1, eff. 7/1/2007. Amended by Laws, 2014, ch. 479, SB 2677, 4, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 5 - BAIL (§§ 99-5-1 — 99-5-39) Section 99-5-11 - All conservators of the peace may take recognizance or bond; setting bail; waiver of appearance authorized; designation of officer to take bond authorized; certificate of default; alias warrant; when protection order registry must be checked; when bond not required

(1) All justice court judges and all other conservators of the peace are authorized, whenever a person is brought before them charged with any offense not capital for which bail is allowed by law, to take the recognizance or bond of the person, with sufficient sureties, in such penalty as the justice court judge or conservator of the peace may require, for his appearance before the justice court judge or conservator of the peace for an examination of his case at some future day. (2)(a) Financial conditions of bail shall not be set for the sole purpose of detaining the defendant. When bail is set, it is presumed that the amount of bail is both necessary to reasonably assure the safety of a victim, witness or general public and to guarantee the appearance of a defendant as required by the court. The amount of bail is also presumed to be attainable by the defendant. The presumption that bail is attainable by the defendant may be rebutted by the defendant who may file a motion to reduce or set aside the bail requirement with the court due to lack of financial means, which shall also consider the availability of a third-party support system to obtain the defendant's release. The court shall rule on any such motion within forty-eight (48) hours of the filing. (b) In cases in which the defendant or his counsel asserts that the defendant is indigent and cannot afford the amount of bail, the justice court judge or conservator of the peace shall make a determination of whether the defendant can be released on recognizance, based on the standards enumerated in the Mississippi Rules of Criminal Procedure and any other factors considered relevant by the municipal judge. No misdemeanor defendant shall be incarcerated solely because the defendant cannot afford to post bail; nor shall a misdemeanor defendant be released solely because the defendant cannot afford bail. It is the duty of the justice court judge or conservator of the peace to ensure that release of the defendant does not jeopardize the community. (c) The accused may waive an appearance before the judge and execute an appearance bond in an amount determined by the court from the bond guidelines set out in the Mississippi Rules of Criminal Procedure and agree to appear at a specified time and place. (d) If the justice court judge or conservator of the peace is unavailable and has not otherwise provided for the setting of bail, it is lawful for any officer or officers designated by order of the justice court judge or conservator of the peace to take bond, cash, property or recognizance, with or without sureties, in the amount of the minimum bail specified in the bond guidelines set out in the Mississippi Rules of Criminal Procedure, payable to the county and conditioned for the appearance of the person on the return day and time of the writ before the court to which the warrant is returnable, or in cases of arrest without a warrant, on the day and time set by the court or officer for arraignment, and there remain from day to day and term to term until discharged. (3) And if the person thus recognized or thus giving bond fails to appear at the appointed time, it shall be the duty of the justice court judge or conservator of the peace to return the recognizance or bond, with his certificate of default, to the court having jurisdiction of the case, and a recovery may be had therein by scire facias, as in other cases of forfeiture. The justice court judge or other conservator of the peace shall also issue an alias warrant for the defaulter. (4) In circumstances involving an offense against any of the following: (a) a current or former spouse of the accused or child of that person; (b) a person living as a spouse or who formerly lived as a spouse with the accused or a child of that person; (c) a parent, grandparent, child, grandchild or someone similarly situated to the accused; (d) a person who has a current or former dating relationship with the accused; or (e) a person with whom the accused has had a biological or legally adopted child, the justice court judge or other conservator of the peace shall check, or cause to be made a check, of the status of the person for whom recognizance or bond is taken before ordering bail in the Mississippi Protection Order Registry authorized under Section 93-21-25, and the existence of a domestic abuse protection order against the accused shall be considered when determining appropriate bail. (5) After the court considers the provisions of subsection (2) of this section, a misdemeanor may be released on his or her own recognizance unless: (a) The misdemeanor: (i) Is on probation or parole; (ii) Has other unresolved charges pending; or (iii) Has a history of nonappearance; or (b) The court finds that: (i) The release of

the misdemeanor would constitute a special danger to any other person or to the community; or(ii)Release of the misdemeanor on his or her own recognizance is highly unlikely to assure the appearance of the misdemeanor as required.Codes, 1871, § 2874; 1880, § 3044; 1892, § 1397; 1906, § 1469; Hemingway's 1917, § 1227; 1930, § 1249; 1942, § 2492; Laws, 2012, ch. 514, § 11, eff. 7/1/2012.Amended by Laws, 2023, ch. 376, SB 2298,§ 2, eff. 7/1/2023.Amended by Laws, 2019, ch. 466, HB 1352,§ 37, eff. 7/1/2019. (1)All justice court judges and all other conservators of the peace are authorized, whenever a person is brought before them charged with any offense not capital for which bail is allowed by law, to take the recognizance or bond of the person, with sufficient sureties, in such penalty as the justice court judge or conservator of the peace may require, for his appearance before the justice court judge or conservator of the peace for an examination of his case at some future day.(2)(a)Financial conditions of bail shall not be set for the sole purpose of detaining the defendant. When bail is set, it is presumed that the amount of bail is both necessary to reasonably assure the safety of a victim, witness or general public and to guarantee the appearance of a defendant as required by the court. The amount of bail is also presumed to be attainable by the defendant. The presumption that bail is attainable by the defendant may be rebutted by the defendant who may file a motion to reduce or set aside the bail requirement with the court due to lack of financial means, which shall also consider the availability of a third-party support system to obtain the defendant's release. The court shall rule on any such motion within forty-eight (48) hours of the filing.(b)In cases in which the defendant or his counsel asserts that the defendant is indigent and cannot afford the amount of bail, the justice court judge or conservator of the peace shall make a determination of whether the defendant can be released on recognizance, based on the standards enumerated in the Mississippi Rules of Criminal Procedure and any other factors considered relevant by the municipal judge. No misdemeanor defendant shall be incarcerated solely because the defendant cannot afford to post bail; nor shall a misdemeanor defendant be released solely because the defendant cannot afford bail. It is the duty of the justice court judge or conservator of the peace to ensure that release of the defendant does not jeopardize the community.(c)The accused may waive an appearance before the judge and execute an appearance bond in an amount determined by the court from the bond guidelines set out in the Mississippi Rules of Criminal Procedure and agree to appear at a specified time and place.(d)If the justice court judge or conservator of the peace is unavailable and has not otherwise provided for the setting of bail, it is lawful for any officer or officers designated by order of the justice court judge or conservator of the peace to take bond, cash, property or recognizance, with or without sureties, in the amount of the minimum bail specified in the bond guidelines set out in the Mississippi Rules of Criminal Procedure, payable to the county and conditioned for the appearance of the person on the return day and time of the writ before the court to which the warrant is returnable, or in cases of arrest without a warrant, on the day and time set by the court or officer for arraignment, and there remain from day to day and term to term until discharged.(3)And if the person thus recognized or thus giving bond fails to appear at the appointed time, it shall be the duty of the justice court judge or conservator of the peace to return the recognizance or bond, with his certificate of default, to the court having jurisdiction of the case, and a recovery may be had therein by scire facias, as in other cases of forfeiture. The justice court judge or other conservator of the peace shall also issue an alias warrant for the defaulter.(4)In circumstances involving an offense against any of the following:(a)a current or former spouse of the accused or child of that person;(b)a person living as a spouse or who formerly lived as a spouse with the accused or a child of that person;(c)a parent, grandparent, child, grandchild or someone similarly situated to the accused;(d)a person who has a current or former dating relationship with the accused; or(e)a person with whom the accused has had a biological or legally adopted child, the justice court judge or other conservator of the peace shall check, or cause to be made a check, of the status of the person for whom recognizance or bond is taken before ordering bail in the Mississippi Protection Order Registry authorized under Section93-21-25, and the existence of a domestic abuse protection order against the accused shall be considered when determining appropriate bail.(5)After the court considers the provisions of subsection (2) of this section, a misdemeanor may be released on his or her own recognizance unless:(a)The misdemeanor:(i)Is on probation or parole;(ii)Has other unresolved charges pending; or(iii)Has a history of nonappearance; or(b)The court finds that:(i)The release of the misdemeanor would constitute a special danger to any other person or to the community; or(ii)Release of the misdemeanor on his or her own recognizance is highly unlikely to assure the appearance of the misdemeanor as required.Codes, 1871, § 2874; 1880, § 3044; 1892, § 1397; 1906, § 1469; Hemingway's 1917, § 1227; 1930, § 1249; 1942, § 2492; Laws, 2012, ch. 514, § 11, eff. 7/1/2012.Amended by Laws, 2023, ch. 376, SB 2298,§ 2, eff. 7/1/2023.Amended by Laws, 2019, ch. 466, HB 1352,§ 37, eff. 7/1/2019. (1)All justice court judges and all other conservators of the peace are authorized, whenever a person is brought before them charged with any offense not capital for which bail is allowed by law, to take the recognizance or bond of the person, with sufficient sureties, in such penalty as the justice court judge or conservator of the peace may require, for his appearance before the justice court judge or conservator of the peace for an examination of his case at some future day.(2)(a)Financial conditions of bail shall not be set for the sole purpose of detaining the defendant. When bail is set, it is presumed that the amount of bail is both necessary to reasonably assure the safety of a victim, witness or general public and to guarantee the appearance of a defendant as required by the court. The amount of bail is also presumed to be attainable by the defendant. The presumption that bail is attainable by the defendant may be rebutted by the defendant who may file a motion to reduce or set aside the bail requirement with the court due to lack of financial means, which shall also consider the availability of a third-party support system to obtain the defendant's release. The court shall rule on any such motion within forty-eight (48) hours of the filing.(b)In cases in which the defendant or his counsel asserts that the defendant is indigent and cannot afford the amount of bail, the justice court judge or conservator of the peace shall make a determination of whether the defendant can be released on recognizance, based on the standards enumerated in the Mississippi Rules of Criminal Procedure and any other factors considered relevant by the municipal judge. No misdemeanor defendant shall be incarcerated solely because the defendant cannot afford to post bail; nor shall a misdemeanor defendant be released solely because the defendant cannot afford bail. It is the duty of the justice court

judge or conservator of the peace to ensure that release of the defendant does not jeopardize the community.(c)The accused may waive an appearance before the judge and execute an appearance bond in an amount determined by the court from the bond guidelines set out in the Mississippi Rules of Criminal Procedure and agree to appear at a specified time and place.(d)If the justice court judge or conservator of the peace is unavailable and has not otherwise provided for the setting of bail, it is lawful for any officer or officers designated by order of the justice court judge or conservator of the peace to take bond, cash, property or recognizance, with or without sureties, in the amount of the minimum bail specified in the bond guidelines set out in the Mississippi Rules of Criminal Procedure, payable to the county and conditioned for the appearance of the person on the return day and time of the writ before the court to which the warrant is returnable, or in cases of arrest without a warrant, on the day and time set by the court or officer for arraignment, and there remain from day to day and term to term until discharged.(3)And if the person thus recognized or thus giving bond fails to appear at the appointed time, it shall be the duty of the justice court judge or conservator of the peace to return the recognizance or bond, with his certificate of default, to the court having jurisdiction of the case, and a recovery may be had therein by scire facias, as in other cases of forfeiture. The justice court judge or other conservator of the peace shall also issue an alias warrant for the defaulter.(4)In circumstances involving an offense against any of the following:(a)a current or former spouse of the accused or child of that person;(b)a person living as a spouse or who formerly lived as a spouse with the accused or a child of that person;(c)a parent, grandparent, child, grandchild or someone similarly situated to the accused;(d)a person who has a current or former dating relationship with the accused; or(e)a person with whom the accused has had a biological or legally adopted child, the justice court judge or other conservator of the peace shall check, or cause to be made a check, of the status of the person for whom recognizance or bond is taken before ordering bail in the Mississippi Protection Order Registry authorized under Section93-21-25, and the existence of a domestic abuse protection order against the accused shall be considered when determining appropriate bail.(5)After the court considers the provisions of subsection (2) of this section, a misdemeanor may be released on his or her own recognizance unless:(a)The misdemeanor:(i)Is on probation or parole;(ii)Has other unresolved charges pending; or(iii)Has a history of nonappearance; or(b)The court finds that:(i)The release of the misdemeanor would constitute a special danger to any other person or to the community; or(ii)Release of the misdemeanor on his or her own recognizance is highly unlikely to assure the appearance of the misdemeanor as required.Codes, 1871, § 2874; 1880, § 3044; 1892, § 1397; 1906, § 1469; Hemingway's 1917, § 1227; 1930, § 1249; 1942, § 2492; Laws, 2012, ch. 514, § 11, eff. 7/1/2012.Amended by Laws, 2023, ch. 376, SB 2298,§ 2, eff. 7/1/2023.Amended by Laws, 2019, ch. 466, HB 1352,§ 37, eff. 7/1/2019. Codes, 1871, § 2874; 1880, § 3044; 1892, § 1397; 1906, § 1469; Hemingway's 1917, § 1227; 1930, § 1249; 1942, § 2492; Laws, 2012, ch. 514, § 11, eff. 7/1/2012. Amended by Laws, 2023, ch. 376, SB 2298,§ 2, eff. 7/1/2023. Amended by Laws, 2019, ch. 466, HB 1352,§ 37, eff. 7/1/2019.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 5 - BAIL (§§ 99-5-1 — 99-5-39)Section 99-5-13 - Court may make adjustments to excessive or insufficient bail

When it shall appear to the committing court or the court before which any person charged with a criminal offense has given bail to appear is insufficient or excessive in any respect, the court may (i) after a hearing, order the issuance of a revised mittimus reducing the previously set bail; or (ii) order the issuance of process for the arrest of such person, and may, after a hearing, require him to give bail as may be ordered, and, in default thereof, may commit him to jail as in other cases.Codes, 1880, § 3051; 1892, § 1402; 1906, § 1475; Hemingway's 1917, § 1233; 1930, § 1255; 1942, § 2498.Amended by Laws, 2016, ch. 496, HB 711, 1, eff. 7/1/2016. When it shall appear to the committing court or the court before which any person charged with a criminal offense has given bail to appear is insufficient or excessive in any respect, the court may (i) after a hearing, order the issuance of a revised mittimus reducing the previously set bail; or (ii) order the issuance of process for the arrest of such person, and may, after a hearing, require him to give bail as may be ordered, and, in default thereof, may commit him to jail as in other cases.Codes, 1880, § 3051; 1892, § 1402; 1906, § 1475; Hemingway's 1917, § 1233; 1930, § 1255; 1942, § 2498.Amended by Laws, 2016, ch. 496, HB 711, 1, eff. 7/1/2016. When it shall appear to the committing court or the court before which any person charged with a criminal offense has given bail to appear is insufficient or excessive in any respect, the court may (i) after a hearing, order the issuance of a revised mittimus reducing the previously set bail; or (ii) order the issuance of process for the arrest of such person, and may, after a hearing, require him to give bail as may be ordered, and, in default thereof, may commit him to jail as in other cases.Codes, 1880, § 3051; 1892, § 1402; 1906, § 1475; Hemingway's 1917, § 1233; 1930, § 1255; 1942, § 2498.Amended by Laws, 2016, ch. 496, HB 711, 1, eff. 7/1/2016. When it shall appear to the committing court or the court before which any person charged with a criminal offense has given bail to appear is insufficient or excessive in any respect, the court may (i) after a hearing, order the issuance of a revised mittimus reducing the previously set bail; or (ii) order the issuance of process for the arrest of such person, and may, after a hearing, require him to give bail as may be ordered, and, in default thereof, may commit him to jail as in other cases. Codes, 1880, § 3051; 1892, § 1402; 1906, § 1475; Hemingway's 1917, § 1233; 1930, § 1255; 1942, § 2498. Amended by Laws, 2016, ch. 496, HB 711, 1, eff. 7/1/2016.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 5 - BAIL (§§ 99-5-1 — 99-5-39)Section 99-5-15 - Duty of officer to release defendant from custody; approval of sureties

It is the duty of the sheriff or other officer having custody of such defendant, upon his compliance with the order of the committing court or officer, to release him from custody; and he shall approve the sureties on the bond, except admitted and authorized fidelity and surety insurance companies acting as surety, and for that purpose may examine them on oath, or take their affidavit in writing, and may administer such oath.Codes, Hutchinson's 1848, ch. 65, art. 12(2); 1857, ch. 64, art. 288; 1871, § 2788; 1880, § 3038; 1892, § 1391; 1906, § 1463; Hemingway's 1917, § 1221; 1930, § 1243; 1942, § 2486; Laws, 1960, ch. 267. It is the duty of the sheriff or

other officer having custody of such defendant, upon his compliance with the order of the committing court or officer, to release him from custody; and he shall approve the sureties on the bond, except admitted and authorized fidelity and surety insurance companies acting as surety, and for that purpose may examine them on oath, or take their affidavit in writing, and may administer such oath. Codes, Hutchinson's 1848, ch. 65, art. 12(2); 1857, ch. 64, art. 288; 1871, § 2788; 1880, § 3038; 1892, § 1391; 1906, § 1463; Hemingway's 1917, § 1221; 1930, § 1243; 1942, § 2486; Laws, 1960, ch. 267. It is the duty of the sheriff or other officer having custody of such defendant, upon his compliance with the order of the committing court or officer, to release him from custody; and he shall approve the sureties on the bond, except admitted and authorized fidelity and surety insurance companies acting as surety, and for that purpose may examine them on oath, or take their affidavit in writing, and may administer such oath. Codes, Hutchinson's 1848, ch. 65, art. 12(2); 1857, ch. 64, art. 288; 1871, § 2788; 1880, § 3038; 1892, § 1391; 1906, § 1463; Hemingway's 1917, § 1221; 1930, § 1243; 1942, § 2486; Laws, 1960, ch. 267. It is the duty of the sheriff or other officer having custody of such defendant, upon his compliance with the order of the committing court or officer, to release him from custody; and he shall approve the sureties on the bond, except admitted and authorized fidelity and surety insurance companies acting as surety, and for that purpose may examine them on oath, or take their affidavit in writing, and may administer such oath. Codes, Hutchinson's 1848, ch. 65, art. 12(2); 1857, ch. 64, art. 288; 1871, § 2788; 1880, § 3038; 1892, § 1391; 1906, § 1463; Hemingway's 1917, § 1221; 1930, § 1243; 1942, § 2486; Laws, 1960, ch. 267.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 5 - BAIL (§§ 99-5-1 — 99-5-39) Section 99-5-17 - Sheriff to return bail-bond to clerk

It is the duty of the sheriff taking a bail-bond to return the same to the clerk of the circuit court of the county in which the offense is alleged to have been committed on or before the first day of the next term thereof. Codes, Hutchinson's 1848, ch. 65, art. 12(3); 1857, ch. 64, art. 289; 1871, § 2789; 1880, § 3039; 1892, § 1392; 1906, § 1464; Hemingway's 1917, § 1222; 1930, § 1244; 1942, § 2487. It is the duty of the sheriff taking a bail-bond to return the same to the clerk of the circuit court of the county in which the offense is alleged to have been committed on or before the first day of the next term thereof. Codes, Hutchinson's 1848, ch. 65, art. 12(3); 1857, ch. 64, art. 289; 1871, § 2789; 1880, § 3039; 1892, § 1392; 1906, § 1464; Hemingway's 1917, § 1222; 1930, § 1244; 1942, § 2487. It is the duty of the sheriff taking a bail-bond to return the same to the clerk of the circuit court of the county in which the offense is alleged to have been committed on or before the first day of the next term thereof. Codes, Hutchinson's 1848, ch. 65, art. 12(3); 1857, ch. 64, art. 289; 1871, § 2789; 1880, § 3039; 1892, § 1392; 1906, § 1464; Hemingway's 1917, § 1222; 1930, § 1244; 1942, § 2487. It is the duty of the sheriff taking a bail-bond to return the same to the clerk of the circuit court of the county in which the offense is alleged to have been committed on or before the first day of the next term thereof. Codes, Hutchinson's 1848, ch. 65, art. 12(3); 1857, ch. 64, art. 289; 1871, § 2789; 1880, § 3039; 1892, § 1392; 1906, § 1464; Hemingway's 1917, § 1222; 1930, § 1244; 1942, § 2487.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 5 - BAIL (§§ 99-5-1 — 99-5-39) Section 99-5-19 - Person who takes insufficient bail-bond, etc., to stand special bail

If any person, except a properly authorized judge, authorized to release a criminal defendant neglects to take a bail bond, or if the bail bond from any cause is insufficient at the time he took and approved the same, on exceptions taken and filed before the close of the next term, after the same should have been returned, and upon reasonable notice thereof to the person, he shall stand as special bail, and judgment shall be rendered against him as such, except when bond is tendered by a fidelity or insurance company or professional bail agent or its bail agent authorized by Mississippi state license to act as bail surety. The person taking and approving a bail bond from a fidelity or insurance company or professional bail agent or its bail agent with a valid Mississippi state license shall bear no financial liability on the bail bond in the event of a bail bond forfeiture or default. Codes, Hutchinson's 1848, ch. 65, art. 12(3); 1857, ch. 64, art. 289; 1871, § 2789; 1880, § 3039; 1892, § 1392; 1906, § 1464; Hemingway's 1917, § 1222; 1930, § 1244; 1942, § 2487; Laws, 1997, ch. 335, § 1; Laws, 2004, ch. 363, § 2, eff. 7/1/2004. If any person, except a properly authorized judge, authorized to release a criminal defendant neglects to take a bail bond, or if the bail bond from any cause is insufficient at the time he took and approved the same, on exceptions taken and filed before the close of the next term, after the same should have been returned, and upon reasonable notice thereof to the person, he shall stand as special bail, and judgment shall be rendered against him as such, except when bond is tendered by a fidelity or insurance company or professional bail agent or its bail agent authorized by Mississippi state license to act as bail surety. The person taking and approving a bail bond from a fidelity or insurance company or professional bail agent or its bail agent with a valid Mississippi state license shall bear no financial liability on the bail bond in the event of a bail bond forfeiture or default. Codes, Hutchinson's 1848, ch. 65, art. 12(3); 1857, ch. 64, art. 289; 1871, § 2789; 1880, § 3039; 1892, § 1392; 1906, § 1464; Hemingway's

1917, § 1222; 1930, § 1244; 1942, § 2487; Laws, 1997, ch. 335, § 1; Laws, 2004, ch. 363, § 2, eff. 7/1/2004. If any person, except a properly authorized judge, authorized to release a criminal defendant neglects to take a bail bond, or if the bail bond from any cause is insufficient at the time he took and approved the same, on exceptions taken and filed before the close of the next term, after the same should have been returned, and upon reasonable notice thereof to the person, he shall stand as special bail, and judgment shall be rendered against him as such, except when bond is tendered by a fidelity or insurance company or professional bail agent or its bail agent authorized by Mississippi state license to act as bail surety. The person taking and approving a bail bond from a fidelity or insurance company or professional bail agent or its bail agent with a valid Mississippi state license shall bear no financial liability on the bail bond in the event of a bail bond forfeiture or default. Codes, Hutchinson's 1848, ch. 65, art. 12(3); 1857, ch. 64, art. 289; 1871, § 2789; 1880, § 3039; 1892, § 1392; 1906, § 1464; Hemingway's 1917, § 1222; 1930, § 1244; 1942, § 2487; Laws, 1997, ch. 335, § 1; Laws, 2004, ch. 363, § 2, eff. 7/1/2004.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 5 - BAIL (§§ 99-5-1 — 99-5-39) Section 99-5-21 - Bond good though it does not describe offense

All bonds and recognizances taken in criminal cases, whether they describe the offense actually committed or not, shall have the effect to hold the party bound thereby to answer to such offense as he may have actually committed, and shall be valid for that purpose until he be discharged by the court. Codes, 1857, ch. 64, art. 368; 1871, § 2873; 1880, § 3042; 1892, § 1395; 1906, § 1467; Hemingway's 1917, § 1225; 1930, § 1247; 1942, § 2490. All bonds and recognizances taken in criminal cases, whether they describe the offense actually committed or not, shall have the effect to hold the party bound thereby to answer to such offense as he may have actually committed, and shall be valid for that purpose until he be discharged by the court. Codes, 1857, ch. 64, art. 368; 1871, § 2873; 1880, § 3042; 1892, § 1395; 1906, § 1467; Hemingway's 1917, § 1225; 1930, § 1247; 1942, § 2490. All bonds and recognizances taken in criminal cases, whether they describe the offense actually committed or not, shall have the effect to hold the party bound thereby to answer to such offense as he may have actually committed, and shall be valid for that purpose until he be discharged by the court. Codes, 1857, ch. 64, art. 368; 1871, § 2873; 1880, § 3042; 1892, § 1395; 1906, § 1467; Hemingway's 1917, § 1225; 1930, § 1247; 1942, § 2490. All bonds and recognizances taken in criminal cases, whether they describe the offense actually committed or not, shall have the effect to hold the party bound thereby to answer to such offense as he may have actually committed, and shall be valid for that purpose until he be discharged by the court. Codes, 1857, ch. 64, art. 368; 1871, § 2873; 1880, § 3042; 1892, § 1395; 1906, § 1467; Hemingway's 1917, § 1225; 1930, § 1247; 1942, § 2490.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 5 - BAIL (§§ 99-5-1 — 99-5-39) Section 99-5-23 - Bonds, recognizances, etc., to be valid and binding whether or not properly taken or recited in return of officer

All bonds, recognizances, or acknowledgments of indebtedness, conditioned for the appearance of any party before any court or officer, in any state case or criminal proceeding, which shall have the effect to free such party from jail or legal custody of any sort, shall be valid and bind the party and sureties, according to the condition of such bond, recognizance, or acknowledgment, whether it was taken by the proper officer or under circumstances authorized by law or not, or whether the officer's return identify it or not. It shall not be an objection to any bail-bond or recognizance that it is in the form of an acknowledgment before a court or officer and is without the signature of any person, or is without the indorsement of approval by any officer; but all persons who, by their acknowledgment before any officer of liability to pay a sum of money to the state if some person shall not appear before some court or officer in a criminal prosecution, procure the discharge from custody of such person, shall be bound accordingly upon the recognizance. An obligation signed by a person to obtain the discharge from custody of another shall not be invalid, if it have that effect, because it does not have indorsed on it the approval of any officer, or because the taking thereof be not recited in the return of the officer. Codes, 1880, §§ 3041, 3050; 1892, §§ 1394, 1401; 1906, §§ 1466, 1474; Hemingway's 1917, §§ 1224, 1232; 1930, §§ 1246, 1254; 1942, §§ 2489, 2497. All bonds, recognizances, or acknowledgments of indebtedness, conditioned for the appearance of any party before any court or officer, in any state case or criminal proceeding, which shall have the effect to free such party from jail or legal custody of any sort, shall be valid and bind the party and sureties, according to the condition of such bond, recognizance, or acknowledgment, whether it was taken by the proper officer or under circumstances authorized by law or not, or whether the officer's return identify it or not. It shall not be an objection to any bail-bond or recognizance that it is in the form of an acknowledgment before a court or officer and is without the signature of any person, or is without the indorsement of approval by any officer; but all persons who, by their acknowledgment before any officer of liability to pay a sum of money to the state if some person shall not appear before some court or officer in a criminal prosecution, procure the discharge from custody of such person, shall be bound accordingly upon the recognizance. An obligation signed by a person to obtain the discharge from custody of another shall not be invalid, if it have that effect, because it does not have indorsed on it the approval of any officer, or because the taking thereof be not recited in the return of the officer. Codes, 1880, §§ 3041, 3050; 1892, §§ 1394, 1401; 1906, §§ 1466, 1474; Hemingway's 1917, §§ 1224, 1232; 1930, §§ 1246, 1254; 1942, §§ 2489, 2497. All bonds, recognizances, or acknowledgments of indebtedness, conditioned for the appearance of any party before any court or officer, in any state case or criminal proceeding, which shall have the effect to free such party from jail or legal custody of any sort, shall be valid and bind the party and sureties, according to the condition of such bond, recognizance, or acknowledgment, whether it was taken by the proper officer or under circumstances authorized by law or not, or whether the officer's return identify it or not. It shall not be an objection to any bail-bond or recognizance that it is in the form of an acknowledgment before a court or officer and is without the signature of any person, or is

without the indorsement of approval by any officer; but all persons who, by their acknowledgment before any officer of liability to pay a sum of money to the state if some person shall not appear before some court or officer in a criminal prosecution, procure the discharge from custody of such person, shall be bound accordingly upon the recognizance. An obligation signed by a person to obtain the discharge from custody of another shall not be invalid, if it have that effect, because it does not have indorsed on it the approval of any officer, or because the taking thereof be not recited in the return of the officer. Codes, 1880, §§ 3041, 3050; 1892, §§ 1394, 1401; 1906, §§ 1466, 1474; Hemingway's 1917, §§ 1224, 1232; 1930, §§ 1246, 1254; 1942, §§ 2489, 2497. All bonds, recognizances, or acknowledgments of indebtedness, conditioned for the appearance of any party before any court or officer, in any state case or criminal proceeding, which shall have the effect to free such party from jail or legal custody of any sort, shall be valid and bind the party and sureties, according to the condition of such bond, recognizance, or acknowledgment, whether it was taken by the proper officer or under circumstances authorized by law or not, or whether the officer's return identify it or not. It shall not be an objection to any bail-bond or recognizance that it is in the form of an acknowledgment before a court or officer and is without the signature of any person, or is without the indorsement of approval by any officer; but all persons who, by their acknowledgment before any officer of liability to pay a sum of money to the state if some person shall not appear before some court or officer in a criminal prosecution, procure the discharge from custody of such person, shall be bound accordingly upon the recognizance. An obligation signed by a person to obtain the discharge from custody of another shall not be invalid, if it have that effect, because it does not have indorsed on it the approval of any officer, or because the taking thereof be not recited in the return of the officer. Codes, 1880, §§ 3041, 3050; 1892, §§ 1394, 1401; 1906, §§ 1466, 1474; Hemingway's 1917, §§ 1224, 1232; 1930, §§ 1246, 1254; 1942, §§ 2489, 2497.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 5 - BAIL (§§ 99-5-1 — 99-5-39) Section 99-5-25 - Forfeiture of bond; scire facias

(1)(a)The purpose of bail is to guarantee appearance and a bail bond shall not be forfeited for any other reason.(b)If a defendant in any criminal case, proceeding or matter fails to appear for any proceeding as ordered by the court, then the court shall order the bail forfeited and a judgment nisi and a bench warrant issued at the time of nonappearance. The clerk of the court shall notify the surety of the forfeiture by writ of scire facias, with a copy of the judgment nisi and bench warrant attached thereto, within ten (10) working days of such order of judgment nisi either by personal service or by certified mail. Failure of the clerk to provide the required notice within ten (10) working days shall constitute prima facie evidence that the order should be set aside. Any felony warrant issued by a court for nonappearance shall be put on the National Crime Information Center (NCIC) until the defendant is returned to custody.(c)The judgment nisi shall be returnable for ninety (90) days from the date of issuance. If during such period the defendant appears before the court, or is arrested and surrendered, then the judgment nisi shall be set aside and a copy of the judgment that is set aside shall be served on the surety by personal service or certified mail. If the surety produces the defendant or provides to the court reasonable mitigating circumstances upon such showing, then the forfeiture shall not be made final. If the forfeiture is made final, a copy of the final judgment shall be served on the surety within ten (10) working days by either personal service or certified mail. Reasonable mitigating circumstances shall be that the defendant is incarcerated in another jurisdiction, that the defendant is hospitalized under a doctor's care, that the defendant is in a recognized drug rehabilitation program, that the defendant has been placed in a witness protection program and it shall be the duty of any such agency placing such defendant into a witness protection program to notify the court and the court to notify the surety, or any other reason justifiable to the court.(d)Execution upon the final judgment shall be automatically stayed for ninety (90) days from the date of entry of the final judgment. If, at any time before execution of the final judgment, the defendant appears in court either voluntarily or in custody after surrender or arrest, the court shall on its own motion direct that the forfeiture be set aside and the bond exonerated as of the date the defendant first appeared in court.(2)If a final judgment is entered against a surety licensed by the Department of Insurance and has not been set aside after ninety (90) days, or later if such time is extended by the court issuing the judgment nisi, then the court shall order the department to revoke the authority of the surety to write bail bonds. The commissioner shall, upon notice of the court, notify the surety within five (5) working days of receipt of revocation. If after ten (10) working days of such notification the revocation order has not been set aside by the court, then the commissioner shall revoke the authority of the surety and all agents of the surety and shall notify the sheriff of every county of such revocation.(3)If within eighteen (18) months of the date of the final forfeiture the defendant appears for court, is arrested or surrendered to the court, or if the defendant is found to be incarcerated in another jurisdiction and a hold order placed on the defendant, then the amount of bail, less reasonable extradition cost, excluding attorney fees, shall be refunded by the court upon application by the surety. Codes, Hutchinson's 1848, ch. 65, art. 5; 1857, ch. 64, art. 292; 1880, § 3043; 1892, § 1396; 1906, § 1468; Hemingway's 1917, § 1226; 1930, § 1248; 1942, § 2491; Laws, 1996, ch. 317, § 1; Laws, 1999, ch. 428, § 1; Laws, 2001, ch. 547, § 1; Laws, 2009, ch. 520, § 3; Laws, 2011, ch. 463, § 1, eff. 7/1/2011. Amended by Laws, 2013, ch. 424, HB 714, 1, eff. 7/1/2013. (1)(a)The purpose of bail is to guarantee appearance and a bail bond shall not be forfeited for any other reason.(b)If a defendant in any criminal case, proceeding or matter fails to appear for any proceeding as ordered by the court, then the court shall order the bail forfeited and a judgment nisi and a bench warrant issued at the time of nonappearance. The clerk of the court shall notify the surety of the forfeiture by writ of scire facias, with a copy of the judgment nisi and bench warrant attached thereto, within ten (10) working days of such order of judgment nisi either by personal service or by certified mail. Failure of the clerk to provide the required notice within ten (10) working days shall constitute prima facie evidence that the order should be set aside. Any felony warrant issued by a court for nonappearance shall be put on the National Crime Information Center (NCIC) until the defendant is returned to custody.(c)The judgment nisi shall be returnable for ninety (90) days from the date of issuance. If during such period the

defendant appears before the court, or is arrested and surrendered, then the judgment nisi shall be set aside and a copy of the judgment that is set aside shall be served on the surety by personal service or certified mail. If the surety produces the defendant or provides to the court reasonable mitigating circumstances upon such showing, then the forfeiture shall not be made final. If the forfeiture is made final, a copy of the final judgment shall be served on the surety within ten (10) working days by either personal service or certified mail. Reasonable mitigating circumstances shall be that the defendant is incarcerated in another jurisdiction, that the defendant is hospitalized under a doctor's care, that the defendant is in a recognized drug rehabilitation program, that the defendant has been placed in a witness protection program and it shall be the duty of any such agency placing such defendant into a witness protection program to notify the court and the court to notify the surety, or any other reason justifiable to the court.(d)Execution upon the final judgment shall be automatically stayed for ninety (90) days from the date of entry of the final judgment. If, at any time before execution of the final judgment, the defendant appears in court either voluntarily or in custody after surrender or arrest, the court shall on its own motion direct that the forfeiture be set aside and the bond exonerated as of the date the defendant first appeared in court.(2)If a final judgment is entered against a surety licensed by the Department of Insurance and has not been set aside after ninety (90) days, or later if such time is extended by the court issuing the judgment nisi, then the court shall order the department to revoke the authority of the surety to write bail bonds. The commissioner shall, upon notice of the court, notify the surety within five (5) working days of receipt of revocation. If after ten (10) working days of such notification the revocation order has not been set aside by the court, then the commissioner shall revoke the authority of the surety and all agents of the surety and shall notify the sheriff of every county of such revocation.(3)If within eighteen (18) months of the date of the final forfeiture the defendant appears for court, is arrested or surrendered to the court, or if the defendant is found to be incarcerated in another jurisdiction and a hold order placed on the defendant, then the amount of bail, less reasonable extradition cost, excluding attorney fees, shall be refunded by the court upon application by the surety.Codes, Hutchinson's 1848, ch. 65, art. 5; 1857, ch. 64, art. 292; 1880, § 3043; 1892, § 1396; 1906, § 1468; Hemingway's 1917, § 1226; 1930, § 1248; 1942, § 2491; Laws, 1996, ch. 317, § 1; Laws, 1999, ch. 428, § 1; Laws, 2001, ch. 547, § 1; Laws, 2009, ch. 520, § 3; Laws, 2011, ch. 463, § 1, eff. 7/1/2011.Amended by Laws, 2013, ch. 424, HB 714, 1, eff. 7/1/2013. (1)(a)The purpose of bail is to guarantee appearance and a bail bond shall not be forfeited for any other reason.(b)If a defendant in any criminal case, proceeding or matter fails to appear for any proceeding as ordered by the court, then the court shall order the bail forfeited and a judgment nisi and a bench warrant issued at the time of nonappearance. The clerk of the court shall notify the surety of the forfeiture by writ of scire facias, with a copy of the judgment nisi and bench warrant attached thereto, within ten (10) working days of such order of judgment nisi either by personal service or by certified mail. Failure of the clerk to provide the required notice within ten (10) working days shall constitute prima facie evidence that the order should be set aside. Any felony warrant issued by a court for nonappearance shall be put on the National Crime Information Center (NCIC) until the defendant is returned to custody.(c)The judgment nisi shall be returnable for ninety (90) days from the date of issuance. If during such period the defendant appears before the court, or is arrested and surrendered, then the judgment nisi shall be set aside and a copy of the judgment that is set aside shall be served on the surety by personal service or certified mail. If the surety produces the defendant or provides to the court reasonable mitigating circumstances upon such showing, then the forfeiture shall not be made final. If the forfeiture is made final, a copy of the final judgment shall be served on the surety within ten (10) working days by either personal service or certified mail. Reasonable mitigating circumstances shall be that the defendant is incarcerated in another jurisdiction, that the defendant is hospitalized under a doctor's care, that the defendant is in a recognized drug rehabilitation program, that the defendant has been placed in a witness protection program and it shall be the duty of any such agency placing such defendant into a witness protection program to notify the court and the court to notify the surety, or any other reason justifiable to the court.(d)Execution upon the final judgment shall be automatically stayed for ninety (90) days from the date of entry of the final judgment. If, at any time before execution of the final judgment, the defendant appears in court either voluntarily or in custody after surrender or arrest, the court shall on its own motion direct that the forfeiture be set aside and the bond exonerated as of the date the defendant first appeared in court.(2)If a final judgment is entered against a surety licensed by the Department of Insurance and has not been set aside after ninety (90) days, or later if such time is extended by the court issuing the judgment nisi, then the court shall order the department to revoke the authority of the surety to write bail bonds. The commissioner shall, upon notice of the court, notify the surety within five (5) working days of receipt of revocation. If after ten (10) working days of such notification the revocation order has not been set aside by the court, then the commissioner shall revoke the authority of the surety and all agents of the surety and shall notify the sheriff of every county of such revocation.(3)If within eighteen (18) months of the date of the final forfeiture the defendant appears for court, is arrested or surrendered to the court, or if the defendant is found to be incarcerated in another jurisdiction and a hold order placed on the defendant, then the amount of bail, less reasonable extradition cost, excluding attorney fees, shall be refunded by the court upon application by the surety.Codes, Hutchinson's 1848, ch. 65, art. 5; 1857, ch. 64, art. 292; 1880, § 3043; 1892, § 1396; 1906, § 1468; Hemingway's 1917, § 1226; 1930, § 1248; 1942, § 2491; Laws, 1996, ch. 317, § 1; Laws, 1999, ch. 428, § 1; Laws, 2001, ch. 547, § 1; Laws, 2009, ch. 520, § 3; Laws, 2011, ch. 463, § 1, eff. 7/1/2011.Amended by Laws, 2013, ch. 424, HB 714, 1, eff. 7/1/2013. Codes, Hutchinson's 1848, ch. 65, art. 5; 1857, ch. 64, art. 292; 1880, § 3043; 1892, § 1396; 1906, § 1468; Hemingway's 1917, § 1226; 1930, § 1248; 1942, § 2491; Laws, 1996, ch. 317, § 1; Laws, 1999, ch. 428, § 1; Laws, 2001, ch. 547, § 1; Laws, 2009, ch. 520, § 3; Laws, 2011, ch. 463, § 1, eff. 7/1/2011. Amended by Laws, 2013, ch. 424, HB 714, 1, eff. 7/1/2013.

(1)(a)"Surrender" means the delivery of the defendant, principal on bond, physically to the sheriff or chief of police or in his absence, his jailer, and it is the duty of the sheriff or chief of police, or his jailer, to accept the surrender of the principal when presented and such act is complete upon the execution of verbal or written surrender notice presented by a bail agent and shall relieve the bail agent of liability on the principal's bond.(b)A bail agent may surrender the principal if the principal is found to be detained on another charge. If the principal is found incarcerated in another jurisdiction, the bail agent may surrender him by verbal or written notice of surrender to the sheriff or chief of police, or his jailer, of that jurisdiction and the notice of surrender shall act as a "Hold Order" and upon presentation of written surrender notice to the court of proper jurisdiction, the court shall order a "Hold Order" placed on the principal for the court and shall relieve the bail agent of liability on the principal's bond, with the provision that, upon release from incarceration in the other jurisdiction, return of the principal to the sheriff shall be the responsibility of the bail agent. The bail agent shall satisfy the responsibility to return a principal held by a "Hold Order" in another jurisdiction upon release from the other jurisdiction either by personally returning the principal to the sheriff at no cost to the county or, where the other jurisdiction will not release the principal to any person other than a law enforcement officer, by reimbursing to the county the reasonable cost of the return of the principal, not to exceed the cost that would be entailed if the first option were available.(c)The surrender of the principal by the bail agent, within the time period provided in Section 99-5-25, shall serve to discharge the bail agent's liability to the State of Mississippi and any of its courts; but if this is done after forfeiture of the bond or recognizance, the court shall set aside the judgment nisi or final judgment upon filing of surrender notice by the bail agent.(2)(a)A bail agent, at any time, may surrender the principal to any law enforcement agency or in open court in discharge of the bail agent's liability on the principal's bond if the law enforcement agency that was involved in setting the original bond approves of such surrender, to the State of Mississippi and any of its courts and at any time may arrest and transport its principal anywhere or may authorize another to do so, may be assisted by any law enforcement agency or its agents anywhere upon request of bail and may receive any information available to law enforcement or the courts pertaining to the principal for the purpose of safe surrender or for any reasonable cause in order to safely return the principal to the custody of law enforcement and the court.(b)A bail agent, at any time, may arrest its principal anywhere or authorize another to do so for the purpose of surrender of the principal on bail bond. Failure of the sheriff or chief of police or his jailer, any law enforcement agency or its agents or the court to accept surrender by a bail agent shall relieve the bail agent of any liability on the principal's bond, and the bond shall be void.(3)A bail agent, at any time, upon request by the defendant or others on behalf of the defendant, may privately interview the defendant to obtain information to help with surrender before posting any bail bond on behalf of the defendant. All licensed bail agents shall have equal access to jails or detention facilities for the purpose of such interviews, the posting of bail bonds and the surrender of the principal.(4)Upon surrender, the court, after full review of the defendant and the pending charges, in open court, may discharge the prisoner on his giving new bail, but if he does not give new bail, he shall be detained in jail. Codes, 1880, § 3045; 1892, § 1398; 1906, § 1470; Hemingway's 1917, § 1228; 1930, § 1250; 1942, § 2493; Laws, 1997, ch. 335, § 2; Laws, 1999, ch. 399, § 2; Laws, 2011, ch. 463, § 2, eff. 7/1/2011.

(1)(a)"Surrender" means the delivery of the defendant, principal on bond, physically to the sheriff or chief of police or in his absence, his jailer, and it is the duty of the sheriff or chief of police, or his jailer, to accept the surrender of the principal when presented and such act is complete upon the execution of verbal or written surrender notice presented by a bail agent and shall relieve the bail agent of liability on the principal's bond.(b)A bail agent may surrender the principal if the principal is found to be detained on another charge. If the principal is found incarcerated in another jurisdiction, the bail agent may surrender him by verbal or written notice of surrender to the sheriff or chief of police, or his jailer, of that jurisdiction and the notice of surrender shall act as a "Hold Order" and upon presentation of written surrender notice to the court of proper jurisdiction, the court shall order a "Hold Order" placed on the principal for the court and shall relieve the bail agent of liability on the principal's bond, with the provision that, upon release from incarceration in the other jurisdiction, return of the principal to the sheriff shall be the responsibility of the bail agent. The bail agent shall satisfy the responsibility to return a principal held by a "Hold Order" in another jurisdiction upon release from the other jurisdiction either by personally returning the principal to the sheriff at no cost to the county or, where the other jurisdiction will not release the principal to any person other than a law enforcement officer, by reimbursing to the county the reasonable cost of the return of the principal, not to exceed the cost that would be entailed if the first option were available.(c)The surrender of the principal by the bail agent, within the time period provided in Section 99-5-25, shall serve to discharge the bail agent's liability to the State of Mississippi and any of its courts; but if this is done after forfeiture of the bond or recognizance, the court shall set aside the judgment nisi or final judgment upon filing of surrender notice by the bail agent.(2)(a)A bail agent, at any time, may surrender the principal to any law enforcement agency or in open court in discharge of the bail agent's liability on the principal's bond if the law enforcement agency that was involved in setting the original bond approves of such surrender, to the State of Mississippi and any of its courts and at any time may arrest and transport its principal anywhere or may authorize another to do so, may be assisted by any law enforcement agency or its agents anywhere upon request of bail and may receive any information available to law enforcement or the courts pertaining to the principal for the purpose of safe surrender or for any reasonable cause in order to safely return the principal to the custody of law enforcement and the court.(b)A bail agent, at any time, may arrest its principal anywhere or authorize another to do so for the purpose of surrender of the principal on bail bond. Failure of the sheriff or chief of police or his jailer, any law enforcement agency or its agents or the court to accept surrender by a bail agent shall relieve the bail agent of any liability on the principal's bond, and the bond shall be void.(3)A bail agent, at any time, upon request by the defendant or others on behalf of the defendant, may privately interview the defendant to obtain information to help with surrender before posting any bail bond on behalf of the defendant. All licensed bail agents shall have equal access to jails or detention facilities for the purpose of such interviews, the posting of bail bonds and the surrender of the principal.(4)Upon surrender, the

court, after full review of the defendant and the pending charges, in open court, may discharge the prisoner on his giving new bail, but if he does not give new bail, he shall be detained in jail. Codes, 1880, § 3045; 1892, § 1398; 1906, § 1470; Hemingway's 1917, § 1228; 1930, § 1250; 1942, § 2493; Laws, 1997, ch. 335, § 2; Laws, 1999, ch. 399, § 2; Laws, 2011, ch. 463, § 2, eff. 7/1/2011.

(1)(a) "Surrender" means the delivery of the defendant, principal on bond, physically to the sheriff or chief of police or in his absence, his jailer, and it is the duty of the sheriff or chief of police, or his jailer, to accept the surrender of the principal when presented and such act is complete upon the execution of verbal or written surrender notice presented by a bail agent and shall relieve the bail agent of liability on the principal's bond. (b) A bail agent may surrender the principal if the principal is found to be detained on another charge. If the principal is found incarcerated in another jurisdiction, the bail agent may surrender him by verbal or written notice of surrender to the sheriff or chief of police, or his jailer, of that jurisdiction and the notice of surrender shall act as a "Hold Order" and upon presentation of written surrender notice to the court of proper jurisdiction, the court shall order a "Hold Order" placed on the principal for the court and shall relieve the bail agent of liability on the principal's bond, with the provision that, upon release from incarceration in the other jurisdiction, return of the principal to the sheriff shall be the responsibility of the bail agent. The bail agent shall satisfy the responsibility to return a principal held by a "Hold Order" in another jurisdiction upon release from the other jurisdiction either by personally returning the principal to the sheriff at no cost to the county or, where the other jurisdiction will not release the principal to any person other than a law enforcement officer, by reimbursing to the county the reasonable cost of the return of the principal, not to exceed the cost that would be entailed if the first option were available. (c) The surrender of the principal by the bail agent, within the time period provided in Section 99-5-25, shall serve to discharge the bail agent's liability to the State of Mississippi and any of its courts; but if this is done after forfeiture of the bond or recognizance, the court shall set aside the judgment nisi or final judgment upon filing of surrender notice by the bail agent. (2)(a) A bail agent, at any time, may surrender the principal to any law enforcement agency or in open court in discharge of the bail agent's liability on the principal's bond if the law enforcement agency that was involved in setting the original bond approves of such surrender, to the State of Mississippi and any of its courts and at any time may arrest and transport its principal anywhere or may authorize another to do so, may be assisted by any law enforcement agency or its agents anywhere upon request of bail and may receive any information available to law enforcement or the courts pertaining to the principal for the purpose of safe surrender or for any reasonable cause in order to safely return the principal to the custody of law enforcement and the court. (b) A bail agent, at any time, may arrest its principal anywhere or authorize another to do so for the purpose of surrender of the principal on bail bond. Failure of the sheriff or chief of police or his jailer, any law enforcement agency or its agents or the court to accept surrender by a bail agent shall relieve the bail agent of any liability on the principal's bond, and the bond shall be void. (3) A bail agent, at any time, upon request by the defendant or others on behalf of the defendant, may privately interview the defendant to obtain information to help with surrender before posting any bail bond on behalf of the defendant. All licensed bail agents shall have equal access to jails or detention facilities for the purpose of such interviews, the posting of bail bonds and the surrender of the principal. (4) Upon surrender, the court, after full review of the defendant and the pending charges, in open court, may discharge the prisoner on his giving new bail, but if he does not give new bail, he shall be detained in jail. Codes, 1880, § 3045; 1892, § 1398; 1906, § 1470; Hemingway's 1917, § 1228; 1930, § 1250; 1942, § 2493; Laws, 1997, ch. 335, § 2; Laws, 1999, ch. 399, § 2; Laws, 2011, ch. 463, § 2, eff. 7/1/2011.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 5 - BAIL (§§ 99-5-1 — 99-5-39) Section 99-5-29 - Surety may cause arrest of principal by officer

The sheriff or a constable in a proper case, upon the request of a surety in any bond or recognizance, and tender of the legal fee for executing a capias in a criminal case, and the production of a certified copy of the bond of recognizance, shall arrest, within his county, the principal in the bond or recognizance. The surety or his agent shall accompany the officer to receive the person. Codes, 1880, § 3046; 1892, § 1399; 1906, § 1471; Hemingway's 1917, § 1229; 1930, § 1251; 1942, § 2494. The sheriff or a constable in a proper case, upon the request of a surety in any bond or recognizance, and tender of the legal fee for executing a capias in a criminal case, and the production of a certified copy of the bond of recognizance, shall arrest, within his county, the principal in the bond or recognizance. The surety or his agent shall accompany the officer to receive the person. Codes, 1880, § 3046; 1892, § 1399; 1906, § 1471; Hemingway's 1917, § 1229; 1930, § 1251; 1942, § 2494. The sheriff or a constable in a proper case, upon the request of a surety in any bond or recognizance, and tender of the legal fee for executing a capias in a criminal case, and the production of a certified copy of the bond of recognizance, shall arrest, within his county, the principal in the bond or recognizance. The surety or his agent shall accompany the officer to receive the person. Codes, 1880, § 3046; 1892, § 1399; 1906, § 1471; Hemingway's 1917, § 1229; 1930, § 1251; 1942, § 2494. The sheriff or a constable in a proper case, upon the request of a surety in any bond or recognizance, and tender of the legal fee for executing a capias in a criminal case, and the production of a certified copy of the bond of recognizance, shall arrest, within his county, the principal in the bond or recognizance. The surety or his agent shall accompany the officer to receive the person. Codes, 1880, § 3046; 1892, § 1399; 1906, § 1471; Hemingway's 1917, § 1229; 1930, § 1251; 1942, § 2494.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 5 - BAIL (§§ 99-5-1 — 99-5-39) Section 99-5-3 - Form of bail; taken in open court by entry on minutes

Bail taken in open court may be entered on the minutes as follows, to wit: "The State No. _____ v. A. B." Came the

said A. B. and C. D. and E. F. and agreed to pay the state of Mississippi _____ dollars, unless the said A. B. shall appear at the present term of this court, and remain from day to day, and from term to term until discharged by law, to answer a charge of _____. "Codes, 1880, § 3049; 1892, § 1400a; 1906, § 1473; Hemingway's 1917, § 1231; 1930, § 1253; 1942, § 2496. Bail taken in open court may be entered on the minutes as follows, to wit: "The State No. _____ v. A. B." Came the said A. B. and C. D. and E. F. and agreed to pay the state of Mississippi _____ dollars, unless the said A. B. shall appear at the present term of this court, and remain from day to day, and from term to term until discharged by law, to answer a charge of _____. "Codes, 1880, § 3049; 1892, § 1400a; 1906, § 1473; Hemingway's 1917, § 1231; 1930, § 1253; 1942, § 2496. Bail taken in open court may be entered on the minutes as follows, to wit: "The State No. _____ v. A. B." Came the said A. B. and C. D. and E. F. and agreed to pay the state of Mississippi _____ dollars, unless the said A. B. shall appear at the present term of this court, and remain from day to day, and from term to term until discharged by law, to answer a charge of _____. "Codes, 1880, § 3049; 1892, § 1400a; 1906, § 1473; Hemingway's 1917, § 1231; 1930, § 1253; 1942, § 2496. Bail taken in open court may be entered on the minutes as follows, to wit: "The State No. _____ v. A. B." Came the said A. B. and C. D. and E. F. and agreed to pay the state of Mississippi _____ dollars, unless the said A. B. shall appear at the present term of this court, and remain from day to day, and from term to term until discharged by law, to answer a charge of _____. "Codes, 1880, § 3049; 1892, § 1400a; 1906, § 1473; Hemingway's 1917, § 1231; 1930, § 1253; 1942, § 2496.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 5 - BAIL (§§ 99-5-1 — 99-5-39) Section 99-5-31 - Mittimus in bailable cases to fix the bail

When a defendant charged with a criminal offense shall be committed to jail by a court, judge, justice or other officer, for default in not giving bail, it is the duty of such court or officer to state in the mittimus the nature of the offense, the county where committed, the amount of bail, and number of sureties required, and to direct the sheriff of the county where such party is ordered to be confined to release him, on his entering into bond as required by the order of the court or committing officer; and this shall apply to a case where, on habeas corpus, an order for bail may be made. Codes, Hutchinson's 1848, ch. 65, art. 12(1); 1857, ch. 64, art. 287; 1871, § 2787; 1880, § 3037; 1892, § 1390; 1906, § 1462; Hemingway's 1917, § 1220; 1930, § 1242; 1942, § 2485. When a defendant charged with a criminal offense shall be committed to jail by a court, judge, justice or other officer, for default in not giving bail, it is the duty of such court or officer to state in the mittimus the nature of the offense, the county where committed, the amount of bail, and number of sureties required, and to direct the sheriff of the county where such party is ordered to be confined to release him, on his entering into bond as required by the order of the court or committing officer; and this shall apply to a case where, on habeas corpus, an order for bail may be made. Codes, Hutchinson's 1848, ch. 65, art. 12(1); 1857, ch. 64, art. 287; 1871, § 2787; 1880, § 3037; 1892, § 1390; 1906, § 1462; Hemingway's 1917, § 1220; 1930, § 1242; 1942, § 2485. When a defendant charged with a criminal offense shall be committed to jail by a court, judge, justice or other officer, for default in not giving bail, it is the duty of such court or officer to state in the mittimus the nature of the offense, the county where committed, the amount of bail, and number of sureties required, and to direct the sheriff of the county where such party is ordered to be confined to release him, on his entering into bond as required by the order of the court or committing officer; and this shall apply to a case where, on habeas corpus, an order for bail may be made. Codes, Hutchinson's 1848, ch. 65, art. 12(1); 1857, ch. 64, art. 287; 1871, § 2787; 1880, § 3037; 1892, § 1390; 1906, § 1462; Hemingway's 1917, § 1220; 1930, § 1242; 1942, § 2485. When a defendant charged with a criminal offense shall be committed to jail by a court, judge, justice or other officer, for default in not giving bail, it is the duty of such court or officer to state in the mittimus the nature of the offense, the county where committed, the amount of bail, and number of sureties required, and to direct the sheriff of the county where such party is ordered to be confined to release him, on his entering into bond as required by the order of the court or committing officer; and this shall apply to a case where, on habeas corpus, an order for bail may be made. Codes, Hutchinson's 1848, ch. 65, art. 12(1); 1857, ch. 64, art. 287; 1871, § 2787; 1880, § 3037; 1892, § 1390; 1906, § 1462; Hemingway's 1917, § 1220; 1930, § 1242; 1942, § 2485.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 5 - BAIL (§§ 99-5-1 — 99-5-39) Section 99-5-33 - Accused committed to prison if injured party is dangerously wounded

If a person be dangerously wounded the party accused shall be committed to prison until it be known whether the person wounded will recover or not, unless it appear to the court of inquiry that the case, in any event, would not amount to murder; in which case, or in the event that the person wounded do or will recover, the accused shall be dealt with as in other cases. Codes, 1857, ch. 64, art. 283; 1871, § 2783; 1880, § 3036; 1892, § 1389; 1906, § 1461; Hemingway's 1917, § 1219; 1930, § 1241; 1942, § 2484. If a person be dangerously wounded the party accused shall be committed to prison until it be known whether the person wounded will recover or not, unless it appear to the court of inquiry that the case, in any event, would not amount to murder; in which case, or in the event that the person wounded do or will recover, the accused shall be dealt with as in other cases. Codes, 1857, ch. 64, art. 283; 1871, § 2783; 1880, § 3036; 1892, § 1389; 1906, § 1461; Hemingway's 1917, § 1219; 1930, § 1241; 1942, § 2484. If a person be dangerously wounded the party accused shall be committed to prison until it be known whether the person wounded will recover or not, unless it appear to the court of inquiry that the case, in any event, would not amount to murder; in which case, or in the event that the person wounded do or will recover, the accused shall be dealt with as in other cases. Codes, 1857, ch. 64, art. 283; 1871, § 2783; 1880, § 3036; 1892, § 1389; 1906, § 1461; Hemingway's 1917, § 1219; 1930, § 1241; 1942, § 2484. If a person be dangerously wounded the party accused shall be committed to prison until it be known whether the person wounded will recover or

not, unless it appear to the court of inquiry that the case, in any event, would not amount to murder; in which case, or in the event that the person wounded do or will recover, the accused shall be dealt with as in other cases. Codes, 1857, ch. 64, art. 283; 1871, § 2783; 1880, § 3036; 1892, § 1389; 1906, § 1461; Hemingway's 1917, § 1219; 1930, § 1241; 1942, § 2484.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 5 - BAIL (§§ 99-5-1 — 99-5-39) Section 99-5-35 - When prisoner charged with capital offense entitled to bail

Any person having been twice tried on an indictment charging a capital offense, wherein each trial has resulted in a failure of the jury to agree upon his guilt or innocence, shall be entitled to bail in an amount to be set by the court. Codes, 1942, § 2485.5; Laws, 1966, ch. 382, § 1, eff. 6/15/1966. Any person having been twice tried on an indictment charging a capital offense, wherein each trial has resulted in a failure of the jury to agree upon his guilt or innocence, shall be entitled to bail in an amount to be set by the court. Codes, 1942, § 2485.5; Laws, 1966, ch. 382, § 1, eff. 6/15/1966. Any person having been twice tried on an indictment charging a capital offense, wherein each trial has resulted in a failure of the jury to agree upon his guilt or innocence, shall be entitled to bail in an amount to be set by the court. Codes, 1942, § 2485.5; Laws, 1966, ch. 382, § 1, eff. 6/15/1966. Any person having been twice tried on an indictment charging a capital offense, wherein each trial has resulted in a failure of the jury to agree upon his guilt or innocence, shall be entitled to bail in an amount to be set by the court. Codes, 1942, § 2485.5; Laws, 1966, ch. 382, § 1, eff. 6/15/1966.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 5 - BAIL (§§ 99-5-1 — 99-5-39) Section 99-5-37 - Domestic violence, aggravated domestic violence, aggravated stalking, knowing violation of bond or knowing violation of domestic abuse protection order; required appearance before judge; considerations; conditions

(1) In any arrest for (a) a misdemeanor that is an act of domestic violence as defined in Section 99-3-7(5); (b) aggravated domestic violence as defined in Section 97-3-7(4); (c) aggravated stalking as defined in Section 97-3-107(2); (d) a knowing violation of a condition of bond imposed pursuant to this section; or (e) a knowing violation of a domestic abuse protection order issued pursuant to Section 93-21-1 et seq., or a similar order issued by a foreign court of competent jurisdiction for the purpose of protecting a person from domestic abuse, no bail shall be granted until the person arrested has appeared before a judge of the court of competent jurisdiction. The appearance may be by telephone. Nothing in this section shall be construed to interfere with the defendant's right to an initial appearance or preliminary hearing. (2) Upon setting bail, the judge may impose on the arrested person a holding period not to exceed twenty-four (24) hours from the time of the initial appearance or setting of bail. The judge also shall give particular consideration to the exigencies of the case, including, but not limited to, (a) the potential for further violence; (b) the past history, if any, of violence between the defendant and alleged victim; (c) the level of violence of the instant offense; (d) any threats of further violence; and (e) the existence of a domestic violence protection order prohibiting the defendant from engaging in abusive behavior, and shall impose any specific conditions on the bond as he or she may deem necessary. Specific conditions which may be imposed by the judge may include, but are not limited to, the issuance of an order prohibiting the defendant from contacting the alleged victim prior to trial, prohibiting the defendant from abusing or threatening the alleged victim or requiring defendant to refrain from drug or alcohol use. (3) All bond conditions imposed by the court shall be entered into the corresponding Uniform Offense Report and written notice of the conditions shall be provided at no cost to the arrested person upon his or her release, to the appropriate law enforcement agency, and to the clerk of the court. Upon request, a copy of the written notice of conditions shall be provided at no cost to the victim. In any prosecution for violation of a bond condition imposed pursuant to this section, it shall not be a defense that the bond conditions were not entered into the corresponding Uniform Offense Report. (4) Within twenty-four (24) hours of a violation of any bond conditions imposed pursuant to this section, any law enforcement officer having probable cause to believe that the violation occurred may make a warrantless arrest of the violator. (5) Nothing in this section shall be construed to interfere with the judges' authority, if any, to deny bail or to otherwise lawfully detain a particular defendant. Laws, 1998, ch. 525, § 2; Laws, 2003, ch. 431, § 1; Laws, 2007, ch. 589, § 11; Laws, 2009, ch. 433, § 2; Laws, 2010, ch. 536, § 3; Laws, 2012, ch. 514, § 10, eff. 7/1/2012. (1) In any arrest for (a) a misdemeanor that is an act of domestic violence as defined in Section 99-3-7(5); (b) aggravated domestic violence as defined in Section 97-3-7(4); (c) aggravated stalking as defined in Section 97-3-107(2); (d) a knowing violation of a condition of bond imposed pursuant to this section; or (e) a knowing violation of a domestic abuse protection order issued pursuant to Section 93-21-1 et seq., or a similar order issued by a foreign court of competent jurisdiction for the purpose of protecting a person from domestic abuse, no bail shall be granted until the person arrested has appeared before a judge of the court of competent jurisdiction. The appearance may be by telephone. Nothing in this section shall be construed to interfere with the defendant's right to an initial appearance or preliminary hearing. (2) Upon setting bail, the judge may impose on the arrested person a holding period not to exceed twenty-four (24) hours from the time of the initial appearance or setting of bail. The judge also shall give particular consideration to the exigencies of the case, including, but not limited to, (a) the potential for further violence; (b) the past history, if any, of violence between the defendant and alleged victim; (c) the level of violence of the instant offense; (d) any threats of further violence; and (e) the existence of a domestic violence protection order prohibiting the defendant from engaging in abusive behavior, and shall impose any specific conditions on the bond as he or she may deem necessary. Specific conditions which may be imposed by the judge may include, but are not limited to, the issuance of an order prohibiting the defendant from contacting the alleged victim prior to trial, prohibiting the defendant from abusing or threatening the alleged victim or requiring defendant to refrain from drug or alcohol use. (3) All bond conditions imposed by the court shall be entered into the corresponding Uniform Offense Report and written notice of the conditions shall be provided at no cost to the arrested person upon his or her release, to the appropriate law

enforcement agency, and to the clerk of the court. Upon request, a copy of the written notice of conditions shall be provided at no cost to the victim. In any prosecution for violation of a bond condition imposed pursuant to this section, it shall not be a defense that the bond conditions were not entered into the corresponding Uniform Offense Report.(4)Within twenty-four (24) hours of a violation of any bond conditions imposed pursuant to this section, any law enforcement officer having probable cause to believe that the violation occurred may make a warrantless arrest of the violator.(5)Nothing in this section shall be construed to interfere with the judges' authority, if any, to deny bail or to otherwise lawfully detain a particular defendant.Laws, 1998, ch. 525, § 2; Laws, 2003, ch. 431, § 1; Laws, 2007, ch. 589, § 11; Laws, 2009, ch. 433, § 2; Laws, 2010, ch. 536, § 3; Laws, 2012, ch. 514, § 10, eff. 7/1/2012.

(1)In any arrest for (a) a misdemeanor that is an act of domestic violence as defined in Section99-3-7(5); (b) aggravated domestic violence as defined in Section97-3-7(4); (c) aggravated stalking as defined in Section97-3-107(2); (d) a knowing violation of a condition of bond imposed pursuant to this section; or (e) a knowing violation of a domestic abuse protection order issued pursuant to Section93-21-1et seq., or a similar order issued by a foreign court of competent jurisdiction for the purpose of protecting a person from domestic abuse, no bail shall be granted until the person arrested has appeared before a judge of the court of competent jurisdiction. The appearance may be by telephone. Nothing in this section shall be construed to interfere with the defendant's right to an initial appearance or preliminary hearing.(2)Upon setting bail, the judge may impose on the arrested person a holding period not to exceed twenty-four (24) hours from the time of the initial appearance or setting of bail. The judge also shall give particular consideration to the exigencies of the case, including, but not limited to, (a) the potential for further violence; (b) the past history, if any, of violence between the defendant and alleged victim; (c) the level of violence of the instant offense; (d) any threats of further violence; and (e) the existence of a domestic violence protection order prohibiting the defendant from engaging in abusive behavior, and shall impose any specific conditions on the bond as he or she may deem necessary. Specific conditions which may be imposed by the judge may include, but are not limited to, the issuance of an order prohibiting the defendant from contacting the alleged victim prior to trial, prohibiting the defendant from abusing or threatening the alleged victim or requiring defendant to refrain from drug or alcohol use.(3)All bond conditions imposed by the court shall be entered into the corresponding Uniform Offense Report and written notice of the conditions shall be provided at no cost to the arrested person upon his or her release, to the appropriate law enforcement agency, and to the clerk of the court. Upon request, a copy of the written notice of conditions shall be provided at no cost to the victim. In any prosecution for violation of a bond condition imposed pursuant to this section, it shall not be a defense that the bond conditions were not entered into the corresponding Uniform Offense Report.(4)Within twenty-four (24) hours of a violation of any bond conditions imposed pursuant to this section, any law enforcement officer having probable cause to believe that the violation occurred may make a warrantless arrest of the violator.(5)Nothing in this section shall be construed to interfere with the judges' authority, if any, to deny bail or to otherwise lawfully detain a particular defendant.Laws, 1998, ch. 525, § 2; Laws, 2003, ch. 431, § 1; Laws, 2007, ch. 589, § 11; Laws, 2009, ch. 433, § 2; Laws, 2010, ch. 536, § 3; Laws, 2012, ch. 514, § 10, eff. 7/1/2012.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 5 - BAIL (§§ 99-5-1 — 99-5-39)Section 99-5-38 - Use of global positioning monitoring system as condition of bond for defendant in domestic violence case; definitions; information to be provided victim

(1)(a)"Domestic violence" has the same meaning as the term "abuse" as defined in Section93-21-3.(b)"Global positioning monitoring system" means a system that electronically determines and reports the location of an individual through the use of a transmitter or similar device carried or worn by the individual that transmits latitude and longitude data to a monitoring entity through global positioning satellite technology. The term does not include a system that contains or operates global positioning system technology, radio frequency identification technology or any other similar technology that is implanted in or otherwise invades or violates the individual's body.(2)The court may require as a condition of release on bond that a defendant charged with an offense involving domestic violence:(a)Refrain from going to or near a residence, school, place of employment, or other location, as specifically described in the bond, frequented by an alleged victim of the offense;(b)Carry or wear a global positioning monitoring system device and, except as provided by subsection (8), pay the costs associated with operating that system in relation to the defendant; or(c)If the alleged victim of the offense consents after receiving the information described by subsection (4) and, except as provided by subsection (8), pay the costs associated with providing the victim with an electronic receptor device that:(i)Is capable of receiving the global positioning monitoring system information from the device carried or worn by the defendant; and(ii)Notifies the victim if the defendant is at or near a location that the defendant has been ordered to refrain from going to or near under paragraph (a).(3)Before imposing a condition described by subsection (2)(a), the court must afford an alleged victim an opportunity to provide the court with a list of areas from which the victim would like the defendant excluded and shall consider the victim's request, if any, in determining the locations the defendant will be ordered to refrain from going to or near. If the court imposes a condition described by subsection (2)(a), the court shall specifically describe the locations that the defendant has been ordered to refrain from going to or near and the minimum distances, if any, that the defendant must maintain from those locations.(4)Before imposing a condition described by subsection (2)(c), the court must provide to an alleged victim information regarding:(a)The victim's right to participate in a global positioning monitoring system or to refuse to participate in that system and the procedure for requesting that the court terminate the victim's participation;(b)The manner in which the global positioning monitoring system technology functions and the risks and limitations of that technology, and the extent to which the system will track and record the victim's location and movements;(c)Any locations that the defendant is ordered to refrain from going to or near and the minimum

distances, if any, that the defendant must maintain from those locations;(d)Any sanctions that the court may impose on the defendant for violating a condition of bond imposed under this section;(e)The procedure that the victim is to follow, and support services available to assist the victim, if the defendant violates a condition of bond or if the global positioning monitoring system equipment fails;(f)Community services available to assist the victim in obtaining shelter, counseling, education, child care, legal representation, and other assistance available to address the consequences of domestic violence; and(g)The fact that the victim's communications with the court concerning the global positioning monitoring system and any restrictions to be imposed on the defendant's movements are not confidential.(5)In addition to the information described by subsection (4), the court shall provide to an alleged victim who participates in a global positioning monitoring system under this section the name and telephone number of an appropriate person employed by a local law enforcement agency who the victim may call to request immediate assistance if the defendant violates a condition of bond imposed under this section.(6)In determining whether to order a defendant's participation in a global positioning monitoring system under this section, the court shall consider the likelihood that the defendant's participation will deter the defendant from seeking to kill, physically injure, stalk, or otherwise threaten the alleged victim before trial.(7)An alleged victim may request that the court terminate the victim's participation in a global positioning monitoring system at any time. The court may not impose sanctions on the victim for requesting termination of the victim's participation in or refusing to participate in a global positioning monitoring system under this section.(8)The court may allow a defendant to perform community service in lieu of paying the costs required by subsection (2)(b) or (c) if the court determines that the defendant is indigent.(9)The court that imposes a condition described by subsection (2)(a) or (b) shall order the entity that operates the global positioning monitoring system to notify the court and the appropriate local law enforcement agency if a defendant violates a condition of bond imposed under this section.(10)This section does not limit the authority of the court to impose any other reasonable conditions of bond or enter any orders of protection under other applicable statutes.Laws, 2011, ch. 415, § 1, eff. 7/1/2011. (1)(a)"Domestic violence" has the same meaning as the term "abuse" as defined in Section93-21-3.(b)"Global positioning monitoring system" means a system that electronically determines and reports the location of an individual through the use of a transmitter or similar device carried or worn by the individual that transmits latitude and longitude data to a monitoring entity through global positioning satellite technology. The term does not include a system that contains or operates global positioning system technology, radio frequency identification technology or any other similar technology that is implanted in or otherwise invades or violates the individual's body.(2)The court may require as a condition of release on bond that a defendant charged with an offense involving domestic violence:(a)Refrain from going to or near a residence, school, place of employment, or other location, as specifically described in the bond, frequented by an alleged victim of the offense;(b)Carry or wear a global positioning monitoring system device and, except as provided by subsection (8), pay the costs associated with operating that system in relation to the defendant; or(c)If the alleged victim of the offense consents after receiving the information described by subsection (4) and, except as provided by subsection (8), pay the costs associated with providing the victim with an electronic receptor device that:(i)Is capable of receiving the global positioning monitoring system information from the device carried or worn by the defendant; and(ii)Notifies the victim if the defendant is at or near a location that the defendant has been ordered to refrain from going to or near under paragraph (a).(3)Before imposing a condition described by subsection (2)(a), the court must afford an alleged victim an opportunity to provide the court with a list of areas from which the victim would like the defendant excluded and shall consider the victim's request, if any, in determining the locations the defendant will be ordered to refrain from going to or near. If the court imposes a condition described by subsection (2)(a), the court shall specifically describe the locations that the defendant has been ordered to refrain from going to or near and the minimum distances, if any, that the defendant must maintain from those locations.(4)Before imposing a condition described by subsection (2)(c), the court must provide to an alleged victim information regarding:(a)The victim's right to participate in a global positioning monitoring system or to refuse to participate in that system and the procedure for requesting that the court terminate the victim's participation;(b)The manner in which the global positioning monitoring system technology functions and the risks and limitations of that technology, and the extent to which the system will track and record the victim's location and movements;(c)Any locations that the defendant is ordered to refrain from going to or near and the minimum distances, if any, that the defendant must maintain from those locations;(d)Any sanctions that the court may impose on the defendant for violating a condition of bond imposed under this section;(e)The procedure that the victim is to follow, and support services available to assist the victim, if the defendant violates a condition of bond or if the global positioning monitoring system equipment fails;(f)Community services available to assist the victim in obtaining shelter, counseling, education, child care, legal representation, and other assistance available to address the consequences of domestic violence; and(g)The fact that the victim's communications with the court concerning the global positioning monitoring system and any restrictions to be imposed on the defendant's movements are not confidential.(5)In addition to the information described by subsection (4), the court shall provide to an alleged victim who participates in a global positioning monitoring system under this section the name and telephone number of an appropriate person employed by a local law enforcement agency who the victim may call to request immediate assistance if the defendant violates a condition of bond imposed under this section.(6)In determining whether to order a defendant's participation in a global positioning monitoring system under this section, the court shall consider the likelihood that the defendant's participation will deter the defendant from seeking to kill, physically injure, stalk, or otherwise threaten the alleged victim before trial.(7)An alleged victim may request that the court terminate the victim's participation in a global positioning monitoring system at any time. The court may not impose sanctions on the victim for requesting termination of the victim's participation in or refusing to participate in a global positioning monitoring system under this section.(8)The court may allow a defendant to perform community service in lieu of paying the costs required by subsection (2)(b) or (c) if the court determines that the defendant is indigent.(9)The court that imposes a condition described by subsection (2)(a) or

(b) shall order the entity that operates the global positioning monitoring system to notify the court and the appropriate local law enforcement agency if a defendant violates a condition of bond imposed under this section.(10)This section does not limit the authority of the court to impose any other reasonable conditions of bond or enter any orders of protection under other applicable statutes.Laws, 2011, ch. 415, § 1, eff. 7/1/2011. (1)(a)"Domestic violence" has the same meaning as the term "abuse" as defined in Section93-21-3.(b)"Global positioning monitoring system" means a system that electronically determines and reports the location of an individual through the use of a transmitter or similar device carried or worn by the individual that transmits latitude and longitude data to a monitoring entity through global positioning satellite technology. The term does not include a system that contains or operates global positioning system technology, radio frequency identification technology or any other similar technology that is implanted in or otherwise invades or violates the individual's body.(2)The court may require as a condition of release on bond that a defendant charged with an offense involving domestic violence:(a)Refrain from going to or near a residence, school, place of employment, or other location, as specifically described in the bond, frequented by an alleged victim of the offense;(b)Carry or wear a global positioning monitoring system device and, except as provided by subsection (8), pay the costs associated with operating that system in relation to the defendant; or(c)If the alleged victim of the offense consents after receiving the information described by subsection (4) and, except as provided by subsection (8), pay the costs associated with providing the victim with an electronic receptor device that:(i)Is capable of receiving the global positioning monitoring system information from the device carried or worn by the defendant; and(ii)Notifies the victim if the defendant is at or near a location that the defendant has been ordered to refrain from going to or near under paragraph (a).(3)Before imposing a condition described by subsection (2)(a), the court must afford an alleged victim an opportunity to provide the court with a list of areas from which the victim would like the defendant excluded and shall consider the victim's request, if any, in determining the locations the defendant will be ordered to refrain from going to or near. If the court imposes a condition described by subsection (2)(a), the court shall specifically describe the locations that the defendant has been ordered to refrain from going to or near and the minimum distances, if any, that the defendant must maintain from those locations.(4)Before imposing a condition described by subsection (2)(c), the court must provide to an alleged victim information regarding:(a)The victim's right to participate in a global positioning monitoring system or to refuse to participate in that system and the procedure for requesting that the court terminate the victim's participation;(b)The manner in which the global positioning monitoring system technology functions and the risks and limitations of that technology, and the extent to which the system will track and record the victim's location and movements;(c)Any locations that the defendant is ordered to refrain from going to or near and the minimum distances, if any, that the defendant must maintain from those locations;(d)Any sanctions that the court may impose on the defendant for violating a condition of bond imposed under this section;(e)The procedure that the victim is to follow, and support services available to assist the victim, if the defendant violates a condition of bond or if the global positioning monitoring system equipment fails;(f)Community services available to assist the victim in obtaining shelter, counseling, education, child care, legal representation, and other assistance available to address the consequences of domestic violence; and(g)The fact that the victim's communications with the court concerning the global positioning monitoring system and any restrictions to be imposed on the defendant's movements are not confidential.(5)In addition to the information described by subsection (4), the court shall provide to an alleged victim who participates in a global positioning monitoring system under this section the name and telephone number of an appropriate person employed by a local law enforcement agency who the victim may call to request immediate assistance if the defendant violates a condition of bond imposed under this section.(6)In determining whether to order a defendant's participation in a global positioning monitoring system under this section, the court shall consider the likelihood that the defendant's participation will deter the defendant from seeking to kill, physically injure, stalk, or otherwise threaten the alleged victim before trial.(7)An alleged victim may request that the court terminate the victim's participation in a global positioning monitoring system at any time. The court may not impose sanctions on the victim for requesting termination of the victim's participation in or refusing to participate in a global positioning monitoring system under this section.(8)The court may allow a defendant to perform community service in lieu of paying the costs required by subsection (2)(b) or (c) if the court determines that the defendant is indigent.(9)The court that imposes a condition described by subsection (2)(a) or (b) shall order the entity that operates the global positioning monitoring system to notify the court and the appropriate local law enforcement agency if a defendant violates a condition of bond imposed under this section.(10)This section does not limit the authority of the court to impose any other reasonable conditions of bond or enter any orders of protection under other applicable statutes.Laws, 2011, ch. 415, § 1, eff. 7/1/2011. Laws, 2011, ch. 415, § 1, eff. 7/1/2011.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 5 - BAIL (§§ 99-5-1 — 99-5-39)Section 99-5-39 - Appearance bond as condition of any court ordered supervision; defendant's failure to appear as grounds for forfeiture of bond

(1)As a condition of any probation, community control, payment plan for any fine imposed or any other court ordered supervision, the court may order the posting of a bond to secure the appearance of the defendant at any subsequent court proceeding or to otherwise enforce the orders of the court. The appearance bond shall be filed by a duly licensed professional bail agent with the court or with the sheriff who shall provide a copy to the clerk of court.(2)The court may issue an order sua sponte or upon notice by the clerk or the probation officer that the person has violated the terms of probation, community control, court ordered supervision or other applicable court order to produce the defendant. The court or the clerk of the court shall give the bail agent a minimum of a seventy-two-hour notice to have the defendant before the court. If the bail agent fails to produce the defendant in court or to the sheriff at the time noticed by the court or the clerk of court, the bond shall be forfeited according to the procedures set forth in

Section 99-5-25. The defendant's failure to appear shall be the sole grounds for forfeiture of the appearance bond. (3) The provisions of Sections 83-39-1 et seq. and 99-5-1 et seq. shall govern the relationship between the parties except where they are inconsistent with this section. Laws, 2007, ch. 390, § 3; Laws, 2008, ch. 420, § 1, eff. 7/1/2008. (1) As a condition of any probation, community control, payment plan for any fine imposed or any other court ordered supervision, the court may order the posting of a bond to secure the appearance of the defendant at any subsequent court proceeding or to otherwise enforce the orders of the court. The appearance bond shall be filed by a duly licensed professional bail agent with the court or with the sheriff who shall provide a copy to the clerk of court. (2) The court may issue an order sua sponte or upon notice by the clerk or the probation officer that the person has violated the terms of probation, community control, court ordered supervision or other applicable court order to produce the defendant. The court or the clerk of the court shall give the bail agent a minimum of a seventy-two-hour notice to have the defendant before the court. If the bail agent fails to produce the defendant in court or to the sheriff at the time noticed by the court or the clerk of court, the bond shall be forfeited according to the procedures set forth in Section 99-5-25. The defendant's failure to appear shall be the sole grounds for forfeiture of the appearance bond. (3) The provisions of Sections 83-39-1 et seq. and 99-5-1 et seq. shall govern the relationship between the parties except where they are inconsistent with this section. Laws, 2007, ch. 390, § 3; Laws, 2008, ch. 420, § 1, eff. 7/1/2008. (1) As a condition of any probation, community control, payment plan for any fine imposed or any other court ordered supervision, the court may order the posting of a bond to secure the appearance of the defendant at any subsequent court proceeding or to otherwise enforce the orders of the court. The appearance bond shall be filed by a duly licensed professional bail agent with the court or with the sheriff who shall provide a copy to the clerk of court. (2) The court may issue an order sua sponte or upon notice by the clerk or the probation officer that the person has violated the terms of probation, community control, court ordered supervision or other applicable court order to produce the defendant. The court or the clerk of the court shall give the bail agent a minimum of a seventy-two-hour notice to have the defendant before the court. If the bail agent fails to produce the defendant in court or to the sheriff at the time noticed by the court or the clerk of court, the bond shall be forfeited according to the procedures set forth in Section 99-5-25. The defendant's failure to appear shall be the sole grounds for forfeiture of the appearance bond. (3) The provisions of Sections 83-39-1 et seq. and 99-5-1 et seq. shall govern the relationship between the parties except where they are inconsistent with this section. Laws, 2007, ch. 390, § 3; Laws, 2008, ch. 420, § 1, eff. 7/1/2008. Laws, 2007, ch. 390, § 3; Laws, 2008, ch. 420, § 1, eff. 7/1/2008.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 5 - BAIL (§§ 99-5-1 — 99-5-39) Section 99-5-5 - Bonds to be made payable to state; effect; expiration and renewal

All bonds and recognizances taken for the appearance of any party, either as defendant, prosecutor, or witness in any criminal proceeding or matter, shall be made payable to the state, and shall have the effect to bind the accused and his sureties on the bond or recognizance until the principal shall be discharged by due course of law, and shall be in full force, from term to term, for a period of three (3) years, except that a bond returnable to the Supreme Court shall be in full force for a period of five (5) years. If it is necessary to renew a bond, it shall be renewed without additional premium. At the end of the applicable period, a bond or recognizance that is not renewed shall expire and shall be uncollectible unless the collection process was started on or before the expiration date of such bond or recognizance. Any bond or recognizance taken prior to July 1, 1996, shall expire on July 1, 1999. If a defendant is charged with multiple counts in one (1) warrant only one (1) bond shall be taken. Codes, Hutchinson's 1848, ch. 65, art. 2(57); 1857, ch. 64, art. 291; 1871, § 2791; 1880, § 3040; 1892, § 1393; 1906, § 1465; Hemingway's 1917, § 1223; 1930, § 1245; 1942, § 2488; Laws, 1996, ch. 450, § 1; Laws, 1997, ch. 346, § 1, eff. 7/1/1997. All bonds and recognizances taken for the appearance of any party, either as defendant, prosecutor, or witness in any criminal proceeding or matter, shall be made payable to the state, and shall have the effect to bind the accused and his sureties on the bond or recognizance until the principal shall be discharged by due course of law, and shall be in full force, from term to term, for a period of three (3) years, except that a bond returnable to the Supreme Court shall be in full force for a period of five (5) years. If it is necessary to renew a bond, it shall be renewed without additional premium. At the end of the applicable period, a bond or recognizance that is not renewed shall expire and shall be uncollectible unless the collection process was started on or before the expiration date of such bond or recognizance. Any bond or recognizance taken prior to July 1, 1996, shall expire on July 1, 1999. If a defendant is charged with multiple counts in one (1) warrant only one (1) bond shall be taken. Codes, Hutchinson's 1848, ch. 65, art. 2(57); 1857, ch. 64, art. 291; 1871, § 2791; 1880, § 3040; 1892, § 1393; 1906, § 1465; Hemingway's 1917, § 1223; 1930, § 1245; 1942, § 2488; Laws, 1996, ch. 450, § 1; Laws, 1997, ch. 346, § 1, eff. 7/1/1997. All bonds and recognizances taken for the appearance of any party, either as defendant, prosecutor, or witness in any criminal proceeding or matter, shall be made payable to the state, and shall have the effect to bind the accused and his sureties on the bond or recognizance until the principal

shall be discharged by due course of law, and shall be in full force, from term to term, for a period of three (3) years, except that a bond returnable to the Supreme Court shall be in full force for a period of five (5) years. If it is necessary to renew a bond, it shall be renewed without additional premium. At the end of the applicable period, a bond or recognizance that is not renewed shall expire and shall be uncollectible unless the collection process was started on or before the expiration date of such bond or recognizance. Any bond or recognizance taken prior to July 1, 1996, shall expire on July 1, 1999. If a defendant is charged with multiple counts in one (1) warrant only one (1) bond shall be taken. Codes, Hutchinson's 1848, ch. 65, art. 2(57); 1857, ch. 64, art. 291; 1871, § 2791; 1880, § 3040; 1892, § 1393; 1906, § 1465; Hemingway's 1917, § 1223; 1930, § 1245; 1942, § 2488; Laws, 1996, ch. 450, § 1; Laws, 1997, ch. 346, § 1, eff. 7/1/1997.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 5 - BAIL (§§ 99-5-1 — 99-5-39) Section 99-5-7 - Fidelity or surety insurance company may give bail

Bail may be given to the sheriff or officer holding the defendant in custody, by a fidelity or surety insurance company authorized to act as surety within the State of Mississippi. Any such company may execute the undertaking as surety by the hand of officer or attorney authorized thereto by a resolution of its board of directors, a certified copy of which, under its corporate seal, shall be on file with the clerk of the circuit court and the sheriff of the county, and such authority shall be deemed in full force and effect until revoked in writing by notice to said clerk and sheriff. Codes, Hutchinson's 1848, ch. 65, art. 12(2); 1857, ch. 64, art. 288; 1871, § 2788; 1880, § 3038; 1892, § 1391; 1906, § 1463; Hemingway's 1917, § 1221; 1930, § 1243; 1942, § 2486; Laws, 1960, ch. 267. Bail may be given to the sheriff or officer holding the defendant in custody, by a fidelity or surety insurance company authorized to act as surety within the State of Mississippi. Any such company may execute the undertaking as surety by the hand of officer or attorney authorized thereto by a resolution of its board of directors, a certified copy of which, under its corporate seal, shall be on file with the clerk of the circuit court and the sheriff of the county, and such authority shall be deemed in full force and effect until revoked in writing by notice to said clerk and sheriff. Codes, Hutchinson's 1848, ch. 65, art. 12(2); 1857, ch. 64, art. 288; 1871, § 2788; 1880, § 3038; 1892, § 1391; 1906, § 1463; Hemingway's 1917, § 1221; 1930, § 1243; 1942, § 2486; Laws, 1960, ch. 267. Bail may be given to the sheriff or officer holding the defendant in custody, by a fidelity or surety insurance company authorized to act as surety within the State of Mississippi. Any such company may execute the undertaking as surety by the hand of officer or attorney authorized thereto by a resolution of its board of directors, a certified copy of which, under its corporate seal, shall be on file with the clerk of the circuit court and the sheriff of the county, and such authority shall be deemed in full force and effect until revoked in writing by notice to said clerk and sheriff. Codes, Hutchinson's 1848, ch. 65, art. 12(2); 1857, ch. 64, art. 288; 1871, § 2788; 1880, § 3038; 1892, § 1391; 1906, § 1463; Hemingway's 1917, § 1221; 1930, § 1243; 1942, § 2486; Laws, 1960, ch. 267. Bail may be given to the sheriff or officer holding the defendant in custody, by a fidelity or surety insurance company authorized to act as surety within the State of Mississippi. Any such company may execute the undertaking as surety by the hand of officer or attorney authorized thereto by a resolution of its board of directors, a certified copy of which, under its corporate seal, shall be on file with the clerk of the circuit court and the sheriff of the county, and such authority shall be deemed in full force and effect until revoked in writing by notice to said clerk and sheriff. Codes, Hutchinson's 1848, ch. 65, art. 12(2); 1857, ch. 64, art. 288; 1871, § 2788; 1880, § 3038; 1892, § 1391; 1906, § 1463; Hemingway's 1917, § 1221; 1930, § 1243; 1942, § 2486; Laws, 1960, ch. 267.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 5 - BAIL (§§ 99-5-1 — 99-5-39) Section 99-5-9 - Cash bail bond

(1) In addition to any type of bail allowed by statute, any committing court, in its discretion, may allow any defendant, to whom bail is allowable, to deposit cash as bail bond in lieu of a surety or property bail bond, by depositing such cash sum as the court may direct with the sheriff or officer having custody of defendant, who shall receipt therefor and who shall forthwith deliver the said monies to the county treasurer, who shall receipt therefor in duplicate. The sheriff, or other officer, upon receipt of the county treasurer, shall forthwith deliver one (1) copy of such receipt to the committing court who shall then order the release of such defendant. (2) The order of the court shall set forth the conditions upon which such cash bond is allowed and shall be determined to be the agreement upon which the bailee has agreed. (3) The sums received by the county treasurer shall be deposited by him in a special fund to be known as "Cash Bail Fund," and shall be received by him subject to the terms and conditions of the order of the court. (4) If the committing court authorizes bail by a cash deposit under subsection (1) of this section, but anyone authorized to release a criminal defendant allows the deposit of an amount less than the full amount of the bail ordered by the court, the defendant may post bail by a professional bail agent in an amount equal to one-fourth (1/4) of the full amount fixed under subsection (1) or the amount of the actual deposit whichever is greater. Codes, Hutchinson's 1848, ch. 65, art. 12(2); 1857, ch. 64, art. 288; 1871, § 2788; 1880, § 3038; 1892, § 1391; 1906, § 1463; Hemingway's 1917, § 1221; 1930, § 1243; 1942, § 2486; Laws, 1960, ch. 267; Laws, 2007, ch. 390, § 2, eff. 7/1/2007. (1) In addition to any type of bail allowed by statute, any committing court, in its discretion, may allow any defendant, to whom bail is allowable, to deposit cash as bail bond in lieu of a surety or property bail bond, by depositing such cash sum as the court may direct with the sheriff or officer having custody of defendant, who shall receipt therefor and who shall forthwith deliver the said monies to the county treasurer, who shall receipt therefor in duplicate. The sheriff, or other officer, upon receipt of the county treasurer, shall forthwith deliver one (1) copy of such receipt to the committing court who shall then order the release of such defendant. (2) The order of the court shall set forth the conditions upon which such cash bond is allowed and shall be determined to be the agreement upon which the bailee has agreed. (3) The sums received by the county treasurer shall be deposited by him in a special fund to be known as "Cash Bail Fund," and shall be received by him subject to the terms and conditions of the

order of the court.(4)If the committing court authorizes bail by a cash deposit under subsection (1) of this section, but anyone authorized to release a criminal defendant allows the deposit of an amount less than the full amount of the bail ordered by the court, the defendant may post bail by a professional bail agent in an amount equal to one-fourth (1/4) of the full amount fixed under subsection (1) or the amount of the actual deposit whichever is greater.Codes, Hutchinson's 1848, ch. 65, art. 12(2); 1857, ch. 64, art. 288; 1871, § 2788; 1880, § 3038; 1892, § 1391; 1906, § 1463; Hemingway's 1917, § 1221; 1930, § 1243; 1942, § 2486; Laws, 1960, ch. 267; Laws, 2007, ch. 390, § 2, eff. 7/1/2007. (1)In addition to any type of bail allowed by statute, any committing court, in its discretion, may allow any defendant, to whom bail is allowable, to deposit cash as bail bond in lieu of a surety or property bail bond, by depositing such cash sum as the court may direct with the sheriff or officer having custody of defendant, who shall receipt therefor and who shall forthwith deliver the said monies to the county treasurer, who shall receipt therefor in duplicate. The sheriff, or other officer, upon receipt of the county treasurer, shall forthwith deliver one (1) copy of such receipt to the committing court who shall then order the release of such defendant.(2)The order of the court shall set forth the conditions upon which such cash bond is allowed and shall be determined to be the agreement upon which the bailee has agreed.(3)The sums received by the county treasurer shall be deposited by him in a special fund to be known as "Cash Bail Fund," and shall be received by him subject to the terms and conditions of the order of the court.(4)If the committing court authorizes bail by a cash deposit under subsection (1) of this section, but anyone authorized to release a criminal defendant allows the deposit of an amount less than the full amount of the bail ordered by the court, the defendant may post bail by a professional bail agent in an amount equal to one-fourth (1/4) of the full amount fixed under subsection (1) or the amount of the actual deposit whichever is greater.Codes, Hutchinson's 1848, ch. 65, art. 12(2); 1857, ch. 64, art. 288; 1871, § 2788; 1880, § 3038; 1892, § 1391; 1906, § 1463; Hemingway's 1917, § 1221; 1930, § 1243; 1942, § 2486; Laws, 1960, ch. 267; Laws, 2007, ch. 390, § 2, eff. 7/1/2007. Codes, Hutchinson's 1848, ch. 65, art. 12(2); 1857, ch. 64, art. 288; 1871, § 2788; 1880, § 3038; 1892, § 1391; 1906, § 1463; Hemingway's 1917, § 1221; 1930, § 1243; 1942, § 2486; Laws, 1960, ch. 267; Laws, 2007, ch. 390, § 2, eff. 7/1/2007.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 51 - SEXUAL ASSAULT EVIDENCE (§§ 99-51-1 — 99-51-3)Section 99-51-1 - Definitions; processing of sexual assault evidence collection kits; timing of testing

(1)The following words shall have the meanings described in this chapter:(a)"Law enforcement" means the law enforcement agency with the primary responsibility for investigating an alleged sexual assault.(b)"Medical facility" means any state, local, tribal, community, free, nonprofit, academic, or private doctor's office, hospital, or medical clinic equipped to perform forensic medical examinations and prepare sexual assault evidence kits.(c)"Reported kit" means a sexual assault evidence kit in which the survivor has consented to participate in the criminal justice process through reporting the crime to law enforcement.(d)"Sexual assault" means rape as defined in Section97-3-71, sexual battery as defined in Section97-3-95and sexual penetration as defined in Section97-3-97.(e)"Sexual assault evidence collection kit" means a sexual assault or rape kit developed by the Mississippi chapter of the International Association of Forensic Nurses (IAFN) and approved by the Sexual Assault Evidence Accountability Task Force.(f)"Sexual Assault Nurse Examiner" means a registered nurse or advanced practice nurse, with a minimum of one (1) year of experience in areas of practice that require advanced physical assessment skills, such as emergency, critical care and maternal child health, who has completed sexual assault nurse examiner (SANE) training consistent with IAFN SANE Education Guidelines that consists of both classroom and clinical components.(g)"Unreported kit" means a sexual assault evidence kit in which the survivor consented to the evidence collection, but has not consented to participate in the criminal justice process by reporting the crime to law enforcement - meaning they are not seeking to have their kit tested.(2)Sexual assault evidence collection kits shall be processed in the following manner:(a)Any medical facility that conducts a medical forensic examination and/or prepares a sexual assault evidence collection kit shall immediately, but no longer than four (4) hours after the finalization of examination, contact the appropriate law enforcement agency to collect the kit. Until the kit is retrieved by law enforcement, the medical facility shall store the kit in a refrigerated manner in conformity with the Scientific Working Group for DNA Analysis Method.(b)When a law enforcement agency is contacted to collect a sexual assault evidence kit, the law enforcement agency shall take possession of the kit from the medical facility within twenty-four (24) hours. Upon taking physical possession of the sexual assault evidence collection kit, the law enforcement agency shall transport the kit in a manner that preserves the evidence in the kit. The agency shall:(i)store the kit in a secure, refrigerated location in the agency no more than two (2) hours after taking physical possession of the kit; or(ii)transport the kit directly to the Mississippi Forensics Laboratory.(c)All kits must be delivered to the Mississippi Forensics Laboratory no later than seven (7) calendar days from the date the law enforcement agency took physical possession of the kit.(d)A law enforcement agency that receives a sexual assault collection kit from a healthcare provider that relates to a report of a sexual assault that occurred outside the jurisdiction of that law enforcement agency shall have the sexual assault collection kit delivered to the law enforcement agency having jurisdiction within ten (10) days of learning that the other law enforcement agency has jurisdiction.(3)(a)The Mississippi Forensics Laboratory shall test sexual assault evidence collection kits within sixty (60) days of receipt from a law enforcement agency. Forensic DNA testing shall be performed according to laboratory methods that determine the presence of DNA suitable for STR analysis. Any autosomal, CODIS eligible DNA profile shall be entered into the Combined DNA Index System (CODIS) or equivalency thereof and state or local DNA database. If the Mississippi Forensics Laboratory is unable to determine DNA present, other than the victim's DNA, in the sexual assault evidence collection kit, the laboratory should evaluate the case, when suitable, to determine if any other DNA results could be used for investigative purposes.(b)When forensic laboratory testing does result in a DNA profile foreign to the victim, the Mississippi Forensics Laboratory should enter the foreign

DNA profile into the Combined DNA Index System (CODIS) or equivalency thereof and any other required state or local DNA databases. The average completion rate for this analysis and classification should not exceed ninety (90) days.(c)The Mississippi Forensics Laboratory is authorized to contract with other laboratories to ensure that each kit is tested and the information from such kit is entered into CODIS, when applicable, within the time frames required by this subsection.Added by Laws, 2023, ch. 478, HB 485,§ 1, eff. 12/1/2023. (1)The following words shall have the meanings described in this chapter:(a)"Law enforcement" means the law enforcement agency with the primary responsibility for investigating an alleged sexual assault.(b)"Medical facility" means any state, local, tribal, community, free, nonprofit, academic, or private doctor's office, hospital, or medical clinic equipped to perform forensic medical examinations and prepare sexual assault evidence kits.(c)"Reported kit" means a sexual assault evidence kit in which the survivor has consented to participate in the criminal justice process through reporting the crime to law enforcement.(d)"Sexual assault" means rape as defined in Section97-3-71, sexual battery as defined in Section97-3-95and sexual penetration as defined in Section97-3-97.(e)"Sexual assault evidence collection kit" means a sexual assault or rape kit developed by the Mississippi chapter of the International Association of Forensic Nurses (IAFN) and approved by the Sexual Assault Evidence Accountability Task Force.(f)"Sexual Assault Nurse Examiner" means a registered nurse or advanced practice nurse, with a minimum of one (1) year of experience in areas of practice that require advanced physical assessment skills, such as emergency, critical care and maternal child health, who has completed sexual assault nurse examiner (SANE) training consistent with IAFN SANE Education Guidelines that consists of both classroom and clinical components.(g)"Unreported kit" means a sexual assault evidence kit in which the survivor consented to the evidence collection, but has not consented to participate in the criminal justice process by reporting the crime to law enforcement - meaning they are not seeking to have their kit tested.(2)Sexual assault evidence collection kits shall be processed in the following manner:(a)Any medical facility that conducts a medical forensic examination and/or prepares a sexual assault evidence collection kit shall immediately, but no longer than four (4) hours after the finalization of examination, contact the appropriate law enforcement agency to collect the kit. Until the kit is retrieved by law enforcement, the medical facility shall store the kit in a refrigerated manner in conformity with the Scientific Working Group for DNA Analysis Method.(b)When a law enforcement agency is contacted to collect a sexual assault evidence kit, the law enforcement agency shall take possession of the kit from the medical facility within twenty-four (24) hours. Upon taking physical possession of the sexual assault evidence collection kit, the law enforcement agency shall transport the kit in a manner that preserves the evidence in the kit. The agency shall:(i)store the kit in a secure, refrigerated location in the agency no more than two (2) hours after taking physical possession of the kit; or(ii)transport the kit directly to the Mississippi Forensics Laboratory.(c)All kits must be delivered to the Mississippi Forensics Laboratory no later than seven (7) calendar days from the date the law enforcement agency took physical possession of the kit.(d)A law enforcement agency that receives a sexual assault collection kit from a healthcare provider that relates to a report of a sexual assault that occurred outside the jurisdiction of that law enforcement agency shall have the sexual assault collection kit delivered to the law enforcement agency having jurisdiction within ten (10) days of learning that the other law enforcement agency has jurisdiction.(3)(a)The Mississippi Forensics Laboratory shall test sexual assault evidence collection kits within sixty (60) days of receipt from a law enforcement agency. Forensic DNA testing shall be performed according to laboratory methods that determine the presence of DNA suitable for STR analysis. Any autosomal, CODIS eligible DNA profile shall be entered into the Combined DNA Index System (CODIS) or equivalency thereof and state or local DNA database. If the Mississippi Forensics Laboratory is unable to determine DNA present, other than the victim's DNA, in the sexual assault evidence collection kit, the laboratory should evaluate the case, when suitable, to determine if any other DNA results could be used for investigative purposes.(b)When forensic laboratory testing does result in a DNA profile foreign to the victim, the Mississippi Forensics Laboratory should enter the foreign DNA profile into the Combined DNA Index System (CODIS) or equivalency thereof and any other required state or local DNA databases. The average completion rate for this analysis and classification should not exceed ninety (90) days.(c)The Mississippi Forensics Laboratory is authorized to contract with other laboratories to ensure that each kit is tested and the information from such kit is entered into CODIS, when applicable, within the time frames required by this subsection.Added by Laws, 2023, ch. 478, HB 485,§ 1, eff. 12/1/2023. (1)The following words shall have the meanings described in this chapter:(a)"Law enforcement" means the law enforcement agency with the primary responsibility for investigating an alleged sexual assault.(b)"Medical facility" means any state, local, tribal, community, free, nonprofit, academic, or private doctor's office, hospital, or medical clinic equipped to perform forensic medical examinations and prepare sexual assault evidence kits.(c)"Reported kit" means a sexual assault evidence kit in which the survivor has consented to participate in the criminal justice process through reporting the crime to law enforcement.(d)"Sexual assault" means rape as defined in Section97-3-71, sexual battery as defined in Section97-3-95and sexual penetration as defined in Section97-3-97.(e)"Sexual assault evidence collection kit" means a sexual assault or rape kit developed by the Mississippi chapter of the International Association of Forensic Nurses (IAFN) and approved by the Sexual Assault Evidence Accountability Task Force.(f)"Sexual Assault Nurse Examiner" means a registered nurse or advanced practice nurse, with a minimum of one (1) year of experience in areas of practice that require advanced physical assessment skills, such as emergency, critical care and maternal child health, who has completed sexual assault nurse examiner (SANE) training consistent with IAFN SANE Education Guidelines that consists of both classroom and clinical components.(g)"Unreported kit" means a sexual assault evidence kit in which the survivor consented to the evidence collection, but has not consented to participate in the criminal justice process by reporting the crime to law enforcement - meaning they are not seeking to have their kit tested.(2)Sexual assault evidence collection kits shall be processed in the following manner:(a)Any medical facility that conducts a medical forensic examination and/or prepares a sexual assault evidence collection kit shall immediately, but no longer than four (4) hours after the finalization of examination, contact the appropriate law enforcement agency to collect the kit. Until the kit is

retrieved by law enforcement, the medical facility shall store the kit in a refrigerated manner in conformity with the Scientific Working Group for DNA Analysis Method.(b)When a law enforcement agency is contacted to collect a sexual assault evidence kit, the law enforcement agency shall take possession of the kit from the medical facility within twenty-four (24) hours. Upon taking physical possession of the sexual assault evidence collection kit, the law enforcement agency shall transport the kit in a manner that preserves the evidence in the kit. The agency shall:(i)store the kit in a secure, refrigerated location in the agency no more than two (2) hours after taking physical possession of the kit; or(ii)transport the kit directly to the Mississippi Forensics Laboratory.(c)All kits must be delivered to the Mississippi Forensics Laboratory no later than seven (7) calendar days from the date the law enforcement agency took physical possession of the kit.(d)A law enforcement agency that receives a sexual assault collection kit from a healthcare provider that relates to a report of a sexual assault that occurred outside the jurisdiction of that law enforcement agency shall have the sexual assault collection kit delivered to the law enforcement agency having jurisdiction within ten (10) days of learning that the other law enforcement agency has jurisdiction.(3)(a)The Mississippi Forensics Laboratory shall test sexual assault evidence collection kits within sixty (60) days of receipt from a law enforcement agency. Forensic DNA testing shall be performed according to laboratory methods that determine the presence of DNA suitable for STR analysis. Any autosomal, CODIS eligible DNA profile shall be entered into the Combined DNA Index System (CODIS) or equivalency thereof and state or local DNA database. If the Mississippi Forensics Laboratory is unable to determine DNA present, other than the victim's DNA, in the sexual assault evidence collection kit, the laboratory should evaluate the case, when suitable, to determine if any other DNA results could be used for investigative purposes.(b)When forensic laboratory testing does result in a DNA profile foreign to the victim, the Mississippi Forensics Laboratory should enter the foreign DNA profile into the Combined DNA Index System (CODIS) or equivalency thereof and any other required state or local DNA databases. The average completion rate for this analysis and classification should not exceed ninety (90) days.(c)The Mississippi Forensics Laboratory is authorized to contract with other laboratories to ensure that each kit is tested and the information from such kit is entered into CODIS, when applicable, within the time frames required by this subsection.Added by Laws, 2023, ch. 478, HB 485,§ 1, eff. 12/1/2023. Added by Laws, 2023, ch. 478, HB 485,§ 1, eff. 12/1/2023.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 51 - SEXUAL ASSAULT EVIDENCE (§§ 99-51-1 — 99-51-3)Section 99-51-3 - Upon request of sexual assault victim, law enforcement agencies to provide victim certain information; additional rights of sexual assault victim

(1)Upon the request of a sexual assault victim or their designee, the law enforcement agency that is investigating the assault of such victim shall inform the victim of the location of the sexual assault evidence kit or other crime scene evidence from the victim's case and the status of the DNA testing of the sexual assault evidence kit or other crime scene evidence from the victim's case.(2)The law enforcement agency shall respond to the victim's request as soon as possible, but no longer than seven (7) calendar days, with either an oral or written communication, or by email, if an email address is available.(3)In addition to the rights provided in the "Mississippi Crime Victims' Bill of Rights," in Sections99-43-1through99-43-101, a victim of sexual assault shall have:(a)The right to be informed by the law enforcement agency handling the case whether a DNA profile of the assailant was obtained from the testing of the sexual assault evidence kit or other crime scene evidence from their case.(b)The right to be informed whether the DNA profile of the assailant developed from the sexual assault evidence kit or other crime scene evidence has been entered into the Mississippi Forensics Laboratory's DNA identification system or CODIS.(c)The right to be informed whether there is a match between the DNA profile of the assailant developed from the rape kit evidence or other crime scene evidence and a DNA profile contained in the Mississippi Forensics Laboratory's DNA identification system, provided that disclosure would not impede or compromise an ongoing investigation.(4)If the law enforcement agency intends to destroy or dispose of the sexual assault evidence kit or any other crime scene evidence from an unsolved sexual assault case, the victim of the case shall be given written notification by the law enforcement agency of that intention within twenty (20) days. The victim shall be granted further preservation of the kit or its probative contents, upon their request.(5)A law enforcement agency shall not destroy or dispose of the sexual assault evidence kit or any other crime scene evidence from an unsolved sexual assault case before twenty (20) years after the collection of the evidence of the crime or, if the victim was under eighteen (18) years of age at the time of the alleged offense, before the victim is forty (40) years of age.(6)A sexual assault victim may designate a sexual assault victim advocate, or other support person of the victim's choosing, to act as a recipient of the above information required to be provided by this section.(7)For the purpose of receiving notice under this section, the victim or the victim's designee may keep appropriate authorities informed of the name, address, telephone number, and email address of the person to whom the information should be provided, and any changes of the name, address, telephone number, and email address, if an email address is available.(8)A defendant or person accused or convicted of a crime against the victim shall have no standing to object to any failure to comply with this section. The failure to provide a right or notice to a sexual assault victim under this section may not be used by a defendant to seek to have the conviction or sentence set aside.(9)The sole civil or criminal remedy available to a sexual assault victim for a law enforcement agency's failure to fulfill its responsibilities under this section shall be standing to file a writ of mandamus to require compliance with subdivision with the requirements of this chapter.Added by Laws, 2023, ch. 478, HB 485,§ 2, eff. 12/1/2023. (1)Upon the request of a sexual assault victim or their designee, the law enforcement agency that is investigating the assault of such victim shall inform the victim of the location of the sexual assault evidence kit or other crime scene evidence from the victim's case and the status of the DNA testing of the sexual assault evidence kit or other crime scene evidence from the victim's case.(2)The law enforcement agency shall respond to the victim's request as soon as possible, but no longer than seven (7) calendar days, with either an oral or written communication, or

by email, if an email address is available.(3)In addition to the rights provided in the "Mississippi Crime Victims' Bill of Rights," in Sections99-43-1through99-43-101, a victim of sexual assault shall have:(a)The right to be informed by the law enforcement agency handling the case whether a DNA profile of the assailant was obtained from the testing of the sexual assault evidence kit or other crime scene evidence from their case.(b)The right to be informed whether the DNA profile of the assailant developed from the sexual assault evidence kit or other crime scene evidence has been entered into the Mississippi Forensics Laboratory's DNA identification system or CODIS.(c)The right to be informed whether there is a match between the DNA profile of the assailant developed from the rape kit evidence or other crime scene evidence and a DNA profile contained in the Mississippi Forensics Laboratory's DNA identification system, provided that disclosure would not impede or compromise an ongoing investigation.(4)If the law enforcement agency intends to destroy or dispose of the sexual assault evidence kit or any other crime scene evidence from an unsolved sexual assault case, the victim of the case shall be given written notification by the law enforcement agency of that intention within twenty (20) days. The victim shall be granted further preservation of the kit or its probative contents, upon their request.(5)A law enforcement agency shall not destroy or dispose of the sexual assault evidence kit or any other crime scene evidence from an unsolved sexual assault case before twenty (20) years after the collection of the evidence of the crime or, if the victim was under eighteen (18) years of age at the time of the alleged offense, before the victim is forty (40) years of age.(6)A sexual assault victim may designate a sexual assault victim advocate, or other support person of the victim's choosing, to act as a recipient of the above information required to be provided by this section.(7)For the purpose of receiving notice under this section, the victim or the victim's designee may keep appropriate authorities informed of the name, address, telephone number, and email address of the person to whom the information should be provided, and any changes of the name, address, telephone number, and email address, if an email address is available.(8)A defendant or person accused or convicted of a crime against the victim shall have no standing to object to any failure to comply with this section. The failure to provide a right or notice to a sexual assault victim under this section may not be used by a defendant to seek to have the conviction or sentence set aside.(9)The sole civil or criminal remedy available to a sexual assault victim for a law enforcement agency's failure to fulfill its responsibilities under this section shall be standing to file a writ of mandamus to require compliance with subdivision with the requirements of this chapter.Added by Laws, 2023, ch. 478, HB 485,§ 2, eff. 12/1/2023. (1)Upon the request of a sexual assault victim or their designee, the law enforcement agency that is investigating the assault of such victim shall inform the victim of the location of the sexual assault evidence kit or other crime scene evidence from the victim's case and the status of the DNA testing of the sexual assault evidence kit or other crime scene evidence from the victim's case.(2)The law enforcement agency shall respond to the victim's request as soon as possible, but no longer than seven (7) calendar days, with either an oral or written communication, or by email, if an email address is available.(3)In addition to the rights provided in the "Mississippi Crime Victims' Bill of Rights," in Sections99-43-1through99-43-101, a victim of sexual assault shall have:(a)The right to be informed by the law enforcement agency handling the case whether a DNA profile of the assailant was obtained from the testing of the sexual assault evidence kit or other crime scene evidence from their case.(b)The right to be informed whether the DNA profile of the assailant developed from the sexual assault evidence kit or other crime scene evidence has been entered into the Mississippi Forensics Laboratory's DNA identification system or CODIS.(c)The right to be informed whether there is a match between the DNA profile of the assailant developed from the rape kit evidence or other crime scene evidence and a DNA profile contained in the Mississippi Forensics Laboratory's DNA identification system, provided that disclosure would not impede or compromise an ongoing investigation.(4)If the law enforcement agency intends to destroy or dispose of the sexual assault evidence kit or any other crime scene evidence from an unsolved sexual assault case, the victim of the case shall be given written notification by the law enforcement agency of that intention within twenty (20) days. The victim shall be granted further preservation of the kit or its probative contents, upon their request.(5)A law enforcement agency shall not destroy or dispose of the sexual assault evidence kit or any other crime scene evidence from an unsolved sexual assault case before twenty (20) years after the collection of the evidence of the crime or, if the victim was under eighteen (18) years of age at the time of the alleged offense, before the victim is forty (40) years of age.(6)A sexual assault victim may designate a sexual assault victim advocate, or other support person of the victim's choosing, to act as a recipient of the above information required to be provided by this section.(7)For the purpose of receiving notice under this section, the victim or the victim's designee may keep appropriate authorities informed of the name, address, telephone number, and email address of the person to whom the information should be provided, and any changes of the name, address, telephone number, and email address, if an email address is available.(8)A defendant or person accused or convicted of a crime against the victim shall have no standing to object to any failure to comply with this section. The failure to provide a right or notice to a sexual assault victim under this section may not be used by a defendant to seek to have the conviction or sentence set aside.(9)The sole civil or criminal remedy available to a sexual assault victim for a law enforcement agency's failure to fulfill its responsibilities under this section shall be standing to file a writ of mandamus to require compliance with subdivision with the requirements of this chapter.Added by Laws, 2023, ch. 478, HB 485,§ 2, eff. 12/1/2023. Added by Laws, 2023, ch. 478, HB 485,§ 2, eff. 12/1/2023.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 7 - INDICTMENT (§§ 99-7-1 — 99-7-41)Section 99-7-1 - Indictment may charge offenses according to common law or statute

Offenses at common law, indictable and punishable by special statutory provision, may be indicted as described or charged according to the common law or according to the statute, and, on conviction, the offenders shall be punished as prescribed.Codes, 1857, ch. 64, art. 357; 1871, § 2864; 1880, § 3099; 1892, § 1453; 1906, § 1526; Hemingway's 1917, § 1288; 1930, § 1313; 1942, § 2561. Offenses at common law, indictable and punishable by special statutory provision, may be indicted as described or charged

according to the common law or according to the statute, and, on conviction, the offenders shall be punished as prescribed. Codes, 1857, ch. 64, art. 357; 1871, § 2864; 1880, § 3099; 1892, § 1453; 1906, § 1526; Hemingway's 1917, § 1288; 1930, § 1313; 1942, § 2561. Offenses at common law, indictable and punishable by special statutory provision, may be indicted as described or charged according to the common law or according to the statute, and, on conviction, the offenders shall be punished as prescribed. Codes, 1857, ch. 64, art. 357; 1871, § 2864; 1880, § 3099; 1892, § 1453; 1906, § 1526; Hemingway's 1917, § 1288; 1930, § 1313; 1942, § 2561. Offenses at common law, indictable and punishable by special statutory provision, may be indicted as described or charged according to the common law or according to the statute, and, on conviction, the offenders shall be punished as prescribed. Codes, 1857, ch. 64, art. 357; 1871, § 2864; 1880, § 3099; 1892, § 1453; 1906, § 1526; Hemingway's 1917, § 1288; 1930, § 1313; 1942, § 2561.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 7 - INDICTMENT (§§ 99-7-1 — 99-7-41) Section 99-7-11 - Concurrence of twelve grand jurors required for finding

The concurrence of twelve of the grand jurors shall be necessary to the finding of an indictment or making a presentment. Codes, 1880, § 3005; 1892, § 1345; 1906, § 1417; Hemingway's 1917, § 1173; 1930, § 1197; 1942, § 2440. The concurrence of twelve of the grand jurors shall be necessary to the finding of an indictment or making a presentment. Codes, 1880, § 3005; 1892, § 1345; 1906, § 1417; Hemingway's 1917, § 1173; 1930, § 1197; 1942, § 2440. The concurrence of twelve of the grand jurors shall be necessary to the finding of an indictment or making a presentment. Codes, 1880, § 3005; 1892, § 1345; 1906, § 1417; Hemingway's 1917, § 1173; 1930, § 1197; 1942, § 2440. The concurrence of twelve of the grand jurors shall be necessary to the finding of an indictment or making a presentment. Codes, 1880, § 3005; 1892, § 1345; 1906, § 1417; Hemingway's 1917, § 1173; 1930, § 1197; 1942, § 2440.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 7 - INDICTMENT (§§ 99-7-1 — 99-7-41) Section 99-7-13 - Secret record book; accused may be tried on copy made from record book

The clerk of the circuit court shall, within ten days after the adjournment of each term of court, record the indictments returned into court in a well-bound book to be kept for that purpose which shall be styled "Secret Record of Indictments," and which shall be properly indexed and kept secret. If the office of the clerk be furnished with an iron safe or vault, the book shall be kept therein when not in actual use. If an indictment be lost or destroyed, the accused may be tried on a certified copy of the indictment made from the said record-book. Codes, 1892, § 1347; 1906, § 1419; Hemingway's 1917, § 1175; 1930, § 1199; 1942, § 2442. The clerk of the circuit court shall, within ten days after the adjournment of each term of court, record the indictments returned into court in a well-bound book to be kept for that purpose which shall be styled "Secret Record of Indictments," and which shall be properly indexed and kept secret. If the office of the clerk be furnished with an iron safe or vault, the book shall be kept therein when not in actual use. If an indictment be lost or destroyed, the accused may be tried on a certified copy of the indictment made from the said record-book. Codes, 1892, § 1347; 1906, § 1419; Hemingway's 1917, § 1175; 1930, § 1199; 1942, § 2442. The clerk of the circuit court shall, within ten days after the adjournment of each term of court, record the indictments returned into court in a well-bound book to be kept for that purpose which shall be styled "Secret Record of Indictments," and which shall be properly indexed and kept secret. If the office of the clerk be furnished with an iron safe or vault, the book shall be kept therein when not in actual use. If an indictment be lost or destroyed, the accused may be tried on a certified copy of the indictment made from the said record-book. Codes, 1892, § 1347; 1906, § 1419; Hemingway's 1917, § 1175; 1930, § 1199; 1942, § 2442.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 7 - INDICTMENT (§§ 99-7-1 — 99-7-41) Section 99-7-15 - Authority to inspect indictment limited to certain officers until arrest made

An indictment returned into the clerk of the circuit court, shall not be inspected by any person but the judge, clerk, district attorney, and sheriff, until the defendant shall have been arrested or has entered into bail or recognizance for the offense. Codes, 1857, ch. 64, art. 259; 1871, § 2796; 1880, § 3007; 1892, § 1348; 1906, § 1420; Hemingway's 1917, § 1176; 1930, § 1200; 1942, § 2443; Laws, 1991, ch. 421, § 2, eff. 7/1/1991. An indictment returned into the clerk of the circuit court, shall not be inspected by any person but the judge, clerk, district attorney, and sheriff, until the defendant shall have been arrested or has entered into bail or recognizance for the offense. Codes, 1857, ch. 64, art. 259; 1871, § 2796; 1880, § 3007; 1892, § 1348; 1906, § 1420; Hemingway's 1917, § 1176; 1930, § 1200; 1942, § 2443; Laws, 1991, ch. 421, § 2, eff. 7/1/1991. An indictment returned into the clerk of the circuit court, shall not be inspected by any person but the judge, clerk, district attorney, and sheriff, until the defendant shall have been arrested or has entered into bail or recognizance for the offense. Codes, 1857, ch. 64, art. 259; 1871, § 2796; 1880, § 3007; 1892, § 1348; 1906, § 1420; Hemingway's 1917, § 1176; 1930, § 1200; 1942, § 2443; Laws, 1991, ch. 421, § 2, eff. 7/1/1991. An indictment returned into the clerk of the circuit court, shall not be inspected by any person but the judge, clerk, district attorney, and sheriff, until the defendant shall have been arrested or has entered into bail or recognizance for the offense. Codes, 1857, ch. 64, art. 259; 1871, § 2796; 1880, § 3007; 1892, § 1348; 1906, § 1420; Hemingway's 1917, § 1176; 1930, § 1200; 1942, § 2443; Laws, 1991, ch. 421, § 2, eff. 7/1/1991.

eff. 7/1/1991.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 7 - INDICTMENT (§§ 99-7-1 — 99-7-41) Section 99-7-17 - Dilatory pleas; must be verified by oath

A plea in abatement, or other dilatory plea to an indictment, shall not be received, unless the same be verified by the oath of the defendant. Codes, Hutchinson's 1848, ch. 59, art. 1(50); 1857, ch. 64, art. 296; 1871, § 2760; 1880, § 3010; 1892, § 1352; 1906, § 1424; Hemingway's 1917, § 1180; 1930, § 1204; 1942, § 2447. A plea in abatement, or other dilatory plea to an indictment, shall not be received, unless the same be verified by the oath of the defendant. Codes, Hutchinson's 1848, ch. 59, art. 1(50); 1857, ch. 64, art. 296; 1871, § 2760; 1880, § 3010; 1892, § 1352; 1906, § 1424; Hemingway's 1917, § 1180; 1930, § 1204; 1942, § 2447. A plea in abatement, or other dilatory plea to an indictment, shall not be received, unless the same be verified by the oath of the defendant. Codes, Hutchinson's 1848, ch. 59, art. 1(50); 1857, ch. 64, art. 296; 1871, § 2760; 1880, § 3010; 1892, § 1352; 1906, § 1424; Hemingway's 1917, § 1180; 1930, § 1204; 1942, § 2447.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 7 - INDICTMENT (§§ 99-7-1 — 99-7-41) Section 99-7-19 - Dilatory pleas; amendment of indictment or information

An indictment or information shall not be abated by reason of any misnomer or dilatory plea; but in such case the court shall forthwith cause the same to be amended according to the proof, and proceed as though such plea had not been pleaded; and an indictment shall not be held insufficient for want of, or imperfection in, the addition of any defendant. Codes, 1857, ch. 64, art. 267; 1871, § 2804; 1880, § 3011; 1892, § 1353; 1906, § 1425; Hemingway's 1917, § 1181; 1930, § 1205; 1942, § 2448. An indictment or information shall not be abated by reason of any misnomer or dilatory plea; but in such case the court shall forthwith cause the same to be amended according to the proof, and proceed as though such plea had not been pleaded; and an indictment shall not be held insufficient for want of, or imperfection in, the addition of any defendant. Codes, 1857, ch. 64, art. 267; 1871, § 2804; 1880, § 3011; 1892, § 1353; 1906, § 1425; Hemingway's 1917, § 1181; 1930, § 1205; 1942, § 2448. An indictment or information shall not be abated by reason of any misnomer or dilatory plea; but in such case the court shall forthwith cause the same to be amended according to the proof, and proceed as though such plea had not been pleaded; and an indictment shall not be held insufficient for want of, or imperfection in, the addition of any defendant. Codes, 1857, ch. 64, art. 267; 1871, § 2804; 1880, § 3011; 1892, § 1353; 1906, § 1425; Hemingway's 1917, § 1181; 1930, § 1205; 1942, § 2448. An indictment or information shall not be abated by reason of any misnomer or dilatory plea; but in such case the court shall forthwith cause the same to be amended according to the proof, and proceed as though such plea had not been pleaded; and an indictment shall not be held insufficient for want of, or imperfection in, the addition of any defendant. Codes, 1857, ch. 64, art. 267; 1871, § 2804; 1880, § 3011; 1892, § 1353; 1906, § 1425; Hemingway's 1917, § 1181; 1930, § 1205; 1942, § 2448.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 7 - INDICTMENT (§§ 99-7-1 — 99-7-41) Section 99-7-2 - When two or more offenses may be charged in single indictment; trial, verdicts, and sentences

(1) Two (2) or more offenses which are triable in the same court may be charged in the same indictment with a separate count for each offense if: (a) the offenses are based on the same act or transaction; or (b) the offenses are based on two (2) or more acts or transactions connected together or constituting parts of a common scheme or plan. (2) Where two (2) or more offenses are properly charged in separate counts of a single indictment, all such charges may be tried in a single proceeding. (3) When a defendant is convicted of two (2) or more offenses charged in separate counts of an indictment, the court shall impose separate sentences for each such conviction. (4) The jury or the court, in cases in which the jury is waived, shall return a separate verdict for each count of an indictment drawn under subsection (1) of this section. (5) Nothing contained in this section shall be construed to prohibit the court from exercising its statutory authority to suspend either the imposition or execution of any sentence or sentences imposed hereunder, nor to prohibit the court from exercising its discretion to impose such sentences to run either concurrently with or consecutively to each other or any other sentence or sentences previously imposed upon the defendant. Laws, 1986, ch. 444, eff. 7/1/1986. (1) Two (2) or more offenses which are triable in the same court may be charged in the same indictment with a separate count for each offense if: (a) the offenses are based on the same act or transaction; or (b) the offenses are based on two (2) or more acts or transactions connected together or constituting parts of a common scheme or plan. (2) Where two (2) or more offenses are properly charged in separate counts of a single indictment, all such charges may be tried in a single proceeding. (3) When a defendant is convicted of two (2) or more offenses charged in separate counts of an indictment, the court shall impose separate sentences for each such conviction. (4) The jury or the court, in cases in which the jury is waived, shall return a separate verdict for each count of an indictment drawn under subsection (1) of this section. (5) Nothing contained in this section shall be construed to prohibit the court from exercising its statutory authority to suspend either the imposition or execution of any sentence or sentences imposed hereunder, nor to prohibit the court from exercising its discretion to impose such sentences to run either concurrently with or consecutively to each other or any other sentence or sentences previously imposed upon the defendant. Laws, 1986, ch. 444, eff. 7/1/1986. (1) Two (2) or more offenses which are triable in the same court may be charged in the same indictment with a separate count for each offense if: (a) the offenses are based on the same act or transaction; or (b) the offenses are based on two (2) or more acts or transactions

connected together or constituting parts of a common scheme or plan.(2)Where two (2) or more offenses are properly charged in separate counts of a single indictment, all such charges may be tried in a single proceeding.(3)When a defendant is convicted of two (2) or more offenses charged in separate counts of an indictment, the court shall impose separate sentences for each such conviction.(4)The jury or the court, in cases in which the jury is waived, shall return a separate verdict for each count of an indictment drawn under subsection (1) of this section.(5)Nothing contained in this section shall be construed to prohibit the court from exercising its statutory authority to suspend either the imposition or execution of any sentence or sentences imposed hereunder, nor to prohibit the court from exercising its discretion to impose such sentences to run either concurrently with or consecutively to each other or any other sentence or sentences previously imposed upon the defendant.Laws, 1986, ch. 444, eff. 7/1/1986. Laws, 1986, ch. 444, eff. 7/1/1986.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 7 - INDICTMENT (§§ 99-7-1 — 99-7-41)Section 99-7-21 - Demurrers; when filed; amendment of indictment

All objections to an indictment for a defect appearing on the face thereof, shall be taken by demurrer to the indictment, and not otherwise, before the issuance of the venire facias in capital cases, and before the jury shall be impaneled in all other cases, and not afterward. The court for any formal defect, may, if it be thought necessary, cause the indictment to be forthwith amended, and thereupon the trial shall proceed as if such defect had not appeared.Codes, 1857, ch. 64, art. 268; 1871, § 2805; 1880, § 3012; 1892, § 1354; 1906, § 1426; Hemingway's 1917, § 1182; 1930, § 1206; 1942, § 2449. All objections to an indictment for a defect appearing on the face thereof, shall be taken by demurrer to the indictment, and not otherwise, before the issuance of the venire facias in capital cases, and before the jury shall be impaneled in all other cases, and not afterward. The court for any formal defect, may, if it be thought necessary, cause the indictment to be forthwith amended, and thereupon the trial shall proceed as if such defect had not appeared.Codes, 1857, ch. 64, art. 268; 1871, § 2805; 1880, § 3012; 1892, § 1354; 1906, § 1426; Hemingway's 1917, § 1182; 1930, § 1206; 1942, § 2449. All objections to an indictment for a defect appearing on the face thereof, shall be taken by demurrer to the indictment, and not otherwise, before the issuance of the venire facias in capital cases, and before the jury shall be impaneled in all other cases, and not afterward. The court for any formal defect, may, if it be thought necessary, cause the indictment to be forthwith amended, and thereupon the trial shall proceed as if such defect had not appeared.Codes, 1857, ch. 64, art. 268; 1871, § 2805; 1880, § 3012; 1892, § 1354; 1906, § 1426; Hemingway's 1917, § 1182; 1930, § 1206; 1942, § 2449. All objections to an indictment for a defect appearing on the face thereof, shall be taken by demurrer to the indictment, and not otherwise, before the issuance of the venire facias in capital cases, and before the jury shall be impaneled in all other cases, and not afterward. The court for any formal defect, may, if it be thought necessary, cause the indictment to be forthwith amended, and thereupon the trial shall proceed as if such defect had not appeared. Codes, 1857, ch. 64, art. 268; 1871, § 2805; 1880, § 3012; 1892, § 1354; 1906, § 1426; Hemingway's 1917, § 1182; 1930, § 1206; 1942, § 2449.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 7 - INDICTMENT (§§ 99-7-1 — 99-7-41)Section 99-7-23 - Motions to quash

All objections to an indictment for any defect dehors the face thereof, presenting an issue to be tried by the court, shall be taken by motion to quash the indictment, and not otherwise, within the time allowed for demurrer, and with the right to amend, as provided in the last preceding section.Codes, 1857, ch. 64, art. 268; 1871, § 2805; 1880, § 3012; 1892, § 1355; 1906, § 1427; Hemingway's 1917, § 1183; 1930, § 1207; 1942, § 2450. All objections to an indictment for any defect dehors the face thereof, presenting an issue to be tried by the court, shall be taken by motion to quash the indictment, and not otherwise, within the time allowed for demurrer, and with the right to amend, as provided in the last preceding section.Codes, 1857, ch. 64, art. 268; 1871, § 2805; 1880, § 3012; 1892, § 1355; 1906, § 1427; Hemingway's 1917, § 1183; 1930, § 1207; 1942, § 2450. All objections to an indictment for any defect dehors the face thereof, presenting an issue to be tried by the court, shall be taken by motion to quash the indictment, and not otherwise, within the time allowed for demurrer, and with the right to amend, as provided in the last preceding section.Codes, 1857, ch. 64, art. 268; 1871, § 2805; 1880, § 3012; 1892, § 1355; 1906, § 1427; Hemingway's 1917, § 1183; 1930, § 1207; 1942, § 2450. All objections to an indictment for any defect dehors the face thereof, presenting an issue to be tried by the court, shall be taken by motion to quash the indictment, and not otherwise, within the time allowed for demurrer, and with the right to amend, as provided in the last preceding section. Codes, 1857, ch. 64, art. 268; 1871, § 2805; 1880, § 3012; 1892, § 1355; 1906, § 1427; Hemingway's 1917, § 1183; 1930, § 1207; 1942, § 2450.

Mississippi Code 1972 (2024)Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3)Chapter 7 - INDICTMENT (§§ 99-7-1 — 99-7-41)Section 99-7-25 - Amendment where name of unknown defendant is discovered

If any indictment describes a defendant as a person whose name is to the jurors unknown, and it afterward appears that at the time of finding the bill his name was known, the court may order the indictment to be amended according to the fact.Codes, 1857, ch. 64, art. 263; 1871, § 2800; 1880, § 3014; 1892, § 1357; 1906, § 1429; Hemingway's 1917, § 1185; 1930, § 1209; 1942, § 2452. If any indictment describes a defendant as a person whose name is to the jurors unknown, and it afterward appears that at the time of finding the bill his name was known, the court may order the indictment to be amended according to the fact.Codes, 1857, ch. 64, art. 263; 1871, § 2800; 1880, § 3014; 1892, § 1357; 1906, § 1429; Hemingway's 1917, § 1185; 1930, § 1209; 1942, § 2452. If any indictment describes a defendant as a person whose name is to the jurors unknown, and it afterward appears that at the time of finding the bill his name was known, the court may order the indictment to be amended according to the fact.Codes, 1857, ch. 64,

2163m; 1930, §§ 1985, 2012; 1942, §§ 2624, 2651; Laws, 1918, ch. 189.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 7 - INDICTMENT (§§ 99-7-1 — 99-7-41) Section 99-7-3 - Formal or technical words not necessary

The words "force and arms" or the words "contrary to the form of the statute," or any other merely formal or technical words, shall not be necessary in an indictment if, without them, the offense be certainly and substantially described. Codes, Hutchinson's 1848, ch. 65, art. 2(65); 1857, ch. 64, art. 7; 1871, § 2884; 1880, § 3001; 1892, § 1351; 1906, § 1423; Hemingway's 1917, § 1179; 1930, § 1203; 1942, § 2446. The words "force and arms" or the words "contrary to the form of the statute," or any other merely formal or technical words, shall not be necessary in an indictment if, without them, the offense be certainly and substantially described. Codes, Hutchinson's 1848, ch. 65, art. 2(65); 1857, ch. 64, art. 7; 1871, § 2884; 1880, § 3001; 1892, § 1351; 1906, § 1423; Hemingway's 1917, § 1179; 1930, § 1203; 1942, § 2446. The words "force and arms" or the words "contrary to the form of the statute," or any other merely formal or technical words, shall not be necessary in an indictment if, without them, the offense be certainly and substantially described. Codes, Hutchinson's 1848, ch. 65, art. 2(65); 1857, ch. 64, art. 7; 1871, § 2884; 1880, § 3001; 1892, § 1351; 1906, § 1423; Hemingway's 1917, § 1179; 1930, § 1203; 1942, § 2446. The words "force and arms" or the words "contrary to the form of the statute," or any other merely formal or technical words, shall not be necessary in an indictment if, without them, the offense be certainly and substantially described. Codes, Hutchinson's 1848, ch. 65, art. 2(65); 1857, ch. 64, art. 7; 1871, § 2884; 1880, § 3001; 1892, § 1351; 1906, § 1423; Hemingway's 1917, § 1179; 1930, § 1203; 1942, § 2446.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 7 - INDICTMENT (§§ 99-7-1 — 99-7-41) Section 99-7-31 - Terms of indictment for larceny or embezzlement of money

(1) In indictments for larceny or embezzlement of money or evidences of debt it shall be sufficient to describe the property in general terms, as "money," "bank-notes," "checks," "bills of exchange," "promissory notes," and the like, of or about a certain amount and of certain value; and in an indictment for embezzlement of money or funds by a treasurer, cashier, or other fiduciary, it shall be sufficient to describe the same as a "balance of account" and of a certain value. (2) In indictments for any crime in which the ownership of property, whether real or personal, must be alleged and proven, if ownership is vested in any entity other than an individual person, it shall be sufficient to allege and prove a name by which the entity is commonly known; and no indictment shall be held to be insufficient for failing to fully set forth such matters as governmental origins or the names of trustees, council members, supervisors, heirs or other persons with dominion or control over the entity or its property, and proof of such matter shall not be required at any trial upon the indictments. Codes, 1892, § 1364; 1906, § 1436; Hemingway's 1917, § 1192; 1930, § 1216; 1942, § 2459; Laws, 2006, ch. 426, § 1, eff. 7/1/2006. (1) In indictments for larceny or embezzlement of money or evidences of debt it shall be sufficient to describe the property in general terms, as "money," "bank-notes," "checks," "bills of exchange," "promissory notes," and the like, of or about a certain amount and of certain value; and in an indictment for embezzlement of money or funds by a treasurer, cashier, or other fiduciary, it shall be sufficient to describe the same as a "balance of account" and of a certain value. (2) In indictments for any crime in which the ownership of property, whether real or personal, must be alleged and proven, if ownership is vested in any entity other than an individual person, it shall be sufficient to allege and prove a name by which the entity is commonly known; and no indictment shall be held to be insufficient for failing to fully set forth such matters as governmental origins or the names of trustees, council members, supervisors, heirs or other persons with dominion or control over the entity or its property, and proof of such matter shall not be required at any trial upon the indictments. Codes, 1892, § 1364; 1906, § 1436; Hemingway's 1917, § 1192; 1930, § 1216; 1942, § 2459; Laws, 2006, ch. 426, § 1, eff. 7/1/2006. (1) In indictments for larceny or embezzlement of money or evidences of debt it shall be sufficient to describe the property in general terms, as "money," "bank-notes," "checks," "bills of exchange," "promissory notes," and the like, of or about a certain amount and of certain value; and in an indictment for embezzlement of money or funds by a treasurer, cashier, or other fiduciary, it shall be sufficient to describe the same as a "balance of account" and of a certain value. (2) In indictments for any crime in which the ownership of property, whether real or personal, must be alleged and proven, if ownership is vested in any entity other than an individual person, it shall be sufficient to allege and prove a name by which the entity is commonly known; and no indictment shall be held to be insufficient for failing to fully set forth such matters as governmental origins or the names of trustees, council members, supervisors, heirs or other persons with dominion or control over the entity or its property, and proof of such matter shall not be required at any trial upon the indictments. Codes, 1892, § 1364; 1906, § 1436; Hemingway's 1917, § 1192; 1930, § 1216; 1942, § 2459; Laws, 2006, ch. 426, § 1, eff. 7/1/2006. Codes, 1892, § 1364; 1906, § 1436; Hemingway's 1917, § 1192; 1930, § 1216; 1942, § 2459; Laws, 2006, ch. 426, § 1, eff. 7/1/2006.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 7 - INDICTMENT (§§ 99-7-1 — 99-7-41) Section 99-7-33 - Libel

An indictment for libel need not set forth any extrinsic facts to show the application of the defamatory matter charged in the indictment to the party libeled, but it shall be sufficient to charge generally that the same was published of or concerning him, and the fact that it was so published must be proved on the trial. Codes, 1857, ch. 64, art. 256; 1871, § 2793; 1880, § 3017; 1892, § 1360; 1906, § 1432; Hemingway's 1917, § 1188; 1930, § 1212; 1942, § 2455. An indictment for libel need not set forth any extrinsic facts to show the application of the defamatory matter charged in the indictment to the party libeled, but it shall be sufficient to charge generally that the same was published of or concerning him, and the fact that it was so published must be proved on the trial. Codes,

1857, ch. 64, art. 256; 1871, § 2793; 1880, § 3017; 1892, § 1360; 1906, § 1432; Hemingway's 1917, § 1188; 1930, § 1212; 1942, § 2455. An indictment for libel need not set forth any extrinsic facts to show the application of the defamatory matter charged in the indictment to the party libeled, but it shall be sufficient to charge generally that the same was published of or concerning him, and the fact that it was so published must be proved on the trial. Codes, 1857, ch. 64, art. 256; 1871, § 2793; 1880, § 3017; 1892, § 1360; 1906, § 1432; Hemingway's 1917, § 1188; 1930, § 1212; 1942, § 2455. An indictment for libel need not set forth any extrinsic facts to show the application of the defamatory matter charged in the indictment to the party libeled, but it shall be sufficient to charge generally that the same was published of or concerning him, and the fact that it was so published must be proved on the trial. Codes, 1857, ch. 64, art. 256; 1871, § 2793; 1880, § 3017; 1892, § 1360; 1906, § 1432; Hemingway's 1917, § 1188; 1930, § 1212; 1942, § 2455.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 7 - INDICTMENT (§§ 99-7-1 — 99-7-41) Section 99-7-35 - Lotteries

An indictment for any of the crimes defined in Sections 97-33-31 to 97-33-49, Mississippi Code of 1972, being those sections concerning lotteries and raffles, shall be good which charges the crime in the language of the statute, without setting forth therein the number or date of the ticket or the device, or anything in the nature thereof, or policy, or that which represents the same, or the name of the lottery or gift enterprise, or where the same is located, or anything else not expressly embraced in the statutory definition or description of the crime. Codes, 1871, § 2735; 1880, § 2979; 1892, § 1365; 1906, § 1437; Hemingway's 1917, § 1193; 1930, § 1217; 1942, § 2460. An indictment for any of the crimes defined in Sections 97-33-31 to 97-33-49, Mississippi Code of 1972, being those sections concerning lotteries and raffles, shall be good which charges the crime in the language of the statute, without setting forth therein the number or date of the ticket or the device, or anything in the nature thereof, or policy, or that which represents the same, or the name of the lottery or gift enterprise, or where the same is located, or anything else not expressly embraced in the statutory definition or description of the crime. Codes, 1871, § 2735; 1880, § 2979; 1892, § 1365; 1906, § 1437; Hemingway's 1917, § 1193; 1930, § 1217; 1942, § 2460. An indictment for any of the crimes defined in Sections 97-33-31 to 97-33-49, Mississippi Code of 1972, being those sections concerning lotteries and raffles, shall be good which charges the crime in the language of the statute, without setting forth therein the number or date of the ticket or the device, or anything in the nature thereof, or policy, or that which represents the same, or the name of the lottery or gift enterprise, or where the same is located, or anything else not expressly embraced in the statutory definition or description of the crime. Codes, 1871, § 2735; 1880, § 2979; 1892, § 1365; 1906, § 1437; Hemingway's 1917, § 1193; 1930, § 1217; 1942, § 2460. An indictment for any of the crimes defined in Sections 97-33-31 to 97-33-49, Mississippi Code of 1972, being those sections concerning lotteries and raffles, shall be good which charges the crime in the language of the statute, without setting forth therein the number or date of the ticket or the device, or anything in the nature thereof, or policy, or that which represents the same, or the name of the lottery or gift enterprise, or where the same is located, or anything else not expressly embraced in the statutory definition or description of the crime. Codes, 1871, § 2735; 1880, § 2979; 1892, § 1365; 1906, § 1437; Hemingway's 1917, § 1193; 1930, § 1217; 1942, § 2460.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 7 - INDICTMENT (§§ 99-7-1 — 99-7-41) Section 99-7-37 - Murder and manslaughter

(1) In an indictment for homicide it shall not be necessary to set forth the manner in which or the means by which the death of the deceased was caused, but it shall be sufficient to charge in an indictment for murder, that the defendant did feloniously, willfully, and of his malice aforethought, kill and murder the deceased. It shall be sufficient, in an indictment for manslaughter, to charge that the defendant did feloniously kill and slay the deceased, concluding in all cases as required by the Constitution of this state. (2) An indictment for murder or capital murder shall be sufficient to also charge the lesser offense of manslaughter without a specific allegation of such lesser crime and without any necessity for an additional count charging such lesser crime. Codes, 1857, ch. 64, art. 265; 1871, § 2802; 1880, § 3016; 1892, § 1359; 1906, § 1431; Hemingway's 1917, § 1187; 1930, § 1211; 1942, § 2454; Laws, 2004, ch. 393, § 2, eff. 4/20/2004. (1) In an indictment for homicide it shall not be necessary to set forth the manner in which or the means by which the death of the deceased was caused, but it shall be sufficient to charge in an indictment for murder, that the defendant did feloniously, willfully, and of his malice aforethought, kill and murder the deceased. It shall be sufficient, in an indictment for manslaughter, to charge that the defendant did feloniously kill and slay the deceased, concluding in all cases as required by the Constitution of this state. (2) An indictment for murder or capital murder shall be sufficient to also charge the lesser offense of manslaughter without a specific allegation of such lesser crime and without any necessity for an additional count charging such lesser crime. Codes, 1857, ch. 64, art. 265; 1871, § 2802; 1880, § 3016; 1892, § 1359; 1906, § 1431; Hemingway's 1917, § 1187; 1930, § 1211; 1942, § 2454; Laws, 2004, ch. 393, § 2, eff. 4/20/2004. (1) In an indictment for homicide it shall not be necessary to set forth the manner in which or the means by which the death of the deceased was caused, but it shall be sufficient to charge in an indictment for murder, that the defendant did feloniously, willfully, and of his malice aforethought, kill and murder the deceased. It shall be sufficient, in an indictment for manslaughter, to charge that the defendant did feloniously kill and slay the deceased, concluding in all cases as required by the Constitution of this state. (2) An indictment for murder or capital murder shall be sufficient to also charge the lesser offense of manslaughter without a specific allegation of such lesser crime and without any necessity for an additional count charging such lesser crime. Codes, 1857, ch. 64, art. 265; 1871, § 2802; 1880, § 3016; 1892, § 1359; 1906, § 1431; Hemingway's 1917, § 1187; 1930, § 1211; 1942, § 2454; Laws, 2004, ch. 393, § 2, eff. 4/20/2004. Codes, 1857, ch. 64, art. 265; 1871, § 2802; 1880, § 3016; 1892, § 1359; 1906, § 1431; Hemingway's 1917, § 1187; 1930, § 1211; 1942, § 2454; Laws, 2004, ch.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 7 - INDICTMENT (§§ 99-7-1 — 99-7-41) Section 99-7-39 - Perjury

In an indictment for perjury it shall be sufficient to set forth the substance of the offense charged upon the defendant - that he was sworn or testified on oath, and before what court, or before whom the oath or affirmation was taken; averring the court or person to have had competent authority to administer the same, together with proper averments to falsify the matter wherein the perjury is assigned, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, and without setting forth the commission or authority of the court, or the commission or authority of the person before whom the perjury was committed. Codes, Hutchinson's 1848, ch. 64, art. 1(40); 1857, ch. 64, art. 211; 1871, § 2667; 1880, § 2928; 1892, § 1362; 1906, § 1434; Hemingway's 1917, § 1190; 1930, § 1214; 1942, § 2457. In an indictment for perjury it shall be sufficient to set forth the substance of the offense charged upon the defendant - that he was sworn or testified on oath, and before what court, or before whom the oath or affirmation was taken; averring the court or person to have had competent authority to administer the same, together with proper averments to falsify the matter wherein the perjury is assigned, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, and without setting forth the commission or authority of the court, or the commission or authority of the person before whom the perjury was committed. Codes, Hutchinson's 1848, ch. 64, art. 1(40); 1857, ch. 64, art. 211; 1871, § 2667; 1880, § 2928; 1892, § 1362; 1906, § 1434; Hemingway's 1917, § 1190; 1930, § 1214; 1942, § 2457. In an indictment for perjury it shall be sufficient to set forth the substance of the offense charged upon the defendant - that he was sworn or testified on oath, and before what court, or before whom the oath or affirmation was taken; averring the court or person to have had competent authority to administer the same, together with proper averments to falsify the matter wherein the perjury is assigned, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, and without setting forth the commission or authority of the court, or the commission or authority of the person before whom the perjury was committed. Codes, Hutchinson's 1848, ch. 64, art. 1(40); 1857, ch. 64, art. 211; 1871, § 2667; 1880, § 2928; 1892, § 1362; 1906, § 1434; Hemingway's 1917, § 1190; 1930, § 1214; 1942, § 2457. In an indictment for perjury it shall be sufficient to set forth the substance of the offense charged upon the defendant - that he was sworn or testified on oath, and before what court, or before whom the oath or affirmation was taken; averring the court or person to have had competent authority to administer the same, together with proper averments to falsify the matter wherein the perjury is assigned, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, and without setting forth the commission or authority of the court, or the commission or authority of the person before whom the perjury was committed. Codes, Hutchinson's 1848, ch. 64, art. 1(40); 1857, ch. 64, art. 211; 1871, § 2667; 1880, § 2928; 1892, § 1362; 1906, § 1434; Hemingway's 1917, § 1190; 1930, § 1214; 1942, § 2457.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 7 - INDICTMENT (§§ 99-7-1 — 99-7-41) Section 99-7-41 - Perjury; subornation of perjury

In an indictment for subornation of perjury it shall be sufficient to set forth the substance of the offense charged upon the defendant, without setting forth the bill, answer, information, or any part of the record or proceeding, either in law or equity, and without setting forth the commission or authority of the court or person before whom the perjury was committed, or was agreed or promised to be committed. Codes, Hutchinson's 1848, ch. 64, art. 1(40); 1857, ch. 64, art. 212; 1871, § 2668; 1880, § 2929; 1892, § 1363; 1906, § 1435; Hemingway's 1917, § 1191; 1930, § 1215; 1942, § 2458. In an indictment for subornation of perjury it shall be sufficient to set forth the substance of the offense charged upon the defendant, without setting forth the bill, answer, information, or any part of the record or proceeding, either in law or equity, and without setting forth the commission or authority of the court or person before whom the perjury was committed, or was agreed or promised to be committed. Codes, Hutchinson's 1848, ch. 64, art. 1(40); 1857, ch. 64, art. 212; 1871, § 2668; 1880, § 2929; 1892, § 1363; 1906, § 1435; Hemingway's 1917, § 1191; 1930, § 1215; 1942, § 2458. In an indictment for subornation of perjury it shall be sufficient to set forth the substance of the offense charged upon the defendant, without setting forth the bill, answer, information, or any part of the record or proceeding, either in law or equity, and without setting forth the commission or authority of the court or person before whom the perjury was committed, or was agreed or promised to be committed. Codes, Hutchinson's 1848, ch. 64, art. 1(40); 1857, ch. 64, art. 212; 1871, § 2668; 1880, § 2929; 1892, § 1363; 1906, § 1435; Hemingway's 1917, § 1191; 1930, § 1215; 1942, § 2458.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 7 - INDICTMENT (§§ 99-7-1 — 99-7-41) Section 99-7-5 - Allegations of time; want of perfect venue

An indictment for any offense shall not be insufficient for omitting to state the time at which the offense was committed in any case where time is not of the essence of the offense, nor for stating the time imperfectly, nor for stating the offense to have been committed on a day subsequent to the finding of the indictment, or on an impossible day, or on a day that never happened, nor for

the want of a proper or perfect venue. Codes, 1857, ch. 64, art. 266; 1871, § 2803; 1880, § 3013; 1892, § 1356; 1906, § 1428; Hemingway's 1917, § 1184; 1930, § 1208; 1942, § 2451. An indictment for any offense shall not be insufficient for omitting to state the time at which the offense was committed in any case where time is not of the essence of the offense, nor for stating the time imperfectly, nor for stating the offense to have been committed on a day subsequent to the finding of the indictment, or on an impossible day, or on a day that never happened, nor for the want of a proper or perfect venue. Codes, 1857, ch. 64, art. 266; 1871, § 2803; 1880, § 3013; 1892, § 1356; 1906, § 1428; Hemingway's 1917, § 1184; 1930, § 1208; 1942, § 2451. An indictment for any offense shall not be insufficient for omitting to state the time at which the offense was committed in any case where time is not of the essence of the offense, nor for stating the time imperfectly, nor for stating the offense to have been committed on a day subsequent to the finding of the indictment, or on an impossible day, or on a day that never happened, nor for the want of a proper or perfect venue. Codes, 1857, ch. 64, art. 266; 1871, § 2803; 1880, § 3013; 1892, § 1356; 1906, § 1428; Hemingway's 1917, § 1184; 1930, § 1208; 1942, § 2451.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 7 - INDICTMENT (§§ 99-7-1 — 99-7-41) Section 99-7-7 - How instruments pleaded

Whenever it shall be necessary to make an averment in an indictment as to any instrument, whether the same consists wholly or in part in writing, print, figures, or characters, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or facsimile of the whole or any part thereof. Codes, 1857, ch. 64, art. 264; 1871, § 2801; 1880, § 3015; 1892, § 1358; 1906, § 1430; Hemingway's 1917, § 1186; 1930, § 1210; 1942, § 2453. Whenever it shall be necessary to make an averment in an indictment as to any instrument, whether the same consists wholly or in part in writing, print, figures, or characters, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or facsimile of the whole or any part thereof. Codes, 1857, ch. 64, art. 264; 1871, § 2801; 1880, § 3015; 1892, § 1358; 1906, § 1430; Hemingway's 1917, § 1186; 1930, § 1210; 1942, § 2453. Whenever it shall be necessary to make an averment in an indictment as to any instrument, whether the same consists wholly or in part in writing, print, figures, or characters, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or facsimile of the whole or any part thereof. Codes, 1857, ch. 64, art. 264; 1871, § 2801; 1880, § 3015; 1892, § 1358; 1906, § 1430; Hemingway's 1917, § 1186; 1930, § 1210; 1942, § 2453. Whenever it shall be necessary to make an averment in an indictment as to any instrument, whether the same consists wholly or in part in writing, print, figures, or characters, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or facsimile of the whole or any part thereof. Codes, 1857, ch. 64, art. 264; 1871, § 2801; 1880, § 3015; 1892, § 1358; 1906, § 1430; Hemingway's 1917, § 1186; 1930, § 1210; 1942, § 2453.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 7 - INDICTMENT (§§ 99-7-1 — 99-7-41) Section 99-7-9 - Presentment; entry on minutes of court; warrant to issue; copy of indictment to be served on defendant; informing victim as to status of charge

All indictments and the report of the grand jury must be presented to the clerk of the circuit court by the foreman of the grand jury or by a member of such jury designated by the foreman, with the foreman's name endorsed thereon, accompanied by his affidavit that all indictments were concurred in by twelve (12) or more members of the jury and that at least fifteen (15) were present during all deliberations, and must be marked "filed," and such entry be dated and signed by the clerk. It shall not be required that the body of the grand jury be present and the roll called. An entry on the minutes of the court of the finding or presenting of an indictment shall not be necessary or made, but the endorsement by the foreman, together with the marking, dating, and signing by the clerk shall be the legal evidence of the finding and presenting to the court of the indictment. Unless the party indicted be in custody or on bond or recognizance entry of the indictment otherwise than by its number shall not be made at any time or for any purpose on the minutes or on any docket, nor shall any publicity be given to the fact of the existence of the indictment; but it shall never be made an objection to the indictment that it was improperly entered on the minutes or docket. A warrant for the person indicted shall immediately issue and be served on the person so indicted. After the arrest of the person indicted, and prior to arraignment, a copy of the indictment shall be served on such person. Nothing contained herein, however, shall be construed to prohibit a prosecutor with knowledge of the status of a criminal charge from informing the victim, or, if the victim be deceased, a member of the immediate family of the victim, named in an indictment or in an application for an indictment as to the status of said charge at any time, consistent with established rules of court. Codes, 1857, ch. 64, art. 257; 1871, § 2794; 1880, § 3006; 1892, § 1346; 1906, § 1418; Hemingway's 1917, § 1174; 1930, § 1198; 1942, § 2441; Laws, 1964, ch. 354; Laws, 1977, ch. 307; Laws, 1991, ch. 421, § 1; Laws, 2008, ch. 397, § 1, eff. 7/1/2008. All indictments and the report of the grand jury must be presented to the clerk of the circuit court by the foreman of the grand jury or by a member of such jury designated by the foreman, with the foreman's name endorsed thereon, accompanied by his affidavit that all indictments were concurred in by twelve (12) or more members of the jury and that at least fifteen (15) were present during all deliberations, and must be marked "filed," and such entry be dated and signed by the clerk. It

shall not be required that the body of the grand jury be present and the roll called. An entry on the minutes of the court of the finding or presenting of an indictment shall not be necessary or made, but the endorsement by the foreman, together with the marking, dating, and signing by the clerk shall be the legal evidence of the finding and presenting to the court of the indictment. Unless the party indicted be in custody or on bond or recognizance entry of the indictment otherwise than by its number shall not be made at any time or for any purpose on the minutes or on any docket, nor shall any publicity be given to the fact of the existence of the indictment; but it shall never be made an objection to the indictment that it was improperly entered on the minutes or docket. A warrant for the person indicted shall immediately issue and be served on the person so indicted. After the arrest of the person indicted, and prior to arraignment, a copy of the indictment shall be served on such person. Nothing contained herein, however, shall be construed to prohibit a prosecutor with knowledge of the status of a criminal charge from informing the victim, or, if the victim be deceased, a member of the immediate family of the victim, named in an indictment or in an application for an indictment as to the status of said charge at any time, consistent with established rules of court. Codes, 1857, ch. 64, art. 257; 1871, § 2794; 1880, § 3006; 1892, § 1346; 1906, § 1418; Hemingway's 1917, § 1174; 1930, § 1198; 1942, § 2441; Laws, 1964, ch. 354; Laws, 1977, ch. 307; Laws, 1991, ch. 421, § 1; Laws, 2008, ch. 397, § 1, eff. 7/1/2008. All indictments and the report of the grand jury must be presented to the clerk of the circuit court by the foreman of the grand jury or by a member of such jury designated by the foreman, with the foreman's name endorsed thereon, accompanied by his affidavit that all indictments were concurred in by twelve (12) or more members of the jury and that at least fifteen (15) were present during all deliberations, and must be marked "filed," and such entry be dated and signed by the clerk. It shall not be required that the body of the grand jury be present and the roll called. An entry on the minutes of the court of the finding or presenting of an indictment shall not be necessary or made, but the endorsement by the foreman, together with the marking, dating, and signing by the clerk shall be the legal evidence of the finding and presenting to the court of the indictment. Unless the party indicted be in custody or on bond or recognizance entry of the indictment otherwise than by its number shall not be made at any time or for any purpose on the minutes or on any docket, nor shall any publicity be given to the fact of the existence of the indictment; but it shall never be made an objection to the indictment that it was improperly entered on the minutes or docket. A warrant for the person indicted shall immediately issue and be served on the person so indicted. After the arrest of the person indicted, and prior to arraignment, a copy of the indictment shall be served on such person. Nothing contained herein, however, shall be construed to prohibit a prosecutor with knowledge of the status of a criminal charge from informing the victim, or, if the victim be deceased, a member of the immediate family of the victim, named in an indictment or in an application for an indictment as to the status of said charge at any time, consistent with established rules of court. Codes, 1857, ch. 64, art. 257; 1871, § 2794; 1880, § 3006; 1892, § 1346; 1906, § 1418; Hemingway's 1917, § 1174; 1930, § 1198; 1942, § 2441; Laws, 1964, ch. 354; Laws, 1977, ch. 307; Laws, 1991, ch. 421, § 1; Laws, 2008, ch. 397, § 1, eff. 7/1/2008. All indictments and the report of the grand jury must be presented to the clerk of the circuit court by the foreman of the grand jury or by a member of such jury designated by the foreman, with the foreman's name endorsed thereon, accompanied by his affidavit that all indictments were concurred in by twelve (12) or more members of the jury and that at least fifteen (15) were present during all deliberations, and must be marked "filed," and such entry be dated and signed by the clerk. It shall not be required that the body of the grand jury be present and the roll called. An entry on the minutes of the court of the finding or presenting of an indictment shall not be necessary or made, but the endorsement by the foreman, together with the marking, dating, and signing by the clerk shall be the legal evidence of the finding and presenting to the court of the indictment. Unless the party indicted be in custody or on bond or recognizance entry of the indictment otherwise than by its number shall not be made at any time or for any purpose on the minutes or on any docket, nor shall any publicity be given to the fact of the existence of the indictment; but it shall never be made an objection to the indictment that it was improperly entered on the minutes or docket. A warrant for the person indicted shall immediately issue and be served on the person so indicted. After the arrest of the person indicted, and prior to arraignment, a copy of the indictment shall be served on such person. Nothing contained herein, however, shall be construed to prohibit a prosecutor with knowledge of the status of a criminal charge from informing the victim, or, if the victim be deceased, a member of the immediate family of the victim, named in an indictment or in an application for an indictment as to the status of said charge at any time, consistent with established rules of court. Codes, 1857, ch. 64, art. 257; 1871, § 2794; 1880, § 3006; 1892, § 1346; 1906, § 1418; Hemingway's 1917, § 1174; 1930, § 1198; 1942, § 2441; Laws, 1964, ch. 354; Laws, 1977, ch. 307; Laws, 1991, ch. 421, § 1; Laws, 2008, ch. 397, § 1, eff. 7/1/2008.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 9 - PROCESS (§§ 99-9-1 — 99-9-37) Section 99-9-1 - Capias or alias issued for arrest on indictment

The process for arrest on an indictment shall be a capias, which shall be issued immediately on the return of the indictment into court, and made returnable instant, unless otherwise ordered by the court, and if the capias be not returned executed, the clerk shall issue an alias, returnable to the next term, without an order for that purpose. Codes, 1857, ch. 64, art. 284; 1871, § 2784; 1880, § 3018; 1892, § 1366; 1906, § 1438; Hemingway's 1917, § 1195; 1930, § 1218; 1942, § 2461. The process for arrest on an indictment shall be a capias, which shall be issued immediately on the return of the indictment into court, and made returnable instant, unless otherwise ordered by the court, and if the capias be not returned executed, the clerk shall issue an alias, returnable to the next term, without an order for that purpose. Codes, 1857, ch. 64, art. 284; 1871, § 2784; 1880, § 3018; 1892, § 1366; 1906, § 1438; Hemingway's 1917, § 1195; 1930, § 1218; 1942, § 2461. The process for arrest on an indictment shall be a capias, which shall be issued immediately on the return of the indictment into court, and made returnable instant, unless otherwise ordered by the court, and if the capias be not returned executed, the clerk shall issue an alias, returnable to the next term, without an order for that purpose. Codes, 1857, ch. 64, art. 284; 1871, § 2784; 1880, § 3018; 1892, § 1366; 1906, § 1438; Hemingway's 1917, § 1195; 1930, § 1218; 1942, § 2461.

1218; 1942, § 2461. The process for arrest on an indictment shall be a capias, which shall be issued immediately on the return of the indictment into court, and made returnable instant, unless otherwise ordered by the court, and if the capias be not returned executed, the clerk shall issue an alias, returnable to the next term, without an order for that purpose. Codes, 1857, ch. 64, art. 284; 1871, § 2784; 1880, § 3018; 1892, § 1366; 1906, § 1438; Hemingway's 1917, § 1195; 1930, § 1218; 1942, § 2461.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 9 - PROCESS (§§ 99-9-1 — 99-9-37) Section 99-9-11 - Subpoenas for witnesses

The first process, in all criminal causes, and in all courts, to compel the attendance of a witness, shall be a subpoena, directed to the sheriff or to some proper officer of the county where the witness may reside, stating the time and place for the appearance of the witness, the parties to the cause, and the party at whose instance the witness is subpoenaed. The names of the witnesses, if there be not exceeding six of them, residing in the same county, shall be inserted in the same subpoena. Codes, Hutchinson's 1848, ch. 60, art. 1(102); 1857, ch. 61, art. 194; 1871, § 761; 1880, § 1586; 1892, § 3449; 1906, § 3948; Hemingway's 1917, § 2955; 1930, § 3001; 1942, § 1883. The first process, in all criminal causes, and in all courts, to compel the attendance of a witness, shall be a subpoena, directed to the sheriff or to some proper officer of the county where the witness may reside, stating the time and place for the appearance of the witness, the parties to the cause, and the party at whose instance the witness is subpoenaed. The names of the witnesses, if there be not exceeding six of them, residing in the same county, shall be inserted in the same subpoena. Codes, Hutchinson's 1848, ch. 60, art. 1(102); 1857, ch. 61, art. 194; 1871, § 761; 1880, § 1586; 1892, § 3449; 1906, § 3948; Hemingway's 1917, § 2955; 1930, § 3001; 1942, § 1883. The first process, in all criminal causes, and in all courts, to compel the attendance of a witness, shall be a subpoena, directed to the sheriff or to some proper officer of the county where the witness may reside, stating the time and place for the appearance of the witness, the parties to the cause, and the party at whose instance the witness is subpoenaed. The names of the witnesses, if there be not exceeding six of them, residing in the same county, shall be inserted in the same subpoena. Codes, Hutchinson's 1848, ch. 60, art. 1(102); 1857, ch. 61, art. 194; 1871, § 761; 1880, § 1586; 1892, § 3449; 1906, § 3948; Hemingway's 1917, § 2955; 1930, § 3001; 1942, § 1883. The first process, in all criminal causes, and in all courts, to compel the attendance of a witness, shall be a subpoena, directed to the sheriff or to some proper officer of the county where the witness may reside, stating the time and place for the appearance of the witness, the parties to the cause, and the party at whose instance the witness is subpoenaed. The names of the witnesses, if there be not exceeding six of them, residing in the same county, shall be inserted in the same subpoena. Codes, Hutchinson's 1848, ch. 60, art. 1(102); 1857, ch. 61, art. 194; 1871, § 761; 1880, § 1586; 1892, § 3449; 1906, § 3948; Hemingway's 1917, § 2955; 1930, § 3001; 1942, § 1883.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 9 - PROCESS (§§ 99-9-1 — 99-9-37) Section 99-9-13 - Issuance of subpoena for witness to give deposition for use in another state

Any commissioner or other person appointed, or to whom a commission may be directed, by any court without the limits of this state, to take the deposition of any witness residing or being in this state, shall have power to issue subpoenas for the witness to be examined, returnable at such time and place as the commissioner or other person may appoint. Codes, 1857, ch. 61, art. 195; 1871, § 763; 1880, § 1587; 1892, § 3451; 1906, § 3950; Hemingway's 1917, § 2957; 1930, § 3003; 1942, § 1885. Any commissioner or other person appointed, or to whom a commission may be directed, by any court without the limits of this state, to take the deposition of any witness residing or being in this state, shall have power to issue subpoenas for the witness to be examined, returnable at such time and place as the commissioner or other person may appoint. Codes, 1857, ch. 61, art. 195; 1871, § 763; 1880, § 1587; 1892, § 3451; 1906, § 3950; Hemingway's 1917, § 2957; 1930, § 3003; 1942, § 1885. Any commissioner or other person appointed, or to whom a commission may be directed, by any court without the limits of this state, to take the deposition of any witness residing or being in this state, shall have power to issue subpoenas for the witness to be examined, returnable at such time and place as the commissioner or other person may appoint. Codes, 1857, ch. 61, art. 195; 1871, § 763; 1880, § 1587; 1892, § 3451; 1906, § 3950; Hemingway's 1917, § 2957; 1930, § 3003; 1942, § 1885. Any commissioner or other person appointed, or to whom a commission may be directed, by any court without the limits of this state, to take the deposition of any witness residing or being in this state, shall have power to issue subpoenas for the witness to be examined, returnable at such time and place as the commissioner or other person may appoint. Codes, 1857, ch. 61, art. 195; 1871, § 763; 1880, § 1587; 1892, § 3451; 1906, § 3950; Hemingway's 1917, § 2957; 1930, § 3003; 1942, § 1885.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 9 - PROCESS (§§ 99-9-1 — 99-9-37) Section 99-9-15 - Subpoena to compel attendance of witness from nearby county during term

If, during the session of any circuit court, there shall be wanted in any case or matter before the court, or before the grand jury, a witness who resides or may be found in any county within the state, and within one hundred (100) miles of the place where the court is being held, such court may order a subpoena or attachment for such witness, directed to the sheriff of the county in which the court is being held. The sheriff shall execute the process according to its command, in the county where such witness may be found, and the service shall be as valid as if effected in the county in which the court is being held. The court may, however, appoint some person not an officer to execute and return such process, whose action in executing it shall be as lawful as if done by the sheriff, and who shall be entitled to the same fees therefor as the sheriff would be entitled to for executing the process. Codes, 1880, § 1594; 1892, § 3452; 1906, § 3951; Hemingway's 1917, § 2958; 1930, § 3004; 1942, § 1886; Laws, 1936, ch. 250. If, during the session of any circuit court, there shall be wanted in any case or matter before the court, or before the grand jury, a witness who resides or may

be found in any county within the state, and within one hundred (100) miles of the place where the court is being held, such court may order a subpoena or attachment for such witness, directed to the sheriff of the county in which the court is being held. The sheriff shall execute the process according to its command, in the county where such witness may be found, and the service shall be as valid as if effected in the county in which the court is being held. The court may, however, appoint some person not an officer to execute and return such process, whose action in executing it shall be as lawful as if done by the sheriff, and who shall be entitled to the same fees therefor as the sheriff would be entitled to for executing the process. Codes, 1880, § 1594; 1892, § 3452; 1906, § 3951; Hemingway's 1917, § 2958; 1930, § 3004; 1942, § 1886; Laws, 1936, ch. 250. If, during the session of any circuit court, there shall be wanted in any case or matter before the court, or before the grand jury, a witness who resides or may be found in any county within the state, and within one hundred (100) miles of the place where the court is being held, such court may order a subpoena or attachment for such witness, directed to the sheriff of the county in which the court is being held. The sheriff shall execute the process according to its command, in the county where such witness may be found, and the service shall be as valid as if effected in the county in which the court is being held. The court may, however, appoint some person not an officer to execute and return such process, whose action in executing it shall be as lawful as if done by the sheriff, and who shall be entitled to the same fees therefor as the sheriff would be entitled to for executing the process. Codes, 1880, § 1594; 1892, § 3452; 1906, § 3951; Hemingway's 1917, § 2958; 1930, § 3004; 1942, § 1886; Laws, 1936, ch. 250. If, during the session of any circuit court, there shall be wanted in any case or matter before the court, or before the grand jury, a witness who resides or may be found in any county within the state, and within one hundred (100) miles of the place where the court is being held, such court may order a subpoena or attachment for such witness, directed to the sheriff of the county in which the court is being held. The sheriff shall execute the process according to its command, in the county where such witness may be found, and the service shall be as valid as if effected in the county in which the court is being held. The court may, however, appoint some person not an officer to execute and return such process, whose action in executing it shall be as lawful as if done by the sheriff, and who shall be entitled to the same fees therefor as the sheriff would be entitled to for executing the process. Codes, 1880, § 1594; 1892, § 3452; 1906, § 3951; Hemingway's 1917, § 2958; 1930, § 3004; 1942, § 1886; Laws, 1936, ch. 250.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 9 - PROCESS (§§ 99-9-1 — 99-9-37) Section 99-9-17 - Service of subpoena

Subpoenas shall be served personally as a summons is required to be served, and the person so subpoenaed shall appear. Codes, 1857, ch. 61, art. 196; 1871, § 764; 1880, § 1588; 1892, § 3453; 1906, § 3952; Hemingway's 1917, § 2959; 1930, § 3005; 1942, § 1887. Subpoenas shall be served personally as a summons is required to be served, and the person so subpoenaed shall appear. Codes, 1857, ch. 61, art. 196; 1871, § 764; 1880, § 1588; 1892, § 3453; 1906, § 3952; Hemingway's 1917, § 2959; 1930, § 3005; 1942, § 1887. Subpoenas shall be served personally as a summons is required to be served, and the person so subpoenaed shall appear. Codes, 1857, ch. 61, art. 196; 1871, § 764; 1880, § 1588; 1892, § 3453; 1906, § 3952; Hemingway's 1917, § 2959; 1930, § 3005; 1942, § 1887. Subpoenas shall be served personally as a summons is required to be served, and the person so subpoenaed shall appear. Codes, 1857, ch. 61, art. 196; 1871, § 764; 1880, § 1588; 1892, § 3453; 1906, § 3952; Hemingway's 1917, § 2959; 1930, § 3005; 1942, § 1887.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 9 - PROCESS (§§ 99-9-1 — 99-9-37) Section 99-9-19 - Attachment for non-appearing subpoenaed witness

If any person subpoenaed as a witness shall fail to appear and attend as required, an attachment shall be issued by order of the court or other authority before which he was subpoenaed to appear, returnable at such time as the court or authority may appoint. The court or authority shall, on ordering the attachment, direct whether the witness shall enter into bond for his appearance, and in what sum, and whether with or without sureties, which bond the sheriff, or other officer by whom the attachment is executed, is authorized to take, payable to the state. In case the witness shall appear in answer to the attachment, the court may discharge him therefrom, on good cause shown, or may require him to enter into recognizance or bond for his appearance until discharged, to testify in the cause. In case the witness shall not appear, in pursuance of his recognizance or bond, the same proceedings shall be had as upon the forfeiture of a recognizance in a criminal case. Codes, Hutchinson's 1848, ch. 60, art. 1(121); 1857, ch. 61, art. 197; 1871, § 765; 1880, § 1589; 1892, § 3454; 1906, § 3935; Hemingway's 1917, § 2960; 1930, § 3006; 1942, § 1888. If any person subpoenaed as a witness shall fail to appear and attend as required, an attachment shall be issued by order of the court or other authority before which he was subpoenaed to appear, returnable at such time as the court or authority may appoint. The court or authority shall, on ordering the attachment, direct whether the witness shall enter into bond for his appearance, and in what sum, and whether with or without sureties, which bond the sheriff, or other officer by whom the attachment is executed, is authorized to take, payable to the state. In case the witness shall appear in answer to the attachment, the court may discharge him therefrom, on good cause shown, or may require him to enter into recognizance or bond for his appearance until discharged, to testify in the cause. In case the witness shall not appear, in pursuance of his recognizance or bond, the same proceedings shall be had as upon the forfeiture of a recognizance in a criminal case. Codes, Hutchinson's 1848, ch. 60, art. 1(121); 1857, ch. 61, art. 197; 1871, § 765; 1880, § 1589; 1892, § 3454; 1906, § 3935; Hemingway's 1917, § 2960; 1930, § 3006; 1942, § 1888. If any person subpoenaed as a witness shall fail to appear and attend as required, an attachment shall be issued by order of the court or other authority before which he was subpoenaed to appear, returnable at such time as the court or authority may appoint. The court or authority shall, on ordering the attachment, direct whether the witness shall enter into bond for his appearance, and in what sum, and whether with or without

sureties, which bond the sheriff, or other officer by whom the attachment is executed, is authorized to take, payable to the state. In case the witness shall appear in answer to the attachment, the court may discharge him therefrom, on good cause shown, or may require him to enter into recognizance or bond for his appearance until discharged, to testify in the cause. In case the witness shall not appear, in pursuance of his recognizance or bond, the same proceedings shall be had as upon the forfeiture of a recognizance in a criminal case. Codes, Hutchinson's 1848, ch. 60, art. 1(121); 1857, ch. 61, art. 197; 1871, § 765; 1880, § 1589; 1892, § 3454; 1906, § 3935; Hemingway's 1917, § 2960; 1930, § 3006; 1942, § 1888. If any person subpoenaed as a witness shall fail to appear and attend as required, an attachment shall be issued by order of the court or other authority before which he was subpoenaed to appear, returnable at such time as the court or authority may appoint. The court or authority shall, on ordering the attachment, direct whether the witness shall enter into bond for his appearance, and in what sum, and whether with or without sureties, which bond the sheriff, or other officer by whom the attachment is executed, is authorized to take, payable to the state. In case the witness shall appear in answer to the attachment, the court may discharge him therefrom, on good cause shown, or may require him to enter into recognizance or bond for his appearance until discharged, to testify in the cause. In case the witness shall not appear, in pursuance of his recognizance or bond, the same proceedings shall be had as upon the forfeiture of a recognizance in a criminal case. Codes, Hutchinson's 1848, ch. 60, art. 1(121); 1857, ch. 61, art. 197; 1871, § 765; 1880, § 1589; 1892, § 3454; 1906, § 3935; Hemingway's 1917, § 2960; 1930, § 3006; 1942, § 1888.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 9 - PROCESS (§§ 99-9-1 — 99-9-37) Section 99-9-21 - Subpoenaed witness to attend until discharged; scire facias for defaulters

Every witness subpoenaed in any criminal case, shall attend, from day to day, and from term to term without further notice, until discharged by the court or by the party at whose instance he was subpoenaed, and in default thereof he shall be fined by the court not more than five hundred dollars, and a scire facias shall issue thereon, requiring him to appear at the next term of the court, to show cause why the fine should not be made absolute. If cause be not then shown, the fine shall be made final. In criminal cases, the court may cause the witnesses on either side to be bound by bond or recognizance to appear and testify until discharged. Codes, Hutchinson's 1848, ch. 60, art. 1(103, 105); 1857, ch. 61, arts. 196, 198; 1871, § 766; 1880, §§ 1590, 1591, 1592; 1892, § 3455; 1906, § 3954; Hemingway's 1917, § 2961; 1930, § 3007; 1942, § 1889. Every witness subpoenaed in any criminal case, shall attend, from day to day, and from term to term without further notice, until discharged by the court or by the party at whose instance he was subpoenaed, and in default thereof he shall be fined by the court not more than five hundred dollars, and a scire facias shall issue thereon, requiring him to appear at the next term of the court, to show cause why the fine should not be made absolute. If cause be not then shown, the fine shall be made final. In criminal cases, the court may cause the witnesses on either side to be bound by bond or recognizance to appear and testify until discharged. Codes, Hutchinson's 1848, ch. 60, art. 1(103, 105); 1857, ch. 61, arts. 196, 198; 1871, § 766; 1880, §§ 1590, 1591, 1592; 1892, § 3455; 1906, § 3954; Hemingway's 1917, § 2961; 1930, § 3007; 1942, § 1889. Every witness subpoenaed in any criminal case, shall attend, from day to day, and from term to term without further notice, until discharged by the court or by the party at whose instance he was subpoenaed, and in default thereof he shall be fined by the court not more than five hundred dollars, and a scire facias shall issue thereon, requiring him to appear at the next term of the court, to show cause why the fine should not be made absolute. If cause be not then shown, the fine shall be made final. In criminal cases, the court may cause the witnesses on either side to be bound by bond or recognizance to appear and testify until discharged. Codes, Hutchinson's 1848, ch. 60, art. 1(103, 105); 1857, ch. 61, arts. 196, 198; 1871, § 766; 1880, §§ 1590, 1591, 1592; 1892, § 3455; 1906, § 3954; Hemingway's 1917, § 2961; 1930, § 3007; 1942, § 1889.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 9 - PROCESS (§§ 99-9-1 — 99-9-37) Section 99-9-23 - Witness subpoenaed in vacation to appear before grand jury

Any district attorney or conservator of the peace may apply to the clerk of the circuit court in vacation for writs of subpoena for any witness to attend before the grand jury. It shall be the duty of the clerk to issue all subpoenas thus applied for, and it shall be the duty of all witnesses subpoenaed to attend in obedience to the command of such subpoena. If such witnesses fail to appear, the foreman of the grand jury may apply for and obtain an attachment, as in other cases of defaulting witnesses, and such witnesses shall be liable to all the penalties to which any defaulting witness is subject. Codes, 1880, § 1678; 1892, § 3456; 1906, § 3955; Hemingway's 1917, § 2962; 1930, § 3008; 1942, § 1890; Laws, 1983, ch. 499, § 27, eff. 7/1/1983. Any district attorney or conservator of the peace may apply to the clerk of the circuit court in vacation for writs of subpoena for any witness to attend before the grand jury. It shall be the duty of the clerk to issue all subpoenas thus applied for, and it shall be the duty of all witnesses subpoenaed to attend in obedience to the command of such subpoena. If such witnesses fail to appear, the foreman of the grand jury may apply for and obtain an attachment, as in other cases of defaulting witnesses, and such witnesses shall be liable to all the penalties to which any defaulting witness is subject. Codes, 1880, § 1678; 1892, § 3456; 1906, § 3955; Hemingway's 1917, § 2962; 1930, § 3008; 1942, § 1890; Laws, 1983, ch. 499, § 27, eff. 7/1/1983. Any district attorney or conservator of the peace may apply to the clerk of the circuit

court in vacation for writs of subpoena for any witness to attend before the grand jury. It shall be the duty of the clerk to issue all subpoenas thus applied for, and it shall be the duty of all witnesses subpoenaed to attend in obedience to the command of such subpoena. If such witnesses fail to appear, the foreman of the grand jury may apply for and obtain an attachment, as in other cases of defaulting witnesses, and such witnesses shall be liable to all the penalties to which any defaulting witness is subject. Codes, 1880, § 1678; 1892, § 3456; 1906, § 3955; Hemingway's 1917, § 2962; 1930, § 3008; 1942, § 1890; Laws, 1983, ch. 499, § 27, eff. 7/1/1983. Any district attorney or conservator of the peace may apply to the clerk of the circuit court in vacation for writs of subpoena for any witness to attend before the grand jury. It shall be the duty of the clerk to issue all subpoenas thus applied for, and it shall be the duty of all witnesses subpoenaed to attend in obedience to the command of such subpoena. If such witnesses fail to appear, the foreman of the grand jury may apply for and obtain an attachment, as in other cases of defaulting witnesses, and such witnesses shall be liable to all the penalties to which any defaulting witness is subject. Codes, 1880, § 1678; 1892, § 3456; 1906, § 3955; Hemingway's 1917, § 2962; 1930, § 3008; 1942, § 1890; Laws, 1983, ch. 499, § 27, eff. 7/1/1983.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 9 - PROCESS (§§ 99-9-1 — 99-9-37) Section 99-9-25 - Attachment of subpoenaed witnesses failing to appear before grand jury

In all cases where process to bring witnesses before the grand jury shall be executed, and the witness shall fail to attend, the clerk shall, on the order of the judge or application of the district attorney or any member of the grand jury, issue an attachment for such witness, returnable immediately, or, if the court shall so direct, to the next term. Bond may be required, and fine imposed and proceedings had thereon as in other cases of defaulting witnesses. Codes, 1880, § 1679; 1892, § 3457; 1906, § 3956; Hemingway's 1917, § 2963; 1930, § 3009; 1942, § 1891. In all cases where process to bring witnesses before the grand jury shall be executed, and the witness shall fail to attend, the clerk shall, on the order of the judge or application of the district attorney or any member of the grand jury, issue an attachment for such witness, returnable immediately, or, if the court shall so direct, to the next term. Bond may be required, and fine imposed and proceedings had thereon as in other cases of defaulting witnesses. Codes, 1880, § 1679; 1892, § 3457; 1906, § 3956; Hemingway's 1917, § 2963; 1930, § 3009; 1942, § 1891. In all cases where process to bring witnesses before the grand jury shall be executed, and the witness shall fail to attend, the clerk shall, on the order of the judge or application of the district attorney or any member of the grand jury, issue an attachment for such witness, returnable immediately, or, if the court shall so direct, to the next term. Bond may be required, and fine imposed and proceedings had thereon as in other cases of defaulting witnesses. Codes, 1880, § 1679; 1892, § 3457; 1906, § 3956; Hemingway's 1917, § 2963; 1930, § 3009; 1942, § 1891. In all cases where process to bring witnesses before the grand jury shall be executed, and the witness shall fail to attend, the clerk shall, on the order of the judge or application of the district attorney or any member of the grand jury, issue an attachment for such witness, returnable immediately, or, if the court shall so direct, to the next term. Bond may be required, and fine imposed and proceedings had thereon as in other cases of defaulting witnesses. Codes, 1880, § 1679; 1892, § 3457; 1906, § 3956; Hemingway's 1917, § 2963; 1930, § 3009; 1942, § 1891.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 9 - PROCESS (§§ 99-9-1 — 99-9-37) Section 99-9-27 - Uniform witness attendance law; short title

Sections 99-9-27 through 99-9-35 may be cited as "uniform law to secure the attendance of witnesses from without the state in criminal cases." Codes, 1942, § 1892; Laws, 1938, ch. 261. Sections 99-9-27 through 99-9-35 may be cited as "uniform law to secure the attendance of witnesses from without the state in criminal cases." Codes, 1942, § 1892; Laws, 1938, ch. 261. Sections 99-9-27 through 99-9-35 may be cited as "uniform law to secure the attendance of witnesses from without the state in criminal cases." Codes, 1942, § 1892; Laws, 1938, ch. 261. Sections 99-9-27 through 99-9-35 may be cited as "uniform law to secure the attendance of witnesses from without the state in criminal cases." Codes, 1942, § 1892; Laws, 1938, ch. 261.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 9 - PROCESS (§§ 99-9-1 — 99-9-37) Section 99-9-29 - Definitions

"Witness" as used in Sections 99-9-27 through 99-9-35 shall include a person whose testimony is relevant and material and desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution or proceeding. "State" as used in Sections 99-9-27 through 99-9-35 shall include any territory of the United States and the District of Columbia. Codes, 1942, § 1893; Laws, 1938, ch. 261. "Witness" as used in Sections 99-9-27 through 99-9-35 shall include a person whose testimony is relevant and material and desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution or proceeding. "State" as used in Sections 99-9-27 through 99-9-35 shall include any territory of the United States and the District of Columbia. Codes, 1942, § 1893; Laws, 1938, ch. 261. "Witness" as used in Sections 99-9-27 through 99-9-35 shall include a person whose testimony is relevant and material and desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution or proceeding. "State" as used in Sections 99-9-27 through 99-9-35 shall include any territory of the United States and the District of Columbia. Codes, 1942, § 1893; Laws, 1938, ch. 261. "Witness" as used in Sections 99-9-27 through 99-9-35 shall include a person whose testimony is relevant and material and desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution or proceeding. "State" as used in Sections 99-9-27 through 99-9-35 shall include any territory of the United States and the District of Columbia. Codes, 1942, § 1893; Laws, 1938, ch. 261.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 9 - PROCESS (§§ 99-9-1

— 99-9-37)Section 99-9-3 - Corporations; summons issued on indictment; execution on judgment

When an indictment shall be found against a corporation, a summons shall be issued against it, by its corporate name, to appear and answer the indictment, which summons may be executed as a summons against a corporation in a civil suit; and upon the summons being returned executed, the corporation shall be considered in court, and appearing to the indictment, and the court shall, unless the defendant do so of its own accord, cause an appearance for it to be entered of record; and such proceedings may then be had thereon as if the corporation had appeared and pleaded thereto; and if the corporation be convicted on the indictment, the court may pass judgment thereon, and cause process of execution to be issued against the goods and chattels, lands and tenements of the corporation for the amount of the fine and costs which may be awarded against it, as on a judgment in a civil suit; and the sheriff shall proceed to sell the goods and chattels, and lands and tenements of the corporation on the execution as on an execution issuing against a corporation in a civil suit. Codes, 1857, ch. 64, art. 269; 1871, § 2769; 1880, § 3019; 1892, § 1367; 1906, § 1439; Hemingway's 1917, § 1196; 1930, § 1219; 1942, § 2462. When an indictment shall be found against a corporation, a summons shall be issued against it, by its corporate name, to appear and answer the indictment, which summons may be executed as a summons against a corporation in a civil suit; and upon the summons being returned executed, the corporation shall be considered in court, and appearing to the indictment, and the court shall, unless the defendant do so of its own accord, cause an appearance for it to be entered of record; and such proceedings may then be had thereon as if the corporation had appeared and pleaded thereto; and if the corporation be convicted on the indictment, the court may pass judgment thereon, and cause process of execution to be issued against the goods and chattels, lands and tenements of the corporation for the amount of the fine and costs which may be awarded against it, as on a judgment in a civil suit; and the sheriff shall proceed to sell the goods and chattels, and lands and tenements of the corporation on the execution as on an execution issuing against a corporation in a civil suit. Codes, 1857, ch. 64, art. 269; 1871, § 2769; 1880, § 3019; 1892, § 1367; 1906, § 1439; Hemingway's 1917, § 1196; 1930, § 1219; 1942, § 2462. When an indictment shall be found against a corporation, a summons shall be issued against it, by its corporate name, to appear and answer the indictment, which summons may be executed as a summons against a corporation in a civil suit; and upon the summons being returned executed, the corporation shall be considered in court, and appearing to the indictment, and the court shall, unless the defendant do so of its own accord, cause an appearance for it to be entered of record; and such proceedings may then be had thereon as if the corporation had appeared and pleaded thereto; and if the corporation be convicted on the indictment, the court may pass judgment thereon, and cause process of execution to be issued against the goods and chattels, lands and tenements of the corporation for the amount of the fine and costs which may be awarded against it, as on a judgment in a civil suit; and the sheriff shall proceed to sell the goods and chattels, and lands and tenements of the corporation on the execution as on an execution issuing against a corporation in a civil suit. Codes, 1857, ch. 64, art. 269; 1871, § 2769; 1880, § 3019; 1892, § 1367; 1906, § 1439; Hemingway's 1917, § 1196; 1930, § 1219; 1942, § 2462.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 9 - PROCESS (§§ 99-9-1 — 99-9-37) Section 99-9-31 - Summoning witnesses in this state to testify in another state

If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in this state, certifies under the seal of such court that there is a criminal prosecution pending in such court, or that a grand jury investigation has commenced or is about to commence, that a person being within this state is a material witness in such prosecution, or grand jury investigation, and that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing. If at a hearing, the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other state, and that the laws of the state in which the prosecution is pending, or grand jury investigation has commenced or is about to commence, will give to him protection from arrest and the service of civil and criminal process, he shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending, or where the grand jury investigation has commenced or is about to commence at a time and place specified in the summons. In any such hearing the certificate shall be prima facie evidence of all the facts stated therein. If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state, such judge may, in lieu of notification of the hearing, direct that such witness be forthwith brought before him for said hearing, and the judge at the hearing being satisfied of the desirability of such custody and delivery, for which determination the certificate shall be prima facie proof of such desirability may, in lieu of issuing subpoena or

summons, order that said witness be forthwith taken into custody and delivered to an officer of the requesting state. If the summoned witness, after being paid or tendered by some properly authorized person, the sum of ten (\$.10) cents a mile for each mile and five (\$5.00) dollars for each day that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state. Codes, 1942, § 1894; Laws, 1938, ch. 261. If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in this state, certifies under the seal of such court that there is a criminal prosecution pending in such court, or that a grand jury investigation has commenced or is about to commence, that a person being within this state is a material witness in such prosecution, or grand jury investigation, and that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing. If at a hearing, the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other state, and that the laws of the state in which the prosecution is pending, or grand jury investigation has commenced or is about to commence, will give to him protection from arrest and the service of civil and criminal process, he shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending, or where the grand jury investigation has commenced or is about to commence at a time and place specified in the summons. In any such hearing the certificate shall be prima facie evidence of all the facts stated therein. If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state, such judge may, in lieu of notification of the hearing, direct that such witness be forthwith brought before him for said hearing, and the judge at the hearing being satisfied of the desirability of such custody and delivery, for which determination the certificate shall be prima facie proof of such desirability may, in lieu of issuing subpoena or summons, order that said witness be forthwith taken into custody and delivered to an officer of the requesting state. If the summoned witness, after being paid or tendered by some properly authorized person, the sum of ten (\$.10) cents a mile for each mile and five (\$5.00) dollars for each day that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state. Codes, 1942, § 1894; Laws, 1938, ch. 261. If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in this state, certifies under the seal of such court that there is a criminal prosecution pending in such court, or that a grand jury investigation has commenced or is about to commence, that a person being within this state is a material witness in such prosecution, or grand jury investigation, and that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing. If at a hearing, the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other state, and that the laws of the state in which the prosecution is pending, or grand jury investigation has commenced or is about to commence, will give to him protection from arrest and the service of civil and criminal process, he shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending, or where the grand jury investigation has commenced or is about to commence at a time and place specified in the summons. In any such hearing the certificate shall be prima facie evidence of all the facts stated therein. If said certificate

recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state, such judge may, in lieu of notification of the hearing, direct that such witness be forthwith brought before him for said hearing, and the judge at the hearing being satisfied of the desirability of such custody and delivery, for which determination the certificate shall be prima facie proof of such desirability may, in lieu of issuing subpoena or summons, order that said witness be forthwith taken into custody and delivered to an officer of the requesting state. If the summoned witness, after being paid or tendered by some properly authorized person, the sum of ten (\$.10) cents a mile for each mile and five (\$5.00) dollars for each day that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state. Codes, 1942, § 1894; Laws, 1938, ch. 261.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 9 - PROCESS (§§ 99-9-1 — 99-9-37) Section 99-9-33 - Witness from another state summoned to testify in this state

If a person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence, in this state, is a material witness in a prosecution pending in a court of record in this state, or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness shall be required. This certificate shall be presented to a judge of a court of record in the county or parish in which the witness is found. If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of this state to assure his attendance in this state, such judge may direct that such witness be forthwith brought before him, and the judge being satisfied of the desirability of such custody and delivery, for which determination said certificate shall be prima facie proof, may order that said witness be forthwith taken into custody and delivered to an officer of this state, which order shall be sufficient authority to such officer to take such witness into custody and hold him unless and until he may be released by bail, recognizance, or order of the judge issuing the certificate. If the witness is summoned to attend and testify in this state, he shall be tendered the sum of ten (\$.10) cents a mile for each mile and five (\$5.00) dollars for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this state a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If such witness fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state. Codes, 1942, § 1895; Laws, 1938, ch. 261. If a person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence, in this state, is a material witness in a prosecution pending in a court of record in this state, or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness shall be required. This certificate shall be presented to a judge of a court of record in the county or parish in which the witness is found. If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of this state to assure his attendance in this state, such judge may direct that such witness be forthwith brought before him, and the judge being satisfied of the desirability of such custody and delivery, for which determination said certificate shall be prima facie proof, may order that said witness be forthwith taken into custody and delivered to an officer of this state, which order shall be sufficient authority to such officer to take such witness into custody and hold him unless and until he may be released by bail, recognizance, or order of the judge issuing the certificate. If the witness is summoned to attend and testify in this state, he shall be tendered the sum of ten (\$.10) cents a mile for each mile and five (\$5.00) dollars for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this state a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If such witness fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state. Codes, 1942, § 1895; Laws, 1938, ch. 261. If a person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence, in this state, is a material witness in a prosecution pending in a court of record in this state, or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness shall be required. This certificate shall be presented to a judge of a court of record in the county or parish in which the witness is found. If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of this state to assure his attendance in this state, such judge may direct that such witness be forthwith brought before him, and the judge being satisfied of the desirability of such custody and delivery, for which determination said certificate shall be prima facie proof, may order that said witness be forthwith taken into custody and delivered to an officer of this state, which order shall be sufficient authority to such officer to take such witness into custody and hold him unless and until he may be released by bail, recognizance, or order of the judge issuing the certificate. If the witness is summoned to attend and testify in this state, he shall be tendered the sum of ten (\$.10) cents a mile for each mile and five (\$5.00) dollars for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this state a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If such witness fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the

punishment of any witness who disobeys a summons issued from a court of record in this state. Codes, 1942, § 1895; Laws, 1938, ch. 261. If a person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence, in this state, is a material witness in a prosecution pending in a court of record in this state, or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness shall be required. This certificate shall be presented to a judge of a court of record in the county or parish in which the witness is found. If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of this state to assure his attendance in this state, such judge may direct that such witness be forthwith brought before him, and the judge being satisfied of the desirability of such custody and delivery, for which determination said certificate shall be prima facie proof, may order that said witness be forthwith taken into custody and delivered to an officer of this state, which order shall be sufficient authority to such officer to take such witness into custody and hold him unless and until he may be released by bail, recognizance, or order of the judge issuing the certificate. If the witness is summoned to attend and testify in this state, he shall be tendered the sum of ten (\$.10) cents a mile for each mile and five (\$5.00) dollars for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this state a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If such witness fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state. Codes, 1942, § 1895; Laws, 1938, ch. 261.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 9 - PROCESS (§§ 99-9-1 — 99-9-37) Section 99-9-35 - Exemption from arrest and service of process

If a person comes into this state in obedience to a summons directing him to attend and testify in this state, he shall not, while in this state pursuant to such summons or order, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons. If a person passes through this state while going to another state in obedience to a summons or order to attend and testify in that state or while returning therefrom, he shall not, while so passing through this state, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons or order. Codes, 1942, § 1896; Laws, 1938, ch. 261. If a person comes into this state in obedience to a summons directing him to attend and testify in this state, he shall not, while in this state pursuant to such summons or order, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons. If a person passes through this state while going to another state in obedience to a summons or order to attend and testify in that state or while returning therefrom, he shall not, while so passing through this state, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons or order. Codes, 1942, § 1896; Laws, 1938, ch. 261. If a person comes into this state in obedience to a summons directing him to attend and testify in this state, he shall not, while in this state pursuant to such summons or order, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons. If a person passes through this state while going to another state in obedience to a summons or order to attend and testify in that state or while returning therefrom, he shall not, while so passing through this state, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons or order. Codes, 1942, § 1896; Laws, 1938, ch. 261. If a person comes into this state in obedience to a summons directing him to attend and testify in this state, he shall not, while in this state pursuant to such summons or order, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons. If a person passes through this state while going to another state in obedience to a summons or order to attend and testify in that state or while returning therefrom, he shall not, while so passing through this state, be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons or order. Codes, 1942, § 1896; Laws, 1938, ch. 261.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 9 - PROCESS (§§ 99-9-1 — 99-9-37) Section 99-9-37 - Uniformity of interpretation

Sections 99-9-27 to 99-9-35 shall be so interpreted and construed as to effectuate their general purpose to make uniform the law of the states which enact them. Codes, 1942, § 1897; Laws, 1938, ch. 261. Sections 99-9-27 to 99-9-35 shall be so interpreted and construed as to effectuate their general purpose to make uniform the law of the states which enact them. Codes, 1942, § 1897; Laws, 1938, ch. 261. Sections 99-9-27 to 99-9-35 shall be so interpreted and construed as to effectuate their general purpose to make uniform the law of the states which enact them. Codes, 1942, § 1897; Laws, 1938, ch. 261. Sections 99-9-27 to 99-9-35 shall be so interpreted and construed as to effectuate their general purpose to make uniform the law of the states which enact them. Codes, 1942, § 1897; Laws, 1938, ch. 261.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 9 - PROCESS (§§ 99-9-1 — 99-9-37) Section 99-9-5 - Corporations; summons issued to other counties

If the summons be returned not executed, and the officer shall make affidavit that he hath made diligent inquiry and cannot ascertain

any place of business of the corporation in the county, or the name of any officer of the corporation, resident in the county in which such indictment shall have been found, upon whom the summons could be executed, then the court shall make an order directing a summons to issue to any other county of the state in which the defendant corporation may be served, or the summons may be issued in the first instance without a precedent order of the court, and its service shall be as effectual as if served in the county where the indictment is found. Codes, 1857, ch. 64, art. 270; 1871, § 2770; 1880, § 3020; 1892, § 1368; 1906, § 1440; Hemingway's 1917, § 1197; 1930, § 1220; 1942, § 2463. If the summons be returned not executed, and the officer shall make affidavit that he hath made diligent inquiry and cannot ascertain any place of business of the corporation in the county, or the name of any officer of the corporation, resident in the county in which such indictment shall have been found, upon whom the summons could be executed, then the court shall make an order directing a summons to issue to any other county of the state in which the defendant corporation may be served, or the summons may be issued in the first instance without a precedent order of the court, and its service shall be as effectual as if served in the county where the indictment is found. Codes, 1857, ch. 64, art. 270; 1871, § 2770; 1880, § 3020; 1892, § 1368; 1906, § 1440; Hemingway's 1917, § 1197; 1930, § 1220; 1942, § 2463. If the summons be returned not executed, and the officer shall make affidavit that he hath made diligent inquiry and cannot ascertain any place of business of the corporation in the county, or the name of any officer of the corporation, resident in the county in which such indictment shall have been found, upon whom the summons could be executed, then the court shall make an order directing a summons to issue to any other county of the state in which the defendant corporation may be served, or the summons may be issued in the first instance without a precedent order of the court, and its service shall be as effectual as if served in the county where the indictment is found. Codes, 1857, ch. 64, art. 270; 1871, § 2770; 1880, § 3020; 1892, § 1368; 1906, § 1440; Hemingway's 1917, § 1197; 1930, § 1220; 1942, § 2463.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 9 - PROCESS (§§ 99-9-1 — 99-9-37) Section 99-9-7 - Corporations; order to appear mailed and published if corporation not found; appearance and plea entered; execution

If it be made known to the court, by affidavit of any credible person, as required in suits in chancery against non-residents, that the defendant corporation is non-resident, or cannot be found in this state, it shall order said corporation to cause its appearance to be entered, and to plead to the indictment, on or before the first day of the next term of the court, a copy of which order shall, within thirty days, be forwarded by mail to the corporation, postage paid, by the clerk of the court, if the post-office address be made known by the affidavit; and it shall also be published for three weeks in one of the public newspapers printed in this state, as the court may direct. If the corporation shall not appear within the time limited by such order, or within such further time as the court shall appoint, then, on due proof of the mailing and publication, or of the publication, the court shall order the clerk to enter an appearance and plea of not guilty for said corporation, and, thereupon, further proceedings may be had on such indictment as if the corporation had appeared and pleaded thereto. In case of conviction, execution may be issued and proceedings had thereon as described in section 99-9-5. Codes, 1857, ch. 64, art. 270; 1871, § 2770; 1880, § 3020; 1892, § 1369; 1906, § 1441; Hemingway's 1917, § 1198; 1930, § 1221; 1942, § 2464. If it be made known to the court, by affidavit of any credible person, as required in suits in chancery against non-residents, that the defendant corporation is non-resident, or cannot be found in this state, it shall order said corporation to cause its appearance to be entered, and to plead to the indictment, on or before the first day of the next term of the court, a copy of which order shall, within thirty days, be forwarded by mail to the corporation, postage paid, by the clerk of the court, if the post-office address be made known by the affidavit; and it shall also be published for three weeks in one of the public newspapers printed in this state, as the court may direct. If the corporation shall not appear within the time limited by such order, or within such further time as the court shall appoint, then, on due proof of the mailing and publication, or of the publication, the court shall order the clerk to enter an appearance and plea of not guilty for said corporation, and, thereupon, further proceedings may be had on such indictment as if the corporation had appeared and pleaded thereto. In case of conviction, execution may be issued and proceedings had thereon as described in section 99-9-5. Codes, 1857, ch. 64, art. 270; 1871, § 2770; 1880, § 3020; 1892, § 1369; 1906, § 1441; Hemingway's 1917, § 1198; 1930, § 1221; 1942, § 2464.

§ 2770; 1880, § 3020; 1892, § 1369; 1906, § 1441; Hemingway's 1917, § 1198; 1930, § 1221; 1942, § 2464. If it be made known to the court, by affidavit of any credible person, as required in suits in chancery against non-residents, that the defendant corporation is non-resident, or cannot be found in this state, it shall order said corporation to cause its appearance to be entered, and to plead to the indictment, on or before the first day of the next term of the court, a copy of which order shall, within thirty days, be forwarded by mail to the corporation, postage paid, by the clerk of the court, if the post-office address be made known by the affidavit; and it shall also be published for three weeks in one of the public newspapers printed in this state, as the court may direct. If the corporation shall not appear within the time limited by such order, or within such further time as the court shall appoint, then, on due proof of the mailing and publication, or of the publication, the court shall order the clerk to enter an appearance and plea of not guilty for said corporation, and, thereupon, further proceedings may be had on such indictment as if the corporation had appeared and pleaded thereto. In case of conviction, execution may be issued and proceedings had thereon as described in section 99-9-5. Codes, 1857, ch. 64, art. 270; 1871, § 2770; 1880, § 3020; 1892, § 1369; 1906, § 1441; Hemingway's 1917, § 1198; 1930, § 1221; 1942, § 2464.

Mississippi Code 1972 (2024) Title 99 - CRIMINAL PROCEDURE (§§ 99-1-1 — 99-51-3) Chapter 9 - PROCESS (§§ 99-9-1 — 99-9-37) Section 99-9-9 - Corporations; proceeding before justice of the peace

Process and proceedings like those described in Sections 99-9-3 through 99-9-7 may be had before justices of the peace in a prosecution or proceeding against a corporation for any offense cognizable before a justice of the peace. In case publication be necessary, the day of appearance may be fixed for such time as will allow the order to be published for the required period. Codes, 1857, ch. 64, art. 271; 1871, § 2771; 1880, § 3021; 1892, § 1370; 1906, § 1442; Hemingway's 1917, § 1199; 1930, § 1222; 1942, § 2465. Process and proceedings like those described in Sections 99-9-3 through 99-9-7 may be had before justices of the peace in a prosecution or proceeding against a corporation for any offense cognizable before a justice of the peace. In case publication be necessary, the day of appearance may be fixed for such time as will allow the order to be published for the required period. Codes, 1857, ch. 64, art. 271; 1871, § 2771; 1880, § 3021; 1892, § 1370; 1906, § 1442; Hemingway's 1917, § 1199; 1930, § 1222; 1942, § 2465. Process and proceedings like those described in Sections 99-9-3 through 99-9-7 may be had before justices of the peace in a prosecution or proceeding against a corporation for any offense cognizable before a justice of the peace. In case publication be necessary, the day of appearance may be fixed for such time as will allow the order to be published for the required period. Codes, 1857, ch. 64, art. 271; 1871, § 2771; 1880, § 3021; 1892, § 1370; 1906, § 1442; Hemingway's 1917, § 1199; 1930, § 1222; 1942, § 2465. Process and proceedings like those described in Sections 99-9-3 through 99-9-7 may be had before justices of the peace in a prosecution or proceeding against a corporation for any offense cognizable before a justice of the peace. In case publication be necessary, the day of appearance may be fixed for such time as will allow the order to be published for the required period. Codes, 1857, ch. 64, art. 271; 1871, § 2771; 1880, § 3021; 1892, § 1370; 1906, § 1442; Hemingway's 1917, § 1199; 1930, § 1222; 1942, § 2465.

Title: title-63

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-1 - Short title

This article may be cited as the Highway Safety Patrol and Driver's License Law of 1938. Codes, 1942, § 8076; Laws, 1938, ch. 143. This article may be cited as the Highway Safety Patrol and Driver's License Law of 1938. Codes, 1942, § 8076; Laws, 1938, ch. 143. This article may be cited as the Highway Safety Patrol and Driver's License Law of 1938. Codes, 1942, § 8076; Laws, 1938, ch. 143. This article may be cited as the Highway Safety Patrol and Driver's License Law of 1938. Codes, 1942, § 8076; Laws, 1938, ch. 143.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-10.1 - Report when student under eighteen who has been issued license or temporary license is coded as drop out

A school superintendent or designee shall report to the Department of Education on a schedule determined by the State Board of Education when a student under eighteen (18) years of age who has been issued a driver's license or temporary learning permit has been coded as a "dropout" as defined by the State Board of Education. The Department of Education will provide notification to the Department of Public Safety of those students under eighteen (18) years of age who have obtained a driver's license or temporary learning permit and have been coded by the local school district as a "dropout" upon verification that prior written parental consent for the release of educational records has been obtained in compliance with the Family Educational Rights and Privacy Act of 1972, as amended, 20 USCS Section 1232. Laws, 2009, ch. 560, § 32, eff. 7/1/2009. Amended by Laws, 2021, ch. 464, SB 2598, § 10, eff. 4/16/2021. Amended by Laws, 2021, ch. 414, HB 550, § 4, eff. 4/5/2021. A school superintendent or designee shall report to the Department of Education on a schedule determined by the State Board of Education when a student under eighteen (18) years of age who has been issued a driver's license or temporary learning permit has been coded as a "dropout" as defined by the State Board of Education. The Department of Education will provide notification to the Department of Public Safety of those students under eighteen (18) years of age who have obtained a driver's license or temporary learning permit and have been coded by the local

school district as a "dropout" upon verification that prior written parental consent for the release of educational records has been obtained in compliance with the Family Educational Rights and Privacy Act of 1972, as amended, 20 USCS Section 1232. Laws, 2009, ch. 560, § 32, eff. 7/1/2009. Amended by Laws, 2021, ch. 464, SB 2598, § 10, eff. 4/16/2021. Amended by Laws, 2021, ch. 414, HB 550, § 4, eff. 4/5/2021. A school superintendent or designee shall report to the Department of Education on a schedule determined by the State Board of Education when a student under eighteen (18) years of age who has been issued a driver's license or temporary learning permit has been coded as a "dropout" as defined by the State Board of Education. The Department of Education will provide notification to the Department of Public Safety of those students under eighteen (18) years of age who have obtained a driver's license or temporary learning permit and have been coded by the local school district as a "dropout" upon verification that prior written parental consent for the release of educational records has been obtained in compliance with the Family Educational Rights and Privacy Act of 1972, as amended, 20 USCS Section 1232. Laws, 2009, ch. 560, § 32, eff. 7/1/2009. Amended by Laws, 2021, ch. 464, SB 2598, § 10, eff. 4/16/2021. Amended by Laws, 2021, ch. 414, HB 550, § 4, eff. 4/5/2021. A school superintendent or designee shall report to the Department of Education on a schedule determined by the State Board of Education when a student under eighteen (18) years of age who has been issued a driver's license or temporary learning permit has been coded as a "dropout" as defined by the State Board of Education. The Department of Education will provide notification to the Department of Public Safety of those students under eighteen (18) years of age who have obtained a driver's license or temporary learning permit and have been coded by the local school district as a "dropout" upon verification that prior written parental consent for the release of educational records has been obtained in compliance with the Family Educational Rights and Privacy Act of 1972, as amended, 20 USCS Section 1232. Laws, 2009, ch. 560, § 32, eff. 7/1/2009. Amended by Laws, 2021, ch. 464, SB 2598, § 10, eff. 4/16/2021. Amended by Laws, 2021, ch. 414, HB 550, § 4, eff. 4/5/2021.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-10 - Educational requirements for issuance of license to person under eighteen years of age; documentation; appeal of denial of license

(1) Upon the written request of a parent or guardian of any applicant for a license under eighteen (18) years of age, the school district in which the applicant is enrolled shall submit documentation to the Department of Public Safety verifying that the applicant is in compliance with Section 63-1-9(1)(g). The verification shall be signed by the school principal or his designee, or, in the case of a home study program, the parent, or the adult education supervisor of the General Educational Development Program or his designee. If the student is enrolled in a nonpublic school, the school principal or his designee is encouraged to submit the verification on behalf of the student. Documentation of the applicant's enrollment status shall be submitted on a form designed by the State Department of Education that includes the written signed and notarized parent or guardian's consent authorizing the release of the applicant's attendance records to the Department of Public Safety, as approved by the Department of Public Safety, in a manner that insures the authenticity of the form and the information or signature contained thereon, including via facsimile. The forms required under this section to provide documentation shall be made available to all public high schools, private schools accredited by the State Board of Education, adult education supervisors at school board offices and, upon request, to others through the Department of Public Safety. (2) Whenever an applicant or licensee who is under eighteen (18) years of age is unable to attend any school program due to acceptable circumstances, the school where the student last attended shall transmit documentation to the department to excuse such student from the provisions of Section 63-1-9(1)(g). The school principal or his designee shall determine whether nonattendance or absences are excused pursuant to Section 37-13-91. For purposes of this section, suspension or expulsion from school or incarceration in a correctional institution is not an acceptable circumstance for a person being unable to attend school. (3) Any person denied a license for failure to satisfy the education requirements of Section 63-1-9(1)(g) shall have the right to file a request within thirty (30) days thereafter for a hearing before the Department of Public Safety to determine whether the person is entitled to a license or is subject to the cancellation of his license under the provisions of this section. The hearing shall be held within ten (10) days of the receipt by the department of the request. Appeal from the decision of the department may be taken under Section 63-1-31. Laws, 1994, ch. 588, § 2; Laws, 2009, ch. 488, § 2, eff. 7/1/2009. (1) Upon the written request of a parent or guardian of any applicant for a license under eighteen (18) years of age, the school district in which the applicant is enrolled shall submit documentation to the Department of Public Safety verifying that the applicant is in compliance with Section 63-1-9(1)(g). The verification shall be signed by the school principal or his designee, or, in the case of a home study program, the parent, or the adult education supervisor of the General Educational Development Program or his designee. If the student is enrolled in a nonpublic school, the school principal or his designee is encouraged to submit the verification on behalf of the student. Documentation of the applicant's enrollment status shall be submitted on a form designed by the State Department of Education that includes the written signed and notarized parent or guardian's consent authorizing the release of the applicant's attendance records to the Department of Public Safety, as approved by the Department of Public Safety, in a manner that insures the authenticity of the form and the information or signature contained thereon, including via facsimile. The forms required under this section to provide documentation shall be made available to all public high schools, private schools accredited by the State Board of Education, adult education supervisors at school board offices and, upon request, to others through the Department of Public Safety. (2) Whenever an applicant or licensee who is under eighteen (18) years of age is unable to attend any school program due to acceptable circumstances, the school where the student last attended shall transmit documentation to the department to excuse such student from the provisions of Section 63-1-9(1)(g). The school principal or his designee shall determine whether nonattendance or absences

are excused pursuant to Section 37-13-91. For purposes of this section, suspension or expulsion from school or incarceration in a correctional institution is not an acceptable circumstance for a person being unable to attend school. (3) Any person denied a license for failure to satisfy the education requirements of Section 63-1-9(1)(g) shall have the right to file a request within thirty (30) days thereafter for a hearing before the Department of Public Safety to determine whether the person is entitled to a license or is subject to the cancellation of his license under the provisions of this section. The hearing shall be held within ten (10) days of the receipt by the department of the request. Appeal from the decision of the department may be taken under Section 63-1-31. Laws, 1994, ch. 588, § 2; Laws, 2009, ch. 488, § 2, eff. 7/1/2009. (1) Upon the written request of a parent or guardian of any applicant for a license under eighteen (18) years of age, the school district in which the applicant is enrolled shall submit documentation to the Department of Public Safety verifying that the applicant is in compliance with Section 63-1-9(1)(g). The verification shall be signed by the school principal or his designee, or, in the case of a home study program, the parent, or the adult education supervisor of the General Educational Development Program or his designee. If the student is enrolled in a nonpublic school, the school principal or his designee is encouraged to submit the verification on behalf of the student. Documentation of the applicant's enrollment status shall be submitted on a form designed by the State Department of Education that includes the written signed and notarized parent or guardian's consent authorizing the release of the applicant's attendance records to the Department of Public Safety, as approved by the Department of Public Safety, in a manner that insures the authenticity of the form and the information or signature contained thereon, including via facsimile. The forms required under this section to provide documentation shall be made available to all public high schools, private schools accredited by the State Board of Education, adult education supervisors at school board offices and, upon request, to others through the Department of Public Safety. (2) Whenever an applicant or licensee who is under eighteen (18) years of age is unable to attend any school program due to acceptable circumstances, the school where the student last attended shall transmit documentation to the department to excuse such student from the provisions of Section 63-1-9(1)(g). The school principal or his designee shall determine whether nonattendance or absences are excused pursuant to Section 37-13-91. For purposes of this section, suspension or expulsion from school or incarceration in a correctional institution is not an acceptable circumstance for a person being unable to attend school. (3) Any person denied a license for failure to satisfy the education requirements of Section 63-1-9(1)(g) shall have the right to file a request within thirty (30) days thereafter for a hearing before the Department of Public Safety to determine whether the person is entitled to a license or is subject to the cancellation of his license under the provisions of this section. The hearing shall be held within ten (10) days of the receipt by the department of the request. Appeal from the decision of the department may be taken under Section 63-1-31. Laws, 1994, ch. 588, § 2; Laws, 2009, ch. 488, § 2, eff. 7/1/2009. Laws, 1994, ch. 588, § 2; Laws, 2009, ch. 488, § 2, eff. 7/1/2009.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-11 - Promulgation of rules and regulations

The provisions of this article with reference to administration shall be under the supervision of the commissioner of public safety at Jackson, Mississippi, who, if not otherwise specifically authorized, is hereby empowered to make and promulgate reasonable rules and regulations to carry out the provisions of this article. Codes, 1942, § 8099; Laws, 1938, ch. 143. The provisions of this article with reference to administration shall be under the supervision of the commissioner of public safety at Jackson, Mississippi, who, if not otherwise specifically authorized, is hereby empowered to make and promulgate reasonable rules and regulations to carry out the provisions of this article. Codes, 1942, § 8099; Laws, 1938, ch. 143. The provisions of this article with reference to administration shall be under the supervision of the commissioner of public safety at Jackson, Mississippi, who, if not otherwise specifically authorized, is hereby empowered to make and promulgate reasonable rules and regulations to carry out the provisions of this article. Codes, 1942, § 8099; Laws, 1938, ch. 143. The provisions of this article with reference to administration shall be under the supervision of the commissioner of public safety at Jackson, Mississippi, who, if not otherwise specifically authorized, is hereby empowered to make and promulgate reasonable rules and regulations to carry out the provisions of this article. Codes, 1942, § 8099; Laws, 1938, ch. 143.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-13 - Driver Services Division; director; technical, professional and clerical assistants

The commissioner is hereby authorized and empowered to appoint a Director of the Driver Services Division who is a qualified elector of the State of Mississippi and who meets the qualifications set by the State Personnel Board for the position. Such director shall execute and furnish a bond in the amount of Ten Thousand Dollars (\$10,000.00) with a surety company authorized to do business in this state. The bond shall be conditioned on the faithful performance of his duties and be subject to the approval of the commissioner. The director shall have control and supervision of the Driver Services Division and shall be answerable to the commissioner in the performance of his duties. The commissioner shall employ such other technical, professional and clerical assistants as may be needed to conduct the work of the division. The commissioner is also authorized to employ a Director of the Driver License Examining Bureau, who meets the qualifications set by the State Personnel Board for the position, and the necessary supervising examiners, who meet the qualifications set by the State Personnel Board for the position, to assist the Director of the Driver License Examining Bureau in the supervision of the license personnel. The commissioner is also authorized to employ the necessary additional personnel to serve and be designated as "license examiners." The commissioner shall employ such other

technical, professional and clerical assistants as may be needed to conduct the work of the bureau. However, not later than July 1, 2021, the commissioner shall not employ an active-service Highway Patrol Officer in the bureau. Codes, 1942, § 8119; Laws, 1938, ch. 143; Laws, 1940, ch. 167; Laws, 1946, ch. 420, § 9; Laws, 1948, ch. 343, § 7; Laws, 1950, ch. 407, § 4; Laws, 1952, ch. 357, § 3; Laws, 1960, ch. 338, § 2; Laws, 1962, ch. 517; Laws, 1973, ch. 410, § 1; Laws, 1989, ch. 482, § 20; Laws, 1995, ch. 421, § 1; Laws, 2001, ch. 548, § 1; Laws, 2002, ch. 326, § 2, eff. 7/1/2002. Amended by Laws, 2020, ch. 477, HB 1371, § 1, eff. 7/8/2020. The commissioner is hereby authorized and empowered to appoint a Director of the Driver Services Division who is a qualified elector of the State of Mississippi and who meets the qualifications set by the State Personnel Board for the position. 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Codes, 1942, § 8119; Laws, 1938, ch. 143; Laws, 1940, ch. 167; Laws, 1946, ch. 420, § 9; Laws, 1948, ch. 343, § 7; Laws, 1950, ch. 407, § 4; Laws, 1952, ch. 357, § 3; Laws, 1960, ch. 338, § 2; Laws, 1962, ch. 517; Laws, 1973, ch. 410, § 1; Laws, 1989, ch. 482, § 20; Laws, 1995, ch. 421, § 1; Laws, 2001, ch. 548, § 1; Laws, 2002, ch. 326, § 2, eff. 7/1/2002. Amended by Laws, 2020, ch. 477, HB 1371, § 1, eff. 7/8/2020. The commissioner is hereby authorized and empowered to appoint a Director of the Driver Services Division who is a qualified elector of the State of Mississippi and who meets the qualifications set by the State Personnel Board for the position. Such director shall execute and furnish a bond in the amount of Ten Thousand Dollars (\$10,000.00) with a surety company authorized to do business in this state. The bond shall be conditioned on the faithful performance of his duties and be subject to the approval of the commissioner. 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Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-15 - Designation and duties of drivers' license examiners

The Commissioner of Public Safety shall be authorized to designate persons who may act as examiners for license or instruction permits. It shall be the duty of the license examiners to forward to the commissioner all applications rejected or approved in

accordance with such rules and regulations as may be prescribed by the commissioner. Codes, 1942, §§ 8099, 8102; Laws, 1938, 143; Laws, 1940, chs. 157, 167; Laws, 1946, ch. 420, § 7; Laws, 1948, ch. 343, § 5; Laws, 1950, ch. 408, § 1; Laws, 1956, ch. 378, § 3; Laws, 1958, ch. 493; Laws, 1962, ch. 523; Laws, 1968, ch. 539, § 1; Laws, 1985, ch. 376, § 8; Laws, 1989, ch. 482, § 21, eff. 7/1/1989. The Commissioner of Public Safety shall be authorized to designate persons who may act as examiners for license or instruction permits. It shall be the duty of the license examiners to forward to the commissioner all applications rejected or approved in accordance with such rules and regulations as may be prescribed by the commissioner. Codes, 1942, §§ 8099, 8102; Laws, 1938, 143; Laws, 1940, chs. 157, 167; Laws, 1946, ch. 420, § 7; Laws, 1948, ch. 343, § 5; Laws, 1950, ch. 408, § 1; Laws, 1956, ch. 378, § 3; Laws, 1958, ch. 493; Laws, 1962, ch. 523; Laws, 1968, ch. 539, § 1; Laws, 1985, ch. 376, § 8; Laws, 1989, ch. 482, § 21, eff. 7/1/1989. The Commissioner of Public Safety shall be authorized to designate persons who may act as examiners for license or instruction permits. It shall be the duty of the license examiners to forward to the commissioner all applications rejected or approved in accordance with such rules and regulations as may be prescribed by the commissioner. Codes, 1942, §§ 8099, 8102; Laws, 1938, 143; Laws, 1940, chs. 157, 167; Laws, 1946, ch. 420, § 7; Laws, 1948, ch. 343, § 5; Laws, 1950, ch. 408, § 1; Laws, 1956, ch. 378, § 3; Laws, 1958, ch. 493; Laws, 1962, ch. 523; Laws, 1968, ch. 539, § 1; Laws, 1985, ch. 376, § 8; Laws, 1989, ch. 482, § 21, eff. 7/1/1989. The Commissioner of Public Safety shall be authorized to designate persons who may act as examiners for license or instruction permits. It shall be the duty of the license examiners to forward to the commissioner all applications rejected or approved in accordance with such rules and regulations as may be prescribed by the commissioner. Codes, 1942, §§ 8099, 8102; Laws, 1938, 143; Laws, 1940, chs. 157, 167; Laws, 1946, ch. 420, § 7; Laws, 1948, ch. 343, § 5; Laws, 1950, ch. 408, § 1; Laws, 1956, ch. 378, § 3; Laws, 1958, ch. 493; Laws, 1962, ch. 523; Laws, 1968, ch. 539, § 1; Laws, 1985, ch. 376, § 8; Laws, 1989, ch. 482, § 21, eff. 7/1/1989.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-16 - Department of Public Safety to furnish permanent license kiosk or examiner in each county seat at least one day per month if requested; kiosk equipment signage; Driver Services Division website to include online tutorial videos for use of website and "Wait Anywhere Appointment" program

(1) The Department of Public Safety shall, upon request of the board of supervisors, furnish a Driver Service Bureau public access computer at a location in each county seat to access the Driver Service Bureau website. The county shall furnish the Internet connectivity at the location for the Driver Service Bureau public access computer. (2) At each driver's license location in the state, there shall be location signs prominently displayed providing for required information for the various licenses, cards and other services. (3) On the Driver Services Bureau's website, there shall be tutorial videos linked to online procedures to help clearly illustrate how to use the website. (4) On the Driver Services Bureau's website, the "Wait Anywhere Appointment," or its equivalent or successor program, shall be made available to use for all driver's license locations in the state. Amended by Laws, 2023, ch. 517, HB 529, § 4, eff. 7/1/2023. Amended by Laws, 2020, ch. 477, HB 1371, § 2, eff. 7/8/2020. Added by Laws, 2013, ch. 517, HB 1015, 3, eff. 7/1/2013. (1) The Department of Public Safety shall, upon request of the board of supervisors, furnish a Driver Service Bureau public access computer at a location in each county seat to access the Driver Service Bureau website. The county shall furnish the Internet connectivity at the location for the Driver Service Bureau public access computer. (2) At each driver's license location in the state, there shall be location signs prominently displayed providing for required information for the various licenses, cards and other services. (3) On the Driver Services Bureau's website, there shall be tutorial videos linked to online procedures to help clearly illustrate how to use the website. (4) On the Driver Services Bureau's website, the "Wait Anywhere Appointment," or its equivalent or successor program, shall be made available to use for all driver's license locations in the state. Amended by Laws, 2023, ch. 517, HB 529, § 4, eff. 7/1/2023. Amended by Laws, 2020, ch. 477, HB 1371, § 2, eff. 7/8/2020. Added by Laws, 2013, ch. 517, HB 1015, 3, eff. 7/1/2013. (1) The Department of Public Safety shall, upon request of the board of supervisors, furnish a Driver Service Bureau public access computer at a location in each county seat to access the Driver Service Bureau website. The county shall furnish the Internet connectivity at the location for the Driver Service Bureau public access computer. (2) At each driver's license location in the state, there shall be location signs prominently displayed providing for required information for the various licenses, cards and other services. (3) On the Driver Services Bureau's website, there shall be tutorial videos linked to online procedures to help clearly illustrate how to use the website. (4) On the Driver Services Bureau's website, the "Wait Anywhere Appointment," or its equivalent or successor program, shall be made available to use for all driver's license locations in the state. Amended by Laws, 2023, ch. 517, HB 529, § 4, eff. 7/1/2023. Amended by Laws, 2020, ch. 477, HB 1371, § 2, eff. 7/8/2020. Added by Laws, 2013, ch. 517, HB 1015, 3, eff. 7/1/2013. Amended by Laws, 2023, ch. 517, HB 529, § 4, eff. 7/1/2023. Amended by Laws, 2020, ch. 477, HB 1371, § 2, eff. 7/8/2020. Added by Laws, 2013, ch. 517, HB 1015, 3, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-17 - Maintenance of records relating to licenses and permits

As the license examiners file their statements showing the serial numbers of licenses and temporary driving permits issued pursuant to this article during the preceding month, the commissioner shall keep a record of all licenses and permits issued pursuant to this article by such examiners, a record of all licenses and permits revoked, a record of all perforated sections mailed to him by the trial judges, and such other information that he deems necessary to carry out the provisions of this article. Codes, 1942, § 8118; Laws,

1938, ch. 143; Laws, 1985, ch. 376, § 9; Laws, 1989, ch. 482, § 22, eff. 7/1/1989. As the license examiners file their statements showing the serial numbers of licenses and temporary driving permits issued pursuant to this article during the preceding month, the commissioner shall keep a record of all licenses and permits issued pursuant to this article by such examiners, a record of all licenses and permits revoked, a record of all perforated sections mailed to him by the trial judges, and such other information that he deems necessary to carry out the provisions of this article. Codes, 1942, § 8118; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 9; Laws, 1989, ch. 482, § 22, eff. 7/1/1989. As the license examiners file their statements showing the serial numbers of licenses and temporary driving permits issued pursuant to this article during the preceding month, the commissioner shall keep a record of all licenses and permits issued pursuant to this article by such examiners, a record of all licenses and permits revoked, a record of all perforated sections mailed to him by the trial judges, and such other information that he deems necessary to carry out the provisions of this article. Codes, 1942, § 8118; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 9; Laws, 1989, ch. 482, § 22, eff. 7/1/1989.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-19 - Application for license; notification of change of address or name by licensee; registration with Selective Service for certain males

(1)(a) Every applicant for a license or permit issued pursuant to this article, or for renewal of such license or permit, shall file an application for such license, permit or renewal, on a form provided by the Department of Public Safety, with the commissioner or an official license examiner of the department. All persons not holding valid, unexpired licenses issued in this state shall be required to secure an original license, except those specifically exempted from licensing under Section 63-1-7. The application shall state the name, date of birth, the social security number of the applicant unless the applicant is not a United States citizen and does not possess a social security number issued by the United States government, sex, race, color of eyes, color of hair, weight, height and residence address, and whether or not the applicant's privilege to drive has been suspended or revoked at any time, and, if so, when, by whom, and for what cause, and whether any previous application by him has been denied, and whether he has any physical defects which would interfere with his operating a motor vehicle safely upon the highways. (b) Every applicant for an original license shall show proof of domicile in this state. The commissioner shall promulgate any rules and regulations necessary to enforce this requirement and shall prescribe the means by which an applicant for an original license may show domicile in this state. Proof of domicile shall not be required of applicants under eighteen (18) years of age. (c) Unless the applicant is not a United States citizen and does not possess a social security number issued by the United States government, each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972. (2) No person who is illegally in the United States or Mississippi shall be issued a license. The application of a person who is not a United States citizen and who does not possess a social security number issued by the United States government shall state the name, date of birth, sex, race, color of eyes, color of hair, weight, height and residence address, and whether or not the applicant's privilege to drive has been suspended or revoked at any time, and, if so, when, by whom, and for what cause, and whether any previous application by him has been denied, and whether he has any physical defects which would interfere with his operating a motor vehicle safely upon the highways. The commissioner shall adopt and promulgate such rules and regulations as he deems appropriate requiring additional documents, materials, information or physical evidence to be provided by the applicant as may be necessary to establish the identity of the applicant and that the applicant is not present in the United States or the State of Mississippi illegally. (3) Whenever a person who has applied for or who has been issued a license or permit under this article moves from the address listed in the application or on the permit or license, or whenever the name of a licensee changes by marriage or otherwise, such person, within thirty (30) days thereafter, shall notify, in writing, the Department of Public Safety, Driver Services Division, and inform the department of his or her previous address and new address and of his or her former name and new name. The department shall not change the name of a licensee or permittee on his or her license or permit unless the applicant appears in person at an office of the department and provides a certified copy of his or her marriage license, court order, birth certificate or divorce decree changing the licensee's or permittee's name. (4)(a) Any male who is at least eighteen (18) years of age but less than twenty-six (26) years of age and who applies for a permit or license or a renewal of a permit or license under this chapter shall be registered in compliance with the requirements of Section 3 of the Military Selective Service Act, 50 USCS Section 3802, as amended. (b) The department shall forward in an electronic format the necessary personal information of the applicant to the Selective Service System. The applicant's submission of the application shall serve as an indication that the applicant either has already registered with the Selective Service System or that he is authorizing the department to forward to the Selective Service System the necessary information for registration. The commissioner shall notify the applicant on, or as a part of, the application that his submission of the application will serve as his consent to registration with the Selective Service System, if so required. The commissioner also shall notify any male applicant under the age of eighteen (18) that he will be registered upon turning age eighteen (18) as required by federal law. Codes, 1942, § 8094; Laws, 1938, ch. 143; Laws, 1940, ch. 167; Laws, 1956, ch. 378, § 1; Laws, 1985, ch. 376, § 10; Laws, 1997, ch. 588, § 19; Laws, 1999, ch. 397, § 2; Laws, 2002, ch. 388, § 1; Laws, 2002, ch. 584, § 3; Laws, 2005, ch. 541, § 8,

eff. 7/1/2005. (1)(a)Every applicant for a license or permit issued pursuant to this article, or for renewal of such license or permit, shall file an application for such license, permit or renewal, on a form provided by the Department of Public Safety, with the commissioner or an official license examiner of the department. All persons not holding valid, unexpired licenses issued in this state shall be required to secure an original license, except those specifically exempted from licensing under Section63-1-7. The application shall state the name, date of birth, the social security number of the applicant unless the applicant is not a United States citizen and does not possess a social security number issued by the United States government, sex, race, color of eyes, color of hair, weight, height and residence address, and whether or not the applicant's privilege to drive has been suspended or revoked at any time, and, if so, when, by whom, and for what cause, and whether any previous application by him has been denied, and whether he has any physical defects which would interfere with his operating a motor vehicle safely upon the highways.(b)Every applicant for an original license shall show proof of domicile in this state. The commissioner shall promulgate any rules and regulations necessary to enforce this requirement and shall prescribe the means by which an applicant for an original license may show domicile in this state. Proof of domicile shall not be required of applicants under eighteen (18) years of age.(c)Unless the applicant is not a United States citizen and does not possess a social security number issued by the United States government, each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section93-11-64, Mississippi Code of 1972.(2)No person who is illegally in the United States or Mississippi shall be issued a license. The application of a person who is not a United States citizen and who does not possess a social security number issued by the United States government shall state the name, date of birth, sex, race, color of eyes, color of hair, weight, height and residence address, and whether or not the applicant's privilege to drive has been suspended or revoked at any time, and, if so, when, by whom, and for what cause, and whether any previous application by him has been denied, and whether he has any physical defects which would interfere with his operating a motor vehicle safely upon the highways. The commissioner shall adopt and promulgate such rules and regulations as he deems appropriate requiring additional documents, materials, information or physical evidence to be provided by the applicant as may be necessary to establish the identity of the applicant and that the applicant is not present in the United States or the State of Mississippi illegally.(3)Whenever a person who has applied for or who has been issued a license or permit under this article moves from the address listed in the application or on the permit or license, or whenever the name of a licensee changes by marriage or otherwise, such person, within thirty (30) days thereafter, shall notify, in writing, the Department of Public Safety, Driver Services Division, and inform the department of his or her previous address and new address and of his or her former name and new name. The department shall not change the name of a licensee or permittee on his or her license or permit unless the applicant appears in person at an office of the department and provides a certified copy of his or her marriage license, court order, birth certificate or divorce decree changing the licensee's or permittee's name.(4)(a)Any male who is at least eighteen (18) years of age but less than twenty-six (26) years of age and who applies for a permit or license or a renewal of a permit or license under this chapter shall be registered in compliance with the requirements of Section 3 of the Military Selective Service Act, 50 USCS Section 3802, as amended.(b)The department shall forward in an electronic format the necessary personal information of the applicant to the Selective Service System. The applicant's submission of the application shall serve as an indication that the applicant either has already registered with the Selective Service System or that he is authorizing the department to forward to the Selective Service System the necessary information for registration. The commissioner shall notify the applicant on, or as a part of, the application that his submission of the application will serve as his consent to registration with the Selective Service System, if so required. The commissioner also shall notify any male applicant under the age of eighteen (18) that he will be registered upon turning age eighteen (18) as required by federal law.Codes, 1942, § 8094; Laws, 1938, ch. 143; Laws, 1940, ch. 167; Laws, 1956, ch. 378, § 1; Laws, 1985, ch. 376, § 10; Laws, 1997, ch. 588, § 19; Laws, 1999, ch. 397, § 2; Laws, 2002, ch. 388, § 1; Laws, 2002, ch. 584, § 3; Laws, 2005, ch. 541, § 8, eff. 7/1/2005. (1)(a)Every applicant for a license or permit issued pursuant to this article, or for renewal of such license or permit, shall file an application for such license, permit or renewal, on a form provided by the Department of Public Safety, with the commissioner or an official license examiner of the department. All persons not holding valid, unexpired licenses issued in this state shall be required to secure an original license, except those specifically exempted from licensing under Section63-1-7. The application shall state the name, date of birth, the social security number of the applicant unless the applicant is not a United States citizen and does not possess a social security number issued by the United States government, sex, race, color of eyes, color of hair, weight, height and residence address, and whether or not the applicant's privilege to drive has been suspended or revoked at any time, and, if so, when, by whom, and for what cause, and whether any previous application by him has been denied, and whether he has any physical defects which would interfere with his operating a motor vehicle safely upon the highways.(b)Every applicant for an original license shall show proof of domicile in this state. The commissioner shall promulgate any rules and regulations necessary to enforce this requirement and shall prescribe the means by which an applicant for an original license may show domicile in this state. Proof of domicile shall not be required of applicants under eighteen (18) years of age.(c)Unless the applicant is not a United States citizen and does not possess a social security number issued by the United States government, each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section93-11-64, Mississippi Code of 1972.(2)No person who is illegally in the United States or Mississippi shall be issued a license. The application of a person who is not a United States citizen and who does not possess a social security number issued by the United States government shall state the name, date of birth, sex, race, color of eyes, color of hair, weight, height and residence address, and whether or not the applicant's privilege to drive has been suspended or revoked at any time, and, if so, when, by whom, and for what cause, and whether any previous application by him has been denied, and whether he has any physical defects which would interfere with his operating a motor vehicle safely upon the highways. The commissioner shall adopt and promulgate such rules and regulations as he deems

appropriate requiring additional documents, materials, information or physical evidence to be provided by the applicant as may be necessary to establish the identity of the applicant and that the applicant is not present in the United States or the State of Mississippi illegally.(3)Whenever a person who has applied for or who has been issued a license or permit under this article moves from the address listed in the application or on the permit or license, or whenever the name of a licensee changes by marriage or otherwise, such person, within thirty (30) days thereafter, shall notify, in writing, the Department of Public Safety, Driver Services Division, and inform the department of his or her previous address and new address and of his or her former name and new name. The department shall not change the name of a licensee or permittee on his or her license or permit unless the applicant appears in person at an office of the department and provides a certified copy of his or her marriage license, court order, birth certificate or divorce decree changing the licensee's or permittee's name.(4)(a)Any male who is at least eighteen (18) years of age but less than twenty-six (26) years of age and who applies for a permit or license or a renewal of a permit or license under this chapter shall be registered in compliance with the requirements of Section 3 of the Military Selective Service Act, 50 USCS Section 3802, as amended.(b)The department shall forward in an electronic format the necessary personal information of the applicant to the Selective Service System. The applicant's submission of the application shall serve as an indication that the applicant either has already registered with the Selective Service System or that he is authorizing the department to forward to the Selective Service System the necessary information for registration. The commissioner shall notify the applicant on, or as a part of, the application that his submission of the application will serve as his consent to registration with the Selective Service System, if so required. The commissioner also shall notify any male applicant under the age of eighteen (18) that he will be registered upon turning age eighteen (18) as required by federal law.Codes, 1942, § 8094; Laws, 1938, ch. 143; Laws, 1940, ch. 167; Laws, 1956, ch. 378, § 1; Laws, 1985, ch. 376, § 10; Laws, 1997, ch. 588, § 19; Laws, 1999, ch. 397, § 2; Laws, 2002, ch. 388, § 1; Laws, 2002, ch. 584, § 3; Laws, 2005, ch. 541, § 8, eff. 7/1/2005. Codes, 1942, § 8094; Laws, 1938, ch. 143; Laws, 1940, ch. 167; Laws, 1956, ch. 378, § 1; Laws, 1985, ch. 376, § 10; Laws, 1997, ch. 588, § 19; Laws, 1999, ch. 397, § 2; Laws, 2002, ch. 388, § 1; Laws, 2002, ch. 584, § 3; Laws, 2005, ch. 541, § 8, eff. 7/1/2005.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73)Section 63-1-21 - Temporary permits

(1)To obtain a new or original Class R or Class D license, every applicant other than a person holding a valid out-of-state license shall first obtain a learner's permit, successfully complete the examination provided for in Section63-1-33, and pay the learner's permit fee and examination fee prescribed in Section63-1-43.(2)A learner's permit entitles the holder, if the permit is in his immediate possession, to drive a motor vehicle other than a motorcycle on the highways of the State of Mississippi only when accompanied by a licensed operator who is at least twenty-one (21) years of age and who is actually occupying the seat beside the driver. A learner's permit may be issued to any applicant who is at least fifteen (15) years of age and shall be valid for a period of two (2) years from the date of issue.(3)A regular license holder under the age of eighteen (18) shall be allowed unsupervised driving from 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:30 p.m. Friday and Saturday, and shall be allowed unsupervised driving any time for a person traveling directly to or from work or other educational or extracurricular activity. At all other times for the first six (6) months as a regular license holder, the regular license holder under the age of eighteen (18) must be supervised by a parent, guardian or other person aged twenty-one (21) years or older who holds a valid driver's license under this article and who is actually occupying the seat beside the driver.Codes, 1942, § 8095; Laws, 1938, ch. 143; Laws, 1956, ch. 378, § 2; Laws, 1964, ch. 454; Laws, 1966, ch. 570, § 1; Laws, 1985, ch. 376, § 2; Laws, 1994, ch. 588, § 6; Laws, 2000, ch. 624, § 3; Laws, 2009, ch. 488, § 3; Laws, 2011, ch. 467, § 1, eff. 7/1/2011.Amended by Laws, 2021, ch. 464, SB 2598,§ 3, eff. 4/16/2021.Amended by Laws, 2021, ch. 414, HB 550,§ 5, eff. 4/5/2021.Amended by Laws, 2014, ch. 424, SB 2794, 10, eff. 10/1/2014.Amended by Laws, 2013, ch. 489, HB 481, 3, eff. 7/1/2014. (1)To obtain a new or original Class R or Class D license, every applicant other than a person holding a valid out-of-state license shall first obtain a learner's permit, successfully complete the examination provided for in Section63-1-33, and pay the learner's permit fee and examination fee prescribed in Section63-1-43.(2)A learner's permit entitles the holder, if the permit is in his immediate possession, to drive a motor vehicle other than a motorcycle on the highways of the State of Mississippi only when accompanied by a licensed operator who is at least twenty-one (21) years of age and who is actually occupying the seat beside the driver. A learner's permit may be issued to any applicant who is at least fifteen (15) years of age and shall be valid for a period of two (2) years from the date of issue.(3)A regular license holder under the age of eighteen (18) shall be allowed unsupervised driving from 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:30 p.m. Friday and Saturday, and shall be allowed unsupervised driving any time for a person traveling directly to or from work or other educational or extracurricular activity. At all other times for the first six (6) months as a regular license holder, the regular license holder under the age of eighteen (18) must be supervised by a parent, guardian or other person aged twenty-one (21) years or older who holds a valid driver's license under this article and who is actually occupying the seat beside the driver.Codes, 1942, § 8095; Laws, 1938, ch. 143; Laws, 1956, ch. 378, § 2; Laws, 1964, ch. 454; Laws, 1966, ch. 570, § 1; Laws, 1985, ch. 376, § 2; Laws, 1994, ch. 588, § 6; Laws, 2000, ch. 624, § 3; Laws, 2009, ch. 488, § 3; Laws, 2011, ch. 467, § 1, eff. 7/1/2011.Amended by Laws, 2021, ch. 464, SB 2598,§ 3, eff. 4/16/2021.Amended by Laws, 2021, ch. 414, HB 550,§ 5, eff. 4/5/2021.Amended by Laws, 2014, ch. 424, SB 2794, 10, eff. 10/1/2014.Amended by Laws, 2013, ch. 489, HB 481, 3, eff. 7/1/2014. (1)To obtain a new or original Class R or Class D license, every applicant other than a person holding a valid out-of-state license shall first obtain a learner's permit, successfully complete the examination provided for in Section63-1-33, and pay the learner's permit fee and examination fee prescribed in Section63-1-43.(2)A

learner's permit entitles the holder, if the permit is in his immediate possession, to drive a motor vehicle other than a motorcycle on the highways of the State of Mississippi only when accompanied by a licensed operator who is at least twenty-one (21) years of age and who is actually occupying the seat beside the driver. A learner's permit may be issued to any applicant who is at least fifteen (15) years of age and shall be valid for a period of two (2) years from the date of issue.(3)A regular license holder under the age of eighteen (18) shall be allowed unsupervised driving from 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:30 p.m. Friday and Saturday, and shall be allowed unsupervised driving any time for a person traveling directly to or from work or other educational or extracurricular activity. At all other times for the first six (6) months as a regular license holder, the regular license holder under the age of eighteen (18) must be supervised by a parent, guardian or other person aged twenty-one (21) years or older who holds a valid driver's license under this article and who is actually occupying the seat beside the driver.Codes, 1942, § 8095; Laws, 1938, ch. 143; Laws, 1956, ch. 378, § 2; Laws, 1964, ch. 454; Laws, 1966, ch. 570, § 1; Laws, 1985, ch. 376, § 2; Laws, 1994, ch. 588, § 6; Laws, 2000, ch. 624, § 3; Laws, 2009, ch. 488, § 3; Laws, 2011, ch. 467, § 1, eff. 7/1/2011.Amended by Laws, 2021, ch. 464, SB 2598,§ 3, eff. 4/16/2021.Amended by Laws, 2021, ch. 414, HB 550,§ 5, eff. 4/5/2021.Amended by Laws, 2014, ch. 424, SB 2794, 10, eff. 10/1/2014.Amended by Laws, 2013, ch. 489, HB 481, 3, eff. 7/1/2014. Codes, 1942, § 8095; Laws, 1938, ch. 143; Laws, 1956, ch. 378, § 2; Laws, 1964, ch. 454; Laws, 1966, ch. 570, § 1; Laws, 1985, ch. 376, § 2; Laws, 1994, ch. 588, § 6; Laws, 2000, ch. 624, § 3; Laws, 2009, ch. 488, § 3; Laws, 2011, ch. 467, § 1, eff. 7/1/2011. Amended by Laws, 2021, ch. 464, SB 2598,§ 3, eff. 4/16/2021. Amended by Laws, 2021, ch. 414, HB 550,§ 5, eff. 4/5/2021. Amended by Laws, 2014, ch. 424, SB 2794, 10, eff. 10/1/2014. Amended by Laws, 2013, ch. 489, HB 481, 3, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73)Section 63-1-23 - Signature and verification of application for license of person under seventeen years of age by parents or other responsible person

The application of any person under the age of seventeen (17) years for a temporary driving permit or license issued pursuant to this article shall be signed and verified before a person authorized to administer oaths by both the father and mother of the applicant, if both are living and have custody of him, or in the event neither parent is living then by the person or guardian having such custody or by an employer of him, or in the event there is no guardian or employer then by any other responsible person who is willing to assume the obligation imposed under Section63-1-25upon a person signing the application of a minor.Codes, 1942, § 8096; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 11; Laws, 2000, ch. 624, § 4, eff. 7/1/2000.Amended by Laws, 2021, ch. 464, SB 2598,§ 11, eff. 4/16/2021.Amended by Laws, 2021, ch. 414, HB 550,§ 6, eff. 4/5/2021. The application of any person under the age of seventeen (17) years for a temporary driving permit or license issued pursuant to this article shall be signed and verified before a person authorized to administer oaths by both the father and mother of the applicant, if both are living and have custody of him, or in the event neither parent is living then by the person or guardian having such custody or by an employer of him, or in the event there is no guardian or employer then by any other responsible person who is willing to assume the obligation imposed under Section63-1-25upon a person signing the application of a minor.Codes, 1942, § 8096; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 11; Laws, 2000, ch. 624, § 4, eff. 7/1/2000.Amended by Laws, 2021, ch. 464, SB 2598,§ 11, eff. 4/16/2021.Amended by Laws, 2021, ch. 414, HB 550,§ 6, eff. 4/5/2021. The application of any person under the age of seventeen (17) years for a temporary driving permit or license issued pursuant to this article shall be signed and verified before a person authorized to administer oaths by both the father and mother of the applicant, if both are living and have custody of him, or in the event neither parent is living then by the person or guardian having such custody or by an employer of him, or in the event there is no guardian or employer then by any other responsible person who is willing to assume the obligation imposed under Section63-1-25upon a person signing the application of a minor.Codes, 1942, § 8096; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 11; Laws, 2000, ch. 624, § 4, eff. 7/1/2000.Amended by Laws, 2021, ch. 464, SB 2598,§ 11, eff. 4/16/2021.Amended by Laws, 2021, ch. 414, HB 550,§ 6, eff. 4/5/2021. The application of any person under the age of seventeen (17) years for a temporary driving permit or license issued pursuant to this article shall be signed and verified before a person authorized to administer oaths by both the father and mother of the applicant, if both are living and have custody of him, or in the event neither parent is living then by the person or guardian having such custody or by an employer of him, or in the event there is no guardian or employer then by any other responsible person who is willing to assume the obligation imposed under Section63-1-25upon a person signing the application of a minor. Codes, 1942, § 8096; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 11; Laws, 2000, ch. 624, § 4, eff. 7/1/2000. Amended by Laws, 2021, ch. 464, SB 2598,§ 11, eff. 4/16/2021. Amended by Laws, 2021, ch. 414, HB 550,§ 6, eff. 4/5/2021.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73)Section 63-1-25 - Imputation of negligence or willful misconduct of driver under seventeen years of age to person signing application for license

Except as otherwise provided in Section63-1-27, any negligence or wilful misconduct of a minor under the age of seventeen years when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of such minor for a permit or license, which person shall be jointly or severally liable with such minor for any damages caused by such negligence or wilful misconduct.Codes, 1942, § 8096; Laws, 1938, ch. 143. Except as otherwise provided in Section63-1-27, any negligence or wilful misconduct of a minor under the age of seventeen years when driving a motor vehicle upon a highway shall be imputed to the

person who has signed the application of such minor for a permit or license, which person shall be jointly or severally liable with such minor for any damages caused by such negligence or wilful misconduct. Codes, 1942, § 8096; Laws, 1938, ch. 143. Except as otherwise provided in Section 63-1-27, any negligence or wilful misconduct of a minor under the age of seventeen years when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of such minor for a permit or license, which person shall be jointly or severally liable with such minor for any damages caused by such negligence or wilful misconduct. Codes, 1942, § 8096; Laws, 1938, ch. 143. Except as otherwise provided in Section 63-1-27, any negligence or wilful misconduct of a minor under the age of seventeen years when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of such minor for a permit or license, which person shall be jointly or severally liable with such minor for any damages caused by such negligence or wilful misconduct. Codes, 1942, § 8096; Laws, 1938, ch. 143.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-27 - Request for cancellation of minor's license by person signing application; release from liability for negligence or misconduct of minor

Any person who has signed the application of a minor for a license may thereafter file with the commissioner a verified written request that the license of said minor so granted be canceled. Thereupon the commissioner shall cancel the license of said minor and the person who signed the application of such minor shall be relieved from the liability imposed under Section 63-1-25 by reason of having signed such application on account of any subsequent negligence or wilful misconduct of such minor in operating a motor vehicle. Codes, 1942, § 8097; Laws, 1938, ch. 143. Any person who has signed the application of a minor for a license may thereafter file with the commissioner a verified written request that the license of said minor so granted be canceled. Thereupon the commissioner shall cancel the license of said minor and the person who signed the application of such minor shall be relieved from the liability imposed under Section 63-1-25 by reason of having signed such application on account of any subsequent negligence or wilful misconduct of such minor in operating a motor vehicle. Codes, 1942, § 8097; Laws, 1938, ch. 143. Any person who has signed the application of a minor for a license may thereafter file with the commissioner a verified written request that the license of said minor so granted be canceled. Thereupon the commissioner shall cancel the license of said minor and the person who signed the application of such minor shall be relieved from the liability imposed under Section 63-1-25 by reason of having signed such application on account of any subsequent negligence or wilful misconduct of such minor in operating a motor vehicle. Codes, 1942, § 8097; Laws, 1938, ch. 143. Any person who has signed the application of a minor for a license may thereafter file with the commissioner a verified written request that the license of said minor so granted be canceled. Thereupon the commissioner shall cancel the license of said minor and the person who signed the application of such minor shall be relieved from the liability imposed under Section 63-1-25 by reason of having signed such application on account of any subsequent negligence or wilful misconduct of such minor in operating a motor vehicle. Codes, 1942, § 8097; Laws, 1938, ch. 143.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-3 - Definitions

The following words and phrases when used in this article shall, for the purpose of such law, have the meanings respectively ascribed to them in this section: (a) The term "commissioner" means the commissioner of public safety of this state; (b) The term "highway" means every way or place of whatever nature open to the use of the public for the purpose of vehicular travel, and shall include streets of municipalities; (c) The term "operator" means any person in actual physical control of a motor vehicle on the highway; (d) The term "owner" means a person who holds the legal title of a vehicle; in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this article. Codes, 1942, § 8077; Laws, 1938, ch. 143. The following words and phrases when used in this article shall, for the purpose of such law, have the meanings respectively ascribed to them in this section: (a) The term "commissioner" means the commissioner of public safety of this state; (b) The term "highway" means every way or place of whatever nature open to the use of the public for the purpose of vehicular travel, and shall include streets of municipalities; (c) The term "operator" means any person in actual physical control of a motor vehicle on the highway; (d) The term "owner" means a person who holds the legal title of a vehicle; in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this article. Codes, 1942, § 8077; Laws, 1938, ch. 143. The following words and phrases when used in this article shall, for the purpose of such law, have the meanings respectively ascribed to them in this section: (a) The term "commissioner" means the commissioner of public safety of this state; (b) The term "highway" means every way or place of whatever nature open to the use of the public for the purpose of vehicular travel, and shall include streets of municipalities; (c) The term "operator" means any person in actual physical control of a motor vehicle on the highway; (d) The term "owner" means a person who holds the legal title of a vehicle; in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in

the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this article. Codes, 1942, § 8077; Laws, 1938, ch. 143. The following words and phrases when used in this article shall, for the purpose of such law, have the meanings respectively ascribed to them in this section: Codes, 1942, § 8077; Laws, 1938, ch. 143.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-31 - Appeal from denial of application for license or temporary permit

When a person is denied a license or any temporary driving permit after filing the proper application, he shall have the right within sixty (60) days thereafter to file a petition, in the county or circuit court in the county wherein the application was filed, praying for a hearing in the matter before the judge of the court in which the application is presented. The judge is hereby vested with jurisdiction to hear such matters forthwith within termtime or during vacation, upon five (5) days' written notice to the officer who refused to issue the license or any temporary driving permit. The hearing shall be conducted at a place as may suit the convenience of the court. On the hearing of the petition, testimony may be taken, and the court shall render judgment in the matter as it deems right and proper under the law and evidence. Codes, 1942, § 8105; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 12, eff. 7/1/1985. Amended by Laws, 2016, ch. 503, SB 2778, 1, eff. 10/1/2016. When a person is denied a license or any temporary driving permit after filing the proper application, he shall have the right within sixty (60) days thereafter to file a petition, in the county or circuit court in the county wherein the application was filed, praying for a hearing in the matter before the judge of the court in which the application is presented. The judge is hereby vested with jurisdiction to hear such matters forthwith within termtime or during vacation, upon five (5) days' written notice to the officer who refused to issue the license or any temporary driving permit. The hearing shall be conducted at a place as may suit the convenience of the court. On the hearing of the petition, testimony may be taken, and the court shall render judgment in the matter as it deems right and proper under the law and evidence. Codes, 1942, § 8105; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 12, eff. 7/1/1985. Amended by Laws, 2016, ch. 503, SB 2778, 1, eff. 10/1/2016. When a person is denied a license or any temporary driving permit after filing the proper application, he shall have the right within sixty (60) days thereafter to file a petition, in the county or circuit court in the county wherein the application was filed, praying for a hearing in the matter before the judge of the court in which the application is presented. The judge is hereby vested with jurisdiction to hear such matters forthwith within termtime or during vacation, upon five (5) days' written notice to the officer who refused to issue the license or any temporary driving permit. The hearing shall be conducted at a place as may suit the convenience of the court. On the hearing of the petition, testimony may be taken, and the court shall render judgment in the matter as it deems right and proper under the law and evidence. Codes, 1942, § 8105; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 12, eff. 7/1/1985. Amended by Laws, 2016, ch. 503, SB 2778, 1, eff. 10/1/2016.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-33 - Examination of applicant for license or learner's permit; inspection of applicant's automobile; certification of successful completion of driver education and training program at secondary school in lieu of examination; off-duty members of Mississippi Highway Safety Patrol authorized to teach; certification by parent, teacher or guardian of student's motor vehicle operation proficiency in lieu of department's skills test

(1) Except as otherwise provided under subsections (6) and (7) of this section, it shall be the duty of the license examiner, when application is made for an operator's license or learner's permit, to test the applicant's ability to read and understand road signs and to give the required signals as adopted by the National Advisory Committee on Uniform Traffic Control Devices and the American Association of Motor Vehicle Administrators. (2) Except as otherwise provided under subsections (6) and (7) of this section, the commissioner shall have prepared and administer a test composed of at least ten (10) questions relating to the safe operation of a motor vehicle and testing the applicant's knowledge of the proper operation of a motor vehicle. Every examination shall ensure adequate knowledge on the part of the applicant as to school bus safety requirements. (3) Prior to the administration of the test, the license examiner shall inspect the horn, lights, brakes, vehicle registration and proof of liability coverage of the motor vehicle which the applicant expects to operate while being tested, and if he finds that any of the aforementioned items are deficient, no license or endorsement shall be issued to the applicant until same have been repaired. (4) An applicant for a Mississippi driver's license who, at the time of application, holds a valid motor vehicle driver's license issued by another state shall not be required to take a written test. (5) Except as otherwise provided by Section 63-1-6, when application is made for an original motorcycle endorsement, the applicant shall be required to pass a written test which consists of questions relating to the safe operation of a motorcycle and a skill test similar to the "Motorcycle Operator Skill Test," which is endorsed by the American Association of Motor Vehicle

Administrators. The commissioner may exempt any applicant from the skill test if the applicant presents a certificate showing successful completion of a course approved by the commissioner, which includes a similar examination of skills needed in the safe operation of a motorcycle.(6)The Department of Public Safety shall accept the certification of successful completion of an individual's training in the knowledge and skills needed for the proper and safe operation of a motor vehicle from a driver education and training program at a secondary school that meets the standards of the State Board of Education, in lieu of the department administering the examination of the individual for the purpose of obtaining a driver's license. The school may employ teachers duly certified by the Department of Education to teach in such a program. In addition, off-duty members of the Mississippi Highway Safety Patrol shall be authorized to teach in such a program without having to obtain a teaching certificate from the Department of Education. Instructors will be considered employees of the school, not of the Driver License Examining Bureau. The commissioner and the State Board of Education shall jointly promulgate rules and regulations for the administration of this subsection.(7)The commissioner shall develop an affidavit whereby a parent, teacher or guardian may certify that he or she has witnessed a student operate a motor vehicle for at least fifty (50) hours and attest to the student's proficiency in the proper and safe operation of a motor vehicle and the Department of Public Safety shall accept such in lieu of a skills test conducted by the department.Codes, 1942, § 8100; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 3; Laws, 1998, ch. 352, § 1; Laws, 1999, ch. 393, § 2; Laws, 2000, ch. 614, § 1; Laws, 2010, ch. 346, § 1; Laws, 2011, ch. 481, § 5, eff. 7/1/2011.Amended by Laws, 2021, ch. 464, SB 2598,§ 12, eff. 4/16/2021.Amended by Laws, 2020, ch. 477, HB 1371,§ 5, eff. 7/8/2020.Amended by Laws, 2015, ch. 417, HB 982, 5, eff. 7/1/2015.Amended by Laws, 2014, ch. 424, SB 2794, 20, eff. 10/1/2014. 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Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73)Section 63-1-34.1 - Issuance of limited driver's license for persons using bioptic telescopic lenses; rehabilitation permit

(1)The Commissioner of Public Safety may issue a limited driver's license for persons using bioptic telescopic lenses. The license shall be valid for one (1) year from the date of issuance. The commissioner may require the reevaluation of a licensee before the reissuance of a limited driver's license.(2)The commissioner shall prepare and administer a test for the central and peripheral vision of persons using bioptic telescopic lenses. If the person passes the test and is otherwise qualified, the person may receive a license under this section.(3)The commissioner may issue a one-year driving rehabilitation permit subject to such restrictions as the commissioner may require.(4)The fee for a license or permit issued under this section shall be the fee required for one-year licenses under Section63-1-43, Mississippi Code of 1972.(5)The commissioner may impose restrictions on any license or permit issued under this section and may issue rules and regulations governing such licenses and permits.Laws, 1999, ch. 393, § 1, eff. 7/1/1999. (1)The Commissioner of Public Safety may issue a limited driver's license for persons using bioptic telescopic lenses. The license shall be valid for one (1) year from the date of issuance. The commissioner may require the reevaluation of a licensee before the reissuance of a limited driver's license.(2)The commissioner shall prepare and administer a test for the central and peripheral vision of persons using bioptic telescopic lenses. If the person passes the test and is otherwise qualified, the person may receive a license under this section.(3)The commissioner may issue a one-year driving rehabilitation permit subject to such restrictions as the commissioner may require.(4)The fee for a license or permit issued under this section shall be the fee required for one-year licenses under Section63-1-43, Mississippi Code of 1972.(5)The commissioner may impose restrictions on any license or permit issued under this section and may issue rules and regulations governing such licenses and permits.Laws, 1999, ch. 393, § 1, eff. 7/1/1999. (1)The Commissioner of Public Safety may issue a limited driver's license for persons using bioptic telescopic lenses. The license shall be valid for one (1) year from the date of issuance. The commissioner may require the reevaluation of a licensee before the reissuance of a limited driver's license.(2)The commissioner shall prepare and administer a test for the central and peripheral vision of persons using bioptic telescopic lenses. If the person passes the test and is otherwise qualified, the person may receive a license under this section.(3)The commissioner may issue a one-year driving rehabilitation permit subject to such restrictions as the commissioner may require.(4)The fee for a license or permit issued under this section shall be the fee required for one-year licenses under Section63-1-43, Mississippi Code of 1972.(5)The commissioner may impose restrictions on any license or permit issued under this section and may issue rules and regulations governing such licenses and permits.Laws, 1999, ch. 393, § 1, eff. 7/1/1999. Laws, 1999, ch. 393, § 1, eff. 7/1/1999.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73)Section 63-1-34 - Provision of video-taped instructional material to assist reading impaired applicants in preparing for driver's license examinations

From and after January 1, 1991, the Mississippi Authority for Educational Television shall prepare and the Commissioner of Public

Safety shall make available for loan to applicants for driving permits and licenses under this article and under Article 5 of this chapter, who are reading impaired, video tapes of instructional material designed to assist such applicants in preparing for driver's license examinations. The commissioner shall be authorized to charge and collect a fee from any person to whom any such video tape is loaned, such fee to serve as security for the return of the video tape and which fee shall be refunded to the person upon return of the video tape to the commissioner. Such fee shall be in an amount as the commissioner determines necessary to defray the actual cost to the commissioner in replacing the video tape but shall not exceed the amount of the fee provided by law to be paid for the issuance of the class of driver's license for which the person is applying. The video tape shall be returned, in good working order, to the location that such tape was borrowed in order for the individual to receive his security refund. In the event such tape is not returned within thirty (30) days from time of rental all security fees will be forfeited to the Department of Public Safety. Such security funds and all forfeited fees shall be placed in a separate interest-bearing account known as the "Driver License Educational Fund for the Reading Impaired." All forfeited security fees shall be used to replace unreturned tapes and to offset the cost of this program. Laws, 1990, ch. 319, § 1; Laws, 2009, ch. 560, § 29, eff. 7/1/2009. From and after January 1, 1991, the Mississippi Authority for Educational Television shall prepare and the Commissioner of Public Safety shall make available for loan to applicants for driving permits and licenses under this article and under Article 5 of this chapter, who are reading impaired, video tapes of instructional material designed to assist such applicants in preparing for driver's license examinations. The commissioner shall be authorized to charge and collect a fee from any person to whom any such video tape is loaned, such fee to serve as security for the return of the video tape and which fee shall be refunded to the person upon return of the video tape to the commissioner. Such fee shall be in an amount as the commissioner determines necessary to defray the actual cost to the commissioner in replacing the video tape but shall not exceed the amount of the fee provided by law to be paid for the issuance of the class of driver's license for which the person is applying. 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Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-35 - Form of license; use of Social Security Number of licensee; photograph of licensee; renewal of license by electronic means; registered sex offender's license to identify licensee as sex offender; designation as veteran on license upon request of honorably discharged veteran; electronic format for license or permit; penalty for provision of false documents

(1) The Commissioner of Public Safety shall prescribe the form of license issued pursuant to this article which shall, among other features, include a driver's license number assigned by the Department of Public Safety. A licensee shall list his social security

number with the department which shall cross reference the social security number with the driver's license number for purposes of identification. Additionally, each license shall bear a full-face color photograph of the licensee in such form that the license and the photograph cannot be separated. The photograph shall be taken so that one (1) exposure will photograph the applicant and the application simultaneously on the same film. The department shall use a process in the issuance of a license with a color photograph that shall prevent as nearly as possible any alteration, counterfeiting, duplication, reproduction, forging or modification of the license or the superimposition of a photograph without ready detection. The photograph shall be replaced by the department at the time of renewal. Drivers' licenses, including photographs appearing thereon, may be renewed by electronic means according to rules and regulations promulgated by the commissioner in conformity to Section 27-104-33. (2) The commissioner shall prescribe the form of license issued pursuant to this article to licensees who are not United States citizens and who do not possess a social security number issued by the United States government. The license of such persons shall include a number and/or other identifying features. (3) Any new, renewal or duplicate driver's license, temporary driving permit or commercial driver's license issued to a person required to register as a sex offender pursuant to Section 45-33-25 shall bear a designation identifying the licensee or permittee as a sex offender. (4) The commissioner is authorized to provide the new, renewal or duplicate driver's license, temporary driving permit or commercial driver's license to any honorably discharged veteran as defined in Title 38 of the United States Code, and such license or permit shall exhibit the letters "Vet" or any other mark identifying the person as a veteran. The veteran requesting the "Vet" designation shall present his DD-214, Military Retiree Identification Card, United States Department of Veterans Affairs Medical Identification Card, United States Department of Veterans Affairs Identification Card or National Guard Form NGB 22. The veteran requesting the "Vet" designation may present his DD-214, Military Retiree Identification Card, United States Department of Veterans Affairs Medical Identification Card, United States Department of Veterans Affairs Identification Card or National Guard Form NGB 22 in person at the Mississippi Department of Public Safety Driver's License Station. (5) Not later than July 1, 2021, the commissioner shall develop and implement a driver's license or driving permit in electronic format as an additional option for license or permit holders. Acceptable electronic formats include display of electronic images on a cellular phone or any other type of electronic device. (6) If false documents are provided by an individual for purposes of obtaining a veteran driver's license, such action shall be considered fraudulent use of identity under Section 97-19-85, Mississippi Code of 1972, and shall be punishable, upon conviction, as a felony pursuant to the provisions of that section. Codes, 1942, § 8103; Laws, 1938, ch. 143; Laws, 1940, ch. 167; Laws, 1968, ch. 540, § 1; Laws, 1981, ch. 453, § 1; Laws, 1985, ch. 376, § 13; Laws, 1996, ch. 466, § 1; Laws, 2001, ch. 535, § 1; Laws, 2002, ch. 584, § 6; Laws, 2007, ch. 392, § 16; Laws, 2011, ch. 467, § 2; Laws, 2012, ch. 561, § 2, eff. 5/25/2012. Amended by Laws, 2021, ch. 416, SB 2294, § 1, eff. 7/1/2021. Amended by Laws, 2021, ch. 464, SB 2598, § 13, eff. 4/16/2021. Amended by Laws, 2021, ch. 414, HB 550, § 7, eff. 4/5/2021. Amended by Laws, 2020, ch. 477, HB 1371, § 3, eff. 7/8/2020. (1) The Commissioner of Public Safety shall prescribe the form of license issued pursuant to this article which shall, among other features, include a driver's license number assigned by the Department of Public Safety. A licensee shall list his social security number with the department which shall cross reference the social security number with the driver's license number for purposes of identification. Additionally, each license shall bear a full-face color photograph of the licensee in such form that the license and the photograph cannot be separated. The photograph shall be taken so that one (1) exposure will photograph the applicant and the application simultaneously on the same film. The department shall use a process in the issuance of a license with a color photograph that shall prevent as nearly as possible any alteration, counterfeiting, duplication, reproduction, forging or modification of the license or the superimposition of a photograph without ready detection. The photograph shall be replaced by the department at the time of renewal. Drivers' licenses, including photographs appearing thereon, may be renewed by electronic means according to rules and regulations promulgated by the commissioner in conformity to Section 27-104-33. (2) The commissioner shall prescribe the form of license issued pursuant to this article to licensees who are not United States citizens and who do not possess a social security number issued by the United States government. The license of such persons shall include a number and/or other identifying features. (3) Any new, renewal or duplicate driver's license, temporary driving permit or commercial driver's license issued to a person required to register as a sex offender pursuant to Section 45-33-25 shall bear a designation identifying the licensee or permittee as a sex offender. (4) The commissioner is authorized to provide the new, renewal or duplicate driver's license, temporary driving permit or commercial driver's license to any honorably discharged veteran as defined in Title 38 of the United States Code, and such license or permit shall exhibit the letters "Vet" or any other mark identifying the person as a veteran. The veteran requesting the "Vet" designation shall present his DD-214, Military Retiree Identification Card, United States Department of Veterans Affairs Medical Identification Card, United States Department of Veterans Affairs Identification Card or National Guard Form NGB 22. The veteran requesting the "Vet" designation may present his DD-214, Military Retiree Identification Card, United States Department of Veterans Affairs Medical Identification Card, United States Department of Veterans Affairs Identification Card or National Guard Form NGB 22 in person at the Mississippi Department of Public Safety Driver's License Station. (5) Not later than July 1, 2021, the commissioner shall develop and implement a driver's license or driving permit in electronic format as an additional option for license or permit holders. Acceptable electronic formats include display of electronic images on a cellular phone or any other type of electronic device. (6) If false documents are provided by an individual for purposes of obtaining a veteran driver's license, such action shall be considered fraudulent use of identity under Section 97-19-85, Mississippi Code of 1972, and shall be punishable, upon conviction, as a felony pursuant to the provisions of that section. Codes, 1942, § 8103; Laws, 1938, ch. 143; Laws, 1940, ch. 167; Laws, 1968, ch. 540, § 1; Laws, 1981, ch. 453, § 1; Laws, 1985, ch. 376, § 13; Laws, 1996, ch. 466, § 1; Laws, 2001, ch. 535, § 1; Laws, 2002, ch. 584, § 6; Laws, 2007, ch. 392, § 16; Laws, 2011, ch. 467, § 2; Laws, 2012, ch. 561, § 2, eff. 5/25/2012. Amended by Laws, 2021, ch. 416, SB 2294, § 1, eff. 7/1/2021. Amended by Laws, 2021, ch. 464, SB 2598, § 13, eff.

4/16/2021. Amended by Laws, 2021, ch. 414, HB 550, § 7, eff. 4/5/2021. Amended by Laws, 2020, ch. 477, HB 1371, § 3, eff. 7/8/2020. (1) The Commissioner of Public Safety shall prescribe the form of license issued pursuant to this article which shall, among other features, include a driver's license number assigned by the Department of Public Safety. A licensee shall list his social security number with the department which shall cross reference the social security number with the driver's license number for purposes of identification. Additionally, each license shall bear a full-face color photograph of the licensee in such form that the license and the photograph cannot be separated. The photograph shall be taken so that one (1) exposure will photograph the applicant and the application simultaneously on the same film. The department shall use a process in the issuance of a license with a color photograph that shall prevent as nearly as possible any alteration, counterfeiting, duplication, reproduction, forging or modification of the license or the superimposition of a photograph without ready detection. The photograph shall be replaced by the department at the time of renewal. Drivers' licenses, including photographs appearing thereon, may be renewed by electronic means according to rules and regulations promulgated by the commissioner in conformity to Section 27-104-33. (2) The commissioner shall prescribe the form of license issued pursuant to this article to licensees who are not United States citizens and who do not possess a social security number issued by the United States government. The license of such persons shall include a number and/or other identifying features. (3) Any new, renewal or duplicate driver's license, temporary driving permit or commercial driver's license issued to a person required to register as a sex offender pursuant to Section 45-33-25 shall bear a designation identifying the licensee or permittee as a sex offender. (4) The commissioner is authorized to provide the new, renewal or duplicate driver's license, temporary driving permit or commercial driver's license to any honorably discharged veteran as defined in Title 38 of the United States Code, and such license or permit shall exhibit the letters "Vet" or any other mark identifying the person as a veteran. The veteran requesting the "Vet" designation shall present his DD-214, Military Retiree Identification Card, United States Department of Veterans Affairs Medical Identification Card, United States Department of Veterans Affairs Identification Card or National Guard Form NGB 22. The veteran requesting the "Vet" designation may present his DD-214, Military Retiree Identification Card, United States Department of Veterans Affairs Medical Identification Card, United States Department of Veterans Affairs Identification Card or National Guard Form NGB 22 in person at the Mississippi Department of Public Safety Driver's License Station. (5) Not later than July 1, 2021, the commissioner shall develop and implement a driver's license or driving permit in electronic format as an additional option for license or permit holders. Acceptable electronic formats include display of electronic images on a cellular phone or any other type of electronic device. (6) If false documents are provided by an individual for purposes of obtaining a veteran driver's license, such action shall be considered fraudulent use of identity under Section 97-19-85, Mississippi Code of 1972, and shall be punishable, upon conviction, as a felony pursuant to the provisions of that section. Codes, 1942, § 8103; Laws, 1938, ch. 143; Laws, 1940, ch. 167; Laws, 1968, ch. 540, § 1; Laws, 1981, ch. 453, § 1; Laws, 1985, ch. 376, § 13; Laws, 1996, ch. 466, § 1; Laws, 2001, ch. 535, § 1; Laws, 2002, ch. 584, § 6; Laws, 2007, ch. 392, § 16; Laws, 2011, ch. 467, § 2; Laws, 2012, ch. 561, § 2, eff. 5/25/2012. Amended by Laws, 2021, ch. 416, SB 2294, § 1, eff. 7/1/2021. Amended by Laws, 2021, ch. 464, SB 2598, § 13, eff. 4/16/2021. Amended by Laws, 2021, ch. 414, HB 550, § 7, eff. 4/5/2021. Amended by Laws, 2020, ch. 477, HB 1371, § 3, eff. 7/8/2020. Codes, 1942, § 8103; Laws, 1938, ch. 143; Laws, 1940, ch. 167; Laws, 1968, ch. 540, § 1; Laws, 1981, ch. 453, § 1; Laws, 1985, ch. 376, § 13; Laws, 1996, ch. 466, § 1; Laws, 2001, ch. 535, § 1; Laws, 2002, ch. 584, § 6; Laws, 2007, ch. 392, § 16; Laws, 2011, ch. 467, § 2; Laws, 2012, ch. 561, § 2, eff. 5/25/2012. Amended by Laws, 2021, ch. 416, SB 2294, § 1, eff. 7/1/2021. Amended by Laws, 2021, ch. 464, SB 2598, § 13, eff. 4/16/2021. Amended by Laws, 2021, ch. 414, HB 550, § 7, eff. 4/5/2021. Amended by Laws, 2020, ch. 477, HB 1371, § 3, eff. 7/8/2020.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-37 - Issuance of duplicate license

If a license or learner's permit issued under the provisions of this article is lost or destroyed, the licensee may obtain a duplicate copy by paying the fee prescribed in Section 63-1-43. The license or permit shall be marked "Duplicate." Codes, 1942, § 8104; Laws, 1938, ch. 143; Laws, 1956, ch. 378, § 4; Laws, 1984, ch. 349; Laws, 1985, ch. 376, § 14 eff. 7/1/1985; Laws, 2001, ch. 535, § 2; Laws, 2002, ch. 584, § 1; Laws, 2011, ch. 467, § 3, eff. 7/1/2011. Amended by Laws, 2021, ch. 464, SB 2598, § 14, eff. 4/16/2021. Amended by Laws, 2014, ch. 424, SB 2794, 11, eff. 10/1/2014. If a license or learner's permit issued under the provisions of this article is lost or destroyed, the licensee may obtain a duplicate copy by paying the fee prescribed in Section 63-1-43. The license or permit shall be marked "Duplicate." Codes, 1942, § 8104; Laws, 1938, ch. 143; Laws, 1956, ch. 378, § 4; Laws, 1984, ch. 349; Laws, 1985, ch. 376, § 14 eff. 7/1/1985; Laws, 2001, ch. 535, § 2; Laws, 2002, ch. 584, § 1; Laws, 2011, ch. 467, § 3, eff. 7/1/2011. Amended by Laws, 2021, ch. 464, SB 2598, § 14, eff. 4/16/2021. Amended by Laws, 2014, ch. 424, SB 2794, 11, eff. 10/1/2014. If a license or learner's permit issued under the provisions of this article is lost or destroyed, the licensee may obtain a duplicate copy by paying the fee prescribed in Section 63-1-43. The license or permit shall be marked "Duplicate." Codes, 1942, § 8104; Laws, 1938, ch. 143; Laws, 1956, ch. 378, § 4; Laws, 1984, ch. 349; Laws, 1985, ch. 376, § 14 eff. 7/1/1985; Laws, 2001, ch. 535, § 2; Laws, 2002, ch. 584, § 1; Laws, 2011, ch. 467, § 3, eff. 7/1/2011. Amended by Laws, 2021, ch. 464, SB 2598, § 14, eff. 4/16/2021. Amended by Laws, 2014, ch. 424, SB 2794, 11, eff. 10/1/2014.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-39 - Signatures on license

No license issued pursuant to this article shall be valid under the provisions of this article until it has been signed by the applicant. Codes, 1942, § 8101; Laws, 1938, ch. 143; Laws, 1940, ch. 167; Laws, 1985, ch. 376, § 15, eff. 7/1/1985. Amended by Laws, 2015, ch. 436, SB 2495, 1, eff. 4/13/2015. No license issued pursuant to this article shall be valid under the provisions of this article until it has been signed by the applicant. Codes, 1942, § 8101; Laws, 1938, ch. 143; Laws, 1940, ch. 167; Laws, 1985, ch. 376, § 15, eff. 7/1/1985. Amended by Laws, 2015, ch. 436, SB 2495, 1, eff. 4/13/2015. No license issued pursuant to this article shall be valid under the provisions of this article until it has been signed by the applicant. Codes, 1942, § 8101; Laws, 1938, ch. 143; Laws, 1940, ch. 167; Laws, 1985, ch. 376, § 15, eff. 7/1/1985. Amended by Laws, 2015, ch. 436, SB 2495, 1, eff. 4/13/2015. No license issued pursuant to this article shall be valid under the provisions of this article until it has been signed by the applicant. Codes, 1942, § 8101; Laws, 1938, ch. 143; Laws, 1940, ch. 167; Laws, 1985, ch. 376, § 15, eff. 7/1/1985. Amended by Laws, 2015, ch. 436, SB 2495, 1, eff. 4/13/2015.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-41 - Possession and display of license upon demand

Every licensee shall have the required license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a justice court judge, a peace officer or license examiner or other authorized employee of the commissioner. However, no person charged with violating this section shall be convicted if he produces in court a license theretofore issued to him and valid at the time of his arrest. Codes, 1942, § 8108; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 16, eff. 7/1/1985. Every licensee shall have the required license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a justice court judge, a peace officer or license examiner or other authorized employee of the commissioner. However, no person charged with violating this section shall be convicted if he produces in court a license theretofore issued to him and valid at the time of his arrest. Codes, 1942, § 8108; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 16, eff. 7/1/1985. Every licensee shall have the required license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a justice court judge, a peace officer or license examiner or other authorized employee of the commissioner. However, no person charged with violating this section shall be convicted if he produces in court a license theretofore issued to him and valid at the time of his arrest. Codes, 1942, § 8108; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 16, eff. 7/1/1985. Every licensee shall have the required license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a justice court judge, a peace officer or license examiner or other authorized employee of the commissioner. However, no person charged with violating this section shall be convicted if he produces in court a license theretofore issued to him and valid at the time of his arrest. Codes, 1942, § 8108; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 16, eff. 7/1/1985. Every licensee shall have the required license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a justice court judge, a peace officer or license examiner or other authorized employee of the commissioner. However, no person charged with violating this section shall be convicted if he produces in court a license theretofore issued to him and valid at the time of his arrest. Codes, 1942, § 8108; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 16, eff. 7/1/1985.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-43 - Fees for licenses generally

(1) The commissioner shall charge and collect the following fees: (a) Fees to which the card stock fee authorized in Section 45-1-21 shall be added: Class R original or renewal four-year license authorized in Section 63-1-5.....\$18.00 Class R original or renewal eight-year license authorized in Section 63-1-5.....\$36.00 Class D original or renewal four-year license authorized in Section 63-1-47.....\$23.00 Class D original or renewal eight-year license authorized in Section 63-1-47.....\$46.00 Four-year Identification Card authorized in Section 45-35-7.....\$11.00 Eight-year Identification Card authorized in Section 45-35-7.....\$22.00 Eight-year Identification Card for the blind authorized in Section 45-35-7.....\$11.00 Four-year Disability Identification Card authorized in Section 45-35-53.....\$11.00 Learner's Permit authorized in Section 63-1-21.....\$ 1.00 Duplicate Identification Card or Disability Identification Card.....\$ 5.00 Duplicate Class R or Class D license authorized in Section 63-1-37.....\$ 5.00 Class A, B or C Commercial driver's license authorized in Section 63-1-208.....\$48.00 CDL Learner's Permit authorized in Section 63-1-208.....\$10.00 Duplicate CDL or CDL learner's permit.....\$ 5.00 Ignition-Interlock-Restricted License authorized in Section 63-11-31.....\$50.00 (b) Driver services fees to which the card stock fee authorized in Section 45-1-21 is not added: Temporary Motorcycle Permit.....\$ 1.00 Four-year or eight-year Motorcycle Endorsement.....\$ 5.00 Late Renewal Fee.....\$ 1.00 Four-year Identification Card upon medical reason for surrender of a driver's license as authorized in Section 45-35-7 (one (1) time only).....No fee Hazardous Materials Background Check (federal).....\$63.00 Hazardous Materials Background Check (state).....\$37.00 CDL Application Fee.....\$25.00 CDL Endorsements: Tanker Endorsement\$ 5.00 Doubles/Triples Endorsement\$ 5.00 Passenger Endorsement\$ 5.00 Hazardous Materials Endorsement\$ 5.00 School Bus Endorsement\$ 5.00 (c) In addition to the fees required in this section, an applicant may contribute an additional One Dollar (\$1.00)

which shall be deposited into the Statewide Litter Prevention Fund. The applicant shall be informed that he may contribute an additional One Dollar (\$1.00) which shall be deposited into the Statewide Litter Prevention Fund and shall be expended solely for the purpose of funding litter prevention projects or litter education programs, as recommended by the Statewide Litter Prevention Program of Keep Mississippi Beautiful, Inc.(d)Starting January 1, 2021, for any original or renewal license for which the fee is greater than Ten Dollars (\$10.00), if the applicant brings all required documentation but does not receive his or her license within two and one-half (2-1/2) hours of entering and remaining at the license station, Ten Dollars (\$10.00) shall be deducted from the total amount owed for the license.(2)All originals and renewals of operators' licenses shall be in compliance with

Section63-1-47.(3)Notwithstanding any provision of law to the contrary in this section, the commissioner shall waive the driver's license or learner's permit fee for any applicant in the custody of the Department of Child Protection Services.Codes, 1942, § 8102; Laws, 1938, ch. 143; Laws, 1940, chs. 157, 167; Laws, 1946, ch. 420, § 7; Laws, 1948, ch. 343, § 5; Laws, 1950, ch. 408, § 1; Laws, 1956, ch. 378, § 3; Laws, 1958, ch. 493; Laws, 1962, ch. 523; Laws, 1968, ch. 539, § 1; Laws, 1973, ch. 383, § 1; Laws, 1981, ch. 453, § 2; Laws, 1985, ch. 376, § 4; Laws, 1989, ch. 482, § 23; Laws, 1992, ch. 469, § 1; Laws, 1994, ch. 588, § 8; Laws, 2001, ch. 535, § 3; Laws, 2002, ch. 584, § 5; Laws, 2009, ch. 560, § 30; Laws, 2010, ch. 423, § 1; Laws, 2011, ch. 468, § 2; Laws, 2012, ch. 433, § 1; Laws, 2012, ch. 483, § 1, eff. 7/1/2012.Amended by Laws, 2023, ch. 370, SB 2703,§ 1, eff. 7/1/2023.Amended by Laws, 2021, ch. 464, SB 2598,§ 15, eff. 4/16/2021.Amended by Laws, 2021, ch. 414, HB 550,§ 8, eff. 4/5/2021.Amended by Laws, 2020, ch. 477, HB 1371,§ 6, eff. 7/8/2020.Amended by Laws, 2014, ch. 424, SB 2794, 12, eff. 10/1/2014.Amended by Laws, 2013, ch. 489, HB 481, 4, eff. 7/1/2014. (1)The commissioner shall charge and collect the following fees:(a)Fees to which the card stock fee authorized in Section45-1-21shall be added:Class R original or renewal four-year license authorized in Section63-1-5.....\$18.00Class R original or renewal eight-year license authorized in Section63-1-5.....\$36.00Class D original or renewal four-year license authorized in Section63-1-47.....\$23.00Class D original or renewal eight-year license authorized in Section63-1-47.....\$46.00Four-year Identification Card authorized in Section45-35-7.....\$11.00Eight-year Identification Card authorized in Section45-35-7.....\$22.00Eight-year Identification Card for the blind authorized in Section45-35-7.....\$11.00Four-year Disability Identification Card authorized in Section45-35-53.....\$11.00Learner's Permit authorized in Section63-1-21.....\$ 1.00Duplicate Identification Card or Disability Identification Card.....\$ 5.00Duplicate Class R or Class D license authorized in Section63-1-37.....\$ 5.00Class A, B or C Commercial driver's license authorized in Section63-1-208.....\$48.00CDL Learner's Permit authorized in Section63-1-208.....\$10.00Duplicate CDL or CDL learner's permit.....\$ 5.00Ignition-Interlock-Restricted License authorized in Section63-11-31.....\$50.00(b)Driver services fees to which the card stock fee authorized in Section45-1-21is not added:Temporary Motorcycle Permit.....\$ 1.00Four-year or eight-year Motorcycle Endorsement.....\$ 5.00Late Renewal Fee.....\$ 1.00Four-year Identification Card upon medical reason for surrender of a driver's license as authorized in Section45-35-7(one (1) time only).....No feeHazardous Materials Background Check (federal).....\$63.00Hazardous Materials Background Check (state).....\$37.00CDL Application Fee.....\$25.00CDL Endorsements:Tanker Endorsement\$ 5.00Doubles/Triples Endorsement\$ 5.00Passenger Endorsement\$ 5.00Hazardous Materials Endorsement\$ 5.00School Bus Endorsement\$ 5.00(c)In addition to the fees required in this section, an applicant may contribute an additional One Dollar (\$1.00)

which shall be deposited into the Statewide Litter Prevention Fund. The applicant shall be informed that he may contribute an additional One Dollar (\$1.00) which shall be deposited into the Statewide Litter Prevention Fund and shall be expended solely for the purpose of funding litter prevention projects or litter education programs, as recommended by the Statewide Litter Prevention Program of Keep Mississippi Beautiful, Inc.(d)Starting January 1, 2021, for any original or renewal license for which the fee is greater than Ten Dollars (\$10.00), if the applicant brings all required documentation but does not receive his or her license within two and one-half (2-1/2) hours of entering and remaining at the license station, Ten Dollars (\$10.00) shall be deducted from the total amount owed for the license.(2)All originals and renewals of operators' licenses shall be in compliance with

Section63-1-47.(3)Notwithstanding any provision of law to the contrary in this section, the commissioner shall waive the driver's license or learner's permit fee for any applicant in the custody of the Department of Child Protection Services.Codes, 1942, § 8102; Laws, 1938, ch. 143; Laws, 1940, chs. 157, 167; Laws, 1946, ch. 420, § 7; Laws, 1948, ch. 343, § 5; Laws, 1950, ch. 408, § 1; Laws, 1956, ch. 378, § 3; Laws, 1958, ch. 493; Laws, 1962, ch. 523; Laws, 1968, ch. 539, § 1; Laws, 1973, ch. 383, § 1; Laws, 1981, ch. 453, § 2; Laws, 1985, ch. 376, § 4; Laws, 1989, ch. 482, § 23; Laws, 1992, ch. 469, § 1; Laws, 1994, ch. 588, § 8; Laws, 2001, ch. 535, § 3; Laws, 2002, ch. 584, § 5; Laws, 2009, ch. 560, § 30; Laws, 2010, ch. 423, § 1; Laws, 2011, ch. 468, § 2; Laws, 2012, ch. 433, § 1; Laws, 2012, ch. 483, § 1, eff. 7/1/2012.Amended by Laws, 2023, ch. 370, SB 2703,§ 1, eff. 7/1/2023.Amended by Laws, 2021, ch. 464, SB 2598,§ 15, eff. 4/16/2021.Amended by Laws, 2021, ch. 414, HB 550,§ 8, eff. 4/5/2021.Amended by Laws, 2020, ch. 477, HB 1371,§ 6, eff. 7/8/2020.Amended by Laws, 2014, ch. 424, SB 2794, 12, eff. 10/1/2014.Amended by Laws, 2013, ch. 489, HB 481, 4, eff. 7/1/2014. (1)The commissioner shall charge and collect the following fees:(a)Fees to which the card stock fee authorized in Section45-1-21shall be added:Class R original or renewal four-year license authorized in Section63-1-5.....\$18.00Class R original or renewal eight-year license authorized in Section63-1-5.....\$36.00Class D original or renewal four-year license authorized in Section63-1-47.....\$23.00Class D original or renewal eight-year license authorized in Section63-1-47.....\$46.00Four-year Identification Card authorized in Section45-35-7.....\$11.00Eight-year Identification Card authorized in Section45-35-7.....\$22.00Eight-year Identification Card for the blind authorized in Section45-35-7.....\$11.00Four-year Disability Identification Card authorized in Section45-35-53.....\$11.00Learner's Permit authorized in Section63-1-21.....\$ 1.00Duplicate Identification Card

or Disability Identification Card.....\$ 5.00 Duplicate Class R or Class D license authorized in Section 63-1-37.....\$ 5.00
 Class A, B or C Commercial driver's license authorized in Section 63-1-208.....\$48.00 CDL Learner's Permit authorized in Section 63-1-208.....\$10.00
 Duplicate CDL or CDL learner's permit.....\$ 5.00 Ignition-Interlock-Restricted License authorized in Section 63-11-31.....\$50.00
 (b) Driver services fees to which the card stock fee authorized in Section 45-1-21 is not added: Temporary Motorcycle Permit.....\$ 1.00
 Four-year or eight-year Motorcycle Endorsement.....\$ 5.00
 Late Renewal Fee.....\$ 1.00
 Four-year Identification Card upon medical reason for surrender of a driver's license as authorized in Section 45-35-7 (one (1) time only).....No fee
 Hazardous Materials Background Check (federal).....\$63.00
 Hazardous Materials Background Check (state).....\$37.00
 CDL Application Fee.....\$25.00
 CDL Endorsements: Tanker Endorsement\$ 5.00
 Doubles/Triples Endorsement\$ 5.00
 Passenger Endorsement\$ 5.00
 Hazardous Materials Endorsement\$ 5.00
 School Bus Endorsement\$ 5.00
 (c) In addition to the fees required in this section, an applicant may contribute an additional One Dollar (\$1.00) which shall be deposited into the Statewide Litter Prevention Fund. The applicant shall be informed that he may contribute an additional One Dollar (\$1.00) which shall be deposited into the Statewide Litter Prevention Fund and shall be expended solely for the purpose of funding litter prevention projects or litter education programs, as recommended by the Statewide Litter Prevention Program of Keep Mississippi Beautiful, Inc.
 (d) Starting January 1, 2021, for any original or renewal license for which the fee is greater than Ten Dollars (\$10.00), if the applicant brings all required documentation but does not receive his or her license within two and one-half (2-1/2) hours of entering and remaining at the license station, Ten Dollars (\$10.00) shall be deducted from the total amount owed for the license.
 (2) All originals and renewals of operators' licenses shall be in compliance with Section 63-1-47.
 (3) Notwithstanding any provision of law to the contrary in this section, the commissioner shall waive the driver's license or learner's permit fee for any applicant in the custody of the Department of Child Protection Services. Codes, 1942, § 8102; Laws, 1938, ch. 143; Laws, 1940, chs. 157, 167; Laws, 1946, ch. 420, § 7; Laws, 1948, ch. 343, § 5; Laws, 1950, ch. 408, § 1; Laws, 1956, ch. 378, § 3; Laws, 1958, ch. 493; Laws, 1962, ch. 523; Laws, 1968, ch. 539, § 1; Laws, 1973, ch. 383, § 1; Laws, 1981, ch. 453, § 2; Laws, 1985, ch. 376, § 4; Laws, 1989, ch. 482, § 23; Laws, 1992, ch. 469, § 1; Laws, 1994, ch. 588, § 8; Laws, 2001, ch. 535, § 3; Laws, 2002, ch. 584, § 5; Laws, 2009, ch. 560, § 30; Laws, 2010, ch. 423, § 1; Laws, 2011, ch. 468, § 2; Laws, 2012, ch. 433, § 1; Laws, 2012, ch. 483, § 1, eff. 7/1/2012. Amended by Laws, 2023, ch. 370, SB 2703, § 1, eff. 7/1/2023. Amended by Laws, 2021, ch. 464, SB 2598, § 15, eff. 4/16/2021. Amended by Laws, 2021, ch. 414, HB 550, § 8, eff. 4/5/2021. Amended by Laws, 2020, ch. 477, HB 1371, § 6, eff. 7/8/2020. Amended by Laws, 2014, ch. 424, SB 2794, 12, eff. 10/1/2014. Amended by Laws, 2013, ch. 489, HB 481, 4, eff. 7/1/2014.
 Class R original or renewal four-year license authorized in Section 63-1-5.....\$18.00
 Class R original or renewal eight-year license authorized in Section 63-1-5.....\$36.00
 Class D original or renewal four-year license authorized in Section 63-1-47.....\$23.00
 Class D original or renewal eight-year license authorized in Section 63-1-47.....\$46.00
 Four-year Identification Card authorized in Section 45-35-7.....\$11.00
 Eight-year Identification Card authorized in Section 45-35-7.....\$22.00
 Eight-year Identification Card for the blind authorized in Section 45-35-7.....\$11.00
 Four-year Disability Identification Card authorized in Section 45-35-53.....\$11.00
 Learner's Permit authorized in Section 63-1-21.....\$ 1.00
 Duplicate Identification Card or Disability Identification Card.....\$ 5.00
 Duplicate Class R or Class D license authorized in Section 63-1-37.....\$ 5.00
 Class A, B or C Commercial driver's license authorized in Section 63-1-208.....\$48.00
 CDL Learner's Permit authorized in Section 63-1-208.....\$10.00
 Duplicate CDL or CDL learner's permit.....\$ 5.00
 Ignition-Interlock-Restricted License authorized in Section 63-11-31.....\$50.00
 Class R original or renewal four-year license authorized in Section 63-1-5.....\$18.00
 Class R original or renewal eight-year license authorized in Section 63-1-5.....\$36.00
 Class D original or renewal four-year license authorized in Section 63-1-47.....\$23.00
 Class D original or renewal eight-year license authorized in Section 63-1-47.....\$46.00
 Four-year Identification Card authorized in Section 45-35-7.....\$11.00
 Eight-year Identification Card authorized in Section 45-35-7.....\$22.00
 Eight-year Identification Card for the blind authorized in Section 45-35-7.....\$11.00
 Four-year Disability Identification Card authorized in Section 45-35-53.....\$11.00
 Learner's Permit authorized in Section 63-1-21.....\$ 1.00
 Duplicate Identification Card or Disability Identification Card.....\$ 5.00
 Duplicate Class R or Class D license authorized in Section 63-1-37.....\$ 5.00
 Class A, B or C Commercial driver's license authorized in Section 63-1-208.....\$48.00
 CDL Learner's Permit authorized in Section 63-1-208.....\$10.00
 Duplicate CDL or CDL learner's permit.....\$ 5.00
 Ignition-Interlock-Restricted License authorized in Section 63-11-31.....\$50.00
 Temporary Motorcycle Permit.....\$ 1.00
 Four-year or eight-year Motorcycle Endorsement.....\$ 5.00
 Late Renewal Fee.....\$ 1.00
 Four-year Identification Card upon medical reason for surrender of a driver's license as authorized in Section 45-35-7 (one (1) time only).....No fee
 Hazardous Materials Background Check (federal).....\$63.00
 Hazardous Materials Background Check (state).....\$37.00
 CDL Application Fee.....\$25.00
 CDL Endorsements: Tanker Endorsement\$ 5.00
 Doubles/Triples Endorsement\$ 5.00
 Passenger Endorsement\$ 5.00
 Hazardous Materials Endorsement\$ 5.00
 School Bus Endorsement\$ 5.00
 Temporary Motorcycle Permit.....\$ 1.00
 Four-year or eight-year Motorcycle Endorsement.....\$ 5.00
 Late Renewal Fee.....\$ 1.00
 Four-year Identification Card upon medical reason for surrender of a driver's license as authorized in Section 45-35-7 (one (1) time only).....No fee
 Hazardous Materials Background Check (federal).....\$63.00
 Hazardous Materials Background Check (state).....\$37.00
 CDL Application Fee.....\$25.00
 CDL Endorsements: Tanker Endorsement\$ 5.00
 Doubles/Triples Endorsement\$ 5.00
 Passenger Endorsement\$ 5.00
 Hazardous Materials Endorsement\$ 5.00
 School Bus

Endorsement \$ 5.00 Codes, 1942, § 8102; Laws, 1938, ch. 143; Laws, 1940, chs. 157, 167; Laws, 1946, ch. 420, § 7; Laws, 1948, ch. 343, § 5; Laws, 1950, ch. 408, § 1; Laws, 1956, ch. 378, § 3; Laws, 1958, ch. 493; Laws, 1962, ch. 523; Laws, 1968, ch. 539, § 1; Laws, 1973, ch. 383, § 1; Laws, 1981, ch. 453, § 2; Laws, 1985, ch. 376, § 4; Laws, 1989, ch. 482, § 23; Laws, 1992, ch. 469, § 1; Laws, 1994, ch. 588, § 8; Laws, 2001, ch. 535, § 3; Laws, 2002, ch. 584, § 5; Laws, 2009, ch. 560, § 30; Laws, 2010, ch. 423, § 1; Laws, 2011, ch. 468, § 2; Laws, 2012, ch. 433, § 1; Laws, 2012, ch. 483, § 1, eff. 7/1/2012. Amended by Laws, 2023, ch. 370, SB 2703, § 1, eff. 7/1/2023. Amended by Laws, 2021, ch. 464, SB 2598, § 15, eff. 4/16/2021. Amended by Laws, 2021, ch. 414, HB 550, § 8, eff. 4/5/2021. Amended by Laws, 2020, ch. 477, HB 1371, § 6, eff. 7/8/2020. Amended by Laws, 2014, ch. 424, SB 2794, 12, eff. 10/1/2014. Amended by Laws, 2013, ch. 489, HB 481, 4, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-45 - Maintenance of records relating to application forms and fees; audit of forms and funds; receipt for fees; effect of dishonor of check; disposition of fees

(1) License examiners shall keep a complete record of all funds received from applicants upon forms to be prescribed and furnished by the department out of the operating funds of the department. Application forms shall be printed in book form and serially numbered and in such form that the original thereof may be transmitted by the license examiner to the commissioner, together with the renewal fee. A copy signed by the examiner shall be given to the applicant, and a copy shall be retained by the examiner. The license examiner shall, not later than ten (10) days from the date of an application, transmit the application, together with the fee, to the commissioner. The application blanks and funds shall be subject to audit at any time. The commissioner shall maintain records of all application forms on hand and issued to the examiners, who shall be charged therewith. The receipt provided for in this section shall be the only valid and recognized form of receipt for fees paid by applicants, and the receipt shall be sufficient in lieu of the renewed license for a period of sixty (60) days or until the renewed license has been issued to the applicant by the commissioner. (2) There shall be tendered with all applications for a temporary driving permit, temporary motorcycle driving permit, initial issuance of any license issued pursuant to this article, renewal licenses, duplicate licenses or any other services for which a fee is charged, the proper fee required by law by cash, certified check, money order or electronic payment as authorized under Section 27-104-33. (3) The Commissioner of Public Safety shall deposit the amount of fees, together with all fees for duplicate licenses, permits, delinquent fees and reinstatement fees collected by him into the General Fund of the State Treasury, in accordance with the provisions of Section 45-1-23(2); however, Seven Dollars (\$7.00) of the fee derived from the fee charged for original and renewal operators' licenses imposed under Section 63-1-43(1) and Four Dollars (\$4.00) of the fee derived from the fee charged for original and renewal Class D commercial drivers' licenses under Section 63-1-43(4) shall be deposited into a special fund that is created in the State Treasury. Monies in the fund may be expended upon legislative appropriation solely for the purchase by the Mississippi Highway Safety Patrol of patrol cars, communications equipment and weapons. Codes, 1942, §§ 8102, 8114; Laws, 1938, ch. 143; Laws, 1940, chs. 157, 167; Laws, 1946, ch. 420, §§ 7, 8; Laws, 1948, ch. 343, §§ 5, 6; Laws, 1950, ch. 408, § 1; Laws, 1956, ch. 378, §§ 3, 5; Laws, 1958, chs. 493, 509; Laws, 1962, ch. 523; Laws, 1968, ch. 539, § 1; Laws, 1968, ch. 541, § 1; Laws, 1976, ch. 396, § 5; Laws, 1978, ch. 422, § 1; Laws, 1985, ch. 376, § 17; Laws, 1992, ch. 469, § 2; Laws, 2011, ch. 467, § 4, eff. 7/1/2011. Amended by Laws, 2013, ch. 517, HB 1015, 2, eff. 7/1/2013. (1) License examiners shall keep a complete record of all funds received from applicants upon forms to be prescribed and furnished by the department out of the operating funds of the department. Application forms shall be printed in book form and serially numbered and in such form that the original thereof may be transmitted by the license examiner to the commissioner, together with the renewal fee. A copy signed by the examiner shall be given to the applicant, and a copy shall be retained by the examiner. The license examiner shall, not later than ten (10) days from the date of an application, transmit the application, together with the fee, to the commissioner. The application blanks and funds shall be subject to audit at any time. The commissioner shall maintain records of all application forms on hand and issued to the examiners, who shall be charged therewith. The receipt provided for in this section shall be the only valid and recognized form of receipt for fees paid by applicants, and the receipt shall be sufficient in lieu of the renewed license for a period of sixty (60) days or until the renewed license has been issued to the applicant by the commissioner. (2) There shall be tendered with all applications for a temporary driving permit, temporary motorcycle driving permit, initial issuance of any license issued pursuant to this article, renewal licenses, duplicate licenses or any other services for which a fee is charged, the proper fee required by law by cash, certified check, money order or electronic payment as authorized under Section 27-104-33. (3) The Commissioner of Public Safety shall deposit the amount of fees, together with all fees for duplicate licenses, permits, delinquent fees and reinstatement fees collected by him into the General Fund of the State Treasury, in accordance with the provisions of Section 45-1-23(2); however, Seven Dollars (\$7.00) of the fee derived from the fee charged for original and renewal operators' licenses imposed under Section 63-1-43(1) and Four Dollars (\$4.00) of the fee derived from the fee charged for original and renewal Class D commercial drivers' licenses under Section 63-1-43(4) shall be deposited into a special fund that is created in the State Treasury. Monies in the fund may be expended upon legislative appropriation solely for the purchase by the Mississippi Highway Safety Patrol of patrol cars, communications equipment and weapons. Codes, 1942, §§ 8102, 8114; Laws, 1938, ch. 143; Laws, 1940, chs. 157, 167; Laws, 1946, ch. 420, §§ 7, 8; Laws, 1948, ch. 343, §§ 5, 6; Laws, 1950, ch. 408, § 1; Laws, 1956, ch. 378, §§ 3, 5; Laws, 1958, chs. 493, 509; Laws, 1962, ch. 523; Laws, 1968, ch. 539, § 1; Laws, 1968, ch. 541, § 1; Laws, 1976, ch. 396, § 5; Laws, 1978, ch. 422, § 1; Laws, 1985, ch. 376, § 17; Laws, 1992, ch. 469, § 2; Laws, 2011, ch. 467, § 4, eff. 7/1/2011. Amended by Laws, 2013, ch. 517, HB 1015, 2, eff. 7/1/2013. (1) License examiners shall keep a complete record of all funds received from applicants upon forms to be prescribed and furnished

by the department out of the operating funds of the department. Application forms shall be printed in book form and serially numbered and in such form that the original thereof may be transmitted by the license examiner to the commissioner, together with the renewal fee. A copy signed by the examiner shall be given to the applicant, and a copy shall be retained by the examiner. The license examiner shall, not later than ten (10) days from the date of an application, transmit the application, together with the fee, to the commissioner. The application blanks and funds shall be subject to audit at any time. The commissioner shall maintain records of all application forms on hand and issued to the examiners, who shall be charged therewith. The receipt provided for in this section shall be the only valid and recognized form of receipt for fees paid by applicants, and the receipt shall be sufficient in lieu of the renewed license for a period of sixty (60) days or until the renewed license has been issued to the applicant by the commissioner.(2)There shall be tendered with all applications for a temporary driving permit, temporary motorcycle driving permit, initial issuance of any license issued pursuant to this article, renewal licenses, duplicate licenses or any other services for which a fee is charged, the proper fee required by law by cash, certified check, money order or electronic payment as authorized under Section27-104-33.(3)The Commissioner of Public Safety shall deposit the amount of fees, together with all fees for duplicate licenses, permits, delinquent fees and reinstatement fees collected by him into the General Fund of the State Treasury, in accordance with the provisions of Section45-1-23(2); however, Seven Dollars (\$7.00) of the fee derived from the fee charged for original and renewal operators' licenses imposed under Section63-1-43(1)and Four Dollars (\$4.00) of the fee derived from the fee charged for original and renewal Class D commercial drivers' licenses under Section63-1-43(4)shall be deposited into a special fund that is created in the State Treasury. Monies in the fund may be expended upon legislative appropriation solely for the purchase by the Mississippi Highway Safety Patrol of patrol cars, communications equipment and weapons.Codes, 1942, §§ 8102, 8114; Laws, 1938, ch. 143; Laws, 1940, chs. 157, 167; Laws, 1946, ch. 420, §§ 7, 8; Laws, 1948, ch. 343, §§ 5, 6; Laws, 1950, ch. 408, § 1; Laws, 1956, ch. 378, §§ 3, 5; Laws, 1958, chs. 493, 509; Laws, 1962, ch. 523; Laws, 1968, ch. 539, § 1; Laws, 1968, ch. 541, § 1; Laws, 1976, ch. 396, § 5; Laws, 1978, ch. 422, § 1; Laws, 1985, ch. 376, § 17; Laws, 1992, ch. 469, § 2; Laws, 2011, ch. 467, § 4, eff. 7/1/2011.Amended by Laws, 2013, ch. 517, HB 1015, 2, eff. 7/1/2013. Codes, 1942, §§ 8102, 8114; Laws, 1938, ch. 143; Laws, 1940, chs. 157, 167; Laws, 1946, ch. 420, §§ 7, 8; Laws, 1948, ch. 343, §§ 5, 6; Laws, 1950, ch. 408, § 1; Laws, 1956, ch. 378, §§ 3, 5; Laws, 1958, chs. 493, 509; Laws, 1962, ch. 523; Laws, 1968, ch. 539, § 1; Laws, 1968, ch. 541, § 1; Laws, 1976, ch. 396, § 5; Laws, 1978, ch. 422, § 1; Laws, 1985, ch. 376, § 17; Laws, 1992, ch. 469, § 2; Laws, 2011, ch. 467, § 4, eff. 7/1/2011. Amended by Laws, 2013, ch. 517, HB 1015, 2, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73)Section 63-1-46 - Fees for reinstatement of license subsequent to suspension, revocation or cancellation generally; disposition of fees; procedure and fees for reinstatement of license suspended for noncompliance with support order

(1)(a)Except as otherwise provided in this section, a fee of One Hundred Dollars (\$100.00) shall be charged for the reinstatement of a license issued under this article to every person whose license has been validly suspended, revoked or cancelled.(b)The funds received under the provisions of this subsection shall be distributed as follows:(i)Twenty-five Dollars (\$25.00) shall be deposited into the State General Fund in accordance with Section45-1-23;(ii)Twenty-five Dollars (\$25.00) shall be paid to the Board of Trustees of the Public Employees' Retirement System for funding the Mississippi Highway Safety Patrol Retirement System as provided under Section25-13-7;(iii)Twenty-five Dollars (\$25.00) shall be deposited into the special fund created in Section63-1-45(3)for purchases of equipment by the Mississippi Highway Safety Patrol; and(iv)Twenty-five Dollars (\$25.00) shall be deposited into the Interlock Device Fund created in Section63-11-33.(2)(a)A fee of One Hundred Seventy-five Dollars (\$175.00) shall be charged for the reinstatement of a license issued under this article to every person whose license has been validly suspended or revoked under the provisions of the Mississippi Implied Consent Law.(b)The funds received under the provisions of this subsection shall be distributed as follows:(i)One Hundred Dollars (\$100.00) shall be deposited into the State General Fund in accordance with Section45-1-23;(ii)Twenty-five Dollars (\$25.00) shall be paid to the Board of Trustees of the Public Employees' Retirement System for funding the Mississippi Highway Safety Patrol Retirement System as provided under Section25-13-7;(iii)Twenty-five Dollars (\$25.00) shall be deposited into the special fund created in Section63-1-45(3)for purchases of equipment by the Mississippi Highway Safety Patrol; and(iv)Twenty-five Dollars (\$25.00) shall be deposited into the Interlock Device Fund created in Section63-11-33.(3)(a)A fee of Twenty-five Dollars (\$25.00) shall be charged for the reinstatement of a license issued under this article to every person whose license has been validly suspended for nonpayment of child support under the provisions of Sections93-11-151through93-11-163. The funds received under the provisions of this subsection shall be deposited into the State General Fund in accordance with Section45-1-23.(b)The procedure for the reinstatement of a license issued under this article that has been suspended for being out of compliance with an order for support, as defined in Section93-11-153, and the payment of any fees for the reinstatement of a license suspended for that purpose, shall be governed by Section93-11-157or93-11-163, as the case may be.(4)A fee of Twenty-five Dollars (\$25.00) will be charged for the reinstatement of a license that was suspended due to payment by a draft or other instrument that is dishonored by the payor.(5)All reinstatement fees charged under this section shall be in addition to the fees prescribed in Section63-1-43.Laws, 1980, ch. 335; Laws, 1985, ch. 376, § 18; Laws, 1989, ch. 501, § 1; Laws, 1991, ch. 468 § 3; Laws, 1996, ch. 507, § 11, eff. 7/1/1996.Amended by Laws, 2019, ch. 466, HB 1352, § 33, eff. 7/1/2019.Amended by Laws, 2014, ch. 493, HB 412, 3, eff. 7/1/2014.Amended by Laws, 2014, ch. 424, SB 2794, 13, eff. 10/1/2014.Amended by Laws, 2013, ch. 517, HB 1015, 1, eff. 7/1/2013. (1)(a)Except as otherwise provided in this section, a fee of One Hundred Dollars (\$100.00) shall be charged for the reinstatement of a license issued under this article to every

person whose license has been validly suspended, revoked or cancelled.(b)The funds received under the provisions of this subsection shall be distributed as follows:(i)Twenty-five Dollars (\$25.00) shall be deposited into the State General Fund in accordance with Section45-1-23;(ii)Twenty-five Dollars (\$25.00) shall be paid to the Board of Trustees of the Public Employees' Retirement System for funding the Mississippi Highway Safety Patrol Retirement System as provided under Section25-13-7;(iii)Twenty-five Dollars (\$25.00) shall be deposited into the special fund created in Section63-1-45(3)for purchases of equipment by the Mississippi Highway Safety Patrol; and(iv)Twenty-five Dollars (\$25.00) shall be deposited into the Interlock Device Fund created in Section63-11-33.(2)(a)A fee of One Hundred Seventy-five Dollars (\$175.00) shall be charged for the reinstatement of a license issued under this article to every person whose license has been validly suspended or revoked under the provisions of the Mississippi Implied Consent Law.(b)The funds received under the provisions of this subsection shall be distributed as follows:(i)One Hundred Dollars (\$100.00) shall be deposited into the State General Fund in accordance with Section45-1-23;(ii)Twenty-five Dollars (\$25.00) shall be paid to the Board of Trustees of the Public Employees' Retirement System for funding the Mississippi Highway Safety Patrol Retirement System as provided under Section25-13-7;(iii)Twenty-five Dollars (\$25.00) shall be deposited into the special fund created in Section63-1-45(3)for purchases of equipment by the Mississippi Highway Safety Patrol; and(iv)Twenty-five Dollars (\$25.00) shall be deposited into the Interlock Device Fund created in Section63-11-33.(3)(a)A fee of Twenty-five Dollars (\$25.00) shall be charged for the reinstatement of a license issued under this article to every person whose license has been validly suspended for nonpayment of child support under the provisions of Sections93-11-151through93-11-163. The funds received under the provisions of this subsection shall be deposited into the State General Fund in accordance with Section45-1-23.(b)The procedure for the reinstatement of a license issued under this article that has been suspended for being out of compliance with an order for support, as defined in Section93-11-153, and the payment of any fees for the reinstatement of a license suspended for that purpose, shall be governed by Section93-11-157or93-11-163, as the case may be.(4)A fee of Twenty-five Dollars (\$25.00) will be charged for the reinstatement of a license that was suspended due to payment by a draft or other instrument that is dishonored by the payor.(5)All reinstatement fees charged under this section shall be in addition to the fees prescribed in Section63-1-43.Laws, 1980, ch. 335; Laws, 1985, ch. 376, § 18; Laws, 1989, ch. 501, § 1; Laws, 1991, ch. 468 § 3; Laws, 1996, ch. 507, § 11, eff. 7/1/1996.Amended by Laws, 2019, ch. 466, HB 1352,§ 33, eff. 7/1/2019.Amended by Laws, 2014, ch. 493, HB 412, 3, eff. 7/1/2014.Amended by Laws, 2014, ch. 424, SB 2794, 13, eff. 10/1/2014.Amended by Laws, 2013, ch. 517, HB 1015, 1, eff. 7/1/2013. (1)(a)Except as otherwise provided in this section, a fee of One Hundred Dollars (\$100.00) shall be charged for the reinstatement of a license issued under this article to every person whose license has been validly suspended, revoked or cancelled.(b)The funds received under the provisions of this subsection shall be distributed as follows:(i)Twenty-five Dollars (\$25.00) shall be deposited into the State General Fund in accordance with Section45-1-23;(ii)Twenty-five Dollars (\$25.00) shall be paid to the Board of Trustees of the Public Employees' Retirement System for funding the Mississippi Highway Safety Patrol Retirement System as provided under Section25-13-7;(iii)Twenty-five Dollars (\$25.00) shall be deposited into the special fund created in Section63-1-45(3)for purchases of equipment by the Mississippi Highway Safety Patrol; and(iv)Twenty-five Dollars (\$25.00) shall be deposited into the Interlock Device Fund created in Section63-11-33.(2)(a)A fee of One Hundred Seventy-five Dollars (\$175.00) shall be charged for the reinstatement of a license issued under this article to every person whose license has been validly suspended or revoked under the provisions of the Mississippi Implied Consent Law.(b)The funds received under the provisions of this subsection shall be distributed as follows:(i)One Hundred Dollars (\$100.00) shall be deposited into the State General Fund in accordance with Section45-1-23;(ii)Twenty-five Dollars (\$25.00) shall be paid to the Board of Trustees of the Public Employees' Retirement System for funding the Mississippi Highway Safety Patrol Retirement System as provided under Section25-13-7;(iii)Twenty-five Dollars (\$25.00) shall be deposited into the special fund created in Section63-1-45(3)for purchases of equipment by the Mississippi Highway Safety Patrol; and(iv)Twenty-five Dollars (\$25.00) shall be deposited into the Interlock Device Fund created in Section63-11-33.(3)(a)A fee of Twenty-five Dollars (\$25.00) shall be charged for the reinstatement of a license issued under this article to every person whose license has been validly suspended for nonpayment of child support under the provisions of Sections93-11-151through93-11-163. The funds received under the provisions of this subsection shall be deposited into the State General Fund in accordance with Section45-1-23.(b)The procedure for the reinstatement of a license issued under this article that has been suspended for being out of compliance with an order for support, as defined in Section93-11-153, and the payment of any fees for the reinstatement of a license suspended for that purpose, shall be governed by Section93-11-157or93-11-163, as the case may be.(4)A fee of Twenty-five Dollars (\$25.00) will be charged for the reinstatement of a license that was suspended due to payment by a draft or other instrument that is dishonored by the payor.(5)All reinstatement fees charged under this section shall be in addition to the fees prescribed in Section63-1-43.Laws, 1980, ch. 335; Laws, 1985, ch. 376, § 18; Laws, 1989, ch. 501, § 1; Laws, 1991, ch. 468 § 3; Laws, 1996, ch. 507, § 11, eff. 7/1/1996.Amended by Laws, 2019, ch. 466, HB 1352,§ 33, eff. 7/1/2019.Amended by Laws, 2014, ch. 493, HB 412, 3, eff. 7/1/2014.Amended by Laws, 2014, ch. 424, SB 2794, 13, eff. 10/1/2014.Amended by Laws, 2013, ch. 517, HB 1015, 1, eff. 7/1/2013. Laws, 1980, ch. 335; Laws, 1985, ch. 376, § 18; Laws, 1989, ch. 501, § 1; Laws, 1991, ch. 468 § 3; Laws, 1996, ch. 507, § 11, eff. 7/1/1996. Amended by Laws, 2019, ch. 466, HB 1352,§ 33, eff. 7/1/2019. Amended by Laws, 2014, ch. 493, HB 412, 3, eff. 7/1/2014. Amended by Laws, 2014, ch. 424, SB 2794, 13, eff. 10/1/2014. Amended by Laws, 2013, ch. 517, HB 1015, 1, eff. 7/1/2013.

63-1-73)Section 63-1-47 - Duration and expiration of licenses; release of applicant's school attendance records to department of public safety; suspension of license of certain students who drop out of school

(1)(a)Except as otherwise provided in this section, each applicant for an original or renewal Class R or Class D license issued pursuant to this article, who is entitled to issuance of same, shall be issued a four-year license or an eight-year license, at the option of the applicant, which will expire at midnight on the licensee's birthday and may be renewed any time within six (6) months before the expiration of the license upon application and payment of the required fee, unless required to be reexamined.(b)The term of an ignition-interlock-restricted license issued under this article shall be four (4) years.(2)Any commercial driver's license issued under Article 5 of this chapter shall be issued for a five-year term to expire at midnight on the licensee's birthday.(3)(a)All applications by an operator under eighteen (18) years of age must be accompanied by documentation that the applicant is in compliance with the education requirements of Section63-1-9(1)(g), and the documentation used in establishing compliance must be dated no more than thirty (30) days before the date of application.(b)All applications by an operator under eighteen (18) years of age, if applicable, must be accompanied by documentation signed and notarized by the parent or guardian of the applicant and the appropriate school official, authorizing the release of the applicant's attendance records to the Department of Public Safety as required under Section63-1-10.(c)The commissioner shall suspend the driver's license or learner's permit of a student under eighteen (18) years of age who has been reported by the Department of Education as required by Section63-1-10.1, and shall give notice of the suspension to the licensee as provided in Section63-1-52(4). A school superintendent or designee may request that the driver's license or learner's permit that has been suspended under the provisions of this subsection be reinstated after the student has successfully completed nine (9) weeks of school attendance without an unlawful absence.(4)(a)Any original or renewal license issued under this chapter to a person who is not a United States citizen shall expire four (4) years from the date of issuance or on the expiration date of the applicant's authorized stay in the United States, whichever is the lesser period of time, and may be renewed, if the person is otherwise qualified to renew the license, within thirty (30) days of expiration. The fee for any such license and for renewal shall be as prescribed in Section63-1-43.(b)Any applicant for an original or renewal license under this subsection (4) must present valid documentary evidence documenting that the applicant:(i)Is a citizen or national of the United States;(ii)Is an alien lawfully admitted for permanent or temporary residence in the United States;(iii)Has conditional permanent residence status in the United States;(iv)Has an approved application for asylum in the United States or has entered into the United States in refugee status;(v)Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into or lawful presence in the United States;(vi)Has a pending application for asylum in the United States;(vii)Has a pending or approved application for temporary protected status in the United States;(viii)Has approved deferred-action status;(ix)Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States; or(x)Has a valid employment authorization card issued by the United States Department of Homeland Security.(5)For any driver's license issued under this chapter, the Department of Public Safety shall send an email and text message notification of an upcoming driver's license expiration date to the known emails and phone numbers authorized by license holders for such notices not less than thirty (30) days before the expiration date of that license.Codes, 1942, § 8114; Laws, 1938, ch. 143; Laws, 1940, ch. 167; Laws, 1946, ch. 420, § 8; Laws, 1948, ch. 343, § 6; Laws, 1956, ch. 378, § 5; Laws, 1958, ch. 509; Laws, 1968, ch. 541, § 1; Laws, 1981, ch. 453, § 3; Laws, 1985, ch. 376, § 19; Laws, 1989, ch. 482, § 24; Laws, 1990, ch. 310, § 1; Laws, 1994, ch. 588, § 7; Laws, 2000, ch. 624, § 5; Laws, 2002, ch. 584, § 4; Laws, 2009, ch. 488, § 4; Laws, 2009, ch. 560, § 31; Laws, 2010, ch. 423, § 2; Laws, 2011, ch. 468, § 1, eff. 10/1/2011.Amended by Laws, 2021, ch. 464, SB 2598,§ 16, eff. 4/16/2021.Amended by Laws, 2021, ch. 414, HB 550,§ 9, eff. 4/5/2021.Amended by Laws, 2020, ch. 477, HB 1371,§ 7, eff. 7/8/2020.Amended by Laws, 2014, ch. 424, SB 2794, 14, eff. 10/1/2014.Amended by Laws, 2013, ch. 489, HB 481, 5, eff. 7/1/2014. (1)(a)Except as otherwise provided in this section, each applicant for an original or renewal Class R or Class D license issued pursuant to this article, who is entitled to issuance of same, shall be issued a four-year license or an eight-year license, at the option of the applicant, which will expire at midnight on the licensee's birthday and may be renewed any time within six (6) months before the expiration of the license upon application and payment of the required fee, unless required to be reexamined.(b)The term of an ignition-interlock-restricted license issued under this article shall be four (4) years.(2)Any commercial driver's license issued under Article 5 of this chapter shall be issued for a five-year term to expire at midnight on the licensee's birthday.(3)(a)All applications by an operator under eighteen (18) years of age must be accompanied by documentation that the applicant is in compliance with the education requirements of Section63-1-9(1)(g), and the documentation used in establishing compliance must be dated no more than thirty (30) days before the date of application.(b)All applications by an operator under eighteen (18) years of age, if applicable, must be accompanied by documentation signed and notarized by the parent or guardian of the applicant and the appropriate school official, authorizing the release of the applicant's attendance records to the Department of Public Safety as required under Section63-1-10.(c)The commissioner shall suspend the driver's license or learner's permit of a student under eighteen (18) years of age who has been reported by the Department of Education as required by Section63-1-10.1, and shall give notice of the suspension to the licensee as provided in Section63-1-52(4). A school superintendent or designee may request that the driver's license or learner's permit that has been suspended under the provisions of this subsection be reinstated after the student has successfully completed nine (9) weeks of school attendance without an unlawful absence.(4)(a)Any original or renewal license issued under this chapter to a person who is not a United States citizen shall expire four (4) years from the date of issuance or on the expiration date of the applicant's authorized stay in the United States, whichever is the lesser period of time, and may be renewed, if the person is otherwise qualified to renew the license, within thirty (30) days of expiration. The fee for any such license and for renewal shall be as prescribed in Section63-1-43.(b)Any applicant for an original or renewal license under this subsection (4) must present valid documentary

evidence documenting that the applicant:(i)Is a citizen or national of the United States;(ii)Is an alien lawfully admitted for permanent or temporary residence in the United States;(iii)Has conditional permanent residence status in the United States;(iv)Has an approved application for asylum in the United States or has entered into the United States in refugee status;(v)Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into or lawful presence in the United States;(vi)Has a pending application for asylum in the United States;(vii)Has a pending or approved application for temporary protected status in the United States;(viii)Has approved deferred-action status;(ix)Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States; or(x)Has a valid employment authorization card issued by the United States Department of Homeland Security.(5)For any driver's license issued under this chapter, the Department of Public Safety shall send an email and text message notification of an upcoming driver's license expiration date to the known emails and phone numbers authorized by license holders for such notices not less than thirty (30) days before the expiration date of that license.Codes, 1942, § 8114; Laws, 1938, ch. 143; Laws, 1940, ch. 167; Laws, 1946, ch. 420, § 8; Laws, 1948, ch. 343, § 6; Laws, 1956, ch. 378, § 5; Laws, 1958, ch. 509; Laws, 1968, ch. 541, § 1; Laws, 1981, ch. 453, § 3; Laws, 1985, ch. 376, § 19; Laws, 1989, ch. 482, § 24; Laws, 1990, ch. 310, § 1; Laws, 1994, ch. 588, § 7; Laws, 2000, ch. 624, § 5; Laws, 2002, ch. 584, § 4; Laws, 2009, ch. 488, § 4; Laws, 2009, ch. 560, § 31; Laws, 2010, ch. 423, § 2; Laws, 2011, ch. 468, § 1, eff. 10/1/2011.Amended by Laws, 2021, ch. 464, SB 2598,§ 16, eff. 4/16/2021.Amended by Laws, 2021, ch. 414, HB 550,§ 9, eff. 4/5/2021.Amended by Laws, 2020, ch. 477, HB 1371,§ 7, eff. 7/8/2020.Amended by Laws, 2014, ch. 424, SB 2794, 14, eff. 10/1/2014.Amended by Laws, 2013, ch. 489, HB 481, 5, eff. 7/1/2014. (1)(a)Except as otherwise provided in this section, each applicant for an original or renewal Class R or Class D license issued pursuant to this article, who is entitled to issuance of same, shall be issued a four-year license or an eight-year license, at the option of the applicant, which will expire at midnight on the licensee's birthday and may be renewed any time within six (6) months before the expiration of the license upon application and payment of the required fee, unless required to be reexamined.(b)The term of an ignition-interlock-restricted license issued under this article shall be four (4) years.(2)Any commercial driver's license issued under Article 5 of this chapter shall be issued for a five-year term to expire at midnight on the licensee's birthday.(3)(a)All applications by an operator under eighteen (18) years of age must be accompanied by documentation that the applicant is in compliance with the education requirements of Section63-1-9(1)(g), and the documentation used in establishing compliance must be dated no more than thirty (30) days before the date of application.(b)All applications by an operator under eighteen (18) years of age, if applicable, must be accompanied by documentation signed and notarized by the parent or guardian of the applicant and the appropriate school official, authorizing the release of the applicant's attendance records to the Department of Public Safety as required under Section63-1-10.(c)The commissioner shall suspend the driver's license or learner's permit of a student under eighteen (18) years of age who has been reported by the Department of Education as required by Section63-1-10.1, and shall give notice of the suspension to the licensee as provided in Section63-1-52(4). 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The fee for any such license and for renewal shall be as prescribed in Section63-1-43.(b)Any applicant for an original or renewal license under this subsection (4) must present valid documentary evidence documenting that the applicant:(i)Is a citizen or national of the United States;(ii)Is an alien lawfully admitted for permanent or temporary residence in the United States;(iii)Has conditional permanent residence status in the United States;(iv)Has an approved application for asylum in the United States or has entered into the United States in refugee status;(v)Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into or lawful presence in the United States;(vi)Has a pending application for asylum in the United States;(vii)Has a pending or approved application for temporary protected status in the United States;(viii)Has approved deferred-action status;(ix)Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States; or(x)Has a valid employment authorization card issued by the United States Department of Homeland Security.(5)For any driver's license issued under this chapter, the Department of Public Safety shall send an email and text message notification of an upcoming driver's license expiration date to the known emails and phone numbers authorized by license holders for such notices not less than thirty (30) days before the expiration date of that license.Codes, 1942, § 8114; Laws, 1938, ch. 143; Laws, 1940, ch. 167; Laws, 1946, ch. 420, § 8; Laws, 1948, ch. 343, § 6; Laws, 1956, ch. 378, § 5; Laws, 1958, ch. 509; Laws, 1968, ch. 541, § 1; Laws, 1981, ch. 453, § 3; Laws, 1985, ch. 376, § 19; Laws, 1989, ch. 482, § 24; Laws, 1990, ch. 310, § 1; Laws, 1994, ch. 588, § 7; Laws, 2000, ch. 624, § 5; Laws, 2002, ch. 584, § 4; Laws, 2009, ch. 488, § 4; Laws, 2009, ch. 560, § 31; Laws, 2010, ch. 423, § 2; Laws, 2011, ch. 468, § 1, eff. 10/1/2011.Amended by Laws, 2021, ch. 464, SB 2598,§ 16, eff. 4/16/2021.Amended by Laws, 2021, ch. 414, HB 550,§ 9, eff. 4/5/2021.Amended by Laws, 2020, ch. 477, HB 1371,§ 7, eff. 7/8/2020.Amended by Laws, 2014, ch. 424, SB 2794, 14, eff. 10/1/2014.Amended by Laws, 2013, ch. 489, HB 481, 5, eff. 7/1/2014. 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Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-49 - Renewal of licenses

(1)An expired license issued pursuant to this article may be renewed at any time within sixty (60) months after the expiration date of the license upon application and payment of the required fee, and the payment of a delinquent fee prescribed in Section63-1-43, in lieu of a driver examination, unless the holder of the expired license is required to be examined, or unless the department has reason to believe the licensee is no longer qualified to receive a license.(2)(a)Any person in the Armed Services of the United States, who holds a valid license issued pursuant to this chapter and is out of state due to military service at the time the license expires, may renew the license by mail or by online renewal services while out of state due to military service or at any time within ninety (90) days after being discharged from military service or upon returning to the state without payment of any delinquent fee or examination, unless the department has reason to believe that the licensee is no longer qualified to receive a license. The person shall make proof by affidavit of the fact of the person's current military service or of the time of discharge or return. The expiration of the license of a military person under the provisions of this paragraph (a) shall not affect the validity of the license, but the license shall continue to be valid and permit the person to operate a motor vehicle in this state for a period of ninety (90) days after discharge from military service or return to the state or until renewal of the license, whichever occurs first.(b)The provisions of paragraph (a) of this subsection (2) also apply to a dependent of a person in the Armed Services of the United States who is out of state due to military service if the dependent resides out of state with the Armed Services member and the license of the dependent expires during the family member's absence from the state. The Commissioner of Public Safety may adopt such rules and regulations under the Administrative Procedures Act as may be necessary to implement the provisions of this paragraph.(3)Any person holding a valid license issued pursuant to this article who is going overseas for two (2) to four (4) years and whose license will expire during the stay overseas may renew the license for four (4) years or eight (8) years before leaving. The person shall make proof by affidavit of the fact of the overseas travel.Codes, 1942, §§ 8102, 8114; Laws, 1938, ch. 143; Laws, 1940, chs. 157, 167; Laws, 1946, ch. 420, §§ 7, 8; Laws, 1948, ch. 343, §§ 5, 6; Laws, 1950, ch. 408, § 1; Laws, 1956, ch. 378, §§ 3, 5; Laws, 1958, chs. 493, 509; Laws, 1962, ch. 523; Laws, 1968, ch. 539, § 1; Laws, 1968, ch. 541, § 1; Laws, 1985, ch. 376, § 20; Laws, 1991, ch. 328 § 1; Laws, 1998, ch. 339, § 1; Laws, 2002, ch. 395, § 1; Laws, 2005, ch. 407, § 1, eff. 7/1/2005.Amended by Laws, 2022, ch. 407, HB 971, § 1, eff. 7/1/2022.Amended by Laws, 2014, ch. 424, SB 2794, 15, eff. 10/1/2014. (1)An expired license issued pursuant to this article may be renewed at any time within sixty (60) months after the expiration date of the license upon application and payment of the required fee, and the payment of a delinquent fee prescribed in Section63-1-43, in lieu of a driver examination, unless the holder of the expired license is required to be examined, or unless the department has reason to believe the licensee is no longer qualified to receive a license.(2)(a)Any person in the Armed Services of the United States, who holds a valid license issued pursuant to this chapter and is out of state due to military service at the time the license expires, may renew the license by mail or by online renewal services while out of state due to military service or at any time within ninety (90) days after being discharged from military service or upon returning to the state without payment of any delinquent fee or examination, unless the department has reason to believe that the licensee is no longer qualified to receive a license. 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The Commissioner of Public Safety may adopt such rules and regulations under the Administrative Procedures Act as may be necessary to implement the provisions of this paragraph.(3)Any person holding a valid license issued pursuant to this article who is going overseas for two (2) to four (4) years and whose license will expire during the stay overseas may renew the license for four (4) years or eight (8) years before leaving. 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return. The expiration of the license of a military person under the provisions of this paragraph (a) shall not affect the validity of the license, but the license shall continue to be valid and permit the person to operate a motor vehicle in this state for a period of ninety (90) days after discharge from military service or return to the state or until renewal of the license, whichever occurs first.(b)The provisions of paragraph (a) of this subsection (2) also apply to a dependent of a person in the Armed Services of the United States who is out of state due to military service if the dependent resides out of state with the Armed Services member and the license of the dependent expires during the family member's absence from the state. The Commissioner of Public Safety may adopt such rules and regulations under the Administrative Procedures Act as may be necessary to implement the provisions of this paragraph.(3)Any person holding a valid license issued pursuant to this article who is going overseas for two (2) to four (4) years and whose license will expire during the stay overseas may renew the license for four (4) years or eight (8) years before leaving. The person shall make proof by affidavit of the fact of the overseas travel.Codes, 1942, §§ 8102, 8114; Laws, 1938, ch. 143; Laws, 1940, chs. 157, 167; Laws, 1946, ch. 420, §§ 7, 8; Laws, 1948, ch. 343, §§ 5, 6; Laws, 1950, ch. 408, § 1; Laws, 1956, ch. 378, §§ 3, 5; Laws, 1958, chs. 493, 509; Laws, 1962, ch. 523; Laws, 1968, ch. 539, § 1; Laws, 1968, ch. 541, § 1; Laws, 1985, ch. 376, § 20; Laws, 1991, ch. 328 § 1; Laws, 1998, ch. 339, § 1; Laws, 2002, ch. 395, § 1; Laws, 2005, ch. 407, § 1, eff. 7/1/2005.Amended by Laws, 2022, ch. 407, HB 971, § 1, eff. 7/1/2022.Amended by Laws, 2014, ch. 424, SB 2794, 15, eff. 10/1/2014. Codes, 1942, §§ 8102, 8114; Laws, 1938, ch. 143; Laws, 1940, chs. 157, 167; Laws, 1946, ch. 420, §§ 7, 8; Laws, 1948, ch. 343, §§ 5, 6; Laws, 1950, ch. 408, § 1; Laws, 1956, ch. 378, §§ 3, 5; Laws, 1958, chs. 493, 509; Laws, 1962, ch. 523; Laws, 1968, ch. 539, § 1; Laws, 1968, ch. 541, § 1; Laws, 1985, ch. 376, § 20; Laws, 1991, ch. 328 § 1; Laws, 1998, ch. 339, § 1; Laws, 2002, ch. 395, § 1; Laws, 2005, ch. 407, § 1, eff. 7/1/2005. Amended by Laws, 2022, ch. 407, HB 971, § 1, eff. 7/1/2022. Amended by Laws, 2014, ch. 424, SB 2794, 15, eff. 10/1/2014.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73)Section 63-1-5 - Requirement of motor vehicle operator's license; types of operator's licenses; penalty for violation of section

(1)(a)No person shall drive or operate a motor vehicle or an auticycle as defined in Section63-3-103upon the highways of the State of Mississippi without first securing an operator's license to drive on the highways of the state, unless specifically exempted by Section63-1-7.(b)The types of operator's licenses are:(i)Class R;(ii)Class D;(iii)Class A, B or C commercial license governed by Article 5 of this chapter; and(iv)Interlock-restricted license as prescribed in Section63-11-31.(2)(a)Every person who makes application for an original license or a renewal license to operate any single vehicle with a gross weight rating of less than twenty-six thousand one (26,001) pounds or any vehicle towing a vehicle with a gross vehicle weight rating not in excess of ten thousand (10,000) pounds other than vehicles included in Class C, vehicles which require a special endorsement, or to operate a vehicle as a common carrier by motor vehicle, taxicab, passenger coach, dray, contract carrier or private commercial carrier as defined in Section27-19-3, other than those vehicles for which a Class A, B or C license is required under Article 5 of this chapter, may, in lieu of the Class R regular driver's license, apply for and obtain a Class D driver's license. The fee for the issuance of a Class D driver's license shall be as set forth in Section63-1-43and the Class D license shall be valid for the term prescribed in Section63-1-47. Except as required under Article 5 of this chapter, no driver of a pickup truck shall be required to have a Class D or a commercial license regardless of the purpose for which the pickup truck is used.(b)Persons operating vehicles listed in paragraph (a) of this subsection for private purposes or in emergencies need not obtain a Class D license.(3)An interlock-restricted license allows a person to drive only a motor vehicle equipped with an ignition-interlock device.(4)A person who violates this section is guilty of a misdemeanor and, upon conviction, may be punished by imprisonment for not less than two (2) days nor more than six (6) months, by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00), or both.Codes, 1942, § 8091; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 5; Laws, 2011, ch. 468, § 3, eff. 10/1/2011.Brought forward by Laws, 2023, ch. 443, HB 1003, § 14, eff. 7/1/2023.Amended by Laws, 2021, ch. 464, SB 2598, § 8, eff. 4/16/2021.Amended by Laws, 2021, ch. 414, HB 550, § 2, eff. 4/5/2021.Amended by Laws, 2016, ch. 503, SB 2778, 8, eff. 10/1/2016.Amended by Laws, 2015, ch. 406, HB 111, 4, eff. 7/1/2015.Amended by Laws, 2014, ch. 424, SB 2794, 8, eff. 10/1/2014. (1)(a)No person shall drive or operate a motor vehicle or an auticycle as defined in Section63-3-103upon the highways of the State of Mississippi without first securing an operator's license to drive on the highways of the state, unless specifically exempted by Section63-1-7.(b)The types of operator's licenses are:(i)Class R;(ii)Class D;(iii)Class A, B or C commercial license governed by Article 5 of this chapter; and(iv)Interlock-restricted license as prescribed in Section63-11-31.(2)(a)Every person who makes application for an original license or a renewal license to operate any single vehicle with a gross weight rating of less than twenty-six thousand one (26,001) pounds or any vehicle towing a vehicle with a gross vehicle weight rating not in excess of ten thousand (10,000) pounds other than vehicles included in Class C, vehicles which require a special endorsement, or to operate a vehicle as a common carrier by motor vehicle, taxicab, passenger coach, dray, contract carrier or private commercial carrier as defined in Section27-19-3, other than those vehicles for which a Class A, B or C license is required under Article 5 of this chapter, may, in lieu of the Class R regular driver's license, apply for and obtain a Class D driver's license. The fee for the issuance of a Class D driver's license shall be as set forth in Section63-1-43and the Class D license shall be valid for the term prescribed in Section63-1-47. Except as required under Article 5 of this chapter, no driver of a pickup truck shall be required to have a Class D or a commercial license regardless of the purpose for which the pickup truck is used.(b)Persons operating vehicles listed in paragraph (a) of this subsection for private purposes or in emergencies need not obtain a Class D license.(3)An interlock-restricted license allows a person to drive only a motor vehicle equipped with an ignition-interlock device.(4)A person who violates this section is guilty of a misdemeanor and, upon conviction,

may be punished by imprisonment for not less than two (2) days nor more than six (6) months, by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00), or both. Codes, 1942, § 8091; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 5; Laws, 2011, ch. 468, § 3, eff. 10/1/2011. Brought forward by Laws, 2023, ch. 443, HB 1003, § 14, eff. 7/1/2023. Amended by Laws, 2021, ch. 464, SB 2598, § 8, eff. 4/16/2021. Amended by Laws, 2021, ch. 414, HB 550, § 2, eff. 4/5/2021. Amended by Laws, 2016, ch. 503, SB 2778, § 8, eff. 10/1/2016. Amended by Laws, 2015, ch. 406, HB 111, § 4, eff. 7/1/2015. Amended by Laws, 2014, ch. 424, SB 2794, § 8, eff. 10/1/2014. (1)(a) No person shall drive or operate a motor vehicle or an autocycle as defined in Section 63-3-103 upon the highways of the State of Mississippi without first securing an operator's license to drive on the highways of the state, unless specifically exempted by Section 63-1-7. (b) The types of operator's licenses are: (i) Class R; (ii) Class D; (iii) Class A, B or C commercial license governed by Article 5 of this chapter; and (iv) Interlock-restricted license as prescribed in Section 63-11-31. (2)(a) Every person who makes application for an original license or a renewal license to operate any single vehicle with a gross weight rating of less than twenty-six thousand one (26,001) pounds or any vehicle towing a vehicle with a gross vehicle weight rating not in excess of ten thousand (10,000) pounds other than vehicles included in Class C, vehicles which require a special endorsement, or to operate a vehicle as a common carrier by motor vehicle, taxicab, passenger coach, dray, contract carrier or private commercial carrier as defined in Section 27-19-3, other than those vehicles for which a Class A, B or C license is required under Article 5 of this chapter, may, in lieu of the Class R regular driver's license, apply for and obtain a Class D driver's license. The fee for the issuance of a Class D driver's license shall be as set forth in Section 63-1-43 and the Class D license shall be valid for the term prescribed in Section 63-1-47. Except as required under Article 5 of this chapter, no driver of a pickup truck shall be required to have a Class D or a commercial license regardless of the purpose for which the pickup truck is used. (b) Persons operating vehicles listed in paragraph (a) of this subsection for private purposes or in emergencies need not obtain a Class D license. (3) An interlock-restricted license allows a person to drive only a motor vehicle equipped with an ignition-interlock device. (4) A person who violates this section is guilty of a misdemeanor and, upon conviction, may be punished by imprisonment for not less than two (2) days nor more than six (6) months, by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00), or both. Codes, 1942, § 8091; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 5; Laws, 2011, ch. 468, § 3, eff. 10/1/2011. Brought forward by Laws, 2023, ch. 443, HB 1003, § 14, eff. 7/1/2023. Amended by Laws, 2021, ch. 464, SB 2598, § 8, eff. 4/16/2021. Amended by Laws, 2021, ch. 414, HB 550, § 2, eff. 4/5/2021. Amended by Laws, 2016, ch. 503, SB 2778, § 8, eff. 10/1/2016. Amended by Laws, 2015, ch. 406, HB 111, § 4, eff. 7/1/2015. Amended by Laws, 2014, ch. 424, SB 2794, § 8, eff. 10/1/2014. Codes, 1942, § 8091; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 5; Laws, 2011, ch. 468, § 3, eff. 10/1/2011. Brought forward by Laws, 2023, ch. 443, HB 1003, § 14, eff. 7/1/2023. Amended by Laws, 2021, ch. 464, SB 2598, § 8, eff. 4/16/2021. Amended by Laws, 2021, ch. 414, HB 550, § 2, eff. 4/5/2021. Amended by Laws, 2016, ch. 503, SB 2778, § 8, eff. 10/1/2016. Amended by Laws, 2015, ch. 406, HB 111, § 4, eff. 7/1/2015. Amended by Laws, 2014, ch. 424, SB 2794, § 8, eff. 10/1/2014.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-51 - Grounds and procedure for revocation of licenses; suspension of license for noncompliance with order for support

(1) It shall be the duty of the court clerk, upon conviction of any person holding a license issued pursuant to this article where the penalty for a traffic violation is as much as Ten Dollars (\$10.00), to mail a copy of abstract of the court record or provide an electronically or computer generated copy of abstract of the court record immediately to the commissioner at Jackson, Mississippi, showing the date of conviction, penalty, etc., so that a record of same may be made by the Department of Public Safety. The commissioner shall forthwith revoke the license of any person for a period of one (1) year upon receiving a duly certified record of each person's convictions of any of the following offenses when such conviction has become final: (a) Manslaughter or negligent homicide resulting from the operation of a motor vehicle; (b) Any felony in the commission of which a motor vehicle is used; (c) Failure to stop and render aid as required under the laws of this state in event of a motor vehicle accident resulting in the death or personal injury of another; (d) Perjury or the willful making of a false affidavit or statement under oath to the department under this article or under any other law relating to the ownership or operation of motor vehicles; or (e) Conviction, or forfeiture of bail not vacated, upon three (3) charges of reckless driving committed within a period of twelve (12) months. (2) The commissioner shall revoke the license issued pursuant to this article of any person convicted of negligent homicide, in addition to any penalty now provided by law. (3) In addition to the reasons specified in this section, the commissioner shall be authorized to suspend the license issued to any person pursuant to this article for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this article, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control. Codes, 1942, §§ 8106, 8173; Laws, 1938, chs. 143, 200; Laws, 1940, ch. 167; Laws, 1956, ch. 379, § 1; Laws, 1968, ch. 373, § 1; Laws, 1971, ch. 515, § 26; Laws, 1985, ch. 376, § 21; Laws, 1986, ch. 500, § 50; Laws, 1995, ch. 506, § 2; Laws, 1996, ch. 527, § 12; Laws, 2009, ch. 372, § 1, eff. 3/17/2009. Amended by Laws, 2019, ch. 466, HB 1352, § 29, eff. 7/1/2019. (1) It shall be the duty of the court clerk, upon conviction of any person holding a license issued pursuant to this article where the penalty for a traffic violation is as much as Ten Dollars (\$10.00), to mail a copy of abstract of the court record or provide an electronically or computer generated copy of abstract of the court record immediately to

the commissioner at Jackson, Mississippi, showing the date of conviction, penalty, etc., so that a record of same may be made by the Department of Public Safety. The commissioner shall forthwith revoke the license of any person for a period of one (1) year upon receiving a duly certified record of each person's convictions of any of the following offenses when such conviction has become final:(a)Manslaughter or negligent homicide resulting from the operation of a motor vehicle;(b)Any felony in the commission of which a motor vehicle is used;(c)Failure to stop and render aid as required under the laws of this state in event of a motor vehicle accident resulting in the death or personal injury of another;(d)Perjury or the willful making of a false affidavit or statement under oath to the department under this article or under any other law relating to the ownership or operation of motor vehicles; or(e)Conviction, or forfeiture of bail not vacated, upon three (3) charges of reckless driving committed within a period of twelve (12) months.(2)The commissioner shall revoke the license issued pursuant to this article of any person convicted of negligent homicide, in addition to any penalty now provided by law.(3)In addition to the reasons specified in this section, the commissioner shall be authorized to suspend the license issued to any person pursuant to this article for being out of compliance with an order for support, as defined in Section93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section93-11-157or93-11-163, as the case may be. If there is any conflict between any provision of Section93-11-157or93-11-163and any provision of this article, the provisions of Section93-11-157or93-11-163, as the case may be, shall control.Codes, 1942, §§ 8106, 8173; Laws, 1938, chs. 143, 200; Laws, 1940, ch. 167; Laws, 1956, ch. 379, § 1; Laws, 1968, ch. 373, § 1; Laws, 1971, ch. 515, § 26; Laws, 1985, ch. 376, § 21; Laws, 1986, ch. 500, § 50; Laws, 1995, ch. 506, § 2; Laws, 1996, ch. 527, § 12; Laws, 2009, ch. 372, § 1, eff. 3/17/2009.Amended by Laws, 2019, ch. 466, HB 1352,§ 29, eff. 7/1/2019. (1)It shall be the duty of the court clerk, upon conviction of any person holding a license issued pursuant to this article where the penalty for a traffic violation is as much as Ten Dollars (\$10.00), to mail a copy of abstract of the court record or provide an electronically or computer generated copy of abstract of the court record immediately to the commissioner at Jackson, Mississippi, showing the date of conviction, penalty, etc., so that a record of same may be made by the Department of Public Safety. The commissioner shall forthwith revoke the license of any person for a period of one (1) year upon receiving a duly certified record of each person's convictions of any of the following offenses when such conviction has become final:(a)Manslaughter or negligent homicide resulting from the operation of a motor vehicle;(b)Any felony in the commission of which a motor vehicle is used;(c)Failure to stop and render aid as required under the laws of this state in event of a motor vehicle accident resulting in the death or personal injury of another;(d)Perjury or the willful making of a false affidavit or statement under oath to the department under this article or under any other law relating to the ownership or operation of motor vehicles; or(e)Conviction, or forfeiture of bail not vacated, upon three (3) charges of reckless driving committed within a period of twelve (12) months.(2)The commissioner shall revoke the license issued pursuant to this article of any person convicted of negligent homicide, in addition to any penalty now provided by law.(3)In addition to the reasons specified in this section, the commissioner shall be authorized to suspend the license issued to any person pursuant to this article for being out of compliance with an order for support, as defined in Section93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section93-11-157or93-11-163, as the case may be. If there is any conflict between any provision of Section93-11-157or93-11-163and any provision of this article, the provisions of Section93-11-157or93-11-163, as the case may be, shall control.Codes, 1942, §§ 8106, 8173; Laws, 1938, chs. 143, 200; Laws, 1940, ch. 167; Laws, 1956, ch. 379, § 1; Laws, 1968, ch. 373, § 1; Laws, 1971, ch. 515, § 26; Laws, 1985, ch. 376, § 21; Laws, 1986, ch. 500, § 50; Laws, 1995, ch. 506, § 2; Laws, 1996, ch. 527, § 12; Laws, 2009, ch. 372, § 1, eff. 3/17/2009.Amended by Laws, 2019, ch. 466, HB 1352,§ 29, eff. 7/1/2019. Codes, 1942, §§ 8106, 8173; Laws, 1938, chs. 143, 200; Laws, 1940, ch. 167; Laws, 1956, ch. 379, § 1; Laws, 1968, ch. 373, § 1; Laws, 1971, ch. 515, § 26; Laws, 1985, ch. 376, § 21; Laws, 1986, ch. 500, § 50; Laws, 1995, ch. 506, § 2; Laws, 1996, ch. 527, § 12; Laws, 2009, ch. 372, § 1, eff. 3/17/2009. Amended by Laws, 2019, ch. 466, HB 1352,§ 29, eff. 7/1/2019.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73)Section 63-1-52 - Notice by Commissioner of Public Safety to person concerning suspension, cancellation or revocation of person's driver's license or driving privileges

(1)Whenever the Commissioner of Public Safety suspends, cancels or revokes the driver's license or driving privileges of any person, notice of the suspension, cancellation or revocation shall be given to such person by the commissioner, or his duly authorized agent, in the manner provided in subsection (2) of this section and at the time provided in subsection (3) of this section or in the manner and at the time provided in subsection (4) of this section.(2)Notice shall be given in the following manner:(a)In writing, (i) by United States Certificate of Mailing; or (ii) by personal service at the person's address as it appears on the driving record maintained by the Department of Public Safety or at the person's last-known address; or (iii) by personal notice being given by any law enforcement officer of this state or any duly authorized agent of the Commissioner of Public Safety on forms prescribed and furnished by the Commissioner of Public Safety; whenever a person's driver's license or driving privileges are suspended, revoked or cancelled in accordance with the Mississippi Driver License Compact Law, the Mississippi Implied Consent Law, the Mississippi Motor Vehicle Safety Responsibility Law or subsection (2)(c), (2)(d), (2)(e) or (2)(f) of Section63-1-53.(b)In writing, by United States first class mail, whenever a person's driver's license or driving privileges are suspended, revoked or cancelled in

accordance with the Mississippi Commercial Driver's License Law, the Youth Court Law, Chapter 23 of Title 43, Mississippi Code of 1972, Section63-1-45, Section63-1-51, subsection (2)(g) or (2)(h) of Section63-1-53, or Section63-9-25.(3)Notice shall be given at the following time:(a)Before suspension, revocation or cancellation, whenever a person's driver's license or driving privileges are suspended, revoked or cancelled in accordance with the Mississippi Driver License Compact Law, the Mississippi Motor Vehicle Safety Responsibility Law or subsection (2)(c), (2)(d), (2)(e) or (2)(f) of Section63-1-53.(b)Unless otherwise specifically provided for by law, at the time of suspension, revocation or cancellation, whenever a person's driver's license or driving privileges are suspended, revoked or cancelled in accordance with the Mississippi Commercial Driver's License Law, the Mississippi Implied Consent Law, the Youth Court Law, Chapter 23 of Title 43, Mississippi Code of 1972, Section63-1-45, Section63-1-51, subsection (2)(g) or (2)(h) of Section63-1-53, or Section63-9-25.(4)Whenever the Commissioner of Public Safety suspends, revokes or cancels the driver's license or driving privileges of any person in accordance with some provision of law other than a provision of law referred to in subsections (2) and (3) of this section, and the manner and time for giving notice is not provided for in such law, then notice of such suspension, revocation or cancellation shall be given in the manner and at the time provided for under subsections (2)(b) and (3)(b) of this section.Laws, 1991, ch. 412, § 1, eff. 7/1/1991.Amended by Laws, 2019, ch. 466, HB 1352,§ 31, eff. 7/1/2019. (1)Whenever the Commissioner of Public Safety suspends, cancels or revokes the driver's license or driving privileges of any person, notice of the suspension, cancellation or revocation shall be given to such person by the commissioner, or his duly authorized agent, in the manner provided in subsection (2) of this section and at the time provided in subsection (3) of this section or in the manner and at the time provided in subsection (4) of this section.(2)Notice shall be given in the following manner:(a)In writing, (i) by United States Certificate of Mailing; or (ii) by personal service at the person's address as it appears on the driving record maintained by the Department of Public Safety or at the person's last-known address; or (iii) by personal notice being given by any law enforcement officer of this state or any duly authorized agent of the Commissioner of Public Safety on forms prescribed and furnished by the Commissioner of Public Safety; whenever a person's driver's license or driving privileges are suspended, revoked or cancelled in accordance with the Mississippi Driver License Compact Law, the Mississippi Implied Consent Law, the Mississippi Motor Vehicle Safety Responsibility Law or subsection (2)(c), (2)(d), (2)(e) or (2)(f) of Section63-1-53.(b)In writing, by United States first class mail, whenever a person's driver's license or driving privileges are suspended, revoked or cancelled in accordance with the Mississippi Commercial Driver's License Law, the Youth Court Law, Chapter 23 of Title 43, Mississippi Code of 1972, Section63-1-45, Section63-1-51, subsection (2)(g) or (2)(h) of Section63-1-53, or Section63-9-25.(3)Notice shall be given at the following time:(a)Before suspension, revocation or cancellation, whenever a person's driver's license or driving privileges are suspended, revoked or cancelled in accordance with the Mississippi Driver License Compact Law, the Mississippi Motor Vehicle Safety Responsibility Law or subsection (2)(c), (2)(d), (2)(e) or (2)(f) of Section63-1-53.(b)Unless otherwise specifically provided for by law, at the time of suspension, revocation or cancellation, whenever a person's driver's license or driving privileges are suspended, revoked or cancelled in accordance with the Mississippi Commercial Driver's License Law, the Mississippi Implied Consent Law, the Youth Court Law, Chapter 23 of Title 43, Mississippi Code of 1972, Section63-1-45, Section63-1-51, subsection (2)(g) or (2)(h) of Section63-1-53, or Section63-9-25.(4)Whenever the Commissioner of Public Safety suspends, revokes or cancels the driver's license or driving privileges of any person in accordance with some provision of law other than a provision of law referred to in subsections (2) and (3) of this section, and the manner and time for giving notice is not provided for in such law, then notice of such suspension, revocation or cancellation shall be given in the manner and at the time provided for under subsections (2)(b) and (3)(b) of this section.Laws, 1991, ch. 412, § 1, eff. 7/1/1991.Amended by Laws, 2019, ch. 466, HB 1352,§ 31, eff. 7/1/2019. (1)Whenever the Commissioner of Public Safety suspends, cancels or revokes the driver's license or driving privileges of any person, notice of the suspension, cancellation or revocation shall be given to such person by the commissioner, or his duly authorized agent, in the manner provided in subsection (2) of this section and at the time provided in subsection (3) of this section or in the manner and at the time provided in subsection (4) of this section.(2)Notice shall be given in the following manner:(a)In writing, (i) by United States Certificate of Mailing; or (ii) by personal service at the person's address as it appears on the driving record maintained by the Department of Public Safety or at the person's last-known address; or (iii) by personal notice being given by any law enforcement officer of this state or any duly authorized agent of the Commissioner of Public Safety on forms prescribed and furnished by the Commissioner of Public Safety; whenever a person's driver's license or driving privileges are suspended, revoked or cancelled in accordance with the Mississippi Driver License Compact Law, the Mississippi Implied Consent Law, the Mississippi Motor Vehicle Safety Responsibility Law or subsection (2)(c), (2)(d), (2)(e) or (2)(f) of Section63-1-53.(b)In writing, by United States first class mail, whenever a person's driver's license or driving privileges are suspended, revoked or cancelled in accordance with the Mississippi Commercial Driver's License Law, the Youth Court Law, Chapter 23 of Title 43, Mississippi Code of 1972, Section63-1-45, Section63-1-51, subsection (2)(g) or (2)(h) of Section63-1-53, or Section63-9-25.(3)Notice shall be given at the following time:(a)Before suspension, revocation or cancellation, whenever a person's driver's license or driving privileges are suspended, revoked or cancelled in accordance with the Mississippi Driver License Compact Law, the Mississippi Motor Vehicle Safety Responsibility Law or subsection (2)(c), (2)(d), (2)(e) or (2)(f) of Section63-1-53.(b)Unless otherwise specifically provided for by law, at the time of suspension, revocation or cancellation, whenever a person's driver's license or driving privileges are suspended, revoked or cancelled in accordance with the Mississippi Commercial Driver's License Law, the Mississippi Implied Consent Law, the Youth Court Law, Chapter 23 of Title 43, Mississippi Code of 1972, Section63-1-45, Section63-1-51, subsection (2)(g) or (2)(h) of Section63-1-53, or Section63-9-25.(4)Whenever the Commissioner of Public Safety suspends, revokes or cancels the driver's license or driving privileges of any person in accordance with some provision of law other than a provision of law referred to in subsections (2) and (3) of this section, and the manner and time for giving notice is not provided for in such law, then

notice of such suspension, revocation or cancellation shall be given in the manner and at the time provided for under subsections (2)(b) and (3)(b) of this section. Laws, 1991, ch. 412, § 1, eff. 7/1/1991. Amended by Laws, 2019, ch. 466, HB 1352, § 31, eff. 7/1/2019. Laws, 1991, ch. 412, § 1, eff. 7/1/1991. Amended by Laws, 2019, ch. 466, HB 1352, § 31, eff. 7/1/2019.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-53 - Notice to accused upon failure to pay fine; notice to Commissioner of Public Safety; authority of commissioner to suspend license without preliminary hearing; notice of suspension; hearing

(1) Upon failure of any person to pay timely any fine, fee or assessment levied as a result of any violation of this title, the clerk of the court shall give written notice to such person by United States first-class mail at his last known address advising such person that, if within ninety (90) days after such notice is deposited in the mail, the person has not paid the entire amount of all fines, fees and assessments levied, then the court will pursue collection as for any other delinquent payment, and shall be entitled to collection of all additional fees in accordance with subsection (4) of this section. (2) The commissioner is hereby authorized to suspend the license of an operator without preliminary hearing upon a showing by his records or other sufficient evidence that the licensee: (a) Has committed an offense for which mandatory revocation of license is required upon conviction except under the provisions of the Mississippi Implied Consent Law; (b) Has been involved as a driver in any accident resulting in the death or personal injury of another or serious property damage; (c) Is an habitually reckless or negligent driver of a motor vehicle; (d) Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways; (e) Is incompetent to drive a motor vehicle; (f) Has permitted an unlawful or fraudulent use of such license; (g) Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation; or (h) Has committed a violation for which mandatory revocation of license is required upon conviction, entering a plea of nolo contendere to, or adjudication of delinquency, pursuant to the provisions of subsection (1) of Section 63-1-71. (3) Notice that a person's license is suspended or will be suspended under subsection (2) of this section shall be given by the commissioner in the manner and at the time provided for under Section 63-1-52, and upon such person's request, he shall be afforded an opportunity for a hearing as early as practicable, but not to exceed twenty (20) days after receipt of such request in the county wherein the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner, or his duly authorized agent, may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon such hearing the commissioner shall either rescind any order of suspension or, good cause appearing therefor, may extend any suspension of such license or revoke such license. (4) If a licensee has not paid all cash appearance bonds authorized under Section 99-19-3 or all fines, fees or other assessments levied as a result of a violation of this title within ninety (90) days after receiving notice of the licensee's failure to pay all fines, fees or other assessments as provided in subsection (1) of this section, the court is authorized to pursue collection under Section 21-17-1(6) or 19-3-41(2) as for any other delinquent payment, and shall be entitled to collection of all additional fees authorized under those sections. Codes, 1942, § 8107; Laws, 1938, ch. 143; Laws, 1956, ch. 379, § 2; Laws, 1971, ch. 515, § 27; Laws, 1986, ch. 500, § 51; Laws, 1991, ch. 403, § 1; Laws, 1991, ch. 468 § 7; Laws, 1991, ch. 615 § 1; Laws, 1993, ch. 487, § 1; Laws, 2009, ch. 499, § 1; Laws, 2010, ch. 517, § 1, eff. 7/1/2010. Amended by Laws, 2019, ch. 466, HB 1352, § 30, eff. 7/1/2019. (1) Upon failure of any person to pay timely any fine, fee or assessment levied as a result of any violation of this title, the clerk of the court shall give written notice to such person by United States first-class mail at his last known address advising such person that, if within ninety (90) days after such notice is deposited in the mail, the person has not paid the entire amount of all fines, fees and assessments levied, then the court will pursue collection as for any other delinquent payment, and shall be entitled to collection of all additional fees in accordance with subsection (4) of this section. (2) The commissioner is hereby authorized to suspend the license of an operator without preliminary hearing upon a showing by his records or other sufficient evidence that the licensee: (a) Has committed an offense for which mandatory revocation of license is required upon conviction except under the provisions of the Mississippi Implied Consent Law; (b) Has been involved as a driver in any accident resulting in the death or personal injury of another or serious property damage; (c) Is an habitually reckless or negligent driver of a motor vehicle; (d) Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways; (e) Is incompetent to drive a motor vehicle; (f) Has permitted an unlawful or fraudulent use of such license; (g) Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation; or (h) Has committed a violation for which mandatory revocation of license is required upon conviction, entering a plea of nolo contendere to, or adjudication of delinquency, pursuant to the provisions of subsection (1) of Section 63-1-71. (3) Notice that a person's license is suspended or will be suspended under subsection (2) of this section shall be given by the commissioner in the manner and at the time provided for under Section 63-1-52, and upon such person's request, he shall be afforded an opportunity for a hearing as early as practicable, but not to exceed twenty (20) days after receipt of such request in the county wherein the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner, or his duly authorized agent, may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon such hearing the commissioner shall either rescind any order of suspension or, good cause appearing therefor, may extend any suspension of such license or revoke such license. (4) If a licensee has not paid all cash appearance bonds authorized under Section 99-19-3 or all fines, fees or other assessments levied as a result of a

violation of this title within ninety (90) days after receiving notice of the licensee's failure to pay all fines, fees or other assessments as provided in subsection (1) of this section, the court is authorized to pursue collection under Section 21-17-1(6) or 19-3-41(2) as for any other delinquent payment, and shall be entitled to collection of all additional fees authorized under those sections. Codes, 1942, § 8107; Laws, 1938, ch. 143; Laws, 1956, ch. 379, § 2; Laws, 1971, ch. 515, § 27; Laws, 1986, ch. 500, § 51; Laws, 1991, ch. 403, § 1; Laws, 1991, ch. 468 § 7; Laws, 1991, ch. 615 § 1; Laws, 1993, ch. 487, § 1; Laws, 2009, ch. 499, § 1; Laws, 2010, ch. 517, § 1, eff. 7/1/2010. Amended by Laws, 2019, ch. 466, HB 1352, § 30, eff. 7/1/2019. (1) Upon failure of any person to pay timely any fine, fee or assessment levied as a result of any violation of this title, the clerk of the court shall give written notice to such person by United States first-class mail at his last known address advising such person that, if within ninety (90) days after such notice is deposited in the mail, the person has not paid the entire amount of all fines, fees and assessments levied, then the court will pursue collection as for any other delinquent payment, and shall be entitled to collection of all additional fees in accordance with subsection (4) of this section. (2) The commissioner is hereby authorized to suspend the license of an operator without preliminary hearing upon a showing by his records or other sufficient evidence that the licensee: (a) Has committed an offense for which mandatory revocation of license is required upon conviction except under the provisions of the Mississippi Implied Consent Law; (b) Has been involved as a driver in any accident resulting in the death or personal injury of another or serious property damage; (c) Is an habitually reckless or negligent driver of a motor vehicle; (d) Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways; (e) Is incompetent to drive a motor vehicle; (f) Has permitted an unlawful or fraudulent use of such license; (g) Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation; or (h) Has committed a violation for which mandatory revocation of license is required upon conviction, entering a plea of nolo contendere to, or adjudication of delinquency, pursuant to the provisions of subsection (1) of Section 63-1-71. (3) Notice that a person's license is suspended or will be suspended under subsection (2) of this section shall be given by the commissioner in the manner and at the time provided for under Section 63-1-52, and upon such person's request, he shall be afforded an opportunity for a hearing as early as practicable, but not to exceed twenty (20) days after receipt of such request in the county wherein the licensee resides unless the department and the licensee agree that such hearing may be held in some other county. Upon such hearing the commissioner, or his duly authorized agent, may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon such hearing the commissioner shall either rescind any order of suspension or, good cause appearing therefor, may extend any suspension of such license or revoke such license. (4) If a licensee has not paid all cash appearance bonds authorized under Section 99-19-3 or all fines, fees or other assessments levied as a result of a violation of this title within ninety (90) days after receiving notice of the licensee's failure to pay all fines, fees or other assessments as provided in subsection (1) of this section, the court is authorized to pursue collection under Section 21-17-1(6) or 19-3-41(2) as for any other delinquent payment, and shall be entitled to collection of all additional fees authorized under those sections. Codes, 1942, § 8107; Laws, 1938, ch. 143; Laws, 1956, ch. 379, § 2; Laws, 1971, ch. 515, § 27; Laws, 1986, ch. 500, § 51; Laws, 1991, ch. 403, § 1; Laws, 1991, ch. 468 § 7; Laws, 1991, ch. 615 § 1; Laws, 1993, ch. 487, § 1; Laws, 2009, ch. 499, § 1; Laws, 2010, ch. 517, § 1, eff. 7/1/2010. Amended by Laws, 2019, ch. 466, HB 1352, § 30, eff. 7/1/2019. Codes, 1942, § 8107; Laws, 1938, ch. 143; Laws, 1956, ch. 379, § 2; Laws, 1971, ch. 515, § 27; Laws, 1986, ch. 500, § 51; Laws, 1991, ch. 403, § 1; Laws, 1991, ch. 468 § 7; Laws, 1991, ch. 615 § 1; Laws, 1993, ch. 487, § 1; Laws, 2009, ch. 499, § 1; Laws, 2010, ch. 517, § 1, eff. 7/1/2010. Amended by Laws, 2019, ch. 466, HB 1352, § 30, eff. 7/1/2019.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-55 - Suspension of license of minor by trial judge; requirement of completion of defensive driving course; costs and assessments; procedure upon appeal of suspension

A trial judge, in his discretion, if the person so convicted or who has entered a plea of guilty for any traffic violation, except the offenses enumerated in paragraphs (a) through (e) of subsection (1) of Section 63-1-51 and violations of the Implied Consent Law and the Uniform Controlled Substances Law, is a minor and dependent upon and subject to the care, custody and control of his parents or guardian, may, in lieu of the penalties otherwise provided by law and the provision of said section, suspend such minor's driver's license by taking and keeping same in custody of the court for a period of time not to exceed ninety (90) days. The judge so ordering such suspension shall enter upon his docket "DEFENDANT'S DRIVER'S LICENSE SUSPENDED FOR

_____ DAYS IN LIEU OF CONVICTION" and such action by the trial judge shall not constitute a conviction. The trial judge also may require the minor to successfully complete a defensive driving course approved by the judge as a condition of the suspension. Costs of court and penalty assessment for driver education and training program may be imposed in such actions within the discretion of the court. Should a minor appeal, in the time and manner as by law provided, the decision whereby his license is suspended, the trial judge shall then return said license to the minor and impose the fines and/or penalties that he would have otherwise imposed and same shall constitute a conviction. Codes, 1942, § 8106; Laws, 1938, ch. 143; Laws, 1940, ch. 167; Laws, 1956, ch. 379, § 1; Laws, 1968, ch. 373, § 1; Laws, 1971, ch. 515, § 26; Laws, 1992, ch. 323, § 1; Laws, 1996, ch. 527, § 2, eff. 7/2/1996. A trial judge, in his discretion, if the person so convicted or who has entered a plea of guilty for any traffic violation, except the offenses enumerated in paragraphs (a) through (e) of subsection (1) of Section 63-1-51 and violations of the Implied Consent Law and the Uniform Controlled Substances Law, is a minor and dependent upon and subject to the care, custody and control of his parents or guardian, may, in lieu of the penalties otherwise provided by law and the provision of said section, suspend

such minor's driver's license by taking and keeping same in custody of the court for a period of time not to exceed ninety (90) days. The judge so ordering such suspension shall enter upon his docket "DEFENDANT'S DRIVER'S LICENSE SUSPENDED FOR _____ DAYS IN LIEU OF CONVICTION" and such action by the trial judge shall not constitute a conviction. The trial judge also may require the minor to successfully complete a defensive driving course approved by the judge as a condition of the suspension. Costs of court and penalty assessment for driver education and training program may be imposed in such actions within the discretion of the court. Should a minor appeal, in the time and manner as by law provided, the decision whereby his license is suspended, the trial judge shall then return said license to the minor and impose the fines and/or penalties that he would have otherwise imposed and same shall constitute a conviction. Codes, 1942, § 8106; Laws, 1938, ch. 143; Laws, 1940, ch. 167; Laws, 1956, ch. 379, § 1; Laws, 1968, ch. 373, § 1; Laws, 1971, ch. 515, § 26; Laws, 1992, ch. 323, § 1; Laws, 1996, ch. 527, § 2, eff. 7/2/1996. A trial judge, in his discretion, if the person so convicted or who has entered a plea of guilty for any traffic violation, except the offenses enumerated in paragraphs (a) through (e) of subsection (1) of Section 63-1-51 and violations of the Implied Consent Law and the Uniform Controlled Substances Law, is a minor and dependent upon and subject to the care, custody and control of his parents or guardian, may, in lieu of the penalties otherwise provided by law and the provision of said section, suspend such minor's driver's license by taking and keeping same in custody of the court for a period of time not to exceed ninety (90) days. The judge so ordering such suspension shall enter upon his docket "DEFENDANT'S DRIVER'S LICENSE SUSPENDED FOR _____ DAYS IN LIEU OF CONVICTION" and such action by the trial judge shall not constitute a conviction. The trial judge also may require the minor to successfully complete a defensive driving course approved by the judge as a condition of the suspension. Costs of court and penalty assessment for driver education and training program may be imposed in such actions within the discretion of the court. Should a minor appeal, in the time and manner as by law provided, the decision whereby his license is suspended, the trial judge shall then return said license to the minor and impose the fines and/or penalties that he would have otherwise imposed and same shall constitute a conviction. Codes, 1942, § 8106; Laws, 1938, ch. 143; Laws, 1940, ch. 167; Laws, 1956, ch. 379, § 1; Laws, 1968, ch. 373, § 1; Laws, 1971, ch. 515, § 26; Laws, 1992, ch. 323, § 1; Laws, 1996, ch. 527, § 2, eff. 7/2/1996. A trial judge, in his discretion, if the person so convicted or who has entered a plea of guilty for any traffic violation, except the offenses enumerated in paragraphs (a) through (e) of subsection (1) of Section 63-1-51 and violations of the Implied Consent Law and the Uniform Controlled Substances Law, is a minor and dependent upon and subject to the care, custody and control of his parents or guardian, may, in lieu of the penalties otherwise provided by law and the provision of said section, suspend such minor's driver's license by taking and keeping same in custody of the court for a period of time not to exceed ninety (90) days. The judge so ordering such suspension shall enter upon his docket "DEFENDANT'S DRIVER'S LICENSE SUSPENDED FOR _____ DAYS IN LIEU OF CONVICTION" and such action by the trial judge shall not constitute a conviction. The trial judge also may require the minor to successfully complete a defensive driving course approved by the judge as a condition of the suspension. Costs of court and penalty assessment for driver education and training program may be imposed in such actions within the discretion of the court. Should a minor appeal, in the time and manner as by law provided, the decision whereby his license is suspended, the trial judge shall then return said license to the minor and impose the fines and/or penalties that he would have otherwise imposed and same shall constitute a conviction. Codes, 1942, § 8106; Laws, 1938, ch. 143; Laws, 1940, ch. 167; Laws, 1956, ch. 379, § 1; Laws, 1968, ch. 373, § 1; Laws, 1971, ch. 515, § 26; Laws, 1992, ch. 323, § 1; Laws, 1996, ch. 527, § 2, eff. 7/2/1996.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-57 - Driving while license or driving privilege canceled, suspended or revoked

Any person whose license issued pursuant to this article or driving privilege as a nonresident has been canceled, suspended or revoked as provided in this title or in Section 93-11-157 or 93-11-163, as the case may be, and who drives any motor vehicle upon the highways of this state while such license or privilege is canceled, suspended or revoked, is guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than two (2) days or more than six (6) months. There may be imposed in addition thereto a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) for each offense. Codes, 1942, § 8110; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 22; Laws, 1988, ch. 563, § 2; Laws, 1996, ch. 507, § 13, eff. 7/1/1996. Any person whose license issued pursuant to this article or driving privilege as a nonresident has been canceled, suspended or revoked as provided in this title or in Section 93-11-157 or 93-11-163, as the case may be, and who drives any motor vehicle upon the highways of this state while such license or privilege is canceled, suspended or revoked, is guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than two (2) days or more than six (6) months. There may be imposed in addition thereto a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) for each offense. Codes, 1942, § 8110; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 22; Laws, 1988, ch. 563, § 2; Laws, 1996, ch. 507, § 13, eff. 7/1/1996. Any person whose license issued pursuant to this article or driving privilege as a nonresident has been canceled, suspended or revoked as provided in this title or in Section 93-11-157 or 93-11-163, as the case may be, and who drives any motor vehicle upon the highways of this state while such license or privilege is canceled, suspended or revoked, is guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than two (2) days or more than six (6) months. There may be imposed in addition thereto a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) for each offense. Codes, 1942, § 8110; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 22; Laws, 1988, ch. 563, § 2; Laws, 1996, ch. 507, § 13, eff. 7/1/1996. Any person whose license issued pursuant to this article or driving privilege as a

nonresident has been canceled, suspended or revoked as provided in this title or in Section 93-11-157 or 93-11-163, as the case may be, and who drives any motor vehicle upon the highways of this state while such license or privilege is canceled, suspended or revoked, is guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than two (2) days or more than six (6) months. There may be imposed in addition thereto a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) for each offense. Codes, 1942, § 8110; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 22; Laws, 1988, ch. 563, § 2; Laws, 1996, ch. 507, § 13, eff. 7/1/1996.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-58 - License suspensions and restrictions to run consecutively

Suspension or restriction of driving privileges for any person convicted of or nonadjudicated for violations of the Implied Consent Law or any administrative suspension imposed under this chapter shall run consecutively and not concurrently. Added by Laws, 2016, ch. 503, SB 2778, 2, eff. 10/1/2016. Suspension or restriction of driving privileges for any person convicted of or nonadjudicated for violations of the Implied Consent Law or any administrative suspension imposed under this chapter shall run consecutively and not concurrently. Added by Laws, 2016, ch. 503, SB 2778, 2, eff. 10/1/2016. Suspension or restriction of driving privileges for any person convicted of or nonadjudicated for violations of the Implied Consent Law or any administrative suspension imposed under this chapter shall run consecutively and not concurrently. Added by Laws, 2016, ch. 503, SB 2778, 2, eff. 10/1/2016. Suspension or restriction of driving privileges for any person convicted of or nonadjudicated for violations of the Implied Consent Law or any administrative suspension imposed under this chapter shall run consecutively and not concurrently. Added by Laws, 2016, ch. 503, SB 2778, 2, eff. 10/1/2016.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-59 - Making false affidavit or statements

Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this article to be sworn to or affirmed, is guilty of perjury and upon conviction shall be punishable by fine or imprisonment as other persons committing perjury are punishable. Codes, 1942, § 8109; Laws, 1938, ch. 143. Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this article to be sworn to or affirmed, is guilty of perjury and upon conviction shall be punishable by fine or imprisonment as other persons committing perjury are punishable. Codes, 1942, § 8109; Laws, 1938, ch. 143. Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this article to be sworn to or affirmed, is guilty of perjury and upon conviction shall be punishable by fine or imprisonment as other persons committing perjury are punishable. Codes, 1942, § 8109; Laws, 1938, ch. 143. Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this article to be sworn to or affirmed, is guilty of perjury and upon conviction shall be punishable by fine or imprisonment as other persons committing perjury are punishable. Codes, 1942, § 8109; Laws, 1938, ch. 143.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-6.1 - Rented motor scooters may be operated on public roads in or near universities without obtaining motorcycle endorsement under certain circumstances

(1) No person shall be required to secure a driver's license with a motorcycle endorsement upon it while operating a motor scooter as defined in Section 63-3-103 provided that: (a) The person is not the owner of the motor scooter and is only renting the scooter for a period of time not to exceed forty-eight (48) hours. (b) The person is operating the motor scooter within the corporate limits of a municipality in which a university campus is located or is immediately adjacent to, or within the limits of, the university's campus. (c) The person has been issued and has on their person a regular or commercial driver's license issued by the State of Mississippi or the state of their residence. (2) Any scooter operated on the roads or highways of this state under this section shall not be operated: (a) At a rate of speed greater than thirty (30) miles per hour; (b) On a road which has a speed limit greater than thirty-five (35) miles per hour; or (c) On any road or highway which is prohibited under Section 63-3-210. Added by Laws, 2015, ch. 464, HB 1251, 1, eff. 7/1/2015. (1) No person shall be required to secure a driver's license with a motorcycle endorsement upon it while operating a motor scooter as defined in Section 63-3-103 provided that: (a) The person is not the owner of the motor scooter and is only renting the scooter for a period of time not to exceed forty-eight (48) hours. (b) The person is operating the motor scooter within the corporate limits of a municipality in which a university campus is located or is immediately adjacent to, or within the limits of, the university's campus. (c) The person has been issued and has on their person a regular or commercial driver's license issued by the State of Mississippi or the state of their residence. (2) Any scooter operated on the roads or highways of this state under this section shall not be operated: (a) At a rate of speed greater than thirty (30) miles per hour; (b) On a road which has a speed limit greater than thirty-five (35) miles per hour; or (c) On any road or highway which is prohibited under Section 63-3-210. Added by Laws, 2015, ch. 464, HB 1251, 1, eff. 7/1/2015. (1) No person shall be required to secure a driver's license with a motorcycle endorsement upon it while operating a motor scooter as defined in Section 63-3-103 provided that: (a) The person is not the owner of the motor scooter and is only renting the scooter for a period of time not to exceed forty-eight (48) hours. (b) The person is operating the motor scooter

within the corporate limits of a municipality in which a university campus is located or is immediately adjacent to, or within the limits of, the university's campus.(c)The person has been issued and has on their person a regular or commercial driver's license issued by the State of Mississippi or the state of their residence.(2)Any scooter operated on the roads or highways of this state under this section shall not be operated:(a)At a rate of speed greater than thirty (30) miles per hour;(b)On a road which has a speed limit greater than thirty-five (35) miles per hour; or(c)On any road or highway which is prohibited under Section63-3-210.Added by Laws, 2015, ch. 464, HB 1251, 1, eff. 7/1/2015. Added by Laws, 2015, ch. 464, HB 1251, 1, eff. 7/1/2015.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73)Section 63-1-6 - Requirement of motorcycle operator's license; requirement of temporary motorcycle permit

(1)Unless exempted under Section63-1-7or Section63-1-6.1, no person shall drive or operate a motorcycle, except for an autocycle as defined in Section63-3-103, upon the highways of the State of Mississippi without first securing an operator's license with a motorcycle endorsement upon it.(2)(a)A motorcycle endorsement may be issued to any person who holds a valid Mississippi driver's license and meets the other requirements for a motorcycle endorsement contained in this chapter.(b)Every applicant for a motorcycle endorsement shall first obtain a temporary motorcycle permit, successfully complete the examination provided in Section63-1-33, and pay the temporary motorcycle permit fee and examination fee prescribed in Section63-1-43. Applicants for a temporary motorcycle permit shall:(i)Be at least fifteen (15) years of age;(ii)Operate a motorcycle only under the direct supervision of a person at least twenty-one (21) years of age who possesses either a valid driver's or operator's license with a motorcycle endorsement or a valid restricted motorcycle operator's license;(iii)Be prohibited from transporting a passenger on a motorcycle;(iv)Be prohibited from operating a motorcycle upon any controlled access highway; and(v)Be prohibited from operating a motorcycle during the hours of 6:00 p.m. through 6:00 a.m. Temporary motorcycle driving permits shall be valid for the same period of time and may be renewed upon the same conditions as learner's permits issued under Section63-1-21.Laws, 1985, ch. 376, § 1, eff.

7/1/1985.Amended by Laws, 2021, ch. 464, SB 2598,§ 9, eff. 4/16/2021.Amended by Laws, 2015, ch. 464, HB 1251, 4, eff.

7/1/2015.Amended by Laws, 2015, ch. 406, HB 111, 3, eff. 7/1/2015.Amended by Laws, 2014, ch. 424, SB 2794, 9, eff. 10/1/2014.

(1)Unless exempted under Section63-1-7or Section63-1-6.1, no person shall drive or operate a motorcycle, except for an autocycle as defined in Section63-3-103, upon the highways of the State of Mississippi without first securing an operator's license with a motorcycle endorsement upon it.(2)(a)A motorcycle endorsement may be issued to any person who holds a valid Mississippi driver's license and meets the other requirements for a motorcycle endorsement contained in this chapter.(b)Every applicant for a motorcycle endorsement shall first obtain a temporary motorcycle permit, successfully complete the examination provided in Section63-1-33, and pay the temporary motorcycle permit fee and examination fee prescribed in Section63-1-43. Applicants for a temporary motorcycle permit shall:(i)Be at least fifteen (15) years of age;(ii)Operate a motorcycle only under the direct supervision of a person at least twenty-one (21) years of age who possesses either a valid driver's or operator's license with a motorcycle endorsement or a valid restricted motorcycle operator's license;(iii)Be prohibited from transporting a passenger on a motorcycle;(iv)Be prohibited from operating a motorcycle upon any controlled access highway; and(v)Be prohibited from operating a motorcycle during the hours of 6:00 p.m. through 6:00 a.m. Temporary motorcycle driving permits shall be valid for the same period of time and may be renewed upon the same conditions as learner's permits issued under Section63-1-21.Laws, 1985, ch. 376, § 1, eff.

7/1/1985.Amended by Laws, 2021, ch. 464, SB 2598,§ 9, eff. 4/16/2021.Amended by Laws, 2015, ch. 464, HB 1251, 4, eff.

7/1/2015.Amended by Laws, 2015, ch. 406, HB 111, 3, eff. 7/1/2015.Amended by Laws, 2014, ch. 424, SB 2794, 9, eff. 10/1/2014.

(1)Unless exempted under Section63-1-7or Section63-1-6.1, no person shall drive or operate a motorcycle, except for an autocycle as defined in Section63-3-103, upon the highways of the State of Mississippi without first securing an operator's license with a motorcycle endorsement upon it.(2)(a)A motorcycle endorsement may be issued to any person who holds a valid Mississippi driver's license and meets the other requirements for a motorcycle endorsement contained in this chapter.(b)Every applicant for a motorcycle endorsement shall first obtain a temporary motorcycle permit, successfully complete the examination provided in Section63-1-33, and pay the temporary motorcycle permit fee and examination fee prescribed in Section63-1-43. Applicants for a temporary motorcycle permit shall:(i)Be at least fifteen (15) years of age;(ii)Operate a motorcycle only under the direct supervision of a person at least twenty-one (21) years of age who possesses either a valid driver's or operator's license with a motorcycle endorsement or a valid restricted motorcycle operator's license;(iii)Be prohibited from transporting a passenger on a motorcycle;(iv)Be prohibited from operating a motorcycle upon any controlled access highway; and(v)Be prohibited from operating a motorcycle during the hours of 6:00 p.m. through 6:00 a.m. Temporary motorcycle driving permits shall be valid for the same period of time and may be renewed upon the same conditions as learner's permits issued under Section63-1-21.Laws, 1985, ch. 376, § 1, eff.

7/1/1985.Amended by Laws, 2021, ch. 464, SB 2598,§ 9, eff. 4/16/2021.Amended by Laws, 2015, ch. 464, HB 1251, 4, eff.

7/1/2015.Amended by Laws, 2015, ch. 406, HB 111, 3, eff. 7/1/2015.Amended by Laws, 2014, ch. 424, SB 2794, 9, eff. 10/1/2014.

Laws, 1985, ch. 376, § 1, eff. 7/1/1985. Amended by Laws, 2021, ch. 464, SB 2598,§ 9, eff. 4/16/2021. Amended by Laws, 2015, ch. 464, HB 1251, 4, eff. 7/1/2015. Amended by Laws, 2015, ch. 406, HB 111, 3, eff. 7/1/2015. Amended by Laws, 2014, ch. 424, SB 2794, 9, eff. 10/1/2014.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73)Section 63-1-60 - Alteration, fraudulent use, or fraudulent procurement of license

(1)It shall be unlawful for any person:(a)To display, cause or permit to be displayed, or have in his possession, any fictitious, fraudulently altered or fraudulently obtained driver's license;(b)To display or represent any driver's license not issued to him as being his own driver's license;(c)To photograph, photostat, duplicate or in any way reproduce, manufacture, sell or distribute or alter any driver's license, or facsimile thereof, in such a manner that it could be mistaken for a valid driver's license;(d)To display or have in his possession any photograph, photostat, duplicate, reproduction or facsimile of a driver's license unless authorized by law; or(e)To take a driver's license examination for another or to use any other name, other than his own, on the driver's license application in an attempt to take the driver's license examination for another.(2)Any person convicted of a violation of paragraph (a), (b), (d) or (e) of subsection (1) of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.(3)Any person under twenty-one (21) years of age at the time of the offense who is convicted of a violation of paragraph (c) of subsection (1) of this section shall be punished as follows:(a)A first offense shall be a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.(b)A second or subsequent offense, the offenses being committed within a period of five (5) years, shall be a misdemeanor punishable by a fine of not more than Five Thousand Dollars (\$5,000.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment.(4)Any person twenty-one (21) years of age or older at the time of the offense who is convicted of a violation of paragraph (c) of subsection (1) of this section is guilty of a felony and shall be punished by a fine of not less than Five Thousand Dollars (\$5,000.00), or imprisonment for not more than three (3) years, or by both such fine and imprisonment.Laws, 1985, ch. 479; Laws, 1998, ch. 558, § 2; Laws, 2001, ch. 551, § 2, eff. 7/1/2001. (1)It shall be unlawful for any person:(a)To display, cause or permit to be displayed, or have in his possession, any fictitious, fraudulently altered or fraudulently obtained driver's license;(b)To display or represent any driver's license not issued to him as being his own driver's license;(c)To photograph, photostat, duplicate or in any way reproduce, manufacture, sell or distribute or alter any driver's license, or facsimile thereof, in such a manner that it could be mistaken for a valid driver's license;(d)To display or have in his possession any photograph, photostat, duplicate, reproduction or facsimile of a driver's license unless authorized by law; or(e)To take a driver's license examination for another or to use any other name, other than his own, on the driver's license application in an attempt to take the driver's license examination for another.(2)Any person convicted of a violation of paragraph (a), (b), (d) or (e) of subsection (1) of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.(3)Any person under twenty-one (21) years of age at the time of the offense who is convicted of a violation of paragraph (c) of subsection (1) of this section shall be punished as follows:(a)A first offense shall be a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.(b)A second or subsequent offense, the offenses being committed within a period of five (5) years, shall be a misdemeanor punishable by a fine of not more than Five Thousand Dollars (\$5,000.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment.(4)Any person twenty-one (21) years of age or older at the time of the offense who is convicted of a violation of paragraph (c) of subsection (1) of this section is guilty of a felony and shall be punished by a fine of not less than Five Thousand Dollars (\$5,000.00), or imprisonment for not more than three (3) years, or by both such fine and imprisonment.Laws, 1985, ch. 479; Laws, 1998, ch. 558, § 2; Laws, 2001, ch. 551, § 2, eff. 7/1/2001. (1)It shall be unlawful for any person:(a)To display, cause or permit to be displayed, or have in his possession, any fictitious, fraudulently altered or fraudulently obtained driver's license;(b)To display or represent any driver's license not issued to him as being his own driver's license;(c)To photograph, photostat, duplicate or in any way reproduce, manufacture, sell or distribute or alter any driver's license, or facsimile thereof, in such a manner that it could be mistaken for a valid driver's license;(d)To display or have in his possession any photograph, photostat, duplicate, reproduction or facsimile of a driver's license unless authorized by law; or(e)To take a driver's license examination for another or to use any other name, other than his own, on the driver's license application in an attempt to take the driver's license examination for another.(2)Any person convicted of a violation of paragraph (a), (b), (d) or (e) of subsection (1) of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.(3)Any person under twenty-one (21) years of age at the time of the offense who is convicted of a violation of paragraph (c) of subsection (1) of this section shall be punished as follows:(a)A first offense shall be a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.(b)A second or subsequent offense, the offenses being committed within a period of five (5) years, shall be a misdemeanor punishable by a fine of not more than Five Thousand Dollars (\$5,000.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment.(4)Any person twenty-one (21) years of age or older at the time of the offense who is convicted of a violation of paragraph (c) of subsection (1) of this section is guilty of a felony and shall be punished by a fine of not less than Five Thousand Dollars (\$5,000.00), or imprisonment for not more than three (3) years, or by both such fine and imprisonment.Laws, 1985, ch. 479; Laws, 1998, ch. 558, § 2; Laws, 2001, ch. 551, § 2, eff. 7/1/2001. Laws, 1985, ch. 479; Laws, 1998, ch. 558, § 2; Laws, 2001, ch. 551, § 2, eff. 7/1/2001.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73)Section 63-1-61 - Causing or permitting child or ward under sixteen years of age to drive without authorization

No person shall cause or knowingly permit his child or ward under the age of sixteen (16) years to drive a motor vehicle upon any

highway if such minor is not authorized under the provisions of this article or is in violation of any of the provisions of this article. Any penalty imposed under the provisions of this section shall be in addition to any penalty imposed against the minor for a violation of this article. Codes, 1942, § 8111; Laws, 1938, ch. 143; Laws, 1994, ch. 588, § 4, eff. 9/1/1995. No person shall cause or knowingly permit his child or ward under the age of sixteen (16) years to drive a motor vehicle upon any highway if such minor is not authorized under the provisions of this article or is in violation of any of the provisions of this article. Any penalty imposed under the provisions of this section shall be in addition to any penalty imposed against the minor for a violation of this article. Codes, 1942, § 8111; Laws, 1938, ch. 143; Laws, 1994, ch. 588, § 4, eff. 9/1/1995. No person shall cause or knowingly permit his child or ward under the age of sixteen (16) years to drive a motor vehicle upon any highway if such minor is not authorized under the provisions of this article or is in violation of any of the provisions of this article. Any penalty imposed under the provisions of this section shall be in addition to any penalty imposed against the minor for a violation of this article. Codes, 1942, § 8111; Laws, 1938, ch. 143; Laws, 1994, ch. 588, § 4, eff. 9/1/1995.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-63 - Permitting operation of vehicle by another person in violation of article

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized under the provisions of this article or in violation of any of the provisions of this article. Codes, 1942, § 8112; Laws, 1938, ch. 143. No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized under the provisions of this article or in violation of any of the provisions of this article. Codes, 1942, § 8112; Laws, 1938, ch. 143. No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized under the provisions of this article or in violation of any of the provisions of this article. Codes, 1942, § 8112; Laws, 1938, ch. 143. No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized under the provisions of this article or in violation of any of the provisions of this article. Codes, 1942, § 8112; Laws, 1938, ch. 143.

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It shall be unlawful for any person to lend or borrow any temporary driving permit or license issued pursuant to this article, or to display or represent a license or temporary permit not issued to himself. Any person violating this section shall be fined not less than Five Dollars (\$5.00) and costs and not more than Twenty-five Dollars (\$25.00) and costs. Codes, 1942, § 8116; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 23, eff. 7/1/1985. It shall be unlawful for any person to lend or borrow any temporary driving permit or license issued pursuant to this article, or to display or represent a license or temporary permit not issued to himself. Any person violating this section shall be fined not less than Five Dollars (\$5.00) and costs and not more than Twenty-five Dollars (\$25.00) and costs. Codes, 1942, § 8116; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 23, eff. 7/1/1985. It shall be unlawful for any person to lend or borrow any temporary driving permit or license issued pursuant to this article, or to display or represent a license or temporary permit not issued to himself. Any person violating this section shall be fined not less than Five Dollars (\$5.00) and costs and not more than Twenty-five Dollars (\$25.00) and costs. Codes, 1942, § 8116; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 23, eff. 7/1/1985. It shall be unlawful for any person to lend or borrow any temporary driving permit or license issued pursuant to this article, or to display or represent a license or temporary permit not issued to himself. Any person violating this section shall be fined not less than Five Dollars (\$5.00) and costs and not more than Twenty-five Dollars (\$25.00) and costs. Codes, 1942, § 8116; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 23, eff. 7/1/1985.

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(1) No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed under the provisions of this article, or, in the case of a nonresident, then duly licensed under the laws of the state or country of his residence except a nonresident whose home state or country does not require that an operator be licensed. (2) No person shall rent a motor vehicle to another until he has inspected the license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his presence. (3) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer or officers or employee of the commissioner. (4) The provisions of this section shall not apply to any

person or business entity lawfully engaging in a peer-to-peer car sharing program or acting as a shared vehicle owner under the Peer-to-Peer Car Sharing Program Act. Codes, 1942, § 8113; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 24, eff. 7/1/1985. Amended by Laws, 2024, ch. 429, SB 2530, § 16, eff. 1/17/2025. (1) No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed under the provisions of this article, or, in the case of a nonresident, then duly licensed under the laws of the state or country of his residence except a nonresident whose home state or country does not require that an operator be licensed. (2) No person shall rent a motor vehicle to another until he has inspected the license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his presence. (3) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer or officers or employee of the commissioner. (4) The provisions of this section shall not apply to any person or business entity lawfully engaging in a peer-to-peer car sharing program or acting as a shared vehicle owner under the Peer-to-Peer Car Sharing Program Act. Codes, 1942, § 8113; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 24, eff. 7/1/1985. Amended by Laws, 2024, ch. 429, SB 2530, § 16, eff. 1/17/2025. (1) No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed under the provisions of this article, or, in the case of a nonresident, then duly licensed under the laws of the state or country of his residence except a nonresident whose home state or country does not require that an operator be licensed. (2) No person shall rent a motor vehicle to another until he has inspected the license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his presence. (3) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer or officers or employee of the commissioner. (4) The provisions of this section shall not apply to any person or business entity lawfully engaging in a peer-to-peer car sharing program or acting as a shared vehicle owner under the Peer-to-Peer Car Sharing Program Act. Codes, 1942, § 8113; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 24, eff. 7/1/1985. Amended by Laws, 2024, ch. 429, SB 2530, § 16, eff. 1/17/2025. Codes, 1942, § 8113; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 24, eff. 7/1/1985. Amended by Laws, 2024, ch. 429, SB 2530, § 16, eff. 1/17/2025.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-69 - Punishment for violations where no specific penalty provided

Any person convicted of a violation of this article or any provisions of said article for which no other penalty is provided shall be punished by a fine of not less than five dollars (\$5.00) and costs and not more than two hundred fifty dollars (\$250.00) and costs, or by imprisonment in the county jail for a period of from one to six months, or by both the fine and imprisonment at the discretion of the court. Codes, 1942, § 8117; Laws, 1938, ch. 143. Any person convicted of a violation of this article or any provisions of said article for which no other penalty is provided shall be punished by a fine of not less than five dollars (\$5.00) and costs and not more than two hundred fifty dollars (\$250.00) and costs, or by imprisonment in the county jail for a period of from one to six months, or by both the fine and imprisonment at the discretion of the court. Codes, 1942, § 8117; Laws, 1938, ch. 143. Any person convicted of a violation of this article or any provisions of said article for which no other penalty is provided shall be punished by a fine of not less than five dollars (\$5.00) and costs and not more than two hundred fifty dollars (\$250.00) and costs, or by imprisonment in the county jail for a period of from one to six months, or by both the fine and imprisonment at the discretion of the court. Codes, 1942, § 8117; Laws, 1938, ch. 143. Any person convicted of a violation of this article or any provisions of said article for which no other penalty is provided shall be punished by a fine of not less than five dollars (\$5.00) and costs and not more than two hundred fifty dollars (\$250.00) and costs, or by imprisonment in the county jail for a period of from one to six months, or by both the fine and imprisonment at the discretion of the court. Codes, 1942, § 8117; Laws, 1938, ch. 143.

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No license issued pursuant to this article shall be required of: (a) Any person while operating a motor vehicle for military purposes, if the person is a member of the United States Armed Forces or Reserves on active duty, a member of the National Guard on active duty or full-time National Guard duty, a National Guard military technician, or participating in part-time National Guard training. (b) Any nonresident person who has in his immediate possession a valid license to drive a motor vehicle on the highways of his home state or country, issued to him by the proper authorities of his home state or country, or of any nonresident person whose home state or country does not require the licensing of a person to operate a motor vehicle on the highways but does require him to be duly registered. Such person being eighteen (18) years of age or older may operate a motor vehicle in the state for a period of sixty (60) consecutive days without securing a license. However, any nonresident person operating a motor vehicle in this state shall be subject to all the provisions of this article, except as specified above. (c) Any person while operating a road roller, road machinery or any farm tractor or implement of husbandry temporarily drawn, moved or propelled on the highways. (d) Any engineer or motorman using tracks for road or street, though used in the streets. (e) Any person while operating an electric personal assistive mobility device as defined in Section 63-3-103. (f) A member of any active or reserve component branch of the United States of

America Armed Forces, or a spouse or a dependent child not less than sixteen (16) years of age of a member of any active or reserve component branch of the United States of America Armed Forces, who has been licensed as a driver under a law requiring the licensing of drivers in his home state and who has in his immediate possession a valid driver's license issued to him in his home state shall be permitted without examination or license under this article to drive a motor vehicle on public roads, streets and highways of the State of Mississippi. The provisions of this paragraph shall not be affected by the person's, spouse's or dependent child's ownership of a motor vehicle registered in the State of Mississippi. Codes, 1942, § 8092; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 6; Laws, 1994, ch. 588, § 3; Laws, 2003, ch. 485, § 7; Laws, 2005, ch. 541, § 1, eff. 7/1/2005. Amended by Laws, 2021, ch. 372, SB 2785, § 1, eff. 7/1/2021. Amended by Laws, 2016, ch. 342, HB 396, 2, eff. 7/1/2016. No license issued pursuant to this article shall be required of: (a) Any person while operating a motor vehicle for military purposes, if the person is a member of the United States Armed Forces or Reserves on active duty, a member of the National Guard on active duty or full-time National Guard duty, a National Guard military technician, or participating in part-time National Guard training. (b) Any nonresident person who has in his immediate possession a valid license to drive a motor vehicle on the highways of his home state or country, issued to him by the proper authorities of his home state or country, or of any nonresident person whose home state or country does not require the licensing of a person to operate a motor vehicle on the highways but does require him to be duly registered. Such person being eighteen (18) years of age or older may operate a motor vehicle in the state for a period of sixty (60) consecutive days without securing a license. However, any nonresident person operating a motor vehicle in this state shall be subject to all the provisions of this article, except as specified above. (c) Any person while operating a road roller, road machinery or any farm tractor or implement of husbandry temporarily drawn, moved or propelled on the highways. (d) Any engineer or motorman using tracks for road or street, though used in the streets. (e) Any person while operating an electric personal assistive mobility device as defined in Section 63-3-103. (f) A member of any active or reserve component branch of the United States of America Armed Forces, or a spouse or a dependent child not less than sixteen (16) years of age of a member of any active or reserve component branch of the United States of America Armed Forces, who has been licensed as a driver under a law requiring the licensing of drivers in his home state and who has in his immediate possession a valid driver's license issued to him in his home state shall be permitted without examination or license under this article to drive a motor vehicle on public roads, streets and highways of the State of Mississippi. The provisions of this paragraph shall not be affected by the person's, spouse's or dependent child's ownership of a motor vehicle registered in the State of Mississippi. Codes, 1942, § 8092; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 6; Laws, 1994, ch. 588, § 3; Laws, 2003, ch. 485, § 7; Laws, 2005, ch. 541, § 1, eff. 7/1/2005. Amended by Laws, 2021, ch. 372, SB 2785, § 1, eff. 7/1/2021. Amended by Laws, 2016, ch. 342, HB 396, 2, eff. 7/1/2016. No license issued pursuant to this article shall be required of: (a) Any person while operating a motor vehicle for military purposes, if the person is a member of the United States Armed Forces or Reserves on active duty, a member of the National Guard on active duty or full-time National Guard duty, a National Guard military technician, or participating in part-time National Guard training. (b) Any nonresident person who has in his immediate possession a valid license to drive a motor vehicle on the highways of his home state or country, issued to him by the proper authorities of his home state or country, or of any nonresident person whose home state or country does not require the licensing of a person to operate a motor vehicle on the highways but does require him to be duly registered. Such person being eighteen (18) years of age or older may operate a motor vehicle in the state for a period of sixty (60) consecutive days without securing a license. However, any nonresident person operating a motor vehicle in this state shall be subject to all the provisions of this article, except as specified above. (c) Any person while operating a road roller, road machinery or any farm tractor or implement of husbandry temporarily drawn, moved or propelled on the highways. (d) Any engineer or motorman using tracks for road or street, though used in the streets. (e) Any person while operating an electric personal assistive mobility device as defined in Section 63-3-103. (f) A member of any active or reserve component branch of the United States of America Armed Forces, or a spouse or a dependent child not less than sixteen (16) years of age of a member of any active or reserve component branch of the United States of America Armed Forces, who has been licensed as a driver under a law requiring the licensing of drivers in his home state and who has in his immediate possession a valid driver's license issued to him in his home state shall be permitted without examination or license under this article to drive a motor vehicle on public roads, streets and highways of the State of Mississippi. The provisions of this paragraph shall not be affected by the person's, spouse's or dependent child's ownership of a motor vehicle registered in the State of Mississippi. Codes, 1942, § 8092; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 6; Laws, 1994, ch. 588, § 3; Laws, 2003, ch. 485, § 7; Laws, 2005, ch. 541, § 1, eff. 7/1/2005. Amended by Laws, 2021, ch. 372, SB 2785, § 1, eff. 7/1/2021. Amended by Laws, 2016, ch. 342, HB 396, 2, eff. 7/1/2016.

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63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 —

63-1-73) Section 63-1-71 - Revocation or suspension of driving privilege of person convicted of violation of Uniform

Controlled Substance Law or violation of similar law of another jurisdiction; reduction of suspension in hardship cases

(1) Notwithstanding the provisions of Section 63-11-30(3) and in addition to any penalty authorized by the Uniform Controlled Substances Law or any other statute indicating the dispositions that can be ordered for an adjudication of delinquency, every person convicted of driving under the influence of a controlled substance, or entering a plea of nolo contendere thereto, or adjudicated delinquent therefor, in a court of this state, the United States, another state, a territory or possession of the United States, the District

of Columbia or the Commonwealth of Puerto Rico, shall forthwith forfeit his right to operate a motor vehicle over the highways of this state for a period of not less than six (6) months. In the case of any person who at the time of the imposition of sentence does not have a driver's license or is less than sixteen (16) years of age, the period of the suspension of driving privileges authorized herein shall commence on the day the sentence is imposed and shall run for a period of not less than six (6) months after the day the person obtains a driver's license or reaches the age of sixteen (16). If the driving privilege of any person is under revocation or suspension at the time of any conviction or adjudication of delinquency for driving under the influence of a controlled substance, the revocation or suspension period imposed herein shall commence as of the date of termination of the existing revocation or suspension.(2)The court in this state before whom any person is convicted of or adjudicated delinquent for driving under the influence of a controlled substance shall collect forthwith the Mississippi driver's license of the person and forward such license to the Department of Public Safety along with a report indicating the first and last day of the suspension or revocation period imposed pursuant to this section. If the court is for any reason unable to collect the license of the person, the court shall cause a report of the conviction or adjudication of delinquency to be filed with the Commissioner of Public Safety. That report shall include the complete name, address, date of birth, eye color and sex of the person and shall indicate the first and last day of the suspension or revocation period imposed by the court pursuant to this section. The court shall inform the person orally and in writing that if the person is convicted of personally operating a motor vehicle during the period of license suspension or revocation imposed pursuant to this section, the person shall, upon conviction, be subject to the penalties set forth in Section63-11-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of Section63-11-40. If the person is the holder of a driver's license from another jurisdiction, the court shall not collect the license but shall notify forthwith the Commissioner of Public Safety who shall notify the appropriate officials in the licensing jurisdiction. The court shall, however, in accordance with the provisions of this section, revoke the person's nonresident driving privilege in this state.(3)The county court or circuit court having jurisdiction, on petition, may reduce the suspension of driving privileges under this section if the suspension would constitute a hardship on the offender. When the petition is filed, such person shall pay to the circuit clerk of the court where the petition is filed a fee of Twenty Dollars (\$20.00) for each year, or portion thereof, of license revocation or suspension remaining under the original sentence, which shall be deposited into the State General Fund to the credit of a special fund hereby created in the State Treasury to be used for alcohol or drug abuse treatment and education, upon appropriation by the Legislature. This fee shall be in addition to any other court costs or fees required for the filing of petitions.Laws, 1991, ch. 468 § 1; Laws, 1993, ch 487, § 2, eff. 7/1/1993.Amended by Laws, 2019, ch. 466, HB 1352,§ 32, eff. 10/15/2019. (1)Notwithstanding the provisions of Section63-11-30(3)and in addition to any penalty authorized by the Uniform Controlled Substances Law or any other statute indicating the dispositions that can be ordered for an adjudication of delinquency, every person convicted of driving under the influence of a controlled substance, or entering a plea of nolo contendere thereto, or adjudicated delinquent therefor, in a court of this state, the United States, another state, a territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico, shall forthwith forfeit his right to operate a motor vehicle over the highways of this state for a period of not less than six (6) months. In the case of any person who at the time of the imposition of sentence does not have a driver's license or is less than sixteen (16) years of age, the period of the suspension of driving privileges authorized herein shall commence on the day the sentence is imposed and shall run for a period of not less than six (6) months after the day the person obtains a driver's license or reaches the age of sixteen (16). If the driving privilege of any person is under revocation or suspension at the time of any conviction or adjudication of delinquency for driving under the influence of a controlled substance, the revocation or suspension period imposed herein shall commence as of the date of termination of the existing revocation or suspension.(2)The court in this state before whom any person is convicted of or adjudicated delinquent for driving under the influence of a controlled substance shall collect forthwith the Mississippi driver's license of the person and forward such license to the Department of Public Safety along with a report indicating the first and last day of the suspension or revocation period imposed pursuant to this section. If the court is for any reason unable to collect the license of the person, the court shall cause a report of the conviction or adjudication of delinquency to be filed with the Commissioner of Public Safety. That report shall include the complete name, address, date of birth, eye color and sex of the person and shall indicate the first and last day of the suspension or revocation period imposed by the court pursuant to this section. The court shall inform the person orally and in writing that if the person is convicted of personally operating a motor vehicle during the period of license suspension or revocation imposed pursuant to this section, the person shall, upon conviction, be subject to the penalties set forth in Section63-11-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of Section63-11-40. If the person is the holder of a driver's license from another jurisdiction, the court shall not collect the license but shall notify forthwith the Commissioner of Public Safety who shall notify the appropriate officials in the licensing jurisdiction. The court shall, however, in accordance with the provisions of this section, revoke the person's nonresident driving privilege in this state.(3)The county court or circuit court having jurisdiction, on petition, may reduce the suspension of driving privileges under this section if the suspension would constitute a hardship on the offender. When the petition is filed, such person shall pay to the circuit clerk of the court where the petition is filed a fee of Twenty Dollars (\$20.00) for each year, or portion thereof, of license revocation or suspension remaining under the original sentence, which shall be deposited into the State General Fund to the credit of a special fund hereby created in the State Treasury to be used for alcohol or drug abuse treatment and education, upon appropriation by the Legislature. This fee shall be in addition to any other court costs or fees required for the filing of petitions.Laws, 1991, ch. 468 § 1; Laws, 1993, ch 487, § 2, eff. 7/1/1993.Amended by Laws, 2019, ch. 466, HB 1352,§ 32, eff. 10/15/2019. (1)Notwithstanding the

provisions of Section 63-11-30(3) and in addition to any penalty authorized by the Uniform Controlled Substances Law or any other statute indicating the dispositions that can be ordered for an adjudication of delinquency, every person convicted of driving under the influence of a controlled substance, or entering a plea of nolo contendere thereto, or adjudicated delinquent therefor, in a court of this state, the United States, another state, a territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico, shall forthwith forfeit his right to operate a motor vehicle over the highways of this state for a period of not less than six (6) months. In the case of any person who at the time of the imposition of sentence does not have a driver's license or is less than sixteen (16) years of age, the period of the suspension of driving privileges authorized herein shall commence on the day the sentence is imposed and shall run for a period of not less than six (6) months after the day the person obtains a driver's license or reaches the age of sixteen (16). If the driving privilege of any person is under revocation or suspension at the time of any conviction or adjudication of delinquency for driving under the influence of a controlled substance, the revocation or suspension period imposed herein shall commence as of the date of termination of the existing revocation or suspension. (2) The court in this state before whom any person is convicted of or adjudicated delinquent for driving under the influence of a controlled substance shall collect forthwith the Mississippi driver's license of the person and forward such license to the Department of Public Safety along with a report indicating the first and last day of the suspension or revocation period imposed pursuant to this section. If the court is for any reason unable to collect the license of the person, the court shall cause a report of the conviction or adjudication of delinquency to be filed with the Commissioner of Public Safety. That report shall include the complete name, address, date of birth, eye color and sex of the person and shall indicate the first and last day of the suspension or revocation period imposed by the court pursuant to this section. The court shall inform the person orally and in writing that if the person is convicted of personally operating a motor vehicle during the period of license suspension or revocation imposed pursuant to this section, the person shall, upon conviction, be subject to the penalties set forth in Section 63-11-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of Section 63-11-40. If the person is the holder of a driver's license from another jurisdiction, the court shall not collect the license but shall notify forthwith the Commissioner of Public Safety who shall notify the appropriate officials in the licensing jurisdiction. The court shall, however, in accordance with the provisions of this section, revoke the person's nonresident driving privilege in this state. (3) The county court or circuit court having jurisdiction, on petition, may reduce the suspension of driving privileges under this section if the suspension would constitute a hardship on the offender. When the petition is filed, such person shall pay to the circuit clerk of the court where the petition is filed a fee of Twenty Dollars (\$20.00) for each year, or portion thereof, of license revocation or suspension remaining under the original sentence, which shall be deposited into the State General Fund to the credit of a special fund hereby created in the State Treasury to be used for alcohol or drug abuse treatment and education, upon appropriation by the Legislature. This fee shall be in addition to any other court costs or fees required for the filing of petitions. Laws, 1991, ch. 468 § 1; Laws, 1993, ch 487, § 2, eff. 7/1/1993. Amended by Laws, 2019, ch. 466, HB 1352, § 32, eff. 10/15/2019. Laws, 1991, ch. 468 § 1; Laws, 1993, ch 487, § 2, eff. 7/1/1993. Amended by Laws, 2019, ch. 466, HB 1352, § 32, eff. 10/15/2019.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-8 - Authorization to negotiate reciprocal driver's license agreement with the Republic of China (Taiwan)

The Commissioner of Public Safety is authorized to negotiate a mutual agreement between the Mississippi Department of Public Safety and the Republic of China (Taiwan), through the Ministry of Transportation and Communications represented by the Director General of the Taipei Economic and Cultural Office in Houston, Texas, for reciprocity in issuing driver's licenses to citizens of the State of Mississippi residing in the Republic of China (Taiwan) and to Taiwanese citizens residing in the State of Mississippi. The mutual agreement shall be written and signed by the commissioner and Director General. Added by Laws, 2014, ch. 438, HB 500, 1, eff. 3/26/2014. The Commissioner of Public Safety is authorized to negotiate a mutual agreement between the Mississippi Department of Public Safety and the Republic of China (Taiwan), through the Ministry of Transportation and Communications represented by the Director General of the Taipei Economic and Cultural Office in Houston, Texas, for reciprocity in issuing driver's licenses to citizens of the State of Mississippi residing in the Republic of China (Taiwan) and to Taiwanese citizens residing in the State of Mississippi. The mutual agreement shall be written and signed by the commissioner and Director General. Added by Laws, 2014, ch. 438, HB 500, 1, eff. 3/26/2014. The Commissioner of Public Safety is authorized to negotiate a mutual agreement between the Mississippi Department of Public Safety and the Republic of China (Taiwan), through the Ministry of Transportation and Communications represented by the Director General of the Taipei Economic and Cultural Office in Houston, Texas, for reciprocity in issuing driver's licenses to citizens of the State of Mississippi residing in the Republic of China (Taiwan) and to Taiwanese citizens residing in the State of Mississippi. The mutual agreement shall be written and signed by the commissioner and Director General. Added by Laws, 2014, ch. 438, HB 500, 1, eff. 3/26/2014. The Commissioner of Public Safety is authorized to negotiate a mutual agreement between the Mississippi Department of Public Safety and the Republic of China (Taiwan), through the Ministry of Transportation and Communications represented by the Director General of the Taipei Economic and Cultural Office in Houston, Texas, for reciprocity in issuing driver's licenses to citizens of the State of Mississippi residing in the Republic of China (Taiwan) and to Taiwanese citizens residing in the State of Mississippi. The mutual agreement shall be written and signed by the commissioner and Director General. Added by Laws, 2014, ch. 438, HB 500, 1, eff. 3/26/2014.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-73) Section 63-1-9 - Persons prohibited from obtaining license; issuance of learner's permits and driver's licenses

(1) No driver's license or learner's permit shall be issued pursuant to this article: (a) To any person under the age of eighteen (18) years except as provided in this article. (b) To any person whose license to operate a motor vehicle on the highways of Mississippi has been previously revoked or suspended by this state or any other state or territory of the United States or the District of Columbia, if the revocation or suspension period has not expired. (c) To any person who is an habitual drunkard or who is addicted to the use of other narcotic drugs. (d) To any person who would not be able by reason of physical or mental disability to operate a motor vehicle on the highways with safety. However, persons who have one (1) arm or leg, or have arms or legs deformed, and are driving a car provided with mechanical devices whereby the person is able to drive in a safe manner over the highways, if otherwise qualified, shall receive an operator's license the same as other persons. Moreover, deafness shall not be a bar to obtaining a license. (e) To any person as an operator who has previously been adjudged to be afflicted with and suffering from any mental disability and who has not at time of application been restored to mental competency. (f) To any person under the age of eighteen (18) years who does not at the time of application present a diploma or other certificate of high school graduation or a general educational development certificate issued to the person in this state or any other state; or on whose behalf documentation has not been received by the Department of Public Safety from that person or a school official verifying that the person: (i) Is enrolled and making satisfactory progress in a course leading to a general educational development certificate; (ii) Is enrolled in school in this state or any other state; (iii) Is enrolled in a "nonpublic school," as such term is defined in Section 37-13-91(2)(i); or (iv) Is unable to attend any school program due to circumstances deemed acceptable as set out in Section 63-1-10. (g) To any person under the age of eighteen (18) years who has been convicted under Section 63-11-30. (h) Beginning on July 1, 2027, to any person who has not previously obtained a driver's license unless that person has successfully completed a Driver Education and Training Program certified by the State Board of Education or the Department of Public Safety; provided, however, a person under the age of eighteen (18) shall be able to receive a learner's permit as otherwise provided in this article. (2) All permits and licenses issued to an individual under the age of eighteen (18) shall be issued as follows: (a) A learner's permit may be issued to any person who is at least fifteen (15) years of age who otherwise meets the requirements of this article. (b) A driver's license may be issued to any person who is at least sixteen (16) years of age who otherwise meets the requirements of this article and who has held a learner's permit for at least one (1) year without any conviction under Section 63-11-30 or of a moving violation. Any conviction under Section 63-11-30 or of a moving violation shall restart the one-year requirement for the holding of a learner's permit before an applicant can qualify for a driver's license. (c) An applicant for a driver's license who was unable to make timely application for a learner's permit may have the period in which he or she was eligible but unable to apply due to a hardship credited toward the one-year requirement for the holding of a learner's permit. The Department of Public Safety shall set forth the criteria for which a hardship exception may be granted, at the discretion of the department, to any individual who has completed a Driver Education and Training Program certified by the Board of Education or the Department of Public Safety. (d) An applicant for a Mississippi driver's license who, at the time of application, is at least sixteen (16) years of age and who has held a valid motor vehicle driver's license issued by another state for at least six (6) months shall not be required to hold a learner's permit before being issued a driver's license. (e) In addition to the restrictions set forth in Section 63-1-21(3), the commissioner may establish rules, regulations and restrictions for the operation of a motor vehicle during the first twelve (12) months that an individual under the age of eighteen (18) possesses a license. (f) Beginning July 1, 2026, the Department of Public Safety shall establish a Driver Education and Training Program to be taught throughout the state and made available for home school students and adults who have not otherwise taken a driver's education course. Upon completion of the course, each participant shall be issued a Certificate of Completion, and a record of the certificate shall be delivered to the Mississippi Driver Service Bureau. (3) The commissioner shall ensure that the learner's permit and driver's license issued under this article are clear, distinct and easily distinguishable from one another. Codes, 1942, § 8093; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 7; Laws, 1994, ch. 588, § 1; Laws, 1995, ch. 540, § 2; Laws, 1996, ch. 527, § 1; Laws, 2000, ch. 624, § 2; Laws, 2009, ch. 488, § 1, eff. 7/1/2009. Amended by Laws, 2024, ch. 505, SB 2695, § 6, eff. 7/1/2024. Amended by Laws, 2021, ch. 464, SB 2598, § 2, eff. 4/16/2021. Amended by Laws, 2021, ch. 414, HB 550, § 3, eff. 4/5/2021. Amended by Laws, 2020, ch. 471, SB 3052, § 1, eff. 7/1/2020. Amended by Laws, 2014, ch. 424, SB 2794, 19, eff. 10/1/2014. (1) No driver's license or learner's permit shall be issued pursuant to this article: (a) To any person under the age of eighteen (18) years except as provided in this article. (b) To any person whose license to operate a motor vehicle on the highways of Mississippi has been previously revoked or suspended by this state or any other state or territory of the United States or the District of Columbia, if the revocation or suspension period has not expired. (c) To any person who is an habitual drunkard or who is addicted to the use of other narcotic drugs. (d) To any person who would not be able by reason of physical or mental disability to operate a motor vehicle on the highways with safety. However, persons who have one (1) arm or leg, or have arms or legs deformed, and are driving a car provided with mechanical devices whereby the person is able to drive in a safe manner over the highways, if otherwise qualified, shall receive an operator's license the same as other persons. Moreover, deafness shall not be a bar to obtaining a license. (e) To any person as an operator who has previously been adjudged to be afflicted with and suffering from any mental disability and who has not at time of application been restored to mental competency. (f) To any person under the age of eighteen (18) years who does not at the time of application present a diploma or other certificate of high school graduation or a general educational development certificate issued to the person in this state or any other state; or on whose behalf documentation has not been received by the Department of Public Safety from that person or a school official verifying that the person: (i) Is enrolled and making satisfactory progress in a course leading to a general

educational development certificate;(ii)Is enrolled in school in this state or any other state;(iii)Is enrolled in a "nonpublic school," as such term is defined in Section37-13-91(2)(i); or(iv)Is unable to attend any school program due to circumstances deemed acceptable as set out in Section63-1-10.(g)To any person under the age of eighteen (18) years who has been convicted under Section63-11-30.(h)Beginning on July 1, 2027, to any person who has not previously obtained a driver's license unless that person has successfully completed a Driver Education and Training Program certified by the State Board of Education or the Department of Public Safety; provided, however, a person under the age of eighteen (18) shall be able to receive a learner's permit as otherwise provided in this article.(2)All permits and licenses issued to an individual under the age of eighteen (18) shall be issued as follows:(a)A learner's permit may be issued to any person who is at least fifteen (15) years of age who otherwise meets the requirements of this article.(b)A driver's license may be issued to any person who is at least sixteen (16) years of age who otherwise meets the requirements of this article and who has held a learner's permit for at least one (1) year without any conviction under Section63-11-30or of a moving violation. Any conviction under Section63-11-30or of a moving violation shall restart the one-year requirement for the holding of a learner's permit before an applicant can qualify for a driver's license.(c)An applicant for a driver's license who was unable to make timely application for a learner's permit may have the period in which he or she was eligible but unable to apply due to a hardship credited toward the one-year requirement for the holding of a learner's permit. 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Public Safety.(d)An applicant for a Mississippi driver's license who, at the time of application, is at least sixteen (16) years of age and who has held a valid motor vehicle driver's license issued by another state for at least six (6) months shall not be required to hold a learner's permit before being issued a driver's license.(e)In addition to the restrictions set forth in Section63-1-21(3), the commissioner may establish rules, regulations and restrictions for the operation of a motor vehicle during the first twelve (12) months that an individual under the age of eighteen (18) possesses a license.(f)Beginning July 1, 2026, the Department of Public Safety shall establish a Driver Education and Training Program to be taught throughout the state and made available for home school students and adults who have not otherwise taken a driver's education course. Upon completion of the course, each participant shall be issued a Certificate of Completion, and a record of the certificate shall be delivered to the Mississippi Driver Service Bureau.(3)The commissioner shall ensure that the learner's permit and driver's license issued under this article are clear, distinct and easily distinguishable from one another.Codes, 1942, § 8093; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 7; Laws, 1994, ch. 588, § 1; Laws, 1995, ch. 540, § 2; Laws, 1996, ch. 527, § 1; Laws, 2000, ch. 624, § 2; Laws, 2009, ch. 488, § 1, eff. 7/1/2009.Amended by Laws, 2024, ch. 505, SB 2695,§ 6, eff. 7/1/2024.Amended by Laws, 2021, ch. 464, SB 2598,§ 2, eff. 4/16/2021.Amended by Laws, 2021, ch. 414, HB 550,§ 3, eff. 4/5/2021.Amended by Laws, 2020, ch. 471, SB 3052,§ 1, eff. 7/1/2020.Amended by Laws, 2014, ch. 424, SB 2794, 19, eff. 10/1/2014. Codes, 1942, § 8093; Laws, 1938, ch. 143; Laws, 1985, ch. 376, § 7; Laws, 1994, ch. 588, § 1; Laws, 1995, ch. 540, § 2; Laws, 1996, ch. 527, § 1; Laws, 2000, ch. 624, § 2; Laws, 2009, ch. 488, § 1, eff. 7/1/2009. Amended by Laws, 2024, ch. 505, SB 2695,§ 6, eff. 7/1/2024. Amended by Laws, 2021, ch. 464, SB 2598,§ 2, eff. 4/16/2021. Amended by Laws, 2021, ch. 414, HB 550,§ 3, eff. 4/5/2021. Amended by Laws, 2020, ch. 471, SB 3052,§ 1, eff. 7/1/2020. Amended by Laws, 2014, ch. 424, SB 2794, 19, eff. 10/1/2014.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 3 - DRIVER LICENSE COMPACT LAW (§§ 63-1-101 — 63-1-113)Section 63-1-101 - Short title

This article may be cited as the Mississippi Driver License Compact Law.Codes, 1942, § 8125-01; Laws, 1962, ch. 514, § 1, eff. 7/1/1962. This article may be cited as the Mississippi Driver License Compact Law.Codes, 1942, § 8125-01; Laws, 1962, ch. 514, § 1, eff. 7/1/1962. This article may be cited as the Mississippi Driver License Compact Law.Codes, 1942, § 8125-01; Laws, 1962, ch. 514, § 1, eff. 7/1/1962. This article may be cited as the Mississippi Driver License Compact Law. Codes, 1942, § 8125-01; Laws, 1962, ch. 514, § 1, eff. 7/1/1962.

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The Driver License Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:DRIVER LICENSE COMPACTARTICLE IFindings and Declaration of Policy(a)The party states find that:(1)The safety of their streets and highways is materially affected by the degree of compliance with state and local ordinances relating to the operation of motor vehicles.(2)Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.(3)The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.(b)It is the policy of each of the party states to:(1)Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.(2)Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.ARTICLE IIDefinitionsAs used in this compact:(a)"State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.(b)"Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.(c)"Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.ARTICLE IIIReports of ConvictionThe licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or whether the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.ARTICLE IVEffect of Conviction(a)The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of conviction for:(1)Manslaughter or negligent homicide resulting from the operation of a motor vehicle;(2)Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;(3)Any felony in the commission of which a motor vehicle is used;(4)Failure to stop and render aid in the event of a motor vehicle accident resulting in

the death or personal injury of another.(b)As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.(c)If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this Article, such party state shall construe the denomination and description appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this Article.

ARTICLE V Application for New Licenses Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if: (1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated. (2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways. (3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

ARTICLE VI Applicability of Other Laws Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

ARTICLE VII Compact Administrator and Interchange of Information (a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact. (b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

ARTICLE VIII Entry Into Force and Withdrawal (a) This compact shall enter into force and become effective as to any state when it has enacted the same into law. (b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX Construction and Severability This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. Codes, 1942, § 8125-02; Laws, 1962, ch. 514, § 2, eff. 7/1/1962. The Driver License Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

DRIVER LICENSE COMPACT

ARTICLE I Findings and Declaration of Policy (a) The party states find that: (1) The safety of their streets and highways is materially affected by the degree of compliance with state and local ordinances relating to the operation of motor vehicles. (2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property. (3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated. (b) It is the policy of each of the party states to: (1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles. (2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

ARTICLE II Definitions As used in this compact: (a) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. (b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle. (c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III Reports of Conviction The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or whether the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

ARTICLE IV Effect of Conviction (a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of conviction for: (1) Manslaughter or negligent homicide resulting from the operation of a

motor vehicle;(2)Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;(3)Any felony in the commission of which a motor vehicle is used;(4)Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.(b)As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.(c)If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this Article, such party state shall construe the denomination and description appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this Article.

ARTICLE V Application for New LicensesUpon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:(1)The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.(2)The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.(3)The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

ARTICLE VI Applicability of Other LawsExcept as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

ARTICLE VII Compact Administrator and Interchange of Information(a)The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.(b)The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

ARTICLE VIII Entry Into Force and Withdrawal(a)This compact shall enter into force and become effective as to any state when it has enacted the same into law.(b)Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX Construction and SeverabilityThis compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Codes, 1942, § 8125-02; Laws, 1962, ch. 514, § 2, eff. 7/1/1962. The Driver License Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

DRIVER LICENSE COMPACT

ARTICLE I Findings and Declaration of Policy(a)The party states find that:(1)The safety of their streets and highways is materially affected by the degree of compliance with state and local ordinances relating to the operation of motor vehicles.(2)Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.(3)The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.(b)It is the policy of each of the party states to:(1)Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.(2)Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

ARTICLE II DefinitionsAs used in this compact:(a)"State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.(b)"Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.(c)"Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III Reports of ConvictionThe licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or whether the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

ARTICLE IV Effect of Conviction(a)The licensing authority in the home state, for the

purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of conviction for: (1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle; (2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle; (3) Any felony in the commission of which a motor vehicle is used; (4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another. (b) As to other convictions, reported pursuant to Article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state. (c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this Article, such party state shall construe the denomination and description appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this Article.

ARTICLE V Application for New Licenses Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if: (1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated. (2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways. (3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

ARTICLE VI Applicability of Other Laws Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

ARTICLE VII Compact Administrator and Interchange of Information (a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact. (b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

ARTICLE VIII Entry Into Force and Withdrawal (a) This compact shall enter into force and become effective as to any state when it has enacted the same into law. (b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX Construction and Severability This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Codes, 1942, § 8125-02; Laws, 1962, ch. 514, § 2, eff. 7/1/1962. The Driver License Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

DRIVER LICENSE COMPACT Findings and Declaration of Policy

Definitions As used in this compact:

Reports of Conviction The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or whether the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

Effect of Conviction

Application for New Licenses Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

Applicability of Other Laws Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

Compact Administrator and Interchange of Information

Entry Into Force and Withdrawal

Construction and Severability This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Codes, 1942, § 8125-02; Laws,

1962, ch. 514, § 2, eff. 7/1/1962.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 3 - DRIVER LICENSE COMPACT LAW (§§ 63-1-101 — 63-1-113)Section 63-1-105 - Governor as "executive head."

As used in the compact, with reference to this state, the term "executive head" shall mean the governor.Codes, 1942, § 8125-05; Laws, 1962, ch. 514, § 5, eff. 7/1/1962. As used in the compact, with reference to this state, the term "executive head" shall mean the governor.Codes, 1942, § 8125-05; Laws, 1962, ch. 514, § 5, eff. 7/1/1962. As used in the compact, with reference to this state, the term "executive head" shall mean the governor.Codes, 1942, § 8125-05; Laws, 1962, ch. 514, § 5, eff. 7/1/1962. As used in the compact, with reference to this state, the term "executive head" shall mean the governor. Codes, 1942, § 8125-05; Laws, 1962, ch. 514, § 5, eff. 7/1/1962.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 3 - DRIVER LICENSE COMPACT LAW (§§ 63-1-101 — 63-1-113)Section 63-1-107 - Commissioner of public safety as "licensing authority;" duties of commissioner

As used in the compact, the term "licensing authority" with reference to this state, shall mean the department of public safety. The commissioner of public safety shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV and V of the compact.Codes, 1942, § 8125-03; Laws, 1962, ch. 514, § 3, eff. 7/1/1962. As used in the compact, the term "licensing authority" with reference to this state, shall mean the department of public safety. The commissioner of public safety shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV and V of the compact.Codes, 1942, § 8125-03; Laws, 1962, ch. 514, § 3, eff. 7/1/1962. As used in the compact, the term "licensing authority" with reference to this state, shall mean the department of public safety. The commissioner of public safety shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV and V of the compact.Codes, 1942, § 8125-03; Laws, 1962, ch. 514, § 3, eff. 7/1/1962. As used in the compact, the term "licensing authority" with reference to this state, shall mean the department of public safety. The commissioner of public safety shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV and V of the compact. Codes, 1942, § 8125-03; Laws, 1962, ch. 514, § 3, eff. 7/1/1962.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 3 - DRIVER LICENSE COMPACT LAW (§§ 63-1-101 — 63-1-113)Section 63-1-109 - Compensation of commissioner as compact administrator

The commissioner of public safety as compact administrator provided for in Article VII of the compact shall not be entitled to any additional compensation on account of his service as such administrator. However, he shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.Codes, 1942, § 8125-04; Laws, 1962, ch. 514, § 4, eff. 7/1/1962. The commissioner of public safety as compact administrator provided for in Article VII of the compact shall not be entitled to any additional compensation on account of his service as such administrator. However, he shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.Codes, 1942, § 8125-04; Laws, 1962, ch. 514, § 4, eff. 7/1/1962. The commissioner of public safety as compact administrator provided for in Article VII of the compact shall not be entitled to any additional compensation on account of his service as such administrator. However, he shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.Codes, 1942, § 8125-04; Laws, 1962, ch. 514, § 4, eff. 7/1/1962. The commissioner of public safety as compact administrator provided for in Article VII of the compact shall not be entitled to any additional compensation on account of his service as such administrator. However, he shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment. Codes, 1942, § 8125-04; Laws, 1962, ch. 514, § 4, eff. 7/1/1962.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 3 - DRIVER LICENSE COMPACT LAW (§§ 63-1-101 — 63-1-113)Section 63-1-111 - Reports by courts or other state agencies to commissioner

Any court or other agency of this state, or a subdivision thereof, which has jurisdiction to take any action suspending, revoking or otherwise limiting a license to drive, shall report any such action and the adjudication upon which it is based to the commissioner of public safety in the manner and within the time provided by subsection (1) of Section63-1-51and Section63-1-55.Codes, 1942, § 8125-06; Laws, 1962, ch. 514, § 6, eff. 7/1/1962. Any court or other agency of this state, or a subdivision thereof, which has jurisdiction to take any action suspending, revoking or otherwise limiting a license to drive, shall report any such action and the adjudication upon which it is based to the commissioner of public safety in the manner and within the time provided by subsection

(1) of Section63-1-51and Section63-1-55.Codes, 1942, § 8125-06; Laws, 1962, ch. 514, § 6, eff. 7/1/1962. Any court or other agency of this state, or a subdivision thereof, which has jurisdiction to take any action suspending, revoking or otherwise limiting a license to drive, shall report any such action and the adjudication upon which it is based to the commissioner of public safety in the manner and within the time provided by subsection (1) of Section63-1-51and Section63-1-55.Codes, 1942, § 8125-06; Laws, 1962, ch. 514, § 6, eff. 7/1/1962. Any court or other agency of this state, or a subdivision thereof, which has jurisdiction to take any action suspending, revoking or otherwise limiting a license to drive, shall report any such action and the adjudication upon which it is based to the commissioner of public safety in the manner and within the time provided by subsection (1) of Section63-1-51and Section63-1-55. Codes, 1942, § 8125-06; Laws, 1962, ch. 514, § 6, eff. 7/1/1962.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 3 - DRIVER LICENSE COMPACT LAW (§§ 63-1-101 — 63-1-113)Section 63-1-113 - Applicability of Article IV of compact to certain offenses

Article IV of the compact, set forth in Section63-1-103, shall apply to those offenses enumerated in subsection (1) of Section63-1-51, and any suspension therefor shall be governed by the provisions of Section63-1-53.Codes, 1942, § 8125-07; Laws, 1962, ch. 514, § 7, eff. 7/1/1962. Article IV of the compact, set forth in Section63-1-103, shall apply to those offenses enumerated in subsection (1) of Section63-1-51, and any suspension therefor shall be governed by the provisions of Section63-1-53.Codes, 1942, § 8125-07; Laws, 1962, ch. 514, § 7, eff. 7/1/1962. Article IV of the compact, set forth in Section63-1-103, shall apply to those offenses enumerated in subsection (1) of Section63-1-51, and any suspension therefor shall be governed by the provisions of Section63-1-53.Codes, 1942, § 8125-07; Laws, 1962, ch. 514, § 7, eff. 7/1/1962. Article IV of the compact, set forth in Section63-1-103, shall apply to those offenses enumerated in subsection (1) of Section63-1-51, and any suspension therefor shall be governed by the provisions of Section63-1-53. Codes, 1942, § 8125-07; Laws, 1962, ch. 514, § 7, eff. 7/1/1962.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 5 - COMMERCIAL DRIVER'S LICENSE ACT (§§ 63-1-201 — 63-1-226)Section 63-1-201 - Short title

This article may be cited as the Commercial Driver's License Act.Laws, 2009, ch. 560, § 1, eff. 7/1/2009. This article may be cited as the Commercial Driver's License Act.Laws, 2009, ch. 560, § 1, eff. 7/1/2009. This article may be cited as the Commercial Driver's License Act.Laws, 2009, ch. 560, § 1, eff. 7/1/2009. This article may be cited as the Commercial Driver's License Act. Laws, 2009, ch. 560, § 1, eff. 7/1/2009.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 5 - COMMERCIAL DRIVER'S LICENSE ACT (§§ 63-1-201 — 63-1-226)Section 63-1-202 - Statement of intent and purpose

The purpose of this article is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (49 USCS Section 31301 et seq.), hereinafter referred to as "CMVSA," and thereby prevent the loss to the State of Mississippi of substantial federal highway funds as a penalty for failure to comply therewith.This article is a remedial law which should be liberally construed to promote public health, safety and welfare. The provisions of Article 1 of this chapter, being the Highway Safety Patrol and Driver's License Law of 1938, and the provisions of Title 63, Chapter 11, Mississippi Code of 1972, being the Mississippi Implied Consent Law, including penalties for violations thereof, shall be applicable to the provisions of this article to the extent that such laws do not conflict with the provisions of this article. If any provisions of this article conflict with the provisions of the Highway Safety Patrol and Driver's License Law of 1938 or the Mississippi Implied Consent Law, then the provisions of this article shall control.Laws, 2009, ch. 560, § 2, eff. 7/1/2009. The purpose of this article is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (49 USCS Section 31301 et seq.), hereinafter referred to as "CMVSA," and thereby prevent the loss to the State of Mississippi of substantial federal highway funds as a penalty for failure to comply therewith.This article is a remedial law which should be liberally construed to promote public health, safety and welfare. The provisions of Article 1 of this chapter, being the Highway Safety Patrol and Driver's License Law of 1938, and the provisions of Title 63, Chapter 11, Mississippi Code of 1972, being the Mississippi Implied Consent Law, including penalties for violations thereof, shall be applicable to the provisions of this article to the extent that such laws do not conflict with the provisions of this article. If any provisions of this article conflict with the provisions of the Highway Safety Patrol and Driver's License Law of 1938 or the Mississippi Implied Consent Law, then the provisions of this article shall control.Laws, 2009, ch. 560, § 2, eff. 7/1/2009. The purpose of this article is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (49 USCS Section 31301 et seq.), hereinafter referred to as "CMVSA," and thereby prevent the loss to the State of Mississippi of substantial federal highway funds as a penalty for failure to comply therewith.This article is a remedial law which should be liberally construed to promote public health, safety and welfare. The provisions of Article 1 of this chapter, being the Highway Safety Patrol and Driver's License Law of 1938, and the provisions of Title 63, Chapter 11, Mississippi Code of 1972, being the Mississippi Implied Consent Law, including penalties for violations thereof, shall be applicable to the provisions of this article to the extent that such laws do not conflict with the provisions of this article. If any provisions of this article conflict with the provisions of the Highway Safety Patrol and Driver's License Law of 1938 or the Mississippi Implied Consent Law, then the provisions of this article shall control.Laws, 2009, ch. 560, § 2, eff. 7/1/2009. The purpose of this article is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (49 USCS Section 31301 et seq.), hereinafter referred to as

"CMVSA," and thereby prevent the loss to the State of Mississippi of substantial federal highway funds as a penalty for failure to comply therewith. This article is a remedial law which should be liberally construed to promote public health, safety and welfare. The provisions of Article 1 of this chapter, being the Highway Safety Patrol and Driver's License Law of 1938, and the provisions of Title 63, Chapter 11, Mississippi Code of 1972, being the Mississippi Implied Consent Law, including penalties for violations thereof, shall be applicable to the provisions of this article to the extent that such laws do not conflict with the provisions of this article. If any provisions of this article conflict with the provisions of the Highway Safety Patrol and Driver's License Law of 1938 or the Mississippi Implied Consent Law, then the provisions of this article shall control. Laws, 2009, ch. 560, § 2, eff. 7/1/2009.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 5 - COMMERCIAL DRIVER'S LICENSE ACT (§§ 63-1-201 — 63-1-226) Section 63-1-203 - Definitions

As used in this article: (a) "Alcohol" means any substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol and isopropanol. (b) "Alcohol concentration" means the concentration of alcohol in a person's blood or breath. When expressed as a percentage it means: (i) The number of grams of alcohol per one hundred (100) milliliters of blood; or (ii) The number of grams of alcohol per two hundred ten (210) liters of breath. (c) "Commercial driver's license" or "CDL" means a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR, Part 383, to an individual which authorizes the individual to operate a class of commercial motor vehicle. (d) "Commercial driver's license information system" or "CDLIS" means the CDLIS established by the Federal Motor Carrier Safety Administration (FMCSA) pursuant to Section 12007, of the Commercial Motor Vehicle Safety Act of 1986. (e) "Commercial learner's permit" means a permit issued pursuant to Section 63-1-208(5). (f) "Commercial motor vehicle" or "CMV" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle: (i) Has a gross combination weight rating of eleven thousand seven hundred ninety-four (11,794) kilograms or more (twenty-six thousand one (26,001) pounds or more) inclusive of a towed unit(s) with a gross vehicle weight rating of more than four thousand five hundred thirty-six (4,536) kilograms (ten thousand (10,000) pounds); (ii) Has a gross vehicle weight rating of eleven thousand seven hundred ninety-four (11,794) or more kilograms (twenty-six thousand one (26,001) pounds or more); (iii) Is designed to transport sixteen (16) or more passengers, including the driver; (iv) Is of any size and is used in the transportation of hazardous materials as defined in this section; or (v) The term shall not include: 1. Authorized emergency vehicles as defined in Section 63-3-103; 2. Motor homes as defined in Section 63-3-103; however, this exemption shall only apply to vehicles used strictly for recreational, noncommercial purposes; 3. Military and commercial equipment owned or operated by the United States Department of Defense, including the National Guard and Mississippi Military Department, and operated by: active duty military personnel; members of the military reserves; members of the National Guard on active duty, including personnel on full-time National Guard duty; personnel on part-time National Guard training; National Guard military technicians (civilians who are required to wear military uniforms); employees of the Mississippi Military Department; and active duty United States Coast Guard personnel. This exception is not applicable to United States Reserve technicians; 4. Farm vehicles, which are vehicles: a. Controlled and operated by a farmer; b. Used to transport either agricultural products, farm machinery, farm supplies, or both, to or from a farm; c. Not used in the operations of a common or contract motor carrier; and d. Used within one hundred fifty (150) miles of the farm. (g) "Controlled substance" means any substance so classified under Section 102(6) of the Controlled Substances Act, 21 USCS 802(6), and includes all substances listed on Schedules I through V of 21 Code of Federal Regulations, Part 1308, as they may be revised from time to time, any substance so classified under Sections 41-29-113 through 41-29-121, Mississippi Code of 1972, and any other substance which would impair a person's ability to operate a motor vehicle. (h) "Conviction" means an unvacated adjudication of guilt, or a determination by a judge or hearing officer that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. Conviction shall also mean a plea of guilty or nolo contendere which has been accepted by the court. (i) "Disqualification" means any of the following three (3) actions: (i) The suspension, revocation or cancellation of a commercial driver's license by the state or jurisdiction of issuance; (ii) Any withdrawal of a person's privilege to drive a commercial motor vehicle by a state or other jurisdiction as the result of a violation of state or local law relating to motor vehicle traffic control, other than parking, vehicle weight or vehicle defect violations; or (iii) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 CFR, Part 391. (j) "Driver" means any person who drives, operates or is in physical control of a commercial motor vehicle on a public highway or who is required to hold a commercial driver's license. (k) "Employer" means any person, including the United States, a state, the District of Columbia or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns employees to operate a commercial motor vehicle. (l) "Foreign" means outside the fifty (50) United States and the District of Columbia. (m) "Gross combination weight rating" or "GCWR" means the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, gross combination weight rating will be determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit and any load thereon. (n) "Gross vehicle weight rating" or "GVWR" means the value specified by the manufacturer as the loaded weight of a single vehicle. (o) "Hazardous materials" means any material that has been designated as hazardous under 49 USCS Section 5103 and is required to be placarded under subpart F of 49 CFR, Part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR, Part 73. (p) "Imminent hazard" means the existence of a

condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury, or endangerment.(q)"Nonresident commercial driver's license" or "nonresident CDL" means a commercial driver's license issued by a state to an individual under either of the following two (2) conditions:(i)To an individual domiciled in a foreign country meeting the requirements of 49 CFR, Part 383.23(b)(1); or(ii)To an individual domiciled in another state meeting the requirements of 49 CFR, Part 383.23(b)(2).(r)"Serious traffic violation" means conviction at any time when operating a commercial motor vehicle or at those times when operating a noncommercial motor vehicle when the conviction results in the revocation, cancellation, or suspension of the operator's license or operating privilege, of:(i)Excessive speeding, involving a single charge of any speed fifteen (15) miles per hour or more, above the posted speed limit;(ii)Reckless driving, as defined under state or local law;(iii)Improper traffic lane changes, as defined in Section63-3-601,63-3-603,63-3-613or63-3-803;(iv)Following the vehicle ahead too closely, as defined in Section63-3-619;(v)A violation of any state law or local ordinance relating to motor vehicle traffic control, other than a parking violation, arising in connection with an accident or collision resulting in death to any person;(vi)Operating a commercial motor vehicle without obtaining a commercial driver's license;(vii)Operating a commercial motor vehicle without a commercial driver's license in the driver's possession;(viii)Operating a commercial motor vehicle without the proper class of commercial driver's license or endorsements, or both.(s)"Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican, or local jurisdiction, that a driver, or a commercial motor vehicle, or a motor carrier operation, is out of service pursuant to 49 CFR, Part 386.72,392.5,395.13,396.9or compatible laws, or the North American Uniform Out-of-Service Criteria.(t)"State of domicile" means that state where a person has a true, fixed and permanent home and principal residence and to which the person has the intention of returning whenever the person is absent.(u)"Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 CFR, Part 171 . However, they do not include portable tanks having a rated capacity under one thousand (1,000) gallons.(v)"United States" means the fifty (50) states and the District of Columbia.(w)"Fully autonomous vehicle" means a motor vehicle equipped with an automated driving system designed to function without a human driver as a Level 4 or Level 5 automation system under the Society of Automotive Engineers (SAE) Standard J3016.Laws, 2009, ch. 560, § 3, eff. 7/1/2009.Amended by Laws, 2023, ch. 443, HB 1003,§ 15, eff. 7/1/2023.Amended by Laws, 2019, ch. 311, HB 751,§ 1, eff. 7/1/2019. As used in this article:(a)"Alcohol" means any substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol and isopropanol.(b)"Alcohol concentration" means the concentration of alcohol in a person's blood or breath. 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This exception is not applicable to United States Reserve technicians;4.Farm vehicles, which are vehicles:a.Controlled and operated by a farmer;b.Used to transport either agricultural products, farm machinery, farm supplies, or both, to or from a farm;c.Not used in the operations of a common or contract motor carrier; andd.Used within one hundred fifty (150) miles of the farm.(g)"Controlled substance" means any substance so classified under Section 102(6) of the Controlled Substances Act, 21 USCS 802(6), and includes all substances listed on Schedules I through V of 21 Code of Federal Regulations, Part 1308, as they may be revised from time to time, any substance so classified under Sections41-29-113through41-29-121, Mississippi Code of 1972, and any other substance which would impair a person's ability to operate a motor vehicle.(h)"Conviction" means an unvacated adjudication of guilt, or a determination by a judge or hearing officer that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. 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No person who drives a commercial motor vehicle shall have more than one (1) driver's license. Laws, 2009, ch. 560, § 4, eff. 7/1/2009. No person who drives a commercial motor vehicle shall have more than one (1) driver's license. Laws, 2009, ch. 560, § 4, eff. 7/1/2009. No person who drives a commercial motor vehicle shall have more than one (1) driver's license. Laws, 2009, ch. 560, § 4, eff. 7/1/2009. No person who drives a commercial motor vehicle shall have more than one (1) driver's license. Laws, 2009, ch. 560, § 4, eff. 7/1/2009.

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The driver of a commercial motor vehicle shall notify the state and employers of convictions as follows: (a) The state. Any driver of a commercial motor vehicle holding a driver's license issued by this state who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control in any other state or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, shall notify the commissioner in the manner specified by the commissioner within thirty (30) days of the date of conviction. (b) Employers. Any driver of a commercial motor vehicle holding a driver's license issued by this state who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control in this or any other state or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, shall notify the driver's employer in writing of the conviction within thirty (30) days of the date of conviction. (c) Notification of suspensions, revocations and cancellations. A driver whose driver's license is suspended, revoked, or cancelled by any state, who loses the privilege to drive a commercial motor vehicle in any state for any period, or who is disqualified from driving a commercial motor vehicle for any period, shall notify the driver's employer of that fact before the end of the business day following the day the driver received notice of that fact. (d) Notification of previous employment. Any person who applies to be a commercial motor vehicle driver must provide the employer, at the time of the application, with the following information for the ten (10) years preceding the date of application: (i) A list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle; (ii) The dates between which the applicant drove for each employer; and (iii) The reason for leaving that employer. The applicant must certify that all information furnished is true and complete. An employer may require an applicant to provide additional information. Laws, 2009, ch. 560, § 5, eff. 7/1/2009. The driver of a commercial motor vehicle shall notify the state and employers of convictions as follows: (a) The state. Any driver of a commercial motor vehicle holding a driver's license issued by this state who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control in any other state or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, shall notify the commissioner in the manner specified by the commissioner within thirty (30) days of the date of conviction. (b) Employers. Any driver of a commercial motor vehicle holding a driver's license issued by this state who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control in this or any other state or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, shall notify the driver's employer in writing of the conviction within thirty (30) days of the date of conviction. (c) Notification of suspensions, revocations and cancellations. A driver whose driver's license is suspended, revoked, or cancelled by any state, who loses the privilege to drive a commercial motor vehicle in any state for any period, or who is disqualified from driving a commercial motor vehicle for any period, shall notify the driver's employer of that fact before the end of the business day following the day the driver received notice of that fact. (d) Notification of previous employment. Any person who applies to be a commercial motor vehicle driver must provide the employer, at the time of the application, with the following information for the ten (10) years preceding the date of application: (i) A list of the names and addresses of the applicant's previous

employers for which the applicant was a driver of a commercial motor vehicle;(ii)The dates between which the applicant drove for each employer; and(iii)The reason for leaving that employer.The applicant must certify that all information furnished is true and complete. An employer may require an applicant to provide additional information.Laws, 2009, ch. 560, § 5, eff. 7/1/2009. The driver of a commercial motor vehicle shall notify the state and employers of convictions as follows: The applicant must certify that all information furnished is true and complete. An employer may require an applicant to provide additional information. Laws, 2009, ch. 560, § 5, eff. 7/1/2009.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 5 - COMMERCIAL DRIVER'S LICENSE ACT (§§ 63-1-201 — 63-1-226)Section 63-1-206 - Employer responsibilities

(1)Each employer shall require the applicant to provide the information specified in Section63-3-205(c).(2)No employer may knowingly allow, require, permit or authorize a driver to operate a commercial motor vehicle in the United States:(a)During any period in which the driver has a CMV driver's license suspended, revoked, or cancelled by a state or has lost the privilege to operate a commercial motor vehicle in a state, or has been disqualified from operating a commercial motor vehicle;(b)During any period in which the driver has more than one (1) CMV driver's license;(c)During any period in which the driver, or the CMV the driver is driving, or the motor carrier operation, is subject to an out-of-service order; or(d)In violation of a federal, state or local law or regulation pertaining to railroad-highway grade crossings.Laws, 2009, ch. 560, § 6, eff. 7/1/2009. (1)Each employer shall require the applicant to provide the information specified in Section63-3-205(c).(2)No employer may knowingly allow, require, permit or authorize a driver to operate a commercial motor vehicle in the United States:(a)During any period in which the driver has a CMV driver's license suspended, revoked, or cancelled by a state or has lost the privilege to operate a commercial motor vehicle in a state, or has been disqualified from operating a commercial motor vehicle;(b)During any period in which the driver has more than one (1) CMV driver's license;(c)During any period in which the driver, or the CMV the driver is driving, or the motor carrier operation, is subject to an out-of-service order; or(d)In violation of a federal, state or local law or regulation pertaining to railroad-highway grade crossings.Laws, 2009, ch. 560, § 6, eff. 7/1/2009. Laws, 2009, ch. 560, § 6, eff. 7/1/2009.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 5 - COMMERCIAL DRIVER'S LICENSE ACT (§§ 63-1-201 — 63-1-226)Section 63-1-207 - Commercial driver's license required

(1)Except when driving under a commercial learner's permit and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, no person may drive a commercial motor vehicle on the highways of this state unless the person:(a)Holds a commercial driver's license;(b)Is in immediate possession of the license; and(c)The license has the applicable endorsements valid for the vehicle the person is driving.(2)No person may be found to have committed a violation of subsection (1) of this section if the person provides proof to the court having jurisdiction of the traffic complaint that the individual held a commercial driver's license valid for the vehicle the person was driving on the date the complaint was issued.(3)No person may drive a commercial motor vehicle while the person's driving privilege is suspended, revoked, or cancelled, while subject to a disqualification.(4)No person may drive a commercial motor vehicle in violation of an out-of-service order.(5)(a)Notwithstanding the provisions of this section, employees of farm-related service industries shall be exempt from the knowledge and skills tests required under this article, and shall be issued restricted commercial driver's licenses as long as the applicants meet the requirements of 49 CFR, Part 383, as amended from time to time, and upon payment of the appropriate fee.(b)"Farm-related service industries" shall include farm retail outlets and suppliers, agri-chemical businesses, custom harvesters, and livestock feeders.Laws, 2009, ch. 560, § 7, eff. 7/1/2009. (1)Except when driving under a commercial learner's permit and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, no person may drive a commercial motor vehicle on the highways of this state unless the person:(a)Holds a commercial driver's license;(b)Is in immediate possession of the license; and(c)The license has the applicable endorsements valid for the vehicle the person is driving.(2)No person may be found to have committed a violation of subsection (1) of this section if the person provides proof to the court having jurisdiction of the traffic complaint that the individual held a commercial driver's license valid for the vehicle the person was driving on the date the complaint was issued.(3)No person may drive a commercial motor vehicle while the person's driving privilege is suspended, revoked, or cancelled, while subject to a disqualification.(4)No person may drive a commercial motor vehicle in violation of an out-of-service order.(5)(a)Notwithstanding the provisions of this section, employees of farm-related service industries shall be exempt from the knowledge and skills tests required under this article, and shall be issued restricted commercial driver's licenses as long as the applicants meet the requirements of 49 CFR, Part 383, as amended from time to time, and upon payment of the appropriate fee.(b)"Farm-related service industries" shall include farm retail outlets and suppliers, agri-chemical businesses, custom harvesters, and livestock feeders.Laws, 2009, ch.

560, § 7, eff. 7/1/2009. (1) Except when driving under a commercial learner's permit and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, no person may drive a commercial motor vehicle on the highways of this state unless the person: (a) Holds a commercial driver's license; (b) Is in immediate possession of the license; and (c) The license has the applicable endorsements valid for the vehicle the person is driving. (2) No person may be found to have committed a violation of subsection (1) of this section if the person provides proof to the court having jurisdiction of the traffic complaint that the individual held a commercial driver's license valid for the vehicle the person was driving on the date the complaint was issued. (3) No person may drive a commercial motor vehicle while the person's driving privilege is suspended, revoked, or cancelled, while subject to a disqualification. (4) No person may drive a commercial motor vehicle in violation of an out-of-service order. (5) (a) Notwithstanding the provisions of this section, employees of farm-related service industries shall be exempt from the knowledge and skills tests required under this article, and shall be issued restricted commercial driver's licenses as long as the applicants meet the requirements of 49 CFR, Part 383, as amended from time to time, and upon payment of the appropriate fee. (b) "Farm-related service industries" shall include farm retail outlets and suppliers, agri-chemical businesses, custom harvesters, and livestock feeders. Laws, 2009, ch. 560, § 7, eff. 7/1/2009. Laws, 2009, ch. 560, § 7, eff. 7/1/2009.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 5 - COMMERCIAL DRIVER'S LICENSE ACT (§§ 63-1-201 — 63-1-226) Section 63-1-208 - Commercial driver's license qualification standards

(1) Except as otherwise provided, the commissioner shall not issue a commercial driver's license and commercial learner's permit to any person under the age of twenty-one (21) years. (2) No person may be issued a commercial driver's license unless that person is domiciled in this state and has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulation enumerated in 49 CFR, Part 383, subparts F, G and H and has satisfied all other requirements of Title XII of Public Law 99-570 in addition to other requirements imposed by state law or federal regulation. The tests shall be prescribed and conducted by the commissioner. If the applicant wishes to have a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed. In addition, the applicant must successfully complete the security threat assessment required by 49 CFR, Part 1572. (3) (a) Any person who has been certified to provide commercial driver's license testing by the International Driver Examiner Certification (IDEC) program administered by the American Association of Motor Vehicle Administrators (AAMVA) shall, for purposes of this section, be defined as a certified third party examiner (CTPE). In addition, the commissioner shall authorize any person, including an agency of this or another state, an employer, a private driver training facility, or other private institution, or a department, agency or instrumentality of local government, to administer the knowledge and skills test specified by this section, provided: (i) The test is the same as would otherwise be administered by the state; and (ii) Either: 1. The third party has entered into an agreement with this state which complies with requirements of 49 CFR, Part 383.75; or 2. The third party is a CTPE as defined in this subsection. The CTPE shall not be a direct employee of a trucking company. (b) A CTPE performing testing under this section shall not be liable for any claim sounding in tort arising out of such testing. (4) (a) The following tests may be waived as provided in this subsection: (i) Knowledge test; (ii) Driving skills test; (iii) Passenger endorsement test; (iv) Tank vehicle endorsement test; and (v) Hazardous materials test. (b) The commissioner, by rules adopted pursuant to the Mississippi Administrative Procedures Law, shall provide for a waiver of the tests specified in this section and entry level driver training for a commercial driver's license applicant who meets the requirements of 49 CFR, Part 383.77; (c) The rules may establish deadlines by which applicants must claim entitlement and qualification to test waivers and may provide for the scheduling of group knowledge testing; (d) The commissioner shall adopt rules and regulations to carry out the provisions of this subsection (4) as soon as practicable after July 1, 2022, but in any case no later than July 1, 2023. (5) A commercial learner's permit shall be issued as follows: (a) A commercial learner's permit may be issued to an individual who holds a valid Mississippi driver's license who has passed the vision and written tests required for the class of license authorizing the operation of the type of vehicle for which the permit application is being made; (b) The commercial learner's permit shall be issued for a period of one (1) year for the fee prescribed in Section 63-1-43. Only one (1) renewal or reissuance may be granted within a two-year period. The holder of a commercial learner's permit may, unless otherwise disqualified, drive a commercial motor vehicle on a highway only when accompanied by the holder of a commercial driver's license valid for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle. (6) A commercial driver's license or commercial learner's permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked or cancelled in any state. A driver's license may not be issued to a person who has a commercial driver's license issued by any state unless the person first surrenders all driver's licenses issued by any state, which licenses shall be returned to the issuing states for cancellation. (7) A person shall be entitled to take the test for a commercial driver's license unless the person's driver's license is, at the time of the requested test, suspended, revoked, cancelled or disqualified in any other state. (8) Notwithstanding any requirement imposed by state law or state or federal regulations restricting the issuance of a commercial driver's license to a person suffering from diabetes, a person suffering from diabetes may be issued a commercial driver's license if the person otherwise meets all qualifications for issuance provided: (a) The driver is physically examined every year, including an examination by a treating clinician attesting to the fact that the driver is: (i) Free of insulin reactions (an individual is free of insulin reactions if that individual does not have severe hypoglycemia or hypoglycemia unawareness, and has less than one (1) documented, symptomatic hypoglycemic reaction per month); (ii) Able to and has demonstrated willingness to properly monitor and manage the person's diabetes; and (iii) Not likely to

suffer any diminution in driving ability due to the person's diabetic condition.(b)The driver agrees to and complies with the following conditions:(i)A source of rapidly absorbable glucose shall be carried at all times while driving;(ii)Blood glucose levels shall be self-monitored one (1) hour prior to driving and at least once every four (4) hours while driving or on duty prior to driving using a portable glucose monitoring device equipped with a computerized memory;(iii)Submit blood glucose logs to the endocrinologist or medical examiner at the annual examination or when otherwise directed by the Department of Public Safety;(iv)Provide a copy of the endocrinologist's report to the medical examiner at the time of the annual medical examination; and(v)Provide a copy of the annual medical certification to the person's employer for retention in the driver's qualification file and retain a copy of the certification on his person while driving for presentation to a duly authorized federal, state or local enforcement official.(c)The commercial license issued under this subsection (8) will bear an endorsement restricting commercial driving on the license to driving only within the boundaries of Mississippi.(d)For purposes of this section, "treating clinician" means a healthcare professional who manages and prescribes insulin for the treatment of the individual's diabetes mellitus.(9)The fees for all licenses, permits, renewals and endorsements shall be as prescribed in Section63-1-43.Laws, 2009, ch. 560, § 8, eff. 7/1/2009.Amended by Laws, 2022, ch. 324, HB 1486,§ 1, eff. 7/1/2022.Amended by Laws, 2020, ch. 477, HB 1371,§ 8, eff. 7/8/2020.Amended by Laws, 2017, ch. 353, HB 383, 1, eff. 7/1/2017.Amended by Laws, 2014, ch. 424, SB 2794, 16, eff. 10/1/2014. (1)Except as otherwise provided, the commissioner shall not issue a commercial driver's license and commercial learner's permit to any person under the age of twenty-one (21) years.(2)No person may be issued a commercial driver's license unless that person is domiciled in this state and has passed a knowledge and skills test for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulation enumerated in 49 CFR, Part 383, subparts F, G and H and has satisfied all other requirements of Title XII of Public Law 99-570 in addition to other requirements imposed by state law or federal regulation. The tests shall be prescribed and conducted by the commissioner. If the applicant wishes to have a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed. In addition, the applicant must successfully complete the security threat assessment required by 49 CFR, Part 1572.(3)(a)Any person who has been certified to provide commercial driver's license testing by the International Driver Examiner Certification (IDEC) program administered by the American Association of Motor Vehicle Administrators (AAMVA) shall, for purposes of this section, be defined as a certified third party examiner (CTPE). In addition, the commissioner shall authorize any person, including an agency of this or another state, an employer, a private driver training facility, or other private institution, or a department, agency or instrumentality of local government, to administer the knowledge and skills test specified by this section, provided:(i)The test is the same as would otherwise be administered by the state; and(ii)Either:1.The third party has entered into an agreement with this state which complies with requirements of 49 CFR, Part 383.75 ; or2.The third party is a CTPE as defined in this subsection. The CTPE shall not be a direct employee of a trucking company.(b)A CTPE performing testing under this section shall not be liable for any claim sounding in tort arising out of such testing.(4)(a)The following tests may be waived as provided in this subsection (4):(i)Knowledge test;(ii)Driving skills test;(iii)Passenger endorsement test;(iv)Tank vehicle endorsement test; and(v)Hazardous materials test.(b)The commissioner, by rules adopted pursuant to the Mississippi Administrative Procedures Law, shall provide for a waiver of the tests specified in this section and entry level driver training for a commercial driver's license applicant who meets the requirements of 49 CFR, Part 383.77 ;(c)The rules may establish deadlines by which applicants must claim entitlement and qualification to test waivers and may provide for the scheduling of group knowledge testing;(d)The commissioner shall adopt rules and regulations to carry out the provisions of this subsection (4) as soon as practicable after July 1, 2022, but in any case no later than July 1, 2023.(5)A commercial learner's permit shall be issued as follows:(a)A commercial learner's permit may be issued to an individual who holds a valid Mississippi driver's license who has passed the vision and written tests required for the class of license authorizing the operation of the type of vehicle for which the permit application is being made;(b)The commercial learner's permit shall be issued for a period of one (1) year for the fee prescribed in Section63-1-43. Only one (1) renewal or reissuance may be granted within a two-year period. The holder of a commercial learner's permit may, unless otherwise disqualified, drive a commercial motor vehicle on a highway only when accompanied by the holder of a commercial driver's license valid for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle.(6)A commercial driver's license or commercial learner's permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked or cancelled in any state. A driver's license may not be issued to a person who has a commercial driver's license issued by any state unless the person first surrenders all driver's licenses issued by any state, which licenses shall be returned to the issuing states for cancellation.(7)A person shall be entitled to take the test for a commercial driver's license unless the person's driver's license is, at the time of the requested test, suspended, revoked, cancelled or disqualified in any other state.(8)Notwithstanding any requirement imposed by state law or state or federal regulations restricting the issuance of a commercial driver's license to a person suffering from diabetes, a person suffering from diabetes may be issued a commercial driver's license if the person otherwise meets all qualifications for issuance provided:(a)The driver is physically examined every year, including an examination by a treating clinician attesting to the fact that the driver is:(i)Free of insulin reactions (an individual is free of insulin reactions if that individual does not have severe hypoglycemia or hypoglycemia unawareness, and has less than one (1) documented, symptomatic hypoglycemic reaction per month);(ii)Able to and has demonstrated willingness to properly monitor and manage the person's diabetes; and(iii)Not likely to suffer any diminution in driving ability due to the person's diabetic condition.(b)The driver agrees to and complies with the following conditions:(i)A source of rapidly absorbable glucose shall be carried at all times while driving;(ii)Blood glucose levels shall be self-monitored one (1) hour prior to driving and at least once every four (4) hours while driving or on duty prior to driving using a portable glucose monitoring

device equipped with a computerized memory;(iii)Submit blood glucose logs to the endocrinologist or medical examiner at the annual examination or when otherwise directed by the Department of Public Safety;(iv)Provide a copy of the endocrinologist's report to the medical examiner at the time of the annual medical examination; and(v)Provide a copy of the annual medical certification to the person's employer for retention in the driver's qualification file and retain a copy of the certification on his person while driving for presentation to a duly authorized federal, state or local enforcement official.(c)The commercial license issued under this subsection (8) will bear an endorsement restricting commercial driving on the license to driving only within the boundaries of Mississippi.(d)For purposes of this section, "treating clinician" means a healthcare professional who manages and prescribes insulin for the treatment of the individual's diabetes mellitus.(9)The fees for all licenses, permits, renewals and endorsements shall be as prescribed in Section63-1-43.Laws, 2009, ch. 560, § 8, eff. 7/1/2009.Amended by Laws, 2022, ch. 324, HB 1486,§ 1, eff. 7/1/2022.Amended by Laws, 2020, ch. 477, HB 1371,§ 8, eff. 7/8/2020.Amended by Laws, 2017, ch. 353, HB 383, 1, eff. 7/1/2017.Amended by Laws, 2014, ch. 424, SB 2794, 16, eff. 10/1/2014. 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In addition, the applicant must successfully complete the security threat assessment required by 49 CFR, Part 1572.(3)(a)Any person who has been certified to provide commercial driver's license testing by the International Driver Examiner Certification (IDEC) program administered by the American Association of Motor Vehicle Administrators (AAMVA) shall, for purposes of this section, be defined as a certified third party examiner (CTPE). 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A driver's license may not be issued to a person who has a commercial driver's license issued by any state unless the person first surrenders all driver's licenses issued by any state, which licenses shall be returned to the issuing states for cancellation.(7)A person shall be entitled to take the test for a commercial driver's license unless the person's driver's license is, at the time of the requested test, suspended, revoked, cancelled or disqualified in any other state.(8)Notwithstanding any requirement imposed by state law or state or federal regulations restricting the issuance of a commercial driver's license to a person suffering from diabetes, a person suffering from diabetes may be issued a commercial driver's license if the person otherwise meets all qualifications for issuance provided:(a)The driver is physically examined every year, including an examination by a treating clinician attesting to the fact that the driver is:(i)Free of insulin reactions (an individual is free of insulin reactions if that individual does not have severe hypoglycemia or hypoglycemia unawareness, and has less than one (1) documented, symptomatic hypoglycemic reaction per month);(ii)Able to and has demonstrated willingness to properly monitor and manage the person's diabetes; and(iii)Not likely to suffer any diminution in driving ability due to the person's diabetic condition.(b)The driver agrees to and complies with the following conditions:(i)A source of rapidly absorbable glucose shall be carried at all times while driving;(ii)Blood glucose levels shall be self-monitored one (1) hour prior to driving and at least once every four (4) hours while driving or on duty prior to driving using a portable glucose monitoring device equipped with a computerized memory;(iii)Submit blood glucose logs to the endocrinologist or medical examiner at the annual examination or when otherwise directed by the Department of Public Safety;(iv)Provide a copy of the endocrinologist's report to the medical examiner at the time of the annual medical examination; and(v)Provide a copy of the annual medical

certification to the person's employer for retention in the driver's qualification file and retain a copy of the certification on his person while driving for presentation to a duly authorized federal, state or local enforcement official.(c)The commercial license issued under this subsection (8) will bear an endorsement restricting commercial driving on the license to driving only within the boundaries of Mississippi.(d)For purposes of this section, "treating clinician" means a healthcare professional who manages and prescribes insulin for the treatment of the individual's diabetes mellitus.(9)The fees for all licenses, permits, renewals and endorsements shall be as prescribed in Section63-1-43.Laws, 2009, ch. 560, § 8, eff. 7/1/2009.Amended by Laws, 2022, ch. 324, HB 1486,§ 1, eff. 7/1/2022.Amended by Laws, 2020, ch. 477, HB 1371,§ 8, eff. 7/8/2020.Amended by Laws, 2017, ch. 353, HB 383, 1, eff. 7/1/2017.Amended by Laws, 2014, ch. 424, SB 2794, 16, eff. 10/1/2014. Laws, 2009, ch. 560, § 8, eff. 7/1/2009. Amended by Laws, 2022, ch. 324, HB 1486,§ 1, eff. 7/1/2022. Amended by Laws, 2020, ch. 477, HB 1371,§ 8, eff. 7/8/2020. Amended by Laws, 2017, ch. 353, HB 383, 1, eff. 7/1/2017. Amended by Laws, 2014, ch. 424, SB 2794, 16, eff. 10/1/2014.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 5 - COMMERCIAL DRIVER'S LICENSE ACT (§§ 63-1-201 — 63-1-226)Section 63-1-209 - Nonresident commercial driver's license

The commissioner may issue a nonresident commercial driver's license to a person domiciled in a foreign jurisdiction if the United States Secretary of Transportation has determined that the commercial motor vehicle testing and licensing standards in the foreign jurisdiction do not meet the testing standards established in 49 CFR, Part 383 . In addition, the commissioner may issue a nonresident commercial driver's license to a person domiciled in a state while that state is prohibited from issuing commercial driver's licenses in accordance with 49 CFR, Part 384.405 . The word "nonresident" must appear on the face of the nonresident commercial driver's license. An applicant shall surrender any nonresident commercial driver's license issued by another state. Prior to issuing a nonresident commercial driver's license, the commissioner shall establish the practical capability of revoking or suspending the nonresident commercial driver's license.Laws, 2009, ch. 560, § 9, eff. 7/1/2009. The commissioner may issue a nonresident commercial driver's license to a person domiciled in a foreign jurisdiction if the United States Secretary of Transportation has determined that the commercial motor vehicle testing and licensing standards in the foreign jurisdiction do not meet the testing standards established in 49 CFR, Part 383 . In addition, the commissioner may issue a nonresident commercial driver's license to a person domiciled in a state while that state is prohibited from issuing commercial driver's licenses in accordance with 49 CFR, Part 384.405 . The word "nonresident" must appear on the face of the nonresident commercial driver's license. An applicant shall surrender any nonresident commercial driver's license issued by another state. Prior to issuing a nonresident commercial driver's license, the commissioner shall establish the practical capability of revoking or suspending the nonresident commercial driver's license.Laws, 2009, ch. 560, § 9, eff. 7/1/2009. The commissioner may issue a nonresident commercial driver's license to a person domiciled in a foreign jurisdiction if the United States Secretary of Transportation has determined that the commercial motor vehicle testing and licensing standards in the foreign jurisdiction do not meet the testing standards established in 49 CFR, Part 383 . In addition, the commissioner may issue a nonresident commercial driver's license to a person domiciled in a state while that state is prohibited from issuing commercial driver's licenses in accordance with 49 CFR, Part 384.405 . The word "nonresident" must appear on the face of the nonresident commercial driver's license. An applicant shall surrender any nonresident commercial driver's license issued by another state. Prior to issuing a nonresident commercial driver's license, the commissioner shall establish the practical capability of revoking or suspending the nonresident commercial driver's license.Laws, 2009, ch. 560, § 9, eff. 7/1/2009. The commissioner may issue a nonresident commercial driver's license to a person domiciled in a foreign jurisdiction if the United States Secretary of Transportation has determined that the commercial motor vehicle testing and licensing standards in the foreign jurisdiction do not meet the testing standards established in 49 CFR, Part 383 . In addition, the commissioner may issue a nonresident commercial driver's license to a person domiciled in a state while that state is prohibited from issuing commercial driver's licenses in accordance with 49 CFR, Part 384.405 . The word "nonresident" must appear on the face of the nonresident commercial driver's license. An applicant shall surrender any nonresident commercial driver's license issued by another state. Prior to issuing a nonresident commercial driver's license, the commissioner shall establish the practical capability of revoking or suspending the nonresident commercial driver's license. Laws, 2009, ch. 560, § 9, eff. 7/1/2009.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 5 - COMMERCIAL DRIVER'S LICENSE ACT (§§ 63-1-201 — 63-1-226)Section 63-1-210 - Application for commercial driver's license

(1)The application for a commercial driver's license or commercial learner's permit shall include the following:(a)The full name and current mailing and residential addresses of the person.(b)A physical description of the person, including sex, height and weight.(c)Date of birth.(d)The applicant's social security number.(e)The person's signature.(f)Certifications that:(i)For an applicant who operates or expects to operate in interstate or foreign commerce or who is otherwise subject to 49 CFR, Part 391, the applicant meets the qualification requirements contained in Part 391; or for an applicant who operates or expects to operate entirely in intrastate commerce and who is not subject to Part 391, that the applicant is subject to state driver qualification requirements and is not subject to Part 391;(ii)The motor vehicle in which the applicant's skills test will be taken is representative of the type of motor vehicle that the applicant operates or expects to operate;(iii)The applicant is not subject to any disqualification under 49 CFR, Part 385.51, or any license suspension, revocation, or cancellation under state law; and(iv)The applicant does not have a driver's license from more than one (1) state or jurisdiction.(g)Any other information required by the commissioner, including, but not limited to,

the names of all states or jurisdictions where the applicant has been licensed to operate any type of motor vehicle during the previous ten (10) years.(h)The application shall be accompanied by a fee as prescribed in Section63-1-43.(2)When a licensee or permittee changes his or her name, mailing address, or residence or in the case of the loss, mutilation, or destruction of a license or permit, the licensee or permittee shall notify the commissioner within sixty (60) days and apply in person for a duplicate license or permit in the same manner as set forth in subsection (1) of this section. The fee for a duplicate license or permit shall be as prescribed in Section63-1-43.(3)A person who has been a resident of this state for more than thirty (30) days shall not drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.(4)Any person who knowingly falsifies information or certifications required under subsection (1) of this section shall have the person's commercial driver's license revoked. Such persons may reapply for a commercial driver's license no sooner than sixty (60) days after the revocation.(5)(a)Any male who is at least eighteen (18) years of age but less than twenty-six (26) years of age and who applies for or renews a commercial driver's license or renewal of a commercial learner's permit under this article shall be registered in compliance with the requirements of Section 3 of the Military Selective Service Act, 50 USCS Section 3802, as amended.(b)The department shall forward in an electronic format the necessary personal information of the applicant to the Selective Service System. The applicant's submission of the application shall serve as an indication that the applicant either has already registered with the Selective Service System or that he is authorizing the department to forward to the Selective Service System the necessary information for registration. The commissioner shall notify the applicant on, or as a part of, the application that his submission of the application will serve as his consent to registration with the Selective Service System, if so required. The commissioner also shall notify any male applicant under the age of eighteen (18) that he will be registered upon turning age eighteen (18) as required by federal law.Laws, 2009, ch. 560, § 10, eff. 7/1/2009.Amended by Laws, 2014, ch. 424, SB 2794, 17, eff. 10/1/2014. (1)The application for a commercial driver's license or commercial learner's permit shall include the following:(a)The full name and current mailing and residential addresses of the person.(b)A physical description of the person, including sex, height and weight.(c)Date of birth.(d)The applicant's social security number.(e)The person's signature.(f)Certifications that:(i)For an applicant who operates or expects to operate in interstate or foreign commerce or who is otherwise subject to 49 CFR, Part 391, the applicant meets the qualification requirements contained in Part 391; or for an applicant who operates or expects to operate entirely in intrastate commerce and who is not subject to Part 391, that the applicant is subject to state driver qualification requirements and is not subject to Part 391;(ii)The motor vehicle in which the applicant's skills test will be taken is representative of the type of motor vehicle that the applicant operates or expects to operate;(iii)The applicant is not subject to any disqualification under 49 CFR, Part 385.51, or any license suspension, revocation, or cancellation under state law; and(iv)The applicant does not have a driver's license from more than one (1) state or jurisdiction.(g)Any other information required by the commissioner, including, but not limited to, the names of all states or jurisdictions where the applicant has been licensed to operate any type of motor vehicle during the previous ten (10) years.(h)The application shall be accompanied by a fee as prescribed in Section63-1-43.(2)When a licensee or permittee changes his or her name, mailing address, or residence or in the case of the loss, mutilation, or destruction of a license or permit, the licensee or permittee shall notify the commissioner within sixty (60) days and apply in person for a duplicate license or permit in the same manner as set forth in subsection (1) of this section. The fee for a duplicate license or permit shall be as prescribed in Section63-1-43.(3)A person who has been a resident of this state for more than thirty (30) days shall not drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.(4)Any person who knowingly falsifies information or certifications required under subsection (1) of this section shall have the person's commercial driver's license revoked. Such persons may reapply for a commercial driver's license no sooner than sixty (60) days after the revocation.(5)(a)Any male who is at least eighteen (18) years of age but less than twenty-six (26) years of age and who applies for or renews a commercial driver's license or renewal of a commercial learner's permit under this article shall be registered in compliance with the requirements of Section 3 of the Military Selective Service Act, 50 USCS Section 3802, as amended.(b)The department shall forward in an electronic format the necessary personal information of the applicant to the Selective Service System. The applicant's submission of the application shall serve as an indication that the applicant either has already registered with the Selective Service System or that he is authorizing the department to forward to the Selective Service System the necessary information for registration. The commissioner shall notify the applicant on, or as a part of, the application that his submission of the application will serve as his consent to registration with the Selective Service System, if so required. The commissioner also shall notify any male applicant under the age of eighteen (18) that he will be registered upon turning age eighteen (18) as required by federal law.Laws, 2009, ch. 560, § 10, eff. 7/1/2009.Amended by Laws, 2014, ch. 424, SB 2794, 17, eff. 10/1/2014. (1)The application for a commercial driver's license or commercial learner's permit shall include the following:(a)The full name and current mailing and residential addresses of the person.(b)A physical description of the person, including sex, height and weight.(c)Date of birth.(d)The applicant's social security number.(e)The person's signature.(f)Certifications that:(i)For an applicant who operates or expects to operate in interstate or foreign commerce or who is otherwise subject to 49 CFR, Part 391, the applicant meets the qualification requirements contained in Part 391; or for an applicant who operates or expects to operate entirely in intrastate commerce and who is not subject to Part 391, that the applicant is subject to state driver qualification requirements and is not subject to Part 391;(ii)The motor vehicle in which the applicant's skills test will be taken is representative of the type of motor vehicle that the applicant operates or expects to operate;(iii)The applicant is not subject to any disqualification under 49 CFR, Part 385.51, or any license suspension, revocation, or cancellation under state law; and(iv)The applicant does not have a driver's license from more than one (1) state or jurisdiction.(g)Any other information required by the commissioner, including, but not limited to, the names of all states or jurisdictions where the applicant has been licensed to operate any type of motor vehicle during the previous ten (10) years.(h)The

application shall be accompanied by a fee as prescribed in Section 63-1-43.(2)When a licensee or permittee changes his or her name, mailing address, or residence or in the case of the loss, mutilation, or destruction of a license or permit, the licensee or permittee shall notify the commissioner within sixty (60) days and apply in person for a duplicate license or permit in the same manner as set forth in subsection (1) of this section. The fee for a duplicate license or permit shall be as prescribed in Section 63-1-43.(3)A person who has been a resident of this state for more than thirty (30) days shall not drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.(4)Any person who knowingly falsifies information or certifications required under subsection (1) of this section shall have the person's commercial driver's license revoked. Such persons may reapply for a commercial driver's license no sooner than sixty (60) days after the revocation.(5)(a)Any male who is at least eighteen (18) years of age but less than twenty-six (26) years of age and who applies for or renews a commercial driver's license or renewal of a commercial learner's permit under this article shall be registered in compliance with the requirements of Section 3 of the Military Selective Service Act, 50 USCS Section 3802, as amended.(b)The department shall forward in an electronic format the necessary personal information of the applicant to the Selective Service System. The applicant's submission of the application shall serve as an indication that the applicant either has already registered with the Selective Service System or that he is authorizing the department to forward to the Selective Service System the necessary information for registration. The commissioner shall notify the applicant on, or as a part of, the application that his submission of the application will serve as his consent to registration with the Selective Service System, if so required. The commissioner also shall notify any male applicant under the age of eighteen (18) that he will be registered upon turning age eighteen (18) as required by federal law.Laws, 2009, ch. 560, § 10, eff. 7/1/2009.Amended by Laws, 2014, ch. 424, SB 2794, 17, eff. 10/1/2014. Laws, 2009, ch. 560, § 10, eff. 7/1/2009. Amended by Laws, 2014, ch. 424, SB 2794, 17, eff. 10/1/2014.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 5 - COMMERCIAL DRIVER'S LICENSE ACT (§§ 63-1-201 — 63-1-226) Section 63-1-211 - Commercial driver's license

(1)Contents of license.A commercial driver's license shall be marked "commercial driver's license" or "CDL," and shall be, to the maximum extent practicable, tamper proof, and shall include, but not be limited to, the following information:(a)The name and residential address of the person.(b)The person's color photograph or imaged likeness.(c)A physical description of the person including sex, height, and weight.(d)Date of birth.(e)Any number or identifier deemed appropriate by the commissioner.(f)The person's signature.(g)The class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions.(h)The name of this state.(i)The dates between which the license is valid.(2)Classifications, endorsements and restrictions.Driver's licenses may be issued with the following classifications, endorsements, and restrictions:(a)Classifications.Licensees may drive all vehicles in the class for which the license is issued and all lesser classes of vehicles, except those requiring special endorsements.(i)Class A - Any combination of vehicles with a gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more, provided the gross vehicle weight rating of the vehicle being towed is in excess of ten thousand (10,000) pounds.(ii)Class B - Any single vehicle with a gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more, and any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds.(iii)Class C - Any single vehicle with a gross vehicle weight rating of less than twenty-six thousand one (26,001) pounds:1.Vehicles designed to transport sixteen (16) or more passengers, including the driver; and2.Vehicles used in the transportation of hazardous materials as defined in Section 63-1-203.(iv)Class D - Class D licenses are not commercial driver's licenses and shall be governed by the provisions of Section 63-1-5.(b)Licenses may be issued with appropriate endorsements and restrictions noted thereon. The commissioner shall determine the manner of notation. Endorsements and restrictions may include, but are not limited to, those which:(i)Authorize a driver to drive a vehicle transporting hazardous materials;(ii)Restrict the driver to vehicles not equipped with air brakes when the person either fails the air brake component of the knowledge test or performs the skills test in a vehicle not equipped with air brakes;(iii)Authorize driving motorcycles that are not autocycles as defined in Section 63-3-103;(iv)Authorize driving tank vehicles;(v)Authorize driving vehicles carrying passengers;(vi)Authorize driving school buses;(vii)Authorize driving double trailers;(viii)Restrict the driver to operation solely within this state. A commercial driver's license or commercial learner's permit with this restriction may be issued to any person who has attained the age of eighteen (18) years.(3)Before issuing a commercial driver's license, the commissioner shall request the applicant's complete operating record from any state in which the applicant was previously licensed to operate any type of motor vehicle in the past ten (10) years, conduct a check of the applicant's operating record by querying the national driver register, established under 49 USCS Section 30302, and the Commercial Driver's License Information System, established under 49 USCS Section 31309, to determine if:(a)The applicant has already been issued a commercial driver's license; and the applicant's commercial driver's license has been suspended, revoked, or canceled;(b)The applicant had been convicted of any offenses contained in Section 205(a)(3) of the National Driver Register Act of 1982 (49 USCS Section 30304(a)(3)).(4)Within ten (10) days after issuing a commercial driver's license, the commissioner shall notify the Commercial Driver License Information System of that fact, providing all information required to ensure identification of the person.(5)The commercial driver's license shall expire in the manner set forth in Section 63-1-47.(6)When applying for renewal of a commercial driver's license, the applicant shall complete the application form required by Section 63-1-210, providing updated information and required certifications. The department shall provide online renewals of a commercial driver's license as long as the renewal meets standards set forth in 49 CFR, Parts 383 and 384. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed. In addition, the applicant must successfully

complete the security threat assessment required by 49 CFR, Part 1572 . If notice is received from the United States Transportation Security Administration that the applicant poses a security risk, the commissioner shall refuse to issue, or revoke within fifteen (15) days of receipt of the notice, a hazardous materials endorsement.(7)The department shall provide a means for electronic transmission of a medical card and may charge a vendor convenience fee in an amount not to exceed Two Dollars and Fifty Cents (\$2.50) per transmission. The department shall upload medical card information to the Commercial Driver License Information System within five (5) days of receiving the updated medical card information. In addition, within twenty-four (24) hours of such upload, the department shall notify the license holder by regular mail or electronically and request that receipt be acknowledged by the license holder. If receipt is not acknowledged by the license holder, the department shall exhaust any available means to contact the license holder.Laws, 2009, ch. 560, § 11, eff. 7/1/2009.Amended by Laws, 2020, ch. 477, HB 1371,§ 9, eff. 7/8/2020.Amended by Laws, 2015, ch. 406, HB 111, 5, eff. 7/1/2015.Amended by Laws, 2014, ch. 508, HB 641, 1, eff. 4/23/2014.Amended by Laws, 2014, ch. 424, SB 2794, 18, eff. 10/1/2014. (1)Contents of license.A commercial driver's license shall be marked "commercial driver's license" or "CDL," and shall be, to the maximum extent practicable, tamper proof, and shall include, but not be limited to, the following information:(a)The name and residential address of the person.(b)The person's color photograph or imaged likeness.(c)A physical description of the person including sex, height, and weight.(d)Date of birth.(e)Any number or identifier deemed appropriate by the commissioner.(f)The person's signature.(g)The class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions.(h)The name of this state.(i)The dates between which the license is valid.(2)Classifications, endorsements and restrictions.Driver's licenses may be issued with the following classifications, endorsements, and restrictions:(a)Classifications.Licensees may drive all vehicles in the class for which the license is issued and all lesser classes of vehicles, except those requiring special endorsements.(i)Class A - Any combination of vehicles with a gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more, provided the gross vehicle weight rating of the vehicle being towed is in excess of ten thousand (10,000) pounds.(ii)Class B - Any single vehicle with a gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more, and any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds.(iii)Class C - Any single vehicle with a gross vehicle weight rating of less than twenty-six thousand one (26,001) pounds:1.Vehicles designed to transport sixteen (16) or more passengers, including the driver; and2.Vehicles used in the transportation of hazardous materials as defined in Section63-1-203.(iv)Class D - Class D licenses are not commercial driver's licenses and shall be governed by the provisions of Section63-1-5.(b)Licenses may be issued with appropriate endorsements and restrictions noted thereon. The commissioner shall determine the manner of notation. Endorsements and restrictions may include, but are not limited to, those which:(i)Authorize a driver to drive a vehicle transporting hazardous materials;(ii)Restrict the driver to vehicles not equipped with air brakes when the person either fails the air brake component of the knowledge test or performs the skills test in a vehicle not equipped with air brakes;(iii)Authorize driving motorcycles that are not autocycles as defined in Section63-3-103;(iv)Authorize driving tank vehicles;(v)Authorize driving vehicles carrying passengers;(vi)Authorize driving school buses;(vii)Authorize driving double trailers;(viii)Restrict the driver to operation solely within this state. A commercial driver's license or commercial learner's permit with this restriction may be issued to any person who has attained the age of eighteen (18) years.(3)Before issuing a commercial driver's license, the commissioner shall request the applicant's complete operating record from any state in which the applicant was previously licensed to operate any type of motor vehicle in the past ten (10) years, conduct a check of the applicant's operating record by querying the national driver register, established under 49 USCS Section 30302, and the Commercial Driver's License Information System, established under 49 USCS Section 31309, to determine if:(a)The applicant has already been issued a commercial driver's license; and the applicant's commercial driver's license has been suspended, revoked, or canceled;(b)The applicant had been convicted of any offenses contained in Section 205(a)(3) of the National Driver Register Act of 1982 (49 USCS Section 30304(a)(3)).(4)Within ten (10) days after issuing a commercial driver's license, the commissioner shall notify the Commercial Driver License Information System of that fact, providing all information required to ensure identification of the person.(5)The commercial driver's license shall expire in the manner set forth in Section63-1-47.(6)When applying for renewal of a commercial driver's license, the applicant shall complete the application form required by Section63-1-210, providing updated information and required certifications. The department shall provide online renewals of a commercial driver's license as long as the renewal meets standards set forth in 49 CFR, Parts 383 and 384. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed. In addition, the applicant must successfully complete the security threat assessment required by 49 CFR, Part 1572 . If notice is received from the United States Transportation Security Administration that the applicant poses a security risk, the commissioner shall refuse to issue, or revoke within fifteen (15) days of receipt of the notice, a hazardous materials endorsement.(7)The department shall provide a means for electronic transmission of a medical card and may charge a vendor convenience fee in an amount not to exceed Two Dollars and Fifty Cents (\$2.50) per transmission. The department shall upload medical card information to the Commercial Driver License Information System within five (5) days of receiving the updated medical card information. In addition, within twenty-four (24) hours of such upload, the department shall notify the license holder by regular mail or electronically and request that receipt be acknowledged by the license holder. If receipt is not acknowledged by the license holder, the department shall exhaust any available means to contact the license holder.Laws, 2009, ch. 560, § 11, eff. 7/1/2009.Amended by Laws, 2020, ch. 477, HB 1371,§ 9, eff. 7/8/2020.Amended by Laws, 2015, ch. 406, HB 111, 5, eff. 7/1/2015.Amended by Laws, 2014, ch. 508, HB 641, 1, eff. 4/23/2014.Amended by Laws, 2014, ch. 424, SB 2794, 18, eff. 10/1/2014. 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likeness.(c)A physical description of the person including sex, height, and weight.(d)Date of birth.(e)Any number or identifier deemed appropriate by the commissioner.(f)The person's signature.(g)The class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions.(h)The name of this state.(i)The dates between which the license is valid.(2)Classifications, endorsements and restrictions.Driver's licenses may be issued with the following classifications, endorsements, and restrictions:(a)Classifications.Licensees may drive all vehicles in the class for which the license is issued and all lesser classes of vehicles, except those requiring special endorsements.(i)Class A - Any combination of vehicles with a gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more, provided the gross vehicle weight rating of the vehicle being towed is in excess of ten thousand (10,000) pounds.(ii)Class B - Any single vehicle with a gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more, and any such vehicle towing a vehicle not in excess of ten thousand (10,000) pounds.(iii)Class C - Any single vehicle with a gross vehicle weight rating of less than twenty-six thousand one (26,001) pounds:1.Vehicles designed to transport sixteen (16) or more passengers, including the driver; and2.Vehicles used in the transportation of hazardous materials as defined in Section63-1-203.(iv)Class D - Class D licenses are not commercial driver's licenses and shall be governed by the provisions of Section63-1-5.(b)Licenses may be issued with appropriate endorsements and restrictions noted thereon. The commissioner shall determine the manner of notation. Endorsements and restrictions may include, but are not limited to, those which:(i)Authorize a driver to drive a vehicle transporting hazardous materials;(ii)Restrict the driver to vehicles not equipped with air brakes when the person either fails the air brake component of the knowledge test or performs the skills test in a vehicle not equipped with air brakes;(iii)Authorize driving motorcycles that are not autocycles as defined in Section63-3-103;(iv)Authorize driving tank vehicles;(v)Authorize driving vehicles carrying passengers;(vi)Authorize driving school buses;(vii)Authorize driving double trailers;(viii)Restrict the driver to operation solely within this state. A commercial driver's license or commercial learner's permit with this restriction may be issued to any person who has attained the age of eighteen (18) years.(3)Before issuing a commercial driver's license, the commissioner shall request the applicant's complete operating record from any state in which the applicant was previously licensed to operate any type of motor vehicle in the past ten (10) years, conduct a check of the applicant's operating record by querying the national driver register, established under 49 USCS Section 30302, and the Commercial Driver's License Information System, established under 49 USCS Section 31309, to determine if:(a)The applicant has already been issued a commercial driver's license; and the applicant's commercial driver's license has been suspended, revoked, or canceled;(b)The applicant had been convicted of any offenses contained in Section 205(a)(3) of the National Driver Register Act of 1982 (49 USCS Section 30304(a)(3)).(4)Within ten (10) days after issuing a commercial driver's license, the commissioner shall notify the Commercial Driver License Information System of that fact, providing all information required to ensure identification of the person.(5)The commercial driver's license shall expire in the manner set forth in Section63-1-47.(6)When applying for renewal of a commercial driver's license, the applicant shall complete the application form required by Section63-1-210, providing updated information and required certifications. The department shall provide online renewals of a commercial driver's license as long as the renewal meets standards set forth in 49 CFR, Parts 383 and 384. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed. In addition, the applicant must successfully complete the security threat assessment required by 49 CFR, Part 1572 . If notice is received from the United States Transportation Security Administration that the applicant poses a security risk, the commissioner shall refuse to issue, or revoke within fifteen (15) days of receipt of the notice, a hazardous materials endorsement.(7)The department shall provide a means for electronic transmission of a medical card and may charge a vendor convenience fee in an amount not to exceed Two Dollars and Fifty Cents (\$2.50) per transmission. The department shall upload medical card information to the Commercial Driver License Information System within five (5) days of receiving the updated medical card information. In addition, within twenty-four (24) hours of such upload, the department shall notify the license holder by regular mail or electronically and request that receipt be acknowledged by the license holder. If receipt is not acknowledged by the license holder, the department shall exhaust any available means to contact the license holder.Laws, 2009, ch. 560, § 11, eff. 7/1/2009.Amended by Laws, 2020, ch. 477, HB 1371,§ 9, eff. 7/8/2020.Amended by Laws, 2015, ch. 406, HB 111, 5, eff. 7/1/2015.Amended by Laws, 2014, ch. 508, HB 641, 1, eff. 4/23/2014.Amended by Laws, 2014, ch. 424, SB 2794, 18, eff. 10/1/2014. Laws, 2009, ch. 560, § 11, eff. 7/1/2009. Amended by Laws, 2020, ch. 477, HB 1371,§ 9, eff. 7/8/2020. Amended by Laws, 2015, ch. 406, HB 111, 5, eff. 7/1/2015. 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Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 5 - COMMERCIAL DRIVER'S LICENSE ACT (§§ 63-1-201 — 63-1-226)Section 63-1-212 - Records; notification

(1)After suspending, revoking, or disqualifying a person from holding a commercial driver's license, the commissioner shall update the person's records to reflect that action within ten (10) days. After suspending, revoking or disqualifying a nonresident commercial driver's privileges, the commissioner shall notify the licensing authority of the state which issued the commercial driver's license or commercial driver certificate within ten (10) days, including in the notice both the disqualification period and the reason for the disqualification.(2)Upon receipt from another jurisdiction of the prior record of an applicant for a commercial driver's license or a commercial learner's permit, the commissioner shall incorporate the prior record into the applicant's driver record and, in the case of adverse information, promptly implement any disqualification, licensing limitations, denials, and penalties that are required under 49 CFR, Part 384, that have not been applied by those jurisdictions where the applicant was previously licensed.Laws, 2009, ch. 560, § 12, eff. 7/1/2009. (1)After suspending, revoking, or disqualifying a person from holding a commercial driver's license, the

commissioner shall update the person's records to reflect that action within ten (10) days. After suspending, revoking or disqualifying a nonresident commercial driver's privileges, the commissioner shall notify the licensing authority of the state which issued the commercial driver's license or commercial driver certificate within ten (10) days, including in the notice both the disqualification period and the reason for the disqualification.(2)Upon receipt from another jurisdiction of the prior record of an applicant for a commercial driver's license or a commercial learner's permit, the commissioner shall incorporate the prior record into the applicant's driver record and, in the case of adverse information, promptly implement any disqualification, licensing limitations, denials, and penalties that are required under 49 CFR, Part 384, that have not been applied by those jurisdictions where the applicant was previously licensed.Laws, 2009, ch. 560, § 12, eff. 7/1/2009. (1)After suspending, revoking, or disqualifying a person from holding a commercial driver's license, the commissioner shall update the person's records to reflect that action within ten (10) days. After suspending, revoking or disqualifying a nonresident commercial driver's privileges, the commissioner shall notify the licensing authority of the state which issued the commercial driver's license or commercial driver certificate within ten (10) days, including in the notice both the disqualification period and the reason for the disqualification.(2)Upon receipt from another jurisdiction of the prior record of an applicant for a commercial driver's license or a commercial learner's permit, the commissioner shall incorporate the prior record into the applicant's driver record and, in the case of adverse information, promptly implement any disqualification, licensing limitations, denials, and penalties that are required under 49 CFR, Part 384, that have not been applied by those jurisdictions where the applicant was previously licensed.Laws, 2009, ch. 560, § 12, eff. 7/1/2009. Laws, 2009, ch. 560, § 12, eff. 7/1/2009.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 5 - COMMERCIAL DRIVER'S LICENSE ACT (§§ 63-1-201 — 63-1-226)Section 63-1-213 - Notification of traffic convictions

When any person operating a commercial motor vehicle or who holds a commercial driver's license issued by another state is convicted in this state of any violation of state law or local ordinance relating to motor vehicle traffic control, other than parking violations, the commissioner shall notify the driver licensing authority in the licensing state of the conviction within ten (10) days of the date of conviction.Laws, 2009, ch. 560, § 13, eff. 7/1/2009. When any person operating a commercial motor vehicle or who holds a commercial driver's license issued by another state is convicted in this state of any violation of state law or local ordinance relating to motor vehicle traffic control, other than parking violations, the commissioner shall notify the driver licensing authority in the licensing state of the conviction within ten (10) days of the date of conviction.Laws, 2009, ch. 560, § 13, eff. 7/1/2009. When any person operating a commercial motor vehicle or who holds a commercial driver's license issued by another state is convicted in this state of any violation of state law or local ordinance relating to motor vehicle traffic control, other than parking violations, the commissioner shall notify the driver licensing authority in the licensing state of the conviction within ten (10) days of the date of conviction.Laws, 2009, ch. 560, § 13, eff. 7/1/2009. When any person operating a commercial motor vehicle or who holds a commercial driver's license issued by another state is convicted in this state of any violation of state law or local ordinance relating to motor vehicle traffic control, other than parking violations, the commissioner shall notify the driver licensing authority in the licensing state of the conviction within ten (10) days of the date of conviction. Laws, 2009, ch. 560, § 13, eff. 7/1/2009.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 5 - COMMERCIAL DRIVER'S LICENSE ACT (§§ 63-1-201 — 63-1-226)Section 63-1-214 - Agreements

The commissioner may enter into or make agreements, arrangements or declarations to carry out the provisions of this article.Laws, 2009, ch. 560, § 14, eff. 7/1/2009. The commissioner may enter into or make agreements, arrangements or declarations to carry out the provisions of this article.Laws, 2009, ch. 560, § 14, eff. 7/1/2009. The commissioner may enter into or make agreements, arrangements or declarations to carry out the provisions of this article.Laws, 2009, ch. 560, § 14, eff. 7/1/2009. The commissioner may enter into or make agreements, arrangements or declarations to carry out the provisions of this article. Laws, 2009, ch. 560, § 14, eff. 7/1/2009.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 5 - COMMERCIAL DRIVER'S LICENSE ACT (§§ 63-1-201 — 63-1-226)Section 63-1-215 - Reciprocity

(1)Notwithstanding any law to the contrary, a person may drive a commercial motor vehicle in this state if the person has a valid commercial driver's license issued by:(a)Any state of the United States;(b)Any province or territory of Canada in accordance with the minimum federal standards for the issuance of commercial motor vehicle driver's licenses; or(c)The Licensia Federal de Conductor issued by the Republic of Mexico, if the person's license is not suspended, revoked, or canceled and if the person is not disqualified from driving a commercial motor vehicle and is not in violation of an out-of-service order.(2)The commissioner shall give all out-of-state convictions full faith and credit and treat them for sanctioning purposes under this article as if they occurred in this state.(3)The commissioner shall record disqualifications and convictions received from other jurisdictions regarding Mississippi operators.Laws, 2009, ch. 560, § 15, eff. 7/1/2009. (1)Notwithstanding any law to the contrary, a person may drive a commercial motor vehicle in this state if the person has a valid commercial driver's license issued by:(a)Any state of the United States;(b)Any province or territory of Canada in accordance with the minimum federal standards for the issuance of commercial motor vehicle

driver's licenses; or(c)The Licensia Federal de Conductor issued by the Republic of Mexico, if the person's license is not suspended, revoked, or canceled and if the person is not disqualified from driving a commercial motor vehicle and is not in violation of an out-of-service order.(2)The commissioner shall give all out-of-state convictions full faith and credit and treat them for sanctioning purposes under this article as if they occurred in this state.(3)The commissioner shall record disqualifications and convictions received from other jurisdictions regarding Mississippi operators.Laws, 2009, ch. 560, § 15, eff. 7/1/2009. (1)Notwithstanding any law to the contrary, a person may drive a commercial motor vehicle in this state if the person has a valid commercial driver's license issued by:(a)Any state of the United States;(b)Any province or territory of Canada in accordance with the minimum federal standards for the issuance of commercial motor vehicle driver's licenses; or(c)The Licensia Federal de Conductor issued by the Republic of Mexico, if the person's license is not suspended, revoked, or canceled and if the person is not disqualified from driving a commercial motor vehicle and is not in violation of an out-of-service order.(2)The commissioner shall give all out-of-state convictions full faith and credit and treat them for sanctioning purposes under this article as if they occurred in this state.(3)The commissioner shall record disqualifications and convictions received from other jurisdictions regarding Mississippi operators.Laws, 2009, ch. 560, § 15, eff. 7/1/2009. Laws, 2009, ch. 560, § 15, eff. 7/1/2009.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 5 - COMMERCIAL DRIVER'S LICENSE ACT (§§ 63-1-201 — 63-1-226)Section 63-1-216 - Disqualification and suspension

(1)(a)A person shall be disqualified from driving a commercial motor vehicle for a period of one (1) year if the person's license or permit to drive has been administratively suspended under Section63-11-23or the person has been convicted of a first violation of:(i)Operating, attempting to operate, or being in actual physical control of a commercial motor vehicle on a highway with an alcohol concentration of four one-hundredths percent (0.04%) or more, or under the influence as provided in Section63-11-30;(ii)Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;(iii)Using a motor vehicle in the commission of any offense under state or federal law that is punishable by imprisonment for a term exceeding one (1) year;(iv)Refusal to submit to a test to determine the operator's alcohol concentration, as provided in Title 63, Chapter 11, Mississippi Code of 1972;(v)Operating, attempting to operate, or being in actual physical control of a motor vehicle on a highway with an alcohol concentration of eight one-hundredths percent (0.08%) or more, or under the influence of intoxicating liquor or other substance, as provided in Section63-11-30;(vi)Operating, attempting to operate, or being in actual physical control of a motor vehicle on a highway when the person is under the influence of any other drug or under the combined influence of alcohol and any other drug to a degree which renders the person incapable of driving safely as provided in Section63-11-30;(vii)Operating or attempting to operate a commercial motor vehicle while the license is revoked, suspended, cancelled, or disqualified;(viii)Operating a commercial motor vehicle in a negligent manner resulting in a fatal injury.(b)A person shall be disqualified from driving a commercial motor vehicle for three (3) years if convicted of a violation listed in subsection (1) of this section, if the violation occurred while transporting a hazardous material required to be placarded.(c)A person shall be disqualified from driving a commercial motor vehicle for life if convicted of two (2) or more violations or a combination of them listed in subsection (1) of this section arising from two (2) or more separate occurrences.(d)A person shall be disqualified from driving a commercial motor vehicle for a period of sixty (60) days if convicted of two (2) serious traffic violations, or one hundred twenty (120) days if convicted of three (3) serious traffic violations, arising from separate incidents occurring within a three-year period. A disqualification for three (3) serious traffic violations must be imposed consecutively to any other previous period of disqualification.(e)A person shall be disqualified from driving a commercial motor vehicle for life if the person uses a motor vehicle in the commission of any offense under state or federal law that is punishable by imprisonment for a term exceeding one (1) year involving the manufacture, distribution, or dispensing of a regulated drug, or possession with intent to manufacture, distribute, or dispense a regulated drug and for which the person was convicted.(f)A person who is disqualified from driving a commercial motor vehicle shall surrender the person's Mississippi commercial driver's license no later than the effective date of the disqualification. Upon receipt of the person's commercial driver's license, that person, if otherwise eligible, may apply for a non-CDL, and upon payment of sufficient fees receive the driver's license.(g)The commissioner shall adopt rules establishing guidelines, including conditions, under which a disqualification for life under this section, except for a disqualification issued pursuant to paragraph (e) of this subsection, may be reduced to a period of not less than ten (10) years.(h)A person shall be disqualified from driving a commercial motor vehicle for a period of sixty (60) days if the driver is convicted of a first violation of a railroad-highway grade crossing violation.(i)A person shall be disqualified from driving a commercial motor vehicle for a period of one hundred twenty (120) days if, during any three-year period, the driver is convicted of a second railroad-highway grade crossing violation in a separate incident.(j)A person shall be disqualified from driving a commercial motor vehicle for a period of one (1) year if, during any three-year period, the driver is convicted of a third or subsequent railroad-highway grade crossing violation in separate incidents.(k)A person who is simultaneously subject to a disqualification issued by the administrator of the Federal Motor Carrier Safety Administration pursuant to 49 CFR, Part 383.52 and a disqualification under any other provision of this section shall serve those disqualification periods concurrently.(2)(a)A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for one (1) year, if:(i)The person is convicted of a first violation of operating, attempting to operate or being in actual physical control of a commercial motor vehicle on a highway with an alcohol concentration of four one-hundredths percent (0.04%) or more, or under the influence, as provided in Section63-11-30; and(ii)The person's commercial driver's license is issued by a state or country that does not issue commercial driver's licenses and disqualify persons in accordance

with 49 CFR, Parts 383 and 384.(b)A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for three (3) years if the person is convicted of violating subsection (1) of this section, and the violation occurred while the person was transporting a hazardous material required to be placarded.(c)A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for life if the person is convicted a second time of violating subsection (1) of this section, and both convictions arise out of separate occurrences.(d)A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for sixty (60) days if the person is convicted of two (2) serious traffic violations, or for one hundred twenty (120) days if the person is convicted of three (3) serious traffic violations, arising from separate incidents occurring within a three-year period.(e)A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for life if the person uses a commercial motor vehicle in the commission of any offense under state or federal law that is punishable by imprisonment for a term exceeding one (1) year, involving the manufacture, distribution, or dispensing of a regulated drug, or possession with intent to manufacture, distribute, or dispense a regulated drug, and for which the person was convicted.(f)In addition to the reasons specified in this section for suspension of the commercial driver's license, the commissioner shall be authorized to suspend the commercial driver's license of any person for being out of compliance with an order for support, as defined in Section93-11-153. The procedure for suspension of a commercial driver's license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a commercial driver's license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a commercial driver's license suspended for that purpose, shall be governed by Section93-11-157or93-11-163, as the case may be. If there is any conflict between any provision of Section93-11-157or93-11-163and any provision of this article, the provisions of Section93-11-157or93-11-163, as the case may be, shall control.(3)A person shall be disqualified from driving a commercial motor vehicle for life if the person is convicted of any crime under the Mississippi Human Trafficking Act in Section97-3-54et seq. or any felony involving a severe form of trafficking in persons, as defined by22 USC 7102(11).Laws, 2009, ch. 560, § 16, eff. 7/1/2009.Amended by Laws, 2022, ch. 407, HB 971,§ 3, eff. 7/1/2022.Amended by Laws, 2013, ch. 454, HB 90, 1, eff. 7/1/2013. (1)(a)A person shall be disqualified from driving a commercial motor vehicle for a period of one (1) year if the person's license or permit to drive has been administratively suspended under Section63-11-23or the person has been convicted of a first violation of:(i)Operating, attempting to operate, or being in actual physical control of a commercial motor vehicle on a highway with an alcohol concentration of four one-hundredths percent (0.04%) or more, or under the influence as provided in Section63-11-30;(ii)Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;(iii)Using a motor vehicle in the commission of any offense under state or federal law that is punishable by imprisonment for a term exceeding one (1) year;(iv)Refusal to submit to a test to determine the operator's alcohol concentration, as provided in Title 63, Chapter 11, Mississippi Code of 1972;(v)Operating, attempting to operate, or being in actual physical control of a motor vehicle on a highway with an alcohol concentration of eight one-hundredths percent (0.08%) or more, or under the influence of intoxicating liquor or other substance, as provided in Section63-11-30;(vi)Operating, attempting to operate, or being in actual physical control of a motor vehicle on a highway when the person is under the influence of any other drug or under the combined influence of alcohol and any other drug to a degree which renders the person incapable of driving safely as provided in Section63-11-30;(vii)Operating or attempting to operate a commercial motor vehicle while the license is revoked, suspended, cancelled, or disqualified;(viii)Operating a commercial motor vehicle in a negligent manner resulting in a fatal injury.(b)A person shall be disqualified from driving a commercial motor vehicle for three (3) years if convicted of a violation listed in subsection (1) of this section, if the violation occurred while transporting a hazardous material required to be placarded.(c)A person shall be disqualified from driving a commercial motor vehicle for life if convicted of two (2) or more violations or a combination of them listed in subsection (1) of this section arising from two (2) or more separate occurrences.(d)A person shall be disqualified from driving a commercial motor vehicle for a period of sixty (60) days if convicted of two (2) serious traffic violations, or one hundred twenty (120) days if convicted of three (3) serious traffic violations, arising from separate incidents occurring within a three-year period. A disqualification for three (3) serious traffic violations must be imposed consecutively to any other previous period of disqualification.(e)A person shall be disqualified from driving a commercial motor vehicle for life if the person uses a motor vehicle in the commission of any offense under state or federal law that is punishable by imprisonment for a term exceeding one (1) year involving the manufacture, distribution, or dispensing of a regulated drug, or possession with intent to manufacture, distribute, or dispense a regulated drug and for which the person was convicted.(f)A person who is disqualified from driving a commercial motor vehicle shall surrender the person's Mississippi commercial driver's license no later than the effective date of the disqualification. Upon receipt of the person's commercial driver's license, that person, if otherwise eligible, may apply for a non-CDL, and upon payment of sufficient fees receive the driver's license.(g)The commissioner shall adopt rules establishing guidelines, including conditions, under which a disqualification for life under this section, except for a disqualification issued pursuant to paragraph (e) of this subsection, may be reduced to a period of not less than ten (10) years.(h)A person shall be disqualified from driving a commercial motor vehicle for a period of sixty (60) days if the driver is convicted of a first violation of a railroad-highway grade crossing violation.(i)A person shall be disqualified from driving a commercial motor vehicle for a period of one hundred twenty (120) days if, during any three-year period, the driver is convicted of a second railroad-highway grade crossing violation in a separate incident.(j)A person shall be disqualified from driving a commercial motor vehicle for a period of one (1) year if, during any three-year period, the driver is convicted of a third or subsequent railroad-highway grade crossing violation in separate incidents.(k)A person who is simultaneously subject to a disqualification issued by the administrator of the Federal Motor Carrier Safety Administration pursuant to 49 CFR, Part 383.52 and a disqualification under any other provision of this section shall serve

those disqualification periods concurrently.(2)(a)A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for one (1) year, if:(i)The person is convicted of a first violation of operating, attempting to operate or being in actual physical control of a commercial motor vehicle on a highway with an alcohol concentration of four one-hundredths percent (0.04%) or more, or under the influence, as provided in Section63-11-30; and(ii)The person's commercial driver's license is issued by a state or country that does not issue commercial driver's licenses and disqualify persons in accordance with 49 CFR, Parts 383 and 384.(b)A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for three (3) years if the person is convicted of violating subsection (1) of this section, and the violation occurred while the person was transporting a hazardous material required to be placarded.(c)A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for life if the person is convicted a second time of violating subsection (1) of this section, and both convictions arise out of separate occurrences.(d)A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for sixty (60) days if the person is convicted of two (2) serious traffic violations, or for one hundred twenty (120) days if the person is convicted of three (3) serious traffic violations, arising from separate incidents occurring within a three-year period.(e)A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for life if the person uses a commercial motor vehicle in the commission of any offense under state or federal law that is punishable by imprisonment for a term exceeding one (1) year, involving the manufacture, distribution, or dispensing of a regulated drug, or possession with intent to manufacture, distribute, or dispense a regulated drug, and for which the person was convicted.(f)In addition to the reasons specified in this section for suspension of the commercial driver's license, the commissioner shall be authorized to suspend the commercial driver's license of any person for being out of compliance with an order for support, as defined in Section93-11-153. The procedure for suspension of a commercial driver's license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a commercial driver's license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a commercial driver's license suspended for that purpose, shall be governed by Section93-11-157or93-11-163, as the case may be. If there is any conflict between any provision of Section93-11-157or93-11-163and any provision of this article, the provisions of Section93-11-157or93-11-163, as the case may be, shall control.(3)A person shall be disqualified from driving a commercial motor vehicle for life if the person is convicted of any crime under the Mississippi Human Trafficking Act in Section97-3-54et seq. or any felony involving a severe form of trafficking in persons, as defined by22 USC 7102(11).Laws, 2009, ch. 560, § 16, eff. 7/1/2009.Amended by Laws, 2022, ch. 407, HB 971,§ 3, eff. 7/1/2022.Amended by Laws, 2013, ch. 454, HB 90, 1, eff. 7/1/2013. 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Upon receipt of the person's commercial driver's license, that person, if otherwise eligible, may apply for a non-CDL, and upon payment of sufficient fees receive the driver's license.(g)The commissioner shall adopt rules establishing guidelines, including conditions, under which a disqualification for life under this section, except for a disqualification issued pursuant to paragraph (e) of this subsection, may be reduced to a period of not less than ten (10) years.(h)A person shall be disqualified from driving a commercial motor vehicle for a period of sixty (60) days if the driver is convicted of a first violation of a railroad-highway grade crossing violation.(i)A person shall be disqualified from driving a commercial motor vehicle for a period of one hundred twenty

(120) days if, during any three-year period, the driver is convicted of a second railroad-highway grade crossing violation in a separate incident.(j)A person shall be disqualified from driving a commercial motor vehicle for a period of one (1) year if, during any three-year period, the driver is convicted of a third or subsequent railroad-highway grade crossing violation in separate incidents.(k)A person who is simultaneously subject to a disqualification issued by the administrator of the Federal Motor Carrier Safety Administration pursuant to 49 CFR, Part 383.52 and a disqualification under any other provision of this section shall serve those disqualification periods concurrently.(2)(a)A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for one (1) year, if:(i)The person is convicted of a first violation of operating, attempting to operate or being in actual physical control of a commercial motor vehicle on a highway with an alcohol concentration of four one-hundredths percent (0.04%) or more, or under the influence, as provided in Section63-11-30; and(ii)The person's commercial driver's license is issued by a state or country that does not issue commercial driver's licenses and disqualify persons in accordance with 49 CFR, Parts 383 and 384.(b)A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for three (3) years if the person is convicted of violating subsection (1) of this section, and the violation occurred while the person was transporting a hazardous material required to be placarded.(c)A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for life if the person is convicted a second time of violating subsection (1) of this section, and both convictions arise out of separate occurrences.(d)A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for sixty (60) days if the person is convicted of two (2) serious traffic violations, or for one hundred twenty (120) days if the person is convicted of three (3) serious traffic violations, arising from separate incidents occurring within a three-year period.(e)A person's privilege to operate a commercial motor vehicle in the State of Mississippi shall be suspended for life if the person uses a commercial motor vehicle in the commission of any offense under state or federal law that is punishable by imprisonment for a term exceeding one (1) year, involving the manufacture, distribution, or dispensing of a regulated drug, or possession with intent to manufacture, distribute, or dispense a regulated drug, and for which the person was convicted.(f)In addition to the reasons specified in this section for suspension of the commercial driver's license, the commissioner shall be authorized to suspend the commercial driver's license of any person for being out of compliance with an order for support, as defined in Section93-11-153. The procedure for suspension of a commercial driver's license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a commercial driver's license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a commercial driver's license suspended for that purpose, shall be governed by Section93-11-157or93-11-163, as the case may be. If there is any conflict between any provision of Section93-11-157or93-11-163and any provision of this article, the provisions of Section93-11-157or93-11-163, as the case may be, shall control.(3)A person shall be disqualified from driving a commercial motor vehicle for life if the person is convicted of any crime under the Mississippi Human Trafficking Act in Section97-3-54et seq. or any felony involving a severe form of trafficking in persons, as defined by22 USC 7102(11).Laws, 2009, ch. 560, § 16, eff. 7/1/2009.Amended by Laws, 2022, ch. 407, HB 971,§ 3, eff. 7/1/2022.Amended by Laws, 2013, ch. 454, HB 90, 1, eff. 7/1/2013. Laws, 2009, ch. 560, § 16, eff. 7/1/2009. Amended by Laws, 2022, ch. 407, HB 971,§ 3, eff. 7/1/2022. Amended by Laws, 2013, ch. 454, HB 90, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 5 - COMMERCIAL DRIVER'S LICENSE ACT (§§ 63-1-201 — 63-1-226)Section 63-1-217 - Suspensions and disqualifications to run concurrently

A suspension of a person's operating privilege or license and a disqualification imposed under Section63-1-216imposed for the same violation, shall run concurrently.Laws, 2009, ch. 560, § 17, eff. 7/1/2009. A suspension of a person's operating privilege or license and a disqualification imposed under Section63-1-216imposed for the same violation, shall run concurrently.Laws, 2009, ch. 560, § 17, eff. 7/1/2009. A suspension of a person's operating privilege or license and a disqualification imposed under Section63-1-216imposed for the same violation, shall run concurrently.Laws, 2009, ch. 560, § 17, eff. 7/1/2009. A suspension of a person's operating privilege or license and a disqualification imposed under Section63-1-216imposed for the same violation, shall run concurrently. Laws, 2009, ch. 560, § 17, eff. 7/1/2009.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 5 - COMMERCIAL DRIVER'S LICENSE ACT (§§ 63-1-201 — 63-1-226)Section 63-1-218 - Effective date of disqualification; hearing

(1)A disqualification from driving a commercial motor vehicle shall be effective on not less than ten (10) days' notice.(2)If requested, a hearing on the disqualification shall be conducted, under Section63-1-53. The scope of the hearing shall be limited to verification of the conviction.(3)A person aggrieved by a decision resulting from a hearing under this section may have the decision reviewed on the record. The appeal shall be to the Circuit Court of the First Judicial District of Hinds County or, in the discretion of the licensee, to the circuit court of the county in which the licensee resides or has a principal place of business.Laws, 2009, ch. 560, § 18, eff. 7/1/2009. (1)A disqualification from driving a commercial motor vehicle shall be effective on not less than ten (10) days' notice.(2)If requested, a hearing on the disqualification shall be conducted, under Section63-1-53. The scope of the hearing shall be limited to verification of the conviction.(3)A person aggrieved by a decision resulting from a hearing under this section may have the decision reviewed on the record. The appeal shall be to the Circuit Court of the First Judicial District of Hinds County or, in the discretion of the licensee, to the circuit court of the county in which the licensee resides or has a principal place of business.Laws, 2009, ch. 560, § 18, eff. 7/1/2009. (1)A disqualification from driving a commercial motor vehicle shall be effective on not less than

ten (10) days' notice.(2)If requested, a hearing on the disqualification shall be conducted, under Section63-1-53. The scope of the hearing shall be limited to verification of the conviction.(3)A person aggrieved by a decision resulting from a hearing under this section may have the decision reviewed on the record. The appeal shall be to the Circuit Court of the First Judicial District of Hinds County or, in the discretion of the licensee, to the circuit court of the county in which the licensee resides or has a principal place of business.Laws, 2009, ch. 560, § 18, eff. 7/1/2009. Laws, 2009, ch. 560, § 18, eff. 7/1/2009.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 5 - COMMERCIAL DRIVER'S LICENSE ACT (§§ 63-1-201 — 63-1-226)Section 63-1-219 - Disqualification from operation of vehicle

(1)Any person convicted for violating an out-of-service order shall be disqualified as follows except as provided in subsection (2) of this section:(a)A person shall be disqualified from driving a commercial motor vehicle for a period of ninety (90) days if convicted of a first violation of an out-of-service order.(b)A person shall be disqualified for a period of one (1) year if convicted of a second violation of an out-of-service order during any ten-year period, arising from separate incidents.(c)A person shall be disqualified for a period of three (3) years if convicted of a third or subsequent violation of an out-of-service order during any ten-year period, arising from separate incidents.(2)Any person convicted for violating an out-of-service order while transporting hazardous materials or while operating a commercial motor vehicle designed or used to transport sixteen (16) or more passengers, including the driver, shall be disqualified as follows:(a)A person shall be disqualified for a period of one hundred eighty (180) days if convicted of a first violation of an out-of-service order.(b)A person shall be disqualified for a period of three (3) years if convicted of a second or subsequent violation of an out-of-service order during any ten-year period, arising from separate incidents.Laws, 2009, ch. 560, § 19, eff. 7/1/2009. (1)Any person convicted for violating an out-of-service order shall be disqualified as follows except as provided in subsection (2) of this section:(a)A person shall be disqualified from driving a commercial motor vehicle for a period of ninety (90) days if convicted of a first violation of an out-of-service order.(b)A person shall be disqualified for a period of one (1) year if convicted of a second violation of an out-of-service order during any ten-year period, arising from separate incidents.(c)A person shall be disqualified for a period of three (3) years if convicted of a third or subsequent violation of an out-of-service order during any ten-year period, arising from separate incidents.(2)Any person convicted for violating an out-of-service order while transporting hazardous materials or while operating a commercial motor vehicle designed or used to transport sixteen (16) or more passengers, including the driver, shall be disqualified as follows:(a)A person shall be disqualified for a period of one hundred eighty (180) days if convicted of a first violation of an out-of-service order.(b)A person shall be disqualified for a period of three (3) years if convicted of a second or subsequent violation of an out-of-service order during any ten-year period, arising from separate incidents.Laws, 2009, ch. 560, § 19, eff. 7/1/2009. (1)Any person convicted for violating an out-of-service order shall be disqualified as follows except as provided in subsection (2) of this section:(a)A person shall be disqualified from driving a commercial motor vehicle for a period of ninety (90) days if convicted of a first violation of an out-of-service order.(b)A person shall be disqualified for a period of one (1) year if convicted of a second violation of an out-of-service order during any ten-year period, arising from separate incidents.(c)A person shall be disqualified for a period of three (3) years if convicted of a third or subsequent violation of an out-of-service order during any ten-year period, arising from separate incidents.(2)Any person convicted for violating an out-of-service order while transporting hazardous materials or while operating a commercial motor vehicle designed or used to transport sixteen (16) or more passengers, including the driver, shall be disqualified as follows:(a)A person shall be disqualified for a period of one hundred eighty (180) days if convicted of a first violation of an out-of-service order.(b)A person shall be disqualified for a period of three (3) years if convicted of a second or subsequent violation of an out-of-service order during any ten-year period, arising from separate incidents.Laws, 2009, ch. 560, § 19, eff. 7/1/2009. Laws, 2009, ch. 560, § 19, eff. 7/1/2009.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 5 - COMMERCIAL DRIVER'S LICENSE ACT (§§ 63-1-201 — 63-1-226)Section 63-1-220 - Penalties

(1)Notwithstanding any other provision of law to the contrary, any driver who violates or fails to comply with an out-of-service order is subject to a penalty of One Thousand Five Hundred Dollars (\$1,500.00), in addition to disqualification under this article.(2)Any employer who violates an out-of-service order, or who knowingly requires or permits a driver to violate or fail to comply with an out-of-service order, is subject to a penalty of Four Thousand Dollars (\$4,000.00).(3)The fine imposed for a speeding violation of a commercial motor vehicle operating in excess of fifteen (15) miles per hour over the legally posted speed limit on any highway shall be one and one-half (1-1/2) times the fine imposed for a speeding violation in other vehicles.Laws, 2009, ch. 560, § 20, eff. 7/1/2009. (1)Notwithstanding any other provision of law to the contrary, any driver who violates or fails to comply with an out-of-service order is subject to a penalty of One Thousand Five Hundred Dollars (\$1,500.00), in addition to disqualification under this article.(2)Any employer who violates an out-of-service order, or who knowingly requires or permits a driver to violate or fail to comply with an out-of-service order, is subject to a penalty of Four Thousand Dollars (\$4,000.00).(3)The fine imposed for a speeding violation of a commercial motor vehicle operating in excess of fifteen (15) miles per hour over the legally posted speed limit on any highway shall be one and one-half (1-1/2) times the fine imposed for a speeding violation in other vehicles.Laws, 2009, ch. 560, § 20, eff. 7/1/2009. (1)Notwithstanding any other provision of law to the contrary, any driver who violates or fails to comply with an out-of-service order is subject to a penalty of One Thousand Five Hundred Dollars (\$1,500.00), in addition to disqualification under this article.(2)Any employer who violates an out-of-service order, or who knowingly requires or

permits a driver to violate or fail to comply with an out-of-service order, is subject to a penalty of Four Thousand Dollars (\$4,000.00).(3)The fine imposed for a speeding violation of a commercial motor vehicle operating in excess of fifteen (15) miles per hour over the legally posted speed limit on any highway shall be one and one-half (1-1/2) times the fine imposed for a speeding violation in other vehicles.Laws, 2009, ch. 560, § 20, eff. 7/1/2009. Laws, 2009, ch. 560, § 20, eff. 7/1/2009.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 5 - COMMERCIAL DRIVER'S LICENSE ACT (§§ 63-1-201 — 63-1-226)Section 63-1-221 - Applicants for school bus endorsements

(1)An applicant for a school bus endorsement shall satisfy the following requirements:(a)Pass the knowledge and skills test for obtaining a passenger vehicle endorsement.(b)Pass the knowledge test covering the following topics, at minimum:(i>Loading and unloading children, including the safe operation of stop signal devices, external mirror systems, flashing lights, and other warning and passenger safety devices required for school buses by state or federal law or regulation.(ii)Emergency exits and procedures for safely evacuating passengers in an emergency.(iii)State and federal laws and regulations related to traversing safely highway rail grade crossings.(c)Pass a skills test in a school bus of the same vehicle group as the applicant will operate.(2)The department may waive the skills test required in subsection (1) (a) of this section for an applicant who:(a)Is currently licensed, has experience operating a school bus, and has a good operating record;(b)Certifies, and whose certification is verified by the department, that, during the two-year period immediately prior to applying for the school bus endorsement, the applicant:(i)Held a valid commercial driver's license with a passenger endorsement to operate a school bus representative of the group the applicant will be operating;(ii)Has not had the applicant's operator's license or commercial driver's license suspended, revoked, or cancelled or been disqualified from operating a commercial motor vehicle;(iii)Has not been convicted of any offense that would require disqualification under Section63-1-216or 49 CFR, Part 383.51(b) ;(iv)Has not had more than one (1) conviction for a serious traffic violation while operating any type of motor vehicle;(v)Has not had any conviction for a violation of state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident;(vi)Has not been convicted of any motor vehicle traffic violation that resulted in an accident; and(vii)Has been regularly employed as a school bus driver and provides evidence of such employment.Laws, 2009, ch. 560, § 21, eff. 7/1/2009. (1)An applicant for a school bus endorsement shall satisfy the following requirements:(a)Pass the knowledge and skills test for obtaining a passenger vehicle endorsement.(b)Pass the knowledge test covering the following topics, at minimum:(i>Loading and unloading children, including the safe operation of stop signal devices, external mirror systems, flashing lights, and other warning and passenger safety devices required for school buses by state or federal law or regulation.(ii)Emergency exits and procedures for safely evacuating passengers in an emergency.(iii)State and federal laws and regulations related to traversing safely highway rail grade crossings.(c)Pass a skills test in a school bus of the same vehicle group as the applicant will operate.(2)The department may waive the skills test required in subsection (1) (a) of this section for an applicant who:(a)Is currently licensed, has experience operating a school bus, and has a good operating record;(b)Certifies, and whose certification is verified by the department, that, during the two-year period immediately prior to applying for the school bus endorsement, the applicant:(i)Held a valid commercial driver's license with a passenger endorsement to operate a school bus representative of the group the applicant will be operating;(ii)Has not had the applicant's operator's license or commercial driver's license suspended, revoked, or cancelled or been disqualified from operating a commercial motor vehicle;(iii)Has not been convicted of any offense that would require disqualification under Section63-1-216or 49 CFR, Part 383.51(b) ;(iv)Has not had more than one (1) conviction for a serious traffic violation while operating any type of motor vehicle;(v)Has not had any conviction for a violation of state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident;(vi)Has not been convicted of any motor vehicle traffic violation that resulted in an accident; and(vii)Has been regularly employed as a school bus driver and provides evidence of such employment.Laws, 2009, ch. 560, § 21, eff. 7/1/2009. (1)An applicant for a school bus endorsement shall satisfy the following requirements:(a)Pass the knowledge and skills test for obtaining a passenger vehicle endorsement.(b)Pass the knowledge test covering the following topics, at minimum:(i>Loading and unloading children, including the safe operation of stop signal devices, external mirror systems, flashing lights, and other warning and passenger safety devices required for school buses by state or federal law or regulation.(ii)Emergency exits and procedures for safely evacuating passengers in an emergency.(iii)State and federal laws and regulations related to traversing safely highway rail grade crossings.(c)Pass a skills test in a school bus of the same vehicle group as the applicant will operate.(2)The department may waive the skills test required in subsection (1) (a) of this section for an applicant who:(a)Is currently licensed, has experience operating a school bus, and has a good operating record;(b)Certifies, and whose certification is verified by the department, that, during the two-year period immediately prior to applying for the school bus endorsement, the applicant:(i)Held a valid commercial driver's license with a passenger endorsement to operate a school bus representative of the group the applicant will be operating;(ii)Has not had the applicant's operator's license or commercial driver's license suspended, revoked, or cancelled or been disqualified from operating a commercial motor vehicle;(iii)Has not been convicted of any offense that would require disqualification under Section63-1-216or 49 CFR, Part 383.51(b) ;(iv)Has not had more than one (1) conviction for a serious traffic violation while operating any type of motor vehicle;(v)Has not had any conviction for a violation of state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident;(vi)Has not been convicted of any motor vehicle traffic violation that resulted in an accident; and(vii)Has been regularly employed as a school bus driver and provides evidence of such employment.Laws, 2009, ch. 560, § 21, eff. 7/1/2009. Laws, 2009, ch. 560, § 21, eff. 7/1/2009.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 5 - COMMERCIAL DRIVER'S LICENSE ACT (§§ 63-1-201 — 63-1-226) Section 63-1-222 - Deferring imposition of sentence

No judge or court may utilize the provisions of Section 63-1-71(3) or 63-9-11(3) or any other program to defer imposition of sentence or judgment if the defendant holds a commercial driver's license or was operating a commercial motor vehicle when the violation occurred and is charged with violating any state or local traffic law other than a parking violation. Laws, 2009, ch. 560, § 22, eff. 7/1/2009. No judge or court may utilize the provisions of Section 63-1-71(3) or 63-9-11(3) or any other program to defer imposition of sentence or judgment if the defendant holds a commercial driver's license or was operating a commercial motor vehicle when the violation occurred and is charged with violating any state or local traffic law other than a parking violation. Laws, 2009, ch. 560, § 22, eff. 7/1/2009. No judge or court may utilize the provisions of Section 63-1-71(3) or 63-9-11(3) or any other program to defer imposition of sentence or judgment if the defendant holds a commercial driver's license or was operating a commercial motor vehicle when the violation occurred and is charged with violating any state or local traffic law other than a parking violation. Laws, 2009, ch. 560, § 22, eff. 7/1/2009. No judge or court may utilize the provisions of Section 63-1-71(3) or 63-9-11(3) or any other program to defer imposition of sentence or judgment if the defendant holds a commercial driver's license or was operating a commercial motor vehicle when the violation occurred and is charged with violating any state or local traffic law other than a parking violation. Laws, 2009, ch. 560, § 22, eff. 7/1/2009.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 5 - COMMERCIAL DRIVER'S LICENSE ACT (§§ 63-1-201 — 63-1-226) Section 63-1-223 - Penalty for authorizing railroad crossing violations

Any employer who knowingly requires, allows, authorizes or permits a driver to operate a commercial motor vehicle in violation of Section 77-9-249 is subject to a penalty of not more than Four Thousand Dollars (\$4,000.00). Laws, 2009, ch. 560, § 23, eff. 7/1/2009. Any employer who knowingly requires, allows, authorizes or permits a driver to operate a commercial motor vehicle in violation of Section 77-9-249 is subject to a penalty of not more than Four Thousand Dollars (\$4,000.00). Laws, 2009, ch. 560, § 23, eff. 7/1/2009. Any employer who knowingly requires, allows, authorizes or permits a driver to operate a commercial motor vehicle in violation of Section 77-9-249 is subject to a penalty of not more than Four Thousand Dollars (\$4,000.00). Laws, 2009, ch. 560, § 23, eff. 7/1/2009. Any employer who knowingly requires, allows, authorizes or permits a driver to operate a commercial motor vehicle in violation of Section 77-9-249 is subject to a penalty of not more than Four Thousand Dollars (\$4,000.00). Laws, 2009, ch. 560, § 23, eff. 7/1/2009.

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(1) A person who holds a commercial driver's license and drives a motor vehicle within this state or a person who drives a commercial motor vehicle within this state for which a commercial learner's permit or a commercial driver's license is required under this article is deemed to have given his consent to a chemical test or tests of his breath for the purpose of determining the alcohol content of his blood. A person may give his consent to a chemical test or tests of his blood or urine for the purpose of determining the presence in his body of any other substance which would impair a person's ability to drive a motor vehicle. (2) The tests shall be administered, and all procedures and proceedings relating thereto shall be performed, as nearly as practicable, in accordance with the provisions of the Mississippi Implied Consent Law. However, from and after April 1, 1992, refusal of any such person to submit to such test or a test given which indicates that such person was driving such motor vehicle within this state with any measurable or detectable amount of alcohol in his system or while under the influence of a controlled substance shall require such person to be immediately placed out of service for twenty-four (24) hours and shall require suspension of the commercial driver's license of such person for the applicable period of time prescribed in this article. Laws, 2009, ch. 560, § 24, eff. 7/1/2009. (1) A person who holds a commercial driver's license and drives a motor vehicle within this state or a person who drives a commercial motor vehicle within this state for which a commercial learner's permit or a commercial driver's license is required under this article is deemed to have given his consent to a chemical test or tests of his breath for the purpose of determining the alcohol content of his blood. A person may give his consent to a chemical test or tests of his blood or urine for the purpose of determining the presence in his body of any other substance which would impair a person's ability to drive a motor vehicle. (2) The tests shall be administered, and all procedures and proceedings relating thereto shall be performed, as nearly as practicable, in accordance with the provisions of the Mississippi Implied Consent Law. However, from and after April 1, 1992, refusal of any such person to submit to such test or a test given which indicates that such person was driving such motor vehicle within this state with any measurable or detectable amount of alcohol in his system or while under the influence of a controlled substance shall require such person to be immediately placed out of service for twenty-four (24) hours and shall require suspension of the commercial driver's license of such person for the applicable period of time prescribed in this article. Laws, 2009, ch. 560, § 24, eff. 7/1/2009. (1) A person who holds a commercial driver's license and drives a motor vehicle within this state or a person who drives a commercial motor vehicle within this state for which a commercial learner's permit or a commercial driver's license is required

under this article is deemed to have given his consent to a chemical test or tests of his breath for the purpose of determining the alcohol content of his blood. A person may give his consent to a chemical test or tests of his blood or urine for the purpose of determining the presence in his body of any other substance which would impair a person's ability to drive a motor vehicle.(2)The tests shall be administered, and all procedures and proceedings relating thereto shall be performed, as nearly as practicable, in accordance with the provisions of the Mississippi Implied Consent Law. However, from and after April 1, 1992, refusal of any such person to submit to such test or a test given which indicates that such person was driving such motor vehicle within this state with any measurable or detectable amount of alcohol in his system or while under the influence of a controlled substance shall require such person to be immediately placed out of service for twenty-four (24) hours and shall require suspension of the commercial driver's license of such person for the applicable period of time prescribed in this article.Laws, 2009, ch. 560, § 24, eff. 7/1/2009. Laws, 2009, ch. 560, § 24, eff. 7/1/2009.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 5 - COMMERCIAL DRIVER'S LICENSE ACT (§§ 63-1-201 — 63-1-226)Section 63-1-225 - Classification of offenses under this article; relationship to other laws

Except as otherwise specifically provided by this article, any violation of this article for which the only penalty under this article is the requirement that the commissioner suspend the commercial learner's permit or commercial driver's license of a person shall not, for the purposes of this article, constitute a criminal offense. However, if a violation of this article also constitutes a criminal offense under the provisions of some other law, then any criminal penalty which may be imposed for violation of such criminal law shall be in addition to suspension of a person's license under this article.If violation of any law of this state other than a violation of this article requires that the driver's license or driving privileges of a person be suspended, cancelled or revoked, then any suspension, cancellation or revocation imposed for violation of such law shall also result in suspension, revocation or cancellation of the person's commercial learner's permit or commercial driver's license under the provisions of this article for the same period of time and to run concurrently therewith.If any person is disqualified under the provisions of this article and the violation is not an offense for which a person's driver's license or driving privilege is suspended, revoked or cancelled under the provisions of some law other than the provisions of this article, then the person may apply for and obtain, upon meeting all qualifications as required by law, any type of driver's license other than a commercial driver's license or commercial learner's permit issued under the provisions of this article.Laws, 2009, ch. 560, § 25, eff. 7/1/2009. Except as otherwise specifically provided by this article, any violation of this article for which the only penalty under this article is the requirement that the commissioner suspend the commercial learner's permit or commercial driver's license of a person shall not, for the purposes of this article, constitute a criminal offense. However, if a violation of this article also constitutes a criminal offense under the provisions of some other law, then any criminal penalty which may be imposed for violation of such criminal law shall be in addition to suspension of a person's license under this article.If violation of any law of this state other than a violation of this article requires that the driver's license or driving privileges of a person be suspended, cancelled or revoked, then any suspension, cancellation or revocation imposed for violation of such law shall also result in suspension, revocation or cancellation of the person's commercial learner's permit or commercial driver's license under the provisions of this article for the same period of time and to run concurrently therewith.If any person is disqualified under the provisions of this article and the violation is not an offense for which a person's driver's license or driving privilege is suspended, revoked or cancelled under the provisions of some law other than the provisions of this article, then the person may apply for and obtain, upon meeting all qualifications as required by law, any type of driver's license other than a commercial driver's license or commercial learner's permit issued under the provisions of this article.Laws, 2009, ch. 560, § 25, eff. 7/1/2009. Except as otherwise specifically provided by this article, any violation of this article for which the only penalty under this article is the requirement that the commissioner suspend the commercial learner's permit or commercial driver's license of a person shall not, for the purposes of this article, constitute a criminal offense. However, if a violation of this article also constitutes a criminal offense under the provisions of some other law, then any criminal penalty which may be imposed for violation of such criminal law shall be in addition to suspension of a person's license under this article. If violation of any law of this state other than a violation of this article requires that the driver's license or driving privileges of a person be suspended, cancelled or revoked, then any suspension, cancellation or revocation imposed for violation of such law shall also result in suspension, revocation or cancellation of the person's commercial learner's permit or commercial driver's license under

the provisions of this article for the same period of time and to run concurrently therewith. If any person is disqualified under the provisions of this article and the violation is not an offense for which a person's driver's license or driving privilege is suspended, revoked or cancelled under the provisions of some law other than the provisions of this article, then the person may apply for and obtain, upon meeting all qualifications as required by law, any type of driver's license other than a commercial driver's license or commercial learner's permit issued under the provisions of this article. Laws, 2009, ch. 560, § 25, eff. 7/1/2009.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 5 - COMMERCIAL DRIVER'S LICENSE ACT (§§ 63-1-201 — 63-1-226) Section 63-1-226 - Use of certain facilities and property for commercial driver's license testing sites

The commissioner is authorized to make use of the facilities and property upon which are located inspection stations, as prescribed in Sections 27-5-71 and 27-5-73, for the purpose of commercial driver's license testing sites under this article. The State Tax Commission shall cooperate with the Commissioner of Public Safety in making such property and facilities available for such use; however, the use of the inspection stations by the Commissioner of Public Safety shall not unreasonably interfere with the duties of the State Tax Commission. Laws, 2009, ch. 560, § 26, eff. 7/1/2009. The commissioner is authorized to make use of the facilities and property upon which are located inspection stations, as prescribed in Sections 27-5-71 and 27-5-73, for the purpose of commercial driver's license testing sites under this article. The State Tax Commission shall cooperate with the Commissioner of Public Safety in making such property and facilities available for such use; however, the use of the inspection stations by the Commissioner of Public Safety shall not unreasonably interfere with the duties of the State Tax Commission. Laws, 2009, ch. 560, § 26, eff. 7/1/2009. The commissioner is authorized to make use of the facilities and property upon which are located inspection stations, as prescribed in Sections 27-5-71 and 27-5-73, for the purpose of commercial driver's license testing sites under this article. The State Tax Commission shall cooperate with the Commissioner of Public Safety in making such property and facilities available for such use; however, the use of the inspection stations by the Commissioner of Public Safety shall not unreasonably interfere with the duties of the State Tax Commission. Laws, 2009, ch. 560, § 26, eff. 7/1/2009. The commissioner is authorized to make use of the facilities and property upon which are located inspection stations, as prescribed in Sections 27-5-71 and 27-5-73, for the purpose of commercial driver's license testing sites under this article. The State Tax Commission shall cooperate with the Commissioner of Public Safety in making such property and facilities available for such use; however, the use of the inspection stations by the Commissioner of Public Safety shall not unreasonably interfere with the duties of the State Tax Commission. Laws, 2009, ch. 560, § 26, eff. 7/1/2009.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 7 - EMPOWERING REENTRY THROUGH LICENSING ACT (§§ 63-1-301 — 63-1-311) Section 63-1-301 - Short title

This article shall be known and may be cited as the "Empowering Reentry Through Licensing Act." Added by Laws, 2021, ch. 390, HB 551, § 1, eff. 7/1/2021. This article shall be known and may be cited as the "Empowering Reentry Through Licensing Act." Added by Laws, 2021, ch. 390, HB 551, § 1, eff. 7/1/2021. This article shall be known and may be cited as the "Empowering Reentry Through Licensing Act." Added by Laws, 2021, ch. 390, HB 551, § 1, eff. 7/1/2021. This article shall be known and may be cited as the "Empowering Reentry Through Licensing Act." Added by Laws, 2021, ch. 390, HB 551, § 1, eff. 7/1/2021.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311) Article 7 - EMPOWERING REENTRY THROUGH LICENSING ACT (§§ 63-1-301 — 63-1-311) Section 63-1-303 - Definitions

As used in this article: (a) "Department" means the Department of Public Safety. (b) "Discharge plan" shall have the meaning provided in Section 47-7-33.1. (c) "Driver's license" means a Class R license as authorized in Section 63-1-9. (d) "Eligible person" means a person who has served a term of at least one (1) year and whose driver's license will be or has been suspended, revoked or cancelled for any reason upon the person's release. An "eligible person" must be: (i) Within one hundred eighty (180) days of release from incarceration; or (ii) On probation or parole, having been released from incarceration within the previous six (6) months. An "eligible person" must not be within the category of persons described by Section 63-1-307. (e) "Provisional license" means a license as authorized in Section 63-1-305. (f) "Provisional licensee" means the holder of a provisional driver's license. (g) "Release from incarceration" shall mean release from a Mississippi Department of Corrections facility or an MDOC-approved residential program. Added by Laws, 2021, ch. 390, HB 551, § 2, eff. 7/1/2021. As used in this article: (a) "Department" means the Department of Public Safety. (b) "Discharge plan" shall have the meaning provided in Section 47-7-33.1. (c) "Driver's license" means a Class R license as authorized in Section 63-1-9. (d) "Eligible person" means a person who has served a term of at least one (1) year and whose driver's license will be or has been suspended, revoked or cancelled for any reason upon the person's release. An "eligible person" must be: (i) Within one hundred eighty (180) days of release from incarceration; or (ii) On probation or parole, having been released from incarceration within the previous six (6) months. An "eligible person" must not be within the category of persons described by Section 63-1-307. (e) "Provisional license" means a license as authorized in Section 63-1-305. (f) "Provisional licensee" means the holder of a provisional driver's license. (g) "Release from incarceration" shall mean release from a Mississippi Department of Corrections facility or an MDOC-approved residential program. Added by Laws, 2021, ch. 390, HB 551, § 2, eff. 7/1/2021. As used in this article: (a) "Department" means the Department of Public Safety. (b) "Discharge plan" shall have the meaning provided in Section 47-7-33.1. (c) "Driver's license" means a Class R license as authorized in Section 63-1-9. (d) "Eligible person" means a person

who has served a term of at least one (1) year and whose driver's license will be or has been suspended, revoked or cancelled for any reason upon the person's release. An "eligible person" must be:(i)Within one hundred eighty (180) days of release from incarceration; or(ii)On probation or parole, having been released from incarceration within the previous six (6) months.An "eligible person" must not be within the category of persons described by Section63-1-307.(e)"Provisional license" means a license as authorized in Section63-1-305.(f)"Provisional licensee" means the holder of a provisional driver's license.(g)"Release from incarceration" shall mean release from a Mississippi Department of Corrections facility or an MDOC-approved residential program.Added by Laws, 2021, ch. 390, HB 551,§ 2, eff. 7/1/2021. As used in this article: An "eligible person" must not be within the category of persons described by Section63-1-307. Added by Laws, 2021, ch. 390, HB 551,§ 2, eff. 7/1/2021.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 7 - EMPOWERING REENTRY THROUGH LICENSING ACT (§§ 63-1-301 — 63-1-311)Section 63-1-305 - Provisional license; duration of license; permitted use of license

(1)A provisional license shall be valid for six (6) months from the date of a person's release from incarceration.(2)A provisional license shall permit the provisional licensee to drive a motor vehicle directly to and directly home from his or her residence and:(a)A place where he or she is employed or will potentially be employed;(b)A place where the licensee attends school;(c)A place where the licensee's minor child attends school or day care, provided that there are no separate laws prohibiting such travel;(d)A scheduled meeting with the licensee's probation or parole officer or other supervisor;(e)Any place, location or meeting that the licensee's probation or parole officer has authorized the person to travel to or attend; or(f)A place of religious instruction or worship.(3)This article shall not apply to any type of commercial operator's license.Added by Laws, 2021, ch. 390, HB 551,§ 3, eff. 7/1/2021. (1)A provisional license shall be valid for six (6) months from the date of a person's release from incarceration.(2)A provisional license shall permit the provisional licensee to drive a motor vehicle directly to and directly home from his or her residence and:(a)A place where he or she is employed or will potentially be employed;(b)A place where the licensee attends school;(c)A place where the licensee's minor child attends school or day care, provided that there are no separate laws prohibiting such travel;(d)A scheduled meeting with the licensee's probation or parole officer or other supervisor;(e)Any place, location or meeting that the licensee's probation or parole officer has authorized the person to travel to or attend; or(f)A place of religious instruction or worship.(3)This article shall not apply to any type of commercial operator's license.Added by Laws, 2021, ch. 390, HB 551,§ 3, eff. 7/1/2021. Added by Laws, 2021, ch. 390, HB 551,§ 3, eff. 7/1/2021.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 7 - EMPOWERING REENTRY THROUGH LICENSING ACT (§§ 63-1-301 — 63-1-311)Section 63-1-307 - Ineligibility for provisional license

A person is ineligible for a provisional license under this article if:(a)The person was convicted of vehicular homicide, or a third or subsequent violation of any other law that prohibits operating a vehicle while intoxicated or under the influence of alcohol or drugs; or(b)A person's driver's license has been suspended, revoked or cancelled pursuant to a report of conviction received pursuant to Article III of the Driver License Compact.Added by Laws, 2021, ch. 390, HB 551,§ 4, eff. 7/1/2021. A person is ineligible for a provisional license under this article if:(a)The person was convicted of vehicular homicide, or a third or subsequent violation of any other law that prohibits operating a vehicle while intoxicated or under the influence of alcohol or drugs; or(b)A person's driver's license has been suspended, revoked or cancelled pursuant to a report of conviction received pursuant to Article III of the Driver License Compact.Added by Laws, 2021, ch. 390, HB 551,§ 4, eff. 7/1/2021. A person is ineligible for a provisional license under this article if: Added by Laws, 2021, ch. 390, HB 551,§ 4, eff. 7/1/2021.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 7 - EMPOWERING REENTRY THROUGH LICENSING ACT (§§ 63-1-301 — 63-1-311)Section 63-1-309 - Duties of Department of Public Safety; no fee for provisional license; revocation of provisional license

(1)The department shall:(a)Issue a provisional license to an eligible person upon receipt of an application;(b)Defer payment of all fees, penalties and charges relating to the issuance of a provisional license under this section that are incurred prior to or during the

term of incarceration and owed by the applicant to the department;(c)Inform the provisional licensee that the licensee has six (6) months from the date of release from incarceration to clear his or her driving record of any suspensions, revocations or cancellations in order to be eligible for a driver's license issued under Section63-1-9;(d)Shall issue a driver's license upon the collection of the standard fees and handling charges at the end of the term of the provisional license if the provisional licensee qualifies for full and unrestricted driving privileges and has paid any fees owed under paragraph (c) of this subsection;(e)Develop procedures to:(i)Issue a driver's license after the collection of the standard fees and handling charges to any person who, upon release from incarceration, qualifies for full and unrestricted driving privileges without the need of a provisional license; and(ii)Renew the driver's license of an inmate after the collection of the standard fees and handling charges; and(f)Promulgate the rules and regulations necessary to administer this article.(2)The department shall not assess an eligible person a fee for a provisional license.(3)(a)The department may revoke the provisional license if the licensee commits an act or omission that causes the community supervision or parole of the holder of the provisional license to be revoked. The provisional licensee's probation or parole officer shall notify the department if the supervision or parole status has been revoked. The court shall notify the department if the provisional licensee is charged with a new felony or any moving traffic violation.(b)If the department revokes a provisional license issued pursuant to this section, the holder shall not be entitled to receive another provisional license.(4)The department shall, in conjunction with the Department of Corrections, provide to each person admitted to the Department of Corrections the person's current driver's license status, a detailed driver's history and any outstanding warrant information available on the National Criminal Information Center Database.Added by Laws, 2021, ch. 390, HB 551,§ 5, eff. 7/1/2021. (1)The department shall:(a)Issue a provisional license to an eligible person upon receipt of an application;(b)Defer payment of all fees, penalties and charges relating to the issuance of a provisional license under this section that are incurred prior to or during the term of incarceration and owed by the applicant to the department;(c)Inform the provisional licensee that the licensee has six (6) months from the date of release from incarceration to clear his or her driving record of any suspensions, revocations or cancellations in order to be eligible for a driver's license issued under Section63-1-9;(d)Shall issue a driver's license upon the collection of the standard fees and handling charges at the end of the term of the provisional license if the provisional licensee qualifies for full and unrestricted driving privileges and has paid any fees owed under paragraph (c) of this subsection;(e)Develop procedures to:(i)Issue a driver's license after the collection of the standard fees and handling charges to any person who, upon release from incarceration, qualifies for full and unrestricted driving privileges without the need of a provisional license; and(ii)Renew the driver's license of an inmate after the collection of the standard fees and handling charges; and(f)Promulgate the rules and regulations necessary to administer this article.(2)The department shall not assess an eligible person a fee for a provisional license.(3)(a)The department may revoke the provisional license if the licensee commits an act or omission that causes the community supervision or parole of the holder of the provisional license to be revoked. The provisional licensee's probation or parole officer shall notify the department if the supervision or parole status has been revoked. The court shall notify the department if the provisional licensee is charged with a new felony or any moving traffic violation.(b)If the department revokes a provisional license issued pursuant to this section, the holder shall not be entitled to receive another provisional license.(4)The department shall, in conjunction with the Department of Corrections, provide to each person admitted to the Department of Corrections the person's current driver's license status, a detailed driver's history and any outstanding warrant information available on the National Criminal Information Center Database.Added by Laws, 2021, ch. 390, HB 551,§ 5, eff. 7/1/2021. (1)The department shall:(a)Issue a provisional license to an eligible person upon receipt of an application;(b)Defer payment of all fees, penalties and charges relating to the issuance of a provisional license under this section that are incurred prior to or during the term of incarceration and owed by the applicant to the department;(c)Inform the provisional licensee that the licensee has six (6) months from the date of release from incarceration to clear his or her driving record of any suspensions, revocations or cancellations in order to be eligible for a driver's license issued under Section63-1-9;(d)Shall issue a driver's license upon the collection of the standard fees and handling charges at the end of the term of the provisional license if the provisional licensee qualifies for full and unrestricted driving privileges and has paid any fees owed under paragraph (c) of this subsection;(e)Develop procedures to:(i)Issue a driver's license after the collection of the standard fees and handling charges to any person who, upon release from incarceration, qualifies for full and unrestricted driving privileges without the need of a provisional license; and(ii)Renew the driver's license of an inmate after the collection of the standard fees and handling charges; and(f)Promulgate the rules and regulations necessary to administer this article.(2)The department shall not assess an eligible person a fee for a provisional license.(3)(a)The department may revoke the provisional license if the licensee commits an act or omission that causes the community supervision or parole of the holder of the provisional license to be revoked. The provisional licensee's probation or parole officer shall notify the department if the supervision or parole status has been revoked. The court shall notify the department if the provisional licensee is charged with a new felony or any moving traffic violation.(b)If the department revokes a provisional license issued pursuant to this section, the holder shall not be entitled to receive another provisional license.(4)The department shall, in conjunction with the Department of Corrections, provide to each person admitted to the Department of Corrections the person's current driver's license status, a detailed driver's history and any outstanding warrant information available on the National Criminal Information Center Database.Added by Laws, 2021, ch. 390, HB 551,§ 5, eff. 7/1/2021. Added by Laws, 2021, ch. 390, HB 551,§ 5, eff. 7/1/2021.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 1 - DRIVER'S LICENSE (§§ 63-1-1 — 63-1-311)Article 7 - EMPOWERING REENTRY THROUGH LICENSING ACT (§§ 63-1-301 — 63-1-311)Section 63-1-311 - Duties of Department of Correction

The Mississippi Department of Corrections shall:(a)Identify eligible persons to apply for a provisional license under this

section.(b)Provide any inmate opportunity to renew the inmate's driver's license under Section63-1-309(1)(e).(c)Promulgate any necessary rules or regulations to administer this article.Added by Laws, 2021, ch. 390, HB 551,§ 6, eff. 7/1/2021. The Mississippi Department of Corrections shall:(a)Identify eligible persons to apply for a provisional license under this section.(b)Provide any inmate opportunity to renew the inmate's driver's license under Section63-1-309(1)(e).(c)Promulgate any necessary rules or regulations to administer this article.Added by Laws, 2021, ch. 390, HB 551,§ 6, eff. 7/1/2021. The Mississippi Department of Corrections shall: Added by Laws, 2021, ch. 390, HB 551,§ 6, eff. 7/1/2021.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 10 - NONRESIDENT TRAFFIC VIOLATOR COMPACT (§§ 63-10-1 — 63-10-5)Section 63-10-1 - Definitions

As used in this chapter:(a)"State" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.(b)"Reciprocating state" means any state which extends by its laws to residents of Mississippi, substantially the same rights and privileges as provided for by this chapter.(c)"Citation" means any citation, ticket or other document issued by a state highway patrol officer for the violation of a traffic law, ordinance, rule or regulation, ordering the alleged offender to appear.(d)"License" means any operator's or chauffeur's permit or license, or any other license or permit to operate a motor vehicle issued under the laws of this state or a reciprocating state including:(i)Any temporary or learner's permit;(ii)The privilege of any person to operate a motor vehicle whether or not such person holds a valid license; and(iii)Any nonresident's operating privilege conferred upon a nonresident of a state pertaining to the operation by such person of a motor vehicle in such state.(e)"Collateral" or "bond" means any cash or other security deposited to secure an appearance for trial following the issuance of a citation by a state highway patrol officer for the violation of a traffic law, ordinance, rule or regulation.(f)"Personal recognizance" means a signed agreement by an alleged offender that he will comply with the terms of a court's directive as the result of a traffic citation served him.(g)"Nonresident" refers only to a person who is a resident of or holds a drivers license issued by a reciprocating state.Laws, 1979, ch. 421, § 1, eff. 3/21/1979. As used in this chapter:(a)"State" means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.(b)"Reciprocating state" means any state which extends by its laws to residents of Mississippi, substantially the same rights and privileges as provided for by this chapter.(c)"Citation" means any citation, ticket or other document issued by a state highway patrol officer for the violation of a traffic law, ordinance, rule or regulation, ordering the alleged offender to appear.(d)"License" means any operator's or chauffeur's permit or license, or any other license or permit to operate a motor vehicle issued under the laws of this state or a reciprocating state including:(i)Any temporary or learner's permit;(ii)The privilege of any person to operate a motor vehicle whether or not such person holds a valid license; and(iii)Any nonresident's operating privilege conferred upon a nonresident of a state pertaining to the operation by such person of a motor vehicle in such state.(e)"Collateral" or "bond" means any cash or other security deposited to secure an appearance for trial following the issuance of a citation by a state highway patrol officer for the violation of a traffic law, ordinance, rule or regulation.(f)"Personal recognizance" means a signed agreement by an alleged offender that he will comply with the terms of a court's directive as the result of a traffic citation served him.(g)"Nonresident" refers only to a person who is a resident of or holds a drivers license issued by a reciprocating state.Laws, 1979, ch. 421, § 1, eff. 3/21/1979. As used in this chapter: Laws, 1979, ch. 421, § 1, eff. 3/21/1979.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 10 - NONRESIDENT TRAFFIC VIOLATOR COMPACT (§§ 63-10-1 — 63-10-5)Section 63-10-3 - Issuance of citation to resident of reciprocating state; security for appearance; reporting of noncompliance with citation

(1)A state highway patrol officer, in lieu of arrest for a traffic violation, may issue a citation, as would be appropriate under the circumstances, to any motorist who is a resident of this state or holds a license issued by a reciprocating state and shall not, subject to the exceptions noted in subsection (2) of this section, require such motorist to post collateral or bond to secure his appearance but shall accept such motorist's drivers license in lieu of bond or security as provided by Section63-9-25, Mississippi Code of 1972,

provided, however, that a person so charged shall have the right, upon his request, to post collateral or bond in a manner as provided by law, and in such case, the provisions of this chapter shall not apply.(2)No motorist shall be entitled to receive a citation under the provisions of subsection (1) of this section nor shall any state highway patrol officer issue a citation as provided for therein if the offense be included in the following:(a)An offense for which the issuance of a citation in lieu of a hearing or the posting of collateral or bond is prohibited by the laws of this state; or(b)An offense for which state statutes require the revocation or suspension of a motorist's license.(3)Upon the failure of any resident or nonresident to comply with the terms of a traffic citation, the issuing officer shall request that a warrant be issued and shall report same to the commissioner of public safety or his duly authorized agent, who shall suspend such person's drivers license until such time as a disposition is had on said undisposed of traffic citation. Such report shall clearly identify the person charged; describe the violation, specify the statute, code or ordinance violated; indicate the location of the offense; give a description of the vehicle involved; and show the registration or license number of the vehicle. Such report shall be signed by the issuing officer.Laws, 1979, ch. 421, § 2, eff. 3/21/1979. (1)A state highway patrol officer, in lieu of arrest for a traffic violation, may issue a citation, as would be appropriate under the circumstances, to any motorist who is a resident of this state or holds a license issued by a reciprocating state and shall not, subject to the exceptions noted in subsection (2) of this section, require such motorist to post collateral or bond to secure his appearance but shall accept such motorist's drivers license in lieu of bond or security as provided by Section63-9-25, Mississippi Code of 1972, provided, however, that a person so charged shall have the right, upon his request, to post collateral or bond in a manner as provided by law, and in such case, the provisions of this chapter shall not apply.(2)No motorist shall be entitled to receive a citation under the provisions of subsection (1) of this section nor shall any state highway patrol officer issue a citation as provided for therein if the offense be included in the following:(a)An offense for which the issuance of a citation in lieu of a hearing or the posting of collateral or bond is prohibited by the laws of this state; or(b)An offense for which state statutes require the revocation or suspension of a motorist's license.(3)Upon the failure of any resident or nonresident to comply with the terms of a traffic citation, the issuing officer shall request that a warrant be issued and shall report same to the commissioner of public safety or his duly authorized agent, who shall suspend such person's drivers license until such time as a disposition is had on said undisposed of traffic citation. Such report shall clearly identify the person charged; describe the violation, specify the statute, code or ordinance violated; indicate the location of the offense; give a description of the vehicle involved; and show the registration or license number of the vehicle. Such report shall be signed by the issuing officer.Laws, 1979, ch. 421, § 2, eff. 3/21/1979. (1)A state highway patrol officer, in lieu of arrest for a traffic violation, may issue a citation, as would be appropriate under the circumstances, to any motorist who is a resident of this state or holds a license issued by a reciprocating state and shall not, subject to the exceptions noted in subsection (2) of this section, require such motorist to post collateral or bond to secure his appearance but shall accept such motorist's drivers license in lieu of bond or security as provided by Section63-9-25, Mississippi Code of 1972, provided, however, that a person so charged shall have the right, upon his request, to post collateral or bond in a manner as provided by law, and in such case, the provisions of this chapter shall not apply.(2)No motorist shall be entitled to receive a citation under the provisions of subsection (1) of this section nor shall any state highway patrol officer issue a citation as provided for therein if the offense be included in the following:(a)An offense for which the issuance of a citation in lieu of a hearing or the posting of collateral or bond is prohibited by the laws of this state; or(b)An offense for which state statutes require the revocation or suspension of a motorist's license.(3)Upon the failure of any resident or nonresident to comply with the terms of a traffic citation, the issuing officer shall request that a warrant be issued and shall report same to the commissioner of public safety or his duly authorized agent, who shall suspend such person's drivers license until such time as a disposition is had on said undisposed of traffic citation. Such report shall clearly identify the person charged; describe the violation, specify the statute, code or ordinance violated; indicate the location of the offense; give a description of the vehicle involved; and show the registration or license number of the vehicle. Such report shall be signed by the issuing officer.Laws, 1979, ch. 421, § 2, eff. 3/21/1979. Laws, 1979, ch. 421, § 2, eff. 3/21/1979.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 10 - NONRESIDENT TRAFFIC VIOLATOR COMPACT (§§ 63-10-1 — 63-10-5)Section 63-10-5 - Proceedings upon noncompliance with traffic citation by nonresident

(1)Upon receipt of a state highway patrol officer's report as described in Section63-10-3the commissioner of public safety or his duly authorized agent shall transmit a certified copy of such report to the official in charge of the issuance of licenses in the reciprocating state in which the nonresident resides or by which he is licensed.(2)Upon receipt from the licensing authority of this state or a reciprocating state in which a citation was issued of a certification of noncompliance with a citation issued in this state or a reciprocating state by a person holding a valid license issued by this state, the commissioner of public safety or his duly authorized agent shall immediately suspend such person's drivers license. The order of suspension shall indicate the reason therefor and notify the motorist that his license shall remain suspended until he has furnished satisfactory evidence indicating that he has fully complied with the terms of the court having jurisdiction in the matter. However, the department of public safety, or any employee thereof, shall not collect nor act as a collecting agency for any court-imposed fine in relation to an outstanding, undisposed of traffic case.(3)A copy of any suspension order issued hereunder shall be furnished to the licensing authority of the reciprocating state in which the citation was issued.(4)It shall be the duty of the director of driver services, department of public safety, to ascertain and remain informed as to which states are "reciprocating states" hereunder and, accordingly, to maintain a current listing of such states. The listings shall periodically be disseminated among the appropriate official positions of any state agency, county or municipality of this state and the licensing authorities in all other reciprocating states pursuant hereto.Laws, 1979, ch. 421, § 3, eff. 3/21/1979.

(1) Upon receipt of a state highway patrol officer's report as described in Section 63-10-3 the commissioner of public safety or his duly authorized agent shall transmit a certified copy of such report to the official in charge of the issuance of licenses in the reciprocating state in which the nonresident resides or by which he is licensed. (2) Upon receipt from the licensing authority of this state or a reciprocating state in which a citation was issued of a certification of noncompliance with a citation issued in this state or a reciprocating state by a person holding a valid license issued by this state, the commissioner of public safety or his duly authorized agent shall immediately suspend such person's driver's license. The order of suspension shall indicate the reason therefor and notify the motorist that his license shall remain suspended until he has furnished satisfactory evidence indicating that he has fully complied with the terms of the court having jurisdiction in the matter. However, the department of public safety, or any employee thereof, shall not collect nor act as a collecting agency for any court-imposed fine in relation to an outstanding, undisposed of traffic case. (3) A copy of any suspension order issued hereunder shall be furnished to the licensing authority of the reciprocating state in which the citation was issued. (4) It shall be the duty of the director of driver services, department of public safety, to ascertain and remain informed as to which states are "reciprocating states" hereunder and, accordingly, to maintain a current listing of such states. The listings shall periodically be disseminated among the appropriate official positions of any state agency, county or municipality of this state and the licensing authorities in all other reciprocating states pursuant hereto. Laws, 1979, ch. 421, § 3, eff. 3/21/1979.

(1) Upon receipt of a state highway patrol officer's report as described in Section 63-10-3 the commissioner of public safety or his duly authorized agent shall transmit a certified copy of such report to the official in charge of the issuance of licenses in the reciprocating state in which the nonresident resides or by which he is licensed. (2) Upon receipt from the licensing authority of this state or a reciprocating state in which a citation was issued of a certification of noncompliance with a citation issued in this state or a reciprocating state by a person holding a valid license issued by this state, the commissioner of public safety or his duly authorized agent shall immediately suspend such person's driver's license. The order of suspension shall indicate the reason therefor and notify the motorist that his license shall remain suspended until he has furnished satisfactory evidence indicating that he has fully complied with the terms of the court having jurisdiction in the matter. However, the department of public safety, or any employee thereof, shall not collect nor act as a collecting agency for any court-imposed fine in relation to an outstanding, undisposed of traffic case. (3) A copy of any suspension order issued hereunder shall be furnished to the licensing authority of the reciprocating state in which the citation was issued. (4) It shall be the duty of the director of driver services, department of public safety, to ascertain and remain informed as to which states are "reciprocating states" hereunder and, accordingly, to maintain a current listing of such states. The listings shall periodically be disseminated among the appropriate official positions of any state agency, county or municipality of this state and the licensing authorities in all other reciprocating states pursuant hereto. Laws, 1979, ch. 421, § 3, eff. 3/21/1979.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49) Section 63-11-1 - Short title

This chapter may be cited as the Mississippi Implied Consent Law. Codes, 1942, § 8175-01; Laws, 1971, ch. 515, § 1, eff. 4/1/1972. This chapter may be cited as the Mississippi Implied Consent Law. Codes, 1942, § 8175-01; Laws, 1971, ch. 515, § 1, eff. 4/1/1972. This chapter may be cited as the Mississippi Implied Consent Law. Codes, 1942, § 8175-01; Laws, 1971, ch. 515, § 1, eff. 4/1/1972. This chapter may be cited as the Mississippi Implied Consent Law. Codes, 1942, § 8175-01; Laws, 1971, ch. 515, § 1, eff. 4/1/1972.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49) Section 63-11-11 - Taking of urine specimens

If the test given under the provisions of this chapter is a chemical test of urine, the person tested shall be given such privacy in the taking of the urine specimen as will ensure the accuracy of the specimen and, at the same time, maintain the dignity of the individual involved. Codes, 1942, § 8175-19; Laws, 1971, ch. 515, § 19, eff. 4/1/1972. If the test given under the provisions of this chapter is a chemical test of urine, the person tested shall be given such privacy in the taking of the urine specimen as will ensure the accuracy of the specimen and, at the same time, maintain the dignity of the individual involved. Codes, 1942, § 8175-19; Laws, 1971, ch. 515, § 19, eff. 4/1/1972. If the test given under the provisions of this chapter is a chemical test of urine, the person tested shall be given such privacy in the taking of the urine specimen as will ensure the accuracy of the specimen and, at the same time, maintain the dignity of the individual involved. Codes, 1942, § 8175-19; Laws, 1971, ch. 515, § 19, eff. 4/1/1972. If the test given under the provisions of this chapter is a chemical test of urine, the person tested shall be given such privacy in the taking of the urine specimen as will ensure the accuracy of the specimen and, at the same time, maintain the dignity of the individual involved. Codes, 1942, § 8175-19; Laws, 1971, ch. 515, § 19, eff. 4/1/1972.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49) Section 63-11-13 - Right of accused to have test administered by person of his choice; effect of failure to obtain additional test

The person tested may, at his own expense, have a physician, registered nurse, clinical laboratory technologist or clinical laboratory technician or any other qualified person of his choosing administer a test, approved by the Mississippi Forensics Laboratory created pursuant to Section 45-1-17, in addition to any other test, for the purpose of determining the amount of alcohol in his blood at the time alleged as shown by chemical analysis of his blood, breath or urine. The failure or inability to obtain an additional test by such arrested person shall not preclude the admissibility in evidence of the test taken at the direction of a law enforcement officer. Codes,

1942, § 8175-18; Laws, 1971, ch. 515, § 18; Laws, 1981, ch. 491, § 2, eff. 7/1/1981. Amended by Laws, 2015, ch. 452, SB 2159, 15, eff. 7/1/2015. The person tested may, at his own expense, have a physician, registered nurse, clinical laboratory technologist or clinical laboratory technician or any other qualified person of his choosing administer a test, approved by the Mississippi Forensics Laboratory created pursuant to Section 45-1-17, in addition to any other test, for the purpose of determining the amount of alcohol in his blood at the time alleged as shown by chemical analysis of his blood, breath or urine. The failure or inability to obtain an additional test by such arrested person shall not preclude the admissibility in evidence of the test taken at the direction of a law enforcement officer. Codes, 1942, § 8175-18; Laws, 1971, ch. 515, § 18; Laws, 1981, ch. 491, § 2, eff. 7/1/1981. Amended by Laws, 2015, ch. 452, SB 2159, 15, eff. 7/1/2015. The person tested may, at his own expense, have a physician, registered nurse, clinical laboratory technologist or clinical laboratory technician or any other qualified person of his choosing administer a test, approved by the Mississippi Forensics Laboratory created pursuant to Section 45-1-17, in addition to any other test, for the purpose of determining the amount of alcohol in his blood at the time alleged as shown by chemical analysis of his blood, breath or urine. The failure or inability to obtain an additional test by such arrested person shall not preclude the admissibility in evidence of the test taken at the direction of a law enforcement officer. Codes, 1942, § 8175-18; Laws, 1971, ch. 515, § 18; Laws, 1981, ch. 491, § 2, eff. 7/1/1981. Amended by Laws, 2015, ch. 452, SB 2159, 15, eff. 7/1/2015.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49) Section 63-11-15 - Availability of information concerning test directed by law enforcement officer to accused or his attorney

Upon the written request of the person tested, or his attorney, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him or to his attorney. Codes, 1942, § 8175-20; Laws, 1971, ch. 515, § 20, eff. 4/1/1972. Upon the written request of the person tested, or his attorney, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him or to his attorney. Codes, 1942, § 8175-20; Laws, 1971, ch. 515, § 20, eff. 4/1/1972. Upon the written request of the person tested, or his attorney, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him or to his attorney. Codes, 1942, § 8175-20; Laws, 1971, ch. 515, § 20, eff. 4/1/1972. Upon the written request of the person tested, or his attorney, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him or to his attorney. Codes, 1942, § 8175-20; Laws, 1971, ch. 515, § 20, eff. 4/1/1972.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49) Section 63-11-17 - Liability for administering test or analysis

No qualified person, hospital, clinic or funeral home shall incur any civil or criminal liability as the result of the proper administration of a test or chemical analysis of a person's breath, blood or urine when requested in writing by a law enforcement officer to administer such a test or perform such chemical analysis. Codes, 1942, § 8175-21; Laws, 1971, ch. 515, § 21; Laws, 1973, ch. 354, § 1; Laws, 1996, ch. 527, § 7, eff. 7/2/1996. No qualified person, hospital, clinic or funeral home shall incur any civil or criminal liability as the result of the proper administration of a test or chemical analysis of a person's breath, blood or urine when requested in writing by a law enforcement officer to administer such a test or perform such chemical analysis. Codes, 1942, § 8175-21; Laws, 1971, ch. 515, § 21; Laws, 1973, ch. 354, § 1; Laws, 1996, ch. 527, § 7, eff. 7/2/1996. No qualified person, hospital, clinic or funeral home shall incur any civil or criminal liability as the result of the proper administration of a test or chemical analysis of a person's breath, blood or urine when requested in writing by a law enforcement officer to administer such a test or perform such chemical analysis. Codes, 1942, § 8175-21; Laws, 1971, ch. 515, § 21; Laws, 1973, ch. 354, § 1; Laws, 1996, ch. 527, § 7, eff. 7/2/1996. No qualified person, hospital, clinic or funeral home shall incur any civil or criminal liability as the result of the proper administration of a test or chemical analysis of a person's breath, blood or urine when requested in writing by a law enforcement officer to administer such a test or perform such chemical analysis. Codes, 1942, § 8175-21; Laws, 1971, ch. 515, § 21; Laws, 1973, ch. 354, § 1; Laws, 1996, ch. 527, § 7, eff. 7/2/1996.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49) Section 63-11-19 - Requirements as to methods of testing and qualifications of test administrators; certification of administrators; testing and certification of accuracy of methods, machines or devices

A chemical analysis of the person's breath, blood or urine, to be considered valid under the provisions of this section, shall have been performed according to methods approved by the Mississippi Forensics Laboratory created pursuant to Section 45-1-17 and the Commissioner of Public Safety and performed by an individual possessing a valid permit issued by the Mississippi Forensics

Laboratory for making such analysis. The Mississippi Forensics Laboratory and the Commissioner of Public Safety are authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the Mississippi Forensics Laboratory. The Mississippi Forensics Laboratory shall not approve the permit required herein for any law enforcement officer other than a member of the State Highway Patrol, a sheriff or his deputies, a city policeman, an officer of a state-supported institution of higher learning campus police force, a security officer appointed and commissioned pursuant to the Pearl River Valley Water Supply District Security Officer Law of 1978, a national park ranger, a national park ranger technician, a military policeman stationed at a United States military base located within this state other than a military policeman of the Army or Air National Guard or of Reserve Units of the Army, Air Force, Navy or Marine Corps, a marine law enforcement officer employed by the Department of Marine Resources, or a conservation officer employed by the Mississippi Department of Wildlife, Fisheries and Parks. The permit given a marine law enforcement officer shall authorize such officer to administer tests only for violations of Sections 59-23-1 through 59-23-7. The permit given a conservation officer shall authorize such officer to administer tests only for violations of Sections 59-23-1 through 59-23-7 and for hunting related incidents resulting in injury or death to any person by discharge of a weapon as provided under Section 49-4-31. The Mississippi Forensics Laboratory shall make periodic, but not less frequently than quarterly, tests of the methods, machines or devices used in making chemical analysis of a person's breath as shall be necessary to ensure the accuracy thereof, and shall issue its certificate to verify the accuracy of the same. Without compromising accepted law enforcement standards and methodologies, the Mississippi Forensics Laboratory shall approve for use at least one (1) model of a breath alcohol content instrument that is readily available to law enforcement agencies throughout the state. Codes, 1942, § 8175-16; Laws, 1971, ch. 515, § 16; Laws, 1978, ch. 526, § 1; Laws, 1981, ch. 491, § 3; Laws, 1988, ch. 568, § 2; Laws, 1991, ch. 577, § 2; Laws, 1995, ch. 620, § 5; Laws, 1999, ch. 585, § 6; Laws, 2006, ch. 553, § 5, eff. 7/1/2006. Amended by Laws, 2023, ch. 488, SB 2297, § 1, eff. 7/1/2023. Amended by Laws, 2015, ch. 452, SB 2159, 16, eff. 7/1/2015. A chemical analysis of the person's breath, blood or urine, to be considered valid under the provisions of this section, shall have been performed according to methods approved by the Mississippi Forensics Laboratory created pursuant to Section 45-1-17 and the Commissioner of Public Safety and performed by an individual possessing a valid permit issued by the Mississippi Forensics Laboratory for making such analysis. The Mississippi Forensics Laboratory and the Commissioner of Public Safety are authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the Mississippi Forensics Laboratory. The Mississippi Forensics Laboratory shall not approve the permit required herein for any law enforcement officer other than a member of the State Highway Patrol, a sheriff or his deputies, a city policeman, an officer of a state-supported institution of higher learning campus police force, a security officer appointed and commissioned pursuant to the Pearl River Valley Water Supply District Security Officer Law of 1978, a national park ranger, a national park ranger technician, a military policeman stationed at a United States military base located within this state other than a military policeman of the Army or Air National Guard or of Reserve Units of the Army, Air Force, Navy or Marine Corps, a marine law enforcement officer employed by the Department of Marine Resources, or a conservation officer employed by the Mississippi Department of Wildlife, Fisheries and Parks. The permit given a marine law enforcement officer shall authorize such officer to administer tests only for violations of Sections 59-23-1 through 59-23-7. The permit given a conservation officer shall authorize such officer to administer tests only for violations of Sections 59-23-1 through 59-23-7 and for hunting related incidents resulting in injury or death to any person by discharge of a weapon as provided under Section 49-4-31. The Mississippi Forensics Laboratory shall make periodic, but not less frequently than quarterly, tests of the methods, machines or devices used in making chemical analysis of a person's breath as shall be necessary to ensure the accuracy thereof, and shall issue its certificate to verify the accuracy of the same. 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A chemical analysis of the person's breath, blood or urine, to be considered valid under the provisions of this section, shall have been performed according to methods approved by the Mississippi Forensics Laboratory created pursuant to Section 45-1-17 and the Commissioner of Public Safety and performed by an individual possessing a valid permit issued by the Mississippi Forensics Laboratory for making such analysis. The Mississippi Forensics Laboratory and the Commissioner of Public Safety are authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the Mississippi Forensics Laboratory. The Mississippi Forensics Laboratory shall not approve the permit required herein for any law enforcement officer other than a member of the State Highway Patrol, a sheriff or his deputies, a city policeman, an officer of a state-supported institution of higher learning campus police force, a security officer appointed and commissioned pursuant to the Pearl River Valley Water Supply District Security Officer Law of 1978, a national park ranger, a national park ranger technician, a military policeman stationed at a United States military base located within this state other than a military policeman of the Army or Air National Guard or of Reserve Units of the Army, Air Force, Navy or Marine Corps, a marine law enforcement officer employed by the Department of Marine Resources, or a conservation officer employed by the Mississippi Department of Wildlife, Fisheries and Parks. The permit given a marine law enforcement officer shall authorize such officer to administer tests only for violations of Sections 59-23-1 through 59-23-7. The permit given a conservation officer shall authorize such officer to administer tests only for

violations of Sections 59-23-1 through 59-23-7 and for hunting related incidents resulting in injury or death to any person by discharge of a weapon as provided under Section 49-4-31. The Mississippi Forensics Laboratory shall make periodic, but not less frequently than quarterly, tests of the methods, machines or devices used in making chemical analysis of a person's breath as shall be necessary to ensure the accuracy thereof, and shall issue its certificate to verify the accuracy of the same. Without compromising accepted law enforcement standards and methodologies, the Mississippi Forensics Laboratory shall approve for use at least one (1) model of a breath alcohol content instrument that is readily available to law enforcement agencies throughout the state. Codes, 1942, § 8175-16; Laws, 1971, ch. 515, § 16; Laws, 1978, ch. 526, § 1; Laws, 1981, ch. 491, § 3; Laws, 1988, ch. 568, § 2; Laws, 1991, ch. 577, § 2; Laws, 1995, ch. 620, § 5; Laws, 1999, ch. 585, § 6; Laws, 2006, ch. 553, § 5, eff. 7/1/2006. Amended by Laws, 2023, ch. 488, SB 2297, § 1, eff. 7/1/2023. Amended by Laws, 2015, ch. 452, SB 2159, 16, eff. 7/1/2015. A chemical analysis of the person's breath, blood or urine, to be considered valid under the provisions of this section, shall have been performed according to methods approved by the Mississippi Forensics Laboratory created pursuant to Section 45-1-17 and the Commissioner of Public Safety and performed by an individual possessing a valid permit issued by the Mississippi Forensics Laboratory for making such analysis. The Mississippi Forensics Laboratory and the Commissioner of Public Safety are authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the Mississippi Forensics Laboratory. The Mississippi Forensics Laboratory shall not approve the permit required herein for any law enforcement officer other than a member of the State Highway Patrol, a sheriff or his deputies, a city policeman, an officer of a state-supported institution of higher learning campus police force, a security officer appointed and commissioned pursuant to the Pearl River Valley Water Supply District Security Officer Law of 1978, a national park ranger, a national park ranger technician, a military policeman stationed at a United States military base located within this state other than a military policeman of the Army or Air National Guard or of Reserve Units of the Army, Air Force, Navy or Marine Corps, a marine law enforcement officer employed by the Department of Marine Resources, or a conservation officer employed by the Mississippi Department of Wildlife, Fisheries and Parks. The permit given a marine law enforcement officer shall authorize such officer to administer tests only for violations of Sections 59-23-1 through 59-23-7. The permit given a conservation officer shall authorize such officer to administer tests only for violations of Sections 59-23-1 through 59-23-7 and for hunting related incidents resulting in injury or death to any person by discharge of a weapon as provided under Section 49-4-31. The Mississippi Forensics Laboratory shall make periodic, but not less frequently than quarterly, tests of the methods, machines or devices used in making chemical analysis of a person's breath as shall be necessary to ensure the accuracy thereof, and shall issue its certificate to verify the accuracy of the same. Without compromising accepted law enforcement standards and methodologies, the Mississippi Forensics Laboratory shall approve for use at least one (1) model of a breath alcohol content instrument that is readily available to law enforcement agencies throughout the state. Codes, 1942, § 8175-16; Laws, 1971, ch. 515, § 16; Laws, 1978, ch. 526, § 1; Laws, 1981, ch. 491, § 3; Laws, 1988, ch. 568, § 2; Laws, 1991, ch. 577, § 2; Laws, 1995, ch. 620, § 5; Laws, 1999, ch. 585, § 6; Laws, 2006, ch. 553, § 5, eff. 7/1/2006. Amended by Laws, 2023, ch. 488, SB 2297, § 1, eff. 7/1/2023. Amended by Laws, 2015, ch. 452, SB 2159, 16, eff. 7/1/2015.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49) Section 63-11-21 - Actions by law enforcement officer upon refusal of driver to submit to test generally

If a person refuses upon the request of a law enforcement officer to submit to a chemical test of his breath designated by the law enforcement agency as provided in Section 63-11-5, none shall be given, but the officer shall at that point demand the driver's license of the person, who shall deliver his driver's license into the hands of the officer. If a person refuses to submit to a chemical test under the provisions of this chapter, the person shall be informed by the law enforcement officer that the refusal to submit to the test shall subject him to suspension of the privilege to operate a motor vehicle. The officer shall give the driver a receipt for his license on forms prescribed and furnished by the Commissioner of Public Safety. The officer shall forward the driver's license together with a sworn report to the Commissioner of Public Safety stating that he had reasonable grounds and probable cause to believe the person had been operating a motor vehicle upon the public highways, public roads and streets of this state while under the influence of intoxicating liquor or any other substance which may impair a person's mental or physical ability, stating the grounds, and that the person had refused to submit to the chemical test of his breath upon request of the law enforcement officer. Codes, 1942, § 8175-11; Laws, 1971, ch. 515, § 11; Laws, 1981, ch. 491, § 4; Laws, 1983, ch. 466, § 3; Laws, 1991, ch. 480, § 5; Laws, 1996, ch. 527, § 8, eff. 7/2/1996. Amended by Laws, 2016, ch. 503, SB 2778, 3, eff. 10/1/2016. Amended by Laws, 2013, ch. 489, HB 481, 6, eff. 7/1/2014. If a person refuses upon the request of a law enforcement officer to submit to a chemical test of his breath designated by the law enforcement agency as provided in Section 63-11-5, none shall be given, but the officer shall at that point demand the driver's license of the person, who shall deliver his driver's license into the hands of the officer. If a person refuses to submit to a chemical test under the provisions of this chapter, the person shall be informed by the law enforcement officer that the refusal to submit to the test shall subject him to suspension of the privilege to operate a motor vehicle. The officer shall give the driver a receipt for his license on forms prescribed and furnished by the Commissioner of Public Safety. The officer shall forward the driver's license together with a sworn report to the Commissioner of Public Safety stating that he had reasonable grounds and probable cause to believe the person had been operating a motor vehicle upon the public highways, public roads and streets of this state while under the influence of intoxicating liquor or any other substance which may impair a person's mental or physical ability, stating the grounds, and that the person had refused to submit to the chemical test of his breath upon request of the law enforcement

officer. Codes, 1942, § 8175-11; Laws, 1971, ch. 515, § 11; Laws, 1981, ch. 491, § 4; Laws, 1983, ch. 466, § 3; Laws, 1991, ch. 480, § 5; Laws, 1996, ch. 527, § 8, eff. 7/2/1996. Amended by Laws, 2016, ch. 503, SB 2778, 3, eff. 10/1/2016. Amended by Laws, 2013, ch. 489, HB 481, 6, eff. 7/1/2014. If a person refuses upon the request of a law enforcement officer to submit to a chemical test of his breath designated by the law enforcement agency as provided in Section 63-11-5, none shall be given, but the officer shall at that point demand the driver's license of the person, who shall deliver his driver's license into the hands of the officer. If a person refuses to submit to a chemical test under the provisions of this chapter, the person shall be informed by the law enforcement officer that the refusal to submit to the test shall subject him to suspension of the privilege to operate a motor vehicle. The officer shall give the driver a receipt for his license on forms prescribed and furnished by the Commissioner of Public Safety. The officer shall forward the driver's license together with a sworn report to the Commissioner of Public Safety stating that he had reasonable grounds and probable cause to believe the person had been operating a motor vehicle upon the public highways, public roads and streets of this state while under the influence of intoxicating liquor or any other substance which may impair a person's mental or physical ability, stating the grounds, and that the person had refused to submit to the chemical test of his breath upon request of the law enforcement officer. Codes, 1942, § 8175-11; Laws, 1971, ch. 515, § 11; Laws, 1981, ch. 491, § 4; Laws, 1983, ch. 466, § 3; Laws, 1991, ch. 480, § 5; Laws, 1996, ch. 527, § 8, eff. 7/2/1996. Amended by Laws, 2016, ch. 503, SB 2778, 3, eff. 10/1/2016. Amended by Laws, 2013, ch. 489, HB 481, 6, eff. 7/1/2014. If a person refuses upon the request of a law enforcement officer to submit to a chemical test of his breath designated by the law enforcement agency as provided in Section 63-11-5, none shall be given, but the officer shall at that point demand the driver's license of the person, who shall deliver his driver's license into the hands of the officer. If a person refuses to submit to a chemical test under the provisions of this chapter, the person shall be informed by the law enforcement officer that the refusal to submit to the test shall subject him to suspension of the privilege to operate a motor vehicle. The officer shall give the driver a receipt for his license on forms prescribed and furnished by the Commissioner of Public Safety. The officer shall forward the driver's license together with a sworn report to the Commissioner of Public Safety stating that he had reasonable grounds and probable cause to believe the person had been operating a motor vehicle upon the public highways, public roads and streets of this state while under the influence of intoxicating liquor or any other substance which may impair a person's mental or physical ability, stating the grounds, and that the person had refused to submit to the chemical test of his breath upon request of the law enforcement officer. Codes, 1942, § 8175-11; Laws, 1971, ch. 515, § 11; Laws, 1981, ch. 491, § 4; Laws, 1983, ch. 466, § 3; Laws, 1991, ch. 480, § 5; Laws, 1996, ch. 527, § 8, eff. 7/2/1996. Amended by Laws, 2016, ch. 503, SB 2778, 3, eff. 10/1/2016. Amended by Laws, 2013, ch. 489, HB 481, 6, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49) Section 63-11-23 - Review of report of law enforcement officer by Commissioner of Public Safety; notice of suspension; seizure of license where test indicates blood alcohol concentration above specified level; temporary permit to drive; denial of permit; representation of state in proceedings

(1) Administrative license suspension for test refusal. The Commissioner of Public Safety, or his authorized agent, shall review the sworn report by a law enforcement officer as provided in Section 63-11-21. (a) If upon review the Commissioner of Public Safety, or his authorized agent, finds (i) that the law enforcement officer had reasonable grounds and probable cause to believe the person had been operating a motor vehicle upon the public highways, public roads or streets of this state while under the influence of intoxicating liquor or any other substance that may impair a person's mental or physical ability; (ii) that the person refused to submit to the chemical test of the person's breath, blood or urine upon request of the officer; and (iii) that the person was informed that his license and driving privileges would be suspended or denied if he refused to submit to the chemical test of his breath, blood or urine, then the Commissioner of Public Safety, or his authorized agent, shall give notice to the licensee that his license or permit to drive, or any nonresident operating privilege, shall be suspended thirty (30) days after the date of the notice for a period of ninety (90) days if the person has not previously been convicted of or nonadjudicated for a violation of Section 63-11-30, or, for a period of one (1) year if the person was previously convicted or nonadjudicated under Section 63-11-30. If the commissioner or his authorized agent determines that the license or permit should not be suspended, he shall return the license or permit to the licensee. (b) The notice of suspension shall be in writing and conform to Section 63-1-52. (c) A person may continue to drive on either an interlock-restricted license or under a drug-testing program if so ordered by a court in the course of a criminal proceeding for a violation of Section 63-11-30. (2) Extension or suspension of privilege to drive; request for trial. (a) If the chemical testing of a person's breath indicates the blood alcohol concentration was eight one-hundredths percent (.08%) or more for persons who are above the legal age to purchase alcoholic beverages under state law, or two one-hundredths percent (.02%) or more for persons who are below the legal age to purchase alcoholic beverages under state law, based upon grams of alcohol per one hundred (100) milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath as shown by a chemical analysis of the person's blood, breath, or urine, the arresting officer shall seize the license and give the driver a receipt for his license on forms prescribed by the Commissioner of Public Safety and shall promptly forward the license together with a sworn report to the Commissioner of Public Safety. The receipt given a person shall be valid as a permit to operate a motor vehicle for thirty (30) days in order that the defendant may be processed through the court having original jurisdiction and a final disposition had. (b) If the defendant requests a trial within thirty (30) days and trial is not commenced within thirty (30) days, then the court shall determine if the delay in the trial is the fault of the defendant or his counsel. If the court finds that it is not the fault of the defendant or his counsel, then the court shall order the defendant's privileges to operate a motor vehicle to be extended until the defendant is convicted upon final order of the court. (c) If a receipt or

permit to drive issued under this subsection expires without a trial having been requested as provided in this subsection, then the Commissioner of Public Safety, or his authorized agent, shall suspend the license or permit to drive or any nonresident operating privilege for the applicable period of time as provided in subsection (1) of this section.

(3) Offenders driving without a license. If the person is a resident without a license or permit to operate a motor vehicle in this state, the Commissioner of Public Safety, or his authorized agent, shall deny to the person the issuance of a license or permit for a period of one (1) year beginning thirty (30) days after the date of notice of the suspension.

(4) Appeal. It shall be the duty of the municipal prosecuting attorney, county prosecuting attorney, an attorney employed under the provisions of Section 19-3-49, or if there is not a prosecuting attorney for the municipality or county, the duty of the district attorney to represent the state in any hearing on a de novo appeal held under the provisions of Section 63-11-25, Section 63-11-37 or Section 63-11-30.

(5) Suspension subsequent to conviction. Unless the person obtains an interlock-restricted license or the court orders the person to exercise the privilege to operate a motor vehicle only under an interlock-restricted license or while participating in a court-ordered drug-testing program, thirty (30) days after receipt of the court abstract documenting a person's conviction under Section 63-11-30, the Department of Public Safety shall suspend the driver's license and privileges of the person to operate a motor vehicle as follows:

(a) When sentenced under Section 63-11-30(2):

(i) For a first offense: one hundred twenty (120) days;

(ii) For a second offense: one (1) year;

(iii) For a third offense: for the full period of the person's sentence; upon release from incarceration, the person will be eligible for only an interlock-restricted license for three (3) years;

(iv) For a fourth or subsequent offense: for the full period of the person's sentence; upon release from incarceration, the person will be eligible for only an interlock-restricted license for ten (10) years and will further be subject to court-ordered drug testing if the original offense involved operating a motor vehicle under the influence of a drug other than alcohol.

(b) When sentenced under Section 63-11-30(3) (Zero Tolerance for Minors):

(i) For a first offense: one hundred twenty (120) days;

(ii) For a second offense: one (1) year;

(iii) For a third offense occurring within five (5) years, suspend or deny the driving privilege for two (2) years or until the person reaches the age of twenty-one (21), whichever is longer.

(6) Suspensions.

(a) Notices of suspension given under this section shall be in writing and conform to Section 63-1-52.

(b) Suspensions under this and any other chapter shall run consecutively and not concurrently.

(c) The first day of any one-hundred-twenty-day period shall begin twenty-one (21) days after entry of judgement of conviction or order of nonadjudication.

(7) License reinstatement. A person is eligible for an unrestricted license when the person has completed an alcohol safety education program as provided in Section 63-11-32, has satisfied all other conditions of law and of the person's sentence or nonadjudication, and is not otherwise barred from obtaining an unrestricted license. Codes, 1942, § 8175-12; Laws, 1971, ch. 515, § 12; Laws, 1981, ch. 491, § 5; Laws, 1983, ch. 466, § 4; Laws, 1989, ch. 482, § 25; Laws, 1991, ch. 412, § 2; Laws, 1996, ch. 527, § 9; Laws, 1998, ch. 505, § 1; Laws, 2000, ch. 542, § 2; Laws, 2002, ch. 367, § 2, eff. 7/1/2002. Amended by Laws, 2024, ch. 535, HB 292, § 1, eff. 7/1/2024. Amended by Laws, 2018, ch. 447, SB 2663, § 5, eff. 7/1/2020. Amended by Laws, 2016, ch. 503, SB 2778, 4, eff. 10/1/2016. Amended by Laws, 2014, ch. 493, HB 412, 4, eff. 7/1/2014. Amended by Laws, 2013, ch. 489, HB 481, 7, eff. 7/1/2014.

(1) Administrative license suspension for test refusal. The Commissioner of Public Safety, or his authorized agent, shall review the sworn report by a law enforcement officer as provided in Section 63-11-21.

(a) If upon review the Commissioner of Public Safety, or his authorized agent, finds

(i) that the law enforcement officer had reasonable grounds and probable cause to believe the person had been operating a motor vehicle upon the public highways, public roads or streets of this state while under the influence of intoxicating liquor or any other substance that may impair a person's mental or physical ability;

(ii) that the person refused to submit to the chemical test of the person's breath, blood or urine upon request of the officer; and

(iii) that the person was informed that his license and driving privileges would be suspended or denied if he refused to submit to the chemical test of his breath, blood or urine, then the Commissioner of Public Safety, or his authorized agent, shall give notice to the licensee that his license or permit to drive, or any nonresident operating privilege, shall be suspended thirty (30) days after the date of the notice for a period of ninety (90) days if the person has not previously been convicted of or nonadjudicated for a violation of Section 63-11-30, or, for a period of one (1) year if the person was previously convicted or nonadjudicated under Section 63-11-30. If the commissioner or his authorized agent determines that the license or permit should not be suspended, he shall return the license or permit to the licensee.

(b) The notice of suspension shall be in writing and conform to Section 63-1-52.

(c) A person may continue to drive on either an interlock-restricted license or under a drug-testing program if so ordered by a court in the course of a criminal proceeding for a violation of Section 63-11-30.

(2) Extension or suspension of privilege to drive; request for trial.

(a) If the chemical testing of a person's breath indicates the blood alcohol concentration was eight one-hundredths percent (.08%) or more for persons who are above the legal age to purchase alcoholic beverages under state law, or two one-hundredths percent (.02%) or more for persons who are below the legal age to purchase alcoholic beverages under state law, based upon grams of alcohol per one hundred (100) milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath as shown by a chemical analysis of the person's blood, breath, or urine, the arresting officer shall seize the license and give the driver a receipt for his license on forms prescribed by the Commissioner of Public Safety and shall promptly forward the license together with a sworn report to the Commissioner of Public Safety. The receipt given a person shall be valid as a permit to operate a motor vehicle for thirty (30) days in order that the defendant may be processed through the court having original jurisdiction and a final disposition had.

(b) If the defendant requests a trial within thirty (30) days and trial is not commenced within thirty (30) days, then the court shall determine if the delay in the trial is the fault of the defendant or his counsel. If the court finds that it is not the fault of the defendant or his counsel, then the court shall order the defendant's privileges to operate a motor vehicle to be extended until the defendant is convicted upon final order of the court.

(c) If a receipt or permit to drive issued under this subsection expires without a trial having been requested as provided in this subsection, then the Commissioner of Public Safety, or his authorized agent, shall suspend the license or permit to drive or any nonresident operating privilege for the applicable period of time as provided in subsection (1) of

this section.(3)Offenders driving without a license.If the person is a resident without a license or permit to operate a motor vehicle in this state, the Commissioner of Public Safety, or his authorized agent, shall deny to the person the issuance of a license or permit for a period of one (1) year beginning thirty (30) days after the date of notice of the suspension.(4)Appeal.It shall be the duty of the municipal prosecuting attorney, county prosecuting attorney, an attorney employed under the provisions of Section19-3-49, or if there is not a prosecuting attorney for the municipality or county, the duty of the district attorney to represent the state in any hearing on a de novo appeal held under the provisions of Section63-11-25, Section63-11-37or Section63-11-30.(5)Suspension subsequent to conviction.Unless the person obtains an interlock-restricted license or the court orders the person to exercise the privilege to operate a motor vehicle only under an interlock-restricted license or while participating in a court-ordered drug-testing program, thirty (30) days after receipt of the court abstract documenting a person's conviction under Section63-11-30, the Department of Public Safety shall suspend the driver's license and privileges of the person to operate a motor vehicle as follows:(a)When sentenced under Section63-11-30(2):(i)For a first offense: one hundred twenty (120) days;(ii)For a second offense: one (1) year;(iii)For a third offense: for the full period of the person's sentence; upon release from incarceration, the person will be eligible for only an interlock-restricted license for three (3) years;(iv)For a fourth or subsequent offense: for the full period of the person's sentence; upon release from incarceration, the person will be eligible for only an interlock-restricted license for ten (10) years and will further be subject to court-ordered drug testing if the original offense involved operating a motor vehicle under the influence of a drug other than alcohol.(b)When sentenced under Section63-11-30(3)(Zero Tolerance for Minors):(i)For a first offense: one hundred twenty (120) days;(ii)For a second offense: one (1) year;(iii)For a third offense occurring within five (5) years, suspend or deny the driving privilege for two (2) years or until the person reaches the age of twenty-one (21), whichever is longer.(6)Suspensions.(a)Notices of suspension given under this section shall be in writing and conform to Section63-1-52.(b)Suspensions under this and any other chapter shall run consecutively and not concurrently.(c)The first day of any one-hundred-twenty-day period shall begin twenty-one (21) days after entry of judgement of conviction or order of nonadjudication.(7)License reinstatement.A person is eligible for an unrestricted license when the person has completed an alcohol safety education program as provided in Section63-11-32, has satisfied all other conditions of law and of the person's sentence or nonadjudication, and is not otherwise barred from obtaining an unrestricted license.Codes, 1942, § 8175-12; Laws, 1971, ch. 515, § 12; Laws, 1981, ch. 491, § 5; Laws, 1983, ch. 466, § 4; Laws, 1989, ch. 482, § 25; Laws, 1991, ch. 412, § 2; Laws, 1996, ch. 527, § 9; Laws, 1998, ch. 505, § 1; Laws, 2000, ch. 542, § 2; Laws, 2002, ch. 367, § 2, eff. 7/1/2002.Amended by Laws, 2024, ch. 535, HB 292,§ 1, eff. 7/1/2024.Amended by Laws, 2018, ch. 447, SB 2663,§ 5, eff. 7/1/2020.Amended by Laws, 2016, ch. 503, SB 2778, 4, eff. 10/1/2016.Amended by Laws, 2014, ch. 493, HB 412, 4, eff. 7/1/2014.Amended by Laws, 2013, ch. 489, HB 481, 7, eff. 7/1/2014. (1)Administrative license suspension for test refusal.The Commissioner of Public Safety, or his authorized agent, shall review the sworn report by a law enforcement officer as provided in Section63-11-21.(a)If upon review the Commissioner of Public Safety, or his authorized agent, finds (i) that the law enforcement officer had reasonable grounds and probable cause to believe the person had been operating a motor vehicle upon the public highways, public roads or streets of this state while under the influence of intoxicating liquor or any other substance that may impair a person's mental or physical ability; (ii) that the person refused to submit to the chemical test of the person's breath, blood or urine upon request of the officer; and (iii) that the person was informed that his license and driving privileges would be suspended or denied if he refused to submit to the chemical test of his breath, blood or urine, then the Commissioner of Public Safety, or his authorized agent, shall give notice to the licensee that his license or permit to drive, or any nonresident operating privilege, shall be suspended thirty (30) days after the date of the notice for a period of ninety (90) days if the person has not previously been convicted of or nonadjudicated for a violation of Section63-11-30, or, for a period of one (1) year if the person was previously convicted or nonadjudicated under Section63-11-30. If the commissioner or his authorized agent determines that the license or permit should not be suspended, he shall return the license or permit to the licensee.(b)The notice of suspension shall be in writing and conform to Section63-1-52.(c)A person may continue to drive on either an interlock-restricted license or under a drug-testing program if so ordered by a court in the course of a criminal proceeding for a violation of Section63-11-30.(2)Extension or suspension of privilege to drive; request for trial.(a)If the chemical testing of a person's breath indicates the blood alcohol concentration was eight one-hundredths percent (.08%) or more for persons who are above the legal age to purchase alcoholic beverages under state law, or two one-hundredths percent (.02%) or more for persons who are below the legal age to purchase alcoholic beverages under state law, based upon grams of alcohol per one hundred (100) milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath as shown by a chemical analysis of the person's blood, breath, or urine, the arresting officer shall seize the license and give the driver a receipt for his license on forms prescribed by the Commissioner of Public Safety and shall promptly forward the license together with a sworn report to the Commissioner of Public Safety. The receipt given a person shall be valid as a permit to operate a motor vehicle for thirty (30) days in order that the defendant may be processed through the court having original jurisdiction and a final disposition had.(b)If the defendant requests a trial within thirty (30) days and trial is not commenced within thirty (30) days, then the court shall determine if the delay in the trial is the fault of the defendant or his counsel. If the court finds that it is not the fault of the defendant or his counsel, then the court shall order the defendant's privileges to operate a motor vehicle to be extended until the defendant is convicted upon final order of the court.(c)If a receipt or permit to drive issued under this subsection expires without a trial having been requested as provided in this subsection, then the Commissioner of Public Safety, or his authorized agent, shall suspend the license or permit to drive or any nonresident operating privilege for the applicable period of time as provided in subsection (1) of this section.(3)Offenders driving without a license.If the person is a resident without a license or permit to operate a motor vehicle in this state, the Commissioner of Public Safety, or his authorized agent, shall deny to the person the issuance of a license or permit for a period of one (1) year beginning thirty (30) days after the date of notice of the

suspension.(4)Appeal.It shall be the duty of the municipal prosecuting attorney, county prosecuting attorney, an attorney employed under the provisions of Section19-3-49, or if there is not a prosecuting attorney for the municipality or county, the duty of the district attorney to represent the state in any hearing on a de novo appeal held under the provisions of Section63-11-25, Section63-11-37or Section63-11-30.(5)Suspension subsequent to conviction.Unless the person obtains an interlock-restricted license or the court orders the person to exercise the privilege to operate a motor vehicle only under an interlock-restricted license or while participating in a court-ordered drug-testing program, thirty (30) days after receipt of the court abstract documenting a person's conviction under Section63-11-30, the Department of Public Safety shall suspend the driver's license and privileges of the person to operate a motor vehicle as follows:(a)When sentenced under Section63-11-30(2):(i)For a first offense: one hundred twenty (120) days;(ii)For a second offense: one (1) year;(iii)For a third offense: for the full period of the person's sentence; upon release from incarceration, the person will be eligible for only an interlock-restricted license for three (3) years;(iv)For a fourth or subsequent offense: for the full period of the person's sentence; upon release from incarceration, the person will be eligible for only an interlock-restricted license for ten (10) years and will further be subject to court-ordered drug testing if the original offense involved operating a motor vehicle under the influence of a drug other than alcohol.(b)When sentenced under Section63-11-30(3)(Zero Tolerance for Minors):(i)For a first offense: one hundred twenty (120) days;(ii)For a second offense: one (1) year;(iii)For a third offense occurring within five (5) years, suspend or deny the driving privilege for two (2) years or until the person reaches the age of twenty-one (21), whichever is longer.(6)Suspensions.(a)Notices of suspension given under this section shall be in writing and conform to Section63-1-52.(b)Suspensions under this and any other chapter shall run consecutively and not concurrently.(c)The first day of any one-hundred-twenty-day period shall begin twenty-one (21) days after entry of judgement of conviction or order of nonadjudication.(7)License reinstatement.A person is eligible for an unrestricted license when the person has completed an alcohol safety education program as provided in Section63-11-32, has satisfied all other conditions of law and of the person's sentence or nonadjudication, and is not otherwise barred from obtaining an unrestricted license.Codes, 1942, § 8175-12; Laws, 1971, ch. 515, § 12; Laws, 1981, ch. 491, § 5; Laws, 1983, ch. 466, § 4; Laws, 1989, ch. 482, § 25; Laws, 1991, ch. 412, § 2; Laws, 1996, ch. 527, § 9; Laws, 1998, ch. 505, § 1; Laws, 2000, ch. 542, § 2; Laws, 2002, ch. 367, § 2, eff. 7/1/2002.Amended by Laws, 2024, ch. 535, HB 292,§ 1, eff. 7/1/2024.Amended by Laws, 2018, ch. 447, SB 2663,§ 5, eff. 7/1/2020.Amended by Laws, 2016, ch. 503, SB 2778, 4, eff. 10/1/2016.Amended by Laws, 2014, ch. 493, HB 412, 4, eff. 7/1/2014.Amended by Laws, 2013, ch. 489, HB 481, 7, eff. 7/1/2014. Codes, 1942, § 8175-12; Laws, 1971, ch. 515, § 12; Laws, 1981, ch. 491, § 5; Laws, 1983, ch. 466, § 4; Laws, 1989, ch. 482, § 25; Laws, 1991, ch. 412, § 2; Laws, 1996, ch. 527, § 9; Laws, 1998, ch. 505, § 1; Laws, 2000, ch. 542, § 2; Laws, 2002, ch. 367, § 2, eff. 7/1/2002. Amended by Laws, 2024, ch. 535, HB 292,§ 1, eff. 7/1/2024. Amended by Laws, 2018, ch. 447, SB 2663,§ 5, eff. 7/1/2020. Amended by Laws, 2016, ch. 503, SB 2778, 4, eff. 10/1/2016. Amended by Laws, 2014, ch. 493, HB 412, 4, eff. 7/1/2014. Amended by Laws, 2013, ch. 489, HB 481, 7, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49)Section 63-11-25 - Appeals from forfeiture, suspension or denial of license by commissioner generally; exercise of driving privilege suspended during pendency of appeal

If the forfeiture, suspension or denial of issuance is sustained by the Commissioner of Public Safety, or his duly authorized agent pursuant to subsection (1) of Section63-11-23, upon such hearing, the person aggrieved may file within ten (10) days after the rendition of such decision a petition in the circuit or county court having original jurisdiction of the violation for review of such decision and such hearing upon review shall proceed as a trial de novo before the court without a jury. The petition shall be served upon the Attorney General and the Commissioner of Public Safety. Provided further, that no such party shall be allowed to exercise the driving privilege while any such appeal is pending.Codes, 1942, § 8175-13; Laws, 1971, ch. 515, § 13; Laws, 1983, ch. 466, § 5; Laws, 1996, ch. 527, § 10, eff. 7/2/1996.Amended by Laws, 2021, ch. 464, SB 2598,§ 4, eff. 4/16/2021. If the forfeiture, suspension or denial of issuance is sustained by the Commissioner of Public Safety, or his duly authorized agent pursuant to subsection (1) of Section63-11-23, upon such hearing, the person aggrieved may file within ten (10) days after the rendition of such decision a petition in the circuit or county court having original jurisdiction of the violation for review of such decision and such hearing upon review shall proceed as a trial de novo before the court without a jury. The petition shall be served upon the Attorney General and the Commissioner of Public Safety. Provided further, that no such party shall be allowed to exercise the driving privilege while any such appeal is pending.Codes, 1942, § 8175-13; Laws, 1971, ch. 515, § 13; Laws, 1983, ch. 466, § 5; Laws, 1996, ch. 527, § 10, eff. 7/2/1996.Amended by Laws, 2021, ch. 464, SB 2598,§ 4, eff. 4/16/2021. If the forfeiture, suspension or denial of issuance is sustained by the Commissioner of Public Safety, or his duly authorized agent pursuant to subsection (1) of Section63-11-23, upon such hearing, the person aggrieved may file within ten (10) days after the rendition of such decision a petition in the circuit or county court having original jurisdiction of the violation for review of such decision and such hearing upon review shall proceed as a trial de novo before the court without a jury. The petition shall be served upon the Attorney General and the Commissioner of Public Safety. Provided further, that no such party shall be allowed to exercise the driving privilege while any such appeal is pending.Codes, 1942, § 8175-13; Laws, 1971, ch. 515, § 13; Laws, 1983, ch. 466, § 5; Laws, 1996, ch. 527, § 10, eff. 7/2/1996.Amended by Laws, 2021, ch. 464, SB 2598,§ 4, eff. 4/16/2021. If the forfeiture, suspension or denial of issuance is sustained by the Commissioner of Public Safety, or his duly authorized agent pursuant to subsection (1) of Section63-11-23, upon such hearing, the person aggrieved may file within ten (10) days after the rendition of such decision a petition in the circuit or county court having original jurisdiction of the violation for review of such decision and such hearing upon review shall proceed as a trial de novo before the court without a jury. The petition shall be served upon the Attorney General and the Commissioner of

Public Safety. Provided further, that no such party shall be allowed to exercise the driving privilege while any such appeal is pending. Codes, 1942, § 8175-13; Laws, 1971, ch. 515, § 13; Laws, 1983, ch. 466, § 5; Laws, 1996, ch. 527, § 10, eff. 7/2/1996. Amended by Laws, 2021, ch. 464, SB 2598, § 4, eff. 4/16/2021.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49) Section 63-11-26 - Actions which foreclose judicial review

When the commissioner of public safety, or his authorized agent, shall suspend the driver's license or permit to drive of a person or shall deny the issuance of a license or permit to a person as provided in Section 63-11-30, the person shall not be entitled to any judicial review of or appeal from the actions of the commissioner. A final conviction under said section shall finally adjudicate the privilege of such convicted person to operate a motor vehicle upon the public highways, public roads and streets of this state. Laws, 1981, ch. 491, § 9; Laws, 1983, ch. 466, § 6, eff. 7/1/1983. When the commissioner of public safety, or his authorized agent, shall suspend the driver's license or permit to drive of a person or shall deny the issuance of a license or permit to a person as provided in Section 63-11-30, the person shall not be entitled to any judicial review of or appeal from the actions of the commissioner. A final conviction under said section shall finally adjudicate the privilege of such convicted person to operate a motor vehicle upon the public highways, public roads and streets of this state. Laws, 1981, ch. 491, § 9; Laws, 1983, ch. 466, § 6, eff. 7/1/1983. When the commissioner of public safety, or his authorized agent, shall suspend the driver's license or permit to drive of a person or shall deny the issuance of a license or permit to a person as provided in Section 63-11-30, the person shall not be entitled to any judicial review of or appeal from the actions of the commissioner. A final conviction under said section shall finally adjudicate the privilege of such convicted person to operate a motor vehicle upon the public highways, public roads and streets of this state. Laws, 1981, ch. 491, § 9; Laws, 1983, ch. 466, § 6, eff. 7/1/1983.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49) Section 63-11-27 - Notification of authorities in home state of suspension of nonresident drivers privilege

When it has been finally determined under the procedures of Sections 63-11-21 through 63-11-25, that a nonresident's privilege to operate a motor vehicle in this state has been suspended, the commissioner, or his duly authorized agent, shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license. Codes, 1942, § 8175-14; Laws, 1971, ch. 515, § 14, eff. 4/1/1972. When it has been finally determined under the procedures of Sections 63-11-21 through 63-11-25, that a nonresident's privilege to operate a motor vehicle in this state has been suspended, the commissioner, or his duly authorized agent, shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license. Codes, 1942, § 8175-14; Laws, 1971, ch. 515, § 14, eff. 4/1/1972. When it has been finally determined under the procedures of Sections 63-11-21 through 63-11-25, that a nonresident's privilege to operate a motor vehicle in this state has been suspended, the commissioner, or his duly authorized agent, shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license. Codes, 1942, § 8175-14; Laws, 1971, ch. 515, § 14, eff. 4/1/1972.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49) Section 63-11-3 - Definitions

The following words and phrases shall have the meaning ascribed herein, unless the context clearly indicates otherwise: (a) "Driving privilege" or "privilege" means both the driver's license of those licensed in Mississippi and the driving privilege of unlicensed residents and the privilege of nonresidents, licensed or not, the purpose of this section being to make unlicensed and nonresident drivers subject to the same penalties as licensed residents. (b) "Community service" means work, projects or services for the benefit of the community assigned, supervised and recorded by appropriate public officials. (c) "Chemical test" means an analysis of a person's blood, breath, urine or other bodily substance for the determination of the presence of alcohol or any other substance which may impair a person's mental or physical ability. (d) "Refusal to take breath, urine and/or blood test" means an individual declining to take a chemical test, and/or the failure to provide an adequate breath sample as required by the Implied Consent Law when requested by a law enforcement officer. (e) "Alcohol concentration" means either grams of alcohol per one hundred (100) milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath. (f) "Qualified person to withdraw blood" means any person who has been trained to withdraw blood in the course of their employment duties including but not limited to laboratory personnel, phlebotomist, emergency medical personnel, nurses and doctors. (g) "Victim impact panel" means a two-hour seminar in which

victims of DUI accidents relate their experiences following the accident to persons convicted under the Implied Consent Law. Paneling programs shall be based on a model developed by Mothers Against Drunk Driving (MADD) victim panel or equivalent program approved by the court.(h)"Booked" means the administrative step taken after the arrested person is brought to the police station, which involves entry of the person's name, the crime for which the arrest was made, and other relevant facts on the police docket, and which may also include photographing, fingerprinting, and the like.Codes, 1942, § 8175-24; Laws, 1971, ch. 515, § 24; Laws, 1983, ch. 466, § 1; Laws, 1996, ch. 527, § 3, eff. 7/2/1996. The following words and phrases shall have the meaning ascribed herein, unless the context clearly indicates otherwise:(a)"Driving privilege" or "privilege" means both the driver's license of those licensed in Mississippi and the driving privilege of unlicensed residents and the privilege of nonresidents, licensed or not, the purpose of this section being to make unlicensed and nonresident drivers subject to the same penalties as licensed residents.(b)"Community service" means work, projects or services for the benefit of the community assigned, supervised and recorded by appropriate public officials.(c)"Chemical test" means an analysis of a person's blood, breath, urine or other bodily substance for the determination of the presence of alcohol or any other substance which may impair a person's mental or physical ability.(d)"Refusal to take breath, urine and/or blood test" means an individual declining to take a chemical test, and/or the failure to provide an adequate breath sample as required by the Implied Consent Law when requested by a law enforcement officer.(e)"Alcohol concentration" means either grams of alcohol per one hundred (100) milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath.(f)"Qualified person to withdraw blood" means any person who has been trained to withdraw blood in the course of their employment duties including but not limited to laboratory personnel, phlebotomist, emergency medical personnel, nurses and doctors.(g)"Victim impact panel" means a two-hour seminar in which victims of DUI accidents relate their experiences following the accident to persons convicted under the Implied Consent Law. Paneling programs shall be based on a model developed by Mothers Against Drunk Driving (MADD) victim panel or equivalent program approved by the court.(h)"Booked" means the administrative step taken after the arrested person is brought to the police station, which involves entry of the person's name, the crime for which the arrest was made, and other relevant facts on the police docket, and which may also include photographing, fingerprinting, and the like.Codes, 1942, § 8175-24; Laws, 1971, ch. 515, § 24; Laws, 1983, ch. 466, § 1; Laws, 1996, ch. 527, § 3, eff. 7/2/1996. The following words and phrases shall have the meaning ascribed herein, unless the context clearly indicates otherwise:(a)"Driving privilege" or "privilege" means both the driver's license of those licensed in Mississippi and the driving privilege of unlicensed residents and the privilege of nonresidents, licensed or not, the purpose of this section being to make unlicensed and nonresident drivers subject to the same penalties as licensed residents.(b)"Community service" means work, projects or services for the benefit of the community assigned, supervised and recorded by appropriate public officials.(c)"Chemical test" means an analysis of a person's blood, breath, urine or other bodily substance for the determination of the presence of alcohol or any other substance which may impair a person's mental or physical ability.(d)"Refusal to take breath, urine and/or blood test" means an individual declining to take a chemical test, and/or the failure to provide an adequate breath sample as required by the Implied Consent Law when requested by a law enforcement officer.(e)"Alcohol concentration" means either grams of alcohol per one hundred (100) milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath.(f)"Qualified person to withdraw blood" means any person who has been trained to withdraw blood in the course of their employment duties including but not limited to laboratory personnel, phlebotomist, emergency medical personnel, nurses and doctors.(g)"Victim impact panel" means a two-hour seminar in which victims of DUI accidents relate their experiences following the accident to persons convicted under the Implied Consent Law. Paneling programs shall be based on a model developed by Mothers Against Drunk Driving (MADD) victim panel or equivalent program approved by the court.(h)"Booked" means the administrative step taken after the arrested person is brought to the police station, which involves entry of the person's name, the crime for which the arrest was made, and other relevant facts on the police docket, and which may also include photographing, fingerprinting, and the like.Codes, 1942, § 8175-24; Laws, 1971, ch. 515, § 24; Laws, 1983, ch. 466, § 1; Laws, 1996, ch. 527, § 3, eff. 7/2/1996. The following words and phrases shall have the meaning ascribed herein, unless the context clearly indicates otherwise: Codes, 1942, § 8175-24; Laws, 1971, ch. 515, § 24; Laws, 1983, ch. 466, § 1; Laws, 1996, ch. 527, § 3, eff. 7/2/1996.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49) Section 63-11-30 - Operating a vehicle while under influence of alcohol or other drugs; penalties; zero tolerance for minors; DUI test refusal; aggravated DUI; DUI child endangerment; expunction; nonadjudication

(1)It is unlawful for a person to drive or otherwise operate a vehicle within this state if the person:(a)Is under the influence of intoxicating liquor;(b)Is under the influence of any other substance that has impaired the person's ability to operate a motor vehicle;(c)Is under the influence of any drug or controlled substance, the possession of which is unlawful under the Mississippi Controlled Substances Law; or(d)Has an alcohol concentration in the person's blood, based upon grams of alcohol per one hundred (100) milliliters of blood, or grams of alcohol per two hundred ten (210) liters of breath, as shown by a chemical analysis of the person's breath, blood or urine administered as authorized by this chapter, of:(i)Eight one-hundredths percent (.08%) or more for a person who is above the legal age to purchase alcoholic beverages under state law;(ii)Two one-hundredths percent (.02%) or more for a person who is below the legal age to purchase alcoholic beverages under state law; or(iii)Four one-hundredths percent (.04%) or more for a person operating a commercial motor vehicle.(2)Except as otherwise provided in subsection (3) of this section (Zero Tolerance for Minors):(a)First offense DUI.(i)Upon conviction of any person for the first offense of violating subsection (1) of this section where chemical tests under Section 63-11-5 were given, or where chemical test results are not available, the person shall be

fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00), or imprisoned for not more than forty-eight (48) hours in jail, or both; the court shall order the person to attend and complete an alcohol safety education program as provided in Section 63-11-32 within six (6) months of sentencing. The court may substitute attendance at a victim impact panel instead of forty-eight (48) hours in jail.

(ii) Suspension of commercial driving privileges is governed by Section 63-1-216.

(iii) A qualifying first offense may be nonadjudicated by the court under subsection (14) of this section. The holder of a commercial driver's license or a commercial learning permit at the time of the offense is ineligible for nonadjudication.

(iv) Eligibility for an interlock-restricted license is governed by Section 63-11-31 and suspension of regular driving privileges is governed by Section 63-11-23.

(b) Second offense DUI.

(i) Upon any second conviction of any person violating subsection (1) of this section, the offenses being committed within a period of five (5) years, the person shall be guilty of a misdemeanor, fined not less than Six Hundred Dollars (\$600.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00), shall be imprisoned not less than five (5) days nor more than six (6) months and sentenced to community service work for not less than ten (10) days nor more than six (6) months. The minimum penalties shall not be suspended or reduced by the court and no prosecutor shall offer any suspension or sentence reduction as part of a plea bargain.

(ii) Suspension of commercial driving privileges is governed by Section 63-1-216.

(iii) Eligibility for an interlock-restricted license is governed by Section 63-11-31 and suspension of regular driving privileges is governed by Section 63-11-23.

(c) Third offense DUI.

(i) For a third conviction of a person for violating subsection (1) of this section, the offenses being committed within a period of five (5) years, the person shall be guilty of a felony and fined not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00), and shall serve not less than one (1) year nor more than five (5) years in the custody of the Department of Corrections. For any offense that does not result in serious injury or death to any person, the sentence of incarceration may be served in the county jail rather than in the State Penitentiary at the discretion of the circuit court judge. The minimum penalties shall not be suspended or reduced by the court and no prosecutor shall offer any suspension or sentence reduction as part of a plea bargain.

(ii) The suspension of commercial driving privileges is governed by Section 63-1-216.

(iii) The suspension of regular driving privileges is governed by Section 63-11-23.

(d) Fourth and subsequent offense DUI.

(i) For any fourth or subsequent conviction of a violation of subsection (1) of this section, without regard to the time period within which the violations occurred, the person shall be guilty of a felony and fined not less than Three Thousand Dollars (\$3,000.00) nor more than Ten Thousand Dollars (\$10,000.00), and shall serve not less than two (2) years nor more than ten (10) years in the custody of the Department of Corrections.

(ii) The suspension of commercial driving privileges is governed by Section 63-1-216.

(iii) A person convicted of a fourth or subsequent offense is ineligible to exercise the privilege to operate a motor vehicle that is not equipped with an ignition-interlock device for ten (10) years.

(e) Any person convicted of a second or subsequent violation of subsection (1) of this section shall receive an in-depth diagnostic assessment, and if as a result of the assessment is determined to be in need of treatment for alcohol or drug abuse, the person must successfully complete treatment at a program site certified by the Department of Mental Health. Each person who receives a diagnostic assessment shall pay a fee representing the cost of the assessment. Each person who participates in a treatment program shall pay a fee representing the cost of treatment.

(f) The use of ignition-interlock devices is governed by Section 63-11-31.

(3) Zero tolerance for minors.

(a) This subsection shall be known and may be cited as Zero Tolerance for Minors. The provisions of this subsection shall apply only when a person under the age of twenty-one (21) years has a blood alcohol concentration of two one-hundredths percent (.02%) or more, but lower than eight one-hundredths percent (.08%). If the person's blood alcohol concentration is eight one-hundredths percent (.08%) or more, the provisions of subsection (2) shall apply.

(b)(i) A person under the age of twenty-one (21) is eligible for nonadjudication of a qualifying first offense by the court pursuant to subsection (14) of this section.

(ii) Upon conviction of any person under the age of twenty-one (21) years for the first offense of violating subsection (1) of this section where chemical tests provided for under Section 63-11-5 were given, or where chemical test results are not available, the person shall be fined Two Hundred Fifty Dollars (\$250.00); the court shall order the person to attend and complete an alcohol safety education program as provided in Section 63-11-32 within six (6) months. The court may also require attendance at a victim impact panel.

(c) A person under the age of twenty-one (21) years who is convicted of a second violation of subsection (1) of this section, the offenses being committed within a period of five (5) years, shall be fined not more than Five Hundred Dollars (\$500.00).

(d) A person under the age of twenty-one (21) years who is convicted of a third or subsequent violation of subsection (1) of this section, the offenses being committed within a period of five (5) years, shall be fined not more than One Thousand Dollars (\$1,000.00).

(e) License suspension is governed by Section 63-11-23 and ignition interlock is governed by Section 63-11-31.

(f) Any person under the age of twenty-one (21) years convicted of a third or subsequent violation of subsection (1) of this section must complete treatment of an alcohol or drug abuse program at a site certified by the Department of Mental Health.

(4) DUI test refusal. In addition to the other penalties provided in this section, every person refusing a law enforcement officer's request to submit to a chemical test of the person's breath as provided in this chapter, or who was unconscious at the time of a chemical test and refused to consent to the introduction of the results of the test in any prosecution, shall suffer an additional administrative suspension of driving privileges as set forth in Section 63-11-23.

(5) Aggravated DUI.

(a)(i) Except as otherwise provided in subparagraph (ii) of this paragraph (a), every person who operates any motor vehicle in violation of the provisions of subsection (1) of this section and who in a negligent manner causes the death of another or maims, disfigures, permanently disables or destroys the tongue, eye, lip, nose or any other limb, organ or member of another shall, upon conviction, be guilty of a separate felony for each victim who suffers death, mutilation, disfigurement or other injury and shall be committed to the custody of the State Department of Corrections for a period of time of not less than five (5) years and not to exceed twenty-five (25) years for each death, mutilation, disfigurement or other injury, and the imprisonment for the second or each subsequent conviction, in the discretion of the court, shall commence either at the termination of the

imprisonment for the preceding conviction or run concurrently with the preceding conviction. Any person charged with causing the death of another as described in this subsection shall be required to post bail before being released after arrest.(ii)Every person who is below the legal age to purchase alcoholic beverages under state law and has an alcohol concentration in the person's blood, based upon grams of alcohol per one hundred (100) milliliters of blood, or grams of alcohol per two hundred ten (210) liters of breath, as shown by a chemical analysis of the person's breath, blood or urine administered as authorized by this chapter, of eight one-hundredths percent (0.08%) or more and who in a negligent manner causes the death of another or mutilates, disfigures, permanently disables or destroys the tongue, eye, lip, nose or any other limb, organ or member of another shall, upon conviction, be guilty of a separate felony for each victim who suffers death, mutilation, disfigurement or other injury and shall be committed to the custody of the State Department of Corrections for a period of time not less than five (5) years and not to exceed twenty-five (25) years for each death, mutilation, disfigurement or other injury, and the imprisonment for the second or each subsequent conviction, in the discretion of the court, shall commence either at the termination of the imprisonment for the preceding conviction or run concurrently with the preceding conviction. Any such person charged with causing the death of another as described in this subparagraph shall be required to post bail before being released after arrest.(b)A holder of a commercial driver's license who is convicted of operating a commercial motor vehicle with an alcohol concentration of eight one-hundredths percent (.08%) or more shall be guilty of a felony and shall be committed to the custody of the Department of Corrections for not less than two (2) years and not more than ten (10) years.(c)The court shall order an ignition-interlock restriction on the offender's privilege to drive as a condition of probation or post-release supervision not to exceed five (5) years unless a longer restriction is required under other law. The ignition-interlock restriction shall not be applied to commercial license privileges until the driver serves the full disqualification period required by Section63-1-216.(6)DUI citations.(a)Upon conviction of a violation of subsection (1) of this section, the trial judge shall sign in the place provided on the traffic ticket, citation or affidavit stating that the person arrested either employed an attorney or waived his right to an attorney after having been properly advised. If the person arrested employed an attorney, the name, address and telephone number of the attorney shall be written on the ticket, citation or affidavit. The court clerk must immediately send a copy of the traffic ticket, citation or affidavit, and any other pertinent documents concerning the conviction or other order of the court, to the Department of Public Safety as provided in Section63-11-37.(b)A copy of the traffic ticket, citation or affidavit and any other pertinent documents, having been attested as true and correct by the Commissioner of Public Safety, or his designee, shall be sufficient proof of the conviction for purposes of determining the enhanced penalty for any subsequent convictions of violations of subsection (1) of this section. The Department of Public Safety shall maintain a central database for verification of prior offenses and convictions.(7)Out-of-state prior convictions.Convictions in another state, territory or possession of the United States, or under the law of a federally recognized Native American tribe, of violations for driving or operating a vehicle while under the influence of an intoxicating liquor or while under the influence of any other substance that has impaired the person's ability to operate a motor vehicle occurring within five (5) years before an offense shall be counted for the purposes of determining if a violation of subsection (1) of this section is a second, third, fourth or subsequent offense and the penalty that shall be imposed upon conviction for a violation of subsection (1) of this section.(8)Charging of subsequent offenses.(a)For the purposes of determining how to impose the sentence for a second, third, fourth or subsequent conviction under this section, the affidavit or indictment shall not be required to enumerate previous convictions. It shall only be necessary that the affidavit or indictment states the number of times that the defendant has been convicted and sentenced within the past five (5) years for a second or third offense, or without a time limitation for a fourth or subsequent offense, under this section to determine if an enhanced penalty shall be imposed. The amount of fine and imprisonment imposed in previous convictions shall not be considered in calculating offenses to determine a second, third, fourth or subsequent offense of this section.(b)Before a defendant enters a plea of guilty to an offense under this section, law enforcement must submit certification to the prosecutor that the defendant's driving record, the confidential registry and National Crime Information Center record have been searched for all prior convictions, nonadjudications, pretrial diversions and arrests for driving or operating a vehicle while under the influence of an intoxicating liquor or while under the influence of any other substance that has impaired the person's ability to operate a motor vehicle. The results of the search must be included in the certification.(9)License eligibility for underage offenders.A person who is under the legal age to obtain a license to operate a motor vehicle at the time of the offense and who is convicted under this section shall not be eligible to receive a driver's license until the person reaches the age of eighteen (18) years.(10)License suspensions and restrictions to run consecutively.Suspension or restriction of driving privileges for any person convicted of or nonadjudicated for violations of subsection (1) of this section shall run consecutively to and not concurrently with any other administrative license suspension.(11)Ignition interlock.If the court orders installation and use of an ignition-interlock device as provided in Section63-11-31for every vehicle operated by a person convicted or nonadjudicated under this section, each device shall be installed, maintained and removed as provided in Section63-11-31.(12)DUI child endangerment.A person over the age of twenty-one (21) who violates subsection (1) of this section while transporting in a motor vehicle a child under the age of sixteen (16) years is guilty of the separate offense of endangering a child by driving under the influence of alcohol or any other substance which has impaired the person's ability to operate a motor vehicle. The offense of endangering a child by driving under the influence of alcohol or any other substance which has impaired the person's ability to operate a motor vehicle shall not be merged with an offense of violating subsection (1) of this section for the purposes of prosecution and sentencing. An offender who is convicted of a violation of this subsection shall be punished as follows:(a)A person who commits a violation of this subsection which does not result in the serious injury or death of a child and which is a first conviction shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$1,000.00) or shall be imprisoned for not more than twelve (12) months, or

both;(b)A person who commits a violation of this subsection which does not result in the serious injury or death of a child and which is a second conviction shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00) or shall be imprisoned for one (1) year, or both;(c)A person who commits a violation of this subsection which does not result in the serious injury or death of a child and which is a third or subsequent conviction shall be guilty of a felony and, upon conviction, shall be fined not less than Ten Thousand Dollars (\$10,000.00) or shall be imprisoned for not less than one (1) year nor more than five (5) years, or both; and(d)A person who commits a violation of this subsection which results in the serious injury or death of a child, without regard to whether the offense was a first, second, third or subsequent offense, shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than Ten Thousand Dollars (\$10,000.00) and shall be imprisoned for not less than five (5) years nor more than twenty-five (25) years.(13)Expunction.(a)Any person convicted under subsection (2) or (3) of this section of a first offense of driving under the influence and who was not the holder of a commercial driver's license or a commercial learning permit at the time of the offense may petition the circuit court of the county in which the conviction was had for an order to expunge the record of the conviction at least five (5) years after successful completion of all terms and conditions of the sentence imposed for the conviction. Expunction under this subsection will only be available to a person:(i)Who has successfully completed all terms and conditions of the sentence imposed for the conviction;(ii)Who did not refuse to submit to a test of his blood or breath;(iii)Whose blood alcohol concentration tested below sixteen one-hundredths percent (.16%) if test results are available;(iv)Who has not been convicted of and does not have pending any other offense of driving under the influence;(v)Who has provided the court with justification as to why the conviction should be expunged; and(vi)Who has not previously had a nonadjudication or expunction of a violation of this section.(b)A person is eligible for only one (1) expunction under this subsection, and the Department of Public Safety shall maintain a permanent confidential registry of all cases of expunction under this subsection for the sole purpose of determining a person's eligibility for expunction, for nonadjudication, or as a first offender under this section.(c)The court in its order of expunction shall state in writing the justification for which the expunction was granted and forward the order to the Department of Public Safety within five (5) days of the entry of the order.(14)Nonadjudication.(a)For the purposes of this chapter, "nonadjudication" means that the court withholds adjudication of guilt and sentencing, either at the conclusion of a trial on the merits or upon the entry of a plea of guilt by a defendant, and places the defendant in a nonadjudication program conditioned upon the successful completion of the requirements imposed by the court under this subsection.(b)A person is eligible for nonadjudication of an offense under this Section63-11-30only one (1) time under any provision of a law that authorizes nonadjudication and only for an offender:(i)Who has successfully completed all terms and conditions imposed by the court after placement of the defendant in a nonadjudication program;(ii)Who was not the holder of a commercial driver's license or a commercial learning permit at the time of the offense;(iii)Who has not previously been convicted of and does not have pending any former or subsequent charges under this section; and(iv)Who has provided the court with justification as to why nonadjudication is appropriate.(c)Nonadjudication may be initiated upon the filing of a petition for nonadjudication or at any stage of the proceedings in the discretion of the court; the court may withhold adjudication of guilt, defer sentencing, and upon the agreement of the offender to participate in a nonadjudication program, enter an order imposing requirements on the offender for a period of court supervision before the order of nonadjudication is entered. Failure to successfully complete a nonadjudication program subjects the person to adjudication of the charges against him and to imposition of all penalties previously withheld due to entrance into a nonadjudication program. The court shall immediately inform the commissioner of the conviction as required in Section63-11-37.(i)The court shall order the person to:1.Pay the nonadjudication fee imposed under Section63-11-31if applicable;2.Pay all fines, penalties and assessments that would have been imposed for conviction;3.Attend and complete an alcohol safety education program as provided in Section63-11-32within six (6) months of the date of the order;4.a.If the court determines that the person violated this section with respect to alcohol or intoxicating liquor, the person must install an ignition-interlock device on every motor vehicle operated by the person, obtain an interlock-restricted license, and maintain that license for one hundred twenty (120) days or suffer a one-hundred-twenty-day suspension of the person's regular driver's license, during which time the person must not operate any vehicle.b.If the court determines that the person violated this section by operating a vehicle when under the influence of a substance other than alcohol that has impaired the person's ability to operate a motor vehicle, including any drug or controlled substance which is unlawful to possess under the Mississippi Controlled Substances Law, the person must submit to a one-hundred-twenty-day period of a nonadjudication program that includes court-ordered drug testing at the person's own expense not less often than every thirty (30) days, during which time the person may drive if compliant with the terms of the program, or suffer a one-hundred-twenty-day suspension of the person's regular driver's license, during which time the person will not operate any vehicle.(ii)Other conditions that may be imposed by the court include, but are not limited to, alcohol or drug screening, or both, proof that the person has not committed any other traffic violations while under court supervision, proof of immobilization or impoundment of vehicles owned by the offender if required, and attendance at a victim-impact panel.(d)The court may enter an order of nonadjudication only if the court finds, after a hearing or after ex parte examination of reliable documentation of compliance, that the offender has successfully completed all conditions imposed by law and previous orders of the court. The court shall retain jurisdiction over cases involving nonadjudication for a period of not more than two (2) years.(e)(i)The clerk shall immediately forward a record of every person placed in a nonadjudication program and of every nonadjudication order to the Department of Public Safety for inclusion in the permanent confidential registry of all cases that are nonadjudicated under this subsection (14).(ii)Judges, clerks and prosecutors involved in the trial of implied consent violations and law enforcement officers involved in the issuance of citations for implied consent violations shall have secure online access to the confidential registry for the purpose of determining whether a person has previously been the subject of a nonadjudicated case

and 1. is therefore ineligible for another nonadjudication; 2. is ineligible as a first offender for a violation of this section; or 3. is ineligible for expunction of a conviction of a violation of this section.(iii)The Driver Services Bureau of the department shall have access to the confidential registry for the purpose of determining whether a person is eligible for a form of license not restricted to operating a vehicle equipped with an ignition-interlock device.(iv)The Mississippi Alcohol Safety Education Program shall have secure online access to the confidential registry for research purposes only.(15)The provisions of this section are fully applicable to any person who is under the influence of medical cannabis that is lawful under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder which has impaired the person's ability to operate a motor vehicle.Laws, 1981, ch. 491, § 6; Laws, 1983, ch. 466, §§ 7, 13; Laws, 1989, ch. 565, § 1; Laws, 1991, ch. 480, § 6; Laws, 1992, ch. 500, § 1; Laws, 1994, ch. 340, § 4; Laws, 1995, ch. 540, § 1; Laws, 1996, ch. 527, § 11; Laws, 1998, ch. 505, § 2; Laws, 2000, ch. 542, § 3; Laws, 2002, ch. 367, § 1; Laws, 2004, ch. 503, § 1; Laws, 2007, ch. 438, § 1; Laws of 2012, ch. 510, § 1, eff. 7/1/2012Amended by Laws, 2024, ch. 535, HB 292,§ 2, eff. 7/1/2024.Amended by Laws, 2022, ch. 303, SB 2095,§ 66, eff. 2/2/2022.Amended by Laws, 2017, ch. 428, SB 2685, 1, eff. 10/1/2017.Amended by Laws, 2016, ch. 503, SB 2778, 5, eff. 10/1/2016.Amended by Laws, 2015, ch. 478, HB 555, 2, eff. 7/1/2015.Amended by Laws, 2014, ch. 493, HB 412, 1, eff. 7/1/2014.Amended by Laws, 2013, ch. 489, HB 481, 1, eff. 7/1/2014. (1)It is unlawful for a person to drive or otherwise operate a vehicle within this state if the person:(a)Is under the influence of intoxicating liquor;(b)Is under the influence of any other substance that has impaired the person's ability to operate a motor vehicle;(c)Is under the influence of any drug or controlled substance, the possession of which is unlawful under the Mississippi Controlled Substances Law; or(d)Has an alcohol concentration in the person's blood, based upon grams of alcohol per one hundred (100) milliliters of blood, or grams of alcohol per two hundred ten (210) liters of breath, as shown by a chemical analysis of the person's breath, blood or urine administered as authorized by this chapter, of:(i)Eight one-hundredths percent (.08%) or more for a person who is above the legal age to purchase alcoholic beverages under state law;(ii)Two one-hundredths percent (.02%) or more for a person who is below the legal age to purchase alcoholic beverages under state law; or(iii)Four one-hundredths percent (.04%) or more for a person operating a commercial motor vehicle.(2)Except as otherwise provided in subsection (3) of this section (Zero Tolerance for Minors):(a)First offense DUI.(i)Upon conviction of any person for the first offense of violating subsection (1) of this section where chemical tests under Section63-11-5were given, or where chemical test results are not available, the person shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00), or imprisoned for not more than forty-eight (48) hours in jail, or both; the court shall order the person to attend and complete an alcohol safety education program as provided in Section63-11-32within six (6) months of sentencing. The court may substitute attendance at a victim impact panel instead of forty-eight (48) hours in jail.(ii)Suspension of commercial driving privileges is governed by Section63-1-216.(iii)A qualifying first offense may be nonadjudicated by the court under subsection (14) of this section. The holder of a commercial driver's license or a commercial learning permit at the time of the offense is ineligible for nonadjudication.(iv)Eligibility for an interlock-restricted license is governed by Section63-11-31and suspension of regular driving privileges is governed by Section63-11-23.(b)Second offense DUI.(i)Upon any second conviction of any person violating subsection (1) of this section, the offenses being committed within a period of five (5) years, the person shall be guilty of a misdemeanor, fined not less than Six Hundred Dollars (\$600.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00), shall be imprisoned not less than five (5) days nor more than six (6) months and sentenced to community service work for not less than ten (10) days nor more than six (6) months. The minimum penalties shall not be suspended or reduced by the court and no prosecutor shall offer any suspension or sentence reduction as part of a plea bargain.(ii)Suspension of commercial driving privileges is governed by Section63-1-216.(iii)Eligibility for an interlock-restricted license is governed by Section63-11-31and suspension of regular driving privileges is governed by Section63-11-23.(c)Third offense DUI.(i)For a third conviction of a person for violating subsection (1) of this section, the offenses being committed within a period of five (5) years, the person shall be guilty of a felony and fined not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00), and shall serve not less than one (1) year nor more than five (5) years in the custody of the Department of Corrections. For any offense that does not result in serious injury or death to any person, the sentence of incarceration may be served in the county jail rather than in the State Penitentiary at the discretion of the circuit court judge. The minimum penalties shall not be suspended or reduced by the court and no prosecutor shall offer any suspension or sentence reduction as part of a plea bargain.(ii)The suspension of commercial driving privileges is governed by Section63-1-216.(iii)The suspension of regular driving privileges is governed by Section63-11-23.(d)Fourth and subsequent offense DUI.(i)For any fourth or subsequent conviction of a violation of subsection (1) of this section, without regard to the time period within which the violations occurred, the person shall be guilty of a felony and fined not less than Three Thousand Dollars (\$3,000.00) nor more than Ten Thousand Dollars (\$10,000.00), and shall serve not less than two (2) years nor more than ten (10) years in the custody of the Department of Corrections.(ii)The suspension of commercial driving privileges is governed by Section63-1-216.(iii)A person convicted of a fourth or subsequent offense is ineligible to exercise the privilege to operate a motor vehicle that is not equipped with an ignition-interlock device for ten (10) years.(e)Any person convicted of a second or subsequent violation of subsection (1) of this section shall receive an in-depth diagnostic assessment, and if as a result of the assessment is determined to be in need of treatment for alcohol or drug abuse, the person must successfully complete treatment at a program site certified by the Department of Mental Health. Each person who receives a diagnostic assessment shall pay a fee representing the cost of the assessment. Each person who participates in a treatment program shall pay a fee representing the cost of treatment.(f)The use of ignition-interlock devices is governed by Section63-11-31.(3)Zero tolerance for minors.(a)This subsection shall be known and may be cited as Zero Tolerance for Minors. The provisions of this subsection shall apply only when a person under the age of twenty-one (21) years has a blood alcohol concentration of two one-hundredths percent (.02%) or more, but lower than eight

one-hundredths percent (.08%). If the person's blood alcohol concentration is eight one-hundredths percent (.08%) or more, the provisions of subsection (2) shall apply.

(b)(i) A person under the age of twenty-one (21) is eligible for nonadjudication of a qualifying first offense by the court pursuant to subsection (14) of this section.

(ii) Upon conviction of any person under the age of twenty-one (21) years for the first offense of violating subsection (1) of this section where chemical tests provided for under Section 63-11-5 were given, or where chemical test results are not available, the person shall be fined Two Hundred Fifty Dollars (\$250.00); the court shall order the person to attend and complete an alcohol safety education program as provided in Section 63-11-32 within six (6) months. The court may also require attendance at a victim impact panel.

(c) A person under the age of twenty-one (21) years who is convicted of a second violation of subsection (1) of this section, the offenses being committed within a period of five (5) years, shall be fined not more than Five Hundred Dollars (\$500.00).

(d) A person under the age of twenty-one (21) years who is convicted of a third or subsequent violation of subsection (1) of this section, the offenses being committed within a period of five (5) years, shall be fined not more than One Thousand Dollars (\$1,000.00).

(e) License suspension is governed by Section 63-11-23 and ignition interlock is governed by Section 63-11-31.

(f) Any person under the age of twenty-one (21) years convicted of a third or subsequent violation of subsection (1) of this section must complete treatment of an alcohol or drug abuse program at a site certified by the Department of Mental Health.

(4) DUI test refusal. In addition to the other penalties provided in this section, every person refusing a law enforcement officer's request to submit to a chemical test of the person's breath as provided in this chapter, or who was unconscious at the time of a chemical test and refused to consent to the introduction of the results of the test in any prosecution, shall suffer an additional administrative suspension of driving privileges as set forth in Section 63-11-23.

(5) Aggravated DUI.

(a)(i) Except as otherwise provided in subparagraph (ii) of this paragraph (a), every person who operates any motor vehicle in violation of the provisions of subsection (1) of this section and who in a negligent manner causes the death of another or mutilates, disfigures, permanently disables or destroys the tongue, eye, lip, nose or any other limb, organ or member of another shall, upon conviction, be guilty of a separate felony for each victim who suffers death, mutilation, disfigurement or other injury and shall be committed to the custody of the State Department of Corrections for a period of time of not less than five (5) years and not to exceed twenty-five (25) years for each death, mutilation, disfigurement or other injury, and the imprisonment for the second or each subsequent conviction, in the discretion of the court, shall commence either at the termination of the imprisonment for the preceding conviction or run concurrently with the preceding conviction. Any person charged with causing the death of another as described in this subsection shall be required to post bail before being released after arrest.

(ii) Every person who is below the legal age to purchase alcoholic beverages under state law and has an alcohol concentration in the person's blood, based upon grams of alcohol per one hundred (100) milliliters of blood, or grams of alcohol per two hundred ten (210) liters of breath, as shown by a chemical analysis of the person's breath, blood or urine administered as authorized by this chapter, of eight one-hundredths percent (0.08%) or more and who in a negligent manner causes the death of another or mutilates, disfigures, permanently disables or destroys the tongue, eye, lip, nose or any other limb, organ or member of another shall, upon conviction, be guilty of a separate felony for each victim who suffers death, mutilation, disfigurement or other injury and shall be committed to the custody of the State Department of Corrections for a period of time not less than five (5) years and not to exceed twenty-five (25) years for each death, mutilation, disfigurement or other injury, and the imprisonment for the second or each subsequent conviction, in the discretion of the court, shall commence either at the termination of the imprisonment for the preceding conviction or run concurrently with the preceding conviction. Any such person charged with causing the death of another as described in this subparagraph shall be required to post bail before being released after arrest.

(b) A holder of a commercial driver's license who is convicted of operating a commercial motor vehicle with an alcohol concentration of eight one-hundredths percent (.08%) or more shall be guilty of a felony and shall be committed to the custody of the Department of Corrections for not less than two (2) years and not more than ten (10) years.

(c) The court shall order an ignition-interlock restriction on the offender's privilege to drive as a condition of probation or post-release supervision not to exceed five (5) years unless a longer restriction is required under other law. The ignition-interlock restriction shall not be applied to commercial license privileges until the driver serves the full disqualification period required by Section 63-1-216.

(6) DUI citations.

(a) Upon conviction of a violation of subsection (1) of this section, the trial judge shall sign in the place provided on the traffic ticket, citation or affidavit stating that the person arrested either employed an attorney or waived his right to an attorney after having been properly advised. If the person arrested employed an attorney, the name, address and telephone number of the attorney shall be written on the ticket, citation or affidavit. The court clerk must immediately send a copy of the traffic ticket, citation or affidavit, and any other pertinent documents concerning the conviction or other order of the court, to the Department of Public Safety as provided in Section 63-11-37.

(b) A copy of the traffic ticket, citation or affidavit and any other pertinent documents, having been attested as true and correct by the Commissioner of Public Safety, or his designee, shall be sufficient proof of the conviction for purposes of determining the enhanced penalty for any subsequent convictions of violations of subsection (1) of this section. The Department of Public Safety shall maintain a central database for verification of prior offenses and convictions.

(7) Out-of-state prior convictions. Convictions in another state, territory or possession of the United States, or under the law of a federally recognized Native American tribe, of violations for driving or operating a vehicle while under the influence of an intoxicating liquor or while under the influence of any other substance that has impaired the person's ability to operate a motor vehicle occurring within five (5) years before an offense shall be counted for the purposes of determining if a violation of subsection (1) of this section is a second, third, fourth or subsequent offense and the penalty that shall be imposed upon conviction for a violation of subsection (1) of this section.

(8) Charging of subsequent offenses.

(a) For the purposes of determining how to impose the sentence for a second, third, fourth or subsequent conviction under this section, the affidavit or indictment shall not be required to enumerate previous convictions. It shall only be necessary that the affidavit or indictment states

the number of times that the defendant has been convicted and sentenced within the past five (5) years for a second or third offense, or without a time limitation for a fourth or subsequent offense, under this section to determine if an enhanced penalty shall be imposed. The amount of fine and imprisonment imposed in previous convictions shall not be considered in calculating offenses to determine a second, third, fourth or subsequent offense of this section.(b)Before a defendant enters a plea of guilty to an offense under this section, law enforcement must submit certification to the prosecutor that the defendant's driving record, the confidential registry and National Crime Information Center record have been searched for all prior convictions, nonadjudications, pretrial diversions and arrests for driving or operating a vehicle while under the influence of an intoxicating liquor or while under the influence of any other substance that has impaired the person's ability to operate a motor vehicle. The results of the search must be included in the certification.(9)License eligibility for underage offenders.A person who is under the legal age to obtain a license to operate a motor vehicle at the time of the offense and who is convicted under this section shall not be eligible to receive a driver's license until the person reaches the age of eighteen (18) years.(10)License suspensions and restrictions to run consecutively.Suspension or restriction of driving privileges for any person convicted of or nonadjudicated for violations of subsection (1) of this section shall run consecutively to and not concurrently with any other administrative license suspension.(11)Ignition interlock.If the court orders installation and use of an ignition-interlock device as provided in Section63-11-31for every vehicle operated by a person convicted or nonadjudicated under this section, each device shall be installed, maintained and removed as provided in Section63-11-31.(12)DUI child endangerment.A person over the age of twenty-one (21) who violates subsection (1) of this section while transporting in a motor vehicle a child under the age of sixteen (16) years is guilty of the separate offense of endangering a child by driving under the influence of alcohol or any other substance which has impaired the person's ability to operate a motor vehicle. The offense of endangering a child by driving under the influence of alcohol or any other substance which has impaired the person's ability to operate a motor vehicle shall not be merged with an offense of violating subsection (1) of this section for the purposes of prosecution and sentencing. An offender who is convicted of a violation of this subsection shall be punished as follows:(a)A person who commits a violation of this subsection which does not result in the serious injury or death of a child and which is a first conviction shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$1,000.00) or shall be imprisoned for not more than twelve (12) months, or both;(b)A person who commits a violation of this subsection which does not result in the serious injury or death of a child and which is a second conviction shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00) or shall be imprisoned for one (1) year, or both;(c)A person who commits a violation of this subsection which does not result in the serious injury or death of a child and which is a third or subsequent conviction shall be guilty of a felony and, upon conviction, shall be fined not less than Ten Thousand Dollars (\$10,000.00) or shall be imprisoned for not less than one (1) year nor more than five (5) years, or both; and(d)A person who commits a violation of this subsection which results in the serious injury or death of a child, without regard to whether the offense was a first, second, third or subsequent offense, shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than Ten Thousand Dollars (\$10,000.00) and shall be imprisoned for not less than five (5) years nor more than twenty-five (25) years.(13)Expunction.(a)Any person convicted under subsection (2) or (3) of this section of a first offense of driving under the influence and who was not the holder of a commercial driver's license or a commercial learning permit at the time of the offense may petition the circuit court of the county in which the conviction was had for an order to expunge the record of the conviction at least five (5) years after successful completion of all terms and conditions of the sentence imposed for the conviction. Expunction under this subsection will only be available to a person:(i)Who has successfully completed all terms and conditions of the sentence imposed for the conviction;(ii)Who did not refuse to submit to a test of his blood or breath;(iii)Whose blood alcohol concentration tested below sixteen one-hundredths percent (.16%) if test results are available;(iv)Who has not been convicted of and does not have pending any other offense of driving under the influence;(v)Who has provided the court with justification as to why the conviction should be expunged; and(vi)Who has not previously had a nonadjudication or expunction of a violation of this section.(b)A person is eligible for only one (1) expunction under this subsection, and the Department of Public Safety shall maintain a permanent confidential registry of all cases of expunction under this subsection for the sole purpose of determining a person's eligibility for expunction, for nonadjudication, or as a first offender under this section.(c)The court in its order of expunction shall state in writing the justification for which the expunction was granted and forward the order to the Department of Public Safety within five (5) days of the entry of the order.(14)Nonadjudication.(a)For the purposes of this chapter, "nonadjudication" means that the court withholds adjudication of guilt and sentencing, either at the conclusion of a trial on the merits or upon the entry of a plea of guilt by a defendant, and places the defendant in a nonadjudication program conditioned upon the successful completion of the requirements imposed by the court under this subsection.(b)A person is eligible for nonadjudication of an offense under this Section63-11-30only one (1) time under any provision of a law that authorizes nonadjudication and only for an offender:(i)Who has successfully completed all terms and conditions imposed by the court after placement of the defendant in a nonadjudication program;(ii)Who was not the holder of a commercial driver's license or a commercial learning permit at the time of the offense;(iii)Who has not previously been convicted of and does not have pending any former or subsequent charges under this section; and(iv)Who has provided the court with justification as to why nonadjudication is appropriate.(c)Nonadjudication may be initiated upon the filing of a petition for nonadjudication or at any stage of the proceedings in the discretion of the court; the court may withhold adjudication of guilt, defer sentencing, and upon the agreement of the offender to participate in a nonadjudication program, enter an order imposing requirements on the offender for a period of court supervision before the order of nonadjudication is entered. Failure to successfully complete a nonadjudication program subjects the person to adjudication of the charges against him and to imposition of all penalties

previously withheld due to entrance into a nonadjudication program. The court shall immediately inform the commissioner of the conviction as required in Section 63-11-37. (i) The court shall order the person to: 1. Pay the nonadjudication fee imposed under Section 63-11-31 if applicable; 2. Pay all fines, penalties and assessments that would have been imposed for conviction; 3. Attend and complete an alcohol safety education program as provided in Section 63-11-32 within six (6) months of the date of the order; 4. a. If the court determines that the person violated this section with respect to alcohol or intoxicating liquor, the person must install an ignition-interlock device on every motor vehicle operated by the person, obtain an interlock-restricted license, and maintain that license for one hundred twenty (120) days or suffer a one-hundred-twenty-day suspension of the person's regular driver's license, during which time the person must not operate any vehicle. b. If the court determines that the person violated this section by operating a vehicle when under the influence of a substance other than alcohol that has impaired the person's ability to operate a motor vehicle, including any drug or controlled substance which is unlawful to possess under the Mississippi Controlled Substances Law, the person must submit to a one-hundred-twenty-day period of a nonadjudication program that includes court-ordered drug testing at the person's own expense not less often than every thirty (30) days, during which time the person may drive if compliant with the terms of the program, or suffer a one-hundred-twenty-day suspension of the person's regular driver's license, during which time the person will not operate any vehicle. (ii) Other conditions that may be imposed by the court include, but are not limited to, alcohol or drug screening, or both, proof that the person has not committed any other traffic violations while under court supervision, proof of immobilization or impoundment of vehicles owned by the offender if required, and attendance at a victim-impact panel. (d) The court may enter an order of nonadjudication only if the court finds, after a hearing or after ex parte examination of reliable documentation of compliance, that the offender has successfully completed all conditions imposed by law and previous orders of the court. The court shall retain jurisdiction over cases involving nonadjudication for a period of not more than two (2) years. (e) (i) The clerk shall immediately forward a record of every person placed in a nonadjudication program and of every nonadjudication order to the Department of Public Safety for inclusion in the permanent confidential registry of all cases that are nonadjudicated under this subsection (14). (ii) Judges, clerks and prosecutors involved in the trial of implied consent violations and law enforcement officers involved in the issuance of citations for implied consent violations shall have secure online access to the confidential registry for the purpose of determining whether a person has previously been the subject of a nonadjudicated case and 1. is therefore ineligible for another nonadjudication; 2. is ineligible as a first offender for a violation of this section; or 3. is ineligible for expunction of a conviction of a violation of this section. (iii) The Driver Services Bureau of the department shall have access to the confidential registry for the purpose of determining whether a person is eligible for a form of license not restricted to operating a vehicle equipped with an ignition-interlock device. (iv) The Mississippi Alcohol Safety Education Program shall have secure online access to the confidential registry for research purposes only. (15) The provisions of this section are fully applicable to any person who is under the influence of medical cannabis that is lawful under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder which has impaired the person's ability to operate a motor vehicle. Laws, 1981, ch. 491, § 6; Laws, 1983, ch. 466, §§ 7, 13; Laws, 1989, ch. 565, § 1; Laws, 1991, ch. 480, § 6; Laws, 1992, ch. 500, § 1; Laws, 1994, ch. 340, § 4; Laws, 1995, ch. 540, § 1; Laws, 1996, ch. 527, § 11; Laws, 1998, ch. 505, § 2; Laws, 2000, ch. 542, § 3; Laws, 2002, ch. 367, § 1; Laws, 2004, ch. 503, § 1; Laws, 2007, ch. 438, § 1; Laws of 2012, ch. 510, § 1, eff. 7/1/2012. Amended by Laws, 2024, ch. 535, HB 292, § 2, eff. 7/1/2024. Amended by Laws, 2022, ch. 303, SB 2095, § 66, eff. 2/2/2022. Amended by Laws, 2017, ch. 428, SB 2685, 1, eff. 10/1/2017. Amended by Laws, 2016, ch. 503, SB 2778, 5, eff. 10/1/2016. Amended by Laws, 2015, ch. 478, HB 555, 2, eff. 7/1/2015. Amended by Laws, 2014, ch. 493, HB 412, 1, eff. 7/1/2014. Amended by Laws, 2013, ch. 489, HB 481, 1, eff. 7/1/2014. (1) It is unlawful for a person to drive or otherwise operate a vehicle within this state if the person: (a) Is under the influence of intoxicating liquor; (b) Is under the influence of any other substance that has impaired the person's ability to operate a motor vehicle; (c) Is under the influence of any drug or controlled substance, the possession of which is unlawful under the Mississippi Controlled Substances Law; or (d) Has an alcohol concentration in the person's blood, based upon grams of alcohol per one hundred (100) milliliters of blood, or grams of alcohol per two hundred ten (210) liters of breath, as shown by a chemical analysis of the person's breath, blood or urine administered as authorized by this chapter, of: (i) Eight one-hundredths percent (.08%) or more for a person who is above the legal age to purchase alcoholic beverages under state law; (ii) Two one-hundredths percent (.02%) or more for a person who is below the legal age to purchase alcoholic beverages under state law; or (iii) Four one-hundredths percent (.04%) or more for a person operating a commercial motor vehicle. (2) Except as otherwise provided in subsection (3) of this section (Zero Tolerance for Minors): (a) First offense DUI. (i) Upon conviction of any person for the first offense of violating subsection (1) of this section where chemical tests under Section 63-11-5 were given, or where chemical test results are not available, the person shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00), or imprisoned for not more than forty-eight (48) hours in jail, or both; the court shall order the person to attend and complete an alcohol safety education program as provided in Section 63-11-32 within six (6) months of sentencing. The court may substitute attendance at a victim impact panel instead of forty-eight (48) hours in jail. (ii) Suspension of commercial driving privileges is governed by Section 63-1-216. (iii) A qualifying first offense may be nonadjudicated by the court under subsection (14) of this section. The holder of a commercial driver's license or a commercial learning permit at the time of the offense is ineligible for nonadjudication. (iv) Eligibility for an interlock-restricted license is governed by Section 63-11-31 and suspension of regular driving privileges is governed by Section 63-11-23. (b) Second offense DUI. (i) Upon any second conviction of any person violating subsection (1) of this section, the offenses being committed within a period of five (5) years, the person shall be guilty of a misdemeanor, fined not less than Six Hundred Dollars (\$600.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00), shall be imprisoned not less than five (5) days nor more than six (6) months and sentenced to community service work for not less than ten (10) days nor

more than six (6) months. The minimum penalties shall not be suspended or reduced by the court and no prosecutor shall offer any suspension or sentence reduction as part of a plea bargain.(ii)Suspension of commercial driving privileges is governed by Section63-1-216.(iii)Eligibility for an interlock-restricted license is governed by Section63-11-31and suspension of regular driving privileges is governed by Section63-11-23.(c)Third offense DUI.(i)For a third conviction of a person for violating subsection (1) of this section, the offenses being committed within a period of five (5) years, the person shall be guilty of a felony and fined not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00), and shall serve not less than one (1) year nor more than five (5) years in the custody of the Department of Corrections. For any offense that does not result in serious injury or death to any person, the sentence of incarceration may be served in the county jail rather than in the State Penitentiary at the discretion of the circuit court judge. The minimum penalties shall not be suspended or reduced by the court and no prosecutor shall offer any suspension or sentence reduction as part of a plea bargain.(ii)The suspension of commercial driving privileges is governed by Section63-1-216.(iii)The suspension of regular driving privileges is governed by Section63-11-23.(d)Fourth and subsequent offense DUI.(i)For any fourth or subsequent conviction of a violation of subsection (1) of this section, without regard to the time period within which the violations occurred, the person shall be guilty of a felony and fined not less than Three Thousand Dollars (\$3,000.00) nor more than Ten Thousand Dollars (\$10,000.00), and shall serve not less than two (2) years nor more than ten (10) years in the custody of the Department of Corrections.(ii)The suspension of commercial driving privileges is governed by Section63-1-216.(iii)A person convicted of a fourth or subsequent offense is ineligible to exercise the privilege to operate a motor vehicle that is not equipped with an ignition-interlock device for ten (10) years.(e)Any person convicted of a second or subsequent violation of subsection (1) of this section shall receive an in-depth diagnostic assessment, and if as a result of the assessment is determined to be in need of treatment for alcohol or drug abuse, the person must successfully complete treatment at a program site certified by the Department of Mental Health. Each person who receives a diagnostic assessment shall pay a fee representing the cost of the assessment. Each person who participates in a treatment program shall pay a fee representing the cost of treatment.(f)The use of ignition-interlock devices is governed by Section63-11-31.(3)Zero tolerance for minors.(a)This subsection shall be known and may be cited as Zero Tolerance for Minors. The provisions of this subsection shall apply only when a person under the age of twenty-one (21) years has a blood alcohol concentration of two one-hundredths percent (.02%) or more, but lower than eight one-hundredths percent (.08%). If the person's blood alcohol concentration is eight one-hundredths percent (.08%) or more, the provisions of subsection (2) shall apply.(b)(i)A person under the age of twenty-one (21) is eligible for nonadjudication of a qualifying first offense by the court pursuant to subsection (14) of this section.(ii)Upon conviction of any person under the age of twenty-one (21) years for the first offense of violating subsection (1) of this section where chemical tests provided for under Section63-11-5were given, or where chemical test results are not available, the person shall be fined Two Hundred Fifty Dollars (\$250.00); the court shall order the person to attend and complete an alcohol safety education program as provided in Section63-11-32within six (6) months. The court may also require attendance at a victim impact panel.(c)A person under the age of twenty-one (21) years who is convicted of a second violation of subsection (1) of this section, the offenses being committed within a period of five (5) years, shall be fined not more than Five Hundred Dollars (\$500.00).(d)A person under the age of twenty-one (21) years who is convicted of a third or subsequent violation of subsection (1) of this section, the offenses being committed within a period of five (5) years, shall be fined not more than One Thousand Dollars (\$1,000.00).(e)License suspension is governed by Section63-11-23and ignition interlock is governed by Section63-11-31.(f)Any person under the age of twenty-one (21) years convicted of a third or subsequent violation of subsection (1) of this section must complete treatment of an alcohol or drug abuse program at a site certified by the Department of Mental Health.(4)DUI test refusal.In addition to the other penalties provided in this section, every person refusing a law enforcement officer's request to submit to a chemical test of the person's breath as provided in this chapter, or who was unconscious at the time of a chemical test and refused to consent to the introduction of the results of the test in any prosecution, shall suffer an additional administrative suspension of driving privileges as set forth in Section63-11-23.(5)Aggravated DUI.(a)(i)Except as otherwise provided in subparagraph (ii) of this paragraph (a), every person who operates any motor vehicle in violation of the provisions of subsection (1) of this section and who in a negligent manner causes the death of another or mutilates, disfigures, permanently disables or destroys the tongue, eye, lip, nose or any other limb, organ or member of another shall, upon conviction, be guilty of a separate felony for each victim who suffers death, mutilation, disfigurement or other injury and shall be committed to the custody of the State Department of Corrections for a period of time of not less than five (5) years and not to exceed twenty-five (25) years for each death, mutilation, disfigurement or other injury, and the imprisonment for the second or each subsequent conviction, in the discretion of the court, shall commence either at the termination of the imprisonment for the preceding conviction or run concurrently with the preceding conviction. Any person charged with causing the death of another as described in this subsection shall be required to post bail before being released after arrest.(ii)Every person who is below the legal age to purchase alcoholic beverages under state law and has an alcohol concentration in the person's blood, based upon grams of alcohol per one hundred (100) milliliters of blood, or grams of alcohol per two hundred ten (210) liters of breath, as shown by a chemical analysis of the person's breath, blood or urine administered as authorized by this chapter, of eight one-hundredths percent (0.08%) or more and who in a negligent manner causes the death of another or mutilates, disfigures, permanently disables or destroys the tongue, eye, lip, nose or any other limb, organ or member of another shall, upon conviction, be guilty of a separate felony for each victim who suffers death, mutilation, disfigurement or other injury and shall be committed to the custody of the State Department of Corrections for a period of time not less than five (5) years and not to exceed twenty-five (25) years for each death, mutilation, disfigurement or other injury, and the imprisonment for the second or each subsequent conviction, in the discretion of the court, shall commence either at the termination of the imprisonment for the preceding conviction or run

concurrently with the preceding conviction. Any such person charged with causing the death of another as described in this subparagraph shall be required to post bail before being released after arrest.(b)A holder of a commercial driver's license who is convicted of operating a commercial motor vehicle with an alcohol concentration of eight one-hundredths percent (.08%) or more shall be guilty of a felony and shall be committed to the custody of the Department of Corrections for not less than two (2) years and not more than ten (10) years.(c)The court shall order an ignition-interlock restriction on the offender's privilege to drive as a condition of probation or post-release supervision not to exceed five (5) years unless a longer restriction is required under other law. The ignition-interlock restriction shall not be applied to commercial license privileges until the driver serves the full disqualification period required by Section63-1-216.(6)DUI citations.(a)Upon conviction of a violation of subsection (1) of this section, the trial judge shall sign in the place provided on the traffic ticket, citation or affidavit stating that the person arrested either employed an attorney or waived his right to an attorney after having been properly advised. If the person arrested employed an attorney, the name, address and telephone number of the attorney shall be written on the ticket, citation or affidavit. The court clerk must immediately send a copy of the traffic ticket, citation or affidavit, and any other pertinent documents concerning the conviction or other order of the court, to the Department of Public Safety as provided in Section63-11-37.(b)A copy of the traffic ticket, citation or affidavit and any other pertinent documents, having been attested as true and correct by the Commissioner of Public Safety, or his designee, shall be sufficient proof of the conviction for purposes of determining the enhanced penalty for any subsequent convictions of violations of subsection (1) of this section. The Department of Public Safety shall maintain a central database for verification of prior offenses and convictions.(7)Out-of-state prior convictions.Convictions in another state, territory or possession of the United States, or under the law of a federally recognized Native American tribe, of violations for driving or operating a vehicle while under the influence of an intoxicating liquor or while under the influence of any other substance that has impaired the person's ability to operate a motor vehicle occurring within five (5) years before an offense shall be counted for the purposes of determining if a violation of subsection (1) of this section is a second, third, fourth or subsequent offense and the penalty that shall be imposed upon conviction for a violation of subsection (1) of this section.(8)Charging of subsequent offenses.(a)For the purposes of determining how to impose the sentence for a second, third, fourth or subsequent conviction under this section, the affidavit or indictment shall not be required to enumerate previous convictions. It shall only be necessary that the affidavit or indictment states the number of times that the defendant has been convicted and sentenced within the past five (5) years for a second or third offense, or without a time limitation for a fourth or subsequent offense, under this section to determine if an enhanced penalty shall be imposed. The amount of fine and imprisonment imposed in previous convictions shall not be considered in calculating offenses to determine a second, third, fourth or subsequent offense of this section.(b)Before a defendant enters a plea of guilty to an offense under this section, law enforcement must submit certification to the prosecutor that the defendant's driving record, the confidential registry and National Crime Information Center record have been searched for all prior convictions, nonadjudications, pretrial diversions and arrests for driving or operating a vehicle while under the influence of an intoxicating liquor or while under the influence of any other substance that has impaired the person's ability to operate a motor vehicle. The results of the search must be included in the certification.(9)License eligibility for underage offenders.A person who is under the legal age to obtain a license to operate a motor vehicle at the time of the offense and who is convicted under this section shall not be eligible to receive a driver's license until the person reaches the age of eighteen (18) years.(10)License suspensions and restrictions to run consecutively.Suspension or restriction of driving privileges for any person convicted of or nonadjudicated for violations of subsection (1) of this section shall run consecutively to and not concurrently with any other administrative license suspension.(11)Ignition interlock.If the court orders installation and use of an ignition-interlock device as provided in Section63-11-31for every vehicle operated by a person convicted or nonadjudicated under this section, each device shall be installed, maintained and removed as provided in Section63-11-31.(12)DUI child endangerment.A person over the age of twenty-one (21) who violates subsection (1) of this section while transporting in a motor vehicle a child under the age of sixteen (16) years is guilty of the separate offense of endangering a child by driving under the influence of alcohol or any other substance which has impaired the person's ability to operate a motor vehicle. The offense of endangering a child by driving under the influence of alcohol or any other substance which has impaired the person's ability to operate a motor vehicle shall not be merged with an offense of violating subsection (1) of this section for the purposes of prosecution and sentencing. An offender who is convicted of a violation of this subsection shall be punished as follows:(a)A person who commits a violation of this subsection which does not result in the serious injury or death of a child and which is a first conviction shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$1,000.00) or shall be imprisoned for not more than twelve (12) months, or both;(b)A person who commits a violation of this subsection which does not result in the serious injury or death of a child and which is a second conviction shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00) or shall be imprisoned for one (1) year, or both;(c)A person who commits a violation of this subsection which does not result in the serious injury or death of a child and which is a third or subsequent conviction shall be guilty of a felony and, upon conviction, shall be fined not less than Ten Thousand Dollars (\$10,000.00) or shall be imprisoned for not less than one (1) year nor more than five (5) years, or both; and(d)A person who commits a violation of this subsection which results in the serious injury or death of a child, without regard to whether the offense was a first, second, third or subsequent offense, shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than Ten Thousand Dollars (\$10,000.00) and shall be imprisoned for not less than five (5) years nor more than twenty-five (25) years.(13)Expunction.(a)Any person convicted under subsection (2) or (3) of this section of a first offense of driving under the influence and who was not the holder of a commercial driver's license or a commercial learning permit at the time of the offense

may petition the circuit court of the county in which the conviction was had for an order to expunge the record of the conviction at least five (5) years after successful completion of all terms and conditions of the sentence imposed for the conviction. Expunction under this subsection will only be available to a person:(i)Who has successfully completed all terms and conditions of the sentence imposed for the conviction;(ii)Who did not refuse to submit to a test of his blood or breath;(iii)Whose blood alcohol concentration tested below sixteen one-hundredths percent (.16%) if test results are available;(iv)Who has not been convicted of and does not have pending any other offense of driving under the influence;(v)Who has provided the court with justification as to why the conviction should be expunged; and(vi)Who has not previously had a nonadjudication or expunction of a violation of this section.(b)A person is eligible for only one (1) expunction under this subsection, and the Department of Public Safety shall maintain a permanent confidential registry of all cases of expunction under this subsection for the sole purpose of determining a person's eligibility for expunction, for nonadjudication, or as a first offender under this section.(c)The court in its order of expunction shall state in writing the justification for which the expunction was granted and forward the order to the Department of Public Safety within five (5) days of the entry of the order.(14)Nonadjudication.(a)For the purposes of this chapter, "nonadjudication" means that the court withholds adjudication of guilt and sentencing, either at the conclusion of a trial on the merits or upon the entry of a plea of guilt by a defendant, and places the defendant in a nonadjudication program conditioned upon the successful completion of the requirements imposed by the court under this subsection.(b)A person is eligible for nonadjudication of an offense under this Section63-11-30only one (1) time under any provision of a law that authorizes nonadjudication and only for an offender:(i)Who has successfully completed all terms and conditions imposed by the court after placement of the defendant in a nonadjudication program;(ii)Who was not the holder of a commercial driver's license or a commercial learning permit at the time of the offense;(iii)Who has not previously been convicted of and does not have pending any former or subsequent charges under this section; and(iv)Who has provided the court with justification as to why nonadjudication is appropriate.(c)Nonadjudication may be initiated upon the filing of a petition for nonadjudication or at any stage of the proceedings in the discretion of the court; the court may withhold adjudication of guilt, defer sentencing, and upon the agreement of the offender to participate in a nonadjudication program, enter an order imposing requirements on the offender for a period of court supervision before the order of nonadjudication is entered. Failure to successfully complete a nonadjudication program subjects the person to adjudication of the charges against him and to imposition of all penalties previously withheld due to entrance into a nonadjudication program. The court shall immediately inform the commissioner of the conviction as required in Section63-11-37.(i)The court shall order the person to:1.Pay the nonadjudication fee imposed under Section63-11-31if applicable;2.Pay all fines, penalties and assessments that would have been imposed for conviction;3.Attend and complete an alcohol safety education program as provided in Section63-11-32within six (6) months of the date of the order;4.a.If the court determines that the person violated this section with respect to alcohol or intoxicating liquor, the person must install an ignition-interlock device on every motor vehicle operated by the person, obtain an interlock-restricted license, and maintain that license for one hundred twenty (120) days or suffer a one-hundred-twenty-day suspension of the person's regular driver's license, during which time the person must not operate any vehicle.b.If the court determines that the person violated this section by operating a vehicle when under the influence of a substance other than alcohol that has impaired the person's ability to operate a motor vehicle, including any drug or controlled substance which is unlawful to possess under the Mississippi Controlled Substances Law, the person must submit to a one-hundred-twenty-day period of a nonadjudication program that includes court-ordered drug testing at the person's own expense not less often than every thirty (30) days, during which time the person may drive if compliant with the terms of the program, or suffer a one-hundred-twenty-day suspension of the person's regular driver's license, during which time the person will not operate any vehicle.(ii)Other conditions that may be imposed by the court include, but are not limited to, alcohol or drug screening, or both, proof that the person has not committed any other traffic violations while under court supervision, proof of immobilization or impoundment of vehicles owned by the offender if required, and attendance at a victim-impact panel.(d)The court may enter an order of nonadjudication only if the court finds, after a hearing or after ex parte examination of reliable documentation of compliance, that the offender has successfully completed all conditions imposed by law and previous orders of the court. The court shall retain jurisdiction over cases involving nonadjudication for a period of not more than two (2) years.(e)(i)The clerk shall immediately forward a record of every person placed in a nonadjudication program and of every nonadjudication order to the Department of Public Safety for inclusion in the permanent confidential registry of all cases that are nonadjudicated under this subsection (14).(ii)Judges, clerks and prosecutors involved in the trial of implied consent violations and law enforcement officers involved in the issuance of citations for implied consent violations shall have secure online access to the confidential registry for the purpose of determining whether a person has previously been the subject of a nonadjudicated case and 1. is therefore ineligible for another nonadjudication; 2. is ineligible as a first offender for a violation of this section; or 3. is ineligible for expunction of a conviction of a violation of this section.(iii)The Driver Services Bureau of the department shall have access to the confidential registry for the purpose of determining whether a person is eligible for a form of license not restricted to operating a vehicle equipped with an ignition-interlock device.(iv)The Mississippi Alcohol Safety Education Program shall have secure online access to the confidential registry for research purposes only.(15)The provisions of this section are fully applicable to any person who is under the influence of medical cannabis that is lawful under the Mississippi Medical Cannabis Act and in compliance with rules and regulations adopted thereunder which has impaired the person's ability to operate a motor vehicle.Laws, 1981, ch. 491, § 6; Laws, 1983, ch. 466, §§ 7, 13; Laws, 1989, ch. 565, § 1; Laws, 1991, ch. 480, § 6; Laws, 1992, ch. 500, § 1; Laws, 1994, ch. 340, § 4; Laws, 1995, ch. 540, § 1; Laws, 1996, ch. 527, § 11; Laws, 1998, ch. 505, § 2; Laws, 2000, ch. 542, § 3; Laws, 2002, ch. 367, § 1; Laws, 2004, ch. 503, § 1; Laws, 2007, ch. 438, § 1; Laws of 2012, ch. 510, § 1, eff. 7/1/2012Amended by Laws, 2024, ch. 535, HB 292,§ 2, eff. 7/1/2024.Amended by Laws, 2022, ch. 303, SB 2095,§ 66, eff. 2/2/2022.Amended by Laws,

2017, ch. 428, SB 2685, 1, eff. 10/1/2017. Amended by Laws, 2016, ch. 503, SB 2778, 5, eff. 10/1/2016. Amended by Laws, 2015, ch. 478, HB 555, 2, eff. 7/1/2015. Amended by Laws, 2014, ch. 493, HB 412, 1, eff. 7/1/2014. Amended by Laws, 2013, ch. 489, HB 481, 1, eff. 7/1/2014. Laws, 1981, ch. 491, § 6; Laws, 1983, ch. 466, §§ 7, 13; Laws, 1989, ch. 565, § 1; Laws, 1991, ch. 480, § 6; Laws, 1992, ch. 500, § 1; Laws, 1994, ch. 340, § 4; Laws, 1995, ch. 540, § 1; Laws, 1996, ch. 527, § 11; Laws, 1998, ch. 505, § 2; Laws, 2000, ch. 542, § 3; Laws, 2002, ch. 367, § 1; Laws, 2004, ch. 503, § 1; Laws, 2007, ch. 438, § 1; Laws of 2012, ch. 510, § 1, eff. 7/1/2012. Amended by Laws, 2024, ch. 535, HB 292, § 2, eff. 7/1/2024. Amended by Laws, 2022, ch. 303, SB 2095, § 66, eff. 2/2/2022. Amended by Laws, 2017, ch. 428, SB 2685, 1, eff. 10/1/2017. Amended by Laws, 2016, ch. 503, SB 2778, 5, eff. 10/1/2016. Amended by Laws, 2015, ch. 478, HB 555, 2, eff. 7/1/2015. Amended by Laws, 2014, ch. 493, HB 412, 1, eff. 7/1/2014. Amended by Laws, 2013, ch. 489, HB 481, 1, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49) Section 63-11-31.1 - Mississippi Forensics Laboratory to promulgate rules and regulations for court-ordered drug testing of DUI/other drug violators; evaluation of proposals made by and approval of vendors to be utilized by trial courts

(1) The Mississippi Forensics Laboratory shall promulgate rules and regulations for court-ordered drug testing of DUI/other drug violators and shall approve which vendors are eligible to be utilized by the trial courts when ordering defendants to undergo drug testing as a condition of continuing to exercise the privilege to drive. The Forensics Laboratory may assess fees to the vendors, and shall prescribe the maximum costs to the offender for drug testing. The Forensics Laboratory may seek the advice of the State Intervention Court Advisory Committee in fulfilling these duties. (2) The Forensics Laboratory must evaluate proposals made by prospective vendors for acceptability, including, without limitation, the following factors: (a) A description of the method used for assessment; (b) The frequency with which the offender will be tested; (c) The procedure used by the vendor to ensure the accuracy of the test results; (d) The length of time allowed the offender to provide a biological sample after being given notice; (e) The frequency with which the vendor will make reports to the court; (f) The list of approved sites for the collection of biological samples for testing. (3) The Forensics Laboratory must promulgate regulations for the program and for vendors, including at a minimum: (a) That the offender must pay the cost of the testing program or, if the court finds the offender to be indigent, that the cost be paid from the Interlock Device Fund. (b) How indigent funds will be accessed by the vendors, and the maximum cost to the offender or the fund. (4) The Forensics Laboratory will provide the list of approved vendors, subject to continuous updating, to the Mississippi Judicial College for dissemination to the trial courts. Amended by Laws, 2019, ch. 466, HB 1352, § 26, eff. 7/1/2019. Added by Laws, 2018, ch. 447, SB 2663, § 1, eff. 7/1/2020. (1) The Mississippi Forensics Laboratory shall promulgate rules and regulations for court-ordered drug testing of DUI/other drug violators and shall approve which vendors are eligible to be utilized by the trial courts when ordering defendants to undergo drug testing as a condition of continuing to exercise the privilege to drive. The Forensics Laboratory may assess fees to the vendors, and shall prescribe the maximum costs to the offender for drug testing. The Forensics Laboratory may seek the advice of the State Intervention Court Advisory Committee in fulfilling these duties. 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Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49) Section 63-11-31 - Interlock restricted license; ignition interlock device; impoundment or immobilization of vehicles; use of Interlock Device Fund to offset cost of device installation and operation by indigent offenders; reinstatement of license without interlock restriction

(1)(a) The provisions of this section are supplemental to the provisions of Section 63-11-30. (b)(i) "Ignition-interlock device" means a device approved by the Department of Public Safety that connects a motor vehicle ignition system to a breath-alcohol analyzer and prevents a motor vehicle ignition from starting if the driver's blood alcohol level exceeds the calibrated setting on the device. (ii) "Interlock-restricted license" means a driver's license bearing a restriction that limits the person to operation of vehicles equipped with an ignition-interlock device. (iii) "Court-ordered drug-testing program" means a program that qualifies under Section 63-11-31.1. (c) A person who can exercise the privilege of driving only under an interlock-restricted license must have an ignition-interlock device installed and operating on all motor vehicles owned or operated by the person. (d) A person who installs an ignition-interlock device may obtain an interlock-restricted license. (2)(a)(i) The cost of installation and operation of an ignition-interlock device shall be borne by the person to whom an interlock-restricted driver's license is issued, and the costs of court-ordered drug testing shall be borne by the person so ordered, unless the person is determined by the court to be indigent. (ii) The cost of participating in a court-ordered drug-testing program shall be borne by the person, unless the person is determined by the court to be indigent. (b)(i) A person convicted under Section 63-11-30 shall be assessed by the court, in addition to the criminal fines, penalties and assessments provided by law for violations of Section 63-11-30, a fee of Fifty Dollars (\$50.00), to be deposited in the Interlock Device Fund in the State Treasury unless the person is determined by the court to be indigent. (ii) A person nonadjudicated under Section 63-11-30 shall be assessed by the court, in addition to the criminal fines, penalties and assessments provided by law for violations of Section 63-11-30, a fee of Two Hundred Fifty Dollars (\$250.00) to be deposited in the Interlock Device Fund in the State Treasury unless the person is determined by the court to be indigent. (3)(a) The Department of Public Safety shall promulgate rules and regulations for the use of an ignition-interlock device. The Department of Public Safety shall approve which vendors shall be used to furnish the systems, may assess fees to the vendors, and shall prescribe the maximum costs to the offender for installation, removal, monthly operation, periodic inspections, calibrations and repairs. (b) A person who has an ignition-interlock device installed in a vehicle shall: (i) Provide proof of the installation of the device and periodic reporting for verification of the proper operation of the device; (ii) Have the system monitored for proper use and accuracy as required by departmental regulation; (iii) Pay the reasonable cost of leasing or buying, monitoring, and maintaining the device unless the person is determined to be indigent; and (iv) Obtain an ignition-interlock driver's license. (4)(a)(i) A person who is limited to driving only under an interlock-restricted driver's license shall not operate a vehicle that is not equipped with an ignition-interlock device. (ii) A person prohibited from operating a motor vehicle that is not equipped with an ignition-interlock device may not solicit or have another person attempt to start or start a motor vehicle equipped with such a device. (iii) A person may not start or attempt to start a motor vehicle equipped with an ignition-interlock device for the purpose of providing an operable motor vehicle to a person who is prohibited from operating a motor vehicle that is not equipped with an ignition-interlock device. (iv) A person may not tamper with, or in any way attempt to circumvent, the operation of an ignition-interlock device that has been installed in a motor vehicle. (v) A person may not knowingly provide a motor vehicle not equipped with a functioning ignition-interlock device to another person who the provider of the vehicle knows or should know is prohibited from operating a motor vehicle not equipped with an ignition-interlock device. (b) A violation of this subsection (4) is a misdemeanor and upon conviction the violator shall be fined an amount not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than six (6) months, or both, unless the starting of a motor vehicle equipped with an ignition-interlock device is done for the purpose of safety or mechanical repair of the device or the vehicle, and the person subject to the restriction does not operate the vehicle. (5) In order to obtain an interlock-restricted license, a person must: (a) Be otherwise qualified to operate a motor vehicle, and will be subject to all other restrictions on the privilege to drive provided by law; (b) Submit proof that an ignition-interlock device is installed and operating on all motor vehicles operated by the person; and (c) Pay the fee set forth in Section 63-1-43 to obtain the license without regard to indigence; no license reinstatement fee under Section 63-1-46 shall be charged for a person obtaining an interlock-restricted license. (6)(a) In addition to the penalties authorized for any second or subsequent conviction under Section 63-11-30, the court shall order that all vehicles owned by the offender that are not equipped with an ignition-interlock device must be either impounded or immobilized pending further order of the court lifting the offender's driving restriction. However, no county, municipality, sheriff's department or the Department of Public Safety shall be required to keep, store, maintain, serve as a bailee or otherwise exercise custody over a motor vehicle impounded under the provisions of this section. The cost associated with any impoundment or immobilization shall be paid by the person convicted without regard to ability to pay. (b) A person may not tamper with, or in any way attempt to circumvent, vehicle immobilization or impoundment ordered by the court under this section. A violation of this paragraph (b) is a misdemeanor and, upon conviction, the violator shall be fined an amount not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than six (6) months, or both. (7)(a) The Department of Public Safety shall promulgate rules and regulations for the use of monies in the Interlock Device Fund to offset the cost of interlock device installation and operation by and court-ordered drug testing of indigent offenders. (b) The court shall determine a defendant's indigence based upon whether the defendant has access to adequate resources to pay the ignition-interlock fee and the costs of installation and maintenance of an ignition-interlock device, or the costs of court-ordered drug testing or both, and may further base the determination of indigence on proof of enrollment in one or more of the following types of public assistance: (i) Temporary Assistance for Needy Families (TANF); (ii) Medicaid assistance; (iii) The Supplemental Nutritional

Assistance Program (SNAP), also known as "food stamps";(iv)Supplemental security income (SSI);(v)Participation in a federal food distribution program;(vi)Federal housing assistance;(vii)Unemployment compensation; or(viii)Other criteria determined appropriate by the court.(c)No more than ten percent (10%) of the money in the Interlock Device Fund in any fiscal year shall be expended by the department for the purpose of administering the fund.(d)The Commissioner of the Department of Public Safety must promulgate regulations for the program and for vendors, including at a minimum:(i)That the offender must pay the cost of the testing program or, if the court finds the offender to be indigent, that the cost be paid from the Interlock Device Fund.(ii)How indigent funds will be accessed by the vendors, and the maximum cost to the offender or the fund.(e)(i)Money in the Interlock Device Fund will be appropriated to the department to cover part of the costs of court-ordered drug testing and installing, removing and leasing ignition-interlock devices for indigent people who are required, because of a conviction or nonadjudication under Section63-11-30, to install an ignition-interlock device in all vehicles operated by the person.(ii)If money is available in the Interlock Device Fund, the department shall pay to the vendor, for one (1) vehicle per offender, up to Fifty Dollars (\$50.00) for the cost of installation, up to Fifty Dollars (\$50.00) for the cost of removal, and up to Thirty Dollars (\$30.00) monthly for verified active usage of the ignition-interlock device. The department shall not pay any amount above what an offender would be required to pay for the installation, removal or usage of an ignition-interlock device.(iii)If money is available in the Interlock Device Fund, the department shall pay to the vendor an amount not to exceed that promulgated by the Forensics Laboratory for court-ordered drug testing. The department shall not pay any amount above what an offender would be required to pay individually.(8)In order to reinstate a form of driver's license that is not restricted to operation of an ignition-interlock equipped vehicle, the person must submit proof to the Department of Public Safety to substantiate the person's eligibility for an unrestricted license, which may be a court order indicating completion of sentence or final order of nonadjudication; in the absence of a court order, the proof may consist of the following or such other proof as the commissioner may set forth by regulation duly adopted under the Administrative Procedures Act:(a)Proof of successful completion of an alcohol safety program as provided in Section63-11-32if so ordered by the court;(b)Payment of the reinstatement fee required under Section63-1-46(1)(a);(c)Payment of the driver's license fee required under Section63-1-43;(d)A certificate of liability insurance or proof of financial responsibility; and(e)(i)For those driving under an interlock-restricted license, a declaration from the vendor, in a form provided or approved by the Department of Public Safety, certifying that there have been none of the following incidents in the last thirty (30) days:1.An attempt to start the vehicle with a breath alcohol concentration of 0.04 or more;2.Failure to take or pass any required retest; or3.Failure of the person to appear at the ignition-interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device; or(ii)For a person who violated Section63-11-30with respect to drugs other than alcohol, proof of successful compliance with all court-ordered drug testing; or(iii)Both subparagraphs (i) and (ii) of this paragraph (e) if applicable.(9)The court may extend the interlock-restricted period if the person had a violation in the last thirty (30) days.(10)The court that originally ordered installation of the ignition-interlock device for a violation of Section63-11-30and a court in the municipality or county in which the violation occurred have jurisdiction over an offense under this section.(11)A person who voluntarily obtains an interlock-restricted license may convert at any time to any other form of license for which the person is qualified.(12)(a)The Department of Public Safety shall require all manufacturers of ignition-interlock devices to report ignition-interlock data in a consistent and uniform format as prescribed by the Department of Public Safety. Ignition-interlock vendors must also use the uniform format when sharing data with courts ordering an ignition interlock, with alcohol safety education programs, or with other treatment providers.(b)The Department of Public Safety shall require all vendors of drug testing programs approved under Section63-11-31.1to report test results in a consistent and uniform format as prescribed by the Forensics Laboratory. Vendors must report test results to the court on a monthly basis, except that a positive test or failure of the testing participant to submit to verification must be reported to the court within five (5) days of verification of the positive test or the failure to submit.Laws, 2000, ch. 542, § 1; Laws, 2001, ch. 477, § 1, eff. 3/23/2001.Amended by Laws, 2018, ch. 447, SB 2663,§ 2, eff. 7/1/2020.Amended by Laws, 2016, ch. 503, SB 2778, 6, eff. 10/1/2016.Amended by Laws, 2015, ch. 478, HB 555, 3, eff. 7/1/2015.Amended by Laws, 2014, ch. 493, HB 412, 2, eff. 7/1/2014.Amended by Laws, 2013, ch. 489, HB 481, 2, eff. 7/1/2014. 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However, no county, municipality, sheriff's department or the Department of Public Safety shall be required to keep, store, maintain, serve as a bailee or otherwise exercise custody over a motor vehicle impounded under the provisions of this section. The cost associated with any impoundment or immobilization shall be paid by the person convicted without regard to ability to pay.(b)A person may not tamper with, or in any way attempt to circumvent, vehicle immobilization or impoundment ordered by the court under this section. 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The department shall not pay any amount above what an offender would be required to pay individually.(8)In order to reinstate a form of driver's license that is not restricted to operation of an ignition-interlock equipped vehicle, the person must submit proof to the Department of Public Safety to substantiate the person's eligibility for an unrestricted license, which may be a court order indicating completion of sentence or final order of nonadjudication; in the absence of a court order, the proof may consist of the following or such other proof as the commissioner may set forth by regulation duly adopted under the Administrative Procedures Act:(a)Proof of successful completion of an alcohol safety program as provided in Section63-11-32if so ordered by the court;(b)Payment of the

reinstatement fee required under Section 63-1-46(1)(a); (c) Payment of the driver's license fee required under Section 63-1-43; (d) A certificate of liability insurance or proof of financial responsibility; and (e) (i) For those driving under an interlock-restricted license, a declaration from the vendor, in a form provided or approved by the Department of Public Safety, certifying that there have been none of the following incidents in the last thirty (30) days: 1. An attempt to start the vehicle with a breath alcohol concentration of 0.04 or more; 2. Failure to take or pass any required retest; or 3. Failure of the person to appear at the ignition-interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device; or (ii) For a person who violated Section 63-11-30 with respect to drugs other than alcohol, proof of successful compliance with all court-ordered drug testing; or (iii) Both subparagraphs (i) and (ii) of this paragraph (e) if applicable. (9) The court may extend the interlock-restricted period if the person had a violation in the last thirty (30) days. (10) The court that originally ordered installation of the ignition-interlock device for a violation of Section 63-11-30 and a court in the municipality or county in which the violation occurred have jurisdiction over an offense under this section. (11) A person who voluntarily obtains an interlock-restricted license may convert at any time to any other form of license for which the person is qualified. (12) (a) The Department of Public Safety shall require all manufacturers of ignition-interlock devices to report ignition-interlock data in a consistent and uniform format as prescribed by the Department of Public Safety. Ignition-interlock vendors must also use the uniform format when sharing data with courts ordering an ignition interlock, with alcohol safety education programs, or with other treatment providers. (b) The Department of Public Safety shall require all vendors of drug testing programs approved under Section 63-11-31.1 to report test results in a consistent and uniform format as prescribed by the Forensics Laboratory. Vendors must report test results to the court on a monthly basis, except that a positive test or failure of the testing participant to submit to verification must be reported to the court within five (5) days of verification of the positive test or the failure to submit. Laws, 2000, ch. 542, § 1; Laws, 2001, ch. 477, § 1, eff. 3/23/2001. Amended by Laws, 2018, ch. 447, SB 2663, § 2, eff. 7/1/2020. Amended by Laws, 2016, ch. 503, SB 2778, 6, eff. 10/1/2016. Amended by Laws, 2015, ch. 478, HB 555, 3, eff. 7/1/2015. Amended by Laws, 2014, ch. 493, HB 412, 2, eff. 7/1/2014. Amended by Laws, 2013, ch. 489, HB 481, 2, eff. 7/1/2014. (1) (a) The provisions of this section are supplemental to the provisions of Section 63-11-30. (b) (i) "Ignition-interlock device" means a device approved by the Department of Public Safety that connects a motor vehicle ignition system to a breath-alcohol analyzer and prevents a motor vehicle ignition from starting if the driver's blood alcohol level exceeds the calibrated setting on the device. (ii) "Interlock-restricted license" means a driver's license bearing a restriction that limits the person to operation of vehicles equipped with an ignition-interlock device. (iii) "Court-ordered drug-testing program" means a program that qualifies under Section 63-11-31.1. (c) A person who can exercise the privilege of driving only under an interlock-restricted license must have an ignition-interlock device installed and operating on all motor vehicles owned or operated by the person. (d) A person who installs an ignition-interlock device may obtain an interlock-restricted license. (2) (a) (i) The cost of installation and operation of an ignition-interlock device shall be borne by the person to whom an interlock-restricted driver's license is issued, and the costs of court-ordered drug testing shall be borne by the person so ordered, unless the person is determined by the court to be indigent. (ii) The cost of participating in a court-ordered drug-testing program shall be borne by the person, unless the person is determined by the court to be indigent. (b) (i) A person convicted under Section 63-11-30 shall be assessed by the court, in addition to the criminal fines, penalties and assessments provided by law for violations of Section 63-11-30, a fee of Fifty Dollars (\$50.00), to be deposited in the Interlock Device Fund in the State Treasury unless the person is determined by the court to be indigent. (ii) A person nonadjudicated under Section 63-11-30 shall be assessed by the court, in addition to the criminal fines, penalties and assessments provided by law for violations of Section 63-11-30, a fee of Two Hundred Fifty Dollars (\$250.00) to be deposited in the Interlock Device Fund in the State Treasury unless the person is determined by the court to be indigent. (3) (a) The Department of Public Safety shall promulgate rules and regulations for the use of an ignition-interlock device. The Department of Public Safety shall approve which vendors shall be used to furnish the systems, may assess fees to the vendors, and shall prescribe the maximum costs to the offender for installation, removal, monthly operation, periodic inspections, calibrations and repairs. (b) A person who has an ignition-interlock device installed in a vehicle shall: (i) Provide proof of the installation of the device and periodic reporting for verification of the proper operation of the device; (ii) Have the system monitored for proper use and accuracy as required by departmental regulation; (iii) Pay the reasonable cost of leasing or buying, monitoring, and maintaining the device unless the person is determined to be indigent; and (iv) Obtain an ignition-interlock driver's license. (4) (a) (i) A person who is limited to driving only under an interlock-restricted driver's license shall not operate a vehicle that is not equipped with an ignition-interlock device. (ii) A person prohibited from operating a motor vehicle that is not equipped with an ignition-interlock device may not solicit or have another person attempt to start or start a motor vehicle equipped with such a device. (iii) A person may not start or attempt to start a motor vehicle equipped with an ignition-interlock device for the purpose of providing an operable motor vehicle to a person who is prohibited from operating a motor vehicle that is not equipped with an ignition-interlock device. (iv) A person may not tamper with, or in any way attempt to circumvent, the operation of an ignition-interlock device that has been installed in a motor vehicle. (v) A person may not knowingly provide a motor vehicle not equipped with a functioning ignition-interlock device to another person who the provider of the vehicle knows or should know is prohibited from operating a motor vehicle not equipped with an ignition-interlock device. (b) A violation of this subsection (4) is a misdemeanor and upon conviction the violator shall be fined an amount not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than six (6) months, or both, unless the starting of a motor vehicle equipped with an ignition-interlock device is done for the purpose of safety or mechanical repair of the device or the vehicle, and the person subject to the restriction does not operate the vehicle. (5) In order to obtain an interlock-restricted license, a person must: (a) Be otherwise qualified to operate a motor vehicle, and will be subject to all other restrictions on the privilege to drive provided by law; (b) Submit proof that an ignition-interlock device is

installed and operating on all motor vehicles operated by the person; and(c)Pay the fee set forth in Section63-1-43to obtain the license without regard to indigence; no license reinstatement fee under Section63-1-46shall be charged for a person obtaining an interlock-restricted license.(6)(a)In addition to the penalties authorized for any second or subsequent conviction under Section63-11-30, the court shall order that all vehicles owned by the offender that are not equipped with an ignition-interlock device must be either impounded or immobilized pending further order of the court lifting the offender's driving restriction. However, no county, municipality, sheriff's department or the Department of Public Safety shall be required to keep, store, maintain, serve as a bailee or otherwise exercise custody over a motor vehicle impounded under the provisions of this section. The cost associated with any impoundment or immobilization shall be paid by the person convicted without regard to ability to pay.(b)A person may not tamper with, or in any way attempt to circumvent, vehicle immobilization or impoundment ordered by the court under this section. A violation of this paragraph (b) is a misdemeanor and, upon conviction, the violator shall be fined an amount not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than six (6) months, or both.(7)(a)The Department of Public Safety shall promulgate rules and regulations for the use of monies in the Interlock Device Fund to offset the cost of interlock device installation and operation by and court-ordered drug testing of indigent offenders.(b)The court shall determine a defendant's indigence based upon whether the defendant has access to adequate resources to pay the ignition-interlock fee and the costs of installation and maintenance of an ignition-interlock device, or the costs of court-ordered drug testing or both, and may further base the determination of indigence on proof of enrollment in one or more of the following types of public assistance:(i)Temporary Assistance for Needy Families (TANF);(ii)Medicaid assistance;(iii)The Supplemental Nutritional Assistance Program (SNAP), also known as "food stamps";(iv)Supplemental security income (SSI);(v)Participation in a federal food distribution program;(vi)Federal housing assistance;(vii)Unemployment compensation; or(viii)Other criteria determined appropriate by the court.(c)No more than ten percent (10%) of the money in the Interlock Device Fund in any fiscal year shall be expended by the department for the purpose of administering the fund.(d)The Commissioner of the Department of Public Safety must promulgate regulations for the program and for vendors, including at a minimum:(i)That the offender must pay the cost of the testing program or, if the court finds the offender to be indigent, that the cost be paid from the Interlock Device Fund.(ii)How indigent funds will be accessed by the vendors, and the maximum cost to the offender or the fund.(e)(i)Money in the Interlock Device Fund will be appropriated to the department to cover part of the costs of court-ordered drug testing and installing, removing and leasing ignition-interlock devices for indigent people who are required, because of a conviction or nonadjudication under Section63-11-30, to install an ignition-interlock device in all vehicles operated by the person.(ii)If money is available in the Interlock Device Fund, the department shall pay to the vendor, for one (1) vehicle per offender, up to Fifty Dollars (\$50.00) for the cost of installation, up to Fifty Dollars (\$50.00) for the cost of removal, and up to Thirty Dollars (\$30.00) monthly for verified active usage of the ignition-interlock device. The department shall not pay any amount above what an offender would be required to pay for the installation, removal or usage of an ignition-interlock device.(iii)If money is available in the Interlock Device Fund, the department shall pay to the vendor an amount not to exceed that promulgated by the Forensics Laboratory for court-ordered drug testing. The department shall not pay any amount above what an offender would be required to pay individually.(8)In order to reinstate a form of driver's license that is not restricted to operation of an ignition-interlock equipped vehicle, the person must submit proof to the Department of Public Safety to substantiate the person's eligibility for an unrestricted license, which may be a court order indicating completion of sentence or final order of nonadjudication; in the absence of a court order, the proof may consist of the following or such other proof as the commissioner may set forth by regulation duly adopted under the Administrative Procedures Act:(a)Proof of successful completion of an alcohol safety program as provided in Section63-11-32if so ordered by the court;(b)Payment of the reinstatement fee required under Section63-1-46(1)(a);(c)Payment of the driver's license fee required under Section63-1-43;(d)A certificate of liability insurance or proof of financial responsibility; and(e)(i)For those driving under an interlock-restricted license, a declaration from the vendor, in a form provided or approved by the Department of Public Safety, certifying that there have been none of the following incidents in the last thirty (30) days:1.An attempt to start the vehicle with a breath alcohol concentration of 0.04 or more;2.Failure to take or pass any required retest; or3.Failure of the person to appear at the ignition-interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device; or(ii)For a person who violated Section63-11-30with respect to drugs other than alcohol, proof of successful compliance with all court-ordered drug testing; or(iii)Both subparagraphs (i) and (ii) of this paragraph (e) if applicable.(9)The court may extend the interlock-restricted period if the person had a violation in the last thirty (30) days.(10)The court that originally ordered installation of the ignition-interlock device for a violation of Section63-11-30and a court in the municipality or county in which the violation occurred have jurisdiction over an offense under this section.(11)A person who voluntarily obtains an interlock-restricted license may convert at any time to any other form of license for which the person is qualified.(12)(a)The Department of Public Safety shall require all manufacturers of ignition-interlock devices to report ignition-interlock data in a consistent and uniform format as prescribed by the Department of Public Safety. Ignition-interlock vendors must also use the uniform format when sharing data with courts ordering an ignition interlock, with alcohol safety education programs, or with other treatment providers.(b)The Department of Public Safety shall require all vendors of drug testing programs approved under Section63-11-31.1to report test results in a consistent and uniform format as prescribed by the Forensics Laboratory. Vendors must report test results to the court on a monthly basis, except that a positive test or failure of the testing participant to submit to verification must be reported to the court within five (5) days of verification of the positive test or the failure to submit.Laws, 2000, ch. 542, § 1; Laws, 2001, ch. 477, § 1, eff. 3/23/2001.Amended by Laws, 2018, ch. 447, SB 2663,§ 2, eff. 7/1/2020.Amended by Laws, 2016, ch. 503, SB 2778, 6, eff. 10/1/2016.Amended by Laws, 2015, ch. 478, HB 555, 3, eff. 7/1/2015.Amended by Laws, 2014, ch. 493, HB 412, 2, eff. 7/1/2014.Amended by Laws, 2013,

ch. 489, HB 481, 2, eff. 7/1/2014. Laws, 2000, ch. 542, § 1; Laws, 2001, ch. 477, § 1, eff. 3/23/2001. Amended by Laws, 2018, ch. 447, SB 2663, § 2, eff. 7/1/2020. Amended by Laws, 2016, ch. 503, SB 2778, 6, eff. 10/1/2016. Amended by Laws, 2015, ch. 478, HB 555, 3, eff. 7/1/2015. Amended by Laws, 2014, ch. 493, HB 412, 2, eff. 7/1/2014. Amended by Laws, 2013, ch. 489, HB 481, 2, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49) Section 63-11-32 - Development, implementation and funding of driver improvement program for first offenders convicted of driving while intoxicated or under influence of another substance which impairs ability to operate motor vehicle

(1)The State Department of Public Safety in conjunction with the Governor's Highway Safety Program, the State Board of Health, or any other state agency or institution shall develop and implement a driver improvement program for persons identified as first offenders convicted of driving while under the influence of intoxicating liquor or another substance which had impaired such person's ability to operate a motor vehicle, including provision for referral to rehabilitation facilities.(2)The program shall consist of a minimum of ten (10) hours of instruction. Each person who participates shall pay a nominal fee to defray a portion of the cost of the program.(3)Such assessments as are collected under subsection (2) of Section99-19-73shall be deposited in a special fund hereby created in the State Treasury and designated the "Mississippi Alcohol Safety Education Program Fund." Monies deposited in such fund shall be expended by the Board of Trustees of State Institutions of Higher Learning as authorized and appropriated by the Legislature to defray the costs of the Mississippi Alcohol Safety Education Program operated pursuant to the provisions of this section. Any revenue in the fund which is not encumbered at the end of the fiscal year shall lapse to the General Fund.(4)Such assessments as are collected under subsection (2) of Section99-19-73shall be deposited in a special fund hereby created in the State Treasury and designated the "Federal-State Alcohol Program Fund." Monies deposited in such fund shall be expended by the Department of Public Safety as authorized and appropriated by the Legislature to defray the costs of alcohol and traffic safety programs. Any revenue in the fund which is not encumbered at the end of the fiscal year shall lapse to the General Fund.(5)Such assessments as are collected under subsection (2) of Section99-19-73shall be deposited in a special fund hereby created in the State Treasury and designated the "Mississippi Forensics Laboratory Implied Consent Law Fund." Monies deposited in such fund shall be expended by the Department of Public Safety as authorized and appropriated by the Legislature to defray the costs of equipment replacement and operational support of the Mississippi Forensics Laboratory relating to enforcement of the Implied Consent Law. Any revenue in the fund which is not encumbered at the end of the fiscal year shall not lapse to the General Fund but shall remain in the fund.Laws, 1973, ch. 408, § 1; Laws, 1979, ch. 305; Laws, 1981, ch. 491, § 7; Laws, 1983, ch. 466, § 8; Laws, 1990, ch. 329, § 11; Laws, 1991, ch. 356 § 2; Laws, 1996, ch. 527, § 12, eff. 7/2/1996.Amended by Laws, 2015, ch. 452, SB 2159, 17, eff. 7/1/2015.

(1)The State Department of Public Safety in conjunction with the Governor's Highway Safety Program, the State Board of Health, or any other state agency or institution shall develop and implement a driver improvement program for persons identified as first offenders convicted of driving while under the influence of intoxicating liquor or another substance which had impaired such person's ability to operate a motor vehicle, including provision for referral to rehabilitation facilities.(2)The program shall consist of a minimum of ten (10) hours of instruction. Each person who participates shall pay a nominal fee to defray a portion of the cost of the program.(3)Such assessments as are collected under subsection (2) of Section99-19-73shall be deposited in a special fund hereby created in the State Treasury and designated the "Mississippi Alcohol Safety Education Program Fund." Monies deposited in such fund shall be expended by the Board of Trustees of State Institutions of Higher Learning as authorized and appropriated by the Legislature to defray the costs of the Mississippi Alcohol Safety Education Program operated pursuant to the provisions of this section. Any revenue in the fund which is not encumbered at the end of the fiscal year shall lapse to the General Fund.(4)Such assessments as are collected under subsection (2) of Section99-19-73shall be deposited in a special fund hereby created in the State Treasury and designated the "Federal-State Alcohol Program Fund." Monies deposited in such fund shall be expended by the Department of Public Safety as authorized and appropriated by the Legislature to defray the costs of alcohol and traffic safety programs. Any revenue in the fund which is not encumbered at the end of the fiscal year shall lapse to the General Fund.(5)Such assessments as are collected under subsection (2) of Section99-19-73shall be deposited in a special fund hereby created in the State Treasury and designated the "Mississippi Forensics Laboratory Implied Consent Law Fund." Monies deposited in such fund shall be expended by the Department of Public Safety as authorized and appropriated by the Legislature to defray the costs of equipment replacement and operational support of the Mississippi Forensics Laboratory relating to enforcement of the Implied Consent Law. Any revenue in the fund which is not encumbered at the end of the fiscal year shall not lapse to the General Fund but shall remain in the fund.Laws, 1973, ch. 408, § 1; Laws, 1979, ch. 305; Laws, 1981, ch. 491, § 7; Laws, 1983, ch. 466, § 8; Laws, 1990, ch. 329, § 11; Laws, 1991, ch. 356 § 2; Laws, 1996, ch. 527, § 12, eff. 7/2/1996.Amended by Laws, 2015, ch. 452, SB 2159, 17, eff. 7/1/2015.

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Legislature to defray the costs of the Mississippi Alcohol Safety Education Program operated pursuant to the provisions of this section. Any revenue in the fund which is not encumbered at the end of the fiscal year shall lapse to the General Fund.(4)Such assessments as are collected under subsection (2) of Section99-19-73shall be deposited in a special fund hereby created in the State Treasury and designated the "Federal-State Alcohol Program Fund." Monies deposited in such fund shall be expended by the Department of Public Safety as authorized and appropriated by the Legislature to defray the costs of alcohol and traffic safety programs. Any revenue in the fund which is not encumbered at the end of the fiscal year shall lapse to the General Fund.(5)Such assessments as are collected under subsection (2) of Section99-19-73shall be deposited in a special fund hereby created in the State Treasury and designated the "Mississippi Forensics Laboratory Implied Consent Law Fund." Monies deposited in such fund shall be expended by the Department of Public Safety as authorized and appropriated by the Legislature to defray the costs of equipment replacement and operational support of the Mississippi Forensics Laboratory relating to enforcement of the Implied Consent Law. Any revenue in the fund which is not encumbered at the end of the fiscal year shall not lapse to the General Fund but shall remain in the fund.Laws, 1973, ch. 408, § 1; Laws, 1979, ch. 305; Laws, 1981, ch. 491, § 7; Laws, 1983, ch. 466, § 8; Laws, 1990, ch. 329, § 11; Laws, 1991, ch. 356 § 2; Laws, 1996, ch. 527, § 12, eff. 7/2/1996.Amended by Laws, 2015, ch. 452, SB 2159, 17, eff. 7/1/2015. Laws, 1973, ch. 408, § 1; Laws, 1979, ch. 305; Laws, 1981, ch. 491, § 7; Laws, 1983, ch. 466, § 8; Laws, 1990, ch. 329, § 11; Laws, 1991, ch. 356 § 2; Laws, 1996, ch. 527, § 12, eff. 7/2/1996. Amended by Laws, 2015, ch. 452, SB 2159, 17, eff. 7/1/2015.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49)Section 63-11-33 - Interlock Device Fund; purpose; use of monies

There is created in the State Treasury a special fund to be known as the Interlock Device Fund. The purpose of the fund shall be to provide funding for the Driver's License Bureau of the Department of Public Safety and also to provide funding assistance for ignition interlock devices and court-ordered drug testing for persons determined to be unable to afford the installation and maintenance of an ignition interlock device or costs of drug testing. Monies from the fund shall be distributed by the State Treasurer upon warrants issued by the Department of Public Safety. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of:(a)Monies appropriated by the Legislature for the purposes of funding the Driver's License Bureau;(b)The interest accruing to the fund;(c)Monies paid by a person for deposit into the fund under Section63-11-31; and(d)Monies received from such other sources as may be provided by law.Amended by Laws, 2018, ch. 447, SB 2663,§ 3, eff. 7/1/2020.Added by Laws, 2014, ch. 493, HB 412, 5, eff. 7/1/2014. There is created in the State Treasury a special fund to be known as the Interlock Device Fund. The purpose of the fund shall be to provide funding for the Driver's License Bureau of the Department of Public Safety and also to provide funding assistance for ignition interlock devices and court-ordered drug testing for persons determined to be unable to afford the installation and maintenance of an ignition interlock device or costs of drug testing. Monies from the fund shall be distributed by the State Treasurer upon warrants issued by the Department of Public Safety. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of:(a)Monies appropriated by the Legislature for the purposes of funding the Driver's License Bureau;(b)The interest accruing to the fund;(c)Monies paid by a person for deposit into the fund under Section63-11-31; and(d)Monies received from such other sources as may be provided by law.Amended by Laws, 2018, ch. 447, SB 2663,§ 3, eff. 7/1/2020.Added by Laws, 2014, ch. 493, HB 412, 5, eff. 7/1/2014. There is created in the State Treasury a special fund to be known as the Interlock Device Fund. The purpose of the fund shall be to provide funding for the Driver's License Bureau of the Department of Public Safety and also to provide funding assistance for ignition interlock devices and court-ordered drug testing for persons determined to be unable to afford the installation and maintenance of an ignition interlock device or costs of drug testing. Monies from the fund shall be distributed by the State Treasurer upon warrants issued by the Department of Public Safety. The fund shall be a continuing fund, not subject to fiscal-year limitations, and shall consist of: Amended by Laws, 2018, ch. 447, SB 2663,§ 3, eff. 7/1/2020. Added by Laws, 2014, ch. 493, HB 412, 5, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49)Section 63-11-37 - Contents and disposition of record of conviction under section 63-11-30

(1)It shall be the duty of the trial judge, upon conviction of a person under Section63-11-30, to mail or otherwise deliver in a method prescribed by the commissioner a true and correct copy of the traffic ticket, citation or affidavit evidencing the arrest that resulted in the conviction and a certified copy of the abstract of the court record within five (5) days to the Commissioner of Public Safety at Jackson, Mississippi. The trial judge in municipal and justice courts shall show on the docket and the trial judge in courts of record shall show on the minutes:(a)Whether a chemical test was given and the results of the test, if any; and(b)Whether conviction was

based in whole or in part on the results of such a test.(2)The abstract of the court record shall show the date of the conviction, the results of the test if there was one, and the penalty, so that a record of same may be made by the Department of Public Safety.(3)For the purposes of Section63-11-30, a bond forfeiture shall operate as and be considered as a conviction.(4)A trial court clerk who fails to provide a true and correct copy of the traffic ticket, citation or affidavit evidencing the arrest that resulted in the conviction and a copy of the abstract of the court record within five (5) days of the availability of that information as required in subsection (1) of this section is guilty of a civil violation and shall be fined One Hundred Dollars (\$100.00), for which civil fine the clerk bears sole and personal responsibility. Each instance of failure is a separate violation.Codes, 1942, § 8175-08; Laws, 1971, ch. 515, § 8; Laws, 1981, ch. 491, § 8; Laws, 1983, ch. 466, § 9; Laws, 1985, ch. 346; Laws, 1991, ch. 480, § 7, eff. 7/1/1991.Amended by Laws, 2017, ch. 428, SB 2685, 2, eff. 10/1/2017.Amended by Laws, 2016, ch. 503, SB 2778, 7, eff. 10/1/2016. (1)It shall be the duty of the trial judge, upon conviction of a person under Section63-11-30, to mail or otherwise deliver in a method prescribed by the commissioner a true and correct copy of the traffic ticket, citation or affidavit evidencing the arrest that resulted in the conviction and a certified copy of the abstract of the court record within five (5) days to the Commissioner of Public Safety at Jackson, Mississippi. The trial judge in municipal and justice courts shall show on the docket and the trial judge in courts of record shall show on the minutes:(a)Whether a chemical test was given and the results of the test, if any; and(b)Whether conviction was based in whole or in part on the results of such a test.(2)The abstract of the court record shall show the date of the conviction, the results of the test if there was one, and the penalty, so that a record of same may be made by the Department of Public Safety.(3)For the purposes of Section63-11-30, a bond forfeiture shall operate as and be considered as a conviction.(4)A trial court clerk who fails to provide a true and correct copy of the traffic ticket, citation or affidavit evidencing the arrest that resulted in the conviction and a copy of the abstract of the court record within five (5) days of the availability of that information as required in subsection (1) of this section is guilty of a civil violation and shall be fined One Hundred Dollars (\$100.00), for which civil fine the clerk bears sole and personal responsibility. 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Each instance of failure is a separate violation.Codes, 1942, § 8175-08; Laws, 1971, ch. 515, § 8; Laws, 1981, ch. 491, § 8; Laws, 1983, ch. 466, § 9; Laws, 1985, ch. 346; Laws, 1991, ch. 480, § 7, eff. 7/1/1991.Amended by Laws, 2017, ch. 428, SB 2685, 2, eff. 10/1/2017.Amended by Laws, 2016, ch. 503, SB 2778, 7, eff. 10/1/2016. Codes, 1942, § 8175-08; Laws, 1971, ch. 515, § 8; Laws, 1981, ch. 491, § 8; Laws, 1983, ch. 466, § 9; Laws, 1985, ch. 346; Laws, 1991, ch. 480, § 7, eff. 7/1/1991. Amended by Laws, 2017, ch. 428, SB 2685, 2, eff. 10/1/2017. Amended by Laws, 2016, ch. 503, SB 2778, 7, eff. 10/1/2016.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49)Section 63-11-39 - Reduction of charges under chapter

The court having jurisdiction or the prosecutor shall not reduce any charge under this chapter to a lesser charge.Laws, 1992, ch. 500, § 5; Laws, 1996, ch. 527, § 13, eff. 7/2/1996. The court having jurisdiction or the prosecutor shall not reduce any charge under this chapter to a lesser charge.Laws, 1992, ch. 500, § 5; Laws, 1996, ch. 527, § 13, eff. 7/2/1996. The court having jurisdiction or the prosecutor shall not reduce any charge under this chapter to a lesser charge.Laws, 1992, ch. 500, § 5; Laws, 1996, ch. 527, § 13, eff. 7/2/1996. The court having jurisdiction or the prosecutor shall not reduce any charge under this chapter to a lesser charge. Laws, 1992, ch. 500, § 5; Laws, 1996, ch. 527, § 13, eff. 7/2/1996.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49)Section 63-11-40 - Driving while driving license or privilege cancelled, suspended or revoked

Any person whose driver's license, or driving privilege has been cancelled, suspended or revoked under the provisions of this chapter and who drives any motor vehicle upon the highways, streets or public roads of this state, while such license or privilege is cancelled, suspended or revoked, shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than forty-eight (48) hours nor more than six (6) months, and fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00).The commissioner of public safety shall suspend the driver's license or driving privilege of any person convicted under the provisions of this section for an additional six (6) months. Such suspension shall begin at the end of the

original cancellation, suspension or revocation and run consecutively. Laws, 1983, ch. 466, § 11, eff. 7/1/1983. Any person whose driver's license, or driving privilege has been cancelled, suspended or revoked under the provisions of this chapter and who drives any motor vehicle upon the highways, streets or public roads of this state, while such license or privilege is cancelled, suspended or revoked, shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than forty-eight (48) hours nor more than six (6) months, and fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00). The commissioner of public safety shall suspend the driver's license or driving privilege of any person convicted under the provisions of this section for an additional six (6) months. Such suspension shall begin at the end of the original cancellation, suspension or revocation and run consecutively. Laws, 1983, ch. 466, § 11, eff. 7/1/1983. Any person whose driver's license, or driving privilege has been cancelled, suspended or revoked under the provisions of this chapter and who drives any motor vehicle upon the highways, streets or public roads of this state, while such license or privilege is cancelled, suspended or revoked, shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than forty-eight (48) hours nor more than six (6) months, and fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00). The commissioner of public safety shall suspend the driver's license or driving privilege of any person convicted under the provisions of this section for an additional six (6) months. Such suspension shall begin at the end of the original cancellation, suspension or revocation and run consecutively. Laws, 1983, ch. 466, § 11, eff. 7/1/1983. Any person whose driver's license, or driving privilege has been cancelled, suspended or revoked under the provisions of this chapter and who drives any motor vehicle upon the highways, streets or public roads of this state, while such license or privilege is cancelled, suspended or revoked, shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than forty-eight (48) hours nor more than six (6) months, and fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00). The commissioner of public safety shall suspend the driver's license or driving privilege of any person convicted under the provisions of this section for an additional six (6) months. Such suspension shall begin at the end of the original cancellation, suspension or revocation and run consecutively. Laws, 1983, ch. 466, § 11, eff. 7/1/1983.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49) Section 63-11-41 - Admissibility in criminal prosecution of evidence of refusal to submit to chemical test

If a person under arrest refuses to submit to a chemical test under the provisions of this chapter, evidence of refusal shall be admissible in any criminal action under this chapter. Codes, 1942, § 8175-22; Laws, 1971, ch. 515, § 22, eff. 4/1/1972. If a person under arrest refuses to submit to a chemical test under the provisions of this chapter, evidence of refusal shall be admissible in any criminal action under this chapter. Codes, 1942, § 8175-22; Laws, 1971, ch. 515, § 22, eff. 4/1/1972. If a person under arrest refuses to submit to a chemical test under the provisions of this chapter, evidence of refusal shall be admissible in any criminal action under this chapter. Codes, 1942, § 8175-22; Laws, 1971, ch. 515, § 22, eff. 4/1/1972. If a person under arrest refuses to submit to a chemical test under the provisions of this chapter, evidence of refusal shall be admissible in any criminal action under this chapter. Codes, 1942, § 8175-22; Laws, 1971, ch. 515, § 22, eff. 4/1/1972.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49) Section 63-11-45 - Denial of insurance coverage on ground of refusal to submit to test or upon basis of test results

No coverage otherwise afforded under any policy of insurance shall be denied on the ground that any person has refused any test provided for by this chapter nor on the basis of the results of any such test. Any provision to such effect in any insurance policy hereinafter issued shall be void. Codes, 1942, § 8175-25; Laws, 1971, ch. 515, § 29, eff. 4/1/1972. No coverage otherwise afforded under any policy of insurance shall be denied on the ground that any person has refused any test provided for by this chapter nor on the basis of the results of any such test. Any provision to such effect in any insurance policy hereinafter issued shall be void. Codes, 1942, § 8175-25; Laws, 1971, ch. 515, § 29, eff. 4/1/1972. No coverage otherwise afforded under any policy of insurance shall be denied on the ground that any person has refused any test provided for by this chapter nor on the basis of the results of any such test. Any provision to such effect in any insurance policy hereinafter issued shall be void. Codes, 1942, § 8175-25; Laws, 1971, ch. 515, § 29, eff. 4/1/1972. No coverage otherwise afforded under any policy of insurance shall be denied on the ground that any person has refused any test provided for by this chapter nor on the basis of the results of any such test. Any provision to such effect in any insurance policy hereinafter issued shall be void. Codes, 1942, § 8175-25; Laws, 1971, ch. 515, § 29, eff. 4/1/1972.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49) Section 63-11-47 - Selection and purchase of equipment and supplies

The Commissioner of Public Safety, acting in concert with the Mississippi Forensics Laboratory created pursuant to Section 45-1-17, is hereby expressly authorized and directed to determine the equipment and supplies which are adequate and necessary from both a medical and law enforcement standpoint for administration of this chapter. The Commissioner of Public Safety, upon receiving such recommendation from the Mississippi Forensics Laboratory, shall recommend an equipment standard for such equipment to the Department of Finance and Administration. The Department of Finance and Administration, using such a uniform standard for said equipment, shall advertise its intention of purchasing said equipment by one (1) publication in at least one (1) newspaper having

general circulation in the State of Mississippi at least ten (10) days before the purchase of such equipment and supplies, and the advertisement shall clearly and distinctly describe the articles to be purchased, and shall receive sealed bids thereon which shall be opened in public at a time and place to be specified in the advertisement. The Department of Finance and Administration shall accept the lowest and best bid for said equipment and supplies; in its discretion, it may reject any and all bids submitted. The lowest and best bid for said equipment and supplies accepted by the Department of Finance and Administration shall be the state-approved price of said equipment for purchase by the state, county and city governments. Title to all such testing equipment in the state purchased hereunder shall remain in the Commissioner of Public Safety regardless of what entity pays the purchase price. The state, counties and municipalities may purchase in the name of the Commissioner of Public Safety such equipment and supplies from other vendors of said equipment and supplies necessary to implement this chapter, provided they purchase of the same quality and standard as certified to the Department of Finance and Administration and approved by the department. However, such equipment and supplies shall not be purchased by the state, counties and municipalities unless it is at a price equivalent to or lower than that approved by the Department of Finance and Administration, pursuant to the bid procedure as outlined herein. Codes, 1942, § 8175-26; Laws, 1971, ch. 515, § 30; Laws, 1981, ch. 491, § 13; Laws, 1984, ch. 488, § 263, eff. 7/1/1984. Amended by Laws, 2015, ch. 452, SB 2159, 18, eff. 7/1/2015. The Commissioner of Public Safety, acting in concert with the Mississippi Forensics Laboratory created pursuant to Section 45-1-17, is hereby expressly authorized and directed to determine the equipment and supplies which are adequate and necessary from both a medical and law enforcement standpoint for administration of this chapter. The Commissioner of Public Safety, upon receiving such recommendation from the Mississippi Forensics Laboratory, shall recommend an equipment standard for such equipment to the Department of Finance and Administration. The Department of Finance and Administration, using such a uniform standard for said equipment, shall advertise its intention of purchasing said equipment by one (1) publication in at least one (1) newspaper having general circulation in the State of Mississippi at least ten (10) days before the purchase of such equipment and supplies, and the advertisement shall clearly and distinctly describe the articles to be purchased, and shall receive sealed bids thereon which shall be opened in public at a time and place to be specified in the advertisement. The Department of Finance and Administration shall accept the lowest and best bid for said equipment and supplies; in its discretion, it may reject any and all bids submitted. The lowest and best bid for said equipment and supplies accepted by the Department of Finance and Administration shall be the state-approved price of said equipment for purchase by the state, county and city governments. Title to all such testing equipment in the state purchased hereunder shall remain in the Commissioner of Public Safety regardless of what entity pays the purchase price. The state, counties and municipalities may purchase in the name of the Commissioner of Public Safety such equipment and supplies from other vendors of said equipment and supplies necessary to implement this chapter, provided they purchase of the same quality and standard as certified to the Department of Finance and Administration and approved by the department. However, such equipment and supplies shall not be purchased by the state, counties and municipalities unless it is at a price equivalent to or lower than that approved by the Department of Finance and Administration, pursuant to the bid procedure as outlined herein. Codes, 1942, § 8175-26; Laws, 1971, ch. 515, § 30; Laws, 1981, ch. 491, § 13; Laws, 1984, ch. 488, § 263, eff. 7/1/1984. Amended by Laws, 2015, ch. 452, SB 2159, 18, eff. 7/1/2015. 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advertisement shall clearly and distinctly describe the articles to be purchased, and shall receive sealed bids thereon which shall be opened in public at a time and place to be specified in the advertisement. The Department of Finance and Administration shall accept the lowest and best bid for said equipment and supplies; in its discretion, it may reject any and all bids submitted. The lowest and best bid for said equipment and supplies accepted by the Department of Finance and Administration shall be the state-approved price of said equipment for purchase by the state, county and city governments. Title to all such testing equipment in the state purchased hereunder shall remain in the Commissioner of Public Safety regardless of what entity pays the purchase price. The state, counties and municipalities may purchase in the name of the Commissioner of Public Safety such equipment and supplies from other vendors of said equipment and supplies necessary to implement this chapter, provided they purchase of the same quality and standard as certified to the Department of Finance and Administration and approved by the department. However, such equipment and supplies shall not be purchased by the state, counties and municipalities unless it is at a price equivalent to or lower than that approved by the Department of Finance and Administration, pursuant to the bid procedure as outlined herein. Codes, 1942, § 8175-26; Laws, 1971, ch. 515, § 30; Laws, 1981, ch. 491, § 13; Laws, 1984, ch. 488, § 263, eff. 7/1/1984. Amended by Laws, 2015, ch. 452, SB 2159, 18, eff. 7/1/2015.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49) Section 63-11-5 - Implied consent to chemical tests; administration of tests; warnings; form of traffic tickets, citations or affidavits; advice regarding right to request legal or medical assistance; rules and regulations

(1)(a) Any person who operates a motor vehicle upon the public highways, public roads or streets of this state shall be deemed to have given his consent, subject to the provisions of this chapter, to a chemical test or tests of his breath, blood or urine for the purpose of determining alcohol concentration. A person shall give his consent to a chemical test or tests of his breath, blood or urine for the purpose of determining the presence in his body of any other substance which would impair a person's ability to operate a motor vehicle. (b) The test or tests shall be administered at the direction of any authorized officer, when such officer has reasonable grounds and probable cause to believe that the person was driving or had under his actual physical control a motor vehicle upon the public streets or highways of this state while under the influence of intoxicating liquor or any other substance which had impaired such person's ability to operate a motor vehicle. (2)(a) A breath analysis test must be administered by a person who has met all the educational and training requirements of the appropriate course of study prescribed by the Board on Law Enforcement Officer Standards and Training; however, sheriffs and elected chiefs of police are exempt from the educational and training requirement. A breath analysis test must not be given to any person within fifteen (15) minutes of consumption of any substance by mouth. (b) For purposes of this section, the term "authorized officer" means any highway patrol officer, commercial motor carrier inspector, sheriff or his duly commissioned deputies, police officer in any incorporated municipality, national park ranger, officer of a state-supported institution of higher learning campus police force if such officer is exercising this authority in regard to a violation that occurred on campus property, or security officer appointed and commissioned pursuant to the Pearl River Valley Water Supply District Security Officer Law of 1978 if such officer is exercising this authority in regard to a violation that occurred within the limits of the Pearl River Valley Water Supply District. (3) If the officer has reasonable grounds and probable cause to believe such person to have been driving a motor vehicle upon the public highways, public roads or streets of this state while under the influence of intoxicating liquor or any other substance that has impaired the person's ability to operate a motor vehicle, the officer shall inform the person that his failure to submit to such chemical test or tests of his breath, blood or urine shall result in the suspension of his privilege to operate a motor vehicle upon the public streets, roads or highways of this state for a period of ninety (90) days if the person has not previously been convicted of a violation of Section 63-11-30, or for a period of one (1) year if the person has a prior conviction under Section 63-11-30. (4) The traffic ticket, citation or affidavit issued to a person arrested for a violation of this chapter shall conform to the requirements of Section 63-9-21(3)(b) and, if filed electronically, shall conform to Section 63-9-21(8). (5) Any person arrested under the provisions of this chapter shall be informed that he has the right to telephone for the purpose of requesting legal or medical assistance immediately after being booked for a violation under this chapter. (6) The Commissioner of Public Safety and the Mississippi Forensics Laboratory created pursuant to Section 45-1-17 are authorized to adopt procedures, rules and regulations applicable to the Implied Consent Law. Codes, 1942, § 8175-09; Laws, 1971, ch. 515, § 9; Laws, 1981, ch. 491, § 1; Laws, 1983, ch. 466, § 2; Laws, 1988, ch. 568, § 1; Laws, 1991, ch. 480, § 4; Laws, 1991, ch. 577, § 1; Laws, 1992, ch. 525, § 1; Laws, 1993, ch. 354, § 1; Laws, 1996, ch. 527, § 4; Laws, 1998, ch. 551, § 1; Laws, 2012, ch. 550, § 2, eff. 7/1/2012. Amended by Laws, 2024, ch. 400, HB 1015, § 2, eff. 7/1/2024. Amended by Laws, 2018, ch. 447, SB 2663, § 4, eff. 7/1/2020. Amended by Laws, 2016, ch. 376, HB 1361, 1, eff. 7/1/2016. Amended by Laws, 2015, ch. 452, SB 2159, 13, eff. 7/1/2015. (1)(a) Any person who operates a motor vehicle upon the public highways, public roads or streets of this state shall be deemed to have given his consent, subject to the provisions of this chapter, to a chemical test or tests of his breath, blood or urine for the purpose of determining alcohol concentration. A person shall give his consent to a chemical test or tests of his breath, blood or urine for the purpose of determining the presence in his body of any other substance which would impair a person's ability to operate a motor vehicle. (b) The test or tests shall be administered at the direction of any authorized officer, when such officer has reasonable grounds and probable cause to believe that the person was driving or had under his actual physical control a motor vehicle upon the public streets or highways of this state while under the influence of intoxicating liquor or any other substance which had impaired such person's ability to operate a motor vehicle. (2)(a) A breath analysis test must be administered by a person who has met all the educational and training requirements of the appropriate course of study prescribed by the Board on Law Enforcement Officer Standards and Training;

however, sheriffs and elected chiefs of police are exempt from the educational and training requirement. A breath analysis test must not be given to any person within fifteen (15) minutes of consumption of any substance by mouth.(b)For purposes of this section, the term "authorized officer" means any highway patrol officer, commercial motor carrier inspector, sheriff or his duly commissioned deputies, police officer in any incorporated municipality, national park ranger, officer of a state-supported institution of higher learning campus police force if such officer is exercising this authority in regard to a violation that occurred on campus property, or security officer appointed and commissioned pursuant to the Pearl River Valley Water Supply District Security Officer Law of 1978 if such officer is exercising this authority in regard to a violation that occurred within the limits of the Pearl River Valley Water Supply District.(3)If the officer has reasonable grounds and probable cause to believe such person to have been driving a motor vehicle upon the public highways, public roads or streets of this state while under the influence of intoxicating liquor or any other substance that has impaired the person's ability to operate a motor vehicle, the officer shall inform the person that his failure to submit to such chemical test or tests of his breath, blood or urine shall result in the suspension of his privilege to operate a motor vehicle upon the public streets , roads or highways of this state for a period of ninety (90) days if the person has not previously been convicted of a violation of Section63-11-30, or for a period of one (1) year if the person has a prior conviction under Section63-11-30.(4)The traffic ticket, citation or affidavit issued to a person arrested for a violation of this chapter shall conform to the requirements of Section63-9-21(3)(b)and, if filed electronically, shall conform to Section63-9-21(8).(5)Any person arrested under the provisions of this chapter shall be informed that he has the right to telephone for the purpose of requesting legal or medical assistance immediately after being booked for a violation under this chapter.(6)The Commissioner of Public Safety and the Mississippi Forensics Laboratory created pursuant to Section45-1-17are authorized to adopt procedures, rules and regulations applicable to the Implied Consent Law.Codes, 1942, § 8175-09; Laws, 1971, ch. 515, § 9; Laws, 1981, ch. 491, § 1; Laws, 1983, ch. 466, § 2; Laws, 1988, ch. 568, § 1; Laws, 1991, ch. 480, § 4; Laws, 1991, ch. 577, § 1; Laws, 1992, ch. 525, § 1; Laws, 1993, ch. 354, § 1; Laws, 1996, ch. 527, § 4; Laws, 1998, ch. 551, § 1; Laws, 2012, ch. 550, § 2, eff. 7/1/2012.Amended by Laws, 2024, ch. 400, HB 1015,§ 2, eff. 7/1/2024.Amended by Laws, 2018, ch. 447, SB 2663,§ 4, eff. 7/1/2020.Amended by Laws, 2016, ch. 376, HB 1361, 1, eff. 7/1/2016.Amended by Laws, 2015, ch. 452, SB 2159, 13, eff. 7/1/2015. (1)(a)Any person who operates a motor vehicle upon the public highways, public roads or streets of this state shall be deemed to have given his consent, subject to the provisions of this chapter, to a chemical test or tests of his breath, blood or urine for the purpose of determining alcohol concentration. A person shall give his consent to a chemical test or tests of his breath, blood or urine for the purpose of determining the presence in his body of any other substance which would impair a person's ability to operate a motor vehicle.(b)The test or tests shall be administered at the direction of any authorized officer, when such officer has reasonable grounds and probable cause to believe that the person was driving or had under his actual physical control a motor vehicle upon the public streets or highways of this state while under the influence of intoxicating liquor or any other substance which had impaired such person's ability to operate a motor vehicle.(2)(a)A breath analysis test must be administered by a person who has met all the educational and training requirements of the appropriate course of study prescribed by the Board on Law Enforcement Officer Standards and Training; however, sheriffs and elected chiefs of police are exempt from the educational and training requirement. A breath analysis test must not be given to any person within fifteen (15) minutes of consumption of any substance by mouth.(b)For purposes of this section, the term "authorized officer" means any highway patrol officer, commercial motor carrier inspector, sheriff or his duly commissioned deputies, police officer in any incorporated municipality, national park ranger, officer of a state-supported institution of higher learning campus police force if such officer is exercising this authority in regard to a violation that occurred on campus property, or security officer appointed and commissioned pursuant to the Pearl River Valley Water Supply District Security Officer Law of 1978 if such officer is exercising this authority in regard to a violation that occurred within the limits of the Pearl River Valley Water Supply District.(3)If the officer has reasonable grounds and probable cause to believe such person to have been driving a motor vehicle upon the public highways, public roads or streets of this state while under the influence of intoxicating liquor or any other substance that has impaired the person's ability to operate a motor vehicle, the officer shall inform the person that his failure to submit to such chemical test or tests of his breath, blood or urine shall result in the suspension of his privilege to operate a motor vehicle upon the public streets , roads or highways of this state for a period of ninety (90) days if the person has not previously been convicted of a violation of Section63-11-30, or for a period of one (1) year if the person has a prior conviction under Section63-11-30.(4)The traffic ticket, citation or affidavit issued to a person arrested for a violation of this chapter shall conform to the requirements of Section63-9-21(3)(b)and, if filed electronically, shall conform to Section63-9-21(8).(5)Any person arrested under the provisions of this chapter shall be informed that he has the right to telephone for the purpose of requesting legal or medical assistance immediately after being booked for a violation under this chapter.(6)The Commissioner of Public Safety and the Mississippi Forensics Laboratory created pursuant to Section45-1-17are authorized to adopt procedures, rules and regulations applicable to the Implied Consent Law.Codes, 1942, § 8175-09; Laws, 1971, ch. 515, § 9; Laws, 1981, ch. 491, § 1; Laws, 1983, ch. 466, § 2; Laws, 1988, ch. 568, § 1; Laws, 1991, ch. 480, § 4; Laws, 1991, ch. 577, § 1; Laws, 1992, ch. 525, § 1; Laws, 1993, ch. 354, § 1; Laws, 1996, ch. 527, § 4; Laws, 1998, ch. 551, § 1; Laws, 2012, ch. 550, § 2, eff. 7/1/2012.Amended by Laws, 2024, ch. 400, HB 1015,§ 2, eff. 7/1/2024.Amended by Laws, 2018, ch. 447, SB 2663,§ 4, eff. 7/1/2020.Amended by Laws, 2016, ch. 376, HB 1361, 1, eff. 7/1/2016.Amended by Laws, 2015, ch. 452, SB 2159, 13, eff. 7/1/2015. 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7/1/2015.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49) Section 63-11-7 - Authorization of blood test for dead or unconscious accident victims; use of test results

If any person be unconscious or dead as a result of an accident, or unconscious at the time of arrest or apprehension or when the test is to be administered, or is otherwise in a condition rendering him incapable of refusal, such person shall be subjected to a blood test for the purpose of determining the alcoholic content of his blood as provided in this chapter, if the arresting officer has reasonable grounds to believe the person to have been driving a motor vehicle upon the public highways, public roads and streets of this state while under the influence of intoxicating liquor. The results of such test or tests, however, shall not be used in evidence against such person in any court or before any regulatory body without the consent of the person so tested, or, if deceased, such person's legal representative. However, refusal of release of evidence so obtained by such officer or agency will in criminal actions against such person result in the suspension of his or her driver's license for a period of ninety days as provided in this chapter for conscious and capable persons who have refused to submit to such test. Blood may only be withdrawn under the provisions of Section 63-11-9. It is the intent of this chapter that blood samples taken under this section shall be used exclusively for statistical evaluation of accident causes with safeguards established to protect the identity of such victims and to extend the rights of privileged communications to those engaged in taking, handling and evaluating such statistical evidence. Codes, 1942, § 8175-10; Laws, 1971, ch. 515, § 10, eff. 4/1/1972. If any person be unconscious or dead as a result of an accident, or unconscious at the time of arrest or apprehension or when the test is to be administered, or is otherwise in a condition rendering him incapable of refusal, such person shall be subjected to a blood test for the purpose of determining the alcoholic content of his blood as provided in this chapter, if the arresting officer has reasonable grounds to believe the person to have been driving a motor vehicle upon the public highways, public roads and streets of this state while under the influence of intoxicating liquor. The results of such test or tests, however, shall not be used in evidence against such person in any court or before any regulatory body without the consent of the person so tested, or, if deceased, such person's legal representative. However, refusal of release of evidence so obtained by such officer or agency will in criminal actions against such person result in the suspension of his or her driver's license for a period of ninety days as provided in this chapter for conscious and capable persons who have refused to submit to such test. Blood may only be withdrawn under the provisions of Section 63-11-9. It is the intent of this chapter that blood samples taken under this section shall be used exclusively for statistical evaluation of accident causes with safeguards established to protect the identity of such victims and to extend the rights of privileged communications to those engaged in taking, handling and evaluating such statistical evidence. Codes, 1942, § 8175-10; Laws, 1971, ch. 515, § 10, eff. 4/1/1972. If any person be unconscious or dead as a result of an accident, or unconscious at the time of arrest or apprehension or when the test is to be administered, or is otherwise in a condition rendering him incapable of refusal, such person shall be subjected to a blood test for the purpose of determining the alcoholic content of his blood as provided in this chapter, if the arresting officer has reasonable grounds to believe the person to have been driving a motor vehicle upon the public highways, public roads and streets of this state while under the influence of intoxicating liquor. The results of such test or tests, however, shall not be used in evidence against such person in any court or before any regulatory body without the consent of the person so tested, or, if deceased, such person's legal representative. However, refusal of release of evidence so obtained by such officer or agency will in criminal actions against such person result in the suspension of his or her driver's license for a period of ninety days as provided in this chapter for conscious and capable persons who have refused to submit to such test. Blood may only be withdrawn under the provisions of Section 63-11-9. It is the intent of this chapter that blood samples taken under this section shall be used exclusively for statistical evaluation of accident causes with safeguards established to protect the identity of such victims and to extend the rights of privileged communications to those engaged in taking, handling and evaluating such statistical evidence. Codes, 1942, § 8175-10; Laws, 1971, ch. 515, § 10, eff. 4/1/1972.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49) Section 63-11-8 - Testing of motor vehicle operator involved in accident resulting in death

(1) The operator of any motor vehicle involved in an accident that results in a death shall be tested for the purpose of determining the

alcohol content or drug content of such operator's blood, breath or urine. Any blood withdrawal required by this section shall be administered by any qualified person and shall be administered within two (2) hours after such accident, if possible. The exact time of the accident, to the extent possible, and the exact time of the blood withdrawal shall be recorded.(2)If any investigating law enforcement officer has reasonable grounds to believe that a person is the operator of a motor vehicle involved in an accident that has resulted in a death, it shall be such officer's duty to see that a chemical test is administered as required by this section.(3)The results of a test administered pursuant to this section may be used as evidence in any court or administrative hearing without the consent of the person so tested.(4)No person may refuse to submit to a chemical test required under the provisions of this section.(5)Analysis of blood or urine to determine alcohol or drug content pursuant to this section shall be conducted by the Mississippi Forensics Laboratory or a laboratory whose methods and procedures have been approved by the Mississippi Forensics Laboratory.Laws, 1995, ch. 540, § 4; Laws, 1996, ch. 527, § 5, eff. 7/2/1996.Amended by Laws, 2015, ch. 452, SB 2159, 14, eff. 7/1/2015. (1)The operator of any motor vehicle involved in an accident that results in a death shall be tested for the purpose of determining the alcohol content or drug content of such operator's blood, breath or urine. Any blood withdrawal required by this section shall be administered by any qualified person and shall be administered within two (2) hours after such accident, if possible. The exact time of the accident, to the extent possible, and the exact time of the blood withdrawal shall be recorded.(2)If any investigating law enforcement officer has reasonable grounds to believe that a person is the operator of a motor vehicle involved in an accident that has resulted in a death, it shall be such officer's duty to see that a chemical test is administered as required by this section.(3)The results of a test administered pursuant to this section may be used as evidence in any court or administrative hearing without the consent of the person so tested.(4)No person may refuse to submit to a chemical test required under the provisions of this section.(5)Analysis of blood or urine to determine alcohol or drug content pursuant to this section shall be conducted by the Mississippi Forensics Laboratory or a laboratory whose methods and procedures have been approved by the Mississippi Forensics Laboratory.Laws, 1995, ch. 540, § 4; Laws, 1996, ch. 527, § 5, eff. 7/2/1996.Amended by Laws, 2015, ch. 452, SB 2159, 14, eff. 7/1/2015. (1)The operator of any motor vehicle involved in an accident that results in a death shall be tested for the purpose of determining the alcohol content or drug content of such operator's blood, breath or urine. Any blood withdrawal required by this section shall be administered by any qualified person and shall be administered within two (2) hours after such accident, if possible. The exact time of the accident, to the extent possible, and the exact time of the blood withdrawal shall be recorded.(2)If any investigating law enforcement officer has reasonable grounds to believe that a person is the operator of a motor vehicle involved in an accident that has resulted in a death, it shall be such officer's duty to see that a chemical test is administered as required by this section.(3)The results of a test administered pursuant to this section may be used as evidence in any court or administrative hearing without the consent of the person so tested.(4)No person may refuse to submit to a chemical test required under the provisions of this section.(5)Analysis of blood or urine to determine alcohol or drug content pursuant to this section shall be conducted by the Mississippi Forensics Laboratory or a laboratory whose methods and procedures have been approved by the Mississippi Forensics Laboratory.Laws, 1995, ch. 540, § 4; Laws, 1996, ch. 527, § 5, eff. 7/2/1996.Amended by Laws, 2015, ch. 452, SB 2159, 14, eff. 7/1/2015. Laws, 1995, ch. 540, § 4; Laws, 1996, ch. 527, § 5, eff. 7/2/1996. Amended by Laws, 2015, ch. 452, SB 2159, 14, eff. 7/1/2015.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 11 - IMPLIED CONSENT LAW (§§ 63-11-1 — 63-11-49)Section 63-11-9 - Administration of blood test under section 63-11-7

Under Section63-11-7, any qualified person acting at the request of a law enforcement officer may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath or urine specimens.Codes, 1942, § 8175-17; Laws, 1971, ch. 515, § 17; Laws, 1996, ch. 527, § 6, eff. 7/2/1996. Under Section63-11-7, any qualified person acting at the request of a law enforcement officer may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath or urine specimens.Codes, 1942, § 8175-17; Laws, 1971, ch. 515, § 17; Laws, 1996, ch. 527, § 6, eff. 7/2/1996. Under Section63-11-7, any qualified person acting at the request of a law enforcement officer may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath or urine specimens.Codes, 1942, § 8175-17; Laws, 1971, ch. 515, § 17; Laws, 1996, ch. 527, § 6, eff. 7/2/1996. Under Section63-11-7, any qualified person acting at the request of a law enforcement officer may withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of breath or urine specimens. Codes, 1942, § 8175-17; Laws, 1971, ch. 515, § 17; Laws, 1996, ch. 527, § 6, eff. 7/2/1996.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75)Section 63-15-1 - Short title

This chapter may be cited as the "Mississippi Motor Vehicle Safety-Responsibility Law."Codes, 1942, § 8285-40; Laws, 1952, ch. 359, § 39, eff. 1/1/1953. This chapter may be cited as the "Mississippi Motor Vehicle Safety-Responsibility Law."Codes, 1942, § 8285-40; Laws, 1952, ch. 359, § 39, eff. 1/1/1953. This chapter may be cited as the "Mississippi Motor Vehicle Safety-Responsibility Law."Codes, 1942, § 8285-40; Laws, 1952, ch. 359, § 39, eff. 1/1/1953. This chapter may be cited as the "Mississippi Motor Vehicle Safety-Responsibility Law." Codes, 1942, § 8285-40; Laws, 1952, ch. 359, § 39, eff. 1/1/1953.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75) Section 63-15-23 - Admissibility in evidence in civil actions of reports, etc. of department

Neither the report required by Section 63-15-9, the action taken by the department pursuant to this chapter, the findings, if any, of the department upon which such action is based, nor the security filed as provided in this chapter shall be referred to in any way, or be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages. However, the report required by Section 63-15-9 may be referred to in proving uninsured status of the owner and the operator of a vehicle in any action to enforce a claim under the uninsured motorist provisions of an automobile liability policy, but only as provided in Section 13-1-124. Codes, 1942, § 8285-11; Laws, 1952, ch. 359, § 11; Laws, 1981, ch. 361, § 3, eff. 7/1/1981. Neither the report required by Section 63-15-9, the action taken by the department pursuant to this chapter, the findings, if any, of the department upon which such action is based, nor the security filed as provided in this chapter shall be referred to in any way, or be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages. However, the report required by Section 63-15-9 may be referred to in proving uninsured status of the owner and the operator of a vehicle in any action to enforce a claim under the uninsured motorist provisions of an automobile liability policy, but only as provided in Section 13-1-124. Codes, 1942, § 8285-11; Laws, 1952, ch. 359, § 11; Laws, 1981, ch. 361, § 3, eff. 7/1/1981. Neither the report required by Section 63-15-9, the action taken by the department pursuant to this chapter, the findings, if any, of the department upon which such action is based, nor the security filed as provided in this chapter shall be referred to in any way, or be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages. However, the report required by Section 63-15-9 may be referred to in proving uninsured status of the owner and the operator of a vehicle in any action to enforce a claim under the uninsured motorist provisions of an automobile liability policy, but only as provided in Section 13-1-124. Codes, 1942, § 8285-11; Laws, 1952, ch. 359, § 11; Laws, 1981, ch. 361, § 3, eff. 7/1/1981. Neither the report required by Section 63-15-9, the action taken by the department pursuant to this chapter, the findings, if any, of the department upon which such action is based, nor the security filed as provided in this chapter shall be referred to in any way, or be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages. However, the report required by Section 63-15-9 may be referred to in proving uninsured status of the owner and the operator of a vehicle in any action to enforce a claim under the uninsured motorist provisions of an automobile liability policy, but only as provided in Section 13-1-124. Codes, 1942, § 8285-11; Laws, 1952, ch. 359, § 11; Laws, 1981, ch. 361, § 3, eff. 7/1/1981.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75) Section 63-15-25 - Certification to department of unsatisfied judgment; reports of convictions, pleas or actions in judicial proceedings for violations of motor vehicle laws

(1) Whenever any person fails within sixty days to satisfy any judgment, upon the written request of the judgment creditor or his attorney it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this state, to forward to the department immediately after the expiration of said sixty days, a certified copy of such judgment. (2) If the defendant named in any certified copy of a judgment reported to the department is a nonresident, the department shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses of the state of which the defendant is a resident. (3) The clerk of the court, or the judge of a court which has no clerk, in which any conviction for violation of a motor vehicle law is rendered, or in which a person charged with violation of a motor vehicle law has pleaded guilty or forfeited bail, shall forward immediately to the department a certified copy of the judgment, order or record of other action of the court. This copy shall be prima-facie evidence of the conviction, plea or other action stated. Codes, 1942, § 8285-12; Laws, 1952, ch. 359, § 12, eff. 1/1/1953. (1) Whenever any person fails within sixty days to satisfy any judgment, upon the written request of the judgment creditor or his attorney it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this state, to forward to the department immediately after the expiration of said sixty days, a certified copy of such judgment. (2) If the defendant named in any certified copy of a judgment reported to the department is a nonresident, the department shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses of the state of which the defendant is a resident. (3) The clerk of the court, or the judge of a court which has no clerk, in which any conviction for violation of a motor vehicle law is rendered, or in which a person charged with violation of a motor vehicle law has pleaded guilty or forfeited bail, shall forward immediately to the department a certified copy of the judgment, order or record of other action of the court. This copy

shall be prima-facie evidence of the conviction, plea or other action stated. Codes, 1942, § 8285-12; Laws, 1952, ch. 359, § 12, eff. 1/1/1953. Codes, 1942, § 8285-12; Laws, 1952, ch. 359, § 12, eff. 1/1/1953.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75) Section 63-15-27 - Suspension of license, registration or operating privilege for nonpayment of judgment generally

(1) Upon the receipt of a certified copy of a judgment, the department shall forthwith suspend the license and registration and any nonresident's operating privilege of any person against whom such judgment was rendered, except as hereinafter otherwise provided in this section and in Section 63-15-33. (2) If the judgment creditor consents in writing, in such form as the department may prescribe, that the judgment debtor be allowed license or nonresident's operating privilege, the same may be allowed by the department, in its discretion, for six months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in Section 63-15-33, provided the judgment debtor furnishes proof of financial responsibility. Codes, 1942, § 8285-13; Laws, 1952, ch. 359, § 13, eff. 1/1/1953. (1) Upon the receipt of a certified copy of a judgment, the department shall forthwith suspend the license and registration and any nonresident's operating privilege of any person against whom such judgment was rendered, except as hereinafter otherwise provided in this section and in Section 63-15-33. (2) If the judgment creditor consents in writing, in such form as the department may prescribe, that the judgment debtor be allowed license or nonresident's operating privilege, the same may be allowed by the department, in its discretion, for six months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in Section 63-15-33, provided the judgment debtor furnishes proof of financial responsibility. Codes, 1942, § 8285-13; Laws, 1952, ch. 359, § 13, eff. 1/1/1953. (1) Upon the receipt of a certified copy of a judgment, the department shall forthwith suspend the license and registration and any nonresident's operating privilege of any person against whom such judgment was rendered, except as hereinafter otherwise provided in this section and in Section 63-15-33. (2) If the judgment creditor consents in writing, in such form as the department may prescribe, that the judgment debtor be allowed license or nonresident's operating privilege, the same may be allowed by the department, in its discretion, for six months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in Section 63-15-33, provided the judgment debtor furnishes proof of financial responsibility. Codes, 1942, § 8285-13; Laws, 1952, ch. 359, § 13, eff. 1/1/1953. Codes, 1942, § 8285-13; Laws, 1952, ch. 359, § 13, eff. 1/1/1953.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75) Section 63-15-29 - Duration of suspension; effect of discharge in bankruptcy

(1) Such license and nonresident's operating privilege shall remain so suspended and shall not be renewed, nor shall any such license be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied in full or to the extent hereinafter provided and until the said person gives proof of financial responsibility subject to the exemptions stated in Sections 63-15-27 and 63-15-33. (2) A discharge in bankruptcy following the rendering of any such judgment shall not relieve the judgment debtor from any of the requirements of this chapter. Codes, 1942, § 8285-14; Laws, 1952, ch. 359, § 14, eff. 1/1/1953. (1) Such license and nonresident's operating privilege shall remain so suspended and shall not be renewed, nor shall any such license be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied in full or to the extent hereinafter provided and until the said person gives proof of financial responsibility subject to the exemptions stated in Sections 63-15-27 and 63-15-33. (2) A discharge in bankruptcy following the rendering of any such judgment shall not relieve the judgment debtor from any of the requirements of this chapter. Codes, 1942, § 8285-14; Laws, 1952, ch. 359, § 14, eff. 1/1/1953. (1) Such license and nonresident's operating privilege shall remain so suspended and shall not be renewed, nor shall any such license be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied in full or to the extent hereinafter provided and until the said person gives proof of financial responsibility subject to the exemptions stated in Sections 63-15-27 and 63-15-33. (2) A discharge in bankruptcy following the rendering of any such judgment shall not relieve the judgment debtor from any of the requirements of this chapter. Codes, 1942, § 8285-14; Laws, 1952, ch. 359, § 14, eff. 1/1/1953. Codes, 1942, § 8285-14; Laws, 1952, ch. 359, § 14, eff. 1/1/1953.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75) Section 63-15-3 - Definitions

The following words and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning: (a) "Highway" means the entire width between property lines of any road, street, way, thoroughfare or bridge in the State of Mississippi not privately owned or controlled, when any part thereof is open to the public for vehicular traffic and over which the state has legislative jurisdiction under its police power. (b) "Judgment" means any judgment which shall have become final by expiration, without appeal, of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court

of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.(c)"Motor vehicle" means every self-propelled vehicle (other than traction engines, road rollers and graders, tractor cranes, power shovels, well drillers, implements of husbandry, electric bicycles, personal delivery devices and electric personal assistive mobility devices as defined in Section63-3-103) which is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles, and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails.For purposes of this definition, "implements of husbandry" shall not include trucks, pickup trucks, trailers and semitrailers designed for use with such trucks and pickup trucks.(d)"License" means any driver's, operator's, commercial operator's, or chauffeur's license, temporary instruction permit or temporary license, or restricted license, issued under the laws of the State of Mississippi pertaining to the licensing of persons to operate motor vehicles.(e)"Nonresident" means every person who is not a resident of the State of Mississippi.(f)"Nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of Mississippi pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in the State of Mississippi.(g)"Operator" means every person who is in actual physical control of a motor vehicle.(h)"Owner" means a person who holds the legal title of a motor vehicle; in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.(i)"Person" means every natural person, firm, copartnership, association or corporation.(j)"Proof of financial responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident, and subject to said limit for one (1) person, in the amount of Fifty Thousand Dollars (\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and in the amount of Twenty-five Thousand Dollars (\$25,000.00) because of injury to or destruction of property of others in any one (1) accident. Liability insurance required under this paragraph (j) may contain exclusions and limitations on coverage as long as the exclusions and limitations language or form has been filed with and approved by the Commissioner of Insurance.(k)"Registration" means a certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles.(l)"Department" means the Department of Public Safety of the State of Mississippi, acting directly or through its authorized officers and agents, except in such sections of this chapter in which some other state department is specifically named.(m)"State" means any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.Codes, 1942, § 8285-01; Laws, 1952, ch. 359, § 1; Laws, 1972, ch. 349, § 1; Laws, 2003, ch. 485, § 11; Laws, 2005, ch. 483, § 1, eff. 1/1/2006.Amended by Laws, 2022, ch. 439, SB 2508,§ 7, eff. 7/1/2022.Amended by Laws, 2021, ch. 355, HB 1195,§ 7, eff. 7/1/2021.Amended by Laws, 2015, ch. 315, HB 346, 1, eff. 7/1/2015. The following words and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:(a)"Highway" means the entire width between property lines of any road, street, way, thoroughfare or bridge in the State of Mississippi not privately owned or controlled, when any part thereof is open to the public for vehicular traffic and over which the state has legislative jurisdiction under its police power.(b)"Judgment" means any judgment which shall have become final by expiration, without appeal, of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.(c)"Motor vehicle" means every self-propelled vehicle (other than traction engines, road rollers and graders, tractor cranes, power shovels, well drillers, implements of husbandry, electric bicycles, personal delivery devices and electric personal assistive mobility devices as defined in Section63-3-103) which is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles, and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails.For purposes of this definition, "implements of husbandry" shall not include trucks, pickup trucks, trailers and semitrailers designed for use with such trucks and pickup trucks.(d)"License" means any driver's, operator's, commercial operator's, or chauffeur's license, temporary instruction permit or temporary license, or restricted license, issued under the laws of the State of Mississippi pertaining to the licensing of persons to operate motor vehicles.(e)"Nonresident" means every person who is not a resident of the State of Mississippi.(f)"Nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of Mississippi pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in the State of Mississippi.(g)"Operator" means every person who is in actual physical control of a motor vehicle.(h)"Owner" means a person who holds the legal title of a motor vehicle; in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.(i)"Person" means every natural person, firm, copartnership, association or corporation.(j)"Proof of financial responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to

the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident, and subject to said limit for one (1) person, in the amount of Fifty Thousand Dollars (\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and in the amount of Twenty-five Thousand Dollars (\$25,000.00) because of injury to or destruction of property of others in any one (1) accident. Liability insurance required under this paragraph (j) may contain exclusions and limitations on coverage as long as the exclusions and limitations language or form has been filed with and approved by the Commissioner of Insurance.(k)"Registration" means a certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles.(l)"Department" means the Department of Public Safety of the State of Mississippi, acting directly or through its authorized officers and agents, except in such sections of this chapter in which some other state department is specifically named.(m)"State" means any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.Codes, 1942, § 8285-01; Laws, 1952, ch. 359, § 1; Laws, 1972, ch. 349, § 1; Laws, 2003, ch. 485, § 11; Laws, 2005, ch. 483, § 1, eff. 1/1/2006.Amended by Laws, 2022, ch. 439, SB 2508,§ 7, eff. 7/1/2022.Amended by Laws, 2021, ch. 355, HB 1195,§ 7, eff. 7/1/2021.Amended by Laws, 2015, ch. 315, HB 346, 1, eff. 7/1/2015. 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Liability insurance required under this paragraph (j) may contain exclusions and limitations on coverage as long as the exclusions and limitations language or form has been filed with and approved by the Commissioner of Insurance.(k)"Registration" means a certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles.(l)"Department" means the Department of Public Safety of the State of Mississippi, acting directly or through its authorized officers and agents, except in such sections of this chapter in which some other state department is specifically named.(m)"State" means any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.Codes, 1942, § 8285-01; Laws, 1952, ch. 359, § 1; Laws, 1972, ch. 349, § 1; Laws, 2003, ch. 485, § 11; Laws, 2005, ch. 483, § 1, eff. 1/1/2006.Amended by Laws, 2022, ch. 439, SB 2508,§ 7, eff. 7/1/2022.Amended by Laws, 2021, ch. 355, HB 1195,§ 7, eff. 7/1/2021.Amended by Laws, 2015, ch. 315, HB 346, 1, eff. 7/1/2015. The following words and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning: For purposes of this definition, "implements of husbandry" shall not include trucks, pickup trucks, trailers and semitrailers designed for use with such trucks and pickup trucks. Codes, 1942, § 8285-01; Laws, 1952, ch. 359, § 1; Laws, 1972, ch. 349, § 1; Laws, 2003, ch. 485, § 11; Laws, 2005, ch. 483, § 1, eff. 1/1/2006. Amended by Laws, 2022, ch. 439, SB 2508,§ 7, eff. 7/1/2022. Amended by Laws, 2021, ch. 355, HB 1195,§ 7, eff. 7/1/2021. Amended by Laws, 2015, ch. 315, HB 346, 1, eff. 7/1/2015.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75) Section 63-15-31 - Amounts required for satisfaction of judgment

Judgments referred to in this chapter shall, for the purpose of this chapter only, be deemed satisfied: (a) When Twenty-five Thousand Dollars (\$25,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one (1) person as the result of any one (1) accident; or (b) When, subject to such limit of Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of one (1) person, the sum of Fifty Thousand Dollars (\$50,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two (2) or more persons as the result of any one (1) accident; or (c) When Twenty-five Thousand Dollars (\$25,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one (1) accident. However, payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section. Codes, 1942, § 8285-15; Laws, 1952, ch. 359, § 15; Laws, 1972, ch. 349, § 3; Laws, 2005, ch. 483, § 3, eff. 1/1/2006. Judgments referred to in this chapter shall, for the purpose of this chapter only, be deemed satisfied: (a) When Twenty-five Thousand Dollars (\$25,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one (1) person as the result of any one (1) accident; or (b) When, subject to such limit of Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of one (1) person, the sum of Fifty Thousand Dollars (\$50,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two (2) or more persons as the result of any one (1) accident; or (c) When Twenty-five Thousand Dollars (\$25,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one (1) accident. However, payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section. Codes, 1942, § 8285-15; Laws, 1952, ch. 359, § 15; Laws, 1972, ch. 349, § 3; Laws, 2005, ch. 483, § 3, eff. 1/1/2006. Judgments referred to in this chapter shall, for the purpose of this chapter only, be deemed satisfied: (a) When Twenty-five Thousand Dollars (\$25,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one (1) person as the result of any one (1) accident; or (b) When, subject to such limit of Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of one (1) person, the sum of Fifty Thousand Dollars (\$50,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two (2) or more persons as the result of any one (1) accident; or (c) When Twenty-five Thousand Dollars (\$25,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one (1) accident. However, payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section. Codes, 1942, § 8285-15; Laws, 1952, ch. 359, § 15; Laws, 1972, ch. 349, § 3; Laws, 2005, ch. 483, § 3, eff. 1/1/2006. Judgments referred to in this chapter shall, for the purpose of this chapter only, be deemed satisfied: (a) When Twenty-five Thousand Dollars (\$25,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one (1) person as the result of any one (1) accident; or (b) When, subject to such limit of Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of one (1) person, the sum of Fifty Thousand Dollars (\$50,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two (2) or more persons as the result of any one (1) accident; or (c) When Twenty-five Thousand Dollars (\$25,000.00) has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one (1) accident. However, payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section. Codes, 1942, § 8285-15; Laws, 1952, ch. 359, § 15; Laws, 1972, ch. 349, § 3; Laws, 2005, ch. 483, § 3, eff. 1/1/2006.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75) Section 63-15-33 - Allowance and effect of payment of judgment in installments; default

(1) A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments. (2) The department shall not suspend a license or a nonresident's operating privilege, and shall restore any license or nonresident's operating privilege suspended following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains such an order permitting the payment of such judgment in installments, and while the payment of any said installment is not in default. (3) In the event the judgment debtor fails to pay any installment as specified by such order, then upon notice of such default, the department shall forthwith suspend the license or nonresident's operating privilege of the judgment debtor until such judgment is satisfied, as provided in this chapter. Codes, 1942, § 8285-16; Laws, 1952, ch. 359, § 16, eff. 1/1/1953. (1) A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments. (2) The department shall not suspend a license or a nonresident's operating privilege, and shall restore any license or nonresident's operating privilege suspended following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains such an order permitting the payment of such judgment in installments, and while the payment of any said installment is not in default. (3) In the event the judgment debtor fails to pay any installment as specified by such order, then upon notice of such default, the department shall forthwith suspend the license or nonresident's operating privilege of the judgment debtor until such judgment is satisfied, as provided in this chapter. Codes, 1942, § 8285-16; Laws, 1952, ch. 359, § 16, eff. 1/1/1953. (1) A judgment debtor upon due notice to

the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.(2)The department shall not suspend a license or a nonresident's operating privilege, and shall restore any license or nonresident's operating privilege suspended following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains such an order permitting the payment of such judgment in installments, and while the payment of any said installment is not in default.(3)In the event the judgment debtor fails to pay any installment as specified by such order, then upon notice of such default, the department shall forthwith suspend the license or nonresident's operating privilege of the judgment debtor until such judgment is satisfied, as provided in this chapter.Codes, 1942, § 8285-16; Laws, 1952, ch. 359, § 16, eff. 1/1/1953. Codes, 1942, § 8285-16; Laws, 1952, ch. 359, § 16, eff. 1/1/1953.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75)Section 63-15-35 - Requirement of proof of financial responsibility upon conviction, etc., of offense requiring suspension or revocation of license

(1)Whenever the department, under any law of this state, suspends or revokes the license of any person upon receiving record of a conviction or a forfeiture of bail, the department shall also suspend the registration for all motor vehicles licensed in the name of such person. However the department shall not suspend such license, unless otherwise required by law, if such person has previously given or shall immediately give and thereafter maintain proof of financial responsibility with respect to all motor vehicles licensed by such person.(2)Such license or licenses, as the case may be, shall remain suspended or revoked and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person until permitted under the motor vehicle laws of this state and not then unless and until he shall give and thereafter maintain proof of financial responsibility.(3)If a person is not licensed, but by final order of judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, or for operating a motor vehicle upon the highways without being licensed to do so, no license shall thereafter be issued to such person until he shall give and thereafter maintain proof of financial responsibility.(4)Whenever the department suspends or revokes a nonresident's operating privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility.Codes, 1942, § 8285-17; Laws, 1952, ch. 359, § 17, eff. 1/1/1953. (1)Whenever the department, under any law of this state, suspends or revokes the license of any person upon receiving record of a conviction or a forfeiture of bail, the department shall also suspend the registration for all motor vehicles licensed in the name of such person. However the department shall not suspend such license, unless otherwise required by law, if such person has previously given or shall immediately give and thereafter maintain proof of financial responsibility with respect to all motor vehicles licensed by such person.(2)Such license or licenses, as the case may be, shall remain suspended or revoked and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person until permitted under the motor vehicle laws of this state and not then unless and until he shall give and thereafter maintain proof of financial responsibility.(3)If a person is not licensed, but by final order of judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, or for operating a motor vehicle upon the highways without being licensed to do so, no license shall thereafter be issued to such person until he shall give and thereafter maintain proof of financial responsibility.(4)Whenever the department suspends or revokes a nonresident's operating privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility.Codes, 1942, § 8285-17; Laws, 1952, ch. 359, § 17, eff. 1/1/1953. (1)Whenever the department, under any law of this state, suspends or revokes the license of any person upon receiving record of a conviction or a forfeiture of bail, the department shall also suspend the registration for all motor vehicles licensed in the name of such person. However the department shall not suspend such license, unless otherwise required by law, if such person has previously given or shall immediately give and thereafter maintain proof of financial responsibility with respect to all motor vehicles licensed by such person.(2)Such license or licenses, as the case may be, shall remain suspended or revoked and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person until permitted under the motor vehicle laws of this state and not then unless and until he shall give and thereafter maintain proof of financial responsibility.(3)If a person is not licensed, but by final order of judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, or for operating a motor vehicle upon the highways without being licensed to do so, no license shall thereafter be issued to such person until he shall give and thereafter maintain proof of financial responsibility.(4)Whenever the department suspends or revokes a nonresident's operating privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility.Codes, 1942, § 8285-17; Laws, 1952, ch. 359, § 17, eff. 1/1/1953. Codes, 1942, § 8285-17; Laws, 1952, ch. 359, § 17, eff. 1/1/1953.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75)Section 63-15-37 - Methods of giving proof of financial responsibility generally

Proof of financial responsibility when required under this chapter with respect to a motor vehicle or with respect to a person who is not the owner of a motor vehicle may be given by filing: 1. A certificate of insurance as provided in Section 63-15-39 or Section 63-15-41; or 2. A bond as provided in Section 63-15-49; or 3. A certificate of deposit of money or securities as provided in Section 63-15-51; or 4. A certificate of self-insurance as provided in Section 63-15-53, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, he will pay the same judgments and in the same amounts that an insurer would have been obligated to pay under an owner's motor vehicle liability policy if it had issued such a policy to said self-insurer. Codes, 1942, § 8285-18; Laws, 1952, ch. 359, § 18, eff. 1/1/1953. Brought forward by Laws, 2023, ch. 443, HB 1003, § 24, eff. 7/1/2023. Proof of financial responsibility when required under this chapter with respect to a motor vehicle or with respect to a person who is not the owner of a motor vehicle may be given by filing: 1. A certificate of insurance as provided in Section 63-15-39 or Section 63-15-41; or 2. A bond as provided in Section 63-15-49; or 3. A certificate of deposit of money or securities as provided in Section 63-15-51; or 4. A certificate of self-insurance as provided in Section 63-15-53, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, he will pay the same judgments and in the same amounts that an insurer would have been obligated to pay under an owner's motor vehicle liability policy if it had issued such a policy to said self-insurer. Codes, 1942, § 8285-18; Laws, 1952, ch. 359, § 18, eff. 1/1/1953. Brought forward by Laws, 2023, ch. 443, HB 1003, § 24, eff. 7/1/2023. Proof of financial responsibility when required under this chapter with respect to a motor vehicle or with respect to a person who is not the owner of a motor vehicle may be given by filing: Codes, 1942, § 8285-18; Laws, 1952, ch. 359, § 18, eff. 1/1/1953. Brought forward by Laws, 2023, ch. 443, HB 1003, § 24, eff. 7/1/2023.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75) Section 63-15-39 - Certificate of insurance as proof of financial responsibility; residents

Proof of financial responsibility may be furnished by filing with the department the written certificate of any insurance company duly authorized to write motor vehicle liability insurance in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle. Codes, 1942, § 8285-19; Laws, 1952, ch. 359, § 19, eff. 1/1/1953. Brought forward by Laws, 2023, ch. 443, HB 1003, § 25, eff. 7/1/2023. Proof of financial responsibility may be furnished by filing with the department the written certificate of any insurance company duly authorized to write motor vehicle liability insurance in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle. Codes, 1942, § 8285-19; Laws, 1952, ch. 359, § 19, eff. 1/1/1953. Brought forward by Laws, 2023, ch. 443, HB 1003, § 25, eff. 7/1/2023. Proof of financial responsibility may be furnished by filing with the department the written certificate of any insurance company duly authorized to write motor vehicle liability insurance in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle. Codes, 1942, § 8285-19; Laws, 1952, ch. 359, § 19, eff. 1/1/1953. Brought forward by Laws, 2023, ch. 443, HB 1003, § 25, eff. 7/1/2023.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75) Section 63-15-4 - Insurance card; exemptions; card to be kept in vehicle or displayed by electronic image; insurance company to provide; penalty

(1)The following vehicles are exempted from the requirements of this section:(a)Motor vehicles exempted by Section63-15-5;(b)Motor vehicles for which a bond or a certificate of deposit of money or securities in at least the minimum amounts required for proof of financial responsibility is on file with the department;(c)Motor vehicles that are self-insured under Section63-15-53; and(d)Implements of husbandry.(2)(a)Every motor vehicle operated in this state shall have a motor vehicle liability insurance policy that covers the vehicle and is in compliance with the liability limits required by Section63-15-3(j). The insured parties shall be responsible for maintaining the insurance on each motor vehicle.(b)An insurance company issuing a policy of motor vehicle liability insurance as required by this section shall furnish to the insured an insurance card for each motor vehicle at the time the insurance policy becomes effective. The insurance card may be furnished in either paper or electronic format as chosen by the insured. Acceptable electronic formats include display of electronic images on a cellular phone or any other type of electronic device. Beginning on July 1, 2013, insurers shall furnish commercial auto coverage customers with an insurance card clearly marked with the identifier, "Commercial Auto Insurance" or "Fleet" or similar language, to reflect that the vehicle is insured under a commercial auto policy.(3)Upon stopping a motor vehicle at a roadblock where all passing motorists are checked as a method to enforce traffic laws or upon stopping a motor vehicle for any other statutory violation, a law enforcement officer, who is authorized to issue traffic citations, shall verify that the insurance card required by this section is in the motor vehicle or is displayed by electronic image on a cellular phone or other type of electronic device. However, no driver shall be stopped or detained solely for the purpose of verifying that the motor vehicle is covered by liability insurance in the amounts required under Section63-15-3(j)unless the stop is part of such roadblock. If the law enforcement officer uses the verification system created in Section63-16-3and receives a response from the system verifying that the owner of the motor vehicle has liability insurance in the amounts required under Section63-15-3(j), then the officer shall not issue a citation under this section notwithstanding any failure to display an insurance card by the owner or operator.(4)Failure of the owner or the operator of a motor vehicle to have the insurance card in the motor vehicle, or to display the insurance card by electronic image on a cellular phone or other type of electronic device, is a misdemeanor and, upon conviction, is punishable by a fine of One Hundred Dollars (\$100.00) and suspension of driving privilege for a period of one (1) year or until the owner of the motor vehicle shows proof of liability insurance that is in compliance with the liability limits required by Section63-15-3(j)and has paid the fines and assessments imposed and the driver's license reinstatement fees imposed by the Department of Public Safety. A judge shall determine whether the defendant is indigent, and if a determination of indigence is made, shall authorize the reinstatement of that person's driver's license upon proof of mandatory liability insurance subject to compliance with a payment plan for any fines, assessments and/or fees. Fraudulent use of an insurance card shall be punishable in accordance with Section97-7-10. If such fines are levied in a municipal court, the funds from such fines shall be deposited in the general fund of the municipality. If such fines are levied in any of the courts of the county, the funds from such fines shall be deposited in the general fund of the county. A person convicted of a criminal offense under this subsection (4) shall not be convicted of a criminal offense under Section63-16-13(1)arising from the same incident.(5)If, at the hearing date or the date of payment of the fine the owner shows proof that such insurance was in effect at the time of citation, the case shall be dismissed as to the defendant with prejudice and all court costs shall be waived against the defendant.(6)No law enforcement officer may access any function, feature or other electronic image on a person's cellular phone or other type of electronic device when enforcing the provisions of this section except for the electronic image of an insurance card shown to the officer.Laws, 2000, ch. 302, § 1; Laws, 2005, ch. 483, § 5; Laws, 2005, ch. 498, § 1; Laws, 2008, ch. 487, § 1; Laws, 2012, ch. 504, § 8, eff. 7/1/2012.Amended by Laws, 2018, ch. 454, HB 325,§ 1, eff. 4/13/2018.Brought forward by Laws, 2017, ch. 303, SB 2479, 8, eff. 7/1/2017.Amended by Laws, 2015, ch. 421, SB 2380, 1, eff. 7/1/2015.Amended by Laws, 2013, ch. 475, SB 2593, 1, eff. 7/1/2013.

(1)The following vehicles are exempted from the requirements of this section:(a)Motor vehicles exempted by Section63-15-5;(b)Motor vehicles for which a bond or a certificate of deposit of money or securities in at least the minimum amounts required for proof of financial responsibility is on file with the department;(c)Motor vehicles that are self-insured under Section63-15-53; and(d)Implements of husbandry.(2)(a)Every motor vehicle operated in this state shall have a motor vehicle liability insurance policy that covers the vehicle and is in compliance with the liability limits required by Section63-15-3(j). The insured parties shall be responsible for maintaining the insurance on each motor vehicle.(b)An insurance company issuing a policy of motor vehicle liability insurance as required by this section shall furnish to the insured an insurance card for each motor vehicle at the time the insurance policy becomes effective. The insurance card may be furnished in either paper or electronic format as chosen by the insured. Acceptable electronic formats include display of electronic images on a cellular phone or any other type of electronic device. Beginning on July 1, 2013, insurers shall furnish commercial auto coverage customers with an insurance card clearly marked with the identifier, "Commercial Auto Insurance" or "Fleet" or similar language, to reflect that the vehicle is insured under a commercial auto policy.(3)Upon stopping a motor vehicle at a roadblock where all passing motorists are checked as a method to enforce traffic laws or upon stopping a motor vehicle for any other statutory violation, a law enforcement officer, who is authorized to issue traffic citations, shall verify that the insurance card required by this section is in the motor vehicle or is displayed by electronic image on a cellular phone or other type of electronic device. However, no driver shall be stopped or detained solely for the purpose of verifying that the motor vehicle is covered by liability insurance in the amounts required under Section63-15-3(j)unless the stop is part of such roadblock. If the law enforcement officer uses the verification system created in Section63-16-3and receives a response from the system verifying that the owner of the motor vehicle has liability insurance in the amounts required under Section63-15-3(j), then the officer shall not issue a citation under this section notwithstanding any failure to display an insurance card by the owner or operator.(4)Failure of the owner or the operator of a motor vehicle to have the insurance card in the motor vehicle, or to display the insurance card by electronic image on a cellular phone or other type of electronic device,

is a misdemeanor and, upon conviction, is punishable by a fine of One Hundred Dollars (\$100.00) and suspension of driving privilege for a period of one (1) year or until the owner of the motor vehicle shows proof of liability insurance that is in compliance with the liability limits required by Section63-15-3(j)and has paid the fines and assessments imposed and the driver's license reinstatement fees imposed by the Department of Public Safety. A judge shall determine whether the defendant is indigent, and if a determination of indigence is made, shall authorize the reinstatement of that person's driver's license upon proof of mandatory liability insurance subject to compliance with a payment plan for any fines, assessments and/or fees. Fraudulent use of an insurance card shall be punishable in accordance with Section97-7-10. If such fines are levied in a municipal court, the funds from such fines shall be deposited in the general fund of the municipality. If such fines are levied in any of the courts of the county, the funds from such fines shall be deposited in the general fund of the county. A person convicted of a criminal offense under this subsection (4) shall not be convicted of a criminal offense under Section63-16-13(1)arising from the same incident.(5)If, at the hearing date or the date of payment of the fine the owner shows proof that such insurance was in effect at the time of citation, the case shall be dismissed as to the defendant with prejudice and all court costs shall be waived against the defendant.(6)No law enforcement officer may access any function, feature or other electronic image on a person's cellular phone or other type of electronic device when enforcing the provisions of this section except for the electronic image of an insurance card shown to the officer.Laws, 2000, ch. 302, § 1; Laws, 2005, ch. 483, § 5; Laws, 2005, ch. 498, § 1; Laws, 2008, ch. 487, § 1; Laws, 2012, ch. 504, § 8, eff. 7/1/2012.Amended by Laws, 2018, ch. 454, HB 325,§ 1, eff. 4/13/2018.Brought forward by Laws, 2017, ch. 303, SB 2479, 8, eff. 7/1/2017.Amended by Laws, 2015, ch. 421, SB 2380, 1, eff. 7/1/2015.Amended by Laws, 2013, ch. 475, SB 2593, 1, eff. 7/1/2013.

(1)The following vehicles are exempted from the requirements of this section:(a)Motor vehicles exempted by Section63-15-5;(b)Motor vehicles for which a bond or a certificate of deposit of money or securities in at least the minimum amounts required for proof of financial responsibility is on file with the department;(c)Motor vehicles that are self-insured under Section63-15-53; and(d)Implements of husbandry.(2)(a)Every motor vehicle operated in this state shall have a motor vehicle liability insurance policy that covers the vehicle and is in compliance with the liability limits required by Section63-15-3(j). The insured parties shall be responsible for maintaining the insurance on each motor vehicle.(b)An insurance company issuing a policy of motor vehicle liability insurance as required by this section shall furnish to the insured an insurance card for each motor vehicle at the time the insurance policy becomes effective. The insurance card may be furnished in either paper or electronic format as chosen by the insured. Acceptable electronic formats include display of electronic images on a cellular phone or any other type of electronic device. Beginning on July 1, 2013, insurers shall furnish commercial auto coverage customers with an insurance card clearly marked with the identifier, "Commercial Auto Insurance" or "Fleet" or similar language, to reflect that the vehicle is insured under a commercial auto policy.(3)Upon stopping a motor vehicle at a roadblock where all passing motorists are checked as a method to enforce traffic laws or upon stopping a motor vehicle for any other statutory violation, a law enforcement officer, who is authorized to issue traffic citations, shall verify that the insurance card required by this section is in the motor vehicle or is displayed by electronic image on a cellular phone or other type of electronic device. However, no driver shall be stopped or detained solely for the purpose of verifying that the motor vehicle is covered by liability insurance in the amounts required under Section63-15-3(j)unless the stop is part of such roadblock. If the law enforcement officer uses the verification system created in Section63-16-3and receives a response from the system verifying that the owner of the motor vehicle has liability insurance in the amounts required under Section63-15-3(j), then the officer shall not issue a citation under this section notwithstanding any failure to display an insurance card by the owner or operator.(4)Failure of the owner or the operator of a motor vehicle to have the insurance card in the motor vehicle, or to display the insurance card by electronic image on a cellular phone or other type of electronic device, is a misdemeanor and, upon conviction, is punishable by a fine of One Hundred Dollars (\$100.00) and suspension of driving privilege for a period of one (1) year or until the owner of the motor vehicle shows proof of liability insurance that is in compliance with the liability limits required by Section63-15-3(j)and has paid the fines and assessments imposed and the driver's license reinstatement fees imposed by the Department of Public Safety. A judge shall determine whether the defendant is indigent, and if a determination of indigence is made, shall authorize the reinstatement of that person's driver's license upon proof of mandatory liability insurance subject to compliance with a payment plan for any fines, assessments and/or fees. Fraudulent use of an insurance card shall be punishable in accordance with Section97-7-10. If such fines are levied in a municipal court, the funds from such fines shall be deposited in the general fund of the municipality. If such fines are levied in any of the courts of the county, the funds from such fines shall be deposited in the general fund of the county. A person convicted of a criminal offense under this subsection (4) shall not be convicted of a criminal offense under Section63-16-13(1)arising from the same incident.(5)If, at the hearing date or the date of payment of the fine the owner shows proof that such insurance was in effect at the time of citation, the case shall be dismissed as to the defendant with prejudice and all court costs shall be waived against the defendant.(6)No law enforcement officer may access any function, feature or other electronic image on a person's cellular phone or other type of electronic device when enforcing the provisions of this section except for the electronic image of an insurance card shown to the officer.Laws, 2000, ch. 302, § 1; Laws, 2005, ch. 483, § 5; Laws, 2005, ch. 498, § 1; Laws, 2008, ch. 487, § 1; Laws, 2012, ch. 504, § 8, eff. 7/1/2012.Amended by Laws, 2018, ch. 454, HB 325,§ 1, eff. 4/13/2018.Brought forward by Laws, 2017, ch. 303, SB 2479, 8, eff. 7/1/2017.Amended by Laws, 2015, ch. 421, SB 2380, 1, eff. 7/1/2015.Amended by Laws, 2013, ch. 475, SB 2593, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75)Section 63-15-41 - Certificate of insurance as proof of financial responsibility; nonresidents

(1)The nonresident owner of a motor vehicle, the owner or operator of which is not licensed in this state, may give proof of financial responsibility by filing with the department a written certificate or certificates of an insurance company authorized to transact business in the state in which the motor vehicle or motor vehicles described in such certificate or certificates are registered, or if such nonresident does not own a motor vehicle, then in the state in which the insured resides, provided such certificate otherwise conforms to the provisions of this chapter. The department shall accept the same upon condition that said insurance company complies with the following provisions with respect to the policies so certified:(a)Said insurance company shall execute a power of attorney authorizing the department to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state;(b)Said insurance company shall agree in writing that such policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued herein.(2)If any insurance company not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the department shall not thereafter accept as proof any certificate of said company whether theretofore filed or thereafter tendered as proof, so long as such default continues.Codes, 1942, § 8285-20; Laws, 1952, ch. 359, § 20, eff. 1/1/1953.Brought forward by Laws, 2023, ch. 443, HB 1003,§ 26, eff. 7/1/2023.

(1)The nonresident owner of a motor vehicle, the owner or operator of which is not licensed in this state, may give proof of financial responsibility by filing with the department a written certificate or certificates of an insurance company authorized to transact business in the state in which the motor vehicle or motor vehicles described in such certificate or certificates are registered, or if such nonresident does not own a motor vehicle, then in the state in which the insured resides, provided such certificate otherwise conforms to the provisions of this chapter. The department shall accept the same upon condition that said insurance company complies with the following provisions with respect to the policies so certified:(a)Said insurance company shall execute a power of attorney authorizing the department to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state;(b)Said insurance company shall agree in writing that such policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued herein.(2)If any insurance company not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the department shall not thereafter accept as proof any certificate of said company whether theretofore filed or thereafter tendered as proof, so long as such default continues.Codes, 1942, § 8285-20; Laws, 1952, ch. 359, § 20, eff. 1/1/1953.Brought forward by Laws, 2023, ch. 443, HB 1003,§ 26, eff. 7/1/2023. (1)The nonresident owner of a motor vehicle, the owner or operator of which is not licensed in this state, may give proof of financial responsibility by filing with the department a written certificate or certificates of an insurance company authorized to transact business in the state in which the motor vehicle or motor vehicles described in such certificate or certificates are registered, or if such nonresident does not own a motor vehicle, then in the state in which the insured resides, provided such certificate otherwise conforms to the provisions of this chapter. The department shall accept the same upon condition that said insurance company complies with the following provisions with respect to the policies so certified:(a)Said insurance company shall execute a power of attorney authorizing the department to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state;(b)Said insurance company shall agree in writing that such policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued herein.(2)If any insurance company not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the department shall not thereafter accept as proof any certificate of said company whether theretofore filed or thereafter tendered as proof, so long as such default continues.Codes, 1942, § 8285-20; Laws, 1952, ch. 359, § 20, eff. 1/1/1953.Brought forward by Laws, 2023, ch. 443, HB 1003,§ 26, eff. 7/1/2023. Codes, 1942, § 8285-20; Laws, 1952, ch. 359, § 20, eff. 1/1/1953. Brought forward by Laws, 2023, ch. 443, HB 1003,§ 26, eff. 7/1/2023.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75)Section 63-15-43 - Motor vehicle liability policy; definition; required provisions

(1)A "motor vehicle liability policy" as said term is used in this chapter shall mean an owner's or an operator's motor vehicle liability policy, that has been certified as provided in Section63-15-39or Section63-15-41, as proof of financial responsibility, and issued, except as otherwise provided in Section63-15-41, by an insurance company duly authorized to write motor vehicle liability insurance in this state, to or for the benefit of the person named therein as insured.(2)Such owner's motor vehicle liability policy:(a)May be any motor vehicle liability policy form that has been filed with and approved by the Commissioner of Insurance and may contain exclusions and limitations on coverage as long as the exclusions and limitations language has been filed with and approved by the Commissioner of Insurance.(b)Shall have limits of liability no less than: Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to said limit for one (1) person, Fifty Thousand Dollars (\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and Twenty-five Thousand Dollars (\$25,000.00) because of injury to or destruction of property of others in any one (1) accident.(3)Every motor vehicle liability policy certified under the provisions of this chapter shall be subject to the following provisions which need not be contained therein:(a)The liability of the insurance company with respect to the insurance required by

this chapter shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be cancelled or annulled as to such liability by any agreement between the insurance company and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy;(b)The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance company to make payment on account of such injury or damage;(c)The insurance company shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in paragraph (b) of subsection (2) of this section; or(d)The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of the chapter shall constitute the entire contract between the parties.(4)Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy, and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage, the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.(5)Any motor vehicle liability policy may provide that the insured shall reimburse the insurance company for any payment the insurance company would not have been obligated to make under the terms of the policy except for the provisions of this chapter.(6)Any motor vehicle liability policy may provide for the prorating of the insurance there under with other valid and collectible insurance.(7)The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance companies which policies together meet such requirements.(8)Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.Codes, 1942, § 8285-21; Laws, 1952, ch. 359, § 21; Laws, 1972, ch. 349, § 4; Laws, 2005, ch. 483, § 4, eff. 1/1/2006.Brought forward by Laws, 2023, ch. 443, HB 1003,§ 27, eff. 7/1/2023.Amended by Laws, 2016, ch. 410, HB 525, 2, eff. 1/1/2017. (1)A "motor vehicle liability policy" as said term is used in this chapter shall mean an owner's or an operator's motor vehicle liability policy, that has been certified as provided in Section63-15-39or Section63-15-41, as proof of financial responsibility, and issued, except as otherwise provided in Section63-15-41, by an insurance company duly authorized to write motor vehicle liability insurance in this state, to or for the benefit of the person named therein as insured.(2)Such owner's motor vehicle liability policy:(a)May be any motor vehicle liability policy form that has been filed with and approved by the Commissioner of Insurance and may contain exclusions and limitations on coverage as long as the exclusions and limitations language has been filed with and approved by the Commissioner of Insurance.(b)Shall have limits of liability no less than: Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to said limit for one (1) person, Fifty Thousand Dollars (\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and Twenty-five Thousand Dollars (\$25,000.00) because of injury to or destruction of property of others in any one (1) accident.(3)Every motor vehicle liability policy certified under the provisions of this chapter shall be subject to the following provisions which need not be contained therein:(a)The liability of the insurance company with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be cancelled or annulled as to such liability by any agreement between the insurance company and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy;(b)The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance company to make payment on account of such injury or damage;(c)The insurance company shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in paragraph (b) of subsection (2) of this section; or(d)The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of the chapter shall constitute the entire contract between the parties.(4)Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy, and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage, the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.(5)Any motor vehicle liability policy may provide that the insured shall reimburse the insurance company for any payment the insurance company would not have been obligated to make under the terms of the policy except for the provisions of this chapter.(6)Any motor vehicle liability policy may provide for the prorating of the insurance there under with other valid and collectible insurance.(7)The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance companies which policies together meet such requirements.(8)Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.Codes, 1942, § 8285-21; Laws, 1952, ch. 359, § 21; Laws, 1972, ch. 349, § 4; Laws, 2005, ch. 483, § 4, eff. 1/1/2006.Brought forward by Laws, 2023, ch. 443, HB 1003,§ 27, eff. 7/1/2023.Amended by Laws, 2016, ch. 410, HB 525, 2, eff. 1/1/2017. (1)A "motor vehicle liability policy" as said term is used in this chapter shall mean an owner's or an operator's motor vehicle liability policy, that has been certified as provided in Section63-15-39or Section63-15-41, as proof of financial responsibility, and issued, except as otherwise provided in Section63-15-41, by an insurance company duly authorized to write motor vehicle liability insurance in this state, to or for the benefit of the person named therein as insured.(2)Such owner's motor vehicle liability policy:(a)May be any motor vehicle liability policy form that has been filed with and approved by the Commissioner of Insurance and may contain exclusions and limitations on coverage as long as the exclusions and limitations language has been filed with and approved by the Commissioner of Insurance.(b)Shall have limits of liability no less than: Twenty-five Thousand Dollars (\$25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident and,

subject to said limit for one (1) person, Fifty Thousand Dollars (\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and Twenty-five Thousand Dollars (\$25,000.00) because of injury to or destruction of property of others in any one (1) accident.(3)Every motor vehicle liability policy certified under the provisions of this chapter shall be subject to the following provisions which need not be contained therein:(a)The liability of the insurance company with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be cancelled or annulled as to such liability by any agreement between the insurance company and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy;(b)The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance company to make payment on account of such injury or damage;(c)The insurance company shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in paragraph (b) of subsection (2) of this section; or(d)The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of the chapter shall constitute the entire contract between the parties.(4)Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy, and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage, the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.(5)Any motor vehicle liability policy may provide that the insured shall reimburse the insurance company for any payment the insurance company would not have been obligated to make under the terms of the policy except for the provisions of this chapter.(6)Any motor vehicle liability policy may provide for the prorating of the insurance there under with other valid and collectible insurance.(7)The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance companies which policies together meet such requirements.(8)Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.Codes, 1942, § 8285-21; Laws, 1952, ch. 359, § 21; Laws, 1972, ch. 349, § 4; Laws, 2005, ch. 483, § 4, eff. 1/1/2006.Brought forward by Laws, 2023, ch. 443, HB 1003,§ 27, eff. 7/1/2023.Amended by Laws, 2016, ch. 410, HB 525, 2, eff. 1/1/2017. Codes, 1942, § 8285-21; Laws, 1952, ch. 359, § 21; Laws, 1972, ch. 349, § 4; Laws, 2005, ch. 483, § 4, eff. 1/1/2006. Brought forward by Laws, 2023, ch. 443, HB 1003,§ 27, eff. 7/1/2023. Amended by Laws, 2016, ch. 410, HB 525, 2, eff. 1/1/2017.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75)Section 63-15-45 - Notice of cancellation or termination of certified policy

When an insurance company has certified a motor vehicle liability policy under Section63-15-39or Section63-15-41, the insurance so certified shall not be cancelled or terminated until at least ten (10) days after a notice of cancellation or termination of the insurance so certified shall be placed in the mail, or transmitted by electronic means, to the department. However, such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.Codes, 1942, § 8285-22; Laws, 1952, ch. 359, § 22, eff. 1/1/1953.Amended by Laws, 2016, ch. 410, HB 525, 3, eff. 1/1/2017. When an insurance company has certified a motor vehicle liability policy under Section63-15-39or Section63-15-41, the insurance so certified shall not be cancelled or terminated until at least ten (10) days after a notice of cancellation or termination of the insurance so certified shall be placed in the mail, or transmitted by electronic means, to the department. However, such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.Codes, 1942, § 8285-22; Laws, 1952, ch. 359, § 22, eff. 1/1/1953.Amended by Laws, 2016, ch. 410, HB 525, 3, eff. 1/1/2017. When an insurance company has certified a motor vehicle liability policy under Section63-15-39or Section63-15-41, the insurance so certified shall not be cancelled or terminated until at least ten (10) days after a notice of cancellation or termination of the insurance so certified shall be placed in the mail, or transmitted by electronic means, to the department. However, such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates. Codes, 1942, § 8285-22; Laws, 1952, ch. 359, § 22, eff. 1/1/1953. Amended by Laws, 2016, ch. 410, HB 525, 3, eff. 1/1/2017.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75)Section 63-15-46 - Premium reductions for older drivers successfully completing accident prevention course

(1)Any rates, rating schedules, or rating manuals for the liability, personal injury protection and collision coverages of a motor vehicle insurance policy shall provide for an appropriate reduction in premium charges as to such coverages when the principal operator of the covered vehicle is an insured fifty-five (55) years of age or older who has successfully completed a motor vehicle

accident prevention course approved by the Department of Public Safety. Any discount used by an insurer shall be presumed appropriate unless credible data demonstrates otherwise.(2)The premium reduction required by this section shall be effective for an insured for a period of three (3) years after successful completion of the approved course, except that the insurer may require, as a condition of maintaining the discount, that the insured:(a)Not be involved in an accident for which the insured is at fault; and(b)Not be convicted, plead guilty or plead nolo contendere to a moving traffic violation.(3)Motor vehicle accident prevention courses for the purposes of this section shall be subject to the approval of the Department of Public Safety. The department shall consider the competency of the personnel offering the course, the quality of the content and activities of the course with respect to its capability to prevent accidents by persons fifty-five (55) years of age or older who complete the course, and the reasonableness of the fee for the course. The department shall establish the minimum number of hours necessary for completion of a course. A course approved by the department shall require persons completing the course to pass a written test evaluating the person's knowledge of the content of the course.(4)Upon successfully completing the approved course, each person shall be issued a certificate by the organization offering the course which shall be used to qualify for the premium discount required by this section.(5)This section shall not apply in the event the approved course is taken as punishment specified by a court or other governmental entity resulting from a moving traffic violation.(6)This section shall apply to policies issued or renewed after January 1, 1988.Laws, 1987, ch. 492, eff. 4/20/1987, and applicable to policies issued after 1/1/1988. (1)Any rates, rating schedules, or rating manuals for the liability, personal injury protection and collision coverages of a motor vehicle insurance policy shall provide for an appropriate reduction in premium charges as to such coverages when the principal operator of the covered vehicle is an insured fifty-five (55) years of age or older who has successfully completed a motor vehicle accident prevention course approved by the Department of Public Safety. Any discount used by an insurer shall be presumed appropriate unless credible data demonstrates otherwise.(2)The premium reduction required by this section shall be effective for an insured for a period of three (3) years after successful completion of the approved course, except that the insurer may require, as a condition of maintaining the discount, that the insured:(a)Not be involved in an accident for which the insured is at fault; and(b)Not be convicted, plead guilty or plead nolo contendere to a moving traffic violation.(3)Motor vehicle accident prevention courses for the purposes of this section shall be subject to the approval of the Department of Public Safety. The department shall consider the competency of the personnel offering the course, the quality of the content and activities of the course with respect to its capability to prevent accidents by persons fifty-five (55) years of age or older who complete the course, and the reasonableness of the fee for the course. The department shall establish the minimum number of hours necessary for completion of a course. A course approved by the department shall require persons completing the course to pass a written test evaluating the person's knowledge of the content of the course.(4)Upon successfully completing the approved course, each person shall be issued a certificate by the organization offering the course which shall be used to qualify for the premium discount required by this section.(5)This section shall not apply in the event the approved course is taken as punishment specified by a court or other governmental entity resulting from a moving traffic violation.(6)This section shall apply to policies issued or renewed after January 1, 1988.Laws, 1987, ch. 492, eff. 4/20/1987, and applicable to policies issued after 1/1/1988. Laws, 1987, ch. 492, eff. 4/20/1987, and applicable to policies issued after 1/1/1988.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75)Section 63-15-47 - Applicability of chapter to policies of motor vehicle insurance

This chapter shall not be held to apply to or affect policies of motor vehicle insurance against liability which may now or hereafter be required by any other law of this state. Such policies, if they contain an agreement or are endorsed to conform to the requirements of this chapter, may be certified as proof of financial responsibility under this chapter.This chapter shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of motor vehicles not owned by the insured.Codes, 1942, § 8285-23; Laws, 1952, ch. 359, §

23, eff. 1/1/1953. This chapter shall not be held to apply to or affect policies of motor vehicle insurance against liability which may now or hereafter be required by any other law of this state. Such policies, if they contain an agreement or are endorsed to conform to the requirements of this chapter, may be certified as proof of financial responsibility under this chapter. This chapter shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of motor vehicles not owned by the insured. Codes, 1942, § 8285-23; Laws, 1952, ch. 359, § 23, eff. 1/1/1953. This chapter shall not be held to apply to or affect policies of motor vehicle insurance against liability which may now or hereafter be required by any other law of this state. Such policies, if they contain an agreement or are endorsed to conform to the requirements of this chapter, may be certified as proof of financial responsibility under this chapter. This chapter shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of motor vehicles not owned by the insured. Codes, 1942, § 8285-23; Laws, 1952, ch. 359, § 23, eff. 1/1/1953. This chapter shall not be held to apply to or affect policies of motor vehicle insurance against liability which may now or hereafter be required by any other law of this state. Such policies, if they contain an agreement or are endorsed to conform to the requirements of this chapter, may be certified as proof of financial responsibility under this chapter. This chapter shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of motor vehicles not owned by the insured. Codes, 1942, § 8285-23; Laws, 1952, ch. 359, § 23, eff. 1/1/1953.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75) Section 63-15-49 - Bond as proof of financial responsibility

(1) Proof of financial responsibility may be furnished by filing a bond with the department, accompanied by the statutory recording fee of the chancery clerk to cover the cost of recordation of the notice provided for herein. The bond may be either a surety bond with a surety company authorized to do business within the state or a bond with at least two (2) individual sureties each owning real estate within the state not exempt under the constitution or laws of the State of Mississippi and together having equities equal in value to at least twice the amount of such bond. In cases of a bond with two (2) individual sureties, such real estate shall be scheduled and a description thereof shall appear in the bond approved by the clerk of the chancery court of the county or counties in which the real estate is located and also approved by the tax collector of the county or counties where the property is situated as being free from any delinquent tax liens. Such bond shall be conditioned for payments in amounts and under the same circumstances as would be required in a motor vehicle liability policy, and shall not be cancellable except after five (5) days' written notice is received by the department. However, cancellation shall not prevent recovery with respect to any right or cause of action arising prior to the date of cancellation. Such bond shall constitute a lien in favor of the state upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed such bond. Notice to that effect, which shall include a description of the real estate scheduled in the bond, shall be filed by the department in the office of the chancery clerk of the county where such real estate is situated. Such notice shall be accompanied by the statutory fee for the services of the chancery clerk in connection with the recordation of such notice, and the chancery clerk or his deputy, upon receipt of such notice, shall acknowledge and cause the same to be recorded in the lien records. Recordation shall constitute notice as provided by the statutes governing the recordation of liens on real estate. (2) If a judgment rendered against the principal on such surety or real estate bond shall not be satisfied within sixty (60) days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the persons who executed such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such real estate bond, which foreclosure action shall be brought in like manner and subject to all the provisions of law applicable to an action to foreclose a mortgage on real estate. Codes, 1942, § 8285-24; Laws, 1952, ch. 359, § 24; Laws, 1968, ch. 361, § 13, eff. 1/1/1972. Amended by Laws, 2023, ch. 443, HB 1003, § 28, eff. 7/1/2023. (1) Proof of financial responsibility may be furnished by filing a bond with the department, accompanied by the statutory recording fee of the chancery clerk to cover the cost of recordation of the notice provided for herein. The bond may be either a surety bond with a surety company authorized to do business within the state or a bond with at least two (2) individual sureties each owning real estate within the state not exempt under the constitution or laws of the State of Mississippi and together having equities equal in value to at least twice the amount of such bond. In cases of a bond with two (2) individual sureties, such real estate shall be scheduled and a description thereof shall appear in the bond approved by the clerk of the chancery court of the county or counties in which the real estate is located and also approved by the tax collector of the county or counties where the property is situated as being free from any delinquent tax liens. Such bond shall be conditioned for payments in amounts and under the same circumstances as would be required in a motor vehicle liability policy, and shall not be cancellable except after five (5) days' written notice is received by the department. However, cancellation shall not prevent recovery with respect to any right or cause of action arising prior to the date of cancellation. Such bond shall constitute a lien in favor of the state upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed such bond. Notice to that effect, which shall include a description of the real estate scheduled in the bond, shall be filed by the department in the office of the chancery clerk of the county where such real estate is situated. Such notice shall be accompanied by the statutory fee for the services of the chancery clerk in connection with the recordation of such notice, and the chancery clerk or his deputy, upon receipt of such notice, shall acknowledge and cause the same to be recorded in the lien records. Recordation shall constitute notice as provided by the statutes governing the recordation of liens on real estate. (2) If a judgment

rendered against the principal on such surety or real estate bond shall not be satisfied within sixty (60) days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the persons who executed such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such real estate bond, which foreclosure action shall be brought in like manner and subject to all the provisions of law applicable to an action to foreclose a mortgage on real estate. Codes, 1942, § 8285-24; Laws, 1952, ch. 359, § 24; Laws, 1968, ch. 361, § 13, eff. 1/1/1972. Amended by Laws, 2023, ch. 443, HB 1003, § 28, eff. 7/1/2023. (1) Proof of financial responsibility may be furnished by filing a bond with the department, accompanied by the statutory recording fee of the chancery clerk to cover the cost of recordation of the notice provided for herein. The bond may be either a surety bond with a surety company authorized to do business within the state or a bond with at least two (2) individual sureties each owning real estate within the state not exempt under the constitution or laws of the State of Mississippi and together having equities equal in value to at least twice the amount of such bond. In cases of a bond with two (2) individual sureties, such real estate shall be scheduled and a description thereof shall appear in the bond approved by the clerk of the chancery court of the county or counties in which the real estate is located and also approved by the tax collector of the county or counties where the property is situated as being free from any delinquent tax liens. Such bond shall be conditioned for payments in amounts and under the same circumstances as would be required in a motor vehicle liability policy, and shall not be cancellable except after five (5) days' written notice is received by the department. However, cancellation shall not prevent recovery with respect to any right or cause of action arising prior to the date of cancellation. Such bond shall constitute a lien in favor of the state upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed such bond. Notice to that effect, which shall include a description of the real estate scheduled in the bond, shall be filed by the department in the office of the chancery clerk of the county where such real estate is situated. Such notice shall be accompanied by the statutory fee for the services of the chancery clerk in connection with the recordation of such notice, and the chancery clerk or his deputy, upon receipt of such notice, shall acknowledge and cause the same to be recorded in the lien records. Recordation shall constitute notice as provided by the statutes governing the recordation of liens on real estate. (2) If a judgment rendered against the principal on such surety or real estate bond shall not be satisfied within sixty (60) days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the persons who executed such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such real estate bond, which foreclosure action shall be brought in like manner and subject to all the provisions of law applicable to an action to foreclose a mortgage on real estate. Codes, 1942, § 8285-24; Laws, 1952, ch. 359, § 24; Laws, 1968, ch. 361, § 13, eff. 1/1/1972. Amended by Laws, 2023, ch. 443, HB 1003, § 28, eff. 7/1/2023. Codes, 1942, § 8285-24; Laws, 1952, ch. 359, § 24; Laws, 1968, ch. 361, § 13, eff. 1/1/1972. Amended by Laws, 2023, ch. 443, HB 1003, § 28, eff. 7/1/2023.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75) Section 63-15-5 - Applicability of chapter to government owned vehicles

This chapter shall not apply with respect to any motor vehicle owned by the United States, the State of Mississippi or any political subdivision of this state. Nothing in this chapter shall be construed so as to exclude from this chapter its applicability to taxicabs, jitneys or other vehicles for hire operating under franchise or permit of any incorporated city, town or village. Codes, 1942, § 8285-33; Laws, 1952, ch. 359, § 32, eff. 1/1/1953. This chapter shall not apply with respect to any motor vehicle owned by the United States, the State of Mississippi or any political subdivision of this state. Nothing in this chapter shall be construed so as to exclude from this chapter its applicability to taxicabs, jitneys or other vehicles for hire operating under franchise or permit of any incorporated city, town or village. Codes, 1942, § 8285-33; Laws, 1952, ch. 359, § 32, eff. 1/1/1953. This chapter shall not apply with respect to any motor vehicle owned by the United States, the State of Mississippi or any political subdivision of this state. Nothing in this chapter shall be construed so as to exclude from this chapter its applicability to taxicabs, jitneys or other vehicles for hire operating under franchise or permit of any incorporated city, town or village. Codes, 1942, § 8285-33; Laws, 1952, ch. 359, § 32, eff. 1/1/1953. This chapter shall not apply with respect to any motor vehicle owned by the United States, the State of Mississippi or any political subdivision of this state. Nothing in this chapter shall be construed so as to exclude from this chapter its applicability to taxicabs, jitneys or other vehicles for hire operating under franchise or permit of any incorporated city, town or village. Codes, 1942, § 8285-33; Laws, 1952, ch. 359, § 32, eff. 1/1/1953.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75) Section 63-15-51 - Deposit of cash or securities as proof of financial responsibility

(1) Proof of financial responsibility may be evidenced by the certificate of the State Treasurer that the person named therein has deposited with him Fifteen Thousand Dollars (\$15,000.00) in cash, or securities as may legally be purchased by savings banks or for trust funds of a market value of Fifteen Thousand Dollars (\$15,000.00). The State Treasurer shall not accept any such deposit and issue a certificate therefor and the department shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides. (2) Such deposit shall be held by the State Treasurer to satisfy, in accordance with the provisions of this chapter, any execution on a judgment issued against the person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any

person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after the deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless the attachment or execution shall arise out of a suit for damages as aforesaid. Codes, 1942, § 8285-25; Laws, 1952, ch. 359, § 25, eff. 1/1/1953. Amended by Laws, 2023, ch. 443, HB 1003, § 29, eff. 7/1/2023. (1) Proof of financial responsibility may be evidenced by the certificate of the State Treasurer that the person named therein has deposited with him Fifteen Thousand Dollars (\$15,000.00) in cash, or securities as may legally be purchased by savings banks or for trust funds of a market value of Fifteen Thousand Dollars (\$15,000.00). The State Treasurer shall not accept any such deposit and issue a certificate therefor and the department shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides. (2) Such deposit shall be held by the State Treasurer to satisfy, in accordance with the provisions of this chapter, any execution on a judgment issued against the person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after the deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless the attachment or execution shall arise out of a suit for damages as aforesaid. Codes, 1942, § 8285-25; Laws, 1952, ch. 359, § 25, eff. 1/1/1953. Amended by Laws, 2023, ch. 443, HB 1003, § 29, eff. 7/1/2023. (1) Proof of financial responsibility may be evidenced by the certificate of the State Treasurer that the person named therein has deposited with him Fifteen Thousand Dollars (\$15,000.00) in cash, or securities as may legally be purchased by savings banks or for trust funds of a market value of Fifteen Thousand Dollars (\$15,000.00). The State Treasurer shall not accept any such deposit and issue a certificate therefor and the department shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides. (2) Such deposit shall be held by the State Treasurer to satisfy, in accordance with the provisions of this chapter, any execution on a judgment issued against the person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a motor vehicle after the deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless the attachment or execution shall arise out of a suit for damages as aforesaid. Codes, 1942, § 8285-25; Laws, 1952, ch. 359, § 25, eff. 1/1/1953. Amended by Laws, 2023, ch. 443, HB 1003, § 29, eff. 7/1/2023. Codes, 1942, § 8285-25; Laws, 1952, ch. 359, § 25, eff. 1/1/1953. Amended by Laws, 2023, ch. 443, HB 1003, § 29, eff. 7/1/2023.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75) Section 63-15-53 - Self-insurance

(1) Any person in whose name more than twenty-five (25) motor vehicles are licensed may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department as provided in subsection (2) of this section. (2) The department may, in its discretion, upon the application of a person, issue a certificate of self-insurance when it is satisfied that such person is possessed and will continue to be possessed of ability to pay judgments obtained against such person. (3) Upon not less than five (5) days notice and a hearing pursuant to such notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty (30) days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance. Codes, 1942, § 8285-34; Laws, 1952, ch. 359, § 33, eff. 1/1/1953. Amended by Laws, 2023, ch. 443, HB 1003, § 30, eff. 7/1/2023. (1) Any person in whose name more than twenty-five (25) motor vehicles are licensed may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department as provided in subsection (2) of this section. (2) The department may, in its discretion, upon the application of a person, issue a certificate of self-insurance when it is satisfied that such person is possessed and will continue to be possessed of ability to pay judgments obtained against such person. (3) Upon not less than five (5) days notice and a hearing pursuant to such notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty (30) days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance. Codes, 1942, § 8285-34; Laws, 1952, ch. 359, § 33, eff. 1/1/1953. Amended by Laws, 2023, ch. 443, HB 1003, § 30, eff. 7/1/2023. (1) Any person in whose name more than twenty-five (25) motor vehicles are licensed may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department as provided in subsection (2) of this section. (2) The department may, in its discretion, upon the application of a person, issue a certificate of self-insurance when it is satisfied that such person is possessed and will continue to be possessed of ability to pay judgments obtained against such person. (3) Upon not less than five (5) days notice and a hearing pursuant to such notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty (30) days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance. Codes, 1942, § 8285-34; Laws, 1952, ch. 359, § 33, eff. 1/1/1953. Amended by Laws, 2023, ch. 443, HB 1003, § 30, eff. 7/1/2023. Codes, 1942, § 8285-34; Laws, 1952, ch. 359, § 33, eff. 1/1/1953. Amended by Laws, 2023, ch. 443, HB 1003, § 30, eff. 7/1/2023.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75) Section 63-15-55 - Acceptance of proof of financial responsibility given by owner for other operators

Whenever any person required to give proof of financial responsibility under this chapter is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the department shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as herein provided. The department shall designate the restrictions imposed by this section on the face of such person's license. Codes, 1942, § 8285-26; Laws, 1952, ch. 359, § 26, eff. 1/1/1953. Whenever any person required to give proof of financial responsibility under this chapter is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the department shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as herein provided. The department shall designate the restrictions imposed by this section on the face of such person's license. Codes, 1942, § 8285-26; Laws, 1952, ch. 359, § 26, eff. 1/1/1953. Whenever any person required to give proof of financial responsibility under this chapter is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the department shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as herein provided. The department shall designate the restrictions imposed by this section on the face of such person's license. Codes, 1942, § 8285-26; Laws, 1952, ch. 359, § 26, eff. 1/1/1953. Whenever any person required to give proof of financial responsibility under this chapter is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the department shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as herein provided. The department shall designate the restrictions imposed by this section on the face of such person's license. Codes, 1942, § 8285-26; Laws, 1952, ch. 359, § 26, eff. 1/1/1953.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75) Section 63-15-57 - Substitution of proof of financial responsibility

The department shall consent to the cancellation of any bond or certificate of insurance, or the department shall direct and the state treasurer shall return any money or securities to the person entitled thereto, upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter. Codes, 1942, § 8285-27; Laws, 1952, ch. 359, § 27, eff. 1/1/1953. The department shall consent to the cancellation of any bond or certificate of insurance, or the department shall direct and the state treasurer shall return any money or securities to the person entitled thereto, upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter. Codes, 1942, § 8285-27; Laws, 1952, ch. 359, § 27, eff. 1/1/1953. The department shall consent to the cancellation of any bond or certificate of insurance, or the department shall direct and the state treasurer shall return any money or securities to the person entitled thereto, upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter. Codes, 1942, § 8285-27; Laws, 1952, ch. 359, § 27, eff. 1/1/1953. The department shall consent to the cancellation of any bond or certificate of insurance, or the department shall direct and the state treasurer shall return any money or securities to the person entitled thereto, upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter. Codes, 1942, § 8285-27; Laws, 1952, ch. 359, § 27, eff. 1/1/1953. The department shall consent to the cancellation of any bond or certificate of insurance, or the department shall direct and the state treasurer shall return any money or securities to the person entitled thereto, upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter. Codes, 1942, § 8285-27; Laws, 1952, ch. 359, § 27, eff. 1/1/1953.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75) Section 63-15-59 - Requirement of new proof of financial responsibility

Whenever any proof of financial responsibility filed under the provisions of this chapter no longer fulfills the purposes for which required, the department shall, for the purpose of this chapter, require other proof as required by this chapter and shall suspend the license or the nonresident's operating privilege pending the filing of such other proof. Codes, 1942, § 8285-28; Laws, 1952, ch. 359, § 28, eff. 1/1/1953. Whenever any proof of financial responsibility filed under the provisions of this chapter no longer fulfills the purposes for which required, the department shall, for the purpose of this chapter, require other proof as required by this chapter and shall suspend the license or the nonresident's operating privilege pending the filing of such other proof. Codes, 1942, § 8285-28; Laws, 1952, ch. 359, § 28, eff. 1/1/1953. Whenever any proof of financial responsibility filed under the provisions of this chapter no longer fulfills the purposes for which required, the department shall, for the purpose of this chapter, require other proof as required by this chapter and shall suspend the license or the nonresident's operating privilege pending the filing of such other proof. Codes, 1942, § 8285-28; Laws, 1952, ch. 359, § 28, eff. 1/1/1953. Whenever any proof of financial responsibility filed under the provisions of this chapter no longer fulfills the purposes for which required, the department shall, for the purpose of this chapter, require other proof as required by this chapter and shall suspend the license or the nonresident's operating privilege pending the filing of such other proof. Codes, 1942, § 8285-28; Laws, 1952, ch. 359, § 28, eff. 1/1/1953.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75) Section 63-15-61 - Duration of maintenance of proof of financial responsibility; cancellation, return or waiver of proof of financial responsibility

In all cases, under this chapter, in which a person is required to furnish proof of financial responsibility, he shall maintain such proof for a period of three years, except as otherwise required or permitted in this section. The department shall, upon request, consent to

the immediate cancellation of any bond or certificate of insurance, or the department shall direct and the state treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this chapter as proof of financial responsibility, or the department shall waive the requirement of filing proof, in any of the following events:(a)at any time after three years from the date such proof was required when, during the three-year period preceding the request, the department has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license or nonresident's operating privilege of the person by or for whom such proof was furnished; or(b)in the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or(c)in the event the person who has given proof surrenders his license to the department.However, the department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within one year immediately preceding such request, been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.Whenever any person whose proof has been cancelled or returned under provision (c) of this section applies for a license within a period of three years from the date proof was originally required, any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such three-year period.However, the department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within one year immediately preceding such request, been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.Whenever any person whose proof has been cancelled or returned under provision (c) of this section applies for a license within a period of three years from the date proof was originally required, any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such three-year period.Codes, 1942, § 8285-29; Laws, 1952, ch. 359, § 29; Laws, 1960, ch. 411, § 5; Laws, 1968, ch. 473, § 1, eff. 7/12/1968. In all cases, under this chapter, in which a person is required to furnish proof of financial responsibility, he shall maintain such proof for a period of three years, except as otherwise required or permitted in this section. The department shall, upon request, consent to the immediate cancellation of any bond or certificate of insurance, or the department shall direct and the state treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this chapter as proof of financial responsibility, or the department shall waive the requirement of filing proof, in any of the following events:(a)at any time after three years from the date such proof was required when, during the three-year period preceding the request, the department has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license or nonresident's operating privilege of the person by or for whom such proof was furnished; or(b)in the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or(c)in the event the person who has given proof surrenders his license to the department.However, the department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within one year immediately preceding such request, been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.Whenever any person whose proof has been cancelled or returned under provision (c) of this section applies for a license within a period of three years from the date proof was originally required, any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such three-year period.Codes, 1942, § 8285-29; Laws, 1952, ch. 359, § 29; Laws, 1960, ch. 411, § 5; Laws, 1968, ch. 473, § 1, eff. 7/12/1968. In all cases, under this chapter, in which a person is required to furnish proof of financial responsibility, he shall maintain such proof for a period of three years, except as otherwise required or permitted in this section. The department shall, upon request, consent to the immediate cancellation of any bond or certificate of insurance, or the department shall direct and the state treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this chapter as proof of financial responsibility, or the department shall waive the requirement of filing proof,

in any of the following events:(a)at any time after three years from the date such proof was required when, during the three-year period preceding the request, the department has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license or nonresident's operating privilege of the person by or for whom such proof was furnished; or(b)in the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or(c)in the event the person who has given proof surrenders his license to the department.However, the department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within one year immediately preceding such request, been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.Whenever any person whose proof has been cancelled or returned under provision (c) of this section applies for a license within a period of three years from the date proof was originally required, any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such three-year period.However, the department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within one year immediately preceding such request, been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. 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The department shall, upon request, consent to the immediate cancellation of any bond or certificate of insurance, or the department shall direct and the state treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this chapter as proof of financial responsibility, or the department shall waive the requirement of filing proof, in any of the following events: However, the department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within one year immediately preceding such request, been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department. Whenever any person whose proof has been cancelled or returned under provision (c) of this section applies for a license within a period of three years from the date proof was originally required, any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such three-year period. However, the department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has, within one year immediately preceding such request, been involved as an operator or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department. 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Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75)Section 63-15-63 - Transfer of title to vehicle to member of family by person whose license has been suspended or cancelled

No person whose license or registration has been suspended or cancelled under the provisions of this chapter shall transfer title to the vehicle owned by him to any member of his immediate family until such person has furnished proof of financial responsibility as is otherwise required by the provisions of this chapter and same shall have been approved by the department. A member of a person's immediate family under the provisions hereof shall include any person related to the transferor by blood or marriage within the third degree computed according to the civil law and any person, whether related or not, residing within the same household as the transferor.Codes, 1942, § 8285-30; Laws, 1952, ch. 359, § 29-a; Laws, 1958, ch. 491. No person whose license or registration has been suspended or cancelled under the provisions of this chapter shall transfer title to the vehicle owned by him to any member

of his immediate family until such person has furnished proof of financial responsibility as is otherwise required by the provisions of this chapter and same shall have been approved by the department. A member of a person's immediate family under the provisions hereof shall include any person related to the transferor by blood or marriage within the third degree computed according to the civil law and any person, whether related or not, residing within the same household as the transferor. Codes, 1942, § 8285-30; Laws, 1952, ch. 359, § 29-a; Laws, 1958, ch. 491. No person whose license or registration has been suspended or cancelled under the provisions of this chapter shall transfer title to the vehicle owned by him to any member of his immediate family until such person has furnished proof of financial responsibility as is otherwise required by the provisions of this chapter and same shall have been approved by the department. A member of a person's immediate family under the provisions hereof shall include any person related to the transferor by blood or marriage within the third degree computed according to the civil law and any person, whether related or not, residing within the same household as the transferor. Codes, 1942, § 8285-30; Laws, 1952, ch. 359, § 29-a; Laws, 1958, ch. 491. No person whose license or registration has been suspended or cancelled under the provisions of this chapter shall transfer title to the vehicle owned by him to any member of his immediate family until such person has furnished proof of financial responsibility as is otherwise required by the provisions of this chapter and same shall have been approved by the department. A member of a person's immediate family under the provisions hereof shall include any person related to the transferor by blood or marriage within the third degree computed according to the civil law and any person, whether related or not, residing within the same household as the transferor. Codes, 1942, § 8285-30; Laws, 1952, ch. 359, § 29-a; Laws, 1958, ch. 491.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75) Section 63-15-65 - Assigned risk plans

Insurance companies, authorized to issue motor vehicle liability policies in this state, shall establish an administrative agency and make necessary reasonable rules in connection therewith, relative to the formation of a plan and procedure to provide a means by which insurance may be assigned to an authorized insurance company for a person required by this chapter to show proof of financial responsibility for the future and who is in good faith entitled to motor vehicle liability insurance in this state, but is unable to secure it through ordinary methods. Such insurance companies shall establish a plan and procedure for the equitable apportionment among such authorized companies of applicants for such policies and for motor vehicle liability policies, including, but not limited to, voluntary agreements by insurance companies to accept such assignments. The premium for assigned risk plans shall not exceed the basic manual rate for risks of like classification at time of application, plus any surcharge as set by the insurance commission. When any such plan has been approved by the insurance commission, all insurance companies authorized to issue motor vehicle liability policies in the State of Mississippi, shall subscribe thereto and participate therein. The insurance commission may determine, fix, prescribe, promulgate, change, and amend rates or minimum premiums normally applicable to a risk so as to apply to any and every assignment such rates and minimum premiums as are commensurate with the greater hazard of the risk, considering in connection therewith the experience, physical or other conditions of such risk of the person applying for insurance under any such plan. Codes, 1942, § 8285-35; Laws, 1952, ch. 359, § 34; Laws, 1958, ch. 443. Insurance companies, authorized to issue motor vehicle liability policies in this state, shall establish an administrative agency and make necessary reasonable rules in connection therewith, relative to the formation of a plan and procedure to provide a means by which insurance may be assigned to an authorized insurance company for a person required by this chapter to show proof of financial responsibility for the future and who is in good faith entitled to motor vehicle liability insurance in this state, but is unable to secure it through ordinary methods. Such insurance companies shall establish a plan and procedure for the equitable apportionment among such authorized companies of applicants for such policies and for motor vehicle liability policies, including, but not limited to, voluntary agreements by insurance companies to accept such assignments. The premium for assigned risk plans shall not exceed the basic manual rate for risks of like classification at time of application, plus any surcharge as set by the insurance commission. When any such plan has been approved by the insurance commission, all insurance companies authorized to issue motor vehicle liability policies in the State of Mississippi, shall subscribe thereto and participate therein. The insurance commission may determine, fix, prescribe, promulgate, change, and amend rates or minimum premiums normally applicable to a risk so as to apply to any and every assignment such rates and minimum premiums as are commensurate with the greater hazard of the risk, considering in connection therewith the experience, physical or other conditions of such risk of the person applying for insurance under any such plan. Codes, 1942, § 8285-35; Laws, 1952, ch. 359, § 34; Laws, 1958, ch. 443. Insurance companies, authorized to issue motor vehicle liability policies in this state, shall establish an administrative agency and make necessary reasonable rules in connection therewith, relative to the formation of a plan and procedure to provide a means by which insurance may be assigned to an authorized insurance company for a person required by this chapter to show proof of financial responsibility for the future and who is in good faith entitled to motor vehicle liability insurance in this state, but is unable to secure it through ordinary methods. Such insurance companies shall establish a plan and procedure for the equitable apportionment among such authorized companies of applicants for such policies and for motor vehicle liability policies, including, but not limited to, voluntary agreements by insurance companies to accept such assignments. 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with the greater hazard of the risk, considering in connection therewith the experience, physical or other conditions of such risk of the person applying for insurance under any such plan. Codes, 1942, § 8285-35; Laws, 1952, ch. 359, § 34; Laws, 1958, ch. 443. Insurance companies, authorized to issue motor vehicle liability policies in this state, shall establish an administrative agency and make necessary reasonable rules in connection therewith, relative to the formation of a plan and procedure to provide a means by which insurance may be assigned to an authorized insurance company for a person required by this chapter to show proof of financial responsibility for the future and who is in good faith entitled to motor vehicle liability insurance in this state, but is unable to secure it through ordinary methods. Such insurance companies shall establish a plan and procedure for the equitable apportionment among such authorized companies of applicants for such policies and for motor vehicle liability policies, including, but not limited to, voluntary agreements by insurance companies to accept such assignments. The premium for assigned risk plans shall not exceed the basic manual rate for risks of like classification at time of application, plus any surcharge as set by the insurance commission. When any such plan has been approved by the insurance commission, all insurance companies authorized to issue motor vehicle liability policies in the State of Mississippi, shall subscribe thereto and participate therein. The insurance commission may determine, fix, prescribe, promulgate, change, and amend rates or minimum premiums normally applicable to a risk so as to apply to any and every assignment such rates and minimum premiums as are commensurate with the greater hazard of the risk, considering in connection therewith the experience, physical or other conditions of such risk of the person applying for insurance under any such plan. Codes, 1942, § 8285-35; Laws, 1952, ch. 359, § 34; Laws, 1958, ch. 443.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75) Section 63-15-67 - Surrender of license or registration

Any person whose license or registration shall have been suspended as provided in this chapter, or whose policy of insurance or bond, when required under this chapter, shall have been cancelled or terminated, or who shall neglect to furnish other proof upon request of the department, shall immediately return his license to the department. If any person shall fail to return to the department his license as provided herein, the department shall forthwith direct any peace officer to secure possession thereof and to return the same to the department. Codes, 1942, § 8285-31; Laws, 1952, ch. 359, § 30, eff. 1/1/1953. Any person whose license or registration shall have been suspended as provided in this chapter, or whose policy of insurance or bond, when required under this chapter, shall have been cancelled or terminated, or who shall neglect to furnish other proof upon request of the department, shall immediately return his license to the department. If any person shall fail to return to the department his license as provided herein, the department shall forthwith direct any peace officer to secure possession thereof and to return the same to the department. Codes, 1942, § 8285-31; Laws, 1952, ch. 359, § 30, eff. 1/1/1953. Any person whose license or registration shall have been suspended as provided in this chapter, or whose policy of insurance or bond, when required under this chapter, shall have been cancelled or terminated, or who shall neglect to furnish other proof upon request of the department, shall immediately return his license to the department. If any person shall fail to return to the department his license as provided herein, the department shall forthwith direct any peace officer to secure possession thereof and to return the same to the department. Codes, 1942, § 8285-31; Laws, 1952, ch. 359, § 30, eff. 1/1/1953. Any person whose license or registration shall have been suspended as provided in this chapter, or whose policy of insurance or bond, when required under this chapter, shall have been cancelled or terminated, or who shall neglect to furnish other proof upon request of the department, shall immediately return his license to the department. If any person shall fail to return to the department his license as provided herein, the department shall forthwith direct any peace officer to secure possession thereof and to return the same to the department. Codes, 1942, § 8285-31; Laws, 1952, ch. 359, § 30, eff. 1/1/1953.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75) Section 63-15-69 - Particular offenses and penalties

(1) Where any person fails to report an accident as required in Section 63-15-9, in addition to any other penalties prescribed by law, the department shall suspend the license of the person failing to make such report, or the nonresident's operating privilege of such person, until such report has been filed and for such further period not to exceed thirty (30) days as the department may fix. (2) Any person who gives information required in a report or otherwise as provided for in Section 63-15-9, knowing or having reason to believe that such information is false, or who shall forge, or without authority, sign any evidence of proof of financial responsibility, or who files or offers for filing any such evidence of proof, knowing or having reason to believe that it is forged or signed without authority, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than one (1) year, or both, except where the statement may be made under oath, in which case the person making the false statement under oath shall, upon conviction, be subject to the penalties for perjury. (3) Any person whose license or nonresident's operating privilege has been suspended or revoked under this chapter, and who, during such suspension or revocation drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway, except as permitted under this chapter, shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not exceeding six (6) months, or both. (4) Any person willfully failing to return his license as required in Section 63-15-67, shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not to exceed thirty (30) days, or both. (5) Any person who shall violate any provision of this chapter for which no penalty is otherwise provided shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not more than six (6) months, or both. (6) In order for an individual who has received a license suspension under the State

of Mississippi's Implied Consent Laws to be eligible for reinstatement, in addition to other requirements at law, he or she must provide to the Department of Public Safety, a certificate of insurance as a method of giving proof of financial responsibility as provided in Sections 63-15-37(1), 63-15-39 and 63-15-41, that shall be maintained for not less than a period of three (3) years after issuance in accordance with the requirements as set forth in Section 63-15-61. Codes, 1942, § 8285-32; Laws, 1952, ch. 359, § 31; Laws, 1970, ch. 488, § 1, eff. 4/3/1970. Amended by Laws, 2016, ch. 410, HB 525, 1, eff. 1/1/2017. (1) Where any person fails to report an accident as required in Section 63-15-9, in addition to any other penalties prescribed by law, the department shall suspend the license of the person failing to make such report, or the nonresident's operating privilege of such person, until such report has been filed and for such further period not to exceed thirty (30) days as the department may fix. (2) Any person who gives information required in a report or otherwise as provided for in Section 63-15-9, knowing or having reason to believe that such information is false, or who shall forge, or without authority, sign any evidence of proof of financial responsibility, or who files or offers for filing any such evidence of proof, knowing or having reason to believe that it is forged or signed without authority, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than one (1) year, or both, except where the statement may be made under oath, in which case the person making the false statement under oath shall, upon conviction, be subject to the penalties for perjury. (3) Any person whose license or nonresident's operating privilege has been suspended or revoked under this chapter, and who, during such suspension or revocation drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway, except as permitted under this chapter, shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not exceeding six (6) months, or both. (4) Any person willfully failing to return his license as required in Section 63-15-67, shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not to exceed thirty (30) days, or both. (5) Any person who shall violate any provision of this chapter for which no penalty is otherwise provided shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not more than six (6) months, or both. (6) In order for an individual who has received a license suspension under the State of Mississippi's Implied Consent Laws to be eligible for reinstatement, in addition to other requirements at law, he or she must provide to the Department of Public Safety, a certificate of insurance as a method of giving proof of financial responsibility as provided in Sections 63-15-37(1), 63-15-39 and 63-15-41, that shall be maintained for not less than a period of three (3) years after issuance in accordance with the requirements as set forth in Section 63-15-61. Codes, 1942, § 8285-32; Laws, 1952, ch. 359, § 31; Laws, 1970, ch. 488, § 1, eff. 4/3/1970. Amended by Laws, 2016, ch. 410, HB 525, 1, eff. 1/1/2017. (1) Where any person fails to report an accident as required in Section 63-15-9, in addition to any other penalties prescribed by law, the department shall suspend the license of the person failing to make such report, or the nonresident's operating privilege of such person, until such report has been filed and for such further period not to exceed thirty (30) days as the department may fix. (2) Any person who gives information required in a report or otherwise as provided for in Section 63-15-9, knowing or having reason to believe that such information is false, or who shall forge, or without authority, sign any evidence of proof of financial responsibility, or who files or offers for filing any such evidence of proof, knowing or having reason to believe that it is forged or signed without authority, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than one (1) year, or both, except where the statement may be made under oath, in which case the person making the false statement under oath shall, upon conviction, be subject to the penalties for perjury. (3) Any person whose license or nonresident's operating privilege has been suspended or revoked under this chapter, and who, during such suspension or revocation drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway, except as permitted under this chapter, shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not exceeding six (6) months, or both. (4) Any person willfully failing to return his license as required in Section 63-15-67, shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not to exceed thirty (30) days, or both. (5) Any person who shall violate any provision of this chapter for which no penalty is otherwise provided shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not more than six (6) months, or both. (6) In order for an individual who has received a license suspension under the State of Mississippi's Implied Consent Laws to be eligible for reinstatement, in addition to other requirements at law, he or she must provide to the Department of Public Safety, a certificate of insurance as a method of giving proof of financial responsibility as provided in Sections 63-15-37(1), 63-15-39 and 63-15-41, that shall be maintained for not less than a period of three (3) years after issuance in accordance with the requirements as set forth in Section 63-15-61. Codes, 1942, § 8285-32; Laws, 1952, ch. 359, § 31; Laws, 1970, ch. 488, § 1, eff. 4/3/1970. Amended by Laws, 2016, ch. 410, HB 525, 1, eff. 1/1/2017. Codes, 1942, § 8285-32; Laws, 1952, ch. 359, § 31; Laws, 1970, ch. 488, § 1, eff. 4/3/1970. Amended by Laws, 2016, ch. 410, HB 525, 1, eff. 1/1/2017.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75) Section 63-15-7 - Administration of chapter; judicial review of orders and acts of department

(1) The department shall administer and enforce the provisions of this chapter and may make rules and regulations necessary for its administration, but may not require fees from insurance companies, and shall provide for hearings upon request of persons aggrieved by orders or acts of the department under the provisions of this chapter. (2) Any order or act of the department, under the provisions of this chapter, may be subject to review within ten days after notice thereof, by appeal to the county court at the instance of any party in interest and in the county wherein the person aggrieved by such order or act resides, or if there be no county court therein, then such jurisdiction shall be in the circuit court of said county, and such court is hereby vested with jurisdiction. The court shall determine whether the filing of the appeal shall operate as a stay of any such order or decision of the department. The court

may, in disposing of the issue before it, modify, affirm, or reverse the order or decision of the department in whole or in part.(3)Trial in the court shall be de novo, with the burden of proof upon the department. The same shall be tried without regard to any prior holding of fact or law by the department, and judgment entered only upon the evidence offered at the trial by the court. A trial by jury may be had under the rules of the court.Codes, 1942, § 8285-02; Laws, 1952, ch. 359, § 2, eff. 1/1/1953.Amended by Laws, 2016, ch. 410, HB 525, 4, eff. 1/1/2017. (1)The department shall administer and enforce the provisions of this chapter and may make rules and regulations necessary for its administration, but may not require fees from insurance companies, and shall provide for hearings upon request of persons aggrieved by orders or acts of the department under the provisions of this chapter.(2)Any order or act of the department, under the provisions of this chapter, may be subject to review within ten days after notice thereof, by appeal to the county court at the instance of any party in interest and in the county wherein the person aggrieved by such order or act resides, or if there be no county court therein, then such jurisdiction shall be in the circuit court of said county, and such court is hereby vested with jurisdiction. The court shall determine whether the filing of the appeal shall operate as a stay of any such order or decision of the department. The court may, in disposing of the issue before it, modify, affirm, or reverse the order or decision of the department in whole or in part.(3)Trial in the court shall be de novo, with the burden of proof upon the department. The same shall be tried without regard to any prior holding of fact or law by the department, and judgment entered only upon the evidence offered at the trial by the court. A trial by jury may be had under the rules of the court.Codes, 1942, § 8285-02; Laws, 1952, ch. 359, § 2, eff. 1/1/1953.Amended by Laws, 2016, ch. 410, HB 525, 4, eff. 1/1/2017. (1)The department shall administer and enforce the provisions of this chapter and may make rules and regulations necessary for its administration, but may not require fees from insurance companies, and shall provide for hearings upon request of persons aggrieved by orders or acts of the department under the provisions of this chapter.(2)Any order or act of the department, under the provisions of this chapter, may be subject to review within ten days after notice thereof, by appeal to the county court at the instance of any party in interest and in the county wherein the person aggrieved by such order or act resides, or if there be no county court therein, then such jurisdiction shall be in the circuit court of said county, and such court is hereby vested with jurisdiction. The court shall determine whether the filing of the appeal shall operate as a stay of any such order or decision of the department. The court may, in disposing of the issue before it, modify, affirm, or reverse the order or decision of the department in whole or in part.(3)Trial in the court shall be de novo, with the burden of proof upon the department. The same shall be tried without regard to any prior holding of fact or law by the department, and judgment entered only upon the evidence offered at the trial by the court. A trial by jury may be had under the rules of the court.Codes, 1942, § 8285-02; Laws, 1952, ch. 359, § 2, eff. 1/1/1953. Amended by Laws, 2016, ch. 410, HB 525, 4, eff. 1/1/2017.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75)Section 63-15-71 - Furnishing by department of abstract relating to person's operating record; fees

(1)The department shall, upon request and receipt of proper fees, furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter, which abstract shall also fully designate the motor vehicles, if any, registered in the name of such person. If there shall be no record of any conviction of such person of violating any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the department shall so certify.(2)In addition to any other fees, the department shall charge and collect Two Dollars (\$2.00) for furnishing a certified abstract to any person. This additional fee shall be deposited into the Disability and Relief Fund for the Mississippi Highway Safety Patrol.Codes, 1942, § 8285-03; Laws, 1952, ch. 359, § 3; Laws, 2004, ch. 561, § 14, eff. 7/1/2004. (1)The department shall, upon request and receipt of proper fees, furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter, which abstract shall also fully designate the motor vehicles, if any, registered in the name of such person. If there shall be no record of any conviction of such person of violating any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the department shall so certify.(2)In addition to any other fees, the department shall charge and collect Two Dollars (\$2.00) for furnishing a certified abstract to any person. This additional fee shall be deposited into the Disability and Relief Fund for the Mississippi Highway Safety Patrol.Codes, 1942, § 8285-03; Laws, 1952, ch. 359, § 3; Laws, 2004, ch. 561, § 14, eff. 7/1/2004. (1)The department shall, upon request and receipt of proper fees, furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter, which abstract shall also fully designate the motor vehicles, if any, registered in the name of such person. If there shall be no record of any conviction of such person of violating any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the department shall so certify.(2)In addition to any other fees, the department shall charge and collect Two Dollars (\$2.00) for furnishing a certified abstract to any person. This additional fee shall be deposited into the Disability and Relief Fund for the Mississippi Highway Safety Patrol.Codes, 1942, § 8285-03; Laws, 1952, ch. 359, § 3; Laws, 2004, ch. 561, § 14, eff. 7/1/2004.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 15 - MOTOR VEHICLE SAFETY - RESPONSIBILITY (§§ 63-15-1 — 63-15-75)Section 63-15-73 - Effect of chapter upon motor vehicle laws

This chapter shall in no respect be considered as a repeal of the motor vehicle laws of this state but shall be construed as supplemental thereto.Codes, 1942, § 8285-36; Laws, 1952, ch. 359, § 35, eff. 1/1/1953. This chapter shall in no respect be

Any person violating any of Sections 63-17-1 through 63-17-9, shall, upon conviction, be fined not more than Five Hundred Dollars (\$500.00) or imprisoned in the county jail not more than six (6) months, or be both so fined and imprisoned. Codes, Hemingway's

1921 Supp. § 5789d1; 1930, § 5595; 1942, § 8071; Laws, 1920, ch. 222; Laws, 1989, ch. 469, § 7, eff. 7/1/1989. Any person violating any of Sections63-17-1through63-17-9, shall, upon conviction, be fined not more than Five Hundred Dollars (\$500.00) or imprisoned in the county jail not more than six (6) months, or be both so fined and imprisoned.Codes, Hemingway's 1921 Supp. § 5789d1; 1930, § 5595; 1942, § 8071; Laws, 1920, ch. 222; Laws, 1989, ch. 469, § 7, eff. 7/1/1989. Any person violating any of Sections63-17-1through63-17-9, shall, upon conviction, be fined not more than Five Hundred Dollars (\$500.00) or imprisoned in the county jail not more than six (6) months, or be both so fined and imprisoned.Codes, Hemingway's 1921 Supp. § 5789d1; 1930, § 5595; 1942, § 8071; Laws, 1920, ch. 222; Laws, 1989, ch. 469, § 7, eff. 7/1/1989. Any person violating any of Sections63-17-1through63-17-9, shall, upon conviction, be fined not more than Five Hundred Dollars (\$500.00) or imprisoned in the county jail not more than six (6) months, or be both so fined and imprisoned. Codes, Hemingway's 1921 Supp. § 5789d1; 1930, § 5595; 1942, § 8071; Laws, 1920, ch. 222; Laws, 1989, ch. 469, § 7, eff. 7/1/1989.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)BILL OF SALE; NUMBERS AND MARKS ON MOTOR VEHICLES (§§ 63-17-1 — 63-17-17)Section 63-17-3 - Recordation of bill of sale; affidavit in lieu of bill of sale; fees

The bill of sale provided for in Section63-17-1may be recorded in a book to be provided and kept for that purpose in the office of the clerk of the chancery court in the county of the residence of the owner of the automobile. The owner or other person having an automobile in his possession who has no bill of sale may make affidavit, stating the name of the party from whom purchase was made, place and date of purchase, particularly describing the automobile, by motor number, and otherwise as prescribed for a bill of sale, which affidavit may be recorded. A copy of the bill of sale, or affidavit of ownership as made and certified by the clerk, shall be received and accepted in lieu of the original. The clerk shall charge and collect a fee of fifty cents for recording and certifying the record thereof, and shall charge and collect a fee of fifty cents for furnishing a certified copy of such bill of sale or affidavit.Codes, Hemingway's 1921 Supp. § 5789y; 1930, § 5590; 1942, § 8066; Laws, 1920, ch. 222. The bill of sale provided for in Section63-17-1may be recorded in a book to be provided and kept for that purpose in the office of the clerk of the chancery court in the county of the residence of the owner of the automobile. The owner or other person having an automobile in his possession who has no bill of sale may make affidavit, stating the name of the party from whom purchase was made, place and date of purchase, particularly describing the automobile, by motor number, and otherwise as prescribed for a bill of sale, which affidavit may be recorded. A copy of the bill of sale, or affidavit of ownership as made and certified by the clerk, shall be received and accepted in lieu of the original. The clerk shall charge and collect a fee of fifty cents for recording and certifying the record thereof, and shall charge and collect a fee of fifty cents for furnishing a certified copy of such bill of sale or affidavit.Codes, Hemingway's 1921 Supp. § 5789y; 1930, § 5590; 1942, § 8066; Laws, 1920, ch. 222. The bill of sale provided for in Section63-17-1may be recorded in a book to be provided and kept for that purpose in the office of the clerk of the chancery court in the county of the residence of the owner of the automobile. The owner or other person having an automobile in his possession who has no bill of sale may make affidavit, stating the name of the party from whom purchase was made, place and date of purchase, particularly describing the automobile, by motor number, and otherwise as prescribed for a bill of sale, which affidavit may be recorded. A copy of the bill of sale, or affidavit of ownership as made and certified by the clerk, shall be received and accepted in lieu of the original. The clerk shall charge and collect a fee of fifty cents for recording and certifying the record thereof, and shall charge and collect a fee of fifty cents for furnishing a certified copy of such bill of sale or affidavit.Codes, Hemingway's 1921 Supp. § 5789y; 1930, § 5590; 1942, § 8066; Laws, 1920, ch. 222. The bill of sale provided for in Section63-17-1may be recorded in a book to be provided and kept for that purpose in the office of the clerk of the chancery court in the county of the residence of the owner of the automobile. The owner or other person having an automobile in his possession who has no bill of sale may make affidavit, stating the name of the party from whom purchase was made, place and date of purchase, particularly describing the automobile, by motor number, and otherwise as prescribed for a bill of sale, which affidavit may be recorded. A copy of the bill of sale, or affidavit of ownership as made and certified by the clerk, shall be received and accepted in lieu of the original. The clerk shall charge and collect a fee of fifty cents for recording and certifying the record thereof, and shall charge and collect a fee of fifty cents for furnishing a certified copy of such bill of sale or affidavit. Codes, Hemingway's 1921 Supp. § 5789y; 1930, § 5590; 1942, § 8066; Laws, 1920, ch. 222.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)BILL OF SALE; NUMBERS AND MARKS ON MOTOR VEHICLES (§§ 63-17-1 — 63-17-17)Section 63-17-5 - Display of bill of sale to law enforcement officer

Any owner or person having an automobile in his possession shall, upon request of any sheriff, constable, justice of the peace, mayor, marshal or police officer, exhibit to such officer for inspection the bill of sale provided for in Section63-17-1, or shall permit such officer to make inspection of such automobile, and shall answer all inquiries truthfully that may be propounded by such officer with references to such automobile and the history of the title thereto. Refusal so to do shall subject such person to immediate arrest by such officer, without warrant, and subject him to the penalties prescribed by law.Codes, Hemingway's 1921 Supp. § 5789z; 1930, § 5591; 1942, § 8067; Laws, 1920, ch. 222. Any owner or person having an automobile in his possession shall, upon request of any sheriff, constable, justice of the peace, mayor, marshal or police officer, exhibit to such officer for inspection the bill of sale provided for in Section63-17-1, or shall permit such officer to make inspection of such automobile, and shall answer all inquiries

truthfully that may be propounded by such officer with references to such automobile and the history of the title thereto. Refusal so to do shall subject such person to immediate arrest by such officer, without warrant, and subject him to the penalties prescribed by law. Codes, Hemingway's 1921 Supp. § 5789z; 1930, § 5591; 1942, § 8067; Laws, 1920, ch. 222. Any owner or person having an automobile in his possession shall, upon request of any sheriff, constable, justice of the peace, mayor, marshal or police officer, exhibit to such officer for inspection the bill of sale provided for in Section 63-17-1, or shall permit such officer to make inspection of such automobile, and shall answer all inquiries truthfully that may be propounded by such officer with references to such automobile and the history of the title thereto. Refusal so to do shall subject such person to immediate arrest by such officer, without warrant, and subject him to the penalties prescribed by law. Codes, Hemingway's 1921 Supp. § 5789z; 1930, § 5591; 1942, § 8067; Laws, 1920, ch. 222. Any owner or person having an automobile in his possession shall, upon request of any sheriff, constable, justice of the peace, mayor, marshal or police officer, exhibit to such officer for inspection the bill of sale provided for in Section 63-17-1, or shall permit such officer to make inspection of such automobile, and shall answer all inquiries truthfully that may be propounded by such officer with references to such automobile and the history of the title thereto. Refusal so to do shall subject such person to immediate arrest by such officer, without warrant, and subject him to the penalties prescribed by law. Codes, Hemingway's 1921 Supp. § 5789z; 1930, § 5591; 1942, § 8067; Laws, 1920, ch. 222.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) BILL OF SALE; NUMBERS AND MARKS ON MOTOR VEHICLES (§§ 63-17-1 — 63-17-17) Section 63-17-7 - Failure of officer to perform acts authorized by section 63-17-5; fees of officers

If any officer mentioned in Section 63-17-5 shall fail, neglect or refuse, upon request of any person who shall declare himself to be interested, to perform any act authorized in said section, or to furnish a written statement to such person, showing the result of such examination and inquiry, such officer shall be subject to the penalties prescribed by law. Any such request of such officer shall be accompanied by payment, or tender, of a fee of one dollar for each examination, and fifty cents a mile for each mile or fraction thereof over one-fourth, going to and returning from the place of examination; moreover, the place shall not be more than five miles distant and within the jurisdiction of the officer. Codes, Hemingway's 1921 Supp. § 5789a1; 1930, § 5592; 1942, § 8068; Laws, 1920, ch. 222. If any officer mentioned in Section 63-17-5 shall fail, neglect or refuse, upon request of any person who shall declare himself to be interested, to perform any act authorized in said section, or to furnish a written statement to such person, showing the result of such examination and inquiry, such officer shall be subject to the penalties prescribed by law. Any such request of such officer shall be accompanied by payment, or tender, of a fee of one dollar for each examination, and fifty cents a mile for each mile or fraction thereof over one-fourth, going to and returning from the place of examination; moreover, the place shall not be more than five miles distant and within the jurisdiction of the officer. Codes, Hemingway's 1921 Supp. § 5789a1; 1930, § 5592; 1942, § 8068; Laws, 1920, ch. 222. If any officer mentioned in Section 63-17-5 shall fail, neglect or refuse, upon request of any person who shall declare himself to be interested, to perform any act authorized in said section, or to furnish a written statement to such person, showing the result of such examination and inquiry, such officer shall be subject to the penalties prescribed by law. Any such request of such officer shall be accompanied by payment, or tender, of a fee of one dollar for each examination, and fifty cents a mile for each mile or fraction thereof over one-fourth, going to and returning from the place of examination; moreover, the place shall not be more than five miles distant and within the jurisdiction of the officer. Codes, Hemingway's 1921 Supp. § 5789a1; 1930, § 5592; 1942, § 8068; Laws, 1920, ch. 222. If any officer mentioned in Section 63-17-5 shall fail, neglect or refuse, upon request of any person who shall declare himself to be interested, to perform any act authorized in said section, or to furnish a written statement to such person, showing the result of such examination and inquiry, such officer shall be subject to the penalties prescribed by law. Any such request of such officer shall be accompanied by payment, or tender, of a fee of one dollar for each examination, and fifty cents a mile for each mile or fraction thereof over one-fourth, going to and returning from the place of examination; moreover, the place shall not be more than five miles distant and within the jurisdiction of the officer. Codes, Hemingway's 1921 Supp. § 5789a1; 1930, § 5592; 1942, § 8068; Laws, 1920, ch. 222.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) BILL OF SALE; NUMBERS AND MARKS ON MOTOR VEHICLES (§§ 63-17-1 — 63-17-17) Section 63-17-9 - Seizure of automobile by law enforcement officer

Automobile owners shall not be required at all times to keep the bill of sale provided for in Section 63-17-1 with their automobiles. However, failure to have the same therein shall not excuse them, or any person in possession, from furnishing the information required by Section 63-17-5, and upon affidavit made before the officer demanding the information that the person making the same has good reason to believe and does believe that such automobile is stolen, such officer may, in his discretion, take possession thereof and retain the same for such reasonable time as may be required for the necessary investigation to be made. Codes, Hemingway's 1921 Supp. § 5789b1; 1930, § 5593; 1942, § 8069; Laws, 1920, ch. 222. Automobile owners shall not be required at all times to keep the bill of sale provided for in Section 63-17-1 with their automobiles. However, failure to have the same therein shall not excuse them, or any person in possession, from furnishing the information required by Section 63-17-5, and upon affidavit made before the officer demanding the information that the person making the same has good reason to believe and does believe that such automobile is stolen, such officer may, in his discretion, take possession thereof and retain the same for such reasonable time as

may be required for the necessary investigation to be made. Codes, Hemingway's 1921 Supp. § 5789b1; 1930, § 5593; 1942, § 8069; Laws, 1920, ch. 222. Automobile owners shall not be required at all times to keep the bill of sale provided for in Section 63-17-1 with their automobiles. However, failure to have the same therein shall not excuse them, or any person in possession, from furnishing the information required by Section 63-17-5, and upon affidavit made before the officer demanding the information that the person making the same has good reason to believe and does believe that such automobile is stolen, such officer may, in his discretion, take possession thereof and retain the same for such reasonable time as may be required for the necessary investigation to be made. Codes, Hemingway's 1921 Supp. § 5789b1; 1930, § 5593; 1942, § 8069; Laws, 1920, ch. 222. Automobile owners shall not be required at all times to keep the bill of sale provided for in Section 63-17-1 with their automobiles. However, failure to have the same therein shall not excuse them, or any person in possession, from furnishing the information required by Section 63-17-5, and upon affidavit made before the officer demanding the information that the person making the same has good reason to believe and does believe that such automobile is stolen, such officer may, in his discretion, take possession thereof and retain the same for such reasonable time as may be required for the necessary investigation to be made. Codes, Hemingway's 1921 Supp. § 5789b1; 1930, § 5593; 1942, § 8069; Laws, 1920, ch. 222.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) DEALER CONTRACTS (§§ 63-17-131 — 63-17-141) Section 63-17-131 - Filing and approval of dealer contracts

Any person, partnership, association of persons or corporation engaged in the manufacture and/or distribution of motor vehicles, whether resident or nonresident of the State of Mississippi, transacting the business of manufacturing, distribution, or sale of motor vehicles or the parts or accessories thereof in the State of Mississippi, shall file in the Office of the Secretary of State the form of a contract which is to be entered into between such manufacturer with its agent, dealer or representative in this state. Upon the approval by the Attorney General of the contract, the contract shall become binding on all parties thereto. The failure to file the contract with the Secretary of State as provided herein and to secure the approval thereof of the Attorney General of the state, shall render the contract unenforceable. This section shall not apply to dealers or manufacturers of motor homes governed by the provisions of Sections 63-17-201 through 63-17-221. Codes, 1942, § 8072; Laws, 1935, ch. 35. Amended by Laws, 2014, ch. 532, HB 742, 14, eff. 10/1/2014. Any person, partnership, association of persons or corporation engaged in the manufacture and/or distribution of motor vehicles, whether resident or nonresident of the State of Mississippi, transacting the business of manufacturing, distribution, or sale of motor vehicles or the parts or accessories thereof in the State of Mississippi, shall file in the Office of the Secretary of State the form of a contract which is to be entered into between such manufacturer with its agent, dealer or representative in this state. Upon the approval by the Attorney General of the contract, the contract shall become binding on all parties thereto. The failure to file the contract with the Secretary of State as provided herein and to secure the approval thereof of the Attorney General of the state, shall render the contract unenforceable. This section shall not apply to dealers or manufacturers of motor homes governed by the provisions of Sections 63-17-201 through 63-17-221. Codes, 1942, § 8072; Laws, 1935, ch. 35. Amended by Laws, 2014, ch. 532, HB 742, 14, eff. 10/1/2014. Any person, partnership, association of persons or corporation engaged in the manufacture and/or distribution of motor vehicles, whether resident or nonresident of the State of Mississippi, transacting the business of manufacturing, distribution, or sale of motor vehicles or the parts or accessories thereof in the State of Mississippi, shall file in the Office of the Secretary of State the form of a contract which is to be entered into between such manufacturer with its agent, dealer or representative in this state. Upon the approval by the Attorney General of the contract, the contract shall become binding on all parties thereto. The failure to file the contract with the Secretary of State as provided herein and to secure the approval thereof of the Attorney General of the state, shall render the contract unenforceable. This section shall not apply to dealers or manufacturers of motor homes governed by the provisions of Sections 63-17-201 through 63-17-221. Codes, 1942, § 8072; Laws, 1935, ch. 35. Amended by Laws, 2014, ch. 532, HB 742, 14, eff. 10/1/2014. Any person, partnership, association of persons or corporation engaged in the manufacture and/or distribution of motor vehicles, whether resident or nonresident of the State of Mississippi, transacting the business of manufacturing, distribution, or sale of motor vehicles or the parts or accessories thereof in the State of Mississippi, shall file in the Office of the Secretary of State the form of a contract which is to be entered into between such manufacturer with its agent, dealer or representative in this state. Upon the approval by the Attorney General of the contract, the contract shall become binding on all parties thereto. The failure to file the contract with the Secretary of State as provided herein and to secure the approval thereof of the Attorney General of the state, shall render the contract unenforceable. This section shall not apply to dealers or manufacturers of motor homes governed by the provisions of Sections 63-17-201 through 63-17-221. Codes, 1942, § 8072; Laws, 1935, ch. 35. Amended by Laws, 2014, ch. 532, HB 742, 14, eff. 10/1/2014.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) DEALER CONTRACTS (§§ 63-17-131 — 63-17-141) Section 63-17-133 - Liquidation of damages for breach of contract by arbitration

In the event of a breach of the contract referred to in Section 63-17-131, the party injured or damaged by such breach may have recourse for the liquidation of his damages to a board of arbitration and award as provided in Chapter 15, Title 11, Mississippi Code of 1972. Codes, 1942, § 8072; Laws, 1935, ch. 35. In the event of a breach of the contract referred to in Section 63-17-131, the party injured or damaged by such breach may have recourse for the liquidation of his damages to a board of arbitration and award as provided in Chapter 15, Title 11, Mississippi Code of 1972. Codes, 1942, § 8072; Laws, 1935, ch. 35. In the event of a breach of the

contract referred to in Section63-17-131, the party injured or damaged by such breach may have recourse for the liquidation of his damages to a board of arbitration and award as provided in Chapter 15, Title 11, Mississippi Code of 1972. Codes, 1942, § 8072; Laws, 1935, ch. 35. In the event of a breach of the contract referred to in Section63-17-131, the party injured or damaged by such breach may have recourse for the liquidation of his damages to a board of arbitration and award as provided in Chapter 15, Title 11, Mississippi Code of 1972. Codes, 1942, § 8072; Laws, 1935, ch. 35.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)DEALER CONTRACTS (§§ 63-17-131 — 63-17-141)Section 63-17-135 - Maintenance of civil action for actual damages for breach of contract

Any person, partnership, association of persons, or corporation damaged by the breach of the contract referred to in Section63-17-131, and desiring to take an appeal as provided by Chapter 15, Title 11, Mississippi Code of 1972, from the findings of the board of arbitration and award may in each instance of such injury or damage recover all actual damages sustained in addition to the penalties provided in Section63-17-137and may maintain its, or his, action against one or more of the parties to said contract, its officers or agents. Codes, 1942, § 8073; Laws, 1935, ch. 35. Any person, partnership, association of persons, or corporation damaged by the breach of the contract referred to in Section63-17-131, and desiring to take an appeal as provided by Chapter 15, Title 11, Mississippi Code of 1972, from the findings of the board of arbitration and award may in each instance of such injury or damage recover all actual damages sustained in addition to the penalties provided in Section63-17-137and may maintain its, or his, action against one or more of the parties to said contract, its officers or agents. Codes, 1942, § 8073; Laws, 1935, ch. 35. Any person, partnership, association of persons, or corporation damaged by the breach of the contract referred to in Section63-17-131, and desiring to take an appeal as provided by Chapter 15, Title 11, Mississippi Code of 1972, from the findings of the board of arbitration and award may in each instance of such injury or damage recover all actual damages sustained in addition to the penalties provided in Section63-17-137and may maintain its, or his, action against one or more of the parties to said contract, its officers or agents. Codes, 1942, § 8073; Laws, 1935, ch. 35. Any person, partnership, association of persons, or corporation damaged by the breach of the contract referred to in Section63-17-131, and desiring to take an appeal as provided by Chapter 15, Title 11, Mississippi Code of 1972, from the findings of the board of arbitration and award may in each instance of such injury or damage recover all actual damages sustained in addition to the penalties provided in Section63-17-137and may maintain its, or his, action against one or more of the parties to said contract, its officers or agents. Codes, 1942, § 8073; Laws, 1935, ch. 35.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)DEALER CONTRACTS (§§ 63-17-131 — 63-17-141)Section 63-17-137 - Applicability of provisions; penalties for violations

Sections63-17-131through63-17-137shall not affect any contract existing as of October 2, 1935, between any person, partnership, association of persons or corporation acting as the agent, dealer or representative of any motor vehicle manufacturer, nor shall they affect the relationship of any parties now acting as the agent, dealer or representative of any manufacturer without contract in this state. If any motor vehicle manufacturer should, after said date, without good cause or without tendering reimbursement for the damage or injury sustained by its agent, dealer or representative, cancel the existing contract or should without good cause refuse to continue the business relationship existing between manufacturer and agent, dealer or representative without contract the dealer, agent or representative so injured by the loss of his or its dealership, agency or representation may sue and recover all actual damages sustained by him, it or them. For a violation of the provisions of Sections63-17-131through63-17-139a domestic corporation shall forfeit its charter and a foreign corporation shall forfeit its right to do business in this state and shall also forfeit not less than \$500.00 nor more than \$1,000.00 to the State of Mississippi and shall be proceeded against by the attorney general in the manner and form as provided for a quo warranto proceeding or injunction under the laws of this state. Codes, 1942, § 8074; Laws, 1935, ch. 35. Sections63-17-131through63-17-137shall not affect any contract existing as of October 2, 1935, between any person, partnership, association of persons or corporation acting as the agent, dealer or representative of any motor vehicle manufacturer, nor shall they affect the relationship of any parties now acting as the agent, dealer or representative of any manufacturer without contract in this state. If any motor vehicle manufacturer should, after said date, without good cause or without tendering reimbursement for the damage or injury sustained by its agent, dealer or representative, cancel the existing contract or should without good cause refuse to continue the business relationship existing between manufacturer and agent, dealer or representative without contract the dealer, agent or representative so injured by the loss of his or its dealership, agency or representation may sue and recover all actual damages sustained by him, it or them. For a violation of the provisions of Sections63-17-131through63-17-139a domestic corporation shall forfeit its charter and a foreign corporation shall forfeit its right to do business in this state and shall also forfeit not less than \$500.00 nor more than \$1,000.00 to the State of Mississippi and shall be proceeded against by the attorney general in the manner and form as provided for a quo warranto proceeding or injunction under the laws of this state. Codes, 1942, § 8074; Laws, 1935, ch. 35. Sections63-17-131through63-17-137shall not affect any contract existing as of October 2, 1935, between any person, partnership, association of persons or corporation acting as the agent, dealer or representative of any motor vehicle manufacturer, nor shall they affect the relationship of any parties now acting as the agent, dealer or representative of any manufacturer without contract in this state. If any motor vehicle manufacturer should, after said date, without good cause or without tendering reimbursement for the damage or injury sustained by its agent, dealer or representative, cancel the existing contract or should without good cause refuse to continue the business relationship existing between manufacturer

and agent, dealer or representative without contract the dealer, agent or representative so injured by the loss of his or its dealership, agency or representation may sue and recover all actual damages sustained by him, it or them. For a violation of the provisions of Sections 63-17-131 through 63-17-139 a domestic corporation shall forfeit its charter and a foreign corporation shall forfeit its right to do business in this state and shall also forfeit not less than \$500.00 nor more than \$1,000.00 to the State of Mississippi and shall be proceeded against by the attorney general in the manner and form as provided for a quo warranto proceeding or injunction under the laws of this state. Codes, 1942, § 8074; Laws, 1935, ch. 35. Sections 63-17-131 through 63-17-137 shall not affect any contract existing as of October 2, 1935, between any person, partnership, association of persons or corporation acting as the agent, dealer or representative of any motor vehicle manufacturer, nor shall they affect the relationship of any parties now acting as the agent, dealer or representative of any manufacturer without contract in this state. If any motor vehicle manufacturer should, after said date, without good cause or without tendering reimbursement for the damage or injury sustained by its agent, dealer or representative, cancel the existing contract or should without good cause refuse to continue the business relationship existing between manufacturer and agent, dealer or representative without contract the dealer, agent or representative so injured by the loss of his or its dealership, agency or representation may sue and recover all actual damages sustained by him, it or them. For a violation of the provisions of Sections 63-17-131 through 63-17-139 a domestic corporation shall forfeit its charter and a foreign corporation shall forfeit its right to do business in this state and shall also forfeit not less than \$500.00 nor more than \$1,000.00 to the State of Mississippi and shall be proceeded against by the attorney general in the manner and form as provided for a quo warranto proceeding or injunction under the laws of this state. Codes, 1942, § 8074; Laws, 1935, ch. 35.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) DEALER CONTRACTS (§§ 63-17-131 — 63-17-141) Section 63-17-139 - Proof of damages

In any action taken, proof by the party plaintiff that he has been compelled to discontinue the relationship of manufacturer, agent, dealer or representative on account of the unlawful act or breach of said contract by the party defendant or that the party defendant has threatened to cancel said contract without good cause and without first having submitted the question for an adjustment of a breach of said contract to a board of arbitration and award, shall be conclusive evidence of damage, and in every case proof of any unlawful purpose or agreement to violate the terms of said contract, shall entitle the party injured thereby to all actual damage sustained by him and shall in addition thereto subject the party violating said contract to the penalty provided in Section 63-17-137. Codes, 1942, § 8075; Laws, 1935, ch. 35. In any action taken, proof by the party plaintiff that he has been compelled to discontinue the relationship of manufacturer, agent, dealer or representative on account of the unlawful act or breach of said contract by the party defendant or that the party defendant has threatened to cancel said contract without good cause and without first having submitted the question for an adjustment of a breach of said contract to a board of arbitration and award, shall be conclusive evidence of damage, and in every case proof of any unlawful purpose or agreement to violate the terms of said contract, shall entitle the party injured thereby to all actual damage sustained by him and shall in addition thereto subject the party violating said contract to the penalty provided in Section 63-17-137. Codes, 1942, § 8075; Laws, 1935, ch. 35. In any action taken, proof by the party plaintiff that he has been compelled to discontinue the relationship of manufacturer, agent, dealer or representative on account of the unlawful act or breach of said contract by the party defendant or that the party defendant has threatened to cancel said contract without good cause and without first having submitted the question for an adjustment of a breach of said contract to a board of arbitration and award, shall be conclusive evidence of damage, and in every case proof of any unlawful purpose or agreement to violate the terms of said contract, shall entitle the party injured thereby to all actual damage sustained by him and shall in addition thereto subject the party violating said contract to the penalty provided in Section 63-17-137. Codes, 1942, § 8075; Laws, 1935, ch. 35. In any action taken, proof by the party plaintiff that he has been compelled to discontinue the relationship of manufacturer, agent, dealer or representative on account of the unlawful act or breach of said contract by the party defendant or that the party defendant has threatened to cancel said contract without good cause and without first having submitted the question for an adjustment of a breach of said contract to a board of arbitration and award, shall be conclusive evidence of damage, and in every case proof of any unlawful purpose or agreement to violate the terms of said contract, shall entitle the party injured thereby to all actual damage sustained by him and shall in addition thereto subject the party violating said contract to the penalty provided in Section 63-17-137. Codes, 1942, § 8075; Laws, 1935, ch. 35.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119) Section 63-17-101 - Recovery of damages and attorney fees by licensee

Any licensee suffering pecuniary loss because of any willful failure by any other licensee to comply with any provision of the Mississippi Motor Vehicle Commission Law or with any rule or regulation promulgated by the commission under authority vested in it by said law may recover reasonable damages and attorney fees therefor in any court of competent jurisdiction. Codes, 1942, § 8071.7-09; Laws, 1970, ch. 478, § 9; reenacted without change, Laws, 1983, ch. 344, § 26; reenacted without change, Laws, 1991, ch. 305, § 26, eff. 7/1/1991. Any licensee suffering pecuniary loss because of any willful failure by any other licensee to comply with any provision of the Mississippi Motor Vehicle Commission Law or with any rule or regulation promulgated by the commission under authority vested in it by said law may recover reasonable damages and attorney fees therefor in any court of competent jurisdiction. Codes, 1942, § 8071.7-09; Laws, 1970, ch. 478, § 9; reenacted without change, Laws, 1983, ch. 344, § 26;

reenacted without change, Laws, 1991, ch. 305, § 26, eff. 7/1/1991. Any licensee suffering pecuniary loss because of any willful failure by any other licensee to comply with any provision of the Mississippi Motor Vehicle Commission Law or with any rule or regulation promulgated by the commission under authority vested in it by said law may recover reasonable damages and attorney fees therefor in any court of competent jurisdiction. Codes, 1942, § 8071.7-09; Laws, 1970, ch. 478, § 9; reenacted without change, Laws, 1983, ch. 344, § 26; reenacted without change, Laws, 1991, ch. 305, § 26, eff. 7/1/1991. Any licensee suffering pecuniary loss because of any willful failure by any other licensee to comply with any provision of the Mississippi Motor Vehicle Commission Law or with any rule or regulation promulgated by the commission under authority vested in it by said law may recover reasonable damages and attorney fees therefor in any court of competent jurisdiction. Codes, 1942, § 8071.7-09; Laws, 1970, ch. 478, § 9; reenacted without change, Laws, 1983, ch. 344, § 26; reenacted without change, Laws, 1991, ch. 305, § 26, eff. 7/1/1991.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119) Section 63-17-103 - Restrictions on right to advertise motor vehicle as new; enforcement of restriction

(1) Nothing in the Mississippi Motor Vehicle Commission Law shall be construed to prohibit the sale of a new motor vehicle by any person who is not required to be licensed under said law. However, only a motor vehicle dealer as defined in Section 63-17-55 shall have the right to advertise or represent, publicly or otherwise, that a motor vehicle is new in connection with its sale, exchange or other disposition. Any person who is not such a motor vehicle dealer and who advertises or represents that a motor vehicle is new in connection with its sale, exchange or other disposition shall be guilty of a misdemeanor and upon conviction shall be punished in the manner provided for by Section 63-17-105. However, nothing in this section shall apply to (a) any lease by a motor vehicle manufacturer operating a project as defined in Section 57-75-5(f)(iv)1 or Section 57-75-5(f)(xxi) of three (3) or fewer motor vehicles at any one time and related vehicle maintenance, of any line of vehicle produced by the manufacturer or its subsidiaries, to any one (1) employee of the motor vehicle manufacturer on a direct basis, or any sale or other disposition of such motor vehicles by the motor vehicle manufacturer at the end of a lease through direct sales to employees of the manufacturer or through an open auction or auction limited to dealers of the manufacturer's vehicle line or its subsidiaries' vehicle lines; or (b) any sale or other disposition by such a motor vehicle manufacturer of motor vehicles for which the manufacturer obtained distinguishing number tags under Section 27-19-309(8). (2) Any person who violates the provisions of subsection (1) of this section may be enjoined from further violations of such provisions by writ of injunction issued out of a court of equity upon a bill filed in the name of the state by the Attorney General, or any district or county attorney whose duty requires him to prosecute criminal cases on behalf of the state, in the county where such violation occurred. Codes, 1942, § 8071.7-10; Laws, 1970, ch. 478, § 10; Laws, 1977, ch. 411, § 5; reenacted, Laws, 1983, ch. 344, § 27; reenacted without change, Laws, 1991, ch. 305, § 27; Laws, 2000, 3rd Ex Sess, ch. 1, § 21; Laws, 2007, ch. 303, § 10, eff. 3/2/2007. (1) Nothing in the Mississippi Motor Vehicle Commission Law shall be construed to prohibit the sale of a new motor vehicle by any person who is not required to be licensed under said law. However, only a motor vehicle dealer as defined in Section 63-17-55 shall have the right to advertise or represent, publicly or otherwise, that a motor vehicle is new in connection with its sale, exchange or other disposition. Any person who is not such a motor vehicle dealer and who advertises or represents that a motor vehicle is new in connection with its sale, exchange or other disposition shall be guilty of a misdemeanor and upon conviction shall be punished in the manner provided for by Section 63-17-105. However, nothing in this section shall apply to (a) any lease by a motor vehicle manufacturer operating a project as defined in Section 57-75-5(f)(iv)1 or Section 57-75-5(f)(xxi) of three (3) or fewer motor vehicles at any one time and related vehicle maintenance, of any line of vehicle produced by the manufacturer or its subsidiaries, to any one (1) employee of the motor vehicle manufacturer on a direct basis, or any sale or other disposition of such motor vehicles by the motor vehicle manufacturer at the end of a lease through direct sales to employees of the manufacturer or through an open auction or auction limited to dealers of the

manufacturer's vehicle line or its subsidiaries' vehicle lines; or (b) any sale or other disposition by such a motor vehicle manufacturer of motor vehicles for which the manufacturer obtained distinguishing number tags under Section 27-19-309(8). (2) Any person who violates the provisions of subsection (1) of this section may be enjoined from further violations of such provisions by writ of injunction issued out of a court of equity upon a bill filed in the name of the state by the Attorney General, or any district or county attorney whose duty requires him to prosecute criminal cases on behalf of the state, in the county where such violation occurred. Codes, 1942, § 8071.7-10; Laws, 1970, ch. 478, § 10; Laws, 1977, ch. 411, § 5; reenacted, Laws, 1983, ch. 344, § 27; reenacted without change, Laws, 1991, ch. 305, § 27; Laws, 2000, 3rd Ex Sess, ch. 1, § 21; Laws, 2007, ch. 303, § 10, eff. 3/2/2007. Codes, 1942, § 8071.7-10; Laws, 1970, ch. 478, § 10; Laws, 1977, ch. 411, § 5; reenacted, Laws, 1983, ch. 344, § 27; reenacted without change, Laws, 1991, ch. 305, § 27; Laws, 2000, 3rd Ex Sess, ch. 1, § 21; Laws, 2007, ch. 303, § 10, eff. 3/2/2007.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119) Section 63-17-105 - Penalties

Every person committing a willful violation of any provision of subsection (1) of Section 63-17-73 or of Section 63-17-103 or subsection (3) of Section 63-17-73 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. Codes, 1942, § 8071.7-08; Laws, 1970, ch. 478, § 8; reenacted without change, Laws, 1983, ch. 344, § 28; reenacted without change, Laws, 1991, ch. 305, § 28; Laws, 1994, ch. 399, § 4, eff. 7/1/1994. Every person committing a willful violation of any provision of subsection (1) of Section 63-17-73 or of Section 63-17-103 or subsection (3) of Section 63-17-73 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. Codes, 1942, § 8071.7-08; Laws, 1970, ch. 478, § 8; reenacted without change, Laws, 1983, ch. 344, § 28; reenacted without change, Laws, 1991, ch. 305, § 28; Laws, 1994, ch. 399, § 4, eff. 7/1/1994. Every person committing a willful violation of any provision of subsection (1) of Section 63-17-73 or of Section 63-17-103 or subsection (3) of Section 63-17-73 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. Codes, 1942, § 8071.7-08; Laws, 1970, ch. 478, § 8; reenacted without change, Laws, 1983, ch. 344, § 28; reenacted without change, Laws, 1991, ch. 305, § 28; Laws, 1994, ch. 399, § 4, eff. 7/1/1994. Every person committing a willful violation of any provision of subsection (1) of Section 63-17-73 or of Section 63-17-103 or subsection (3) of Section 63-17-73 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. Codes, 1942, § 8071.7-08; Laws, 1970, ch. 478, § 8; reenacted without change, Laws, 1983, ch. 344, § 28; reenacted without change, Laws, 1991, ch. 305, § 28; Laws, 1994, ch. 399, § 4, eff. 7/1/1994.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119) Section 63-17-109 - Right of first refusal

(1) In the event of a proposed sale or transfer of a dealership and the franchise agreement for the dealership contains a right of first refusal in favor of the manufacturer or distributor, notwithstanding the terms of the franchise agreement, the manufacturer or distributor shall be permitted to exercise a right of first refusal to acquire the dealership only if all of the following requirements are met: (a) The manufacturer or distributor sends by certified mail, return receipt requested, or any other reliable means of communication, notice of its intent to exercise its right of first refusal within sixty (60) days of receipt of the executed contract for the proposed sale or transfer and completed application and related documents reasonably requested by the manufacturer or distributor. The manufacturer or distributor shall provide the application and notice of other requirements within fifteen (15) days of request. In no event shall the manufacturer or distributor exercise its right of first refusal more than one hundred twenty (120) days after receipt of the executed contract. The manufacturer or distributor and the applicant shall act in good faith to provide the required information in a timely and expeditious manner. (b) The exercise of the right of first refusal will result in the motor vehicle dealer receiving consideration, terms and conditions that are either the same as or greater than that for which such dealer has contracted for in connection with the proposed transaction. (2) The manufacturer's or distributor's right of first refusal shall not apply to a transaction involving one (1) of the following: (a) A designated family member or members, including the spouse, child or grandchild, spouse of a child or grandchild, brother, sister or parent of the dealer-operator, or one or more motor vehicle dealer owners; (b) A manager employed by the motor vehicle dealer in the dealership during the previous five (5) years that is otherwise qualified as a dealer-operator; (c) A partnership or corporation controlled by any of the family members of the dealer-operator; (d) A trust arrangement established or to be established for the purpose of allowing the new motor vehicle dealer to continue to qualify as such pursuant to the manufacturer's or distributor's standards, or provides for the succession of the franchise agreement to designated family members or qualified management in the event of the death or incapacity of the dealer-operator or its principal owner or owners. (3) (a) The manufacturer or distributor shall pay the reasonable expenses, including attorneys' fees which do not exceed the usual, customary and reasonable fees charged for similar work done for other clients, incurred by the proposed owner prior to the exercise of the right of first refusal in negotiating and implementing the contract for the proposed sale of the dealership. The expenses and attorneys' fees shall be paid to the proposed new owner at the time of the closing of the sale at which the manufacturer or distributor exercises its right of first refusal. (b) No payment of expenses and attorneys' fees shall be required if the person

claiming reimbursement has not submitted or caused to be submitted an accounting of those expenses within thirty (30) days after the receipt of the manufacturer's or distributor's written request for the accounting. A manufacturer or distributor may request the accounting before exercising its right of first refusal.(4)If the selling dealer discloses the manufacturer's right of first refusal to the proposed owner in writing, the motor vehicle dealer shall not have any liability to any person as a result of a manufacturer or distributor exercising its right of first refusal and the manufacturer or distributor shall assume the defense of the selling motor vehicle dealer for any claims by the proposed owner arising from the exercise of the right of first refusal.(5)If the manufacturer or distributor does not exercise its right of first refusal within the time period set forth in subsection (1)(a), the manufacturer or distributor shall act upon the proposed sale of the franchise promptly and in good faith but in no event more than one hundred twenty (120) days after receipt of the completed application and related documents reasonably requested by the manufacturer or distributor.(6)Neither this section nor Section63-17-75shall be construed to prohibit any of the following:(a)The ownership, operation or control by a manufacturer, factory branch, distributor, distributor branch or subsidiary thereof, of a dealership for a temporary period, not to exceed one (1) year, during the transition from one (1) licensed motor vehicle dealer to another. The commission may extend the temporary ownership, operation or control period upon a showing of good cause by the manufacturer, factory branch, distributor, distributor branch or subsidiary thereof;(b)The ownership, operation or control of a dealership by a manufacturer, factory branch, distributor, distributor branch or subsidiary thereof, while in a bona fide relationship with an independent person, other than a manufacturer, factory branch, distributor, distributor branch or an agent or affiliate thereof, who has made a significant, bona fide, unencumbered initial investment in the dealership that is subject to loss, and who can reasonably expect to acquire full ownership of the dealership within a reasonable period of time, and on reasonable terms and conditions, provided that a reasonable period shall be presumed to not exceed eight (8) years; or(c)The ownership, operation or control of not more than one (1) motor vehicle dealership location within this state by a manufacturer that manufactures and sells only motor vehicles that are plug-in electric vehicles that do not rely on any nonelectric source of power in all modes of operation, provided that the dealership has been continuously licensed since August 1, 2021, and provided that the ownership or controlling interest in the dealership is not transferred, sold or conveyed to another person required to be licensed under this title.Laws, 2000, ch. 418, § 2; Laws, 2006, ch. 432, § 5, eff. 7/1/2006.Amended by Laws, 2023, ch. 387, HB 401,§ 2, eff. 7/1/2023. (1)In the event of a proposed sale or transfer of a dealership and the franchise agreement for the dealership contains a right of first refusal in favor of the manufacturer or distributor, notwithstanding the terms of the franchise agreement, the manufacturer or distributor shall be permitted to exercise a right of first refusal to acquire the dealership only if all of the following requirements are met:(a)The manufacturer or distributor sends by certified mail, return receipt requested, or any other reliable means of communication, notice of its intent to exercise its right of first refusal within sixty (60) days of receipt of the executed contract for the proposed sale or transfer and completed application and related documents reasonably requested by the manufacturer or distributor. The manufacturer or distributor shall provide the application and notice of other requirements within fifteen (15) days of request. In no event shall the manufacturer or distributor exercise its right of first refusal more than one hundred twenty (120) days after receipt of the executed contract. The manufacturer or distributor and the applicant shall act in good faith to provide the required information in a timely and expeditious manner.(b)The exercise of the right of first refusal will result in the motor vehicle dealer receiving consideration, terms and conditions that are either the same as or greater than that for which such dealer has contracted for in connection with the proposed transaction.(2)The manufacturer's or distributor's right of first refusal shall not apply to a transaction involving one (1) of the following:(a)A designated family member or members, including the spouse, child or grandchild, spouse of a child or grandchild, brother, sister or parent of the dealer-operator, or one or more motor vehicle dealer owners;(b)A manager employed by the motor vehicle dealer in the dealership during the previous five (5) years that is otherwise qualified as a dealer-operator;(c)A partnership or corporation controlled by any of the family members of the dealer-operator;(d)A trust arrangement established or to be established for the purpose of allowing the new motor vehicle dealer to continue to qualify as such pursuant to the manufacturer's or distributor's standards, or provides for the succession of the franchise agreement to designated family members or qualified management in the event of the death or incapacity of the dealer-operator or its principal owner or owners.(3)(a)The manufacturer or distributor shall pay the reasonable expenses, including attorneys' fees which do not exceed the usual, customary and reasonable fees charged for similar work done for other clients, incurred by the proposed owner prior to the exercise of the right of first refusal in negotiating and implementing the contract for the proposed sale of the dealership. The expenses and attorneys' fees shall be paid to the proposed new owner at the time of the closing of the sale at which the manufacturer or distributor exercises its right of first refusal.(b)No payment of expenses and attorneys' fees shall be required if the person claiming reimbursement has not submitted or caused to be submitted an accounting of those expenses within thirty (30) days after the receipt of the manufacturer's or distributor's written request for the accounting. A manufacturer or distributor may request the accounting before exercising its right of first refusal.(4)If the selling dealer discloses the manufacturer's right of first refusal to the proposed owner in writing, the motor vehicle dealer shall not have any liability to any person as a result of a manufacturer or distributor exercising its right of first refusal and the manufacturer or distributor shall assume the defense of the selling motor vehicle dealer for any claims by the proposed owner arising from the exercise of the right of first refusal.(5)If the manufacturer or distributor does not exercise its right of first refusal within the time period set forth in subsection (1)(a), the manufacturer or distributor shall act upon the proposed sale of the franchise promptly and in good faith but in no event more than one hundred twenty (120) days after receipt of the completed application and related documents reasonably requested by the manufacturer or distributor.(6)Neither this section nor Section63-17-75shall be construed to prohibit any of the following:(a)The ownership, operation or control by a manufacturer, factory branch, distributor, distributor branch or subsidiary thereof, of a dealership for a temporary period, not to exceed one (1) year, during the transition from

one (1) licensed motor vehicle dealer to another. The commission may extend the temporary ownership, operation or control period upon a showing of good cause by the manufacturer, factory branch, distributor, distributor branch or subsidiary thereof;(b)The ownership, operation or control of a dealership by a manufacturer, factory branch, distributor, distributor branch or subsidiary thereof, while in a bona fide relationship with an independent person, other than a manufacturer, factory branch, distributor, distributor branch or an agent or affiliate thereof, who has made a significant, bona fide, unencumbered initial investment in the dealership that is subject to loss, and who can reasonably expect to acquire full ownership of the dealership within a reasonable period of time, and on reasonable terms and conditions, provided that a reasonable period shall be presumed to not exceed eight (8) years; or(c)The ownership, operation or control of not more than one (1) motor vehicle dealership location within this state by a manufacturer that manufactures and sells only motor vehicles that are plug-in electric vehicles that do not rely on any nonelectric source of power in all modes of operation, provided that the dealership has been continuously licensed since August 1, 2021, and provided that the ownership or controlling interest in the dealership is not transferred, sold or conveyed to another person required to be licensed under this title.Laws, 2000, ch. 418, § 2; Laws, 2006, ch. 432, § 5, eff. 7/1/2006.Amended by Laws, 2023, ch. 387, HB 401,§ 2, eff. 7/1/2023. (1)In the event of a proposed sale or transfer of a dealership and the franchise agreement for the dealership contains a right of first refusal in favor of the manufacturer or distributor, notwithstanding the terms of the franchise agreement, the manufacturer or distributor shall be permitted to exercise a right of first refusal to acquire the dealership only if all of the following requirements are met:(a)The manufacturer or distributor sends by certified mail, return receipt requested, or any other reliable means of communication, notice of its intent to exercise its right of first refusal within sixty (60) days of receipt of the executed contract for the proposed sale or transfer and completed application and related documents reasonably requested by the manufacturer or distributor. The manufacturer or distributor shall provide the application and notice of other requirements within fifteen (15) days of request. In no event shall the manufacturer or distributor exercise its right of first refusal more than one hundred twenty (120) days after receipt of the executed contract. The manufacturer or distributor and the applicant shall act in good faith to provide the required information in a timely and expeditious manner.(b)The exercise of the right of first refusal will result in the motor vehicle dealer receiving consideration, terms and conditions that are either the same as or greater than that for which such dealer has contracted for in connection with the proposed transaction.(2)The manufacturer's or distributor's right of first refusal shall not apply to a transaction involving one (1) of the following:(a)A designated family member or members, including the spouse, child or grandchild, spouse of a child or grandchild, brother, sister or parent of the dealer-operator, or one or more motor vehicle dealer owners;(b)A manager employed by the motor vehicle dealer in the dealership during the previous five (5) years that is otherwise qualified as a dealer-operator;(c)A partnership or corporation controlled by any of the family members of the dealer-operator;(d)A trust arrangement established or to be established for the purpose of allowing the new motor vehicle dealer to continue to qualify as such pursuant to the manufacturer's or distributor's standards, or provides for the succession of the franchise agreement to designated family members or qualified management in the event of the death or incapacity of the dealer-operator or its principal owner or owners.(3)(a)The manufacturer or distributor shall pay the reasonable expenses, including attorneys' fees which do not exceed the usual, customary and reasonable fees charged for similar work done for other clients, incurred by the proposed owner prior to the exercise of the right of first refusal in negotiating and implementing the contract for the proposed sale of the dealership. The expenses and attorneys' fees shall be paid to the proposed new owner at the time of the closing of the sale at which the manufacturer or distributor exercises its right of first refusal.(b)No payment of expenses and attorneys' fees shall be required if the person claiming reimbursement has not submitted or caused to be submitted an accounting of those expenses within thirty (30) days after the receipt of the manufacturer's or distributor's written request for the accounting. A manufacturer or distributor may request the accounting before exercising its right of first refusal.(4)If the selling dealer discloses the manufacturer's right of first refusal to the proposed owner in writing, the motor vehicle dealer shall not have any liability to any person as a result of a manufacturer or distributor exercising its right of first refusal and the manufacturer or distributor shall assume the defense of the selling motor vehicle dealer for any claims by the proposed owner arising from the exercise of the right of first refusal.(5)If the manufacturer or distributor does not exercise its right of first refusal within the time period set forth in subsection (1)(a), the manufacturer or distributor shall act upon the proposed sale of the franchise promptly and in good faith but in no event more than one hundred twenty (120) days after receipt of the completed application and related documents reasonably requested by the manufacturer or distributor.(6)Neither this section nor Section63-17-75shall be construed to prohibit any of the following:(a)The ownership, operation or control by a manufacturer, factory branch, distributor, distributor branch or subsidiary thereof, of a dealership for a temporary period, not to exceed one (1) year, during the transition from one (1) licensed motor vehicle dealer to another. The commission may extend the temporary ownership, operation or control period upon a showing of good cause by the manufacturer, factory branch, distributor, distributor branch or subsidiary thereof;(b)The ownership, operation or control of a dealership by a manufacturer, factory branch, distributor, distributor branch or subsidiary thereof, while in a bona fide relationship with an independent person, other than a manufacturer, factory branch, distributor, distributor branch or an agent or affiliate thereof, who has made a significant, bona fide, unencumbered initial investment in the dealership that is subject to loss, and who can reasonably expect to acquire full ownership of the dealership within a reasonable period of time, and on reasonable terms and conditions, provided that a reasonable period shall be presumed to not exceed eight (8) years; or(c)The ownership, operation or control of not more than one (1) motor vehicle dealership location within this state by a manufacturer that manufactures and sells only motor vehicles that are plug-in electric vehicles that do not rely on any nonelectric source of power in all modes of operation, provided that the dealership has been continuously licensed since August 1, 2021, and provided that the ownership or controlling interest in the dealership is not transferred, sold or conveyed to another person required to be licensed under this title.Laws, 2000, ch. 418, § 2;

Laws, 2006, ch. 432, § 5, eff. 7/1/2006. Amended by Laws, 2023, ch. 387, HB 401, § 2, eff. 7/1/2023. Laws, 2000, ch. 418, § 2; Laws, 2006, ch. 432, § 5, eff. 7/1/2006. Amended by Laws, 2023, ch. 387, HB 401, § 2, eff. 7/1/2023.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119) Section 63-17-111 - Owner of dealership may appoint successor by written agreement; manufacturer or dealer must honor succession unless good cause shown; procedure for refusing to honor succession

(1) Notwithstanding the terms of any franchise agreement, any dealer-operator may appoint by will, or other written instrument, a designated successor to succeed in the ownership of the dealer-operator in the dealership upon the death or incapacity of the dealer-operator. (2) Unless good cause exists for the refusal to honor the succession on the part of the manufacturer or distributor, any designated successor of a deceased or incapacitated dealer-operator of a dealership may succeed to the ownership of the motor vehicle dealership under the existing franchise agreement if: (a) The designated successor gives the manufacturer or distributor written notice of his or her intention to succeed to the ownership of the motor vehicle dealership within sixty (60) days after the dealer-operator's death or incapacity; and (b) The designated successor agrees to be bound by all the terms and conditions of the sales and service agreement. (3) The manufacturer or distributor may request, and the designated successor shall provide promptly upon such request, personal and financial data reasonably necessary to determine whether the succession should be honored. (4) (a) If the manufacturer or distributor believes that good cause exists for refusing to honor the succession of a deceased or incapacitated dealer, the manufacturer or distributor may, not more than sixty (60) days following receipt of the notice of the designated successor's intent to succeed and receipt of such personal and financial data, serve upon the designated successor notice of its refusal to honor the proposed succession and of its intent to terminate the existing franchise with the dealer-operator not earlier than six (6) months from the date such notice of refusal is served. (b) Such notice shall state the specific grounds for the refusal to honor the succession. (c) If such notice is not timely served upon the designated successor, the franchise agreement shall continue in effect subject to termination only as otherwise provided by the Mississippi Motor Vehicle Commission Law. (5) In determining whether good cause for the refusal to honor the succession exists, the manufacturer or distributor has the burden of proving that the designated successor is not of good moral character or does not otherwise meet the manufacturer's or distributor's reasonable standards for a dealer-operator. (6) If a manufacturer or distributor refuses to honor the succession to the ownership interest of a deceased or incapacitated dealer-operator for good cause, the manufacturer or distributor shall allow the designated successor a reasonable period of time, which shall not be less than six (6) months, in which to consummate the sale of the dealership. (7) Changes in the ownership of a new motor home dealership shall be governed by the provisions of Sections 63-17-201 through 63-17-221. Laws, 2000, ch. 418, § 3, eff. 7/1/2000. Amended by Laws, 2014, ch. 532, HB 742, 13, eff. 10/1/2014. (1) Notwithstanding the terms of any franchise agreement, any dealer-operator may appoint by will, or other written instrument, a designated successor to succeed in the ownership of the dealer-operator in the dealership upon the death or incapacity of the dealer-operator. (2) Unless good cause exists for the refusal to honor the succession on the part of the manufacturer or distributor, any designated successor of a deceased or incapacitated dealer-operator of a dealership may succeed to the ownership of the motor vehicle dealership under the existing franchise agreement if: (a) The designated successor gives the manufacturer or distributor written notice of his or her intention to succeed to the ownership of the motor vehicle dealership within sixty (60) days after the dealer-operator's death or incapacity; and (b) The designated successor agrees to be bound by all the terms and conditions of the sales and service agreement. (3) The manufacturer or distributor may request, and the designated successor shall provide promptly upon such request, personal and financial data reasonably necessary to determine whether the succession should be honored. (4) (a) If the manufacturer or distributor believes that good cause exists for refusing to honor the succession of a deceased or incapacitated dealer, the manufacturer or distributor may, not more than sixty (60) days following receipt of the notice of the designated successor's intent to succeed and receipt of such personal and financial data, serve upon the designated successor notice of its refusal to honor the proposed succession and of its intent to terminate the existing franchise with the dealer-operator not earlier than six (6) months from the date such notice of refusal is served. (b) Such notice shall state the specific grounds for the refusal to honor the succession. (c) If such notice is not timely served upon the designated successor, the franchise agreement shall continue in effect subject to termination only as otherwise provided by the Mississippi Motor Vehicle Commission Law. (5) In determining whether good cause for the refusal to honor the succession exists, the manufacturer or distributor has the burden of proving that the designated successor is not of good moral character or does not otherwise meet the manufacturer's or distributor's reasonable standards for a dealer-operator. (6) If a manufacturer or distributor refuses to honor the succession to the ownership interest of a deceased or incapacitated dealer-operator for good cause, the manufacturer or distributor shall allow the designated successor a reasonable period of time, which shall not be less than six (6) months, in which to consummate the sale of the dealership. (7) Changes in the ownership of a new motor home dealership shall be governed by the provisions of Sections 63-17-201 through 63-17-221. Laws, 2000, ch. 418, § 3, eff. 7/1/2000. Amended by Laws, 2014, ch. 532, HB 742, 13, eff. 10/1/2014. (1) Notwithstanding the terms of any franchise agreement, any dealer-operator may appoint by will, or other written instrument, a designated successor to succeed in the ownership of the dealer-operator in the dealership upon the death or incapacity of the dealer-operator. (2) Unless good cause exists for the refusal to honor the succession on the part of the manufacturer or distributor, any designated successor of a deceased or incapacitated dealer-operator of a dealership may succeed to the ownership of the motor vehicle dealership under the existing franchise agreement if: (a) The designated successor gives the manufacturer or distributor written notice of his or her intention to succeed to the ownership of the motor vehicle dealership within sixty (60) days after the dealer-operator's death or incapacity; and (b) The designated successor

agrees to be bound by all the terms and conditions of the sales and service agreement.(3)The manufacturer or distributor may request, and the designated successor shall provide promptly upon such request, personal and financial data reasonably necessary to determine whether the succession should be honored.(4)(a)If the manufacturer or distributor believes that good cause exists for refusing to honor the succession of a deceased or incapacitated dealer, the manufacturer or distributor may, not more than sixty (60) days following receipt of the notice of the designated successor's intent to succeed and receipt of such personal and financial data, serve upon the designated successor notice of its refusal to honor the proposed succession and of its intent to terminate the existing franchise with the dealer-operator not earlier than six (6) months from the date such notice of refusal is served.(b)Such notice shall state the specific grounds for the refusal to honor the succession.(c)If such notice is not timely served upon the designated successor, the franchise agreement shall continue in effect subject to termination only as otherwise provided by the Mississippi Motor Vehicle Commission Law.(5)In determining whether good cause for the refusal to honor the succession exists, the manufacturer or distributor has the burden of proving that the designated successor is not of good moral character or does not otherwise meet the manufacturer's or distributor's reasonable standards for a dealer-operator.(6)If a manufacturer or distributor refuses to honor the succession to the ownership interest of a deceased or incapacitated dealer-operator for good cause, the manufacturer or distributor shall allow the designated successor a reasonable period of time, which shall not be less than six (6) months, in which to consummate the sale of the dealership.(7)Changes in the ownership of a new motor home dealership shall be governed by the provisions of Sections63-17-201through63-17-221.Laws, 2000, ch. 418, § 3, eff. 7/1/2000.Amended by Laws, 2014, ch. 532, HB 742, 13, eff. 10/1/2014. Laws, 2000, ch. 418, § 3, eff. 7/1/2000. Amended by Laws, 2014, ch. 532, HB 742, 13, eff. 10/1/2014.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119)Section 63-17-113 - Modification of franchise agreement; good cause required for termination, cancellation or nonrenewal

(1)No person shall modify a franchise agreement during the term of such agreement or upon its renewal if the modification substantially and adversely affects the motor vehicle dealer's rights, obligations, investment, or return on investment without giving sixty (60) days' written notice of the proposed modification to the motor vehicle dealer and without showing good cause to the commission.(2)Notwithstanding any agreement, the following alone shall not constitute good cause for the termination, cancellation or nonrenewal of a franchise agreement: The fact that the new motor vehicle dealer owns, has an investment in, participates in the management of or holds a franchise agreement for the sale or service of another make or line of new motor vehicles, or that the new motor vehicle dealer has established another make or line of new motor vehicles or service in the same dealership facilities as the manufacturer or distributor prior to July 1, 2000, or is approved in writing by the manufacturer or distributor.Laws, 2000, ch. 418, § 4, eff. 7/1/2000. (1)No person shall modify a franchise agreement during the term of such agreement or upon its renewal if the modification substantially and adversely affects the motor vehicle dealer's rights, obligations, investment, or return on investment without giving sixty (60) days' written notice of the proposed modification to the motor vehicle dealer and without showing good cause to the commission.(2)Notwithstanding any agreement, the following alone shall not constitute good cause for the termination, cancellation or nonrenewal of a franchise agreement: The fact that the new motor vehicle dealer owns, has an investment in, participates in the management of or holds a franchise agreement for the sale or service of another make or line of new motor vehicles, or that the new motor vehicle dealer has established another make or line of new motor vehicles or service in the same dealership facilities as the manufacturer or distributor prior to July 1, 2000, or is approved in writing by the manufacturer or distributor.Laws, 2000, ch. 418, § 4, eff. 7/1/2000. (1)No person shall modify a franchise agreement during the term of such agreement or upon its renewal if the modification substantially and adversely affects the motor vehicle dealer's rights, obligations, investment, or return on investment without giving sixty (60) days' written notice of the proposed modification to the motor vehicle dealer and without showing good cause to the commission.(2)Notwithstanding any agreement, the following alone shall not constitute good cause for the termination, cancellation or nonrenewal of a franchise agreement: The fact that the new motor vehicle dealer owns, has an investment in, participates in the management of or holds a franchise agreement for the sale or service of another make or line of new motor vehicles, or that the new motor vehicle dealer has established another make or line of new motor vehicles or service in the same dealership facilities as the manufacturer or distributor prior to July 1, 2000, or is approved in writing by the manufacturer or distributor.Laws, 2000, ch. 418, § 4, eff. 7/1/2000. Laws, 2000, ch. 418, § 4, eff. 7/1/2000.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119)Section 63-17-115 - Unreasonable discrimination prohibited

A manufacturer or distributor of motor vehicles that directly or indirectly owns or operates a new motor vehicle dealership, in whole or in part, shall not unreasonably discriminate against any other motor vehicle dealer in the same line or make in any matter governed by the franchise agreement, including, but not limited to, the allocation or availability of:(a)Motor vehicles;(b)Other manufacturer or distributor products;(c)Promotional or advertising allowances;(d)The opportunity to perform warranty work; or(e)The implementation of dealer programs or benefits.Laws, 2000, ch. 418, § 5, eff. 7/1/2000. A manufacturer or distributor of motor vehicles that directly or indirectly owns or operates a new motor vehicle dealership, in whole or in part, shall not unreasonably discriminate against any other motor vehicle dealer in the same line or make in any matter governed by the franchise agreement, including, but not limited to, the allocation or availability of:(a)Motor vehicles;(b)Other manufacturer or distributor

products;(c)Promotional or advertising allowances;(d)The opportunity to perform warranty work; or(e)The implementation of dealer programs or benefits.Laws, 2000, ch. 418, § 5, eff. 7/1/2000. A manufacturer or distributor of motor vehicles that directly or indirectly owns or operates a new motor vehicle dealership, in whole or in part, shall not unreasonably discriminate against any other motor vehicle dealer in the same line or make in any matter governed by the franchise agreement, including, but not limited to, the allocation or availability of:(a)Motor vehicles;(b)Other manufacturer or distributor products;(c)Promotional or advertising allowances;(d)The opportunity to perform warranty work; or(e)The implementation of dealer programs or benefits.Laws, 2000, ch. 418, § 5, eff. 7/1/2000. A manufacturer or distributor of motor vehicles that directly or indirectly owns or operates a new motor vehicle dealership, in whole or in part, shall not unreasonably discriminate against any other motor vehicle dealer in the same line or make in any matter governed by the franchise agreement, including, but not limited to, the allocation or availability of: Laws, 2000, ch. 418, § 5, eff. 7/1/2000.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119)Section 63-17-116 - Relevant market areas established for new motor vehicle dealers in counties having certain populations; notice to same line-make motor vehicle dealer in relevant market area required; standing to object to additional franchise agreements; factors for determining good cause for additional new motor vehicle dealer

(1)For purposes of this section, "relevant market area" means:(a)For a proposed new motor vehicle dealer or a new motor vehicle dealer who plans to relocate his or her place of business in a county having a population which is greater than sixty thousand (60,000), the area within a radius of ten (10) miles of the intended site of the proposed or relocated dealer. The ten-mile distance shall be determined by measuring the distance between the nearest surveyed boundary of the existing new motor vehicle dealer's principal place of business and the nearest surveyed boundary line of the proposed or relocated new motor vehicle dealer's principal place of business; or(b)For a proposed new motor vehicle dealer or a new motor vehicle dealer who plans to relocate his or her place of business in a county having a population which is sixty thousand (60,000) or less, the area within radius of fifteen (15) miles of the intended site of the proposed or relocated dealer, or the county line, whichever is closer to the intended site. The fifteen-mile distance shall be determined by measuring the distance between the nearest surveyed boundary line of the existing new motor vehicle dealer's principal place of business and the nearest surveyed boundary line of the proposed or relocated new motor vehicle dealer's principal place of business.(2)As used in this section, "relocate" and "relocation" shall not include the relocation of a new motor vehicle dealer within two (2) miles of its established place of business.(3)Before a franchisor enters into a franchise establishing or relocating a new motor vehicle dealer within a relevant market area where the same line-make is represented, the franchisor shall give written notice to each new motor vehicle dealer of the same line-make in the relevant market area of its intent to establish an additional dealer or to relocate an existing dealer within that relevant market area.(4)Within sixty (60) days after receiving the notice provided for in subsection (3) of this section, or within sixty (60) days after the end of any appeal or alternative dispute resolution procedure provided by the franchisor, a new motor vehicle dealer may file a verified complaint before the Mississippi Motor Vehicle Commission pursuant to Section63-17-91to determine whether good cause exists for the establishing or relocating of a proposed new motor vehicle dealer. The Mississippi Motor Vehicle Commission shall render a decision on the verified complaint within sixty (60) days of its filing. If the commission fails to render its decision within the sixty-day time period, either party may file an appeal pursuant to Section63-17-99, and the court will conduct a hearing and take evidence, both oral and documentary, in the place of the Mississippi Motor Vehicle Commission and shall render a decision utilizing the factors set forth in subsection (7).(5)This section shall not apply to:(a)The reopening or replacement in a relevant market area of a closed dealership that has been closed within the preceding two (2) years, if the established place of business of the reopened or replacement dealer is within two (2) miles of the established place of business of the closed dealership.(b)The entering into of a renewal, replacement, or succeeding franchise agreement with an existing motor vehicle dealer whose operations will continue at the dealer's then current location; or(c)The relocation of an existing or replacement dealer to a location within the existing or replacement dealer's own relevant market area if the proposed new location is not within a six-mile radius of any other same line-make motor vehicle dealer.(6)Only a dealer into whose relevant market area the proposed new franchise or relocated dealer will be located shall have standing to object to the additional franchise agreement or relocation or to take any other action under this chapter with respect to the proposed appointment or relocation. Such a dealer may not protest the relocation of an existing dealer or the establishment of a replacement dealer if the proposed location is further away from the dealer than the relocating or replacement dealer's current or former location.(7)In determining whether good cause exists for establishing or relocating an additional new motor vehicle dealer for the same line-make, the Mississippi Motor Vehicle Commission shall take into consideration the existing circumstances including, but not limited to, the following:(a)Permanency of the investment;(b)Effect on the retail motor vehicle business and the consuming public in the relevant market area;(c)Whether it is injurious or beneficial to the public welfare;(d)Whether the new motor vehicle dealers of the same line-make in that relevant market area are providing adequate competition and convenient consumer care for the motor vehicles of that line-make in the market area, including the adequacy of motor vehicle sales and qualified service personnel;(e)Whether the establishment or relocation of the new motor vehicle dealer in the relevant market area would promote competition;(f)Growth or decline of the population and the number of new motor vehicle registrations in the relevant market area;(g)Effect on the relocating dealer and the franchisor of a denial of the establishment of a new dealer in, or a relocation of a dealer into, the relevant market area; and(h)Effect on the objecting dealer of the relocation or establishment of a new proposed

franchise location. Laws, 2006, ch. 432, § 1, eff. 7/1/2006. (1) For purposes of this section, "relevant market area" means: (a) For a proposed new motor vehicle dealer or a new motor vehicle dealer who plans to relocate his or her place of business in a county having a population which is greater than sixty thousand (60,000), the area within a radius of ten (10) miles of the intended site of the proposed or relocated dealer. The ten-mile distance shall be determined by measuring the distance between the nearest surveyed boundary of the existing new motor vehicle dealer's principal place of business and the nearest surveyed boundary line of the proposed or relocated new motor vehicle dealer's principal place of business; or (b) For a proposed new motor vehicle dealer or a new motor vehicle dealer who plans to relocate his or her place of business in a county having a population which is sixty thousand (60,000) or less, the area within radius of fifteen (15) miles of the intended site of the proposed or relocated dealer, or the county line, whichever is closer to the intended site. The fifteen-mile distance shall be determined by measuring the distance between the nearest surveyed boundary line of the existing new motor vehicle dealer's principal place of business and the nearest surveyed boundary line of the proposed or relocated new motor vehicle dealer's principal place of business. (2) As used in this section, "relocate" and "relocation" shall not include the relocation of a new motor vehicle dealer within two (2) miles of its established place of business. (3) Before a franchisor enters into a franchise establishing or relocating a new motor vehicle dealer within a relevant market area where the same line-make is represented, the franchisor shall give written notice to each new motor vehicle dealer of the same line-make in the relevant market area of its intent to establish an additional dealer or to relocate an existing dealer within that relevant market area. (4) Within sixty (60) days after receiving the notice provided for in subsection (3) of this section, or within sixty (60) days after the end of any appeal or alternative dispute resolution procedure provided by the franchisor, a new motor vehicle dealer may file a verified complaint before the Mississippi Motor Vehicle Commission pursuant to Section 63-17-91 to determine whether good cause exists for the establishing or relocating of a proposed new motor vehicle dealer. The Mississippi Motor Vehicle Commission shall render a decision on the verified complaint within sixty (60) days of its filing. If the commission fails to render its decision within the sixty-day time period, either party may file an appeal pursuant to Section 63-17-99, and the court will conduct a hearing and take evidence, both oral and documentary, in the place of the Mississippi Motor Vehicle Commission and shall render a decision utilizing the factors set forth in subsection (7). (5) This section shall not apply to: (a) The reopening or replacement in a relevant market area of a closed dealership that has been closed within the preceding two (2) years, if the established place of business of the reopened or replacement dealer is within two (2) miles of the established place of business of the closed dealership. (b) The entering into of a renewal, replacement, or succeeding franchise agreement with an existing motor vehicle dealer whose operations will continue at the dealer's then current location; or (c) The relocation of an existing or replacement dealer to a location within the existing or replacement dealer's own relevant market area if the proposed new location is not within a six-mile radius of any other same line-make motor vehicle dealer. (6) Only a dealer into whose relevant market area the proposed new franchise or relocated dealer will be located shall have standing to object to the additional franchise agreement or relocation or to take any other action under this chapter with respect to the proposed appointment or relocation. Such a dealer may not protest the relocation of an existing dealer or the establishment of a replacement dealer if the proposed location is further away from the dealer than the relocating or replacement dealer's current or former location. (7) In determining whether good cause exists for establishing or relocating an additional new motor vehicle dealer for the same line-make, the Mississippi Motor Vehicle Commission shall take into consideration the existing circumstances including, but not limited to, the following: (a) Permanency of the investment; (b) Effect on the retail motor vehicle business and the consuming public in the relevant market area; (c) Whether it is injurious or beneficial to the public welfare; (d) Whether the new motor vehicle dealers of the same line-make in that relevant market area are providing adequate competition and convenient consumer care for the motor vehicles of that line-make in the market area, including the adequacy of motor vehicle sales and qualified service personnel; (e) Whether the establishment or relocation of the new motor vehicle dealer in the relevant market area would promote competition; (f) Growth or decline of the population and the number of new motor vehicle registrations in the relevant market area; (g) Effect on the relocating dealer and the franchisor of a denial of the establishment of a new dealer in, or a relocation of a dealer into, the relevant market area; and (h) Effect on the objecting dealer of the relocation or establishment of a new proposed franchise location. Laws, 2006, ch. 432, § 1, eff. 7/1/2006. (1) For purposes of this section, "relevant market area" means: (a) For a proposed new motor vehicle dealer or a new motor vehicle dealer who plans to relocate his or her place of business in a county having a population which is greater than sixty thousand (60,000), the area within a radius of ten (10) miles of the intended site of the proposed or relocated dealer. The ten-mile distance shall be determined by measuring the distance between the nearest surveyed boundary of the existing new motor vehicle dealer's principal place of business and the nearest surveyed boundary line of the proposed or relocated new motor vehicle dealer's principal place of business; or (b) For a proposed new motor vehicle dealer or a new motor vehicle dealer who plans to relocate his or her place of business in a county having a population which is sixty thousand (60,000) or less, the area within radius of fifteen (15) miles of the intended site of the proposed or relocated dealer, or the county line, whichever is closer to the intended site. The fifteen-mile distance shall be determined by measuring the distance between the nearest surveyed boundary line of the existing new motor vehicle dealer's principal place of business and the nearest surveyed boundary line of the proposed or relocated new motor vehicle dealer's principal place of business. (2) As used in this section, "relocate" and "relocation" shall not include the relocation of a new motor vehicle dealer within two (2) miles of its established place of business. (3) Before a franchisor enters into a franchise establishing or relocating a new motor vehicle dealer within a relevant market area where the same line-make is represented, the franchisor shall give written notice to each new motor vehicle dealer of the same line-make in the relevant market area of its intent to establish an additional dealer or to relocate an existing dealer within that relevant market area. (4) Within sixty (60) days after receiving the notice provided for in subsection (3) of this section, or within sixty (60) days after the end of any appeal or alternative dispute resolution procedure provided by the

franchisor, a new motor vehicle dealer may file a verified complaint before the Mississippi Motor Vehicle Commission pursuant to Section 63-17-91 to determine whether good cause exists for the establishing or relocating of a proposed new motor vehicle dealer. The Mississippi Motor Vehicle Commission shall render a decision on the verified complaint within sixty (60) days of its filing. If the commission fails to render its decision within the sixty-day time period, either party may file an appeal pursuant to Section 63-17-99, and the court will conduct a hearing and take evidence, both oral and documentary, in the place of the Mississippi Motor Vehicle Commission and shall render a decision utilizing the factors set forth in subsection (7). (5) This section shall not apply to: (a) The reopening or replacement in a relevant market area of a closed dealership that has been closed within the preceding two (2) years, if the established place of business of the reopened or replacement dealer is within two (2) miles of the established place of business of the closed dealership; (b) The entering into of a renewal, replacement, or succeeding franchise agreement with an existing motor vehicle dealer whose operations will continue at the dealer's then current location; or (c) The relocation of an existing or replacement dealer to a location within the existing or replacement dealer's own relevant market area if the proposed new location is not within a six-mile radius of any other same line-make motor vehicle dealer. (6) Only a dealer into whose relevant market area the proposed new franchise or relocated dealer will be located shall have standing to object to the additional franchise agreement or relocation or to take any other action under this chapter with respect to the proposed appointment or relocation. Such a dealer may not protest the relocation of an existing dealer or the establishment of a replacement dealer if the proposed location is further away from the dealer than the relocating or replacement dealer's current or former location. (7) In determining whether good cause exists for establishing or relocating an additional new motor vehicle dealer for the same line-make, the Mississippi Motor Vehicle Commission shall take into consideration the existing circumstances including, but not limited to, the following: (a) Permanency of the investment; (b) Effect on the retail motor vehicle business and the consuming public in the relevant market area; (c) Whether it is injurious or beneficial to the public welfare; (d) Whether the new motor vehicle dealers of the same line-make in that relevant market area are providing adequate competition and convenient consumer care for the motor vehicles of that line-make in the market area, including the adequacy of motor vehicle sales and qualified service personnel; (e) Whether the establishment or relocation of the new motor vehicle dealer in the relevant market area would promote competition; (f) Growth or decline of the population and the number of new motor vehicle registrations in the relevant market area; (g) Effect on the relocating dealer and the franchisor of a denial of the establishment of a new dealer in, or a relocation of a dealer into, the relevant market area; and (h) Effect on the objecting dealer of the relocation or establishment of a new proposed franchise location. Laws, 2006, ch. 432, § 1, eff. 7/1/2006. Laws, 2006, ch. 432, § 1, eff. 7/1/2006.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119) Section 63-17-117 - Warranty or sales incentive audits to be conducted within certain amount of time after payment of disputed claim or end of incentive or rebate program; approved and paid claims not to be charged back to dealer absent fraud, improper repair, or failure to substantiate claim

(1) Notwithstanding the terms of any franchise agreement, warranty and sales incentive audits of a motor vehicle dealer's records may be conducted by the manufacturer or distributor. Any audit for warranty parts or service compensation shall be performed within the twelve-month period immediately following the date of the payment of the disputed claim by the manufacturer or distributor. Any audit for sales incentives, service incentives, rebates or other forms of incentive compensation shall be performed within the twelve-month period immediately following the date of the payment of the disputed claim by the manufacturer or distributor or the end of the program during which the incentives, service incentives, rebates or other forms of incentives compensation were offered, whichever is later. (2) No claim which has been approved and paid may be charged back to the motor vehicle dealer unless it can be shown by a preponderance of the evidence that the claim was false or fraudulent, that the repairs were not properly made or were unnecessary to correct the defective conditions under generally accepted standards of workmanship, or that the motor vehicle dealer failed to reasonably substantiate the repair in accordance with the manufacturer's or distributor's reasonable written claim requirement. (3) A manufacturer or distributor shall not deny a claim based solely on a motor vehicle dealer's incidental failure to comply with a specific claim processing requirement such as a clerical error or other administrative technicality that does not call into question the legitimacy of a claim. A motor vehicle dealer may submit an amended or supplemental claim within the time and manner required by the manufacturer for sales incentives, service incentives, rebates or other forms of incentives compensation for up to sixty (60) days from the date on which such a claim was submitted or could have been submitted. (4) Limitations on warranty parts, service compensation, sales incentive audits, rebates or other forms of incentive compensation, chargebacks for warranty parts or service compensation, and service incentives and chargebacks for sales compensation only, shall not be effective in the case of intentionally false or fraudulent claims. Laws, 2000, ch. 418, § 6, eff. 7/1/2000. Amended by Laws, 2014, ch. 349, HB 581, 4, eff. 7/1/2014. (1) Notwithstanding the terms of any franchise agreement, warranty and sales incentive audits of a motor vehicle dealer's records may be conducted by the manufacturer or distributor. Any audit for warranty parts or service compensation shall be performed within the twelve-month period immediately following the date of the payment of the disputed claim by the manufacturer or distributor. Any audit for sales incentives, service incentives, rebates or other forms of incentive compensation shall be performed within the twelve-month period immediately following the date of the payment of the disputed claim by the manufacturer or distributor or the end of the program during which the incentives, service incentives, rebates or other forms of incentives compensation were offered, whichever is later. (2) No claim which has been approved and paid may be charged back to the motor vehicle dealer unless it can be shown by a preponderance of the evidence that the claim

was false or fraudulent, that the repairs were not properly made or were unnecessary to correct the defective conditions under generally accepted standards of workmanship, or that the motor vehicle dealer failed to reasonably substantiate the repair in accordance with the manufacturer's or distributor's reasonable written claim requirement.(3)A manufacturer or distributor shall not deny a claim based solely on a motor vehicle dealer's incidental failure to comply with a specific claim processing requirement such as a clerical error or other administrative technicality that does not call into question the legitimacy of a claim. A motor vehicle dealer may submit an amended or supplemental claim within the time and manner required by the manufacturer for sales incentives, service incentives, rebates or other forms of incentives compensation for up to sixty (60) days from the date on which such a claim was submitted or could have been submitted.(4)Limitations on warranty parts, service compensation, sales incentive audits, rebates or other forms of incentive compensation, chargebacks for warranty parts or service compensation, and service incentives and chargebacks for sales compensation only, shall not be effective in the case of intentionally false or fraudulent claims.Laws, 2000, ch. 418, § 6, eff. 7/1/2000.Amended by Laws, 2014, ch. 349, HB 581, 4, eff. 7/1/2014. (1)Notwithstanding the terms of any franchise agreement, warranty and sales incentive audits of a motor vehicle dealer's records may be conducted by the manufacturer or distributor. Any audit for warranty parts or service compensation shall be performed within the twelve-month period immediately following the date of the payment of the disputed claim by the manufacturer or distributor. Any audit for sales incentives, service incentives, rebates or other forms of incentive compensation shall be performed within the twelve-month period immediately following the date of the payment of the disputed claim by the manufacturer or distributor or the end of the program during which the incentives, service incentives, rebates or other forms of incentives compensation were offered, whichever is later.(2)No claim which has been approved and paid may be charged back to the motor vehicle dealer unless it can be shown by a preponderance of the evidence that the claim was false or fraudulent, that the repairs were not properly made or were unnecessary to correct the defective conditions under generally accepted standards of workmanship, or that the motor vehicle dealer failed to reasonably substantiate the repair in accordance with the manufacturer's or distributor's reasonable written claim requirement.(3)A manufacturer or distributor shall not deny a claim based solely on a motor vehicle dealer's incidental failure to comply with a specific claim processing requirement such as a clerical error or other administrative technicality that does not call into question the legitimacy of a claim. A motor vehicle dealer may submit an amended or supplemental claim within the time and manner required by the manufacturer for sales incentives, service incentives, rebates or other forms of incentives compensation for up to sixty (60) days from the date on which such a claim was submitted or could have been submitted.(4)Limitations on warranty parts, service compensation, sales incentive audits, rebates or other forms of incentive compensation, chargebacks for warranty parts or service compensation, and service incentives and chargebacks for sales compensation only, shall not be effective in the case of intentionally false or fraudulent claims.Laws, 2000, ch. 418, § 6, eff. 7/1/2000.Amended by Laws, 2014, ch. 349, HB 581, 4, eff. 7/1/2014. Laws, 2000, ch. 418, § 6, eff. 7/1/2000. Amended by Laws, 2014, ch. 349, HB 581, 4, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119)Section 63-17-118 - Manufacturer or distributor to compensate motor vehicle dealer upon termination, cancellation or nonrenewal of franchise or discontinuation of motor vehicle line or make or parts essential to line or make

(1)Upon any termination, cancellation, refusal to continue, or refusal to renew any franchise or any discontinuation of any line or make of motor vehicle or parts essential to such line or make, the manufacturer or distributor shall pay reasonable compensation to the motor vehicle dealer as follows:(a)(i)The motor vehicle dealer's net cost for any new, unused, undamaged, unregistered, unmodified and unsold vehicle with a gross vehicle weight rating of sixteen thousand (16,000) pounds or less of the current and prior model year with less than seven hundred fifty (750) miles on the odometer that is in the motor vehicle dealer's inventory and was purchased from the manufacturer or another motor vehicle dealer of the same line or make in the ordinary course of business.(ii)The motor vehicle dealer's net cost for any new, unused, undamaged, unregistered, unmodified and unsold vehicle with a gross vehicle weight rate of more than sixteen thousand (16,000) pounds of the current and prior model year that is in the motor vehicle dealer's inventory and was purchased from the manufacturer or another motor vehicle dealer of the same line or make in the ordinary course of business.(iii)The manufacturer or distributor shall have no obligation to repurchase a motor vehicle if the motor vehicle has been modified to the extent that the modifications are so significant as to void the manufacturer's warranty or has been substantially altered to the prejudice of the manufacturer or distributor. The manufacturer or distributor shall have no obligation to repurchase any parts used to modify the motor vehicle that were not produced by or for the manufacturer or distributor.(b)The motor vehicle dealer's net cost of each new, unused and undamaged part or accessory listed in the manufacturer or distributor's current parts catalog and in the original, resalable merchandising packages. In the case of sheet metal, a comparable substitute for the original package shall be sufficient. New or reconditioned core parts shall be valued at their core value, listed in the original vehicle manufacturer's or distributor's current parts catalog. If the part or accessory was purchased by the motor vehicle dealer from another authorized same line or make motor vehicle dealer in the ordinary course of business, the manufacturer shall purchase the part or accessory for the price in the current parts catalog. The motor vehicle dealer shall maintain accurate records regarding the actual purchase price of parts that the manufacturer or distributor is required to purchase under this paragraph.(c)In addition to the costs referenced in paragraphs (a) and (b) of this subsection, the manufacturer shall pay the motor vehicle dealer an additional five percent (5%) charge based on the total compensation due under this section for handling, packing, storing and loading of any parts subject to repurchase pursuant to this section and the manufacturer shall pay for shipping the vehicles subject to repurchase from the location

of the motor vehicle dealer to the location directed by the manufacturer.(d)The manufacturer shall pay the motor vehicle dealer the amounts specified in this subsection within ninety (90) days after the tender of the property, subject to the motor vehicle dealer providing evidence of good and clear title upon return of property to the manufacturer. The manufacturer shall remove the property from the motor vehicle dealer's premises within one hundred eighty (180) days after the tender of the property.(2)In the event a manufacturer or distributor cancels, refuses to continue, or refuses to renew any franchise or discontinues any line or make or parts essential to such line or make, in addition to the compensation provided in subsection (1) of this section, the manufacturer or distributor shall pay reasonable compensation to the motor vehicle dealer as follows:(a)In the event a motor vehicle dealer leases the dealership facilities, then the manufacturer shall be liable for twelve (12) months payment of the gross rent or the remainder of the term of the lease, whichever is less. If the dealership facilities are not leased, then the manufacturer shall be liable for the equivalent of twelve (12) months payment of gross rent based upon the fair market value of the dealership facilities. The gross rent shall be paid only to the extent that the dealership premises are recognized in the franchise and only if they are used solely for performance in accordance with the franchise and not substantially in excess of those facilities recommended by the manufacturer or distributor. If the facility is used for the operations of more than one (1) franchise, the gross rent compensation shall only include the prorated value of the square footage used exclusively for the terminated franchise or line or make at the time of termination. This paragraph shall not apply to a termination, cancellation or nonrenewal due to a sale of the assets or stock of the motor vehicle dealership. In addition to the gross rent, the manufacturer is required to pay the dealer the net cost of any upgrades or other alterations made by the motor vehicle dealer to the dealership facilities which were required in writing by the manufacturer and made by the motor vehicle dealer within two (2) years prior to the effective date of termination. Nothing in this paragraph shall be construed to relieve a motor vehicle dealer of its obligation to mitigate damages upon termination, cancellation, or nonrenewal. As used in this paragraph "Gross rent" is the monthly rent plus the monthly cost of insurance and taxes.(b)The manufacturer shall pay the motor vehicle dealer for the value of twelve (12) months of any outstanding amounts on any leases or the remaining amount of the lease, whichever is less, of computer hardware or software that is exclusively used to manage and report data of the terminated line or make to the manufacturer or distributor for financial reporting requirements.(c)The manufacturer shall pay the motor vehicle dealer for the value of twelve (12) months or the remaining amount of the lease, whichever is less of any outstanding amounts on any manufacturer or distributor required equipment leases, service contracts, and sign leases.(d)The fair market value of each undamaged sign owned by the motor vehicle dealer which bears a trademark or trade name used or claimed by the manufacturer if the sign was purchased from, or purchased at a requirement of, the manufacturer, plus the costs of installing the sign and the costs of purchasing and installing any pole upon which the sign is located. During the first three (3) years after its purchase, the fair market value of each sign shall be the motor vehicle dealer's net costs of purchasing the sign. Thereafter, the fair market value of the sign shall be the greater of its actual market value or its depreciated value on the books of the motor vehicle dealer.(e)The fair market value of all tools, data processing programs and equipment and automotive service equipment owned by the motor vehicle dealer which are exclusively used for the line or make being terminated and which were required in writing and designated as equipment, tools, data processing programs and equipment, and automotive service equipment and purchased from, or purchased as a requirement of, the manufacturer if the equipment, tools, programs and equipment are in usable and good condition, except for reasonable wear and tear. During the first three (3) years after their purchase, the fair market value of each item of equipment, tools, programs, and equipment shall be the motor vehicle dealer's net cost associated with purchasing the items. Thereafter, the fair market value of each item shall be the greater of its actual market value or its depreciated value on the books of the motor vehicle dealer.(f)In addition to the other payments set forth in this section, if a termination, cancellation, or nonrenewal is premised upon the manufacturer discontinuing the sale in this state of a line or make that was the subject of the franchise, then the manufacturer shall also be liable to the motor vehicle dealer for an amount at least equivalent to the fair market value of the motor vehicle dealer's franchise for the discontinued line or make as of:(i)The date immediately preceding the date the manufacturer announces the action which results in termination, cancellation, or nonrenewal; or(ii)The day twelve (12) months prior to the date on which the notice of termination, cancellation, or nonrenewal is issued, whichever amount is higher.At the motor vehicle dealer's option, the manufacturer may avoid paying fair market value of the motor vehicle franchise to the motor vehicle dealer under this paragraph if the manufacturer, or another motor vehicle manufacturer pursuant to an agreement with the manufacturer, offers the motor vehicle dealer a replacement motor vehicle franchise with terms substantially similar to that offered to other same line or make motor vehicle dealers.(g)The manufacturer shall pay the motor vehicle dealer the amounts specified in this subsection along with any other amounts that may be due to the motor vehicle dealer under the franchise agreement within ninety (90) days after the tender of the property, subject to the motor vehicle dealer providing evidence of good and clear title upon return of the property to the manufacturer. The manufacturer shall remove the property within one hundred eighty (180) days after the tender of the property from the motor vehicle dealer's premises. Unless previous arrangements have been made and agreed upon, the motor vehicle dealer is under no obligation to provide insurance for the property left after one hundred eighty (180) days.(3)This section shall not apply to any sale, exchange, inheritance, gift or other transfer of ownership, stock, assets, management, or any other rights of the motor vehicle dealer, or to any termination for good cause, including, but not limited to, a conviction for a felony involving moral turpitude, for failure to conduct business for seven (7) consecutive business days or eight (8) business days out of any fifteen-day business period, for insolvency of the motor vehicle dealer or for loss of license to sell motor vehicles, or where there is a failure by the new motor vehicle dealer to comply with a provision of the franchise which provision is both reasonable and of a material significance to the franchise relationship provided that the dealer has been notified in writing of the failure.(4)This section shall not apply to motor homes.Added by Laws, 2014, ch. 349, HB 581, 1, eff. 7/1/2014. (1)Upon any termination, cancellation, refusal to continue, or refusal to renew any franchise or any

discontinuation of any line or make of motor vehicle or parts essential to such line or make, the manufacturer or distributor shall pay reasonable compensation to the motor vehicle dealer as follows:(a)(i)The motor vehicle dealer's net cost for any new, unused, undamaged, unregistered, unmodified and unsold vehicle with a gross vehicle weight rating of sixteen thousand (16,000) pounds or less of the current and prior model year with less than seven hundred fifty (750) miles on the odometer that is in the motor vehicle dealer's inventory and was purchased from the manufacturer or another motor vehicle dealer of the same line or make in the ordinary course of business.(ii)The motor vehicle dealer's net cost for any new, unused, undamaged, unregistered, unmodified and unsold vehicle with a gross vehicle weight rate of more than sixteen thousand (16,000) pounds of the current and prior model year that is in the motor vehicle dealer's inventory and was purchased from the manufacturer or another motor vehicle dealer of the same line or make in the ordinary course of business.(iii)The manufacturer or distributor shall have no obligation to repurchase a motor vehicle if the motor vehicle has been modified to the extent that the modifications are so significant as to void the manufacturer's warranty or has been substantially altered to the prejudice of the manufacturer or distributor. The manufacturer or distributor shall have no obligation to repurchase any parts used to modify the motor vehicle that were not produced by or for the manufacturer or distributor.(b)The motor vehicle dealer's net cost of each new, unused and undamaged part or accessory listed in the manufacturer or distributor's current parts catalog and in the original, resalable merchandising packages. In the case of sheet metal, a comparable substitute for the original package shall be sufficient. New or reconditioned core parts shall be valued at their core value, listed in the original vehicle manufacturer's or distributor's current parts catalog. If the part or accessory was purchased by the motor vehicle dealer from another authorized same line or make motor vehicle dealer in the ordinary course of business, the manufacturer shall purchase the part or accessory for the price in the current parts catalog. The motor vehicle dealer shall maintain accurate records regarding the actual purchase price of parts that the manufacturer or distributor is required to purchase under this paragraph.(c)In addition to the costs referenced in paragraphs (a) and (b) of this subsection, the manufacturer shall pay the motor vehicle dealer an additional five percent (5%) charge based on the total compensation due under this section for handling, packing, storing and loading of any parts subject to repurchase pursuant to this section and the manufacturer shall pay for shipping the vehicles subject to repurchase from the location of the motor vehicle dealer to the location directed by the manufacturer.(d)The manufacturer shall pay the motor vehicle dealer the amounts specified in this subsection within ninety (90) days after the tender of the property, subject to the motor vehicle dealer providing evidence of good and clear title upon return of property to the manufacturer. The manufacturer shall remove the property from the motor vehicle dealer's premises within one hundred eighty (180) days after the tender of the property.(2)In the event a manufacturer or distributor cancels, refuses to continue, or refuses to renew any franchise or discontinues any line or make or parts essential to such line or make, in addition to the compensation provided in subsection (1) of this section, the manufacturer or distributor shall pay reasonable compensation to the motor vehicle dealer as follows:(a)In the event a motor vehicle dealer leases the dealership facilities, then the manufacturer shall be liable for twelve (12) months payment of the gross rent or the remainder of the term of the lease, whichever is less. If the dealership facilities are not leased, then the manufacturer shall be liable for the equivalent of twelve (12) months payment of gross rent based upon the fair market value of the dealership facilities. The gross rent shall be paid only to the extent that the dealership premises are recognized in the franchise and only if they are used solely for performance in accordance with the franchise and not substantially in excess of those facilities recommended by the manufacturer or distributor. If the facility is used for the operations of more than one (1) franchise, the gross rent compensation shall only include the prorated value of the square footage used exclusively for the terminated franchise or line or make at the time of termination. This paragraph shall not apply to a termination, cancellation or nonrenewal due to a sale of the assets or stock of the motor vehicle dealership. In addition to the gross rent, the manufacturer is required to pay the dealer the net cost of any upgrades or other alterations made by the motor vehicle dealer to the dealership facilities which were required in writing by the manufacturer and made by the motor vehicle dealer within two (2) years prior to the effective date of termination. Nothing in this paragraph shall be construed to relieve a motor vehicle dealer of its obligation to mitigate damages upon termination, cancellation, or nonrenewal. As used in this paragraph "Gross rent" is the monthly rent plus the monthly cost of insurance and taxes.(b)The manufacturer shall pay the motor vehicle dealer for the value of twelve (12) months of any outstanding amounts on any leases or the remaining amount of the lease, whichever is less, of computer hardware or software that is exclusively used to manage and report data of the terminated line or make to the manufacturer or distributor for financial reporting requirements.(c)The manufacturer shall pay the motor vehicle dealer for the value of twelve (12) months or the remaining amount of the lease, whichever is less of any outstanding amounts on any manufacturer or distributor required equipment leases, service contracts, and sign leases.(d)The fair market value of each undamaged sign owned by the motor vehicle dealer which bears a trademark or trade name used or claimed by the manufacturer if the sign was purchased from, or purchased at a requirement of, the manufacturer, plus the costs of installing the sign and the costs of purchasing and installing any pole upon which the sign is located. During the first three (3) years after its purchase, the fair market value of each sign shall be the motor vehicle dealer's net costs of purchasing the sign. Thereafter, the fair market value of the sign shall be the greater of its actual market value or its depreciated value on the books of the motor vehicle dealer.(e)The fair market value of all tools, data processing programs and equipment and automotive service equipment owned by the motor vehicle dealer which are exclusively used for the line or make being terminated and which were required in writing and designated as equipment, tools, data processing programs and equipment, and automotive service equipment and purchased from, or purchased as a requirement of, the manufacturer if the equipment, tools, programs and equipment are in usable and good condition, except for reasonable wear and tear. During the first three (3) years after their purchase, the fair market value of each item of equipment, tools, programs, and equipment shall be the motor vehicle dealer's net cost associated with purchasing the items. Thereafter, the fair market value of each item shall be the greater of its actual market value or its depreciated value on the books of

the motor vehicle dealer.(f)In addition to the other payments set forth in this section, if a termination, cancellation, or nonrenewal is premised upon the manufacturer discontinuing the sale in this state of a line or make that was the subject of the franchise, then the manufacturer shall also be liable to the motor vehicle dealer for an amount at least equivalent to the fair market value of the motor vehicle dealer's franchise for the discontinued line or make as of:(i)The date immediately preceding the date the manufacturer announces the action which results in termination, cancellation, or nonrenewal; or(ii)The day twelve (12) months prior to the date on which the notice of termination, cancellation, or nonrenewal is issued, whichever amount is higher.At the motor vehicle dealer's option, the manufacturer may avoid paying fair market value of the motor vehicle franchise to the motor vehicle dealer under this paragraph if the manufacturer, or another motor vehicle manufacturer pursuant to an agreement with the manufacturer, offers the motor vehicle dealer a replacement motor vehicle franchise with terms substantially similar to that offered to other same line or make motor vehicle dealers.(g)The manufacturer shall pay the motor vehicle dealer the amounts specified in this subsection along with any other amounts that may be due to the motor vehicle dealer under the franchise agreement within ninety (90) days after the tender of the property, subject to the motor vehicle dealer providing evidence of good and clear title upon return of the property to the manufacturer. The manufacturer shall remove the property within one hundred eighty (180) days after the tender of the property from the motor vehicle dealer's premises. Unless previous arrangements have been made and agreed upon, the motor vehicle dealer is under no obligation to provide insurance for the property left after one hundred eighty (180) days.(3)This section shall not apply to any sale, exchange, inheritance, gift or other transfer of ownership, stock, assets, management, or any other rights of the motor vehicle dealer, or to any termination for good cause, including, but not limited to, a conviction for a felony involving moral turpitude, for failure to conduct business for seven (7) consecutive business days or eight (8) business days out of any fifteen-day business period, for insolvency of the motor vehicle dealer or for loss of license to sell motor vehicles, or where there is a failure by the new motor vehicle dealer to comply with a provision of the franchise which provision is both reasonable and of a material significance to the franchise relationship provided that the dealer has been notified in writing of the failure.(4)This section shall not apply to motor homes.Added by Laws, 2014, ch. 349, HB 581, 1, eff. 7/1/2014. (1)Upon any termination, cancellation, refusal to continue, or refusal to renew any franchise or any discontinuation of any line or make of motor vehicle or parts essential to such line or make, the manufacturer or distributor shall pay reasonable compensation to the motor vehicle dealer as follows:(a)(i)The motor vehicle dealer's net cost for any new, unused, undamaged, unregistered, unmodified and unsold vehicle with a gross vehicle weight rating of sixteen thousand (16,000) pounds or less of the current and prior model year with less than seven hundred fifty (750) miles on the odometer that is in the motor vehicle dealer's inventory and was purchased from the manufacturer or another motor vehicle dealer of the same line or make in the ordinary course of business.(ii)The motor vehicle dealer's net cost for any new, unused, undamaged, unregistered, unmodified and unsold vehicle with a gross vehicle weight rate of more than sixteen thousand (16,000) pounds of the current and prior model year that is in the motor vehicle dealer's inventory and was purchased from the manufacturer or another motor vehicle dealer of the same line or make in the ordinary course of business.(iii)The manufacturer or distributor shall have no obligation to repurchase a motor vehicle if the motor vehicle has been modified to the extent that the modifications are so significant as to void the manufacturer's warranty or has been substantially altered to the prejudice of the manufacturer or distributor. The manufacturer or distributor shall have no obligation to repurchase any parts used to modify the motor vehicle that were not produced by or for the manufacturer or distributor.(b)The motor vehicle dealer's net cost of each new, unused and undamaged part or accessory listed in the manufacturer or distributor's current parts catalog and in the original, resalable merchandising packages. In the case of sheet metal, a comparable substitute for the original package shall be sufficient. New or reconditioned core parts shall be valued at their core value, listed in the original vehicle manufacturer's or distributor's current parts catalog. If the part or accessory was purchased by the motor vehicle dealer from another authorized same line or make motor vehicle dealer in the ordinary course of business, the manufacturer shall purchase the part or accessory for the price in the current parts catalog. The motor vehicle dealer shall maintain accurate records regarding the actual purchase price of parts that the manufacturer or distributor is required to purchase under this paragraph.(c)In addition to the costs referenced in paragraphs (a) and (b) of this subsection, the manufacturer shall pay the motor vehicle dealer an additional five percent (5%) charge based on the total compensation due under this section for handling, packing, storing and loading of any parts subject to repurchase pursuant to this section and the manufacturer shall pay for shipping the vehicles subject to repurchase from the location of the motor vehicle dealer to the location directed by the manufacturer.(d)The manufacturer shall pay the motor vehicle dealer the amounts specified in this subsection within ninety (90) days after the tender of the property, subject to the motor vehicle dealer providing evidence of good and clear title upon return of property to the manufacturer. The manufacturer shall remove the property from the motor vehicle dealer's premises within one hundred eighty (180) days after the tender of the property.(2)In the event a manufacturer or distributor cancels, refuses to continue, or refuses to renew any franchise or discontinues any line or make or parts essential to such line or make, in addition to the compensation provided in subsection (1) of this section, the manufacturer or distributor shall pay reasonable compensation to the motor vehicle dealer as follows:(a)In the event a motor vehicle dealer leases the dealership facilities, then the manufacturer shall be liable for twelve (12) months payment of the gross rent or the remainder of the term of the lease, whichever is less. If the dealership facilities are not leased, then the manufacturer shall be liable for the equivalent of twelve (12) months payment of gross rent based upon the fair market value of the dealership facilities. The gross rent shall be paid only to the extent that the dealership premises are recognized in the franchise and only if they are used solely for performance in accordance with the franchise and not substantially in excess of those facilities recommended by the manufacturer or distributor. If the facility is used for the operations of more than one (1) franchise, the gross rent compensation shall only include the prorated value of the square footage used exclusively for the terminated franchise or line or make at the time of termination. This paragraph shall not apply to a

termination, cancellation or nonrenewal due to a sale of the assets or stock of the motor vehicle dealership. In addition to the gross rent, the manufacturer is required to pay the dealer the net cost of any upgrades or other alterations made by the motor vehicle dealer to the dealership facilities which were required in writing by the manufacturer and made by the motor vehicle dealer within two (2) years prior to the effective date of termination. Nothing in this paragraph shall be construed to relieve a motor vehicle dealer of its obligation to mitigate damages upon termination, cancellation, or nonrenewal. As used in this paragraph "Gross rent" is the monthly rent plus the monthly cost of insurance and taxes.(b)The manufacturer shall pay the motor vehicle dealer for the value of twelve (12) months of any outstanding amounts on any leases or the remaining amount of the lease, whichever is less, of computer hardware or software that is exclusively used to manage and report data of the terminated line or make to the manufacturer or distributor for financial reporting requirements.(c)The manufacturer shall pay the motor vehicle dealer for the value of twelve (12) months or the remaining amount of the lease, whichever is less of any outstanding amounts on any manufacturer or distributor required equipment leases, service contracts, and sign leases.(d)The fair market value of each undamaged sign owned by the motor vehicle dealer which bears a trademark or trade name used or claimed by the manufacturer if the sign was purchased from, or purchased as a requirement of, the manufacturer, plus the costs of installing the sign and the costs of purchasing and installing any pole upon which the sign is located. During the first three (3) years after its purchase, the fair market value of each sign shall be the motor vehicle dealer's net costs of purchasing the sign. Thereafter, the fair market value of the sign shall be the greater of its actual market value or its depreciated value on the books of the motor vehicle dealer.(e)The fair market value of all tools, data processing programs and equipment and automotive service equipment owned by the motor vehicle dealer which are exclusively used for the line or make being terminated and which were required in writing and designated as equipment, tools, data processing programs and equipment, and automotive service equipment and purchased from, or purchased as a requirement of, the manufacturer if the equipment, tools, programs and equipment are in usable and good condition, except for reasonable wear and tear. During the first three (3) years after their purchase, the fair market value of each item of equipment, tools, programs, and equipment shall be the motor vehicle dealer's net cost associated with purchasing the items. Thereafter, the fair market value of each item shall be the greater of its actual market value or its depreciated value on the books of the motor vehicle dealer.(f)In addition to the other payments set forth in this section, if a termination, cancellation, or nonrenewal is premised upon the manufacturer discontinuing the sale in this state of a line or make that was the subject of the franchise, then the manufacturer shall also be liable to the motor vehicle dealer for an amount at least equivalent to the fair market value of the motor vehicle dealer's franchise for the discontinued line or make as of:(i)The date immediately preceding the date the manufacturer announces the action which results in termination, cancellation, or nonrenewal; or(ii)The day twelve (12) months prior to the date on which the notice of termination, cancellation, or nonrenewal is issued, whichever amount is higher.At the motor vehicle dealer's option, the manufacturer may avoid paying fair market value of the motor vehicle franchise to the motor vehicle dealer under this paragraph if the manufacturer, or another motor vehicle manufacturer pursuant to an agreement with the manufacturer, offers the motor vehicle dealer a replacement motor vehicle franchise with terms substantially similar to that offered to other same line or make motor vehicle dealers.(g)The manufacturer shall pay the motor vehicle dealer the amounts specified in this subsection along with any other amounts that may be due to the motor vehicle dealer under the franchise agreement within ninety (90) days after the tender of the property, subject to the motor vehicle dealer providing evidence of good and clear title upon return of the property to the manufacturer. The manufacturer shall remove the property within one hundred eighty (180) days after the tender of the property from the motor vehicle dealer's premises. Unless previous arrangements have been made and agreed upon, the motor vehicle dealer is under no obligation to provide insurance for the property left after one hundred eighty (180) days.(3)This section shall not apply to any sale, exchange, inheritance, gift or other transfer of ownership, stock, assets, management, or any other rights of the motor vehicle dealer, or to any termination for good cause, including, but not limited to, a conviction for a felony involving moral turpitude, for failure to conduct business for seven (7) consecutive business days or eight (8) business days out of any fifteen-day business period, for insolvency of the motor vehicle dealer or for loss of license to sell motor vehicles, or where there is a failure by the new motor vehicle dealer to comply with a provision of the franchise which provision is both reasonable and of a material significance to the franchise relationship provided that the dealer has been notified in writing of the failure.(4)This section shall not apply to motor homes.Added by Laws, 2014, ch. 349, HB 581, 1, eff. 7/1/2014. At the motor vehicle dealer's option, the manufacturer may avoid paying fair market value of the motor vehicle franchise to the motor vehicle dealer under this paragraph if the manufacturer, or another motor vehicle manufacturer pursuant to an agreement with the manufacturer, offers the motor vehicle dealer a replacement motor vehicle franchise with terms substantially similar to that offered to other same line or make motor vehicle dealers. Added by Laws, 2014, ch. 349, HB 581, 1, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119)Section 63-17-119 - Suit to recover damages; venue; requirement that dealer waive right to trial void

(1)Notwithstanding any provision of a franchise agreement to the contrary, if any motor vehicle dealer or dealer-operator incurs pecuniary loss due to a violation of the Mississippi Motor Vehicle Commission Law by a manufacturer or distributor, the motor vehicle dealer or dealer-operator may bring suit in a court of competent jurisdiction and recover damages, together with costs, including reasonable attorneys' fees.(2)Venue for any proceeding arising from the franchise agreement shall be in Mississippi and shall be consistent with Mississippi law. It is the public policy of this state that venue provided for in this section may not be

modified by contract. Any provision contained in the franchise agreement that requires arbitration or litigation to be conducted outside the State of Mississippi shall be void and unenforceable.(3)Notwithstanding any provision in a franchise agreement to the contrary, any requirement that a dealer waive its right to a trial by jury is void and unenforceable.Laws, 2000, ch. 418, § 7; Laws, 2006, ch. 432, § 6, eff. 7/1/2006. (1)Notwithstanding any provision of a franchise agreement to the contrary, if any motor vehicle dealer or dealer-operator incurs pecuniary loss due to a violation of the Mississippi Motor Vehicle Commission Law by a manufacturer or distributor, the motor vehicle dealer or dealer-operator may bring suit in a court of competent jurisdiction and recover damages, together with costs, including reasonable attorneys' fees.(2)Venue for any proceeding arising from the franchise agreement shall be in Mississippi and shall be consistent with Mississippi law. It is the public policy of this state that venue provided for in this section may not be modified by contract. Any provision contained in the franchise agreement that requires arbitration or litigation to be conducted outside the State of Mississippi shall be void and unenforceable.(3)Notwithstanding any provision in a franchise agreement to the contrary, any requirement that a dealer waive its right to a trial by jury is void and unenforceable.Laws, 2000, ch. 418, § 7; Laws, 2006, ch. 432, § 6, eff. 7/1/2006. (1)Notwithstanding any provision of a franchise agreement to the contrary, if any motor vehicle dealer or dealer-operator incurs pecuniary loss due to a violation of the Mississippi Motor Vehicle Commission Law by a manufacturer or distributor, the motor vehicle dealer or dealer-operator may bring suit in a court of competent jurisdiction and recover damages, together with costs, including reasonable attorneys' fees.(2)Venue for any proceeding arising from the franchise agreement shall be in Mississippi and shall be consistent with Mississippi law. It is the public policy of this state that venue provided for in this section may not be modified by contract. Any provision contained in the franchise agreement that requires arbitration or litigation to be conducted outside the State of Mississippi shall be void and unenforceable.(3)Notwithstanding any provision in a franchise agreement to the contrary, any requirement that a dealer waive its right to a trial by jury is void and unenforceable.Laws, 2000, ch. 418, § 7; Laws, 2006, ch. 432, § 6, eff. 7/1/2006. Laws, 2000, ch. 418, § 7; Laws, 2006, ch. 432, § 6, eff. 7/1/2006.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119)Section 63-17-51 - Short title

Sections63-17-51through63-17-119shall be known and may be cited as the "Mississippi Motor Vehicle Commission Law."Codes, 1942, § 8071.7-01; Laws, 1970, ch. 478, § 1; reenacted without change, Laws, 1983, ch. 344, § 1; Laws, 1991, ch. 305, § 1; Laws, 2000, ch. 418, § 11, eff. 7/1/2000. Sections63-17-51through63-17-119shall be known and may be cited as the "Mississippi Motor Vehicle Commission Law."Codes, 1942, § 8071.7-01; Laws, 1970, ch. 478, § 1; reenacted without change, Laws, 1983, ch. 344, § 1; Laws, 1991, ch. 305, § 1; Laws, 2000, ch. 418, § 11, eff. 7/1/2000. Sections63-17-51through63-17-119shall be known and may be cited as the "Mississippi Motor Vehicle Commission Law."Codes, 1942, § 8071.7-01; Laws, 1970, ch. 478, § 1; reenacted without change, Laws, 1983, ch. 344, § 1; Laws, 1991, ch. 305, § 1; Laws, 2000, ch. 418, § 11, eff. 7/1/2000.

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Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119)Section 63-17-53 - Legislative findings and declarations

The legislature finds and declares that the distribution and sales of motor vehicles in the State of Mississippi vitally affects the general economy of the state and the public interest and the public welfare. The legislature further finds and declares that it is necessary, in the exercise of its police power, to regulate and to license motor vehicle manufacturers, factory branches and divisions, distributors, distributor branches and divisions, distributor representatives, wholesalers, wholesaler branches and divisions, dealers and salesmen doing business in the State of Mississippi in order (1) to prevent frauds, unfair practices, discrimination, impositions and other abuses upon the citizens of the State of Mississippi, (2) to avoid undue control of the independent motor vehicle dealer by motor vehicle manufacturing and distributing organizations, (3) to foster and keep alive vigorous and healthy competition, (4) to prevent the creation or perpetuation of monopolies, (5) to prevent the practice of requiring the buying of special features, accessories, special models, appliances and equipment not desired by a motor vehicle dealer or the ultimate purchaser, (6) to prevent false and misleading advertising, (7) to promote and keep alive a sound system of distribution of motor vehicles to the public, and (8) to promote the public safety and welfare.Codes, 1942, § 8071.7-02; Laws, 1970, ch. 478, § 2; reenacted without change, Laws, 1983, ch. 344, § 2; Laws, 1991, ch. 305, § 2, eff. 7/1/1991. The legislature finds and declares that the distribution and sales of motor vehicles in the State of Mississippi vitally affects the general economy of the state and the public interest and the public welfare. The legislature further finds and declares that it is necessary, in the exercise of its police power, to regulate and to license motor vehicle manufacturers, factory branches and divisions, distributors, distributor branches and divisions, distributor representatives, wholesalers, wholesaler branches and divisions, dealers and salesmen doing business in the State of Mississippi in order (1) to prevent frauds, unfair practices, discrimination, impositions and other abuses upon the citizens of the State of Mississippi, (2) to avoid undue control of the independent motor vehicle dealer by motor vehicle manufacturing and distributing organizations, (3) to foster and keep alive vigorous and healthy competition, (4) to prevent the creation or perpetuation of monopolies, (5) to prevent the practice of requiring the buying of special features, accessories, special models, appliances and equipment not desired by a motor

vehicle dealer or the ultimate purchaser, (6) to prevent false and misleading advertising, (7) to promote and keep alive a sound system of distribution of motor vehicles to the public, and (8) to promote the public safety and welfare. Codes, 1942, § 8071.7-02; Laws, 1970, ch. 478, § 2; reenacted without change, Laws, 1983, ch. 344, § 2; Laws, 1991, ch. 305, § 2, eff. 7/1/1991. The legislature finds and declares that the distribution and sales of motor vehicles in the State of Mississippi vitally affects the general economy of the state and the public interest and the public welfare. The legislature further finds and declares that it is necessary, in the exercise of its police power, to regulate and to license motor vehicle manufacturers, factory branches and divisions, distributors, distributor branches and divisions, distributor representatives, wholesalers, wholesaler branches and divisions, dealers and salesmen doing business in the State of Mississippi in order (1) to prevent frauds, unfair practices, discrimination, impositions and other abuses upon the citizens of the State of Mississippi, (2) to avoid undue control of the independent motor vehicle dealer by motor vehicle manufacturing and distributing organizations, (3) to foster and keep alive vigorous and healthy competition, (4) to prevent the creation or perpetuation of monopolies, (5) to prevent the practice of requiring the buying of special features, accessories, special models, appliances and equipment not desired by a motor vehicle dealer or the ultimate purchaser, (6) to prevent false and misleading advertising, (7) to promote and keep alive a sound system of distribution of motor vehicles to the public, and (8) to promote the public safety and welfare. Codes, 1942, § 8071.7-02; Laws, 1970, ch. 478, § 2; reenacted without change, Laws, 1983, ch. 344, § 2; Laws, 1991, ch. 305, § 2, eff. 7/1/1991. The legislature finds and declares that the distribution and sales of motor vehicles in the State of Mississippi vitally affects the general economy of the state and the public interest and the public welfare. The legislature further finds and declares that it is necessary, in the exercise of its police power, to regulate and to license motor vehicle manufacturers, factory branches and divisions, distributors, distributor branches and divisions, distributor representatives, wholesalers, wholesaler branches and divisions, dealers and salesmen doing business in the State of Mississippi in order (1) to prevent frauds, unfair practices, discrimination, impositions and other abuses upon the citizens of the State of Mississippi, (2) to avoid undue control of the independent motor vehicle dealer by motor vehicle manufacturing and distributing organizations, (3) to foster and keep alive vigorous and healthy competition, (4) to prevent the creation or perpetuation of monopolies, (5) to prevent the practice of requiring the buying of special features, accessories, special models, appliances and equipment not desired by a motor vehicle dealer or the ultimate purchaser, (6) to prevent false and misleading advertising, (7) to promote and keep alive a sound system of distribution of motor vehicles to the public, and (8) to promote the public safety and welfare. Codes, 1942, § 8071.7-02; Laws, 1970, ch. 478, § 2; reenacted without change, Laws, 1983, ch. 344, § 2; Laws, 1991, ch. 305, § 2, eff. 7/1/1991.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119) Section 63-17-55 - Definitions

The following words, terms and phrases, when used in the Mississippi Motor Vehicle Commission Law, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning: (a) "Motor vehicle" means any motor-driven vehicle of the sort and kind required to have a Mississippi road or bridge privilege license, and shall include, but not be limited to, motorcycles. "Motor vehicle" shall also mean an engine, transmission, or rear axle manufactured for installation in a vehicle having as its primary purpose the transport of person or persons or property on a public highway and having a gross vehicle weight rating of more than sixteen thousand (16,000) pounds, whether or not attached to a vehicle chassis. The term "motor vehicle" excludes electric bicycles and personal delivery devices. (b) "Motor vehicle dealer" or "dealer" means any person, firm, partnership, copartnership, association, corporation, trust or legal entity, not excluded by paragraph (c) of this section, who holds a bona fide contract or franchise in effect with a manufacturer, distributor or wholesaler of new motor vehicles, and a license under the provisions of the Mississippi Motor Vehicle Commission Law, and such duly franchised and licensed motor vehicle dealers shall be the sole and only persons, firms, partnerships, copartnerships, associations, corporations, trusts or legal entities entitled to sell and publicly or otherwise solicit and advertise for sale new motor vehicles as such. (c) The term "motor vehicle dealer" does not include: (i) Receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under judgment, decree or order of any court; (ii) Public officers while performing their duties as such officers; (iii) Employees of persons, corporations or associations enumerated in paragraph (c)(i) of this section when engaged in the specific performance of their duties as such employees; or (iv) A motor vehicle manufacturer operating a project as defined in Section 57-75-5(f)(iv)1; and the provisions of the Mississippi Motor Vehicle Commission Law shall not apply to: 1. a. Any lease by such a motor vehicle manufacturer of three (3) or fewer motor vehicles at any one time and related vehicle maintenance, of any line of vehicle produced by the manufacturer or its subsidiaries, to any one (1) employee of the motor vehicle manufacturer on a direct basis; or b. Any sale or other disposition of such motor vehicles by the motor vehicle manufacturer at the end of a lease through direct sales to employees of the manufacturer or through an open auction or auction limited to dealers of the manufacturer's vehicle line or its subsidiaries' vehicle lines; or 2. Any sale or other disposition by such a motor vehicle manufacturer of motor vehicles for which the manufacturer obtained distinguishing number tags under Section 27-19-309(8). (d) "New motor vehicle" means a motor vehicle which has not been previously sold to any person except a distributor or wholesaler or motor vehicle dealer for resale. (e) "Ultimate purchaser" means, with respect to any new motor vehicle, the first person, other than a motor vehicle dealer purchasing in his capacity as such dealer, who in good-faith purchases such new motor vehicle for purposes other than for resale. (f) "Retail sale" or "sale at retail" means the act or attempted act of selling, bartering, exchanging or otherwise disposing of a new motor vehicle to an ultimate purchaser for use as a consumer. (g) "Motor vehicle salesman" means any person who is employed as a salesman by a motor vehicle dealer whose duties include the selling or offering for sale of new motor vehicles. (h) "Commission" means the Mississippi Motor Vehicle

Commission.(i)"Manufacturer" means any person, firm, association, corporation or trust, resident or nonresident, who manufactures or assembles new motor vehicles.(j)"Distributor" or "wholesaler" means any person, firm, association, corporation or trust, resident or nonresident, who, in whole or in part, sells or distributes new motor vehicles to motor vehicle dealers, or who maintains distributor representatives.(k)"Factory branch" means a branch or division office maintained by a person, firm, association, corporation or trust who manufactures or assembles new motor vehicles for sale to distributors or wholesalers, to motor vehicle dealers, or for directing or supervising, in whole or in part, its representatives.(l)"Distributor branch" means a branch or division office similarly maintained by a distributor or wholesaler for the same purposes a factory branch or division is maintained.(m)"Factory representative" means a representative employed by a person, firm, association, corporation or trust who manufactures or assembles new motor vehicles, or by a factory branch, for the purpose of making or promoting the sale of his, its or their new motor vehicles, or for supervising or contacting his, its or their dealers or prospective dealers.(n)"Distributor representative" means a representative similarly employed by a distributor, distributor branch or wholesaler.(o)"Person" means and includes, individually and collectively, individuals, firms, partnerships, copartnerships, associations, corporations and trusts, or any other forms of business enterprise, or any legal entity.(p)"Good faith" means the duty of each party to any franchise agreement, and all officers, employees or agents of such party, to act in a fair and equitable manner toward each other in the performance of the respective obligations under the franchise agreement.(q)"Coerce" means to compel or attempt to compel by threat or duress. However, recommendation, exposition, persuasion, urging or argument shall not be deemed to constitute coercion.(r)"Special tools" are those which a dealer was required to purchase by the manufacturer or distributor for service on that manufacturer's product.(s)"Motor vehicle lessor" means any person, not excluded by paragraph (c) of this section, engaged in the motor vehicle leasing or rental business.(t)"Specialty vehicle" means a motor vehicle manufactured by a second stage manufacturer by purchasing motor vehicle components, e.g. frame and drive train, and completing the manufacturer of finished motor vehicles for the purpose of resale with the primary manufacturer warranty unimpaired, to a limited commercial market rather than the consuming public. Specialty vehicles include garbage trucks, ambulances, fire trucks, buses, limousines, hearses and other similar limited purpose vehicles as the commission may by regulation provide.(u)"Auto auction" means(i)any person who provides a place of business or facilities for the wholesale exchange of motor vehicles by and between duly licensed motor vehicle dealers,(ii)any motor vehicle dealer licensed to sell used motor vehicles selling motor vehicles using an auction format but not on consignment, or(iii)any person who provides the facilities for or is in the business of selling in an auction format motor vehicles.(v)"Motor home" means a motor vehicle that is designed and constructed primarily to provide temporary living quarters for recreational, camping or travel use.(w)"Dealer-operator" means the individual designated in the franchise agreement as the operator of the motor vehicle dealership.(x)"Franchise" or "franchise agreement" means a written contract or agreement between a motor vehicle dealer and a manufacturer or its distributor or factory branch by which the motor vehicle dealer is authorized to engage in the business of selling or leasing the specific makes, models or classifications of new motor vehicles marketed or leased by the manufacturer and designated in the agreement or any addendum to such agreement.(y)"Net cost" means the price the motor vehicle dealer pays for new motor vehicles, supplies, parts, equipment, signs, furnishings and special tools, minus any applicable discounts or subsidies obtained by the motor vehicle dealer.(z)"Line or make" means a collection of models, series, or groups of motor vehicles manufactured by or for a particular manufacturer, distributor or importer offered for sale, lease or distribution pursuant to a common trademark, service mark or brand name; however:(i)Multiple brand names or marks may constitute a single line or make, but only when included in a common motor vehicle dealer agreement and the manufacturer, distributor or importer offers such vehicles bearing the multiple names of marks together only, and not separately, to its authorized motor vehicle dealers.(ii)Motor vehicles bearing a common brand name or mark may constitute separate line or makes when such vehicles are of different vehicle types or are intended for different types of use, provided that either:1.The manufacturer has expressly defined or covered the subject line or makes of vehicles as separate and distinct line or makes in the applicable dealer agreements; or2.The manufacturer has consistently characterized the subject vehicles as constituting separate and distinct line or makes to its dealer network.(aa)"Site-control agreement" or "exclusive use agreement" means an agreement that, regardless of its name, title, form or the parties entering into it, has the effect of:(i)Controlling the use and development of the premises of a motor vehicle dealer's franchise or facilities;(ii)Requiring a motor vehicle dealer to establish or maintain an exclusive motor vehicle dealership facility on the premises of the motor vehicle dealer's franchise or facility;(iii)Restricting the power or authority of the dealer or the lessor, if the motor vehicle dealer leases the dealership premises, to transfer, sell, lease, develop, redevelop or change the use of the dealership premises, whether by sublease, lease, collateral pledge of lease, right of first refusal to purchase or lease, option to purchase or lease or any similar arrangement; or(iv)Establishing a valuation process or formula for the motor vehicle dealership premises that does not allow for the motor vehicle dealership premises to be transferred, sold or leased by the motor vehicle dealer at the highest and best use valuation for the motor vehicle dealership premises.(bb)"Market area" means the area of responsibility set forth in the franchise agreement.(cc)"Core parts" means those original vehicle manufacturer parts that are listed in the original vehicle manufacturer's or distributor's current parts catalog, for which there is a core charge and which are returnable to the manufacturer or distributor.(dd)"Pre-delivery preparation obligations" means all work and services, except warranty work, performed on new motor vehicles by motor vehicle dealers at the direction of the vehicle manufacturer prior to the delivery of such vehicles to the first retail consumer.(ee)"Warranty work" means all labor, including that of a diagnostic character, performed, and all parts, including original or replacement parts, and components, including engine, transmission, and other parts assemblies, installed by motor vehicle dealers on motor vehicles which are reasonably incurred by motor vehicle dealers (other than the incidental expenses incurred in performing labor and installing parts on motor vehicles) in fulfilling a manufacturer's obligations under a new motor vehicle warranty, a recall,

or a certified pre-owned warranty, to consumers, including, but not limited to, the expense of shipping or returning defective parts to the manufacturer, when required by the manufacturer.(ff)"Repair order" means an invoice, paid by a retail customer, and closed as of the time of submission, encompassing one or more repairs to a new motor vehicle, and reflecting, in the case of a parts mark-up submission, the cost of each part and the sale price thereof, and in the case of a labor rate submission, the total charges for labor and the total number of hours that produced such charges, which invoice may be submitted in electronic form.(gg)"Qualified repair" means a repair to a motor vehicle, paid by a retail customer, which would have come within the manufacturer's new motor vehicle warranty, but for the motor vehicle having exceeded the chronological or mileage limit of such warranty, and which does not constitute any of the work encompassed by subsection (4) of Section63-17-86.(hh)"Qualified repair order" means a repair order which encompasses, in whole or in part, a qualified repair or repairs.Codes, 1942, § 8071.7-03; Laws, 1970, ch. 478, § 3; Laws, 1982, ch. 392; reenacted, Laws, 1983, ch. 344, § 3; reenacted without change, Laws, 1991, ch. 305, § 3; Laws, 1994, ch. 399, § 2; Laws, 2000, ch. 418, § 8; Laws, 2000, 3rd Ex Sess, ch. 1, § 20; Laws, 2006, ch. 432, § 2; Laws, 2007, ch. 303, § 9, eff. 3/2/2007.Amended by Laws, 2022, ch. 439, SB 2508,§ 8, eff. 7/1/2022.Amended by Laws, 2021, ch. 355, HB 1195,§ 8, eff. 7/1/2021.Amended by Laws, 2021, ch. 315, HB 746,§ 1, eff. 7/1/2021.Amended by Laws, 2014, ch. 349, HB 581, 2, eff. 7/1/2014.

The following words, terms and phrases, when used in the Mississippi Motor Vehicle Commission Law, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:(a)"Motor vehicle" means any motor-driven vehicle of the sort and kind required to have a Mississippi road or bridge privilege license, and shall include, but not be limited to, motorcycles. "Motor vehicle" shall also mean an engine, transmission, or rear axle manufactured for installation in a vehicle having as its primary purpose the transport of person or persons or property on a public highway and having a gross vehicle weight rating of more than sixteen thousand (16,000) pounds, whether or not attached to a vehicle chassis. The term "motor vehicle" excludes electric bicycles and personal delivery devices.(b)"Motor vehicle dealer" or "dealer" means any person, firm, partnership, copartnership, association, corporation, trust or legal entity, not excluded by paragraph (c) of this section, who holds a bona fide contract or franchise in effect with a manufacturer, distributor or wholesaler of new motor vehicles, and a license under the provisions of the Mississippi Motor Vehicle Commission Law, and such duly franchised and licensed motor vehicle dealers shall be the sole and only persons, firms, partnerships, copartnerships, associations, corporations, trusts or legal entities entitled to sell and publicly or otherwise solicit and advertise for sale new motor vehicles as such.(c)The term "motor vehicle dealer" does not include:(i)Receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under judgment, decree or order of any court;(ii)Public officers while performing their duties as such officers;(iii)Employees of persons, corporations or associations enumerated in paragraph (c)(i) of this section when engaged in the specific performance of their duties as such employees; or(iv)A motor vehicle manufacturer operating a project as defined in Section57-75-5(f)(iv)1; and the provisions of the Mississippi Motor Vehicle Commission Law shall not apply to:1.a.Any lease by such a motor vehicle manufacturer of three (3) or fewer motor vehicles at any one time and related vehicle maintenance, of any line of vehicle produced by the manufacturer or its subsidiaries, to any one (1) employee of the motor vehicle manufacturer on a direct basis; orb.Any sale or other disposition of such motor vehicles by the motor vehicle manufacturer at the end of a lease through direct sales to employees of the manufacturer or through an open auction or auction limited to dealers of the manufacturer's vehicle line or its subsidiaries' vehicle lines; or2.Any sale or other disposition by such a motor vehicle manufacturer of motor vehicles for which the manufacturer obtained distinguishing number tags under Section27-19-309(8).(d)"New motor vehicle" means a motor vehicle which has not been previously sold to any person except a distributor or wholesaler or motor vehicle dealer for resale.(e)"Ultimate purchaser" means, with respect to any new motor vehicle, the first person, other than a motor vehicle dealer purchasing in his capacity as such dealer, who in good-faith purchases such new motor vehicle for purposes other than for resale.(f)"Retail sale" or "sale at retail" means the act or attempted act of selling, bartering, exchanging or otherwise disposing of a new motor vehicle to an ultimate purchaser for use as a consumer.(g)"Motor vehicle salesman" means any person who is employed as a salesman by a motor vehicle dealer whose duties include the selling or offering for sale of new motor vehicles.(h)"Commission" means the Mississippi Motor Vehicle Commission.(i)"Manufacturer" means any person, firm, association, corporation or trust, resident or nonresident, who manufactures or assembles new motor vehicles.(j)"Distributor" or "wholesaler" means any person, firm, association, corporation or trust, resident or nonresident, who, in whole or in part, sells or distributes new motor vehicles to motor vehicle dealers, or who maintains distributor representatives.(k)"Factory branch" means a branch or division office maintained by a person, firm, association, corporation or trust who manufactures or assembles new motor vehicles for sale to distributors or wholesalers, to motor vehicle dealers, or for directing or supervising, in whole or in part, its representatives.(l)"Distributor branch" means a branch or division office similarly maintained by a distributor or wholesaler for the same purposes a factory branch or division is maintained.(m)"Factory representative" means a representative employed by a person, firm, association, corporation or trust who manufactures or assembles new motor vehicles, or by a factory branch, for the purpose of making or promoting the sale of his, its or their new motor vehicles, or for supervising or contacting his, its or their dealers or prospective dealers.(n)"Distributor representative" means a representative similarly employed by a distributor, distributor branch or wholesaler.(o)"Person" means and includes, individually and collectively, individuals, firms, partnerships, copartnerships, associations, corporations and trusts, or any other forms of business enterprise, or any legal entity.(p)"Good faith" means the duty of each party to any franchise agreement, and all officers, employees or agents of such party, to act in a fair and equitable manner toward each other in the performance of the respective obligations under the franchise agreement.(q)"Coerce" means to compel or attempt to compel by threat or duress. However, recommendation, exposition, persuasion, urging or argument shall not be deemed to constitute coercion.(r)"Special tools" are those which a dealer was required to purchase by the manufacturer or distributor for service on that manufacturer's

product.(s)"Motor vehicle lessor" means any person, not excluded by paragraph (c) of this section, engaged in the motor vehicle leasing or rental business.(t)"Specialty vehicle" means a motor vehicle manufactured by a second stage manufacturer by purchasing motor vehicle components, e.g. frame and drive train, and completing the manufacturer of finished motor vehicles for the purpose of resale with the primary manufacturer warranty unimpaired, to a limited commercial market rather than the consuming public. Specialty vehicles include garbage trucks, ambulances, fire trucks, buses, limousines, hearses and other similar limited purpose vehicles as the commission may by regulation provide.(u)"Auto auction" means(i)any person who provides a place of business or facilities for the wholesale exchange of motor vehicles by and between duly licensed motor vehicle dealers,(ii)any motor vehicle dealer licensed to sell used motor vehicles selling motor vehicles using an auction format but not on consignment, or(iii)any person who provides the facilities for or is in the business of selling in an auction format motor vehicles.(v)"Motor home" means a motor vehicle that is designed and constructed primarily to provide temporary living quarters for recreational, camping or travel use.(w)"Dealer-operator" means the individual designated in the franchise agreement as the operator of the motor vehicle dealership.(x)"Franchise" or "franchise agreement" means a written contract or agreement between a motor vehicle dealer and a manufacturer or its distributor or factory branch by which the motor vehicle dealer is authorized to engage in the business of selling or leasing the specific makes, models or classifications of new motor vehicles marketed or leased by the manufacturer and designated in the agreement or any addendum to such agreement.(y)"Net cost" means the price the motor vehicle dealer pays for new motor vehicles, supplies, parts, equipment, signs, furnishings and special tools, minus any applicable discounts or subsidies obtained by the motor vehicle dealer.(z)"Line or make" means a collection of models, series, or groups of motor vehicles manufactured by or for a particular manufacturer, distributor or importer offered for sale, lease or distribution pursuant to a common trademark, service mark or brand name; however:(i)Multiple brand names or marks may constitute a single line or make, but only when included in a common motor vehicle dealer agreement and the manufacturer, distributor or importer offers such vehicles bearing the multiple names of marks together only, and not separately, to its authorized motor vehicle dealers.(ii)Motor vehicles bearing a common brand name or mark may constitute separate line or makes when such vehicles are of different vehicle types or are intended for different types of use, provided that either:1.The manufacturer has expressly defined or covered the subject line or makes of vehicles as separate and distinct line or makes in the applicable dealer agreements; or2.The manufacturer has consistently characterized the subject vehicles as constituting separate and distinct line or makes to its dealer network.(aa)"Site-control agreement" or "exclusive use agreement" means an agreement that, regardless of its name, title, form or the parties entering into it, has the effect of:(i)Controlling the use and development of the premises of a motor vehicle dealer's franchise or facilities;(ii)Requiring a motor vehicle dealer to establish or maintain an exclusive motor vehicle dealership facility on the premises of the motor vehicle dealer's franchise or facility;(iii)Restricting the power or authority of the dealer or the lessor, if the motor vehicle dealer leases the dealership premises, to transfer, sell, lease, develop, redevelop or change the use of the dealership premises, whether by sublease, lease, collateral pledge of lease, right of first refusal to purchase or lease, option to purchase or lease or any similar arrangement; or(iv)Establishing a valuation process or formula for the motor vehicle dealership premises that does not allow for the motor vehicle dealership premises to be transferred, sold or leased by the motor vehicle dealer at the highest and best use valuation for the motor vehicle dealership premises.(bb)"Market area" means the area of responsibility set forth in the franchise agreement.(cc)"Core parts" means those original vehicle manufacturer parts that are listed in the original vehicle manufacturer's or distributor's current parts catalog, for which there is a core charge and which are returnable to the manufacturer or distributor.(dd)"Pre-delivery preparation obligations" means all work and services, except warranty work, performed on new motor vehicles by motor vehicle dealers at the direction of the vehicle manufacturer prior to the delivery of such vehicles to the first retail consumer.(ee)"Warranty work" means all labor, including that of a diagnostic character, performed, and all parts, including original or replacement parts, and components, including engine, transmission, and other parts assemblies, installed by motor vehicle dealers on motor vehicles which are reasonably incurred by motor vehicle dealers (other than the incidental expenses incurred in performing labor and installing parts on motor vehicles) in fulfilling a manufacturer's obligations under a new motor vehicle warranty, a recall, or a certified pre-owned warranty, to consumers, including, but not limited to, the expense of shipping or returning defective parts to the manufacturer, when required by the manufacturer.(ff)"Repair order" means an invoice, paid by a retail customer, and closed as of the time of submission, encompassing one or more repairs to a new motor vehicle, and reflecting, in the case of a parts mark-up submission, the cost of each part and the sale price thereof, and in the case of a labor rate submission, the total charges for labor and the total number of hours that produced such charges, which invoice may be submitted in electronic form.(gg)"Qualified repair" means a repair to a motor vehicle, paid by a retail customer, which would have come within the manufacturer's new motor vehicle warranty, but for the motor vehicle having exceeded the chronological or mileage limit of such warranty, and which does not constitute any of the work encompassed by subsection (4) of Section63-17-86.(hh)"Qualified repair order" means a repair order which encompasses, in whole or in part, a qualified repair or repairs.Codes, 1942, § 8071.7-03; Laws, 1970, ch. 478, § 3; Laws, 1982, ch. 392; reenacted, Laws, 1983, ch. 344, § 3; reenacted without change, Laws, 1991, ch. 305, § 3; Laws, 1994, ch. 399, § 2; Laws, 2000, ch. 418, § 8; Laws, 2000, 3rd Ex Sess, ch. 1, § 20; Laws, 2006, ch. 432, § 2; Laws, 2007, ch. 303, § 9, eff. 3/2/2007.Amended by Laws, 2022, ch. 439, SB 2508,§ 8, eff. 7/1/2022.Amended by Laws, 2021, ch. 355, HB 1195,§ 8, eff. 7/1/2021.Amended by Laws, 2021, ch. 315, HB 746,§ 1, eff. 7/1/2021.Amended by Laws, 2014, ch. 349, HB 581, 2, eff. 7/1/2014.

The following words, terms and phrases, when used in the Mississippi Motor Vehicle Commission Law, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:(a)"Motor vehicle" means any motor-driven vehicle of the sort and kind required to have a Mississippi road or bridge privilege license, and shall include, but not be limited to, motorcycles. "Motor vehicle" shall also mean an engine, transmission, or rear axle manufactured for

installation in a vehicle having as its primary purpose the transport of person or persons or property on a public highway and having a gross vehicle weight rating of more than sixteen thousand (16,000) pounds, whether or not attached to a vehicle chassis. The term "motor vehicle" excludes electric bicycles and personal delivery devices.(b)"Motor vehicle dealer" or "dealer" means any person, firm, partnership, copartnership, association, corporation, trust or legal entity, not excluded by paragraph (c) of this section, who holds a bona fide contract or franchise in effect with a manufacturer, distributor or wholesaler of new motor vehicles, and a license under the provisions of the Mississippi Motor Vehicle Commission Law, and such duly franchised and licensed motor vehicle dealers shall be the sole and only persons, firms, partnerships, copartnerships, associations, corporations, trusts or legal entities entitled to sell and publicly or otherwise solicit and advertise for sale new motor vehicles as such.(c)The term "motor vehicle dealer" does not include:(i)Receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under judgment, decree or order of any court;(ii)Public officers while performing their duties as such officers;(iii)Employees of persons, corporations or associations enumerated in paragraph (c)(i) of this section when engaged in the specific performance of their duties as such employees; or(iv)A motor vehicle manufacturer operating a project as defined in Section57-75-5(f)(iv)1; and the provisions of the Mississippi Motor Vehicle Commission Law shall not apply to:1.a.Any lease by such a motor vehicle manufacturer of three (3) or fewer motor vehicles at any one time and related vehicle maintenance, of any line of vehicle produced by the manufacturer or its subsidiaries, to any one (1) employee of the motor vehicle manufacturer on a direct basis; orb.Any sale or other disposition of such motor vehicles by the motor vehicle manufacturer at the end of a lease through direct sales to employees of the manufacturer or through an open auction or auction limited to dealers of the manufacturer's vehicle line or its subsidiaries' vehicle lines; or2.Any sale or other disposition by such a motor vehicle manufacturer of motor vehicles for which the manufacturer obtained distinguishing number tags under Section27-19-309(8).(d)"New motor vehicle" means a motor vehicle which has not been previously sold to any person except a distributor or wholesaler or motor vehicle dealer for resale.(e)"Ultimate purchaser" means, with respect to any new motor vehicle, the first person, other than a motor vehicle dealer purchasing in his capacity as such dealer, who in good-faith purchases such new motor vehicle for purposes other than for resale.(f)"Retail sale" or "sale at retail" means the act or attempted act of selling, bartering, exchanging or otherwise disposing of a new motor vehicle to an ultimate purchaser for use as a consumer.(g)"Motor vehicle salesman" means any person who is employed as a salesman by a motor vehicle dealer whose duties include the selling or offering for sale of new motor vehicles.(h)"Commission" means the Mississippi Motor Vehicle Commission.(i)"Manufacturer" means any person, firm, association, corporation or trust, resident or nonresident, who manufactures or assembles new motor vehicles.(j)"Distributor" or "wholesaler" means any person, firm, association, corporation or trust, resident or nonresident, who, in whole or in part, sells or distributes new motor vehicles to motor vehicle dealers, or who maintains distributor representatives.(k)"Factory branch" means a branch or division office maintained by a person, firm, association, corporation or trust who manufactures or assembles new motor vehicles for sale to distributors or wholesalers, to motor vehicle dealers, or for directing or supervising, in whole or in part, its representatives.(l)"Distributor branch" means a branch or division office similarly maintained by a distributor or wholesaler for the same purposes a factory branch or division is maintained.(m)"Factory representative" means a representative employed by a person, firm, association, corporation or trust who manufactures or assembles new motor vehicles, or by a factory branch, for the purpose of making or promoting the sale of his, its or their new motor vehicles, or for supervising or contacting his, its or their dealers or prospective dealers.(n)"Distributor representative" means a representative similarly employed by a distributor, distributor branch or wholesaler.(o)"Person" means and includes, individually and collectively, individuals, firms, partnerships, copartnerships, associations, corporations and trusts, or any other forms of business enterprise, or any legal entity.(p)"Good faith" means the duty of each party to any franchise agreement, and all officers, employees or agents of such party, to act in a fair and equitable manner toward each other in the performance of the respective obligations under the franchise agreement.(q)"Coerce" means to compel or attempt to compel by threat or duress. However, recommendation, exposition, persuasion, urging or argument shall not be deemed to constitute coercion.(r)"Special tools" are those which a dealer was required to purchase by the manufacturer or distributor for service on that manufacturer's product.(s)"Motor vehicle lessor" means any person, not excluded by paragraph (c) of this section, engaged in the motor vehicle leasing or rental business.(t)"Specialty vehicle" means a motor vehicle manufactured by a second stage manufacturer by purchasing motor vehicle components, e.g. frame and drive train, and completing the manufacturer of finished motor vehicles for the purpose of resale with the primary manufacturer warranty unimpaired, to a limited commercial market rather than the consuming public. Specialty vehicles include garbage trucks, ambulances, fire trucks, buses, limousines, hearses and other similar limited purpose vehicles as the commission may by regulation provide.(u)"Auto auction" means(i)any person who provides a place of business or facilities for the wholesale exchange of motor vehicles by and between duly licensed motor vehicle dealers,(ii)any motor vehicle dealer licensed to sell used motor vehicles selling motor vehicles using an auction format but not on consignment, or(iii)any person who provides the facilities for or is in the business of selling in an auction format motor vehicles.(v)"Motor home" means a motor vehicle that is designed and constructed primarily to provide temporary living quarters for recreational, camping or travel use.(w)"Dealer-operator" means the individual designated in the franchise agreement as the operator of the motor vehicle dealership.(x)"Franchise" or "franchise agreement" means a written contract or agreement between a motor vehicle dealer and a manufacturer or its distributor or factory branch by which the motor vehicle dealer is authorized to engage in the business of selling or leasing the specific makes, models or classifications of new motor vehicles marketed or leased by the manufacturer and designated in the agreement or any addendum to such agreement.(y)"Net cost" means the price the motor vehicle dealer pays for new motor vehicles, supplies, parts, equipment, signs, furnishings and special tools, minus any applicable discounts or subsidies obtained by the motor vehicle dealer.(z)"Line or make" means a collection of models, series, or groups of motor vehicles

manufactured by or for a particular manufacturer, distributor or importer offered for sale, lease or distribution pursuant to a common trademark, service mark or brand name; however:(i)Multiple brand names or marks may constitute a single line or make, but only when included in a common motor vehicle dealer agreement and the manufacturer, distributor or importer offers such vehicles bearing the multiple names of marks together only, and not separately, to its authorized motor vehicle dealers.(ii)Motor vehicles bearing a common brand name or mark may constitute separate line or makes when such vehicles are of different vehicle types or are intended for different types of use, provided that either:1.The manufacturer has expressly defined or covered the subject line or makes of vehicles as separate and distinct line or makes in the applicable dealer agreements; or2.The manufacturer has consistently characterized the subject vehicles as constituting separate and distinct line or makes to its dealer network.(aa)"Site-control agreement" or "exclusive use agreement" means an agreement that, regardless of its name, title, form or the parties entering into it, has the effect of:(i)Controlling the use and development of the premises of a motor vehicle dealer's franchise or facilities;(ii)Requiring a motor vehicle dealer to establish or maintain an exclusive motor vehicle dealership facility on the premises of the motor vehicle dealer's franchise or facility;(iii)Restricting the power or authority of the dealer or the lessor, if the motor vehicle dealer leases the dealership premises, to transfer, sell, lease, develop, redevelop or change the use of the dealership premises, whether by sublease, lease, collateral pledge of lease, right of first refusal to purchase or lease, option to purchase or lease or any similar arrangement; or(iv)Establishing a valuation process or formula for the motor vehicle dealership premises that does not allow for the motor vehicle dealership premises to be transferred, sold or leased by the motor vehicle dealer at the highest and best use valuation for the motor vehicle dealership premises.(bb)"Market area" means the area of responsibility set forth in the franchise agreement.(cc)"Core parts" means those original vehicle manufacturer parts that are listed in the original vehicle manufacturer's or distributor's current parts catalog, for which there is a core charge and which are returnable to the manufacturer or distributor.(dd)"Pre-delivery preparation obligations" means all work and services, except warranty work, performed on new motor vehicles by motor vehicle dealers at the direction of the vehicle manufacturer prior to the delivery of such vehicles to the first retail consumer.(ee)"Warranty work" means all labor, including that of a diagnostic character, performed, and all parts, including original or replacement parts, and components, including engine, transmission, and other parts assemblies, installed by motor vehicle dealers on motor vehicles which are reasonably incurred by motor vehicle dealers (other than the incidental expenses incurred in performing labor and installing parts on motor vehicles) in fulfilling a manufacturer's obligations under a new motor vehicle warranty, a recall, or a certified pre-owned warranty, to consumers, including, but not limited to, the expense of shipping or returning defective parts to the manufacturer, when required by the manufacturer.(ff)"Repair order" means an invoice, paid by a retail customer, and closed as of the time of submission, encompassing one or more repairs to a new motor vehicle, and reflecting, in the case of a parts mark-up submission, the cost of each part and the sale price thereof, and in the case of a labor rate submission, the total charges for labor and the total number of hours that produced such charges, which invoice may be submitted in electronic form.(gg)"Qualified repair" means a repair to a motor vehicle, paid by a retail customer, which would have come within the manufacturer's new motor vehicle warranty, but for the motor vehicle having exceeded the chronological or mileage limit of such warranty, and which does not constitute any of the work encompassed by subsection (4) of Section63-17-86.(hh)"Qualified repair order" means a repair order which encompasses, in whole or in part, a qualified repair or repairs.Codes, 1942, § 8071.7-03; Laws, 1970, ch. 478, § 3; Laws, 1982, ch. 392; reenacted, Laws, 1983, ch. 344, § 3; reenacted without change, Laws, 1991, ch. 305, § 3; Laws, 1994, ch. 399, § 2; Laws, 2000, ch. 418, § 8; Laws, 2000, 3rd Ex Sess, ch. 1, § 20; Laws, 2006, ch. 432, § 2; Laws, 2007, ch. 303, § 9, eff. 3/2/2007.Amended by Laws, 2022, ch. 439, SB 2508,§ 8, eff. 7/1/2022.Amended by Laws, 2021, ch. 355, HB 1195,§ 8, eff. 7/1/2021.Amended by Laws, 2021, ch. 315, HB 746,§ 1, eff. 7/1/2021.Amended by Laws, 2014, ch. 349, HB 581, 2, eff. 7/1/2014. The following words, terms and phrases, when used in the Mississippi Motor Vehicle Commission Law, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning: Codes, 1942, § 8071.7-03; Laws, 1970, ch. 478, § 3; Laws, 1982, ch. 392; reenacted, Laws, 1983, ch. 344, § 3; reenacted without change, Laws, 1991, ch. 305, § 3; Laws, 1994, ch. 399, § 2; Laws, 2000, ch. 418, § 8; Laws, 2000, 3rd Ex Sess, ch. 1, § 20; Laws, 2006, ch. 432, § 2; Laws, 2007, ch. 303, § 9, eff. 3/2/2007. Amended by Laws, 2022, ch. 439, SB 2508,§ 8, eff. 7/1/2022. Amended by Laws, 2021, ch. 355, HB 1195,§ 8, eff. 7/1/2021. Amended by Laws, 2021, ch. 315, HB 746,§ 1, eff. 7/1/2021. Amended by Laws, 2014, ch. 349, HB 581, 2, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119)Section 63-17-57 - Creation of Motor Vehicle Commission; appointment and terms of members; officers

There is hereby created the Mississippi Motor Vehicle Commission to be composed of eight (8) members, one (1) of whom shall be appointed by the Attorney General from the state at large for a term of four (4) years and one (1) of whom shall be appointed by the Secretary of State from the state at large for a term of four (4) years, and six (6) licensees who shall be appointed by the Governor, one (1) from the state at large and one (1) from each of the five (5) congressional districts of this state for terms of the following duration: the term of the member from the state at large shall expire at the time the incumbent Governor's term expires, the term of the member appointed from the First Congressional District shall expire on June 30, 1973, the term of the member appointed from the Second Congressional District shall expire on June 30, 1974, the term of the member appointed from the Third Congressional District shall expire on June 30, 1976, the term of the member from the Fourth Congressional District shall expire on June 30, 1977, and the term of the member appointed from the Fifth Congressional District shall expire on June 30, 1978. Each member shall serve

until his successor is appointed and qualified. At the expiration of the term of the member initially appointed by the Attorney General each successor member shall be appointed for a term of four (4) years by the incumbent Attorney General, and at the expiration of the term of the member appointed by the Secretary of State each successor member shall be appointed for a term of four (4) years by the incumbent Secretary. At the expiration of a term for which each of the initial appointments of the Governor is made, each successor member shall be appointed for a term of seven (7) years except that the term of the member appointed from the state at large shall be coterminous with that of the Governor making the appointment. The members of the commission as constituted on July 1, 2006, who are appointed by the Governor and whose terms have not expired shall serve the balance of their terms, after which time the gubernatorial appointments shall be made as follows: The Governor shall appoint one (1) member of the commission from each of the four (4) congressional districts and two (2) from the state at large. The member appointed from the state at large by the Governor shall serve as chairman of the commission and one (1) of the other members appointed by the Governor shall be designated by him to serve as vice chairman. In the absence of the chairman at any meeting of the commission the vice chairman shall preside and perform the duties of the chairman. In the event of a vacancy created by the death, resignation or removal of any member of the commission the vacancy shall be filled by appointment of the Governor, Attorney General or the Secretary of State, as the case may be, for the unexpired portion of the term. All appointments made pursuant to this section shall be made with the advice and consent of the Senate. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted without change, Laws, 1983, ch. 344, § 4; reenacted without change, Laws, 1991, ch. 305, § 4; Laws, 2006, ch. 432, § 3, eff. 7/1/2006. There is hereby created the Mississippi Motor Vehicle Commission to be composed of eight (8) members, one (1) of whom shall be appointed by the Attorney General from the state at large for a term of four (4) years and one (1) of whom shall be appointed by the Secretary of State from the state at large for a term of four (4) years, and six (6) licensees who shall be appointed by the Governor, one (1) from the state at large and one (1) from each of the five (5) congressional districts of this state for terms of the following duration: the term of the member from the state at large shall expire at the time the incumbent Governor's term expires, the term of the member appointed from the First Congressional District shall expire on June 30, 1973, the term of the member appointed from the Second Congressional District shall expire on June 30, 1974, the term of the member appointed from the Third Congressional District shall expire on June 30, 1976, the term of the member from the Fourth Congressional District shall expire on June 30, 1977, and the term of the member appointed from the Fifth Congressional District shall expire on June 30, 1978. Each member shall serve until his successor is appointed and qualified. At the expiration of the term of the member initially appointed by the Attorney General each successor member shall be appointed for a term of four (4) years by the incumbent Attorney General, and at the expiration of the term of the member appointed by the Secretary of State each successor member shall be appointed for a term of four (4) years by the incumbent Secretary. At the expiration of a term for which each of the initial appointments of the Governor is made, each successor member shall be appointed for a term of seven (7) years except that the term of the member appointed from the state at large shall be coterminous with that of the Governor making the appointment. The members of the commission as constituted on July 1, 2006, who are appointed by the Governor and whose terms have not expired shall serve the balance of their terms, after which time the gubernatorial appointments shall be made as follows: The Governor shall appoint one (1) member of the commission from each of the four (4) congressional districts and two (2) from the state at large. The member appointed from the state at large by the Governor shall serve as chairman of the commission and one (1) of the other members appointed by the Governor shall be designated by him to serve as vice chairman. In the absence of the chairman at any meeting of the commission the vice chairman shall preside and perform the duties of the chairman. In the event of a vacancy created by the death, resignation or removal of any member of the commission the vacancy shall be filled by appointment of the Governor, Attorney General or the Secretary of State, as the case may be, for the unexpired portion of the term. All appointments made pursuant to this section shall be made with the advice and consent of the Senate. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted without change, Laws, 1983, ch. 344, § 4; reenacted without change, Laws, 1991, ch. 305, § 4; Laws, 2006, ch. 432, § 3, eff. 7/1/2006. There is hereby created the Mississippi Motor Vehicle Commission to be composed of eight (8) members, one (1) of whom shall be appointed by the Attorney General from the state at large for a term of four (4) years and one (1) of whom shall be appointed by the Secretary of State from the state at large for a term of four (4) years, and six (6) licensees who shall be appointed by the Governor, one (1) from the state at large and one (1) from each of the five (5) congressional districts of this state for terms of the following duration: the term of the member from the state at large shall expire at the time the incumbent Governor's term expires, the term of the member appointed from the First Congressional District shall expire on June 30, 1973, the term of the member appointed from the Second Congressional District shall expire on June 30, 1974, the term of the member appointed from the Third Congressional District shall expire on June 30, 1976, the term of the member from the Fourth Congressional District shall expire on June 30, 1977, and the term of the member appointed from the Fifth Congressional District shall expire on June 30, 1978. Each member shall serve until his successor is appointed and qualified. At the expiration of the term of the member initially appointed by the Attorney General each successor member shall be appointed for a term of four (4) years by the incumbent Attorney General, and at the expiration of the term of the member appointed by the Secretary of State each successor member shall be appointed for a term of four (4) years by the incumbent Secretary. At the expiration of a term for which each of the initial appointments of the Governor is made, each successor member shall be appointed for a term of seven (7) years except that the term of the member appointed from the state at large shall be coterminous with that of the Governor making the appointment. The members of the commission as constituted on July 1, 2006, who are appointed by the Governor and whose terms have not expired shall serve the balance of their terms, after which time the gubernatorial appointments shall be made as follows: The Governor shall appoint one (1) member of the commission from each of the four (4) congressional districts and two (2) from the state at large. The member appointed from the

state at large by the Governor shall serve as chairman of the commission and one (1) of the other members appointed by the Governor shall be designated by him to serve as vice chairman. In the absence of the chairman at any meeting of the commission the vice chairman shall preside and perform the duties of the chairman. In the event of a vacancy created by the death, resignation or removal of any member of the commission the vacancy shall be filled by appointment of the Governor, Attorney General or the Secretary of State, as the case may be, for the unexpired portion of the term. All appointments made pursuant to this section shall be made with the advice and consent of the Senate. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted without change, Laws, 1983, ch. 344, § 4; reenacted without change, Laws, 1991, ch. 305, § 4; Laws, 2006, ch. 432, § 3, eff. 7/1/2006. There is hereby created the Mississippi Motor Vehicle Commission to be composed of eight (8) members, one (1) of whom shall be appointed by the Attorney General from the state at large for a term of four (4) years and one (1) of whom shall be appointed by the Secretary of State from the state at large for a term of four (4) years, and six (6) licensees who shall be appointed by the Governor, one (1) from the state at large and one (1) from each of the five (5) congressional districts of this state for terms of the following duration: the term of the member from the state at large shall expire at the time the incumbent Governor's term expires, the term of the member appointed from the First Congressional District shall expire on June 30, 1973, the term of the member appointed from the Second Congressional District shall expire on June 30, 1974, the term of the member appointed from the Third Congressional District shall expire on June 30, 1976, the term of the member from the Fourth Congressional District shall expire on June 30, 1977, and the term of the member appointed from the Fifth Congressional District shall expire on June 30, 1978. Each member shall serve until his successor is appointed and qualified. At the expiration of the term of the member initially appointed by the Attorney General each successor member shall be appointed for a term of four (4) years by the incumbent Attorney General, and at the expiration of the term of the member appointed by the Secretary of State each successor member shall be appointed for a term of four (4) years by the incumbent Secretary. At the expiration of a term for which each of the initial appointments of the Governor is made, each successor member shall be appointed for a term of seven (7) years except that the term of the member appointed from the state at large shall be coterminous with that of the Governor making the appointment. The members of the commission as constituted on July 1, 2006, who are appointed by the Governor and whose terms have not expired shall serve the balance of their terms, after which time the gubernatorial appointments shall be made as follows: The Governor shall appoint one (1) member of the commission from each of the four (4) congressional districts and two (2) from the state at large. The member appointed from the state at large by the Governor shall serve as chairman of the commission and one (1) of the other members appointed by the Governor shall be designated by him to serve as vice chairman. In the absence of the chairman at any meeting of the commission the vice chairman shall preside and perform the duties of the chairman. In the event of a vacancy created by the death, resignation or removal of any member of the commission the vacancy shall be filled by appointment of the Governor, Attorney General or the Secretary of State, as the case may be, for the unexpired portion of the term. All appointments made pursuant to this section shall be made with the advice and consent of the Senate. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted without change, Laws, 1983, ch. 344, § 4; reenacted without change, Laws, 1991, ch. 305, § 4; Laws, 2006, ch. 432, § 3, eff. 7/1/2006.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119) Section 63-17-59 - Qualifications of members of commission

Each of the members appointed to the commission shall be a citizen of the United States and a resident of the State of Mississippi and a qualified elector of the jurisdiction from which appointed, and each shall be of good moral character. The members of the commission initially appointed by the attorney general and the secretary of state and all members subsequently appointed by them shall never have been engaged in the manufacture, distribution or sale of motor vehicles and shall not thereafter be so engaged as long as they are members of the commission. The members of the commission initially appointed by the governor and all such members subsequently appointed by an incumbent governor shall be qualified to receive a license under the provisions of the Mississippi Motor Vehicle Commission Law and shall be holders of a current license within ninety days after their respective appointments and shall continue to be holders of a current license at all times thereafter so long as they are such members. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted without change, Laws, 1983, ch. 344, § 5; reenacted without change, Laws, 1991, ch. 305, § 5, eff. 7/1/1991. Each of the members appointed to the commission shall be a citizen of the United States and a resident of the State of Mississippi and a qualified elector of the jurisdiction from which appointed, and each shall be of good moral character. The members of the commission initially appointed by the attorney general and the secretary of state and all members subsequently appointed by them shall never have been engaged in the manufacture, distribution or sale of motor vehicles and shall not thereafter be so engaged as long as they are members of the commission. The members of the commission initially appointed by the governor and all such members subsequently appointed by an incumbent governor shall be qualified to receive a license under the provisions of the Mississippi Motor Vehicle Commission Law and shall be holders of a current license within ninety days after their respective appointments and shall continue to be holders of a current license at all times thereafter so long as they are such members. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted without change, Laws, 1983, ch. 344, § 5; reenacted without change, Laws, 1991, ch. 305, § 5, eff. 7/1/1991. Each of the members appointed to the commission shall be a citizen of the United States and a resident of the State of Mississippi and a qualified elector of the jurisdiction from which appointed, and each shall be of good moral character. The members of the commission initially appointed by the attorney general and the secretary of state and all members subsequently appointed by them shall never have been engaged in the manufacture, distribution or sale of motor vehicles and shall not thereafter be so engaged as long as they are members of the commission. The members of the

commission initially appointed by the governor and all such members subsequently appointed by an incumbent governor shall be qualified to receive a license under the provisions of the Mississippi Motor Vehicle Commission Law and shall be holders of a current license within ninety days after their respective appointments and shall continue to be holders of a current license at all times thereafter so long as they are such members. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted without change, Laws, 1983, ch. 344, § 5; reenacted without change, Laws, 1991, ch. 305, § 5, eff. 7/1/1991. Each of the members appointed to the commission shall be a citizen of the United States and a resident of the State of Mississippi and a qualified elector of the jurisdiction from which appointed, and each shall be of good moral character. The members of the commission initially appointed by the attorney general and the secretary of state and all members subsequently appointed by them shall never have been engaged in the manufacture, distribution or sale of motor vehicles and shall not thereafter be so engaged as long as they are members of the commission. The members of the commission initially appointed by the governor and all such members subsequently appointed by an incumbent governor shall be qualified to receive a license under the provisions of the Mississippi Motor Vehicle Commission Law and shall be holders of a current license within ninety days after their respective appointments and shall continue to be holders of a current license at all times thereafter so long as they are such members. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted without change, Laws, 1983, ch. 344, § 5; reenacted without change, Laws, 1991, ch. 305, § 5, eff. 7/1/1991.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119) Section 63-17-61 - Organization of commission; oath and bond of members; quorum; voting; seal

The commission shall meet at Jackson and complete its organization immediately after the entire membership thereof has been appointed and has qualified. The chairman and each member of the commission shall, before entering upon the discharge of the duties of his office, take and subscribe to the oath of office prescribed by Section 268 of the constitution of this state, and shall file the same in the office of the secretary of state. The commission shall purchase either a blanket position honesty or faithful performance bond from some surety company authorized to do business in this state in the penal sum of ten thousand dollars (\$10,000.00), made payable to the State of Mississippi, conditioned for the honest and faithful performance of the duties of the chairman and each member of the commission, the executive secretary of the commission and all other employees of the commission, said bond to be approved by the governor and filed in the office of the secretary of state. The commission shall keep such a bond in force at all times and from and after the date the commission is organized. A majority of the commission shall constitute a quorum for the transaction of any business. Neither the chairman nor the vice-chairman, when the vice-chairman is presiding, shall be entitled to vote unless his vote is necessary to break a tie vote. The commission shall adopt and use a common seal for the authentication of its records and orders. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted without change, Laws, 1983, ch. 344, § 6; reenacted without change, Laws, 1991, ch. 305, § 6, eff. 7/1/1991. The commission shall meet at Jackson and complete its organization immediately after the entire membership thereof has been appointed and has qualified. The chairman and each member of the commission shall, before entering upon the discharge of the duties of his office, take and subscribe to the oath of office prescribed by Section 268 of the constitution of this state, and shall file the same in the office of the secretary of state. The commission shall purchase either a blanket position honesty or faithful performance bond from some surety company authorized to do business in this state in the penal sum of ten thousand dollars (\$10,000.00), made payable to the State of Mississippi, conditioned for the honest and faithful performance of the duties of the chairman and each member of the commission, the executive secretary of the commission and all other employees of the commission, said bond to be approved by the governor and filed in the office of the secretary of state. The commission shall keep such a bond in force at all times and from and after the date the commission is organized. A majority of the commission shall constitute a quorum for the transaction of any business. Neither the chairman nor the vice-chairman, when the vice-chairman is presiding, shall be entitled to vote unless his vote is necessary to break a tie vote. The commission shall adopt and use a common seal for the authentication of its records and orders. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted without change, Laws, 1983, ch. 344, § 6; reenacted without change, Laws, 1991, ch. 305, § 6, eff. 7/1/1991. The commission shall meet at Jackson and complete its organization immediately after the entire membership thereof has been appointed and has qualified. The chairman and each member of the commission shall, before entering upon the discharge of the duties of his office, take and subscribe to the oath

of office prescribed by Section 268 of the constitution of this state, and shall file the same in the office of the secretary of state. The commission shall purchase either a blanket position honesty or faithful performance bond from some surety company authorized to do business in this state in the penal sum of ten thousand dollars (\$10,000.00), made payable to the State of Mississippi, conditioned for the honest and faithful performance of the duties of the chairman and each member of the commission, the executive secretary of the commission and all other employees of the commission, said bond to be approved by the governor and filed in the office of the secretary of state. The commission shall keep such a bond in force at all times and from and after the date the commission is organized. A majority of the commission shall constitute a quorum for the transaction of any business. Neither the chairman nor the vice-chairman, when the vice-chairman is presiding, shall be entitled to vote unless his vote is necessary to break a tie vote. The commission shall adopt and use a common seal for the authentication of its records and orders. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted without change, Laws, 1983, ch. 344, § 6; reenacted without change, Laws, 1991, ch. 305, § 6, eff. 7/1/1991.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119) Section 63-17-63 - Meetings of commission

The commission shall hold all of its regular monthly meetings in its office at Jackson, Mississippi. The commission may, upon approval of a majority of its members, hold special meetings and the hearings provided for under Section 63-17-93 at any time and place within the State of Mississippi. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted without change, Laws, 1983, ch. 344, § 7; reenacted without change, Laws, 1991, ch. 305, § 7, eff. 7/1/1991. The commission shall hold all of its regular monthly meetings in its office at Jackson, Mississippi. The commission may, upon approval of a majority of its members, hold special meetings and the hearings provided for under Section 63-17-93 at any time and place within the State of Mississippi. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted without change, Laws, 1983, ch. 344, § 7; reenacted without change, Laws, 1991, ch. 305, § 7, eff. 7/1/1991. The commission shall hold all of its regular monthly meetings in its office at Jackson, Mississippi. The commission may, upon approval of a majority of its members, hold special meetings and the hearings provided for under Section 63-17-93 at any time and place within the State of Mississippi. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted without change, Laws, 1983, ch. 344, § 7; reenacted without change, Laws, 1991, ch. 305, § 7, eff. 7/1/1991. The commission shall hold all of its regular monthly meetings in its office at Jackson, Mississippi. The commission may, upon approval of a majority of its members, hold special meetings and the hearings provided for under Section 63-17-93 at any time and place within the State of Mississippi. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted without change, Laws, 1983, ch. 344, § 7; reenacted without change, Laws, 1991, ch. 305, § 7, eff. 7/1/1991.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119) Section 63-17-65 - Compensation of members of commission

The chairman and members of the commission shall receive per diem in the amount set forth in Section 25-3-69 for each and every day actually and necessarily spent in attending the meetings of the commission, and shall be reimbursed for their reasonable subsistence and traveling expenses necessarily incurred in the performance of their duties in accordance with Section 25-3-41. The chairman shall require itemized statements of all such reimbursable expenses and shall audit or cause to be audited such statements before approving the same for payment. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted and amended, Laws, 1983, ch. 344, § 8; reenacted without change, Laws, 1991, ch. 305, § 8, eff. 7/1/1991. The chairman and members of the commission shall receive per diem in the amount set forth in Section 25-3-69 for each and every day actually and necessarily spent in attending the meetings of the commission, and shall be reimbursed for their reasonable subsistence and traveling expenses necessarily incurred in the performance of their duties in accordance with Section 25-3-41. The chairman shall require itemized statements of all such reimbursable expenses and shall audit or cause to be audited such statements before approving the same for payment. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted and amended, Laws, 1983, ch. 344, § 8; reenacted without change, Laws, 1991, ch. 305, § 8, eff. 7/1/1991. The chairman and members of the commission shall receive per diem in the amount set forth in Section 25-3-69 for each and every day actually and necessarily spent in attending the meetings of the commission, and shall be reimbursed for their reasonable subsistence and traveling expenses necessarily incurred in the performance of their duties in accordance with Section 25-3-41. The chairman shall require itemized statements of all such reimbursable expenses and shall audit or cause to be audited such statements before approving the same for payment. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted and amended, Laws, 1983, ch. 344, § 8; reenacted without change, Laws, 1991, ch. 305, § 8, eff. 7/1/1991.

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63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119)Section 63-17-67 - Executive director; employment of clerical and professional assistance; office

The commission shall employ a qualified person to serve as executive director thereof, to serve at the pleasure of the commission, and shall fix his salary, subject to the approval of the State Personnel Board, and shall define and prescribe his duties. The executive director shall be in charge of the commission's office and shall devote full time to the duties thereof. His duties shall include, but not be limited to, the collection of all fees and charges under the provisions of the Mississippi Motor Vehicle Commission Law, keeping a record of all proceedings of the commission and an accurate account of all monies received and disbursed by the commission, all of which records shall be considered as public records. The commission may employ such clerical and professional help and incur such expenses as may be reasonably necessary for the proper discharge of its duties. The commission shall maintain its office and transact its business, except as otherwise provided, at Jackson, Mississippi, and the Department of Finance and Administration shall approve suitable quarters and the remuneration therefor. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; Laws, 1977, ch. 411, § 1; reenacted and amended, Laws, 1983, ch. 344, § 9; reenacted and amended, Laws, 1991, ch. 305, § 9, eff. 7/1/1991. The commission shall employ a qualified person to serve as executive director thereof, to serve at the pleasure of the commission, and shall fix his salary, subject to the approval of the State Personnel Board, and shall define and prescribe his duties. The executive director shall be in charge of the commission's office and shall devote full time to the duties thereof. His duties shall include, but not be limited to, the collection of all fees and charges under the provisions of the Mississippi Motor Vehicle Commission Law, keeping a record of all proceedings of the commission and an accurate account of all monies received and disbursed by the commission, all of which records shall be considered as public records. The commission may employ such clerical and professional help and incur such expenses as may be reasonably necessary for the proper discharge of its duties. The commission shall maintain its office and transact its business, except as otherwise provided, at Jackson, Mississippi, and the Department of Finance and Administration shall approve suitable quarters and the remuneration therefor. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; Laws, 1977, ch. 411, § 1; reenacted and amended, Laws, 1983, ch. 344, § 9; reenacted and amended, Laws, 1991, ch. 305, § 9, eff. 7/1/1991. The commission shall employ a qualified person to serve as executive director thereof, to serve at the pleasure of the commission, and shall fix his salary, subject to the approval of the State Personnel Board, and shall define and prescribe his duties. The executive director shall be in charge of the commission's office and shall devote full time to the duties thereof. His duties shall include, but not be limited to, the collection of all fees and charges under the provisions of the Mississippi Motor Vehicle Commission Law, keeping a record of all proceedings of the commission and an accurate account of all monies received and disbursed by the commission, all of which records shall be considered as public records. The commission may employ such clerical and professional help and incur such expenses as may be reasonably necessary for the proper discharge of its duties. The commission shall maintain its office and transact its business, except as otherwise provided, at Jackson, Mississippi, and the Department of Finance and Administration shall approve suitable quarters and the remuneration therefor. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; Laws, 1977, ch. 411, § 1; reenacted and amended, Laws, 1983, ch. 344, § 9; reenacted and amended, Laws, 1991, ch. 305, § 9, eff. 7/1/1991.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119)Section 63-17-69 - Promulgation, etc., of rules and regulations by commission

The commission shall have power to prescribe, issue, amend and rescind such reasonable rules and regulations as may be reasonably necessary or appropriate to carry out the provisions of the Mississippi Motor Vehicle Commission Law. No rule or regulation shall be effective until thirty days after copies of the proposed rule or regulation shall have been mailed to all motor vehicle dealers operating in the State of Mississippi, and a representative of each manufacturer, wholesaler, and distributor whose motor vehicles are sold therein, whether said representative is located within or without the State of Mississippi, and a notice setting forth either the terms or substance of said proposed rule or regulation and the time and place of a hearing thereon shall have been published in a newspaper of general circulation in the state and published in the City of Jackson. Such hearing may be held at any time twenty days after publication of such notice, but such rules or regulations shall not become effective until a hearing thereon. All rules, regulations and forms adopted by the commission shall be filed with its executive secretary and shall be readily available for public inspection and examination during reasonable business hours. A copy of said rules, regulations and forms shall also be filed and recorded in the office of the secretary of state. Any interested person shall have the right to petition the commission for issuance,

amendment or repeal of a rule or regulation. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted without change, Laws, 1983, ch. 344, § 10; reenacted without change, Laws, 1991, ch. 305, § 10, eff. 7/1/1991. The commission shall have power to prescribe, issue, amend and rescind such reasonable rules and regulations as may be reasonably necessary or appropriate to carry out the provisions of the Mississippi Motor Vehicle Commission Law. No rule or regulation shall be effective until thirty days after copies of the proposed rule or regulation shall have been mailed to all motor vehicle dealers operating in the State of Mississippi, and a representative of each manufacturer, wholesaler, and distributor whose motor vehicles are sold therein, whether said representative is located within or without the State of Mississippi, and a notice setting forth either the terms or substance of said proposed rule or regulation and the time and place of a hearing thereon shall have been published in a newspaper of general circulation in the state and published in the City of Jackson. Such hearing may be held at any time twenty days after publication of such notice, but such rules or regulations shall not become effective until a hearing thereon. All rules, regulations and forms adopted by the commission shall be filed with its executive secretary and shall be readily available for public inspection and examination during reasonable business hours. A copy of said rules, regulations and forms shall also be filed and recorded in the office of the secretary of state. Any interested person shall have the right to petition the commission for issuance, amendment or repeal of a rule or regulation. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted without change, Laws, 1983, ch. 344, § 10; reenacted without change, Laws, 1991, ch. 305, § 10, eff. 7/1/1991. The commission shall have power to prescribe, issue, amend and rescind such reasonable rules and regulations as may be reasonably necessary or appropriate to carry out the provisions of the Mississippi Motor Vehicle Commission Law. No rule or regulation shall be effective until thirty days after copies of the proposed rule or regulation shall have been mailed to all motor vehicle dealers operating in the State of Mississippi, and a representative of each manufacturer, wholesaler, and distributor whose motor vehicles are sold therein, whether said representative is located within or without the State of Mississippi, and a notice setting forth either the terms or substance of said proposed rule or regulation and the time and place of a hearing thereon shall have been published in a newspaper of general circulation in the state and published in the City of Jackson. Such hearing may be held at any time twenty days after publication of such notice, but such rules or regulations shall not become effective until a hearing thereon. All rules, regulations and forms adopted by the commission shall be filed with its executive secretary and shall be readily available for public inspection and examination during reasonable business hours. A copy of said rules, regulations and forms shall also be filed and recorded in the office of the secretary of state. Any interested person shall have the right to petition the commission for issuance, amendment or repeal of a rule or regulation. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted without change, Laws, 1983, ch. 344, § 10; reenacted without change, Laws, 1991, ch. 305, § 10, eff. 7/1/1991. The commission shall have power to prescribe, issue, amend and rescind such reasonable rules and regulations as may be reasonably necessary or appropriate to carry out the provisions of the Mississippi Motor Vehicle Commission Law. No rule or regulation shall be effective until thirty days after copies of the proposed rule or regulation shall have been mailed to all motor vehicle dealers operating in the State of Mississippi, and a representative of each manufacturer, wholesaler, and distributor whose motor vehicles are sold therein, whether said representative is located within or without the State of Mississippi, and a notice setting forth either the terms or substance of said proposed rule or regulation and the time and place of a hearing thereon shall have been published in a newspaper of general circulation in the state and published in the City of Jackson. Such hearing may be held at any time twenty days after publication of such notice, but such rules or regulations shall not become effective until a hearing thereon. All rules, regulations and forms adopted by the commission shall be filed with its executive secretary and shall be readily available for public inspection and examination during reasonable business hours. A copy of said rules, regulations and forms shall also be filed and recorded in the office of the secretary of state. Any interested person shall have the right to petition the commission for issuance, amendment or repeal of a rule or regulation. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted without change, Laws, 1983, ch. 344, § 10; reenacted without change, Laws, 1991, ch. 305, § 10, eff. 7/1/1991.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119) Section 63-17-71 - Motor vehicle commission fund

All funds received by the commission shall be deposited in the State Treasury to the credit of a special fund to be known as the "motor vehicle commission fund." All expenses incurred in the organization, maintenance and operation of the commission shall be paid from such special fund. The expenditure of all such funds shall be made only pursuant to appropriation approved by the legislature and as provided by law. The receipts and disbursements of the commission shall be audited annually by the state auditor. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted without change, Laws, 1983, ch. 344, § 11; Laws, 1984, ch. 488, § 264; reenacted without change, Laws, 1991, ch. 305, § 11, eff. 7/1/1991. All funds received by the commission shall be deposited in the State Treasury to the credit of a special fund to be known as the "motor vehicle commission fund." All expenses incurred in the organization, maintenance and operation of the commission shall be paid from such special fund. The expenditure of all such funds shall be made only pursuant to appropriation approved by the legislature and as provided by law. The receipts and disbursements of the commission shall be audited annually by the state auditor. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted without change, Laws, 1983, ch. 344, § 11; Laws, 1984, ch. 488, § 264; reenacted without change, Laws, 1991, ch. 305, § 11, eff. 7/1/1991. All funds received by the commission shall be deposited in the State Treasury to the credit of a special fund to be known as the "motor vehicle commission fund." All expenses incurred in the organization, maintenance and operation of the commission shall be paid from such special fund. The expenditure of all such funds shall be made only pursuant to appropriation approved by the legislature and as provided by law. The receipts and disbursements of the commission shall be audited annually by

the state auditor. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted without change, Laws, 1983, ch. 344, § 11; Laws, 1984, ch. 488, § 264; reenacted without change, Laws, 1991, ch. 305, § 11, eff. 7/1/1991. All funds received by the commission shall be deposited in the State Treasury to the credit of a special fund to be known as the "motor vehicle commission fund." All expenses incurred in the organization, maintenance and operation of the commission shall be paid from such special fund. The expenditure of all such funds shall be made only pursuant to appropriation approved by the legislature and as provided by law. The receipts and disbursements of the commission shall be audited annually by the state auditor. Codes, 1942, § 8071.7-04; Laws, 1970, ch. 478, § 4; reenacted without change, Laws, 1983, ch. 344, § 11; Laws, 1984, ch. 488, § 264; reenacted without change, Laws, 1991, ch. 305, § 11, eff. 7/1/1991.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119) Section 63-17-73 - Offenses and penalties

(1) It is unlawful: (a) For any person, firm, association, corporation or trust to engage in business as, or serve in the capacity of, or act as a motor vehicle dealer, motor vehicle salesman, manufacturer, distributor, wholesaler, factory branch or division, distributor branch or division, wholesaler branch or division, factory representative or distributor representative, as such, in this state without first obtaining a license therefor as provided in the Mississippi Motor Vehicle Commission Law, regardless of whether or not the person, firm, association, corporation or trust maintains or has a place or places of business in this state. Any person, firm, association, corporation or trust engaging, acting or serving in more than one (1) of the capacities or having more than one (1) place where the business is carried on or conducted shall be required to obtain and hold a current license for each capacity and place of business. (b) For a motor vehicle dealer or a motor vehicle salesman: (i) To require a purchaser of a new motor vehicle, as a condition of sale and delivery thereof, to also purchase special features, appliances, equipment, parts or accessories not desired or requested by the purchaser. However, this prohibition shall not apply as to special features, appliances, equipment, parts or accessories which are already installed on the car when received by the dealer. (ii) To represent and sell as a new motor vehicle any motor vehicle which has been used and operated for demonstration purposes or which is otherwise a used motor vehicle. (iii) To resort to or use any false or misleading advertisement in connection with his business as a motor vehicle dealer or motor vehicle salesman. (iv) To sell an extended service contract, extended maintenance plan or similar product that is not offered, endorsed or sponsored by a manufacturer or distributor without disclosing to the consumer, orally and in writing, that the offered product is not provided or supported by a manufacturer or distributor. (c) For a manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch or division, or a wholesaler branch or division, or officer, agent or other representative thereof, to coerce, or attempt to coerce, any motor vehicle dealer: (i) To order or accept delivery of any motor vehicle or vehicles, appliances, equipment, parts or accessories therefor, or any other commodity or commodities which shall not have been voluntarily ordered by the motor vehicle dealer. (ii) To order or accept delivery of any motor vehicle with special features, appliances, accessories or equipment not included in the list price of the motor vehicles as publicly advertised by the manufacturer thereof. (iii) To order for any person any parts, accessories, equipment, machinery, tools, appliances or any commodity whatsoever. (iv) To contribute or pay money or anything of value into any cooperative or other advertising program or fund. This paragraph (c) shall not apply to manufacturers of motor homes governed by the provisions of Sections 63-17-201 through 63-17-221. (d) For a manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch or division, or a wholesaler branch or division, or officer, agent or other representative thereof: (i) To refuse to deliver in reasonable quantities and within a reasonable time after receipt of dealer's order to any duly licensed motor vehicle dealer having a franchise or contractual arrangement for the retail sale of new motor vehicles sold or distributed by such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division or wholesale branch or division, any motor vehicles as are covered by such franchise or contract specifically publicly advertised by the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division or wholesale branch or division, to be available for immediate delivery. However, the failure to deliver any motor vehicle shall not be considered a violation of this subsection if the failure is due to acts of God, work stoppages or delays due to strikes or labor difficulties, freight embargoes or other causes over which the manufacturer, distributor or wholesaler, or any agent thereof, has no control. (ii) To coerce, or attempt to coerce any motor vehicle dealer to enter into any agreement, with the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division, or officer, agent or other representative thereof, or to do any other act prejudicial to the dealer by threatening to cancel any franchise or any contractual agreement existing between the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division, and the dealer. However, good-faith notice to any motor vehicle dealer of the dealer's violation of any terms or provisions of the franchise or contractual agreement shall not constitute a violation of this subsection. (iii) To terminate or cancel the franchise or selling agreement of any dealer without due cause. The nonrenewal of a franchise or selling agreement, without due cause, shall constitute an unfair termination or cancellation, regardless of the terms or provisions of such franchise or selling agreement. "Due cause" shall be defined as a breach by the dealer of a material provision of the franchise agreement which breach has not been cured within a reasonable time after the dealer has been given written notice of the breach. The burden of proving that due cause exists shall be upon the party attempting to terminate, cancel or not renew the franchise or selling agreement. The manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division, or officer, agent or other representative thereof shall notify a motor vehicle dealer in writing, and forward a copy of the notice to the commission, of the termination or cancellation of the franchise or selling agreement of the dealer at least sixty (60) days before the effective date

thereof, stating the specific grounds for such termination or cancellation. The manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division, or officer, agent or other representative thereof shall notify a motor vehicle dealer in writing, and forward a copy of the notice to the commission, at least sixty (60) days before the contractual term of his franchise or selling agreement expires that the franchise or selling agreement will not be renewed, stating the specific grounds for the nonrenewal, in those cases where there is no intention to renew the franchise or selling agreement. In no event shall the contractual term of any franchise or selling agreement expire, without the written consent of the motor vehicle dealer involved, prior to the expiration of at least sixty (60) days following such written notice. Any motor vehicle dealer who receives written notice that his franchise or selling agreement is being terminated or cancelled or who receives written notice that his franchise or selling agreement will not be renewed, may, within the sixty-day notice period, file with the commission a verified complaint for its determination as to whether the termination or cancellation or nonrenewal is unfair within the purview of the Mississippi Motor Vehicle Commission Law, and the franchise agreement shall continue in effect until final determination of the issues raised in the complaint notwithstanding anything to the contrary contained in the law or in the franchise or selling agreement.(iv)To require, attempt to require, coerce or attempt to coerce a dealer, by franchise agreement or otherwise, or as a condition to the renewal or continuation of a franchise agreement, to materially change the dealer's method of conducting business, not including its facilities, if the change would impose substantial and unreasonable financial hardship on the business of the motor vehicle dealer in light of the business objective of the proposed change, unless the change is voluntarily agreed to by the dealer for separate and valuable consideration.(v)To offer to sell or to sell any new motor vehicle to any motor vehicle dealer at a lower actual price therefor than the actual price charged to any other motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device, including, but not limited to, sales promotion plans or programs which result in such lesser actual price. The provisions of this subparagraph shall not apply so long as a manufacturer, distributor or wholesaler, or any agent thereof, offers to sell or sells new motor vehicles to all motor vehicle dealers at the same price. This subparagraph shall not be construed to prevent the offering of volume discounts if such discounts are equally available to all franchised motor vehicle dealers of the same line or make in this state. The provisions of this subsection shall not apply to sales to a motor vehicle dealer of any motor vehicle ultimately sold, donated or used by such dealer in a driver education program, to sales to a motor vehicle dealer for resale to any unit of government, federal, state or local, or to bona fide fleet sales.(vi)To offer to sell or to sell parts and/or accessories to any new motor vehicle dealer for use in his own business for the purpose of repairing or replacing the same or a comparable part or accessory, at a lower actual price therefor than the actual price charged to any other new motor vehicle dealer for similar parts and/or accessories for use in his own business. However, it is recognized that certain motor vehicle dealers operate and serve as wholesalers of parts and accessories to retail outlets, and nothing herein contained shall be construed to prevent a manufacturer, distributor or wholesaler, or any agent thereof, from selling to a motor vehicle dealer who operates and serves as a wholesaler of parts and accessories, the parts and accessories as may be ordered by such motor vehicle dealer for resale to retail outlets, at a lower actual price than the actual price charged a motor vehicle dealer who does not operate or serve as a wholesaler of parts and accessories.(vii)To prevent or attempt to prevent by contract or otherwise any motor vehicle dealer from changing the capital structure of his dealership or the means by or through which he finances the operation of his dealership, provided the motor vehicle dealer at all times meets any capital standards agreed to between the dealership and the manufacturer, distributor or wholesaler, provided such standards are deemed reasonable by the commission.(viii)To prevent or attempt to prevent by contract or otherwise any motor vehicle dealer or any officer, partner or stockholder of any motor vehicle dealer from selling or transferring any part of the interest of any of them to any other person or persons or party or parties. However, no motor vehicle dealer, officer, partner or stockholder shall have the right to sell, transfer or assign the franchise or any right thereunder without the consent of the manufacturer, distributor or wholesaler which consent shall not be unreasonably withheld.(ix)To condition unreasonably the renewal or extension of a franchise on a motor vehicle dealer's substantial renovation of the motor vehicle dealer's place of business or on the construction, purchase, acquisition or rental of a new place of business by the motor vehicle dealer. The manufacturer shall notify the motor vehicle dealer in writing of its intent to impose such a condition within a reasonable time prior to the effective date of the proposed renewal or extension, but in no case less than one hundred eighty (180) days prior to the renewal or extension. Upon receipt of written notification, a motor vehicle dealer shall have sixty (60) days to file a protest with the commission, and the manufacturer shall demonstrate to the commission the need for the demand in view of the need to service the public and the economic conditions existing in the motor vehicle industry and the market area served by the motor vehicle dealer at the time the action would be required of the motor vehicle dealer. As part of any such condition the manufacturer shall offer the motor vehicle dealer a reasonable initial supply and model mix of motor vehicles to meet the sales levels necessary to support the increased overhead incurred by the motor vehicle dealer by reason of the renovation, construction, purchase or rental of a new place of business consistent with nationally applied standards.(x)To require, coerce or attempt to coerce a motor vehicle dealer to refrain from participation in the management of, investment in, the acquisition of, or the current operation of any other line of motor vehicles or related products, as long as the motor vehicle dealer maintains a reasonable line of credit for each dealership and the motor vehicle dealer remains in substantial compliance with reasonable facilities' requirements of the manufacturer or distributor. The reasonable facilities' requirements may not include any requirement that a motor vehicle dealer establish or maintain exclusive facilities, personnel or display space when the requirements are unreasonable considering current economic conditions in the market area and not otherwise justified by reasonable business considerations. The burden of proving by a preponderance of the evidence that the current economic conditions and reasonable business considerations justify exclusive facilities is on the manufacturer. Voluntary and noncoerced acceptance of such conditions by the motor vehicle dealer in writing for separate and valuable consideration shall not constitute a violation.(xi)To fail or refuse to

sell or offer to sell to all motor vehicle dealers in a line or make, every motor vehicle sold or offered for sale under the franchise agreement to any motor vehicle dealer of the same line or make; or to unreasonably require a motor vehicle dealer to pay an extra fee, purchase unreasonable advertising displays or any other materials, or to unreasonably require the dealer-operator to remodel, renovate or recondition its existing facilities as a prerequisite to receiving a certain model or series of vehicles. However, the failure to deliver any such motor vehicle shall not be considered a violation of this section if the failure is not arbitrary and is due to a lack of manufacturing capacity or to a strike or labor difficulty, a shortage of materials, a freight embargo or other cause of which the manufacturer or distributor has no control. This provision shall not apply to manufacturers of recreational vehicles.(xii)To condition the sale, transfer, relocation or renewal of a franchise or dealer agreement or to condition sales, services, parts or finance incentives upon site-control agreement; however, voluntary and noncoerced acceptance of such conditions by the motor vehicle dealer in writing, shall not constitute a violation.(xiii)To assign or change a motor vehicle dealer's market area under the franchise or motor vehicle dealer's agreement arbitrarily or without due regard to the present or projected future pattern of motor vehicle sales and registrations within the motor vehicle dealer's market area, and without first having provided the motor vehicle dealer's with written notice of the change in the motor vehicle dealer's market area and a detailed description of the change and reasons therefor.(xiv)To attempt to coerce, or coerce, a motor vehicle dealer to adhere to performance standards that are not applied uniformly to other similarly situated motor vehicle dealers.(xv)To establish any performance standard or program for measuring motor vehicle dealer's performance that may have a material impact on a motor vehicle dealer that is not fair, reasonable and equitable, or applying any such standard or program to a motor vehicle dealer in a manner that is not fair, reasonable and equitable. If dealership performance standards are based on a survey, the manufacturer or distributor shall establish the objectivity of the survey process and provide this information to any motor vehicle dealer covered by the survey request. Within fifteen (15) business days of a request by the motor vehicle dealer, a manufacturer shall disclose in writing to the motor vehicle dealer a description of the performance standard or program and all relevant information used in the application of the performance standard or program to that motor vehicle dealer unless the manufacturer has already provided the information.(xvi)To increase prices of new motor vehicles which the new motor vehicle dealer had ordered for the ultimate purchasers prior to the motor vehicle dealer's receipt of written official price increase notification. A sales contract signed by the ultimate purchaser that includes model and firm price shall constitute evidence of each such order provided that the vehicle is in fact delivered to that purchaser.(xvii)To attempt to require, coerce or attempt to coerce any new motor vehicle dealer to sell, offer to sell or sell exclusively an extended service contract, extended maintenance plan or similar product, including, without limitation, GAP products, offered, endorsed or sponsored by the manufacturer or distributor by any of the following means:1.By an act or statement made by the manufacturer or distributor that will adversely impact the motor vehicle dealer whether it is express or implied; or2.By a provision in a franchise agreement that the motor vehicle dealer shall sell, offer to sell or sell exclusively an extended service contract, extended warranty plan or similar product offered, endorsed or sponsored by the manufacturer or distributor; or3.By measuring the motor vehicle dealer's performance under the franchise agreement based on the sale of extended service contracts, extended maintenance plans or similar products offered, endorsed or sponsored by the manufacturer or distributor; or4.By requiring the motor vehicle dealer to actively promote the sale or extended service contracts, extended maintenance plans or similar products offered, endorsed or sponsored by the manufacturer or distributor.Nothing in this subparagraph shall prohibit a manufacturer or distributor from providing incentive programs to a new motor vehicle dealer who makes the voluntary decision to offer to sell, sell or sell exclusively an extended service contract, extended maintenance plan or similar product offered, endorsed or sponsored by the manufacturer or distributor.(xviii)To require a motor vehicle dealer to provide its customer lists or service files to the manufacturer or distributor, unless necessary for the sale and delivery of a new motor vehicle to a consumer, to validate and pay consumer or dealer incentives, for reasonable marketing purposes, for evaluation of dealer performance, for analytics or for the submission to the franchisor for any services supplied by the franchisee for any claim for warranty parts or repairs. Nothing in this section shall limit the franchisor's ability to require or use customer information to satisfy any safety or recall notice obligation or other legal obligation.(xix)To release or cause to be released a motor vehicle dealer's nonpublic customer information to another motor vehicle dealer unless the franchise has been terminated, the customer has relocated to an address that is outside of the motor vehicle dealer's market area, the customer has transacted business with another motor vehicle dealer of the same brand, a customer has not transacted with the dealer from which a vehicle was purchased for a period of nine (9) months, or the motor vehicle dealer consents to the sharing of customer information with other dealers.(xx)To coerce, attempt to coerce, require or attempt to require any motor vehicle dealer to provide installment financing with a specified financial institution.(xxi)To require, coerce or attempt to coerce a dealer or successor dealer to construct or substantially alter a facility or premises if such construction or alteration would be unreasonable under the circumstances.(xxii)To require, coerce or attempt to coerce a dealer or successor dealer to construct or substantially alter a facility or premises if the same area of the facility or premises has been constructed or substantially altered within the last ten (10) years and the construction or alteration was required and approved by the manufacturer as a part of a program, standard or policy, except for improvements made to comply with health or safety laws, or to accommodate the technology requirements necessary to sell or to service a motor vehicle. As used in this subsection, "substantially alter" means an alteration that substantially impacts the architectural features, characteristics, or integrity of a structure or lot. The term does not include routine maintenance reasonably necessary to maintain a dealership in attractive condition, or items directly protected by federal intellectual property rights of the manufacturer. If, during such ten-year period, the manufacturer revises an existing, or establishes a new program, standard, policy, bonus, incentive, rebate, or other benefit for the construction or substantial alteration of a dealership facility or premises, a motor vehicle dealer who completed a facility as a part of a prior program, standard, or policy within the ten-year period and elects not to comply with the applicant's or manufacturer's

requirements under the revised or new program, standard, or facility-related policy will not be eligible for any bonus, incentive, rebate, or other benefit under the revised or new program but shall remain entitled to all benefits under the prior program according to the terms of the prior program in place when the dealer began to perform under the program. If the prior program under which the dealer completed a facility construction or substantial alteration does not contain a specific time period during which the manufacturer or distributor must provide payments or benefits to a dealer, then the manufacturer or distributor may not deny the dealer payment or benefits under the terms of that prior program, as it existed when the dealer began to perform under the prior program, for the balance of the ten-year period, regardless of whether the manufacturer's or distributor's facility program has been changed or canceled.(xxiii)To require, coerce, or attempt to coerce a dealer located in this state to purchase goods or facility construction or maintenance services for items not trademarked or otherwise directly protected by federal intellectual property rights of the manufacturer from a vendor selected, identified, or designated by a manufacturer, distributor, affiliate, or captive finance source when the dealer may obtain goods or facility construction or maintenance services for items not trademarked or otherwise directly protected by federal intellectual property rights of the manufacturer of the same quality, material, and design from a vendor selected by the dealer, provided the dealer obtains prior approval from the manufacturer, distributor or affiliate, for the use of the dealer's selected vendor. Goods shall include signs or sign components to be purchased or leased by the dealer which are not trademarked or otherwise directly protected by the federal intellectual property rights of the manufacturer. Such approval by the manufacturer, distributor or affiliate may not be unreasonably withheld. For purposes of this subparagraph (xxiii), the term "goods" does not include moveable displays, brochures, and promotional materials containing material subject to the intellectual property rights of a manufacturer or distributor, or special tools as reasonably required by the manufacturer, or parts to be used in repairs under warranty or recall obligations of a manufacturer or distributor. If the manufacturer, distributor or affiliate claims that a vendor chosen by the dealer cannot supply goods or facility construction or maintenance services for items not trademarked or otherwise directly protected by federal intellectual property rights of the manufacturer which are the same quality, material, and design, the dealer may file a protest with the commission. When a protest is filed, the commission shall promptly inform the manufacturer, distributor, affiliate, or captive finance source that a protest has been filed. The commission shall conduct a hearing on the merits of the protest within ninety (90) days following the filing of a response to the protest. The manufacturer, distributor or affiliate shall bear the burden of proving that the goods or facility construction or maintenance services for items not trademarked or otherwise directly protected by federal intellectual property rights of the manufacturer chosen by the dealer are not of the same quality, material or design to those required by the manufacturer, distributor or affiliate.This paragraph (d) shall not apply to manufacturers of motor homes governed by the provisions of Sections63-17-201through63-17-221.(2)Concerning any sale of a motor vehicle or vehicles to the State of Mississippi, or to the several counties or municipalities thereof, or to any other political subdivision thereof, no manufacturer, distributor or wholesaler shall offer any discounts, refunds, or any other similar type inducements to any dealer without making the same offer or offers to all other of its dealers within the state. If the inducements above mentioned are made, the manufacturer, distributor or wholesaler shall give simultaneous notice thereof to all of its dealers within the state.(3)It is unlawful to be a broker. For the purpose of this subsection, "broker" means a person who, for a fee, commission or other valuable consideration, arranges or offers to arrange a transaction involving the sale, for purposes other than resale, of a new motor vehicle, and who is not:(a)A new motor vehicle dealer or agent or employee of such a dealer; or(b)A distributor or an agent or employee of such a distributor.However, an individual shall not be deemed to be a broker if he or she is the owner of the new or used motor vehicle which is the object of the brokering transaction.(4)(a)For purposes of this subsection, the term "Stop-Sale" or "Do-Not-Drive" order means a notification issued by a manufacturer to its franchised new motor vehicle dealers stating that certain used vehicles in inventory shall not be sold or leased, at either retail or wholesale, due to a federal safety recall for a defect or noncompliance, or a federal emissions recall.(b)A manufacturer shall compensate its new motor vehicle dealers for all labor and parts required by the manufacturer to perform recall repairs. Compensation for recall repairs shall be reasonable. If parts or a remedy are not reasonably available to perform a recall service or repair on a used vehicle held for sale by a dealer authorized to sell and service new vehicles of the same line-make within thirty (30) days of the manufacturer issuing the initial notice of recall, and the manufacturer has issued a Stop-Sale or Do-Not-Drive order on the vehicle, the manufacturer shall compensate the dealer at a prorated rate of at least one percent (1%) of the value of the vehicle per month beginning on the date that is thirty (30) days after the date on which the Stop-Sale or Do-Not-Drive order was provided to the dealer until the earlier of either of the following:(i)The date the recall or remedy parts are made available; or(ii)The date the dealer sells, trades, or otherwise disposes of the affected used motor vehicle.(c)The value of a used vehicle shall be the average trade-in value for used vehicles as indicated in an independent third party guide for the year, make, and model, of the recalled vehicle.(d)This subsection shall apply only to used vehicles subject to safety or emissions recalls pursuant to and recalled in accordance with federal law and regulations adopted thereunder and where a Stop-Sale or Do-Not-Drive order has been issued and repair parts or remedy remain unavailable for thirty (30) days or longer. This subsection further shall apply only to new motor vehicle dealers holding an affected used vehicle for sale:(i)In inventory at the time the Stop-Sale or Do-Not-Drive order was issued; or(ii)Which was taken in the used vehicle inventory of the dealer as a consumer trade-in incident to the purchase of a new vehicle from the dealer after the Stop-Sale or Do-Not-Drive order was issued; and(iii)That are a line-make that the dealer is franchised to sell or on which the dealer is authorized to perform recall repairs.(e)It shall be a violation of this subsection for a manufacturer to reduce the amount of compensation otherwise owed to an individual new motor vehicle dealer, whether through a chargeback, removal of the individual dealer from an incentive program or reduction in amount owed under an incentive program solely because the new motor vehicle dealer has submitted a claim for reimbursement under this subsection. This subsection shall not apply to an action by a manufacturer that is applied uniformly among all dealers of the same line-make in the state.(f)All

reimbursement claims made by new motor vehicle dealers pursuant to this subsection for recall remedies or repairs, or for compensation where no part or repair is reasonably available and the vehicle is subject to a Stop-Sale or Do-Not-Drive order shall be subject to the same limitations and requirements as a warranty reimbursement claim made under paragraph (j) of Section 63-17-85. In the alternative, a manufacturer may compensate its franchised dealers under a national recall compensation program provided the compensation under the program is equal to or greater than that provided under paragraph (b) of this subsection (4); or the manufacturer and dealer otherwise agree. (g) A manufacturer may direct the manner and method in which a dealer must demonstrate the inventory status of an affected used motor vehicle to determine eligibility under this subsection, provided that the manner and method may not be unduly burdensome and may not require information that is unduly burdensome to the dealer. (h) Nothing in this subsection shall require a manufacturer to provide total compensation to a dealer which would exceed the total average trade-in value of the affected used motor vehicle as originally determined under paragraph (b) of this subsection (4). (i) If a recall remedy for an affected use motor vehicle is available under a federal statute or regulation, then a dealer may opt to be compensated under either the federal statute or authority of this subsection but may not combine the remedies. Codes, 1942, § 8071.7-05; Laws, 1970, ch. 478, § 5; reenacted without change, Laws, 1983, ch. 344, § 12; reenacted without change, Laws, 1991, ch. 305, § 12; Laws, 1994, ch. 399, § 3; Laws, 2000, ch. 418, § 9; Laws, 2006, ch. 432, § 4, eff. 7/1/2006. Amended by Laws, 2019, ch. 394, HB 872, § 1, eff. 7/1/2019. Amended by Laws, 2014, ch. 532, HB 742, 12, eff. 10/1/2014. Amended by Laws, 2014, ch. 349, HB 581, 3, eff. 7/1/2014. (1) It is unlawful: (a) For any person, firm, association, corporation or trust to engage in business as, or serve in the capacity of, or act as a motor vehicle dealer, motor vehicle salesman, manufacturer, distributor, wholesaler, factory branch or division, distributor branch or division, wholesaler branch or division, factory representative or distributor representative, as such, in this state without first obtaining a license therefor as provided in the Mississippi Motor Vehicle Commission Law, regardless of whether or not the person, firm, association, corporation or trust maintains or has a place or places of business in this state. Any person, firm, association, corporation or trust engaging, acting or serving in more than one (1) of the capacities or having more than one (1) place where the business is carried on or conducted shall be required to obtain and hold a current license for each capacity and place of business. (b) For a motor vehicle dealer or a motor vehicle salesman: (i) To require a purchaser of a new motor vehicle, as a condition of sale and delivery thereof, to also purchase special features, appliances, equipment, parts or accessories not desired or requested by the purchaser. However, this prohibition shall not apply as to special features, appliances, equipment, parts or accessories which are already installed on the car when received by the dealer. (ii) To represent and sell as a new motor vehicle any motor vehicle which has been used and operated for demonstration purposes or which is otherwise a used motor vehicle. (iii) To resort to or use any false or misleading advertisement in connection with his business as a motor vehicle dealer or motor vehicle salesman. (iv) To sell an extended service contract, extended maintenance plan or similar product that is not offered, endorsed or sponsored by a manufacturer or distributor without disclosing to the consumer, orally and in writing, that the offered product is not provided or supported by a manufacturer or distributor. (c) For a manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch or division, or a wholesaler branch or division, or officer, agent or other representative thereof, to coerce, or attempt to coerce, any motor vehicle dealer: (i) To order or accept delivery of any motor vehicle or vehicles, appliances, equipment, parts or accessories therefor, or any other commodity or commodities which shall not have been voluntarily ordered by the motor vehicle dealer. (ii) To order or accept delivery of any motor vehicle with special features, appliances, accessories or equipment not included in the list price of the motor vehicles as publicly advertised by the manufacturer thereof. (iii) To order for any person any parts, accessories, equipment, machinery, tools, appliances or any commodity whatsoever. (iv) To contribute or pay money or anything of value into any cooperative or other advertising program or fund. This paragraph (c) shall not apply to manufacturers of motor homes governed by the provisions of Sections 63-17-201 through 63-17-221. (d) For a manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch or division, or a wholesaler branch or division, or officer, agent or other representative thereof: (i) To refuse to deliver in reasonable quantities and within a reasonable time after receipt of dealer's order to any duly licensed motor vehicle dealer having a franchise or contractual arrangement for the retail sale of new motor vehicles sold or distributed by such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division or wholesale branch or division, any motor vehicles as are covered by such franchise or contract specifically publicly advertised by the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division or wholesale branch or division, to be available for immediate delivery. However, the failure to deliver any motor vehicle shall not be considered a violation of this subsection if the failure is due to acts of God, work stoppages or delays due to strikes or labor difficulties, freight embargoes or other causes over which the manufacturer, distributor or wholesaler, or any agent thereof, has no control. (ii) To coerce, or attempt to coerce any motor vehicle dealer to enter into any agreement, with the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division, or officer, agent or other representative thereof, or to do any other act prejudicial to the dealer by threatening to cancel any franchise or any contractual agreement existing between the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division, and the dealer. However, good-faith notice to any motor vehicle dealer of the dealer's violation of any terms or provisions of the franchise or contractual agreement shall not constitute a violation of this subsection. (iii) To terminate or cancel the franchise or selling agreement of any dealer without due cause. The nonrenewal of a franchise or selling agreement, without due cause, shall constitute an unfair termination or cancellation, regardless of the terms or provisions of such franchise or selling agreement. "Due cause" shall be defined as a breach by the dealer of a material provision of the franchise agreement which breach has not been cured within a reasonable time after the dealer has been given written notice of the breach. The burden of proving that due cause exists shall be upon the party attempting to terminate, cancel or not renew the franchise or selling agreement. The manufacturer,

distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division, or officer, agent or other representative thereof shall notify a motor vehicle dealer in writing, and forward a copy of the notice to the commission, of the termination or cancellation of the franchise or selling agreement of the dealer at least sixty (60) days before the effective date thereof, stating the specific grounds for such termination or cancellation. The manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division, or officer, agent or other representative thereof shall notify a motor vehicle dealer in writing, and forward a copy of the notice to the commission, at least sixty (60) days before the contractual term of his franchise or selling agreement expires that the franchise or selling agreement will not be renewed, stating the specific grounds for the nonrenewal, in those cases where there is no intention to renew the franchise or selling agreement. In no event shall the contractual term of any franchise or selling agreement expire, without the written consent of the motor vehicle dealer involved, prior to the expiration of at least sixty (60) days following such written notice. Any motor vehicle dealer who receives written notice that his franchise or selling agreement is being terminated or cancelled or who receives written notice that his franchise or selling agreement will not be renewed, may, within the sixty-day notice period, file with the commission a verified complaint for its determination as to whether the termination or cancellation or nonrenewal is unfair within the purview of the Mississippi Motor Vehicle Commission Law, and the franchise agreement shall continue in effect until final determination of the issues raised in the complaint notwithstanding anything to the contrary contained in the law or in the franchise or selling agreement.

(iv) To require, attempt to require, coerce or attempt to coerce a dealer, by franchise agreement or otherwise, or as a condition to the renewal or continuation of a franchise agreement, to materially change the dealer's method of conducting business, not including its facilities, if the change would impose substantial and unreasonable financial hardship on the business of the motor vehicle dealer in light of the business objective of the proposed change, unless the change is voluntarily agreed to by the dealer for separate and valuable consideration.

(v) To offer to sell or to sell any new motor vehicle to any motor vehicle dealer at a lower actual price therefor than the actual price charged to any other motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device, including, but not limited to, sales promotion plans or programs which result in such lesser actual price. The provisions of this subparagraph shall not apply so long as a manufacturer, distributor or wholesaler, or any agent thereof, offers to sell or sells new motor vehicles to all motor vehicle dealers at the same price. This subparagraph shall not be construed to prevent the offering of volume discounts if such discounts are equally available to all franchised motor vehicle dealers of the same line or make in this state. The provisions of this subsection shall not apply to sales to a motor vehicle dealer of any motor vehicle ultimately sold, donated or used by such dealer in a driver education program, to sales to a motor vehicle dealer for resale to any unit of government, federal, state or local, or to bona fide fleet sales.

(vi) To offer to sell or to sell parts and/or accessories to any new motor vehicle dealer for use in his own business for the purpose of repairing or replacing the same or a comparable part or accessory, at a lower actual price therefor than the actual price charged to any other new motor vehicle dealer for similar parts and/or accessories for use in his own business. However, it is recognized that certain motor vehicle dealers operate and serve as wholesalers of parts and accessories to retail outlets, and nothing herein contained shall be construed to prevent a manufacturer, distributor or wholesaler, or any agent thereof, from selling to a motor vehicle dealer who operates and serves as a wholesaler of parts and accessories, the parts and accessories as may be ordered by such motor vehicle dealer for resale to retail outlets, at a lower actual price than the actual price charged a motor vehicle dealer who does not operate or serve as a wholesaler of parts and accessories.

(vii) To prevent or attempt to prevent by contract or otherwise any motor vehicle dealer from changing the capital structure of his dealership or the means by or through which he finances the operation of his dealership, provided the motor vehicle dealer at all times meets any capital standards agreed to between the dealership and the manufacturer, distributor or wholesaler, provided such standards are deemed reasonable by the commission.

(viii) To prevent or attempt to prevent by contract or otherwise any motor vehicle dealer or any officer, partner or stockholder of any motor vehicle dealer from selling or transferring any part of the interest of any of them to any other person or persons or party or parties. However, no motor vehicle dealer, officer, partner or stockholder shall have the right to sell, transfer or assign the franchise or any right thereunder without the consent of the manufacturer, distributor or wholesaler which consent shall not be unreasonably withheld.

(ix) To condition unreasonably the renewal or extension of a franchise on a motor vehicle dealer's substantial renovation of the motor vehicle dealer's place of business or on the construction, purchase, acquisition or rental of a new place of business by the motor vehicle dealer. The manufacturer shall notify the motor vehicle dealer in writing of its intent to impose such a condition within a reasonable time prior to the effective date of the proposed renewal or extension, but in no case less than one hundred eighty (180) days prior to the renewal or extension. Upon receipt of written notification, a motor vehicle dealer shall have sixty (60) days to file a protest with the commission, and the manufacturer shall demonstrate to the commission the need for the demand in view of the need to service the public and the economic conditions existing in the motor vehicle industry and the market area served by the motor vehicle dealer at the time the action would be required of the motor vehicle dealer. As part of any such condition the manufacturer shall offer the motor vehicle dealer a reasonable initial supply and model mix of motor vehicles to meet the sales levels necessary to support the increased overhead incurred by the motor vehicle dealer by reason of the renovation, construction, purchase or rental of a new place of business consistent with nationally applied standards.

(x) To require, coerce or attempt to coerce a motor vehicle dealer to refrain from participation in the management of, investment in, the acquisition of, or the current operation of any other line of motor vehicles or related products, as long as the motor vehicle dealer maintains a reasonable line of credit for each dealership and the motor vehicle dealer remains in substantial compliance with reasonable facilities' requirements of the manufacturer or distributor. The reasonable facilities' requirements may not include any requirement that a motor vehicle dealer establish or maintain exclusive facilities, personnel or display space when the requirements are unreasonable considering current economic conditions in the market area and not otherwise justified by reasonable business

considerations. The burden of proving by a preponderance of the evidence that the current economic conditions and reasonable business considerations justify exclusive facilities is on the manufacturer. Voluntary and noncoerced acceptance of such conditions by the motor vehicle dealer in writing for separate and valuable consideration shall not constitute a violation.(xi)To fail or refuse to sell or offer to sell to all motor vehicle dealers in a line or make, every motor vehicle sold or offered for sale under the franchise agreement to any motor vehicle dealer of the same line or make; or to unreasonably require a motor vehicle dealer to pay an extra fee, purchase unreasonable advertising displays or any other materials, or to unreasonably require the dealer-operator to remodel, renovate or recondition its existing facilities as a prerequisite to receiving a certain model or series of vehicles. However, the failure to deliver any such motor vehicle shall not be considered a violation of this section if the failure is not arbitrary and is due to a lack of manufacturing capacity or to a strike or labor difficulty, a shortage of materials, a freight embargo or other cause of which the manufacturer or distributor has no control. This provision shall not apply to manufacturers of recreational vehicles.(xii)To condition the sale, transfer, relocation or renewal of a franchise or dealer agreement or to condition sales, services, parts or finance incentives upon site-control agreement; however, voluntary and noncoerced acceptance of such conditions by the motor vehicle dealer in writing, shall not constitute a violation.(xiii)To assign or change a motor vehicle dealer's market area under the franchise or motor vehicle dealer's agreement arbitrarily or without due regard to the present or projected future pattern of motor vehicle sales and registrations within the motor vehicle dealer's market area, and without first having provided the motor vehicle dealer's with written notice of the change in the motor vehicle dealer's market area and a detailed description of the change and reasons therefor.(xiv)To attempt to coerce, or coerce, a motor vehicle dealer to adhere to performance standards that are not applied uniformly to other similarly situated motor vehicle dealers.(xv)To establish any performance standard or program for measuring motor vehicle dealer's performance that may have a material impact on a motor vehicle dealer that is not fair, reasonable and equitable, or applying any such standard or program to a motor vehicle dealer in a manner that is not fair, reasonable and equitable. If dealership performance standards are based on a survey, the manufacturer or distributor shall establish the objectivity of the survey process and provide this information to any motor vehicle dealer covered by the survey request. Within fifteen (15) business days of a request by the motor vehicle dealer, a manufacturer shall disclose in writing to the motor vehicle dealer a description of the performance standard or program and all relevant information used in the application of the performance standard or program to that motor vehicle dealer unless the manufacturer has already provided the information.(xvi)To increase prices of new motor vehicles which the new motor vehicle dealer had ordered for the ultimate purchasers prior to the motor vehicle dealer's receipt of written official price increase notification. A sales contract signed by the ultimate purchaser that includes model and firm price shall constitute evidence of each such order provided that the vehicle is in fact delivered to that purchaser.(xvii)To attempt to require, coerce or attempt to coerce any new motor vehicle dealer to sell, offer to sell or sell exclusively an extended service contract, extended maintenance plan or similar product, including, without limitation, GAP products, offered, endorsed or sponsored by the manufacturer or distributor by any of the following means:1.By an act or statement made by the manufacturer or distributor that will adversely impact the motor vehicle dealer whether it is express or implied; or2.By a provision in a franchise agreement that the motor vehicle dealer shall sell, offer to sell or sell exclusively an extended service contract, extended warranty plan or similar product offered, endorsed or sponsored by the manufacturer or distributor; or3.By measuring the motor vehicle dealer's performance under the franchise agreement based on the sale of extended service contracts, extended maintenance plans or similar products offered, endorsed or sponsored by the manufacturer or distributor; or4.By requiring the motor vehicle dealer to actively promote the sale or extended service contracts, extended maintenance plans or similar products offered, endorsed or sponsored by the manufacturer or distributor.Nothing in this subparagraph shall prohibit a manufacturer or distributor from providing incentive programs to a new motor vehicle dealer who makes the voluntary decision to offer to sell, sell or sell exclusively an extended service contract, extended maintenance plan or similar product offered, endorsed or sponsored by the manufacturer or distributor.(xviii)To require a motor vehicle dealer to provide its customer lists or service files to the manufacturer or distributor, unless necessary for the sale and delivery of a new motor vehicle to a consumer, to validate and pay consumer or dealer incentives, for reasonable marketing purposes, for evaluation of dealer performance, for analytics or for the submission to the franchisor for any services supplied by the franchisee for any claim for warranty parts or repairs. Nothing in this section shall limit the franchisor's ability to require or use customer information to satisfy any safety or recall notice obligation or other legal obligation.(xix)To release or cause to be released a motor vehicle dealer's nonpublic customer information to another motor vehicle dealer unless the franchise has been terminated, the customer has relocated to an address that is outside of the motor vehicle dealer's market area, the customer has transacted business with another motor vehicle dealer of the same brand, a customer has not transacted with the dealer from which a vehicle was purchased for a period of nine (9) months, or the motor vehicle dealer consents to the sharing of customer information with other dealers.(xx)To coerce, attempt to coerce, require or attempt to require any motor vehicle dealer to provide installment financing with a specified financial institution.(xxi)To require, coerce or attempt to coerce a dealer or successor dealer to construct or substantially alter a facility or premises if such construction or alteration would be unreasonable under the circumstances.(xxii)To require, coerce or attempt to coerce a dealer or successor dealer to construct or substantially alter a facility or premises if the same area of the facility or premises has been constructed or substantially altered within the last ten (10) years and the construction or alteration was required and approved by the manufacturer as a part of a program, standard or policy, except for improvements made to comply with health or safety laws, or to accommodate the technology requirements necessary to sell or to service a motor vehicle. As used in this subsection, "substantially alter" means an alteration that substantially impacts the architectural features, characteristics, or integrity of a structure or lot. The term does not include routine maintenance reasonably necessary to maintain a dealership in attractive condition, or items directly protected by federal intellectual property rights of the manufacturer. If, during such ten-year period, the

manufacturer revises an existing, or establishes a new program, standard, policy, bonus, incentive, rebate, or other benefit for the construction or substantial alteration of a dealership facility or premises, a motor vehicle dealer who completed a facility as a part of a prior program, standard, or policy within the ten-year period and elects not to comply with the applicant's or manufacturer's requirements under the revised or new program, standard, or facility-related policy will not be eligible for any bonus, incentive, rebate, or other benefit under the revised or new program but shall remain entitled to all benefits under the prior program according to the terms of the prior program in place when the dealer began to perform under the program. If the prior program under which the dealer completed a facility construction or substantial alteration does not contain a specific time period during which the manufacturer or distributor must provide payments or benefits to a dealer, then the manufacturer or distributor may not deny the dealer payment or benefits under the terms of that prior program, as it existed when the dealer began to perform under the prior program, for the balance of the ten-year period, regardless of whether the manufacturer's or distributor's facility program has been changed or canceled.(xxiii)To require, coerce, or attempt to coerce a dealer located in this state to purchase goods or facility construction or maintenance services for items not trademarked or otherwise directly protected by federal intellectual property rights of the manufacturer from a vendor selected, identified, or designated by a manufacturer, distributor, affiliate, or captive finance source when the dealer may obtain goods or facility construction or maintenance services for items not trademarked or otherwise directly protected by federal intellectual property rights of the manufacturer of the same quality, material, and design from a vendor selected by the dealer, provided the dealer obtains prior approval from the manufacturer, distributor or affiliate, for the use of the dealer's selected vendor. Goods shall include signs or sign components to be purchased or leased by the dealer which are not trademarked or otherwise directly protected by the federal intellectual property rights of the manufacturer. Such approval by the manufacturer, distributor or affiliate may not be unreasonably withheld. For purposes of this subparagraph (xxiii), the term "goods" does not include moveable displays, brochures, and promotional materials containing material subject to the intellectual property rights of a manufacturer or distributor, or special tools as reasonably required by the manufacturer, or parts to be used in repairs under warranty or recall obligations of a manufacturer or distributor. If the manufacturer, distributor or affiliate claims that a vendor chosen by the dealer cannot supply goods or facility construction or maintenance services for items not trademarked or otherwise directly protected by federal intellectual property rights of the manufacturer which are the same quality, material, and design, the dealer may file a protest with the commission. When a protest is filed, the commission shall promptly inform the manufacturer, distributor, affiliate, or captive finance source that a protest has been filed. The commission shall conduct a hearing on the merits of the protest within ninety (90) days following the filing of a response to the protest. The manufacturer, distributor or affiliate shall bear the burden of proving that the goods or facility construction or maintenance services for items not trademarked or otherwise directly protected by federal intellectual property rights of the manufacturer chosen by the dealer are not of the same quality, material or design to those required by the manufacturer, distributor or affiliate.This paragraph (d) shall not apply to manufacturers of motor homes governed by the provisions of Sections63-17-201through63-17-221.(2)Concerning any sale of a motor vehicle or vehicles to the State of Mississippi, or to the several counties or municipalities thereof, or to any other political subdivision thereof, no manufacturer, distributor or wholesaler shall offer any discounts, refunds, or any other similar type inducements to any dealer without making the same offer or offers to all other of its dealers within the state. If the inducements above mentioned are made, the manufacturer, distributor or wholesaler shall give simultaneous notice thereof to all of its dealers within the state.(3)It is unlawful to be a broker. For the purpose of this subsection, "broker" means a person who, for a fee, commission or other valuable consideration, arranges or offers to arrange a transaction involving the sale, for purposes other than resale, of a new motor vehicle, and who is not:(a)A new motor vehicle dealer or agent or employee of such a dealer; or(b)A distributor or an agent or employee of such a distributor.However, an individual shall not be deemed to be a broker if he or she is the owner of the new or used motor vehicle which is the object of the brokering transaction.(4)(a)For purposes of this subsection, the term "Stop-Sale" or "Do-Not-Drive" order means a notification issued by a manufacturer to its franchised new motor vehicle dealers stating that certain used vehicles in inventory shall not be sold or leased, at either retail or wholesale, due to a federal safety recall for a defect or noncompliance, or a federal emissions recall.(b)A manufacturer shall compensate its new motor vehicle dealers for all labor and parts required by the manufacturer to perform recall repairs. Compensation for recall repairs shall be reasonable. If parts or a remedy are not reasonably available to perform a recall service or repair on a used vehicle held for sale by a dealer authorized to sell and service new vehicles of the same line-make within thirty (30) days of the manufacturer issuing the initial notice of recall, and the manufacturer has issued a Stop-Sale or Do-Not-Drive order on the vehicle, the manufacturer shall compensate the dealer at a prorated rate of at least one percent (1%) of the value of the vehicle per month beginning on the date that is thirty (30) days after the date on which the Stop-Sale or Do-Not-Drive order was provided to the dealer until the earlier of either of the following:(i)The date the recall or remedy parts are made available; or(ii)The date the dealer sells, trades, or otherwise disposes of the affected used motor vehicle.(c)The value of a used vehicle shall be the average trade-in value for used vehicles as indicated in an independent third party guide for the year, make, and model, of the recalled vehicle.(d)This subsection shall apply only to used vehicles subject to safety or emissions recalls pursuant to and recalled in accordance with federal law and regulations adopted thereunder and where a Stop-Sale or Do-Not-Drive order has been issued and repair parts or remedy remain unavailable for thirty (30) days or longer. This subsection further shall apply only to new motor vehicle dealers holding an affected used vehicle for sale:(i)In inventory at the time the Stop-Sale or Do-Not-Drive order was issued; or(ii)Which was taken in the used vehicle inventory of the dealer as a consumer trade-in incident to the purchase of a new vehicle from the dealer after the Stop-Sale or Do-Not-Drive order was issued; and(iii)That are a line-make that the dealer is franchised to sell or on which the dealer is authorized to perform recall repairs.(e)It shall be a violation of this subsection for a manufacturer to reduce the amount of compensation otherwise owed to an individual new motor vehicle dealer, whether through a

chargeback, removal of the individual dealer from an incentive program or reduction in amount owed under an incentive program solely because the new motor vehicle dealer has submitted a claim for reimbursement under this subsection. This subsection shall not apply to an action by a manufacturer that is applied uniformly among all dealers of the same line-make in the state.(f)All reimbursement claims made by new motor vehicle dealers pursuant to this subsection for recall remedies or repairs, or for compensation where no part or repair is reasonably available and the vehicle is subject to a Stop-Sale or Do-Not-Drive order shall be subject to the same limitations and requirements as a warranty reimbursement claim made under paragraph (j) of Section63-17-85. In the alternative, a manufacturer may compensate its franchised dealers under a national recall compensation program provided the compensation under the program is equal to or greater than that provided under paragraph (b) of this subsection (4); or the manufacturer and dealer otherwise agree.(g)A manufacturer may direct the manner and method in which a dealer must demonstrate the inventory status of an affected used motor vehicle to determine eligibility under this subsection, provided that the manner and method may not be unduly burdensome and may not require information that is unduly burdensome to the dealer.(h)Nothing in this subsection shall require a manufacturer to provide total compensation to a dealer which would exceed the total average trade-in value of the affected used motor vehicle as originally determined under paragraph (b) of this subsection (4).(i)If a recall remedy for an affected use motor vehicle is available under a federal statute or regulation, then a dealer may opt to be compensated under either the federal statute or authority of this subsection but may not combine the remedies.Codes, 1942, § 8071.7-05; Laws, 1970, ch. 478, § 5; reenacted without change, Laws, 1983, ch. 344, § 12; reenacted without change, Laws, 1991, ch. 305, § 12; Laws, 1994, ch. 399, § 3; Laws, 2000, ch. 418, § 9; Laws, 2006, ch. 432, § 4, eff. 7/1/2006.Amended by Laws, 2019, ch. 394, HB 872,§ 1, eff. 7/1/2019.Amended by Laws, 2014, ch. 532, HB 742, 12, eff. 10/1/2014.Amended by Laws, 2014, ch. 349, HB 581, 3, eff. 7/1/2014.

(1)It is unlawful:(a)For any person, firm, association, corporation or trust to engage in business as, or serve in the capacity of, or act as a motor vehicle dealer, motor vehicle salesman, manufacturer, distributor, wholesaler, factory branch or division, distributor branch or division, wholesaler branch or division, factory representative or distributor representative, as such, in this state without first obtaining a license therefor as provided in the Mississippi Motor Vehicle Commission Law, regardless of whether or not the person, firm, association, corporation or trust maintains or has a place or places of business in this state. Any person, firm, association, corporation or trust engaging, acting or serving in more than one (1) of the capacities or having more than one (1) place where the business is carried on or conducted shall be required to obtain and hold a current license for each capacity and place of business.(b)For a motor vehicle dealer or a motor vehicle salesman:(i)To require a purchaser of a new motor vehicle, as a condition of sale and delivery thereof, to also purchase special features, appliances, equipment, parts or accessories not desired or requested by the purchaser. However, this prohibition shall not apply as to special features, appliances, equipment, parts or accessories which are already installed on the car when received by the dealer.(ii)To represent and sell as a new motor vehicle any motor vehicle which has been used and operated for demonstration purposes or which is otherwise a used motor vehicle.(iii)To resort to or use any false or misleading advertisement in connection with his business as a motor vehicle dealer or motor vehicle salesman.(iv)To sell an extended service contract, extended maintenance plan or similar product that is not offered, endorsed or sponsored by a manufacturer or distributor without disclosing to the consumer, orally and in writing, that the offered product is not provided or supported by a manufacturer or distributor.(c)For a manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch or division, or a wholesaler branch or division, or officer, agent or other representative thereof, to coerce, or attempt to coerce, any motor vehicle dealer:(i)To order or accept delivery of any motor vehicle or vehicles, appliances, equipment, parts or accessories therefor, or any other commodity or commodities which shall not have been voluntarily ordered by the motor vehicle dealer.(ii)To order or accept delivery of any motor vehicle with special features, appliances, accessories or equipment not included in the list price of the motor vehicles as publicly advertised by the manufacturer thereof.(iii)To order for any person any parts, accessories, equipment, machinery, tools, appliances or any commodity whatsoever.(iv)To contribute or pay money or anything of value into any cooperative or other advertising program or fund.This paragraph (c) shall not apply to manufacturers of motor homes governed by the provisions of Sections63-17-201through63-17-221.(d)For a manufacturer, a distributor, a wholesaler, a distributor branch or division, a factory branch or division, or a wholesaler branch or division, or officer, agent or other representative thereof:(i)To refuse to deliver in reasonable quantities and within a reasonable time after receipt of dealer's order to any duly licensed motor vehicle dealer having a franchise or contractual arrangement for the retail sale of new motor vehicles sold or distributed by such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division or wholesale branch or division, any motor vehicles as are covered by such franchise or contract specifically publicly advertised by the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division or wholesale branch or division, to be available for immediate delivery. However, the failure to deliver any motor vehicle shall not be considered a violation of this subsection if the failure is due to acts of God, work stoppages or delays due to strikes or labor difficulties, freight embargoes or other causes over which the manufacturer, distributor or wholesaler, or any agent thereof, has no control.(ii)To coerce, or attempt to coerce any motor vehicle dealer to enter into any agreement, with the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division, or officer, agent or other representative thereof, or to do any other act prejudicial to the dealer by threatening to cancel any franchise or any contractual agreement existing between the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division, and the dealer. However, good-faith notice to any motor vehicle dealer of the dealer's violation of any terms or provisions of the franchise or contractual agreement shall not constitute a violation of this subsection.(iii)To terminate or cancel the franchise or selling agreement of any dealer without due cause. The nonrenewal of a franchise or selling agreement, without due cause, shall constitute an unfair termination or cancellation, regardless of the terms or provisions of such franchise or selling agreement. "Due

cause" shall be defined as a breach by the dealer of a material provision of the franchise agreement which breach has not been cured within a reasonable time after the dealer has been given written notice of the breach. The burden of proving that due cause exists shall be upon the party attempting to terminate, cancel or not renew the franchise or selling agreement. The manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division, or officer, agent or other representative thereof shall notify a motor vehicle dealer in writing, and forward a copy of the notice to the commission, of the termination or cancellation of the franchise or selling agreement of the dealer at least sixty (60) days before the effective date thereof, stating the specific grounds for such termination or cancellation. The manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division, or officer, agent or other representative thereof shall notify a motor vehicle dealer in writing, and forward a copy of the notice to the commission, at least sixty (60) days before the contractual term of his franchise or selling agreement expires that the franchise or selling agreement will not be renewed, stating the specific grounds for the nonrenewal, in those cases where there is no intention to renew the franchise or selling agreement. In no event shall the contractual term of any franchise or selling agreement expire, without the written consent of the motor vehicle dealer involved, prior to the expiration of at least sixty (60) days following such written notice. Any motor vehicle dealer who receives written notice that his franchise or selling agreement is being terminated or cancelled or who receives written notice that his franchise or selling agreement will not be renewed, may, within the sixty-day notice period, file with the commission a verified complaint for its determination as to whether the termination or cancellation or nonrenewal is unfair within the purview of the Mississippi Motor Vehicle Commission Law, and the franchise agreement shall continue in effect until final determination of the issues raised in the complaint notwithstanding anything to the contrary contained in the law or in the franchise or selling agreement.(iv)To require, attempt to require, coerce or attempt to coerce a dealer, by franchise agreement or otherwise, or as a condition to the renewal or continuation of a franchise agreement, to materially change the dealer's method of conducting business, not including its facilities, if the change would impose substantial and unreasonable financial hardship on the business of the motor vehicle dealer in light of the business objective of the proposed change, unless the change is voluntarily agreed to by the dealer for separate and valuable consideration.(v)To offer to sell or to sell any new motor vehicle to any motor vehicle dealer at a lower actual price therefor than the actual price charged to any other motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device, including, but not limited to, sales promotion plans or programs which result in such lesser actual price. The provisions of this subparagraph shall not apply so long as a manufacturer, distributor or wholesaler, or any agent thereof, offers to sell or sells new motor vehicles to all motor vehicle dealers at the same price. This subparagraph shall not be construed to prevent the offering of volume discounts if such discounts are equally available to all franchised motor vehicle dealers of the same line or make in this state. The provisions of this subsection shall not apply to sales to a motor vehicle dealer of any motor vehicle ultimately sold, donated or used by such dealer in a driver education program, to sales to a motor vehicle dealer for resale to any unit of government, federal, state or local, or to bona fide fleet sales.(vi)To offer to sell or to sell parts and/or accessories to any new motor vehicle dealer for use in his own business for the purpose of repairing or replacing the same or a comparable part or accessory, at a lower actual price therefor than the actual price charged to any other new motor vehicle dealer for similar parts and/or accessories for use in his own business. However, it is recognized that certain motor vehicle dealers operate and serve as wholesalers of parts and accessories to retail outlets, and nothing herein contained shall be construed to prevent a manufacturer, distributor or wholesaler, or any agent thereof, from selling to a motor vehicle dealer who operates and serves as a wholesaler of parts and accessories, the parts and accessories as may be ordered by such motor vehicle dealer for resale to retail outlets, at a lower actual price than the actual price charged a motor vehicle dealer who does not operate or serve as a wholesaler of parts and accessories.(vii)To prevent or attempt to prevent by contract or otherwise any motor vehicle dealer from changing the capital structure of his dealership or the means by or through which he finances the operation of his dealership, provided the motor vehicle dealer at all times meets any capital standards agreed to between the dealership and the manufacturer, distributor or wholesaler, provided such standards are deemed reasonable by the commission.(viii)To prevent or attempt to prevent by contract or otherwise any motor vehicle dealer or any officer, partner or stockholder of any motor vehicle dealer from selling or transferring any part of the interest of any of them to any other person or persons or party or parties. However, no motor vehicle dealer, officer, partner or stockholder shall have the right to sell, transfer or assign the franchise or any right thereunder without the consent of the manufacturer, distributor or wholesaler which consent shall not be unreasonably withheld.(ix)To condition unreasonably the renewal or extension of a franchise on a motor vehicle dealer's substantial renovation of the motor vehicle dealer's place of business or on the construction, purchase, acquisition or rental of a new place of business by the motor vehicle dealer. The manufacturer shall notify the motor vehicle dealer in writing of its intent to impose such a condition within a reasonable time prior to the effective date of the proposed renewal or extension, but in no case less than one hundred eighty (180) days prior to the renewal or extension. Upon receipt of written notification, a motor vehicle dealer shall have sixty (60) days to file a protest with the commission, and the manufacturer shall demonstrate to the commission the need for the demand in view of the need to service the public and the economic conditions existing in the motor vehicle industry and the market area served by the motor vehicle dealer at the time the action would be required of the motor vehicle dealer. As part of any such condition the manufacturer shall offer the motor vehicle dealer a reasonable initial supply and model mix of motor vehicles to meet the sales levels necessary to support the increased overhead incurred by the motor vehicle dealer by reason of the renovation, construction, purchase or rental of a new place of business consistent with nationally applied standards.(x)To require, coerce or attempt to coerce a motor vehicle dealer to refrain from participation in the management of, investment in, the acquisition of, or the current operation of any other line of motor vehicles or related products, as long as the motor vehicle dealer maintains a reasonable line of credit for each dealership and the motor vehicle dealer remains in substantial compliance with reasonable

facilities' requirements of the manufacturer or distributor. The reasonable facilities' requirements may not include any requirement that a motor vehicle dealer establish or maintain exclusive facilities, personnel or display space when the requirements are unreasonable considering current economic conditions in the market area and not otherwise justified by reasonable business considerations. The burden of proving by a preponderance of the evidence that the current economic conditions and reasonable business considerations justify exclusive facilities is on the manufacturer. Voluntary and noncoerced acceptance of such conditions by the motor vehicle dealer in writing for separate and valuable consideration shall not constitute a violation.(xi)To fail or refuse to sell or offer to sell to all motor vehicle dealers in a line or make, every motor vehicle sold or offered for sale under the franchise agreement to any motor vehicle dealer of the same line or make; or to unreasonably require a motor vehicle dealer to pay an extra fee, purchase unreasonable advertising displays or any other materials, or to unreasonably require the dealer-operator to remodel, renovate or recondition its existing facilities as a prerequisite to receiving a certain model or series of vehicles. However, the failure to deliver any such motor vehicle shall not be considered a violation of this section if the failure is not arbitrary and is due to a lack of manufacturing capacity or to a strike or labor difficulty, a shortage of materials, a freight embargo or other cause of which the manufacturer or distributor has no control. This provision shall not apply to manufacturers of recreational vehicles.(xii)To condition the sale, transfer, relocation or renewal of a franchise or dealer agreement or to condition sales, services, parts or finance incentives upon site-control agreement; however, voluntary and noncoerced acceptance of such conditions by the motor vehicle dealer in writing, shall not constitute a violation.(xiii)To assign or change a motor vehicle dealer's market area under the franchise or motor vehicle dealer's agreement arbitrarily or without due regard to the present or projected future pattern of motor vehicle sales and registrations within the motor vehicle dealer's market area, and without first having provided the motor vehicle dealer's with written notice of the change in the motor vehicle dealer's market area and a detailed description of the change and reasons therefor.(xiv)To attempt to coerce, or coerce, a motor vehicle dealer to adhere to performance standards that are not applied uniformly to other similarly situated motor vehicle dealers.(xv)To establish any performance standard or program for measuring motor vehicle dealer's performance that may have a material impact on a motor vehicle dealer that is not fair, reasonable and equitable, or applying any such standard or program to a motor vehicle dealer in a manner that is not fair, reasonable and equitable. If dealership performance standards are based on a survey, the manufacturer or distributor shall establish the objectivity of the survey process and provide this information to any motor vehicle dealer covered by the survey request. Within fifteen (15) business days of a request by the motor vehicle dealer, a manufacturer shall disclose in writing to the motor vehicle dealer a description of the performance standard or program and all relevant information used in the application of the performance standard or program to that motor vehicle dealer unless the manufacturer has already provided the information.(xvi)To increase prices of new motor vehicles which the new motor vehicle dealer had ordered for the ultimate purchasers prior to the motor vehicle dealer's receipt of written official price increase notification. A sales contract signed by the ultimate purchaser that includes model and firm price shall constitute evidence of each such order provided that the vehicle is in fact delivered to that purchaser.(xvii)To attempt to require, coerce or attempt to coerce any new motor vehicle dealer to sell, offer to sell or sell exclusively an extended service contract, extended maintenance plan or similar product, including, without limitation, GAP products, offered, endorsed or sponsored by the manufacturer or distributor by any of the following means:1.By an act or statement made by the manufacturer or distributor that will adversely impact the motor vehicle dealer whether it is express or implied; or2.By a provision in a franchise agreement that the motor vehicle dealer shall sell, offer to sell or sell exclusively an extended service contract, extended warranty plan or similar product offered, endorsed or sponsored by the manufacturer or distributor; or3.By measuring the motor vehicle dealer's performance under the franchise agreement based on the sale of extended service contracts, extended maintenance plans or similar products offered, endorsed or sponsored by the manufacturer or distributor; or4.By requiring the motor vehicle dealer to actively promote the sale or extended service contracts, extended maintenance plans or similar products offered, endorsed or sponsored by the manufacturer or distributor.Nothing in this subparagraph shall prohibit a manufacturer or distributor from providing incentive programs to a new motor vehicle dealer who makes the voluntary decision to offer to sell, sell or sell exclusively an extended service contract, extended maintenance plan or similar product offered, endorsed or sponsored by the manufacturer or distributor.(xviii)To require a motor vehicle dealer to provide its customer lists or service files to the manufacturer or distributor, unless necessary for the sale and delivery of a new motor vehicle to a consumer, to validate and pay consumer or dealer incentives, for reasonable marketing purposes, for evaluation of dealer performance, for analytics or for the submission to the franchisor for any services supplied by the franchisee for any claim for warranty parts or repairs. Nothing in this section shall limit the franchisor's ability to require or use customer information to satisfy any safety or recall notice obligation or other legal obligation.(xix)To release or cause to be released a motor vehicle dealer's nonpublic customer information to another motor vehicle dealer unless the franchise has been terminated, the customer has relocated to an address that is outside of the motor vehicle dealer's market area, the customer has transacted business with another motor vehicle dealer of the same brand, a customer has not transacted with the dealer from which a vehicle was purchased for a period of nine (9) months, or the motor vehicle dealer consents to the sharing of customer information with other dealers.(xx)To coerce, attempt to coerce, require or attempt to require any motor vehicle dealer to provide installment financing with a specified financial institution.(xxi)To require, coerce or attempt to coerce a dealer or successor dealer to construct or substantially alter a facility or premises if such construction or alteration would be unreasonable under the circumstances.(xxii)To require, coerce or attempt to coerce a dealer or successor dealer to construct or substantially alter a facility or premises if the same area of the facility or premises has been constructed or substantially altered within the last ten (10) years and the construction or alteration was required and approved by the manufacturer as a part of a program, standard or policy, except for improvements made to comply with health or safety laws, or to accommodate the technology requirements necessary to sell or to service a motor vehicle. As used in this

subsection, "substantially alter" means an alteration that substantially impacts the architectural features, characteristics, or integrity of a structure or lot. The term does not include routine maintenance reasonably necessary to maintain a dealership in attractive condition, or items directly protected by federal intellectual property rights of the manufacturer. If, during such ten-year period, the manufacturer revises an existing, or establishes a new program, standard, policy, bonus, incentive, rebate, or other benefit for the construction or substantial alteration of a dealership facility or premises, a motor vehicle dealer who completed a facility as a part of a prior program, standard, or policy within the ten-year period and elects not to comply with the applicant's or manufacturer's requirements under the revised or new program, standard, or facility-related policy will not be eligible for any bonus, incentive, rebate, or other benefit under the revised or new program but shall remain entitled to all benefits under the prior program according to the terms of the prior program in place when the dealer began to perform under the program. If the prior program under which the dealer completed a facility construction or substantial alteration does not contain a specific time period during which the manufacturer or distributor must provide payments or benefits to a dealer, then the manufacturer or distributor may not deny the dealer payment or benefits under the terms of that prior program, as it existed when the dealer began to perform under the prior program, for the balance of the ten-year period, regardless of whether the manufacturer's or distributor's facility program has been changed or canceled.(xxiii)To require, coerce, or attempt to coerce a dealer located in this state to purchase goods or facility construction or maintenance services for items not trademarked or otherwise directly protected by federal intellectual property rights of the manufacturer from a vendor selected, identified, or designated by a manufacturer, distributor, affiliate, or captive finance source when the dealer may obtain goods or facility construction or maintenance services for items not trademarked or otherwise directly protected by federal intellectual property rights of the manufacturer of the same quality, material, and design from a vendor selected by the dealer, provided the dealer obtains prior approval from the manufacturer, distributor or affiliate, for the use of the dealer's selected vendor. Goods shall include signs or sign components to be purchased or leased by the dealer which are not trademarked or otherwise directly protected by the federal intellectual property rights of the manufacturer. Such approval by the manufacturer, distributor or affiliate may not be unreasonably withheld. For purposes of this subparagraph (xxiii), the term "goods" does not include moveable displays, brochures, and promotional materials containing material subject to the intellectual property rights of a manufacturer or distributor, or special tools as reasonably required by the manufacturer, or parts to be used in repairs under warranty or recall obligations of a manufacturer or distributor. If the manufacturer, distributor or affiliate claims that a vendor chosen by the dealer cannot supply goods or facility construction or maintenance services for items not trademarked or otherwise directly protected by federal intellectual property rights of the manufacturer which are the same quality, material, and design, the dealer may file a protest with the commission. When a protest is filed, the commission shall promptly inform the manufacturer, distributor, affiliate, or captive finance source that a protest has been filed. The commission shall conduct a hearing on the merits of the protest within ninety (90) days following the filing of a response to the protest. The manufacturer, distributor or affiliate shall bear the burden of proving that the goods or facility construction or maintenance services for items not trademarked or otherwise directly protected by federal intellectual property rights of the manufacturer chosen by the dealer are not of the same quality, material or design to those required by the manufacturer, distributor or affiliate.This paragraph (d) shall not apply to manufacturers of motor homes governed by the provisions of Sections63-17-201through63-17-221.(2)Concerning any sale of a motor vehicle or vehicles to the State of Mississippi, or to the several counties or municipalities thereof, or to any other political subdivision thereof, no manufacturer, distributor or wholesaler shall offer any discounts, refunds, or any other similar type inducements to any dealer without making the same offer or offers to all other of its dealers within the state. If the inducements above mentioned are made, the manufacturer, distributor or wholesaler shall give simultaneous notice thereof to all of its dealers within the state.(3)It is unlawful to be a broker. For the purpose of this subsection, "broker" means a person who, for a fee, commission or other valuable consideration, arranges or offers to arrange a transaction involving the sale, for purposes other than resale, of a new motor vehicle, and who is not:(a)A new motor vehicle dealer or agent or employee of such a dealer; or(b)A distributor or an agent or employee of such a distributor.However, an individual shall not be deemed to be a broker if he or she is the owner of the new or used motor vehicle which is the object of the brokering transaction.(4)(a)For purposes of this subsection, the term "Stop-Sale" or "Do-Not-Drive" order means a notification issued by a manufacturer to its franchised new motor vehicle dealers stating that certain used vehicles in inventory shall not be sold or leased, at either retail or wholesale, due to a federal safety recall for a defect or noncompliance, or a federal emissions recall.(b)A manufacturer shall compensate its new motor vehicle dealers for all labor and parts required by the manufacturer to perform recall repairs. Compensation for recall repairs shall be reasonable. If parts or a remedy are not reasonably available to perform a recall service or repair on a used vehicle held for sale by a dealer authorized to sell and service new vehicles of the same line-make within thirty (30) days of the manufacturer issuing the initial notice of recall, and the manufacturer has issued a Stop-Sale or Do-Not-Drive order on the vehicle, the manufacturer shall compensate the dealer at a prorated rate of at least one percent (1%) of the value of the vehicle per month beginning on the date that is thirty (30) days after the date on which the Stop-Sale or Do-Not-Drive order was provided to the dealer until the earlier of either of the following:(i)The date the recall or remedy parts are made available; or(ii)The date the dealer sells, trades, or otherwise disposes of the affected used motor vehicle.(c)The value of a used vehicle shall be the average trade-in value for used vehicles as indicated in an independent third party guide for the year, make, and model, of the recalled vehicle.(d)This subsection shall apply only to used vehicles subject to safety or emissions recalls pursuant to and recalled in accordance with federal law and regulations adopted thereunder and where a Stop-Sale or Do-Not-Drive order has been issued and repair parts or remedy remain unavailable for thirty (30) days or longer. This subsection further shall apply only to new motor vehicle dealers holding an affected used vehicle for sale:(i)In inventory at the time the Stop-Sale or Do-Not-Drive order was issued; or(ii)Which was taken in the used vehicle inventory of the dealer as a consumer trade-in incident to the purchase of a

new vehicle from the dealer after the Stop-Sale or Do-Not-Drive order was issued; and (iii) That are a line-make that the dealer is franchised to sell or on which the dealer is authorized to perform recall repairs. (e) It shall be a violation of this subsection for a manufacturer to reduce the amount of compensation otherwise owed to an individual new motor vehicle dealer, whether through a chargeback, removal of the individual dealer from an incentive program or reduction in amount owed under an incentive program solely because the new motor vehicle dealer has submitted a claim for reimbursement under this subsection. This subsection shall not apply to an action by a manufacturer that is applied uniformly among all dealers of the same line-make in the state. (f) All reimbursement claims made by new motor vehicle dealers pursuant to this subsection for recall remedies or repairs, or for compensation where no part or repair is reasonably available and the vehicle is subject to a Stop-Sale or Do-Not-Drive order shall be subject to the same limitations and requirements as a warranty reimbursement claim made under paragraph (j) of Section 63-17-85. In the alternative, a manufacturer may compensate its franchised dealers under a national recall compensation program provided the compensation under the program is equal to or greater than that provided under paragraph (b) of this subsection (4); or the manufacturer and dealer otherwise agree. (g) A manufacturer may direct the manner and method in which a dealer must demonstrate the inventory status of an affected used motor vehicle to determine eligibility under this subsection, provided that the manner and method may not be unduly burdensome and may not require information that is unduly burdensome to the dealer. (h) Nothing in this subsection shall require a manufacturer to provide total compensation to a dealer which would exceed the total average trade-in value of the affected used motor vehicle as originally determined under paragraph (b) of this subsection (4). (i) If a recall remedy for an affected use motor vehicle is available under a federal statute or regulation, then a dealer may opt to be compensated under either the federal statute or authority of this subsection but may not combine the remedies. Codes, 1942, § 8071.7-05; Laws, 1970, ch. 478, § 5; reenacted without change, Laws, 1983, ch. 344, § 12; reenacted without change, Laws, 1991, ch. 305, § 12; Laws, 1994, ch. 399, § 3; Laws, 2000, ch. 418, § 9; Laws, 2006, ch. 432, § 4, eff. 7/1/2006. Amended by Laws, 2019, ch. 394, HB 872, § 1, eff. 7/1/2019. Amended by Laws, 2014, ch. 532, HB 742, 12, eff. 10/1/2014. Amended by Laws, 2014, ch. 349, HB 581, 3, eff. 7/1/2014. This paragraph (c) shall not apply to manufacturers of motor homes governed by the provisions of Sections 63-17-201 through 63-17-221. The provisions of this subsection shall not apply to sales to a motor vehicle dealer of any motor vehicle ultimately sold, donated or used by such dealer in a driver education program, to sales to a motor vehicle dealer for resale to any unit of government, federal, state or local, or to bona fide fleet sales. Nothing in this subparagraph shall prohibit a manufacturer or distributor from providing incentive programs to a new motor vehicle dealer who makes the voluntary decision to offer to sell, sell or sell exclusively an extended service contract, extended maintenance plan or similar product offered, endorsed or sponsored by the manufacturer or distributor. This paragraph (d) shall not apply to manufacturers of motor homes governed by the provisions of Sections 63-17-201 through 63-17-221. However, an individual shall not be deemed to be a broker if he or she is the owner of the new or used motor vehicle which is the object of the brokering transaction. Codes, 1942, § 8071.7-05; Laws, 1970, ch. 478, § 5; reenacted without change, Laws, 1983, ch. 344, § 12; reenacted without change, Laws, 1991, ch. 305, § 12; Laws, 1994, ch. 399, § 3; Laws, 2000, ch. 418, § 9; Laws, 2006, ch. 432, § 4, eff. 7/1/2006. Amended by Laws, 2019, ch. 394, HB 872, § 1, eff. 7/1/2019. Amended by Laws, 2014, ch. 532, HB 742, 12, eff. 10/1/2014. Amended by Laws, 2014, ch. 349, HB 581, 3, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119) Section 63-17-74 - Sale of motor vehicle not titled and registered in name of seller prohibited; exceptions; penalty for violation

(1) It is unlawful for a person to sell a motor vehicle that is not titled and registered in the name of that person unless the person is: (a) An heir, successor or assignee of the owner of the motor vehicle; (b) A motor vehicle dealer licensed or permitted in the State of Mississippi to sell motor vehicles; (c) A person selling a motor vehicle to a licensed used motor vehicle parts dealer or scrap metal processor in compliance with Section 63-21-39.; (d) A person selling a motor vehicle under the Mississippi Title Pledge Act; (e) An insurance company or its authorized agent selling a motor vehicle that is the subject of an insurance claim; (f) A finance company or bank selling a motor vehicle; or (g) A wrecker service or automobile repair service/business selling a motor vehicle that is legally being held for sale as merchandise. All local and state law enforcement agencies have jurisdiction to enforce this section. (2) Any person who violates this section is guilty of a misdemeanor and, upon conviction, shall be fined not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00) per violation. Amended by Laws, 2020, ch. 462, HB 359, § 2, eff. 7/8/2020. Added by Laws, 2013, ch. 522, HB 1335, 1, eff. 7/1/2013. (1) It is unlawful for a person to sell a motor vehicle that is not titled and registered in the name of that person unless the person is: (a) An heir, successor or assignee of the owner of the motor vehicle; (b) A motor vehicle dealer licensed or permitted in the State of Mississippi to sell motor vehicles; (c) A person selling a motor vehicle to a licensed used motor vehicle parts dealer or scrap metal processor in compliance with Section 63-21-39.; (d) A person selling a motor vehicle under the Mississippi Title Pledge Act; (e) An insurance company or its authorized agent selling a motor vehicle that is the subject of an insurance claim; (f) A finance company or bank selling a motor vehicle; or (g) A wrecker service or automobile repair service/business selling a motor vehicle that is legally being held for sale as merchandise. All local and state law enforcement agencies have jurisdiction to enforce this section. (2) Any person who violates this section is guilty of a misdemeanor and, upon conviction, shall be fined not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00) per violation. Amended by Laws, 2020, ch. 462, HB 359, § 2, eff. 7/8/2020. Added by Laws, 2013, ch. 522, HB 1335, 1, eff. 7/1/2013. (1) It is unlawful for a person to sell a motor vehicle that is not titled and registered in the name of that person unless

the person is:(a)An heir, successor or assignee of the owner of the motor vehicle;(b)A motor vehicle dealer licensed or permitted in the State of Mississippi to sell motor vehicles;(c)A person selling a motor vehicle to a licensed used motor vehicle parts dealer or scrap metal processor in compliance with Section63-21-39.:(d)A person selling a motor vehicle under the Mississippi Title Pledge Act;(e)An insurance company or its authorized agent selling a motor vehicle that is the subject of an insurance claim;(f)A finance company or bank selling a motor vehicle; or(g)A wrecker service or automobile repair service/business selling a motor vehicle that is legally being held for sale as merchandise.All local and state law enforcement agencies have jurisdiction to enforce this section.(2)Any person who violates this section is guilty of a misdemeanor and, upon conviction, shall be fined not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00) per violation.Amended by Laws, 2020, ch. 462, HB 359,§ 2, eff. 7/8/2020.Added by Laws, 2013, ch. 522, HB 1335, 1, eff. 7/1/2013. All local and state law enforcement agencies have jurisdiction to enforce this section. Amended by Laws, 2020, ch. 462, HB 359,§ 2, eff. 7/8/2020. Added by Laws, 2013, ch. 522, HB 1335, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119)Section 63-17-75 - Applications for licenses

(1)Within ninety (90) days after July 1, 1970, all persons who on July 1, 1970, are engaged in a business or occupation for which a license is required under the Mississippi Motor Vehicle Commission Law shall make application on forms prescribed by the commission for their respective licenses. All such persons shall be permitted, without a license, to continue to engage in the business or occupation for which a license is applied for until the license is either granted or, in case it is denied, until the applicant has exhausted or has had an opportunity to exhaust all of his remedies under Section63-17-99. No person not engaged in a business or occupation requiring such a license on July 1, 1970, shall be permitted to engage in such business or occupation until he shall have first obtained a license to engage in such business or occupation.(2)(a)Applications for licenses shall:(i)Be verified by the oath or affirmation of the applicants;(ii)Be on forms prescribed by the commission and furnished to such applicants; and(iii)Contain such information as the commission deems necessary to enable it to fully determine the qualifications and eligibility of the several applicants to receive the license or licenses applied for.(b)The commission shall require that there be set forth in each application information relating to:(i)The applicant's financial standing;(ii)The applicant's business integrity;(iii)Whether the applicant has an established place of business and is primarily engaged in the pursuit, avocation or business for which a license or licenses is applied for; and(iv)Whether the applicant is able to properly conduct the business for which a license or licenses is applied for, and such other pertinent information consistent with the safeguarding of the public interest and public welfare.(c)In addition to the requirements of subsection (1) and paragraphs (a) and (b) of this subsection (2), applications for license as a motor vehicle dealer shall be accompanied by the filing, with the commission, of a bona fide contract or franchise then in effect between the applicant and a manufacturer, distributor or wholesaler of the new motor vehicle or vehicles proposed to be dealt in, unless such contract or franchise has already been filed with the commission in connection with a previous application made by such applicant, in which event the applicant shall, in lieu of again filing the contract or franchise, identify the contract or franchise by appropriate reference and file all revisions and additions, if any, which have been made to said contract or franchise.(d)The applicant must furnish satisfactory evidence that he or it maintains adequate space in the building or structure wherein his or its established business is conducted for the display of new motor vehicles, or he will have such facilities within a reasonable time after receiving a license, and that he or it has or will have adequate facilities in said building or structure for the repair and servicing of motor vehicles and the storage of new parts and accessories for same. However, the failure to furnish the evidence called for in this paragraph shall not constitute sufficient cause for denying a license to any motor vehicle dealer who, on July 1, 1970, was an enfranchised new motor vehicle dealer in this state of a manufacturer, distributor or wholesaler of new motor vehicles and who continued to be such a dealer from such date until application was made for a license as a motor vehicle dealer.(3)(a)New applications for licenses as a new, used or wholesale motor vehicle dealer shall, in addition to meeting the requirements of subsections (1) and (2), be accompanied by the filing with the commission of a corporate surety bond in the penal sum of Twenty-five Thousand Dollars (\$25,000.00) on a bond form approved by the commission. However, an applicant for licenses at multiple locations may choose to provide a corporate surety bond in the penal sum of One Hundred Thousand Dollars (\$100,000.00) covering all licensed locations of the same capacity in lieu of separate bonds for each location.(b)The bond shall be in effect upon the applicant being licensed and shall be conditioned upon his complying with the provisions of the Mississippi Motor Vehicle Commission Law. The bond shall be an indemnity for any loss sustained by any person by reason of the acts of the person bonded when those acts constitute grounds for the suspension or revocation of license. The bond shall be executed in the name of the State of Mississippi for the benefit of any aggrieved party. The aggregate liability of the surety for any claimants, regardless of the number of years this bond is in force or has been in effect, shall not exceed the amount of the bond. The proceeds of the bond shall be paid upon receipt by the commission of a final judgment from a Mississippi court of competent jurisdiction against the principal and in favor of an aggrieved party.(4)New, used and wholesale motor vehicle dealers shall be required to maintain motor vehicle liability insurance providing blanket coverage on vehicles operated on the public streets and highways of this state, including vehicles in dealership inventory unless the motor vehicle dealer's inventory does not have a motor. Evidence of liability insurance for business and inventory vehicles shall be filed with the application for license, and the application for license shall be denied if proof of liability insurance satisfactory to the Department of Revenue is not provided.(5)Except as expressly permitted by Section63-17-109, no motor vehicle manufacturer, factory branch, distributor, distributor branch or subsidiary thereof is, directly through any parent, subsidiary or affiliated entity, whether or not such

motor vehicle manufacturer, factory branch, distributor, distributor branch or subsidiary thereof has entered into a franchise with any person or entity in this state, eligible to:(a)Own any ownership interest in, operate or control any motor vehicle dealer or dealership in this state for the same type or classification of motor vehicle that it manufactures or distributes;(b)Apply for a motor vehicle dealers license; or(c)Be licensed as a new motor vehicle dealer in this state.Codes, 1942, § 8071.7-05; Laws, 1970, ch. 478 § 5; reenacted without change, Laws, 1983, ch. 344, § 13; reenacted without change, Laws, 1991, ch. 305, § 13; Laws, 2000, ch. 418, § 10, eff. 7/1/2000.Amended by Laws, 2023, ch. 387, HB 401,§ 1, eff. 7/1/2023.Amended by Laws, 2019, ch. 325, HB 785,§ 1, eff. 7/1/2019.Amended by Laws, 2015, ch. 400, HB 1000, 3, eff. 7/1/2015. (1)Within ninety (90) days after July 1, 1970, all persons who on July 1, 1970, are engaged in a business or occupation for which a license is required under the Mississippi Motor Vehicle Commission Law shall make application on forms prescribed by the commission for their respective licenses. All such persons shall be permitted, without a license, to continue to engage in the business or occupation for which a license is applied for until the license is either granted or, in case it is denied, until the applicant has exhausted or has had an opportunity to exhaust all of his remedies under Section63-17-99. No person not engaged in a business or occupation requiring such a license on July 1, 1970, shall be permitted to engage in such business or occupation until he shall have first obtained a license to engage in such business or occupation.(2)(a)Applications for licenses shall:(i)Be verified by the oath or affirmation of the applicants;(ii)Be on forms prescribed by the commission and furnished to such applicants; and(iii)Contain such information as the commission deems necessary to enable it to fully determine the qualifications and eligibility of the several applicants to receive the license or licenses applied for.(b)The commission shall require that there be set forth in each application information relating to:(i)The applicant's financial standing;(ii)The applicant's business integrity;(iii)Whether the applicant has an established place of business and is primarily engaged in the pursuit, avocation or business for which a license or licenses is applied for; and(iv)Whether the applicant is able to properly conduct the business for which a license or licenses is applied for, and such other pertinent information consistent with the safeguarding of the public interest and public welfare.(c)In addition to the requirements of subsection (1) and paragraphs (a) and (b) of this subsection (2), applications for license as a motor vehicle dealer shall be accompanied by the filing, with the commission, of a bona fide contract or franchise then in effect between the applicant and a manufacturer, distributor or wholesaler of the new motor vehicle or vehicles proposed to be dealt in, unless such contract or franchise has already been filed with the commission in connection with a previous application made by such applicant, in which event the applicant shall, in lieu of again filing the contract or franchise, identify the contract or franchise by appropriate reference and file all revisions and additions, if any, which have been made to said contract or franchise.(d)The applicant must furnish satisfactory evidence that he or it maintains adequate space in the building or structure wherein his or its established business is conducted for the display of new motor vehicles, or he will have such facilities within a reasonable time after receiving a license, and that he or it has or will have adequate facilities in said building or structure for the repair and servicing of motor vehicles and the storage of new parts and accessories for same. However, the failure to furnish the evidence called for in this paragraph shall not constitute sufficient cause for denying a license to any motor vehicle dealer who, on July 1, 1970, was an enfranchised new motor vehicle dealer in this state of a manufacturer, distributor or wholesaler of new motor vehicles and who continued to be such a dealer from such date until application was made for a license as a motor vehicle dealer.(3)(a)New applications for licenses as a new, used or wholesale motor vehicle dealer shall, in addition to meeting the requirements of subsections (1) and (2), be accompanied by the filing with the commission of a corporate surety bond in the penal sum of Twenty-five Thousand Dollars (\$25,000.00) on a bond form approved by the commission. However, an applicant for licenses at multiple locations may choose to provide a corporate surety bond in the penal sum of One Hundred Thousand Dollars (\$100,000.00) covering all licensed locations of the same capacity in lieu of separate bonds for each location.(b)The bond shall be in effect upon the applicant being licensed and shall be conditioned upon his complying with the provisions of the Mississippi Motor Vehicle Commission Law. The bond shall be an indemnity for any loss sustained by any person by reason of the acts of the person bonded when those acts constitute grounds for the suspension or revocation of license. The bond shall be executed in the name of the State of Mississippi for the benefit of any aggrieved party. The aggregate liability of the surety for any claimants, regardless of the number of years this bond is in force or has been in effect, shall not exceed the amount of the bond. The proceeds of the bond shall be paid upon receipt by the commission of a final judgment from a Mississippi court of competent jurisdiction against the principal and in favor of an aggrieved party.(4)New, used and wholesale motor vehicle dealers shall be required to maintain motor vehicle liability insurance providing blanket coverage on vehicles operated on the public streets and highways of this state, including vehicles in dealership inventory unless the motor vehicle dealer's inventory does not have a motor. Evidence of liability insurance for business and inventory vehicles shall be filed with the application for license, and the application for license shall be denied if proof of liability insurance satisfactory to the Department of Revenue is not provided.(5)Except as expressly permitted by Section63-17-109, no motor vehicle manufacturer, factory branch, distributor, distributor branch or subsidiary thereof is, directly through any parent, subsidiary or affiliated entity, whether or not such motor vehicle manufacturer, factory branch, distributor, distributor branch or subsidiary thereof has entered into a franchise with any person or entity in this state, eligible to:(a)Own any ownership interest in, operate or control any motor vehicle dealer or dealership in this state for the same type or classification of motor vehicle that it manufactures or distributes;(b)Apply for a motor vehicle dealers license; or(c)Be licensed as a new motor vehicle dealer in this state.Codes, 1942, § 8071.7-05; Laws, 1970, ch. 478 § 5; reenacted without change, Laws, 1983, ch. 344, § 13; reenacted without change, Laws, 1991, ch. 305, § 13; Laws, 2000, ch. 418, § 10, eff. 7/1/2000.Amended by Laws, 2023, ch. 387, HB 401,§ 1, eff. 7/1/2023.Amended by Laws, 2019, ch. 325, HB 785,§ 1, eff. 7/1/2019.Amended by Laws, 2015, ch. 400, HB 1000, 3, eff. 7/1/2015. (1)Within ninety (90) days after July 1, 1970, all persons who on July 1, 1970, are engaged in a business or occupation for which a license is required under the Mississippi Motor Vehicle Commission Law shall make application on forms

prescribed by the commission for their respective licenses. All such persons shall be permitted, without a license, to continue to engage in the business or occupation for which a license is applied for until the license is either granted or, in case it is denied, until the applicant has exhausted or has had an opportunity to exhaust all of his remedies under Section 63-17-99. No person not engaged in a business or occupation requiring such a license on July 1, 1970, shall be permitted to engage in such business or occupation until he shall have first obtained a license to engage in such business or occupation.

(2)(a) Applications for licenses shall: (i) Be verified by the oath or affirmation of the applicants; (ii) Be on forms prescribed by the commission and furnished to such applicants; and (iii) Contain such information as the commission deems necessary to enable it to fully determine the qualifications and eligibility of the several applicants to receive the license or licenses applied for. (b) The commission shall require that there be set forth in each application information relating to: (i) The applicant's financial standing; (ii) The applicant's business integrity; (iii) Whether the applicant has an established place of business and is primarily engaged in the pursuit, avocation or business for which a license or licenses is applied for; and (iv) Whether the applicant is able to properly conduct the business for which a license or licenses is applied for, and such other pertinent information consistent with the safeguarding of the public interest and public welfare. (c) In addition to the requirements of subsection (1) and paragraphs (a) and (b) of this subsection (2), applications for license as a motor vehicle dealer shall be accompanied by the filing, with the commission, of a bona fide contract or franchise then in effect between the applicant and a manufacturer, distributor or wholesaler of the new motor vehicle or vehicles proposed to be dealt in, unless such contract or franchise has already been filed with the commission in connection with a previous application made by such applicant, in which event the applicant shall, in lieu of again filing the contract or franchise, identify the contract or franchise by appropriate reference and file all revisions and additions, if any, which have been made to said contract or franchise. (d) The applicant must furnish satisfactory evidence that he or it maintains adequate space in the building or structure wherein his or its established business is conducted for the display of new motor vehicles, or he will have such facilities within a reasonable time after receiving a license, and that he or it has or will have adequate facilities in said building or structure for the repair and servicing of motor vehicles and the storage of new parts and accessories for same. However, the failure to furnish the evidence called for in this paragraph shall not constitute sufficient cause for denying a license to any motor vehicle dealer who, on July 1, 1970, was an enfranchised new motor vehicle dealer in this state of a manufacturer, distributor or wholesaler of new motor vehicles and who continued to be such a dealer from such date until application was made for a license as a motor vehicle dealer.

(3)(a) New applications for licenses as a new, used or wholesale motor vehicle dealer shall, in addition to meeting the requirements of subsections (1) and (2), be accompanied by the filing with the commission of a corporate surety bond in the penal sum of Twenty-five Thousand Dollars (\$25,000.00) on a bond form approved by the commission. However, an applicant for licenses at multiple locations may choose to provide a corporate surety bond in the penal sum of One Hundred Thousand Dollars (\$100,000.00) covering all licensed locations of the same capacity in lieu of separate bonds for each location. (b) The bond shall be in effect upon the applicant being licensed and shall be conditioned upon his complying with the provisions of the Mississippi Motor Vehicle Commission Law. The bond shall be an indemnity for any loss sustained by any person by reason of the acts of the person bonded when those acts constitute grounds for the suspension or revocation of license. The bond shall be executed in the name of the State of Mississippi for the benefit of any aggrieved party. The aggregate liability of the surety for any claimants, regardless of the number of years this bond is in force or has been in effect, shall not exceed the amount of the bond. The proceeds of the bond shall be paid upon receipt by the commission of a final judgment from a Mississippi court of competent jurisdiction against the principal and in favor of an aggrieved party. (4) New, used and wholesale motor vehicle dealers shall be required to maintain motor vehicle liability insurance providing blanket coverage on vehicles operated on the public streets and highways of this state, including vehicles in dealership inventory unless the motor vehicle dealer's inventory does not have a motor. Evidence of liability insurance for business and inventory vehicles shall be filed with the application for license, and the application for license shall be denied if proof of liability insurance satisfactory to the Department of Revenue is not provided. (5) Except as expressly permitted by Section 63-17-109, no motor vehicle manufacturer, factory branch, distributor, distributor branch or subsidiary thereof is, directly through any parent, subsidiary or affiliated entity, whether or not such motor vehicle manufacturer, factory branch, distributor, distributor branch or subsidiary thereof has entered into a franchise with any person or entity in this state, eligible to: (a) Own any ownership interest in, operate or control any motor vehicle dealer or dealership in this state for the same type or classification of motor vehicle that it manufactures or distributes; (b) Apply for a motor vehicle dealer's license; or (c) Be licensed as a new motor vehicle dealer in this state. Codes, 1942, § 8071.7-05; Laws, 1970, ch. 478 § 5; reenacted without change, Laws, 1983, ch. 344, § 13; reenacted without change, Laws, 1991, ch. 305, § 13; Laws, 2000, ch. 418, § 10, eff. 7/1/2000. Amended by Laws, 2023, ch. 387, HB 401, § 1, eff. 7/1/2023. Amended by Laws, 2019, ch. 325, HB 785, § 1, eff. 7/1/2019. Amended by Laws, 2015, ch. 400, HB 1000, 3, eff. 7/1/2015. Codes, 1942, § 8071.7-05; Laws, 1970, ch. 478 § 5; reenacted without change, Laws, 1983, ch. 344, § 13; reenacted without change, Laws, 1991, ch. 305, § 13; Laws, 2000, ch. 418, § 10, eff. 7/1/2000. Amended by Laws, 2023, ch. 387, HB 401, § 1, eff. 7/1/2023. Amended by Laws, 2019, ch. 325, HB 785, § 1, eff. 7/1/2019. Amended by Laws, 2015, ch. 400, HB 1000, 3, eff. 7/1/2015.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119) Section 63-17-76 - Application for used motor vehicle dealer's license to be accompanied by documentation of completion of education seminar; conduct of seminars; approval of seminars by State Tax Commission

(1) Every application for the issuance of a used motor vehicle dealer's license shall be accompanied by such evidence as the State Tax Commission shall prescribe, documenting the completion of an education seminar conducted by the Mississippi Independent

Auto Dealers Association during the twelve-month period immediately preceding the date of application. Completion of an eight-hour licensing seminar conducted by the Mississippi Independent Auto Dealers Association shall be required for an initial license. All seminars must be approved by the State Tax Commission. The education requirements of this section shall not apply to:(a)Used motor vehicle dealer the primary business of which is the sale of salvage vehicles on behalf of insurers;(b)A manufactured home dealer; or(c)A franchised new car dealer licensed under the Mississippi Motor Vehicle Commission Law or any employee of such a dealer.(2)The Mississippi Independent Auto Dealers Association shall submit to the State Tax Commission a complete and specific description of the seminars it conducts pursuant to this section, a description of how the seminar will benefit licensees in conducting their businesses, the number of hours involved, a description of the method which will be used to ensure attendance, and copies of any instructional materials which will be provided to attendees. At the time approval is granted, the State Tax Commission shall determine how many hours of education may be received by attending the program.Laws, 2007, ch. 431, § 1, eff. 7/1/2007. (1)Every application for the issuance of a used motor vehicle dealer's license shall be accompanied by such evidence as the State Tax Commission shall prescribe, documenting the completion of an education seminar conducted by the Mississippi Independent Auto Dealers Association during the twelve-month period immediately preceding the date of application. Completion of an eight-hour licensing seminar conducted by the Mississippi Independent Auto Dealers Association shall be required for an initial license. All seminars must be approved by the State Tax Commission. The education requirements of this section shall not apply to:(a)Used motor vehicle dealer the primary business of which is the sale of salvage vehicles on behalf of insurers;(b)A manufactured home dealer; or(c)A franchised new car dealer licensed under the Mississippi Motor Vehicle Commission Law or any employee of such a dealer.(2)The Mississippi Independent Auto Dealers Association shall submit to the State Tax Commission a complete and specific description of the seminars it conducts pursuant to this section, a description of how the seminar will benefit licensees in conducting their businesses, the number of hours involved, a description of the method which will be used to ensure attendance, and copies of any instructional materials which will be provided to attendees. At the time approval is granted, the State Tax Commission shall determine how many hours of education may be received by attending the program.Laws, 2007, ch. 431, § 1, eff. 7/1/2007. (1)Every application for the issuance of a used motor vehicle dealer's license shall be accompanied by such evidence as the State Tax Commission shall prescribe, documenting the completion of an education seminar conducted by the Mississippi Independent Auto Dealers Association during the twelve-month period immediately preceding the date of application. Completion of an eight-hour licensing seminar conducted by the Mississippi Independent Auto Dealers Association shall be required for an initial license. All seminars must be approved by the State Tax Commission. The education requirements of this section shall not apply to:(a)Used motor vehicle dealer the primary business of which is the sale of salvage vehicles on behalf of insurers;(b)A manufactured home dealer; or(c)A franchised new car dealer licensed under the Mississippi Motor Vehicle Commission Law or any employee of such a dealer.(2)The Mississippi Independent Auto Dealers Association shall submit to the State Tax Commission a complete and specific description of the seminars it conducts pursuant to this section, a description of how the seminar will benefit licensees in conducting their businesses, the number of hours involved, a description of the method which will be used to ensure attendance, and copies of any instructional materials which will be provided to attendees. At the time approval is granted, the State Tax Commission shall determine how many hours of education may be received by attending the program.Laws, 2007, ch. 431, § 1, eff. 7/1/2007. Laws, 2007, ch. 431, § 1, eff. 7/1/2007.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119)Section 63-17-77 - License fees; expiration dates

All applications for license or licenses shall be accompanied by the appropriate fee or fees therefor in accordance with the schedule thereof hereinafter set out. In the event any application is denied and the license applied for is not issued, the entire license fee shall be returned to the applicant.The schedule of license fees to be charged and received by the commission for the licenses issued shall be as follows:(1)For each manufacturer, distributor, wholesaler, factory branch and division or distributor branch and division, and wholesaler branch and division, four hundred dollars (\$400.00).(2)For each motor vehicle dealer, factory representative, distributor representative and wholesaler representative, one hundred dollars (\$100.00).(3)For each motor vehicle salesman, ten dollars (\$10.00).Any person, firm or corporation required to be licensed, who fails to make application for such license at the time required, shall, in addition to the aforesaid fees, pay interest at the rate of six percent (6%) per annum for the period of time during which he shall operate without a proper license, and in addition thereto, shall pay a penalty of fifty percent (50%) of the amount of the license fee. Said penalty, however, may be waived in whole or in part within the discretion of the commission.All licenses shall expire on the thirty-first day of December following the date of issue.Codes, 1942, § 8071.7-05; Laws, 1970, ch. 478, § 5; Laws, 1982, ch. 326; reenacted, Laws, 1983, ch. 344, § 14; reenacted without change, Laws, 1991, ch. 305, § 14, eff. 7/1/1991. All applications for license or licenses shall be accompanied by the appropriate fee or fees therefor in accordance with the schedule thereof hereinafter set out. In the event any application is denied and the license applied for is not issued, the entire license fee shall be returned to the applicant.The schedule of license fees to be charged and received by the commission for the licenses issued shall be as follows:(1)For each manufacturer, distributor, wholesaler, factory branch and division or distributor branch and division, and wholesaler branch and division, four hundred dollars (\$400.00).(2)For each motor vehicle dealer, factory representative, distributor representative and wholesaler representative, one hundred dollars (\$100.00).(3)For each motor vehicle salesman, ten dollars (\$10.00).Any person, firm or corporation required to be licensed, who fails to make application for such license at the time required, shall, in addition to the aforesaid fees, pay interest at the rate of six percent (6%) per annum for the period of time during which he

shall operate without a proper license, and in addition thereto, shall pay a penalty of fifty percent (50%) of the amount of the license fee. Said penalty, however, may be waived in whole or in part within the discretion of the commission. All licenses shall expire on the thirty-first day of December following the date of issue. Codes, 1942, § 8071.7-05; Laws, 1970, ch. 478, § 5; Laws, 1982, ch. 326; reenacted, Laws, 1983, ch. 344, § 14; reenacted without change, Laws, 1991, ch. 305, § 14, eff. 7/1/1991. All applications for license or licenses shall be accompanied by the appropriate fee or fees therefor in accordance with the schedule thereof hereinafter set out. In the event any application is denied and the license applied for is not issued, the entire license fee shall be returned to the applicant. The schedule of license fees to be charged and received by the commission for the licenses issued shall be as follows: (1) For each manufacturer, distributor, wholesaler, factory branch and division or distributor branch and division, and wholesaler branch and division, four hundred dollars (\$400.00). (2) For each motor vehicle dealer, factory representative, distributor representative and wholesaler representative, one hundred dollars (\$100.00). (3) For each motor vehicle salesman, ten dollars (\$10.00). Any person, firm or corporation required to be licensed, who fails to make application for such license at the time required, shall, in addition to the aforesaid fees, pay interest at the rate of six percent (6%) per annum for the period of time during which he shall operate without a proper license, and in addition thereto, shall pay a penalty of fifty percent (50%) of the amount of the license fee. Said penalty, however, may be waived in whole or in part within the discretion of the commission. All licenses shall expire on the thirty-first day of December following the date of issue. Codes, 1942, § 8071.7-05; Laws, 1970, ch. 478, § 5; Laws, 1982, ch. 326; reenacted, Laws, 1983, ch. 344, § 14; reenacted without change, Laws, 1991, ch. 305, § 14, eff. 7/1/1991. All applications for license or licenses shall be accompanied by the appropriate fee or fees therefor in accordance with the schedule thereof hereinafter set out. In the event any application is denied and the license applied for is not issued, the entire license fee shall be returned to the applicant. The schedule of license fees to be charged and received by the commission for the licenses issued shall be as follows: Any person, firm or corporation required to be licensed, who fails to make application for such license at the time required, shall, in addition to the aforesaid fees, pay interest at the rate of six percent (6%) per annum for the period of time during which he shall operate without a proper license, and in addition thereto, shall pay a penalty of fifty percent (50%) of the amount of the license fee. Said penalty, however, may be waived in whole or in part within the discretion of the commission. All licenses shall expire on the thirty-first day of December following the date of issue. Codes, 1942, § 8071.7-05; Laws, 1970, ch. 478, § 5; Laws, 1982, ch. 326; reenacted, Laws, 1983, ch. 344, § 14; reenacted without change, Laws, 1991, ch. 305, § 14, eff. 7/1/1991.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119) Section 63-17-79 - Specification of location of business; effect of change of location

The license issued to each motor vehicle dealer, manufacturer, distributor, wholesaler, factory branch or division, distributor branch or division, or wholesaler branch or division, shall specify the location of the factory, office, branch or division thereof. In case such location is changed, the commission shall endorse the change of location on the license without charge if it be within the same county. A change of location to another county shall require a new license. Codes, 1942, § 8071.7-05; Laws, 1970, ch. 478, § 5; reenacted without change, Laws, 1983, ch. 344, § 15; Laws, 1991, ch. 305, § 15, eff. 7/1/1991. The license issued to each motor vehicle dealer, manufacturer, distributor, wholesaler, factory branch or division, distributor branch or division, or wholesaler branch or division, shall specify the location of the factory, office, branch or division thereof. In case such location is changed, the commission shall endorse the change of location on the license without charge if it be within the same county. A change of location to another county shall require a new license. Codes, 1942, § 8071.7-05; Laws, 1970, ch. 478, § 5; reenacted without change, Laws, 1983, ch. 344, § 15; Laws, 1991, ch. 305, § 15, eff. 7/1/1991. The license issued to each motor vehicle dealer, manufacturer, distributor, wholesaler, factory branch or division, distributor branch or division, or wholesaler branch or division, shall specify the location of the factory, office, branch or division thereof. In case such location is changed, the commission shall endorse the change of location on the license without charge if it be within the same county. A change of location to another county shall require a new license. Codes, 1942, § 8071.7-05; Laws, 1970, ch. 478, § 5; reenacted without change, Laws, 1983, ch. 344, § 15; Laws, 1991, ch. 305, § 15, eff. 7/1/1991. The license issued to each motor vehicle dealer, manufacturer, distributor, wholesaler, factory branch or division, distributor branch or division, or wholesaler branch or division, shall specify the location of the factory, office, branch or division thereof. In case such location is changed, the commission shall endorse the change of location on the license without charge if it be within the same county. A change of location to another county shall require a new license. Codes, 1942, § 8071.7-05; Laws, 1970, ch. 478, § 5; reenacted without change, Laws, 1983, ch. 344, § 15; Laws, 1991, ch. 305, § 15, eff. 7/1/1991.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119) Section 63-17-80 - Motor vehicle lessors required to be licensed

It is unlawful for a motor vehicle lessor or any agent, employee or representative thereof: (a) to represent and to offer for lease any new motor vehicle in Mississippi without first obtaining a new motor vehicle dealer license, or (b) to lease or offer to lease a new motor vehicle from an unlicensed location. Laws, 2000, ch. 418, § 1, eff. 7/1/2000. It is unlawful for a motor vehicle lessor or any agent, employee or representative thereof: (a) to represent and to offer for lease any new motor vehicle in Mississippi without first obtaining a new motor vehicle dealer license, or (b) to lease or offer to lease a new motor vehicle from an unlicensed location. Laws, 2000, ch. 418, § 1, eff. 7/1/2000. It is unlawful for a motor vehicle lessor or any agent, employee or representative thereof: (a) to represent and to offer for lease any new motor vehicle in Mississippi without first obtaining a new motor vehicle dealer license,

or(b)to lease or offer to lease a new motor vehicle from an unlicensed location.Laws, 2000, ch. 418, § 1, eff. 7/1/2000. It is unlawful for a motor vehicle lessor or any agent, employee or representative thereof: Laws, 2000, ch. 418, § 1, eff. 7/1/2000.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119)Section 63-17-81 - License of salesman

Every motor vehicle salesman shall have his license upon his person, or displayed at his place of employment, except as hereinafter provided, when engaged in his business, and shall display the same upon request. The name and business address of the employer of such salesman shall be stated on the license.In case of a change of employer the following procedure shall be adhered to:(a)The licensee shall within three (3) days following such change mail or deliver his license to the commission for its endorsement of such change thereon. The license shall be accompanied by a fee of Two Dollars and Fifty Cents (\$2.50) for endorsing each such change of employer and a written statement of the licensee setting forth the name and business address of his new employer, the date his employment terminated with his last employer, and the date his employment commenced with his new employer.(b)The last employer of the licensee shall, within three (3) days following the termination of employment of the licensee, make a report to the commission setting forth the reason or reasons why the services of the licensee were terminated and such other information as may be required by the commission.(c)Upon receipt by the commission of the licensee's license and fee and his last employer's report, the commission shall immediately make an appropriate endorsement on said license showing the change of employer and mail the license, as endorsed, to the licensee unless the commission has grounds to believe and does believe that the licensee is no longer qualified under the provisions of the Mississippi Motor Vehicle Commission Law as a motor vehicle salesman. Under such circumstances the commission shall immediately notify him and his new employer in writing that a hearing will be held for the purpose of determining whether his license should be revoked or suspended, specifying the grounds for revocation or suspension, as the case may be, and the time and place for the hearing. Such hearing and any and all appeals by the licensee with respect thereto shall be in accordance with the provisions of Sections63-17-89through63-17-99.(d)If, after the commission receives the licensee's license and fee and his last employer's report, the executive director of the commission cannot for any reason endorse and mail to the licensee his license within a period of three (3) days following the receipt by the commission of the licensee's license and fee and his last employer's report, then and in that event he shall mail to the licensee a permit in such form as the commission shall prescribe, which permit shall serve in lieu of a license until such time as the commission endorses and mails the license to the licensee or until such time as the licensee's license is revoked or suspended in accordance with the provisions of the Mississippi Motor Vehicle Commission Law. If the license is ultimately revoked or suspended then immediately upon such revocation or suspension the licensee shall return said permit to the commission for cancellation.(e)The commission shall maintain a permanent file with respect to each licensed motor vehicle salesman. Each such file shall contain all pertinent information with respect to the fitness and qualifications of each such licensee for the use by the commission in from time to time determining whether his license should be revoked or suspended.There is no intent under the Mississippi Motor Vehicle Commission Law to prevent a salesman who has not previously been licensed or a transferee salesman from selling during the time required to process his application. Such applicant shall be allowed to sell from the date of employment as long as he and his dealer follow the procedure for license application.Codes, 1942, § 8071.7-05; Laws, 1970, ch. 478, § 5; reenacted without change, Laws, 1983, ch. 344, § 16; reenacted without change, Laws, 1991, ch. 305, § 16; Laws, 1994, ch. 399, § 8, eff. 7/1/1994. Every motor vehicle salesman shall have his license upon his person, or displayed at his place of employment, except as hereinafter provided, when engaged in his business, and shall display the same upon request. The name and business address of the employer of such salesman shall be stated on the license.In case of a change of employer the following procedure shall be adhered to:(a)The licensee shall within three (3) days following such change mail or deliver his license to the commission for its endorsement of such change thereon. 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Such hearing and any and all appeals by the licensee with respect thereto shall be in accordance with the provisions of Sections63-17-89through63-17-99.(d)If, after the commission receives the licensee's license and fee and his last employer's report, the executive director of the commission cannot for any reason endorse and mail to the licensee his license within a period of three (3) days following the receipt by the commission of the licensee's license and fee and his last employer's report, then and in that event he shall mail to the licensee a permit in such form as the commission shall prescribe, which permit shall serve in lieu of a license until such time as the commission endorses and mails the license to the licensee or until such time as the licensee's license is revoked or suspended in accordance with the provisions of the Mississippi Motor Vehicle Commission Law. If the license is

ultimately revoked or suspended then immediately upon such revocation or suspension the licensee shall return said permit to the commission for cancellation.(e)The commission shall maintain a permanent file with respect to each licensed motor vehicle salesman. Each such file shall contain all pertinent information with respect to the fitness and qualifications of each such licensee for the use by the commission in from time to time determining whether his license should be revoked or suspended. There is no intent under the Mississippi Motor Vehicle Commission Law to prevent a salesman who has not previously been licensed or a transferee salesman from selling during the time required to process his application. Such applicant shall be allowed to sell from the date of employment as long as he and his dealer follow the procedure for license application. Codes, 1942, § 8071.7-05; Laws, 1970, ch. 478, § 5; reenacted without change, Laws, 1983, ch. 344, § 16; reenacted without change, Laws, 1991, ch. 305, § 16; Laws, 1994, ch. 399, § 8, eff. 7/1/1994. Every motor vehicle salesman shall have his license upon his person, or displayed at his place of employment, except as hereinafter provided, when engaged in his business, and shall display the same upon request. The name and business address of the employer of such salesman shall be stated on the license. In case of a change of employer the following procedure shall be adhered to: (a) The licensee shall within three (3) days following such change mail or deliver his license to the commission for its endorsement of such change thereon. The license shall be accompanied by a fee of Two Dollars and Fifty Cents (\$2.50) for endorsing each such change of employer and a written statement of the licensee setting forth the name and business address of his new employer, the date his employment terminated with his last employer, and the date his employment commenced with his new employer. (b) The last employer of the licensee shall, within three (3) days following the termination of employment of the licensee, make a report to the commission setting forth the reason or reasons why the services of the licensee were terminated and such other information as may be required by the commission. (c) Upon receipt by the commission of the licensee's license and fee and his last employer's report, the commission shall immediately make an appropriate endorsement on said license showing the change of employer and mail the license, as endorsed, to the licensee unless the commission has grounds to believe and does believe that the licensee is no longer qualified under the provisions of the Mississippi Motor Vehicle Commission Law as a motor vehicle salesman. Under such circumstances the commission shall immediately notify him and his new employer in writing that a hearing will be held for the purpose of determining whether his license should be revoked or suspended, specifying the grounds for revocation or suspension, as the case may be, and the time and place for the hearing. Such hearing and any and all appeals by the licensee with respect thereto shall be in accordance with the provisions of Sections 63-17-89 through 63-17-99. (d) If, after the commission receives the licensee's license and fee and his last employer's report, the executive director of the commission cannot for any reason endorse and mail to the licensee his license within a period of three (3) days following the receipt by the commission of the licensee's license and fee and his last employer's report, then and in that event he shall mail to the licensee a permit in such form as the commission shall prescribe, which permit shall serve in lieu of a license until such time as the commission endorses and mails the license to the licensee or until such time as the licensee's license is revoked or suspended in accordance with the provisions of the Mississippi Motor Vehicle Commission Law. If the license is ultimately revoked or suspended then immediately upon such revocation or suspension the licensee shall return said permit to the commission for cancellation. (e) The commission shall maintain a permanent file with respect to each licensed motor vehicle salesman. Each such file shall contain all pertinent information with respect to the fitness and qualifications of each such licensee for the use by the commission in from time to time determining whether his license should be revoked or suspended. There is no intent under the Mississippi Motor Vehicle Commission Law to prevent a salesman who has not previously been licensed or a transferee salesman from selling during the time required to process his application. Such applicant shall be allowed to sell from the date of employment as long as he and his dealer follow the procedure for license application. Codes, 1942, § 8071.7-05; Laws, 1970, ch. 478, § 5; reenacted without change, Laws, 1983, ch. 344, § 16; reenacted without change, Laws, 1991, ch. 305, § 16; Laws, 1994, ch. 399, § 8, eff. 7/1/1994. 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Every motor vehicle factory representative or distributor representative shall have his license upon his person when engaged in his business, and shall display the same upon request. The name of the employer of such factory representative or distributor representative shall be stated on said license. In case of a change of employer, the holder of such license shall immediately mail same to the commission for its endorsement of such change thereon. A fee of two dollars and fifty cents (\$2.50) shall be charged by the commission for endorsing each such change of employer on said licenses, and said fee shall accompany the application for change. Codes, 1942, § 8071.7-05; Laws, 1970, ch. 478, § 5; reenacted without change, Laws, 1983, ch. 344, § 17; reenacted without change, Laws, 1991, ch. 305, § 17, eff. 7/1/1991. Every motor vehicle factory representative or distributor representative shall have his license upon his person when engaged in his business, and shall display the same upon request. The name of the employer of

such factory representative or distributor representative shall be stated on said license. In case of a change of employer, the holder of such license shall immediately mail same to the commission for its endorsement of such change thereon. A fee of two dollars and fifty cents (\$2.50) shall be charged by the commission for endorsing each such change of employer on said licenses, and said fee shall accompany the application for change. Codes, 1942, § 8071.7-05; Laws, 1970, ch. 478, § 5; reenacted without change, Laws, 1983, ch. 344, § 17; reenacted without change, Laws, 1991, ch. 305, § 17, eff. 7/1/1991. Every motor vehicle factory representative or distributor representative shall have his license upon his person when engaged in his business, and shall display the same upon request. The name of the employer of such factory representative or distributor representative shall be stated on said license. In case of a change of employer, the holder of such license shall immediately mail same to the commission for its endorsement of such change thereon. A fee of two dollars and fifty cents (\$2.50) shall be charged by the commission for endorsing each such change of employer on said licenses, and said fee shall accompany the application for change. Codes, 1942, § 8071.7-05; Laws, 1970, ch. 478, § 5; reenacted without change, Laws, 1983, ch. 344, § 17; reenacted without change, Laws, 1991, ch. 305, § 17, eff. 7/1/1991. Every motor vehicle factory representative or distributor representative shall have his license upon his person when engaged in his business, and shall display the same upon request. The name of the employer of such factory representative or distributor representative shall be stated on said license. In case of a change of employer, the holder of such license shall immediately mail same to the commission for its endorsement of such change thereon. A fee of two dollars and fifty cents (\$2.50) shall be charged by the commission for endorsing each such change of employer on said licenses, and said fee shall accompany the application for change. Codes, 1942, § 8071.7-05; Laws, 1970, ch. 478, § 5; reenacted without change, Laws, 1983, ch. 344, § 17; reenacted without change, Laws, 1991, ch. 305, § 17, eff. 7/1/1991.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119) Section 63-17-85 - Grounds for denial, revocation, or suspension of license; assessment of civil penalty in lieu of suspension of license; collection and disposition of penalty

The commission may deny an application for a license, or revoke or suspend a license after it has been granted, for any of the following reasons: (a) On satisfactory proof of unfitness of the applicant or the licensee, as the case may be, under the standards established and set out in the Mississippi Motor Vehicle Commission Law. (b) For fraud practiced or any material misstatement made by an applicant in any application for license under the provisions of Section 63-17-75. (c) For any willful failure to comply with any provision of said law or with any rule or regulation promulgated by the commission under authority vested in it by said law. (d) Change of condition after license is granted or failure to maintain the qualifications for license. (e) Continued or flagrant violation of any of the provisions of said law or of any of the rules or regulations of the commission. (f) For any willful violation of any law relating to the sale, distribution or financing of motor vehicles. (g) Willfully defrauding any retail buyer to the buyer's damage. (h) Willful failure to perform any written agreement with any retail buyer. (i) Being a manufacturer who fails to specify to its motor vehicle dealers the pre-delivery preparation obligations of its motor vehicle dealers prior to delivery of new motor vehicles to retail buyers, including a schedule of the compensation to be paid to its motor vehicle dealers for the work and services they shall be required to perform in connection with such pre-delivery and preparation obligations and shall constitute any such dealer's only responsibility for product liability as between such dealer and such manufacturer. The compensation as set forth on said schedule shall be reasonable and the reasonableness thereof shall be subject to the determination by the commission as to reasonableness in the event a dealer files a verified complaint with the commission challenging the reasonableness of the pre-delivery preparation obligations or compensation. Any mechanical, body or parts defects arising from any express or implied warranties of any such manufacturer shall constitute such manufacturer's product or warranty liability. (j) On satisfactory proof that any manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division has unfairly and without due regard to the equities of the parties or to the detriment of the public welfare failed to properly fulfill any warranty agreement or to adequately and fairly compensate any of its motor vehicle dealers for labor and parts incurred by any such dealer with regard to warranty work performed by any such dealer, and upon the written request of a dealer using a format provided by the manufacturer, which is consistent with the requirements of Section 63-17-86. In no event shall any such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division pay to the requesting motor vehicle dealer an hourly labor rate and parts mark-up for warranty work that is less than that charged by such dealer to its retail customers in accordance with Section 63-17-86. Time allowances for the diagnosis and performance of warranty work shall be reasonable and adequate for such work to be performed using the actual time required by a qualified technician of ordinary skill to perform such work. No such dealer shall charge to its manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division, a labor rate in excess of the rate charged to its retail customers. All claims made by motor vehicle dealers hereunder for such labor and/or parts shall be paid within thirty (30) days following their approval. All such claims shall be either approved or disapproved within thirty (30) days after their receipt, and when any such claim is disapproved the motor vehicle dealer who submits it shall be notified in writing of its disapproval within said period, and each such notice shall state the specific grounds upon which the disapproval is based. (k) For the commission of any act prohibited by Sections 63-17-73 through 63-17-86 or the failure to perform any of the requirements of said sections. If the commission finds, after notice and hearing in the manner provided for under the Mississippi Motor Vehicle Commission Law, that there is sufficient cause upon which to base the revocation of the license of any licensee involved in the hearing, the commission may in lieu of revoking such license assess a civil penalty against the guilty licensee not to exceed Ten Thousand Dollars (\$10,000.00). If the commission

finds, after such notice and hearing, that sufficient cause exists for the suspension only of the license of any licensee, the commission may in lieu of suspending such license assess a civil penalty against the guilty licensee of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) per day for each day such license would otherwise be suspended. However, the amount of such penalty shall not exceed an aggregate of Seven Thousand Five Hundred Dollars (\$7,500.00). Failure of the licensee to pay all penalties so assessed within the time allowed by the commission for the payment thereof, which time shall in no case exceed ninety (90) days from the date of the commission's order making such assessment, shall, unless an appeal is taken and perfected within the time and in the manner provided by the Mississippi Motor Vehicle Commission Law, result in an automatic revocation of such licensee's license. Any such penalties assessed by the commission remaining unpaid at the expiration of the time for payment may be recovered by an action in the name of the commission. All such actions shall be brought by the Attorney General of the State of Mississippi upon the written request of the commission to do so, and shall be brought in the chancery court of the county or the chancery court of the judicial district of the county to which the commission's order making such assessment is appealable under the provisions of Section 63-17-99. All civil penalties assessed and collected by the commission under the authority of this subsection shall be deposited in the General Fund of the State Treasury. Codes 1942, § 8071.7-06; Laws, 1970, ch. 478, § 6; Laws, 1977, ch. 411, § 2; reenacted, Laws, 1983, ch. 344, § 18; reenacted without change, Laws, 1991, ch. 305, § 18, eff. 7/1/1991. Amended by Laws, 2021, ch. 315, HB 746, § 2, eff. 7/1/2021. The commission may deny an application for a license, or revoke or suspend a license after it has been granted, for any of the following reasons: (a) On satisfactory proof of unfitness of the applicant or the licensee, as the case may be, under the standards established and set out in the Mississippi Motor Vehicle Commission Law. (b) For fraud practiced or any material misstatement made by an applicant in any application for license under the provisions of Section 63-17-75. (c) For any willful failure to comply with any provision of said law or with any rule or regulation promulgated by the commission under authority vested in it by said law. (d) Change of condition after license is granted or failure to maintain the qualifications for license. (e) Continued or flagrant violation of any of the provisions of said law or of any of the rules or regulations of the commission. (f) For any willful violation of any law relating to the sale, distribution or financing of motor vehicles. (g) Willfully defrauding any retail buyer to the buyer's damage. (h) Willful failure to perform any written agreement with any retail buyer. (i) Being a manufacturer who fails to specify to its motor vehicle dealers the pre-delivery preparation obligations of its motor vehicle dealers prior to delivery of new motor vehicles to retail buyers, including a schedule of the compensation to be paid to its motor vehicle dealers for the work and services they shall be required to perform in connection with such pre-delivery and preparation obligations and shall constitute any such dealer's only responsibility for product liability as between such dealer and such manufacturer. The compensation as set forth on said schedule shall be reasonable and the reasonableness thereof shall be subject to the determination by the commission as to reasonableness in the event a dealer files a verified complaint with the commission challenging the reasonableness of the pre-delivery preparation obligations or compensation. Any mechanical, body or parts defects arising from any express or implied warranties of any such manufacturer shall constitute such manufacturer's product or warranty liability. (j) On satisfactory proof that any manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division has unfairly and without due regard to the equities of the parties or to the detriment of the public welfare failed to properly fulfill any warranty agreement or to adequately and fairly compensate any of its motor vehicle dealers for labor and parts incurred by any such dealer with regard to warranty work performed by any such dealer, and upon the written request of a dealer using a format provided by the manufacturer, which is consistent with the requirements of Section 63-17-86. In no event shall any such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division pay to the requesting motor vehicle dealer an hourly labor rate and parts mark-up for warranty work that is less than that charged by such dealer to its retail customers in accordance with Section 63-17-86. Time allowances for the diagnosis and performance of warranty work shall be reasonable and adequate for such work to be performed using the actual time required by a qualified technician of ordinary skill to perform such work. No such dealer shall charge to its manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division, a labor rate in excess of the rate charged to its retail customers. All claims made by motor vehicle dealers hereunder for such labor and/or parts shall be paid within thirty (30) days following their approval. All such claims shall be either approved or disapproved within thirty (30) days after their receipt, and when any such claim is disapproved the motor vehicle dealer who submits it shall be notified in writing of its disapproval within said period, and each such notice shall state the specific grounds upon which the disapproval is based. (k) For the commission of any act prohibited by Sections 63-17-73 through 63-17-86 or the failure to perform any of the requirements of said sections. If the commission finds, after notice and hearing in the manner provided for under the Mississippi Motor Vehicle Commission Law, that there is sufficient cause upon which to base the revocation of the license of any licensee involved in the hearing, the commission may in lieu of revoking such license assess a civil penalty against the guilty licensee not to exceed Ten Thousand Dollars (\$10,000.00). If the commission finds, after such notice and hearing, that sufficient cause exists for the suspension only of the license of any licensee, the commission may in lieu of suspending such license assess a civil penalty against the guilty licensee of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) per day for each day such license would otherwise be suspended. However, the amount of such penalty shall not exceed an aggregate of Seven Thousand Five Hundred Dollars (\$7,500.00). Failure of the licensee to pay all penalties so assessed within the time allowed by the commission for the payment thereof, which time shall in no case exceed ninety (90) days from the date of the commission's order making such assessment, shall, unless an appeal is taken and perfected within the time and in the manner provided by the Mississippi Motor Vehicle Commission Law, result in an automatic revocation of such licensee's license. Any such penalties assessed by the commission remaining unpaid at the expiration of the time for payment may be recovered by an action in the name

of the commission. All such actions shall be brought by the Attorney General of the State of Mississippi upon the written request of the commission to do so, and shall be brought in the chancery court of the county or the chancery court of the judicial district of the county to which the commission's order making such assessment is appealable under the provisions of Section 63-17-99. All civil penalties assessed and collected by the commission under the authority of this subsection shall be deposited in the General Fund of the State Treasury. Codes 1942, § 8071.7-06; Laws, 1970, ch. 478, § 6; Laws, 1977, ch. 411, § 2; reenacted, Laws, 1983, ch. 344, § 18; reenacted without change, Laws, 1991, ch. 305, § 18, eff. 7/1/1991. Amended by Laws, 2021, ch. 315, HB 746, § 2, eff. 7/1/2021. 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(g) Willfully defrauding any retail buyer to the buyer's damage. (h) Willful failure to perform any written agreement with any retail buyer. (i) Being a manufacturer who fails to specify to its motor vehicle dealers the pre-delivery preparation obligations of its motor vehicle dealers prior to delivery of new motor vehicles to retail buyers, including a schedule of the compensation to be paid to its motor vehicle dealers for the work and services they shall be required to perform in connection with such pre-delivery and preparation obligations and shall constitute any such dealer's only responsibility for product liability as between such dealer and such manufacturer. The compensation as set forth on said schedule shall be reasonable and the reasonableness thereof shall be subject to the determination by the commission as to reasonableness in the event a dealer files a verified complaint with the commission challenging the reasonableness of the pre-delivery preparation obligations or compensation. Any mechanical, body or parts defects arising from any express or implied warranties of any such manufacturer shall constitute such manufacturer's product or warranty liability. (j) On satisfactory proof that any manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division has unfairly and without due regard to the equities of the parties or to the detriment of the public welfare failed to properly fulfill any warranty agreement or to adequately and fairly compensate any of its motor vehicle dealers for labor and parts incurred by any such dealer with regard to warranty work performed by any such dealer, and upon the written request of a dealer using a format provided by the manufacturer, which is consistent with the requirements of Section 63-17-86. In no event shall any such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division pay to the requesting motor vehicle dealer an hourly labor rate and parts mark-up for warranty work that is less than that charged by such dealer to its retail customers in accordance with Section 63-17-86. Time allowances for the diagnosis and performance of warranty work shall be reasonable and adequate for such work to be performed using the actual time required by a qualified technician of ordinary skill to perform such work. No such dealer shall charge to its manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division, a labor rate in excess of the rate charged to its retail customers. All claims made by motor vehicle dealers hereunder for such labor and/or parts shall be paid within thirty (30) days following their approval. All such claims shall be either approved or disapproved within thirty (30) days after their receipt, and when any such claim is disapproved the motor vehicle dealer who submits it shall be notified in writing of its disapproval within said period, and each such notice shall state the specific grounds upon which the disapproval is based. (k) For the commission of any act prohibited by Sections 63-17-73 through 63-17-86 or the failure to perform any of the requirements of said sections. If the commission finds, after notice and hearing in the manner provided for under the Mississippi Motor Vehicle Commission Law, that there is sufficient cause upon which to base the revocation of the license of any licensee involved in the hearing, the commission may in lieu of revoking such license assess a civil penalty against the guilty licensee not to exceed Ten Thousand Dollars (\$10,000.00). If the commission finds, after such notice and hearing, that sufficient cause exists for the suspension only of the license of any licensee, the commission may in lieu of suspending such license assess a civil penalty against the guilty licensee of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) per day for each day such license would otherwise be suspended. However, the amount of such penalty shall not exceed an aggregate of Seven Thousand Five Hundred Dollars (\$7,500.00). Failure of the licensee to pay all penalties so assessed within the time allowed by the commission for the payment thereof, which time shall in no case exceed ninety (90) days from the date of the commission's order making such assessment, shall, unless an appeal is taken and perfected within the time and in the manner provided by the Mississippi Motor Vehicle Commission Law, result in an automatic revocation of such licensee's license. Any such penalties assessed by the commission remaining unpaid at the expiration of the time for payment may be recovered by an action in the name of the commission. All such actions shall be brought by the Attorney General of the State of Mississippi upon the written request of the commission to do so, and shall be brought in the chancery court of the county or the chancery court of the judicial district of the county to which the commission's order making such assessment is appealable under the provisions of Section 63-17-99. All civil penalties assessed and collected by the commission under the authority of this subsection shall be deposited in the General Fund of the State Treasury. Codes 1942, § 8071.7-06; Laws, 1970, ch. 478, § 6; Laws, 1977, ch. 411, § 2; reenacted, Laws, 1983, ch. 344, § 18; reenacted without change, Laws, 1991, ch. 305, § 18, eff. 7/1/1991. Amended by Laws, 2021, ch. 315, HB 746, § 2, eff. 7/1/2021. The commission may deny an application for a license, or revoke or suspend a license after it has been granted, for any of the following reasons: If the commission finds, after notice and hearing in the manner provided for under the Mississippi Motor Vehicle Commission Law, that there is sufficient cause upon which

to base the revocation of the license of any licensee involved in the hearing, the commission may in lieu of revoking such license assess a civil penalty against the guilty licensee not to exceed Ten Thousand Dollars (\$10,000.00). If the commission finds, after such notice and hearing, that sufficient cause exists for the suspension only of the license of any licensee, the commission may in lieu of suspending such license assess a civil penalty against the guilty licensee of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) per day for each day such license would otherwise be suspended. However, the amount of such penalty shall not exceed an aggregate of Seven Thousand Five Hundred Dollars (\$7,500.00). Failure of the licensee to pay all penalties so assessed within the time allowed by the commission for the payment thereof, which time shall in no case exceed ninety (90) days from the date of the commission's order making such assessment, shall, unless an appeal is taken and perfected within the time and in the manner provided by the Mississippi Motor Vehicle Commission Law, result in an automatic revocation of such licensee's license. Any such penalties assessed by the commission remaining unpaid at the expiration of the time for payment may be recovered by an action in the name of the commission. All such actions shall be brought by the Attorney General of the State of Mississippi upon the written request of the commission to do so, and shall be brought in the chancery court of the county or the chancery court of the judicial district of the county to which the commission's order making such assessment is appealable under the provisions of Section 63-17-99. All civil penalties assessed and collected by the commission under the authority of this subsection shall be deposited in the General Fund of the State Treasury. Codes 1942, § 8071.7-06; Laws, 1970, ch. 478, § 6; Laws, 1977, ch. 411, § 2; reenacted, Laws, 1983, ch. 344, § 18; reenacted without change, Laws, 1991, ch. 305, § 18, eff. 7/1/1991. Amended by Laws, 2021, ch. 315, HB 746, § 2, eff. 7/1/2021.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119) Section 63-17-86 - Obligations of manufacturers, distributors and motor vehicle dealers; establishment of rate for parts and labor; rebuttal and protest

(1) The mark-up customarily charged by the dealer for parts or its labor rate may be established at the election of the dealer by the dealer submitting to the manufacturer, either by electronic transmission or tangible delivery, and in accordance with Section 63-17-85(j), all consecutive repair orders that include one hundred (100) sequential repair orders reflecting qualified repairs, or all repair orders closed during any period of ninety (90) consecutive days, whichever produces the fewer number of repair orders, covering repairs made no more than one hundred eighty (180) days before the submission, and declaring the parts mark-up or labor rate. (2) The dealer shall calculate its labor rate by determining the total charges for labor from the qualified repairs submitted and dividing that amount by the total number of hours that produced such charges. The dealer shall calculate its parts mark-up by determining the total charges for parts from the qualified repairs submitted, dividing that amount by its total cost of the purchase of such parts, subtracting one from that amount, and multiplying by one hundred (100) to produce a percentage. (3) A motor vehicle dealer seeking to establish or modify its warranty reimbursement labor rate, parts mark-up, or both shall no more frequently than once per twelve-month period, submit to the manufacturer: (a) A single set of repair orders for purposes of calculating both its labor rate and parts mark-up; or (b) A set of repair orders for purposes of calculating only its labor rate or for purposes of calculating only its parts mark-up. (4) In calculating the rate customarily charged by the dealer for parts and labor for purposes of this section, the following shall not be included: (a) Repairs which are the subject of manufacturer discounts, such as special events, specials, promotions, coupons, or service campaigns. (b) Parts sold at wholesale. (c) Repairs of motor vehicles owned by the dealer. (d) Routine maintenance, including, but not limited to, replacements of fluids, filters, batteries, bulbs, belts, nuts, bolts, or fasteners, unless provided in the course of, and related to, an otherwise qualified repair. (e) Installations of accessories. (f) Replacements of or work on tires, wheels, or brakes, including alignments, wheel or tire rotations, or replacements of brake drums, rotors, shoes, or pads. (g) Vehicle reconditioning. (h) Safety or emission inspections required by law. (i) Repairs for which volume discounts have been negotiated with government agencies or insurers. (j) Bodyshop repairs of conditions caused by collision, road hazard, the force of the elements, vandalism, theft, or owner, operator, or third-party negligence or deliberate act. (k) Parts that do not have individual part numbers. (l) Manufacturer approved and reimbursed goodwill repairs or reimbursements. (m) Window replacement, window etching, window tint, protective film, or other masking products. (5) The submitted parts mark-up or labor rate shall each be presumed to be reasonable, and shall go into effect forty-five (45) days after the manufacturer's receipt of its submission, unless, within such period, the manufacturer rebuts that presumption, by reasonably substantiating that such submission is materially incomplete, materially inaccurate or is materially unreasonable and providing a full explanation of any and all reasons that such submitted mark-up or rate is materially incomplete, materially inaccurate or materially unreasonable, evidence validating each such reason, a copy of all calculations used by it demonstrating any material inaccuracy, and a proposed adjusted mark-up or rate provided that the dealer's submission is materially accurate, based upon the qualified repair orders submitted by the dealer. In such event, the manufacturer may not submit more than one (1) such rebuttal to the dealer, and may not thereafter add to, expand, supplement, or otherwise modify any element thereof, including, but not limited to, its grounds for contesting such parts mark-up or labor rate. If a manufacturer determines from any set of repair orders submitted under this section that the labor rate or parts mark-up calculated under this section is substantially higher or lower than the rate currently on record with the manufacturer for labor and/or parts, the manufacturer may, in accordance with this subsection, request additional repair orders for a period of either sixty (60) days prior to or sixty (60) days subsequent to the time period for which the repair orders were submitted for purposes of an alteration, and shall have forty-five (45) days from receiving the additional repair orders to rebut the presumption that the dealer's proposed mark-up and labor rates are reasonable. (6) If the dealer and the manufacturer do not agree on the parts mark-up or labor rate, as the case may be,

then the dealer may file a protest with the commission within sixty (60) days of receiving the manufacturer's written rejection of the dealer's proposed parts mark-up or labor rate. If such a protest is filed, the commission shall inform the manufacturer thereof and that a hearing will be held thereon. In any such hearing, the manufacturer shall have the burden of proving by a preponderance of the evidence that the dealer's submitted parts mark-up or labor rate or both was materially incomplete, materially inaccurate or was unreasonable as described in subsection (5). Upon a commission decision in favor of the dealer, any increase in the dealer's parts mark-up or labor rate arising from such proceeding shall be effective retroactively to the date forty-five (45) days following the manufacturer's receipt of the original submission to the manufacturer.(7)If a manufacturer furnishes a part or component to a dealer, at reduced or no cost, to use in performing warranty work, the manufacturer shall compensate the dealer for the part or component in the same manner as warranty parts compensation under this section by compensating the dealer on the basis of the dealer's mark-up on the cost for the part or component as listed in the manufacturer's price schedule less the cost for the part or component.(8)A manufacturer may not require a dealer to establish the rate customarily charged by the dealer for parts and labor by an unduly burdensome or time-consuming method or by requiring information that is unduly burdensome or time-consuming to provide.Added by Laws, 2021, ch. 315, HB 746,§ 3, eff. 7/1/2021. (1)The mark-up customarily charged by the dealer for parts or its labor rate may be established at the election of the dealer by the dealer submitting to the manufacturer, either by electronic transmission or tangible delivery, and in accordance with Section63-17-85(j), all consecutive repair orders that include one hundred (100) sequential repair orders reflecting qualified repairs, or all repair orders closed during any period of ninety (90) consecutive days, whichever produces the fewer number of repair orders, covering repairs made no more than one hundred eighty (180) days before the submission, and declaring the parts mark-up or labor rate.(2)The dealer shall calculate its labor rate by determining the total charges for labor from the qualified repairs submitted and dividing that amount by the total number of hours that produced such charges. The dealer shall calculate its parts mark-up by determining the total charges for parts from the qualified repairs submitted, dividing that amount by its total cost of the purchase of such parts, subtracting one from that amount, and multiplying by one hundred (100) to produce a percentage.(3)A motor vehicle dealer seeking to establish or modify its warranty reimbursement labor rate, parts mark-up, or both shall no more frequently than once per twelve-month period, submit to the manufacturer:(a)A single set of repair orders for purposes of calculating both its labor rate and parts mark-up; or(b)A set of repair orders for purposes of calculating only its labor rate or for purposes of calculating only its parts mark-up.(4)In calculating the rate customarily charged by the dealer for parts and labor for purposes of this section, the following shall not be included:(a)Repairs which are the subject of manufacturer discounts, such as special events, specials, promotions, coupons, or service campaigns.(b)Parts sold at wholesale.(c)Repairs of motor vehicles owned by the dealer.(d)Routine maintenance, including, but not limited to, replacements of fluids, filters, batteries, bulbs, belts, nuts, bolts, or fasteners, unless provided in the course of, and related to, an otherwise qualified repair.(e)Installations of accessories.(f)Replacements of or work on tires, wheels, or brakes, including alignments, wheel or tire rotations, or replacements of brake drums, rotors, shoes, or pads.(g)Vehicle reconditioning.(h)Safety or emission inspections required by law.(i)Repairs for which volume discounts have been negotiated with government agencies or insurers.(j)Bodyshop repairs of conditions caused by collision, road hazard, the force of the elements, vandalism, theft, or owner, operator, or third-party negligence or deliberate act.(k)Parts that do not have individual part numbers.(l)Manufacturer approved and reimbursed goodwill repairs or reimbursements.(m)Window replacement, window etching, window tint, protective film, or other masking products.(5)The submitted parts mark-up or labor rate shall each be presumed to be reasonable, and shall go into effect forty-five (45) days after the manufacturer's receipt of its submission, unless, within such period, the manufacturer rebuts that presumption, by reasonably substantiating that such submission is materially incomplete, materially inaccurate or is materially unreasonable and providing a full explanation of any and all reasons that such submitted mark-up or rate is materially incomplete, materially inaccurate or materially unreasonable, evidence validating each such reason, a copy of all calculations used by it demonstrating any material inaccuracy, and a proposed adjusted mark-up or rate provided that the dealers submission is materially accurate, based upon the qualified repair orders submitted by the dealer. In such event, the manufacturer may not submit more than one (1) such rebuttal to the dealer, and may not thereafter add to, expand, supplement, or otherwise modify any element thereof, including, but not limited to, its grounds for contesting such parts mark-up or labor rate.If a manufacturer determines from any set of repair orders submitted under this section that the labor rate or parts mark-up calculated under this section is substantially higher or lower than the rate currently on record with the manufacturer for labor and/or parts, the manufacturer may, in accordance with this subsection, request additional repair orders for a period of either sixty (60) days prior to or sixty (60) days subsequent to the time period for which the repair orders were submitted for purposes of an alteration, and shall have forty-five (45) days from receiving the additional repair orders to rebut the presumption that the dealer's proposed mark-up and labor rates are reasonable.(6)If the dealer and the manufacturer do not agree on the parts mark-up or labor rate, as the case may be, then the dealer may file a protest with the commission within sixty (60) days of receiving the manufacturer's written rejection of the dealer's proposed parts mark-up or labor rate. If such a protest is filed, the commission shall inform the manufacturer thereof and that a hearing will be held thereon. In any such hearing, the manufacturer shall have the burden of proving by a preponderance of the evidence that the dealer's submitted parts mark-up or labor rate or both was materially incomplete, materially inaccurate or was unreasonable as described in subsection (5). Upon a commission decision in favor of the dealer, any increase in the dealer's parts mark-up or labor rate arising from such proceeding shall be effective retroactively to the date forty-five (45) days following the manufacturer's receipt of the original submission to the manufacturer.(7)If a manufacturer furnishes a part or component to a dealer, at reduced or no cost, to use in performing warranty work, the manufacturer shall compensate the dealer for the part or component in the same manner as warranty parts compensation under this section by compensating the dealer on the basis of the dealer's mark-up on the cost for the part or component as listed in the manufacturer's price schedule less the cost for the

part or component.(8)A manufacturer may not require a dealer to establish the rate customarily charged by the dealer for parts and labor by an unduly burdensome or time-consuming method or by requiring information that is unduly burdensome or time-consuming to provide.Added by Laws, 2021, ch. 315, HB 746,§ 3, eff. 7/1/2021. (1)The mark-up customarily charged by the dealer for parts or its labor rate may be established at the election of the dealer by the dealer submitting to the manufacturer, either by electronic transmission or tangible delivery, and in accordance with Section63-17-85(j), all consecutive repair orders that include one hundred (100) sequential repair orders reflecting qualified repairs, or all repair orders closed during any period of ninety (90) consecutive days, whichever produces the fewer number of repair orders, covering repairs made no more than one hundred eighty (180) days before the submission, and declaring the parts mark-up or labor rate.(2)The dealer shall calculate its labor rate by determining the total charges for labor from the qualified repairs submitted and dividing that amount by the total number of hours that produced such charges. The dealer shall calculate its parts mark-up by determining the total charges for parts from the qualified repairs submitted, dividing that amount by its total cost of the purchase of such parts, subtracting one from that amount, and multiplying by one hundred (100) to produce a percentage.(3)A motor vehicle dealer seeking to establish or modify its warranty reimbursement labor rate, parts mark-up, or both shall no more frequently than once per twelve-month period, submit to the manufacturer:(a)A single set of repair orders for purposes of calculating both its labor rate and parts mark-up; or(b)A set of repair orders for purposes of calculating only its labor rate or for purposes of calculating only its parts mark-up.(4)In calculating the rate customarily charged by the dealer for parts and labor for purposes of this section, the following shall not be included:(a)Repairs which are the subject of manufacturer discounts, such as special events, specials, promotions, coupons, or service campaigns.(b)Parts sold at wholesale.(c)Repairs of motor vehicles owned by the dealer.(d)Routine maintenance, including, but not limited to, replacements of fluids, filters, batteries, bulbs, belts, nuts, bolts, or fasteners, unless provided in the course of, and related to, an otherwise qualified repair.(e)Installations of accessories.(f)Replacements of or work on tires, wheels, or brakes, including alignments, wheel or tire rotations, or replacements of brake drums, rotors, shoes, or pads.(g)Vehicle reconditioning.(h)Safety or emission inspections required by law.(i)Repairs for which volume discounts have been negotiated with government agencies or insurers.(j)Bodyshop repairs of conditions caused by collision, road hazard, the force of the elements, vandalism, theft, or owner, operator, or third-party negligence or deliberate act.(k)Parts that do not have individual part numbers.(l)Manufacturer approved and reimbursed goodwill repairs or reimbursements.(m)Window replacement, window etching, window tint, protective film, or other masking products.(5)The submitted parts mark-up or labor rate shall each be presumed to be reasonable, and shall go into effect forty-five (45) days after the manufacturer's receipt of its submission, unless, within such period, the manufacturer rebuts that presumption, by reasonably substantiating that such submission is materially incomplete, materially inaccurate or is materially unreasonable and providing a full explanation of any and all reasons that such submitted mark-up or rate is materially incomplete, materially inaccurate or materially unreasonable, evidence validating each such reason, a copy of all calculations used by it demonstrating any material inaccuracy, and a proposed adjusted mark-up or rate provided that the dealers submission is materially accurate, based upon the qualified repair orders submitted by the dealer. In such event, the manufacturer may not submit more than one (1) such rebuttal to the dealer, and may not thereafter add to, expand, supplement, or otherwise modify any element thereof, including, but not limited to, its grounds for contesting such parts mark-up or labor rate.If a manufacturer determines from any set of repair orders submitted under this section that the labor rate or parts mark-up calculated under this section is substantially higher or lower than the rate currently on record with the manufacturer for labor and/or parts, the manufacturer may, in accordance with this subsection, request additional repair orders for a period of either sixty (60) days prior to or sixty (60) days subsequent to the time period for which the repair orders were submitted for purposes of an alteration, and shall have forty-five (45) days from receiving the additional repair orders to rebut the presumption that the dealer's proposed mark-up and labor rates are reasonable.(6)If the dealer and the manufacturer do not agree on the parts mark-up or labor rate, as the case may be, then the dealer may file a protest with the commission within sixty (60) days of receiving the manufacturer's written rejection of the dealer's proposed parts mark-up or labor rate. If such a protest is filed, the commission shall inform the manufacturer thereof and that a hearing will be held thereon. In any such hearing, the manufacturer shall have the burden of proving by a preponderance of the evidence that the dealer's submitted parts mark-up or labor rate or both was materially incomplete, materially inaccurate or was unreasonable as described in subsection (5). Upon a commission decision in favor of the dealer, any increase in the dealer's parts mark-up or labor rate arising from such proceeding shall be effective retroactively to the date forty-five (45) days following the manufacturer's receipt of the original submission to the manufacturer.(7)If a manufacturer furnishes a part or component to a dealer, at reduced or no cost, to use in performing warranty work, the manufacturer shall compensate the dealer for the part or component in the same manner as warranty parts compensation under this section by compensating the dealer on the basis of the dealer's mark-up on the cost for the part or component as listed in the manufacturer's price schedule less the cost for the part or component.(8)A manufacturer may not require a dealer to establish the rate customarily charged by the dealer for parts and labor by an unduly burdensome or time-consuming method or by requiring information that is unduly burdensome or time-consuming to provide.Added by Laws, 2021, ch. 315, HB 746,§ 3, eff. 7/1/2021. If a manufacturer determines from any set of repair orders submitted under this section that the labor rate or parts mark-up calculated under this section is substantially higher or lower than the rate currently on record with the manufacturer for labor and/or parts, the manufacturer may, in accordance with this subsection, request additional repair orders for a period of either sixty (60) days prior to or sixty (60) days subsequent to the time period for which the repair orders were submitted for purposes of an alteration, and shall have forty-five (45) days from receiving the additional repair orders to rebut the presumption that the dealer's proposed mark-up and labor rates are reasonable. Added by Laws, 2021, ch. 315, HB 746,§ 3, eff. 7/1/2021.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119)Section 63-17-87 - Limited revocation or suspension of license

The revocation or suspension of the license of a manufacturer, factory branch or division, distributor, distributor branch or division, wholesaler, or wholesaler branch or division may be limited to:(a)One or more municipalities or counties.(b)The sales area of any dealer whose franchise is unfairly cancelled or terminated within the purview of the Mississippi Motor Vehicle Commission Law, or whose franchise is not renewed in violation of the provisions of said law. However, where such a franchise is unfairly cancelled or terminated within the purview of said law or is not renewed in violation of the provisions of said law in a metropolitan area serviced by several motor vehicle dealers handling the same motor vehicles, the revocation or suspension shall not be applicable to the remaining motor vehicle dealers in such metropolitan area.Codes, 1942, § 8071.7-06; Laws, 1970, ch. 478, § 6; reenacted without change, Laws, 1983, ch. 344, § 19; reenacted without change, Laws, 1991, ch. 305, § 19, eff. 7/1/1991. The revocation or suspension of the license of a manufacturer, factory branch or division, distributor, distributor branch or division, wholesaler, or wholesaler branch or division may be limited to:(a)One or more municipalities or counties.(b)The sales area of any dealer whose franchise is unfairly cancelled or terminated within the purview of the Mississippi Motor Vehicle Commission Law, or whose franchise is not renewed in violation of the provisions of said law. However, where such a franchise is unfairly cancelled or terminated within the purview of said law or is not renewed in violation of the provisions of said law in a metropolitan area serviced by several motor vehicle dealers handling the same motor vehicles, the revocation or suspension shall not be applicable to the remaining motor vehicle dealers in such metropolitan area.Codes, 1942, § 8071.7-06; Laws, 1970, ch. 478, § 6; reenacted without change, Laws, 1983, ch. 344, § 19; reenacted without change, Laws, 1991, ch. 305, § 19, eff. 7/1/1991. The revocation or suspension of the license of a manufacturer, factory branch or division, distributor, distributor branch or division, wholesaler, or wholesaler branch or division may be limited to:(a)One or more municipalities or counties.(b)The sales area of any dealer whose franchise is unfairly cancelled or terminated within the purview of the Mississippi Motor Vehicle Commission Law, or whose franchise is not renewed in violation of the provisions of said law. However, where such a franchise is unfairly cancelled or terminated within the purview of said law or is not renewed in violation of the provisions of said law in a metropolitan area serviced by several motor vehicle dealers handling the same motor vehicles, the revocation or suspension shall not be applicable to the remaining motor vehicle dealers in such metropolitan area.Codes, 1942, § 8071.7-06; Laws, 1970, ch. 478, § 6; reenacted without change, Laws, 1983, ch. 344, § 19; reenacted without change, Laws, 1991, ch. 305, § 19, eff. 7/1/1991. The revocation or suspension of the license of a manufacturer, factory branch or division, distributor, distributor branch or division, wholesaler, or wholesaler branch or division may be limited to: Codes, 1942, § 8071.7-06; Laws, 1970, ch. 478, § 6; reenacted without change, Laws, 1983, ch. 344, § 19; reenacted without change, Laws, 1991, ch. 305, § 19, eff. 7/1/1991.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119)Section 63-17-89 - Hearings; prerequisite to denial, revocation or suspension of license

The commission shall not:1.Deny an application for a license without first giving the applicant a hearing, or an opportunity to be heard, on the question of whether he is qualified under the provisions of the Mississippi Motor Vehicle Commission Law to receive the license applied for.2.Revoke or suspend a license without first giving the licensee a hearing, or an opportunity to be heard, on the question of whether there are sufficient grounds under the provisions of said law upon which to base such revocation or suspension.Codes, 1942, § 8071.7-07; Laws, 1970, ch. 478, § 7; reenacted without change, Laws, 1983, ch. 344, § 20; reenacted without change, Laws, 1991, ch. 305, § 20, eff. 7/1/1991. The commission shall not:1.Deny an application for a license without first giving the applicant a hearing, or an opportunity to be heard, on the question of whether he is qualified under the provisions of the Mississippi Motor Vehicle Commission Law to receive the license applied for.2.Revoke or suspend a license without first giving the licensee a hearing, or an opportunity to be heard, on the question of whether there are sufficient grounds under the provisions of said law upon which to base such revocation or suspension.Codes, 1942, § 8071.7-07; Laws, 1970, ch. 478, § 7; reenacted without change, Laws, 1983, ch. 344, § 20; reenacted without change, Laws, 1991, ch. 305, § 20, eff. 7/1/1991. The commission shall not:1.Deny an application for a license without first giving the applicant a hearing, or an opportunity to be heard, on the question of whether he is qualified under the provisions of the Mississippi Motor Vehicle Commission Law to receive the license applied for.2.Revoke or suspend a license without first giving the licensee a hearing, or an opportunity to be heard, on the question of whether there are sufficient grounds under the provisions of said law upon which to base such revocation or suspension.Codes, 1942, § 8071.7-07; Laws, 1970, ch. 478, § 7; reenacted without change, Laws, 1983, ch. 344, § 20; reenacted without change, Laws, 1991, ch. 305, § 20, eff. 7/1/1991. The commission shall not: Codes, 1942, § 8071.7-07; Laws, 1970, ch. 478, § 7; reenacted without change, Laws, 1983, ch. 344, § 20; reenacted without change, Laws, 1991, ch. 305, § 20, eff. 7/1/1991.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119)Section 63-17-91 - Hearings; calling of hearing

(1)Any interested party shall have the right to have the commission call a hearing for the purpose of taking action in respect to any matter within the commission's jurisdiction by filing with the commission a verified complaint setting forth the grounds upon which

the complaint is based.(2)The commission may on its own motion call a hearing for the purpose of taking action in respect to any matter within its jurisdiction.Codes, 1942, § 8071.7-07; Laws, 1970, ch. 478, § 7; reenacted without change, Laws, 1983, ch. 344, § 21; reenacted without change, Laws, 1991, ch. 305, § 21, eff. 7/1/1991. (1)Any interested party shall have the right to have the commission call a hearing for the purpose of taking action in respect to any matter within the commission's jurisdiction by filing with the commission a verified complaint setting forth the grounds upon which the complaint is based.(2)The commission may on its own motion call a hearing for the purpose of taking action in respect to any matter within its jurisdiction.Codes, 1942, § 8071.7-07; Laws, 1970, ch. 478, § 7; reenacted without change, Laws, 1983, ch. 344, § 21; reenacted without change, Laws, 1991, ch. 305, § 21, eff. 7/1/1991. (1)Any interested party shall have the right to have the commission call a hearing for the purpose of taking action in respect to any matter within the commission's jurisdiction by filing with the commission a verified complaint setting forth the grounds upon which the complaint is based.(2)The commission may on its own motion call a hearing for the purpose of taking action in respect to any matter within its jurisdiction.Codes, 1942, § 8071.7-07; Laws, 1970, ch. 478, § 7; reenacted without change, Laws, 1983, ch. 344, § 21; reenacted without change, Laws, 1991, ch. 305, § 21, eff. 7/1/1991. Codes, 1942, § 8071.7-07; Laws, 1970, ch. 478, § 7; reenacted without change, Laws, 1983, ch. 344, § 21; reenacted without change, Laws, 1991, ch. 305, § 21, eff. 7/1/1991.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119)Section 63-17-93 - Hearings; notice; location; effect of failure to appear

(1)When a hearing is to be held before the commission, the commission shall give written notice thereof to all parties whose rights may be affected thereby. The notice shall set forth the reason for the hearing and the questions or issues to be decided by the commission at such hearing and the time when and the place where the hearing will be held. All such notices shall be mailed to all parties whose rights may be affected by such hearing by registered or certified mail, and addressed to their last known address. Any such hearing shall be held in the county where the principal office of the commission is located.(2)If any party who is notified of a hearing in accordance with the requirements of this section fails to appear at such hearing, either in person or by counsel, then and in that event the commission may make any decision and take any action it may deem necessary or appropriate with respect to any issue or question scheduled for hearing and decision by it at such hearing which affects or may affect the rights of such defaulting party.Codes, 1942, § 8071.7-07; Laws, 1970, ch. 478, § 7; reenacted without change, Laws, 1983, ch. 344, § 22; reenacted without change, Laws, 1991, ch. 305, § 22; Laws, 1994, ch. 399, § 9, eff. 7/1/1994. (1)When a hearing is to be held before the commission, the commission shall give written notice thereof to all parties whose rights may be affected thereby. The notice shall set forth the reason for the hearing and the questions or issues to be decided by the commission at such hearing and the time when and the place where the hearing will be held. All such notices shall be mailed to all parties whose rights may be affected by such hearing by registered or certified mail, and addressed to their last known address. Any such hearing shall be held in the county where the principal office of the commission is located.(2)If any party who is notified of a hearing in accordance with the requirements of this section fails to appear at such hearing, either in person or by counsel, then and in that event the commission may make any decision and take any action it may deem necessary or appropriate with respect to any issue or question scheduled for hearing and decision by it at such hearing which affects or may affect the rights of such defaulting party.Codes, 1942, § 8071.7-07; Laws, 1970, ch. 478, § 7; reenacted without change, Laws, 1983, ch. 344, § 22; reenacted without change, Laws, 1991, ch. 305, § 22; Laws, 1994, ch. 399, § 9, eff. 7/1/1994. (1)When a hearing is to be held before the commission, the commission shall give written notice thereof to all parties whose rights may be affected thereby. The notice shall set forth the reason for the hearing and the questions or issues to be decided by the commission at such hearing and the time when and the place where the hearing will be held. All such notices shall be mailed to all parties whose rights may be affected by such hearing by registered or certified mail, and addressed to their last known address. Any such hearing shall be held in the county where the principal office of the commission is located.(2)If any party who is notified of a hearing in accordance with the requirements of this section fails to appear at such hearing, either in person or by counsel, then and in that event the commission may make any decision and take any action it may deem necessary or appropriate with respect to any issue or question scheduled for hearing and decision by it at such hearing which affects or may affect the rights of such defaulting party.Codes, 1942, § 8071.7-07; Laws, 1970, ch. 478, § 7; reenacted without change, Laws, 1983, ch. 344, § 22; reenacted without change, Laws, 1991, ch. 305, § 22; Laws, 1994, ch. 399, § 9, eff. 7/1/1994. Codes, 1942, § 8071.7-07; Laws, 1970, ch. 478, § 7; reenacted without change, Laws, 1983, ch. 344, § 22; reenacted without change, Laws, 1991, ch. 305, § 22; Laws, 1994, ch. 399, § 9, eff. 7/1/1994.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119)Section 63-17-95 - Hearings; conduct; decisions

(1)All parties whose rights may be affected at any hearing before the commission shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against them, and to produce evidence and witnesses in their own behalf. The commission shall make and keep a record of each such hearing and shall provide a transcript thereof to any interested party upon his request and at his expense. Testimony taken at all such hearings shall be taken either stenographically or by machine.(2)Witnesses who testify at any hearing before the commission shall testify under oath. The form of the oath or affirmation shall be in the form or to the effect following: "You do solemnly swear (or affirm) that the evidence you shall give as a witness at this hearing shall be the

truth, the whole truth, and nothing but the truth; so help you God."(3)Any member of the commission may administer oaths or affirmations to witnesses testifying before the commission.(4)The commission shall prescribe its rules of order or procedure in hearings or other proceedings before it. However, such rules of order or procedure shall not be in conflict or contrary to the provisions of law governing hearings before the commission, and appeals therefrom.(5)All decisions of the commission with respect to the hearings shall be incorporated into orders of the commission and spread upon its minutes.(6)The commission may apply to the chancery court of the county or to the chancery court of the judicial district of the county, or to any chancellor of any such court in vacation, to which its order is appealable under the provisions of Section63-17-99for the enforcement of such order by injunction.Codes, 1942, § 8071.7-07, Laws, 1970, ch. 478, § 7; Laws, 1977, ch. 411, § 3; reenacted, Laws, 1983, ch. 344, § 23; reenacted without change, Laws, 1991, ch. 305, § 23, eff. 7/1/1991. (1)All parties whose rights may be affected at any hearing before the commission shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against them, and to produce evidence and witnesses in their own behalf. The commission shall make and keep a record of each such hearing and shall provide a transcript thereof to any interested party upon his request and at his expense. Testimony taken at all such hearings shall be taken either stenographically or by machine.(2)Witnesses who testify at any hearing before the commission shall testify under oath. The form of the oath or affirmation shall be in the form or to the effect following: "You do solemnly swear (or affirm) that the evidence you shall give as a witness at this hearing shall be the truth, the whole truth, and nothing but the truth; so help you God."(3)Any member of the commission may administer oaths or affirmations to witnesses testifying before the commission.(4)The commission shall prescribe its rules of order or procedure in hearings or other proceedings before it. However, such rules of order or procedure shall not be in conflict or contrary to the provisions of law governing hearings before the commission, and appeals therefrom.(5)All decisions of the commission with respect to the hearings shall be incorporated into orders of the commission and spread upon its minutes.(6)The commission may apply to the chancery court of the county or to the chancery court of the judicial district of the county, or to any chancellor of any such court in vacation, to which its order is appealable under the provisions of Section63-17-99for the enforcement of such order by injunction.Codes, 1942, § 8071.7-07, Laws, 1970, ch. 478, § 7; Laws, 1977, ch. 411, § 3; reenacted, Laws, 1983, ch. 344, § 23; reenacted without change, Laws, 1991, ch. 305, § 23, eff. 7/1/1991. (1)All parties whose rights may be affected at any hearing before the commission shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against them, and to produce evidence and witnesses in their own behalf. The commission shall make and keep a record of each such hearing and shall provide a transcript thereof to any interested party upon his request and at his expense. Testimony taken at all such hearings shall be taken either stenographically or by machine.(2)Witnesses who testify at any hearing before the commission shall testify under oath. The form of the oath or affirmation shall be in the form or to the effect following: "You do solemnly swear (or affirm) that the evidence you shall give as a witness at this hearing shall be the truth, the whole truth, and nothing but the truth; so help you God."(3)Any member of the commission may administer oaths or affirmations to witnesses testifying before the commission.(4)The commission shall prescribe its rules of order or procedure in hearings or other proceedings before it. However, such rules of order or procedure shall not be in conflict or contrary to the provisions of law governing hearings before the commission, and appeals therefrom.(5)All decisions of the commission with respect to the hearings shall be incorporated into orders of the commission and spread upon its minutes.(6)The commission may apply to the chancery court of the county or to the chancery court of the judicial district of the county, or to any chancellor of any such court in vacation, to which its order is appealable under the provisions of Section63-17-99for the enforcement of such order by injunction.Codes, 1942, § 8071.7-07, Laws, 1970, ch. 478, § 7; Laws, 1977, ch. 411, § 3; reenacted, Laws, 1983, ch. 344, § 23; reenacted without change, Laws, 1991, ch. 305, § 23, eff. 7/1/1991. Codes, 1942, § 8071.7-07, Laws, 1970, ch. 478, § 7; Laws, 1977, ch. 411, § 3; reenacted, Laws, 1983, ch. 344, § 23; reenacted without change, Laws, 1991, ch. 305, § 23, eff. 7/1/1991.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119)Section 63-17-97 - Execution and enforcement of summons, citation or subpoena

It shall be the duty of the sheriffs and constables of the counties of this state and of any employee of the commission, when so directed by the commission, to execute any summons, citation or subpoena which the commission may cause to be issued and to make return thereof to the commission. The sheriffs and constables so serving and returning same shall be paid for so doing the fees provided for such services in the circuit court. Any person who appears before the commission or a duly designated employee thereof in response to a summons, citation or subpoena shall be paid the same witness fee and mileage allowance as witnesses in the circuit court.In case of failure or refusal on the part of any person to comply with any summons, citation or subpoena issued and served as above authorized or in the case of the refusal of any person to be sworn or affirmed as a witness, or testify or answer to any matter regarding which he may be lawfully interrogated as a witness, or the refusal of any person to produce his record books and accounts relating to any matter regarding which he may be lawfully interrogated as a witness, the chancery court of any county of the State of Mississippi, or any chancellor of any such court in vacation, may, on application of the commission or of the executive director thereof, issue an attachment for such person and compel him to comply with such summons, citation or subpoena and to attend before the commission or its designated employee and to produce the documents specified in any subpoena duces tecum and to be sworn or affirmed as a witness or to give his testimony upon such matters as he may be lawfully required. Any such chancery court, or any chancellor of any such court in vacation, shall have the power to punish for contempt as in case of disobedience of like process issued from or by any such chancery court, or as in case of refusal to be sworn or affirmed as a witness, or as in case of refusal to testify as a witness therein in response to such process, and such person shall be taxed with the costs of

such proceedings. Codes, 1942, § 8071.7-07; Laws, 1970, ch. 478, § 7; Laws, 1977, ch. 411, § 4; reenacted, Laws, 1983, ch. 344, § 24; reenacted without change, Laws, 1991, ch. 305, § 24, eff. 7/1/1991. It shall be the duty of the sheriffs and constables of the counties of this state and of any employee of the commission, when so directed by the commission, to execute any summons, citation or subpoena which the commission may cause to be issued and to make return thereof to the commission. The sheriffs and constables so serving and returning same shall be paid for so doing the fees provided for such services in the circuit court. Any person who appears before the commission or a duly designated employee thereof in response to a summons, citation or subpoena shall be paid the same witness fee and mileage allowance as witnesses in the circuit court. In case of failure or refusal on the part of any person to comply with any summons, citation or subpoena issued and served as above authorized or in the case of the refusal of any person to be sworn or affirmed as a witness, or testify or answer to any matter regarding which he may be lawfully interrogated as a witness, or the refusal of any person to produce his record books and accounts relating to any matter regarding which he may be lawfully interrogated as a witness, the chancery court of any county of the State of Mississippi, or any chancellor of any such court in vacation, may, on application of the commission or of the executive director thereof, issue an attachment for such person and compel him to comply with such summons, citation or subpoena and to attend before the commission or its designated employee and to produce the documents specified in any subpoena duces tecum and to be sworn or affirmed as a witness or to give his testimony upon such matters as he may be lawfully required. Any such chancery court, or any chancellor of any such court in vacation, shall have the power to punish for contempt as in case of disobedience of like process issued from or by any such chancery court, or as in case of refusal to be sworn or affirmed as a witness, or as in case of refusal to testify as a witness therein in response to such process, and such person shall be taxed with the costs of such proceedings. Codes, 1942, § 8071.7-07; Laws, 1970, ch. 478, § 7; Laws, 1977, ch. 411, § 4; reenacted, Laws, 1983, ch. 344, § 24; reenacted without change, Laws, 1991, ch. 305, § 24, eff. 7/1/1991. It shall be the duty of the sheriffs and constables of the counties of this state and of any employee of the commission, when so directed by the commission, to execute any summons, citation or subpoena which the commission may cause to be issued and to make return thereof to the commission. The sheriffs and constables so serving and returning same shall be paid for so doing the fees provided for such services in the circuit court. Any person who appears before the commission or a duly designated employee thereof in response to a summons, citation or subpoena shall be paid the same witness fee and mileage allowance as witnesses in the circuit court. In case of failure or refusal on the part of any person to comply with any summons, citation or subpoena issued and served as above authorized or in the case of the refusal of any person to be sworn or affirmed as a witness, or testify or answer to any matter regarding which he may be lawfully interrogated as a witness, or the refusal of any person to produce his record books and accounts relating to any matter regarding which he may be lawfully interrogated as a witness, the chancery court of any county of the State of Mississippi, or any chancellor of any such court in vacation, may, on application of the commission or of the executive director thereof, issue an attachment for such person and compel him to comply with such summons, citation or subpoena and to attend before the commission or its designated employee and to produce the documents specified in any subpoena duces tecum and to be sworn or affirmed as a witness or to give his testimony upon such matters as he may be lawfully required. Any such chancery court, or any chancellor of any such court in vacation, shall have the power to punish for contempt as in case of disobedience of like process issued from or by any such chancery court, or as in case of refusal to be sworn or affirmed as a witness, or as in case of refusal to testify as a witness therein in response to such process, and such person shall be taxed with the costs of such proceedings. Codes, 1942, § 8071.7-07; Laws, 1970, ch. 478, § 7; Laws, 1977, ch. 411, § 4; reenacted, Laws, 1983, ch. 344, § 24; reenacted without change, Laws, 1991, ch. 305, § 24, eff. 7/1/1991. It shall be the duty of the sheriffs and constables of the counties of this state and of any employee of the commission, when so directed by the commission, to execute any summons, citation or subpoena which the commission may cause to be issued and to make return thereof to the commission. The sheriffs and constables so serving and returning same shall be paid for so doing the fees provided for such services in the circuit court. Any person who appears before the commission or a duly designated employee thereof in response to a summons, citation or subpoena shall be paid the same witness fee and mileage allowance as witnesses in the circuit court. In case of failure or refusal on the part of any person to comply with any summons, citation or subpoena issued and served as above authorized or in the case of the refusal of any person to be sworn or affirmed as a witness, or testify or answer to any matter regarding which he may be lawfully interrogated as a witness, or the refusal of any person to produce his record books and accounts relating to any matter regarding which he may be lawfully interrogated as a witness, the chancery court of any county of the State of Mississippi, or any chancellor of any such court in vacation, may, on application of the commission or of the executive director thereof, issue an attachment for such person and compel him to comply with such summons, citation or subpoena and to attend before the commission or its designated employee and to produce the documents specified in any subpoena duces tecum and to be sworn or affirmed as a witness or to give his testimony upon such matters as he may be lawfully required. Any such chancery court, or any chancellor of any such court in vacation, shall have the power to punish for contempt as in case of disobedience of like process issued from or by any such chancery court, or as in case of refusal to be sworn or affirmed as a witness, or as in case of refusal to testify as a witness therein in response to such process, and such person shall be taxed with the costs of such proceedings. Codes, 1942, § 8071.7-07; Laws, 1970, ch. 478, § 7; Laws, 1977, ch. 411, § 4; reenacted, Laws, 1983, ch. 344, § 24; reenacted without change, Laws, 1991, ch. 305, § 24, eff. 7/1/1991.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) DISTRIBUTION AND SALES (§§ 63-17-51 — 63-17-119) Section 63-17-99 - Appeals from decisions of commission; finality of decisions

The following procedure shall govern in taking and perfecting appeals:1.Any person who is a party to any hearing before the commission and who is aggrieved by any decision of the commission with respect to any hearing before it shall have the right of appeal to the chancery court of the county of such person's residence or principal place of business within this state; if such person is a nonresident of the state he shall have the right of appeal to the chancery court of the residence of the opposing party, and if the opposing party is also a nonresident, the appeal shall be to the Chancery Court of the First Judicial District of Hinds County, Mississippi. All such appeals shall be taken and perfected within sixty days from the date of the decision of the commission which is the subject of the appeal. The chancery court to which such appeal is taken may affirm such decision or reverse and remand the same to the commission for further proceedings as justice may require or dismiss such decision. All such appeals shall be taken and perfected, heard and determined, either in term time or in vacation, on the record, including a transcript of pleadings and evidence, both oral and documentary, heard and filed before the commission. In perfecting any such appeal, the provisions of law respecting notice to the reporter and allowance of bills of exceptions, now or hereafter in force, respecting appeals from the chancery court to the supreme court shall be applicable. The reporter shall transcribe his notes, taken stenographically or by machine, and file the record with the commission within thirty days after approval of the appeal bond, unless, on application of the reporter, or of the appellant, an additional fifteen days shall have been allowed by the commission to the reporter within which to transcribe his notes and file the transcript of the record with the commission.2.Upon the filing with the commission of a petition of appeal to the proper chancery court, it shall be the duty of the commission, as promptly as possible, and in any event within sixty days after approval of the appeal bond, to file with the clerk of said Chancery Court to which the appeal is taken, a copy of the petition for appeal and of the decision appealed from, and the original and one copy of the transcript of the record of the proceedings and evidence before the commission. After the filing of said petition, the appeal shall be perfected by the filing of a bond in the penal sum of five hundred dollars (\$500.00) with two sureties or with a surety company qualified to do business in Mississippi as surety, conditioned to pay the costs of such appeal, said bond to be approved by any member of the commission or by its executive secretary or by the clerk of the chancery court to which such appeal is taken.3.No decision of the commission made as a result of a hearing shall become final with respect to any party affected and aggrieved by such decision until such party shall have exhausted or shall have had an opportunity to exhaust all of his remedies. However, any such decision may be made final if the commission finds that failure to do so would be detrimental to the public interest or public welfare; however, the finality of any such decision shall not prevent any party or parties affected and aggrieved thereby to appeal the same in accordance with the appellate procedure set forth in this section.Codes, 1942, § 8071.7-07; Laws, 1970, ch. 478, § 7; reenacted without change, Laws, 1983, ch. 344, § 25; reenacted without change, Laws, 1991, ch. 305, § 25, eff. 7/1/1991. The following procedure shall govern in taking and perfecting appeals:1.Any person who is a party to any hearing before the commission and who is aggrieved by any decision of the commission with respect to any hearing before it shall have the right of appeal to the chancery court of the county of such person's residence or principal place of business within this state; if such person is a nonresident of the state he shall have the right of appeal to the chancery court of the residence of the opposing party, and if the opposing party is also a nonresident, the appeal shall be to the Chancery Court of the First Judicial District of Hinds County, Mississippi. All such appeals shall be taken and perfected within sixty days from the date of the decision of the commission which is the subject of the appeal. The chancery court to which such appeal is taken may affirm such decision or reverse and remand the same to the commission for further proceedings as justice may require or dismiss such decision. All such appeals shall be taken and perfected, heard and determined, either in term time or in vacation, on the record, including a transcript of pleadings and evidence, both oral and documentary, heard and filed before the commission. In perfecting any such appeal, the provisions of law respecting notice to the reporter and allowance of bills of exceptions, now or hereafter in force, respecting appeals from the chancery court to the supreme court shall be applicable. The reporter shall transcribe his notes, taken stenographically or by machine, and file the record with the commission within thirty days after approval of the appeal bond, unless, on application of the reporter, or of the appellant, an additional fifteen days shall have been allowed by the commission to the reporter within which to transcribe his notes and file the transcript of the record with the commission.2.Upon the filing with the commission of a petition of appeal to the proper chancery court, it shall be the duty of the commission, as promptly as possible, and in any event within sixty days after approval of the appeal bond, to file with the clerk of said Chancery Court to which the appeal is taken, a copy of the petition for appeal and of the decision appealed from, and the original and one copy of the transcript of the record of the proceedings and evidence before the commission. After the filing of said petition, the appeal shall be perfected by the filing of a bond in the penal sum of five hundred dollars (\$500.00) with two sureties or with a surety company qualified to do business in Mississippi as surety, conditioned to pay the costs of such appeal, said bond to be approved by any member of the commission or by its executive secretary or by the clerk of the chancery court to which such appeal is taken.3.No decision of the commission made as a result of a hearing shall become final with respect to any party affected and aggrieved by such decision until such party shall have exhausted or shall have had an opportunity to exhaust all of his remedies. 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Chancery Court of the First Judicial District of Hinds County, Mississippi. All such appeals shall be taken and perfected within sixty days from the date of the decision of the commission which is the subject of the appeal. The chancery court to which such appeal is taken may affirm such decision or reverse and remand the same to the commission for further proceedings as justice may require or dismiss such decision. All such appeals shall be taken and perfected, heard and determined, either in term time or in vacation, on the record, including a transcript of pleadings and evidence, both oral and documentary, heard and filed before the commission. In perfecting any such appeal, the provisions of law respecting notice to the reporter and allowance of bills of exceptions, now or hereafter in force, respecting appeals from the chancery court to the supreme court shall be applicable. The reporter shall transcribe his notes, taken stenographically or by machine, and file the record with the commission within thirty days after approval of the appeal bond, unless, on application of the reporter, or of the appellant, an additional fifteen days shall have been allowed by the commission to the reporter within which to transcribe his notes and file the transcript of the record with the commission.² Upon the filing with the commission of a petition of appeal to the proper chancery court, it shall be the duty of the commission, as promptly as possible, and in any event within sixty days after approval of the appeal bond, to file with the clerk of said Chancery Court to which the appeal is taken, a copy of the petition for appeal and of the decision appealed from, and the original and one copy of the transcript of the record of the proceedings and evidence before the commission. After the filing of said petition, the appeal shall be perfected by the filing of a bond in the penal sum of five hundred dollars (\$500.00) with two sureties or with a surety company qualified to do business in Mississippi as surety, conditioned to pay the costs of such appeal, said bond to be approved by any member of the commission or by its executive secretary or by the clerk of the chancery court to which such appeal is taken.³ No decision of the commission made as a result of a hearing shall become final with respect to any party affected and aggrieved by such decision until such party shall have exhausted or shall have had an opportunity to exhaust all of his remedies. However, any such decision may be made final if the commission finds that failure to do so would be detrimental to the public interest or public welfare; however, the finality of any such decision shall not prevent any party or parties affected and aggrieved thereby to appeal the same in accordance with the appellate procedure set forth in this section. Codes, 1942, § 8071.7-07; Laws, 1970, ch. 478, § 7; reenacted without change, Laws, 1983, ch. 344, § 25; reenacted without change, Laws, 1991, ch. 305, § 25, eff. 7/1/1991. The following procedure shall govern in taking and perfecting appeals: Codes, 1942, § 8071.7-07; Laws, 1970, ch. 478, § 7; reenacted without change, Laws, 1983, ch. 344, § 25; reenacted without change, Laws, 1991, ch. 305, § 25, eff. 7/1/1991.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) MOTOR VEHICLE WARRANTY ENFORCEMENT ACT (§§ 63-17-151 — 63-17-165) Section 63-17-151 - Short title

Sections 63-17-151 et seq. shall be known and may be cited as the "Motor Vehicle Warranty Enforcement Act." Laws, 1985, ch. 336, § 1, eff. 7/1/1985. Sections 63-17-151 et seq. shall be known and may be cited as the "Motor Vehicle Warranty Enforcement Act." Laws, 1985, ch. 336, § 1, eff. 7/1/1985. Sections 63-17-151 et seq. shall be known and may be cited as the "Motor Vehicle Warranty Enforcement Act." Laws, 1985, ch. 336, § 1, eff. 7/1/1985. Sections 63-17-151 et seq. shall be known and may be cited as the "Motor Vehicle Warranty Enforcement Act." Laws, 1985, ch. 336, § 1, eff. 7/1/1985.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) MOTOR VEHICLE WARRANTY ENFORCEMENT ACT (§§ 63-17-151 — 63-17-165) Section 63-17-153 - Legislative findings and declaration of purpose

The Legislature recognizes that a motor vehicle is a major consumer purchase and that a defective motor vehicle creates a hardship for the consumer. The Legislature further recognizes that a duly franchised motor vehicle dealer is an agent of the manufacturer. It is the intent of the Legislature that a good faith motor vehicle warranty complaint by a consumer should be resolved by the manufacturer, or its agent, within a specified period of time. It is further the intent of the Legislature to provide the statutory procedures whereby a consumer may receive a replacement motor vehicle, or a full refund, for a motor vehicle which cannot be brought into conformity with the express warranty issued by the manufacturer. However, nothing in Section 63-17-151 et seq. shall in any way limit the rights or remedies which are otherwise available to a consumer under any other law. Laws, 1985, ch. 336, § 2, eff. 7/1/1985. The Legislature recognizes that a motor vehicle is a major consumer purchase and that a defective motor vehicle creates a hardship for the consumer. The Legislature further recognizes that a duly franchised motor vehicle dealer is an agent of the manufacturer. It is the intent of the Legislature that a good faith motor vehicle warranty complaint by a consumer should be resolved by the manufacturer, or its agent, within a specified period of time. It is further the intent of the Legislature to provide the statutory procedures whereby a consumer may receive a replacement motor vehicle, or a full refund, for a motor vehicle which cannot be brought into conformity with the express warranty issued by the manufacturer. However, nothing in Section 63-17-151 et seq. shall in any way limit the rights or remedies which are otherwise available to a consumer under any other law. Laws, 1985, ch. 336, § 2, eff. 7/1/1985. The Legislature recognizes that a motor vehicle is a major consumer purchase and that a defective motor vehicle creates a hardship for the consumer. The Legislature further recognizes that a duly franchised motor vehicle dealer is an agent of the manufacturer. It is the intent of the Legislature that a good faith motor vehicle warranty complaint by a consumer should be resolved by the manufacturer, or its agent, within a specified period of time. It is further the intent of the Legislature to provide the statutory procedures whereby a consumer may receive a replacement motor vehicle, or a full refund, for a motor vehicle which cannot be brought into conformity with the express warranty issued by the manufacturer. However, nothing in Section 63-17-151 et seq. shall in

any way limit the rights or remedies which are otherwise available to a consumer under any other law. Laws, 1985, ch. 336, § 2, eff. 7/1/1985. The Legislature recognizes that a motor vehicle is a major consumer purchase and that a defective motor vehicle creates a hardship for the consumer. The Legislature further recognizes that a duly franchised motor vehicle dealer is an agent of the manufacturer. It is the intent of the Legislature that a good faith motor vehicle warranty complaint by a consumer should be resolved by the manufacturer, or its agent, within a specified period of time. It is further the intent of the Legislature to provide the statutory procedures whereby a consumer may receive a replacement motor vehicle, or a full refund, for a motor vehicle which cannot be brought into conformity with the express warranty issued by the manufacturer. However, nothing in Section 63-17-151 et seq. shall in any way limit the rights or remedies which are otherwise available to a consumer under any other law. Laws, 1985, ch. 336, § 2, eff. 7/1/1985.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) MOTOR VEHICLE WARRANTY ENFORCEMENT ACT (§§ 63-17-151 — 63-17-165) Section 63-17-155 - Definitions

As used in Sections 63-17-151 through 63-17-165, the following terms shall have the following meanings: (a) "Collateral charges" means those additional charges to a consumer which are not directly attributable to the manufacturer's suggested retail price label for the motor vehicle. Collateral charges shall include, but not be limited to, dealer preparation charges, undercoating charges, transportation charges, towing charges, replacement car rental costs and title charges. (b) "Comparable motor vehicle" means an identical or reasonably equivalent motor vehicle. (c) "Consumer" means the purchaser, other than for purposes of resale, of a motor vehicle, primarily used for personal, family, or household purposes, and any person to whom such motor vehicle is transferred for the same purposes during the duration of an express warranty applicable to such motor vehicle, and any other person entitled by the terms of such warranty to enforce the obligations of the warranty. (d) "Express warranty" means any written affirmation of fact or promise made in connection with the sale of a motor vehicle by a supplier to a consumer which relates to the nature of the material or workmanship and affirms or promises that such material or workmanship is defect-free or will meet a specified level of performance over a specified period of time. For the purposes of Section 63-17-151 et seq., express warranties do not include implied warranties. (e) "Manufacturer" means a manufacturer or distributor as defined in Section 63-17-55. (f) "Motor vehicle" means a vehicle propelled by power other than muscular power which is sold in this state, is operated over the public streets and highways of this state and is used as a means of transporting persons or property, but shall not include vehicles run only upon tracks, off-road vehicles, motorcycles, mopeds, electric bicycles, personal delivery devices, electric personal assistive mobility devices as defined in Section 63-3-103, or golf carts or low-speed vehicles as defined in Section 63-32-1, or parts and components of a motor home which were added on and/or assembled by the manufacturer of the motor home. "Motor vehicle" shall include demonstrators or lease-purchase vehicles as long as a manufacturer's warranty was issued as a condition of sale. (g) "Purchase price" means the price which the consumer paid to the manufacturer to purchase the motor vehicle in a cash sale or, if the motor vehicle is purchased in a retail installment transaction, the cash sale price as defined in Section 63-19-3. Laws, 1985, ch. 336, § 3; Laws, 2003, ch. 485, § 12, eff. 7/1/2003. Amended by Laws, 2022, ch. 439, SB 2508, § 9, eff. 7/1/2022. Amended by Laws, 2021, ch. 355, HB 1195, § 9, eff. 7/1/2021. Amended by Laws, 2021, ch. 367, SB 2605, § 6, eff. 3/17/2021. As used in Sections 63-17-151 through 63-17-165, the following terms shall have the following meanings: (a) "Collateral charges" means those additional charges to a consumer which are not directly attributable to the manufacturer's suggested retail price label for the motor vehicle. Collateral charges shall include, but not be limited to, dealer preparation charges, undercoating charges, transportation charges, towing charges, replacement car rental costs and title charges. (b) "Comparable motor vehicle" means an identical or reasonably equivalent motor vehicle. (c) "Consumer" means the purchaser, other than for purposes of resale, of a motor vehicle, primarily used for personal, family, or household purposes, and any person to whom such motor vehicle is transferred for the same purposes during the duration of an express warranty applicable to such motor vehicle, and any other person entitled by the terms of such warranty to enforce the obligations of the warranty. (d) "Express warranty" means any written affirmation of fact or promise made in connection with the sale of a motor vehicle by a supplier to a consumer which relates to the nature of the material or workmanship and affirms or promises that such material or workmanship is defect-free or will meet a specified level of performance over a specified period of time. For the purposes of Section 63-17-151 et seq., express warranties do not include implied warranties. (e) "Manufacturer" means a manufacturer or distributor as defined in Section 63-17-55. (f) "Motor vehicle" means a vehicle propelled by power other than muscular power which is sold in this state, is operated over the public streets and highways of this state and is used as a means of transporting persons or property, but shall not include vehicles run only upon tracks, off-road vehicles, motorcycles, mopeds, electric bicycles, personal delivery devices, electric personal assistive mobility devices as defined in Section 63-3-103, or golf carts or low-speed vehicles as defined in Section 63-32-1, or parts and components of a motor home which were added on and/or assembled by the manufacturer of the motor home. "Motor vehicle" shall include demonstrators or lease-purchase vehicles as long as a manufacturer's warranty was issued as a condition of sale. (g) "Purchase price" means the price which the consumer paid to the manufacturer to purchase the motor vehicle in a cash sale or, if the motor vehicle is purchased in a retail installment transaction, the cash sale price as defined in Section 63-19-3. Laws, 1985, ch. 336, § 3; Laws, 2003, ch. 485, § 12, eff. 7/1/2003. Amended by Laws, 2022, ch. 439, SB 2508, § 9, eff. 7/1/2022. Amended by Laws, 2021, ch. 355, HB 1195, § 9, eff. 7/1/2021. Amended by Laws, 2021, ch. 367, SB 2605, § 6, eff. 3/17/2021. As used in Sections 63-17-151 through 63-17-165, the following terms shall have the following meanings: (a) "Collateral charges" means those additional charges to a consumer which are not directly attributable to the manufacturer's suggested retail price label for the motor vehicle. Collateral charges shall include, but not be limited to, dealer

preparation charges, undercoating charges, transportation charges, towing charges, replacement car rental costs and title charges.(b)"Comparable motor vehicle" means an identical or reasonably equivalent motor vehicle.(c)"Consumer" means the purchaser, other than for purposes of resale, of a motor vehicle, primarily used for personal, family, or household purposes, and any person to whom such motor vehicle is transferred for the same purposes during the duration of an express warranty applicable to such motor vehicle, and any other person entitled by the terms of such warranty to enforce the obligations of the warranty.(d)"Express warranty" means any written affirmation of fact or promise made in connection with the sale of a motor vehicle by a supplier to a consumer which relates to the nature of the material or workmanship and affirms or promises that such material or workmanship is defect-free or will meet a specified level of performance over a specified period of time. For the purposes of Section63-17-151et seq., express warranties do not include implied warranties.(e)"Manufacturer" means a manufacturer or distributor as defined in Section63-17-55.(f)"Motor vehicle" means a vehicle propelled by power other than muscular power which is sold in this state, is operated over the public streets and highways of this state and is used as a means of transporting persons or property, but shall not include vehicles run only upon tracks, off-road vehicles, motorcycles, mopeds, electric bicycles, personal delivery devices, electric personal assistive mobility devices as defined in Section63-3-103, or golf carts or low-speed vehicles as defined in Section63-32-1, or parts and components of a motor home which were added on and/or assembled by the manufacturer of the motor home. "Motor vehicle" shall include demonstrators or lease-purchase vehicles as long as a manufacturer's warranty was issued as a condition of sale.(g)"Purchase price" means the price which the consumer paid to the manufacturer to purchase the motor vehicle in a cash sale or, if the motor vehicle is purchased in a retail installment transaction, the cash sale price as defined in Section63-19-3.Laws, 1985, ch. 336, § 3; Laws, 2003, ch. 485, § 12, eff. 7/1/2003.Amended by Laws, 2022, ch. 439, SB 2508,§ 9, eff. 7/1/2022.Amended by Laws, 2021, ch. 355, HB 1195,§ 9, eff. 7/1/2021.Amended by Laws, 2021, ch. 367, SB 2605,§ 6, eff. 3/17/2021. As used in Sections63-17-151through63-17-165, the following terms shall have the following meanings: Laws, 1985, ch. 336, § 3; Laws, 2003, ch. 485, § 12, eff. 7/1/2003. Amended by Laws, 2022, ch. 439, SB 2508,§ 9, eff. 7/1/2022. Amended by Laws, 2021, ch. 355, HB 1195,§ 9, eff. 7/1/2021. Amended by Laws, 2021, ch. 367, SB 2605,§ 6, eff. 3/17/2021.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)MOTOR VEHICLE WARRANTY ENFORCEMENT ACT (§§ 63-17-151 — 63-17-165)Section 63-17-157 - Repair of nonconforming vehicle

For the purposes of Section63-17-151et seq., if a new motor vehicle does not conform to all applicable express warranties, and the consumer reports the nonconformity to the manufacturer or its agent during the term of such express warranties or during the period of one (1) year following the date of original delivery of the motor vehicle to the consumer, whichever period expires earlier, the manufacturer or its agent shall make such repairs as are necessary to conform the vehicle to such express warranties, notwithstanding the fact that such repairs are made after the expiration of such term or such one-year period.Laws, 1985, ch. 336, § 4, eff. 7/1/1985. For the purposes of Section63-17-151et seq., if a new motor vehicle does not conform to all applicable express warranties, and the consumer reports the nonconformity to the manufacturer or its agent during the term of such express warranties or during the period of one (1) year following the date of original delivery of the motor vehicle to the consumer, whichever period expires earlier, the manufacturer or its agent shall make such repairs as are necessary to conform the vehicle to such express warranties, notwithstanding the fact that such repairs are made after the expiration of such term or such one-year period.Laws, 1985, ch. 336, § 4, eff. 7/1/1985. For the purposes of Section63-17-151et seq., if a new motor vehicle does not conform to all applicable express warranties, and the consumer reports the nonconformity to the manufacturer or its agent during the term of such express warranties or during the period of one (1) year following the date of original delivery of the motor vehicle to the consumer, whichever period expires earlier, the manufacturer or its agent shall make such repairs as are necessary to conform the vehicle to such express warranties, notwithstanding the fact that such repairs are made after the expiration of such term or such one-year period.Laws, 1985, ch. 336, § 4, eff. 7/1/1985. For the purposes of Section63-17-151et seq., if a new motor vehicle does not conform to all applicable express warranties, and the consumer reports the nonconformity to the manufacturer or its agent during the term of such express warranties or during the period of one (1) year following the date of original delivery of the motor vehicle to the consumer, whichever period expires earlier, the manufacturer or its agent shall make such repairs as are necessary to conform the vehicle to such express warranties, notwithstanding the fact that such repairs are made after the expiration of such term or such one-year period. Laws, 1985, ch. 336, § 4, eff. 7/1/1985.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)MOTOR VEHICLE WARRANTY ENFORCEMENT ACT (§§ 63-17-151 — 63-17-165)Section 63-17-159 - Replacement of vehicle or refund of purchase price where nonconformity cannot be corrected; affirmative defenses; presumption of reasonable attempts to conform vehicle to warranties; extension of warranties; notice requirements relating to repair of nonconformity; civil actions

(1)If the manufacturer or its agent cannot conform the motor vehicle to any applicable express warranty by repairing or correcting any default or condition which impairs the use, market value, or safety of the motor vehicle to the consumer after a reasonable number of attempts, the manufacturer shall give the consumer the option of having the manufacturer either replace the motor vehicle with a comparable motor vehicle acceptable to the consumer, or take title of the vehicle from the consumer and refund to the consumer the full purchase price, including all reasonably incurred collateral charges, less a reasonable allowance for the consumer's

use of the vehicle. The subtraction of a reasonable allowance for use shall apply when either a replacement or refund of the motor vehicle occurs. A reasonable allowance for use shall be that sum of money arrived at by multiplying the number of miles the motor vehicle has been driven by the consumer by Twenty Cents (20¢) per mile. Refunds shall be made to the consumer and lienholder of record, if any, as their interests may appear.(2)It shall be an affirmative defense to any claim under Section63-17-151et seq. that:(a)An alleged nonconformity does not impair the use, market value or safety of the motor vehicle;(b)A nonconformity is the result of abuse, neglect or unauthorized modifications or alterations of a motor vehicle by a consumer;(c)A claim by a consumer was not filed in good faith; or(d)Any other affirmative defense allowed by law.(3)It shall be presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to the applicable express warranties if within the terms, conditions or limitations of the express warranty, or during the period of one (1) year following the date of original delivery of the motor vehicle to a consumer, whichever expires earlier, either:(a)Substantially the same nonconformity has been subject to repair three (3) or more times by the manufacturer or its agent and such nonconformity continues to exist; or(b)The vehicle is out of service by reason of repair of the nonconformity by the manufacturer or its agent for a cumulative total of fifteen (15) or more working days, exclusive of downtime for routine maintenance as prescribed by the owner's manual, since the delivery of the vehicle to the consumer. The fifteen-day period may be extended by any period of time during which repair services are not available to the consumer because of conditions beyond the control of the manufacturer or its agent.(4)The terms, conditions or limitations of the express warranty, or the period of one (1) year following the date of original delivery of the motor vehicle to a consumer, whichever expires earlier, may be extended if the motor vehicle warranty problem has been reported but has not been repaired by the manufacturer or its agent by the expiration of the applicable time period.(5)The manufacturer shall provide a list of the manufacturer's zone or regional service office addresses in the owner's manual provided with the motor vehicle. It shall be the responsibility of the consumer or his representative, prior to availing himself of the provisions of this section, to give written notification to the manufacturer of the need for the repair of the nonconformity, in order to allow the manufacturer an opportunity to cure the alleged defect. The manufacturer shall immediately notify the consumer of a reasonably accessible repair facility to conform the vehicle to the express warranty. After delivery of the vehicle to the designated repair facility by the consumer, the manufacturer shall have ten (10) working days to conform the motor vehicle to the express warranty. Upon notification from the consumer that the vehicle has not been conformed to the express warranty, the manufacturer shall inform the consumer if an informal dispute settlement procedure has been established by the manufacturer in accordance with Section63-17-163, and provide the consumer with a copy of the provisions of Section63-17-151et seq. However, if prior notice by the manufacturer of an informal dispute settlement procedure has been given, no further notice is required. If the manufacturer fails to notify the consumer of the availability of this informal dispute settlement procedure, the requirements of Section63-17-163shall not apply.(6)Any action brought under Section63-17-151et seq. shall be commenced within one (1) year following expiration of the terms, conditions or limitations of the express warranty, or within eighteen (18) months following the date of original delivery of the motor vehicle to a consumer, whichever is earlier, or, if a consumer resorts to an informal dispute settlement procedure as provided in Section63-17-151et seq., within ninety (90) days following the final action of the panel.(7)If a consumer finally prevails in any action brought under Section63-17-151et seq., the court may allow him to recover as part of the judgment a sum equal to the aggregate amount of costs and expenses, including attorney's fees based on actual time expended, determined by the court to have been reasonably incurred by the plaintiff for or in connection with the commencement and prosecution of such action.Laws, 1985, ch. 336, § 5, eff. 7/1/1985. (1)If the manufacturer or its agent cannot conform the motor vehicle to any applicable express warranty by repairing or correcting any default or condition which impairs the use, market value, or safety of the motor vehicle to the consumer after a reasonable number of attempts, the manufacturer shall give the consumer the option of having the manufacturer either replace the motor vehicle with a comparable motor vehicle acceptable to the consumer, or take title of the vehicle from the consumer and refund to the consumer the full purchase price, including all reasonably incurred collateral charges, less a reasonable allowance for the consumer's use of the vehicle. The subtraction of a reasonable allowance for use shall apply when either a replacement or refund of the motor vehicle occurs. A reasonable allowance for use shall be that sum of money arrived at by multiplying the number of miles the motor vehicle has been driven by the consumer by Twenty Cents (20¢) per mile. Refunds shall be made to the consumer and lienholder of record, if any, as their interests may appear.(2)It shall be an affirmative defense to any claim under Section63-17-151et seq. that:(a)An alleged nonconformity does not impair the use, market value or safety of the motor vehicle;(b)A nonconformity is the result of abuse, neglect or unauthorized modifications or alterations of a motor vehicle by a consumer;(c)A claim by a consumer was not filed in good faith; or(d)Any other affirmative defense allowed by law.(3)It shall be presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to the applicable express warranties if within the terms, conditions or limitations of the express warranty, or during the period of one (1) year following the date of original delivery of the motor vehicle to a consumer, whichever expires earlier, either:(a)Substantially the same nonconformity has been subject to repair three (3) or more times by the manufacturer or its agent and such nonconformity continues to exist; or(b)The vehicle is out of service by reason of repair of the nonconformity by the manufacturer or its agent for a cumulative total of fifteen (15) or more working days, exclusive of downtime for routine maintenance as prescribed by the owner's manual, since the delivery of the vehicle to the consumer. The fifteen-day period may be extended by any period of time during which repair services are not available to the consumer because of conditions beyond the control of the manufacturer or its agent.(4)The terms, conditions or limitations of the express warranty, or the period of one (1) year following the date of original delivery of the motor vehicle to a consumer, whichever expires earlier, may be extended if the motor vehicle warranty problem has been reported but has not been repaired by the manufacturer or its agent by the expiration of the applicable time period.(5)The manufacturer shall provide a list of the manufacturer's zone or regional service office addresses in the owner's manual provided with

the motor vehicle. It shall be the responsibility of the consumer or his representative, prior to availing himself of the provisions of this section, to give written notification to the manufacturer of the need for the repair of the nonconformity, in order to allow the manufacturer an opportunity to cure the alleged defect. The manufacturer shall immediately notify the consumer of a reasonably accessible repair facility to conform the vehicle to the express warranty. After delivery of the vehicle to the designated repair facility by the consumer, the manufacturer shall have ten (10) working days to conform the motor vehicle to the express warranty. Upon notification from the consumer that the vehicle has not been conformed to the express warranty, the manufacturer shall inform the consumer if an informal dispute settlement procedure has been established by the manufacturer in accordance with Section 63-17-163, and provide the consumer with a copy of the provisions of Section 63-17-151 et seq. However, if prior notice by the manufacturer of an informal dispute settlement procedure has been given, no further notice is required. If the manufacturer fails to notify the consumer of the availability of this informal dispute settlement procedure, the requirements of Section 63-17-163 shall not apply. (6) Any action brought under Section 63-17-151 et seq. shall be commenced within one (1) year following expiration of the terms, conditions or limitations of the express warranty, or within eighteen (18) months following the date of original delivery of the motor vehicle to a consumer, whichever is earlier, or, if a consumer resorts to an informal dispute settlement procedure as provided in Section 63-17-151 et seq., within ninety (90) days following the final action of the panel. (7) If a consumer finally prevails in any action brought under Section 63-17-151 et seq., the court may allow him to recover as part of the judgment a sum equal to the aggregate amount of costs and expenses, including attorney's fees based on actual time expended, determined by the court to have been reasonably incurred by the plaintiff for or in connection with the commencement and prosecution of such action. Laws, 1985, ch. 336, § 5, eff. 7/1/1985. (1) If the manufacturer or its agent cannot conform the motor vehicle to any applicable express warranty by repairing or correcting any default or condition which impairs the use, market value, or safety of the motor vehicle to the consumer after a reasonable number of attempts, the manufacturer shall give the consumer the option of having the manufacturer either replace the motor vehicle with a comparable motor vehicle acceptable to the consumer, or take title of the vehicle from the consumer and refund to the consumer the full purchase price, including all reasonably incurred collateral charges, less a reasonable allowance for the consumer's use of the vehicle. The subtraction of a reasonable allowance for use shall apply when either a replacement or refund of the motor vehicle occurs. A reasonable allowance for use shall be that sum of money arrived at by multiplying the number of miles the motor vehicle has been driven by the consumer by Twenty Cents (20¢) per mile. Refunds shall be made to the consumer and lienholder of record, if any, as their interests may appear. (2) It shall be an affirmative defense to any claim under Section 63-17-151 et seq. that: (a) An alleged nonconformity does not impair the use, market value or safety of the motor vehicle; (b) A nonconformity is the result of abuse, neglect or unauthorized modifications or alterations of a motor vehicle by a consumer; (c) A claim by a consumer was not filed in good faith; or (d) Any other affirmative defense allowed by law. (3) It shall be presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to the applicable express warranties if within the terms, conditions or limitations of the express warranty, or during the period of one (1) year following the date of original delivery of the motor vehicle to a consumer, whichever expires earlier, either: (a) Substantially the same nonconformity has been subject to repair three (3) or more times by the manufacturer or its agent and such nonconformity continues to exist; or (b) The vehicle is out of service by reason of repair of the nonconformity by the manufacturer or its agent for a cumulative total of fifteen (15) or more working days, exclusive of downtime for routine maintenance as prescribed by the owner's manual, since the delivery of the vehicle to the consumer. The fifteen-day period may be extended by any period of time during which repair services are not available to the consumer because of conditions beyond the control of the manufacturer or its agent. (4) The terms, conditions or limitations of the express warranty, or the period of one (1) year following the date of original delivery of the motor vehicle to a consumer, whichever expires earlier, may be extended if the motor vehicle warranty problem has been reported but has not been repaired by the manufacturer or its agent by the expiration of the applicable time period. (5) The manufacturer shall provide a list of the manufacturer's zone or regional service office addresses in the owner's manual provided with the motor vehicle. It shall be the responsibility of the consumer or his representative, prior to availing himself of the provisions of this section, to give written notification to the manufacturer of the need for the repair of the nonconformity, in order to allow the manufacturer an opportunity to cure the alleged defect. The manufacturer shall immediately notify the consumer of a reasonably accessible repair facility to conform the vehicle to the express warranty. After delivery of the vehicle to the designated repair facility by the consumer, the manufacturer shall have ten (10) working days to conform the motor vehicle to the express warranty. Upon notification from the consumer that the vehicle has not been conformed to the express warranty, the manufacturer shall inform the consumer if an informal dispute settlement procedure has been established by the manufacturer in accordance with Section 63-17-163, and provide the consumer with a copy of the provisions of Section 63-17-151 et seq. However, if prior notice by the manufacturer of an informal dispute settlement procedure has been given, no further notice is required. If the manufacturer fails to notify the consumer of the availability of this informal dispute settlement procedure, the requirements of Section 63-17-163 shall not apply. (6) Any action brought under Section 63-17-151 et seq. shall be commenced within one (1) year following expiration of the terms, conditions or limitations of the express warranty, or within eighteen (18) months following the date of original delivery of the motor vehicle to a consumer, whichever is earlier, or, if a consumer resorts to an informal dispute settlement procedure as provided in Section 63-17-151 et seq., within ninety (90) days following the final action of the panel. (7) If a consumer finally prevails in any action brought under Section 63-17-151 et seq., the court may allow him to recover as part of the judgment a sum equal to the aggregate amount of costs and expenses, including attorney's fees based on actual time expended, determined by the court to have been reasonably incurred by the plaintiff for or in connection with the commencement and prosecution of such action. Laws, 1985, ch. 336, § 5, eff. 7/1/1985. Laws, 1985, ch. 336, § 5, eff. 7/1/1985.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)MOTOR VEHICLE WARRANTY ENFORCEMENT ACT (§§ 63-17-151 — 63-17-165)Section 63-17-161 - Liability of consumer for bad faith claims

Any claim by a consumer which is found by the court to have been filed in bad faith, or solely for the purpose of harassment, or in complete absence of a justiciable issue of either law or fact raised by the consumer, shall result in the consumer being liable for all court costs incurred by the manufacturer or its agent as a direct result of the bad faith claim.Laws, 1985, ch. 336, § 6, eff. 7/1/1985. Any claim by a consumer which is found by the court to have been filed in bad faith, or solely for the purpose of harassment, or in complete absence of a justiciable issue of either law or fact raised by the consumer, shall result in the consumer being liable for all court costs incurred by the manufacturer or its agent as a direct result of the bad faith claim.Laws, 1985, ch. 336, § 6, eff. 7/1/1985. Any claim by a consumer which is found by the court to have been filed in bad faith, or solely for the purpose of harassment, or in complete absence of a justiciable issue of either law or fact raised by the consumer, shall result in the consumer being liable for all court costs incurred by the manufacturer or its agent as a direct result of the bad faith claim.Laws, 1985, ch. 336, § 6, eff. 7/1/1985. Any claim by a consumer which is found by the court to have been filed in bad faith, or solely for the purpose of harassment, or in complete absence of a justiciable issue of either law or fact raised by the consumer, shall result in the consumer being liable for all court costs incurred by the manufacturer or its agent as a direct result of the bad faith claim. Laws, 1985, ch. 336, § 6, eff. 7/1/1985.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)MOTOR VEHICLE WARRANTY ENFORCEMENT ACT (§§ 63-17-151 — 63-17-165)Section 63-17-163 - Necessity for resort to informal dispute settlement procedure

If a manufacturer has established an informal dispute settlement procedure which complies in all respects with the provisions of 16 C.F.R., Part 703, the provisions of Section63-17-159concerning refunds or replacements shall not apply to any consumer who has not first resorted to such procedure.Laws, 1985, ch. 336, § 7, eff. 7/1/1985. If a manufacturer has established an informal dispute settlement procedure which complies in all respects with the provisions of 16 C.F.R., Part 703, the provisions of Section63-17-159concerning refunds or replacements shall not apply to any consumer who has not first resorted to such procedure.Laws, 1985, ch. 336, § 7, eff. 7/1/1985. If a manufacturer has established an informal dispute settlement procedure which complies in all respects with the provisions of 16 C.F.R., Part 703, the provisions of Section63-17-159concerning refunds or replacements shall not apply to any consumer who has not first resorted to such procedure.Laws, 1985, ch. 336, § 7, eff. 7/1/1985. If a manufacturer has established an informal dispute settlement procedure which complies in all respects with the provisions of 16 C.F.R., Part 703, the provisions of Section63-17-159concerning refunds or replacements shall not apply to any consumer who has not first resorted to such procedure. Laws, 1985, ch. 336, § 7, eff. 7/1/1985.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)MOTOR VEHICLE WARRANTY ENFORCEMENT ACT (§§ 63-17-151 — 63-17-165)Section 63-17-165 - Remedies for violations

Any violation of Section63-17-151et seq. shall be subject to the rights and remedies as provided for by Chapter 24, Title 75, Mississippi Code of 1972.Laws, 1985, ch. 336, § 8, eff. 7/1/1985. Any violation of Section63-17-151et seq. shall be subject to the rights and remedies as provided for by Chapter 24, Title 75, Mississippi Code of 1972.Laws, 1985, ch. 336, § 8, eff. 7/1/1985. Any violation of Section63-17-151et seq. shall be subject to the rights and remedies as provided for by Chapter 24, Title 75, Mississippi Code of 1972.Laws, 1985, ch. 336, § 8, eff. 7/1/1985. Any violation of Section63-17-151et seq. shall be subject to the rights and remedies as provided for by Chapter 24, Title 75, Mississippi Code of 1972. Laws, 1985, ch. 336, § 8, eff. 7/1/1985.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)RECREATIONAL VEHICLE FRANCHISE LAW (§§ 63-17-201 — 63-17-221)Section 63-17-201 - Definitions

As used in Sections63-17-201through63-17-221, the following terms shall have the meanings ascribed unless the context clearly indicates otherwise:(a)"Area of sales responsibility" means the geographical area, agreed to by the dealer and the manufacturer in the manufacturer-dealer agreement, within which area the dealer has the exclusive right to display or sell the manufacturer's new recreational vehicles of a particular line-make to the retail public.(b)"Dealer" means any firm, corporation, partnership, individual proprietorship or other type of business enterprise whose principle business is the selling at retail of one or more of the six (6) types of recreational vehicles commonly known as travel trailers, fifth wheels, motor homes, park-model RVs, truck campers and camping trailers. The entity must maintain a permanent business establishment including service/repair facilities, open essentially twelve (12) months a year, must offer mechanical service for the vehicles it sells and must be duly licensed by the Mississippi Motor Vehicle Commission.(c)"Distributor" means any person, firm, corporation or business entity that purchases new recreational vehicles for resale to dealers.(d)"Factory campaign" means an effort on the part of a warrantor to contact recreational vehicle owners or dealers in order to address a part or equipment issue.(e)"Family member" means a spouse, child, grandchild, parent, sibling, niece or nephew, or the spouse thereof.(f)"Line-make" means a specific series of recreational vehicle products that:(i)Are identified by a

common series trade name or trademark;(ii)Are targeted to a particular market segment, as determined by their decor, features, equipment, size, weight and price range;(iii)Have lengths and interior floor plans that distinguish the recreational vehicles from other recreational vehicles with substantially the same decor, equipment, features, price and weight;(iv)Belong to a single, distinct classification of recreational vehicle product type having a substantial degree of commonality in the construction of the chassis, frame and body; and(v)The manufacturer-dealer agreement authorizes a dealer to sell.(g)"Manufacturer" means any person, firm, corporation or business entity that engages in the manufacturing of recreational vehicles.(h)"Manufacturer-dealer agreement" means a written agreement or contract entered into between a manufacturer and a dealer that fixes the rights and responsibilities of the parties and pursuant to which the dealer sells new recreational vehicles.(i)"Proprietary part" means any part manufactured by or for and sold exclusively by the manufacturer.(j)"Nonsanctioned recreational show event" means any event where one or more recreational vehicle dealers attend and the event is conducted by a licensed Mississippi Recreational Vehicle Dealer.(k)(i)"Recreational vehicle" means a vehicle that:1.Is primarily designed as a vehicle that also provides temporary living quarters for noncommercial, recreational or camping use;2.Is built to the National Fire Protection Association 1192 standard for recreational vehicles;3.Has its own motive power or is mounted on or towed by another vehicle;4.Is regulated by the National Highway Traffic Safety Administration as a vehicle or vehicle equipment;5.Does not require a special highway use permit for operation on the highways; and6.An individual can easily transport and set-up on a daily basis.(ii)"Recreational vehicles" includes, but is not limited to, the following:1.Motor home: A motorized, vehicular unit designed to provide temporary living quarters for recreational, camping or travel use.2.Travel trailer: A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use of such size and weight as to not require a special highway movement permit when towed by a motorized vehicle.3.Fifth-wheel trailer: A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use of such size and weight as to not require a special highway movement permit and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.4.Camping trailer: A vehicular unit that is mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.5.Truck camper: A portable unit that is constructed to provide temporary living quarters for recreational, travel or camping use, consists of a roof, floor and sides, and is designed to be loaded onto and unloaded from the back of a pickup truck.6."Park-model RV" means a unit that is:a.Designed and marketed primarily as temporary living quarters for recreational, camping, travel, or seasonal use, and not for use as a permanent dwelling;b.Between three hundred twenty (320) and four hundred (400) square feet based on the exterior dimensions of the structure measured at the largest horizontal projections, when erected on site, including all space that has a ceiling height of more than five (5) feet and any expandable room, slide-out, tip-out, or tag-along unit;c.Built on a single chassis and not designed to accept additional structures, add-ons or other additions that will increase the area as determined in subitem b in excess of four hundred (400) square feet;d.Built pursuant to a third-party inspection and certification process; ande.Built to the ANSI A119.5, Park Model RV Standard.(l)"Sanctioned recreational show event" means any event where one or more recreational vehicle dealers attend and the event is conducted by someone other than a licensed Mississippi Recreational Vehicle Dealer.(m)"Supplier" means any person, firm, corporation or business entity that engages in the manufacturing of recreational vehicle parts, accessories or components.(n)"Transient customer" means a customer owns a recreational vehicle, is temporarily traveling through a dealer's area of sales responsibility, engages the dealer to perform service work on the vehicle and whose recreational vehicle requires repairs that relate to the safe operations of that recreational vehicle.(o)"Warrantor" means any person, firm, corporation or business entity, including any manufacturer or supplier, that provides a written warranty to the consumer in connection with a new recreational vehicle or parts, accessories or components thereof. The term also includes a dealer or other person not controlled by a manufacturer who sells service contracts, mechanical or other insurance, or extended warranties for separate consideration.Added by Laws, 2014, ch. 532, HB 742, 1, eff. 10/1/2014. As used in Sections63-17-201through63-17-221, the following terms shall have the meanings ascribed unless the context clearly indicates otherwise:(a)"Area of sales responsibility" means the geographical area, agreed to by the dealer and the manufacturer in the manufacturer-dealer agreement, within which area the dealer has the exclusive right to display or sell the manufacturer's new recreational vehicles of a particular line-make to the retail public.(b)"Dealer" means any firm, corporation, partnership, individual proprietorship or other type of business enterprise whose principle business is the selling at retail of one or more of the six (6) types of recreational vehicles commonly known as travel trailers, fifth wheels, motor homes, park-model RVs, truck campers and camping trailers. The entity must maintain a permanent business establishment including service/repair facilities, open essentially twelve (12) months a year, must offer mechanical service for the vehicles it sells and must be duly licensed by the Mississippi Motor Vehicle Commission.(c)"Distributor" means any person, firm, corporation or business entity that purchases new recreational vehicles for resale to dealers.(d)"Factory campaign" means an effort on the part of a warrantor to contact recreational vehicle owners or dealers in order to address a part or equipment issue.(e)"Family member" means a spouse, child, grandchild, parent, sibling, niece or nephew, or the spouse thereof.(f)"Line-make" means a specific series of recreational vehicle products that:(i)Are identified by a common series trade name or trademark;(ii)Are targeted to a particular market segment, as determined by their decor, features, equipment, size, weight and price range;(iii)Have lengths and interior floor plans that distinguish the recreational vehicles from other recreational vehicles with substantially the same decor, equipment, features, price and weight;(iv)Belong to a single, distinct classification of recreational vehicle product type having a substantial degree of commonality in the construction of the chassis, frame and body; and(v)The manufacturer-dealer agreement authorizes a dealer to sell.(g)"Manufacturer" means any person, firm, corporation or business entity that engages in the manufacturing of recreational vehicles.(h)"Manufacturer-dealer agreement" means

a written agreement or contract entered into between a manufacturer and a dealer that fixes the rights and responsibilities of the parties and pursuant to which the dealer sells new recreational vehicles.(i)"Proprietary part" means any part manufactured by or for and sold exclusively by the manufacturer.(j)"Nonsanctioned recreational show event" means any event where one or more recreational vehicle dealers attend and the event is conducted by a licensed Mississippi Recreational Vehicle Dealer.(k)(i)"Recreational vehicle" means a vehicle that:1.Is primarily designed as a vehicle that also provides temporary living quarters for noncommercial, recreational or camping use;2.Is built to the National Fire Protection Association 1192 standard for recreational vehicles;3.Has its own motive power or is mounted on or towed by another vehicle;4.Is regulated by the National Highway Traffic Safety Administration as a vehicle or vehicle equipment;5.Does not require a special highway use permit for operation on the highways; and6.An individual can easily transport and set-up on a daily basis.(ii)"Recreational vehicles" includes, but is not limited to, the following:1.Motor home: A motorized, vehicular unit designed to provide temporary living quarters for recreational, camping or travel use.2.Travel trailer: A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use of such size and weight as to not require a special highway movement permit when towed by a motorized vehicle.3.Fifth-wheel trailer: A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use of such size and weight as to not require a special highway movement permit and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.4.Camping trailer: A vehicular unit that is mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.5.Truck camper: A portable unit that is constructed to provide temporary living quarters for recreational, travel or camping use, consists of a roof, floor and sides, and is designed to be loaded onto and unloaded from the back of a pickup truck.6."Park-model RV" means a unit that is:a.Designed and marketed primarily as temporary living quarters for recreational, camping, travel, or seasonal use, and not for use as a permanent dwelling;b.Between three hundred twenty (320) and four hundred (400) square feet based on the exterior dimensions of the structure measured at the largest horizontal projections, when erected on site, including all space that has a ceiling height of more than five (5) feet and any expandable room, slide-out, tip-out, or tag-along unit;c.Built on a single chassis and not designed to accept additional structures, add-ons or other additions that will increase the area as determined in subitem b in excess of four hundred (400) square feet;d.Built pursuant to a third-party inspection and certification process; ande.Built to the ANSI A119.5, Park Model RV Standard.(l)"Sanctioned recreational show event" means any event where one or more recreational vehicle dealers attend and the event is conducted by someone other than a licensed Mississippi Recreational Vehicle Dealer.(m)"Supplier" means any person, firm, corporation or business entity that engages in the manufacturing of recreational vehicle parts, accessories or components.(n)"Transient customer" means a customer owns a recreational vehicle, is temporarily traveling through a dealer's area of sales responsibility, engages the dealer to perform service work on the vehicle and whose recreational vehicle requires repairs that relate to the safe operations of that recreational vehicle.(o)"Warrantor" means any person, firm, corporation or business entity, including any manufacturer or supplier, that provides a written warranty to the consumer in connection with a new recreational vehicle or parts, accessories or components thereof. The term also includes a dealer or other person not controlled by a manufacturer who sells service contracts, mechanical or other insurance, or extended warranties for separate consideration.Added by Laws, 2014, ch. 532, HB 742, 1, eff. 10/1/2014. As used in Sections63-17-201through63-17-221, the following terms shall have the meanings ascribed unless the context clearly indicates otherwise:(a)"Area of sales responsibility" means the geographical area, agreed to by the dealer and the manufacturer in the manufacturer-dealer agreement, within which area the dealer has the exclusive right to display or sell the manufacturer's new recreational vehicles of a particular line-make to the retail public.(b)"Dealer" means any firm, corporation, partnership, individual proprietorship or other type of business enterprise whose principle business is the selling at retail of one or more of the six (6) types of recreational vehicles commonly known as travel trailers, fifth wheels, motor homes, park-model RVs, truck campers and camping trailers. The entity must maintain a permanent business establishment including service/repair facilities, open essentially twelve (12) months a year, must offer mechanical service for the vehicles it sells and must be duly licensed by the Mississippi Motor Vehicle Commission.(c)"Distributor" means any person, firm, corporation or business entity that purchases new recreational vehicles for resale to dealers.(d)"Factory campaign" means an effort on the part of a warrantor to contact recreational vehicle owners or dealers in order to address a part or equipment issue.(e)"Family member" means a spouse, child, grandchild, parent, sibling, niece or nephew, or the spouse thereof.(f)"Line-make" means a specific series of recreational vehicle products that:(i)Are identified by a common series trade name or trademark;(ii)Are targeted to a particular market segment, as determined by their decor, features, equipment, size, weight and price range;(iii)Have lengths and interior floor plans that distinguish the recreational vehicles from other recreational vehicles with substantially the same decor, equipment, features, price and weight;(iv)Belong to a single, distinct classification of recreational vehicle product type having a substantial degree of commonality in the construction of the chassis, frame and body; and(v)The manufacturer-dealer agreement authorizes a dealer to sell.(g)"Manufacturer" means any person, firm, corporation or business entity that engages in the manufacturing of recreational vehicles.(h)"Manufacturer-dealer agreement" means a written agreement or contract entered into between a manufacturer and a dealer that fixes the rights and responsibilities of the parties and pursuant to which the dealer sells new recreational vehicles.(i)"Proprietary part" means any part manufactured by or for and sold exclusively by the manufacturer.(j)"Nonsanctioned recreational show event" means any event where one or more recreational vehicle dealers attend and the event is conducted by a licensed Mississippi Recreational Vehicle Dealer.(k)(i)"Recreational vehicle" means a vehicle that:1.Is primarily designed as a vehicle that also provides temporary living quarters for noncommercial, recreational or camping use;2.Is built to the National Fire Protection Association 1192 standard for

recreational vehicles;3.Has its own motive power or is mounted on or towed by another vehicle;4.Is regulated by the National Highway Traffic Safety Administration as a vehicle or vehicle equipment;5.Does not require a special highway use permit for operation on the highways; and6.An individual can easily transport and set-up on a daily basis.(ii)"Recreational vehicles" includes, but is not limited to, the following:1.Motor home: A motorized, vehicular unit designed to provide temporary living quarters for recreational, camping or travel use.2.Travel trailer: A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use of such size and weight as to not require a special highway movement permit when towed by a motorized vehicle.3.Fifth-wheel trailer: A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use of such size and weight as to not require a special highway movement permit and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.4.Camping trailer: A vehicular unit that is mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.5.Truck camper: A portable unit that is constructed to provide temporary living quarters for recreational, travel or camping use, consists of a roof, floor and sides, and is designed to be loaded onto and unloaded from the back of a pickup truck.6."Park-model RV" means a unit that is:a.Designed and marketed primarily as temporary living quarters for recreational, camping, travel, or seasonal use, and not for use as a permanent dwelling;b.Between three hundred twenty (320) and four hundred (400) square feet based on the exterior dimensions of the structure measured at the largest horizontal projections, when erected on site, including all space that has a ceiling height of more than five (5) feet and any expandable room, slide-out, tip-out, or tag-along unit;c.Built on a single chassis and not designed to accept additional structures, add-ons or other additions that will increase the area as determined in subitem b in excess of four hundred (400) square feet;d.Built pursuant to a third-party inspection and certification process; ande.Built to the ANSI A119.5, Park Model RV Standard.(l)"Sanctioned recreational show event" means any event where one or more recreational vehicle dealers attend and the event is conducted by someone other than a licensed Mississippi Recreational Vehicle Dealer.(m)"Supplier" means any person, firm, corporation or business entity that engages in the manufacturing of recreational vehicle parts, accessories or components.(n)"Transient customer" means a customer owns a recreational vehicle, is temporarily traveling through a dealer's area of sales responsibility, engages the dealer to perform service work on the vehicle and whose recreational vehicle requires repairs that relate to the safe operations of that recreational vehicle.(o)"Warrantor" means any person, firm, corporation or business entity, including any manufacturer or supplier, that provides a written warranty to the consumer in connection with a new recreational vehicle or parts, accessories or components thereof. The term also includes a dealer or other person not controlled by a manufacturer who sells service contracts, mechanical or other insurance, or extended warranties for separate consideration.Added by Laws, 2014, ch. 532, HB 742, 1, eff. 10/1/2014. As used in Sections63-17-201through63-17-221, the following terms shall have the meanings ascribed unless the context clearly indicates otherwise: Added by Laws, 2014, ch. 532, HB 742, 1, eff. 10/1/2014.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)RECREATIONAL VEHICLE FRANCHISE LAW (§§ 63-17-201 — 63-17-221)Section 63-17-203 - Written agreements; designated territories

(1)A manufacturer or distributor may not sell a recreational vehicle in this state to or through a dealer without having first entered into a manufacturer-dealer agreement with a dealer that has been signed by both parties.(2)The manufacturer shall designate the area of sales responsibility exclusively assigned to a dealer in the manufacturer-dealer agreement and may not change the contract area or contract with another dealer for sale of the same line-make in the designated area during the duration of the agreement.(3)The area of sales responsibility may not be revised or changed without the consent of both parties for one (1) year after the execution of the manufacturer-dealer agreement. Upon renewal both parties must agree on stocking requirements.(4)A recreational vehicle dealer may not sell a new recreational vehicle in this state without having first entered into a manufacturer-dealer agreement with a manufacturer or distributor that has been signed by both parties. The manufacturer-dealer agreement must be filed with the Mississippi Motor Vehicle Commission.(5)For any new recreational vehicle dealer licensee without an established dealership in this state, there shall be a thirty-day waiting period after the date the application has been approved by the Mississippi Motor Vehicle Commission before the new licensee may commence retail operations.(6)A recreational vehicle manufacturer may not offer to sell or sell any new recreational vehicle to any recreational vehicle dealer at a lower actual price than the actual price charged to any other recreational vehicle dealer for the same line-make vehicle similarly equipped. This subsection shall not be construed to prevent the offering of volume discounts if such discounts are equally available to all franchised dealers in this state.Added by Laws, 2014, ch. 532, HB 742, 2, eff. 10/1/2014. (1)A manufacturer or distributor may not sell a recreational vehicle in this state to or through a dealer without having first entered into a manufacturer-dealer agreement with a dealer that has been signed by both parties.(2)The manufacturer shall designate the area of sales responsibility exclusively assigned to a dealer in the manufacturer-dealer agreement and may not change the contract area or contract with another dealer for sale of the same line-make in the designated area during the duration of the agreement.(3)The area of sales responsibility may not be revised or changed without the consent of both parties for one (1) year after the execution of the manufacturer-dealer agreement. Upon renewal both parties must agree on stocking requirements.(4)A recreational vehicle dealer may not sell a new recreational vehicle in this state without having first entered into a manufacturer-dealer agreement with a manufacturer or distributor that has been signed by both parties. The manufacturer-dealer agreement must be filed with the Mississippi Motor Vehicle Commission.(5)For any new recreational vehicle dealer licensee without an established dealership in this state, there shall be a thirty-day waiting period after the date the application has been

approved by the Mississippi Motor Vehicle Commission before the new licensee may commence retail operations.(6)A recreational vehicle manufacturer may not offer to sell or sell any new recreational vehicle to any recreational vehicle dealer at a lower actual price than the actual price charged to any other recreational vehicle dealer for the same line-make vehicle similarly equipped. This subsection shall not be construed to prevent the offering of volume discounts if such discounts are equally available to all franchised dealers in this state.Added by Laws, 2014, ch. 532, HB 742, 2, eff. 10/1/2014. (1)A manufacturer or distributor may not sell a recreational vehicle in this state to or through a dealer without having first entered into a manufacturer-dealer agreement with a dealer that has been signed by both parties.(2)The manufacturer shall designate the area of sales responsibility exclusively assigned to a dealer in the manufacturer-dealer agreement and may not change the contract area or contract with another dealer for sale of the same line-make in the designated area during the duration of the agreement.(3)The area of sales responsibility may not be revised or changed without the consent of both parties for one (1) year after the execution of the manufacturer-dealer agreement. Upon renewal both parties must agree on stocking requirements.(4)A recreational vehicle dealer may not sell a new recreational vehicle in this state without having first entered into a manufacturer-dealer agreement with a manufacturer or distributor that has been signed by both parties. The manufacturer-dealer agreement must be filed with the Mississippi Motor Vehicle Commission.(5)For any new recreational vehicle dealer licensee without an established dealership in this state, there shall be a thirty-day waiting period after the date the application has been approved by the Mississippi Motor Vehicle Commission before the new licensee may commence retail operations.(6)A recreational vehicle manufacturer may not offer to sell or sell any new recreational vehicle to any recreational vehicle dealer at a lower actual price than the actual price charged to any other recreational vehicle dealer for the same line-make vehicle similarly equipped. This subsection shall not be construed to prevent the offering of volume discounts if such discounts are equally available to all franchised dealers in this state.Added by Laws, 2014, ch. 532, HB 742, 2, eff. 10/1/2014. Added by Laws, 2014, ch. 532, HB 742, 2, eff. 10/1/2014.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)RECREATIONAL VEHICLE FRANCHISE LAW (§§ 63-17-201 — 63-17-221)Section 63-17-205 - Termination, cancellation, nonrenewal and alteration of a dealership

(1)Manufacturer or distributor termination.(a)A manufacturer or distributor, directly or through any authorized officer, agent or employee, may not terminate, cancel or fail to renew a manufacturer-dealer agreement without good cause. If the manufacturer or distributor terminates, cancels or fails to renew the manufacturer-dealer agreement without good cause, the manufacturer or distributor must comply with Section63-17-207. If the manufacturer or distributor terminates, cancels or fails to renew the manufacturer-dealer agreement for good cause, Section63-17-207does not apply.(b)The manufacturer or distributor has the burden of showing good cause for terminating, canceling or failing to renew a manufacturer-dealer agreement with a dealer. For purposes of determining whether there is good cause for the proposed action, any of the following factors may be considered:(i)The extent of the affected dealer's penetration in the area of sales responsibility.(ii)The nature and extent of the dealer's investment in its business.(iii)The adequacy of the dealer's service facilities, equipment, parts, supplies and personnel.(iv)The effect of the proposed action on the community.(v)The extent and quality of the dealer's service under recreational vehicle warranties.(vi)The failure to follow agreed-upon procedures or standards related to the overall operation of the dealership.(vii)The dealer's performance under the terms of its manufacturer-dealer agreement.(c)Except as otherwise provided in this section, a manufacturer or distributor shall provide a dealer with at least ninety (90) days' prior written notice of termination, cancellation or nonrenewal of the manufacturer-dealer agreement if the dealer is being terminated for good cause.(i)The notice must state all reasons for the proposed termination, cancellation or nonrenewal and must further state that if, within thirty (30) days following receipt of the notice the dealer provides to the manufacturer or distributor a written notice of intent to cure all claimed deficiencies, the dealer will then have ninety (90) days following receipt of the notice to rectify the deficiencies. If the deficiencies are rectified within ninety (90) days, the manufacturer's or distributor's notice is voided. If the dealer fails to provide the notice of intent to cure the deficiencies in the prescribed time period, the termination, cancellation or nonrenewal takes effect thirty (30) days after the dealer's receipt of the notice unless the dealer has new and untitled inventory on hand that may be disposed of pursuant to Section63-17-207.(ii)The notice period may be reduced to thirty (30) days if the manufacturer's or distributor's grounds for termination, cancellation or nonrenewal are due to any of the following good cause factors:1.A dealer or one (1) of its owners being convicted of, or entering a plea of nolo contendere to, a felony;2.The abandonment or closing of the business operations of the dealer for ten (10) consecutive business days without contacting the manufacturer prior to the closing unless the closing is due to an act of God, strike, labor difficulty, or other cause over which the dealer has no control;3.A significant misrepresentation by the dealer materially affecting the business relationship;4.A suspension or revocation of the dealer's license, or refusal to renew the dealer's license;5.A material violation of Sections63-17-201through63-17-221which is not cured within thirty (30) days after the written notice by the manufacturer; or6.A declaration by the dealer of bankruptcy, insolvency or the occurrence of an assignment for the benefit of creditors or bankruptcy.(d)The notice provisions of this subsection (1) do not apply if the reason for termination, cancellation or nonrenewal is the dealer's insolvency, the occurrence of an assignment for the benefit of creditors, or bankruptcy.(2)Dealer termination.(a)A dealer may terminate or cancel its manufacturer-dealer agreement with a manufacturer or distributor with or without good cause by giving thirty (30) days' written notice. If the termination or cancellation is for good cause, the notice must state all reasons for the proposed termination or cancellation and must further state that if, within thirty (30) days following receipt of the notice, the manufacturer or distributor provides to the dealer a written notice of intent to cure all claimed deficiencies, the manufacturer or distributor will then

have ninety (90) days following receipt of the original notice to rectify the deficiencies. If the deficiencies are rectified within ninety (90) days, the dealer's notice is voided. If the manufacturer or distributor fails to provide the notice of intent to cure the deficiencies in the time period prescribed in the original notice of termination or cancellation, the pending termination or cancellation shall take effect thirty (30) days after the manufacturer's or distributor's receipt of the original notice.(b)If the dealer terminates, cancels or fails to renew the manufacturer-dealer agreement without good cause, the terms of Section63-17-207do not apply. If the dealer terminates, cancels or fails to renew the manufacturer-dealer agreement with good cause, Section63-17-207applies. The dealer has the burden of showing good cause. Any of the following items shall be deemed "good cause" for the proposed termination, cancellation or nonrenewal action by a dealer:(i)A manufacturer being convicted of, or entering a plea of nolo contendere to, a felony.(ii)The business operations of the manufacturer have been abandoned or closed for ten (10) consecutive business days without contacting the dealer prior to the closing unless the closing is due to an act of God, strike, labor difficulty, or other cause over which the manufacturer has no control.(iii)A significant misrepresentation by the manufacturer materially affecting the business relationship.(iv)A material violation of Sections63-17-201through63-17-221that is not cured within thirty (30) days after written notice by the dealer.(v)A declaration by the manufacturer of bankruptcy, insolvency, or the occurrence of an assignment for the benefit of creditors or bankruptcy.Added by Laws, 2014, ch. 532, HB 742, 3, eff. 10/1/2014. (1)Manufacturer or distributor termination.(a)A manufacturer or distributor, directly or through any authorized officer, agent or employee, may not terminate, cancel or fail to renew a manufacturer-dealer agreement without good cause. If the manufacturer or distributor terminates, cancels or fails to renew the manufacturer-dealer agreement without good cause, the manufacturer or distributor must comply with Section63-17-207. If the manufacturer or distributor terminates, cancels or fails to renew the manufacturer-dealer agreement for good cause, Section63-17-207does not apply.(b)The manufacturer or distributor has the burden of showing good cause for terminating, canceling or failing to renew a manufacturer-dealer agreement with a dealer. For purposes of determining whether there is good cause for the proposed action, any of the following factors may be considered:(i)The extent of the affected dealer's penetration in the area of sales responsibility.(ii)The nature and extent of the dealer's investment in its business.(iii)The adequacy of the dealer's service facilities, equipment, parts, supplies and personnel.(iv)The effect of the proposed action on the community.(v)The extent and quality of the dealer's service under recreational vehicle warranties.(vi)The failure to follow agreed-upon procedures or standards related to the overall operation of the dealership.(vii)The dealer's performance under the terms of its manufacturer-dealer agreement.(c)Except as otherwise provided in this section, a manufacturer or distributor shall provide a dealer with at least ninety (90) days' prior written notice of termination, cancellation or nonrenewal of the manufacturer-dealer agreement if the dealer is being terminated for good cause.(i)The notice must state all reasons for the proposed termination, cancellation or nonrenewal and must further state that if, within thirty (30) days following receipt of the notice the dealer provides to the manufacturer or distributor a written notice of intent to cure all claimed deficiencies, the dealer will then have ninety (90) days following receipt of the notice to rectify the deficiencies. If the deficiencies are rectified within ninety (90) days, the manufacturer's or distributor's notice is voided. If the dealer fails to provide the notice of intent to cure the deficiencies in the prescribed time period, the termination, cancellation or nonrenewal takes effect thirty (30) days after the dealer's receipt of the notice unless the dealer has new and untitled inventory on hand that may be disposed of pursuant to Section63-17-207.(ii)The notice period may be reduced to thirty (30) days if the manufacturer's or distributor's grounds for termination, cancellation or nonrenewal are due to any of the following good cause factors:1.A dealer or one (1) of its owners being convicted of, or entering a plea of nolo contendere to, a felony;2.The abandonment or closing of the business operations of the dealer for ten (10) consecutive business days without contacting the manufacturer prior to the closing unless the closing is due to an act of God, strike, labor difficulty, or other cause over which the dealer has no control;3.A significant misrepresentation by the dealer materially affecting the business relationship;4.A suspension or revocation of the dealer's license, or refusal to renew the dealer's license;5.A material violation of Sections63-17-201through63-17-221which is not cured within thirty (30) days after the written notice by the manufacturer; or6.A declaration by the dealer of bankruptcy, insolvency or the occurrence of an assignment for the benefit of creditors or bankruptcy.(d)The notice provisions of this subsection (1) do not apply if the reason for termination, cancellation or nonrenewal is the dealer's insolvency, the occurrence of an assignment for the benefit of creditors, or bankruptcy.(2)Dealer termination.(a)A dealer may terminate or cancel its manufacturer-dealer agreement with a manufacturer or distributor with or without good cause by giving thirty (30) days' written notice. If the termination or cancellation is for good cause, the notice must state all reasons for the proposed termination or cancellation and must further state that if, within thirty (30) days following receipt of the notice, the manufacturer or distributor provides to the dealer a written notice of intent to cure all claimed deficiencies, the manufacturer or distributor will then have ninety (90) days following receipt of the original notice to rectify the deficiencies. If the deficiencies are rectified within ninety (90) days, the dealer's notice is voided. If the manufacturer or distributor fails to provide the notice of intent to cure the deficiencies in the time period prescribed in the original notice of termination or cancellation, the pending termination or cancellation shall take effect thirty (30) days after the manufacturer's or distributor's receipt of the original notice.(b)If the dealer terminates, cancels or fails to renew the manufacturer-dealer agreement without good cause, the terms of Section63-17-207do not apply. If the dealer terminates, cancels or fails to renew the manufacturer-dealer agreement with good cause, Section63-17-207applies. The dealer has the burden of showing good cause. Any of the following items shall be deemed "good cause" for the proposed termination, cancellation or nonrenewal action by a dealer:(i)A manufacturer being convicted of, or entering a plea of nolo contendere to, a felony.(ii)The business operations of the manufacturer have been abandoned or closed for ten (10) consecutive business days without contacting the dealer prior to the closing unless the closing is due to an act of God, strike, labor difficulty, or other cause over which the manufacturer has no control.(iii)A significant misrepresentation by the manufacturer materially affecting the

business relationship.(iv)A material violation of Sections63-17-201through63-17-221that is not cured within thirty (30) days after written notice by the dealer.(v)A declaration by the manufacturer of bankruptcy, insolvency, or the occurrence of an assignment for the benefit of creditors or bankruptcy.Added by Laws, 2014, ch. 532, HB 742, 3, eff. 10/1/2014. (1)Manufacturer or distributor termination.(a)A manufacturer or distributor, directly or through any authorized officer, agent or employee, may not terminate, cancel or fail to renew a manufacturer-dealer agreement without good cause. If the manufacturer or distributor terminates, cancels or fails to renew the manufacturer-dealer agreement without good cause, the manufacturer or distributor must comply with Section63-17-207. If the manufacturer or distributor terminates, cancels or fails to renew the manufacturer-dealer agreement for good cause, Section63-17-207does not apply.(b)The manufacturer or distributor has the burden of showing good cause for terminating, canceling or failing to renew a manufacturer-dealer agreement with a dealer. For purposes of determining whether there is good cause for the proposed action, any of the following factors may be considered:(i)The extent of the affected dealer's penetration in the area of sales responsibility.(ii)The nature and extent of the dealer's investment in its business.(iii)The adequacy of the dealer's service facilities, equipment, parts, supplies and personnel.(iv)The effect of the proposed action on the community.(v)The extent and quality of the dealer's service under recreational vehicle warranties.(vi)The failure to follow agreed-upon procedures or standards related to the overall operation of the dealership.(vii)The dealer's performance under the terms of its manufacturer-dealer agreement.(c)Except as otherwise provided in this section, a manufacturer or distributor shall provide a dealer with at least ninety (90) days' prior written notice of termination, cancellation or nonrenewal of the manufacturer-dealer agreement if the dealer is being terminated for good cause.(i)The notice must state all reasons for the proposed termination, cancellation or nonrenewal and must further state that if, within thirty (30) days following receipt of the notice the dealer provides to the manufacturer or distributor a written notice of intent to cure all claimed deficiencies, the dealer will then have ninety (90) days following receipt of the notice to rectify the deficiencies. If the deficiencies are rectified within ninety (90) days, the manufacturer's or distributor's notice is voided. If the dealer fails to provide the notice of intent to cure the deficiencies in the prescribed time period, the termination, cancellation or nonrenewal takes effect thirty (30) days after the dealer's receipt of the notice unless the dealer has new and untitled inventory on hand that may be disposed of pursuant to Section63-17-207.(ii)The notice period may be reduced to thirty (30) days if the manufacturer's or distributor's grounds for termination, cancellation or nonrenewal are due to any of the following good cause factors:1.A dealer or one (1) of its owners being convicted of, or entering a plea of nolo contendere to, a felony;2.The abandonment or closing of the business operations of the dealer for ten (10) consecutive business days without contacting the manufacturer prior to the closing unless the closing is due to an act of God, strike, labor difficulty, or other cause over which the dealer has no control;3.A significant misrepresentation by the dealer materially affecting the business relationship;4.A suspension or revocation of the dealer's license, or refusal to renew the dealer's license;5.A material violation of Sections63-17-201through63-17-221which is not cured within thirty (30) days after the written notice by the manufacturer; or6.A declaration by the dealer of bankruptcy, insolvency or the occurrence of an assignment for the benefit of creditors or bankruptcy.(d)The notice provisions of this subsection (1) do not apply if the reason for termination, cancellation or nonrenewal is the dealer's insolvency, the occurrence of an assignment for the benefit of creditors, or bankruptcy.(2)Dealer termination.(a)A dealer may terminate or cancel its manufacturer-dealer agreement with a manufacturer or distributor with or without good cause by giving thirty (30) days' written notice. If the termination or cancellation is for good cause, the notice must state all reasons for the proposed termination or cancellation and must further state that if, within thirty (30) days following receipt of the notice, the manufacturer or distributor provides to the dealer a written notice of intent to cure all claimed deficiencies, the manufacturer or distributor will then have ninety (90) days following receipt of the original notice to rectify the deficiencies. If the deficiencies are rectified within ninety (90) days, the dealer's notice is voided. If the manufacturer or distributor fails to provide the notice of intent to cure the deficiencies in the time period prescribed in the original notice of termination or cancellation, the pending termination or cancellation shall take effect thirty (30) days after the manufacturer's or distributor's receipt of the original notice.(b)If the dealer terminates, cancels or fails to renew the manufacturer-dealer agreement without good cause, the terms of Section63-17-207do not apply. If the dealer terminates, cancels or fails to renew the manufacturer-dealer agreement with good cause, Section63-17-207applies. The dealer has the burden of showing good cause. Any of the following items shall be deemed "good cause" for the proposed termination, cancellation or nonrenewal action by a dealer:(i)A manufacturer being convicted of, or entering a plea of nolo contendere to, a felony.(ii)The business operations of the manufacturer have been abandoned or closed for ten (10) consecutive business days without contacting the dealer prior to the closing unless the closing is due to an act of God, strike, labor difficulty, or other cause over which the manufacturer has no control.(iii)A significant misrepresentation by the manufacturer materially affecting the business relationship.(iv)A material violation of Sections63-17-201through63-17-221that is not cured within thirty (30) days after written notice by the dealer.(v)A declaration by the manufacturer of bankruptcy, insolvency, or the occurrence of an assignment for the benefit of creditors or bankruptcy.Added by Laws, 2014, ch. 532, HB 742, 3, eff. 10/1/2014. Added by Laws, 2014, ch. 532, HB 742, 3, eff. 10/1/2014.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)RECREATIONAL VEHICLE FRANCHISE LAW (§§ 63-17-201 — 63-17-221)Section 63-17-207 - Repurchase of inventory

(1)If the manufacturer-dealer agreement is terminated, canceled, or not renewed by the manufacturer or distributor without good cause as defined in Section63-17-205(1), or if the dealer terminates or cancels the manufacturer-dealer agreement for good cause as defined in Section63-17-205(2), and the manufacturer fails to cure the claimed deficiencies as provided in Section63-17-205(2), the

manufacturer shall, at the election of the dealer and within forty-five (45) days after termination, cancellation or nonrenewal, repurchase:(a)All new, untitled recreational vehicles that were acquired from the manufacturer or distributor within eighteen (18) months before the effective date of the notice of termination, cancellation, or nonrenewal that have not been used, except for demonstration purposes, and that have not been altered or damaged, at one hundred percent (100%) of the net invoice cost, including transportation, less applicable rebates and discounts to the dealer. If any of the vehicles repurchased pursuant to this paragraph (a) are damaged, but do not trigger a consumer disclosure requirement, the amount due the dealer shall be reduced by the cost to repair the vehicle. Damage before delivery to the dealer that is disclosed at the time of delivery will not disqualify repurchase under this provision.(b)All undamaged accessories and proprietary parts sold to the dealer for resale within the twelve (12) months before termination, cancellation or nonrenewal, if accompanied by the original invoice, at one hundred five percent (105%) of the original net price paid to the manufacturer or distributor to compensate the dealer for handling, packing, and shipping the parts; and(c)Any properly functioning diagnostic equipment, special tools, current signage, and other equipment and machinery at one hundred percent (100%) of the dealer's net cost plus freight, destination, delivery and distribution charges and sales taxes, if any, if the returned items were purchased by the dealer within five (5) years before termination, cancellation or nonrenewal at the manufacturer's or distributor's request, if the dealer can establish that the items no longer can be used in the normal course of the dealer's ongoing business. The manufacturer or distributor shall pay the dealer within thirty (30) days after receipt of the returned items.(2)The warrantor may not prohibit a dealer from selling or performing warranty service on the remaining in-stock inventory of a particular line-make after a dealer agreement has been terminated or not renewed in accordance with the provisions of Section63-17-205. If recreational vehicles of a line-make are not returned or required to be returned to the manufacturer, the dealer may continue to sell and perform warranty service on all line-makes that were subject to the dealer agreement and are currently in stock until those line-makes are no longer in the dealer's inventory and until all warranties are expired on those recreational vehicles retailed by that dealer.Added by Laws, 2014, ch. 532, HB 742, 4, eff. 10/1/2014. (1)If the manufacturer-dealer agreement is terminated, canceled, or not renewed by the manufacturer or distributor without good cause as defined in Section63-17-205(1), or if the dealer terminates or cancels the manufacturer-dealer agreement for good cause as defined in Section63-17-205(2), and the manufacturer fails to cure the claimed deficiencies as provided in Section63-17-205(2), the manufacturer shall, at the election of the dealer and within forty-five (45) days after termination, cancellation or nonrenewal, repurchase:(a)All new, untitled recreational vehicles that were acquired from the manufacturer or distributor within eighteen (18) months before the effective date of the notice of termination, cancellation, or nonrenewal that have not been used, except for demonstration purposes, and that have not been altered or damaged, at one hundred percent (100%) of the net invoice cost, including transportation, less applicable rebates and discounts to the dealer. If any of the vehicles repurchased pursuant to this paragraph (a) are damaged, but do not trigger a consumer disclosure requirement, the amount due the dealer shall be reduced by the cost to repair the vehicle. Damage before delivery to the dealer that is disclosed at the time of delivery will not disqualify repurchase under this provision.(b)All undamaged accessories and proprietary parts sold to the dealer for resale within the twelve (12) months before termination, cancellation or nonrenewal, if accompanied by the original invoice, at one hundred five percent (105%) of the original net price paid to the manufacturer or distributor to compensate the dealer for handling, packing, and shipping the parts; and(c)Any properly functioning diagnostic equipment, special tools, current signage, and other equipment and machinery at one hundred percent (100%) of the dealer's net cost plus freight, destination, delivery and distribution charges and sales taxes, if any, if the returned items were purchased by the dealer within five (5) years before termination, cancellation or nonrenewal at the manufacturer's or distributor's request, if the dealer can establish that the items no longer can be used in the normal course of the dealer's ongoing business. The manufacturer or distributor shall pay the dealer within thirty (30) days after receipt of the returned items.(2)The warrantor may not prohibit a dealer from selling or performing warranty service on the remaining in-stock inventory of a particular line-make after a dealer agreement has been terminated or not renewed in accordance with the provisions of Section63-17-205. If recreational vehicles of a line-make are not returned or required to be returned to the manufacturer, the dealer may continue to sell and perform warranty service on all line-makes that were subject to the dealer agreement and are currently in stock until those line-makes are no longer in the dealer's inventory and until all warranties are expired on those recreational vehicles retailed by that dealer.Added by Laws, 2014, ch. 532, HB 742, 4, eff. 10/1/2014. (1)If the manufacturer-dealer agreement is terminated, canceled, or not renewed by the manufacturer or distributor without good cause as defined in Section63-17-205(1), or if the dealer terminates or cancels the manufacturer-dealer agreement for good cause as defined in Section63-17-205(2), and the manufacturer fails to cure the claimed deficiencies as provided in Section63-17-205(2), the manufacturer shall, at the election of the dealer and within forty-five (45) days after termination, cancellation or nonrenewal, repurchase:(a)All new, untitled recreational vehicles that were acquired from the manufacturer or distributor within eighteen (18) months before the effective date of the notice of termination, cancellation, or nonrenewal that have not been used, except for demonstration purposes, and that have not been altered or damaged, at one hundred percent (100%) of the net invoice cost, including transportation, less applicable rebates and discounts to the dealer. If any of the vehicles repurchased pursuant to this paragraph (a) are damaged, but do not trigger a consumer disclosure requirement, the amount due the dealer shall be reduced by the cost to repair the vehicle. Damage before delivery to the dealer that is disclosed at the time of delivery will not disqualify repurchase under this provision.(b)All undamaged accessories and proprietary parts sold to the dealer for resale within the twelve (12) months before termination, cancellation or nonrenewal, if accompanied by the original invoice, at one hundred five percent (105%) of the original net price paid to the manufacturer or distributor to compensate the dealer for handling, packing, and shipping the parts; and(c)Any properly functioning diagnostic equipment, special tools, current signage, and other equipment and machinery at one hundred percent (100%) of the dealer's net cost plus freight, destination, delivery and distribution charges and

sales taxes, if any, if the returned items were purchased by the dealer within five (5) years before termination, cancellation or nonrenewal at the manufacturer's or distributor's request, if the dealer can establish that the items no longer can be used in the normal course of the dealer's ongoing business. The manufacturer or distributor shall pay the dealer within thirty (30) days after receipt of the returned items.(2)The warrantor may not prohibit a dealer from selling or performing warranty service on the remaining in-stock inventory of a particular line-make after a dealer agreement has been terminated or not renewed in accordance with the provisions of Section63-17-205. If recreational vehicles of a line-make are not returned or required to be returned to the manufacturer, the dealer may continue to sell and perform warranty service on all line-makes that were subject to the dealer agreement and are currently in stock until those line-makes are no longer in the dealer's inventory and until all warranties are expired on those recreational vehicles retailed by that dealer.Added by Laws, 2014, ch. 532, HB 742, 4, eff. 10/1/2014. Added by Laws, 2014, ch. 532, HB 742, 4, eff. 10/1/2014.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)RECREATIONAL VEHICLE FRANCHISE LAW (§§ 63-17-201 — 63-17-221)Section 63-17-209 - Transfer of dealership; family succession

(1)If a dealer desires to make a change in ownership by the sale of the business assets, stock transfer, or otherwise, the dealer shall give the manufacturer or distributor written notice at least fifteen (15) business days before the closing, including all supporting documentation as may be reasonably required by the manufacturer or distributor to determine if an objection to the sale may be made. In the absence of a breach by the selling dealer of its dealer agreement or this chapter, the manufacturer or distributor shall not object to the proposed change in ownership unless the prospective transferee:(a)Has previously been terminated by the manufacturer for breach of its dealer agreement;(b)Has been convicted of a felony or any crime of fraud, deceit, or moral turpitude;(c)Lacks any license required by law;(d)Does not have an active line of credit sufficient to purchase a manufacturer's product; or(e)Has undergone in the last ten (10) years bankruptcy, insolvency, a general assignment for the benefit of creditors, or the appointment of a receiver, trustee or conservator to take possession of the transferee's business or property. This paragraph (e) can be waived if the prospective transferee meets all of the requirements of this section and if the prospective transferee fully qualifies under the manufacturer's or lender's financial criteria.(2)If the manufacturer or distributor objects to a proposed change of ownership, the manufacturer or distributor shall give written notice of its reasons to the dealer within ten (10) business days after receipt of the dealer's notification and complete documentation. The manufacturer or distributor has the burden of proof with regard to its objection. If the manufacturer or distributor does not give timely notice of its objection, the change or sale shall be deemed approved.(3)It is unlawful for a manufacturer or distributor to fail to provide a dealer an opportunity to designate, in writing, a family member as a successor to the dealership in the event of the death, incapacity or retirement of the dealer. It is unlawful to prevent or refuse to honor the succession to a dealership by a family member of the deceased, incapacitated or retired dealer unless the manufacturer or distributor has provided to the dealer written notice of its objections within ten (10) business days after receipt of the dealer's modification of the dealer's succession plan. In the absence of a breach of the dealer agreement, the manufacturer may object to the succession for the following reasons only:(a)Conviction of the successor of a felony or any crime of fraud, deceit or moral turpitude;(b)Bankruptcy or insolvency of the successor during the past ten (10) years. This paragraph (b) can be waived if the prospective successor meets all the requirements of this section and if the prospective successor fully qualifies under the manufacturer's or lender's financial criteria;(c)Prior termination by the manufacturer of the successor for breach of a dealer agreement;(d)The lack of an active line of credit for the successor sufficient to purchase the manufacturer's product; or(e)The lack of any license for the successor required by law.(4)The manufacturer or distributor has the burden of proof regarding its objection. However, a family member may not succeed to a dealership if the succession involves, without the manufacturer's or distributor's consent, a relocation of the business or an alteration of the terms and conditions of the manufacturer-dealer agreement.Added by Laws, 2014, ch. 532, HB 742, 5, eff. 10/1/2014. (1)If a dealer desires to make a change in ownership by the sale of the business assets, stock transfer, or otherwise, the dealer shall give the manufacturer or distributor written notice at least fifteen (15) business days before the closing, including all supporting documentation as may be reasonably required by the manufacturer or distributor to determine if an objection to the sale may be made. In the absence of a breach by the selling dealer of its dealer agreement or this chapter, the manufacturer or distributor shall not object to the proposed change in ownership unless the prospective transferee:(a)Has previously been terminated by the manufacturer for breach of its dealer agreement;(b)Has been convicted of a felony or any crime of fraud, deceit, or moral turpitude;(c)Lacks any license required by law;(d)Does not have an active line of credit sufficient to purchase a manufacturer's product; or(e)Has undergone in the last ten (10) years bankruptcy, insolvency, a general assignment for the benefit of creditors, or the appointment of a receiver, trustee or conservator to take possession of the transferee's business or property. This paragraph (e) can be waived if the prospective transferee meets all of the requirements of this section and if the prospective transferee fully qualifies under the manufacturer's or lender's financial criteria.(2)If the manufacturer or distributor objects to a proposed change of ownership, the manufacturer or distributor shall give written notice of its reasons to the dealer within ten (10) business days after receipt of the dealer's notification and complete documentation. The manufacturer or distributor has the burden of proof with regard to its objection. If the manufacturer or distributor does not give timely notice of its objection, the change or sale shall be deemed approved.(3)It is unlawful for a manufacturer or distributor to fail to provide a dealer an opportunity to designate, in writing, a family member as a successor to the dealership in the event of the death, incapacity or retirement of the dealer. It is unlawful to prevent or refuse to honor the succession to a dealership by a family member of the deceased, incapacitated or retired dealer unless the manufacturer or distributor has provided to the dealer written notice of its

objections within ten (10) business days after receipt of the dealer's modification of the dealer's succession plan. In the absence of a breach of the dealer agreement, the manufacturer may object to the succession for the following reasons only:(a)Conviction of the successor of a felony or any crime of fraud, deceit or moral turpitude;(b)Bankruptcy or insolvency of the successor during the past ten (10) years. This paragraph (b) can be waived if the prospective successor meets all the requirements of this section and if the prospective successor fully qualifies under the manufacturer's or lender's financial criteria;(c)Prior termination by the manufacturer of the successor for breach of a dealer agreement;(d)The lack of an active line of credit for the successor sufficient to purchase the manufacturer's product; or(e)The lack of any license for the successor required by law.(4)The manufacturer or distributor has the burden of proof regarding its objection. However, a family member may not succeed to a dealership if the succession involves, without the manufacturer's or distributor's consent, a relocation of the business or an alteration of the terms and conditions of the manufacturer-dealer agreement.Added by Laws, 2014, ch. 532, HB 742, 5, eff. 10/1/2014. (1)If a dealer desires to make a change in ownership by the sale of the business assets, stock transfer, or otherwise, the dealer shall give the manufacturer or distributor written notice at least fifteen (15) business days before the closing, including all supporting documentation as may be reasonably required by the manufacturer or distributor to determine if an objection to the sale may be made. In the absence of a breach by the selling dealer of its dealer agreement or this chapter, the manufacturer or distributor shall not object to the proposed change in ownership unless the prospective transferee:(a)Has previously been terminated by the manufacturer for breach of its dealer agreement;(b)Has been convicted of a felony or any crime of fraud, deceit, or moral turpitude;(c)Lacks any license required by law;(d)Does not have an active line of credit sufficient to purchase a manufacturer's product; or(e)Has undergone in the last ten (10) years bankruptcy, insolvency, a general assignment for the benefit of creditors, or the appointment of a receiver, trustee or conservator to take possession of the transferee's business or property. This paragraph (e) can be waived if the prospective transferee meets all of the requirements of this section and if the prospective transferee fully qualifies under the manufacturer's or lender's financial criteria.(2)If the manufacturer or distributor objects to a proposed change of ownership, the manufacturer or distributor shall give written notice of its reasons to the dealer within ten (10) business days after receipt of the dealer's notification and complete documentation. The manufacturer or distributor has the burden of proof with regard to its objection. If the manufacturer or distributor does not give timely notice of its objection, the change or sale shall be deemed approved.(3)It is unlawful for a manufacturer or distributor to fail to provide a dealer an opportunity to designate, in writing, a family member as a successor to the dealership in the event of the death, incapacity or retirement of the dealer. It is unlawful to prevent or refuse to honor the succession to a dealership by a family member of the deceased, incapacitated or retired dealer unless the manufacturer or distributor has provided to the dealer written notice of its objections within ten (10) business days after receipt of the dealer's modification of the dealer's succession plan. In the absence of a breach of the dealer agreement, the manufacturer may object to the succession for the following reasons only:(a)Conviction of the successor of a felony or any crime of fraud, deceit or moral turpitude;(b)Bankruptcy or insolvency of the successor during the past ten (10) years. This paragraph (b) can be waived if the prospective successor meets all the requirements of this section and if the prospective successor fully qualifies under the manufacturer's or lender's financial criteria;(c)Prior termination by the manufacturer of the successor for breach of a dealer agreement;(d)The lack of an active line of credit for the successor sufficient to purchase the manufacturer's product; or(e)The lack of any license for the successor required by law.(4)The manufacturer or distributor has the burden of proof regarding its objection. However, a family member may not succeed to a dealership if the succession involves, without the manufacturer's or distributor's consent, a relocation of the business or an alteration of the terms and conditions of the manufacturer-dealer agreement.Added by Laws, 2014, ch. 532, HB 742, 5, eff. 10/1/2014. Added by Laws, 2014, ch. 532, HB 742, 5, eff. 10/1/2014.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)RECREATIONAL VEHICLE FRANCHISE LAW (§§ 63-17-201 — 63-17-221)Section 63-17-211 - Warranty obligations

(1)Each warrantor shall:(a)Specify in writing to each of its dealer obligations, if any, for preparation, delivery and warranty service on its products;(b)Compensate the dealer for warranty service required of the dealer by the warrantor; and(c)Provide the dealer the schedule of compensation to be paid and the time allowances for the performance of any work and service. The schedule of compensation must include reasonable compensation for diagnostic work as well as warranty labor.(2)Time allowances for the diagnosis and performance of warranty labor must be reasonable for the work to be performed. In the determination of what constitutes reasonable compensation under this section, the principal factors to be given consideration shall be the actual wage rates being paid by the dealer, and the actual retail labor rate being charged by the dealers in the community in which the dealer is doing business. The compensation of a dealer for warranty labor may not be less than the lowest retail labor rates actually charged by the dealer for like nonwarranty labor as long as such rates are reasonable.(3)The warrantor shall reimburse the dealer for warranty parts at actual wholesale cost plus a minimum thirty percent (30%) handling charge and the cost, if any, of freight to return warranty parts to the warrantor.(4)Warranty audits of dealer records may be conducted by the warrantor on a reasonable basis, not to exceed a twelve-month look-back period from the current calendar date and dealer claims for warranty compensation may not be denied except for cause, such as performance of nonwarranty repairs, material noncompliance with the warrantor's published policies and procedures, lack of material documentation, fraud or misrepresentation.(5)The dealer shall submit warranty claims within thirty (30) days after completing work.(6)The dealer shall immediately notify the warrantor in writing if the dealer is unable to perform any warranty repairs within ten (10) days of receipt of written complaints from a consumer.(7)The warrantor shall disapprove warranty claims in writing within thirty (30) days after the date of submission by the dealer in the manner and form prescribed by the

warrantor. All claims shall be paid as authorized. Claims submitted according to warrantor's guidelines not specifically disapproved in writing within thirty (30) days shall be construed to be approved and must be paid within thirty (30) days of submission. Claims related to any type of service contract, mechanical or other insurance, or extended warranty sold for separate consideration by a dealer or other person not controlled by a manufacturer must be paid to the dealer as authorized immediately upon submission of completion by the dealer.

(8) It is a violation of Sections 63-17-201 through 63-17-221 for any warrantor to:

- (a) Fail to perform any of its warranty obligations with respect to its warranted products;
- (b) Fail to include, in written notices of factory campaigns to recreational vehicle owners and dealers, the expected date by which necessary parts and equipment, including tires and chassis or chassis parts, will be available to dealers to perform the campaign work. The warrantor may ship parts to the dealer to effect the campaign work, and, if such parts are in excess of the dealer's requirements, the dealer may return unused parts to the warrantor for credit after completion of the campaign;
- (c) Fail to compensate any of its dealers for authorized repairs effected by the dealer of merchandise damaged in manufacture or transit to the dealer, if the carrier is designated by the warrantor, factory branch, distributor or distributor branch;
- (d) Fail to compensate any of its dealers in accordance with the schedule of compensation provided to the dealer pursuant to this section if performed in a timely and competent manner;
- (e) Intentionally misrepresent in any way to purchasers of recreational vehicles that warranties with respect to the manufacture, performance or design of the vehicle are made by the dealer as warrantor or co-warrantor; or
- (f) Require the dealer to make warranties to customers in any manner related to the manufacture of the recreational vehicle.

(9) It is a violation of Sections 63-17-201 through 63-17-221 for any dealer to:

- (a) Fail to perform pre-delivery inspection functions, as specified by the warrantor, in a competent and timely manner;
- (b) Fail to perform warranty service work authorized by the warrantor in a reasonably competent and timely manner on any transient customer's vehicle of the same line-make;
- (c) Fail to accurately document the time spent completing each repair, the total number of repair attempts conducted on a single unit, and the number of repair attempts for the same repair conducted on a single vehicle;
- (d) Fail to notify the warrantor within ten (10) days of a second repair attempt which impairs the use, value or safety of the vehicle;
- (e) Fail to maintain written records, including a consumer's signature, regarding the amount of time a unit is stored for the consumer's convenience during a repair; or
- (f) Make fraudulent warranty claims or misrepresent the terms of any warranty.

Added by Laws, 2014, ch. 532, HB 742, 6, eff. 10/1/2014.

(1) Each warrantor shall:

- (a) Specify in writing to each of its dealer obligations, if any, for preparation, delivery and warranty service on its products;
- (b) Compensate the dealer for warranty service required of the dealer by the warrantor; and
- (c) Provide the dealer the schedule of compensation to be paid and the time allowances for the performance of any work and service. The schedule of compensation must include reasonable compensation for diagnostic work as well as warranty labor.

(2) Time allowances for the diagnosis and performance of warranty labor must be reasonable for the work to be performed. In the determination of what constitutes reasonable compensation under this section, the principal factors to be given consideration shall be the actual wage rates being paid by the dealer, and the actual retail labor rate being charged by the dealers in the community in which the dealer is doing business. The compensation of a dealer for warranty labor may not be less than the lowest retail labor rates actually charged by the dealer for like nonwarranty labor as long as such rates are reasonable.

(3) The warrantor shall reimburse the dealer for warranty parts at actual wholesale cost plus a minimum thirty percent (30%) handling charge and the cost, if any, of freight to return warranty parts to the warrantor.

(4) Warranty audits of dealer records may be conducted by the warrantor on a reasonable basis, not to exceed a twelve-month look-back period from the current calendar date and dealer claims for warranty compensation may not be denied except for cause, such as performance of nonwarranty repairs, material noncompliance with the warrantor's published policies and procedures, lack of material documentation, fraud or misrepresentation.

(5) The dealer shall submit warranty claims within thirty (30) days after completing work.

(6) The dealer shall immediately notify the warrantor in writing if the dealer is unable to perform any warranty repairs within ten (10) days of receipt of written complaints from a consumer.

(7) The warrantor shall disapprove warranty claims in writing within thirty (30) days after the date of submission by the dealer in the manner and form prescribed by the warrantor. All claims shall be paid as authorized. Claims submitted according to warrantor's guidelines not specifically disapproved in writing within thirty (30) days shall be construed to be approved and must be paid within thirty (30) days of submission. Claims related to any type of service contract, mechanical or other insurance, or extended warranty sold for separate consideration by a dealer or other person not controlled by a manufacturer must be paid to the dealer as authorized immediately upon submission of completion by the dealer.

(8) It is a violation of Sections 63-17-201 through 63-17-221 for any warrantor to:

- (a) Fail to perform any of its warranty obligations with respect to its warranted products;
- (b) Fail to include, in written notices of factory campaigns to recreational vehicle owners and dealers, the expected date by which necessary parts and equipment, including tires and chassis or chassis parts, will be available to dealers to perform the campaign work. The warrantor may ship parts to the dealer to effect the campaign work, and, if such parts are in excess of the dealer's requirements, the dealer may return unused parts to the warrantor for credit after completion of the campaign;
- (c) Fail to compensate any of its dealers for authorized repairs effected by the dealer of merchandise damaged in manufacture or transit to the dealer, if the carrier is designated by the warrantor, factory branch, distributor or distributor branch;
- (d) Fail to compensate any of its dealers in accordance with the schedule of compensation provided to the dealer pursuant to this section if performed in a timely and competent manner;
- (e) Intentionally misrepresent in any way to purchasers of recreational vehicles that warranties with respect to the manufacture, performance or design of the vehicle are made by the dealer as warrantor or co-warrantor; or
- (f) Require the dealer to make warranties to customers in any manner related to the manufacture of the recreational vehicle.

(9) It is a violation of Sections 63-17-201 through 63-17-221 for any dealer to:

- (a) Fail to perform pre-delivery inspection functions, as specified by the warrantor, in a competent and timely manner;
- (b) Fail to perform warranty service work authorized by the warrantor in a reasonably competent and timely manner on any transient customer's vehicle of the same line-make;
- (c) Fail to accurately document the time spent completing each repair, the total number of repair attempts conducted on a single unit, and the

number of repair attempts for the same repair conducted on a single vehicle;(d)Fail to notify the warrantor within ten (10) days of a second repair attempt which impairs the use, value or safety of the vehicle;(e)Fail to maintain written records, including a consumer's signature, regarding the amount of time a unit is stored for the consumer's convenience during a repair; or(f)Make fraudulent warranty claims or misrepresent the terms of any warranty.Added by Laws, 2014, ch. 532, HB 742, 6, eff. 10/1/2014.

(1)Each warrantor shall:(a)Specify in writing to each of its dealer obligations, if any, for preparation, delivery and warranty service on its products;(b)Compensate the dealer for warranty service required of the dealer by the warrantor; and(c)Provide the dealer the schedule of compensation to be paid and the time allowances for the performance of any work and service. The schedule of compensation must include reasonable compensation for diagnostic work as well as warranty labor.(2)Time allowances for the diagnosis and performance of warranty labor must be reasonable for the work to be performed. In the determination of what constitutes reasonable compensation under this section, the principal factors to be given consideration shall be the actual wage rates being paid by the dealer, and the actual retail labor rate being charged by the dealers in the community in which the dealer is doing business. The compensation of a dealer for warranty labor may not be less than the lowest retail labor rates actually charged by the dealer for like nonwarranty labor as long as such rates are reasonable.(3)The warrantor shall reimburse the dealer for warranty parts at actual wholesale cost plus a minimum thirty percent (30%) handling charge and the cost, if any, of freight to return warranty parts to the warrantor.(4)Warranty audits of dealer records may be conducted by the warrantor on a reasonable basis, not to exceed a twelve-month look-back period from the current calendar date and dealer claims for warranty compensation may not be denied except for cause, such as performance of nonwarranty repairs, material noncompliance with the warrantor's published policies and procedures, lack of material documentation, fraud or misrepresentation.(5)The dealer shall submit warranty claims within thirty (30) days after completing work.(6)The dealer shall immediately notify the warrantor in writing if the dealer is unable to perform any warranty repairs within ten (10) days of receipt of written complaints from a consumer.(7)The warrantor shall disapprove warranty claims in writing within thirty (30) days after the date of submission by the dealer in the manner and form prescribed by the warrantor. All claims shall be paid as authorized. Claims submitted according to warrantor's guidelines not specifically disapproved in writing within thirty (30) days shall be construed to be approved and must be paid within thirty (30) days of submission. Claims related to any type of service contract, mechanical or other insurance, or extended warranty sold for separate consideration by a dealer or other person not controlled by a manufacturer must be paid to the dealer as authorized immediately upon submission of completion by the dealer.(8)It is a violation of Sections63-17-201through63-17-221for any warrantor to:(a)Fail to perform any of its warranty obligations with respect to its warranted products;(b)Fail to include, in written notices of factory campaigns to recreational vehicle owners and dealers, the expected date by which necessary parts and equipment, including tires and chassis or chassis parts, will be available to dealers to perform the campaign work. The warrantor may ship parts to the dealer to effect the campaign work, and, if such parts are in excess of the dealer's requirements, the dealer may return unused parts to the warrantor for credit after completion of the campaign;(c)Fail to compensate any of its dealers for authorized repairs effected by the dealer of merchandise damaged in manufacture or transit to the dealer, if the carrier is designated by the warrantor, factory branch, distributor or distributor branch;(d)Fail to compensate any of its dealers in accordance with the schedule of compensation provided to the dealer pursuant to this section if performed in a timely and competent manner;(e)Intentionally misrepresent in any way to purchasers of recreational vehicles that warranties with respect to the manufacture, performance or design of the vehicle are made by the dealer as warrantor or co-warrantor; or(f)Require the dealer to make warranties to customers in any manner related to the manufacture of the recreational vehicle.(9)It is a violation of Sections63-17-201through63-17-221for any dealer to:(a)Fail to perform pre-delivery inspection functions, as specified by the warrantor, in a competent and timely manner;(b)Fail to perform warranty service work authorized by the warrantor in a reasonably competent and timely manner on any transient customer's vehicle of the same line-make;(c)Fail to accurately document the time spent completing each repair, the total number of repair attempts conducted on a single unit, and the number of repair attempts for the same repair conducted on a single vehicle;(d)Fail to notify the warrantor within ten (10) days of a second repair attempt which impairs the use, value or safety of the vehicle;(e)Fail to maintain written records, including a consumer's signature, regarding the amount of time a unit is stored for the consumer's convenience during a repair; or(f)Make fraudulent warranty claims or misrepresent the terms of any warranty.Added by Laws, 2014, ch. 532, HB 742, 6, eff. 10/1/2014.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)RECREATIONAL VEHICLE FRANCHISE LAW (§§ 63-17-201 — 63-17-221)Section 63-17-213 - Indemnification

Notwithstanding the terms of any manufacturer-dealer agreement, it is a violation of Sections63-17-201through63-17-221for:(a)A warrantor to fail to indemnify and hold harmless its dealer against any losses or damages to the extent the losses or damages are caused by the negligence or willful misconduct of the warrantor. The dealer shall provide to the warrantor a copy of any pending law suit or similar proceeding in which allegations are made that come within this subsection within ten (10) days after receiving the suit.(b)A dealer to fail to indemnify and hold harmless its warrantor against any losses or damages to the extent the losses or damages are caused by the negligence or willful misconduct of the dealer. The warrantor shall provide to the dealer a copy of any pending law suit or similar proceeding in which allegations are made that come within this subsection within ten (10) days after receiving the suit.Added by Laws, 2014, ch. 532, HB 742, 7, eff. 10/1/2014. Notwithstanding the terms of any manufacturer-dealer agreement, it is a violation of Sections63-17-201through63-17-221for:(a)A warrantor to fail to indemnify and hold harmless its dealer against any losses or damages to the extent the losses or damages are caused by the negligence or willful misconduct of the

warrantor. The dealer shall provide to the warrantor a copy of any pending law suit or similar proceeding in which allegations are made that come within this subsection within ten (10) days after receiving the suit.(b)A dealer to fail to indemnify and hold harmless its warrantor against any losses or damages to the extent the losses or damages are caused by the negligence or willful misconduct of the dealer. The warrantor shall provide to the dealer a copy of any pending law suit or similar proceeding in which allegations are made that come within this subsection within ten (10) days after receiving the suit.Added by Laws, 2014, ch. 532, HB 742, 7, eff. 10/1/2014. Notwithstanding the terms of any manufacturer-dealer agreement, it is a violation of Sections63-17-201through63-17-221for:(a)A warrantor to fail to indemnify and hold harmless its dealer against any losses or damages to the extent the losses or damages are caused by the negligence or willful misconduct of the warrantor. The dealer shall provide to the warrantor a copy of any pending law suit or similar proceeding in which allegations are made that come within this subsection within ten (10) days after receiving the suit.(b)A dealer to fail to indemnify and hold harmless its warrantor against any losses or damages to the extent the losses or damages are caused by the negligence or willful misconduct of the dealer. The warrantor shall provide to the dealer a copy of any pending law suit or similar proceeding in which allegations are made that come within this subsection within ten (10) days after receiving the suit.Added by Laws, 2014, ch. 532, HB 742, 7, eff. 10/1/2014. Notwithstanding the terms of any manufacturer-dealer agreement, it is a violation of Sections63-17-201through63-17-221for: Added by Laws, 2014, ch. 532, HB 742, 7, eff. 10/1/2014.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)RECREATIONAL VEHICLE FRANCHISE LAW (§§ 63-17-201 — 63-17-221)Section 63-17-215 - Inspection and rejection by dealer

(1)Whenever a new recreational vehicle is damaged before transit to the dealer or is damaged in transit to the dealer when the carrier or means of transportation has been selected by the manufacturer or distributor, the dealer shall notify the manufacturer or distributor of the damage within the timeframe specified in the manufacturer-dealer agreement and:(a)Request from the manufacturer or distributor authorization to replace the components, parts and accessories damaged or otherwise correct the damage; or(b)Reject the vehicle within the timeframe set forth in subsection (4) of this section.(2)If the manufacturer or distributor refuses or fails to authorize repair of such damage within ten (10) days after receipt of notification, or if the dealer rejects the recreational vehicle because of damage, ownership of the new recreational vehicle shall revert to the manufacturer or distributor.(3)The dealer shall exercise due care in custody of the damaged recreational vehicle, but the dealer shall have no other obligations, financial or otherwise, with respect to that recreational vehicle.(4)The timeframe for inspection and rejection by the dealer must be part of the manufacturer-dealer agreement and may not be less than two (2) business days after the physical delivery of the recreational vehicle.(5)Any recreational vehicle that has, at the time of delivery to the dealer, an unreasonable amount of miles on its odometer, as determined by the dealer, may be subject to rejection by the dealer and reversion of the vehicle to the manufacturer or distributor. In no instance shall a dealer deem an amount less than the distance between the dealer and the manufacturer's factory or a distributor's point of distribution, plus one hundred (100) miles, as unreasonable.Added by Laws, 2014, ch. 532, HB 742, 8, eff. 10/1/2014. (1)Whenever a new recreational vehicle is damaged before transit to the dealer or is damaged in transit to the dealer when the carrier or means of transportation has been selected by the manufacturer or distributor, the dealer shall notify the manufacturer or distributor of the damage within the timeframe specified in the manufacturer-dealer agreement and:(a)Request from the manufacturer or distributor authorization to replace the components, parts and accessories damaged or otherwise correct the damage; or(b)Reject the vehicle within the timeframe set forth in subsection (4) of this section.(2)If the manufacturer or distributor refuses or fails to authorize repair of such damage within ten (10) days after receipt of notification, or if the dealer rejects the recreational vehicle because of damage, ownership of the new recreational vehicle shall revert to the manufacturer or distributor.(3)The dealer shall exercise due care in custody of the damaged recreational vehicle, but the dealer shall have no other obligations, financial or otherwise, with respect to that recreational vehicle.(4)The timeframe for inspection and rejection by the dealer must be part of the manufacturer-dealer agreement and may not be less than two (2) business days after the physical delivery of the recreational vehicle.(5)Any recreational vehicle that has, at the time of delivery to the dealer, an unreasonable amount of miles on its odometer, as determined by the dealer, may be subject to rejection by the dealer and reversion of the vehicle to the manufacturer or distributor. In no instance shall a dealer deem an amount less than the distance between the dealer and the manufacturer's factory or a distributor's point of distribution, plus one hundred (100) miles, as unreasonable.Added by Laws, 2014, ch. 532, HB 742, 8, eff. 10/1/2014. (1)Whenever a new recreational vehicle is damaged before transit to the dealer or is damaged in transit to the dealer when the carrier or means of transportation has been selected by the manufacturer or distributor, the dealer shall notify the manufacturer or distributor of the damage within the timeframe specified in the manufacturer-dealer agreement and:(a)Request from the manufacturer or distributor authorization to replace the components, parts and accessories damaged or otherwise correct the damage; or(b)Reject the vehicle within the timeframe set forth in subsection (4) of this section.(2)If the manufacturer or distributor refuses or fails to authorize repair of such damage within ten (10) days after receipt of notification, or if the dealer rejects the recreational vehicle because of damage, ownership of the new recreational vehicle shall revert to the manufacturer or distributor.(3)The dealer shall exercise due care in custody of the damaged recreational vehicle, but the dealer shall have no other obligations, financial or otherwise, with respect to that recreational vehicle.(4)The timeframe for inspection and rejection by the dealer must be part of the manufacturer-dealer agreement and may not be less than two (2) business days after the physical delivery of the recreational vehicle.(5)Any recreational vehicle that has, at the time of delivery to the dealer, an unreasonable amount of miles on its odometer, as determined by the dealer, may be subject to rejection by the dealer and reversion

of the vehicle to the manufacturer or distributor. In no instance shall a dealer deem an amount less than the distance between the dealer and the manufacturer's factory or a distributor's point of distribution, plus one hundred (100) miles, as unreasonable. Added by Laws, 2014, ch. 532, HB 742, 8, eff. 10/1/2014. Added by Laws, 2014, ch. 532, HB 742, 8, eff. 10/1/2014.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) RECREATIONAL VEHICLE FRANCHISE LAW (§§ 63-17-201 — 63-17-221) Section 63-17-217 - Coercion of dealer prohibited

(1) A manufacturer or distributor may not coerce or attempt to coerce a dealer to: (a) Purchase a product that the dealer did not order; (b) Enter into an agreement with the manufacturer or distributor; or (c) Enter into an agreement that requires the dealer to submit its disputes to binding arbitration or otherwise waive rights or responsibilities provided under Sections 63-17-201 through 63-17-221. (2) As used in this section, the term "coerce" includes, but is not limited to, threatening to terminate, cancel or not renew a manufacturer-dealer agreement without good cause or threatening to withhold product lines the dealer is entitled to purchase pursuant to the manufacturer-dealer agreement or delay product delivery as an inducement to amending the manufacturer-dealer agreement. Added by Laws, 2014, ch. 532, HB 742, 9, eff. 10/1/2014. (1) A manufacturer or distributor may not coerce or attempt to coerce a dealer to: (a) Purchase a product that the dealer did not order; (b) Enter into an agreement with the manufacturer or distributor; or (c) Enter into an agreement that requires the dealer to submit its disputes to binding arbitration or otherwise waive rights or responsibilities provided under Sections 63-17-201 through 63-17-221. (2) As used in this section, the term "coerce" includes, but is not limited to, threatening to terminate, cancel or not renew a manufacturer-dealer agreement without good cause or threatening to withhold product lines the dealer is entitled to purchase pursuant to the manufacturer-dealer agreement or delay product delivery as an inducement to amending the manufacturer-dealer agreement. Added by Laws, 2014, ch. 532, HB 742, 9, eff. 10/1/2014. (1) A manufacturer or distributor may not coerce or attempt to coerce a dealer to: (a) Purchase a product that the dealer did not order; (b) Enter into an agreement with the manufacturer or distributor; or (c) Enter into an agreement that requires the dealer to submit its disputes to binding arbitration or otherwise waive rights or responsibilities provided under Sections 63-17-201 through 63-17-221. (2) As used in this section, the term "coerce" includes, but is not limited to, threatening to terminate, cancel or not renew a manufacturer-dealer agreement without good cause or threatening to withhold product lines the dealer is entitled to purchase pursuant to the manufacturer-dealer agreement or delay product delivery as an inducement to amending the manufacturer-dealer agreement. Added by Laws, 2014, ch. 532, HB 742, 9, eff. 10/1/2014. Added by Laws, 2014, ch. 532, HB 742, 9, eff. 10/1/2014.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221) RECREATIONAL VEHICLE FRANCHISE LAW (§§ 63-17-201 — 63-17-221) Section 63-17-219 - Mediation

(1) A dealer, manufacturer or warrantor injured by another party's violation of Sections 63-17-201 through 63-17-221 may bring a civil action in circuit court to recover actual damages. The court shall award attorney's fees and costs to the prevailing party in such an action. Venue for any civil action authorized by this section shall exclusively be in the county in which the dealer's business is located. In an action involving more than one (1) dealer, venue may be in any county in which any dealer that is party to the action is located. (2) Prior to bringing suit under this section, the party bringing suit for an alleged violation shall serve a written demand for mediation upon the offending party. (a) The demand for mediation shall be served upon the other party via certified mail at the address stated within the manufacturer-dealer agreement between the parties. (b) The demand for mediation shall contain a brief statement of the dispute and the relief sought by the party filing the demand. (c) Within twenty (20) days after the date a demand for mediation is served, the parties shall mutually select an independent certified mediator and meet with that mediator for the purpose of attempting to resolve the dispute. The meeting place shall be in this state in a location selected by the mediator. The mediator may extend the date of the meeting for good cause shown either party or upon stipulation of both parties. (d) The service of a demand for mediation under this section shall toll the time for the filing of any complaint, petition, protest or other action under Sections 63-17-201 through 63-17-221 until representatives of both parties have met with a mutually selected mediator for the purpose of attempting to resolve the dispute. If a complaint, petition, protest or other action is filed before that meeting, the court shall enter an order suspending the proceeding or action until the mediation meeting has occurred and may, upon written stipulation of all parties to the proceeding or action that they wish to continue to mediate under this section, enter an order suspending the proceeding or action for as long a period as the court considers appropriate. (e) The parties to the mediation shall bear their own costs for attorney's fees and divide equally the cost of the mediator. (3) In addition to the remedies provided in this section and notwithstanding the existence of any additional remedy at law, a manufacturer, or warrantor, or a dealer is authorized to make application to a circuit court for the grant, upon a hearing and for cause shown, of a temporary or permanent injunction, or both, restraining any person from acting as a dealer without being properly licensed, from violating or continuing to violate any of the provisions of Sections 63-17-201 through 63-17-221, or from failing or refusing to comply with the requirements of Sections 63-17-201 through 63-17-221. Injunction under this provision shall be issued without bond. A single act in violation of the provisions of Sections 63-17-201 through 63-17-221 shall be sufficient to authorize the issuance of an injunction. Added by Laws, 2014, ch. 532, HB 742, 10, eff. 10/1/2014. (1) A dealer, manufacturer or warrantor injured by another party's violation of Sections 63-17-201 through 63-17-221 may bring a civil action in circuit court to recover actual damages. The court shall award attorney's fees and costs to the prevailing party in such an action. Venue for any civil action authorized by this section shall

exclusively be in the county in which the dealer's business is located. In an action involving more than one (1) dealer, venue may be in any county in which any dealer that is party to the action is located.(2)Prior to bringing suit under this section, the party bringing suit for an alleged violation shall serve a written demand for mediation upon the offending party.(a)The demand for mediation shall be served upon the other party via certified mail at the address stated within the manufacturer-dealer agreement between the parties.(b)The demand for mediation shall contain a brief statement of the dispute and the relief sought by the party filing the demand.(c)Within twenty (20) days after the date a demand for mediation is served, the parties shall mutually select an independent certified mediator and meet with that mediator for the purpose of attempting to resolve the dispute. The meeting place shall be in this state in a location selected by the mediator. The mediator may extend the date of the meeting for good cause shown either party or upon stipulation of both parties.(d)The service of a demand for mediation under this section shall toll the time for the filing of any complaint, petition, protest or other action under Sections63-17-201through63-17-221until representatives of both parties have met with a mutually selected mediator for the purpose of attempting to resolve the dispute. If a complaint, petition, protest or other action is filed before that meeting, the court shall enter an order suspending the proceeding or action until the mediation meeting has occurred and may, upon written stipulation of all parties to the proceeding or action that they wish to continue to mediate under this section, enter an order suspending the proceeding or action for as long a period as the court considers appropriate.(e)The parties to the mediation shall bear their own costs for attorney's fees and divide equally the cost of the mediator.(3)In addition to the remedies provided in this section and notwithstanding the existence of any additional remedy at law, a manufacturer, or warrantor, or a dealer is authorized to make application to a circuit court for the grant, upon a hearing and for cause shown, of a temporary or permanent injunction, or both, restraining any person from acting as a dealer without being properly licensed, from violating or continuing to violate any of the provisions of Sections63-17-201through63-17-221, or from failing or refusing to comply with the requirements of Sections63-17-201through63-17-221. Injunction under this provision shall be issued without bond. A single act in violation of the provisions of Sections63-17-201through63-17-221shall be sufficient to authorize the issuance of an injunction.Added by Laws, 2014, ch. 532, HB 742, 10, eff. 10/1/2014. (1)A dealer, manufacturer or warrantor injured by another party's violation of Sections63-17-201through63-17-221may bring a civil action in circuit court to recover actual damages. The court shall award attorney's fees and costs to the prevailing party in such an action. Venue for any civil action authorized by this section shall exclusively be in the county in which the dealer's business is located. In an action involving more than one (1) dealer, venue may be in any county in which any dealer that is party to the action is located.(2)Prior to bringing suit under this section, the party bringing suit for an alleged violation shall serve a written demand for mediation upon the offending party.(a)The demand for mediation shall be served upon the other party via certified mail at the address stated within the manufacturer-dealer agreement between the parties.(b)The demand for mediation shall contain a brief statement of the dispute and the relief sought by the party filing the demand.(c)Within twenty (20) days after the date a demand for mediation is served, the parties shall mutually select an independent certified mediator and meet with that mediator for the purpose of attempting to resolve the dispute. The meeting place shall be in this state in a location selected by the mediator. The mediator may extend the date of the meeting for good cause shown either party or upon stipulation of both parties.(d)The service of a demand for mediation under this section shall toll the time for the filing of any complaint, petition, protest or other action under Sections63-17-201through63-17-221until representatives of both parties have met with a mutually selected mediator for the purpose of attempting to resolve the dispute. If a complaint, petition, protest or other action is filed before that meeting, the court shall enter an order suspending the proceeding or action until the mediation meeting has occurred and may, upon written stipulation of all parties to the proceeding or action that they wish to continue to mediate under this section, enter an order suspending the proceeding or action for as long a period as the court considers appropriate.(e)The parties to the mediation shall bear their own costs for attorney's fees and divide equally the cost of the mediator.(3)In addition to the remedies provided in this section and notwithstanding the existence of any additional remedy at law, a manufacturer, or warrantor, or a dealer is authorized to make application to a circuit court for the grant, upon a hearing and for cause shown, of a temporary or permanent injunction, or both, restraining any person from acting as a dealer without being properly licensed, from violating or continuing to violate any of the provisions of Sections63-17-201through63-17-221, or from failing or refusing to comply with the requirements of Sections63-17-201through63-17-221. Injunction under this provision shall be issued without bond. A single act in violation of the provisions of Sections63-17-201through63-17-221shall be sufficient to authorize the issuance of an injunction.Added by Laws, 2014, ch. 532, HB 742, 10, eff. 10/1/2014. Added by Laws, 2014, ch. 532, HB 742, 10, eff. 10/1/2014.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)RECREATIONAL VEHICLE FRANCHISE LAW (§§ 63-17-201 — 63-17-221)Section 63-17-221 - Selling at shows

(1)A recreational vehicle dealer may not sell or display for sale a new recreational vehicle in this state unless the dealer is licensed by the Mississippi Motor Vehicle Commission to sell recreational vehicles in the State of Mississippi. The recreational vehicle dealer is also required to have a dealer agreement with the manufacturer of the recreational vehicle that meets the requirements of Sections63-17-201through63-17-221and is signed by both parties.(2)Out-of-state recreational vehicle dealers may participate in sanctioned or nonsanctioned recreational vehicle shows under the following circumstances:(a)An out-of-state recreational vehicle dealer must have the unanimous approval, in writing, of all recreational vehicle dealers that have the area of responsibility where the sanctioned or nonsanctioned show event is held;(b)Out-of-state recreational vehicle dealers must obtain permission, in writing, from the manufacturer for all models to be displayed where the sanctioned or nonsanctioned show event is being held; and(c)Out-of-state recreational vehicle dealers must obtain a permit from the Mississippi Motor Vehicle Commission to participate in a sanctioned

recreational vehicle show.(3)A recreational vehicle dealer may not conduct sales activity or display for sale recreational vehicles outside of the dealer's designated area of sales responsibility.(4)A recreational vehicle dealer may sell off-premises within the area of sales responsibility of the dealer under the following circumstances:(a)At sanctioned recreational vehicle shows where the sales event is held off premises. A sanctioned recreational vehicle show may be held only under the following conditions:(i)The sponsoring entity of the sales event shall obtain a permit from the Mississippi Motor Vehicle Commission, which shall be for a period not to exceed ten (10) consecutive days;(ii)New recreational vehicle dealers whose manufacturer-approved area of responsibility includes the event location shall be eligible to participate in the sanctioned recreational vehicle show; and(iii)The sanctioned recreational vehicle show shall be conducted within municipal, county or state-owned or controlled facilities or within the grounds of any county, district or state fair; and(b)At nonsanctioned recreational vehicle shows where one or more recreational vehicle dealers may sell recreational vehicles off premises under the following conditions:(i)The location of the nonsanctioned recreational vehicle show shall be within the manufacturer-approved area of responsibility;(ii)The nonsanctioned recreational vehicle show shall occur not more than five (5) consecutive days per event, excluding county, district or state fairs;(iii)Each recreational vehicle dealer may participate in not more than eight (8) nonsanctioned recreational vehicle shows per calendar year; and(iv)Nonsanctioned recreational vehicle shows shall be held on privately owned property not closer than two and one-half (2.5) miles to any other nonparticipating recreational vehicle dealer; provided, however, a nonsanctioned recreational vehicle show may be held on county or municipally owned property with no mileage barrier restriction.(5)A recreational vehicle dealer may display a recreational vehicle within the designated area of responsibility of the recreational vehicle dealer for promotional purposes. At an off-premises display event, no sales activities shall be conducted including, but not limited to, negotiations, financing and accepting credit applications. Sales or finance personnel shall not be permitted to participate at an off-premises display event.Added by Laws, 2014, ch. 532, HB 742, 11, eff. 10/1/2014. (1)A recreational vehicle dealer may not sell or display for sale a new recreational vehicle in this state unless the dealer is licensed by the Mississippi Motor Vehicle Commission to sell recreational vehicles in the State of Mississippi. The recreational vehicle dealer is also required to have a dealer agreement with the manufacturer of the recreational vehicle that meets the requirements of Sections63-17-201through63-17-221and is signed by both parties.(2)Out-of-state recreational vehicle dealers may participate in sanctioned or nonsanctioned recreational vehicle shows under the following circumstances:(a)An out-of-state recreational vehicle dealer must have the unanimous approval, in writing, of all recreational vehicle dealers that have the area of responsibility where the sanctioned or nonsanctioned show event is held;(b)Out-of-state recreational vehicle dealers must obtain permission, in writing, from the manufacturer for all models to be displayed where the sanctioned or nonsanctioned show event is being held; and(c)Out-of-state recreational vehicle dealers must obtain a permit from the Mississippi Motor Vehicle Commission to participate in a sanctioned recreational vehicle show.(3)A recreational vehicle dealer may not conduct sales activity or display for sale recreational vehicles outside of the dealer's designated area of sales responsibility.(4)A recreational vehicle dealer may sell off-premises within the area of sales responsibility of the dealer under the following circumstances:(a)At sanctioned recreational vehicle shows where the sales event is held off premises. 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The recreational vehicle dealer is also required to have a dealer agreement with the manufacturer of the recreational vehicle that meets the requirements of Sections63-17-201through63-17-221and is signed by both parties.(2)Out-of-state recreational vehicle dealers may participate in sanctioned or nonsanctioned recreational vehicle shows under the following circumstances:(a)An out-of-state recreational vehicle dealer must have the unanimous approval, in writing, of all recreational vehicle dealers that have the area of responsibility where the sanctioned or nonsanctioned show event is held;(b)Out-of-state recreational vehicle dealers must obtain permission, in writing, from the manufacturer for all models to be displayed where the sanctioned or nonsanctioned show event is being held; and(c)Out-of-state recreational vehicle dealers must obtain a permit from the Mississippi Motor Vehicle Commission to participate in a sanctioned recreational vehicle show.(3)A recreational vehicle dealer may not conduct sales activity or display for sale recreational vehicles outside of the dealer's designated area of sales responsibility.(4)A recreational vehicle dealer may sell off-premises within the area

of sales responsibility of the dealer under the following circumstances:(a)At sanctioned recreational vehicle shows where the sales event is held off premises. A sanctioned recreational vehicle show may be held only under the following conditions:(i)The sponsoring entity of the sales event shall obtain a permit from the Mississippi Motor Vehicle Commission, which shall be for a period not to exceed ten (10) consecutive days;(ii)New recreational vehicle dealers whose manufacturer-approved area of responsibility includes the event location shall be eligible to participate in the sanctioned recreational vehicle show; and(iii)The sanctioned recreational vehicle show shall be conducted within municipal, county or state-owned or controlled facilities or within the grounds of any county, district or state fair; and(b)At nonsanctioned recreational vehicle shows where one or more recreational vehicle dealers may sell recreational vehicles off premises under the following conditions:(i)The location of the nonsanctioned recreational vehicle show shall be within the manufacturer-approved area of responsibility;(ii)The nonsanctioned recreational vehicle show shall occur not more than five (5) consecutive days per event, excluding county, district or state fairs;(iii)Each recreational vehicle dealer may participate in not more than eight (8) nonsanctioned recreational vehicle shows per calendar year; and(iv)Nonsanctioned recreational vehicle shows shall be held on privately owned property not closer than two and one-half (2.5) miles to any other nonparticipating recreational vehicle dealer; provided, however, a nonsanctioned recreational vehicle show may be held on county or municipally owned property with no mileage barrier restriction.(5)A recreational vehicle dealer may display a recreational vehicle within the designated area of responsibility of the recreational vehicle dealer for promotional purposes. At an off-premises display event, no sales activities shall be conducted including, but not limited to, negotiations, financing and accepting credit applications. Sales or finance personnel shall not be permitted to participate at an off-premises display event.Added by Laws, 2014, ch. 532, HB 742, 11, eff. 10/1/2014. Added by Laws, 2014, ch. 532, HB 742, 11, eff. 10/1/2014.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 17 - MANUFACTURE, SALES AND DISTRIBUTION (§§ 63-17-1 — 63-17-221)SALES OF ALL-TERRAIN VEHICLES AND MOTORCYCLES (§ 63-17-171)Section 63-17-171 - Levy of point-of-sale fee on retail sales of all-terrain vehicles and motorcycles; levy of fee on purchaser of new all-terrain vehicle or motorcycle purchased in another state and brought into Mississippi; applicability of sales tax law

(1)(a)There is levied a point-of-sale fee of Fifty Dollars (\$50.00) on the retail sales of all-terrain vehicles and motorcycles as defined in Section 5. The seller of an all-terrain vehicle or a motorcycle shall collect the fee from the purchaser at the time of sale and remit the fee to the Department of Revenue, which shall deposit the proceeds of the fees into the Mississippi Trauma Care Systems Fund created in Section41-59-75.(b)The seller of an all-terrain vehicle or a motorcycle shall provide a written statement to the purchaser, which may be printed on the sales receipt, that reads as follows: "\$50.00 of the amount that you paid for this vehicle will be used to fund the Mississippi Trauma Care System."(2)(a)There is levied a fee of Fifty Dollars (\$50.00) on a resident of this state who purchases a new and not previously registered motorcycle in another state and brings the motorcycle into this state. The person shall pay the fee to the tax collector at the time of registering the motorcycle and applying for a license tag. The tax collector shall remit the fee to the Department of Revenue, which shall deposit the proceeds of the fee into the Mississippi Trauma Care Systems Fund created in Section41-59-75.(b)There is levied a fee of Fifty Dollars (\$50.00) on a resident of this state who purchases a new all-terrain vehicle in another state and brings the vehicle into this state. The person shall pay the fee to the Department of Revenue, which shall deposit the proceeds of the fee into the Mississippi Trauma Care Systems Fund created in Section41-59-75.(3)As used in this section, the term "all-terrain vehicle" shall not include vehicles designed for use as golf carts.(4)All administrative provisions of the Mississippi Sales Tax Law, including those which fix damages, penalties and interest for nonpayment of taxes and for noncompliance with the provisions of such law, and all other requirements and duties imposed upon taxpayers, shall apply to all persons liable for the fees imposed by this section, and the Commissioner of Revenue shall exercise all the power and authority and perform all the duties with respect to this section as are provided in the Sales Tax Law except where there is a conflict, then the provisions of this section prevail.Laws, 2008, ch. 549, § 7; Laws, 2011, ch. 545, § 10; Laws, 2012, ch. 566, § 9, eff. 5/25/2012.

(1)(a)There is levied a point-of-sale fee of Fifty Dollars (\$50.00) on the retail sales of all-terrain vehicles and motorcycles as defined in Section 5. The seller of an all-terrain vehicle or a motorcycle shall collect the fee from the purchaser at the time of sale and remit the fee to the Department of Revenue, which shall deposit the proceeds of the fees into the Mississippi Trauma Care Systems Fund created in Section41-59-75.(b)The seller of an all-terrain vehicle or a motorcycle shall provide a written statement to the purchaser, which may be printed on the sales receipt, that reads as follows: "\$50.00 of the amount that you paid for this vehicle will be used to fund the Mississippi Trauma Care System."(2)(a)There is levied a fee of Fifty Dollars (\$50.00) on a resident of this state who purchases a new and not previously registered motorcycle in another state and brings the motorcycle into this state. The person shall pay the fee to the tax collector at the time of registering the motorcycle and applying for a license tag. The tax collector shall remit the fee to the Department of Revenue, which shall deposit the proceeds of the fee into the Mississippi Trauma Care Systems Fund created in Section41-59-75.(b)There is levied a fee of Fifty Dollars (\$50.00) on a resident of this state who purchases a new all-terrain vehicle in another state and brings the vehicle into this state. The person shall pay the fee to the Department of Revenue, which shall deposit the proceeds of the fee into the Mississippi Trauma Care Systems Fund created in Section41-59-75.(3)As used in this section, the term "all-terrain vehicle" shall not include vehicles designed for use as golf carts.(4)All administrative provisions of the Mississippi Sales Tax Law, including those which fix damages, penalties and interest for nonpayment of taxes and for noncompliance with the provisions of such law, and all other requirements and duties imposed upon taxpayers, shall apply to all persons liable for the fees imposed by this section, and the Commissioner of Revenue shall exercise all the power and authority and perform all the duties with respect to this section as are provided in the Sales Tax Law except where there is a conflict, then the

provisions of this section prevail.Laws, 2008, ch. 549, § 7; Laws, 2011, ch. 545, § 10; Laws, 2012, ch. 566, § 9, eff. 5/25/2012.

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Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61)Section 63-19-1 - Short title

This chapter may be cited as "The Motor Vehicle Sales Finance Law."Codes, 1942, § 8075-23; Laws, 1958, ch. 495, § 36, eff. 7/21/1958. This chapter may be cited as "The Motor Vehicle Sales Finance Law."Codes, 1942, § 8075-23; Laws, 1958, ch. 495, § 36, eff. 7/21/1958. This chapter may be cited as "The Motor Vehicle Sales Finance Law."Codes, 1942, § 8075-23; Laws, 1958, ch. 495, § 36, eff. 7/21/1958. This chapter may be cited as "The Motor Vehicle Sales Finance Law." Codes, 1942, § 8075-23; Laws, 1958, ch. 495, § 36, eff. 7/21/1958.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61)Section 63-19-11 - License fee

With each initial application for a license, the applicant shall pay to the commissioner at the time of making the application a license fee of Seven Hundred Fifty Dollars (\$750.00), and for renewal applications, an annual renewal fee of Four Hundred Seventy-five Dollars (\$475.00) for each calendar year for each place of business so operated.Codes, 1942, § 8075-04; Laws, 1958, ch. 495, § 17; Laws, 1975, ch. 437, § 1; Laws, 2000, ch. 621, § 2, eff. 5/23/2000.Amended by Laws, 2023, ch. 413, HB 1030,§ 6, eff. 3/22/2023.

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With each initial application for a license, the applicant shall pay to the commissioner at the time of making the application a license fee of Seven Hundred Fifty Dollars (\$750.00), and for renewal applications, an annual renewal fee of Four Hundred Seventy-five Dollars (\$475.00) for each calendar year for each place of business so operated. Codes, 1942, § 8075-04; Laws, 1958, ch. 495, § 17; Laws, 1975, ch. 437, § 1; Laws, 2000, ch. 621, § 2, eff. 5/23/2000. Amended by Laws, 2023, ch. 413, HB 1030,§ 6, eff. 3/22/2023.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61)Section 63-19-13 - Issuance and duration of license; transfer or assignment of license; transaction of business under different name

Upon the filing of an application, and the payment of the required fee, the administrator shall issue a license to the applicant to engage in the business of a sales finance company under and in accordance with the provisions of this chapter for a period which shall expire the last day of December next following the date of its issuance. Such license shall not be transferable or assignable. No licensee shall transact any business provided for by this chapter under any other name.Codes, 1942, § 8075-06; Laws, 1958, ch. 495, § 16, eff. 7/21/1958. Upon the filing of an application, and the payment of the required fee, the administrator shall issue a license to the applicant to engage in the business of a sales finance company under and in accordance with the provisions of this chapter for a period which shall expire the last day of December next following the date of its issuance. Such license shall not be transferable or assignable. No licensee shall transact any business provided for by this chapter under any other name.Codes, 1942, § 8075-06;

Laws, 1958, ch. 495, § 16, eff. 7/21/1958. Upon the filing of an application, and the payment of the required fee, the administrator shall issue a license to the applicant to engage in the business of a sales finance company under and in accordance with the provisions of this chapter for a period which shall expire the last day of December next following the date of its issuance. Such license shall not be transferable or assignable. No licensee shall transact any business provided for by this chapter under any other name. Codes, 1942, § 8075-06; Laws, 1958, ch. 495, § 16, eff. 7/21/1958. Upon the filing of an application, and the payment of the required fee, the administrator shall issue a license to the applicant to engage in the business of a sales finance company under and in accordance with the provisions of this chapter for a period which shall expire the last day of December next following the date of its issuance. Such license shall not be transferable or assignable. No licensee shall transact any business provided for by this chapter under any other name. Codes, 1942, § 8075-06; Laws, 1958, ch. 495, § 16, eff. 7/21/1958.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61) Section 63-19-15 - Specification as to location of office in license; display of license

Each license shall specify the location of the office and must be conspicuously displayed there. No such specification of office location shall be required to identify the remote location of employees of the licensee who are working from home or another location outside of the office designated on the license. Codes, 1942, § 8075-05; Laws, 1958, ch. 495, § 18; Laws, 2000, ch. 621, § 3, eff. 5/23/2000. Amended by Laws, 2023, ch. 413, HB 1030, § 3, eff. 3/22/2023. Each license shall specify the location of the office and must be conspicuously displayed there. No such specification of office location shall be required to identify the remote location of employees of the licensee who are working from home or another location outside of the office designated on the license. Codes, 1942, § 8075-05; Laws, 1958, ch. 495, § 18; Laws, 2000, ch. 621, § 3, eff. 5/23/2000. Amended by Laws, 2023, ch. 413, HB 1030, § 3, eff. 3/22/2023. Each license shall specify the location of the office and must be conspicuously displayed there. No such specification of office location shall be required to identify the remote location of employees of the licensee who are working from home or another location outside of the office designated on the license. Codes, 1942, § 8075-05; Laws, 1958, ch. 495, § 18; Laws, 2000, ch. 621, § 3, eff. 5/23/2000. Amended by Laws, 2023, ch. 413, HB 1030, § 3, eff. 3/22/2023.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61) Section 63-19-17 - Grounds for denial, suspension or revocation of license

(1) The renewal of a license originally granted under this chapter may be denied, or a license may be suspended, denied or revoked by the administrator on the following grounds: (a) Material misstatement in application for license; (b) Willful failure to comply with provision of this chapter relating to retail installment contracts; (c) Defrauding any retail buyer to the buyer's damage; (d) Fraudulent misrepresentation, circumvention or concealment by the licensee through whatever subterfuge or device of any of the material particulars or the nature thereof required to be stated or furnished to the retail buyer under this chapter. (2) Any licensee who is exempt from liability for an act or omission under Section 63-19-57 shall not have his license suspended or revoked or the renewal of his license denied under this section for the same act or omission. Codes, 1942, § 8075-07; Laws, 1958, ch. 495, § 20; Laws, 1997, ch. 332, § 15, eff. 3/17/1997. (1) The renewal of a license originally granted under this chapter may be denied, or a license may be suspended, denied or revoked by the administrator on the following grounds: (a) Material misstatement in application for license; (b) Willful failure to comply with provision of this chapter relating to retail installment contracts; (c) Defrauding any retail buyer to the buyer's damage; (d) Fraudulent misrepresentation, circumvention or concealment by the licensee through whatever subterfuge or device of any of the material particulars or the nature thereof required to be stated or furnished to the retail buyer under this chapter. (2) Any licensee who is exempt from liability for an act or omission under Section 63-19-57 shall not have his license suspended or revoked or the renewal of his license denied under this section for the same act or omission. Codes, 1942, § 8075-07; Laws, 1958, ch. 495, § 20; Laws, 1997, ch. 332, § 15, eff. 3/17/1997. (1) The renewal of a license originally granted under this chapter may be denied, or a license may be suspended, denied or revoked by the administrator on the following grounds: (a) Material misstatement in application for license; (b) Willful failure to comply with provision of this chapter relating to retail installment contracts; (c) Defrauding any retail buyer to the buyer's damage; (d) Fraudulent misrepresentation, circumvention or concealment by the licensee through whatever subterfuge or device of any of the material particulars or the nature thereof required to be stated or furnished to the retail buyer under this chapter. (2) Any licensee who is exempt from liability for an act or omission under Section 63-19-57 shall not have his license suspended or revoked or the renewal of his license denied under this section for the same act or omission. Codes, 1942, § 8075-07; Laws, 1958, ch. 495, § 20; Laws, 1997, ch. 332, § 15, eff. 3/17/1997. Codes, 1942, § 8075-07; Laws, 1958, ch. 495, § 20; Laws, 1997, ch. 332, § 15, eff. 3/17/1997.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61) Section 63-19-19 - Liability of licensee for acts of agents

If a licensee is a firm, association or corporation, it shall be sufficient cause for the suspension or revocation of a license that any officer, director or trustee of a licensed firm, association or corporation, or any member of a licensed partnership, has so acted or failed to act as would be cause for suspending or revoking a license to such party as an individual. Each licensee shall be responsible for the acts of any or all of his employees while acting as his agent, if such licensee after actual knowledge of said acts retained the benefits, proceeds, profits or advantages accruing from said acts or otherwise ratified said acts. Codes, 1942, § 8075-08; Laws, 1958, ch. 495, § 21, eff. 7/21/1958. Amended by Laws, 2023, ch. 413, HB 1030, § 7, eff. 3/22/2023. If a licensee is a firm, association or corporation, it shall be sufficient cause for the suspension or revocation of a license that any officer, director or trustee of a licensed firm, association or corporation, or any member of a licensed partnership, has so acted or failed to act as would be cause for suspending or revoking a license to such party as an individual. Each licensee shall be responsible for the acts of any or all of his employees while acting as his agent, if such licensee after actual knowledge of said acts retained the benefits, proceeds, profits or advantages accruing from said acts or otherwise ratified said acts. Codes, 1942, § 8075-08; Laws, 1958, ch. 495, § 21, eff. 7/21/1958. Amended by Laws, 2023, ch. 413, HB 1030, § 7, eff. 3/22/2023. If a licensee is a firm, association or corporation, it shall be sufficient cause for the suspension or revocation of a license that any officer, director or trustee of a licensed firm, association or corporation, or any member of a licensed partnership, has so acted or failed to act as would be cause for suspending or revoking a license to such party as an individual. Each licensee shall be responsible for the acts of any or all of his employees while acting as his agent, if such licensee after actual knowledge of said acts retained the benefits, proceeds, profits or advantages accruing from said acts or otherwise ratified said acts. Codes, 1942, § 8075-08; Laws, 1958, ch. 495, § 21, eff. 7/21/1958. Amended by Laws, 2023, ch. 413, HB 1030, § 7, eff. 3/22/2023.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61) Section 63-19-21 - Procedure for denial, suspension or revocation of license; judicial review

No license shall be denied, suspended or revoked except after hearing thereon. The administrator shall give the licensee at least ten days' written notice, in the form of an order to show cause, of the time and place of such hearing by certified mail addressed to the principal place of business in this state of such licensee. The said notice shall contain the grounds of complaint against the licensee. Any order suspending or revoking such license shall recite the grounds upon which the same is based. The order shall be entered upon the records of the administrator and shall not be effective until after thirty days' written notice thereof given after such entry forwarded by registered mail to the licensee at such principal place of business. No revocation, suspension or surrender of any license shall impair or affect the obligation of any lawful retail installment contract acquired previously thereto by the licensee. Within thirty days after any such denial, suspension or revocation of a license the person aggrieved may apply for a review thereof by an application to any chancellor or judge of the chancery court of the county wherein is located the principal place of business in this state of such licensee in accordance with the practice of said court. Any chancellor or judge of the chancery court of the county wherein is located the principal place of business in this state of such licensee shall determine de novo all questions, both of fact and of law, touching upon the legality and reasonableness of the determination of the administrator, and shall render such judgment as shall be lawful and just. Codes, 1942, § 8075-09; Laws, 1958, ch. 495, § 22, eff. 7/21/1958. No license shall be denied, suspended or revoked except after hearing thereon. The administrator shall give the licensee at least ten days' written notice, in the form of an order to show cause, of the time and place of such hearing by certified mail addressed to the principal place of business in this state of such licensee. The said notice shall contain the grounds of complaint against the licensee. Any order suspending or revoking such license shall recite the grounds upon which the same is based. The order shall be entered upon the records of the administrator and shall not be effective until after thirty days' written notice thereof given after such entry forwarded by registered mail to the licensee at such principal place of business. No revocation, suspension or surrender of any license shall impair or affect the obligation of any lawful retail installment contract acquired previously thereto by the licensee. Within thirty days after any such denial, suspension or revocation of a license the person aggrieved may apply for a review thereof by an application to any chancellor or judge of the chancery court of the county wherein is located the principal place of business in this state of such licensee in accordance with the practice of said court. Any chancellor or judge of the chancery court of the county wherein is located the principal place of business in this state of such licensee shall determine de novo all questions, both of fact and of law, touching upon the legality and reasonableness of the determination of the administrator, and shall render such judgment as shall be lawful and just. Codes, 1942, § 8075-09; Laws, 1958, ch. 495, § 22, eff. 7/21/1958. No license shall be denied, suspended or revoked except after hearing thereon. The administrator shall give the licensee at least ten days' written notice, in the form of an order to show cause, of the time and place of such hearing by certified mail addressed to the principal place of business in this state of such licensee. The said notice shall contain the grounds of complaint against the licensee. Any order suspending or revoking such license shall recite the grounds upon which the same is based. The order shall be entered upon the records of the administrator and shall not be effective until after thirty days' written notice thereof given after such entry forwarded by registered mail to the licensee at such

principal place of business. No revocation, suspension or surrender of any license shall impair or affect the obligation of any lawful retail installment contract acquired previously thereto by the licensee. Within thirty days after any such denial, suspension or revocation of a license the person aggrieved may apply for a review thereof by an application to any chancellor or judge of the chancery court of the county wherein is located the principal place of business in this state of such licensee in accordance with the practice of said court. Any chancellor or judge of the chancery court of the county wherein is located the principal place of business in this state of such licensee shall determine de novo all questions, both of fact and of law, touching upon the legality and reasonableness of the determination of the administrator, and shall render such judgment as shall be lawful and just. Codes, 1942, § 8075-09; Laws, 1958, ch. 495, § 22, eff. 7/21/1958. No license shall be denied, suspended or revoked except after hearing thereon. The administrator shall give the licensee at least ten days' written notice, in the form of an order to show cause, of the time and place of such hearing by certified mail addressed to the principal place of business in this state of such licensee. The said notice shall contain the grounds of complaint against the licensee. Any order suspending or revoking such license shall recite the grounds upon which the same is based. The order shall be entered upon the records of the administrator and shall not be effective until after thirty days' written notice thereof given after such entry forwarded by registered mail to the licensee at such principal place of business. No revocation, suspension or surrender of any license shall impair or affect the obligation of any lawful retail installment contract acquired previously thereto by the licensee. Within thirty days after any such denial, suspension or revocation of a license the person aggrieved may apply for a review thereof by an application to any chancellor or judge of the chancery court of the county wherein is located the principal place of business in this state of such licensee in accordance with the practice of said court. Any chancellor or judge of the chancery court of the county wherein is located the principal place of business in this state of such licensee shall determine de novo all questions, both of fact and of law, touching upon the legality and reasonableness of the determination of the administrator, and shall render such judgment as shall be lawful and just. Codes, 1942, § 8075-09; Laws, 1958, ch. 495, § 22, eff. 7/21/1958.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61) Section 63-19-23 - Investigations and examinations of licensees

The administrator shall, at intermittent periods, make such investigations and examinations of any licensee or other person as he deems necessary to determine compliance with this chapter. For such purpose he may examine the books, accounts, records and other documents or matters of any licensee or other person. He shall have the power to compel the production of all relevant books, records and other documents and materials relative to an examination or investigation. Such investigations and examinations shall not be made more often than once during a year unless the administrator has reason to believe the licensee is not complying with the provisions of this chapter. Codes, 1942, § 8075-10; Laws, 1958, ch. 495, § 23, eff. 7/21/1958. Amended by Laws, 2023, ch. 413, HB 1030, § 8, eff. 3/22/2023. The administrator shall, at intermittent periods, make such investigations and examinations of any licensee or other person as he deems necessary to determine compliance with this chapter. For such purpose he may examine the books, accounts, records and other documents or matters of any licensee or other person. He shall have the power to compel the production of all relevant books, records and other documents and materials relative to an examination or investigation. Such investigations and examinations shall not be made more often than once during a year unless the administrator has reason to believe the licensee is not complying with the provisions of this chapter. Codes, 1942, § 8075-10; Laws, 1958, ch. 495, § 23, eff. 7/21/1958. Amended by Laws, 2023, ch. 413, HB 1030, § 8, eff. 3/22/2023. The administrator shall, at intermittent periods, make such investigations and examinations of any licensee or other person as he deems necessary to determine compliance with this chapter. For such purpose he may examine the books, accounts, records and other documents or matters of any licensee or other person. He shall have the power to compel the production of all relevant books, records and other documents and materials relative to an examination or investigation. Such investigations and examinations shall not be made more often than once during a year unless the administrator has reason to believe the licensee is not complying with the provisions of this chapter. Codes, 1942, § 8075-10; Laws, 1958, ch. 495, § 23, eff. 7/21/1958. Amended by Laws, 2023, ch. 413, HB 1030, § 8, eff. 3/22/2023.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61) Section 63-19-25 - Filing and examination of complaints against licensees

Any retail buyer having reason to believe that this chapter relating to his retail installment contract has been violated may file with the administrator a written complaint setting forth the details of such alleged violation. The administrator, upon receipt of such complaint, may inspect the pertinent books, records, letters and contracts of the licensee and of the retail seller involved, relating to such specific written complaint. Codes, 1942, § 8075-11; Laws, 1958, ch. 495, § 24, eff. 7/21/1958. Any retail buyer having reason to believe that this chapter relating to his retail installment contract has been violated may file with the administrator a written

complaint setting forth the details of such alleged violation. The administrator, upon receipt of such complaint, may inspect the pertinent books, records, letters and contracts of the licensee and of the retail seller involved, relating to such specific written complaint. Codes, 1942, § 8075-11; Laws, 1958, ch. 495, § 24, eff. 7/21/1958. Any retail buyer having reason to believe that this chapter relating to his retail installment contract has been violated may file with the administrator a written complaint setting forth the details of such alleged violation. The administrator, upon receipt of such complaint, may inspect the pertinent books, records, letters and contracts of the licensee and of the retail seller involved, relating to such specific written complaint. Codes, 1942, § 8075-11; Laws, 1958, ch. 495, § 24, eff. 7/21/1958. Any retail buyer having reason to believe that this chapter relating to his retail installment contract has been violated may file with the administrator a written complaint setting forth the details of such alleged violation. The administrator, upon receipt of such complaint, may inspect the pertinent books, records, letters and contracts of the licensee and of the retail seller involved, relating to such specific written complaint. Codes, 1942, § 8075-11; Laws, 1958, ch. 495, § 24, eff. 7/21/1958.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61) Section 63-19-27 - Payment of expenses of examination by licensee

(1) The commissioner may charge the licensee an examination fee in an amount not less than Three Hundred Dollars (\$300.00) nor more than Six Hundred Dollars (\$600.00) for each office or location within the State of Mississippi, plus any actual expenses incurred while examining the licensee's records or books that are located outside the State of Mississippi. However, in no event shall a licensee be examined more than once in a two-year period unless for cause shown based upon consumer complaint and/or other exigent reasons as determined by the commissioner. All expense fees paid to the commissioner for examinations conducted under this subsection shall be deposited by the commissioner in the State Treasury in a special and separate fund to be known as the "Consumer Finance Fund." (2) When any special examination is conducted and so denominated by the commissioner, he or she shall charge the licensee so examined the cost based on the average daily cost of all examiners of the department plus actual and necessary expenses. The fees for any special examination conducted under this subsection shall be deposited by the commissioner into the Department of Banking and Consumer Finance's Maintenance Fund and may be expended for any purpose authorized for that fund. Codes, 1942, § 8075-17; Laws, 1958, ch. 495, § 30; Laws, 1975, ch. 440, § 1; Laws, 1985, ch. 345, § 1; brought forward, Laws, 1990, ch. 303, § 3; Laws, 2000, ch. 621, § 4; Laws, 2004, ch. 450, § 1, eff. 4/28/2004. Amended by Laws, 2023, ch. 413, HB 1030, § 4, eff. 3/22/2023. (1) The commissioner may charge the licensee an examination fee in an amount not less than Three Hundred Dollars (\$300.00) nor more than Six Hundred Dollars (\$600.00) for each office or location within the State of Mississippi, plus any actual expenses incurred while examining the licensee's records or books that are located outside the State of Mississippi. However, in no event shall a licensee be examined more than once in a two-year period unless for cause shown based upon consumer complaint and/or other exigent reasons as determined by the commissioner. All expense fees paid to the commissioner for examinations conducted under this subsection shall be deposited by the commissioner in the State Treasury in a special and separate fund to be known as the "Consumer Finance Fund." (2) When any special examination is conducted and so denominated by the commissioner, he or she shall charge the licensee so examined the cost based on the average daily cost of all examiners of the department plus actual and necessary expenses. The fees for any special examination conducted under this subsection shall be deposited by the commissioner into the Department of Banking and Consumer Finance's Maintenance Fund and may be expended for any purpose authorized for that fund. Codes, 1942, § 8075-17; Laws, 1958, ch. 495, § 30; Laws, 1975, ch. 440, § 1; Laws, 1985, ch. 345, § 1; brought forward, Laws, 1990, ch. 303, § 3; Laws, 2000, ch. 621, § 4; Laws, 2004, ch. 450, § 1, eff. 4/28/2004. Amended by Laws, 2023, ch. 413, HB 1030, § 4, eff. 3/22/2023. (1) The commissioner may charge the licensee an examination fee in an amount not less than Three Hundred Dollars (\$300.00) nor more than Six Hundred Dollars (\$600.00) for each office or location within the State of Mississippi, plus any actual expenses incurred while examining the licensee's records or books that are located outside the State of Mississippi. However, in no event shall a licensee be examined more than once in a two-year period unless for cause shown based upon consumer complaint and/or other exigent reasons as determined by the commissioner. All expense fees paid to the commissioner for examinations conducted under this subsection shall be deposited by the commissioner in the State Treasury in a special and separate fund to be known as the "Consumer Finance Fund." (2) When any special examination is conducted and so denominated by the commissioner, he or she shall charge the licensee so examined the cost based on the average daily cost of all examiners of the department plus actual and necessary expenses. The fees for any special examination conducted under this subsection shall be deposited by the commissioner into the Department of Banking and Consumer Finance's Maintenance Fund and may be expended for any purpose authorized for that fund. Codes, 1942, § 8075-17; Laws, 1958, ch. 495, § 30; Laws, 1975, ch. 440, § 1; Laws, 1985, ch. 345, § 1; brought forward, Laws, 1990, ch. 303, § 3; Laws, 2000, ch. 621, § 4; Laws, 2004, ch. 450, § 1, eff. 4/28/2004. Amended by Laws, 2023, ch. 413, HB 1030, § 4, eff. 3/22/2023. Codes, 1942, § 8075-17; Laws, 1958, ch. 495, § 30; Laws, 1975, ch. 440, § 1; Laws, 1985, ch. 345, § 1; brought forward, Laws, 1990, ch. 303, § 3; Laws, 2000, ch. 621, § 4; Laws, 2004, ch. 450, § 1, eff. 4/28/2004. Amended by Laws, 2023, ch. 413, HB 1030, § 4, eff. 3/22/2023.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61) Section 63-19-29 - Issuance of subpoenas; administration of oaths; enforcement of subpoenas, etc

The administrator shall have power to issue subpoenas to compel the attendance of witnesses and the production of documents,

papers, books, records and other evidence before him in any matter over which he has jurisdiction, control or supervision pertaining to this chapter. The administrator shall have the power to administer oaths and affirmations to any person whose testimony is required. If any person shall refuse to obey any such subpoena, or to give testimony, or to produce evidence as required thereby, any judge or chancellor of the chancery court of the first judicial district of Hinds County may, upon application and proof of such refusal, make an order awarding process of subpoena, or subpoena duces tecum, out of said court, for the witness to appear before the administrator and to give testimony, and to produce evidence as required thereby. Upon filing such order in the office of the clerk of the said chancery court, the clerk shall issue process of subpoena, as directed, under the seal of said court, requiring the person to whom it is directed, to appear at the time and place therein designated. If any person served with any such subpoena shall refuse to obey the same, and to give testimony, and to produce evidence as required thereby, the administrator may apply to any judge or chancellor of the chancery court of the first judicial district of Hinds County for an attachment against such person, as for a contempt. The judge, or chancellor, upon satisfactory proof of such refusal, shall issue an attachment, directed to any sheriff, constable or police officer, for the arrest of such person, and upon his being brought before such judge, proceed to a hearing of the case. The judge, or chancellor, shall have power to enforce obedience to such subpoena, and the answering of any question, and the production of any evidence, that may be proper by imposition of a fine, not exceeding one hundred dollars (\$100.00), or by imprisonment in the county jail, or by both imposition of a fine and imprisonment, and to compel such witness to pay the costs of such proceeding to be taxed. Codes, 1942, § 8075-12; Laws, 1958, ch. 495, § 25, eff. 7/21/1958. The administrator shall have power to issue subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records and other evidence before him in any matter over which he has jurisdiction, control or supervision pertaining to this chapter. The administrator shall have the power to administer oaths and affirmations to any person whose testimony is required. If any person shall refuse to obey any such subpoena, or to give testimony, or to produce evidence as required thereby, any judge or chancellor of the chancery court of the first judicial district of Hinds County may, upon application and proof of such refusal, make an order awarding process of subpoena, or subpoena duces tecum, out of said court, for the witness to appear before the administrator and to give testimony, and to produce evidence as required thereby. Upon filing such order in the office of the clerk of the said chancery court, the clerk shall issue process of subpoena, as directed, under the seal of said court, requiring the person to whom it is directed, to appear at the time and place therein designated. If any person served with any such subpoena shall refuse to obey the same, and to give testimony, and to produce evidence as required thereby, the administrator may apply to any judge or chancellor of the chancery court of the first judicial district of Hinds County for an attachment against such person, as for a contempt. The judge, or chancellor, upon satisfactory proof of such refusal, shall issue an attachment, directed to any sheriff, constable or police officer, for the arrest of such person, and upon his being brought before such judge, proceed to a hearing of the case. The judge, or chancellor, shall have power to enforce obedience to such subpoena, and the answering of any question, and the production of any evidence, that may be proper by imposition of a fine, not exceeding one hundred dollars (\$100.00), or by imprisonment in the county jail, or by both imposition of a fine and imprisonment, and to compel such witness to pay the costs of such proceeding to be taxed. Codes, 1942, § 8075-12; Laws, 1958, ch. 495, § 25, eff. 7/21/1958. The administrator shall have power to issue subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records and other evidence before him in any matter over which he has jurisdiction, control or supervision pertaining to this chapter. The administrator shall have the power to administer oaths and affirmations to any person whose testimony is required. If any person shall refuse to obey any such subpoena, or to give testimony, or to produce evidence as required thereby, any judge or chancellor of the chancery court of the first judicial district of Hinds County may, upon application and proof of such refusal, make an order awarding process of subpoena, or subpoena duces tecum, out of said court, for the witness to appear before the administrator and to give testimony, and to produce evidence as required thereby. Upon filing such order in the office of the clerk of the said chancery court, the clerk shall issue process of subpoena, as directed, under the seal of said court, requiring the person to whom it is directed, to appear at the time and place therein designated. If any person served with any such subpoena shall refuse to obey the same, and to give testimony, and to produce evidence as required thereby, the administrator may apply to any judge or chancellor of the chancery

court of the first judicial district of Hinds County for an attachment against such person, as for a contempt. The judge, or chancellor, upon satisfactory proof of such refusal, shall issue an attachment, directed to any sheriff, constable or police officer, for the arrest of such person, and upon his being brought before such judge, proceed to a hearing of the case. The judge, or chancellor, shall have power to enforce obedience to such subpoena, and the answering of any question, and the production of any evidence, that may be proper by imposition of a fine, not exceeding one hundred dollars (\$100.00), or by imprisonment in the county jail, or by both imposition of a fine and imprisonment, and to compel such witness to pay the costs of such proceeding to be taxed. Codes, 1942, § 8075-12; Laws, 1958, ch. 495, § 25, eff. 7/21/1958.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61) Section 63-19-3 - Definitions

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context or subject matter otherwise requires: (a) "Motor vehicle" means any self-propelled or motored device designed to be used or used primarily for the transportation of passengers or property, or both, and having a gross vehicular weight rating of less than fifteen thousand (15,000) pounds, but shall not include electric personal assistive mobility devices, personal delivery devices or electric bicycles as defined in Section 63-3-103. (b) "Commercial vehicle" means any self-propelled or motored device designed to be used or used primarily for the transportation of passengers or property, or both, and having a gross vehicular weight rating of fifteen thousand (15,000) pounds or more; however, wherever "motor vehicle" appears in this chapter, except in Section 63-19-43, the same shall be construed to include commercial vehicles where such construction is necessary in order to give effect to this chapter. (c) "Retail buyer" or "buyer" means a person who buys a motor vehicle or commercial vehicle from a retail seller, not for the purpose of resale, and who executes a retail installment contract in connection therewith. (d) "Retail seller" or "seller" means a person who sells a motor vehicle or commercial vehicle to a retail buyer under or subject to a retail installment contract. (e) The "holder" of a retail installment contract means the retail seller of the motor vehicle or commercial vehicle under or subject to the contract or if the contract is purchased by a sales finance company or other assignee, the sales finance company or other assignee. (f) "Retail installment transaction" means any transaction evidenced by a retail installment contract entered into between a retail buyer and a retail seller wherein the retail buyer buys a motor vehicle or commercial vehicle from the retail seller at a time price payable in one or more deferred installments. The cash sale price of the motor vehicle or commercial vehicle, the amount included for insurance and other benefits if a separate charge is made therefor, official fees and the finance charge shall together constitute the time price. (g) "Retail installment contract" or "contract" means an agreement entered into in this state pursuant to which the title to or a lien upon the motor vehicle or commercial vehicle which is the subject matter of a retail installment transaction is retained or taken by a retail seller from a retail buyer as security for the buyer's obligation. The term includes a chattel mortgage, a conditional sales contract and a contract for the bailment or leasing of a motor vehicle or commercial vehicle by which the bailee or lessee contracts to pay as compensation for its use a sum substantially equivalent to or in excess of its value and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of the motor vehicle upon full compliance with the provisions of the contract. (h) "Cash sale price" means the price stated in a retail installment contract for which the seller would have sold to the buyer, and the buyer would have bought from the seller, the motor vehicle or commercial vehicle which is the subject matter of the retail installment contract, if such sale had been a sale for cash instead of a retail installment transaction. The cash sale price may include any taxes, registration, certificate of title, if any, license and other fees and charges for accessories and their installation and for delivery, servicing, repairing or improving the motor vehicle or commercial vehicle. (i) "Official fees" means the fees prescribed by law for filing, recording or otherwise perfecting and releasing or satisfying a retained title or a lien created by a retail installment contract, if recorded. (j) "Finance charge" means the amount agreed upon between the buyer and the seller, as limited in this chapter, to be added to the aggregate of the cash sale price, the amount, if any, included for insurance and other benefits and official fees, in determining the time price. (k) "Sales finance company" means a person engaged, in whole or in part, in the business of purchasing retail installment contracts from one or more retail sellers. The term includes, but is not limited to, a bank, trust company, private banker, industrial bank or investment company, if so engaged. The term also includes a retail seller engaged, in whole or in part, in the business of creating and holding retail installment contracts which exceed a total aggregate outstanding indebtedness of Five Hundred Thousand Dollars (\$500,000.00). The term does not include the pledgee to whom is pledged one or more of such contracts to secure a bona fide loan thereon. (l) "Person" means an individual, partnership, corporation, association and any other group however organized. (m) "Administrator" means the Commissioner of Banking and Consumer Finance or his duly authorized representative. (n) "Commissioner" means the Commissioner of Banking and Consumer Finance. (o) "Records" or "documents" means any item in hard copy or produced in a format of storage commonly described as electronic, imaged, magnetic, microphotographic or otherwise, and any reproduction so made shall have the same force and effect as the original thereof and be admitted in evidence equally with the original. Words in the singular include the plural and vice versa. Codes, 1942, § 8075-01; Laws, 1958, ch. 495, §§ 1-14; Laws, 1968, ch. 537, § 1; Laws, 1975, ch. 316, § 1; Laws, 1990, ch. 303, § 1; Laws, 1997, ch. 332, § 1; Laws, 2000, ch. 621, § 1; Laws, 2003, ch. 485, § 13, eff. 7/1/2003. Brought forward by Laws, 2023, ch. 443, HB 1003, § 31, eff. 7/1/2023. Amended by Laws, 2022, ch. 439, SB 2508, § 10, eff. 7/1/2022. Amended by Laws, 2021, ch. 355, HB 1195, § 10, eff. 7/1/2021. The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context or subject matter otherwise requires: (a) "Motor vehicle" means any self-propelled or motored device designed to be used or used primarily for the transportation of passengers or property, or both, and having a gross vehicular weight rating of less than fifteen thousand (15,000) pounds, but

shall not include electric personal assistive mobility devices, personal delivery devices or electric bicycles as defined in Section 63-3-103.

(b) "Commercial vehicle" means any self-propelled or motored device designed to be used or used primarily for the transportation of passengers or property, or both, and having a gross vehicular weight rating of fifteen thousand (15,000) pounds or more; however, wherever "motor vehicle" appears in this chapter, except in Section 63-19-43, the same shall be construed to include commercial vehicles where such construction is necessary in order to give effect to this chapter.

(c) "Retail buyer" or "buyer" means a person who buys a motor vehicle or commercial vehicle from a retail seller, not for the purpose of resale, and who executes a retail installment contract in connection therewith.

(d) "Retail seller" or "seller" means a person who sells a motor vehicle or commercial vehicle to a retail buyer under or subject to a retail installment contract.

(e) The "holder" of a retail installment contract means the retail seller of the motor vehicle or commercial vehicle under or subject to the contract or if the contract is purchased by a sales finance company or other assignee, the sales finance company or other assignee.

(f) "Retail installment transaction" means any transaction evidenced by a retail installment contract entered into between a retail buyer and a retail seller wherein the retail buyer buys a motor vehicle or commercial vehicle from the retail seller at a time price payable in one or more deferred installments. The cash sale price of the motor vehicle or commercial vehicle, the amount included for insurance and other benefits if a separate charge is made therefor, official fees and the finance charge shall together constitute the time price.

(g) "Retail installment contract" or "contract" means an agreement entered into in this state pursuant to which the title to or a lien upon the motor vehicle or commercial vehicle which is the subject matter of a retail installment transaction is retained or taken by a retail seller from a retail buyer as security for the buyer's obligation. The term includes a chattel mortgage, a conditional sales contract and a contract for the bailment or leasing of a motor vehicle or commercial vehicle by which the bailee or lessee contracts to pay as compensation for its use a sum substantially equivalent to or in excess of its value and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of the motor vehicle upon full compliance with the provisions of the contract.

(h) "Cash sale price" means the price stated in a retail installment contract for which the seller would have sold to the buyer, and the buyer would have bought from the seller, the motor vehicle or commercial vehicle which is the subject matter of the retail installment contract, if such sale had been a sale for cash instead of a retail installment transaction. The cash sale price may include any taxes, registration, certificate of title, if any, license and other fees and charges for accessories and their installation and for delivery, servicing, repairing or improving the motor vehicle or commercial vehicle.

(i) "Official fees" means the fees prescribed by law for filing, recording or otherwise perfecting and releasing or satisfying a retained title or a lien created by a retail installment contract, if recorded.

(j) "Finance charge" means the amount agreed upon between the buyer and the seller, as limited in this chapter, to be added to the aggregate of the cash sale price, the amount, if any, included for insurance and other benefits and official fees, in determining the time price.

(k) "Sales finance company" means a person engaged, in whole or in part, in the business of purchasing retail installment contracts from one or more retail sellers. The term includes, but is not limited to, a bank, trust company, private banker, industrial bank or investment company, if so engaged. The term also includes a retail seller engaged, in whole or in part, in the business of creating and holding retail installment contracts which exceed a total aggregate outstanding indebtedness of Five Hundred Thousand Dollars (\$500,000.00). The term does not include the pledgee to whom is pledged one or more of such contracts to secure a bona fide loan thereon.

(l) "Person" means an individual, partnership, corporation, association and any other group however organized.

(m) "Administrator" means the Commissioner of Banking and Consumer Finance or his duly authorized representative.

(n) "Commissioner" means the Commissioner of Banking and Consumer Finance.

(o) "Records" or "documents" means any item in hard copy or produced in a format of storage commonly described as electronic, imaged, magnetic, microphotographic or otherwise, and any reproduction so made shall have the same force and effect as the original thereof and be admitted in evidence equally with the original. Words in the singular include the plural and vice versa. Codes, 1942, § 8075-01; Laws, 1958, ch. 495, §§ 1-14; Laws, 1968, ch. 537, § 1; Laws, 1975, ch. 316, § 1; Laws, 1990, ch. 303, § 1; Laws, 1997, ch. 332, § 1; Laws, 2000, ch. 621, § 1; Laws, 2003, ch. 485, § 13, eff. 7/1/2003. Brought forward by Laws, 2023, ch. 443, HB 1003, § 31, eff. 7/1/2023. Amended by Laws, 2022, ch. 439, SB 2508, § 10, eff. 7/1/2022. Amended by Laws, 2021, ch. 355, HB 1195, § 10, eff. 7/1/2021. The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context or subject matter otherwise requires:

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(c) "Retail buyer" or "buyer" means a person who buys a motor vehicle or commercial vehicle from a retail seller, not for the purpose of resale, and who executes a retail installment contract in connection therewith.

(d) "Retail seller" or "seller" means a person who sells a motor vehicle or commercial vehicle to a retail buyer under or subject to a retail installment contract.

(e) The "holder" of a retail installment contract means the retail seller of the motor vehicle or commercial vehicle under or subject to the contract or if the contract is purchased by a sales finance company or other assignee, the sales finance company or other assignee.

(f) "Retail installment transaction" means any transaction evidenced by a retail installment contract entered into between a retail buyer and a retail seller wherein the retail buyer buys a motor vehicle or commercial vehicle from the retail seller at a time price payable in one or more deferred installments. The cash sale price of the motor vehicle or commercial vehicle, the amount included for insurance and other benefits if a separate charge is made therefor, official fees and the finance charge shall together constitute the time

price.(g)"Retail installment contract" or "contract" means an agreement entered into in this state pursuant to which the title to or a lien upon the motor vehicle or commercial vehicle which is the subject matter of a retail installment transaction is retained or taken by a retail seller from a retail buyer as security for the buyer's obligation. The term includes a chattel mortgage, a conditional sales contract and a contract for the bailment or leasing of a motor vehicle or commercial vehicle by which the bailee or lessee contracts to pay as compensation for its use a sum substantially equivalent to or in excess of its value and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of the motor vehicle upon full compliance with the provisions of the contract.(h)"Cash sale price" means the price stated in a retail installment contract for which the seller would have sold to the buyer, and the buyer would have bought from the seller, the motor vehicle or commercial vehicle which is the subject matter of the retail installment contract, if such sale had been a sale for cash instead of a retail installment transaction. The cash sale price may include any taxes, registration, certificate of title, if any, license and other fees and charges for accessories and their installation and for delivery, servicing, repairing or improving the motor vehicle or commercial vehicle.(i)"Official fees" means the fees prescribed by law for filing, recording or otherwise perfecting and releasing or satisfying a retained title or a lien created by a retail installment contract, if recorded.(j)"Finance charge" means the amount agreed upon between the buyer and the seller, as limited in this chapter, to be added to the aggregate of the cash sale price, the amount, if any, included for insurance and other benefits and official fees, in determining the time price.(k)"Sales finance company" means a person engaged, in whole or in part, in the business of purchasing retail installment contracts from one or more retail sellers. The term includes, but is not limited to, a bank, trust company, private banker, industrial bank or investment company, if so engaged. The term also includes a retail seller engaged, in whole or in part, in the business of creating and holding retail installment contracts which exceed a total aggregate outstanding indebtedness of Five Hundred Thousand Dollars (\$500,000.00). The term does not include the pledgee to whom is pledged one or more of such contracts to secure a bona fide loan thereon.(l)"Person" means an individual, partnership, corporation, association and any other group however organized.(m)"Administrator" means the Commissioner of Banking and Consumer Finance or his duly authorized representative.(n)"Commissioner" means the Commissioner of Banking and Consumer Finance.(o)"Records" or "documents" means any item in hard copy or produced in a format of storage commonly described as electronic, imaged, magnetic, microphotographic or otherwise, and any reproduction so made shall have the same force and effect as the original thereof and be admitted in evidence equally with the original. Words in the singular include the plural and vice versa. Codes, 1942, § 8075-01; Laws, 1958, ch. 495, §§ 1-14; Laws, 1968, ch. 537, § 1; Laws, 1975, ch. 316, § 1; Laws, 1990, ch. 303, § 1; Laws, 1997, ch. 332, § 1; Laws, 2000, ch. 621, § 1; Laws, 2003, ch. 485, § 13, eff. 7/1/2003. Brought forward by Laws, 2023, ch. 443, HB 1003, § 31, eff. 7/1/2023. Amended by Laws, 2022, ch. 439, SB 2508, § 10, eff. 7/1/2022. Amended by Laws, 2021, ch. 355, HB 1195, § 10, eff. 7/1/2021. The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context or subject matter otherwise requires: Words in the singular include the plural and vice versa. Codes, 1942, § 8075-01; Laws, 1958, ch. 495, §§ 1-14; Laws, 1968, ch. 537, § 1; Laws, 1975, ch. 316, § 1; Laws, 1990, ch. 303, § 1; Laws, 1997, ch. 332, § 1; Laws, 2000, ch. 621, § 1; Laws, 2003, ch. 485, § 13, eff. 7/1/2003. Brought forward by Laws, 2023, ch. 443, HB 1003, § 31, eff. 7/1/2023. Amended by Laws, 2022, ch. 439, SB 2508, § 10, eff. 7/1/2022. Amended by Laws, 2021, ch. 355, HB 1195, § 10, eff. 7/1/2021.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61) Section 63-19-31 - Execution, terms and delivery of retail installment contract

(1)(a) A retail installment contract shall be in writing, shall be signed by both the buyer and the seller, and shall be completed as to all essential provisions prior to the signing of the contract by the buyer. (b) The printed portion of the contract, other than instructions for completion, shall be in at least eight point type. The contract shall contain in a size equal to at least ten point bold type: (i) A specific statement that liability insurance coverage for bodily injury and property damage caused to others is not included, if that is the case; and (ii) The following notice: "Notice to the Buyer: 1. Do not sign this contract before you read it or if it contains any blank spaces. 2. You are entitled to an exact copy of the contract you sign." (c) The seller shall deliver to the buyer, or mail to him at his address shown on the contract, a copy of the contract signed by the seller. Until the seller does so, a buyer who has not received delivery of the motor vehicle shall have the right to rescind his agreement and to receive a refund of all payments made and return of all goods traded in to the seller on account of or in contemplation of the contract, or if such goods cannot be returned, the value thereof. Any acknowledgment by the buyer of the delivery of a copy of the contract shall be in a size equal to at least ten point bold type and, if contained in the contract, shall appear directly above the buyer's signature. (d) The contract shall contain the names of the seller and the buyer, the place of business of the seller, the residence or place of business of the buyer as specified by the buyer and a description of the motor vehicle including its make, year model, model and identification numbers or marks. (2) The contract shall contain the following items: (a) The cash sale price of the motor vehicle; (b) The amount of the buyer's down payment, and whether made in money or goods, or partly in money and partly in goods; (c) The difference between items (a) and (b); (d) The amount, if any, included for insurance and other benefits specifying the types of coverage and benefits; (e) The amount of official fees; (f) The amount, if any, actually paid or to be paid by the seller pursuant to an agreement with the buyer to discharge a security interest, lien or lease interest on property traded in; (g) The principal balance, which is the sum of items (c), (d), (e) and (f); (h) The amount of the finance charge; (i) The time balance, which is the sum of items (g) and (h), payable in installments by the buyer to the seller, the number of installments, the amount of each installment and the due date or period thereof. The above items need not be stated in the sequence or order set forth. Additional items may be included to explain the calculations involved in determining the stated time

balance to be paid by the buyer. Notwithstanding any provision of this chapter to the contrary, in any contract evidencing the sale of a commercial vehicle, the statement of the amount of the finance charge (item (h) hereof) and the amount of each installment (item (i) hereof) may be calculated using the finance charge rate applicable to the transaction as of the date of execution of the contract, notwithstanding the fact that such finance charge rate may increase or decrease over the term of the contract according to any formula or index set forth in the contract; provided, however, that under no circumstances may the variable rate under such contract at any time exceed the finance charge limitations found in Section 63-19-43, of this chapter.

(3) No retail installment contract shall be signed by any party thereto when it contains blank spaces to be filled in after it has been signed except that, if delivery of the motor vehicle is not made at the time of the execution of the contract, the identifying numbers or marks of the motor vehicle or similar information and the due date of the first installment may be inserted in the contract after its execution. The buyer's written acknowledgment, conforming to the requirements of subdivision (c) of subsection (1) of this section, of delivery of a copy of a contract shall be conclusive proof of such delivery, that the contract when signed did not contain any blank spaces except as herein provided, and of compliance with Sections 63-19-31 through 63-19-41 in any action or proceeding by or against the holder of the contract. Codes, 1942, § 8075-13; Laws, 1958, ch. 495, § 26; Laws, 1985, ch. 527, § 1; Laws, 1999, ch. 426, § 1; Laws, 2000, ch. 621, § 5, eff. 5/23/2000.

(1)(a) A retail installment contract shall be in writing, shall be signed by both the buyer and the seller, and shall be completed as to all essential provisions prior to the signing of the contract by the buyer.

(b) The printed portion of the contract, other than instructions for completion, shall be in at least eight point type. The contract shall contain in a size equal to at least ten point bold type:

(i) A specific statement that liability insurance coverage for bodily injury and property damage caused to others is not included, if that is the case; and

(ii) The following notice: "Notice to the Buyer: 1. Do not sign this contract before you read it or if it contains any blank spaces. 2. You are entitled to an exact copy of the contract you sign."

(c) The seller shall deliver to the buyer, or mail to him at his address shown on the contract, a copy of the contract signed by the seller. Until the seller does so, a buyer who has not received delivery of the motor vehicle shall have the right to rescind his agreement and to receive a refund of all payments made and return of all goods traded in to the seller on account of or in contemplation of the contract, or if such goods cannot be returned, the value thereof. Any acknowledgment by the buyer of the delivery of a copy of the contract shall be in a size equal to at least ten point bold type and, if contained in the contract, shall appear directly above the buyer's signature.

(d) The contract shall contain the names of the seller and the buyer, the place of business of the seller, the residence or place of business of the buyer as specified by the buyer and a description of the motor vehicle including its make, year model, model and identification numbers or marks.

(2) The contract shall contain the following items:

(a) The cash sale price of the motor vehicle;

(b) The amount of the buyer's down payment, and whether made in money or goods, or partly in money and partly in goods;

(c) The difference between items (a) and (b);

(d) The amount, if any, included for insurance and other benefits specifying the types of coverage and benefits;

(e) The amount of official fees;

(f) The amount, if any, actually paid or to be paid by the seller pursuant to an agreement with the buyer to discharge a security interest, lien or lease interest on property traded in;

(g) The principal balance, which is the sum of items (c), (d), (e) and (f);

(h) The amount of the finance charge;

(i) The time balance, which is the sum of items (g) and (h), payable in installments by the buyer to the seller, the number of installments, the amount of each installment and the due date or period thereof. The above items need not be stated in the sequence or order set forth. Additional items may be included to explain the calculations involved in determining the stated time balance to be paid by the buyer. Notwithstanding any provision of this chapter to the contrary, in any contract evidencing the sale of a commercial vehicle, the statement of the amount of the finance charge (item (h) hereof) and the amount of each installment (item (i) hereof) may be calculated using the finance charge rate applicable to the transaction as of the date of execution of the contract, notwithstanding the fact that such finance charge rate may increase or decrease over the term of the contract according to any formula or index set forth in the contract; provided, however, that under no circumstances may the variable rate under such contract at any time exceed the finance charge limitations found in Section 63-19-43, of this chapter.

(3) No retail installment contract shall be signed by any party thereto when it contains blank spaces to be filled in after it has been signed except that, if delivery of the motor vehicle is not made at the time of the execution of the contract, the identifying numbers or marks of the motor vehicle or similar information and the due date of the first installment may be inserted in the contract after its execution. The buyer's written acknowledgment, conforming to the requirements of subdivision (c) of subsection (1) of this section, of delivery of a copy of a contract shall be conclusive proof of such delivery, that the contract when signed did not contain any blank spaces except as herein provided, and of compliance with Sections 63-19-31 through 63-19-41 in any action or proceeding by or against the holder of the contract. Codes, 1942, § 8075-13; Laws, 1958, ch. 495, § 26; Laws, 1985, ch. 527, § 1; Laws, 1999, ch. 426, § 1; Laws, 2000, ch. 621, § 5, eff. 5/23/2000.

(1)(a) A retail installment contract shall be in writing, shall be signed by both the buyer and the seller, and shall be completed as to all essential provisions prior to the signing of the contract by the buyer.

(b) The printed portion of the contract, other than instructions for completion, shall be in at least eight point type. The contract shall contain in a size equal to at least ten point bold type:

(i) A specific statement that liability insurance coverage for bodily injury and property damage caused to others is not included, if that is the case; and

(ii) The following notice: "Notice to the Buyer: 1. Do not sign this contract before you read it or if it contains any blank spaces. 2. You are entitled to an exact copy of the contract you sign."

(c) The seller shall deliver to the buyer, or mail to him at his address shown on the contract, a copy of the contract signed by the seller. Until the seller does so, a buyer who has not received delivery of the motor vehicle shall have the right to rescind his agreement and to receive a refund of all payments made and return of all goods traded in to the seller on account of or in contemplation of the contract, or if such goods cannot be returned, the value thereof. Any acknowledgment by the buyer of the delivery of a copy of the contract shall be in a size equal to at least ten point bold type and, if contained in the contract, shall appear directly above the buyer's signature.

(d) The contract shall contain the names of the seller and the buyer, the place of business of the seller, the residence or

place of business of the buyer as specified by the buyer and a description of the motor vehicle including its make, year model, model and identification numbers or marks.(2)The contract shall contain the following items:(a)The cash sale price of the motor vehicle;(b)The amount of the buyer's down payment, and whether made in money or goods, or partly in money and partly in goods;(c)The difference between items (a) and (b);(d)The amount, if any, included for insurance and other benefits specifying the types of coverage and benefits;(e)The amount of official fees;(f)The amount, if any, actually paid or to be paid by the seller pursuant to an agreement with the buyer to discharge a security interest, lien or lease interest on property traded in;(g)The principal balance, which is the sum of items (c), (d), (e) and (f);(h)The amount of the finance charge;(i)The time balance, which is the sum of items (g) and (h), payable in installments by the buyer to the seller, the number of installments, the amount of each installment and the due date or period thereof.The above items need not be stated in the sequence or order set forth. Additional items may be included to explain the calculations involved in determining the stated time balance to be paid by the buyer. Notwithstanding any provision of this chapter to the contrary, in any contract evidencing the sale of a commercial vehicle, the statement of the amount of the finance charge (item (h) hereof) and the amount of each installment (item (i) hereof) may be calculated using the finance charge rate applicable to the transaction as of the date of execution of the contract, notwithstanding the fact that such finance charge rate may increase or decrease over the term of the contract according to any formula or index set forth in the contract; provided, however, that under no circumstances may the variable rate under such contract at any time exceed the finance charge limitations found in Section63-19-43, of this chapter.(3)No retail installment contract shall be signed by any party thereto when it contains blank spaces to be filled in after it has been signed except that, if delivery of the motor vehicle is not made at the time of the execution of the contract, the identifying numbers or marks of the motor vehicle or similar information and the due date of the first installment may be inserted in the contract after its execution. The buyer's written acknowledgment, conforming to the requirements of subdivision (c) of subsection (1) of this section, of delivery of a copy of a contract shall be conclusive proof of such delivery, that the contract when signed did not contain any blank spaces except as herein provided, and of compliance with Sections63-19-31through63-19-41in any action or proceeding by or against the holder of the contract.Codes, 1942, § 8075-13; Laws, 1958, ch. 495, § 26; Laws, 1985, ch. 527, § 1; Laws, 1999, ch. 426, § 1; Laws, 2000, ch. 621, § 5, eff. 5/23/2000. The above items need not be stated in the sequence or order set forth. Additional items may be included to explain the calculations involved in determining the stated time balance to be paid by the buyer. Notwithstanding any provision of this chapter to the contrary, in any contract evidencing the sale of a commercial vehicle, the statement of the amount of the finance charge (item (h) hereof) and the amount of each installment (item (i) hereof) may be calculated using the finance charge rate applicable to the transaction as of the date of execution of the contract, notwithstanding the fact that such finance charge rate may increase or decrease over the term of the contract according to any formula or index set forth in the contract; provided, however, that under no circumstances may the variable rate under such contract at any time exceed the finance charge limitations found in Section63-19-43, of this chapter. Codes, 1942, § 8075-13; Laws, 1958, ch. 495, § 26; Laws, 1985, ch. 527, § 1; Laws, 1999, ch. 426, § 1; Laws, 2000, ch. 621, § 5, eff. 5/23/2000.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61)Section 63-19-33 - Purchase of insurance pursuant to retail installment contract

(1)The amount, if any, included in a retail installment contract for insurance, which may be purchased by the holder of the retail installment contract, shall not exceed the applicable premiums chargeable in accordance with the rates filed with the state insurance commission. If dual interest insurance on the motor vehicle is purchased by the holder it shall, within thirty days after execution of the retail installment contract, send or cause to be sent to the buyer a policy or policies or certificates of insurance, written by an insurance company authorized to do business in this state, clearly setting forth the amount of the premium, the kind or kinds of insurance, the coverages and all the terms, exceptions, limitations, restrictions and conditions of the contract or contracts of insurance. The buyer shall have the privilege of purchasing such insurance from an agent or broker of his own selection; in such case, however, the inclusion of the insurance premium in the retail installment contract shall be optional with the seller.No holder shall unreasonably or arbitrarily refuse to accept coverage by an insurance company tendered by the buyer.(2)If any insurance is cancelled, or the premium adjusted, any refund of the insurance premium received by the holder shall be credited to the final maturing installments of the contract except to the extent applied toward payment for similar insurance protecting the interests of the buyer and the holder or either of them.Codes, 1942, § 8075-13; Laws, 1958, ch. 495, § 26, eff. 7/21/1958. (1)The amount, if any, included in a retail installment contract for insurance, which may be purchased by the holder of the retail installment contract, shall not exceed the applicable premiums chargeable in accordance with the rates filed with the state insurance commission. If dual interest insurance on the motor vehicle is purchased by the holder it shall, within thirty days after execution of the retail installment contract, send or cause to be sent to the buyer a policy or policies or certificates of insurance, written by an insurance company authorized to do business in this state, clearly setting forth the amount of the premium, the kind or kinds of insurance, the coverages and all the terms, exceptions, limitations, restrictions and conditions of the contract or contracts of insurance. The buyer shall have the privilege of purchasing such insurance from an agent or broker of his own selection; in such case, however, the inclusion of the insurance premium in the retail installment contract shall be optional with the seller.No holder shall unreasonably or arbitrarily refuse to accept coverage by an insurance company tendered by the buyer.(2)If any insurance is cancelled, or the premium adjusted, any refund of the insurance premium received by the holder shall be credited to the final maturing installments of the contract except to the extent applied toward payment for similar insurance protecting the interests of the buyer and the holder or either of

them. Codes, 1942, § 8075-13; Laws, 1958, ch. 495, § 26, eff. 7/21/1958. (1) The amount, if any, included in a retail installment contract for insurance, which may be purchased by the holder of the retail installment contract, shall not exceed the applicable premiums chargeable in accordance with the rates filed with the state insurance commission. If dual interest insurance on the motor vehicle is purchased by the holder it shall, within thirty days after execution of the retail installment contract, send or cause to be sent to the buyer a policy or policies or certificates of insurance, written by an insurance company authorized to do business in this state, clearly setting forth the amount of the premium, the kind or kinds of insurance, the coverages and all the terms, exceptions, limitations, restrictions and conditions of the contract or contracts of insurance. The buyer shall have the privilege of purchasing such insurance from an agent or broker of his own selection; in such case, however, the inclusion of the insurance premium in the retail installment contract shall be optional with the seller. No holder shall unreasonably or arbitrarily refuse to accept coverage by an insurance company tendered by the buyer. (2) If any insurance is cancelled, or the premium adjusted, any refund of the insurance premium received by the holder shall be credited to the final maturing installments of the contract except to the extent applied toward payment for similar insurance protecting the interests of the buyer and the holder or either of them. Codes, 1942, § 8075-13; Laws, 1958, ch. 495, § 26, eff. 7/21/1958. No holder shall unreasonably or arbitrarily refuse to accept coverage by an insurance company tendered by the buyer. Codes, 1942, § 8075-13; Laws, 1958, ch. 495, § 26, eff. 7/21/1958.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61) Section 63-19-35 - Delinquency and collection charges; court costs and attorneys' fees

The holder may, if the contract or refinancing agreement so provides, collect a delinquency and collection charge on a contract evidencing the sale of a commercial vehicle in an amount not exceeding Five Dollars (\$5.00) or four percent (4%) of the amount of any delinquency in default for a period of not less than fifteen (15) days, whichever is greater, but in no event to exceed Fifty Dollars (\$50.00), and on all other retail installment contracts a delinquency and collection charge in an amount not in excess of five percent (5%) or Five Dollars (\$5.00), whichever is less, on each installment in default for a period of not less than ten (10) days. In addition to such delinquency and collection charge, the contract may provide for the payment of court costs and of attorneys' fee not exceeding fifteen per cent (15%) of the amount actually due and unpaid at the time the balance of the contract is accelerated and the entire amount thereof is declared to be due, if the same is referred to an attorney for collection. However, no such attorneys' fee may be charged or collected where the attorney to whom the contract was referred for collection is a salaried employee of the holder of the contract. Codes, 1942, § 8075-13; Laws, 1958, ch. 495, § 26; Laws, 1985, ch. 368, eff. 7/1/1985. The holder may, if the contract or refinancing agreement so provides, collect a delinquency and collection charge on a contract evidencing the sale of a commercial vehicle in an amount not exceeding Five Dollars (\$5.00) or four percent (4%) of the amount of any delinquency in default for a period of not less than fifteen (15) days, whichever is greater, but in no event to exceed Fifty Dollars (\$50.00), and on all other retail installment contracts a delinquency and collection charge in an amount not in excess of five percent (5%) or Five Dollars (\$5.00), whichever is less, on each installment in default for a period of not less than ten (10) days. In addition to such delinquency and collection charge, the contract may provide for the payment of court costs and of attorneys' fee not exceeding fifteen per cent (15%) of the amount actually due and unpaid at the time the balance of the contract is accelerated and the entire amount thereof is declared to be due, if the same is referred to an attorney for collection. However, no such attorneys' fee may be charged or collected where the attorney to whom the contract was referred for collection is a salaried employee of the holder of the contract. Codes, 1942, § 8075-13; Laws, 1958, ch. 495, § 26; Laws, 1985, ch. 368, eff. 7/1/1985. The holder may, if the contract or refinancing agreement so provides, collect a delinquency and collection charge on a contract evidencing the sale of a commercial vehicle in an amount not exceeding Five Dollars (\$5.00) or four percent (4%) of the amount of any delinquency in default for a period of not less than fifteen (15) days, whichever is greater, but in no event to exceed Fifty Dollars (\$50.00), and on all other retail installment contracts a delinquency and collection charge in an amount not in excess of five percent (5%) or Five Dollars (\$5.00), whichever is less, on each installment in default for a period of not less than ten (10) days. 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The holder may, if the contract or refinancing agreement so provides, collect a delinquency and collection charge on a contract evidencing the sale of a commercial vehicle in an amount not exceeding Five Dollars (\$5.00) or four percent (4%) of the amount of any delinquency in default for a period of not less than fifteen (15) days, whichever is greater, but in no event to exceed Fifty Dollars (\$50.00), and on all other retail installment contracts a delinquency and collection charge in an amount not in excess of five percent (5%) or Five Dollars (\$5.00), whichever is less, on each installment in default for a period of not less than ten (10) days. In addition to such delinquency and collection charge, the contract may provide for the payment of court costs and of attorneys' fee not exceeding fifteen per cent (15%) of the amount actually due and unpaid at the time the balance of the contract is accelerated and the entire amount thereof is declared to be due, if the same is referred to an attorney for collection. However, no such attorneys' fee may be charged or collected where the attorney to whom the contract was referred for collection is a salaried employee of the holder of the contract. Codes, 1942, § 8075-13; Laws, 1958, ch. 495, § 26; Laws, 1985, ch. 368, eff. 7/1/1985.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61)Section 63-19-37 - Transfer of equity in motor vehicle; transfer fee

The buyer may transfer his equity in the motor vehicle at any time to another person upon agreement by the holder, and, in such event, the holder of the contract shall be entitled to charge and collect a transfer of equity fee which shall not exceed fifteen dollars (\$15.00). No transfer of equity fee shall be charged or collected unless the holder of the contract shall, in writing, release the transferor from all further liability under such contract. Codes, 1942, § 8075-13; Laws, 1958, ch. 495, § 26, eff. 7/21/1958. The buyer may transfer his equity in the motor vehicle at any time to another person upon agreement by the holder, and, in such event, the holder of the contract shall be entitled to charge and collect a transfer of equity fee which shall not exceed fifteen dollars (\$15.00). No transfer of equity fee shall be charged or collected unless the holder of the contract shall, in writing, release the transferor from all further liability under such contract. Codes, 1942, § 8075-13; Laws, 1958, ch. 495, § 26, eff. 7/21/1958. The buyer may transfer his equity in the motor vehicle at any time to another person upon agreement by the holder, and, in such event, the holder of the contract shall be entitled to charge and collect a transfer of equity fee which shall not exceed fifteen dollars (\$15.00). No transfer of equity fee shall be charged or collected unless the holder of the contract shall, in writing, release the transferor from all further liability under such contract. Codes, 1942, § 8075-13; Laws, 1958, ch. 495, § 26, eff. 7/21/1958. The buyer may transfer his equity in the motor vehicle at any time to another person upon agreement by the holder, and, in such event, the holder of the contract shall be entitled to charge and collect a transfer of equity fee which shall not exceed fifteen dollars (\$15.00). No transfer of equity fee shall be charged or collected unless the holder of the contract shall, in writing, release the transferor from all further liability under such contract. Codes, 1942, § 8075-13; Laws, 1958, ch. 495, § 26, eff. 7/21/1958.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61)Section 63-19-39 - Furnishing of buyer with statement of payments and unpaid balance and written receipt for cash payment

Upon written request from the buyer, the holder of a retail installment contract shall give or forward to the buyer a written statement, in conformity with Section63-19-31, of payments and the total amount unpaid under such contract. A buyer shall be given a written receipt for any payment when made in cash. Codes, 1942, § 8075-13; Laws, 1958, ch. 495, § 26; Laws, 1985, ch. 527, § 2, eff. 7/1/1985. Upon written request from the buyer, the holder of a retail installment contract shall give or forward to the buyer a written statement, in conformity with Section63-19-31, of payments and the total amount unpaid under such contract. A buyer shall be given a written receipt for any payment when made in cash. Codes, 1942, § 8075-13; Laws, 1958, ch. 495, § 26; Laws, 1985, ch. 527, § 2, eff. 7/1/1985. Upon written request from the buyer, the holder of a retail installment contract shall give or forward to the buyer a written statement, in conformity with Section63-19-31, of payments and the total amount unpaid under such contract. A buyer shall be given a written receipt for any payment when made in cash. Codes, 1942, § 8075-13; Laws, 1958, ch. 495, § 26; Laws, 1985, ch. 527, § 2, eff. 7/1/1985. Upon written request from the buyer, the holder of a retail installment contract shall give or forward to the buyer a written statement, in conformity with Section63-19-31, of payments and the total amount unpaid under such contract. A buyer shall be given a written receipt for any payment when made in cash. Codes, 1942, § 8075-13; Laws, 1958, ch. 495, § 26; Laws, 1985, ch. 527, § 2, eff. 7/1/1985.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61)Section 63-19-41 - Restriction of remedies of buyer against holder

No provision in a retail installment contract relieving the holder from liability for any legal remedies which the buyer may have against the seller under the contract, or any separate instrument executed in connection therewith, shall be enforceable. Codes, 1942, § 8075-13; Laws, 1958, ch. 495, § 26, eff. 7/21/1958. No provision in a retail installment contract relieving the holder from liability for any legal remedies which the buyer may have against the seller under the contract, or any separate instrument executed in connection therewith, shall be enforceable. Codes, 1942, § 8075-13; Laws, 1958, ch. 495, § 26, eff. 7/21/1958. No provision in a retail installment contract relieving the holder from liability for any legal remedies which the buyer may have against the seller under the contract, or any separate instrument executed in connection therewith, shall be enforceable. Codes, 1942, § 8075-13; Laws, 1958, ch. 495, § 26, eff. 7/21/1958. No provision in a retail installment contract relieving the holder from liability for any legal remedies which the buyer may have against the seller under the contract, or any separate instrument executed in connection therewith, shall be enforceable. Codes, 1942, § 8075-13; Laws, 1958, ch. 495, § 26, eff. 7/21/1958.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61)Section 63-19-43 - Maximum finance charge; security interests

(1)The maximum finance charge which may be contracted for or received for any purchase money loan or purchase money extension of credit made by any lender or by any licensed retail seller, or by any other entity that is expressly exempt from licensing but expressly subject to compliance with this chapter under the provisions of Section63-19-7, in connection with sales or financing of motor vehicles and commercial vehicles, as defined in Section63-19-3(a)and63-19-3(b), made under this chapter, may result in a

yield not to exceed the following annual percentage rates calculated according to the actuarial method:(a)Class 1. Any new motor vehicle manufactured in the same year or the year immediately prior to the year in which the sale is made - eighteen percent (18%) per annum on the unpaid balance.(b)Class 2. Any new motor vehicle not in Class 1, any used motor vehicle manufactured not more than two (2) years prior to the year in which the sale is made, and any new commercial vehicle or used commercial vehicle manufactured not more than one (1) year prior to the year in which the sale is made - twenty-one percent (21%) per annum on the unpaid balance.(c)Class 3. Any used motor vehicle not in Class 2 and manufactured not more than four (4) years prior to the year in which the sale is made and any used commercial vehicle not in Class 2 - twenty-six and seventy-five one-hundredths percent (26.75%) per annum on the unpaid balance.(d)Class 4. Any used motor vehicle not in Class 2 or Class 3 and manufactured more than four (4) years prior to the year in which the sale is made - twenty-eight and seventy-five one-hundredths percent (28.75%) per annum on the unpaid balance.(2)The discount rate referred to in subsection (1) of this section shall be determined, posted and accorded evidentiary weight as provided in Section75-17-33.(3)Any subsequent extension, renewal or refinancing of any purchase money loan or purchase money extension of credit under this chapter which is secured by a perfected security interest in a motor vehicle or commercial vehicle pursuant to Section63-21-43shall continue to be secured by such security interest without the necessity of reapplying for a certificate of title under that section.Codes, 1942, § 8075-14; Laws, 1958, ch. 495, § 24; Laws, 1974, ch. 564, § 2; Laws, 1975, ch. 316, § 2; Laws, 1980, ch. 492, § 2; Laws, 1982, ch. 468, § 2; Laws, 1984, ch. 501, § 2; Laws, 1986, ch. 510, § 11; Laws, 1996, ch. 433, § 1, eff. 7/1/1996. (1)The maximum finance charge which may be contracted for or received for any purchase money loan or purchase money extension of credit made by any lender or by any licensed retail seller, or by any other entity that is expressly exempt from licensing but expressly subject to compliance with this chapter under the provisions of Section63-19-7, in connection with sales or financing of motor vehicles and commercial vehicles, as defined in Section63-19-3(a)and63-19-3(b), made under this chapter, may result in a yield not to exceed the following annual percentage rates calculated according to the actuarial method:(a)Class 1. Any new motor vehicle manufactured in the same year or the year immediately prior to the year in which the sale is made - eighteen percent (18%) per annum on the unpaid balance.(b)Class 2. Any new motor vehicle not in Class 1, any used motor vehicle manufactured not more than two (2) years prior to the year in which the sale is made, and any new commercial vehicle or used commercial vehicle manufactured not more than one (1) year prior to the year in which the sale is made - twenty-one percent (21%) per annum on the unpaid balance.(c)Class 3. Any used motor vehicle not in Class 2 and manufactured not more than four (4) years prior to the year in which the sale is made and any used commercial vehicle not in Class 2 - twenty-six and seventy-five one-hundredths percent (26.75%) per annum on the unpaid balance.(d)Class 4. Any used motor vehicle not in Class 2 or Class 3 and manufactured more than four (4) years prior to the year in which the sale is made - twenty-eight and seventy-five one-hundredths percent (28.75%) per annum on the unpaid balance.(2)The discount rate referred to in subsection (1) of this section shall be determined, posted and accorded evidentiary weight as provided in Section75-17-33.(3)Any subsequent extension, renewal or refinancing of any purchase money loan or purchase money extension of credit under this chapter which is secured by a perfected security interest in a motor vehicle or commercial vehicle pursuant to Section63-21-43shall continue to be secured by such security interest without the necessity of reapplying for a certificate of title under that section.Codes, 1942, § 8075-14; Laws, 1958, ch. 495, § 24; Laws, 1974, ch. 564, § 2; Laws, 1975, ch. 316, § 2; Laws, 1980, ch. 492, § 2; Laws, 1982, ch. 468, § 2; Laws, 1984, ch. 501, § 2; Laws, 1986, ch. 510, § 11; Laws, 1996, ch. 433, § 1, eff. 7/1/1996. (1)The maximum finance charge which may be contracted for or received for any purchase money loan or purchase money extension of credit made by any lender or by any licensed retail seller, or by any other entity that is expressly exempt from licensing but expressly subject to compliance with this chapter under the provisions of Section63-19-7, in connection with sales or financing of motor vehicles and commercial vehicles, as defined in Section63-19-3(a)and63-19-3(b), made under this chapter, may result in a yield not to exceed the following annual percentage rates calculated according to the actuarial method:(a)Class 1. Any new motor vehicle manufactured in the same year or the year immediately prior to the year in which the sale is made - eighteen percent (18%) per annum on the unpaid balance.(b)Class 2. Any new motor vehicle not in Class 1, any used motor vehicle manufactured not more than two (2) years prior to the year in which the sale is made, and any new commercial vehicle or used commercial vehicle manufactured not more than one (1) year prior to the year in which the sale is made - twenty-one percent (21%) per annum on the unpaid balance.(c)Class 3. Any used motor vehicle not in Class 2 and manufactured not more than four (4) years prior to the year in which the sale is made and any used commercial vehicle not in Class 2 - twenty-six and seventy-five one-hundredths percent (26.75%) per annum on the unpaid balance.(d)Class 4. Any used motor vehicle not in Class 2 or Class 3 and manufactured more than four (4) years prior to the year in which the sale is made - twenty-eight and seventy-five one-hundredths percent (28.75%) per annum on the unpaid balance.(2)The discount rate referred to in subsection (1) of this section shall be determined, posted and accorded evidentiary weight as provided in Section75-17-33.(3)Any subsequent extension, renewal or refinancing of any purchase money loan or purchase money extension of credit under this chapter which is secured by a perfected security interest in a motor vehicle or commercial vehicle pursuant to Section63-21-43shall continue to be secured by such security interest without the necessity of reapplying for a certificate of title under that section.Codes, 1942, § 8075-14; Laws, 1958, ch. 495, § 24; Laws, 1974, ch. 564, § 2; Laws, 1975, ch. 316, § 2; Laws, 1980, ch. 492, § 2; Laws, 1982, ch. 468, § 2; Laws, 1984, ch. 501, § 2; Laws, 1986, ch. 510, § 11; Laws, 1996, ch. 433, § 1, eff. 7/1/1996.

of retail installment contract

Any sales finance company may purchase or acquire or agree to purchase or acquire from any seller any contract on such terms and conditions as may be agreed upon between them. Filing of the assignment, notice to the buyer of the assignment, and any requirement that the holder maintain dominion over the payments or the motor vehicle if repossessed shall not be necessary to the validity of a written assignment of a contract as against creditors, subsequent purchasers, pledgees, mortgagees and lien claimants of the seller. Unless the buyer has notice of the assignment of his contract, payment thereunder made by the buyer to the last known holder of such contract shall be binding upon all subsequent holders. Codes, 1942, § 8075-14; Laws, 1958, ch. 495, § 24, eff. 7/21/1958.

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Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61) Section 63-19-47 - Payment of debt in full prior to maturity

Notwithstanding the provisions of any retail installment contract to the contrary, any buyer may pay in full at any time before maturity the debt of any retail installment contract and in so paying such debt shall receive a refund credit thereon for such anticipation of payments provided such contract shall have a precomputed finance charge. The amount of such refund shall be calculated on the rule of the sum of the digits, commonly known as the "Rule of 78ths," after deducting from such refund an acquisition cost of Ten Dollars (\$10.00). Where the amount of credit is less than One Dollar (\$1.00), no refund need be made. In the event the finance charge on a contract evidencing the sale of a commercial vehicle is not precomputed, any buyer may pay in full at any time before maturity the then remaining unpaid principal balance of the contract and shall pay a penalty for such prepayment as may have been agreed to by the buyer and the seller in the contract, not to exceed Fifty Dollars (\$50.00). The provisions of this section shall apply in the event the vehicle is repossessed by the finance company or the dealer, and the dealer is required to pay the balance of indebtedness due the holder thereof. Codes, 1942, § 8075-15; Laws, 1958, ch. 495, § 25; Laws, 1985, ch. 527, § 3; brought forward, Laws, 1990, ch. 303, § 4; Laws, 1997, ch. 332, § 2, eff. 3/17/1997. Notwithstanding the provisions of any retail installment contract to the contrary, any buyer may pay in full at any time before maturity the debt of any retail installment contract and in so paying such debt shall receive a refund credit thereon for such anticipation of payments provided such contract shall have a precomputed finance charge. The amount of such refund shall be calculated on the rule of the sum of the digits, commonly known as the "Rule of 78ths," after deducting from such refund an acquisition cost of Ten Dollars (\$10.00). Where the amount of credit is less than One Dollar (\$1.00), no refund need be made. In the event the finance charge on a contract evidencing the sale of a commercial vehicle is not precomputed, any buyer may pay in full at any time before maturity the then remaining unpaid principal balance of the contract and shall pay a penalty for such prepayment as may have been agreed to by the buyer and the seller in the contract, not to exceed Fifty Dollars (\$50.00). The provisions of this section shall apply in the event the vehicle is repossessed by the finance company or the dealer, and the dealer is required to pay the balance of indebtedness due the holder thereof. Codes, 1942, § 8075-15; Laws, 1958, ch. 495, § 25; Laws, 1985, ch. 527, § 3; brought forward, Laws, 1990, ch. 303, § 4; Laws, 1997, ch. 332, § 2, eff. 3/17/1997. Notwithstanding the provisions of any retail installment contract to the contrary, any buyer may pay in full at any time before maturity the debt of any retail installment contract and in so paying such debt shall receive a refund credit thereon for such anticipation of payments provided such contract shall have a precomputed finance charge. The amount of such refund shall be calculated on the rule of the sum of the digits, commonly known as the "Rule of 78ths," after deducting from such refund an acquisition cost of Ten Dollars (\$10.00). Where the amount of credit is less than One Dollar (\$1.00), no refund need be made. In the event the finance charge on a contract evidencing the sale of a commercial vehicle is not precomputed, any buyer may pay in full at any time before maturity the then remaining unpaid principal balance of the contract and shall pay a penalty for such prepayment as

may have been agreed to by the buyer and the seller in the contract, not to exceed Fifty Dollars (\$50.00). The provisions of this section shall apply in the event the vehicle is repossessed by the finance company or the dealer, and the dealer is required to pay the balance of indebtedness due the holder thereof. Codes, 1942, § 8075-15; Laws, 1958, ch. 495, § 25; Laws, 1985, ch. 527, § 3; brought forward, Laws, 1990, ch. 303, § 4; Laws, 1997, ch. 332, § 2, eff. 3/17/1997. Notwithstanding the provisions of any retail installment contract to the contrary, any buyer may pay in full at any time before maturity the debt of any retail installment contract and in so paying such debt shall receive a refund credit thereon for such anticipation of payments provided such contract shall have a precomputed finance charge. The amount of such refund shall be calculated on the rule of the sum of the digits, commonly known as the "Rule of 78ths," after deducting from such refund an acquisition cost of Ten Dollars (\$10.00). Where the amount of credit is less than One Dollar (\$1.00), no refund need be made. In the event the finance charge on a contract evidencing the sale of a commercial vehicle is not precomputed, any buyer may pay in full at any time before maturity the then remaining unpaid principal balance of the contract and shall pay a penalty for such prepayment as may have been agreed to by the buyer and the seller in the contract, not to exceed Fifty Dollars (\$50.00). The provisions of this section shall apply in the event the vehicle is repossessed by the finance company or the dealer, and the dealer is required to pay the balance of indebtedness due the holder thereof. Codes, 1942, § 8075-15; Laws, 1958, ch. 495, § 25; Laws, 1985, ch. 527, § 3; brought forward, Laws, 1990, ch. 303, § 4; Laws, 1997, ch. 332, § 2, eff. 3/17/1997.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61) Section 63-19-51 - Administration of chapter

The commissioner is authorized to employ the necessary examiners and other personnel required to administer the provisions of this chapter and to fix their compensation commensurate with their duties. All salaries, travel and other expenses incident to the administration of this chapter shall be paid by the commissioner by warrants issued by the State Auditor. Said State Auditor shall issue his warrant upon requisition signed by the commissioner or his duly authorized agent. All salaries, travel and other expenses incident to the administration of this chapter shall be paid monthly. All travel, subsistence and other expenses shall be audited by the commissioner or his duly authorized agent. All warrants issued by the State Auditor pursuant to the provisions of this section shall be paid by the State Treasurer out of the "Consumer Finance Fund" created by Section 63-19-27. Codes, 1942, § 8075-18; Laws, 1958, ch. 495, § 31; Laws, 1985, ch. 345, § 3, eff. 7/1/1985. The commissioner is authorized to employ the necessary examiners and other personnel required to administer the provisions of this chapter and to fix their compensation commensurate with their duties. All salaries, travel and other expenses incident to the administration of this chapter shall be paid by the commissioner by warrants issued by the State Auditor. Said State Auditor shall issue his warrant upon requisition signed by the commissioner or his duly authorized agent. All salaries, travel and other expenses incident to the administration of this chapter shall be paid monthly. All travel, subsistence and other expenses shall be audited by the commissioner or his duly authorized agent. All warrants issued by the State Auditor pursuant to the provisions of this section shall be paid by the State Treasurer out of the "Consumer Finance Fund" created by Section 63-19-27. Codes, 1942, § 8075-18; Laws, 1958, ch. 495, § 31; Laws, 1985, ch. 345, § 3, eff. 7/1/1985. The commissioner is authorized to employ the necessary examiners and other personnel required to administer the provisions of this chapter and to fix their compensation commensurate with their duties. All salaries, travel and other expenses incident to the administration of this chapter shall be paid by the commissioner by warrants issued by the State Auditor. Said State Auditor shall issue his warrant upon requisition signed by the commissioner or his duly authorized agent. All salaries, travel and other expenses incident to the administration of this chapter shall be paid monthly. All travel, subsistence and other expenses shall be audited by the commissioner or his duly authorized agent. All warrants issued by the State Auditor pursuant to the provisions of this section shall be paid by the State Treasurer out of the "Consumer Finance Fund" created by Section 63-19-27. Codes, 1942, § 8075-18; Laws, 1958, ch. 495, § 31; Laws, 1985, ch. 345, § 3, eff. 7/1/1985.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61) Section 63-19-52 - Administration of chapter; issuance of rules and regulations

The commissioner shall have the power and authority to adopt, promulgate and issue such rules and regulations, not inconsistent with this article, or any other statute of the State of Mississippi, as he shall deem necessary for the purpose of the administration of this chapter. A copy of every rule and regulation promulgated by the commissioner shall be filed in accordance with the Administrative Procedures Law, Section 25-43-1 et seq. Laws, 1997, ch. 332, § 8, eff. 3/17/1997. The commissioner shall have the power and authority to adopt, promulgate and issue such rules and regulations, not inconsistent with this article, or any other statute of the State of Mississippi, as he shall deem necessary for the purpose of the administration of this chapter. A copy of every rule and

regulation promulgated by the commissioner shall be filed in accordance with the Administrative Procedures Law, Section 25-43-1 et seq. Laws, 1997, ch. 332, § 8, eff. 3/17/1997. The commissioner shall have the power and authority to adopt, promulgate and issue such rules and regulations, not inconsistent with this article, or any other statute of the State of Mississippi, as he shall deem necessary for the purpose of the administration of this chapter. A copy of every rule and regulation promulgated by the commissioner shall be filed in accordance with the Administrative Procedures Law, Section 25-43-1 et seq. Laws, 1997, ch. 332, § 8, eff. 3/17/1997. The commissioner shall have the power and authority to adopt, promulgate and issue such rules and regulations, not inconsistent with this article, or any other statute of the State of Mississippi, as he shall deem necessary for the purpose of the administration of this chapter. A copy of every rule and regulation promulgated by the commissioner shall be filed in accordance with the Administrative Procedures Law, Section 25-43-1 et seq. Laws, 1997, ch. 332, § 8, eff. 3/17/1997.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61) Section 63-19-53 - Waiver of provisions of chapter

Any waiver of the provisions of this chapter shall be unenforceable and void. Codes, 1942, § 8075-20; Laws, 1958, ch. 495, § 33, eff. 7/21/1958. Any waiver of the provisions of this chapter shall be unenforceable and void. Codes, 1942, § 8075-20; Laws, 1958, ch. 495, § 33, eff. 7/21/1958. Any waiver of the provisions of this chapter shall be unenforceable and void. Codes, 1942, § 8075-20; Laws, 1958, ch. 495, § 33, eff. 7/21/1958. Any waiver of the provisions of this chapter shall be unenforceable and void. Codes, 1942, § 8075-20; Laws, 1958, ch. 495, § 33, eff. 7/21/1958.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61) Section 63-19-55 - Penalties for violations of chapter

(1) Any person who willfully and intentionally violates any provision of this chapter or engages in the business of a sales finance company in this state without a license therefor as provided in this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00). However, any licensee who is exempt from liability for an act or omission under Section 63-19-57 shall not be guilty of a misdemeanor under this section for the same act or omission. (2) If any person engages in business as provided for in this chapter without paying the license fee provided for in this chapter before commencing business or before the expiration of the person's current license, as the case may be, then the person shall be liable for the full amount of the license fee, plus a penalty in an amount not to exceed Twenty-five Dollars (\$25.00) for each day that the person has engaged in the business without a license or after the expiration of a license. (3) The commissioner may, after notice and hearing, impose a civil penalty against any licensee if the licensee or employee is adjudged by the commissioner to be in violation of the provisions of this chapter. The civil penalty shall not exceed Five Hundred Dollars (\$500.00) per violation and shall be deposited into the Consumer Finance Fund of the Department of Banking and Consumer Finance. (4) Any person willfully violating Sections 63-19-31 through 63-19-45, shall be barred from recovery of any finance charge, delinquency or collection charge on the contract. (5) However, any such contract purchased in good faith for value by any bank, trust company, private bank, industrial bank or investment company authorized to do business in this state shall be held and construed to be valid and enforceable in the hands of the purchaser for value, except that such purchaser shall not be permitted to recover on such contract from the buyer anything in excess of the principal balance due thereon, plus the amount of the finance and collection charges permitted under the terms and provisions of this chapter. (6) When the commissioner has reasonable cause to believe that a person is violating any provision of this chapter, the commissioner, in addition to and without prejudice to the authority provided elsewhere in this chapter, may enter an order requiring the person to stop or to refrain from the violation. The commissioner may sue in any circuit court of the state having jurisdiction and venue to enjoin the person from engaging in or continuing the violation or from doing any act in furtherance of the violation. In such an action, the court may enter an order or judgment awarding a preliminary or permanent injunction. Codes, 1942, § 8075-19; Laws, 1958, ch. 495, § 32; Laws, 1997, ch. 332, § 16; Laws, 2000, ch. 621, § 6; Laws, 2004, ch. 450, § 2, eff. 4/28/2004. (1) Any person who willfully and intentionally violates any provision of this chapter or engages in the business of a sales finance company in this state without a license therefor as provided in this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00). However, any licensee who is exempt from liability for an act or omission under Section 63-19-57 shall not be guilty of a misdemeanor under this section for the same act or omission. (2) If any person engages in business as provided for in this chapter without paying the license fee provided for in this chapter before commencing business or before the expiration of the person's current license, as the case may be, then the person shall be liable for the full amount of the license fee, plus a penalty in an amount not to exceed Twenty-five Dollars (\$25.00) for each day that the person has engaged in the business without a license or after the expiration of a license. (3) The commissioner may, after notice and hearing, impose a civil penalty against any licensee if the licensee or employee is adjudged by the commissioner to be in violation of the provisions of this chapter. The civil penalty shall not exceed Five Hundred Dollars (\$500.00) per violation and shall be deposited into the Consumer Finance Fund of the Department of Banking and Consumer Finance. (4) Any person willfully violating Sections 63-19-31 through 63-19-45, shall be barred from recovery of any finance charge, delinquency or collection charge on the contract. (5) However, any such contract purchased in good faith for value by any bank, trust company, private bank, industrial bank or investment company authorized to do business in this state shall be held and construed to be valid and enforceable in the hands of the purchaser for value, except that such purchaser shall not be permitted to recover on such contract from the buyer anything in

excess of the principal balance due thereon, plus the amount of the finance and collection charges permitted under the terms and provisions of this chapter.(6)When the commissioner has reasonable cause to believe that a person is violating any provision of this chapter, the commissioner, in addition to and without prejudice to the authority provided elsewhere in this chapter, may enter an order requiring the person to stop or to refrain from the violation. The commissioner may sue in any circuit court of the state having jurisdiction and venue to enjoin the person from engaging in or continuing the violation or from doing any act in furtherance of the violation. In such an action, the court may enter an order or judgment awarding a preliminary or permanent injunction.Codes, 1942, § 8075-19; Laws, 1958, ch. 495, § 32; Laws, 1997, ch. 332, § 16; Laws, 2000, ch. 621, § 6; Laws, 2004, ch. 450, § 2, eff. 4/28/2004.(1)Any person who willfully and intentionally violates any provision of this chapter or engages in the business of a sales finance company in this state without a license therefor as provided in this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00). However, any licensee who is exempt from liability for an act or omission under Section63-19-57shall not be guilty of a misdemeanor under this section for the same act or omission.(2)If any person engages in business as provided for in this chapter without paying the license fee provided for in this chapter before commencing business or before the expiration of the person's current license, as the case may be, then the person shall be liable for the full amount of the license fee, plus a penalty in an amount not to exceed Twenty-five Dollars (\$25.00) for each day that the person has engaged in the business without a license or after the expiration of a license.(3)The commissioner may, after notice and hearing, impose a civil penalty against any licensee if the licensee or employee is adjudged by the commissioner to be in violation of the provisions of this chapter. The civil penalty shall not exceed Five Hundred Dollars (\$500.00) per violation and shall be deposited into the Consumer Finance Fund of the Department of Banking and Consumer Finance.(4)Any person willfully violating Sections63-19-31through63-19-45, shall be barred from recovery of any finance charge, delinquency or collection charge on the contract.(5)However, any such contract purchased in good faith for value by any bank, trust company, private bank, industrial bank or investment company authorized to do business in this state shall be held and construed to be valid and enforceable in the hands of the purchaser for value, except that such purchaser shall not be permitted to recover on such contract from the buyer anything in excess of the principal balance due thereon, plus the amount of the finance and collection charges permitted under the terms and provisions of this chapter.(6)When the commissioner has reasonable cause to believe that a person is violating any provision of this chapter, the commissioner, in addition to and without prejudice to the authority provided elsewhere in this chapter, may enter an order requiring the person to stop or to refrain from the violation. The commissioner may sue in any circuit court of the state having jurisdiction and venue to enjoin the person from engaging in or continuing the violation or from doing any act in furtherance of the violation. In such an action, the court may enter an order or judgment awarding a preliminary or permanent injunction.Codes, 1942, § 8075-19; Laws, 1958, ch. 495, § 32; Laws, 1997, ch. 332, § 16; Laws, 2000, ch. 621, § 6; Laws, 2004, ch. 450, § 2, eff. 4/28/2004. Codes, 1942, § 8075-19; Laws, 1958, ch. 495, § 32; Laws, 1997, ch. 332, § 16; Laws, 2000, ch. 621, § 6; Laws, 2004, ch. 450, § 2, eff. 4/28/2004.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61)Section 63-19-56 - Commissioner authorized to examine persons suspected of conducting business requiring a license

The commissioner, or his duly authorized representative, for the purpose of discovering violations of this chapter and for the purpose of determining whether persons are subject to the provisions of this chapter, may examine persons licensed under this chapter and persons reasonably suspected by the commissioner of conducting business that requires a license under this chapter, including all relevant books, records and papers employed by those persons in the transaction of their business, and may summon witnesses and examine them under oath concerning matters relating to the business of those persons, or such other matters as may be relevant to the discovery of violations of this chapter, including without limitation the conduct of business without a license as required by this chapter.Laws, 2000, ch. 621, § 7; Laws, 2004, ch. 450, § 3, eff. 4/28/2004. The commissioner, or his duly authorized representative, for the purpose of discovering violations of this chapter and for the purpose of determining whether persons are subject to the provisions of this chapter, may examine persons licensed under this chapter and persons reasonably suspected by the commissioner of conducting business that requires a license under this chapter, including all relevant books, records and papers employed by those persons in the transaction of their business, and may summon witnesses and examine them under oath concerning matters relating to the business of those persons, or such other matters as may be relevant to the discovery of violations of this chapter, including without limitation the conduct of business without a license as required by this chapter.Laws, 2000, ch. 621, § 7; Laws, 2004, ch. 450, § 3, eff. 4/28/2004. The commissioner, or his duly authorized representative, for the purpose of discovering violations of this chapter and for the purpose of determining whether persons are subject to the provisions of this chapter, may examine persons licensed under this chapter and persons reasonably suspected by the commissioner of conducting business that requires a license under this chapter, including all relevant books, records and papers employed by those persons in the transaction of their business, and may summon witnesses and examine them under oath concerning matters relating to the business of those persons, or such other matters as may be relevant to the discovery of violations of this chapter, including without limitation the conduct of business without a license as required by this chapter.Laws, 2000, ch. 621, § 7; Laws, 2004, ch. 450, § 3, eff. 4/28/2004. The commissioner, or his duly authorized representative, for the purpose of discovering violations of this chapter and for the purpose of determining whether persons are subject to the provisions of this chapter, may examine persons licensed under this chapter and persons reasonably suspected by the commissioner of conducting business that requires a license under this chapter, including all relevant books, records and papers employed by those persons in the transaction of their business, and may summon

witnesses and examine them under oath concerning matters relating to the business of those persons, or such other matters as may be relevant to the discovery of violations of this chapter, including without limitation the conduct of business without a license as required by this chapter. Laws, 2000, ch. 621, § 7; Laws, 2004, ch. 450, § 3, eff. 4/28/2004.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61) Section 63-19-57 - Liability of licensees

(1) A licensee under this chapter shall have no liability for any act or practice done or omitted in conformity with (a) any rule or regulation of the commissioner, or (b) any rule, regulation, interpretation or approval of any other state or federal agency or any opinion of the Attorney General, notwithstanding that after such act or omission has occurred the rule, regulation, interpretation, approval or opinion is amended, rescinded, or determined by judicial or other authority to be invalid for any reason. (2) A licensee under this chapter, acting in conformity with a written interpretation or approval by an official or employee of any state or federal agency or department, shall be presumed to have acted in accordance with applicable law, notwithstanding that after such act has occurred, the interpretation or approval is amended, rescinded, or determined by judicial or other authority to be incorrect or invalid for any reason. Laws, 1997, ch. 332, § 11, eff. 3/17/1997. (1) A licensee under this chapter shall have no liability for any act or practice done or omitted in conformity with (a) any rule or regulation of the commissioner, or (b) any rule, regulation, interpretation or approval of any other state or federal agency or any opinion of the Attorney General, notwithstanding that after such act or omission has occurred the rule, regulation, interpretation, approval or opinion is amended, rescinded, or determined by judicial or other authority to be invalid for any reason. (2) A licensee under this chapter, acting in conformity with a written interpretation or approval by an official or employee of any state or federal agency or department, shall be presumed to have acted in accordance with applicable law, notwithstanding that after such act has occurred, the interpretation or approval is amended, rescinded, or determined by judicial or other authority to be incorrect or invalid for any reason. Laws, 1997, ch. 332, § 11, eff. 3/17/1997. (1) A licensee under this chapter shall have no liability for any act or practice done or omitted in conformity with (a) any rule or regulation of the commissioner, or (b) any rule, regulation, interpretation or approval of any other state or federal agency or any opinion of the Attorney General, notwithstanding that after such act or omission has occurred the rule, regulation, interpretation, approval or opinion is amended, rescinded, or determined by judicial or other authority to be invalid for any reason. (2) A licensee under this chapter, acting in conformity with a written interpretation or approval by an official or employee of any state or federal agency or department, shall be presumed to have acted in accordance with applicable law, notwithstanding that after such act has occurred, the interpretation or approval is amended, rescinded, or determined by judicial or other authority to be incorrect or invalid for any reason. Laws, 1997, ch. 332, § 11, eff. 3/17/1997. Laws, 1997, ch. 332, § 11, eff. 3/17/1997.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61) Section 63-19-59 - Employees of licensees may work remotely subject to certain conditions

(1) Notwithstanding any other law to the contrary, nothing in this chapter shall be interpreted to interfere with employees of a licensee, licensed under this Chapter 19, Title 63, Mississippi Code of 1972, working from home or another remote location selected by the employee, provided that the licensee: (a) Ensures all in-person customer interactions will not be conducted at home or other remote location through videoconference or teleconference mechanisms, and will not designate the home or other remote location to consumers or customers as a business location; (b) Maintains appropriate safeguards for licensee and consumer data, information and records, including the use of secure virtual private networks where appropriate; (c) Employs appropriate risk-based monitoring and oversight processes of work performed from home or other remote location, and maintains records of the same; (d) Ensures consumer information and records, in their tangible form or kept on portable electronic storage devices, are not maintained at home or other remote location; (e) Ensures consumer and licensee information and records remain accessible and available for regulatory oversight and exams; and (f) Provides appropriate employee training to keep all conversations about, and with, consumers conducted from home or other remote location confidential, as if conducted from a commercial location, and to ensure remote employees work in an environment conducive and appropriate to that privacy. (g) Designate a separate area dedicated solely to conducting the business of a sales finance licensee. (2) The provisions of this section shall not be applicable to any bank, trust company, private banker, industrial bank or investment company authorized to do business in this state, and which routinely engages in the practice of financing the sales of motor vehicles, exempted from licensure under Section 63-19-7. Added by Laws, 2023, ch. 413, HB 1030, § 1, eff. 3/22/2023. (1) Notwithstanding any other law to the contrary, nothing in this chapter shall be interpreted to interfere with employees of a licensee, licensed under this Chapter 19, Title 63, Mississippi Code of 1972, working from home or another remote location selected by the employee, provided that the licensee: (a) Ensures all in-person customer interactions will not be conducted at home or other remote location through videoconference or teleconference mechanisms, and will not designate the home or other remote location to consumers or customers as a business location; (b) Maintains appropriate safeguards for licensee and consumer data, information and records, including the use of secure virtual private networks where appropriate; (c) Employs appropriate risk-based monitoring and oversight processes of work performed from home or other remote location, and maintains records of the same; (d) Ensures consumer information and records, in their tangible form or kept on portable electronic storage devices, are not maintained at home or other remote location; (e) Ensures consumer and licensee information and records remain accessible and available for regulatory oversight and exams; and (f) Provides appropriate employee training to keep all conversations about, and with, consumers conducted from

home or other remote location confidential, as if conducted from a commercial location, and to ensure remote employees work in an environment conducive and appropriate to that privacy.(g)Designate a separate area dedicated solely to conducting the business of a sales finance licensee.(2)The provisions of this sections shall not be applicable to any bank, trust company, private banker, industrial bank or investment company authorized to do business in this state, and which routinely engages in the practice of financing the sales of motor vehicles, exempted from licensure under Section63-19-7.Added by Laws, 2023, ch. 413, HB 1030,§ 1, eff. 3/22/2023.

(1)Notwithstanding any other law to the contrary, nothing in this chapter shall be interpreted to interfere with employees of a licensee, licensed under this Chapter 19, Title 63, Mississippi Code of 1972, working from home or another remote location selected by the employee, provided that the licensee:(a)Ensures all in-person customer interactions will not be conducted at home or other remote location through videoconference or teleconference mechanisms, and will not designate the home or other remote location to consumers or customers as a business location;(b)Maintains appropriate safeguards for licensee and consumer data, information and records, including the use of secure virtual private networks where appropriate;(c)Employs appropriate risk-based monitoring and oversight processes of work performed from home or other remote location, and maintains records of the same;(d)Ensures consumer information and records, in their tangible form or kept on portable electronic storage devices, are not maintained at home or other remote location;(e)Ensures consumer and licensee information and records remain accessible and available for regulatory oversight and exams; and(f)Provides appropriate employee training to keep all conversations about, and with, consumers conducted from home or other remote location confidential, as if conducted from a commercial location, and to ensure remote employees work in an environment conducive and appropriate to that privacy.(g)Designate a separate area dedicated solely to conducting the business of a sales finance licensee.(2)The provisions of this sections shall not be applicable to any bank, trust company, private banker, industrial bank or investment company authorized to do business in this state, and which routinely engages in the practice of financing the sales of motor vehicles, exempted from licensure under Section63-19-7.Added by Laws, 2023, ch. 413, HB 1030,§ 1, eff. 3/22/2023.

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Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61)Section 63-19-61 - Special examination fee to be paid by licensees who allow employees to work remotely

To offset the costs of supervision and administration, as provided in Section63-19-59, a licensee that allows its employees to work from home or another remote location selected by the employee must pay a special examination fee. Such fee shall be in addition to the regular examination fee as provided for in Section63-19-27. Licensees that do not allow remote work are not required to pay such special examination fee.Added by Laws, 2023, ch. 413, HB 1030,§ 2, eff. 3/22/2023.

To offset the costs of supervision and administration, as provided in Section63-19-59, a licensee that allows its employees to work from home or another remote location selected by the employee must pay a special examination fee. Such fee shall be in addition to the regular examination fee as provided for in Section63-19-27. Licensees that do not allow remote work are not required to pay such special examination fee.Added by Laws, 2023, ch. 413, HB 1030,§ 2, eff. 3/22/2023.

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To offset the costs of supervision and administration, as provided in Section63-19-59, a licensee that allows its employees to work from home or another remote location selected by the employee must pay a special examination fee. Such fee shall be in addition to the regular examination fee as provided for in Section63-19-27. Licensees that do not allow remote work are not required to pay such special examination fee. Added by Laws, 2023, ch. 413, HB 1030,§ 2, eff. 3/22/2023.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61)Section 63-19-7 - Requirement of license

No person shall engage in the business of a sales finance company in this state without a license therefor as provided in this chapter. However, no bank, trust company, private banker, industrial bank or investment company authorized to do business in this state shall be required to obtain a license under this chapter. They shall, however, comply with all of the other provisions of this chapter.Codes, 1942, § 8075-02; Laws, 1958, ch. 495, § 15, eff. 7/21/1958.Amended by Laws, 2023, ch. 413, HB 1030,§ 5, eff. 3/22/2023.

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Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 19 - MOTOR VEHICLE SALES FINANCE LAW (§§ 63-19-1 — 63-19-61) Section 63-19-9 - Application for license

The application for such license shall be in writing, under oath and in the form prescribed by the administrator. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and resident address of the owner or partners or, if a corporation or association, of the directors, trustees and principal officers; and such other pertinent information as the administrator may require. Codes, 1942, § 8075-03; Laws, 1958, ch. 495, § 16, eff. 7/21/1958. The application for such license shall be in writing, under oath and in the form prescribed by the administrator. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and resident address of the owner or partners or, if a corporation or association, of the directors, trustees and principal officers; and such other pertinent information as the administrator may require. Codes, 1942, § 8075-03; Laws, 1958, ch. 495, § 16, eff. 7/21/1958. The application for such license shall be in writing, under oath and in the form prescribed by the administrator. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and resident address of the owner or partners or, if a corporation or association, of the directors, trustees and principal officers; and such other pertinent information as the administrator may require. Codes, 1942, § 8075-03; Laws, 1958, ch. 495, § 16, eff. 7/21/1958. The application for such license shall be in writing, under oath and in the form prescribed by the administrator. The application shall contain the name of the applicant; date of incorporation, if incorporated; the address where the business is or is to be conducted and similar information as to any branch office of the applicant; the name and resident address of the owner or partners or, if a corporation or association, of the directors, trustees and principal officers; and such other pertinent information as the administrator may require. Codes, 1942, § 8075-03; Laws, 1958, ch. 495, § 16, eff. 7/21/1958.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 2 - MANDATORY USE OF SAFETY SEAT BELTS (§§ 63-2-1 — 63-2-7) Section 63-2-1 - Requirement of use of safety seat belt system by operator and passengers in passenger motor vehicle; protection of children

(1) When a passenger motor vehicle is operated in forward motion on a public road, street or highway within this state, every operator and every passenger shall wear a properly fastened safety seat belt system, required to be installed in the vehicle when manufactured pursuant to Federal Motor Vehicle Safety Standard 208. (2) "Passenger motor vehicle" for purposes of this chapter means a motor vehicle designed to carry fifteen (15) or fewer passengers, including the driver, but does not include motorcycles that are not autocycles as defined in Section 63-3-103, mopeds, all-terrain vehicles or trailers. (3) This section shall not apply to: (a) Vehicles which may be registered for "farm" use, including "implements of husbandry" as defined in Section 63-21-5(d), and "farm tractors" as defined in Section 63-3-105(a); (b) An operator or passenger possessing a written verification from a licensed physician that he is unable to wear a safety belt system for medical reasons; (c) A passenger car operated by a rural letter carrier of the United States Postal Service or by a utility meter reader while on duty; (d) Buses; or (e) A child who is required to be protected by the use of a child passenger restraint device or system or a belt-positioning booster seat system under the provisions of Sections 63-7-301 through 63-7-311. Laws, 1990, ch. 436, § 1; Laws, 1998, ch. 501, § 1; Laws, 2008, ch. 520, § 2, eff. 7/1/2008. Amended by Laws, 2017, ch. 403, SB 2724, 1, eff. 7/1/2017. Amended by Laws, 2015, ch. 406, HB 111, 6, eff. 7/1/2015.

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"farm tractors" as defined in Section 63-3-105(a);(b)An operator or passenger possessing a written verification from a licensed physician that he is unable to wear a safety belt system for medical reasons;(c)A passenger car operated by a rural letter carrier of the United States Postal Service or by a utility meter reader while on duty;(d)Buses; or(e)A child who is required to be protected by the use of a child passenger restraint device or system or a belt-positioning booster seat system under the provisions of Sections 63-7-301 through 63-7-311. Laws, 1990, ch. 436, § 1; Laws, 1998, ch. 501, § 1; Laws, 2008, ch. 520, § 2, eff. 7/1/2008. Amended by Laws, 2017, ch. 403, SB 2724, 1, eff. 7/1/2017. Amended by Laws, 2015, ch. 406, HB 111, 6, eff. 7/1/2015. Laws, 1990, ch. 436, § 1; Laws, 1998, ch. 501, § 1; Laws, 2008, ch. 520, § 2, eff. 7/1/2008. Amended by Laws, 2017, ch. 403, SB 2724, 1, eff. 7/1/2017. Amended by Laws, 2015, ch. 406, HB 111, 6, eff. 7/1/2015.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 2 - MANDATORY USE OF SAFETY SEAT BELTS (§§ 63-2-1 — 63-2-7) Section 63-2-3 - Duty, standard of care, right or liability between operator and passenger; contributory or comparative negligence; entry of violation on driving record

This chapter shall not be construed to create a duty, standard of care, right or liability between the operator and passenger of any passenger motor vehicle which is not recognized under the laws of the State of Mississippi as such laws exist on March 20, 1990, or as such laws may at any time thereafter be constituted by statute or court decision. Failure to provide and use a seat belt restraint device or system shall not be considered contributory or comparative negligence, nor shall the violation be entered on the driving record of any individual. Laws, 1990, ch. 436, § 2, eff. 3/20/1990. This chapter shall not be construed to create a duty, standard of care, right or liability between the operator and passenger of any passenger motor vehicle which is not recognized under the laws of the State of Mississippi as such laws exist on March 20, 1990, or as such laws may at any time thereafter be constituted by statute or court decision. Failure to provide and use a seat belt restraint device or system shall not be considered contributory or comparative negligence, nor shall the violation be entered on the driving record of any individual. Laws, 1990, ch. 436, § 2, eff. 3/20/1990. This chapter shall not be construed to create a duty, standard of care, right or liability between the operator and passenger of any passenger motor vehicle which is not recognized under the laws of the State of Mississippi as such laws exist on March 20, 1990, or as such laws may at any time thereafter be constituted by statute or court decision. Failure to provide and use a seat belt restraint device or system shall not be considered contributory or comparative negligence, nor shall the violation be entered on the driving record of any individual. Laws, 1990, ch. 436, § 2, eff. 3/20/1990. This chapter shall not be construed to create a duty, standard of care, right or liability between the operator and passenger of any passenger motor vehicle which is not recognized under the laws of the State of Mississippi as such laws exist on March 20, 1990, or as such laws may at any time thereafter be constituted by statute or court decision. Failure to provide and use a seat belt restraint device or system shall not be considered contributory or comparative negligence, nor shall the violation be entered on the driving record of any individual. Laws, 1990, ch. 436, § 2, eff. 3/20/1990.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 2 - MANDATORY USE OF SAFETY SEAT BELTS (§§ 63-2-1 — 63-2-7) Section 63-2-5 - Education program; erection of highway signs notifying public of seat-belt-use requirement; notices of requirement accompanying vehicle license tags or decals

The Department of Public Safety shall initiate an education program designed to encourage the use of safety belts with emphasis on the effectiveness of safety belts, the monetary savings and other benefits to the public. Funds for such educational program shall be made available through the office of the Governor's representative for highway safety programs. The State Highway Commission is authorized to direct the Highway Department to erect signs along the highways of this state notifying the traveling public that Mississippi is a mandatory seat-belt-use state. The State Tax Commission shall provide notices of the requirement for safety belt use which shall accompany the delivery of a passenger motor vehicle license tag or decal. Laws, 1990, ch. 436, § 3, eff. 3/20/1990. The Department of Public Safety shall initiate an education program designed to encourage the use of safety belts with emphasis on the effectiveness of safety belts, the monetary savings and other benefits to the public. Funds for such educational program shall be made available through the office of the Governor's representative for highway safety programs. The State Highway Commission is authorized to direct the Highway Department to erect signs along the highways of this state notifying the traveling public that Mississippi is a mandatory seat-belt-use state. The State Tax Commission shall provide notices of the requirement for safety belt use which shall accompany the delivery of a passenger motor vehicle license tag or decal. Laws, 1990, ch. 436, § 3, eff. 3/20/1990. 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Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 2 - MANDATORY USE OF SAFETY SEAT BELTS (§§ 63-2-1 — 63-2-7) Section 63-2-7 - Offenses and penalties; recording of violations

(1) A violation of this chapter shall be a misdemeanor, punishable by a fine of Twenty-five Dollars (\$25.00) upon conviction; however, only the operator of a vehicle may be fined for a violation of this chapter by the operator and any passengers. The maximum fine that may be imposed against the operator of a vehicle for a violation of this chapter by the operator or for a violation of this chapter by one or more passengers shall be Twenty-five Dollars (\$25.00) in the aggregate. (2) A violation of this chapter shall not be entered on the driving record of any individual so convicted, nor shall any state assessment provided for by Section 99-19-73, or any other state law, be imposed or collected. Laws, 1990, ch. 436, § 4; Laws, 1994, ch. 567, § 1; Laws, 1998, ch. 501, § 2; Laws, 2006, ch. 302, § 1; Laws, 2008, ch. 520, § 3, eff. 7/1/2008. Amended by Laws, 2017, ch. 403, SB 2724, 2, eff. 7/1/2017. (1) A violation of this chapter shall be a misdemeanor, punishable by a fine of Twenty-five Dollars (\$25.00) upon conviction; however, only the operator of a vehicle may be fined for a violation of this chapter by the operator and any passengers. The maximum fine that may be imposed against the operator of a vehicle for a violation of this chapter by the operator or for a violation of this chapter by one or more passengers shall be Twenty-five Dollars (\$25.00) in the aggregate. (2) A violation of this chapter shall not be entered on the driving record of any individual so convicted, nor shall any state assessment provided for by Section 99-19-73, or any other state law, be imposed or collected. Laws, 1990, ch. 436, § 4; Laws, 1994, ch. 567, § 1; Laws, 1998, ch. 501, § 2; Laws, 2006, ch. 302, § 1; Laws, 2008, ch. 520, § 3, eff. 7/1/2008. Amended by Laws, 2017, ch. 403, SB 2724, 2, eff. 7/1/2017. (1) A violation of this chapter shall be a misdemeanor, punishable by a fine of Twenty-five Dollars (\$25.00) upon conviction; however, only the operator of a vehicle may be fined for a violation of this chapter by the operator and any passengers. The maximum fine that may be imposed against the operator of a vehicle for a violation of this chapter by the operator or for a violation of this chapter by one or more passengers shall be Twenty-five Dollars (\$25.00) in the aggregate. (2) A violation of this chapter shall not be entered on the driving record of any individual so convicted, nor shall any state assessment provided for by Section 99-19-73, or any other state law, be imposed or collected. Laws, 1990, ch. 436, § 4; Laws, 1994, ch. 567, § 1; Laws, 1998, ch. 501, § 2; Laws, 2006, ch. 302, § 1; Laws, 2008, ch. 520, § 3, eff. 7/1/2008. Amended by Laws, 2017, ch. 403, SB 2724, 2, eff. 7/1/2017.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-1 - Short title

This chapter may be cited as "The Mississippi Motor Vehicle and Manufactured Housing Title Law." Codes, 1942, § 8125-21; Laws, 1968, ch. 531, § 1; Laws, 1999, ch. 556, § 1, eff. 7/1/1999. This chapter may be cited as "The Mississippi Motor Vehicle and Manufactured Housing Title Law." Codes, 1942, § 8125-21; Laws, 1968, ch. 531, § 1; Laws, 1999, ch. 556, § 1, eff. 7/1/1999. This chapter may be cited as "The Mississippi Motor Vehicle and Manufactured Housing Title Law." Codes, 1942, § 8125-21; Laws, 1968, ch. 531, § 1; Laws, 1999, ch. 556, § 1, eff. 7/1/1999. This chapter may be cited as "The Mississippi Motor Vehicle and Manufactured Housing Title Law." Codes, 1942, § 8125-21; Laws, 1968, ch. 531, § 1; Laws, 1999, ch. 556, § 1, eff. 7/1/1999.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-11 - Exceptions to requirement of certificate of title

(1) No certificate of title need be obtained for: (a) A vehicle, manufactured home or mobile home owned by the United States or any agency thereof; (b) A vehicle, manufactured home or mobile home owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration, or a vehicle used by a manufacturer solely for testing; (c) A vehicle, manufactured home or mobile home owned by a nonresident of this state and not required by law to be registered in this state; (d) A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state; (e) A vehicle moved solely by animal power; (f) An implement of husbandry; (g) Special mobile equipment; (h) A pole trailer; (i) Utility trailers of less than five thousand (5,000) pounds gross vehicle weight; (j) A manufactured home with respect to which the requirements of subsections (1) through (5) of Section 63-21-30, as applicable, have been satisfied unless with respect to the same manufactured home or mobile home there has been recorded an affidavit of severance pursuant to subsection (6) of Section 63-21-30. (2) Nothing in this section shall prohibit the issuance of a certificate of title to the nonresident owner of an all-terrain vehicle that is purchased in this state. Codes, 1942, § 8125-25; Laws, 1968, ch. 531, § 5; Laws, 1987, ch. 338, § 1; Laws, 1999, ch. 556, § 5; Laws, 2005, ch. 335, § 3, eff. 7/1/2005. Brought forward by Laws, 2023, ch. 443, HB 1003, § 34, eff. 7/1/2023. Amended by Laws, 2018, ch. 401, HB 827, § 3, eff. 1/1/2019. (1) No certificate of title need be obtained for: (a) A vehicle, manufactured home or mobile home owned by the United States or any agency thereof; (b) A vehicle, manufactured home or mobile home owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration, or a vehicle used by a manufacturer solely for testing; (c) A vehicle, manufactured home or mobile home owned by a nonresident of this state and not required by law to be registered in this state; (d) A

vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state;(e)A vehicle moved solely by animal power;(f)An implement of husbandry;(g)Special mobile equipment;(h)A pole trailer;(i)Utility trailers of less than five thousand (5,000) pounds gross vehicle weight;(j)A manufactured home with respect to which the requirements of subsections (1) through (5) of Section63-21-30, as applicable, have been satisfied unless with respect to the same manufactured home or mobile home there has been recorded an affidavit of severance pursuant to subsection (6) of Section63-21-30.(2)Nothing in this section shall prohibit the issuance of a certificate of title to the nonresident owner of an all-terrain vehicle that is purchased in this state.Codes, 1942, § 8125-25; Laws, 1968, ch. 531, § 5; Laws, 1987, ch. 338, § 1; Laws, 1999, ch. 556, § 5; Laws, 2005, ch. 335, § 3, eff. 7/1/2005.Brought forward by Laws, 2023, ch. 443, HB 1003,§ 34, eff. 7/1/2023.Amended by Laws, 2018, ch. 401, HB 827,§ 3, eff. 1/1/2019. (1)No certificate of title need be obtained for:(a)A vehicle, manufactured home or mobile home owned by the United States or any agency thereof;(b)A vehicle, manufactured home or mobile home owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration, or a vehicle used by a manufacturer solely for testing;(c)A vehicle, manufactured home or mobile home owned by a nonresident of this state and not required by law to be registered in this state;(d)A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state;(e)A vehicle moved solely by animal power;(f)An implement of husbandry;(g)Special mobile equipment;(h)A pole trailer;(i)Utility trailers of less than five thousand (5,000) pounds gross vehicle weight;(j)A manufactured home with respect to which the requirements of subsections (1) through (5) of Section63-21-30, as applicable, have been satisfied unless with respect to the same manufactured home or mobile home there has been recorded an affidavit of severance pursuant to subsection (6) of Section63-21-30.(2)Nothing in this section shall prohibit the issuance of a certificate of title to the nonresident owner of an all-terrain vehicle that is purchased in this state.Codes, 1942, § 8125-25; Laws, 1968, ch. 531, § 5; Laws, 1987, ch. 338, § 1; Laws, 1999, ch. 556, § 5; Laws, 2005, ch. 335, § 3, eff. 7/1/2005.Brought forward by Laws, 2023, ch. 443, HB 1003,§ 34, eff. 7/1/2023.Amended by Laws, 2018, ch. 401, HB 827,§ 3, eff. 1/1/2019. Codes, 1942, § 8125-25; Laws, 1968, ch. 531, § 5; Laws, 1987, ch. 338, § 1; Laws, 1999, ch. 556, § 5; Laws, 2005, ch. 335, § 3, eff. 7/1/2005. Brought forward by Laws, 2023, ch. 443, HB 1003,§ 34, eff. 7/1/2023. Amended by Laws, 2018, ch. 401, HB 827,§ 3, eff. 1/1/2019.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261)Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77)Section 63-21-13 - Designated agents of Department of Revenue generally

(1)The tax collector of each of the several counties in this state shall by virtue of his office be a designated agent of the Department of Revenue. Such tax collectors may perform their duties under this chapter either personally or through any of their deputies.(2)Every licensed dealer as defined in this chapter including wholesale dealers, shall be a designated agent of the Department of Revenue. Such dealers may perform their duties under this chapter either personally or through any of their officers or employees. Such dealers or persons shall enter into a bond with a surety company authorized to do business in this state as surety thereon, payable to the State of Mississippi in a sum to be determined by the department, but in no case to be less than Fifteen Thousand Dollars (\$15,000.00), conditioned for the faithful performance of their duties under this chapter.(3)The Department of Revenue may appoint persons other than licensed dealers as its designated agents, provided that such appointees shall enter into a bond with a surety company authorized to do business in this state as surety thereon, payable to the State of Mississippi in a sum to be determined by the commission, but in no case to be less than Five Thousand Dollars (\$5,000.00), conditioned for the faithful performance of their duties under this chapter.Codes, 1942, § 8125-26; Laws, 1968, ch. 531, § 6; Laws, 1970, ch. 483, § 2; Laws, 1993, ch. 539, § 1, eff. 7/1/1993.Amended by Laws, 2015, ch. 400, HB 1000, 1, eff. 7/1/2015. (1)The tax collector of each of the several counties in this state shall by virtue of his office be a designated agent of the Department of Revenue. Such tax collectors may perform their duties under this chapter either personally or through any of their deputies.(2)Every licensed dealer as defined in this chapter including wholesale dealers, shall be a designated agent of the Department of Revenue. Such dealers may perform their duties under this chapter either personally or through any of their officers or employees. Such dealers or persons shall enter into a bond with a surety company authorized to do business in this state as surety thereon, payable to the State of Mississippi in a sum to be determined by the department, but in no case to be less than Fifteen Thousand Dollars (\$15,000.00), conditioned for the faithful performance of their duties under this chapter.(3)The Department of Revenue may appoint persons other than licensed dealers as its designated agents, provided that such appointees shall enter into a bond with a surety company authorized to do business in this state as surety thereon, payable to the State of Mississippi in a sum to be determined by the commission, but in no case to be less than Five Thousand Dollars (\$5,000.00), conditioned for the faithful performance of their duties under this chapter.Codes, 1942, § 8125-26; Laws, 1968, ch. 531, § 6; Laws, 1970, ch. 483, § 2; Laws, 1993, ch. 539, § 1, eff. 7/1/1993.Amended by Laws, 2015, ch. 400, HB 1000, 1, eff. 7/1/2015. (1)The tax collector of each of the several counties in this state shall by virtue of his office be a designated agent of the Department of Revenue. Such tax collectors may perform their duties under this chapter either personally or through any of their deputies.(2)Every licensed dealer as defined in this chapter including wholesale dealers, shall be a designated agent of the Department of Revenue. Such dealers may perform their duties under this chapter either personally or through any of their officers or employees. Such dealers or persons shall enter into a bond with a surety company authorized to do business in this state as surety thereon, payable to the State of Mississippi in a sum to be determined by the department, but in no case to be less than Fifteen Thousand Dollars (\$15,000.00), conditioned for the faithful performance of their duties under this chapter.(3)The Department of Revenue may appoint persons other than licensed dealers as its designated agents, provided that such appointees shall

enter into a bond with a surety company authorized to do business in this state as surety thereon, payable to the State of Mississippi in a sum to be determined by the commission, but in no case to be less than Five Thousand Dollars (\$5,000.00), conditioned for the faithful performance of their duties under this chapter. Codes, 1942, § 8125-26; Laws, 1968, ch. 531, § 6; Laws, 1970, ch. 483, § 2; Laws, 1993, ch. 539, § 1, eff. 7/1/1993. Amended by Laws, 2015, ch. 400, HB 1000, 1, eff. 7/1/2015. Codes, 1942, § 8125-26; Laws, 1968, ch. 531, § 6; Laws, 1970, ch. 483, § 2; Laws, 1993, ch. 539, § 1, eff. 7/1/1993. Amended by Laws, 2015, ch. 400, HB 1000, 1, eff. 7/1/2015.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-15 - Application for certificate of title; expedited title processing

(1) The application for the certificate of title of a vehicle, manufactured home or mobile home in this state shall be made by the owner to a designated agent, on the form the Department of Revenue prescribes, and shall contain or be accompanied by the following, if applicable: (a) The name, driver's license number, if the owner has been issued a driver's license, current residence and mailing address of the owner; (b) (i) If a vehicle, a description of the vehicle, including the following data: year, make, model, vehicle identification number, type of body, the number of cylinders, odometer reading at the time of application, and whether new or used; and (ii) If a manufactured home or mobile home, a description of the manufactured home or mobile home, including the following data: year, make, model number, serial number and whether new or used; (c) The date of purchase by applicant, the name and address of the person from whom the vehicle, manufactured home or mobile home was acquired, and the names and addresses of any lienholders in the order of their priority and the dates of their security agreements; (d) In connection with the transfer of ownership of a manufactured home or mobile home sold by a sheriff's bill of sale, a copy of the sheriff's bill of sale; (e) (i) An odometer disclosure statement made by the transferor of a motor vehicle. The statement shall read: Federal and state law requires that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fine and/or imprisonment. I state that the odometer now reads _____ (no tenths) miles and to the best of my knowledge that it reflects the actual mileage of the vehicle described herein, unless one (1) of the following statements is checked: _____ (1) I hereby certify that to the best of my knowledge the odometer reading reflects the amount of mileage in excess of its mechanical limits. _____ (2) I hereby certify that the odometer reading is not the actual mileage. **WARNING-ODOMETER DISCREPANCY!** (ii) In connection with the transfer of ownership of a motor vehicle, each transferor shall disclose the mileage to the transferee in writing on the title or on the document being used to reassign the title, which form shall be prescribed and furnished by the Department of Revenue. This written disclosure must be signed by the transferor and transferee, including the printed name of both parties. Notwithstanding the requirements above, the following exemptions as to odometer disclosure shall be in effect: 1. A vehicle having a gross vehicle weight rating of more than sixteen thousand (16,000) pounds. 2. A vehicle that is not self-propelled. 3. A vehicle that is twenty (20) years old or older. 4. A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications. 5. A transferor of a new vehicle prior to its first transfer for purposes other than resale need not disclose the vehicle's odometer mileage. (iii) Any person who knowingly gives a false statement concerning the odometer reading on an odometer disclosure statement shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of up to One Thousand Dollars (\$1,000.00) or imprisonment of up to one (1) year, or both, at the discretion of the court. These penalties shall be cumulative, supplemental and in addition to the penalties provided by any other law; and (f) For previously used manufactured homes and mobile homes that previously have not been titled in this state or any other state, a disclosure statement shall be made by the owner of the manufactured home or mobile home applying for the certificate of title. That statement shall read: I state that the previously used manufactured home or mobile home owned by me for which I am applying for a certificate of title, to the best of my knowledge: _____ (1) Has never been declared a total loss due to flood damage, fire damage, wind damage or other damage; or _____ (2) Has previously been declared a total loss due to: _____ (a) Collision; _____ (b) Flood; _____ (c) Fire; _____ (d) Wind; _____ (e) Other (please describe): _____." (2) The application shall be accompanied by such evidence as the Department of Revenue reasonably requires to identify the vehicle, manufactured home or mobile home and to enable the Department of Revenue to determine whether the owner is entitled to a certificate of title and the existence or nonexistence of security interests in the vehicle, manufactured home or mobile home and whether the applicant is liable for a use tax as provided by Sections 27-67-1 through 27-67-33. (3) If the application is for a vehicle, manufactured home or mobile home purchased from a dealer, it shall contain the name and address of any lienholder holding a security interest created or reserved at the time of the sale and the date of his security agreement and it shall be signed by the dealer as well as the owner. The designated agent shall promptly mail or deliver the application to the Department of Revenue. (4) If the application is for a new vehicle, manufactured home or mobile home, it shall contain the certified manufacturer's statement of origin showing proper assignments to the applicant and a copy of each security interest document. (5) Each application shall contain or be accompanied by the certificate of a designated agent that the vehicle, manufactured home or mobile home has been physically inspected by him and that the vehicle identification number and descriptive data shown on the application, pursuant to the requirements of subsection (1)(b) of this section, are correct, and also that he has identified the person signing the application and witnessed the signature. If the application is to receive a branded title for a vehicle for which a salvage certificate of title has been issued, the application shall be accompanied by a sworn affidavit that the vehicle complies with the requirements of this section, Section 63-21-39 and the regulations promulgated by the Department of

Revenue under Section 63-21-39.(6)(a) If the application is for a first certificate of title on a vehicle, manufactured home or mobile home other than a new vehicle, manufactured home or mobile home, then the application shall conform with the requirements of this section except that in lieu of the manufacturer's statement of origin, the application shall be accompanied by a copy of the bill of sale of said motor vehicle, manufactured home or mobile home whereby the applicant claims title or in lieu thereof, in the case of a motor vehicle, certified copies of the last two (2) years' tag and tax receipts or in lieu thereof, in any case, such other information the Department of Revenue may reasonably require to identify the vehicle, manufactured home or mobile home and to enable the Department of Revenue to determine ownership of the vehicle, manufactured home or mobile home and the existence or nonexistence of security interest in it. If the application is for a vehicle, manufactured home or mobile home last previously registered in another state or country, the application shall also be accompanied by the certificate of title issued by the other state or country, if any, properly assigned.(b) A person may apply for a certificate of title to a vehicle lacking proper documentation if the vehicle is at least thirty (30) years old and the person submits a certificate of ownership signed under penalty of perjury on a form prescribed by the Department of Revenue.(7) If the application is for a vehicle the owner does not intend to drive, the owner need not purchase a license tag in order to receive a certificate of title, so long as the application contains an affidavit attesting to the owner's intent that the vehicle not be operated on the highways of this state until and unless the owner applies for a license tag.(8) Every designated agent within this state shall, no later than the next business day after they are received by him, forward to the Department of Revenue by mail, postage prepaid, the originals of all applications received by him, together with such evidence of title as may have been delivered to him by the applicants.(9) An application for certificate of title and information to be placed on an application for certificate of title may be transferred electronically as provided in Section 63-21-16.(10) The Department of Revenue shall issue a certificate of title or any other document applied for under this chapter to the designated agent, owner or lienholder of the motor vehicle or of the manufactured home or mobile home, as appropriate, not more than thirty (30) days after the application and required fee prescribed under Section 63-21-63 or Section 63-21-64 are received unless the applicant requests expedited processing under subsection (11) of this section.(11)(a) The Department of Revenue shall establish an expedited processing procedure for the receipt of applications and the issuance of certificates of title and any other documents issued under this chapter, except a replacement certificate of title as provided under Section 63-21-27(2), for motor vehicles and for manufactured homes or mobile homes. Any designated agent, lienholder or owner requesting the issuance of any such document, at his or her option, shall receive such expedited processing upon payment of a fee in the amount of Thirty Dollars (\$30.00). Such fee shall be in addition to the fees applicable to the issuance of any such documents under Section 63-21-63 and Section 63-21-64.(b) When expedited title processing is requested, the applicable fees are paid and all documents and information necessary for the Department of Revenue to issue the certificate of title or other documents applied for are received by the department, then the department shall complete processing of the application and issue the title or document applied for within seventy-two (72) hours of the time of receipt, excluding weekends and holidays. Codes, 1942, § 8125-27; Laws, 1968, ch. 531, § 7; Laws, 1986, ch. 328, § 2; Laws, 1989, ch. 369, § 2; Laws, 1991, ch. 575, § 1; Laws, 1996, ch. 539, § 3; Laws, 1999, ch. 556, § 6; Laws, 2004, ch. 557, § 1; Laws, 2006, ch. 466, § 2; Laws, 2006, ch. 563, § 8, eff. 7/1/2006. Brought forward by Laws, 2023, ch. 443, HB 1003, § 35, eff. 7/1/2023. Brought forward by Laws, 2023, ch. 353, HB 1170, § 2, eff. 7/1/2023. Amended by Laws, 2021, ch. 437, SB 2850, § 1, eff. 7/1/2021. Amended by Laws, 2020, ch. 324, HB 869, § 1, eff. 1/1/2021. Amended by Laws, 2018, ch. 358, SB 2277, § 1, eff. 7/1/2018. (1) The application for the certificate of title of a vehicle, manufactured home or mobile home in this state shall be made by the owner to a designated agent, on the form the Department of Revenue prescribes, and shall contain or be accompanied by the following, if applicable: (a) The name, driver's license number, if the owner has been issued a driver's license, current residence and mailing address of the owner; (b) (i) If a vehicle, a description of the vehicle, including the following data: year, make, model, vehicle identification number, type of body, the number of cylinders, odometer reading at the time of application, and whether new or used; and (ii) If a manufactured home or mobile home, a description of the manufactured home or mobile home, including the following data: year, make, model number, serial number and whether new or used; (c) The date of purchase by applicant, the name and address of the person from whom the vehicle, manufactured home or mobile home was acquired, and the names and addresses of any lienholders in the order of their priority and the dates of their security agreements; (d) In connection with the transfer of ownership of a manufactured home or mobile home sold by a sheriff's bill of sale, a copy of the sheriff's bill of sale; (e) (i) An odometer disclosure statement made by the transferor of a motor vehicle. The statement shall read: Federal and state law requires that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fine and/or imprisonment. I state that the odometer now reads _____ (no tenths) miles and to the best of my knowledge that it reflects the actual mileage of the vehicle described herein, unless one (1) of the following statements is checked: _____ (1) I hereby certify that to the best of my knowledge the odometer reading reflects the amount of mileage in excess of its mechanical limits. _____ (2) I hereby certify that the odometer reading is not the actual mileage. WARNING-ODOMETER DISCREPANCY! (ii) In connection with the transfer of ownership of a motor vehicle, each transferor shall disclose the mileage to the transferee in writing on the title or on the document being used to reassign the title, which form shall be prescribed and furnished by the Department of Revenue. This written disclosure must be signed by the transferor and transferee, including the printed name of both parties. Notwithstanding the requirements above, the following exemptions as to odometer disclosure shall be in effect: 1. A vehicle having a gross vehicle weight rating of more than sixteen thousand (16,000) pounds. 2. A vehicle that is not self-propelled. 3. A vehicle that is twenty (20) years old or older. 4. A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications. 5. A transferor of a new vehicle prior to its first transfer for purposes other than resale need not disclose the vehicle's odometer mileage. (iii) Any person who knowingly gives a false statement concerning the odometer reading on an odometer

disclosure statement shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of up to One Thousand Dollars (\$1,000.00) or imprisonment of up to one (1) year, or both, at the discretion of the court. These penalties shall be cumulative, supplemental and in addition to the penalties provided by any other law; and(f)For previously used manufactured homes and mobile homes that previously have not been titled in this state or any other state, a disclosure statement shall be made by the owner of the manufactured home or mobile home applying for the certificate of title. That statement shall read:I state that the previously used manufactured home or mobile home owned by me for which I am applying for a certificate of title, to the best of my knowledge:_____ (1) Has never been declared a total loss due to flood damage, fire damage, wind damage or other damage; or _____ (2) Has previously been declared a total loss due to:_____ (a) Collision;_____ (b) Flood;_____ (c) Fire;_____ (d) Wind;_____ (e) Other (please describe): _____."(2)The application shall be accompanied by such evidence as the Department of Revenue reasonably requires to identify the vehicle, manufactured home or mobile home and to enable the Department of Revenue to determine whether the owner is entitled to a certificate of title and the existence or nonexistence of security interests in the vehicle, manufactured home or mobile home and whether the applicant is liable for a use tax as provided by Sections27-67-1through27-67-33.(3)If the application is for a vehicle, manufactured home or mobile home purchased from a dealer, it shall contain the name and address of any lienholder holding a security interest created or reserved at the time of the sale and the date of his security agreement and it shall be signed by the dealer as well as the owner. The designated agent shall promptly mail or deliver the application to the Department of Revenue.(4)If the application is for a new vehicle, manufactured home or mobile home, it shall contain the certified manufacturer's statement of origin showing proper assignments to the applicant and a copy of each security interest document.(5)Each application shall contain or be accompanied by the certificate of a designated agent that the vehicle, manufactured home or mobile home has been physically inspected by him and that the vehicle identification number and descriptive data shown on the application, pursuant to the requirements of subsection (1)(b) of this section, are correct, and also that he has identified the person signing the application and witnessed the signature. If the application is to receive a branded title for a vehicle for which a salvage certificate of title has been issued, the application shall be accompanied by a sworn affidavit that the vehicle complies with the requirements of this section, Section63-21-39and the regulations promulgated by the Department of Revenue under Section63-21-39.(6)(a)If the application is for a first certificate of title on a vehicle, manufactured home or mobile home other than a new vehicle, manufactured home or mobile home, then the application shall conform with the requirements of this section except that in lieu of the manufacturer's statement of origin, the application shall be accompanied by a copy of the bill of sale of said motor vehicle, manufactured home or mobile home whereby the applicant claims title or in lieu thereof, in the case of a motor vehicle, certified copies of the last two (2) years' tag and tax receipts or in lieu thereof, in any case, such other information the Department of Revenue may reasonably require to identify the vehicle, manufactured home or mobile home and to enable the Department of Revenue to determine ownership of the vehicle, manufactured home or mobile home and the existence or nonexistence of security interest in it. If the application is for a vehicle, manufactured home or mobile home last previously registered in another state or country, the application shall also be accompanied by the certificate of title issued by the other state or country, if any, properly assigned.(b)A person may apply for a certificate of title to a vehicle lacking proper documentation if the vehicle is at least thirty (30) years old and the person submits a certificate of ownership signed under penalty of perjury on a form prescribed by the Department of Revenue.(7)If the application is for a vehicle the owner does not intend to drive, the owner need not purchase a license tag in order to receive a certificate of title, so long as the application contains an affidavit attesting to the owner's intent that the vehicle not be operated on the highways of this state until and unless the owner applies for a license tag.(8)Every designated agent within this state shall, no later than the next business day after they are received by him, forward to the Department of Revenue by mail, postage prepaid, the originals of all applications received by him, together with such evidence of title as may have been delivered to him by the applicants.(9)An application for certificate of title and information to be placed on an application for certificate of title may be transferred electronically as provided in Section63-21-16.(10)The Department of Revenue shall issue a certificate of title or any other document applied for under this chapter to the designated agent, owner or lienholder of the motor vehicle or of the manufactured home or mobile home, as appropriate, not more than thirty (30) days after the application and required fee prescribed under Section63-21-63or Section63-21-64are received unless the applicant requests expedited processing under subsection (11) of this section.(11)(a)The Department of Revenue shall establish an expedited processing procedure for the receipt of applications and the issuance of certificates of title and any other documents issued under this chapter, except a replacement certificate of title as provided under Section63-21-27(2), for motor vehicles and for manufactured homes or mobile homes. Any designated agent, lienholder or owner requesting the issuance of any such document, at his or her option, shall receive such expedited processing upon payment of a fee in the amount of Thirty Dollars (\$30.00). Such fee shall be in addition to the fees applicable to the issuance of any such documents under Section63-21-63and Section63-21-64.(b)When expedited title processing is requested, the applicable fees are paid and all documents and information necessary for the Department of Revenue to issue the certificate of title or other documents applied for are received by the department, then the department shall complete processing of the application and issue the title or document applied for within seventy-two (72) hours of the time of receipt, excluding weekends and holidays.Codes, 1942, § 8125-27; Laws, 1968, ch. 531, § 7; Laws, 1986, ch. 328, § 2; Laws, 1989, ch. 369, § 2; Laws, 1991, ch. 575, § 1; Laws, 1996, ch. 539, § 3; Laws, 1999, ch. 556, § 6; Laws, 2004, ch. 557, § 1; Laws, 2006, ch. 466, § 2; Laws, 2006, ch. 563, § 8, eff. 7/1/2006.Brought forward by Laws, 2023, ch. 443, HB 1003,§ 35, eff. 7/1/2023.Brought forward by Laws, 2023, ch. 353, HB 1170,§ 2, eff. 7/1/2023.Amended by Laws, 2021, ch. 437, SB 2850,§ 1, eff. 7/1/2021.Amended by Laws, 2020, ch. 324, HB 869,§ 1, eff. 1/1/2021.Amended by Laws, 2018, ch. 358, SB 2277,§ 1, eff. 7/1/2018. (1)The application

for the certificate of title of a vehicle, manufactured home or mobile home in this state shall be made by the owner to a designated agent, on the form the Department of Revenue prescribes, and shall contain or be accompanied by the following, if applicable: (a) The name, driver's license number, if the owner has been issued a driver's license, current residence and mailing address of the owner; (b) (i) If a vehicle, a description of the vehicle, including the following data: year, make, model, vehicle identification number, type of body, the number of cylinders, odometer reading at the time of application, and whether new or used; and (ii) If a manufactured home or mobile home, a description of the manufactured home or mobile home, including the following data: year, make, model number, serial number and whether new or used; (c) The date of purchase by applicant, the name and address of the person from whom the vehicle, manufactured home or mobile home was acquired, and the names and addresses of any lienholders in the order of their priority and the dates of their security agreements; (d) In connection with the transfer of ownership of a manufactured home or mobile home sold by a sheriff's bill of sale, a copy of the sheriff's bill of sale; (e) (i) An odometer disclosure statement made by the transferor of a motor vehicle. The statement shall read: Federal and state law requires that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fine and/or imprisonment. I state that the odometer now reads _____ (no tenths) miles and to the best of my knowledge that it reflects the actual mileage of the vehicle described herein, unless one (1) of the following statements is checked: _____ (1) I hereby certify that to the best of my knowledge the odometer reading reflects the amount of mileage in excess of its mechanical limits. _____ (2) I hereby certify that the odometer reading is not the actual mileage. **WARNING-ODOMETER DISCREPANCY!** (ii) In connection with the transfer of ownership of a motor vehicle, each transferor shall disclose the mileage to the transferee in writing on the title or on the document being used to reassign the title, which form shall be prescribed and furnished by the Department of Revenue. This written disclosure must be signed by the transferor and transferee, including the printed name of both parties. Notwithstanding the requirements above, the following exemptions as to odometer disclosure shall be in effect: 1. A vehicle having a gross vehicle weight rating of more than sixteen thousand (16,000) pounds. 2. A vehicle that is not self-propelled. 3. A vehicle that is twenty (20) years old or older. 4. A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications. 5. A transferor of a new vehicle prior to its first transfer for purposes other than resale need not disclose the vehicle's odometer mileage. (iii) Any person who knowingly gives a false statement concerning the odometer reading on an odometer disclosure statement shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of up to One Thousand Dollars (\$1,000.00) or imprisonment of up to one (1) year, or both, at the discretion of the court. These penalties shall be cumulative, supplemental and in addition to the penalties provided by any other law; and (f) For previously used manufactured homes and mobile homes that previously have not been titled in this state or any other state, a disclosure statement shall be made by the owner of the manufactured home or mobile home applying for the certificate of title. That statement shall read: I state that the previously used manufactured home or mobile home owned by me for which I am applying for a certificate of title, to the best of my knowledge: _____ (1) Has never been declared a total loss due to flood damage, fire damage, wind damage or other damage; or _____ (2) Has previously been declared a total loss due to: _____ (a) Collision; _____ (b) Flood; _____ (c) Fire; _____ (d) Wind; _____ (e) Other (please describe): _____." (2) The application shall be accompanied by such evidence as the Department of Revenue reasonably requires to identify the vehicle, manufactured home or mobile home and to enable the Department of Revenue to determine whether the owner is entitled to a certificate of title and the existence or nonexistence of security interests in the vehicle, manufactured home or mobile home and whether the applicant is liable for a use tax as provided by Sections 27-67-1 through 27-67-33. (3) If the application is for a vehicle, manufactured home or mobile home purchased from a dealer, it shall contain the name and address of any lienholder holding a security interest created or reserved at the time of the sale and the date of his security agreement and it shall be signed by the dealer as well as the owner. The designated agent shall promptly mail or deliver the application to the Department of Revenue. (4) If the application is for a new vehicle, manufactured home or mobile home, it shall contain the certified manufacturer's statement of origin showing proper assignments to the applicant and a copy of each security interest document. (5) Each application shall contain or be accompanied by the certificate of a designated agent that the vehicle, manufactured home or mobile home has been physically inspected by him and that the vehicle identification number and descriptive data shown on the application, pursuant to the requirements of subsection (1)(b) of this section, are correct, and also that he has identified the person signing the application and witnessed the signature. If the application is to receive a branded title for a vehicle for which a salvage certificate of title has been issued, the application shall be accompanied by a sworn affidavit that the vehicle complies with the requirements of this section, Section 63-21-39 and the regulations promulgated by the Department of Revenue under Section 63-21-39. (6) (a) If the application is for a first certificate of title on a vehicle, manufactured home or mobile home other than a new vehicle, manufactured home or mobile home, then the application shall conform with the requirements of this section except that in lieu of the manufacturer's statement of origin, the application shall be accompanied by a copy of the bill of sale of said motor vehicle, manufactured home or mobile home whereby the applicant claims title or in lieu thereof, in the case of a motor vehicle, certified copies of the last two (2) years' tag and tax receipts or in lieu thereof, in any case, such other information the Department of Revenue may reasonably require to identify the vehicle, manufactured home or mobile home and to enable the Department of Revenue to determine ownership of the vehicle, manufactured home or mobile home and the existence or nonexistence of security interest in it. If the application is for a vehicle, manufactured home or mobile home last previously registered in another state or country, the application shall also be accompanied by the certificate of title issued by the other state or country, if any, properly assigned. (b) A person may apply for a certificate of title to a vehicle lacking proper documentation if the

vehicle is at least thirty (30) years old and the person submits a certificate of ownership signed under penalty of perjury on a form prescribed by the Department of Revenue.(7)If the application is for a vehicle the owner does not intend to drive, the owner need not purchase a license tag in order to receive a certificate of title, so long as the application contains an affidavit attesting to the owner's intent that the vehicle not be operated on the highways of this state until and unless the owner applies for a license tag.(8)Every designated agent within this state shall, no later than the next business day after they are received by him, forward to the Department of Revenue by mail, postage prepaid, the originals of all applications received by him, together with such evidence of title as may have been delivered to him by the applicants.(9)An application for certificate of title and information to be placed on an application for certificate of title may be transferred electronically as provided in Section63-21-16.(10)The Department of Revenue shall issue a certificate of title or any other document applied for under this chapter to the designated agent, owner or lienholder of the motor vehicle or of the manufactured home or mobile home, as appropriate, not more than thirty (30) days after the application and required fee prescribed under Section63-21-63or Section63-21-64are received unless the applicant requests expedited processing under subsection (11) of this section.(11)(a)The Department of Revenue shall establish an expedited processing procedure for the receipt of applications and the issuance of certificates of title and any other documents issued under this chapter, except a replacement certificate of title as provided under Section63-21-27(2), for motor vehicles and for manufactured homes or mobile homes. Any designated agent, lienholder or owner requesting the issuance of any such document, at his or her option, shall receive such expedited processing upon payment of a fee in the amount of Thirty Dollars (\$30.00). Such fee shall be in addition to the fees applicable to the issuance of any such documents under Section63-21-63and Section63-21-64.(b)When expedited title processing is requested, the applicable fees are paid and all documents and information necessary for the Department of Revenue to issue the certificate of title or other documents applied for are received by the department, then the department shall complete processing of the application and issue the title or document applied for within seventy-two (72) hours of the time of receipt, excluding weekends and holidays.Codes, 1942, § 8125-27; Laws, 1968, ch. 531, § 7; Laws, 1986, ch. 328, § 2; Laws, 1989, ch. 369, § 2; Laws, 1991, ch. 575, § 1; Laws, 1996, ch. 539, § 3; Laws, 1999, ch. 556, § 6; Laws, 2004, ch. 557, § 1; Laws, 2006, ch. 466, § 2; Laws, 2006, ch. 563, § 8, eff. 7/1/2006.Brought forward by Laws, 2023, ch. 443, HB 1003,§ 35, eff. 7/1/2023.Brought forward by Laws, 2023, ch. 353, HB 1170,§ 2, eff. 7/1/2023.Amended by Laws, 2021, ch. 437, SB 2850,§ 1, eff. 7/1/2021.Amended by Laws, 2020, ch. 324, HB 869,§ 1, eff. 1/1/2021.Amended by Laws, 2018, ch. 358, SB 2277,§ 1, eff. 7/1/2018. Federal and state law requires that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fine and/or imprisonment. I state that the odometer now reads _____ (no tenths) miles and to the best of my knowledge that it reflects the actual mileage of the vehicle described herein, unless one (1) of the following statements is checked:

_____ (1) I hereby certify that to the best of my knowledge the odometer reading reflects the amount of mileage in excess of its mechanical limits. _____ (2) I hereby certify that the odometer reading is not the actual mileage. WARNING-ODOMETER DISCREPANCY!" Notwithstanding the requirements above, the following exemptions as to odometer disclosure shall be in effect: I state that the previously used manufactured home or mobile home owned by me for which I am applying for a certificate of title, to the best of my knowledge: _____ (1) Has never been declared a total loss due to flood damage, fire damage, wind damage or other damage; or _____ (2) Has previously been declared a total loss due to: _____ (a) Collision; _____ (b) Flood; _____ (c) Fire; _____ (d) Wind; _____ (e) Other (please describe): _____."

Codes, 1942, § 8125-27; Laws, 1968, ch. 531, § 7; Laws, 1986, ch. 328, § 2; Laws, 1989, ch. 369, § 2; Laws, 1991, ch. 575, § 1; Laws, 1996, ch. 539, § 3; Laws, 1999, ch. 556, § 6; Laws, 2004, ch. 557, § 1; Laws, 2006, ch. 466, § 2; Laws, 2006, ch. 563, § 8, eff. 7/1/2006. Brought forward by Laws, 2023, ch. 443, HB 1003,§ 35, eff. 7/1/2023. Brought forward by Laws, 2023, ch. 353, HB 1170,§ 2, eff. 7/1/2023. Amended by Laws, 2021, ch. 437, SB 2850,§ 1, eff. 7/1/2021. Amended by Laws, 2020, ch. 324, HB 869,§ 1, eff. 1/1/2021. Amended by Laws, 2018, ch. 358, SB 2277,§ 1, eff. 7/1/2018.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261)Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77)Section 63-21-16 - Electronic transmittal of information by banks and other lending institutions; duties of institutions with respect to applications for certificates of title; entry of applications on statewide title registration system; addition of second lienholder to certificate of title; applications for certificates of title after assignment of liens; issuance of new certificate of title by Department of Revenue; connection of institutions to title registration system; penalties for noncompliance with statute or regulations by institutions; conditions for issuance of certificate of title to manufactured or mobile home for which title has been retired to real property; electronic transmission of liens and lien satisfactions

(1)All designated agents appointed by the department under Section63-21-13may electronically transmit to the department information entered by them on applications for a certificate of title given in connection with the sale or transfer of a motor vehicle, manufactured home or mobile home or a loan for which the owner's motor vehicle, manufactured home or mobile home is pledged to that institution as collateral for the loan. The format and the data required to be transmitted shall be established by the department . Transmission of data shall meet minimum criteria and edits established by the department equal to any edit presently existing in the statewide title registration system, or as may be established, to which the county tax collectors shall also conform. All data transmitted must successfully pass edits established by the department , including lienholder name, mailing address and lienholder account number assigned to a lienholder by the department to identify the lienholder, for the purpose of causing the data to appear in the certificate of title for which the application is made.(2)It shall be the responsibility of the designated agent to verify all data

before it is electronically transmitted. It shall also be the responsibility of the designated agent to ensure that the required certification of designated agent and the certification of statement of facts that are contained on the application for certificate of title appear above the signatures of both the owner and the authorized representative of the designated agent. Data which cannot be transmitted because of error shall be corrected by the designated agent when the statewide title registration system indicates that the data is erroneous or is not valid for the purposes of titling the motor vehicle, manufactured home or mobile home or for transfer of the data.(3)When an institution has agreed to loan money for the purchase of a motor vehicle, manufactured home or mobile home, the institution shall complete an application for certificate of title or require the borrower to provide to the institution the copy of the application for certificate of title contained in the application packet which is designated "Lienholder's Copy" according to provisions of the Motor Vehicle and Manufactured Housing Title Law, which the owner will receive from the county tax collector or any designated agent upon completion of the application for title and registration process.(4)An application for certificate of title originating from a designated agent shall be entered on the statewide title registration system by the originating lending institution when the transaction is for the purpose of perfecting the institution's interest in a vehicle, manufactured home or mobile home currently owned or purchased by the applicant, in connection with application for certificate of title or the purchase of a license tag or both.(5)When an institution in this state adds a second lien on a certificate of title in possession of a first lienholder institution in this state, the second lienholder institution seeking to be shown on the certificate of title shall:(a)Prepare the application for certificate of title in accordance with the requirements of Sections63-21-15and63-21-45(1)(c);(b)Obtain all required signatures; and(c)Forward the completed application for certificate of title to the first lienholder together with any necessary remittance advice, a check for the title fee payable to the department and a cover letter to the first lienholder requesting that the first lienholder attach the certificate of title to the required documents sent by the second lienholder and then forward the application, certificate of title and required documents to the department .(6)Upon receipt of the application for certificate of title from the second lienholder institution to record the second lien, the first lienholder institution shall compare the data contained in the application for certificate of title to the information contained in the original certificate of title. If the first lienholder institution is satisfied as to the ownership, accuracy and order of priority of liens as shown in the application, it shall enter the data contained on the application for certificate of title prepared by the second lienholder on the statewide title registration system, including the designated agent number of the second lienholder. After entering the data from the application for certificate of title, the first lienholder institution shall immediately forward the application for certificate of title with the certificate of title attached to the application, the remittance advice and the second lienholder's check for the title fee to the department within three (3) working days.(7)In an assignment of lien pursuant to Section63-21-47, the assignee shall receive the notice of assignment along with the current title attached and with the assignors interest open. The assignee lienholder shall prepare an application for certificate of title according to the notice of assignment, showing the assignee institution as the lienholder, and then shall electronically transmit the data to the department . The completed application shall be forwarded to the department within three (3) working days.(8)The department , upon receipt of applications for certificate of title, shall verify the data by accessing it on the statewide title registration system by the title application control number appearing on the application for title. After receiving verification that is satisfactory to the department that the data necessary for the issuance of a new certificate of title exists, the department shall issue a new certificate of title that records the interests of all the parties named in the application for certificate of title.(9)Designated agents shall be connected to the statewide title registration system for the purpose of electronic transfer of applications for certificate of title data in the order of priority established by the department .(10)If a participating designated agent fails to comply with the provisions of this section or the rules adopted by the department to implement this section, the department may impose a penalty of Twenty-five Dollars (\$25.00) for each instance of noncompliance. Any penalty imposed under this section not paid within thirty (30) days after a notice is given shall be subject to collection from the bond of the designated agent that is required to be provided under the provisions of Section63-21-13(3). The penalty provided shall also be assessable, due and collectible from any licensed motor vehicle dealer or manufactured home or mobile home dealer for failure to accept an application for certificate of title for each and every vehicle, manufactured home or mobile home he sells to a consumer. These penalties shall be cumulative, supplemental and in addition to the penalties provided by any other law.(11)This section shall apply to all designated agents appointed by the department under Section63-21-13, that choose to electronically transmit information on applications for certificates of title to the department . This section shall not apply to other designated agents.(12)Notwithstanding the foregoing, the department shall not issue a certificate of title to a manufactured home or mobile home with respect to which title has been retired to real property under Section63-21-30unless with respect to the same manufactured home or mobile home title has been severed from real property pursuant to Section63-21-30.(13)Notwithstanding any requirement in this chapter that a lien on a motor vehicle or manufactured home shall be noted on the face of the certificate of title, if there are one or more liens or encumbrances on the motor vehicle or manufactured home, the department may electronically transmit the lien to the first lienholder and notify the first lienholder of any additional liens. Subsequent lien satisfactions may be electronically transmitted to the department and shall include the name and address of the person satisfying the lien. When electronic transmission of liens and lien satisfactions is used, a certificate of title need not be issued until the last lien is satisfied and a clear certificate of title is issued to the owner of the motor vehicle or manufactured home. When a motor vehicle is subject to an electronic lien, the certificate of title for the motor vehicle shall be considered to be physically held by the lienholder for purposes of compliance with state or federal odometer disclosure requirements. A duly certified copy of the department 's electronic record of the lien shall be admissible in any civil, criminal, or administrative proceeding in this state as evidence of the existence of the lien.(14)Any lienholder with a federal Employer Identification Number (EIN) must electronically transmit the satisfaction and release and discharge of a lien on a motor vehicle to

the department not later than fourteen (14) days after the date of satisfaction of the lien. The failure of any such lienholder to comply with the requirements of this subsection shall be a violation of this chapter. Any such lienholder who knowingly and willfully fails to transmit the satisfaction and release and discharge of a lien on a motor vehicle within fourteen (14) days after the date of the satisfaction of the lien shall be in violation of this section, and subject to a civil penalty of up to Two Hundred Fifty Dollars (\$250.00) per violation, which shall be in addition to any other penalty provided in this chapter. In addition, the lienholder shall be liable for any attorney's fees, legal fees and/or other fees and costs incurred by a person in any action necessary to discharge and/or release a lien or otherwise affecting a lien for which the lienholder failed to transmit the required information.(15)Notwithstanding any other provision of this chapter to the contrary, if a lien on a motor vehicle is older than eight (8) years from the date the lien was placed on the motor vehicle, the lien shall be recorded by the department in the automated statewide motor vehicle registration system as having been satisfied and released and discharged, unless annually recertified by the lienholder by utilizing the format and transmitting the data required by the department.Laws, 1996, ch. 539, § 1; Laws, 1997, ch. 458, § 1; Laws, 1999, ch. 396, § 2; Laws, 1999, ch. 556, § 7, eff. 7/1/1999.Amended by Laws, 2024, ch. (number not assigned at time of publication), HB 1589,§ 1, eff. 1/1/2025.Amended by Laws, 2023, ch. 353, HB 1170,§ 1, eff. 7/1/2023.Amended by Laws, 2018, ch. 401, HB 827,§ 4, eff. 1/1/2019. (1)All designated agents appointed by the department under Section63-21-13may electronically transmit to the department information entered by them on applications for a certificate of title given in connection with the sale or transfer of a motor vehicle, manufactured home or mobile home or a loan for which the owner's motor vehicle, manufactured home or mobile home is pledged to that institution as collateral for the loan. The format and the data required to be transmitted shall be established by the department . Transmission of data shall meet minimum criteria and edits established by the department equal to any edit presently existing in the statewide title registration system, or as may be established, to which the county tax collectors shall also conform. All data transmitted must successfully pass edits established by the department , including lienholder name, mailing address and lienholder account number assigned to a lienholder by the department to identify the lienholder, for the purpose of causing the data to appear in the certificate of title for which the application is made.(2)It shall be the responsibility of the designated agent to verify all data before it is electronically transmitted. It shall also be the responsibility of the designated agent to ensure that the required certification of designated agent and the certification of statement of facts that are contained on the application for certificate of title appear above the signatures of both the owner and the authorized representative of the designated agent. Data which cannot be transmitted because of error shall be corrected by the designated agent when the statewide title registration system indicates that the data is erroneous or is not valid for the purposes of titling the motor vehicle, manufactured home or mobile home or for transfer of the data.(3)When an institution has agreed to loan money for the purchase of a motor vehicle, manufactured home or mobile home, the institution shall complete an application for certificate of title or require the borrower to provide to the institution the copy of the application for certificate of title contained in the application packet which is designated "Lienholder's Copy" according to provisions of the Motor Vehicle and Manufactured Housing Title Law, which the owner will receive from the county tax collector or any designated agent upon completion of the application for title and registration process.(4)An application for certificate of title originating from a designated agent shall be entered on the statewide title registration system by the originating lending institution when the transaction is for the purpose of perfecting the institution's interest in a vehicle, manufactured home or mobile home currently owned or purchased by the applicant, in connection with application for certificate of title or the purchase of a license tag or both.(5)When an institution in this state adds a second lien on a certificate of title in possession of a first lienholder institution in this state, the second lienholder institution seeking to be shown on the certificate of title shall:(a)Prepare the application for certificate of title in accordance with the requirements of Sections63-21-15and63-21-45(1)(c);(b)Obtain all required signatures; and(c)Forward the completed application for certificate of title to the first lienholder together with any necessary remittance advice, a check for the title fee payable to the department and a cover letter to the first lienholder requesting that the first lienholder attach the certificate of title to the required documents sent by the second lienholder and then forward the application, certificate of title and required documents to the department .(6)Upon receipt of the application for certificate of title from the second lienholder institution to record the second lien, the first lienholder institution shall compare the data contained in the application for certificate of title to the information contained in the original certificate of title. If the first lienholder institution is satisfied as to the ownership, accuracy and order of priority of liens as shown in the application, it shall enter the data contained on the application for certificate of title prepared by the second lienholder on the statewide title registration system, including the designated agent number of the second lienholder. After entering the data from the application for certificate of title, the first lienholder institution shall immediately forward the application for certificate of title with the certificate of title attached to the application, the remittance advice and the second lienholder's check for the title fee to the department within three (3) working days.(7)In an assignment of lien pursuant to Section63-21-47, the assignee shall receive the notice of assignment along with the current title attached and with the assignors interest open. The assignee lienholder shall prepare an application for certificate of title according to the notice of assignment, showing the assignee institution as the lienholder, and then shall electronically transmit the data to the department . The completed application shall be forwarded to the department within three (3) working days.(8)The department , upon receipt of applications for certificate of title, shall verify the data by accessing it on the statewide title registration system by the title application control number appearing on the application for title. After receiving verification that is satisfactory to the department that the data necessary for the issuance of a new certificate of title exists, the department shall issue a new certificate of title that records the interests of all the parties named in the application for certificate of title.(9)Designated agents shall be connected to the statewide title registration system for the purpose of electronic transfer of applications for certificate of title data in the order of priority established by the department .(10)If a participating designated agent fails to comply with the provisions of this section or the rules

adopted by the department to implement this section, the department may impose a penalty of Twenty-five Dollars (\$25.00) for each instance of noncompliance. Any penalty imposed under this section not paid within thirty (30) days after a notice is given shall be subject to collection from the bond of the designated agent that is required to be provided under the provisions of Section 63-21-13(3). The penalty provided shall also be assessable, due and collectible from any licensed motor vehicle dealer or manufactured home or mobile home dealer for failure to accept an application for certificate of title for each and every vehicle, manufactured home or mobile home he sells to a consumer. These penalties shall be cumulative, supplemental and in addition to the penalties provided by any other law. (11) This section shall apply to all designated agents appointed by the department under Section 63-21-13, that choose to electronically transmit information on applications for certificates of title to the department. This section shall not apply to other designated agents. (12) Notwithstanding the foregoing, the department shall not issue a certificate of title to a manufactured home or mobile home with respect to which title has been retired to real property under Section 63-21-30 unless with respect to the same manufactured home or mobile home title has been severed from real property pursuant to Section 63-21-30. (13) Notwithstanding any requirement in this chapter that a lien on a motor vehicle or manufactured home shall be noted on the face of the certificate of title, if there are one or more liens or encumbrances on the motor vehicle or manufactured home, the department may electronically transmit the lien to the first lienholder and notify the first lienholder of any additional liens. Subsequent lien satisfactions may be electronically transmitted to the department and shall include the name and address of the person satisfying the lien. When electronic transmission of liens and lien satisfactions is used, a certificate of title need not be issued until the last lien is satisfied and a clear certificate of title is issued to the owner of the motor vehicle or manufactured home. When a motor vehicle is subject to an electronic lien, the certificate of title for the motor vehicle shall be considered to be physically held by the lienholder for purposes of compliance with state or federal odometer disclosure requirements. A duly certified copy of the department's electronic record of the lien shall be admissible in any civil, criminal, or administrative proceeding in this state as evidence of the existence of the lien. (14) Any lienholder with a federal Employer Identification Number (EIN) must electronically transmit the satisfaction and release and discharge of a lien on a motor vehicle to the department not later than fourteen (14) days after the date of satisfaction of the lien. The failure of any such lienholder to comply with the requirements of this subsection shall be a violation of this chapter. Any such lienholder who knowingly and willfully fails to transmit the satisfaction and release and discharge of a lien on a motor vehicle within fourteen (14) days after the date of the satisfaction of the lien shall be in violation of this section, and subject to a civil penalty of up to Two Hundred Fifty Dollars (\$250.00) per violation, which shall be in addition to any other penalty provided in this chapter. In addition, the lienholder shall be liable for any attorney's fees, legal fees and/or other fees and costs incurred by a person in any action necessary to discharge and/or release a lien or otherwise affecting a lien for which the lienholder failed to transmit the required information. (15) Notwithstanding any other provision of this chapter to the contrary, if a lien on a motor vehicle is older than eight (8) years from the date the lien was placed on the motor vehicle, the lien shall be recorded by the department in the automated statewide motor vehicle registration system as having been satisfied and released and discharged, unless annually recertified by the lienholder by utilizing the format and transmitting the data required by the department. Laws, 1996, ch. 539, § 1; Laws, 1997, ch. 458, § 1; Laws, 1999, ch. 396, § 2; Laws, 1999, ch. 556, § 7, eff. 7/1/1999. Amended by Laws, 2024, ch. (number not assigned at time of publication), HB 1589, § 1, eff. 1/1/2025. Amended by Laws, 2023, ch. 353, HB 1170, § 1, eff. 7/1/2023. Amended by Laws, 2018, ch. 401, HB 827, § 4, eff. 1/1/2019. (1) All designated agents appointed by the department under Section 63-21-13 may electronically transmit to the department information entered by them on applications for a certificate of title given in connection with the sale or transfer of a motor vehicle, manufactured home or mobile home or a loan for which the owner's motor vehicle, manufactured home or mobile home is pledged to that institution as collateral for the loan. The format and the data required to be transmitted shall be established by the department. Transmission of data shall meet minimum criteria and edits established by the department equal to any edit presently existing in the statewide title registration system, or as may be established, to which the county tax collectors shall also conform. All data transmitted must successfully pass edits established by the department, including lienholder name, mailing address and lienholder account number assigned to a lienholder by the department to identify the lienholder, for the purpose of causing the data to appear in the certificate of title for which the application is made. (2) It shall be the responsibility of the designated agent to verify all data before it is electronically transmitted. It shall also be the responsibility of the designated agent to ensure that the required certification of designated agent and the certification of statement of facts that are contained on the application for certificate of title appear above the signatures of both the owner and the authorized representative of the designated agent. Data which cannot be transmitted because of error shall be corrected by the designated agent when the statewide title registration system indicates that the data is erroneous or is not valid for the purposes of titling the motor vehicle, manufactured home or mobile home or for transfer of the data. (3) When an institution has agreed to loan money for the purchase of a motor vehicle, manufactured home or mobile home, the institution shall complete an application for certificate of title or require the borrower to provide to the institution the copy of the application for certificate of title contained in the application packet which is designated "Lienholder's Copy" according to provisions of the Motor Vehicle and Manufactured Housing Title Law, which the owner will receive from the county tax collector or any designated agent upon completion of the application for title and registration process. (4) An application for certificate of title originating from a designated agent shall be entered on the statewide title registration system by the originating lending institution when the transaction is for the purpose of perfecting the institution's interest in a vehicle, manufactured home or mobile home currently owned or purchased by the applicant, in connection with application for certificate of title or the purchase of a license tag or both. (5) When an institution in this state adds a second lien on a certificate of title in possession of a first lienholder institution in this state, the second lienholder institution seeking to be shown on the certificate of title shall: (a) Prepare the application for

certificate of title in accordance with the requirements of Sections 63-21-15 and 63-21-45(1)(c); (b) Obtain all required signatures; and (c) Forward the completed application for certificate of title to the first lienholder together with any necessary remittance advice, a check for the title fee payable to the department and a cover letter to the first lienholder requesting that the first lienholder attach the certificate of title to the required documents sent by the second lienholder and then forward the application, certificate of title and required documents to the department. (6) Upon receipt of the application for certificate of title from the second lienholder institution to record the second lien, the first lienholder institution shall compare the data contained in the application for certificate of title to the information contained in the original certificate of title. If the first lienholder institution is satisfied as to the ownership, accuracy and order of priority of liens as shown in the application, it shall enter the data contained on the application for certificate of title prepared by the second lienholder on the statewide title registration system, including the designated agent number of the second lienholder. After entering the data from the application for certificate of title, the first lienholder institution shall immediately forward the application for certificate of title with the certificate of title attached to the application, the remittance advice and the second lienholder's check for the title fee to the department within three (3) working days. (7) In an assignment of lien pursuant to Section 63-21-47, the assignee shall receive the notice of assignment along with the current title attached and with the assignor's interest open. The assignee lienholder shall prepare an application for certificate of title according to the notice of assignment, showing the assignee institution as the lienholder, and then shall electronically transmit the data to the department. The completed application shall be forwarded to the department within three (3) working days. (8) The department, upon receipt of applications for certificate of title, shall verify the data by accessing it on the statewide title registration system by the title application control number appearing on the application for title. After receiving verification that is satisfactory to the department that the data necessary for the issuance of a new certificate of title exists, the department shall issue a new certificate of title that records the interests of all the parties named in the application for certificate of title. (9) Designated agents shall be connected to the statewide title registration system for the purpose of electronic transfer of applications for certificate of title data in the order of priority established by the department. (10) If a participating designated agent fails to comply with the provisions of this section or the rules adopted by the department to implement this section, the department may impose a penalty of Twenty-five Dollars (\$25.00) for each instance of noncompliance. Any penalty imposed under this section not paid within thirty (30) days after a notice is given shall be subject to collection from the bond of the designated agent that is required to be provided under the provisions of Section 63-21-13(3). The penalty provided shall also be assessable, due and collectible from any licensed motor vehicle dealer or manufactured home or mobile home dealer for failure to accept an application for certificate of title for each and every vehicle, manufactured home or mobile home he sells to a consumer. These penalties shall be cumulative, supplemental and in addition to the penalties provided by any other law. (11) This section shall apply to all designated agents appointed by the department under Section 63-21-13, that choose to electronically transmit information on applications for certificates of title to the department. This section shall not apply to other designated agents. (12) Notwithstanding the foregoing, the department shall not issue a certificate of title to a manufactured home or mobile home with respect to which title has been retired to real property under Section 63-21-30 unless with respect to the same manufactured home or mobile home title has been severed from real property pursuant to Section 63-21-30. (13) Notwithstanding any requirement in this chapter that a lien on a motor vehicle or manufactured home shall be noted on the face of the certificate of title, if there are one or more liens or encumbrances on the motor vehicle or manufactured home, the department may electronically transmit the lien to the first lienholder and notify the first lienholder of any additional liens. Subsequent lien satisfactions may be electronically transmitted to the department and shall include the name and address of the person satisfying the lien. When electronic transmission of liens and lien satisfactions is used, a certificate of title need not be issued until the last lien is satisfied and a clear certificate of title is issued to the owner of the motor vehicle or manufactured home. When a motor vehicle is subject to an electronic lien, the certificate of title for the motor vehicle shall be considered to be physically held by the lienholder for purposes of compliance with state or federal odometer disclosure requirements. A duly certified copy of the department's electronic record of the lien shall be admissible in any civil, criminal, or administrative proceeding in this state as evidence of the existence of the lien. (14) Any lienholder with a federal Employer Identification Number (EIN) must electronically transmit the satisfaction and release and discharge of a lien on a motor vehicle to the department not later than fourteen (14) days after the date of satisfaction of the lien. The failure of any such lienholder to comply with the requirements of this subsection shall be a violation of this chapter. Any such lienholder who knowingly and willfully fails to transmit the satisfaction and release and discharge of a lien on a motor vehicle within fourteen (14) days after the date of the satisfaction of the lien shall be in violation of this section, and subject to a civil penalty of up to Two Hundred Fifty Dollars (\$250.00) per violation, which shall be in addition to any other penalty provided in this chapter. In addition, the lienholder shall be liable for any attorney's fees, legal fees and/or other fees and costs incurred by a person in any action necessary to discharge and/or release a lien or otherwise affecting a lien for which the lienholder failed to transmit the required information. (15) Notwithstanding any other provision of this chapter to the contrary, if a lien on a motor vehicle is older than eight (8) years from the date the lien was placed on the motor vehicle, the lien shall be recorded by the department in the automated statewide motor vehicle registration system as having been satisfied and released and discharged, unless annually recertified by the lienholder by utilizing the format and transmitting the data required by the department. Laws, 1996, ch. 539, § 1; Laws, 1997, ch. 458, § 1; Laws, 1999, ch. 396, § 2; Laws, 1999, ch. 556, § 7, eff. 7/1/1999. Amended by Laws, 2024, ch. (number not assigned at time of publication), HB 1589, § 1, eff. 1/1/2025. Amended by Laws, 2023, ch. 353, HB 1170, § 1, eff. 7/1/2023. Amended by Laws, 2018, ch. 401, HB 827, § 4, eff. 1/1/2019. Laws, 1996, ch. 539, § 1; Laws, 1997, ch. 458, § 1; Laws, 1999, ch. 396, § 2; Laws, 1999, ch. 556, § 7, eff. 7/1/1999. Amended by Laws, 2024, ch. (number not assigned at time of publication), HB 1589, § 1, eff. 1/1/2025. Amended by Laws, 2023,

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-17 - Issuance of certificate of title; Department of Revenue to permanently maintain records of certificates of title, affidavits of affixation, manufacturers' certificates of origin, surrendered certificates of title, and affidavits of severance

(1)The Department of Revenue shall examine each application received and, when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title of the vehicle, manufactured home or mobile home on the form prescribed by the department.(2)The Department of Revenue shall maintain a record of all certificates of title issued for fifteen (15) years from the date of issuance, pursuant to the provisions of this chapter:(a)Under a distinctive title number assigned to the vehicle, manufactured home or mobile home;(b)Under the vehicle identification number;(c)Under the name of the owner; and(d)In the discretion of the Department of Revenue, by any other method the department determines.(3)The Department of Revenue shall maintain a record of each affidavit of affixation filed in accordance with subsections (3), (4) and (5) of Section63-21-30. The record shall state the name and mailing address of each owner of the related manufactured home, the county of recordation, the date of recordation, and the book and page number of each book of records in which there has been recorded an affidavit of affixation under subsections (1) and (2) of Section63-21-30, the name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number or VIN of the manufactured home or mobile home, to the extent that such data exists, and any other information the Department of Revenue prescribes.(4)The Department of Revenue shall maintain a record of each manufacturer's certificate of origin submitted for the purpose of effectuating the retirement of title as provided in Section63-21-30. The record shall state the name and mailing address of each owner of the manufactured home, the date the manufacturer's certificate of origin was submitted, the county of recordation, the date of recordation, and the book and page number of each book of records in which there has been recorded an affidavit of affixation under subsections (1) and (2) of Section63-21-30, the name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number or VIN of the manufactured home or mobile home, to the extent that such data exists, and any other information the Department of Revenue prescribes.(5)The Department of Revenue shall maintain a record of each certificate of title accepted for surrender as provided in subsection (5) of Section63-21-30. The record shall state the name and mailing address of each owner of the manufactured home, the date the certificate of title was accepted for surrender, the county of recordation, the date of recordation, and the book and page number of each book of records in which there has been recorded an affidavit of affixation under subsections (1) and (2) of Section63-21-30, the name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number or VIN of the manufactured home or mobile home, to the extent that such data exists, and any other information the Department of Revenue prescribes.(6)The Department of Revenue shall maintain a record of each affidavit of severance filed in accordance with subsection (6) of Section63-21-30. The record shall state the name and mailing address of each owner of the related manufactured home, the county of recordation, the date of recordation, and the book and page number of each book of records in which there has been recorded an affidavit of severance under subsection (6) of Section63-21-30, the name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number or VIN of the manufactured home or mobile home, to the extent that such data exists, and any other information the Department of Revenue prescribes.(7)Records of affidavits of affixation, submitted manufacturer's certificates of origin, surrendered certificates of title, and affidavits of severance shall be maintained permanently and be subject to public records request. The records of affidavits of affixation, submitted manufacturer's certificates of origin, and surrendered certificates of title shall include a statement that the manufactured home is real property as provided in subsections (13) and (14) of Section63-21-30.Codes, 1942, § 8125-28; Laws, 1968, ch. 531, § 8; Laws, 1999, ch. 556, § 8, eff. 7/1/1999.Brought forward by Laws, 2023, ch. 443, HB 1003, § 36, eff.

7/1/2023.Amended by Laws, 2021, ch. 313, HB 510, § 1, eff. 7/1/2021.Amended by Laws, 2018, ch. 401, HB 827, § 5, eff. 1/1/2019.

(1)The Department of Revenue shall examine each application received and, when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title of the vehicle, manufactured home or mobile home on the form prescribed by the department.(2)The Department of Revenue shall maintain a record of all certificates of title issued for fifteen (15) years from the date of issuance, pursuant to the provisions of this chapter:(a)Under a distinctive title number assigned to the vehicle, manufactured home or mobile home;(b)Under the vehicle identification number;(c)Under the name of the owner; and(d)In the discretion of the Department of Revenue, by any other method the department determines.(3)The Department of Revenue shall maintain a record of each affidavit of affixation filed in accordance with subsections (3), (4) and (5) of Section63-21-30. The record shall state the name and mailing address of each owner of the related manufactured home, the county of recordation, the date of recordation, and the book and page number of each book of records in which there has been recorded an affidavit of affixation under subsections (1) and (2) of Section63-21-30, the name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number or VIN of the manufactured home or mobile home, to the extent that such data exists, and any other information the Department of Revenue prescribes.(4)The Department of Revenue shall maintain a record of each manufacturer's certificate of origin submitted for the purpose of effectuating the retirement of title as provided in Section63-21-30. The record shall state the name and mailing address of each owner of the manufactured home, the date the manufacturer's certificate of origin was submitted, the county of recordation, the date of recordation, and the book and page number of each book of records in which there has been recorded an affidavit of affixation under subsections (1) and (2) of

Section 63-21-30, the name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number or VIN of the manufactured home or mobile home, to the extent that such data exists, and any other information the Department of Revenue prescribes. (5) The Department of Revenue shall maintain a record of each certificate of title accepted for surrender as provided in subsection (5) of Section 63-21-30. The record shall state the name and mailing address of each owner of the manufactured home, the date the certificate of title was accepted for surrender, the county of recordation, the date of recordation, and the book and page number of each book of records in which there has been recorded an affidavit of affixation under subsections (1) and (2) of Section 63-21-30, the name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number or VIN of the manufactured home or mobile home, to the extent that such data exists, and any other information the Department of Revenue prescribes. (6) The Department of Revenue shall maintain a record of each affidavit of severance filed in accordance with subsection (6) of Section 63-21-30. The record shall state the name and mailing address of each owner of the related manufactured home, the county of recordation, the date of recordation, and the book and page number of each book of records in which there has been recorded an affidavit of severance under subsection (6) of Section 63-21-30, the name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number or VIN of the manufactured home or mobile home, to the extent that such data exists, and any other information the Department of Revenue prescribes. (7) Records of affidavits of affixation, submitted manufacturer's certificates of origin, surrendered certificates of title, and affidavits of severance shall be maintained permanently and be subject to public records request. The records of affidavits of affixation, submitted manufacturer's certificates of origin, and surrendered certificates of title shall include a statement that the manufactured home is real property as provided in subsections (13) and (14) of Section 63-21-30. Codes, 1942, § 8125-28; Laws, 1968, ch. 531, § 8; Laws, 1999, ch. 556, § 8, eff. 7/1/1999. Brought forward by Laws, 2023, ch. 443, HB 1003, § 36, eff. 7/1/2023. Amended by Laws, 2021, ch. 313, HB 510, § 1, eff. 7/1/2021. Amended by Laws, 2018, ch. 401, HB 827, § 5, eff. 1/1/2019.

(1) The Department of Revenue shall examine each application received and, when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title of the vehicle, manufactured home or mobile home on the form prescribed by the department. (2) The Department of Revenue shall maintain a record of all certificates of title issued for fifteen (15) years from the date of issuance, pursuant to the provisions of this chapter: (a) Under a distinctive title number assigned to the vehicle, manufactured home or mobile home; (b) Under the vehicle identification number; (c) Under the name of the owner; and (d) In the discretion of the Department of Revenue, by any other method the department determines. (3) The Department of Revenue shall maintain a record of each affidavit of affixation filed in accordance with subsections (3), (4) and (5) of Section 63-21-30. The record shall state the name and mailing address of each owner of the related manufactured home, the county of recordation, the date of recordation, and the book and page number of each book of records in which there has been recorded an affidavit of affixation under subsections (1) and (2) of Section 63-21-30, the name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number or VIN of the manufactured home or mobile home, to the extent that such data exists, and any other information the Department of Revenue prescribes. (4) The Department of Revenue shall maintain a record of each manufacturer's certificate of origin submitted for the purpose of effectuating the retirement of title as provided in Section 63-21-30. The record shall state the name and mailing address of each owner of the manufactured home, the date the manufacturer's certificate of origin was submitted, the county of recordation, the date of recordation, and the book and page number of each book of records in which there has been recorded an affidavit of affixation under subsections (1) and (2) of Section 63-21-30, the name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number or VIN of the manufactured home or mobile home, to the extent that such data exists, and any other information the Department of Revenue prescribes. (5) The Department of Revenue shall maintain a record of each certificate of title accepted for surrender as provided in subsection (5) of Section 63-21-30. The record shall state the name and mailing address of each owner of the manufactured home, the date the certificate of title was accepted for surrender, the county of recordation, the date of recordation, and the book and page number of each book of records in which there has been recorded an affidavit of affixation under subsections (1) and (2) of Section 63-21-30, the name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number or VIN of the manufactured home or mobile home, to the extent that such data exists, and any other information the Department of Revenue prescribes. (6) The Department of Revenue shall maintain a record of each affidavit of severance filed in accordance with subsection (6) of Section 63-21-30. The record shall state the name and mailing address of each owner of the related manufactured home, the county of recordation, the date of recordation, and the book and page number of each book of records in which there has been recorded an affidavit of severance under subsection (6) of Section 63-21-30, the name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number or VIN of the manufactured home or mobile home, to the extent that such data exists, and any other information the Department of Revenue prescribes. (7) Records of affidavits of affixation, submitted manufacturer's certificates of origin, surrendered certificates of title, and affidavits of severance shall be maintained permanently and be subject to public records request. The records of affidavits of affixation, submitted manufacturer's certificates of origin, and surrendered certificates of title shall include a statement that the manufactured home is real property as provided in subsections (13) and (14) of Section 63-21-30. Codes, 1942, § 8125-28; Laws, 1968, ch. 531, § 8; Laws, 1999, ch. 556, § 8, eff. 7/1/1999. Brought forward by Laws, 2023, ch. 443, HB 1003, § 36, eff. 7/1/2023. Amended by Laws, 2021, ch. 313, HB 510, § 1, eff. 7/1/2021. Amended by Laws, 2018, ch. 401, HB 827, § 5, eff. 1/1/2019.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-18 - Automated statewide motor vehicle title registration system

The Mississippi Department of Information Technology Services shall provide equipment for the operation and maintenance of the automated statewide motor vehicle, manufactured housing and mobile home registration system by the department. The automated statewide motor vehicle, manufactured housing and mobile home registration system shall provide for computer terminals and printers, as authorized by the Department of Information Technology Services, to be located in the quantity necessary in each county seat tax collector's office and any other office in which more than fifty percent (50%) of the motor vehicle registrations in the county are made. All county tax collectors shall participate in such system as it applies to Chapter 19, Title 27; Chapter 51, Title 27; Chapter 21, Title 63; Mississippi Code of 1972, in accordance with rules and regulations promulgated by the department. Such rules and regulations shall provide that counties which have an existing computer system designed to produce registration data may elect to use such existing system to communicate title/registration data to the department through the computer furnished by the state as hereinabove provided in this section. If the department finds and determines that a county has failed to successfully establish or update title/registration data into the statewide vehicle, manufactured housing and mobile home title/registration system, either through use of equipment supplied by the department or through the interfacing between the network system and county computer equipment, the department shall thereafter cause to be withheld the county's homestead exemption reimbursement monies, except for school districts and municipalities, until such time as the county has complied with this provision. Such monies as are withheld from a county for failure to comply with this provision shall be placed into a special escrow account to be established in the State Treasury. Once the county achieves compliance by successfully establishing or updating title/registration data into the statewide vehicle, manufactured housing and mobile home title/registration system, then the department shall cause to be released to the county all funds held in escrow on the county's behalf during the period of noncompliance. All interest earned shall accrue to the benefit of the county on any funds placed in an escrow account. Any cost involved in interfacing between existing county computer systems and the state-provided computer shall be paid by the county. The computer terminals and printers placed in each county tax collector's office may be utilized to provide additional computer functions as authorized by the Department of Information Technology Services. The State Fiscal Officer shall issue his warrants to the State Treasurer for the expenditures for the implementation and maintenance of the system upon requisitions signed by the Commissioner of Revenue, as authorized by the Legislature. It is the intent of the Legislature that the operation of the statewide motor vehicle, manufactured housing and mobile home title registration system shall be the responsibility of the department. The department shall provide for the transfer of motor vehicle, manufactured housing and mobile home title and lien registration information to the department by electronic means from banks and other lending institutions as provided in Section 63-21-18. The Department of Information Technology Services shall cooperate with the department in implementing the provisions of Section 63-21-18, and shall provide the department with whatever assistance the department needs to carry out the provisions of Section 63-21-18. A used motor vehicle parts dealer or scrap metal processor must utilize the department's automated statewide motor vehicle registration system for the purpose of complying with the requirements of Section 63-21-39(1)(a). Laws, 1980, ch. 427, § 1; Laws, 1981, ch. 309, § 4; Laws, 1983, ch. 320, § 1; Laws, 1984, ch. 488, § 302; Laws, 1990, ch. 415, § 3; Laws, 1999, ch. 556, § 9, eff. 7/1/1999. Amended by Laws, 2024, ch. (number not assigned at time of publication), HB 1589, § 2, eff. 1/1/2025. The Mississippi Department of Information Technology Services shall provide equipment for the operation and maintenance of the automated statewide motor vehicle, manufactured housing and mobile home registration system by the department. The automated statewide motor vehicle, manufactured housing and mobile home registration system shall provide for computer terminals and printers, as authorized by the Department of Information Technology Services, to be located in the quantity necessary in each county seat tax collector's office and any other office in which more than fifty percent (50%) of the motor vehicle registrations in the county are made. All county tax collectors shall participate in such system as it applies to Chapter 19, Title 27; Chapter 51, Title 27; Chapter 21, Title 63; Mississippi Code of 1972, in accordance with rules and regulations promulgated by the department. Such rules and regulations shall provide that counties which have an existing computer system designed to produce registration data may elect to use such existing system to communicate title/registration data to the department through the computer furnished by the state as hereinabove provided in this section. 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manufactured housing and mobile home title registration system shall be the responsibility of the department. The department shall provide for the transfer of motor vehicle, manufactured housing and mobile home title and lien registration information to the department by electronic means from banks and other lending institutions as provided in Section 63-21-18. The Department of Information Technology Services shall cooperate with the department in implementing the provisions of Section 63-21-18, and shall provide the department with whatever assistance the department needs to carry out the provisions of Section 63-21-18. A used motor vehicle parts dealer or scrap metal processor must utilize the department's automated statewide motor vehicle registration system for the purpose of complying with the requirements of Section 63-21-39(1)(a). Laws, 1980, ch. 427, § 1; Laws, 1981, ch. 309, § 4; Laws, 1983, ch. 320, § 1; Laws, 1984, ch. 488, § 302; Laws, 1990, ch. 415, § 3; Laws, 1999, ch. 556, § 9, eff. 7/1/1999. Amended by Laws, 2024, ch. (number not assigned at time of publication), HB 1589, § 2, eff. 1/1/2025. The Mississippi Department of Information Technology Services shall provide equipment for the operation and maintenance of the automated statewide motor vehicle, manufactured housing and mobile home registration system by the department. The automated statewide motor vehicle, manufactured housing and mobile home registration system shall provide for computer terminals and printers, as authorized by the Department of Information Technology Services, to be located in the quantity necessary in each county seat tax collector's office and any other office in which more than fifty percent (50%) of the motor vehicle registrations in the county are made. 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The State Fiscal Officer shall issue his warrants to the State Treasurer for the expenditures for the implementation and maintenance of the system upon requisitions signed by the Commissioner of Revenue, as authorized by the Legislature. It is the intent of the Legislature that the operation of the statewide motor vehicle, manufactured housing and mobile home title registration system shall be the responsibility of the department. The department shall provide for the transfer of motor vehicle, manufactured housing and mobile home title and lien registration information to the department by electronic means from banks and other lending institutions as provided in Section 63-21-18. The Department of Information Technology Services shall cooperate with the department in implementing the provisions of Section 63-21-18, and shall provide the department with whatever assistance the department needs to carry out the provisions of Section 63-21-18. A used motor vehicle parts dealer or scrap metal processor must utilize the department's automated statewide motor vehicle registration system for the purpose of complying with the requirements of Section 63-21-39(1)(a). Laws, 1980, ch. 427, § 1; Laws, 1981, ch. 309, § 4; Laws, 1983, ch. 320, § 1; Laws, 1984, ch. 488, § 302; Laws, 1990, ch. 415, § 3; Laws, 1999, ch. 556, § 9, eff. 7/1/1999. Amended by Laws, 2024, ch. (number not assigned at time of publication), HB 1589, § 2, eff. 1/1/2025. The Mississippi Department of Information Technology Services shall provide equipment for the operation and maintenance of the automated statewide motor vehicle, manufactured housing and mobile home registration system by the department. The automated statewide motor vehicle, manufactured housing and mobile home registration system shall provide for computer terminals and printers, as authorized by the Department of Information Technology Services, to be located in the quantity necessary in each county seat tax collector's office and any other office in which more than fifty percent (50%) of the motor vehicle registrations in the county are made. All county tax collectors shall participate in such system as it applies to Chapter 19, Title 27; Chapter 51, Title 27; Chapter 21, Title 63; Mississippi Code of 1972, in accordance with rules and regulations promulgated by the department. Such rules and regulations shall provide that counties which have an existing computer system designed to produce registration data may elect to use such existing system to communicate title/registration data to the department through the computer furnished by the state as hereinabove provided in this section. If the department finds and determines that a county has failed to successfully establish or update title/registration data into the statewide vehicle, manufactured housing and mobile home title/registration system, either through use of equipment supplied by the department or through the interfacing between the network system and county computer equipment, the department shall thereafter cause to be withheld the county's homestead exemption reimbursement monies, except for school districts and municipalities, until such time as the county has complied with this provision. Such monies as are withheld from a county for failure to comply with this provision shall be placed into a special escrow account to be established in the State Treasury. Once the county achieves compliance by successfully establishing or updating title/registration data into the statewide vehicle, manufactured housing and mobile home title/registration system, then the department shall cause to be released to the county all funds held in escrow on the county's behalf during the period

of noncompliance. All interest earned shall accrue to the benefit of the county on any funds placed in an escrow account. Any cost involved in interfacing between existing county computer systems and the state-provided computer shall be paid by the county. The computer terminals and printers placed in each county tax collector's office may be utilized to provide additional computer functions as authorized by the Department of Information Technology Services. The State Fiscal Officer shall issue his warrants to the State Treasurer for the expenditures for the implementation and maintenance of the system upon requisitions signed by the Commissioner of Revenue, as authorized by the Legislature. It is the intent of the Legislature that the operation of the statewide motor vehicle, manufactured housing and mobile home title registration system shall be the responsibility of the department. The department shall provide for the transfer of motor vehicle, manufactured housing and mobile home title and lien registration information to the department by electronic means from banks and other lending institutions as provided in Section 63-21-18. The Department of Information Technology Services shall cooperate with the department in implementing the provisions of Section 63-21-18, and shall provide the department with whatever assistance the department needs to carry out the provisions of Section 63-21-18. A used motor vehicle parts dealer or scrap metal processor must utilize the department's automated statewide motor vehicle registration system for the purpose of complying with the requirements of Section 63-21-39(1)(a). Laws, 1980, ch. 427, § 1; Laws, 1981, ch. 309, § 4; Laws, 1983, ch. 320, § 1; Laws, 1984, ch. 488, § 302; Laws, 1990, ch. 415, § 3; Laws, 1999, ch. 556, § 9, eff. 7/1/1999. Amended by Laws, 2024, ch. (number not assigned at time of publication), HB 1589, § 2, eff. 1/1/2025.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-19 - Contents and effect of certificate of title; attachment, etc., of certificate

(1) Each certificate of title issued by the State Tax Commission shall contain: (a) The date issued; (b) The name and current address of the owner; (c) The names and addresses of the first two (2) lienholders in the order of priority as shown on the application, or if the application is based on a certificate of title as shown on the certificate; (d) The title number; (e) A description of the vehicle, manufactured home or mobile home, including the following data, if applicable: year, make, model, vehicle identification number, type of body, number of cylinders, whether new or used, odometer reading, a statement which qualifies mileage according to the odometer disclosure certified by the transferor and, if a new vehicle, the date of the first sale of the vehicle for use; and (f) Any other data the State Tax Commission prescribes. (2) Unless security is furnished as provided in subsection (b) of Section 63-21-23, Mississippi Code of 1972, a distinctive certificate of title shall be issued for a vehicle, manufactured home or mobile home last previously registered in another state or country the laws of which do not require that lienholders be named on a certificate of title to perfect their security interests. The certificate shall contain the legend "This vehicle, manufactured home or mobile home may be subject to an undisclosed lien" and may contain any other information the State Tax Commission prescribes. If no notice of a security interest in the vehicle, manufactured home or mobile home is received by the State Tax Commission within four (4) months from the issuance of the distinctive certificate of title, the State Tax Commission shall, upon application and surrender of the distinctive certificate, issue a certificate of title in ordinary form. (3) The certificate of title shall contain forms for assignment and warranty of title by the owner, and for assignment and warranty of title by a dealer, and may contain forms for applications for a certificate of title by a transferee, the naming of a lienholder and the assignment or release of the security interest of a lienholder. (4) A certificate of title issued by the State Tax Commission is prima facie evidence of the facts appearing on it. (5) A certificate of title for a vehicle, manufactured home or mobile home is not subject to garnishment, attachment, execution or other judicial process. However, this paragraph shall not prevent a lawful levy upon the vehicle, manufactured home or mobile home. Codes, 1942, § 8125-30; Laws, 1968, ch. 531, § 10; Laws, 1986, ch. 328, § 3; Laws, 1989, ch. 369, § 3; Laws, 1999, ch. 556, § 10, eff. 7/1/1999. (1) Each certificate of title issued by the State Tax Commission shall contain: (a) The date issued; (b) The name and current address of the owner; (c) The names and addresses of the first two (2) lienholders in the order of priority as shown on the application, or if the application is based on a certificate of title as shown on the certificate; (d) The title number; (e) A description of the vehicle, manufactured home or mobile home, including the following data, if applicable: year, make, model, vehicle identification number, type of body, number of cylinders, whether new or used, odometer reading, a statement which qualifies mileage according to the odometer disclosure certified by the transferor and, if a new vehicle, the date of the first sale of the vehicle for use; and (f) Any other data the State Tax Commission prescribes. (2) Unless security is furnished as provided in subsection (b) of Section 63-21-23, Mississippi Code of 1972, a distinctive certificate of title shall be issued for a vehicle, manufactured home or mobile home last previously registered in another state or country the laws of which do not require that lienholders be named on a certificate of title to perfect their security interests. The certificate shall contain the legend "This vehicle, manufactured home or mobile home may be subject to an undisclosed lien" and may contain any other information the State Tax Commission prescribes. If no notice of a security interest in the vehicle, manufactured home or mobile home is received by the State Tax Commission within four (4) months from the issuance of the distinctive certificate of title, the State Tax Commission shall, upon application and surrender of the distinctive certificate, issue a certificate of title in ordinary form. (3) The certificate of title shall contain forms for assignment and warranty of title by the owner, and for assignment and warranty of title by a dealer, and may contain forms for applications for a certificate of title by a transferee, the naming of a lienholder and the assignment or release of the security interest of a lienholder. (4) A certificate of title issued by the State Tax Commission is prima facie evidence of the facts appearing on it. (5) A certificate of title for a vehicle, manufactured home or mobile home is not subject to garnishment, attachment, execution or other judicial process. However, this paragraph shall not prevent a lawful levy upon the vehicle, manufactured home or mobile home. Codes, 1942, § 8125-30; Laws, 1968, ch. 531, § 10; Laws, 1986, ch. 328, § 3; Laws, 1989, ch. 369, § 3; Laws, 1999, ch. 556,

§ 10, eff. 7/1/1999. (1)Each certificate of title issued by the State Tax Commission shall contain:(a)The date issued;(b)The name and current address of the owner;(c)The names and addresses of the first two (2) lienholders in the order of priority as shown on the application, or if the application is based on a certificate of title as shown on the certificate;(d)The title number;(e)A description of the vehicle, manufactured home or mobile home, including the following data, if applicable: year, make, model, vehicle identification number, type of body, number of cylinders, whether new or used, odometer reading, a statement which qualifies mileage according to the odometer disclosure certified by the transferor and, if a new vehicle, the date of the first sale of the vehicle for use; and(f)Any other data the State Tax Commission prescribes.(2)Unless security is furnished as provided in subsection (b) of Section63-21-23, Mississippi Code of 1972, a distinctive certificate of title shall be issued for a vehicle, manufactured home or mobile home last previously registered in another state or country the laws of which do not require that lienholders be named on a certificate of title to perfect their security interests. The certificate shall contain the legend "This vehicle, manufactured home or mobile home may be subject to an undisclosed lien" and may contain any other information the State Tax Commission prescribes. If no notice of a security interest in the vehicle, manufactured home or mobile home is received by the State Tax Commission within four (4) months from the issuance of the distinctive certificate of title, the State Tax Commission shall, upon application and surrender of the distinctive certificate, issue a certificate of title in ordinary form.(3)The certificate of title shall contain forms for assignment and warranty of title by the owner, and for assignment and warranty of title by a dealer, and may contain forms for applications for a certificate of title by a transferee, the naming of a lienholder and the assignment or release of the security interest of a lienholder.(4)A certificate of title issued by the State Tax Commission is prima facie evidence of the facts appearing on it.(5)A certificate of title for a vehicle, manufactured home or mobile home is not subject to garnishment, attachment, execution or other judicial process. However, this paragraph shall not prevent a lawful levy upon the vehicle, manufactured home or mobile home.Codes, 1942, § 8125-30; Laws, 1968, ch. 531, § 10; Laws, 1986, ch. 328, § 3; Laws, 1989, ch. 369, § 3; Laws, 1999, ch. 556, § 10, eff. 7/1/1999. Codes, 1942, § 8125-30; Laws, 1968, ch. 531, § 10; Laws, 1986, ch. 328, § 3; Laws, 1989, ch. 369, § 3; Laws, 1999, ch. 556, § 10, eff. 7/1/1999.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261)Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77)Section 63-21-21 - Delivery of certificate of title

The certificate of title shall be mailed to the first lienholder named in it or, if none, to the owner. If the original certificate of title is delivered to a lienholder, a nontransferable duplicate certificate of title shall be mailed to the owner to serve as a permit for operation of the motor vehicle or use or occupancy of the manufactured home or mobile home.Codes, 1942, § 8125-31; Laws, 1968, ch. 531, § 11; Laws, 1999, ch. 556, § 11, eff. 7/1/1999. The certificate of title shall be mailed to the first lienholder named in it or, if none, to the owner. If the original certificate of title is delivered to a lienholder, a nontransferable duplicate certificate of title shall be mailed to the owner to serve as a permit for operation of the motor vehicle or use or occupancy of the manufactured home or mobile home.Codes, 1942, § 8125-31; Laws, 1968, ch. 531, § 11; Laws, 1999, ch. 556, § 11, eff. 7/1/1999. The certificate of title shall be mailed to the first lienholder named in it or, if none, to the owner. If the original certificate of title is delivered to a lienholder, a nontransferable duplicate certificate of title shall be mailed to the owner to serve as a permit for operation of the motor vehicle or use or occupancy of the manufactured home or mobile home.Codes, 1942, § 8125-31; Laws, 1968, ch. 531, § 11; Laws, 1999, ch. 556, § 11, eff. 7/1/1999. The certificate of title shall be mailed to the first lienholder named in it or, if none, to the owner. If the original certificate of title is delivered to a lienholder, a nontransferable duplicate certificate of title shall be mailed to the owner to serve as a permit for operation of the motor vehicle or use or occupancy of the manufactured home or mobile home. Codes, 1942, § 8125-31; Laws, 1968, ch. 531, § 11; Laws, 1999, ch. 556, § 11, eff. 7/1/1999.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261)Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77)Section 63-21-23 - Issuance of certificate of title where questions as to ownership of vehicle or existence of undisclosed security interests exist

If the State Tax Commission is not satisfied as to the ownership of the vehicle, manufactured home or mobile home or that there are no undisclosed security interests in it, the commission may accept the application but shall either:(a)Withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the commission as to the applicant's ownership of the vehicle, manufactured home or mobile home and that there are no undisclosed security interests in it; or(b)As a condition of issuing a certificate of title, require the applicant or dealer to file with the commission a bond in the form prescribed by the commission and executed by the applicant or dealer and by a person authorized to conduct a surety business in this state, or require the application to be accompanied by the deposit of cash with the commission. The bond or cash shall be in an amount equal to one and one-half (1-1/2) times the value of the vehicle, manufactured home or mobile home as determined by the commission and conditioned to indemnify any prior owner and lienholder and any subsequent purchaser of the vehicle, manufactured home or mobile home or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificates of title of the vehicle, manufactured home or mobile home or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle, manufactured home or mobile home. Any such interested person has a right of action to recover on the bond or cash for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond or

cash. The bond or cash shall be returned at the end of three (3) years unless the commission has been notified of the pendency of an action to recover on the bond or cash or that the vehicle, manufactured home or mobile home does not belong to the registered owner or that it is encumbered by an undisclosed lien. Codes, 1942, § 8125-32; Laws, 1968, ch. 531, § 12; Laws, 1975, ch. 370; Laws, 1999, ch. 556, § 12, eff. 7/1/1999. If the State Tax Commission is not satisfied as to the ownership of the vehicle, manufactured home or mobile home or that there are no undisclosed security interests in it, the commission may accept the application but shall either: (a) Withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the commission as to the applicant's ownership of the vehicle, manufactured home or mobile home and that there are no undisclosed security interests in it; or (b) As a condition of issuing a certificate of title, require the applicant or dealer to file with the commission a bond in the form prescribed by the commission and executed by the applicant or dealer and by a person authorized to conduct a surety business in this state, or require the application to be accompanied by the deposit of cash with the commission. The bond or cash shall be in an amount equal to one and one-half (1-1/2) times the value of the vehicle, manufactured home or mobile home as determined by the commission and conditioned to indemnify any prior owner and lienholder and any subsequent purchaser of the vehicle, manufactured home or mobile home or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificates of title of the vehicle, manufactured home or mobile home or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle, manufactured home or mobile home. Any such interested person has a right of action to recover on the bond or cash for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond or cash. The bond or cash shall be returned at the end of three (3) years unless the commission has been notified of the pendency of an action to recover on the bond or cash or that the vehicle, manufactured home or mobile home does not belong to the registered owner or that it is encumbered by an undisclosed lien. Codes, 1942, § 8125-32; Laws, 1968, ch. 531, § 12; Laws, 1975, ch. 370; Laws, 1999, ch. 556, § 12, eff. 7/1/1999. If the State Tax Commission is not satisfied as to the ownership of the vehicle, manufactured home or mobile home or that there are no undisclosed security interests in it, the commission may accept the application but shall either: (a) Withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the commission as to the applicant's ownership of the vehicle, manufactured home or mobile home and that there are no undisclosed security interests in it; or (b) As a condition of issuing a certificate of title, require the applicant or dealer to file with the commission a bond in the form prescribed by the commission and executed by the applicant or dealer and by a person authorized to conduct a surety business in this state, or require the application to be accompanied by the deposit of cash with the commission. The bond or cash shall be in an amount equal to one and one-half (1-1/2) times the value of the vehicle, manufactured home or mobile home as determined by the commission and conditioned to indemnify any prior owner and lienholder and any subsequent purchaser of the vehicle, manufactured home or mobile home or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificates of title of the vehicle, manufactured home or mobile home or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle, manufactured home or mobile home. Any such interested person has a right of action to recover on the bond or cash for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond or cash. The bond or cash shall be returned at the end of three (3) years unless the commission has been notified of the pendency of an action to recover on the bond or cash or that the vehicle, manufactured home or mobile home does not belong to the registered owner or that it is encumbered by an undisclosed lien. Codes, 1942, § 8125-32; Laws, 1968, ch. 531, § 12; Laws, 1975, ch. 370; Laws, 1999, ch. 556, § 12, eff. 7/1/1999. If the State Tax Commission is not satisfied as to the ownership of the vehicle, manufactured home or mobile home or that there are no undisclosed security interests in it, the commission may accept the application but shall either: Codes, 1942, § 8125-32; Laws, 1968, ch. 531, § 12; Laws, 1975, ch. 370; Laws, 1999, ch. 556, § 12, eff. 7/1/1999.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-25 - Refusal to issue certificate of title

The Department of Revenue shall refuse issuance of a certificate of title: (a) If any required fee is not paid; (b) If the department has reasonable grounds to believe that the applicant is not the owner of the vehicle, manufactured home or mobile home, or that the application contains a false or fraudulent statement, or that the applicant has failed to furnish required information or documents or any additional information the department reasonably requires; or (c) If the certificate of title is to a manufactured home or mobile home with respect to which title has been retired to real property under Section 63-21-30 unless with respect to the same home title has been severed from real property pursuant to Section 63-21-30. Codes, 1942, § 8125-33; Laws, 1968, ch. 531, § 13; Laws, 1999, ch. 556, § 13, eff. 7/1/1999. Amended by Laws, 2018, ch. 401, HB 827, § 6, eff. 1/1/2019. The Department of Revenue shall refuse issuance of a certificate of title: (a) If any required fee is not paid; (b) If the department has reasonable grounds to believe that the applicant is not the owner of the vehicle, manufactured home or mobile home, or that the application contains a false or fraudulent statement, or that the applicant has failed to furnish required information or documents or any additional information the department reasonably requires; or (c) If the certificate of title is to a manufactured home or mobile home with respect to which title has been retired to real property under Section 63-21-30 unless with respect to the same home title has been severed from real property pursuant to Section 63-21-30. Codes, 1942, § 8125-33; Laws, 1968, ch. 531, § 13; Laws, 1999, ch. 556, § 13, eff. 7/1/1999. Amended by Laws, 2018, ch. 401, HB 827, § 6, eff. 1/1/2019. The Department of Revenue shall refuse issuance of a certificate of title: (a) If any

required fee is not paid;(b)If the department has reasonable grounds to believe that the applicant is not the owner of the vehicle, manufactured home or mobile home, or that the application contains a false or fraudulent statement, or that the applicant has failed to furnish required information or documents or any additional information the department reasonably requires; or(c)If the certificate of title is to a manufactured home or mobile home with respect to which title has been retired to real property under Section63-21-30unless with respect to the same home title has been severed from real property pursuant to Section63-21-30.Codes, 1942, § 8125-33; Laws, 1968, ch. 531, § 13; Laws, 1999, ch. 556, § 13, eff. 7/1/1999.Amended by Laws, 2018, ch. 401, HB 827,§ 6, eff. 1/1/2019. The Department of Revenue shall refuse issuance of a certificate of title: Codes, 1942, § 8125-33; Laws, 1968, ch. 531, § 13; Laws, 1999, ch. 556, § 13, eff. 7/1/1999. Amended by Laws, 2018, ch. 401, HB 827,§ 6, eff. 1/1/2019.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261)Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77)Section 63-21-27 - Replacement of lost, stolen, mutilated or destroyed certificates

(1)If a certificate of title is lost, stolen, mutilated or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the State Tax Commission, shall promptly make application for and may obtain a replacement upon furnishing information satisfactory to the commission. The replacement certificate of title shall contain the legend "This is a replacement certificate and may be subject to the rights of a person under the original certificate." It shall be mailed to the lienholder named in it or, if none, to the owner.(2)The State Tax Commission shall not issue a new certificate of title to a transferee upon application made on replacement certificate until fifteen (15) days after receipt of the application.(3)A person recovering an original certificate of title for which a replacement has been issued shall promptly surrender the original certificate to the State Tax Commission.Codes, 1942, § 8125-34; Laws, 1968, ch. 531, § 14; Laws, 2001, ch. 596, § 66, eff. 7/1/2001. (1)If a certificate of title is lost, stolen, mutilated or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the State Tax Commission, shall promptly make application for and may obtain a replacement upon furnishing information satisfactory to the commission. The replacement certificate of title shall contain the legend "This is a replacement certificate and may be subject to the rights of a person under the original certificate." It shall be mailed to the lienholder named in it or, if none, to the owner.(2)The State Tax Commission shall not issue a new certificate of title to a transferee upon application made on replacement certificate until fifteen (15) days after receipt of the application.(3)A person recovering an original certificate of title for which a replacement has been issued shall promptly surrender the original certificate to the State Tax Commission.Codes, 1942, § 8125-34; Laws, 1968, ch. 531, § 14; Laws, 2001, ch. 596, § 66, eff. 7/1/2001. (1)If a certificate of title is lost, stolen, mutilated or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the State Tax Commission, shall promptly make application for and may obtain a replacement upon furnishing information satisfactory to the commission. The replacement certificate of title shall contain the legend "This is a replacement certificate and may be subject to the rights of a person under the original certificate." It shall be mailed to the lienholder named in it or, if none, to the owner.(2)The State Tax Commission shall not issue a new certificate of title to a transferee upon application made on replacement certificate until fifteen (15) days after receipt of the application.(3)A person recovering an original certificate of title for which a replacement has been issued shall promptly surrender the original certificate to the State Tax Commission.Codes, 1942, § 8125-34; Laws, 1968, ch. 531, § 14; Laws, 2001, ch. 596, § 66, eff. 7/1/2001. Codes, 1942, § 8125-34; Laws, 1968, ch. 531, § 14; Laws, 2001, ch. 596, § 66, eff. 7/1/2001.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261)Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77)Section 63-21-28 - [Certificate of title for manufactured home or mobile home manufactured before July 1, 1999]

The Department of Revenue shall issue a certificate of title pursuant to a filed affidavit of ownership substantially similar to the affidavit provided in Section63-21-30(22)for a manufactured home or a mobile home that is manufactured before July 1, 1999.Added by Laws, 2024, ch. 494, SB 2764,§ 1, eff. 5/8/2024. The Department of Revenue shall issue a certificate of title pursuant to a filed affidavit of ownership substantially similar to the affidavit provided in Section63-21-30(22)for a manufactured home or a mobile home that is manufactured before July 1, 1999.Added by Laws, 2024, ch. 494, SB 2764,§ 1, eff. 5/8/2024. The Department of Revenue shall issue a certificate of title pursuant to a filed affidavit of ownership substantially similar to the affidavit provided in Section63-21-30(22)for a manufactured home or a mobile home that is manufactured before July 1, 1999.Added by Laws, 2024, ch. 494, SB 2764,§ 1, eff. 5/8/2024. The Department of Revenue shall issue a certificate of title pursuant to a filed affidavit of ownership substantially similar to the affidavit provided in Section63-21-30(22)for a manufactured home or a mobile home that is manufactured before July 1, 1999. Added by Laws, 2024, ch. 494, SB 2764,§ 1, eff. 5/8/2024.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261)Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77)Section 63-21-29 - Issuance of distinctive certificate of title

If the Department of Revenue is not satisfied that there are no undisclosed security interests created before August 9, 1968, in a previously registered vehicle, or created before July 1, 1999, in a previously registered manufactured home or mobile home, the

department may, in addition to the commission's options under Section 63-21-27: (a) Issue a distinctive certificate of title of the vehicle containing the legend "This vehicle, manufactured home or mobile home may be subject to an undisclosed lien" and any other information the department prescribes; or (b) Issue a distinctive certificate of title of the vehicle containing the legend "This certificate of title for this [manufactured home/mobile home] is issued pursuant to a filed affidavit of ownership and may be subject to an undisclosed lien" and any other information the department prescribes. Codes, 1942, § 8125-50; Laws, 1968, ch. 531, § 30; Laws, 1999, ch. 556, § 14, eff. 7/1/1999. Amended by Laws, 2024, ch. 494, SB 2764, § 2, eff. 5/8/2024. If the Department of Revenue is not satisfied that there are no undisclosed security interests created before August 9, 1968, in a previously registered vehicle, or created before July 1, 1999, in a previously registered manufactured home or mobile home, the department may, in addition to the commission's options under Section 63-21-27: (a) Issue a distinctive certificate of title of the vehicle containing the legend "This vehicle, manufactured home or mobile home may be subject to an undisclosed lien" and any other information the department prescribes; or (b) Issue a distinctive certificate of title of the vehicle containing the legend "This certificate of title for this [manufactured home/mobile home] is issued pursuant to a filed affidavit of ownership and may be subject to an undisclosed lien" and any other information the department prescribes. Codes, 1942, § 8125-50; Laws, 1968, ch. 531, § 30; Laws, 1999, ch. 556, § 14, eff. 7/1/1999. Amended by Laws, 2024, ch. 494, SB 2764, § 2, eff. 5/8/2024. If the Department of Revenue is not satisfied that there are no undisclosed security interests created before August 9, 1968, in a previously registered vehicle, or created before July 1, 1999, in a previously registered manufactured home or mobile home, the department may, in addition to the commission's options under Section 63-21-27: Codes, 1942, § 8125-50; Laws, 1968, ch. 531, § 30; Laws, 1999, ch. 556, § 14, eff. 7/1/1999. Amended by Laws, 2024, ch. 494, SB 2764, § 2, eff. 5/8/2024.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-3 - Administration

The terms and provisions of this chapter shall be administered by the Department of Revenue. The Department of Revenue shall have charge of all the affairs of administering the laws of the state relative to vehicle registration and titling, including fully autonomous vehicles, and manufactured housing titling as hereinafter provided and may employ such administrative and clerical assistance, material and equipment as may be necessary to enable it to speedily, completely and efficiently perform the duties as outlined in this chapter. Codes, 1942, § 8125-22; Laws, 1968, ch. 531, § 2; Laws, 1999, ch. 556, § 2; Laws, 2009, ch. 492, § 123, eff. 7/1/2010. Amended by Laws, 2023, ch. 443, HB 1003, § 32, eff. 7/1/2023. The terms and provisions of this chapter shall be administered by the Department of Revenue. The Department of Revenue shall have charge of all the affairs of administering the laws of the state relative to vehicle registration and titling, including fully autonomous vehicles, and manufactured housing titling as hereinafter provided and may employ such administrative and clerical assistance, material and equipment as may be necessary to enable it to speedily, completely and efficiently perform the duties as outlined in this chapter. Codes, 1942, § 8125-22; Laws, 1968, ch. 531, § 2; Laws, 1999, ch. 556, § 2; Laws, 2009, ch. 492, § 123, eff. 7/1/2010. Amended by Laws, 2023, ch. 443, HB 1003, § 32, eff. 7/1/2023. The terms and provisions of this chapter shall be administered by the Department of Revenue. The Department of Revenue shall have charge of all the affairs of administering the laws of the state relative to vehicle registration and titling, including fully autonomous vehicles, and manufactured housing titling as hereinafter provided and may employ such administrative and clerical assistance, material and equipment as may be necessary to enable it to speedily, completely and efficiently perform the duties as outlined in this chapter. Codes, 1942, § 8125-22; Laws, 1968, ch. 531, § 2; Laws, 1999, ch. 556, § 2; Laws, 2009, ch. 492, § 123, eff. 7/1/2010. Amended by Laws, 2023, ch. 443, HB 1003, § 32, eff. 7/1/2023.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-30 - Permanent retirement of title to manufactured home or mobile home; procedure; affidavit of severance; affidavit of destruction

(1) If the legal owner of a manufactured home or mobile home and the real property to which the manufactured home or mobile

home has become affixed, wishes to permanently retire the title to a manufactured home or mobile home to real property, then such owner may file or cause to be filed an affidavit of affixation duly sworn to and acknowledged before any officer or person authorized to administer an oath under the laws of this state in the official records of the chancery clerk of the county, or in the judicial district in counties having more than one (1) such district, in which the real property is located, which contains or is accompanied by:(a)The names and addresses of the legal owner or owners of the manufactured home or mobile home and real property to which the manufactured home or mobile home has become affixed;(b)The name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number or VIN of the manufactured home or mobile home, to the extent such data exists;(c)The legal description and indexing instructions of the real property to which the manufactured home or mobile home is or shall be permanently affixed;(d)A statement that the party executing the affidavit is the owner of the real property described therein;(e)A statement that the manufactured home is to be taxed as an improvement to the real property;(f)A statement that either:(i)The manufactured home or mobile home is covered by a certificate of title that the owner shall surrender to the Department of Revenue;(ii)The manufactured home or mobile home is covered by a manufacturer's statement or certificate of origin that the owner shall surrender to the Department of Revenue; or(iii)The manufactured home or mobile home is not covered by a certificate of title and the owner of the manufactured home or mobile home, after diligent search and inquiry, is unable to produce the original manufacturer's certificate of origin for the manufactured home or mobile home, together with a bill of sale, paid tax receipts showing assessment in the name of the owner for a period of not less than ten (10) years, an installment contract reflecting the serial number or VIN of the manufactured home or mobile home, or other due proof of ownership acceptable to the Department of Revenue; or(iv)If the manufactured home or mobile home is manufactured before July 1, 1999, an affidavit of ownership substantially similar to the affidavit provided in subsection (22) of this section;(g)A statement whether or not the manufactured home or mobile home is subject to one or more security interests or liens and if the manufactured home or mobile home is subject to one or more security interests or liens, the name and address of each party holding a security interest in or lien on the manufactured home or mobile home, including each holder shown on any certificate of title issued by the Department of Revenue, if any, the original principal amount secured by each security interest or lien;(h)A lien release as to each party holding a security interest in or lien on the manufactured home or mobile home;(i)A statement that:(i)All permits required by applicable governmental authorities have been obtained;(ii)The homeowner intends that the mobile home or manufactured home be an immovable fixture and a permanent part of the real property; and(iii)The wheels and axles have been removed;(j)A statement that the manufactured home is permanently connected to a septic or sewer system and other utilities such as electricity, water and/or gas;(k)A statement that all ad valorem taxes due and payable for the manufactured home or mobile home and land on which it is located have been paid, together with a paid receipt for the prior year confirming the same;(l)If different than the owner, the name and address of a person authorized to file a certified copy of the affidavit of affixation with the tax collector after it has been duly recorded in the real property records;(m)A statement authorizing the tax collector or other designated agent to submit the completed application to the Department of Revenue for retirement of the title to the manufactured home or mobile home to real property; and(n)Due acknowledgement of the signature of each affiant as required by Section 89-3-1 et seq. or any successor statute.(2)The chancery clerk, upon receipt of an affidavit of affixation meeting the requirements set forth in subsection (1) of this section and applicable fee to record the affidavit and provide a certified copy thereof, shall record the affidavit of affixation in the official records and shall provide a certified copy of the recorded affidavit to the owner or other party submitting the affidavit of affixation for recording. The chancery clerk shall forward a copy of the recorded affidavit of affixation to the county tax assessor in order to assist in locating and identifying the manufactured home or mobile home for property tax purposes.(3)After completing the requirements in subsections (1) and (2) of this section, the owner of the manufactured home or mobile home, or lienholder as shown on the certificate of title pursuant to a power of attorney from the owner of the manufactured home or mobile home, if such lienholder is a designated agent, or the person authorized in the affidavit of affixation, shall file a certified copy of the recorded affidavit of affixation with the tax collector of the county where the manufactured home or mobile home is located for retirement of the home's title, accompanied by:(a)A copy of the deed or other instrument of conveyance of legal ownership to the real property to which the manufactured home or mobile home has become affixed conveying a fee simple or other legal ownership interest in the subject real property; and(b)One (1) of the following:(i)The certificate of title to the manufactured home or mobile home duly endorsed or otherwise showing the release of any lienholders noted on the certificate of title;(ii)The manufacturer's certificate of origin;(iii)If the manufactured home or mobile home is not covered by a certificate of title and the owner of the manufactured home or mobile home, after diligent search and inquiry, is unable to produce the original manufacturer's certificate of origin for the manufactured home or mobile home ; or(iv)If the manufactured home or mobile home is manufactured before July 1, 1999, an affidavit of ownership substantially similar to the affidavit provided in subsection (22) of this section.(4)Upon receipt of the affidavit of affixation and accompanying documents, the tax collector shall submit the completed application for the retirement of the title to the manufactured home or mobile home to the Department of Revenue.(5)Upon receipt of an application containing the items required in subsections (3) and (4) of this section, the Department of Revenue shall retire the title and shall notify the applicant, the lender, and authorized representative, if any, in writing at the address shown in the affidavit that the title to the manufactured home or mobile home has been retired. If the affidavit of affixation indicates that the manufactured home or mobile home is currently covered by a certificate of origin or is not covered by a certificate of title and after diligent search and inquiry the owner is unable to produce the original manufacturer's certificate of origin, but otherwise provides a bill of sale, paid tax receipts showing assessment in the name of the owner for a period of not less than ten (10) years, an installment contract reflecting the serial number or VIN of the manufactured home or mobile home, or other due proof of ownership in a form acceptable to the Department

of Revenue, or if the affidavit of affixation has an attached affidavit of ownership as provided for in subsection (3)(b)(iv) of this section then the Department of Revenue may issue a certificate of title for the purpose of effectuating the retirement of title.(6)If the legal owner of the manufactured home or mobile home whose title has been retired under this section and the real property to which the manufactured home or mobile home has become affixed, wishes to detach or sever the manufactured home or mobile home from the real property, then such owner may file or cause to be filed an affidavit of severance duly sworn to and acknowledged before any officer or person authorized to administer an oath under the laws of this state in the official records of the chancery clerk in the county, or in the judicial district in counties having more than one (1) such district, in which the real property is located, which contains or is accompanied by:(a)The names and mailing addresses of the legal owners of the manufactured home or mobile home and real property to which the manufactured home or mobile home has become affixed;(b)A description of the manufactured home or mobile home including the name of the manufacturer, the model year, make, width, length, and the serial number or VIN of the manufactured home or mobile home;(c)The book and page number or instrument number, and date of recordation of the affidavit of affixation;(d)A statement that the party executing the affidavit is the owner of the real property described in the affidavit of affixation;(e)A statement that the manufactured home is no longer to be taxed as an improvement to the real property;(f)A statement whether or not the manufactured home or mobile home and real property to which the home is affixed is subject to one or more security interests or liens and if the same is subject to one or more security interests or liens, the name and address of each party holding a security interest in or lien on the manufactured home or mobile home and the real property to which it is affixed, the original principal amount secured by each security interest or lien and a statement that the security interest or lien as to the manufactured home or mobile home shall be released;(g)A lien release as to the manufactured home or mobile home or, if the lienholder desires to retain a security interest or lien in the manufactured home or mobile home after title is severed from the real property, a lienholder's statement of the names and addresses of any lienholders in the order of their priority and the dates of their mortgages, deeds of trust or other liens filed of record upon the real property;(h)A statement that all ad valorem taxes due and payable for the land on which the manufactured home or mobile home is located have been paid, together with paid receipts for the prior year confirming the same and acknowledgement that taxes for the current year, which are assessed but not yet due and payable, will be based on the status of the manufactured home or mobile home and real property to which it is attached as of January 1 of the current year;(i)If different than the owner, the name and address of a person authorized to file a certified copy of the affidavit of severance with the tax collector after it has been duly recorded in the real property records and the person has received the newly issued certificate of title from the Department of Revenue;(j)A statement authorizing the tax collector or other designated agent to submit the completed application to the Department of Revenue for the issuance of a new certificate of title to the manufactured home or mobile home; and(k)Due acknowledgement of the signature of each affiant as required by Section89-3-1et seq. or any successor statute.(7)If a manufactured home or mobile home whose title has been retired pursuant to this section is destroyed completely or otherwise becomes uninhabitable, and the legal owner of the manufactured home or mobile home, and the real property to which the manufactured home or mobile home was affixed, desires to document the destruction or uninhabitability thereof, then the owner of such destroyed or uninhabitable manufactured home or mobile home may file an affidavit of destruction duly sworn to and acknowledged before any officer or person authorized to administer an oath under the laws of this state in the official records of the chancery clerk in the county and applicable judicial district, if any, in which the real property is located, which contains or is accompanied by:(a)The date and cause of destruction or uninhabitability of the manufactured home or mobile home;(b)The names and mailing addresses of the legal owner of the manufactured home or mobile home and real property to which the manufactured home or mobile home has become affixed;(c)A description of the manufactured home or mobile home including the name of the manufacturer, the model year, make, width, length and the serial number or VIN of the manufactured home;(d)The book and page number or instrument number, and date of recordation of the affidavit of affixation;(e)A statement that the party executing the affidavit is the owner of the real property described in the affidavit of affixation; and(f)Due acknowledgement of the signature of each affiant as required by Section89-3-1et seq. or any successor statute.(8)The chancery clerk, upon receipt of an affidavit of severance meeting the requirements set forth in subsection (6) of this section or an affidavit of destruction meeting the requirements set forth in subsection (7) of this section and applicable fee to record the affidavit and provide a certified copy thereof, shall record the affidavit of severance or destruction, as applicable, in the official records and provide a certified copy of the recorded affidavit to the owner or other party submitting the affidavit for recording and shall forward a copy of the affidavit to the county tax assessor in order to assist in (a) in the case of an affidavit of severance, locating and identifying the manufactured home or mobile home for property tax purposes; or (b) in the case of an affidavit of destruction, removing the manufactured home or mobile home from the tax roll.(9)After completing the requirements in subsections (6) and (8) of this section, the owner of the manufactured home or mobile home, and the real property to which the manufactured home or mobile home has become affixed with a recorded and retired title, or the person authorized in the affidavit of severance, shall file a certified copy of the duly recorded affidavit of severance with the tax collector of the county where the manufactured home or mobile home is located for the issuance of a new certificate of title to the manufactured home or mobile home, accompanied by:(a)An abstract of land title showing legal ownership of the manufactured home or mobile home and real property along with any unreleased mortgages, deeds of trust or other liens filed of record upon the real property;(b)A lien release as to the manufactured home or mobile home or a lienholder's statement of the names and addresses of any lienholders in the order of their priority; and(c)The required fee for the certificate of title for the manufactured home or mobile home.(10)Upon receipt of the items required in subsection (9) of this section, the tax collector of the county where the manufactured home or mobile home is located shall, for any manufactured home or mobile home for which a certificate of title would be required under Section63-21-9, submit the completed application to the Department of Revenue for the

issuance of a new certificate of title to the legal owner of the real property identified in the affidavit of severance.(11)Upon receipt of an application containing the items required in subsection (10) of this section, the Department of Revenue shall issue a new certificate of title in the name of the legal owner(s) of the real property to which the manufactured home or mobile home was attached and, if applicable, shall list the lienholders, if any, in the order of their priority as shown in the abstract of title. The new certificate of title shall be delivered to the applicant or authorized representative, if any, at the address shown in the affidavit.(12)Upon completing the requirements in subsection (10) of this section, the conveyance of and the perfection of a security interest in a manufactured home or mobile home shall be governed by the provisions of Chapter 21, Title 63, Mississippi Code of 1972, or Chapter 9, Title 75, Mississippi Code of 1972, as applicable.(13)A manufactured home or mobile home shall be deemed real property for all purposes and shall be governed by the laws applicable thereto, upon the occurrence of all of the following events:(a)An affidavit of affixation conforming to subsection (1) of this section has been duly recorded; and(b)An application for retirement of the title to a manufactured home or mobile home conforming to subsection (3) of this section has been filed with the Department of Revenue.When an application for retirement is filed with the Department of Revenue within sixty (60) days of recording the related affidavit of affixation in the official records of the chancery clerk in the county, or in the judicial district in counties having more than one (1) such district, in which the real property is located and the application is thereafter accepted by the department, the requirements of this section shall be deemed satisfied as of the date the affidavit of affixation is recorded.(14)A manufactured home or mobile home whose title has been retired pursuant to this section shall be conveyed by deed or other real property contract and shall only be transferred or otherwise contracted together with the real property to which it is affixed, unless and until the procedures described in this section for severance or destruction and issuance of a new title are followed. The legal description in any such conveyance instrument may include a recitation that the real property includes a manufactured home or mobile home permanently affixed to the real property but such a recitation is not required.(15)If the title has been retired under this section, for purposes of perfecting, realizing, and foreclosure of security interests, a separate security interest in the manufactured home or mobile home shall not exist, and the manufactured home or mobile home shall only be secured as part of the real property to which it is attached through a mortgage or deed of trust and such lien shall automatically attach as of the date of recording and must be foreclosed in the same manner as a mortgage on real property.(16)Upon written request, the Department of Revenue shall provide written acknowledgment of compliance with the provisions of this section. Such written acknowledgment may be filed in the official records of the chancery clerk in the county, or in the judicial district in counties having more than one (1) such district, in which the real property is located.(17)This section applies to the sale or transfer of manufactured homes or mobile homes occurring on or after January 1, 2019, or to any person who voluntarily elects to retire the title to the manufactured home or mobile home pursuant to this section.(18)Recordation of the affidavit of affixation pursuant to subsections (1) and (2) of this section shall be prima facie evidence that the manufactured home or mobile home has become affixed to the real property as an improvement to real property and shall satisfy the requirements of 11 USC Section 1322(b)(2), or any successor statute, to the extent the manufactured home or mobile home constitutes the owner's principal residence.(19)The affidavit of affixation required pursuant to this section shall be in substantially the following form:THIS INSTRUMENT PREPARED BY: INDEXING

INSTRUCTIONS:

AFFIDAVIT OF AFFIXATION(MANUFACTURED HOME OR MOBILE HOME)STATE OF _____
COUNTY OF _____ Before me, the undersigned notary public in and for said county and state, appeared [type the name and address of each homeowner signing this affidavit], known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed below (each a "homeowner"), and who, being by me first duly sworn, did each by personal oath state as follows:1.Homeowner(s) own(s) the manufactured home or mobile home ("home") described as follows: _____Manufacturer's Name Make Model Name
Model Year _____Manufacturer's Serial No./VIN
Length/Width New/Used2.The home is or will be located at the following "property address": _____Street City County State Zip Code3.The legal description of the real property where the home is or will be permanently affixed ("land") is:[insert legal description]4.The homeowner(s) executing below is/are all the legal owner(s) of the real property to which the home has become permanently affixed.5.The home shall be assessed and taxed as an improvement to the land.6.Check one:[] The home is currently covered by a certificate of title and the homeowner shall surrender the original title to a designated agent on behalf of the Department of Revenue;[] The home is currently covered by a manufacturer's certificate of origin and the homeowner shall submit the original certificate of origin to a designated agent on behalf of the Department of Revenue; or[] The home is not covered by a certificate of title and the owner of the manufactured home, after diligent search and inquiry, is unable to produce the original manufacturer's certificate of origin for the home, and an affidavit of ownership is attached hereto.7.The home (check one):[] Is not subject to any security interest or lien; or[] Is subject to the following security interests or liens: _____Lienholder #1 Original Principal Amount
Secured _____Address: _____
#2 Original Principal Amount _____
Secured _____Address:8.Other than those disclosed in this affidavit, the homeowner is not aware of (a) any other security interest or lien affecting the home; and (b) any other facts or information that could reasonably affect the validity of the title of the home or the existence or nonexistence of security interests or lien in it.9.A release of personal property security interest or lien from each of the lienholders identified in paragraph 7 of this

affidavit, if any, is attached hereto.10.(a)All permits required by applicable governmental authorities have been obtained;(b)the wheels and axles have been removed; and(c)the home is or will be permanently connected to a septic or sewer system and other utilities such as electricity, water and/or gas.11.The home is or shall become an immovable fixture and a permanent part of the real property.12.All ad valorem taxes currently due and payable for the home and the land to which it is attached have been paid and a receipt for the prior year confirming the same are attached hereto.13.The homeowner(s) hereby authorize(s) the following person(s) to file an application to retire title to the home with the tax collector of the county where the manufactured home or mobile home is located and to receive written acknowledgement from the Department of Revenue of retirement of

title: _____ Name of Authorized Representative _____ Mailing Address _____ Phone Number _____

14.The homeowner(s) hereby authorize(s) the tax collector to submit the completed application on behalf of the homeowner(s) to the Department of Revenue to permanently retire title to the manufactured home or mobile home to herein described land. This affidavit is executed by homeowner(s) pursuant to applicable state law and shall be recorded in the official land records in the county, or in the judicial district in counties having more than one (1) such district, in which the home is located.Further, affiant(s) sayeth naught. _____ Signature of

Homeowner #1: _____ Printed Name Address City State Zip Code _____ Signature of Homeowner #2 (If more than one (1) homeowner): _____ Printed Name Address City

State Zip CodeSworn to and subscribed before me this the _____ day of _____, 20____. _____ Notary PublicMy Commission Expires: _____ (20)The

affidavit of severance required pursuant to this section shall be in substantially the following form:THIS INSTRUMENT PREPARED BY: INDEXING INSTRUCTIONS: _____

_____ AFFIDAVIT OF SEVERANCE(MANUFACTURED HOME OR MOBILE HOME)STATE OF _____ COUNTY OF _____

Before me, the undersigned notary public in and for said county and state, appeared [type the name and address of each homeowner signing this affidavit], known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed below (each a "homeowner"), and who, being by me first duly sworn, did each by personal oath state as follows:1.Homeowner(s) own(s) the manufactured home or mobile home ("home") described as

follows: _____ Manufacturer's Name Make Model Name Model Year _____ Manufacturer's Serial No./VIN

Length/Width New/Used2.The title to the home was previously retired pursuant to that certain affidavit of affixation recorded on _____ in Book _____, Page _____ or as Instrument _____.3.The homeowner(s) executing below is/are all the legal owner(s) of the real property to which the home has become permanently affixed.4.Upon the recording hereof, the home shall no longer be assessed and taxed as an improvement to real property.5.The home (check one):[] Is not subject to any security interest or lien; or[] Is subject to the following security interests or

lien: _____ Lienholder #1 Original Principal Amount Secured _____ Address: _____

#2 Original Principal Amount Secured _____ Address:6.Other than those disclosed in this

affidavit, the homeowner is not aware of (a) any other security interest or lien affecting the home; or (b) any other facts or information that could reasonably affect the validity of the title of the home or the existence or nonexistence of security interests or lien in it.7.Check one:[] A release of the real property security interest or lien from each of the lienholders identified in paragraph 6 of this affidavit, if any, is attached hereto; or[] A statement from each of the lienholders identified in paragraph 6 of this affidavit is attached hereto authorizing the lienholder's security interest or lien to be recorded on the face of the certificate of title and, if more than one (1) lienholder, the order of priority of the same.8.All ad valorem taxes due and payable for the land on which the home is located have been paid, and a paid receipt for the prior year confirming the same are attached hereto. Homeowner acknowledges that taxes for the current year, which are assessed but not yet due and payable, will be based on the status of the home and land to which it is attached as of January 1 of the current year.9.The homeowner(s) hereby authorize(s) the following person(s) to file a certified copy of the affidavit of severance with the tax collector of the county where the manufactured home or mobile home is located and to receive the newly issued certificate of title from the Mississippi Department of

Revenue: _____ Name of Authorized Representative _____ Mailing Address _____ Phone Number _____

10.The homeowner(s) hereby authorize(s) the tax collector to submit the completed application on behalf of the homeowner(s) to the Department of Revenue to sever title to the manufactured home or mobile home from herein described land and issue a new certificate of title in the name of the homeowner(s).This affidavit is executed by homeowner(s) pursuant to applicable state law and shall be recorded in the official land records in the county in which the home is located.Further, affiant(s) sayeth naught. _____ Signature of Homeowner

#1: _____ Printed Name Address City State Zip Code _____ Signature of Homeowner #2 (If more than one (1) homeowner): _____ Printed Name Address City State

Zip CodeSworn to and subscribed before me this the _____ day of _____,

20_____. Notary Public My Commission Expires: _____ (21) The affidavit of destruction required pursuant to this section shall be in substantially the following form: THIS INSTRUMENT PREPARED BY: INDEXING INSTRUCTIONS: _____

AFFIDAVIT OF DESTRUCTION (MANUFACTURED HOME OR MOBILE HOME) STATE OF _____ COUNTY OF _____ Before me, the undersigned notary public in and for said county and state, appeared [type the name(s) of each homeowner signing this affidavit], known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed below (each a "homeowner"), and who, being by me first duly sworn, did each by personal oath state as follows: 1. Homeowner(s) own(s) the manufactured home or mobile home ("home") described as follows: _____ Manufacturer's Name Make Model Name Model Year _____ Manufacturer's Serial No./VIN Length/Width New/Used 2. The title to the home was previously retired pursuant to that certain affidavit of affixation recorded on _____ in the official land records of _____ County, Mississippi, in Book _____, Page _____ or as Instrument _____. 3. The homeowner(s) executing below is/are all the legal owner(s) of the real property to which the home has become permanently affixed. 4. The home was destroyed or became uninhabitable on _____ (insert date) as a result of _____ (describe cause). This affidavit is executed by homeowner(s) pursuant to applicable state law and shall be recorded in the official land records in the county, or in the judicial district in counties having more than one (1) such district, in which the home is located. Further, affiant(s) sayeth naught. _____ Signature of Homeowner #1 _____ Printed Name Address City State Zip Code _____ Signature of Homeowner #2 (If more than one (1) homeowner) _____ Printed Name Address City State Zip Code Sworn to and subscribed before me this _____ day of _____, 20_____. Notary Public My Commission Expires: _____ (22) The affidavit of ownership required pursuant to this section shall be in substantially the following form: THIS INSTRUMENT PREPARED BY: INDEXING INSTRUCTIONS: _____

AFFIDAVIT OF OWNERSHIP (For Mobile Homes Manufactured before July 1, 1999) STATE OF _____ COUNTY OF _____ BEFORE ME, the undersigned notary public in and for said county and state, appeared [Name of Grantor(s)] who are known to me or have produced satisfactory evidence of their identity to be the person(s) whose name(s) is/are subscribed below, and how being first duly sworn, did each on personal oath state the following to wit: 1. That the legal names of the owners at the time of execution of this Affidavit of Ownership are: _____ Name Street Address _____ City, State, Zip Code Telephone Number _____ Name Street Address _____ City, State, Zip Code Telephone Number [Attach Any Additional Owners as Exhibit A] 2. That [Name of Grantor(s)] received consideration in the amount of _____ dollars cash in hand, and other good and valuable consideration, the receipt and sufficiency of is hereby acknowledged, and sold to [Name of Owner(s)] the following manufactured home or mobile home: _____ Manufacturer's Name Make Model _____ Manufacturer's Serial No./VIN Length & Width Model Year 3. That the manufactured home or mobile home is located at the following property address: _____ Street Address City State _____ Zip Code County County Tax Parcel Number 4. That the manufactured or mobile home is not covered nor has ever been covered by a certificate of title. 5. That the legal description of the real property where the manufactured or mobile home is or will be permanently affixed is: (If manufactured or mobile home is personal property, indicate N/A.) [insert legal description] 6. The manufactured or mobile home (check one): [] Is not subject to any security interest or lien; or [] Is subject to the following security interests or liens: _____ Lienholder #1 Original Principal Amount Secured _____ Address _____ #2 Original Principal Amount Secured _____ Address 7. Other than those liens and encumbrances itemized in Number 6, Owner(s) is/are not aware of any other security interest, lien or encumbrance affecting the manufactured or mobile home. 8. The manufactured or mobile home (check one): [] Is assessed as real property and a Certificate of Mobile Home is filed in the office of the chancery clerk it is recorded in Land Deed Book _____, Page _____; or [] Is assessed as personal property. The mobile home account number is _____. 9. This manufactured home or mobile home was manufactured or assembled prior to July 1, 1999, and has never been titled pursuant to Section 63-21-9, as amended. Further, affiant(s) sayeth naught. WITNESS MY SIGNATURE, on this [day] day of [Month], [Year]. _____ [Grantor Name(s)] _____ [Grantee Name(s)] STATE OF _____ COUNTY OF _____ Personally appeared before me, the undersigned authority in and for

the said county and state, on this [Day] day of [Month], [Year], within my jurisdiction, the within named [Grantor Name] who acknowledged that (he) (she) (they) executed the above and foregoing instrument. So subscribed and sworn before me this the [Day] day of [Month], [Year]. _____ Notary Public My Commission Expires: _____ Laws, 2003, ch. 376, § 1, eff. 3/13/2003. Amended by Laws, 2024, ch. 494, SB 2764, § 3, eff. 5/8/2024. Amended by Laws, 2018, ch. 401, HB 827, § 7, eff. 1/1/2019.

(1) If the legal owner of a manufactured home or mobile home and the real property to which the manufactured home or mobile home has become affixed, wishes to permanently retire the title to a manufactured home or mobile home to real property, then such owner may file or cause to be filed an affidavit of affixation duly sworn to and acknowledged before any officer or person authorized to administer an oath under the laws of this state in the official records of the chancery clerk of the county, or in the judicial district in counties having more than one (1) such district, in which the real property is located, which contains or is accompanied by:

- (a) The names and addresses of the legal owner or owners of the manufactured home or mobile home and real property to which the manufactured home or mobile home has become affixed;
- (b) The name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number or VIN of the manufactured home or mobile home, to the extent such data exists;
- (c) The legal description and indexing instructions of the real property to which the manufactured home or mobile home is or shall be permanently affixed;
- (d) A statement that the party executing the affidavit is the owner of the real property described therein;
- (e) A statement that the manufactured home is to be taxed as an improvement to the real property;
- (f) A statement that either:
 - (i) The manufactured home or mobile home is covered by a certificate of title that the owner shall surrender to the Department of Revenue;
 - (ii) The manufactured home or mobile home is covered by a manufacturer's statement or certificate of origin that the owner shall surrender to the Department of Revenue; or
 - (iii) The manufactured home or mobile home is not covered by a certificate of title and the owner of the manufactured home or mobile home, after diligent search and inquiry, is unable to produce the original manufacturer's certificate of origin for the manufactured home or mobile home, together with a bill of sale, paid tax receipts showing assessment in the name of the owner for a period of not less than ten (10) years, an installment contract reflecting the serial number or VIN of the manufactured home or mobile home, or other due proof of ownership acceptable to the Department of Revenue; or
 - (iv) If the manufactured home or mobile home is manufactured before July 1, 1999, an affidavit of ownership substantially similar to the affidavit provided in subsection (22) of this section;
- (g) A statement whether or not the manufactured home or mobile home is subject to one or more security interests or liens and if the manufactured home or mobile home is subject to one or more security interests or liens, the name and address of each party holding a security interest in or lien on the manufactured home or mobile home, including each holder shown on any certificate of title issued by the Department of Revenue, if any, the original principal amount secured by each security interest or lien;
- (h) A lien release as to each party holding a security interest in or lien on the manufactured home or mobile home;
- (i) A statement that:
 - (i) All permits required by applicable governmental authorities have been obtained;
 - (ii) The homeowner intends that the mobile home or manufactured home be an immovable fixture and a permanent part of the real property; and
 - (iii) The wheels and axles have been removed;
- (j) A statement that the manufactured home is permanently connected to a septic or sewer system and other utilities such as electricity, water and/or gas;
- (k) A statement that all ad valorem taxes due and payable for the manufactured home or mobile home and land on which it is located have been paid, together with a paid receipt for the prior year confirming the same;
- (l) If different than the owner, the name and address of a person authorized to file a certified copy of the affidavit of affixation with the tax collector after it has been duly recorded in the real property records;
- (m) A statement authorizing the tax collector or other designated agent to submit the completed application to the Department of Revenue for retirement of the title to the manufactured home or mobile home to real property; and
- (n) Due acknowledgement of the signature of each affiant as required by Section 89-3-1 et seq. or any successor statute.

(2) The chancery clerk, upon receipt of an affidavit of affixation meeting the requirements set forth in subsection (1) of this section and applicable fee to record the affidavit and provide a certified copy thereof, shall record the affidavit of affixation in the official records and shall provide a certified copy of the recorded affidavit to the owner or other party submitting the affidavit of affixation for recording. The chancery clerk shall forward a copy of the recorded affidavit of affixation to the county tax assessor in order to assist in locating and identifying the manufactured home or mobile home for property tax purposes.

(3) After completing the requirements in subsections (1) and (2) of this section, the owner of the manufactured home or mobile home, or lienholder as shown on the certificate of title pursuant to a power of attorney from the owner of the manufactured home or mobile home, if such lienholder is a designated agent, or the person authorized in the affidavit of affixation, shall file a certified copy of the recorded affidavit of affixation with the tax collector of the county where the manufactured home or mobile home is located for retirement of the home's title, accompanied by:

- (a) A copy of the deed or other instrument of conveyance of legal ownership to the real property to which the manufactured home or mobile home has become affixed conveying a fee simple or other legal ownership interest in the subject real property; and
- (b) One (1) of the following:
 - (i) The certificate of title to the manufactured home or mobile home duly endorsed or otherwise showing the release of any lienholders noted on the certificate of title;
 - (ii) The manufacturer's certificate of origin;
 - (iii) If the manufactured home or mobile home is not covered by a certificate of title and the owner of the manufactured home or mobile home, after diligent search and inquiry, is unable to produce the original manufacturer's certificate of origin for the manufactured home or mobile home; or
 - (iv) If the manufactured home or mobile home is manufactured before July 1, 1999, an affidavit of ownership substantially similar to the affidavit provided in subsection (22) of this section.

(4) Upon receipt of the affidavit of affixation and accompanying documents, the tax collector shall submit the completed application for the retirement of the title to the manufactured home or mobile home to the Department of Revenue.

(5) Upon receipt of an application containing the items required in subsections (3) and (4) of this section, the Department of Revenue shall retire the title and shall notify the applicant, the lender, and authorized representative, if any, in writing at the address shown in the affidavit that the title to the

manufactured home or mobile home has been retired. If the affidavit of affixation indicates that the manufactured home or mobile home is currently covered by a certificate of origin or is not covered by a certificate of title and after diligent search and inquiry the owner is unable to produce the original manufacturer's certificate of origin, but otherwise provides a bill of sale, paid tax receipts showing assessment in the name of the owner for a period of not less than ten (10) years, an installment contract reflecting the serial number or VIN of the manufactured home or mobile home, or other due proof of ownership in a form acceptable to the Department of Revenue, or if the affidavit of affixation has an attached affidavit of ownership as provided for in subsection (3)(b)(iv) of this section then the Department of Revenue may issue a certificate of title for the purpose of effectuating the retirement of title.(6)If the legal owner of the manufactured home or mobile home whose title has been retired under this section and the real property to which the manufactured home or mobile home has become affixed, wishes to detach or sever the manufactured home or mobile home from the real property, then such owner may file or cause to be filed an affidavit of severance duly sworn to and acknowledged before any officer or person authorized to administer an oath under the laws of this state in the official records of the chancery clerk in the county, or in the judicial district in counties having more than one (1) such district, in which the real property is located, which contains or is accompanied by:(a)The names and mailing addresses of the legal owners of the manufactured home or mobile home and real property to which the manufactured home or mobile home has become affixed;(b)A description of the manufactured home or mobile home including the name of the manufacturer, the model year, make, width, length, and the serial number or VIN of the manufactured home or mobile home;(c)The book and page number or instrument number, and date of recordation of the affidavit of affixation;(d)A statement that the party executing the affidavit is the owner of the real property described in the affidavit of affixation;(e)A statement that the manufactured home is no longer to be taxed as an improvement to the real property;(f)A statement whether or not the manufactured home or mobile home and real property to which the home is affixed is subject to one or more security interests or liens and if the same is subject to one or more security interests or liens, the name and address of each party holding a security interest in or lien on the manufactured home or mobile home and the real property to which it is affixed, the original principal amount secured by each security interest or lien and a statement that the security interest or lien as to the manufactured home or mobile home shall be released;(g)A lien release as to the manufactured home or mobile home or, if the lienholder desires to retain a security interest or lien in the manufactured home or mobile home after title is severed from the real property, a lienholder's statement of the names and addresses of any lienholders in the order of their priority and the dates of their mortgages, deeds of trust or other liens filed of record upon the real property;(h)A statement that all ad valorem taxes due and payable for the land on which the manufactured home or mobile home is located have been paid, together with paid receipts for the prior year confirming the same and acknowledgement that taxes for the current year, which are assessed but not yet due and payable, will be based on the status of the manufactured home or mobile home and real property to which it is attached as of January 1 of the current year;(i)If different than the owner, the name and address of a person authorized to file a certified copy of the affidavit of severance with the tax collector after it has been duly recorded in the real property records and the person has received the newly issued certificate of title from the Department of Revenue;(j)A statement authorizing the tax collector or other designated agent to submit the completed application to the Department of Revenue for the issuance of a new certificate of title to the manufactured home or mobile home; and(k)Due acknowledgement of the signature of each affiant as required by Section89-3-1et seq. or any successor statute.(7)If a manufactured home or mobile home whose title has been retired pursuant to this section is destroyed completely or otherwise becomes uninhabitable, and the legal owner of the manufactured home or mobile home, and the real property to which the manufactured home or mobile home was affixed, desires to document the destruction or uninhabitability thereof, then the owner of such destroyed or uninhabitable manufactured home or mobile home may file an affidavit of destruction duly sworn to and acknowledged before any officer or person authorized to administer an oath under the laws of this state in the official records of the chancery clerk in the county and applicable judicial district, if any, in which the real property is located, which contains or is accompanied by:(a)The date and cause of destruction or uninhabitability of the manufactured home or mobile home;(b)The names and mailing addresses of the legal owner of the manufactured home or mobile home and real property to which the manufactured home or mobile home has become affixed;(c)A description of the manufactured home or mobile home including the name of the manufacturer, the model year, make, width, length and the serial number or VIN of the manufactured home;(d)The book and page number or instrument number, and date of recordation of the affidavit of affixation;(e)A statement that the party executing the affidavit is the owner of the real property described in the affidavit of affixation; and(f)Due acknowledgement of the signature of each affiant as required by Section89-3-1et seq. or any successor statute.(8)The chancery clerk, upon receipt of an affidavit of severance meeting the requirements set forth in subsection (6) of this section or an affidavit of destruction meeting the requirements set forth in subsection (7) of this section and applicable fee to record the affidavit and provide a certified copy thereof, shall record the affidavit of severance or destruction, as applicable, in the official records and provide a certified copy of the recorded affidavit to the owner or other party submitting the affidavit for recording and shall forward a copy of the affidavit to the county tax assessor in order to assist in (a) in the case of an affidavit of severance, locating and identifying the manufactured home or mobile home for property tax purposes; or (b) in the case of an affidavit of destruction, removing the manufactured home or mobile home from the tax roll.(9)After completing the requirements in subsections (6) and (8) of this section, the owner of the manufactured home or mobile home, and the real property to which the manufactured home or mobile home has become affixed with a recorded and retired title, or the person authorized in the affidavit of severance, shall file a certified copy of the duly recorded affidavit of severance with the tax collector of the county where the manufactured home or mobile home is located for the issuance of a new certificate of title to the manufactured home or mobile home, accompanied by:(a)An abstract of land title showing legal ownership of the manufactured home or mobile home and real property along with any unreleased mortgages, deeds of trust or other

liens filed of record upon the real property;(b)A lien release as to the manufactured home or mobile home or a lienholder's statement of the names and addresses of any lienholders in the order of their priority; and(c)The required fee for the certificate of title for the manufactured home or mobile home.(10)Upon receipt of the items required in subsection (9) of this section, the tax collector of the county where the manufactured home or mobile home is located shall, for any manufactured home or mobile home for which a certificate of title would be required under Section63-21-9, submit the completed application to the Department of Revenue for the issuance of a new certificate of title to the legal owner of the real property identified in the affidavit of severance.(11)Upon receipt of an application containing the items required in subsection (10) of this section, the Department of Revenue shall issue a new certificate of title in the name of the legal owner(s) of the real property to which the manufactured home or mobile home was attached and, if applicable, shall list the lienholders, if any, in the order of their priority as shown in the abstract of title. The new certificate of title shall be delivered to the applicant or authorized representative, if any, at the address shown in the affidavit.(12)Upon completing the requirements in subsection (10) of this section, the conveyance of and the perfection of a security interest in a manufactured home or mobile home shall be governed by the provisions of Chapter 21, Title 63, Mississippi Code of 1972, or Chapter 9, Title 75, Mississippi Code of 1972, as applicable.(13)A manufactured home or mobile home shall be deemed real property for all purposes and shall be governed by the laws applicable thereto, upon the occurrence of all of the following events:(a)An affidavit of affixation conforming to subsection (1) of this section has been duly recorded; and(b)An application for retirement of the title to a manufactured home or mobile home conforming to subsection (3) of this section has been filed with the Department of Revenue.When an application for retirement is filed with the Department of Revenue within sixty (60) days of recording the related affidavit of affixation in the official records of the chancery clerk in the county, or in the judicial district in counties having more than one (1) such district, in which the real property is located and the application is thereafter accepted by the department, the requirements of this section shall be deemed satisfied as of the date the affidavit of affixation is recorded.(14)A manufactured home or mobile home whose title has been retired pursuant to this section shall be conveyed by deed or other real property contract and shall only be transferred or otherwise contracted together with the real property to which it is affixed, unless and until the procedures described in this section for severance or destruction and issuance of a new title are followed. The legal description in any such conveyance instrument may include a recitation that the real property includes a manufactured home or mobile home permanently affixed to the real property but such a recitation is not required.(15)If the title has been retired under this section, for purposes of perfecting, realizing, and foreclosure of security interests, a separate security interest in the manufactured home or mobile home shall not exist, and the manufactured home or mobile home shall only be secured as part of the real property to which it is attached through a mortgage or deed of trust and such lien shall automatically attach as of the date of recording and must be foreclosed in the same manner as a mortgage on real property.(16)Upon written request, the Department of Revenue shall provide written acknowledgment of compliance with the provisions of this section. Such written acknowledgment may be filed in the official records of the chancery clerk in the county, or in the judicial district in counties having more than one (1) such district, in which the real property is located.(17)This section applies to the sale or transfer of manufactured homes or mobile homes occurring on or after January 1, 2019, or to any person who voluntarily elects to retire the title to the manufactured home or mobile home pursuant to this section.(18)Recordation of the affidavit of affixation pursuant to subsections (1) and (2) of this section shall be prima facie evidence that the manufactured home or mobile home has become affixed to the real property as an improvement to real property and shall satisfy the requirements of11 USC Section 1322(b)(2), or any successor statute, to the extent the manufactured home or mobile home constitutes the owner's principal residence.(19)The affidavit of affixation required pursuant to this section shall be in substantially the following form:THIS INSTRUMENT PREPARED BY: INDEXING

INSTRUCTIONS:_____

AFFIDAVIT OF AFFIXATION(MANUFACTURED HOME OR MOBILE HOME)STATE OF _____

COUNTY OF _____ Before me, the undersigned notary public in and for said county and state, appeared [type the name and address of each homeowner signing this affidavit], known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed below (each a "homeowner"), and who, being by me first duly sworn, did each by personal oath state as follows:1.Homeowner(s) own(s) the manufactured home or mobile home ("home") described as follows:_____

Manufacturer's Name Make Model Name

Model Year_____ Manufacturer's Serial No./VIN

Length/Width New/Used2.The home is or will be located at the following "property address":_____

Street City County State Zip Code3.The legal description of the real property where the home is or will be permanently affixed ("land") is:[insert legal description]4.The homeowner(s) executing below is/are all the legal owner(s) of the real property to which the home has become permanently affixed.5.The home shall be assessed and taxed as an improvement to the land.6.Check one:[] The home is currently covered by a certificate of title and the homeowner shall surrender the original title to a designated agent on behalf of the Department of Revenue;[] The home is currently covered by a manufacturer's certificate of origin and the homeowner shall submit the original certificate of origin to a designated agent on behalf of the Department of Revenue; or[] The home is not covered by a certificate of title and the owner of the manufactured home, after diligent search and inquiry, is unable to produce the original manufacturer's certificate of origin for the home, and an affidavit of ownership is attached hereto.7.The home (check one):[] Is not subject to any security interest or lien; or[] Is subject to the following security interests or liens:_____

Lienholder #1 Original Principal Amount

Secured_____ Address:_____

#2 Original Principal Amount

Secured

Address:8.Other than those disclosed in this affidavit, the homeowner is not aware of (a) any other security interest or lien affecting the home; and (b) any other facts or information that could reasonably affect the validity of the title of the home or the existence or nonexistence of security interests or lien in it.9.A release of personal property security interest or lien from each of the lienholders identified in paragraph 7 of this affidavit, if any, is attached hereto.10.(a)All permits required by applicable governmental authorities have been obtained;(b)the wheels and axles have been removed; and(c)the home is or will be permanently connected to a septic or sewer system and other utilities such as electricity, water and/or gas.11.The home is or shall become an immovable fixture and a permanent part of the real property.12.All ad valorem taxes currently due and payable for the home and the land to which it is attached have been paid and a receipt for the prior year confirming the same are attached hereto.13.The homeowner(s) hereby authorize(s) the following person(s) to file an application to retire title to the home with the tax collector of the county where the manufactured home or mobile home is located and to receive written acknowledgement from the Department of Revenue of retirement of title:_____

Name of Authorized Representative _____ Mailing Address _____ Phone Number _____

14.The homeowner(s) hereby authorize(s) the tax collector to submit the completed application on behalf of the homeowner(s) to the Department of Revenue to permanently retire title to the manufactured home or mobile home to herein described land. This affidavit is executed by homeowner(s) pursuant to applicable state law and shall be recorded in the official land records in the county, or in the judicial district in counties having more than one (1) such district, in which the home is located.Further, affiant(s) sayeth naught._____

Signature of Homeowner #1:_____ Printed Name Address City State

Zip Code _____ Signature of Homeowner #2 (If more than

one (1) homeowner):_____ Printed Name Address City

State Zip CodeSworn to and subscribed before me this the _____ day of _____,

20_____. Notary PublicMy Commission Expires: _____(20)The

affidavit of severance required pursuant to this section shall be in substantially the following form:THIS INSTRUMENT

PREPARED BY: INDEXING INSTRUCTIONS:_____

_____AFFIDAVIT OF SEVERANCE(MANUFACTURED HOME OR MOBILE HOME)STATE OF _____COUNTY OF _____

Before me, the undersigned notary public in and for said county and state, appeared [type the name and address of each homeowner signing this affidavit], known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed below (each a "homeowner"), and who, being by me first duly sworn, did each by personal oath state as follows:1.Homeowner(s) own(s) the manufactured home or mobile home ("home") described as

follows:_____ Manufacturer's Name Make Model Name

Model Year _____ Manufacturer's Serial No./VIN

Length/Width New/Used2.The title to the home was previously retired pursuant to that certain affidavit of affixation recorded on _____ in Book _____, Page _____ or as Instrument _____.

3.The homeowner(s) executing below is/are all the legal owner(s) of the real property to which the home has become permanently affixed.4.Upon the recording hereof, the home shall no longer be assessed and taxed as an improvement to real property.5.The home (check one):[] Is not subject to any security interest or lien; or[] Is subject to the following security interests or

lien:_____ Lienholder #1 Original Principal Amount

Secured _____ Address:_____

#2 Original Principal Amount

Secured

Address:6.Other than those disclosed in this affidavit, the homeowner is not aware of (a) any other security interest or lien affecting the home; or (b) any other facts or information that could reasonably affect the validity of the title of the home or the existence or nonexistence of security interests or lien in it.7.Check one:[] A release of the real property security interest or lien from each of the lienholders identified in paragraph 6 of this affidavit, if any, is attached hereto; or[] A statement from each of the lienholders identified in paragraph 6 of this affidavit is attached hereto authorizing the lienholder's security interest or lien to be recorded on the face of the certificate of title and, if more than one (1) lienholder, the order of priority of the same.8.All ad valorem taxes due and payable for the land on which the home is located have been paid, and a paid receipt for the prior year confirming the same are attached hereto. Homeowner acknowledges that taxes for the current year, which are assessed but not yet due and payable, will be based on the status of the home and land to which it is attached as of January 1 of the current year.9.The homeowner(s) hereby authorize(s) the following person(s) to file a certified copy of the affidavit of severance with the tax collector of the county where the manufactured home or mobile home is located and to receive the newly issued certificate of title from the Mississippi Department of

Revenue:_____ Name of Authorized Representative

Mailing Address Phone Number10.The homeowner(s) hereby authorize(s) the tax collector to submit the completed application on behalf of the homeowner(s) to the Department of Revenue to sever title to the manufactured home or mobile home from herein described land and issue a new certificate of title in the name of the homeowner(s).This affidavit is executed by homeowner(s) pursuant to applicable state law and shall be recorded in the official land records in the county in which the home is located.Further,

affiant(s) sayeth naught. _____ Signature of Homeowner
#1: _____ Printed Name Address City State Zip
Code _____ Signature of Homeowner #2 (If more than one
(1) homeowner): _____ Printed Name Address City State
Zip Code Sworn to and subscribed before me this the ____ day of _____,
20___. _____ Notary Public My Commission Expires: _____ (21) The
affidavit of destruction required pursuant to this section shall be in substantially the following form: THIS INSTRUMENT
PREPARED BY: INDEXING INSTRUCTIONS: _____

_____ AFFIDAVIT OF
DESTRUCTION (MANUFACTURED HOME OR MOBILE HOME) STATE OF _____ COUNTY OF _____
Before me, the undersigned notary public in and for said county and state, appeared [type the name(s) of each
homeowner signing this affidavit], known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed below
(each a "homeowner"), and who, being by me first duly sworn, did each by personal oath state as follows: 1. Homeowner(s) own(s)
the manufactured home or mobile home ("home") described as
follows: _____ Manufacturer's Name Make Model Name
Model Year _____ Manufacturer's Serial No./VIN
Length/Width New/Used 2. The title to the home was previously retired pursuant to that certain affidavit of affixation recorded on
_____ in the official land records of _____ County, Mississippi, in Book _____, Page _____ or as Instrument
_____. 3. The homeowner(s) executing below is/are all the legal owner(s) of the real property to which the home has become
permanently affixed. 4. The home was destroyed or became uninhabitable on _____ (insert date) as a result of
_____ (describe cause). This affidavit is executed by homeowner(s) pursuant to applicable state law and shall
be recorded in the official land records in the county, or in the judicial district in counties having more than one (1) such district, in
which the home is located. Further, affiant(s) sayeth naught. _____ Signature of
Homeowner #1 _____ Printed Name Address City State Zip
Code _____ Signature of Homeowner #2 (If more than one
(1) homeowner): _____ Printed Name Address City State
Zip Code Sworn to and subscribed before me this ____ day of _____,
20___. _____ Notary Public My Commission Expires: _____ (22) The
affidavit of ownership required pursuant to this section shall be in substantially the following form: THIS INSTRUMENT
PREPARED BY: INDEXING INSTRUCTIONS: _____

_____ AFFIDAVIT OF OWNERSHIP (For
Mobile Homes Manufactured before July 1, 1999) STATE OF _____ COUNTY OF _____
BEFORE ME, the undersigned notary public in and for said county and state, appeared [Name of
Grantor(s)] who are known to me or have produced satisfactory evidence of their identity to be the person(s) whose name(s) is/are
subscribed below, and how being first duly sworn, did each on personal oath state the following to wit: 1. That the legal names of the
owners at the time of execution of this Affidavit of Ownership
are: _____ Name Street
Address _____ City, State, Zip Code Telephone
Number _____ Name Street
Address _____ City, State, Zip Code Telephone
Number [Attach Any Additional Owners as Exhibit A] 2. That [Name of Grantor(s)] received consideration in the amount of _____
dollars cash in hand, and other good and valuable consideration, the receipt and sufficiency of is hereby acknowledged, and sold to
[Name of Owner(s)] the following manufactured home or mobile
home: _____ Manufacturer's Name Make
Model _____ Manufacturer's Serial No./VIN Length &
Width Model Year 3. That the manufactured home or mobile home is located at the following property
address: _____ Street Address City
State _____ Zip Code County County Tax Parcel
Number 4. That the manufactured or mobile home is not covered nor has ever been covered by a certificate of title. 5. That the legal
description of the real property where the manufactured or mobile home is or will be permanently affixed is: (If manufactured or
mobile home is personal property, indicate N/A.) [insert legal description] 6. The manufactured or mobile home (check one): [] Is not
subject to any security interest or lien; or [] Is subject to the following security interests or
liens: _____ Lienholder #1 Original Principal Amount
Secured _____ Address _____
#2 Original Principal Amount
Secured _____ Address 7. Other than those liens and
encumbrances itemized in Number 6, Owner(s) is/are not aware of any other security interest, lien or encumbrance affecting the
manufactured or mobile home. 8. The manufactured or mobile home (check one): [] Is assessed as real property and a Certificate of
Mobile Home is filed in the office of the chancery clerk it is recorded in Land Deed Book _____, Page _____; or []

Is assessed as personal property. The mobile home account number is _____.9.This manufactured home or mobile home was manufactured or assembled prior to July 1, 1999, and has never been titled pursuant to Section63-21-9, as amended.Further, affiant(s) sayeth naught.WITNESS MY SIGNATURE, on this [day] day of [Month], [Year]._____[Grantor Name(s)]_____[Grantee Name(s)]STATE OF _____COUNTY OF _____Personally appeared before me, the undersigned authority in and for the said county and state, on this [Day] day of [Month], [Year], within my jurisdiction, the within named [Grantor Name] who acknowledged that (he) (she) (they) executed the above and foregoing instrument.So subscribed and sworn before me this the [Day] day of [Month], [Year]._____.Notary PublicMy Commission Expires: _____Laws, 2003, ch. 376, § 1, eff. 3/13/2003.Amended by Laws, 2024, ch. 494, SB 2764,§ 3, eff. 5/8/2024.Amended by Laws, 2018, ch. 401, HB 827,§ 7, eff. 1/1/2019. (1)If the legal owner of a manufactured home or mobile home and the real property to which the manufactured home or mobile home has become affixed, wishes to permanently retire the title to a manufactured home or mobile home to real property, then such owner may file or cause to be filed an affidavit of affixation duly sworn to and acknowledged before any officer or person authorized to administer an oath under the laws of this state in the official records of the chancery clerk of the county, or in the judicial district in counties having more than one (1) such district, in which the real property is located, which contains or is accompanied by:(a)The names and addresses of the legal owner or owners of the manufactured home or mobile home and real property to which the manufactured home or mobile home has become affixed;(b)The name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number or VIN of the manufactured home or mobile home, to the extent such data exists;(c)The legal description and indexing instructions of the real property to which the manufactured home or mobile home is or shall be permanently affixed;(d)A statement that the party executing the affidavit is the owner of the real property described therein;(e)A statement that the manufactured home is to be taxed as an improvement to the real property;(f)A statement that either:(i)The manufactured home or mobile home is covered by a certificate of title that the owner shall surrender to the Department of Revenue;(ii)The manufactured home or mobile home is covered by a manufacturer's statement or certificate of origin that the owner shall surrender to the Department of Revenue; or(iii)The manufactured home or mobile home is not covered by a certificate of title and the owner of the manufactured home or mobile home, after diligent search and inquiry, is unable to produce the original manufacturer's certificate of origin for the manufactured home or mobile home, together with a bill of sale, paid tax receipts showing assessment in the name of the owner for a period of not less than ten (10) years, an installment contract reflecting the serial number or VIN of the manufactured home or mobile home, or other due proof of ownership acceptable to the Department of Revenue; or(iv)If the manufactured home or mobile home is manufactured before July 1, 1999, an affidavit of ownership substantially similar to the affidavit provided in subsection (22) of this section;(g)A statement whether or not the manufactured home or mobile home is subject to one or more security interests or liens and if the manufactured home or mobile home is subject to one or more security interests or liens, the name and address of each party holding a security interest in or lien on the manufactured home or mobile home, including each holder shown on any certificate of title issued by the Department of Revenue, if any, the original principal amount secured by each security interest or lien;(h)A lien release as to each party holding a security interest in or lien on the manufactured home or mobile home;(i)A statement that:(i)All permits required by applicable governmental authorities have been obtained;(ii)The homeowner intends that the mobile home or manufactured home be an immovable fixture and a permanent part of the real property; and(iii)The wheels and axles have been removed;(j)A statement that the manufactured home is permanently connected to a septic or sewer system and other utilities such as electricity, water and/or gas;(k)A statement that all ad valorem taxes due and payable for the manufactured home or mobile home and land on which it is located have been paid, together with a paid receipt for the prior year confirming the same;(l)If different than the owner, the name and address of a person authorized to file a certified copy of the affidavit of affixation with the tax collector after it has been duly recorded in the real property records;(m)A statement authorizing the tax collector or other designated agent to submit the completed application to the Department of Revenue for retirement of the title to the manufactured home or mobile home to real property; and(n)Due acknowledgement of the signature of each affiant as required by Section89-3-1et seq. or any successor statute.(2)The chancery clerk, upon receipt of an affidavit of affixation meeting the requirements set forth in subsection (1) of this section and applicable fee to record the affidavit and provide a certified copy thereof, shall record the affidavit of affixation in the official records and shall provide a certified copy of the recorded affidavit to the owner or other party submitting the affidavit of affixation for recording. The chancery clerk shall forward a copy of the recorded affidavit of affixation to the county tax assessor in order to assist in locating and identifying the manufactured home or mobile home for property tax purposes.(3)After completing the requirements in subsections (1) and (2) of this section, the owner of the manufactured home or mobile home, or lienholder as shown on the certificate of title pursuant to a power of attorney from the owner of the manufactured home or mobile home, if such lienholder is a designated agent, or the person authorized in the affidavit of affixation, shall file a certified copy of the recorded affidavit of affixation with the tax collector of the county where the manufactured home or mobile home is located for retirement of the home's title, accompanied by:(a)A copy of the deed or other instrument of conveyance of legal ownership to the real property to which the manufactured home or mobile home has become affixed conveying a fee simple or other legal ownership interest in the subject real property; and(b)One (1) of the following:(i)The certificate of title to the manufactured home or mobile home duly endorsed or otherwise showing the release of any lienholders noted on the certificate of title;(ii)The manufacturer's certificate of origin;(iii)If the manufactured home or mobile home is not covered by a certificate of title and the owner of the manufactured home or mobile home, after diligent search and inquiry, is unable to produce the original manufacturer's certificate of origin for the manufactured home or mobile home ; or(iv)If the manufactured home or mobile home is manufactured before July 1, 1999, an

affidavit of ownership substantially similar to the affidavit provided in subsection (22) of this section.(4)Upon receipt of the affidavit of affixation and accompanying documents, the tax collector shall submit the completed application for the retirement of the title to the manufactured home or mobile home to the Department of Revenue.(5)Upon receipt of an application containing the items required in subsections (3) and (4) of this section, the Department of Revenue shall retire the title and shall notify the applicant, the lender, and authorized representative, if any, in writing at the address shown in the affidavit that the title to the manufactured home or mobile home has been retired. If the affidavit of affixation indicates that the manufactured home or mobile home is currently covered by a certificate of origin or is not covered by a certificate of title and after diligent search and inquiry the owner is unable to produce the original manufacturer's certificate of origin, but otherwise provides a bill of sale, paid tax receipts showing assessment in the name of the owner for a period of not less than ten (10) years, an installment contract reflecting the serial number or VIN of the manufactured home or mobile home, or other due proof of ownership in a form acceptable to the Department of Revenue, or if the affidavit of affixation has an attached affidavit of ownership as provided for in subsection (3)(b)(iv) of this section then the Department of Revenue may issue a certificate of title for the purpose of effectuating the retirement of title.(6)If the legal owner of the manufactured home or mobile home whose title has been retired under this section and the real property to which the manufactured home or mobile home has become affixed, wishes to detach or sever the manufactured home or mobile home from the real property, then such owner may file or cause to be filed an affidavit of severance duly sworn to and acknowledged before any officer or person authorized to administer an oath under the laws of this state in the official records of the chancery clerk in the county, or in the judicial district in counties having more than one (1) such district, in which the real property is located, which contains or is accompanied by:(a)The names and mailing addresses of the legal owners of the manufactured home or mobile home and real property to which the manufactured home or mobile home has become affixed;(b)A description of the manufactured home or mobile home including the name of the manufacturer, the model year, make, width, length, and the serial number or VIN of the manufactured home or mobile home;(c)The book and page number or instrument number, and date of recordation of the affidavit of affixation;(d)A statement that the party executing the affidavit is the owner of the real property described in the affidavit of affixation;(e)A statement that the manufactured home is no longer to be taxed as an improvement to the real property;(f)A statement whether or not the manufactured home or mobile home and real property to which the home is affixed is subject to one or more security interests or liens and if the same is subject to one or more security interests or liens, the name and address of each party holding a security interest in or lien on the manufactured home or mobile home and the real property to which it is affixed, the original principal amount secured by each security interest or lien and a statement that the security interest or lien as to the manufactured home or mobile home shall be released;(g)A lien release as to the manufactured home or mobile home or, if the lienholder desires to retain a security interest or lien in the manufactured home or mobile home after title is severed from the real property, a lienholder's statement of the names and addresses of any lienholders in the order of their priority and the dates of their mortgages, deeds of trust or other liens filed of record upon the real property;(h)A statement that all ad valorem taxes due and payable for the land on which the manufactured home or mobile home is located have been paid, together with paid receipts for the prior year confirming the same and acknowledgement that taxes for the current year, which are assessed but not yet due and payable, will be based on the status of the manufactured home or mobile home and real property to which it is attached as of January 1 of the current year;(i)If different than the owner, the name and address of a person authorized to file a certified copy of the affidavit of severance with the tax collector after it has been duly recorded in the real property records and the person has received the newly issued certificate of title from the Department of Revenue;(j)A statement authorizing the tax collector or other designated agent to submit the completed application to the Department of Revenue for the issuance of a new certificate of title to the manufactured home or mobile home; and(k)Due acknowledgement of the signature of each affiant as required by Section89-3-1et seq. or any successor statute.(7)If a manufactured home or mobile home whose title has been retired pursuant to this section is destroyed completely or otherwise becomes uninhabitable, and the legal owner of the manufactured home or mobile home, and the real property to which the manufactured home or mobile home was affixed, desires to document the destruction or uninhabitability thereof, then the owner of such destroyed or uninhabitable manufactured home or mobile home may file an affidavit of destruction duly sworn to and acknowledged before any officer or person authorized to administer an oath under the laws of this state in the official records of the chancery clerk in the county and applicable judicial district, if any, in which the real property is located, which contains or is accompanied by:(a)The date and cause of destruction or uninhabitability of the manufactured home or mobile home;(b)The names and mailing addresses of the legal owner of the manufactured home or mobile home and real property to which the manufactured home or mobile home has become affixed;(c)A description of the manufactured home or mobile home including the name of the manufacturer, the model year, make, width, length and the serial number or VIN of the manufactured home;(d)The book and page number or instrument number, and date of recordation of the affidavit of affixation;(e)A statement that the party executing the affidavit is the owner of the real property described in the affidavit of affixation; and(f)Due acknowledgement of the signature of each affiant as required by Section89-3-1et seq. or any successor statute.(8)The chancery clerk, upon receipt of an affidavit of severance meeting the requirements set forth in subsection (6) of this section or an affidavit of destruction meeting the requirements set forth in subsection (7) of this section and applicable fee to record the affidavit and provide a certified copy thereof, shall record the affidavit of severance or destruction, as applicable, in the official records and provide a certified copy of the recorded affidavit to the owner or other party submitting the affidavit for recording and shall forward a copy of the affidavit to the county tax assessor in order to assist in (a) in the case of an affidavit of severance, locating and identifying the manufactured home or mobile home for property tax purposes; or (b) in the case of an affidavit of destruction, removing the manufactured home or mobile home from the tax roll.(9)After completing the requirements in subsections (6) and (8) of this section, the owner of the

manufactured home or mobile home, and the real property to which the manufactured home or mobile home has become affixed with a recorded and retired title, or the person authorized in the affidavit of severance, shall file a certified copy of the duly recorded affidavit of severance with the tax collector of the county where the manufactured home or mobile home is located for the issuance of a new certificate of title to the manufactured home or mobile home, accompanied by:(a)An abstract of land title showing legal ownership of the manufactured home or mobile home and real property along with any unreleased mortgages, deeds of trust or other liens filed of record upon the real property;(b)A lien release as to the manufactured home or mobile home or a lienholder's statement of the names and addresses of any lienholders in the order of their priority; and(c)The required fee for the certificate of title for the manufactured home or mobile home.(10)Upon receipt of the items required in subsection (9) of this section, the tax collector of the county where the manufactured home or mobile home is located shall, for any manufactured home or mobile home for which a certificate of title would be required under Section63-21-9, submit the completed application to the Department of Revenue for the issuance of a new certificate of title to the legal owner of the real property identified in the affidavit of severance.(11)Upon receipt of an application containing the items required in subsection (10) of this section, the Department of Revenue shall issue a new certificate of title in the name of the legal owner(s) of the real property to which the manufactured home or mobile home was attached and, if applicable, shall list the lienholders, if any, in the order of their priority as shown in the abstract of title. The new certificate of title shall be delivered to the applicant or authorized representative, if any, at the address shown in the affidavit.(12)Upon completing the requirements in subsection (10) of this section, the conveyance of and the perfection of a security interest in a manufactured home or mobile home shall be governed by the provisions of Chapter 21, Title 63, Mississippi Code of 1972, or Chapter 9, Title 75, Mississippi Code of 1972, as applicable.(13)A manufactured home or mobile home shall be deemed real property for all purposes and shall be governed by the laws applicable thereto, upon the occurrence of all of the following events:(a)An affidavit of affixation conforming to subsection (1) of this section has been duly recorded; and(b)An application for retirement of the title to a manufactured home or mobile home conforming to subsection (3) of this section has been filed with the Department of Revenue.When an application for retirement is filed with the Department of Revenue within sixty (60) days of recording the related affidavit of affixation in the official records of the chancery clerk in the county, or in the judicial district in counties having more than one (1) such district, in which the real property is located and the application is thereafter accepted by the department, the requirements of this section shall be deemed satisfied as of the date the affidavit of affixation is recorded.(14)A manufactured home or mobile home whose title has been retired pursuant to this section shall be conveyed by deed or other real property contract and shall only be transferred or otherwise contracted together with the real property to which it is affixed, unless and until the procedures described in this section for severance or destruction and issuance of a new title are followed. The legal description in any such conveyance instrument may include a recitation that the real property includes a manufactured home or mobile home permanently affixed to the real property but such a recitation is not required.(15)If the title has been retired under this section, for purposes of perfecting, realizing, and foreclosure of security interests, a separate security interest in the manufactured home or mobile home shall not exist, and the manufactured home or mobile home shall only be secured as part of the real property to which it is attached through a mortgage or deed of trust and such lien shall automatically attach as of the date of recording and must be foreclosed in the same manner as a mortgage on real property.(16)Upon written request, the Department of Revenue shall provide written acknowledgment of compliance with the provisions of this section. Such written acknowledgment may be filed in the official records of the chancery clerk in the county, or in the judicial district in counties having more than one (1) such district, in which the real property is located.(17)This section applies to the sale or transfer of manufactured homes or mobile homes occurring on or after January 1, 2019, or to any person who voluntarily elects to retire the title to the manufactured home or mobile home pursuant to this section.(18)Recordation of the affidavit of affixation pursuant to subsections (1) and (2) of this section shall be prima facie evidence that the manufactured home or mobile home has become affixed to the real property as an improvement to real property and shall satisfy the requirements of11 USC Section 1322(b)(2), or any successor statute, to the extent the manufactured home or mobile home constitutes the owner's principal residence.(19)The affidavit of affixation required pursuant to this section shall be in substantially the following form:THIS INSTRUMENT PREPARED BY: INDEXING

INSTRUCTIONS: _____
AFFIDAVIT OF AFFIXATION(MANUFACTURED HOME OR MOBILE HOME)STATE OF _____
COUNTY OF _____ Before me, the undersigned notary public in and for said county and state, appeared [type the name and address of each homeowner signing this affidavit], known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed below (each a "homeowner"), and who, being by me first duly sworn, did each by personal oath state as follows:1.Homeowner(s) own(s) the manufactured home or mobile home ("home") described as follows: _____Manufacturer's Name Make Model Name
Model Year _____Manufacturer's Serial No./VIN
Length/Width New/Used2.The home is or will be located at the following "property address": _____Street City County State Zip Code3.The legal description of the real property where the home is or will be permanently affixed ("land") is:[insert legal description]4.The homeowner(s) executing below is/are all the legal owner(s) of the real property to which the home has become permanently affixed.5.The home shall be assessed and taxed as an improvement to the land.6.Check one:[] The home is currently covered by a certificate of title and the homeowner shall surrender the original title to a designated agent on behalf of the Department of Revenue;[] The home is currently covered by a manufacturer's certificate of origin and the homeowner shall submit the original certificate of origin to a designated agent on behalf of the Department of Revenue; or[] The home is not covered by a certificate of

title and the owner of the manufactured home, after diligent search and inquiry, is unable to produce the original manufacturer's certificate of origin for the home, and an affidavit of ownership is attached hereto.7.The home (check one):[] Is not subject to any security interest or lien; or[] Is subject to the following security interests or

liens: _____ Lienholder #1 Original Principal Amount
Secured _____ Address: _____

#2 Original Principal Amount

Secured _____ Address:8.Other than those disclosed in this

affidavit, the homeowner is not aware of (a) any other security interest or lien affecting the home; and (b) any other facts or information that could reasonably affect the validity of the title of the home or the existence or nonexistence of security interests or lien in it.9.A release of personal property security interest or lien from each of the lienholders identified in paragraph 7 of this affidavit, if any, is attached hereto.10.(a)All permits required by applicable governmental authorities have been obtained;(b)the wheels and axles have been removed; and(c)the home is or will be permanently connected to a septic or sewer system and other utilities such as electricity, water and/or gas.11.The home is or shall become an immovable fixture and a permanent part of the real property.12.All ad valorem taxes currently due and payable for the home and the land to which it is attached have been paid and a receipt for the prior year confirming the same are attached hereto.13.The homeowner(s) hereby authorize(s) the following person(s) to file an application to retire title to the home with the tax collector of the county where the manufactured home or mobile home is located and to receive written acknowledgement from the Department of Revenue of retirement of

title: _____ Name of Authorized

Representative _____ Mailing Address _____ Phone Number

14.The homeowner(s) hereby authorize(s) the tax collector to submit the completed application on behalf of the homeowner(s) to the Department of Revenue to permanently retire title to the manufactured home or mobile home to herein described land. This affidavit is executed by homeowner(s) pursuant to applicable state law and shall be recorded in the official land records in the county, or in the judicial district in counties having more than one (1) such district, in which the home is located.Further, affiant(s) sayeth naught. _____ Signature of

Homeowner #1: _____ Printed Name Address City State

Zip Code _____ Signature of Homeowner #2 (If more than

one (1) homeowner): _____ Printed Name Address City

State Zip CodeSworn to and subscribed before me this the _____ day of _____,

20_____. _____ Notary PublicMy Commission Expires: _____(20)The

affidavit of severance required pursuant to this section shall be in substantially the following form:THIS INSTRUMENT

PREPARED BY: INDEXING INSTRUCTIONS: _____

_____ AFFIDAVIT OF

SEVERANCE(MANUFACTURED HOME OR MOBILE HOME)STATE OF _____ COUNTY OF _____

Before me, the undersigned notary public in and for said county and state, appeared [type the name and address of each homeowner signing this affidavit], known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed below (each a "homeowner"), and who, being by me first duly sworn, did each by personal oath state as follows:1.Homeowner(s) own(s) the manufactured home or mobile home ("home") described as

follows: _____ Manufacturer's Name Make Model Name

Model Year _____ Manufacturer's Serial No./VIN

Length/Width New/Used2.The title to the home was previously retired pursuant to that certain affidavit of affixation recorded on

_____ in Book _____, Page _____ or as Instrument _____.3.The homeowner(s) executing below is/are all the

legal owner(s) of the real property to which the home has become permanently affixed.4.Upon the recording hereof, the home shall

no longer be assessed and taxed as an improvement to real property.5.The home (check one):[] Is not subject to any security interest

or lien; or[] Is subject to the following security interests or

lien: _____ Lienholder #1 Original Principal Amount

Secured _____ Address: _____

#2 Original Principal Amount

Secured _____ Address:6.Other than those disclosed in this

affidavit, the homeowner is not aware of (a) any other security interest or lien affecting the home; or (b) any other facts or information that could reasonably affect the validity of the title of the home or the existence or nonexistence of security interests or lien in it.7.Check one:[] A release of the real property security interest or lien from each of the lienholders identified in paragraph 6 of this affidavit, if any, is attached hereto; or[] A statement from each of the lienholders identified in paragraph 6 of this affidavit is attached hereto authorizing the lienholder's security interest or lien to be recorded on the face of the certificate of title and, if more than one (1) lienholder, the order of priority of the same.8.All ad valorem taxes due and payable for the land on which the home is located have been paid, and a paid receipt for the prior year confirming the same are attached hereto. Homeowner acknowledges that taxes for the current year, which are assessed but not yet due and payable, will be based on the status of the home and land to which it is attached as of January 1 of the current year.9.The homeowner(s) hereby authorize(s) the following person(s) to file a certified copy of the affidavit of severance with the tax collector of the county where the manufactured home or mobile home is located and to receive the newly issued certificate of title from the Mississippi Department of

Revenue: _____ Name of Authorized Representative _____
Mailing Address Phone Number _____ 10. The homeowner(s) hereby authorize(s) the tax collector to submit the completed application on behalf of the homeowner(s) to the Department of Revenue to sever title to the manufactured home or mobile home from herein described land and issue a new certificate of title in the name of the homeowner(s). This affidavit is executed by homeowner(s) pursuant to applicable state law and shall be recorded in the official land records in the county in which the home is located. Further, affiant(s) sayeth naught. _____ Signature of Homeowner
#1: _____ Printed Name Address City State Zip
Code _____ Signature of Homeowner #2 (If more than one
(1) homeowner): _____ Printed Name Address City State
Zip Code Sworn to and subscribed before me this the _____ day of _____,
20_____. _____ Notary Public My Commission Expires: _____ (21) The
affidavit of destruction required pursuant to this section shall be in substantially the following form: THIS INSTRUMENT
PREPARED BY: INDEXING INSTRUCTIONS: _____

_____ AFFIDAVIT OF
DESTRUCTION (MANUFACTURED HOME OR MOBILE HOME) STATE OF _____ COUNTY OF _____
Before me, the undersigned notary public in and for said county and state, appeared [type the name(s) of each homeowner signing this affidavit], known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed below (each a "homeowner"), and who, being by me first duly sworn, did each by personal oath state as follows: 1. Homeowner(s) own(s) the manufactured home or mobile home ("home") described as follows: _____ Manufacturer's Name Make Model Name
Model Year _____ Manufacturer's Serial No./VIN
Length/Width New/Used 2. The title to the home was previously retired pursuant to that certain affidavit of affixation recorded on _____ in the official land records of _____ County, Mississippi, in Book _____, Page _____ or as Instrument _____ 3. The homeowner(s) executing below is/are all the legal owner(s) of the real property to which the home has become permanently affixed. 4. The home was destroyed or became uninhabitable on _____ (insert date) as a result of _____ (describe cause). This affidavit is executed by homeowner(s) pursuant to applicable state law and shall be recorded in the official land records in the county, or in the judicial district in counties having more than one (1) such district, in which the home is located. Further, affiant(s) sayeth naught. _____ Signature of
Homeowner #1 _____ Printed Name Address City State Zip
Code _____ Signature of Homeowner #2 (If more than one
(1) homeowner): _____ Printed Name Address City State
Zip Code Sworn to and subscribed before me this _____ day of _____,
20_____. _____ Notary Public My Commission Expires: _____ (22) The
affidavit of ownership required pursuant to this section shall be in substantially the following form: THIS INSTRUMENT
PREPARED BY: INDEXING INSTRUCTIONS: _____

_____ AFFIDAVIT OF OWNERSHIP (For
Mobile Homes Manufactured before July 1, 1999) STATE OF _____ COUNTY OF _____
BEFORE ME, the undersigned notary public in and for said county and state, appeared [Name of Grantor(s)] who are known to me or have produced satisfactory evidence of their identity to be the person(s) whose name(s) is/are subscribed below, and how being first duly sworn, did each on personal oath state the following to wit: 1. That the legal names of the owners at the time of execution of this Affidavit of Ownership are: _____ Name Street
Address _____ City, State, Zip Code Telephone
Number _____ Name Street
Address _____ City, State, Zip Code Telephone
Number [Attach Any Additional Owners as Exhibit A] 2. That [Name of Grantor(s)] received consideration in the amount of _____ dollars cash in hand, and other good and valuable consideration, the receipt and sufficiency of is hereby acknowledged, and sold to [Name of Owner(s)] the following manufactured home or mobile home: _____ Manufacturer's Name Make
Model _____ Manufacturer's Serial No./VIN Length &
Width Model Year 3. That the manufactured home or mobile home is located at the following property address: _____ Street Address City
State _____ Zip Code County County Tax Parcel
Number 4. That the manufactured or mobile home is not covered nor has ever been covered by a certificate of title. 5. That the legal description of the real property where the manufactured or mobile home is or will be permanently affixed is: (If manufactured or mobile home is personal property, indicate N/A.) [insert legal description] 6. The manufactured or mobile home (check one): [] Is not subject to any security interest or lien; or [] Is subject to the following security interests or liens: _____ Lienholder #1 Original Principal Amount
Secured _____ Address _____

#2 Original Principal Amount

Secured

Address7. Other than those liens and encumbrances itemized in Number 6, Owner(s) is/are not aware of any other security interest, lien or encumbrance affecting the manufactured or mobile home.8. The manufactured or mobile home (check one): ☐ Is assessed as real property and a Certificate of Mobile Home is filed in the office of the chancery clerk it is recorded in Land Deed Book _____, Page _____; or ☐ Is assessed as personal property. The mobile home account number is _____.9. This manufactured home or mobile home was manufactured or assembled prior to July 1, 1999, and has never been titled pursuant to Section 63-21-9, as amended. Further, affiant(s) sayeth naught. WITNESS MY SIGNATURE, on this [day] day of [Month], [Year]. _____ [Grantor Name(s)] _____ [Grantee Name(s)] STATE OF _____

COUNTY OF _____ Personally appeared before me, the undersigned authority in and for the said county and state, on this [Day] day of [Month], [Year], within my jurisdiction, the within named [Grantor Name] who acknowledged that (he) (she) (they) executed the above and foregoing instrument. So subscribed and sworn before me this the [Day] day of [Month], [Year]. _____ Notary Public My Commission Expires: _____ Laws, 2003, ch. 376, § 1, eff. 3/13/2003. Amended by Laws, 2024, ch. 494, SB 2764, § 3, eff. 5/8/2024. Amended by Laws, 2018, ch. 401, HB 827, § 7, eff. 1/1/2019. When an application for retirement is filed with the Department of Revenue within sixty (60) days of recording the related affidavit of affixation in the official records of the chancery clerk in the county, or in the judicial district in counties having more than one (1) such district, in which the real property is located and the application is thereafter accepted by the department, the requirements of this section shall be deemed satisfied as of the date the affidavit of affixation is recorded. THIS INSTRUMENT PREPARED BY: INDEXING INSTRUCTIONS: _____

AFFIDAVIT OF AFFIXATION (MANUFACTURED HOME OR MOBILE HOME) STATE OF _____ COUNTY OF _____ Before me, the undersigned notary public in and for said county and state, appeared [type the name and address of each homeowner signing this affidavit], known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed below (each a "homeowner"), and who, being by me first duly sworn, did each by personal oath state as follows:

Manufacturer's Name Make Model Name Model
Year _____ Manufacturer's Serial No./VIN Length/Width
New/Used _____ Street City County State Zip Code

[insert legal description] ☐ The home is currently covered by a certificate of title and the homeowner shall surrender the original title to a designated agent on behalf of the Department of Revenue; ☐ The home is currently covered by a manufacturer's certificate of origin and the homeowner shall submit the original certificate of origin to a designated agent on behalf of the Department of Revenue; or ☐ The home is not covered by a certificate of title and the owner of the manufactured home, after diligent search and inquiry, is unable to produce the original manufacturer's certificate of origin for the home, and an affidavit of ownership is attached hereto. ☐ Is not subject to any security interest or lien; or ☐ Is subject to the following security interests or liens:

Lienholder #1 Original Principal Amount Secured
Address: _____
Lienholder #2 Original Principal Amount Secured
Address: _____
Name of Authorized _____

Representative _____ Mailing Address _____ Phone Number _____

Further, affiant(s) sayeth naught. _____
Signature of Homeowner #1: _____ Printed Name Address
City State Zip Code _____ Signature of Homeowner #2 (If
more than one (1) homeowner): _____ Printed Name
Address City State Zip Code Sworn to and subscribed before me this the ____ day of _____, 20__.

Notary Public My Commission Expires: _____ THIS

INSTRUMENT PREPARED BY: INDEXING INSTRUCTIONS: _____

AFFIDAVIT OF SEVERANCE (MANUFACTURED HOME OR MOBILE HOME) STATE OF _____ COUNTY OF _____ Before me, the undersigned notary public in and for said county and state, appeared [type the name and address of each homeowner signing this affidavit], known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed below (each a "homeowner"), and who, being by me first duly sworn, did each by personal oath state as follows:

Manufacturer's Name Make Model Name Model
Year _____ Manufacturer's Serial No./VIN Length/Width
New/Used ☐ Is not subject to any security interest or lien; or ☐ Is subject to the following security interests or lien:

Lienholder #1 Original Principal Amount Secured
Address: _____
Lienholder #2 Original Principal Amount Secured
Address: ☐ A release of the real property security

interest or lien from each of the lienholders identified in paragraph 6 of this affidavit, if any, is attached hereto; or ☐ A statement

from each of the lienholders identified in paragraph 6 of this affidavit is attached hereto authorizing the lienholder's security interest or lien to be recorded on the face of the certificate of title and, if more than one (1) lienholder, the order of priority of the same.

Name of Authorized Representative Mailing
Address Phone Number This affidavit is executed by homeowner(s) pursuant to applicable state law and shall be recorded in the official land records in the county in which the home is located. Further, affiant(s) sayeth naught.

Signature of Homeowner #1: _____ Printed Name Address City State Zip Code
Signature of Homeowner #2 (If more than one (1) homeowner): _____ Printed Name Address City State Zip Code
Code Sworn to and subscribed before me this the _____ day of _____, 20____. _____ Notary Public My Commission Expires: _____ THIS INSTRUMENT PREPARED BY: INDEXING INSTRUCTIONS: _____

AFFIDAVIT OF DESTRUCTION (MANUFACTURED HOME OR MOBILE HOME) STATE OF _____ COUNTY OF _____ Before me, the undersigned notary public in and for said county and state, appeared [type the name(s) of each homeowner signing this affidavit], known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed below (each a "homeowner"), and who, being by me first duly sworn, did each by personal oath state as follows: _____ Manufacturer's Name Make Model Name Model Year _____ Manufacturer's Serial No./VIN Length/Width New/Used This affidavit is executed by homeowner(s) pursuant to applicable state law and shall be recorded in the official land records in the county, or in the judicial district in counties having more than one (1) such district, in which the home is located. Further, affiant(s) sayeth naught. _____ Signature of Homeowner #1 _____ Printed Name Address City State Zip Code _____ Signature of Homeowner #2 (If more than one (1) homeowner) _____ Printed Name Address City State Zip Code Sworn to and subscribed before me this _____ day of _____, 20____. _____ Notary Public My Commission Expires: _____ THIS INSTRUMENT PREPARED BY: INDEXING INSTRUCTIONS: _____

AFFIDAVIT OF OWNERSHIP (For Mobile Homes Manufactured before July 1, 1999) STATE OF _____ COUNTY OF _____ BEFORE ME, the undersigned notary public in and for said county and stated, appeared [Name of Grantor(s)] who are known to me or have produced satisfactory evidence of their identity to be the person(s) whose name(s) is/are subscribed below, and how being first duly sworn, did each on personal oath state the following to wit:

_____ Name Street Address
_____ City, State, Zip Code Telephone Number
_____ Name Street Address
_____ City, State, Zip Code Telephone Number [Attach

Any Additional Owners as Exhibit A] _____
Manufacturer's Name Make Model _____
Manufacturer's Serial No./VIN Length & Width Model Year _____

_____ Street Address City State
_____ Zip Code County County Tax Parcel Number
[insert legal description] [] Is not subject to any security interest or lien; or [] Is subject to the following security interests or liens:
_____ Lienholder #1 Original Principal Amount
Secured _____ Address
_____ Lienholder #2 Original Principal Amount
Secured _____ Address [] Is assessed as real property and a Certificate of Mobile Home is filed in the office of the chancery clerk it is recorded in Land Deed Book _____, Page _____; or [] Is assessed as personal property. The mobile home account number is _____.
Further, affiant(s) sayeth naught. WITNESS MY SIGNATURE, on this [day] day of [Month], [Year].

_____ [Grantor Name(s)] _____ [Grantee Name(s)] STATE OF _____ COUNTY OF _____ Personally appeared before me, the undersigned authority in and for the said county and state, on this [Day] day of [Month], [Year], within my jurisdiction, the within named [Grantor Name] who acknowledged that (he) (she) (they) executed the above and foregoing instrument. So subscribed and sworn before me this the [Day] day of [Month], [Year]. _____ Notary Public My Commission Expires: _____ Laws, 2003, ch. 376, § 1, eff. 3/13/2003. Amended by Laws, 2024, ch. 494, SB 2764, § 3, eff. 5/8/2024. Amended by Laws, 2018, ch. 401, HB 827, § 7, eff. 1/1/2019.

63-21-1 — 63-21-77)Section 63-21-31 - Procedure upon transfer of interest in vehicle by owner generally

(1)If an owner transfers his interest in a vehicle, manufactured home or mobile home, other than by the creation of a security interest, he shall, at the time of the delivery of the vehicle, manufactured home or mobile home, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate or as the State Tax Commission prescribes, and cause the certificate and assignment to be mailed or delivered to the transferee.(2)Except as provided in Section63-21-35, the transferee shall, promptly after delivery to him of the vehicle, manufactured home or mobile home, execute the application for a new certificate of title in the space provided therefor on the certificate or as the commission prescribes, and cause the certificate and application to be delivered to a designated agent. If however, the transferor is not a designated agent, the certificate and application shall be processed by a county tax collector or a designated agent.(3)Upon request of the owner or transferee, a lienholder in possession of the certificate of title shall, unless the transfer was a breach of his security agreement, deliver the certificate to the transferee. Upon receipt of the certificate the transferee shall make application to a designated agent for a new certificate as required by Section63-21-15. The delivery of the certificate does not affect the rights of the lienholder under his security agreement.(4)If a security interest is reserved or created at the time of the transfer, the certificate of title shall be retained by or delivered to the person who becomes the lienholder and the parties shall comply with the provisions of Section63-21-47.(5)Except as provided in Section63-21-35, and as between the parties, a transfer by an owner is not effective until the provisions of this section have been complied with.Codes, 1942, § 8125-35; Laws, 1968, ch. 531, § 15; Laws, 1970, ch. 483, § 3; Laws, 1999, ch. 556, § 15, eff. 7/1/1999. (1)If an owner transfers his interest in a vehicle, manufactured home or mobile home, other than by the creation of a security interest, he shall, at the time of the delivery of the vehicle, manufactured home or mobile home, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate or as the State Tax Commission prescribes, and cause the certificate and assignment to be mailed or delivered to the transferee.(2)Except as provided in Section63-21-35, the transferee shall, promptly after delivery to him of the vehicle, manufactured home or mobile home, execute the application for a new certificate of title in the space provided therefor on the certificate or as the commission prescribes, and cause the certificate and application to be delivered to a designated agent. If however, the transferor is not a designated agent, the certificate and application shall be processed by a county tax collector or a designated agent.(3)Upon request of the owner or transferee, a lienholder in possession of the certificate of title shall, unless the transfer was a breach of his security agreement, deliver the certificate to the transferee. Upon receipt of the certificate the transferee shall make application to a designated agent for a new certificate as required by Section63-21-15. The delivery of the certificate does not affect the rights of the lienholder under his security agreement.(4)If a security interest is reserved or created at the time of the transfer, the certificate of title shall be retained by or delivered to the person who becomes the lienholder and the parties shall comply with the provisions of Section63-21-47.(5)Except as provided in Section63-21-35, and as between the parties, a transfer by an owner is not effective until the provisions of this section have been complied with.Codes, 1942, § 8125-35; Laws, 1968, ch. 531, § 15; Laws, 1970, ch. 483, § 3; Laws, 1999, ch. 556, § 15, eff. 7/1/1999. (1)If an owner transfers his interest in a vehicle, manufactured home or mobile home, other than by the creation of a security interest, he shall, at the time of the delivery of the vehicle, manufactured home or mobile home, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate or as the State Tax Commission prescribes, and cause the certificate and assignment to be mailed or delivered to the transferee.(2)Except as provided in Section63-21-35, the transferee shall, promptly after delivery to him of the vehicle, manufactured home or mobile home, execute the application for a new certificate of title in the space provided therefor on the certificate or as the commission prescribes, and cause the certificate and application to be delivered to a designated agent. If however, the transferor is not a designated agent, the certificate and application shall be processed by a county tax collector or a designated agent.(3)Upon request of the owner or transferee, a lienholder in possession of the certificate of title shall, unless the transfer was a breach of his security agreement, deliver the certificate to the transferee. Upon receipt of the certificate the transferee shall make application to a designated agent for a new certificate as required by Section63-21-15. The delivery of the certificate does not affect the rights of the lienholder under his security agreement.(4)If a security interest is reserved or created at the time of the transfer, the certificate of title shall be retained by or delivered to the person who becomes the lienholder and the parties shall comply with the provisions of Section63-21-47.(5)Except as provided in Section63-21-35, and as between the parties, a transfer by an owner is not effective until the provisions of this section have been complied with.Codes, 1942, § 8125-35; Laws, 1968, ch. 531, § 15; Laws, 1970, ch. 483, § 3; Laws, 1999, ch. 556, § 15, eff. 7/1/1999. Codes, 1942, § 8125-35; Laws, 1968, ch. 531, § 15; Laws, 1970, ch. 483, § 3; Laws, 1999, ch. 556, § 15, eff. 7/1/1999.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261)Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77)Section 63-21-33 - Procedure upon transfer of title to or from dealers; records; duties of persons in possession of vehicles with improperly assigned titles; title to vehicles obtained by insurers upon payment of claims of loss

If a dealer buys a vehicle, manufactured home or mobile home and holds it for resale and procures the certificate of title from the owner or the lienholder within ten (10) days after delivery to him of the vehicle, manufactured home or mobile home, he need not send the certificate to the State Tax Commission. However, upon transferring the vehicle, manufactured home or mobile home to another person other than by the creation of a security interest, he shall promptly execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale and the date of his security agreement, in the spaces provided therefor on the certificate or as the State Tax

Commission prescribes, and deliver the certificate to a designated agent with the transferee's application for a new certificate. Every dealer shall maintain for five (5) years a record in the form the State Tax Commission prescribes of every vehicle, manufactured home or mobile home bought, sold or exchanged by him or received by him for sale or exchange, which shall be open to inspection by a representative of the State Tax Commission or patrol or peace officer during reasonable business hours. Any person found to be in possession of a vehicle, manufactured home or mobile home with an improperly assigned title which fails to identify the transferee shall immediately establish ownership of the vehicle, manufactured home or mobile home, register the vehicle, manufactured home or mobile home and pay the required tax and penalty. The vehicle, manufactured home or mobile home shall be impounded by state or local law enforcement officials until such time as the person in possession can prove ownership or until the rightful owner is located. In the event the rightful owner cannot be established within thirty (30) days, the vehicle, manufactured home or mobile home shall be deemed abandoned and shall be disposed of as provided by law. An insurance company which obtains title to a motor vehicle as a result of paying a total loss claim resulting from collision, fire, flood or other cause shall obtain a salvage certificate of title in its name for such vehicle from the State Tax Commission. The provisions of this subsection shall not apply to vehicles ten (10) years old or older with a value of One Thousand Five Hundred Dollars (\$1,500.00) or less, or to vehicles with damage which requires the replacement of five (5) or fewer minor components, which such insurer may dispose of by endorsing change in ownership on the certificate of title using space reserved for reassignment of title by licensed dealer without obtaining a salvage certificate of title. Codes, 1942, § 8125-36; Laws, 1968, ch. 531, § 16; Laws, 1970, ch. 483, § 4; Laws, 1991, ch. 575, § 2; Laws, 1999, ch. 556, § 16, eff. 7/1/1999. If a dealer buys a vehicle, manufactured home or mobile home and holds it for resale and procures the certificate of title from the owner or the lienholder within ten (10) days after delivery to him of the vehicle, manufactured home or mobile home, he need not send the certificate to the State Tax Commission. However, upon transferring the vehicle, manufactured home or mobile home to another person other than by the creation of a security interest, he shall promptly execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale and the date of his security agreement, in the spaces provided therefor on the certificate or as the State Tax Commission prescribes, and deliver the certificate to a designated agent with the transferee's application for a new certificate. Every dealer shall maintain for five (5) years a record in the form the State Tax Commission prescribes of every vehicle, manufactured home or mobile home bought, sold or exchanged by him or received by him for sale or exchange, which shall be open to inspection by a representative of the State Tax Commission or patrol or peace officer during reasonable business hours. Any person found to be in possession of a vehicle, manufactured home or mobile home with an improperly assigned title which fails to identify the transferee shall immediately establish ownership of the vehicle, manufactured home or mobile home, register the vehicle, manufactured home or mobile home and pay the required tax and penalty. The vehicle, manufactured home or mobile home shall be impounded by state or local law enforcement officials until such time as the person in possession can prove ownership or until the rightful owner is located. In the event the rightful owner cannot be established within thirty (30) days, the vehicle, manufactured home or mobile home shall be deemed abandoned and shall be disposed of as provided by law. An insurance company which obtains title to a motor vehicle as a result of paying a total loss claim resulting from collision, fire, flood or other cause shall obtain a salvage certificate of title in its name for such vehicle from the State Tax Commission. The provisions of this subsection shall not apply to vehicles ten (10) years old or older with a value of One Thousand Five Hundred Dollars (\$1,500.00) or less, or to vehicles with damage which requires the replacement of five (5) or fewer minor components, which such insurer may dispose of by endorsing change in ownership on the certificate of title using space

reserved for reassignment of title by licensed dealer without obtaining a salvage certificate of title. Codes, 1942, § 8125-36; Laws, 1968, ch. 531, § 16; Laws, 1970, ch. 483, § 4; Laws, 1991, ch. 575, § 2; Laws, 1999, ch. 556, § 16, eff. 7/1/1999. If a dealer buys a vehicle, manufactured home or mobile home and holds it for resale and procures the certificate of title from the owner or the lienholder within ten (10) days after delivery to him of the vehicle, manufactured home or mobile home, he need not send the certificate to the State Tax Commission. However, upon transferring the vehicle, manufactured home or mobile home to another person other than by the creation of a security interest, he shall promptly execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale and the date of his security agreement, in the spaces provided therefor on the certificate or as the State Tax Commission prescribes, and deliver the certificate to a designated agent with the transferee's application for a new certificate. Every dealer shall maintain for five (5) years a record in the form the State Tax Commission prescribes of every vehicle, manufactured home or mobile home bought, sold or exchanged by him or received by him for sale or exchange, which shall be open to inspection by a representative of the State Tax Commission or patrol or peace officer during reasonable business hours. Any person found to be in possession of a vehicle, manufactured home or mobile home with an improperly assigned title which fails to identify the transferee shall immediately establish ownership of the vehicle, manufactured home or mobile home, register the vehicle, manufactured home or mobile home and pay the required tax and penalty. The vehicle, manufactured home or mobile home shall be impounded by state or local law enforcement officials until such time as the person in possession can prove ownership or until the rightful owner is located. In the event the rightful owner cannot be established within thirty (30) days, the vehicle, manufactured home or mobile home shall be deemed abandoned and shall be disposed of as provided by law. An insurance company which obtains title to a motor vehicle as a result of paying a total loss claim resulting from collision, fire, flood or other cause shall obtain a salvage certificate of title in its name for such vehicle from the State Tax Commission. The provisions of this subsection shall not apply to vehicles ten (10) years old or older with a value of One Thousand Five Hundred Dollars (\$1,500.00) or less, or to vehicles with damage which requires the replacement of five (5) or fewer minor components, which such insurer may dispose of by endorsing change in ownership on the certificate of title using space reserved for reassignment of title by licensed dealer without obtaining a salvage certificate of title. Codes, 1942, § 8125-36; Laws, 1968, ch. 531, § 16; Laws, 1970, ch. 483, § 4; Laws, 1991, ch. 575, § 2; Laws, 1999, ch. 556, § 16, eff. 7/1/1999.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-35 - Procedure upon transfer of interest of owner by operation of law

(1) If the interest of an owner in a vehicle, manufactured home or mobile home passes to another other than by voluntary transfer the transferee shall, except as provided in subsection (2), promptly deliver to a county tax collector or a designated agent the last certificate of title, if available, proof of the transfer, and make application for a new certificate in the form the State Tax Commission prescribes. (2) If the interest of the owner is terminated or the vehicle, manufactured home or mobile home is sold under a security agreement by a lienholder named in the certificate of title, the transferee shall promptly make application to a county tax collector or a designated agent for a new certificate in the form the commission prescribes. The application shall be accompanied by the last certificate of title and an affidavit made by or on behalf of the lienholder that the vehicle, manufactured home or mobile home was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement. If the lienholder succeeds to the interest of the owner and holds the vehicle, manufactured home or mobile home for resale, he need not secure a new certificate of title but, upon transfer to another person, shall promptly mail or deliver to the transferee the certificate, affidavit and other documents required to be sent to the commission by the transferee. The transferee shall promptly make application to a county tax collector or a designated agent for a new certificate in the form prescribed by the commission. (3) Notwithstanding anything to the contrary contained in this section, a person holding a certificate of title whose interest in the vehicle, manufactured home or mobile home has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate to the commission upon request of the commission. The delivery of the certificate pursuant to the request of the commission does not affect the rights of the person surrendering the certificate. The action of the commission in issuing a new certificate of title as provided herein is not conclusive upon the rights of an owner or lienholder named in the old certificate. Codes, 1942, § 8125-37; Laws, 1968, ch. 531, § 17; Laws, 1970, ch. 483, § 5; Laws, 1999, ch. 556, § 18, eff. 7/1/1999.

(1) If the interest of an owner in a vehicle, manufactured home or mobile home passes to another other than by voluntary transfer the transferee shall, except as provided in subsection (2), promptly deliver to a county tax collector or a designated agent the last certificate of title, if available, proof of the transfer, and make application for a new certificate in the form the State Tax Commission prescribes. (2) If the interest of the owner is terminated or the vehicle, manufactured home or mobile home is sold under a security agreement by a lienholder named in the certificate of title, the transferee shall promptly make application to a county tax collector or a designated agent for a new certificate in the form the commission prescribes. The application shall be accompanied by the last certificate of title and an affidavit made by or on behalf of the lienholder that the vehicle, manufactured home or mobile home was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement. If the lienholder succeeds to the interest of the owner and holds the vehicle, manufactured home or mobile home for resale, he need not secure a new certificate of title but, upon transfer to another person, shall promptly mail or deliver to the transferee the certificate, affidavit and other documents required to be sent to the commission by the transferee. The transferee shall promptly make application to a county tax collector or a designated agent for a new certificate in the form prescribed by the

commission.(3)Notwithstanding anything to the contrary contained in this section, a person holding a certificate of title whose interest in the vehicle, manufactured home or mobile home has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate to the commission upon request of the commission. The delivery of the certificate pursuant to the request of the commission does not affect the rights of the person surrendering the certificate. The action of the commission in issuing a new certificate of title as provided herein is not conclusive upon the rights of an owner or lienholder named in the old certificate.Codes, 1942, § 8125-37; Laws, 1968, ch. 531, § 17; Laws, 1970, ch. 483, § 5; Laws, 1999, ch. 556, § 18, eff. 7/1/1999.

(1)If the interest of an owner in a vehicle, manufactured home or mobile home passes to another other than by voluntary transfer the transferee shall, except as provided in subsection (2), promptly deliver to a county tax collector or a designated agent the last certificate of title, if available, proof of the transfer, and make application for a new certificate in the form the State Tax Commission prescribes.(2)If the interest of the owner is terminated or the vehicle, manufactured home or mobile home is sold under a security agreement by a lienholder named in the certificate of title, the transferee shall promptly make application to a county tax collector or a designated agent for a new certificate in the form the commission prescribes. The application shall be accompanied by the last certificate of title and an affidavit made by or on behalf of the lienholder that the vehicle, manufactured home or mobile home was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement.If the lienholder succeeds to the interest of the owner and holds the vehicle, manufactured home or mobile home for resale, he need not secure a new certificate of title but, upon transfer to another person, shall promptly mail or deliver to the transferee the certificate, affidavit and other documents required to be sent to the commission by the transferee. The transferee shall promptly make application to a county tax collector or a designated agent for a new certificate in the form prescribed by the commission.(3)Notwithstanding anything to the contrary contained in this section, a person holding a certificate of title whose interest in the vehicle, manufactured home or mobile home has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate to the commission upon request of the commission. The delivery of the certificate pursuant to the request of the commission does not affect the rights of the person surrendering the certificate. The action of the commission in issuing a new certificate of title as provided herein is not conclusive upon the rights of an owner or lienholder named in the old certificate.Codes, 1942, § 8125-37; Laws, 1968, ch. 531, § 17; Laws, 1970, ch. 483, § 5; Laws, 1999, ch. 556, § 18, eff. 7/1/1999. If the lienholder succeeds to the interest of the owner and holds the vehicle, manufactured home or mobile home for resale, he need not secure a new certificate of title but, upon transfer to another person, shall promptly mail or deliver to the transferee the certificate, affidavit and other documents required to be sent to the commission by the transferee. The transferee shall promptly make application to a county tax collector or a designated agent for a new certificate in the form prescribed by the commission. Codes, 1942, § 8125-37; Laws, 1968, ch. 531, § 17; Laws, 1970, ch. 483, § 5; Laws, 1999, ch. 556, § 18, eff. 7/1/1999.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261)Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77)Section 63-21-37 - Issuance of new certificate of title; disposition of surrendered certificates

Except as provided in subsection (c) of Section63-21-25, the Department of Revenue, upon receipt of a properly assigned certificate of title, with an application for a new certificate of title, the required fee and any other documents required by the Department of Revenue, shall issue a new certificate of title in the name of the transferee as owner and mail it to the first lienholder named in it or, if none, to the owner.Except as provided in subsection (c) of Section63-21-25, the Department of Revenue, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, with proof of the transfer, the required fee and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner. If the outstanding certificate of title is not delivered to the Department of Revenue, the department shall make demand therefor from the holder thereof.The Department of Revenue shall file every surrendered certificate of title, every manufacturer's certificate of origin, or a microfilm of every such certificate, for a period of time deemed necessary by it in order to permit the tracing of title of the vehicle, manufactured home or mobile home designated therein. Such filing requirement shall be in addition to and not in substitution for the recordkeeping requirements set forth in Section63-21-17, which recordkeeping requirements are not limited to any period of time.Codes, 1942, § 8125-38; Laws, 1968, ch. 531, § 18; Laws, 1999, ch. 556, § 19, eff. 7/1/1999.Amended by Laws, 2018, ch. 401, HB 827,§ 8, eff. 1/1/2019. Except as provided in subsection (c) of Section63-21-25, the Department of Revenue, upon receipt of a properly assigned certificate of title, with an application for a new certificate of title, the required fee and any other documents required by the Department of Revenue, shall issue a new certificate of title in the name of the transferee as owner and mail it to the first lienholder named in it or, if none, to the owner.Except as provided in subsection (c) of Section63-21-25, the Department of Revenue, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, with proof of the transfer, the required fee and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner. If the outstanding certificate of title is not delivered to the Department of Revenue, the department shall make demand therefor from the holder thereof.The Department of Revenue shall file every surrendered certificate of title, every manufacturer's certificate of origin, or a microfilm of every such certificate, for a period of time deemed necessary by it in order to permit the tracing of title of the vehicle, manufactured home or mobile home designated therein. Such filing requirement shall be in addition to and not in substitution for the recordkeeping requirements set forth in Section63-21-17, which recordkeeping requirements are not limited to any period of time.Codes, 1942, § 8125-38; Laws, 1968, ch. 531, § 18; Laws, 1999, ch. 556, § 19, eff. 7/1/1999.Amended by Laws, 2018, ch. 401, HB 827,§ 8, eff. 1/1/2019. Except as provided in subsection (c) of Section63-21-25, the Department of Revenue, upon receipt of a properly assigned certificate of title, with an application for a new certificate of title,

the required fee and any other documents required by the Department of Revenue, shall issue a new certificate of title in the name of the transferee as owner and mail it to the first lienholder named in it or, if none, to the owner. Except as provided in subsection (c) of Section 63-21-25, the Department of Revenue, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, with proof of the transfer, the required fee and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner. If the outstanding certificate of title is not delivered to the Department of Revenue, the department shall make demand therefor from the holder thereof. The Department of Revenue shall file every surrendered certificate of title, every manufacturer's certificate of origin, or a microfilm of every such certificate, for a period of time deemed necessary by it in order to permit the tracing of title of the vehicle, manufactured home or mobile home designated therein. Such filing requirement shall be in addition to and not in substitution for the recordkeeping requirements set forth in Section 63-21-17, which recordkeeping requirements are not limited to any period of time. Codes, 1942, § 8125-38; Laws, 1968, ch. 531, § 18; Laws, 1999, ch. 556, § 19, eff. 7/1/1999. Amended by Laws, 2018, ch. 401, HB 827, § 8, eff. 1/1/2019. Except as provided in subsection (c) of Section 63-21-25, the Department of Revenue, upon receipt of a properly assigned certificate of title, with an application for a new certificate of title, the required fee and any other documents required by the Department of Revenue, shall issue a new certificate of title in the name of the transferee as owner and mail it to the first lienholder named in it or, if none, to the owner. Except as provided in subsection (c) of Section 63-21-25, the Department of Revenue, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, with proof of the transfer, the required fee and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner. If the outstanding certificate of title is not delivered to the Department of Revenue, the department shall make demand therefor from the holder thereof. The Department of Revenue shall file every surrendered certificate of title, every manufacturer's certificate of origin, or a microfilm of every such certificate, for a period of time deemed necessary by it in order to permit the tracing of title of the vehicle, manufactured home or mobile home designated therein. Such filing requirement shall be in addition to and not in substitution for the recordkeeping requirements set forth in Section 63-21-17, which recordkeeping requirements are not limited to any period of time. Codes, 1942, § 8125-38; Laws, 1968, ch. 531, § 18; Laws, 1999, ch. 556, § 19, eff. 7/1/1999. Amended by Laws, 2018, ch. 401, HB 827, § 8, eff. 1/1/2019.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-38 - Requirements of scrap metal processor or used motor vehicle parts dealer when purchasing any vehicle or scrap vehicle

Should a scrap metal processor or used motor vehicle parts dealer be presented the certificate of title or vehicle license plate for any vehicle or scrap vehicle purchased, that scrap metal processor or used motor vehicle parts dealer shall mail or deliver the same to the Department of Revenue as required by law. In lieu of a certificate of title, an affidavit in accordance with the provisions of Section 63-21-39(1) shall be obtained by a scrap metal processor. All other requirements of Section 63-21-39(1) shall be complied with and any other rules promulgated according to that section. Laws, 2011, ch. 451, § 2, eff. 7/1/2011. Should a scrap metal processor or used motor vehicle parts dealer be presented the certificate of title or vehicle license plate for any vehicle or scrap vehicle purchased, that scrap metal processor or used motor vehicle parts dealer shall mail or deliver the same to the Department of Revenue as required by law. In lieu of a certificate of title, an affidavit in accordance with the provisions of Section 63-21-39(1) shall be obtained by a scrap metal processor. All other requirements of Section 63-21-39(1) shall be complied with and any other rules promulgated according to that section. Laws, 2011, ch. 451, § 2, eff. 7/1/2011. Should a scrap metal processor or used motor vehicle parts dealer be presented the certificate of title or vehicle license plate for any vehicle or scrap vehicle purchased, that scrap metal processor or used motor vehicle parts dealer shall mail or deliver the same to the Department of Revenue as required by law. In lieu of a certificate of title, an affidavit in accordance with the provisions of Section 63-21-39(1) shall be obtained by a scrap metal processor. All other requirements of Section 63-21-39(1) shall be complied with and any other rules promulgated according to that section. Laws, 2011, ch. 451, § 2, eff. 7/1/2011. Should a scrap metal processor or used motor vehicle parts dealer be presented the certificate of title or vehicle license plate for any vehicle or scrap vehicle purchased, that scrap metal processor or used motor vehicle parts dealer shall mail or deliver the same to the Department of Revenue as required by law. In lieu of a certificate of title, an affidavit in accordance with the provisions of Section 63-21-39(1) shall be obtained by a scrap metal processor. All other requirements of Section 63-21-39(1) shall be complied with and any other rules promulgated according to that section. Laws, 2011, ch. 451, § 2, eff. 7/1/2011.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-39 - Procedure where vehicle scrapped, dismantled or destroyed; procedure where title for vehicle being transferred to used motor vehicle parts dealer or scrap metal processor is unavailable; obtaining title on vehicle with salvage certificate of title; Salvage Certificate of Title Fund; regulations; penalties for violation of section

(1)(a) An owner who scraps, dismantles or destroys a vehicle and a person who purchases a vehicle as scrap or to be dismantled or destroyed shall indicate same on the back of the certificate of title and shall immediately cause the certificate of title and any other documents required by the department to be mailed or delivered to the department for cancellation. A certificate of title of the vehicle shall not again be issued except upon application containing the information the department requires, accompanied by a

certificate of inspection in the form and content specified in Section 63-21-15(5) and proof of payment of a fee as provided in subsection (2) of this section. Before a used motor vehicle parts dealer or scrap metal processor may purchase or receive a motor vehicle from the owner or authorized agent of the owner of the motor vehicle for the purpose of scrapping, dismantling or destroying the motor vehicle, the used motor vehicle parts dealer or scrap metal processor must verify under Section 63-21-18 the absence of any lien on the motor vehicle. If a lien exists on the motor vehicle, the used motor vehicle parts dealer or scrap metal processor may not purchase or receive the motor vehicle for the purpose of scrapping, dismantling or destroying the vehicle, and may not purchase or receive the motor vehicle for such purposes during any time for which a lien exists on the motor vehicle.

(b) Notwithstanding any other provision of this chapter to the contrary, if the owner or authorized agent of the owner has not obtained a title in his or her name for the vehicle to be transferred, has lost the title for the vehicle to be transferred, or has returned the title to the department in accordance with paragraph (a) of this subsection, he or she may sign a statement swearing that, in addition to the foregoing conditions, the vehicle is at least ten (10) model years old. The statement described in this paragraph may be used only to transfer such a vehicle to a licensed used motor vehicle parts dealer or scrap metal processor. The department shall promulgate a form for the statement which shall include, but not be limited to:

- (i) A statement that the vehicle shall never be titled again; it must be dismantled or scrapped;
- (ii) A description of the vehicle including the year, make, model and vehicle identification number;
- (iii) The name, address, and driver's license number, nondriver identification card number or tribal identification card number of the owner;
- (iv) A certification that the owner:
 - 1. Never obtained a title to the vehicle in his or her name;
 - 2. Was issued a title for the vehicle, but the title was lost or stolen;
- (v) A certification that the vehicle:
 - 1. Is at least ten (10) model years old;
 - 2. Is not subject to any security interest or lien;
- (vi) An acknowledgment that the owner and buyer of the vehicle realizes this form will be filed with the department and that:
 - 1. It is a misdemeanor, punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment for not more than six (6) months, or both, for conviction of a first offense of knowingly falsifying any information on this statement; and
 - 2. It is a felony, punishable by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00) or imprisonment for not less than one (1) year nor more than five (5) years, or both, for conviction of a second or subsequent offense of knowingly falsifying any information on this statement;
- (vii) The owner's signature and the date of the transaction;
- (viii) The name and address of the business acquiring the vehicle;
- (ix) The National Motor Vehicle Title Information System identification number; and
- (x) The business agent's signature and date along with a printed name and title if the agent is signing on behalf of a corporation.

(c) Until such time as the department makes available an Internet-based system, the used motor vehicle parts dealer or scrap metal processor shall mail or otherwise deliver the statement required under paragraph (b) of this subsection (1) to the department within three (3) business days of the completion of the transaction, requesting that the department cancel the Mississippi certificate of title and registration. Once the department develops an Internet-based system, the used motor vehicle parts dealer or scrap metal processor shall utilize such system and within two (2) business days electronically submit the information contained in the statement using that system.

(d) Within two (2) business days of each day's close of business, the used motor vehicle parts dealer or scrap metal processor who purchases or receives motor vehicles for scrap or for parts shall deliver in a format approved by the department, by electronic means once developed and made available by the department, a list of all such vehicles purchased that day for scrap or for parts. That list shall contain the following information:

- (i) The name, address and contact information for the reporting entity;
- (ii) The vehicle identification numbers of such vehicles;
- (iii) The dates such vehicles were obtained;
- (iv) The names of the individuals or entities from whom the vehicles were obtained, for use by law enforcement personnel and appropriate governmental agencies only;
- (v) A statement of whether the vehicles were, or will be, crushed or disposed of, or offered for sale or other purposes;
- (vi) A statement of whether the vehicle is intended for export out of the United States; and
- (vii) The National Motor Vehicle Title Information System identification number of the business acquiring the vehicle.

In addition, the used motor vehicle parts dealer or scrap metal processor must certify compliance with the requirements of Section 63-21-39(1)(a).

(e) (i) For purposes of this subsection, the term "motor vehicle" shall not include a vehicle which has been crushed or flattened by mechanical means such that it is no longer the motor vehicle as described by the certificate of title, or such that the vehicle identification number is no longer visible or accessible. (ii) In cases in which crushed or flattened vehicles are purchased or received, the purchasing or receiving used motor vehicle parts dealer or scrap metal processor shall verify that the seller has reported the vehicles in accordance with this subsection. Such verification may be in the form of a certification from the seller or a contract between the seller and the purchasing or receiving used motor vehicle parts dealer or scrap metal processor attesting to the seller's compliance with the reporting requirements of this subsection. Such verification must clearly identify the seller by a government issued photograph identification card or employer identification number, and the verification and copy of the identification card or number shall be maintained by the purchasing or receiving used motor vehicle parts dealer or scrap metal processor for a period of not less than two (2) years.

(f) The information obtained by the department in accordance with paragraph (d) of this subsection (1) shall be reported to the National Motor Vehicle Title Information System, in a format that will satisfy the requirement for reporting this information, in accordance with rules adopted by the United States Department of Justice in 28 CFR 25.56.

(g) Until such time as the department develops and makes available the Internet-based system described in paragraph (d) of this subsection, the used motor vehicle parts dealer or scrap metal processor who purchases or receives motor vehicles for scrap or for parts shall deliver the information required by paragraph (d) to the National Motor Vehicle Title Information System through any data consolidator approved by such system, within forty-eight (48) hours of the day the vehicle was purchased or acquired by such used motor vehicle parts dealer or scrap metal processor which shall satisfy the requirements of paragraph (d).

(h) The information obtained by the department in accordance with paragraph (d) of this subsection (1) shall be made available only to law enforcement agencies and for purposes of canceling certificates of title. The information shall otherwise be considered to be confidential business

information of the respective reporting entities.(i)All records required under the provisions of this subsection shall be maintained for a period of two (2) years by the reporting entity and shall include a scanned or photocopied copy of the seller's or seller's representative's driver's license or state-issued identification card or other valid form of identification.(j)A person who knowingly and willfully violates this subsection (1), or any person who knowingly and willfully falsifies or assists another person in falsifying the statement or information required under paragraph (b) or (d) of this subsection, or any person who knowingly and willfully sells a vehicle upon which there is an unsatisfied lien or security interest, or who purchases a vehicle without complying with either paragraph (a) or (b) of this subsection and who knowingly and willfully destroys or dismantles a vehicle upon which he knows that there is an unsatisfied lien or security interest shall:(i)Be guilty of a misdemeanor, punishable by a fine not more than One Thousand Dollars (\$1,000.00) or imprisonment for not more than six (6) months, or both, for conviction of a first offense; or(ii)Upon conviction of a second or subsequent offense, a felony, punishable by imprisonment for not less than one (1) year nor more than five (5) years or a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or both.In addition, the court may order each person convicted to pay restitution to any party suffering monetary loss in the amount of such loss. No part of any sentence imposed by the court shall be suspended unless such restitution has been paid in full.(k)A person who knowingly and willfully fails to deliver the title as required under paragraph (a) of this subsection, or the statement required under paragraph (b) of this subsection to the department within seventy-two (72) hours of the completion of the transaction, or who, until such time as the department develops and makes available the Internet-based system described in paragraph (d), fails to deliver the information required by paragraph (d) to the National Motor Vehicle Title Information System through any data consolidator approved by such system, within two (2) business days of the day the vehicle was purchased or acquired by such used motor vehicle parts dealer or scrap metal processor shall be in violation of this section, and subject to a civil penalty of up to One Thousand Dollars (\$1,000.00) per violation. Actions to impose this penalty may be brought by any local or state law enforcement agency, district attorney, or by the Attorney General, in any court of competent jurisdiction. One-half (1/2) of the monies generated from such civil penalties shall be deposited in a special fund created in the State Treasury for use by the department's Title Bureau, and one-half (1/2) of the monies generated from such civil penalties shall be deposited in the general fund of the municipality if the suit was brought in a municipal court, or in the general fund of the county if the suit was brought in the court of a county.(2)For the purpose of requesting a branded title on a vehicle with a salvage certificate of title, every owner of a vehicle that has been issued a salvage certificate of title in this state or any other state which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to be issued shall make application to the department , accompanied by a certificate of inspection issued by the Department of Public Safety in the form and content specified in Section63-21-15(5)and the payment of a fee of Seventy-five Dollars (\$75.00) for each motor vehicle for which a certificate of inspection is issued. In addition, the Department of Public Safety may charge such a person a fee in the amount of Twenty-five Dollars (\$25.00) for performing any vehicle identification number verification required by federal law or regulation for the vehicle for which the person is applying for a title. All such monies shall be collected by the Department of Public Safety and paid to the State Treasurer for deposit in a special fund that is hereby created in the State Treasury to be known as the "Salvage Certificate of Title Fund." Monies in the special fund may be expended by the Department of Public Safety, upon appropriation by the Legislature. The department shall establish by regulation the minimum requirements by which a vehicle which has been issued a salvage certificate of title may be issued a branded title.(3)Before a branded title may be issued for a vehicle for which a salvage certificate of title has been issued, the applicant shall submit, by hand delivery or mail, such documents and information to the Department of Public Safety as the department may require for the purpose of determining if the vehicle complies with the requirements of this section and all applicable regulations promulgated by the Commissioner of Public Safety and the department . The Department of Public Safety also may require that an applicant bring a vehicle for which application for a branded title is being made to a Highway Patrol facility for a visual inspection whenever the department deems that a visual inspection is necessary or advisable. Nothing in this section shall be construed to prohibit inspectors of the Mississippi Highway Patrol from conducting on-site inspections and investigations of motor vehicle rebuilders or motor vehicle repair businesses to determine if such businesses are in compliance with all applicable laws relating to the motor vehicle title laws of this state and regulations promulgated by the Commissioner of Public Safety and the department .Codes, 1942, § 8125-39; Laws, 1968, ch. 531, § 19; Laws, 1991, ch. 575, § 3; Laws, 2006, ch. 466, § 1; Laws, 2011, ch. 451, § 3, eff. 7/1/2011.Amended by Laws, 2024, ch. (number not assigned at time of publication), HB 1589,§ 3, eff. 1/1/2025.Amended by Laws, 2021, ch. 378, HB 277,§ 6, eff. 7/1/2021.Amended by Laws, 2018, ch. 358, SB 2277,§ 2, eff. 7/1/2018.Amended by Laws, 2013, ch. 570, HB 1344, 1, eff. 7/1/2013. (1)(a)An owner who scraps, dismantles or destroys a vehicle and a person who purchases a vehicle as scrap or to be dismantled or destroyed shall indicate same on the back of the certificate of title and shall immediately cause the certificate of title and any other documents required by the department to be mailed or delivered to the department for cancellation. A certificate of title of the vehicle shall not again be issued except upon application containing the information the department requires, accompanied by a certificate of inspection in the form and content specified in Section63-21-15(5)and proof of payment of a fee as provided in subsection (2) of this section. Before a used motor vehicle parts dealer or scrap metal processor may purchase or receive a motor vehicle from the owner or authorized agent of the owner of the motor vehicle for the purpose of scrapping, dismantling or destroying the motor vehicle, the used motor vehicle parts dealer or scrap metal processor must verify under Section63-21-18the absence of any lien on the motor vehicle. If a lien exists on the motor vehicle, the used motor vehicle parts dealer or scrap metal processor may not purchase or receive the motor vehicle for the purpose of scrapping, dismantling or destroying the vehicle, and may not purchase or receive the motor vehicle for such purposes during any time for which a lien exists on the motor vehicle.(b)Notwithstanding any other provision of this chapter to the contrary, if the owner

or authorized agent of the owner has not obtained a title in his or her name for the vehicle to be transferred, has lost the title for the vehicle to be transferred, or has returned the title to the department in accordance with paragraph (a) of this subsection, he or she may sign a statement swearing that, in addition to the foregoing conditions, the vehicle is at least ten (10) model years old. The statement described in this paragraph may be used only to transfer such a vehicle to a licensed used motor vehicle parts dealer or scrap metal processor. The department shall promulgate a form for the statement which shall include, but not be limited to: (i) A statement that the vehicle shall never be titled again; it must be dismantled or scrapped; (ii) A description of the vehicle including the year, make, model and vehicle identification number; (iii) The name, address, and driver's license number, nondriver identification card number or tribal identification card number of the owner; (iv) A certification that the owner: 1. Never obtained a title to the vehicle in his or her name; or 2. Was issued a title for the vehicle, but the title was lost or stolen; (v) A certification that the vehicle: 1. Is at least ten (10) model years old; and 2. Is not subject to any security interest or lien; (vi) An acknowledgment that the owner and buyer of the vehicle realizes this form will be filed with the department and that: 1. It is a misdemeanor, punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment for not more than six (6) months, or both, for conviction of a first offense of knowingly falsifying any information on this statement; and 2. It is a felony, punishable by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00) or imprisonment for not less than one (1) year nor more than five (5) years, or both, for conviction of a second or subsequent offense of knowingly falsifying any information on this statement; (vii) The owner's signature and the date of the transaction; (viii) The name and address of the business acquiring the vehicle; (ix) The National Motor Vehicle Title Information System identification number; and (x) The business agent's signature and date along with a printed name and title if the agent is signing on behalf of a corporation. (c) Until such time as the department makes available an Internet-based system, the used motor vehicle parts dealer or scrap metal processor shall mail or otherwise deliver the statement required under paragraph (b) of this subsection (1) to the department within three (3) business days of the completion of the transaction, requesting that the department cancel the Mississippi certificate of title and registration. Once the department develops an Internet-based system, the used motor vehicle parts dealer or scrap metal processor shall utilize such system and within two (2) business days electronically submit the information contained in the statement using that system. (d) Within two (2) business days of each day's close of business, the used motor vehicle parts dealer or scrap metal processor who purchases or receives motor vehicles for scrap or for parts shall deliver in a format approved by the department, by electronic means once developed and made available by the department, a list of all such vehicles purchased that day for scrap or for parts. That list shall contain the following information: (i) The name, address and contact information for the reporting entity; (ii) The vehicle identification numbers of such vehicles; (iii) The dates such vehicles were obtained; (iv) The names of the individuals or entities from whom the vehicles were obtained, for use by law enforcement personnel and appropriate governmental agencies only; (v) A statement of whether the vehicles were, or will be, crushed or disposed of, or offered for sale or other purposes; (vi) A statement of whether the vehicle is intended for export out of the United States; and (vii) The National Motor Vehicle Title Information System identification number of the business acquiring the vehicle. In addition, the used motor vehicle parts dealer or scrap metal processor must certify compliance with the requirements of Section 63-21-39(1)(a). (e) (i) For purposes of this subsection, the term "motor vehicle" shall not include a vehicle which has been crushed or flattened by mechanical means such that it is no longer the motor vehicle as described by the certificate of title, or such that the vehicle identification number is no longer visible or accessible. (ii) In cases in which crushed or flattened vehicles are purchased or received, the purchasing or receiving used motor vehicle parts dealer or scrap metal processor shall verify that the seller has reported the vehicles in accordance with this subsection. Such verification may be in the form of a certification from the seller or a contract between the seller and the purchasing or receiving used motor vehicle parts dealer or scrap metal processor attesting to the seller's compliance with the reporting requirements of this subsection. Such verification must clearly identify the seller by a government issued photograph identification card or employer identification number, and the verification and copy of the identification card or number shall be maintained by the purchasing or receiving used motor vehicle parts dealer or scrap metal processor for a period of not less than two (2) years. (f) The information obtained by the department in accordance with paragraph (d) of this subsection (1) shall be reported to the National Motor Vehicle Title Information System, in a format that will satisfy the requirement for reporting this information, in accordance with rules adopted by the United States Department of Justice in 28 CFR 25.56. (g) Until such time as the department develops and makes available the Internet-based system described in paragraph (d) of this subsection, the used motor vehicle parts dealer or scrap metal processor who purchases or receives motor vehicles for scrap or for parts shall deliver the information required by paragraph (d) to the National Motor Vehicle Title Information System through any data consolidator approved by such system, within forty-eight (48) hours of the day the vehicle was purchased or acquired by such used motor vehicle parts dealer or scrap metal processor which shall satisfy the requirements of paragraph (d). (h) The information obtained by the department in accordance with paragraph (d) of this subsection (1) shall be made available only to law enforcement agencies and for purposes of canceling certificates of title. The information shall otherwise be considered to be confidential business information of the respective reporting entities. (i) All records required under the provisions of this subsection shall be maintained for a period of two (2) years by the reporting entity and shall include a scanned or photocopied copy of the seller's or seller's representative's driver's license or state-issued identification card or other valid form of identification. (j) A person who knowingly and willfully violates this subsection (1), or any person who knowingly and willfully falsifies or assists another person in falsifying the statement or information required under paragraph (b) or (d) of this subsection, or any person who knowingly and willfully sells a vehicle upon which there is an unsatisfied lien or security interest, or who purchases a vehicle without complying with either paragraph (a) or (b) of this subsection and who knowingly and willfully destroys or dismantles a vehicle upon which he knows that there is an unsatisfied lien or security interest shall: (i) Be guilty of a misdemeanor,

punishable by a fine not more than One Thousand Dollars (\$1,000.00) or imprisonment for not more than six (6) months, or both, for conviction of a first offense; or(ii)Upon conviction of a second or subsequent offense, a felony, punishable by imprisonment for not less than one (1) year nor more than five (5) years or a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or both.In addition, the court may order each person convicted to pay restitution to any party suffering monetary loss in the amount of such loss. No part of any sentence imposed by the court shall be suspended unless such restitution has been paid in full.(k)A person who knowingly and willfully fails to deliver the title as required under paragraph (a) of this subsection, or the statement required under paragraph (b) of this subsection to the department within seventy-two (72) hours of the completion of the transaction, or who, until such time as the department develops and makes available the Internet-based system described in paragraph (d), fails to deliver the information required by paragraph (d) to the National Motor Vehicle Title Information System through any data consolidator approved by such system, within two (2) business days of the day the vehicle was purchased or acquired by such used motor vehicle parts dealer or scrap metal processor shall be in violation of this section, and subject to a civil penalty of up to One Thousand Dollars (\$1,000.00) per violation. Actions to impose this penalty may be brought by any local or state law enforcement agency, district attorney, or by the Attorney General, in any court of competent jurisdiction. One-half (1/2) of the monies generated from such civil penalties shall be deposited in a special fund created in the State Treasury for use by the department's Title Bureau, and one-half (1/2) of the monies generated from such civil penalties shall be deposited in the general fund of the municipality if the suit was brought in a municipal court, or in the general fund of the county if the suit was brought in the court of a county.(2)For the purpose of requesting a branded title on a vehicle with a salvage certificate of title, every owner of a vehicle that has been issued a salvage certificate of title in this state or any other state which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to be issued shall make application to the department , accompanied by a certificate of inspection issued by the Department of Public Safety in the form and content specified in Section63-21-15(5)and the payment of a fee of Seventy-five Dollars (\$75.00) for each motor vehicle for which a certificate of inspection is issued. In addition, the Department of Public Safety may charge such a person a fee in the amount of Twenty-five Dollars (\$25.00) for performing any vehicle identification number verification required by federal law or regulation for the vehicle for which the person is applying for a title. All such monies shall be collected by the Department of Public Safety and paid to the State Treasurer for deposit in a special fund that is hereby created in the State Treasury to be known as the "Salvage Certificate of Title Fund." Monies in the special fund may be expended by the Department of Public Safety, upon appropriation by the Legislature. The department shall establish by regulation the minimum requirements by which a vehicle which has been issued a salvage certificate of title may be issued a branded title.(3)Before a branded title may be issued for a vehicle for which a salvage certificate of title has been issued, the applicant shall submit, by hand delivery or mail, such documents and information to the Department of Public Safety as the department may require for the purpose of determining if the vehicle complies with the requirements of this section and all applicable regulations promulgated by the Commissioner of Public Safety and the department . The Department of Public Safety also may require that an applicant bring a vehicle for which application for a branded title is being made to a Highway Patrol facility for a visual inspection whenever the department deems that a visual inspection is necessary or advisable. Nothing in this section shall be construed to prohibit inspectors of the Mississippi Highway Patrol from conducting on-site inspections and investigations of motor vehicle rebuilders or motor vehicle repair businesses to determine if such businesses are in compliance with all applicable laws relating to the motor vehicle title laws of this state and regulations promulgated by the Commissioner of Public Safety and the department .Codes, 1942, § 8125-39; Laws, 1968, ch. 531, § 19; Laws, 1991, ch. 575, § 3; Laws, 2006, ch. 466, § 1; Laws, 2011, ch. 451, § 3, eff. 7/1/2011.Amended by Laws, 2024, ch. (number not assigned at time of publication), HB 1589,§ 3, eff. 1/1/2025.Amended by Laws, 2021, ch. 378, HB 277,§ 6, eff. 7/1/2021.Amended by Laws, 2018, ch. 358, SB 2277,§ 2, eff. 7/1/2018.Amended by Laws, 2013, ch. 570, HB 1344, 1, eff. 7/1/2013. (1)(a)An owner who scraps, dismantles or destroys a vehicle and a person who purchases a vehicle as scrap or to be dismantled or destroyed shall indicate same on the back of the certificate of title and shall immediately cause the certificate of title and any other documents required by the department to be mailed or delivered to the department for cancellation. A certificate of title of the vehicle shall not again be issued except upon application containing the information the department requires, accompanied by a certificate of inspection in the form and content specified in Section63-21-15(5)and proof of payment of a fee as provided in subsection (2) of this section. Before a used motor vehicle parts dealer or scrap metal processor may purchase or receive a motor vehicle from the owner or authorized agent of the owner of the motor vehicle for the purpose of scrapping, dismantling or destroying the motor vehicle, the used motor vehicle parts dealer or scrap metal processor must verify under Section63-21-18the absence of any lien on the motor vehicle. If a lien exists on the motor vehicle, the used motor vehicle parts dealer or scrap metal processor may not purchase or receive the motor vehicle for the purpose of scrapping, dismantling or destroying the vehicle, and may not purchase or receive the motor vehicle for such purposes during any time for which a lien exists on the motor vehicle.(b)Notwithstanding any other provision of this chapter to the contrary, if the owner or authorized agent of the owner has not obtained a title in his or her name for the vehicle to be transferred, has lost the title for the vehicle to be transferred, or has returned the title to the department in accordance with paragraph (a) of this subsection, he or she may sign a statement swearing that, in addition to the foregoing conditions, the vehicle is at least ten (10) model years old. The statement described in this paragraph may be used only to transfer such a vehicle to a licensed used motor vehicle parts dealer or scrap metal processor. The department shall promulgate a form for the statement which shall include, but not be limited to:(i)A statement that the vehicle shall never be titled again; it must be dismantled or scrapped;(ii)A description of the vehicle including the year, make, model and vehicle identification number;(iii)The name, address, and driver's license number, nondriver identification card number or tribal identification card number of the owner;(iv)A certification that the owner:1.Never

obtained a title to the vehicle in his or her name; or 2. Was issued a title for the vehicle, but the title was lost or stolen; (v) A certification that the vehicle: 1. Is at least ten (10) model years old; and 2. Is not subject to any security interest or lien; (vi) An acknowledgment that the owner and buyer of the vehicle realizes this form will be filed with the department and that: 1. It is a misdemeanor, punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment for not more than six (6) months, or both, for conviction of a first offense of knowingly falsifying any information on this statement; and 2. It is a felony, punishable by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00) or imprisonment for not less than one (1) year nor more than five (5) years, or both, for conviction of a second or subsequent offense of knowingly falsifying any information on this statement; (vii) The owner's signature and the date of the transaction; (viii) The name and address of the business acquiring the vehicle; (ix) The National Motor Vehicle Title Information System identification number; and (x) The business agent's signature and date along with a printed name and title if the agent is signing on behalf of a corporation. (c) Until such time as the department makes available an Internet-based system, the used motor vehicle parts dealer or scrap metal processor shall mail or otherwise deliver the statement required under paragraph (b) of this subsection (1) to the department within three (3) business days of the completion of the transaction, requesting that the department cancel the Mississippi certificate of title and registration. Once the department develops an Internet-based system, the used motor vehicle parts dealer or scrap metal processor shall utilize such system and within two (2) business days electronically submit the information contained in the statement using that system. (d) Within two (2) business days of each day's close of business, the used motor vehicle parts dealer or scrap metal processor who purchases or receives motor vehicles for scrap or for parts shall deliver in a format approved by the department, by electronic means once developed and made available by the department, a list of all such vehicles purchased that day for scrap or for parts. That list shall contain the following information: (i) The name, address and contact information for the reporting entity; (ii) The vehicle identification numbers of such vehicles; (iii) The dates such vehicles were obtained; (iv) The names of the individuals or entities from whom the vehicles were obtained, for use by law enforcement personnel and appropriate governmental agencies only; (v) A statement of whether the vehicles were, or will be, crushed or disposed of, or offered for sale or other purposes; (vi) A statement of whether the vehicle is intended for export out of the United States; and (vii) The National Motor Vehicle Title Information System identification number of the business acquiring the vehicle. In addition, the used motor vehicle parts dealer or scrap metal processor must certify compliance with the requirements of Section 63-21-39(1)(a). (e) (i) For purposes of this subsection, the term "motor vehicle" shall not include a vehicle which has been crushed or flattened by mechanical means such that it is no longer the motor vehicle as described by the certificate of title, or such that the vehicle identification number is no longer visible or accessible. (ii) In cases in which crushed or flattened vehicles are purchased or received, the purchasing or receiving used motor vehicle parts dealer or scrap metal processor shall verify that the seller has reported the vehicles in accordance with this subsection. Such verification may be in the form of a certification from the seller or a contract between the seller and the purchasing or receiving used motor vehicle parts dealer or scrap metal processor attesting to the seller's compliance with the reporting requirements of this subsection. Such verification must clearly identify the seller by a government issued photograph identification card or employer identification number, and the verification and copy of the identification card or number shall be maintained by the purchasing or receiving used motor vehicle parts dealer or scrap metal processor for a period of not less than two (2) years. (f) The information obtained by the department in accordance with paragraph (d) of this subsection (1) shall be reported to the National Motor Vehicle Title Information System, in a format that will satisfy the requirement for reporting this information, in accordance with rules adopted by the United States Department of Justice in 28 CFR 25.56. (g) Until such time as the department develops and makes available the Internet-based system described in paragraph (d) of this subsection, the used motor vehicle parts dealer or scrap metal processor who purchases or receives motor vehicles for scrap or for parts shall deliver the information required by paragraph (d) to the National Motor Vehicle Title Information System through any data consolidator approved by such system, within forty-eight (48) hours of the day the vehicle was purchased or acquired by such used motor vehicle parts dealer or scrap metal processor which shall satisfy the requirements of paragraph (d). (h) The information obtained by the department in accordance with paragraph (d) of this subsection (1) shall be made available only to law enforcement agencies and for purposes of canceling certificates of title. The information shall otherwise be considered to be confidential business information of the respective reporting entities. (i) All records required under the provisions of this subsection shall be maintained for a period of two (2) years by the reporting entity and shall include a scanned or photocopied copy of the seller's or seller's representative's driver's license or state-issued identification card or other valid form of identification. (j) A person who knowingly and willfully violates this subsection (1), or any person who knowingly and willfully falsifies or assists another person in falsifying the statement or information required under paragraph (b) or (d) of this subsection, or any person who knowingly and willfully sells a vehicle upon which there is an unsatisfied lien or security interest, or who purchases a vehicle without complying with either paragraph (a) or (b) of this subsection and who knowingly and willfully destroys or dismantles a vehicle upon which he knows that there is an unsatisfied lien or security interest shall: (i) Be guilty of a misdemeanor, punishable by a fine not more than One Thousand Dollars (\$1,000.00) or imprisonment for not more than six (6) months, or both, for conviction of a first offense; or (ii) Upon conviction of a second or subsequent offense, a felony, punishable by imprisonment for not less than one (1) year nor more than five (5) years or a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or both. In addition, the court may order each person convicted to pay restitution to any party suffering monetary loss in the amount of such loss. No part of any sentence imposed by the court shall be suspended unless such restitution has been paid in full. (k) A person who knowingly and willfully fails to deliver the title as required under paragraph (a) of this subsection, or the statement required under paragraph (b) of this subsection to the department within seventy-two (72) hours of the completion of the transaction, or who, until such time as the department develops

and makes available the Internet-based system described in paragraph (d), fails to deliver the information required by paragraph (d) to the National Motor Vehicle Title Information System through any data consolidator approved by such system, within two (2) business days of the day the vehicle was purchased or acquired by such used motor vehicle parts dealer or scrap metal processor shall be in violation of this section, and subject to a civil penalty of up to One Thousand Dollars (\$1,000.00) per violation. Actions to impose this penalty may be brought by any local or state law enforcement agency, district attorney, or by the Attorney General, in any court of competent jurisdiction. One-half (1/2) of the monies generated from such civil penalties shall be deposited in a special fund created in the State Treasury for use by the department's Title Bureau, and one-half (1/2) of the monies generated from such civil penalties shall be deposited in the general fund of the municipality if the suit was brought in a municipal court, or in the general fund of the county if the suit was brought in the court of a county.(2)For the purpose of requesting a branded title on a vehicle with a salvage certificate of title, every owner of a vehicle that has been issued a salvage certificate of title in this state or any other state which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to be issued shall make application to the department , accompanied by a certificate of inspection issued by the Department of Public Safety in the form and content specified in Section63-21-15(5)and the payment of a fee of Seventy-five Dollars (\$75.00) for each motor vehicle for which a certificate of inspection is issued. In addition, the Department of Public Safety may charge such a person a fee in the amount of Twenty-five Dollars (\$25.00) for performing any vehicle identification number verification required by federal law or regulation for the vehicle for which the person is applying for a title. All such monies shall be collected by the Department of Public Safety and paid to the State Treasurer for deposit in a special fund that is hereby created in the State Treasury to be known as the "Salvage Certificate of Title Fund." Monies in the special fund may be expended by the Department of Public Safety, upon appropriation by the Legislature. The department shall establish by regulation the minimum requirements by which a vehicle which has been issued a salvage certificate of title may be issued a branded title.(3)Before a branded title may be issued for a vehicle for which a salvage certificate of title has been issued, the applicant shall submit, by hand delivery or mail, such documents and information to the Department of Public Safety as the department may require for the purpose of determining if the vehicle complies with the requirements of this section and all applicable regulations promulgated by the Commissioner of Public Safety and the department . The Department of Public Safety also may require that an applicant bring a vehicle for which application for a branded title is being made to a Highway Patrol facility for a visual inspection whenever the department deems that a visual inspection is necessary or advisable. Nothing in this section shall be construed to prohibit inspectors of the Mississippi Highway Patrol from conducting on-site inspections and investigations of motor vehicle rebuilders or motor vehicle repair businesses to determine if such businesses are in compliance with all applicable laws relating to the motor vehicle title laws of this state and regulations promulgated by the Commissioner of Public Safety and the department .Codes, 1942, § 8125-39; Laws, 1968, ch. 531, § 19; Laws, 1991, ch. 575, § 3; Laws, 2006, ch. 466, § 1; Laws, 2011, ch. 451, § 3, eff. 7/1/2011.Amended by Laws, 2024, ch. (number not assigned at time of publication), HB 1589,§ 3, eff. 1/1/2025.Amended by Laws, 2021, ch. 378, HB 277,§ 6, eff. 7/1/2021.Amended by Laws, 2018, ch. 358, SB 2277,§ 2, eff. 7/1/2018.Amended by Laws, 2013, ch. 570, HB 1344, 1, eff. 7/1/2013. In addition, the used motor vehicle parts dealer or scrap metal processor must certify compliance with the requirements of Section63-21-39(1)(a). In addition, the court may order each person convicted to pay restitution to any party suffering monetary loss in the amount of such loss. No part of any sentence imposed by the court shall be suspended unless such restitution has been paid in full. Codes, 1942, § 8125-39; Laws, 1968, ch. 531, § 19; Laws, 1991, ch. 575, § 3; Laws, 2006, ch. 466, § 1; Laws, 2011, ch. 451, § 3, eff. 7/1/2011. Amended by Laws, 2024, ch. (number not assigned at time of publication), HB 1589,§ 3, eff. 1/1/2025. Amended by Laws, 2021, ch. 378, HB 277,§ 6, eff. 7/1/2021. Amended by Laws, 2018, ch. 358, SB 2277,§ 2, eff. 7/1/2018. Amended by Laws, 2013, ch. 570, HB 1344, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261)Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77)Section 63-21-40 - Issuance of salvage certificates of title for damaged manufactured or mobile homes

(1)An owner who scraps, dismantles or destroys a manufactured home or mobile home for which a certificate of title has been issued, and a person who purchases a manufactured home or mobile home as scrap or to be dismantled or destroyed for which a certificate of title has been issued, shall make such an indication on the back of the certificate of title and shall immediately cause the certificate of title and any other documents required by the State Tax Commission to be mailed or delivered to the commission for cancellation.(2)An insurance company which as a result of paying a total loss claim becomes the owner of a mobile home or manufactured home and obtains the insured's certificate of title, within seventy-two (72) hours after obtaining the title shall apply to the State Tax Commission for a new certificate of title, surrendering with its application the current certificate of title, including documentation to show if the title applied for is for a salvage mobile home or salvage manufactured home, and including a signed statement on original company letterhead that states: () collision damage, () flood damage, () fire damage, () wind damage, or () other damage. If the damage is "other damage," the company shall describe the nature of the damage. The insurance company shall staple this statement to the certificate of title and make a notation on the face of the certificate of title. The application shall be made by the insurance company in the manner and form prescribed and provided by the State Tax Commission. The provisions of this subsection do not apply to a mobile home or manufactured home that is twenty (20) years old or older.(3)Brands appearing on certificates of title issued by this state or another state that reveal a pertinent fact or facts about a mobile home or manufactured home shall be continued on certificates of title issued by this state. The State Tax Commission shall brand a certificate of title with "collision damage," "flood damage," "fire damage," "wind damage," or "other damage" where the immediate previous certificate of

title was issued by this state. The State Tax Commission shall brand a certificate of title to be issued by this state with the same or other brands where the immediate previous certificate of title was issued by another state and such title indicates the same or other brands are appropriate. Such certificate of title shall not attest to the condition of the mobile home or manufactured home at the time the certificate of title is issued or to whether the mobile home or manufactured home has been rebuilt according to any applicable federal or state laws, rules or regulations. Laws, 1999, ch. 556, § 17, eff. 7/1/1999. (1) An owner who scraps, dismantles or destroys a manufactured home or mobile home for which a certificate of title has been issued, and a person who purchases a manufactured home or mobile home as scrap or to be dismantled or destroyed for which a certificate of title has been issued, shall make such an indication on the back of the certificate of title and shall immediately cause the certificate of title and any other documents required by the State Tax Commission to be mailed or delivered to the commission for cancellation. (2) An insurance company which as a result of paying a total loss claim becomes the owner of a mobile home or manufactured home and obtains the insured's certificate of title, within seventy-two (72) hours after obtaining the title shall apply to the State Tax Commission for a new certificate of title, surrendering with its application the current certificate of title, including documentation to show if the title applied for is for a salvage mobile home or salvage manufactured home, and including a signed statement on original company letterhead that states: () collision damage, () flood damage, () fire damage, () wind damage, or () other damage. If the damage is "other damage," the company shall describe the nature of the damage. The insurance company shall staple this statement to the certificate of title and make a notation on the face of the certificate of title. The application shall be made by the insurance company in the manner and form prescribed and provided by the State Tax Commission. The provisions of this subsection do not apply to a mobile home or manufactured home that is twenty (20) years old or older. (3) Brands appearing on certificates of title issued by this state or another state that reveal a pertinent fact or facts about a mobile home or manufactured home shall be continued on certificates of title issued by this state. The State Tax Commission shall brand a certificate of title with "collision damage," "flood damage," "fire damage," "wind damage," or "other damage" where the immediate previous certificate of title was issued by this state. The State Tax Commission shall brand a certificate of title to be issued by this state with the same or other brands where the immediate previous certificate of title was issued by another state and such title indicates the same or other brands are appropriate. Such certificate of title shall not attest to the condition of the mobile home or manufactured home at the time the certificate of title is issued or to whether the mobile home or manufactured home has been rebuilt according to any applicable federal or state laws, rules or regulations. Laws, 1999, ch. 556, § 17, eff. 7/1/1999. (1) An owner who scraps, dismantles or destroys a manufactured home or mobile home for which a certificate of title has been issued, and a person who purchases a manufactured home or mobile home as scrap or to be dismantled or destroyed for which a certificate of title has been issued, shall make such an indication on the back of the certificate of title and shall immediately cause the certificate of title and any other documents required by the State Tax Commission to be mailed or delivered to the commission for cancellation. (2) An insurance company which as a result of paying a total loss claim becomes the owner of a mobile home or manufactured home and obtains the insured's certificate of title, within seventy-two (72) hours after obtaining the title shall apply to the State Tax Commission for a new certificate of title, surrendering with its application the current certificate of title, including documentation to show if the title applied for is for a salvage mobile home or salvage manufactured home, and including a signed statement on original company letterhead that states: () collision damage, () flood damage, () fire damage, () wind damage, or () other damage. If the damage is "other damage," the company shall describe the nature of the damage. The insurance company shall staple this statement to the certificate of title and make a notation on the face of the certificate of title. The application shall be made by the insurance company in the manner and form prescribed and provided by the State Tax Commission. The provisions of this subsection do not apply to a mobile home or manufactured home that is twenty (20) years old or older. (3) Brands appearing on certificates of title issued by this state or another state that reveal a pertinent fact or facts about a mobile home or manufactured home shall be continued on certificates of title issued by this state. The State Tax Commission shall brand a certificate of title with "collision damage," "flood damage," "fire damage," "wind damage," or "other damage" where the immediate previous certificate of title was issued by this state. The State Tax Commission shall brand a certificate of title to be issued by this state with the same or other brands where the immediate previous certificate of title was issued by another state and such title indicates the same or other brands are appropriate. Such certificate of title shall not attest to the condition of the mobile home or manufactured home at the time the certificate of title is issued or to whether the mobile home or manufactured home has been rebuilt according to any applicable federal or state laws, rules or regulations. Laws, 1999, ch. 556, § 17, eff. 7/1/1999. Laws, 1999, ch. 556, § 17, eff. 7/1/1999.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-41 - Applicability of chapter to particular liens and security interests

This chapter does not apply to or affect: (a) A lien given by statute or rule of law to a supplier of services or materials for the vehicle, manufactured home or mobile home; (b) A lien given by statute to the United States, this state, or any political subdivision of this state; (c) A security interest in a vehicle, manufactured home or mobile home created by a manufacturer or dealer who holds the vehicle, manufactured home or mobile home for sale; however, a buyer in the ordinary course of trade from the manufacturer or dealer takes title free of the security interest. Codes, 1942, § 8125-40; Laws, 1968, ch. 531, § 20; Laws, 1999, ch. 556, § 20, eff. 7/1/1999. This chapter does not apply to or affect: (a) A lien given by statute or rule of law to a supplier of services or materials for the vehicle, manufactured home or mobile home; (b) A lien given by statute to the United States, this state, or any political subdivision of this state; (c) A security interest in a vehicle, manufactured home or mobile home created by a manufacturer or dealer

who holds the vehicle, manufactured home or mobile home for sale; however, a buyer in the ordinary course of trade from the manufacturer or dealer takes title free of the security interest. Codes, 1942, § 8125-40; Laws, 1968, ch. 531, § 20; Laws, 1999, ch. 556, § 20, eff. 7/1/1999. This chapter does not apply to or affect: (a) A lien given by statute or rule of law to a supplier of services or materials for the vehicle, manufactured home or mobile home; (b) A lien given by statute to the United States, this state, or any political subdivision of this state; (c) A security interest in a vehicle, manufactured home or mobile home created by a manufacturer or dealer who holds the vehicle, manufactured home or mobile home for sale; however, a buyer in the ordinary course of trade from the manufacturer or dealer takes title free of the security interest. Codes, 1942, § 8125-40; Laws, 1968, ch. 531, § 20; Laws, 1999, ch. 556, § 20, eff. 7/1/1999. This chapter does not apply to or affect: Codes, 1942, § 8125-40; Laws, 1968, ch. 531, § 20; Laws, 1999, ch. 556, § 20, eff. 7/1/1999.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-42 - Creation of security interest by transaction involving motor vehicle or trailers which provides for adjustment of rental price

In the case of motor vehicles, trailers, manufactured homes or mobile homes, notwithstanding any other provision of law, a transaction does not create a sale or security interest merely because it provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the amount realized upon sale or other disposition of the motor vehicle, trailer, manufactured home or mobile home. Laws, 1994, ch. 445, § 5; Laws, 1999, ch. 556, § 21, eff. 7/1/1999. In the case of motor vehicles, trailers, manufactured homes or mobile homes, notwithstanding any other provision of law, a transaction does not create a sale or security interest merely because it provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the amount realized upon sale or other disposition of the motor vehicle, trailer, manufactured home or mobile home. Laws, 1994, ch. 445, § 5; Laws, 1999, ch. 556, § 21, eff. 7/1/1999. In the case of motor vehicles, trailers, manufactured homes or mobile homes, notwithstanding any other provision of law, a transaction does not create a sale or security interest merely because it provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the amount realized upon sale or other disposition of the motor vehicle, trailer, manufactured home or mobile home. Laws, 1994, ch. 445, § 5; Laws, 1999, ch. 556, § 21, eff. 7/1/1999. In the case of motor vehicles, trailers, manufactured homes or mobile homes, notwithstanding any other provision of law, a transaction does not create a sale or security interest merely because it provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the amount realized upon sale or other disposition of the motor vehicle, trailer, manufactured home or mobile home. Laws, 1994, ch. 445, § 5; Laws, 1999, ch. 556, § 21, eff. 7/1/1999.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-43 - Perfection of security interests

(1) Unless excepted by Section 63-21-41, a security interest in a vehicle, manufactured home or mobile home of a type which a certificate of title is required is not valid against creditors of the owner or subsequent transferees or lienholders of the vehicle, manufactured home or mobile home unless perfected as provided in this chapter. (2) (a) A security interest is perfected at the time the owner signs a security agreement describing the vehicle, manufactured home or mobile home, the secured party gives value, the owner has rights in the vehicle, manufactured home or mobile home, and an application for certificate of title signed by the owner is presented to a designated agent; provided, however, that a purchase money security interest under Chapter 9, Title 75 (Uniform Commercial Code - secured transactions) in a mobile home or a manufactured home is perfected against the rights of judicial lien creditors and execution creditors on and after the date such purchase money security interest attaches. (b) The designated agent shall deliver to the Department of Revenue the existing certificate of title, if any, an application for a certificate of title containing the name and address of the lienholder and the date of his security agreement, and the required fee, but the security interest will perfect at the time the requirements of subsection 2(a) of this section are met. (3) If a vehicle, manufactured home or mobile home is subject to a security interest when brought into this state, the validity of the security interest is determined by the law of the jurisdiction where the vehicle, manufactured home or mobile home was when the security interest attached, subject to the following: (a) If the parties understood at the time the security interest attached that the vehicle, manufactured home or mobile home would be kept in this state and it was brought into this state within thirty (30) days thereafter for purposes other than transportation through this state, the validity of the security interest in this state is determined by the law of this state. (b) If the security interest was perfected under the law of the jurisdiction where the vehicle, manufactured home or mobile home was when the security interest attached, the following rules apply: (i) If the name of the lienholder is shown on an existing certificate of title issued by that jurisdiction, his security interest continues perfected in this state. (ii) If the name of the lienholder is not shown on an existing certificate of title issued by that jurisdiction the security interest continues perfected in this state for four (4) months after a first certificate of title of the vehicle, manufactured home or mobile home is issued in this state, and also thereafter if, within the period of four (4) months, it is perfected in this state. The security interest may also be perfected in this state after the expiration of the period of four (4) months, in which case perfection dates from the time of perfection in this state. (c) If the security interest was not perfected under the law of the jurisdiction where the vehicle, manufactured home or mobile home was when the security interest attached, it may be perfected in this state, in which case perfection dates from the time of perfection in this state. (d) A security interest may be perfected under

paragraph (b)(ii) or paragraph (c) of this subsection, either as provided in subsection (2), or by the holder of the lien created out of this state delivering to a county tax collector or a designated agent a notice of security interest in the form the Department of Revenue prescribes, together with documents to support the security interest as required by the Department of Revenue and the required fee. The county tax collector or a designated agent shall process said notice in the manner prescribed by the Department of Revenue. Codes, 1942, § 8125-41; Laws, 1968, ch. 531, § 21; Laws, 1970, ch. 483, § 6; Laws, 1977, ch. 313; Laws, 1995, ch. 437, § 1; Laws, 1999, ch. 556, § 22, eff. 7/1/1999. Amended by Laws, 2018, ch. 401, HB 827, § 9, eff. 1/1/2019. (1) Unless excepted by Section 63-21-41, a security interest in a vehicle, manufactured home or mobile home of a type which a certificate of title is required is not valid against creditors of the owner or subsequent transferees or lienholders of the vehicle, manufactured home or mobile home unless perfected as provided in this chapter. (2)(a) A security interest is perfected at the time the owner signs a security agreement describing the vehicle, manufactured home or mobile home, the secured party gives value, the owner has rights in the vehicle, manufactured home or mobile home, and an application for certificate of title signed by the owner is presented to a designated agent; provided, however, that a purchase money security interest under Chapter 9, Title 75 (Uniform Commercial Code - secured transactions) in a mobile home or a manufactured home is perfected against the rights of judicial lien creditors and execution creditors on and after the date such purchase money security interest attaches. (b) The designated agent shall deliver to the Department of Revenue the existing certificate of title, if any, an application for a certificate of title containing the name and address of the lienholder and the date of his security agreement, and the required fee, but the security interest will perfect at the time the requirements of subsection 2(a) of this section are met. (3) If a vehicle, manufactured home or mobile home is subject to a security interest when brought into this state, the validity of the security interest is determined by the law of the jurisdiction where the vehicle, manufactured home or mobile home was when the security interest attached, subject to the following: (a) If the parties understood at the time the security interest attached that the vehicle, manufactured home or mobile home would be kept in this state and it was brought into this state within thirty (30) days thereafter for purposes other than transportation through this state, the validity of the security interest in this state is determined by the law of this state. (b) If the security interest was perfected under the law of the jurisdiction where the vehicle, manufactured home or mobile home was when the security interest attached, the following rules apply: (i) If the name of the lienholder is shown on an existing certificate of title issued by that jurisdiction, his security interest continues perfected in this state. (ii) If the name of the lienholder is not shown on an existing certificate of title issued by that jurisdiction the security interest continues perfected in this state for four (4) months after a first certificate of title of the vehicle, manufactured home or mobile home is issued in this state, and also thereafter if, within the period of four (4) months, it is perfected in this state. The security interest may also be perfected in this state after the expiration of the period of four (4) months, in which case perfection dates from the time of perfection in this state. (c) If the security interest was not perfected under the law of the jurisdiction where the vehicle, manufactured home or mobile home was when the security interest attached, it may be perfected in this state, in which case perfection dates from the time of perfection in this state. (d) A security interest may be perfected under paragraph (b)(ii) or paragraph (c) of this subsection, either as provided in subsection (2), or by the holder of the lien created out of this state delivering to a county tax collector or a designated agent a notice of security interest in the form the Department of Revenue prescribes, together with documents to support the security interest as required by the Department of Revenue and the required fee. The county tax collector or a designated agent shall process said notice in the manner prescribed by the Department of Revenue. Codes, 1942, § 8125-41; Laws, 1968, ch. 531, § 21; Laws, 1970, ch. 483, § 6; Laws, 1977, ch. 313; Laws, 1995, ch. 437, § 1; Laws, 1999, ch. 556, § 22, eff. 7/1/1999. Amended by Laws, 2018, ch. 401, HB 827, § 9, eff. 1/1/2019. (1) Unless excepted by Section 63-21-41, a security interest in a vehicle, manufactured home or mobile home of a type which a certificate of title is required is not valid against creditors of the owner or subsequent transferees or lienholders of the vehicle, manufactured home or mobile home unless perfected as provided in this chapter. (2)(a) A security interest is perfected at the time the owner signs a security agreement describing the vehicle, manufactured home or mobile home, the secured party gives value, the owner has rights in the vehicle, manufactured home or mobile home, and an application for certificate of title signed by the owner is presented to a designated agent; provided, however, that a purchase money security interest under Chapter 9, Title 75 (Uniform Commercial Code - secured transactions) in a mobile home or a manufactured home is perfected against the rights of judicial lien creditors and execution creditors on and after the date such purchase money security interest attaches. (b) The designated agent shall deliver to the Department of Revenue the existing certificate of title, if any, an application for a certificate of title containing the name and address of the lienholder and the date of his security agreement, and the required fee, but the security interest will perfect at the time the requirements of subsection 2(a) of this section are met. (3) If a vehicle, manufactured home or mobile home is subject to a security interest when brought into this state, the validity of the security interest is determined by the law of the jurisdiction where the vehicle, manufactured home or mobile home was when the security interest attached, subject to the following: (a) If the parties understood at the time the security interest attached that the vehicle, manufactured home or mobile home would be kept in this state and it was brought into this state within thirty (30) days thereafter for purposes other than transportation through this state, the validity of the security interest in this state is determined by the law of this state. (b) If the security interest was perfected under the law of the jurisdiction where the vehicle, manufactured home or mobile home was when the security interest attached, the following rules apply: (i) If the name of the lienholder is shown on an existing certificate of title issued by that jurisdiction, his security interest continues perfected in this state. (ii) If the name of the lienholder is not shown on an existing certificate of title issued by that jurisdiction the security interest continues perfected in this state for four (4) months after a first certificate of title of the vehicle, manufactured home or mobile home is issued in this state, and also thereafter if, within the period of four (4) months, it is perfected in this state. The security interest may also be perfected in this state after the expiration of the period of four (4) months, in which

case perfection dates from the time of perfection in this state.(c)If the security interest was not perfected under the law of the jurisdiction where the vehicle, manufactured home or mobile home was when the security interest attached, it may be perfected in this state, in which case perfection dates from the time of perfection in this state.(d)A security interest may be perfected under paragraph (b)(ii) or paragraph (c) of this subsection, either as provided in subsection (2), or by the holder of the lien created out of this state delivering to a county tax collector or a designated agent a notice of security interest in the form the Department of Revenue prescribes, together with documents to support the security interest as required by the Department of Revenue and the required fee. The county tax collector or a designated agent shall process said notice in the manner prescribed by the Department of Revenue.Codes, 1942, § 8125-41; Laws, 1968, ch. 531, § 21; Laws, 1970, ch. 483, § 6; Laws, 1977, ch. 313; Laws, 1995, ch. 437, § 1; Laws, 1999, ch. 556, § 22, eff. 7/1/1999.Amended by Laws, 2018, ch. 401, HB 827,§ 9, eff. 1/1/2019. Codes, 1942, § 8125-41; Laws, 1968, ch. 531, § 21; Laws, 1970, ch. 483, § 6; Laws, 1977, ch. 313; Laws, 1995, ch. 437, § 1; Laws, 1999, ch. 556, § 22, eff. 7/1/1999. Amended by Laws, 2018, ch. 401, HB 827,§ 9, eff. 1/1/2019.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261)Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77)Section 63-21-45 - Procedure upon creation of security interest

(1)If an owner creates a security interest in a vehicle, manufactured home or mobile home:(a)The owner shall immediately execute the application in the space provided therefor on the certificate of title, or on a separate form the State Tax Commission prescribes to name the lienholder on the certificate showing the name and address of the lienholder and the date of his security agreement, and cause the certificate, application and the required fee to be delivered to the lienholder.(b)The lienholder shall immediately cause the certificate, application and required fee to be mailed or delivered to a county tax collector or a designated agent.(c)Upon request of the owner or subordinate lienholder, a lienholder in possession of the certificate of title shall either mail or deliver the certificate to the subordinate lienholder for delivery to a county tax collector or a designated agent or, upon receipt from the subordinate lienholder of the owner's application and the required fee, mail or deliver them to a county tax collector or a designated agent with the certificate. The delivery of the certificate does not affect the rights of the first lienholder under his security agreement.(d)Upon receipt of the certificate of title, application and the required fee, the State Tax Commission shall either endorse on the certificate or issue a new certificate containing the name and address of the new lienholder, and mail the certificate to the first lienholder named in it.(2)Information evidencing a bank or lending institution's lien or other security interest in a motor vehicle's, manufactured home's or mobile home's certificate of title may be transferred by electronic means as provided in Section63-21-16.Codes, 1942, § 8125-42; Laws, 1968, ch. 531, § 22; Laws, 1970, ch. 483, § 7; Laws, 1999, ch. 556, § 23, eff. 7/1/1999.Brought foward by Laws, 2023, ch. 353, HB 1170,§ 3, eff. 7/1/2023. (1)If an owner creates a security interest in a vehicle, manufactured home or mobile home:(a)The owner shall immediately execute the application in the space provided therefor on the certificate of title, or on a separate form the State Tax Commission prescribes to name the lienholder on the certificate showing the name and address of the lienholder and the date of his security agreement, and cause the certificate, application and the required fee to be delivered to the lienholder.(b)The lienholder shall immediately cause the certificate, application and required fee to be mailed or delivered to a county tax collector or a designated agent.(c)Upon request of the owner or subordinate lienholder, a lienholder in possession of the certificate of title shall either mail or deliver the certificate to the subordinate lienholder for delivery to a county tax collector or a designated agent or, upon receipt from the subordinate lienholder of the owner's application and the required fee, mail or deliver them to a county tax collector or a designated agent with the certificate. The delivery of the certificate does not affect the rights of the first lienholder under his security agreement.(d)Upon receipt of the certificate of title, application and the required fee, the State Tax Commission shall either endorse on the certificate or issue a new certificate containing the name and address of the new lienholder, and mail the certificate to the first lienholder named in it.(2)Information evidencing a bank or lending institution's lien or other security interest in a motor vehicle's, manufactured home's or mobile home's certificate of title may be transferred by electronic means as provided in Section63-21-16.Codes, 1942, § 8125-42; Laws, 1968, ch. 531, § 22; Laws, 1970, ch. 483, § 7; Laws, 1999, ch. 556, § 23, eff. 7/1/1999.Brought foward by Laws, 2023, ch. 353, HB 1170,§ 3, eff. 7/1/2023. Codes, 1942, § 8125-42; Laws, 1968, ch. 531, § 22; Laws, 1970, ch. 483, § 7; Laws, 1999, ch. 556,

§ 23, eff. 7/1/1999. Brought forward by Laws, 2023, ch. 353, HB 1170, § 3, eff. 7/1/2023.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-47 - Assignment of security interest by lienholder

A lienholder may assign, absolutely or otherwise, his security interest in the vehicle, manufactured home or mobile home to a person other than the owner without affecting the interest of the owner or the validity of the security interest. However, any person without notice of the assignment is protected in dealing with the lienholder as the holder of the security interest and the lienholder remains liable for any obligations as lienholder until the assignee is named as lienholder on the certificate in the manner prescribed by the State Tax Commission. The commission shall file each assignment received by the commission with the required fee, and note the assignee as lienholder upon the record of notices of security interests maintained by the commission. Codes, 1942, § 8125-43; Laws, 1968, ch. 531, § 23; Laws, 1999, ch. 556, § 24, eff. 7/1/1999. A lienholder may assign, absolutely or otherwise, his security interest in the vehicle, manufactured home or mobile home to a person other than the owner without affecting the interest of the owner or the validity of the security interest. However, any person without notice of the assignment is protected in dealing with the lienholder as the holder of the security interest and the lienholder remains liable for any obligations as lienholder until the assignee is named as lienholder on the certificate in the manner prescribed by the State Tax Commission. The commission shall file each assignment received by the commission with the required fee, and note the assignee as lienholder upon the record of notices of security interests maintained by the commission. Codes, 1942, § 8125-43; Laws, 1968, ch. 531, § 23; Laws, 1999, ch. 556, § 24, eff. 7/1/1999. A lienholder may assign, absolutely or otherwise, his security interest in the vehicle, manufactured home or mobile home to a person other than the owner without affecting the interest of the owner or the validity of the security interest. However, any person without notice of the assignment is protected in dealing with the lienholder as the holder of the security interest and the lienholder remains liable for any obligations as lienholder until the assignee is named as lienholder on the certificate in the manner prescribed by the State Tax Commission. The commission shall file each assignment received by the commission with the required fee, and note the assignee as lienholder upon the record of notices of security interests maintained by the commission. Codes, 1942, § 8125-43; Laws, 1968, ch. 531, § 23; Laws, 1999, ch. 556, § 24, eff. 7/1/1999.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-49 - Procedure upon release of security interest

(1) Upon the satisfaction of a security interest in a vehicle, manufactured home or mobile home for which the certificate of title is in the possession of the lienholder, he shall, within ten (10) days after demand and, in any event, within thirty (30) days, execute a release of his security interest, in the space provided therefor on the certificate or as the State Tax Commission prescribes, and mail or deliver the certificate and release to the next lienholder named therein, or, if none, to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate. The owner other than a dealer holding the vehicle, manufactured home or mobile home for resale, shall promptly cause the certificate and release to be mailed or delivered to the commission, who shall release the lienholder's rights on the certificate or issue a new certificate. (2) Upon the satisfaction of a security interest in a vehicle, manufactured home or mobile home for which the certificate of title is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall within ten (10) days after demand and, in any event, within thirty (30) days execute a release in the form the commission prescribes and deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive it. The lienholder in possession of the certificate of title shall either deliver the certificate to the owner, or the person authorized by him, for delivery to the commission or, upon receipt of the release, mail or deliver it with the certificate to the commission who shall release the subordinate lienholder's rights on the certificate or issue a new certificate. (3) Upon receipt of the aforementioned releases of security interests, the commission shall file each release in the manner prescribed by the commission and note the same upon the records of notices of security interests maintained by it. Codes, 1942, § 8125-44; Laws, 1968, ch. 531, § 24; Laws, 1999, ch. 556, § 25, eff. 7/1/1999. (1) Upon the satisfaction of a security interest in a vehicle, manufactured home or mobile home for which the certificate of title is in the possession of the lienholder, he shall, within ten (10) days after demand and, in any event, within thirty (30) days, execute a release of his security interest, in the space provided therefor on the certificate or as the State Tax Commission prescribes, and mail or deliver the certificate and release to the next lienholder named therein, or, if none, to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate. The owner other than a dealer holding the vehicle, manufactured home or mobile home for resale, shall promptly cause the certificate and release to be mailed or delivered to the commission, who shall release the lienholder's rights on the certificate or issue a new certificate. (2) Upon the satisfaction of a security interest in a vehicle, manufactured home or mobile home for which the certificate of title is in the possession of a prior lienholder, the lienholder whose security interest is satisfied

shall within ten (10) days after demand and, in any event, within thirty (30) days execute a release in the form the commission prescribes and deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive it. The lienholder in possession of the certificate of title shall either deliver the certificate to the owner, or the person authorized by him, for delivery to the commission or, upon receipt of the release, mail or deliver it with the certificate to the commission who shall release the subordinate lienholder's rights on the certificate or issue a new certificate.(3)Upon receipt of the aforementioned releases of security interests, the commission shall file each release in the manner prescribed by the commission and note the same upon the records of notices of security interests maintained by it.Codes, 1942, § 8125-44; Laws, 1968, ch. 531, § 24; Laws, 1999, ch. 556, § 25, eff. 7/1/1999. (1)Upon the satisfaction of a security interest in a vehicle, manufactured home or mobile home for which the certificate of title is in the possession of the lienholder, he shall, within ten (10) days after demand and, in any event, within thirty (30) days, execute a release of his security interest, in the space provided therefor on the certificate or as the State Tax Commission prescribes, and mail or deliver the certificate and release to the next lienholder named therein, or, if none, to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate. The owner other than a dealer holding the vehicle, manufactured home or mobile home for resale, shall promptly cause the certificate and release to be mailed or delivered to the commission, who shall release the lienholder's rights on the certificate or issue a new certificate.(2)Upon the satisfaction of a security interest in a vehicle, manufactured home or mobile home for which the certificate of title is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall within ten (10) days after demand and, in any event, within thirty (30) days execute a release in the form the commission prescribes and deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive it. The lienholder in possession of the certificate of title shall either deliver the certificate to the owner, or the person authorized by him, for delivery to the commission or, upon receipt of the release, mail or deliver it with the certificate to the commission who shall release the subordinate lienholder's rights on the certificate or issue a new certificate.(3)Upon receipt of the aforementioned releases of security interests, the commission shall file each release in the manner prescribed by the commission and note the same upon the records of notices of security interests maintained by it.Codes, 1942, § 8125-44; Laws, 1968, ch. 531, § 24; Laws, 1999, ch. 556, § 25, eff. 7/1/1999. Codes, 1942, § 8125-44; Laws, 1968, ch. 531, § 24; Laws, 1999, ch. 556, § 25, eff. 7/1/1999.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261)Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77)Section 63-21-5 - Definitions

The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section except where the context clearly indicates a different meaning:(a)"State Tax Commission" or "department" means the Department of Revenue of the State of Mississippi.(b)"Dealer" means every person engaged regularly in the business of buying, selling or exchanging motor vehicles, trailers, semitrailers, trucks, tractors or other character of commercial or industrial motor vehicles in this state, and having in this state an established place of business as defined in Section27-19-303, Mississippi Code of 1972. The term "dealer" shall also mean every person engaged regularly in the business of buying, selling or exchanging manufactured housing in this state, and licensed as a dealer of manufactured housing by the Mississippi Department of Insurance.(c)"Designated agent" means each county tax collector in this state who may perform his duties under this chapter either personally or through any of his deputies, or such other persons as the Department of Revenue may designate. The term shall also mean those "dealers" as herein defined and/or their officers and employees and other persons who are appointed by the Department of Revenue in the manner provided in Section63-21-13, Mississippi Code of 1972, to perform the duties of "designated agent" for the purposes of this chapter.(d)"Implement of husbandry" means every vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.(e)"Vehicle identification number" means the numbers and letters on a vehicle, manufactured home or mobile home designated by the manufacturer or assigned by the Department of Revenue for the purpose of identifying the vehicle, manufactured home or mobile home.(f)"Lien" means every kind of written lease which is substantially equivalent to an installment sale or which provides for a right of purchase; conditional sale; reservation of title; deed of trust; chattel mortgage; trust receipt; and every other written agreement or instrument of whatever kind or character whereby an interest other than absolute title is sought to be held or given on a motor vehicle, manufactured home or mobile home.(g)"Lienholder" means any natural person, firm, copartnership, association or corporation holding a lien as herein defined on a motor vehicle, manufactured home or mobile home.(h)"Manufactured housing" or "manufactured home" means any structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such terms shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USCS, Section 5401.(i)"Manufacturer" means any person regularly engaged in the business of manufacturing, constructing or assembling motor vehicles, manufactured homes or mobile homes, either within or without this state.(j)"Mobile home" means any structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred

twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein and manufactured prior to June 15, 1976. Any mobile home designated as realty on or before July 1, 1999, shall continue to be designated as realty so that a security interest will be made by incorporating such mobile home in a deed of trust.(k)"Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a farm tractor, personal delivery device and electric bicycle.(l)"Motor vehicle" means every automobile, motorcycle, mobile trailer, semitrailer, truck, truck tractor, trailer and every other device in, upon, or by which any person or property is or may be transported or drawn upon a public highway which is required to have a road or bridge privilege license, except such as is moved by animal power or used exclusively upon stationary rails or tracks, and excepting electric bicycles and personal delivery devices.(m)"New vehicle" means a motor vehicle, manufactured home or mobile home which has never been the subject of a first sale for use.(n)"Used vehicle" means a motor vehicle, manufactured home or mobile home that has been the subject of a first sale for use, whether within this state or elsewhere.(o)"Owner" means a person or persons holding the legal title of a vehicle, manufactured home or mobile home; in the event a vehicle, manufactured home or mobile home is the subject of a deed of trust or a chattel mortgage or an agreement for the conditional sale or lease thereof or other like agreement, with the right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the grantor in the deed of trust, mortgagor, conditional vendee or lessee, the grantor, mortgagor, conditional vendee or lessee shall be deemed the owner for the purpose of this chapter.(p)"Person" includes every natural person, firm, copartnership, association or corporation.(q)"Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, boats or structural members capable generally of sustaining themselves as beams between the supporting connections.(r)"Security agreement" means a written agreement which reserves or creates a security interest.(s)"Security interest" means an interest in a vehicle, manufactured home or mobile home reserved or created by agreement and which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended as security. A security interest is "perfected" when it is valid against third parties generally, subject only to specific statutory exceptions.(t)"Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to: ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes, vehicles so constructed that they exceed eight (8) feet in width and/or thirteen (13) feet six (6) inches in height, and earth-moving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.(u)"Nonresident" means every person who is not a resident of this state.(v)"Current address" means a new address different from the address shown on the application or on the certificate of title. The owner shall within thirty (30) days after his address is changed from that shown on the application or on the certificate of title notify the department of the change of address in the manner prescribed by the department.(w)"Odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary instrument designed to be reset by the operator of the motor vehicle for the purpose of recording the distance traveled on trips.(x)"Odometer reading" means the actual cumulative distance traveled disclosed on the odometer.(y)"Odometer disclosure statement" means a statement certified by the owner of the motor vehicle to the transferee or to the department as to the odometer reading.(z)"Mileage" means actual distance that a vehicle has traveled.(aa)"Trailer" means every vehicle other than a "pole trailer" as defined in this chapter without motive power designed to be drawn by another vehicle and attached to the towing vehicle for the purpose of hauling goods or products. The term "trailer" shall not refer to any structure, transportable in one or more sections regardless of size, when erected on site, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein regardless of the date of manufacture.(bb)"Salvage mobile home" or "salvage manufactured home" means a mobile home or manufactured home for which a certificate of title has been issued that an insurance company obtains from the owner as a result of paying a total loss claim resulting from collision, fire, flood, wind or other occurrence. The term "salvage mobile home" or "salvage manufactured home" does not mean or include and is not applicable to a mobile home or manufactured home that is twenty (20) years old or older.(cc)"Salvage certificate of title" means a document issued by the department for a salvage mobile home or salvage manufactured home as defined in this chapter.(dd)"All-terrain vehicle" means a motor vehicle that is designed for off-road use and is not required to have a motor vehicle privilege license. The term "all-terrain vehicle" shall not include electric bicycles.Codes, 1942, § 8125-23; Laws, 1968, ch. 531, § 3; Laws, 1986, ch. 328, § 1; Laws, 1989, ch. 369, § 1; Laws, 1999, ch. 396, § 1; Laws, 1999, ch. 556, § 3; Laws, 2005, ch. 335, § 1; Laws, 2006, ch. 422, § 1; Laws, 2009, ch. 492, § 124, eff. 7/1/2010.Amended by Laws, 2022, ch. 439, SB 2508,§ 11, eff. 7/1/2022.Amended by Laws, 2021, ch. 355, HB 1195,§ 11, eff. 7/1/2021. The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section except where the context clearly indicates a different meaning:(a)"State Tax Commission" or "department" means the Department of Revenue of the State of Mississippi.(b)"Dealer" means every person engaged regularly in the business of buying, selling or exchanging motor vehicles, trailers, semitrailers, trucks, tractors or other character of commercial or industrial motor vehicles in this state, and having

in this state an established place of business as defined in Section 27-19-303, Mississippi Code of 1972. The term "dealer" shall also mean every person engaged regularly in the business of buying, selling or exchanging manufactured housing in this state, and licensed as a dealer of manufactured housing by the Mississippi Department of Insurance. (c) "Designated agent" means each county tax collector in this state who may perform his duties under this chapter either personally or through any of his deputies, or such other persons as the Department of Revenue may designate. The term shall also mean those "dealers" as herein defined and/or their officers and employees and other persons who are appointed by the Department of Revenue in the manner provided in Section 63-21-13, Mississippi Code of 1972, to perform the duties of "designated agent" for the purposes of this chapter. (d) "Implement of husbandry" means every vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways. (e) "Vehicle identification number" means the numbers and letters on a vehicle, manufactured home or mobile home designated by the manufacturer or assigned by the Department of Revenue for the purpose of identifying the vehicle, manufactured home or mobile home. (f) "Lien" means every kind of written lease which is substantially equivalent to an installment sale or which provides for a right of purchase; conditional sale; reservation of title; deed of trust; chattel mortgage; trust receipt; and every other written agreement or instrument of whatever kind or character whereby an interest other than absolute title is sought to be held or given on a motor vehicle, manufactured home or mobile home. (g) "Lienholder" means any natural person, firm, copartnership, association or corporation holding a lien as herein defined on a motor vehicle, manufactured home or mobile home. (h) "Manufactured housing" or "manufactured home" means any structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such terms shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USCS, Section 5401. (i) "Manufacturer" means any person regularly engaged in the business of manufacturing, constructing or assembling motor vehicles, manufactured homes or mobile homes, either within or without this state. (j) "Mobile home" means any structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein and manufactured prior to June 15, 1976. Any mobile home designated as realty on or before July 1, 1999, shall continue to be designated as realty so that a security interest will be made by incorporating such mobile home in a deed of trust. (k) "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a farm tractor, personal delivery device and electric bicycle. (l) "Motor vehicle" means every automobile, motorcycle, mobile trailer, semitrailer, truck, truck tractor, trailer and every other device in, upon, or by which any person or property is or may be transported or drawn upon a public highway which is required to have a road or bridge privilege license, except such as is moved by animal power or used exclusively upon stationary rails or tracks, and excepting electric bicycles and personal delivery devices. (m) "New vehicle" means a motor vehicle, manufactured home or mobile home which has never been the subject of a first sale for use. 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(t) "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to: ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes, vehicles so constructed that they exceed eight (8) feet in width and/or thirteen (13) feet six (6) inches in height, and earth-moving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been

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The term "salvage mobile home" or "salvage manufactured home" does not mean or include and is not applicable to a mobile home or manufactured home that is twenty (20) years old or older.(cc)"Salvage certificate of title" means a document issued by the department for a salvage mobile home or salvage manufactured home as defined in this chapter.(dd)"All-terrain vehicle" means a motor vehicle that is designed for off-road use and is not required to have a motor vehicle privilege license. The term "all-terrain vehicle" shall not include electric bicycles.Codes, 1942, § 8125-23; Laws, 1968, ch. 531, § 3; Laws, 1986, ch. 328, § 1; Laws, 1989, ch. 369, § 1; Laws, 1999, ch. 396, § 1; Laws, 1999, ch. 556, § 3; Laws, 2005, ch. 335, § 1; Laws, 2006, ch. 422, § 1; Laws, 2009, ch. 492, § 124, eff. 7/1/2010.Amended by Laws, 2022, ch. 439, SB 2508,§ 11, eff. 7/1/2022.Amended by Laws, 2021, ch. 355, HB 1195,§ 11, eff. 7/1/2021. 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The term shall also mean those "dealers" as herein defined and/or their officers and employees and other persons who are appointed by the Department of Revenue in the manner provided in Section63-21-13, Mississippi Code of 1972, to perform the duties of "designated agent" for the purposes of this chapter.(d)"Implement of husbandry" means every vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.(e)"Vehicle identification number" means the numbers and letters on a vehicle, manufactured home or mobile home designated by the manufacturer or assigned by the Department of Revenue for the purpose of identifying the vehicle, manufactured home or mobile home.(f)"Lien" means every kind of written lease which is substantially equivalent to an installment sale or which provides for a right of purchase; conditional sale; reservation of title; deed of trust; chattel mortgage; trust receipt; and every other written agreement or instrument of whatever kind or character whereby an interest other than absolute title is sought to be held or given on a motor vehicle, manufactured home or mobile home.(g)"Lienholder" means any natural person, firm, copartnership, association or corporation holding a lien as herein defined on a motor vehicle, manufactured home or mobile home.(h)"Manufactured housing" or "manufactured home" means any structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such terms shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USCS, Section 5401.(i)"Manufacturer" means any person regularly engaged in the business of manufacturing, constructing or assembling motor vehicles, manufactured homes or mobile homes, either within or without this state.(j)"Mobile home" means any structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein and manufactured prior to June 15, 1976. Any mobile home designated as realty on or before July 1, 1999, shall continue to be designated as realty so that a security interest will be made by incorporating such mobile home in a deed of trust.(k)"Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not

more than three (3) wheels in contact with the ground, but excluding a farm tractor, personal delivery device and electric bicycle.(l)"Motor vehicle" means every automobile, motorcycle, mobile trailer, semitrailer, truck, truck tractor, trailer and every other device in, upon, or by which any person or property is or may be transported or drawn upon a public highway which is required to have a road or bridge privilege license, except such as is moved by animal power or used exclusively upon stationary rails or tracks, and excepting electric bicycles and personal delivery devices.(m)"New vehicle" means a motor vehicle, manufactured home or mobile home which has never been the subject of a first sale for use.(n)"Used vehicle" means a motor vehicle, manufactured home or mobile home that has been the subject of a first sale for use, whether within this state or elsewhere.(o)"Owner" means a person or persons holding the legal title of a vehicle, manufactured home or mobile home; in the event a vehicle, manufactured home or mobile home is the subject of a deed of trust or a chattel mortgage or an agreement for the conditional sale or lease thereof or other like agreement, with the right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the grantor in the deed of trust, mortgagor, conditional vendee or lessee, the grantor, mortgagor, conditional vendee or lessee shall be deemed the owner for the purpose of this chapter.(p)"Person" includes every natural person, firm, copartnership, association or corporation.(q)"Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, boats or structural members capable generally of sustaining themselves as beams between the supporting connections.(r)"Security agreement" means a written agreement which reserves or creates a security interest.(s)"Security interest" means an interest in a vehicle, manufactured home or mobile home reserved or created by agreement and which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended as security. A security interest is "perfected" when it is valid against third parties generally, subject only to specific statutory exceptions.(t)"Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to: ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes, vehicles so constructed that they exceed eight (8) feet in width and/or thirteen (13) feet six (6) inches in height, and earth-moving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.(u)"Nonresident" means every person who is not a resident of this state.(v)"Current address" means a new address different from the address shown on the application or on the certificate of title. The owner shall within thirty (30) days after his address is changed from that shown on the application or on the certificate of title notify the department of the change of address in the manner prescribed by the department.(w)"Odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary instrument designed to be reset by the operator of the motor vehicle for the purpose of recording the distance traveled on trips.(x)"Odometer reading" means the actual cumulative distance traveled disclosed on the odometer.(y)"Odometer disclosure statement" means a statement certified by the owner of the motor vehicle to the transferee or to the department as to the odometer reading.(z)"Mileage" means actual distance that a vehicle has traveled.(aa)"Trailer" means every vehicle other than a "pole trailer" as defined in this chapter without motive power designed to be drawn by another vehicle and attached to the towing vehicle for the purpose of hauling goods or products. The term "trailer" shall not refer to any structure, transportable in one or more sections regardless of size, when erected on site, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein regardless of the date of manufacture.(bb)"Salvage mobile home" or "salvage manufactured home" means a mobile home or manufactured home for which a certificate of title has been issued that an insurance company obtains from the owner as a result of paying a total loss claim resulting from collision, fire, flood, wind or other occurrence. The term "salvage mobile home" or "salvage manufactured home" does not mean or include and is not applicable to a mobile home or manufactured home that is twenty (20) years old or older.(cc)"Salvage certificate of title" means a document issued by the department for a salvage mobile home or salvage manufactured home as defined in this chapter.(dd)"All-terrain vehicle" means a motor vehicle that is designed for off-road use and is not required to have a motor vehicle privilege license. The term "all-terrain vehicle" shall not include electric bicycles.Codes, 1942, § 8125-23; Laws, 1968, ch. 531, § 3; Laws, 1986, ch. 328, § 1; Laws, 1989, ch. 369, § 1; Laws, 1999, ch. 396, § 1; Laws, 1999, ch. 556, § 3; Laws, 2005, ch. 335, § 1; Laws, 2006, ch. 422, § 1; Laws, 2009, ch. 492, § 124, eff. 7/1/2010.Amended by Laws, 2022, ch. 439, SB 2508,§ 11, eff. 7/1/2022.Amended by Laws, 2021, ch. 355, HB 1195,§ 11, eff. 7/1/2021. The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section except where the context clearly indicates a different meaning: Codes, 1942, § 8125-23; Laws, 1968, ch. 531, § 3; Laws, 1986, ch. 328, § 1; Laws, 1989, ch. 369, § 1; Laws, 1999, ch. 396, § 1; Laws, 1999, ch. 556, § 3; Laws, 2005, ch. 335, § 1; Laws, 2006, ch. 422, § 1; Laws, 2009, ch. 492, § 124, eff. 7/1/2010. Amended by Laws, 2022, ch. 439, SB 2508,§ 11, eff. 7/1/2022. Amended by Laws, 2021, ch. 355, HB 1195,§ 11, eff. 7/1/2021.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261)Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77)Section 63-21-51 - Duty of lienholder named in notice of security interest to disclose security agreement

and secured indebtedness

A lienholder named in a notice of security interest filed by the State Tax Commission shall, upon written request of the owner or of another lienholder named on the certificate, disclose any pertinent information as to his security agreement and the indebtedness secured by it. Codes, 1942, § 8125-45; Laws, 1968, ch. 531, § 25; Laws, 2001, ch. 596, § 67, eff. 7/1/2001. A lienholder named in a notice of security interest filed by the State Tax Commission shall, upon written request of the owner or of another lienholder named on the certificate, disclose any pertinent information as to his security agreement and the indebtedness secured by it. Codes, 1942, § 8125-45; Laws, 1968, ch. 531, § 25; Laws, 2001, ch. 596, § 67, eff. 7/1/2001. A lienholder named in a notice of security interest filed by the State Tax Commission shall, upon written request of the owner or of another lienholder named on the certificate, disclose any pertinent information as to his security agreement and the indebtedness secured by it. Codes, 1942, § 8125-45; Laws, 1968, ch. 531, § 25; Laws, 2001, ch. 596, § 67, eff. 7/1/2001. A lienholder named in a notice of security interest filed by the State Tax Commission shall, upon written request of the owner or of another lienholder named on the certificate, disclose any pertinent information as to his security agreement and the indebtedness secured by it. Codes, 1942, § 8125-45; Laws, 1968, ch. 531, § 25; Laws, 2001, ch. 596, § 67, eff. 7/1/2001.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-53 - Perfection of unsatisfied security interest in previously registered vehicle

If a security interest in a previously registered vehicle is perfected under any other applicable law of this state as of August 9, 1968, and if a security interest in a previously registered manufactured home or mobile home is perfected under any other applicable law of this state as of July 1, 1999, the security interest continues perfected until its perfection lapses under the law under which it was perfected. This would apply only to vehicles, manufactured homes or mobile homes not required to be titled under this chapter. Codes, 1942, § 8125-51; Laws, 1968, ch. 531, § 31; Laws, 1999, ch. 556, § 26, eff. 7/1/1999. If a security interest in a previously registered vehicle is perfected under any other applicable law of this state as of August 9, 1968, and if a security interest in a previously registered manufactured home or mobile home is perfected under any other applicable law of this state as of July 1, 1999, the security interest continues perfected until its perfection lapses under the law under which it was perfected. This would apply only to vehicles, manufactured homes or mobile homes not required to be titled under this chapter. Codes, 1942, § 8125-51; Laws, 1968, ch. 531, § 31; Laws, 1999, ch. 556, § 26, eff. 7/1/1999. If a security interest in a previously registered vehicle is perfected under any other applicable law of this state as of August 9, 1968, and if a security interest in a previously registered manufactured home or mobile home is perfected under any other applicable law of this state as of July 1, 1999, the security interest continues perfected until its perfection lapses under the law under which it was perfected. This would apply only to vehicles, manufactured homes or mobile homes not required to be titled under this chapter. Codes, 1942, § 8125-51; Laws, 1968, ch. 531, § 31; Laws, 1999, ch. 556, § 26, eff. 7/1/1999. If a security interest in a previously registered vehicle is perfected under any other applicable law of this state as of August 9, 1968, and if a security interest in a previously registered manufactured home or mobile home is perfected under any other applicable law of this state as of July 1, 1999, the security interest continues perfected until its perfection lapses under the law under which it was perfected. This would apply only to vehicles, manufactured homes or mobile homes not required to be titled under this chapter. Codes, 1942, § 8125-51; Laws, 1968, ch. 531, § 31; Laws, 1999, ch. 556, § 26, eff. 7/1/1999.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-55 - Exclusivity of procedure in chapter for perfecting and giving notice of security interests

Except as provided in Section 63-21-53, the method provided in this chapter of perfecting and giving notice of security interests subject to this chapter is exclusive. Security interests subject to this chapter are hereby exempted from the provisions of law which otherwise require or relate to the filing and recording of instruments creating or evidencing security interests. Codes, 1942, § 8125-46; Laws, 1968, ch. 531, § 26, eff. 8/9/1968. Except as provided in Section 63-21-53, the method provided in this chapter of perfecting and giving notice of security interests subject to this chapter is exclusive. Security interests subject to this chapter are hereby exempted from the provisions of law which otherwise require or relate to the filing and recording of instruments creating or evidencing security interests. Codes, 1942, § 8125-46; Laws, 1968, ch. 531, § 26, eff. 8/9/1968. Except as provided in Section 63-21-53, the method provided in this chapter of perfecting and giving notice of security interests subject to this chapter is exclusive. Security interests subject to this chapter are hereby exempted from the provisions of law which otherwise require or relate to the filing and recording of instruments creating or evidencing security interests. Codes, 1942, § 8125-46; Laws, 1968, ch. 531, § 26, eff. 8/9/1968. Except as provided in Section 63-21-53, the method provided in this chapter of perfecting and giving notice of security interests subject to this chapter is exclusive. Security interests subject to this chapter are hereby exempted from the provisions of law which otherwise require or relate to the filing and recording of instruments creating or evidencing security interests. Codes, 1942, § 8125-46; Laws, 1968, ch. 531, § 26, eff. 8/9/1968.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§

63-21-1 — 63-21-77)Section 63-21-57 - Filing and recording of notices of security interests; examination of record prior to issuance or reissuance of certificate of title

The Department of Revenue shall file each notice of security interest received by the department with the required fee and maintain a record of all notices of security interests filed by the department:(a)Alphabetically, under the name of the owner;(b)Under the vehicle, manufactured home or mobile home identification number;(c)Under the certificate of title number; and(d)In the discretion of the department, by any other method it determines.The department, before issuing or reissuing a certificate of title, shall check the name of the owner and the certificate of title number of the vehicle, manufactured home or mobile home against the record above provided for.The recordkeeping requirements are in addition to the recordkeeping requirements set forth in Section63-21-17and Section63-21-37. The records required to be maintained by Section63-21-17shall be maintained indefinitely.Codes, 1942, § 8125-52; Laws, 1968, ch. 531, § 32; Laws, 1999, ch. 556, § 27, eff. 7/1/1999.Amended by Laws, 2018, ch. 401, HB 827,§ 10, eff. 1/1/2019. The Department of Revenue shall file each notice of security interest received by the department with the required fee and maintain a record of all notices of security interests filed by the department:(a)Alphabetically, under the name of the owner;(b)Under the vehicle, manufactured home or mobile home identification number;(c)Under the certificate of title number; and(d)In the discretion of the department, by any other method it determines.The department, before issuing or reissuing a certificate of title, shall check the name of the owner and the certificate of title number of the vehicle, manufactured home or mobile home against the record above provided for.The recordkeeping requirements are in addition to the recordkeeping requirements set forth in Section63-21-17and Section63-21-37. The records required to be maintained by Section63-21-17shall be maintained indefinitely.Codes, 1942, § 8125-52; Laws, 1968, ch. 531, § 32; Laws, 1999, ch. 556, § 27, eff. 7/1/1999.Amended by Laws, 2018, ch. 401, HB 827,§ 10, eff. 1/1/2019. The Department of Revenue shall file each notice of security interest received by the department with the required fee and maintain a record of all notices of security interests filed by the department:(a)Alphabetically, under the name of the owner;(b)Under the vehicle, manufactured home or mobile home identification number;(c)Under the certificate of title number; and(d)In the discretion of the department, by any other method it determines.The department, before issuing or reissuing a certificate of title, shall check the name of the owner and the certificate of title number of the vehicle, manufactured home or mobile home against the record above provided for.The recordkeeping requirements are in addition to the recordkeeping requirements set forth in Section63-21-17and Section63-21-37. The records required to be maintained by Section63-21-17shall be maintained indefinitely.Codes, 1942, § 8125-52; Laws, 1968, ch. 531, § 32; Laws, 1999, ch. 556, § 27, eff. 7/1/1999.Amended by Laws, 2018, ch. 401, HB 827,§ 10, eff. 1/1/2019. The Department of Revenue shall file each notice of security interest received by the department with the required fee and maintain a record of all notices of security interests filed by the department: The department, before issuing or reissuing a certificate of title, shall check the name of the owner and the certificate of title number of the vehicle, manufactured home or mobile home against the record above provided for. The recordkeeping requirements are in addition to the recordkeeping requirements set forth in Section63-21-17and Section63-21-37. The records required to be maintained by Section63-21-17shall be maintained indefinitely. Codes, 1942, § 8125-52; Laws, 1968, ch. 531, § 32; Laws, 1999, ch. 556, § 27, eff. 7/1/1999. Amended by Laws, 2018, ch. 401, HB 827,§ 10, eff. 1/1/2019.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261)Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77)Section 63-21-59 - Suspension or revocation of certificate of title

The State Tax Commission shall suspend or revoke a certificate of title, upon notice and reasonable opportunity to be heard, if the commission finds:(a)The certificate of title was fraudulently procured or erroneously issued, or(b)The vehicle, manufactured home or mobile home has been scrapped, dismantled or destroyed.Suspension or revocation of a certificate of title does not in itself affect the validity of a security interest noted on it.When the commission suspends or revokes a certificate of title, the owner or person in possession of it shall, immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate to the commission.The commission may seize and impound any certificate of title which has been suspended or revoked.Codes, 1942, § 8125-47; Laws, 1968, ch. 531, § 27; Laws, 1999, ch. 556, § 28, eff. 7/1/1999. The State Tax Commission shall suspend or revoke a certificate of title, upon notice and reasonable opportunity to be heard, if the commission finds:(a)The certificate of title was fraudulently procured or erroneously issued, or(b)The vehicle, manufactured home or mobile home has been scrapped, dismantled or destroyed.Suspension or revocation of a certificate of title does not in itself affect the validity of a security interest noted on it.When the commission suspends or revokes a certificate of title, the owner or person in possession of it shall, immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate to the commission.The commission may seize and impound any certificate of title which has been suspended or revoked.Codes, 1942, § 8125-47; Laws, 1968, ch. 531, § 27; Laws, 1999, ch. 556, § 28, eff. 7/1/1999. The State Tax Commission shall suspend or revoke a certificate of title, upon notice and reasonable opportunity to be heard, if the commission finds:(a)The certificate of title was fraudulently procured or erroneously issued, or(b)The vehicle, manufactured home or mobile home has been scrapped, dismantled or destroyed.Suspension or revocation of a certificate of title does not in itself affect the validity of a security interest noted on it.When the commission suspends or revokes a certificate of title, the owner or person in possession of it shall, immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate to the commission.The commission may seize and impound any certificate of title which has been suspended or revoked.Codes, 1942, § 8125-47; Laws, 1968, ch. 531, § 27; Laws, 1999, ch. 556, § 28, eff. 7/1/1999. The State Tax Commission shall suspend or revoke a certificate of title, upon notice and reasonable opportunity to be heard, if the

commission finds: Suspension or revocation of a certificate of title does not in itself affect the validity of a security interest noted on it. When the commission suspends or revokes a certificate of title, the owner or person in possession of it shall, immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate to the commission. The commission may seize and impound any certificate of title which has been suspended or revoked. Codes, 1942, § 8125-47; Laws, 1968, ch. 531, § 27; Laws, 1999, ch. 556, § 28, eff. 7/1/1999.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-63 - Schedule of fees

There shall be paid to the Department of Revenue for issuing and processing documents required by this chapter, fees for motor vehicles according to the following schedule: (a) Each application for certificate of title issued under Section 63-21-9(2) \$ 9.00 (b) Each application for certificate of title not issued under Section 63-21-9(2) 9.00 (c) Each application for replacement or corrected certificate of title 9.00 (d) Each suspension or revocation of certificate of title 9.00 (e) Each notice of security interest 9.00 (f) Each release of security interest 9.00 (g) Each assignment by lienholder 9.00 (h) Each application for information as to the status of the title of a vehicle 9.00 The designated agent may add the sum of One Dollar (\$1.00) to each document processed for which a fee is charged to be retained as his commission for services rendered. All other fees collected shall be remitted to the department. If more than one (1) transaction is involved in any application on a single vehicle and if supported by all required documents, the fee charged by the department and by the designated agent for processing and issuing shall be considered as only one (1) transaction. Codes, 1942, § 8125-53; Laws, 1968, ch. 531, § 33; Laws, 1980, ch. 427, § 2; Laws, 2001, ch. 596, § 68; Laws, 2005, ch. 335, § 4; Laws, 2010, ch. 496, § 1, eff. 7/1/2010. There shall be paid to the Department of Revenue for issuing and processing documents required by this chapter, fees for motor vehicles according to the following schedule: (a) Each application for certificate of title issued under Section 63-21-9(2) \$ 9.00 (b) Each application for certificate of title not issued under Section 63-21-9(2) 9.00 (c) Each application for replacement or corrected certificate of title 9.00 (d) Each suspension or revocation of certificate of title 9.00 (e) Each notice of security interest 9.00 (f) Each release of security interest 9.00 (g) Each assignment by lienholder 9.00 (h) Each application for information as to the status of the title of a vehicle 9.00 The designated agent may add the sum of One Dollar (\$1.00) to each document processed for which a fee is charged to be retained as his commission for services rendered. All other fees collected shall be remitted to the department. If more than one (1) transaction is involved in any application on a single vehicle and if supported by all required documents, the fee charged by the department and by the designated agent for processing and issuing shall be considered as only one (1) transaction. Codes, 1942, § 8125-53; Laws, 1968, ch. 531, § 33; Laws, 1980, ch. 427, § 2; Laws, 2001, ch. 596, § 68; Laws, 2005, ch. 335, § 4; Laws, 2010, ch. 496, § 1, eff. 7/1/2010. There shall be paid to the Department of Revenue for issuing and processing documents required by this chapter, fees for motor vehicles according to the following schedule: (a) Each application for certificate of title issued under Section 63-21-9(2) \$ 9.00 (b) Each application for certificate of title not issued under Section 63-21-9(2) 9.00 (c) Each application for replacement or corrected certificate of title 9.00 (d) Each suspension or revocation of certificate of title 9.00 (e) Each notice of security interest 9.00 (f) Each release of security interest 9.00 (g) Each assignment by lienholder 9.00 (h) Each application for information as to the status of the title of a vehicle 9.00 The designated agent may add the sum of One Dollar (\$1.00) to each document processed for which a fee is charged to be retained as his commission for services rendered. All other fees collected shall be remitted to the department. If more than one (1) transaction is involved in any application on a single vehicle and if supported by all required documents, the fee charged by the department and by the designated agent for processing and issuing shall be considered as only one (1) transaction. Codes, 1942, § 8125-53; Laws, 1968, ch. 531, § 33; Laws, 1980, ch. 427, § 2; Laws, 2001, ch. 596, § 68; Laws, 2005, ch. 335, § 4; Laws, 2010, ch. 496, § 1, eff. 7/1/2010. There shall be paid to the Department of Revenue for issuing and processing documents required by this chapter, fees for motor vehicles according to the following schedule: The designated agent may add the sum of One Dollar (\$1.00) to each document processed for which a fee is charged to be retained as his commission for services rendered. All other fees collected shall be remitted to the department. If more than one (1) transaction is involved in any application on a single vehicle and if supported by all required documents, the fee charged by the department and by the designated agent for processing and issuing shall be considered as only one (1) transaction. Codes, 1942, § 8125-53; Laws, 1968, ch. 531, § 33; Laws, 1980, ch. 427, § 2; Laws, 2001, ch. 596, § 68; Laws, 2005, ch. 335, § 4; Laws, 2010, ch. 496, § 1, eff. 7/1/2010.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-64 - Fees paid to Department of Revenue for issuing and processing necessary documents

There shall be paid to the Department of Revenue for issuing and processing documents required by this chapter, fees for manufactured homes or mobile homes according to the following schedule: (a) Each application for certificate of title \$ 9.00 (b) Each application for replacement or corrected certificate of title 9.00 (c) Each suspension or revocation of certificate of title 9.00 (d) Each notice of security interest 9.00 (e) Each release of security interest 9.00 (f) Each assignment by lienholder 9.00 (g) Each application for information as to the status of the title of a manufactured home or mobile home 9.00 (h) Each application for retirement, destruction or severance of title

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-65 - Disposition of fees

The Department of Revenue shall deposit the fees collected under this chapter into a special fund that is created in the State Treasury to the credit of the department. As much of those fees as appropriated by the Legislature shall be used by the department to defray the cost of carrying out the duties of the department, including the maintenance of the automated statewide motor vehicle and manufactured housing registration system.Codes, 1942, § 8125-54; Laws, 1968, ch. 531, § 34; Laws, 1980, ch. 427, § 3; Laws, 1981, ch. 309, § 5; Laws, 1983, ch. 320, § 2; Laws, 1984, ch. 488, § 303; Laws, 1989, ch. 393, § 1; Laws, 1999, ch. 556, § 30; Laws, 2010, ch. 496, § 3, eff. 7/1/2010. The Department of Revenue shall deposit the fees collected under this chapter into a special fund that is created in the State Treasury to the credit of the department. As much of those fees as appropriated by the Legislature shall be used by the department to defray the cost of carrying out the duties of the department, including the maintenance of the automated statewide motor vehicle and manufactured housing registration system.Codes, 1942, § 8125-54; Laws, 1968, ch. 531, § 34; Laws, 1980, ch. 427, § 3; Laws, 1981, ch. 309, § 5; Laws, 1983, ch. 320, § 2; Laws, 1984, ch. 488, § 303; Laws, 1989, ch. 393, § 1; Laws, 1999, ch. 556, § 30; Laws, 2010, ch. 496, § 3, eff. 7/1/2010. The Department of Revenue shall deposit the fees collected under this chapter into a special fund that is created in the State Treasury to the credit of the department. As much of those fees as appropriated by the Legislature shall be used by the department to defray the cost of carrying out the duties of the department, including the maintenance of the automated statewide motor vehicle and manufactured housing registration system.Codes, 1942, § 8125-54; Laws, 1968, ch. 531, § 34; Laws, 1980, ch. 427, § 3; Laws, 1981, ch. 309, § 5; Laws, 1983, ch. 320, § 2; Laws, 1984, ch. 488, § 303; Laws, 1989, ch. 393, § 1; Laws, 1999, ch. 556, § 30; Laws, 2010, ch. 496, § 3, eff. 7/1/2010. The Department of Revenue shall deposit the fees collected under this chapter into a special fund that is created in the State Treasury to the credit of the department. As much of those fees as appropriated by the Legislature shall be used by the department to defray the cost of carrying out the duties of the department, including the maintenance of the automated statewide motor vehicle and manufactured housing registration system.Codes, 1942, § 8125-54; Laws, 1968, ch. 531, § 34; Laws, 1980, ch. 427, § 3; Laws, 1981, ch. 309, § 5; Laws, 1983, ch. 320, § 2; Laws, 1984, ch. 488, § 303; Laws, 1989, ch. 393, § 1; Laws, 1999, ch. 556, § 30; Laws, 2010, ch. 496, § 3, eff. 7/1/2010.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-67 - Use of duplicate copy of application for certificate of title as permit to operate motor vehicle

The rules and regulations promulgated by the State Tax Commission shall make suitable provisions for the use by an applicant of the duplicate copy of his application for a certificate of title to serve as a permit for the operation of the motor vehicle or the use and occupation of a manufactured home or mobile home described in the application until the commission either issues the certificate of title of such motor vehicle, manufactured home or mobile home or refuses to issue the certificate. The commission and every designated agent receiving an application for the certificate of title, when the provisions of this chapter have been otherwise complied with, shall deliver to the applicant the duplicate copy of his application which shall contain a suitable permit for the purposes mentioned in this paragraph. In the event the commission refuses to issue the certificate of title the applicant shall, immediately upon receiving written notice from the commission that such certificate will not be issued for the reason or reasons stated in the notice, deliver or mail to the commission by registered mail the duplicate copy of his application containing the permit mentioned in the previous paragraph of this section and, in the case of a vehicle, the current privilege license tag which was issued for the vehicle. The motor vehicle, manufactured home or mobile home described in said application shall not be operated on the highways or other public places of this state or used or occupied after the applicant receives notice that the certificate will not be issued unless its operation is subsequently authorized by the commission either by the issuance of a new permit or by a certificate of title. If for any reason the said duplicate copy of the application for certificate of title and, in the case of a vehicle, the current privilege license tag which was issued for the vehicle in question is not received by the commission within ten (10) calendar days after the commission mails written notice to the applicant that it will not issue the certificate of title applied for, the commission or, at the request of the commission, any state highway patrolman, sheriff or other peace officer of this state, is authorized and empowered to require and compel the surrender of said duplicate copy of the application for certificate of title and, in the case of a vehicle, the said current privilege license tag. The commission, after it obtains possession of said duplicate copy of application for certificate of title and, in the case of a vehicle, said current privilege license tag, is authorized to retain same until it is satisfied that said applicant is entitled to receive a certificate of title of the vehicle, manufactured home or mobile home in question. Codes, 1942, § 8125-29; Laws, 1968, ch. 531, § 9; Laws, 1999, ch. 556, § 31, eff. 7/1/1999. The rules and regulations promulgated by the State Tax Commission shall make suitable provisions for the use by an applicant of the duplicate copy of his application for a certificate of title to serve as a permit for the operation of the motor vehicle or the use and occupation of a manufactured home or mobile home described in the application until the commission either issues the certificate of title of such motor vehicle, manufactured home or mobile home or refuses to issue the certificate. The commission and every designated agent receiving an application for the certificate of title, when the provisions of this chapter have been otherwise complied with, shall deliver to the applicant the duplicate copy of his application which shall contain a suitable permit for the purposes mentioned in this paragraph. In the event the commission refuses to issue the certificate of title the applicant shall, immediately upon receiving written notice from the commission that such certificate will not be issued for the reason or reasons stated in the notice, deliver or mail to the commission by registered mail the duplicate copy of his application containing the permit mentioned in the previous paragraph of this section and, in the case of a vehicle, the current privilege license tag which was

issued for the vehicle. The motor vehicle, manufactured home or mobile home described in said application shall not be operated on the highways or other public places of this state or used or occupied after the applicant receives notice that the certificate will not be issued unless its operation is subsequently authorized by the commission either by the issuance of a new permit or by a certificate of title. If for any reason the said duplicate copy of the application for certificate of title and, in the case of a vehicle, the current privilege license tag which was issued for the vehicle in question is not received by the commission within ten (10) calendar days after the commission mails written notice to the applicant that it will not issue the certificate of title applied for, the commission or, at the request of the commission, any state highway patrolman, sheriff or other peace officer of this state, is authorized and empowered to require and compel the surrender of said duplicate copy of the application for certificate of title and, in the case of a vehicle, the said current privilege license tag. The commission, after it obtains possession of said duplicate copy of application for certificate of title and, in the case of a vehicle, said current privilege license tag, is authorized to retain same until it is satisfied that said applicant is entitled to receive a certificate of title of the vehicle, manufactured home or mobile home in question. Codes, 1942, § 8125-29; Laws, 1968, ch. 531, § 9; Laws, 1999, ch. 556, § 31, eff. 7/1/1999. The rules and regulations promulgated by the State Tax Commission shall make suitable provisions for the use by an applicant of the duplicate copy of his application for a certificate of title to serve as a permit for the operation of the motor vehicle or the use and occupation of a manufactured home or mobile home described in the application until the commission either issues the certificate of title of such motor vehicle, manufactured home or mobile home or refuses to issue the certificate. The commission and every designated agent receiving an application for the certificate of title, when the provisions of this chapter have been otherwise complied with, shall deliver to the applicant the duplicate copy of his application which shall contain a suitable permit for the purposes mentioned in this paragraph. In the event the commission refuses to issue the certificate of title the applicant shall, immediately upon receiving written notice from the commission that such certificate will not be issued for the reason or reasons stated in the notice, deliver or mail to the commission by registered mail the duplicate copy of his application containing the permit mentioned in the previous paragraph of this section and, in the case of a vehicle, the current privilege license tag which was issued for the vehicle. The motor vehicle, manufactured home or mobile home described in said application shall not be operated on the highways or other public places of this state or used or occupied after the applicant receives notice that the certificate will not be issued unless its operation is subsequently authorized by the commission either by the issuance of a new permit or by a certificate of title. If for any reason the said duplicate copy of the application for certificate of title and, in the case of a vehicle, the current privilege license tag which was issued for the vehicle in question is not received by the commission within ten (10) calendar days after the commission mails written notice to the applicant that it will not issue the certificate of title applied for, the commission or, at the request of the commission, any state highway patrolman, sheriff or other peace officer of this state, is authorized and empowered to require and compel the surrender of said duplicate copy of the application for certificate of title and, in the case of a vehicle, the said current privilege license tag. The commission, after it obtains possession of said duplicate copy of application for certificate of title and, in the case of a vehicle, said current privilege license tag, is authorized to retain same until it is satisfied that said applicant is entitled to receive a certificate of title of the vehicle, manufactured home or mobile home in question. Codes, 1942, § 8125-29; Laws, 1968, ch. 531, § 9; Laws, 1999, ch. 556, § 31, eff. 7/1/1999.

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When a vehicle subject to titling under this chapter is acquired from a dealer or another person by sale or otherwise, the new owner of the vehicle shall have thirty (30) full working days, exclusive of the date of delivery, within which to make application for the required privilege license tag. No privilege license tag shall be issued by any tax collector or the State Tax Commission if the vehicle is subject to titling under this chapter unless the vehicle owner makes an application therefor and shall thereupon tender his application for certificate of title with the application for a privilege license. If, however, the vehicle owner already has a certificate of title, then the original certificate or, if his original certificate be in the hands of a lienholder, then his duplicate certificate or other official document as prescribed by the State Tax Commission shall be tendered to the tax collector or the State Tax Commission. The tax collector or the State Tax Commission, as the case may be, shall thereupon enter the number of the application or certificate on the privilege license application and on the privilege license receipt. The provisions and requirements of this section implement the provisions and requirements of Section 27-19-59 and Section 27-19-61. Nothing contained in this section or in this chapter shall in any way amend or supersede any of the existing statutes of this state or any of the provisions or requirements of such statutes with respect to the registration of vehicles and making applications for privilege licenses for vehicles. However, the State Tax Commission shall by suitable rules and regulations provide for the implementation of the requirements of this section and this chapter with the requirements of existing statutes with respect to the registration of vehicles and with respect to obtaining privilege licenses therefor. Codes, 1942, § 8125-57; Laws, 1968, ch. 531, § 37; Laws, 1977, ch. 484, § 15; Laws, 1987, ch. 338, § 2, eff. 7/1/1987. Amended by Laws, 2024, ch. 390, HB 310, § 1, eff. 7/1/2024. When a vehicle subject to titling under this chapter is acquired from a dealer or another person by sale or otherwise, the new owner of the vehicle shall have thirty (30) full working days, exclusive of the date of delivery, within which to make application for the required privilege license tag. No privilege license tag shall be issued by any tax collector or the State Tax Commission if the vehicle is subject to titling under this chapter unless the vehicle owner makes an application therefor and shall thereupon tender his application for certificate of title with the application for

a privilege license. If, however, the vehicle owner already has a certificate of title, then the original certificate or, if his original certificate be in the hands of a lienholder, then his duplicate certificate or other official document as prescribed by the State Tax Commission shall be tendered to the tax collector or the State Tax Commission. The tax collector or the State Tax Commission, as the case may be, shall thereupon enter the number of the application or certificate on the privilege license application and on the privilege license receipt. The provisions and requirements of this section implement the provisions and requirements of Section 27-19-59 and Section 27-19-61. Nothing contained in this section or in this chapter shall in any way amend or supersede any of the existing statutes of this state or any of the provisions or requirements of such statutes with respect to the registration of vehicles and making applications for privilege licenses for vehicles. However, the State Tax Commission shall by suitable rules and regulations provide for the implementation of the requirements of this section and this chapter with the requirements of existing statutes with respect to the registration of vehicles and with respect to obtaining privilege licenses therefor. Codes, 1942, § 8125-57; Laws, 1968, ch. 531, § 37; Laws, 1977, ch. 484, § 15; Laws, 1987, ch. 338, § 2, eff. 7/1/1987. Amended by Laws, 2024, ch. 390, HB 310, § 1, eff. 7/1/2024. When a vehicle subject to titling under this chapter is acquired from a dealer or another person by sale or otherwise, the new owner of the vehicle shall have thirty (30) full working days, exclusive of the date of delivery, within which to make application for the required privilege license tag. No privilege license tag shall be issued by any tax collector or the State Tax Commission if the vehicle is subject to titling under this chapter unless the vehicle owner makes an application therefor and shall thereupon tender his application for certificate of title with the application for a privilege license. If, however, the vehicle owner already has a certificate of title, then the original certificate or, if his original certificate be in the hands of a lienholder, then his duplicate certificate or other official document as prescribed by the State Tax Commission shall be tendered to the tax collector or the State Tax Commission. The tax collector or the State Tax Commission, as the case may be, shall thereupon enter the number of the application or certificate on the privilege license application and on the privilege license receipt. The provisions and requirements of this section implement the provisions and requirements of Section 27-19-59 and Section 27-19-61. Nothing contained in this section or in this chapter shall in any way amend or supersede any of the existing statutes of this state or any of the provisions or requirements of such statutes with respect to the registration of vehicles and making applications for privilege licenses for vehicles. However, the State Tax Commission shall by suitable rules and regulations provide for the implementation of the requirements of this section and this chapter with the requirements of existing statutes with respect to the registration of vehicles and with respect to obtaining privilege licenses therefor. Codes, 1942, § 8125-57; Laws, 1968, ch. 531, § 37; Laws, 1977, ch. 484, § 15; Laws, 1987, ch. 338, § 2, eff. 7/1/1987. Amended by Laws, 2024, ch. 390, HB 310, § 1, eff. 7/1/2024. When a vehicle subject to titling under this chapter is acquired from a dealer or another person by sale or otherwise, the new owner of the vehicle shall have thirty (30) full working days, exclusive of the date of delivery, within which to make application for the required privilege license tag. No privilege license tag shall be issued by any tax collector or the State Tax Commission if the vehicle is subject to titling under this chapter unless the vehicle owner makes an application therefor and shall thereupon tender his application for certificate of title with the application for a privilege license. If, however, the vehicle owner already has a certificate of title, then the original certificate or, if his original certificate be in the hands of a lienholder, then his duplicate certificate or other official document as prescribed by the State Tax Commission shall be tendered to the tax collector or the State Tax Commission. The tax collector or the State Tax Commission, as the case may be, shall thereupon enter the number of the application or certificate on the privilege license application and on the privilege license receipt. The provisions and requirements of this section implement the provisions and requirements of Section 27-19-59 and Section 27-19-61. Nothing contained in this section or in this chapter shall in any way amend or supersede any of the existing statutes of this state or any of the provisions or requirements of such statutes with respect to the registration of vehicles and making applications for privilege licenses for vehicles. However, the State Tax Commission shall by suitable rules and regulations provide for the implementation of the requirements of this section and this chapter with the requirements of existing statutes with respect to the registration of vehicles and with respect to obtaining privilege licenses therefor. Codes, 1942, § 8125-57; Laws, 1968, ch. 531, § 37; Laws, 1977, ch. 484, § 15; Laws, 1987, ch. 338, § 2, eff. 7/1/1987. Amended by Laws, 2024, ch. 390, HB 310, § 1, eff. 7/1/2024.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-7 - Administration

(1) The State Tax Commission shall prescribe and provide suitable forms of applications, certificates of title, notices of security interests, and all other notices and forms necessary to carry out the provisions of this chapter. (2) The State Tax Commission may: (a) Promulgate such rules and regulations deemed by it to be appropriate to implement the provisions of the chapter. (b) Make necessary investigations to procure information required to carry out the provisions of this chapter. (c) Assign a new vehicle identification number to a vehicle if it has none, or if its vehicle identification number is destroyed or obliterated, and then shall issue a new certificate of title showing the new identifying number or make an appropriate endorsement on the original certificate. (3) The State Tax Commission shall make available information concerning the status of a title on any vehicle as reflected by the records in a manner as prescribed by the State Tax Commission. Such information supplied by the State Tax Commission shall be considered official only if in writing. The State Tax Commission shall charge the fees as set forth in Section 63-21-63. However, no fee shall be charged Mississippi law enforcement agencies or law enforcement agencies of any other state when such state furnishes like or similar information without charge to the State Tax Commission or other Mississippi law enforcement agencies. Codes, 1942, § 8125-48; Laws, 1968, ch. 531, § 28; Laws, 2001, ch. 596, § 65, eff. 7/1/2001. (1) The State Tax

Commission shall prescribe and provide suitable forms of applications, certificates of title, notices of security interests, and all other notices and forms necessary to carry out the provisions of this chapter.(2)The State Tax Commission may:(a)Promulgate such rules and regulations deemed by it to be appropriate to implement the provisions of the chapter.(b)Make necessary investigations to procure information required to carry out the provisions of this chapter.(c)Assign a new vehicle identification number to a vehicle if it has none, or if its vehicle identification number is destroyed or obliterated, and then shall issue a new certificate of title showing the new identifying number or make an appropriate endorsement on the original certificate.(3)The State Tax Commission shall make available information concerning the status of a title on any vehicle as reflected by the records in a manner as prescribed by the State Tax Commission. Such information supplied by the State Tax Commission shall be considered official only if in writing. The State Tax Commission shall charge the fees as set forth in Section63-21-63. However, no fee shall be charged Mississippi law enforcement agencies or law enforcement agencies of any other state when such state furnishes like or similar information without charge to the State Tax Commission or other Mississippi law enforcement agencies.Codes, 1942, § 8125-48; Laws, 1968, ch. 531, § 28; Laws, 2001, ch. 596, § 65, eff. 7/1/2001. (1)The State Tax Commission shall prescribe and provide suitable forms of applications, certificates of title, notices of security interests, and all other notices and forms necessary to carry out the provisions of this chapter.(2)The State Tax Commission may:(a)Promulgate such rules and regulations deemed by it to be appropriate to implement the provisions of the chapter.(b)Make necessary investigations to procure information required to carry out the provisions of this chapter.(c)Assign a new vehicle identification number to a vehicle if it has none, or if its vehicle identification number is destroyed or obliterated, and then shall issue a new certificate of title showing the new identifying number or make an appropriate endorsement on the original certificate.(3)The State Tax Commission shall make available information concerning the status of a title on any vehicle as reflected by the records in a manner as prescribed by the State Tax Commission. Such information supplied by the State Tax Commission shall be considered official only if in writing. The State Tax Commission shall charge the fees as set forth in Section63-21-63. However, no fee shall be charged Mississippi law enforcement agencies or law enforcement agencies of any other state when such state furnishes like or similar information without charge to the State Tax Commission or other Mississippi law enforcement agencies.Codes, 1942, § 8125-48; Laws, 1968, ch. 531, § 28; Laws, 2001, ch. 596, § 65, eff. 7/1/2001. Codes, 1942, § 8125-48; Laws, 1968, ch. 531, § 28; Laws, 2001, ch. 596, § 65, eff. 7/1/2001.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261)Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77)Section 63-21-70 - Special license plate and windshield decals indicating impaired or limited ability to communicate with law enforcement

(1)Upon application by any legal resident of the State of Mississippi with a health condition or disability which limits or impairs the ability to effectively communicate with law enforcement, the department shall prepare and issue through the county tax collectors a special decal that is to be placed on license plates and on front left windshield corners bearing that indication for any vehicles that are registered in the applicant's name or otherwise authorized to be applied for by the applicant.(2)The initial application shall be accompanied by the certification of a Mississippi licensed physician or Mississippi licensed psychologist who will prescribe that (a) the applicant or the applicant's child, parent or spouse has a physical or mental health condition that will impair the ability to effectively communicate with law enforcement; and (b) the physician or psychologist has determined that the applicant or the applicant's child, parent or spouse will have the communication impairment for at least five (5) years. The department shall prepare and issue to the tax collectors of the various counties, decals for placement on license plates.(3)A person to whom the special decal is issued may retain the special decal and may renew it on the issuance of a new license plate by submitting to the county tax collector, on or before its expiration, the certification of a Mississippi licensed physician or Mississippi licensed psychologist who will prescribe that (a) the applicant or the applicant's child, parent or spouse has a physical or mental health condition that will impair the ability to effectively communicate with law enforcement; and (b) the physician or psychologist has determined that the applicant or the applicant's child, parent or spouse will have the communication impairment for at least five (5) years.(4)Information supplied to the department or to the county tax collector is for confidential use and may not be disclosed to any person.Added by Laws, 2020, ch. 442, SB 2764,§ 1, eff. 1/1/2021. (1)Upon application by any legal resident of the State of Mississippi with a health condition or disability which limits or impairs the ability to effectively communicate with law enforcement, the department shall prepare and issue through the county tax collectors a special decal that is to be placed on license plates and on front left windshield corners bearing that indication for any vehicles that are registered in the applicant's name or otherwise authorized to be applied for by the applicant.(2)The initial application shall be accompanied by the certification of a Mississippi licensed physician or Mississippi licensed psychologist who will prescribe that (a) the applicant or the applicant's child, parent or spouse has a physical or mental health condition that will impair the ability to effectively communicate with law enforcement; and (b) the physician or psychologist has determined that the applicant or the applicant's child, parent or spouse will have the communication impairment for at least five (5) years. The department shall prepare and issue to the tax collectors of the various counties, decals for placement on license plates.(3)A person to whom the special decal is issued may retain the special decal and may renew it on the issuance of a new license plate by submitting to the county tax collector, on or before its expiration, the certification of a Mississippi licensed physician or Mississippi licensed psychologist who will prescribe that (a) the applicant or the applicant's child, parent or spouse has a physical or mental health condition that will impair the ability to effectively communicate with law enforcement; and (b) the physician or psychologist has determined that the applicant or the applicant's child, parent or spouse will have the communication impairment for at least five (5) years.(4)Information supplied to the department or to the county tax collector is for confidential use

and may not be disclosed to any person. Added by Laws, 2020, ch. 442, SB 2764, § 1, eff. 1/1/2021. (1) Upon application by any legal resident of the State of Mississippi with a health condition or disability which limits or impairs the ability to effectively communicate with law enforcement, the department shall prepare and issue through the county tax collectors a special decal that is to be placed on license plates and on front left windshield corners bearing that indication for any vehicles that are registered in the applicant's name or otherwise authorized to be applied for by the applicant. (2) The initial application shall be accompanied by the certification of a Mississippi licensed physician or Mississippi licensed psychologist who will prescribe that (a) the applicant or the applicant's child, parent or spouse has a physical or mental health condition that will impair the ability to effectively communicate with law enforcement; and (b) the physician or psychologist has determined that the applicant or the applicant's child, parent or spouse will have the communication impairment for at least five (5) years. The department shall prepare and issue to the tax collectors of the various counties, decals for placement on license plates. (3) A person to whom the special decal is issued may retain the special decal and may renew it on the issuance of a new license plate by submitting to the county tax collector, on or before its expiration, the certification of a Mississippi licensed physician or Mississippi licensed psychologist who will prescribe that (a) the applicant or the applicant's child, parent or spouse has a physical or mental health condition that will impair the ability to effectively communicate with law enforcement; and (b) the physician or psychologist has determined that the applicant or the applicant's child, parent or spouse will have the communication impairment for at least five (5) years. (4) Information supplied to the department or to the county tax collector is for confidential use and may not be disclosed to any person. Added by Laws, 2020, ch. 442, SB 2764, § 1, eff. 1/1/2021. Added by Laws, 2020, ch. 442, SB 2764, § 1, eff. 1/1/2021.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-71 - Penalties for violations of chapter generally

It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by the law of this state declared to be a felony. Every person convicted of a misdemeanor for the violation of any of the provisions of this chapter shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not more than six months, or by both such fine and imprisonment. Codes, 1942, § 8125-55; Laws, 1968, ch. 531, § 35, eff. 8/9/1968. It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by the law of this state declared to be a felony. Every person convicted of a misdemeanor for the violation of any of the provisions of this chapter shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not more than six months, or by both such fine and imprisonment. Codes, 1942, § 8125-55; Laws, 1968, ch. 531, § 35, eff. 8/9/1968. It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by the law of this state declared to be a felony. Every person convicted of a misdemeanor for the violation of any of the provisions of this chapter shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not more than six months, or by both such fine and imprisonment. Codes, 1942, § 8125-55; Laws, 1968, ch. 531, § 35, eff. 8/9/1968. It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by the law of this state declared to be a felony. Every person convicted of a misdemeanor for the violation of any of the provisions of this chapter shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not more than six months, or by both such fine and imprisonment. Codes, 1942, § 8125-55; Laws, 1968, ch. 531, § 35, eff. 8/9/1968.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-73 - Penalty for felonies

Any person who is convicted of a violation of any of the provisions of this chapter herein or by the laws of this state declared to constitute a felony shall be punished by imprisonment for not less than one year nor more than five years, or by a fine of not less than five hundred dollars (\$500.00) nor more than five thousand dollars (\$5,000.00), or by both such fine and imprisonment. Codes, 1942, § 8125-56; Laws, 1968, ch. 531, § 36, eff. 8/9/1968. Any person who is convicted of a violation of any of the provisions of this chapter herein or by the laws of this state declared to constitute a felony shall be punished by imprisonment for not less than one year nor more than five years, or by a fine of not less than five hundred dollars (\$500.00) nor more than five thousand dollars (\$5,000.00), or by both such fine and imprisonment. Codes, 1942, § 8125-56; Laws, 1968, ch. 531, § 36, eff. 8/9/1968. Any person who is convicted of a violation of any of the provisions of this chapter herein or by the laws of this state declared to constitute a felony shall be punished by imprisonment for not less than one year nor more than five years, or by a fine of not less than five hundred dollars (\$500.00) nor more than five thousand dollars (\$5,000.00), or by both such fine and imprisonment. Codes, 1942, § 8125-56; Laws, 1968, ch. 531, § 36, eff. 8/9/1968. Any person who is convicted of a violation of any of the provisions of this chapter herein or by the laws of this state declared to constitute a felony shall be punished by imprisonment for not less than one year nor more than five years, or by a fine of not less than five hundred dollars (\$500.00) nor more than five thousand dollars (\$5,000.00), or by both such fine and imprisonment. Codes, 1942, § 8125-56; Laws, 1968, ch. 531, § 36, eff. 8/9/1968.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-75 - Enforcement of chapter

The Department of Revenue is charged with the enforcement of the provisions of this chapter and the department is hereby

authorized and empowered to call upon any and all law enforcement agencies and officers of this state for such assistance as it may deem necessary in order to assure such enforcement. It shall be the duty of such law enforcement agencies and officers to render such assistance to the Department of Revenue when called upon by the department to so do. Codes, 1942, § 8125-61; Laws, 1968, ch. 531, § 41; Laws, 2001, ch. 596, § 69; Laws, 2009, ch. 492, § 125, eff. 7/1/2010. The Department of Revenue is charged with the enforcement of the provisions of this chapter and the department is hereby authorized and empowered to call upon any and all law enforcement agencies and officers of this state for such assistance as it may deem necessary in order to assure such enforcement. It shall be the duty of such law enforcement agencies and officers to render such assistance to the Department of Revenue when called upon by the department to so do. Codes, 1942, § 8125-61; Laws, 1968, ch. 531, § 41; Laws, 2001, ch. 596, § 69; Laws, 2009, ch. 492, § 125, eff. 7/1/2010. The Department of Revenue is charged with the enforcement of the provisions of this chapter and the department is hereby authorized and empowered to call upon any and all law enforcement agencies and officers of this state for such assistance as it may deem necessary in order to assure such enforcement. It shall be the duty of such law enforcement agencies and officers to render such assistance to the Department of Revenue when called upon by the department to so do. Codes, 1942, § 8125-61; Laws, 1968, ch. 531, § 41; Laws, 2001, ch. 596, § 69; Laws, 2009, ch. 492, § 125, eff. 7/1/2010.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-77 - Construction of chapter

Section headings contained in this chapter shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of any section of this chapter. Codes, 1942, § 8125-58; Laws, 1968, ch. 531, § 38, eff. 8/9/1968. Section headings contained in this chapter shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of any section of this chapter. Codes, 1942, § 8125-58; Laws, 1968, ch. 531, § 38, eff. 8/9/1968. Section headings contained in this chapter shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of any section of this chapter. Codes, 1942, § 8125-58; Laws, 1968, ch. 531, § 38, eff. 8/9/1968. Section headings contained in this chapter shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of any section of this chapter. Codes, 1942, § 8125-58; Laws, 1968, ch. 531, § 38, eff. 8/9/1968.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 1 - GENERAL PROVISIONS (§§ 63-21-1 — 63-21-77) Section 63-21-9 - Requirement of certificate of title

(1) Except as provided in Section 63-21-11, every owner of a motor vehicle as defined in this chapter, which is in this state and which is manufactured or assembled after July 1, 1969, or which is the subject of first sale for use after July 1, 1969, every owner of a manufactured home as defined in this chapter, which is in this state and which is manufactured or assembled after July 1, 1999, or which is the subject of first sale for use after July 1, 1999, and every owner of a fully autonomous vehicle as defined in Section 3 of this act, which is in this state and which is manufactured or assembled after July 1, 2023, or which is the subject of first sale for use after July 1, 2023, shall make application to the Department of Revenue for a certificate of title with the following exceptions: (a) Voluntary application for title may be made for any model motor vehicle which is in this state after July 1, 1969, for any model manufactured home or mobile home which is in this state after July 1, 1999, and for any model fully autonomous vehicles which is in this state after July 1, 2023, and any person bringing a motor vehicle, manufactured home, mobile home or fully autonomous vehicle into this state from a state which requires titling shall make application for title to the Department of Revenue within thirty (30) days thereafter. (b) After July 1, 1969, any dealer, acting for himself, or another, who sells, trades or otherwise transfers any new or used vehicle as defined in this chapter, after July 1, 1999, any dealer, acting for himself, or another, who sells, trades or otherwise transfers any new or used manufactured home or mobile home as defined in this chapter, and after July 1, 2023, any dealer, acting for himself, or another, who sells, trades or otherwise transfers any new or used fully autonomous vehicle as defined in Section 3 of this act, or any designated agent, shall furnish to the purchaser or transferee, without charge for either application or certificate of title, an application for title of said vehicle, manufactured home, mobile home or fully autonomous vehicle and cause to be forwarded to the Department of Revenue any and all documents required by the department to issue certificate of title to the purchaser or transferee. The purchaser or transferee may then use the duplicate application for title as a permit to operate vehicle as provided in Section 63-21-67, until certificate of title is received. (2) (a) Voluntary application for title may be made for any model all-terrain vehicle which is in this state. (b) A dealer who sells, trades or otherwise transfers any new or used all-terrain vehicles as defined in this chapter, may furnish to the purchaser or transferee, without charge for either application or certificate of title, an application for title of said vehicle, and cause to be forwarded to the State Tax Commission any and all documents required by the commission to issue certificate of title to the purchaser or transferee. (3) Any dealer, acting for himself or another who sells, trades or otherwise transfers any vehicle, manufactured home, mobile home or fully autonomous vehicle required to be titled under this chapter who does not comply with the provisions of this chapter shall be guilty of a misdemeanor and upon

conviction shall be fined a sum not exceeding Five Hundred Dollars (\$500.00).Codes, 1942, § 8125-24; Laws, 1968, ch. 531, § 4; Laws, 1970, ch. 483, § 1; Laws, 1979, ch. 333; Laws, 1999, ch. 556, § 4; Laws, 2005, ch. 335, § 2, eff. 7/1/2005.Amended by Laws, 2023, ch. 443, HB 1003,§ 33, eff. 7/1/2023. (1)Except as provided in Section63-21-11, every owner of a motor vehicle as defined in this chapter, which is in this state and which is manufactured or assembled after July 1, 1969, or which is the subject of first sale for use after July 1, 1969, every owner of a manufactured home as defined in this chapter, which is in this state and which is manufactured or assembled after July 1, 1999, or which is the subject of first sale for use after July 1, 1999, and every owner of a fully autonomous vehicle as defined in Section 3 of this act, which is in this state and which is manufactured or assembled after July 1, 2023, or which is the subject of first sale for use after July 1, 2023, shall make application to the Department of Revenue for a certificate of title with the following exceptions:(a)Voluntary application for title may be made for any model motor vehicle which is in this state after July 1, 1969, for any model manufactured home or mobile home which is in this state after July 1, 1999, and for any model fully autonomous vehicles which is in this state after July 1, 2023, and any person bringing a motor vehicle, manufactured home, mobile home or fully autonomous vehicle into this state from a state which requires titling shall make application for title to the Department of Revenue within thirty (30) days thereafter.(b)After July 1, 1969, any dealer, acting for himself, or another, who sells, trades or otherwise transfers any new or used vehicle as defined in this chapter, after July 1, 1999, any dealer, acting for himself, or another, who sells, trades or otherwise transfers any new or used manufactured home or mobile home as defined in this chapter, and after July 1, 2023, any dealer, acting for himself, or another, who sells, trades or otherwise transfers any new or used fully autonomous vehicle as defined in Section 3 of this act, or any designated agent, shall furnish to the purchaser or transferee, without charge for either application or certificate of title, an application for title of said vehicle, manufactured home, mobile home or fully autonomous vehicle and cause to be forwarded to the Department of Revenue any and all documents required by the department to issue certificate of title to the purchaser or transferee. The purchaser or transferee may then use the duplicate application for title as a permit to operate vehicle as provided in Section63-21-67, until certificate of title is received.(2)(a)Voluntary application for title may be made for any model all-terrain vehicle which is in this state.(b)A dealer who sells, trades or otherwise transfers any new or used all-terrain vehicles as defined in this chapter, may furnish to the purchaser or transferee, without charge for either application or certificate of title, an application for title of said vehicle, and cause to be forwarded to the State Tax Commission any and all documents required by the commission to issue certificate of title to the purchaser or transferee.(3)Any dealer, acting for himself or another who sells, trades or otherwise transfers any vehicle, manufactured home, mobile home or fully autonomous vehicle required to be titled under this chapter who does not comply with the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined a sum not exceeding Five Hundred Dollars (\$500.00).Codes, 1942, § 8125-24; Laws, 1968, ch. 531, § 4; Laws, 1970, ch. 483, § 1; Laws, 1979, ch. 333; Laws, 1999, ch. 556, § 4; Laws, 2005, ch. 335, § 2, eff. 7/1/2005.Amended by Laws, 2023, ch. 443, HB 1003,§ 33, eff. 7/1/2023. (1)Except as provided in Section63-21-11, every owner of a motor vehicle as defined in this chapter, which is in this state and which is manufactured or assembled after July 1, 1969, or which is the subject of first sale for use after July 1, 1969, every owner of a manufactured home as defined in this chapter, which is in this state and which is manufactured or assembled after July 1, 1999, or which is the subject of first sale for use after July 1, 1999, and every owner of a fully autonomous vehicle as defined in Section 3 of this act, which is in this state and which is manufactured or assembled after July 1, 2023, or which is the subject of first sale for use after July 1, 2023, shall make application to the Department of Revenue for a certificate of title with the following exceptions:(a)Voluntary application for title may be made for any model motor vehicle which is in this state after July 1, 1969, for any model manufactured home or mobile home which is in this state after July 1, 1999, and for any model fully autonomous vehicles which is in this state after July 1, 2023, and any person bringing a motor vehicle, manufactured home, mobile home or fully autonomous vehicle into this state from a state which requires titling shall make application for title to the Department of Revenue within thirty (30) days thereafter.(b)After July 1, 1969, any dealer, acting for himself, or another, who sells, trades or otherwise transfers any new or used vehicle as defined in this chapter, after July 1, 1999, any dealer, acting for himself, or another, who sells, trades or otherwise transfers any new or used manufactured home or mobile home as defined in this chapter, and after July 1, 2023, any dealer, acting for himself, or another, who sells, trades or otherwise transfers any new or used fully autonomous vehicle as defined in Section 3 of this act, or any designated agent, shall furnish to the purchaser or transferee, without charge for either application or certificate of title, an application for title of said vehicle, manufactured home, mobile home or fully autonomous vehicle and cause to be forwarded to the Department of Revenue any and all documents required by the department to issue certificate of title to the purchaser or transferee. The purchaser or transferee may then use the duplicate application for title as a permit to operate vehicle as provided in Section63-21-67, until certificate of title is received.(2)(a)Voluntary application for title may be made for any model all-terrain vehicle which is in this state.(b)A dealer who sells, trades or otherwise transfers any new or used all-terrain vehicles as defined in this chapter, may furnish to the purchaser or transferee, without charge for either application or certificate of title, an application for title of said vehicle, and cause to be forwarded to the State Tax Commission any and all documents required by the commission to issue certificate of title to the purchaser or transferee.(3)Any dealer, acting for himself or another who sells, trades or otherwise transfers any vehicle, manufactured home, mobile home or fully autonomous vehicle required to be titled under this chapter who does not comply with the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined a sum not exceeding Five Hundred Dollars (\$500.00).Codes, 1942, § 8125-24; Laws, 1968, ch. 531, § 4; Laws, 1970, ch. 483, § 1; Laws, 1979, ch. 333; Laws, 1999, ch. 556, § 4; Laws, 2005, ch. 335, § 2, eff. 7/1/2005. Amended by Laws, 2023, ch. 443, HB 1003,§ 33,

eff. 7/1/2023.

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Any motor vehicle, trailer or similar conveyance used to transport another motor vehicle or crushed motor vehicle sold in violation of Section 63-21-39 or otherwise used to aid in the commission of a violation of Section 63-21-39 may be seized by a law enforcement agency and is subject to forfeiture ordered by the court in the manner and under the terms and conditions set out for forfeitures of a vehicle, trailer or similar conveyance in this article; however, no conveyance is subject to forfeiture under this article by reason of any act or omission proved by the owner thereof to have been committed or omitted without his knowledge or consent. If the seizing law enforcement agency has reason to believe that the conveyance is a leased or rented conveyance, then the seizing law enforcement agency shall notify the owner of the conveyance as soon as practicable after the seizure. A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission. Added by Laws, 2013, ch. 570, HB 1344, 2, eff. 7/1/2013. Any motor vehicle, trailer or similar conveyance used to transport another motor vehicle or crushed motor vehicle sold in violation of Section 63-21-39 or otherwise used to aid in the commission of a violation of Section 63-21-39 may be seized by a law enforcement agency and is subject to forfeiture ordered by the court in the manner and under the terms and conditions set out for forfeitures of a vehicle, trailer or similar conveyance in this article; however, no conveyance is subject to forfeiture under this article by reason of any act or omission proved by the owner thereof to have been committed or omitted without his knowledge or consent. If the seizing law enforcement agency has reason to believe that the conveyance is a leased or rented conveyance, then the seizing law enforcement agency shall notify the owner of the conveyance as soon as practicable after the seizure. A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission. Added by Laws, 2013, ch. 570, HB 1344, 2, eff. 7/1/2013. Any motor vehicle, trailer or similar conveyance used to transport another motor vehicle or crushed motor vehicle sold in violation of Section 63-21-39 or otherwise used to aid in the commission of a violation of Section 63-21-39 may be seized by a law enforcement agency and is subject to forfeiture ordered by the court in the manner and under the terms and conditions set out for forfeitures of a vehicle, trailer or similar conveyance in this article; however, no conveyance is subject to forfeiture under this article by reason of any act or omission proved by the owner thereof to have been committed or omitted without his knowledge or consent. If the seizing law enforcement agency has reason to believe that the conveyance is a leased or rented conveyance, then the seizing law enforcement agency shall notify the owner of the conveyance as soon as practicable after the seizure. A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission. Added by Laws, 2013, ch. 570, HB 1344, 2, eff. 7/1/2013. Any motor vehicle, trailer or similar conveyance used to transport another motor vehicle or crushed motor vehicle sold in violation of Section 63-21-39 or otherwise used to aid in the commission of a violation of Section 63-21-39 may be seized by a law enforcement agency and is subject to forfeiture ordered by the court in the manner and under the terms and conditions set out for forfeitures of a vehicle, trailer or similar conveyance in this article; however, no conveyance is subject to forfeiture under this article by reason of any act or omission proved by the owner thereof to have been committed or omitted without his knowledge or consent. If the seizing law enforcement agency has reason to believe that the conveyance is a leased or rented conveyance, then the seizing law enforcement agency shall notify the owner of the conveyance as soon as practicable after the seizure. A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission. Added by Laws, 2013, ch. 570, HB 1344, 2, eff. 7/1/2013.

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(1) When any vehicle, trailer or similar conveyance is used in the commission of a violation of Section 63-21-39, the vehicle, trailer or similar conveyance so used is subject to seizure by the applicable law enforcement agency and the vehicle, trailer or similar conveyance may be forfeited by the administrative forfeiture procedures provided for in Sections 63-21-101 through 63-21-107. (2) The attorney for or any representative of the seizing law enforcement agency shall provide notice of intention to forfeit the seized vehicle, trailer or similar conveyance administratively, either by certified mail, return receipt requested, or by personal delivery, to all persons who are required to be notified pursuant to this section. (3) In the event that notice of intention to forfeit the seized vehicle, trailer or similar conveyance administratively cannot be given as provided in subsection (2) of this section because of refusal, failure to claim, insufficient address or any other reason, the attorney for or representative of the seizing law enforcement agency shall provide notice by publication in a newspaper of general circulation in the county in which the seizure occurred for once a week for three (3) consecutive weeks. (4) Notice pursuant to subsections (2) and (3) of this section shall include the following information: (a) A description of the vehicle, trailer or similar conveyance; (b) The approximate value of the

vehicle, trailer or similar conveyance;(c)The date and place of the seizure;(d)The connection between the vehicle, trailer or similar conveyance and the violation of Section63-21-39;(e)The instructions for filing a request for judicial review; and(f)A statement that the vehicle, trailer or similar conveyance will be forfeited to the seizing law enforcement agency if a request for judicial review is not timely filed.(5)Any person claiming an interest in a vehicle, trailer or similar conveyance which is the subject of a notice under this section may, within thirty (30) days after receipt of the notice or of the date of the first publication of the notice, file a petition to contest forfeiture signed by the claimant in the county court, if a county court exists, or otherwise in the circuit court of the county in which the seizure is made or the county in which the criminal prosecution is brought, in order to claim an interest in the vehicle, trailer or similar conveyance. Upon the filing of the petition and the payment of the filing fees, service of the petition shall be made on the attorney for or representative of the seizing law enforcement agency, and the proceedings shall thereafter be governed by the rules of civil procedure.(6)If no petition to contest forfeiture is timely filed, the attorney for the seizing law enforcement agency shall prepare a written declaration of forfeiture of the subject vehicle, trailer or similar conveyance and the forfeited vehicle, trailer or similar conveyance shall be used, distributed or disposed of in accordance with the provisions of Section63-21-107.Added by Laws, 2013, ch. 570, HB 1344, 3, eff. 7/1/2013. (1)When any vehicle, trailer or similar conveyance is used in the commission of a violation of Section63-21-39, the vehicle, trailer or similar conveyance so used is subject to seizure by the applicable law enforcement agency and the vehicle, trailer or similar conveyance may be forfeited by the administrative forfeiture procedures provided for in Sections63-21-101through63-21-107.(2)The attorney for or any representative of the seizing law enforcement agency shall provide notice of intention to forfeit the seized vehicle, trailer or similar conveyance administratively, either by certified mail, return receipt requested, or by personal delivery, to all persons who are required to be notified pursuant to this section.(3)In the event that notice of intention to forfeit the seized vehicle, trailer or similar conveyance administratively cannot be given as provided in subsection (2) of this section because of refusal, failure to claim, insufficient address or any other reason, the attorney for or representative of the seizing law enforcement agency shall provide notice by publication in a newspaper of general circulation in the county in which the seizure occurred for once a week for three (3) consecutive weeks.(4)Notice pursuant to subsections (2) and (3) of this section shall include the following information:(a)A description of the vehicle, trailer or similar conveyance;(b)The approximate value of the vehicle, trailer or similar conveyance;(c)The date and place of the seizure;(d)The connection between the vehicle, trailer or similar conveyance and the violation of Section63-21-39;(e)The instructions for filing a request for judicial review; and(f)A statement that the vehicle, trailer or similar conveyance will be forfeited to the seizing law enforcement agency if a request for judicial review is not timely filed.(5)Any person claiming an interest in a vehicle, trailer or similar conveyance which is the subject of a notice under this section may, within thirty (30) days after receipt of the notice or of the date of the first publication of the notice, file a petition to contest forfeiture signed by the claimant in the county court, if a county court exists, or otherwise in the circuit court of the county in which the seizure is made or the county in which the criminal prosecution is brought, in order to claim an interest in the vehicle, trailer or similar conveyance. Upon the filing of the petition and the payment of the filing fees, service of the petition shall be made on the attorney for or representative of the seizing law enforcement agency, and the proceedings shall thereafter be governed by the rules of civil procedure.(6)If no petition to contest forfeiture is timely filed, the attorney for the seizing law enforcement agency shall prepare a written declaration of forfeiture of the subject vehicle, trailer or similar conveyance and the forfeited vehicle, trailer or similar conveyance shall be used, distributed or disposed of in accordance with the provisions of Section63-21-107.Added by Laws, 2013, ch. 570, HB 1344, 3, eff. 7/1/2013. (1)When any vehicle, trailer or similar conveyance is used in the commission of a violation of Section63-21-39, the vehicle, trailer or similar conveyance so used is subject to seizure by the applicable law enforcement agency and the vehicle, trailer or similar conveyance may be forfeited by the administrative forfeiture procedures provided for in Sections63-21-101through63-21-107.(2)The attorney for or any representative of the seizing law enforcement agency shall provide notice of intention to forfeit the seized vehicle, trailer or similar conveyance administratively, either by certified mail, return receipt requested, or by personal delivery, to all persons who are required to be notified pursuant to this section.(3)In the event that notice of intention to forfeit the seized vehicle, trailer or similar conveyance administratively cannot be given as provided in subsection (2) of this section because of refusal, failure to claim, insufficient address or any other reason, the attorney for or representative of the seizing law enforcement agency shall provide notice by publication in a newspaper of general circulation in the county in which the seizure occurred for once a week for three (3) consecutive weeks.(4)Notice pursuant to subsections (2) and (3) of this section shall include the following information:(a)A description of the vehicle, trailer or similar conveyance;(b)The approximate value of the vehicle, trailer or similar conveyance;(c)The date and place of the seizure;(d)The connection between the vehicle, trailer or similar conveyance and the violation of Section63-21-39;(e)The instructions for filing a request for judicial review; and(f)A statement that the vehicle, trailer or similar conveyance will be forfeited to the seizing law enforcement agency if a request for judicial review is not timely filed.(5)Any person claiming an interest in a vehicle, trailer or similar conveyance which is the subject of a notice under this section may, within thirty (30) days after receipt of the notice or of the date of the first publication of the notice, file a petition to contest forfeiture signed by the claimant in the county court, if a county court exists, or otherwise in the circuit court of the county in which the seizure is made or the county in which the criminal prosecution is brought, in order to claim an interest in the vehicle, trailer or similar conveyance. Upon the filing of the petition and the payment of the filing fees, service of the petition shall be made on the attorney for or representative of the seizing law enforcement agency, and the proceedings shall thereafter be governed by the rules of civil procedure.(6)If no petition to contest forfeiture is timely filed, the attorney for the seizing law enforcement agency shall prepare a written declaration of forfeiture of the subject vehicle, trailer or similar conveyance and the forfeited vehicle, trailer or similar conveyance shall be used, distributed or disposed of in accordance with the provisions of Section63-21-107.Added by

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(1) Except as otherwise provided in Section 63-21-101, when any vehicle, trailer or similar conveyance is seized under this article, proceedings under this section shall be instituted within thirty (30) days from the date of seizure or the subject vehicle, trailer or similar conveyance shall be immediately returned to the party from whom seized. (2) A petition for forfeiture shall be filed in the name of the county or the municipality and may be filed in the county in which the seizure is made, the county in which the criminal prosecution is brought or the county in which the owner of the seized vehicle, trailer or similar conveyance is found. Forfeiture proceedings may be brought in the circuit court or the county court if a county court exists in the county and the value of the seized vehicle, trailer or similar conveyance is within the jurisdictional limits of the county court as set forth in Section 9-9-21, Mississippi Code of 1972. A copy of such petition shall be served upon the following persons by service of process in the same manner as in civil cases: (a) The owner of the vehicle, trailer or similar conveyance, if address is known; (b) Any secured party who has a registered lien or security interest or a lien or security interest of which law enforcement has actual knowledge, if the identity of such secured party can be ascertained by the local law enforcement agency by making a good faith effort to ascertain the identity of such secured party as described in subsections (3) and (4) of this section; (c) Any other bona fide lienholder or secured party or other person holding an interest in a vehicle, trailer or similar conveyance in the nature of a security interest of whom the local law enforcement agency has actual knowledge; (d) Any person in possession of vehicle, trailer or similar conveyance subject to forfeiture at the time that it was seized. (3) If the vehicle, trailer or similar conveyance is a motor vehicle, trailer or similar conveyance susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle, trailer or similar conveyance has been titled, the local law enforcement agency shall make inquiry of the Mississippi Department of Revenue as to what the records of the department show as to who is the record owner of the vehicle, trailer or similar conveyance and who, if anyone, holds any lien or security interest which affects the vehicle, trailer or similar conveyance. (4) If the vehicle, trailer or similar conveyance is a motor vehicle, trailer or similar conveyance and is not titled in the State of Mississippi, then the local law enforcement agency shall attempt to ascertain the name and address of the person in whose name the vehicle, trailer or similar conveyance is licensed, and if the vehicle, trailer or similar conveyance is licensed in a state which has in effect a certificate of title law, the local law enforcement agency shall make inquiry of the appropriate agency of that state as to what the records of the agency show as to who is the record owner of the vehicle, trailer or similar conveyance and who, if anyone, holds any lien, security interest or other instrument in the nature of a security device which affects the vehicle, trailer or similar conveyance. (5) In the event the answer to an inquiry states that the record owner of the vehicle, trailer or similar conveyance is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, encumbrance, security interest, other interest in the nature of a security interest, the local law enforcement agency shall cause any record owner and also any lienholder, secured party, other person who holds an interest in the vehicle, trailer or similar conveyance in the nature of a security interest, to be named in the petition of forfeiture and to be served with process in the same manner as in civil cases. (6) If the owner of the vehicle, trailer or similar conveyance cannot be found and served with a copy of the petition of forfeiture, or if no person was in possession of the vehicle, trailer or similar conveyance subject to forfeiture at the time that it was seized and the owner of the vehicle, trailer or similar conveyance is unknown, the local law enforcement agency shall file with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the hearing addressed to "the Unknown Owner of _____," filling in the blank space with a reasonably detailed description of the vehicle, trailer or similar conveyance subject to forfeiture. Service by publication shall contain the other requisites prescribed in Section 11-33-41, and shall be served as provided in Section 11-33-37, Mississippi Code of 1972, for publication of notice for attachments at law. (7) No proceedings instituted pursuant to the provisions of this article shall proceed to hearing unless the judge conducting the hearing is satisfied that this section has been complied with. Any answer received from an inquiry required by subsections (3) through (4) of this section shall be introduced into evidence at the hearing. Added by Laws, 2013, ch. 570, HB 1344, 4, eff. 7/1/2013. (1) Except as otherwise provided in Section 63-21-101, when any vehicle, trailer or similar conveyance is seized under this article, proceedings under this section shall be instituted within thirty (30) days from the date of seizure or the subject vehicle, trailer or similar conveyance shall be immediately returned to the party from whom seized. (2) A petition for forfeiture shall be filed in the name of the county or the municipality and may be filed in the county in which the seizure is made, the county in which the criminal prosecution is brought or the county in which the owner of the seized vehicle, trailer or similar conveyance is found. Forfeiture proceedings may be brought in the circuit court or the county court if a county court exists in the county and the value of the seized vehicle, trailer or similar conveyance is within the jurisdictional limits of the county court as set forth in Section 9-9-21, Mississippi Code of 1972. A copy of such petition shall be served upon the following persons by service of process in the same manner as in civil cases: (a) The owner of the vehicle, trailer or similar conveyance, if address is known; (b) Any secured party who has a registered lien or security interest or a lien or security interest of which law enforcement has actual knowledge, if the identity of such secured party can be ascertained by the local law enforcement agency by making a good faith effort to ascertain the identity of such secured party as described in subsections (3) and (4) of this section; (c) Any other bona fide lienholder or secured party or other person holding an interest in a vehicle, trailer or similar conveyance in the nature of a security interest of whom the

local law enforcement agency has actual knowledge;(d)Any person in possession of vehicle, trailer or similar conveyance subject to forfeiture at the time that it was seized.(3)If the vehicle, trailer or similar conveyance is a motor vehicle, trailer or similar conveyance susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle, trailer or similar conveyance has been titled, the local law enforcement agency shall make inquiry of the Mississippi Department of Revenue as to what the records of the department show as to who is the record owner of the vehicle, trailer or similar conveyance and who, if anyone, holds any lien or security interest which affects the vehicle, trailer or similar conveyance.(4)If the vehicle, trailer or similar conveyance is a motor vehicle, trailer or similar conveyance and is not titled in the State of Mississippi, then the local law enforcement agency shall attempt to ascertain the name and address of the person in whose name the vehicle, trailer or similar conveyance is licensed, and if the vehicle, trailer or similar conveyance is licensed in a state which has in effect a certificate of title law, the local law enforcement agency shall make inquiry of the appropriate agency of that state as to what the records of the agency show as to who is the record owner of the vehicle, trailer or similar conveyance and who, if anyone, holds any lien, security interest or other instrument in the nature of a security device which affects the vehicle, trailer or similar conveyance.(5)In the event the answer to an inquiry states that the record owner of the vehicle, trailer or similar conveyance is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, encumbrance, security interest, other interest in the nature of a security interest, the local law enforcement agency shall cause any record owner and also any lienholder, secured party, other person who holds an interest in the vehicle, trailer or similar conveyance in the nature of a security interest, to be named in the petition of forfeiture and to be served with process in the same manner as in civil cases.(6)If the owner of the vehicle, trailer or similar conveyance cannot be found and served with a copy of the petition of forfeiture, or if no person was in possession of the vehicle, trailer or similar conveyance subject to forfeiture at the time that it was seized and the owner of the vehicle, trailer or similar conveyance is unknown, the local law enforcement agency shall file with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the hearing addressed to "the Unknown Owner of _____," filling in the blank space with a reasonably detailed description of the vehicle, trailer or similar conveyance subject to forfeiture. Service by publication shall contain the other requisites prescribed in Section11-33-41, and shall be served as provided in Section11-33-37, Mississippi Code of 1972, for publication of notice for attachments at law.(7)No proceedings instituted pursuant to the provisions of this article shall proceed to hearing unless the judge conducting the hearing is satisfied that this section has been complied with. Any answer received from an inquiry required by subsections (3) through (4) of this section shall be introduced into evidence at the hearing.Added by Laws, 2013, ch. 570, HB 1344, 4, eff. 7/1/2013. (1)Except as otherwise provided in Section63-21-101, when any vehicle, trailer or similar conveyance is seized under this article, proceedings under this section shall be instituted within thirty (30) days from the date of seizure or the subject vehicle, trailer or similar conveyance shall be immediately returned to the party from whom seized.(2)A petition for forfeiture shall be filed in the name of the county or the municipality and may be filed in the county in which the seizure is made, the county in which the criminal prosecution is brought or the county in which the owner of the seized vehicle, trailer or similar conveyance is found. Forfeiture proceedings may be brought in the circuit court or the county court if a county court exists in the county and the value of the seized vehicle, trailer or similar conveyance is within the jurisdictional limits of the county court as set forth in Section9-9-21, Mississippi Code of 1972. A copy of such petition shall be served upon the following persons by service of process in the same manner as in civil cases:(a)The owner of the vehicle, trailer or similar conveyance, if address is known;(b)Any secured party who has a registered lien or security interest or a lien or security interest of which law enforcement has actual knowledge, if the identity of such secured party can be ascertained by the local law enforcement agency by making a good faith effort to ascertain the identity of such secured party as described in subsections (3) and (4) of this section;(c)Any other bona fide lienholder or secured party or other person holding an interest in a vehicle, trailer or similar conveyance in the nature of a security interest of whom the local law enforcement agency has actual knowledge;(d)Any person in possession of vehicle, trailer or similar conveyance subject to forfeiture at the time that it was seized.(3)If the vehicle, trailer or similar conveyance is a motor vehicle, trailer or similar conveyance susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle, trailer or similar conveyance has been titled, the local law enforcement agency shall make inquiry of the Mississippi Department of Revenue as to what the records of the department show as to who is the record owner of the vehicle, trailer or similar conveyance and who, if anyone, holds any lien or security interest which affects the vehicle, trailer or similar conveyance.(4)If the vehicle, trailer or similar conveyance is a motor vehicle, trailer or similar conveyance and is not titled in the State of Mississippi, then the local law enforcement agency shall attempt to ascertain the name and address of the person in whose name the vehicle, trailer or similar conveyance is licensed, and if the vehicle, trailer or similar conveyance is licensed in a state which has in effect a certificate of title law, the local law enforcement agency shall make inquiry of the appropriate agency of that state as to what the records of the agency show as to who is the record owner of the vehicle, trailer or similar conveyance and who, if anyone, holds any lien, security interest or other instrument in the nature of a security device which affects the vehicle, trailer or similar conveyance.(5)In the event the answer to an inquiry states that the record owner of the vehicle, trailer or similar conveyance is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, encumbrance, security interest, other interest in the nature of a security interest, the local law enforcement agency shall cause any record owner and also any lienholder, secured party, other person who holds an interest in the vehicle, trailer or similar conveyance in the nature of a security interest, to be named in the petition of forfeiture and to be served with process in the same manner as in civil cases.(6)If the owner of the vehicle, trailer or similar conveyance cannot be found and served with a copy of the petition of forfeiture, or if no person was in possession of the vehicle, trailer or similar conveyance subject to forfeiture at the time

that it was seized and the owner of the vehicle, trailer or similar conveyance is unknown, the local law enforcement agency shall file with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the hearing addressed to "the Unknown Owner of _____," filling in the blank space with a reasonably detailed description of the vehicle, trailer or similar conveyance subject to forfeiture. Service by publication shall contain the other requisites prescribed in Section 11-33-41, and shall be served as provided in Section 11-33-37, Mississippi Code of 1972, for publication of notice for attachments at law. (7) No proceedings instituted pursuant to the provisions of this article shall proceed to hearing unless the judge conducting the hearing is satisfied that this section has been complied with. Any answer received from an inquiry required by subsections (3) through (4) of this section shall be introduced into evidence at the hearing. Added by Laws, 2013, ch. 570, HB 1344, 4, eff. 7/1/2013. Added by Laws, 2013, ch. 570, HB 1344, 4, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 2 - PROCEDURES FOR FORFEITURE OF VEHICLES SEIZED IN MOTOR VEHICLE SCRAPPING OR DISMANTLING VIOLATIONS (§§ 63-21-101 — 63-21-111) Section 63-21-107 - Answer; hearing

(1) Except as otherwise provided in Section 63-21-101, an owner of a vehicle, trailer or similar conveyance that has been seized shall file an answer within thirty (30) days after the completion of service of process. If an answer is not filed, the court shall hear evidence that the vehicle, trailer or similar conveyance is subject to forfeiture and forfeit the vehicle, trailer or similar conveyance to the local law enforcement agency. If an answer is filed, a time for hearing on forfeiture shall be set within thirty (30) days of filing the answer or at the succeeding term of court if court would not be in progress within thirty (30) days after filing the answer. Provided, however, that upon request by the local law enforcement agency or the owner of the vehicle, trailer or similar conveyance, the court may postpone said forfeiture hearing to a date past the time any criminal action is pending against said owner. (2) If the owner of the vehicle, trailer or similar conveyance has filed an answer denying that the vehicle, trailer or similar conveyance is subject to forfeiture, then the burden is on the petitioner to prove that the vehicle, trailer or similar conveyance is subject to forfeiture. However, if an answer has not been filed by the owner of the vehicle, trailer or similar conveyance, the petition for forfeiture may be introduced into evidence and is prima facie evidence that the vehicle, trailer or similar conveyance is subject to forfeiture. The standard of proof placed upon the petitioner in regard to a vehicle, trailer or similar conveyance forfeited under the provisions of this article shall be by a preponderance of the evidence. (3) At the hearing any claimant of any right, title or interest in the vehicle, trailer or similar conveyance may prove his lien, encumbrance, security interest, or other interest in the nature of a security interest, to be bona fide and created without knowledge or consent that the vehicle, trailer or similar conveyance was to be used so as to cause the vehicle, trailer or similar conveyance to be subject to forfeiture. (4) If it is found that the vehicle, trailer or similar conveyance is subject to forfeiture, then the judge shall forfeit the vehicle, trailer or similar conveyance to the local law enforcement agency. However, if proof at the hearing discloses that the interest of any bona fide lienholder, secured party, other person holding an interest in the vehicle, trailer or similar conveyance in the nature of a security interest or any holder of a bona fide encumbrance is greater than or equal to the present value of the vehicle, trailer or similar conveyance, the court shall order the vehicle, trailer or similar conveyance released to him. If such interest is less than the present value of the vehicle, trailer or similar conveyance and if the proof shows that the vehicle, trailer or similar conveyance is subject to forfeiture, the court shall order the vehicle, trailer or similar conveyance forfeited to the local law enforcement agency. Added by Laws, 2013, ch. 570, HB 1344, 5, eff. 7/1/2013. (1) Except as otherwise provided in Section 63-21-101, an owner of a vehicle, trailer or similar conveyance that has been seized shall file an answer within thirty (30) days after the completion of service of process. If an answer is not filed, the court shall hear evidence that the vehicle, trailer or similar conveyance is subject to forfeiture and forfeit the vehicle, trailer or similar conveyance to the local law enforcement agency. If an answer is filed, a time for hearing on forfeiture shall be set within thirty (30) days of filing the answer or at the succeeding term of court if court would not be in progress within thirty (30) days after filing the answer. Provided, however, that upon request by the local law enforcement agency or the owner of the vehicle, trailer or similar conveyance, the court may postpone said forfeiture hearing to a date past the time any criminal action is pending against said owner. (2) If the owner of the vehicle, trailer or similar conveyance has filed an answer denying that the vehicle, trailer or similar conveyance is subject to forfeiture, then the burden is on the petitioner to prove that the vehicle, trailer or similar conveyance is subject to forfeiture. However, if an answer has not been filed by the owner of the vehicle, trailer or similar conveyance, the petition for forfeiture may be introduced into evidence and is prima facie evidence that the vehicle, trailer or similar conveyance is subject to forfeiture. The standard of proof placed upon the petitioner in regard to a vehicle, trailer or similar conveyance forfeited under the provisions of this article shall be by a preponderance of the evidence. (3) At the hearing any claimant of any right, title or interest in the vehicle, trailer or similar conveyance may prove his lien, encumbrance, security interest, or other interest in the nature of a security interest, to be bona fide and created without knowledge or consent that the vehicle, trailer or similar conveyance was to be used so as to cause the vehicle, trailer or similar conveyance to be subject to forfeiture. (4) If it is found that the vehicle, trailer or similar conveyance is subject to forfeiture, then the judge shall forfeit the vehicle, trailer or similar conveyance to the local law enforcement agency. However, if proof at the hearing discloses that the interest of any bona fide lienholder, secured party, other person holding an interest in the vehicle, trailer or similar conveyance in the nature of a security interest or any holder of a bona fide encumbrance is greater than or equal to the present value of the vehicle, trailer or similar conveyance, the court shall order the vehicle, trailer or similar conveyance released to him. If such interest is less than the present value of the vehicle, trailer or similar conveyance and if the proof shows that the vehicle, trailer or similar conveyance is subject to forfeiture, the court shall order the

vehicle, trailer or similar conveyance forfeited to the local law enforcement agency. Added by Laws, 2013, ch. 570, HB 1344, 5, eff. 7/1/2013. (1) Except as otherwise provided in Section 63-21-101, an owner of a vehicle, trailer or similar conveyance that has been seized shall file an answer within thirty (30) days after the completion of service of process. If an answer is not filed, the court shall hear evidence that the vehicle, trailer or similar conveyance is subject to forfeiture and forfeit the vehicle, trailer or similar conveyance to the local law enforcement agency. If an answer is filed, a time for hearing on forfeiture shall be set within thirty (30) days of filing the answer or at the succeeding term of court if court would not be in progress within thirty (30) days after filing the answer. Provided, however, that upon request by the local law enforcement agency or the owner of the vehicle, trailer or similar conveyance, the court may postpone said forfeiture hearing to a date past the time any criminal action is pending against said owner. (2) If the owner of the vehicle, trailer or similar conveyance has filed an answer denying that the vehicle, trailer or similar conveyance is subject to forfeiture, then the burden is on the petitioner to prove that the vehicle, trailer or similar conveyance is subject to forfeiture. However, if an answer has not been filed by the owner of the vehicle, trailer or similar conveyance, the petition for forfeiture may be introduced into evidence and is prima facie evidence that the vehicle, trailer or similar conveyance is subject to forfeiture. The standard of proof placed upon the petitioner in regard to a vehicle, trailer or similar conveyance forfeited under the provisions of this article shall be by a preponderance of the evidence. (3) At the hearing any claimant of any right, title or interest in the vehicle, trailer or similar conveyance may prove his lien, encumbrance, security interest, or other interest in the nature of a security interest, to be bona fide and created without knowledge or consent that the vehicle, trailer or similar conveyance was to be used so as to cause the vehicle, trailer or similar conveyance to be subject to forfeiture. (4) If it is found that the vehicle, trailer or similar conveyance is subject to forfeiture, then the judge shall forfeit the vehicle, trailer or similar conveyance to the local law enforcement agency. However, if proof at the hearing discloses that the interest of any bona fide lienholder, secured party, other person holding an interest in the vehicle, trailer or similar conveyance in the nature of a security interest or any holder of a bona fide encumbrance is greater than or equal to the present value of the vehicle, trailer or similar conveyance, the court shall order the vehicle, trailer or similar conveyance released to him. If such interest is less than the present value of the vehicle, trailer or similar conveyance and if the proof shows that the vehicle, trailer or similar conveyance is subject to forfeiture, the court shall order the vehicle, trailer or similar conveyance forfeited to the local law enforcement agency. Added by Laws, 2013, ch. 570, HB 1344, 5, eff. 7/1/2013. Added by Laws, 2013, ch. 570, HB 1344, 5, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 2 - PROCEDURES FOR FORFEITURE OF VEHICLES SEIZED IN MOTOR VEHICLE SCRAPPING OR DISMANTLING VIOLATIONS (§§ 63-21-101 — 63-21-111) Section 63-21-109 - Sale of forfeited vehicle; use of forfeited vehicles by law enforcement agencies; distribution of proceeds from liquidation of forfeited vehicle

(1) Any other vehicle, trailer or similar conveyance that has been forfeited shall, except as otherwise provided, be sold at a public auction for cash by the chief law enforcement officer of the initiating law enforcement agency, or his designee, to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale, in a newspaper having a general circulation in the jurisdiction in which said law enforcement agency is located. Such notices shall contain a description of the vehicle, trailer or similar conveyance to be sold and a statement of the time and place of sale. It shall not be necessary to the validity of such sale either to have the vehicle, trailer or similar conveyance present at the place of sale or to have the name of the owner thereof stated in such notice. The proceeds of the sale shall be disposed of as follows: (a) To any bona fide lienholder, secured party or other party holding an interest in the vehicle, trailer or similar conveyance in the nature of a security interest, to the extent of his interest; and (b) The balance, if any, remaining after deduction of all storage, court costs and expenses of liquidation shall be divided, forwarded and deposited in the same manner set out in subsection (3) of this section. (2) (a) Any county or municipal law enforcement agency may maintain, repair, use and operate for official purposes any vehicle, trailer or similar conveyance, that is described in subsection (1) of this section, that has been forfeited to the agency if it is free from any interest of a bona fide lienholder, secured party or other party who holds an interest in the vehicle, trailer or similar conveyance in the nature of a security interest. Such county or municipal law enforcement agency may purchase the interest of a bona fide lienholder, secured party or other party who holds an interest so that the vehicle, trailer or similar conveyance can be released for its use. The law enforcement agency shall be deemed to be the purchaser, and the certificate of title shall be issued to it. (b) (i) If a vehicle is forfeited to or transferred to a sheriff's department, then the sheriff may transfer the vehicle to the county for official or governmental use as the board of supervisors may direct. (ii) If a vehicle is forfeited to or transferred to a police department, then the police chief may transfer the vehicle to the municipality for official or governmental use as the governing authority of the municipality may direct. (c) If a motor vehicle forfeited to a county or municipal law enforcement agency becomes obsolete or is no longer needed for official or governmental purposes, it may be disposed of in accordance with Section 19-7-5 or in the manner provided by law for disposing of municipal vehicle, trailer or similar conveyance. (3) Any vehicle, trailer or similar conveyance which is forfeited under this article, except as provided in subsections (1) and (2) of this section, shall be liquidated and, after deduction of court costs and the expenses of liquidation, the proceeds shall be divided and deposited as follows: (a) In the event only one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, one hundred percent (100%) of the proceeds shall be deposited and credited to the budget of the participating law enforcement agency. (b) In the event more than one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, eighty percent (80%) of the proceeds shall be deposited and credited to the budget of

the law enforcement agency whose officers initiated the criminal case and twenty percent (20%) shall be divided equitably between or among the other participating law enforcement agencies, and shall be deposited and credited to the budgets of the participating law enforcement agencies. In the event that the other participating law enforcement agencies cannot agree on the division of their twenty percent (20%), a petition shall be filed by any one of them in the court in which the civil forfeiture case is brought and the court shall make an equitable division.(4)The Department of Revenue shall issue a certificate of title to any person who purchases property under the provisions of this section when a certificate of title is required under the laws of this state.Added by Laws, 2013, ch. 570, HB 1344, 6, eff. 7/1/2013. (1)Any other vehicle, trailer or similar conveyance that has been forfeited shall, except as otherwise provided, be sold at a public auction for cash by the chief law enforcement officer of the initiating law enforcement agency, or his designee, to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale, in a newspaper having a general circulation in the jurisdiction in which said law enforcement agency is located. Such notices shall contain a description of the vehicle, trailer or similar conveyance to be sold and a statement of the time and place of sale. It shall not be necessary to the validity of such sale either to have the vehicle, trailer or similar conveyance present at the place of sale or to have the name of the owner thereof stated in such notice. The proceeds of the sale shall be disposed of as follows:(a)To any bona fide lienholder, secured party or other party holding an interest in the vehicle, trailer or similar conveyance in the nature of a security interest, to the extent of his interest; and(b)The balance, if any, remaining after deduction of all storage, court costs and expenses of liquidation shall be divided, forwarded and deposited in the same manner set out in subsection (3) of this section.(2)(a)Any county or municipal law enforcement agency may maintain, repair, use and operate for official purposes any vehicle, trailer or similar conveyance, that is described in subsection (1) of this section, that has been forfeited to the agency if it is free from any interest of a bona fide lienholder, secured party or other party who holds an interest in the vehicle, trailer or similar conveyance in the nature of a security interest. Such county or municipal law enforcement agency may purchase the interest of a bona fide lienholder, secured party or other party who holds an interest so that the vehicle, trailer or similar conveyance can be released for its use. The law enforcement agency shall be deemed to be the purchaser, and the certificate of title shall be issued to it.(b)(i)If a vehicle is forfeited to or transferred to a sheriff's department, then the sheriff may transfer the vehicle to the county for official or governmental use as the board of supervisors may direct.(ii)If a vehicle is forfeited to or transferred to a police department, then the police chief may transfer the vehicle to the municipality for official or governmental use as the governing authority of the municipality may direct.(c)If a motor vehicle forfeited to a county or municipal law enforcement agency becomes obsolete or is no longer needed for official or governmental purposes, it may be disposed of in accordance with Section 19-7-50r in the manner provided by law for disposing of municipal vehicle, trailer or similar conveyance.(3)Any vehicle, trailer or similar conveyance which is forfeited under this article, except as provided in subsections (1) and (2) of this section, shall be liquidated and, after deduction of court costs and the expenses of liquidation, the proceeds shall be divided and deposited as follows:(a)In the event only one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, one hundred percent (100%) of the proceeds shall be deposited and credited to the budget of the participating law enforcement agency.(b)In the event more than one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, eighty percent (80%) of the proceeds shall be deposited and credited to the budget of the law enforcement agency whose officers initiated the criminal case and twenty percent (20%) shall be divided equitably between or among the other participating law enforcement agencies, and shall be deposited and credited to the budgets of the participating law enforcement agencies. In the event that the other participating law enforcement agencies cannot agree on the division of their twenty percent (20%), a petition shall be filed by any one of them in the court in which the civil forfeiture case is brought and the court shall make an equitable division.(4)The Department of Revenue shall issue a certificate of title to any person who purchases property under the provisions of this section when a certificate of title is required under the laws of this state.Added by Laws, 2013, ch. 570, HB 1344, 6, eff. 7/1/2013. (1)Any other vehicle, trailer or similar conveyance that has been forfeited shall, except as otherwise provided, be sold at a public auction for cash by the chief law enforcement officer of the initiating law enforcement agency, or his designee, to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale, in a newspaper having a general circulation in the jurisdiction in which said law enforcement agency is located. Such notices shall contain a description of the vehicle, trailer or similar conveyance to be sold and a statement of the time and place of sale. It shall not be necessary to the validity of such sale either to have the vehicle, trailer or similar conveyance present at the place of sale or to have the name of the owner thereof stated in such notice. The proceeds of the sale shall be disposed of as follows:(a)To any bona fide lienholder, secured party or other party holding an interest in the vehicle, trailer or similar conveyance in the nature of a security interest, to the extent of his interest; and(b)The balance, if any, remaining after deduction of all storage, court costs and expenses of liquidation shall be divided, forwarded and deposited in the same manner set out in subsection (3) of this section.(2)(a)Any county or municipal law enforcement agency may maintain, repair, use and operate for official purposes any vehicle, trailer or similar conveyance, that is described in subsection (1) of this section, that has been forfeited to the agency if it is free from any interest of a bona fide lienholder, secured party or other party who holds an interest in the vehicle, trailer or similar conveyance in the nature of a security interest. Such county or municipal law enforcement agency may purchase the interest of a bona fide lienholder, secured party or other party who holds an interest so that the vehicle, trailer or similar conveyance can be released for its use. The law enforcement agency shall be deemed to be the purchaser, and the certificate of title shall be issued to it.(b)(i)If a vehicle is forfeited to or transferred to a sheriff's department, then the sheriff may transfer the vehicle to the county for official or governmental use as the board of supervisors may direct.(ii)If a vehicle is forfeited to or transferred to a police

department, then the police chief may transfer the vehicle to the municipality for official or governmental use as the governing authority of the municipality may direct.(c)If a motor vehicle forfeited to a county or municipal law enforcement agency becomes obsolete or is no longer needed for official or governmental purposes, it may be disposed of in accordance with Section19-7-5or in the manner provided by law for disposing of municipal vehicle, trailer or similar conveyance.(3)Any vehicle, trailer or similar conveyance which is forfeited under this article, except as provided in subsections (1) and (2) of this section, shall be liquidated and, after deduction of court costs and the expenses of liquidation, the proceeds shall be divided and deposited as follows:(a)In the event only one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, one hundred percent (100%) of the proceeds shall be deposited and credited to the budget of the participating law enforcement agency.(b)In the event more than one (1) law enforcement agency participates in the underlying criminal case out of which the forfeiture arises, eighty percent (80%) of the proceeds shall be deposited and credited to the budget of the law enforcement agency whose officers initiated the criminal case and twenty percent (20%) shall be divided equitably between or among the other participating law enforcement agencies, and shall be deposited and credited to the budgets of the participating law enforcement agencies. In the event that the other participating law enforcement agencies cannot agree on the division of their twenty percent (20%), a petition shall be filed by any one of them in the court in which the civil forfeiture case is brought and the court shall make an equitable division.(4)The Department of Revenue shall issue a certificate of title to any person who purchases property under the provisions of this section when a certificate of title is required under the laws of this state.Added by Laws, 2013, ch. 570, HB 1344, 6, eff. 7/1/2013. Added by Laws, 2013, ch. 570, HB 1344, 6, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261)Article 2 - PROCEDURES FOR FORFEITURE OF VEHICLES SEIZED IN MOTOR VEHICLE SCRAPPING OR DISMANTLING VIOLATIONS (§§ 63-21-101 — 63-21-111)Section 63-21-111 - Exclusiveness of remedy

The forfeiture procedure set forth in this article are the sole remedy of any claimant, and no court shall have jurisdiction to interfere therewith by replevin, injunction, supersedeas or in any other manner.Added by Laws, 2013, ch. 570, HB 1344, 7, eff. 7/1/2013. The forfeiture procedure set forth in this article are the sole remedy of any claimant, and no court shall have jurisdiction to interfere therewith by replevin, injunction, supersedeas or in any other manner.Added by Laws, 2013, ch. 570, HB 1344, 7, eff. 7/1/2013. The forfeiture procedure set forth in this article are the sole remedy of any claimant, and no court shall have jurisdiction to interfere therewith by replevin, injunction, supersedeas or in any other manner.Added by Laws, 2013, ch. 570, HB 1344, 7, eff. 7/1/2013. The forfeiture procedure set forth in this article are the sole remedy of any claimant, and no court shall have jurisdiction to interfere therewith by replevin, injunction, supersedeas or in any other manner. Added by Laws, 2013, ch. 570, HB 1344, 7, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261)Article 3 - ABANDONED MANUFACTURED OR MOBILE HOMES (§§ 63-21-201 — 63-21-223)Section 63-21-201 - Definitions

As used in this article, unless the context clearly indicates otherwise:(a)"Abandoned" means that no person is occupying the manufactured home or mobile home at the present, nor has any person occupied it for the past sixty (60) days, nor has the owner or any representative of the owner informed the community owner or landowner of a reason that the manufactured home or mobile home is not occupied.(b)"Abandoned manufactured or mobile home" means a manufactured home or mobile home that has been abandoned for at least sixty (60) consecutive days, located on property owned by another community owner or landowner.(c)"Associated personal property" means any personal property excluding motor vehicles located within or adjacent to the abandoned manufactured or mobile home.(d)"Commissioner" shall mean a resident of the county where the abandoned manufactured or mobile home is located who, by a sale order issued by a court in a proceeding, shall act pursuant to the sale order, including, but not limited to, advertising the sale, receiving funds paid at any sale ordered by the court of the abandoned manufactured or mobile home and associated personal property, and making all disbursements arising out of the sale with the sale being conducted by the sheriff. The commissioner need not be a disinterested third party and may be counsel or a representative of the community owner or landowner and shall not be disqualified, nor shall the acts of such person be invalid because of the relationship of such person to the community owner or landowner.(e)"Community" means a contiguous residential real estate development operated by a community owner as one (1) development consisting of six (6) or more lots for lease to the public where at least one (1) of such lots is vacant and may be subject to a lease, lease-purchase or other agreement with the owner of a manufactured or mobile home who may locate such owner's manufactured or mobile home on the lot.(f)"Community owner" means a person other than the owner of the manufactured or mobile home who owns fee simple or ground leasehold interest in residential real property developed and operated as a community on which an abandoned manufactured or mobile home and any associated personal property is located pursuant to a lease, lease-purchase or other agreement.(g)"Complaint" means the pleading filed by the community owner or landowner in the proceeding seeking a judicial sale of an abandoned manufactured or mobile home and associated personal property.(h)"Date of abandonment" means the date on which the community owner or landowner determines that the manufactured or mobile home and associated personal property may be in fact have been vacated by the owner in a manner that may lead to an abandonment.(i)"Final order" means the final order entered by a court in a proceeding adjudicating the disposition of an abandoned manufactured or mobile home and associated personal property, that confirms the sale of the abandoned manufactured or mobile home and associated personal property or makes other adjudications as deemed appropriate by the

court.(j)"Inventory" means an itemized list of associated personal property with an estimate of value for the sum and not individual component parts of all associated personal property located within or adjacent to a manufactured or mobile home by a disinterested third party with items of like kind being grouped together for inventory purposes.(k)"Last known address" shall mean the last known address of the owner of an abandoned manufactured or mobile home or any forwarding address or emergency contact address known to the community owner or landowner.(l)"Lien" means an interest, other than a lien for the payment of taxes, on or against an abandoned manufactured home or mobile home or associated personal property imposed by law or by written instrument providing for an indebtedness or obligation of a person secured in a manner that in the event of a default provides the lienholder a right to recover the manufactured home or mobile home or associated personal property or title thereto using lawful means.(m)"Lienholder" means any person holding a lien on an abandoned manufactured home or mobile home or associated personal property.(n)"Manufactured home" shall have the meaning set forth in Section 75-49-3(a), Mississippi Code of 1972.(o)"Mobile home" shall have the meaning set forth in Section 75-49-3(b), Mississippi Code of 1972.(p)"Necessary party" shall mean the owner, any lienholder, or any other person known to have a lien or claim upon the abandoned manufactured or mobile home or associated personal property except the following who are not to be a party to the proceeding to dispose of the abandoned manufactured or mobile home or associated personal property: any commissioner appointed by the court, County Tax Assessor, County Tax Collector, County Board of Supervisors, County Sheriff or any Deputy Sheriff, State Tax Commission of the State of Mississippi and the Department of Revenue of the State of Mississippi.(q)"Notice of abandonment" shall mean a written notice by the community owner or landowner to the owner notifying the owner at least thirty (30) days after the date of abandonment that the manufactured or mobile home and any associated personal property in or adjacent to the abandoned manufactured home or mobile home should be immediately removed or be subject to a judicial finding of abandonment which may lead to a sale of the abandoned manufactured or mobile home and all associated personal property.(r)"Notice of sale" shall mean the notice advertising the sale of the abandoned manufactured or mobile home.(s)"Owner" of a manufactured home or mobile home means the person holding legal title to the manufactured home or mobile home.(t)"Person" means any individual, firm, corporation, partnership, association or other type of business entity.(u)"Proceeding" shall mean the civil action filed or to be filed in a court of competent jurisdiction depending upon the amount in controversy being the Justice Court, County Court or Chancery Court of the State of Mississippi in the county where the manufactured or mobile home is located seeking relief including the disposition of the abandoned manufactured or mobile home and associated personal property.(v)"Purchaser" shall mean the successful bidder at the sale of the abandoned manufactured or mobile home and associated personal property who purchases the same.(w)"Sale order" means an interim order in the proceeding authorizing the sale of the abandoned manufactured or mobile home and associated personal property and addressing other matters in the discretion of the court.(x)"Sheriff" means the sheriff (or any deputy sheriff appointed by the sheriff) of the county where the abandoned manufactured or mobile home and any associated personal property is located.(y)"Title" means the writing evidencing ownership by the owner of a manufactured home or mobile home.(z)"Uninhabitable" means an abandoned manufactured or mobile home where, in the opinion of an independent third party who is an appraiser, contractor or other person familiar with cost of repair of manufactured or mobile homes, the cost to repair to the home to a condition where it is habitable for human occupation as a residence considering the health, safety and general welfare of the occupant, is more than the cost of demolition and removal of the abandoned manufactured or mobile home.(aa)"Value" in the case of an abandoned manufactured or mobile home shall mean the estimated fair market value of the abandoned manufactured home or mobile home from an independent third party based upon:(i)a written statement from an appraiser or other person familiar with such values; or(ii)a recognized national publisher of values of manufactured homes or mobile homes; provided, however, that if the abandoned manufactured or mobile home is uninhabitable the value shall be based upon a written estimate from a third party of demolition and removal of the abandoned manufactured or mobile home. "Value" in the case of an inventory of personal property means the estimate of the fair market value of the personal property of the owner within or adjacent to an abandoned manufactured home or mobile home based upon similar values that an individual might use in claiming a deduction for United States Income Tax purposes for a charitable contribution of used personal property to a qualified charitable organization for charitable purposes including estimated consignment or thrift shop values for the lot.Added by Laws, 2021, ch. 376, HB 955, § 1, eff. 7/1/2021. As used in this article, unless the context clearly indicates otherwise:(a)"Abandoned" means that no person is occupying the manufactured home or mobile home at the present, nor has any person occupied it for the past sixty (60) days, nor has the owner or any representative of the owner informed the community owner or landowner of a reason that the manufactured home or mobile home is not occupied.(b)"Abandoned manufactured or mobile home" means a manufactured home or mobile home that has been abandoned for at least sixty (60) consecutive days, located on property owned by another community owner or landowner.(c)"Associated personal property" means any personal property excluding motor vehicles located within or adjacent to the abandoned manufactured or mobile home.(d)"Commissioner" shall mean a resident of the county where the abandoned manufactured or mobile home is located who, by a sale order issued by a court in a proceeding, shall act pursuant to the sale order, including, but not limited to, advertising the sale, receiving funds paid at any sale ordered by the court of the abandoned manufactured or mobile home and associated personal property, and making all disbursements arising out of the sale with the sale being conducted by the sheriff. The commissioner need not be a disinterested third party and may be counsel or a representative of the community owner or landowner and shall not be disqualified, nor shall the acts of such person be invalid because of the relationship of such person to the community owner or landowner.(e)"Community" means a contiguous residential real estate development operated by a community owner as one (1) development consisting of six (6) or more lots for lease to the public where at least one (1) of such lots is vacant and may be subject to a lease, lease-purchase or other agreement with the owner of a manufactured or mobile home who may locate such owner's manufactured or mobile home on the

lot.(f)"Community owner" means a person other than the owner of the manufactured or mobile home who owns fee simple or ground leasehold interest in residential real property developed and operated as a community on which an abandoned manufactured or mobile home and any associated personal property is located pursuant to a lease, lease-purchase or other agreement.(g)"Complaint" means the pleading filed by the community owner or landowner in the proceeding seeking a judicial sale of an abandoned manufactured or mobile home and associated personal property.(h)"Date of abandonment" means the date on which the community owner or landowner determines that the manufactured or mobile home and associated personal property may be in fact have been vacated by the owner in a manner that may lead to an abandonment.(i)"Final order" means the final order entered by a court in a proceeding adjudicating the disposition of an abandoned manufactured or mobile home and associated personal property, that confirms the sale of the abandoned manufactured or mobile home and associated personal property or makes other adjudications as deemed appropriate by the court.(j)"Inventory" means an itemized list of associated personal property with an estimate of value for the sum and not individual component parts of all associated personal property located within or adjacent to a manufactured or mobile home by a disinterested third party with items of like kind being grouped together for inventory purposes.(k)"Last known address" shall mean the last known address of the owner of an abandoned manufactured or mobile home or any forwarding address or emergency contact address known to the community owner or landowner.(l)"Lien" means an interest, other than a lien for the payment of taxes, on or against an abandoned manufactured home or mobile home or associated personal property imposed by law or by written instrument providing for an indebtedness or obligation of a person secured in a manner that in the event of a default provides the lienholder a right to recover the manufactured home or mobile home or associated personal property or title thereto using lawful means.(m)"Lienholder" means any person holding a lien on an abandoned manufactured home or mobile home or associated personal property.(n)"Manufactured home" shall have the meaning set forth in Section 75-49-3(a), Mississippi Code of 1972.(o)"Mobile home" shall have the meaning set forth in Section 75-49-3(b), Mississippi Code of 1972.(p)"Necessary party" shall mean the owner, any lienholder, or any other person known to have a lien or claim upon the abandoned manufactured or mobile home or associated personal property except the following who are not to be a party to the proceeding to dispose of the abandoned manufactured or mobile home or associated personal property: any commissioner appointed by the court, County Tax Assessor, County Tax Collector, County Board of Supervisors, County Sheriff or any Deputy Sheriff, State Tax Commission of the State of Mississippi and the Department of Revenue of the State of Mississippi.(q)"Notice of abandonment" shall mean a written notice by the community owner or landowner to the owner notifying the owner at least thirty (30) days after the date of abandonment that the manufactured or mobile home and any associated personal property in or adjacent to the abandoned manufactured home or mobile home should be immediately removed or be subject to a judicial finding of abandonment which may lead to a sale of the abandoned manufactured or mobile home and all associated personal property.(r)"Notice of sale" shall mean the notice advertising the sale of the abandoned manufactured or mobile home.(s)"Owner" of a manufactured home or mobile home means the person holding legal title to the manufactured home or mobile home.(t)"Person" means any individual, firm, corporation, partnership, association or other type of business entity.(u)"Proceeding" shall mean the civil action filed or to be filed in a court of competent jurisdiction depending upon the amount in controversy being the Justice Court, County Court or Chancery Court of the State of Mississippi in the county where the manufactured or mobile home is located seeking relief including the disposition of the abandoned manufactured or mobile home and associated personal property.(v)"Purchaser" shall mean the successful bidder at the sale of the abandoned manufactured or mobile home and associated personal property who purchases the same.(w)"Sale order" means an interim order in the proceeding authorizing the sale of the abandoned manufactured or mobile home and associated personal property and addressing other matters in the discretion of the court.(x)"Sheriff" means the sheriff (or any deputy sheriff appointed by the sheriff) of the county where the abandoned manufactured or mobile home and any associated personal property is located.(y)"Title" means the writing evidencing ownership by the owner of a manufactured home or mobile home.(z)"Uninhabitable" means an abandoned manufactured or mobile home where, in the opinion of an independent third party who is an appraiser, contractor or other person familiar with cost of repair of manufactured or mobile homes, the cost to repair to the home to a condition where it is habitable for human occupation as a residence considering the health, safety and general welfare of the occupant, is more than the cost of demolition and removal of the abandoned manufactured or mobile home.(aa)"Value" in the case of an abandoned manufactured or mobile home shall mean the estimated fair market value of the abandoned manufactured home or mobile home from an independent third party based upon:(i)a written statement from an appraiser or other person familiar with such values; or(ii)a recognized national publisher of values of manufactured homes or mobile homes; provided, however, that if the abandoned manufactured or mobile home is uninhabitable the value shall be based upon a written estimate from a third party of demolition and removal of the abandoned manufactured or mobile home. "Value" in the case of an inventory of personal property means the estimate of the fair market value of the personal property of the owner within or adjacent to an abandoned manufactured home or mobile home based upon similar values that an individual might use in claiming a deduction for United States Income Tax purposes for a charitable contribution of used personal property to a qualified charitable organization for charitable purposes including estimated consignment or thrift shop values for the lot.Added by Laws, 2021, ch. 376, HB 955, § 1, eff. 7/1/2021. As used in this article, unless the context clearly indicates otherwise:(a)"Abandoned" means that no person is occupying the manufactured home or mobile home at the present, nor has any person occupied it for the past sixty (60) days, nor has the owner or any representative of the owner informed the community owner or landowner of a reason that the manufactured home or mobile home is not occupied.(b)"Abandoned manufactured or mobile home" means a manufactured home or mobile home that has been abandoned for at least sixty (60) consecutive days, located on property owned by another community owner or landowner.(c)"Associated personal property" means any personal property

excluding motor vehicles located within or adjacent to the abandoned manufactured or mobile home.(d)"Commissioner" shall mean a resident of the county where the abandoned manufactured or mobile home is located who, by a sale order issued by a court in a proceeding, shall act pursuant to the sale order, including, but not limited to, advertising the sale, receiving funds paid at any sale ordered by the court of the abandoned manufactured or mobile home and associated personal property, and making all disbursements arising out of the sale with the sale being conducted by the sheriff. The commissioner need not be a disinterested third party and may be counsel or a representative of the community owner or landowner and shall not be disqualified, nor shall the acts of such person be invalid because of the relationship of such person to the community owner or landowner.(e)"Community" means a contiguous residential real estate development operated by a community owner as one (1) development consisting of six (6) or more lots for lease to the public where at least one (1) of such lots is vacant and may be subject to a lease, lease-purchase or other agreement with the owner of a manufactured or mobile home who may locate such owner's manufactured or mobile home on the lot.(f)"Community owner" means a person other than the owner of the manufactured or mobile home who owns fee simple or ground leasehold interest in residential real property developed and operated as a community on which an abandoned manufactured or mobile home and any associated personal property is located pursuant to a lease, lease-purchase or other agreement.(g)"Complaint" means the pleading filed by the community owner or landowner in the proceeding seeking a judicial sale of an abandoned manufactured or mobile home and associated personal property.(h)"Date of abandonment" means the date on which the community owner or landowner determines that the manufactured or mobile home and associated personal property may be in fact have been vacated by the owner in a manner that may lead to an abandonment.(i)"Final order" means the final order entered by a court in a proceeding adjudicating the disposition of an abandoned manufactured or mobile home and associated personal property, that confirms the sale of the abandoned manufactured or mobile home and associated personal property or makes other adjudications as deemed appropriate by the court.(j)"Inventory" means an itemized list of associated personal property with an estimate of value for the sum and not individual component parts of all associated personal property located within or adjacent to a manufactured or mobile home by a disinterested third party with items of like kind being grouped together for inventory purposes.(k)"Last known address" shall mean the last known address of the owner of an abandoned manufactured or mobile home or any forwarding address or emergency contact address known to the community owner or landowner.(l)"Lien" means an interest, other than a lien for the payment of taxes, on or against an abandoned manufactured home or mobile home or associated personal property imposed by law or by written instrument providing for an indebtedness or obligation of a person secured in a manner that in the event of a default provides the lienholder a right to recover the manufactured home or mobile home or associated personal property or title thereto using lawful means.(m)"Lienholder" means any person holding a lien on an abandoned manufactured home or mobile home or associated personal property.(n)"Manufactured home" shall have the meaning set forth in Section 75-49-3(a), Mississippi Code of 1972.(o)"Mobile home" shall have the meaning set forth in Section 75-49-3(b), Mississippi Code of 1972.(p)"Necessary party" shall mean the owner, any lienholder, or any other person known to have a lien or claim upon the abandoned manufactured or mobile home or associated personal property except the following who are not to be a party to the proceeding to dispose of the abandoned manufactured or mobile home or associated personal property: any commissioner appointed by the court, County Tax Assessor, County Tax Collector, County Board of Supervisors, County Sheriff or any Deputy Sheriff, State Tax Commission of the State of Mississippi and the Department of Revenue of the State of Mississippi.(q)"Notice of abandonment" shall mean a written notice by the community owner or landowner to the owner notifying the owner at least thirty (30) days after the date of abandonment that the manufactured or mobile home and any associated personal property in or adjacent to the abandoned manufactured home or mobile home should be immediately removed or be subject to a judicial finding of abandonment which may lead to a sale of the abandoned manufactured or mobile home and all associated personal property.(r)"Notice of sale" shall mean the notice advertising the sale of the abandoned manufactured or mobile home.(s)"Owner" of a manufactured home or mobile home means the person holding legal title to the manufactured home or mobile home.(t)"Person" means any individual, firm, corporation, partnership, association or other type of business entity.(u)"Proceeding" shall mean the civil action filed or to be filed in a court of competent jurisdiction depending upon the amount in controversy being the Justice Court, County Court or Chancery Court of the State of Mississippi in the county where the manufactured or mobile home is located seeking relief including the disposition of the abandoned manufactured or mobile home and associated personal property.(v)"Purchaser" shall mean the successful bidder at the sale of the abandoned manufactured or mobile home and associated personal property who purchases the same.(w)"Sale order" means an interim order in the proceeding authorizing the sale of the abandoned manufactured or mobile home and associated personal property and addressing other matters in the discretion of the court.(x)"Sheriff" means the sheriff (or any deputy sheriff appointed by the sheriff) of the county where the abandoned manufactured or mobile home and any associated personal property is located.(y)"Title" means the writing evidencing ownership by the owner of a manufactured home or mobile home.(z)"Uninhabitable" means an abandoned manufactured or mobile home where, in the opinion of an independent third party who is an appraiser, contractor or other person familiar with cost of repair of manufactured or mobile homes, the cost to repair to the home to a condition where it is habitable for human occupation as a residence considering the health, safety and general welfare of the occupant, is more than the cost of demolition and removal of the abandoned manufactured or mobile home.(aa)"Value" in the case of an abandoned manufactured or mobile home shall mean the estimated fair market value of the abandoned manufactured home or mobile home from an independent third party based upon:(i)a written statement from an appraiser or other person familiar with such values; or(ii)a recognized national publisher of values of manufactured homes or mobile homes; provided, however, that if the abandoned manufactured or mobile home is uninhabitable the value shall be based upon a written estimate from a third party of demolition and removal of the abandoned manufactured or mobile

home. "Value" in the case of an inventory of personal property means the estimate of the fair market value of the personal property of the owner within or adjacent to an abandoned manufactured home or mobile home based upon similar values that an individual might use in claiming a deduction for United States Income Tax purposes for a charitable contribution of used personal property to a qualified charitable organization for charitable purposes including estimated consignment or thrift shop values for the lot. Added by Laws, 2021, ch. 376, HB 955, § 1, eff. 7/1/2021. As used in this article, unless the context clearly indicates otherwise: Added by Laws, 2021, ch. 376, HB 955, § 1, eff. 7/1/2021.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 3 - ABANDONED MANUFACTURED OR MOBILE HOMES (§§ 63-21-201 — 63-21-223) Section 63-21-203 - Complaint for disposition of abandoned manufactured or mobile homes

Any community owner or landowner, his agent or attorney, may initiate a proceeding by filing a complaint under oath for the disposition of an abandoned manufactured or mobile home and associated personal property, setting forth: (a) A statement that the abandoned manufactured home or mobile home is abandoned, including the address and county where it is abandoned and the date when it was vacated by the owner in a manner that the community owner or landowner believes led to an abandonment. (b) A description of the abandoned manufactured home or mobile home, including all reasonably available information as to the year, make, model number and serial number. (c) A copy of the notice of abandonment sent by the community owner or landowner to the owner at the owner's last known address, on a date at least thirty (30) days after the date of abandonment and at least thirty (30) days before the commencement of the proceeding, and any response thereto. (d) The value of the abandoned manufactured home or mobile home. (e) A statement as to whether or not the abandoned manufactured home or mobile home is believed to be uninhabitable and, if so, the statement of the person making such determination and the bid of the person establishing the cost of demolition and removal, which may be one and the same person. (f) An inventory of any personal property within or adjacent to the abandoned manufactured home or mobile home and a statement of value. (g) A statement as to the current, delinquent or other status of the personal property taxes on the home. (h) A statement as to known or presumed owner of the abandoned manufactured or mobile home and the last known address of the owner. (i) A statement as to the known or presumed liens and lienholders of the abandoned manufactured or mobile home and associated personal property and the amount of such liens. (j) A statement as to whether the property owner has knowledge of any other person having or asserting a lien or claim upon the abandoned manufactured or mobile home. (k) A statement that, in addition to the manufactured or mobile home being abandoned, the owner is in breach of a lease, lease-purchase or agreement with the community owner or landowner of the lot on which the manufactured or mobile home is situated and setting out the damages incurred by the community owner or landowner, including any credit for a security or other deposit by the owner. (l) A statement requesting that a commissioner be appointed for the public sale of the abandoned manufactured or mobile home and designating the proposed commissioner by name, address and phone number. (m) A statement identifying all necessary parties who shall be made defendants and served with process in the time and manner required by law. (n) Such other statements as may be appropriate under the circumstances. Added by Laws, 2021, ch. 376, HB 955, § 2, eff. 7/1/2021. Any community owner or landowner, his agent or attorney, may initiate a proceeding by filing a complaint under oath for the disposition of an abandoned manufactured or mobile home and associated personal property, setting forth: (a) A statement that the abandoned manufactured home or mobile home is abandoned, including the address and county where it is abandoned and the date when it was vacated by the owner in a manner that the community owner or landowner believes led to an abandonment. (b) A description of the abandoned manufactured home or mobile home, including all reasonably available information as to the year, make, model number and serial number. (c) A copy of the notice of abandonment sent by the community owner or landowner to the owner at the owner's last known address, on a date at least thirty (30) days after the date of abandonment and at least thirty (30) days before the commencement of the proceeding, and any response thereto. (d) The value of the abandoned manufactured home or mobile home. (e) A statement as to whether or not the abandoned manufactured home or mobile home is believed to be uninhabitable and, if so, the statement of the person making such determination and the bid of the person establishing the cost of demolition and removal, which may be one and the same person. (f) An inventory of any personal property within or adjacent to the abandoned manufactured home or mobile home and a statement of value. (g) A statement as to the current, delinquent or other status of the personal property taxes on the home. (h) A statement as to known or presumed owner of the abandoned manufactured or mobile home and the last known address of the owner. (i) A statement as to the known or presumed liens and lienholders of the abandoned manufactured or mobile home and associated personal property and the amount of such liens. (j) A statement as to whether the property owner has knowledge of any other person having or asserting a lien or claim upon the abandoned manufactured or mobile home. (k) A statement that, in addition to the manufactured or mobile home being abandoned, the owner is in breach of a lease, lease-purchase or agreement with the community owner or landowner of the lot on which the manufactured or mobile home is situated and setting out the damages incurred by the community owner or landowner, including any credit for a security or other deposit by the owner. (l) A statement requesting that a commissioner be appointed for the public sale of the abandoned manufactured or mobile home and designating the proposed commissioner by name, address and phone number. (m) A statement identifying all necessary parties who shall be made defendants and served with process in the time and manner required by law. (n) Such other statements as may be appropriate under the circumstances. Added by Laws, 2021, ch. 376, HB 955, § 2, eff. 7/1/2021. Any community owner or landowner, his agent or attorney, may initiate a proceeding by filing a complaint under oath for the disposition of an abandoned manufactured or mobile home and associated personal property, setting forth: (a) A statement that the abandoned manufactured home or mobile home is

abandoned, including the address and county where it is abandoned and the date when it was vacated by the owner in a manner that the community owner or landowner believes led to an abandonment.(b)A description of the abandoned manufactured home or mobile home, including all reasonably available information as to the year, make, model number and serial number.(c)A copy of the notice of abandonment sent by the community owner or landowner to the owner at the owner's last known address, on a date at least thirty (30) days after the date of abandonment and at least thirty (30) days before the commencement of the proceeding, and any response thereto.(d)The value of the abandoned manufactured home or mobile home.(e)A statement as to whether or not the abandoned manufactured home or mobile home is believed to be uninhabitable and, if so, the statement of the person making such determination and the bid of the person establishing the cost of demolition and removal, which may be one and the same person.(f)An inventory of any personal property within or adjacent to the abandoned manufactured home or mobile home and a statement of value.(g)A statement as to the current, delinquent or other status of the personal property taxes on the home.(h)A statement as to known or presumed owner of the abandoned manufactured or mobile home and the last known address of the owner.(i)A statement as to the known or presumed liens and lienholders of the abandoned manufactured or mobile home and associated personal property and the amount of such liens.(j)A statement as to whether the property owner has knowledge of any other person having or asserting a lien or claim upon the abandoned manufactured or mobile home.(k)A statement that, in addition to the manufactured or mobile home being abandoned, the owner is in breach of a lease, lease-purchase or agreement with the community owner or landowner of the lot on which the manufactured or mobile home is situated and setting out the damages incurred by the community owner or landowner, including any credit for a security or other deposit by the owner.(l)A statement requesting that a commissioner be appointed for the public sale of the abandoned manufactured or mobile home and designating the proposed commissioner by name, address and phone number.(m)A statement identifying all necessary parties who shall be made defendants and served with process in the time and manner required by law.(n)Such other statements as may be appropriate under the circumstances.Added by Laws, 2021, ch. 376, HB 955,§ 2, eff. 7/1/2021. Any community owner or landowner, his agent or attorney, may initiate a proceeding by filing a complaint under oath for the disposition of an abandoned manufactured or mobile home and associated personal property, setting forth: Added by Laws, 2021, ch. 376, HB 955,§ 2, eff. 7/1/2021.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261)Article 3 - ABANDONED MANUFACTURED OR MOBILE HOMES (§§ 63-21-201 — 63-21-223)Section 63-21-205 - Filing of complaint constitutes consent by community owner or landowner to temporary easement for removal of manufactured or mobile home and associated personal property

The filing of a complaint by the community owner or landowner shall constitute consent by the community owner or landowner to the purchaser receiving a Bill of Sale from the sheriff exercising an implied temporary easement to remove the manufactured or mobile home and associated personal property in a reasonable manner and for a reasonable time following the entry of the final order. Such purchaser shall repair any damage to the real property caused by such removal leaving the real property in an unreasonable condition and such purchaser shall be liable to the community owner or landowner for unreasonable damage to the real property.Added by Laws, 2021, ch. 376, HB 955,§ 3, eff. 7/1/2021. The filing of a complaint by the community owner or landowner shall constitute consent by the community owner or landowner to the purchaser receiving a Bill of Sale from the sheriff exercising an implied temporary easement to remove the manufactured or mobile home and associated personal property in a reasonable manner and for a reasonable time following the entry of the final order. Such purchaser shall repair any damage to the real property caused by such removal leaving the real property in an unreasonable condition and such purchaser shall be liable to the community owner or landowner for unreasonable damage to the real property.Added by Laws, 2021, ch. 376, HB 955,§ 3, eff. 7/1/2021. The filing of a complaint by the community owner or landowner shall constitute consent by the community owner or landowner to the purchaser receiving a Bill of Sale from the sheriff exercising an implied temporary easement to remove the manufactured or mobile home and associated personal property in a reasonable manner and for a reasonable time following the entry of the final order. Such purchaser shall repair any damage to the real property caused by such removal leaving the real property in an unreasonable condition and such purchaser shall be liable to the community owner or landowner for unreasonable damage to the real property.Added by Laws, 2021, ch. 376, HB 955,§ 3, eff. 7/1/2021. The filing of a complaint by the community owner or landowner shall constitute consent by the community owner or landowner to the purchaser receiving a Bill of Sale from the sheriff exercising an implied temporary easement to remove the manufactured or mobile home and associated personal property in a reasonable manner and for a reasonable time following the entry of the final order. Such purchaser shall repair any damage to the real property caused by such removal leaving the real property in an unreasonable condition and such purchaser shall be liable to the community owner or landowner for unreasonable damage to the real property. Added by Laws, 2021, ch. 376, HB 955,§ 3, eff. 7/1/2021.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261)Article 3 - ABANDONED MANUFACTURED OR MOBILE HOMES (§§ 63-21-201 — 63-21-223)Section 63-21-207 - Entry of order naming commissioner and setting date and time of sale

Upon finding that the manufactured or mobile home and associated personal property that are the subject of the complaint are in fact abandoned and have not been claimed and the indebtedness of the community owner or landowner has not been paid in full, the court shall enter an order adjudicating whether or not the manufactured or mobile home is uninhabitable, approving the inventory, approving the sale by the sheriff of the abandoned manufactured or mobile home and the associated personal property as reflected

on the inventory and setting a date, time and place for the sale, with the advertisement, determination of liens and financial responsibility for the sale to be the responsibility of the commissioner appointed by the court. Added by Laws, 2021, ch. 376, HB 955, § 4, eff. 7/1/2021. Upon finding that the manufactured or mobile home and associated personal property that are the subject of the complaint are in fact abandoned and have not been claimed and the indebtedness of the community owner or landowner has not been paid in full, the court shall enter an order adjudicating whether or not the manufactured or mobile home is uninhabitable, approving the inventory, approving the sale by the sheriff of the abandoned manufactured or mobile home and the associated personal property as reflected on the inventory and setting a date, time and place for the sale, with the advertisement, determination of liens and financial responsibility for the sale to be the responsibility of the commissioner appointed by the court. Added by Laws, 2021, ch. 376, HB 955, § 4, eff. 7/1/2021. Upon finding that the manufactured or mobile home and associated personal property that are the subject of the complaint are in fact abandoned and have not been claimed and the indebtedness of the community owner or landowner has not been paid in full, the court shall enter an order adjudicating whether or not the manufactured or mobile home is uninhabitable, approving the inventory, approving the sale by the sheriff of the abandoned manufactured or mobile home and the associated personal property as reflected on the inventory and setting a date, time and place for the sale, with the advertisement, determination of liens and financial responsibility for the sale to be the responsibility of the commissioner appointed by the court. Added by Laws, 2021, ch. 376, HB 955, § 4, eff. 7/1/2021.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 3 - ABANDONED MANUFACTURED OR MOBILE HOMES (§§ 63-21-201 — 63-21-223) Section 63-21-209 - Oath of commissioner

Before the commissioner enters upon the discharge of the commissioner's duties, the commissioner shall take and subscribe an oath before some competent officer, and shall file a copy of the same in the proceeding, that the commissioner will honestly, faithfully and impartially advertise the sale, receive the highest bid, disburse the same and file a report as to such disbursement required by law, and perform the duties required of a commissioner to the best of the commissioner's skill, knowledge and judgment. Added by Laws, 2021, ch. 376, HB 955, § 5, eff. 7/1/2021. Before the commissioner enters upon the discharge of the commissioner's duties, the commissioner shall take and subscribe an oath before some competent officer, and shall file a copy of the same in the proceeding, that the commissioner will honestly, faithfully and impartially advertise the sale, receive the highest bid, disburse the same and file a report as to such disbursement required by law, and perform the duties required of a commissioner to the best of the commissioner's skill, knowledge and judgment. Added by Laws, 2021, ch. 376, HB 955, § 5, eff. 7/1/2021. Before the commissioner enters upon the discharge of the commissioner's duties, the commissioner shall take and subscribe an oath before some competent officer, and shall file a copy of the same in the proceeding, that the commissioner will honestly, faithfully and impartially advertise the sale, receive the highest bid, disburse the same and file a report as to such disbursement required by law, and perform the duties required of a commissioner to the best of the commissioner's skill, knowledge and judgment. Added by Laws, 2021, ch. 376, HB 955, § 5, eff. 7/1/2021. Before the commissioner enters upon the discharge of the commissioner's duties, the commissioner shall take and subscribe an oath before some competent officer, and shall file a copy of the same in the proceeding, that the commissioner will honestly, faithfully and impartially advertise the sale, receive the highest bid, disburse the same and file a report as to such disbursement required by law, and perform the duties required of a commissioner to the best of the commissioner's skill, knowledge and judgment. Added by Laws, 2021, ch. 376, HB 955, § 5, eff. 7/1/2021.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 3 - ABANDONED MANUFACTURED OR MOBILE HOMES (§§ 63-21-201 — 63-21-223) Section 63-21-211 - Advertisement for sale

The commissioner shall advertise a notice of sale by publication and posting. The notice of sale shall be published one (1) time a week for three (3) weeks prior to the sale in a newspaper published in the county where the manufactured or mobile home is located, or, if none such paper is so published in said county, in some paper having a general circulation therein. The notice of sale shall be posted by the commissioner at the courthouse of the county where the abandoned manufactured or mobile home is located. The notice of sale shall contain a detailed description of the abandoned manufactured or mobile home and a general description of the associated personal property to be sold and the date, time and place of the sale. Upon request, the commissioner shall provide the inventory to any interested person. The commissioner shall mail a copy of the notice of sale by United States mail postage prepaid to the last known address of the owner as shown in the complaint if the owner has not appeared as a party to the proceeding. Added by Laws, 2021, ch. 376, HB 955, § 6, eff. 7/1/2021. The commissioner shall advertise a notice of sale by publication and posting. The notice of sale shall be published one (1) time a week for three (3) weeks prior to the sale in a newspaper published in the county where the manufactured or mobile home is located, or, if none such paper is so published in said county, in some paper having a general circulation therein. The notice of sale shall be posted by the commissioner at the courthouse of the county where the

abandoned manufactured or mobile home is located. The notice of sale shall contain a detailed description of the abandoned manufactured or mobile home and a general description of the associated personal property to be sold and the date, time and place of the sale. Upon request, the commissioner shall provide the inventory to any interested person. The commissioner shall mail a copy of the notice of sale by United States mail postage prepaid to the last known address of the owner as shown in the complaint if the owner has not appeared as a party to the proceeding. Added by Laws, 2021, ch. 376, HB 955, § 6, eff. 7/1/2021. The commissioner shall advertise a notice of sale by publication and posting. The notice of sale shall be published one (1) time a week for three (3) weeks prior to the sale in a newspaper published in the county where the manufactured or mobile home is located, or, if none such paper is so published in said county, in some paper having a general circulation therein. The notice of sale shall be posted by the commissioner at the courthouse of the county where the abandoned manufactured or mobile home is located. The notice of sale shall contain a detailed description of the abandoned manufactured or mobile home and a general description of the associated personal property to be sold and the date, time and place of the sale. Upon request, the commissioner shall provide the inventory to any interested person. The commissioner shall mail a copy of the notice of sale by United States mail postage prepaid to the last known address of the owner as shown in the complaint if the owner has not appeared as a party to the proceeding. Added by Laws, 2021, ch. 376, HB 955, § 6, eff. 7/1/2021. The commissioner shall advertise a notice of sale by publication and posting. The notice of sale shall be published one (1) time a week for three (3) weeks prior to the sale in a newspaper published in the county where the manufactured or mobile home is located, or, if none such paper is so published in said county, in some paper having a general circulation therein. The notice of sale shall be posted by the commissioner at the courthouse of the county where the abandoned manufactured or mobile home is located. The notice of sale shall contain a detailed description of the abandoned manufactured or mobile home and a general description of the associated personal property to be sold and the date, time and place of the sale. Upon request, the commissioner shall provide the inventory to any interested person. The commissioner shall mail a copy of the notice of sale by United States mail postage prepaid to the last known address of the owner as shown in the complaint if the owner has not appeared as a party to the proceeding. Added by Laws, 2021, ch. 376, HB 955, § 6, eff. 7/1/2021.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 3 - ABANDONED MANUFACTURED OR MOBILE HOMES (§§ 63-21-201 — 63-21-223) Section 63-21-213 - Procedure for sale

The sale shall be made at the place, on the date and during the time set by the court. The sheriff shall conduct the sale and shall charge a reasonable fee for conducting the sale with the fee to be applied to the sheriff's operating fund. The abandoned manufactured or mobile home and associated personal property shall be sold for cash to the highest bidder. Each bidder shall submit a bid in at least a minimum amount that will pay the sheriff's fee, the tax collector for any past due taxes, the lien creditors in their order of priority and all costs of court and commissioner's fees. The community owner or landowner may purchase at any sale, and any such sale shall not be invalid because of the relationship of such purchaser to the community owner or landowner or any lienholder. The community owner or landowner and any lienholder may credit bid by deducting the amount due to such bidder from the bidder's bid. The highest bid accepted by the sheriff at the sale shall be paid to the commissioner. The sheriff, promptly upon completion of the sale, shall deliver to the commissioner a report of the sale, including a copy of the notice of sale authorizing the sale of the abandoned manufactured or mobile home and a list of the associated personal property sold along with the same, the total amount paid, the name of the commissioner to whom it was paid, the name of the sheriff conducting the sale and the name of the person to whom the sale was made. The sheriff shall execute and deliver a bill of sale to the purchaser who shall be the highest bidder with the commissioner to witness the bill of sale. The signature by the sheriff and the commissioner to the bill of sale is a certification by them that the sale was conducted pursuant to the sale order and to the highest bidder for cash. The bill of sale may be conditioned upon the entry by the court of the final order. If there is no bidder at the sale, the sheriff's fees shall be paid by the community owner or landowner with such costs to be assessed as costs of court, upon filing of proof of payment of the same in the proceeding. If there is no bid, the community owner or landowner may seek a new sale order providing for another sale of the manufactured or mobile home and associated personal property. Added by Laws, 2021, ch. 376, HB 955, § 7, eff. 7/1/2021. The sale shall be made at the place, on the date and during the time set by the court. The sheriff shall conduct the sale and shall charge a reasonable fee for conducting the sale with the fee to be applied to the sheriff's operating fund. The abandoned manufactured or mobile home and associated personal property shall be sold for cash to the highest bidder. Each bidder shall submit a bid in at least a minimum amount that will pay the sheriff's fee, the tax collector for any past due taxes, the lien creditors in their order of priority and all costs of court and commissioner's fees. The community owner or landowner may purchase at any sale, and any such sale shall not be invalid because of the relationship of such purchaser to the community owner or landowner or any lienholder. The community owner or landowner and any lienholder may credit bid by deducting the amount due to such bidder from the bidder's bid. The highest bid accepted by the sheriff at the sale shall be paid to the commissioner. The sheriff, promptly upon completion of the sale, shall deliver to the commissioner a report of the sale, including a copy of the notice of sale authorizing the sale of the abandoned manufactured or mobile home and a list of the associated personal property sold along with the same, the total amount paid, the name of the commissioner to whom it was paid, the name of the sheriff conducting the sale and the name of the person to whom the sale was made. The sheriff shall execute and deliver a bill of sale to the purchaser who shall be the highest bidder with the commissioner to witness the bill of sale. The signature by the sheriff and the commissioner to the bill of sale is a certification by them that the sale was conducted pursuant to the sale order and to the highest bidder for cash. The bill of sale may be conditioned upon the entry by the court of the final order. If there is no bidder at the sale, the sheriff's fees shall be paid by the community owner

or landowner with such costs to be assessed as costs of court, upon filing of proof of payment of the same in the proceeding. If there is no bid, the community owner or landowner may seek a new sale order providing for another sale of the manufactured or mobile home and associated personal property. Added by Laws, 2021, ch. 376, HB 955, § 7, eff. 7/1/2021. The sale shall be made at the place, on the date and during the time set by the court. The sheriff shall conduct the sale and shall charge a reasonable fee for conducting the sale with the fee to be applied to the sheriff's operating fund. The abandoned manufactured or mobile home and associated personal property shall be sold for cash to the highest bidder. Each bidder shall submit a bid in at least a minimum amount that will pay the sheriff's fee, the tax collector for any past due taxes, the lien creditors in their order of priority and all costs of court and commissioner's fees. The community owner or landowner may purchase at any sale, and any such sale shall not be invalid because of the relationship of such purchaser to the community owner or landowner or any lienholder. The community owner or landowner and any lienholder may credit bid by deducting the amount due to such bidder from the bidder's bid. The highest bid accepted by the sheriff at the sale shall be paid to the commissioner. The sheriff, promptly upon completion of the sale, shall deliver to the commissioner a report of the sale, including a copy of the notice of sale authorizing the sale of the abandoned manufactured or mobile home and a list of the associated personal property sold along with the same, the total amount paid, the name of the commissioner to whom it was paid, the name of the sheriff conducting the sale and the name of the person to whom the sale was made. The sheriff shall execute and deliver a bill of sale to the purchaser who shall be the highest bidder with the commissioner to witness the bill of sale. The signature by the sheriff and the commissioner to the bill of sale is a certification by them that the sale was conducted pursuant to the sale order and to the highest bidder for cash. The bill of sale may be conditioned upon the entry by the court of the final order. If there is no bidder at the sale, the sheriff's fees shall be paid by the community owner or landowner with such costs to be assessed as costs of court, upon filing of proof of payment of the same in the proceeding. If there is no bid, the community owner or landowner may seek a new sale order providing for another sale of the manufactured or mobile home and associated personal property. Added by Laws, 2021, ch. 376, HB 955, § 7, eff. 7/1/2021. The sale shall be made at the place, on the date and during the time set by the court. The sheriff shall conduct the sale and shall charge a reasonable fee for conducting the sale with the fee to be applied to the sheriff's operating fund. The abandoned manufactured or mobile home and associated personal property shall be sold for cash to the highest bidder. Each bidder shall submit a bid in at least a minimum amount that will pay the sheriff's fee, the tax collector for any past due taxes, the lien creditors in their order of priority and all costs of court and commissioner's fees. The community owner or landowner may purchase at any sale, and any such sale shall not be invalid because of the relationship of such purchaser to the community owner or landowner or any lienholder. The community owner or landowner and any lienholder may credit bid by deducting the amount due to such bidder from the bidder's bid. The highest bid accepted by the sheriff at the sale shall be paid to the commissioner. The sheriff, promptly upon completion of the sale, shall deliver to the commissioner a report of the sale, including a copy of the notice of sale authorizing the sale of the abandoned manufactured or mobile home and a list of the associated personal property sold along with the same, the total amount paid, the name of the commissioner to whom it was paid, the name of the sheriff conducting the sale and the name of the person to whom the sale was made. The sheriff shall execute and deliver a bill of sale to the purchaser who shall be the highest bidder with the commissioner to witness the bill of sale. The signature by the sheriff and the commissioner to the bill of sale is a certification by them that the sale was conducted pursuant to the sale order and to the highest bidder for cash. The bill of sale may be conditioned upon the entry by the court of the final order. If there is no bidder at the sale, the sheriff's fees shall be paid by the community owner or landowner with such costs to be assessed as costs of court, upon filing of proof of payment of the same in the proceeding. If there is no bid, the community owner or landowner may seek a new sale order providing for another sale of the manufactured or mobile home and associated personal property. Added by Laws, 2021, ch. 376, HB 955, § 7, eff. 7/1/2021.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 3 - ABANDONED MANUFACTURED OR MOBILE HOMES (§§ 63-21-201 — 63-21-223) Section 63-21-215 - Payment of debt and exercise of possession

Any interested party may, at any time before a sale is made under the terms and provisions of the sale order, stop a threatened sale of a manufactured or mobile home by paying the amount due to the community owner or landowner on the amount actually past due rather than any amount accelerated, along with all accrued costs, attorneys' fees, commissioners' fees, sheriffs' fees, such taxes due and not paid, with proper interest and penalties thereon. Any such payment or payments shall reinstate, according to the terms of the agreement with the community owner or landowner, the amount so accelerated, the same as if such amount had not been accelerated or put in default. Added by Laws, 2021, ch. 376, HB 955, § 8, eff. 7/1/2021. Any interested party may, at any time before a sale is made under the terms and provisions of the sale order, stop a threatened sale of a manufactured or mobile home by paying the amount due to the community owner or landowner on the amount actually past due rather than any amount accelerated, along with all accrued costs, attorneys' fees, commissioners' fees, sheriffs' fees, such taxes due and not paid, with proper interest and penalties thereon. Any such payment or payments shall reinstate, according to the terms of the agreement with the community owner or landowner, the amount so accelerated, the same as if such amount had not been accelerated or put in default. Added by Laws, 2021, ch. 376, HB 955, § 8, eff. 7/1/2021. Any interested party may, at any time before a sale is made under the terms and provisions of the sale order, stop a threatened sale of a manufactured or mobile home by paying the amount due to the community owner or landowner on the amount actually past due rather than any amount accelerated, along with all accrued costs, attorneys' fees, commissioners' fees, sheriffs' fees, such taxes due and not paid, with proper interest and penalties thereon. Any such payment or payments shall reinstate, according to the terms of the agreement with the community owner or landowner, the amount so

accelerated, the same as if such amount had not been accelerated or put in default. Added by Laws, 2021, ch. 376, HB 955, § 8, eff. 7/1/2021. Any interested party may, at any time before a sale is made under the terms and provisions of the sale order, stop a threatened sale of a manufactured or mobile home by paying the amount due to the community owner or landowner on the amount actually past due rather than any amount accelerated, along with all accrued costs, attorneys' fees, commissioners' fees, sheriffs' fees, such taxes due and not paid, with proper interest and penalties thereon. Any such payment or payments shall reinstate, according to the terms of the agreement with the community owner or landowner, the amount so accelerated, the same as if such amount had not been accelerated or put in default. Added by Laws, 2021, ch. 376, HB 955, § 8, eff. 7/1/2021.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 3 - ABANDONED MANUFACTURED OR MOBILE HOMES (§§ 63-21-201 — 63-21-223) Section 63-21-217 - Disbursement of bid amount by commissioner

The commissioner shall disburse the bid proceeds as follows: first, to the sheriff for the sheriff's fee; second, to the tax collector for any past due taxes, liens and assessments; third, to the lien creditors in their order of priority; fourth, to the community owner or landowner for the indebtedness, interest and attorney's fees owed thereto and all costs of court and commissioner's fees; and fifth, to the owner, or if the abandoned manufactured or mobile home was adjudicated by the sale order as uninhabitable, then to the community owner or landowner in the amount of the estimate of demolition and removal. If the owner has appeared in the proceeding or was served with process other than by publication, any amount to be paid to the owner and not paid directly to the owner may be paid by interpleading the same with the clerk of court where the proceeding is pending for the benefit of the owner. If the owner has not appeared in the proceeding and service of process was obtained by publication, then the commissioner shall pay the same to the Treasurer of the State of Mississippi as unclaimed funds on such forms as may be prescribed by the Treasurer. The commissioner shall have the right to delay disbursement of the bid amount until the court has entered a final order. Added by Laws, 2021, ch. 376, HB 955, § 9, eff. 7/1/2021. The commissioner shall disburse the bid proceeds as follows: first, to the sheriff for the sheriff's fee; second, to the tax collector for any past due taxes, liens and assessments; third, to the lien creditors in their order of priority; fourth, to the community owner or landowner for the indebtedness, interest and attorney's fees owed thereto and all costs of court and commissioner's fees; and fifth, to the owner, or if the abandoned manufactured or mobile home was adjudicated by the sale order as uninhabitable, then to the community owner or landowner in the amount of the estimate of demolition and removal. If the owner has appeared in the proceeding or was served with process other than by publication, any amount to be paid to the owner and not paid directly to the owner may be paid by interpleading the same with the clerk of court where the proceeding is pending for the benefit of the owner. If the owner has not appeared in the proceeding and service of process was obtained by publication, then the commissioner shall pay the same to the Treasurer of the State of Mississippi as unclaimed funds on such forms as may be prescribed by the Treasurer. The commissioner shall have the right to delay disbursement of the bid amount until the court has entered a final order. Added by Laws, 2021, ch. 376, HB 955, § 9, eff. 7/1/2021. The commissioner shall disburse the bid proceeds as follows: first, to the sheriff for the sheriff's fee; second, to the tax collector for any past due taxes, liens and assessments; third, to the lien creditors in their order of priority; fourth, to the community owner or landowner for the indebtedness, interest and attorney's fees owed thereto and all costs of court and commissioner's fees; and fifth, to the owner, or if the abandoned manufactured or mobile home was adjudicated by the sale order as uninhabitable, then to the community owner or landowner in the amount of the estimate of demolition and removal. If the owner has appeared in the proceeding or was served with process other than by publication, any amount to be paid to the owner and not paid directly to the owner may be paid by interpleading the same with the clerk of court where the proceeding is pending for the benefit of the owner. If the owner has not appeared in the proceeding and service of process was obtained by publication, then the commissioner shall pay the same to the Treasurer of the State of Mississippi as unclaimed funds on such forms as may be prescribed by the Treasurer. The commissioner shall have the right to delay disbursement of the bid amount until the court has entered a final order. Added by Laws, 2021, ch. 376, HB 955, § 9, eff. 7/1/2021.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 3 - ABANDONED MANUFACTURED OR MOBILE HOMES (§§ 63-21-201 — 63-21-223) Section 63-21-219 - Entry of final order

Upon the commissioner filing a report with the court attaching a copy of the sheriff's report of the sale and a list of the actual or proposed disbursements from the accepted bid, the court may enter a final order approving the sale and the disbursement of the

proceeds from the accepted bid and include such other provisions as deemed appropriate by the court. The court may enter any other order finally disposing of the proceeding, including an order of dismissal. Added by Laws, 2021, ch. 376, HB 955, § 10, eff. 7/1/2021. Upon the commissioner filing a report with the court attaching a copy of the sheriff's report of the sale and a list of the actual or proposed disbursements from the accepted bid, the court may enter a final order approving the sale and the disbursement of the proceeds from the accepted bid and include such other provisions as deemed appropriate by the court. The court may enter any other order finally disposing of the proceeding, including an order of dismissal. Added by Laws, 2021, ch. 376, HB 955, § 10, eff. 7/1/2021. Upon the commissioner filing a report with the court attaching a copy of the sheriff's report of the sale and a list of the actual or proposed disbursements from the accepted bid, the court may enter a final order approving the sale and the disbursement of the proceeds from the accepted bid and include such other provisions as deemed appropriate by the court. The court may enter any other order finally disposing of the proceeding, including an order of dismissal. Added by Laws, 2021, ch. 376, HB 955, § 10, eff. 7/1/2021. Upon the commissioner filing a report with the court attaching a copy of the sheriff's report of the sale and a list of the actual or proposed disbursements from the accepted bid, the court may enter a final order approving the sale and the disbursement of the proceeds from the accepted bid and include such other provisions as deemed appropriate by the court. The court may enter any other order finally disposing of the proceeding, including an order of dismissal. Added by Laws, 2021, ch. 376, HB 955, § 10, eff. 7/1/2021.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 3 - ABANDONED MANUFACTURED OR MOBILE HOMES (§§ 63-21-201 — 63-21-223) Section 63-21-221 - Submission to Department of Revenue

The purchaser shall submit a copy of the Bill of Sale and the Final Order to the Department of Revenue along with such forms as may be prescribed by it for the issuance of a new title to the purchaser. Added by Laws, 2021, ch. 376, HB 955, § 11, eff. 7/1/2021. The purchaser shall submit a copy of the Bill of Sale and the Final Order to the Department of Revenue along with such forms as may be prescribed by it for the issuance of a new title to the purchaser. Added by Laws, 2021, ch. 376, HB 955, § 11, eff. 7/1/2021. The purchaser shall submit a copy of the Bill of Sale and the Final Order to the Department of Revenue along with such forms as may be prescribed by it for the issuance of a new title to the purchaser. Added by Laws, 2021, ch. 376, HB 955, § 11, eff. 7/1/2021. The purchaser shall submit a copy of the Bill of Sale and the Final Order to the Department of Revenue along with such forms as may be prescribed by it for the issuance of a new title to the purchaser. Added by Laws, 2021, ch. 376, HB 955, § 11, eff. 7/1/2021.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 3 - ABANDONED MANUFACTURED OR MOBILE HOMES (§§ 63-21-201 — 63-21-223) Section 63-21-223 - Good faith defense of owner of real property to claims of wrongful sale of manufactured or mobile home and associated personal property

A community owner or landowner who believes in good faith that the manufactured or mobile home and associated personal property that was the subject of a proceeding to dispose of the same was in fact abandoned shall not be liable for any damages whatsoever to the owner or a lienholder or other interested person arising from the proceedings provided the owner served process by publication to all unknown persons having an interest in the manufactured or mobile home and associated personal property. Added by Laws, 2021, ch. 367, HB 955, § 12, eff. 7/1/2021. A community owner or landowner who believes in good faith that the manufactured or mobile home and associated personal property that was the subject of a proceeding to dispose of the same was in fact abandoned shall not be liable for any damages whatsoever to the owner or a lienholder or other interested person arising from the proceedings provided the owner served process by publication to all unknown persons having an interest in the manufactured or mobile home and associated personal property. Added by Laws, 2021, ch. 367, HB 955, § 12, eff. 7/1/2021. A community owner or landowner who believes in good faith that the manufactured or mobile home and associated personal property that was the subject of a proceeding to dispose of the same was in fact abandoned shall not be liable for any damages whatsoever to the owner or a lienholder or other interested person arising from the proceedings provided the owner served process by publication to all unknown persons having an interest in the manufactured or mobile home and associated personal property. Added by Laws, 2021, ch. 367, HB 955, § 12, eff. 7/1/2021. A community owner or landowner who believes in good faith that the manufactured or mobile home and associated personal property that was the subject of a proceeding to dispose of the same was in fact abandoned shall not be liable for any damages whatsoever to the owner or a lienholder or other interested person arising from the proceedings provided the owner served process by publication to all unknown persons having an interest in the manufactured or mobile home and associated personal property. Added by Laws, 2021, ch. 367, HB 955, § 12, eff. 7/1/2021.

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The following terms shall have the following meanings, unless the context clearly indicates otherwise: (a) "Beneficiary designation" means the designation by an owner of a motor vehicle of a beneficiary of the vehicle as provided by Section 63-21-261. (b) "Designated beneficiary" means a person designated as a beneficiary of an owner's interest in a motor vehicle under Section 63-21-261. (c) "Joint owner with right of survivorship" or "joint owner" means a person who owns a motor vehicle

concurrently with one or more other persons with a right of survivorship.(d)"Motor vehicle" shall have the same meaning as the term as defined in Section63-21-5(l).Added by Laws, 2022, ch. 413, HB 1430,§ 1, eff. 7/1/2022. The following terms shall have the following meanings, unless the context clearly indicates otherwise:(a)"Beneficiary designation" means the designation by an owner of a motor vehicle of a beneficiary of the vehicle as provided by Section63-21-261.(b)"Designated beneficiary" means a person designated as a beneficiary of an owner's interest in a motor vehicle under Section63-21-261.(c)"Joint owner with right of survivorship" or "joint owner" means a person who owns a motor vehicle concurrently with one or more other persons with a right of survivorship.(d)"Motor vehicle" shall have the same meaning as the term as defined in Section63-21-5(l).Added by Laws, 2022, ch. 413, HB 1430,§ 1, eff. 7/1/2022. The following terms shall have the following meanings, unless the context clearly indicates otherwise:(a)"Beneficiary designation" means the designation by an owner of a motor vehicle of a beneficiary of the vehicle as provided by Section63-21-261.(b)"Designated beneficiary" means a person designated as a beneficiary of an owner's interest in a motor vehicle under Section63-21-261.(c)"Joint owner with right of survivorship" or "joint owner" means a person who owns a motor vehicle concurrently with one or more other persons with a right of survivorship.(d)"Motor vehicle" shall have the same meaning as the term as defined in Section63-21-5(l).Added by Laws, 2022, ch. 413, HB 1430,§ 1, eff. 7/1/2022. The following terms shall have the following meanings, unless the context clearly indicates otherwise: Added by Laws, 2022, ch. 413, HB 1430,§ 1, eff. 7/1/2022.

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(1)An owner of a motor vehicle may transfer the owner's interest in the motor vehicle to a sole beneficiary effective on the owner's death by designating a beneficiary as provided by Section63-21-261.(2)A beneficiary designation is:(a)Subject to Section63-21-255, revocable and may be changed at any time without the consent of the designated beneficiary as provided by Section63-21-261;(b)A nontestamentary instrument; and(c)Effective without:(A)Notice or delivery to or acceptance by the designated beneficiary during the owner's life; or(B)Consideration.(3)A will may not revoke or supersede a beneficiary designation, regardless of when the will is made.(4)A designated beneficiary may disclaim the designated beneficiary's interest in the motor vehicle as provided by applicable law.Added by Laws, 2022, ch. 413, HB 1430,§ 2, eff. 7/1/2022. (1)An owner of a motor vehicle may transfer the owner's interest in the motor vehicle to a sole beneficiary effective on the owner's death by designating a beneficiary as provided by Section63-21-261.(2)A beneficiary designation is:(a)Subject to Section63-21-255, revocable and may be changed at any time without the consent of the designated beneficiary as provided by Section63-21-261;(b)A nontestamentary instrument; and(c)Effective without:(A)Notice or delivery to or acceptance by the designated beneficiary during the owner's life; or(B)Consideration.(3)A will may not revoke or supersede a beneficiary designation, regardless of when the will is made.(4)A designated beneficiary may disclaim the designated beneficiary's interest in the motor vehicle as provided by applicable law.Added by Laws, 2022, ch. 413, HB 1430,§ 2, eff. 7/1/2022. Added by Laws, 2022, ch. 413, HB 1430,§ 2, eff. 7/1/2022.

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(1)If a motor vehicle that is the subject of a beneficiary designation is owned by joint owners with right of survivorship, the beneficiary designation must be made by all of the joint owners.(2)A beneficiary designation made by joint owners with right of survivorship:(a)May be revoked or changed as provided by Section63-21-261, only if it is revoked or changed by all of the joint owners; and(b)May be revoked or changed by the last surviving joint owner as provided by Section63-21-261.Added by Laws, 2022, ch. 413, HB 1430,§ 3, eff. 7/1/2022. (1)If a motor vehicle that is the subject of a beneficiary designation is owned by joint owners with right of survivorship, the beneficiary designation must be made by all of the joint owners.(2)A beneficiary designation made by joint owners with right of survivorship:(a)May be revoked or changed as provided by Section63-21-261, only if it is revoked or changed by all of the joint owners; and(b)May be revoked or changed by the last surviving joint owner as provided by Section63-21-261.Added by Laws, 2022, ch. 413, HB 1430,§ 3, eff. 7/1/2022. (1)If a motor vehicle that is the subject of a beneficiary designation is owned by joint owners with right of survivorship, the beneficiary designation must be made by all of the joint owners.(2)A beneficiary designation made by joint owners with right of survivorship:(a)May be revoked or changed as provided by Section63-21-261, only if it is revoked or changed by all of the joint owners; and(b)May be revoked or changed by the last surviving joint owner as provided by Section63-21-261.Added by Laws, 2022, ch. 413, HB 1430,§ 3, eff. 7/1/2022. Added by

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 21 - MOTOR VEHICLE TITLES (§§ 63-21-1 — 63-21-261) Article 4 - TRANSFER OF INTEREST IN MOTOR VEHICLE TO DESIGNATED BENEFICIARY ON DEATH OF OWNER (§§ 63-21-251 — 63-21-261) Section 63-21-257 - Effect of beneficiary designation during motor vehicle owner's life

During a motor vehicle owner's life, a beneficiary designation does not: (a) Affect an interest or right of the owner or owners making the designation, including the right to transfer or encumber the motor vehicle that is the subject of the designation; (b) Create a legal or equitable interest in favor of the designated beneficiary in the motor vehicle that is the subject of the designation, even if the beneficiary has actual or constructive notice of the designation; (c) Affect an interest or right of a secured or unsecured creditor or future creditor of the owner or owners making the designation, even if the creditor has actual or constructive notice of the designation; or (d) Affect an owner's or the designated beneficiary's eligibility for any form of public assistance, subject to applicable federal law. Added by Laws, 2022, ch. 413, HB 1430, § 4, eff. 7/1/2022. During a motor vehicle owner's life, a beneficiary designation does not: (a) Affect an interest or right of the owner or owners making the designation, including the right to transfer or encumber the motor vehicle that is the subject of the designation; (b) Create a legal or equitable interest in favor of the designated beneficiary in the motor vehicle that is the subject of the designation, even if the beneficiary has actual or constructive notice of the designation; (c) Affect an interest or right of a secured or unsecured creditor or future creditor of the owner or owners making the designation, even if the creditor has actual or constructive notice of the designation; or (d) Affect an owner's or the designated beneficiary's eligibility for any form of public assistance, subject to applicable federal law. Added by Laws, 2022, ch. 413, HB 1430, § 4, eff. 7/1/2022. During a motor vehicle owner's life, a beneficiary designation does not: (a) Affect an interest or right of the owner or owners making the designation, including the right to transfer or encumber the motor vehicle that is the subject of the designation; (b) Create a legal or equitable interest in favor of the designated beneficiary in the motor vehicle that is the subject of the designation, even if the beneficiary has actual or constructive notice of the designation; (c) Affect an interest or right of a secured or unsecured creditor or future creditor of the owner or owners making the designation, even if the creditor has actual or constructive notice of the designation; or (d) Affect an owner's or the designated beneficiary's eligibility for any form of public assistance, subject to applicable federal law. Added by Laws, 2022, ch. 413, HB 1430, § 4, eff. 7/1/2022. During a motor vehicle owner's life, a beneficiary designation does not: Added by Laws, 2022, ch. 413, HB 1430, § 4, eff. 7/1/2022.

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(1) On the death of the owner of a motor vehicle that is the subject of a beneficiary designation, the following rules apply to an interest in the motor vehicle: (a) If the designated beneficiary survives the owner making the designation by one hundred twenty (120) hours, the interest in the motor vehicle is transferred to the designated beneficiary; and (b) If the designated beneficiary fails to survive the owner making the designation by one hundred twenty (120) hours, the share of the designated beneficiary lapses and is subject to and passes as if the beneficiary designation were a devise made in a will. (2) If an owner is a joint owner with right of survivorship who is survived by one or more other joint owners, the motor vehicle that is the subject of the beneficiary designation belongs to the surviving joint owner or owners. If an owner is a joint owner with right of survivorship who is the last surviving joint owner, the beneficiary designation is effective. (3) A designated beneficiary takes the motor vehicle subject to all encumbrances, assignments, contracts, liens and other interests to which the vehicle is subject at the owner's or last surviving owner's death, as applicable. The transfer to the designated beneficiary does not affect the ability of a lienholder to pursue an existing means of debt collection permitted under the laws of this state. (4) The transfer to the designated beneficiary upon death is not a taxable event, regardless of the designated beneficiary's relationship to the deceased owner of the motor vehicle. Added by Laws, 2022, ch. 413, HB 1430, § 5, eff. 7/1/2022. (1) On the death of the owner of a motor vehicle that is the subject of a beneficiary designation, the following rules apply to an interest in the motor vehicle: (a) If the designated beneficiary survives the owner making the designation by one hundred twenty (120) hours, the interest in the motor vehicle is transferred to the designated beneficiary; and (b) If the designated beneficiary fails to survive the owner making the designation by one hundred twenty (120) hours, the share of the designated beneficiary lapses and is subject to and passes as if the beneficiary designation were a devise made in a will. (2) If an owner is a joint owner with right of survivorship who is survived by one or more other joint owners, the motor vehicle that is the subject of the beneficiary designation belongs to the surviving joint owner or owners. If an owner is a joint owner with right of survivorship who is the last surviving joint owner, the beneficiary designation is effective. (3) A designated beneficiary takes the motor vehicle subject to all encumbrances, assignments, contracts, liens and other interests to which the vehicle is subject at the owner's or last surviving owner's death, as applicable. The transfer to the designated beneficiary does not affect the ability of a lienholder to pursue an existing means of debt collection permitted under the laws of this state. (4) The transfer to the designated beneficiary upon death is not a taxable event, regardless of the designated beneficiary's relationship to the deceased owner of the motor vehicle. Added by Laws, 2022, ch. 413, HB 1430, § 5, eff. 7/1/2022. (1) On the death of the owner of a motor vehicle that is the subject of a beneficiary designation, the following rules apply to an interest in the motor vehicle: (a) If the designated beneficiary survives the owner making the designation by one hundred twenty (120) hours, the interest in the motor vehicle is transferred to the

designated beneficiary; and(b)If the designated beneficiary fails to survive the owner making the designation by one hundred twenty (120) hours, the share of the designated beneficiary lapses and is subject to and passes as if the beneficiary designation were a devise made in a will.(2)If an owner is a joint owner with right of survivorship who is survived by one or more other joint owners, the motor vehicle that is the subject of the beneficiary designation belongs to the surviving joint owner or owners. If an owner is a joint owner with right of survivorship who is the last surviving joint owner, the beneficiary designation is effective.(3)A designated beneficiary takes the motor vehicle subject to all encumbrances, assignments, contracts, liens and other interests to which the vehicle is subject at the owner's or last surviving owner's death, as applicable. The transfer to the designated beneficiary does not affect the ability of a lienholder to pursue an existing means of debt collection permitted under the laws of this state.(4)The transfer to the designated beneficiary upon death is not a taxable event, regardless of the designated beneficiary's relationship to the deceased owner of the motor vehicle.Added by Laws, 2022, ch. 413, HB 1430,§ 5, eff. 7/1/2022. Added by Laws, 2022, ch. 413, HB 1430,§ 5, eff. 7/1/2022.

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(1)The owner of a motor vehicle may designate a sole beneficiary to whom the owner's interest in the vehicle transfers on the owner's death as provided by this article, by submitting an application for title with the designation. To be effective, the designation must state that the transfer of an interest in the vehicle to the designated beneficiary is to occur at the transferor's death.(2)The legal name of a beneficiary designated under this section must be included on the title.(3)The department shall transfer title of a motor vehicle to a beneficiary designated under this section for the vehicle if the beneficiary submits:(a)An application for title not later than the 180th day after the date of the owner's death or, if the vehicle is owned by joint owners, the last surviving owner's death, as applicable; and(b)Satisfactory proof of the death of the owner or owners, as applicable.(4)A beneficiary designation may be changed or revoked by submitting a new application for title.(5)A beneficiary designation or a change or revocation of a beneficiary designation made on an application for title of a motor vehicle that has not been submitted to the department before the death of a vehicle's owner or owners who made, changed, or revoked the designation, as applicable, is invalid.(6)The Department of Revenue may adopt rules to administer this section.Added by Laws, 2022, ch. 413, HB 1430,§ 6, eff. 7/1/2022. (1)The owner of a motor vehicle may designate a sole beneficiary to whom the owner's interest in the vehicle transfers on the owner's death as provided by this article, by submitting an application for title with the designation. To be effective, the designation must state that the transfer of an interest in the vehicle to the designated beneficiary is to occur at the transferor's death.(2)The legal name of a beneficiary designated under this section must be included on the title.(3)The department shall transfer title of a motor vehicle to a beneficiary designated under this section for the vehicle if the beneficiary submits:(a)An application for title not later than the 180th day after the date of the owner's death or, if the vehicle is owned by joint owners, the last surviving owner's death, as applicable; and(b)Satisfactory proof of the death of the owner or owners, as applicable.(4)A beneficiary designation may be changed or revoked by submitting a new application for title.(5)A beneficiary designation or a change or revocation of a beneficiary designation made on an application for title of a motor vehicle that has not been submitted to the department before the death of a vehicle's owner or owners who made, changed, or revoked the designation, as applicable, is invalid.(6)The Department of Revenue may adopt rules to administer this section.Added by Laws, 2022, ch. 413, HB 1430,§ 6, eff. 7/1/2022. (1)The owner of a motor vehicle may designate a sole beneficiary to whom the owner's interest in the vehicle transfers on the owner's death as provided by this article, by submitting an application for title with the designation. To be effective, the designation must state that the transfer of an interest in the vehicle to the designated beneficiary is to occur at the transferor's death.(2)The legal name of a beneficiary designated under this section must be included on the title.(3)The department shall transfer title of a motor vehicle to a beneficiary designated under this section for the vehicle if the beneficiary submits:(a)An application for title not later than the 180th day after the date of the owner's death or, if the vehicle is owned by joint owners, the last surviving owner's death, as applicable; and(b)Satisfactory proof of the death of the owner or owners, as applicable.(4)A beneficiary designation may be changed or revoked by submitting a new application for title.(5)A beneficiary designation or a change or revocation of a beneficiary designation made on an application for title of a motor vehicle that has not been submitted to the department before the death of a vehicle's owner or owners who made, changed, or revoked the designation, as applicable, is invalid.(6)The Department of Revenue may adopt rules to administer this section.Added by Laws, 2022, ch. 413, HB 1430,§ 6, eff. 7/1/2022. Added by Laws, 2022, ch. 413, HB 1430,§ 6, eff. 7/1/2022.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 23 - ABANDONED MOTOR VEHICLES (§§ 63-23-1 — 63-23-11)Section 63-23-1 - Purpose of chapter

The intent of this chapter is to provide a means for removing abandoned motor vehicles from the right-of-way and open lands of the state to enhance the beauty of the countryside and the health and welfare of its citizens. It is also to provide a means of relieving automobile dealers, repairmen, and others dealing in motor vehicles from unnecessary storage of deteriorated cars which prevent the use of such floorspace or property for storage for hire or use in their business, and is therefore in the public interest.Codes, 1942, § 8125-104; Laws, 1970, ch. 481, § 4, eff. 6/5/1970. The intent of this chapter is to provide a means for removing abandoned motor vehicles from the right-of-way and open lands of the state to enhance the beauty of the countryside and the health and welfare of its citizens. It is also to provide a means of relieving automobile dealers, repairmen, and others dealing in motor vehicles from

unnecessary storage of deteriorated cars which prevent the use of such floorspace or property for storage for hire or use in their business, and is therefore in the public interest. Codes, 1942, § 8125-104; Laws, 1970, ch. 481, § 4, eff. 6/5/1970. The intent of this chapter is to provide a means for removing abandoned motor vehicles from the right-of-way and open lands of the state to enhance the beauty of the countryside and the health and welfare of its citizens. It is also to provide a means of relieving automobile dealers, repairmen, and others dealing in motor vehicles from unnecessary storage of deteriorated cars which prevent the use of such floorspace or property for storage for hire or use in their business, and is therefore in the public interest. Codes, 1942, § 8125-104; Laws, 1970, ch. 481, § 4, eff. 6/5/1970. The intent of this chapter is to provide a means for removing abandoned motor vehicles from the right-of-way and open lands of the state to enhance the beauty of the countryside and the health and welfare of its citizens. It is also to provide a means of relieving automobile dealers, repairmen, and others dealing in motor vehicles from unnecessary storage of deteriorated cars which prevent the use of such floorspace or property for storage for hire or use in their business, and is therefore in the public interest. Codes, 1942, § 8125-104; Laws, 1970, ch. 481, § 4, eff. 6/5/1970.

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Any person proving ownership or any lienholder may claim subject motor vehicle at any time prior to sale by paying towing, repair, storage and other necessary expenses incurred. Codes, 1942, § 8125-102; Laws, 1970, ch. 481, § 2, eff. 6/5/1970. Any person proving ownership or any lienholder may claim subject motor vehicle at any time prior to sale by paying towing, repair, storage and other necessary expenses incurred. Codes, 1942, § 8125-102; Laws, 1970, ch. 481, § 2, eff. 6/5/1970. Any person proving ownership or any lienholder may claim subject motor vehicle at any time prior to sale by paying towing, repair, storage and other necessary expenses incurred. Codes, 1942, § 8125-102; Laws, 1970, ch. 481, § 2, eff. 6/5/1970. Any person proving ownership or any lienholder may claim subject motor vehicle at any time prior to sale by paying towing, repair, storage and other necessary expenses incurred. Codes, 1942, § 8125-102; Laws, 1970, ch. 481, § 2, eff. 6/5/1970.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 23 - ABANDONED MOTOR VEHICLES (§§ 63-23-1 — 63-23-11) Section 63-23-3 - "Abandoned motor vehicle" defined

For the purposes of this chapter, an "abandoned motor vehicle" shall mean a motor vehicle as defined by the Mississippi Motor Vehicle Title Law: (a) which has been left by the owner, or some person acting for the owner, with an automobile dealer, repairman or wrecker service for repair or for some other reason and has not been called for by such owner or other person within a period of forty (40) days after the time agreed upon or within forty (40) days after such vehicle is turned over to such dealer, repairman or wrecker service when no time is agreed upon. (b) which is left unattended on a public street, road or highway or other public property for a period of at least five (5) days. (c) which has been lawfully towed onto the property of another at the written request of a law enforcement officer and left there for a period of not less than forty (40) days without any one having made claim thereto. Codes, 1942, § 8125-101; Laws, 1970, ch. 481, § 1; Laws, 1974, ch. 448, § 1, eff. 3/26/1974. For the purposes of this chapter, an "abandoned motor vehicle" shall mean a motor vehicle as defined by the Mississippi Motor Vehicle Title Law: (a) which has been left by the owner, or some person acting for the owner, with an automobile dealer, repairman or wrecker service for repair or for some other reason and has not been called for by such owner or other person within a period of forty (40) days after the time agreed upon or within forty (40) days after such vehicle is turned over to such dealer, repairman or wrecker service when no time is agreed upon. (b) which is left unattended on a public street, road or highway or other public property for a period of at least five (5) days. (c) which has been lawfully towed onto the property of another at the written request of a law enforcement officer and left there for a period of not less than forty (40) days without any one having made claim thereto. Codes, 1942, § 8125-101; Laws, 1970, ch. 481, § 1; Laws, 1974, ch. 448, § 1, eff. 3/26/1974. For the purposes of this chapter, an "abandoned motor vehicle" shall mean a motor vehicle as defined by the Mississippi Motor Vehicle Title Law: Codes, 1942, § 8125-101; Laws, 1970, ch. 481, § 1; Laws, 1974, ch. 448, § 1, eff. 3/26/1974.

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(1) Any automobile dealer, wrecker service, or repair service owner, or any person or party on whose property a motor vehicle is lawfully towed at the written request of a law enforcement officer, who shall have an abandoned motor vehicle on his property, may sell, free and clear of all claims such motor vehicle by public auction, or if the abandoned motor vehicle has no market value, may

dispose of the same after having received at least two (2) written statements from licensed automobile dealers as to the worthlessness of such motor vehicle and after compliance with subsection (2) of this section and Section 63-23-9. An abandoned motor vehicle as defined by Section 63-23-3(b) shall not be sold at auction until thirty (30) days from date of removal from a public street, road or highway. (2) The person authorized to execute the sale or disposal of an abandoned motor vehicle shall notify, within ten (10) days of receipt of such vehicle, any Mississippi lienholder on such vehicle that unless a claim on the vehicle is made within thirty (30) days of such notice, the vehicle will be sold or destroyed. (3) After the sale of any vehicle as set out hereinabove is made, the person or officer designated and making the sale of such property shall promptly upon completion of the sale deliver to the chancery clerk a list or itemization of the property sold, the amount paid for each item, the person to whom each item was sold, and all moneys received from such sale, the gross charges levied by the person making the sale against the property sold and the net amount paid over to the chancery clerk. Any sale made by any person, officer, corporation or association, shall have attached to the report of sale a sworn statement certifying as to the date such personal property or items sold first came into his possession or was abandoned on his premises and the date said personal property or item was sold. (4) The proceeds of the sale in excess of repair, towing and storage expenses and all expenses incurred in connection with a sale when a sale is made under the provisions of this chapter, shall escheat to the county and shall be paid over to the chancery clerk to be placed into the general fund of the county in which the vehicle is abandoned. However, in those municipalities availing themselves of the provisions of Section 21-39-21, the proceeds of the sale in excess of the repairs, towing, storage or other necessary expenses incurred shall escheat to the general fund of the municipality. Codes, 1942, §§ 8125-102, 8125-103; Laws, 1970, ch. 481, §§ 2, 3; Laws, 1974, ch. 448, § 2; Laws, 1990, ch. 410, § 1, eff. 7/1/1990. (1) Any automobile dealer, wrecker service, or repair service owner, or any person or party on whose property a motor vehicle is lawfully towed at the written request of a law enforcement officer, who shall have an abandoned motor vehicle on his property, may sell, free and clear of all claims such motor vehicle by public auction, or if the abandoned motor vehicle has no market value, may dispose of the same after having received at least two (2) written statements from licensed automobile dealers as to the worthlessness of such motor vehicle and after compliance with subsection (2) of this section and Section 63-23-9. An abandoned motor vehicle as defined by Section 63-23-3(b) shall not be sold at auction until thirty (30) days from date of removal from a public street, road or highway. (2) The person authorized to execute the sale or disposal of an abandoned motor vehicle shall notify, within ten (10) days of receipt of such vehicle, any Mississippi lienholder on such vehicle that unless a claim on the vehicle is made within thirty (30) days of such notice, the vehicle will be sold or destroyed. (3) After the sale of any vehicle as set out hereinabove is made, the person or officer designated and making the sale of such property shall promptly upon completion of the sale deliver to the chancery clerk a list or itemization of the property sold, the amount paid for each item, the person to whom each item was sold, and all moneys received from such sale, the gross charges levied by the person making the sale against the property sold and the net amount paid over to the chancery clerk. Any sale made by any person, officer, corporation or association, shall have attached to the report of sale a sworn statement certifying as to the date such personal property or items sold first came into his possession or was abandoned on his premises and the date said personal property or item was sold. (4) The proceeds of the sale in excess of repair, towing and storage expenses and all expenses incurred in connection with a sale when a sale is made under the provisions of this chapter, shall escheat to the county and shall be paid over to the chancery clerk to be placed into the general fund of the county in which the vehicle is abandoned. However, in those municipalities availing themselves of the provisions of Section 21-39-21, the proceeds of the sale in excess of the repairs, towing, storage or other necessary expenses incurred shall escheat to the general fund of the municipality. Codes, 1942, §§ 8125-102, 8125-103; Laws, 1970, ch. 481, §§ 2, 3; Laws, 1974, ch. 448, § 2; Laws, 1990, ch. 410, § 1, eff. 7/1/1990. Codes, 1942, §§ 8125-102, 8125-103; Laws, 1970, ch. 481, §§ 2, 3; Laws, 1974, ch. 448, § 2; Laws, 1990, ch. 410, § 1, eff. 7/1/1990.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 23 - ABANDONED MOTOR VEHICLES (§§ 63-23-1 — 63-23-11) Section 63-23-7 - Determination of status of vehicle under title law prior to disposition of vehicle

Prior to disposition of an abandoned motor vehicle any automobile dealer, wrecker service or repair service owner, or any person on whose property such a vehicle is lawfully towed at the written request of a law enforcement officer, shall inquire of the State Tax Commission as to status of the vehicle in regard to the Mississippi Motor Vehicle Title Law. Said inquiry shall provide the description of the vehicle including the vehicle identification number. Upon request of the State Tax Commission, satisfactory evidence must be furnished as to abandonment in compliance with this chapter. Upon receipt of notification of the foregoing, the State Tax Commission shall advise any automobile dealer, wrecker service or repair service owner, or any person on whose property such a vehicle is lawfully towed at the written request of a law enforcement officer, of proper titling procedures, where indicated, depending upon method of disposition of the vehicle. Codes, 1942, § 8125-102; Laws, 1970, ch. 481, § 2, eff. 6/5/1970; Laws, 2001, ch. 596, § 70, eff. 7/1/2001. Prior to disposition of an abandoned motor vehicle any automobile dealer, wrecker service or repair service owner, or any person on whose property such a vehicle is lawfully towed at the written request of a law enforcement officer, shall inquire of the State Tax Commission as to status of the vehicle in regard to the Mississippi Motor Vehicle Title Law. Said inquiry shall provide the description of the vehicle including the vehicle identification number. Upon request of the State Tax Commission, satisfactory evidence must be furnished as to abandonment in compliance with this chapter. Upon receipt of notification of the foregoing, the State Tax Commission shall advise any automobile dealer, wrecker service or repair service owner, or any person on whose property such a vehicle is lawfully towed at the written request of a law enforcement officer, of proper titling procedures, where indicated, depending upon method of disposition of the vehicle. Codes, 1942, § 8125-102; Laws, 1970, ch. 481, § 2, eff. 6/5/1970; Laws, 2001, ch. 596, § 70, eff. 7/1/2001. Prior to disposition of an abandoned motor vehicle any automobile dealer, wrecker service or repair service owner, or any person on whose property such a vehicle is lawfully towed at the written request of a law enforcement officer, shall inquire of the State Tax Commission as to status of the vehicle in regard to the Mississippi Motor Vehicle Title Law. Said inquiry shall provide the description of the vehicle including the vehicle identification number. Upon request of the State Tax Commission, satisfactory evidence must be furnished as to abandonment in compliance with this chapter. Upon receipt of notification of the foregoing, the State Tax Commission shall advise any automobile dealer, wrecker service or repair service owner, or any person on whose property such a vehicle is lawfully towed at the written request of a law enforcement officer, of proper titling procedures, where indicated, depending upon method of disposition of the vehicle. Codes, 1942, § 8125-102; Laws, 1970, ch. 481, § 2, eff. 6/5/1970; Laws, 2001, ch. 596, § 70, eff. 7/1/2001. Prior to disposition of an abandoned motor vehicle any automobile dealer, wrecker service or repair service owner, or any person on whose property such a vehicle is lawfully towed at the written request of a law enforcement officer, shall inquire of the State Tax Commission as to status of the vehicle in regard to the Mississippi Motor Vehicle Title Law. Said inquiry shall provide the description of the vehicle including the vehicle identification number. Upon request of the State Tax Commission, satisfactory evidence must be furnished as to abandonment in compliance with this chapter. Upon receipt of notification of the foregoing, the State Tax Commission shall advise any automobile dealer, wrecker service or repair service owner, or any person on whose property such a vehicle is lawfully towed at the written request of a law enforcement officer, of proper titling procedures, where indicated, depending upon method of disposition of the vehicle. Codes, 1942, § 8125-102; Laws, 1970, ch. 481, § 2, eff. 6/5/1970; Laws, 2001, ch. 596, § 70, eff. 7/1/2001.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 23 - ABANDONED MOTOR VEHICLES (§§ 63-23-1 — 63-23-11) Section 63-23-9 - Notification of registered owner and lienholders of record prior to disposition of vehicle

The last-known registered owner of an abandoned motor vehicle and all lienholders of record, when such information is reasonably obtainable, shall be notified by registered or certified mail that such vehicle will be sold pursuant to the provisions of this chapter. Said notice shall give such owner and lienholders the date, time and place of sale and name of the person or party who has custody of such vehicle. If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by three publications once each week for three consecutive weeks in a newspaper of general circulation in the county where the motor vehicle was abandoned shall be sufficient to meet all requirements of notice pursuant to this chapter. Codes, 1942, § 8125-102; Laws, 1970, ch. 481, § 2, eff. 6/5/1970. The last-known registered owner of an abandoned motor vehicle and all lienholders of record, when such information is reasonably obtainable, shall be notified by registered or certified mail that such vehicle will be sold pursuant to the provisions of this chapter. Said notice shall give such owner and lienholders the date, time and place of sale and name of the person or party who has custody of such vehicle. If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by three publications once each week for three consecutive weeks in a newspaper of general circulation in the county where the motor vehicle was abandoned shall be sufficient to meet all requirements of notice pursuant to this chapter. Codes, 1942, § 8125-102; Laws, 1970, ch. 481, § 2, eff. 6/5/1970. The last-known registered owner of an abandoned motor vehicle and all lienholders of record, when such information is reasonably obtainable, shall be notified by registered or certified mail that such vehicle will be sold pursuant to the provisions of this chapter. Said notice shall give such owner and

lienholders the date, time and place of sale and name of the person or party who has custody of such vehicle. If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by three publications once each week for three consecutive weeks in a newspaper of general circulation in the county where the motor vehicle was abandoned shall be sufficient to meet all requirements of notice pursuant to this chapter. Codes, 1942, § 8125-102; Laws, 1970, ch. 481, § 2, eff. 6/5/1970. The last-known registered owner of an abandoned motor vehicle and all lienholders of record, when such information is reasonably obtainable, shall be notified by registered or certified mail that such vehicle will be sold pursuant to the provisions of this chapter. Said notice shall give such owner and lienholders the date, time and place of sale and name of the person or party who has custody of such vehicle. If the identity of the last registered owner cannot be determined, or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by three publications once each week for three consecutive weeks in a newspaper of general circulation in the county where the motor vehicle was abandoned shall be sufficient to meet all requirements of notice pursuant to this chapter. Codes, 1942, § 8125-102; Laws, 1970, ch. 481, § 2, eff. 6/5/1970.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 25 - MOTOR VEHICLE CHOP SHOP, STOLEN AND ALTERED PROPERTY ACT (§§ 63-25-1 — 63-25-13) Section 63-25-1 - Short title

Sections 63-25-1 through 63-25-11 shall be known and may be cited as the "Motor Vehicle Chop Shop, Stolen and Altered Property Act." Laws, 1989, ch. 469, § 1, eff. 7/1/1989. Sections 63-25-1 through 63-25-11 shall be known and may be cited as the "Motor Vehicle Chop Shop, Stolen and Altered Property Act." Laws, 1989, ch. 469, § 1, eff. 7/1/1989. Sections 63-25-1 through 63-25-11 shall be known and may be cited as the "Motor Vehicle Chop Shop, Stolen and Altered Property Act." Laws, 1989, ch. 469, § 1, eff. 7/1/1989. Sections 63-25-1 through 63-25-11 shall be known and may be cited as the "Motor Vehicle Chop Shop, Stolen and Altered Property Act." Laws, 1989, ch. 469, § 1, eff. 7/1/1989.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 25 - MOTOR VEHICLE CHOP SHOP, STOLEN AND ALTERED PROPERTY ACT (§§ 63-25-1 — 63-25-13) Section 63-25-11 - Civil proceedings against offenders

(1) Any district attorney or any aggrieved person may institute civil proceedings against any person in any court of competent jurisdiction seeking relief from conduct constituting a violation of subsections (1) and (2) of Section 63-25-5. If the plaintiff in such a proceeding proves the alleged violation or its threat, by a preponderance of the evidence, any court of competent jurisdiction after due provision for the rights of innocent persons may grant relief by entering any appropriate order or judgment including but not limited to: (a) Ordering any defendant to be divested of any interest in any property; (b) Imposing reasonable restrictions upon the future activities or investments of any defendant, including prohibiting any defendant from engaging in the same type of endeavor as the defendant was engaged in previously; (c) Ordering the suspension or revocation of a license, permit or prior approval granted by any public agency or any other public authority; or (d) Ordering the surrender of the charter of a corporation organized under the laws of this state or the revocation of a certificate authorizing a foreign corporation to conduct business within the state upon finding that the board of directors or a managerial agent acting on behalf of the corporation, in conducting the affairs of the corporation, has authorized or engaged in conduct made unlawful by Sections 63-25-1 through 63-25-11 and that, for the prevention of future criminal conduct, the public interest requires the charter of the corporation be surrendered and the corporation dissolved or the certificate revoked. (2) In a proceeding under this section, injunctive relief shall be granted in conformity with the principles that govern the granting of relief from injury or threatened injury in other cases, but no showing of special or irreparable injury shall be required to be made. Pending final determination of a proceeding under this section, a temporary restraining order or a preliminary injunction may be issued upon a showing of immediate danger of significant injury, including the possibility that any judgment for money damages might be difficult to execute, and, in a proceeding initiated by an aggrieved person, upon the execution of proper bond against injury for an injunction improvidently granted. (3) Any person injured, directly or indirectly, by conduct constituting a violation by any person of Section 63-25-5 shall, in addition to any other relief, have a cause of action for threefold the actual damages sustained by the person. (4) A final judgment or decree rendered against the defendant in any civil or criminal proceeding shall estop the defendant in any subsequent civil action or proceeding brought by any person as to all matters as to which the judgment or decree would be an estoppel as between the parties to the civil or criminal proceeding. (5) Personal service of any process in an action under this section may be made upon any person outside the state if the person has engaged in any conduct constituting a violation of Section 63-25-5 in this state. The person shall be deemed to have thereby submitted to the jurisdiction of the courts of this state for the purposes of this provision. (6) Obtaining any civil remedy under this section shall not preclude obtaining any other civil or criminal remedy under either this chapter or any other provision of law. Civil remedies under this section are supplemental and not mutually exclusive. Laws, 1989, ch. 469, § 6, eff. 7/1/1989. (1) Any district attorney or any aggrieved person may institute civil proceedings against any person in any court of competent jurisdiction seeking relief from conduct constituting a violation of subsections (1) and (2) of Section 63-25-5. If the plaintiff in such a proceeding proves the alleged violation or its threat, by a preponderance of the evidence, any court of competent jurisdiction after due provision for the rights of innocent persons may grant relief by entering any appropriate order or judgment including but not limited to: (a) Ordering any defendant to be divested of any interest in any property; (b) Imposing reasonable restrictions upon the future activities or investments

of any defendant, including prohibiting any defendant from engaging in the same type of endeavor as the defendant was engaged in previously;(c)Ordering the suspension or revocation of a license, permit or prior approval granted by any public agency or any other public authority; or(d)Ordering the surrender of the charter of a corporation organized under the laws of this state or the revocation of a certificate authorizing a foreign corporation to conduct business within the state upon finding that the board of directors or a managerial agent acting on behalf of the corporation, in conducting the affairs of the corporation, has authorized or engaged in conduct made unlawful by Sections63-25-1through63-25-11and that, for the prevention of future criminal conduct, the public interest requires the charter of the corporation be surrendered and the corporation dissolved or the certificate revoked.(2)In a proceeding under this section, injunctive relief shall be granted in conformity with the principles that govern the granting of relief from injury or threatened injury in other cases, but no showing of special or irreparable injury shall be required to be made. Pending final determination of a proceeding under this section, a temporary restraining order or a preliminary injunction may be issued upon a showing of immediate danger of significant injury, including the possibility that any judgment for money damages might be difficult to execute, and, in a proceeding initiated by an aggrieved person, upon the execution of proper bond against injury for an injunction improvidently granted.(3)Any person injured, directly or indirectly, by conduct constituting a violation by any person of Section63-25-5shall, in addition to any other relief, have a cause of action for threefold the actual damages sustained by the person.(4)A final judgment or decree rendered against the defendant in any civil or criminal proceeding shall estop the defendant in any subsequent civil action or proceeding brought by any person as to all matters as to which the judgment or decree would be an estoppel as between the parties to the civil or criminal proceeding.(5)Personal service of any process in an action under this section may be made upon any person outside the state if the person has engaged in any conduct constituting a violation of Section63-25-5in this state. The person shall be deemed to have thereby submitted to the jurisdiction of the courts of this state for the purposes of this provision.(6)Obtaining any civil remedy under this section shall not preclude obtaining any other civil or criminal remedy under either this chapter or any other provision of law. Civil remedies under this section are supplemental and not mutually exclusive.Laws, 1989, ch. 469, § 6, eff. 7/1/1989. (1)Any district attorney or any aggrieved person may institute civil proceedings against any person in any court of competent jurisdiction seeking relief from conduct constituting a violation of subsections (1) and (2) of Section63-25-5. If the plaintiff in such a proceeding proves the alleged violation or its threat, by a preponderance of the evidence, any court of competent jurisdiction after due provision for the rights of innocent persons may grant relief by entering any appropriate order or judgment including but not limited to:(a)Ordering any defendant to be divested of any interest in any property;(b)Imposing reasonable restrictions upon the future activities or investments of any defendant, including prohibiting any defendant from engaging in the same type of endeavor as the defendant was engaged in previously;(c)Ordering the suspension or revocation of a license, permit or prior approval granted by any public agency or any other public authority; or(d)Ordering the surrender of the charter of a corporation organized under the laws of this state or the revocation of a certificate authorizing a foreign corporation to conduct business within the state upon finding that the board of directors or a managerial agent acting on behalf of the corporation, in conducting the affairs of the corporation, has authorized or engaged in conduct made unlawful by Sections63-25-1through63-25-11and that, for the prevention of future criminal conduct, the public interest requires the charter of the corporation be surrendered and the corporation dissolved or the certificate revoked.(2)In a proceeding under this section, injunctive relief shall be granted in conformity with the principles that govern the granting of relief from injury or threatened injury in other cases, but no showing of special or irreparable injury shall be required to be made. Pending final determination of a proceeding under this section, a temporary restraining order or a preliminary injunction may be issued upon a showing of immediate danger of significant injury, including the possibility that any judgment for money damages might be difficult to execute, and, in a proceeding initiated by an aggrieved person, upon the execution of proper bond against injury for an injunction improvidently granted.(3)Any person injured, directly or indirectly, by conduct constituting a violation by any person of Section63-25-5shall, in addition to any other relief, have a cause of action for threefold the actual damages sustained by the person.(4)A final judgment or decree rendered against the defendant in any civil or criminal proceeding shall estop the defendant in any subsequent civil action or proceeding brought by any person as to all matters as to which the judgment or decree would be an estoppel as between the parties to the civil or criminal proceeding.(5)Personal service of any process in an action under this section may be made upon any person outside the state if the person has engaged in any conduct constituting a violation of Section63-25-5in this state. The person shall be deemed to have thereby submitted to the jurisdiction of the courts of this state for the purposes of this provision.(6)Obtaining any civil remedy under this section shall not preclude obtaining any other civil or criminal remedy under either this chapter or any other provision of law. Civil remedies under this section are supplemental and not mutually exclusive.Laws, 1989, ch. 469, § 6, eff. 7/1/1989. Laws, 1989, ch. 469, § 6, eff. 7/1/1989.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 25 - MOTOR VEHICLE CHOP SHOP, STOLEN AND ALTERED PROPERTY ACT (§§ 63-25-1 — 63-25-13)Section 63-25-3 - Definitions

As used in Sections63-25-1through63-25-11, the following terms shall have the meaning ascribed to them herein:(a)"Chop shop" means any building, lot or other premise where one or more persons are or have been knowingly engaged in altering, destroying, disassembling, dismantling, reassembling or knowingly storing any motor vehicle or motor vehicle part known to be illegally obtained by theft, fraud or conspiracy to defraud, in order to either:(i)Alter, counterfeit, deface, destroy, disguise, falsify, forge, obliterate or remove the identity, including the vehicle identification number of such motor vehicle or motor vehicle part in order to misrepresent the identity of such motor vehicle or motor vehicle part, or to prevent the identification of such motor vehicle or motor

vehicle part; or(ii)Sell or dispose of such motor vehicle or motor vehicle part.(b)"Motor vehicle" includes every device in, upon or by which any person or property is or may be transported or drawn upon a highway, which is self-propelled or which may be connected to and towed by a self-propelled device, and shall also include any and all other land-based devices which are self-propelled but which are not designed for use upon a highway, including, but not limited to, farm machinery, construction equipment, all-terrain vehicles and off-road vehicles.(c)"Person" includes a natural person, company, corporation, unincorporated association, partnership, professional corporation and any other legal entity.(d)"Unidentifiable" means that the uniqueness of a motor vehicle or motor vehicle part cannot be established by either expert law enforcement investigative personnel specially trained and experienced in motor vehicle theft investigation procedures and motor vehicle identification examination techniques, or by expert employees of not-for-profit motor vehicle theft prevention agencies specially trained and experienced in motor vehicle theft investigation procedures and motor vehicle identification examination techniques.(e)"Vehicle identification number" means a number or numbers, a letter or letters, a character or characters, a datum or data, a derivative or derivatives, or a combination or combinations thereof, used by the manufacturer for the purpose of uniquely identifying a motor vehicle or a motor vehicle part.Laws, 1989, ch. 469, § 2, eff. 7/1/1989.Amended by Laws, 2016, ch. 382, HB 522, 1, eff. 7/1/2016. As used in Sections63-25-1through63-25-11, the following terms shall have the meaning ascribed to them herein:(a)"Chop shop" means any building, lot or other premise where one or more persons are or have been knowingly engaged in altering, destroying, disassembling, dismantling, reassembling or knowingly storing any motor vehicle or motor vehicle part known to be illegally obtained by theft, fraud or conspiracy to defraud, in order to either:(i)Alter, counterfeit, deface, destroy, disguise, falsify, forge, obliterate or remove the identity, including the vehicle identification number of such motor vehicle or motor vehicle part in order to misrepresent the identity of such motor vehicle or motor vehicle part, or to prevent the identification of such motor vehicle or motor vehicle part; or(ii)Sell or dispose of such motor vehicle or motor vehicle part.(b)"Motor vehicle" includes every device in, upon or by which any person or property is or may be transported or drawn upon a highway, which is self-propelled or which may be connected to and towed by a self-propelled device, and shall also include any and all other land-based devices which are self-propelled but which are not designed for use upon a highway, including, but not limited to, farm machinery, construction equipment, all-terrain vehicles and off-road vehicles.(c)"Person" includes a natural person, company, corporation, unincorporated association, partnership, professional corporation and any other legal entity.(d)"Unidentifiable" means that the uniqueness of a motor vehicle or motor vehicle part cannot be established by either expert law enforcement investigative personnel specially trained and experienced in motor vehicle theft investigation procedures and motor vehicle identification examination techniques, or by expert employees of not-for-profit motor vehicle theft prevention agencies specially trained and experienced in motor vehicle theft investigation procedures and motor vehicle identification examination techniques.(e)"Vehicle identification number" means a number or numbers, a letter or letters, a character or characters, a datum or data, a derivative or derivatives, or a combination or combinations thereof, used by the manufacturer for the purpose of uniquely identifying a motor vehicle or a motor vehicle part.Laws, 1989, ch. 469, § 2, eff. 7/1/1989.Amended by Laws, 2016, ch. 382, HB 522, 1, eff. 7/1/2016. As used in Sections63-25-1through63-25-11, the following terms shall have the meaning ascribed to them herein:(a)"Chop shop" means any building, lot or other premise where one or more persons are or have been knowingly engaged in altering, destroying, disassembling, dismantling, reassembling or knowingly storing any motor vehicle or motor vehicle part known to be illegally obtained by theft, fraud or conspiracy to defraud, in order to either:(i)Alter, counterfeit, deface, destroy, disguise, falsify, forge, obliterate or remove the identity, including the vehicle identification number of such motor vehicle or motor vehicle part in order to misrepresent the identity of such motor vehicle or motor vehicle part, or to prevent the identification of such motor vehicle or motor vehicle part; or(ii)Sell or dispose of such motor vehicle or motor vehicle part.(b)"Motor vehicle" includes every device in, upon or by which any person or property is or may be transported or drawn upon a highway, which is self-propelled or which may be connected to and towed by a self-propelled device, and shall also include any and all other land-based devices which are self-propelled but which are not designed for use upon a highway, including, but not limited to, farm machinery, construction equipment, all-terrain vehicles and off-road vehicles.(c)"Person" includes a natural person, company, corporation, unincorporated association, partnership, professional corporation and any other legal entity.(d)"Unidentifiable" means that the uniqueness of a motor vehicle or motor vehicle part cannot be established by either expert law enforcement investigative personnel specially trained and experienced in motor vehicle theft investigation procedures and motor vehicle identification examination techniques, or by expert employees of not-for-profit motor vehicle theft prevention agencies specially trained and experienced in motor vehicle theft investigation procedures and motor vehicle identification examination techniques.(e)"Vehicle identification number" means a number or numbers, a letter or letters, a character or characters, a datum or data, a derivative or derivatives, or a combination or combinations thereof, used by the manufacturer for the purpose of uniquely identifying a motor vehicle or a motor vehicle part.Laws, 1989, ch. 469, § 2, eff. 7/1/1989.Amended by Laws, 2016, ch. 382, HB 522, 1, eff. 7/1/2016. As used in Sections63-25-1through63-25-11, the following terms shall have the meaning ascribed to them herein: Laws, 1989, ch. 469, § 2, eff. 7/1/1989. Amended by Laws, 2016, ch. 382, HB 522, 1, eff. 7/1/2016.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 25 - MOTOR VEHICLE CHOP SHOP, STOLEN AND ALTERED PROPERTY ACT (§§ 63-25-1 — 63-25-13)Section 63-25-5 - Offenses and penalties

(1)Any person who knowingly and intentionally:(a)owns, operates or conducts a chop shop;(b)transports any motor vehicle or motor vehicle part to or from a location knowing it to be a chop shop; or(c)sells, transfers, purchases or receives any motor vehicle or

motor vehicle part either to or from a location knowing it to be a chop shop, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than fifteen (15) years and by a fine of not more than One Hundred Thousand Dollars (\$100,000.00).

(2) Any person who knowingly alters, counterfeits, defaces, destroys, disguises, falsifies, forges, obliterates or knowingly removes a vehicle identification number with the intent to misrepresent the identity or prevent the identification of a motor vehicle or motor vehicle part shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than five (5) years and by a fine of not more than Five Thousand Dollars (\$5,000.00).

(3)(a) Any person who buys, disposes, sells, transfers or possesses a motor vehicle or motor vehicle part with the knowledge that the vehicle identification number of the motor vehicle or motor vehicle part has been altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated or removed shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than five (5) years and by a fine of not more than Five Thousand Dollars (\$5,000.00).

(b) The provisions of this subsection shall not apply to a motor vehicle scrap processor who, in the normal legal course of business and in good faith, processes a motor vehicle or motor vehicle part by crushing, compacting or other similar methods, provided that any vehicle identification number has not been removed from the motor vehicle or motor vehicle part prior to or during any such processing.

(c) The provisions of this subsection shall not apply to any owner or authorized possessor of a motor vehicle or motor vehicle part which has been recovered by law enforcement authorities after having been stolen or where the condition of the vehicle identification number of the motor vehicle or motor vehicle part is known to or has been reported to law enforcement authorities. It shall be presumed that law enforcement authorities have knowledge of all vehicle identification numbers on a motor vehicle or motor vehicle part which are altered, counterfeited, defaced, disguised, falsified, forged, obliterated or removed when law enforcement authorities deliver or return the motor vehicle or motor vehicle part to its owner or authorized possessor after it has been recovered by law enforcement authorities after having been reported stolen.

(4) Any person who is convicted of a second or subsequent offense under this section shall be imprisoned for a term up to twice the term authorized for a first offense and shall be fined an amount up to twice the amount authorized for a first offense.

(5)(a) In addition to any other punishment, a person convicted of a violation of this section shall be ordered to make restitution to the lawful owner or owners of the stolen motor vehicle or vehicles or the stolen motor vehicle part or parts, or to the owner's insurer to the extent that the owner has been compensated by the insurer, and to any other person for any financial loss sustained as a result of a violation of this section.

(b) Financial loss shall include, but not be limited to, loss of earnings, out-of-pocket and other expenses, repair and replacement costs and claims payments. "Lawful owner" shall include an innocent bona fide purchaser for value of a stolen motor vehicle or stolen motor vehicle part who does not know that the motor vehicle or part is stolen; or an insurer to the extent that such insurer has compensated a bona fide purchaser for value.

(c) The court shall determine the extent and method of restitution. In an extraordinary case, the court may determine that the best interests of the victim and justice would not be served by ordering restitution. In any such case, the court shall make and enter specific written findings on the record concerning the extraordinary circumstances presented which militated against restitution.

Laws, 1989, ch. 469, § 3; Laws, 1993, ch. 468, § 1; Laws, 2000, ch. 495, § 1, eff. 7/1/2000.

(1) Any person who knowingly and intentionally:

(a) owns, operates or conducts a chop shop;

(b) transports any motor vehicle or motor vehicle part to or from a location knowing it to be a chop shop;

or

(c) sells, transfers, purchases or receives any motor vehicle or motor vehicle part either to or from a location knowing it to be a chop shop, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than fifteen (15) years and by a fine of not more than One Hundred Thousand Dollars (\$100,000.00).

(2) Any person who knowingly alters, counterfeits, defaces, destroys, disguises, falsifies, forges, obliterates or knowingly removes a vehicle identification number with the intent to misrepresent the identity or prevent the identification of a motor vehicle or motor vehicle part shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than five (5) years and by a fine of not more than Five Thousand Dollars (\$5,000.00).

(3)(a) Any person who buys, disposes, sells, transfers or possesses a motor vehicle or motor vehicle part with the knowledge that the vehicle identification number of the motor vehicle or motor vehicle part has been altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated or removed shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than five (5) years and by a fine of not more than Five Thousand Dollars (\$5,000.00).

(b) The provisions of this subsection shall not apply to a motor vehicle scrap processor who, in the normal legal course of business and in good faith, processes a motor vehicle or motor vehicle part by crushing, compacting or other similar methods, provided that any vehicle identification number has not been removed from the motor vehicle or motor vehicle part prior to or during any such processing.

(c) The provisions of this subsection shall not apply to any owner or authorized possessor of a motor vehicle or motor vehicle part which has been recovered by law enforcement authorities after having been stolen or where the condition of the vehicle identification number of the motor vehicle or motor vehicle part is known to or has been reported to law enforcement authorities. It shall be presumed that law enforcement authorities have knowledge of all vehicle identification numbers on a motor vehicle or motor vehicle part which are altered, counterfeited, defaced, disguised, falsified, forged, obliterated or removed when law enforcement authorities deliver or return the motor vehicle or motor vehicle part to its owner or authorized possessor after it has been recovered by law enforcement authorities after having been reported stolen.

(4) Any person who is convicted of a second or subsequent offense under this section shall be imprisoned for a term up to twice the term authorized for a first offense and shall be fined an amount up to twice the amount authorized for a first offense.

(5)(a) In addition to any other punishment, a person convicted of a violation of this section shall be ordered to make restitution to the lawful owner or owners of the stolen motor vehicle or vehicles or the stolen motor vehicle part or parts, or to the owner's insurer to the extent that the owner has been compensated by the insurer, and to any other person for any financial loss sustained as a result of a violation of this section.

(b) Financial loss shall include, but not be limited to, loss of earnings, out-of-pocket and other expenses, repair and

replacement costs and claims payments. "Lawful owner" shall include an innocent bona fide purchaser for value of a stolen motor vehicle or stolen motor vehicle part who does not know that the motor vehicle or part is stolen; or an insurer to the extent that such insurer has compensated a bona fide purchaser for value.(c)The court shall determine the extent and method of restitution. In an extraordinary case, the court may determine that the best interests of the victim and justice would not be served by ordering restitution. In any such case, the court shall make and enter specific written findings on the record concerning the extraordinary circumstances presented which militated against restitution.Laws, 1989, ch. 469, § 3; Laws, 1993, ch. 468, § 1; Laws, 2000, ch. 495, § 1, eff. 7/1/2000. (1)Any person who knowingly and intentionally:(a)owns, operates or conducts a chop shop;(b)transports any motor vehicle or motor vehicle part to or from a location knowing it to be a chop shop; or(c)sells, transfers, purchases or receives any motor vehicle or motor vehicle part either to or from a location knowing it to be a chop shop, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than fifteen (15) years and by a fine of not more than One Hundred Thousand Dollars (\$100,000.00).(2)Any person who knowingly alters, counterfeits, defaces, destroys, disguises, falsifies, forges, obliterates or knowingly removes a vehicle identification number with the intent to misrepresent the identity or prevent the identification of a motor vehicle or motor vehicle part shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than five (5) years and by a fine of not more than Five Thousand Dollars (\$5,000.00).(3)(a)Any person who buys, disposes, sells, transfers or possesses a motor vehicle or motor vehicle part with the knowledge that the vehicle identification number of the motor vehicle or motor vehicle part has been altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated or removed shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than five (5) years and by a fine of not more than Five Thousand Dollars (\$5,000.00).(b)The provisions of this subsection shall not apply to a motor vehicle scrap processor who, in the normal legal course of business and in good faith, processes a motor vehicle or motor vehicle part by crushing, compacting or other similar methods, provided that any vehicle identification number has not been removed from the motor vehicle or motor vehicle part prior to or during any such processing.(c)The provisions of this subsection shall not apply to any owner or authorized possessor of a motor vehicle or motor vehicle part which has been recovered by law enforcement authorities after having been stolen or where the condition of the vehicle identification number of the motor vehicle or motor vehicle part is known to or has been reported to law enforcement authorities. It shall be presumed that law enforcement authorities have knowledge of all vehicle identification numbers on a motor vehicle or motor vehicle part which are altered, counterfeited, defaced, disguised, falsified, forged, obliterated or removed when law enforcement authorities deliver or return the motor vehicle or motor vehicle part to its owner or authorized possessor after it has been recovered by law enforcement authorities after having been reported stolen.(4)Any person who is convicted of a second or subsequent offense under this section shall be imprisoned for a term up to twice the term authorized for a first offense and shall be fined an amount up to twice the amount authorized for a first offense.(5)(a)In addition to any other punishment, a person convicted of a violation of this section shall be ordered to make restitution to the lawful owner or owners of the stolen motor vehicle or vehicles or the stolen motor vehicle part or parts, or to the owner's insurer to the extent that the owner has been compensated by the insurer, and to any other person for any financial loss sustained as a result of a violation of this section.(b)Financial loss shall include, but not be limited to, loss of earnings, out-of-pocket and other expenses, repair and replacement costs and claims payments. "Lawful owner" shall include an innocent bona fide purchaser for value of a stolen motor vehicle or stolen motor vehicle part who does not know that the motor vehicle or part is stolen; or an insurer to the extent that such insurer has compensated a bona fide purchaser for value.(c)The court shall determine the extent and method of restitution. In an extraordinary case, the court may determine that the best interests of the victim and justice would not be served by ordering restitution. In any such case, the court shall make and enter specific written findings on the record concerning the extraordinary circumstances presented which militated against restitution.Laws, 1989, ch. 469, § 3; Laws, 1993, ch. 468, § 1; Laws, 2000, ch. 495, § 1, eff. 7/1/2000. Laws, 1989, ch. 469, § 3; Laws, 1993, ch. 468, § 1; Laws, 2000, ch. 495, § 1, eff. 7/1/2000.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 25 - MOTOR VEHICLE CHOP SHOP, STOLEN AND ALTERED PROPERTY ACT (§§ 63-25-1 — 63-25-13)Section 63-25-7 - Seizure of property

(1)Any motor vehicle or motor vehicle part with vehicle identification numbers or marks which have been altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated or removed may be seized and detained by law enforcement officials for a determination of the true identity of such property. Any such property seized by law enforcement officials, when ownership cannot be determined, shall be contraband and subject to forfeiture.(2)Any tool, implement or instrumentality used or possessed in connection with any violation of Section63-25-5, may be seized by a member of a state or local law enforcement agency upon process issued by any court of competent jurisdiction.(3)Seizure of property described in subsections (1) or (2) of this section may be made by a member of a state or local law enforcement agency without process:(a)If in accordance with any applicable law or regulation;(b)If the seizure is incident to inspection under an administrative inspection;(c)If the seizure is incident to search made under a search warrant;(d)If the seizure is incident to a lawful arrest;(e)If the seizure is made pursuant to a valid consent to search;(f)If the property seized has been the subject of a prior judgment in favor of the state in a criminal proceeding, or in an injunction or forfeiture proceeding pursuant to Sections63-25-1through63-25-11;(g)If there are reasonable grounds to believe that the property is directly or indirectly dangerous to health or safety; or(h)If the property is a motor vehicle or motor vehicle part seized pursuant to subsection (1) of this section.(4)When property is seized pursuant to this section, the seizing agency may remove the property to a place selected and designated by the seizing agency.(5)No civil liability shall be attached to any law enforcement

officer acting in good faith in regard to the seizure and forfeiture of motor vehicles, motor vehicle parts, tools, implements or instrumentalities pursuant to Sections 63-25-1 through 63-25-11. Laws, 1989, ch. 469, § 4, eff. 7/1/1989. (1) Any motor vehicle or motor vehicle part with vehicle identification numbers or marks which have been altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated or removed may be seized and detained by law enforcement officials for a determination of the true identity of such property. Any such property seized by law enforcement officials, when ownership cannot be determined, shall be contraband and subject to forfeiture. (2) Any tool, implement or instrumentality used or possessed in connection with any violation of Section 63-25-5, may be seized by a member of a state or local law enforcement agency upon process issued by any court of competent jurisdiction. (3) Seizure of property described in subsections (1) or (2) of this section may be made by a member of a state or local law enforcement agency without process: (a) If in accordance with any applicable law or regulation; (b) If the seizure is incident to inspection under an administrative inspection; (c) If the seizure is incident to search made under a search warrant; (d) If the seizure is incident to a lawful arrest; (e) If the seizure is made pursuant to a valid consent to search; (f) If the property seized has been the subject of a prior judgment in favor of the state in a criminal proceeding, or in an injunction or forfeiture proceeding pursuant to Sections 63-25-1 through 63-25-11; (g) If there are reasonable grounds to believe that the property is directly or indirectly dangerous to health or safety; or (h) If the property is a motor vehicle or motor vehicle part seized pursuant to subsection (1) of this section. (4) When property is seized pursuant to this section, the seizing agency may remove the property to a place selected and designated by the seizing agency. (5) No civil liability shall be attached to any law enforcement officer acting in good faith in regard to the seizure and forfeiture of motor vehicles, motor vehicle parts, tools, implements or instrumentalities pursuant to Sections 63-25-1 through 63-25-11. Laws, 1989, ch. 469, § 4, eff. 7/1/1989. (1) Any motor vehicle or motor vehicle part with vehicle identification numbers or marks which have been altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated or removed may be seized and detained by law enforcement officials for a determination of the true identity of such property. Any such property seized by law enforcement officials, when ownership cannot be determined, shall be contraband and subject to forfeiture. (2) Any tool, implement or instrumentality used or possessed in connection with any violation of Section 63-25-5, may be seized by a member of a state or local law enforcement agency upon process issued by any court of competent jurisdiction. (3) Seizure of property described in subsections (1) or (2) of this section may be made by a member of a state or local law enforcement agency without process: (a) If in accordance with any applicable law or regulation; (b) If the seizure is incident to inspection under an administrative inspection; (c) If the seizure is incident to search made under a search warrant; (d) If the seizure is incident to a lawful arrest; (e) If the seizure is made pursuant to a valid consent to search; (f) If the property seized has been the subject of a prior judgment in favor of the state in a criminal proceeding, or in an injunction or forfeiture proceeding pursuant to Sections 63-25-1 through 63-25-11; (g) If there are reasonable grounds to believe that the property is directly or indirectly dangerous to health or safety; or (h) If the property is a motor vehicle or motor vehicle part seized pursuant to subsection (1) of this section. (4) When property is seized pursuant to this section, the seizing agency may remove the property to a place selected and designated by the seizing agency. (5) No civil liability shall be attached to any law enforcement officer acting in good faith in regard to the seizure and forfeiture of motor vehicles, motor vehicle parts, tools, implements or instrumentalities pursuant to Sections 63-25-1 through 63-25-11. Laws, 1989, ch. 469, § 4, eff. 7/1/1989. Laws, 1989, ch. 469, § 4, eff. 7/1/1989.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 25 - MOTOR VEHICLE CHOP SHOP, STOLEN AND ALTERED PROPERTY ACT (§§ 63-25-1 — 63-25-13) Section 63-25-9 - Forfeiture of property

(1) The following items shall be subject to forfeiture unless obtained by theft, fraud or conspiracy to defraud and the rightful owner of the items is known or can be identified and located: (a) any tool, (b) any implement, or (c) any instrumentality, including but not limited to any motor vehicle or motor vehicle part, whether owned or unowned by the person from whose possession or control it was seized, which is used or possessed either in violation of Section 63-25-5 or to promote and facilitate a violation of Section 63-25-5. (2) Any motor vehicle, other conveyance or motor vehicle part used by any person as a common carrier is subject to forfeiture under this section where the owner or other person in charge of the motor vehicle, other conveyance or motor vehicle part is a consenting party to a violation of Section 63-25-5. (3) Any motor vehicle, motor vehicle part, other conveyance, tool, implement or instrumentality is not subject to forfeiture under this section by reason of any act or omission which the owner proves to have been committed or omitted without the owner's knowledge or consent. (4) (a) Seizing agencies shall utilize their best efforts to identify any seized motor vehicle or motor vehicle part to determine ownership or the identity of any other person having a right or interest in a seized motor vehicle or motor vehicle part. In its reasonable identification and owner location attempts, the seizing agency shall cause the stolen motor vehicle files of the Highway Safety Patrol to be searched for information on motor vehicles similar to the seized motor vehicle or consistent with the seized motor vehicle part. (b) Where a motor vehicle or motor vehicle part has an apparent value in excess of One Thousand Dollars (\$1,000.00), the seizing agency shall: (i) Consult with an expert specially trained and experienced in motor vehicle theft investigative procedures and motor vehicle identification techniques; and (ii) Request searches of the on-line and off-line files of the National Crime Information Center (NCIC) and the National Automobile Theft Bureau (NATB) when the Highway Safety Patrol's files have been searched with negative results. (5) Forfeiture of a motor vehicle, motor vehicle part or other conveyance encumbered by a bona fide security interest is subject to the interest of the secured party where the secured party neither had knowledge of nor consented to the act or omission forming the ground for forfeiture; provided, however, that a forfeiture shall not be subject to the interest of any secured party if the property involved in the forfeiture is a motor vehicle or motor vehicle part seized pursuant to Section 63-25-7(1) and ownership cannot be determined. (6) Property described in

subsection (1) of this section which is seized and held for forfeiture shall not be subject to replevin and is subject only to the order and judgments of a court of competent jurisdiction hearing the forfeiture proceedings.(7)(a)The seizing agency's attorney or the district attorney in the county in which the seizure occurs may bring an action for forfeiture in a court of competent jurisdiction. The forfeiture action shall be brought within sixty (60) days from the date of seizure. Except when the ownership of the property involved in the forfeiture is a motor vehicle or motor vehicle part seized pursuant to Section63-25-7(1)and ownership cannot be determined, the prosecutor, may, in the sound exercise of discretion, decide not to bring a forfeiture action because of the rights of property owners, lienholders or secured creditors, or because of exculpatory, exonerating or mitigating facts and circumstances.(b)The clerk of court shall give notice of the forfeiture proceeding by mailing a copy of the complaint in the forfeiture proceeding and instructions on how the action for forfeiture may be contested to each person whose right, title or interest is of record in the State Tax Commission or any department or agency of any other state or territory of the United States or of the federal government if such property is required to be registered in any such department or agency.(c)Notice of the proceeding shall be given to any such other person as may appear, from the facts and circumstances, to have any right, title or interest in or to the property.(d)The owner of the property, or any person having or claiming right, title or interest in the property, may, within fourteen (14) days after the mailing of such notice, file a verified answer to the complaint and may appear at the hearing on the action for forfeiture.(e)The prosecutor shall show at a forfeiture hearing by a preponderance of the evidence that such property was used in the commission of a violation of Section63-25-5, or was used or possessed to facilitate such violation or was seized pursuant to Section63-25-7(1)and ownership cannot be determined.(f)The owner of property may show by a preponderance of the evidence that he did not know, and did not have reason to know, that the property was to be used or possessed in the commission of any violation or that any of the exceptions to forfeiture are applicable.(g)Unless the prosecutor shall make the required showing, the court shall order the property released to the owner. Where the prosecutor has made such a showing, the court may order:(i)That the property be destroyed by the agency that seized it or by some other agency designated by the court;(ii)That the property be delivered and retained for use by the agency which seized it or some other agency designated by the court; or(iii)That the property may be sold at public auction as provided in subsection (11).(8)A copy of a forfeiture order shall be filed with the sheriff of the county in which the forfeiture occurs and with each federal or state department or agency with which such property is required to be registered. Such order, when filed, constitutes authority for the issuance, to the agency to whom the property is delivered and retained for use, of a certificate of title, registration certificate or other special certificate as may be required by law considering the condition of the property.(9)No motor vehicle which has been seized pursuant to Section63-25-7or forfeited or sold at public auction pursuant to this section shall be released by the seizing agency, used by an agency designated by the court, or sold at public auction unless any altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated or removed vehicle identification number is corrected by the issuance and affixing of either an assigned or replacement vehicle identification number plate as may be appropriate.(10)Seizing agencies shall utilize their best efforts to arrange for the towing and storing of motor vehicles and motor vehicle parts in the most economical manner possible. In no event shall the owner of a motor vehicle or a motor vehicle part be required to pay more than the minimum reasonable costs of towing and storage.(11)Property that has been ordered sold pursuant to subsection (7)(iii) shall be sold at public auction for cash by the chief law enforcement officer of the seizing agency or his designee to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to the sale, in a newspaper having a general circulation within the jurisdiction of the seizing agency. The legal notice shall contain a description of the property to be sold and a statement of the time and place of sale. The proceeds of the sale shall be disposed of as follows:(a)To any bona fide lien holder, secured party, or other party holding an interest in the property in the nature of a security interest, to the extent of his interest; and(b)The balance, if any, remaining after deduction of all storage, court costs and expenses of liquidation shall accrue to the seizing agency.(12)A seized motor vehicle or motor vehicle part that is neither forfeited nor unidentifiable shall be held subject to the order of the court in which the criminal action is pending or, if a request for its release from such custody is made, until the district attorney has notified the defendant or the defendant's attorney of such request and both the prosecution and defense have been afforded a reasonable opportunity for an examination of the property to determine its true value and to produce or reproduce, by photographs or other identifying techniques, legally sufficient evidence for introduction at trial or other criminal proceedings. Upon expiration of a reasonable time for the completion of the examination, which in no event shall exceed fourteen (14) days from the date of service upon the defense of the notice of request for return of property as provided herein, the property shall be released to the person making such request after satisfactory proof such person is entitled to the possession thereof. Notwithstanding the foregoing, upon application by either party with notice to the other, the court may order retention of the property if it determines that retention is necessary in the furtherance of justice.(13)When a seized motor vehicle is forfeited, restored to its owner or otherwise disposed of, the seizing agency shall retain a report of the transaction for a period of at least one (1) year from the date of the transaction.Laws, 1989, ch. 469, § 5; Laws, 1993, ch. 495, § 1, eff. 1/1/1994. (1)The following items shall be subject to forfeiture unless obtained by theft, fraud or conspiracy to defraud and the rightful owner of the items is known or can be identified and located:(a)any tool,(b)any implement, or(c)any instrumentality, including but not limited to any motor vehicle or motor vehicle part, whether owned or unowned by the person from whose possession or control it was seized, which is used or possessed either in violation of Section63-25-5or to promote and facilitate a violation of Section63-25-5.(2)Any motor vehicle, other conveyance or motor vehicle part used by any person as a common carrier is subject to forfeiture under this section where the owner or other person in charge of the motor vehicle, other conveyance or motor vehicle part is a consenting party to a violation of Section63-25-5.(3)Any motor vehicle, motor vehicle part, other conveyance, tool, implement or instrumentality is not subject to forfeiture under this section by

reason of any act or omission which the owner proves to have been committed or omitted without the owner's knowledge or consent.(4)(a)Seizing agencies shall utilize their best efforts to identify any seized motor vehicle or motor vehicle part to determine ownership or the identity of any other person having a right or interest in a seized motor vehicle or motor vehicle part. In its reasonable identification and owner location attempts, the seizing agency shall cause the stolen motor vehicle files of the Highway Safety Patrol to be searched for information on motor vehicles similar to the seized motor vehicle or consistent with the seized motor vehicle part.(b)Where a motor vehicle or motor vehicle part has an apparent value in excess of One Thousand Dollars (\$1,000.00), the seizing agency shall:(i)Consult with an expert specially trained and experienced in motor vehicle theft investigative procedures and motor vehicle identification techniques; and(ii)Request searches of the on-line and off-line files of the National Crime Information Center (NCIC) and the National Automobile Theft Bureau (NATB) when the Highway Safety Patrol's files have been searched with negative results.(5)Forfeiture of a motor vehicle, motor vehicle part or other conveyance encumbered by a bona fide security interest is subject to the interest of the secured party where the secured party neither had knowledge of nor consented to the act or omission forming the ground for forfeiture; provided, however, that a forfeiture shall not be subject to the interest of any secured party if the property involved in the forfeiture is a motor vehicle or motor vehicle part seized pursuant to Section63-25-7(1)and ownership cannot be determined.(6)Property described in subsection (1) of this section which is seized and held for forfeiture shall not be subject to replevin and is subject only to the order and judgments of a court of competent jurisdiction hearing the forfeiture proceedings.(7)(a)The seizing agency's attorney or the district attorney in the county in which the seizure occurs may bring an action for forfeiture in a court of competent jurisdiction. The forfeiture action shall be brought within sixty (60) days from the date of seizure. Except when the ownership of the property involved in the forfeiture is a motor vehicle or motor vehicle part seized pursuant to Section63-25-7(1)and ownership cannot be determined, the prosecutor, may, in the sound exercise of discretion, decide not to bring a forfeiture action because of the rights of property owners, lienholders or secured creditors, or because of exculpatory, exonerating or mitigating facts and circumstances.(b)The clerk of court shall give notice of the forfeiture proceeding by mailing a copy of the complaint in the forfeiture proceeding and instructions on how the action for forfeiture may be contested to each person whose right, title or interest is of record in the State Tax Commission or any department or agency of any other state or territory of the United States or of the federal government if such property is required to be registered in any such department or agency.(c)Notice of the proceeding shall be given to any such other person as may appear, from the facts and circumstances, to have any right, title or interest in or to the property.(d)The owner of the property, or any person having or claiming right, title or interest in the property, may, within fourteen (14) days after the mailing of such notice, file a verified answer to the complaint and may appear at the hearing on the action for forfeiture.(e)The prosecutor shall show at a forfeiture hearing by a preponderance of the evidence that such property was used in the commission of a violation of Section63-25-5, or was used or possessed to facilitate such violation or was seized pursuant to Section63-25-7(1)and ownership cannot be determined.(f)The owner of property may show by a preponderance of the evidence that he did not know, and did not have reason to know, that the property was to be used or possessed in the commission of any violation or that any of the exceptions to forfeiture are applicable.(g)Unless the prosecutor shall make the required showing, the court shall order the property released to the owner. Where the prosecutor has made such a showing, the court may order:(i)That the property be destroyed by the agency that seized it or by some other agency designated by the court;(ii)That the property be delivered and retained for use by the agency which seized it or some other agency designated by the court; or(iii)That the property may be sold at public auction as provided in subsection (11).(8)A copy of a forfeiture order shall be filed with the sheriff of the county in which the forfeiture occurs and with each federal or state department or agency with which such property is required to be registered. Such order, when filed, constitutes authority for the issuance, to the agency to whom the property is delivered and retained for use, of a certificate of title, registration certificate or other special certificate as may be required by law considering the condition of the property.(9)No motor vehicle which has been seized pursuant to Section63-25-7or forfeited or sold at public auction pursuant to this section shall be released by the seizing agency, used by an agency designated by the court, or sold at public auction unless any altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated or removed vehicle identification number is corrected by the issuance and affixing of either an assigned or replacement vehicle identification number plate as may be appropriate.(10)Seizing agencies shall utilize their best efforts to arrange for the towing and storing of motor vehicles and motor vehicle parts in the most economical manner possible. In no event shall the owner of a motor vehicle or a motor vehicle part be required to pay more than the minimum reasonable costs of towing and storage.(11)Property that has been ordered sold pursuant to subsection (7)(iii) shall be sold at public auction for cash by the chief law enforcement officer of the seizing agency or his designee to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to the sale, in a newspaper having a general circulation within the jurisdiction of the seizing agency. The legal notice shall contain a description of the property to be sold and a statement of the time and place of sale. The proceeds of the sale shall be disposed of as follows:(a)To any bona fide lien holder, secured party, or other party holding an interest in the property in the nature of a security interest, to the extent of his interest; and(b)The balance, if any, remaining after deduction of all storage, court costs and expenses of liquidation shall accrue to the seizing agency.(12)A seized motor vehicle or motor vehicle part that is neither forfeited nor unidentifiable shall be held subject to the order of the court in which the criminal action is pending or, if a request for its release from such custody is made, until the district attorney has notified the defendant or the defendant's attorney of such request and both the prosecution and defense have been afforded a reasonable opportunity for an examination of the property to determine its true value and to produce or reproduce, by photographs or other identifying techniques, legally sufficient evidence for introduction at trial or other criminal proceedings. Upon expiration of a reasonable time for the completion of the examination, which in no event

shall exceed fourteen (14) days from the date of service upon the defense of the notice of request for return of property as provided herein, the property shall be released to the person making such request after satisfactory proof such person is entitled to the possession thereof. Notwithstanding the foregoing, upon application by either party with notice to the other, the court may order retention of the property if it determines that retention is necessary in the furtherance of justice.(13)When a seized motor vehicle is forfeited, restored to its owner or otherwise disposed of, the seizing agency shall retain a report of the transaction for a period of at least one (1) year from the date of the transaction.Laws, 1989, ch. 469, § 5; Laws, 1993, ch. 495, § 1, eff. 1/1/1994. 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In its reasonable identification and owner location attempts, the seizing agency shall cause the stolen motor vehicle files of the Highway Safety Patrol to be searched for information on motor vehicles similar to the seized motor vehicle or consistent with the seized motor vehicle part.(b)Where a motor vehicle or motor vehicle part has an apparent value in excess of One Thousand Dollars (\$1,000.00), the seizing agency shall:(i)Consult with an expert specially trained and experienced in motor vehicle theft investigative procedures and motor vehicle identification techniques; and(ii)Request searches of the on-line and off-line files of the National Crime Information Center (NCIC) and the National Automobile Theft Bureau (NATB) when the Highway Safety Patrol's files have been searched with negative results.(5)Forfeiture of a motor vehicle, motor vehicle part or other conveyance encumbered by a bona fide security interest is subject to the interest of the secured party where the secured party neither had knowledge of nor consented to the act or omission forming the ground for forfeiture; provided, however, that a forfeiture shall not be subject to the interest of any secured party if the property involved in the forfeiture is a motor vehicle or motor vehicle part seized pursuant to Section63-25-7(1)and ownership cannot be determined.(6)Property described in subsection (1) of this section which is seized and held for forfeiture shall not be subject to replevin and is subject only to the order and judgments of a court of competent jurisdiction hearing the forfeiture proceedings.(7)(a)The seizing agency's attorney or the district attorney in the county in which the seizure occurs may bring an action for forfeiture in a court of competent jurisdiction. The forfeiture action shall be brought within sixty (60) days from the date of seizure. Except when the ownership of the property involved in the forfeiture is a motor vehicle or motor vehicle part seized pursuant to Section63-25-7(1)and ownership cannot be determined, the prosecutor, may, in the sound exercise of discretion, decide not to bring a forfeiture action because of the rights of property owners, lienholders or secured creditors, or because of exculpatory, exonerating or mitigating facts and circumstances.(b)The clerk of court shall give notice of the forfeiture proceeding by mailing a copy of the complaint in the forfeiture proceeding and instructions on how the action for forfeiture may be contested to each person whose right, title or interest is of record in the State Tax Commission or any department or agency of any other state or territory of the United States or of the federal government if such property is required to be registered in any such department or agency.(c)Notice of the proceeding shall be given to any such other person as may appear, from the facts and circumstances, to have any right, title or interest in or to the property.(d)The owner of the property, or any person having or claiming right, title or interest in the property, may, within fourteen (14) days after the mailing of such notice, file a verified answer to the complaint and may appear at the hearing on the action for forfeiture.(e)The prosecutor shall show at a forfeiture hearing by a preponderance of the evidence that such property was used in the commission of a violation of Section63-25-5, or was used or possessed to facilitate such violation or was seized pursuant to Section63-25-7(1)and ownership cannot be determined.(f)The owner of property may show by a preponderance of the evidence that he did not know, and did not have reason to know, that the property was to be used or possessed in the commission of any violation or that any of the exceptions to forfeiture are applicable.(g)Unless the prosecutor shall make the required showing, the court shall order the property released to the owner. Where the prosecutor has made such a showing, the court may order:(i)That the property be destroyed by the agency that seized it or by some other agency designated by the court;(ii)That the property be delivered and retained for use by the agency which seized it or some other agency designated by the court; or(iii)That the property may be sold at public auction as provided in subsection (11).(8)A copy of a forfeiture order shall be filed with the sheriff of the county in which the forfeiture occurs and with each federal or state department or agency with which such property is required to be registered. Such order, when filed, constitutes authority for the issuance, to the agency to whom the property is delivered and retained for use, of a certificate of title, registration certificate or other special certificate as may be required by law considering the condition of the property.(9)No motor vehicle which has been seized pursuant to Section63-25-7or forfeited or sold at public auction pursuant to this section shall be released by the seizing agency, used by an agency designated by the court, or sold at public auction unless any altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated or removed vehicle identification number is corrected by the issuance and affixing of either an assigned or replacement vehicle identification number plate as may be appropriate.(10)Seizing agencies shall utilize their best efforts to arrange for the towing and storing of motor vehicles and motor vehicle parts in the most economical manner possible. In no event shall the owner of a motor vehicle or a motor vehicle part be required to pay more than the minimum

reasonable costs of towing and storage.(11)Property that has been ordered sold pursuant to subsection (7)(iii) shall be sold at public auction for cash by the chief law enforcement officer of the seizing agency or his designee to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to the sale, in a newspaper having a general circulation within the jurisdiction of the seizing agency. The legal notice shall contain a description of the property to be sold and a statement of the time and place of sale. The proceeds of the sale shall be disposed of as follows:(a)To any bona fide lien holder, secured party, or other party holding an interest in the property in the nature of a security interest, to the extent of his interest; and(b)The balance, if any, remaining after deduction of all storage, court costs and expenses of liquidation shall accrue to the seizing agency.(12)A seized motor vehicle or motor vehicle part that is neither forfeited nor unidentifiable shall be held subject to the order of the court in which the criminal action is pending or, if a request for its release from such custody is made, until the district attorney has notified the defendant or the defendant's attorney of such request and both the prosecution and defense have been afforded a reasonable opportunity for an examination of the property to determine its true value and to produce or reproduce, by photographs or other identifying techniques, legally sufficient evidence for introduction at trial or other criminal proceedings. Upon expiration of a reasonable time for the completion of the examination, which in no event shall exceed fourteen (14) days from the date of service upon the defense of the notice of request for return of property as provided herein, the property shall be released to the person making such request after satisfactory proof such person is entitled to the possession thereof. Notwithstanding the foregoing, upon application by either party with notice to the other, the court may order retention of the property if it determines that retention is necessary in the furtherance of justice.(13)When a seized motor vehicle is forfeited, restored to its owner or otherwise disposed of, the seizing agency shall retain a report of the transaction for a period of at least one (1) year from the date of the transaction.Laws, 1989, ch. 469, § 5; Laws, 1993, ch. 495, § 1, eff. 1/1/1994. Laws, 1989, ch. 469, § 5; Laws, 1993, ch. 495, § 1, eff. 1/1/1994.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 27 - DISCLOSURE OF USE OF NONORIGINAL REPLACEMENT PARTS (§§ 63-27-1 — 63-27-7)Section 63-27-1 - Definitions

As used in this chapter, the following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:(a)"Aftermarket crash part" means a replacement for any of the nonmechanical sheet metal or plastic parts which generally constitute the exterior of a motor vehicle, including inner and outer panels.(b)"Installer" means an individual who performs the work of replacing or repairing parts of a motor vehicle.(c)"Insurer" includes an insurance company and any person authorized to represent the insurer with respect to a claim and who is acting within the scope of the person's authority.(d)"Nonoriginal equipment manufacturer aftermarket crash part" means an aftermarket crash part made by any manufacturer other than the original vehicle manufacturer or his supplier.(e)"Repair facility" means a motor vehicle dealer, garage, body shop or other commercial entity which undertakes the repair or replacement of those parts that generally constitute the exterior of a motor vehicle.Laws, 1990, ch 330, § 1, eff. 7/1/1990. As used in this chapter, the following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise:(a)"Aftermarket crash part" means a replacement for any of the nonmechanical sheet metal or plastic parts which generally constitute the exterior of a motor vehicle, including inner and outer panels.(b)"Installer" means an individual who performs the work of replacing or repairing parts of a motor vehicle.(c)"Insurer" includes an insurance company and any person authorized to represent the insurer with respect to a claim and who is acting within the scope of the person's authority.(d)"Nonoriginal equipment manufacturer aftermarket crash part" means an aftermarket crash part made by any manufacturer other than the original vehicle manufacturer or his supplier.(e)"Repair facility" means a motor vehicle dealer, garage, body shop or other commercial entity which undertakes the repair or replacement of those parts that generally constitute the exterior of a motor vehicle.Laws, 1990, ch 330, § 1, eff. 7/1/1990. As used in this chapter, the following words and phrases shall have the meanings ascribed herein unless the context clearly indicates otherwise: Laws, 1990, ch 330, § 1, eff. 7/1/1990.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 27 - DISCLOSURE OF USE OF NONORIGINAL REPLACEMENT PARTS (§§ 63-27-1 — 63-27-7)Section 63-27-3 - Identification of manufacturer on part

Any nonoriginal equipment manufacturer aftermarket crash part manufactured or supplied for use in this state on or after January 1, 1991, shall have affixed thereto or inscribed thereon the logo, identification number, or name of its manufacturer. Such manufacturer's logo, identification number or name shall be visible after installation whenever practicable.Laws, 1990, ch. 330, § 2, eff. 7/1/1990. Any nonoriginal equipment manufacturer aftermarket crash part manufactured or supplied for use in this state on or

after January 1, 1991, shall have affixed thereto or inscribed thereon the logo, identification number, or name of its manufacturer. Such manufacturer's logo, identification number or name shall be visible after installation whenever practicable. Laws, 1990, ch. 330, § 2, eff. 7/1/1990. Any nonoriginal equipment manufacturer aftermarket crash part manufactured or supplied for use in this state on or after January 1, 1991, shall have affixed thereto or inscribed thereon the logo, identification number, or name of its manufacturer. Such manufacturer's logo, identification number or name shall be visible after installation whenever practicable. Laws, 1990, ch. 330, § 2, eff. 7/1/1990. Any nonoriginal equipment manufacturer aftermarket crash part manufactured or supplied for use in this state on or after January 1, 1991, shall have affixed thereto or inscribed thereon the logo, identification number, or name of its manufacturer. Such manufacturer's logo, identification number or name shall be visible after installation whenever practicable. Laws, 1990, ch. 330, § 2, eff. 7/1/1990.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 27 - DISCLOSURE OF USE OF NONORIGINAL REPLACEMENT PARTS (§§ 63-27-1 — 63-27-7) Section 63-27-5 - Disclosure of use of nonoriginal replacement parts in repair estimate

In all instances where nonoriginal equipment manufacturer aftermarket crash parts are used in preparing an estimate for repairs, the written estimate prepared by the insurer and repair facility shall clearly identify each such part. A disclosure document attached to the estimate shall contain the following information in no smaller than ten-point type: THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF AFTERMARKET CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. THE AFTERMARKET CRASH PARTS USED IN THE PREPARATION OF THIS ESTIMATE ARE WARRANTED BY THE MANUFACTURER OR DISTRIBUTOR OF SUCH PARTS RATHER THAN THE MANUFACTURER OF YOUR VEHICLE. Laws, 1990, ch. 330, § 3, eff. 7/1/1990. In all instances where nonoriginal equipment manufacturer aftermarket crash parts are used in preparing an estimate for repairs, the written estimate prepared by the insurer and repair facility shall clearly identify each such part. A disclosure document attached to the estimate shall contain the following information in no smaller than ten-point type: THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF AFTERMARKET CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. THE AFTERMARKET CRASH PARTS USED IN THE PREPARATION OF THIS ESTIMATE ARE WARRANTED BY THE MANUFACTURER OR DISTRIBUTOR OF SUCH PARTS RATHER THAN THE MANUFACTURER OF YOUR VEHICLE. Laws, 1990, ch. 330, § 3, eff. 7/1/1990. In all instances where nonoriginal equipment manufacturer aftermarket crash parts are used in preparing an estimate for repairs, the written estimate prepared by the insurer and repair facility shall clearly identify each such part. A disclosure document attached to the estimate shall contain the following information in no smaller than ten-point type: THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF AFTERMARKET CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. THE AFTERMARKET CRASH PARTS USED IN THE PREPARATION OF THIS ESTIMATE ARE WARRANTED BY THE MANUFACTURER OR DISTRIBUTOR OF SUCH PARTS RATHER THAN THE MANUFACTURER OF YOUR VEHICLE. Laws, 1990, ch. 330, § 3, eff. 7/1/1990. In all instances where nonoriginal equipment manufacturer aftermarket crash parts are used in preparing an estimate for repairs, the written estimate prepared by the insurer and repair facility shall clearly identify each such part. A disclosure document attached to the estimate shall contain the following information in no smaller than ten-point type: THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF AFTERMARKET CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. THE AFTERMARKET CRASH PARTS USED IN THE PREPARATION OF THIS ESTIMATE ARE WARRANTED BY THE MANUFACTURER OR DISTRIBUTOR OF SUCH PARTS RATHER THAN THE MANUFACTURER OF YOUR VEHICLE. Laws, 1990, ch. 330, § 3, eff. 7/1/1990.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 27 - DISCLOSURE OF USE OF NONORIGINAL REPLACEMENT PARTS (§§ 63-27-1 — 63-27-7) Section 63-27-7 - Construction of chapter

The provisions of this chapter are severable. If any part of this chapter is declared invalid or unconstitutional, such declaration shall not affect the part which remains. Laws, 1990, ch. 330, § 4, eff. 7/1/1990. The provisions of this chapter are severable. If any part of this chapter is declared invalid or unconstitutional, such declaration shall not affect the part which remains. Laws, 1990, ch. 330, § 4, eff. 7/1/1990. The provisions of this chapter are severable. If any part of this chapter is declared invalid or unconstitutional, such declaration shall not affect the part which remains. Laws, 1990, ch. 330, § 4, eff. 7/1/1990. The provisions of this chapter are severable. If any part of this chapter is declared invalid or unconstitutional, such declaration shall not affect the part which remains. Laws, 1990, ch. 330, § 4, eff. 7/1/1990.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 29 - MISSISSIPPI VEHICLE PROTECTION PRODUCT ACT (§§ 63-29-1 — 63-29-29) Section 63-29-1 - Short title

This chapter shall be known and may be cited as the "Mississippi Vehicle Protection Product Act." Laws, 2007, ch. 486, § 1, eff. 7/1/2007. This chapter shall be known and may be cited as the "Mississippi Vehicle Protection Product Act." Laws, 2007, ch. 486, § 1, eff. 7/1/2007. This chapter shall be known and may be cited as the "Mississippi Vehicle Protection Product Act." Laws, 2007, ch. 486, § 1, eff. 7/1/2007. This chapter shall be known and may be cited as the "Mississippi Vehicle Protection Product Act." Laws,

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 29 - MISSISSIPPI VEHICLE PROTECTION PRODUCT ACT (§§ 63-29-1 — 63-29-29) Section 63-29-11 - Warranty reimbursement insurance policy requirements

No warranty reimbursement insurance policy shall be issued, sold or offered for sale in this state unless the policy meets the following conditions: (a) The policy states that the issuer of the policy will reimburse or pay on behalf of the vehicle protection product warrantor all covered sums which the warrantor is legally obligated to pay, or will provide all service that the warrantor is legally obligated to perform according to the warrantor's contractual obligations under the provisions of the insured warranties sold by the warrantor; (b) The policy states that in the event that payment due under the terms of the warranty is not provided by the warrantor within sixty (60) days after proof of loss has been filed according to the terms of the warranty by the warranty holder, the warranty holder may file directly with the warranty reimbursement insurance company for reimbursement; (c) The policy provides that a warranty reimbursement insurance company that insures a warranty shall be deemed to have received payment of the premium if the warranty holder paid for the vehicle protection product and the insurer's liability under the policy shall not be reduced or relieved by a failure of the warrantor, for any reason, to report the issuance of a warranty to the insurer; and (d) The policy has the following provisions regarding cancellation of the policy: (i) The issuer of a reimbursement insurance policy shall not cancel such policy until a notice of cancellation in writing has been mailed or delivered to the Motor Vehicle Commission and each insured warrantor; (ii) The cancellation of a reimbursement insurance policy shall not reduce the issuer's responsibility for vehicle protection products sold prior to the date of cancellation; and (iii) In the event an insurer cancels a policy that a warrantor has filed with the Motor Vehicle Commission, the warrantor shall do either of the following: 1. File a copy of a new policy with the Motor Vehicle Commission, before the termination of the prior policy, provided that there is no lapse in coverage following the termination of the prior policy; or 2. Discontinue acting as a warrantor as of the termination date of the policy until a new policy becomes effective and is accepted by the Motor Vehicle Commission. Laws, 2007, ch. 486, § 6, eff. 7/1/2007. No warranty reimbursement insurance policy shall be issued, sold or offered for sale in this state unless the policy meets the following conditions: (a) The policy states that the issuer of the policy will reimburse or pay on behalf of the vehicle protection product warrantor all covered sums which the warrantor is legally obligated to pay, or will provide all service that the warrantor is legally obligated to perform according to the warrantor's contractual obligations under the provisions of the insured warranties sold by the warrantor; (b) The policy states that in the event that payment due under the terms of the warranty is not provided by the warrantor within sixty (60) days after proof of loss has been filed according to the terms of the warranty by the warranty holder, the warranty holder may file directly with the warranty reimbursement insurance company for reimbursement; (c) The policy provides that a warranty reimbursement insurance company that insures a warranty shall be deemed to have received payment of the premium if the warranty holder paid for the vehicle protection product and the insurer's liability under the policy shall not be reduced or relieved by a failure of the warrantor, for any reason, to report the issuance of a warranty to the insurer; and (d) The policy has the following provisions regarding cancellation of the policy: (i) The issuer of a reimbursement insurance policy shall not cancel such policy until a notice of cancellation in writing has been mailed or delivered to the Motor Vehicle Commission and each insured warrantor; (ii) The cancellation of a reimbursement insurance policy shall not reduce the issuer's responsibility for vehicle protection products sold prior to the date of cancellation; and (iii) In the event an insurer cancels a policy that a warrantor has filed with the Motor Vehicle Commission, the warrantor shall do either of the following: 1. File a copy of a new policy with the Motor Vehicle Commission, before the termination of the prior policy, provided that there is no lapse in coverage following the termination of the prior policy; or 2. Discontinue acting as a warrantor as of the termination date of the policy until a new policy becomes effective and is accepted by the Motor Vehicle Commission. Laws, 2007, ch. 486, § 6, eff. 7/1/2007. No warranty reimbursement insurance policy shall be issued, sold or offered for sale in this state unless the policy meets the following

conditions: Laws, 2007, ch. 486, § 6, eff. 7/1/2007.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 29 - MISSISSIPPI VEHICLE PROTECTION PRODUCT ACT (§§ 63-29-1 — 63-29-29) Section 63-29-13 - Disclosure to warranty holder; contents

(1) Every vehicle protection product warranty shall be written in clear, understandable language and shall be printed or typed in an easy-to-read point size and font and shall not be sold or offered for sale in the state unless the warranty: (a) Contains a disclosure that reads substantially as follows: "This agreement is a product warranty and is not insurance."; (b) Identifies the warrantor, the administrator (if any), the seller and the warranty holder; (c) Sets forth the procedure for making a claim, including a telephone number; (d) Sets forth the total purchase price and the terms under which it is to be paid, however, the purchase price is not required to be preprinted on the vehicle protection product warranty and may be negotiated with the consumer at the time of sale; (e) Sets forth any terms, restrictions or conditions governing transferability of the warranty, if any; (f) Conspicuously sets forth all of the obligations and duties of the warranty holder such as the duty to protect against any further damage to the vehicle, the obligation to notify the warrantor in advance of any repair or other similar requirements, if any; (g) Conspicuously states the existence of a deductible amount, if any; (h) Specifies the payments or performance to be provided under the warranty including payments for incidental costs, the manner of calculation or determination of payments or performance and any limitations, exceptions or exclusions; (i) Sets forth the conditions on which substitution will be allowed; (j) Conspicuously states that the obligations of the warrantor to the warranty holder are insured under a warranty reimbursement insurance policy; (k) Conspicuously states that, in the event a warranty holder must make a claim against a party other than the warranty reimbursement insurance policy issuer, the warranty holder is entitled to make a direct claim against the insurer upon the failure of the warrantor to pay any claim or meet any obligation under the terms of the warranty within sixty (60) days after proof of loss has been filed with the warrantor; and (l) Conspicuously states the name and address of the issuer of the warranty reimbursement insurance policy. This information need not be preprinted on the warranty form but may be stamped on the warranty. (2) At the time of sale, the seller or warrantor shall provide to the purchaser: (a) A copy of the vehicle protection product warranty; or (b) A receipt or other written evidence of the purchase of the vehicle protection product and a copy of the warranty within thirty (30) days of the date of purchase. Laws, 2007, ch. 486, § 7, eff. 7/1/2007. (1) Every vehicle protection product warranty shall be written in clear, understandable language and shall be printed or typed in an easy-to-read point size and font and shall not be sold or offered for sale in the state unless the warranty: (a) Contains a disclosure that reads substantially as follows: "This agreement is a product warranty and is not insurance."; (b) Identifies the warrantor, the administrator (if any), the seller and the warranty holder; (c) Sets forth the procedure for making a claim, including a telephone number; (d) Sets forth the total purchase price and the terms under which it is to be paid, however, the purchase price is not required to be preprinted on the vehicle protection product warranty and may be negotiated with the consumer at the time of sale; (e) Sets forth any terms, restrictions or conditions governing transferability of the warranty, if any; (f) Conspicuously sets forth all of the obligations and duties of the warranty holder such as the duty to protect against any further damage to the vehicle, the obligation to notify the warrantor in advance of any repair or other similar requirements, if any; (g) Conspicuously states the existence of a deductible amount, if any; (h) Specifies the payments or performance to be provided under the warranty including payments for incidental costs, the manner of calculation or determination of payments or performance and any limitations, exceptions or exclusions; (i) Sets forth the conditions on which substitution will be allowed; (j) Conspicuously states that the obligations of the warrantor to the warranty holder are insured under a warranty reimbursement insurance policy; (k) Conspicuously states that, in the event a warranty holder must make a claim against a party other than the warranty reimbursement insurance policy issuer, the warranty holder is entitled to make a direct claim against the insurer upon the failure of the warrantor to pay any claim or meet any obligation under the terms of the warranty within sixty (60) days after proof of loss has been filed with the warrantor; and (l) Conspicuously states the name and address of the issuer of the warranty reimbursement insurance policy. This information need not be preprinted on the warranty form but may be stamped on the warranty. (2) At the time of sale, the seller or warrantor shall provide to the purchaser: (a) A copy of the vehicle protection product warranty; or (b) A receipt or other written evidence of the purchase of the vehicle protection product and a copy of the warranty within thirty (30) days of the date of purchase. Laws, 2007, ch. 486, § 7, eff. 7/1/2007. (1) Every vehicle protection product warranty shall be written in clear, understandable language and shall be printed or typed in an easy-to-read point size and font and shall not be sold or offered for sale in the state unless the warranty: (a) Contains a disclosure that reads substantially as follows: "This agreement is a product warranty and is not insurance."; (b) Identifies the warrantor, the administrator (if any), the seller and the warranty holder; (c) Sets forth the procedure for making a claim, including a telephone number; (d) Sets forth the total purchase price and the terms under which it is to be paid, however, the purchase price is not required to be preprinted on the vehicle protection product warranty and may be negotiated with the consumer at the time of sale; (e) Sets forth any terms, restrictions or conditions governing transferability of the warranty, if any; (f) Conspicuously sets forth all of the obligations and duties of the warranty holder such as the duty to protect against any further damage to the vehicle, the obligation to notify the warrantor in advance of any repair or other similar requirements, if any; (g) Conspicuously states the existence of a deductible amount, if any; (h) Specifies the payments or performance to be provided under the warranty including payments for incidental costs, the manner of calculation or determination of payments or performance and any limitations, exceptions or exclusions; (i) Sets forth the conditions on which substitution will be allowed; (j) Conspicuously states that the obligations of the warrantor to the warranty holder are insured under a warranty reimbursement insurance policy; (k) Conspicuously states that, in the event a warranty holder must make a claim against a party other

than the warranty reimbursement insurance policy issuer, the warranty holder is entitled to make a direct claim against the insurer upon the failure of the warrantor to pay any claim or meet any obligation under the terms of the warranty within sixty (60) days after proof of loss has been filed with the warrantor; and (l) Conspicuously states the name and address of the issuer of the warranty reimbursement insurance policy. This information need not be preprinted on the warranty form but may be stamped on the warranty. (2) At the time of sale, the seller or warrantor shall provide to the purchaser: (a) A copy of the vehicle protection product warranty; or (b) A receipt or other written evidence of the purchase of the vehicle protection product and a copy of the warranty within thirty (30) days of the date of purchase. Laws, 2007, ch. 486, § 7, eff. 7/1/2007. Laws, 2007, ch. 486, § 7, eff. 7/1/2007.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 29 - MISSISSIPPI VEHICLE PROTECTION PRODUCT ACT (§§ 63-29-1 — 63-29-29) Section 63-29-15 - Disclosure of terms and conditions governing cancellation of sale and warranty; cancellation of warranty only under certain conditions

(1) No vehicle protection product may be sold or offered for sale in this state unless the vehicle protection product warranty clearly states the terms and conditions governing the cancellation of the sale and warranty, if any. (2) The warrantor may only cancel the warranty if the warranty holder does any of the following: (a) Fails to pay for the vehicle protection product; (b) Makes a material misrepresentation to the seller or warrantor; (c) Commits fraud; or (d) Substantially breaches the warranty holder's duties under the warranty. (3) A warrantor canceling a warranty shall mail written notice of cancellation to the warranty holder at the last address of the warranty holder in the warrantor's records at least thirty (30) days prior to the effective date of the cancellation. The notice shall state the effective date of the cancellation and the reason for the cancellation. Laws, 2007, ch. 486, § 8, eff. 7/1/2007. (1) No vehicle protection product may be sold or offered for sale in this state unless the vehicle protection product warranty clearly states the terms and conditions governing the cancellation of the sale and warranty, if any. (2) The warrantor may only cancel the warranty if the warranty holder does any of the following: (a) Fails to pay for the vehicle protection product; (b) Makes a material misrepresentation to the seller or warrantor; (c) Commits fraud; or (d) Substantially breaches the warranty holder's duties under the warranty. (3) A warrantor canceling a warranty shall mail written notice of cancellation to the warranty holder at the last address of the warranty holder in the warrantor's records at least thirty (30) days prior to the effective date of the cancellation. The notice shall state the effective date of the cancellation and the reason for the cancellation. Laws, 2007, ch. 486, § 8, eff. 7/1/2007. (1) No vehicle protection product may be sold or offered for sale in this state unless the vehicle protection product warranty clearly states the terms and conditions governing the cancellation of the sale and warranty, if any. (2) The warrantor may only cancel the warranty if the warranty holder does any of the following: (a) Fails to pay for the vehicle protection product; (b) Makes a material misrepresentation to the seller or warrantor; (c) Commits fraud; or (d) Substantially breaches the warranty holder's duties under the warranty. (3) A warrantor canceling a warranty shall mail written notice of cancellation to the warranty holder at the last address of the warranty holder in the warrantor's records at least thirty (30) days prior to the effective date of the cancellation. The notice shall state the effective date of the cancellation and the reason for the cancellation. Laws, 2007, ch. 486, § 8, eff. 7/1/2007. Laws, 2007, ch. 486, § 8, eff. 7/1/2007.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 29 - MISSISSIPPI VEHICLE PROTECTION PRODUCT ACT (§§ 63-29-1 — 63-29-29) Section 63-29-17 - Prohibited acts of warrantors

(1) Unless licensed as an insurance company, a vehicle protection product warrantor shall not use in its name, contracts or literature the words "insurance," "casualty," "surety," "mutual" or any other word that is descriptive of the insurance, casualty or surety business, or that is deceptively similar to the name or description of any insurance or surety corporation or any other vehicle protection product warrantor. A warrantor may use the term "guaranty" or a similar word in the warrantor's name. (2) A vehicle protection product warrantor shall not make, permit or cause any false or misleading statements, either oral or written, in connection with the sale, offer to sell or advertisement of a vehicle protection product. (3) A vehicle protection product warrantor shall not permit or cause the omission of any material statement in connection with the sale, offer to sell or advertisement of a vehicle protection product. (4) A vehicle protection product warrantor shall not make, permit or cause any false or misleading statements, either oral or written, about the performance required or payments that may be available under the vehicle protection product warranty. (5) A vehicle protection product warrantor shall not make, permit or cause any statement or practice that has the effect of creating or maintaining a fraud. (6) A vehicle protection product seller or warrantor may not require as a condition of sale or financing that a retail purchaser of a motor vehicle purchase a vehicle protection product that is not installed on the motor vehicle at the time of sale. Laws, 2007, ch. 486, § 9, eff. 7/1/2007. (1) Unless licensed as an insurance company, a vehicle protection product warrantor shall not use in its name, contracts or literature the words "insurance," "casualty," "surety," "mutual" or any other word that is descriptive of the insurance, casualty or surety business, or that is deceptively similar to the name or description of any insurance or surety corporation or any other vehicle protection product warrantor. A warrantor may use the term "guaranty" or a similar word in the warrantor's name. (2) A vehicle protection product warrantor shall not make, permit or cause any false or misleading statements, either oral or written, in connection with the sale, offer to sell or advertisement of a vehicle protection product. (3) A vehicle protection product warrantor shall not permit or cause the omission of any material statement in connection with the sale, offer to sell or advertisement of a vehicle protection product. (4) A vehicle protection product warrantor shall not make, permit or cause any false or misleading statements, either oral or written, about the performance required or payments that may be available under the vehicle protection product warranty. (5) A vehicle protection product warrantor shall not make, permit or cause any statement or

practice that has the effect of creating or maintaining a fraud.(6)A vehicle protection product seller or warrantor may not require as a condition of sale or financing that a retail purchaser of a motor vehicle purchase a vehicle protection product that is not installed on the motor vehicle at the time of sale.Laws, 2007, ch. 486, § 9, eff. 7/1/2007. (1)Unless licensed as an insurance company, a vehicle protection product warrantor shall not use in its name, contracts or literature the words "insurance," "casualty," "surety," "mutual" or any other word that is descriptive of the insurance, casualty or surety business, or that is deceptively similar to the name or description of any insurance or surety corporation or any other vehicle protection product warrantor. A warrantor may use the term "guaranty" or a similar word in the warrantor's name.(2)A vehicle protection product warrantor shall not make, permit or cause any false or misleading statements, either oral or written, in connection with the sale, offer to sell or advertisement of a vehicle protection product.(3)A vehicle protection product warrantor shall not permit or cause the omission of any material statement in connection with the sale, offer to sell or advertisement of a vehicle protection product.(4)A vehicle protection product warrantor shall not make, permit or cause any false or misleading statements, either oral or written, about the performance required or payments that may be available under the vehicle protection product warranty.(5)A vehicle protection product warrantor shall not make, permit or cause any statement or practice that has the effect of creating or maintaining a fraud.(6)A vehicle protection product seller or warrantor may not require as a condition of sale or financing that a retail purchaser of a motor vehicle purchase a vehicle protection product that is not installed on the motor vehicle at the time of sale.Laws, 2007, ch. 486, § 9, eff. 7/1/2007. Laws, 2007, ch. 486, § 9, eff. 7/1/2007.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 29 - MISSISSIPPI VEHICLE PROTECTION PRODUCT ACT (§§ 63-29-1 — 63-29-29)Section 63-29-19 - Record keeping; contents of warrantor's accounts, books, records

(1)All vehicle protection product warrantors shall keep accurate accounts, books and records concerning transactions regulated under this chapter.(2)A vehicle protection product warrantor's accounts, books and records shall include:(a)Copies of all vehicle protection product warranties;(b)The name and address of each warranty holder; and(c)The dates, amounts and descriptions of all receipts, claims and expenditures.(3)A vehicle protection product warrantor shall retain all required accounts, books and records pertaining to each warranty holder for at least two (2) years after the specified period of coverage has expired. A warrantor discontinuing business in the state shall maintain its records until it furnishes the Motor Vehicle Commission satisfactory proof that it has discharged all obligations to warranty holders in this state.(4)Vehicle protection product warrantors shall make all accounts, books and records concerning transactions regulated under this chapter available to the Motor Vehicle Commission for the purpose of examination.Laws, 2007, ch. 486, § 10, eff. 7/1/2007. (1)All vehicle protection product warrantors shall keep accurate accounts, books and records concerning transactions regulated under this chapter.(2)A vehicle protection product warrantor's accounts, books and records shall include:(a)Copies of all vehicle protection product warranties;(b)The name and address of each warranty holder; and(c)The dates, amounts and descriptions of all receipts, claims and expenditures.(3)A vehicle protection product warrantor shall retain all required accounts, books and records pertaining to each warranty holder for at least two (2) years after the specified period of coverage has expired. A warrantor discontinuing business in the state shall maintain its records until it furnishes the Motor Vehicle Commission satisfactory proof that it has discharged all obligations to warranty holders in this state.(4)Vehicle protection product warrantors shall make all accounts, books and records concerning transactions regulated under this chapter available to the Motor Vehicle Commission for the purpose of examination.Laws, 2007, ch. 486, § 10, eff. 7/1/2007. Laws, 2007, ch. 486, § 10, eff. 7/1/2007.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 29 - MISSISSIPPI VEHICLE PROTECTION PRODUCT ACT (§§ 63-29-1 — 63-29-29)Section 63-29-21 - Examination of warrantors by Motor Vehicle Commission; enforcement of and penalties for violations of this chapter

(1)(a)The Motor Vehicle Commission may conduct examinations of warrantors, administrators or other persons to enforce this chapter and protect warranty holders in this state. Upon request of the Motor Vehicle Commission, a warrantor shall make available to the Motor Vehicle Commission all accounts, books and records concerning vehicle protection products sold by the warrantor that are necessary to enable the Motor Vehicle Commission to reasonably determine compliance or noncompliance with this chapter.(b)Any person or entity examined shall pay any and all appropriate and reasonable costs incurred by the Motor Vehicle Commission during the examination, including, but not limited to, the compensation of such experts, actuaries, examiners or other persons as may be contracted for by the Motor Vehicle Commission or the Motor Vehicle Commission's designated appointee for the purpose of assisting in the examination. Such compensation shall be fixed at a reasonable amount commensurate with usual compensation for like services and shall be contracted for in accordance with applicable state contracting procedures, if

applicable.(2)The Motor Vehicle Commission may take action that is necessary or appropriate to enforce the provisions of this chapter and the Motor Vehicle Commission's rules and orders and to protect warranty holders in this state. If a person or entity violates this chapter and the Motor Vehicle Commission reasonably believes such violation threatens to cause irreparable loss or injury to the property or business of any person or company located in this state, the Motor Vehicle Commission may:(a)Issue an order directed to that warrantor to cease and desist from engaging in further acts, practices or transactions that are causing the conduct;(b)Issue an order prohibiting that warrantor from selling or offering for sale vehicle protection products in violation of this chapter;(c)Issue an order imposing a civil penalty on that warrantor; or(d)Issue any combination of paragraphs (a) through (c) of this subsection, as applicable.(3)The Motor Vehicle Commission may bring an action in any court of competent jurisdiction for an injunction or other appropriate relief to enjoin threatened or existing violations of this chapter or of the Motor Vehicle Commission's orders or rules. An action filed under this section also may seek restitution on behalf of persons aggrieved by a violation of this chapter or orders or rule of the Motor Vehicle Commission.(4)A person or entity who is found to have violated this chapter or orders or rules of the Motor Vehicle Commission may be ordered to pay to the Motor Vehicle Commission a civil penalty in an amount, determined by the Motor Vehicle Commission, of not more than Five Hundred Dollars (\$500.00) per violation and not more than Ten Thousand Dollars (\$10,000.00) in the aggregate for all violations of a similar nature. For purposes of this section, violations shall be of a similar nature if the violation consists of the same or similar course of conduct, action or practice, irrespective of the number of times the conduct, action or practice is determined to be a violation of this chapter.Laws, 2007, ch. 486, § 11, eff.

7/1/2007. (1)(a)The Motor Vehicle Commission may conduct examinations of warrantors, administrators or other persons to enforce this chapter and protect warranty holders in this state. Upon request of the Motor Vehicle Commission, a warrantor shall make available to the Motor Vehicle Commission all accounts, books and records concerning vehicle protection products sold by the warrantor that are necessary to enable the Motor Vehicle Commission to reasonably determine compliance or noncompliance with this chapter.(b)Any person or entity examined shall pay any and all appropriate and reasonable costs incurred by the Motor Vehicle Commission during the examination, including, but not limited to, the compensation of such experts, actuaries, examiners or other persons as may be contracted for by the Motor Vehicle Commission or the Motor Vehicle Commission's designated appointee for the purpose of assisting in the examination. Such compensation shall be fixed at a reasonable amount commensurate with usual compensation for like services and shall be contracted for in accordance with applicable state contracting procedures, if applicable.(2)The Motor Vehicle Commission may take action that is necessary or appropriate to enforce the provisions of this chapter and the Motor Vehicle Commission's rules and orders and to protect warranty holders in this state. If a person or entity violates this chapter and the Motor Vehicle Commission reasonably believes such violation threatens to cause irreparable loss or injury to the property or business of any person or company located in this state, the Motor Vehicle Commission may:(a)Issue an order directed to that warrantor to cease and desist from engaging in further acts, practices or transactions that are causing the conduct;(b)Issue an order prohibiting that warrantor from selling or offering for sale vehicle protection products in violation of this chapter;(c)Issue an order imposing a civil penalty on that warrantor; or(d)Issue any combination of paragraphs (a) through (c) of this subsection, as applicable.(3)The Motor Vehicle Commission may bring an action in any court of competent jurisdiction for an injunction or other appropriate relief to enjoin threatened or existing violations of this chapter or of the Motor Vehicle Commission's orders or rules. An action filed under this section also may seek restitution on behalf of persons aggrieved by a violation of this chapter or orders or rule of the Motor Vehicle Commission.(4)A person or entity who is found to have violated this chapter or orders or rules of the Motor Vehicle Commission may be ordered to pay to the Motor Vehicle Commission a civil penalty in an amount, determined by the Motor Vehicle Commission, of not more than Five Hundred Dollars (\$500.00) per violation and not more than Ten Thousand Dollars (\$10,000.00) in the aggregate for all violations of a similar nature. For purposes of this section, violations shall be of a similar nature if the violation consists of the same or similar course of conduct, action or practice, irrespective of the number of times the conduct, action or practice is determined to be a violation of this chapter.Laws, 2007, ch. 486, § 11, eff.

7/1/2007. (1)(a)The Motor Vehicle Commission may conduct examinations of warrantors, administrators or other persons to enforce this chapter and protect warranty holders in this state. Upon request of the Motor Vehicle Commission, a warrantor shall make available to the Motor Vehicle Commission all accounts, books and records concerning vehicle protection products sold by the warrantor that are necessary to enable the Motor Vehicle Commission to reasonably determine compliance or noncompliance with this chapter.(b)Any person or entity examined shall pay any and all appropriate and reasonable costs incurred by the Motor Vehicle Commission during the examination, including, but not limited to, the compensation of such experts, actuaries, examiners or other persons as may be contracted for by the Motor Vehicle Commission or the Motor Vehicle Commission's designated appointee for the purpose of assisting in the examination. Such compensation shall be fixed at a reasonable amount commensurate with usual compensation for like services and shall be contracted for in accordance with applicable state contracting procedures, if applicable.(2)The Motor Vehicle Commission may take action that is necessary or appropriate to enforce the provisions of this chapter and the Motor Vehicle Commission's rules and orders and to protect warranty holders in this state. If a person or entity violates this chapter and the Motor Vehicle Commission reasonably believes such violation threatens to cause irreparable loss or injury to the property or business of any person or company located in this state, the Motor Vehicle Commission may:(a)Issue an order directed to that warrantor to cease and desist from engaging in further acts, practices or transactions that are causing the conduct;(b)Issue an order prohibiting that warrantor from selling or offering for sale vehicle protection products in violation of this chapter;(c)Issue an order imposing a civil penalty on that warrantor; or(d)Issue any combination of paragraphs (a) through (c) of this subsection, as applicable.(3)The Motor Vehicle Commission may bring an action in any court of competent jurisdiction for an injunction or other appropriate relief to enjoin threatened or existing violations of this chapter or of the Motor Vehicle Commission's

orders or rules. An action filed under this section also may seek restitution on behalf of persons aggrieved by a violation of this chapter or orders or rule of the Motor Vehicle Commission.(4)A person or entity who is found to have violated this chapter or orders or rules of the Motor Vehicle Commission may be ordered to pay to the Motor Vehicle Commission a civil penalty in an amount, determined by the Motor Vehicle Commission, of not more than Five Hundred Dollars (\$500.00) per violation and not more than Ten Thousand Dollars (\$10,000.00) in the aggregate for all violations of a similar nature. For purposes of this section, violations shall be of a similar nature if the violation consists of the same or similar course of conduct, action or practice, irrespective of the number of times the conduct, action or practice is determined to be a violation of this chapter.Laws, 2007, ch. 486, § 11, eff. 7/1/2007. Laws, 2007, ch. 486, § 11, eff. 7/1/2007.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 29 - MISSISSIPPI VEHICLE PROTECTION PRODUCT ACT (§§ 63-29-1 — 63-29-29)Section 63-29-23 - Service of process

(1)Any warrantor doing business in this state in accordance with this chapter shall be deemed to have appointed the Motor Vehicle Commission its true and lawful attorney upon whom may be served all lawful process in any action or proceeding against it.(2)Any warrantor doing business in this state, operating without the authority provided by this chapter, shall be deemed to have appointed the Secretary of State to be its true and lawful attorney upon whom may be served all lawful process in any action or proceeding against it.Laws, 2007, ch. 486, § 12, eff. 7/1/2007. (1)Any warrantor doing business in this state in accordance with this chapter shall be deemed to have appointed the Motor Vehicle Commission its true and lawful attorney upon whom may be served all lawful process in any action or proceeding against it.(2)Any warrantor doing business in this state, operating without the authority provided by this chapter, shall be deemed to have appointed the Secretary of State to be its true and lawful attorney upon whom may be served all lawful process in any action or proceeding against it.Laws, 2007, ch. 486, § 12, eff. 7/1/2007. (1)Any warrantor doing business in this state in accordance with this chapter shall be deemed to have appointed the Motor Vehicle Commission its true and lawful attorney upon whom may be served all lawful process in any action or proceeding against it.(2)Any warrantor doing business in this state, operating without the authority provided by this chapter, shall be deemed to have appointed the Secretary of State to be its true and lawful attorney upon whom may be served all lawful process in any action or proceeding against it.Laws, 2007, ch. 486, § 12, eff. 7/1/2007. Laws, 2007, ch. 486, § 12, eff. 7/1/2007.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 29 - MISSISSIPPI VEHICLE PROTECTION PRODUCT ACT (§§ 63-29-1 — 63-29-29)Section 63-29-25 - Rules and regulations

The Motor Vehicle Commission may adopt rules and regulations to establish procedures for implementing the provisions of this chapter as are necessary. Such rules and regulations shall include disclosures for the benefit of the warranty holder, record keeping requirements, registration fees, penalties and procedures for public complaints. Such rules and regulations shall also include the conditions under which surplus lines insurers may be rejected for the purpose of underwriting vehicle protection product warranty agreements.Laws, 2007, ch. 486, § 13, eff. 7/1/2007. The Motor Vehicle Commission may adopt rules and regulations to establish procedures for implementing the provisions of this chapter as are necessary. Such rules and regulations shall include disclosures for the benefit of the warranty holder, record keeping requirements, registration fees, penalties and procedures for public complaints. Such rules and regulations shall also include the conditions under which surplus lines insurers may be rejected for the purpose of underwriting vehicle protection product warranty agreements.Laws, 2007, ch. 486, § 13, eff. 7/1/2007. The Motor Vehicle Commission may adopt rules and regulations to establish procedures for implementing the provisions of this chapter as are necessary. Such rules and regulations shall include disclosures for the benefit of the warranty holder, record keeping requirements, registration fees, penalties and procedures for public complaints. Such rules and regulations shall also include the conditions under which surplus lines insurers may be rejected for the purpose of underwriting vehicle protection product warranty agreements.Laws, 2007, ch. 486, § 13, eff. 7/1/2007. The Motor Vehicle Commission may adopt rules and regulations to establish procedures for implementing the provisions of this chapter as are necessary. Such rules and regulations shall include disclosures for the benefit of the warranty holder, record keeping requirements, registration fees, penalties and procedures for public complaints. Such rules and regulations shall also include the conditions under which surplus lines insurers may be rejected for the purpose of underwriting vehicle protection product warranty agreements.Laws, 2007, ch. 486, § 13, eff. 7/1/2007.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 29 - MISSISSIPPI VEHICLE PROTECTION PRODUCT ACT (§§ 63-29-1 — 63-29-29)Section 63-29-27 - Applicability of chapter

This chapter applies to all vehicle protection products sold or offered for sale on or after July 1, 2007. The failure of any person to comply with this chapter before July 1, 2007, shall not be admissible in any court proceeding, administrative proceeding, arbitration or alternative dispute resolution proceeding and may not otherwise be used to prove that the action of any person or the affected vehicle protection product was unlawful or otherwise improper.Laws, 2007, ch. 486, § 14, eff. 7/1/2007. This chapter applies to all vehicle protection products sold or offered for sale on or after July 1, 2007. The failure of any person to comply with this chapter before July 1, 2007, shall not be admissible in any court proceeding, administrative proceeding, arbitration or alternative dispute resolution proceeding and may not otherwise be used to prove that the action of any person or the affected vehicle protection

product was unlawful or otherwise improper. Laws, 2007, ch. 486, § 14, eff. 7/1/2007. This chapter applies to all vehicle protection products sold or offered for sale on or after July 1, 2007. The failure of any person to comply with this chapter before July 1, 2007, shall not be admissible in any court proceeding, administrative proceeding, arbitration or alternative dispute resolution proceeding and may not otherwise be used to prove that the action of any person or the affected vehicle protection product was unlawful or otherwise improper. Laws, 2007, ch. 486, § 14, eff. 7/1/2007. This chapter applies to all vehicle protection products sold or offered for sale on or after July 1, 2007. The failure of any person to comply with this chapter before July 1, 2007, shall not be admissible in any court proceeding, administrative proceeding, arbitration or alternative dispute resolution proceeding and may not otherwise be used to prove that the action of any person or the affected vehicle protection product was unlawful or otherwise improper. Laws, 2007, ch. 486, § 14, eff. 7/1/2007.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 29 - MISSISSIPPI VEHICLE PROTECTION PRODUCT ACT (§§ 63-29-1 — 63-29-29) Section 63-29-29 - Effect of chapter on existing vehicle protection product warranties

The adoption of this chapter does not imply that a vehicle protection product warranty constituted insurance prior to July 1, 2007. Laws, 2007, ch. 486, § 15, eff. 7/1/2007. The adoption of this chapter does not imply that a vehicle protection product warranty constituted insurance prior to July 1, 2007. Laws, 2007, ch. 486, § 15, eff. 7/1/2007. The adoption of this chapter does not imply that a vehicle protection product warranty constituted insurance prior to July 1, 2007. Laws, 2007, ch. 486, § 15, eff. 7/1/2007. The adoption of this chapter does not imply that a vehicle protection product warranty constituted insurance prior to July 1, 2007. Laws, 2007, ch. 486, § 15, eff. 7/1/2007.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 29 - MISSISSIPPI VEHICLE PROTECTION PRODUCT ACT (§§ 63-29-1 — 63-29-29) Section 63-29-3 - Definitions

As used in this section: (a) "Administrator" means a third party other than the warrantor who is designated by the warrantor to be responsible for the administration of vehicle protection product warranties. (b) "Motor Vehicle Commission" means the Mississippi Motor Vehicle Commission. (c) "Incidental costs" means expenses specified in the warranty incurred by the warranty holder related to the failure of the vehicle protection product to perform as provided in the warranty. Incidental costs may include, without limitation, insurance policy deductibles, rental vehicle charges, the difference between the actual value of the stolen vehicle at the time of theft and the cost of a replacement vehicle, sales taxes, registration fees, transaction fees and mechanical inspection fees. (d) (i) "Vehicle protection product" means a vehicle protection device, system or service that: 1. Is installed on or applied to a vehicle; 2. Is designed to prevent loss or damage to a vehicle from a specific cause; and 3. Includes a written warranty. (ii) Any product offered without a warranty shall not be considered a vehicle protection product and shall not be covered by the provisions of this chapter. (e) The term "vehicle protection device, system or service" shall include, without limitation, alarm systems, body part marking products, steering locks, window etch products, pedal and ignition locks, fuel and ignition kill switches and electronic, radio and satellite tracking devices. (f) "Vehicle protection product warranty" or "warranty" means a written agreement by a warrantor that provides that if the vehicle protection product fails to prevent loss or damage to a vehicle from a specific cause, then the warranty holder shall be paid specified incidental costs by the warrantor as a result of the failure of the vehicle protection product to perform pursuant to the terms of the warranty. (g) "Vehicle protection product warrantor" or "warrantor" means a person who is contractually obligated to the warranty holder under the terms of the vehicle protection product warranty agreement. "Warrantor" does not include an authorized insurer. (h) "Warranty holder" means the person who purchases a vehicle protection product or who is a permitted transferee. (i) "Warranty reimbursement insurance policy" means a policy of insurance that is issued to the vehicle protection product warrantor to provide reimbursement to the warrantor or to pay on behalf of the warrantor all covered contractual obligations incurred by the warrantor under the terms and conditions of the insured vehicle protection product warranties sold by the warrantor. Laws, 2007, ch. 486, § 2, eff. 7/1/2007. As used in this section: (a) "Administrator" means a third party other than the warrantor who is designated by the warrantor to be responsible for the administration of vehicle protection product warranties. (b) "Motor Vehicle Commission" means the Mississippi Motor Vehicle Commission. (c) "Incidental costs" means expenses specified in the warranty incurred by the warranty holder related to the failure of the vehicle protection product to perform as provided in the warranty. Incidental costs may include, without limitation, insurance policy deductibles, rental vehicle charges, the difference between the actual value of the stolen vehicle at the time of theft and the cost of a replacement vehicle, sales taxes, registration fees, transaction fees and mechanical inspection fees. (d) (i) "Vehicle protection product" means a vehicle protection device, system or service that: 1. Is installed on or applied to a vehicle; 2. Is designed to prevent loss or damage to a vehicle from a specific cause; and 3. Includes a written warranty. (ii) Any product offered without a warranty shall not be considered a vehicle protection product and shall not be covered by the provisions of this chapter. (e) The term "vehicle protection device, system or service" shall include, without limitation, alarm systems, body part marking products, steering locks, window etch products, pedal and ignition locks, fuel and ignition kill switches and electronic, radio and satellite tracking devices. (f) "Vehicle protection product warranty" or "warranty" means a written agreement by a warrantor that provides that if the vehicle protection product fails to prevent loss or damage to a vehicle from a specific cause, then the warranty holder shall be paid specified incidental costs by the warrantor as a result of the failure of the vehicle protection product to perform pursuant to the terms of the warranty. (g) "Vehicle protection product warrantor" or "warrantor" means a person who is contractually obligated to the warranty holder under the terms

of the vehicle protection product warranty agreement. "Warrantor" does not include an authorized insurer.(h)"Warranty holder" means the person who purchases a vehicle protection product or who is a permitted transferee.(i)"Warranty reimbursement insurance policy" means a policy of insurance that is issued to the vehicle protection product warrantor to provide reimbursement to the warrantor or to pay on behalf of the warrantor all covered contractual obligations incurred by the warrantor under the terms and conditions of the insured vehicle protection product warranties sold by the warrantor.Laws, 2007, ch. 486, § 2, eff. 7/1/2007. As used in this section:(a)"Administrator" means a third party other than the warrantor who is designated by the warrantor to be responsible for the administration of vehicle protection product warranties.(b)"Motor Vehicle Commission" means the Mississippi Motor Vehicle Commission.(c)"Incidental costs" means expenses specified in the warranty incurred by the warranty holder related to the failure of the vehicle protection product to perform as provided in the warranty. Incidental costs may include, without limitation, insurance policy deductibles, rental vehicle charges, the difference between the actual value of the stolen vehicle at the time of theft and the cost of a replacement vehicle, sales taxes, registration fees, transaction fees and mechanical inspection fees.(d)(i)"Vehicle protection product" means a vehicle protection device, system or service that:1.Is installed on or applied to a vehicle;2.Is designed to prevent loss or damage to a vehicle from a specific cause; and3.Includes a written warranty.(ii)Any product offered without a warranty shall not be considered a vehicle protection product and shall not be covered by the provisions of this chapter.(e)The term "vehicle protection device, system or service" shall include, without limitation, alarm systems, body part marking products, steering locks, window etch products, pedal and ignition locks, fuel and ignition kill switches and electronic, radio and satellite tracking devices.(f)"Vehicle protection product warranty" or "warranty" means a written agreement by a warrantor that provides that if the vehicle protection product fails to prevent loss or damage to a vehicle from a specific cause, then the warranty holder shall be paid specified incidental costs by the warrantor as a result of the failure of the vehicle protection product to perform pursuant to the terms of the warranty.(g)"Vehicle protection product warrantor" or "warrantor" means a person who is contractually obligated to the warranty holder under the terms of the vehicle protection product warranty agreement. "Warrantor" does not include an authorized insurer.(h)"Warranty holder" means the person who purchases a vehicle protection product or who is a permitted transferee.(i)"Warranty reimbursement insurance policy" means a policy of insurance that is issued to the vehicle protection product warrantor to provide reimbursement to the warrantor or to pay on behalf of the warrantor all covered contractual obligations incurred by the warrantor under the terms and conditions of the insured vehicle protection product warranties sold by the warrantor.Laws, 2007, ch. 486, § 2, eff. 7/1/2007. As used in this section: Laws, 2007, ch. 486, § 2, eff. 7/1/2007.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 29 - MISSISSIPPI VEHICLE PROTECTION PRODUCT ACT (§§ 63-29-1 — 63-29-29)Section 63-29-5 - Scope; exemptions

(1)No vehicle protection product may be sold or offered for sale in this state unless the seller, warrantor and administrator, if any, comply with the provisions of this chapter.(2)A vehicle protection product warranty provided or sold in compliance with this chapter is not a contract of insurance.(3)Warranties, indemnity agreements and guarantees that are not provided as a part of a vehicle protection product are not subject to the provisions of this chapter.Laws, 2007, ch. 486, § 3, eff. 7/1/2007. (1)No vehicle protection product may be sold or offered for sale in this state unless the seller, warrantor and administrator, if any, comply with the provisions of this chapter.(2)A vehicle protection product warranty provided or sold in compliance with this chapter is not a contract of insurance.(3)Warranties, indemnity agreements and guarantees that are not provided as a part of a vehicle protection product are not subject to the provisions of this chapter.Laws, 2007, ch. 486, § 3, eff. 7/1/2007. (1)No vehicle protection product may be sold or offered for sale in this state unless the seller, warrantor and administrator, if any, comply with the provisions of this chapter.(2)A vehicle protection product warranty provided or sold in compliance with this chapter is not a contract of insurance.(3)Warranties, indemnity agreements and guarantees that are not provided as a part of a vehicle protection product are not subject to the provisions of this chapter.Laws, 2007, ch. 486, § 3, eff. 7/1/2007. Laws, 2007, ch. 486, § 3, eff. 7/1/2007.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 29 - MISSISSIPPI VEHICLE PROTECTION PRODUCT ACT (§§ 63-29-1 — 63-29-29)Section 63-29-7 - Registration and filing requirements of warrantors; fees; renewal of registration

(1)A person may not operate as a warrantor or represent to the public that the person is a warrantor unless the person is registered with the Motor Vehicle Commission on a form prescribed by the Motor Vehicle Commission.(2)Warrantor registration records shall be filed annually and shall be updated by the warrantor within thirty (30) days of any change. The registration records shall contain the following information:(a)The warrantor's name, any other names under which the warrantor does business in the state, principal office address and telephone number;(b)The names of the warrantor's executive officer or officers directly responsible for the warrantor's vehicle protection product business;(c)The name, address and telephone number of any administrators designated by the warrantor to be responsible for the administration of vehicle protection product warranties in this state;(d)A copy of the warranty reimbursement insurance policy or policies or other financial information required by Section63-29-11below;(e)A copy of each warranty the warrantor proposes to use in this state; and(f)A statement indicating under which provision of Section63-29-9that the warrantor qualifies to do business in this state as a warrantor.(3)The Motor Vehicle Commission may charge each registrant a reasonable fee to offset the cost of processing the registration and maintaining the records. Such fee shall be set by the Motor Vehicle Commission in an amount not to exceed the amount necessary to defray the Motor Vehicle Commission's expenses in administering this chapter.(4)If a registrant fails to register by the renewal deadline, the Motor Vehicle Commission shall give the

registrant written notice of the failure and the registrant will have thirty (30) days to complete the renewal of the registration before the registration is revoked. Revocation for failure to renew a registration does not require any additional notice or a hearing.(5)An administrator or person who sells or solicits a sale of a vehicle protection product but who is not a warrantor shall not be required to register as a warrantor or be licensed under the insurance laws of this state to sell vehicle protection products.Laws, 2007, ch. 486, § 4, eff. 7/1/2007. (1)A person may not operate as a warrantor or represent to the public that the person is a warrantor unless the person is registered with the Motor Vehicle Commission on a form prescribed by the Motor Vehicle Commission.(2)Warrantor registration records shall be filed annually and shall be updated by the warrantor within thirty (30) days of any change. The registration records shall contain the following information:(a)The warrantor's name, any other names under which the warrantor does business in the state, principal office address and telephone number;(b)The names of the warrantor's executive officer or officers directly responsible for the warrantor's vehicle protection product business;(c)The name, address and telephone number of any administrators designated by the warrantor to be responsible for the administration of vehicle protection product warranties in this state;(d)A copy of the warranty reimbursement insurance policy or policies or other financial information required by Section63-29-11below;(e)A copy of each warranty the warrantor proposes to use in this state; and(f)A statement indicating under which provision of Section63-29-9that the warrantor qualifies to do business in this state as a warrantor.(3)The Motor Vehicle Commission may charge each registrant a reasonable fee to offset the cost of processing the registration and maintaining the records. Such fee shall be set by the Motor Vehicle Commission in an amount not to exceed the amount necessary to defray the Motor Vehicle Commission's expenses in administering this chapter.(4)If a registrant fails to register by the renewal deadline, the Motor Vehicle Commission shall give the registrant written notice of the failure and the registrant will have thirty (30) days to complete the renewal of the registration before the registration is revoked. Revocation for failure to renew a registration does not require any additional notice or a hearing.(5)An administrator or person who sells or solicits a sale of a vehicle protection product but who is not a warrantor shall not be required to register as a warrantor or be licensed under the insurance laws of this state to sell vehicle protection products.Laws, 2007, ch. 486, § 4, eff. 7/1/2007. (1)A person may not operate as a warrantor or represent to the public that the person is a warrantor unless the person is registered with the Motor Vehicle Commission on a form prescribed by the Motor Vehicle Commission.(2)Warrantor registration records shall be filed annually and shall be updated by the warrantor within thirty (30) days of any change. The registration records shall contain the following information:(a)The warrantor's name, any other names under which the warrantor does business in the state, principal office address and telephone number;(b)The names of the warrantor's executive officer or officers directly responsible for the warrantor's vehicle protection product business;(c)The name, address and telephone number of any administrators designated by the warrantor to be responsible for the administration of vehicle protection product warranties in this state;(d)A copy of the warranty reimbursement insurance policy or policies or other financial information required by Section63-29-11below;(e)A copy of each warranty the warrantor proposes to use in this state; and(f)A statement indicating under which provision of Section63-29-9that the warrantor qualifies to do business in this state as a warrantor.(3)The Motor Vehicle Commission may charge each registrant a reasonable fee to offset the cost of processing the registration and maintaining the records. Such fee shall be set by the Motor Vehicle Commission in an amount not to exceed the amount necessary to defray the Motor Vehicle Commission's expenses in administering this chapter.(4)If a registrant fails to register by the renewal deadline, the Motor Vehicle Commission shall give the registrant written notice of the failure and the registrant will have thirty (30) days to complete the renewal of the registration before the registration is revoked. Revocation for failure to renew a registration does not require any additional notice or a hearing.(5)An administrator or person who sells or solicits a sale of a vehicle protection product but who is not a warrantor shall not be required to register as a warrantor or be licensed under the insurance laws of this state to sell vehicle protection products.Laws, 2007, ch. 486, § 4, eff. 7/1/2007. Laws, 2007, ch. 486, § 4, eff. 7/1/2007.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 29 - MISSISSIPPI VEHICLE PROTECTION PRODUCT ACT (§§ 63-29-1 — 63-29-29)Section 63-29-9 - Warrantor required to prove financial solvency or be insured under warranty insurance policy meeting certain conditions

(1)No vehicle protection product shall be sold or offered for sale in this state unless the vehicle protection product warrantor can prove financial solvency as provided under subsection (2) of this section or is insured under a warranty insurance policy meeting the following conditions in order to ensure adequate performance under the warranty:(a)The warranty reimbursement insurance policy is issued by an insurer authorized to do business in this state and provides that the insurer will pay to, or on behalf of, the warrantor one hundred percent (100%) of all sums that the warrantor is legally obligated to pay according to the warrantor's contractual obligations under the warrantor's vehicle protection product warranty;(b)A true and correct copy of the warranty reimbursement insurance policy has been filed with the Motor Vehicle Commission by the warrantor; and(c)The policy contains the provisions required by Section63-29-11.(2)As an alternative to warranty reimbursement insurance under subsection (1) of this section, the vehicle's protection warrantor or its parent company must:(a)Maintain a net worth of stockholders' equity of Fifty Million Dollars (\$50,000,000.00); and(b)Provide the Motor Vehicle Commission with a copy of the warrantor's or the warrantor's parent company's most recent Form 10-K or Form 20-F filed with the Securities Exchange Commission within the last calendar year or, if the warrantor does not file with the Securities Exchange Commission, a copy of the warrantor's or the warrantor's parent company's audited financial statements that shows a net worth of the warrantor or its parent company of at least Fifty Million Dollars (\$50,000,000.00). If the warrantor's parent company's Form 10-K, Form 20-F or audited financial statements are filed to meet the warrantor's financial stability requirement, then the parent company shall agree to guarantee the obligations of the warrantor relating to the warranties issued by the warrantor in this state. The audited financial statements filed pursuant to this subsection shall be

exempt from public disclosure under the Mississippi Public Records Act of 1983.Laws, 2007, ch. 486, § 5, eff. 7/1/2007. (1)No vehicle protection product shall be sold or offered for sale in this state unless the vehicle protection product warrantor can prove financial solvency as provided under subsection (2) of this section or is insured under a warranty insurance policy meeting the following conditions in order to ensure adequate performance under the warranty:(a)The warranty reimbursement insurance policy is issued by an insurer authorized to do business in this state and provides that the insurer will pay to, or on behalf of, the warrantor one hundred percent (100%) of all sums that the warrantor is legally obligated to pay according to the warrantor's contractual obligations under the warrantor's vehicle protection product warranty;(b)A true and correct copy of the warranty reimbursement insurance policy has been filed with the Motor Vehicle Commission by the warrantor; and(c)The policy contains the provisions required by Section63-29-11.(2)As an alternative to warranty reimbursement insurance under subsection (1) of this section, the vehicle's protection warrantor or its parent company must:(a)Maintain a net worth of stockholders' equity of Fifty Million Dollars (\$50,000,000.00); and(b)Provide the Motor Vehicle Commission with a copy of the warrantor's or the warrantor's parent company's most recent Form 10-K or Form 20-F filed with the Securities Exchange Commission within the last calendar year or, if the warrantor does not file with the Securities Exchange Commission, a copy of the warrantor's or the warrantor's parent company's audited financial statements that shows a net worth of the warrantor or its parent company of at least Fifty Million Dollars (\$50,000,000.00). If the warrantor's parent company's Form 10-K, Form 20-F or audited financial statements are filed to meet the warrantor's financial stability requirement, then the parent company shall agree to guarantee the obligations of the warrantor relating to the warranties issued by the warrantor in this state. The audited financial statements filed pursuant to this subsection shall be exempt from public disclosure under the Mississippi Public Records Act of 1983.Laws, 2007, ch. 486, § 5, eff. 7/1/2007. (1)No vehicle protection product shall be sold or offered for sale in this state unless the vehicle protection product warrantor can prove financial solvency as provided under subsection (2) of this section or is insured under a warranty insurance policy meeting the following conditions in order to ensure adequate performance under the warranty:(a)The warranty reimbursement insurance policy is issued by an insurer authorized to do business in this state and provides that the insurer will pay to, or on behalf of, the warrantor one hundred percent (100%) of all sums that the warrantor is legally obligated to pay according to the warrantor's contractual obligations under the warrantor's vehicle protection product warranty;(b)A true and correct copy of the warranty reimbursement insurance policy has been filed with the Motor Vehicle Commission by the warrantor; and(c)The policy contains the provisions required by Section63-29-11.(2)As an alternative to warranty reimbursement insurance under subsection (1) of this section, the vehicle's protection warrantor or its parent company must:(a)Maintain a net worth of stockholders' equity of Fifty Million Dollars (\$50,000,000.00); and(b)Provide the Motor Vehicle Commission with a copy of the warrantor's or the warrantor's parent company's most recent Form 10-K or Form 20-F filed with the Securities Exchange Commission within the last calendar year or, if the warrantor does not file with the Securities Exchange Commission, a copy of the warrantor's or the warrantor's parent company's audited financial statements that shows a net worth of the warrantor or its parent company of at least Fifty Million Dollars (\$50,000,000.00). If the warrantor's parent company's Form 10-K, Form 20-F or audited financial statements are filed to meet the warrantor's financial stability requirement, then the parent company shall agree to guarantee the obligations of the warrantor relating to the warranties issued by the warrantor in this state. The audited financial statements filed pursuant to this subsection shall be exempt from public disclosure under the Mississippi Public Records Act of 1983.Laws, 2007, ch. 486, § 5, eff. 7/1/2007. Laws, 2007, ch. 486, § 5, eff. 7/1/2007.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 1 - GENERAL PROVISIONS (§§ 63-3-1 — 63-3-11)Section 63-3-1 - Short title

This chapter may be cited as the Uniform Highway Traffic Regulation Law - Rules of the Road.Codes, 1942, § 8126; Laws, 1938, ch. 200. This chapter may be cited as the Uniform Highway Traffic Regulation Law - Rules of the Road.Codes, 1942, § 8126; Laws, 1938, ch. 200. This chapter may be cited as the Uniform Highway Traffic Regulation Law - Rules of the Road.Codes, 1942, § 8126; Laws, 1938, ch. 200. This chapter may be cited as the Uniform Highway Traffic Regulation Law - Rules of the Road. Codes, 1942, § 8126; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 1 - GENERAL PROVISIONS (§§ 63-3-1 — 63-3-11)Section 63-3-11 - Right to recover damages in civil suit unaffected by provisions of chapter

Nothing in this chapter shall be so construed as to curtail or abridge the right of any person to prosecute a civil suit for damages by reason of injuries to person or property resulting from the negligent use of the highways by any motor vehicle, or its owner, or his employee or agent.Codes, Hemingway's 1917, § 5785; 1930, § 5588; 1942, § 1742; Laws, 1916, ch. 116. Nothing in this chapter shall be so construed as to curtail or abridge the right of any person to prosecute a civil suit for damages by reason of injuries to person or property resulting from the negligent use of the highways by any motor vehicle, or its owner, or his employee or agent.Codes, Hemingway's 1917, § 5785; 1930, § 5588; 1942, § 1742; Laws, 1916, ch. 116. Nothing in this chapter shall be so construed as to curtail or abridge the right of any person to prosecute a civil suit for damages by reason of injuries to person or property resulting from the negligent use of the highways by any motor vehicle, or its owner, or his employee or agent.Codes, Hemingway's 1917, § 5785; 1930, § 5588; 1942, § 1742; Laws, 1916, ch. 116. Nothing in this chapter shall be so construed as to

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Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 1 - GENERAL PROVISIONS (§§ 63-3-1 — 63-3-11)Section 63-3-3 - Construction of chapter

This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.Codes, 1942, § 8282; Laws, 1938, ch. 200. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.Codes, 1942, § 8282; Laws, 1938, ch. 200. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.Codes, 1942, § 8282; Laws, 1938, ch. 200. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. Codes, 1942, § 8282; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 1 - GENERAL PROVISIONS (§§ 63-3-1 — 63-3-11)Section 63-3-5 - Application of provisions of chapter relating to operation of vehicles

The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:1.Where a different place is specifically referred to in a given section.2.The provisions of Articles 9 and 25 shall apply upon highways and elsewhere throughout the state.Codes, 1942, § 8145; Laws, 1938, ch. 200. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:1.Where a different place is specifically referred to in a given section.2.The provisions of Articles 9 and 25 shall apply upon highways and elsewhere throughout the state.Codes, 1942, § 8145; Laws, 1938, ch. 200. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:1.Where a different place is specifically referred to in a given section.2.The provisions of Articles 9 and 25 shall apply upon highways and elsewhere throughout the state.Codes, 1942, § 8145; Laws, 1938, ch. 200. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except: Codes, 1942, § 8145; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 1 - GENERAL PROVISIONS (§§ 63-3-1 — 63-3-11)Section 63-3-7 - Compilation, printing and distribution of provisions of chapter

The Commissioner of Public Safety is hereby authorized and directed to compile in a condensed form the Rules of the Road as set out by this chapter and have sufficient copies printed in pocket size booklet form. The booklets shall be made available to the various law enforcement departments, other agencies and members of the public. The Department of Public Safety may charge another department or agency an amount not exceeding the actual costs incurred by the department in compiling, printing and distributing the booklets; however, no charge may be made by the Department of Public Safety or any other department or agency for distribution of the booklets to the public. The Department of Public Safety also may compile a condensed form of the "Rules of the Road" in electronic format, which shall be accessible by law enforcement departments, other agencies and the public without charge.Codes, 1942, § 8284; Laws, 1938, ch. 200; Laws, 2002, ch. 446, § 1, eff. 7/1/2002. The Commissioner of Public Safety is hereby authorized and directed to compile in a condensed form the Rules of the Road as set out by this chapter and have sufficient copies printed in pocket size booklet form. The booklets shall be made available to the various law enforcement departments, other agencies and members of the public. The Department of Public Safety may charge another department or agency an amount not exceeding the actual costs incurred by the department in compiling, printing and distributing the booklets; however, no charge may be made by the Department of Public Safety or any other department or agency for distribution of the booklets to the public. The Department of Public Safety also may compile a condensed form of the "Rules of the Road" in electronic format, which shall be accessible by law enforcement departments, other agencies and the public without charge.Codes, 1942, § 8284; Laws, 1938, ch. 200; Laws, 2002, ch. 446, § 1, eff. 7/1/2002. The Commissioner of Public Safety is hereby authorized and directed to compile in a condensed form the Rules of the Road as set out by this chapter and have sufficient copies printed in pocket size booklet form. The booklets shall be made available to the various law enforcement departments, other agencies and members of the public. The Department of Public Safety may charge another department or agency an amount not exceeding the actual costs incurred by the department in compiling, printing and distributing the booklets; however, no charge may be made by the Department of Public Safety or any other department or agency for distribution of the booklets to the public. The Department of Public Safety also may compile a condensed form of the "Rules of the Road" in electronic format, which shall be accessible by law enforcement departments, other agencies and the public without charge.Codes, 1942, § 8284; Laws, 1938, ch. 200; Laws, 2002, ch. 446, § 1, eff. 7/1/2002. The Commissioner of Public Safety is hereby authorized and directed to compile in a condensed form the Rules of the Road as set out by this chapter and have sufficient copies printed in pocket size booklet form. The booklets shall be made available to the various law enforcement departments, other agencies and members of the public. The Department of Public Safety may

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Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 1 - GENERAL PROVISIONS (§§ 63-3-1 — 63-3-11) Section 63-3-9 - Teaching of provisions of chapter in public schools

The provisions of this chapter shall be taught in the eighth grade of each and every public school of this state. The state superintendent of public education and the county superintendent of each county are hereby directed and required to carry out the provisions of this section. Codes, 1942, § 8285; Laws, 1938, ch. 200. The provisions of this chapter shall be taught in the eighth grade of each and every public school of this state. The state superintendent of public education and the county superintendent of each county are hereby directed and required to carry out the provisions of this section. Codes, 1942, § 8285; Laws, 1938, ch. 200. The provisions of this chapter shall be taught in the eighth grade of each and every public school of this state. The state superintendent of public education and the county superintendent of each county are hereby directed and required to carry out the provisions of this section. Codes, 1942, § 8285; Laws, 1938, ch. 200. The provisions of this chapter shall be taught in the eighth grade of each and every public school of this state. The state superintendent of public education and the county superintendent of each county are hereby directed and required to carry out the provisions of this section. Codes, 1942, § 8285; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 11 - RESTRICTIONS ON SPEED; USE OF RADAR (§§ 63-3-501 — 63-3-521) Section 63-3-501 - Maximum speed limits on state, interstate and controlled access highways; maximum speed limit on toll roads

Except as otherwise provided in this section, no person shall operate a vehicle on the highways of the state at a speed greater than sixty-five (65) miles per hour. The Mississippi Transportation Commission may, in its discretion, by order duly entered on its minutes, increase the speed restrictions on any portion of the Interstate Highway System provided such speed restrictions are not increased to more than seventy (70) miles per hour. The commission may likewise increase the speed limit to seventy (70) miles per hour on controlled access highways with four (4) or more lanes. A governmental entity that operates and maintains a toll road as authorized under Section 65-43-1, or that contracts with some person or business to operate and maintain a toll road as authorized under Section 65-43-3, may establish the maximum speed for motor vehicles operated on any such toll road; however, the maximum speed so established may not exceed eighty (80) miles per hour. Codes, 1942, § 8176; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 1; Laws, 1962, ch. 524; Laws, 1966, ch. 571, § 1; Laws, 1970, ch. 442, § 1; Laws, 1976, ch. 318; Laws, 1996, ch. 303, § 1; Laws, 2008, 1st Ex Sess, ch. 44, § 3, eff. 6/2/2008. Except as otherwise provided in this section, no person shall operate a vehicle on the highways of the state at a speed greater than sixty-five (65) miles per hour. The Mississippi Transportation Commission may, in its discretion, by order duly entered on its minutes, increase the speed restrictions on any portion of the Interstate Highway System provided such speed restrictions are not increased to more than seventy (70) miles per hour. The commission may likewise increase the speed limit to seventy (70) miles per hour on controlled access highways with four (4) or more lanes. A governmental entity that operates and maintains a toll road as authorized under Section 65-43-1, or that contracts with some person or business to operate and maintain a toll road as authorized under Section 65-43-3, may establish the maximum speed for motor vehicles operated on any such toll road; however, the maximum speed so established may not exceed eighty (80) miles per hour. Codes, 1942, § 8176; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 1; Laws, 1962, ch. 524; Laws, 1966, ch. 571, § 1; Laws, 1970, ch. 442, § 1; Laws, 1976, ch. 318; Laws, 1996, ch. 303, § 1; Laws, 2008, 1st Ex Sess, ch. 44, § 3, eff. 6/2/2008. Except as otherwise provided in this section, no person shall operate a vehicle on the highways of the state at a speed greater than sixty-five (65) miles per hour. The Mississippi Transportation Commission may, in its discretion, by order duly entered on its minutes, increase the speed restrictions on any portion of the Interstate Highway System provided such speed restrictions are not increased to more than seventy (70) miles per hour. The commission may likewise increase the speed limit to seventy (70) miles per hour on controlled access highways with four (4) or more lanes. A governmental entity that operates and maintains a toll road as authorized under Section 65-43-1, or that contracts with some person or business to operate and maintain a toll road as authorized under Section 65-43-3, may establish the maximum speed for motor vehicles operated on any such toll road; however, the maximum speed

so established may not exceed eighty (80) miles per hour. Codes, 1942, § 8176; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 1; Laws, 1962, ch. 524; Laws, 1966, ch. 571, § 1; Laws, 1970, ch. 442, § 1; Laws, 1976, ch. 318; Laws, 1996, ch 303, § 1; Laws, 2008, 1st Ex Sess, ch. 44, § 3, eff. 6/2/2008.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 11 - RESTRICTIONS ON SPEED; USE OF RADAR (§§ 63-3-501 — 63-3-521) Section 63-3-502 - Penalties for conviction of driving motor vehicle or motorcycle on street or highway in a race

(1) For the purposes of this section: (a) "Motor vehicle" has the meaning ascribed in Section 27-19-3. (b) "Motorcycle" has the meaning ascribed in Section 27-19-3. (c) "Street" or "highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic. (2) Any person driving a motor vehicle or motorcycle upon a street or highway in a race, upon conviction, shall be punished as follows: (a) A person convicted for the first offense of violating this subsection shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00), imprisoned for not more than forty-eight (48) hours, or both. (b) For a second conviction of any person violating this subsection, the offenses being committed within a period of five (5) years, the person shall be fined not less than Six Hundred Dollars (\$600.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00), shall be imprisoned not less than five (5) days nor more than one (1) year, and shall be sentenced to community service work for not less than ten (10) days nor more than one (1) year. (c) (i) For a third or subsequent conviction of any person violating this subsection, the offenses being committed within a period of five (5) years, the person shall be guilty of a felony and fined not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00), and shall serve not less than one (1) year nor more than five (5) years in the custody of the Department of Corrections; however, for any such offense that does not result in serious injury or death to any person, the sentence of incarceration may be served in the county jail at the discretion of the circuit court judge. (ii) After a conviction under this subsection and upon receipt of the court abstract, the Commissioner of Public Safety shall suspend the driver's license and driving privileges of the person for not less than five (5) years. (3) A conviction and imposition of a sentence under this section does not prevent a conviction and imposition of a sentence under Section 63-7-103. Laws, 2010, ch. 457, § 2, eff. 7/1/2010. (1) For the purposes of this section: (a) "Motor vehicle" has the meaning ascribed in Section 27-19-3. (b) "Motorcycle" has the meaning ascribed in Section 27-19-3. (c) "Street" or "highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic. (2) Any person driving a motor vehicle or motorcycle upon a street or highway in a race, upon conviction, shall be punished as follows: (a) A person convicted for the first offense of violating this subsection shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00), imprisoned for not more than forty-eight (48) hours, or both. (b) For a second conviction of any person violating this subsection, the offenses being committed within a period of five (5) years, the person shall be fined not less than Six Hundred Dollars (\$600.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00), shall be imprisoned not less than five (5) days nor more than one (1) year, and shall be sentenced to community service work for not less than ten (10) days nor more than one (1) year. (c) (i) For a third or subsequent conviction of any person violating this subsection, the offenses being committed within a period of five (5) years, the person shall be guilty of a felony and fined not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00), and shall serve not less than one (1) year nor more than five (5) years in the custody of the Department of Corrections; however, for any such offense that does not result in serious injury or death to any person, the sentence of incarceration may be served in the county jail at the discretion of the circuit court judge. (ii) After a conviction under this subsection and upon receipt of the court abstract, the Commissioner of Public Safety shall suspend the driver's license and driving privileges of the person for not less than five (5) years. (3) A conviction and imposition of a sentence under this section does not prevent a conviction and imposition

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Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 11 - RESTRICTIONS ON SPEED; USE OF RADAR (§§ 63-3-501 — 63-3-521) Section 63-3-503 - Modification of maximum speed limits by state highway commission; maximum penalties for violations

Whenever the state highway commission shall determine upon the basis of an engineering and traffic investigation that any speed set forth in Section 63-3-501 is greater than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a highway, said commission shall determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of highway. Whenever the state highway commission determines that speed limits set forth in Section 63-3-501 are different from those speeds set forth in applicable laws of the Federal Government, then said commission may declare a speed limit which is consistent with such laws and which shall be effective immediately upon adoption by the commission. Appropriate signs giving notice of the adopted speed limits shall be erected upon order of the commission. The maximum fine and sentence to be imposed for a violation of excessive speed above the maximum limits set by the state highway commission pursuant to the authority granted by this section shall be one-half (1/2) the fine and sentence imposed by Section 63-9-11 if the excessive speed does not exceed the maximum limits imposed by Section 63-3-501. Codes, 1942, § 8176; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 1; Laws, 1962, ch. 524; Laws, 1966, ch. 571, § 1; Laws, 1970, ch. 442, § 1; Laws, 1974, ch. 314, eff. 2/28/1974. Whenever the state highway commission shall determine upon the basis of an engineering and traffic investigation that any speed set forth in Section 63-3-501 is greater than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a highway, said commission shall determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of highway. Whenever the state highway commission determines that speed limits set forth in Section 63-3-501 are different from those speeds set forth in applicable laws of the Federal Government, then said commission may declare a speed limit which is consistent with such laws and which shall be effective immediately upon adoption by the commission. Appropriate signs giving notice of the adopted speed limits shall be erected upon order of the commission. The maximum fine and sentence to be imposed for a violation of excessive speed above the maximum limits set by the state highway commission pursuant to the authority granted by this section shall be one-half (1/2) the fine and sentence imposed by Section 63-9-11 if the excessive speed does not exceed the maximum limits imposed by Section 63-3-501. Codes, 1942, § 8176; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 1; Laws, 1962, ch. 524; Laws, 1966, ch. 571, § 1; Laws, 1970, ch. 442, § 1; Laws, 1974, ch. 314, eff. 2/28/1974. Whenever the state highway commission shall determine upon the basis of an engineering and traffic investigation that any speed set forth in Section 63-3-501 is greater than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a highway, said commission shall determine and declare a reasonable and safe speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of highway. Whenever the state highway commission determines that speed limits set forth in Section 63-3-501 are different from those speeds set forth in applicable laws of the Federal Government, then said commission may declare a speed limit which is consistent with such laws and which shall be effective immediately upon adoption by the commission. Appropriate signs giving notice of the adopted speed limits shall be erected upon order of the commission. The maximum fine and sentence to be imposed for a violation of excessive speed above the maximum limits set by the state highway commission pursuant to the authority granted by this section shall be one-half (1/2) the fine and sentence imposed by Section 63-9-11 if the excessive speed does not exceed the maximum limits imposed by Section 63-3-501. Codes, 1942, § 8176; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 1; Laws, 1962, ch. 524; Laws, 1966, ch. 571, § 1; Laws, 1970, ch. 442, § 1; Laws, 1974, ch. 314, eff. 2/28/1974.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 11 - RESTRICTIONS ON SPEED; USE OF RADAR (§§ 63-3-501 — 63-3-521) Section 63-3-505 - Conditions under which speed must be decreased

The driver or operator of any motor vehicle must decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special

hazard exists with respect to pedestrians or other traffic. All trucks, or truck-trailer combinations and passenger buses shall be required to reduce speed to forty-five miles per hour during inclement weather when visibility is bad. Codes, 1942, § 8176; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 1; Laws, 1962, ch. 524; Laws, 1966, ch. 571, § 1; Laws, 1970, ch. 442, § 1 eff. 4/1/1970. The driver or operator of any motor vehicle must decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic. All trucks, or truck-trailer combinations and passenger buses shall be required to reduce speed to forty-five miles per hour during inclement weather when visibility is bad. Codes, 1942, § 8176; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 1; Laws, 1962, ch. 524; Laws, 1966, ch. 571, § 1; Laws, 1970, ch. 442, § 1 eff. 4/1/1970. The driver or operator of any motor vehicle must decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic. All trucks, or truck-trailer combinations and passenger buses shall be required to reduce speed to forty-five miles per hour during inclement weather when visibility is bad. Codes, 1942, § 8176; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 1; Laws, 1962, ch. 524; Laws, 1966, ch. 571, § 1; Laws, 1970, ch. 442, § 1 eff. 4/1/1970.

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In every charge of violation of Sections 63-3-501 through 63-3-505, and subsection (2) of Section 63-3-509 the complaint as well as the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven as well as the speed applicable within the district or at the location. Codes, 1942, § 8176; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 1; Laws, 1962, ch. 524; Laws, 1966, ch. 571, § 1; Laws, 1970, ch. 442, § 1, eff. 4/1/1970. In every charge of violation of Sections 63-3-501 through 63-3-505, and subsection (2) of Section 63-3-509 the complaint as well as the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven as well as the speed applicable within the district or at the location. Codes, 1942, § 8176; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 1; Laws, 1962, ch. 524; Laws, 1966, ch. 571, § 1; Laws, 1970, ch. 442, § 1, eff. 4/1/1970. In every charge of violation of Sections 63-3-501 through 63-3-505, and subsection (2) of Section 63-3-509 the complaint as well as the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven as well as the speed applicable within the district or at the location. Codes, 1942, § 8176; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 1; Laws, 1962, ch. 524; Laws, 1966, ch. 571, § 1; Laws, 1970, ch. 442, § 1, eff. 4/1/1970. In every charge of violation of Sections 63-3-501 through 63-3-505, and subsection (2) of Section 63-3-509 the complaint as well as the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven as well as the speed applicable within the district or at the location. Codes, 1942, § 8176; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 1; Laws, 1962, ch. 524; Laws, 1966, ch. 571, § 1; Laws, 1970, ch. 442, § 1, eff. 4/1/1970.

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(1) No motor vehicle shall be driven at a speed less than thirty miles per hour on federal designated highways where no hazard exists. An exception to this requirement shall be recognized when reduced speed is necessary for safe operation, or when a vehicle or combination of vehicles is necessarily, or in compliance with law or police direction, proceeding at a reduced speed. Police officers are hereby authorized to enforce this provision by directions to drivers. In the event of apparent wilful disobedience to this provision and refusal to comply with the direction of an officer in accordance herewith the continued slow operation by a driver shall be a misdemeanor. (2) In the event a speed limit of seventy miles per hour is established on any portion of the Interstate Highway System or on four-laned U.S. designated highways as is provided in Section 63-3-501, a minimum speed of forty miles per hour shall be established for those vehicles having a maximum speed restriction of seventy miles per hour. Notice of said minimum speed shall be posted on such roads. Codes, 1942, §§ 8176, 8178; Laws, 1938, ch. 200; Laws, 1948, ch. 328, §§ 1, 3; Laws, 1962, ch. 524; Laws, 1966, ch. 571, § 1; Laws, 1970, ch. 442, § 1, eff. 4/1/1970. (1) No motor vehicle shall be driven at a speed less than thirty miles per hour on federal designated highways where no hazard exists. An exception to this requirement shall be recognized when reduced speed is necessary for safe operation, or when a vehicle or combination of vehicles is necessarily, or in compliance with law or police direction, proceeding at a reduced speed. Police officers are hereby authorized to enforce this provision by directions to drivers. In the event of apparent wilful disobedience to this provision and refusal to comply with the direction of an officer in accordance herewith the continued slow operation by a driver shall be a misdemeanor. (2) In the event a speed limit of seventy miles per hour is established on any portion of the Interstate Highway System or on four-laned U.S. designated highways as is provided in Section 63-3-501, a minimum speed of forty miles per hour shall be established for those vehicles having a maximum speed restriction of seventy miles per hour. Notice of said minimum speed shall be posted on such roads. Codes, 1942, §§ 8176, 8178;

Laws, 1938, ch. 200; Laws, 1948, ch. 328, §§ 1, 3; Laws, 1962, ch. 524; Laws, 1966, ch. 571, § 1; Laws, 1970, ch. 442, § 1, eff. 4/1/1970. (1)No motor vehicle shall be driven at a speed less than thirty miles per hour on federal designated highways where no hazard exists. An exception to this requirement shall be recognized when reduced speed is necessary for safe operation, or when a vehicle or combination of vehicles is necessarily, or in compliance with law or police direction, proceeding at a reduced speed. Police officers are hereby authorized to enforce this provision by directions to drivers. In the event of apparent wilful disobedience to this provision and refusal to comply with the direction of an officer in accordance herewith the continued slow operation by a driver shall be a misdemeanor. (2)In the event a speed limit of seventy miles per hour is established on any portion of the Interstate Highway System or on four-laned U.S. designated highways as is provided in Section 63-3-501, a minimum speed of forty miles per hour shall be established for those vehicles having a maximum speed restriction of seventy miles per hour. Notice of said minimum speed shall be posted on such roads. Codes, 1942, §§ 8176, 8178; Laws, 1938, ch. 200; Laws, 1948, ch. 328, §§ 1, 3; Laws, 1962, ch. 524; Laws, 1966, ch. 571, § 1; Laws, 1970, ch. 442, § 1, eff. 4/1/1970. Police officers are hereby authorized to enforce this provision by directions to drivers. In the event of apparent wilful disobedience to this provision and refusal to comply with the direction of an officer in accordance herewith the continued slow operation by a driver shall be a misdemeanor. Codes, 1942, §§ 8176, 8178; Laws, 1938, ch. 200; Laws, 1948, ch. 328, §§ 1, 3; Laws, 1962, ch. 524; Laws, 1966, ch. 571, § 1; Laws, 1970, ch. 442, § 1, eff. 4/1/1970.

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Whenever local authorities, including boards of supervisors, within their respective jurisdictions, determine upon the basis of an engineering and traffic investigation that the speed permitted under this article on any street, or any county road or any portion thereof, or at any intersection is greater than is reasonable or safe under conditions found to exist upon such street, or any county road or any portion thereof, or at such intersection, such local authorities shall determine and declare, by ordinance, a reasonable and safe speed limit, which shall be effective when appropriate signs giving notice thereof are erected on such street, or any county road or any portion thereof, or at such intersection, or upon the approaches thereto. However, no speed limit shall be fixed by any such local authorities at less than fifteen (15) miles per hour. The Commissioner of Corrections is authorized to establish by regulation reasonable and safe speed limits upon the roads of the correctional facilities under his jurisdiction which shall be effective when appropriate signs giving notice thereof are erected. Speed limits may be based upon road or traffic conditions or upon security considerations. Provided, however, that whenever the State Highway Commission shall, pursuant to Section 63-3-503, lower the maximum speed limit in response to federal laws, regulations or guidelines for purposes of energy conservation, local authorities, including boards of supervisors, shall immediately lower maximum speed limits on local highways, not to exceed a maximum speed of fifty-five (55) miles per hour. Codes, 1942, § 8177; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 2; Laws, 1956, ch. 397; Laws, 1960, ch. 208; Laws, 1974, ch. 321; Laws, 1986, ch. 485, § 2, eff. 4/15/1986. Whenever local authorities, including boards of supervisors, within their respective jurisdictions, determine upon the basis of an engineering and traffic investigation that the speed permitted under this article on any street, or any county road or any portion thereof, or at any intersection is greater than is reasonable or safe under conditions found to exist upon such street, or any county road or any portion thereof, or at such intersection, such local authorities shall determine and declare, by ordinance, a reasonable and safe speed limit, which shall be effective when appropriate signs giving notice thereof are erected on such street, or any county road or any portion thereof, or at such intersection, or upon the approaches thereto. However, no speed limit shall be fixed by any such local authorities at less than fifteen (15) miles per hour. The Commissioner of Corrections is authorized to establish by regulation reasonable and safe speed limits upon the roads of the correctional facilities under his jurisdiction which shall be effective when appropriate signs giving notice thereof are erected. Speed limits may be based upon road or traffic conditions or upon security considerations. Provided, however, that whenever the State Highway Commission shall, pursuant to Section 63-3-503, lower the maximum speed limit in response to federal laws, regulations or guidelines for purposes of energy conservation, local authorities, including boards of supervisors, shall immediately lower maximum speed limits on local highways, not to exceed a maximum speed of fifty-five (55) miles per hour. Codes, 1942, § 8177; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 2; Laws, 1956, ch. 397; Laws, 1960, ch. 208; Laws, 1974, ch. 321; Laws, 1986, ch. 485, § 2, eff. 4/15/1986. Whenever local authorities, including boards of supervisors, within their respective jurisdictions, determine upon the basis of an engineering and traffic investigation that the speed permitted under this article on any street, or any county road or any portion thereof, or at any intersection is greater than is reasonable or safe under conditions found to exist upon such street, or any county road or any portion thereof, or at such intersection, such local authorities shall determine and declare, by ordinance, a reasonable and safe speed limit, which shall be effective when appropriate signs giving notice thereof are erected on such street, or any county road or any portion thereof, or at such intersection, or upon the approaches thereto. However, no speed limit shall be fixed by any such local authorities at less than fifteen (15) miles per hour. The Commissioner of Corrections is authorized to establish by regulation reasonable and safe speed limits upon the roads of the correctional facilities under his jurisdiction which shall be effective when appropriate signs giving notice thereof are erected. Speed limits may be based upon road or traffic conditions or upon security considerations. Provided, however, that whenever the State Highway Commission shall, pursuant to Section 63-3-503, lower the maximum speed limit in response to federal laws, regulations or

guidelines for purposes of energy conservation, local authorities, including boards of supervisors, shall immediately lower maximum speed limits on local highways, not to exceed a maximum speed of fifty-five (55) miles per hour. Codes, 1942, § 8177; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 2; Laws, 1956, ch. 397; Laws, 1960, ch. 208; Laws, 1974, ch. 321; Laws, 1986, ch. 485, § 2, eff. 4/15/1986. Whenever local authorities, including boards of supervisors, within their respective jurisdictions, determine upon the basis of an engineering and traffic investigation that the speed permitted under this article on any street, or any county road or any portion thereof, or at any intersection is greater than is reasonable or safe under conditions found to exist upon such street, or any county road or any portion thereof, or at such intersection, such local authorities shall determine and declare, by ordinance, a reasonable and safe speed limit, which shall be effective when appropriate signs giving notice thereof are erected on such street, or any county road or any portion thereof, or at such intersection, or upon the approaches thereto. However, no speed limit shall be fixed by any such local authorities at less than fifteen (15) miles per hour. The Commissioner of Corrections is authorized to establish by regulation reasonable and safe speed limits upon the roads of the correctional facilities under his jurisdiction which shall be effective when appropriate signs giving notice thereof are erected. Speed limits may be based upon road or traffic conditions or upon security considerations. Provided, however, that whenever the State Highway Commission shall, pursuant to Section 63-3-503, lower the maximum speed limit in response to federal laws, regulations or guidelines for purposes of energy conservation, local authorities, including boards of supervisors, shall immediately lower maximum speed limits on local highways, not to exceed a maximum speed of fifty-five (55) miles per hour. Codes, 1942, § 8177; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 2; Laws, 1956, ch. 397; Laws, 1960, ch. 208; Laws, 1974, ch. 321; Laws, 1986, ch. 485, § 2, eff. 4/15/1986.

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The state highway commission upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this article, the commission shall determine and declare the maximum speed of vehicles which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of one hundred feet before each end of such structure. No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section. Upon the trial of any person, charged with a violation of this section, proof of said determination of the maximum speed by said commission and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure. Codes, 1942, § 8179; Laws, 1938, ch. 200. The state highway commission upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this article, the commission shall determine and declare the maximum speed of vehicles which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of one hundred feet before each end of such structure. No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section. Upon the trial of any person, charged with a violation of this section, proof of said determination of the maximum speed by said commission and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure. Codes, 1942, § 8179; Laws, 1938, ch. 200. The state highway commission upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this article, the commission shall determine and declare the maximum speed of vehicles which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of one hundred feet before each end of such structure. No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in this section. Upon the trial of any person, charged with

a violation of this section, proof of said determination of the maximum speed by said commission and the existence of said signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure. Codes, 1942, § 8179; Laws, 1938, ch. 200.

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The boards of supervisors of counties and the governing authorities of municipalities are hereby authorized to adopt by order or resolution and to enforce within their respective territorial boundaries the maximum legal rate of speed at which a motor vehicle may be run or operated along any public street, road, highway (except state-maintained highways), or portion thereof in the vicinity of schools and churches, upon levees and causeways and in other special zones which the board or governing authorities may designate. The rate of speed so established shall be determined upon the basis of an engineering and traffic study. The order or resolution setting such speed limits may provide that such limits are only effective during specified times of the day, days of the week and months of the year. Codes, Hemingway's 1917, § 5776; 1930, § 5570; 1942, § 8060; Laws, 1916, ch. 116; Laws, 1986, ch. 353, eff. 7/1/1986. The boards of supervisors of counties and the governing authorities of municipalities are hereby authorized to adopt by order or resolution and to enforce within their respective territorial boundaries the maximum legal rate of speed at which a motor vehicle may be run or operated along any public street, road, highway (except state-maintained highways), or portion thereof in the vicinity of schools and churches, upon levees and causeways and in other special zones which the board or governing authorities may designate. The rate of speed so established shall be determined upon the basis of an engineering and traffic study. The order or resolution setting such speed limits may provide that such limits are only effective during specified times of the day, days of the week and months of the year. Codes, Hemingway's 1917, § 5776; 1930, § 5570; 1942, § 8060; Laws, 1916, ch. 116; Laws, 1986, ch. 353, eff. 7/1/1986. The boards of supervisors of counties and the governing authorities of municipalities are hereby authorized to adopt by order or resolution and to enforce within their respective territorial boundaries the maximum legal rate of speed at which a motor vehicle may be run or operated along any public street, road, highway (except state-maintained highways), or portion thereof in the vicinity of schools and churches, upon levees and causeways and in other special zones which the board or governing authorities may designate. The rate of speed so established shall be determined upon the basis of an engineering and traffic study. The order or resolution setting such speed limits may provide that such limits are only effective during specified times of the day, days of the week and months of the year. Codes, Hemingway's 1917, § 5776; 1930, § 5570; 1942, § 8060; Laws, 1916, ch. 116; Laws, 1986, ch. 353, eff. 7/1/1986. The boards of supervisors of counties and the governing authorities of municipalities are hereby authorized to adopt by order or resolution and to enforce within their respective territorial boundaries the maximum legal rate of speed at which a motor vehicle may be run or operated along any public street, road, highway (except state-maintained highways), or portion thereof in the vicinity of schools and churches, upon levees and causeways and in other special zones which the board or governing authorities may designate. The rate of speed so established shall be determined upon the basis of an engineering and traffic study. The order or resolution setting such speed limits may provide that such limits are only effective during specified times of the day, days of the week and months of the year. Codes, Hemingway's 1917, § 5776; 1930, § 5570; 1942, § 8060; Laws, 1916, ch. 116; Laws, 1986, ch. 353, eff. 7/1/1986.

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(1) It is unlawful for any person to operate a motor vehicle within a highway work zone at a speed in excess of the maximum speed limit specifically established for the zone whenever workers are present and whenever the zone is indicated by appropriately placed signs displaying the reduced maximum speed limit. Any person violating the provisions of this section shall be punished, upon conviction, for a first offense by a fine of not more than Two Hundred Fifty Dollars (\$250.00); and for second, third and subsequent offenses by a fine of double the maximum fine imposed for second, third or subsequent offenses under Section 63-9-11. (2) For the purposes of this section the term "highway work zone" means a construction or maintenance area that is located on or along any public highway, road or street within this state that is marked: (a) By appropriate warning signs or other traffic control devices indicating that work is in progress; and (b) By signs of a design approved by the Department of Transportation indicating that any person who operates a motor vehicle within a highway work zone at a speed in excess of the reduced maximum speed limit may be punished by a fine of double the maximum amount otherwise authorized by law. (3) Nothing in this section shall preclude the prosecution or conviction for careless or reckless driving of any motor vehicle operator whose operation of a motor vehicle in a highway work zone, apart from speed, demonstrates the operation of the same in a careless or imprudent manner in violation of Section 63-3-1213 or in a reckless manner in violation of Section 63-3-1201. (4) Every person who operates any motor vehicle in violation of the provisions of this section and who causes property damage to road construction equipment or a motor vehicle in an amount of Five Hundred Dollars (\$500.00) or greater within a highway work zone shall, upon conviction, be guilty of a separate misdemeanor and shall be punished by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term of not less than thirty (30) days nor more than one (1) year, or

by both such fine and imprisonment, in the discretion of the court, and the court shall, as a condition of any sentence imposed determine the extent of the property damage caused by the violator and require the violator to make restitution to the injured party upon such terms and conditions determined by the court. Nothing herein however shall prevent the injured party from pursuing any other civil remedies against the violators as allowed by law.(5)Every person who operates any motor vehicle in violation of the provisions of this section and who causes the death of another within a highway work zone or mutilates, disfigures, permanently disables or destroys the tongue, eye, lip, nose or any other limb, organ or member of another within a highway work zone shall, upon conviction, be guilty of a separate felony for each victim who suffers death, mutilation, disfigurement or other injury and shall be committed to the custody of the State Department of Corrections for a period of time of not less than three (3) years and not to exceed fifteen (15) years for each death, mutilation, disfigurement or other injury, and the imprisonment for the second or each subsequent conviction, in the discretion of the court, shall commence either at the termination of the imprisonment for the preceding conviction or run concurrently with the preceding conviction.Laws, 1997, ch. 326, § 1; Laws, 2004, ch. 324, § 1, eff. 7/1/2004.Amended by Laws, 2019, ch. 356, HB 580,§ 2, eff. 7/1/2019. (1)It is unlawful for any person to operate a motor vehicle within a highway work zone at a speed in excess of the maximum speed limit specifically established for the zone whenever workers are present and whenever the zone is indicated by appropriately placed signs displaying the reduced maximum speed limit. Any person violating the provisions of this section shall be punished, upon conviction, for a first offense by a fine of not more than Two Hundred Fifty Dollars (\$250.00); and for second, third and subsequent offenses by a fine of double the maximum fine imposed for second, third or subsequent offenses under Section63-9-11.(2)For the purposes of this section the term "highway work zone" means a construction or maintenance area that is located on or along any public highway, road or street within this state that is marked:(a)By appropriate warning signs or other traffic control devices indicating that work is in progress; and(b)By signs of a design approved by the Department of Transportation indicating that any person who operates a motor vehicle within a highway work zone at a speed in excess of the reduced maximum speed limit may be punished by a fine of double the maximum amount otherwise authorized by law.(3)Nothing in this section shall preclude the prosecution or conviction for careless or reckless driving of any motor vehicle operator whose operation of a motor vehicle in a highway work zone, apart from speed, demonstrates the operation of the same in a careless or imprudent manner in violation of Section63-3-1213or in a reckless manner in violation of Section63-3-1201.(4)Every person who operates any motor vehicle in violation of the provisions of this section and who causes property damage to road construction equipment or a motor vehicle in an amount of Five Hundred Dollars (\$500.00) or greater within a highway work zone shall, upon conviction, be guilty of a separate misdemeanor and shall be punished by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term of not less than thirty (30) days nor more than one (1) year, or by both such fine and imprisonment, in the discretion of the court, and the court shall, as a condition of any sentence imposed determine the extent of the property damage caused by the violator and require the violator to make restitution to the injured party upon such terms and conditions determined by the court. Nothing herein however shall prevent the injured party from pursuing any other civil remedies against the violators as allowed by law.(5)Every person who operates any motor vehicle in violation of the provisions of this section and who causes the death of another within a highway work zone or mutilates, disfigures, permanently disables or destroys the tongue, eye, lip, nose or any other limb, organ or member of another within a highway work zone shall, upon conviction, be guilty of a separate felony for each victim who suffers death, mutilation, disfigurement or other injury and shall be committed to the custody of the State Department of Corrections for a period of time of not less than three (3) years and not to exceed fifteen (15) years for each death, mutilation, disfigurement or other injury, and the imprisonment for the second or each subsequent conviction, in the discretion of the court, shall commence either at the termination of the imprisonment for the preceding conviction or run concurrently with the preceding conviction.Laws, 1997, ch. 326, § 1; Laws, 2004, ch. 324, § 1, eff. 7/1/2004.Amended by Laws, 2019, ch. 356, HB 580,§ 2, eff. 7/1/2019. (1)It is unlawful for any person to operate a motor vehicle within a highway work zone at a speed in excess of the maximum speed limit specifically established for the zone whenever workers are present and whenever the zone is indicated by appropriately placed signs displaying the reduced maximum speed limit. Any person violating the provisions of this section shall be punished, upon conviction, for a first offense by a fine of not more than Two Hundred Fifty Dollars (\$250.00); and for second, third and subsequent offenses by a fine of double the maximum fine imposed for second, third or subsequent offenses under Section63-9-11.(2)For the purposes of this section the term "highway work zone" means a construction or maintenance area that is located on or along any public highway, road or street within this state that is marked:(a)By appropriate warning signs or other traffic control devices indicating that work is in progress; and(b)By signs of a design approved by the Department of Transportation indicating that any person who operates a motor vehicle within a highway work zone at a speed in excess of the reduced maximum speed limit may be punished by a fine of double the maximum amount otherwise authorized by law.(3)Nothing in this section shall preclude the prosecution or conviction for careless or reckless driving of any motor vehicle operator whose operation of a motor vehicle in a highway work zone, apart from speed, demonstrates the operation of the same in a careless or imprudent manner in violation of Section63-3-1213or in a reckless manner in violation of Section63-3-1201.(4)Every person who operates any motor vehicle in violation of the provisions of this section and who causes property damage to road construction equipment or a motor vehicle in an amount of Five Hundred Dollars (\$500.00) or greater within a highway work zone shall, upon conviction, be guilty of a separate misdemeanor and shall be punished by a fine of not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term of not less than thirty (30) days nor more than one (1) year, or by both such fine and imprisonment, in the discretion of the court, and the court shall, as a condition of any sentence imposed determine the extent of the property damage caused by the violator and require the violator to make restitution to the

injured party upon such terms and conditions determined by the court. Nothing herein however shall prevent the injured party from pursuing any other civil remedies against the violators as allowed by law.(5)Every person who operates any motor vehicle in violation of the provisions of this section and who causes the death of another within a highway work zone or mutilates, disfigures, permanently disables or destroys the tongue, eye, lip, nose or any other limb, organ or member of another within a highway work zone shall, upon conviction, be guilty of a separate felony for each victim who suffers death, mutilation, disfigurement or other injury and shall be committed to the custody of the State Department of Corrections for a period of time of not less than three (3) years and not to exceed fifteen (15) years for each death, mutilation, disfigurement or other injury, and the imprisonment for the second or each subsequent conviction, in the discretion of the court, shall commence either at the termination of the imprisonment for the preceding conviction or run concurrently with the preceding conviction.Laws, 1997, ch. 326, § 1; Laws, 2004, ch. 324, § 1, eff. 7/1/2004.Amended by Laws, 2019, ch. 356, HB 580,§ 2, eff. 7/1/2019. Laws, 1997, ch. 326, § 1; Laws, 2004, ch. 324, § 1, eff. 7/1/2004. Amended by Laws, 2019, ch. 356, HB 580,§ 2, eff. 7/1/2019.

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The speed limitations set forth in this article shall not apply to authorized emergency vehicles when responding to emergency calls and the drivers thereof sound audible signal by bell, siren, or exhaust whistle. This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.Codes, 1942, § 8180; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 4. The speed limitations set forth in this article shall not apply to authorized emergency vehicles when responding to emergency calls and the drivers thereof sound audible signal by bell, siren, or exhaust whistle. This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.Codes, 1942, § 8180; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 4. The speed limitations set forth in this article shall not apply to authorized emergency vehicles when responding to emergency calls and the drivers thereof sound audible signal by bell, siren, or exhaust whistle. This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.Codes, 1942, § 8180; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 4. The speed limitations set forth in this article shall not apply to authorized emergency vehicles when responding to emergency calls and the drivers thereof sound audible signal by bell, siren, or exhaust whistle. This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others. Codes, 1942, § 8180; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 4.

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It shall be unlawful for any person or peace officer or law enforcement agency, except the Mississippi Highway Safety Patrol, to purchase or use or allow to be used any type of radar speed detection equipment upon any public street, road or highway of this state. However, such equipment may be used:(a)By municipal law enforcement officers within a municipality having a population of two thousand (2,000) or more according to the latest or a previous federal census upon the public streets of the municipality, but in no case where the latest federal census population for the municipality is less than one thousand five hundred (1,500);(b)By any college or university campus police force within the confines of any campus wherein more than two thousand (2,000) students are enrolled;(c)By municipal law enforcement officers in any municipality having a population in excess of fifteen thousand (15,000) according to the latest federal census on federally designated highways lying within the corporate limits.(d)By municipal law enforcement officers upon the public streets of any incorporated municipality (i) where the county seat is located in the municipality and (ii) where there is a public community college located in the municipality.The Mississippi Highway Safety Patrol shall be immediately notified by municipal law enforcement of any road blockages or emergencies occurring on any federally designated limited-access highways lying within the corporate limits.Codes, 1942, § 8176.5; Laws, 1966, ch. 383, §§ 1, 2; Laws, 1968, ch. 542, § 1, eff. 5/15/1968.Amended by Laws, 2023, ch. 398, HB 454,§ 1, eff. 3/22/2023.Amended by Laws, 2022, ch. 307, HB 567,§ 1, eff. 7/1/2022.Amended by Laws, 2021, ch. 373, SB 2788,§ 1, eff. 7/1/2021. It shall be unlawful for any person or peace officer or law enforcement agency, except the Mississippi Highway Safety Patrol, to purchase or use or allow to be used any type of radar speed detection equipment upon any public street, road or highway of this state. However, such equipment may be used:(a)By municipal law enforcement officers within a municipality having a population of two thousand (2,000) or more according to the latest or a previous federal census upon the public streets of the municipality, but in no case where the latest federal census population for the municipality is less than one thousand five hundred (1,500);(b)By any college or university campus police force

within the confines of any campus wherein more than two thousand (2,000) students are enrolled;(c)By municipal law enforcement officers in any municipality having a population in excess of fifteen thousand (15,000) according to the latest federal census on federally designated highways lying within the corporate limits.(d)By municipal law enforcement officers upon the public streets of any incorporated municipality (i) where the county seat is located in the municipality and (ii) where there is a public community college located in the municipality.The Mississippi Highway Safety Patrol shall be immediately notified by municipal law enforcement of any road blockages or emergencies occurring on any federally designated limited-access highways lying within the corporate limits.Codes, 1942, § 8176.5; Laws, 1966, ch. 383, §§ 1, 2; Laws, 1968, ch. 542, § 1, eff. 5/15/1968.Amended by Laws, 2023, ch. 398, HB 454,§ 1, eff. 3/22/2023.Amended by Laws, 2022, ch. 307, HB 567,§ 1, eff. 7/1/2022.Amended by Laws, 2021, ch. 373, SB 2788,§ 1, eff. 7/1/2021. It shall be unlawful for any person or peace officer or law enforcement agency, except the Mississippi Highway Safety Patrol, to purchase or use or allow to be used any type of radar speed detection equipment upon any public street, road or highway of this state. However, such equipment may be used:(a)By municipal law enforcement officers within a municipality having a population of two thousand (2,000) or more according to the latest or a previous federal census upon the public streets of the municipality, but in no case where the latest federal census population for the municipality is less than one thousand five hundred (1,500);(b)By any college or university campus police force within the confines of any campus wherein more than two thousand (2,000) students are enrolled;(c)By municipal law enforcement officers in any municipality having a population in excess of fifteen thousand (15,000) according to the latest federal census on federally designated highways lying within the corporate limits.(d)By municipal law enforcement officers upon the public streets of any incorporated municipality (i) where the county seat is located in the municipality and (ii) where there is a public community college located in the municipality.The Mississippi Highway Safety Patrol shall be immediately notified by municipal law enforcement of any road blockages or emergencies occurring on any federally designated limited-access highways lying within the corporate limits.Codes, 1942, § 8176.5; Laws, 1966, ch. 383, §§ 1, 2; Laws, 1968, ch. 542, § 1, eff. 5/15/1968.Amended by Laws, 2023, ch. 398, HB 454,§ 1, eff. 3/22/2023.Amended by Laws, 2022, ch. 307, HB 567,§ 1, eff. 7/1/2022.Amended by Laws, 2021, ch. 373, SB 2788,§ 1, eff. 7/1/2021. It shall be unlawful for any person or peace officer or law enforcement agency, except the Mississippi Highway Safety Patrol, to purchase or use or allow to be used any type of radar speed detection equipment upon any public street, road or highway of this state. However, such equipment may be used: The Mississippi Highway Safety Patrol shall be immediately notified by municipal law enforcement of any road blockages or emergencies occurring on any federally designated limited-access highways lying within the corporate limits. Codes, 1942, § 8176.5; Laws, 1966, ch. 383, §§ 1, 2; Laws, 1968, ch. 542, § 1, eff. 5/15/1968. Amended by Laws, 2023, ch. 398, HB 454,§ 1, eff. 3/22/2023. Amended by Laws, 2022, ch. 307, HB 567,§ 1, eff. 7/1/2022. Amended by Laws, 2021, ch. 373, SB 2788,§ 1, eff. 7/1/2021.

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Any person who violates section63-3-519shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.Codes, 1942, § 8176.5; Laws, 1966, ch. 383, §§ 1, 2; Laws, 1968, ch. 542, § 1, eff. 5/15/1968. Any person who violates section63-3-519shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.Codes, 1942, § 8176.5; Laws, 1966, ch. 383, §§ 1, 2; Laws, 1968, ch. 542, § 1, eff. 5/15/1968. Any person who violates section63-3-519shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.Codes, 1942, § 8176.5; Laws, 1966, ch. 383, §§ 1, 2; Laws, 1968, ch. 542, § 1, eff. 5/15/1968. Any person who violates section63-3-519shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. Codes, 1942, § 8176.5; Laws, 1966, ch. 383, §§ 1, 2; Laws, 1968, ch. 542, § 1, eff. 5/15/1968.

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Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:1.When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;2.When the right half of a roadway is closed to traffic while under construction or repair;3.Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or4.Upon a roadway designated and signposted for one-way traffic.Codes, 1942, § 8181; Laws, 1938, ch. 200. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:1.When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;2.When the right half of a roadway is closed to traffic while under construction or repair;3.Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or4.Upon a roadway designated and signposted for one-way

traffic.Codes, 1942, § 8181; Laws, 1938, ch. 200. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:1.When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;2.When the right half of a roadway is closed to traffic while under construction or repair;3.Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or4.Upon a roadway designated and signposted for one-way traffic.Codes, 1942, § 8181; Laws, 1938, ch. 200. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows: Codes, 1942, § 8181; Laws, 1938, ch. 200.

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(1)Whenever any roadway has been divided into three (3) or more clearly marked lanes for traffic, except through or bypassing a municipality, the following rules in addition to all others consistent herewith shall apply:(a)A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.(b)A vehicle shall not be driven in the center lane upon a roadway which is divided into three (3) lanes except when:(i)Overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance;(ii)Such vehicle is in preparation for a left turn; or(iii)Such center lane is at the time allocated exclusively to traffic moving in the direction such vehicle is proceeding and is signposted to give notice of such allocation.(c)Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of vehicles shall obey the directions of every such sign.(d)Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.(e)Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two (2) abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.(2)(a)A vehicle shall not be driven in the outermost left lane of any roadway with two (2) or more lanes allowing for movement of traffic in the same direction except when:(i)Overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;(ii)The right lane(s) of a roadway is closed to traffic while under construction or repair;(iii)The right lane(s) of the roadway is in disrepair or in an otherwise impassable or unsafe condition; or(iv)A vehicle is preparing to exit the roadway on the left.(b)A vehicle shall not be driven continuously in the outermost left lane of a multi-lane roadway whenever it impedes the flow of other traffic.(c)A violation of this subsection (2) is punishable by a fine of not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00).Codes, 1942, § 8187; Laws, 1938, ch. 200; Laws, 1977, ch. 321, § 1; Laws, 1983, ch. 350, § 3, eff.

7/1/1983.Amended by Laws, 2018, ch. 360, HB 80,§ 1, eff. 7/1/2018. (1)Whenever any roadway has been divided into three (3) or more clearly marked lanes for traffic, except through or bypassing a municipality, the following rules in addition to all others consistent herewith shall apply:(a)A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.(b)A vehicle shall not be driven in the center lane upon a roadway which is divided into three (3) lanes except when:(i)Overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance;(ii)Such vehicle is in preparation for a left turn; or(iii)Such center lane is at the time allocated exclusively to traffic moving in the direction such vehicle is proceeding and is signposted to give notice of such allocation.(c)Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of vehicles shall obey the directions of every such sign.(d)Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.(e)Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two (2) abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.(2)(a)A vehicle shall not be driven in the outermost left lane of any roadway with two (2) or more lanes allowing for movement of traffic in the same direction except when:(i)Overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;(ii)The right lane(s) of a roadway is closed to traffic while under construction or repair;(iii)The right lane(s) of the roadway is in disrepair or in an otherwise impassable or unsafe condition; or(iv)A vehicle is preparing to exit the roadway on the left.(b)A vehicle shall not be driven continuously in the outermost left lane of a multi-lane roadway whenever it impedes the flow of other traffic.(c)A violation of this subsection (2) is punishable by a fine of not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00).Codes, 1942, § 8187; Laws, 1938, ch. 200; Laws, 1977, ch. 321, § 1; Laws, 1983, ch. 350, § 3, eff. 7/1/1983.Amended by Laws, 2018, ch. 360, HB 80,§ 1, eff. 7/1/2018. (1)Whenever any roadway has been divided into three (3) or more clearly marked lanes for traffic, except through or bypassing a municipality, the following rules in addition to all others consistent herewith shall apply:(a)A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.(b)A vehicle shall not be

driven in the center lane upon a roadway which is divided into three (3) lanes except when:(i)Overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance;(ii)Such vehicle is in preparation for a left turn; or(iii)Such center lane is at the time allocated exclusively to traffic moving in the direction such vehicle is proceeding and is signposted to give notice of such allocation.(c)Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of vehicles shall obey the directions of every such sign.(d)Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.(e)Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two (2) abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.(2)(a)A vehicle shall not be driven in the outermost left lane of any roadway with two (2) or more lanes allowing for movement of traffic in the same direction except when:(i)Overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;(ii)The right lane(s) of a roadway is closed to traffic while under construction or repair;(iii)The right lane(s) of the roadway is in disrepair or in an otherwise impassable or unsafe condition; or(iv)A vehicle is preparing to exit the roadway on the left.(b)A vehicle shall not be driven continuously in the outermost left lane of a multi-lane roadway whenever it impedes the flow of other traffic.(c)A violation of this subsection (2) is punishable by a fine of not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00).Codes, 1942, § 8187; Laws, 1938, ch. 200; Laws, 1977, ch. 321, § 1; Laws, 1983, ch. 350, § 3, eff. 7/1/1983.Amended by Laws, 2018, ch. 360, HB 80,§ 1, eff. 7/1/2018. Codes, 1942, § 8187; Laws, 1938, ch. 200; Laws, 1977, ch. 321, § 1; Laws, 1983, ch. 350, § 3, eff. 7/1/1983. Amended by Laws, 2018, ch. 360, HB 80,§ 1, eff. 7/1/2018.

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(1)Upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated.(2)A vehicle passing around a rotary traffic island shall be driven only to the right of such island.Codes, 1942, § 8186; Laws, 1938, ch. 200. (1)Upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated.(2)A vehicle passing around a rotary traffic island shall be driven only to the right of such island.Codes, 1942, § 8186; Laws, 1938, ch. 200. (1)Upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated.(2)A vehicle passing around a rotary traffic island shall be driven only to the right of such island.Codes, 1942, § 8186; Laws, 1938, ch. 200. Codes, 1942, § 8186; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 13 - DRIVING ON RIGHT SIDE OF ROADWAY: OVERTAKING AND PASSING; FOLLOWING (§§ 63-3-601 — 63-3-621)Section 63-3-607 - Passing by vehicles proceeding in opposite directions

Drivers of vehicles proceeding in opposite directions shall pass each other to the right. Upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.Codes, 1942, § 8182; Laws, 1938, ch. 200. Drivers of vehicles proceeding in opposite directions shall pass each other to the right. Upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.Codes, 1942, § 8182; Laws, 1938, ch. 200. Drivers of vehicles proceeding in opposite directions shall pass each other to the right. Upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible.Codes, 1942, § 8182; Laws, 1938, ch. 200. Drivers of vehicles proceeding in opposite directions shall pass each other to the right. Upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main traveled portion of the roadway as nearly as possible. Codes, 1942, § 8182; Laws, 1938, ch. 200.

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The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules otherwise provided in this article:(a)The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.(b)Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.Codes, 1942, § 8183; Laws, 1938, ch. 200. The following rules shall

govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules otherwise provided in this article:(a)The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.(b)Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.Codes, 1942, § 8183; Laws, 1938, ch. 200. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules otherwise provided in this article:(a)The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.(b)Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.Codes, 1942, § 8183; Laws, 1938, ch. 200. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules otherwise provided in this article: Codes, 1942, § 8183; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 13 - DRIVING ON RIGHT SIDE OF ROADWAY: OVERTAKING AND PASSING; FOLLOWING (§§ 63-3-601 — 63-3-621)Section 63-3-611 - Overtaking and passing vehicles on left side of roadway

(1)No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.(2)No vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left side of the roadway under the following conditions:(a)When approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed;(b)When approaching within one hundred (100) feet of any marked or readily distinguishable bridge, viaduct or tunnel on any roadway other than a four-lane roadway;(c)When approaching within one hundred (100) feet of or traversing any marked or readily distinguishable intersection or railroad grade crossing;(d)When official signs are in place directing that traffic keep to the right, or a distinctive center line is marked, which distinctive line also so directs traffic as declared in the sign manual adopted by the State Transportation Commission.Codes, 1942, § 8185; Laws, 1938, ch. 200; Laws, 1991, ch. 402, § 1; Laws, 1997, ch. 447, § 1, eff. 3/25/1997. (1)No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.(2)No vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left side of the roadway under the following conditions:(a)When approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed;(b)When approaching within one hundred (100) feet of any marked or readily distinguishable bridge, viaduct or tunnel on any roadway other than a four-lane roadway;(c)When approaching within one hundred (100) feet of or traversing any marked or readily distinguishable intersection or railroad grade crossing;(d)When official signs are in place directing that traffic keep to the right, or a distinctive center line is marked, which distinctive line also so directs traffic as declared in the sign manual adopted by the State Transportation Commission.Codes, 1942, § 8185; Laws, 1938, ch. 200; Laws, 1991, ch. 402, § 1; Laws, 1997, ch. 447, § 1, eff. 3/25/1997. (1)No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within one hundred (100) feet of any vehicle approaching from the opposite direction.(2)No vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left side of the roadway under the following conditions:(a)When approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed;(b)When approaching within one hundred (100) feet of any marked or readily distinguishable bridge, viaduct or tunnel on any roadway other than a four-lane roadway;(c)When approaching within one hundred (100) feet of or traversing any marked or readily distinguishable intersection or railroad grade crossing;(d)When official signs are in place directing that traffic keep to the right, or a distinctive center line is marked, which distinctive line also so directs traffic as declared in the sign manual adopted by the State Transportation Commission.Codes, 1942, § 8185; Laws, 1938, ch. 200; Laws, 1991, ch. 402, § 1; Laws, 1997, ch. 447, § 1, eff. 3/25/1997. Codes, 1942, § 8185; Laws, 1938, ch. 200; Laws, 1991, ch. 402, § 1; Laws, 1997, ch. 447, § 1, eff. 3/25/1997.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 13 -

DRIVING ON RIGHT SIDE OF ROADWAY: OVERTAKING AND PASSING; FOLLOWING (§§ 63-3-601 — 63-3-621)Section 63-3-613 - Overtaking and passing upon right of another vehicle

(1)The driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.(2)The driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on a roadway with unobstructed pavement of sufficient width for four (4) or more lines of moving traffic when such movement can be made in safety. The left lane shall be the preferred passing lane. No person shall drive off the pavement or upon the shoulder of the roadway overtaking or passing on the right.Codes, 1942, § 8184; Laws, 1938, ch. 200; Laws, 1977, ch. 321, § 2, eff. 3/4/1977. (1)The driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.(2)The driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on a roadway with unobstructed pavement of sufficient width for four (4) or more lines of moving traffic when such movement can be made in safety. The left lane shall be the preferred passing lane. No person shall drive off the pavement or upon the shoulder of the roadway overtaking or passing on the right.Codes, 1942, § 8184; Laws, 1938, ch. 200; Laws, 1977, ch. 321, § 2, eff. 3/4/1977. (1)The driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.(2)The driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on a roadway with unobstructed pavement of sufficient width for four (4) or more lines of moving traffic when such movement can be made in safety. The left lane shall be the preferred passing lane. No person shall drive off the pavement or upon the shoulder of the roadway overtaking or passing on the right.Codes, 1942, § 8184; Laws, 1938, ch. 200; Laws, 1977, ch. 321, § 2, eff. 3/4/1977. Codes, 1942, § 8184; Laws, 1938, ch. 200; Laws, 1977, ch. 321, § 2, eff. 3/4/1977.

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(1)(a)The driver of a vehicle upon a street or highway upon meeting or overtaking any school bus that has stopped on the street or highway for the purpose of receiving or discharging any school children shall come to a complete stop at least ten (10) feet from the school bus before reaching the school bus when there is in operation on the school bus the flashing red lights provided in Section63-7-23, or when a retractable, hand-operated stop sign is extended; the driver shall not proceed until the children have crossed the street or highway and the school bus has resumed motion or the flashing red lights are no longer actuated and the hand-operated stop sign is retracted.(b)The driver of a vehicle upon a divided highway that has four (4) lanes or more and permits at least two (2) lanes of traffic to travel in opposite directions need not stop upon meeting or passing a school bus that is stopped in the opposing roadway, or if the school bus is stopped in a loading zone that is a part of or adjacent to the highway and where pedestrians are not permitted to cross the roadway.(2)(a)Except as provided in paragraph (b), any person violating the provisions of subsection (1) of this section shall be guilty of a misdemeanor and upon a first conviction thereof shall be fined not less than Three Hundred Fifty Dollars (\$350.00) nor more than Seven Hundred Fifty Dollars (\$750.00), or imprisoned for not more than one (1) year, or both. For a second or subsequent offense, the offenses being committed within a period of five (5) years, the person shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than Seven Hundred Fifty Dollars (\$750.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00), or imprisoned for not more than one (1) year, or both. In addition, the Commissioner of Public Safety or his duly authorized designee, after conviction for a second or subsequent offense and upon receipt of the court abstract, shall suspend the driver's license and driving privileges of the person for a period of ninety (90) days.(b)A conviction under this section for a violation resulting in any injury to a child who is in the process of boarding or exiting a school bus shall be a violation of Section97-3-7, and a violator shall be punished under subsection (2) of that section.(3)This section shall be applicable only in the event the school bus shall bear upon the front and rear thereon a plainly visible sign containing the words "school bus" in letters not less than four (4) inches in height.(4)If any person witnesses the driver of any vehicle violating the provisions of this section and the identity of the driver of the vehicle is not otherwise apparent, it shall be a rebuttable inference that the person in whose name the vehicle is registered committed the violation. If charges are filed against multiple owners of a motor vehicle, only one (1) of the owners may be convicted and court costs may be assessed against only one (1) of the owners. If the vehicle that is involved in the violation is registered in the name of a rental or leasing company and the vehicle is rented or leased to another person at the time of the violation, the rental or leasing company may rebut the inference of guilt by providing the law enforcement officer or prosecuting authority with a copy of the rental or lease agreement in effect at the time of the violation.Codes, 1942, § 8226; Laws, 1938, ch. 200; Laws, 1946, ch. 341; Laws, 1946, ch. 420, § 10; Laws, 1974, ch. 304; Laws, 1986, ch. 368; Laws, 2011, ch. 481, § 1, eff. 7/1/2011.Amended by Laws, 2019, ch. 352, HB 677, § 1, eff. 7/1/2019.Amended by Laws, 2016, ch. 340, HB 110, 1, eff. 7/1/2016. (1)(a)The driver of a vehicle upon a street or highway upon meeting or overtaking any school bus that has stopped on the street or highway for the purpose of receiving or discharging any school children shall come to a complete stop at least ten (10) feet from the school bus before reaching the school bus when there is in operation on the school bus the flashing red lights provided in Section63-7-23, or when a retractable, hand-operated stop sign is extended; the driver shall not proceed until the children have crossed the street or highway and the school bus has resumed motion or the flashing red lights are no longer actuated and the hand-operated stop sign is retracted.(b)The driver of a vehicle upon a divided highway that has four (4) lanes or more and permits at

least two (2) lanes of traffic to travel in opposite directions need not stop upon meeting or passing a school bus that is stopped in the opposing roadway, or if the school bus is stopped in a loading zone that is a part of or adjacent to the highway and where pedestrians are not permitted to cross the roadway.(2)(a)Except as provided in paragraph (b), any person violating the provisions of subsection (1) of this section shall be guilty of a misdemeanor and upon a first conviction thereof shall be fined not less than Three Hundred Fifty Dollars (\$350.00) nor more than Seven Hundred Fifty Dollars (\$750.00), or imprisoned for not more than one (1) year, or both. For a second or subsequent offense, the offenses being committed within a period of five (5) years, the person shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than Seven Hundred Fifty Dollars (\$750.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00), or imprisoned for not more than one (1) year, or both. In addition, the Commissioner of Public Safety or his duly authorized designee, after conviction for a second or subsequent offense and upon receipt of the court abstract, shall suspend the driver's license and driving privileges of the person for a period of ninety (90) days.(b)A conviction under this section for a violation resulting in any injury to a child who is in the process of boarding or exiting a school bus shall be a violation of Section97-3-7, and a violator shall be punished under subsection (2) of that section.(3)This section shall be applicable only in the event the school bus shall bear upon the front and rear thereon a plainly visible sign containing the words "school bus" in letters not less than four (4) inches in height.(4)If any person witnesses the driver of any vehicle violating the provisions of this section and the identity of the driver of the vehicle is not otherwise apparent, it shall be a rebuttable inference that the person in whose name the vehicle is registered committed the violation. If charges are filed against multiple owners of a motor vehicle, only one (1) of the owners may be convicted and court costs may be assessed against only one (1) of the owners. If the vehicle that is involved in the violation is registered in the name of a rental or leasing company and the vehicle is rented or leased to another person at the time of the violation, the rental or leasing company may rebut the inference of guilt by providing the law enforcement officer or prosecuting authority with a copy of the rental or lease agreement in effect at the time of the violation.Codes, 1942, § 8226; Laws, 1938, ch. 200; Laws, 1946, ch. 341; Laws, 1946, ch. 420, § 10; Laws, 1974, ch. 304; Laws, 1986, ch. 368; Laws, 2011, ch. 481, § 1, eff. 7/1/2011.Amended by Laws, 2019, ch. 352, HB 677,§ 1, eff. 7/1/2019.Amended by Laws, 2016, ch. 340, HB 110, 1, eff. 7/1/2016.

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A school bus driver, for the purpose of preventing being overtaken when receiving or discharging any school children, may stop on a street or highway blocking the two (2) outermost right lanes, regardless of the number of lanes on the street or highway. For a two-lane street or highway, this provision allows for blocking both lanes. Such school bus driver may only block both of these lanes during the time that the school bus is receiving or discharging any school children. Added by Laws, 2019, ch. 352, HB 677, § 2, eff. 7/1/2019. A school bus driver, for the purpose of preventing being overtaken when receiving or discharging any school children, may stop on a street or highway blocking the two (2) outermost right lanes, regardless of the number of lanes on the street or highway. For a two-lane street or highway, this provision allows for blocking both lanes. Such school bus driver may only block both of these lanes during the time that the school bus is receiving or discharging any school children. Added by Laws, 2019, ch. 352, HB 677, § 2, eff. 7/1/2019. A school bus driver, for the purpose of preventing being overtaken when receiving or discharging any school children, may stop on a street or highway blocking the two (2) outermost right lanes, regardless of the number of lanes on the street or highway. For a two-lane street or highway, this provision allows for blocking both lanes. Such school bus driver may only block both of these lanes during the time that the school bus is receiving or discharging any school children. Added by Laws, 2019, ch. 352, HB 677, § 2, eff. 7/1/2019. A school bus driver, for the purpose of preventing being overtaken when receiving or discharging any school children, may stop on a street or highway blocking the two (2) outermost right lanes, regardless of the number of lanes on the street or highway. For a two-lane street or highway, this provision allows for blocking both lanes. Such school bus driver may only block both of these lanes during the time that the school bus is receiving or discharging any school children. Added by Laws, 2019, ch. 352, HB 677, § 2, eff. 7/1/2019.

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It shall be unlawful for the driver of any truck or other vehicle to drive in or near the center of any highway for a distance of more than two hundred yards, or at any time to refuse to turn to the right in order that any driver desiring to pass said truck or other vehicle, may drive at a higher legal rate of speed. Codes, 1942, § 8188; Laws, 1938, ch. 200; Laws, 1962, ch. 525, eff. 4/25/1962. It shall be unlawful for the driver of any truck or other vehicle to drive in or near the center of any highway for a distance of more than two hundred yards, or at any time to refuse to turn to the right in order that any driver desiring to pass said truck or other vehicle, may drive at a higher legal rate of speed. Codes, 1942, § 8188; Laws, 1938, ch. 200; Laws, 1962, ch. 525, eff. 4/25/1962. It shall be unlawful for the driver of any truck or other vehicle to drive in or near the center of any highway for a distance of more than two hundred yards, or at any time to refuse to turn to the right in order that any driver desiring to pass said truck or other vehicle, may drive at a higher legal rate of speed. Codes, 1942, § 8188; Laws, 1938, ch. 200; Laws, 1962, ch. 525, eff. 4/25/1962. It shall be unlawful for the driver of any truck or other vehicle to drive in or near the center of any highway for a distance of more than two hundred yards, or at any time to refuse to turn to the right in order that any driver desiring to pass said truck or other vehicle, may drive at a higher legal rate of speed. Codes, 1942, § 8188; Laws, 1938, ch. 200; Laws, 1962, ch. 525, eff. 4/25/1962.

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(1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway. (2) The driver of any motor truck or motor truck drawing another vehicle when traveling upon a roadway outside of a business or residence district shall not follow within three hundred (300) feet of another motor truck or motor truck drawing another vehicle. The provisions of this subsection shall not be construed to prevent overtaking and passing nor shall the same apply upon any lane specially designated for use by motor trucks. (3)(a) Subject to the provisions of paragraph (b) of this subsection, subsections (1) and (2) of this section shall not apply to the operator of a nonlead vehicle in a platoon, as defined in Section 63-3-103(k), as long as the platoon is operating on a limited access divided highway with more than one (1) lane in each direction and the platoon consists of not more than two (2) motor vehicles. (b) A platoon may be operated in this state only after an operator files a plan for approval of general platoon operations with the Department of Transportation. If that department approves the submission, it shall forward the plan to the Department of Public Safety for approval. The plan shall be reviewed and either approved or disapproved by the Department of Transportation and the Department of Public Safety within thirty (30) days after it is filed. If approved by both departments, the operator shall be allowed to operate the platoon five (5) working days after plan approval. The Motor Carrier Division of the Department of Public Safety shall develop the acceptable standards required for each portion of the plan. Codes, 1942, § 8188; Laws, 1938, ch. 200; Laws, 1962, ch. 525, eff. 4/25/1962. Brought forward by Laws, 2023, ch. 443, HB 1003, § 21, eff. 7/1/2023. Amended by Laws, 2018, ch. 445, HB 1343, § 2, eff. 1/1/2019. (1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway. (2) The driver of any motor truck or motor truck drawing another vehicle when traveling upon a roadway outside of a business or residence district shall not follow within three hundred (300) feet of another motor truck or motor truck drawing another vehicle. The provisions of this

subsection shall not be construed to prevent overtaking and passing nor shall the same apply upon any lane specially designated for use by motor trucks.(3)(a)Subject to the provisions of paragraph (b) of this subsection, subsections (1) and (2) of this section shall not apply to the operator of a nonlead vehicle in a platoon, as defined in Section63-3-103(k), as long as the platoon is operating on a limited access divided highway with more than one (1) lane in each direction and the platoon consists of not more than two (2) motor vehicles.(b)A platoon may be operated in this state only after an operator files a plan for approval of general platoon operations with the Department of Transportation. If that department approves the submission, it shall forward the plan to the Department of Public Safety for approval. The plan shall be reviewed and either approved or disapproved by the Department of Transportation and the Department of Public Safety within thirty (30) days after it is filed. If approved by both departments, the operator shall be allowed to operate the platoon five (5) working days after plan approval. The Motor Carrier Division of the Department of Public Safety shall develop the acceptable standards required for each portion of the plan.Codes, 1942, § 8188; Laws, 1938, ch. 200; Laws, 1962, ch. 525, eff. 4/25/1962.Brought forward by Laws, 2023, ch. 443, HB 1003,§ 21, eff. 7/1/2023.Amended by Laws, 2018, ch. 445, HB 1343,§ 2, eff. 1/1/2019. (1)The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.(2)The driver of any motor truck or motor truck drawing another vehicle when traveling upon a roadway outside of a business or residence district shall not follow within three hundred (300) feet of another motor truck or motor truck drawing another vehicle. The provisions of this subsection shall not be construed to prevent overtaking and passing nor shall the same apply upon any lane specially designated for use by motor trucks.(3)(a)Subject to the provisions of paragraph (b) of this subsection, subsections (1) and (2) of this section shall not apply to the operator of a nonlead vehicle in a platoon, as defined in Section63-3-103(k), as long as the platoon is operating on a limited access divided highway with more than one (1) lane in each direction and the platoon consists of not more than two (2) motor vehicles.(b)A platoon may be operated in this state only after an operator files a plan for approval of general platoon operations with the Department of Transportation. If that department approves the submission, it shall forward the plan to the Department of Public Safety for approval. The plan shall be reviewed and either approved or disapproved by the Department of Transportation and the Department of Public Safety within thirty (30) days after it is filed. If approved by both departments, the operator shall be allowed to operate the platoon five (5) working days after plan approval. The Motor Carrier Division of the Department of Public Safety shall develop the acceptable standards required for each portion of the plan.Codes, 1942, § 8188; Laws, 1938, ch. 200; Laws, 1962, ch. 525, eff. 4/25/1962.Brought forward by Laws, 2023, ch. 443, HB 1003,§ 21, eff. 7/1/2023.Amended by Laws, 2018, ch. 445, HB 1343,§ 2, eff. 1/1/2019. Codes, 1942, § 8188; Laws, 1938, ch. 200; Laws, 1962, ch. 525, eff. 4/25/1962. Brought forward by Laws, 2023, ch. 443, HB 1003,§ 21, eff. 7/1/2023. Amended by Laws, 2018, ch. 445, HB 1343,§ 2, eff. 1/1/2019.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 13 - DRIVING ON RIGHT SIDE OF ROADWAY: OVERTAKING AND PASSING; FOLLOWING (§§ 63-3-601 — 63-3-621)Section 63-3-621 - Distance to be maintained between vehicle and traveling or parked fire apparatus or traveling or parked ambulance on emergency call

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. The driver of any vehicle other than an official emergency vehicle shall not follow any moving ambulance that is engaged in an emergency medical call closer than five hundred (500) feet, or park the vehicle within two hundred (200) feet of where the ambulance has stopped to pick up or deliver a patient or otherwise render care at the scene of an ambulance call.Codes, 1942, § 8223; Laws, 1938, ch. 200; Laws, 2004, ch. 425, § 4, eff. 7/1/2004. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. The driver of any vehicle other than an official emergency vehicle shall not follow any moving ambulance that is engaged in an emergency medical call closer than five hundred (500) feet, or park the vehicle within two hundred (200) feet of where the ambulance has stopped to pick up or deliver a patient or otherwise render care at the scene of an ambulance call.Codes, 1942, § 8223; Laws, 1938, ch. 200; Laws, 2004, ch. 425, § 4, eff. 7/1/2004. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. The driver of any vehicle other than an official emergency vehicle shall not follow any moving ambulance that is engaged in an emergency medical call closer than five hundred (500) feet, or park the vehicle within two hundred (200) feet of where the ambulance has stopped to pick up or deliver a patient or otherwise render care at the scene of an ambulance call.Codes, 1942, § 8223; Laws, 1938, ch. 200; Laws, 2004, ch. 425, § 4, eff. 7/1/2004. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. The driver of any vehicle other than an official emergency vehicle shall not follow any moving ambulance that is engaged in an emergency medical call closer than five hundred (500) feet, or park the vehicle within two hundred (200) feet of where the ambulance has stopped to pick up or deliver a patient or otherwise render care at the scene of an ambulance call. Codes, 1942, § 8223; Laws, 1938, ch. 200; Laws, 2004, ch. 425, § 4, eff. 7/1/2004.

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No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety. Codes, 1942, § 8191; Laws, 1938, ch. 200. No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety. Codes, 1942, § 8191; Laws, 1938, ch. 200. No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety. Codes, 1942, § 8191; Laws, 1938, ch. 200. No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety. Codes, 1942, § 8191; Laws, 1938, ch. 200.

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The driver of a vehicle intending to turn at an intersection shall do so as follows: (a) Both the approach for a right turn and the turn itself shall be made as close as practical to the right-hand curb or edge of the roadway. (b) The approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. (c) The approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the center line of the street being entered upon leaving the intersection. Local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection. When markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs. Codes, 1942, § 8189; Laws, 1938, ch. 200. The driver of a vehicle intending to turn at an intersection shall do so as follows: (a) Both the approach for a right turn and the turn itself shall be made as close as practical to the right-hand curb or edge of the roadway. (b) The approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. (c) The approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the center line of the street being entered upon leaving the intersection. Local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection. When markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs. Codes, 1942, § 8189; Laws, 1938, ch. 200. The driver of a vehicle intending to turn at an intersection shall do so as follows: Local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection. When markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs. Codes, 1942, § 8189; Laws, 1938, ch. 200.

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No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of the grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred

feet.Codes, 1942, § 8190; Laws, 1938, ch. 200. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of the grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.Codes, 1942, § 8190; Laws, 1938, ch. 200. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of the grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet.Codes, 1942, § 8190; Laws, 1938, ch. 200. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of the grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet. Codes, 1942, § 8190; Laws, 1938, ch. 200.

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No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner provided in this article in the event any other vehicle may be affected by such movement.A signal of intention to turn right or left shall be given continuously for a reasonable distance before turning.No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this article to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.Codes, 1942, § 8192; Laws, 1938, ch. 200. No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner provided in this article in the event any other vehicle may be affected by such movement.A signal of intention to turn right or left shall be given continuously for a reasonable distance before turning.No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this article to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.Codes, 1942, § 8192; Laws, 1938, ch. 200. No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner provided in this article in the event any other vehicle may be affected by such movement.A signal of intention to turn right or left shall be given continuously for a reasonable distance before turning.No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this article to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.Codes, 1942, § 8192; Laws, 1938, ch. 200. No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner provided in this article in the event any other vehicle may be affected by such movement. A signal of intention to turn right or left shall be given continuously for a reasonable distance before turning. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this article to the driver of any vehicle immediately to the rear when there is opportunity to give such signal. Codes, 1942, § 8192; Laws, 1938, ch. 200.

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The signals required in this article shall be given either by means of the hand and arm or by a signal lamp or signal device of a type approved by the department. When a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then said signals must be given by such a lamp or device.Codes, 1942, § 8193; Laws, 1938, ch. 200. The signals required in this article shall be given either by means of the hand and arm or by a signal lamp or signal device of a type approved by the department. When a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then said signals must be given by such a lamp or device.Codes, 1942, § 8193; Laws, 1938, ch. 200. The signals required in this article shall be given either by means of the hand and arm or by a signal lamp or signal device of a type approved by the department. When a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then said signals must be given by such a lamp or device.Codes, 1942, § 8193; Laws, 1938, ch. 200. The signals required in this article shall be given either by means of the hand and arm or by a signal lamp or signal device of a type approved by the department. When a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then said signals must be given by such a lamp or device. Codes, 1942, § 8193; Laws, 1938, ch. 200.

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All signals given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall

indicate as follows:1.Left turn - hand and arm extended horizontally.2.Right turn - hand and arm extended upward or moved with a sweeping motion from the rear to the front.3.Stop or decrease speed - hand and arm extended downward.Codes, 1942, § 8194; Laws, 1938, ch. 200. All signals given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:1.Left turn - hand and arm extended horizontally.2.Right turn - hand and arm extended upward or moved with a sweeping motion from the rear to the front.3.Stop or decrease speed - hand and arm extended downward.Codes, 1942, § 8194; Laws, 1938, ch. 200. All signals given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows: Codes, 1942, § 8194; Laws, 1938, ch. 200.

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(1)Except as may otherwise be provided in this article, the driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.(2)Except as may otherwise be provided in this article, when two vehicles enter an intersection from different highways at the same time the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.Codes, 1942, § 8195; Laws, 1938, ch. 200. (1)Except as may otherwise be provided in this article, the driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.(2)Except as may otherwise be provided in this article, when two vehicles enter an intersection from different highways at the same time the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.Codes, 1942, § 8195; Laws, 1938, ch. 200. (1)Except as may otherwise be provided in this article, the driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.(2)Except as may otherwise be provided in this article, when two vehicles enter an intersection from different highways at the same time the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.Codes, 1942, § 8195; Laws, 1938, ch. 200. Codes, 1942, § 8195; Laws, 1938, ch. 200.

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The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. However, said driver, having so yielded and having given a signal when and as required by Article 15, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn.Codes, 1942, § 8196; Laws, 1938, ch. 200. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. However, said driver, having so yielded and having given a signal when and as required by Article 15, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn.Codes, 1942, § 8196; Laws, 1938, ch. 200. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. However, said driver, having so yielded and having given a signal when and as required by Article 15, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn.Codes, 1942, § 8196; Laws, 1938, ch. 200. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. However, said driver, having so yielded and having given a signal when and as required by Article 15, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn. Codes, 1942, § 8196; Laws, 1938, ch. 200.

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The driver of a vehicle shall stop as required by this chapter at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from said through highway or which are approaching so closely on said through highway as to constitute an immediate hazard. However, said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on said through highway shall yield the right-of-way to the vehicle so proceeding into or across the through highway.The driver of a vehicle shall likewise stop in obedience to a stop sign as required by this chapter at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway and shall proceed

cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed. Codes, 1942, § 8197; Laws, 1938, ch. 200. The driver of a vehicle shall stop as required by this chapter at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from said through highway or which are approaching so closely on said through highway as to constitute an immediate hazard. However, said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on said through highway shall yield the right-of-way to the vehicle so proceeding into or across the through highway. The driver of a vehicle shall likewise stop in obedience to a stop sign as required by this chapter at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed. Codes, 1942, § 8197; Laws, 1938, ch. 200. The driver of a vehicle shall stop as required by this chapter at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from said through highway or which are approaching so closely on said through highway as to constitute an immediate hazard. However, said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on said through highway shall yield the right-of-way to the vehicle so proceeding into or across the through highway. The driver of a vehicle shall likewise stop in obedience to a stop sign as required by this chapter at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed. Codes, 1942, § 8197; Laws, 1938, ch. 200. The driver of a vehicle shall stop as required by this chapter at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from said through highway or which are approaching so closely on said through highway as to constitute an immediate hazard. However, said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on said through highway shall yield the right-of-way to the vehicle so proceeding into or across the through highway. The driver of a vehicle shall likewise stop in obedience to a stop sign as required by this chapter at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed. Codes, 1942, § 8197; Laws, 1938, ch. 200.

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The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway. Codes, 1942, § 8198; Laws, 1938, ch. 200. The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway. Codes, 1942, § 8198; Laws, 1938, ch. 200. The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway. Codes, 1942, § 8198; Laws, 1938, ch. 200. The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway. Codes, 1942, § 8198; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 17 - RIGHT-OF-WAY (§§ 63-3-801 — 63-3-809) Section 63-3-809 - Procedure upon approach of authorized emergency vehicles; procedure upon approaching certain stationary vehicles using authorized flashing lights; duty of driver of authorized emergency, recovery or utility service vehicle

(1) Upon the immediate approach of an authorized emergency vehicle, when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a law enforcement officer. (2) Upon approaching a stationary authorized emergency vehicle, when such vehicle is giving a signal by use of flashing, blinking, oscillating or rotating lights, as authorized under Section 63-7-19, a person who drives an approaching vehicle shall: (a) Proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a roadway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or (b) Proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions and being prepared to stop, if changing lanes would be impossible or unsafe. (3) Upon approaching a stationary recovery vehicle, utility service vehicle, sanitation vehicle, or highway maintenance vehicle, when the stationary vehicle is giving a signal by use of authorized flashing lights, a person who drives an approaching vehicle shall: (a) Proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to the stationary vehicle, if possible, with due regard to safety and traffic conditions, if on a roadway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or (b) Proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions and being prepared to stop, if changing lanes would be impossible

or unsafe.(4)For purposes of this section, unless the context otherwise clearly requires:(a)"Highway maintenance vehicle" means a vehicle used for the maintenance of highways and roadways in this state and is:(i)Owned or operated by the Department of Transportation, a county, a municipality or other political subdivision of this state; or(ii)Owned or operated by a contractor under contract with the Department of Transportation, a county, a municipality or other political subdivision of this state.(b)"Recovery vehicle" means a truck that is specifically designed for towing a disabled vehicle or a combination of vehicles.(c)"Utility service vehicle" means a vehicle used by any person, municipality, county, electric cooperative, corporation, board, commission, district or any entity created or authorized by public act, private act or general law to provide electricity, natural gas, water, wastewater services, telecommunications services or any combination thereof, for sale to consumers in any particular service area, or by any contractor under contract with any such entity.(d)"Sanitation vehicle" means a vehicle used to collect solid waste, refuse or recyclable material that is:(i)Owned or operated by a county, a municipality or other political subdivision of this state; or(ii)Owned or operated by a contractor under contract with a county, a municipality or other political subdivision of this state.(5)Upon approaching a vehicle that is marked with some combination of white flashing strobe or amber and red lights, as provided in Section63-7-19, that is operated by a United States rural mail carrier for the purpose of delivering United States mail, and that is stationary, including when the vehicle is signaling the intention to enter the roadway, a person who drives an approaching vehicle shall:(a)Proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to the stationary vehicle, if possible, with due regard to safety and traffic conditions, if on a roadway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or(b)Proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions and being prepared to stop, if changing lanes would be impossible or unsafe.(6)A violation of this section is a misdemeanor punishable by a fine:(a)Of not more than Two Hundred Fifty Dollars (\$250.00); or(b)Of not more than One Thousand Dollars (\$1,000.00) if violation of this section results in:(i)Property damage to the emergency vehicle, sanitation vehicle, highway maintenance vehicle, utility service vehicle, recovery vehicle or rural mail carrier vehicle; or(ii)Bodily injury to the driver or a passenger of any such vehicle.(7)This section shall not operate to relieve the driver of an authorized emergency vehicle, a sanitation vehicle, a recovery vehicle, a utility service vehicle, a highway maintenance vehicle or a rural mail carrier vehicle from the duty to drive with due regard for the safety of all persons using the roadway.Codes, 1942, § 8199; Laws, 1938, ch. 200; Laws, 2007, ch. 315, § 1; Laws, 2012, ch. 412, § 1, eff. 7/1/2012.Amended by Laws, 2017, ch. 355, SB 2305, 1, eff. 7/1/2017.Amended by Laws, 2014, ch. 314, SB 2228, 1, eff. 7/1/2014. 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Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 19 - STOPPING, STANDING AND PARKING (§§ 63-3-901 — 63-3-915)Section 63-3-901 - Stopping, standing or parking prohibited in specified places

(1)No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:a.On a sidewalk;b.In front of a public or private

driveway;c.Within an intersection;d.Within ten feet of a fire hydrant;e.On a crosswalk;f.Within twenty feet of a crosswalk at an intersection;g.Within thirty feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;h.Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;i.Within fifteen feet of the nearest rail of a railroad crossing;j.Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance of any fire station within seventy-five feet of said entrance when properly signposted;k.Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;l.On the roadway side of any vehicle stopped or parked at the edge or curb of a street;m.Upon any bridge or other elevated structure upon a highway or within a highway tunnel;n.At any place where official signs prohibit stopping.(2)No person shall move a vehicle not owned by such person into any such prohibited area or away from a curb such distance as is unlawful.Codes, 1942, § 8217; Laws, 1938, ch. 200. (1)No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:a.On a sidewalk;b.In front of a public or private driveway;c.Within an intersection;d.Within ten feet of a fire hydrant;e.On a crosswalk;f.Within twenty feet of a crosswalk at an intersection;g.Within thirty feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;h.Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;i.Within fifteen feet of the nearest rail of a railroad crossing;j.Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance of any fire station within seventy-five feet of said entrance when properly signposted;k.Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;l.On the roadway side of any vehicle stopped or parked at the edge or curb of a street;m.Upon any bridge or other elevated structure upon a highway or within a highway tunnel;n.At any place where official signs prohibit stopping.(2)No person shall move a vehicle not owned by such person into any such prohibited area or away from a curb such distance as is unlawful.Codes, 1942, § 8217; Laws, 1938, ch. 200. Codes, 1942, § 8217; Laws, 1938, ch. 200.

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(1)No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled part of any highway outside of a business or residence district when it is practical to stop, park or so leave such vehicle off such part of said highway. In every event, however, a clear and unobstructed width of at least twenty (20) feet of such part of the highway opposite such standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle be available from a distance of two hundred (200) feet in each direction upon such highway.(2)This section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.(3)Any vehicle used solely for the purpose of collecting solid waste, under a contract with any county, municipality, resident or business for the collection of solid waste may stop or stand on the road, street or highway for the sole purpose of collecting solid waste. Such solid waste collection vehicle shall maintain hazard lights on the vehicle at all times that it is engaged in stopping or standing for the purpose of solid waste collection.Codes, 1942, § 8215; Laws, 1938, ch. 200; Laws, 1992, ch. 583 § 16, eff. 5/15/1992. (1)No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled part of any highway outside of a business or residence district when it is practical to stop, park or so leave such vehicle off such part of said highway. In every event, however, a clear and unobstructed width of at least twenty (20) feet of such part of the highway opposite such standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle be available from a distance of two hundred (200) feet in each direction upon such highway.(2)This section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.(3)Any vehicle used solely for the purpose of collecting solid waste, under a contract with any county, municipality, resident or business for the collection of solid

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(1) Whenever any police officer finds a vehicle standing upon a highway in violation of Section 63-3-903, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway. (2) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety. Codes, 1942, § 8216; Laws, 1938, ch. 200. (1) Whenever any police officer finds a vehicle standing upon a highway in violation of Section 63-3-903, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway. (2) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety. Codes, 1942, § 8216; Laws, 1938, ch. 200. (1) Whenever any police officer finds a vehicle standing upon a highway in violation of Section 63-3-903, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway. (2) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety. Codes, 1942, § 8216; Laws, 1938, ch. 200. Codes, 1942, § 8216; Laws, 1938, ch. 200.

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Except where angle parking is permitted by local ordinance or usage, every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of such vehicle parallel with and within twelve inches of the right-hand curb. Codes, 1942, § 8218; Laws, 1938, ch. 200. Except where angle parking is permitted by local ordinance or usage, every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of such vehicle parallel with and within twelve inches of the right-hand curb. Codes, 1942, § 8218; Laws, 1938, ch. 200. Except where angle parking is permitted by local ordinance or usage, every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of such vehicle parallel with and within twelve inches of the right-hand curb. Codes, 1942, § 8218; Laws, 1938, ch. 200. Except where angle parking is permitted by local ordinance or usage, every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of such vehicle parallel with and within twelve inches of the right-hand curb. Codes, 1942, § 8218; Laws, 1938, ch. 200.

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No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key, and, when standing upon any perceptible grade, without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway. Codes, 1942, § 8219; Laws, 1938, ch. 200. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the

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No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. Laws, 1983, ch. 350, § 4, eff. 7/1/1983. No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. Laws, 1983, ch. 350, § 4, eff. 7/1/1983. No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. Laws, 1983, ch. 350, § 4, eff. 7/1/1983. No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. Laws, 1983, ch. 350, § 4, eff. 7/1/1983.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 19 - STOPPING, STANDING AND PARKING (§§ 63-3-901 — 63-3-915) Section 63-3-913 - Designation of areas of private property as restricted for emergency vehicle access; parking in or blocking restricted access areas

(1) The designation of areas on private property which are clearly marked to restrict access thereto to emergency vehicles shall be considered permission by the owner of such property that law enforcement officers may enter such private property to enforce such restricted access; and all municipal, county and state law enforcement officers are authorized to enforce such restriction. (2) It is unlawful to park a motor vehicle, other than an emergency vehicle responding to an emergency, in an area which has been marked as provided in subsection (1) of this section; and any person who unlawfully parks a motor vehicle in such an area or who blocks access thereto is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Hundred Dollars (\$100.00) for each violation. For the third and any subsequent offense under this section, the offender's driver's license shall be suspended for ninety (90) days in accordance with Section 63-1-53, Mississippi Code of 1972, in addition to any fine imposed. (3) For the purpose of this section "emergency vehicle" means fire department vehicles, law enforcement vehicles, ambulances and any other vehicle designated as an emergency vehicle by the governing authority of the county or municipality within which the private property is located. Laws, 1995, ch. 461, § 1, eff. 7/1/1995. (1) The designation of areas on private property which are clearly marked to restrict access thereto to emergency vehicles shall be considered permission by the owner of such property that law enforcement officers may enter such private property to enforce such restricted access; and all municipal, county and state law enforcement officers are authorized to enforce such restriction. (2) It is unlawful to park a motor vehicle, other than an emergency vehicle responding to an emergency, in an area which has been marked as provided in subsection (1) of this section; and any person who unlawfully parks a motor vehicle in such an area or who blocks access thereto is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Hundred Dollars (\$100.00) for each violation. For the third and any subsequent offense under this section, the offender's driver's license shall be suspended for ninety (90) days in accordance with Section 63-1-53, Mississippi Code of 1972, in addition to any fine imposed. (3) For the purpose of this section "emergency vehicle" means fire department vehicles, law enforcement vehicles, ambulances and any other vehicle designated as an emergency vehicle by the governing authority of the county or municipality within which the private property is located. Laws, 1995, ch. 461, § 1, eff. 7/1/1995. (1) The designation of areas on private property which are clearly marked to restrict access thereto to emergency vehicles shall be considered permission by the owner of such property that law enforcement officers may enter such private property to enforce such restricted access; and all municipal, county and state law enforcement officers are authorized to enforce such restriction. (2) It is unlawful to park a motor vehicle, other than an emergency vehicle responding to an emergency, in an area which has been marked as provided in subsection (1) of this section; and any person who unlawfully parks a motor vehicle in such an area or who blocks access thereto is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Hundred Dollars (\$100.00) for each violation. For the third and any subsequent offense under this section, the offender's driver's license shall be suspended for ninety (90) days in accordance with Section 63-1-53, Mississippi Code of 1972, in addition to any fine imposed. (3) For the purpose of this section

"emergency vehicle" means fire department vehicles, law enforcement vehicles, ambulances and any other vehicle designated as an emergency vehicle by the governing authority of the county or municipality within which the private property is located. Laws, 1995, ch. 461, § 1, eff. 7/1/1995. Laws, 1995, ch. 461, § 1, eff. 7/1/1995.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 19 - STOPPING, STANDING AND PARKING (§§ 63-3-901 — 63-3-915) Section 63-3-915 - Who may authorize towing of vehicle located on private property

A motor vehicle that is located upon private property may not be towed except when authorized by the owner of the motor vehicle, the lienholder of the motor vehicle, the owner of the property upon which the motor vehicle is located or the towing is authorized by other local, state or federal law. Laws, 2011, ch. 451, § 1, eff. 7/1/2011. A motor vehicle that is located upon private property may not be towed except when authorized by the owner of the motor vehicle, the lienholder of the motor vehicle, the owner of the property upon which the motor vehicle is located or the towing is authorized by other local, state or federal law. Laws, 2011, ch. 451, § 1, eff. 7/1/2011. A motor vehicle that is located upon private property may not be towed except when authorized by the owner of the motor vehicle, the lienholder of the motor vehicle, the owner of the property upon which the motor vehicle is located or the towing is authorized by other local, state or federal law. Laws, 2011, ch. 451, § 1, eff. 7/1/2011. A motor vehicle that is located upon private property may not be towed except when authorized by the owner of the motor vehicle, the lienholder of the motor vehicle, the owner of the property upon which the motor vehicle is located or the towing is authorized by other local, state or federal law. Laws, 2011, ch. 451, § 1, eff. 7/1/2011.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 21 - REQUIRED STOPS (§§ 63-3-1001 — 63-3-1013) Section 63-3-1001 - Designation of stop intersections; design and placement of stop signs

(1) The state highway commission with reference to state highways, and local authorities with reference to other highways under their jurisdiction, may designate through highways and erect stop signs at specified entrances thereto or may designate any intersection signs at specified entrances thereto or may designate any intersection as a stop intersection and erect like signs at one or more entrances to such intersection. (2) Every said sign shall bear the word "Stop" in letters not less than 8" in height which sign shall be self-illuminated at night or if not shall be reflectorized. Every stop sign shall be located as near as practical at the property line of the highway at the entrance to which the stop must be made, or at the nearest line of the crosswalk thereat, or, if none, at the nearest line of the roadway. Codes, 1942, § 8213; Laws, 1938, ch. 200; Laws, 1956, ch. 325. (1) The state highway commission with reference to state highways, and local authorities with reference to other highways under their jurisdiction, may designate through highways and erect stop signs at specified entrances thereto or may designate any intersection signs at specified entrances thereto or may designate any intersection as a stop intersection and erect like signs at one or more entrances to such intersection. (2) Every said sign shall bear the word "Stop" in letters not less than 8" in height which sign shall be self-illuminated at night or if not shall be reflectorized. Every stop sign shall be located as near as practical at the property line of the highway at the entrance to which the stop must be made, or at the nearest line of the crosswalk thereat, or, if none, at the nearest line of the roadway. Codes, 1942, § 8213; Laws, 1938, ch. 200; Laws, 1956, ch. 325. (1) The state highway commission with reference to state highways, and local authorities with reference to other highways under their jurisdiction, may designate through highways and erect stop signs at specified entrances thereto or may designate any intersection signs at specified entrances thereto or may designate any intersection as a stop intersection and erect like signs at one or more entrances to such intersection. (2) Every said sign shall bear the word "Stop" in letters not less than 8" in height which sign shall be self-illuminated at night or if not shall be reflectorized. Every stop sign shall be located as near as practical at the property line of the highway at the entrance to which the stop must be made, or at the nearest line of the crosswalk thereat, or, if none, at the nearest line of the roadway. Codes, 1942, § 8213; Laws, 1938, ch. 200; Laws, 1956, ch. 325. Codes, 1942, § 8213; Laws, 1938, ch. 200; Laws, 1956, ch. 325.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 21 - REQUIRED STOPS (§§ 63-3-1001 — 63-3-1013) Section 63-3-1003 - Designation of yield-right-of-way entrances; conduct of driver at yield-right-of-way intersection; proof of failure to yield-right-of-way

(1) The state highway commission with reference to state highways under its jurisdiction and local authorities with reference to other highways under their jurisdiction may, when traffic conditions warrant such action, give preference to traffic through any intersection on any highway and designate specified entrances to said intersections as yield-right-of-way entrance by erecting yield-right-of-way signs in lieu of stop signs as required or permitted in Section 63-3-1001. (2) The driver of a vehicle in obedience to a yield-right-of-way sign shall reduce the speed of his vehicle to not more than twenty miles per hour and shall yield the right-of-way to other vehicles which have entered the intersecting highway either from the right or left or which are approaching so closely on said intersecting highway as to constitute an immediate hazard. However, said driver having so yielded may proceed at such time as a safe interval occurs. (3) If a driver is involved in a collision at an intersection or interferes with the movement of other vehicles after driving past a yield-right-of-way sign, such collision or interference shall be deemed prima facie evidence of the

driver's failure to yield the right-of-way. Codes, 1942, § 8213; Laws, 1938, ch. 200; Laws, 1956, ch. 325. (1) The state highway commission with reference to state highways under its jurisdiction and local authorities with reference to other highways under their jurisdiction may, when traffic conditions warrant such action, give preference to traffic through any intersection on any highway and designate specified entrances to said intersections as yield-right-of-way entrance by erecting yield-right-of-way signs in lieu of stop signs as required or permitted in Section 63-3-1001. (2) The driver of a vehicle in obedience to a yield-right-of-way sign shall reduce the speed of his vehicle to not more than twenty miles per hour and shall yield the right-of-way to other vehicles which have entered the intersecting highway either from the right or left or which are approaching so closely on said intersecting highway as to constitute an immediate hazard. However, said driver having so yielded may proceed at such time as a safe interval occurs. (3) If a driver is involved in a collision at an intersection or interferes with the movement of other vehicles after driving past a yield-right-of-way sign, such collision or interference shall be deemed prima facie evidence of the driver's failure to yield the right-of-way. Codes, 1942, § 8213; Laws, 1938, ch. 200; Laws, 1956, ch. 325. (1) The state highway commission with reference to state highways under its jurisdiction and local authorities with reference to other highways under their jurisdiction may, when traffic conditions warrant such action, give preference to traffic through any intersection on any highway and designate specified entrances to said intersections as yield-right-of-way entrance by erecting yield-right-of-way signs in lieu of stop signs as required or permitted in Section 63-3-1001. (2) The driver of a vehicle in obedience to a yield-right-of-way sign shall reduce the speed of his vehicle to not more than twenty miles per hour and shall yield the right-of-way to other vehicles which have entered the intersecting highway either from the right or left or which are approaching so closely on said intersecting highway as to constitute an immediate hazard. However, said driver having so yielded may proceed at such time as a safe interval occurs. (3) If a driver is involved in a collision at an intersection or interferes with the movement of other vehicles after driving past a yield-right-of-way sign, such collision or interference shall be deemed prima facie evidence of the driver's failure to yield the right-of-way. Codes, 1942, § 8213; Laws, 1938, ch. 200; Laws, 1956, ch. 325. Codes, 1942, § 8213; Laws, 1938, ch. 200; Laws, 1956, ch. 325.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 21 - REQUIRED STOPS (§§ 63-3-1001 — 63-3-1013) Section 63-3-1005 - Stops before emerging from alley, driveway or building

The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alley way or private driveway. Codes, 1942, § 8214; Laws, 1938, ch. 200. The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alley way or private driveway. Codes, 1942, § 8214; Laws, 1938, ch. 200. The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alley way or private driveway. Codes, 1942, § 8214; Laws, 1938, ch. 200. The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alley way or private driveway. Codes, 1942, § 8214; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 21 - REQUIRED STOPS (§§ 63-3-1001 — 63-3-1013) Section 63-3-1007 - Stops at railroad grade crossings in obedience to signal indicating approach of train or other on-track equipment; effect of noncompliance upon right of recovery in civil action

(1) Whenever any person driving a vehicle approaches a railroad grade crossing and a clearly visible electric or mechanical signal device gives warning of the immediate approach of a train or other on-track equipment, including, but not limited to, hi-rail vehicles and on-track maintenance equipment, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest track of such railroad and shall not proceed until he can do so safely. (2) The driver of a vehicle shall stop and remain standing and not traverse such a grade crossing when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a train or other on-track equipment, including, but not limited to, hi-rail vehicles and on-track maintenance equipment. The violation of this section shall not of itself defeat recovery and the question of negligence or the violation aforesaid, shall be left to the jury and the comparative negligence statute and prima facie statute of this state shall apply in these cases as in other cases of negligence. Codes, 1942, § 8209; Laws, 1938, ch. 200; Laws, 2004, ch. 448, § 3, eff. 7/1/2004. Amended by Laws, 2018, ch. 303, SB 2621, § 1, eff. 7/1/2018. (1) Whenever any person driving a vehicle approaches a railroad grade crossing and a clearly visible electric or mechanical signal device gives warning of the immediate approach of a train or other on-track equipment, including, but not limited to, hi-rail vehicles and on-track maintenance equipment, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest track of such railroad and shall not proceed until he can do so safely. (2) The driver of a vehicle shall stop and remain standing and not traverse such a grade crossing when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a train or other on-track equipment, including, but not limited to, hi-rail vehicles and on-track maintenance equipment. The violation of this section shall not of itself defeat recovery and the question of negligence or the violation aforesaid, shall be left to the jury and the comparative negligence statute and prima facie statute of this state shall apply in these cases as in other cases of negligence. Codes, 1942, § 8209; Laws, 1938, ch. 200; Laws, 2004, ch. 448, § 3, eff. 7/1/2004. Amended by Laws, 2018, ch. 303, SB 2621, § 1, eff.

7/1/2004. Amended by Laws, 2018, ch. 303, SB 2621, § 1, eff. 7/1/2018. (1) Whenever any person driving a vehicle approaches a railroad grade crossing and a clearly visible electric or mechanical signal device gives warning of the immediate approach of a train or other on-track equipment, including, but not limited to, hi-rail vehicles and on-track maintenance equipment, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest track of such railroad and shall not proceed until he can do so safely. (2) The driver of a vehicle shall stop and remain standing and not traverse such a grade crossing when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a train or other on-track equipment, including, but not limited to, hi-rail vehicles and on-track maintenance equipment. The violation of this section shall not of itself defeat recovery and the question of negligence or the violation aforesaid, shall be left to the jury and the comparative negligence statute and prima facie statute of this state shall apply in these cases as in other cases of negligence. Codes, 1942, § 8209; Laws, 1938, ch. 200; Laws, 2004, ch. 448, § 3, eff. 7/1/2004. Amended by Laws, 2018, ch. 303, SB 2621, § 1, eff.

7/1/2018. (1)Whenever any person driving a vehicle approaches a railroad grade crossing and a clearly visible electric or mechanical signal device gives warning of the immediate approach of a train or other on-track equipment, including, but not limited to, hi-rail vehicles and on-track maintenance equipment, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest track of such railroad and shall not proceed until he can do so safely.(2)The driver of a vehicle shall stop and remain standing and not traverse such a grade crossing when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a train or other on-track equipment, including, but not limited to, hi-rail vehicles and on-track maintenance equipment. The violation of this section shall not of itself defeat recovery and the question of negligence or the violation aforesaid, shall be left to the jury and the comparative negligence statute and prima facie statute of this state shall apply in these cases as in other cases of negligence.Codes, 1942, § 8209; Laws, 1938, ch. 200; Laws, 2004, ch. 448, § 3, eff. 7/1/2004.Amended by Laws, 2018, ch. 303, SB 2621,§ 1, eff. 7/1/2018. Codes, 1942, § 8209; Laws, 1938, ch. 200; Laws, 2004, ch. 448, § 3, eff. 7/1/2004. Amended by Laws, 2018, ch. 303, SB 2621,§ 1, eff. 7/1/2018.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 21 - REQUIRED STOPS (§§ 63-3-1001 — 63-3-1013)Section 63-3-1009 - Stops at designated particularly dangerous railroad grade crossings

The Mississippi Transportation Commission is hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest track of such grade crossing and shall proceed only upon exercise of due care.Codes, 1942, § 8210; Laws, 1938, ch. 200; Laws, 2004, ch. 448, § 4, eff. 7/1/2004. The Mississippi Transportation Commission is hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest track of such grade crossing and shall proceed only upon exercise of due care.Codes, 1942, § 8210; Laws, 1938, ch. 200; Laws, 2004, ch. 448, § 4, eff. 7/1/2004. The Mississippi Transportation Commission is hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest track of such grade crossing and shall proceed only upon exercise of due care.Codes, 1942, § 8210; Laws, 1938, ch. 200; Laws, 2004, ch. 448, § 4, eff. 7/1/2004. The Mississippi Transportation Commission is hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest track of such grade crossing and shall proceed only upon exercise of due care. Codes, 1942, § 8210; Laws, 1938, ch. 200; Laws, 2004, ch. 448, § 4, eff. 7/1/2004.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 21 - REQUIRED STOPS (§§ 63-3-1001 — 63-3-1013)Section 63-3-1011 - Stops at railroad grade crossings by vehicles carrying passengers for hire or explosive substances and school buses

(1)The driver of any motor vehicle carrying passengers for hire or of any vehicle carrying explosive substances of flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop the vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad. While stopped, the driver shall listen and look in both directions along the track for:(a)Any approaching train or any other vehicle operated upon the rails for the purpose of maintenance of railroads, including, but not limited to, all hi-rail vehicles and on-track maintenance machines; and(b)Signals indicating the approach of a train or any other vehicle or machine operated upon the rails. The driver shall not proceed until he can do so safely.(2)No stop need be made at any crossing where a police officer or a traffic control signal directs traffic to proceed.(3)The driver of every school transportation vehicle used to transport pupils, upon approaching any railroad crossing, shall comply with the provisions of Section37-41-55.Codes, 1942, § 8211; Laws, 1938, ch. 200; Laws, 2004, ch. 448, § 5; Laws, 2011, ch. 327, § 1, eff. 7/1/2011.

(1)The driver of any motor vehicle carrying passengers for hire or of any vehicle carrying explosive substances of flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop the vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad. While stopped, the driver shall listen and look in both directions along the track for:(a)Any approaching train or any other vehicle operated upon the rails for the purpose of maintenance of railroads, including, but not limited to, all hi-rail vehicles and on-track maintenance machines; and(b)Signals indicating the approach of a train or any other vehicle or machine operated upon the rails. The driver shall not proceed until he can do so safely.(2)No stop need be made at any crossing where a police officer or a traffic control signal directs traffic to proceed.(3)The driver of every school transportation vehicle used to transport pupils, upon approaching any railroad crossing, shall comply with the provisions of Section37-41-55.Codes, 1942, § 8211; Laws, 1938, ch. 200; Laws, 2004, ch. 448, § 5; Laws, 2011, ch. 327, § 1, eff. 7/1/2011.

(1)The driver of any motor vehicle carrying passengers for hire or of any vehicle carrying explosive substances of flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop the vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad. While stopped, the driver shall listen and look in both directions along the track for:(a)Any approaching train or any other vehicle operated upon the rails for the purpose of maintenance of railroads, including, but not limited to, all hi-rail vehicles and on-track maintenance machines; and(b)Signals indicating the approach of a train

or any other vehicle or machine operated upon the rails. The driver shall not proceed until he can do so safely.(2)No stop need be made at any crossing where a police officer or a traffic control signal directs traffic to proceed.(3)The driver of every school transportation vehicle used to transport pupils, upon approaching any railroad crossing, shall comply with the provisions of Section37-41-55.Codes, 1942, § 8211; Laws, 1938, ch. 200; Laws, 2004, ch. 448, § 5; Laws, 2011, ch. 327, § 1, eff. 7/1/2011. Codes, 1942, § 8211; Laws, 1938, ch. 200; Laws, 2004, ch. 448, § 5; Laws, 2011, ch. 327, § 1, eff. 7/1/2011.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 21 - REQUIRED STOPS (§§ 63-3-1001 — 63-3-1013)Section 63-3-1013 - Moving heavy equipment at railroad grade crossing

No person shall operate or move any caterpillar tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six (6) or less miles per hour or a vertical body or load clearance of less than nine (9) inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without notice of any such intended crossing first being given to a superintendent of such railroad and a reasonable time being given to such railroad to provide proper protection at such crossing.Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen (15) feet nor more than fifty (50) feet from the nearest rail of such railway and while so stopped shall listen and look in both directions along such track for any approaching train or other on-track equipment, including, but not limited to, hi-rail vehicles and on-track maintenance equipment and for signals indicating the approach of a train or other on-track equipment, including, but not limited to, hi-rail vehicles and on-track maintenance equipment, and shall not proceed until the crossing can be made safely.No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car or other on-track equipment, including, but not limited to, hi-rail vehicles and on-track maintenance equipmentCodes, 1942, § 8212; Laws, 1938, ch. 200; Laws, 2004, ch. 448, § 6, eff. 7/1/2004.Amended by Laws, 2018, ch. 303, SB 2621,§ 2, eff. 7/1/2018. No person shall operate or move any caterpillar tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six (6) or less miles per hour or a vertical body or load clearance of less than nine (9) inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without notice of any such intended crossing first being given to a superintendent of such railroad and a reasonable time being given to such railroad to provide proper protection at such crossing.Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen (15) feet nor more than fifty (50) feet from the nearest rail of such railway and while so stopped shall listen and look in both directions along such track for any approaching train or other on-track equipment, including, but not limited to, hi-rail vehicles and on-track maintenance equipment and for signals indicating the approach of a train or other on-track equipment, including, but not limited to, hi-rail vehicles and on-track maintenance equipment, and shall not proceed until the crossing can be made safely.No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car or other on-track equipment, including, but not limited to, hi-rail vehicles and on-track maintenance equipmentCodes, 1942, § 8212; Laws, 1938, ch. 200; Laws, 2004, ch. 448, § 6, eff. 7/1/2004.Amended by Laws, 2018, ch. 303, SB 2621,§ 2, eff. 7/1/2018. No person shall operate or move any caterpillar tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six (6) or less miles per hour or a vertical body or load clearance of less than nine (9) inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without notice of any such intended crossing first being given to a superintendent of such railroad and a reasonable time being given to such railroad to provide proper protection at such crossing. Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen (15) feet nor more than fifty (50) feet from the nearest rail of such railway and while so stopped shall listen and look in both directions along such track for any approaching train or other on-track equipment, including, but not limited to, hi-rail vehicles and on-track maintenance equipment and for signals indicating the approach of a train or other on-track equipment, including, but not limited to, hi-rail vehicles and on-track maintenance equipment, and shall not proceed until the crossing can be made safely. No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car or other on-track equipment, including, but not limited to, hi-rail vehicles and on-track maintenance equipment Codes, 1942, § 8212; Laws, 1938, ch. 200; Laws, 2004, ch. 448, § 6, eff. 7/1/2004. Amended by Laws, 2018, ch. 303, SB 2621,§ 2, eff. 7/1/2018.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 23 - PEDESTRIANS' RIGHTS AND DUTIES (§§ 63-3-1101 — 63-3-1113) Section 63-3-1101 - Pedestrians subject to traffic-control signals at intersections; privileges and restrictions at other locations

Pedestrians shall be subject to traffic control signals at intersections as heretofore declared in this chapter. At all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this article. Codes, 1942, § 8200; Laws, 1938, ch. 200. Pedestrians shall be subject to traffic control signals at intersections as heretofore declared in this chapter. At all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this article. Codes, 1942, § 8200; Laws, 1938, ch. 200. Pedestrians shall be subject to traffic control signals at intersections as heretofore declared in this chapter. At all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this article. Codes, 1942, § 8200; Laws, 1938, ch. 200. Pedestrians shall be subject to traffic control signals at intersections as heretofore declared in this chapter. At all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this article. Codes, 1942, § 8200; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 23 - PEDESTRIANS' RIGHTS AND DUTIES (§§ 63-3-1101 — 63-3-1113) Section 63-3-1103 - Pedestrians' right-of-way at crosswalks lacking traffic control signals; duty of vehicle approaching vehicle stopped for pedestrian

Where traffic control signals are not in place or in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this article. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. Codes, 1942, § 8201; Laws, 1938, ch. 200. Where traffic control signals are not in place or in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this article. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. Codes, 1942, § 8201; Laws, 1938, ch. 200. Where traffic control signals are not in place or in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this article. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. Codes, 1942, § 8201; Laws, 1938, ch. 200. Where traffic control signals are not in place or in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this article. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. Codes, 1942, § 8201; Laws, 1938, ch. 200.

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(1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway. (2) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway. (3) Between adjacent intersections at which traffic control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk. Codes, 1942, § 8202; Laws, 1938, ch. 200; Laws, 1983, ch. 350, § 5, eff. 7/1/1983. (1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway. (2) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway. (3) Between adjacent intersections at which traffic control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk. Codes, 1942, § 8202; Laws, 1938, ch. 200; Laws, 1983, ch. 350, § 5, eff. 7/1/1983. (1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway. (2) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway. (3) Between adjacent intersections at which traffic control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk. Codes, 1942, § 8202; Laws, 1938, ch. 200; Laws, 1983, ch. 350, § 5, eff. 7/1/1983. Codes, 1942, § 8202; Laws, 1938, ch.

200; Laws, 1983, ch. 350, § 5, eff. 7/1/1983.

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Pedestrians shall move, whenever practicable, upon the right half of crosswalks. Codes, 1942, § 8203; Laws, 1938, ch. 200.
Pedestrians shall move, whenever practicable, upon the right half of crosswalks. Codes, 1942, § 8203; Laws, 1938, ch. 200.
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Pedestrians shall move, whenever practicable, upon the right half of crosswalks. Codes, 1942, § 8203; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 23 - PEDESTRIANS' RIGHTS AND DUTIES (§§ 63-3-1101 — 63-3-1113) Section 63-3-1109 - Solicitation of rides by pedestrians

No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle. Codes, 1942, § 8204; Laws, 1938, ch. 200. No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle. Codes, 1942, § 8204; Laws, 1938, ch. 200. No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle. Codes, 1942, § 8204; Laws, 1938, ch. 200. No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle. Codes, 1942, § 8204; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 23 - PEDESTRIANS' RIGHTS AND DUTIES (§§ 63-3-1101 — 63-3-1113) Section 63-3-1111 - Rights of blind and otherwise incapacitated pedestrians crossing at or near intersections or crosswalks; effect of failure to employ cane or guide dog; regulation of use of canes

(1) Whenever a pedestrian is crossing or attempting to cross a public street or highway, at or near an intersection or crosswalk, guided by a guide dog or carrying in a raised or extended position a cane or walking stick which is metallic or white in color, or white tipped with red, the driver of every vehicle approaching in said intersection or crosswalk shall take such precautions as may be necessary to avoid injuring or endangering such pedestrian, and if injury or danger to such pedestrian can be avoided only by bringing his vehicle to a full stop, he shall bring his said vehicle to a full stop. The word "vehicle," when used in this section, does not include a train operated on railroad tracks. (2) Nothing contained in this section shall be construed to deprive any totally or partially blind or otherwise incapacitated person, not carrying such a cane or walking stick or not being guided by a dog, of the rights and privileges conferred by law upon pedestrians crossing streets or highways. The failure of such totally or partially blind or otherwise incapacitated person to carry a cane or walking stick or to be guided by a guide dog upon the streets, highways or sidewalks of this state, shall not be held to constitute or be evidence of contributory negligence. (3) It shall be unlawful for any person, unless totally or partially blind or otherwise incapacitated, while on any public street or highway, to carry in a raised or extended position a cane or walking stick which is metallic or white in color, or white tipped with red. (4) The violation of any provision of this section shall be punishable by a fine of not more than Twenty-five Dollars (\$25.00) or by imprisonment in the county jail for not more than ten (10) days. Codes, 1942, § 8203.5; Laws, 1950, ch. 330, §§ 1-4. Brought forward without change by Laws, 2018, ch. 341, HB 944, § 9, eff. 7/1/2018. (1) Whenever a pedestrian is crossing or attempting to cross a public street or highway, at or near an intersection or crosswalk, guided by a guide dog or carrying in a raised or extended position a cane or walking stick which is metallic or white in color, or white tipped with red, the driver of every vehicle approaching in said intersection or crosswalk shall take such precautions as may be necessary to avoid injuring or endangering such pedestrian, and if injury or danger to such pedestrian can be avoided only by bringing his vehicle to a full stop, he shall bring his said vehicle to a full stop. The word "vehicle," when used in this section, does not include a train operated on railroad tracks. (2) Nothing contained in this section shall be construed to deprive any totally or partially blind or otherwise incapacitated person, not carrying such a cane or walking stick or not being guided by a dog, of the rights and privileges conferred by law upon pedestrians crossing streets or highways. The failure of such totally or partially blind or otherwise incapacitated person to carry a cane or walking stick or to be guided by a guide dog upon the streets, highways or sidewalks of this state, shall not be held to constitute or be evidence of contributory negligence. (3) It shall be unlawful for any person, unless totally or partially blind or otherwise incapacitated, while on any public street or highway, to carry in a raised or extended position a cane or walking stick which is metallic or white in color, or white tipped with red. (4) The violation of any provision of this section shall be punishable by a fine of not more than Twenty-five Dollars (\$25.00) or by imprisonment in the county jail for not more than ten (10) days. Codes, 1942, § 8203.5; Laws, 1950, ch. 330, §§ 1-4. Brought forward without change by Laws, 2018, ch. 341, HB 944, § 9, eff. 7/1/2018. (1) Whenever a pedestrian is crossing or attempting to cross a public street or highway, at or near an intersection or crosswalk, guided by a guide dog or carrying in a raised or extended position a cane or walking stick which is metallic or white in color, or white tipped with red, the driver of every vehicle approaching in said intersection or crosswalk shall take such precautions as may be necessary to avoid injuring or endangering such pedestrian, and if injury or danger to such pedestrian can be avoided only by bringing his vehicle to a full stop, he shall bring his said vehicle to a full stop. The word "vehicle," when used in this section, does not include a train operated on railroad

tracks.(2)Nothing contained in this section shall be construed to deprive any totally or partially blind or otherwise incapacitated person, not carrying such a cane or walking stick or not being guided by a dog, of the rights and privileges conferred by law upon pedestrians crossing streets or highways. The failure of such totally or partially blind or otherwise incapacitated person to carry a cane or walking stick or to be guided by a guide dog upon the streets, highways or sidewalks of this state, shall not be held to constitute or be evidence of contributory negligence.(3)It shall be unlawful for any person, unless totally or partially blind or otherwise incapacitated, while on any public street or highway, to carry in a raised or extended position a cane or walking stick which is metallic or white in color, or white tipped with red.(4)The violation of any provision of this section shall be punishable by a fine of not more than Twenty-five Dollars (\$25.00) or by imprisonment in the county jail for not more than ten (10) days.Codes, 1942, § 8203.5; Laws, 1950, ch. 330, §§ 1-4.Brought forward without change by Laws, 2018, ch. 341, HB 944,§ 9, eff. 7/1/2018. Codes, 1942, § 8203.5; Laws, 1950, ch. 330, §§ 1-4. Brought forward without change by Laws, 2018, ch. 341, HB 944,§ 9, eff. 7/1/2018.

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Notwithstanding other provisions of this chapter or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human-powered vehicle and shall give an audible signal when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person.Laws, 1983, ch. 350, § 6, eff. 7/1/1983. Notwithstanding other provisions of this chapter or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human-powered vehicle and shall give an audible signal when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person.Laws, 1983, ch. 350, § 6, eff. 7/1/1983. Notwithstanding other provisions of this chapter or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human-powered vehicle and shall give an audible signal when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person.Laws, 1983, ch. 350, § 6, eff. 7/1/1983. Notwithstanding other provisions of this chapter or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human-powered vehicle and shall give an audible signal when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person. Laws, 1983, ch. 350, § 6, eff. 7/1/1983.

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No vehicle shall at any time be driven through or within a safety zone.Codes, 1942, § 8208; Laws, 1938, ch. 200. No vehicle shall at any time be driven through or within a safety zone.Codes, 1942, § 8208; Laws, 1938, ch. 200. No vehicle shall at any time be driven through or within a safety zone.Codes, 1942, § 8208; Laws, 1938, ch. 200. No vehicle shall at any time be driven through or within a safety zone. Codes, 1942, § 8208; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 25 - RECKLESS OR CARELESS DRIVING AND MISCELLANEOUS RULES (§§ 63-3-1201 — 63-3-1215)Section 63-3-1201 - Reckless driving

Any person who drives any vehicle in such a manner as to indicate either a wilful or a wanton disregard for the safety of persons or property is guilty of reckless driving. Reckless driving shall be considered a greater offense than careless driving.Every person convicted of reckless driving shall be punished upon a first conviction by a fine of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00), and on a second or subsequent conviction he may be punished by imprisonment for not more than ten (10) days or by a fine of not exceeding Five Hundred Dollars (\$500.00), or by both.Codes, 1942, § 8175; Laws, 1938, ch. 200; Laws, 1993, ch. 317, § 2, eff. 7/1/1993 (became law without Governor's signature on 3/16/1993). Any person who drives any vehicle in such a manner as to indicate either a wilful or a wanton disregard for the safety of persons or property is guilty of reckless driving. Reckless driving shall be considered a greater offense than careless driving.Every person convicted of reckless driving shall be punished upon a first conviction by a fine of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00), and on a second or subsequent conviction he may be punished by imprisonment for not more than ten (10) days or by a fine of not exceeding Five Hundred Dollars (\$500.00), or by both.Codes, 1942, § 8175; Laws, 1938, ch. 200; Laws, 1993, ch. 317, § 2, eff. 7/1/1993 (became law without Governor's signature on 3/16/1993). Any person who drives any vehicle in such a manner as to indicate either a wilful or a wanton disregard for the safety of persons or property is guilty of reckless driving. Reckless driving shall be considered a greater offense than careless driving.Every person convicted of reckless driving shall be punished upon a first conviction by a fine of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00), and on a second or subsequent conviction he may be punished by imprisonment for not more than ten (10) days or by a fine of not exceeding Five

Hundred Dollars (\$500.00), or by both. Codes, 1942, § 8175; Laws, 1938, ch. 200; Laws, 1993, ch. 317, § 2, eff. 7/1/1993 (became law without Governor's signature on 3/16/1993). Any person who drives any vehicle in such a manner as to indicate either a wilful or a wanton disregard for the safety of persons or property is guilty of reckless driving. Reckless driving shall be considered a greater offense than careless driving. Every person convicted of reckless driving shall be punished upon a first conviction by a fine of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00), and on a second or subsequent conviction he may be punished by imprisonment for not more than ten (10) days or by a fine of not exceeding Five Hundred Dollars (\$500.00), or by both. Codes, 1942, § 8175; Laws, 1938, ch. 200; Laws, 1993, ch. 317, § 2, eff. 7/1/1993 (became law without Governor's signature on 3/16/1993).

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(1)No person shall drive a vehicle when it is so loaded or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.(2)No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.Codes, 1942, § 8220; Laws, 1938, ch. 200. (1)No person shall drive a vehicle when it is so loaded or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.(2)No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.Codes, 1942, § 8220; Laws, 1938, ch. 200. (1)No person shall drive a vehicle when it is so loaded or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.(2)No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.Codes, 1942, § 8220; Laws, 1938, ch. 200. Codes, 1942, § 8220; Laws, 1938, ch. 200.

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The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible and, upon approaching any curve where the view is obstructed within a distance of 200 feet along the highway, shall give audible warning with the horn of such motor vehicle. Codes, 1942, § 8221; Laws, 1938, ch. 200. The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible and, upon approaching any curve where the view is obstructed within a distance of 200 feet along the highway, shall give audible warning with the horn of such motor vehicle. Codes, 1942, § 8221; Laws, 1938, ch. 200. The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible and, upon approaching any curve where the view is obstructed within a distance of 200 feet along the highway, shall give audible warning with the horn of such motor vehicle. Codes, 1942, § 8221; Laws, 1938, ch. 200. The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible and, upon approaching any curve where the view is obstructed within a distance of 200 feet along the highway, shall give audible warning with the horn of such motor vehicle. Codes, 1942, § 8221; Laws, 1938, ch. 200.

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The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.Codes, 1942, § 8222; Laws, 1938, ch. 200. The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.Codes, 1942, § 8222; Laws, 1938, ch. 200. The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.Codes, 1942, § 8222; Laws, 1938, ch. 200. The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.Codes, 1942, § 8222; Laws, 1938, ch. 200. The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral. The driver of a commercial motor vehicle when traveling upon

a down grade shall not coast with the clutch disengaged. Codes, 1942, § 8222; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 25 - RECKLESS OR CARELESS DRIVING AND MISCELLANEOUS RULES (§§ 63-3-1201 — 63-3-1215) Section 63-3-1209 - Crossing unprotected fire hose

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command. Codes, 1942, § 8224; Laws, 1938, ch. 200. No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command. Codes, 1942, § 8224; Laws, 1938, ch. 200. No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command. Codes, 1942, § 8224; Laws, 1938, ch. 200. No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command. Codes, 1942, § 8224; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 25 - RECKLESS OR CARELESS DRIVING AND MISCELLANEOUS RULES (§§ 63-3-1201 — 63-3-1215) Section 63-3-1211 - Throwing, etc., of glass or other injurious material on highway; removal of glass or other injurious material by person removing wrecked or damaged vehicle from highway

No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon such highway. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. Codes, 1942, § 8225; Laws, 1938, ch. 200. No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon such highway. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. Codes, 1942, § 8225; Laws, 1938, ch. 200. No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon such highway. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. Codes, 1942, § 8225; Laws, 1938, ch. 200. No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon such highway. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. Codes, 1942, § 8225; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 25 - RECKLESS OR CARELESS DRIVING AND MISCELLANEOUS RULES (§§ 63-3-1201 — 63-3-1215) Section 63-3-1213 - Careless driving

Any person who drives any vehicle in a careless or imprudent manner, without due regard for the width, grade, curves, corner, traffic and use of the streets and highways and all other attendant circumstances is guilty of careless driving. Careless driving shall be considered a lesser offense than reckless driving. Every person convicted of careless driving shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00). Laws, 1993, ch. 317, § 1, eff. 7/1/1993 (became law without Governor's signature on 3/16/1993). Any person who drives any vehicle in a careless or imprudent manner, without due regard for the width, grade, curves, corner, traffic and use of the streets and highways and all other attendant circumstances is guilty of careless driving. Careless driving shall be considered a lesser offense than reckless driving. Every person convicted of careless driving shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00). Laws, 1993, ch. 317, § 1, eff. 7/1/1993 (became law without Governor's signature on 3/16/1993). Any person who drives any vehicle in a careless or imprudent manner, without due regard for the width, grade, curves, corner, traffic and use of the streets and highways and all other attendant circumstances is guilty of careless driving. Careless driving shall be considered a lesser offense than reckless driving. Every person convicted of careless driving shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00). Laws, 1993, ch. 317, § 1, eff. 7/1/1993 (became law without Governor's signature on 3/16/1993). Any person who drives any vehicle in a careless or imprudent manner, without due regard for the width, grade, curves, corner, traffic and use of the streets and highways and all other attendant circumstances is guilty of careless driving. Careless driving shall be considered a lesser offense

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Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 25 - RECKLESS OR CARELESS DRIVING AND MISCELLANEOUS RULES (§§ 63-3-1201 — 63-3-1215) Section 63-3-1215 - Drag racing on public roads prohibited; penalties

(1) No person shall drive any vehicle upon the public roads in this state in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, speed competition, drag race, test or physical endurance, exhibition, or purpose of making a speed record. (2) For the purposes of this section "drag race" means the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out distance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit on the public roads of this state. (3) For the purposes of this section "racing" means the use of one or more vehicles in an attempt to out gain, out distance, or prevent another vehicle from passing, or to test the physical stamina or endurance of drivers over long distance driving routes on the public roads of this state. (4) Any person convicted of violating this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than six (6) months, or both. (5) The prohibitions contained in this section do not apply to events sanctioned by local governing authorities. Laws, 2006, ch. 408, § 1, eff. 7/1/2006. (1) No person shall drive any vehicle upon the public roads in this state in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, speed competition, drag race, test or physical endurance, exhibition, or purpose of making a speed record. (2) For the purposes of this section "drag race" means the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out distance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit on the public roads of this state. (3) For the purposes of this section "racing" means the use of one or more vehicles in an attempt to out gain, out distance, or prevent another vehicle from passing, or to test the physical stamina or endurance of drivers over long distance driving routes on the public roads of this state. (4) Any person convicted of violating this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than six (6) months, or both. (5) The prohibitions contained in this section do not apply to events sanctioned by local governing authorities. Laws, 2006, ch. 408, § 1, eff. 7/1/2006. (1) No person shall drive any vehicle upon the public roads in this state in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, speed competition, drag race, test or physical endurance, exhibition, or purpose of making a speed record. (2) For the purposes of this section "drag race" means the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out distance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit on the public roads of this state. (3) For the purposes of this section "racing" means the use of one or more vehicles in an attempt to out gain, out distance, or prevent another vehicle from passing, or to test the physical stamina or endurance of drivers over long distance driving routes on the public roads of this state. (4) Any person convicted of violating this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than six (6) months, or both. (5) The prohibitions contained in this section do not apply to events sanctioned by local governing authorities. Laws, 2006, ch. 408, § 1, eff. 7/1/2006. Laws, 2006, ch. 408, § 1, eff. 7/1/2006.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 27 - JOHN PAUL FRERER BICYCLE SAFETY ACT (§§ 63-3-1301 — 63-3-1315) Section 63-3-1301 - Short title

This article shall be known and may cited as the "John Paul Frerer Bicycle Safety Act." Laws, 2010, ch. 414, § 1, eff. 7/1/2010. This article shall be known and may cited as the "John Paul Frerer Bicycle Safety Act." Laws, 2010, ch. 414, § 1, eff. 7/1/2010. This article shall be known and may cited as the "John Paul Frerer Bicycle Safety Act." Laws, 2010, ch. 414, § 1, eff. 7/1/2010. This article shall be known and may cited as the "John Paul Frerer Bicycle Safety Act." Laws, 2010, ch. 414, § 1, eff. 7/1/2010.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 27 - JOHN PAUL FRERER BICYCLE SAFETY ACT (§§ 63-3-1301 — 63-3-1315) Section 63-3-1303 - Applicability

(1) This article applies to bicycles whenever they are operated upon any roadway or highway, or upon any path set aside for the exclusive use of bicycles. (2) A person riding a bicycle upon a roadway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle, except as may be otherwise provided in this article. Laws, 2010, ch. 414, § 2, eff. 7/1/2010.

(1)This article applies to bicycles whenever they are operated upon any roadway or highway, or upon any path set aside for the exclusive use of bicycles.(2)A person riding a bicycle upon a roadway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle, except as may be otherwise provided in this article.Laws, 2010, ch. 414, § 2, eff. 7/1/2010.

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Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 27 - JOHN PAUL FRERER BICYCLE SAFETY ACT (§§ 63-3-1301 — 63-3-1315)Section 63-3-1305 - "Bicycle lane" defined; motor vehicle operator to avoid blocking lane and to yield to bicyclist in lane

(1)For purposes of this section, "bicycle lane" means a portion of the roadway or a lane separated from the roadway that has been designated by striping, pavement markings and signage for the preferential or exclusive use of bicyclists.(2)Whenever a bicycle lane has been provided adjacent to a roadway, the operator of a motor vehicle may not block the bicycle lane to oncoming bicycle traffic and shall yield to a bicyclist in the bicycle lane before entering or crossing the lane.(3)This section does not apply to vehicles engaged in providing public services, including, but not limited to, fire engines, police vehicles, ambulances, public utility vehicles, waste management trucks and tow trucks.Laws of 2010, ch. 414, § 3, eff. 7/1/2010.

(1)For purposes of this section, "bicycle lane" means a portion of the roadway or a lane separated from the roadway that has been designated by striping, pavement markings and signage for the preferential or exclusive use of bicyclists.(2)Whenever a bicycle lane has been provided adjacent to a roadway, the operator of a motor vehicle may not block the bicycle lane to oncoming bicycle traffic and shall yield to a bicyclist in the bicycle lane before entering or crossing the lane.(3)This section does not apply to vehicles engaged in providing public services, including, but not limited to, fire engines, police vehicles, ambulances, public utility vehicles, waste management trucks and tow trucks.Laws of 2010, ch. 414, § 3, eff. 7/1/2010.

(1)For purposes of this section, "bicycle lane" means a portion of the roadway or a lane separated from the roadway that has been designated by striping, pavement markings and signage for the preferential or exclusive use of bicyclists.(2)Whenever a bicycle lane has been provided adjacent to a roadway, the operator of a motor vehicle may not block the bicycle lane to oncoming bicycle traffic and shall yield to a bicyclist in the bicycle lane before entering or crossing the lane.(3)This section does not apply to vehicles engaged in providing public services, including, but not limited to, fire engines, police vehicles, ambulances, public utility vehicles, waste management trucks and tow trucks.Laws of 2010, ch. 414, § 3, eff. 7/1/2010.

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Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 27 - JOHN PAUL FRERER BICYCLE SAFETY ACT (§§ 63-3-1301 — 63-3-1315)Section 63-3-1307 - Rights and duties of bicyclist operating bicycle upon roadway

(1)Every bicyclist operating a bicycle upon a roadway less than the normal speed of traffic shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following conditions:(a)When it is unsafe to do so;(b)When overtaking and passing another bicycle or vehicle proceeding in the same direction;(c)When preparing for or making a left turn at an intersection or into a private road or driveway;(d)When proceeding straight in a place where right turns are permitted; and(e)When necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards or a lane of substandard width that makes it unsafe to continue along the right portion of the way. For purposes of this paragraph, "lane of substandard width" means a lane that is too narrow for a bicycle and a vehicle to travel safely side by side in the lane.(2)When operating a bicycle upon a roadway, a bicyclist must exercise due care when passing or overtaking a vehicle that is standing or proceeding in the same direction.(3)Bicyclists riding bicycles upon a roadway shall not ride more than two (2) abreast, except on paths or parts of roadways set aside for exclusive use of bicycles.Laws, 2010, ch. 414, § 4, eff. 7/1/2010.

(1)Every bicyclist operating a bicycle upon a roadway less than the normal speed of traffic shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following conditions:(a)When it is unsafe to do so;(b)When overtaking and passing another bicycle or vehicle proceeding in the same direction;(c)When preparing for or making a left turn at an intersection or into a private road or driveway;(d)When proceeding straight in a place where right turns are permitted; and(e)When necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards or a lane of substandard width that makes it unsafe to continue along the right portion of the way. For purposes of this paragraph, "lane of substandard width" means a lane that is too narrow for a bicycle and a vehicle to travel safely side by side in the lane.(2)When operating a bicycle upon a roadway, a bicyclist must exercise due care when passing or overtaking a vehicle that is standing or proceeding in the same direction.(3)Bicyclists riding bicycles upon a roadway shall not ride more than two (2) abreast, except on paths or parts of roadways set aside for exclusive use of bicycles.Laws, 2010, ch. 414, § 4, eff. 7/1/2010.

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necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards or a lane of substandard width that makes it unsafe to continue along the right portion of the way. For purposes of this paragraph, "lane of substandard width" means a lane that is too narrow for a bicycle and a vehicle to travel safely side by side in the lane.(2)When operating a bicycle upon a roadway, a bicyclist must exercise due care when passing or overtaking a vehicle that is standing or proceeding in the same direction.(3)Bicyclists riding bicycles upon a roadway shall not ride more than two (2) abreast, except on paths or parts of roadways set aside for exclusive use of bicycles.Laws, 2010, ch. 414, § 4, eff. 7/1/2010. Laws, 2010, ch. 414, § 4, eff. 7/1/2010.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 27 - JOHN PAUL FRERER BICYCLE SAFETY ACT (§§ 63-3-1301 — 63-3-1315)Section 63-3-1309 - Rights and duties of operator of motor vehicle with respect to bicycles

(1)While passing a bicyclist on a roadway, a motorist shall leave a safe distance of not less than three (3) feet between his vehicle and the bicyclist and shall maintain such clearance until safely past the bicycle.(2)A motor vehicle operator may pass a bicycle traveling in the same direction in a nonpassing zone with the duty to execute the pass only when it is safe to do so.(3)The operator of a vehicle that passes a bicyclist proceeding in the same direction may not make a right turn at any intersection or into any highway or driveway unless the turn can be made with reasonable safety.Laws, 2010, ch. 414, § 5, eff. 7/1/2010. (1)While passing a bicyclist on a roadway, a motorist shall leave a safe distance of not less than three (3) feet between his vehicle and the bicyclist and shall maintain such clearance until safely past the bicycle.(2)A motor vehicle operator may pass a bicycle traveling in the same direction in a nonpassing zone with the duty to execute the pass only when it is safe to do so.(3)The operator of a vehicle that passes a bicyclist proceeding in the same direction may not make a right turn at any intersection or into any highway or driveway unless the turn can be made with reasonable safety.Laws, 2010, ch. 414, § 5, eff. 7/1/2010. (1)While passing a bicyclist on a roadway, a motorist shall leave a safe distance of not less than three (3) feet between his vehicle and the bicyclist and shall maintain such clearance until safely past the bicycle.(2)A motor vehicle operator may pass a bicycle traveling in the same direction in a nonpassing zone with the duty to execute the pass only when it is safe to do so.(3)The operator of a vehicle that passes a bicyclist proceeding in the same direction may not make a right turn at any intersection or into any highway or driveway unless the turn can be made with reasonable safety.Laws, 2010, ch. 414, § 5, eff. 7/1/2010. Laws, 2010, ch. 414, § 5, eff. 7/1/2010.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 27 - JOHN PAUL FRERER BICYCLE SAFETY ACT (§§ 63-3-1301 — 63-3-1315)Section 63-3-1311 - Signaling of turns by bicyclist

(1)A bicyclist shall indicate a right turn by extending the left arm upward, by raising the left arm to the square, or by extending the right arm horizontally to the right.(2)A bicyclist shall indicate a left turn by extending the left arm horizontally.(3)A bicyclist shall indicate stopping or decreasing speed by extending the left arm or the right arm downward.(4)A bicyclist is not required to give the signals continuously, if the hand or arm is needed to control the bicycle.Laws, 2010, ch. 414, § 6, eff. 7/1/2010. (1)A bicyclist shall indicate a right turn by extending the left arm upward, by raising the left arm to the square, or by extending the right arm horizontally to the right.(2)A bicyclist shall indicate a left turn by extending the left arm horizontally.(3)A bicyclist shall indicate stopping or decreasing speed by extending the left arm or the right arm downward.(4)A bicyclist is not required to give the signals continuously, if the hand or arm is needed to control the bicycle.Laws, 2010, ch. 414, § 6, eff. 7/1/2010. (1)A bicyclist shall indicate a right turn by extending the left arm upward, by raising the left arm to the square, or by extending the right arm horizontally to the right.(2)A bicyclist shall indicate a left turn by extending the left arm horizontally.(3)A bicyclist shall indicate stopping or decreasing speed by extending the left arm or the right arm downward.(4)A bicyclist is not required to give the signals continuously, if the hand or arm is needed to control the bicycle.Laws, 2010, ch. 414, § 6, eff. 7/1/2010. Laws, 2010, ch. 414, § 6, eff. 7/1/2010.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 27 - JOHN PAUL FRERER BICYCLE SAFETY ACT (§§ 63-3-1301 — 63-3-1315)Section 63-3-1313 - Prohibition against harassing, taunting or maliciously throwing object at or near bicyclist; penalties

It is unlawful to harass, taunt or maliciously throw an object at or in the direction of any person riding a bicycle.A person convicted of a violation of this section shall be fined One Hundred Dollars (\$100.00) for the first offense, Five Hundred Dollars (\$500.00) for the second offense, and a fine of Two Thousand Five Hundred Dollars (\$2,500.00) and imprisonment in the county jail for seven (7) days for the third and subsequent offenses.Laws, 2010, ch. 414, § 7, eff. 7/1/2010. It is unlawful to harass, taunt or maliciously throw an object at or in the direction of any person riding a bicycle.A person convicted of a violation of this section shall be fined One Hundred Dollars (\$100.00) for the first offense, Five Hundred Dollars (\$500.00) for the second offense, and a fine of Two Thousand Five Hundred Dollars (\$2,500.00) and imprisonment in the county jail for seven (7) days for the third and subsequent offenses.Laws, 2010, ch. 414, § 7, eff. 7/1/2010. It is unlawful to harass, taunt or maliciously throw an object at or in the direction of any person riding a bicycle.A person convicted of a violation of this section shall be fined One Hundred Dollars (\$100.00) for the first offense, Five Hundred Dollars (\$500.00) for the second offense, and a fine of Two Thousand Five Hundred Dollars (\$2,500.00) and imprisonment in the county jail for seven (7) days for the third and subsequent offenses.Laws, 2010, ch. 414, § 7, eff. 7/1/2010.

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Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 27 - JOHN PAUL FRERER BICYCLE SAFETY ACT (§§ 63-3-1301 — 63-3-1315) Section 63-3-1315 - Electric bicycles

(1) Except as specifically provided otherwise, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the rider of a bicycle. An electric bicycle is a vehicle to the same extent as a bicycle. (2) An electric bicycle or a person operating an electric bicycle is not subject to the provisions of this code relating to financial responsibility, driver's licenses, registration, certificates of title, off-road vehicles, dirt bikes, all-terrain vehicles and license plates. An electric bicycle is not a motor vehicle. (3) On and after January 1, 2022, manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle. The label shall contain the classification number, top assisted speed, and motor wattage of the electric bicycle, and shall be printed in Arial font in at least 9-point type. (4) A person shall not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle, unless the label indicating the classification required in subsection (3) of this section is replaced after modification. (5) An electric bicycle shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission (16 C.F.R. part 1512). (6) An electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied. (7) An electric bicycle may be ridden in places where bicycles are permitted, including but not limited to, streets, highways, roadways, bicycle lanes, and bicycle or multi-use paths. Following notice and a public hearing, a municipality, local authority or state agency having jurisdiction over a bicycle or multi-use path may prohibit the operation of a class 1 electric bicycle or class 2 electric bicycle on that path, if it finds that such a restriction is needed for safety reasons or compliance with other laws or legal obligations. A municipality, local authority or state agency having jurisdiction over a bicycle or multi-use path may prohibit the operation of a class 3 electric bicycle on that path. This subsection (7) shall not apply to a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A municipality, local authority or state agency having jurisdiction over a trail described in this subsection may regulate the use of an electric bicycle on that trail. (8) No person under the age of sixteen (16) may operate a class 3 electric bicycle. A person under the age of sixteen (16) may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers. (9) All class 3 electric bicycles must be equipped with a speedometer that displays the speed the bicycle is traveling in miles per hour. Added by Laws, 2021, ch. 355, HB 1195, § 1, eff. 7/1/2021. (1) Except as specifically provided otherwise, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the rider of a bicycle. An electric bicycle is a vehicle to the same extent as a bicycle. (2) An electric bicycle or a person operating an electric bicycle is not subject to the provisions of this code relating to financial responsibility, driver's licenses, registration, certificates of title, off-road vehicles, dirt bikes, all-terrain vehicles and license plates. An electric bicycle is not a motor vehicle. (3) On and after January 1, 2022, manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle. The label shall contain the classification number, top assisted speed, and motor wattage of the electric bicycle, and shall be printed in Arial font in at least 9-point type. (4) A person shall not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle, unless the label indicating the classification required in subsection (3) of this section is replaced after modification. (5) An electric bicycle shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission (16 C.F.R. part 1512). (6) An electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied. (7) An electric bicycle may be ridden in places where bicycles are permitted, including but not limited to, streets, highways, roadways, bicycle lanes, and bicycle or multi-use paths. Following notice and a public hearing, a municipality, local authority or state agency having jurisdiction over a bicycle or multi-use path may prohibit the operation of a class 1 electric bicycle or class 2 electric bicycle on that path, if it finds that such a restriction is needed for safety reasons or compliance with other laws or legal obligations. A municipality, local authority or state agency having jurisdiction over a bicycle or multi-use path may prohibit the operation of a class 3 electric bicycle on that path. This subsection (7) shall not apply to a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A municipality, local authority or state agency having jurisdiction over a trail described in this subsection may regulate the use of an electric bicycle on that trail. (8) No person under the age of sixteen (16) may operate a class 3 electric bicycle. A person under the age of sixteen (16) may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers. (9) All class 3 electric bicycles must be equipped with a speedometer that displays the speed the bicycle is traveling in miles per hour. Added by Laws, 2021, ch. 355, HB 1195, § 1, eff. 7/1/2021. (1) Except as specifically provided otherwise, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the rider of a bicycle. An electric bicycle is a vehicle to the same extent as a bicycle. (2) An electric bicycle or a person operating an electric bicycle is not subject to the provisions of this code relating to financial responsibility, driver's licenses, registration, certificates of title, off-road vehicles, dirt bikes, all-terrain vehicles and license

plates. An electric bicycle is not a motor vehicle.(3)On and after January 1, 2022, manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle. The label shall contain the classification number, top assisted speed, and motor wattage of the electric bicycle, and shall be printed in Arial font in at least 9-point type.(4)A person shall not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle, unless the label indicating the classification required in subsection (3) of this section is replaced after modification.(5)An electric bicycle shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission (16 C.F.R. part 1512).(6)An electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.(7)An electric bicycle may be ridden in places where bicycles are permitted, including but not limited to, streets, highways, roadways, bicycle lanes, and bicycle or multi-use paths. Following notice and a public hearing, a municipality, local authority or state agency having jurisdiction over a bicycle or multi-use path may prohibit the operation of a class 1 electric bicycle or class 2 electric bicycle on that path, if it finds that such a restriction is needed for safety reasons or compliance with other laws or legal obligations. A municipality, local authority or state agency having jurisdiction over a bicycle or multi-use path may prohibit the operation of a class 3 electric bicycle on that path. This subsection (7) shall not apply to a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A municipality, local authority or state agency having jurisdiction over a trail described in this subsection may regulate the use of an electric bicycle on that trail.(8)No person under the age of sixteen (16) may operate a class 3 electric bicycle. A person under the age of sixteen (16) may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.(9)All class 3 electric bicycles must be equipped with a speedometer that displays the speed the bicycle is traveling in miles per hour. Added by Laws, 2021, ch. 355, HB 1195, § 1, eff. 7/1/2021. A municipality, local authority or state agency having jurisdiction over a bicycle or multi-use path may prohibit the operation of a class 3 electric bicycle on that path. This subsection (7) shall not apply to a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A municipality, local authority or state agency having jurisdiction over a trail described in this subsection may regulate the use of an electric bicycle on that trail. Added by Laws, 2021, ch. 355, HB 1195, § 1, eff. 7/1/2021.

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(1)A personal delivery device must:(a)Yield to all other traffic, including pedestrians;(b)Refrain from transporting hazardous materials regulated under the Hazardous Materials Transportation Act, 49 USC Section 5103, that are required to be placarded under 49 CFR Part 172, Subpart F; and(c)Be equipped with:(i)A marker clearly stating the name and contact information of the owner and a unique identification number;(ii)A braking system enabling the device to come to a controlled stop; and(iii)If operated between sunset and sunrise, lighting on both the front and rear which is visible in clear weather from at least five hundred (500) feet.(2)A personal delivery device may be operated in a pedestrian area at speeds of no more than ten (10) miles per hour. For purposes of this section, a pedestrian area is a sidewalk, crosswalk, school crossing zone or safety zone.(3)Personal delivery devices and personal delivery device operators are not subject to requirements or laws applicable to motor vehicles.(4)Personal delivery devices may be prohibited by local resolutions or ordinances if the local government determines that the prohibition is necessary, in the interest of public safety. This section does not affect the authority of a local government's law enforcement officers to enforce the laws of this state relating to the operation of a personal delivery device.(5)A business entity that operates a personal delivery device under this section shall maintain an insurance policy that includes general liability coverage of not less than One Hundred Thousand Dollars (\$100,000.00) for damages arising from the operation of the personal delivery device. Added by Laws, 2022, ch. 439, SB 2508, § 1, eff. 7/1/2022. (1)A personal delivery device must:(a)Yield to all other traffic, including pedestrians;(b)Refrain from transporting hazardous materials regulated under the Hazardous Materials Transportation Act, 49 USC Section 5103, that are required to be placarded under 49 CFR Part 172, Subpart F; and(c)Be equipped with:(i)A marker clearly stating the name and contact information of the owner and a unique identification number;(ii)A braking system enabling the device to come to a controlled stop; and(iii)If operated between sunset and sunrise, lighting on both the front and rear which is visible in clear weather from at least five hundred (500) feet.(2)A personal delivery device may be operated in a pedestrian area at speeds of no more than ten (10) miles per hour. For purposes of this section, a pedestrian area is a sidewalk, crosswalk, school crossing zone or safety zone.(3)Personal delivery devices and personal delivery device operators are not subject to requirements or laws applicable to motor vehicles.(4)Personal delivery devices may be prohibited by local resolutions or ordinances if the local government determines that the prohibition is necessary, in the interest of public safety. This section does not affect the authority of a local government's law enforcement officers to enforce the laws of this state relating to the operation of a personal delivery device.(5)A business entity that operates a personal delivery device under this section shall maintain an insurance policy that includes general liability coverage of not less than One Hundred Thousand Dollars (\$100,000.00) for damages arising from the operation of the personal delivery device. Added by Laws, 2022, ch. 439, SB 2508, § 1, eff. 7/1/2022. (1)A personal delivery device must:(a)Yield to all other traffic, including pedestrians;(b)Refrain from transporting hazardous materials regulated under the Hazardous Materials Transportation Act, 49 USC Section 5103, that are required to be placarded under 49 CFR Part 172, Subpart F; and(c)Be equipped with:(i)A marker clearly stating the name and contact information of the owner and a unique identification number;(ii)A braking system enabling the device to come to a

controlled stop; and(iii)If operated between sunset and sunrise, lighting on both the front and rear which is visible in clear weather from at least five hundred (500) feet.(2)A personal delivery device may be operated in a pedestrian area at speeds of no more than ten (10) miles per hour. For purposes of this section, a pedestrian area is a sidewalk, crosswalk, school crossing zone or safety zone.(3)Personal delivery devices and personal delivery device operators are not subject to requirements or laws applicable to motor vehicles.(4)Personal delivery devices may be prohibited by local resolutions or ordinances if the local government determines that the prohibition is necessary, in the interest of public safety. This section does not affect the authority of a local government's law enforcement officers to enforce the laws of this state relating to the operation of a personal delivery device.(5)A business entity that operates a personal delivery device under this section shall maintain an insurance policy that includes general liability coverage of not less than One Hundred Thousand Dollars (\$100,000.00) for damages arising from the operation of the personal delivery device.Added by Laws, 2022, ch. 439, SB 2508,§ 1, eff. 7/1/2022. Added by Laws, 2022, ch. 439, SB 2508,§ 1, eff. 7/1/2022.

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The following words and phrases when used in this chapter shall, for purposes of this chapter, have the meanings respectively ascribed to them in this article.Codes, 1942, § 8126; Laws, 1938, ch. 200. The following words and phrases when used in this chapter shall, for purposes of this chapter, have the meanings respectively ascribed to them in this article.Codes, 1942, § 8126; Laws, 1938, ch. 200. The following words and phrases when used in this chapter shall, for purposes of this chapter, have the meanings respectively ascribed to them in this article.Codes, 1942, § 8126; Laws, 1938, ch. 200. The following words and phrases when used in this chapter shall, for purposes of this chapter, have the meanings respectively ascribed to them in this article. Codes, 1942, § 8126; Laws, 1938, ch. 200.

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(a)"Commissioner" means the commissioner of public safety.(b)"Department" means the department of public safety.Codes, 1942, § 8133; Laws, 1938, ch. 200. (a)"Commissioner" means the commissioner of public safety.(b)"Department" means the department of public safety.Codes, 1942, § 8133; Laws, 1938, ch. 200. (a)"Commissioner" means the commissioner of public safety.(b)"Department" means the department of public safety.Codes, 1942, § 8133; Laws, 1938, ch. 200. Codes, 1942, § 8133; Laws, 1938, ch. 200.

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"Local authority" means every county, municipal, and other local board or body having authority to adopt local police regulations under the constitution and laws of this state.Codes, 1942, § 8136; Laws, 1938, ch. 200. "Local authority" means every county, municipal, and other local board or body having authority to adopt local police regulations under the constitution and laws of this state.Codes, 1942, § 8136; Laws, 1938, ch. 200. "Local authority" means every county, municipal, and other local board or body having authority to adopt local police regulations under the constitution and laws of this state.Codes, 1942, § 8136; Laws, 1938, ch. 200. "Local authority" means every county, municipal, and other local board or body having authority to adopt local police regulations under the constitution and laws of this state. Codes, 1942, § 8136; Laws, 1938, ch. 200.

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"Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.Codes, 1942, § 8135; Laws, 1938, ch. 200. "Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.Codes, 1942, § 8135; Laws, 1938, ch. 200. "Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.Codes, 1942, § 8135; Laws, 1938, ch. 200. "Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. Codes, 1942, § 8135; Laws, 1938, ch. 200.

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PERSONS DEFINED (§§ 63-3-115 — 63-3-121)Section 63-3-121 - Individuals

(a)"Person" means every natural person, firm, copartnership, association, corporation, limited liability company or other legal business entity.(b)"Driver" means every person who drives or is in actual physical control of a vehicle.(c)"Owner" means a person who holds the legal title of a vehicle; in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.(d)"Pedestrian" means any person afoot or a person who uses an electric personal assistive mobility device or a manual or motorized wheelchair.(e)"Instructor" means any person who gives instruction in a course related to this Title 63, whether given in person, recorded, transmitted by electronic means, or any combination thereof.Codes, 1942, § 8134; Laws, 1938, ch. 200; Laws, 2003, ch. 485, § 10; Laws, 2012, ch. 544, § 3, eff. 5/26/2012. (a)"Person" means every natural person, firm, copartnership, association, corporation, limited liability company or other legal business entity.(b)"Driver" means every person who drives or is in actual physical control of a vehicle.(c)"Owner" means a person who holds the legal title of a vehicle; in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.(d)"Pedestrian" means any person afoot or a person who uses an electric personal assistive mobility device or a manual or motorized wheelchair.(e)"Instructor" means any person who gives instruction in a course related to this Title 63, whether given in person, recorded, transmitted by electronic means, or any combination thereof.Codes, 1942, § 8134; Laws, 1938, ch. 200; Laws, 2003, ch. 485, § 10; Laws, 2012, ch. 544, § 3, eff. 5/26/2012. (a)"Person" means every natural person, firm, copartnership, association, corporation, limited liability company or other legal business entity.(b)"Driver" means every person who drives or is in actual physical control of a vehicle.(c)"Owner" means a person who holds the legal title of a vehicle; in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.(d)"Pedestrian" means any person afoot or a person who uses an electric personal assistive mobility device or a manual or motorized wheelchair.(e)"Instructor" means any person who gives instruction in a course related to this Title 63, whether given in person, recorded, transmitted by electronic means, or any combination thereof.Codes, 1942, § 8134; Laws, 1938, ch. 200; Laws, 2003, ch. 485, § 10; Laws, 2012, ch. 544, § 3, eff. 5/26/2012. Codes, 1942, § 8134; Laws, 1938, ch. 200; Laws, 2003, ch. 485, § 10; Laws, 2012, ch. 544, § 3, eff. 5/26/2012.

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"Traffic" means pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any highway for purposes of travel.Codes, 1942, § 8143; Laws, 1938, ch. 200. "Traffic" means pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any highway for purposes of travel.Codes, 1942, § 8143; Laws, 1938, ch. 200. "Traffic" means pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any highway for purposes of travel.Codes, 1942, § 8143; Laws, 1938, ch. 200. "Traffic" means pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any highway for purposes of travel. Codes, 1942, § 8143; Laws, 1938, ch. 200.

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(a)"Street or highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.(b)"Laned highway" means a highway the roadway of which is divided into three or more clearly marked lanes for vehicular traffic.(c)"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.(d)"Sidewalk" means that portion of a street between curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.(e)"Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.(f)"Through highway" means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.Codes, 1942, § 8137; Laws, 1938, ch. 200. (a)"Street or highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.(b)"Laned highway" means a highway the roadway of which is divided into three or

more clearly marked lanes for vehicular traffic.(c)"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.(d)"Sidewalk" means that portion of a street between curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.(e)"Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.(f)"Through highway" means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.Codes, 1942, § 8137; Laws, 1938, ch. 200. (a)"Street or highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.(b)"Laned highway" means a highway the roadway of which is divided into three or more clearly marked lanes for vehicular traffic.(c)"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.(d)"Sidewalk" means that portion of a street between curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.(e)"Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.(f)"Through highway" means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.Codes, 1942, § 8137; Laws, 1938, ch. 200. Codes, 1942, § 8137; Laws, 1938, ch. 200.

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"Crosswalk" means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections, or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.Codes, 1942, § 8139; Laws, 1938, ch. 200. "Crosswalk" means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections, or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.Codes, 1942, § 8139; Laws, 1938, ch. 200. "Crosswalk" means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections, or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.Codes, 1942, § 8139; Laws, 1938, ch. 200. "Crosswalk" means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections, or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface. Codes, 1942, § 8139; Laws, 1938, ch. 200.

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"Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.Codes, 1942, § 8138; Laws, 1938, ch. 200. "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.Codes, 1942, § 8138; Laws, 1938, ch. 200. "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.Codes, 1942, § 8138; Laws, 1938, ch. 200. "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Codes, 1942, § 8138; Laws, 1938, ch. 200.

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"Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.Codes, 1942, § 8140; Laws, 1938, ch. 200. "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.Codes, 1942, § 8140; Laws, 1938, ch. 200. "Safety zone" means the area or space officially set apart within a

roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. Codes, 1942, § 8140; Laws, 1938, ch. 200. "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. Codes, 1942, § 8140; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 3 - DEFINITIONS (§§ 63-3-101 — 63-3-139) HIGHWAYS, DISTRICTS, SIGNALS, AND THE LIKE DEFINED (§§ 63-3-123 — 63-3-139) Section 63-3-133 - Traffic signals or devices

(a) "Official traffic-control devices" means all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic. (b) "Official traffic-control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed. (c) "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. Codes, 1942, § 8142; Laws, 1938, ch. 200. (a) "Official traffic-control devices" means all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic. (b) "Official traffic-control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed. (c) "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. Codes, 1942, § 8142; Laws, 1938, ch. 200. (a) "Official traffic-control devices" means all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic. (b) "Official traffic-control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed. (c) "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. Codes, 1942, § 8142; Laws, 1938, ch. 200. Codes, 1942, § 8142; Laws, 1938, ch. 200.

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"Right-of-way" means the privilege of the immediate use of the highway. Codes, 1942, § 8144; Laws, 1938, ch. 200; Laws, 1956, ch. 327. "Right-of-way" means the privilege of the immediate use of the highway. Codes, 1942, § 8144; Laws, 1938, ch. 200; Laws, 1956, ch. 327. "Right-of-way" means the privilege of the immediate use of the highway. Codes, 1942, § 8144; Laws, 1938, ch. 200; Laws, 1956, ch. 327. "Right-of-way" means the privilege of the immediate use of the highway. Codes, 1942, § 8144; Laws, 1938, ch. 200; Laws, 1956, ch. 327.

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(a) "Stop," when required, means the complete cessation from movement. (b) "Stop, stopping or standing," when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or of a traffic control sign or signal. (c) "Park," when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading. Codes, 1942, § 8144; Laws, 1938, ch. 200; Laws, 1956, ch. 327. (a) "Stop," when required, means the complete cessation from movement. (b) "Stop, stopping or standing," when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or of a traffic control sign or signal. (c) "Park," when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading. Codes, 1942, § 8144; Laws, 1938, ch. 200; Laws, 1956, ch. 327. (a) "Stop," when required, means the complete cessation from movement. (b) "Stop, stopping or standing," when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or of a traffic control sign or signal. (c) "Park," when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading. Codes, 1942, § 8144; Laws, 1938, ch. 200; Laws, 1956, ch. 327. Codes, 1942, § 8144; Laws, 1938, ch. 200; Laws, 1956, ch. 327.

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DEFINITIONS (§§ 63-3-101 — 63-3-139)HIGHWAYS, DISTRICTS, SIGNALS, AND THE LIKE DEFINED (§§ 63-3-123 — 63-3-139)Section 63-3-139 - Districts

(a)"Business district" means the territory contiguous to and including a highway when fifty percent (50%) or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.(b)"Residence district" means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.Codes, 1942, § 8141; Laws, 1938, ch. 200. (a)"Business district" means the territory contiguous to and including a highway when fifty percent (50%) or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.(b)"Residence district" means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.Codes, 1942, § 8141; Laws, 1938, ch. 200. (a)"Business district" means the territory contiguous to and including a highway when fifty percent (50%) or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.(b)"Residence district" means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.Codes, 1942, § 8141; Laws, 1938, ch. 200. Codes, 1942, § 8141; Laws, 1938, ch. 200.

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(a)"Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.(b)"Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. The term "motor vehicle" shall not include electric personal assistive mobility devices, personal delivery devices or electric bicycles.(c)"Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground but excluding a tractor. The term "motorcycle" includes motor scooters as defined in subsection (j) of this section. The term "motorcycle" shall not include electric bicycles or personal delivery devices.(d)"Authorized emergency vehicle" means every vehicle of the fire department (fire patrol), every police vehicle, every 911 Emergency Communications District vehicle, every such ambulance and special use EMS vehicle as defined in Section41-59-3, every Mississippi Emergency Management Agency vehicle as is designated or authorized by the Executive Director of MEMA and every emergency vehicle of municipal departments or public service corporations as is designated or authorized by the commission or the chief of police of an incorporated city.(e)"School bus" means every motor vehicle operated for the transportation of children to or from any school, provided same is plainly marked "School Bus" on the front and rear thereof and meets the requirements of the State Board of Education as authorized under Section37-41-1.(f)"Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle and includes travel trailers, fifth-wheel trailers, camping trailers, truck campers and motor homes.(g)"Motor home" means a motor vehicle that is designed and constructed primarily to provide temporary living quarters for recreational, camping or travel use.(h)"Electric assistive mobility device" means a self-balancing two-tandem wheeled device, designed to transport only one (1) person, with an electric propulsion system that limits the maximum speed of the device to fifteen (15) miles per hour.(i)"Autocycle" means a three-wheel motorcycle with a steering wheel, nonstraddle seating, rollover protection and seat belts.(j)"Motor scooter" means a two-wheeled vehicle that has a seat for the operator, one (1) wheel that is ten (10) inches or more in diameter, a step-through chassis, a motor with a rating of two and seven-tenths (2.7) brake horsepower or less if the motor is an internal combustion engine, an engine of 50cc or less and otherwise meets all safety requirements of motorcycles. The term "motor scooter" shall not include electric bicycles or personal delivery devices.(k)"Platoon" means a group of individual motor vehicles traveling in a unified manner at electronically coordinated speeds at following distances that are closer than would be reasonable and prudent without such coordination.(l)"Electric bicycle" means a bicycle or tricycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than seven hundred fifty (750) watts that meets the requirements of one (1) of the following three (3) classes:(i)"Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty (20) miles per hour.(ii)"Class 2 electric bicycle" means an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of twenty (20) miles per hour.(iii)"Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight (28) miles per hour.(m)"Personal delivery device" means a device:(i)Solely powered by an electric motor;(ii)Intended to be operated primarily on sidewalks, crosswalks, and other pedestrian areas to transport cargo;(iii)Intended primarily to transport property on public rights-of-way, and not intended to carry passengers; and(iv)Capable of navigating with or without the active control or monitoring of a natural person.(n)"Personal delivery device operator" means a person or entity that exercises physical control or monitoring over the operation of a personal delivery device, excluding a person or entity that requests or receives the services of a personal delivery

device, arranges for or dispatches the requested services of a personal delivery device, or stores, charges or maintains a personal delivery device.(o)"Fully autonomous vehicle" means a motor vehicle equipped with an automated driving system designed to function without a human driver as a Level 4 or Level 5 automation system under the Society of Automotive Engineers (SAE) Standard J3016.Codes, 1942, § 8127; Laws, 1938, ch. 200; Laws, 1973, ch. 338, § 1; Laws, 1976, ch. 348; Laws, 1980, ch. 316, § 2; Laws, 1983, ch. 350, § 1; Laws, 1986, ch. 459, § 35; Laws, 2000, ch. 318, § 1; Laws, 2003, ch. 485, § 9; Laws, 2004, ch. 425, § 3; Laws, 2012, ch. 452, § 1, eff. 4/18/2012.Amended by Laws, 2023, ch. 443, HB 1003,§ 16, eff. 7/1/2023.Amended by Laws, 2022, ch. 439, SB 2508,§ 6, eff. 7/1/2022.Amended by Laws, 2021, ch. 355, HB 1195,§ 6, eff. 7/1/2021.Amended by Laws, 2018, ch. 445, HB 1343,§ 1, eff. 1/1/2019.Amended by Laws, 2018, ch. 304, SB 2629,§ 1, eff. 7/1/2018.Amended by Laws, 2015, ch. 464, HB 1251, 3, eff. 7/1/2015.Amended by Laws, 2015, ch. 406, HB 111, 1, eff. 7/1/2015. (a)"Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.(b)"Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. The term "motor vehicle" shall not include electric personal assistive mobility devices, personal delivery devices or electric bicycles.(c)"Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground but excluding a tractor. The term "motorcycle" includes motor scooters as defined in subsection (j) of this section. The term "motorcycle" shall not include electric bicycles or personal delivery devices.(d)"Authorized emergency vehicle" means every vehicle of the fire department (fire patrol), every police vehicle, every 911 Emergency Communications District vehicle, every such ambulance and special use EMS vehicle as defined in Section41-59-3, every Mississippi Emergency Management Agency vehicle as is designated or authorized by the Executive Director of MEMA and every emergency vehicle of municipal departments or public service corporations as is designated or authorized by the commission or the chief of police of an incorporated city.(e)"School bus" means every motor vehicle operated for the transportation of children to or from any school, provided same is plainly marked "School Bus" on the front and rear thereof and meets the requirements of the State Board of Education as authorized under Section37-41-1.(f)"Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle and includes travel trailers, fifth-wheel trailers, camping trailers, truck campers and motor homes.(g)"Motor home" means a motor vehicle that is designed and constructed primarily to provide temporary living quarters for recreational, camping or travel use.(h)"Electric assistive mobility device" means a self-balancing two-tandem wheeled device, designed to transport only one (1) person, with an electric propulsion system that limits the maximum speed of the device to fifteen (15) miles per hour.(i)"Autocycle" means a three-wheel motorcycle with a steering wheel, nonstraddle seating, rollover protection and seat belts.(j)"Motor scooter" means a two-wheeled vehicle that has a seat for the operator, one (1) wheel that is ten (10) inches or more in diameter, a step-through chassis, a motor with a rating of two and seven-tenths (2.7) brake horsepower or less if the motor is an internal combustion engine, an engine of 50cc or less and otherwise meets all safety requirements of motorcycles. The term "motor scooter" shall not include electric bicycles or personal delivery devices.(k)"Platoon" means a group of individual motor vehicles traveling in a unified manner at electronically coordinated speeds at following distances that are closer than would be reasonable and prudent without such coordination.(l)"Electric bicycle" means a bicycle or tricycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than seven hundred fifty (750) watts that meets the requirements of one (1) of the following three (3) classes:(i)"Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty (20) miles per hour.(ii)"Class 2 electric bicycle" means an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of twenty (20) miles per hour.(iii)"Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight (28) miles per hour.(m)"Personal delivery device" means a device:(i)Solely powered by an electric motor;(ii)Intended to be operated primarily on sidewalks, crosswalks, and other pedestrian areas to transport cargo;(iii)Intended primarily to transport property on public rights-of-way, and not intended to carry passengers; and(iv)Capable of navigating with or without the active control or monitoring of a natural person.(n)"Personal delivery device operator" means a person or entity that exercises physical control or monitoring over the operation of a personal delivery device, excluding a person or entity that requests or receives the services of a personal delivery device, arranges for or dispatches the requested services of a personal delivery device, or stores, charges or maintains a personal delivery device.(o)"Fully autonomous vehicle" means a motor vehicle equipped with an automated driving system designed to function without a human driver as a Level 4 or Level 5 automation system under the Society of Automotive Engineers (SAE) Standard J3016.Codes, 1942, § 8127; Laws, 1938, ch. 200; Laws, 1973, ch. 338, § 1; Laws, 1976, ch. 348; Laws, 1980, ch. 316, § 2; Laws, 1983, ch. 350, § 1; Laws, 1986, ch. 459, § 35; Laws, 2000, ch. 318, § 1; Laws, 2003, ch. 485, § 9; Laws, 2004, ch. 425, § 3; Laws, 2012, ch. 452, § 1, eff. 4/18/2012.Amended by Laws, 2023, ch. 443, HB 1003,§ 16, eff. 7/1/2023.Amended by Laws, 2022, ch. 439, SB 2508,§ 6, eff. 7/1/2022.Amended by Laws, 2021, ch. 355, HB 1195,§ 6, eff. 7/1/2021.Amended by Laws, 2018, ch. 445, HB 1343,§ 1, eff. 1/1/2019.Amended by Laws, 2018, ch. 304, SB 2629,§ 1, eff. 7/1/2018.Amended by Laws, 2015, ch. 464, HB 1251, 3, eff. 7/1/2015.Amended by Laws, 2015, ch. 406, HB 111, 1, eff. 7/1/2015. 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(a)"Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.(b)"Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.(c)"Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.Codes, 1942, § 8128; Laws, 1938, ch. 200.

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(a)"Trailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.(b)"Semitrailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.Codes, 1942, § 8129; Laws, 1938, ch. 200. (a)"Trailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.(b)"Semitrailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.Codes, 1942, § 8129; Laws, 1938, ch. 200. (a)"Trailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.(b)"Semitrailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.Codes, 1942, § 8129; Laws, 1938, ch. 200. Codes, 1942, § 8129; Laws, 1938, ch. 200.

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(a)"Railroad" means a carrier of persons or property upon cars, other than street cars, operated upon stationary rails.(b)"Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except street cars.(c)"Street car" means a car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.Codes, 1942, § 8131; Laws, 1938, ch. 200. (a)"Railroad" means a carrier of persons or property upon cars, other than street cars, operated upon stationary rails.(b)"Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except street cars.(c)"Street car" means a car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.Codes, 1942, § 8131; Laws, 1938, ch. 200. (a)"Railroad" means a carrier of persons or property upon cars, other than street cars, operated upon stationary rails.(b)"Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except street cars.(c)"Street car" means a car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.Codes, 1942, § 8131; Laws, 1938, ch. 200. Codes, 1942, § 8131; Laws, 1938, ch. 200.

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(a)"Metal tire" means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.(b)"Pneumatic tire" means every tire in which compressed air is designed to support the load.(c)"Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.Codes, 1942, § 8130; Laws, 1938, ch. 200. (a)"Metal tire" means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.(b)"Pneumatic tire" means every tire in which compressed air is designed to support the load.(c)"Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.Codes, 1942, § 8130; Laws, 1938, ch. 200. (a)"Metal tire" means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.(b)"Pneumatic tire" means every tire in which compressed air is designed to support the load.(c)"Solid tire" means every tire of rubber or other resilient material which does not

depend upon compressed air for the support of the load.Codes, 1942, § 8130; Laws, 1938, ch. 200. Codes, 1942, § 8130; Laws, 1938, ch. 200.

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(a)"Explosive" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.(b)"Flammable liquid" means any liquid which has a flash point of 70 degrees F., or less, as determined by a tagliabue or equivalent closed cup test device.Codes, 1942, § 8132; Laws, 1938, ch. 200.

(a)"Explosive" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.(b)"Flammable liquid" means any liquid which has a flash point of 70 degrees F., or less, as determined by a tagliabue or equivalent closed cup test device.Codes, 1942, § 8132; Laws, 1938, ch. 200.

(a)"Explosive" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.(b)"Flammable liquid" means any liquid which has a flash point of 70 degrees F., or less, as determined by a tagliabue or equivalent closed cup test device.Codes, 1942, § 8132; Laws, 1938, ch. 200. Codes, 1942, § 8132; Laws, 1938, ch. 200.

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It is unlawful and, unless otherwise declared in this title with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden by this chapter or to fail to perform any act required in this chapter.Codes, 1942, § 8146; Laws, 1938, ch. 200. It is unlawful and, unless otherwise declared in this title with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden by this chapter or to fail to perform any act required in this chapter.Codes, 1942, § 8146; Laws, 1938, ch. 200. It is unlawful and, unless otherwise declared in this title with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden by this chapter or to fail to perform any act required in this chapter.Codes, 1942, § 8146; Laws, 1938, ch. 200. It is unlawful and, unless otherwise declared in this title with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden by this chapter or to fail to perform any act required in this chapter.Codes, 1942, § 8146; Laws, 1938, ch. 200. It is unlawful and, unless otherwise declared in this title with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden by this chapter or to fail to perform any act required in this chapter. Codes, 1942, § 8146; Laws, 1938, ch. 200.

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No person shall wilfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic.Codes, 1942, § 8147; Laws, 1938, ch. 200. No person shall wilfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic.Codes, 1942, § 8147; Laws, 1938, ch. 200. No person shall wilfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic.Codes, 1942, § 8147; Laws, 1938, ch. 200. No person shall wilfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic. Codes, 1942, § 8147; Laws, 1938, ch. 200.

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The provisions of this chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, town, district, or any other political subdivision of the state, subject to

such specific exceptions as are set forth in this chapter with respect to authorized emergency vehicles. The provisions of this chapter shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work. No driver of any authorized emergency vehicle shall assume any special privilege under this chapter except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law. Codes, 1942, § 8148; Laws, 1938, ch. 200. The provisions of this chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, town, district, or any other political subdivision of the state, subject to such specific exceptions as are set forth in this chapter with respect to authorized emergency vehicles. The provisions of this chapter shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work. No driver of any authorized emergency vehicle shall assume any special privilege under this chapter except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law. Codes, 1942, § 8148; Laws, 1938, ch. 200. The provisions of this chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, town, district, or any other political subdivision of the state, subject to such specific exceptions as are set forth in this chapter with respect to authorized emergency vehicles. The provisions of this chapter shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work. No driver of any authorized emergency vehicle shall assume any special privilege under this chapter except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law. Codes, 1942, § 8148; Laws, 1938, ch. 200.

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Every person riding a bicycle or an animal or driving any animal drawing a vehicle upon a highway shall have all of the rights and all of the duties applicable to the driver of a vehicle under this chapter, except those provisions of this chapter which by their nature can have no application. Codes, 1942, § 8149; Laws, 1938, ch. 200; Laws, 1983, ch. 350, § 2, eff. 7/1/1983. Every person riding a bicycle or an animal or driving any animal drawing a vehicle upon a highway shall have all of the rights and all of the duties applicable to the driver of a vehicle under this chapter, except those provisions of this chapter which by their nature can have no application. Codes, 1942, § 8149; Laws, 1938, ch. 200; Laws, 1983, ch. 350, § 2, eff. 7/1/1983. Every person riding a bicycle or an animal or driving any animal drawing a vehicle upon a highway shall have all of the rights and all of the duties applicable to the driver of a vehicle under this chapter, except those provisions of this chapter which by their nature can have no application. Codes, 1942, § 8149; Laws, 1938, ch. 200; Laws, 1983, ch. 350, § 2, eff. 7/1/1983. Every person riding a bicycle or an animal or driving any animal drawing a vehicle upon a highway shall have all of the rights and all of the duties applicable to the driver of a vehicle under this chapter, except those provisions of this chapter which by their nature can have no application. Codes, 1942, § 8149; Laws, 1938, ch. 200; Laws, 1983, ch. 350, § 2, eff. 7/1/1983.

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An electric personal assistive mobility device as defined in Section 63-3-103, may be operated: (a) On a marked bicycle path; (b) On any street or road where bicycles are permitted; or (c) On a sidewalk, if the person operating the device yields the right-of-way to pedestrians and gives an audible signal before overtaking and passing a pedestrian. Laws, 2003, ch. 485, § 3, eff. 7/1/2003. An electric personal assistive mobility device as defined in Section 63-3-103, may be operated: (a) On a marked bicycle path; (b) On any street or road where bicycles are permitted; or (c) On a sidewalk, if the person operating the device yields the right-of-way to pedestrians and gives an audible signal before overtaking and passing a pedestrian. Laws, 2003, ch. 485, § 3, eff. 7/1/2003. An electric personal assistive mobility device as defined in Section 63-3-103, may be operated: (a) On a marked bicycle path; (b) On any street or road where bicycles are permitted; or (c) On a sidewalk, if the person operating the device yields the right-of-way to pedestrians and gives an audible signal before overtaking and passing a pedestrian. Laws, 2003, ch. 485, § 3, eff. 7/1/2003. An electric personal assistive mobility device as defined in Section 63-3-103, may be operated: Laws, 2003, ch. 485, § 3, eff. 7/1/2003.

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The provisions of this chapter shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein, and no local authority shall enact or enforce any rule or regulation in conflict with the provisions of this chapter unless expressly authorized herein. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of this chapter. Codes, 1942, § 8150; Laws, 1938, ch. 200. The provisions of this chapter shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein, and no local authority shall enact or enforce any rule or regulation in conflict with the provisions of this chapter unless expressly authorized herein. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of this chapter. Codes, 1942, § 8150; Laws, 1938, ch. 200. The provisions of this chapter shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein, and no local authority shall enact or enforce any rule or regulation in conflict with the provisions of this chapter unless expressly authorized herein. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of this chapter. Codes, 1942, § 8150; Laws, 1938, ch. 200. The provisions of this chapter shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein, and no local authority shall enact or enforce any rule or regulation in conflict with the provisions of this chapter unless expressly authorized herein. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of this chapter. Codes, 1942, § 8150; Laws, 1938, ch. 200.

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(1) The Board of Trustees of State Institutions of Higher Learning may, in accordance with Section 37-105-1, enact rules and regulations that prohibit the operation of motor scooters, which are rented in accordance with Section 63-1-6.1, on certain roads or highways, if the board deems the prohibition to be in the interest of public safety. (2) The governing board of any municipality may enact rules and regulations that prohibit the operation of motor scooters, which are rented in accordance with Section 63-1-6.1, on certain roads or highways, if the board deems the prohibition to be in the interest of public safety. Added by Laws, 2015, ch. 464, HB 1251, 2, eff. 7/1/2015. (1) The Board of Trustees of State Institutions of Higher Learning may, in accordance with Section 37-105-1, enact rules and regulations that prohibit the operation of motor scooters, which are rented in accordance with Section 63-1-6.1, on certain roads or highways, if the board deems the prohibition to be in the interest of public safety. (2) The governing board of any municipality may enact rules and regulations that prohibit the operation of motor scooters, which are rented in accordance with Section 63-1-6.1, on certain roads or highways, if the board deems the prohibition to be in the interest of public safety. Added by Laws, 2015, ch. 464, HB 1251, 2, eff. 7/1/2015. (1) The Board of Trustees of State Institutions of Higher Learning may, in accordance with Section 37-105-1, enact rules and regulations that prohibit the operation of motor scooters, which are rented in accordance with Section 63-1-6.1, on certain roads or highways, if the board deems the prohibition to be in the interest of public safety. (2) The governing board of any municipality may enact rules and regulations that prohibit the operation of motor scooters, which are rented in accordance with Section 63-1-6.1, on certain roads or highways, if the board deems the prohibition to be in the interest of public safety. Added by Laws, 2015, ch. 464, HB 1251, 2, eff. 7/1/2015. Added by Laws, 2015, ch. 464, HB 1251, 2, eff. 7/1/2015.

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(a) The provisions of this chapter shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from—1. Regulating the standing or parking of vehicles; 2. Regulating traffic by means of police officers or traffic control signals; 3. Regulating or prohibiting processions or assemblages on the highways; 4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction; 5. Regulating the speed of vehicles in public parks; 6. Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to such intersections; 7. Restricting the use of highways as authorized in Chapter 5 of this title. (b) No ordinance or regulation enacted under subsection (a) 4, 5, 6, or 7 of this section shall be effective until signs giving notice of such local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate. Codes, 1942, § 8151; Laws, 1938, ch. 200. (a) The provisions of this chapter shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from—1. Regulating the standing or parking of vehicles; 2. Regulating traffic by means of police officers or traffic control

signals;3.Regulating or prohibiting processions or assemblages on the highways;4.Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;5.Regulating the speed of vehicles in public parks;6.Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to such intersections;7.Restricting the use of highways as authorized in Chapter 5 of this title.(b)No ordinance or regulation enacted under subsection (a)4, 5, 6, or 7 of this section shall be effective until signs giving notice of such local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate.Codes, 1942, § 8151; Laws, 1938, ch. 200. (a)The provisions of this chapter shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from-1.Regulating the standing or parking of vehicles;2.Regulating traffic by means of police officers or traffic control signals;3.Regulating or prohibiting processions or assemblages on the highways;4.Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;5.Regulating the speed of vehicles in public parks;6.Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to such intersections;7.Restricting the use of highways as authorized in Chapter 5 of this title.(b)No ordinance or regulation enacted under subsection (a)4, 5, 6, or 7 of this section shall be effective until signs giving notice of such local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate.Codes, 1942, § 8151; Laws, 1938, ch. 200. Codes, 1942, § 8151; Laws, 1938, ch. 200.

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No county, municipality or other political subdivision shall enact any ordinance restricting the use of cellular phones in any motor vehicle until such time as the state may authorize a county, municipality or other political subdivision to enact such an ordinance.Laws, 2002, ch. 491, § 1, eff. 7/1/2002. No county, municipality or other political subdivision shall enact any ordinance restricting the use of cellular phones in any motor vehicle until such time as the state may authorize a county, municipality or other political subdivision to enact such an ordinance.Laws, 2002, ch. 491, § 1, eff. 7/1/2002. No county, municipality or other political subdivision shall enact any ordinance restricting the use of cellular phones in any motor vehicle until such time as the state may authorize a county, municipality or other political subdivision to enact such an ordinance.Laws, 2002, ch. 491, § 1, eff. 7/1/2002. No county, municipality or other political subdivision shall enact any ordinance restricting the use of cellular phones in any motor vehicle until such time as the state may authorize a county, municipality or other political subdivision to enact such an ordinance.Laws, 2002, ch. 491, § 1, eff. 7/1/2002.

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Nothing in this chapter shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this chapter, or otherwise regulating such use as may seem best to such owner.Codes, 1942, § 8152; Laws, 1938, ch. 200. Nothing in this chapter shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this chapter, or otherwise regulating such use as may seem best to such owner.Codes, 1942, § 8152; Laws, 1938, ch. 200. Nothing in this chapter shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this chapter, or otherwise regulating such use as may seem best to such owner.Codes, 1942, § 8152; Laws, 1938, ch. 200. Nothing in this chapter shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this chapter, or otherwise regulating such use as may seem best to such owner. Codes, 1942, § 8152; Laws, 1938, ch. 200.

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The commissioner of public safety shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this chapter for use upon highways within this state. Such uniform system shall correlate with and so far as possible conform to the system then current as approved by the American Association of State Highway Officials.Codes, 1942, § 8153; Laws, 1938, ch. 200. The commissioner of public safety shall adopt a manual and specifications for a uniform system of

traffic-control devices consistent with the provisions of this chapter for use upon highways within this state. Such uniform system shall correlate with and so far as possible conform to the system then current as approved by the American Association of State Highway Officials. Codes, 1942, § 8153; Laws, 1938, ch. 200. The commissioner of public safety shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this chapter for use upon highways within this state. Such uniform system shall correlate with and so far as possible conform to the system then current as approved by the American Association of State Highway Officials. Codes, 1942, § 8153; Laws, 1938, ch. 200. The commissioner of public safety shall adopt a manual and specifications for a uniform system of traffic-control devices consistent with the provisions of this chapter for use upon highways within this state. Such uniform system shall correlate with and so far as possible conform to the system then current as approved by the American Association of State Highway Officials. Codes, 1942, § 8153; Laws, 1938, ch. 200.

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The commissioner of public safety and the state highway commission shall place and maintain such traffic-control devices conforming to its manual and specifications, upon all state and county highways as it shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic. No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the commissioner of public safety and the state highway commission except by the latter's permission. Codes, 1942, § 8154; Laws, 1938, ch. 200. The commissioner of public safety and the state highway commission shall place and maintain such traffic-control devices conforming to its manual and specifications, upon all state and county highways as it shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic. No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the commissioner of public safety and the state highway commission except by the latter's permission. Codes, 1942, § 8154; Laws, 1938, ch. 200. The commissioner of public safety and the state highway commission shall place and maintain such traffic-control devices conforming to its manual and specifications, upon all state and county highways as it shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic. No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the commissioner of public safety and the state highway commission except by the latter's permission. Codes, 1942, § 8154; Laws, 1938, ch. 200. The commissioner of public safety and the state highway commission shall place and maintain such traffic-control devices conforming to its manual and specifications, upon all state and county highways as it shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic. No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the commissioner of public safety and the state highway commission except by the latter's permission. Codes, 1942, § 8154; Laws, 1938, ch. 200.

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Local authorities in their respective jurisdictions shall place and maintain such traffic control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this chapter or provisions of local traffic ordinances or to regulate, warn, or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications. Local authorities in exercising those functions referred to in the preceding paragraph shall be subject to the direction and control of the state highway commission. Codes, 1942, § 8155; Laws, 1938, ch. 200. Local authorities in their respective jurisdictions shall place and maintain such traffic control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this chapter or provisions of local traffic ordinances or to regulate, warn, or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications. Local authorities in exercising those functions referred to in the preceding paragraph shall be subject to the direction and control of the state highway commission. Codes, 1942, § 8155; Laws, 1938, ch. 200. Local authorities in their respective jurisdictions shall place and maintain such traffic control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this chapter or provisions of local traffic ordinances or to regulate, warn, or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications. Local authorities in exercising those functions referred to in the preceding paragraph shall be subject to the direction and control of the state highway commission. Codes, 1942, § 8155; Laws, 1938, ch. 200. Local authorities in their respective jurisdictions shall place and maintain such traffic control devices upon highways under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this chapter or provisions of local traffic ordinances or to regulate, warn, or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications. Local authorities in exercising those functions referred to in the preceding paragraph shall be subject to the direction and control of the state highway commission. Codes, 1942, § 8155; Laws, 1938, ch. 200.

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63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 7 - TRAFFIC SIGNS, SIGNALS AND MARKINGS (§§ 63-3-301 — 63-3-325)Section 63-3-307 - Reflectors on bridges in state highway system

The state highway commission is hereby authorized, in its discretion, to place amber reflectors on each end and on both sides of all bridges on all roads on the state highway system, which will permit a person to see such reflectors so that he might know that he is about to approach a bridge. Codes, 1942, § 8154; Laws, 1938, ch. 200. The state highway commission is hereby authorized, in its discretion, to place amber reflectors on each end and on both sides of all bridges on all roads on the state highway system, which will permit a person to see such reflectors so that he might know that he is about to approach a bridge. Codes, 1942, § 8154; Laws, 1938, ch. 200. The state highway commission is hereby authorized, in its discretion, to place amber reflectors on each end and on both sides of all bridges on all roads on the state highway system, which will permit a person to see such reflectors so that he might know that he is about to approach a bridge. Codes, 1942, § 8154; Laws, 1938, ch. 200. The state highway commission is hereby authorized, in its discretion, to place amber reflectors on each end and on both sides of all bridges on all roads on the state highway system, which will permit a person to see such reflectors so that he might know that he is about to approach a bridge. Codes, 1942, § 8154; Laws, 1938, ch. 200.

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Whenever traffic is controlled by traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one (1) at a time, only the following colors shall be used and said terms and lights shall indicate as follows:(1)Green alone or "Go."(a)Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. However, vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited.(b)Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.(2)Yellow alone or "Caution" when shown following the green or "Go" signal.(a)Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety a vehicle may be driven cautiously through the intersection.(b)Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.(3)Red alone or "Stop."(a)Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at such other point as may be indicated by a clearly visible line and shall remain standing until green or "Go" is shown alone, except as provided in subparagraphs (b) and (c) of this paragraph (3);(b)Vehicular traffic facing a steady red signal may cautiously enter the intersection to turn right after stopping as required by subparagraph (a) of this paragraph (3), unless a sign stating "No Turn On Red" is in place prohibiting such a turn. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other vehicular traffic lawfully using the intersection.(c)Vehicular traffic facing a steady red signal at the intersection of two (2) one-way streets may cautiously enter the intersection to turn left in the direction designated for one-way traffic, after stopping as required by subparagraph (a) of this paragraph (3), unless a sign stating "No Turn On Red" is in place prohibiting such a turn. Such vehicular traffic shall yield the right-of-way to pedestrians within an adjacent crosswalk and to other vehicular traffic lawfully using the intersection.(d)No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.(4)Red with green arrow.(a)Vehicular traffic facing such signal may cautiously enter the intersection only to make movement indicated by such arrow but shall not interfere with other traffic or endanger pedestrians lawfully within a crosswalk.(b)No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic. Codes, 1942, § 8157; Laws, 1938, ch. 200; Laws, 1974, ch. 399; Laws, 1976, ch. 308; Laws, 1987, ch. 412, eff. 7/1/1987. Whenever traffic is controlled by traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one (1) at a time, only the following colors shall be used and said terms and lights shall indicate as follows:(1)Green alone or "Go."(a)Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. However, vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited.(b)Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.(2)Yellow alone or "Caution" when shown following the green or "Go" signal.(a)Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety a vehicle may be driven cautiously through the intersection.(b)Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.(3)Red alone or "Stop."(a)Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at such other point as may be indicated by a clearly visible line and shall remain standing until green or "Go" is shown alone, except as provided in subparagraphs (b) and (c) of this paragraph (3);(b)Vehicular traffic facing a steady red signal may cautiously enter the intersection to turn right after stopping as required by subparagraph (a) of this paragraph (3), unless a sign stating "No Turn On Red" is in place prohibiting such a turn. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other vehicular traffic lawfully using the intersection.(c)Vehicular traffic facing a steady red signal at the intersection of two (2) one-way streets may cautiously enter the intersection to turn left in the

direction designated for one-way traffic, after stopping as required by subparagraph (a) of this paragraph (3), unless a sign stating "No Turn On Red" is in place prohibiting such a turn. Such vehicular traffic shall yield the right-of-way to pedestrians within an adjacent crosswalk and to other vehicular traffic lawfully using the intersection.(d)No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.(4)Red with green arrow.(a)Vehicular traffic facing such signal may cautiously enter the intersection only to make movement indicated by such arrow but shall not interfere with other traffic or endanger pedestrians lawfully within a crosswalk.(b)No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.Codes, 1942, § 8157; Laws, 1938, ch. 200; Laws, 1974, ch. 399; Laws, 1976, ch. 308; Laws, 1987, ch. 412, eff. 7/1/1987. Whenever traffic is controlled by traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one (1) at a time, only the following colors shall be used and said terms and lights shall indicate as follows:(1)Green alone or "Go."(a)Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. However, vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection at the time such signal is exhibited.(b)Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.(2)Yellow alone or "Caution" when shown following the green or "Go" signal.(a)Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety a vehicle may be driven cautiously through the intersection.(b)Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.(3)Red alone or "Stop."(a)Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at such other point as may be indicated by a clearly visible line and shall remain standing until green or "Go" is shown alone, except as provided in subparagraphs (b) and (c) of this paragraph (3);(b)Vehicular traffic facing a steady red signal may cautiously enter the intersection to turn right after stopping as required by subparagraph (a) of this paragraph (3), unless a sign stating "No Turn On Red" is in place prohibiting such a turn. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other vehicular traffic lawfully using the intersection.(c)Vehicular traffic facing a steady red signal at the intersection of two (2) one-way streets may cautiously enter the intersection to turn left in the direction designated for one-way traffic, after stopping as required by subparagraph (a) of this paragraph (3), unless a sign stating "No Turn On Red" is in place prohibiting such a turn. Such vehicular traffic shall yield the right-of-way to pedestrians within an adjacent crosswalk and to other vehicular traffic lawfully using the intersection.(d)No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.(4)Red with green arrow.(a)Vehicular traffic facing such signal may cautiously enter the intersection only to make movement indicated by such arrow but shall not interfere with other traffic or endanger pedestrians lawfully within a crosswalk.(b)No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.Codes, 1942, § 8157; Laws, 1938, ch. 200; Laws, 1974, ch. 399; Laws, 1976, ch. 308; Laws, 1987, ch. 412, eff. 7/1/1987. Whenever traffic is controlled by traffic-control signals exhibiting the words "Go," "Caution," or "Stop," or exhibiting different colored lights successively one (1) at a time, only the following colors shall be used and said terms and lights shall indicate as follows: Codes, 1942, § 8157; Laws, 1938, ch. 200; Laws, 1974, ch. 399; Laws, 1976, ch. 308; Laws, 1987, ch. 412, eff. 7/1/1987.

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Whenever flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:1.Flashing red (stop signal).When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.2.Flashing yellow (caution signal).When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.Codes, 1942, § 8158; Laws, 1938, ch. 200. Whenever flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:1.Flashing red (stop signal).When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.2.Flashing yellow (caution signal).When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.Codes, 1942, § 8158; Laws, 1938, ch. 200. Whenever flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows: Codes, 1942, § 8158; Laws, 1938, ch. 200.

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TRAFFIC SIGNS, SIGNALS AND MARKINGS (§§ 63-3-301 — 63-3-325)Section 63-3-313 - Disobedience of official traffic-control devices

No driver of a vehicle shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a police officer.Codes, 1942, § 8156; Laws, 1938, ch. 200. No driver of a vehicle shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a police officer.Codes, 1942, § 8156; Laws, 1938, ch. 200. No driver of a vehicle shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a police officer.Codes, 1942, § 8156; Laws, 1938, ch. 200. No driver of a vehicle shall disobey the instructions of any official traffic-control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a police officer. Codes, 1942, § 8156; Laws, 1938, ch. 200.

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The driver of any authorized emergency vehicle when responding to an emergency call upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety but may proceed cautiously past such red or stop sign or signal. At other times drivers of authorized emergency vehicles shall stop in obedience to a stop sign or signal.Codes, 1942, § 8148; Laws, 1938, ch. 200. The driver of any authorized emergency vehicle when responding to an emergency call upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety but may proceed cautiously past such red or stop sign or signal. At other times drivers of authorized emergency vehicles shall stop in obedience to a stop sign or signal.Codes, 1942, § 8148; Laws, 1938, ch. 200. The driver of any authorized emergency vehicle when responding to an emergency call upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety but may proceed cautiously past such red or stop sign or signal. At other times drivers of authorized emergency vehicles shall stop in obedience to a stop sign or signal.Codes, 1942, § 8148; Laws, 1938, ch. 200. The driver of any authorized emergency vehicle when responding to an emergency call upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety but may proceed cautiously past such red or stop sign or signal. At other times drivers of authorized emergency vehicles shall stop in obedience to a stop sign or signal. Codes, 1942, § 8148; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 7 - TRAFFIC SIGNS, SIGNALS AND MARKINGS (§§ 63-3-301 — 63-3-325)Section 63-3-317 - Unauthorized signs, signals, markings and devices

(1)No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal. No person shall place or maintain and no public authority shall permit upon any highway any traffic sign or signal bearing thereon any commercial advertising, or any billboard or advertising sign of any kind or description, except that motorist services business signs and supports which are authorized by the state highway commission pursuant to Section65-1-8may be placed and maintained within state highway rights-of-way. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs provided that said signs are not erected closer than fifty (50) feet to the center line of state highways.(2)Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed after ten (10) days' notice to the owner thereof by registered letter or otherwise.Codes, 1942, § 8159; Laws, 1938, ch. 200; Laws, 1983, ch. 395, § 2, eff. 7/1/1983. (1)No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal. No person shall place or maintain and no public authority shall permit upon any highway any traffic sign or signal bearing thereon any commercial advertising, or any billboard or advertising sign of any kind or description, except that motorist services business signs and supports which are authorized by the state highway commission pursuant to Section65-1-8may be placed and maintained within state highway rights-of-way. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs provided that said signs are not erected closer than fifty (50) feet to the center line of state highways.(2)Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed after ten (10) days' notice to the owner thereof by registered letter or otherwise.Codes, 1942, § 8159; Laws, 1938, ch. 200; Laws, 1983, ch. 395, § 2, eff. 7/1/1983. (1)No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or

interferes with the effectiveness of any official traffic-control device or any railroad sign or signal. No person shall place or maintain and no public authority shall permit upon any highway any traffic sign or signal bearing thereon any commercial advertising, or any billboard or advertising sign of any kind or description, except that motorist services business signs and supports which are authorized by the state highway commission pursuant to Section 65-1-8 may be placed and maintained within state highway rights-of-way. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs provided that said signs are not erected closer than fifty (50) feet to the center line of state highways. (2) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed after ten (10) days' notice to the owner thereof by registered letter or otherwise. Codes, 1942, § 8159; Laws, 1938, ch. 200; Laws, 1983, ch. 395, § 2, eff. 7/1/1983. Codes, 1942, § 8159; Laws, 1938, ch. 200; Laws, 1983, ch. 395, § 2, eff. 7/1/1983.

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No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal, or any inscription, shield, or insignia thereon, or any other part thereof. Codes, 1942, § 8160; Laws, 1938, ch. 200. No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal, or any inscription, shield, or insignia thereon, or any other part thereof. Codes, 1942, § 8160; Laws, 1938, ch. 200. No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal, or any inscription, shield, or insignia thereon, or any other part thereof. Codes, 1942, § 8160; Laws, 1938, ch. 200. No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal, or any inscription, shield, or insignia thereon, or any other part thereof. Codes, 1942, § 8160; Laws, 1938, ch. 200.

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Any person who wilfully destroys, knocks down, removes, defaces, or alters any letters or figures on a detour or warning sign set upon a highway or road of this state, or who wilfully knocks down, removes, rearranges, destroys, defaces, or alters any letter or figures on a barricade or fence erected on any highway or road of this state, or who drives around or through any barricade or fence on any officially closed highway or road of this state, or who drives around such detour sign or barricade or fence, or who wilfully ignores or disregards a warning sign before such road has been officially opened to the public traffic by the Mississippi State Highway Department, or in appropriate cases by the county or municipal officer responsible for constructing or maintaining such roads, shall be guilty of a misdemeanor. This shall have no application to peace officers in the performance of their duties, nor to employees of the Mississippi State Highway Department, nor to employees of the contractor, nor to employees of the federal authorities when engaged in inspection of surveys, repairs, maintenance, or construction on or alongside such highways, within the right-of-way, nor to individuals domiciled or making their livelihood within the affected areas, nor to any person or group of persons who shall be authorized by the highway director, or appropriate county or municipal officer. Codes, 1942, § 8160.6; Laws, 1972, ch. 397, § 2, eff. 4/27/1972. Any person who wilfully destroys, knocks down, removes, defaces, or alters any letters or figures on a detour or warning sign set upon a highway or road of this state, or who wilfully knocks down, removes, rearranges, destroys, defaces, or alters any letter or figures on a barricade or fence erected on any highway or road of this state, or who drives around or through any barricade or fence on any officially closed highway or road of this state, or who drives around such detour sign or barricade or fence, or who wilfully ignores or disregards a warning sign before such road has been officially opened to the public traffic by the Mississippi State Highway Department, or in appropriate cases by the county or municipal officer responsible for constructing or maintaining such roads, shall be guilty of a misdemeanor. This shall have no application to peace officers in the performance of their duties, nor to employees of the Mississippi State Highway Department, nor to employees of the contractor, nor to employees of the federal authorities when engaged in inspection of surveys, repairs, maintenance, or construction on or alongside such highways, within the right-of-way, nor to individuals domiciled or making their livelihood within the affected areas, nor to any person or group of persons who shall be authorized by the highway director, or appropriate county or municipal officer. Codes, 1942, § 8160.6; Laws, 1972, ch. 397, § 2, eff. 4/27/1972. Any person who wilfully destroys, knocks down, removes, defaces, or alters any letters or figures on a detour or warning sign set upon a highway or road of this state, or who wilfully knocks down, removes, rearranges, destroys, defaces, or alters any letter or figures on a barricade or fence erected on any highway or road of this state, or who drives around or through any barricade or fence on any officially closed highway or road of this state, or who drives around such detour sign or barricade or fence, or who wilfully ignores or disregards a warning sign before such road has been officially opened to the public traffic by the Mississippi State Highway Department, or in appropriate cases by the county or municipal officer responsible for constructing or maintaining such roads, shall be guilty of a misdemeanor. This shall have no application to peace officers in the performance of their duties, nor to employees of the Mississippi State Highway Department, nor to employees of the

contractor, nor to employees of the federal authorities when engaged in inspection of surveys, repairs, maintenance, or construction on or alongside such highways, within the right-of-way, nor to individuals domiciled or making their livelihood within the affected areas, nor to any person or group of persons who shall be authorized by the highway director, or appropriate county or municipal officer. Codes, 1942, § 8160.6; Laws, 1972, ch. 397, § 2, eff. 4/27/1972. Any person who wilfully destroys, knocks down, removes, defaces, or alters any letters or figures on a detour or warning sign set upon a highway or road of this state, or who wilfully knocks down, removes, rearranges, destroys, defaces, or alters any letter or figures on a barricade or fence erected on any highway or road of this state, or who drives around or through any barricade or fence on any officially closed highway or road of this state, or who drives around such detour sign or barricade or fence, or who wilfully ignores or disregards a warning sign before such road has been officially opened to the public traffic by the Mississippi State Highway Department, or in appropriate cases by the county or municipal officer responsible for constructing or maintaining such roads, shall be guilty of a misdemeanor. This shall have no application to peace officers in the performance of their duties, nor to employees of the Mississippi State Highway Department, nor to employees of the contractor, nor to employees of the federal authorities when engaged in inspection of surveys, repairs, maintenance, or construction on or alongside such highways, within the right-of-way, nor to individuals domiciled or making their livelihood within the affected areas, nor to any person or group of persons who shall be authorized by the highway director, or appropriate county or municipal officer. Codes, 1942, § 8160.6; Laws, 1972, ch. 397, § 2, eff. 4/27/1972.

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The following words, terms and phrases, when used in Section 63-3-321 shall have the meaning ascribed to them herein: (a) "Detour sign" means any sign placed across or on a public road of the state, by the state, the county or municipal authorities or by their contractors, indicating that such road is closed or partially closed, which sign also indicates the direction of an alternate route to be followed to give access to certain points. (b) "Warning sign" means a sign indicating construction work in area. (c) "Barricade" means a barrier for obstructing the passage of motor vehicle traffic. (d) "Fence" means a barrier to prevent the intrusion of motor vehicle traffic. (e) "Officially closed" means a highway or road that has been officially closed by a governmental unit, the Mississippi State Highway Department, a city or a county. (f) "Officially opened" shall mean any highway that does not have signs or barriers stating that it is closed. Codes, 1942, § 8160.5; Laws, 1972, ch. 397, § 1, eff. 4/27/1972. The following words, terms and phrases, when used in Section 63-3-321 shall have the meaning ascribed to them herein: (a) "Detour sign" means any sign placed across or on a public road of the state, by the state, the county or municipal authorities or by their contractors, indicating that such road is closed or partially closed, which sign also indicates the direction of an alternate route to be followed to give access to certain points. (b) "Warning sign" means a sign indicating construction work in area. (c) "Barricade" means a barrier for obstructing the passage of motor vehicle traffic. (d) "Fence" means a barrier to prevent the intrusion of motor vehicle traffic. (e) "Officially closed" means a highway or road that has been officially closed by a governmental unit, the Mississippi State Highway Department, a city or a county. (f) "Officially opened" shall mean any highway that does not have signs or barriers stating that it is closed. Codes, 1942, § 8160.5; Laws, 1972, ch. 397, § 1, eff. 4/27/1972. The following words, terms and phrases, when used in Section 63-3-321 shall have the meaning ascribed to them herein: Codes, 1942, § 8160.5; Laws, 1972, ch. 397, § 1, eff. 4/27/1972.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 7 - TRAFFIC SIGNS, SIGNALS AND MARKINGS (§§ 63-3-301 — 63-3-325) Section 63-3-325 - Destruction, removal, etc., of detour sign, warning sign, barricade, or fence; penalties

Every person convicted of a violation of Section 63-3-321 shall be punished by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00), or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment. The conviction of a violation of Section 63-3-321 shall not be competent evidence in any civil action. Codes, 1942, § 8160.7; Laws, 1972, ch. 397, § 3, eff. 4/27/1972. Every person convicted of a violation of Section 63-3-321 shall be punished by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00), or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment. The conviction of a violation of Section 63-3-321 shall not be competent evidence in any civil action. Codes, 1942, § 8160.7; Laws, 1972, ch. 397, § 3, eff. 4/27/1972. Every person convicted of a violation of Section 63-3-321 shall be punished by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00), or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment. The conviction of a violation of

Section 63-3-321 shall not be competent evidence in any civil action. Codes, 1942, § 8160.7; Laws, 1972, ch. 397, § 3, eff. 4/27/1972. Every person convicted of a violation of Section 63-3-321 shall be punished by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00), or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment. The conviction of a violation of Section 63-3-321 shall not be competent evidence in any civil action. Codes, 1942, § 8160.7; Laws, 1972, ch. 397, § 3, eff. 4/27/1972.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 9 - ACCIDENTS AND REPORTS (§§ 63-3-401 — 63-3-425) Section 63-3-401 - Duties of driver involved in accident resulting in personal injury or death; offenses and penalties

(1) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 63-3-405. (2) Every stop under the provisions of subsection (1) of this section shall be made without obstructing traffic or endangering the life of any person more than is necessary. (3) Except as provided in subsection (4) of this section, if any driver of a vehicle involved in an accident that results in injury to any person willfully fails to stop or to comply with the requirements of subsection (1) of this section, then such person, upon conviction, shall be punished by imprisonment for not less than thirty (30) days nor more than one (1) year, or by fine of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. (4) If any driver of a vehicle involved in an accident that results in the death of another or the mutilation, disfigurement, permanent disability or the destruction of the tongue, eye, lip, nose or any other limb, organ or member of another willfully fails to stop or to comply with the requirements under the provisions of subsection (1) of this section, then such person, upon conviction, shall be guilty of a felony and shall be punished by imprisonment for not less than five (5) nor more than twenty (20) years, or by fine of not less than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment. (5) The commissioner shall revoke the driver's license of any person convicted under this section. Codes, 1942, § 8161; Laws, 1938, ch. 200; Laws, 1996, ch. 461, § 1; Laws, 2010, ch. 374, § 1, eff. 7/1/2010. Brought forward by Laws, 2023, ch. 443, HB 1003, § 17, eff. 7/1/2023. (1) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 63-3-405. (2) Every stop under the provisions of subsection (1) of this section shall be made without obstructing traffic or endangering the life of any person more than is necessary. (3) Except as provided in subsection (4) of this section, if any driver of a vehicle involved in an accident that results in injury to any person willfully fails to stop or to comply with the requirements of subsection (1) of this section, then such person, upon conviction, shall be punished by imprisonment for not less than thirty (30) days nor more than one (1) year, or by fine of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. (4) If any driver of a vehicle involved in an accident that results in the death of another or the mutilation, disfigurement, permanent disability or the destruction of the tongue, eye, lip, nose or any other limb, organ or member of another willfully fails to stop or to comply with the requirements under the provisions of subsection (1) of this section, then such person, upon conviction, shall be guilty of a felony and shall be punished by imprisonment for not less than five (5) nor more than twenty (20) years, or by fine of not less than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment. (5) The commissioner shall revoke the driver's license of any person convicted under this section. Codes, 1942, § 8161; Laws, 1938, ch. 200; Laws, 1996, ch. 461, § 1; Laws, 2010, ch. 374, § 1, eff. 7/1/2010. Brought forward by Laws, 2023, ch. 443, HB 1003, § 17, eff. 7/1/2023. (1) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 63-3-405. (2) Every stop under the provisions of subsection (1) of this section shall be made without obstructing traffic or endangering the life of any person more than is necessary. (3) Except as provided in subsection (4) of this section, if any driver of a vehicle involved in an accident that results in injury to any person willfully fails to stop or to comply with the requirements of subsection (1) of this section, then such person, upon conviction, shall be punished by imprisonment for not less than thirty (30) days nor more than one (1) year, or by fine of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. (4) If any driver of a vehicle involved in an accident that results in the death of another or the mutilation, disfigurement, permanent disability or the destruction of the tongue, eye, lip, nose or any other limb, organ or member of another willfully fails to stop or to comply with the requirements under the provisions of subsection (1) of this section, then such person, upon conviction, shall be guilty of a felony and shall be punished by imprisonment for not less than five (5) nor more than twenty (20) years, or by fine of not less than One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment. (5) The commissioner shall revoke the driver's license of any person convicted under this section. Codes, 1942, § 8161; Laws, 1938, ch. 200; Laws, 1996, ch. 461, § 1; Laws, 2010, ch. 374, § 1, eff. 7/1/2010. Brought forward by Laws, 2023, ch. 443, HB 1003, § 17, eff. 7/1/2023. Codes, 1942, § 8161; Laws, 1938, ch. 200; Laws, 1996, ch. 461, § 1; Laws, 2010, ch. 374, § 1, eff. 7/1/2010. Brought forward by Laws, 2023, ch. 443, HB 1003, § 17, eff. 7/1/2023.

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63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 9 - ACCIDENTS AND REPORTS (§§ 63-3-401 — 63-3-425)Section 63-3-403 - Duties of driver involved in accident resulting in property damage to attended vehicle; offenses and penalties

The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of Section 63-3-405. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor. Codes, 1942, § 8162; Laws, 1938, ch. 200. The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of Section 63-3-405. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor. Codes, 1942, § 8162; Laws, 1938, ch. 200. The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of Section 63-3-405. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor. Codes, 1942, § 8162; Laws, 1938, ch. 200. The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of Section 63-3-405. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor. Codes, 1942, § 8162; Laws, 1938, ch. 200.

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The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving and shall, upon request and if available, exhibit his operator's or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle collided with. Said driver shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person. No such driver who, in good faith and in the exercise of reasonable care, renders emergency care to any injured person at the scene of an accident or in transporting said injured person to a point where medical assistance can be reasonably expected, shall be liable for any civil damages to said injured person as a result of any acts committed in good faith and in the exercise of reasonable care or omission in good faith and in the exercise of reasonable care by such driver in rendering the emergency care to said injured person. Codes, 1942, § 8163; Laws, 1938, ch. 200; Laws, 1979, ch. 376, § 2, eff. 7/1/1979. Brought forward by Laws, 2023, ch. 443, HB 1003, § 18, eff. 7/1/2023. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving and shall, upon request and if available, exhibit his operator's or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle collided with. Said driver shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person. No such driver who, in good faith and in the exercise of reasonable care, renders emergency care to any injured person at the scene of an accident or in transporting said injured person to a point where medical assistance can be reasonably expected, shall be liable for any civil damages to said injured person as a result of any acts committed in good faith and in the exercise of reasonable care or omission in good faith and in the exercise of reasonable care by such driver in rendering the emergency care to said injured person. Codes, 1942, § 8163; Laws, 1938, ch. 200; Laws, 1979, ch. 376, § 2, eff. 7/1/1979. Brought forward by Laws, 2023, ch. 443, HB 1003, § 18, eff. 7/1/2023. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving and shall, upon request and if available, exhibit his operator's or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle collided with. Said driver shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person. No such driver who, in good faith and in the exercise of reasonable care, renders emergency care to any injured person at the scene of an accident or in transporting said injured person to a point where medical

assistance can be reasonably expected, shall be liable for any civil damages to said injured person as a result of any acts committed in good faith and in the exercise of reasonable care or omission in good faith and in the exercise of reasonable care by such driver in rendering the emergency care to said injured person. Codes, 1942, § 8163; Laws, 1938, ch. 200; Laws, 1979, ch. 376, § 2, eff. 7/1/1979. Brought forward by Laws, 2023, ch. 443, HB 1003, § 18, eff. 7/1/2023. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving and shall, upon request and if available, exhibit his operator's or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle collided with. Said driver shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person. No such driver who, in good faith and in the exercise of reasonable care, renders emergency care to any injured person at the scene of an accident or in transporting said injured person to a point where medical assistance can be reasonably expected, shall be liable for any civil damages to said injured person as a result of any acts committed in good faith and in the exercise of reasonable care or omission in good faith and in the exercise of reasonable care by such driver in rendering the emergency care to said injured person. Codes, 1942, § 8163; Laws, 1938, ch. 200; Laws, 1979, ch. 376, § 2, eff. 7/1/1979. Brought forward by Laws, 2023, ch. 443, HB 1003, § 18, eff. 7/1/2023.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 9 - ACCIDENTS AND REPORTS (§§ 63-3-401 — 63-3-425) Section 63-3-407 - Duties of driver involved in accident involving unattended vehicle

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof. However, the provisions herein shall not apply where no material damage is done and where the owner of the unattended vehicle was guilty of negligence in leaving said vehicle parked as same was when so struck. Codes, 1942, § 8164; Laws, 1938, ch. 200. The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof. However, the provisions herein shall not apply where no material damage is done and where the owner of the unattended vehicle was guilty of negligence in leaving said vehicle parked as same was when so struck. Codes, 1942, § 8164; Laws, 1938, ch. 200. The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof. However, the provisions herein shall not apply where no material damage is done and where the owner of the unattended vehicle was guilty of negligence in leaving said vehicle parked as same was when so struck. Codes, 1942, § 8164; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 9 - ACCIDENTS AND REPORTS (§§ 63-3-401 — 63-3-425) Section 63-3-409 - Duties of driver striking fixtures upon or adjacent to highway

The driver of any vehicle involved in an accident resulting only in damages to fixtures legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license and shall make report of such accident when and as required in Section 63-3-411. Codes, 1942, § 8165; Laws, 1938, ch. 200. The driver of any vehicle involved in an accident resulting only in damages to fixtures legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license and shall make report of such accident when and as required in Section 63-3-411. Codes, 1942, § 8165; Laws, 1938, ch. 200. The driver of any vehicle involved in an accident resulting only in damages to fixtures legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address

and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license and shall make report of such accident when and as required in Section 63-3-411. Codes, 1942, § 8165; Laws, 1938, ch. 200. The driver of any vehicle involved in an accident resulting only in damages to fixtures legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license and shall make report of such accident when and as required in Section 63-3-411. Codes, 1942, § 8165; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 9 - ACCIDENTS AND REPORTS (§§ 63-3-401 — 63-3-425) Section 63-3-411 - Duties of drivers involved in accidents involving injury or death or property damage of \$500 or more to report accidents; supplemental reports; investigations and reports by law enforcement officers

(1) The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of Five Hundred Dollars (\$500.00) or more shall immediately, by the quickest means of communication, give notice of the collision to the local police department if the collision occurs within an incorporated municipality, or if the collision occurs outside of an incorporated municipality to the nearest sheriff's office or highway patrol station. (2) The department may require any driver of a vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report is insufficient in the opinion of the department. Additionally, the department may require witnesses of accidents to render reports to the department. (3) It shall be the duty of the highway patrol or the sheriff's office to investigate all accidents required to be reported by this section when the accident occurs outside the corporate limits of a municipality, and it shall be the duty of the police department of each municipality to investigate all accidents required to be reported by this section when the accidents occur within the corporate limits of the municipality. Every law enforcement officer who investigates an accident as required by this subsection, whether the investigation is made at the scene of the accident or by subsequent investigation and interviews, shall forward within six (6) days after completing the investigation a written report of the accident to the department if the accident occurred outside the corporate limits of a municipality, or to the police department of the municipality if the accident occurred within the corporate limits of such municipality. Police departments shall forward such reports to the department within six (6) days of the date of the accident. (4) Whenever an engineer of a railroad locomotive, or other person in charge of a train, is required to show proof of his identity under the provisions of this article, in connection with operation of such locomotive, to any law enforcement officer, such person shall not be required to display his operator's or chauffeur's license but shall display his railroad employee number. (5) In addition to the information required on the "statewide uniform traffic accident report" forms provided by Section 63-3-415, the department shall require the parties involved in an accident and the witnesses of such accident to furnish their phone numbers in order to assist the investigation by law enforcement officers. Codes, 1942, § 8166; Laws, 1938, ch. 200; Laws, 1976, ch. 446, § 1; Laws, 1989, ch. 326, § 1; Laws, 1990, ch. 441, § 1; Laws, 2000, ch. 563, § 1; Laws, 2003, ch. 485, § 1, eff. 7/1/2003. Brought forward by Laws, 2023, ch. 443, HB 1003, § 19, eff. 7/1/2023. (1) The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of Five Hundred Dollars (\$500.00) or more shall immediately, by the quickest means of communication, give notice of the collision to the local police department if the collision occurs within an incorporated municipality, or if the collision occurs outside of an incorporated municipality to the nearest sheriff's office or highway patrol station. (2) The department may require any driver of a vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report is insufficient in the opinion of the department. Additionally, the department may require witnesses of accidents to render reports to the department. (3) It shall be the duty of the highway patrol or the sheriff's office to investigate all accidents required to be reported by this section when the accident occurs outside the corporate limits of a municipality, and it shall be the duty of the police department of each municipality to investigate all accidents required to be reported by this section when the accidents occur within the corporate limits of the municipality. Every law enforcement officer who investigates an accident as required by this subsection, whether the investigation is made at the scene of the accident or by subsequent investigation and interviews, shall forward within six (6) days after completing the investigation a written report of the accident to the department if the accident occurred outside the corporate limits of a municipality, or to the police department of the municipality if the accident occurred within the corporate limits of such municipality. Police departments shall forward such reports to the department within six (6) days of the date of the accident. (4) Whenever an engineer of a railroad locomotive, or other person in charge of a train, is required to show proof of his identity under the provisions of this article, in connection with operation of such locomotive, to any law enforcement officer, such person shall not be required to display his operator's or chauffeur's license but shall display his railroad employee number. (5) In addition to the information required on the "statewide uniform traffic accident report" forms provided by Section 63-3-415, the department shall require the parties involved in an accident and the witnesses of such accident to furnish their phone numbers in order to assist the investigation by law enforcement officers. Codes, 1942, § 8166; Laws, 1938, ch. 200; Laws, 1976, ch. 446, § 1; Laws, 1989, ch. 326, § 1; Laws, 1990, ch. 441, § 1; Laws, 2000, ch. 563, § 1; Laws, 2003, ch. 485, § 1, eff. 7/1/2003. Brought forward by Laws, 2023, ch. 443, HB 1003, § 19, eff. 7/1/2023. (1) The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of Five Hundred Dollars (\$500.00) or more shall immediately, by the quickest means of communication, give notice of the collision to the local police department if the collision occurs within an incorporated municipality, or if the collision occurs outside of an incorporated municipality to the nearest sheriff's

office or highway patrol station.(2)The department may require any driver of a vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report is insufficient in the opinion of the department.Additionally, the department may require witnesses of accidents to render reports to the department.(3)It shall be the duty of the highway patrol or the sheriff's office to investigate all accidents required to be reported by this section when the accident occurs outside the corporate limits of a municipality, and it shall be the duty of the police department of each municipality to investigate all accidents required to be reported by this section when the accidents occur within the corporate limits of the municipality.Every law enforcement officer who investigates an accident as required by this subsection, whether the investigation is made at the scene of the accident or by subsequent investigation and interviews, shall forward within six (6) days after completing the investigation a written report of the accident to the department if the accident occurred outside the corporate limits of a municipality, or to the police department of the municipality if the accident occurred within the corporate limits of such municipality. Police departments shall forward such reports to the department within six (6) days of the date of the accident.(4)Whenever an engineer of a railroad locomotive, or other person in charge of a train, is required to show proof of his identity under the provisions of this article, in connection with operation of such locomotive, to any law enforcement officer, such person shall not be required to display his operator's or chauffeur's license but shall display his railroad employee number.(5)In addition to the information required on the "statewide uniform traffic accident report" forms provided by Section63-3-415, the department shall require the parties involved in an accident and the witnesses of such accident to furnish their phone numbers in order to assist the investigation by law enforcement officers.Codes, 1942, § 8166; Laws, 1938, ch. 200; Laws, 1976, ch. 446, § 1; Laws, 1989, ch. 326, § 1; Laws, 1990, ch. 441, § 1; Laws, 2000, ch. 563, § 1; Laws, 2003, ch. 485, § 1, eff. 7/1/2003.Brought forward by Laws, 2023, ch. 443, HB 1003,§ 19, eff. 7/1/2023. Additionally, the department may require witnesses of accidents to render reports to the department. Every law enforcement officer who investigates an accident as required by this subsection, whether the investigation is made at the scene of the accident or by subsequent investigation and interviews, shall forward within six (6) days after completing the investigation a written report of the accident to the department if the accident occurred outside the corporate limits of a municipality, or to the police department of the municipality if the accident occurred within the corporate limits of such municipality. Police departments shall forward such reports to the department within six (6) days of the date of the accident. Codes, 1942, § 8166; Laws, 1938, ch. 200; Laws, 1976, ch. 446, § 1; Laws, 1989, ch. 326, § 1; Laws, 1990, ch. 441, § 1; Laws, 2000, ch. 563, § 1; Laws, 2003, ch. 485, § 1, eff. 7/1/2003. Brought forward by Laws, 2023, ch. 443, HB 1003,§ 19, eff. 7/1/2023.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 9 - ACCIDENTS AND REPORTS (§§ 63-3-401 — 63-3-425)Section 63-3-413 - Reporting of accident by occupant of vehicle when driver incapable of reporting

Whenever the driver of a vehicle is physically incapable of making a required accident report and there was another occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made said report.Codes, 1942, § 8167; Laws, 1938, ch. 200.Brought forward by Laws, 2023, ch. 443, HB 1003,§ 20, eff. 7/1/2023. Whenever the driver of a vehicle is physically incapable of making a required accident report and there was another occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made said report.Codes, 1942, § 8167; Laws, 1938, ch. 200.Brought forward by Laws, 2023, ch. 443, HB 1003,§ 20, eff. 7/1/2023. Whenever the driver of a vehicle is physically incapable of making a required accident report and there was another occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made said report.Codes, 1942, § 8167; Laws, 1938, ch. 200.Brought forward by Laws, 2023, ch. 443, HB 1003,§ 20, eff. 7/1/2023. Whenever the driver of a vehicle is physically incapable of making a required accident report and there was another occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made said report. Codes, 1942, § 8167; Laws, 1938, ch. 200. Brought forward by Laws, 2023, ch. 443, HB 1003,§ 20, eff. 7/1/2023.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 9 - ACCIDENTS AND REPORTS (§§ 63-3-401 — 63-3-425)Section 63-3-415 - Accident report forms

(1)The department shall prepare and furnish "statewide uniform traffic accident report" forms to other agencies, municipal police departments, county sheriffs and other suitable law enforcement agencies or individuals. The department may charge an amount not exceeding the actual costs incurred by the department in preparing and furnishing the forms. The Department of Public Safety also may make such forms available in electronic format, which shall be accessible by law enforcement departments and other agencies without charge.(2)Every accident report required by Section63-3-411from a law enforcement officer or individual shall be made on the statewide uniform traffic accident report form provided by the department.(3)In addition to the information required on the accident report forms provided for herein, the department shall include a place on such report forms for the phone numbers of the parties involved in the accident and any witnesses to such accident.(4)"Statewide uniform traffic accident report" forms shall not have printed upon them the name of any elected state official.Codes, 1942, § 8168; Laws, 1938, ch. 200; Laws, 1984, ch. 485; Laws, 1986, ch. 459, § 36; Laws, 1990, ch. 441, § 2; Laws, 2002, ch. 446, § 2, eff. 7/1/2002. (1)The department shall prepare and furnish "statewide uniform traffic accident report" forms to other agencies, municipal police departments, county sheriffs and other suitable law enforcement agencies or individuals. The department may charge an amount not exceeding the actual costs incurred by the

department in preparing and furnishing the forms. The Department of Public Safety also may make such forms available in electronic format, which shall be accessible by law enforcement departments and other agencies without charge.(2)Every accident report required by Section63-3-411from a law enforcement officer or individual shall be made on the statewide uniform traffic accident report form provided by the department.(3)In addition to the information required on the accident report forms provided for herein, the department shall include a place on such report forms for the phone numbers of the parties involved in the accident and any witnesses to such accident.(4)"Statewide uniform traffic accident report" forms shall not have printed upon them the name of any elected state official.Codes, 1942, § 8168; Laws, 1938, ch. 200; Laws, 1984, ch. 485; Laws, 1986, ch. 459, § 36; Laws, 1990, ch. 441, § 2; Laws, 2002, ch. 446, § 2, eff. 7/1/2002. (1)The department shall prepare and furnish "statewide uniform traffic accident report" forms to other agencies, municipal police departments, county sheriffs and other suitable law enforcement agencies or individuals. The department may charge an amount not exceeding the actual costs incurred by the department in preparing and furnishing the forms. The Department of Public Safety also may make such forms available in electronic format, which shall be accessible by law enforcement departments and other agencies without charge.(2)Every accident report required by Section63-3-411from a law enforcement officer or individual shall be made on the statewide uniform traffic accident report form provided by the department.(3)In addition to the information required on the accident report forms provided for herein, the department shall include a place on such report forms for the phone numbers of the parties involved in the accident and any witnesses to such accident.(4)"Statewide uniform traffic accident report" forms shall not have printed upon them the name of any elected state official.Codes, 1942, § 8168; Laws, 1938, ch. 200; Laws, 1984, ch. 485; Laws, 1986, ch. 459, § 36; Laws, 1990, ch. 441, § 2; Laws, 2002, ch. 446, § 2, eff. 7/1/2002. Codes, 1942, § 8168; Laws, 1938, ch. 200; Laws, 1984, ch. 485; Laws, 1986, ch. 459, § 36; Laws, 1990, ch. 441, § 2; Laws, 2002, ch. 446, § 2, eff. 7/1/2002.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331)Article 9 - ACCIDENTS AND REPORTS (§§ 63-3-401 — 63-3-425)Section 63-3-417 - Disclosure of information in accident reports; fraudulently obtaining information contained in report; penalties

(1)All required accident reports and supplemental reports shall be without prejudice to the individual so reporting and, except as otherwise provided in this section, shall be for the confidential use of the department; however, the department may, upon written request of any person involved in an accident, the spouse or next of kin of any such person, or any person against whom a claim is made as a result of the accident or upon written request of the representative of his estate, disclose to such requester or his legal counsel or a representative of his insurer any information contained in such report except the parties' version of the accident as set out in the written report filed by such parties, or may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. The admissibility of an accident report into evidence in any court shall be governed by the Mississippi Rules of Evidence. However, the department shall furnish, upon demand of any person who has, or claims to have, made such a report or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirement that such a report be made to the department.(2)(a)Notwithstanding the provisions of subsection (1) of this section or the provisions of any other law to the contrary, the department may supply vehicle-specific accident data to any person or entity, in bulk electronic form, for the purpose of compiling vehicle history reports for use by law enforcement, consumers and businesses. The department may charge and collect fees at a negotiated price established by the department for providing such data; however, the department may not agree to grant to any person or entity an exclusive right to receive information or data under this subsection. A person or entity that requests access to such data must agree, in writing, to use information obtained from such data only for the purpose of identifying vehicles that have been involved in accidents and any damage to those vehicles. A person or entity obtaining such data may not use such information to identify or contact persons or individuals.(b)The department shall retain and deposit into a special fund that is hereby created in the State Treasury so much of the fees collected as may be necessary to defray the actual costs that the department incurs in retrieving, furnishing and maintaining the records and data requested under this subsection. Monies in the special fund may be expended, upon legislative appropriation, to defray such costs. Unexpended amounts remaining in the special fund at the end of the fiscal year shall not lapse into the State General Fund, and any income earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund. That portion of the fees collected in excess of the amount necessary to defray the actual costs that the department incurs in retrieving, furnishing and maintaining the records and data requested under this subsection shall be deposited in the State General Fund as provided under Section45-1-23.(3)The report required by Section63-3-411may be used in proving uninsured status of the owner and operator of a vehicle in any action to enforce a claim under the uninsured motorist provisions of an automobile liability policy, but only as provided in Section 13-1-124.(4)Any person to whom information contained in an accident report is not authorized to be disclosed under this section who fraudulently obtains or fraudulently attempts to obtain a copy of such report or information contained in such report shall be guilty of a misdemeanor and such person, upon conviction, shall be punished by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or imprisonment in the county jail for a term of not more than six (6) months, or by both such fine and imprisonment.Codes, 1942, § 8170; Laws, 1938, ch. 200; Laws, 1981, ch. 361, § 2; Laws, 1985, ch. 303; Laws, 1991, ch. 573, § 116; Laws, 2005, ch. 313, § 1; Laws, 2005, ch. 314, § 1; Laws, 2007, ch. 492, § 1, eff. 7/1/2007. (1)All required accident reports and supplemental reports shall be without prejudice to the individual so reporting and, except as otherwise provided in this section, shall be for the confidential use of the department; however, the department may, upon written request of any person involved in an accident, the spouse or next of kin of any such

person, or any person against whom a claim is made as a result of the accident or upon written request of the representative of his estate, disclose to such requester or his legal counsel or a representative of his insurer any information contained in such report except the parties' version of the accident as set out in the written report filed by such parties, or may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. The admissibility of an accident report into evidence in any court shall be governed by the Mississippi Rules of Evidence. However, the department shall furnish, upon demand of any person who has, or claims to have, made such a report or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirement that such a report be made to the department.(2)(a)Notwithstanding the provisions of subsection (1) of this section or the provisions of any other law to the contrary, the department may supply vehicle-specific accident data to any person or entity, in bulk electronic form, for the purpose of compiling vehicle history reports for use by law enforcement, consumers and businesses. The department may charge and collect fees at a negotiated price established by the department for providing such data; however, the department may not agree to grant to any person or entity an exclusive right to receive information or data under this subsection. A person or entity that requests access to such data must agree, in writing, to use information obtained from such data only for the purpose of identifying vehicles that have been involved in accidents and any damage to those vehicles. A person or entity obtaining such data may not use such information to identify or contact persons or individuals.(b)The department shall retain and deposit into a special fund that is hereby created in the State Treasury so much of the fees collected as may be necessary to defray the actual costs that the department incurs in retrieving, furnishing and maintaining the records and data requested under this subsection. Monies in the special fund may be expended, upon legislative appropriation, to defray such costs. Unexpended amounts remaining in the special fund at the end of the fiscal year shall not lapse into the State General Fund, and any income earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund. That portion of the fees collected in excess of the amount necessary to defray the actual costs that the department incurs in retrieving, furnishing and maintaining the records and data requested under this subsection shall be deposited in the State General Fund as provided under Section45-1-23.(3)The report required by Section63-3-411may be used in proving uninsured status of the owner and operator of a vehicle in any action to enforce a claim under the uninsured motorist provisions of an automobile liability policy, but only as provided in Section 13-1-124.(4)Any person to whom information contained in an accident report is not authorized to be disclosed under this section who fraudulently obtains or fraudulently attempts to obtain a copy of such report or information contained in such report shall be guilty of a misdemeanor and such person, upon conviction, shall be punished by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or imprisonment in the county jail for a term of not more than six (6) months, or by both such fine and imprisonment.Codes, 1942, § 8170; Laws, 1938, ch. 200; Laws, 1981, ch. 361, § 2; Laws, 1985, ch. 303; Laws, 1991, ch. 573, § 116; Laws, 2005, ch. 313, § 1; Laws, 2005, ch. 314, § 1; Laws, 2007, ch. 492, § 1, eff. 7/1/2007. (1)All required accident reports and supplemental reports shall be without prejudice to the individual so reporting and, except as otherwise provided in this section, shall be for the confidential use of the department; however, the department may, upon written request of any person involved in an accident, the spouse or next of kin of any such person, or any person against whom a claim is made as a result of the accident or upon written request of the representative of his estate, disclose to such requester or his legal counsel or a representative of his insurer any information contained in such report except the parties' version of the accident as set out in the written report filed by such parties, or may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. The admissibility of an accident report into evidence in any court shall be governed by the Mississippi Rules of Evidence. However, the department shall furnish, upon demand of any person who has, or claims to have, made such a report or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department solely to prove a compliance or a failure to comply with the requirement that such a report be made to the department.(2)(a)Notwithstanding the provisions of subsection (1) of this section or the provisions of any other law to the contrary, the department may supply vehicle-specific accident data to any person or entity, in bulk electronic form, for the purpose of compiling vehicle history reports for use by law enforcement, consumers and businesses. The department may charge and collect fees at a negotiated price established by the department for providing such data; however, the department may not agree to grant to any person or entity an exclusive right to receive information or data under this subsection. A person or entity that requests access to such data must agree, in writing, to use information obtained from such data only for the purpose of identifying vehicles that have been involved in accidents and any damage to those vehicles. A person or entity obtaining such data may not use such information to identify or contact persons or individuals.(b)The department shall retain and deposit into a special fund that is hereby created in the State Treasury so much of the fees collected as may be necessary to defray the actual costs that the department incurs in retrieving, furnishing and maintaining the records and data requested under this subsection. Monies in the special fund may be expended, upon legislative appropriation, to defray such costs. Unexpended amounts remaining in the special fund at the end of the fiscal year shall not lapse into the State General Fund, and any income earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund. That portion of the fees collected in excess of the amount necessary to defray the actual costs that the department incurs in retrieving, furnishing and maintaining the records and data requested under this subsection shall be deposited in the State General Fund as provided under Section45-1-23.(3)The report required by Section63-3-411may be used in proving uninsured status of the owner and operator of a vehicle in any action to enforce a claim under the uninsured motorist provisions of an automobile liability policy, but only as provided in Section 13-1-124.(4)Any person to whom information contained in an accident report is not authorized to be disclosed under this section who fraudulently obtains or fraudulently attempts to obtain a copy of such report or information contained in such report shall be guilty of a misdemeanor and

such person, upon conviction, shall be punished by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or imprisonment in the county jail for a term of not more than six (6) months, or by both such fine and imprisonment. Codes, 1942, § 8170; Laws, 1938, ch. 200; Laws, 1981, ch. 361, § 2; Laws, 1985, ch. 303; Laws, 1991, ch. 573, § 116; Laws, 2005, ch. 313, § 1; Laws, 2005, ch. 314, § 1; Laws, 2007, ch. 492, § 1, eff. 7/1/2007. Codes, 1942, § 8170; Laws, 1938, ch. 200; Laws, 1981, ch. 361, § 2; Laws, 1985, ch. 303; Laws, 1991, ch. 573, § 116; Laws, 2005, ch. 313, § 1; Laws, 2005, ch. 314, § 1; Laws, 2007, ch. 492, § 1, eff. 7/1/2007.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 9 - ACCIDENTS AND REPORTS (§§ 63-3-401 — 63-3-425) Section 63-3-419 - Reporting by hospitals and medical examiners of deaths from motor vehicle accidents

(1) Every county medical examiner or county medical examiner investigator shall, on or before the tenth day of each month, report in writing to the department the death of any person within his jurisdiction during the preceding calendar month as the result of an accident involving a motor vehicle and the circumstances of such accident. (2) Every hospital shall notify the county medical examiner or county medical examiner investigator of the county in which the accident occurred of the death within the hospital of any person who dies as a result of injuries apparently sustained in an accident involving a motor vehicle. Codes, 1942, § 8169; Laws, 1938, ch. 200; Laws, 1976, ch. 446, § 2; Laws, 1986, ch. 459, § 37, eff. 7/1/1986. (1) Every county medical examiner or county medical examiner investigator shall, on or before the tenth day of each month, report in writing to the department the death of any person within his jurisdiction during the preceding calendar month as the result of an accident involving a motor vehicle and the circumstances of such accident. (2) Every hospital shall notify the county medical examiner or county medical examiner investigator of the county in which the accident occurred of the death within the hospital of any person who dies as a result of injuries apparently sustained in an accident involving a motor vehicle. Codes, 1942, § 8169; Laws, 1938, ch. 200; Laws, 1976, ch. 446, § 2; Laws, 1986, ch. 459, § 37, eff. 7/1/1986. (1) Every county medical examiner or county medical examiner investigator shall, on or before the tenth day of each month, report in writing to the department the death of any person within his jurisdiction during the preceding calendar month as the result of an accident involving a motor vehicle and the circumstances of such accident. (2) Every hospital shall notify the county medical examiner or county medical examiner investigator of the county in which the accident occurred of the death within the hospital of any person who dies as a result of injuries apparently sustained in an accident involving a motor vehicle. Codes, 1942, § 8169; Laws, 1938, ch. 200; Laws, 1976, ch. 446, § 2; Laws, 1986, ch. 459, § 37, eff. 7/1/1986. Codes, 1942, § 8169; Laws, 1938, ch. 200; Laws, 1976, ch. 446, § 2; Laws, 1986, ch. 459, § 37, eff. 7/1/1986.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 9 - ACCIDENTS AND REPORTS (§§ 63-3-401 — 63-3-425) Section 63-3-421 - Tabulation and analysis of accident reports

The department shall receive accident reports required by this article, and shall tabulate and may analyze all accident reports and shall publish annually or at more frequent intervals statistical information based thereon as to the number and circumstances of traffic accidents. Codes, 1942, § 8171; Laws, 1938, ch. 200; Laws, 1976, ch. 446, § 3, eff. 7/1/1976. The department shall receive accident reports required by this article, and shall tabulate and may analyze all accident reports and shall publish annually or at more frequent intervals statistical information based thereon as to the number and circumstances of traffic accidents. Codes, 1942, § 8171; Laws, 1938, ch. 200; Laws, 1976, ch. 446, § 3, eff. 7/1/1976. The department shall receive accident reports required by this article, and shall tabulate and may analyze all accident reports and shall publish annually or at more frequent intervals statistical information based thereon as to the number and circumstances of traffic accidents. Codes, 1942, § 8171; Laws, 1938, ch. 200; Laws, 1976, ch. 446, § 3, eff. 7/1/1976. The department shall receive accident reports required by this article, and shall tabulate and may analyze all accident reports and shall publish annually or at more frequent intervals statistical information based thereon as to the number and circumstances of traffic accidents. Codes, 1942, § 8171; Laws, 1938, ch. 200; Laws, 1976, ch. 446, § 3, eff. 7/1/1976.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 9 - ACCIDENTS AND REPORTS (§§ 63-3-401 — 63-3-425) Section 63-3-423 - Requirement of accident reports by municipal corporations; confidentiality of reports

Any incorporated city, town, village, or other municipality, may by ordinance require that the driver of a vehicle involved in an accident shall also file with a designated city department a report of such accident or a copy of any report required under this article to be filed with the department. Any such report shall be for the confidential use of the city department and shall be subject to the provisions of Section 63-3-417. Codes, 1942, § 8172; Laws, 1938, ch. 200. Any incorporated city, town, village, or other municipality, may by ordinance require that the driver of a vehicle involved in an accident shall also file with a designated city department a report of such accident or a copy of any report required under this article to be filed with the department. Any such report shall be for the confidential use of the city department and shall be subject to the provisions of Section 63-3-417. Codes, 1942, § 8172; Laws, 1938, ch. 200. Any incorporated city, town, village, or other municipality, may by ordinance require that the driver of a vehicle involved in an accident shall also file with a designated city department a report of such accident or a copy of any report required under this article to be filed with the department. Any such report shall be for the confidential use of the city department

and shall be subject to the provisions of Section 63-3-417. Codes, 1942, § 8172; Laws, 1938, ch. 200. Any incorporated city, town, village, or other municipality, may by ordinance require that the driver of a vehicle involved in an accident shall also file with a designated city department a report of such accident or a copy of any report required under this article to be filed with the department. Any such report shall be for the confidential use of the city department and shall be subject to the provisions of Section 63-3-417. Codes, 1942, § 8172; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 3 - TRAFFIC REGULATIONS AND RULES OF THE ROAD (§§ 63-3-1 — 63-3-1331) Article 9 - ACCIDENTS AND REPORTS (§§ 63-3-401 — 63-3-425) Section 63-3-425 - Duty of driver involved in accident without serious injury or death to move vehicle to designated accident investigation site if possible; violation

(1) If a traffic accident occurs without serious injury or death on a main lane, ramp, shoulder, median, or adjacent area of a highway in this state and each vehicle involved can be normally and safely driven, each operator shall move the operator's vehicle as soon as possible to a designated accident investigation site, if available, a location on the frontage road, the nearest suitable cross-street, or other suitable location to complete the other requirements under the law and minimize interference with highway traffic. (2) Under this section, a vehicle can be normally and safely driven only if the operator is capable of safely operating the vehicle to move it and only if the vehicle: (a) Does not require towing; and (b) Can be operated under its own power and in its usual manner, without additional damage or hazard to the vehicle, other traffic, or the roadway. (3) For purposes of this section, "serious injury" means an injury that results in the need of an ambulance or other emergency medical transportation being called to the scene of the accident. (4) Beginning on July 1, 2021, a person who does not comply with the requirements of this section shall be punished in accordance with Section 63-9-11. (5) The Mississippi Department of Transportation shall determine and erect appropriate signs in appropriate locations throughout the state to inform the public about the new state law provided for in this section. Added by Laws, 2020, ch. 397, HB 811, § 1, eff. 7/1/2020. (1) If a traffic accident occurs without serious injury or death on a main lane, ramp, shoulder, median, or adjacent area of a highway in this state and each vehicle involved can be normally and safely driven, each operator shall move the operator's vehicle as soon as possible to a designated accident investigation site, if available, a location on the frontage road, the nearest suitable cross-street, or other suitable location to complete the other requirements under the law and minimize interference with highway traffic. (2) Under this section, a vehicle can be normally and safely driven only if the operator is capable of safely operating the vehicle to move it and only if the vehicle: (a) Does not require towing; and (b) Can be operated under its own power and in its usual manner, without additional damage or hazard to the vehicle, other traffic, or the roadway. (3) For purposes of this section, "serious injury" means an injury that results in the need of an ambulance or other emergency medical transportation being called to the scene of the accident. (4) Beginning on July 1, 2021, a person who does not comply with the requirements of this section shall be punished in accordance with Section 63-9-11. (5) The Mississippi Department of Transportation shall determine and erect appropriate signs in appropriate locations throughout the state to inform the public about the new state law provided for in this section. Added by Laws, 2020, ch. 397, HB 811, § 1, eff. 7/1/2020. (1) If a traffic accident occurs without serious injury or death on a main lane, ramp, shoulder, median, or adjacent area of a highway in this state and each vehicle involved can be normally and safely driven, each operator shall move the operator's vehicle as soon as possible to a designated accident investigation site, if available, a location on the frontage road, the nearest suitable cross-street, or other suitable location to complete the other requirements under the law and minimize interference with highway traffic. (2) Under this section, a vehicle can be normally and safely driven only if the operator is capable of safely operating the vehicle to move it and only if the vehicle: (a) Does not require towing; and (b) Can be operated under its own power and in its usual manner, without additional damage or hazard to the vehicle, other traffic, or the roadway. (3) For purposes of this section, "serious injury" means an injury that results in the need of an ambulance or other emergency medical transportation being called to the scene of the accident. (4) Beginning on July 1, 2021, a person who does not comply with the requirements of this section shall be punished in accordance with Section 63-9-11. (5) The Mississippi Department of Transportation shall determine and erect appropriate signs in appropriate locations throughout the state to inform the public about the new state law provided for in this section. Added by Laws, 2020, ch. 397, HB 811, § 1, eff. 7/1/2020. Added by Laws, 2020, ch. 397, HB 811, § 1, eff. 7/1/2020.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 31 - OPERATING OFF-ROAD VEHICLES (§§ 63-31-1 — 63-31-3) Section 63-31-1 - Legislative intent

It is the intent of the Legislature that all persons shall operate off-road vehicles in accordance with the vehicle manufacturer's guidelines. Laws, 2011, ch. 465, § 1, eff. 7/1/2011. Amended by Laws, 2013, ch. 330, SB 2457, 1, eff. 7/1/2013. It is the intent of the Legislature that all persons shall operate off-road vehicles in accordance with the vehicle manufacturer's guidelines. Laws, 2011, ch. 465, § 1, eff. 7/1/2011. Amended by Laws, 2013, ch. 330, SB 2457, 1, eff. 7/1/2013. It is the intent of the Legislature that all persons shall operate off-road vehicles in accordance with the vehicle manufacturer's guidelines. Laws, 2011, ch. 465, § 1, eff. 7/1/2011. Amended by Laws, 2013, ch. 330, SB 2457, 1, eff. 7/1/2013. It is the intent of the Legislature that all persons shall operate off-road vehicles in accordance with the vehicle manufacturer's guidelines. Laws, 2011, ch. 465, § 1, eff. 7/1/2011. Amended by Laws, 2013, ch. 330, SB 2457, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 31 - OPERATING OFF-ROAD VEHICLES (§§ 63-31-1 — 63-31-3) Section 63-31-3 - Requirements to

operate off-road vehicle on public property; off-road vehicle safety course

(1)No off-road vehicle shall be operated upon any public property by any person unless:(a)(i)The person possesses a valid driver's license; or(ii)The person possesses a certificate as provided under subsections (3) and (4) of this section.(b)No person may operate any off-road vehicle upon any public property in this state unless each person under sixteen (16) years of age who is operating or riding on the off-road vehicle is wearing a crash helmet that complies with minimum guidelines established by the National Highway Traffic Safety Administration pursuant to the federal Motor Vehicle Safety Standard No. 218 (49 CFR 571.218) for helmets designed for use by motorcyclists.(2)A violation of subsection (1) of this section is punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00).(3)Off-road vehicle safety courses shall be held by the Cooperative Extension Service using 4-H safety course materials and curricula, and shall be taught by instructors possessing qualifications approved by the Department of Public Safety. The Cooperative Extension Service shall issue a certificate to each person who satisfactorily completes the off-road vehicle safety course.(4)Off-road vehicle safety courses may be held by any organization approved by the Department of Public Safety. Such organization shall issue a certificate to each person who satisfactorily completes the off-road vehicle safety course.(5)For the purposes of this section:(a)"Off-road vehicle" means any all-terrain vehicle, dirt bike or recreational off-highway vehicle. The term "off-road vehicle" shall not include electric bicycles.(b)"All-terrain vehicle" or "ATV" means any motorized vehicle manufactured and designed exclusively for off-road use that is fifty-five (55) inches or less in width; has an unladen dry weight of one thousand (1,000) pounds or less; and travels on three (3), four (4) or more nonhighway tires. The term "all-terrain vehicle" shall not include electric bicycles.(c)"Dirt bike" means a motor-powered vehicle possessing two (2) or more tires, designed to travel over any terrain and capable of travelling off of paved roads, whether or not the vehicle may be operated legally on a public street. The term "dirt bike" shall not include electric bicycles.(d)"Recreational off-highway vehicle" means any motorized vehicle manufactured and designed exclusively for off-road use that is seventy-five (75) inches or less in width; has an unladen dry weight of three thousand five hundred (3,500) pounds or less; and travels on four (4) or more nonhighway tires.(6)Nothing in this section shall be construed to authorize operation of an off-road vehicle on a public road or highway of this state.Laws, 2011, ch. 465, § 2; Laws, 2012, ch. 544, § 2, eff. 7/1/2012.Amended by Laws, 2022, ch. 317, HB 158,§ 1, eff. 7/1/2022.Amended by Laws, 2021, ch. 355, HB 1195,§ 12, eff. 7/1/2021.Amended by Laws, 2013, ch. 330, SB 2457, 2, eff. 7/1/2013. (1)No off-road vehicle shall be operated upon any public property by any person unless:(a)(i)The person possesses a valid driver's license; or(ii)The person possesses a certificate as provided under subsections (3) and (4) of this section.(b)No person may operate any off-road vehicle upon any public property in this state unless each person under sixteen (16) years of age who is operating or riding on the off-road vehicle is wearing a crash helmet that complies with minimum guidelines established by the National Highway Traffic Safety Administration pursuant to the federal Motor Vehicle Safety Standard No. 218 (49 CFR 571.218) for helmets designed for use by motorcyclists.(2)A violation of subsection (1) of this section is punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00).(3)Off-road vehicle safety courses shall be held by the Cooperative Extension Service using 4-H safety course materials and curricula, and shall be taught by instructors possessing qualifications approved by the Department of Public Safety. The Cooperative Extension Service shall issue a certificate to each person who satisfactorily completes the off-road vehicle safety course.(4)Off-road vehicle safety courses may be held by any organization approved by the Department of Public Safety. Such organization shall issue a certificate to each person who satisfactorily completes the off-road vehicle safety course.(5)For the purposes of this section:(a)"Off-road vehicle" means any all-terrain vehicle, dirt bike or recreational off-highway vehicle. The term "off-road vehicle" shall not include electric bicycles.(b)"All-terrain vehicle" or "ATV" means any motorized vehicle manufactured and designed exclusively for off-road use that is fifty-five (55) inches or less in width; has an unladen dry weight of one thousand (1,000) pounds or less; and travels on three (3), four (4) or more nonhighway tires. The term "all-terrain vehicle" shall not include electric bicycles.(c)"Dirt bike" means a motor-powered vehicle possessing two (2) or more tires, designed to travel over any terrain and capable of travelling off of paved roads, whether or not the vehicle may be operated legally on a public street. The term "dirt bike" shall not include electric bicycles.(d)"Recreational off-highway vehicle" means any motorized vehicle manufactured and designed exclusively for off-road use that is seventy-five (75) inches or less in width; has an unladen dry weight of three thousand five hundred (3,500) pounds or less; and travels on four (4) or more nonhighway tires.(6)Nothing in this section shall be construed to authorize operation of an off-road vehicle on a public road or highway of this state.Laws, 2011, ch. 465, § 2; Laws, 2012, ch. 544, § 2, eff. 7/1/2012.Amended by Laws, 2022, ch. 317, HB 158,§ 1, eff. 7/1/2022.Amended by Laws, 2021, ch. 355, HB 1195,§ 12, eff. 7/1/2021.Amended by Laws, 2013, ch. 330, SB 2457, 2, eff. 7/1/2013. (1)No off-road vehicle shall be operated upon any public property by any person unless:(a)(i)The person possesses a valid driver's license; or(ii)The person possesses a certificate as provided under subsections (3) and (4) of this section.(b)No person may operate any off-road vehicle upon any public property in this state unless each person under sixteen (16) years of age who is operating or riding on the off-road vehicle is wearing a crash helmet that complies with minimum guidelines established by the National Highway Traffic Safety Administration pursuant to the federal Motor Vehicle Safety Standard No. 218 (49 CFR 571.218) for helmets designed for use by motorcyclists.(2)A violation of subsection (1) of this section is punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00).(3)Off-road vehicle safety courses shall be held by the Cooperative Extension Service using 4-H safety course materials and curricula, and shall be taught by instructors possessing qualifications approved by the Department of Public Safety. The Cooperative Extension Service shall issue a certificate to each person who satisfactorily completes the off-road vehicle safety course.(4)Off-road vehicle safety courses may be held by any organization approved by the Department of Public Safety. Such organization shall issue a certificate to each person who satisfactorily completes the off-road vehicle safety course.(5)For the purposes of this section:(a)"Off-road vehicle"

means any all-terrain vehicle, dirt bike or recreational off-highway vehicle. The term "off-road vehicle" shall not include electric bicycles.(b)"All-terrain vehicle" or "ATV" means any motorized vehicle manufactured and designed exclusively for off-road use that is fifty-five (55) inches or less in width; has an unladen dry weight of one thousand (1,000) pounds or less; and travels on three (3), four (4) or more nonhighway tires. The term "all-terrain vehicle" shall not include electric bicycles.(c)"Dirt bike" means a motor-powered vehicle possessing two (2) or more tires, designed to travel over any terrain and capable of travelling off of paved roads, whether or not the vehicle may be operated legally on a public street. The term "dirt bike" shall not include electric bicycles.(d)"Recreational off-highway vehicle" means any motorized vehicle manufactured and designed exclusively for off-road use that is seventy-five (75) inches or less in width; has an unladen dry weight of three thousand five hundred (3,500) pounds or less; and travels on four (4) or more nonhighway tires.(6)Nothing in this section shall be construed to authorize operation of an off-road vehicle on a public road or highway of this state.Laws, 2011, ch. 465, § 2; Laws, 2012, ch. 544, § 2, eff. 7/1/2012.Amended by Laws, 2022, ch. 317, HB 158,§ 1, eff. 7/1/2022.Amended by Laws, 2021, ch. 355, HB 1195,§ 12, eff. 7/1/2021.Amended by Laws, 2013, ch. 330, SB 2457, 2, eff. 7/1/2013. Laws, 2011, ch. 465, § 2; Laws, 2012, ch. 544, § 2, eff. 7/1/2012. Amended by Laws, 2022, ch. 317, HB 158,§ 1, eff. 7/1/2022. Amended by Laws, 2021, ch. 355, HB 1195,§ 12, eff. 7/1/2021. Amended by Laws, 2013, ch. 330, SB 2457, 2, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 32 - OPERATION OF GOLF CARTS AND LOW-SPEED VEHICLES ON MUNICIPAL PUBLIC ROADS (§§ 63-32-1 — 63-32-5)Section 63-32-1 - Definitions

As used in this chapter:(a)"Golf cart" means a motor vehicle that is designated and manufactured for operation on a golf course for sporting or recreational purposes, is not capable of exceeding speeds of twenty (20) miles per hour, and is equipped with safety equipment as required under49 CFR Section 571.500.(b)"Low-speed vehicle" means any four-wheeled electric or gasoline-powered vehicle that has a top speed greater than twenty (20) miles per hour but less than twenty-five (25) miles per hour and is equipped with safety equipment as required under49 CFR Section 571.500.Added by Laws, 2021, ch. 367, SB 2605,§ 1, eff. 3/17/2021. As used in this chapter:(a)"Golf cart" means a motor vehicle that is designated and manufactured for operation on a golf course for sporting or recreational purposes, is not capable of exceeding speeds of twenty (20) miles per hour, and is equipped with safety equipment as required under49 CFR Section 571.500.(b)"Low-speed vehicle" means any four-wheeled electric or gasoline-powered vehicle that has a top speed greater than twenty (20) miles per hour but less than twenty-five (25) miles per hour and is equipped with safety equipment as required under49 CFR Section 571.500.Added by Laws, 2021, ch. 367, SB 2605,§ 1, eff. 3/17/2021. As used in this chapter:(a)"Golf cart" means a motor vehicle that is designated and manufactured for operation on a golf course for sporting or recreational purposes, is not capable of exceeding speeds of twenty (20) miles per hour, and is equipped with safety equipment as required under49 CFR Section 571.500.(b)"Low-speed vehicle" means any four-wheeled electric or gasoline-powered vehicle that has a top speed greater than twenty (20) miles per hour but less than twenty-five (25) miles per hour and is equipped with safety equipment as required under49 CFR Section 571.500.Added by Laws, 2021, ch. 367, SB 2605,§ 1, eff. 3/17/2021. As used in this chapter: Added by Laws, 2021, ch. 367, SB 2605,§ 1, eff. 3/17/2021.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 32 - OPERATION OF GOLF CARTS AND LOW-SPEED VEHICLES ON MUNICIPAL PUBLIC ROADS (§§ 63-32-1 — 63-32-5)Section 63-32-3 - Authorization to operate golf carts and low-speed vehicles on public roads within municipality under certain circumstances; operator requirements

(1)The governing authorities of a municipality may, in their discretion, authorize the operation of golf carts and low-speed vehicles only on public roads and streets as designated by ordinance, within the corporate limits of the municipality.(2)Golf carts and low-speed vehicles may be operated on public roads and streets upon which bicycles are authorized by law to be operated. Golf carts and low-speed vehicles may not be operated on state highways or federal highways that are not interstate highways except for the crossing of these streets, in which case the shortest traveling distance to do so shall be required. Drivers are required to operate golf carts and low-speed vehicles only in the outside lane of multilane streets and roads, where applicable.(3)Any person operating a golf cart or low-speed vehicle on the public roads and streets under this chapter must have in his or her possession a valid driver's license or temporary driver's permit and proof of financial responsibility as required under Section63-15-1et seq.Added by Laws, 2021, ch. 367, SB 2605,§ 2, eff. 3/17/2021. (1)The governing authorities of a municipality may, in their discretion, authorize the operation of golf carts and low-speed vehicles only on public roads and streets as designated by ordinance, within the corporate limits of the municipality.(2)Golf carts and low-speed vehicles may be operated on public roads and streets upon which bicycles are authorized by law to be operated. Golf carts and low-speed vehicles may not be operated on state highways or federal highways that are not interstate highways except for the crossing of these streets, in which case the shortest traveling distance to do so shall be required. Drivers are required to operate golf carts and low-speed vehicles only in the outside lane of multilane streets and roads, where applicable.(3)Any person operating a golf cart or low-speed vehicle on the public roads and streets under this chapter must have in his or her possession a valid driver's license or temporary driver's permit and proof of financial responsibility as required under Section63-15-1et seq.Added by Laws, 2021, ch. 367, SB 2605,§ 2, eff. 3/17/2021. (1)The governing authorities of a municipality may, in their discretion, authorize the operation of golf carts and low-speed vehicles only on public roads and streets as designated by ordinance, within the corporate limits of the municipality.(2)Golf carts and low-speed vehicles may be operated on public roads and streets upon which bicycles are authorized by law to be operated. Golf carts and low-speed vehicles may not be operated on

state highways or federal highways that are not interstate highways except for the crossing of these streets, in which case the shortest traveling distance to do so shall be required. Drivers are required to operate golf carts and low-speed vehicles only in the outside lane of multilane streets and roads, where applicable.(3)Any person operating a golf cart or low-speed vehicle on the public roads and streets under this chapter must have in his or her possession a valid driver's license or temporary driver's permit and proof of financial responsibility as required under Section63-15-1et seq.Added by Laws, 2021, ch. 367, SB 2605,§ 2, eff. 3/17/2021. Added by Laws, 2021, ch. 367, SB 2605,§ 2, eff. 3/17/2021.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 32 - OPERATION OF GOLF CARTS AND LOW-SPEED VEHICLES ON MUNICIPAL PUBLIC ROADS (§§ 63-32-1 — 63-32-5)Section 63-32-5 - Golf cart and low-speed vehicle registration requirements

(1)Every golf cart and low-speed vehicle to be operated, as authorized under this chapter, on a public road or street shall be required to be registered with the city. Upon payment of a reasonable fee that may be charged by the city to cover the costs of administration, presentation of proof of financial responsibility and presentation of a valid driver's license or temporary driver's permit, the owner of the golf cart or low-speed vehicle shall be issued a registration decal by the county or municipal tax collector that must be displayed on the left rear fender of the vehicle. The registration shall remain valid for as long as the registering owner owns the golf cart or low-speed vehicle. The city shall provide the registrant with a map of the areas where golf carts or low-speed vehicles may be operated at the time of registration. The operator shall be required to have proof of financial responsibility and a valid driver's license in his or her possession at all times while operating the golf cart or low-speed vehicle on public roads and streets of the state.(2)The registration fee imposed under subsection (1) of this section shall be retained by the municipal clerk and deposited into the municipal general fund.Added by Laws, 2021, ch. 367, SB 2605,§ 3, eff. 3/17/2021. (1)Every golf cart and low-speed vehicle to be operated, as authorized under this chapter, on a public road or street shall be required to be registered with the city. Upon payment of a reasonable fee that may be charged by the city to cover the costs of administration, presentation of proof of financial responsibility and presentation of a valid driver's license or temporary driver's permit, the owner of the golf cart or low-speed vehicle shall be issued a registration decal by the county or municipal tax collector that must be displayed on the left rear fender of the vehicle. The registration shall remain valid for as long as the registering owner owns the golf cart or low-speed vehicle. The city shall provide the registrant with a map of the areas where golf carts or low-speed vehicles may be operated at the time of registration. The operator shall be required to have proof of financial responsibility and a valid driver's license in his or her possession at all times while operating the golf cart or low-speed vehicle on public roads and streets of the state.(2)The registration fee imposed under subsection (1) of this section shall be retained by the municipal clerk and deposited into the municipal general fund.Added by Laws, 2021, ch. 367, SB 2605,§ 3, eff. 3/17/2021. (1)Every golf cart and low-speed vehicle to be operated, as authorized under this chapter, on a public road or street shall be required to be registered with the city. Upon payment of a reasonable fee that may be charged by the city to cover the costs of administration, presentation of proof of financial responsibility and presentation of a valid driver's license or temporary driver's permit, the owner of the golf cart or low-speed vehicle shall be issued a registration decal by the county or municipal tax collector that must be displayed on the left rear fender of the vehicle. The registration shall remain valid for as long as the registering owner owns the golf cart or low-speed vehicle. The city shall provide the registrant with a map of the areas where golf carts or low-speed vehicles may be operated at the time of registration. The operator shall be required to have proof of financial responsibility and a valid driver's license in his or her possession at all times while operating the golf cart or low-speed vehicle on public roads and streets of the state.(2)The registration fee imposed under subsection (1) of this section shall be retained by the municipal clerk and deposited into the municipal general fund.Added by Laws, 2021, ch. 367, SB 2605,§ 3, eff. 3/17/2021. Added by Laws, 2021, ch. 367, SB 2605,§ 3, eff. 3/17/2021.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 33 - MISCELLANEOUS PROVISIONS (§§ 63-33-1 — 63-33-3)Section 63-33-1 - Writing, sending or reading text message or reading or posting to social networking site using hand-held mobile telephone while operating vehicle prohibited; penalties

(1)For purposes of this section, the following terms shall have the meanings ascribed in this subsection, unless the context clearly indicates otherwise:(a)"Hand-held mobile telephone" means a mobile telephone or other portable electronic communication device with which a user engages in a call or writes, sends or reads a text message using at least one hand. The term "hand-held mobile telephone" shall not include a voice-operated or hands-free device;(b)"Motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways;(c)"Social networking site" means any web-based service that allows individuals to construct a profile within a founded system, articulate a list of other users with whom they share a connection, and communicate with other users of the site;(d)"Text message" includes a text-based message, instant message, electronic message, and email, but shall not include an emergency, traffic or weather alert or a message related to the operation or navigation of the motor vehicle;(e)"Voice operated or hands-free device" means a device that allows the user to write, send, or read a text message without the use of either hand except to activate, deactivate, or initiate a feature or function; and(f)"Writing," "sending" and "reading," with respect to a text message, means the manual entry, sending, or retrieval of a text message, respectively, to communicate with any person or device.(2)An operator of a moving motor vehicle is prohibited from writing, sending, or reading a text message and from accessing, reading or posting to a social networking site using a hand-held mobile telephone while driving said motor vehicle.(3)A violation of this section is a civil violation, and upon being found in violation, is

punishable by a civil penalty of Twenty-five Dollars (\$25.00) for violations committed until July 1, 2016, and One Hundred Dollars (\$100.00) for violations committed from and after July 1, 2016. No state assessments shall be imposed or collected for a violation under this section.(4)The Department of Public Safety shall keep and maintain records of citations issued under this section, including the age and race of the vehicle operator, whether there was an additional traffic violation by the vehicle operator, and whether there was a crash or any damage to a vehicle or passenger at the time of the citation.Amended by Laws, 2018, ch. 378, HB 900,§ 1, eff. 7/1/2018.Added by Laws, 2015, ch. 326, HB 389, 1, eff. 7/1/2015. (1)For purposes of this section, the following terms shall have the meanings ascribed in this subsection, unless the context clearly indicates otherwise:(a)"Hand-held mobile telephone" means a mobile telephone or other portable electronic communication device with which a user engages in a call or writes, sends or reads a text message using at least one hand. The term "hand-held mobile telephone" shall not include a voice-operated or hands-free device;(b)"Motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways;(c)"Social networking site" means any web-based service that allows individuals to construct a profile within a founded system, articulate a list of other users with whom they share a connection, and communicate with other users of the site;(d)"Text message" includes a text-based message, instant message, electronic message, and email, but shall not include an emergency, traffic or weather alert or a message related to the operation or navigation of the motor vehicle;(e)"Voice operated or hands-free device" means a device that allows the user to write, send, or read a text message without the use of either hand except to activate, deactivate, or initiate a feature or function; and(f)"Writing," "sending" and "reading," with respect to a text message, means the manual entry, sending, or retrieval of a text message, respectively, to communicate with any person or device.(2)An operator of a moving motor vehicle is prohibited from writing, sending, or reading a text message and from accessing, reading or posting to a social networking site using a hand-held mobile telephone while driving said motor vehicle.(3)A violation of this section is a civil violation, and upon being found in violation, is punishable by a civil penalty of Twenty-five Dollars (\$25.00) for violations committed until July 1, 2016, and One Hundred Dollars (\$100.00) for violations committed from and after July 1, 2016. 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The term "hand-held mobile telephone" shall not include a voice-operated or hands-free device;(b)"Motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways;(c)"Social networking site" means any web-based service that allows individuals to construct a profile within a founded system, articulate a list of other users with whom they share a connection, and communicate with other users of the site;(d)"Text message" includes a text-based message, instant message, electronic message, and email, but shall not include an emergency, traffic or weather alert or a message related to the operation or navigation of the motor vehicle;(e)"Voice operated or hands-free device" means a device that allows the user to write, send, or read a text message without the use of either hand except to activate, deactivate, or initiate a feature or function; and(f)"Writing," "sending" and "reading," with respect to a text message, means the manual entry, sending, or retrieval of a text message, respectively, to communicate with any person or device.(2)An operator of a moving motor vehicle is prohibited from writing, sending, or reading a text message and from accessing, reading or posting to a social networking site using a hand-held mobile telephone while driving said motor vehicle.(3)A violation of this section is a civil violation, and upon being found in violation, is punishable by a civil penalty of Twenty-five Dollars (\$25.00) for violations committed until July 1, 2016, and One Hundred Dollars (\$100.00) for violations committed from and after July 1, 2016. No state assessments shall be imposed or collected for a violation under this section.(4)The Department of Public Safety shall keep and maintain records of citations issued under this section, including the age and race of the vehicle operator, whether there was an additional traffic violation by the vehicle operator, and whether there was a crash or any damage to a vehicle or passenger at the time of the citation.Amended by Laws, 2018, ch. 378, HB 900,§ 1, eff. 7/1/2018.Added by Laws, 2015, ch. 326, HB 389, 1, eff. 7/1/2015. Amended by Laws, 2018, ch. 378, HB 900,§ 1, eff. 7/1/2018. Added by Laws, 2015, ch. 326, HB 389, 1, eff. 7/1/2015.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 33 - MISCELLANEOUS PROVISIONS (§§ 63-33-1 — 63-33-3)Section 63-33-3 - Motor carrier safety improvement; use by motor carrier not to be considered in reference to individual's status as employee, independent contractor, or jointly employed employee

(1)For purposes of this section, the term "motor carrier safety improvement" means any device, equipment, software, technology, procedure, training, policy, program or operational practice intended and primarily used to improve or facilitate compliance with traffic safety or motor carrier safety laws, safety of a motor vehicle, safety of the operator of a motor vehicle, or safety of third-party users of highways of this state.(2)The deployment, implementation or use of a motor carrier safety improvement by or as required by a motor carrier or its related entity, including by contract, shall not be considered when evaluating an individual's status as an employee or independent contractor, or as a jointly employed employee, under any state law.Added by Laws, 2021, ch. 336, HB 341,§ 1, eff. 7/1/2021. (1)For purposes of this section, the term "motor carrier safety improvement" means any device, equipment, software, technology, procedure, training, policy, program or operational practice intended and primarily used to improve or

facilitate compliance with traffic safety or motor carrier safety laws, safety of a motor vehicle, safety of the operator of a motor vehicle, or safety of third-party users of highways of this state.(2)The deployment, implementation or use of a motor carrier safety improvement by or as required by a motor carrier or its related entity, including by contract, shall not be considered when evaluating an individual's status as an employee or independent contractor, or as a jointly employed employee, under any state law.Added by Laws, 2021, ch. 336, HB 341,§ 1, eff. 7/1/2021. (1)For purposes of this section, the term "motor carrier safety improvement" means any device, equipment, software, technology, procedure, training, policy, program or operational practice intended and primarily used to improve or facilitate compliance with traffic safety or motor carrier safety laws, safety of a motor vehicle, safety of the operator of a motor vehicle, or safety of third-party users of highways of this state.(2)The deployment, implementation or use of a motor carrier safety improvement by or as required by a motor carrier or its related entity, including by contract, shall not be considered when evaluating an individual's status as an employee or independent contractor, or as a jointly employed employee, under any state law.Added by Laws, 2021, ch. 336, HB 341,§ 1, eff. 7/1/2021. Added by Laws, 2021, ch. 336, HB 341,§ 1, eff. 7/1/2021.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 35 - MISSISSIPPI FULLY AUTONOMOUS VEHICLE ENABLING (MS FAVE)Section 63-35-1 - Short title

This chapter shall be known and may be cited as the Mississippi Fully Autonomous Vehicle Enabling (MS FAVE) Act of 2023.Added by Laws, 2023, ch. 443, HB 1003,§ 1, eff. 7/1/2023. This chapter shall be known and may be cited as the Mississippi Fully Autonomous Vehicle Enabling (MS FAVE) Act of 2023.Added by Laws, 2023, ch. 443, HB 1003,§ 1, eff. 7/1/2023. This chapter shall be known and may be cited as the Mississippi Fully Autonomous Vehicle Enabling (MS FAVE) Act of 2023.Added by Laws, 2023, ch. 443, HB 1003,§ 1, eff. 7/1/2023. This chapter shall be known and may be cited as the Mississippi Fully Autonomous Vehicle Enabling (MS FAVE) Act of 2023. Added by Laws, 2023, ch. 443, HB 1003,§ 1, eff. 7/1/2023.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 35 - MISSISSIPPI FULLY AUTONOMOUS VEHICLE ENABLING (MS FAVE)Section 63-35-11 - Proof of insurance required

Before operating a fully autonomous vehicle on public roads in this state without a human driver, a person shall file proof of financial responsibility satisfactory to the Department of Public Safety that the fully autonomous vehicle is covered by insurance or proof of self-insurance that satisfies the requirements of

Section63-15-37,63-15-39,63-15-41,63-15-43,63-15-49,63-15-51or63-15-53.Added by Laws, 2023, ch. 443, HB 1003,§ 6, eff.

7/1/2023. Before operating a fully autonomous vehicle on public roads in this state without a human driver, a person shall file proof of financial responsibility satisfactory to the Department of Public Safety that the fully autonomous vehicle is covered by insurance or proof of self-insurance that satisfies the requirements of

Section63-15-37,63-15-39,63-15-41,63-15-43,63-15-49,63-15-51or63-15-53.Added by Laws, 2023, ch. 443, HB 1003,§ 6, eff.

7/1/2023. Before operating a fully autonomous vehicle on public roads in this state without a human driver, a person shall file proof of financial responsibility satisfactory to the Department of Public Safety that the fully autonomous vehicle is covered by insurance or proof of self-insurance that satisfies the requirements of

Section63-15-37,63-15-39,63-15-41,63-15-43,63-15-49,63-15-51or63-15-53.Added by Laws, 2023, ch. 443, HB 1003,§ 6, eff.

7/1/2023. Before operating a fully autonomous vehicle on public roads in this state without a human driver, a person shall file proof of financial responsibility satisfactory to the Department of Public Safety that the fully autonomous vehicle is covered by insurance or proof of self-insurance that satisfies the requirements of

Section63-15-37,63-15-39,63-15-41,63-15-43,63-15-49,63-15-51or63-15-53. Added by Laws, 2023, ch. 443, HB 1003,§ 6, eff.

7/1/2023.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 35 - MISSISSIPPI FULLY AUTONOMOUS VEHICLE ENABLING (MS FAVE)Section 63-35-13 - Accidents

In the event of a crash:(a)The fully autonomous vehicle shall remain on the scene of the crash when required by Article 9, Chapter 3, Title 63, Mississippi Code of 1972, consistent with its capability under Section 3 of this act.(b)The owner of the fully autonomous vehicle, or a person on behalf of the vehicle owner, shall report any crashes or collisions consistent with Article 9, Chapter 3, Title 63, Mississippi Code of 1972.Added by Laws, 2023, ch. 443, HB 1003,§ 7, eff. 7/1/2023. In the event of a crash:(a)The fully autonomous vehicle shall remain on the scene of the crash when required by Article 9, Chapter 3, Title 63, Mississippi Code of 1972, consistent with its capability under Section 3 of this act.(b)The owner of the fully autonomous vehicle, or a person on behalf of the vehicle owner, shall report any crashes or collisions consistent with Article 9, Chapter 3, Title 63, Mississippi Code of 1972.Added by Laws, 2023, ch. 443, HB 1003,§ 7, eff. 7/1/2023. In the event of a crash:(a)The fully autonomous vehicle shall remain on the scene of the crash when required by Article 9, Chapter 3, Title 63, Mississippi Code of 1972, consistent with its capability under Section 3 of this act.(b)The owner of the fully autonomous vehicle, or a person on behalf of the vehicle owner, shall report any crashes or collisions consistent with Article 9, Chapter 3, Title 63, Mississippi Code of 1972.Added by Laws, 2023, ch. 443, HB 1003,§ 7, eff. 7/1/2023. In the event of a crash: Added by Laws, 2023, ch. 443, HB 1003,§ 7, eff. 7/1/2023.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 35 - MISSISSIPPI FULLY AUTONOMOUS VEHICLE ENABLING (MS FAVE) Section 63-35-15 - On-demand autonomous vehicle network permitted

An on-demand autonomous vehicle network shall be permitted to operate pursuant to state laws governing the operation of transportation network companies, taxis or any other ground transportation for-hire of passengers, with the exception that any provision of law that reasonably applies only to a human driver would not apply to the operation of fully autonomous vehicles with the automated driving system engaged on an on-demand autonomous vehicle network. Added by Laws, 2023, ch. 443, HB 1003, § 8, eff. 7/1/2023. An on-demand autonomous vehicle network shall be permitted to operate pursuant to state laws governing the operation of transportation network companies, taxis or any other ground transportation for-hire of passengers, with the exception that any provision of law that reasonably applies only to a human driver would not apply to the operation of fully autonomous vehicles with the automated driving system engaged on an on-demand autonomous vehicle network. Added by Laws, 2023, ch. 443, HB 1003, § 8, eff. 7/1/2023. An on-demand autonomous vehicle network shall be permitted to operate pursuant to state laws governing the operation of transportation network companies, taxis or any other ground transportation for-hire of passengers, with the exception that any provision of law that reasonably applies only to a human driver would not apply to the operation of fully autonomous vehicles with the automated driving system engaged on an on-demand autonomous vehicle network. Added by Laws, 2023, ch. 443, HB 1003, § 8, eff. 7/1/2023. An on-demand autonomous vehicle network shall be permitted to operate pursuant to state laws governing the operation of transportation network companies, taxis or any other ground transportation for-hire of passengers, with the exception that any provision of law that reasonably applies only to a human driver would not apply to the operation of fully autonomous vehicles with the automated driving system engaged on an on-demand autonomous vehicle network. Added by Laws, 2023, ch. 443, HB 1003, § 8, eff. 7/1/2023.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 35 - MISSISSIPPI FULLY AUTONOMOUS VEHICLE ENABLING (MS FAVE) Section 63-35-17 - Registration and title of fully autonomous vehicle

(1) A fully autonomous vehicle shall be properly registered with the Department of Revenue in accordance with Section 63-5-39. If a fully autonomous vehicle is registered in this state, the vehicle shall be identified on the registration as a fully autonomous vehicle. (2) A fully autonomous vehicle shall be properly titled in accordance with Chapter 21, Title 63, Mississippi Code of 1972. If a fully autonomous vehicle is titled in this state, the vehicle shall be identified on the title as a fully autonomous vehicle. Added by Laws, 2023, ch. 443, HB 1003, § 9, eff. 7/1/2023. (1) A fully autonomous vehicle shall be properly registered with the Department of Revenue in accordance with Section 63-5-39. If a fully autonomous vehicle is registered in this state, the vehicle shall be identified on the registration as a fully autonomous vehicle. (2) A fully autonomous vehicle shall be properly titled in accordance with Chapter 21, Title 63, Mississippi Code of 1972. If a fully autonomous vehicle is titled in this state, the vehicle shall be identified on the title as a fully autonomous vehicle. Added by Laws, 2023, ch. 443, HB 1003, § 9, eff. 7/1/2023. (1) A fully autonomous vehicle shall be properly registered with the Department of Revenue in accordance with Section 63-5-39. If a fully autonomous vehicle is registered in this state, the vehicle shall be identified on the registration as a fully autonomous vehicle. (2) A fully autonomous vehicle shall be properly titled in accordance with Chapter 21, Title 63, Mississippi Code of 1972. If a fully autonomous vehicle is titled in this state, the vehicle shall be identified on the title as a fully autonomous vehicle. Added by Laws, 2023, ch. 443, HB 1003, § 9, eff. 7/1/2023. Added by Laws, 2023, ch. 443, HB 1003, § 9, eff. 7/1/2023.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 35 - MISSISSIPPI FULLY AUTONOMOUS VEHICLE ENABLING (MS FAVE) Section 63-35-19 - Operation of a fully autonomous motor vehicle with an automated driving system by a human driver

(1) A person may operate a motor vehicle equipped with an automated driving system capable of performing the entire dynamic driving task if: (a) The automated driving system will issue a request to intervene whenever the automated driving system is not capable of performing the entire dynamic driving task with the expectation that the person will respond appropriately to the request; and (b) The automated driving system is capable of being operated in compliance with rules of the road governed by Title 63, Mississippi Code of 1972, when reasonable to do so unless an exemption has been granted by the Department of Public Safety. (2) Nothing in this chapter prohibits or restricts a human driver from operating a fully autonomous vehicle equipped with controls that allow for the human driver to control all or part of the dynamic driving task. Added by Laws, 2023, ch. 443, HB 1003, § 10, eff. 7/1/2023. (1) A person may operate a motor vehicle equipped with an automated driving system capable of performing the entire dynamic driving task if: (a) The automated driving system will issue a request to intervene whenever the automated driving system is not capable of performing the entire dynamic driving task with the expectation that the person will respond appropriately to the request; and (b) The automated driving system is capable of being operated in compliance with rules of the road governed by Title 63, Mississippi Code of 1972, when reasonable to do so unless an exemption has been granted by the Department of Public Safety. (2) Nothing in this chapter prohibits or restricts a human driver from operating a fully autonomous vehicle equipped with controls that allow for the human driver to control all or part of the dynamic driving task. Added by Laws, 2023, ch. 443, HB 1003, § 10, eff. 7/1/2023. (1) A person may operate a motor vehicle equipped with an automated driving system capable of performing the entire dynamic driving task if: (a) The automated driving system will issue a request to intervene whenever the automated driving

system is not capable of performing the entire dynamic driving task with the expectation that the person will respond appropriately to the request; and(b)The automated driving system is capable of being operated in compliance with rules of the road governed by Title 63, Mississippi Code of 1972, when reasonable to do so unless an exemption has been granted by the Department of Public Safety.(2)Nothing in this chapter prohibits or restricts a human driver from operating a fully autonomous vehicle equipped with controls that allow for the human driver to control all or part of the dynamic driving task.Added by Laws, 2023, ch. 443, HB 1003,§ 10, eff. 7/1/2023. Added by Laws, 2023, ch. 443, HB 1003,§ 10, eff. 7/1/2023.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 35 - MISSISSIPPI FULLY AUTONOMOUS VEHICLE ENABLING (MS FAVE)Section 63-35-21 - Operation of fully autonomous commercial motor vehicles

A fully autonomous vehicle that is also a commercial motor vehicle as defined in Sections63-1-203and63-19-3may operate pursuant to the provisions of Title 63, Mississippi Code of 1972, which govern the operation of commercial motor vehicles, except that any provision that by its nature reasonably applies only to a human driver does not apply to such a vehicle operating with the automated driving system engaged.Added by Laws, 2023, ch. 443, HB 1003,§ 11, eff. 7/1/2023. A fully autonomous vehicle that is also a commercial motor vehicle as defined in Sections63-1-203and63-19-3may operate pursuant to the provisions of Title 63, Mississippi Code of 1972, which govern the operation of commercial motor vehicles, except that any provision that by its nature reasonably applies only to a human driver does not apply to such a vehicle operating with the automated driving system engaged.Added by Laws, 2023, ch. 443, HB 1003,§ 11, eff. 7/1/2023. A fully autonomous vehicle that is also a commercial motor vehicle as defined in Sections63-1-203and63-19-3may operate pursuant to the provisions of Title 63, Mississippi Code of 1972, which govern the operation of commercial motor vehicles, except that any provision that by its nature reasonably applies only to a human driver does not apply to such a vehicle operating with the automated driving system engaged.Added by Laws, 2023, ch. 443, HB 1003,§ 11, eff. 7/1/2023. A fully autonomous vehicle that is also a commercial motor vehicle as defined in Sections63-1-203and63-19-3may operate pursuant to the provisions of Title 63, Mississippi Code of 1972, which govern the operation of commercial motor vehicles, except that any provision that by its nature reasonably applies only to a human driver does not apply to such a vehicle operating with the automated driving system engaged. Added by Laws, 2023, ch. 443, HB 1003,§ 11, eff. 7/1/2023.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 35 - MISSISSIPPI FULLY AUTONOMOUS VEHICLE ENABLING (MS FAVE)Section 63-35-23 - Application of motor vehicle equipment and identification laws

A fully autonomous vehicle that is designed to be operated exclusively by the automated driving system for all trips is not subject to motor vehicle equipment and identification laws prescribed under Chapter 7, Title 63, Mississippi Code of 1972, or any regulations administratively promulgated therefrom that:(a)Relate to or support motor vehicle operation by a human driver seated in the vehicle; and(b)Are not relevant for an automated driving system.Added by Laws, 2023, ch. 443, HB 1003,§ 12, eff. 7/1/2023. A fully autonomous vehicle that is designed to be operated exclusively by the automated driving system for all trips is not subject to motor vehicle equipment and identification laws prescribed under Chapter 7, Title 63, Mississippi Code of 1972, or any regulations administratively promulgated therefrom that:(a)Relate to or support motor vehicle operation by a human driver seated in the vehicle; and(b)Are not relevant for an automated driving system.Added by Laws, 2023, ch. 443, HB 1003,§ 12, eff. 7/1/2023. A fully autonomous vehicle that is designed to be operated exclusively by the automated driving system for all trips is not subject to motor vehicle equipment and identification laws prescribed under Chapter 7, Title 63, Mississippi Code of 1972, or any regulations administratively promulgated therefrom that:(a)Relate to or support motor vehicle operation by a human driver seated in the vehicle; and(b)Are not relevant for an automated driving system.Added by Laws, 2023, ch. 443, HB 1003,§ 12, eff. 7/1/2023. A fully autonomous vehicle that is designed to be operated exclusively by the automated driving system for all trips is not subject to motor vehicle equipment and identification laws prescribed under Chapter 7, Title 63, Mississippi Code of 1972, or any regulations administratively promulgated therefrom that: Added by Laws, 2023, ch. 443, HB 1003,§ 12, eff. 7/1/2023.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 35 - MISSISSIPPI FULLY AUTONOMOUS VEHICLE ENABLING (MS FAVE)Section 63-35-25 - Controlling law

(1)Unless otherwise provided in this chapter, and notwithstanding any other provision of law, fully autonomous vehicles and automated driving systems are governed exclusively by this act. The Department of Public Safety, in conjunction with the Department of Revenue, with regard to DOR's specific functions related to the registration and titling of motor vehicles, shall implement and enforce the provisions of this act.(2)No state agency, political subdivision, municipality or local entity may prohibit the operation of fully autonomous vehicles, automated driving systems or on-demand autonomous vehicle networks, or otherwise enact or enforce rules or ordinances that would impose taxes, fees or other requirements, including performance standards, specific to the operation of fully autonomous vehicles, automated driving systems or on-demand autonomous vehicle networks in addition to the requirements of this chapter.Added by Laws, 2023, ch. 443, HB 1003,§ 13, eff. 7/1/2023. (1)Unless otherwise provided in this chapter, and notwithstanding any other provision of law, fully autonomous vehicles and automated driving systems are governed exclusively by this act. The Department of Public Safety, in conjunction with the Department of Revenue, with regard to DOR's specific functions related to the registration and titling of motor vehicles, shall implement and enforce the provisions of this

act.(2)No state agency, political subdivision, municipality or local entity may prohibit the operation of fully autonomous vehicles, automated driving systems or on-demand autonomous vehicle networks, or otherwise enact or enforce rules or ordinances that would impose taxes, fees or other requirements, including performance standards, specific to the operation of fully autonomous vehicles, automated driving systems or on-demand autonomous vehicle networks in addition to the requirements of this chapter.Added by Laws, 2023, ch. 443, HB 1003,§ 13, eff. 7/1/2023. (1)Unless otherwise provided in this chapter, and notwithstanding any other provision of law, fully autonomous vehicles and automated driving systems are governed exclusively by this act. The Department of Public Safety, in conjunction with the Department of Revenue, with regard to DOR's specific functions related to the registration and titling of motor vehicles, shall implement and enforce the provisions of this act.(2)No state agency, political subdivision, municipality or local entity may prohibit the operation of fully autonomous vehicles, automated driving systems or on-demand autonomous vehicle networks, or otherwise enact or enforce rules or ordinances that would impose taxes, fees or other requirements, including performance standards, specific to the operation of fully autonomous vehicles, automated driving systems or on-demand autonomous vehicle networks in addition to the requirements of this chapter.Added by Laws, 2023, ch. 443, HB 1003,§ 13, eff. 7/1/2023. Added by Laws, 2023, ch. 443, HB 1003,§ 13, eff. 7/1/2023.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 35 - MISSISSIPPI FULLY AUTONOMOUS VEHICLE ENABLING (MS FAVE)Section 63-35-3 - Definitions

As used in this chapter, the following terms shall have the meanings ascribed in this section, unless the context of use clearly requires otherwise:(a)"Automated driving system" means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether it is limited to a specific operational design domain.(b)"Department" means the Department of Public Safety.(c)"Dynamic driving task" (DDT) means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints, and including without limitation:(i)Lateral vehicle motion control, via steering;(ii)Longitudinal motion control, via acceleration and deceleration;(iii)Monitoring the driving environment, via object and event detection, recognition, classification and response preparation;(iv)Object and event response execution;(v)Maneuver planning; and(vi)Enhancing conspicuity via lighting, signaling and gesturing.(d)"DDT fallback" means the response by the person or human driver to either perform the DDT or achieve a minimal risk condition after occurrence of a DDT performance-relevant system failure or upon operational design domain exit, or the response by an automated driving system to achieve minimal risk condition, given the same circumstances.(e)"Fully autonomous vehicle" means a motor vehicle equipped with an automated driving system designed to function without a human driver as a Level 4 or Level 5 automation system under the Society of Automotive Engineers (SAE) Standard J3016.(f)"Human driver" means a natural person in the vehicle with a valid license to operate a motor vehicle who controls all or part of the dynamic driving task.(g)"Law enforcement interaction plan" means a document of procedures that are developed by manufacturers, owners or operators of fully autonomous vehicles to be used by law enforcement officers and first responders when interacting with fully autonomous vehicles, which describes:(i)How to communicate with a fleet support specialist who is available during the times the vehicle is in operation;(ii)How to recognize whether the fully autonomous vehicle is in autonomous mode;(iii)How to safely remove the vehicle from the roadway and steps to safely tow the vehicle; and(iv)Any additional information the manufacturer, owner or operator deems necessary regarding hazardous conditions or public safety risks associated with the operation of the fully autonomous vehicle.(h)"Minimal risk condition" means a condition to which a person, human driver, or an automated driving system may bring a vehicle after performing the DDT fallback in order to reduce the risk of a crash when a given trip cannot or should not be completed.(i)"On-demand autonomous vehicle network" means a transportation service network that uses a software application or other digital means to dispatch or otherwise enable the pre-arrangement of transportation with fully autonomous vehicles for purposes of transporting passengers, including for-hire transportation and transportation of passengers for compensation.(j)"Operational design domain (ODD)" means the operating conditions under which a given automated driving system is specifically designed to function, including, but not limited to, environmental, geographical, time-of-day restrictions, and/or the requisite presence or absence of certain traffic or roadway characteristics.(k)"Person" means a natural person, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation or any other legal or commercial entity.(l)"Request to intervene" means the notification by an automated driving system to a human driver, that the human driver should promptly begin or resume performance of part or all of the dynamic driving task.(m)"Society of Automotive Engineers (SAE) J3016" means the "Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles" as revised and published by SAE International in April 2021.Added by Laws, 2023, ch. 443, HB 1003,§ 2, eff. 7/1/2023. As used in this chapter, the following terms shall have the meanings ascribed in this section, unless the context of use clearly requires otherwise:(a)"Automated driving system" means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether it is limited to a specific operational design domain.(b)"Department" means the Department of Public Safety.(c)"Dynamic driving task" (DDT) means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints, and including without limitation:(i)Lateral vehicle motion control, via steering;(ii)Longitudinal motion control, via acceleration and deceleration;(iii)Monitoring the driving environment, via object and event detection, recognition, classification and response preparation;(iv)Object and event response execution;(v)Maneuver planning; and(vi)Enhancing conspicuity via lighting, signaling and gesturing.(d)"DDT fallback" means the response by the person or human

driver to either perform the DDT or achieve a minimal risk condition after occurrence of a DDT performance-relevant system failure or upon operational design domain exit, or the response by an automated driving system to achieve minimal risk condition, given the same circumstances.

(e) "Fully autonomous vehicle" means a motor vehicle equipped with an automated driving system designed to function without a human driver as a Level 4 or Level 5 automation system under the Society of Automotive Engineers (SAE) Standard J3016.

(f) "Human driver" means a natural person in the vehicle with a valid license to operate a motor vehicle who controls all or part of the dynamic driving task.

(g) "Law enforcement interaction plan" means a document of procedures that are developed by manufacturers, owners or operators of fully autonomous vehicles to be used by law enforcement officers and first responders when interacting with fully autonomous vehicles, which describes: (i) How to communicate with a fleet support specialist who is available during the times the vehicle is in operation; (ii) How to recognize whether the fully autonomous vehicle is in autonomous mode; (iii) How to safely remove the vehicle from the roadway and steps to safely tow the vehicle; and (iv) Any additional information the manufacturer, owner or operator deems necessary regarding hazardous conditions or public safety risks associated with the operation of the fully autonomous vehicle.

(h) "Minimal risk condition" means a condition to which a person, human driver, or an automated driving system may bring a vehicle after performing the DDT fallback in order to reduce the risk of a crash when a given trip cannot or should not be completed.

(i) "On-demand autonomous vehicle network" means a transportation service network that uses a software application or other digital means to dispatch or otherwise enable the pre-arrangement of transportation with fully autonomous vehicles for purposes of transporting passengers, including for-hire transportation and transportation of passengers for compensation.

(j) "Operational design domain (ODD)" means the operating conditions under which a given automated driving system is specifically designed to function, including, but not limited to, environmental, geographical, time-of-day restrictions, and/or the requisite presence or absence of certain traffic or roadway characteristics.

(k) "Person" means a natural person, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation or any other legal or commercial entity.

(l) "Request to intervene" means the notification by an automated driving system to a human driver, that the human driver should promptly begin or resume performance of part or all of the dynamic driving task.

(m) "Society of Automotive Engineers (SAE) J3016" means the "Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles" as revised and published by SAE International in April 2021.

Added by Laws, 2023, ch. 443, HB 1003, § 2, eff. 7/1/2023. As used in this chapter, the following terms shall have the meanings ascribed in this section, unless the context of use clearly requires otherwise:

(a) "Automated driving system" means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether it is limited to a specific operational design domain.

(b) "Department" means the Department of Public Safety.

(c) "Dynamic driving task" (DDT) means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints, and including without limitation: (i) Lateral vehicle motion control, via steering; (ii) Longitudinal motion control, via acceleration and deceleration; (iii) Monitoring the driving environment, via object and event detection, recognition, classification and response preparation; (iv) Object and event response execution; (v) Maneuver planning; and (vi) Enhancing conspicuity via lighting, signaling and gesturing.

(d) "DDT fallback" means the response by the person or human driver to either perform the DDT or achieve a minimal risk condition after occurrence of a DDT performance-relevant system failure or upon operational design domain exit, or the response by an automated driving system to achieve minimal risk condition, given the same circumstances.

(e) "Fully autonomous vehicle" means a motor vehicle equipped with an automated driving system designed to function without a human driver as a Level 4 or Level 5 automation system under the Society of Automotive Engineers (SAE) Standard J3016.

(f) "Human driver" means a natural person in the vehicle with a valid license to operate a motor vehicle who controls all or part of the dynamic driving task.

(g) "Law enforcement interaction plan" means a document of procedures that are developed by manufacturers, owners or operators of fully autonomous vehicles to be used by law enforcement officers and first responders when interacting with fully autonomous vehicles, which describes: (i) How to communicate with a fleet support specialist who is available during the times the vehicle is in operation; (ii) How to recognize whether the fully autonomous vehicle is in autonomous mode; (iii) How to safely remove the vehicle from the roadway and steps to safely tow the vehicle; and (iv) Any additional information the manufacturer, owner or operator deems necessary regarding hazardous conditions or public safety risks associated with the operation of the fully autonomous vehicle.

(h) "Minimal risk condition" means a condition to which a person, human driver, or an automated driving system may bring a vehicle after performing the DDT fallback in order to reduce the risk of a crash when a given trip cannot or should not be completed.

(i) "On-demand autonomous vehicle network" means a transportation service network that uses a software application or other digital means to dispatch or otherwise enable the pre-arrangement of transportation with fully autonomous vehicles for purposes of transporting passengers, including for-hire transportation and transportation of passengers for compensation.

(j) "Operational design domain (ODD)" means the operating conditions under which a given automated driving system is specifically designed to function, including, but not limited to, environmental, geographical, time-of-day restrictions, and/or the requisite presence or absence of certain traffic or roadway characteristics.

(k) "Person" means a natural person, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation or any other legal or commercial entity.

(l) "Request to intervene" means the notification by an automated driving system to a human driver, that the human driver should promptly begin or resume performance of part or all of the dynamic driving task.

(m) "Society of Automotive Engineers (SAE) J3016" means the "Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles" as revised and published by SAE International in April 2021.

Added by Laws, 2023, ch. 443, HB 1003, § 2, eff. 7/1/2023. As used in this chapter, the following terms shall have the meanings ascribed in this section, unless the context of use clearly requires otherwise: Added by Laws, 2023, ch. 443, HB 1003, § 2, eff. 7/1/2023.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 35 - MISSISSIPPI FULLY AUTONOMOUS VEHICLE ENABLING (MS FAVE) Section 63-35-5 - Operation of fully autonomous vehicles

A person may operate a fully autonomous vehicle on the public roads of this state without a human driver provided that the automated driving system is engaged and the vehicle meets the following conditions: (a) If a failure of the automated driving system occurs that renders that system unable to perform the entire dynamic driving task relevant to its intended operational design domain, the fully autonomous vehicle will achieve a minimal risk condition; (b) The fully autonomous vehicle is capable of operating in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state when reasonable to do so, unless an exemption has been granted by the Department of Public Safety; and (c) When required by federal law, the vehicle bears the required manufacturer's certification label indicating that at the time of its manufacture it has been certified to be in compliance with all applicable Federal Motor Vehicle Safety Standards, including reference to any exemption granted by the National Highway Traffic Safety Administration. Added by Laws, 2023, ch. 443, HB 1003, § 3, eff. 7/1/2023. A person may operate a fully autonomous vehicle on the public roads of this state without a human driver provided that the automated driving system is engaged and the vehicle meets the following conditions: (a) If a failure of the automated driving system occurs that renders that system unable to perform the entire dynamic driving task relevant to its intended operational design domain, the fully autonomous vehicle will achieve a minimal risk condition; (b) The fully autonomous vehicle is capable of operating in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state when reasonable to do so, unless an exemption has been granted by the Department of Public Safety; and (c) When required by federal law, the vehicle bears the required manufacturer's certification label indicating that at the time of its manufacture it has been certified to be in compliance with all applicable Federal Motor Vehicle Safety Standards, including reference to any exemption granted by the National Highway Traffic Safety Administration. Added by Laws, 2023, ch. 443, HB 1003, § 3, eff. 7/1/2023. A person may operate a fully autonomous vehicle on the public roads of this state without a human driver provided that the automated driving system is engaged and the vehicle meets the following conditions: (a) If a failure of the automated driving system occurs that renders that system unable to perform the entire dynamic driving task relevant to its intended operational design domain, the fully autonomous vehicle will achieve a minimal risk condition; (b) The fully autonomous vehicle is capable of operating in compliance with the applicable traffic and motor vehicle safety laws and regulations of this state when reasonable to do so, unless an exemption has been granted by the Department of Public Safety; and (c) When required by federal law, the vehicle bears the required manufacturer's certification label indicating that at the time of its manufacture it has been certified to be in compliance with all applicable Federal Motor Vehicle Safety Standards, including reference to any exemption granted by the National Highway Traffic Safety Administration. Added by Laws, 2023, ch. 443, HB 1003, § 3, eff. 7/1/2023. A person may operate a fully autonomous vehicle on the public roads of this state without a human driver provided that the automated driving system is engaged and the vehicle meets the following conditions: Added by Laws, 2023, ch. 443, HB 1003, § 3, eff. 7/1/2023.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 35 - MISSISSIPPI FULLY AUTONOMOUS VEHICLE ENABLING (MS FAVE) Section 63-35-9 - Automated driving system to be considered driver or operator and licensed to operate vehicle

When an automated driving system installed on a motor vehicle is engaged the automated driving system is considered the driver or operator, for the purpose of assessing compliance with applicable traffic or motor vehicle laws and shall be deemed to satisfy electronically all physical acts required by a driver or operator of the vehicle. The automated driving system is considered to be licensed to operate the vehicle as required under Section 63-1-5. Added by Laws, 2023, ch. 443, HB 1003, § 5, eff. 7/1/2023. When an automated driving system installed on a motor vehicle is engaged the automated driving system is considered the driver or operator, for the purpose of assessing compliance with applicable traffic or motor vehicle laws and shall be deemed to satisfy electronically all physical acts required by a driver or operator of the vehicle. The automated driving system is considered to be licensed to operate the vehicle as required under Section 63-1-5. Added by Laws, 2023, ch. 443, HB 1003, § 5, eff. 7/1/2023. When an automated driving system installed on a motor vehicle is engaged the automated driving system is considered the driver or operator, for the purpose of assessing compliance with applicable traffic or motor vehicle laws and shall be deemed to satisfy electronically all physical acts required by a driver or operator of the vehicle. The automated driving system is considered to be licensed to operate the vehicle as required under Section 63-1-5. Added by Laws, 2023, ch. 443, HB 1003, § 5, eff. 7/1/2023. When an automated driving system installed on a motor vehicle is engaged the automated driving system is considered the driver or operator, for the purpose of assessing compliance with applicable traffic or motor vehicle laws and shall be deemed to satisfy electronically all physical acts required by a driver or operator of the vehicle. The automated driving system is considered to be licensed to operate the vehicle as required under Section 63-1-5. Added by Laws, 2023, ch. 443, HB 1003, § 5, eff. 7/1/2023.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 37 - NONCONSENSUAL TOWING OF COMMERCIAL VEHICLES (§§ 63-37-1 — 63-37-15) Section 63-37-1 - Definitions

For the purposes of this act, the following terms shall have the following meanings, unless context clearly provides otherwise: (a) "Motor vehicle" means a vehicle which self-propels, and is intended primarily for use and operation on public roads and highways. (b) "Nonconsensual towing" means the moving, transporting or recovery of a commercial vehicle by a towing and

recovery service without the prior consent or authorization of the owner or operator of the motor vehicle from private property and/or by police-initiated towing.(c)"Towing" means the moving, transporting or recovery from public or private property, or from a storage facility of a person's commercial motor vehicle, the moving or removing of an unclaimed commercial vehicle, or the immobilization of or preparation for moving or removing of the commercial motor vehicle, for which a fee is charged either directly or indirectly.(d)Heavy-duty towing shall be the towing of a vehicle, including trailers and semitrailers, with a gross vehicle rating over twenty-six thousand (26,000) pounds.(e)Medium-duty towing shall be the towing of a vehicle, including trailers and semitrailers with a gross vehicle rating of over fifteen thousand (15,000) pounds to twenty-six thousand (26,000) pounds.(f)"Towing and recovery service" means an individual or business entity that provides towing and recovery services at the direction of a law enforcement officer or private property owner in exchange for a fee or charge.(g)"Law enforcement officer" means any law enforcement public servant and/or State Highway Patrol Officer.(h)"Tow list" means a list of approved towing companies compiled, maintained and utilized by a law enforcement officer or his or her designee, and as authorized by the Department of Public Safety to perform police-initiated towing services of disabled or abandoned commercial motor vehicles.(i)"Police initiated towing" means towing of a commercial motor vehicle which was authorized, requested or dispatched by a law enforcement officer.(j)"Vehicle immobilization device" means a mechanical device that is designated or adapted to be attached to a wheel, tire or other part of a parked commercial motor vehicle to prohibit the vehicle's usual manner of movement or operation.(k)"Per pound billing" means a method of calculating a fee for towing using a formula that considers the weight of the commercial motor vehicle, equipment or cargo that is the subject of the towing and multiplies the weight of the vehicle, equipment or cargo by a monetary amount.(l)"Drop fee" means a fee that a towing and recovery service charges to unhook a commercial motor vehicle from a tow truck.(m)"Cargo" means goods and materials transported by a commercial motor vehicle as defined in49 CFR Section 390.5, including, without limitation:(i)Pallets;(ii)Containers;(iii)Bracing;(iv)Air pillows;(v)Tie-down assemblies and other securement systems;(vi)Cradles;(vii)Chocks; and(viii)All other dunnage and packaging.(n)"Commercial vehicle" means any self-propelled or motored device designed to be used or used primarily for the transportation of passengers or property, or both, and have a gross vehicular weight rating of fifteen thousand (15,000) pounds or more.Added by Laws, 2024, ch. 384, SB 2635,§ 1, eff. 7/1/2024. For the purposes of this act, the following terms shall have the following meanings, unless context clearly provides otherwise:(a)"Motor vehicle" means a vehicle which self-propels, and is intended primarily for use and operation on public roads and highways.(b)"Nonconsensual towing" means the moving, transporting or recovery of a commercial vehicle by a towing and recovery service without the prior consent or authorization of the owner or operator of the motor vehicle from private property and/or by police-initiated towing.(c)"Towing" means the moving, transporting or recovery from public or private property, or from a storage facility of a person's commercial motor vehicle, the moving or removing of an unclaimed commercial vehicle, or the immobilization of or preparation for moving or removing of the commercial motor vehicle, for which a fee is charged either directly or indirectly.(d)Heavy-duty towing shall be the towing of a vehicle, including trailers and semitrailers, with a gross vehicle rating over twenty-six thousand (26,000) pounds.(e)Medium-duty towing shall be the towing of a vehicle, including trailers and semitrailers with a gross vehicle rating of over fifteen thousand (15,000) pounds to twenty-six thousand (26,000) pounds.(f)"Towing and recovery service" means an individual or business entity that provides towing and recovery services at the direction of a law enforcement officer or private property owner in exchange for a fee or charge.(g)"Law enforcement officer" means any law enforcement public servant and/or State Highway Patrol Officer.(h)"Tow list" means a list of approved towing companies compiled, maintained and utilized by a law enforcement officer or his or her designee, and as authorized by the Department of Public Safety to perform police-initiated towing services of disabled or abandoned commercial motor vehicles.(i)"Police initiated towing" means towing of a commercial motor vehicle which was authorized, requested or dispatched by a law enforcement officer.(j)"Vehicle immobilization device" means a mechanical device that is designated or adapted to be attached to a wheel, tire or other part of a parked commercial motor vehicle to prohibit the vehicle's usual manner of movement or operation.(k)"Per pound billing" means a method of calculating a fee for towing using a formula that considers the weight of the commercial motor vehicle, equipment or cargo that is the subject of the towing and multiplies the weight of the vehicle, equipment or cargo by a monetary amount.(l)"Drop fee" means a fee that a towing and recovery service charges to unhook a commercial motor vehicle from a tow truck.(m)"Cargo" means goods and materials transported by a commercial motor vehicle as defined in49 CFR Section 390.5, including, without limitation:(i)Pallets;(ii)Containers;(iii)Bracing;(iv)Air pillows;(v)Tie-down assemblies and other securement systems;(vi)Cradles;(vii)Chocks; and(viii)All other dunnage and packaging.(n)"Commercial vehicle" means any self-propelled or motored device designed to be used or used primarily for the transportation of passengers or property, or both, and have a gross vehicular weight rating of fifteen thousand (15,000) pounds or more.Added by Laws, 2024, ch. 384, SB 2635,§ 1, eff. 7/1/2024. For the purposes of this act, the following terms shall have the following meanings, unless context clearly provides otherwise:(a)"Motor vehicle" means a vehicle which self-propels, and is intended primarily for use and operation on public roads and highways.(b)"Nonconsensual towing" means the moving, transporting or recovery of a commercial vehicle by a towing and recovery service without the prior consent or authorization of the owner or operator of the motor vehicle from private property and/or by police-initiated towing.(c)"Towing" means the moving, transporting or recovery from public or private property, or from a storage facility of a person's commercial motor vehicle, the moving or removing of an unclaimed commercial vehicle, or the immobilization of or preparation for moving or removing of the commercial motor vehicle, for which a fee is charged either directly or indirectly.(d)Heavy-duty towing shall be the towing of a vehicle, including trailers and semitrailers, with a gross vehicle rating over twenty-six thousand (26,000) pounds.(e)Medium-duty towing shall be the towing of a vehicle, including trailers and semitrailers with a gross vehicle rating of over fifteen thousand (15,000) pounds to twenty-six thousand (26,000) pounds.(f)"Towing

and recovery service" means an individual or business entity that provides towing and recovery services at the direction of a law enforcement officer or private property owner in exchange for a fee or charge.(g)"Law enforcement officer" means any law enforcement public servant and/or State Highway Patrol Officer.(h)"Tow list" means a list of approved towing companies compiled, maintained and utilized by a law enforcement officer or his or her designee, and as authorized by the Department of Public Safety to perform police-initiated towing services of disabled or abandoned commercial motor vehicles.(i)"Police initiated towing" means towing of a commercial motor vehicle which was authorized, requested or dispatched by a law enforcement officer.(j)"Vehicle immobilization device" means a mechanical device that is designated or adapted to be attached to a wheel, tire or other part of a parked commercial motor vehicle to prohibit the vehicle's usual manner of movement or operation.(k)"Per pound billing" means a method of calculating a fee for towing using a formula that considers the weight of the commercial motor vehicle, equipment or cargo that is the subject of the towing and multiplies the weight of the vehicle, equipment or cargo by a monetary amount.(l)"Drop fee" means a fee that a towing and recovery service charges to unhook a commercial motor vehicle from a tow truck.(m)"Cargo" means goods and materials transported by a commercial motor vehicle as defined in 49 CFR Section 390.5, including, without limitation:(i)Pallets;(ii)Containers;(iii)Bracing;(iv)Air pillows;(v)Tie-down assemblies and other securement systems;(vi)Cradles;(vii)Chocks; and(viii)All other dunnage and packaging.(n)"Commercial vehicle" means any self-propelled or motored device designed to be used or used primarily for the transportation of passengers or property, or both, and have a gross vehicular weight rating of fifteen thousand (15,000) pounds or more.Added by Laws, 2024, ch. 384, SB 2635,§ 1, eff. 7/1/2024. For the purposes of this act, the following terms shall have the following meanings, unless context clearly provides otherwise: Added by Laws, 2024, ch. 384, SB 2635,§ 1, eff. 7/1/2024.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 37 - NONCONSENSUAL TOWING OF COMMERCIAL VEHICLES (§§ 63-37-1 — 63-37-15)Section 63-37-11 - Prohibited activities

(1)It shall be unlawful for:(a)A law enforcement officer to:(i)Receive compensation or receive any other incentive, monetary or otherwise, to select a particular towing and recovery service from the list;(ii)Hold any financial interest in a towing and recovery service; and(iii)Recommend any towing and recovery service in the performance of his or her duties;(b)Any member of the Commercial Vehicle Towing Advisory Committee or Department of Transportation to receive compensation from a towing and recovery service for the privilege of being included on the tow list;(c)A towing and recovery service to pay money or other valuable consideration for the privilege of nonconsensual towing commercial motor vehicles;(d)A towing and recovery service to employ or otherwise compensate individuals, commonly referred to as "spotters," whose primary task is to report the presence of unauthorized, improperly or illegally parked commercial motor vehicles for the purpose of towing or removal and storage; and(2)Nonconsensual tows for unauthorized, illegally parked commercial motor vehicles on private property must be performed by Mississippi-based towers. Towed vehicles must be stored within the State of Mississippi.Added by Laws, 2024, ch. 384, SB 2635,§ 6, eff. 7/1/2024. (1)It shall be unlawful for:(a)A law enforcement officer to:(i)Receive compensation or receive any other incentive, monetary or otherwise, to select a particular towing and recovery service from the list;(ii)Hold any financial interest in a towing and recovery service; and(iii)Recommend any towing and recovery service in the performance of his or her duties;(b)Any member of the Commercial Vehicle Towing Advisory Committee or Department of Transportation to receive compensation from a towing and recovery service for the privilege of being included on the tow list;(c)A towing and recovery service to pay money or other valuable consideration for the privilege of nonconsensual towing commercial motor vehicles;(d)A towing and recovery service to employ or otherwise compensate individuals, commonly referred to as "spotters," whose primary task is to report the presence of unauthorized, improperly or illegally parked commercial motor vehicles for the purpose of towing or removal and storage; and(2)Nonconsensual tows for unauthorized, illegally parked commercial motor vehicles on private property must be performed by Mississippi-based towers. Towed vehicles must be stored within the State of Mississippi.Added by Laws, 2024, ch. 384, SB 2635,§ 6, eff. 7/1/2024. (1)It shall be unlawful for:(a)A law enforcement officer to:(i)Receive compensation or receive any other incentive, monetary or otherwise, to select a particular towing and recovery service from the list;(ii)Hold any financial interest in a towing and recovery service; and(iii)Recommend any towing and recovery service in the performance of his or her duties;(b)Any member of the Commercial Vehicle Towing Advisory Committee or Department of Transportation to receive compensation from a towing and recovery service for the privilege of being included on the tow list;(c)A towing and recovery service to pay money or other valuable consideration for the privilege of nonconsensual towing commercial motor vehicles;(d)A towing and recovery service to employ or otherwise compensate individuals, commonly referred to as "spotters," whose primary task is to report the presence of unauthorized, improperly or illegally parked commercial motor vehicles for the purpose of towing or removal and storage; and(2)Nonconsensual tows for unauthorized, illegally parked commercial motor vehicles on private property must be performed by Mississippi-based towers. Towed vehicles must be stored within the State of Mississippi.Added by Laws, 2024, ch. 384, SB 2635,§ 6, eff. 7/1/2024. Added by Laws, 2024, ch. 384, SB 2635,§ 6, eff. 7/1/2024.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 37 - NONCONSENSUAL TOWING OF COMMERCIAL VEHICLES (§§ 63-37-1 — 63-37-15)Section 63-37-13 - Nonconsensual towing requirements; authorization; drop fee

(1)(a)Before a towing and recovery service connects a commercial motor vehicle to a tow truck for a nonconsensual tow, the towing and recovery service shall document the vehicle's condition and the reason for the tow by:(i)Taking at least four (4) photographs of

the vehicle, with at least one (1) photograph taken from the front, one (1) photograph taken from the rear, one (1) photograph taken from the driver's side and one (1) taken from the passenger's side. These photographs must: 1. Show the entire vehicle from the required angle; and 2. Have the vehicle fill at least three-fourths (3/4) of the photograph, measured from side to side; and (ii) Taking a photograph that shows the reason the vehicle is being towed nonconsensually. The photograph must show the portion of the vehicle in relation to the reason, including any sign that the vehicle was towed. (b) Upon demand of the owner or operator of the commercial motor vehicle or the owner's designee, the Department of Transportation or the Commercial Vehicle Towing Advisory Committee, the towing and recovery service shall provide copies of the photographs. (c) A towing and recovery service's failure to produce the photographs shall create a rebuttable presumption that the towing and recovery service did not have the authority to tow a vehicle from either a private property owner or operator or a law enforcement officer. (2) Before a towing and recovery service connects a commercial motor vehicle to a tow truck for a nonconsensual tow, the towing and recovery service shall have authorization to nonconsensually tow a commercial motor vehicle. Authorization shall be found if: (a) A law enforcement officer requests a police-initiated tow and requests that a towing and recovery service from the tow list provide towing; or (b) The towing and recovery service has received permission to tow the commercial motor vehicle from the owner of the private property. A towing service shall not tow a commercial motor vehicle from private property without the owner or operator of the private property giving the towing service written permission. (c) In order for the towing and recovery service to conduct a nonconsensual tow, the private property owner must have posted signage visible and facing the driver at each entryway into the property stating that vehicles parked on the property without authorization or inappropriately or illegally parked are subject to being towed. The sign must also contain the international towing symbol no smaller than four (4) inches by four (4) inches and be permanently mounted in a position that is no lower than five (5) feet and no higher than eight (8) feet. (3) The towing and recovery service shall not assess a drop fee to release the commercial motor vehicle after the vehicle is hooked up to the tow truck but before the vehicle is removed from the private property. Added by Laws, 2024, ch. 384, SB 2635, § 7, eff. 7/1/2024. (1) (a) Before a towing and recovery service connects a commercial motor vehicle to a tow truck for a nonconsensual tow, the towing and recovery service shall document the vehicle's condition and the reason for the tow by: (i) Taking at least four (4) photographs of the vehicle, with at least one (1) photograph taken from the front, one (1) photograph taken from the rear, one (1) photograph taken from the driver's side and one (1) taken from the passenger's side. These photographs must: 1. Show the entire vehicle from the required angle; and 2. Have the vehicle fill at least three-fourths (3/4) of the photograph, measured from side to side; and (ii) Taking a photograph that shows the reason the vehicle is being towed nonconsensually. The photograph must show the portion of the vehicle in relation to the reason, including any sign that the vehicle was towed. (b) Upon demand of the owner or operator of the commercial motor vehicle or the owner's designee, the Department of Transportation or the Commercial Vehicle Towing Advisory Committee, the towing and recovery service shall provide copies of the photographs. (c) A towing and recovery service's failure to produce the photographs shall create a rebuttable presumption that the towing and recovery service did not have the authority to tow a vehicle from either a private property owner or operator or a law enforcement officer. (2) Before a towing and recovery service connects a commercial motor vehicle to a tow truck for a nonconsensual tow, the towing and recovery service shall have authorization to nonconsensually tow a commercial motor vehicle. Authorization shall be found if: (a) A law enforcement officer requests a police-initiated tow and requests that a towing and recovery service from the tow list provide towing; or (b) The towing and recovery service has received permission to tow the commercial motor vehicle from the owner of the private property. A towing service shall not tow a commercial motor vehicle from private property without the owner or operator of the private property giving the towing service written permission. (c) In order for the towing and recovery service to conduct a nonconsensual tow, the private property owner must have posted signage visible and facing the driver at each entryway into the property stating that vehicles parked on the property without authorization or inappropriately or illegally parked are subject to being towed. The sign must also contain the international towing symbol no smaller than four (4) inches by four (4) inches and be permanently mounted in a position that is no lower than five (5) feet and no higher than eight (8) feet. (3) The towing and recovery service shall not assess a drop fee to release the commercial motor vehicle after the vehicle is hooked up to the tow truck but before the vehicle is removed from the private property. Added by Laws, 2024, ch. 384, SB 2635, § 7, eff. 7/1/2024. (1) (a) Before a towing and recovery service connects a commercial motor vehicle to a tow truck for a nonconsensual tow, the towing and recovery service shall document the vehicle's condition and the reason for the tow by: (i) Taking at least four (4) photographs of the vehicle, with at least one (1) photograph taken from the front, one (1) photograph taken from the rear, one (1) photograph taken from the driver's side and one (1) taken from the passenger's side. These photographs must: 1. Show the entire vehicle from the required angle; and 2. Have the vehicle fill at least three-fourths (3/4) of the photograph, measured from side to side; and (ii) Taking a photograph that shows the reason the vehicle is being towed nonconsensually. The photograph must show the portion of the vehicle in relation to the reason, including any sign that the vehicle was towed. (b) Upon demand of the owner or operator of the commercial motor vehicle or the owner's designee, the Department of Transportation or the Commercial Vehicle Towing Advisory Committee, the towing and recovery service shall provide copies of the photographs. (c) A towing and recovery service's failure to produce the photographs shall create a rebuttable presumption that the towing and recovery service did not have the authority to tow a vehicle from either a private property owner or operator or a law enforcement officer. (2) Before a towing and recovery service connects a commercial motor vehicle to a tow truck for a nonconsensual tow, the towing and recovery service shall have authorization to nonconsensually tow a commercial motor vehicle. Authorization shall be found if: (a) A law enforcement officer requests a police-initiated tow and requests that a towing and recovery service from the tow list provide towing; or (b) The towing and recovery service has received permission to tow the commercial motor vehicle from the owner of the private property. A towing service shall not tow a commercial motor vehicle from private property without the owner or operator of the

private property giving the tower service written permission.(c)In order for the towing and recovery service to conduct a nonconsensual tow, the private property owner must have posted signage visible and facing the driver at each entryway into the property stating that vehicles parked on the property without authorization or inappropriately or illegally parked are subject to being towed. The sign must also contain the international towing symbol no smaller than four (4) inches by four (4) inches and be permanently mounted in a position that is no lower than five (5) feet and no higher than eight (8) feet.(3)The towing and recovery service shall not assess a drop fee to release the commercial motor vehicle after the vehicle is hooked up to the tow truck but before the vehicle is removed from the private property.Added by Laws, 2024, ch. 384, SB 2635,§ 7, eff. 7/1/2024. A towing service shall not tow a commercial motor vehicle from private property without the owner or operator of the private property giving the tower service written permission. Added by Laws, 2024, ch. 384, SB 2635,§ 7, eff. 7/1/2024.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 37 - NONCONSENSUAL TOWING OF COMMERCIAL VEHICLES (§§ 63-37-1 — 63-37-15)Section 63-37-15 - Use of vehicle immobilization devices

A towing and recovery service shall not use vehicle immobilization devices except under the direction of law enforcement.Added by Laws, 2024, ch. 384, SB 2635,§ 8, eff. 7/1/2024. A towing and recovery service shall not use vehicle immobilization devices except under the direction of law enforcement.Added by Laws, 2024, ch. 384, SB 2635,§ 8, eff. 7/1/2024. A towing and recovery service shall not use vehicle immobilization devices except under the direction of law enforcement.Added by Laws, 2024, ch. 384, SB 2635,§ 8, eff. 7/1/2024. A towing and recovery service shall not use vehicle immobilization devices except under the direction of law enforcement. Added by Laws, 2024, ch. 384, SB 2635,§ 8, eff. 7/1/2024.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 37 - NONCONSENSUAL TOWING OF COMMERCIAL VEHICLES (§§ 63-37-1 — 63-37-15)Section 63-37-3 - Commercial Vehicle Towing Advisory Committee created

(1)The Department of Public Safety, Public Commercial Transportation Enforcement Division, shall create within the department a "Commercial Vehicle Towing Advisory Committee." The Commercial Vehicle Towing Advisory Committee shall consist of the following members:(a)The Commissioner of the Mississippi Department of Public Safety, or his or her designee;(b)The Director of the Mississippi Highway Patrol (Assistant Commissioner of the Mississippi Department of Public Safety), or his or her designee;(c)Two (2) members, the President of the Mississippi Towing Association, and his or her appointee, to represent the towing and recovery services within the state;(d)Two (2) members, appointed by the President of the Mississippi Trucking Association, to represent the commercial motor carriers within the state; and(e)One (1) member, appointed by the Governor, to represent the local police jurisdictions.(2)Members of the Commercial Vehicle Towing Advisory Committee shall serve for a term of two (2) years. Members may serve consecutive terms. Members shall serve without compensation.(3)At the first meeting, the Commercial Vehicle Towing Advisory Committee shall elect a chairperson from its membership to serve for a term of two (2) years. A chairperson may serve consecutive terms.(4)The Commercial Vehicle Towing Advisory Committee shall hold its first meeting no later than September 1, 2024, at a time and location within the state to be determined by the Commissioner of the Mississippi Department of Public Safety. Thereafter, meetings shall be held on dates and at times and locations within the state and selected by the chairperson in consultation with the other members or by the Commissioner of the Mississippi Department of Public Safety, if the most recent chairperson's term has expired.(5)The Commercial Vehicle Towing Advisory Committee shall keep and maintain a record of all proceedings of the Commercial Vehicle Towing Advisory Committee, and copies of all orders and/or recommendations issued by the Commercial Vehicle Towing Advisory Committee.Added by Laws, 2024, ch. 384, SB 2635,§ 2, eff. 7/1/2024. (1)The Department of Public Safety, Public Commercial Transportation Enforcement Division, shall create within the department a "Commercial Vehicle Towing Advisory Committee." The Commercial Vehicle Towing Advisory Committee shall consist of the following members:(a)The Commissioner of the Mississippi Department of Public Safety, or his or her designee;(b)The Director of the Mississippi Highway Patrol (Assistant Commissioner of the Mississippi Department of Public Safety), or his or her designee;(c)Two (2) members, the President of the Mississippi Towing Association, and his or her appointee, to represent the towing and recovery services within the state;(d)Two (2) members, appointed by the President of the Mississippi Trucking Association, to represent the commercial motor carriers within the state; and(e)One (1) member, appointed by the Governor, to represent the local police jurisdictions.(2)Members of the Commercial Vehicle Towing Advisory Committee shall serve for a term of two (2) years. Members may serve consecutive terms. Members shall serve without compensation.(3)At the first meeting, the Commercial Vehicle Towing Advisory Committee shall elect a chairperson from its membership to serve for a term of two (2) years. A chairperson may serve consecutive terms.(4)The Commercial Vehicle Towing Advisory Committee shall hold its first meeting no later than September 1, 2024, at a time and location within the state to be determined by the Commissioner of the Mississippi Department of Public Safety. Thereafter, meetings shall be held on dates and at times and locations within the state and selected by the chairperson in consultation with the other members or by the Commissioner of the Mississippi Department of Public Safety, if the most recent chairperson's term has expired.(5)The Commercial Vehicle Towing Advisory Committee shall keep and maintain a record of all proceedings of the Commercial Vehicle Towing Advisory Committee, and copies of all orders and/or recommendations issued by the Commercial Vehicle Towing Advisory Committee.Added by Laws, 2024, ch. 384, SB 2635,§ 2, eff. 7/1/2024. (1)The Department of Public Safety, Public Commercial Transportation Enforcement Division, shall create within the department a "Commercial Vehicle Towing Advisory Committee." The Commercial Vehicle Towing Advisory Committee shall

consist of the following members:(a)The Commissioner of the Mississippi Department of Public Safety, or his or her designee;(b)The Director of the Mississippi Highway Patrol (Assistant Commissioner of the Mississippi Department of Public Safety), or his or her designee;(c)Two (2) members, the President of the Mississippi Towing Association, and his or her appointee, to represent the towing and recovery services within the state;(d)Two (2) members, appointed by the President of the Mississippi Trucking Association, to represent the commercial motor carriers within the state; and(e)One (1) member, appointed by the Governor, to represent the local police jurisdictions.(2)Members of the Commercial Vehicle Towing Advisory Committee shall serve for a term of two (2) years. Members may serve consecutive terms. Members shall serve without compensation.(3)At the first meeting, the Commercial Vehicle Towing Advisory Committee shall elect a chairperson from its membership to serve for a term of two (2) years. A chairperson may serve consecutive terms.(4)The Commercial Vehicle Towing Advisory Committee shall hold its first meeting no later than September 1, 2024, at a time and location within the state to be determined by the Commissioner of the Mississippi Department of Public Safety. Thereafter, meetings shall be held on dates and at times and locations within the state and selected by the chairperson in consultation with the other members or by the Commissioner of the Mississippi Department of Public Safety, if the most recent chairperson's term has expired.(5)The Commercial Vehicle Towing Advisory Committee shall keep and maintain a record of all proceedings of the Commercial Vehicle Towing Advisory Committee, and copies of all orders and/or recommendations issued by the Commercial Vehicle Towing Advisory Committee.Added by Laws, 2024, ch. 384, SB 2635,§ 2, eff. 7/1/2024. Added by Laws, 2024, ch. 384, SB 2635,§ 2, eff. 7/1/2024.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 37 - NONCONSENSUAL TOWING OF COMMERCIAL VEHICLES (§§ 63-37-1 — 63-37-15)Section 63-37-5 - Commercial Vehicle Towing Advisory Committee duties

(1)The Commercial Vehicle Towing Advisory Committee shall:(a)Establish regulations and standards for the inclusion of a towing and recovery service on the tow list, including application procedures and minimum qualification requirements;(b)Establish statewide maximum towing and storage rates for nonconsensual tows, including those for private property. The established maximum rates shall include maximum rates for administrative fees, provided as follows:(i)A towing and recovery service may charge less than, but may not charge more than the approved statewide rates;(ii)The towing and recovery service shall not charge or retain any fees not indicated by the committee for the maximum rates for towing and storage of a commercial motor vehicle after the nonconsensual tow from private property; and(iii)The statewide maximum towing and storage rates for nonconsensual tows shall be reviewed annually. Market fluctuations within the towing industry may be considered along with current consensual towing market rates and their relationship to nonconsensual towing rates;(c)Require the towing and recovery service to ban the use of per-pound billing for nonconsensual towing;(d)Publish a Towing Service Standard Manual, with rules governing the use of towing and recovery services for nonconsensually towing of commercial vehicles no later than January 1, 2025. At a minimum, the rules shall include the following provisions to:(i)Establish the information required to be included on any invoice associated with the towing of a commercial motor vehicle, including, but not limited to, requiring that the invoice be itemized;(ii)Establish factors that shall be considered in determining whether a charge levied by a towing and recovery service is fair, equitable and reasonable;(iii)Establish a process the committee shall use to receive, investigate and adjudicate complaints against a towing and recovery service;(iv)Establish a service charge dispute resolution process that includes, at a minimum, provisions requiring completion of a written complaint form, deadlines for initiating a complaint after receiving an itemized invoice, deadlines for responding to a complaint, cessation of storage fees during the complaint resolution process, a hearing on the complaint and deadlines for issuing a formal decision adjudicating the service charge dispute;(v)Establish an appeals process for the appeal of any determination of order of the committee under this subsection;(vi)Establish a disciplinary procedure for violations of the rules by the towing and recovery service, including the suspension or removal of a towing and recovery service from the tow list; and(vii)Establish a process that the Department of Public Safety may use to suspend or remove a towing and recovery service from any tow list.Added by Laws, 2024, ch. 384, SB 2635,§ 3, eff. 7/1/2024. (1)The Commercial Vehicle Towing Advisory Committee shall:(a)Establish regulations and standards for the inclusion of a towing and recovery service on the tow list, including application procedures and minimum qualification requirements;(b)Establish statewide maximum towing and storage rates for nonconsensual tows, including those for private property. The established maximum rates shall include maximum rates for administrative fees, provided as follows:(i)A towing and recovery service may charge less than, but may not charge more than the approved statewide rates;(ii)The towing and recovery service shall not charge or retain any fees not indicated by the committee for the maximum rates for towing and storage of a commercial motor vehicle after the nonconsensual tow from private property; and(iii)The statewide maximum towing and storage rates for nonconsensual tows shall be reviewed annually. Market fluctuations within the towing industry may be considered along with current consensual towing market rates and their relationship to nonconsensual towing rates;(c)Require the towing and recovery service to ban the use of per-pound billing for nonconsensual towing;(d)Publish a Towing Service Standard Manual, with rules governing the use of towing and recovery services for nonconsensually towing of commercial vehicles no later than January 1, 2025. At a minimum, the rules shall include the following provisions to:(i)Establish the information required to be included on any invoice associated with the towing of a commercial motor vehicle, including, but not limited to, requiring that the invoice be itemized;(ii)Establish factors that shall be considered in determining whether a charge levied by a towing and recovery service is fair, equitable and reasonable;(iii)Establish a process the committee shall use to receive, investigate and adjudicate complaints against a towing and recovery service;(iv)Establish a service charge dispute resolution process that includes, at a minimum, provisions requiring completion of a written complaint form, deadlines for initiating a complaint after receiving an itemized invoice,

deadlines for responding to a complaint, cessation of storage fees during the complaint resolution process, a hearing on the complaint and deadlines for issuing a formal decision adjudicating the service charge dispute;(v)Establish an appeals process for the appeal of any determination of order of the committee under this subsection;(vi)Establish a disciplinary procedure for violations of the rules by the towing and recovery service, including the suspension or removal of a towing and recovery service from the tow list; and(vii)Establish a process that the Department of Public Safety may use to suspend or remove a towing and recovery service from any tow list.Added by Laws, 2024, ch. 384, SB 2635,§ 3, eff. 7/1/2024. (1)The Commercial Vehicle Towing Advisory Committee shall:(a)Establish regulations and standards for the inclusion of a towing and recovery service on the tow list, including application procedures and minimum qualification requirements;(b)Establish statewide maximum towing and storage rates for nonconsensual tows, including those for private property. The established maximum rates shall include maximum rates for administrative fees, provided as follows:(i)A towing and recovery service may charge less than, but may not charge more than the approved statewide rates;(ii)The towing and recovery service shall not charge or retain any fees not indicated by the committee for the maximum rates for towing and storage of a commercial motor vehicle after the nonconsensual tow from private property; and(iii)The statewide maximum towing and storage rates for nonconsensual tows shall be reviewed annually. Market fluctuations within the towing industry may be considered along with current consensual towing market rates and their relationship to nonconsensual towing rates;(c)Require the towing and recovery service to ban the use of per-pound billing for nonconsensual towing;(d)Publish a Towing Service Standard Manual, with rules governing the use of towing and recovery services for nonconsensually towing of commercial vehicles no later than January 1, 2025. At a minimum, the rules shall include the following provisions to:(i)Establish the information required to be included on any invoice associated with the towing of a commercial motor vehicle, including, but not limited to, requiring that the invoice be itemized;(ii)Establish factors that shall be considered in determining whether a charge levied by a towing and recovery service is fair, equitable and reasonable;(iii)Establish a process the committee shall use to receive, investigate and adjudicate complaints against a towing and recovery service;(iv)Establish a service charge dispute resolution process that includes, at a minimum, provisions requiring completion of a written complaint form, deadlines for initiating a complaint after receiving an itemized invoice, deadlines for responding to a complaint, cessation of storage fees during the complaint resolution process, a hearing on the complaint and deadlines for issuing a formal decision adjudicating the service charge dispute;(v)Establish an appeals process for the appeal of any determination of order of the committee under this subsection;(vi)Establish a disciplinary procedure for violations of the rules by the towing and recovery service, including the suspension or removal of a towing and recovery service from the tow list; and(vii)Establish a process that the Department of Public Safety may use to suspend or remove a towing and recovery service from any tow list.Added by Laws, 2024, ch. 384, SB 2635,§ 3, eff. 7/1/2024. Added by Laws, 2024, ch. 384, SB 2635,§ 3, eff. 7/1/2024.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 37 - NONCONSENSUAL TOWING OF COMMERCIAL VEHICLES (§§ 63-37-1 — 63-37-15)Section 63-37-7 - Rights of commercial vehicle owner upon nonconsensual towing

(1)Upon nonconsensual towing and recovery of a commercial towing vehicle and movement of the commercial motor vehicle to a storage facility, a towing and recovery service shall allow an owner of a commercial motor vehicle or a designee of the owner of the commercial motor vehicle to access the vehicle in a reasonable manner as established by rules adopted by the Commercial Vehicle Towing Advisory Committee. Any vehicle towed nonconsensually in Mississippi must be stored in the State of Mississippi.(2)The towing and recovery services shall provide a commercial vehicle owner or operator or owner's designee with reasonable access to the vehicle so that the vehicle owner and operator or the owner's designee may access and collect any personal property contained in the vehicle, regardless of whether any payment has been made for the towing and recovery service charges.(3)If there is no dispute as to the charges assessed by the towing and recovery service for the nonconsensual towing of the commercial motor vehicle, the vehicle owner or operator or the owner's designee shall pay the towing service invoice and the towing and recovery service shall release the vehicle immediately.Added by Laws, 2024, ch. 384, SB 2635,§ 4, eff. 7/1/2024. (1)Upon nonconsensual towing and recovery of a commercial towing vehicle and movement of the commercial motor vehicle to a storage facility, a towing and recovery service shall allow an owner of a commercial motor vehicle or a designee of the owner of the commercial motor vehicle to access the vehicle in a reasonable manner as established by rules adopted by the Commercial Vehicle Towing Advisory Committee. Any vehicle towed nonconsensually in Mississippi must be stored in the State of Mississippi.(2)The towing and recovery services shall provide a commercial vehicle owner or operator or owner's designee with reasonable access to the vehicle so that the vehicle owner and operator or the owner's designee may access and collect any personal property contained in the vehicle, regardless of whether any payment has been made for the towing and recovery service charges.(3)If there is no dispute as to the charges assessed by the towing and recovery service for the nonconsensual towing of the commercial motor vehicle, the vehicle owner or operator or the owner's designee shall pay the towing service invoice and the towing and recovery service shall release the vehicle immediately.Added by Laws, 2024, ch. 384, SB 2635,§ 4, eff. 7/1/2024. (1)Upon nonconsensual towing and recovery of a commercial towing vehicle and movement of the commercial motor vehicle to a storage facility, a towing and recovery service shall allow an owner of a commercial motor vehicle or a designee of the owner of the commercial motor vehicle to access the vehicle in a reasonable manner as established by rules adopted by the Commercial Vehicle Towing Advisory Committee. Any vehicle towed nonconsensually in Mississippi must be stored in the State of Mississippi.(2)The towing and recovery services shall provide a commercial vehicle owner or operator or owner's designee with reasonable access to the vehicle so that the vehicle owner and operator or the owner's designee may access and collect any personal property contained in the vehicle, regardless of whether any

payment has been made for the towing and recovery service charges.(3)If there is no dispute as to the charges assessed by the towing and recovery service for the nonconsensual towing of the commercial motor vehicle, the vehicle owner or operator or the owner's designee shall pay the towing service invoice and the towing and recovery service shall release the vehicle immediately.Added by Laws, 2024, ch. 384, SB 2635,§ 4, eff. 7/1/2024. Added by Laws, 2024, ch. 384, SB 2635,§ 4, eff. 7/1/2024.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 37 - NONCONSENSUAL TOWING OF COMMERCIAL VEHICLES (§§ 63-37-1 — 63-37-15)Section 63-37-9 - Law enforcement officers authorized to utilize list of towing and recovery service companies under certain circumstances

In authorizing a towing and recovery service to perform towing services, any law enforcement officer may utilize the services of a tow list, provided:(a)They are under no obligation to include or retain the services of any towing and recovery service in any contract or agreement with respect to any tow list established pursuant to this subsection. A towing and recovery service is subject to removal from a towing list at any time; and(b)An owner or operator of a commercial motor vehicle may request a specific towing and recovery service and that request shall be honored by the law enforcement officer unless the requested towing and recovery service cannot perform the requested towing and recovery service or does not respond in a reasonable time, as determined by the law enforcement officer.Added by Laws, 2024, ch. 384, SB 2635,§ 5, eff. 7/1/2024. In authorizing a towing and recovery service to perform towing services, any law enforcement officer may utilize the services of a tow list, provided:(a)They are under no obligation to include or retain the services of any towing and recovery service in any contract or agreement with respect to any tow list established pursuant to this subsection. A towing and recovery service is subject to removal from a towing list at any time; and(b)An owner or operator of a commercial motor vehicle may request a specific towing and recovery service and that request shall be honored by the law enforcement officer unless the requested towing and recovery service cannot perform the requested towing and recovery service or does not respond in a reasonable time, as determined by the law enforcement officer.Added by Laws, 2024, ch. 384, SB 2635,§ 5, eff. 7/1/2024. In authorizing a towing and recovery service to perform towing services, any law enforcement officer may utilize the services of a tow list, provided:(a)They are under no obligation to include or retain the services of any towing and recovery service in any contract or agreement with respect to any tow list established pursuant to this subsection. A towing and recovery service is subject to removal from a towing list at any time; and(b)An owner or operator of a commercial motor vehicle may request a specific towing and recovery service and that request shall be honored by the law enforcement officer unless the requested towing and recovery service cannot perform the requested towing and recovery service or does not respond in a reasonable time, as determined by the law enforcement officer.Added by Laws, 2024, ch. 384, SB 2635,§ 5, eff. 7/1/2024. In authorizing a towing and recovery service to perform towing services, any law enforcement officer may utilize the services of a tow list, provided: Added by Laws, 2024, ch. 384, SB 2635,§ 5, eff. 7/1/2024.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 39 - PEER-TO-PEER CAR SHARING PROGRAM ACT (§§ 63-39-1 — 63-39-27)Section 63-39-1 - Title

This chapter shall be known and may be cited as the Peer-to-Peer Car Sharing Program Act.Added by Laws, 2024, ch. 429, SB 2530,§ 1, eff. 1/17/2025. This chapter shall be known and may be cited as the Peer-to-Peer Car Sharing Program Act.Added by Laws, 2024, ch. 429, SB 2530,§ 1, eff. 1/17/2025. This chapter shall be known and may be cited as the Peer-to-Peer Car Sharing Program Act.Added by Laws, 2024, ch. 429, SB 2530,§ 1, eff. 1/17/2025. This chapter shall be known and may be cited as the Peer-to-Peer Car Sharing Program Act. Added by Laws, 2024, ch. 429, SB 2530,§ 1, eff. 1/17/2025.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 39 - PEER-TO-PEER CAR SHARING PROGRAM ACT (§§ 63-39-1 — 63-39-27)Section 63-39-11 - Recordkeeping; use of vehicle in car sharing

A peer-to-peer car sharing program shall collect and verify records pertaining to the use of a vehicle, including, but not limited to, times used, car sharing period pick-up and drop-off locations, fees paid by the shared vehicle driver and revenues received by the shared vehicle owner and provide that information upon request to the shared vehicle owner, the shared vehicle owner's insurer or the shared vehicle driver's insurer to facilitate a claim coverage investigation, settlement, negotiation or litigation. The peer-to-peer car sharing program shall retain the records for a time period not less than the three-year limitation under Section15-1-49.Added by Laws, 2024, ch. 429, SB 2530,§ 6, eff. 1/17/2025. A peer-to-peer car sharing program shall collect and verify records pertaining to the use of a vehicle, including, but not limited to, times used, car sharing period pick-up and drop-off locations, fees paid by the shared vehicle driver and revenues received by the shared vehicle owner and provide that information upon request to the shared vehicle owner, the shared vehicle owner's insurer or the shared vehicle driver's insurer to facilitate a claim coverage investigation, settlement, negotiation or litigation. The peer-to-peer car sharing program shall retain the records for a time period not less than the three-year limitation under Section15-1-49.Added by Laws, 2024, ch. 429, SB 2530,§ 6, eff. 1/17/2025. A peer-to-peer car sharing program shall collect and verify records pertaining to the use of a vehicle, including, but not limited to, times used, car sharing period pick-up and drop-off locations, fees paid by the shared vehicle driver and revenues received by the shared vehicle owner and provide that information upon request to the shared vehicle owner, the shared vehicle owner's insurer or the shared vehicle driver's insurer to facilitate a claim coverage investigation, settlement, negotiation or litigation. The peer-to-peer car sharing program shall retain the records for a time period not less than the three-year limitation under Section15-1-49.Added by Laws, 2024, ch. 429, SB

2530,§ 6, eff. 1/17/2025. A peer-to-peer car sharing program shall collect and verify records pertaining to the use of a vehicle, including, but not limited to, times used, car sharing period pick-up and drop-off locations, fees paid by the shared vehicle driver and revenues received by the shared vehicle owner and provide that information upon request to the shared vehicle owner, the shared vehicle owner's insurer or the shared vehicle driver's insurer to facilitate a claim coverage investigation, settlement, negotiation or litigation. The peer-to-peer car sharing program shall retain the records for a time period not less than the three-year limitation under Section 15-1-49. Added by Laws, 2024, ch. 429, SB 2530,§ 6, eff. 1/17/2025.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 39 - PEER-TO-PEER CAR SHARING PROGRAM ACT (§§ 63-39-1 — 63-39-27) Section 63-39-13 - Vicarious liability

A peer-to-peer car sharing program and a shared vehicle owner shall be exempt from vicarious liability consistent with 49 USC Section 30106 and under any state or local law that imposes liability solely based on vehicle ownership. Added by Laws, 2024, ch. 429, SB 2530,§ 7, eff. 1/17/2025. A peer-to-peer car sharing program and a shared vehicle owner shall be exempt from vicarious liability consistent with 49 USC Section 30106 and under any state or local law that imposes liability solely based on vehicle ownership. Added by Laws, 2024, ch. 429, SB 2530,§ 7, eff. 1/17/2025. A peer-to-peer car sharing program and a shared vehicle owner shall be exempt from vicarious liability consistent with 49 USC Section 30106 and under any state or local law that imposes liability solely based on vehicle ownership. Added by Laws, 2024, ch. 429, SB 2530,§ 7, eff. 1/17/2025. A peer-to-peer car sharing program and a shared vehicle owner shall be exempt from vicarious liability consistent with 49 USC Section 30106 and under any state or local law that imposes liability solely based on vehicle ownership. Added by Laws, 2024, ch. 429, SB 2530,§ 7, eff. 1/17/2025.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 39 - PEER-TO-PEER CAR SHARING PROGRAM ACT (§§ 63-39-1 — 63-39-27) Section 63-39-15 - Contribution against indemnification

A motor vehicle insurer that defends or indemnifies a claim against a shared vehicle that is excluded under the terms of its policy shall have the right to seek recovery against the motor vehicle insurer of the peer-to-peer car sharing program if the claim is: (a) Made against the shared vehicle owner or the shared vehicle driver for loss or injury that occurs during the car sharing period; and (b) Excluded under the terms of its policy. Added by Laws, 2024, ch. 429, SB 2530,§ 8, eff. 1/17/2025. A motor vehicle insurer that defends or indemnifies a claim against a shared vehicle that is excluded under the terms of its policy shall have the right to seek recovery against the motor vehicle insurer of the peer-to-peer car sharing program if the claim is: (a) Made against the shared vehicle owner or the shared vehicle driver for loss or injury that occurs during the car sharing period; and (b) Excluded under the terms of its policy. Added by Laws, 2024, ch. 429, SB 2530,§ 8, eff. 1/17/2025. A motor vehicle insurer that defends or indemnifies a claim against a shared vehicle that is excluded under the terms of its policy shall have the right to seek recovery against the motor vehicle insurer of the peer-to-peer car sharing program if the claim is: (a) Made against the shared vehicle owner or the shared vehicle driver for loss or injury that occurs during the car sharing period; and (b) Excluded under the terms of its policy. Added by Laws, 2024, ch. 429, SB 2530,§ 8, eff. 1/17/2025. A motor vehicle insurer that defends or indemnifies a claim against a shared vehicle that is excluded under the terms of its policy shall have the right to seek recovery against the motor vehicle insurer of the peer-to-peer car sharing program if the claim is: Added by Laws, 2024, ch. 429, SB 2530,§ 8, eff. 1/17/2025.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 39 - PEER-TO-PEER CAR SHARING PROGRAM ACT (§§ 63-39-1 — 63-39-27) Section 63-39-17 - Insurable interest

(1) Notwithstanding any other law, statute, rule or regulation to the contrary, a peer-to-peer car sharing program shall have an insurable interest in a shared vehicle during the car sharing period. (2) Nothing in this section creates liability on a peer-to-peer car sharing program to maintain the coverage mandated by Section 3 of this act. (3) A peer-to-peer car sharing program may own and maintain as the named insured one or more policies of motor vehicle liability insurance that provides coverage for: (a) Liabilities assumed by the peer-to-peer car sharing program under a peer-to-peer car sharing program agreement; (b) Any liability of the shared vehicle owner; or (c) Damage or loss to the shared motor vehicle or any liability of the shared vehicle driver. Added by Laws, 2024, ch. 429, SB 2530,§ 9, eff. 1/17/2025. (1) Notwithstanding any other law, statute, rule or regulation to the contrary, a peer-to-peer car sharing program shall have an insurable interest in a shared vehicle during the car sharing period. (2) Nothing in this section creates liability on a peer-to-peer car sharing program to maintain the coverage mandated by Section 3 of this act. (3) A peer-to-peer car sharing program may own and maintain as the named insured one or more policies of motor vehicle liability insurance that provides coverage for: (a) Liabilities assumed by the peer-to-peer car sharing program under a peer-to-peer car sharing program agreement; (b) Any liability of the shared vehicle owner; or (c) Damage or loss to the shared motor vehicle or any liability of the shared vehicle driver. Added by Laws, 2024, ch. 429, SB 2530,§ 9, eff. 1/17/2025. (1) Notwithstanding any other law, statute, rule or regulation to the contrary, a peer-to-peer car sharing program shall have an insurable interest in a shared vehicle during the car sharing period. (2) Nothing in this section creates liability on a peer-to-peer car sharing program to maintain the coverage mandated by Section 3 of this act. (3) A peer-to-peer car sharing program may own and maintain as the named insured one or more policies of motor vehicle liability insurance that provides coverage for: (a) Liabilities assumed by the peer-to-peer car sharing program under a

peer-to-peer car sharing program agreement;(b)Any liability of the shared vehicle owner; or(c)Damage or loss to the shared motor vehicle or any liability of the shared vehicle driver.Added by Laws, 2024, ch. 429, SB 2530,§ 9, eff. 1/17/2025. Added by Laws, 2024, ch. 429, SB 2530,§ 9, eff. 1/17/2025.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 39 - PEER-TO-PEER CAR SHARING PROGRAM ACT (§§ 63-39-1 — 63-39-27)Section 63-39-19 - Consumer protection disclosures

(1)Each car sharing program agreement made in the state shall disclose to the shared vehicle owner and the shared vehicle driver:(a)Any right of the peer-to-peer car sharing program to seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement;(b)That a motor vehicle liability insurance policy issued to the shared vehicle owner for the shared vehicle or to the shared vehicle driver does not provide a defense or indemnification for any claim asserted by the peer-to-peer car sharing program;(c)That the peer-to-peer car sharing program's insurance coverage on the shared vehicle owner and the shared vehicle driver is in effect only during each car sharing period and that, for any use of the shared vehicle by the shared vehicle driver after the car sharing termination time, the shared vehicle driver and the shared vehicle owner may not have insurance coverage;(d)The daily rate, fees, and if applicable, any insurance or protection package costs that are charged to the shared vehicle owner or the shared vehicle driver;(e)That the shared vehicle owner's motor vehicle liability insurance may not provide coverage for a shared vehicle;(f)An emergency telephone number to personnel capable of fielding roadside assistance and other customer service inquiries; and(g)If there are conditions under which a shared vehicle driver must maintain a personal automobile insurance policy with certain applicable coverage limits on a primary basis in order to book a shared motor vehicle.Added by Laws, 2024, ch. 429, SB 2530,§ 10, eff. 1/17/2025. (1)Each car sharing program agreement made in the state shall disclose to the shared vehicle owner and the shared vehicle driver:(a)Any right of the peer-to-peer car sharing program to seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement;(b)That a motor vehicle liability insurance policy issued to the shared vehicle owner for the shared vehicle or to the shared vehicle driver does not provide a defense or indemnification for any claim asserted by the peer-to-peer car sharing program;(c)That the peer-to-peer car sharing program's insurance coverage on the shared vehicle owner and the shared vehicle driver is in effect only during each car sharing period and that, for any use of the shared vehicle by the shared vehicle driver after the car sharing termination time, the shared vehicle driver and the shared vehicle owner may not have insurance coverage;(d)The daily rate, fees, and if applicable, any insurance or protection package costs that are charged to the shared vehicle owner or the shared vehicle driver;(e)That the shared vehicle owner's motor vehicle liability insurance may not provide coverage for a shared vehicle;(f)An emergency telephone number to personnel capable of fielding roadside assistance and other customer service inquiries; and(g)If there are conditions under which a shared vehicle driver must maintain a personal automobile insurance policy with certain applicable coverage limits on a primary basis in order to book a shared motor vehicle.Added by Laws, 2024, ch. 429, SB 2530,§ 10, eff. 1/17/2025. (1)Each car sharing program agreement made in the state shall disclose to the shared vehicle owner and the shared vehicle driver:(a)Any right of the peer-to-peer car sharing program to seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement;(b)That a motor vehicle liability insurance policy issued to the shared vehicle owner for the shared vehicle or to the shared vehicle driver does not provide a defense or indemnification for any claim asserted by the peer-to-peer car sharing program;(c)That the peer-to-peer car sharing program's insurance coverage on the shared vehicle owner and the shared vehicle driver is in effect only during each car sharing period and that, for any use of the shared vehicle by the shared vehicle driver after the car sharing termination time, the shared vehicle driver and the shared vehicle owner may not have insurance coverage;(d)The daily rate, fees, and if applicable, any insurance or protection package costs that are charged to the shared vehicle owner or the shared vehicle driver;(e)That the shared vehicle owner's motor vehicle liability insurance may not provide coverage for a shared vehicle;(f)An emergency telephone number to personnel capable of fielding roadside assistance and other customer service inquiries; and(g)If there are conditions under which a shared vehicle driver must maintain a personal automobile insurance policy with certain applicable coverage limits on a primary basis in order to book a shared motor vehicle.Added by Laws, 2024, ch. 429, SB 2530,§ 10, eff. 1/17/2025. Added by Laws, 2024, ch. 429, SB 2530,§ 10, eff. 1/17/2025.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 39 - PEER-TO-PEER CAR SHARING PROGRAM ACT (§§ 63-39-1 — 63-39-27)Section 63-39-21 - Driver's license verification and data retention

(1)A peer-to-peer car sharing program may not enter into a peer-to-peer car sharing program agreement with a driver unless the driver who will operate the shared vehicle:(a)Holds a driver's license issued under Section63-1-5that authorizes the driver to operate vehicles of the class of the shared vehicle; or(b)Is a nonresident who:(i)Has a driver's license issued by the state or country of the driver's residence that authorizes the driver in that state or country to drive vehicles of the class of the shared vehicle; and(ii)Is at least the same age as that required of a resident to drive; or(c)Otherwise is specifically authorized under Title 63, Chapter 1, Mississippi Code of 1972, to drive vehicles of the class of the shared vehicle.(2)A peer-to-peer car sharing program shall keep a record of:(a)The name and address of the shared vehicle driver;(b)The number of the driver's license of the shared vehicle driver and

each other person, if any, who will operate the shared vehicle; and(c)The place of issuance of the driver's license.Added by Laws, 2024, ch. 429, SB 2530,§ 11, eff. 1/17/2025. (1)A peer-to-peer car sharing program may not enter into a peer-to-peer car sharing program agreement with a driver unless the driver who will operate the shared vehicle:(a)Holds a driver's license issued under Section63-1-5that authorizes the driver to operate vehicles of the class of the shared vehicle; or(b)Is a nonresident who:(i)Has a driver's license issued by the state or country of the driver's residence that authorizes the driver in that state or country to drive vehicles of the class of the shared vehicle; and(ii)Is at least the same age as that required of a resident to drive; or(c)Otherwise is specifically authorized under Title 63, Chapter 1, Mississippi Code of 1972, to drive vehicles of the class of the shared vehicle.(2)A peer-to-peer car sharing program shall keep a record of:(a)The name and address of the shared vehicle driver;(b)The number of the driver's license of the shared vehicle driver and each other person, if any, who will operate the shared vehicle; and(c)The place of issuance of the driver's license.Added by Laws, 2024, ch. 429, SB 2530,§ 11, eff. 1/17/2025. (1)A peer-to-peer car sharing program may not enter into a peer-to-peer car sharing program agreement with a driver unless the driver who will operate the shared vehicle:(a)Holds a driver's license issued under Section63-1-5that authorizes the driver to operate vehicles of the class of the shared vehicle; or(b)Is a nonresident who:(i)Has a driver's license issued by the state or country of the driver's residence that authorizes the driver in that state or country to drive vehicles of the class of the shared vehicle; and(ii)Is at least the same age as that required of a resident to drive; or(c)Otherwise is specifically authorized under Title 63, Chapter 1, Mississippi Code of 1972, to drive vehicles of the class of the shared vehicle.(2)A peer-to-peer car sharing program shall keep a record of:(a)The name and address of the shared vehicle driver;(b)The number of the driver's license of the shared vehicle driver and each other person, if any, who will operate the shared vehicle; and(c)The place of issuance of the driver's license.Added by Laws, 2024, ch. 429, SB 2530,§ 11, eff. 1/17/2025. Added by Laws, 2024, ch. 429, SB 2530,§ 11, eff. 1/17/2025.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 39 - PEER-TO-PEER CAR SHARING PROGRAM ACT (§§ 63-39-1 — 63-39-27)Section 63-39-23 - Responsibility for equipment

A peer-to-peer car sharing program shall have sole responsibility for any equipment, such as a GPS system or other special equipment that is put in or on the vehicle to monitor or facilitate the car sharing transaction, and shall agree to indemnify and hold harmless the vehicle owner for any damage to or theft of such equipment during the sharing period not caused by the vehicle owner. The peer-to-peer car sharing program has the right to seek indemnity from the shared vehicle driver for any loss or damage to such equipment that occurs during the sharing period.Added by Laws, 2024, ch. 429, SB 2530,§ 12, eff. 1/17/2025. A peer-to-peer car sharing program shall have sole responsibility for any equipment, such as a GPS system or other special equipment that is put in or on the vehicle to monitor or facilitate the car sharing transaction, and shall agree to indemnify and hold harmless the vehicle owner for any damage to or theft of such equipment during the sharing period not caused by the vehicle owner. The peer-to-peer car sharing program has the right to seek indemnity from the shared vehicle driver for any loss or damage to such equipment that occurs during the sharing period.Added by Laws, 2024, ch. 429, SB 2530,§ 12, eff. 1/17/2025. A peer-to-peer car sharing program shall have sole responsibility for any equipment, such as a GPS system or other special equipment that is put in or on the vehicle to monitor or facilitate the car sharing transaction, and shall agree to indemnify and hold harmless the vehicle owner for any damage to or theft of such equipment during the sharing period not caused by the vehicle owner. The peer-to-peer car sharing program has the right to seek indemnity from the shared vehicle driver for any loss or damage to such equipment that occurs during the sharing period.Added by Laws, 2024, ch. 429, SB 2530,§ 12, eff. 1/17/2025. A peer-to-peer car sharing program shall have sole responsibility for any equipment, such as a GPS system or other special equipment that is put in or on the vehicle to monitor or facilitate the car sharing transaction, and shall agree to indemnify and hold harmless the vehicle owner for any damage to or theft of such equipment during the sharing period not caused by the vehicle owner. The peer-to-peer car sharing program has the right to seek indemnity from the shared vehicle driver for any loss or damage to such equipment that occurs during the sharing period.Added by Laws, 2024, ch. 429, SB 2530,§ 12, eff. 1/17/2025. A peer-to-peer car sharing program shall have sole responsibility for any equipment, such as a GPS system or other special equipment that is put in or on the vehicle to monitor or facilitate the car sharing transaction, and shall agree to indemnify and hold harmless the vehicle owner for any damage to or theft of such equipment during the sharing period not caused by the vehicle owner. The peer-to-peer car sharing program has the right to seek indemnity from the shared vehicle driver for any loss or damage to such equipment that occurs during the sharing period. Added by Laws, 2024, ch. 429, SB 2530,§ 12, eff. 1/17/2025.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 39 - PEER-TO-PEER CAR SHARING PROGRAM ACT (§§ 63-39-1 — 63-39-27)Section 63-39-25 - Automobile safety recalls

(1)At the time when a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program and before the time when the shared vehicle owner makes a shared vehicle available for car sharing on the peer-to-peer car sharing program, the peer-to-peer car sharing program shall:(a)Verify that the shared vehicle does not have any safety recalls on the vehicle for which the repairs have not been made; and(b)Notify the shared vehicle owner of the requirements under subsection (2) of this section.(2)(a)If the shared vehicle owner has received an actual notice of a safety recall on the vehicle, a shared vehicle owner shall not make a vehicle available as a shared vehicle on a peer-to-peer car sharing program until the safety recall repair has been made.(b)If a shared vehicle owner receives an actual notice of a safety recall on a shared vehicle while the shared vehicle is made available on the peer-to-peer car sharing program, the shared vehicle owner shall remove the shared vehicle as available on the peer-to-peer car sharing program, as soon as practicably possible after receiving the notice of the safety recall and until the safety recall repair has been made.(c)If a shared vehicle owner receives an actual notice of a safety recall while the shared vehicle is being used in the possession of a shared vehicle driver, as soon as practicably possible after receiving the notice of the safety recall, the shared vehicle owner shall notify the peer-to-peer car sharing program about the safety recall so that the shared vehicle owner may address the

safety recall repair. Added by Laws, 2024, ch. 429, SB 2530, § 13, eff. 1/17/2025. (1) At the time when a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program and before the time when the shared vehicle owner makes a shared vehicle available for car sharing on the peer-to-peer car sharing program, the peer-to-peer car sharing program shall: (a) Verify that the shared vehicle does not have any safety recalls on the vehicle for which the repairs have not been made; and (b) Notify the shared vehicle owner of the requirements under subsection (2) of this section. (2) (a) If the shared vehicle owner has received an actual notice of a safety recall on the vehicle, a shared vehicle owner shall not make a vehicle available as a shared vehicle on a peer-to-peer car sharing program until the safety recall repair has been made. (b) If a shared vehicle owner receives an actual notice of a safety recall on a shared vehicle while the shared vehicle is made available on the peer-to-peer car sharing program, the shared vehicle owner shall remove the shared vehicle as available on the peer-to-peer car sharing program, as soon as practicably possible after receiving the notice of the safety recall and until the safety recall repair has been made. (c) If a shared vehicle owner receives an actual notice of a safety recall while the shared vehicle is being used in the possession of a shared vehicle driver, as soon as practicably possible after receiving the notice of the safety recall, the shared vehicle owner shall notify the peer-to-peer car sharing program about the safety recall so that the shared vehicle owner may address the safety recall repair. Added by Laws, 2024, ch. 429, SB 2530, § 13, eff. 1/17/2025. (1) At the time when a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program and before the time when the shared vehicle owner makes a shared vehicle available for car sharing on the peer-to-peer car sharing program, the peer-to-peer car sharing program shall: (a) Verify that the shared vehicle does not have any safety recalls on the vehicle for which the repairs have not been made; and (b) Notify the shared vehicle owner of the requirements under subsection (2) of this section. (2) (a) If the shared vehicle owner has received an actual notice of a safety recall on the vehicle, a shared vehicle owner shall not make a vehicle available as a shared vehicle on a peer-to-peer car sharing program until the safety recall repair has been made. (b) If a shared vehicle owner receives an actual notice of a safety recall on a shared vehicle while the shared vehicle is made available on the peer-to-peer car sharing program, the shared vehicle owner shall remove the shared vehicle as available on the peer-to-peer car sharing program, as soon as practicably possible after receiving the notice of the safety recall and until the safety recall repair has been made. (c) If a shared vehicle owner receives an actual notice of a safety recall while the shared vehicle is being used in the possession of a shared vehicle driver, as soon as practicably possible after receiving the notice of the safety recall, the shared vehicle owner shall notify the peer-to-peer car sharing program about the safety recall so that the shared vehicle owner may address the safety recall repair. Added by Laws, 2024, ch. 429, SB 2530, § 13, eff. 1/17/2025. Added by Laws, 2024, ch. 429, SB 2530, § 13, eff. 1/17/2025.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 39 - PEER-TO-PEER CAR SHARING PROGRAM ACT (§§ 63-39-1 — 63-39-27) Section 63-39-27 - Regulations

The Commissioner of Insurance may promulgate rules and regulations that are necessary to administer and enforce the provisions of this chapter provided that such rules and regulations are not inconsistent with the provisions of this chapter. Added by Laws, 2024, ch. 429, SB 2530, § 14, eff. 1/17/2025. The Commissioner of Insurance may promulgate rules and regulations that are necessary to administer and enforce the provisions of this chapter provided that such rules and regulations are not inconsistent with the provisions of this chapter. Added by Laws, 2024, ch. 429, SB 2530, § 14, eff. 1/17/2025. The Commissioner of Insurance may promulgate rules and regulations that are necessary to administer and enforce the provisions of this chapter provided that such rules and regulations are not inconsistent with the provisions of this chapter. Added by Laws, 2024, ch. 429, SB 2530, § 14, eff. 1/17/2025. The Commissioner of Insurance may promulgate rules and regulations that are necessary to administer and enforce the provisions of this chapter provided that such rules and regulations are not inconsistent with the provisions of this chapter. Added by Laws, 2024, ch. 429, SB 2530, § 14, eff. 1/17/2025.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 39 - PEER-TO-PEER CAR SHARING PROGRAM ACT (§§ 63-39-1 — 63-39-27) Section 63-39-3 - Definitions

For purposes of this chapter, the following terms shall have the meanings defined herein unless the context clearly indicates otherwise: (a) "Car sharing delivery period" means the period of time during which a shared vehicle is being delivered to the location of the car sharing start time, if applicable, as documented by the governing car sharing program agreement. (b) "Car sharing period" means the period of time that commences with the car sharing delivery period or, if there is no car sharing delivery period, the period of time that commences with the car sharing start time and in either case ends at the car sharing termination time. (c) "Car sharing program agreement" means the terms and conditions applicable to a shared vehicle owner and a shared vehicle driver that governs the use of a shared vehicle through a peer-to-peer car sharing program. (d) "Car sharing start time" means the time when the shared vehicle becomes subject to the control of the shared vehicle driver at or after the time the reservation of a shared vehicle is scheduled to begin as documented in the records of a peer-to-peer car sharing program. (e) "Car sharing termination time" means the earliest of the following events: (i) The expiration of the agreed upon period of time established for the use of a shared vehicle according to the terms of the car sharing program agreement if the shared vehicle is delivered to the location agreed upon in the car sharing program agreement; (ii) When the shared vehicle is returned to a location as alternatively agreed upon by the shared vehicle owner and shared vehicle driver as communicated through a peer-to-peer car sharing program, which alternatively agreed upon location shall be incorporated into the car sharing program agreement; or (iii) When the shared vehicle owner or the shared vehicle

owner's authorized designee, takes possession and control of the shared vehicle.(f)"Peer-to-peer car sharing" means the authorized use of a vehicle by an individual other than the vehicle's owner through a peer-to-peer car sharing program. This term shall not be construed to mean rental car or rental activity.(g)"Peer-to-peer car sharing program" means a business platform that connects vehicle owners with drivers to enable the sharing of vehicles for financial consideration. This term shall not mean rental car company. An individual or business entity lawfully engaging in a peer-to-peer car sharing program shall not be considered as any of the following:(i)As a "rental company" as that term is defined in Section27-19-40(4);(ii)As being engaged in renting a motor vehicle to another within the meaning of Section63-1-67;(iii)As a "transportation network company" as that term is defined in Section77-8-1; or(iv)As being engaged in the business of renting motor vehicles under rental agreements within the meaning of Section75-24-8.(h)"Shared vehicle" means a vehicle that is available for sharing through a peer-to-peer car sharing program.(i)"Shared vehicle driver" means an individual who has been authorized to drive the shared vehicle by the shared vehicle owner under a car sharing program agreement.(j)"Shared vehicle owner" means the registered owner, or a person or entity designated by the registered owner, of a vehicle made available for sharing to shared vehicle drivers through a peer-to-peer car sharing program. A shared vehicle owner shall not mean a person "renting a motor vehicle to another" as that activity is described in Section63-1-67. A shared vehicle owner is not "engaged in the business of renting motor vehicles under rental agreements" within the meaning of Section75-24-8.Added by Laws, 2024, ch. 429, SB 2530,§ 2, eff. 1/17/2025. For purposes of this chapter, the following terms shall have the meanings defined herein unless the context clearly indicates otherwise:(a)"Car sharing delivery period" means the period of time during which a shared vehicle is being delivered to the location of the car sharing start time, if applicable, as documented by the governing car sharing program agreement.(b)"Car sharing period" means the period of time that commences with the car sharing delivery period or, if there is no car sharing delivery period, the period of time that commences with the car sharing start time and in either case ends at the car sharing termination time.(c)"Car sharing program agreement" means the terms and conditions applicable to a shared vehicle owner and a shared vehicle driver that governs the use of a shared vehicle through a peer-to-peer car sharing program.(d)"Car sharing start time" means the time when the shared vehicle becomes subject to the control of the shared vehicle driver at or after the time the reservation of a shared vehicle is scheduled to begin as documented in the records of a peer-to-peer car sharing program.(e)"Car sharing termination time" means the earliest of the following events:(i)The expiration of the agreed upon period of time established for the use of a shared vehicle according to the terms of the car sharing program agreement if the shared vehicle is delivered to the location agreed upon in the car sharing program agreement;(ii)When the shared vehicle is returned to a location as alternatively agreed upon by the shared vehicle owner and shared vehicle driver as communicated through a peer-to-peer car sharing program, which alternatively agreed upon location shall be incorporated into the car sharing program agreement; or(iii)When the shared vehicle owner or the shared vehicle owner's authorized designee, takes possession and control of the shared vehicle.(f)"Peer-to-peer car sharing" means the authorized use of a vehicle by an individual other than the vehicle's owner through a peer-to-peer car sharing program. This term shall not be construed to mean rental car or rental activity.(g)"Peer-to-peer car sharing program" means a business platform that connects vehicle owners with drivers to enable the sharing of vehicles for financial consideration. This term shall not mean rental car company. An individual or business entity lawfully engaging in a peer-to-peer car sharing program shall not be considered as any of the following:(i)As a "rental company" as that term is defined in Section27-19-40(4);(ii)As being engaged in renting a motor vehicle to another within the meaning of Section63-1-67;(iii)As a "transportation network company" as that term is defined in Section77-8-1; or(iv)As being engaged in the business of renting motor vehicles under rental agreements within the meaning of Section75-24-8.(h)"Shared vehicle" means a vehicle that is available for sharing through a peer-to-peer car sharing program.(i)"Shared vehicle driver" means an individual who has been authorized to drive the shared vehicle by the shared vehicle owner under a car sharing program agreement.(j)"Shared vehicle owner" means the registered owner, or a person or entity designated by the registered owner, of a vehicle made available for sharing to shared vehicle drivers through a peer-to-peer car sharing program. A shared vehicle owner shall not mean a person "renting a motor vehicle to another" as that activity is described in Section63-1-67. A shared vehicle owner is not "engaged in the business of renting motor vehicles under rental agreements" within the meaning of Section75-24-8.Added by Laws, 2024, ch. 429, SB 2530,§ 2, eff. 1/17/2025. For purposes of this chapter, the following terms shall have the meanings defined herein unless the context clearly indicates otherwise:(a)"Car sharing delivery period" means the period of time during which a shared vehicle is being delivered to the location of the car sharing start time, if applicable, as documented by the governing car sharing program agreement.(b)"Car sharing period" means the period of time that commences with the car sharing delivery period or, if there is no car sharing delivery period, the period of time that commences with the car sharing start time and in either case ends at the car sharing termination time.(c)"Car sharing program agreement" means the terms and conditions applicable to a shared vehicle owner and a shared vehicle driver that governs the use of a shared vehicle through a peer-to-peer car sharing program.(d)"Car sharing start time" means the time when the shared vehicle becomes subject to the control of the shared vehicle driver at or after the time the reservation of a shared vehicle is scheduled to begin as documented in the records of a peer-to-peer car sharing program.(e)"Car sharing termination time" means the earliest of the following events:(i)The expiration of the agreed upon period of time established for the use of a shared vehicle according to the terms of the car sharing program agreement if the shared vehicle is delivered to the location agreed upon in the car sharing program agreement;(ii)When the shared vehicle is returned to a location as alternatively agreed upon by the shared vehicle owner and shared vehicle driver as communicated through a peer-to-peer car sharing program, which alternatively agreed upon location shall be incorporated into the car sharing program agreement; or(iii)When the shared vehicle owner or the shared vehicle owner's authorized designee, takes possession and control of the shared vehicle.(f)"Peer-to-peer car sharing" means the authorized use of a vehicle by an individual other than the vehicle's owner through a peer-to-peer car sharing

program. This term shall not be construed to mean rental car or rental activity.(g)"Peer-to-peer car sharing program" means a business platform that connects vehicle owners with drivers to enable the sharing of vehicles for financial consideration. This term shall not mean rental car company. An individual or business entity lawfully engaging in a peer-to-peer car sharing program shall not be considered as any of the following:(i)As a "rental company" as that term is defined in Section27-19-40(4);(ii)As being engaged in renting a motor vehicle to another within the meaning of Section63-1-67;(iii)As a "transportation network company" as that term is defined in Section77-8-1; or(iv)As being engaged in the business of renting motor vehicles under rental agreements within the meaning of Section75-24-8.(h)"Shared vehicle" means a vehicle that is available for sharing through a peer-to-peer car sharing program.(i)"Shared vehicle driver" means an individual who has been authorized to drive the shared vehicle by the shared vehicle owner under a car sharing program agreement.(j)"Shared vehicle owner" means the registered owner, or a person or entity designated by the registered owner, of a vehicle made available for sharing to shared vehicle drivers through a peer-to-peer car sharing program. A shared vehicle owner shall not mean a person "renting a motor vehicle to another" as that activity is described in Section63-1-67. A shared vehicle owner is not "engaged in the business of renting motor vehicles under rental agreements" within the meaning of Section75-24-8.Added by Laws, 2024, ch. 429, SB 2530,§ 2, eff. 1/17/2025. For purposes of this chapter, the following terms shall have the meanings defined herein unless the context clearly indicates otherwise: Added by Laws, 2024, ch. 429, SB 2530,§ 2, eff. 1/17/2025.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 39 - PEER-TO-PEER CAR SHARING PROGRAM ACT (§§ 63-39-1 — 63-39-27)Section 63-39-5 - Insurance coverage during car sharing period

(1)Except as provided in subsection (2) of this section, a peer-to-peer car sharing program shall assume liability of a shared vehicle owner for bodily injury or property damage to third parties, or uninsured and underinsured motorist losses, during the car sharing period in an amount stated in the peer-to-peer car sharing program agreement, provided that the amount shall not be less than that set forth in Section63-15-43.(2)Notwithstanding the definition of "car sharing termination time" as set forth in this act, the assumption of liability under subsection (1) of this section shall not apply to any shared vehicle owner when:(a)A shared vehicle owner makes an intentional or fraudulent material misrepresentation or omission to the peer-to-peer car sharing program before the car sharing period in which the loss occurred; or(b)Acting in concert with a shared vehicle driver who fails to return the shared vehicle pursuant to the terms of the car sharing program agreement.(3)Notwithstanding the definition of "car sharing termination time" as set forth in this act, the assumption of liability under subsection (1) of this section shall include any bodily injury or property damage losses by damaged third parties, or uninsured and underinsured motorist losses, as required by Section63-15-1et seq.(4)A peer-to-peer car sharing program shall ensure that, during each car sharing period, the shared vehicle owner and the shared vehicle driver are insured under a motor vehicle liability insurance policy that provides insurance coverage in amounts no less than the minimum amounts set forth in Section63-15-43; and(a)Recognizes that the shared vehicle insured under the policy is made available and used through a peer-to-peer car sharing program; or(b)Does not exclude use of a shared vehicle by a shared vehicle driver.(5)The insurance described under subsection (4) of this section may be satisfied by motor vehicle liability insurance maintained by:(a)A shared vehicle owner;(b)A shared vehicle driver;(c)A peer-to-peer car sharing program; or(d)Both a shared vehicle owner, a shared vehicle driver and a peer-to-peer car sharing program.(6)The insurance described in subsection (5) of this section that is satisfying the insurance requirement of subsection (4) of this section shall be primary during each car sharing period, and in the event that a claim occurs in another state with minimum financial responsibility limits higher than the minimum amounts set forth in Section63-15-43, during the car sharing period, the coverage maintained under subsection (5) shall satisfy the difference in minimum coverage amounts, up to the applicable policy limits.(7)The insurer, insurers or peer-to-peer car sharing program providing coverage under subsection (4) or (5) of this section shall assume primary liability for a claim when:(a)A dispute exists as to who was in control of the shared motor vehicle at the time of the loss and the peer-to-peer car sharing program does not have available, did not retain or fails to provide the information required by Section 8 of this act; or(b)A dispute exists as to whether the shared vehicle was returned to the alternatively agreed upon location.(8)If insurance maintained by a shared vehicle owner or shared vehicle driver in accordance with subsection (5) of this section has lapsed or does not provide the required coverage, insurance maintained by a peer-to-peer car sharing program shall provide the coverage required by subsection (4) of this section beginning with the first dollar of a claim and have the duty to defend such claim except under circumstances as set forth in subsection (2) of this section.(9)Coverage under an automobile insurance policy maintained by the peer-to-peer car sharing program shall not be dependent on another automobile insurer first denying a claim nor shall another automobile insurance policy be required to first deny a claim.(10)Nothing in this act:(a)Limits the liability of the peer-to-peer car sharing program for any act or omission of the peer-to-peer car sharing program itself that results in injury to any person as a result of the use of a shared vehicle through a peer-to-peer car sharing program; or(b)Limits the ability of the peer-to-peer car sharing program to, by contract, seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement.Added by Laws, 2024, ch. 429, SB 2530,§ 3, eff. 1/17/2025. (1)Except as provided in subsection (2) of this section, a peer-to-peer car sharing program shall assume liability of a shared vehicle owner for bodily injury or property damage to third parties, or uninsured and underinsured motorist losses, during the car sharing period in an amount stated in the peer-to-peer car sharing program agreement, provided that the amount shall not be less than that set forth in Section63-15-43.(2)Notwithstanding the definition of "car sharing termination time" as set forth in this act, the assumption of liability under subsection (1) of this section shall not apply to any shared vehicle owner when:(a)A shared vehicle owner makes an

intentional or fraudulent material misrepresentation or omission to the peer-to-peer car sharing program before the car sharing period in which the loss occurred; or (b) Acting in concert with a shared vehicle driver who fails to return the shared vehicle pursuant to the terms of the car sharing program agreement. (3) Notwithstanding the definition of "car sharing termination time" as set forth in this act, the assumption of liability under subsection (1) of this section shall include any bodily injury or property damage losses by damaged third parties, or uninsured and underinsured motorist losses, as required by Section 63-15-1 et seq. (4) A peer-to-peer car sharing program shall ensure that, during each car sharing period, the shared vehicle owner and the shared vehicle driver are insured under a motor vehicle liability insurance policy that provides insurance coverage in amounts no less than the minimum amounts set forth in Section 63-15-43; and (a) Recognizes that the shared vehicle insured under the policy is made available and used through a peer-to-peer car sharing program; or (b) Does not exclude use of a shared vehicle by a shared vehicle driver. (5) The insurance described under subsection (4) of this section may be satisfied by motor vehicle liability insurance maintained by: (a) A shared vehicle owner; (b) A shared vehicle driver; (c) A peer-to-peer car sharing program; or (d) Both a shared vehicle owner, a shared vehicle driver and a peer-to-peer car sharing program. (6) The insurance described in subsection (5) of this section that is satisfying the insurance requirement of subsection (4) of this section shall be primary during each car sharing period, and in the event that a claim occurs in another state with minimum financial responsibility limits higher than the minimum amounts set forth in Section 63-15-43, during the car sharing period, the coverage maintained under subsection (5) shall satisfy the difference in minimum coverage amounts, up to the applicable policy limits. (7) The insurer, insurers or peer-to-peer car sharing program providing coverage under subsection (4) or (5) of this section shall assume primary liability for a claim when: (a) A dispute exists as to who was in control of the shared motor vehicle at the time of the loss and the peer-to-peer car sharing program does not have available, did not retain or fails to provide the information required by Section 8 of this act; or (b) A dispute exists as to whether the shared vehicle was returned to the alternatively agreed upon location. (8) If insurance maintained by a shared vehicle owner or shared vehicle driver in accordance with subsection (5) of this section has lapsed or does not provide the required coverage, insurance maintained by a peer-to-peer car sharing program shall provide the coverage required by subsection (4) of this section beginning with the first dollar of a claim and have the duty to defend such claim except under circumstances as set forth in subsection (2) of this section. (9) Coverage under an automobile insurance policy maintained by the peer-to-peer car sharing program shall not be dependent on another automobile insurer first denying a claim nor shall another automobile insurance policy be required to first deny a claim. (10) Nothing in this act: (a) Limits the liability of the peer-to-peer car sharing program for any act or omission of the peer-to-peer car sharing program itself that results in injury to any person as a result of the use of a shared vehicle through a peer-to-peer car sharing program; or (b) Limits the ability of the peer-to-peer car sharing program to, by contract, seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement. Added by Laws, 2024, ch. 429, SB 2530, § 3, eff. 1/17/2025. (1) Except as provided in subsection (2) of this section, a peer-to-peer car sharing program shall assume liability of a shared vehicle owner for bodily injury or property damage to third parties, or uninsured and underinsured motorist losses, during the car sharing period in an amount stated in the peer-to-peer car sharing program agreement, provided that the amount shall not be less than that set forth in Section 63-15-43. (2) Notwithstanding the definition of "car sharing termination time" as set forth in this act, the assumption of liability under subsection (1) of this section shall not apply to any shared vehicle owner when: (a) A shared vehicle owner makes an intentional or fraudulent material misrepresentation or omission to the peer-to-peer car sharing program before the car sharing period in which the loss occurred; or (b) Acting in concert with a shared vehicle driver who fails to return the shared vehicle pursuant to the terms of the car sharing program agreement. (3) Notwithstanding the definition of "car sharing termination time" as set forth in this act, the assumption of liability under subsection (1) of this section shall include any bodily injury or property damage losses by damaged third parties, or uninsured and underinsured motorist losses, as required by Section 63-15-1 et seq. (4) A peer-to-peer car sharing program shall ensure that, during each car sharing period, the shared vehicle owner and the shared vehicle driver are insured under a motor vehicle liability insurance policy that provides insurance coverage in amounts no less than the minimum amounts set forth in Section 63-15-43; and (a) Recognizes that the shared vehicle insured under the policy is made available and used through a peer-to-peer car sharing program; or (b) Does not exclude use of a shared vehicle by a shared vehicle driver. (5) The insurance described under subsection (4) of this section may be satisfied by motor vehicle liability insurance maintained by: (a) A shared vehicle owner; (b) A shared vehicle driver; (c) A peer-to-peer car sharing program; or (d) Both a shared vehicle owner, a shared vehicle driver and a peer-to-peer car sharing program. (6) The insurance described in subsection (5) of this section that is satisfying the insurance requirement of subsection (4) of this section shall be primary during each car sharing period, and in the event that a claim occurs in another state with minimum financial responsibility limits higher than the minimum amounts set forth in Section 63-15-43, during the car sharing period, the coverage maintained under subsection (5) shall satisfy the difference in minimum coverage amounts, up to the applicable policy limits. (7) The insurer, insurers or peer-to-peer car sharing program providing coverage under subsection (4) or (5) of this section shall assume primary liability for a claim when: (a) A dispute exists as to who was in control of the shared motor vehicle at the time of the loss and the peer-to-peer car sharing program does not have available, did not retain or fails to provide the information required by Section 8 of this act; or (b) A dispute exists as to whether the shared vehicle was returned to the alternatively agreed upon location. (8) If insurance maintained by a shared vehicle owner or shared vehicle driver in accordance with subsection (5) of this section has lapsed or does not provide the required coverage, insurance maintained by a peer-to-peer car sharing program shall provide the coverage required by subsection (4) of this section beginning with the first dollar of a claim and have the duty to defend such claim except under circumstances as set forth in subsection (2) of this section. (9) Coverage under an automobile insurance policy maintained by the peer-to-peer car sharing program shall not be dependent on another automobile

insurer first denying a claim nor shall another automobile insurance policy be required to first deny a claim.(10)Nothing in this act:(a)Limits the liability of the peer-to-peer car sharing program for any act or omission of the peer-to-peer car sharing program itself that results in injury to any person as a result of the use of a shared vehicle through a peer-to-peer car sharing program; or(b)Limits the ability of the peer-to-peer car sharing program to, by contract, seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement.Added by Laws, 2024, ch. 429, SB 2530,§ 3, eff. 1/17/2025. Added by Laws, 2024, ch. 429, SB 2530,§ 3, eff. 1/17/2025.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 39 - PEER-TO-PEER CAR SHARING PROGRAM ACT (§§ 63-39-1 — 63-39-27)Section 63-39-7 - Notification of implications of lien

At the time when a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program and before the time when the shared vehicle owner makes a shared vehicle available for car sharing on the peer-to-peer car sharing program, the peer-to-peer car sharing program shall notify the shared vehicle owner that, if the shared vehicle has a lien against it, the use of the shared vehicle through a peer-to-peer car sharing program, including use without physical damage coverage, may violate the terms of the contract with the lienholder.Added by Laws, 2024, ch. 429, SB 2530,§ 4, eff. 1/17/2025. At the time when a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program and before the time when the shared vehicle owner makes a shared vehicle available for car sharing on the peer-to-peer car sharing program, the peer-to-peer car sharing program shall notify the shared vehicle owner that, if the shared vehicle has a lien against it, the use of the shared vehicle through a peer-to-peer car sharing program, including use without physical damage coverage, may violate the terms of the contract with the lienholder.Added by Laws, 2024, ch. 429, SB 2530,§ 4, eff. 1/17/2025. At the time when a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program and before the time when the shared vehicle owner makes a shared vehicle available for car sharing on the peer-to-peer car sharing program, the peer-to-peer car sharing program shall notify the shared vehicle owner that, if the shared vehicle has a lien against it, the use of the shared vehicle through a peer-to-peer car sharing program, including use without physical damage coverage, may violate the terms of the contract with the lienholder.Added by Laws, 2024, ch. 429, SB 2530,§ 4, eff. 1/17/2025. At the time when a vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program and before the time when the shared vehicle owner makes a shared vehicle available for car sharing on the peer-to-peer car sharing program, the peer-to-peer car sharing program shall notify the shared vehicle owner that, if the shared vehicle has a lien against it, the use of the shared vehicle through a peer-to-peer car sharing program, including use without physical damage coverage, may violate the terms of the contract with the lienholder. Added by Laws, 2024, ch. 429, SB 2530,§ 4, eff. 1/17/2025.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 39 - PEER-TO-PEER CAR SHARING PROGRAM ACT (§§ 63-39-1 — 63-39-27)Section 63-39-9 - Exclusions in motor vehicle liability insurance policies

(1)An authorized insurer that writes motor vehicle liability insurance in the state may exclude any and all coverage and the duty to defend or indemnify for any claim afforded under a shared vehicle owner's motor vehicle liability insurance policy, including, but not limited to:(a)Liability coverage for bodily injury and property damage;(b)Uninsured and underinsured motorist coverage;(c)Medical payments coverage;(d)Comprehensive physical damage coverage; and(e)Collision physical damage coverage.(2)Nothing in this act:(a)Invalidates or limits an exclusion contained in a motor vehicle liability insurance policy, including any insurance policy in use or approved for use that excludes coverage for motor vehicles made available for rent, sharing or hire or for any business use;(b)Invalidates, limits or restricts an insurer's ability under existing law to underwrite any insurance policy; or(c)Invalidates, limits or restricts an insurer's ability under existing law to cancel and nonrenew policies.Added by Laws, 2024, ch. 429, SB 2530,§ 5, eff. 1/17/2025. (1)An authorized insurer that writes motor vehicle liability insurance in the state may exclude any and all coverage and the duty to defend or indemnify for any claim afforded under a shared vehicle owner's motor vehicle liability insurance policy, including, but not limited to:(a)Liability coverage for bodily injury and property damage;(b)Uninsured and underinsured motorist coverage;(c)Medical payments coverage;(d)Comprehensive physical damage coverage; and(e)Collision physical damage coverage.(2)Nothing in this act:(a)Invalidates or limits an exclusion contained in a motor vehicle liability insurance policy, including any insurance policy in use or approved for use that excludes coverage for motor vehicles made available for rent, sharing or hire or for any business use;(b)Invalidates, limits or restricts an insurer's ability under existing law to underwrite any insurance policy; or(c)Invalidates, limits or restricts an insurer's ability under existing law to cancel and nonrenew policies.Added by Laws, 2024, ch. 429, SB 2530,§ 5, eff. 1/17/2025. (1)An authorized insurer that writes motor vehicle liability insurance in the state may exclude any and all coverage and the duty to defend or indemnify for any claim afforded under a shared vehicle owner's motor vehicle liability insurance policy, including, but not limited to:(a)Liability coverage for bodily injury and property damage;(b)Uninsured and underinsured motorist coverage;(c)Medical payments coverage;(d)Comprehensive physical damage coverage; and(e)Collision physical damage coverage.(2)Nothing in this act:(a)Invalidates or limits an exclusion contained in a motor vehicle liability insurance policy, including any insurance policy in use or approved for use that excludes coverage for motor vehicles made available for rent, sharing or hire or for any business use;(b)Invalidates, limits or restricts an insurer's ability under existing law to underwrite any insurance policy; or(c)Invalidates, limits or restricts an insurer's ability under existing law to cancel and nonrenew policies.Added by Laws, 2024, ch. 429, SB 2530,§ 5, eff. 1/17/2025. Added by Laws, 2024, ch.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55) Section 63-5-1 - Short title

This chapter may be cited as the Uniform Highway Traffic Regulation Law - Size, Weight and Load Regulations. Codes, 1942, § 8126; Laws, 1938, ch. 200. This chapter may be cited as the Uniform Highway Traffic Regulation Law - Size, Weight and Load Regulations. Codes, 1942, § 8126; Laws, 1938, ch. 200. This chapter may be cited as the Uniform Highway Traffic Regulation Law - Size, Weight and Load Regulations. Codes, 1942, § 8126; Laws, 1938, ch. 200. This chapter may be cited as the Uniform Highway Traffic Regulation Law - Size, Weight and Load Regulations. Codes, 1942, § 8126; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55) Section 63-5-11 - Power and authority of local authorities to alter limitations

The maximum size and weight of vehicles specified in this chapter shall be lawful throughout the state, and local authorities shall have no power or authority to alter the limitations stated in this chapter except as express authority to do so may be granted in this chapter. Codes, 1942, § 8264; Laws, 1938, ch. 200. The maximum size and weight of vehicles specified in this chapter shall be lawful throughout the state, and local authorities shall have no power or authority to alter the limitations stated in this chapter except as express authority to do so may be granted in this chapter. Codes, 1942, § 8264; Laws, 1938, ch. 200. The maximum size and weight of vehicles specified in this chapter shall be lawful throughout the state, and local authorities shall have no power or authority to alter the limitations stated in this chapter except as express authority to do so may be granted in this chapter. Codes, 1942, § 8264; Laws, 1938, ch. 200. The maximum size and weight of vehicles specified in this chapter shall be lawful throughout the state, and local authorities shall have no power or authority to alter the limitations stated in this chapter except as express authority to do so may be granted in this chapter. Codes, 1942, § 8264; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55) Section 63-5-13 - Outside width of vehicles

(1) Except as otherwise provided in this section, the total outside width of any vehicle, exclusive of required safety devices, or the load thereon shall not exceed eight and one-half (8-1/2) feet; provided, however, that appurtenances on recreational vehicles shall be allowed so long as they are inside the exterior rearview mirrors of the recreational vehicle or inside the exterior rearview mirrors of the vehicle towing the recreational vehicle, and such mirrors do not extend further than necessary to obtain the appropriate field of view. (2) The total outside load width of any vehicle hauling unprocessed forest products on public roads, streets or highways, other than interstate highways, shall not exceed nine and one-half (9-1/2) feet if such products may not be shortened without rendering them useless for the end product for which they were cut; provided, however, the total outside vehicle width of such a vehicle, exclusive of required safety devices and the load of such vehicle, shall not exceed eight and one-half (8-1/2) feet. (3) The total outside width of a farm tractor shall not exceed ten (10) feet, except that farm tractors shall not be operated upon the interstate highways without a special permit from the Mississippi Department of Transportation. (4) A vehicle designed and especially constructed to transport raw cotton from harvest to the cotton gin may have a total outside width not to exceed nine (9) feet whenever any such vehicle is being operated within a radius of fifty (50) miles of the vehicle's home base or its contractual customer. Codes, 1942, § 8265; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 1; ch. 430; Laws, 1983, ch. 428, § 1; Laws, 1999, ch. 492, § 1; Laws, 2000, ch. 318, § 2; Laws, 2001, ch. 596, § 55; Laws, 2002, ch. 405, § 1, eff. 7/1/2002. (1) Except as otherwise provided in this section, the total outside width of any vehicle, exclusive of required safety devices, or the load thereon shall not exceed eight and one-half (8-1/2) feet; provided, however, that appurtenances on recreational vehicles shall be allowed so long as they are inside the exterior rearview mirrors of the recreational vehicle or inside the exterior rearview mirrors of the vehicle towing the recreational vehicle, and such mirrors do not extend further than necessary to obtain the appropriate field of view. (2) The total outside load width of any vehicle hauling unprocessed forest products on public roads, streets or highways, other than interstate highways, shall not exceed nine and one-half (9-1/2) feet if such products may not be shortened without rendering them useless for the end product for which they were cut; provided, however, the total outside vehicle width of such a vehicle, exclusive of required safety devices and the load of such vehicle, shall not exceed eight and one-half (8-1/2) feet. (3) The total outside width of a farm tractor shall not exceed ten (10) feet, except that farm tractors shall not be operated upon the interstate highways without a special permit from the Mississippi Department of Transportation. (4) A vehicle designed and especially constructed to transport raw cotton from harvest to the cotton gin may have a total outside width not to exceed nine (9) feet whenever any such vehicle is being operated within a radius of fifty (50) miles of the vehicle's home base or its contractual customer. Codes, 1942, § 8265; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 1; ch. 430; Laws, 1983, ch. 428, § 1; Laws, 1999, ch. 492, § 1; Laws, 2000, ch. 318, § 2; Laws, 2001, ch. 596, § 55; Laws, 2002, ch. 405, § 1, eff. 7/1/2002. (1) Except as otherwise provided in this section, the total outside width of any vehicle, exclusive of required safety devices, or the load thereon shall not exceed eight and one-half (8-1/2) feet; provided, however, that appurtenances on recreational vehicles shall be allowed so long as they are inside the exterior rearview mirrors of the recreational vehicle or inside the exterior rearview mirrors of the vehicle towing the recreational vehicle, and such mirrors do not extend further than necessary to obtain the appropriate field of view. (2) The total outside load width of any vehicle hauling unprocessed forest products on public roads, streets or highways, other than interstate highways, shall not exceed nine and one-half (9-1/2) feet if such products may not

be shortened without rendering them useless for the end product for which they were cut; provided, however, the total outside vehicle width of such a vehicle, exclusive of required safety devices and the load of such vehicle, shall not exceed eight and one-half (8-1/2) feet.(3)The total outside width of a farm tractor shall not exceed ten (10) feet, except that farm tractors shall not be operated upon the interstate highways without a special permit from the Mississippi Department of Transportation.(4)A vehicle designed and especially constructed to transport raw cotton from harvest to the cotton gin may have a total outside width not to exceed nine (9) feet whenever any such vehicle is being operated within a radius of fifty (50) miles of the vehicle's home base or its contractual customer.Codes, 1942, § 8265; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 1; ch. 430; Laws, 1983, ch. 428, § 1; Laws, 1999, ch. 492, § 1; Laws, 2000, ch. 318, § 2; Laws, 2001, ch. 596, § 55; Laws, 2002, ch. 405, § 1, eff. 7/1/2002. Codes, 1942, § 8265; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 1; ch. 430; Laws, 1983, ch. 428, § 1; Laws, 1999, ch. 492, § 1; Laws, 2000, ch. 318, § 2; Laws, 2001, ch. 596, § 55; Laws, 2002, ch. 405, § 1, eff. 7/1/2002.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55)Section 63-5-15 - Side projecting loads on passenger vehicles

No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle or extending more than six inches beyond the line of the fenders on the right side thereof.Codes, 1942, § 8266; Laws, 1938, ch. 200. No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle or extending more than six inches beyond the line of the fenders on the right side thereof.Codes, 1942, § 8266; Laws, 1938, ch. 200. No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle or extending more than six inches beyond the line of the fenders on the right side thereof.Codes, 1942, § 8266; Laws, 1938, ch. 200. No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle or extending more than six inches beyond the line of the fenders on the right side thereof. Codes, 1942, § 8266; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55)Section 63-5-17 - Height of vehicles

No vehicle unladen or with load shall exceed a height of thirteen feet, six inches. However, no person, firm or corporation, or the State of Mississippi or any subdivision thereof, shall be required to raise, alter, construct or reconstruct any underpass, wire, pole, trestle, or other structure to permit the passage of any vehicle having a height, unladen or with load, in excess of twelve feet, six inches. Full liability for damage to any structure caused by any vehicle having a height in excess of twelve feet, six inches, shall be borne entirely by the motor carrier or operator of the vehicle.Codes, 1942, § 8267; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 2; Laws, 1950, ch. 480; Laws, 1956, ch. 380; Laws, 1958, ch. 502; Laws, 1962, ch. 530; Laws, 1971, ch. 354, § 1, eff. 3/15/1971. No vehicle unladen or with load shall exceed a height of thirteen feet, six inches. However, no person, firm or corporation, or the State of Mississippi or any subdivision thereof, shall be required to raise, alter, construct or reconstruct any underpass, wire, pole, trestle, or other structure to permit the passage of any vehicle having a height, unladen or with load, in excess of twelve feet, six inches. Full liability for damage to any structure caused by any vehicle having a height in excess of twelve feet, six inches, shall be borne entirely by the motor carrier or operator of the vehicle.Codes, 1942, § 8267; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 2; Laws, 1950, ch. 480; Laws, 1956, ch. 380; Laws, 1958, ch. 502; Laws, 1962, ch. 530; Laws, 1971, ch. 354, § 1, eff. 3/15/1971. No vehicle unladen or with load shall exceed a height of thirteen feet, six inches. However, no person, firm or corporation, or the State of Mississippi or any subdivision thereof, shall be required to raise, alter, construct or reconstruct any underpass, wire, pole, trestle, or other structure to permit the passage of any vehicle having a height, unladen or with load, in excess of twelve feet, six inches. Full liability for damage to any structure caused by any vehicle having a height in excess of twelve feet, six inches, shall be borne entirely by the motor carrier or operator of the vehicle.Codes, 1942, § 8267; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 2; Laws, 1950, ch. 480; Laws, 1956, ch. 380; Laws, 1958, ch. 502; Laws, 1962, ch. 530; Laws, 1971, ch. 354, § 1, eff. 3/15/1971. No vehicle unladen or with load shall exceed a height of thirteen feet, six inches. However, no person, firm or corporation, or the State of Mississippi or any subdivision thereof, shall be required to raise, alter, construct or reconstruct any underpass, wire, pole, trestle, or other structure to permit the passage of any vehicle having a height, unladen or with load, in excess of twelve feet, six inches. Full liability for damage to any structure caused by any vehicle having a height in excess of twelve feet, six inches, shall be borne entirely by the motor carrier or operator of the vehicle. Codes, 1942, § 8267; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 2; Laws, 1950, ch. 480; Laws, 1956, ch. 380; Laws, 1958, ch. 502; Laws, 1962, ch. 530; Laws, 1971, ch. 354, § 1, eff. 3/15/1971.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55)Section 63-5-19 - Vehicle length limitations; generally

(1)Except as otherwise provided in this section, no single vehicle, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of forty (40) feet.(2)No semitrailer operating in a truck tractor-semitrailer combination and no trailer drawn by a motor vehicle shall exceed a length of fifty-three (53) feet.(3)No semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination and no trailer operating in a double trailer combination drawn by a motor vehicle shall exceed

a length of thirty (30) feet.(4)No semitrailer or trailer combinations in excess of two (2) units, excluding the towing motor vehicle, shall be allowed to operate on the highways of this state.(5)No motor home shall have an overall length exclusive of front and rear bumpers, in excess of forty-five (45) feet.(6)The load upon the rear vehicle of a combination of vehicles transporting forest or agricultural products in their natural state shall not project more than twenty-eight (28) feet beyond the rear axle of the vehicle. If such products project more than twenty-eight (28) feet beyond the rear axle and, due to the end use for which they are intended (such as tall utility poles or light poles or the like), such products cannot be shortened without rendering them useless for the finished product for which they have been cut, then such special circumstance may be considered good cause for the obtaining of a permit which shall be procured pursuant to Section63-5-51before vehicles transporting such products may operate. Except as otherwise provided in Section63-5-21or63-7-47(2), any vehicle transporting projecting loads as described in this subsection that extend four (4) feet or more beyond the rear or body of the vehicle shall operate during daylight or nighttime hours, and the load on vehicles designed to transport forestry products shall be secured by at least two (2) chains, two (2) wire ropes, or two (2) nylon straps, one (1) positioned behind the front bolster and one (1) in front of the back bolster.(7)Except as otherwise provided in Section63-5-21or63-7-47(2), the rear projecting load of any vehicle operating during the period described under Section63-7-11may not extend four (4) feet or more beyond the rear or body of the vehicle, or as otherwise allowable by federal law.(8)The length limitations on projecting loads prescribed in this section do not apply to a single vehicle or the rear vehicle of a combination of vehicles designed for on-farm delivery and unloading of any agricultural product, in its natural or manufactured form, which is fitted with an auger or similar unloading device permanently affixed to the vehicle that extends no more than eight (8) feet horizontally beyond the rear or body of the vehicle provided that no portion of such device which extends four (4) feet or more beyond the rear or body of the vehicle is less than seven (7) feet above the roadway surface. However, any such vehicle may not be operated on the public highways, roads or streets of this state during the period described under Section63-7-11.(9)A vehicle designed and especially constructed to transport raw cotton from harvest to the cotton gin may have a total overall length not to exceed fifty (50) feet whenever any such vehicle is being operated within a radius of fifty (50) miles of the vehicle's home base or its contractual customer.Codes, 1942, § 8267; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 2; Laws, 1950, ch. 480; Laws, 1956, ch. 380; Laws, 1958, ch. 502; Laws, 1962, ch. 530; Laws, 1971, ch. 354, § 1; ch. 317; Laws, 1980, ch. 316, § 1; Laws, 1982, ch. 447, § 1; Laws, 1983, ch. 428, § 2; Laws, 1995, ch. 629, § 1; Laws, 2000, ch. 318, § 3; Laws, 2001, ch. 557, § 1; Laws, 2002, ch. 405, § 2; Laws, 2003, ch. 460, § 1, eff. 3/23/2003.Amended by Laws, 2023, ch. 333, SB 2548,§ 1, eff. 7/1/2023.Amended by Laws, 2022, ch. 434, SB 2519,§ 1, eff. 7/1/2022.Amended by Laws, 2019, ch. 374, HB 1329,§ 1, eff. 7/1/2019. (1)Except as otherwise provided in this section, no single vehicle, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of forty (40) feet.(2)No semitrailer operating in a truck tractor-semitrailer combination and no trailer drawn by a motor vehicle shall exceed a length of fifty-three (53) feet.(3)No semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination and no trailer operating in a double trailer combination drawn by a motor vehicle shall exceed a length of thirty (30) feet.(4)No semitrailer or trailer combinations in excess of two (2) units, excluding the towing motor vehicle, shall be allowed to operate on the highways of this state.(5)No motor home shall have an overall length exclusive of front and rear bumpers, in excess of forty-five (45) feet.(6)The load upon the rear vehicle of a combination of vehicles transporting forest or agricultural products in their natural state shall not project more than twenty-eight (28) feet beyond the rear axle of the vehicle. If such products project more than twenty-eight (28) feet beyond the rear axle and, due to the end use for which they are intended (such as tall utility poles or light poles or the like), such products cannot be shortened without rendering them useless for the finished product for which they have been cut, then such special circumstance may be considered good cause for the obtaining of a permit which shall be procured pursuant to Section63-5-51before vehicles transporting such products may operate. Except as otherwise provided in Section63-5-21or63-7-47(2), any vehicle transporting projecting loads as described in this subsection that extend four (4) feet or more beyond the rear or body of the vehicle shall operate during daylight or nighttime hours, and the load on vehicles designed to transport forestry products shall be secured by at least two (2) chains, two (2) wire ropes, or two (2) nylon straps, one (1) positioned behind the front bolster and one (1) in front of the back bolster.(7)Except as otherwise provided in Section63-5-21or63-7-47(2), the rear projecting load of any vehicle operating during the period described under Section63-7-11may not extend four (4) feet or more beyond the rear or body of the vehicle, or as otherwise allowable by federal law.(8)The length limitations on projecting loads prescribed in this section do not apply to a single vehicle or the rear vehicle of a combination of vehicles designed for on-farm delivery and unloading of any agricultural product, in its natural or manufactured form, which is fitted with an auger or similar unloading device permanently affixed to the vehicle that extends no more than eight (8) feet horizontally beyond the rear or body of the vehicle provided that no portion of such device which extends four (4) feet or more beyond the rear or body of the vehicle is less than seven (7) feet above the roadway surface. However, any such vehicle may not be operated on the public highways, roads or streets of this state during the period described under Section63-7-11.(9)A vehicle designed and especially constructed to transport raw cotton from harvest to the cotton gin may have a total overall length not to exceed fifty (50) feet whenever any such vehicle is being operated within a radius of fifty (50) miles of the vehicle's home base or its contractual customer.Codes, 1942, § 8267; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 2; Laws, 1950, ch. 480; Laws, 1956, ch. 380; Laws, 1958, ch. 502; Laws, 1962, ch. 530; Laws, 1971, ch. 354, § 1; ch. 317; Laws, 1980, ch. 316, § 1; Laws, 1982, ch. 447, § 1; Laws, 1983, ch. 428, § 2; Laws, 1995, ch. 629, § 1; Laws, 2000, ch. 318, § 3; Laws, 2001, ch. 557, § 1; Laws, 2002, ch. 405, § 2; Laws, 2003, ch. 460, § 1, eff. 3/23/2003.Amended by Laws, 2023, ch. 333, SB 2548,§ 1, eff. 7/1/2023.Amended by Laws, 2022, ch. 434, SB 2519,§ 1, eff. 7/1/2022.Amended by Laws, 2019, ch. 374, HB 1329,§ 1, eff. 7/1/2019. (1)Except as otherwise provided in this section, no single vehicle, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of forty (40) feet.(2)No

semitrailer operating in a truck tractor-semitrailer combination and no trailer drawn by a motor vehicle shall exceed a length of fifty-three (53) feet.(3)No semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination and no trailer operating in a double trailer combination drawn by a motor vehicle shall exceed a length of thirty (30) feet.(4)No semitrailer or trailer combinations in excess of two (2) units, excluding the towing motor vehicle, shall be allowed to operate on the highways of this state.(5)No motor home shall have an overall length exclusive of front and rear bumpers, in excess of forty-five (45) feet.(6)The load upon the rear vehicle of a combination of vehicles transporting forest or agricultural products in their natural state shall not project more than twenty-eight (28) feet beyond the rear axle of the vehicle. If such products project more than twenty-eight (28) feet beyond the rear axle and, due to the end use for which they are intended (such as tall utility poles or light poles or the like), such products cannot be shortened without rendering them useless for the finished product for which they have been cut, then such special circumstance may be considered good cause for the obtaining of a permit which shall be procured pursuant to Section63-5-51before vehicles transporting such products may operate. Except as otherwise provided in Section63-5-21or63-7-47(2), any vehicle transporting projecting loads as described in this subsection that extend four (4) feet or more beyond the rear or body of the vehicle shall operate during daylight or nighttime hours, and the load on vehicles designed to transport forestry products shall be secured by at least two (2) chains, two (2) wire ropes, or two (2) nylon straps, one (1) positioned behind the front bolster and one (1) in front of the back bolster.(7)Except as otherwise provided in Section63-5-21or63-7-47(2), the rear projecting load of any vehicle operating during the period described under Section63-7-11may not extend four (4) feet or more beyond the rear or body of the vehicle, or as otherwise allowable by federal law.(8)The length limitations on projecting loads prescribed in this section do not apply to a single vehicle or the rear vehicle of a combination of vehicles designed for on-farm delivery and unloading of any agricultural product, in its natural or manufactured form, which is fitted with an auger or similar unloading device permanently affixed to the vehicle that extends no more than eight (8) feet horizontally beyond the rear or body of the vehicle provided that no portion of such device which extends four (4) feet or more beyond the rear or body of the vehicle is less than seven (7) feet above the roadway surface. However, any such vehicle may not be operated on the public highways, roads or streets of this state during the period described under Section63-7-11.(9)A vehicle designed and especially constructed to transport raw cotton from harvest to the cotton gin may have a total overall length not to exceed fifty (50) feet whenever any such vehicle is being operated within a radius of fifty (50) miles of the vehicle's home base or its contractual customer.Codes, 1942, § 8267; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 2; Laws, 1950, ch. 480; Laws, 1956, ch. 380; Laws, 1958, ch. 502; Laws, 1962, ch. 530; Laws, 1971, ch. 354, § 1; ch. 317; Laws, 1980, ch. 316, § 1; Laws, 1982, ch. 447, § 1; Laws, 1983, ch. 428, § 2; Laws, 1995, ch. 629, § 1; Laws, 2000, ch. 318, § 3; Laws, 2001, ch. 557, § 1; Laws, 2002, ch. 405, § 2; Laws, 2003, ch. 460, § 1, eff. 3/23/2003.Amended by Laws, 2023, ch. 333, SB 2548,§ 1, eff. 7/1/2023.Amended by Laws, 2022, ch. 434, SB 2519,§ 1, eff. 7/1/2022.Amended by Laws, 2019, ch. 374, HB 1329,§ 1, eff. 7/1/2019. Codes, 1942, § 8267; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 2; Laws, 1950, ch. 480; Laws, 1956, ch. 380; Laws, 1958, ch. 502; Laws, 1962, ch. 530; Laws, 1971, ch. 354, § 1; ch. 317; Laws, 1980, ch. 316, § 1; Laws, 1982, ch. 447, § 1; Laws, 1983, ch. 428, § 2; Laws, 1995, ch. 629, § 1; Laws, 2000, ch. 318, § 3; Laws, 2001, ch. 557, § 1; Laws, 2002, ch. 405, § 2; Laws, 2003, ch. 460, § 1, eff. 3/23/2003. Amended by Laws, 2023, ch. 333, SB 2548,§ 1, eff. 7/1/2023. Amended by Laws, 2022, ch. 434, SB 2519,§ 1, eff. 7/1/2022. Amended by Laws, 2019, ch. 374, HB 1329,§ 1, eff. 7/1/2019.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55)Section 63-5-21 - Vehicle length limitations; exceptions

The length limitations provided in Section63-5-19shall not apply to vehicles operated at nighttime by a public utility transporting poles, pipes, machinery or other objects of a structural nature which cannot readily be dismembered when required for emergency repair of public service facilities or properties. However, in respect to such night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load.Codes, 1942, § 8267; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 2; Laws, 1950, ch. 480; Laws, 1956, ch. 380; Laws, 1958, ch. 502; Laws, 1962, ch. 530; Laws, 1971, ch. 354, § 1; Laws, 1982, ch. 447, § 2; Laws, 2001, ch. 557, § 2, eff. 7/1/2001. The length limitations provided in Section63-5-19shall not apply to vehicles operated at nighttime by a public utility transporting poles, pipes, machinery or other objects of a structural nature which cannot readily be dismembered when required for emergency repair of public service facilities or properties. However, in respect to such night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load.Codes, 1942, § 8267; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 2; Laws, 1950, ch. 480; Laws, 1956, ch. 380; Laws, 1958, ch. 502; Laws, 1962, ch. 530; Laws, 1971, ch. 354, § 1; Laws, 1982, ch. 447, § 2; Laws, 2001, ch. 557, § 2, eff. 7/1/2001. The length limitations provided in Section63-5-19shall not apply to vehicles operated at nighttime by a public utility transporting poles, pipes, machinery or other objects of a structural nature which cannot readily be dismembered when required for emergency repair of public service facilities or properties. However, in respect to such night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load.Codes, 1942, § 8267; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 2; Laws, 1950, ch. 480; Laws, 1956, ch. 380; Laws, 1958, ch. 502; Laws, 1962, ch. 530; Laws, 1971, ch. 354, § 1; Laws, 1982, ch. 447, § 2; Laws, 2001, ch. 557, § 2, eff. 7/1/2001. The length limitations provided in Section63-5-19shall not apply to vehicles operated at nighttime by a public utility

transporting poles, pipes, machinery or other objects of a structural nature which cannot readily be dismembered when required for emergency repair of public service facilities or properties. However, in respect to such night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load. Codes, 1942, § 8267; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 2; Laws, 1950, ch. 480; Laws, 1956, ch. 380; Laws, 1958, ch. 502; Laws, 1962, ch. 530; Laws, 1971, ch. 354, § 1; Laws, 1982, ch. 447, § 2; Laws, 2001, ch. 557, § 2, eff. 7/1/2001.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55) Section 63-5-23 - Front projecting loads on vehicles

The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three (3) feet beyond the front wheels of such vehicle or the front bumper of such vehicle if it is equipped with such bumper, or as otherwise allowable by federal law. Codes, 1942, § 8267; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 2; Laws, 1950, ch. 480; Laws, 1956, ch. 380; Laws, 1958, ch. 502; Laws, 1962, ch. 530; Laws, 1971, ch. 354, § 1, eff. 3/15/1971. Amended by Laws, 2019, ch. 374, HB 1329, § 2, eff. 7/1/2019. The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three (3) feet beyond the front wheels of such vehicle or the front bumper of such vehicle if it is equipped with such bumper, or as otherwise allowable by federal law. Codes, 1942, § 8267; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 2; Laws, 1950, ch. 480; Laws, 1956, ch. 380; Laws, 1958, ch. 502; Laws, 1962, ch. 530; Laws, 1971, ch. 354, § 1, eff. 3/15/1971. Amended by Laws, 2019, ch. 374, HB 1329, § 2, eff. 7/1/2019. The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three (3) feet beyond the front wheels of such vehicle or the front bumper of such vehicle if it is equipped with such bumper, or as otherwise allowable by federal law. Codes, 1942, § 8267; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 2; Laws, 1950, ch. 480; Laws, 1956, ch. 380; Laws, 1958, ch. 502; Laws, 1962, ch. 530; Laws, 1971, ch. 354, § 1, eff. 3/15/1971. Amended by Laws, 2019, ch. 374, HB 1329, § 2, eff. 7/1/2019. The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than three (3) feet beyond the front wheels of such vehicle or the front bumper of such vehicle if it is equipped with such bumper, or as otherwise allowable by federal law. Codes, 1942, § 8267; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 2; Laws, 1950, ch. 480; Laws, 1956, ch. 380; Laws, 1958, ch. 502; Laws, 1962, ch. 530; Laws, 1971, ch. 354, § 1, eff. 3/15/1971. Amended by Laws, 2019, ch. 374, HB 1329, § 2, eff. 7/1/2019.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55) Section 63-5-25 - Connections for trailers and towed vehicles

(1) Every trailer which shall be towed on the public highways at a speed in excess of twenty (20) miles per hour shall be coupled to the towing vehicle by means of a safety chain, chains, cables, or equivalent devices in addition to the regular trailer hitch or coupling. This requirement does not apply to a semitrailer having a connecting device composed of a fifth wheel and kingpin assembly meeting the requirements of the Interstate Commerce Commission, nor to a pole, pipe, casing, long or piling dolly. No more slack shall be left in any such safety chains, cables or equivalent devices than shall be necessary to permit proper turning. The safety chains, cables or equivalent device shall be so connected to the towed and towing vehicles and to the drawbar to prevent the drawbar from dropping to the ground if the drawbar fails, and shall be of sufficient strength to control the trailer in event of failure of the regular trailer hitch or coupling. (2) When one (1) vehicle is towing another the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby. Said drawbar or other connection shall not exceed fifteen (15) feet from one (1) vehicle to the other except the connection between any two (2) vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered. (3) When one (1) vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve (12) inches square. (4) No more than three (3) vehicles in combination shall be towed by saddle-mounts, provided the overall length of the towing and towed vehicles shall not exceed seventy-five (75) feet in length. No more than one (1) motor vehicle shall be towed by tow bar. Codes, 1942, §§ 8267, 8269; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 2; Laws, 1950, ch. 480; Laws, 1956, ch. 380; Laws, 1958, ch. 502; Laws, 1962, ch. 530; Laws, 1964, ch. 457; Laws, 1971, ch. 354, § 1; Laws, 1989, ch. 327, § 1; Laws, 1993, ch. 478, § 1, eff. 3/27/1993. (1) Every trailer which shall be towed on the public highways at a speed in excess of twenty (20) miles per hour shall be coupled to the towing vehicle by means of a safety chain, chains, cables, or equivalent devices in addition to the regular trailer hitch or coupling. This requirement does not apply to a semitrailer having a connecting device composed of a fifth wheel and kingpin assembly meeting the requirements of the Interstate Commerce Commission, nor to a pole, pipe, casing, long or piling dolly. No more slack shall be left in any such safety chains, cables or equivalent devices than shall be necessary to permit proper turning. The safety chains, cables or equivalent device shall be so connected to the towed and towing vehicles and to the drawbar to prevent the drawbar from dropping to the ground if the drawbar fails, and shall be of sufficient strength to control the trailer in event of failure of the regular trailer hitch or coupling. (2) When one (1) vehicle is towing another the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby. Said drawbar or other connection shall not exceed fifteen (15) feet from one (1) vehicle to the other except the connection between any two (2) vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered. (3) When one (1) vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than

twelve (12) inches square.(4)No more than three (3) vehicles in combination shall be towed by saddle-mounts, provided the overall length of the towing and towed vehicles shall not exceed seventy-five (75) feet in length. No more than one (1) motor vehicle shall be towed by tow bar.Codes, 1942, §§ 8267, 8269; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 2; Laws, 1950, ch. 480; Laws, 1956, ch. 380; Laws, 1958, ch. 502; Laws, 1962, ch. 530; Laws, 1964, ch. 457; Laws, 1971, ch. 354, § 1; Laws, 1989, ch. 327, § 1; Laws, 1993, ch. 478, § 1, eff. 3/27/1993. (1)Every trailer which shall be towed on the public highways at a speed in excess of twenty (20) miles per hour shall be coupled to the towing vehicle by means of a safety chain, chains, cables, or equivalent devices in addition to the regular trailer hitch or coupling. This requirement does not apply to a semitrailer having a connecting device composed of a fifth wheel and kingpin assembly meeting the requirements of the Interstate Commerce Commission, nor to a pole, pipe, casing, long or piling dolly. No more slack shall be left in any such safety chains, cables or equivalent devices than shall be necessary to permit proper turning. The safety chains, cables or equivalent device shall be so connected to the towed and towing vehicles and to the drawbar to prevent the drawbar from dropping to the ground if the drawbar fails, and shall be of sufficient strength to control the trailer in event of failure of the regular trailer hitch or coupling.(2)When one (1) vehicle is towing another the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby. Said drawbar or other connection shall not exceed fifteen (15) feet from one (1) vehicle to the other except the connection between any two (2) vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered.(3)When one (1) vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve (12) inches square.(4)No more than three (3) vehicles in combination shall be towed by saddle-mounts, provided the overall length of the towing and towed vehicles shall not exceed seventy-five (75) feet in length. No more than one (1) motor vehicle shall be towed by tow bar.Codes, 1942, §§ 8267, 8269; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 2; Laws, 1950, ch. 480; Laws, 1956, ch. 380; Laws, 1958, ch. 502; Laws, 1962, ch. 530; Laws, 1964, ch. 457; Laws, 1971, ch. 354, § 1; Laws, 1989, ch. 327, § 1; Laws, 1993, ch. 478, § 1, eff. 3/27/1993. Codes, 1942, §§ 8267, 8269; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 2; Laws, 1950, ch. 480; Laws, 1956, ch. 380; Laws, 1958, ch. 502; Laws, 1962, ch. 530; Laws, 1964, ch. 457; Laws, 1971, ch. 354, § 1; Laws, 1989, ch. 327, § 1; Laws, 1993, ch. 478, § 1, eff. 3/27/1993.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55)Section 63-5-27 - Wheel and axle loads

(1)Subject to the maximum gross single axle or tandem axle weights hereinafter specified, the gross single or tandem axle weights shall not exceed five hundred fifty (550) pounds per inch of tire width. The gross weight on any single or tandem axle thus derived shall be subject to a tolerance not in excess of five hundred (500) pounds provided that the total allowable gross weight of the single or tandem axle shall not exceed the maximum limitations allowed hereinafter.(2)The gross weight imposed on the highway by the wheels of any one (1) single axle of a vehicle shall not exceed twenty thousand (20,000) pounds exclusive of the tolerance provided in Section63-5-33. A single axle shall be defined as an assembly of two (2) or more wheels whose centers are in one (1) transverse vertical plane or may be included between two (2) parallel transverse vertical planes forty (40) inches apart extending across the full width of the vehicle.(3)The gross weight imposed on the highway by any tandem axle shall not exceed thirty-four thousand (34,000) pounds exclusive of the tolerance provided in Section63-5-33. A tandem axle shall be defined as any two (2) or more consecutive axles whose centers are more than forty (40) inches but not more than ninety-six (96) inches apart. No one (1) axle of any such group of two (2) or more consecutive axles shall exceed the weight permitted for a single axle.(4)(a)Vehicles designed and especially constructed to transport concrete products and which are not available for purchase in sizes and capacities to fully comply with the road and bridge weight laws of the State of Mississippi shall not be made to conform to the axle spacing requirements or axle or tire loadings of this section or to the total combined weights as set out in Section63-5-33in Table III, provided (i) that such vehicles shall be limited to a gross weight of sixty thousand (60,000) pounds; (ii) that such vehicles shall only be operated within fifty (50) miles of their home base; (iii) that any such vehicles shall be limited to a maximum load of the rated capacity of the vehicle; (iv) that all such vehicles shall have at least three (3) axles; and (v) that all vehicles with only three (3) axles shall have all wheels brake-equipped. Any two (2) or more axles close enough to be considered an axle group shall be suspended by an equalizing system and be spaced a minimum of four (4) feet apart in order to be eligible for the maximum load as provided in this subsection. It shall be a violation if vehicles to which this subsection applies travel upon any federal interstate highway or upon any roads or bridges designated and posted as incapable of carrying such loads by the Transportation Commission, a board of supervisors, or municipal governing authorities as provided in subsection (5) or (6) of this section.(b)Vehicles designed and especially constructed to transport raw cotton from harvest to the cotton gin shall not be made to conform to the axle spacing or axle or tire loadings of this section. However, such vehicles (i) shall be limited to a gross weight of sixty thousand (60,000) pounds; (ii) may be operated only within a fifty-mile radius of their home base or their contractual customer; (iii) shall be limited to a maximum load of the rated capacity of that vehicle; (iv) shall have all wheels brake equipped; and (v) are prohibited from traveling upon any federal interstate highway or upon any roads or bridges designated and posted as incapable of carrying such loads by the Mississippi Department of Transportation, a board of supervisors or municipal governing authorities as provided in subsection (5) or (6) of this section.(c)Vehicles designed and especially constructed to collect and transport solid waste and which are not available for purchase in sizes and capacities to fully comply with the road and bridge weight laws of the State of Mississippi, shall not be made to conform to the axle spacing or tire loadings of this section. However, such vehicles (i) shall be limited to a gross weight of sixty thousand (60,000) pounds; (ii) may be operated only within a fifty-mile radius of their home base or their contractual customer; (iii) shall be limited to a maximum load of the rated capacity of that vehicle; (iv) shall have all wheels brake-equipped; and (v) are

prohibited from traveling upon any federal interstate highway or upon any roads or bridges designated and posted as incapable of carrying such loads by the Mississippi Department of Transportation, a board of supervisors or the governing authorities of a municipality as provided in subsection (5) or (6) of this section.(d)The rear axle of trailer mounted knuckle boom log loaders shall be exempt from the tire loading limitation provided for in subsection (3) of this section; provided, however, that the gross weight imposed on the highway by such an axle shall not exceed forty-one thousand (41,000) pounds.(5)The board of supervisors of any county or the governing authorities of any municipality, by appropriate resolution, may impose limitations more restrictive than those permitted in this section upon the county highways of such county or the streets of such municipality.(6)The Mississippi Department of Transportation, for cause, may post or limit any road or bridge to weights less than those permitted by this section.Codes, 1942, § 8270; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 3; Laws, 1948, ch. 328, § 5; Laws, 1950, ch. 472; Laws, 1981, ch. 366, § 5; Laws, 1982, ch. 479, § 1; Laws, 1995, ch. 326, § 1; Laws, 2001, ch. 352, § 1, eff. 3/11/2001.Brought forward by Laws, 2020, ch. 378, SB 2467,§ 2, eff. 7/1/2020. (1)Subject to the maximum gross single axle or tandem axle weights hereinafter specified, the gross single or tandem axle weights shall not exceed five hundred fifty (550) pounds per inch of tire width. The gross weight on any single or tandem axle thus derived shall be subject to a tolerance not in excess of five hundred (500) pounds provided that the total allowable gross weight of the single or tandem axle shall not exceed the maximum limitations allowed hereinafter.(2)The gross weight imposed on the highway by the wheels of any one (1) single axle of a vehicle shall not exceed twenty thousand (20,000) pounds exclusive of the tolerance provided in Section63-5-33. A single axle shall be defined as an assembly of two (2) or more wheels whose centers are in one (1) transverse vertical plane or may be included between two (2) parallel transverse vertical planes forty (40) inches apart extending across the full width of the vehicle.(3)The gross weight imposed on the highway by any tandem axle shall not exceed thirty-four thousand (34,000) pounds exclusive of the tolerance provided in Section63-5-33. A tandem axle shall be defined as any two (2) or more consecutive axles whose centers are more than forty (40) inches but not more than ninety-six (96) inches apart. No one (1) axle of any such group of two (2) or more consecutive axles shall exceed the weight permitted for a single axle.(4)(a)Vehicles designed and especially constructed to transport concrete products and which are not available for purchase in sizes and capacities to fully comply with the road and bridge weight laws of the State of Mississippi shall not be made to conform to the axle spacing requirements or axle or tire loadings of this section or to the total combined weights as set out in Section63-5-33in Table III, provided (i) that such vehicles shall be limited to a gross weight of sixty thousand (60,000) pounds; (ii) that such vehicles shall only be operated within fifty (50) miles of their home base; (iii) that any such vehicles shall be limited to a maximum load of the rated capacity of the vehicle; (iv) that all such vehicles shall have at least three (3) axles; and (v) that all vehicles with only three (3) axles shall have all wheels brake-equipped. Any two (2) or more axles close enough to be considered an axle group shall be suspended by an equalizing system and be spaced a minimum of four (4) feet apart in order to be eligible for the maximum load as provided in this subsection. It shall be a violation if vehicles to which this subsection applies travel upon any federal interstate highway or upon any roads or bridges designated and posted as incapable of carrying such loads by the Transportation Commission, a board of supervisors, or municipal governing authorities as provided in subsection (5) or (6) of this section.(b)Vehicles designed and especially constructed to transport raw cotton from harvest to the cotton gin shall not be made to conform to the axle spacing or axle or tire loadings of this section. However, such vehicles (i) shall be limited to a gross weight of sixty thousand (60,000) pounds; (ii) may be operated only within a fifty-mile radius of their home base or their contractual customer; (iii) shall be limited to a maximum load of the rated capacity of that vehicle; (iv) shall have all wheels brake equipped; and (v) are prohibited from traveling upon any federal interstate highway or upon any roads or bridges designated and posted as incapable of carrying such loads by the Mississippi Department of Transportation, a board of supervisors or municipal governing authorities as provided in subsection (5) or (6) of this section.(c)Vehicles designed and especially constructed to collect and transport solid waste and which are not available for purchase in sizes and capacities to fully comply with the road and bridge weight laws of the State of Mississippi, shall not be made to conform to the axle spacing or tire loadings of this section. However, such vehicles (i) shall be limited to a gross weight of sixty thousand (60,000) pounds; (ii) may be operated only within a fifty-mile radius of their home base or their contractual customer; (iii) shall be limited to a maximum load of the rated capacity of that vehicle; (iv) shall have all wheels brake-equipped; and (v) are prohibited from traveling upon any federal interstate highway or upon any roads or bridges designated and posted as incapable of carrying such loads by the Mississippi Department of Transportation, a board of supervisors or the governing authorities of a municipality as provided in subsection (5) or (6) of this section.(d)The rear axle of trailer mounted knuckle boom log loaders shall be exempt from the tire loading limitation provided for in subsection (3) of this section; provided, however, that the gross weight imposed on the highway by such an axle shall not exceed forty-one thousand (41,000) pounds.(5)The board of supervisors of any county or the governing authorities of any municipality, by appropriate resolution, may impose limitations more restrictive than those permitted in this section upon the county highways of such county or the streets of such municipality.(6)The Mississippi Department of Transportation, for cause, may post or limit any road or bridge to weights less than those permitted by this section.Codes, 1942, § 8270; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 3; Laws, 1948, ch. 328, § 5; Laws, 1950, ch. 472; Laws, 1981, ch. 366, § 5; Laws, 1982, ch. 479, § 1; Laws, 1995, ch. 326, § 1; Laws, 2001, ch. 352, § 1, eff. 3/11/2001.Brought forward by Laws, 2020, ch. 378, SB 2467,§ 2, eff. 7/1/2020. (1)Subject to the maximum gross single axle or tandem axle weights hereinafter specified, the gross single or tandem axle weights shall not exceed five hundred fifty (550) pounds per inch of tire width. The gross weight on any single or tandem axle thus derived shall be subject to a tolerance not in excess of five hundred (500) pounds provided that the total allowable gross weight of the single or tandem axle shall not exceed the maximum limitations allowed hereinafter.(2)The gross weight imposed on the highway by the wheels of any one (1) single axle of a vehicle shall not exceed twenty thousand (20,000) pounds exclusive of the tolerance provided in Section63-5-33. A single axle shall

be defined as an assembly of two (2) or more wheels whose centers are in one (1) transverse vertical plane or may be included between two (2) parallel transverse vertical planes forty (40) inches apart extending across the full width of the vehicle.(3)The gross weight imposed on the highway by any tandem axle shall not exceed thirty-four thousand (34,000) pounds exclusive of the tolerance provided in Section63-5-33. A tandem axle shall be defined as any two (2) or more consecutive axles whose centers are more than forty (40) inches but not more than ninety-six (96) inches apart. No one (1) axle of any such group of two (2) or more consecutive axles shall exceed the weight permitted for a single axle.(4)(a)Vehicles designed and especially constructed to transport concrete products and which are not available for purchase in sizes and capacities to fully comply with the road and bridge weight laws of the State of Mississippi shall not be made to conform to the axle spacing requirements or axle or tire loadings of this section or to the total combined weights as set out in Section63-5-33in Table III, provided (i) that such vehicles shall be limited to a gross weight of sixty thousand (60,000) pounds; (ii) that such vehicles shall only be operated within fifty (50) miles of their home base; (iii) that any such vehicles shall be limited to a maximum load of the rated capacity of the vehicle; (iv) that all such vehicles shall have at least three (3) axles; and (v) that all vehicles with only three (3) axles shall have all wheels brake-equipped. Any two (2) or more axles close enough to be considered an axle group shall be suspended by an equalizing system and be spaced a minimum of four (4) feet apart in order to be eligible for the maximum load as provided in this subsection. It shall be a violation if vehicles to which this subsection applies travel upon any federal interstate highway or upon any roads or bridges designated and posted as incapable of carrying such loads by the Transportation Commission, a board of supervisors, or municipal governing authorities as provided in subsection (5) or (6) of this section.(b)Vehicles designed and especially constructed to transport raw cotton from harvest to the cotton gin shall not be made to conform to the axle spacing or axle or tire loadings of this section. However, such vehicles (i) shall be limited to a gross weight of sixty thousand (60,000) pounds; (ii) may be operated only within a fifty-mile radius of their home base or their contractual customer; (iii) shall be limited to a maximum load of the rated capacity of that vehicle; (iv) shall have all wheels brake equipped; and (v) are prohibited from traveling upon any federal interstate highway or upon any roads or bridges designated and posted as incapable of carrying such loads by the Mississippi Department of Transportation, a board of supervisors or municipal governing authorities as provided in subsection (5) or (6) of this section.(c)Vehicles designed and especially constructed to collect and transport solid waste and which are not available for purchase in sizes and capacities to fully comply with the road and bridge weight laws of the State of Mississippi, shall not be made to conform to the axle spacing or tire loadings of this section. However, such vehicles (i) shall be limited to a gross weight of sixty thousand (60,000) pounds; (ii) may be operated only within a fifty-mile radius of their home base or their contractual customer; (iii) shall be limited to a maximum load of the rated capacity of that vehicle; (iv) shall have all wheels brake-equipped; and (v) are prohibited from traveling upon any federal interstate highway or upon any roads or bridges designated and posted as incapable of carrying such loads by the Mississippi Department of Transportation, a board of supervisors or the governing authorities of a municipality as provided in subsection (5) or (6) of this section.(d)The rear axle of trailer mounted knuckle boom log loaders shall be exempt from the tire loading limitation provided for in subsection (3) of this section; provided, however, that the gross weight imposed on the highway by such an axle shall not exceed forty-one thousand (41,000) pounds.(5)The board of supervisors of any county or the governing authorities of any municipality, by appropriate resolution, may impose limitations more restrictive than those permitted in this section upon the county highways of such county or the streets of such municipality.(6)The Mississippi Department of Transportation, for cause, may post or limit any road or bridge to weights less than those permitted by this section.Codes, 1942, § 8270; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 3; Laws, 1948, ch. 328, § 5; Laws, 1950, ch. 472; Laws, 1981, ch. 366, § 5; Laws, 1982, ch. 479, § 1; Laws, 1995, ch. 326, § 1; Laws, 2001, ch. 352, § 1, eff. 3/11/2001.Brought forward by Laws, 2020, ch. 378, SB 2467,§ 2, eff. 7/1/2020. Codes, 1942, § 8270; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 3; Laws, 1948, ch. 328, § 5; Laws, 1950, ch. 472; Laws, 1981, ch. 366, § 5; Laws, 1982, ch. 479, § 1; Laws, 1995, ch. 326, § 1; Laws, 2001, ch. 352, § 1, eff. 3/11/2001. Brought forward by Laws, 2020, ch. 378, SB 2467,§ 2, eff. 7/1/2020.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55)Section 63-5-29 - Gross weight of vehicle and loads; Table I

On all highways of the State of Mississippi except those referred to in Sections63-5-31and63-5-33, and subject to the limitations imposed on wheel and axle loads by Section63-5-27and to the further limitations hereinafter specified, the total combined weight (vehicles plus load) on any group of axles shall not exceed the value given in the following table (Table I), corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot:TABLE IDistance in Feet Between the Extreme of Any Group of AxlesMaximum Load in Pounds Carried on any Group of Axles428,650529,650630,640731,630832,610933,5801034,5501135,5101236,4701337,4201438,3601539,3001640,2801741,1601842,0801942,9602043,8402144,7202245,6002346,4802447,3602548,2402649,1202750,0002850,8802951,7603052,6403153,5203254,4003355,2803456,1603557,0403657,9203758,8003859,6803960,5604061,4404162,3204263,2004364,0804464,9604565,8404666,7204767,6004868,4804969,3605070,2405171,1205272,0005372,8805473,7605574,6405675,5205776,4005877,2805978,1606079,0406179,9206280,8006381,6806482,5606583,4406684,3206785,2006886,0806986,9607087,8407188,7207289,6007390,4807491,3607592,2407693,1207794,0007894,8807995,7608096,6408197,5208298,4008399,28084100,16085101,04086101,92087102,80088103,68089104,56090105,44091106,32092107,20093108,08094108,96095109,84096110,72097111,60098112,48099113,360100114,240101115,120102116,000103116,880104117,760105118,640106119,520107120,400108121,280109122,160110123,040111123,920112124,800113125,680114126,560115127,440116128,320117129,200118130,080119130,960120131,840121132,720122133,600123134,480124135,360125136,240126137,120127138,000128138,880129139,760130140,640131141,520132142,400133143,280134144,160135145,040136145,920137146,800138147,680139148,560140149,440141150,320142151,200143152,080144152,960145153,840146154,720147155,600148156,480149157,360150158,240151159,120152160,000153160,880154161,760155162,640156163,520157164,400158165,280159166,160160167,040161167,920162168,800163169,680164170,560165171,440166172,320167173,200168174,080169174,960170175,840171176,720172177,600173178,480174179,360175180,240176181,120177182,000178182,880179183,760180184,640181185,520182186,400183187,280184188,160185189,040186189,920187190,800188191,680189192,560190193,440191194,320192195,200193196,080194196,960195197,840196198,720197199,600198200,480199201,360200202,240201203,120202204,000203204,880204205,760205206,640206207,520207208,400208209,280209210,160210211,040211211,920212212,800213213,680214214,560215215,440216216,320217217,200218218,080219218,960220219,840221220,720222221,600223222,480224223,360225224,240226225,120227226,000228226,880229227,760230228,640231229,520232230,400233231,280234232,160235233,040236233,920237234,800238235,680239236,560240237,440241238,320242239,200243240,080244240,960245241,840246242,720247243,600248244,480249245,360250246,240251247,120252248,000253248,880254249,760255250,640256251,520257252,400258253,280259254,160260255,040261255,920262256,800263257,680264258,560265259,440266260,320267261,200268262,080269262,960270263,840271264,720272265,600273266,480274267,360275268,240276269,120277270,000278270,880279271,760280272,640281273,520282274,400283275,280284276,160285277,040286277,920287278,800288279,680289280,560290281,440291282,320292283,200293284,080294284,960295285,840296286,720297287,600298288,480299289,360300290,240301291,120302292,000303292,880304293,760305294,640306295,520307296,400308297,280309298,160310299,040311299,920312300,800313301,680314302,560315303,440316304,320317305,200318306,080319306,960320307,840321308,720322309,600323310,480324311,360325312,240326313,120327314,000328314,880329315,760330316,640331317,520332318,400333319,280334320,160335321,040336321,920337322,800338323,680339324,560340325,440341326,320342327,200343328,080344328,960345329,840346330,720347331,600348332,480349333,360350334,240351335,120352336,000353336,880354337,760355338,640356339,520357340,400358341,280359342,160360343,040361343,920362344,800363345,680364346,560365347,440366348,320367349,200368350,080369350,960370351,840371352,720372353,600373354,480374355,360375356,240376357,120377358,000378358,880379359,760380360,640381361,520382362,400383363,280384364,160385365,040386365,920387366,800388367,680389368,560390369,440391370,320392371,200393372,080394372,960395373,840396374,720397375,600398376,480399377,360400378,240401379,120402380,000403380,880404381,760405382,640406383,520407384,400408385,280409386,160410387,040411387,920412388,800413389,680414390,560415391,440416392,320417393,200418394,080419394,960420395,840421396,720422397,600423398,480424399,360425400,240426401,120427402,000428402,880429403,760430404,640431405,520432406,400433407,280434408,160435409,040436409,920437410,800438411,680439412,560440413,440441414,320442415,200443416,080444416,960445417,840446418,720447419,600448420,480449421,360450422,240451423,120452424,000453424,880454425,760455426,640456427,520457428,400458429,280459430,160460431,040461431,920462432,800463433,680464434,560465435,440466436,320467437,200468438,080469438,960470439,840471440,720472441,600473442,480474443,360475444,240476445,120477446,000478446,880479447,760480448,640481449,520482450,400483451,280484452,160485453,040486453,920487454,800488455,680489456,560490457,440491458,320492459,200493460,080494460,960495461,840496462,720497463,600498464,480499465,360500466,240501467,120502468,000503468,880504469,760505470,640506471,520507472,400508473,280509474,160510475,040511475,920512476,800513477,680514478,560515479,440516480,320517481,200518482,080519482,960520483,840521484,720522485,600523486,480524487,360525488,240526489,120527490,000528490,880529491,760530492,640531493,520532494,400533495,280534496,160535497,040536497,920537498,800538499,680539500,560540501,440541502,320542503,200543504,080544504,960545505,840546506,720547507,600548508,480549509,360550510,240551511,120552512,000553512,880554513,760555514,640556515,520557516,400558517,280559518,160560519,040561519,920562520,800563521,680564522,560565523,440566524,320567525,200568526,080569526,960570527,840571528,720572529,600573530,480574531,360575532,240576533,120577534,000578534,880579535,760580536,640581537,520582538,400583539,280584540,160585541,040586541,920587542,800588543,680589544,560590545,440591546,320592547,200593548,080594548,960595549,840596550,720597551,600598552,480599553,360600554,240601555,120602556,000603556,880604557,760605558,640606559,520607560,400608561,280609562,160610563,040611563,920612564,800613565,680614566,560615567,440616568,320617569,200618570,080619570,960620571,840621572,720622573,600623574,480624575,360625576,240626577,120627578,000628578,880629579,760630580,640631581,520632582,400633583,280634584,160635585,040636585,920637586,800638587,680639588,560640589,440641590,320642591,200643592,080644592,960645593,840646594,720647595,600648596,480649597,360650598,240651599,120652600,000653600,880654601,760655602,640656603,520657604,400658605,280659606,160660607,040661607,920662608,800663609,680664610,560665611,440666612,320667613,200668614,080669614,960670615,840671616,720672617,600673618,480674619,360675620,240676621,120677622,000678622,880679623,760680624,640681625,520682626,400683627,280684628,160685629,040686629,920687630,800688631,680689632,560690633,440691634,320692635,200693636,080694636,960695637,840696638,720697639,600698640,480699641,360700642,240701643,120702644,000703644,880704645,760705646,640706647,520707648,400708649,280709650,160710651,040711651,920712652,800713653,680714654,560715655,440716656,320717657,200718658,080719658,960720659,840721660,720722661,600723662,480724663,360725664,240726665,120727666,000728666,880729667,760730668,640731669,520732670,400733671,280734672,160735673,040736673,920737674,800738675,680739676,560740677,440741678,320742679,200743680,080744680,960745681,840746682,720747683,600748684,480749685,360750686,240751687,120752688,000753688,880754689,760755690,640756691,520757692,400758693,280759694,160760695,040761695,920762696,800763697,680764698,560765699,440766700,320767701,200768702,080769702,960770703,840771704,720772705,600773706,480774707,360775708,240776709,120777710,000778710,880779711,760780712,640781713,520782714,400783715,280784716,160785717,040786717,920787718,800788719,680789720,560790721,440791722,320792723,200793724,080794724,960795725,840796726,720797727,600798728,480799729,360800730,240801731,120802732,000803732,880804733,760805734,640806735,520807736,400808737,280809738,160810739,040811739,920812740,800813741,680814742,560815743,440816744,320817745,200818746,080819746,960820747,840821748,720822749,600823750,480824751,360825752,240826753,120827754,000828754,880829755,760830756,640831757,520832758,400833759,280834760,160835761,040836761,920837762,800838763,680839764,560840765,440841766,320842767,200843768,080844768,960845769,840846770,720847771,600848772,480849773,360850774,240851775,120852776,000853776,880854777,760855778,640856779,520857780,400858781,280859782,160860783,040861783,920862784,800863785,680864786,560865787,440866788,320867789,200868790,080869790,960870791,840871792,720872793,600873794,480874795,360875796,240876797,120877798,000878798,880879799,760880800,640881801,520882802,400883803,280884804,160885805,040886805,920887806,800888807,680889808,560890809,440891810,320892811,200893812,080894812,960895813,840896814,720897815,600898816,480899817,360900818,240901819,120902820,000903820,880904821,760905822,640906823,520907824,400908825,280909826,160910827,040911827,920912828,800913829,680914830,560915831,440916832,320917833,200918834,080919834,960920835,840921836,720922837,600923838,480924839,360925840,240926841,120927842,000928842,880929843,760930844,640931845,520932846,400933847,280934848,160935849,040936849,920937850,800938851,680939852,560940853,440941854,320942855,200943856,080944856,960945857,840946858,720947859,600948860,480949861,360950862,240951863,120952864,000953864,880954865,760955866,640956867,520957868,400958869,280959870,160960871,040961871,920962872,800963873,680964874,560965875,440966876,320967877,200968878,080969878,960970879,840971880,720972881,600973882,480974883,360975884,240976885,120977886,000978886,880979887,760980888,640981889,520982890,400983891,280984892,160985893,040986893,920987894,800988895,680989896,560990897,440991898,320992899,200993900,080994900,960995901,840996902,720997903,600998904,480999905,3601000906,2401001907,1201002908,0001003908,8801004909,7601005910,6401006911,5201007912,4001008913,2801009914,1601010915,0401011915,9201012916,8001013917,6801014918,5601015919,4401016920,3201017921,2001018922,0801019922,9601020923,8401021924,7201022925,6001023926,4801024927,3601025928,2401026929,1201027930,0001028930,8801029931,7601030932,6401031933,5201032934,4001033935,2801034936,1601035937,0401036937,9201037938,8001038939,6801039939,5601040940,4401041941,3201042942,2001043943,0801044943,9601045944,8401046945,7201047946,6001048947,4801049948,3601050949,2401051950,1201052951,0001053951,8801054952,7601055953,6401056954,5201057955,4001058956,2801059957,1601060958,0401061958,9201062959,8001063960,6801064961,5601065962,4401066963,3201067964,2001068965,0801069965,9601070966,8401071967,7201072968,6001073969,4801074970,3601075971,2401076972,1201077973,00010

on such highway or highways to a point where such highway intersects a highway previously found or hereafter found by the commission to be suitable to carry the maximum load limits pursuant to Sections 63-5-33 and 63-5-35; and provided further, that any goods, materials, and equipment actually used in the supply of an activity of producing, manufacturing or distributing products on any such highway within the State of Mississippi may be transported on such highway to the site of such manufacture, production or distribution. However, any penalty assessed against a vehicle operating under the provisions of this paragraph (3)(b) shall be calculated according to the maximum weight which that particular vehicle is legally permitted to transport and not the maximum gross weight limit established for that highway. Nothing herein contained shall be construed to permit movements of weights in excess of those provided for in this section (63-5-29) over a route or section thereof for the purpose of a shortcut between two (2) highways found by the commission to be suitable to carry the maximum load limits pursuant to Sections 63-5-33 and 63-5-35 or any other purpose not consistent with the aforementioned provisions. Nothing in Sections 63-5-29, and 63-5-34, shall be construed to imply any general variation from the maximum weight limitations designated by the Mississippi Department of Transportation other than specified in Sections 63-5-29 and 63-5-34. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501; Laws, 1960, ch. 409; Laws, 1963, 1st Ex Sess ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex Sess ch. 33; Laws, 1974, ch. 574, § 1; Laws, 1994, ch. 427, § 1; Laws, 2001, ch. 596, § 56, eff. 7/1/2001. Brought forward by Laws, 2020, ch. 378, SB 2467, § 3, eff. 7/1/2020. On all highways of the State of Mississippi except those referred to in Sections 63-5-31 and 63-5-33, and subject to the limitations imposed on wheel and axle loads by Section 63-5-27 and to the further limitations hereinafter specified, the total combined weight (vehicles plus load) on any group of axles shall not exceed the value given in the following table (Table I), corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot:

Distance in Feet Between the Extreme of Any Group of Axles	Maximum Load in Pounds Carried on any Group of Axles
428	650529
529	650630
630	640731
731	630832
832	610933
933	5801034
1034	5501135
1135	5101236
1236	4701337
1337	4201438
1438	3601539
1539	3001640
1640	2801741
1741	1601842
1842	0801943
1943	and greater

57,650 maximum. Moreover, in addition to the per axle weight limitation specified by Section 63-5-27, the maximum load carried on a combination of vehicles shall be subject to the following additional limitations: The maximum load carried on any group of two (2) axles shall not exceed twenty-four thousand (24,000) pounds in instances where one or more of such axles is a driving axle (that is, an axle turned by the vehicle's engine power). (2) An axle group shall consist of any two (2) or more consecutive axles of any vehicle or combination of vehicles. (3) Provided, however, that, subject to the limitations imposed on: (a) Wheel, axle loads, spacing and weight by Sections 63-5-27 and 63-5-33, and (b) Weight limitations on highways and bridges by Section 65-1-45, Mississippi Code of 1972, any product produced on or distributed from a location on any highway within or without the State of Mississippi may be transported from such place of production or location of distribution by the nearest route toward its destination on such highway or highways to a point where such highway intersects a highway previously found or hereafter found by the commission to be suitable to carry the maximum load limits pursuant to Sections 63-5-33 and 63-5-35; and provided further, that any goods, materials, and equipment actually used in the supply of an activity of producing, manufacturing or distributing products on any such highway within the State of Mississippi may be transported on such highway to the site of such manufacture, production or distribution. However, any penalty assessed against a vehicle operating under the provisions of this paragraph (3)(b) shall be calculated according to the maximum weight which that particular vehicle is legally permitted to transport and not the maximum gross weight limit established for that highway. Nothing herein contained shall be construed to permit movements of weights in excess of those provided for in this section (63-5-29) over a route or section thereof for the purpose of a shortcut between two (2) highways found by the commission to be suitable to carry the maximum load limits pursuant to Sections 63-5-33 and 63-5-35 or any other purpose not consistent with the aforementioned provisions. Nothing in Sections 63-5-29, and 63-5-34, shall be construed to imply any general variation from the maximum weight limitations designated by the Mississippi Department of Transportation other than specified in Sections 63-5-29 and 63-5-34. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501; Laws, 1960, ch. 409; Laws, 1963, 1st Ex Sess ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex Sess ch. 33; Laws, 1974, ch. 574, § 1; Laws, 1994, ch. 427, § 1; Laws, 2001, ch. 596, § 56, eff. 7/1/2001. Brought forward by Laws, 2020, ch. 378, SB 2467, § 3, eff. 7/1/2020. On all highways of the State of Mississippi except those referred to in Sections 63-5-31 and 63-5-33, and subject to the limitations imposed on wheel and axle loads by Section 63-5-27 and to the further limitations hereinafter specified, the total combined weight (vehicles plus load) on any group of axles shall not exceed the value given in the following table (Table I), corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot:

Distance in Feet Between the Extreme of Any Group of Axles	Maximum Load in Pounds Carried on any Group of Axles
428	650529
529	650630
630	640731
731	630832
832	610933
933	5801034
1034	5501135
1135	5101236
1236	4701337
1337	4201438
1438	3601539
1539	3001640
1640	2801741
1741	1601842
1842	0801943
1943	and greater

57,650 maximum. Moreover, in addition to the per axle weight limitation specified by Section 63-5-27, the maximum load carried on a combination of vehicles shall be subject to the following additional limitations: The maximum load carried on any group of two (2) axles shall not exceed twenty-four thousand (24,000) pounds in instances where one or more of such axles is a driving axle (that is, an axle turned by the vehicle's engine power). (2) An axle group shall consist of any two (2) or more consecutive axles of any vehicle or combination of vehicles. (3) Provided, however, that, subject to the limitations imposed on: (a) Wheel, axle loads, spacing and weight by Sections 63-5-27 and 63-5-33, and (b) Weight limitations on highways and bridges by Section 65-1-45, Mississippi Code of 1972, any product produced on or distributed from a location on any highway within or without the State of Mississippi may be transported from such place of production or location of distribution by the nearest route toward its destination on such highway or highways to a point where such highway intersects a highway previously found or hereafter found by the

commission to be suitable to carry the maximum load limits pursuant to Sections 63-5-33 and 63-5-35; and provided further, that any goods, materials, and equipment actually used in the supply of an activity of producing, manufacturing or distributing products on any such highway within the State of Mississippi may be transported on such highway to the site of such manufacture, production or distribution. However, any penalty assessed against a vehicle operating under the provisions of this paragraph (3)(b) shall be calculated according to the maximum weight which that particular vehicle is legally permitted to transport and not the maximum gross weight limit established for that highway. Nothing herein contained shall be construed to permit movements of weights in excess of those provided for in this section (63-5-29) over a route or section thereof for the purpose of a shortcut between two (2) highways found by the commission to be suitable to carry the maximum load limits pursuant to Sections 63-5-33 and 63-5-35 or any other purpose not consistent with the aforementioned provisions. Nothing in Sections 63-5-29, and 63-5-34, shall be construed to imply any general variation from the maximum weight limitations designated by the Mississippi Department of Transportation other than specified in Sections 63-5-29 and 63-5-34. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501; Laws, 1960, ch. 409; Laws, 1963, 1st Ex Sess ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex Sess ch. 33; Laws, 1974, ch. 574, § 1; Laws, 1994, ch. 427, § 1; Laws, 2001, ch. 596, § 56, eff. 7/1/2001. Brought forward by Laws, 2020, ch. 378, SB 2467, § 3, eff. 7/1/2020. On all highways of the State of Mississippi except those referred to in Sections 63-5-31 and 63-5-33, and subject to the limitations imposed on wheel and axle loads by Section 63-5-27 and to the further limitations hereinafter specified, the total combined weight (vehicles plus load) on any group of axles shall not exceed the value given in the following table (Table I), corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot: TABLE I Distance in Feet Between the Extreme of Any Group of Axles Maximum Load in Pounds Carried on any Group of Axles

Distance in Feet	Maximum Load in Pounds
4	28,650
5	29,650
6	30,640
7	31,630
8	32,610
9	33,580
10	34,550
11	35,510
12	36,470
13	37,420
14	38,360
15	39,300
16	40,280
17	41,160
18	42,080
19	42,990
20	43,900
21	44,800
22	45,700
23	46,590
24	47,470
25	48,350
26	49,220
27	50,090
28	50,950
29	51,800
30	52,650
31	53,490
32	54,330
33	55,160
34	55,650
35	56,800
36 and greater	57,650 maximum

Moreover, in addition to the per axle weight limitation specified by Section 63-5-27, the maximum load carried on a combination of vehicles shall be subject to the following additional limitations: The maximum load carried on any group of two (2) axles shall not exceed twenty-four thousand (24,000) pounds in instances where one or more of such axles is a driving axle (that is, an axle turned by the vehicle's engine power). Nothing herein contained shall be construed to permit movements of weights in excess of those provided for in this section (63-5-29) over a route or section thereof for the purpose of a shortcut between two (2) highways found by the commission to be suitable to carry the maximum load limits pursuant to Sections 63-5-33 and 63-5-35 or any other purpose not consistent with the aforementioned provisions. Nothing in Sections 63-5-29, and 63-5-34, shall be construed to imply any general variation from the maximum weight limitations designated by the Mississippi Department of Transportation other than specified in Sections 63-5-29 and 63-5-34. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501; Laws, 1960, ch. 409; Laws, 1963, 1st Ex Sess ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex Sess ch. 33; Laws, 1974, ch. 574, § 1; Laws, 1994, ch. 427, § 1; Laws, 2001, ch. 596, § 56, eff. 7/1/2001. Brought forward by Laws, 2020, ch. 378, SB 2467, § 3, eff. 7/1/2020.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55) Section 63-5-3 - Construction

This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. Codes, 1942, § 8282; Laws, 1938, ch. 200. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. Codes, 1942, § 8282; Laws, 1938, ch. 200. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. Codes, 1942, § 8282; Laws, 1938, ch. 200. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. Codes, 1942, § 8282; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55) Section 63-5-31 - Gross weight of vehicle and loads; Table II

Subject to the limitations imposed on wheel and axle loads by Section 63-5-27, and to the further limitations hereinafter specified, the total combined weight (vehicles plus load) on any group of axles shall not exceed the value given in the following table (Table II) corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot, on those highways or parts of highways found by the Mississippi Transportation Commission to be suitable to carry such increased load limits from an engineering standpoint, and so designated as such by order of said commission entered on its minutes and published once each week for three successive weeks in a daily newspaper of general circulation in this state: TABLE II Distance in Feet Between the Extreme of Any Group of Axles Maximum Load in Pounds Carried on any Group of Axles

Distance in Feet	Maximum Load in Pounds
4	32,000
5	32,000
6	32,000
7	32,000
8	32,000
9	32,000
10	32,000
11	32,000
12	32,000
13	32,000
14	32,000
15	32,000
16	32,000
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395	32,000
396	32,000
397	32,000
398	32,000
399	32,000
400	32,000
401	32,000
402	32,000
403	32,000
40	

carried on any group of two (2) axles shall not exceed twenty-seven thousand (27,000) pounds in instances where one or more of such axles is a driving axle (that is, an axle turned by the vehicle's engine power). An axle group shall consist of any two (2) or more consecutive axles of any vehicle or combination of vehicles. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501; Laws, 1960, ch. 409; Laws, 1963, 1st Ex Sess ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex Sess ch. 33; Laws, 2001, ch. 596, § 57, eff. 7/1/2001. Brought forward by Laws, 2020, ch. 378, SB 2467, § 4, eff. 7/1/2020. Subject to the limitations imposed on wheel and axle loads by Section 63-5-27, and to the further limitations hereinafter specified, the total combined weight (vehicles plus load) on any group of axles shall not exceed the value given in the following table (Table II) corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot, on those highways or parts of highways found by the Mississippi Transportation Commission to be suitable to carry such increased load limits from an engineering standpoint, and so designated as such by order of said commission entered on its minutes and published once each week for three successive weeks in a daily newspaper of general circulation in this state:

Axles	4	5	6	7	8	9	10
Distance in Feet Between the Extreme of Any Group of Axles	32,000	32,005	32,010	32,015	32,020	32,025	32,030
Maximum Load in Pounds Carried on any Group of	32,000	32,005	32,010	32,015	32,020	32,025	32,030

and greater.....64,650 maximum Moreover, in addition to the per axle weight limitations specified by Section 63-5-27, the maximum load carried on a combination of vehicles shall be subject to the following additional limitations: The maximum load carried on any group of two (2) axles shall not exceed twenty-seven thousand (27,000) pounds in instances where one or more of such axles is a driving axle (that is, an axle turned by the vehicle's engine power). An axle group shall consist of any two (2) or more consecutive axles of any vehicle or combination of vehicles. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501; Laws, 1960, ch. 409; Laws, 1963, 1st Ex Sess ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex Sess ch. 33; Laws, 2001, ch. 596, § 57, eff. 7/1/2001. Brought forward by Laws, 2020, ch. 378, SB 2467, § 4, eff. 7/1/2020. Subject to the limitations imposed on wheel and axle loads by Section 63-5-27, and to the further limitations hereinafter specified, the total combined weight (vehicles plus load) on any group of axles shall not exceed the value given in the following table (Table II) corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot, on those highways or parts of highways found by the Mississippi Transportation Commission to be suitable to carry such increased load limits from an engineering standpoint, and so designated as such by order of said commission entered on its minutes and published once each week for three successive weeks in a daily newspaper of general circulation in this state:

Axles	4	5	6	7	8	9	10
Distance in Feet Between the Extreme of Any Group of Axles	32,000	32,005	32,010	32,015	32,020	32,025	32,030
Maximum Load in Pounds Carried on any Group of	32,000	32,005	32,010	32,015	32,020	32,025	32,030

and greater.....64,650 maximum Moreover, in addition to the per axle weight limitations specified by Section 63-5-27, the maximum load carried on a combination of vehicles shall be subject to the following additional limitations: The maximum load carried on any group of two (2) axles shall not exceed twenty-seven thousand (27,000) pounds in instances where one or more of such axles is a driving axle (that is, an axle turned by the vehicle's engine power). An axle group shall consist of any two (2) or more consecutive axles of any vehicle or combination of vehicles. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501; Laws, 1960, ch. 409; Laws, 1963, 1st Ex Sess ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex Sess ch. 33; Laws, 2001, ch. 596, § 57, eff. 7/1/2001. Brought forward by Laws, 2020, ch. 378, SB 2467, § 4, eff. 7/1/2020. Subject to the limitations imposed on wheel and axle loads by Section 63-5-27, and to the further limitations hereinafter specified, the total combined weight (vehicles plus load) on any group of axles shall not exceed the value given in the following table (Table II) corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot, on those highways or parts of highways found by the Mississippi Transportation Commission to be suitable to carry such increased load limits from an engineering standpoint, and so designated as such by order of said commission entered on its minutes and published once each week for three successive weeks in a daily newspaper of general circulation in this state:

Axles	4	5	6	7	8	9	10
Distance in Feet Between the Extreme of Any Group of Axles	32,000	32,005	32,010	32,015	32,020	32,025	32,030
Maximum Load in Pounds Carried on any Group of	32,000	32,005	32,010	32,015	32,020	32,025	32,030

and greater.....	64,650	maximum	Distance in Feet Between the Extreme of Any Group of Axles	Maximum Load in Pounds Carried on any Group of Axles	4.....	32,000	5.....	32,000	6.....	32,000	7.....	32,000	8.....	32,610	9.....	33,779	10.....	34,942	11.....	36,097	12.....	37,246	13.....	38,387	14.....	39,522	15.....	40,649	16.....	41,770	17.....	42,883	18.....	43,990	19.....	45,089	20.....	46,182	21.....	47,267	22.....	48,346	23.....	49,417	24.....	50,482	25.....	51,539	26.....	52,590	27.....	53,633	28.....	54,670	29.....	55,699	30.....	56,722	31.....	57,737	32.....	58,746	33.....	59,747	34.....	60,742	35.....	61,729	36.....	62,710	37.....	63,683	38 and greater.....	64,650	maximum	Moreover, in addition to the per axle

Moreover, in addition to the per axle weight limitations specified by Section 63-5-27, the maximum load carried on a combination of vehicles shall be subject to the following additional limitations: The maximum load carried on any group of two (2) axles shall not exceed twenty-seven thousand (27,000) pounds in instances where one or more of such axles is a driving axle (that is, an axle turned by the vehicle's engine power). An axle group shall consist of any two (2) or more consecutive axles of any vehicle or combination of vehicles. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501;

Laws, 1960, ch. 409; Laws, 1963, 1st Ex Sess ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex Sess ch. 33; Laws, 2001, ch. 596, § 57, eff. 7/1/2001. Brought forward by Laws, 2020, ch. 378, SB 2467, § 4, eff. 7/1/2020.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55) Section 63-5-34 - Gross weight of vehicle and loads; exceptions

For the purposes of Sections63-5-29and63-5-33, any motor vehicle measuring more than twenty-nine (29) feet between the extreme axles with title to such vehicle registered with the State Tax Commission in accordance with the provisions of Section 1 et seq. may use public highways, excluding the federal interstate highway system, and be considered as a motor vehicle with a distance between the extreme of any group of axles twelve (12) feet longer than the extreme measurement of any such group.Any motor vehicle that measures more than twenty-nine (29) feet and less than or equal to forty (40) feet between the extreme axles whose gross weight does not exceed seventy-two thousand (72,000) pounds on four (4) axles or seventy-three thousand two hundred eighty (73,280) pounds on five (5) axles, with title to such vehicle registered with the State Tax Commission on or before April 24, 1974, and in accordance with the provisions of Section 1 et seq., may use the federal interstate highway system and be considered as a motor vehicle with a distance between the extreme of any group of axles twelve (12) feet longer than the extreme measurement of any such group.The provisions of this section may be superseded by action of the Mississippi Transportation Commission, by resolution spread upon its minutes, for any specified segment of a state highway or bridge in accordance with the provisions set forth in Section65-1-45, when, due to any special weather or other hazard, such highways or bridges have been weakened or when such highways have substandard surfacing or weak bridges due to any cause.This section shall not apply to situations in which its application would create a conflict with any length regulation or weight restriction imposed by federal law on the federal interstate highway system.Laws, 1974, ch. 574, § 2; Laws, 1976, ch. 455; Laws, 1978, ch. 486, § 1; reenacted and amended, Laws, 1980, ch. 353; Laws, 1983, ch. 463; Laws, 1993, ch. 478, § 3, eff. 3/27/1993. For the purposes of Sections63-5-29and63-5-33, any motor vehicle measuring more than twenty-nine (29) feet between the extreme axles with title to such vehicle registered with the State Tax Commission in accordance with the provisions of Section 1 et seq. may use public highways, excluding the federal interstate highway system, and be considered as a motor vehicle with a distance between the extreme of any group of axles twelve (12) feet longer than the extreme measurement of any such group.Any motor vehicle that measures more than twenty-nine (29) feet and less than or equal to forty (40) feet between the extreme axles whose gross weight does not exceed seventy-two thousand (72,000) pounds on four (4) axles or seventy-three thousand two hundred eighty (73,280) pounds on five (5) axles, with title to such vehicle registered with the State Tax Commission on or before April 24, 1974, and in accordance with the provisions of Section 1 et seq., may use the federal interstate highway system and be considered as a motor vehicle with a distance between the extreme of any group of axles twelve (12) feet longer than the extreme measurement of any such group.The provisions of this section may be superseded by action of the Mississippi Transportation Commission, by resolution spread upon its minutes, for any specified segment of a state highway or bridge in accordance with the provisions set forth in Section65-1-45, when, due to any special weather or other hazard, such highways or bridges have been weakened or when such highways have substandard surfacing or weak bridges due to any cause.This section shall not apply to situations in which its application would create a conflict with any length regulation or weight restriction imposed by federal law on the federal interstate highway system.Laws, 1974, ch. 574, § 2; Laws, 1976, ch. 455; Laws, 1978, ch. 486, § 1; reenacted and amended, Laws, 1980, ch. 353; Laws, 1983, ch. 463; Laws, 1993, ch. 478, § 3, eff. 3/27/1993. 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pounds on five (5) axles, with title to such vehicle registered with the State Tax Commission on or before April 24, 1974, and in accordance with the provisions of Section 1 et seq., may use the federal interstate highway system and be considered as a motor vehicle with a distance between the extreme of any group of axles twelve (12) feet longer than the extreme measurement of any such group. The provisions of this section may be superseded by action of the Mississippi Transportation Commission, by resolution spread upon its minutes, for any specified segment of a state highway or bridge in accordance with the provisions set forth in Section 65-1-45, when, due to any special weather or other hazard, such highways or bridges have been weakened or when such highways have substandard surfacing or weak bridges due to any cause. This section shall not apply to situations in which its application would create a conflict with any length regulation or weight restriction imposed by federal law on the federal interstate highway system. Laws, 1974, ch. 574, § 2; Laws, 1976, ch. 455; Laws, 1978, ch. 486, § 1; reenacted and amended, Laws, 1980, ch. 353; Laws, 1983, ch. 463; Laws, 1993, ch. 478, § 3, eff. 3/27/1993.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55) Section 63-5-35 - Factors to be considered by Mississippi Transportation Commission before increasing load limits

(1) It is the expressed intent of the Legislature that the Mississippi Transportation Commission shall take into consideration economic factors involving agriculture and industry within the State of Mississippi and shall allow such increased load limits pursuant to Section 63-5-33 for agricultural and industrial well-being where such is shown to be practical or necessary. (2) The Mississippi Transportation Commission shall designate Mississippi Highway 32 from its intersection with U.S. Highway 49 at Webb, Tallahatchie County, eastward to Charleston as eligible to carry the load limits scheduled in Section 63-5-33, Mississippi Code of 1972. (3) The Mississippi Transportation Commission shall designate Mississippi Highway 492 beginning at its intersection with Mississippi Highway 21 and extending easterly to its intersection with Mississippi Highway 15 as eligible to carry the load limits scheduled in Section 63-5-33. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501; Laws, 1960, ch. 409; Laws, 1963, 1st Ex Sess ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex Sess ch. 33; Laws, 1977, ch. 367; Laws, 2001, ch. 596, § 58; Laws, 2003, ch. 467, § 1, eff. 3/23/2003. (1) It is the expressed intent of the Legislature that the Mississippi Transportation Commission shall take into consideration economic factors involving agriculture and industry within the State of Mississippi and shall allow such increased load limits pursuant to Section 63-5-33 for agricultural and industrial well-being where such is shown to be practical or necessary. (2) The Mississippi Transportation Commission shall designate Mississippi Highway 32 from its intersection with U.S. Highway 49 at Webb, Tallahatchie County, eastward to Charleston as eligible to carry the load limits scheduled in Section 63-5-33, Mississippi Code of 1972. (3) The Mississippi Transportation Commission shall designate Mississippi Highway 492 beginning at its intersection with Mississippi Highway 21 and extending easterly to its intersection with Mississippi Highway 15 as eligible to carry the load limits scheduled in Section 63-5-33. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501; Laws, 1960, ch. 409; Laws, 1963, 1st Ex Sess ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex Sess ch. 33; Laws, 1977, ch. 367; Laws, 2001, ch. 596, § 58; Laws, 2003, ch. 467, § 1, eff. 3/23/2003. (1) It is the expressed intent of the Legislature that the Mississippi Transportation Commission shall take into consideration economic factors involving agriculture and industry within the State of Mississippi and shall allow such increased load limits pursuant to Section 63-5-33 for agricultural and industrial well-being where such is shown to be practical or necessary. (2) The Mississippi Transportation Commission shall designate Mississippi Highway 32 from its intersection with U.S. Highway 49 at Webb, Tallahatchie County, eastward to Charleston as eligible to carry the load limits scheduled in Section 63-5-33, Mississippi Code of 1972. (3) The Mississippi Transportation Commission shall designate Mississippi Highway 492 beginning at its intersection with Mississippi Highway 21 and extending easterly to its intersection with Mississippi Highway 15 as eligible to carry the load limits scheduled in Section 63-5-33. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501; Laws, 1960, ch. 409; Laws, 1963, 1st Ex Sess ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex Sess ch. 33; Laws, 1977, ch. 367; Laws, 2001, ch. 596, § 58; Laws, 2003, ch. 467, § 1, eff. 3/23/2003.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55) Section 63-5-37 - Axles suspended by equalizing system

Any two or more axles close enough to be considered an axle group shall be suspended by an equalizing system in order to be eligible for the maximum load limits provided in Sections 63-5-29 through 63-5-33. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501; Laws, 1960, ch. 409; Laws, 1963, 1st Ex. Sess. ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex. Sess. ch. 33, eff. 7/15/1964. Any two or more axles close enough to be considered an axle group shall be suspended by an equalizing system in order to be eligible for the maximum load limits provided in Sections 63-5-29 through 63-5-33. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501; Laws, 1960, ch. 409; Laws, 1963, 1st Ex. Sess. ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex. Sess. ch. 33, eff. 7/15/1964. Any two or more axles close enough to be considered an axle group shall be

suspended by an equalizing system in order to be eligible for the maximum load limits provided in Sections 63-5-29 through 63-5-33. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501; Laws, 1960, ch. 409; Laws, 1963, 1st Ex. Sess. ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex. Sess. ch. 33, eff. 7/15/1964. Any two or more axles close enough to be considered an axle group shall be suspended by an equalizing system in order to be eligible for the maximum load limits provided in Sections 63-5-29 through 63-5-33. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501; Laws, 1960, ch. 409; Laws, 1963, 1st Ex. Sess. ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex. Sess. ch. 33, eff. 7/15/1964.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55) Section 63-5-39 - Inspection of certain vehicles upon registration; special permit; operation of vehicle or combination of vehicles in excess of gross weight limits

(1) The State Tax Commission and county tax collectors, upon registering any vehicle under the laws of this state, when the vehicle is designed and used primarily for the transportation of property or for the transportation of ten (10) or more persons, may require such information and may make such investigations and tests as may be necessary to enable them to determine whether such vehicle may safely be operated upon the highways in compliance with the provisions of this chapter. No vehicle shall be registered for a permissible gross weight in excess of the limitations set forth in this chapter unless a special permit is obtained as provided in Section 63-5-51, nor shall any temporary, trip, or other permit be issued for such vehicle for a gross weight in excess of the limitations set forth in this chapter unless such special permit is obtained. Every vehicle registered shall meet the following requirements: (a) It shall be equipped with brakes, as required in Sections 63-7-51 and 63-7-53. (b) Every motor vehicle to be operated outside of business and residence districts shall have motive power adequate to propel, at a reasonable speed, such vehicles and any load thereon or to be drawn thereby. (2) The State Tax Commission and the county tax collectors shall insert in the registration card issued for every such vehicle the gross weight for which it is registered, and, if it is a motor vehicle to be used for propelling other vehicles, they shall separately insert the total permissible gross weight of such vehicle and other vehicles to be propelled by it. The registration card issued for every such vehicle shall be carried in such vehicle at all times. They may also issue a special plate with such gross weight or weights stated thereon, which shall be attached to the vehicle and displayed thereon at all times. It shall be unlawful for any person to operate any vehicle or combination of vehicles of a gross weight in excess of that for which registered by the State Tax Commission or the county tax collector, or in excess of the limitations set forth in this chapter. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501; Laws, 1960, ch. 409; Laws, 1963, 1st Ex. Sess. ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex. Sess. ch. 33; Laws, 2001, ch. 596, § 59, eff. 7/1/2001. (1) The State Tax Commission and county tax collectors, upon registering any vehicle under the laws of this state, when the vehicle is designed and used primarily for the transportation of property or for the transportation of ten (10) or more persons, may require such information and may make such investigations and tests as may be necessary to enable them to determine whether such vehicle may safely be operated upon the highways in compliance with the provisions of this chapter. No vehicle shall be registered for a permissible gross weight in excess of the limitations set forth in this chapter unless a special permit is obtained as provided in Section 63-5-51, nor shall any temporary, trip, or other permit be issued for such vehicle for a gross weight in excess of the limitations set forth in this chapter unless such special permit is obtained. Every vehicle registered shall meet the following requirements: (a) It shall be equipped with brakes, as required in Sections 63-7-51 and 63-7-53. (b) Every motor vehicle to be operated outside of business and residence districts shall have motive power adequate to propel, at a reasonable speed, such vehicles and any load thereon or to be drawn thereby. (2) The State Tax Commission and the county tax collectors shall insert in the registration card issued for every such vehicle the gross weight for which it is registered, and, if it is a motor vehicle to be used for propelling other

vehicles, they shall separately insert the total permissible gross weight of such vehicle and other vehicles to be propelled by it. The registration card issued for every such vehicle shall be carried in such vehicle at all times. They may also issue a special plate with such gross weight or weights stated thereon, which shall be attached to the vehicle and displayed thereon at all times. It shall be unlawful for any person to operate any vehicle or combination of vehicles of a gross weight in excess of that for which registered by the State Tax Commission or the county tax collector, or in excess of the limitations set forth in this chapter. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501; Laws, 1960, ch. 409; Laws, 1963, 1st Ex Sess ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex Sess ch. 33; Laws, 2001, ch. 596, § 59, eff. 7/1/2001. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501; Laws, 1960, ch. 409; Laws, 1963, 1st Ex Sess ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex Sess ch. 33; Laws, 2001, ch. 596, § 59, eff. 7/1/2001.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55) Section 63-5-41 - "Gross weight" and "gross load" defined

"Gross weight" or "gross load," as used in this chapter and elsewhere in this title, shall mean the actual weight of a vehicle, including all fixtures and equipment, plus any load being transported thereon. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501; Laws, 1960, ch. 409; Laws, 1963, 1st Ex. Sess. ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex. Sess. ch. 33, eff. 7/15/1964. "Gross weight" or "gross load," as used in this chapter and elsewhere in this title, shall mean the actual weight of a vehicle, including all fixtures and equipment, plus any load being transported thereon. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501; Laws, 1960, ch. 409; Laws, 1963, 1st Ex. Sess. ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex. Sess. ch. 33, eff. 7/15/1964. "Gross weight" or "gross load," as used in this chapter and elsewhere in this title, shall mean the actual weight of a vehicle, including all fixtures and equipment, plus any load being transported thereon. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501; Laws, 1960, ch. 409; Laws, 1963, 1st Ex. Sess. ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex. Sess. ch. 33, eff. 7/15/1964.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55) Section 63-5-43 - Enforcement of Sections 63-5-29 through 63-5-41

The Mississippi Department of Transportation shall designate its agents to enforce Sections 63-5-29 through 63-5-41, Mississippi Code of 1972, and, upon the failure of any person so designated to enforce such sections, any executive order or directive to the contrary notwithstanding, he or they shall be guilty of a misdemeanor and be fined not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00) for each such conviction. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501; Laws, 1960, ch. 409; Laws, 1963, 1st Ex. Sess. ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex. Sess. ch. 33; Laws, 1992, ch. 496, § 20, eff. 7/1/1992. The Mississippi Department of Transportation shall designate its agents to enforce Sections 63-5-29 through 63-5-41, Mississippi Code of 1972, and, upon the failure of any person so designated to enforce such sections, any executive order or directive to the contrary notwithstanding, he or they shall be guilty of a misdemeanor and be fined not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00) for each such conviction. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501; Laws, 1960, ch. 409; Laws, 1963, 1st Ex. Sess. ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex. Sess. ch. 33; Laws, 1992, ch. 496, § 20, eff. 7/1/1992. The Mississippi Department of Transportation shall designate its agents to enforce Sections 63-5-29 through 63-5-41, Mississippi Code of 1972, and, upon the failure of any person so designated to enforce such sections, any executive order or directive to the contrary notwithstanding, he or they shall be guilty of a misdemeanor and be fined not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00) for each such conviction. Codes, 1942, § 8271; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 4; Laws, 1948, ch. 328, § 6; Laws, 1954, ch. 335; Laws, 1958, ch. 501; Laws, 1960, ch. 409; Laws, 1963, 1st Ex. Sess. ch. 22; Laws, 1964, ch. 458, §§ 1, 2; Laws, 1964, 1st Ex. Sess. ch. 33; Laws, 1992, ch. 496, § 20, eff. 7/1/1992.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 —

63-39-27)Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55)Section 63-5-45 - Transportation of perishable commodities of foreign import discharged at Mississippi ports

The transportation by truck of perishable commodities of foreign import discharged at any port in the State of Mississippi shall not exceed sixty-four thousand, six hundred fifty (64,650) pounds load weight on vehicles having wheel base dimensions of not less than forty-five (45) feet, nor more than the maximum allowed by law for any weight. However, such weight and requirements with respect thereto shall never exceed federal limitations for the procurement of federal aid for either maintenance or construction of highways. For vehicles covered by this section, the Mississippi Department of Transportation may prescribe by regulation, from time to time, the number of wheels, axles, size and pressure of tires, and speed, and other related requirements when necessary to such vehicles, which it shall find and determine to be most desirable for the protection and safety of the public highways, considering the size and nature of such vehicles, all in accordance with federal requirements. Transportation permitted under this section shall be limited to the use of U.S. Highway 90 West from the City of Gulfport, Harrison County, Mississippi. Codes, 1942, § 8271.5; Laws, 1958, ch. 485; Laws, 2001, ch. 596, § 60, eff. 7/1/2001. The transportation by truck of perishable commodities of foreign import discharged at any port in the State of Mississippi shall not exceed sixty-four thousand, six hundred fifty (64,650) pounds load weight on vehicles having wheel base dimensions of not less than forty-five (45) feet, nor more than the maximum allowed by law for any weight. However, such weight and requirements with respect thereto shall never exceed federal limitations for the procurement of federal aid for either maintenance or construction of highways. For vehicles covered by this section, the Mississippi Department of Transportation may prescribe by regulation, from time to time, the number of wheels, axles, size and pressure of tires, and speed, and other related requirements when necessary to such vehicles, which it shall find and determine to be most desirable for the protection and safety of the public highways, considering the size and nature of such vehicles, all in accordance with federal requirements. Transportation permitted under this section shall be limited to the use of U.S. Highway 90 West from the City of Gulfport, Harrison County, Mississippi. Codes, 1942, § 8271.5; Laws, 1958, ch. 485; Laws, 2001, ch. 596, § 60, eff. 7/1/2001. The transportation by truck of perishable commodities of foreign import discharged at any port in the State of Mississippi shall not exceed sixty-four thousand, six hundred fifty (64,650) pounds load weight on vehicles having wheel base dimensions of not less than forty-five (45) feet, nor more than the maximum allowed by law for any weight. However, such weight and requirements with respect thereto shall never exceed federal limitations for the procurement of federal aid for either maintenance or construction of highways. For vehicles covered by this section, the Mississippi Department of Transportation may prescribe by regulation, from time to time, the number of wheels, axles, size and pressure of tires, and speed, and other related requirements when necessary to such vehicles, which it shall find and determine to be most desirable for the protection and safety of the public highways, considering the size and nature of such vehicles, all in accordance with federal requirements. Transportation permitted under this section shall be limited to the use of U.S. Highway 90 West from the City of Gulfport, Harrison County, Mississippi. Codes, 1942, § 8271.5; Laws, 1958, ch. 485; Laws, 2001, ch. 596, § 60, eff. 7/1/2001. The transportation by truck of perishable commodities of foreign import discharged at any port in the State of Mississippi shall not exceed sixty-four thousand, six hundred fifty (64,650) pounds load weight on vehicles having wheel base dimensions of not less than forty-five (45) feet, nor more than the maximum allowed by law for any weight. However, such weight and requirements with respect thereto shall never exceed federal limitations for the procurement of federal aid for either maintenance or construction of highways. For vehicles covered by this section, the Mississippi Department of Transportation may prescribe by regulation, from time to time, the number of wheels, axles, size and pressure of tires, and speed, and other related requirements when necessary to such vehicles, which it shall find and determine to be most desirable for the protection and safety of the public highways, considering the size and nature of such vehicles, all in accordance with federal requirements. Transportation permitted under this section shall be limited to the use of U.S. Highway 90 West from the City of Gulfport, Harrison County, Mississippi. Codes, 1942, § 8271.5; Laws, 1958, ch. 485; Laws, 2001, ch. 596, § 60, eff. 7/1/2001.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55)Section 63-5-47 - Transportation of commodities to or from terminal or port facilities on Mississippi River

Motor vehicles engaged in transporting commodities to or from terminal or port facilities on the Mississippi River may be operated with a total weight and/or size in excess of limitations which may be specified by law, although such size or weight limitations shall never exceed federal limitations for the procurement of federal aid for either maintenance or construction, or the limitations then in force in any state immediately adjacent to the county in which such port or terminal facilities are located, provided that:(a)Said movement is wholly within a county which has therein a bridge across the Mississippi River.(b)The operation of such vehicle or vehicles with such gross weight shall first be approved by the Mississippi Department of Transportation, and a permit issued by said department specifying the roads, highways or streets within such county over which such vehicle or vehicles may be operated.(c)Said commodities have been received at such terminal or port facilities by water transportation and are destined for delivery across the bridge or said commodities have been received by movement across the bridge and are to be shipped from such terminal by water.The operator of each and every motor vehicle operating under the provisions of this section shall, at all times, carry the permit issued by the said Mississippi Department of Transportation, or a certified copy thereof. Codes, 1942, § 8272.5; Laws, 1960, ch. 341; Laws, 2001, ch. 596, § 61, eff. 7/1/2001. Motor vehicles engaged in transporting commodities to or from terminal or port facilities on the Mississippi River may be operated with a total weight and/or size in excess of limitations which

may be specified by law, although such size or weight limitations shall never exceed federal limitations for the procurement of federal aid for either maintenance or construction, or the limitations then in force in any state immediately adjacent to the county in which such port or terminal facilities are located, provided that:(a)Said movement is wholly within a county which has therein a bridge across the Mississippi River.(b)The operation of such vehicle or vehicles with such gross weight shall first be approved by the Mississippi Department of Transportation, and a permit issued by said department specifying the roads, highways or streets within such county over which such vehicle or vehicles may be operated.(c)Said commodities have been received at such terminal or port facilities by water transportation and are destined for delivery across the bridge or said commodities have been received by movement across the bridge and are to be shipped from such terminal by water.The operator of each and every motor vehicle operating under the provisions of this section shall, at all times, carry the permit issued by the said Mississippi Department of Transportation, or a certified copy thereof.Codes, 1942, § 8272.5; Laws, 1960, ch. 341; Laws, 2001, ch. 596, § 61, eff. 7/1/2001. Motor vehicles engaged in transporting commodities to or from terminal or port facilities on the Mississippi River may be operated with a total weight and/or size in excess of limitations which may be specified by law, although such size or weight limitations shall never exceed federal limitations for the procurement of federal aid for either maintenance or construction, or the limitations then in force in any state immediately adjacent to the county in which such port or terminal facilities are located, provided that:(a)Said movement is wholly within a county which has therein a bridge across the Mississippi River.(b)The operation of such vehicle or vehicles with such gross weight shall first be approved by the Mississippi Department of Transportation, and a permit issued by said department specifying the roads, highways or streets within such county over which such vehicle or vehicles may be operated.(c)Said commodities have been received at such terminal or port facilities by water transportation and are destined for delivery across the bridge or said commodities have been received by movement across the bridge and are to be shipped from such terminal by water.The operator of each and every motor vehicle operating under the provisions of this section shall, at all times, carry the permit issued by the said Mississippi Department of Transportation, or a certified copy thereof.Codes, 1942, § 8272.5; Laws, 1960, ch. 341; Laws, 2001, ch. 596, § 61, eff. 7/1/2001. Motor vehicles engaged in transporting commodities to or from terminal or port facilities on the Mississippi River may be operated with a total weight and/or size in excess of limitations which may be specified by law, although such size or weight limitations shall never exceed federal limitations for the procurement of federal aid for either maintenance or construction, or the limitations then in force in any state immediately adjacent to the county in which such port or terminal facilities are located, provided that: The operator of each and every motor vehicle operating under the provisions of this section shall, at all times, carry the permit issued by the said Mississippi Department of Transportation, or a certified copy thereof. Codes, 1942, § 8272.5; Laws, 1960, ch. 341; Laws, 2001, ch. 596, § 61, eff. 7/1/2001.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55)Section 63-5-49 - Inspection and weighing of vehicles; assessment of penalty against owner or operator of overweight vehicle; removal of load in excess of legal limit; failure to stop and submit vehicle to inspection or weighing; escort of superload vehicle

(1)Any police officer, law enforcement officer of the Department of Public Safety or authorized enforcement officer of the Mississippi Department of Transportation may require the driver of any vehicle that is required by law or by any rule or regulation of the Mississippi Department of Transportation or the Department of Revenue to stop at inspection stations and submit to an inspection to stop and submit to a weighing of the vehicle, either by means of portable or stationary scales, and may require that such vehicle be driven to the nearest scales for weighing. To aid the enforcement of this chapter, the Transportation Department may assign up to forty (40) portable scale teams as it deems necessary for efficient enforcement.(2)Whenever such an officer, upon weighing a vehicle and load as above provided, determines that the weight is unlawful, such officer shall assess a penalty against the owner or operator in accordance with Section27-19-89, and may require the driver to drive the vehicle to a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this chapter. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.(3)Any police officer, law enforcement officer of the Department of Public Safety, or authorized enforcement officer of the Transportation Department who stops a vehicle pursuant to subsection (1) of this section shall have the authority to inspect such vehicle to determine whether or not such vehicle is engaged in the illegal transportation of any contraband.(4)Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses, when directed by such an officer upon weighing of the vehicle, to stop the vehicle and otherwise comply with the provisions of this section, shall be guilty of a misdemeanor, punishable by a fine of not more than One Thousand Dollars (\$1,000.00), or by confinement in the county jail for not more than thirty (30) days, or by both such fine and jail sentence and, if operating at a gross weight in excess of the legal limit, such additional penalty or assessment as provided by law.(5)It is the intent of the Legislature that the Department of Public Safety and all police officers shall cooperate with the Transportation Department in the enforcement of the highway weight laws of this state.(6)Any police officer, law enforcement officer of the Department of Public Safety or authorized enforcement officer of the Mississippi Department of Transportation shall be authorized to escort any vehicle designated as a superload vehicle pursuant to the regulations of the Mississippi Department of Transportation. The escort shall be performed in a marked law enforcement vehicle with operating blue lights.Codes, 1942, § 8272; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 5; Laws, 1950, ch. 482; Laws, 1981, ch. 366, § 9; Laws, 1992, ch. 496, § 21; Laws, 1994, ch. 382, § 2, eff. 7/1/1994.Amended by Laws, 2020, ch. 380, SB 2660,§ 1, eff. 7/1/2020. (1)Any police officer, law enforcement officer of the Department of Public Safety or authorized enforcement officer of the Mississippi Department of Transportation may require the driver of any vehicle that is required by law or

by any rule or regulation of the Mississippi Department of Transportation or the Department of Revenue to stop at inspection stations and submit to an inspection to stop and submit to a weighing of the vehicle, either by means of portable or stationary scales, and may require that such vehicle be driven to the nearest scales for weighing. To aid the enforcement of this chapter, the Transportation Department may assign up to forty (40) portable scale teams as it deems necessary for efficient enforcement.(2)Whenever such an officer, upon weighing a vehicle and load as above provided, determines that the weight is unlawful, such officer shall assess a penalty against the owner or operator in accordance with Section 27-19-89, and may require the driver to drive the vehicle to a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this chapter. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.(3)Any police officer, law enforcement officer of the Department of Public Safety, or authorized enforcement officer of the Transportation Department who stops a vehicle pursuant to subsection (1) of this section shall have the authority to inspect such vehicle to determine whether or not such vehicle is engaged in the illegal transportation of any contraband.(4)Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses, when directed by such an officer upon weighing of the vehicle, to stop the vehicle and otherwise comply with the provisions of this section, shall be guilty of a misdemeanor, punishable by a fine of not more than One Thousand Dollars (\$1,000.00), or by confinement in the county jail for not more than thirty (30) days, or by both such fine and jail sentence and, if operating at a gross weight in excess of the legal limit, such additional penalty or assessment as provided by law.(5)It is the intent of the Legislature that the Department of Public Safety and all police officers shall cooperate with the Transportation Department in the enforcement of the highway weight laws of this state.(6)Any police officer, law enforcement officer of the Department of Public Safety or authorized enforcement officer of the Mississippi Department of Transportation shall be authorized to escort any vehicle designated as a superload vehicle pursuant to the regulations of the Mississippi Department of Transportation. The escort shall be performed in a marked law enforcement vehicle with operating blue lights. Codes, 1942, § 8272; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 5; Laws, 1950, ch. 482; Laws, 1981, ch. 366, § 9; Laws, 1992, ch. 496, § 21; Laws, 1994, ch. 382, § 2, eff. 7/1/1994. Amended by Laws, 2020, ch. 380, SB 2660, § 1, eff. 7/1/2020. (1)Any police officer, law enforcement officer of the Department of Public Safety or authorized enforcement officer of the Mississippi Department of Transportation may require the driver of any vehicle that is required by law or by any rule or regulation of the Mississippi Department of Transportation or the Department of Revenue to stop at inspection stations and submit to an inspection to stop and submit to a weighing of the vehicle, either by means of portable or stationary scales, and may require that such vehicle be driven to the nearest scales for weighing. To aid the enforcement of this chapter, the Transportation Department may assign up to forty (40) portable scale teams as it deems necessary for efficient enforcement.(2)Whenever such an officer, upon weighing a vehicle and load as above provided, determines that the weight is unlawful, such officer shall assess a penalty against the owner or operator in accordance with Section 27-19-89, and may require the driver to drive the vehicle to a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this chapter. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.(3)Any police officer, law enforcement officer of the Department of Public Safety, or authorized enforcement officer of the Transportation Department who stops a vehicle pursuant to subsection (1) of this section shall have the authority to inspect such vehicle to determine whether or not such vehicle is engaged in the illegal transportation of any contraband.(4)Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses, when directed by such an officer upon weighing of the vehicle, to stop the vehicle and otherwise comply with the provisions of this section, shall be guilty of a misdemeanor, punishable by a fine of not more than One Thousand Dollars (\$1,000.00), or by confinement in the county jail for not more than thirty (30) days, or by both such fine and jail sentence and, if operating at a gross weight in excess of the legal limit, such additional penalty or assessment as provided by law.(5)It is the intent of the Legislature that the Department of Public Safety and all police officers shall cooperate with the Transportation Department in the enforcement of the highway weight laws of this state.(6)Any police officer, law enforcement officer of the Department of Public Safety or authorized enforcement officer of the Mississippi Department of Transportation shall be authorized to escort any vehicle designated as a superload vehicle pursuant to the regulations of the Mississippi Department of Transportation. The escort shall be performed in a marked law enforcement vehicle with operating blue lights. Codes, 1942, § 8272; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 5; Laws, 1950, ch. 482; Laws, 1981, ch. 366, § 9; Laws, 1992, ch. 496, § 21; Laws, 1994, ch. 382, § 2, eff. 7/1/1994. Amended by Laws, 2020, ch. 380, SB 2660, § 1, eff. 7/1/2020. Codes, 1942, § 8272; Laws, 1938, ch. 200; Laws, 1946, ch. 307, § 5; Laws, 1950, ch. 482; Laws, 1981, ch. 366, § 9; Laws, 1992, ch. 496, § 21; Laws, 1994, ch. 382, § 2, eff. 7/1/1994. Amended by Laws, 2020, ch. 380, SB 2660, § 1, eff. 7/1/2020.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55) Section 63-5-5 - Definitions

For purposes of this chapter, the meanings ascribed to the words and phrases in Article 3 of Chapter 3 of this title, shall be fully applicable to this chapter. Codes, 1942, § 8126; Laws, 1938, ch. 200. For purposes of this chapter, the meanings ascribed to the words and phrases in Article 3 of Chapter 3 of this title, shall be fully applicable to this chapter. Codes, 1942, § 8126; Laws, 1938, ch. 200. For purposes of this chapter, the meanings ascribed to the words and phrases in Article 3 of Chapter 3 of this title, shall be fully applicable to this chapter. Codes, 1942, § 8126; Laws, 1938, ch. 200. For purposes of this chapter, the meanings ascribed to the words and phrases in Article 3 of Chapter 3 of this title, shall be fully applicable to this chapter. Codes, 1942, § 8126; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55) Section 63-5-51 - Special permits for excess size and weight; special permits for commercial movement of recreational vehicles and motor homes that comply with vehicle width requirements

(1)(a)The Mississippi Transportation Commission with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction may, in their discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which said party is responsible.(b)The application for any such permit shall specifically describe the general operation and load to be moved, and the particular highways for which the permit to operate is requested, and whether such permit is requested for a single trip, or for continuous operation.(c)The Mississippi Transportation Commission or local authority is authorized to issue or withhold such permit at its discretion. If such permit is issued, the Mississippi Transportation Commission or local authority is authorized to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces or structures. The Mississippi Transportation Commission or local authority may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.(d)Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit, and no person shall violate any of the terms or conditions of such special permit. However, permits covering the number of vehicles anticipated in any operation may be issued by the commission.(2)The Mississippi Transportation Commission or local authorities, in their discretion, upon application in writing and good cause being shown therefor, issue a permit authorizing the commercial movement of one or more recreational vehicles or motor homes which comply with the provisions of Section63-5-13. Such permits shall be valid for one (1) year from the date they are issued. A copy of the permit shall be carried with all such vehicles while they are being moved. The provisions of subsection (1) of this section shall not apply to the commercial movement of vehicles under a permit issued pursuant to this subsection if such vehicles comply with Section63-5-13.Codes, 1942, § 8273; Laws, 1938, ch. 200; Laws, 2000, ch. 318, § 4, eff. 7/1/2000. (1)(a)The Mississippi Transportation Commission with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction may, in their discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which said party is responsible.(b)The application for any such permit shall specifically describe the general operation and load to be moved, and the particular highways for which the permit to operate is requested, and whether such permit is requested for a single trip, or for continuous operation.(c)The Mississippi Transportation Commission or local authority is authorized to issue or withhold such permit at its discretion. If such permit is issued, the Mississippi Transportation Commission or local authority is authorized to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure

against undue damage to the road foundations, surfaces or structures. The Mississippi Transportation Commission or local authority may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.(d)Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit, and no person shall violate any of the terms or conditions of such special permit. However, permits covering the number of vehicles anticipated in any operation may be issued by the commission.(2)The Mississippi Transportation Commission or local authorities, in their discretion, upon application in writing and good cause being shown therefor, issue a permit authorizing the commercial movement of one or more recreational vehicles or motor homes which comply with the provisions of Section63-5-13. Such permits shall be valid for one (1) year from the date they are issued. A copy of the permit shall be carried with all such vehicles while they are being moved. The provisions of subsection (1) of this section shall not apply to the commercial movement of vehicles under a permit issued pursuant to this subsection if such vehicles comply with Section63-5-13.Codes, 1942, § 8273; Laws, 1938, ch. 200; Laws, 2000, ch. 318, § 4, eff. 7/1/2000. Codes, 1942, § 8273; Laws, 1938, ch. 200; Laws, 2000, ch. 318, § 4, eff. 7/1/2000.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55)Section 63-5-52 - Special permits for vehicles transporting heavy equipment with nondivisible loads having gross vehicle weight of 150,000 pounds or less; transference of permit from one pulling unit to another; forestry permits for vehicles having gross vehicle weight of 100,000 pounds or less and dimensions of 14 feet wide and 14 feet high or less

(1)In addition to other permits authorized to be issued for overweight loads, the Department of Transportation is authorized to issue annual special permits for vehicles transporting heavy equipment with a nondivisible load having a gross vehicle weight of one hundred fifty thousand (150,000) pounds or less. The permit shall be issued for the pulling unit. The department may establish rules and regulations for the issuance and transference of the permit from one pulling unit to another. The fee for such permit shall be Four Thousand Five Hundred Dollars (\$4,500.00) and the permit shall expire one (1) year from the beginning movement date. Movements under such permit shall be made under such safety and equipment restrictions as the department may establish. The department shall specify the routes over which such movements may be conducted.(2)In addition to other permits to be used for overweight and oversized loads, the Department of Transportation is authorized to issue annual special permits for the transporting of forestry-related equipment to vehicles having a gross vehicle weight of not more than one hundred thousand (100,000) pounds and dimensions of not more than fourteen (14) feet wide and fourteen (14) feet high. The permit, to be referred to as the "Forestry Permit," shall be issued for each vehicle that serves as a pulling unit, at a fee of Two Hundred Dollars (\$200.00) per unit annually. The Forestry Permit shall be available for the hauling of equipment or machinery customary and necessary for timber-harvesting activities, including, but not limited to, bulldozers, knuckleboom loaders, cutters, skidders, track machines of the same kind, mulchers and other machines used for silvicultural activities. The Forestry Permit shall be available to those hauling the subject equipment to and from timber harvest operations, as well as those hauling the equipment to and from a truck repair shop or equipment service center.Laws, 2003, ch. 538, § 1; Laws, 2006, ch. 312, § 1; Laws, 2008, ch. 337, § 1, eff. 7/1/2008.Amended by Laws, 2020, ch. 385, SB 2716,§ 1, eff. 7/1/2020. (1)In addition to other permits authorized to be issued for overweight loads, the Department of Transportation is authorized to issue annual special permits for vehicles transporting heavy equipment with a nondivisible load having a gross vehicle weight of one hundred fifty thousand (150,000) pounds or less. The permit shall be issued for the pulling unit. The department may establish rules and regulations for the issuance and transference of the permit from one pulling unit to another. The fee for such permit shall be Four Thousand Five Hundred Dollars (\$4,500.00) and the permit shall expire one (1) year from the beginning movement date. Movements under such permit shall be made under such safety and equipment restrictions as the department may establish. The department shall specify the routes over which such movements may be conducted.(2)In addition to other permits to be used for overweight and oversized loads, the Department of Transportation is authorized to issue annual special permits for the transporting of forestry-related equipment to vehicles having a gross vehicle weight of not more than one hundred thousand (100,000) pounds and dimensions of not more than fourteen (14) feet wide and fourteen (14) feet high. The permit, to be referred to as the "Forestry Permit," shall be issued for each vehicle that serves as a pulling unit, at a fee of Two Hundred Dollars (\$200.00) per unit annually. The Forestry Permit shall be available for the hauling of equipment or machinery customary and necessary for timber-harvesting activities, including, but not limited to, bulldozers, knuckleboom loaders, cutters, skidders, track machines of the same kind, mulchers and other machines used for silvicultural activities. The Forestry Permit shall be available to those hauling the subject equipment to and from timber harvest operations, as well as those hauling the equipment to and from a truck repair shop or equipment service center.Laws, 2003, ch. 538, § 1; Laws, 2006, ch. 312, § 1; Laws, 2008, ch. 337, § 1, eff. 7/1/2008.Amended by Laws, 2020, ch. 385, SB 2716,§ 1, eff. 7/1/2020. (1)In addition to other permits authorized to be issued for overweight loads, the Department of Transportation is authorized to issue annual special permits for vehicles transporting heavy equipment with a nondivisible load having a gross vehicle weight of one hundred fifty thousand (150,000) pounds or less. The permit shall be issued for the pulling unit. The department may establish rules and regulations for the issuance and transference of the permit from one pulling unit to another. The fee for such permit shall be Four Thousand Five Hundred Dollars (\$4,500.00) and the permit shall expire one (1) year from the beginning movement date. Movements under such permit shall be made under such safety and equipment restrictions as the department may establish. The department shall specify the routes over which such movements may be conducted.(2)In addition to other permits to be used for overweight and oversized loads, the Department of Transportation is authorized to issue annual special permits for the transporting

of forestry-related equipment to vehicles having a gross vehicle weight of not more than one hundred thousand (100,000) pounds and dimensions of not more than fourteen (14) feet wide and fourteen (14) feet high. The permit, to be referred to as the "Forestry Permit," shall be issued for each vehicle that serves as a pulling unit, at a fee of Two Hundred Dollars (\$200.00) per unit annually. The Forestry Permit shall be available for the hauling of equipment or machinery customary and necessary for timber-harvesting activities, including, but not limited to, bulldozers, knuckleboom loaders, cutters, skidders, track machines of the same kind, mulchers and other machines used for silvicultural activities. The Forestry Permit shall be available to those hauling the subject equipment to and from timber harvest operations, as well as those hauling the equipment to and from a truck repair shop or equipment service center. Laws, 2003, ch. 538, § 1; Laws, 2006, ch. 312, § 1; Laws, 2008, ch. 337, § 1, eff. 7/1/2008. Amended by Laws, 2020, ch. 385, SB 2716, § 1, eff. 7/1/2020. Laws, 2003, ch. 538, § 1; Laws, 2006, ch. 312, § 1; Laws, 2008, ch. 337, § 1, eff. 7/1/2008. Amended by Laws, 2020, ch. 385, SB 2716, § 1, eff. 7/1/2020.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55) Section 63-5-53 - Liability for damage to highway or structure caused by vehicle

(1) Any person driving any vehicle, object, or contrivance upon any highway or highway structure shall be liable for all damage which said highway or structure may sustain as a result of any illegal operation, driving, or moving of such vehicle, object, or contrivance, or as a result of operation, driving, or moving any vehicle, object or contrivance weighing in excess of the maximum weight in this chapter but authorized by a special permit issued as provided in this chapter. (2) Whenever such driver is not the owner of such vehicle, object or contrivance, but is so operating, driving, or moving the same with the express or implied permission of said owner, then said owner and driver shall be jointly and severally liable for any such damage. (3) Such damage may be recovered in a civil action brought by the authorities in control of such highway or highway structure. Codes, 1942, § 8274; Laws, 1938, ch. 200. Brought forward by Laws, 2023, ch. 443, HB 1003, § 22, eff. 7/1/2023. (1) Any person driving any vehicle, object, or contrivance upon any highway or highway structure shall be liable for all damage which said highway or structure may sustain as a result of any illegal operation, driving, or moving of such vehicle, object, or contrivance, or as a result of operation, driving, or moving any vehicle, object or contrivance weighing in excess of the maximum weight in this chapter but authorized by a special permit issued as provided in this chapter. (2) Whenever such driver is not the owner of such vehicle, object or contrivance, but is so operating, driving, or moving the same with the express or implied permission of said owner, then said owner and driver shall be jointly and severally liable for any such damage. (3) Such damage may be recovered in a civil action brought by the authorities in control of such highway or highway structure. Codes, 1942, § 8274; Laws, 1938, ch. 200. Brought forward by Laws, 2023, ch. 443, HB 1003, § 22, eff. 7/1/2023. (1) Any person driving any vehicle, object, or contrivance upon any highway or highway structure shall be liable for all damage which said highway or structure may sustain as a result of any illegal operation, driving, or moving of such vehicle, object, or contrivance, or as a result of operation, driving, or moving any vehicle, object or contrivance weighing in excess of the maximum weight in this chapter but authorized by a special permit issued as provided in this chapter. (2) Whenever such driver is not the owner of such vehicle, object or contrivance, but is so operating, driving, or moving the same with the express or implied permission of said owner, then said owner and driver shall be jointly and severally liable for any such damage. (3) Such damage may be recovered in a civil action brought by the authorities in control of such highway or highway structure. Codes, 1942, § 8274; Laws, 1938, ch. 200. Brought forward by Laws, 2023, ch. 443, HB 1003, § 22, eff. 7/1/2023. Codes, 1942, § 8274; Laws, 1938, ch. 200. Brought forward by Laws, 2023, ch. 443, HB 1003, § 22, eff. 7/1/2023.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55) Section 63-5-55 - Spilling loads on highways

No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway. Codes, 1942, § 8268; Laws, 1938, ch. 200. No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway. Codes, 1942, § 8268; Laws, 1938, ch. 200. No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway. Codes, 1942, § 8268; Laws, 1938, ch. 200. No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway. Codes, 1942, § 8268; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55) Section 63-5-7 - Operation of vehicle in violation of chapter

It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any

highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of this chapter. Codes, 1942, § 8264; Laws, 1938, ch. 200. It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of this chapter. Codes, 1942, § 8264; Laws, 1938, ch. 200. It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of this chapter. Codes, 1942, § 8264; Laws, 1938, ch. 200. It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of this chapter. Codes, 1942, § 8264; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 5 - SIZE, WEIGHT AND LOAD (§§ 63-5-1 — 63-5-55) Section 63-5-9 - Applicability of chapter

The provisions of this chapter governing size, weight and load shall not apply to: (a) Fire apparatus; (b) Road machinery; (c) Vehicles operated under the terms of a special permit issued as provided in this chapter; (d) Any machinery or equipment used for normal farm purposes only, having a width in excess of the maximum requirements prescribed by this chapter, where such movement is performed during daylight hours, within a radius of fifty (50) miles of the point of origin thereof, and no part of such operation or movement is upon any highway designated and known as a part of the National System of Interstate and Defense Highways, or accesses thereto. Such machinery or towing vehicle shall be equipped with reflector lights, front and rear, and a blinking light clearly visible from the front and rear; (e) Any machinery or equipment intended to be used for normal farm purposes only and being delivered by an equipment dealer to a customer, having a width in excess of the maximum requirements prescribed by this chapter, where such movement is performed during daylight hours, and no part of such operation or movement is upon any highway designated and known as a part of the National System of Interstate and Defense Highways, or accesses thereto. Such machinery or any vehicle towing such equipment shall be equipped with reflector lights, front and rear, and a blinking light clearly visible from the front and rear; (f) Rubber-tire vehicles used for construction, warehousing, transportation of equipment or material or for other purposes not exempted under this section if such vehicles are not designed primarily for use or operation on a public road, street or highway; provided, that such vehicles shall not be operated on any public road, street or highway of this state except along and adjacent to the site where such vehicles are primarily used. Nothing in this paragraph shall be construed as requiring the vehicles described in this paragraph to obtain a motor vehicle license tag or a motor vehicle inspection sticker when operated on a public road, street or highway in accordance with the provisions of this paragraph; or (g) Rubber-tire vehicles designed or adapted to be used exclusively in the preparation and loading of chemicals or other material for aerial agricultural application to crops, where such movement is performed during daylight hours, within a radius of fifty (50) miles of the point of origin thereof, and no part of such operation or movement is upon any highway designated and known as a part of the National System of Interstate and Defense Highways. Codes, 1942, § 8264; Laws, 1938, ch. 200; Laws, 1976, ch. 351; Laws, 1988, ch. 400; Laws, 2002, ch. 505, § 1; Laws, 2003, ch. 433, § 3, eff. 7/1/2003. The provisions of this chapter governing size, weight and load shall not apply to: (a) Fire apparatus; (b) Road machinery; (c) Vehicles operated under the terms of a special permit issued as provided in this chapter; (d) Any machinery or equipment used for normal farm purposes only, having a width in excess of the maximum requirements prescribed by this chapter, where such movement is performed during daylight hours, within a radius of fifty (50) miles of the point of origin thereof, and no part of such operation or movement is upon any highway designated and known as a part of the National System of Interstate and Defense Highways, or accesses thereto. Such machinery or towing vehicle shall be equipped with reflector lights, front and rear, and a blinking light clearly visible from the front and rear; (e) Any machinery or equipment intended to be used for normal farm purposes only and being delivered by an equipment dealer to a customer, having a width in excess of the maximum requirements prescribed by this chapter, where such movement is performed during daylight hours, and no part of such operation or movement is upon any highway designated and known as a part of the National System of Interstate and Defense Highways, or accesses thereto. Such machinery or any vehicle towing such equipment shall be equipped with reflector lights, front and rear, and a blinking light clearly visible from the front and rear; (f) Rubber-tire vehicles used for construction, warehousing, transportation of equipment or material or for other purposes not exempted under this section if such vehicles are not designed primarily for use or operation on a public road, street or highway; provided, that such vehicles shall not be operated on any public road, street or highway of this state except along and adjacent to the site where such vehicles are primarily used. Nothing in this paragraph shall be construed as requiring the vehicles described in this paragraph to obtain a motor vehicle license tag or a motor vehicle inspection sticker when operated on a public road, street or highway in accordance with the provisions of this paragraph; or (g) Rubber-tire vehicles designed or adapted to be used exclusively in the preparation and loading of chemicals or other material for aerial agricultural application to crops, where such movement is performed during daylight hours, within a radius of fifty (50) miles of the point of origin thereof, and no part of such operation or movement is upon any highway designated and known as a part of the National System of Interstate and Defense Highways. Codes, 1942, § 8264; Laws, 1938, ch. 200; Laws, 1976, ch. 351; Laws, 1988, ch. 400; Laws, 2002, ch. 505, § 1; Laws, 2003, ch. 433, § 3, eff. 7/1/2003. The provisions of this chapter governing size, weight and load shall not apply to: (a) Fire apparatus; (b) Road machinery; (c) Vehicles operated under the terms of a special permit issued as provided in this chapter; (d) Any machinery or equipment used for normal farm purposes only, having a width in excess of the maximum requirements prescribed by this chapter, where such movement is performed during daylight hours, within a radius of fifty (50) miles of the point of origin thereof, and no part of such operation or movement is upon any highway designated and

known as a part of the National System of Interstate and Defense Highways, or accesses thereto. Such machinery or towing vehicle shall be equipped with reflector lights, front and rear, and a blinking light clearly visible from the front and rear;(e)Any machinery or equipment intended to be used for normal farm purposes only and being delivered by an equipment dealer to a customer, having a width in excess of the maximum requirements prescribed by this chapter, where such movement is performed during daylight hours, and no part of such operation or movement is upon any highway designated and known as a part of the National System of Interstate and Defense Highways, or accesses thereto. Such machinery or any vehicle towing such equipment shall be equipped with reflector lights, front and rear, and a blinking light clearly visible from the front and rear;(f)Rubber-tire vehicles used for construction, warehousing, transportation of equipment or material or for other purposes not exempted under this section if such vehicles are not designed primarily for use or operation on a public road, street or highway; provided, that such vehicles shall not be operated on any public road, street or highway of this state except along and adjacent to the site where such vehicles are primarily used. Nothing in this paragraph shall be construed as requiring the vehicles described in this paragraph to obtain a motor vehicle license tag or a motor vehicle inspection sticker when operated on a public road, street or highway in accordance with the provisions of this paragraph; or(g)Rubber-tire vehicles designed or adapted to be used exclusively in the preparation and loading of chemicals or other material for aerial agricultural application to crops, where such movement is performed during daylight hours, within a radius of fifty (50) miles of the point of origin thereof, and no part of such operation or movement is upon any highway designated and known as a part of the National System of Interstate and Defense Highways.Codes, 1942, § 8264; Laws, 1938, ch. 200; Laws, 1976, ch. 351; Laws, 1988, ch. 400; Laws, 2002, ch. 505, § 1; Laws, 2003, ch. 433, § 3, eff. 7/1/2003. The provisions of this chapter governing size, weight and load shall not apply to: Codes, 1942, § 8264; Laws, 1938, ch. 200; Laws, 1976, ch. 351; Laws, 1988, ch. 400; Laws, 2002, ch. 505, § 1; Laws, 2003, ch. 433, § 3, eff. 7/1/2003.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)CHILD PASSENGER RESTRAINT DEVICES (§§ 63-7-301 — 63-7-313)Section 63-7-301 - Requirement of device or belt positioning booster seat system; failure to provide and use device or belt positioning booster seat system not deemed negligence

(1)(a)Every person transporting a child under the age of four (4) years in a passenger motor vehicle, and operated on a public roadway, street or highway within this state, shall provide for the protection of the child by properly using a child passenger restraint device or system meeting applicable federal motor vehicle safety standards.(b)Every person transporting a child in a passenger motor vehicle operated on a public roadway, street or highway within this state, shall provide for the protection of the child by properly using a belt positioning booster seat system meeting applicable federal motor vehicle safety standards if the child is at least four (4) years of age, but less than seven (7) years of age and measures less than four (4) feet nine (9) inches in height or weighs less than sixty-five (65) pounds.(c)If more than two (2) children who are required under subsection (1) of this section to use a booster seat are being transported in a vehicle at one time, and the vehicle only has two (2) lap and shoulder belts in the rear seat, then only the two (2) children sitting in the seats with the lap and shoulder belts are required to use a belt positioning booster seat system and safety belt, and any other children may be secured with a safety seat lap belt only.(2)The term "passenger motor vehicle" as used in Sections63-7-301through63-7-311has the same meaning as defined in Section63-2-1(2). Sections63-7-301through63-7-311do not apply to the vehicles described in Section63-2-1(3).(3)Failure to provide and use a child passenger restraint device or system or a belt positioning booster seat system shall not be considered contributory or comparative negligence.Laws, 1983, ch. 400, § 1; Laws, 1994, ch. 325, § 1; Laws, 1998, ch. 501, § 3; Laws, 2008, ch. 520, § 1, eff. 7/1/2008. (1)(a)Every person transporting a child under the age of four (4) years in a passenger motor vehicle, and operated on a public roadway, street or highway within this state, shall provide for the protection of the child by properly using a child passenger restraint device or system meeting applicable federal motor vehicle safety standards.(b)Every person transporting a child in a passenger motor vehicle operated on a public roadway, street or highway within this state, shall provide for the protection of the child by properly using a belt positioning booster seat system meeting applicable federal motor vehicle safety standards if the child is at least four (4) years of age, but less than seven (7) years of age and measures less than four (4) feet nine (9) inches in height or weighs less than sixty-five (65) pounds.(c)If more than two (2) children who are required under subsection (1) of this section to use a booster seat are being transported in a vehicle at one time, and the vehicle only has two (2) lap and shoulder belts in the rear seat, then only the two (2) children sitting in the seats with the lap and shoulder belts are required to use a belt positioning booster seat system and safety belt, and any other children may be secured with a safety seat lap belt only.(2)The term "passenger motor vehicle" as used in Sections63-7-301through63-7-311has the same meaning as defined in Section63-2-1(2). Sections63-7-301through63-7-311do not apply to the vehicles described in Section63-2-1(3).(3)Failure to provide and use a child passenger restraint device or system or a belt positioning booster seat system shall not be considered contributory or comparative negligence.Laws, 1983, ch. 400, § 1; Laws, 1994, ch. 325, § 1; Laws, 1998, ch. 501, § 3; Laws, 2008, ch. 520, § 1, eff. 7/1/2008. (1)(a)Every person transporting a child under the age of four (4) years in a passenger motor vehicle, and operated on a public roadway, street or highway within this state, shall provide for the protection of the child by properly using a child passenger restraint device or system meeting applicable federal motor vehicle safety standards.(b)Every person transporting a child in a passenger motor vehicle operated on a public roadway, street or highway within this state, shall provide for the protection of the child by properly using a belt positioning booster seat system meeting applicable federal motor vehicle safety standards if the child is at least four (4) years of age, but less than seven (7) years of age and measures less than four (4) feet nine (9) inches in height or weighs less than sixty-five (65) pounds.(c)If more than two (2) children who are required under subsection (1) of this section to use a booster seat are being transported in a vehicle at one time, and the vehicle only

has two (2) lap and shoulder belts in the rear seat, then only the two (2) children sitting in the seats with the lap and shoulder belts are required to use a belt positioning booster seat system and safety belt, and any other children may be secured with a safety seat lap belt only.(2)The term "passenger motor vehicle" as used in Sections63-7-301through63-7-311has the same meaning as defined in Section63-2-1(2). Sections63-7-301through63-7-311do not apply to the vehicles described in Section63-2-1(3).(3)Failure to provide and use a child passenger restraint device or system or a belt positioning booster seat system shall not be considered contributory or comparative negligence.Laws, 1983, ch. 400, § 1; Laws, 1994, ch. 325, § 1; Laws, 1998, ch. 501, § 3; Laws, 2008, ch. 520, § 1, eff. 7/1/2008. Laws, 1983, ch. 400, § 1; Laws, 1994, ch. 325, § 1; Laws, 1998, ch. 501, § 3; Laws, 2008, ch. 520, § 1, eff. 7/1/2008.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)CHILD PASSENGER RESTRAINT DEVICES (§§ 63-7-301 — 63-7-313)Section 63-7-303 - Duties, rights, liabilities, etc., between parent and child

No provision of Sections63-7-301through63-7-313shall be construed as creating any duty, standard of care, right or liability between parent and child that is not recognized under the laws of the State of Mississippi as they exist on July 1, 1983, or as they may at any time in the future be constituted by statute or court decision.Laws, 1983, ch. 400, § 2, eff. 7/1/1983. No provision of Sections63-7-301through63-7-313shall be construed as creating any duty, standard of care, right or liability between parent and child that is not recognized under the laws of the State of Mississippi as they exist on July 1, 1983, or as they may at any time in the future be constituted by statute or court decision.Laws, 1983, ch. 400, § 2, eff. 7/1/1983. No provision of Sections63-7-301through63-7-313shall be construed as creating any duty, standard of care, right or liability between parent and child that is not recognized under the laws of the State of Mississippi as they exist on July 1, 1983, or as they may at any time in the future be constituted by statute or court decision.Laws, 1983, ch. 400, § 2, eff. 7/1/1983. No provision of Sections63-7-301through63-7-313shall be construed as creating any duty, standard of care, right or liability between parent and child that is not recognized under the laws of the State of Mississippi as they exist on July 1, 1983, or as they may at any time in the future be constituted by statute or court decision. Laws, 1983, ch. 400, § 2, eff. 7/1/1983.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)CHILD PASSENGER RESTRAINT DEVICES (§§ 63-7-301 — 63-7-313)Section 63-7-305 - Enforcement

The provisions of Section63-7-301may be enforced by any duly sworn law enforcement officer of this state, or of any county or political subdivision thereof.Laws, 1983, ch. 400, § 3, eff. 7/1/1983. The provisions of Section63-7-301may be enforced by any duly sworn law enforcement officer of this state, or of any county or political subdivision thereof.Laws, 1983, ch. 400, § 3, eff. 7/1/1983. The provisions of Section63-7-301may be enforced by any duly sworn law enforcement officer of this state, or of any county or political subdivision thereof.Laws, 1983, ch. 400, § 3, eff. 7/1/1983. The provisions of Section63-7-301may be enforced by any duly sworn law enforcement officer of this state, or of any county or political subdivision thereof. Laws, 1983, ch. 400, § 3, eff. 7/1/1983.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)CHILD PASSENGER RESTRAINT DEVICES (§§ 63-7-301 — 63-7-313)Section 63-7-309 - Penalties

Any person convicted of violating the provisions of Section63-7-301shall be fined not more than Twenty-five Dollars (\$25.00) for each offense.Laws, 1983, ch. 400, § 5; Laws, 1990, ch. 358, § 1, eff. 7/1/1990. Any person convicted of violating the provisions of Section63-7-301shall be fined not more than Twenty-five Dollars (\$25.00) for each offense.Laws, 1983, ch. 400, § 5; Laws, 1990, ch. 358, § 1, eff. 7/1/1990. Any person convicted of violating the provisions of Section63-7-301shall be fined not more than Twenty-five Dollars (\$25.00) for each offense.Laws, 1983, ch. 400, § 5; Laws, 1990, ch. 358, § 1, eff. 7/1/1990. Any person convicted of violating the provisions of Section63-7-301shall be fined not more than Twenty-five Dollars (\$25.00) for each offense. Laws, 1983, ch. 400, § 5; Laws, 1990, ch. 358, § 1, eff. 7/1/1990.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)CHILD PASSENGER RESTRAINT DEVICES (§§ 63-7-301 — 63-7-313)Section 63-7-311 - Notice of requirement for devices

The state tax commission shall provide notice of the requirement for child restraint devices or systems, which notice shall accompany the delivery of a motor vehicle license tag.Laws, 1983, ch. 400, § 6, eff. 7/1/1983. The state tax commission shall provide notice of the requirement for child restraint devices or systems, which notice shall accompany the delivery of a motor vehicle license tag.Laws, 1983, ch. 400, § 6, eff. 7/1/1983. The state tax commission shall provide notice of the requirement for child restraint devices or systems, which notice shall accompany the delivery of a motor vehicle license tag.Laws, 1983, ch. 400, § 6, eff. 7/1/1983. The state tax commission shall provide notice of the requirement for child restraint devices or systems, which notice shall accompany the delivery of a motor vehicle license tag. Laws, 1983, ch. 400, § 6, eff. 7/1/1983.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)GENERAL PROVISIONS (§§ 63-7-1

— 63-7-107)Section 63-7-1 - Short title

This chapter may be cited as the Uniform Highway Traffic Regulation Law - Equipment and Identification Regulations.Codes, 1942, § 8126; Laws, 1938, ch. 200. This chapter may be cited as the Uniform Highway Traffic Regulation Law - Equipment and Identification Regulations.Codes, 1942, § 8126; Laws, 1938, ch. 200. This chapter may be cited as the Uniform Highway Traffic Regulation Law - Equipment and Identification Regulations.Codes, 1942, § 8126; Laws, 1938, ch. 200. This chapter may be cited as the Uniform Highway Traffic Regulation Law - Equipment and Identification Regulations. Codes, 1942, § 8126; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107)Section 63-7-101 - Slow-moving vehicle safety emblem; enforcement of provisions

Sections63-7-91through63-7-101are hereby made a part of the Uniform Highway Traffic Regulation Law as amended, and their enforcement shall be as provided by said law.Laws, 1975, ch. 346, § 6, eff. 7/1/1975. Sections63-7-91through63-7-101are hereby made a part of the Uniform Highway Traffic Regulation Law as amended, and their enforcement shall be as provided by said law.Laws, 1975, ch. 346, § 6, eff. 7/1/1975. Sections63-7-91through63-7-101are hereby made a part of the Uniform Highway Traffic Regulation Law as amended, and their enforcement shall be as provided by said law.Laws, 1975, ch. 346, § 6, eff. 7/1/1975. Sections63-7-91through63-7-101are hereby made a part of the Uniform Highway Traffic Regulation Law as amended, and their enforcement shall be as provided by said law. Laws, 1975, ch. 346, § 6, eff. 7/1/1975.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107)Section 63-7-103 - Trooper Steve Hood Act: The Nitrous Oxide Prohibition Act; use of nitrous oxide in motor vehicle or motorcycle driven on streets or highways prohibited; penalties

(1)This section shall be known and may be cited as the "Trooper Steve Hood Act: The Nitrous Oxide Prohibition Act."(2)For the purposes of this section:(a)"Motor vehicle" has the meaning ascribed in Section27-19-3; however, the term "motor vehicle" does not include any vehicle with a gross vehicle or combination weight greater than ten thousand (10,000) pounds.(b)"Motorcycle" has the meaning ascribed in Section27-19-3.(c)"Nitrous oxide" means a gas or liquid form of nitrous oxide that is used to increase the speed or performance of a motor vehicle or motorcycle.(d)"Street" or "highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.(3)(a)(i)A person shall not operate on a street or highway a motor vehicle or motorcycle that is equipped to supply the engine with nitrous oxide unless the nitrous oxide supply system is made inoperative by means of disconnecting the nitrous oxide feed line from the engine or removing the nitrous oxide canister from the motor vehicle or motorcycle.(ii)No fine or imprisonment shall be imposed against the operator for a violation of this section, unless at the time the operator was charged with a violation of this section he also was charged with some other offense under Title 63, Mississippi Code of 1972, and he is convicted of both offenses.(b)A person convicted for the first offense of violating this subsection shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00), imprisoned for not more than forty-eight (48) hours, or both.(c)For a second conviction of any person violating this subsection, the offenses being committed within a period of five (5) years, the person shall be fined not less than Six Hundred Dollars (\$600.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00), shall be imprisoned not less than five (5) days nor more than one (1) year, and shall be sentenced to community service work for not less than ten (10) days nor more than one (1) year.(d)(i)For a third or subsequent conviction of any person violating this subsection, the offenses being committed within a period of five (5) years, the person shall be guilty of a felony and fined not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00), and shall serve not less than one (1) year nor more than five (5) years in the custody of the Department of Corrections; however, for any such offense that does not result in serious injury or death to any person, the sentence of incarceration may be served in the county jail at the discretion of the circuit court judge.(ii)After a conviction under this subsection and upon receipt of the court abstract, the Commissioner of Public Safety shall suspend the driver's license and driving privileges of the person for not less than five (5) years.(iii)After a conviction under this subsection, the law enforcement agency shall seize the vehicle owned by any person convicted of a third or subsequent violation of this subsection, if the convicted person was driving the vehicle at the time the offense was committed. The vehicle may be forfeited in the manner provided by Sections 63-11-49 through 63-11-53.Laws, 2010, ch. 457, § 1, eff. 7/1/2010. (1)This section shall be known and may be cited as the "Trooper Steve Hood Act: The Nitrous Oxide Prohibition Act."(2)For the purposes of this section:(a)"Motor vehicle" has the meaning ascribed in Section27-19-3; however, the term "motor vehicle" does not include any vehicle with a gross vehicle or combination weight greater than ten thousand (10,000) pounds.(b)"Motorcycle" has the meaning ascribed in Section27-19-3.(c)"Nitrous oxide" means a gas or liquid form of nitrous oxide that is used to increase the speed or performance of a motor vehicle or motorcycle.(d)"Street" or "highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.(3)(a)(i)A person shall not operate on a street or highway a motor vehicle or motorcycle that is equipped to supply the engine with nitrous oxide unless the nitrous oxide supply system is made inoperative by means of disconnecting the nitrous oxide feed line from the engine or removing the nitrous oxide canister from the motor vehicle or motorcycle.(ii)No fine or imprisonment shall be

imposed against the operator for a violation of this section, unless at the time the operator was charged with a violation of this section he also was charged with some other offense under Title 63, Mississippi Code of 1972, and he is convicted of both offenses.(b)A person convicted for the first offense of violating this subsection shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00), imprisoned for not more than forty-eight (48) hours, or both.(c)For a second conviction of any person violating this subsection, the offenses being committed within a period of five (5) years, the person shall be fined not less than Six Hundred Dollars (\$600.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00), shall be imprisoned not less than five (5) days nor more than one (1) year, and shall be sentenced to community service work for not less than ten (10) days nor more than one (1) year.(d)(i)For a third or subsequent conviction of any person violating this subsection, the offenses being committed within a period of five (5) years, the person shall be guilty of a felony and fined not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00), and shall serve not less than one (1) year nor more than five (5) years in the custody of the Department of Corrections; however, for any such offense that does not result in serious injury or death to any person, the sentence of incarceration may be served in the county jail at the discretion of the circuit court judge.(ii)After a conviction under this subsection and upon receipt of the court abstract, the Commissioner of Public Safety shall suspend the driver's license and driving privileges of the person for not less than five (5) years.(iii)After a conviction under this subsection, the law enforcement agency shall seize the vehicle owned by any person convicted of a third or subsequent violation of this subsection, if the convicted person was driving the vehicle at the time the offense was committed. The vehicle may be forfeited in the manner provided by Sections 63-11-49 through 63-11-53.Laws, 2010, ch. 457, § 1, eff. 7/1/2010. (1)This section shall be known and may be cited as the "Trooper Steve Hood Act: The Nitrous Oxide Prohibition Act."(2)For the purposes of this section:(a)"Motor vehicle" has the meaning ascribed in Section27-19-3; however, the term "motor vehicle" does not include any vehicle with a gross vehicle or combination weight greater than ten thousand (10,000) pounds.(b)"Motorcycle" has the meaning ascribed in Section27-19-3.(c)"Nitrous oxide" means a gas or liquid form of nitrous oxide that is used to increase the speed or performance of a motor vehicle or motorcycle.(d)"Street" or "highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.(3)(a)(i)A person shall not operate on a street or highway a motor vehicle or motorcycle that is equipped to supply the engine with nitrous oxide unless the nitrous oxide supply system is made inoperative by means of disconnecting the nitrous oxide feed line from the engine or removing the nitrous oxide canister from the motor vehicle or motorcycle.(ii)No fine or imprisonment shall be imposed against the operator for a violation of this section, unless at the time the operator was charged with a violation of this section he also was charged with some other offense under Title 63, Mississippi Code of 1972, and he is convicted of both offenses.(b)A person convicted for the first offense of violating this subsection shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00), imprisoned for not more than forty-eight (48) hours, or both.(c)For a second conviction of any person violating this subsection, the offenses being committed within a period of five (5) years, the person shall be fined not less than Six Hundred Dollars (\$600.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00), shall be imprisoned not less than five (5) days nor more than one (1) year, and shall be sentenced to community service work for not less than ten (10) days nor more than one (1) year.(d)(i)For a third or subsequent conviction of any person violating this subsection, the offenses being committed within a period of five (5) years, the person shall be guilty of a felony and fined not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00), and shall serve not less than one (1) year nor more than five (5) years in the custody of the Department of Corrections; however, for any such offense that does not result in serious injury or death to any person, the sentence of incarceration may be served in the county jail at the discretion of the circuit court judge.(ii)After a conviction under this subsection and upon receipt of the court abstract, the Commissioner of Public Safety shall suspend the driver's license and driving privileges of the person for not less than five (5) years.(iii)After a conviction under this subsection, the law enforcement agency shall seize the vehicle owned by any person convicted of a third or subsequent violation of this subsection, if the convicted person was driving the vehicle at the time the offense was committed. The vehicle may be forfeited in the manner provided by Sections 63-11-49 through 63-11-53.Laws, 2010, ch. 457, § 1, eff. 7/1/2010. Laws, 2010, ch. 457, § 1, eff. 7/1/2010.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107)Section 63-7-105 - [Height of fender - Violations - Penalties]

(1)For purposes of this section:(a)The height of the fender shall be a vertical measurement from, and perpendicular to, the ground, through the centerline of the wheel, and to the bottom of the fender.(b)"Fender" means the pressed and formed part mounted over the road wheels of a motor vehicle to reduce the splashing of mud, water or similar substances.(c)"Squatted vehicles" means vehicles whose front fenders have been raised four (4) or more inches greater than the rear fenders. The described modification makes a vehicle appear as if it is "squatting" on its back tires.(2)(a)It shall be unlawful for any person to drive a passenger motor vehicle on the streets or highways of this state if, by alteration of the suspension, frame or chassis, the height of the front fender is raised four (4) or more inches greater than the height of the rear fender.(b)Motor vehicles equipped with high clearance fenders to allow for increased front suspension articulation shall be exempt from the provision of paragraph (a) of this subsection.(3)A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction:(a)For a first offense, shall be fined One Hundred Dollars (\$100.00);(b)For a second offense, shall be fined Two Hundred Dollars (\$200.00); and(c)For a third or subsequent offense, shall be fined Three Hundred Dollars (\$300.00) and have his or her license suspended by the Commission of

Public Safety for a period of twelve (12) months from the date of conviction.(4)Only offenses which occur within five (5) years of each other, including and immediately preceding the date of the last offense, shall constitute a prior offense within the meaning of this subsection.(5)The penalties for this section shall take effect one hundred eighty (180) days after the effective date. For a period of one hundred eighty (180) days after the effective date, state and local law enforcement officers shall only issue warning tickets for a violation of the provisions of this section. From and after January 27, 2025, state and local law enforcement officers shall issue tickets that assess penalties, as outlined in subsection (3) of this section, to drivers of squatted vehicles.Added by Laws, 2024, ch. 438, HB 349,§ 1, eff. 7/1/2024. (1)For purposes of this section:(a)The height of the fender shall be a vertical measurement from, and perpendicular to, the ground, through the centerline of the wheel, and to the bottom of the fender.(b)"Fender" means the pressed and formed part mounted over the road wheels of a motor vehicle to reduce the splashing of mud, water or similar substances.(c)"Squatted vehicles" means vehicles whose front fenders have been raised four (4) or more inches greater than the rear fenders. The described modification makes a vehicle appear as if it is "squatting" on its back tires.(2)(a)It shall be unlawful for any person to drive a passenger motor vehicle on the streets or highways of this state if, by alteration of the suspension, frame or chassis, the height of the front fender is raised four (4) or more inches greater than the height of the rear fender.(b)Motor vehicles equipped with high clearance fenders to allow for increased front suspension articulation shall be exempt from the provision of paragraph (a) of this subsection.(3)A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction:(a)For a first offense, shall be fined One Hundred Dollars (\$100.00);(b)For a second offense, shall be fined Two Hundred Dollars (\$200.00); and(c)For a third or subsequent offense, shall be fined Three Hundred Dollars (\$300.00) and have his or her license suspended by the Commission of Public Safety for a period of twelve (12) months from the date of conviction.(4)Only offenses which occur within five (5) years of each other, including and immediately preceding the date of the last offense, shall constitute a prior offense within the meaning of this subsection.(5)The penalties for this section shall take effect one hundred eighty (180) days after the effective date. For a period of one hundred eighty (180) days after the effective date, state and local law enforcement officers shall only issue warning tickets for a violation of the provisions of this section. From and after January 27, 2025, state and local law enforcement officers shall issue tickets that assess penalties, as outlined in subsection (3) of this section, to drivers of squatted vehicles.Added by Laws, 2024, ch. 438, HB 349,§ 1, eff. 7/1/2024. (1)For purposes of this section:(a)The height of the fender shall be a vertical measurement from, and perpendicular to, the ground, through the centerline of the wheel, and to the bottom of the fender.(b)"Fender" means the pressed and formed part mounted over the road wheels of a motor vehicle to reduce the splashing of mud, water or similar substances.(c)"Squatted vehicles" means vehicles whose front fenders have been raised four (4) or more inches greater than the rear fenders. The described modification makes a vehicle appear as if it is "squatting" on its back tires.(2)(a)It shall be unlawful for any person to drive a passenger motor vehicle on the streets or highways of this state if, by alteration of the suspension, frame or chassis, the height of the front fender is raised four (4) or more inches greater than the height of the rear fender.(b)Motor vehicles equipped with high clearance fenders to allow for increased front suspension articulation shall be exempt from the provision of paragraph (a) of this subsection.(3)A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction:(a)For a first offense, shall be fined One Hundred Dollars (\$100.00);(b)For a second offense, shall be fined Two Hundred Dollars (\$200.00); and(c)For a third or subsequent offense, shall be fined Three Hundred Dollars (\$300.00) and have his or her license suspended by the Commission of Public Safety for a period of twelve (12) months from the date of conviction.(4)Only offenses which occur within five (5) years of each other, including and immediately preceding the date of the last offense, shall constitute a prior offense within the meaning of this subsection.(5)The penalties for this section shall take effect one hundred eighty (180) days after the effective date. For a period of one hundred eighty (180) days after the effective date, state and local law enforcement officers shall only issue warning tickets for a violation of the provisions of this section. From and after January 27, 2025, state and local law enforcement officers shall issue tickets that assess penalties, as outlined in subsection (3) of this section, to drivers of squatted vehicles.Added by Laws, 2024, ch. 438, HB 349,§ 1, eff. 7/1/2024. Added by Laws, 2024, ch. 438, HB 349,§ 1, eff. 7/1/2024.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107)Section 63-7-107 - [Disposition of fines]

(1)The fines assessed and collected as a result of violating the provisions of Section63-7-105shall be deposited into the State General Fund and used in their entirety to aid in funding Secondary School Driver Education and Training Programs, as established by Senate Bill No. 2695, 2024 Regular Session.(2)Section63-7-107, Mississippi Code of 1972, shall go into effect from and after the passage date, if any, of Senate Bill No. 2695, 2024 Regular Session.Added by Laws, 2024, ch. 438, HB 349,§ 2, eff. 7/1/2024. (1)The fines assessed and collected as a result of violating the provisions of Section63-7-105shall be deposited into the State General Fund and used in their entirety to aid in funding Secondary School Driver Education and Training Programs, as established by Senate Bill No. 2695, 2024 Regular Session.(2)Section63-7-107, Mississippi Code of 1972, shall go into effect from and after the passage date, if any, of Senate Bill No. 2695, 2024 Regular Session.Added by Laws, 2024, ch. 438, HB 349,§ 2, eff. 7/1/2024. (1)The fines assessed and collected as a result of violating the provisions of Section63-7-105shall be deposited into the State General Fund and used in their entirety to aid in funding Secondary School Driver Education and Training Programs, as established by Senate Bill No. 2695, 2024 Regular Session.(2)Section63-7-107, Mississippi Code of 1972, shall go into effect from and after the passage date, if any, of Senate Bill No. 2695, 2024 Regular Session.Added by Laws, 2024, ch. 438, HB 349,§ 2, eff. 7/1/2024. Added by Laws, 2024, ch. 438, HB 349,§ 2, eff. 7/1/2024.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-11 - Requirements as to use of lights

Every vehicle upon a highway within this state during the period from sunset to sunrise and at any other time when there is not sufficient light to render clearly discernible any person on the highway at a distance of five hundred feet ahead shall be equipped with lighted front and rear lamps as respectively required in Section 63-7-13 for different classes of vehicles and subject to exemption with reference to lights on parked vehicles as hereinafter stated in this chapter. Codes, 1942, § 8229-01; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 9; Laws, 1956, ch. 381; Laws, 1968, ch. 543, § 1, eff. 5/15/1968. Every vehicle upon a highway within this state during the period from sunset to sunrise and at any other time when there is not sufficient light to render clearly discernible any person on the highway at a distance of five hundred feet ahead shall be equipped with lighted front and rear lamps as respectively required in Section 63-7-13 for different classes of vehicles and subject to exemption with reference to lights on parked vehicles as hereinafter stated in this chapter. Codes, 1942, § 8229-01; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 9; Laws, 1956, ch. 381; Laws, 1968, ch. 543, § 1, eff. 5/15/1968. Every vehicle upon a highway within this state during the period from sunset to sunrise and at any other time when there is not sufficient light to render clearly discernible any person on the highway at a distance of five hundred feet ahead shall be equipped with lighted front and rear lamps as respectively required in Section 63-7-13 for different classes of vehicles and subject to exemption with reference to lights on parked vehicles as hereinafter stated in this chapter. Codes, 1942, § 8229-01; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 9; Laws, 1956, ch. 381; Laws, 1968, ch. 543, § 1, eff. 5/15/1968.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-13 - Requirements as to lighting equipment

(1) Head lamps on motor vehicles. Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two (2) head lamps with at least one (1) on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in Section 63-7-31. (2) Head lamps on motorcycles. Every motorcycle shall be equipped with at least one (1) and not more than two (2) head lamps which shall comply with the requirements and limitations set forth in Section 63-7-31. (3) Rear lamps. Every motor vehicle, trailer, semitrailer, pole trailer and any other vehicle which is being drawn in a train of vehicles shall be equipped with at least one (1) rear lamp mounted on the rear, which, when lighted, shall emit a red light plainly visible from a distance of five hundred (500) feet to the rear. However, any antique automobile, as defined under Section 27-19-47, and any street rod, as defined under Section 27-19-56.6, may be equipped with one or more rear lamps that have been modified to emit a blue, violet or purple light resembling rear lamps appearing on some American automobiles originally manufactured in the 1940s and 1950s. Either a rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly readable from a distance of fifty (50) feet to the rear. Any rear lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps, cowl lamps or fender lamps are lighted. (4) Lamps on bicycles. Every bicycle shall be equipped with a lighted white lamp on the front thereof visible under normal atmospheric conditions from a distance of at least five hundred (500) feet in front of such bicycle and shall also be equipped with a reflex mirror reflector or lamp on the rear exhibiting a red light visible under like conditions from a distance of at least five hundred (500) feet to the rear of such bicycle. (5) Lights on other vehicles. All vehicles not required in this chapter to be equipped with special lighted lamps shall carry one or more lights, lamps or lanterns displaying a white light, visible under normal atmospheric conditions from a distance of not less than five hundred (500) feet to the front of such vehicle and shall display a reflex reflector or red light visible under like conditions from a distance of not less than three hundred (300) feet to the rear of such vehicle. Codes, 1942, § 8229-01; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 9; Laws, 1956, ch. 381; Laws, 1968, ch. 543, § 1; Laws, 2006, ch. 402, § 1, eff. 7/1/2006. (1) Head lamps on motor vehicles. Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two (2) head lamps with at least one (1) on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in Section 63-7-31. (2) Head lamps on motorcycles. Every motorcycle shall be equipped with at least one (1) and not more than two (2) head lamps which shall comply with the requirements and limitations set forth in Section 63-7-31. (3) Rear lamps. Every motor vehicle, trailer, semitrailer, pole trailer and any other vehicle which is being drawn in a train of vehicles shall be equipped with at least one (1) rear lamp mounted on the rear, which, when lighted, shall emit a red light plainly visible from a distance of five hundred (500) feet to the rear. However, any antique automobile, as defined under Section 27-19-47, and any street rod, as defined under Section 27-19-56.6, may be equipped with one or more rear lamps that have been modified to emit a blue, violet or purple light resembling rear lamps appearing on some American automobiles originally manufactured in the 1940s and 1950s. Either a rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly readable from a distance of fifty (50) feet to the rear. Any rear lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so

wired as to be lighted whenever the head lamps, cowl lamps or fender lamps are lighted.(4)Lamps on bicycles.Every bicycle shall be equipped with a lighted white lamp on the front thereof visible under normal atmospheric conditions from a distance of at least five hundred (500) feet in front of such bicycle and shall also be equipped with a reflex mirror reflector or lamp on the rear exhibiting a red light visible under like conditions from a distance of at least five hundred (500) feet to the rear of such bicycle.(5)Lights on other vehicles.All vehicles not required in this chapter to be equipped with special lighted lamps shall carry one or more lights, lamps or lanterns displaying a white light, visible under normal atmospheric conditions from a distance of not less than five hundred (500) feet to the front of such vehicle and shall display a reflex reflector or red light visible under like conditions from a distance of not less than three hundred (300) feet to the rear of such vehicle.Codes, 1942, § 8229-01; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 9; Laws, 1956, ch. 381; Laws, 1968, ch. 543, § 1; Laws, 2006, ch. 402, § 1, eff. 7/1/2006. (1)Head lamps on motor vehicles.Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two (2) head lamps with at least one (1) on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in Section63-7-31.(2)Head lamps on motorcycles.Every motorcycle shall be equipped with at least one (1) and not more than two (2) head lamps which shall comply with the requirements and limitations set forth in Section63-7-31.(3)Rear lamps.Every motor vehicle, trailer, semitrailer, pole trailer and any other vehicle which is being drawn in a train of vehicles shall be equipped with at least one (1) rear lamp mounted on the rear, which, when lighted, shall emit a red light plainly visible from a distance of five hundred (500) feet to the rear. However, any antique automobile, as defined under Section27-19-47, and any street rod, as defined under Section27-19-56.6, may be equipped with one or more rear lamps that have been modified to emit a blue, violet or purple light resembling rear lamps appearing on some American automobiles originally manufactured in the 1940s and 1950s.Either a rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly readable from a distance of fifty (50) feet to the rear. Any rear lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps, cowl lamps or fender lamps are lighted.(4)Lamps on bicycles.Every bicycle shall be equipped with a lighted white lamp on the front thereof visible under normal atmospheric conditions from a distance of at least five hundred (500) feet in front of such bicycle and shall also be equipped with a reflex mirror reflector or lamp on the rear exhibiting a red light visible under like conditions from a distance of at least five hundred (500) feet to the rear of such bicycle.(5)Lights on other vehicles.All vehicles not required in this chapter to be equipped with special lighted lamps shall carry one or more lights, lamps or lanterns displaying a white light, visible under normal atmospheric conditions from a distance of not less than five hundred (500) feet to the front of such vehicle and shall display a reflex reflector or red light visible under like conditions from a distance of not less than three hundred (300) feet to the rear of such vehicle.Codes, 1942, § 8229-01; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 9; Laws, 1956, ch. 381; Laws, 1968, ch. 543, § 1; Laws, 2006, ch. 402, § 1, eff. 7/1/2006. Either a rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly readable from a distance of fifty (50) feet to the rear. Any rear lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps, cowl lamps or fender lamps are lighted. Codes, 1942, § 8229-01; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 9; Laws, 1956, ch. 381; Laws, 1968, ch. 543, § 1; Laws, 2006, ch. 402, § 1, eff. 7/1/2006.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107)Section 63-7-15 - Additional lighting requirements for certain vehicles

(1)Every bus or truck.On every bus or truck, whatever its size, there shall be at least the following lighting devices and reflectors: On the front, two head lamps, one at each side. On the rear, one red tail lamp; one red or amber stop light; two red reflectors, one at each side.(2)Every bus or truck eighty inches or more in width.On every bus or truck eighty inches or more in overall width there shall be at least the following lighting devices and reflectors: On the front, two head lamps, one at each side; two amber clearance lamps, one at each side. On the rear, one red tail lamp; one red or amber stop light; two red clearance lamps, one at each side; two red reflectors, one at each side. On each side, one amber side-marked lamp, located at or near the front; one red side-marker lamp, located at or near the rear; one amber reflector, located at or near the front; one red reflector, located at or near the rear.(3)Every truck tractor.On every truck tractor there shall be at least the following lighting devices and reflectors. On the front, two head lamps, one at each side; two amber clearance lamps, one at each side. On the rear, one red tail lamp; one red or amber stop light.(4)Every semi-trailer or trailer in excess of three thousand (3,000) pounds gross weight.On every semi-trailer or full trailer having a gross weight in excess of three thousand (3,000) pounds, there shall be at least the following lighting devices and reflectors: On the front, two amber clearance lamps, one at each side. On the rear, one red tail lamp; one red or amber stop light; two red clearance lamps, one at each side; two red reflectors, one at each side. On each side, one amber side-marker lamp, located at or near the front; one red side-marker lamp, located at or near the rear; one amber reflector, located at or near the front; one red reflector, located at or near the rear.(5)Every semi-trailer or trailer weighing three thousand (3,000) pounds gross or less.On every semi-trailer or full trailer having a gross weight of three thousand (3,000) pounds or less, there shall be at least the following lighting devices and reflectors: On the front, no requirement. On the rear, one red tail lamp; two red reflectors, one at each side; one red or amber stop light if the semi-trailer or full trailer obscures the stop light on the towing vehicle.(6)Every pole-trailer.On every pole-trailer there shall be at least the following lighting devices and reflectors: On the front, no requirement. On the rear, one red tail lamp; two red reflectors, one at each side, placed to indicate extreme width of the pole-trailer or its load, whichever is wider. (A red lantern or flag on the end of a projecting load shall be required as provided in Section63-7-47.) On each side, on the rearmost support for the load, one

combination marker lamp showing amber to the front and red to the side and rear, mounted to indicate maximum width of the pole-trailer or load; one red reflector, located at or near the rear. Codes, 1942, § 8229-02; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 10. (1) Every bus or truck. On every bus or truck, whatever its size, there shall be at least the following lighting devices and reflectors: On the front, two head lamps, one at each side. On the rear, one red tail lamp; one red or amber stop light; two red reflectors, one at each side. (2) Every bus or truck eighty inches or more in width. On every bus or truck eighty inches or more in overall width there shall be at least the following lighting devices and reflectors: On the front, two head lamps, one at each side; two amber clearance lamps, one at each side. On the rear, one red tail lamp; one red or amber stop light; two red clearance lamps, one at each side; two red reflectors, one at each side. On each side, one amber side-marked lamp, located at or near the front; one red side-marker lamp, located at or near the rear; one amber reflector, located at or near the front; one red reflector, located at or near the rear. (3) Every truck tractor. On every truck tractor there shall be at least the following lighting devices and reflectors. On the front, two head lamps, one at each side; two amber clearance lamps, one at each side. On the rear, one red tail lamp; one red or amber stop light. (4) Every semi-trailer or trailer in excess of three thousand (3,000) pounds gross weight. On every semi-trailer or full trailer having a gross weight in excess of three thousand (3,000) pounds, there shall be at least the following lighting devices and reflectors: On the front, two amber clearance lamps, one at each side. On the rear, one red tail lamp; one red or amber stop light; two red clearance lamps, one at each side; two red reflectors, one at each side. On each side, one amber side-marker lamp, located at or near the front; one red side-marker lamp, located at or near the rear; one amber reflector, located at or near the front; one red reflector, located at or near the rear. (5) Every semi-trailer or trailer weighing three thousand (3,000) pounds gross or less. On every semi-trailer or full trailer having a gross weight of three thousand (3,000) pounds or less, there shall be at least the following lighting devices and reflectors: On the front, no requirement. On the rear, one red tail lamp; two red reflectors, one at each side; one red or amber stop light if the semi-trailer or full trailer obscures the stop light on the towing vehicle. (6) Every pole-trailer. On every pole-trailer there shall be at least the following lighting devices and reflectors: On the front, no requirement. On the rear, one red tail lamp; two red reflectors, one at each side, placed to indicate extreme width of the pole-trailer or its load, whichever is wider. (A red lantern or flag on the end of a projecting load shall be required as provided in Section 63-7-47.) On each side, on the rearmost support for the load, one combination marker lamp showing amber to the front and red to the side and rear, mounted to indicate maximum width of the pole-trailer or load; one red reflector, located at or near the rear. Codes, 1942, § 8229-02; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 10. (1) Every bus or truck. On every bus or truck, whatever its size, there shall be at least the following lighting devices and reflectors: On the front, two head lamps, one at each side. On the rear, one red tail lamp; one red or amber stop light; two red reflectors, one at each side. (2) Every bus or truck eighty inches or more in width. On every bus or truck eighty inches or more in overall width there shall be at least the following lighting devices and reflectors: On the front, two head lamps, one at each side; two amber clearance lamps, one at each side. On the rear, one red tail lamp; one red or amber stop light; two red clearance lamps, one at each side; two red reflectors, one at each side. On each side, one amber side-marked lamp, located at or near the front; one red side-marker lamp, located at or near the rear; one amber reflector, located at or near the front; one red reflector, located at or near the rear. (3) Every truck tractor. On every truck tractor there shall be at least the following lighting devices and reflectors. On the front, two head lamps, one at each side; two amber clearance lamps, one at each side. On the rear, one red tail lamp; one red or amber stop light. (4) Every semi-trailer or trailer in excess of three thousand (3,000) pounds gross weight. On every semi-trailer or full trailer having a gross weight in excess of three thousand (3,000) pounds, there shall be at least the following lighting devices and reflectors: On the front, two amber clearance lamps, one at each side. On the rear, one red tail lamp; one red or amber stop light; two red clearance lamps, one at each side; two red reflectors, one at each side. On each side, one amber side-marker lamp, located at or near the front; one red side-marker lamp, located at or near the rear; one amber reflector, located at or near the front; one red reflector, located at or near the rear. (5) Every semi-trailer or trailer weighing three thousand (3,000) pounds gross or less. On every semi-trailer or full trailer having a gross weight of three thousand (3,000) pounds or less, there shall be at least the following lighting devices and reflectors: On the front, no requirement. On the rear, one red tail lamp; two red reflectors, one at each side; one red or amber stop light if the semi-trailer or full trailer obscures the stop light on the towing vehicle. (6) Every pole-trailer. On every pole-trailer there shall be at least the following lighting devices and reflectors: On the front, no requirement. On the rear, one red tail lamp; two red reflectors, one at each side, placed to indicate extreme width of the pole-trailer or its load, whichever is wider. (A red lantern or flag on the end of a projecting load shall be required as provided in Section 63-7-47.) On each side, on the rearmost support for the load, one combination marker lamp showing amber to the front and red to the side and rear, mounted to indicate maximum width of the pole-trailer or load; one red reflector, located at or near the rear. Codes, 1942, § 8229-02; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 10. Codes, 1942, § 8229-02; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 10.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-17 - Use of spot lamps, auxiliary driving lamps, and signal lamps

(1) Spot lamps. Any motor vehicle or motorcycle may be equipped with not to exceed one (1) spot lamp. Every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the beam will be directed into the eyes of the approaching driver. Spot lamps may not emit other than either a white or amber light. (2) Auxiliary driving lamps. Any motor vehicle may be equipped with not to exceed two (2) auxiliary driving lamps mounted on the front at a height not less than twelve (12) nor more than forty-two (42) inches above the level surface of which the vehicle stands. Every such auxiliary driving lamp or lamps shall meet the requirements and limitations set forth in subsection (3) of this section. (3) Signal lamps. Whenever a motor vehicle is

equipped with a signal lamp to comply with the provisions of Section 63-3-709, the signal lamp shall be so constructed and located on the vehicle as to give a signal which shall be plainly visible in normal sunlight from a distance of one hundred (100) feet to the rear of the vehicle but shall not project a glaring or dazzling light. Codes, 1942, § 8229-10; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 18; Laws, 1978, ch. 470, § 1, eff. 7/1/1978. (1) Spot lamps. Any motor vehicle or motorcycle may be equipped with not to exceed one (1) spot lamp. Every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the beam will be directed into the eyes of the approaching driver. Spot lamps may not emit other than either a white or amber light. (2) Auxiliary driving lamps. Any motor vehicle may be equipped with not to exceed two (2) auxiliary driving lamps mounted on the front at a height not less than twelve (12) nor more than forty-two (42) inches above the level surface of which the vehicle stands. Every such auxiliary driving lamp or lamps shall meet the requirements and limitations set forth in subsection (3) of this section. (3) Signal lamps. Whenever a motor vehicle is equipped with a signal lamp to comply with the provisions of Section 63-3-709, the signal lamp shall be so constructed and located on the vehicle as to give a signal which shall be plainly visible in normal sunlight from a distance of one hundred (100) feet to the rear of the vehicle but shall not project a glaring or dazzling light. Codes, 1942, § 8229-10; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 18; Laws, 1978, ch. 470, § 1, eff. 7/1/1978. (1) Spot lamps. Any motor vehicle or motorcycle may be equipped with not to exceed one (1) spot lamp. Every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the beam will be directed into the eyes of the approaching driver. Spot lamps may not emit other than either a white or amber light. (2) Auxiliary driving lamps. Any motor vehicle may be equipped with not to exceed two (2) auxiliary driving lamps mounted on the front at a height not less than twelve (12) nor more than forty-two (42) inches above the level surface of which the vehicle stands. Every such auxiliary driving lamp or lamps shall meet the requirements and limitations set forth in subsection (3) of this section. (3) Signal lamps. Whenever a motor vehicle is equipped with a signal lamp to comply with the provisions of Section 63-3-709, the signal lamp shall be so constructed and located on the vehicle as to give a signal which shall be plainly visible in normal sunlight from a distance of one hundred (100) feet to the rear of the vehicle but shall not project a glaring or dazzling light. Codes, 1942, § 8229-10; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 18; Laws, 1978, ch. 470, § 1, eff. 7/1/1978. Codes, 1942, § 8229-10; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 18; Laws, 1978, ch. 470, § 1, eff. 7/1/1978.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-19 - Lights on police and emergency vehicles; lights on rural mail carrier vehicles; lights on sanitation vehicles; lights on military funeral procession escort vehicles; when lights authorized by this section must be used

(1)(a) Except as otherwise provided for unmarked vehicles under Section 19-25-15 and Section 25-1-87, every police vehicle shall be marked with blue lights. Every ambulance and special use EMS vehicle as defined in Section 41-59-3 shall be marked with red lights front and back and also may be marked with white and amber lights in addition to red lights. Every emergency management/civil defense vehicle, including emergency response vehicles of the Department of Environmental Quality, shall be marked with blinking, rotating or oscillating red lights. Official vehicles of a 911 Emergency Communications District may be marked with red and white lights. Every wrecker or other vehicle used for emergency work, except vehicles authorized to use blue or red lights, shall be marked with blinking, oscillating or rotating amber-colored lights to warn other vehicles to yield the right-of-way, as provided in Section 63-3-809. Only police vehicles used for emergency work may be marked with blinking, oscillating or rotating blue lights to warn other vehicles to yield the right-of-way. Only law enforcement vehicles, fire vehicles, private or department-owned vehicles used by firemen of volunteer fire departments which receive funds pursuant to Section 83-1-39 when responding to calls, emergency management/civil defense vehicles, emergency response vehicles of the Department of Environmental Quality, ambulances used for emergency work, and 911 Emergency Communications District vehicles may be marked with blinking, oscillating or rotating red lights to warn other vehicles to yield the right-of-way. This section shall not apply to school buses carrying lighting devices in accordance with Section 63-7-23. (b) Emergency response vehicles listed in this subsection (1) are also authorized to use alternating flashing headlights when responding to any emergency. (2) Any vehicle operated by a United States rural mail carrier for the purpose of delivering United States mail may be marked with two (2) amber-colored lights on front top of the vehicle and two (2) red-colored lights on rear top of the vehicle and alternatively or additionally may be marked with a white, flashing strobe light on the roof of the vehicle so as to warn approaching travelers to decrease their speed because of danger of colliding with the mail carrier as he stops and starts along the edge of the road, street or highway. (3) Any sanitation vehicle operated by a county, municipality or other political subdivision of this state or by a contractor under contract with a county, municipality or other political subdivision of this state to collect solid waste, refuse or recyclable material may be marked with flashing or oscillating white- or amber-colored lights so as to warn approaching travelers to decrease speed because of the danger of colliding with the sanitation collection vehicle as it stops and starts along the road, street or highway. (4) Any nonlaw enforcement vehicle being used to lead and facilitate the movement of a military funeral procession may be marked with blinking, rotating or oscillating purple lights. "Military funeral procession" means two (2) or more vehicles accompanying the body of a deceased member of the United States Armed Forces, or traveling to the church, chapel or other location at which the funeral service or entombment is to be held. (5) Any operator of an emergency vehicle authorized to be marked with blinking, rotating or oscillating lights in accordance with this section, shall use blinking, rotating or oscillating lights when operating the emergency vehicle at a speed in excess of thirty (30) miles per hour over the posted speed limit. Codes, 1942, § 8229-08; Laws, 1948, ch. 343, § 16; Laws, 1950, ch. 407, § 5; Laws, 1962, ch. 527; Laws, 1964, ch. 455, § 1; Laws, 1970, ch. 484, § 1; Laws, 1979, ch. 398, § 1; Laws, 1987, ch. 333, § 1; Laws, 1994, ch. 517, § 1; Laws, 1995, ch. 581, § 1; Laws, 2004, ch. 425, § 5; Laws, 2006, ch. 468, § 2, eff. 3/23/2006. Amended by Laws, 2018, ch. 451, HB

1202, § 2, eff. 7/1/2018. Amended by Laws, 2016, ch. 461, SB 2032, 1, eff. 7/1/2016. Amended by Laws, 2014, ch. 314, SB 2228, 2, eff. 7/1/2014. (1)(a) Except as otherwise provided for unmarked vehicles under Section 19-25-15 and Section 25-1-87, every police vehicle shall be marked with blue lights. Every ambulance and special use EMS vehicle as defined in Section 41-59-3 shall be marked with red lights front and back and also may be marked with white and amber lights in addition to red lights. Every emergency management/civil defense vehicle, including emergency response vehicles of the Department of Environmental Quality, shall be marked with blinking, rotating or oscillating red lights. Official vehicles of a 911 Emergency Communications District may be marked with red and white lights. Every wrecker or other vehicle used for emergency work, except vehicles authorized to use blue or red lights, shall be marked with blinking, oscillating or rotating amber-colored lights to warn other vehicles to yield the right-of-way, as provided in Section 63-3-809. Only police vehicles used for emergency work may be marked with blinking, oscillating or rotating blue lights to warn other vehicles to yield the right-of-way. Only law enforcement vehicles, fire vehicles, private or department-owned vehicles used by firemen of volunteer fire departments which receive funds pursuant to Section 83-1-39 when responding to calls, emergency management/civil defense vehicles, emergency response vehicles of the Department of Environmental Quality, ambulances used for emergency work, and 911 Emergency Communications District vehicles may be marked with blinking, oscillating or rotating red lights to warn other vehicles to yield the right-of-way. This section shall not apply to school buses carrying lighting devices in accordance with Section 63-7-23. (b) Emergency response vehicles listed in this subsection (1) are also authorized to use alternating flashing headlights when responding to any emergency. (2) Any vehicle operated by a United States rural mail carrier for the purpose of delivering United States mail may be marked with two (2) amber-colored lights on front top of the vehicle and two (2) red-colored lights on rear top of the vehicle and alternatively or additionally may be marked with a white, flashing strobe light on the roof of the vehicle so as to warn approaching travelers to decrease their speed because of danger of colliding with the mail carrier as he stops and starts along the edge of the road, street or highway. (3) Any sanitation vehicle operated by a county, municipality or other political subdivision of this state or by a contractor under contract with a county, municipality or other political subdivision of this state to collect solid waste, refuse or recyclable material may be marked with flashing or oscillating white- or amber-colored lights so as to warn approaching travelers to decrease speed because of the danger of colliding with the sanitation collection vehicle as it stops and starts along the road, street or highway. (4) Any nonlaw enforcement vehicle being used to lead and facilitate the movement of a military funeral procession may be marked with blinking, rotating or oscillating purple lights. "Military funeral procession" means two (2) or more vehicles accompanying the body of a deceased member of the United States Armed Forces, or traveling to the church, chapel or other location at which the funeral service or entombment is to be held. (5) Any operator of an emergency vehicle authorized to be marked with blinking, rotating or oscillating lights in accordance with this section, shall use blinking, rotating or oscillating lights when operating the emergency vehicle at a speed in excess of thirty (30) miles per hour over the posted speed limit. Codes, 1942, § 8229-08; Laws, 1948, ch. 343, § 16; Laws, 1950, ch. 407, § 5; Laws, 1962, ch. 527; Laws, 1964, ch. 455, § 1; Laws, 1970, ch. 484, § 1; Laws, 1979, ch. 398, § 1; Laws, 1987, ch. 333, § 1; Laws, 1994, ch. 517, § 1; Laws, 1995, ch. 581, § 1; Laws, 2004, ch. 425, § 5; Laws, 2006, ch. 468, § 2, eff. 3/23/2006. Amended by Laws, 2018, ch. 451, HB 1202, § 2, eff. 7/1/2018. Amended by Laws, 2016, ch. 461, SB 2032, 1, eff. 7/1/2016. Amended by Laws, 2014, ch. 314, SB 2228, 2, eff. 7/1/2014. (1)(a) Except as otherwise provided for unmarked vehicles under Section 19-25-15 and Section 25-1-87, every police vehicle shall be marked with blue lights. Every ambulance and special use EMS vehicle as defined in Section 41-59-3 shall be marked with red lights front and back and also may be marked with white and amber lights in addition to red lights. Every emergency management/civil defense vehicle, including emergency response vehicles of the Department of Environmental Quality, shall be marked with blinking, rotating or oscillating red lights. Official vehicles of a 911 Emergency Communications District may be marked with red and white lights. Every wrecker or other vehicle used for emergency work, except vehicles authorized to use blue or red lights, shall be marked with blinking, oscillating or rotating amber-colored lights to warn other vehicles to yield the right-of-way, as provided in Section 63-3-809. Only police vehicles used for emergency work may be marked with blinking, oscillating or rotating blue lights to warn other vehicles to yield the right-of-way. Only law enforcement vehicles, fire vehicles, private or department-owned vehicles used by firemen of volunteer fire departments which receive funds pursuant to Section 83-1-39 when responding to calls, emergency management/civil defense vehicles, emergency response vehicles of the Department of Environmental Quality, ambulances used for emergency work, and 911 Emergency Communications District vehicles may be marked with blinking, oscillating or rotating red lights to warn other vehicles to yield the right-of-way. This section shall not apply to school buses carrying lighting devices in accordance with Section 63-7-23. (b) Emergency response vehicles listed in this subsection (1) are also authorized to use alternating flashing headlights when responding to any emergency. (2) Any vehicle operated by a United States rural mail carrier for the purpose of delivering United States mail may be marked with two (2) amber-colored lights on front top of the vehicle and two (2) red-colored lights on rear top of the vehicle and alternatively or additionally may be marked with a white, flashing strobe light on the roof of the vehicle so as to warn approaching travelers to decrease their speed because of danger of colliding with the mail carrier as he stops and starts along the edge of the road, street or highway. (3) Any sanitation vehicle operated by a county, municipality or other political subdivision of this state or by a contractor under contract with a county, municipality or other political subdivision of this state to collect solid waste, refuse or recyclable material may be marked with flashing or oscillating white- or amber-colored lights so as to warn approaching travelers to decrease speed because of the danger of colliding with the sanitation collection vehicle as it stops and starts along the road, street or highway. (4) Any nonlaw enforcement vehicle being used to lead and facilitate the movement of a military funeral procession may be marked with blinking, rotating or oscillating purple lights. "Military funeral procession" means two (2) or more vehicles accompanying the body of a deceased member of the United States Armed Forces, or traveling to

the church, chapel or other location at which the funeral service or entombment is to be held.(5)Any operator of an emergency vehicle authorized to be marked with blinking, rotating or oscillating lights in accordance with this section, shall use blinking, rotating or oscillating lights when operating the emergency vehicle at a speed in excess of thirty (30) miles per hour over the posted speed limit.Codes, 1942, § 8229-08; Laws, 1948, ch. 343, § 16; Laws, 1950, ch. 407, § 5; Laws, 1962, ch. 527; Laws, 1964, ch. 455, § 1; Laws, 1970, ch. 484, § 1; Laws, 1979, ch. 398, § 1; Laws, 1987, ch. 333, § 1; Laws, 1994, ch. 517, § 1; Laws, 1995, ch. 581, § 1; Laws, 2004, ch. 425, § 5; Laws, 2006, ch. 468, § 2, eff. 3/23/2006.Amended by Laws, 2018, ch. 451, HB 1202,§ 2, eff. 7/1/2018.Amended by Laws, 2016, ch. 461, SB 2032, 1, eff. 7/1/2016.Amended by Laws, 2014, ch. 314, SB 2228, 2, eff. 7/1/2014. Codes, 1942, § 8229-08; Laws, 1948, ch. 343, § 16; Laws, 1950, ch. 407, § 5; Laws, 1962, ch. 527; Laws, 1964, ch. 455, § 1; Laws, 1970, ch. 484, § 1; Laws, 1979, ch. 398, § 1; Laws, 1987, ch. 333, § 1; Laws, 1994, ch. 517, § 1; Laws, 1995, ch. 581, § 1; Laws, 2004, ch. 425, § 5; Laws, 2006, ch. 468, § 2, eff. 3/23/2006. Amended by Laws, 2018, ch. 451, HB 1202,§ 2, eff. 7/1/2018. Amended by Laws, 2016, ch. 461, SB 2032, 1, eff. 7/1/2016. Amended by Laws, 2014, ch. 314, SB 2228, 2, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107)Section 63-7-20 - Use of blue and red lights and alternating flashing headlights

(1)It is unlawful for any person, other than a law enforcement officer on duty, to use or display blue lights on a motor vehicle as provided for in Section63-7-19.(2)It is unlawful for any person to use or display red lights on a motor vehicle except as provided for in Section63-7-19. It is not unlawful for the red lights authorized for private or department-owned vehicles used by firemen of volunteer fire departments, as provided in Section63-7-19, to remain mounted on such vehicles when the lights are not in use.(3)It is unlawful for any vehicle to use alternating flashing headlights except an emergency vehicle as provided in Section63-7-19.(4)A person violating this section is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).Codes, 1942, § 8229-08.5; Laws, 1972, ch. 352, § 1; Laws, 1979, ch. 398, § 2; Laws, 1987, ch. 333, § 2; Laws, 1994, ch. 517, § 2; Laws, 1995, ch. 581, § 2; Laws, 1997, ch. 565, § 1, eff. 4/23/1997. (1)It is unlawful for any person, other than a law enforcement officer on duty, to use or display blue lights on a motor vehicle as provided for in Section63-7-19.(2)It is unlawful for any person to use or display red lights on a motor vehicle except as provided for in Section63-7-19. It is not unlawful for the red lights authorized for private or department-owned vehicles used by firemen of volunteer fire departments, as provided in Section63-7-19, to remain mounted on such vehicles when the lights are not in use.(3)It is unlawful for any vehicle to use alternating flashing headlights except an emergency vehicle as provided in Section63-7-19.(4)A person violating this section is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).Codes, 1942, § 8229-08.5; Laws, 1972, ch. 352, § 1; Laws, 1979, ch. 398, § 2; Laws, 1987, ch. 333, § 2; Laws, 1994, ch. 517, § 2; Laws, 1995, ch. 581, § 2; Laws, 1997, ch. 565, § 1, eff. 4/23/1997. (1)It is unlawful for any person, other than a law enforcement officer on duty, to use or display blue lights on a motor vehicle as provided for in Section63-7-19.(2)It is unlawful for any person to use or display red lights on a motor vehicle except as provided for in Section63-7-19. It is not unlawful for the red lights authorized for private or department-owned vehicles used by firemen of volunteer fire departments, as provided in Section63-7-19, to remain mounted on such vehicles when the lights are not in use.(3)It is unlawful for any vehicle to use alternating flashing headlights except an emergency vehicle as provided in Section63-7-19.(4)A person violating this section is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).Codes, 1942, § 8229-08.5; Laws, 1972, ch. 352, § 1; Laws, 1979, ch. 398, § 2; Laws, 1987, ch. 333, § 2; Laws, 1994, ch. 517, § 2; Laws, 1995, ch. 581, § 2; Laws, 1997, ch. 565, § 1, eff. 4/23/1997. Codes, 1942, § 8229-08.5; Laws, 1972, ch. 352, § 1; Laws, 1979, ch. 398, § 2; Laws, 1987, ch. 333, § 2; Laws, 1994, ch. 517, § 2; Laws, 1995, ch. 581, § 2; Laws, 1997, ch. 565, § 1, eff. 4/23/1997.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107)Section 63-7-21 - Mounting of electric lamps, clearance lamps, and side-marker lamps

Where electric lamps are used to meet the requirements of Section63-7-11, they shall be securely and permanently affixed to the permanent structure of the motor vehicle, except for the combination marker lamps on pole-trailers prescribed in subsection (6) of Section63-7-15.Required clearance lamps shall be mounted in such a manner as to indicate the extreme width of the motor vehicle and as near the top thereof as practicable.Side-marker lamps may be in combination with clearance lamps and may use the same light source.Codes, 1942, § 8229-03; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 11. Where electric lamps are used to meet the requirements of Section63-7-11, they shall be securely and permanently affixed to the permanent structure of the motor vehicle, except for the combination marker lamps on pole-trailers prescribed in subsection (6) of Section63-7-15.Required clearance lamps shall be mounted in such a manner as to indicate the extreme width of the motor vehicle and as near the top thereof as practicable.Side-marker lamps may be in combination with clearance lamps and may use the same light source.Codes, 1942, § 8229-03; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 11. Where electric lamps are used to meet the requirements of Section63-7-11, they shall be securely and permanently affixed to the permanent structure of the motor vehicle, except for the combination marker lamps on pole-trailers prescribed in subsection (6) of Section63-7-15.Required clearance lamps shall be mounted in such a manner as to indicate the extreme width of the motor vehicle and as near the top thereof as practicable.Side-marker lamps may be in combination with clearance lamps and may use the same light source.Codes, 1942, §

8229-03; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 11. Where electric lamps are used to meet the requirements of Section 63-7-11, they shall be securely and permanently affixed to the permanent structure of the motor vehicle, except for the combination marker lamps on pole-trailers prescribed in subsection (6) of Section 63-7-15. Required clearance lamps shall be mounted in such a manner as to indicate the extreme width of the motor vehicle and as near the top thereof as practicable. Side-marker lamps may be in combination with clearance lamps and may use the same light source. Codes, 1942, § 8229-03; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 11.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-23 - Color of lighting devices

(1) The color of lighting devices shall be as follows: (a) All front clearance lamps, and all side marker lamps, except the one on each side at or near the rear of any bus, truck, truck tractor, semitrailer, full trailer or pole trailer, shall when lighted display an amber color. (b) No red lighting device of any character shall be mounted at any place other than on or near the rear of any bus, truck, truck tractor, semitrailer, full trailer or pole trailer. However, school buses owned by or under contract with a school district of this state may have affixed at or near the front end thereof red lighting devices that may be caused to blink when the school bus is stopped or in the process of stopping for the purpose of loading or unloading school children. A school bus also may be equipped with a white, flashing strobe light on the roof of the vehicle installed according to standards promulgated by the Mississippi Department of Education as authorized under Section 37-41-1(c). (c) All rear clearance lamps, the side marker lamps on each side at or near the rear, and any other lamps mounted on the rear, on any bus, truck, truck tractor, semitrailer, full trailer or pole trailer shall when lighted display a red color. However, the stoplight or other warning device on the rear of any motor vehicle may be red or amber. (d) Backing lights of any color may be mounted on the rear of any motor vehicle if the switch controlling such lights be so arranged that they may be turned on only when the vehicle is in reverse gear. Such backing lights when unlighted shall be so colored or otherwise arranged as not to reflect objectionable glare in the eyes of drivers of vehicles approaching from the rear. (2) Auxiliary white lights mounted on or near the rear of a motor vehicle, or visible from the rear of the vehicle, shall not be prohibited under the provisions of this section if (a) the vehicle's gross weight is less than twelve thousand one (12,001) pounds, and (b) the lights are designed by the motor vehicle manufacturer or an after-market parts manufacturer so that they may only be illuminated whenever the vehicle is not in motion and the transmission of the vehicle is not capable of transmitting power to the wheels. (3) No provision of this section shall be so construed as to prohibit the use of any white light or lights for the purpose of illuminating license plates. (4) Any lamps illuminated when the vehicle is in motion, other than those expressly required or permitted by the provisions of this chapter or other law, shall, if visible from the front, display only a white or amber light; if visible from either side, display an amber light; and if visible from the rear, display a red light. Codes, 1942, §§ 8229-04, 8229-08; Laws, 1948, ch. 343, §§ 12, 16; Laws, 1950, ch. 407, § 5; Laws, 1962, chs. 526, 527; Laws, 1964, ch. 455, § 1; Laws, 1970, ch. 484, § 1; Laws, 1994, ch. 343, § 1; Laws, 2001, ch. 556, § 1, eff. 7/1/2001. Amended by Laws, 2016, ch. 461, SB 2032, 2, eff. 7/1/2016. (1) The color of lighting devices shall be as follows: (a) All front clearance lamps, and all side marker lamps, except the one on each side at or near the rear of any bus, truck, truck tractor, semitrailer, full trailer or pole trailer, shall when lighted display an amber color. (b) No red lighting device of any character shall be mounted at any place other than on or near the rear of any bus, truck, truck tractor, semitrailer, full trailer or pole trailer. However, school buses owned by or under contract with a school district of this state may have affixed at or near the front end thereof red lighting devices that may be caused to blink when the school bus is stopped or in the process of stopping for the purpose of loading or unloading school children. A school bus also may be equipped with a white, flashing strobe light on the roof of the vehicle installed according to standards promulgated by the Mississippi Department of Education as authorized under Section 37-41-1(c). (c) All rear clearance lamps, the side marker lamps on each side at or near the rear, and any other lamps mounted on the rear, on any bus, truck, truck tractor, semitrailer, full trailer or pole trailer shall when lighted display a red color. However, the stoplight or other warning device on the rear of any motor vehicle may be red or amber. (d) Backing lights of any color may be mounted on the rear of any motor vehicle if the switch controlling such lights be so arranged that they may be turned on only when the vehicle is in reverse gear. Such backing lights when unlighted shall be so colored or otherwise arranged as not to reflect objectionable glare in the eyes of drivers of vehicles approaching from the rear. (2) Auxiliary white lights mounted on or near the rear of a motor vehicle, or visible from the rear of the vehicle, shall not be prohibited under the provisions of this section if (a) the vehicle's gross weight is less than twelve thousand one (12,001) pounds, and (b) the lights are designed by the motor vehicle manufacturer or an after-market parts manufacturer so that they may only be illuminated whenever the vehicle is not in motion and the transmission of the vehicle is not capable of transmitting power to the wheels. (3) No provision of this section shall be so construed as to prohibit the use of any white light or lights for the purpose of illuminating license plates. (4) Any lamps illuminated when the vehicle is in motion, other than those expressly required or permitted by the provisions of this chapter or other law, shall, if visible from the front, display only a white or amber light; if visible from either side, display an amber light; and if visible from the rear, display a red light. Codes, 1942, §§ 8229-04, 8229-08; Laws, 1948, ch. 343, §§ 12, 16; Laws, 1950, ch. 407, § 5; Laws, 1962, chs. 526, 527; Laws, 1964, ch. 455, § 1; Laws, 1970, ch. 484, § 1; Laws, 1994, ch. 343, § 1; Laws, 2001, ch. 556, § 1, eff. 7/1/2001. Amended by Laws, 2016, ch. 461, SB 2032, 2, eff. 7/1/2016. (1) The color of lighting devices shall be as follows: (a) All front clearance lamps, and all side marker lamps, except the one on each side at or near the rear of any bus, truck, truck tractor, semitrailer, full trailer or pole trailer, shall when lighted display an amber color. (b) No red lighting device of any character shall be mounted at any place other than on or near the rear of any bus, truck, truck tractor, semitrailer, full trailer or pole trailer. However,

school buses owned by or under contract with a school district of this state may have affixed at or near the front end thereof red lighting devices that may be caused to blink when the school bus is stopped or in the process of stopping for the purpose of loading or unloading school children. A school bus also may be equipped with a white, flashing strobe light on the roof of the vehicle installed according to standards promulgated by the Mississippi Department of Education as authorized under Section 37-41-1(c). (c) All rear clearance lamps, the side marker lamps on each side at or near the rear, and any other lamps mounted on the rear, on any bus, truck, truck tractor, semitrailer, full trailer or pole trailer shall when lighted display a red color. However, the stoplight or other warning device on the rear of any motor vehicle may be red or amber. (d) Backing lights of any color may be mounted on the rear of any motor vehicle if the switch controlling such lights be so arranged that they may be turned on only when the vehicle is in reverse gear. Such backing lights when unlighted shall be so colored or otherwise arranged as not to reflect objectionable glare in the eyes of drivers of vehicles approaching from the rear. (2) Auxiliary white lights mounted on or near the rear of a motor vehicle, or visible from the rear of the vehicle, shall not be prohibited under the provisions of this section if (a) the vehicle's gross weight is less than twelve thousand one (12,001) pounds, and (b) the lights are designed by the motor vehicle manufacturer or an after-market parts manufacturer so that they may only be illuminated whenever the vehicle is not in motion and the transmission of the vehicle is not capable of transmitting power to the wheels. (3) No provision of this section shall be so construed as to prohibit the use of any white light or lights for the purpose of illuminating license plates. (4) Any lamps illuminated when the vehicle is in motion, other than those expressly required or permitted by the provisions of this chapter or other law, shall, if visible from the front, display only a white or amber light; if visible from either side, display an amber light; and if visible from the rear, display a red light. Codes, 1942, §§ 8229-04, 8229-08; Laws, 1948, ch. 343, §§ 12, 16; Laws, 1950, ch. 407, § 5; Laws, 1962, chs. 526, 527; Laws, 1964, ch. 455, § 1; Laws, 1970, ch. 484, § 1; Laws, 1994, ch. 343, § 1; Laws, 2001, ch. 556, § 1, eff. 7/1/2001. Amended by Laws, 2016, ch. 461, SB 2032, 2, eff. 7/1/2016. Codes, 1942, §§ 8229-04, 8229-08; Laws, 1948, ch. 343, §§ 12, 16; Laws, 1950, ch. 407, § 5; Laws, 1962, chs. 526, 527; Laws, 1964, ch. 455, § 1; Laws, 1970, ch. 484, § 1; Laws, 1994, ch. 343, § 1; Laws, 2001, ch. 556, § 1, eff. 7/1/2001. Amended by Laws, 2016, ch. 461, SB 2032, 2, eff. 7/1/2016.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-25 - Visibility of clearance, side-marker, and tail lamps

Clearance, side-marker, and tail lamps shall, when lighted, be capable of being seen at a distance of five hundred feet under normal atmospheric conditions during the time when lights are required. The light from front clearance lamps shall be visible to the front, from side-marker lamps to the side, and from rear clearance and tail lamps to the rear, of the motor vehicle. Codes, 1942, § 8229-05; Laws, 1948, ch. 343, § 13. Clearance, side-marker, and tail lamps shall, when lighted, be capable of being seen at a distance of five hundred feet under normal atmospheric conditions during the time when lights are required. The light from front clearance lamps shall be visible to the front, from side-marker lamps to the side, and from rear clearance and tail lamps to the rear, of the motor vehicle. Codes, 1942, § 8229-05; Laws, 1948, ch. 343, § 13. Clearance, side-marker, and tail lamps shall, when lighted, be capable of being seen at a distance of five hundred feet under normal atmospheric conditions during the time when lights are required. The light from front clearance lamps shall be visible to the front, from side-marker lamps to the side, and from rear clearance and tail lamps to the rear, of the motor vehicle. Codes, 1942, § 8229-05; Laws, 1948, ch. 343, § 13. Clearance, side-marker, and tail lamps shall, when lighted, be capable of being seen at a distance of five hundred feet under normal atmospheric conditions during the time when lights are required. The light from front clearance lamps shall be visible to the front, from side-marker lamps to the side, and from rear clearance and tail lamps to the rear, of the motor vehicle. Codes, 1942, § 8229-05; Laws, 1948, ch. 343, § 13.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-27 - Performance and visibility of stop lights; incorporation with tail lamps

Stop lights shall be actuated upon application of the service (foot) brake and shall be capable of being seen and distinguished from a distance of one hundred feet to the rear of the vehicle in normal daylight. Stop lights shall not project a glaring or dazzling light. A stop light may be incorporated with a tail lamp. Codes, 1942, § 8229-06; Laws, 1948, ch. 343, § 14. Stop lights shall be actuated upon application of the service (foot) brake and shall be capable of being seen and distinguished from a distance of one hundred feet to the rear of the vehicle in normal daylight. Stop lights shall not project a glaring or dazzling light. A stop light may be incorporated with a tail lamp. Codes, 1942, § 8229-06; Laws, 1948, ch. 343, § 14. Stop lights shall be actuated upon application of the service (foot) brake and shall be capable of being seen and distinguished from a distance of one hundred feet to the rear of the vehicle in normal daylight. Stop lights shall not project a glaring or dazzling light. A stop light may be incorporated with a tail lamp. Codes, 1942, § 8229-06; Laws, 1948, ch. 343, § 14. Stop lights shall be actuated upon application of the service (foot) brake and shall be capable of being seen and distinguished from a distance of one hundred feet to the rear of the vehicle in normal daylight. Stop lights shall not project a glaring or dazzling light. A stop light may be incorporated with a tail lamp. Codes, 1942, § 8229-06; Laws, 1948, ch. 343, § 14.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-29 - Mounting, visibility and color of reflectors; incorporation with tail lamps

(1)Mounting of reflectors.No reflector required by the provisions of this chapter shall be mounted upon the motor vehicle at a height to exceed sixty inches, nor less than twenty-four inches, above the ground on which the motor vehicle stands.(2)Visibility of reflectors.Every reflector shall be of such size and characteristics as to be readily visible at night from all distances within five hundred feet to fifty feet from the motor vehicle when directly in front of a normal headlight beam.(3)Rear reflectors incorporated with tail lamps.One or both of the required rear red reflectors may be incorporated within the tail lamp or tail lamps; any such tail lamps shall be located within the height limits specified for reflectors. Whether or not the rear reflectors are incorporated in tail lamps, they shall be located on the rear of the motor vehicle at opposite sides and shall also meet the requirements as to visibility set forth in this section.(4)Color of reflectors.All reflectors mounted on any bus, truck, truck tractor, semi-trailer, full trailer, or pole-trailer, shall reflect an amber color, except those placed on the rear and on the sides nearest to the rear thereof, which shall reflect a red color.Any reflectors on a vehicle, other than those expressly required or permitted by the provisions of this chapter, shall, if visible from the front, reflect a white or amber light, if visible from either side, reflect an amber light, and if visible from the rear, reflect a red light.Codes, 1942, §§ 8229-07, 8229-08; Laws, 1938, ch. 200; Laws, 1948, ch. 343, §§ 15, 16; Laws, 1950, ch. 407, § 5; Laws, 1962, ch. 527; Laws, 1964, ch. 455, § 1; Laws, 1970, ch. 484, § 1, eff. 7/1/1970. (1)Mounting of reflectors.No reflector required by the provisions of this chapter shall be mounted upon the motor vehicle at a height to exceed sixty inches, nor less than twenty-four inches, above the ground on which the motor vehicle stands.(2)Visibility of reflectors.Every reflector shall be of such size and characteristics as to be readily visible at night from all distances within five hundred feet to fifty feet from the motor vehicle when directly in front of a normal headlight beam.(3)Rear reflectors incorporated with tail lamps.One or both of the required rear red reflectors may be incorporated within the tail lamp or tail lamps; any such tail lamps shall be located within the height limits specified for reflectors. Whether or not the rear reflectors are incorporated in tail lamps, they shall be located on the rear of the motor vehicle at opposite sides and shall also meet the requirements as to visibility set forth in this section.(4)Color of reflectors.All reflectors mounted on any bus, truck, truck tractor, semi-trailer, full trailer, or pole-trailer, shall reflect an amber color, except those placed on the rear and on the sides nearest to the rear thereof, which shall reflect a red color.Any reflectors on a vehicle, other than those expressly required or permitted by the provisions of this chapter, shall, if visible from the front, reflect a white or amber light, if visible from either side, reflect an amber light, and if visible from the rear, reflect a red light.Codes, 1942, §§ 8229-07, 8229-08; Laws, 1938, ch. 200; Laws, 1948, ch. 343, §§ 15, 16; Laws, 1950, ch. 407, § 5; Laws, 1962, ch. 527; Laws, 1964, ch. 455, § 1; Laws, 1970, ch. 484, § 1, eff. 7/1/1970. (1)Mounting of reflectors.No reflector required by the provisions of this chapter shall be mounted upon the motor vehicle at a height to exceed sixty inches, nor less than twenty-four inches, above the ground on which the motor vehicle stands.(2)Visibility of reflectors.Every reflector shall be of such size and characteristics as to be readily visible at night from all distances within five hundred feet to fifty feet from the motor vehicle when directly in front of a normal headlight beam.(3)Rear reflectors incorporated with tail lamps.One or both of the required rear red reflectors may be incorporated within the tail lamp or tail lamps; any such tail lamps shall be located within the height limits specified for reflectors. Whether or not the rear reflectors are incorporated in tail lamps, they shall be located on the rear of the motor vehicle at opposite sides and shall also meet the requirements as to visibility set forth in this section.(4)Color of reflectors.All reflectors mounted on any bus, truck, truck tractor, semi-trailer, full trailer, or pole-trailer, shall reflect an amber color, except those placed on the rear and on the sides nearest to the rear thereof, which shall reflect a red color.Any reflectors on a vehicle, other than those expressly required or permitted by the provisions of this chapter, shall, if visible from the front, reflect a white or amber light, if visible from either side, reflect an amber light, and if visible from the rear, reflect a red light.Codes, 1942, §§ 8229-07, 8229-08; Laws, 1938, ch. 200; Laws, 1948, ch. 343, §§ 15, 16; Laws, 1950, ch. 407, § 5; Laws, 1962, ch. 527; Laws, 1964, ch. 455, § 1; Laws, 1970, ch. 484, § 1, eff. 7/1/1970. Any reflectors on a vehicle, other than those expressly required or permitted by the provisions of this chapter, shall, if visible from the front, reflect a white or amber light, if visible from either side, reflect an amber light, and if visible from the rear, reflect a red light. Codes, 1942, §§ 8229-07, 8229-08; Laws, 1938, ch. 200; Laws, 1948, ch. 343, §§ 15, 16; Laws, 1950, ch. 407, § 5; Laws, 1962, ch. 527; Laws, 1964, ch. 455, § 1; Laws, 1970, ch. 484, § 1, eff. 7/1/1970.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107)Section 63-7-3 - Construction

This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.Codes, 1942, § 8282; Laws, 1938, ch. 200. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.Codes, 1942, § 8282; Laws, 1938, ch. 200. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.Codes, 1942, § 8282; Laws, 1938, ch. 200. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. Codes, 1942, § 8282; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107)Section 63-7-31 - Multiple-beam road-lighting equipment; distributions of light; beam indicator

Except as hereinafter provided in this chapter, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combinations thereof on motor vehicles other than a motorcycle or motor-driven cycle shall be so arranged that the driver may control the selection between distributions of light projected to different elevations, subject to the following requirements and

limitations:(a)There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading.(b)There shall be lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver. Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this state after January 1, 1954, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped. Codes, 1942, § 8229-11; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 19; Laws, 1954, ch. 326, § 1. Except as hereinafter provided in this chapter, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combinations thereof on motor vehicles other than a motorcycle or motor-driven cycle shall be so arranged that the driver may control the selection between distributions of light projected to different elevations, subject to the following requirements and limitations:(a)There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading.(b)There shall be lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver. Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this state after January 1, 1954, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped. Codes, 1942, § 8229-11; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 19; Laws, 1954, ch. 326, § 1. Except as hereinafter provided in this chapter, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combinations thereof on motor vehicles other than a motorcycle or motor-driven cycle shall be so arranged that the driver may control the selection between distributions of light projected to different elevations, subject to the following requirements and limitations:(a)There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading.(b)There shall be lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver. Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this state after January 1, 1954, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped. Codes, 1942, § 8229-11; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 19; Laws, 1954, ch. 326, § 1. Except as hereinafter provided in this chapter, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combinations thereof on motor vehicles other than a motorcycle or motor-driven cycle shall be so arranged that the driver may control the selection between distributions of light projected to different elevations, subject to the following requirements and limitations: Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this state after January 1, 1954, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped. Codes, 1942, § 8229-11; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 19; Laws, 1954, ch. 326, § 1.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-33 - Multiple-beam road-lighting equipment; control by operator

Whenever a motor vehicle is being operated on a highway or shoulder adjacent thereto during the times specified by law, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the requirement that whenever the driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver. Codes, 1942, § 8229-12; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 20; Laws, 1954, ch. 326, § 2. Whenever a motor vehicle is being operated on a highway or shoulder adjacent thereto during the times specified by law, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the requirement that whenever the driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver. Codes, 1942, § 8229-12; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 20; Laws, 1954, ch. 326, § 2. Whenever a motor vehicle is being operated on a highway or shoulder adjacent thereto during the times specified by law, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the requirement that whenever the driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver. Codes, 1942, §

8229-12; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 20; Laws, 1954, ch. 326, § 2. Whenever a motor vehicle is being operated on a highway or shoulder adjacent thereto during the times specified by law, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the requirement that whenever the driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver. Codes, 1942, § 8229-12; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 20; Laws, 1954, ch. 326, § 2.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-35 - Single-beam road-lighting equipment

Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to April 10, 1948, in lieu of multiple-beam road-lighting equipment specified in Section 63-7-31 if the single distribution of light complies with the following requirements and limitations: (a) The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead. (b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet. Codes, 1942, § 8229-13; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 21. Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to April 10, 1948, in lieu of multiple-beam road-lighting equipment specified in Section 63-7-31 if the single distribution of light complies with the following requirements and limitations: (a) The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead. (b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet. Codes, 1942, § 8229-13; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 21. Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to April 10, 1948, in lieu of multiple-beam road-lighting equipment specified in Section 63-7-31 if the single distribution of light complies with the following requirements and limitations: (a) The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead. (b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet. Codes, 1942, § 8229-13; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 21. Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to April 10, 1948, in lieu of multiple-beam road-lighting equipment specified in Section 63-7-31 if the single distribution of light complies with the following requirements and limitations: Codes, 1942, § 8229-13; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 21.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-37 - Applicability of Sections 63-7-31 through 63-7-35

The provisions of Sections 63-7-31 through 63-7-35, relative to lighting equipment, shall take effect and be operative with respect to equipment installed in motor vehicles after April 10, 1948, and with respect to the equipment on other motor vehicles, the provisions of Chapter 200, Laws of 1938, shall govern unless new equipment is installed therein, in which event such new equipment shall be governed by the provisions of said sections. Codes, 1942, § 8229-14; Laws, 1948, ch. 343, § 22. The provisions of Sections 63-7-31 through 63-7-35, relative to lighting equipment, shall take effect and be operative with respect to equipment installed in motor vehicles after April 10, 1948, and with respect to the equipment on other motor vehicles, the provisions of Chapter 200, Laws of 1938, shall govern unless new equipment is installed therein, in which event such new equipment shall be governed by the provisions of said sections. Codes, 1942, § 8229-14; Laws, 1948, ch. 343, § 22. The provisions of Sections 63-7-31 through 63-7-35, relative to lighting equipment, shall take effect and be operative with respect to equipment installed in motor vehicles after April 10, 1948, and with respect to the equipment on other motor vehicles, the provisions of Chapter 200, Laws of 1938, shall govern unless new equipment is installed therein, in which event such new equipment shall be governed by the provisions of said sections. Codes, 1942, § 8229-14; Laws, 1948, ch. 343, § 22. The provisions of Sections 63-7-31 through 63-7-35, relative to lighting equipment, shall take effect and be operative with respect to equipment installed in motor vehicles after April 10, 1948, and with respect to the equipment on other motor vehicles, the provisions of Chapter 200, Laws of 1938, shall govern unless new equipment is installed therein, in which event such new equipment shall be governed by the provisions of said sections. Codes, 1942, § 8229-14; Laws, 1948, ch. 343, § 22.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-39 - Display of lights on parked vehicles

Whenever a vehicle is parked or stopped upon a highway whether attended or unattended during the times mentioned in Section 63-7-11, there shall be displayed upon the left side of such vehicle one or more lamps projecting a white or amber light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle and one or more lamps projecting a red light visible under like conditions from a distance of five hundred feet to the rear. However, local authorities may provide by ordinance that no lights used be displayed upon any such vehicle when parked in accordance with local ordinances upon a highway where there is sufficient light to reveal any person within a distance of five hundred feet upon such highway. Codes, 1942, § 8229-15; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 23; Laws, 1960, ch. 407. Whenever a vehicle is parked or stopped upon a highway whether attended or unattended during the times mentioned in Section 63-7-11, there shall be displayed upon the left side of such vehicle one or more lamps projecting a white or amber light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle and one or more lamps projecting a red light visible under like conditions from a distance of five hundred feet to the rear. However, local authorities may provide by ordinance that no lights used be displayed upon any such vehicle when parked in accordance with local ordinances upon a highway where there is sufficient light to reveal any person within a distance of five hundred feet upon such highway. Codes, 1942, § 8229-15; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 23; Laws, 1960, ch. 407. Whenever a vehicle is parked or stopped upon a highway whether attended or unattended during the times mentioned in Section 63-7-11, there shall be displayed upon the left side of such vehicle one or more lamps projecting a white or amber light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle and one or more lamps projecting a red light visible under like conditions from a distance of five hundred feet to the rear. However, local authorities may provide by ordinance that no lights used be displayed upon any such vehicle when parked in accordance with local ordinances upon a highway where there is sufficient light to reveal any person within a distance of five hundred feet upon such highway. Codes, 1942, § 8229-15; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 23; Laws, 1960, ch. 407.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-41 - Sale, use, etc., of lamps modifying original design or performance of vehicle

No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer or semitrailer or use upon any such vehicle any head lamp, auxiliary driving lamp, rear lamp, signal lamp or reflector which reflector is required hereunder, or parts of any of the foregoing, which tend to change the original design or performance, unless of a type which has been submitted to the department of public safety and approved by it. No person shall have for sale, sell or offer for sale for use upon or as part of the equipment of a motor vehicle, trailer or semitrailer any lamp or device mentioned in this section which has been approved by the department unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed. No person shall use upon any motor vehicle, trailer or semitrailer any lamps mentioned in this section unless said lamps are mounted, adjusted and aimed in accordance with instructions of the department. Codes, 1942, § 8246; Laws, 1938, ch. 200; Laws, 1954, ch. 326, § 3. No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer or semitrailer or use upon any such vehicle any head lamp, auxiliary driving lamp, rear lamp, signal lamp or reflector which reflector is required hereunder, or parts of any of the foregoing, which tend to change the original design or performance, unless of a type which has been submitted to the department of public safety and approved by it. No person shall have for sale, sell or offer for sale for use upon or as part of the equipment of a motor vehicle, trailer or semitrailer any lamp or device mentioned in this section which has been approved by the department unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed. No person shall use upon any motor vehicle, trailer or semitrailer any lamps mentioned in this section unless said lamps are mounted, adjusted and aimed in accordance with instructions of the department. Codes, 1942, § 8246; Laws, 1938, ch. 200; Laws, 1954, ch. 326, § 3. No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer or semitrailer or use upon any such vehicle any head lamp, auxiliary driving lamp, rear lamp, signal lamp or reflector which reflector is required hereunder, or parts of any of the foregoing, which tend to change the original design or performance, unless of a type which has

been submitted to the department of public safety and approved by it. No person shall have for sale, sell or offer for sale for use upon or as part of the equipment of a motor vehicle, trailer or semitrailer any lamp or device mentioned in this section which has been approved by the department unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed. No person shall use upon any motor vehicle, trailer or semitrailer any lamps mentioned in this section unless said lamps are mounted, adjusted and aimed in accordance with instructions of the department. Codes, 1942, § 8246; Laws, 1938, ch. 200; Laws, 1954, ch. 326, § 3.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-43 - Authority of department as to lighting devices

(1)The department is hereby authorized to approve or disapprove lighting devices and to issue and enforce regulations establishing standards and specifications for the approval of such lighting devices, their installation, aiming, and readjustment. Such regulations shall correlate with and, so far as practicable, conform to the then current standards and specifications of the Society of Automotive Engineers applicable to such equipment.(2)The department is hereby required to approve or disapprove any lighting device, of a type on which approval is specifically required in this chapter within a reasonable time after such device has been submitted.(3)The department is further authorized to set up the procedure which shall be followed when any lighting device is submitted for approval.(4)The department upon approving any lighting device shall issue to the applicant a certificate of approval together with any instructions determined by it.(5)The department shall publish lists of all lighting devices by name and type which have been approved by it.Codes, 1942, § 8247; Laws, 1938, ch. 200; Laws, 1954, ch. 326, § 4. (1)The department is hereby authorized to approve or disapprove lighting devices and to issue and enforce regulations establishing standards and specifications for the approval of such lighting devices, their installation, aiming, and readjustment. Such regulations shall correlate with and, so far as practicable, conform to the then current standards and specifications of the Society of Automotive Engineers applicable to such equipment.(2)The department is hereby required to approve or disapprove any lighting device, of a type on which approval is specifically required in this chapter within a reasonable time after such device has been submitted.(3)The department is further authorized to set up the procedure which shall be followed when any lighting device is submitted for approval.(4)The department upon approving any lighting device shall issue to the applicant a certificate of approval together with any instructions determined by it.(5)The department shall publish lists of all lighting devices by name and type which have been approved by it.Codes, 1942, § 8247; Laws, 1938, ch. 200; Laws, 1954, ch. 326, § 4. (1)The department is hereby authorized to approve or disapprove lighting devices and to issue and enforce regulations establishing standards and specifications for the approval of such lighting devices, their installation, aiming, and readjustment. Such regulations shall correlate with and, so far as practicable, conform to the then current standards and specifications of the Society of Automotive Engineers applicable to such equipment.(2)The department is hereby required to approve or disapprove any lighting device, of a type on which approval is specifically required in this chapter within a reasonable time after such device has been submitted.(3)The department is further authorized to set up the procedure which shall be followed when any lighting device is submitted for approval.(4)The department upon approving any lighting device shall issue to the applicant a certificate of approval together with any instructions determined by it.(5)The department shall publish lists of all lighting devices by name and type which have been approved by it.Codes, 1942, § 8247; Laws, 1938, ch. 200; Laws, 1954, ch. 326, § 4. Codes, 1942, § 8247; Laws, 1938, ch. 200; Laws, 1954, ch. 326, § 4.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-45 - Revocation or suspension of approval of lighting device

When the department has reason to believe that an approved lighting device as being sold commercially does not comply with the requirements of this chapter, it may, after giving thirty days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of said approved device. After said hearing the department shall determine whether said approved device meets the requirements of this chapter. If said device does not meet such requirements, it shall give notice to the person holding the certificate of approval for such device in this state.If after the expiration of ninety days after such notice the person holding the certificate of approval for such device has failed to satisfy the department that said approved device as thereafter to be sold meets the requirements of this chapter, the department shall suspend or revoke the approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this chapter. The department may require that all said devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this chapter. The department may at the time of the retest purchase in the open market and submit to the testing agency one or more sets of such approved devices, and if such device upon such retest fails to meet the requirements of this chapter, the department may refuse to renew the certificate of approval of such device.Codes, 1942, § 8248; Laws, 1938, ch. 200. When the department has reason to believe that an approved lighting device as being sold commercially does not comply with the requirements of this chapter, it may, after giving thirty days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of said approved device. After said hearing the department shall determine whether said approved device meets the requirements of this chapter. If said device does not meet such requirements, it shall give notice to the person holding the certificate of approval for such device in this state.If after the expiration of ninety days after such notice the person holding the certificate of approval for such

device has failed to satisfy the department that said approved device as thereafter to be sold meets the requirements of this chapter, the department shall suspend or revoke the approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this chapter. The department may require that all said devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this chapter. The department may at the time of the retest purchase in the open market and submit to the testing agency one or more sets of such approved devices, and if such device upon such retest fails to meet the requirements of this chapter, the department may refuse to renew the certificate of approval of such device. Codes, 1942, § 8248; Laws, 1938, ch. 200. When the department has reason to believe that an approved lighting device as being sold commercially does not comply with the requirements of this chapter, it may, after giving thirty days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of said approved device. After said hearing the department shall determine whether said approved device meets the requirements of this chapter. If said device does not meet such requirements, it shall give notice to the person holding the certificate of approval for such device in this state. If after the expiration of ninety days after such notice the person holding the certificate of approval for such device has failed to satisfy the department that said approved device as thereafter to be sold meets the requirements of this chapter, the department shall suspend or revoke the approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this chapter. The department may require that all said devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this chapter. The department may at the time of the retest purchase in the open market and submit to the testing agency one or more sets of such approved devices, and if such device upon such retest fails to meet the requirements of this chapter, the department may refuse to renew the certificate of approval of such device. Codes, 1942, § 8248; Laws, 1938, ch. 200. When the department has reason to believe that an approved lighting device as being sold commercially does not comply with the requirements of this chapter, it may, after giving thirty days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of said approved device. After said hearing the department shall determine whether said approved device meets the requirements of this chapter. If said device does not meet such requirements, it shall give notice to the person holding the certificate of approval for such device in this state. If after the expiration of ninety days after such notice the person holding the certificate of approval for such device has failed to satisfy the department that said approved device as thereafter to be sold meets the requirements of this chapter, the department shall suspend or revoke the approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this chapter. The department may require that all said devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this chapter. The department may at the time of the retest purchase in the open market and submit to the testing agency one or more sets of such approved devices, and if such device upon such retest fails to meet the requirements of this chapter, the department may refuse to renew the certificate of approval of such device. Codes, 1942, § 8248; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-47 - Display of flag on projecting load; display of rotating or oscillating amber strobe-type lamp or light-emitting diode light on projecting load between sunset and sunrise or under certain low-light conditions

(1) Whenever the load upon any vehicle extends to the rear four (4) feet or more beyond the rear or body of such vehicle, there shall be displayed at the extreme rear end of the load a red flag or cloth not less than sixteen (16) inches square. (2) During the period described in Section 63-7-11, any vehicle transporting a load of timber products that extends four (4) feet or more beyond the rear or body of that vehicle, shall have affixed as close as practical to the end of the load a rotating or oscillating amber strobe-type lamp or light-emitting diode light. Codes, 1942, § 8229-16; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 24; Laws, 2001, ch. 557, § 3; Laws, 2011, ch. 434, § 1, eff. 7/1/2011. Amended by Laws, 2022, ch. 434, SB 2519, § 2, eff. 7/1/2022. (1) Whenever the load upon any vehicle extends to the rear four (4) feet or more beyond the rear or body of such vehicle, there shall be displayed at the extreme rear end of the load a red flag or cloth not less than sixteen (16) inches square. (2) During the period described in Section 63-7-11, any vehicle transporting a load of timber products that extends four (4) feet or more beyond the rear or body of that vehicle, shall have affixed as close as practical to the end of the load a rotating or oscillating amber strobe-type lamp or light-emitting diode light. Codes, 1942, § 8229-16; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 24; Laws, 2001, ch. 557, § 3; Laws, 2011, ch. 434, § 1, eff. 7/1/2011. Amended by Laws, 2022, ch. 434, SB 2519, § 2, eff. 7/1/2022. Codes, 1942, § 8229-16; Laws, 1938, ch. 200; Laws, 1948, ch. 343, § 24; Laws, 2001, ch. 557, § 3; Laws, 2011, ch. 434, § 1, eff. 7/1/2011. Amended by Laws, 2022, ch. 434, SB 2519, § 2, eff. 7/1/2022.

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— **63-7-107)Section 63-7-49 - Electrical connections between towing and towed vehicles**

Means for establishing electric connection between towing and towed vehicles, and other detachable electric connections, shall be mechanically and electrically adequate, and free of short or open circuits. Suitable provision shall be made in every detachable connection to afford reasonable assurance against accidental disconnection. Precaution shall be taken to provide sufficient slack in the connecting wire or cable without twisting or kinking thereof. Codes, 1942, § 8229-09; Laws, 1948, ch. 343, § 17. Means for establishing electric connection between towing and towed vehicles, and other detachable electric connections, shall be mechanically and electrically adequate, and free of short or open circuits. Suitable provision shall be made in every detachable connection to afford reasonable assurance against accidental disconnection. Precaution shall be taken to provide sufficient slack in the connecting wire or cable without twisting or kinking thereof. Codes, 1942, § 8229-09; Laws, 1948, ch. 343, § 17. Means for establishing electric connection between towing and towed vehicles, and other detachable electric connections, shall be mechanically and electrically adequate, and free of short or open circuits. Suitable provision shall be made in every detachable connection to afford reasonable assurance against accidental disconnection. Precaution shall be taken to provide sufficient slack in the connecting wire or cable without twisting or kinking thereof. Codes, 1942, § 8229-09; Laws, 1948, ch. 343, § 17. Means for establishing electric connection between towing and towed vehicles, and other detachable electric connections, shall be mechanically and electrically adequate, and free of short or open circuits. Suitable provision shall be made in every detachable connection to afford reasonable assurance against accidental disconnection. Precaution shall be taken to provide sufficient slack in the connecting wire or cable without twisting or kinking thereof. Codes, 1942, § 8229-09; Laws, 1948, ch. 343, § 17.

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For purposes of this chapter, the meanings ascribed to the words and phrases in Article 3 of Chapter 3, of this title shall be fully applicable to this chapter. Codes, 1942, § 8126; Laws, 1938, ch. 200. For purposes of this chapter, the meanings ascribed to the words and phrases in Article 3 of Chapter 3, of this title shall be fully applicable to this chapter. Codes, 1942, § 8126; Laws, 1938, ch. 200. For purposes of this chapter, the meanings ascribed to the words and phrases in Article 3 of Chapter 3, of this title shall be fully applicable to this chapter. Codes, 1942, § 8126; Laws, 1938, ch. 200. For purposes of this chapter, the meanings ascribed to the words and phrases in Article 3 of Chapter 3, of this title shall be fully applicable to this chapter. Codes, 1942, § 8126; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107)Section 63-7-51 - General vehicle brake equipment requirements

(1)Every motor vehicle, other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.(2)Every motorcycle, and bicycle with motor attached, when operated upon a highway shall be equipped with at least one brake, which may be operated by hand or foot.(3)Every trailer carrying over one ton, when operated upon a highway, shall be equipped with brakes adequate to control the movement thereof and to stop and to hold such vehicle, and so designed to be applied by the driver of the towing motor vehicle from its cab; said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle, the brakes shall be automatically applied.(4)Every new motor vehicle, except a motorcycle, hereafter sold in this state and operated upon the highways, and every new trailer, except a trailer of two axles of less than 2,000 pounds gross towed by an automobile, hereafter sold in this state and operated upon the highways, shall be equipped with service brakes upon all wheels of every such vehicle. Codes, 1942, § 8249; Laws, 1938, ch. 200. (1)Every motor vehicle, other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.(2)Every motorcycle, and bicycle with motor attached, when operated upon a highway shall be equipped with at least one brake, which may be operated by hand or foot.(3)Every trailer carrying over one ton, when operated upon a highway, shall be equipped with brakes adequate to control the movement thereof and to stop and to hold such vehicle, and so designed to be applied by the driver of the towing motor vehicle from its cab; said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle, the brakes shall be automatically applied.(4)Every new motor vehicle, except a motorcycle, hereafter sold in this state and operated upon the highways, and every new trailer, except a trailer of two axles of less than 2,000 pounds gross towed by an automobile, hereafter sold in this state and operated upon the highways, shall be equipped with service brakes upon all wheels of every such vehicle. Codes, 1942, § 8249; Laws, 1938, ch. 200. (1)Every motor vehicle, other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two

separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.(2)Every motorcycle, and bicycle with motor attached, when operated upon a highway shall be equipped with at least one brake, which may be operated by hand or foot.(3)Every trailer carrying over one ton, when operated upon a highway, shall be equipped with brakes adequate to control the movement thereof and to stop and to hold such vehicle, and so designed to be applied by the driver of the towing motor vehicle from its cab; said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle, the brakes shall be automatically applied.(4)Every new motor vehicle, except a motorcycle, hereafter sold in this state and operated upon the highways, and every new trailer, except a trailer of two axles of less than 2,000 pounds gross towed by an automobile, hereafter sold in this state and operated upon the highways, shall be equipped with service brakes upon all wheels of every such vehicle.Codes, 1942, § 8249; Laws, 1938, ch. 200. Codes, 1942, § 8249; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107)Section 63-7-53 - Stopping ability of brakes; maintenance and adjustment of brakes

(1)The service brakes upon any motor vehicle or combination of vehicles shall be adequate to stop such vehicle or vehicles when traveling twenty miles per hour within a distance of thirty feet when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed one per cent.(2)Under the above conditions the hand brake shall be adequate to stop such vehicle or vehicles within a distance of fifty-five feet and said hand brake shall be adequate to hold such vehicle or vehicles stationary on any grade upon which operated.(3)Under the above conditions, the service brakes upon a motor vehicle equipped with two-wheel brakes only, and when permitted under Section63-7-51, shall be adequate to stop the vehicle within a distance of forty feet and the hand brake adequate to stop the vehicle within a distance of fifty-five feet.(4)All braking distances specified in this section shall apply to all vehicles mentioned, whether such vehicles are not loaded or are loaded to the maximum capacity permitted under law.(5)All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.Codes, 1942, § 8249; Laws, 1938, ch. 200. (1)The service brakes upon any motor vehicle or combination of vehicles shall be adequate to stop such vehicle or vehicles when traveling twenty miles per hour within a distance of thirty feet when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed one per cent.(2)Under the above conditions the hand brake shall be adequate to stop such vehicle or vehicles within a distance of fifty-five feet and said hand brake shall be adequate to hold such vehicle or vehicles stationary on any grade upon which operated.(3)Under the above conditions, the service brakes upon a motor vehicle equipped with two-wheel brakes only, and when permitted under Section63-7-51, shall be adequate to stop the vehicle within a distance of forty feet and the hand brake adequate to stop the vehicle within a distance of fifty-five feet.(4)All braking distances specified in this section shall apply to all vehicles mentioned, whether such vehicles are not loaded or are loaded to the maximum capacity permitted under law.(5)All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.Codes, 1942, § 8249; Laws, 1938, ch. 200. (1)The service brakes upon any motor vehicle or combination of vehicles shall be adequate to stop such vehicle or vehicles when traveling twenty miles per hour within a distance of thirty feet when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed one per cent.(2)Under the above conditions the hand brake shall be adequate to stop such vehicle or vehicles within a distance of fifty-five feet and said hand brake shall be adequate to hold such vehicle or vehicles stationary on any grade upon which operated.(3)Under the above conditions, the service brakes upon a motor vehicle equipped with two-wheel brakes only, and when permitted under Section63-7-51, shall be adequate to stop the vehicle within a distance of forty feet and the hand brake adequate to stop the vehicle within a distance of fifty-five feet.(4)All braking distances specified in this section shall apply to all vehicles mentioned, whether such vehicles are not loaded or are loaded to the maximum capacity permitted under law.(5)All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.Codes, 1942, § 8249; Laws, 1938, ch. 200. Codes, 1942, § 8249; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107)Section 63-7-55 - Mufflers

Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. No person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway.Codes, 1942, § 8251; Laws, 1938, ch. 200. Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. No person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway.Codes, 1942, § 8251; Laws, 1938, ch. 200. Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. No person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway.Codes, 1942, § 8251; Laws, 1938, ch. 200. Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. No person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway. Codes, 1942, § 8251; Laws, 1938, ch. 200.

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Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle. Codes, 1942, § 8252; Laws, 1938, ch. 200. Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle. Codes, 1942, § 8252; Laws, 1938, ch. 200. Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle. Codes, 1942, § 8252; Laws, 1938, ch. 200. Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle. Codes, 1942, § 8252; Laws, 1938, ch. 200.

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(1) No person shall drive any motor vehicle required to be registered in this state upon the public roads, streets or highways in this state with any sign or poster, or with any glazing material which causes a mirrored effect, upon the front windshield, side wings or side or rear windows of the vehicle, other than a certificate or other paper required or authorized to be so displayed by law. No person shall drive any motor vehicle required to be registered in this state upon the public roads, streets or highways in this state with any tinted film, glazing material or darkening material of any kind on the windshield of a motor vehicle except material designed to replace or provide a sun shield in the uppermost area as authorized to be installed by manufacturers of vehicles under federal law. (2) From and after July 1, 2006, no person shall drive any motor vehicle required to be registered in this state upon the public roads, streets or highways in this state with any window tinted or darkened, by tinted film or otherwise, unless: (a) The windshield of the vehicle has affixed to it a label as provided under subsection (6) of this section certifying that all the windows of the vehicle have a light transmittance of twenty-eight percent (28%) or more; or (b) The owner or operator of the vehicle has a certificate of medical exemption issued under subsection (4) of this section. (3) The prohibitions of subsection (2) of this section shall not apply to: (a) School buses, other buses used for public transportation, any bus or van owned or leased by a nonprofit organization duly incorporated under the laws of this state or any funeral home services vehicle, any limousine owned or leased by a private or public entity, or any government-owned law enforcement or fire department vehicle or any volunteer fire department vehicle; (b) Any window behind the front two (2) side windows, including the rear window, of any pickup truck, van, motor home, recreational vehicle, sport utility vehicle or multipurpose vehicle that has been tinted or darkened after factory delivery to the extent that the light transmittance of the window meets the minimum light transmittance requirements authorized to be installed for that window and for that vehicle under federal law or regulations before factory delivery; or (c) Any other motor vehicle the windows of which have been tinted or darkened before factory delivery as permitted by federal law or federal regulations. (4) Notwithstanding the provisions of subsection (2) of this section, it shall be lawful for any person who has been diagnosed by a physician licensed to practice medicine in the State of Mississippi as having a physical condition or disease that is seriously aggravated by minimum exposure to sunlight to place or have placed upon the windshield or windows of any motor vehicle which he owns or operates or within which he regularly travels as a passenger tinted film or other darkening material that would otherwise be in violation of this section. However, any vehicle, in order to be exempt under this subsection (4), shall have prominently displayed on the vehicle dashboard a certificate of medical exemption on a form prepared by the Commissioner of Public Safety and signed by the person on whose behalf the certificate is issued. The special certificate authorized by this subsection (4) shall be issued free of charge to the applicants through the offices of the tax collectors of the counties. Each applicant shall present to the issuing official: (a) An affidavit signed personally by the applicant and signed and attested by a physician which states the applicant's physical condition or disease which entitles him to an exemption under this subsection (4); and (b) Proof of ownership of the motor vehicle by the applicant, or a signed affidavit by the owner of a motor vehicle operated for the use of the applicant, for which he is obtaining the certificate. (5) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle. (6) The Department of Public Safety shall issue labels to official tint inspection stations for affixing to the windshield of every motor vehicle required to be inspected in this state with a window therein which has been tinted or darkened with any tinted film or other darkening material after factory delivery. The label shall be affixed to the lower left corner of the windshield, shall be legible from outside the vehicle, and shall indicate the label registration number, a certification of compliance with Mississippi law, and such other information as the Commissioner of Public Safety deems appropriate. The labels shall be of a type which is pressure-sensitive, self-destructive upon removal, and no larger than one (1) inch square in size. Before affixing the label, the inspection station shall conduct a test to determine that the window

complies with the light transmittance requirements prescribed under subsection (2) of this section. The test shall be conducted using such methods or devices as may be approved and certified not less often than annually by the Department of Public Safety. For conducting such tests, tint inspection stations shall charge and collect a fee of Five Dollars (\$5.00). Two Dollars (\$2.00) of the fee shall be retained by the inspection station, and Three Dollars (\$3.00) of the fee shall be remitted to the Department of Public Safety and may be expended, upon legislative appropriation, for the operational expenses of the department. No fee shall be charged unless a test is actually performed under this subsection (6). The presence of a label upon the windshield of a motor vehicle shall indicate that the person who affixed the label certifies that the windows of the vehicle meet the restrictions of subsection (2) of this section as to light transmittance.(7)No person shall install any tinted film, darkening material, glazing material or any other material upon the windshield or any window of a motor vehicle which, after the installation thereof, would result in such vehicle being in violation of subsection (2) of this section.(8)No label shall be issued for a vehicle on which the windshield or any window of the vehicle has been darkened by the installation of tinted film or by other means, except as authorized under this section.(9)It shall be unlawful for any person to alter or reproduce any label or certificate of medical exemption approved by the Commissioner of Public Safety under this section for the purpose of misleading law enforcement officers or motor vehicle inspection stations, or to knowingly use any approved label or certificate except as authorized by this section.(10)Any person violating subsection (7), (8) or (9) of this section, upon conviction, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or imprisonment in the county jail for not more than three (3) months, or by both such fine and imprisonment.(11)Any violation of this section other than a violation of subsection (7), (8) or (9) of this section shall be punishable upon conviction as provided in Section63-7-7.(12)Violations of this section shall be enforced only by law enforcement officers of the Mississippi Department of Public Safety and municipal law enforcement officers of municipalities having a population of two thousand (2,000) or more on the public roads, streets and highways under their jurisdiction.(13)The Department of Public Safety shall initiate a public awareness program designed to inform and educate persons of the provisions of this section. Funds for such public awareness program shall be available through the office of the Governor's representative for highway safety programs.Codes, 1942, § 8253; Laws, 1938, ch. 200; Laws, 1983, ch. 416; Laws, 1988, ch. 521, § 1; Laws, 1990, ch. 438, § 1; Laws, 1992, ch. 320, § 1; Laws, 2005, ch. 328, § 1; Laws, 2006, ch. 468, § 1; Laws, 2012, ch. 500, § 1; Laws, 2012, ch. 528, § 1, eff. 7/1/2012.Amended by Laws, 2015, ch. 417, HB 982, 3, eff. 7/1/2015. (1)No person shall drive any motor vehicle required to be registered in this state upon the public roads, streets or highways in this state with any sign or poster, or with any glazing material which causes a mirrored effect, upon the front windshield, side wings or side or rear windows of the vehicle, other than a certificate or other paper required or authorized to be so displayed by law. No person shall drive any motor vehicle required to be registered in this state upon the public roads, streets or highways in this state with any tinted film, glazing material or darkening material of any kind on the windshield of a motor vehicle except material designed to replace or provide a sun shield in the uppermost area as authorized to be installed by manufacturers of vehicles under federal law.(2)From and after July 1, 2006, no person shall drive any motor vehicle required to be registered in this state upon the public roads, streets or highways in this state with any window tinted or darkened, by tinted film or otherwise, unless:(a)The windshield of the vehicle has affixed to it a label as provided under subsection (6) of this section certifying that all the windows of the vehicle have a light transmittance of twenty-eight percent (28%) or more; or(b)The owner or operator of the vehicle has a certificate of medical exemption issued under subsection (4) of this section.(3)The prohibitions of subsection (2) of this section shall not apply to:(a)School buses, other buses used for public transportation, any bus or van owned or leased by a nonprofit organization duly incorporated under the laws of this state or any funeral home services vehicle, any limousine owned or leased by a private or public entity, or any government-owned law enforcement or fire department vehicle or any volunteer fire department vehicle;(b)Any window behind the front two (2) side windows, including the rear window, of any pickup truck, van, motor home, recreational vehicle, sport utility vehicle or multipurpose vehicle that has been tinted or darkened after factory delivery to the extent that the light transmittance of the window meets the minimum light transmittance requirements authorized to be installed for that window and for that vehicle under federal law or regulations before factory delivery; or(c)Any other motor vehicle the windows of which have been tinted or darkened before factory delivery as permitted by federal law or federal regulations.(4)Notwithstanding the provisions of subsection (2) of this section, it shall be lawful for any person who has been diagnosed by a physician licensed to practice medicine in the State of Mississippi as having a physical condition or disease that is seriously aggravated by minimum exposure to sunlight to place or have placed upon the windshield or windows of any motor vehicle which he owns or operates or within which he regularly travels as a passenger tinted film or other darkening material that would otherwise be in violation of this section. However, any vehicle, in order to be exempt under this subsection (4), shall have prominently displayed on the vehicle dashboard a certificate of medical exemption on a form prepared by the Commissioner of Public Safety and signed by the person on whose behalf the certificate is issued. The special certificate authorized by this subsection (4) shall be issued free of charge to the applicants through the offices of the tax collectors of the counties. Each applicant shall present to the issuing official:(a)An affidavit signed personally by the applicant and signed and attested by a physician which states the applicant's physical condition or disease which entitles him to an exemption under this subsection (4); and(b)Proof of ownership of the motor vehicle by the applicant, or a signed affidavit by the owner of a motor vehicle operated for the use of the applicant, for which he is obtaining the certificate.(5)The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.(6)The Department of Public Safety shall issue labels to official tint inspection stations for affixing to the windshield of every motor vehicle required to be inspected in this state with a window therein which has been tinted or darkened with any tinted film or other darkening material after factory delivery. The label shall be affixed to the lower left corner of the windshield, shall be legible from outside the vehicle, and shall indicate the label

registration number, a certification of compliance with Mississippi law, and such other information as the Commissioner of Public Safety deems appropriate. The labels shall be of a type which is pressure-sensitive, self-destructive upon removal, and no larger than one (1) inch square in size. Before affixing the label, the inspection station shall conduct a test to determine that the window complies with the light transmittance requirements prescribed under subsection (2) of this section. The test shall be conducted using such methods or devices as may be approved and certified not less often than annually by the Department of Public Safety. For conducting such tests, tint inspection stations shall charge and collect a fee of Five Dollars (\$5.00). Two Dollars (\$2.00) of the fee shall be retained by the inspection station, and Three Dollars (\$3.00) of the fee shall be remitted to the Department of Public Safety and may be expended, upon legislative appropriation, for the operational expenses of the department. No fee shall be charged unless a test is actually performed under this subsection (6). The presence of a label upon the windshield of a motor vehicle shall indicate that the person who affixed the label certifies that the windows of the vehicle meet the restrictions of subsection (2) of this section as to light transmittance.(7)No person shall install any tinted film, darkening material, glazing material or any other material upon the windshield or any window of a motor vehicle which, after the installation thereof, would result in such vehicle being in violation of subsection (2) of this section.(8)No label shall be issued for a vehicle on which the windshield or any window of the vehicle has been darkened by the installation of tinted film or by other means, except as authorized under this section.(9)It shall be unlawful for any person to alter or reproduce any label or certificate of medical exemption approved by the Commissioner of Public Safety under this section for the purpose of misleading law enforcement officers or motor vehicle inspection stations, or to knowingly use any approved label or certificate except as authorized by this section.(10)Any person violating subsection (7), (8) or (9) of this section, upon conviction, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or imprisonment in the county jail for not more than three (3) months, or by both such fine and imprisonment.(11)Any violation of this section other than a violation of subsection (7), (8) or (9) of this section shall be punishable upon conviction as provided in Section63-7-7.(12)Violations of this section shall be enforced only by law enforcement officers of the Mississippi Department of Public Safety and municipal law enforcement officers of municipalities having a population of two thousand (2,000) or more on the public roads, streets and highways under their jurisdiction.(13)The Department of Public Safety shall initiate a public awareness program designed to inform and educate persons of the provisions of this section. Funds for such public awareness program shall be available through the office of the Governor's representative for highway safety programs.Codes, 1942, § 8253; Laws, 1938, ch. 200; Laws, 1983, ch. 416; Laws, 1988, ch. 521, § 1; Laws, 1990, ch. 438, § 1; Laws, 1992, ch. 320, § 1; Laws, 2005, ch. 328, § 1; Laws, 2006, ch. 468, § 1; Laws, 2012, ch. 500, § 1; Laws, 2012, ch. 528, § 1, eff. 7/1/2012.Amended by Laws, 2015, ch. 417, HB 982, 3, eff. 7/1/2015. (1)No person shall drive any motor vehicle required to be registered in this state upon the public roads, streets or highways in this state with any sign or poster, or with any glazing material which causes a mirrored effect, upon the front windshield, side wings or side or rear windows of the vehicle, other than a certificate or other paper required or authorized to be so displayed by law. No person shall drive any motor vehicle required to be registered in this state upon the public roads, streets or highways in this state with any tinted film, glazing material or darkening material of any kind on the windshield of a motor vehicle except material designed to replace or provide a sun shield in the uppermost area as authorized to be installed by manufacturers of vehicles under federal law.(2)From and after July 1, 2006, no person shall drive any motor vehicle required to be registered in this state upon the public roads, streets or highways in this state with any window tinted or darkened, by tinted film or otherwise, unless:(a)The windshield of the vehicle has affixed to it a label as provided under subsection (6) of this section certifying that all the windows of the vehicle have a light transmittance of twenty-eight percent (28%) or more; or(b)The owner or operator of the vehicle has a certificate of medical exemption issued under subsection (4) of this section.(3)The prohibitions of subsection (2) of this section shall not apply to:(a)School buses, other buses used for public transportation, any bus or van owned or leased by a nonprofit organization duly incorporated under the laws of this state or any funeral home services vehicle, any limousine owned or leased by a private or public entity, or any government-owned law enforcement or fire department vehicle or any volunteer fire department vehicle;(b)Any window behind the front two (2) side windows, including the rear window, of any pickup truck, van, motor home, recreational vehicle, sport utility vehicle or multipurpose vehicle that has been tinted or darkened after factory delivery to the extent that the light transmittance of the window meets the minimum light transmittance requirements authorized to be installed for that window and for that vehicle under federal law or regulations before factory delivery; or(c)Any other motor vehicle the windows of which have been tinted or darkened before factory delivery as permitted by federal law or federal regulations.(4)Notwithstanding the provisions of subsection (2) of this section, it shall be lawful for any person who has been diagnosed by a physician licensed to practice medicine in the State of Mississippi as having a physical condition or disease that is seriously aggravated by minimum exposure to sunlight to place or have placed upon the windshield or windows of any motor vehicle which he owns or operates or within which he regularly travels as a passenger tinted film or other darkening material that would otherwise be in violation of this section. However, any vehicle, in order to be exempt under this subsection (4), shall have prominently displayed on the vehicle dashboard a certificate of medical exemption on a form prepared by the Commissioner of Public Safety and signed by the person on whose behalf the certificate is issued. The special certificate authorized by this subsection (4) shall be issued free of charge to the applicants through the offices of the tax collectors of the counties. Each applicant shall present to the issuing official:(a)An affidavit signed personally by the applicant and signed and attested by a physician which states the applicant's physical condition or disease which entitles him to an exemption under this subsection (4); and(b)Proof of ownership of the motor vehicle by the applicant, or a signed affidavit by the owner of a motor vehicle operated for the use of the applicant, for which he is obtaining the certificate.(5)The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.(6)The Department of Public Safety shall issue

labels to official tint inspection stations for affixing to the windshield of every motor vehicle required to be inspected in this state with a window therein which has been tinted or darkened with any tinted film or other darkening material after factory delivery. The label shall be affixed to the lower left corner of the windshield, shall be legible from outside the vehicle, and shall indicate the label registration number, a certification of compliance with Mississippi law, and such other information as the Commissioner of Public Safety deems appropriate. The labels shall be of a type which is pressure-sensitive, self-destructive upon removal, and no larger than one (1) inch square in size. Before affixing the label, the inspection station shall conduct a test to determine that the window complies with the light transmittance requirements prescribed under subsection (2) of this section. The test shall be conducted using such methods or devices as may be approved and certified not less often than annually by the Department of Public Safety. For conducting such tests, tint inspection stations shall charge and collect a fee of Five Dollars (\$5.00). Two Dollars (\$2.00) of the fee shall be retained by the inspection station, and Three Dollars (\$3.00) of the fee shall be remitted to the Department of Public Safety and may be expended, upon legislative appropriation, for the operational expenses of the department. No fee shall be charged unless a test is actually performed under this subsection (6). The presence of a label upon the windshield of a motor vehicle shall indicate that the person who affixed the label certifies that the windows of the vehicle meet the restrictions of subsection (2) of this section as to light transmittance.(7)No person shall install any tinted film, darkening material, glazing material or any other material upon the windshield or any window of a motor vehicle which, after the installation thereof, would result in such vehicle being in violation of subsection (2) of this section.(8)No label shall be issued for a vehicle on which the windshield or any window of the vehicle has been darkened by the installation of tinted film or by other means, except as authorized under this section.(9)It shall be unlawful for any person to alter or reproduce any label or certificate of medical exemption approved by the Commissioner of Public Safety under this section for the purpose of misleading law enforcement officers or motor vehicle inspection stations, or to knowingly use any approved label or certificate except as authorized by this section.(10)Any person violating subsection (7), (8) or (9) of this section, upon conviction, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or imprisonment in the county jail for not more than three (3) months, or by both such fine and imprisonment.(11)Any violation of this section other than a violation of subsection (7), (8) or (9) of this section shall be punishable upon conviction as provided in Section63-7-7.(12)Violations of this section shall be enforced only by law enforcement officers of the Mississippi Department of Public Safety and municipal law enforcement officers of municipalities having a population of two thousand (2,000) or more on the public roads, streets and highways under their jurisdiction.(13)The Department of Public Safety shall initiate a public awareness program designed to inform and educate persons of the provisions of this section. Funds for such public awareness program shall be available through the office of the Governor's representative for highway safety programs.Codes, 1942, § 8253; Laws, 1938, ch. 200; Laws, 1983, ch. 416; Laws, 1988, ch. 521, § 1; Laws, 1990, ch. 438, § 1; Laws, 1992, ch. 320, § 1; Laws, 2005, ch. 328, § 1; Laws, 2006, ch. 468, § 1; Laws, 2012, ch. 500, § 1; Laws, 2012, ch. 528, § 1, eff. 7/1/2012.Amended by Laws, 2015, ch. 417, HB 982, 3, eff. 7/1/2015. Codes, 1942, § 8253; Laws, 1938, ch. 200; Laws, 1983, ch. 416; Laws, 1988, ch. 521, § 1; Laws, 1990, ch. 438, § 1; Laws, 1992, ch. 320, § 1; Laws, 2005, ch. 328, § 1; Laws, 2006, ch. 468, § 1; Laws, 2012, ch. 500, § 1; Laws, 2012, ch. 528, § 1, eff. 7/1/2012. Amended by Laws, 2015, ch. 417, HB 982, 3, eff. 7/1/2015.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107)Section 63-7-60 - Annual permits to official tint inspection stations for inspection of windshields and issuance of labels as required by Section 63-7-59

(1)The Commissioner of Public Safety shall annually issue permits for and furnish instructions and all necessary forms to official tint inspection stations for the inspection of windshields and issuance of any label as required by Section63-7-59.(2)Application for a permit to operate an official tint inspection station shall be made on an official form and shall be granted only when the Commissioner of Public Safety is satisfied that the station is properly equipped and has competent personnel to make the inspection required by Section63-7-59and that the inspections will be properly conducted. A fee of Ten Dollars (\$10.00) shall be charged any person or facility seeking a permit as an official tint inspection station, or a renewal thereof, for the purpose of defraying the cost of administering the processing of the application.(3)The Commissioner of Public Safety shall properly supervise and cause inspections to be made of official tint stations and may, after reasonable notice, suspend or revoke and require the surrender of the permit issued to a station which he finds is not properly equipped or conducted. The Commissioner of Public Safety shall maintain and post at the Office of the Department of Public Safety lists of all stations holding permits and of those whose permits have been suspended or revoked.(4)The Commissioner of Public Safety is authorized to make necessary rules and regulations for the administration and enforcement of this section and Section63-7-59, including a reasonable provision for the bonding of official tint inspection stations.Added by Laws, 2015, ch. 417, HB 982, 2, eff. 7/1/2015. (1)The Commissioner of Public Safety shall annually issue permits for and furnish instructions and all necessary forms to official tint inspection stations for the inspection of windshields and issuance of any label as required by Section63-7-59.(2)Application for a permit to operate an official tint inspection station shall be made on an official form and shall be granted only when the Commissioner of Public Safety is satisfied that the station is properly equipped and has competent personnel to make the inspection required by Section63-7-59and that the inspections will be properly conducted. A fee of Ten Dollars (\$10.00) shall be charged any person or facility seeking a permit as an official tint inspection station, or a renewal thereof, for the purpose of defraying the cost of administering the processing of the application.(3)The Commissioner of Public Safety shall properly supervise and cause inspections to be made of official tint stations and may, after reasonable notice, suspend or revoke and require the surrender of the permit issued to a station which he finds is not

properly equipped or conducted. The Commissioner of Public Safety shall maintain and post at the Office of the Department of Public Safety lists of all stations holding permits and of those whose permits have been suspended or revoked.(4)The Commissioner of Public Safety is authorized to make necessary rules and regulations for the administration and enforcement of this section and Section63-7-59, including a reasonable provision for the bonding of official tint inspection stations.Added by Laws, 2015, ch. 417, HB 982, 2, eff. 7/1/2015. (1)The Commissioner of Public Safety shall annually issue permits for and furnish instructions and all necessary forms to official tint inspection stations for the inspection of windshields and issuance of any label as required by Section63-7-59.(2)Application for a permit to operate an official tint inspection station shall be made on an official form and shall be granted only when the Commissioner of Public Safety is satisfied that the station is properly equipped and has competent personnel to make the inspection required by Section63-7-59and that the inspections will be properly conducted. A fee of Ten Dollars (\$10.00) shall be charged any person or facility seeking a permit as an official tint inspection station, or a renewal thereof, for the purpose of defraying the cost of administering the processing of the application.(3)The Commissioner of Public Safety shall properly supervise and cause inspections to be made of official tint stations and may, after reasonable notice, suspend or revoke and require the surrender of the permit issued to a station which he finds is not properly equipped or conducted. The Commissioner of Public Safety shall maintain and post at the Office of the Department of Public Safety lists of all stations holding permits and of those whose permits have been suspended or revoked.(4)The Commissioner of Public Safety is authorized to make necessary rules and regulations for the administration and enforcement of this section and Section63-7-59, including a reasonable provision for the bonding of official tint inspection stations.Added by Laws, 2015, ch. 417, HB 982, 2, eff. 7/1/2015. Added by Laws, 2015, ch. 417, HB 982, 2, eff. 7/1/2015.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107)Section 63-7-61 - Safety glass

No person shall sell any new motor vehicle nor shall any new motor vehicle be registered unless such motor vehicle is equipped with safety glass throughout.No person shall replace any glass in any motor vehicle except with safety glass, provided same can be easily or readily obtained.The term "safety glass" shall mean any product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken or such other or similar product as may be approved by the department.The department shall compile and publish a list of types of glass by name approved by it as meeting the requirements of this section. The State Tax Commission and county tax collectors shall not register any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glass, and the State Tax Commission shall suspend the registration of any motor vehicle so subject to this section which it finds is not so equipped until it is made to conform to the requirements of this section.Codes, 1942, § 8255; Laws, 1938, ch. 200; Laws, 2001, ch. 596, § 62, eff. 7/1/2001. No person shall sell any new motor vehicle nor shall any new motor vehicle be registered unless such motor vehicle is equipped with safety glass throughout.No person shall replace any glass in any motor vehicle except with safety glass, provided same can be easily or readily obtained.The term "safety glass" shall mean any product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken or such other or similar product as may be approved by the department.The department shall compile and publish a list of types of glass by name approved by it as meeting the requirements of this section. The State Tax Commission and county tax collectors shall not register any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glass, and the State Tax Commission shall suspend the registration of any motor vehicle so subject to this section which it finds is not so equipped until it is made to conform to the requirements of this section.Codes, 1942, § 8255; Laws, 1938, ch. 200; Laws, 2001, ch. 596, § 62, eff. 7/1/2001. No person shall sell any new motor vehicle nor shall any new motor vehicle be registered unless such motor vehicle is equipped with safety glass throughout.No person shall replace any glass in any motor vehicle except with safety glass, provided same can be easily or readily obtained.The term "safety glass" shall mean any product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken or such other or similar product as may be approved by the department.The department shall compile and publish a list of types of glass by name approved by it as meeting the requirements of this section. The State Tax Commission and county tax collectors shall not register any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glass, and the State Tax Commission shall suspend the registration of any motor vehicle so subject to this section which it finds is not so equipped until it is made to conform to the requirements of this section.Codes, 1942, § 8255; Laws, 1938, ch. 200; Laws, 2001, ch. 596, § 62, eff. 7/1/2001. No person shall sell any new motor vehicle nor shall any new motor vehicle be registered unless such motor vehicle is equipped with safety glass throughout. No person shall replace any glass in any motor vehicle except with safety glass, provided same can be easily or readily obtained. The term "safety glass" shall mean any product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken or such other or similar product as may be approved by the department. The department shall compile and publish a list of types of glass by name approved by it as meeting the requirements of this section. The State Tax Commission and county tax collectors shall not register any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glass, and the State Tax Commission shall suspend the registration of any motor vehicle so subject to this section which it finds is not so equipped until it is made to conform to the requirements of this section. Codes, 1942, § 8255; Laws, 1938, ch. 200; Laws, 2001, ch. 596, § 62, eff. 7/1/2001.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-62 - Unlawful installation of an object in lieu of an airbag

(1) As used in this section, the following words and phrases have the meanings ascribed in this subsection unless the context clearly requires otherwise: (a) "Airbag" means an inflatable restraint device for occupants of motor vehicles which is part of an automobile supplemental restraint system. (b) "Automobile supplemental restraint system" means a passive inflatable crash protection system that a vehicle manufacturer designs to protect automobile occupants in conjunction with a seat belt assembly, as defined in 49 CFR 571.209, and which has one or more airbags and all components required to ensure that each airbag: (i) Operates as designed in a crash; and (ii) Meets federal motor vehicle safety standards for the specific make, model and year of manufacture of the vehicle in which the airbag is installed. (c) "Counterfeit automobile supplemental restraint system component" means a replacement component, including an airbag, that without the authorization of a manufacturer, or a person who supplies parts to the manufacturer, displays a trademark that is identical or substantially similar to the manufacturer's or supplier's genuine trademark. (d) "Nonfunctional airbag" means a replacement airbag that: (i) Was previously deployed or damaged; (ii) Has a fault that a motor vehicle's diagnostic systems detect once the airbag is installed; (iii) May not be sold or leased under 49 USC 30120(j); or (iv) Includes a counterfeit automobile supplemental restraint system component or other part or object that is installed for the purpose of misleading a motor vehicle owner or operator into believing that a functional airbag is installed. "Nonfunctional airbag" does not include a salvaged airbag, or an airbag that is installed in a motor vehicle: that has been declared a total loss or is otherwise a totaled vehicle; or for which the owner was issued a salvage title certificate or a similar title from another state. (e) "Salvaged airbag" means an original equipment manufacturer nondeployed airbag that has been removed from a motor vehicle for use in another motor vehicle. (2) A person may not knowingly or intentionally: (a) Manufacture, import, distribute, offer for sale, sell or lease or otherwise transfer, or install or reinstall into a motor vehicle a counterfeit automobile supplemental restraint system component, a nonfunctional airbag, or an object that replaces an automobile supplemental restraint system component which does not comply with Standard No. 208, 49 CFR 571.208, for the make, model and year of the motor vehicle; or (b) Install or reinstall as part of an automobile supplemental restraint system any object, component, part or device that causes a motor vehicle's diagnostic system to fail to warn the motor vehicle operator that an airbag is not installed or that a counterfeit automobile supplemental restraint system component or nonfunctional airbag is installed in the motor vehicle. (c) For purposes of paragraph (b) of this subsection, the time when an installation of a counterfeit automobile supplemental restraint system component, a nonfunctional airbag, or an object that replaces an automobile supplemental restraint system component which does not comply with Standard No. 208, 49 CFR 571.208, for the make, model and year of the motor vehicle occurs is when the installation work is complete and the earlier of these two (2) conditions occurs: (i) The motor vehicle is returned to the operator; or (ii) Title to the motor vehicle is transferred. (3) Any person who knowingly manufactures, imports, distributes, offers for sale, sells or leases or otherwise transfers, or installs or reinstalls any object in lieu of an airbag or automobile supplemental restraint system designed in accordance with federal safety regulations for the make, model and year of vehicle, as a part of a vehicle inflatable restraint system, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00), or by imprisonment for not more than one (1) year, or both. (4) For purposes of this section, in the event that a franchised motor vehicle dealer, as defined in Section 63-17-55, or its owners, did not know and should not have reasonably known, that a counterfeit automobile supplemental restraint system component, nonfunctional airbag or other component device has been imported, manufactured, sold, offered for sale, installed or reinstalled in lieu of a supplemental restraint system component at the franchised motor vehicle dealer's place of business or elsewhere, knowledge by any other person shall not be imputed to the franchised motor vehicle dealer or its owners, and the franchised motor vehicle dealer or its owners shall not have any criminal liability under this section. Laws, 2003, ch. 477, § 1, eff. 7/1/2003. Amended by Laws, 2024, ch. 442, HB 1092, § 1, eff. 7/1/2024. (1) As used in this section, the following words and phrases have the meanings ascribed in this subsection unless the context clearly requires otherwise: (a) "Airbag" means an inflatable restraint device for occupants of motor vehicles which is part of an automobile supplemental restraint system. (b) "Automobile supplemental restraint system" means a passive inflatable crash protection system that a vehicle manufacturer designs to protect automobile occupants in conjunction with a seat belt assembly, as defined in 49 CFR 571.209, and which has one or more airbags and all components required to ensure that each airbag: (i) Operates as designed in a crash; and (ii) Meets federal motor vehicle safety standards for the specific make, model and year of manufacture of the vehicle in which the airbag is installed. (c) "Counterfeit automobile supplemental restraint system component" means a replacement component, including an airbag, that without the authorization of a manufacturer, or a person who supplies parts to the manufacturer, displays a trademark that is identical or substantially similar to the manufacturer's or supplier's genuine trademark. (d) "Nonfunctional airbag" means a replacement airbag that: (i) Was previously deployed or damaged; (ii) Has a fault that a motor vehicle's diagnostic systems detect once the airbag is installed; (iii) May not be sold or leased under 49 USC 30120(j); or (iv) Includes a counterfeit automobile supplemental restraint system component or other part or object that is installed for the purpose of misleading a motor vehicle owner or operator into believing that a functional airbag is installed. "Nonfunctional airbag" does not include a salvaged airbag, or an airbag that is installed in a motor vehicle: that has been declared a total loss or is otherwise a totaled vehicle; or for which the owner was issued a salvage title certificate or a similar title from another state. (e) "Salvaged airbag" means an original equipment manufacturer nondeployed airbag that has been removed from a motor vehicle for use in another motor vehicle. (2) A person may not knowingly or intentionally: (a) Manufacture, import, distribute, offer for sale, sell or lease or otherwise transfer, or install or reinstall into a motor vehicle a counterfeit automobile supplemental restraint system component, a nonfunctional airbag, or an object that replaces an automobile supplemental restraint system component which does not comply with

Standard No. 208,49 CFR 571.208, for the make, model and year of the motor vehicle; or(b)Install or reinstall as part of an automobile supplemental restraint system any object, component, part or device that causes a motor vehicle's diagnostic system to fail to warn the motor vehicle operator that an airbag is not installed or that a counterfeit automobile supplemental restraint system component or nonfunctional airbag is installed in the motor vehicle.(c)For purposes of paragraph (b) of this subsection, the time when an installation of a counterfeit automobile supplemental restraint system component, a nonfunctional airbag, or an object that replaces an automobile supplemental restraint system component which does not comply with Standard No. 208,49 CFR 571.208, for the make, model and year of the motor vehicle occurs is when the installation work is complete and the earlier of these two (2) conditions occurs:(i)The motor vehicle is returned to the operator; or(ii)Title to the motor vehicle is transferred.(3)Any person who knowingly manufactures, imports, distributes, offers for sale, sells or leases or otherwise transfers, or installs or reinstalls any object in lieu of an airbag or automobile supplemental restraint system designed in accordance with federal safety regulations for the make, model and year of vehicle, as a part of a vehicle inflatable restraint system, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00), or by imprisonment for not more than one (1) year, or both.(4)For purposes of this section, in the event that a franchised motor vehicle dealer, as defined in Section63-17-55, or its owners, did not know and should not have reasonably known, that a counterfeit automobile supplemental restraint system component, nonfunctional airbag or other component device has been imported, manufactured, sold, offered for sale, installed or reinstalled in lieu of a supplemental restraint system component at the franchised motor vehicle dealer's place of business or elsewhere, knowledge by any other person shall not be imputed to the franchised motor vehicle dealer or its owners, and the franchised motor vehicle dealer or its owners shall not have any criminal liability under this section.Laws, 2003, ch. 477, § 1, eff. 7/1/2003.Amended by Laws, 2024, ch. 442, HB 1092,§ 1, eff. 7/1/2024. (1)As used in this section, the following words and phrases have the meanings ascribed in this subsection unless the context clearly requires otherwise:(a)"Airbag" means an inflatable restraint device for occupants of motor vehicles which is part of an automobile supplemental restraint system.(b)"Automobile supplemental restraint system" means a passive inflatable crash protection system that a vehicle manufacturer designs to protect automobile occupants in conjunction with a seat belt assembly, as defined in49 CFR 571.209, and which has one or more airbags and all components required to ensure that each airbag:(i)Operates as designed in a crash; and(ii)Meets federal motor vehicle safety standards for the specific make, model and year of manufacture of the vehicle in which the airbag is installed.(c)"Counterfeit automobile supplemental restraint system component" means a replacement component, including an airbag, that without the authorization of a manufacturer, or a person who supplies parts to the manufacturer, displays a trademark that is identical or substantially similar to the manufacturer's or supplier's genuine trademark.(d)"Nonfunctional airbag" means a replacement airbag that:(i)Was previously deployed or damaged;(ii)Has a fault that a motor vehicle's diagnostic systems detect once the airbag is installed;(iii)May not be sold or leased under49 USC 30120(j); or(iv)Includes a counterfeit automobile supplemental restraint system component or other part or object that is installed for the purpose of misleading a motor vehicle owner or operator into believing that a functional airbag is installed."Nonfunctional airbag" does not include a salvaged airbag, or an airbag that is installed in a motor vehicle: that has been declared a total loss or is otherwise a totaled vehicle; or for which the owner was issued a salvage title certificate or a similar title from another state.(e)"Salvaged airbag" means an original equipment manufacturer nondeployed airbag that has been removed from a motor vehicle for use in another motor vehicle.(2)A person may not knowingly or intentionally:(a)Manufacture, import, distribute, offer for sale, sell or lease or otherwise transfer, or install or reinstall into a motor vehicle a counterfeit automobile supplemental restraint system component, a nonfunctional airbag, or an object that replaces an automobile supplemental restraint system component which does not comply with Standard No. 208,49 CFR 571.208, for the make, model and year of the motor vehicle; or(b)Install or reinstall as part of an automobile supplemental restraint system any object, component, part or device that causes a motor vehicle's diagnostic system to fail to warn the motor vehicle operator that an airbag is not installed or that a counterfeit automobile supplemental restraint system component or nonfunctional airbag is installed in the motor vehicle.(c)For purposes of paragraph (b) of this subsection, the time when an installation of a counterfeit automobile supplemental restraint system component, a nonfunctional airbag, or an object that replaces an automobile supplemental restraint system component which does not comply with Standard No. 208,49 CFR 571.208, for the make, model and year of the motor vehicle occurs is when the installation work is complete and the earlier of these two (2) conditions occurs:(i)The motor vehicle is returned to the operator; or(ii)Title to the motor vehicle is transferred.(3)Any person who knowingly manufactures, imports, distributes, offers for sale, sells or leases or otherwise transfers, or installs or reinstalls any object in lieu of an airbag or automobile supplemental restraint system designed in accordance with federal safety regulations for the make, model and year of vehicle, as a part of a vehicle inflatable restraint system, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Thousand Dollars (\$5,000.00), or by imprisonment for not more than one (1) year, or both.(4)For purposes of this section, in the event that a franchised motor vehicle dealer, as defined in Section63-17-55, or its owners, did not know and should not have reasonably known, that a counterfeit automobile supplemental restraint system component, nonfunctional airbag or other component device has been imported, manufactured, sold, offered for sale, installed or reinstalled in lieu of a supplemental restraint system component at the franchised motor vehicle dealer's place of business or elsewhere, knowledge by any other person shall not be imputed to the franchised motor vehicle dealer or its owners, and the franchised motor vehicle dealer or its owners shall not have any criminal liability under this section.Laws, 2003, ch. 477, § 1, eff. 7/1/2003.Amended by Laws, 2024, ch. 442, HB 1092,§ 1, eff. 7/1/2024. "Nonfunctional airbag" does not include a salvaged airbag, or an airbag that is installed in a motor vehicle: that has been declared a total loss or is otherwise a totaled vehicle; or for which the owner was issued a salvage title certificate or a similar title from another state. Laws, 2003, ch. 477, § 1, eff. 7/1/2003. Amended by Laws, 2024, ch. 442, HB 1092,§ 1, eff.

7/1/2024.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-63 - Safety belts

It shall be unlawful for any person to buy, sell, lease, trade or transfer from or to Mississippi residents, at retail, an automobile which is manufactured or assembled commencing with the 1963 models, unless such automobile is equipped with safety belts installed for use in the left front and right front seats thereof. The violation of the provisions of this section shall be a misdemeanor and, upon conviction, the violator shall be fined not less than twenty-five dollars (\$25.00), nor more than fifty dollars (\$50.00), for each offense. All such safety belts shall be of such type and be installed in a manner approved by the department of public safety of the State of Mississippi. The department shall establish specifications and requirements of approved types of safety belts and attachments. The department will accept, as approved, all seat belt installations and the belt and anchor meeting the specifications of the Society of Automotive Engineers. Codes, 1942, § 8254.5; Laws, 1962, ch. 532, eff. 6/1/1962. It shall be unlawful for any person to buy, sell, lease, trade or transfer from or to Mississippi residents, at retail, an automobile which is manufactured or assembled commencing with the 1963 models, unless such automobile is equipped with safety belts installed for use in the left front and right front seats thereof. The violation of the provisions of this section shall be a misdemeanor and, upon conviction, the violator shall be fined not less than twenty-five dollars (\$25.00), nor more than fifty dollars (\$50.00), for each offense. All such safety belts shall be of such type and be installed in a manner approved by the department of public safety of the State of Mississippi. The department shall establish specifications and requirements of approved types of safety belts and attachments. The department will accept, as approved, all seat belt installations and the belt and anchor meeting the specifications of the Society of Automotive Engineers. Codes, 1942, § 8254.5; Laws, 1962, ch. 532, eff. 6/1/1962. It shall be unlawful for any person to buy, sell, lease, trade or transfer from or to Mississippi residents, at retail, an automobile which is manufactured or assembled commencing with the 1963 models, unless such automobile is equipped with safety belts installed for use in the left front and right front seats thereof. The violation of the provisions of this section shall be a misdemeanor and, upon conviction, the violator shall be fined not less than twenty-five dollars (\$25.00), nor more than fifty dollars (\$50.00), for each offense. All such safety belts shall be of such type and be installed in a manner approved by the department of public safety of the State of Mississippi. The department shall establish specifications and requirements of approved types of safety belts and attachments. The department will accept, as approved, all seat belt installations and the belt and anchor meeting the specifications of the Society of Automotive Engineers. Codes, 1942, § 8254.5; Laws, 1962, ch. 532, eff. 6/1/1962. It shall be unlawful for any person to buy, sell, lease, trade or transfer from or to Mississippi residents, at retail, an automobile which is manufactured or assembled commencing with the 1963 models, unless such automobile is equipped with safety belts installed for use in the left front and right front seats thereof. The violation of the provisions of this section shall be a misdemeanor and, upon conviction, the violator shall be fined not less than twenty-five dollars (\$25.00), nor more than fifty dollars (\$50.00), for each offense. All such safety belts shall be of such type and be installed in a manner approved by the department of public safety of the State of Mississippi. The department shall establish specifications and requirements of approved types of safety belts and attachments. The department will accept, as approved, all seat belt installations and the belt and anchor meeting the specifications of the Society of Automotive Engineers. Codes, 1942, § 8254.5; Laws, 1962, ch. 532, eff. 6/1/1962.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-64 - Motorcycle or motor scooter crash helmets

No person shall operate or ride upon any motorcycle or motor scooter upon the public roads or highways of this state unless such person is wearing on his or her head a crash helmet that complies with minimum guidelines established by the National Highway Traffic Safety Administration pursuant to federal Motor Vehicle Safety Standard No. 218 (49 CFR 571.218). Violation of this section shall be deemed a violation of the traffic regulations and rules of the road and punishable as provided by Section 63-9-11. This section shall not apply to a person operating an auticycle as defined in Section 63-3-103 or persons riding any motorcycle or motor scooter in a parade, at a speed not to exceed thirty (30) miles per hour, if the person is eighteen (18) years of age or older. Laws, 1974, ch. 461; Laws, 2012, ch. 544, § 1, eff. 5/26/2012. Amended by Laws, 2015, ch. 406, HB 111, 2, eff. 7/1/2015. No person shall operate or ride upon any motorcycle or motor scooter upon the public roads or highways of this state unless such person is wearing on his or her head a crash helmet that complies with minimum guidelines established by the National Highway Traffic Safety Administration pursuant to federal Motor Vehicle Safety Standard No. 218 (49 CFR 571.218). Violation of this section shall be deemed a violation of the traffic regulations and rules of the road and punishable as provided by Section 63-9-11. This section shall not apply to a person operating an auticycle as defined in Section 63-3-103 or persons riding any motorcycle or motor scooter in a parade, at a speed not to exceed thirty (30) miles per hour, if the person is eighteen (18) years of age or older. Laws, 1974, ch. 461; Laws, 2012, ch. 544, § 1, eff. 5/26/2012. Amended by Laws, 2015, ch. 406, HB 111, 2, eff. 7/1/2015. No person shall operate or ride upon any motorcycle or motor scooter upon the public roads or highways of this state unless such person is wearing on his or her head a crash helmet that complies with minimum guidelines established by the National Highway Traffic Safety Administration pursuant to federal Motor Vehicle Safety Standard No. 218 (49 CFR 571.218). Violation of this section shall be deemed a violation of the traffic regulations and rules of the road and punishable as provided by Section 63-9-11. This section shall not apply to a person operating an auticycle as defined in Section 63-3-103 or persons riding any motorcycle or motor scooter in a parade, at a speed not to

exceed thirty (30) miles per hour, if the person is eighteen (18) years of age or older. Laws, 1974, ch. 461; Laws, 2012, ch. 544, § 1, eff. 5/26/2012. Amended by Laws, 2015, ch. 406, HB 111, 2, eff. 7/1/2015. No person shall operate or ride upon any motorcycle or motor scooter upon the public roads or highways of this state unless such person is wearing on his or her head a crash helmet that complies with minimum guidelines established by the National Highway Traffic Safety Administration pursuant to federal Motor Vehicle Safety Standard No. 218 (49 CFR 571.218). Violation of this section shall be deemed a violation of the traffic regulations and rules of the road and punishable as provided by Section 63-9-11. This section shall not apply to a person operating an autocycle as defined in Section 63-3-103 or persons riding any motorcycle or motor scooter in a parade, at a speed not to exceed thirty (30) miles per hour, if the person is eighteen (18) years of age or older. Laws, 1974, ch. 461; Laws, 2012, ch. 544, § 1, eff. 5/26/2012. Amended by Laws, 2015, ch. 406, HB 111, 2, eff. 7/1/2015.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-65 - Horns and other warning devices

(1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet. The driver of a motor vehicle shall, when reasonably necessary to ensure safe operation, give audible warning with his horn but shall not otherwise use such horn upon a highway. No horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. (2) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the department. No such siren shall be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound such siren when necessary to warn pedestrians and other drivers of the approach thereof. (3) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section. No bicycle shall be equipped with nor shall any person use upon a bicycle any siren or whistle. (4) Any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Codes, 1942, § 8250; Laws, 1938, ch. 200; Laws, 1994, ch. 324, § 1, eff. 7/1/1994. (1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet. The driver of a motor vehicle shall, when reasonably necessary to ensure safe operation, give audible warning with his horn but shall not otherwise use such horn upon a highway. No horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. (2) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the department. No such siren shall be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound such siren when necessary to warn pedestrians and other drivers of the approach thereof. (3) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section. No bicycle shall be equipped with nor shall any person use upon a bicycle any siren or whistle. (4) Any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Codes, 1942, § 8250; Laws, 1938, ch. 200; Laws, 1994, ch. 324, § 1, eff. 7/1/1994. (1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet. The driver of a motor vehicle shall, when reasonably necessary to ensure safe operation, give audible warning with his horn but shall not otherwise use such horn upon a highway. No horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. (2) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the department. No such siren shall be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound such siren when necessary to warn pedestrians and other drivers of the approach thereof. (3) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section. No bicycle shall be equipped with nor shall any person use upon a bicycle any siren or whistle. (4) Any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Codes, 1942, § 8250; Laws, 1938, ch. 200; Laws, 1994, ch. 324, § 1, eff. 7/1/1994. Codes, 1942, § 8250; Laws, 1938, ch. 200; Laws, 1994, ch. 324, § 1, eff. 7/1/1994.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-67 - Tires

Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one (1) inch thick above the edge of the flange of the entire periphery. No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway. No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire. However, it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway,

and it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid. The Mississippi Department of Transportation and local authorities in their respective jurisdictions may, in their discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this title. Codes, 1942, § 8254; Laws, 1938, ch. 200; Laws, 2001, ch. 596, § 63, eff. 7/1/2001. Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one (1) inch thick above the edge of the flange of the entire periphery. No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway. No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire. However, it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid. The Mississippi Department of Transportation and local authorities in their respective jurisdictions may, in their discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this title. Codes, 1942, § 8254; Laws, 1938, ch. 200; Laws, 2001, ch. 596, § 63, eff. 7/1/2001. Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one (1) inch thick above the edge of the flange of the entire periphery. No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway. No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire. However, it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid. The Mississippi Department of Transportation and local authorities in their respective jurisdictions may, in their discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this title. Codes, 1942, § 8254; Laws, 1938, ch. 200; Laws, 2001, ch. 596, § 63, eff. 7/1/2001.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-69 - Warning and safety appliances for trucks and buses; requirement; standards

(1) No person shall operate any truck or bus on any highway outside the limits of any municipality or residential section adjacent thereto between the hours of one half hour after sunset and one half hour before sunrise unless there be carried in such vehicle, ready for use, certain warning and safety appliances such as flares, fusees, flags, reflectors, fire extinguishers, and the like. (2) The nature of such appliances, methods of their use, and standards of their quality, shall be prescribed by the department with the condition that no appliance shall be prescribed whose quality is below the standards as follows: for fire extinguishers and flares, the standards adopted by the Interstate Commerce Commission; for fusees, the standards adopted by the Bureau of Explosives; for lights and reflectors, the standards adopted by the Society of Automotive Engineers or the Illuminating Engineers Society; and for any other appliance, the standards adopted by a recognized research body in its respective line. The commissioner shall approve any of the appliances mentioned herein when such appliance has been approved by or meets the minimum standards adopted by either the Interstate Commerce Commission, the Bureau of Explosives, the Society of Automotive Engineers, the Illuminating Engineers Society, or any other recognized research body in its respective line, as the case may be. Codes, 1942, § 8256; Laws, 1938, ch. 200; Laws, 1946, ch. 420, § 11; Laws, 1954, ch. 329; Laws, 1962, ch. 528, eff. 4/25/1962. (1) No person shall operate any truck or bus on any highway outside the limits of any municipality or residential section adjacent thereto between the hours of one half hour after sunset and one half hour before sunrise unless there be carried in such vehicle, ready for use, certain warning and safety appliances such as flares, fusees, flags, reflectors, fire extinguishers, and the like. (2) The nature of such appliances, methods of their use, and standards of their quality, shall be prescribed by the department with the condition that no appliance shall be prescribed whose quality is below the standards as follows: for fire extinguishers and flares, the standards adopted by the Interstate Commerce Commission; for fusees, the

standards adopted by the Bureau of Explosives; for lights and reflectors, the standards adopted by the Society of Automotive Engineers or the Illuminating Engineers Society; and for any other appliance, the standards adopted by a recognized research body in its respective line. The commissioner shall approve any of the appliances mentioned herein when such appliance has been approved by or meets the minimum standards adopted by either the Interstate Commerce Commission, the Bureau of Explosives, the Society of Automotive Engineers, the Illuminating Engineers Society, or any other recognized research body in its respective line, as the case may be. Codes, 1942, § 8256; Laws, 1938, ch. 200; Laws, 1946, ch. 420, § 11; Laws, 1954, ch. 329; Laws, 1962, ch. 528, eff. 4/25/1962. (1) No person shall operate any truck or bus on any highway outside the limits of any municipality or residential section adjacent thereto between the hours of one half hour after sunset and one half hour before sunrise unless there be carried in such vehicle, ready for use, certain warning and safety appliances such as flares, fusees, flags, reflectors, fire extinguishers, and the like. (2) The nature of such appliances, methods of their use, and standards of their quality, shall be prescribed by the department with the condition that no appliance shall be prescribed whose quality is below the standards as follows: for fire extinguishers and flares, the standards adopted by the Interstate Commerce Commission; for fusees, the standards adopted by the Bureau of Explosives; for lights and reflectors, the standards adopted by the Society of Automotive Engineers or the Illuminating Engineers Society; and for any other appliance, the standards adopted by a recognized research body in its respective line. The commissioner shall approve any of the appliances mentioned herein when such appliance has been approved by or meets the minimum standards adopted by either the Interstate Commerce Commission, the Bureau of Explosives, the Society of Automotive Engineers, the Illuminating Engineers Society, or any other recognized research body in its respective line, as the case may be. Codes, 1942, § 8256; Laws, 1938, ch. 200; Laws, 1946, ch. 420, § 11; Laws, 1954, ch. 329; Laws, 1962, ch. 528, eff. 4/25/1962. Codes, 1942, § 8256; Laws, 1938, ch. 200; Laws, 1946, ch. 420, § 11; Laws, 1954, ch. 329; Laws, 1962, ch. 528, eff. 4/25/1962.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-7 - Operation of vehicle in violation of chapter

It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter. Codes, 1942, § 8228; Laws, 1938, ch. 200. It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter. Codes, 1942, § 8228; Laws, 1938, ch. 200. It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter. Codes, 1942, § 8228; Laws, 1938, ch. 200. It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter. Codes, 1942, § 8228; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-71 - Warning and safety appliances for trucks and buses; display

(1) Whenever any motor truck or bus is stopped upon the highway except for the purpose of picking up or discharging passengers, or its lighting equipment is disabled during the period when lighted lamps must be displayed on vehicles and such motor truck or bus cannot immediately be removed from the main traveled portion of a highway outside of a business or residence district, the driver or other person in charge of such vehicle shall cause such flares, fusees, reflectors, or other signals to be lighted or otherwise placed in an operating condition and placed upon the highway, one at a distance of approximately one hundred feet to the rear of the vehicle, one approximately one hundred feet in advance of the vehicle and the third upon the roadway side of the vehicle. However, if the vehicle is transporting inflammables, no flares (pot torches) fusees, oil lanterns, or any signal produced by a flame, may be used, and in lieu of such signals, either (a) three red electric lanterns or flares and three red cloth flags, or (b) three emergency reflectors and three red cloth flags shall be used. (2) Whenever any motor truck or bus is stopped upon the highway except for the purpose of picking up or discharging passengers between the hours of one half hour before sunrise and one half hour after sunset, the driver or person in charge of such vehicle shall place upon the highway in a standing position red flags, one at a distance not less than one hundred feet to the rear of the vehicle and one not less than one hundred feet in advance of the vehicle and the third upon the roadway side of the vehicle. (3) No person shall at any time operate a motor truck transporting explosives as a cargo or part of a cargo

upon the highway unless it carries (a) electric lanterns or flares and red cloth flags or (b) red emergency reflectors and red cloth flags as required in Section 63-7-69. Such electric flares, electric lanterns and emergency reflectors must be capable of producing a red light or red reflection and shall be displayed upon the roadway when and as required in this section. Codes, 1942, § 8256; Laws, 1938, ch. 200; Laws, 1946, ch. 420, § 11; Laws, 1954, ch. 329; Laws, 1962, ch. 528, eff. 4/25/1962. (1) Whenever any motor truck or bus is stopped upon the highway except for the purpose of picking up or discharging passengers, or its lighting equipment is disabled during the period when lighted lamps must be displayed on vehicles and such motor truck or bus cannot immediately be removed from the main traveled portion of a highway outside of a business or residence district, the driver or other person in charge of such vehicle shall cause such flares, fusees, reflectors, or other signals to be lighted or otherwise placed in an operating condition and placed upon the highway, one at a distance of approximately one hundred feet to the rear of the vehicle, one approximately one hundred feet in advance of the vehicle and the third upon the roadway side of the vehicle. However, if the vehicle is transporting inflammables, no flares (pot torches) fusees, oil lanterns, or any signal produced by a flame, may be used, and in lieu of such signals, either (a) three red electric lanterns or flares and three red cloth flags, or (b) three emergency reflectors and three red cloth flags shall be used. (2) Whenever any motor truck or bus is stopped upon the highway except for the purpose of picking up or discharging passengers between the hours of one half hour before sunrise and one half hour after sunset, the driver or person in charge of such vehicle shall place upon the highway in a standing position red flags, one at a distance not less than one hundred feet to the rear of the vehicle and one not less than one hundred feet in advance of the vehicle and the third upon the roadway side of the vehicle. (3) No person shall at any time operate a motor truck transporting explosives as a cargo or part of a cargo upon the highway unless it carries (a) electric lanterns or flares and red cloth flags or (b) red emergency reflectors and red cloth flags as required in Section 63-7-69. Such electric flares, electric lanterns and emergency reflectors must be capable of producing a red light or red reflection and shall be displayed upon the roadway when and as required in this section. Codes, 1942, § 8256; Laws, 1938, ch. 200; Laws, 1946, ch. 420, § 11; Laws, 1954, ch. 329; Laws, 1962, ch. 528, eff. 4/25/1962. (1) Whenever any motor truck or bus is stopped upon the highway except for the purpose of picking up or discharging passengers, or its lighting equipment is disabled during the period when lighted lamps must be displayed on vehicles and such motor truck or bus cannot immediately be removed from the main traveled portion of a highway outside of a business or residence district, the driver or other person in charge of such vehicle shall cause such flares, fusees, reflectors, or other signals to be lighted or otherwise placed in an operating condition and placed upon the highway, one at a distance of approximately one hundred feet to the rear of the vehicle, one approximately one hundred feet in advance of the vehicle and the third upon the roadway side of the vehicle. However, if the vehicle is transporting inflammables, no flares (pot torches) fusees, oil lanterns, or any signal produced by a flame, may be used, and in lieu of such signals, either (a) three red electric lanterns or flares and three red cloth flags, or (b) three emergency reflectors and three red cloth flags shall be used. (2) Whenever any motor truck or bus is stopped upon the highway except for the purpose of picking up or discharging passengers between the hours of one half hour before sunrise and one half hour after sunset, the driver or person in charge of such vehicle shall place upon the highway in a standing position red flags, one at a distance not less than one hundred feet to the rear of the vehicle and one not less than one hundred feet in advance of the vehicle and the third upon the roadway side of the vehicle. (3) No person shall at any time operate a motor truck transporting explosives as a cargo or part of a cargo upon the highway unless it carries (a) electric lanterns or flares and red cloth flags or (b) red emergency reflectors and red cloth flags as required in Section 63-7-69. Such electric flares, electric lanterns and emergency reflectors must be capable of producing a red light or red reflection and shall be displayed upon the roadway when and as required in this section. Codes, 1942, § 8256; Laws, 1938, ch. 200; Laws, 1946, ch. 420, § 11; Laws, 1954, ch. 329; Laws, 1962, ch. 528, eff. 4/25/1962. Codes, 1942, § 8256; Laws, 1938, ch. 200; Laws, 1946, ch. 420, § 11; Laws, 1954, ch. 329; Laws, 1962, ch. 528, eff. 4/25/1962.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-73 - Protectors or flaps for rear wheels

(1) No person shall drive or operate or cause to be driven or operated, upon the public highways, streets, bridges and culverts within the State of Mississippi, or any subdivision thereof, any car, truck, truck-tractor, trailer or semi-trailer or bus used for the transportation of property or persons the gross weight of which, including load, exceeds ten tons unless such motor vehicle is equipped with suitable metal protectors or substantial flexible flaps on the rear-most wheels of such vehicle or combination of vehicles, so as to prevent as far as possible such wheels from throwing dirt, water and other materials on the windshields of following motor vehicles. However, pole trailers, dump trucks, and all trucks carrying an "F" license tag shall be exempt from the provisions of this section. (2) Such protectors or flaps shall be constructed of substantial and suitable materials approved by the commissioner of public safety and shall have a ground clearance of not more than one-fifth of the distance from the center of the rear-most axle to the center of the flaps under any conditions of loading operation of the motor vehicle. They shall be at least as wide as the tires they are protecting. However, if the motor vehicle is so designed and constructed that the purposes of this section cannot be met, then, in the discretion of the commissioner of public safety, no such protectors or flaps shall be required. If the said rear-most wheels are not adequately covered at the top by fenders, body or other parts of the vehicle, the said protectors or flaps shall be extended to a point directly above the rear-most axle. Lamps or wiring shall not be attached to protectors or flaps, and any reflectors or reflectorized material attached to or made a part of the protectors or flaps shall be in addition to the reflectors required by law on the vehicle. (3) The commissioner of public safety is hereby charged with the duty of administering the provisions of this section. (4) Any person convicted for a violation of any of the provisions of this section shall for the first violation thereof be

punished by a fine of not more than twenty-five dollars (\$25.00) or by imprisonment for not more than ten (10) days; for a second conviction such person shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment for not more than twenty (20) days. Codes, 1942, § 8256.5; Laws, 1954, ch. 338, §§ 1-4, eff. 7/1/1954. (1) No person shall drive or operate or cause to be driven or operated, upon the public highways, streets, bridges and culverts within the State of Mississippi, or any subdivision thereof, any car, truck, truck-tractor, trailer or semi-trailer or bus used for the transportation of property or persons the gross weight of which, including load, exceeds ten tons unless such motor vehicle is equipped with suitable metal protectors or substantial flexible flaps on the rear-most wheels of such vehicle or combination of vehicles, so as to prevent as far as possible such wheels from throwing dirt, water and other materials on the windshields of following motor vehicles. However, pole trailers, dump trucks, and all trucks carrying an "F" license tag shall be exempt from the provisions of this section. (2) Such protectors or flaps shall be constructed of substantial and suitable materials approved by the commissioner of public safety and shall have a ground clearance of not more than one-fifth of the distance from the center of the rear-most axle to the center of the flaps under any conditions of loading operation of the motor vehicle. They shall be at least as wide as the tires they are protecting. However, if the motor vehicle is so designed and constructed that the purposes of this section cannot be met, then, in the discretion of the commissioner of public safety, no such protectors or flaps shall be required. If the said rear-most wheels are not adequately covered at the top by fenders, body or other parts of the vehicle, the said protectors or flaps shall be extended to a point directly above the rear-most axle. Lamps or wiring shall not be attached to protectors or flaps, and any reflectors or reflectorized material attached to or made a part of the protectors or flaps shall be in addition to the reflectors required by law on the vehicle. (3) The commissioner of public safety is hereby charged with the duty of administering the provisions of this section. (4) Any person convicted for a violation of any of the provisions of this section shall for the first violation thereof be punished by a fine of not more than twenty-five dollars (\$25.00) or by imprisonment for not more than ten (10) days; for a second conviction such person shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment for not more than twenty (20) days. Codes, 1942, § 8256.5; Laws, 1954, ch. 338, §§ 1-4, eff. 7/1/1954. (1) No person shall drive or operate or cause to be driven or operated, upon the public highways, streets, bridges and culverts within the State of Mississippi, or any subdivision thereof, any car, truck, truck-tractor, trailer or semi-trailer or bus used for the transportation of property or persons the gross weight of which, including load, exceeds ten tons unless such motor vehicle is equipped with suitable metal protectors or substantial flexible flaps on the rear-most wheels of such vehicle or combination of vehicles, so as to prevent as far as possible such wheels from throwing dirt, water and other materials on the windshields of following motor vehicles. However, pole trailers, dump trucks, and all trucks carrying an "F" license tag shall be exempt from the provisions of this section. (2) Such protectors or flaps shall be constructed of substantial and suitable materials approved by the commissioner of public safety and shall have a ground clearance of not more than one-fifth of the distance from the center of the rear-most axle to the center of the flaps under any conditions of loading operation of the motor vehicle. They shall be at least as wide as the tires they are protecting. However, if the motor vehicle is so designed and constructed that the purposes of this section cannot be met, then, in the discretion of the commissioner of public safety, no such protectors or flaps shall be required. If the said rear-most wheels are not adequately covered at the top by fenders, body or other parts of the vehicle, the said protectors or flaps shall be extended to a point directly above the rear-most axle. Lamps or wiring shall not be attached to protectors or flaps, and any reflectors or reflectorized material attached to or made a part of the protectors or flaps shall be in addition to the reflectors required by law on the vehicle. (3) The commissioner of public safety is hereby charged with the duty of administering the provisions of this section. (4) Any person convicted for a violation of any of the provisions of this section shall for the first violation thereof be punished by a fine of not more than twenty-five dollars (\$25.00) or by imprisonment for not more than ten (10) days; for a second conviction such person shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment for not more than twenty (20) days. Codes, 1942, § 8256.5; Laws, 1954, ch. 338, §§ 1-4, eff. 7/1/1954. Codes, 1942, § 8256.5; Laws, 1954, ch. 338, §§ 1-4, eff. 7/1/1954.

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All motor vehicles operating on the public highways of this state, carrying passengers for hire, shall be equipped at all times with a speedometer, in good workable condition, reflecting the correct speed, with a dial sufficiently large to be read by the passengers on the said motor vehicle. Codes, 1942, § 8176; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 1; Laws, 1962, ch. 524; Laws, 1966, ch. 571, § 1; Laws, 1970, ch. 442, § 1, eff. 4/1/1970. All motor vehicles operating on the public highways of this state, carrying passengers for hire, shall be equipped at all times with a speedometer, in good workable condition, reflecting the correct speed, with a dial sufficiently large to be read by the passengers on the said motor vehicle. Codes, 1942, § 8176; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 1; Laws, 1962, ch. 524; Laws, 1966, ch. 571, § 1; Laws, 1970, ch. 442, § 1, eff. 4/1/1970. All motor vehicles operating on the public highways of this state, carrying passengers for hire, shall be equipped at all times with a speedometer, in good workable condition, reflecting the correct speed, with a dial sufficiently large to be read by the passengers on the said motor vehicle. Codes, 1942, § 8176; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 1; Laws, 1962, ch. 524; Laws, 1966, ch. 571, § 1; Laws, 1970, ch. 442, § 1, eff. 4/1/1970. All motor vehicles operating on the public highways of this state, carrying passengers for hire, shall be equipped at all times with a speedometer, in good workable condition, reflecting the correct speed, with a dial sufficiently large to be read by the passengers on the said motor vehicle. Codes, 1942, § 8176; Laws, 1938, ch. 200; Laws, 1948, ch. 328, § 1; Laws, 1962, ch. 524; Laws, 1966, ch. 571, § 1; Laws, 1970, ch. 442, § 1, eff. 4/1/1970.

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Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this section. (a) Said vehicle shall be marked or placarded on each side and the rear with the word "explosives" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "danger" in white letters six inches high. (b) Every said vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used. (c) The commissioner is hereby authorized and directed to promulgate such additional regulations governing the transportation of explosives and other dangerous articles by vehicles upon the highways as he shall deem advisable for the protection of the public. Codes, 1942, § 8257; Laws, 1938, ch. 200. Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this section. (a) Said vehicle shall be marked or placarded on each side and the rear with the word "explosives" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "danger" in white letters six inches high. (b) Every said vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used. (c) The commissioner is hereby authorized and directed to promulgate such additional regulations governing the transportation of explosives and other dangerous articles by vehicles upon the highways as he shall deem advisable for the protection of the public. Codes, 1942, § 8257; Laws, 1938, ch. 200. Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this section. (a) Said vehicle shall be marked or placarded on each side and the rear with the word "explosives" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "danger" in white letters six inches high. (b) Every said vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used. (c) The commissioner is hereby authorized and directed to promulgate such additional regulations governing the transportation of explosives and other dangerous articles by vehicles upon the highways as he shall deem advisable for the protection of the public. Codes, 1942, § 8257; Laws, 1938, ch. 200. Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this section. Codes, 1942, § 8257; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-79 - Color of used school buses operated on highways for other than school purposes

(1) Any person who owns or operates a used school bus for the purpose of transportation or use of any kind on the public roads and highways of the State of Mississippi, other than for school purposes, shall change the color of such bus from the regular school bus color of yellow or national school bus chrome to a color in contrast to this color before such bus can be used or operated on the highways or public roads in Mississippi. (2) The vendor or owner of any school bus shall inform the purchaser in writing at or prior to the time of the sale of any bus not to be used for school purposes as to the requirements of this section. (3) Any person who shall violate the provisions of this section shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Codes, 1942, § 8071.5; Laws, 1962, ch. 379, §§ 1-4, eff. 3/28/1962. (1) Any person who owns or operates a used school bus for the purpose of transportation or use of any kind on the public roads and highways of the State of Mississippi, other than for school purposes, shall change the color of such bus from the regular school bus color of yellow or national school bus chrome to a color in contrast to this color before such bus can be used or operated on the highways or public roads in Mississippi. (2) The vendor or owner of any school bus shall inform the purchaser in writing at or prior to the time of the sale of any bus not to be used for school purposes as to the requirements of this section. (3) Any person who shall violate the provisions of this section shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Codes, 1942, § 8071.5; Laws, 1962, ch. 379, §§ 1-4, eff. 3/28/1962. (1) Any person who owns or operates a used school bus for the purpose of transportation or use of any kind on the public roads and highways of the State of Mississippi, other than for school purposes, shall change the color of such bus from the regular school bus color of yellow or national school bus chrome to a color in contrast to this color before such bus can be used or operated on the highways or public roads in Mississippi. (2) The vendor or owner of any school bus shall inform the purchaser in writing at or prior to the time of the sale of any bus not to be used for school purposes as to the requirements of this section. (3) Any person who shall violate the provisions of this section shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Codes, 1942, § 8071.5; Laws, 1962, ch. 379, §§ 1-4, eff. 3/28/1962. Codes, 1942, § 8071.5; Laws, 1962, ch. 379, §§ 1-4, eff. 3/28/1962.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-81 - Effect of chapter on right to recover damages in civil actions

Nothing in this chapter shall be so construed as to curtail or abridge the right of any person to prosecute a civil suit for damages by reason of injuries to person or property resulting from the negligent use of the highways by any motor vehicle, or its owner, or his

employee or agent. Codes, Hemingway's 1917, § 5785; 1930, § 5588; 1942, § 1742; Laws, 1916, ch. 116. Nothing in this chapter shall be so construed as to curtail or abridge the right of any person to prosecute a civil suit for damages by reason of injuries to person or property resulting from the negligent use of the highways by any motor vehicle, or its owner, or his employee or agent. Codes, Hemingway's 1917, § 5785; 1930, § 5588; 1942, § 1742; Laws, 1916, ch. 116. Nothing in this chapter shall be so construed as to curtail or abridge the right of any person to prosecute a civil suit for damages by reason of injuries to person or property resulting from the negligent use of the highways by any motor vehicle, or its owner, or his employee or agent. Codes, Hemingway's 1917, § 5785; 1930, § 5588; 1942, § 1742; Laws, 1916, ch. 116. Nothing in this chapter shall be so construed as to curtail or abridge the right of any person to prosecute a civil suit for damages by reason of injuries to person or property resulting from the negligent use of the highways by any motor vehicle, or its owner, or his employee or agent. Codes, Hemingway's 1917, § 5785; 1930, § 5588; 1942, § 1742; Laws, 1916, ch. 116.

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Every truck, trailer or other carrier with an open top, while traveling upon any state, United States or interstate highway in the State of Mississippi and while carrying any load of sand, dirt, gravel or rock shall be equipped with a tarpaulin, canvas or other such top and same to be secured over the top of any load of sand, dirt, gravel, or rock. Laws, 1974, ch. 521, § 1, eff. 7/1/1974. Every truck, trailer or other carrier with an open top, while traveling upon any state, United States or interstate highway in the State of Mississippi and while carrying any load of sand, dirt, gravel or rock shall be equipped with a tarpaulin, canvas or other such top and same to be secured over the top of any load of sand, dirt, gravel, or rock. Laws, 1974, ch. 521, § 1, eff. 7/1/1974. Every truck, trailer or other carrier with an open top, while traveling upon any state, United States or interstate highway in the State of Mississippi and while carrying any load of sand, dirt, gravel or rock shall be equipped with a tarpaulin, canvas or other such top and same to be secured over the top of any load of sand, dirt, gravel, or rock. Laws, 1974, ch. 521, § 1, eff. 7/1/1974. Every truck, trailer or other carrier with an open top, while traveling upon any state, United States or interstate highway in the State of Mississippi and while carrying any load of sand, dirt, gravel or rock shall be equipped with a tarpaulin, canvas or other such top and same to be secured over the top of any load of sand, dirt, gravel, or rock. Laws, 1974, ch. 521, § 1, eff. 7/1/1974.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-85 - Use of sideboards on open top vehicles carrying sand, dirt, gravel or rock

In lieu of the tarpaulin provided in Section 63-7-83, a truck, trailer or other carrier with an open top while traveling upon any state, United States or interstate highway in the State of Mississippi and while carrying any load of sand, dirt, gravel or rock shall be in full compliance with Sections 63-7-83 through 63-7-89 provided same is not loaded within six (6) inches of the top of the bed or is equipped with four (4) six-inch (6") sideboards, which sideboards shall be attached one (1) each to the front, back and two (2) sides of the carrier body, and shall remain lowered while the body is being loaded, provided that no part of the load shall extend above the body of the carrier. After loading, the sideboards shall be raised and secured to remain raised during travel, and the space between the top of the sideboards and the top of the load making contact with the sideboards shall not be less than six (6) inches. Laws, 1974, ch. 521, § 2, eff. 7/1/1974. In lieu of the tarpaulin provided in Section 63-7-83, a truck, trailer or other carrier with an open top while traveling upon any state, United States or interstate highway in the State of Mississippi and while carrying any load of sand, dirt, gravel or rock shall be in full compliance with Sections 63-7-83 through 63-7-89 provided same is not loaded within six (6) inches of the top of the bed or is equipped with four (4) six-inch (6") sideboards, which sideboards shall be attached one (1) each to the front, back and two (2) sides of the carrier body, and shall remain lowered while the body is being loaded, provided that no part of the load shall extend above the body of the carrier. After loading, the sideboards shall be raised and secured to remain raised during travel, and the space between the top of the sideboards and the top of the load making contact with the sideboards shall not be less than six (6) inches. Laws, 1974, ch. 521, § 2, eff. 7/1/1974. In lieu of the tarpaulin provided in Section 63-7-83, a truck, trailer or other carrier with an open top while traveling upon any state, United States or interstate highway in the State of Mississippi and while carrying any load of sand, dirt, gravel or rock shall be in full compliance with Sections 63-7-83 through 63-7-89 provided same is not loaded within six (6) inches of the top of the bed or is equipped with four (4) six-inch (6") sideboards, which sideboards shall be attached one (1) each to the front, back and two (2) sides of the carrier body, and shall remain lowered while the body is being loaded, provided that no part of the load shall extend above the body of the carrier. After loading, the sideboards shall be raised and secured to remain raised during travel, and the space between the top of the sideboards and the top of the load making contact with the sideboards shall not be less than six (6) inches. Laws, 1974, ch. 521, § 2, eff. 7/1/1974. In lieu of the tarpaulin provided in Section 63-7-83, a truck, trailer or other carrier with an open top while traveling upon any state, United States or interstate highway in the State of Mississippi and while carrying any load of sand, dirt, gravel or rock shall be in full compliance with Sections 63-7-83 through 63-7-89 provided same is not loaded within six (6) inches of the top of the bed or is equipped with four (4) six-inch (6") sideboards, which sideboards shall be attached one (1) each to the front, back and two (2) sides of the carrier body, and shall remain lowered while the body is being loaded, provided that no part of the load shall extend above the body of the carrier. After loading, the sideboards shall be raised and secured to remain raised during travel, and the space between the top of the sideboards and the top of the load making contact with the sideboards shall not be less than six (6) inches. Laws, 1974, ch. 521, § 2, eff. 7/1/1974.

eff. 7/1/1974.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107)Section 63-7-87 - Enforcement of sections 63-7-83 and 63-7-85

The State Tax Commission, Mississippi Highway Patrol and other law enforcement agencies are hereby charged with enforcement of Sections63-7-83through63-7-89.Laws, 1974, ch. 521, § 3; Laws, 2001, ch. 596, § 64, eff. 7/1/2001. The State Tax Commission, Mississippi Highway Patrol and other law enforcement agencies are hereby charged with enforcement of Sections63-7-83through63-7-89.Laws, 1974, ch. 521, § 3; Laws, 2001, ch. 596, § 64, eff. 7/1/2001. The State Tax Commission, Mississippi Highway Patrol and other law enforcement agencies are hereby charged with enforcement of Sections63-7-83through63-7-89.Laws, 1974, ch. 521, § 3; Laws, 2001, ch. 596, § 64, eff. 7/1/2001. The State Tax Commission, Mississippi Highway Patrol and other law enforcement agencies are hereby charged with enforcement of Sections63-7-83through63-7-89. Laws, 1974, ch. 521, § 3; Laws, 2001, ch. 596, § 64, eff. 7/1/2001.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107)Section 63-7-89 - Penalties for violations of sections 63-7-83 and 67-3-85

Any person, firm or corporation operating a truck, trailer or other carrier on any state, United States or interstate highway not properly covered as set forth in Section63-7-83or without sideboards as set forth in Section63-7-85or in violation of any of the other provisions of said Section63-7-85shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each separate and distinct violation.Laws, 1974, ch. 521, § 4, eff. 7/1/1974. Any person, firm or corporation operating a truck, trailer or other carrier on any state, United States or interstate highway not properly covered as set forth in Section63-7-83or without sideboards as set forth in Section63-7-85or in violation of any of the other provisions of said Section63-7-85shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each separate and distinct violation.Laws, 1974, ch. 521, § 4, eff. 7/1/1974. Any person, firm or corporation operating a truck, trailer or other carrier on any state, United States or interstate highway not properly covered as set forth in Section63-7-83or without sideboards as set forth in Section63-7-85or in violation of any of the other provisions of said Section63-7-85shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each separate and distinct violation.Laws, 1974, ch. 521, § 4, eff. 7/1/1974. Any person, firm or corporation operating a truck, trailer or other carrier on any state, United States or interstate highway not properly covered as set forth in Section63-7-83or without sideboards as set forth in Section63-7-85or in violation of any of the other provisions of said Section63-7-85shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each separate and distinct violation. Laws, 1974, ch. 521, § 4, eff. 7/1/1974.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107)Section 63-7-9 - Applicability of chapter

Except as may otherwise be provided in this chapter, the provisions of this chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors.Codes, 1942, § 8228; Laws, 1938, ch. 200.Brought forward by Laws, 2023, ch. 443, HB 1003,§ 23, eff. 7/1/2023. Except as may otherwise be provided in this chapter, the provisions of this chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors.Codes, 1942, § 8228; Laws, 1938, ch. 200.Brought forward by Laws, 2023, ch. 443, HB 1003,§ 23, eff. 7/1/2023. Except as may otherwise be provided in this chapter, the provisions of this chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors.Codes, 1942, § 8228; Laws, 1938, ch. 200.Brought forward by Laws, 2023, ch. 443, HB 1003,§ 23, eff. 7/1/2023. Except as may otherwise be provided in this chapter, the provisions of this chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors. Codes, 1942, § 8228; Laws, 1938, ch. 200. Brought forward by Laws, 2023, ch. 443, HB 1003,§ 23, eff. 7/1/2023.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313)GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107)Section 63-7-91 - Slow-moving vehicle safety emblem; requirement

When any vehicle, whether pulled, towed, self-propelled or animal-drawn, which is not under ordinary circumstances moved, operated or driven at a speed in excess of twenty-five (25) miles per hour, is moved, operated or driven on any public highway or city street which is open for vehicular travel, it shall display a triangular slow-moving-vehicle emblem or high intensity reflectorized tape mounted as near as practicable to the center of the mass and at an approximate height of not less than two (2) nor more than six (6) feet from level ground or pavement surface. In any event, the emblem or tape shall be mounted so as to be entirely visible from the rear, day or night; and the emblem or tape and its position of mounting on the vehicle shall meet the specifications established by

rules and regulations properly adopted and promulgated by the Commissioner of Public Safety. Except in cases of emergency, vehicles subject to the provisions of this section that display the reflectorized tape shall not be operated upon any highway on the designated state highway system during the period from sunset to sunrise. Laws, 1975, ch. 346, § 1; Laws, 1999, ch. 592, § 1, eff. 7/1/1999. When any vehicle, whether pulled, towed, self-propelled or animal-drawn, which is not under ordinary circumstances moved, operated or driven at a speed in excess of twenty-five (25) miles per hour, is moved, operated or driven on any public highway or city street which is open for vehicular travel, it shall display a triangular slow-moving-vehicle emblem or high intensity reflectorized tape mounted as near as practicable to the center of the mass and at an approximate height of not less than two (2) nor more than six (6) feet from level ground or pavement surface. In any event, the emblem or tape shall be mounted so as to be entirely visible from the rear, day or night; and the emblem or tape and its position of mounting on the vehicle shall meet the specifications established by rules and regulations properly adopted and promulgated by the Commissioner of Public Safety. Except in cases of emergency, vehicles subject to the provisions of this section that display the reflectorized tape shall not be operated upon any highway on the designated state highway system during the period from sunset to sunrise. Laws, 1975, ch. 346, § 1; Laws, 1999, ch. 592, § 1, eff. 7/1/1999. When any vehicle, whether pulled, towed, self-propelled or animal-drawn, which is not under ordinary circumstances moved, operated or driven at a speed in excess of twenty-five (25) miles per hour, is moved, operated or driven on any public highway or city street which is open for vehicular travel, it shall display a triangular slow-moving-vehicle emblem or high intensity reflectorized tape mounted as near as practicable to the center of the mass and at an approximate height of not less than two (2) nor more than six (6) feet from level ground or pavement surface. In any event, the emblem or tape shall be mounted so as to be entirely visible from the rear, day or night; and the emblem or tape and its position of mounting on the vehicle shall meet the specifications established by rules and regulations properly adopted and promulgated by the Commissioner of Public Safety. Except in cases of emergency, vehicles subject to the provisions of this section that display the reflectorized tape shall not be operated upon any highway on the designated state highway system during the period from sunset to sunrise. Laws, 1975, ch. 346, § 1; Laws, 1999, ch. 592, § 1, eff. 7/1/1999.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-93 - Slow-moving vehicle safety emblem; prohibition

The use of the slow-moving-vehicle emblem or high intensity reflectorized tape shall be restricted to the slow-moving vehicles specified in Section 63-7-91 and the use of such emblem or tape on any other type of vehicle or stationary object on or along any public highway or city street is prohibited. Laws, 1975, ch. 346, § 2; Laws, 1999, ch. 592, § 2, eff. 7/1/1999. The use of the slow-moving-vehicle emblem or high intensity reflectorized tape shall be restricted to the slow-moving vehicles specified in Section 63-7-91 and the use of such emblem or tape on any other type of vehicle or stationary object on or along any public highway or city street is prohibited. Laws, 1975, ch. 346, § 2; Laws, 1999, ch. 592, § 2, eff. 7/1/1999. The use of the slow-moving-vehicle emblem or high intensity reflectorized tape shall be restricted to the slow-moving vehicles specified in Section 63-7-91 and the use of such emblem or tape on any other type of vehicle or stationary object on or along any public highway or city street is prohibited. Laws, 1975, ch. 346, § 2; Laws, 1999, ch. 592, § 2, eff. 7/1/1999. The use of the slow-moving-vehicle emblem or high intensity reflectorized tape shall be restricted to the slow-moving vehicles specified in Section 63-7-91 and the use of such emblem or tape on any other type of vehicle or stationary object on or along any public highway or city street is prohibited. Laws, 1975, ch. 346, § 2; Laws, 1999, ch. 592, § 2, eff. 7/1/1999.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-95 - Slow-moving vehicle safety emblem; rules and regulations

The Commissioner of Public Safety is hereby authorized, empowered and directed to adopt and promulgate rules and regulations establishing standards and specifications for the design, materials and mounting of a standard slow-moving-vehicle emblem and high intensity reflectorized tape for the uniform identification of slow-moving vehicles. In adopting said rules and regulations the Commissioner of Public Safety shall consider the standard markings used in other states, the current recommendations of the American Society of Agricultural Engineers and the Society of Automotive Engineers, in order that the slow-moving-vehicle emblem or tape may be more universally recognizable and of adequate quality. Laws, 1975, ch. 346, § 3; Laws, 1999, ch. 592, § 3, eff. 7/1/1999. The Commissioner of Public Safety is hereby authorized, empowered and directed to adopt and promulgate rules and regulations establishing standards and specifications for the design, materials and mounting of a standard slow-moving-vehicle

emblem and high intensity reflectorized tape for the uniform identification of slow-moving vehicles. In adopting said rules and regulations the Commissioner of Public Safety shall consider the standard markings used in other states, the current recommendations of the American Society of Agricultural Engineers and the Society of Automotive Engineers, in order that the slow-moving-vehicle emblem or tape may be more universally recognizable and of adequate quality. Laws, 1975, ch. 346, § 3; Laws, 1999, ch. 592, § 3, eff. 7/1/1999. The Commissioner of Public Safety is hereby authorized, empowered and directed to adopt and promulgate rules and regulations establishing standards and specifications for the design, materials and mounting of a standard slow-moving-vehicle emblem and high intensity reflectorized tape for the uniform identification of slow-moving vehicles. In adopting said rules and regulations the Commissioner of Public Safety shall consider the standard markings used in other states, the current recommendations of the American Society of Agricultural Engineers and the Society of Automotive Engineers, in order that the slow-moving-vehicle emblem or tape may be more universally recognizable and of adequate quality. Laws, 1975, ch. 346, § 3; Laws, 1999, ch. 592, § 3, eff. 7/1/1999. The Commissioner of Public Safety is hereby authorized, empowered and directed to adopt and promulgate rules and regulations establishing standards and specifications for the design, materials and mounting of a standard slow-moving-vehicle emblem and high intensity reflectorized tape for the uniform identification of slow-moving vehicles. In adopting said rules and regulations the Commissioner of Public Safety shall consider the standard markings used in other states, the current recommendations of the American Society of Agricultural Engineers and the Society of Automotive Engineers, in order that the slow-moving-vehicle emblem or tape may be more universally recognizable and of adequate quality. Laws, 1975, ch. 346, § 3; Laws, 1999, ch. 592, § 3, eff. 7/1/1999.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-97 - Slow-moving vehicle safety emblem; relationship with other requirements as to lighting and safety equipment

Nothing in Sections 63-7-91 through 63-7-101 shall be construed to relieve the owner and/or operator of the vehicles identified in Section 63-7-91 from complying with all other requirements for lighting and safety equipment on these vehicles. Laws, 1975, ch. 346, § 4, eff. 7/1/1975. Nothing in Sections 63-7-91 through 63-7-101 shall be construed to relieve the owner and/or operator of the vehicles identified in Section 63-7-91 from complying with all other requirements for lighting and safety equipment on these vehicles. Laws, 1975, ch. 346, § 4, eff. 7/1/1975. Nothing in Sections 63-7-91 through 63-7-101 shall be construed to relieve the owner and/or operator of the vehicles identified in Section 63-7-91 from complying with all other requirements for lighting and safety equipment on these vehicles. Laws, 1975, ch. 346, § 4, eff. 7/1/1975. Nothing in Sections 63-7-91 through 63-7-101 shall be construed to relieve the owner and/or operator of the vehicles identified in Section 63-7-91 from complying with all other requirements for lighting and safety equipment on these vehicles. Laws, 1975, ch. 346, § 4, eff. 7/1/1975.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) GENERAL PROVISIONS (§§ 63-7-1 — 63-7-107) Section 63-7-99 - Slow-moving vehicle safety emblem; presumption as to use of reasonable care in operation of vehicle

Compliance with Section 63-7-91 shall not create a prima facie case or presumption that such owner or operator of the vehicle used reasonable and ordinary care in the operation of such vehicle under the circumstances then existing by the use or display of such slow-moving-vehicle emblem or high intensity reflectorized tape. Laws, 1975, ch. 346, § 5; Laws, 1999, ch. 592, § 4, eff. 7/1/1999. Compliance with Section 63-7-91 shall not create a prima facie case or presumption that such owner or operator of the vehicle used reasonable and ordinary care in the operation of such vehicle under the circumstances then existing by the use or display of such slow-moving-vehicle emblem or high intensity reflectorized tape. Laws, 1975, ch. 346, § 5; Laws, 1999, ch. 592, § 4, eff. 7/1/1999. Compliance with Section 63-7-91 shall not create a prima facie case or presumption that such owner or operator of the vehicle used reasonable and ordinary care in the operation of such vehicle under the circumstances then existing by the use or display of such slow-moving-vehicle emblem or high intensity reflectorized tape. Laws, 1975, ch. 346, § 5; Laws, 1999, ch. 592, § 4, eff. 7/1/1999. Compliance with Section 63-7-91 shall not create a prima facie case or presumption that such owner or operator of the vehicle used reasonable and ordinary care in the operation of such vehicle under the circumstances then existing by the use or display of such slow-moving-vehicle emblem or high intensity reflectorized tape. Laws, 1975, ch. 346, § 5; Laws, 1999, ch. 592, § 4, eff. 7/1/1999.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) TAMPERING WITH OR ALTERATION OF ODOMETERS (§§ 63-7-201 — 63-7-209) Section 63-7-201 - Definitions

As used in Sections 63-7-201 through 63-7-209: (1) The term "dealer" means any person who has sold five (5) or more motor vehicles in the past twelve (12) months to purchasers who in good faith purchased such vehicles for purposes other than resale. (2) The term "distributor" means any person who has sold five (5) or more motor vehicles in the past twelve (12) months for resale. (3) The term "odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips. (4) The term "repair and replacement" means to restore to a sound working condition by replacing the odometer or any part thereof or by correcting what is inoperative. Laws, 1979, ch. 489, § 1, eff. 7/1/1979. As used in

Sections 63-7-201 through 63-7-209: (1) The term "dealer" means any person who has sold five (5) or more motor vehicles in the past twelve (12) months to purchasers who in good faith purchased such vehicles for purposes other than resale. (2) The term "distributor" means any person who has sold five (5) or more motor vehicles in the past twelve (12) months for resale. (3) The term "odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips. (4) The term "repair and replacement" means to restore to a sound working condition by replacing the odometer or any part thereof or by correcting what is inoperative. Laws, 1979, ch. 489, § 1, eff. 7/1/1979. As used in Sections 63-7-201 through 63-7-209: (1) The term "dealer" means any person who has sold five (5) or more motor vehicles in the past twelve (12) months to purchasers who in good faith purchased such vehicles for purposes other than resale. (2) The term "distributor" means any person who has sold five (5) or more motor vehicles in the past twelve (12) months for resale. (3) The term "odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips. (4) The term "repair and replacement" means to restore to a sound working condition by replacing the odometer or any part thereof or by correcting what is inoperative. Laws, 1979, ch. 489, § 1, eff. 7/1/1979. As used in Sections 63-7-201 through 63-7-209: Laws, 1979, ch. 489, § 1, eff. 7/1/1979.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) TAMPERING WITH OR ALTERATION OF ODOMETERS (§§ 63-7-201 — 63-7-209) Section 63-7-203 - Offenses

(1) It shall be unlawful for any person to advertise for sale, to sell, to use, or to install on any part of a motor vehicle or on an odometer in a motor vehicle any device which causes the odometer to register any mileage other than the true mileage driven. For the purposes of this section the true mileage driven is that mileage driven by the car as registered by the odometer within the manufacturer's designed tolerance. (2) It shall be unlawful for any person with the intent to defraud to operate a motor vehicle on any street or highway knowing that the odometer of such vehicle is disconnected or nonfunctional. (3) It shall be unlawful for any person to disconnect, turn back, reset or alter, or cause to be disconnected, reset or altered, the odometer of any motor vehicle with the intent to reduce the number of miles indicated thereon. Laws, 1979, ch. 489, §§ 2-4, eff. 7/1/1979. (1) It shall be unlawful for any person to advertise for sale, to sell, to use, or to install on any part of a motor vehicle or on an odometer in a motor vehicle any device which causes the odometer to register any mileage other than the true mileage driven. For the purposes of this section the true mileage driven is that mileage driven by the car as registered by the odometer within the manufacturer's designed tolerance. (2) It shall be unlawful for any person with the intent to defraud to operate a motor vehicle on any street or highway knowing that the odometer of such vehicle is disconnected or nonfunctional. (3) It shall be unlawful for any person to disconnect, turn back, reset or alter, or cause to be disconnected, reset or altered, the odometer of any motor vehicle with the intent to reduce the number of miles indicated thereon. Laws, 1979, ch. 489, §§ 2-4, eff. 7/1/1979. (1) It shall be unlawful for any person to advertise for sale, to sell, to use, or to install on any part of a motor vehicle or on an odometer in a motor vehicle any device which causes the odometer to register any mileage other than the true mileage driven. For the purposes of this section the true mileage driven is that mileage driven by the car as registered by the odometer within the manufacturer's designed tolerance. (2) It shall be unlawful for any person with the intent to defraud to operate a motor vehicle on any street or highway knowing that the odometer of such vehicle is disconnected or nonfunctional. (3) It shall be unlawful for any person to disconnect, turn back, reset or alter, or cause to be disconnected, reset or altered, the odometer of any motor vehicle with the intent to reduce the number of miles indicated thereon. Laws, 1979, ch. 489, §§ 2-4, eff. 7/1/1979. Laws, 1979, ch. 489, §§ 2-4, eff. 7/1/1979.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) TAMPERING WITH OR ALTERATION OF ODOMETERS (§§ 63-7-201 — 63-7-209) Section 63-7-205 - Warranty relating to odometer mileage

If a manufacturer, distributor, or dealer of a new motor vehicle makes any warranty to the purchaser of, and with respect to, a new motor vehicle which is based on the amount of miles that the motor vehicle is driven, only those miles which the motor vehicle has been driven on and after the date that the motor vehicle has first been sold as new to the purchaser shall be considered for purposes of the warranty. The mileage indicated upon the odometer of the motor vehicle on the date that the motor vehicle is first sold as new to the purchaser shall, for the purposes of the warranty, be the mileage upon which the warranty shall commence. Laws, 1979, ch. 489, § 5, eff. 7/1/1979. If a manufacturer, distributor, or dealer of a new motor vehicle makes any warranty to the purchaser of, and with respect to, a new motor vehicle which is based on the amount of miles that the motor vehicle is driven, only those miles which the motor vehicle has been driven on and after the date that the motor vehicle has first been sold as new to the purchaser shall be considered for purposes of the warranty. The mileage indicated upon the odometer of the motor vehicle on the date that the motor vehicle is first sold as new to the purchaser shall, for the purposes of the warranty, be the mileage upon which the warranty shall commence. Laws, 1979, ch. 489, § 5, eff. 7/1/1979. If a manufacturer, distributor, or dealer of a new motor vehicle makes any warranty to the purchaser of, and with respect to, a new motor vehicle which is based on the amount of miles that the motor vehicle is driven, only those miles which the motor vehicle has been driven on and after the date that the motor vehicle has first been sold as new to the purchaser shall be considered for purposes of the warranty. The mileage indicated upon the odometer of the motor vehicle on the date that the motor vehicle is first sold as new to the purchaser shall, for the purposes of the warranty, be the mileage upon

which the warranty shall commence. Laws, 1979, ch. 489, § 5, eff. 7/1/1979. If a manufacturer, distributor, or dealer of a new motor vehicle makes any warranty to the purchaser of, and with respect to, a new motor vehicle which is based on the amount of miles that the motor vehicle is driven, only those miles which the motor vehicle has been driven on and after the date that the motor vehicle has first been sold as new to the purchaser shall be considered for purposes of the warranty. The mileage indicated upon the odometer of the motor vehicle on the date that the motor vehicle is first sold as new to the purchaser shall, for the purposes of the warranty, be the mileage upon which the warranty shall commence. Laws, 1979, ch. 489, § 5, eff. 7/1/1979.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) TAMPERING WITH OR ALTERATION OF ODOMETERS (§§ 63-7-201 — 63-7-209) Section 63-7-207 - Service, repair or replacement of odometer

Nothing in Sections 63-7-201 through 63-7-209 shall prevent the service, repair, or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair, or replacement. Where the odometer is incapable of registering the same mileage as before such service, repair, or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced. Any removal or alteration of such notice so affixed shall be unlawful. Laws, 1979, ch. 489, § 6, eff. 7/1/1979. Nothing in Sections 63-7-201 through 63-7-209 shall prevent the service, repair, or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair, or replacement. Where the odometer is incapable of registering the same mileage as before such service, repair, or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced. Any removal or alteration of such notice so affixed shall be unlawful. Laws, 1979, ch. 489, § 6, eff. 7/1/1979. Nothing in Sections 63-7-201 through 63-7-209 shall prevent the service, repair, or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair, or replacement. Where the odometer is incapable of registering the same mileage as before such service, repair, or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced. Any removal or alteration of such notice so affixed shall be unlawful. Laws, 1979, ch. 489, § 6, eff. 7/1/1979. Nothing in Sections 63-7-201 through 63-7-209 shall prevent the service, repair, or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair, or replacement. Where the odometer is incapable of registering the same mileage as before such service, repair, or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced. Any removal or alteration of such notice so affixed shall be unlawful. Laws, 1979, ch. 489, § 6, eff. 7/1/1979.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 7 - EQUIPMENT AND IDENTIFICATION (§§ 63-7-1 — 63-7-313) TAMPERING WITH OR ALTERATION OF ODOMETERS (§§ 63-7-201 — 63-7-209) Section 63-7-209 - Penalties

Violation of the provisions of Sections 63-7-201 through 63-7-209 shall be deemed a misdemeanor and upon conviction shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment. Laws, 1979, ch. 489, § 7, eff. 7/1/1979. Violation of the provisions of Sections 63-7-201 through 63-7-209 shall be deemed a misdemeanor and upon conviction shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment. Laws, 1979, ch. 489, § 7, eff. 7/1/1979. Violation of the provisions of Sections 63-7-201 through 63-7-209 shall be deemed a misdemeanor and upon conviction shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment. Laws, 1979, ch. 489, § 7, eff. 7/1/1979. Violation of the provisions of Sections 63-7-201 through 63-7-209 shall be deemed a misdemeanor and upon conviction shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment. Laws, 1979, ch. 489, § 7, eff. 7/1/1979.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 9 - TRAFFIC VIOLATIONS PROCEDURE (§§ 63-9-1 — 63-9-37) Section 63-9-1 - Short title

This chapter may be cited as the Uniform Highway Traffic Regulation Law--Traffic Violations Procedure. Codes, 1942, § 8126; Laws, 1938, ch. 200. This chapter may be cited as the Uniform Highway Traffic Regulation Law--Traffic Violations Procedure. Codes, 1942, § 8126; Laws, 1938, ch. 200. This chapter may be cited as the Uniform Highway Traffic Regulation Law--Traffic Violations Procedure. Codes, 1942, § 8126; Laws, 1938, ch. 200. This chapter may be cited as the Uniform Highway Traffic Regulation Law--Traffic Violations Procedure. Codes, 1942, § 8126; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 9 - TRAFFIC VIOLATIONS PROCEDURE (§§ 63-9-1 — 63-9-37) Section 63-9-11 - Penalties for violations of Chapter 3, 5 or 7; exemption

(1) It is a misdemeanor for any person to violate any of the provisions of Chapter 3, 5 or 7 of this title, unless such violation is by such chapters or other law of this state declared to be a felony. (2) Every person convicted of a misdemeanor for a violation of any of the provisions of such chapters for which another penalty is not provided shall for first conviction thereof be punished by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment for not more than ten (10) days; for a second such conviction within one (1) year thereafter such person shall be punished by a fine of not more than Two Hundred Dollars (\$200.00) or by imprisonment for not more than twenty (20) days or by both such fine and imprisonment; upon a third or subsequent conviction within one (1) year after the first conviction such person shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment. (3) (a) Whenever a person not covered under Section 63-1-55 is charged with a misdemeanor violation of any of the provisions of Chapter 3, 5 or 7 of this title, the person shall be eligible to participate in not less than four (4) hours of a traffic safety violator course and thereby have no record of the violation on the person's driving record if the person meets all the following conditions: (i) The defendant has a valid Mississippi driver's license or permit. (ii) The defendant has not had a conviction of a violation under Chapter 3, 5 or 7 of this title within three (3) years before the current offense; any conviction entered before October 1, 2002, does not constitute a prior offense for the purposes of this subsection (3). (iii) The defendant's public and nonpublic driving record as maintained by the Department of Public Safety does not indicate successful completion of a traffic safety violator course under this section in the three-year period before the offense. (iv) The defendant files an affidavit with the court stating that this is the defendant's first conviction in more than three (3) years or since October 1, 2002, whichever is the lesser period of time; the defendant is not in the process of taking a course under this section; and the defendant has not completed a course under this section that is not yet reflected on the defendant's public or nonpublic driving record. (v) The offense charged is for a misdemeanor offense under Chapter 3, 5 or 7 of this title. (vi) The defendant pays the applicable fine, costs and any assessments required by law to be paid upon conviction of such an offense. (vii) The defendant pays to the court an additional fee of Ten Dollars (\$10.00) to elect to proceed under the provisions of this subsection (3). (b) (i) 1. An eligible defendant may enter a plea of nolo contendere or guilty in person or in writing and present to the court, in person or by mail postmarked on or before the appearance date on the citation, an oral or written request to participate in a course under this subsection (3). 2. The court shall withhold acceptance of the plea and defer sentencing in order to allow the eligible defendant ninety (90) days to successfully complete not less than four (4) hours of a court-approved traffic safety violator course at the cost of the defendant. Upon proof of successful completion entered with the court, the court shall dismiss the prosecution and direct that the case be closed. The only record maintained thereafter shall be the nonpublic record required under Section 63-9-17 solely for use by the courts in determining eligibility under this subsection (3). (ii) If a person pleads not guilty to a misdemeanor offense under any of the provisions of Chapter 3, 5 or 7 of this title but is convicted, and the person meets all the requirements under paragraph (a) of this subsection, upon request of the defendant the court shall suspend the sentence for such offense to allow the defendant forty-five (45) days to successfully complete not less than four (4) hours of a court-approved traffic safety violator course at his own cost. Upon successful completion by the defendant of the course, the court shall set the conviction aside, dismiss the prosecution and direct that the case be closed. The court on its own motion shall expunge the record of the conviction, and the only record maintained thereafter shall be the nonpublic record required under Section 63-9-17 solely for use by the courts in determining an offender's eligibility under this subsection (3). (c) An out-of-state resident shall be allowed to complete a substantially similar program in his home state, province or country provided the requirements of this subsection (3) are met, except that the necessary valid driver's license or permit shall be one issued by the home jurisdiction. (d) A court shall not approve a traffic safety violator course under this subsection (3) that does not supply at least four (4) hours of instruction, an instructor's manual setting forth an appropriate curriculum, student workbooks, some scientifically verifiable analysis of the effectiveness of the curriculum and provide minimum qualifications for instructors. (e) A court shall inform a defendant making inquiry or entering a personal appearance of the provisions of this subsection (3). (f) The Department of Public Safety shall cause notice of the provisions of this subsection (3) to be available on its official web site. (g) Failure of a defendant to elect to come under the provisions of this subsection (3) for whatever reason, in and of itself, shall not invalidate a conviction. (h) No employee of the sentencing court shall personally benefit from a defendant's attendance of a traffic safety violator course. Violation of this prohibition shall result in termination of employment. (i) The additional fee of Ten Dollars (\$10.00) imposed under this subsection (3) shall be forwarded by the court clerk to the State Treasurer for deposit into a special fund created in the State Treasury. Monies in the special fund may be expended by the Department of Public Safety, upon legislative appropriation, to defray the costs incurred by the department in maintaining the nonpublic record of persons who are eligible for participation under the provisions of this subsection (3). (4) The provisions of subsection (3) of this section shall not be applicable to violation of any of the provisions of Chapter 3, 5 or 7 of this title committed by the holder of a commercial driver's license issued under the Mississippi Commercial Driver's License Law, regardless of whether the violation occurred while operating a commercial motor vehicle or some other motor vehicle. Codes, 1942, § 8275; Laws, 1938, ch. 200; Laws, 2002, ch. 566, § 1; Laws, 2004, ch. 315, § 1; Laws, 2005, ch. 541, § 6, eff. 7/1/2005. (1) It is a misdemeanor for any person to violate any of the provisions of Chapter 3, 5 or 7 of this title, unless such violation is by such chapters or other law of this state declared to be a felony. (2) Every person convicted of a misdemeanor for a violation of any of the provisions of such chapters for which another penalty is not provided shall for first conviction thereof be punished by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment for not more than ten (10) days; for a second such conviction within one (1) year thereafter such person shall be punished by a fine of not more than Two Hundred Dollars (\$200.00) or by imprisonment for not more than twenty (20) days or by both such fine and imprisonment; upon a third or subsequent conviction within one (1) year after the first conviction such person shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than six (6) months or by both such fine and

imprisonment.(3)(a)Whenever a person not covered under Section63-1-55is charged with a misdemeanor violation of any of the provisions of Chapter 3, 5 or 7 of this title, the person shall be eligible to participate in not less than four (4) hours of a traffic safety violator course and thereby have no record of the violation on the person's driving record if the person meets all the following conditions:(i)The defendant has a valid Mississippi driver's license or permit.(ii)The defendant has not had a conviction of a violation under Chapter 3, 5 or 7 of this title within three (3) years before the current offense; any conviction entered before October 1, 2002, does not constitute a prior offense for the purposes of this subsection (3).(iii)The defendant's public and nonpublic driving record as maintained by the Department of Public Safety does not indicate successful completion of a traffic safety violator course under this section in the three-year period before the offense.(iv)The defendant files an affidavit with the court stating that this is the defendant's first conviction in more than three (3) years or since October 1, 2002, whichever is the lesser period of time; the defendant is not in the process of taking a course under this section; and the defendant has not completed a course under this section that is not yet reflected on the defendant's public or nonpublic driving record.(v)The offense charged is for a misdemeanor offense under Chapter 3, 5 or 7 of this title.(vi)The defendant pays the applicable fine, costs and any assessments required by law to be paid upon conviction of such an offense.(vii)The defendant pays to the court an additional fee of Ten Dollars (\$10.00) to elect to proceed under the provisions of this subsection (3).(b)(i)1.An eligible defendant may enter a plea of nolo contendere or guilty in person or in writing and present to the court, in person or by mail postmarked on or before the appearance date on the citation, an oral or written request to participate in a course under this subsection (3).2.The court shall withhold acceptance of the plea and defer sentencing in order to allow the eligible defendant ninety (90) days to successfully complete not less than four (4) hours of a court-approved traffic safety violator course at the cost of the defendant. Upon proof of successful completion entered with the court, the court shall dismiss the prosecution and direct that the case be closed. The only record maintained thereafter shall be the nonpublic record required under Section63-9-17solely for use by the courts in determining eligibility under this subsection (3).(ii)If a person pleads not guilty to a misdemeanor offense under any of the provisions of Chapter 3, 5 or 7 of this title but is convicted, and the person meets all the requirements under paragraph (a) of this subsection, upon request of the defendant the court shall suspend the sentence for such offense to allow the defendant forty-five (45) days to successfully complete not less than four (4) hours of a court-approved traffic safety violator course at his own cost. Upon successful completion by the defendant of the course, the court shall set the conviction aside, dismiss the prosecution and direct that the case be closed. The court on its own motion shall expunge the record of the conviction, and the only record maintained thereafter shall be the nonpublic record required under Section63-9-17solely for use by the courts in determining an offender's eligibility under this subsection (3).(c)An out-of-state resident shall be allowed to complete a substantially similar program in his home state, province or country provided the requirements of this subsection (3) are met, except that the necessary valid driver's license or permit shall be one issued by the home jurisdiction.(d)A court shall not approve a traffic safety violator course under this subsection (3) that does not supply at least four (4) hours of instruction, an instructor's manual setting forth an appropriate curriculum, student workbooks, some scientifically verifiable analysis of the effectiveness of the curriculum and provide minimum qualifications for instructors.(e)A court shall inform a defendant making inquiry or entering a personal appearance of the provisions of this subsection (3).(f)The Department of Public Safety shall cause notice of the provisions of this subsection (3) to be available on its official web site.(g)Failure of a defendant to elect to come under the provisions of this subsection (3) for whatever reason, in and of itself, shall not invalidate a conviction.(h)No employee of the sentencing court shall personally benefit from a defendant's attendance of a traffic safety violator course. Violation of this prohibition shall result in termination of employment.(i)The additional fee of Ten Dollars (\$10.00) imposed under this subsection (3) shall be forwarded by the court clerk to the State Treasurer for deposit into a special fund created in the State Treasury. Monies in the special fund may be expended by the Department of Public Safety, upon legislative appropriation, to defray the costs incurred by the department in maintaining the nonpublic record of persons who are eligible for participation under the provisions of this subsection (3).(4)The provisions of subsection (3) of this section shall not be applicable to violation of any of the provisions of Chapter 3, 5 or 7 of this title committed by the holder of a commercial driver's license issued under the Mississippi Commercial Driver's License Law, regardless of whether the violation occurred while operating a commercial motor vehicle or some other motor vehicle.Codes, 1942, § 8275; Laws, 1938, ch. 200; Laws, 2002, ch. 566, § 1; Laws, 2004, ch. 315, § 1; Laws, 2005, ch. 541, § 6, eff. 7/1/2005. (1)It is a misdemeanor for any person to violate any of the provisions of Chapter 3, 5 or 7 of this title, unless such violation is by such chapters or other law of this state declared to be a felony.(2)Every person convicted of a misdemeanor for a violation of any of the provisions of such chapters for which another penalty is not provided shall for first conviction thereof be punished by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment for not more than ten (10) days; for a second such conviction within one (1) year thereafter such person shall be punished by a fine of not more than Two Hundred Dollars (\$200.00) or by imprisonment for not more than twenty (20) days or by both such fine and imprisonment; upon a third or subsequent conviction within one (1) year after the first conviction such person shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment.(3)(a)Whenever a person not covered under Section63-1-55is charged with a misdemeanor violation of any of the provisions of Chapter 3, 5 or 7 of this title, the person shall be eligible to participate in not less than four (4) hours of a traffic safety violator course and thereby have no record of the violation on the person's driving record if the person meets all the following conditions:(i)The defendant has a valid Mississippi driver's license or permit.(ii)The defendant has not had a conviction of a violation under Chapter 3, 5 or 7 of this title within three (3) years before the current offense; any conviction entered before October 1, 2002, does not constitute a prior offense for the purposes of this subsection (3).(iii)The defendant's public and nonpublic driving record as maintained by the Department of Public Safety does not indicate successful completion of a traffic safety violator course under this section in the three-year period

before the offense.(iv)The defendant files an affidavit with the court stating that this is the defendant's first conviction in more than three (3) years or since October 1, 2002, whichever is the lesser period of time; the defendant is not in the process of taking a course under this section; and the defendant has not completed a course under this section that is not yet reflected on the defendant's public or nonpublic driving record.(v)The offense charged is for a misdemeanor offense under Chapter 3, 5 or 7 of this title.(vi)The defendant pays the applicable fine, costs and any assessments required by law to be paid upon conviction of such an offense.(vii)The defendant pays to the court an additional fee of Ten Dollars (\$10.00) to elect to proceed under the provisions of this subsection (3).(b)(i)1.An eligible defendant may enter a plea of nolo contendere or guilty in person or in writing and present to the court, in person or by mail postmarked on or before the appearance date on the citation, an oral or written request to participate in a course under this subsection (3).2.The court shall withhold acceptance of the plea and defer sentencing in order to allow the eligible defendant ninety (90) days to successfully complete not less than four (4) hours of a court-approved traffic safety violator course at the cost of the defendant. Upon proof of successful completion entered with the court, the court shall dismiss the prosecution and direct that the case be closed. The only record maintained thereafter shall be the nonpublic record required under Section63-9-17solely for use by the courts in determining eligibility under this subsection (3).(ii)If a person pleads not guilty to a misdemeanor offense under any of the provisions of Chapter 3, 5 or 7 of this title but is convicted, and the person meets all the requirements under paragraph (a) of this subsection, upon request of the defendant the court shall suspend the sentence for such offense to allow the defendant forty-five (45) days to successfully complete not less than four (4) hours of a court-approved traffic safety violator course at his own cost. Upon successful completion by the defendant of the course, the court shall set the conviction aside, dismiss the prosecution and direct that the case be closed. The court on its own motion shall expunge the record of the conviction, and the only record maintained thereafter shall be the nonpublic record required under Section63-9-17solely for use by the courts in determining an offender's eligibility under this subsection (3).(c)An out-of-state resident shall be allowed to complete a substantially similar program in his home state, province or country provided the requirements of this subsection (3) are met, except that the necessary valid driver's license or permit shall be one issued by the home jurisdiction.(d)A court shall not approve a traffic safety violator course under this subsection (3) that does not supply at least four (4) hours of instruction, an instructor's manual setting forth an appropriate curriculum, student workbooks, some scientifically verifiable analysis of the effectiveness of the curriculum and provide minimum qualifications for instructors.(e)A court shall inform a defendant making inquiry or entering a personal appearance of the provisions of this subsection (3).(f)The Department of Public Safety shall cause notice of the provisions of this subsection (3) to be available on its official web site.(g)Failure of a defendant to elect to come under the provisions of this subsection (3) for whatever reason, in and of itself, shall not invalidate a conviction.(h)No employee of the sentencing court shall personally benefit from a defendant's attendance of a traffic safety violator course. Violation of this prohibition shall result in termination of employment.(i)The additional fee of Ten Dollars (\$10.00) imposed under this subsection (3) shall be forwarded by the court clerk to the State Treasurer for deposit into a special fund created in the State Treasury. Monies in the special fund may be expended by the Department of Public Safety, upon legislative appropriation, to defray the costs incurred by the department in maintaining the nonpublic record of persons who are eligible for participation under the provisions of this subsection (3).(4)The provisions of subsection (3) of this section shall not be applicable to violation of any of the provisions of Chapter 3, 5 or 7 of this title committed by the holder of a commercial driver's license issued under the Mississippi Commercial Driver's License Law, regardless of whether the violation occurred while operating a commercial motor vehicle or some other motor vehicle.Codes, 1942, § 8275; Laws, 1938, ch. 200; Laws, 2002, ch. 566, § 1; Laws, 2004, ch. 315, § 1; Laws, 2005, ch. 541, § 6, eff. 7/1/2005. Codes, 1942, § 8275; Laws, 1938, ch. 200; Laws, 2002, ch. 566, § 1; Laws, 2004, ch. 315, § 1; Laws, 2005, ch. 541, § 6, eff. 7/1/2005.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 9 - TRAFFIC VIOLATIONS PROCEDURE (§§ 63-9-1 — 63-9-37)Section 63-9-12 - Payment of fines by personal check; liability for dishonored check

Personal checks shall be accepted from Mississippi residents in payment of any fine imposed as a result of a violation of Chapters 3, 5 and 7 of Title 63, Mississippi Code of 1972. The person accepting a check in payment of such a fine shall not be liable if such check is returned not paid provided he makes reasonable efforts to collect the fine.Laws, 1991, ch. 480, § 1, eff. 7/1/1991. Personal checks shall be accepted from Mississippi residents in payment of any fine imposed as a result of a violation of Chapters 3, 5 and 7 of Title 63, Mississippi Code of 1972. The person accepting a check in payment of such a fine shall not be liable if such check is returned not paid provided he makes reasonable efforts to collect the fine.Laws, 1991, ch. 480, § 1, eff. 7/1/1991. Personal checks shall be accepted from Mississippi residents in payment of any fine imposed as a result of a violation of Chapters 3, 5 and 7 of Title 63, Mississippi Code of 1972. The person accepting a check in payment of such a fine shall not be liable if such check is returned not paid provided he makes reasonable efforts to collect the fine.Laws, 1991, ch. 480, § 1, eff. 7/1/1991. Personal checks shall be accepted from Mississippi residents in payment of any fine imposed as a result of a violation of Chapters 3, 5 and 7 of Title 63, Mississippi Code of 1972. The person accepting a check in payment of such a fine shall not be liable if such check is returned not paid provided he makes reasonable efforts to collect the fine. Laws, 1991, ch. 480, § 1, eff. 7/1/1991.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 9 - TRAFFIC VIOLATIONS PROCEDURE (§§ 63-9-1 — 63-9-37)Section 63-9-13 - Disposition of fines and forfeitures for violations of Chapter 3, 5 or 7

All fines and forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of any of the

provisions of Chapter 3, 5 or 7 of this title constituting a misdemeanor shall be deposited in the treasury of the county maintaining the court wherein such conviction or forfeiture was had. Codes, 1942, § 8276; Laws, 1938, ch. 200. All fines and forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of any of the provisions of Chapter 3, 5 or 7 of this title constituting a misdemeanor shall be deposited in the treasury of the county maintaining the court wherein such conviction or forfeiture was had. Codes, 1942, § 8276; Laws, 1938, ch. 200. All fines and forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of any of the provisions of Chapter 3, 5 or 7 of this title constituting a misdemeanor shall be deposited in the treasury of the county maintaining the court wherein such conviction or forfeiture was had. Codes, 1942, § 8276; Laws, 1938, ch. 200. All fines and forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of any of the provisions of Chapter 3, 5 or 7 of this title constituting a misdemeanor shall be deposited in the treasury of the county maintaining the court wherein such conviction or forfeiture was had. Codes, 1942, § 8276; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 9 - TRAFFIC VIOLATIONS PROCEDURE (§§ 63-9-1 — 63-9-37) Section 63-9-17 - Maintenance of records relating to charged offenses; records and reports of convictions

(1) Every court shall keep a full record of the proceedings of every case in which a person is charged with any violation of law regulating the operation of vehicles on the highways, streets or roads of this state. (2) Unless otherwise sooner required by law, within five (5) days after the conviction of a person upon a charge of violating any law regulating the operation of vehicles on the highways, streets or roads of this state, every court in which such conviction was had shall prepare and immediately forward to the Department of Public Safety an abstract of the record of said court covering the case in which said person was so convicted, which abstract must be certified by the person so authorized to prepare the same to be true and correct. (3) Said abstract must be made upon a form approved by the Department of Public Safety, and shall include the name and address of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, and if the fine was satisfied by prepayment or appearance bond forfeiture, and the amount of the fine or forfeiture, as the case may be. (4) Every court shall also forward a like report to the Department of Public Safety upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used. (5) Every court shall also forward a like report to the Department of Public Safety after the satisfactory completion by a defendant of an approved traffic safety violator course under Section 63-9-11, and the department shall make and maintain a private, nonpublic record to be kept for a period of ten (10) years. The record shall be solely for the use of the courts in determining eligibility under Section 63-9-11, as a first-time offender, and shall not constitute a criminal record for the purpose of private or administrative inquiry. Reports forwarded to the Department of Public Safety under this subsection shall be exempt from the provisions of the Mississippi Public Records Act of 1983. (6) The failure by refusal or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom. (7) The Department of Public Safety shall keep copies of all abstracts received hereunder for a period of three (3) years at its main office and the same shall be open to public inspection during reasonable business hours. This subsection shall not apply to nonpublic records maintained solely for the use of the courts in determining offender eligibility. Codes, 1942, § 8281; Laws, 1938, ch. 200; Laws, 1985, ch. 363, § 4; Laws, 1990, ch. 351, § 1; Laws, 2002, ch. 566, § 2; Laws, 2004, ch. 315, § 2; Laws, 2005, ch. 541, § 7, eff. 7/1/2005. (1) Every court shall keep a full record of the proceedings of every case in which a person is charged with any violation of law regulating the operation of vehicles on the highways, streets or roads of this state. (2) Unless otherwise sooner required by law, within five (5) days after the conviction of a person upon a charge of violating any law regulating the operation of vehicles on the highways, streets or roads of this state, every court in which such conviction was had shall prepare and immediately forward to the Department of Public Safety an abstract of the record of said court covering the case in which said person was so convicted, which abstract must be certified by the person so authorized to prepare the same to be true and correct. (3) Said abstract must be made upon a form approved by the Department of Public Safety, and shall include the name and address of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, and if the fine was satisfied by prepayment or appearance bond forfeiture, and the amount of the fine or forfeiture, as the case may be. (4) Every court shall also forward a like report to the Department of Public Safety upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used. (5) Every court shall also forward a like report to the Department of Public Safety after the satisfactory completion by a defendant of an approved traffic safety violator course under Section 63-9-11, and the department shall make and maintain a private, nonpublic record to be kept for a period of ten (10) years. The record shall be solely for the use of the courts in determining eligibility under Section 63-9-11, as a first-time offender, and shall not constitute a criminal record for the purpose of private or administrative inquiry. Reports forwarded to the Department of Public Safety under this subsection shall be exempt from the provisions of the Mississippi Public Records Act of 1983. (6) The failure by refusal or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom. (7) The Department of Public Safety shall keep copies of all abstracts received hereunder for a period of three (3) years at its main office and the same shall be open to public inspection during reasonable business hours. This subsection shall not apply to nonpublic records maintained solely for the use of the courts in determining offender eligibility. Codes, 1942, § 8281; Laws, 1938, ch. 200; Laws, 1985, ch. 363, § 4; Laws, 1990, ch. 351, § 1; Laws, 2002, ch. 566, § 2; Laws, 2004, ch. 315, § 2; Laws, 2005, ch. 541, § 7, eff. 7/1/2005. (1) Every court shall keep a full record of the proceedings of every case in which a person is charged with any violation of law regulating the operation of vehicles on the highways, streets or roads of

this state.(2)Unless otherwise sooner required by law, within five (5) days after the conviction of a person upon a charge of violating any law regulating the operation of vehicles on the highways, streets or roads of this state, every court in which such conviction was had shall prepare and immediately forward to the Department of Public Safety an abstract of the record of said court covering the case in which said person was so convicted, which abstract must be certified by the person so authorized to prepare the same to be true and correct.(3)Said abstract must be made upon a form approved by the Department of Public Safety, and shall include the name and address of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, and if the fine was satisfied by prepayment or appearance bond forfeiture, and the amount of the fine or forfeiture, as the case may be.(4)Every court shall also forward a like report to the Department of Public Safety upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.(5)Every court shall also forward a like report to the Department of Public Safety after the satisfactory completion by a defendant of an approved traffic safety violator course under Section63-9-11, and the department shall make and maintain a private, nonpublic record to be kept for a period of ten (10) years. The record shall be solely for the use of the courts in determining eligibility under Section63-9-11, as a first-time offender, and shall not constitute a criminal record for the purpose of private or administrative inquiry. Reports forwarded to the Department of Public Safety under this subsection shall be exempt from the provisions of the Mississippi Public Records Act of 1983.(6)The failure by refusal or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.(7)The Department of Public Safety shall keep copies of all abstracts received hereunder for a period of three (3) years at its main office and the same shall be open to public inspection during reasonable business hours. This subsection shall not apply to nonpublic records maintained solely for the use of the courts in determining offender eligibility.Codes, 1942, § 8281; Laws, 1938, ch. 200; Laws, 1985, ch. 363, § 4; Laws, 1990, ch. 351, § 1; Laws, 2002, ch. 566, § 2; Laws, 2004, ch. 315, § 2; Laws, 2005, ch. 541, § 7, eff. 7/1/2005. Codes, 1942, § 8281; Laws, 1938, ch. 200; Laws, 1985, ch. 363, § 4; Laws, 1990, ch. 351, § 1; Laws, 2002, ch. 566, § 2; Laws, 2004, ch. 315, § 2; Laws, 2005, ch. 541, § 7, eff. 7/1/2005.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 9 - TRAFFIC VIOLATIONS PROCEDURE (§§ 63-9-1 — 63-9-37)Section 63-9-19 - Compensation of peace officers for services in traffic violation cases

The collection of fees for the performance of services in making arrests in traffic violation cases and taking the accused before the court for trial or to jail awaiting trial shall be restricted to that peace officer who performs such services, and, if performed by a highway patrolman, shall not be compensated. No peace officer accompanying a highway patrolman in the performance of such duties shall receive any compensation.No peace officer shall be compensated for attending court in traffic violation cases wherein a plea of guilty is entered unless said peace officer was the arresting officer.Codes, 1942, § 8285.7; Laws, 1958, ch. 288. The collection of fees for the performance of services in making arrests in traffic violation cases and taking the accused before the court for trial or to jail awaiting trial shall be restricted to that peace officer who performs such services, and, if performed by a highway patrolman, shall not be compensated. No peace officer accompanying a highway patrolman in the performance of such duties shall receive any compensation.No peace officer shall be compensated for attending court in traffic violation cases wherein a plea of guilty is entered unless said peace officer was the arresting officer.Codes, 1942, § 8285.7; Laws, 1958, ch. 288. The collection of fees for the performance of services in making arrests in traffic violation cases and taking the accused before the court for trial or to jail awaiting trial shall be restricted to that peace officer who performs such services, and, if performed by a highway patrolman, shall not be compensated. No peace officer accompanying a highway patrolman in the performance of such duties shall receive any compensation. No peace officer shall be compensated for attending court in traffic violation cases wherein a plea of guilty is entered unless said peace officer was the arresting officer. Codes, 1942, § 8285.7; Laws, 1958, ch. 288.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 9 - TRAFFIC VIOLATIONS PROCEDURE (§§ 63-9-1 — 63-9-37)Section 63-9-21 - Uniform Traffic Ticket Law

(1)This section shall be known as the Uniform Traffic Ticket Law.(2)All traffic tickets, except traffic tickets filed electronically as provided under subsection (8) of this section, shall be printed in the original and at least two (2) copies and such other copies as may be prescribed by the Commissioner of Public Safety. All traffic tickets shall be uniform as prescribed by the Commissioner of Public Safety and the Attorney General, except as otherwise provided in subsection (3)(b) and except that the Commissioner of Public Safety and the Attorney General may alter the form and content of traffic tickets to meet the varying requirements of the different law enforcement agencies. The Commissioner of Public Safety and the Attorney General shall prescribe a separate traffic ticket, consistent with the provisions of subsection (3)(b) of this section, to be used exclusively for violations of the Mississippi Implied Consent Law.(3)(a)Every traffic ticket issued by any sheriff, deputy sheriff, constable, county patrol officer, municipal police officer or State Highway Patrol officer for any violation of traffic or motor vehicle laws shall be issued on the uniform traffic ticket or

uniform implied consent violation ticket consisting of an original and at least two (2) copies and such other copies as may be prescribed by the Commissioner of Public Safety.(b)The traffic ticket, citation or affidavit issued to a person arrested for a violation of the Mississippi Implied Consent Law shall contain a place for the trial judge hearing the case or accepting the guilty plea, as the case may be, to sign, stating that the person arrested either employed an attorney or waived his right to an attorney after having been properly advised of his right to have an attorney. If the person arrested employed an attorney, the name, address and telephone number of the attorney shall be entered or written on the ticket, citation or affidavit.(c)Every traffic ticket shall show, among other necessary information, the name of the issuing officer, the name of the court in which the cause is to be heard, and the date and time the person is to appear to answer the charge. The ticket shall include information that will constitute a complaint charging the offense for which the ticket was issued, and when duly sworn to and filed with a court of competent jurisdiction, prosecution may proceed thereunder.(d)The traffic ticket shall contain a space to include the current address and current telephone number of the person being charged. It shall not contain a space to include the social security number of the person being charged.(4)All traffic tickets, except traffic tickets filed electronically under subsection (8) of this section, shall be bound in book form, shall be consecutively numbered and each traffic ticket shall be accounted for to the officer issuing such book. The traffic ticket books shall be issued to sheriffs, deputy sheriffs, constables and county patrol officers by the chancery clerk of their respective counties, to each municipal police officer by the clerk of the municipal court, and to each State Highway Patrol officer by the Commissioner of Public Safety.(5)The chancery clerk, clerk of the municipal court and the Commissioner of Public Safety shall keep a record of all traffic ticket books issued and to whom issued, accounting for all books printed and issued. All traffic tickets submitted electronically shall be filed automatically with the Commissioner of Public Safety and either the clerk of the municipal court or clerk of the justice court using the system of electronic submission for the purpose of maintaining a record of account as prescribed by this subsection (5).(6)The original traffic ticket, unless the traffic ticket is filed electronically as provided under subsection (8) of this section, shall be delivered by the officer issuing the traffic ticket to the clerk of the court to which it is returnable to be retained in that court's records and the number noted on the docket. However, if a ticket is issued and the person is incarcerated based upon the conduct for which the ticket was issued, the ticket shall be filed with the clerk of the court to which it is returnable no later than 5:00 p.m. on the next business day, excluding weekends and holidays, after the date and time of the person's incarceration; however, failure to timely file the traffic ticket shall not be grounds for dismissal of the traffic ticket and shall not prevent the person's release from incarceration. The officer issuing the traffic ticket shall also give the accused a copy of the traffic ticket. The clerk of the court shall file a copy with the Commissioner of Public Safety within forty-five (45) days after judgment is rendered showing such information about the judgment as may be required by the commissioner or, in cases in which no judgment has been rendered, within one hundred twenty (120) days after issuance of the ticket. Other copies that are prescribed by the commissioner pursuant to this section shall be filed or retained as may be designated by the commissioner. All copies shall be retained for at least two (2) years.(7)Failure to comply with the provisions of this section shall constitute a misdemeanor and, upon conviction, shall be punishable by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00).(8)(a)Law enforcement officers and agencies may file traffic tickets, including tickets issued for a violation of the Mississippi Implied Consent Law and general misdemeanor affidavits, by computer or electronic means if the ticket or affidavit conforms in all substantive respects, including layout and content, as provided under subsections (2) or (3)(b) of this section. The provisions of subsection (4) of this section requiring tickets bound in book form do not apply to a ticket that is produced by computer or electronic means. Information concerning tickets produced by computer or electronic means shall be available for public inspection in substantially the same manner as provided for the uniform tickets described in subsection (2) of this section.(b)The defendant shall be provided with a paper copy of the ticket. A law enforcement officer who files a ticket or misdemeanor affidavit electronically shall be considered to have certified, signed and sworn to the ticket or misdemeanor affidavit and has the same rights, responsibilities and liabilities as with all other tickets or affidavits issued pursuant to this section.Codes, 1942, § 8285.5; Laws, 1958, ch. 260, §§ 1-7; Laws, 1982, ch. 423, § 13; Laws, 1982, ch. 464; Laws, 1984, ch. 352; Laws, 1985, ch. 363, § 3; Laws, 1991, ch. 480, § 3; Laws, 2003, ch. 550, § 1; Laws, 2009, ch. 376, § 1; Laws, 2009, ch. 481, § 1; Laws, 2009, ch. 566, § 1; Laws, 2011, ch. 342, § 1; Laws, 2012, ch. 464, § 1; Laws, 2012, ch. 550, § 1, eff. 7/1/2012.Amended by Laws, 2016, ch. 504, SB 2114, 1, eff. 5/13/2016.Amended by Laws, 2013, ch. 472, HB 1212, 1, eff. 7/1/2013. (1)This section shall be known as the Uniform Traffic Ticket Law.(2)All traffic tickets, except traffic tickets filed electronically as provided under subsection (8) of this section, shall be printed in the original and at least two (2) copies and such other copies as may be prescribed by the Commissioner of Public Safety. All traffic tickets shall be uniform as prescribed by the Commissioner of Public Safety and the Attorney General, except as otherwise provided in subsection (3)(b) and except that the Commissioner of Public Safety and the Attorney General may alter the form and content of traffic tickets to meet the varying requirements of the different law enforcement agencies. The Commissioner of Public Safety and the Attorney General shall prescribe a separate traffic ticket, consistent with the provisions of subsection (3)(b) of this section, to be used exclusively for violations of the Mississippi Implied Consent Law.(3)(a)Every traffic ticket issued by any sheriff, deputy sheriff, constable, county patrol officer, municipal police officer or State Highway Patrol officer for any violation of traffic or motor vehicle laws shall be issued on the uniform traffic ticket or uniform implied consent violation ticket consisting of an original and at least two (2) copies and such other copies as may be prescribed by the Commissioner of Public Safety.(b)The traffic ticket, citation or affidavit issued to a person arrested for a violation of the Mississippi Implied Consent Law shall contain a place for the trial judge hearing the case or accepting the guilty plea, as the case may be, to sign, stating that the person arrested either employed an attorney or waived his right to an attorney after having been properly advised of his right to have an attorney. If the person arrested employed an attorney, the name, address and telephone number of the attorney shall be entered or written on the ticket, citation or affidavit.(c)Every traffic

ticket shall show, among other necessary information, the name of the issuing officer, the name of the court in which the cause is to be heard, and the date and time the person is to appear to answer the charge. The ticket shall include information that will constitute a complaint charging the offense for which the ticket was issued, and when duly sworn to and filed with a court of competent jurisdiction, prosecution may proceed thereunder.(d)The traffic ticket shall contain a space to include the current address and current telephone number of the person being charged. It shall not contain a space to include the social security number of the person being charged.(4)All traffic tickets, except traffic tickets filed electronically under subsection (8) of this section, shall be bound in book form, shall be consecutively numbered and each traffic ticket shall be accounted for to the officer issuing such book. The traffic ticket books shall be issued to sheriffs, deputy sheriffs, constables and county patrol officers by the chancery clerk of their respective counties, to each municipal police officer by the clerk of the municipal court, and to each State Highway Patrol officer by the Commissioner of Public Safety.(5)The chancery clerk, clerk of the municipal court and the Commissioner of Public Safety shall keep a record of all traffic ticket books issued and to whom issued, accounting for all books printed and issued. All traffic tickets submitted electronically shall be filed automatically with the Commissioner of Public Safety and either the clerk of the municipal court or clerk of the justice court using the system of electronic submission for the purpose of maintaining a record of account as prescribed by this subsection (5).(6)The original traffic ticket, unless the traffic ticket is filed electronically as provided under subsection (8) of this section, shall be delivered by the officer issuing the traffic ticket to the clerk of the court to which it is returnable to be retained in that court's records and the number noted on the docket. However, if a ticket is issued and the person is incarcerated based upon the conduct for which the ticket was issued, the ticket shall be filed with the clerk of the court to which it is returnable no later than 5:00 p.m. on the next business day, excluding weekends and holidays, after the date and time of the person's incarceration; however, failure to timely file the traffic ticket shall not be grounds for dismissal of the traffic ticket and shall not prevent the person's release from incarceration. The officer issuing the traffic ticket shall also give the accused a copy of the traffic ticket. The clerk of the court shall file a copy with the Commissioner of Public Safety within forty-five (45) days after judgment is rendered showing such information about the judgment as may be required by the commissioner or, in cases in which no judgment has been rendered, within one hundred twenty (120) days after issuance of the ticket. Other copies that are prescribed by the commissioner pursuant to this section shall be filed or retained as may be designated by the commissioner. All copies shall be retained for at least two (2) years.(7)Failure to comply with the provisions of this section shall constitute a misdemeanor and, upon conviction, shall be punishable by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00).(8)(a)Law enforcement officers and agencies may file traffic tickets, including tickets issued for a violation of the Mississippi Implied Consent Law and general misdemeanor affidavits, by computer or electronic means if the ticket or affidavit conforms in all substantive respects, including layout and content, as provided under subsections (2) or (3)(b) of this section. The provisions of subsection (4) of this section requiring tickets bound in book form do not apply to a ticket that is produced by computer or electronic means. Information concerning tickets produced by computer or electronic means shall be available for public inspection in substantially the same manner as provided for the uniform tickets described in subsection (2) of this section.(b)The defendant shall be provided with a paper copy of the ticket. A law enforcement officer who files a ticket or misdemeanor affidavit electronically shall be considered to have certified, signed and sworn to the ticket or misdemeanor affidavit and has the same rights, responsibilities and liabilities as with all other tickets or affidavits issued pursuant to this section.Codes, 1942, § 8285.5; Laws, 1958, ch. 260, §§ 1-7; Laws, 1982, ch. 423, § 13; Laws, 1982, ch. 464; Laws, 1984, ch. 352; Laws, 1985, ch. 363, § 3; Laws, 1991, ch. 480, § 3; Laws, 2003, ch. 550, § 1; Laws, 2009, ch. 376, § 1; Laws, 2009, ch. 481, § 1; Laws, 2009, ch. 566, § 1; Laws, 2011, ch. 342, § 1; Laws, 2012, ch. 464, § 1; Laws, 2012, ch. 550, § 1, eff. 7/1/2012.Amended by Laws, 2016, ch. 504, SB 2114, 1, eff. 5/13/2016.Amended by Laws, 2013, ch. 472, HB 1212, 1, eff. 7/1/2013. (1)This section shall be known as the Uniform Traffic Ticket Law.(2)All traffic tickets, except traffic tickets filed electronically as provided under subsection (8) of this section, shall be printed in the original and at least two (2) copies and such other copies as may be prescribed by the Commissioner of Public Safety. All traffic tickets shall be uniform as prescribed by the Commissioner of Public Safety and the Attorney General, except as otherwise provided in subsection (3)(b) and except that the Commissioner of Public Safety and the Attorney General may alter the form and content of traffic tickets to meet the varying requirements of the different law enforcement agencies. The Commissioner of Public Safety and the Attorney General shall prescribe a separate traffic ticket, consistent with the provisions of subsection (3)(b) of this section, to be used exclusively for violations of the Mississippi Implied Consent Law.(3)(a)Every traffic ticket issued by any sheriff, deputy sheriff, constable, county patrol officer, municipal police officer or State Highway Patrol officer for any violation of traffic or motor vehicle laws shall be issued on the uniform traffic ticket or uniform implied consent violation ticket consisting of an original and at least two (2) copies and such other copies as may be prescribed by the Commissioner of Public Safety.(b)The traffic ticket, citation or affidavit issued to a person arrested for a violation of the Mississippi Implied Consent Law shall contain a place for the trial judge hearing the case or accepting the guilty plea, as the case may be, to sign, stating that the person arrested either employed an attorney or waived his right to an attorney after having been properly advised of his right to have an attorney. If the person arrested employed an attorney, the name, address and telephone number of the attorney shall be entered or written on the ticket, citation or affidavit.(c)Every traffic ticket shall show, among other necessary information, the name of the issuing officer, the name of the court in which the cause is to be heard, and the date and time the person is to appear to answer the charge. The ticket shall include information that will constitute a complaint charging the offense for which the ticket was issued, and when duly sworn to and filed with a court of competent jurisdiction, prosecution may proceed thereunder.(d)The traffic ticket shall contain a space to include the current address and current telephone number of the person being charged. It shall not contain a space to include the social security number of the person being charged.(4)All traffic tickets, except traffic tickets filed electronically

under subsection (8) of this section, shall be bound in book form, shall be consecutively numbered and each traffic ticket shall be accounted for to the officer issuing such book. The traffic ticket books shall be issued to sheriffs, deputy sheriffs, constables and county patrol officers by the chancery clerk of their respective counties, to each municipal police officer by the clerk of the municipal court, and to each State Highway Patrol officer by the Commissioner of Public Safety.(5)The chancery clerk, clerk of the municipal court and the Commissioner of Public Safety shall keep a record of all traffic ticket books issued and to whom issued, accounting for all books printed and issued. All traffic tickets submitted electronically shall be filed automatically with the Commissioner of Public Safety and either the clerk of the municipal court or clerk of the justice court using the system of electronic submission for the purpose of maintaining a record of account as prescribed by this subsection (5).(6)The original traffic ticket, unless the traffic ticket is filed electronically as provided under subsection (8) of this section, shall be delivered by the officer issuing the traffic ticket to the clerk of the court to which it is returnable to be retained in that court's records and the number noted on the docket. However, if a ticket is issued and the person is incarcerated based upon the conduct for which the ticket was issued, the ticket shall be filed with the clerk of the court to which it is returnable no later than 5:00 p.m. on the next business day, excluding weekends and holidays, after the date and time of the person's incarceration; however, failure to timely file the traffic ticket shall not be grounds for dismissal of the traffic ticket and shall not prevent the person's release from incarceration. The officer issuing the traffic ticket shall also give the accused a copy of the traffic ticket. The clerk of the court shall file a copy with the Commissioner of Public Safety within forty-five (45) days after judgment is rendered showing such information about the judgment as may be required by the commissioner or, in cases in which no judgment has been rendered, within one hundred twenty (120) days after issuance of the ticket. Other copies that are prescribed by the commissioner pursuant to this section shall be filed or retained as may be designated by the commissioner. All copies shall be retained for at least two (2) years.(7)Failure to comply with the provisions of this section shall constitute a misdemeanor and, upon conviction, shall be punishable by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00).(8)(a)Law enforcement officers and agencies may file traffic tickets, including tickets issued for a violation of the Mississippi Implied Consent Law and general misdemeanor affidavits, by computer or electronic means if the ticket or affidavit conforms in all substantive respects, including layout and content, as provided under subsections (2) or (3)(b) of this section. The provisions of subsection (4) of this section requiring tickets bound in book form do not apply to a ticket that is produced by computer or electronic means. Information concerning tickets produced by computer or electronic means shall be available for public inspection in substantially the same manner as provided for the uniform tickets described in subsection (2) of this section.(b)The defendant shall be provided with a paper copy of the ticket. A law enforcement officer who files a ticket or misdemeanor affidavit electronically shall be considered to have certified, signed and sworn to the ticket or misdemeanor affidavit and has the same rights, responsibilities and liabilities as with all other tickets or affidavits issued pursuant to this section.Codes, 1942, § 8285.5; Laws, 1958, ch. 260, §§ 1-7; Laws, 1982, ch. 423, § 13; Laws, 1982, ch. 464; Laws, 1984, ch. 352; Laws, 1985, ch. 363, § 3; Laws, 1991, ch. 480, § 3; Laws, 2003, ch. 550, § 1; Laws, 2009, ch. 376, § 1; Laws, 2009, ch. 481, § 1; Laws, 2009, ch. 566, § 1; Laws, 2011, ch. 342, § 1; Laws, 2012, ch. 464, § 1; Laws, 2012, ch. 550, § 1, eff. 7/1/2012.Amended by Laws, 2016, ch. 504, SB 2114, 1, eff. 5/13/2016.Amended by Laws, 2013, ch. 472, HB 1212, 1, eff. 7/1/2013. Codes, 1942, § 8285.5; Laws, 1958, ch. 260, §§ 1-7; Laws, 1982, ch. 423, § 13; Laws, 1982, ch. 464; Laws, 1984, ch. 352; Laws, 1985, ch. 363, § 3; Laws, 1991, ch. 480, § 3; Laws, 2003, ch. 550, § 1; Laws, 2009, ch. 376, § 1; Laws, 2009, ch. 481, § 1; Laws, 2009, ch. 566, § 1; Laws, 2011, ch. 342, § 1; Laws, 2012, ch. 464, § 1; Laws, 2012, ch. 550, § 1, eff. 7/1/2012. Amended by Laws, 2016, ch. 504, SB 2114, 1, eff. 5/13/2016. Amended by Laws, 2013, ch. 472, HB 1212, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 9 - TRAFFIC VIOLATIONS PROCEDURE (§§ 63-9-1 — 63-9-37)Section 63-9-23 - Exclusivity of procedure prescribed in chapter

The foregoing provisions of this chapter shall govern all police officers in making arrests without a warrant for violations of Chapters 3, 5 and 7 of this title for offenses committed in their presence, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.Codes, 1942, § 8279; Laws, 1938, ch. 200. The foregoing provisions of this chapter shall govern all police officers in making arrests without a warrant for violations of Chapters 3, 5 and 7 of this title for offenses committed in their presence, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.Codes, 1942, § 8279; Laws, 1938, ch. 200. The foregoing provisions of this chapter shall govern all police officers in making arrests without a warrant for violations of Chapters 3, 5 and 7 of this title for offenses committed in their presence, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade.Codes, 1942, § 8279; Laws, 1938, ch. 200. The foregoing provisions of this chapter shall govern all police officers in making arrests without a warrant for violations of Chapters 3, 5 and 7 of this title for offenses committed in their presence, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for an offense of like grade. Codes, 1942, § 8279; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 9 - TRAFFIC VIOLATIONS PROCEDURE (§§ 63-9-1 — 63-9-37)Section 63-9-25 - Deposit of driver's license in lieu of bail

(1)Whenever any person lawfully possessed of a driver's license theretofore issued to him by the Department of Public Safety of the

State of Mississippi, or under the laws of any other state or territory, or the District of Columbia of the United States, shall be arrested and charged with any offense against the traffic or motor vehicle laws or rules of the road of this state, or any municipality thereof, he shall have the option of depositing his driver's license so issued to him with the arresting officer or the court in lieu of any other security which may be required for his appearance in any court in this state in answer to such charge lodged in such court.(2)If such person arrested elects to deposit his license as provided, the arresting officer or court shall issue such person a receipt for said license upon a form furnished or prescribed by the Mississippi Department of Public Safety, and thereafter said person shall be permitted to operate a motor vehicle upon the highways of this state and streets of the municipalities thereof during the pendency of the case in which the license was deposited unless his license or privilege is otherwise revoked, suspended or canceled, but in no case for a period longer than thirty (30) days.(3)The clerk of the court in which the charge is lodged shall immediately forward to the department the license of the driver deposited in lieu of bail if the driver fails to appear in answer to the charge against him. The Commissioner of Public Safety or his authorized agent shall, upon receipt of a license so forwarded by the court, suspend the driver's license and driving privilege of the defaulting driver until notified by the court that the charge against such driver has been finally adjudicated.(4)The commissioner shall, upon receipt of a license of a nonresident driver, forward notice to his counterpart in the state of the driver's residence of the fact that such driver has been charged with a traffic or motor vehicle offense or a violation of the rules of the road and has so deposited his license in lieu of bail.(5)The making of an application for a duplicate driver's license during the period when the original license is posted for an appearance in a court shall be unlawful, shall constitute a misdemeanor and a person convicted thereof shall be subject to a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than six (6) months, or both fine and imprisonment.(6)The provisions of this section shall not govern arrests for driving under the influence of alcohol. The procedure set forth in the Mississippi Implied Consent Law, Sections63-11-1through63-11-47, Mississippi Code of 1972, shall apply.Laws, 1975, ch. 384; Laws, 1976, ch. 387; Laws, 1981, ch. 491, § 11; Laws, 1990, ch. 350, § 1, eff. 7/1/1990. (1)Whenever any person lawfully possessed of a driver's license theretofore issued to him by the Department of Public Safety of the State of Mississippi, or under the laws of any other state or territory, or the District of Columbia of the United States, shall be arrested and charged with any offense against the traffic or motor vehicle laws or rules of the road of this state, or any municipality thereof, he shall have the option of depositing his driver's license so issued to him with the arresting officer or the court in lieu of any other security which may be required for his appearance in any court in this state in answer to such charge lodged in such court.(2)If such person arrested elects to deposit his license as provided, the arresting officer or court shall issue such person a receipt for said license upon a form furnished or prescribed by the Mississippi Department of Public Safety, and thereafter said person shall be permitted to operate a motor vehicle upon the highways of this state and streets of the municipalities thereof during the pendency of the case in which the license was deposited unless his license or privilege is otherwise revoked, suspended or canceled, but in no case for a period longer than thirty (30) days.(3)The clerk of the court in which the charge is lodged shall immediately forward to the department the license of the driver deposited in lieu of bail if the driver fails to appear in answer to the charge against him. The Commissioner of Public Safety or his authorized agent shall, upon receipt of a license so forwarded by the court, suspend the driver's license and driving privilege of the defaulting driver until notified by the court that the charge against such driver has been finally adjudicated.(4)The commissioner shall, upon receipt of a license of a nonresident driver, forward notice to his counterpart in the state of the driver's residence of the fact that such driver has been charged with a traffic or motor vehicle offense or a violation of the rules of the road and has so deposited his license in lieu of bail.(5)The making of an application for a duplicate driver's license during the period when the original license is posted for an appearance in a court shall be unlawful, shall constitute a misdemeanor and a person convicted thereof shall be subject to a fine of not more than

Five Hundred Dollars (\$500.00) or imprisonment for not more than six (6) months, or both fine and imprisonment.(6)The provisions of this section shall not govern arrests for driving under the influence of alcohol. The procedure set forth in the Mississippi Implied Consent Law, Sections63-11-1through63-11-47, Mississippi Code of 1972, shall apply.Laws, 1975, ch. 384; Laws, 1976, ch. 387; Laws, 1981, ch. 491, § 11; Laws, 1990, ch. 350, § 1, eff. 7/1/1990. Laws, 1975, ch. 384; Laws, 1976, ch. 387; Laws, 1981, ch. 491, § 11; Laws, 1990, ch. 350, § 1, eff. 7/1/1990.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 9 - TRAFFIC VIOLATIONS PROCEDURE (§§ 63-9-1 — 63-9-37)Section 63-9-27 - Posting of guaranteed arrest bond certificate in lieu of cash bail

(1)A guaranteed arrest bond certificate with respect to which a fidelity and surety company has become surety as provided in subsection (2) of this section, when posted by the person whose signature appears thereon, shall be accepted in lieu of cash bail in an amount not to exceed two hundred dollars (\$200.00), as a bail bond, to guarantee the appearance of such person in any court in this state at such time as may be required by the court, when such person is arrested for violation of any traffic laws of any municipality or county of this state, except for the offense of driving while under the influence of intoxicating liquors, drugs or narcotics, or for any felony, and the alleged violation was committed prior to the date of expiration shown on such guaranteed arrest bond certificate.Any such guaranteed arrest bond certificate so posted as a bail bond in any court in this state shall be subject to the forfeiture and collection provisions of law applicable to a bail bond, except that any judgment forfeiting a guaranteed arrest bond certificate rendered under such forfeiture and collection provisions shall, at any time within thirty (30) days after rendition, be set aside upon the surrender, or the appearance and trial and conviction or acquittal of the defendant, or upon a continuance granted upon motion of the district attorney after such appearance.(2)Any domestic or foreign insurance company which has qualified to transact fidelity and surety insurance business in this state may, in any year, become surety in an amount not to exceed two hundred dollars (\$200.00) with respect to each guaranteed arrest bond certificate issued in such year by an automobile club, automobile association or insurance company authorized to transact automobile liability insurance business within this state or by the fidelity and surety company itself.The term "guaranteed arrest bond certificate," as used in this section, means a printed card or other certificate issued by an automobile club, automobile association, insurance company authorized to transact automobile liability insurance within this state, or an insurance company authorized to transact fidelity and surety insurance business within this state to any of its members or insureds, which is signed by such member or insured, and contains a printed statement that a fidelity and surety company authorized to do business in this state guarantees the appearance of the person whose signature appears on the card or certificate, and that such company will, in the event of the failure of such person to appear in court at the time of trial, pay any fine or forfeiture imposed on such person in an amount not to exceed two hundred dollars (\$200.00).The issuance of a "guaranteed arrest bond certificate," as defined above, by an automobile club, automobile association or insurance company not authorized to transact fidelity and surety insurance business in this state shall not be construed as engaging in fidelity and surety insurance business in this state by such automobile club, automobile association or insurance company.(3)This section shall be supplementary and complementary to section63-9-25and shall not be construed as affecting or amending that section in any way.Laws, 1979, ch. 318; Laws, 1981, ch. 491, § 12, eff. 7/1/1981. (1)A guaranteed arrest bond certificate with respect to which a fidelity and surety company has become surety as provided in subsection (2) of this section, when posted by the person whose signature appears thereon, shall be accepted in lieu of cash bail in an amount not to exceed two hundred dollars (\$200.00), as a bail bond, to guarantee the appearance of such person in any court in this state at such time as may be required by the court, when such person is arrested for violation of any traffic laws of any municipality or county of this state, except for the offense of driving while under the influence of intoxicating liquors, drugs or narcotics, or for any felony, and the alleged violation was committed prior to the date of expiration shown on such guaranteed arrest bond certificate.Any such guaranteed arrest bond certificate so posted as a bail bond in any court in this state shall be subject to the forfeiture and collection provisions of law applicable to a bail bond, except that any judgment forfeiting a guaranteed arrest bond certificate rendered under such forfeiture and collection provisions shall, at any time within thirty (30) days after rendition, be set aside upon the surrender, or the appearance and trial and conviction or acquittal of the defendant, or upon a continuance granted upon motion of the district attorney after such appearance.(2)Any domestic or foreign insurance company which has qualified to transact fidelity and surety insurance business in this state may, in any year, become surety in an amount not to exceed two hundred dollars (\$200.00) with respect to each guaranteed arrest bond certificate issued in such year by an automobile club, automobile association or insurance company authorized to transact automobile liability insurance business within this state or by the fidelity and surety company itself.The term "guaranteed arrest bond certificate," as used in this section, means a printed card or other certificate issued by an automobile club, automobile association, insurance company authorized to transact automobile liability insurance within this state, or an insurance company authorized to transact fidelity and surety insurance business within this state to any of its members or insureds, which is signed by such member or insured, and contains a printed statement that a fidelity and surety company authorized to do business in this state guarantees the appearance of the person whose signature appears on the card or certificate, and that such company will, in the event of the failure of such person to appear in court at the time of trial, pay any fine or forfeiture imposed on such person in an amount not to exceed two hundred dollars (\$200.00).The issuance of a "guaranteed arrest bond certificate," as defined above, by an automobile club, automobile association or insurance company not authorized to transact fidelity and surety insurance business in this state shall not be construed as engaging in fidelity and surety insurance business in this state by such automobile club, automobile association or insurance company.(3)This section shall be supplementary and complementary to section63-9-25and shall not be construed as affecting or

amending that section in any way. Laws, 1979, ch. 318; Laws, 1981, ch. 491, § 12, eff. 7/1/1981. (1) A guaranteed arrest bond certificate with respect to which a fidelity and surety company has become surety as provided in subsection (2) of this section, when posted by the person whose signature appears thereon, shall be accepted in lieu of cash bail in an amount not to exceed two hundred dollars (\$200.00), as a bail bond, to guarantee the appearance of such person in any court in this state at such time as may be required by the court, when such person is arrested for violation of any traffic laws of any municipality or county of this state, except for the offense of driving while under the influence of intoxicating liquors, drugs or narcotics, or for any felony, and the alleged violation was committed prior to the date of expiration shown on such guaranteed arrest bond certificate. Any such guaranteed arrest bond certificate so posted as a bail bond in any court in this state shall be subject to the forfeiture and collection provisions of law applicable to a bail bond, except that any judgment forfeiting a guaranteed arrest bond certificate rendered under such forfeiture and collection provisions shall, at any time within thirty (30) days after rendition, be set aside upon the surrender, or the appearance and trial and conviction or acquittal of the defendant, or upon a continuance granted upon motion of the district attorney after such appearance. (2) Any domestic or foreign insurance company which has qualified to transact fidelity and surety insurance business in this state may, in any year, become surety in an amount not to exceed two hundred dollars (\$200.00) with respect to each guaranteed arrest bond certificate issued in such year by an automobile club, automobile association or insurance company authorized to transact automobile liability insurance business within this state or by the fidelity and surety company itself. The term "guaranteed arrest bond certificate," as used in this section, means a printed card or other certificate issued by an automobile club, automobile association, insurance company authorized to transact automobile liability insurance within this state, or an insurance company authorized to transact fidelity and surety insurance business within this state to any of its members or insureds, which is signed by such member or insured, and contains a printed statement that a fidelity and surety company authorized to do business in this state guarantees the appearance of the person whose signature appears on the card or certificate, and that such company will, in the event of the failure of such person to appear in court at the time of trial, pay any fine or forfeiture imposed on such person in an amount not to exceed two hundred dollars (\$200.00). The issuance of a "guaranteed arrest bond certificate," as defined above, by an automobile club, automobile association or insurance company not authorized to transact fidelity and surety insurance business in this state shall not be construed as engaging in fidelity and surety insurance business in this state by such automobile club, automobile association or insurance company. (3) This section shall be supplementary and complementary to section 63-9-25 and shall not be construed as affecting or amending that section in any way. Laws, 1979, ch. 318; Laws, 1981, ch. 491, § 12, eff. 7/1/1981. Any such guaranteed arrest bond certificate so posted as a bail bond in any court in this state shall be subject to the forfeiture and collection provisions of law applicable to a bail bond, except that any judgment forfeiting a guaranteed arrest bond certificate rendered under such forfeiture and collection provisions shall, at any time within thirty (30) days after rendition, be set aside upon the surrender, or the appearance and trial and conviction or acquittal of the defendant, or upon a continuance granted upon motion of the district attorney after such appearance. The term "guaranteed arrest bond certificate," as used in this section, means a printed card or other certificate issued by an automobile club, automobile association, insurance company authorized to transact automobile liability insurance within this state, or an insurance company authorized to transact fidelity and surety insurance business within this state to any of its members or insureds, which is signed by such member or insured, and contains a printed statement that a fidelity and surety company authorized to do business in this state guarantees the appearance of the person whose signature appears on the card or certificate, and that such company will, in the event of the failure of such person to appear in court at the time of trial, pay any fine or forfeiture imposed on such person in an amount not to exceed two hundred dollars (\$200.00). The issuance of a "guaranteed arrest bond certificate," as defined above, by an automobile club, automobile association or insurance company not authorized to transact fidelity and surety insurance business in this state shall not be construed as engaging in fidelity and surety insurance business in this state by such automobile club, automobile association or insurance company. Laws, 1979, ch. 318; Laws, 1981, ch. 491, § 12, eff. 7/1/1981.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 9 - TRAFFIC VIOLATIONS PROCEDURE (§§ 63-9-1 — 63-9-37) Section 63-9-3 - Construction

This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. Codes, 1942, § 8282; Laws, 1938, ch. 200. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. Codes, 1942, § 8282; Laws, 1938, ch. 200. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. Codes, 1942, § 8282; Laws, 1938, ch. 200. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. Codes, 1942, § 8282; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 9 - TRAFFIC VIOLATIONS PROCEDURE (§§ 63-9-1 — 63-9-37) Section 63-9-31 - Additional surcharge for traffic violations to fund automation of citations issued by Highway Safety Patrol and wireless radio communications programs; funding of agency expenses; deposit of monies into State General Fund

(1) In addition to any other monetary penalties and other penalties imposed by law, any county, municipality or the Pearl River Valley Water Supply District Patrol which participates in a wireless radio communications program approved by the applicable governing authorities may assess an additional surcharge in an amount not to exceed Ten Dollars (\$10.00) on each person upon whom a court imposes a fine or other penalty for each violation of Title 63, Mississippi Code of 1972, except offenses relating to

vehicular parking or registration. On all citations issued by Mississippi Highway Safety Patrol officers, a surcharge in the amount of Ten Dollars (\$10.00) shall be collected by the court and deposited as provided in subsection (2) of this section. The proceeds from the surcharge on citations issued by county and municipal law enforcement officers or the Pearl River Valley Water Supply District Patrol may be used by a county or municipality only to fund that county's or municipality's or the Pearl River Valley Water Supply District Patrol's participation in the wireless radio communications program by funding public safety wireless communications systems and related computer and communications equipment. The proceeds from the surcharge on citations issued by Mississippi Highway Safety Patrol officers shall be used as provided in subsection (2) of this section. All proceeds from the surcharge imposed by this subsection shall be deposited into a special fund in the Department of Public Safety's Office of Public Safety Planning. The Office of Public Safety Planning shall promulgate rules and procedures relating to the administration of the special fund and the disbursement of monies in the fund to participating governmental entities. The maximum amount that a governmental entity may receive from the special fund shall be an amount equal to the deposits made into the fund by that entity, less one percent (1%) to be retained by the Office of Public Safety Planning to defray the costs of administering the special fund. Interest earned on the special fund shall remain in the fund and shall be used by the Office of Public Safety Planning to further defray the costs of administering the special fund.

(2) Deposits into the special fund resulting from citations issued by the Mississippi Highway Safety Patrol shall be utilized as follows: Fifty percent (50%) of the deposits into the special fund shall be used to automate the citations issued by Mississippi Highway Safety Patrol officers (including the transmittal of citations to the justice court, retrieval of the disposition from the justice court, and updating the driver's records) and fifty percent (50%) of the deposits into the special fund shall be used for the purpose of funding wireless communications and related computer equipment and computer software, subject to the approval of the Mississippi Department of Information Technology Services.

(3) Approval of a wireless radio communications program must be given by the applicable governing authorities when: (a) The program includes the sharing of support facilities including, but not limited to, towers, shelters and microwave by participating entities; or (b) The program includes the establishment of a mutual aid system using common radio frequency channels between participating entities; or (c) The program sets forth a feasible methodology that utilizes the radio frequency spectrum in an efficient manner.

(4) Participating counties, municipalities, the Pearl River Valley Water Supply District Patrol and the Mississippi Highway Safety Patrol must provide notification of facilities available for interoperability to the Mississippi Department of Information Technology Services annually.

(5) Counties and municipalities and the Pearl River Valley Water Supply District Patrol participating in a wireless radio communications program and the Mississippi Highway Safety Patrol must comply with competitive bidding requirements prescribed in Section 31-7-13 and are encouraged to utilize an open architecture, nonproprietary system.

(6) From and after July 1, 2016, the expenses of this agency shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law.

(7) From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section.

Laws, 2001, ch. 569, § 12; Laws, 2002, ch. 486, § 1; Laws, 2004, ch. 441, § 1; Laws, 2006, ch. 311, § 1; Laws, 2008, ch. 522, § 1, eff. 7/1/2008. Amended by Laws, 2016, ch. 459, SB 2362, 17, eff. 7/1/2016.

(1) In addition to any other monetary penalties and other penalties imposed by law, any county, municipality or the Pearl River Valley Water Supply District Patrol which participates in a wireless radio communications program approved by the applicable governing authorities may assess an additional surcharge in an amount not to exceed Ten Dollars (\$10.00) on each person upon whom a court imposes a fine or other penalty for each violation of Title 63, Mississippi Code of 1972, except offenses relating to vehicular parking or registration. On all citations issued by Mississippi Highway Safety Patrol officers, a surcharge in the amount of Ten Dollars (\$10.00) shall be collected by the court and deposited as provided in subsection (2) of this section. The proceeds from the surcharge on citations issued by county and municipal law enforcement officers or the Pearl River Valley Water Supply District Patrol may be used by a county or municipality only to fund that county's or municipality's or the Pearl River Valley Water Supply District Patrol's participation in the wireless radio communications program by funding public safety wireless communications systems and related computer and communications equipment. The proceeds from the surcharge on citations issued by Mississippi Highway Safety Patrol officers shall be used as provided in subsection (2) of this section. All proceeds from the surcharge imposed by this subsection shall be deposited into a special fund in the Department of Public Safety's Office of Public Safety Planning. The Office of Public Safety Planning shall promulgate rules and procedures relating to the administration of the special fund and the disbursement of monies in the fund to participating governmental entities. The maximum amount that a governmental entity may receive from the special fund shall be an amount equal to the deposits made into the fund by that entity, less one percent (1%) to be retained by the Office of Public Safety Planning to defray the costs of administering the special fund. Interest earned on the special fund shall remain in the fund and shall be used by the Office of Public Safety Planning to further defray the costs of administering the special fund.

(2) Deposits into the special fund resulting from citations issued by the Mississippi Highway Safety Patrol shall be utilized as follows: Fifty percent (50%) of the deposits into the special fund shall be used to automate the citations issued by Mississippi Highway Safety Patrol officers (including the transmittal of citations to the justice court, retrieval of the disposition from the justice court, and updating the driver's records) and fifty percent (50%) of the deposits into the special fund shall be used for the purpose of funding wireless communications and related computer equipment and computer software, subject to the approval of the Mississippi Department of Information Technology Services.

(3) Approval of a wireless radio communications program must be given by the applicable governing authorities when: (a) The program includes the sharing of support facilities including, but not limited to, towers, shelters and microwave by participating entities; or (b) The program includes the establishment of a mutual aid system using common radio frequency channels between participating entities; or (c) The program sets forth a feasible methodology that utilizes the radio frequency spectrum in an efficient manner.

(4) Participating counties,

municipalities, the Pearl River Valley Water Supply District Patrol and the Mississippi Highway Safety Patrol must provide notification of facilities available for interoperability to the Mississippi Department of Information Technology Services annually.(5)Counties and municipalities and the Pearl River Valley Water Supply District Patrol participating in a wireless radio communications program and the Mississippi Highway Safety Patrol must comply with competitive bidding requirements prescribed in Section31-7-13and are encouraged to utilize an open architecture, nonproprietary system.(6)From and after July 1, 2016, the expenses of this agency shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law.(7)From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section.Laws, 2001, ch. 569, § 12; Laws, 2002, ch. 486, § 1; Laws, 2004, ch. 441, § 1; Laws, 2006, ch. 311, § 1; Laws, 2008, ch. 522, § 1, eff. 7/1/2008.Amended by Laws, 2016, ch. 459, SB 2362, 17, eff. 7/1/2016. (1)In addition to any other monetary penalties and other penalties imposed by law, any county, municipality or the Pearl River Valley Water Supply District Patrol which participates in a wireless radio communications program approved by the applicable governing authorities may assess an additional surcharge in an amount not to exceed Ten Dollars (\$10.00) on each person upon whom a court imposes a fine or other penalty for each violation of Title 63, Mississippi Code of 1972, except offenses relating to vehicular parking or registration. On all citations issued by Mississippi Highway Safety Patrol officers, a surcharge in the amount of Ten Dollars (\$10.00) shall be collected by the court and deposited as provided in subsection (2) of this section. The proceeds from the surcharge on citations issued by county and municipal law enforcement officers or the Pearl River Valley Water Supply District Patrol may be used by a county or municipality only to fund that county's or municipality's or the Pearl River Valley Water Supply District Patrol's participation in the wireless radio communications program by funding public safety wireless communications systems and related computer and communications equipment. The proceeds from the surcharge on citations issued by Mississippi Highway Safety Patrol officers shall be used as provided in subsection (2) of this section. All proceeds from the surcharge imposed by this subsection shall be deposited into a special fund in the Department of Public Safety's Office of Public Safety Planning. The Office of Public Safety Planning shall promulgate rules and procedures relating to the administration of the special fund and the disbursement of monies in the fund to participating governmental entities. The maximum amount that a governmental entity may receive from the special fund shall be an amount equal to the deposits made into the fund by that entity, less one percent (1%) to be retained by the Office of Public Safety Planning to defray the costs of administering the special fund. Interest earned on the special fund shall remain in the fund and shall be used by the Office of Public Safety Planning to further defray the costs of administering the special fund.(2)Deposits into the special fund resulting from citations issued by the Mississippi Highway Safety Patrol shall be utilized as follows: Fifty percent (50%) of the deposits into the special fund shall be used to automate the citations issued by Mississippi Highway Safety Patrol officers (including the transmittal of citations to the justice court, retrieval of the disposition from the justice court, and updating the driver's records) and fifty percent (50%) of the deposits into the special fund shall be used for the purpose of funding wireless communications and related computer equipment and computer software, subject to the approval of the Mississippi Department of Information Technology Services.(3)Approval of a wireless radio communications program must be given by the applicable governing authorities when:(a)The program includes the sharing of support facilities including, but not limited to, towers, shelters and microwave by participating entities; or(b)The program includes the establishment of a mutual aid system using common radio frequency channels between participating entities; or(c)The program sets forth a feasible methodology that utilizes the radio frequency spectrum in an efficient manner.(4)Participating counties, municipalities, the Pearl River Valley Water Supply District Patrol and the Mississippi Highway Safety Patrol must provide notification of facilities available for interoperability to the Mississippi Department of Information Technology Services annually.(5)Counties and municipalities and the Pearl River Valley Water Supply District Patrol participating in a wireless radio communications program and the Mississippi Highway Safety Patrol must comply with competitive bidding requirements prescribed in Section31-7-13and are encouraged to utilize an open architecture, nonproprietary system.(6)From and after July 1, 2016, the expenses of this agency shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law.(7)From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section.Laws, 2001, ch. 569, § 12; Laws, 2002, ch. 486, § 1; Laws, 2004, ch. 441, § 1; Laws, 2006, ch. 311, § 1; Laws, 2008, ch. 522, § 1, eff. 7/1/2008.Amended by Laws, 2016, ch. 459, SB 2362, 17, eff. 7/1/2016. Laws, 2001, ch. 569, § 12; Laws, 2002, ch. 486, § 1; Laws, 2004, ch. 441, § 1; Laws, 2006, ch. 311, § 1; Laws, 2008, ch. 522, § 1, eff. 7/1/2008. Amended by Laws, 2016, ch. 459, SB 2362, 17, eff. 7/1/2016.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 9 - TRAFFIC VIOLATIONS PROCEDURE (§§ 63-9-1 — 63-9-37)Section 63-9-33 - Assessment of additional surcharge on traffic violations and vehicular parking or registration offenses by certain municipalities to fund computerized crime prevention measures

In addition to any other monetary penalties and other penalties imposed by law, any municipality having a population of fifteen thousand (15,000) or more according to the most recent federal decennial census may assess an additional surcharge in an amount not to exceed One Dollar (\$1.00) for each violation of Title 63 and offenses related to vehicular parking or registration. The proceeds from the surcharge shall be dedicated to the use of the municipal police department and used solely to offset the cost of implementation of certain computerized crime prevention measures and the equipment necessary therefor.Laws, 2007, ch. 465, § 1, eff. 7/1/2007. In addition to any other monetary penalties and other penalties imposed by law, any municipality having a population

of fifteen thousand (15,000) or more according to the most recent federal decennial census may assess an additional surcharge in an amount not to exceed One Dollar (\$1.00) for each violation of Title 63 and offenses related to vehicular parking or registration. The proceeds from the surcharge shall be dedicated to the use of the municipal police department and used solely to offset the cost of implementation of certain computerized crime prevention measures and the equipment necessary therefor. Laws, 2007, ch. 465, § 1, eff. 7/1/2007. In addition to any other monetary penalties and other penalties imposed by law, any municipality having a population of fifteen thousand (15,000) or more according to the most recent federal decennial census may assess an additional surcharge in an amount not to exceed One Dollar (\$1.00) for each violation of Title 63 and offenses related to vehicular parking or registration. The proceeds from the surcharge shall be dedicated to the use of the municipal police department and used solely to offset the cost of implementation of certain computerized crime prevention measures and the equipment necessary therefor. Laws, 2007, ch. 465, § 1, eff. 7/1/2007. In addition to any other monetary penalties and other penalties imposed by law, any municipality having a population of fifteen thousand (15,000) or more according to the most recent federal decennial census may assess an additional surcharge in an amount not to exceed One Dollar (\$1.00) for each violation of Title 63 and offenses related to vehicular parking or registration. The proceeds from the surcharge shall be dedicated to the use of the municipal police department and used solely to offset the cost of implementation of certain computerized crime prevention measures and the equipment necessary therefor. Laws, 2007, ch. 465, § 1, eff. 7/1/2007.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 9 - TRAFFIC VIOLATIONS PROCEDURE (§§ 63-9-1 — 63-9-37) Section 63-9-35 - Certain traffic citations issued in other states are prohibited from being placed on a driver's record or reported to insurance

(1) A traffic citation issued by another state from the use of an automated traffic law enforcement system or a traffic law enforcement method not authorized by the State of Mississippi shall not be placed on the person's driving record in this state. (2) A traffic citation issued by another state from the use of an automated traffic law enforcement system or a traffic law enforcement method not authorized by the State of Mississippi shall not be reported to an insurance company for insurance purposes. (3) For the purposes of this section, 'automated traffic law enforcement system' means a camera, optical device or other equipment that: (a) Detects a traffic law violation; (b) Records images of the license plate of a motor vehicle that is not operated in compliance with traffic laws; and (c) Issues a citation for a traffic law violation. Laws, 2012, ch. 398, § 1, eff. 7/1/2012. (1) A traffic citation issued by another state from the use of an automated traffic law enforcement system or a traffic law enforcement method not authorized by the State of Mississippi shall not be placed on the person's driving record in this state. (2) A traffic citation issued by another state from the use of an automated traffic law enforcement system or a traffic law enforcement method not authorized by the State of Mississippi shall not be reported to an insurance company for insurance purposes. (3) For the purposes of this section, 'automated traffic law enforcement system' means a camera, optical device or other equipment that: (a) Detects a traffic law violation; (b) Records images of the license plate of a motor vehicle that is not operated in compliance with traffic laws; and (c) Issues a citation for a traffic law violation. Laws, 2012, ch. 398, § 1, eff. 7/1/2012. (1) A traffic citation issued by another state from the use of an automated traffic law enforcement system or a traffic law enforcement method not authorized by the State of Mississippi shall not be placed on the person's driving record in this state. (2) A traffic citation issued by another state from the use of an automated traffic law enforcement system or a traffic law enforcement method not authorized by the State of Mississippi shall not be reported to an insurance company for insurance purposes. (3) For the purposes of this section, 'automated traffic law enforcement system' means a camera, optical device or other equipment that: (a) Detects a traffic law violation; (b) Records images of the license plate of a motor vehicle that is not operated in compliance with traffic laws; and (c) Issues a citation for a traffic law violation. Laws, 2012, ch. 398, § 1, eff. 7/1/2012. Laws, 2012, ch. 398, § 1, eff. 7/1/2012.

Mississippi Code 1972 (2024) Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27) Chapter 9 - TRAFFIC VIOLATIONS PROCEDURE (§§ 63-9-1 — 63-9-37) Section 63-9-37 - Recognition of traffic fines resulting from automated recording equipment of another state; suspension of driver's license for failure to pay fine

The Mississippi Department of Public Safety shall only recognize any civil or criminal fine, fee, citation or penalty for a violation of compliance with traffic signals, traffic speeds or other traffic laws, rules or regulations in another state that results from the use of automated recording equipment or system as defined under Section 17-25-19 if that state is a member of the Driver License Compact as provided under Section 63-1-103. Further, the Mississippi Department of Public Safety shall not suspend the driver's license of a person for failure to pay any civil or criminal fine, fee, citation or penalty for such a violation unless the state that is due the fine, fee, citation or penalty is a member of the Driver License Compact. Added by Laws, 2013, ch. 340, HB 91, 1, eff. 3/14/2013. The Mississippi Department of Public Safety shall only recognize any civil or criminal fine, fee, citation or penalty for a violation of compliance with traffic signals, traffic speeds or other traffic laws, rules or regulations in another state that results from the use of automated recording equipment or system as defined under Section 17-25-19 if that state is a member of the Driver License Compact as provided under Section 63-1-103. Further, the Mississippi Department of Public Safety shall not suspend the driver's license of a person for failure to pay any civil or criminal fine, fee, citation or penalty for such a violation unless the state that is due the fine, fee, citation or penalty is a member of the Driver License Compact. Added by Laws, 2013, ch. 340, HB 91, 1, eff. 3/14/2013. The Mississippi Department of Public Safety shall only recognize any civil or criminal fine, fee, citation or penalty for a violation of compliance with traffic signals, traffic speeds or other traffic laws, rules or regulations in another state that results from the use of automated recording equipment or system as defined under Section 17-25-19 if that state is a member of the Driver License Compact

as provided under Section63-1-103. Further, the Mississippi Department of Public Safety shall not suspend the driver's license of a person for failure to pay any civil or criminal fine, fee, citation or penalty for such a violation unless the state that is due the fine, fee, citation or penalty is a member of the Driver License Compact.Added by Laws, 2013, ch. 340, HB 91, 1, eff. 3/14/2013. The Mississippi Department of Public Safety shall only recognize any civil or criminal fine, fee, citation or penalty for a violation of compliance with traffic signals, traffic speeds or other traffic laws, rules or regulations in another state that results from the use of automated recording equipment or system as defined under Section17-25-19if that state is a member of the Driver License Compact as provided under Section63-1-103. Further, the Mississippi Department of Public Safety shall not suspend the driver's license of a person for failure to pay any civil or criminal fine, fee, citation or penalty for such a violation unless the state that is due the fine, fee, citation or penalty is a member of the Driver License Compact. Added by Laws, 2013, ch. 340, HB 91, 1, eff. 3/14/2013.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 9 - TRAFFIC VIOLATIONS PROCEDURE (§§ 63-9-1 — 63-9-37)Section 63-9-5 - Definitions

For purposes of this chapter, the meanings ascribed to words and phrases in Article 3 of Chapter 3 of this title shall be fully applicable to this chapter.Codes, 1942, § 8126; Laws, 1938, ch. 200. For purposes of this chapter, the meanings ascribed to words and phrases in Article 3 of Chapter 3 of this title shall be fully applicable to this chapter.Codes, 1942, § 8126; Laws, 1938, ch. 200. For purposes of this chapter, the meanings ascribed to words and phrases in Article 3 of Chapter 3 of this title shall be fully applicable to this chapter.Codes, 1942, § 8126; Laws, 1938, ch. 200. For purposes of this chapter, the meanings ascribed to words and phrases in Article 3 of Chapter 3 of this title shall be fully applicable to this chapter. Codes, 1942, § 8126; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 9 - TRAFFIC VIOLATIONS PROCEDURE (§§ 63-9-1 — 63-9-37)Section 63-9-7 - Parties deemed guilty of offenses

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared in Chapter 3, 5, or 7 of this title, to be a crime, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, shall be guilty of such offense. Every person who falsely, fraudulently, forcibly, or wilfully induces, causes, coerces, requires, permits, or directs another to violate any provision of said chapter is likewise guilty of such offense.Codes, 1942, § 8277; Laws, 1938, ch. 200. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared in Chapter 3, 5, or 7 of this title, to be a crime, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, shall be guilty of such offense. Every person who falsely, fraudulently, forcibly, or wilfully induces, causes, coerces, requires, permits, or directs another to violate any provision of said chapter is likewise guilty of such offense.Codes, 1942, § 8277; Laws, 1938, ch. 200. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared in Chapter 3, 5, or 7 of this title, to be a crime, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, shall be guilty of such offense. Every person who falsely, fraudulently, forcibly, or wilfully induces, causes, coerces, requires, permits, or directs another to violate any provision of said chapter is likewise guilty of such offense.Codes, 1942, § 8277; Laws, 1938, ch. 200. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared in Chapter 3, 5, or 7 of this title, to be a crime, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, shall be guilty of such offense. Every person who falsely, fraudulently, forcibly, or wilfully induces, causes, coerces, requires, permits, or directs another to violate any provision of said chapter is likewise guilty of such offense. Codes, 1942, § 8277; Laws, 1938, ch. 200.

Mississippi Code 1972 (2024)Title 63 - MOTOR VEHICLES AND TRAFFIC REGULATIONS (§§ 63-1-1 — 63-39-27)Chapter 9 - TRAFFIC VIOLATIONS PROCEDURE (§§ 63-9-1 — 63-9-37)Section 63-9-9 - Requiring or permitting operation of vehicle in manner contrary to law

It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.Codes, 1942, § 8278; Laws, 1938, ch. 200. It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.Codes, 1942, § 8278; Laws, 1938, ch. 200. It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.Codes, 1942, § 8278; Laws, 1938, ch. 200. It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law. Codes, 1942, § 8278; Laws, 1938, ch. 200.

Title: title-67

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101)Section 67-1-1 - Short title

This article shall be known and may be cited as the "Local Option Alcoholic Beverage Control Law" of the State of Mississippi.Codes, 1942, § 10265-02; Laws, 1966, ch. 540, § 2, eff. 7/1/1966. This article shall be known and may be cited as the

"Local Option Alcoholic Beverage Control Law" of the State of Mississippi. Codes, 1942, § 10265-02; Laws, 1966, ch. 540, § 2, eff. 7/1/1966. This article shall be known and may be cited as the "Local Option Alcoholic Beverage Control Law" of the State of Mississippi. Codes, 1942, § 10265-02; Laws, 1966, ch. 540, § 2, eff. 7/1/1966. This article shall be known and may be cited as the "Local Option Alcoholic Beverage Control Law" of the State of Mississippi. Codes, 1942, § 10265-02; Laws, 1966, ch. 540, § 2, eff. 7/1/1966.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-10 - Penalties for owning, controlling or possessing illegal distillery, or parts thereof; exceptions

It shall be unlawful for any person, firm or corporation to own or control or have in such person's, firm's or corporation's possession any distillery commonly called a still or any integral part thereof. It shall not be unlawful to own or have in possession a distillery or still in the following circumstances: (a) Where the same is used exclusively for the distillation of rosin products; (b) Where the same is used exclusively for the distillation of water; (c) Where the same is kept and lawfully used in any laboratory; (d) Where the same is in the possession of any officers of the law, to be disposed of according to law; or (e) Where the person or corporation can prove that the same is in his or their possession for the purpose of being delivered up to an officer of the law to be disposed of according to law. Any person guilty of violating this section shall be guilty of a felony and upon conviction thereof shall be confined in the State Penitentiary not less than one (1) year, nor more than three (3) years for a first offense, and for a second offense he shall be confined in the State Penitentiary not less than five (5), nor more than ten (10) years. Laws, 1993, ch. 505, § 2, eff. 7/1/1993. It shall be unlawful for any person, firm or corporation to own or control or have in such person's, firm's or corporation's possession any distillery commonly called a still or any integral part thereof. It shall not be unlawful to own or have in possession a distillery or still in the following circumstances: (a) Where the same is used exclusively for the distillation of rosin products; (b) Where the same is used exclusively for the distillation of water; (c) Where the same is kept and lawfully used in any laboratory; (d) Where the same is in the possession of any officers of the law, to be disposed of according to law; or (e) Where the person or corporation can prove that the same is in his or their possession for the purpose of being delivered up to an officer of the law to be disposed of according to law. Any person guilty of violating this section shall be guilty of a felony and upon conviction thereof shall be confined in the State Penitentiary not less than one (1) year, nor more than three (3) years for a first offense, and for a second offense he shall be confined in the State Penitentiary not less than five (5), nor more than ten (10) years. Laws, 1993, ch. 505, § 2, eff. 7/1/1993. It shall be unlawful for any person, firm or corporation to own or control or have in such person's, firm's or corporation's possession any distillery commonly called a still or any integral part thereof. It shall not be unlawful to own or have in possession a distillery or still in the following circumstances: (a) Where the same is used exclusively for the distillation of rosin products; (b) Where the same is used exclusively for the distillation of water; (c) Where the same is kept and lawfully used in any laboratory; (d) Where the same is in the possession of any officers of the law, to be disposed of according to law; or (e) Where the person or corporation can prove that the same is in his or their possession for the purpose of being delivered up to an officer of the law to be disposed of according to law. Any person guilty of violating this section shall be guilty of a felony and upon conviction thereof shall be confined in the State Penitentiary not less than one (1) year, nor more than three (3) years for a first offense, and for a second offense he shall be confined in the State Penitentiary not less than five (5), nor more than ten (10) years. Laws, 1993, ch. 505, § 2, eff. 7/1/1993. It shall be unlawful for any person, firm or corporation to own or control or have in such person's, firm's or corporation's possession any distillery commonly called a still or any integral part thereof. It shall not be unlawful to own or have in possession a distillery or still in the following circumstances: Laws, 1993, ch. 505, § 2, eff. 7/1/1993.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-101 - Governing authorities of certain municipalities authorized to establish and/or modify leisure and recreation districts

(1) For the purposes of this section, the following words shall have the following meanings ascribed in this section, unless the context clearly otherwise requires: (a) "Municipality" means any incorporated city, town or village that has voted in favor of coming out from under the dry law or is in a county that has voted in favor of coming out from under the dry law; (b) "Leisure and recreation district" means an area officially designated by ordinance or resolution of the governing authorities of a municipality or county as a leisure and recreation district; (c) "County" means any county that has voted in favor of coming out from under the dry law. (2) (a) Subject to the provisions of this section, the governing authorities of a municipality, by ordinance, may establish one or more leisure and recreation districts within the corporate boundaries of the municipality and designate the geographic area or areas to be included within a district. The governing authorities of a municipality, by ordinance, may modify the boundaries of a leisure and recreation district. In addition, the boundaries of a leisure and recreation district may extend from within the municipality into the unincorporated area of the county in which the municipality is located if the county consents to the extension and has voted in favor of coming out from under the dry law. (b) Subject to the provisions of this section, the board of Supervisors of a county, by resolution, may establish one or more leisure and recreation districts within the county that are outside the corporate limits of any municipality in the county and designate the geographic area or areas to be included within the districts. (c) The designation or modification of the geographic area or areas as a leisure and recreation district shall include a detailed description of the area or

areas within the district, boundaries of the district and a georeferenced map of the district. In addition to any other matters addressed in an ordinance or resolution establishing or modifying a leisure and recreation district, a municipality or county, as the case may be, must describe the manner in which the municipality or county, as the case may be, will provide for adequate law enforcement and other public safety measures and services within the district. Following the establishment and/or modification of a leisure and recreation district, the municipality or county, as the case may be, shall provide the Department of Revenue with (i) a copy of any ordinance or resolution relating to the establishment or modification of the district, (ii) verification from the municipal police department and/or applicable sheriff's department indicating how such department will provide adequate law enforcement and other public safety measures and services within the district, and (iii) a list of persons or other entities that hold permits issued under Section 67-1-51(c), (e), (f), (g), (l), (n) or (o) and are located and/or doing business under such permits in the district at the time the district is established. Amended by Laws, 2018, ch. 328, SB 2588, § 1, eff. 7/1/2018. Amended by Laws, 2017, ch. 431, SB 2612, 1, eff. 7/1/2017. Added by Laws, 2016, ch. 471, HB 1223, 1, eff. 7/1/2016. (1) For the purposes of this section, the following words shall have the following meanings ascribed in this section, unless the context clearly otherwise requires: (a) "Municipality" means any incorporated city, town or village that has voted in favor of coming out from under the dry law or is in a county that has voted in favor of coming out from under the dry law. (b) "Leisure and recreation district" means an area officially designated by ordinance or resolution of the governing authorities of a municipality or county as a leisure and recreation district. (c) "County" means any county that has voted in favor of coming out from under the dry law. (2) (a) Subject to the provisions of this section, the governing authorities of a municipality, by ordinance, may establish one or more leisure and recreation districts within the corporate boundaries of the municipality and designate the geographic area or areas to be included within a district. The governing authorities of a municipality, by ordinance, may modify the boundaries of a leisure and recreation district. In addition, the boundaries of a leisure and recreation district may extend from within the municipality into the unincorporated area of the county in which the municipality is located if the county consents to the extension and has voted in favor of coming out from under the dry law. (b) Subject to the provisions of this section, the board of Supervisors of a county, by resolution, may establish one or more leisure and recreation districts within the county that are outside the corporate limits of any municipality in the county and designate the geographic area or areas to be included within the districts. (c) The designation or modification of the geographic area or areas as a leisure and recreation district shall include a detailed description of the area or areas within the district, boundaries of the district and a georeferenced map of the district. In addition to any other matters addressed in an ordinance or resolution establishing or modifying a leisure and recreation district, a municipality or county, as the case may be, must describe the manner in which the municipality or county, as the case may be, will provide for adequate law enforcement and other public safety measures and services within the district. Following the establishment and/or modification of a leisure and recreation district, the municipality or county, as the case may be, shall provide the Department of Revenue with (i) a copy of any ordinance or resolution relating to the establishment or modification of the district, (ii) verification from the municipal police department and/or applicable sheriff's department indicating how such department will provide adequate law enforcement and other public safety measures and services within the district, and (iii) a list of persons or other entities that hold permits issued under Section 67-1-51(c), (e), (f), (g), (l), (n) or (o) and are located and/or doing business under such permits in the district at the time the district is established. Amended by Laws, 2018, ch. 328, SB 2588, § 1, eff. 7/1/2018. Amended by Laws, 2017, ch. 431, SB 2612, 1, eff. 7/1/2017. Added by Laws, 2016, ch. 471, HB 1223, 1, eff. 7/1/2016. (1) For the purposes of this section, the following words shall have the following meanings ascribed in this section, unless the context clearly otherwise requires: (a) "Municipality" means any incorporated city, town or village that has voted in favor of coming out from under the dry law or is in a county that has voted in favor of coming out from under the dry law. (b) "Leisure and recreation district" means an area officially designated by ordinance or resolution of the governing authorities of a municipality or county as a leisure and recreation district. (c) "County" means any county that has voted in favor of coming out from under the dry law. (2) (a) Subject to the provisions of this section, the governing authorities of a municipality, by ordinance, may establish one or more leisure and recreation districts within the corporate boundaries of the municipality and designate the geographic area or areas to be included within a district. The governing authorities of a municipality, by ordinance, may modify the boundaries of a leisure and recreation district. In addition, the boundaries of a leisure and recreation district may extend from within the municipality into the unincorporated area of the county in which the municipality is located if the county consents to the extension and has voted in favor of coming out from under the dry law. (b) Subject to the provisions of this section, the board of Supervisors of a county, by resolution, may establish one or more leisure and recreation districts within the county that are outside the corporate limits of any municipality in the county and designate the geographic area or areas to be included within the districts. (c) The designation or modification of the geographic area or areas as a leisure and recreation district shall include a detailed description of the area or areas within the district, boundaries of the district and a georeferenced map of the district. In addition to any other matters addressed in an ordinance or resolution establishing or modifying a leisure and recreation district, a municipality or county, as the case may be, must describe the manner in which the municipality or county, as the case may be, will provide for adequate law enforcement and other public safety measures and services within the district. Following the establishment and/or modification of a leisure and recreation district, the municipality or county, as the case may be, shall provide the Department of Revenue with (i) a copy of any ordinance or resolution relating to the establishment or modification of the district, (ii) verification from the municipal police department and/or applicable sheriff's department indicating how such department will provide adequate law enforcement and other public safety measures and services within the district, and (iii) a list of persons or other entities that hold permits issued under Section 67-1-51(c), (e), (f), (g), (l), (n) or (o) and are located and/or doing business under such permits in the district at the time the district is established. Amended by Laws, 2018, ch. 328, SB 2588, § 1, eff. 7/1/2018. Amended by Laws, 2017, ch. 431, SB 2612, 1, eff. 7/1/2017. Added by Laws, 2016, ch. 471, HB 1223, 1, eff. 7/1/2016.

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Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-11 - Local option election to render article effective in county

(1) Notwithstanding any provision of this article, the legalizing provisions of this article, except as authorized under Section 67-9-1 and Section 67-1-7(2), shall not be effective, applicable or operative in any county unless and until a local option election shall be called and held in such county in the manner and with the results hereinafter provided. (2) Upon presentation and filing of a proper petition requesting same signed by at least twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the qualified electors of the county, it shall be the duty of the board of supervisors to call an election at which there shall be submitted to the qualified electors of the county the question of whether or not the sale and distribution of alcoholic beverages shall be permitted in such county as provided in this article. Such election shall be held and conducted by the county election commissioners on a date fixed by the order of the board of supervisors, which date shall not be more than sixty (60) days from the date of the filing of said petition. Notice thereof shall be given by publishing such notice once each week for at least three (3) consecutive weeks in some newspaper published in said county or, if no newspaper be published therein, by such publication in a newspaper in an adjoining county and having a general circulation in the county involved. The election shall be held not earlier than fifteen (15) days from the first publication of such notice. (3) Said election shall be held and conducted as far as may be possible in the same manner as is provided by law for the holding of general elections. The ballots used thereat shall contain a brief statement of the proposition submitted and, on separate lines, the words "I vote FOR coming out from under the dry law in _____ County ()" "I vote AGAINST coming out from under the dry law in _____ County ()" with appropriate boxes in which the voters may express their choice. All qualified electors may vote by marking the ballot with a cross (x) or check (Y) mark opposite the words of their choice. (4) The election commissioners shall canvass and determine the results of said election, and shall certify same to the board of supervisors which shall adopt and spread upon its minutes an order declaring such results. If, in such election, a majority of the qualified electors participating therein shall vote in favor of the proposition, this article shall become applicable and operative in such county and the manufacture, sale and distribution of alcoholic beverages therein shall be lawful to the extent and in the manner permitted hereby. If, on the other hand, a majority of the qualified electors participating in the election shall vote against the proposition, this article, except for Section 67-9-1 and 67-1-7(2), shall not become effective and operative in such county and, except as otherwise provided under Section 67-9-1 and 67-1-7(2), all laws prohibiting and regulating the manufacture, sale and distribution of alcoholic beverages shall remain in full force and effect and be administered and vigorously prosecuted therein. In either case, no further election shall be held in said county under the provisions of this article for a period of two (2) years from the date of the prior election and then only upon the filing of a petition requesting same signed by at least twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the qualified electors of the county as is otherwise provided herein. Codes, 1942, § 10265-35; Laws, 1966, ch. 540, § 35; Laws, 1996, ch. 417, § 6; Laws, 2004, ch. 397, § 3, eff. 7/1/2004. Amended by Laws, 2020, ch. 423, HB 1087, § 4, eff. 7/1/2020. (1) Notwithstanding any provision of this article, the legalizing provisions of this article, except as authorized under Section 67-9-1 and Section 67-1-7(2), shall not be effective, applicable or operative in any county unless and until a local option election shall be called and held in such county in the manner and with the results hereinafter provided. (2) Upon presentation and filing of a proper petition requesting same signed by at least twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the qualified electors of the county, it shall be the duty of the board of supervisors to call an election at which there shall be submitted to the qualified electors of the county the question of whether or not the sale and distribution of alcoholic beverages shall be permitted in such county as provided in this article. Such election shall be held and conducted by the county election commissioners on a date fixed by the order of the board of supervisors, which date shall not be more than sixty (60) days from the date of the filing of said petition. Notice thereof shall be given by publishing such notice once each week for at least three (3) consecutive weeks in some newspaper published in said county or, if no newspaper be published therein, by such publication in a newspaper in an adjoining county and having a general circulation in the county involved. The election shall be held not earlier than fifteen (15) days from the first publication of such notice. (3) Said election shall be held and conducted as far as may be possible in the same manner as is provided by law for the holding of general elections. The ballots used thereat shall contain a brief statement of the proposition submitted and, on separate lines, the words "I vote FOR coming out from under the dry law in _____ County ()" "I vote AGAINST coming out from under the dry law in _____ County ()" with appropriate boxes in which the voters may express their choice. All qualified electors may vote by marking the ballot with a cross (x) or check (Y) mark opposite the words of their choice. (4) The election commissioners shall canvass and determine the results of said election, and shall certify same to the board of supervisors which shall adopt and spread upon its minutes an order declaring such results. If, in such election, a majority of the qualified electors participating therein shall vote in favor of the proposition, this article shall become applicable and operative in such county and the manufacture, sale and distribution of alcoholic beverages therein shall be lawful to the extent and in the manner permitted hereby. If, on the other hand, a majority of the qualified electors participating in the election shall vote against the proposition, this article, except for Section 67-9-1 and 67-1-7(2), shall not become effective and operative in such county and, except as otherwise provided under Section 67-9-1 and 67-1-7(2), all laws prohibiting and regulating the manufacture, sale and distribution of alcoholic beverages shall remain in full force and effect and be administered and vigorously prosecuted therein. In either case, no further election shall be held in said county under the provisions of this article for a

period of two (2) years from the date of the prior election and then only upon the filing of a petition requesting same signed by at least twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the qualified electors of the county as is otherwise provided herein. Codes, 1942, § 10265-35; Laws, 1966, ch. 540, § 35; Laws, 1996, ch. 417, § 6; Laws, 2004, ch. 397, § 3, eff. 7/1/2004. Amended by Laws, 2020, ch. 423, HB 1087, § 4, eff. 7/1/2020. (1) Notwithstanding any provision of this article, the legalizing provisions of this article, except as authorized under Section 67-9-1 and Section 67-1-7(2), shall not be effective, applicable or operative in any county unless and until a local option election shall be called and held in such county in the manner and with the results hereinafter provided. (2) Upon presentation and filing of a proper petition requesting same signed by at least twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the qualified electors of the county, it shall be the duty of the board of supervisors to call an election at which there shall be submitted to the qualified electors of the county the question of whether or not the sale and distribution of alcoholic beverages shall be permitted in such county as provided in this article. Such election shall be held and conducted by the county election commissioners on a date fixed by the order of the board of supervisors, which date shall not be more than sixty (60) days from the date of the filing of said petition. Notice thereof shall be given by publishing such notice once each week for at least three (3) consecutive weeks in some newspaper published in said county or, if no newspaper be published therein, by such publication in a newspaper in an adjoining county and having a general circulation in the county involved. The election shall be held not earlier than fifteen (15) days from the first publication of such notice. (3) Said election shall be held and conducted as far as may be possible in the same manner as is provided by law for the holding of general elections. The ballots used thereat shall contain a brief statement of the proposition submitted and, on separate lines, the words "I vote FOR coming out from under the dry law in _____ County)" "I vote AGAINST coming out from under the dry law in _____ County)" with appropriate boxes in which the voters may express their choice. All qualified electors may vote by marking the ballot with a cross (x) or check (Y) mark opposite the words of their choice. (4) The election commissioners shall canvass and determine the results of said election, and shall certify same to the board of supervisors which shall adopt and spread upon its minutes an order declaring such results. If, in such election, a majority of the qualified electors participating therein shall vote in favor of the proposition, this article shall become applicable and operative in such county and the manufacture, sale and distribution of alcoholic beverages therein shall be lawful to the extent and in the manner permitted hereby. If, on the other hand, a majority of the qualified electors participating in the election shall vote against the proposition, this article, except for Section 67-9-1 and 67-1-7(2), shall not become effective and operative in such county and, except as otherwise provided under Section 67-9-1 and 67-1-7(2), all laws prohibiting and regulating the manufacture, sale and distribution of alcoholic beverages shall remain in full force and effect and be administered and vigorously prosecuted therein. In either case, no further election shall be held in said county under the provisions of this article for a period of two (2) years from the date of the prior election and then only upon the filing of a petition requesting same signed by at least twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the qualified electors of the county as is otherwise provided herein. Codes, 1942, § 10265-35; Laws, 1966, ch. 540, § 35; Laws, 1996, ch. 417, § 6; Laws, 2004, ch. 397, § 3, eff. 7/1/2004. Amended by Laws, 2020, ch. 423, HB 1087, § 4, eff. 7/1/2020. Codes, 1942, § 10265-35; Laws, 1966, ch. 540, § 35; Laws, 1996, ch. 417, § 6; Laws, 2004, ch. 397, § 3, eff. 7/1/2004. Amended by Laws, 2020, ch. 423, HB 1087, § 4, eff. 7/1/2020.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-13 - Local option election to render article ineffective in county

(1) When this article has been made effective and operative in any county as a result of an election called and held as provided in Section 67-1-11, the same may be made ineffective and inapplicable therein by an election called and held upon a petition filed with the board of supervisors requesting same signed by at least twenty percent (20%) or fifteen hundred (1500), whichever number is the lesser, of the qualified electors of the county as is otherwise provided in Section 67-1-11, all of the provisions of which shall be fully applicable thereto. However, nothing herein shall authorize or permit the calling and holding of any election under this article in any county more often than once every two (2) years. If in such election, a majority of the qualified electors participating therein shall vote against the legalized sale of intoxicating liquor, then the prohibition laws of the State of Mississippi, except as otherwise provided under Sections 67-9-1 and 67-1-7(2), shall become applicable in said county. (2) Notwithstanding an election reinstating the prohibition laws in a political subdivision, the holder of a native wine or native spirit producer's permit or a native wine or native spirit retailer's permit is allowed to continue to operate under such permits and to renew such permits. Possession of native wines or native spirits and personal property related to the activities of the native wine permit or native spirit permit holder which would otherwise be unlawful under prohibition shall be allowed subject to regulations of the Alcoholic Beverage Control Division. Codes, 1942, § 10265-35; Laws, 1966, ch. 540, § 35; Laws, 1984, ch. 411; Laws, 1996, ch. 417, § 7; Laws, 2004, ch. 397, § 4, eff. 7/1/2004. Amended by Laws, 2021, ch. 388, SB 2606, § 9, eff. 7/1/2021. (1) When this article has been made effective and operative in any county as a result of an election called and held as provided in Section 67-1-11, the same may be made ineffective and inapplicable therein by an election called and held upon a petition filed with the board of supervisors requesting same signed by at least twenty percent (20%) or fifteen hundred (1500), whichever number is the lesser, of the qualified electors of the county as is otherwise provided in Section 67-1-11, all of the provisions of which shall be fully applicable thereto. However, nothing herein shall authorize or permit the calling and holding of any election under this article in any county more often than once every two (2) years. If in such election, a majority of the qualified electors participating therein shall vote against the legalized sale of intoxicating liquor, then the prohibition laws of the State of Mississippi, except as otherwise provided under Sections 67-9-1 and 67-1-7(2), shall become

applicable in said county.(2)Notwithstanding an election reinstating the prohibition laws in a political subdivision, the holder of a native wine or native spirit producer's permit or a native wine or native spirit retailer's permit is allowed to continue to operate under such permits and to renew such permits. Possession of native wines or native spirits and personal property related to the activities of the native wine permit or native spirit permit holder which would otherwise be unlawful under prohibition shall be allowed subject to regulations of the Alcoholic Beverage Control Division.Codes, 1942, § 10265-35; Laws, 1966, ch. 540, § 35; Laws, 1984, ch. 411; Laws, 1996, ch. 417, § 7; Laws, 2004, ch. 397, § 4, eff. 7/1/2004.Amended by Laws, 2021, ch. 388, SB 2606,§ 9, eff. 7/1/2021.

(1)When this article has been made effective and operative in any county as a result of an election called and held as provided in Section67-1-11, the same may be made ineffective and inapplicable therein by an election called and held upon a petition filed with the board of supervisors requesting same signed by at least twenty percent (20%) or fifteen hundred (1500), whichever number is the lesser, of the qualified electors of the county as is otherwise provided in Section67-1-11, all of the provisions of which shall be fully applicable thereto. However, nothing herein shall authorize or permit the calling and holding of any election under this article in any county more often than once every two (2) years. If in such election, a majority of the qualified electors participating therein shall vote against the legalized sale of intoxicating liquor, then the prohibition laws of the State of Mississippi, except as otherwise provided under Sections67-9-1and67-1-7(2), shall become applicable in said county.(2)Notwithstanding an election reinstating the prohibition laws in a political subdivision, the holder of a native wine or native spirit producer's permit or a native wine or native spirit retailer's permit is allowed to continue to operate under such permits and to renew such permits. Possession of native wines or native spirits and personal property related to the activities of the native wine permit or native spirit permit holder which would otherwise be unlawful under prohibition shall be allowed subject to regulations of the Alcoholic Beverage Control Division.Codes, 1942, § 10265-35; Laws, 1966, ch. 540, § 35; Laws, 1984, ch. 411; Laws, 1996, ch. 417, § 7; Laws, 2004, ch. 397, § 4, eff. 7/1/2004.Amended by Laws, 2021, ch. 388, SB 2606,§ 9, eff. 7/1/2021. Codes, 1942, § 10265-35; Laws, 1966, ch. 540, § 35; Laws, 1984, ch. 411; Laws, 1996, ch. 417, § 7; Laws, 2004, ch. 397, § 4, eff. 7/1/2004. Amended by Laws, 2021, ch. 388, SB 2606,§ 9, eff. 7/1/2021.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101)Section 67-1-14 - Local option election to render article ineffective in certain municipalities

(1)The legalizing provisions of this article may be effective, applicable and operative in any municipality located in a county which has voted against coming out from under the dry law if a local option election shall be called and held in such municipality in the manner and with the results hereinafter provided.(2)(a)Any municipality in this state that is located in a county which has voted against coming out from under the dry law may, at an election held for the purpose under the election laws applicable to such municipality, either prohibit or permit, except as otherwise provided under Section67-9-1, the sale of alcoholic beverages. An election to determine whether such sale shall be permitted in municipalities wherein its sale is prohibited by law shall be ordered by the municipal governing authorities upon the presentation of a petition to such governing authorities containing the names of at least twenty percent (20%) of the duly qualified voters of such municipality asking for such election. In like manner, an election to determine whether such sale shall be prohibited in municipalities wherein its sale is permitted by law shall be ordered by the municipal governing authorities upon the presentation of a petition to such governing authorities containing the names of at least twenty percent (20%) of the duly qualified voters of such municipality asking for such election. No election on either question shall be held by any one (1) municipality more often than once in two (2) years.Thirty (30) days' notice shall be given to the qualified electors of such municipality, in the manner prescribed by law, upon the question of either permitting or prohibiting such sale, such notice to contain a statement of the question to be voted on at the election. The ballots to be used in the election shall have the following words printed thereon: "For the legal sale of alcoholic beverages" and the words "Against the legal sale of alcoholic beverages" next below. In marking his ballot the voter shall make a cross (X) opposite the words of his choice.If in the election a majority of the qualified electors voting in the election shall vote "for the legal sale of alcoholic beverages," then the municipal governing authorities shall pass the necessary order permitting the legal sale of such alcoholic beverages in such municipality. If in the election a majority of the qualified electors voting in the election shall vote "against the legal sale of alcoholic beverages," then the municipal governing authorities shall pass the necessary order prohibiting the sale of alcoholic beverages in such municipality.(b)The provisions of this subsection shall also apply to any municipality , a portion of which is located in a county which has voted against coming out from under the dry law and a portion of which is located in a county which has voted in favor of coming out from under the dry law. The petition to hold the election authorized in this subsection shall be ordered by the municipal governing authorities upon the presentation of a petition to such governing authorities containing the names of at least twenty percent (20%) of the duly qualified voters of such municipality who reside in that portion of the municipality located in a county which has voted against coming out from under the dry law and the election shall be held only in that portion of the municipality. In all other respects, the authority for the holding of elections and the manner in which such elections shall be conducted shall be as prescribed in paragraph (a) of this subsection; and, after proper certification of election results, the municipal governing authorities shall pass the appropriate order to permit or prohibit the legal sale of alcoholic beverages in that portion of the municipality located in a county which has voted against coming out from under the dry law.(3)The governing authorities of a municipality that has voted to come out from under the dry law after August 23, 2012, may, by ordinance, provide that alcoholic beverages may be sold in the municipality only by the holder of an on-premises retailer's permit.Laws, 1990, ch. 569, § 1; Laws, 1993, ch. 445, § 1; Laws, 1996, ch. 417, § 8; Laws, 2012, ch. 462, § 1, eff. on the date the United States Attorney General interposed no objection under Section 5 of

the Voting Rights Act of 1965. Amended by Laws, 2024, ch. 488, HB 1161, § 1, eff. 7/1/2024. Amended by Laws, 2020, ch. 423, HB 1087, § 5, eff. 7/1/2020. (1) The legalizing provisions of this article may be effective, applicable and operative in any municipality located in a county which has voted against coming out from under the dry law if a local option election shall be called and held in such municipality in the manner and with the results hereinafter provided. (2)(a) Any municipality in this state that is located in a county which has voted against coming out from under the dry law may, at an election held for the purpose under the election laws applicable to such municipality, either prohibit or permit, except as otherwise provided under Section 67-9-1, the sale of alcoholic beverages. An election to determine whether such sale shall be permitted in municipalities wherein its sale is prohibited by law shall be ordered by the municipal governing authorities upon the presentation of a petition to such governing authorities containing the names of at least twenty percent (20%) of the duly qualified voters of such municipality asking for such election. In like manner, an election to determine whether such sale shall be prohibited in municipalities wherein its sale is permitted by law shall be ordered by the municipal governing authorities upon the presentation of a petition to such governing authorities containing the names of at least twenty percent (20%) of the duly qualified voters of such municipality asking for such election. No election on either question shall be held by any one (1) municipality more often than once in two (2) years. Thirty (30) days' notice shall be given to the qualified electors of such municipality, in the manner prescribed by law, upon the question of either permitting or prohibiting such sale, such notice to contain a statement of the question to be voted on at the election. The ballots to be used in the election shall have the following words printed thereon: "For the legal sale of alcoholic beverages" and the words "Against the legal sale of alcoholic beverages" next below. In marking his ballot the voter shall make a cross (X) opposite the words of his choice. If in the election a majority of the qualified electors voting in the election shall vote "for the legal sale of alcoholic beverages," then the municipal governing authorities shall pass the necessary order permitting the legal sale of such alcoholic beverages in such municipality. If in the election a majority of the qualified electors voting in the election shall vote "against the legal sale of alcoholic beverages," then the municipal governing authorities shall pass the necessary order prohibiting the sale of alcoholic beverages in such municipality. (b) The provisions of this subsection shall also apply to any municipality, a portion of which is located in a county which has voted against coming out from under the dry law and a portion of which is located in a county which has voted in favor of coming out from under the dry law. The petition to hold the election authorized in this subsection shall be ordered by the municipal governing authorities upon the presentation of a petition to such governing authorities containing the names of at least twenty percent (20%) of the duly qualified voters of such municipality who reside in that portion of the municipality located in a county which has voted against coming out from under the dry law and the election shall be held only in that portion of the municipality. In all other respects, the authority for the holding of elections and the manner in which such elections shall be conducted shall be as prescribed in paragraph (a) of this subsection; and, after proper certification of election results, the municipal governing authorities shall pass the appropriate order to permit or prohibit the legal sale of alcoholic beverages in that portion of the municipality located in a county which has voted against coming out from under the dry law. (3) The governing authorities of a municipality that has voted to come out from under the dry law after August 23, 2012, may, by ordinance, provide that alcoholic beverages may be sold in the municipality only by the holder of an on-premises retailer's permit. Laws, 1990, ch. 569, § 1; Laws, 1993, ch. 445, § 1; Laws, 1996, ch. 417, § 8; Laws, 2012, ch. 462, § 1, eff. on the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965. Amended by Laws, 2024, ch. 488, HB 1161, § 1, eff. 7/1/2024. Amended by Laws, 2020, ch. 423, HB 1087, § 5, eff. 7/1/2020. (1) The legalizing provisions of this article may be effective, applicable and operative in any municipality located in a county which has voted against coming out from under the dry law if a local option election shall be called and held in such municipality in the manner and with the results hereinafter provided. (2)(a) Any municipality in this state that is located in a county which has voted against coming out from under the dry law may, at an election held for the purpose under the election laws applicable to such municipality, either prohibit or permit, except as otherwise provided under Section 67-9-1, the sale of alcoholic beverages. An election to determine whether such sale shall be permitted in municipalities wherein its sale is prohibited by law shall be ordered by the municipal governing authorities upon the presentation of a petition to such governing authorities containing the names of at least twenty percent (20%) of the duly qualified voters of such municipality asking for such election. In like manner, an election to determine whether such sale shall be prohibited in municipalities wherein its sale is permitted by law shall be ordered by the municipal governing authorities upon the presentation of a petition to such governing authorities containing the names of at least twenty percent (20%) of the duly qualified voters of such municipality asking for such election. No election on either question shall be held by any one (1) municipality more often than once in two (2) years. Thirty (30) days' notice shall be given to the qualified electors of such municipality, in the manner prescribed by law, upon the question of either permitting or prohibiting such sale, such notice to contain a statement of the question to be voted on at the election. The ballots to be used in the election shall have the following words printed thereon: "For the legal sale of alcoholic beverages" and the words "Against the legal sale of alcoholic beverages" next below. In marking his ballot the voter shall make a cross (X) opposite the words of his choice. If in the election a majority of the qualified electors voting in the election shall vote "for the legal sale of alcoholic beverages," then the municipal governing authorities shall pass the necessary order permitting the legal sale of such alcoholic beverages in such municipality. If in the election a majority of the qualified electors voting in the election shall vote "against the legal sale of alcoholic beverages," then the municipal governing authorities shall pass the necessary order prohibiting the sale of alcoholic beverages in such municipality. (b) The provisions of this subsection shall also apply to any municipality, a portion of which is located in a county which has voted against coming out from under the dry law and a portion of which is located in a county which has voted in favor of coming out from under the dry law. The petition to hold the election authorized in this subsection shall be ordered by the municipal governing authorities upon the presentation of a petition to such governing authorities containing the names of at least twenty

percent (20%) of the duly qualified voters of such municipality who reside in that portion of the municipality located in a county which has voted against coming out from under the dry law and the election shall be held only in that portion of the municipality. In all other respects, the authority for the holding of elections and the manner in which such elections shall be conducted shall be as prescribed in paragraph (a) of this subsection; and, after proper certification of election results, the municipal governing authorities shall pass the appropriate order to permit or prohibit the legal sale of alcoholic beverages in that portion of the municipality located in a county which has voted against coming out from under the dry law.(3)The governing authorities of a municipality that has voted to come out from under the dry law after August 23, 2012, may, by ordinance, provide that alcoholic beverages may be sold in the municipality only by the holder of an on-premises retailer's permit.Laws, 1990, ch. 569, § 1; Laws, 1993, ch. 445, § 1; Laws, 1996, ch. 417, § 8; Laws, 2012, ch. 462, § 1, eff. on the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965.Amended by Laws, 2024, ch. 488, HB 1161,§ 1, eff. 7/1/2024.Amended by Laws, 2020, ch. 423, HB 1087,§ 5, eff. 7/1/2020. Thirty (30) days' notice shall be given to the qualified electors of such municipality, in the manner prescribed by law, upon the question of either permitting or prohibiting such sale, such notice to contain a statement of the question to be voted on at the election. The ballots to be used in the election shall have the following words printed thereon: "For the legal sale of alcoholic beverages" and the words "Against the legal sale of alcoholic beverages" next below. In marking his ballot the voter shall make a cross (X) opposite the words of his choice. If in the election a majority of the qualified electors voting in the election shall vote "for the legal sale of alcoholic beverages," then the municipal governing authorities shall pass the necessary order permitting the legal sale of such alcoholic beverages in such municipality. If in the election a majority of the qualified electors voting in the election shall vote "against the legal sale of alcoholic beverages," then the municipal governing authorities shall pass the necessary order prohibiting the sale of alcoholic beverages in such municipality. Laws, 1990, ch. 569, § 1; Laws, 1993, ch. 445, § 1; Laws, 1996, ch. 417, § 8; Laws, 2012, ch. 462, § 1, eff. on the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965. Amended by Laws, 2024, ch. 488, HB 1161,§ 1, eff. 7/1/2024. Amended by Laws, 2020, ch. 423, HB 1087,§ 5, eff. 7/1/2020.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101)Section 67-1-15 - Local option elections in counties having two judicial districts

In any county having two judicial districts, each such judicial district shall be construed to be a political subdivision or subdivision of government on the same basis as a county, and as such, a judicial district will be entitled to all of the rights, privileges, and immunities as a county for the purposes of authorizing the sale of intoxicating liquor therein under the provisions of this article.Codes, 1942, § 10265-35; Laws, 1966, ch. 540, § 35, eff. 7/1/1966. In any county having two judicial districts, each such judicial district shall be construed to be a political subdivision or subdivision of government on the same basis as a county, and as such, a judicial district will be entitled to all of the rights, privileges, and immunities as a county for the purposes of authorizing the sale of intoxicating liquor therein under the provisions of this article.Codes, 1942, § 10265-35; Laws, 1966, ch. 540, § 35, eff. 7/1/1966. In any county having two judicial districts, each such judicial district shall be construed to be a political subdivision or subdivision of government on the same basis as a county, and as such, a judicial district will be entitled to all of the rights, privileges, and immunities as a county for the purposes of authorizing the sale of intoxicating liquor therein under the provisions of this article.Codes, 1942, § 10265-35; Laws, 1966, ch. 540, § 35, eff. 7/1/1966. In any county having two judicial districts, each such judicial district shall be construed to be a political subdivision or subdivision of government on the same basis as a county, and as such, a judicial district will be entitled to all of the rights, privileges, and immunities as a county for the purposes of authorizing the sale of intoxicating liquor therein under the provisions of this article. Codes, 1942, § 10265-35; Laws, 1966, ch. 540, § 35, eff. 7/1/1966.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101)Section 67-1-16 - Election on question of whether qualified resort to be allowed in municipality; designation of municipality as qualified resort area; county election on question of whether area should be qualified resort area

(1)(a)Before an area may be designated by the governing authorities of a municipality as an area in which facilities which are defined as qualified resort areas in Section67-1-5(o)(iii)5may be located, an election shall be held, under the election laws applicable to the municipality, on the question of whether qualified resort areas shall be allowed in the municipality. An election to determine whether qualified resort areas shall be allowed in the municipality shall be ordered by the municipal governing authorities, upon presentation to the governing authorities of a petition containing the names of at least twenty percent (20%) of the duly qualified voters of the municipality asking for the election. An election on the question may not be held by the municipality more often than once each year.(b)Thirty (30) days' notice shall be given to the qualified electors of the municipality, in the manner prescribed by law, on the question of allowing qualified resort areas to be established. The notice shall contain a statement of the question to be voted on at the election. The ballots used in the election shall have the following words printed thereon: "FOR THE ESTABLISHMENT OF QUALIFIED RESORT AREAS," and next below, "AGAINST THE ESTABLISHMENT OF QUALIFIED RESORT AREAS." In marking his ballot, the voter shall make a cross (X) opposite the words of his choice.(c)Qualified resort areas may be established if a majority of the qualified electors voting in the election vote for such establishment. A qualified resort area

may not be established if a majority of the qualified electors voting in the election vote against such establishment.(2)(a)Before a municipality may be designated as a qualified resort area as defined in Section67-1-5(o)(iii)6, an election shall be held, under the election laws applicable to the municipality, on the question of whether the municipality shall be a qualified resort area. An election to determine whether the municipality shall be a qualified resort area shall be ordered by the municipal governing authorities, upon presentation to the governing authorities of a petition containing the names of at least twenty percent (20%) of the duly qualified voters of the municipality asking for the election. An election on the question may not be held by the municipality more often than once each year.(b)Thirty (30) days' notice shall be given to the qualified electors of the municipality, in the manner prescribed by law, on the question of allowing qualified resort areas to be established. The notice shall contain a statement of the question to be voted on at the election. The ballots used in the election shall have the following words printed thereon: "FOR THE ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below, "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In marking his ballot, the voter shall make a cross (X) opposite the words of his choice.(c)The municipality may be established as a qualified resort area if a majority of the qualified electors voting in the election vote for such establishment. A qualified resort area may not be established if a majority of the qualified electors voting in the election vote against such establishment.(3)(a)Before an area may be designated a qualified resort area as defined in Section67-1-5(o)(iii)7, an election shall be held in the municipality in which the area is located under the election laws applicable to the municipality, on the question of whether the area shall be a qualified resort area. An election to determine whether the area shall be a qualified resort area shall be ordered by the municipal governing authorities, upon presentation to the governing authorities of a petition containing the names of at least twenty percent (20%) of the duly qualified voters of the municipality asking for the election. An election on the question may not be held by the municipality more often than once each year.(b)Thirty (30) days' notice shall be given to the qualified electors of the municipality, in the manner prescribed by law, on the question of allowing qualified resort areas to be established. The notice shall contain a statement of the question to be voted on at the election. The ballots used in the election shall have the following words printed thereon: "FOR THE ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below, "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In marking his ballot, the voter shall make a cross (X) opposite the words of his choice.(c)The area may be established as a qualified resort area if a majority of the qualified electors voting in the election vote for such establishment. A qualified resort area may not be established if a majority of the qualified electors voting in the election vote against such establishment.(4)(a)Before a municipality may be designated as a qualified resort area as defined in item 21, 35, 36 or 51 of Section67-1-5(o)(iii), an election shall be held, under the election laws applicable to the municipality, on the question of whether the municipality shall be a qualified resort area. An election to determine whether the municipality shall be a qualified resort area shall be ordered by the municipal governing authorities. An election on the question may not be held by the municipality more often than once each year.(b)Thirty (30) days' notice shall be given to the qualified electors of the municipality, in the manner prescribed by law, on the question of allowing qualified resort areas to be established. The notice shall contain a statement of the question to be voted on at the election. The ballots used in the election shall have the following words printed thereon: "FOR THE ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below, "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In marking his ballot, the voter shall make a cross (X) opposite the words of his choice.(c)The municipality may be established as a qualified resort area if a majority of the qualified electors voting in the election vote for such establishment. A qualified resort area may not be established if a majority of the qualified electors voting in the election vote against such establishment.Laws, 2009, ch. 558, § 2, eff. 5/26/2009 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965).Amended by Laws, 2023, ch. 525, HB 535,§ 2, eff. 7/1/2023.Amended by Laws, 2022, ch. 481, SB 2063,§ 2, eff. 7/1/2022.Amended by Laws, 2021, ch. 466, SB 2872,§ 1, eff. 7/1/2021.Amended by Laws, 2020, ch. 458, SB 2253,§ 4, eff. 7/1/2020.Amended by Laws, 2014, ch. 346, HB 836, 2, eff. 7/1/2014.(1)(a)Before an area may be designated by the governing authorities of a municipality as an area in which facilities which are defined as qualified resort areas in Section67-1-5(o)(iii)5may be located, an election shall be held, under the election laws applicable to the municipality, on the question of whether qualified resort areas shall be allowed in the municipality. An election to determine whether qualified resort areas shall be allowed in the municipality shall be ordered by the municipal governing authorities, upon presentation to the governing authorities of a petition containing the names of at least twenty percent (20%) of the duly qualified voters of the municipality asking for the election. An election on the question may not be held by the municipality more often than once each year.(b)Thirty (30) days' notice shall be given to the qualified electors of the municipality, in the manner prescribed by law, on the question of allowing qualified resort areas to be established. The notice shall contain a statement of the question to be voted on at the election. The ballots used in the election shall have the following words printed thereon: "FOR THE ESTABLISHMENT OF QUALIFIED RESORT AREAS," and next below, "AGAINST THE ESTABLISHMENT OF QUALIFIED RESORT AREAS." In marking his ballot, the voter shall make a cross (X) opposite the words of his choice.(c)Qualified resort areas may be established if a majority of the qualified electors voting in the election vote for such establishment. A qualified resort area may not be established if a majority of the qualified electors voting in the election vote against such establishment.(2)(a)Before a municipality may be designated as a qualified resort area as defined in Section67-1-5(o)(iii)6, an election shall be held, under the election laws applicable to the municipality, on the question of whether the municipality shall be a qualified resort area. An election to determine whether the municipality shall be a qualified resort area shall be ordered by the municipal governing authorities, upon presentation to the governing authorities of a petition containing the names of at least twenty percent (20%) of the duly qualified voters of the municipality asking for the election. 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A qualified resort area may not be established if a majority of the qualified electors voting in the election vote against such establishment.(3)(a)Before an area may be designated a qualified resort area as defined in Section67-1-5(o)(iii)7, an election shall be held in the municipality in which the area is located under the election laws applicable to the municipality, on the question of whether the area shall be a qualified resort area. An election to determine whether the area shall be a qualified resort area shall be ordered by the municipal governing authorities, upon presentation to the governing authorities of a petition containing the names of at least twenty percent (20%) of the duly qualified voters of the municipality asking for the election. 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A qualified resort area may not be established if a majority of the qualified electors voting in the election vote against such establishment.(4)(a)Before a municipality may be designated as a qualified resort area as defined in item 21, 35, 36 or 51 of Section67-1-5(o)(iii), an election shall be held, under the election laws applicable to the municipality, on the question of whether the municipality shall be a qualified resort area. An election to determine whether the municipality shall be a qualified resort area shall be ordered by the municipal governing authorities. An election on the question may not be held by the municipality more often than once each year.(b)Thirty (30) days' notice shall be given to the qualified electors of the municipality, in the manner prescribed by law, on the question of allowing qualified resort areas to be established. The notice shall contain a statement of the question to be voted on at the election. 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An election to determine whether qualified resort areas shall be allowed in the municipality shall be ordered by the municipal governing authorities, upon presentation to the governing authorities of a petition containing the names of at least twenty percent (20%) of the duly qualified voters of the municipality asking for the election. An election on the question may not be held by the municipality more often than once each year.(b)Thirty (30) days' notice shall be given to the qualified electors of the municipality, in the manner prescribed by law, on the question of allowing qualified resort areas to be established. The notice shall contain a statement of the question to be voted on at the election. The ballots used in the election shall have the following words printed thereon: "FOR THE ESTABLISHMENT OF QUALIFIED RESORT AREAS," and next below, "AGAINST THE ESTABLISHMENT OF QUALIFIED RESORT AREAS." 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shall be held in the municipality in which the area is located under the election laws applicable to the municipality, on the question of whether the area shall be a qualified resort area. An election to determine whether the area shall be a qualified resort area shall be ordered by the municipal governing authorities, upon presentation to the governing authorities of a petition containing the names of at least twenty percent (20%) of the duly qualified voters of the municipality asking for the election. An election on the question may not be held by the municipality more often than once each year.(b)Thirty (30) days' notice shall be given to the qualified electors of the municipality, in the manner prescribed by law, on the question of allowing qualified resort areas to be established. The notice shall contain a statement of the question to be voted on at the election. The ballots used in the election shall have the following words printed thereon: "FOR THE ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below, "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In marking his ballot, the voter shall make a cross (X) opposite the words of his choice.(c)The area may be established as a qualified resort area if a majority of the qualified electors voting in the election vote for such establishment. A qualified resort area may not be established if a majority of the qualified electors voting in the election vote against such establishment.(4)(a)Before a municipality may be designated as a qualified resort area as defined in item 21, 35, 36 or 51 of Section67-1-5(o)(iii), an election shall be held, under the election laws applicable to the municipality, on the question of whether the municipality shall be a qualified resort area. An election to determine whether the municipality shall be a qualified resort area shall be ordered by the municipal governing authorities. An election on the question may not be held by the municipality more often than once each year.(b)Thirty (30) days' notice shall be given to the qualified electors of the municipality, in the manner prescribed by law, on the question of allowing qualified resort areas to be established. The notice shall contain a statement of the question to be voted on at the election. The ballots used in the election shall have the following words printed thereon: "FOR THE ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below, "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In marking his ballot, the voter shall make a cross (X) opposite the words of his choice.(c)The municipality may be established as a qualified resort area if a majority of the qualified electors voting in the election vote for such establishment. A qualified resort area may not be established if a majority of the qualified electors voting in the election vote against such establishment.Laws, 2009, ch. 558, § 2, eff. 5/26/2009 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965).Amended by Laws, 2023, ch. 525, HB 535,§ 2, eff. 7/1/2023.Amended by Laws, 2022, ch. 481, SB 2063,§ 2, eff. 7/1/2022.Amended by Laws, 2021, ch. 466, SB 2872,§ 1, eff. 7/1/2021.Amended by Laws, 2020, ch. 458, SB 2253,§ 4, eff. 7/1/2020.Amended by Laws, 2014, ch. 346, HB 836, 2, eff. 7/1/2014. Laws, 2009, ch. 558, § 2, eff. 5/26/2009 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965). Amended by Laws, 2023, ch. 525, HB 535,§ 2, eff. 7/1/2023. Amended by Laws, 2022, ch. 481, SB 2063,§ 2, eff. 7/1/2022. Amended by Laws, 2021, ch. 466, SB 2872,§ 1, eff. 7/1/2021. Amended by Laws, 2020, ch. 458, SB 2253,§ 4, eff. 7/1/2020. Amended by Laws, 2014, ch. 346, HB 836, 2, eff. 7/1/2014.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101)Section 67-1-17 - Unlawful possession of alcoholic beverages; seizure and sale

(1)It shall be unlawful for any person to have or possess either alcoholic beverages or personal property intended for use in violating the provisions of this article, or regulations prescribed under this article, or Chapter 31 of Title 97, Mississippi Code of 1972. No property rights shall exist in any such personal property or alcoholic beverages. All such personal property and alcoholic beverages shall be considered contraband and shall be seized and forfeited to the state of Mississippi.(2)The following are subject to forfeiture:(a)All alcoholic beverages which have been manufactured, distilled, distributed, dispensed or acquired in violation of this article or Chapter 31 of Title 97, Mississippi Code of 1972;(b)All raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing or exporting any alcoholic beverage in violation of this article or Chapter 31 of Title 97, Mississippi Code of 1972;(c)All property which is used, or intended for use, as a container for property described in items (a) or (b) of this subsection;(d)All conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt, possession or concealment, of property described in item (a) of this subsection which is in excess of six (6) gallons or of property described in item (b) of this subsection; however,(i)No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this article or Chapter 31 of Title 97, Mississippi Code of 1972;(ii)No conveyance is subject to forfeiture under this section by reason of any act or omission proved by the owner thereof to have been committed or omitted without his knowledge or consent; if the confiscating authority has reason to believe that the conveyance is a leased or rented conveyance, then the confiscating authority shall notify the owner of the conveyance within five (5) days of the confiscation; and(iii)A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission;(e)All money, deadly weapons, books, records and research products and materials, including formulas, microfilm, tapes and data which are used, or intended for use, in violation of this article or Chapter 31 of Title 97, Mississippi Code of 1972.(3)Property subject to forfeiture may be seized by the alcoholic beverage control division and its agents, local law enforcement officers, Mississippi Highway Patrol officers and other law enforcement personnel charged by Section67-1-91, with enforcing the provisions of this article upon process issued by any appropriate court having jurisdiction over the property. Seizure without process may be made if:(a)The Seizure is incident to an arrest or a search under a search warrant or an administrative inspection under Section67-1-37(k);(b)The property subject to seizure

has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this article or Chapter 31 of Article 97, Mississippi Code of 1972; or(c)The alcoholic beverage control division of the state tax commission and other law enforcement personnel described in this subsection have probable cause to believe that the property was used or is intended to be used in violation of this article or Chapter 31 of Article 97, Mississippi Code of 1972.(4)Alcoholic beverages and raw materials seized or detained under the authority of this article or Chapter 31 of Title 97, Mississippi Code of 1972, is deemed to be in the custody of the agent or agency so seizing the property and subject only to the orders and decrees of the court having jurisdiction over the property. When such property is seized it may be retained as evidence until final disposition of the cause in which such property is involved, and then the agent or agency so seizing the property shall physically transfer such alcoholic beverage or raw material to the director of the alcoholic beverage control division of the state tax commission together with an appropriate inventory of the items seized. Alcoholic beverages and raw materials seized or detained under the authority of this section shall be disposed of in accordance with the provisions of Section67-1-18.(5)Any property other than alcoholic beverages and raw materials seized or detained pursuant to this article or Chapter 31 of Title 97, Mississippi Code of 1972, shall be deemed to be in the custody of the agent or agency so seizing the property and subject only to the orders and decrees of the court having jurisdiction over the property. When such property is seized it may be retained as evidence until the final disposition of the cause in which such property is involved. Property seized or detained other than alcoholic beverages or raw materials shall be disposed of in accordance with the provisions of Sections67-1-93,67-1-95and67-1-97.Codes, 1942, § 10265-07; Laws, 1966, ch. 540, § 7; Laws, 1971, ch. 347, § 1; Laws, 1984, ch. 424, § 1, eff. 4/23/1984. (1)It shall be unlawful for any person to have or possess either alcoholic beverages or personal property intended for use in violating the provisions of this article, or regulations prescribed under this article, or Chapter 31 of Title 97, Mississippi Code of 1972. No property rights shall exist in any such personal property or alcoholic beverages. All such personal property and alcoholic beverages shall be considered contraband and shall be seized and forfeited to the state of Mississippi.(2)The following are subject to forfeiture:(a)All alcoholic beverages which have been manufactured, distilled, distributed, dispensed or acquired in violation of this article or Chapter 31 of Title 97, Mississippi Code of 1972;(b)All raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing or exporting any alcoholic beverage in violation of this article or Chapter 31 of Title 97, Mississippi Code of 1972;(c)All property which is used, or intended for use, as a container for property described in items (a) or (b) of this subsection;(d)All conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt, possession or concealment, of property described in item (a) of this subsection which is in excess of six (6) gallons or of property described in item (b) of this subsection; however,(i)No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this article or Chapter 31 of Title 97, Mississippi Code of 1972;(ii)No conveyance is subject to forfeiture under this section by reason of any act or omission proved by the owner thereof to have been committed or omitted without his knowledge or consent; if the confiscating authority has reason to believe that the conveyance is a leased or rented conveyance, then the confiscating authority shall notify the owner of the conveyance within five (5) days of the confiscation; and(iii)A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission;(e)All money, deadly weapons, books, records and research products and materials, including formulas, microfilm, tapes and data which are used, or intended for use, in violation of this article or Chapter 31 of Title 97, Mississippi Code of 1972.(3)Property subject to forfeiture may be seized by the alcoholic beverage control division and its agents, local law enforcement officers, Mississippi Highway Patrol officers and other law enforcement personnel charged by Section67-1-91, with enforcing the provisions of this article upon process issued by any appropriate court having jurisdiction over the property. Seizure without process may be made if:(a)The Seizure is incident to an arrest or a search under a search warrant or an administrative inspection under Section67-1-37(k);(b)The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this article or Chapter 31 of Article 97, Mississippi Code of 1972; or(c)The alcoholic beverage control division of the state tax commission and other law enforcement personnel described in this subsection have probable cause to believe that the property was used or is intended to be used in violation of this article or Chapter 31 of Article 97, Mississippi Code of 1972.(4)Alcoholic beverages and raw materials seized or detained under the authority of this article or Chapter 31 of Title 97, Mississippi Code of 1972, is deemed to be in the custody of the agent or agency so seizing the property and subject only to the orders and decrees of the court having jurisdiction over the property. When such property is seized it may be retained as evidence until final disposition of the cause in which such property is involved, and then the agent or agency so seizing the property shall physically transfer such alcoholic beverage or raw material to the director of the alcoholic beverage control division of the state tax commission together with an appropriate inventory of the items seized. Alcoholic beverages and raw materials seized or detained under the authority of this section shall be disposed of in accordance with the provisions of Section67-1-18.(5)Any property other than alcoholic beverages and raw materials seized or detained pursuant to this article or Chapter 31 of Title 97, Mississippi Code of 1972, shall be deemed to be in the custody of the agent or agency so seizing the property and subject only to the orders and decrees of the court having jurisdiction over the property. When such property is seized it may be retained as evidence until the final disposition of the cause in which such property is involved. Property seized or detained other than alcoholic beverages or raw materials shall be disposed of in accordance with the provisions of Sections67-1-93,67-1-95and67-1-97.Codes, 1942, § 10265-07; Laws, 1966, ch. 540, § 7; Laws, 1971, ch. 347, § 1; Laws, 1984, ch. 424, § 1, eff. 4/23/1984. (1)It shall be unlawful for any person to have or possess either alcoholic beverages or personal property intended for use in violating the provisions of this article, or

regulations prescribed under this article, or Chapter 31 of Title 97, Mississippi Code of 1972. No property rights shall exist in any such personal property or alcoholic beverages. All such personal property and alcoholic beverages shall be considered contraband and shall be seized and forfeited to the state of Mississippi.(2)The following are subject to forfeiture:(a)All alcoholic beverages which have been manufactured, distilled, distributed, dispensed or acquired in violation of this article or Chapter 31 of Title 97, Mississippi Code of 1972;(b)All raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing or exporting any alcoholic beverage in violation of this article or Chapter 31 of Title 97, Mississippi Code of 1972;(c)All property which is used, or intended for use, as a container for property described in items (a) or (b) of this subsection;(d)All conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt, possession or concealment, of property described in item (a) of this subsection which is in excess of six (6) gallons or of property described in item (b) of this subsection; however,(i)No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this article or Chapter 31 of Title 97, Mississippi Code of 1972;(ii)No conveyance is subject to forfeiture under this section by reason of any act or omission proved by the owner thereof to have been committed or omitted without his knowledge or consent; if the confiscating authority has reason to believe that the conveyance is a leased or rented conveyance, then the confiscating authority shall notify the owner of the conveyance within five (5) days of the confiscation; and(iii)A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission;(e)All money, deadly weapons, books, records and research products and materials, including formulas, microfilm, tapes and data which are used, or intended for use, in violation of this article or Chapter 31 of Title 97, Mississippi Code of 1972.(3)Property subject to forfeiture may be seized by the alcoholic beverage control division and its agents, local law enforcement officers, Mississippi Highway Patrol officers and other law enforcement personnel charged by Section67-1-91, with enforcing the provisions of this article upon process issued by any appropriate court having jurisdiction over the property. Seizure without process may be made if:(a)The Seizure is incident to an arrest or a search under a search warrant or an administrative inspection under Section67-1-37(k);(b)The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this article or Chapter 31 of Article 97, Mississippi Code of 1972; or(c)The alcoholic beverage control division of the state tax commission and other law enforcement personnel described in this subsection have probable cause to believe that the property was used or is intended to be used in violation of this article or Chapter 31 of Article 97, Mississippi Code of 1972.(4)Alcoholic beverages and raw materials seized or detained under the authority of this article or Chapter 31 of Title 97, Mississippi Code of 1972, is deemed to be in the custody of the agent or agency so seizing the property and subject only to the orders and decrees of the court having jurisdiction over the property. When such property is seized it may be retained as evidence until final disposition of the cause in which such property is involved, and then the agent or agency so seizing the property shall physically transfer such alcoholic beverage or raw material to the director of the alcoholic beverage control division of the state tax commission together with an appropriate inventory of the items seized. Alcoholic beverages and raw materials seized or detained under the authority of this section shall be disposed of in accordance with the provisions of Section67-1-18.(5)Any property other than alcoholic beverages and raw materials seized or detained pursuant to this article or Chapter 31 of Title 97, Mississippi Code of 1972, shall be deemed to be in the custody of the agent or agency so seizing the property and subject only to the orders and decrees of the court having jurisdiction over the property. When such property is seized it may be retained as evidence until the final disposition of the cause in which such property is involved. Property seized or detained other than alcoholic beverages or raw materials shall be disposed of in accordance with the provisions of Sections67-1-93,67-1-95and67-1-97.Codes, 1942, § 10265-07; Laws, 1966, ch. 540, § 7; Laws, 1971, ch. 347, § 1; Laws, 1984, ch. 424, § 1, eff. 4/23/1984. Codes, 1942, § 10265-07; Laws, 1966, ch. 540, § 7; Laws, 1971, ch. 347, § 1; Laws, 1984, ch. 424, § 1, eff. 4/23/1984.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101)Section 67-1-18 - Disposal of seized property by Department of Revenue

(1)Any alcoholic beverage, light wine, beer, light spirit product or raw material seized under the authority of this article, Chapter 3 of Title 67, or Chapter 31 of Title 97, Mississippi Code of 1972, shall be submitted to the custody of the Mississippi Department of Revenue for disposition.(2)(a)Except as otherwise provided in this paragraph, the department shall not dispose of any alcoholic beverage, light wine, beer, light spirit product or raw material without first providing reasonable notice to all individuals having an interest in the property and an opportunity for them to appear and establish their right or claim to the property. If no hearing is requested by the passage of the appropriate deadline, the department shall require the alcoholic beverages, light wine, beer, light spirit products or raw materials to be sold for the benefit of the state or destroyed.(b)The provisions of paragraph (a) of this subsection shall not apply in cases in which the owner or possessor of the alcoholic beverage, light wine, beer, light spirit product or raw material is convicted of selling or possessing alcoholic beverages, beer, light spirit products, light wine or raw materials in a manner or location prohibited by law, or convicted of a violation of Section67-1-81(2)or67-3-70. In such cases, the alcoholic beverage, light wine, beer, light spirit product or raw materials seized in connection with the violation may be disposed of in the manner prescribed by the department.(3)(a)If the department orders the property, other than alcoholic beverages, sold, then the property shall be sold to the highest bidder, the bidder being any person, firm or government agency. The offer for sale shall be

made to not less than three (3) qualified prospective buyers, by mailing them an invitation to bid, which shall describe the property, terms of sale, method of delivery, manner of bidding and fixing a time of not more than fifteen (15) days from the date of invitation for opening of bids received by the department.(b)All bids and payment shall be made in the manner as prescribed by the department. Bids, after opening, shall be subject to public inspection.(4)If the department orders the sale of seized alcoholic beverages, it may place the alcoholic beverages in the state inventory to be sold to authorized retailers in the same manner as other alcoholic beverages in the state inventory are sold.(5)Any appeal from a seizure and disposal made under this section shall be made pursuant to Section67-1-72.Laws, 1984, ch. 424, § 2, eff. 4/23/1984.Amended by Laws, 2020, ch. 322, HB 858,§ 1, eff. 7/1/2020.Amended by Laws, 2020, ch. 314, HB 917,§ 38, eff. 6/18/2020.Amended by Laws, 2016, ch. 470, SB 2055, 1, eff. 7/1/2016.Amended by Laws, 2015, ch. 438, SB 2071, 2, eff. 4/13/2015. (1)Any alcoholic beverage, light wine, beer, light spirit product or raw material seized under the authority of this article, Chapter 3 of Title 67, or Chapter 31 of Title 97, Mississippi Code of 1972, shall be submitted to the custody of the Mississippi Department of Revenue for disposition.(2)(a)Except as otherwise provided in this paragraph, the department shall not dispose of any alcoholic beverage, light wine, beer, light spirit product or raw material without first providing reasonable notice to all individuals having an interest in the property and an opportunity for them to appear and establish their right or claim to the property. If no hearing is requested by the passage of the appropriate deadline, the department shall require the alcoholic beverages, light wine, beer, light spirit products or raw materials to be sold for the benefit of the state or destroyed.(b)The provisions of paragraph (a) of this subsection shall not apply in cases in which the owner or possessor of the alcoholic beverage, light wine, beer, light spirit product or raw material is convicted of selling or possessing alcoholic beverages, beer, light spirit products, light wine or raw materials in a manner or location prohibited by law, or convicted of a violation of Section67-1-81(2)or67-3-70. In such cases, the alcoholic beverage, light wine, beer, light spirit product or raw materials seized in connection with the violation may be disposed of in the manner prescribed by the department.(3)(a)If the department orders the property, other than alcoholic beverages, sold, then the property shall be sold to the highest bidder, the bidder being any person, firm or government agency. The offer for sale shall be made to not less than three (3) qualified prospective buyers, by mailing them an invitation to bid, which shall describe the property, terms of sale, method of delivery, manner of bidding and fixing a time of not more than fifteen (15) days from the date of invitation for opening of bids received by the department.(b)All bids and payment shall be made in the manner as prescribed by the department. Bids, after opening, shall be subject to public inspection.(4)If the department orders the sale of seized alcoholic beverages, it may place the alcoholic beverages in the state inventory to be sold to authorized retailers in the same manner as other alcoholic beverages in the state inventory are sold.(5)Any appeal from a seizure and disposal made under this section shall be made pursuant to Section67-1-72.Laws, 1984, ch. 424, § 2, eff. 4/23/1984.Amended by Laws, 2020, ch. 322, HB 858,§ 1, eff. 7/1/2020.Amended by Laws, 2020, ch. 314, HB 917,§ 38, eff. 6/18/2020.Amended by Laws, 2016, ch. 470, SB 2055, 1, eff. 7/1/2016.Amended by Laws, 2015, ch. 438, SB 2071, 2, eff. 4/13/2015. (1)Any alcoholic beverage, light wine, beer, light spirit product or raw material seized under the authority of this article, Chapter 3 of Title 67, or Chapter 31 of Title 97, Mississippi Code of 1972, shall be submitted to the custody of the Mississippi Department of Revenue for disposition.(2)(a)Except as otherwise provided in this paragraph, the department shall not dispose of any alcoholic beverage, light wine, beer, light spirit product or raw material without first providing reasonable notice to all individuals having an interest in the property and an opportunity for them to appear and establish their right or claim to the property. If no hearing is requested by the passage of the appropriate deadline, the department shall require the alcoholic beverages, light wine, beer, light spirit products or raw materials to be sold for the benefit of the state or destroyed.(b)The provisions of paragraph (a) of this subsection shall not apply in cases in which the owner or possessor of the alcoholic beverage, light wine, beer, light spirit product or raw material is convicted of selling or possessing alcoholic beverages, beer, light spirit products, light wine or raw materials in a manner or location prohibited by law, or convicted of a violation of Section67-1-81(2)or67-3-70. In such cases, the alcoholic beverage, light wine, beer, light spirit product or raw materials seized in connection with the violation may be disposed of in the manner prescribed by the department.(3)(a)If the department orders the property, other than alcoholic beverages, sold, then the property shall be sold to the highest bidder, the bidder being any person, firm or government agency. The offer for sale shall be made to not less than three (3) qualified prospective buyers, by mailing them an invitation to bid, which shall describe the property, terms of sale, method of delivery, manner of bidding and fixing a time of not more than fifteen (15) days from the date of invitation for opening of bids received by the department.(b)All bids and payment shall be made in the manner as prescribed by the department. Bids, after opening, shall be subject to public inspection.(4)If the department orders the sale of seized alcoholic beverages, it may place the alcoholic beverages in the state inventory to be sold to authorized retailers in the same manner as other alcoholic beverages in the state inventory are sold.(5)Any appeal from a seizure and disposal made under this section shall be made pursuant to Section67-1-72.Laws, 1984, ch. 424, § 2, eff. 4/23/1984.Amended by Laws, 2020, ch. 322, HB 858,§ 1, eff. 7/1/2020.Amended by Laws, 2020, ch. 314, HB 917,§ 38, eff. 6/18/2020.Amended by Laws, 2016, ch. 470, SB 2055, 1, eff. 7/1/2016.Amended by Laws, 2015, ch. 438, SB 2071, 2, eff. 4/13/2015. Laws, 1984, ch. 424, § 2, eff. 4/23/1984. Amended by Laws, 2020, ch. 322, HB 858,§ 1, eff. 7/1/2020. Amended by Laws, 2020, ch. 314, HB 917,§ 38, eff. 6/18/2020. Amended by Laws, 2016, ch. 470, SB 2055, 1, eff. 7/1/2016. Amended by Laws, 2015, ch. 438, SB 2071, 2, eff. 4/13/2015.

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Except as otherwise noted, the administration and enforcement of this article shall be vested in the Department of Revenue. There is

hereby created the Alcoholic Beverage Control Division within and as a part of the Department of Revenue. Codes, 1942, § 10265-08; Laws, 1966, ch. 540, § 8; Laws, 1980, ch. 561, § 13; Laws, 2009, ch. 492, § 127, eff. 7/1/2010. Amended by Laws, 2022, ch. 483, SB 2844, § 13, eff. 7/1/2022. Except as otherwise noted, the administration and enforcement of this article shall be vested in the Department of Revenue. There is hereby created the Alcoholic Beverage Control Division within and as a part of the Department of Revenue. Codes, 1942, § 10265-08; Laws, 1966, ch. 540, § 8; Laws, 1980, ch. 561, § 13; Laws, 2009, ch. 492, § 127, eff. 7/1/2010. Amended by Laws, 2022, ch. 483, SB 2844, § 13, eff. 7/1/2022. Except as otherwise noted, the administration and enforcement of this article shall be vested in the Department of Revenue. There is hereby created the Alcoholic Beverage Control Division within and as a part of the Department of Revenue. Codes, 1942, § 10265-08; Laws, 1966, ch. 540, § 8; Laws, 1980, ch. 561, § 13; Laws, 2009, ch. 492, § 127, eff. 7/1/2010. Amended by Laws, 2022, ch. 483, SB 2844, § 13, eff. 7/1/2022.

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The Commissioner of Revenue of the Department of Revenue shall appoint a director of the division, and may appoint or employ such agents, inspectors, clerks and other employees for such division as may be necessary to carry out the provisions of this article or to perform the duties and exercise the powers conferred by this article upon the department. The Commissioner of Revenue shall have the authority to employ, compensate, terminate, suspend with or without pay, promote, demote, transfer or reprimand the director, agents, inspectors, clerks and other employees of the division. The director and all permanent employees of the division shall devote their full time to the duties of their respective offices. Codes, 1942, § 10265-10; Laws, 1966, ch. 540, § 10; Laws, 1980, ch. 561, § 14; Laws, 2009, ch. 492, § 128, eff. 7/1/2010. The Commissioner of Revenue of the Department of Revenue shall appoint a director of the division, and may appoint or employ such agents, inspectors, clerks and other employees for such division as may be necessary to carry out the provisions of this article or to perform the duties and exercise the powers conferred by this article upon the department. The Commissioner of Revenue shall have the authority to employ, compensate, terminate, suspend with or without pay, promote, demote, transfer or reprimand the director, agents, inspectors, clerks and other employees of the division. The director and all permanent employees of the division shall devote their full time to the duties of their respective offices. Codes, 1942, § 10265-10; Laws, 1966, ch. 540, § 10; Laws, 1980, ch. 561, § 14; Laws, 2009, ch. 492, § 128, eff. 7/1/2010. The Commissioner of Revenue of the Department of Revenue shall appoint a director of the division, and may appoint or employ such agents, inspectors, clerks and other employees for such division as may be necessary to carry out the provisions of this article or to perform the duties and exercise the powers conferred by this article upon the department. The Commissioner of Revenue shall have the authority to employ, compensate, terminate, suspend with or without pay, promote, demote, transfer or reprimand the director, agents, inspectors, clerks and other employees of the division. The director and all permanent employees of the division shall devote their full time to the duties of their respective offices. Codes, 1942, § 10265-10; Laws, 1966, ch. 540, § 10; Laws, 1980, ch. 561, § 14; Laws, 2009, ch. 492, § 128, eff. 7/1/2010. The Commissioner of Revenue of the Department of Revenue shall appoint a director of the division, and may appoint or employ such agents, inspectors, clerks and other employees for such division as may be necessary to carry out the provisions of this article or to perform the duties and exercise the powers conferred by this article upon the department. The Commissioner of Revenue shall have the authority to employ, compensate, terminate, suspend with or without pay, promote, demote, transfer or reprimand the director, agents, inspectors, clerks and other employees of the division. The director and all permanent employees of the division shall devote their full time to the duties of their respective offices. Codes, 1942, § 10265-10; Laws, 1966, ch. 540, § 10; Laws, 1980, ch. 561, § 14; Laws, 2009, ch. 492, § 128, eff. 7/1/2010.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-25 - Qualifications of personnel

No person shall be appointed director, agent or inspector for the commission under this article who is not a citizen of the United States. No director, agent, inspector or other employee shall be appointed under this article who has been convicted of any violation of any federal or state law concerning the manufacture, sale or possession of alcoholic liquor prior or subsequent to July 1, 1966, or who has paid a fine or penalty in settlement of any prosecution against him for any violation of such laws or shall have forfeited his bond to appear in court to answer charges for any such violation, nor shall any person be so appointed who has been convicted of a felony in any state or federal court. No person appointed or employed by the commission under this article may, directly or indirectly, individually or as a member of a partnership or limited liability company, or as a shareholder of a corporation, have any interest whatsoever in the manufacture, sale or distribution of alcoholic liquor, or receive any compensation or profit therefrom, or have any interest whatsoever in the purchases or sales made by the persons authorized by this article to purchase or to sell alcoholic liquor. This section shall not prevent any person appointed or employed by the commission from purchasing and keeping in his possession for the use of himself or members of his family or guests any alcoholic liquor which may be purchased or kept by any other person by virtue of this article. Codes, 1942, § 10265-12; Laws, 1966, ch. 540, § 12; Laws, 2006, ch. 529, § 8; Laws, 2007, ch.

462, § 1, eff. 3/26/2007. No person shall be appointed director, agent or inspector for the commission under this article who is not a citizen of the United States. No director, agent, inspector or other employee shall be appointed under this article who has been convicted of any violation of any federal or state law concerning the manufacture, sale or possession of alcoholic liquor prior or subsequent to July 1, 1966, or who has paid a fine or penalty in settlement of any prosecution against him for any violation of such laws or shall have forfeited his bond to appear in court to answer charges for any such violation, nor shall any person be so appointed who has been convicted of a felony in any state or federal court. No person appointed or employed by the commission under this article may, directly or indirectly, individually or as a member of a partnership or limited liability company, or as a shareholder of a corporation, have any interest whatsoever in the manufacture, sale or distribution of alcoholic liquor, or receive any compensation or profit therefrom, or have any interest whatsoever in the purchases or sales made by the persons authorized by this article to purchase or to sell alcoholic liquor. This section shall not prevent any person appointed or employed by the commission from purchasing and keeping in his possession for the use of himself or members of his family or guests any alcoholic liquor which may be purchased or kept by any other person by virtue of this article. Codes, 1942, § 10265-12; Laws, 1966, ch. 540, § 12; Laws, 2006, ch. 529, § 8; Laws, 2007, ch. 462, § 1, eff. 3/26/2007. No person shall be appointed director, agent or inspector for the commission under this article who is not a citizen of the United States. No director, agent, inspector or other employee shall be appointed under this article who has been convicted of any violation of any federal or state law concerning the manufacture, sale or possession of alcoholic liquor prior or subsequent to July 1, 1966, or who has paid a fine or penalty in settlement of any prosecution against him for any violation of such laws or shall have forfeited his bond to appear in court to answer charges for any such violation, nor shall any person be so appointed who has been convicted of a felony in any state or federal court. No person appointed or employed by the commission under this article may, directly or indirectly, individually or as a member of a partnership or limited liability company, or as a shareholder of a corporation, have any interest whatsoever in the manufacture, sale or distribution of alcoholic liquor, or receive any compensation or profit therefrom, or have any interest whatsoever in the purchases or sales made by the persons authorized by this article to purchase or to sell alcoholic liquor. This section shall not prevent any person appointed or employed by the commission from purchasing and keeping in his possession for the use of himself or members of his family or guests any alcoholic liquor which may be purchased or kept by any other person by virtue of this article. Codes, 1942, § 10265-12; Laws, 1966, ch. 540, § 12; Laws, 2006, ch. 529, § 8; Laws, 2007, ch. 462, § 1, eff. 3/26/2007. No person shall be appointed director, agent or inspector for the commission under this article who is not a citizen of the United States. No director, agent, inspector or other employee shall be appointed under this article who has been convicted of any violation of any federal or state law concerning the manufacture, sale or possession of alcoholic liquor prior or subsequent to July 1, 1966, or who has paid a fine or penalty in settlement of any prosecution against him for any violation of such laws or shall have forfeited his bond to appear in court to answer charges for any such violation, nor shall any person be so appointed who has been convicted of a felony in any state or federal court. No person appointed or employed by the commission under this article may, directly or indirectly, individually or as a member of a partnership or limited liability company, or as a shareholder of a corporation, have any interest whatsoever in the manufacture, sale or distribution of alcoholic liquor, or receive any compensation or profit therefrom, or have any interest whatsoever in the purchases or sales made by the persons authorized by this article to purchase or to sell alcoholic liquor. This section shall not prevent any person appointed or employed by the commission from purchasing and keeping in his possession for the use of himself or members of his family or guests any alcoholic liquor which may be purchased or kept by any other person by virtue of this article. Codes, 1942, § 10265-12; Laws, 1966, ch. 540, § 12; Laws, 2006, ch. 529, § 8; Laws, 2007, ch. 462, § 1, eff. 3/26/2007.

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Before entering into the duties of his office, the director, and such other agents, inspectors and employees appointed under the provisions of this article as the commission shall designate, shall give surety bond, with some company authorized to do business in the State of Mississippi and approved by the State Insurance Commissioner, appearing thereon as surety, in a sum of not less than five thousand dollars, conditioned upon the faithful performance of their duties. The premiums for such bonds shall be paid out of funds appropriated for the support of the commission. Codes, 1942, § 10265-14; Laws, 1966, ch. 540, § 14, eff. 7/1/1966. Before entering into the duties of his office, the director, and such other agents, inspectors and employees appointed under the provisions of this article as the commission shall designate, shall give surety bond, with some company authorized to do business in the State of Mississippi and approved by the State Insurance Commissioner, appearing thereon as surety, in a sum of not less than five thousand dollars, conditioned upon the faithful performance of their duties. The premiums for such bonds shall be paid out of funds appropriated for the support of the commission. Codes, 1942, § 10265-14; Laws, 1966, ch. 540, § 14, eff. 7/1/1966. Before entering into the duties of his office, the director, and such other agents, inspectors and employees appointed under the provisions of this article as the commission shall designate, shall give surety bond, with some company authorized to do business in the State of Mississippi and approved by the State Insurance Commissioner, appearing thereon as surety, in a sum of not less than five thousand dollars, conditioned upon the faithful performance of their duties. The premiums for such bonds shall be paid out of funds appropriated for the support of the commission. Codes, 1942, § 10265-14; Laws, 1966, ch. 540, § 14, eff. 7/1/1966. Before entering into the duties of his office, the director, and such other agents, inspectors and employees appointed under the provisions of this article as the commission shall designate, shall give surety bond, with some company authorized to do business in the State of Mississippi and approved by the State Insurance Commissioner, appearing thereon as surety, in a sum of not less than five thousand

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The director, secretary, agents, inspectors, clerks and employees of the commission appointed under this article shall receive such reasonable compensation as may be fixed by the commission. The director and all agents, inspectors, clerks, and other employees shall be reimbursed for all actual and necessary traveling and other expenses and disbursements incurred or made by them in the discharge of their official duties. Such compensation and expenses shall be paid from funds appropriated for the support of the commission. Codes, 1942, § 10265-15; Laws, 1966, ch. 540, § 15, eff. 7/1/1966. The director, secretary, agents, inspectors, clerks and employees of the commission appointed under this article shall receive such reasonable compensation as may be fixed by the commission. The director and all agents, inspectors, clerks, and other employees shall be reimbursed for all actual and necessary traveling and other expenses and disbursements incurred or made by them in the discharge of their official duties. Such compensation and expenses shall be paid from funds appropriated for the support of the commission. Codes, 1942, § 10265-15; Laws, 1966, ch. 540, § 15, eff. 7/1/1966. The director, secretary, agents, inspectors, clerks and employees of the commission appointed under this article shall receive such reasonable compensation as may be fixed by the commission. The director and all agents, inspectors, clerks, and other employees shall be reimbursed for all actual and necessary traveling and other expenses and disbursements incurred or made by them in the discharge of their official duties. Such compensation and expenses shall be paid from funds appropriated for the support of the commission. Codes, 1942, § 10265-15; Laws, 1966, ch. 540, § 15, eff. 7/1/1966. The director, secretary, agents, inspectors, clerks and employees of the commission appointed under this article shall receive such reasonable compensation as may be fixed by the commission. The director and all agents, inspectors, clerks, and other employees shall be reimbursed for all actual and necessary traveling and other expenses and disbursements incurred or made by them in the discharge of their official duties. Such compensation and expenses shall be paid from funds appropriated for the support of the commission. Codes, 1942, § 10265-15; Laws, 1966, ch. 540, § 15, eff. 7/1/1966.

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The policy of this state is reannounced in favor of prohibition of the manufacture, sale, distribution, and transportation of alcoholic beverages; and the provisions against such manufacture, sale, distribution, and transportation of alcoholic beverages, as contained in Chapter 31 of Title 97, Mississippi Code of 1972 and elsewhere, are hereby redeclared the law of this state. The purpose and intent of this article is to vigorously enforce the prohibition laws throughout the state, except in those counties and municipalities voting themselves out from under the prohibition law in accordance with the provisions of this article, and, in those counties and municipalities, to require strict regulation and supervision of the manufacture, sale, distribution, and transportation of intoxicating liquor under a system of state licensing of manufacturers, wholesalers and retailers, which licenses shall be subject to revocation for violations of this article. However, from and after January 1, 2021, prohibition is renounced as to the possession of alcoholic beverages. It shall thereafter be lawful to possess alcoholic beverages throughout the state, unless otherwise prohibited in this article. Nothing herein shall be construed to make lawful the possession of alcoholic beverages with the intent to sell except as authorized under this article. All laws and parts of laws in conflict with this article are repealed only to the extent of such conflict; however, except as is provided in this article, all laws prohibiting the manufacture, sale, and distribution of alcoholic beverages, which are not in conflict with this article shall remain in full force and effect, and all such laws shall remain in full force and effect in counties and municipalities wherein the manufacture, sale, and distribution of alcoholic beverages has not been authorized as a result of an election held under Section 67-1-11 or Section 67-1-14, Mississippi Code of 1972, or as otherwise provided in this article. Codes, 1942, §§ 10265-01, 10265-36; Laws, 1966, §§ 1, 36; Laws, 1990, ch. 569, § 2, eff. 4/9/1990. Amended by Laws, 2020, ch. 423, HB 1087, § 1, eff. 7/1/2020. The policy of this state is reannounced in favor of prohibition of the manufacture, sale, distribution, and transportation of alcoholic beverages; and the provisions against such manufacture, sale, distribution, and transportation of alcoholic beverages, as contained in Chapter 31 of Title 97, Mississippi Code of 1972 and elsewhere, are hereby redeclared the law of this state. The purpose and intent of this article is to vigorously enforce the prohibition laws throughout the state, except in those counties and municipalities voting themselves out from under the prohibition law in accordance with the provisions of this article, and, in those counties and municipalities, to require strict regulation and supervision of the manufacture, sale, distribution, and transportation of intoxicating liquor under a system of state licensing of manufacturers, wholesalers and retailers, which licenses shall be subject to revocation for violations of this article. However, from and after January 1, 2021, prohibition is renounced as to the possession of alcoholic beverages. It shall thereafter be lawful to possess alcoholic beverages throughout the state, unless otherwise prohibited in this article. Nothing herein shall be construed to make lawful the possession of alcoholic beverages with the intent to sell except as authorized under this article. All laws and parts of laws in conflict with this article are repealed only to the extent of such conflict; however, except as is provided in this article, all laws prohibiting the manufacture, sale, and distribution of alcoholic beverages, which are not in conflict with this article shall remain in full force and effect, and all such laws shall remain in full force and effect in counties and municipalities wherein the manufacture, sale, and distribution of alcoholic beverages has not

been authorized as a result of an election held under Section 67-1-11 or Section 67-1-14, Mississippi Code of 1972, or as otherwise provided in this article. Codes, 1942, §§ 10265-01, 10265-36; Laws, 1966, §§ 1, 36; Laws, 1990, ch. 569, § 2, eff. 4/9/1990. Amended by Laws, 2020, ch. 423, HB 1087, § 1, eff. 7/1/2020. The policy of this state is reannounced in favor of prohibition of the manufacture, sale, distribution, and transportation of alcoholic beverages; and the provisions against such manufacture, sale, distribution, and transportation of alcoholic beverages, as contained in Chapter 31 of Title 97, Mississippi Code of 1972 and elsewhere, are hereby redeclared the law of this state. The purpose and intent of this article is to vigorously enforce the prohibition laws throughout the state, except in those counties and municipalities voting themselves out from under the prohibition law in accordance with the provisions of this article, and, in those counties and municipalities, to require strict regulation and supervision of the manufacture, sale, distribution, and transportation of intoxicating liquor under a system of state licensing of manufacturers, wholesalers and retailers, which licenses shall be subject to revocation for violations of this article. However, from and after January 1, 2021, prohibition is renounced as to the possession of alcoholic beverages. It shall thereafter be lawful to possess alcoholic beverages throughout the state, unless otherwise prohibited in this article. Nothing herein shall be construed to make lawful the possession of alcoholic beverages with the intent to sell except as authorized under this article. All laws and parts of laws in conflict with this article are repealed only to the extent of such conflict; however, except as is provided in this article, all laws prohibiting the manufacture, sale, and distribution of alcoholic beverages, which are not in conflict with this article shall remain in full force and effect, and all such laws shall remain in full force and effect in counties and municipalities wherein the manufacture, sale, and distribution of alcoholic beverages has not been authorized as a result of an election held under Section 67-1-11 or Section 67-1-14, Mississippi Code of 1972, or as otherwise provided in this article. Codes, 1942, §§ 10265-01, 10265-36; Laws, 1966, §§ 1, 36; Laws, 1990, ch. 569, § 2, eff. 4/9/1990. Amended by Laws, 2020, ch. 423, HB 1087, § 1, eff. 7/1/2020. The policy of this state is reannounced in favor of prohibition of the manufacture, sale, distribution, and transportation of alcoholic beverages; and the provisions against such manufacture, sale, distribution, and transportation of alcoholic beverages, as contained in Chapter 31 of Title 97, Mississippi Code of 1972 and elsewhere, are hereby redeclared the law of this state. The purpose and intent of this article is to vigorously enforce the prohibition laws throughout the state, except in those counties and municipalities voting themselves out from under the prohibition law in accordance with the provisions of this article, and, in those counties and municipalities, to require strict regulation and supervision of the manufacture, sale, distribution, and transportation of intoxicating liquor under a system of state licensing of manufacturers, wholesalers and retailers, which licenses shall be subject to revocation for violations of this article. However, from and after January 1, 2021, prohibition is renounced as to the possession of alcoholic beverages. It shall thereafter be lawful to possess alcoholic beverages throughout the state, unless otherwise prohibited in this article. Nothing herein shall be construed to make lawful the possession of alcoholic beverages with the intent to sell except as authorized under this article. All laws and parts of laws in conflict with this article are repealed only to the extent of such conflict; however, except as is provided in this article, all laws prohibiting the manufacture, sale, and distribution of alcoholic beverages, which are not in conflict with this article shall remain in full force and effect, and all such laws shall remain in full force and effect in counties and municipalities wherein the manufacture, sale, and distribution of alcoholic beverages has not been authorized as a result of an election held under Section 67-1-11 or Section 67-1-14, Mississippi Code of 1972, or as otherwise provided in this article. Codes, 1942, §§ 10265-01, 10265-36; Laws, 1966, §§ 1, 36; Laws, 1990, ch. 569, § 2, eff. 4/9/1990. Amended by Laws, 2020, ch. 423, HB 1087, § 1, eff. 7/1/2020.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-31 - Law enforcement authority of agents and inspectors; liability of members of commission for acts or omissions of agents or inspectors

The department shall issue to all agents and inspectors appointed under this article a written certificate of appointment under the seal of said department, of which judicial notice shall be taken by all courts of this state. Such agents and inspectors are hereby declared to be police officers in enforcing the provisions of this article, and in the performance of their duties such employees shall have the authority to bear arms, to make arrests, to make searches and seizures under this article, and to serve any protest, notice or order connected with the enforcement of this article by whatever officer or authority of court issued. The members of the department shall not be personally liable to any person on account of any act, neglect or omission of any such agent or inspector. The powers and duties of the agents and inspectors shall include, in addition to all others prescribed by law the following powers: to arrest, without warrant, any person committing or attempting to commit a misdemeanor, felony or a breach of the peace within his presence or view, and to pursue and so arrest any person committing such an offense to and at any place in the state where the person may go or be; and to aid and assist any law enforcement officer, if requested. Codes, 1942, § 10265-11; Laws, 1966, ch. 540, § 11; Laws, 1982, ch. 384; Laws, 1995, ch. 350, § 1, eff. 3/14/1995. Amended by Laws, 2021, ch. 342, HB 512, § 1, eff. 3/17/2021. The department shall issue to all agents and inspectors appointed under this article a written certificate of appointment under the seal of said department, of which judicial notice shall be taken by all courts of this state. Such agents and inspectors are hereby declared to be police officers in enforcing the provisions of this article, and in the performance of their duties such employees shall have the authority to bear arms, to make arrests, to make searches and seizures under this article, and to serve any protest, notice or order connected with the enforcement of this article by whatever officer or authority of court issued. The members of the department shall not be personally liable to any person on account of any act, neglect or omission of any such agent or inspector. The powers and duties of the agents and inspectors shall include, in addition to all others prescribed by law the following powers: to arrest, without

warrant, any person committing or attempting to commit a misdemeanor, felony or a breach of the peace within his presence or view, and to pursue and so arrest any person committing such an offense to and at any place in the state where the person may go or be; and to aid and assist any law enforcement officer, if requested. Codes, 1942, § 10265-11; Laws, 1966, ch. 540, § 11; Laws, 1982, ch. 384; Laws, 1995, ch. 350, § 1, eff. 3/14/1995. Amended by Laws, 2021, ch. 342, HB 512, § 1, eff. 3/17/2021. The department shall issue to all agents and inspectors appointed under this article a written certificate of appointment under the seal of said department, of which judicial notice shall be taken by all courts of this state. Such agents and inspectors are hereby declared to be police officers in enforcing the provisions of this article, and in the performance of their duties such employees shall have the authority to bear arms, to make arrests, to make searches and seizures under this article, and to serve any protest, notice or order connected with the enforcement of this article by whatever officer or authority of court issued. The members of the department shall not be personally liable to any person on account of any act, neglect or omission of any such agent or inspector. The powers and duties of the agents and inspectors shall include, in addition to all others prescribed by law the following powers: to arrest, without warrant, any person committing or attempting to commit a misdemeanor, felony or a breach of the peace within his presence or view, and to pursue and so arrest any person committing such an offense to and at any place in the state where the person may go or be; and to aid and assist any law enforcement officer, if requested. Codes, 1942, § 10265-11; Laws, 1966, ch. 540, § 11; Laws, 1982, ch. 384; Laws, 1995, ch. 350, § 1, eff. 3/14/1995. Amended by Laws, 2021, ch. 342, HB 512, § 1, eff. 3/17/2021. The department shall issue to all agents and inspectors appointed under this article a written certificate of appointment under the seal of said department, of which judicial notice shall be taken by all courts of this state. Such agents and inspectors are hereby declared to be police officers in enforcing the provisions of this article, and in the performance of their duties such employees shall have the authority to bear arms, to make arrests, to make searches and seizures under this article, and to serve any protest, notice or order connected with the enforcement of this article by whatever officer or authority of court issued. The members of the department shall not be personally liable to any person on account of any act, neglect or omission of any such agent or inspector. The powers and duties of the agents and inspectors shall include, in addition to all others prescribed by law the following powers: to arrest, without warrant, any person committing or attempting to commit a misdemeanor, felony or a breach of the peace within his presence or view, and to pursue and so arrest any person committing such an offense to and at any place in the state where the person may go or be; and to aid and assist any law enforcement officer, if requested. Codes, 1942, § 10265-11; Laws, 1966, ch. 540, § 11; Laws, 1982, ch. 384; Laws, 1995, ch. 350, § 1, eff. 3/14/1995. Amended by Laws, 2021, ch. 342, HB 512, § 1, eff. 3/17/2021.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-32 - Retention of sidearm issued by Department of Revenue by certain retiring department law enforcement officers

Each person employed as a sworn law enforcement officer by the department who retires for superannuation or for reason of disability under the Public Employees' Retirement System shall be allowed to retain as personal property one (1) sidearm which was issued to such law enforcement officer by the department. Added by Laws, 2021, ch. 312, HB 508, § 1, eff. 3/16/2021. Each person employed as a sworn law enforcement officer by the department who retires for superannuation or for reason of disability under the Public Employees' Retirement System shall be allowed to retain as personal property one (1) sidearm which was issued to such law enforcement officer by the department. Added by Laws, 2021, ch. 312, HB 508, § 1, eff. 3/16/2021. Each person employed as a sworn law enforcement officer by the department who retires for superannuation or for reason of disability under the Public Employees' Retirement System shall be allowed to retain as personal property one (1) sidearm which was issued to such law enforcement officer by the department. Added by Laws, 2021, ch. 312, HB 508, § 1, eff. 3/16/2021. Each person employed as a sworn law enforcement officer by the department who retires for superannuation or for reason of disability under the Public Employees' Retirement System shall be allowed to retain as personal property one (1) sidearm which was issued to such law enforcement officer by the department. Added by Laws, 2021, ch. 312, HB 508, § 1, eff. 3/16/2021.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-33 - Gratuities and gifts to members of the Board of Tax Appeals, Commissioner of Revenue of Department of Revenue or Department of Revenue and employees prohibited

(1) No member of the Board of Tax Appeals, Commissioner of Revenue of the Department of Revenue, or person appointed or employed by the department under this article, including its warehouse operator, shall solicit, accept or receive any gift, gratuity, emolument or employment from any person subject to the provisions of this article, or from any officer, agent or employee thereof. (2) No member of the Board of Tax Appeals, the Commissioner of Revenue of the Department of Revenue, or person appointed or employed by the department under this article, including its warehouse operator, shall solicit, request from or recommend, directly or indirectly, to any person subject to the provisions of this article, or to any officer, agent or employee thereof, the appointment of any person to any place or position. (3) Every person subject to the provisions of this article, and every officer, agent or employee thereof, is hereby forbidden to offer to any member of the Board of Tax Appeals, to the Commissioner of Revenue or to any person appointed or employed by the department under this article, including its warehouse operator, any gift, gratuity, emolument or employment. (4) If any member of the Board of Tax Appeals, the Commissioner of Revenue or any person appointed or employed by the department under this article, including its warehouse operator, shall violate any of the provisions of

this section, he shall be removed from the office or employment held by him.(5)Every person violating the provisions of this section shall be guilty of a misdemeanor.(6)For purposes of this provision, the terms "gift," "gratuity," "emolument" and "employment" do not include the payment of expenses associated with social occasions afforded public servants or any other benefit that does not come within the definition of "pecuniary benefit" as defined in Section25-4-103.Codes, 1942, § 10265-13; Laws, 1966, ch. 540, § 13; Laws, 2009, ch. 492, § 129, eff. 7/1/2010.Amended by Laws, 2022, ch. 483, SB 2844,§ 14, eff. 7/1/2022. (1)No member of the Board of Tax Appeals, Commissioner of Revenue of the Department of Revenue, or person appointed or employed by the department under this article, including its warehouse operator, shall solicit, accept or receive any gift, gratuity, emolument or employment from any person subject to the provisions of this article, or from any officer, agent or employee thereof.(2)No member of the Board of Tax Appeals, the Commissioner of Revenue of the Department of Revenue, or person appointed or employed by the department under this article, including its warehouse operator, shall solicit, request from or recommend, directly or indirectly, to any person subject to the provisions of this article, or to any officer, agent or employee thereof, the appointment of any person to any place or position.(3)Every person subject to the provisions of this article, and every officer, agent or employee thereof, is hereby forbidden to offer to any member of the Board of Tax Appeals, to the Commissioner of Revenue or to any person appointed or employed by the department under this article, including its warehouse operator, any gift, gratuity, emolument or employment.(4)If any member of the Board of Tax Appeals, the Commissioner of Revenue or any person appointed or employed by the department under this article, including its warehouse operator, shall violate any of the provisions of this section, he shall be removed from the office or employment held by him.(5)Every person violating the provisions of this section shall be guilty of a misdemeanor.(6)For purposes of this provision, the terms "gift," "gratuity," "emolument" and "employment" do not include the payment of expenses associated with social occasions afforded public servants or any other benefit that does not come within the definition of "pecuniary benefit" as defined in Section25-4-103.Codes, 1942, § 10265-13; Laws, 1966, ch. 540, § 13; Laws, 2009, ch. 492, § 129, eff. 7/1/2010.Amended by Laws, 2022, ch. 483, SB 2844,§ 14, eff. 7/1/2022. (1)No member of the Board of Tax Appeals, Commissioner of Revenue of the Department of Revenue, or person appointed or employed by the department under this article, including its warehouse operator, shall solicit, accept or receive any gift, gratuity, emolument or employment from any person subject to the provisions of this article, or from any officer, agent or employee thereof.(2)No member of the Board of Tax Appeals, the Commissioner of Revenue of the Department of Revenue, or person appointed or employed by the department under this article, including its warehouse operator, shall solicit, request from or recommend, directly or indirectly, to any person subject to the provisions of this article, or to any officer, agent or employee thereof, the appointment of any person to any place or position.(3)Every person subject to the provisions of this article, and every officer, agent or employee thereof, is hereby forbidden to offer to any member of the Board of Tax Appeals, to the Commissioner of Revenue or to any person appointed or employed by the department under this article, including its warehouse operator, any gift, gratuity, emolument or employment.(4)If any member of the Board of Tax Appeals, the Commissioner of Revenue or any person appointed or employed by the department under this article, including its warehouse operator, shall violate any of the provisions of this section, he shall be removed from the office or employment held by him.(5)Every person violating the provisions of this section shall be guilty of a misdemeanor.(6)For purposes of this provision, the terms "gift," "gratuity," "emolument" and "employment" do not include the payment of expenses associated with social occasions afforded public servants or any other benefit that does not come within the definition of "pecuniary benefit" as defined in Section25-4-103.Codes, 1942, § 10265-13; Laws, 1966, ch. 540, § 13; Laws, 2009, ch. 492, § 129, eff. 7/1/2010.Amended by Laws, 2022, ch. 483, SB 2844,§ 14, eff. 7/1/2022. Codes, 1942, § 10265-13; Laws, 1966, ch. 540, § 13; Laws, 2009, ch. 492, § 129, eff. 7/1/2010. Amended by Laws, 2022, ch. 483, SB 2844,§ 14, eff. 7/1/2022.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101)Section 67-1-35 - Official seal of the Alcoholic Beverage Control Division of the Department of Revenue

The department may, for authentication of records, process and proceedings, adopt, keep and use a seal for the Alcoholic Beverage Control Division of the Department of Revenue, of which seal judicial notice shall be taken in all courts of this state. Any process, notice or other paper which the department may be authorized by law to issue under this article shall be deemed sufficient if signed by the director and authenticated by such seal. All acts, orders, proceedings, rules, regulations, entries, minutes, and other records of the department in connection with this article, and all reports and documents filed with it under this article, may be proved in any court of this state by a copy thereof certified to by the director with the seal of the division affixed.Codes, 1942, § 10265-16; Laws, 1966, ch. 540, § 16; Laws, 2009, ch. 492, § 130, eff. 7/1/2010. The department may, for authentication of records, process and proceedings, adopt, keep and use a seal for the Alcoholic Beverage Control Division of the Department of Revenue, of which seal judicial notice shall be taken in all courts of this state. Any process, notice or other paper which the department may be authorized by law to issue under this article shall be deemed sufficient if signed by the director and authenticated by such seal. All acts, orders, proceedings, rules, regulations, entries, minutes, and other records of the department in connection with this article, and all reports and documents filed with it under this article, may be proved in any court of this state by a copy thereof certified to by the director with the seal of the division affixed.Codes, 1942, § 10265-16; Laws, 1966, ch. 540, § 16; Laws, 2009, ch. 492, § 130, eff. 7/1/2010. The department may, for authentication of records, process and proceedings, adopt, keep and use a seal for the Alcoholic Beverage Control Division of the Department of Revenue, of which seal judicial notice shall be taken in all courts of this state. Any process, notice or other paper which the department may be authorized by law to issue under this article shall be deemed sufficient if signed by the director and authenticated by such seal. All acts, orders, proceedings, rules, regulations, entries, minutes, and other records of

the department in connection with this article, and all reports and documents filed with it under this article, may be proved in any court of this state by a copy thereof certified to by the director with the seal of the division affixed. Codes, 1942, § 10265-16; Laws, 1966, ch. 540, § 16; Laws, 2009, ch. 492, § 130, eff. 7/1/2010. The department may, for authentication of records, process and proceedings, adopt, keep and use a seal for the Alcoholic Beverage Control Division of the Department of Revenue, of which seal judicial notice shall be taken in all courts of this state. Any process, notice or other paper which the department may be authorized by law to issue under this article shall be deemed sufficient if signed by the director and authenticated by such seal. All acts, orders, proceedings, rules, regulations, entries, minutes, and other records of the department in connection with this article, and all reports and documents filed with it under this article, may be proved in any court of this state by a copy thereof certified to by the director with the seal of the division affixed. Codes, 1942, § 10265-16; Laws, 1966, ch. 540, § 16; Laws, 2009, ch. 492, § 130, eff. 7/1/2010.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-37 - Powers and duties of Department of Revenue with respect to Alcoholic Beverage Control Division

The Department of Revenue, under its duties and powers with respect to the Alcoholic Beverage Control Division therein, shall have the following powers, functions and duties: (a) To issue or refuse to issue any permit provided for by this article, or to extend the permit or remit in whole or any part of the permit monies when the permit cannot be used due to a natural disaster or act of God. (b) To revoke, suspend or cancel, for violation of or noncompliance with the provisions of this article, or the law governing the production and sale of native wines or native spirits, or any lawful rules and regulations of the department issued hereunder, or for other sufficient cause, any permit issued by it under the provisions of this article. The department shall also be authorized to suspend the permit of any permit holder for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a permit for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a permit suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a permit suspended for that purpose, shall be governed by Section 93-11-157 or Section 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or Section 93-11-163 and any provision of this article, the provisions of Section 93-11-157 or Section 93-11-163, as the case may be, shall control. (c) To prescribe forms of permits and applications for permits and of all reports which it deems necessary in administering this article. (d) To fix standards, not in conflict with those prescribed by any law of this state or of the United States, to secure the use of proper ingredients and methods of manufacture of alcoholic beverages. (e) To issue rules regulating the advertising of alcoholic beverages in the state in any class of media and permitting advertising of the retail price of alcoholic beverages. (f) To issue reasonable rules and regulations, not inconsistent with the federal laws or regulations, requiring informative labeling of all alcoholic beverages offered for sale within this state and providing for the standards of fill and shapes of retail containers of alcoholic beverages; however, such containers shall not contain less than fifty (50) milliliters by liquid measure. (g) Subject to the provisions of subsection (3) of Section 67-1-51, to issue rules and regulations governing the issuance of retail permits for premises located near or around schools, colleges, universities, churches and other public institutions, and specifying the distances therefrom within which no such permit shall be issued. The Alcoholic Beverage Control Division shall not issue a package retailer's or on-premises retailer's permit for the sale or consumption of alcoholic beverages in or on the campus of any public school. The Alcoholic Beverage Control Division shall not issue a package retailer's permit for the sale of alcoholic beverages in or on the campus of any community or junior college, college or university. (h) To adopt and promulgate, repeal and amend, such rules, regulations, standards, requirements and orders, not inconsistent with this article or any law of this state or of the United States, as it deems necessary to control the manufacture, importation, transportation, distribution, delivery and sale of alcoholic liquor, whether intended for beverage or nonbeverage use in a manner not inconsistent with the provisions of this article or any other statute, including the native wine and native spirit laws. (i) To call upon other administrative departments of the state, county and municipal governments, county and city police departments and upon prosecuting officers for such information and assistance as it may deem necessary in the performance of its duties. (j) To prepare and submit to the Governor during the month of January of each year a detailed report of its official acts during the preceding fiscal year ending June 30, including such recommendations as it may see fit to make, and to transmit a like report to each member of the Legislature of this state upon the convening thereof at its next regular session. (k) To inspect, or cause to be inspected, any premises where alcoholic liquors intended for sale are manufactured, stored, distributed or sold, and to examine or cause to be examined all books and records pertaining to the business conducted therein. (l) To investigate the administration of laws in relation to alcoholic liquors in this and other states and any foreign countries, and to recommend from time to time to the Governor and through him to the Legislature of this state such amendments to this article, if any, as it may think desirable. (m) To designate hours and days when alcoholic beverages may be sold in different localities in the state which permit such sale. (n) To assign employees to posts of duty at locations where they will be most beneficial for the control of alcoholic beverages and to take any other action concerning persons employed under this article as authorized by law and taken in accordance with the rules, regulations and procedures of the State Personnel Board. (o) To enforce the provisions made unlawful by Chapter 3, Title 67 and Section 97-5-49. (p) To delegate its authority under this article to the Alcoholic Beverage Control Division, its director or any other officer or employee of the department that it deems appropriate. (q) To prescribe and charge a fee to defray the costs of shipping alcoholic beverages, provided that such fee is determined in a manner provided by the department by rules and/or regulations adopted in accordance with the Mississippi Administrative Procedures Law. The Alcoholic Beverage Control Division shall not issue

any permit which would conflict with any zoning ordinance legally adopted by the governing authorities of any municipality or rule or regulation of any board of supervisors of any county as set forth in Section 67-1-7(1). Codes, 1942, § 10265-17; Laws, 1966, ch. 540, § 17; Laws, 1970, ch. 549, § 1; Laws, 1971, ch. 358, § 1; Laws, 1976, ch. 467, § 14; Laws, 1988, ch. 383, § 1; Laws, 1988, ch. 562, § 1; Laws, 1992, ch. 459, § 1; Laws, 1996, ch. 507, § 15; Laws, 1997, ch. 558, § 2; reenacted and amended, Laws, 1998, ch. 520, § 1; Laws, 2002, ch. 570, § 6; Laws, 2003, ch. 392, § 1; Laws, 2005, ch. 462, § 1; Laws, 2006, ch. 529, § 3; Laws, 2007, ch. 462, § 3; Laws, 2009, ch. 492, § 131; Laws, 2011, ch. 379, § 1, eff. 7/1/2011. Amended by Laws, 2024, ch. 478, HB 776, § 2, eff. 7/1/2024. Amended by Laws, 2024, ch. 368, HB 1525, § 2, eff. 7/1/2024. Amended by Laws, 2021, ch. 442, HB 1135, § 3, eff. 7/1/2021. Amended by Laws, 2021, ch. 388, SB 2606, § 10, eff. 7/1/2021. Amended by Laws, 2020, ch. 458, SB 2253, § 3, eff. 7/1/2020. Amended by Laws, 2020, ch. 428, SB 2333, § 1, eff. 7/1/2020. Amended by Laws, 2016, ch. 470, SB 2055, 2, eff. 7/1/2016.

The Department of Revenue, under its duties and powers with respect to the Alcoholic Beverage Control Division therein, shall have the following powers, functions and duties: (a) To issue or refuse to issue any permit provided for by this article, or to extend the permit or remit in whole or any part of the permit monies when the permit cannot be used due to a natural disaster or act of God. (b) To revoke, suspend or cancel, for violation of or noncompliance with the provisions of this article, or the law governing the production and sale of native wines or native spirits, or any lawful rules and regulations of the department issued hereunder, or for other sufficient cause, any permit issued by it under the provisions of this article. The department shall also be authorized to suspend the permit of any permit holder for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a permit for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a permit suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a permit suspended for that purpose, shall be governed by Section 93-11-157 or Section 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or Section 93-11-163 and any provision of this article, the provisions of Section 93-11-157 or Section 93-11-163, as the case may be, shall control. (c) To prescribe forms of permits and applications for permits and of all reports which it deems necessary in administering this article. (d) To fix standards, not in conflict with those prescribed by any law of this state or of the United States, to secure the use of proper ingredients and methods of manufacture of alcoholic beverages. (e) To issue rules regulating the advertising of alcoholic beverages in the state in any class of media and permitting advertising of the retail price of alcoholic beverages. (f) To issue reasonable rules and regulations, not inconsistent with the federal laws or regulations, requiring informative labeling of all alcoholic beverages offered for sale within this state and providing for the standards of fill and shapes of retail containers of alcoholic beverages; however, such containers shall not contain less than fifty (50) milliliters by liquid measure. (g) Subject to the provisions of subsection (3) of Section 67-1-51, to issue rules and regulations governing the issuance of retail permits for premises located near or around schools, colleges, universities, churches and other public institutions, and specifying the distances therefrom within which no such permit shall be issued. The Alcoholic Beverage Control Division shall not issue a package retailer's or on-premises retailer's permit for the sale or consumption of alcoholic beverages in or on the campus of any public school. The Alcoholic Beverage Control Division shall not issue a package retailer's permit for the sale of alcoholic beverages in or on the campus of any community or junior college, college or university. (h) To adopt and promulgate, repeal and amend, such rules, regulations, standards, requirements and orders, not inconsistent with this article or any law of this state or of the United States, as it deems necessary to control the manufacture, importation, transportation, distribution, delivery and sale of alcoholic liquor, whether intended for beverage or nonbeverage use in a manner not inconsistent with the provisions of this article or any other statute, including the native wine and native spirit laws. (i) To call upon other administrative departments of the state, county and municipal governments, county and city police departments and upon prosecuting officers for such information and assistance as it may deem necessary in the performance of its duties. (j) To prepare and submit to the Governor during the month of January of each year a detailed report of its official acts during the preceding fiscal year ending June 30, including such recommendations as it may see fit to make, and to transmit a like report to each member of the Legislature of this state upon the convening thereof at its next regular session. (k) To inspect, or cause to be inspected, any premises where alcoholic liquors intended for sale are manufactured, stored, distributed or sold, and to examine or cause to be examined all books and records pertaining to the business conducted therein. (l) To investigate the administration of laws in relation to alcoholic liquors in this and other states and any foreign countries, and to recommend from time to time to the Governor and through him to the Legislature of this state such amendments to this article, if any, as it may think desirable. (m) To designate hours and days when alcoholic beverages may be sold in different localities in the state which permit such sale. (n) To assign employees to posts of duty at locations where they will be most beneficial for the control of alcoholic beverages and to take any other action concerning persons employed under this article as authorized by law and taken in accordance with the rules, regulations and procedures of the State Personnel Board. (o) To enforce the provisions made unlawful by Chapter 3, Title 67 and Section 97-5-49. (p) To delegate its authority under this article to the Alcoholic Beverage Control Division, its director or any other officer or employee of the department that it deems appropriate. (q) To prescribe and charge a fee to defray the costs of shipping alcoholic beverages, provided that such fee is determined in a manner provided by the department by rules and/or regulations adopted in accordance with the Mississippi Administrative Procedures Law. The Alcoholic Beverage Control Division shall not issue any permit which would conflict with any zoning ordinance legally adopted by the governing authorities of any municipality or rule or regulation of any board of supervisors of any county as set forth in Section 67-1-7(1). Codes, 1942, § 10265-17; Laws, 1966, ch. 540, § 17; Laws, 1970, ch. 549, § 1; Laws, 1971, ch. 358, § 1; Laws, 1976, ch. 467, § 14; Laws, 1988, ch. 383, § 1; Laws, 1988, ch. 562, § 1; Laws, 1992, ch. 459, § 1; Laws, 1996, ch. 507, § 15; Laws, 1997, ch. 558, § 2; reenacted and amended, Laws, 1998, ch. 520, § 1; Laws, 2002, ch. 570, § 6; Laws, 2003, ch. 392, § 1; Laws, 2005, ch. 462, § 1; Laws, 2006, ch. 529, § 3; Laws, 2007, ch.

462, § 3; Laws, 2009, ch. 492, § 131; Laws, 2011, ch. 379, § 1, eff. 7/1/2011. Amended by Laws, 2024, ch. 478, HB 776, § 2, eff. 7/1/2024. Amended by Laws, 2024, ch. 368, HB 1525, § 2, eff. 7/1/2024. Amended by Laws, 2021, ch. 442, HB 1135, § 3, eff. 7/1/2021. Amended by Laws, 2021, ch. 388, SB 2606, § 10, eff. 7/1/2021. Amended by Laws, 2020, ch. 458, SB 2253, § 3, eff. 7/1/2020. Amended by Laws, 2020, ch. 428, SB 2333, § 1, eff. 7/1/2020. Amended by Laws, 2016, ch. 470, SB 2055, 2, eff. 7/1/2016. The Department of Revenue, under its duties and powers with respect to the Alcoholic Beverage Control Division therein, shall have the following powers, functions and duties: (a) To issue or refuse to issue any permit provided for by this article, or to extend the permit or remit in whole or any part of the permit monies when the permit cannot be used due to a natural disaster or act of God. (b) To revoke, suspend or cancel, for violation of or noncompliance with the provisions of this article, or the law governing the production and sale of native wines or native spirits, or any lawful rules and regulations of the department issued hereunder, or for other sufficient cause, any permit issued by it under the provisions of this article. The department shall also be authorized to suspend the permit of any permit holder for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a permit for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a permit suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a permit suspended for that purpose, shall be governed by Section 93-11-157 or Section 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or Section 93-11-163 and any provision of this article, the provisions of Section 93-11-157 or Section 93-11-163, as the case may be, shall control. (c) To prescribe forms of permits and applications for permits and of all reports which it deems necessary in administering this article. (d) To fix standards, not in conflict with those prescribed by any law of this state or of the United States, to secure the use of proper ingredients and methods of manufacture of alcoholic beverages. (e) To issue rules regulating the advertising of alcoholic beverages in the state in any class of media and permitting advertising of the retail price of alcoholic beverages. (f) To issue reasonable rules and regulations, not inconsistent with the federal laws or regulations, requiring informative labeling of all alcoholic beverages offered for sale within this state and providing for the standards of fill and shapes of retail containers of alcoholic beverages; however, such containers shall not contain less than fifty (50) milliliters by liquid measure. (g) Subject to the provisions of subsection (3) of Section 67-1-51, to issue rules and regulations governing the issuance of retail permits for premises located near or around schools, colleges, universities, churches and other public institutions, and specifying the distances therefrom within which no such permit shall be issued. The Alcoholic Beverage Control Division shall not issue a package retailer's or on-premises retailer's permit for the sale or consumption of alcoholic beverages in or on the campus of any public school. The Alcoholic Beverage Control Division shall not issue a package retailer's permit for the sale of alcoholic beverages in or on the campus of any community or junior college, college or university. (h) To adopt and promulgate, repeal and amend, such rules, regulations, standards, requirements and orders, not inconsistent with this article or any law of this state or of the United States, as it deems necessary to control the manufacture, importation, transportation, distribution, delivery and sale of alcoholic liquor, whether intended for beverage or nonbeverage use in a manner not inconsistent with the provisions of this article or any other statute, including the native wine and native spirit laws. (i) To call upon other administrative departments of the state, county and municipal governments, county and city police departments and upon prosecuting officers for such information and assistance as it may deem necessary in the performance of its duties. (j) To prepare and submit to the Governor during the month of January of each year a detailed report of its official acts during the preceding fiscal year ending June 30, including such recommendations as it may see fit to make, and to transmit a like report to each member of the Legislature of this state upon the convening thereof at its next regular session. (k) To inspect, or cause to be inspected, any premises where alcoholic liquors intended for sale are manufactured, stored, distributed or sold, and to examine or cause to be examined all books and records pertaining to the business conducted therein. (l) To investigate the administration of laws in relation to alcoholic liquors in this and other states and any foreign countries, and to recommend from time to time to the Governor and through him to the Legislature of this state such amendments to this article, if any, as it may think desirable. (m) To designate hours and days when alcoholic beverages may be sold in different localities in the state which permit such sale. (n) To assign employees to posts of duty at locations where they will be most beneficial for the control of alcoholic beverages and to take any other action concerning persons employed under this article as authorized by law and taken in accordance with the rules, regulations and procedures of the State Personnel Board. (o) To enforce the provisions made unlawful by Chapter 3, Title 67 and Section 97-5-49. (p) To delegate its authority under this article to the Alcoholic Beverage Control Division, its director or any other officer or employee of the department that it deems appropriate. (q) To prescribe and charge a fee to defray the costs of shipping alcoholic beverages, provided that such fee is determined in a manner provided by the department by rules and/or regulations adopted in accordance with the Mississippi Administrative Procedures Law. The Alcoholic Beverage Control Division shall not issue any permit which would conflict with any zoning ordinance legally adopted by the governing authorities of any municipality or rule or regulation of any board of supervisors of any county as set forth in Section 67-1-7(1). Codes, 1942, § 10265-17; Laws, 1966, ch. 540, § 17; Laws, 1970, ch. 549, § 1; Laws, 1971, ch. 358, § 1; Laws, 1976, ch. 467, § 14; Laws, 1988, ch. 383, § 1; Laws, 1988, ch. 562, § 1; Laws, 1992, ch. 459, § 1; Laws, 1996, ch. 507, § 15; Laws, 1997, ch. 558, § 2; reenacted and amended, Laws, 1998, ch. 520, § 1; Laws, 2002, ch. 570, § 6; Laws, 2003, ch. 392, § 1; Laws, 2005, ch. 462, § 1; Laws, 2006, ch. 529, § 3; Laws, 2007, ch. 462, § 3; Laws, 2009, ch. 492, § 131; Laws, 2011, ch. 379, § 1, eff. 7/1/2011. Amended by Laws, 2024, ch. 478, HB 776, § 2, eff. 7/1/2024. Amended by Laws, 2024, ch. 368, HB 1525, § 2, eff. 7/1/2024. Amended by Laws, 2021, ch. 442, HB 1135, § 3, eff. 7/1/2021. Amended by Laws, 2021, ch. 388, SB 2606, § 10, eff. 7/1/2021. Amended by Laws, 2020, ch. 458, SB 2253, § 3, eff. 7/1/2020. Amended by Laws, 2020, ch. 428, SB 2333, § 1, eff. 7/1/2020. Amended by Laws, 2016, ch. 470, SB 2055, 2, eff. 7/1/2016. The Department of Revenue, under its duties and powers with respect to the Alcoholic Beverage Control Division therein, shall have

the following powers, functions and duties: The Alcoholic Beverage Control Division shall not issue any permit which would conflict with any zoning ordinance legally adopted by the governing authorities of any municipality or rule or regulation of any board of supervisors of any county as set forth in Section 67-1-7(1). Codes, 1942, § 10265-17; Laws, 1966, ch. 540, § 17; Laws, 1970, ch. 549, § 1; Laws, 1971, ch. 358, § 1; Laws, 1976, ch. 467, § 14; Laws, 1988, ch. 383, § 1; Laws, 1988, ch. 562, § 1; Laws, 1992, ch. 459, § 1; Laws, 1996, ch. 507, § 15; Laws, 1997, ch. 558, § 2; reenacted and amended, Laws, 1998, ch. 520, § 1; Laws, 2002, ch. 570, § 6; Laws, 2003, ch. 392, § 1; Laws, 2005, ch. 462, § 1; Laws, 2006, ch. 529, § 3; Laws, 2007, ch. 462, § 3; Laws, 2009, ch. 492, § 131; Laws, 2011, ch. 379, § 1, eff. 7/1/2011. Amended by Laws, 2024, ch. 478, HB 776, § 2, eff. 7/1/2024. Amended by Laws, 2024, ch. 368, HB 1525, § 2, eff. 7/1/2024. Amended by Laws, 2021, ch. 442, HB 1135, § 3, eff. 7/1/2021. Amended by Laws, 2021, ch. 388, SB 2606, § 10, eff. 7/1/2021. Amended by Laws, 2020, ch. 458, SB 2253, § 3, eff. 7/1/2020. Amended by Laws, 2020, ch. 428, SB 2333, § 1, eff. 7/1/2020. Amended by Laws, 2016, ch. 470, SB 2055, § 2, eff. 7/1/2016.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-39 - Appeals from Board of Tax Appeals orders

Any appeal from an order of the Board of Tax Appeals regarding an action taken under this article shall be filed without supersedeas to the Chancery Court of the First Judicial District of Hinds County, Mississippi, if the appellant is the department, or to the county of the domicile of any other appellant. Any such appeal shall be based on the record made before the Board of Tax Appeals and shall be filed within thirty (30) days from the date of the order being appealed. There may be an appeal therefrom to the Supreme Court as in other cases provided, but it shall be without supersedeas on the order of the Board of Tax Appeals to them made and finally determined either by the chancery court or the Supreme Court. Actions taken by the department in suspending a permit when required by Section 93-11-157 or 93-11-163 are not actions resulting in an order from which an appeal may be taken under this section. Any appeal of a permit suspension that is required by Section 93-11-157 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. Codes, 1942, § 10265-17; Laws, 1966, ch. 540, § 17; Laws, 1970, ch. 549, § 1; Laws, 1971, ch. 358, § 1; Laws, 1996, ch. 507, § 16; Laws, 2009, ch. 492, § 132, eff. 7/1/2010. Any appeal from an order of the Board of Tax Appeals regarding an action taken under this article shall be filed without supersedeas to the Chancery Court of the First Judicial District of Hinds County, Mississippi, if the appellant is the department, or to the county of the domicile of any other appellant. Any such appeal shall be based on the record made before the Board of Tax Appeals and shall be filed within thirty (30) days from the date of the order being appealed. There may be an appeal therefrom to the Supreme Court as in other cases provided, but it shall be without supersedeas on the order of the Board of Tax Appeals to them made and finally determined either by the chancery court or the Supreme Court. Actions taken by the department in suspending a permit when required by Section 93-11-157 or 93-11-163 are not actions resulting in an order from which an appeal may be taken under this section. Any appeal of a permit suspension that is required by Section 93-11-157 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. Codes, 1942, § 10265-17; Laws, 1966, ch. 540, § 17; Laws, 1970, ch. 549, § 1; Laws, 1971, ch. 358, § 1; Laws, 1996, ch. 507, § 16; Laws, 2009, ch. 492, § 132, eff. 7/1/2010. Any appeal from an order of the Board of Tax Appeals regarding an action taken under this article shall be filed without supersedeas to the Chancery Court of the First Judicial District of Hinds County, Mississippi, if the appellant is the department, or to the county of the domicile of any other appellant. Any such appeal shall be based on the record made before the Board of Tax Appeals and shall be filed within thirty (30) days from the date of the order being appealed. There may be an appeal therefrom to the Supreme Court as in other cases provided, but it shall be without supersedeas on the order of the Board of Tax Appeals to them made and finally determined either by the chancery court or the Supreme Court. Actions taken by the department in suspending a permit when required by Section 93-11-157 or 93-11-163 are not actions resulting in an order from which an appeal may be taken under this section. Any appeal of a permit suspension that is required by Section 93-11-157 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. Codes, 1942, § 10265-17; Laws, 1966, ch. 540, § 17; Laws, 1970, ch. 549, § 1; Laws, 1971, ch. 358, § 1; Laws, 1996, ch. 507, § 16; Laws, 2009, ch. 492, § 132, eff. 7/1/2010.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§

67-1-1 — 67-1-101)Section 67-1-41 - Department of Revenue as a wholesale distributor and seller of alcoholic beverages; exception to department's exclusive right to sell at wholesale; shipment of wine purchased from winery by individual resident to in-state package retailer; payment of associated taxes, fees, surcharges; procedure

(1)The department is hereby created a wholesale distributor and seller of alcoholic beverages, not including malt liquors, within the State of Mississippi. It is granted the right to import and sell alcoholic beverages at wholesale within the state, and no person who is granted the right to sell, distribute or receive alcoholic beverages at retail shall purchase any alcoholic beverages from any source other than the department, except as authorized in subsections (4), (9) and (12) of this section. The department may establish warehouses, and the department may purchase alcoholic beverages in such quantities and from such sources as it may deem desirable and sell the alcoholic beverages to authorized permittees within the state including, at the discretion of the department, any retail distributors operating within any military post or qualified resort areas within the boundaries of the state, keeping a correct and accurate record of all such transactions and exercising such control over the distribution of alcoholic beverages as seem right and proper in keeping with the provisions or purposes of this article.(2)No person for the purpose of sale shall manufacture, distill, brew, sell, possess, export, transport, distribute, warehouse, store, solicit, take orders for, bottle, rectify, blend, treat, mix or process any alcoholic beverage except in accordance with authority granted under this article, or as otherwise provided by law for native wines or native spirits.(3)No alcoholic beverage intended for sale or resale shall be imported, shipped or brought into this state for delivery to any person other than as provided in this article, or as otherwise provided by law for native wines or native spirits.(4)The department may promulgate rules and regulations which authorize on-premises retailers to purchase limited amounts of alcoholic beverages from package retailers and for package retailers to purchase limited amounts of alcoholic beverages from other package retailers. The department shall develop and provide forms to be completed by the on-premises retailers and the package retailers verifying the transaction. The completed forms shall be forwarded to the department within a period of time prescribed by the department.(5)The department may promulgate rules which authorize the holder of a package retailer's permit to permit individual retail purchasers of packages of alcoholic beverages to return, for exchange, credit or refund, limited amounts of original sealed and unopened packages of alcoholic beverages purchased by the individual from the package retailer.(6)The department shall maintain all forms to be completed by applicants necessary for licensure by the department at all district offices of the department.(7)The department may promulgate rules which authorize the manufacturer of an alcoholic beverage or wine to import, transport and furnish or give a sample of alcoholic beverages or wines to the holders of package retailer's permits, on-premises retailer's permits, native wine or native spirit retailer's permits and temporary retailer's permits who have not previously purchased the brand of that manufacturer from the department. For each holder of the designated permits, the manufacturer may furnish not more than five hundred (500) milliliters of any brand of alcoholic beverage and not more than three (3) liters of any brand of wine.(8)The department may promulgate rules disallowing open product sampling of alcoholic beverages or wines by the holders of package retailer's permits and permitting open product sampling of alcoholic beverages by the holders of on-premises retailer's permits. Permitted sample products shall be plainly identified "sample" and the actual sampling must occur in the presence of the manufacturer's representatives during the legal operating hours of on-premises retailers.(9)The department may promulgate rules and regulations that authorize the holder of a research permit to import and purchase limited amounts of alcoholic beverages from importers, wineries and distillers of alcoholic beverages or from the department. The department shall develop and provide forms to be completed by the research permittee verifying each transaction. The completed forms shall be forwarded to the department within a period of time prescribed by the department. The records and inventory of alcoholic beverages shall be open to inspection at any time by the Director of the Alcoholic Beverage Control Division or any duly authorized agent.(10)The department may promulgate rules facilitating a retailer's on-site pickup of alcoholic beverages sold by the department or as authorized by the department, including, but not limited to, native wines and native spirits, so that those alcoholic beverages may be delivered to the retailer at the manufacturer's location instead of via shipment from the department's warehouse.(11)[Through June 30, 2026]This section shall not apply to alcoholic beverages authorized to be sold by the holder of a distillery retailer's permit or a festival wine permit.(11)[From and after July 1, 2026]This section shall not apply to alcoholic beverages authorized to be sold by the holder of a distillery retailer's permit.(12)(a)An individual resident of this state who is at least twenty-one (21) years of age may purchase wine from a winery and have the purchase shipped into this state so long as it is shipped to a package retailer permittee in Mississippi; however, the permittee shall pay to the department all taxes, fees and surcharges on the wine that are imposed upon the sale of wine shipped by the department or its warehouse operator. No credit shall be provided to the permittee for any taxes paid to another state as a result of the transaction. Package retailers may charge a service fee for receiving and handling shipments from wineries on behalf of the purchasers. The department shall develop and provide forms to be completed by the package retailer permittees verifying the transaction. The completed forms shall be forwarded to the department within a period of time prescribed by the department.(b)The purchaser of wine that is to be shipped to a package retailer's store shall be required to get the prior approval of the package retailer before any wine is shipped to the package retailer. A purchaser is limited to no more than ten (10) cases of wine per year to be shipped to a package retailer. A package retailer shall notify a purchaser of wine within two (2) days after receiving the shipment of wine. If the purchaser of the wine does not pick up or take the wine from the package retailer within thirty (30) days after being notified by the package retailer, the package retailer may sell the wine as part of his inventory.(c)Shipments of wine into this state under this section shall be made by a duly licensed carrier. It shall be the duty of every common or contract carrier, and of every firm or corporation that shall bring, carry or transport wine from outside the state for delivery inside the state to package retailer permittees on behalf of consumers, to prepare and file with the department, on a schedule as determined by the department, of known wine shipments containing the name of the common or contract carrier, firm or corporation making the report, the period of

time covered by said report, the name and permit number of the winery, the name and permit number of the package retailer permittee receiving such wine, the weight of the package delivered to each package retailer permittee, a unique tracking number, and the date of delivery. Reports received by the department shall be made available by the department to the public via the Mississippi Public Records Act process in the same manner as other state alcohol filings. Upon the department's request, any records supporting the report shall be made available to the department within a reasonable time after the department makes a written request for such records. Any records containing information relating to such reports shall be kept and preserved for a period of two (2) years, unless their destruction sooner is authorized, in writing, by the department, and shall be open and available to inspection by the department upon the department's written request. Reports shall also be made available to any law enforcement or regulatory body in the state in which the railroad company, express company, common or contract carrier making the report resides or does business. Any common or contract carrier that willfully fails to make reports, as provided by this section or any of the rules and regulations of the department for the administration and enforcement of this section, is subject to a notification of violation. In the case of a continuing failure to make reports, the common or contract carrier is subject to possible license suspension and revocation at the department's discretion. (d) A winery that ships wine under this section shall be deemed to have consented to the jurisdiction of the courts of this state, of the department, of any other state agency regarding the enforcement of this section, and of any related law, rules or regulations. (e) Any person who makes, participates in, transports, imports or receives a shipment in violation of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of One Thousand Dollars (\$1,000.00) or imprisonment in the county jail for not more than six (6) months, or both. Each shipment shall constitute a separate offense. (13) If any provision of this article, or its application to any person or circumstance, is determined by a court to be invalid or unconstitutional, the remaining provisions shall be construed in accordance with the intent of the Legislature to further limit rather than expand commerce in alcoholic beverages to protect the health, safety, and welfare of the state's residents, and to enhance strict regulatory control over taxation, distribution and sale of alcoholic beverages through the three-tier regulatory system imposed by this article upon all alcoholic beverages to curb relationships and practices calculated to stimulate sales and impair the state's policy favoring trade stability and the promotion of temperance. Codes, 1942, § 10265-18; Laws, 1966, ch. 540, § 18; Laws, 1976, ch. 467, § 15; Laws, 1988, ch. 397, § 1; Laws, 1990, ch. 479, § 1; Laws, 1992, ch. 574, § 1; Laws, 1994, ch. 538, § 2; Laws, 1998, ch. 413, § 1; Laws, 1999, ch. 408, § 1; Laws, 2006, ch. 352, § 3; Laws, 2006, ch. 529, § 4, eff. 4/3/2006. Amended by Laws, 2023, ch. 533, HB 252, § 2, eff. 7/1/2023. Amended by Laws, 2022, ch. 483, SB 2844, § 15, eff. 7/1/2022. Amended by Laws, 2021, ch. 454, SB 2435, § 2, eff. 7/1/2021. Amended by Laws, 2021, ch. 388, SB 2606, § 11, eff. 7/1/2021. Amended by Laws, 2020, ch. 422, HB 1088, § 1, eff. 1/1/2021. Amended by Laws, 2018, ch. 453, HB 995, § 4, eff. 7/1/2018. (1) The department is hereby created a wholesale distributor and seller of alcoholic beverages, not including malt liquors, within the State of Mississippi. It is granted the right to import and sell alcoholic beverages at wholesale within the state, and no person who is granted the right to sell, distribute or receive alcoholic beverages at retail shall purchase any alcoholic beverages from any source other than the department, except as authorized in subsections (4), (9) and (12) of this section. The department may establish warehouses, and the department may purchase alcoholic beverages in such quantities and from such sources as it may deem desirable and sell the alcoholic beverages to authorized permittees within the state including, at the discretion of the department, any retail distributors operating within any military post or qualified resort areas within the boundaries of the state, keeping a correct and accurate record of all such transactions and exercising such control over the distribution of alcoholic beverages as seem right and proper in keeping with the provisions or purposes of this article. (2) No person for the purpose of sale shall manufacture, distill, brew, sell, possess, export, transport, distribute, warehouse, store, solicit, take orders for, bottle, rectify, blend, treat, mix or process any alcoholic beverage except in accordance with authority granted under this article, or as otherwise provided by law for native wines or native spirits. (3) No alcoholic beverage intended for sale or resale shall be imported, shipped or brought into this state for delivery to any person other than as provided in this article, or as otherwise provided by law for native wines or native spirits. (4) The department may promulgate rules and regulations which authorize on-premises retailers to purchase limited amounts of alcoholic beverages from package retailers and for package retailers to purchase limited amounts of alcoholic beverages from other package retailers. The department shall develop and provide forms to be completed by the on-premises retailers and the package retailers verifying the transaction. The completed forms shall be forwarded to the department within a period of time prescribed by the department. (5) The department may promulgate rules which authorize the holder of a package retailer's permit to permit individual retail purchasers of packages of alcoholic beverages to return, for exchange, credit or refund, limited amounts of original sealed and unopened packages of alcoholic beverages purchased by the individual from the package retailer. (6) The department shall maintain all forms to be completed by applicants necessary for licensure by the department at all district offices of the department. (7) The department may promulgate rules which authorize the manufacturer of an alcoholic beverage or wine to import, transport and furnish or give a sample of alcoholic beverages or wines to the holders of package retailer's permits, on-premises retailer's permits, native wine or native spirit retailer's permits and temporary retailer's permits who have not previously purchased the brand of that manufacturer from the department. For each holder of the designated permits, the manufacturer may furnish not more than five hundred (500) milliliters of any brand of alcoholic beverage and not more than three (3) liters of any brand of wine. (8) The department may promulgate rules disallowing open product sampling of alcoholic beverages or wines by the holders of package retailer's permits and permitting open product sampling of alcoholic beverages by the holders of on-premises retailer's permits. Permitted sample products shall be plainly identified "sample" and the actual sampling must occur in the presence of the manufacturer's representatives during the legal operating hours of on-premises retailers. (9) The department may promulgate rules and regulations that authorize the holder of a research permit to import and purchase limited amounts of alcoholic beverages from importers, wineries and distillers of alcoholic beverages or from the

department. The department shall develop and provide forms to be completed by the research permittee verifying each transaction. The completed forms shall be forwarded to the department within a period of time prescribed by the department. The records and inventory of alcoholic beverages shall be open to inspection at any time by the Director of the Alcoholic Beverage Control Division or any duly authorized agent.(10)The department may promulgate rules facilitating a retailer's on-site pickup of alcoholic beverages sold by the department or as authorized by the department, including, but not limited to, native wines and native spirits, so that those alcoholic beverages may be delivered to the retailer at the manufacturer's location instead of via shipment from the department's warehouse.(11)[Through June 30, 2026]This section shall not apply to alcoholic beverages authorized to be sold by the holder of a distillery retailer's permit or a festival wine permit.(11)[From and after July 1, 2026]This section shall not apply to alcoholic beverages authorized to be sold by the holder of a distillery retailer's permit.(12)(a)An individual resident of this state who is at least twenty-one (21) years of age may purchase wine from a winery and have the purchase shipped into this state so long as it is shipped to a package retailer permittee in Mississippi; however, the permittee shall pay to the department all taxes, fees and surcharges on the wine that are imposed upon the sale of wine shipped by the department or its warehouse operator. No credit shall be provided to the permittee for any taxes paid to another state as a result of the transaction. Package retailers may charge a service fee for receiving and handling shipments from wineries on behalf of the purchasers. The department shall develop and provide forms to be completed by the package retailer permittees verifying the transaction. The completed forms shall be forwarded to the department within a period of time prescribed by the department.(b)The purchaser of wine that is to be shipped to a package retailer's store shall be required to get the prior approval of the package retailer before any wine is shipped to the package retailer. A purchaser is limited to no more than ten (10) cases of wine per year to be shipped to a package retailer. A package retailer shall notify a purchaser of wine within two (2) days after receiving the shipment of wine. If the purchaser of the wine does not pick up or take the wine from the package retailer within thirty (30) days after being notified by the package retailer, the package retailer may sell the wine as part of his inventory.(c)Shipments of wine into this state under this section shall be made by a duly licensed carrier. It shall be the duty of every common or contract carrier, and of every firm or corporation that shall bring, carry or transport wine from outside the state for delivery inside the state to package retailer permittees on behalf of consumers, to prepare and file with the department, on a schedule as determined by the department, of known wine shipments containing the name of the common or contract carrier, firm or corporation making the report, the period of time covered by said report, the name and permit number of the winery, the name and permit number of the package retailer permittee receiving such wine, the weight of the package delivered to each package retailer permittee, a unique tracking number, and the date of delivery. Reports received by the department shall be made available by the department to the public via the Mississippi Public Records Act process in the same manner as other state alcohol filings.Upon the department's request, any records supporting the report shall be made available to the department within a reasonable time after the department makes a written request for such records. Any records containing information relating to such reports shall be kept and preserved for a period of two (2) years, unless their destruction sooner is authorized, in writing, by the department, and shall be open and available to inspection by the department upon the department's written request. Reports shall also be made available to any law enforcement or regulatory body in the state in which the railroad company, express company, common or contract carrier making the report resides or does business.Any common or contract carrier that willfully fails to make reports, as provided by this section or any of the rules and regulations of the department for the administration and enforcement of this section, is subject to a notification of violation. In the case of a continuing failure to make reports, the common or contract carrier is subject to possible license suspension and revocation at the department's discretion.(d)A winery that ships wine under this section shall be deemed to have consented to the jurisdiction of the courts of this state, of the department, of any other state agency regarding the enforcement of this section, and of any related law, rules or regulations.(e)Any person who makes, participates in, transports, imports or receives a shipment in violation of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of One Thousand Dollars (\$1,000.00) or imprisonment in the county jail for not more than six (6) months, or both. Each shipment shall constitute a separate offense.(13)If any provision of this article, or its application to any person or circumstance, is determined by a court to be invalid or unconstitutional, the remaining provisions shall be construed in accordance with the intent of the Legislature to further limit rather than expand commerce in alcoholic beverages to protect the health, safety, and welfare of the state's residents, and to enhance strict regulatory control over taxation, distribution and sale of alcoholic beverages through the three-tier regulatory system imposed by this article upon all alcoholic beverages to curb relationships and practices calculated to stimulate sales and impair the state's policy favoring trade stability and the promotion of temperance.Codes, 1942, § 10265-18; Laws, 1966, ch. 540, § 18; Laws, 1976, ch. 467, § 15; Laws, 1988, ch. 397, § 1; Laws, 1990, ch. 479, § 1; Laws, 1992, ch. 574, § 1; Laws, 1994, ch. 538, § 2; Laws, 1998, ch. 413, § 1; Laws, 1999, ch. 408, § 1; Laws, 2006, ch. 352, § 3; Laws, 2006, ch. 529, § 4, eff. 4/3/2006.Amended by Laws, 2023, ch. 533, HB 252,§ 2, eff. 7/1/2023.Amended by Laws, 2022, ch. 483, SB 2844,§ 15, eff. 7/1/2022.Amended by Laws, 2021, ch. 454, SB 2435,§ 2, eff. 7/1/2021.Amended by Laws, 2021, ch. 388, SB 2606,§ 11, eff. 7/1/2021.Amended by Laws, 2020, ch. 422, HB 1088,§ 1, eff. 1/1/2021.Amended by Laws, 2018, ch. 453, HB 995,§ 4, eff. 7/1/2018. (1)The department is hereby created a wholesale distributor and seller of alcoholic beverages, not including malt liquors, within the State of Mississippi. It is granted the right to import and sell alcoholic beverages at wholesale within the state, and no person who is granted the right to sell, distribute or receive alcoholic beverages at retail shall purchase any alcoholic beverages from any source other than the department, except as authorized in subsections (4), (9) and (12) of this section. The department may establish warehouses, and the department may purchase alcoholic beverages in such quantities and from such sources as it may deem desirable and sell the alcoholic beverages to authorized permittees within the state including, at the discretion of the department, any retail distributors operating within any military post or qualified resort areas within the boundaries of the state, keeping a correct and accurate record of all such

transactions and exercising such control over the distribution of alcoholic beverages as seem right and proper in keeping with the provisions or purposes of this article.(2)No person for the purpose of sale shall manufacture, distill, brew, sell, possess, export, transport, distribute, warehouse, store, solicit, take orders for, bottle, rectify, blend, treat, mix or process any alcoholic beverage except in accordance with authority granted under this article, or as otherwise provided by law for native wines or native spirits.(3)No alcoholic beverage intended for sale or resale shall be imported, shipped or brought into this state for delivery to any person other than as provided in this article, or as otherwise provided by law for native wines or native spirits.(4)The department may promulgate rules and regulations which authorize on-premises retailers to purchase limited amounts of alcoholic beverages from package retailers and for package retailers to purchase limited amounts of alcoholic beverages from other package retailers. The department shall develop and provide forms to be completed by the on-premises retailers and the package retailers verifying the transaction. The completed forms shall be forwarded to the department within a period of time prescribed by the department.(5)The department may promulgate rules which authorize the holder of a package retailer's permit to permit individual retail purchasers of packages of alcoholic beverages to return, for exchange, credit or refund, limited amounts of original sealed and unopened packages of alcoholic beverages purchased by the individual from the package retailer.(6)The department shall maintain all forms to be completed by applicants necessary for licensure by the department at all district offices of the department.(7)The department may promulgate rules which authorize the manufacturer of an alcoholic beverage or wine to import, transport and furnish or give a sample of alcoholic beverages or wines to the holders of package retailer's permits, on-premises retailer's permits, native wine or native spirit retailer's permits and temporary retailer's permits who have not previously purchased the brand of that manufacturer from the department. For each holder of the designated permits, the manufacturer may furnish not more than five hundred (500) milliliters of any brand of alcoholic beverage and not more than three (3) liters of any brand of wine.(8)The department may promulgate rules disallowing open product sampling of alcoholic beverages or wines by the holders of package retailer's permits and permitting open product sampling of alcoholic beverages by the holders of on-premises retailer's permits. Permitted sample products shall be plainly identified "sample" and the actual sampling must occur in the presence of the manufacturer's representatives during the legal operating hours of on-premises retailers.(9)The department may promulgate rules and regulations that authorize the holder of a research permit to import and purchase limited amounts of alcoholic beverages from importers, wineries and distillers of alcoholic beverages or from the department. The department shall develop and provide forms to be completed by the research permittee verifying each transaction. The completed forms shall be forwarded to the department within a period of time prescribed by the department. The records and inventory of alcoholic beverages shall be open to inspection at any time by the Director of the Alcoholic Beverage Control Division or any duly authorized agent.(10)The department may promulgate rules facilitating a retailer's on-site pickup of alcoholic beverages sold by the department or as authorized by the department, including, but not limited to, native wines and native spirits, so that those alcoholic beverages may be delivered to the retailer at the manufacturer's location instead of via shipment from the department's warehouse.(11)[Through June 30, 2026]This section shall not apply to alcoholic beverages authorized to be sold by the holder of a distillery retailer's permit or a festival wine permit.(11)[From and after July 1, 2026]This section shall not apply to alcoholic beverages authorized to be sold by the holder of a distillery retailer's permit.(12)(a)An individual resident of this state who is at least twenty-one (21) years of age may purchase wine from a winery and have the purchase shipped into this state so long as it is shipped to a package retailer permittee in Mississippi; however, the permittee shall pay to the department all taxes, fees and surcharges on the wine that are imposed upon the sale of wine shipped by the department or its warehouse operator. No credit shall be provided to the permittee for any taxes paid to another state as a result of the transaction. Package retailers may charge a service fee for receiving and handling shipments from wineries on behalf of the purchasers. The department shall develop and provide forms to be completed by the package retailer permittees verifying the transaction. The completed forms shall be forwarded to the department within a period of time prescribed by the department.(b)The purchaser of wine that is to be shipped to a package retailer's store shall be required to get the prior approval of the package retailer before any wine is shipped to the package retailer. A purchaser is limited to no more than ten (10) cases of wine per year to be shipped to a package retailer. A package retailer shall notify a purchaser of wine within two (2) days after receiving the shipment of wine. If the purchaser of the wine does not pick up or take the wine from the package retailer within thirty (30) days after being notified by the package retailer, the package retailer may sell the wine as part of his inventory.(c)Shipments of wine into this state under this section shall be made by a duly licensed carrier. It shall be the duty of every common or contract carrier, and of every firm or corporation that shall bring, carry or transport wine from outside the state for delivery inside the state to package retailer permittees on behalf of consumers, to prepare and file with the department, on a schedule as determined by the department, of known wine shipments containing the name of the common or contract carrier, firm or corporation making the report, the period of time covered by said report, the name and permit number of the winery, the name and permit number of the package retailer permittee receiving such wine, the weight of the package delivered to each package retailer permittee, a unique tracking number, and the date of delivery. Reports received by the department shall be made available by the department to the public via the Mississippi Public Records Act process in the same manner as other state alcohol filings.Upon the department's request, any records supporting the report shall be made available to the department within a reasonable time after the department makes a written request for such records. Any records containing information relating to such reports shall be kept and preserved for a period of two (2) years, unless their destruction sooner is authorized, in writing, by the department, and shall be open and available to inspection by the department upon the department's written request. Reports shall also be made available to any law enforcement or regulatory body in the state in which the railroad company, express company, common or contract carrier making the report resides or does business.Any common or contract carrier that willfully fails to make reports, as provided by this section or any of the rules and regulations of the

department for the administration and enforcement of this section, is subject to a notification of violation. In the case of a continuing failure to make reports, the common or contract carrier is subject to possible license suspension and revocation at the department's discretion.(d)A winery that ships wine under this section shall be deemed to have consented to the jurisdiction of the courts of this state, of the department, of any other state agency regarding the enforcement of this section, and of any related law, rules or regulations.(e)Any person who makes, participates in, transports, imports or receives a shipment in violation of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of One Thousand Dollars (\$1,000.00) or imprisonment in the county jail for not more than six (6) months, or both. Each shipment shall constitute a separate offense.(13)If any provision of this article, or its application to any person or circumstance, is determined by a court to be invalid or unconstitutional, the remaining provisions shall be construed in accordance with the intent of the Legislature to further limit rather than expand commerce in alcoholic beverages to protect the health, safety, and welfare of the state's residents, and to enhance strict regulatory control over taxation, distribution and sale of alcoholic beverages through the three-tier regulatory system imposed by this article upon all alcoholic beverages to curb relationships and practices calculated to stimulate sales and impair the state's policy favoring trade stability and the promotion of temperance.Codes, 1942, § 10265-18; Laws, 1966, ch. 540, § 18; Laws, 1976, ch. 467, § 15; Laws, 1988, ch. 397, § 1; Laws, 1990, ch. 479, § 1; Laws, 1992, ch. 574, § 1; Laws, 1994, ch. 538, § 2; Laws, 1998, ch. 413, § 1; Laws, 1999, ch. 408, § 1; Laws, 2006, ch. 352, § 3; Laws, 2006, ch. 529, § 4, eff. 4/3/2006.Amended by Laws, 2023, ch. 533, HB 252,§ 2, eff. 7/1/2023.Amended by Laws, 2022, ch. 483, SB 2844,§ 15, eff. 7/1/2022.Amended by Laws, 2021, ch. 454, SB 2435,§ 2, eff. 7/1/2021.Amended by Laws, 2021, ch. 388, SB 2606,§ 11, eff. 7/1/2021.Amended by Laws, 2020, ch. 422, HB 1088,§ 1, eff. 1/1/2021.Amended by Laws, 2018, ch. 453, HB 995,§ 4, eff. 7/1/2018. Upon the department's request, any records supporting the report shall be made available to the department within a reasonable time after the department makes a written request for such records. Any records containing information relating to such reports shall be kept and preserved for a period of two (2) years, unless their destruction sooner is authorized, in writing, by the department, and shall be open and available to inspection by the department upon the department's written request. Reports shall also be made available to any law enforcement or regulatory body in the state in which the railroad company, express company, common or contract carrier making the report resides or does business. Any common or contract carrier that willfully fails to make reports, as provided by this section or any of the rules and regulations of the department for the administration and enforcement of this section, is subject to a notification of violation. In the case of a continuing failure to make reports, the common or contract carrier is subject to possible license suspension and revocation at the department's discretion. Codes, 1942, § 10265-18; Laws, 1966, ch. 540, § 18; Laws, 1976, ch. 467, § 15; Laws, 1988, ch. 397, § 1; Laws, 1990, ch. 479, § 1; Laws, 1992, ch. 574, § 1; Laws, 1994, ch. 538, § 2; Laws, 1998, ch. 413, § 1; Laws, 1999, ch. 408, § 1; Laws, 2006, ch. 352, § 3; Laws, 2006, ch. 529, § 4, eff. 4/3/2006. Amended by Laws, 2023, ch. 533, HB 252,§ 2, eff. 7/1/2023. Amended by Laws, 2022, ch. 483, SB 2844,§ 15, eff. 7/1/2022. Amended by Laws, 2021, ch. 454, SB 2435,§ 2, eff. 7/1/2021. Amended by Laws, 2021, ch. 388, SB 2606,§ 11, eff. 7/1/2021. Amended by Laws, 2020, ch. 422, HB 1088,§ 1, eff. 1/1/2021. Amended by Laws, 2018, ch. 453, HB 995,§ 4, eff. 7/1/2018.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101)Section 67-1-43 - Obtaining alcoholic beverages from source other than department; penalty

Any authorized retail distributor who shall purchase or receive alcoholic beverages from any source except from the department or its warehouse operator, unless authorized by rules and regulations of the department promulgated under Section67-1-41, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Five Hundred Dollars (\$500.00), nor more than Two Thousand Dollars (\$2,000.00), to which may be added imprisonment in the county jail for not more than six (6) months. Any authorization of such person to sell intoxicating beverages may be revoked as provided by law.Codes, 1942, § 10265-18; Laws, 1966, ch. 540, § 18; Laws, 1976, ch. 467, § 16; Laws, 1988, ch. 397, § 2; Laws, 2006, ch. 352, § 4, eff. 7/1/2006.Amended by Laws, 2022, ch. 483, SB 2844,§ 16, eff. 7/1/2022.Amended by Laws, 2020, ch. 422, HB 1088,§ 2, eff. 1/1/2021. Any authorized retail distributor who shall purchase or receive alcoholic beverages from any source except from the department or its warehouse operator, unless authorized by rules and regulations of the department promulgated under Section67-1-41, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Five Hundred Dollars (\$500.00), nor more than Two Thousand Dollars (\$2,000.00), to which may be added imprisonment in the county jail for not more than six (6) months. Any authorization of such person to sell intoxicating beverages may be revoked as provided by law.Codes, 1942, § 10265-18; Laws, 1966, ch. 540, § 18; Laws, 1976, ch. 467, § 16; Laws, 1988, ch. 397, § 2; Laws, 2006, ch. 352, § 4, eff. 7/1/2006.Amended by Laws, 2022, ch. 483, SB 2844,§ 16, eff. 7/1/2022.Amended by Laws, 2020, ch. 422, HB 1088,§ 2, eff. 1/1/2021. Any authorized retail distributor who shall purchase or receive alcoholic beverages from any source except from the department or its warehouse operator, unless authorized by rules and regulations of the department promulgated under Section67-1-41, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Five Hundred Dollars (\$500.00), nor more than Two Thousand Dollars (\$2,000.00), to which may be added imprisonment in the county jail for not more than six (6) months. Any authorization of such person to sell intoxicating beverages may be revoked as provided by law.Codes, 1942, § 10265-18; Laws, 1966, ch. 540, § 18; Laws, 1976, ch. 467, § 16; Laws, 1988, ch. 397, § 2; Laws, 2006, ch. 352, § 4, eff. 7/1/2006.Amended by Laws, 2022, ch. 483, SB 2844,§ 16, eff. 7/1/2022.Amended by Laws, 2020, ch. 422, HB 1088,§ 2, eff. 1/1/2021. Any authorized retail distributor who shall purchase or receive alcoholic beverages from any source except from the department or its warehouse operator, unless authorized by rules and regulations of the department promulgated under

Section 67-1-41, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Five Hundred Dollars (\$500.00), nor more than Two Thousand Dollars (\$2,000.00), to which may be added imprisonment in the county jail for not more than six (6) months. Any authorization of such person to sell intoxicating beverages may be revoked as provided by law. Codes, 1942, § 10265-18; Laws, 1966, ch. 540, § 18; Laws, 1976, ch. 467, § 16; Laws, 1988, ch. 397, § 2; Laws, 2006, ch. 352, § 4, eff. 7/1/2006. Amended by Laws, 2022, ch. 483, SB 2844, § 16, eff. 7/1/2022. Amended by Laws, 2020, ch. 422, HB 1088, § 2, eff. 1/1/2021.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-45 - Selling alcoholic beverages to source other than department; penalty

No manufacturer, rectifier or distiller of alcoholic beverages shall sell or attempt to sell any such alcoholic beverages, except malt liquor, within the State of Mississippi, except to the department, or as provided in Section 67-1-41, or pursuant to Section 67-1-51. A producer of native wine or native spirit may sell native wines or native spirits, respectively, to the department or to consumers at the location of the native winery or native distillery or its immediate vicinity. Any violation of this section by any manufacturer, rectifier or distiller shall be punished by a fine of not less than Five Hundred Dollars (\$500.00), and not more than Two Thousand Dollars (\$2,000.00), to which may be added imprisonment in the county jail not to exceed six (6) months. Codes, 1942, § 10265-18; Laws, 1966, ch. 540, § 18; Laws, 1976, ch. 467, § 17; Laws, 1994, ch. 538, § 3; Laws, 2006, ch. 352, § 5, eff. 7/1/2006. Amended by Laws, 2021, ch. 388, SB 2606, § 12, eff. 7/1/2021. Amended by Laws, 2020, ch. 422, HB 1088, § 3, eff. 1/1/2021. Amended by Laws, 2020, ch. 429, SB 2545, § 8, eff. 7/1/2020. No manufacturer, rectifier or distiller of alcoholic beverages shall sell or attempt to sell any such alcoholic beverages, except malt liquor, within the State of Mississippi, except to the department, or as provided in Section 67-1-41, or pursuant to Section 67-1-51. A producer of native wine or native spirit may sell native wines or native spirits, respectively, to the department or to consumers at the location of the native winery or native distillery or its immediate vicinity. Any violation of this section by any manufacturer, rectifier or distiller shall be punished by a fine of not less than Five Hundred Dollars (\$500.00), and not more than Two Thousand Dollars (\$2,000.00), to which may be added imprisonment in the county jail not to exceed six (6) months. Codes, 1942, § 10265-18; Laws, 1966, ch. 540, § 18; Laws, 1976, ch. 467, § 17; Laws, 1994, ch. 538, § 3; Laws, 2006, ch. 352, § 5, eff. 7/1/2006. Amended by Laws, 2021, ch. 388, SB 2606, § 12, eff. 7/1/2021. Amended by Laws, 2020, ch. 422, HB 1088, § 3, eff. 1/1/2021. Amended by Laws, 2020, ch. 429, SB 2545, § 8, eff. 7/1/2020. No manufacturer, rectifier or distiller of alcoholic beverages shall sell or attempt to sell any such alcoholic beverages, except malt liquor, within the State of Mississippi, except to the department, or as provided in Section 67-1-41, or pursuant to Section 67-1-51. A producer of native wine or native spirit may sell native wines or native spirits, respectively, to the department or to consumers at the location of the native winery or native distillery or its immediate vicinity. Any violation of this section by any manufacturer, rectifier or distiller shall be punished by a fine of not less than Five Hundred Dollars (\$500.00), and not more than Two Thousand Dollars (\$2,000.00), to which may be added imprisonment in the county jail not to exceed six (6) months. Codes, 1942, § 10265-18; Laws, 1966, ch. 540, § 18; Laws, 1976, ch. 467, § 17; Laws, 1994, ch. 538, § 3; Laws, 2006, ch. 352, § 5, eff. 7/1/2006. Amended by Laws, 2021, ch. 388, SB 2606, § 12, eff. 7/1/2021. Amended by Laws, 2020, ch. 422, HB 1088, § 3, eff. 1/1/2021. Amended by Laws, 2020, ch. 429, SB 2545, § 8, eff. 7/1/2020. No manufacturer, rectifier or distiller of alcoholic beverages shall sell or attempt to sell any such alcoholic beverages, except malt liquor, within the State of Mississippi, except to the department, or as provided in Section 67-1-41, or pursuant to Section 67-1-51. A producer of native wine or native spirit may sell native wines or native spirits, respectively, to the department or to consumers at the location of the native winery or native distillery or its immediate vicinity. Any violation of this section by any manufacturer, rectifier or distiller shall be punished by a fine of not less than Five Hundred Dollars (\$500.00), and not more than Two Thousand Dollars (\$2,000.00), to which may be added imprisonment in the county jail not to exceed six (6) months. Codes, 1942, § 10265-18; Laws, 1966, ch. 540, § 18; Laws, 1976, ch. 467, § 17; Laws, 1994, ch. 538, § 3; Laws, 2006, ch. 352, § 5, eff. 7/1/2006. Amended by Laws, 2021, ch. 388, SB 2606, § 12, eff. 7/1/2021. Amended by Laws, 2020, ch. 422, HB 1088, § 3, eff. 1/1/2021. Amended by Laws, 2020, ch. 429, SB 2545, § 8, eff. 7/1/2020.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-46 - Certain holders of manufacturer's distiller's permits authorized to provide limited amounts of alcoholic beverages on premises for tasting or sampling subject to certain conditions

The holder of a manufacturer's distiller's permit who distills alcoholic beverages at a distillery located in this state may offer and provide limited amounts of alcoholic beverages on the premises of the distillery for the purpose of tasting or sampling, subject to the following conditions: (a) The alcoholic beverages provided for tasting or sampling must be manufactured in this state by the holder of the permit operating the distillery at the site of and on the premises of the distillery; (b) The alcoholic beverages may be provided only to persons on the premises of the distillery at no cost and for consumption on the premises of the distillery; (c) The alcoholic beverages may be provided for tasting or sampling between the hours of 8:00 a.m. and 10:00 p.m. on the same day and only in conjunction with a structured tour of the distillery and related facilities which must include the entire manufacturing and distilling processes and methods used at the distillery; (d) No one under twenty-one (21) years of age may participate in the tasting or sampling, and a sign indicating that prohibition shall be placed in a visible location at the entrance to the area where the tasting or sampling will be conducted; (e) An individual size sample of alcoholic beverages shall not exceed one-fourth (1/4) ounce, and no

more than four (4) samples of alcoholic beverages may be provided to an individual within a twenty-four-hour period; and(f)The holder of the permit operating the distillery shall keep an accurate accounting of the various alcoholic beverages provided and consumed as samples.Added by Laws, 2013, ch. 352, HB 1300, 1, eff. 3/18/2013. The holder of a manufacturer's distiller's permit who distills alcoholic beverages at a distillery located in this state may offer and provide limited amounts of alcoholic beverages on the premises of the distillery for the purpose of tasting or sampling, subject to the following conditions:(a)The alcoholic beverages provided for tasting or sampling must be manufactured in this state by the holder of the permit operating the distillery at the site of and on the premises of the distillery;(b)The alcoholic beverages may be provided only to persons on the premises of the distillery at no cost and for consumption on the premises of the distillery;(c)The alcoholic beverages may be provided for tasting or sampling between the hours of 8:00 a.m. and 10:00 p.m. on the same day and only in conjunction with a structured tour of the distillery and related facilities which must include the entire manufacturing and distilling processes and methods used at the distillery;(d)No one under twenty-one (21) years of age may participate in the tasting or sampling, and a sign indicating that prohibition shall be placed in a visible location at the entrance to the area where the tasting or sampling will be conducted;(e)An individual size sample of alcoholic beverages shall not exceed one-fourth (1/4) ounce, and no more than four (4) samples of alcoholic beverages may be provided to an individual within a twenty-four-hour period; and(f)The holder of the permit operating the distillery shall keep an accurate accounting of the various alcoholic beverages provided and consumed as samples.Added by Laws, 2013, ch. 352, HB 1300, 1, eff. 3/18/2013. The holder of a manufacturer's distiller's permit who distills alcoholic beverages at a distillery located in this state may offer and provide limited amounts of alcoholic beverages on the premises of the distillery for the purpose of tasting or sampling, subject to the following conditions:(a)The alcoholic beverages provided for tasting or sampling must be manufactured in this state by the holder of the permit operating the distillery at the site of and on the premises of the distillery;(b)The alcoholic beverages may be provided only to persons on the premises of the distillery at no cost and for consumption on the premises of the distillery;(c)The alcoholic beverages may be provided for tasting or sampling between the hours of 8:00 a.m. and 10:00 p.m. on the same day and only in conjunction with a structured tour of the distillery and related facilities which must include the entire manufacturing and distilling processes and methods used at the distillery;(d)No one under twenty-one (21) years of age may participate in the tasting or sampling, and a sign indicating that prohibition shall be placed in a visible location at the entrance to the area where the tasting or sampling will be conducted;(e)An individual size sample of alcoholic beverages shall not exceed one-fourth (1/4) ounce, and no more than four (4) samples of alcoholic beverages may be provided to an individual within a twenty-four-hour period; and(f)The holder of the permit operating the distillery shall keep an accurate accounting of the various alcoholic beverages provided and consumed as samples.Added by Laws, 2013, ch. 352, HB 1300, 1, eff. 3/18/2013. The holder of a manufacturer's distiller's permit who distills alcoholic beverages at a distillery located in this state may offer and provide limited amounts of alcoholic beverages on the premises of the distillery for the purpose of tasting or sampling, subject to the following conditions: Added by Laws, 2013, ch. 352, HB 1300, 1, eff. 3/18/2013.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101)Section 67-1-47 - Distillers and distributors dealing with commission shall register with Secretary of State

All distillers or distributors having contracts with the State Tax Commission for the sale of alcoholic beverages to the State Tax Commission, before making delivery of any merchandise to the State Tax Commission, shall register with the Secretary of State giving their name, address, name of all local agents and any other pertinent information which may be required by the Secretary of State and appointing an agent for the service of process within the State of Mississippi.Codes, 1942, § 10265-41; Laws, 1968, ch. 526, § 1, eff. 9/6/1968. All distillers or distributors having contracts with the State Tax Commission for the sale of alcoholic beverages to the State Tax Commission, before making delivery of any merchandise to the State Tax Commission, shall register with the Secretary of State giving their name, address, name of all local agents and any other pertinent information which may be required by the Secretary of State and appointing an agent for the service of process within the State of Mississippi.Codes, 1942, § 10265-41; Laws, 1968, ch. 526, § 1, eff. 9/6/1968. All distillers or distributors having contracts with the State Tax Commission for the sale of alcoholic beverages to the State Tax Commission, before making delivery of any merchandise to the State Tax Commission, shall register with the Secretary of State giving their name, address, name of all local agents and any other pertinent information which may be required by the Secretary of State and appointing an agent for the service of process within the State of Mississippi.Codes, 1942, § 10265-41; Laws, 1968, ch. 526, § 1, eff. 9/6/1968. All distillers or distributors having contracts with the State Tax Commission for the sale of alcoholic beverages to the State Tax Commission, before making delivery of any merchandise to the State Tax Commission, shall register with the Secretary of State giving their name, address, name of all local agents and any other pertinent information which may be required by the Secretary of State and appointing an agent for the service of process within the State of Mississippi. Codes, 1942, § 10265-41; Laws, 1968, ch. 526, § 1, eff. 9/6/1968.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101)Section 67-1-49 - Distillers and distributors dealing with commission shall file statements of salary expenses

All distillers or distributors having contracts with the State Tax Commission for the sale of alcoholic beverages to said commission, shall, on or before February 1st of each year, file a statement, under oath, with the State Tax Commission and with the Secretary of

State, listing the names and addresses of each person, firm or corporation in Mississippi to whom or which said distiller or distributor shall have paid or agreed to pay any fee, retainer, salary, or remuneration, during the preceding year, together with a statement of the purpose for such payment. Failure to file such statement shall constitute grounds for the commission to suspend the right of the distiller or distributor to sell to said commission until such time as said statement shall be filed. Codes, 1942, § 10265-42; Laws, 1968, ch. 526, § 2, eff. 9/6/1968. All distillers or distributors having contracts with the State Tax Commission for the sale of alcoholic beverages to said commission, shall, on or before February 1st of each year, file a statement, under oath, with the State Tax Commission and with the Secretary of State, listing the names and addresses of each person, firm or corporation in Mississippi to whom or which said distiller or distributor shall have paid or agreed to pay any fee, retainer, salary, or remuneration, during the preceding year, together with a statement of the purpose for such payment. Failure to file such statement shall constitute grounds for the commission to suspend the right of the distiller or distributor to sell to said commission until such time as said statement shall be filed. Codes, 1942, § 10265-42; Laws, 1968, ch. 526, § 2, eff. 9/6/1968. All distillers or distributors having contracts with the State Tax Commission for the sale of alcoholic beverages to said commission, shall, on or before February 1st of each year, file a statement, under oath, with the State Tax Commission and with the Secretary of State, listing the names and addresses of each person, firm or corporation in Mississippi to whom or which said distiller or distributor shall have paid or agreed to pay any fee, retainer, salary, or remuneration, during the preceding year, together with a statement of the purpose for such payment. Failure to file such statement shall constitute grounds for the commission to suspend the right of the distiller or distributor to sell to said commission until such time as said statement shall be filed. Codes, 1942, § 10265-42; Laws, 1968, ch. 526, § 2, eff. 9/6/1968.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-5 - Definitions

For the purposes of this article and unless otherwise required by the context: (a) "Alcoholic beverage" means any alcoholic liquid, including wines of more than five percent (5%) of alcohol by weight, capable of being consumed as a beverage by a human being, but shall not include light wine, light spirit product and beer, as defined in Section 67-3-3, Mississippi Code of 1972, but shall include native wines and native spirits. The words "alcoholic beverage" shall not include ethyl alcohol manufactured or distilled solely for fuel purposes or beer of an alcoholic content of more than eight percent (8%) by weight if the beer is legally manufactured in this state for sale in another state. (b) "Alcohol" means the product of distillation of any fermented liquid, whatever the origin thereof, and includes synthetic ethyl alcohol, but does not include denatured alcohol or wood alcohol. (c) "Distilled spirits" means any beverage containing more than six percent (6%) of alcohol by weight produced by distillation of fermented grain, starch, molasses or sugar, including dilutions and mixtures of these beverages. (d) "Wine" or "vinous liquor" means any product obtained from the alcoholic fermentation of the juice of sound, ripe grapes, fruits, honey or berries and made in accordance with the revenue laws of the United States. (e) "Person" means and includes any individual, partnership, corporation, association or other legal entity whatsoever. (f) "Manufacturer" means any person engaged in manufacturing, distilling, rectifying, blending or bottling any alcoholic beverage. (g) "Wholesaler" means any person, other than a manufacturer, engaged in distributing or selling any alcoholic beverage at wholesale for delivery within or without this state when such sale is for the purpose of resale by the purchaser. (h) "Retailer" means any person who sells, distributes, or offers for sale or distribution, any alcoholic beverage for use or consumption by the purchaser and not for resale. (i) "State Tax Commission," "commission" or "department" means the Department of Revenue of the State of Mississippi, which shall create a division in its organization to be known as the Alcoholic Beverage Control Division. Any reference to the commission or the department hereafter means the powers and duties of the Department of Revenue with reference to supervision of the Alcoholic Beverage Control Division. (j) "Division" means the Alcoholic Beverage Control Division of the Department of Revenue. (k) "Municipality" means any incorporated city or town of this state. (l) "Hotel" means an establishment within a municipality, or within a qualified resort area approved as such by the department, where, in consideration of payment, food and lodging are habitually furnished to travelers and wherein are located at least twenty (20) adequately furnished and completely separate sleeping rooms with adequate facilities that persons usually apply for and receive as overnight accommodations. Hotels in towns or cities of more than twenty-five thousand (25,000) population are similarly defined except that they must have fifty (50) or more sleeping rooms. Any such establishment described in this paragraph with less than fifty (50) beds shall operate one or more regular dining rooms designed to be constantly frequented by customers each day. When used in this article, the word "hotel" shall also be construed to include any establishment that meets the definition of "bed and breakfast inn" as provided in this section. (m) "Restaurant" means: (i) A place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation, which has suitable seating facilities for guests, and which has suitable kitchen facilities connected therewith for cooking an assortment of foods and meals commonly ordered at various hours of the day; the service of such food as sandwiches and salads only shall not be deemed in compliance with this requirement. Except as otherwise provided in this

paragraph, no place shall qualify as a restaurant under this article unless twenty-five percent (25%) or more of the revenue derived from such place shall be from the preparation, cooking and serving of meals and not from the sale of beverages, or unless the value of food given to and consumed by customers is equal to twenty-five percent (25%) or more of total revenue; or(ii)Any privately owned business located in a building in a historic district where the district is listed in the National Register of Historic Places, where the building has a total occupancy rating of not less than one thousand (1,000) and where the business regularly utilizes ten thousand (10,000) square feet or more in the building for live entertainment, including not only the stage, lobby or area where the audience sits and/or stands, but also any other portion of the building necessary for the operation of the business, including any kitchen area, bar area, storage area and office space, but excluding any area for parking. In addition to the other requirements of this subparagraph, the business must also serve food to guests for compensation within the building and derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales to live entertainment in the building, and from the rental of all or part of the facilities of the business in the building to another party for a specific event or function.(n)"Club" means an association or a corporation:(i)Organized or created under the laws of this state for a period of five (5) years prior to July 1, 1966;(ii)Organized not primarily for pecuniary profit but for the promotion of some common object other than the sale or consumption of alcoholic beverages;(iii)Maintained by its members through the payment of annual dues;(iv)Owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests;(v)The affairs and management of which are conducted by a board of directors, board of governors, executive committee, or similar governing body chosen by the members at a regular meeting held at some periodic interval; and(vi)No member, officer, agent or employee of which is paid, or directly or indirectly receives, in the form of a salary or other compensation any profit from the distribution or sale of alcoholic beverages to the club or to members or guests of the club beyond such salary or compensation as may be fixed and voted at a proper meeting by the board of directors or other governing body out of the general revenues of the club.The department may, in its discretion, waive the five-year provision of this paragraph. In order to qualify under this paragraph, a club must file with the department, at the time of its application for a license under this article, two (2) copies of a list of the names and residences of its members and similarly file, within ten (10) days after the election of any additional member, his name and address. Each club applying for a license shall also file with the department at the time of the application a copy of its articles of association, charter of incorporation, bylaws or other instruments governing the business and affairs thereof.(o)"Qualified resort area" means any area or locality outside of the limits of incorporated municipalities in this state commonly known and accepted as a place which regularly and customarily attracts tourists, vacationists and other transients because of its historical, scenic or recreational facilities or attractions, or because of other attributes which regularly and customarily appeal to and attract tourists, vacationists and other transients in substantial numbers; however, no area or locality shall so qualify as a resort area until it has been duly and properly approved as such by the department. The department may not approve an area as a qualified resort area after July 1, 2018, if any portion of such proposed area is located within two (2) miles of a convent or monastery that is located in a county traversed by Interstate 55 and U.S. Highway 98. A convent or monastery may waive such distance restrictions in favor of allowing approval by the department of an area as a qualified resort area. Such waiver shall be in written form from the owner, the governing body, or the appropriate officer of the convent or monastery having the authority to execute such a waiver, and the waiver shall be filed with and verified by the department before becoming effective.(i)The department may approve an area or locality outside of the limits of an incorporated municipality that is in the process of being developed as a qualified resort area if such area or locality, when developed, can reasonably be expected to meet the requisites of the definition of the term "qualified resort area." In such a case, the status of qualified resort area shall not take effect until completion of the development.(ii)The term includes any state park which is declared a resort area by the department; however, such declaration may only be initiated in a written request for resort area status made to the department by the Executive Director of the Department of Wildlife, Fisheries and Parks, and no permit for the sale of any alcoholic beverage, as defined in this article, except an on-premises retailer's permit, shall be issued for a hotel, restaurant or bed and breakfast inn in such park.(iii)The term includes:1.The clubhouses associated with the state park golf courses at the Lefleur's Bluff State Park, the John Kyle State Park, the Percy Quin State Park and the Hugh White State Park;2.The clubhouse and associated golf course, tennis courts and related facilities and swimming pool and related facilities where the golf course, tennis courts and related facilities and swimming pool and related facilities are adjacent to one or more planned residential developments and the golf course and all such developments collectively include at least seven hundred fifty (750) acres and at least four hundred (400) residential units;3.Any facility located on property that is a game reserve with restricted access that consists of at least three thousand (3,000) contiguous acres with no public roads and that offers as a service hunts for a fee to overnight guests of the facility;4.Any facility located on federal property surrounding a lake and designated as a recreational area by the United States Army Corps of Engineers that consists of at least one thousand five hundred (1,500) acres;5.Any facility that is located in a municipality that is bordered by the Pearl River, traversed by Mississippi Highway 25, adjacent to the boundaries of the Jackson International Airport and is located in a county which has voted against coming out from under the dry law; however, any such facility may only be located in areas designated by the governing authorities of such municipality;6.Any municipality with a population in excess of ten thousand (10,000) according to the latest federal decennial census that is located in a county that is bordered by the Pearl River and is not traversed by Interstate Highway 20, with a population in excess of forty-five thousand (45,000) according to the latest federal decennial census;7.The West Pearl Restaurant Tax District as defined in Chapter 912, Local and Private Laws of 2007;8.a.Land that is located in any county in which Mississippi Highway 43 and Mississippi Highway 25 intersect and:A.Owned by the Pearl River Valley Water Supply District, and/orB.Located within the Reservoir Community District, zoned commercial, east of Old Fannin Road, north of Regatta

Drive, south of Spillway Road, west of Hugh Ward Boulevard and accessible by Old Fannin Road, Spillway Road, Spann Drive and/or Lake Vista Place, and/or C. Located within the Reservoir Community District, zoned commercial, west of Old Fannin Road, south of Spillway Road and extending to the boundary of the corporate limits of the City of Flowood, Mississippi; b. The board of supervisors of such county, with respect to B and C of item 8.a., may by resolution or other order: A. Specify the hours of operation of facilities that offer alcoholic beverages for sale, B. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages, and C. Designate the areas in which facilities that offer alcoholic beverages for sale may be located; 9. Any facility located on property that is a game reserve with restricted access that consists of at least eight hundred (800) contiguous acres with no public roads, that offers as a service hunts for a fee to overnight guests of the facility, and has accommodations for at least fifty (50) overnight guests; 10. Any facility that: a. Consists of at least six thousand (6,000) square feet being heated and cooled along with an additional adjacent area that consists of at least two thousand two hundred (2,200) square feet regardless of whether heated and cooled, b. For a fee is used to host events such as weddings, reunions and conventions, c. Provides lodging accommodations regardless of whether part of the facility and/or located adjacent to or in close proximity to the facility, and d. Is located on property that consists of at least thirty (30) contiguous acres; 11. Any facility and related property: a. Located on property that consists of at least one hundred twenty-five (125) contiguous acres and consisting of an eighteen-hole golf course, and/or located in a facility that consists of at least eight thousand (8,000) square feet being heated and cooled, b. Used for the purpose of providing meals and hosting events, and c. Used for the purpose of teaching culinary arts courses and/or turf management and grounds keeping courses, and/or outdoor recreation and leadership courses; 12. Any facility and related property that: a. Consist of at least eight thousand (8,000) square feet being heated and cooled, b. For a fee is used to host events, c. Is used for the purpose of culinary arts courses, and/or live entertainment courses and art performances, and/or outdoor recreation and leadership courses; 13. The clubhouse and associated golf course where the golf course is adjacent to one or more residential developments and the golf course and all such developments collectively include at least two hundred (200) acres and at least one hundred fifty (150) residential units and are located a. in a county that has voted against coming out from under the dry law; and b. outside of but in close proximity to a municipality in such county which has voted under Section 67-1-14, after January 1, 2013, to come out from under the dry law; 14. The clubhouse and associated eighteen-hole golf course located in a municipality traversed by Interstate Highway 55 and U.S. Highway 51 that has voted to come out from under the dry law; 15. a. Land that is planned for mixed-use development and consists of at least two hundred (200) contiguous acres with one or more planned residential developments collectively planned to include at least two hundred (200) residential units when completed, and also including a facility that consists of at least four thousand (4,000) square feet that is not part of such land but is located adjacent to or in close proximity thereto, and which land is located: A. In a county that has voted to come out from under the dry law, B. Outside the corporate limits of any municipality in such county and adjacent to or in close proximity to a golf course located in a municipality in such county, and C. Within one (1) mile of a state institution of higher learning; b. The board of supervisors of such county may by resolution or other order: A. Specify the hours of operation of facilities that offer alcoholic beverages for sale, B. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages, and C. Designate the areas in which facilities that offer alcoholic beverages for sale may be located; 16. Any facility with a capacity of five hundred (500) people or more, to be used as a venue for private events, on a tract of land in the Southwest Quarter of Section 33, Township 2 South, Range 7 East, of a county where U.S. Highway 45 and U.S. Highway 72 intersect and that has not voted to come out from under the dry law; 17. One hundred five (105) contiguous acres, more or less, located in Hinds County, Mississippi, and in the City of Jackson, Mississippi, whereon are constructed a variety of buildings, improvements, grounds or objects for the purpose of holding events thereon to promote agricultural and industrial development in Mississippi; 18. Land that is owned by a state institution of higher learning, land that is owned by an entity that is bound by an affiliation agreement with a state institution of higher learning, or land that is owned by one or more other entities so long as such other entities are solely owned, either directly or through additional entities, by an institution of higher learning and/or one or more entities bound by affiliation agreements with such institution, and: a. Located entirely within a county that has elected by majority vote not to permit the transportation, storage, sale, distribution, receipt and/or manufacture of light wine and beer pursuant to Section 67-3-7; and b. A. Located adjacent to but outside the incorporated limits of a municipality that has elected by majority vote to permit the sale, receipt, storage and transportation of light wine and beer pursuant to Section 67-3-9; or B. Located in an area bounded on the north by College View Drive, on the east by Mississippi Highway 12 East, on the south by Mississippi Highway 12 East, on the west by Mill Street, on the north by Russell Street, then on the west by Colonel Muldrow Avenue, on the north by University Drive, on the west by Adkerson Way within a municipality through which run Mississippi Highway 25, Mississippi Highway 12 and U.S. Highway 82. If any portion of the land described in this item 18 has been declared a qualified resort area by the department before July 1, 2020, then that qualified resort area shall be incorporated into the qualified resort area created by this item 18; 19. Any facility and related property: a. Used as a flea market or similar venue during a weekend (Saturday and Sunday) immediately preceding the first Monday of a month and having an annual average of at least one thousand (1,000) visitors for each such weekend and five hundred (500) vendors for Saturday of each such weekend, and b. Located in a county that has not voted to come out from under the dry law and outside of but in close proximity to a municipality located in such county and which municipality has voted to come out from under the dry law; 20. Blocks 1, 2 and 3 of the original town square in any municipality with a population in excess of one thousand five hundred (1,500) according to the latest federal decennial census and which is located in: a. A county traversed by Interstate 55 and Interstate 20, and b. A judicial district that has not voted to come out from under the dry law; 21. Any municipality with a population in excess of two thousand (2,000) according to the latest federal

decennial census and in which is located a part of White's Creek Lake and in which U.S. Highway 82 intersects with Mississippi Highway 9 and located in a county that is partially bordered on one (1) side by the Big Black River;22.A restaurant located on a two-acre tract adjacent to a five-hundred-fifty-acre lake in the northeast corner of a county traversed by U.S. Interstate 55 and U.S. Highway 84;23.Any tracts of land in Oktibbeha County, situated north of Bailey Howell Drive, Lee Boulevard and Old Mayhew Road, east of George Perry Street and south of Mississippi Highway 182, and not located on the property of a state institution of higher learning; however, the board of supervisors of such county may by resolution or other order:a.Specify the hours of operation of facilities that offer alcoholic beverages for sale;b.Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; andc.Designate the areas in which facilities that offer alcoholic beverages for sale may be located;24.A municipality in which Mississippi Highway 27 and Mississippi Highway 28 intersect;25.A municipality through which run Mississippi Highway 35 and Interstate 20;26.A municipality in which Mississippi Highway 16 and Mississippi Highway 35 intersect;27.A municipality in which U.S. Highway 82 and Old Highway 61 intersect;28.A municipality in which Mississippi Highway 8 meets Mississippi Highway 1;29.A municipality in which U.S. Highway 82 and Mississippi Highway 1 intersect;30.A municipality in which Mississippi Highway 50 meets Mississippi Highway 9;31.An area bounded on the north by Pearl Street, on the east by West Street, on the south by Court Street and on the west by Farish Street, within a municipality bordered on the east by the Pearl River and through which run Interstate 20 and Interstate 55;32.Any facility and related property that:a.Is contracted for mixed-use development improvements consisting of office and residential space and a restaurant and lounge, partially occupying the renovated space of a four-story commercial building which previously served as a financial institution; and adjacent property to the west consisting of a single-story office building that was originally occupied by the Brotherhood of Carpenters and Joiners of American Local Number 569; andb.Is situated on a tract of land consisting of approximately one and one-tenth (1.10) acres, and the adjacent property to the west consisting of approximately 0.5 acres, located in a municipality which is the seat of county government, situated south of Interstate 10, traversed by U.S. Highway 90, partially bordered on one (1) side by the Pascagoula River and having its most southern boundary bordered by the Gulf of Mexico, with a population greater than twenty-two thousand (22,000) according to the 2010 federal decennial census; however, the governing authorities of such a municipality may by ordinance:A.Specify the hours of operation of facilities that offer alcoholic beverages for sale;B.Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; andC.Designate the areas within the facilities in which alcoholic beverages may be offered for sale;33.Any facility with a maximum capacity of one hundred twenty (120) people that consists of at least three thousand (3,000) square feet being heated and cooled, has a commercial kitchen, has a pavilion that consists of at least nine thousand (9,000) square feet and is located on land more particularly described as follows:All that part of the East Half of the Northwest Quarter of Section 21, Township 7 South, Range 4 East, Union County, Mississippi, that lies South of Mississippi State Highway 348 right-of-way and containing 19.48 acres, more or less.ALSO,The Northeast 38 acres of the Southwest Quarter of Section 21, Township 7 South, Range 4 East, Union County, Mississippi.ALSO,The South 81 1/2 acres of the Southwest Quarter of Section 21, Township 7 South, Range 4 East, Union County, Mississippi;34.A municipality in which U.S. Highway 51 and Mississippi Highway 16 intersect;35.A municipality in which Interstate 20 passes over Mississippi Highway 15;36.Any municipality that is bordered in its northwestern boundary by the Pearl River, traversed by U.S. Highway 49 and Interstate 20, and is located in a county which has voted against coming out from under the dry law;37.A municipality in which Mississippi Highway 28 and Mississippi Highway 29 North intersect;38.An area bounded as follows within a municipality through which run Interstate 22 and Mississippi Highway 15: Beginning at a point at the intersection of Bankhead Street and Tallahatchie Trails; then running to a point at the intersection of Tallahatchie Trails and Interstate 22; then running to a point at the intersection of Interstate 22 and Carter Avenue; then running to a point at the intersection of Carter Avenue and Camp Avenue; then running to a point at the intersection of Camp Avenue and King Street; then running to a point at the intersection of King Street and E. Main Street; then running to a point at the intersection of E. Main Street and Camp Avenue; then running to a point at the intersection of Camp Avenue and Highland Street; then running to a point at the intersection of Highland Street and Adams Street; then running to a point at the intersection of Adams Street and Cleveland Street; then running to a point at the intersection of Cleveland Street and N. Railroad Avenue; then running to a point at the intersection of N. Railroad Avenue and McGill Street; then running to a point at the intersection of McGill Street and Snyder Street; then running to a point at the intersection of Snyder Street and Bankhead Street; then running to a point at the intersection of Bankhead Street and Tallahatchie Trails and the point of the beginning;39.A municipality through which run Mississippi Highway 43 and U.S. Highway 80;40.The coliseum in a municipality in which U.S. Highway 72 passes over U.S. Highway 45;41.A piece of property on the northeast corner of the T-intersection where Builders Square Drive meets Mississippi Highway 471;42.The clubhouse and associated golf course, tennis courts and related facilities and swimming pool and related facilities located on Oaks Country Club Road less than one-half (1/2) mile to the east of Mississippi Highway 15;43.Any facility located on land more particularly described as follows:The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of Section 15, Township 3 North, Range 2 East; a 4 acre parcel in the Southwest Corner of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4), Section 15, Township 3 North, Range 2 East, running 210 feet east and west and 840 feet running north and south; the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 22, Township 3 North, Range 2 East, all in Rankin County, Mississippi;44.Any facility located on land more particularly described as follows:Beginning at a point 1915 feet west and 2171 feet north of southeast corner, Section 11, Township 24 North, Range 2 West, Second Judicial District, Tallahatchie County, Mississippi, which point is the southwest corner of J.C. Section Lot mentioned in deed recorded in Book 50, page 34, in the records of the Chancery Clerk's Office at Sumner, in said District of said County; thence South 80° West,

19 feet to the east boundary of United States Highway 49-E, thence East along the east boundary of said Highway 270 feet to point of beginning of Lot to be conveyed; thence southeast along the east boundary of said Highway 204 feet to a concrete post at the intersection of the east boundary of said Highway with the west boundary of gravel road from Sumner to Webb, known as Oil Mill Road, thence Northwest along west boundary of said Oil Mill Road 194 feet to center of driveway running southwest from said Oil Mill Road to U.S. Highway 49-E; thence South 66° West along center of said driveway 128 feet to point of beginning, being situated in Northwest Quarter of Southeast Quarter of Section 11, together with all improvements situated thereon;45.Any facility that:a.Consists of at least five thousand six hundred (5,600) square feet being heated and cooled along with a lakeside patio that consists of at least two thousand two hundred (2,200) square feet, regardless of whether such patio is part of the facility and/or located adjacent to or in close proximity to the facility;b.Includes a caterer's kitchen and green room for entertainment preparation;c.For a fee is used to host events; andd.Is located adjacent to or in close proximity to an approximately nine (9) acre lake on property that consists of at least one hundred twenty (120) acres in a county traversed by Mississippi Highway 15 and U.S. Highway 278;46.Any municipality with a population in excess of one thousand (1,000) according to the 2010 federal decennial census and which is located in a county that is traversed by U.S. Highways 84 and 98 and has not voted to come out from under the dry law;47.The clubhouse and associated nine-hole golf course, tennis courts and related facilities and swimming pool and related facilities located on or near U.S. Highway 82 between Mississippi Highway 15 and Mississippi Highway 9;48.The downtown square area bound by East Service Drive, Commerce Street, Second Street and Court Street and adjacent properties in a municipality through which run Interstate 55, U.S. Highway 51 and Mississippi Highway 306;49.All parcels zoned for mixed-use development located west of Mississippi Highway 589, more than four hundred (400) feet north of Old Highway 24, east of Parkers Creek and Black Creek, and south of J M Burge Road;50.Any facility used by a soccer club and located on Old Highway 11 between one-tenth (0.1) and two-tenths (0.2) of a mile from its intersection with Oak Grove Road, in a county in which U.S. Highway 98 and Mississippi Highway 589 intersect;51.Any municipality in which U.S. Highway 49 and Mississippi Highway 469 intersect;52.Any facility that is:a.Owned by a Veterans of Foreign Wars (VFW) organization that is a nonprofit corporation and registered with the Mississippi Secretary of State;b.Used by such organization for its headquarters and other organization related purposes; andc.Located outside of a municipality in a county that has not voted to come out from under the dry law;53.The following within a municipality in which U.S. Highway 49 and U.S. 61 Highway intersect and through which flows the Sunflower River:a.An area bounded as follows: Starting at the southern point of the intersection of Sunflower Avenue and 1st Street and going south along said avenue on its eastern side to 8th Street, then going east along said street on its northern side to West Tallahatchie Street, then going north along said street on its western side to 4th Street/Martin Luther King Boulevard, then going east along said street/boulevard on its northern side to Desoto Avenue, then going north along said avenue on its western side to 1st Street, then going west along said street on its southern side to the point of beginning along the southern side of Court Street;b.Lots located at or near the intersection of Madison Avenue, Walnut Street, and Riverside Avenue that are in a commercial zone; andc.Any facility located on the west side of Sunflower Avenue to the Sunflower River between the southern side of 6th Street and the northern side of 8th Street and which is operated as and/or was operated as a hotel or lodging facility, in consideration of payment, regardless of whether the facility meets the criteria for the definition of the term "hotel" in paragraph (l) of this section; andd.Any facility located on the west side of Sunflower Avenue to the Sunflower River between the southern side of 3rd Street and the northern side of 4th Street/Martin Luther King Boulevard and which is operated as and/or was operated as a musical venue, in consideration of payment;54.Any municipality in which Mississippi Highway 340 meets Mississippi Highway 15;55.Any municipality in which Mississippi Highway 540 and Mississippi Highway 149 intersect;56.Any municipality in which Mississippi Highway 15 and Mississippi Highway 345/Main Street intersect;57.The property and structures thereon at the following locations within a municipality through which run U.S. Highway 45 and Mississippi Highway 145 and in which Mississippi Highway 370 and Mississippi Highway 145 intersect: 104 West Main Street, 106 West Main Street, 108 West Main Street, 110 West Main Street and 112 West Main Street;58.Any municipality in which U.S. Highway 11 and Main Street intersect and which is located in a county having two (2) judicial districts;59.Any municipality in which Interstate 22 passes over Mississippi Highway 9;60.Any facility located on land more particularly described as follows:A certain parcel of land being situated in the Southeast 1/4 of the Northeast 1/4 of Section 9, T3N-R3E, Rankin County, Mississippi, and being more particularly described as follows:Commence at an existing 1/2" iron pin marking the Southwest corner of the aforesaid Southeast 1/4 of the Northeast 1/4 of Section 9, T3N-R3E and run thence North 00 degrees 06 minutes 13 seconds East along the East line of the Southeast 1/4 of the Northeast 1/4 for a distance of 33.18 feet to an existing 1/2" iron pin; leaving said East line of the Southeast 1/4 of the Northeast 1/4, run thence South 89 degrees 53 minutes 47 seconds East for a distance of 2.08 feet to an existing 1/2" iron pin; run thence North 00 degrees 22 minutes 19 seconds East for a distance of 561.90 feet to an existing 1/2" iron pin; run thence North 00 degrees 16 minutes 18 seconds East for a distance of 76.42 feet to a set 1/2" iron pin marking the POINT OF BEGINNING of the parcel of land herein described; from said POINT OF BEGINNING, continue thence North 00 degrees 16 minutes 18 seconds East along an existing fence for a distance of 493.27 feet to an existing 1/2" iron pin; run thence North 03 degrees 08 minutes 15 seconds East for a distance of 170.22 feet to an existing 1/2" iron pin on the North line of the aforesaid Southeast 1/4 of the Northeast 1/4 of Section 9; run thence North 89 degrees 46 minutes 45 seconds East along said North line of the Southeast 1/4 of the Northeast 1/4 of Section 9 for a distance of 1,305.51 feet to an existing 1/2" iron pin marking Northeast corner thereof; leaving said North line of the Southeast 1/4 of the Northeast 1/4 of Section 9, run thence South 00 degrees 08 minutes 35 seconds West along the East line of said Southeast 1/4 of the Northeast 1/4 of Section 9 for a distance of 663.19 feet to a set 1/2" iron pin; leaving said East line of the Southeast 1/4 of the Northeast 1/4 of Section 9, run thence South 89 degrees 46 minutes 45 seconds West for a distance of 1,315.51 feet to the POINT OF BEGINNING, containing 20.00 acres, more or less.And

Also: An easement for the purpose of ingress and egress being situated in the Southeast 1/4 of the Northeast 1/4 and in the Northeast 1/4 of the Southeast 1/4 of Section 9, T3N-R3E, Rankin County, Mississippi, and being more particularly described as follows: Begin at an existing 1/2" iron pin marking the Southwest corner of the aforesaid Southeast 1/4 of the Northeast 1/4 of Section 9, T3N-R3E and run thence North 00 degrees 06 minutes 13 seconds East along the East line of the Southeast 1/4 of the Northeast 1/4 for a distance of 33.18 feet to an existing 1/2" iron pin; leaving said East line of the Southeast 1/4 of the Northeast 1/4, run thence South 89 degrees 53 minutes 47 seconds East for a distance of 2.08 feet to an existing 1/2" iron pin; run thence North 00 degrees 22 minutes 19 seconds East for a distance of 561.90 feet to an existing 1/2" iron pin; run thence North 00 degrees 16 minutes 18 seconds East for a distance of 76.42 feet to a set 1/2" iron pin; run thence North 89 degrees 46 minutes 45 seconds East for a distance of 25.00 feet to a set 1/2" iron pin; run thence South 00 degrees 16 minutes 18 seconds West for a distance of 76.66 feet to a set 1/2" iron pin; run thence South 00 degrees 22 minutes 19 seconds West for a distance of 619.81 feet to a set 1/2" iron pin; run thence South 89 degrees 43 minutes 01 seconds West for a distance of 26.81 feet to a set 1/2" iron pin; run thence North 00 degrees 06 minutes 13 seconds East along the West line of the aforesaid Northeast 1/4 of the Southeast 1/4 of Section 9 for a distance of 25.00 feet to the POINT OF BEGINNING, containing 17,525.4 square feet, more or less.

61. Any municipality bordered on the east by the Pascagoula River and on the south by the Mississippi Sound;

62. The property and structures thereon located at parcel numbers 4969 198 000; 4969 200 000; 4969 201 000; 4969 206 000; 4969 207 000; 4969 208 000; 4969 218 000; 4969 199; 4969 204 000 and 4969 204 001, all in Block 4 of the original town square in any municipality with a population in excess of one thousand five hundred (1,500) according to the latest federal decennial census and which is located in:

a. A county traversed by Interstate 55 and Interstate 20, and

b. A judicial district that has not voted to come out from under the dry law;

63. Any municipality in which Mississippi Highway 12 meets Mississippi Highway 17;

64. Any municipality in which U.S. Highway 49 and Mississippi Highway 469 intersect;

65. The clubhouse and associated nine-hole golf course and related facilities located on or near the eastern corner of the point at which Golf Course Road meets Athens Road, in a county in which Mississippi Highway 13 and Mississippi Highway 28 intersect, with GPS coordinates of approximately 31.900370078041004, -89.7928067652611;

66. Any facility located at the south-to-southwest corner of the intersection of Madison Street and Bolton Brownsville Road, in a municipality in which Bolton Brownsville Road passes over Interstate 20, with GPS coordinates of approximately 32.349067271758955, -90.4596221146197;

67. Any facility located at the northwest corner of the intersection of Depot Street and Madison Street, in a municipality in which Bolton Brownsville Road passes over Interstate 20, with GPS coordinates of approximately 32.34903152971068, -90.46047660172901;

68. Any facility located on Hinds Boulevard approximately three-tenths (0.3) of a mile south of the point at which Hinds Boulevard diverges from Clinton Road, in a municipality whose northern boundary partially consists of Snake Creek Road, and whose southern boundary partially consists of Mississippi Highway 18, with GPS coordinates of approximately 32.26384517526713, -90.41586570183475;

69. Any facility located on Pleasant Grove Drive approximately one and three-tenths (1.3) miles southeast of its intersection with Harmony Drive, in a county through which run Interstate 55 and U.S. Highway 84, with GPS coordinates of approximately 31.512043770371907, -90.2506094382595;

70. Any facility located immediately north of the intersection of two roads, both named Mason Clark Drive, located between two-tenths (0.2) and three-tenths (0.3) of a mile southwest of Mississippi Highway 57/63, with GPS coordinates of approximately 31.135950529733048, -88.53068674585575;

71. Any facility located on Raj Road approximately three-tenths (0.3) of a mile south of Mississippi Highway 57/63, with GPS coordinates of approximately 31.139553708288418, -88.53411203512971;

72. Any facility located on Raj Road approximately one-tenth (0.1) of a mile south of Mississippi Highway 57/63, with GPS coordinates of approximately 31.14184097577295, -88.53287700849411;

73. Any municipality through which run U.S. Highway 45 and Mississippi Highway 145 and in which Mississippi Highway 370 and Mississippi Highway 145 intersect; however, this designation as a qualified resort area shall only apply to the portion of such municipality which is located in a county that has not voted to come out from under the dry law;

74. A municipality through which runs a portion of the Tanglefoot Trail and in which Mississippi Highway 32 and East Front Street intersect;

75. Lot Three (3) in Block One Hundred Seventy-eight (178) of the D.H. McInnis First Survey, sometimes referred to as D.H. McInnis Railroad Addition, to the City of Hattiesburg, the said lot having a frontage of thirty (30) feet on the Eastern side of Front Street and extending back between parallel lines ninety (90) feet to an alley, and being located in the Northwest Quarter of Section 10, Township 4 North, Range 13 West, Forrest County, Mississippi;

76. An area of land in George County of approximately eight and five hundredths (8.05) acres, bordered on the east and northeast by Brushy Creek, on the northwest by Brushy Creek Road, on the west by Beaver Creek Road, and on the south by a property boundary running east and west;

77. A municipality in which Mississippi Highway 15 intersects with Webster Street, and in which Webster Street splits into Mill Street and Maben Starkville Road;

78. A municipality in which Mississippi Highway 492 meets Mississippi Highway 35;

79. A facility operating as an event venue and located on Mississippi Highway 589, with GPS coordinates of approximately 31.36730, -89.50548;

80. An area situated in the SW 1/4 of Section 12, T7N-R2E, Madison County, Mississippi, and commencing at the point on the Ross Barnett Reservoir directly east of the intersection of North Natchez Street and Louisiana Street, then go west on Louisiana Street to the intersection of Louisiana Street and Andrew Jackson Street, then west on Andrew Jackson Street to the intersection of Andrew Jackson Street and Choctaw Street, then north on Choctaw Street to the intersection of Choctaw Street and Republic Street, then west on Republic Street to the intersection of Republic Street and Port Street, then north on Port Street to the Natchez Trace right-of-way, then east on the Natchez Trace right-of-way to the Ross Barnett Reservoir, then following the Ross Barnett Reservoir south back to the point of beginning;

81. Any facility located on land more particularly described as follows: Commencing at a fence corner at the Northeast corner of Section 34, Township 6 South, Range 3 East, Union County, Mississippi, for the point of beginning; thence run South 00 degrees 31 minutes 39 seconds East, along the Section line, a distance of 161.83 feet to a one-half inch iron pin, thence North 88

degrees 20 minutes 48 seconds West, along a fence, a distance of 1221.09 feet to a one-half iron pin, thence South 09 degrees 45 minutes 37 seconds West, along a fence, a distance of 61.49 feet to a one-half inch iron pin, thence North 84 degrees 18 minutes 01 seconds West, along a fence, (passing through a one-half inch iron pin at 196.83 feet) a distance of 234.62 feet to a mag-nail on the centerline of Union County Road No. 137, thence North 11 degrees 00 minutes 29 seconds East a distance of 187.87 feet to a one-half inch iron pin on the West edge of said road, thence North 29 degrees 41 minutes 28 seconds East a distance of 59.28 feet to a point on the centerline of said road, thence South 89 degrees 13 minutes 02 seconds East (passing through a one-half inch iron pin at 30.0 feet) along the South line of the Bernard Whiteside property as recorded in Deed Book 117, Pages 517-518 and Deed Book 214, page 109, a distance of 646.07 feet to a concrete monument, thence South 89 degrees 13 minutes 02 seconds East a distance of 751.31 feet to a one-half inch iron pin, thence South 00 degrees 31 minutes 39 seconds East, along the aforesaid Section line, a distance of 52.93 feet to the point of beginning, said tract lying in the Southeast Quarter of Section 27, and the Northeast Quarter of Section 34, Township 6 South, Range 3 East and containing 6.99 acres. Subject to a perpetual all purpose non-exclusive easement for ingress, egress and public utilities together the right to enter upon the above described property and do any and all work necessary to build, repair and maintain a roadway or well or install public utilities all over upon and across the following described property: A 25.0 foot easement for ingress and egress, being 12.5 feet to the right and 12.5 feet to the left of the following described centerline: Commencing at a fence corner at the Northeast corner of Section 34, Township 6 South, Range 3 East, Union County, Mississippi, thence run South 00 degrees 31 minutes 39 seconds East, along the Section line, a distance of 149.33 feet to the point of beginning; thence North 88 degrees 20 minutes 48 seconds West a distance of 1231.46 feet to a point, thence South 09 degrees 45 minutes 37 seconds West a distance of 61.49 feet to a point, thence North 84 degrees 18 minutes 01 seconds West a distance of 221.82 feet to a point on the centerline of Union County Road #137, said tract lying in the Northeast Quarter of Section 34, Township 6 South, Range 3 East. 82. The clubhouse at a country club located: a. In a county in which Mississippi Highway 15 and Mississippi Highway 16 intersect and which county has not voted to come out from under the dry law, and b. Outside the corporate limits of any municipality in such county and within one (1) mile of the corporate limits of a municipality that is the county seat of such county; 83. Any facility located on North Jackson Street in a municipality through which run Mississippi Highway 8 and Mississippi Highway 15, with GPS coordinates of approximately 33.913692, -89.005219; 84. Any facility located on North Jackson Street in a municipality through which run Mississippi Highway 8 and Mississippi Highway 15, with GPS coordinates of approximately 33.905581, -89.00200; 85. Any facility located on land more particularly described as follows: Commencing at the Southeast corner of Section 4, Township 6 South, Range 18 West, Pearl River County, Mississippi; thence West 1310.00 feet to a T-bar; thence North 745.84 feet; thence East 132.00 feet to a 1" iron pipe; thence North 83.61 feet for the Point of Beginning; thence South 79 degrees 02 minutes 61 seconds West 248.28 feet; thence West 76.35 feet; thence North 20 degrees 00 minutes 00 seconds West 185.54 feet; thence North 52 degrees 43 minutes 14 seconds East 365.98 feet to a 1" iron pipe on the West margin of Henry Smith Road, a gravel/paved, public road; thence along said margin South 17 degrees 59 minutes 13 seconds East 299.09 feet; thence South 64.39 feet to the Point of Beginning. This parcel containing 2.19 acres and being a part of the East 1/2 of Section 4, Township 6 South, Range 18 West, Pearl River County, Mississippi. INDEXING: BEING A PART OF THE EAST 1/2 OF SECTION 4, TOWNSHIP 6 SOUTH, RANGE 18 WEST, PEARL RIVER COUNTY, MISSISSIPPI; 86. Any facility located on land in a county through which run Mississippi Highway 25 and U.S. Highway 82 and more particularly described as follows: Beginning at a point with GPS coordinates of approximately 33.331869, -88.715054; then running in a straight line to a point with GPS coordinates of approximately 33.336207, -88.713453; then running in a straight line to a point with GPS coordinates of approximately 33.335369, -88.709835; then running in a straight line to a point with GPS coordinates of approximately 33.330870, -88.711496; then running in a straight line to a point with GPS coordinates of approximately 33.331869, -88.715054 and the point of the beginning; 87. Any facility located on land that is owned by a community college that is located in a county through which run U.S. Highway 51 and Mississippi Highway 4; 88. Any facility located on Mississippi Highway 23/178 in a municipality in which Mississippi Highway 23/178 and Stone Drive intersect, with GPS coordinates of approximately 34.235269, -88.262409; 89. Any facility located on U.S. Highway 51 in a municipality through which run Interstate 55, U.S. Highway 51 and the Natchez Trace Parkway, with GPS coordinates of approximately 32.42042°N, 90.13473°W; 90. Any facility located on Mullican Road in a county through which run U.S. Highway 84 and Interstate 59, with GPS coordinates of approximately 31.73395N, 89.18186W; 91. Any facility located on land in a county through which run Mississippi Highway 25 and U.S. Highway 82 and more particularly described as follows: Beginning at a point with GPS coordinates of approximately 33.37391, -88.80645; then running in a straight line to a point with GPS coordinates of approximately 33.37391, -88.79972; then running in a straight line to a point with GPS coordinates of approximately 33.36672, -88.80644; then running in a straight line to a point with GPS coordinates of approximately 33.36674, -88.79971; then running in a straight line to a point with GPS coordinates of approximately 33.37391, -88.80645 and the point of the beginning; 92. Any facility located on land more particularly described as follows: All that part of the South half (S 1/2) of the SE 1/4 of NE 1/4 of Section 14, Township 4 North, Range 15 West, lying and being West of State Highway No. 589, containing one (1) acre, more or less. LESS AND EXCEPT: Begin at the point of intersection of the North line of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 14, Township 4 North, Range 15 West with the present Southwesterly right-of-way line of Mississippi Highway No. 589, said point is also the Northeast corner of grantor property; said point is 50.6 feet West of Station 7 + 59.27 on the centerline of survey of Mississippi Highway No. 589 as shown on the plans for State Project No. SP-0014-2(10); from said POINT OF BEGINNING run thence South 08°57' East along said present Southwesterly right-of-way line, a distance of 37.1 feet to a point that is perpendicular to and 50 feet Southwesterly of Station 7 + 30 on the centerline of survey of Mississippi Highway 589 as shown on the plans for said project; run thence South 81°03' West, a distance of 35.7 feet to the West line of the South 1/2 of the

Southeast 1/4 of the Northeast 1/4 of said Section 14 and the West line of grantors property; run thence North along said West property line, a distance of 42.2 feet to the Northwest corner of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of said Section 14 and the Northwest corner of grantors property; run thence East along grantors North property line, a distance of 29.5 feet to the POINT OF BEGINNING containing 0.03 acres, more or less, and all being situated in and a part of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi. LESS AND EXCEPT: A part of the South one-half of the Southeast 1/4 of Northeast 1/4, Northerly of a certain fence and West of Mississippi State Highway 589, in Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi and more particularly described as commencing at a pine (lighter) stake being used as the Southwest corner of the Northeast 1/4 of Southeast 1/4 of the above said Section 14, thence North and along the West line of the East 1/4 of the above said Section 14 1638.8 feet to the POINT OF BEGINNING. Thence continue North and along the West line of the East 1/4 of the above said Section 14, 278.5 feet to the Southerly line of the property Bobby G. Aultman and Marilyn S. Aultman previously sold to the Mississippi State Highway Department; thence North 81°03' East and along the above said Southerly property line for 35.7 feet more or less to the Westerly right-of-way line of Mississippi State Highway 589; thence Southeasterly and along the above said Westerly right-of-way line 232.7 feet to a concrete right-of-way marker; thence South 51°39' West and along the Northerly line of a wooden fence 88 feet to the POINT OF BEGINNING. AND ALSO: A parcel of land in a part of the Southeast 1/4 of Northwest 1/4 and a part of the Southwest 1/4, Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi, and more particularly described as beginning at a point where the Southerly right-of-way line of U.S. Highway 98 intersects the West line of the above said Southeast 1/4 of Northwest 1/4; thence North 67°34' East and along the Southerly right-of-way line of said highway 208.75 feet; thence South 208.75 feet; thence South 67°34' West 208.75 feet; thence South 141.3 feet; thence North 89°07'30" West 388.9 feet to the centerline of Parkers Creek; thence Northerly and along the centerline of said creek for the next three (3) calls: North 35°53' East 115.6 feet; North 25°05' East 68.5 feet; North 09°51'30" West 64.3 feet to the Southerly right-of-way line of U.S. Highway 98; thence North 67°34' East and along the Southerly right-of-way line of said highway 327.85 feet to the POINT OF BEGINNING. The above described area contains 3.02 acres. AND ALSO: Commencing at the Southwest corner of the Southwest 1/4 of the Northeast 1/4 of Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi, run South 88°05'27" East 310.00 feet, thence South 0°53'16" West 60.50 feet to a point on a fence line, thence run along fence line South 88°05'27" East 718.93 feet to the POINT OF BEGINNING, thence North 08°48'10" West 714.67 feet to a point on the South right-of-way line of Highway No. 98, thence along said right-of-way along a curve to the right with a delta angle of 02°04'26" having a radius of 5603.58 feet and an arc length of 202.84 feet, with a chord bearing a distance of North 71°53'47" East 202.83 feet to a Concrete Highway right-of-way marker, thence South 20°09'13" East 328.13 feet, thence South 69°00'47" East 117.68 feet, thence South 0°58'19" West 429.12 feet to a Point on Possession Line fence, thence along said fence North 88°05'27" West 299.23 feet back to the POINT OF BEGINNING, containing 5.0885 acres, more or less and being situated in the SW 1/4 of the NE 1/4 and the NW 1/4 of the SE 1/4 of said Section 14, together with all improvements and appurtenances thereunto belonging. AND ALSO: PARCEL NUMBER ONE: That part of the Northwest Quarter of the Southwest Quarter (Northwest 1/4 of the Southwest 1/4) of Section 14, Township 4 North, Range 15 West, of Lamar County, Mississippi, being located and situated East of the center thread of Mill Creek as the same presently runs through and bisects said 40-acre tract, and comprising 10.9 acres, more or less, and all being part of the Northwest Quarter of the Southwest Quarter (Northwest 1/4 of the Southwest 1/4) of said Section, Township and Range, Lamar County, Mississippi. AND ALSO: PARCEL NUMBER TWO: A part of the Southeast Quarter of the Northwest Quarter (Southeast 1/4 of the Northwest 1/4) and part of the Northeast Quarter of the Southwest (Northeast 1/4 of the Southwest 1/4) all in Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi, being more particularly described as follows, to wit: Beginning at a point where the South margin of State Highway 98 intersects the West margin of the Southeast 1/4 of the Northwest 1/4 of Section 14, Township 4 North, Range 15 West, and run Easterly along the South margin of said highway right-of-way 208.75 feet; thence South 208.75 feet; thence Westerly parallel with the South margin of said highway right-of-way 208.75 feet to the West forty line; thence North 208.75 feet to the POINT OF BEGINNING, containing 1 acre, more or less. LESS AND EXCEPT: Begin at the point of intersection of an Easterly line of grantors property with the present Southerly right-of-way line of U.S. Highway 98 as shown on the plans for State Project No. 97-0014-02-044-10; from said POINT OF BEGINNING run thence South 02°56' West along said Easterly property line, a distance of 127.6 feet; thence run South 69°11' West, a distance of 52.9 feet; thence run South 67°13' West, a distance of 492.7 feet to the Westerly line of grantors property and the center of a creek; thence run Northerly along said Westerly property line and said center of creek, a distance of 122.8 feet to said present Southerly right-of-way line; thence run North 67°13' East along said present Southerly right-of-way line, a distance of 553.4 feet to the POINT OF BEGINNING, containing 1.43 acres, more or less, and being situated in and a part of the North 1/2 of the Southwest 1/4 of Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi. LESS AND EXCEPT: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 15 WEST, LAMAR COUNTY, MISSISSIPPI, PROCEED EAST 2136.60 FEET; THENCE NORTH 2508.67 FEET TO AN IRON PIN AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED. FROM THE DESCRIBED POINT OF BEGINNING, PROCEED NORTH 11°19'49" EAST 217.55 FEET TO AN IRON PIN; THENCE NORTH 40°11'01" EAST 118.28 FEET TO AN IRON PIN; THENCE NORTH 22°24'39" WEST 179.15 FEET TO AN IRON PIN ON THE SOUTHERN BOUNDARY OF U.S. HIGHWAY 98; THENCE ALONG THE SOUTHERN RIGHT-OF-WAY BOUNDARY OF SAID HIGHWAY AS FOLLOWS: SOUTH 67°35'21" WEST 699.55 FEET TO AN IRON PIN; THENCE SOUTH 69°16'57" WEST 67.67 FEET TO A CONCRETE RIGHT-OF-WAY MARKER; THENCE SOUTH 67°35'21" WEST 310.34 FEET TO AN IRON PIN; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 01°25'53" WEST 667.21 FEET TO AN IRON PIN; THENCE

NORTH 67°35'21" EAST 491.91 FEET TO AN IRON PIN; THENCE NORTH 22°24'39" WEST 193.77 FEET TO AN IRON PIN; THENCE NORTH 67°35'21" EAST 629.48 FEET BACK TO THE POINT OF BEGINNING.SAID PARCEL CONTAINS 12.39 ACRES AND IS LOCATED PART IN THE SE 1/4 OF THE NW 1/4, PART IN THE NE 1/4 OF THE SW 1/4, AND PART IN THE NW 1/4 OF THE SW 1/4, ALL IN SECTION 14, TOWNSHIP 4 NORTH, RANGE 15 WEST, LAMAR COUNTY, MISSISSIPPI.The status of these municipalities, districts, clubhouses, facilities, golf courses and areas described in this paragraph (o)(iii) as qualified resort areas does not require any declaration of same by the department.The governing authorities of a municipality described, in whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31, 34, 35, 36, 37, 38, 39, 46, 48, 51, 53, 54, 55, 56, 58, 59, 61, 63, 64, 66, 67 , 68, 73, 74, 83 or 84 of this paragraph (o)(iii) may by ordinance, with respect to the qualified resort area described in the same item: specify the hours of operation of facilities offering alcoholic beverages for sale; specify the percentage of revenue that facilities offering alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and designate the areas in which facilities offering alcoholic beverages for sale may be located.(p)"Native wine" means any product, produced in Mississippi for sale, having an alcohol content not to exceed twenty-one percent (21%) by weight and made in accordance with revenue laws of the United States, which shall be obtained primarily from the alcoholic fermentation of the juice of ripe grapes, fruits, berries, honey or vegetables grown and produced in Mississippi; provided that bulk, concentrated or fortified wines used for blending may be produced without this state and used in producing native wines. The department shall adopt and promulgate rules and regulations to permit a producer to import such bulk and/or fortified wines into this state for use in blending with native wines without payment of any excise tax that would otherwise accrue thereon.(q)"Native winery" means any place or establishment within the State of Mississippi where native wine is produced, in whole or in part, for sale.(r)"Bed and breakfast inn" means an establishment within a municipality where in consideration of payment, breakfast and lodging are habitually furnished to travelers and wherein are located not less than eight (8) and not more than nineteen (19) adequately furnished and completely separate sleeping rooms with adequate facilities, that persons usually apply for and receive as overnight accommodations; however, such restriction on the minimum number of sleeping rooms shall not apply to establishments on the National Register of Historic Places. No place shall qualify as a bed and breakfast inn under this article unless on the date of the initial application for a license under this article more than fifty percent (50%) of the sleeping rooms are located in a structure formerly used as a residence.(s)"Board" shall refer to the Board of Tax Appeals of the State of Mississippi.(t)"Spa facility" means an establishment within a municipality or qualified resort area and owned by a hotel where, in consideration of payment, patrons receive from licensed professionals a variety of private personal care treatments such as massages, facials, waxes, exfoliation and hairstyling.(u)"Art studio or gallery" means an establishment within a municipality or qualified resort area that is in the sole business of allowing patrons to view and/or purchase paintings and other creative artwork.(v)"Cooking school" means an establishment within a municipality or qualified resort area and owned by a nationally recognized company that offers an established culinary education curriculum and program where, in consideration of payment, patrons are given scheduled professional group instruction on culinary techniques. For purposes of this paragraph, the definition of cooking school shall not include schools or classes offered by grocery stores, convenience stores or drugstores.(w)"Campus" means property owned by a public school district, community or junior college, college or university in this state where educational courses are taught, school functions are held, tests and examinations are administered or academic course credits are awarded; however, the term shall not include any "restaurant" or "hotel" that is located on property owned by a community or junior college, college or university in this state, and is operated by a third party who receives all revenue generated from food and alcoholic beverage sales.(x)"Native spirit" shall mean any beverage, produced in Mississippi for sale, manufactured primarily by the distillation of fermented grain, starch, molasses or sugar produced in Mississippi, including dilutions and mixtures of these beverages. In order to be classified as "native spirit" under the provisions of this article, at least fifty-one percent (51%) of the finished product by volume shall have been obtained from distillation of fermented grain, starch, molasses or sugar grown and produced in Mississippi.(y)"Native distillery" shall mean any place or establishment within this state where native spirit is produced in whole or in part for sale.(z)"Warehouse operator" shall have the meaning ascribed in Section67-1-201.Codes, 1942, § 10265-05; Laws, 1966, ch. 540, § 5; Laws, 1976, ch. 467, § 12; Laws, 1977, ch. 488, § 2; Laws, 1980, ch. 348, § 1; Laws, 1984, ch. 425, § 1; Laws, 1987, ch. 358; Laws, 1988, ch. 384; Laws, 1990, ch. 569, § 3; Laws, 1994, ch. 558, § 20; Laws, 1998, ch. 306, § 2; Laws, 1999, ch. 453, § 19; Laws, 2004, ch. 397, § 1; Laws, 2008, ch. 366, § 1; Laws, 2009, ch. 465, § 1; Laws, 2009, ch. 492, § 126; Laws, 2009, ch. 558, § 1; Laws, 2012, ch. 323, § 2; Laws, 2012, ch. 428, § 1; Laws, 2012, ch. 501, § 7, eff. 7/1/2012.Amended by Laws, 2024, ch. 532, SB 2803,§ 1, eff. 7/1/2024.Amended by Laws, 2024, ch. 425, SB 2457,§ 1, eff. 7/1/2024.Amended by Laws, 2023, ch. 525, HB 535,§ 1, eff. 7/1/2023.Amended by Laws, 2022, ch. 481, SB 2063,§ 1, eff. 7/1/2022.Amended by Laws, 2022, ch. 483, SB 2844,§ 12, eff. 7/1/2022.Amended by Laws, 2021, ch. 449, HB 572,§ 1, eff. 7/1/2021.Amended by Laws, 2021, ch. 450, HB 1091,§ 14, eff. 7/1/2021.Amended by Laws, 2021, ch. 388, SB 2606,§ 7, eff. 7/1/2021.Amended by Laws, 2020, ch. 458, SB 2253,§ 1, eff. 7/1/2020.Amended by Laws, 2020, ch. 429, SB 2545,§ 6, eff. 7/1/2020.Amended by Laws, 2020, ch. 314, HB 917,§ 37, eff. 6/18/2020.Amended by Laws, 2018, ch. 438, SB 2618,§ 1, eff. 7/1/2018.Amended by Laws, 2018, ch. 383, HB 415,§ 1, eff. 7/1/2018.Amended by Laws, 2016, ch. 401, HB 845, 1, eff. 7/1/2016.Amended by Laws, 2015, ch. 413, HB 1132, 1, eff. 7/1/2015.Amended by Laws, 2014, ch. 346, HB 836, 1, eff. 7/1/2014. For the purposes of this article and unless otherwise required by the context:(a)"Alcoholic beverage" means any alcoholic liquid, including wines of more than five percent (5%) of alcohol by weight, capable of being consumed as a beverage by a human being, but shall not include light wine, light spirit product and beer, as defined in Section67-3-3, Mississippi Code of 1972, but shall include native wines and native spirits. The words "alcoholic beverage" shall not include ethyl alcohol manufactured or distilled solely for fuel purposes or beer of an alcoholic content of more than eight percent (8%) by weight if the beer is legally manufactured

in this state for sale in another state.(b)"Alcohol" means the product of distillation of any fermented liquid, whatever the origin thereof, and includes synthetic ethyl alcohol, but does not include denatured alcohol or wood alcohol.(c)"Distilled spirits" means any beverage containing more than six percent (6%) of alcohol by weight produced by distillation of fermented grain, starch, molasses or sugar, including dilutions and mixtures of these beverages.(d)"Wine" or "vinous liquor" means any product obtained from the alcoholic fermentation of the juice of sound, ripe grapes, fruits, honey or berries and made in accordance with the revenue laws of the United States.(e)"Person" means and includes any individual, partnership, corporation, association or other legal entity whatsoever.(f)"Manufacturer" means any person engaged in manufacturing, distilling, rectifying, blending or bottling any alcoholic beverage.(g)"Wholesaler" means any person, other than a manufacturer, engaged in distributing or selling any alcoholic beverage at wholesale for delivery within or without this state when such sale is for the purpose of resale by the purchaser.(h)"Retailer" means any person who sells, distributes, or offers for sale or distribution, any alcoholic beverage for use or consumption by the purchaser and not for resale.(i)"State Tax Commission," "commission" or "department" means the Department of Revenue of the State of Mississippi, which shall create a division in its organization to be known as the Alcoholic Beverage Control Division. Any reference to the commission or the department hereafter means the powers and duties of the Department of Revenue with reference to supervision of the Alcoholic Beverage Control Division.(j)"Division" means the Alcoholic Beverage Control Division of the Department of Revenue.(k)"Municipality" means any incorporated city or town of this state.(l)"Hotel" means an establishment within a municipality, or within a qualified resort area approved as such by the department, where, in consideration of payment, food and lodging are habitually furnished to travelers and wherein are located at least twenty (20) adequately furnished and completely separate sleeping rooms with adequate facilities that persons usually apply for and receive as overnight accommodations. Hotels in towns or cities of more than twenty-five thousand (25,000) population are similarly defined except that they must have fifty (50) or more sleeping rooms. Any such establishment described in this paragraph with less than fifty (50) beds shall operate one or more regular dining rooms designed to be constantly frequented by customers each day. When used in this article, the word "hotel" shall also be construed to include any establishment that meets the definition of "bed and breakfast inn" as provided in this section.(m)"Restaurant" means:(i)A place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation, which has suitable seating facilities for guests, and which has suitable kitchen facilities connected therewith for cooking an assortment of foods and meals commonly ordered at various hours of the day; the service of such food as sandwiches and salads only shall not be deemed in compliance with this requirement. Except as otherwise provided in this paragraph, no place shall qualify as a restaurant under this article unless twenty-five percent (25%) or more of the revenue derived from such place shall be from the preparation, cooking and serving of meals and not from the sale of beverages, or unless the value of food given to and consumed by customers is equal to twenty-five percent (25%) or more of total revenue; or(ii)Any privately owned business located in a building in a historic district where the district is listed in the National Register of Historic Places, where the building has a total occupancy rating of not less than one thousand (1,000) and where the business regularly utilizes ten thousand (10,000) square feet or more in the building for live entertainment, including not only the stage, lobby or area where the audience sits and/or stands, but also any other portion of the building necessary for the operation of the business, including any kitchen area, bar area, storage area and office space, but excluding any area for parking. In addition to the other requirements of this subparagraph, the business must also serve food to guests for compensation within the building and derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales to live entertainment in the building, and from the rental of all or part of the facilities of the business in the building to another party for a specific event or function.(n)"Club" means an association or a corporation:(i)Organized or created under the laws of this state for a period of five (5) years prior to July 1, 1966;(ii)Organized not primarily for pecuniary profit but for the promotion of some common object other than the sale or consumption of alcoholic beverages;(iii)Maintained by its members through the payment of annual dues;(iv)Owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests;(v)The affairs and management of which are conducted by a board of directors, board of governors, executive committee, or similar governing body chosen by the members at a regular meeting held at some periodic interval; and(vi)No member, officer, agent or employee of which is paid, or directly or indirectly receives, in the form of a salary or other compensation any profit from the distribution or sale of alcoholic beverages to the club or to members or guests of the club beyond such salary or compensation as may be fixed and voted at a proper meeting by the board of directors or other governing body out of the general revenues of the club.The department may, in its discretion, waive the five-year provision of this paragraph. In order to qualify under this paragraph, a club must file with the department, at the time of its application for a license under this article, two (2) copies of a list of the names and residences of its members and similarly file, within ten (10) days after the election of any additional member, his name and address. Each club applying for a license shall also file with the department at the time of the application a copy of its articles of association, charter of incorporation, bylaws or other instruments governing the business and affairs thereof.(o)"Qualified resort area" means any area or locality outside of the limits of incorporated municipalities in this state commonly known and accepted as a place which regularly and customarily attracts tourists, vacationists and other transients because of its historical, scenic or recreational facilities or attractions, or because of other attributes which regularly and customarily appeal to and attract tourists, vacationists and other transients in substantial numbers; however, no area or locality shall so qualify as a resort area until it has been duly and properly approved as such by the department. The department may not approve an area as a qualified resort area after July 1, 2018, if any portion of such proposed area is located within two (2) miles of a convent or monastery that is located in a county traversed by Interstate 55 and U.S. Highway 98. A convent or monastery may waive such distance restrictions in favor of allowing approval by the department of an area as a qualified resort area. Such waiver

shall be in written form from the owner, the governing body, or the appropriate officer of the convent or monastery having the authority to execute such a waiver, and the waiver shall be filed with and verified by the department before becoming effective.(i)The department may approve an area or locality outside of the limits of an incorporated municipality that is in the process of being developed as a qualified resort area if such area or locality, when developed, can reasonably be expected to meet the requisites of the definition of the term "qualified resort area." In such a case, the status of qualified resort area shall not take effect until completion of the development.(ii)The term includes any state park which is declared a resort area by the department; however, such declaration may only be initiated in a written request for resort area status made to the department by the Executive Director of the Department of Wildlife, Fisheries and Parks, and no permit for the sale of any alcoholic beverage, as defined in this article, except an on-premises retailer's permit, shall be issued for a hotel, restaurant or bed and breakfast inn in such park.(iii)The term includes:1.The clubhouses associated with the state park golf courses at the Lefleur's Bluff State Park, the John Kyle State Park, the Percy Quin State Park and the Hugh White State Park;2.The clubhouse and associated golf course, tennis courts and related facilities and swimming pool and related facilities where the golf course, tennis courts and related facilities and swimming pool and related facilities are adjacent to one or more planned residential developments and the golf course and all such developments collectively include at least seven hundred fifty (750) acres and at least four hundred (400) residential units;3.Any facility located on property that is a game reserve with restricted access that consists of at least three thousand (3,000) contiguous acres with no public roads and that offers as a service hunts for a fee to overnight guests of the facility;4.Any facility located on federal property surrounding a lake and designated as a recreational area by the United States Army Corps of Engineers that consists of at least one thousand five hundred (1,500) acres;5.Any facility that is located in a municipality that is bordered by the Pearl River, traversed by Mississippi Highway 25, adjacent to the boundaries of the Jackson International Airport and is located in a county which has voted against coming out from under the dry law; however, any such facility may only be located in areas designated by the governing authorities of such municipality;6.Any municipality with a population in excess of ten thousand (10,000) according to the latest federal decennial census that is located in a county that is bordered by the Pearl River and is not traversed by Interstate Highway 20, with a population in excess of forty-five thousand (45,000) according to the latest federal decennial census;7.The West Pearl Restaurant Tax District as defined in Chapter 912, Local and Private Laws of 2007;8.a.Land that is located in any county in which Mississippi Highway 43 and Mississippi Highway 25 intersect and:A.Owned by the Pearl River Valley Water Supply District, and/orB.Located within the Reservoir Community District, zoned commercial, east of Old Fannin Road, north of Regatta Drive, south of Spillway Road, west of Hugh Ward Boulevard and accessible by Old Fannin Road, Spillway Road, Spann Drive and/or Lake Vista Place, and/orC.Located within the Reservoir Community District, zoned commercial, west of Old Fannin Road, south of Spillway Road and extending to the boundary of the corporate limits of the City of Flowood, Mississippi;b.The board of supervisors of such county, with respect to B and C of item 8.a., may by resolution or other order:A.Specify the hours of operation of facilities that offer alcoholic beverages for sale,B.Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages, andC.Designate the areas in which facilities that offer alcoholic beverages for sale may be located;9.Any facility located on property that is a game reserve with restricted access that consists of at least eight hundred (800) contiguous acres with no public roads, that offers as a service hunts for a fee to overnight guests of the facility, and has accommodations for at least fifty (50) overnight guests;10.Any facility that:a.Consists of at least six thousand (6,000) square feet being heated and cooled along with an additional adjacent area that consists of at least two thousand two hundred (2,200) square feet regardless of whether heated and cooled,b.For a fee is used to host events such as weddings, reunions and conventions,c.Provides lodging accommodations regardless of whether part of the facility and/or located adjacent to or in close proximity to the facility, andd.Is located on property that consists of at least thirty (30) contiguous acres;11.Any facility and related property:a.Located on property that consists of at least one hundred twenty-five (125) contiguous acres and consisting of an eighteen-hole golf course, and/or located in a facility that consists of at least eight thousand (8,000) square feet being heated and cooled,b.Used for the purpose of providing meals and hosting events, andc.Used for the purpose of teaching culinary arts courses and/or turf management and grounds keeping courses, and/or outdoor recreation and leadership courses;12.Any facility and related property that:a.Consist of at least eight thousand (8,000) square feet being heated and cooled,b.For a fee is used to host events,c.Is used for the purpose of culinary arts courses, and/or live entertainment courses and art performances, and/or outdoor recreation and leadership courses;13.The clubhouse and associated golf course where the golf course is adjacent to one or more residential developments and the golf course and all such developments collectively include at least two hundred (200) acres and at least one hundred fifty (150) residential units and are located a. in a county that has voted against coming out from under the dry law; and b. outside of but in close proximity to a municipality in such county which has voted under Section67-1-14, after January 1, 2013, to come out from under the dry law;14.The clubhouse and associated eighteen-hole golf course located in a municipality traversed by Interstate Highway 55 and U.S. Highway 51 that has voted to come out from under the dry law;15.a.Land that is planned for mixed-use development and consists of at least two hundred (200) contiguous acres with one or more planned residential developments collectively planned to include at least two hundred (200) residential units when completed, and also including a facility that consists of at least four thousand (4,000) square feet that is not part of such land but is located adjacent to or in close proximity thereto, and which land is located:A.In a county that has voted to come out from under the dry law,B.Outside the corporate limits of any municipality in such county and adjacent to or in close proximity to a golf course located in a municipality in such county, andC.Within one (1) mile of a state institution of higher learning;b.The board of supervisors of such county may by resolution or other order:A.Specify the hours of operation of facilities that offer alcoholic beverages for sale,B.Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the

preparation, cooking and serving of meals and not from the sale of beverages, and C. Designate the areas in which facilities that offer alcoholic beverages for sale may be located; 16. Any facility with a capacity of five hundred (500) people or more, to be used as a venue for private events, on a tract of land in the Southwest Quarter of Section 33, Township 2 South, Range 7 East, of a county where U.S. Highway 45 and U.S. Highway 72 intersect and that has not voted to come out from under the dry law; 17. One hundred five (105) contiguous acres, more or less, located in Hinds County, Mississippi, and in the City of Jackson, Mississippi, whereon are constructed a variety of buildings, improvements, grounds or objects for the purpose of holding events thereon to promote agricultural and industrial development in Mississippi; 18. Land that is owned by a state institution of higher learning, land that is owned by an entity that is bound by an affiliation agreement with a state institution of higher learning, or land that is owned by one or more other entities so long as such other entities are solely owned, either directly or through additional entities, by an institution of higher learning and/or one or more entities bound by affiliation agreements with such institution, and: a. Located entirely within a county that has elected by majority vote not to permit the transportation, storage, sale, distribution, receipt and/or manufacture of light wine and beer pursuant to Section 67-3-7; and b. A. Located adjacent to but outside the incorporated limits of a municipality that has elected by majority vote to permit the sale, receipt, storage and transportation of light wine and beer pursuant to Section 67-3-9; or B. Located in an area bounded on the north by College View Drive, on the east by Mississippi Highway 12 East, on the south by Mississippi Highway 12 East, on the west by Mill Street, on the north by Russell Street, then on the west by Colonel Muldrow Avenue, on the north by University Drive, on the west by Adkerson Way within a municipality through which run Mississippi Highway 25, Mississippi Highway 12 and U.S. Highway 82. If any portion of the land described in this item 18 has been declared a qualified resort area by the department before July 1, 2020, then that qualified resort area shall be incorporated into the qualified resort area created by this item 18; 19. Any facility and related property: a. Used as a flea market or similar venue during a weekend (Saturday and Sunday) immediately preceding the first Monday of a month and having an annual average of at least one thousand (1,000) visitors for each such weekend and five hundred (500) vendors for Saturday of each such weekend, and b. Located in a county that has not voted to come out from under the dry law and outside of but in close proximity to a municipality located in such county and which municipality has voted to come out from under the dry law; 20. Blocks 1, 2 and 3 of the original town square in any municipality with a population in excess of one thousand five hundred (1,500) according to the latest federal decennial census and which is located in: a. A county traversed by Interstate 55 and Interstate 20, and b. A judicial district that has not voted to come out from under the dry law; 21. Any municipality with a population in excess of two thousand (2,000) according to the latest federal decennial census and in which is located a part of White's Creek Lake and in which U.S. Highway 82 intersects with Mississippi Highway 9 and located in a county that is partially bordered on one (1) side by the Big Black River; 22. A restaurant located on a two-acre tract adjacent to a five-hundred-fifty-acre lake in the northeast corner of a county traversed by U.S. Interstate 55 and U.S. Highway 84; 23. Any tracts of land in Oktibbeha County, situated north of Bailey Howell Drive, Lee Boulevard and Old Mayhew Road, east of George Perry Street and south of Mississippi Highway 182, and not located on the property of a state institution of higher learning; however, the board of supervisors of such county may by resolution or other order: a. Specify the hours of operation of facilities that offer alcoholic beverages for sale; b. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and c. Designate the areas in which facilities that offer alcoholic beverages for sale may be located; 24. A municipality in which Mississippi Highway 27 and Mississippi Highway 28 intersect; 25. A municipality through which run Mississippi Highway 35 and Interstate 20; 26. A municipality in which Mississippi Highway 16 and Mississippi Highway 35 intersect; 27. A municipality in which U.S. Highway 82 and Old Highway 61 intersect; 28. A municipality in which Mississippi Highway 8 meets Mississippi Highway 1; 29. A municipality in which U.S. Highway 82 and Mississippi Highway 1 intersect; 30. A municipality in which Mississippi Highway 50 meets Mississippi Highway 9; 31. An area bounded on the north by Pearl Street, on the east by West Street, on the south by Court Street and on the west by Farish Street, within a municipality bordered on the east by the Pearl River and through which run Interstate 20 and Interstate 55; 32. Any facility and related property that: a. Is contracted for mixed-use development improvements consisting of office and residential space and a restaurant and lounge, partially occupying the renovated space of a four-story commercial building which previously served as a financial institution; and adjacent property to the west consisting of a single-story office building that was originally occupied by the Brotherhood of Carpenters and Joiners of American Local Number 569; and b. Is situated on a tract of land consisting of approximately one and one-tenth (1.10) acres, and the adjacent property to the west consisting of approximately 0.5 acres, located in a municipality which is the seat of county government, situated south of Interstate 10, traversed by U.S. Highway 90, partially bordered on one (1) side by the Pascagoula River and having its most southern boundary bordered by the Gulf of Mexico, with a population greater than twenty-two thousand (22,000) according to the 2010 federal decennial census; however, the governing authorities of such a municipality may by ordinance: A. Specify the hours of operation of facilities that offer alcoholic beverages for sale; B. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and C. Designate the areas within the facilities in which alcoholic beverages may be offered for sale; 33. Any facility with a maximum capacity of one hundred twenty (120) people that consists of at least three thousand (3,000) square feet being heated and cooled, has a commercial kitchen, has a pavilion that consists of at least nine thousand (9,000) square feet and is located on land more particularly described as follows: All that part of the East Half of the Northwest Quarter of Section 21, Township 7 South, Range 4 East, Union County, Mississippi, that lies South of Mississippi State Highway 348 right-of-way and containing 19.48 acres, more or less. ALSO, The Northeast 38 acres of the Southwest Quarter of Section 21, Township 7 South, Range 4 East, Union County, Mississippi. ALSO, The South 81 1/2 acres of the Southwest Quarter of Section 21, Township 7 South, Range 4 East, Union County, Mississippi; 34. A municipality in which U.S.

Highway 51 and Mississippi Highway 16 intersect;35.A municipality in which Interstate 20 passes over Mississippi Highway 15;36.Any municipality that is bordered in its northwestern boundary by the Pearl River, traversed by U.S. Highway 49 and Interstate 20, and is located in a county which has voted against coming out from under the dry law;37.A municipality in which Mississippi Highway 28 and Mississippi Highway 29 North intersect;38.An area bounded as follows within a municipality through which run Interstate 22 and Mississippi Highway 15: Beginning at a point at the intersection of Bankhead Street and Tallahatchie Trails; then running to a point at the intersection of Tallahatchie Trails and Interstate 22; then running to a point at the intersection of Interstate 22 and Carter Avenue; then running to a point at the intersection of Carter Avenue and Camp Avenue; then running to a point at the intersection of Camp Avenue and King Street; then running to a point at the intersection of King Street and E. Main Street; then running to a point at the intersection of E. Main Street and Camp Avenue; then running to a point at the intersection of Camp Avenue and Highland Street; then running to a point at the intersection of Highland Street and Adams Street; then running to a point at the intersection of Adams Street and Cleveland Street; then running to a point at the intersection of Cleveland Street and N. Railroad Avenue; then running to a point at the intersection of N. Railroad Avenue and McGill Street; then running to a point at the intersection of McGill Street and Snyder Street; then running to a point at the intersection of Snyder Street and Bankhead Street; then running to a point at the intersection of Bankhead Street and Tallahatchie Trails and the point of the beginning;39.A municipality through which run Mississippi Highway 43 and U.S. Highway 80;40.The coliseum in a municipality in which U.S. Highway 72 passes over U.S. Highway 45;41.A piece of property on the northeast corner of the T-intersection where Builders Square Drive meets Mississippi Highway 471;42.The clubhouse and associated golf course, tennis courts and related facilities and swimming pool and related facilities located on Oaks Country Club Road less than one-half (1/2) mile to the east of Mississippi Highway 15;43.Any facility located on land more particularly described as follows:The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of Section 15, Township 3 North, Range 2 East; a 4 acre parcel in the Southwest Corner of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4), Section 15, Township 3 North, Range 2 East, running 210 feet east and west and 840 feet running north and south; the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 22, Township 3 North, Range 2 East, all in Rankin County, Mississippi;44.Any facility located on land more particularly described as follows:Beginning at a point 1915 feet west and 2171 feet north of southeast corner, Section 11, Township 24 North, Range 2 West, Second Judicial District, Tallahatchie County, Mississippi, which point is the southwest corner of J.C. Section Lot mentioned in deed recorded in Book 50, page 34, in the records of the Chancery Clerk's Office at Sumner, in said District of said County; thence South 80° West, 19 feet to the east boundary of United States Highway 49-E, thence East along the east boundary of said Highway 270 feet to point of beginning of Lot to be conveyed; thence southeast along the east boundary of said Highway 204 feet to a concrete post at the intersection of the east boundary of said Highway with the west boundary of gravel road from Sumner to Webb, known as Oil Mill Road, thence Northwest along west boundary of said Oil Mill Road 194 feet to center of driveway running southwest from said Oil Mill Road to U.S. Highway 49-E; thence South 66° West along center of said driveway 128 feet to point of beginning, being situated in Northwest Quarter of Southeast Quarter of Section 11, together with all improvements situated thereon;45.Any facility that:a.Consists of at least five thousand six hundred (5,600) square feet being heated and cooled along with a lakeside patio that consists of at least two thousand two hundred (2,200) square feet, regardless of whether such patio is part of the facility and/or located adjacent to or in close proximity to the facility;b.Include a caterer's kitchen and green room for entertainment preparation;c.For a fee is used to host events; andd.Is located adjacent to or in close proximity to an approximately nine (9) acre lake on property that consists of at least one hundred twenty (120) acres in a county traversed by Mississippi Highway 15 and U.S. Highway 278;46.Any municipality with a population in excess of one thousand (1,000) according to the 2010 federal decennial census and which is located in a county that is traversed by U.S. Highways 84 and 98 and has not voted to come out from under the dry law;47.The clubhouse and associated nine-hole golf course, tennis courts and related facilities and swimming pool and related facilities located on or near U.S. Highway 82 between Mississippi Highway 15 and Mississippi Highway 9;48.The downtown square area bound by East Service Drive, Commerce Street, Second Street and Court Street and adjacent properties in a municipality through which run Interstate 55, U.S. Highway 51 and Mississippi Highway 306;49.All parcels zoned for mixed-use development located west of Mississippi Highway 589, more than four hundred (400) feet north of Old Highway 24, east of Parkers Creek and Black Creek, and south of J M Burge Road;50.Any facility used by a soccer club and located on Old Highway 11 between one-tenth (0.1) and two-tenths (0.2) of a mile from its intersection with Oak Grove Road, in a county in which U.S. Highway 98 and Mississippi Highway 589 intersect;51.Any municipality in which U.S. Highway 49 and Mississippi Highway 469 intersect;52.Any facility that is:a.Owned by a Veterans of Foreign Wars (VFW) organization that is a nonprofit corporation and registered with the Mississippi Secretary of State;b.Used by such organization for its headquarters and other organization related purposes; andc.Located outside of a municipality in a county that has not voted to come out from under the dry law;53.The following within a municipality in which U.S. Highway 49 and U.S. 61 Highway intersect and through which flows the Sunflower River:a.An area bounded as follows: Starting at the southern point of the intersection of Sunflower Avenue and 1st Street and going south along said avenue on its eastern side to 8th Street, then going east along said street on its northern side to West Tallahatchie Street, then going north along said street on its western side to 4th Street/Martin Luther King Boulevard, then going east along said street/boulevard on its northern side to Desoto Avenue, then going north along said avenue on its western side to 1st Street, then going west along said street on its southern side to the point of beginning along the southern side of Court Street;b.Lots located at or near the intersection of Madison Avenue, Walnut Street, and Riverside Avenue that are in a commercial zone; andc.Any facility located on the west side of Sunflower Avenue to the Sunflower River between the southern side of 6th Street and the northern side of 8th Street and which is operated as and/or was operated as a hotel or lodging facility, in consideration of payment, regardless of whether the facility meets

the criteria for the definition of the term "hotel" in paragraph (l) of this section; andd.Any facility located on the west side of Sunflower Avenue to the Sunflower River between the southern side of 3rd Street and the northern side of 4th Street/Martin Luther King Boulevard and which is operated as and/or was operated as a musical venue, in consideration of payment;54.Any municipality in which Mississippi Highway 340 meets Mississippi Highway 15;55.Any municipality in which Mississippi Highway 540 and Mississippi Highway 149 intersect;56.Any municipality in which Mississippi Highway 15 and Mississippi Highway 345/Main Street intersect;57.The property and structures thereon at the following locations within a municipality through which run U.S. Highway 45 and Mississippi Highway 145 and in which Mississippi Highway 370 and Mississippi Highway 145 intersect: 104 West Main Street, 106 West Main Street, 108 West Main Street, 110 West Main Street and 112 West Main Street;58.Any municipality in which U.S. Highway 11 and Main Street intersect and which is located in a county having two (2) judicial districts;59.Any municipality in which Interstate 22 passes over Mississippi Highway 9;60.Any facility located on land more particularly described as follows:A certain parcel of land being situated in the Southeast 1/4 of the Northeast 1/4 of Section 9, T3N-R3E, Rankin County, Mississippi, and being more particularly described as follows:Commence at an existing 1/2" iron pin marking the Southwest corner of the aforesaid Southeast 1/4 of the Northeast 1/4 of Section 9, T3N-R3E and run thence North 00 degrees 06 minutes 13 seconds East along the East line of the Southeast 1/4 of the Northeast 1/4 for a distance of 33.18 feet to an existing 1/2" iron pin; leaving said East line of the Southeast 1/4 of the Northeast 1/4, run thence South 89 degrees 53 minutes 47 seconds East for a distance of 2.08 feet to an existing 1/2" iron pin; run thence North 00 degrees 22 minutes 19 seconds East for a distance of 561.90 feet to an existing 1/2" iron pin; run thence North 00 degrees 16 minutes 18 seconds East for a distance of 76.42 feet to a set 1/2" iron pin marking the POINT OF BEGINNING of the parcel of land herein described; from said POINT OF BEGINNING, continue thence North 00 degrees 16 minutes 18 seconds East along an existing fence for a distance of 493.27 feet to an existing 1/2" iron pin; run thence North 03 degrees 08 minutes 15 seconds East for a distance of 170.22 feet to an existing 1/2" iron pin on the North line of the aforesaid Southeast 1/4 of the Northeast 1/4 of Section 9; run thence North 89 degrees 46 minutes 45 seconds East along said North line of the Southeast 1/4 of the Northeast 1/4 of Section 9 for a distance of 1,305.51 feet to an existing 1/2" iron pin marking Northeast corner thereof; leaving said North line of the Southeast 1/4 of the Northeast 1/4 of Section 9, run thence South 00 degrees 08 minutes 35 seconds West along the East line of said Southeast 1/4 of the Northeast 1/4 of Section 9 for a distance of 663.19 feet to a set 1/2" iron pin; leaving said East line of the Southeast 1/4 of the Northeast 1/4 of Section 9, run thence South 89 degrees 46 minutes 45 seconds West for a distance of 1,315.51 feet to the POINT OF BEGINNING, containing 20.00 acres, more or less.And Also: An easement for the purpose of ingress and egress being situated in the Southeast 1/4 of the Northeast 1/4 and in the Northeast 1/4 of the Southeast 1/4 of Section 9, T3N-R3E, Rankin County, Mississippi, and being more particularly described as follows:Begin at an existing 1/2" iron pin marking the Southwest corner of the aforesaid Southeast 1/4 of the Northeast 1/4 of Section 9, T3N-R3E and run thence North 00 degrees 06 minutes 13 seconds East along the East line of the Southeast 1/4 of the Northeast 1/4 for a distance of 33.18 feet to an existing 1/2" iron pin; leaving said East line of the Southeast 1/4 of the Northeast 1/4, run thence South 89 degrees 53 minutes 47 seconds East for a distance of 2.08 feet to an existing 1/2" iron pin; run thence North 00 degrees 22 minutes 19 seconds East for a distance of 561.90 feet to an existing 1/2" iron pin; run thence North 00 degrees 16 minutes 18 seconds East for a distance of 76.42 feet to a set 1/2" iron pin; run thence North 89 degrees 46 minutes 45 seconds East for a distance of 25.00 feet to a set 1/2" iron pin; run thence South 00 degrees 16 minutes 18 seconds West for a distance of 76.66 feet to a set 1/2" iron pin; run thence South 00 degrees 22 minutes 19 seconds West for a distance of 619.81 feet to a set 1/2" iron pin; run thence South 89 degrees 43 minutes 01 seconds West for a distance of 26.81 feet to a set 1/2" iron pin; run thence North 00 degrees 06 minutes 13 seconds East along the West line of the aforesaid Northeast 1/4 of the Southeast 1/4 of Section 9 for a distance of 25.00 feet to the POINT OF BEGINNING, containing 17,525.4 square feet, more or less.61.Any municipality bordered on the east by the Pascagoula River and on the south by the Mississippi Sound;62.The property and structures thereon located at parcel numbers 4969 198 000; 4969 200 000; 4969 201 000; 4969 206 000; 4969 207 000; 4969 208 000; 4969 218 000; 4969 199; 4969 204 000 and 4969 204 001, all in Block 4 of the original town square in any municipality with a population in excess of one thousand five hundred (1,500) according to the latest federal decennial census and which is located in:a.A county traversed by Interstate 55 and Interstate 20, andb.A judicial district that has not voted to come out from under the dry law;63.Any municipality in which Mississippi Highway 12 meets Mississippi Highway 17;64.Any municipality in which U.S. Highway 49 and Mississippi Highway 469 intersect;65.The clubhouse and associated nine-hole golf course and related facilities located on or near the eastern corner of the point at which Golf Course Road meets Athens Road, in a county in which Mississippi Highway 13 and Mississippi Highway 28 intersect, with GPS coordinates of approximately 31.900370078041004, -89.7928067652611;66.Any facility located at the south-to-southwest corner of the intersection of Madison Street and Bolton Brownsville Road, in a municipality in which Bolton Brownsville Road passes over Interstate 20, with GPS coordinates of approximately 32.349067271758955, -90.4596221146197;67.Any facility located at the northwest corner of the intersection of Depot Street and Madison Street, in a municipality in which Bolton Brownsville Road passes over Interstate 20, with GPS coordinates of approximately 32.34903152971068, -90.46047660172901;68.Any facility located on Hinds Boulevard approximately three-tenths (0.3) of a mile south of the point at which Hinds Boulevard diverges from Clinton Road, in a municipality whose northern boundary partially consists of Snake Creek Road, and whose southern boundary partially consists of Mississippi Highway 18, with GPS coordinates of approximately 32.26384517526713, -90.41586570183475;69.Any facility located on Pleasant Grove Drive approximately one and three-tenths (1.3) miles southeast of its intersection with Harmony Drive, in a county through which run Interstate 55 and U.S. Highway 84, with GPS coordinates of approximately 31.512043770371907, -90.2506094382595;70.Any facility located immediately north of the intersection of two roads, both named Mason Clark Drive, located between two-tenths (0.2) and

three-tenths (0.3) of a mile southwest of Mississippi Highway 57/63, with GPS coordinates of approximately 31.135950529733048, -88.53068674585575;71.Any facility located on Raj Road approximately three-tenths (0.3) of a mile south of Mississippi Highway 57/63, with GPS coordinates of approximately 31.139553708288418, -88.53411203512971;72.Any facility located on Raj Road approximately one-tenth (0.1) of a mile south of Mississippi Highway 57/63, with GPS coordinates of approximately 31.14184097577295, -88.53287700849411;73.Any municipality through which run U.S. Highway 45 and Mississippi Highway 145 and in which Mississippi Highway 370 and Mississippi Highway 145 intersect; however, this designation as a qualified resort area shall only apply to the portion of such municipality which is located in a county that has not voted to come out from under the dry law;74.A municipality through which runs a portion of the Tanglefoot Trail and in which Mississippi Highway 32 and East Front Street intersect;75.Lot Three (3) in Block One Hundred Seventy-eight (178) of the D.H. McInnis First Survey, sometimes referred to as D.H. McInnis Railroad Addition, to the City of Hattiesburg, the said lot having a frontage of thirty (30) feet on the Eastern side of Front Street and extending back between parallel lines ninety (90) feet to an alley, and being located in the Northwest Quarter of Section 10, Township 4 North, Range 13 West, Forrest County, Mississippi;76.An area of land in George County of approximately eight and five hundredths (8.05) acres, bordered on the east and northeast by Brushy Creek, on the northwest by Brushy Creek Road, on the west by Beaver Creek Road, and on the south by a property boundary running east and west;77.A municipality in which Mississippi Highway 15 intersects with Webster Street, and in which Webster Street splits into Mill Street and Maben Starkville Road;78.A municipality in which Mississippi Highway 492 meets Mississippi Highway 35;79.A facility operating as an event venue and located on Mississippi Highway 589, with GPS coordinates of approximately 31.36730, -89.50548;80.An area situated in the SW 1/4 of Section 12, T7N-R2E, Madison County, Mississippi, and commencing at the point on the Ross Barnett Reservoir directly east of the intersection of North Natchez Street and Louisiana Street, then go west on Louisiana Street to the intersection of Louisiana Street and Andrew Jackson Street, then west on Andrew Jackson Street to the intersection of Andrew Jackson Street and Choctaw Street, then north on Choctaw Street to the intersection of Choctaw Street and Republic Street, then west on Republic Street to the intersection of Republic Street and Port Street, then north on Port Street to the Natchez Trace right-of-way, then east on the Natchez Trace right-of-way to the Ross Barnett Reservoir, then following the Ross Barnett Reservoir south back to the point of beginning;81.Any facility located on land more particularly described as follows:Commencing at a fence corner at the Northeast corner of Section 34, Township 6 South, Range 3 East, Union County, Mississippi, for the point of beginning; thence run South 00 degrees 31 minutes 39 seconds East, along the Section line, a distance of 161.83 feet to a one-half inch iron pin, thence North 88 degrees 20 minutes 48 seconds West, along a fence, a distance of 1221.09 feet to a one-half iron pin, thence South 09 degrees 45 minutes 37 seconds West, along a fence, a distance of 61.49 feet to a one-half inch iron pin, thence North 84 degrees 18 minutes 01 seconds West, along a fence, (passing through a one-half inch iron pin at 196.83 feet) a distance of 234.62 feet to a mag-nail on the centerline of Union County Road No. 137, thence North 11 degrees 00 minutes 29 seconds East a distance of 187.87 feet to a one-half inch iron pin on the West edge of said road, thence North 29 degrees 41 minutes 28 seconds East a distance of 59.28 feet to a point on the centerline of said road, thence South 89 degrees 13 minutes 02 seconds East (passing through a one-half inch iron pin at 30.0 feet) along the South line of the Bernard Whiteside property as recorded in Deed Book 117, Pages 517-518 and Deed Book 214, page 109, a distance of 646.07 feet to a concrete monument, thence South 89 degrees 13 minutes 02 seconds East a distance of 751.31 feet to a one-half inch iron pin, thence South 00 degrees 31 minutes 39 seconds East, along the aforesaid Section line, a distance of 52.93 feet to the point of beginning, said tract lying in the Southeast Quarter of Section 27, and the Northeast Quarter of Section 34, Township 6 South, Range 3 East and containing 6.99 acres.Subject to a perpetual all purpose non-exclusive easement for ingress, egress and public utilities together the right to enter upon the above described property and do any and all work necessary to build, repair and maintain a roadway or well or install public utilities all over upon and across the following described property:A 25.0 foot easement for ingress and egress, being 12.5 feet to the right and 12.5 feet to the left of the following described centerline: Commencing at a fence corner at the Northeast corner of Section 34, Township 6 South, Range 3 East, Union County, Mississippi, thence run South 00 degrees 31 minutes 39 seconds East, along the Section line, a distance of 149.33 feet to the point of beginning; thence North 88 degrees 20 minutes 48 seconds West a distance of 1231.46 feet to a point, thence South 09 degrees 45 minutes 37 seconds West a distance of 61.49 feet to a point, thence North 84 degrees 18 minutes 01 seconds West a distance of 221.82 feet to a point on the centerline of Union County Road #137, said tract lying in the Northeast Quarter of Section 34, Township 6 South, Range 3 East.82.The clubhouse at a country club located:a.In a county in which Mississippi Highway 15 and Mississippi Highway 16 intersect and which county has not voted to come out from under the dry law, andb.Outside the corporate limits of any municipality in such county and within one (1) mile of the corporate limits of a municipality that is the county seat of such county;83.Any facility located on North Jackson Street in a municipality through which run Mississippi Highway 8 and Mississippi Highway 15, with GPS coordinates of approximately 33.913692, -89.005219;84.Any facility located on North Jackson Street in a municipality through which run Mississippi Highway 8 and Mississippi Highway 15, with GPS coordinates of approximately 33.905581, -89.00200;85.Any facility located on land more particularly described as follows:Commencing at the Southeast corner of Section 4, Township 6 South, Range 18 West, Pearl River County, Mississippi; thence West 1310.00 feet to a T-bar; thence North 745.84 feet; thence East 132.00 feet to a 1" iron pipe; thence North 83.61 feet for the Point of Beginning; thence South 79 degrees 02 minutes 61 seconds West 248.28 feet; thence West 76.35 feet; thence North 20 degrees 00 minutes 00 seconds West 185.54 feet; thence North 52 degrees 43 minutes 14 seconds East 365.98 feet to a 1" iron pipe on the West margin of Henry Smith Road, a gravel/paved, public road; thence along said margin South 17 degrees 59 minutes 13 seconds East 299.09 feet; thence South 64.39 feet to the Point of Beginning. This parcel containing 2.19 acres and being a part of the East 1/2 of Section 4, Township 6 South, Range 18 West, Pearl River County, Mississippi.INDEXING: BEING A PART OF THE EAST 1/2 OF SECTION 4, TOWNSHIP 6

SOUTH, RANGE 18 WEST, PEARL RIVER COUNTY, MISSISSIPPI;86.Any facility located on land in a county through which run Mississippi Highway 25 and U.S. Highway 82 and more particularly described as follows: Beginning at a point with GPS coordinates of approximately 33.331869, -88.715054; then running in a straight line to a point with GPS coordinates of approximately 33.336207, -88.713453; then running in a straight line to a point with GPS coordinates of approximately 33.335369, -88.709835; then running in a straight line to a point with GPS coordinates of approximately 33.330870, -88.711496; then running in a straight line to a point with GPS coordinates of approximately 33.331869, -88.715054 and the point of the beginning;87.Any facility located on land that is owned by a community college that is located in a county through which run U.S. Highway 51 and Mississippi Highway 4;88.Any facility located on Mississippi Highway 23/178 in a municipality in which Mississippi Highway 23/178 and Stone Drive intersect, with GPS coordinates of approximately 34.235269, -88.262409;89.Any facility located on U.S. Highway 51 in a municipality through which run Interstate 55, U.S. Highway 51 and the Natchez Trace Parkway, with GPS coordinates of approximately 32.42042°N, 90.13473°W;90.Any facility located on Mullican Road in a county through which run U.S. Highway 84 and Interstate 59, with GPS coordinates of approximately 31.73395N, 89.18186W;91.Any facility located on land in a county through which run Mississippi Highway 25 and U.S. Highway 82 and more particularly described as follows: Beginning at a point with GPS coordinates of approximately 33.37391, -88.80645; then running in a straight line to a point with GPS coordinates of approximately 33.37391, -88.79972; then running in a straight line to a point with GPS coordinates of approximately 33.36672, -88.80644; then running in a straight line to a point with GPS coordinates of approximately 33.36674, -88.79971; then running in a straight line to a point with GPS coordinates of approximately 33.37391, -88.80645 and the point of the beginning;92.Any facility located on land more particularly described as follows:All that part of the South half (S 1/2) of the SE 1/4 of NE 1/4 of Section 14, Township 4 North, Range 15 West, lying and being West of State Highway No. 589, containing one (1) acre, more or less.LESS AND EXCEPT:Begin at the point of intersection of the North line of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 14, Township 4 North, Range 15 West with the present Southwesterly right-of-way line of Mississippi Highway No. 589, said point is also the Northeast corner of grantor property; said point is 50.6 feet West of Station 7 + 59.27 on the centerline of survey of Mississippi Highway No. 589 as shown on the plans for State Project No. SP-0014-2(10); from said POINT OF BEGINNING run thence South 08°57' East along said present Southwesterly right-of-way line, a distance of 37.1 feet to a point that is perpendicular to and 50 feet Southwesterly of Station 7 + 30 on the centerline of survey of Mississippi Highway 589 as shown on the plans for said project; run thence South 81°03' West, a distance of 35.7 feet to the West line of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of said Section 14 and the West line of grantors property; run thence North along said West property line, a distance of 42.2 feet to the Northwest corner of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of said Section 14 and the Northwest corner of grantors property; run thence East along grantors North property line, a distance of 29.5 feet to the POINT OF BEGINNING containing 0.03 acres, more or less, and all being situated in and a part of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi.LESS AND EXCEPT:A part of the South one-half of the Southeast 1/4 of Northeast 1/4, Northerly of a certain fence and West of Mississippi State Highway 589, in Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi and more particularly described as commencing at a pine (lighter) stake being used as the Southwest corner of the Northeast 1/4 of Southeast 1/4 of the above said Section 14, thence North and along the West line of the East 1/4 of the above said Section 14 1638.8 feet to the POINT OF BEGINNING. Thence continue North and along the West line of the East 1/4 of the above said Section 14, 278.5 feet to the Southerly line of the property Bobby G. Aultman and Marilyn S. Aultman previously sold to the Mississippi State Highway Department; thence North 81°03' East and along the above said Southerly property line for 35.7 feet more or less to the Westerly right-of-way line of Mississippi State Highway 589; thence Southeasterly and along the above said Westerly right-of-way line 232.7 feet to a concrete right-of-way marker; thence South 51°39' West and along the Northerly line of a wooden fence 88 feet to the POINT OF BEGINNING.AND ALSO:A parcel of land in a part of the Southeast 1/4 of Northwest 1/4 and a part of the Southwest 1/4, Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi, and more particularly described as beginning at a point where the Southerly right-of-way line of U.S. Highway 98 intersects the West line of the above said Southeast 1/4 of Northwest 1/4; thence North 67°34' East and along the Southerly right-of-way line of said highway 208.75 feet; thence South 208.75 feet; thence South 67°34' West 208.75 feet; thence South 141.3 feet; thence North 89°07'30" West 388.9 feet to the centerline of Parkers Creek; thence Northerly and along the centerline of said creek for the next three (3) calls: North 35°53' East 115.6 feet; North 25°05' East 68.5 feet; North 09°51'30" West 64.3 feet to the Southerly right-of-way line of U.S. Highway 98; thence North 67°34' East and along the Southerly right-of-way line of said highway 327.85 feet to the POINT OF BEGINNING. The above described area contains 3.02 acres.AND ALSO:Commencing at the Southwest corner of the Southwest 1/4 of the Northeast 1/4 of Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi, run South 88°05'27" East 310.00 feet, thence South 0°53'16" West 60.50 feet to a point on a fence line, thence run along fence line South 88°05'27" East 718.93 feet to the POINT OF BEGINNING, thence North 08°48'10" West 714.67 feet to a point on the South right-of-way line of Highway No. 98, thence along said right-of-way along a curve to the right with a delta angle of 02°04'26" having a radius of 5603.58 feet and an arc length of 202.84 feet, with a chord bearing a distance of North 71°53'47" East 202.83 feet to a Concrete Highway right-of-way marker, thence South 20°09'13" East 328.13 feet, thence South 69°00'47" East 117.68 feet, thence South 0°58'19" West 429.12 feet to a Point on Possession Line fence, thence along said fence North 88°05'27" West 299.23 feet back to the POINT OF BEGINNING, containing 5.0885 acres, more or less and being situated in the SW 1/4 of the NE 1/4 and the NW 1/4 of the SE 1/4 of said Section 14, together with all improvements and appurtenances thereunto belonging.AND ALSO:PARCEL NUMBER ONE: That part of the Northwest Quarter of the Southwest Quarter (Northwest 1/4 of the Southwest 1/4) of Section 14, Township 4 North, Range 15 West, of Lamar

County, Mississippi, being located and situated East of the center thread of Mill Creek as the same presently runs through and bisects said 40-acre tract, and comprising 10.9 acres, more or less, and all being part of the Northwest Quarter of the Southwest Quarter (Northwest 1/4 of the Southwest 1/4) of said Section, Township and Range, Lamar County, Mississippi. AND ALSO: PARCEL NUMBER TWO: A part of the Southeast Quarter of the Northwest Quarter (Southeast 1/4 of the Northwest 1/4) and part of the Northeast Quarter of the Southwest (Northeast 1/4 of the Southwest 1/4) all in Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi, being more particularly described as follows, to wit: Beginning at a point where the South margin of State Highway 98 intersects the West margin of the Southeast 1/4 of the Northwest 1/4 of Section 14, Township 4 North, Range 15 West, and run Easterly along the South margin of said highway right-of-way 208.75 feet; thence South 208.75 feet; thence Westerly parallel with the South margin of said highway right-of-way 208.75 feet to the West forty line; thence North 208.75 feet to the POINT OF BEGINNING, containing 1 acre, more or less. LESS AND EXCEPT: Begin at the point of intersection of an Easterly line of grantors property with the present Southerly right-of-way line of U.S. Highway 98 as shown on the plans for State Project No. 97-0014-02-044-10; from said POINT OF BEGINNING run thence South 02°56' West along said Easterly property line, a distance of 127.6 feet; thence run South 69°11' West, a distance of 52.9 feet; thence run South 67°13' West, a distance of 492.7 feet to the Westerly line of grantors property and the center of a creek; thence run Northerly along said Westerly property line and said center of creek, a distance of 122.8 feet to said present Southerly right-of-way line; thence run North 67°13' East along said present Southerly right-of-way line, a distance of 553.4 feet to the POINT OF BEGINNING, containing 1.43 acres, more or less, and being situated in and a part of the North 1/2 of the Southwest 1/4 of Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi. LESS AND EXCEPT: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 15 WEST, LAMAR COUNTY, MISSISSIPPI, PROCEED EAST 2136.60 FEET; THENCE NORTH 2508.67 FEET TO AN IRON PIN AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED. FROM THE DESCRIBED POINT OF BEGINNING, PROCEED NORTH 11°19'49" EAST 217.55 FEET TO AN IRON PIN; THENCE NORTH 40°11'01" EAST 118.28 FEET TO AN IRON PIN; THENCE NORTH 22°24'39" WEST 179.15 FEET TO AN IRON PIN ON THE SOUTHERN BOUNDARY OF U.S. HIGHWAY 98; THENCE ALONG THE SOUTHERN RIGHT-OF-WAY BOUNDARY OF SAID HIGHWAY AS FOLLOWS: SOUTH 67°35'21" WEST 699.55 FEET TO AN IRON PIN; THENCE SOUTH 69°16'57" WEST 67.67 FEET TO A CONCRETE RIGHT-OF-WAY MARKER; THENCE SOUTH 67°35'21" WEST 310.34 FEET TO AN IRON PIN; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 01°25'53" WEST 667.21 FEET TO AN IRON PIN; THENCE NORTH 67°35'21" EAST 491.91 FEET TO AN IRON PIN; THENCE NORTH 22°24'39" WEST 193.77 FEET TO AN IRON PIN; THENCE NORTH 67°35'21" EAST 629.48 FEET BACK TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 12.39 ACRES AND IS LOCATED PART IN THE SE 1/4 OF THE NW 1/4, PART IN THE NE 1/4 OF THE SW 1/4, AND PART IN THE NW 1/4 OF THE SW 1/4, ALL IN SECTION 14, TOWNSHIP 4 NORTH, RANGE 15 WEST, LAMAR COUNTY, MISSISSIPPI. The status of these municipalities, districts, clubhouses, facilities, golf courses and areas described in this paragraph (o)(iii) as qualified resort areas does not require any declaration of same by the department. The governing authorities of a municipality described, in whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31, 34, 35, 36, 37, 38, 39, 46, 48, 51, 53, 54, 55, 56, 58, 59, 61, 63, 64, 66, 67, 68, 73, 74, 83 or 84 of this paragraph (o)(iii) may by ordinance, with respect to the qualified resort area described in the same item: specify the hours of operation of facilities offering alcoholic beverages for sale; specify the percentage of revenue that facilities offering alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and designate the areas in which facilities offering alcoholic beverages for sale may be located. (p) "Native wine" means any product, produced in Mississippi for sale, having an alcohol content not to exceed twenty-one percent (21%) by weight and made in accordance with revenue laws of the United States, which shall be obtained primarily from the alcoholic fermentation of the juice of ripe grapes, fruits, berries, honey or vegetables grown and produced in Mississippi; provided that bulk, concentrated or fortified wines used for blending may be produced without this state and used in producing native wines. The department shall adopt and promulgate rules and regulations to permit a producer to import such bulk and/or fortified wines into this state for use in blending with native wines without payment of any excise tax that would otherwise accrue thereon. (q) "Native winery" means any place or establishment within the State of Mississippi where native wine is produced, in whole or in part, for sale. (r) "Bed and breakfast inn" means an establishment within a municipality where in consideration of payment, breakfast and lodging are habitually furnished to travelers and wherein are located not less than eight (8) and not more than nineteen (19) adequately furnished and completely separate sleeping rooms with adequate facilities, that persons usually apply for and receive as overnight accommodations; however, such restriction on the minimum number of sleeping rooms shall not apply to establishments on the National Register of Historic Places. No place shall qualify as a bed and breakfast inn under this article unless on the date of the initial application for a license under this article more than fifty percent (50%) of the sleeping rooms are located in a structure formerly used as a residence. (s) "Board" shall refer to the Board of Tax Appeals of the State of Mississippi. (t) "Spa facility" means an establishment within a municipality or qualified resort area and owned by a hotel where, in consideration of payment, patrons receive from licensed professionals a variety of private personal care treatments such as massages, facials, waxes, exfoliation and hairstyling. (u) "Art studio or gallery" means an establishment within a municipality or qualified resort area that is in the sole business of allowing patrons to view and/or purchase paintings and other creative artwork. (v) "Cooking school" means an establishment within a municipality or qualified resort area and owned by a nationally recognized company that offers an established culinary education curriculum and program where, in consideration of payment, patrons are given scheduled professional group instruction on culinary techniques. For purposes of this paragraph, the definition of cooking school shall not include schools or classes offered by grocery stores, convenience stores or drugstores. (w) "Campus" means property owned by a public school district, community or

junior college, college or university in this state where educational courses are taught, school functions are held, tests and examinations are administered or academic course credits are awarded; however, the term shall not include any "restaurant" or "hotel" that is located on property owned by a community or junior college, college or university in this state, and is operated by a third party who receives all revenue generated from food and alcoholic beverage sales.(x)"Native spirit" shall mean any beverage, produced in Mississippi for sale, manufactured primarily by the distillation of fermented grain, starch, molasses or sugar produced in Mississippi, including dilutions and mixtures of these beverages. In order to be classified as "native spirit" under the provisions of this article, at least fifty-one percent (51%) of the finished product by volume shall have been obtained from distillation of fermented grain, starch, molasses or sugar grown and produced in Mississippi.(y)"Native distillery" shall mean any place or establishment within this state where native spirit is produced in whole or in part for sale.(z)"Warehouse operator" shall have the meaning ascribed in Section 67-1-201. Codes, 1942, § 10265-05; Laws, 1966, ch. 540, § 5; Laws, 1976, ch. 467, § 12; Laws, 1977, ch. 488, § 2; Laws, 1980, ch. 348, § 1; Laws, 1984, ch. 425, § 1; Laws, 1987, ch. 358; Laws, 1988, ch. 384; Laws, 1990, ch. 569, § 3; Laws, 1994, ch. 558, § 20; Laws, 1998, ch. 306, § 2; Laws, 1999, ch. 453, § 19; Laws, 2004, ch. 397, § 1; Laws, 2008, ch. 366, § 1; Laws, 2009, ch. 465, § 1; Laws, 2009, ch. 492, § 126; Laws, 2009, ch. 558, § 1; Laws, 2012, ch. 323, § 2; Laws, 2012, ch. 428, § 1; Laws, 2012, ch. 501, § 7, eff. 7/1/2012. Amended by Laws, 2024, ch. 532, SB 2803, § 1, eff. 7/1/2024. Amended by Laws, 2024, ch. 425, SB 2457, § 1, eff. 7/1/2024. Amended by Laws, 2023, ch. 525, HB 535, § 1, eff. 7/1/2023. Amended by Laws, 2022, ch. 481, SB 2063, § 1, eff. 7/1/2022. Amended by Laws, 2022, ch. 483, SB 2844, § 12, eff. 7/1/2022. Amended by Laws, 2021, ch. 449, HB 572, § 1, eff. 7/1/2021. Amended by Laws, 2021, ch. 450, HB 1091, § 14, eff. 7/1/2021. Amended by Laws, 2021, ch. 388, SB 2606, § 7, eff. 7/1/2021. Amended by Laws, 2020, ch. 458, SB 2253, § 1, eff. 7/1/2020. Amended by Laws, 2020, ch. 429, SB 2545, § 6, eff. 7/1/2020. Amended by Laws, 2020, ch. 314, HB 917, § 37, eff. 6/18/2020. Amended by Laws, 2018, ch. 438, SB 2618, § 1, eff. 7/1/2018. Amended by Laws, 2018, ch. 383, HB 415, § 1, eff. 7/1/2018. Amended by Laws, 2016, ch. 401, HB 845, § 1, eff. 7/1/2016. Amended by Laws, 2015, ch. 413, HB 1132, § 1, eff. 7/1/2015. Amended by Laws, 2014, ch. 346, HB 836, § 1, eff. 7/1/2014.

For the purposes of this article and unless otherwise required by the context: (a) "Alcoholic beverage" means any alcoholic liquid, including wines of more than five percent (5%) of alcohol by weight, capable of being consumed as a beverage by a human being, but shall not include light wine, light spirit product and beer, as defined in Section 67-3-3, Mississippi Code of 1972, but shall include native wines and native spirits. The words "alcoholic beverage" shall not include ethyl alcohol manufactured or distilled solely for fuel purposes or beer of an alcoholic content of more than eight percent (8%) by weight if the beer is legally manufactured in this state for sale in another state. (b) "Alcohol" means the product of distillation of any fermented liquid, whatever the origin thereof, and includes synthetic ethyl alcohol, but does not include denatured alcohol or wood alcohol. (c) "Distilled spirits" means any beverage containing more than six percent (6%) of alcohol by weight produced by distillation of fermented grain, starch, molasses or sugar, including dilutions and mixtures of these beverages. (d) "Wine" or "vinous liquor" means any product obtained from the alcoholic fermentation of the juice of sound, ripe grapes, fruits, honey or berries and made in accordance with the revenue laws of the United States. (e) "Person" means and includes any individual, partnership, corporation, association or other legal entity whatsoever. (f) "Manufacturer" means any person engaged in manufacturing, distilling, rectifying, blending or bottling any alcoholic beverage. (g) "Wholesaler" means any person, other than a manufacturer, engaged in distributing or selling any alcoholic beverage at wholesale for delivery within or without this state when such sale is for the purpose of resale by the purchaser. (h) "Retailer" means any person who sells, distributes, or offers for sale or distribution, any alcoholic beverage for use or consumption by the purchaser and not for resale. (i) "State Tax Commission," "commission" or "department" means the Department of Revenue of the State of Mississippi, which shall create a division in its organization to be known as the Alcoholic Beverage Control Division. Any reference to the commission or the department hereafter means the powers and duties of the Department of Revenue with reference to supervision of the Alcoholic Beverage Control Division. (j) "Division" means the Alcoholic Beverage Control Division of the Department of Revenue. (k) "Municipality" means any incorporated city or town of this state. (l) "Hotel" means an establishment within a municipality, or within a qualified resort area approved as such by the department, where, in consideration of payment, food and lodging are habitually furnished to travelers and wherein are located at least twenty (20) adequately furnished and completely separate sleeping rooms with adequate facilities that persons usually apply for and receive as overnight accommodations. Hotels in towns or cities of more than twenty-five thousand (25,000) population are similarly defined except that they must have fifty (50) or more sleeping rooms. Any such establishment described in this paragraph with less than fifty (50) beds shall operate one or more regular dining rooms designed to be constantly frequented by customers each day. When used in this article, the word "hotel" shall also be construed to include any establishment that meets the definition of "bed and breakfast inn" as provided in this section. (m) "Restaurant" means: (i) A place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation, which has suitable seating facilities for guests, and which has suitable kitchen facilities connected therewith for cooking an assortment of foods and meals commonly ordered at various hours of the day; the service of such food as sandwiches and salads only shall not be deemed in compliance with this requirement. Except as otherwise provided in this paragraph, no place shall qualify as a restaurant under this article unless twenty-five percent (25%) or more of the revenue derived from such place shall be from the preparation, cooking and serving of meals and not from the sale of beverages, or unless the value of food given to and consumed by customers is equal to twenty-five percent (25%) or more of total revenue; or (ii) Any privately owned business located in a building in a historic district where the district is listed in the National Register of Historic Places, where the building has a total occupancy rating of not less than one thousand (1,000) and where the business regularly utilizes ten thousand (10,000) square feet or more in the building for live entertainment, including not only the stage, lobby or area where the audience sits and/or stands, but also any other portion of the building necessary for the operation of the business, including any

kitchen area, bar area, storage area and office space, but excluding any area for parking. In addition to the other requirements of this subparagraph, the business must also serve food to guests for compensation within the building and derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales to live entertainment in the building, and from the rental of all or part of the facilities of the business in the building to another party for a specific event or function.(n)"Club" means an association or a corporation:(i)Organized or created under the laws of this state for a period of five (5) years prior to July 1, 1966;(ii)Organized not primarily for pecuniary profit but for the promotion of some common object other than the sale or consumption of alcoholic beverages;(iii)Maintained by its members through the payment of annual dues;(iv)Owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests;(v)The affairs and management of which are conducted by a board of directors, board of governors, executive committee, or similar governing body chosen by the members at a regular meeting held at some periodic interval; and(vi)No member, officer, agent or employee of which is paid, or directly or indirectly receives, in the form of a salary or other compensation any profit from the distribution or sale of alcoholic beverages to the club or to members or guests of the club beyond such salary or compensation as may be fixed and voted at a proper meeting by the board of directors or other governing body out of the general revenues of the club.The department may, in its discretion, waive the five-year provision of this paragraph. In order to qualify under this paragraph, a club must file with the department, at the time of its application for a license under this article, two (2) copies of a list of the names and residences of its members and similarly file, within ten (10) days after the election of any additional member, his name and address. Each club applying for a license shall also file with the department at the time of the application a copy of its articles of association, charter of incorporation, bylaws or other instruments governing the business and affairs thereof.(o)"Qualified resort area" means any area or locality outside of the limits of incorporated municipalities in this state commonly known and accepted as a place which regularly and customarily attracts tourists, vacationists and other transients because of its historical, scenic or recreational facilities or attractions, or because of other attributes which regularly and customarily appeal to and attract tourists, vacationists and other transients in substantial numbers; however, no area or locality shall so qualify as a resort area until it has been duly and properly approved as such by the department. The department may not approve an area as a qualified resort area after July 1, 2018, if any portion of such proposed area is located within two (2) miles of a convent or monastery that is located in a county traversed by Interstate 55 and U.S. Highway 98. A convent or monastery may waive such distance restrictions in favor of allowing approval by the department of an area as a qualified resort area. Such waiver shall be in written form from the owner, the governing body, or the appropriate officer of the convent or monastery having the authority to execute such a waiver, and the waiver shall be filed with and verified by the department before becoming effective.(i)The department may approve an area or locality outside of the limits of an incorporated municipality that is in the process of being developed as a qualified resort area if such area or locality, when developed, can reasonably be expected to meet the requisites of the definition of the term "qualified resort area." In such a case, the status of qualified resort area shall not take effect until completion of the development.(ii)The term includes any state park which is declared a resort area by the department; however, such declaration may only be initiated in a written request for resort area status made to the department by the Executive Director of the Department of Wildlife, Fisheries and Parks, and no permit for the sale of any alcoholic beverage, as defined in this article, except an on-premises retailer's permit, shall be issued for a hotel, restaurant or bed and breakfast inn in such park.(iii)The term includes:1.The clubhouses associated with the state park golf courses at the Lefleur's Bluff State Park, the John Kyle State Park, the Percy Quin State Park and the Hugh White State Park;2.The clubhouse and associated golf course, tennis courts and related facilities and swimming pool and related facilities where the golf course, tennis courts and related facilities and swimming pool and related facilities are adjacent to one or more planned residential developments and the golf course and all such developments collectively include at least seven hundred fifty (750) acres and at least four hundred (400) residential units;3.Any facility located on property that is a game reserve with restricted access that consists of at least three thousand (3,000) contiguous acres with no public roads and that offers as a service hunts for a fee to overnight guests of the facility;4.Any facility located on federal property surrounding a lake and designated as a recreational area by the United States Army Corps of Engineers that consists of at least one thousand five hundred (1,500) acres;5.Any facility that is located in a municipality that is bordered by the Pearl River, traversed by Mississippi Highway 25, adjacent to the boundaries of the Jackson International Airport and is located in a county which has voted against coming out from under the dry law; however, any such facility may only be located in areas designated by the governing authorities of such municipality;6.Any municipality with a population in excess of ten thousand (10,000) according to the latest federal decennial census that is located in a county that is bordered by the Pearl River and is not traversed by Interstate Highway 20, with a population in excess of forty-five thousand (45,000) according to the latest federal decennial census;7.The West Pearl Restaurant Tax District as defined in Chapter 912, Local and Private Laws of 2007;8.a.Land that is located in any county in which Mississippi Highway 43 and Mississippi Highway 25 intersect and:A.Owned by the Pearl River Valley Water Supply District, and/orB.Located within the Reservoir Community District, zoned commercial, east of Old Fannin Road, north of Regatta Drive, south of Spillway Road, west of Hugh Ward Boulevard and accessible by Old Fannin Road, Spillway Road, Spann Drive and/or Lake Vista Place, and/orC.Located within the Reservoir Community District, zoned commercial, west of Old Fannin Road, south of Spillway Road and extending to the boundary of the corporate limits of the City of Flowood, Mississippi;b.The board of supervisors of such county, with respect to B and C of item 8.a., may by resolution or other order:A.Specify the hours of operation of facilities that offer alcoholic beverages for sale,B.Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages, andC.Designate the areas in which facilities that offer alcoholic beverages for sale may be located;9.Any facility located on property that is a game

reserve with restricted access that consists of at least eight hundred (800) contiguous acres with no public roads, that offers as a service hunts for a fee to overnight guests of the facility, and has accommodations for at least fifty (50) overnight guests;10.Any facility that:a.Consists of at least six thousand (6,000) square feet being heated and cooled along with an additional adjacent area that consists of at least two thousand two hundred (2,200) square feet regardless of whether heated and cooled,b.For a fee is used to host events such as weddings, reunions and conventions,c.Provides lodging accommodations regardless of whether part of the facility and/or located adjacent to or in close proximity to the facility, andd.Is located on property that consists of at least thirty (30) contiguous acres;11.Any facility and related property:a.Located on property that consists of at least one hundred twenty-five (125) contiguous acres and consisting of an eighteen-hole golf course, and/or located in a facility that consists of at least eight thousand (8,000) square feet being heated and cooled,b.Used for the purpose of providing meals and hosting events, andc.Used for the purpose of teaching culinary arts courses and/or turf management and grounds keeping courses, and/or outdoor recreation and leadership courses;12.Any facility and related property that:a.Consist of at least eight thousand (8,000) square feet being heated and cooled,b.For a fee is used to host events,c.Is used for the purpose of culinary arts courses, and/or live entertainment courses and art performances, and/or outdoor recreation and leadership courses;13.The clubhouse and associated golf course where the golf course is adjacent to one or more residential developments and the golf course and all such developments collectively include at least two hundred (200) acres and at least one hundred fifty (150) residential units and are located a. in a county that has voted against coming out from under the dry law; and b. outside of but in close proximity to a municipality in such county which has voted under Section67-1-14, after January 1, 2013, to come out from under the dry law;14.The clubhouse and associated eighteen-hole golf course located in a municipality traversed by Interstate Highway 55 and U.S. Highway 51 that has voted to come out from under the dry law;15.a.Land that is planned for mixed-use development and consists of at least two hundred (200) contiguous acres with one or more planned residential developments collectively planned to include at least two hundred (200) residential units when completed, and also including a facility that consists of at least four thousand (4,000) square feet that is not part of such land but is located adjacent to or in close proximity thereto, and which land is located:A.In a county that has voted to come out from under the dry law,B.Outside the corporate limits of any municipality in such county and adjacent to or in close proximity to a golf course located in a municipality in such county, andC.Within one (1) mile of a state institution of higher learning;b.The board of supervisors of such county may by resolution or other order:A.Specify the hours of operation of facilities that offer alcoholic beverages for sale,B.Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages, andC.Designate the areas in which facilities that offer alcoholic beverages for sale may be located;16.Any facility with a capacity of five hundred (500) people or more, to be used as a venue for private events, on a tract of land in the Southwest Quarter of Section 33, Township 2 South, Range 7 East, of a county where U.S. Highway 45 and U.S. Highway 72 intersect and that has not voted to come out from under the dry law;17.One hundred five (105) contiguous acres, more or less, located in Hinds County, Mississippi, and in the City of Jackson, Mississippi, whereon are constructed a variety of buildings, improvements, grounds or objects for the purpose of holding events thereon to promote agricultural and industrial development in Mississippi;18.Land that is owned by a state institution of higher learning, land that is owned by an entity that is bound by an affiliation agreement with a state institution of higher learning, or land that is owned by one or more other entities so long as such other entities are solely owned, either directly or through additional entities, by an institution of higher learning and/or one or more entities bound by affiliation agreements with such institution, and:a.Located entirely within a county that has elected by majority vote not to permit the transportation, storage, sale, distribution, receipt and/or manufacture of light wine and beer pursuant to Section67-3-7; andb.A.Located adjacent to but outside the incorporated limits of a municipality that has elected by majority vote to permit the sale, receipt, storage and transportation of light wine and beer pursuant to Section67-3-9; orB.Located in an area bounded on the north by College View Drive, on the east by Mississippi Highway 12 East, on the south by Mississippi Highway 12 East, on the west by Mill Street, on the north by Russell Street, then on the west by Colonel Muldrow Avenue, on the north by University Drive, on the west by Adkerson Way within a municipality through which run Mississippi Highway 25, Mississippi Highway 12 and U.S. Highway 82.If any portion of the land described in this item 18 has been declared a qualified resort area by the department before July 1, 2020, then that qualified resort area shall be incorporated into the qualified resort area created by this item 18;19.Any facility and related property:a.Used as a flea market or similar venue during a weekend (Saturday and Sunday) immediately preceding the first Monday of a month and having an annual average of at least one thousand (1,000) visitors for each such weekend and five hundred (500) vendors for Saturday of each such weekend, andb.Located in a county that has not voted to come out from under the dry law and outside of but in close proximity to a municipality located in such county and which municipality has voted to come out from under the dry law;20.Blocks 1, 2 and 3 of the original town square in any municipality with a population in excess of one thousand five hundred (1,500) according to the latest federal decennial census and which is located in:a.A county traversed by Interstate 55 and Interstate 20, andb.A judicial district that has not voted to come out from under the dry law;21.Any municipality with a population in excess of two thousand (2,000) according to the latest federal decennial census and in which is located a part of White's Creek Lake and in which U.S. Highway 82 intersects with Mississippi Highway 9 and located in a county that is partially bordered on one (1) side by the Big Black River;22.A restaurant located on a two-acre tract adjacent to a five-hundred-fifty-acre lake in the northeast corner of a county traversed by U.S. Interstate 55 and U.S. Highway 84;23.Any tracts of land in Oktibbeha County, situated north of Bailey Howell Drive, Lee Boulevard and Old Mayhew Road, east of George Perry Street and south of Mississippi Highway 182, and not located on the property of a state institution of higher learning; however, the board of supervisors of such county may by resolution or other order:a.Specify the hours of operation of facilities that offer alcoholic beverages for sale;b.Specify the percentage of revenue that facilities that offer alcoholic beverages

for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and c. Designate the areas in which facilities that offer alcoholic beverages for sale may be located; 24. A municipality in which Mississippi Highway 27 and Mississippi Highway 28 intersect; 25. A municipality through which run Mississippi Highway 35 and Interstate 20; 26. A municipality in which Mississippi Highway 16 and Mississippi Highway 35 intersect; 27. A municipality in which U.S. Highway 82 and Old Highway 61 intersect; 28. A municipality in which Mississippi Highway 8 meets Mississippi Highway 1; 29. A municipality in which U.S. Highway 82 and Mississippi Highway 1 intersect; 30. A municipality in which Mississippi Highway 50 meets Mississippi Highway 9; 31. An area bounded on the north by Pearl Street, on the east by West Street, on the south by Court Street and on the west by Farish Street, within a municipality bordered on the east by the Pearl River and through which run Interstate 20 and Interstate 55; 32. Any facility and related property that: a. Is contracted for mixed-use development improvements consisting of office and residential space and a restaurant and lounge, partially occupying the renovated space of a four-story commercial building which previously served as a financial institution; and adjacent property to the west consisting of a single-story office building that was originally occupied by the Brotherhood of Carpenters and Joiners of American Local Number 569; and b. Is situated on a tract of land consisting of approximately one and one-tenth (1.10) acres, and the adjacent property to the west consisting of approximately 0.5 acres, located in a municipality which is the seat of county government, situated south of Interstate 10, traversed by U.S. Highway 90, partially bordered on one (1) side by the Pascagoula River and having its most southern boundary bordered by the Gulf of Mexico, with a population greater than twenty-two thousand (22,000) according to the 2010 federal decennial census; however, the governing authorities of such a municipality may by ordinance: A. Specify the hours of operation of facilities that offer alcoholic beverages for sale; B. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and C. Designate the areas within the facilities in which alcoholic beverages may be offered for sale; 33. Any facility with a maximum capacity of one hundred twenty (120) people that consists of at least three thousand (3,000) square feet being heated and cooled, has a commercial kitchen, has a pavilion that consists of at least nine thousand (9,000) square feet and is located on land more particularly described as follows: All that part of the East Half of the Northwest Quarter of Section 21, Township 7 South, Range 4 East, Union County, Mississippi, that lies South of Mississippi State Highway 348 right-of-way and containing 19.48 acres, more or less. ALSO, The Northeast 38 acres of the Southwest Quarter of Section 21, Township 7 South, Range 4 East, Union County, Mississippi. ALSO, The South 81 1/2 acres of the Southwest Quarter of Section 21, Township 7 South, Range 4 East, Union County, Mississippi; 34. A municipality in which U.S. Highway 51 and Mississippi Highway 16 intersect; 35. A municipality in which Interstate 20 passes over Mississippi Highway 15; 36. Any municipality that is bordered in its northwestern boundary by the Pearl River, traversed by U.S. Highway 49 and Interstate 20, and is located in a county which has voted against coming out from under the dry law; 37. A municipality in which Mississippi Highway 28 and Mississippi Highway 29 North intersect; 38. An area bounded as follows within a municipality through which run Interstate 22 and Mississippi Highway 15: Beginning at a point at the intersection of Bankhead Street and Tallahatchie Trails; then running to a point at the intersection of Tallahatchie Trails and Interstate 22; then running to a point at the intersection of Interstate 22 and Carter Avenue; then running to a point at the intersection of Carter Avenue and Camp Avenue; then running to a point at the intersection of Camp Avenue and King Street; then running to a point at the intersection of King Street and E. Main Street; then running to a point at the intersection of E. Main Street and Camp Avenue; then running to a point at the intersection of Camp Avenue and Highland Street; then running to a point at the intersection of Highland Street and Adams Street; then running to a point at the intersection of Adams Street and Cleveland Street; then running to a point at the intersection of Cleveland Street and N. Railroad Avenue; then running to a point at the intersection of N. Railroad Avenue and McGill Street; then running to a point at the intersection of McGill Street and Snyder Street; then running to a point at the intersection of Snyder Street and Bankhead Street; then running to a point at the intersection of Bankhead Street and Tallahatchie Trails and the point of the beginning; 39. A municipality through which run Mississippi Highway 43 and U.S. Highway 80; 40. The coliseum in a municipality in which U.S. Highway 72 passes over U.S. Highway 45; 41. A piece of property on the northeast corner of the T-intersection where Builders Square Drive meets Mississippi Highway 471; 42. The clubhouse and associated golf course, tennis courts and related facilities and swimming pool and related facilities located on Oaks Country Club Road less than one-half (1/2) mile to the east of Mississippi Highway 15; 43. Any facility located on land more particularly described as follows: The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of Section 15, Township 3 North, Range 2 East; a 4 acre parcel in the Southwest Corner of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4), Section 15, Township 3 North, Range 2 East, running 210 feet east and west and 840 feet running north and south; the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 22, Township 3 North, Range 2 East, all in Rankin County, Mississippi; 44. Any facility located on land more particularly described as follows: Beginning at a point 1915 feet west and 2171 feet north of southeast corner, Section 11, Township 24 North, Range 2 West, Second Judicial District, Tallahatchie County, Mississippi, which point is the southwest corner of J.C. Section Lot mentioned in deed recorded in Book 50, page 34, in the records of the Chancery Clerk's Office at Sumner, in said District of said County; thence South 80° West, 19 feet to the east boundary of United States Highway 49-E, thence East along the east boundary of said Highway 270 feet to point of beginning of Lot to be conveyed; thence southeast along the east boundary of said Highway 204 feet to a concrete post at the intersection of the east boundary of said Highway with the west boundary of gravel road from Sumner to Webb, known as Oil Mill Road, thence Northwest along west boundary of said Oil Mill Road 194 feet to center of driveway running southwest from said Oil Mill Road to U.S. Highway 49-E; thence South 66° West along center of said driveway 128 feet to point of beginning, being situated in Northwest Quarter of Southeast Quarter of Section 11, together with all improvements situated thereon; 45. Any facility that: a. Consists of at least five thousand six hundred (5,600) square feet being heated and cooled along with a lakeside patio that

consists of at least two thousand two hundred (2,200) square feet, regardless of whether such patio is part of the facility and/or located adjacent to or in close proximity to the facility;b.Includes a caterer's kitchen and green room for entertainment preparation;c.For a fee is used to host events; andd.Is located adjacent to or in close proximity to an approximately nine (9) acre lake on property that consists of at least one hundred twenty (120) acres in a county traversed by Mississippi Highway 15 and U.S. Highway 278;46.Any municipality with a population in excess of one thousand (1,000) according to the 2010 federal decennial census and which is located in a county that is traversed by U.S. Highways 84 and 98 and has not voted to come out from under the dry law;47.The clubhouse and associated nine-hole golf course, tennis courts and related facilities and swimming pool and related facilities located on or near U.S. Highway 82 between Mississippi Highway 15 and Mississippi Highway 9;48.The downtown square area bound by East Service Drive, Commerce Street, Second Street and Court Street and adjacent properties in a municipality through which run Interstate 55, U.S. Highway 51 and Mississippi Highway 306;49.All parcels zoned for mixed-use development located west of Mississippi Highway 589, more than four hundred (400) feet north of Old Highway 24, east of Parkers Creek and Black Creek, and south of J M Burge Road;50.Any facility used by a soccer club and located on Old Highway 11 between one-tenth (0.1) and two-tenths (0.2) of a mile from its intersection with Oak Grove Road, in a county in which U.S. Highway 98 and Mississippi Highway 589 intersect;51.Any municipality in which U.S. Highway 49 and Mississippi Highway 469 intersect;52.Any facility that is:a.Owned by a Veterans of Foreign Wars (VFW) organization that is a nonprofit corporation and registered with the Mississippi Secretary of State;b.Used by such organization for its headquarters and other organization related purposes; andc.Located outside of a municipality in a county that has not voted to come out from under the dry law;53.The following within a municipality in which U.S. Highway 49 and U.S. 61 Highway intersect and through which flows the Sunflower River:a.An area bounded as follows: Starting at the southern point of the intersection of Sunflower Avenue and 1st Street and going south along said avenue on its eastern side to 8th Street, then going east along said street on its northern side to West Tallahatchie Street, then going north along said street on its western side to 4th Street/Martin Luther King Boulevard, then going east along said street/boulevard on its northern side to Desoto Avenue, then going north along said avenue on its western side to 1st Street, then going west along said street on its southern side to the point of beginning along the southern side of Court Street;b.Lots located at or near the intersection of Madison Avenue, Walnut Street, and Riverside Avenue that are in a commercial zone; andc.Any facility located on the west side of Sunflower Avenue to the Sunflower River between the southern side of 6th Street and the northern side of 8th Street and which is operated as and/or was operated as a hotel or lodging facility, in consideration of payment, regardless of whether the facility meets the criteria for the definition of the term "hotel" in paragraph (l) of this section; andd.Any facility located on the west side of Sunflower Avenue to the Sunflower River between the southern side of 3rd Street and the northern side of 4th Street/Martin Luther King Boulevard and which is operated as and/or was operated as a musical venue, in consideration of payment;54.Any municipality in which Mississippi Highway 340 meets Mississippi Highway 15;55.Any municipality in which Mississippi Highway 540 and Mississippi Highway 149 intersect;56.Any municipality in which Mississippi Highway 15 and Mississippi Highway 345/Main Street intersect;57.The property and structures thereon at the following locations within a municipality through which run U.S. Highway 45 and Mississippi Highway 145 and in which Mississippi Highway 370 and Mississippi Highway 145 intersect: 104 West Main Street, 106 West Main Street, 108 West Main Street, 110 West Main Street and 112 West Main Street;58.Any municipality in which U.S. Highway 11 and Main Street intersect and which is located in a county having two (2) judicial districts;59.Any municipality in which Interstate 22 passes over Mississippi Highway 9;60.Any facility located on land more particularly described as follows:A certain parcel of land being situated in the Southeast 1/4 of the Northeast 1/4 of Section 9, T3N-R3E, Rankin County, Mississippi, and being more particularly described as follows:Commence at an existing 1/2" iron pin marking the Southwest corner of the aforesaid Southeast 1/4 of the Northeast 1/4 of Section 9, T3N-R3E and run thence North 00 degrees 06 minutes 13 seconds East along the East line of the Southeast 1/4 of the Northeast 1/4 for a distance of 33.18 feet to an existing 1/2" iron pin; leaving said East line of the Southeast 1/4 of the Northeast 1/4, run thence South 89 degrees 53 minutes 47 seconds East for a distance of 2.08 feet to an existing 1/2" iron pin; run thence North 00 degrees 22 minutes 19 seconds East for a distance of 561.90 feet to an existing 1/2" iron pin; run thence North 00 degrees 16 minutes 18 seconds East for a distance of 76.42 feet to a set 1/2" iron pin marking the POINT OF BEGINNING of the parcel of land herein described; from said POINT OF BEGINNING, continue thence North 00 degrees 16 minutes 18 seconds East along an existing fence for a distance of 493.27 feet to an existing 1/2" iron pin; run thence North 03 degrees 08 minutes 15 seconds East for a distance of 170.22 feet to an existing 1/2" iron pin on the North line of the aforesaid Southeast 1/4 of the Northeast 1/4 of Section 9; run thence North 89 degrees 46 minutes 45 seconds East along said North line of the Southeast 1/4 of the Northeast 1/4 of Section 9 for a distance of 1,305.51 feet to an existing 1/2" iron pin marking Northeast corner thereof; leaving said North line of the Southeast 1/4 of the Northeast 1/4 of Section 9, run thence South 00 degrees 08 minutes 35 seconds West along the East line of said Southeast 1/4 of the Northeast 1/4 of Section 9 for a distance of 663.19 feet to a set 1/2" iron pin; leaving said East line of the Southeast 1/4 of the Northeast 1/4 of Section 9, run thence South 89 degrees 46 minutes 45 seconds West for a distance of 1,315.51 feet to the POINT OF BEGINNING, containing 20.00 acres, more or less.And Also: An easement for the purpose of ingress and egress being situated in the Southeast 1/4 of the Northeast 1/4 and in the Northeast 1/4 of the Southeast 1/4 of Section 9, T3N-R3E, Rankin County, Mississippi, and being more particularly described as follows:Begin at an existing 1/2" iron pin marking the Southwest corner of the aforesaid Southeast 1/4 of the Northeast 1/4 of Section 9, T3N-R3E and run thence North 00 degrees 06 minutes 13 seconds East along the East line of the Southeast 1/4 of the Northeast 1/4 for a distance of 33.18 feet to an existing 1/2" iron pin; leaving said East line of the Southeast 1/4 of the Northeast 1/4, run thence South 89 degrees 53 minutes 47 seconds East for a distance of 2.08 feet to an existing 1/2" iron pin; run thence North 00 degrees 22 minutes 19 seconds East for a distance of 561.90 feet to an existing 1/2" iron pin; run thence North 00 degrees 16

minutes 18 seconds East for a distance of 76.42 feet to a set 1/2" iron pin; run thence North 89 degrees 46 minutes 45 seconds East for a distance of 25.00 feet to a set 1/2" iron pin; run thence South 00 degrees 16 minutes 18 seconds West for a distance of 76.66 feet to a set 1/2" iron pin; run thence South 00 degrees 22 minutes 19 seconds West for a distance of 619.81 feet to a set 1/2" iron pin; run thence South 89 degrees 43 minutes 01 seconds West for a distance of 26.81 feet to a set 1/2" iron pin; run thence North 00 degrees 06 minutes 13 seconds East along the West line of the aforesaid Northeast 1/4 of the Southeast 1/4 of Section 9 for a distance of 25.00 feet to the POINT OF BEGINNING, containing 17,525.4 square feet, more or less.61.Any municipality bordered on the east by the Pascagoula River and on the south by the Mississippi Sound;62.The property and structures thereon located at parcel numbers 4969 198 000; 4969 200 000; 4969 201 000; 4969 206 000; 4969 207 000; 4969 208 000; 4969 218 000; 4969 199; 4969 204 000 and 4969 204 001, all in Block 4 of the original town square in any municipality with a population in excess of one thousand five hundred (1,500) according to the latest federal decennial census and which is located in:a.A county traversed by Interstate 55 and Interstate 20, andb.A judicial district that has not voted to come out from under the dry law;63.Any municipality in which Mississippi Highway 12 meets Mississippi Highway 17;64.Any municipality in which U.S. Highway 49 and Mississippi Highway 469 intersect;65.The clubhouse and associated nine-hole golf course and related facilities located on or near the eastern corner of the point at which Golf Course Road meets Athens Road, in a county in which Mississippi Highway 13 and Mississippi Highway 28 intersect, with GPS coordinates of approximately 31.900370078041004, -89.7928067652611;66.Any facility located at the south-to-southwest corner of the intersection of Madison Street and Bolton Brownsville Road, in a municipality in which Bolton Brownsville Road passes over Interstate 20, with GPS coordinates of approximately 32.349067271758955, -90.4596221146197;67.Any facility located at the northwest corner of the intersection of Depot Street and Madison Street, in a municipality in which Bolton Brownsville Road passes over Interstate 20, with GPS coordinates of approximately 32.34903152971068, -90.46047660172901;68.Any facility located on Hinds Boulevard approximately three-tenths (0.3) of a mile south of the point at which Hinds Boulevard diverges from Clinton Road, in a municipality whose northern boundary partially consists of Snake Creek Road, and whose southern boundary partially consists of Mississippi Highway 18, with GPS coordinates of approximately 32.26384517526713, -90.41586570183475;69.Any facility located on Pleasant Grove Drive approximately one and three-tenths (1.3) miles southeast of its intersection with Harmony Drive, in a county through which run Interstate 55 and U.S. Highway 84, with GPS coordinates of approximately 31.512043770371907, -90.2506094382595;70.Any facility located immediately north of the intersection of two roads, both named Mason Clark Drive, located between two-tenths (0.2) and three-tenths (0.3) of a mile southwest of Mississippi Highway 57/63, with GPS coordinates of approximately 31.135950529733048, -88.53068674585575;71.Any facility located on Raj Road approximately three-tenths (0.3) of a mile south of Mississippi Highway 57/63, with GPS coordinates of approximately 31.139553708288418, -88.53411203512971;72.Any facility located on Raj Road approximately one-tenth (0.1) of a mile south of Mississippi Highway 57/63, with GPS coordinates of approximately 31.14184097577295, -88.53287700849411;73.Any municipality through which run U.S. Highway 45 and Mississippi Highway 145 and in which Mississippi Highway 370 and Mississippi Highway 145 intersect; however, this designation as a qualified resort area shall only apply to the portion of such municipality which is located in a county that has not voted to come out from under the dry law;74.A municipality through which runs a portion of the Tanglefoot Trail and in which Mississippi Highway 32 and East Front Street intersect;75.Lot Three (3) in Block One Hundred Seventy-eight (178) of the D.H. McInnis First Survey, sometimes referred to as D.H. McInnis Railroad Addition, to the City of Hattiesburg, the said lot having a frontage of thirty (30) feet on the Eastern side of Front Street and extending back between parallel lines ninety (90) feet to an alley, and being located in the Northwest Quarter of Section 10, Township 4 North, Range 13 West, Forrest County, Mississippi;76.An area of land in George County of approximately eight and five hundredths (8.05) acres, bordered on the east and northeast by Brushy Creek, on the northwest by Brushy Creek Road, on the west by Beaver Creek Road, and on the south by a property boundary running east and west;77.A municipality in which Mississippi Highway 15 intersects with Webster Street, and in which Webster Street splits into Mill Street and Maben Starkville Road;78.A municipality in which Mississippi Highway 492 meets Mississippi Highway 35;79.A facility operating as an event venue and located on Mississippi Highway 589, with GPS coordinates of approximately 31.36730, -89.50548;80.An area situated in the SW 1/4 of Section 12, T7N-R2E, Madison County, Mississippi, and commencing at the point on the Ross Barnett Reservoir directly east of the intersection of North Natchez Street and Louisiana Street, then go west on Louisiana Street to the intersection of Louisiana Street and Andrew Jackson Street, then west on Andrew Jackson Street to the intersection of Andrew Jackson Street and Choctaw Street, then north on Choctaw Street to the intersection of Choctaw Street and Republic Street, then west on Republic Street to the intersection of Republic Street and Port Street, then north on Port Street to the Natchez Trace right-of-way, then east on the Natchez Trace right-of-way to the Ross Barnett Reservoir, then following the Ross Barnett Reservoir south back to the point of beginning;81.Any facility located on land more particularly described as follows:Commencing at a fence corner at the Northeast corner of Section 34, Township 6 South, Range 3 East, Union County, Mississippi, for the point of beginning; thence run South 00 degrees 31 minutes 39 seconds East, along the Section line, a distance of 161.83 feet to a one-half inch iron pin, thence North 88 degrees 20 minutes 48 seconds West, along a fence, a distance of 1221.09 feet to a one-half iron pin, thence South 09 degrees 45 minutes 37 seconds West, along a fence, a distance of 61.49 feet to a one-half inch iron pin, thence North 84 degrees 18 minutes 01 seconds West, along a fence, (passing through a one-half inch iron pin at 196.83 feet) a distance of 234.62 feet to a mag-nail on the centerline of Union County Road No. 137, thence North 11 degrees 00 minutes 29 seconds East a distance of 187.87 feet to a one-half inch iron pin on the West edge of said road, thence North 29 degrees 41 minutes 28 seconds East a distance of 59.28 feet to a point on the centerline of said road, thence South 89 degrees 13 minutes 02 seconds East (passing through a one-half inch iron pin at 30.0 feet) along the South line of the Bernard Whiteside property as recorded in Deed Book 117, Pages 517-518 and Deed Book

214, page 109, a distance of 646.07 feet to a concrete monument, thence South 89 degrees 13 minutes 02 seconds East a distance of 751.31 feet to a one-half inch iron pin, thence South 00 degrees 31 minutes 39 seconds East, along the aforesaid Section line, a distance of 52.93 feet to the point of beginning, said tract lying in the Southeast Quarter of Section 27, and the Northeast Quarter of Section 34, Township 6 South, Range 3 East and containing 6.99 acres. Subject to a perpetual all purpose non-exclusive easement for ingress, egress and public utilities together the right to enter upon the above described property and do any and all work necessary to build, repair and maintain a roadway or well or install public utilities all over upon and across the following described property: A 25.0 foot easement for ingress and egress, being 12.5 feet to the right and 12.5 feet to the left of the following described centerline: Commencing at a fence corner at the Northeast corner of Section 34, Township 6 South, Range 3 East, Union County, Mississippi, thence run South 00 degrees 31 minutes 39 seconds East, along the Section line, a distance of 149.33 feet to the point of beginning; thence North 88 degrees 20 minutes 48 seconds West a distance of 1231.46 feet to a point, thence South 09 degrees 45 minutes 37 seconds West a distance of 61.49 feet to a point, thence North 84 degrees 18 minutes 01 seconds West a distance of 221.82 feet to a point on the centerline of Union County Road #137, said tract lying in the Northeast Quarter of Section 34, Township 6 South, Range 3 East. 82. The clubhouse at a country club located: a. In a county in which Mississippi Highway 15 and Mississippi Highway 16 intersect and which county has not voted to come out from under the dry law, and b. Outside the corporate limits of any municipality in such county and within one (1) mile of the corporate limits of a municipality that is the county seat of such county; 83. Any facility located on North Jackson Street in a municipality through which run Mississippi Highway 8 and Mississippi Highway 15, with GPS coordinates of approximately 33.913692, -89.005219; 84. Any facility located on North Jackson Street in a municipality through which run Mississippi Highway 8 and Mississippi Highway 15, with GPS coordinates of approximately 33.905581, -89.00200; 85. Any facility located on land more particularly described as follows: Commencing at the Southeast corner of Section 4, Township 6 South, Range 18 West, Pearl River County, Mississippi; thence West 1310.00 feet to a T-bar; thence North 745.84 feet; thence East 132.00 feet to a 1" iron pipe; thence North 83.61 feet for the Point of Beginning; thence South 79 degrees 02 minutes 61 seconds West 248.28 feet; thence West 76.35 feet; thence North 20 degrees 00 minutes 00 seconds West 185.54 feet; thence North 52 degrees 43 minutes 14 seconds East 365.98 feet to a 1" iron pipe on the West margin of Henry Smith Road, a gravel/paved, public road; thence along said margin South 17 degrees 59 minutes 13 seconds East 299.09 feet; thence South 64.39 feet to the Point of Beginning. This parcel containing 2.19 acres and being a part of the East 1/2 of Section 4, Township 6 South, Range 18 West, Pearl River County, Mississippi. INDEXING: BEING A PART OF THE EAST 1/2 OF SECTION 4, TOWNSHIP 6 SOUTH, RANGE 18 WEST, PEARL RIVER COUNTY, MISSISSIPPI; 86. Any facility located on land in a county through which run Mississippi Highway 25 and U.S. Highway 82 and more particularly described as follows: Beginning at a point with GPS coordinates of approximately 33.331869, -88.715054; then running in a straight line to a point with GPS coordinates of approximately 33.336207, -88.713453; then running in a straight line to a point with GPS coordinates of approximately 33.335369, -88.709835; then running in a straight line to a point with GPS coordinates of approximately 33.330870, -88.711496; then running in a straight line to a point with GPS coordinates of approximately 33.331869, -88.715054 and the point of the beginning; 87. Any facility located on land that is owned by a community college that is located in a county through which run U.S. Highway 51 and Mississippi Highway 4; 88. Any facility located on Mississippi Highway 23/178 in a municipality in which Mississippi Highway 23/178 and Stone Drive intersect, with GPS coordinates of approximately 34.235269, -88.262409; 89. Any facility located on U.S. Highway 51 in a municipality through which run Interstate 55, U.S. Highway 51 and the Natchez Trace Parkway, with GPS coordinates of approximately 32.42042°N, 90.13473°W; 90. Any facility located on Mullican Road in a county through which run U.S. Highway 84 and Interstate 59, with GPS coordinates of approximately 31.73395N, 89.18186W; 91. Any facility located on land in a county through which run Mississippi Highway 25 and U.S. Highway 82 and more particularly described as follows: Beginning at a point with GPS coordinates of approximately 33.37391, -88.80645; then running in a straight line to a point with GPS coordinates of approximately 33.37391, -88.79972; then running in a straight line to a point with GPS coordinates of approximately 33.36672, -88.80644; then running in a straight line to a point with GPS coordinates of approximately 33.36674, -88.79971; then running in a straight line to a point with GPS coordinates of approximately 33.37391, -88.80645 and the point of the beginning; 92. Any facility located on land more particularly described as follows: All that part of the South half (S 1/2) of the SE 1/4 of NE 1/4 of Section 14, Township 4 North, Range 15 West, lying and being West of State Highway No. 589, containing one (1) acre, more or less. LESS AND EXCEPT: Begin at the point of intersection of the North line of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 14, Township 4 North, Range 15 West with the present Southwesterly right-of-way line of Mississippi Highway No. 589, said point is also the Northeast corner of grantor property; said point is 50.6 feet West of Station 7 + 59.27 on the centerline of survey of Mississippi Highway No. 589 as shown on the plans for State Project No. SP-0014-2(10); from said POINT OF BEGINNING run thence South 08°57' East along said present Southwesterly right-of-way line, a distance of 37.1 feet to a point that is perpendicular to and 50 feet Southwesterly of Station 7 + 30 on the centerline of survey of Mississippi Highway 589 as shown on the plans for said project; run thence South 81°03' West, a distance of 35.7 feet to the West line of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of said Section 14 and the West line of grantors property; run thence North along said West property line, a distance of 42.2 feet to the Northwest corner of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of said Section 14 and the Northwest corner of grantors property; run thence East along grantors North property line, a distance of 29.5 feet to the POINT OF BEGINNING containing 0.03 acres, more or less, and all being situated in and a part of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi. LESS AND EXCEPT: A part of the South one-half of the Southeast 1/4 of Northeast 1/4, Northerly of a certain fence and West of Mississippi State Highway 589, in Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi and more particularly described

as commencing at a pine (lighter) stake being used as the Southwest corner of the Northeast 1/4 of Southeast 1/4 of the above said Section 14, thence North and along the West line of the East 1/4 of the above said Section 14 1638.8 feet to the POINT OF BEGINNING. Thence continue North and along the West line of the East 1/4 of the above said Section 14, 278.5 feet to the Southerly line of the property Bobby G. Aultman and Marilyn S. Aultman previously sold to the Mississippi State Highway Department; thence North 81°03' East and along the above said Southerly property line for 35.7 feet more or less to the Westerly right-of-way line of Mississippi State Highway 589; thence Southeasterly and along the above said Westerly right-of-way line 232.7 feet to a concrete right-of-way marker; thence South 51°39' West and along the Northerly line of a wooden fence 88 feet to the POINT OF BEGINNING. AND ALSO: A parcel of land in a part of the Southeast 1/4 of Northwest 1/4 and a part of the Southwest 1/4, Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi, and more particularly described as beginning at a point where the Southerly right-of-way line of U.S. Highway 98 intersects the West line of the above said Southeast 1/4 of Northwest 1/4; thence North 67°34' East and along the Southerly right-of-way line of said highway 208.75 feet; thence South 208.75 feet; thence South 67°34' West 208.75 feet; thence South 141.3 feet; thence North 89°07'30" West 388.9 feet to the centerline of Parkers Creek; thence Northerly and along the centerline of said creek for the next three (3) calls: North 35°53' East 115.6 feet; North 25°05' East 68.5 feet; North 09°51'30" West 64.3 feet to the Southerly right-of-way line of U.S. Highway 98; thence North 67°34' East and along the Southerly right-of-way line of said highway 327.85 feet to the POINT OF BEGINNING. The above described area contains 3.02 acres. AND ALSO: Commencing at the Southwest corner of the Southwest 1/4 of the Northeast 1/4 of Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi, run South 88°05'27" East 310.00 feet, thence South 0°53'16" West 60.50 feet to a point on a fence line, thence run along fence line South 88°05'27" East 718.93 feet to the POINT OF BEGINNING, thence North 08°48'10" West 714.67 feet to a point on the South right-of-way line of Highway No. 98, thence along said right-of-way along a curve to the right with a delta angle of 02°04'26" having a radius of 5603.58 feet and an arc length of 202.84 feet, with a chord bearing a distance of North 71°53'47" East 202.83 feet to a Concrete Highway right-of-way marker, thence South 20°09'13" East 328.13 feet, thence South 69°00'47" East 117.68 feet, thence South 0°58'19" West 429.12 feet to a Point on Possession Line fence, thence along said fence North 88°05'27" West 299.23 feet back to the POINT OF BEGINNING, containing 5.0885 acres, more or less and being situated in the SW 1/4 of the NE 1/4 and the NW 1/4 of the SE 1/4 of said Section 14, together with all improvements and appurtenances thereunto belonging. AND ALSO: PARCEL NUMBER ONE: That part of the Northwest Quarter of the Southwest Quarter (Northwest 1/4 of the Southwest 1/4) of Section 14, Township 4 North, Range 15 West, of Lamar County, Mississippi, being located and situated East of the center thread of Mill Creek as the same presently runs through and bisects said 40-acre tract, and comprising 10.9 acres, more or less, and all being part of the Northwest Quarter of the Southwest Quarter (Northwest 1/4 of the Southwest 1/4) of said Section, Township and Range, Lamar County, Mississippi. AND ALSO: PARCEL NUMBER TWO: A part of the Southeast Quarter of the Northwest Quarter (Southeast 1/4 of the Northwest 1/4) and part of the Northeast Quarter of the Southwest (Northeast 1/4 of the Southwest 1/4) all in Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi, being more particularly described as follows, to wit: Beginning at a point where the South margin of State Highway 98 intersects the West margin of the Southeast 1/4 of the Northwest 1/4 of Section 14, Township 4 North, Range 15 West, and run Easterly along the South margin of said highway right-of-way 208.75 feet; thence South 208.75 feet; thence Westerly parallel with the South margin of said highway right-of-way 208.75 feet to the West forty line; thence North 208.75 feet to the POINT OF BEGINNING, containing 1 acre, more or less. LESS AND EXCEPT: Begin at the point of intersection of an Easterly line of grantors property with the present Southerly right-of-way line of U.S. Highway 98 as shown on the plans for State Project No. 97-0014-02-044-10; from said POINT OF BEGINNING run thence South 02°56' West along said Easterly property line, a distance of 127.6 feet; thence run South 69°11' West, a distance of 52.9 feet; thence run South 67°13' West, a distance of 492.7 feet to the Westerly line of grantors property and the center of a creek; thence run Northerly along said Westerly property line and said center of creek, a distance of 122.8 feet to said present Southerly right-of-way line; thence run North 67°13' East along said present Southerly right-of-way line, a distance of 553.4 feet to the POINT OF BEGINNING, containing 1.43 acres, more or less, and being situated in and a part of the North 1/2 of the Southwest 1/4 of Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi. LESS AND EXCEPT: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 15 WEST, LAMAR COUNTY, MISSISSIPPI, PROCEED EAST 2136.60 FEET; THENCE NORTH 2508.67 FEET TO AN IRON PIN AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED. FROM THE DESCRIBED POINT OF BEGINNING, PROCEED NORTH 11°19'49" EAST 217.55 FEET TO AN IRON PIN; THENCE NORTH 40°11'01" EAST 118.28 FEET TO AN IRON PIN; THENCE NORTH 22°24'39" WEST 179.15 FEET TO AN IRON PIN ON THE SOUTHERN BOUNDARY OF U.S. HIGHWAY 98; THENCE ALONG THE SOUTHERN RIGHT-OF-WAY BOUNDARY OF SAID HIGHWAY AS FOLLOWS: SOUTH 67°35'21" WEST 699.55 FEET TO AN IRON PIN; THENCE SOUTH 69°16'57" WEST 67.67 FEET TO A CONCRETE RIGHT-OF-WAY MARKER; THENCE SOUTH 67°35'21" WEST 310.34 FEET TO AN IRON PIN; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 01°25'53" WEST 667.21 FEET TO AN IRON PIN; THENCE NORTH 67°35'21" EAST 491.91 FEET TO AN IRON PIN; THENCE NORTH 22°24'39" WEST 193.77 FEET TO AN IRON PIN; THENCE NORTH 67°35'21" EAST 629.48 FEET BACK TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 12.39 ACRES AND IS LOCATED PART IN THE SE 1/4 OF THE NW 1/4, PART IN THE NE 1/4 OF THE SW 1/4, AND PART IN THE NW 1/4 OF THE SW 1/4, ALL IN SECTION 14, TOWNSHIP 4 NORTH, RANGE 15 WEST, LAMAR COUNTY, MISSISSIPPI. The status of these municipalities, districts, clubhouses, facilities, golf courses and areas described in this paragraph (o)(iii) as qualified resort areas does not require any declaration of same by the department. The governing authorities of a municipality described, in whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31, 34, 35, 36, 37, 38, 39, 46, 48, 51, 53, 54, 55,

56, 58, 59, 61, 63, 64, 66, 67, 68, 73, 74, 83 or 84 of this paragraph (o)(iii) may by ordinance, with respect to the qualified resort area described in the same item: specify the hours of operation of facilities offering alcoholic beverages for sale; specify the percentage of revenue that facilities offering alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and designate the areas in which facilities offering alcoholic beverages for sale may be located.(p)"Native wine" means any product, produced in Mississippi for sale, having an alcohol content not to exceed twenty-one percent (21%) by weight and made in accordance with revenue laws of the United States, which shall be obtained primarily from the alcoholic fermentation of the juice of ripe grapes, fruits, berries, honey or vegetables grown and produced in Mississippi; provided that bulk, concentrated or fortified wines used for blending may be produced without this state and used in producing native wines. The department shall adopt and promulgate rules and regulations to permit a producer to import such bulk and/or fortified wines into this state for use in blending with native wines without payment of any excise tax that would otherwise accrue thereon.(q)"Native winery" means any place or establishment within the State of Mississippi where native wine is produced, in whole or in part, for sale.(r)"Bed and breakfast inn" means an establishment within a municipality where in consideration of payment, breakfast and lodging are habitually furnished to travelers and wherein are located not less than eight (8) and not more than nineteen (19) adequately furnished and completely separate sleeping rooms with adequate facilities, that persons usually apply for and receive as overnight accommodations; however, such restriction on the minimum number of sleeping rooms shall not apply to establishments on the National Register of Historic Places. No place shall qualify as a bed and breakfast inn under this article unless on the date of the initial application for a license under this article more than fifty percent (50%) of the sleeping rooms are located in a structure formerly used as a residence.(s)"Board" shall refer to the Board of Tax Appeals of the State of Mississippi.(t)"Spa facility" means an establishment within a municipality or qualified resort area and owned by a hotel where, in consideration of payment, patrons receive from licensed professionals a variety of private personal care treatments such as massages, facials, waxes, exfoliation and hairstyling.(u)"Art studio or gallery" means an establishment within a municipality or qualified resort area that is in the sole business of allowing patrons to view and/or purchase paintings and other creative artwork.(v)"Cooking school" means an establishment within a municipality or qualified resort area and owned by a nationally recognized company that offers an established culinary education curriculum and program where, in consideration of payment, patrons are given scheduled professional group instruction on culinary techniques. For purposes of this paragraph, the definition of cooking school shall not include schools or classes offered by grocery stores, convenience stores or drugstores.(w)"Campus" means property owned by a public school district, community or junior college, college or university in this state where educational courses are taught, school functions are held, tests and examinations are administered or academic course credits are awarded; however, the term shall not include any "restaurant" or "hotel" that is located on property owned by a community or junior college, college or university in this state, and is operated by a third party who receives all revenue generated from food and alcoholic beverage sales.(x)"Native spirit" shall mean any beverage, produced in Mississippi for sale, manufactured primarily by the distillation of fermented grain, starch, molasses or sugar produced in Mississippi, including dilutions and mixtures of these beverages. In order to be classified as "native spirit" under the provisions of this article, at least fifty-one percent (51%) of the finished product by volume shall have been obtained from distillation of fermented grain, starch, molasses or sugar grown and produced in Mississippi.(y)"Native distillery" shall mean any place or establishment within this state where native spirit is produced in whole or in part for sale.(z)"Warehouse operator" shall have the meaning ascribed in Section 67-1-201. Codes, 1942, § 10265-05; Laws, 1966, ch. 540, § 5; Laws, 1976, ch. 467, § 12; Laws, 1977, ch. 488, § 2; Laws, 1980, ch. 348, § 1; Laws, 1984, ch. 425, § 1; Laws, 1987, ch. 358; Laws, 1988, ch. 384; Laws, 1990, ch. 569, § 3; Laws, 1994, ch. 558, § 20; Laws, 1998, ch. 306, § 2; Laws, 1999, ch. 453, § 19; Laws, 2004, ch. 397, § 1; Laws, 2008, ch. 366, § 1; Laws, 2009, ch. 465, § 1; Laws, 2009, ch. 492, § 126; Laws, 2009, ch. 558, § 1; Laws, 2012, ch. 323, § 2; Laws, 2012, ch. 428, § 1; Laws, 2012, ch. 501, § 7, eff. 7/1/2012. Amended by Laws, 2024, ch. 532, SB 2803, § 1, eff. 7/1/2024. Amended by Laws, 2024, ch. 425, SB 2457, § 1, eff. 7/1/2024. Amended by Laws, 2023, ch. 525, HB 535, § 1, eff. 7/1/2023. Amended by Laws, 2022, ch. 481, SB 2063, § 1, eff. 7/1/2022. Amended by Laws, 2022, ch. 483, SB 2844, § 12, eff. 7/1/2022. Amended by Laws, 2021, ch. 449, HB 572, § 1, eff. 7/1/2021. Amended by Laws, 2021, ch. 450, HB 1091, § 14, eff. 7/1/2021. Amended by Laws, 2021, ch. 388, SB 2606, § 7, eff. 7/1/2021. Amended by Laws, 2020, ch. 458, SB 2253, § 1, eff. 7/1/2020. Amended by Laws, 2020, ch. 429, SB 2545, § 6, eff. 7/1/2020. Amended by Laws, 2020, ch. 314, HB 917, § 37, eff. 6/18/2020. Amended by Laws, 2018, ch. 438, SB 2618, § 1, eff. 7/1/2018. Amended by Laws, 2018, ch. 383, HB 415, § 1, eff. 7/1/2018. Amended by Laws, 2016, ch. 401, HB 845, § 1, eff. 7/1/2016. Amended by Laws, 2015, ch. 413, HB 1132, § 1, eff. 7/1/2015. Amended by Laws, 2014, ch. 346, HB 836, § 1, eff. 7/1/2014. For the purposes of this article and unless otherwise required by the context: The department may, in its discretion, waive the five-year provision of this paragraph. In order to qualify under this paragraph, a club must file with the department, at the time of its application for a license under this article, two (2) copies of a list of the names and residences of its members and similarly file, within ten (10) days after the election of any additional member, his name and address. Each club applying for a license shall also file with the department at the time of the application a copy of its articles of association, charter of incorporation, bylaws or other instruments governing the business and affairs thereof. If any portion of the land described in this item 18 has been declared a qualified resort area by the department before July 1, 2020, then that qualified resort area shall be incorporated into the qualified resort area created by this item 18; All that part of the East Half of the Northwest Quarter of Section 21, Township 7 South, Range 4 East, Union County, Mississippi, that lies South of Mississippi State Highway 348 right-of-way and containing 19.48 acres, more or less. ALSO, The Northeast 38 acres of the Southwest Quarter of Section 21, Township 7 South, Range 4 East, Union County, Mississippi. ALSO, The South 81 1/2 acres of the Southwest Quarter of Section 21, Township 7 South, Range 4 East, Union County, Mississippi; The East Half (E 1/2) of the Southwest Quarter (SW 1/4) of Section 15, Township 3 North, Range 2 East; a 4

acre parcel in the Southwest Corner of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4), Section 15, Township 3 North, Range 2 East, running 210 feet east and west and 840 feet running north and south; the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 22, Township 3 North, Range 2 East, all in Rankin County, Mississippi; Beginning at a point 1915 feet west and 2171 feet north of southeast corner, Section 11, Township 24 North, Range 2 West, Second Judicial District, Tallahatchie County, Mississippi, which point is the southwest corner of J.C. Section Lot mentioned in deed recorded in Book 50, page 34, in the records of the Chancery Clerk's Office at Sumner, in said District of said County; thence South 80° West, 19 feet to the east boundary of United States Highway 49-E, thence East along the east boundary of said Highway 270 feet to point of beginning of Lot to be conveyed; thence southeast along the east boundary of said Highway 204 feet to a concrete post at the intersection of the east boundary of said Highway with the west boundary of gravel road from Sumner to Webb, known as Oil Mill Road, thence Northwest along west boundary of said Oil Mill Road 194 feet to center of driveway running southwest from said Oil Mill Road to U.S. Highway 49-E; thence South 66° West along center of said driveway 128 feet to point of beginning, being situated in Northwest Quarter of Southeast Quarter of Section 11, together with all improvements situated thereon; A certain parcel of land being situated in the Southeast 1/4 of the Northeast 1/4 of Section 9, T3N-R3E, Rankin County, Mississippi, and being more particularly described as follows: Commence at an existing 1/2" iron pin marking the Southwest corner of the aforesaid Southeast 1/4 of the Northeast 1/4 of Section 9, T3N-R3E and run thence North 00 degrees 06 minutes 13 seconds East along the East line of the Southeast 1/4 of the Northeast 1/4 for a distance of 33.18 feet to an existing 1/2" iron pin; leaving said East line of the Southeast 1/4 of the Northeast 1/4, run thence South 89 degrees 53 minutes 47 seconds East for a distance of 2.08 feet to an existing 1/2" iron pin; run thence North 00 degrees 22 minutes 19 seconds East for a distance of 561.90 feet to an existing 1/2" iron pin; run thence North 00 degrees 16 minutes 18 seconds East for a distance of 76.42 feet to a set 1/2" iron pin marking the POINT OF BEGINNING of the parcel of land herein described; from said POINT OF BEGINNING, continue thence North 00 degrees 16 minutes 18 seconds East along an existing fence for a distance of 493.27 feet to an existing 1/2" iron pin; run thence North 03 degrees 08 minutes 15 seconds East for a distance of 170.22 feet to an existing 1/2" iron pin on the North line of the aforesaid Southeast 1/4 of the Northeast 1/4 of Section 9; run thence North 89 degrees 46 minutes 45 seconds East along said North line of the Southeast 1/4 of the Northeast 1/4 of Section 9 for a distance of 1,305.51 feet to an existing 1/2" iron pin marking Northeast corner thereof; leaving said North line of the Southeast 1/4 of the Northeast 1/4 of Section 9, run thence South 00 degrees 08 minutes 35 seconds West along the East line of said Southeast 1/4 of the Northeast 1/4 of Section 9 for a distance of 663.19 feet to a set 1/2" iron pin; leaving said East line of the Southeast 1/4 of the Northeast 1/4 of Section 9, run thence South 89 degrees 46 minutes 45 seconds West for a distance of 1,315.51 feet to the POINT OF BEGINNING, containing 20.00 acres, more or less. And Also: An easement for the purpose of ingress and egress being situated in the Southeast 1/4 of the Northeast 1/4 and in the Northeast 1/4 of the Southeast 1/4 of Section 9, T3N-R3E, Rankin County, Mississippi, and being more particularly described as follows: Begin at an existing 1/2" iron pin marking the Southwest corner of the aforesaid Southeast 1/4 of the Northeast 1/4 of Section 9, T3N-R3E and run thence North 00 degrees 06 minutes 13 seconds East along the East line of the Southeast 1/4 of the Northeast 1/4 for a distance of 33.18 feet to an existing 1/2" iron pin; leaving said East line of the Southeast 1/4 of the Northeast 1/4, run thence South 89 degrees 53 minutes 47 seconds East for a distance of 2.08 feet to an existing 1/2" iron pin; run thence North 00 degrees 22 minutes 19 seconds East for a distance of 561.90 feet to an existing 1/2" iron pin; run thence North 00 degrees 16 minutes 18 seconds East for a distance of 76.42 feet to a set 1/2" iron pin; run thence North 89 degrees 46 minutes 45 seconds East for a distance of 25.00 feet to a set 1/2" iron pin; run thence South 00 degrees 16 minutes 18 seconds West for a distance of 76.66 feet to a set 1/2" iron pin; run thence South 00 degrees 22 minutes 19 seconds West for a distance of 619.81 feet to a set 1/2" iron pin; run thence South 89 degrees 43 minutes 01 seconds West for a distance of 26.81 feet to a set 1/2" iron pin; run thence North 00 degrees 06 minutes 13 seconds East along the West line of the aforesaid Northeast 1/4 of the Southeast 1/4 of Section 9 for a distance of 25.00 feet to the POINT OF BEGINNING, containing 17,525.4 square feet, more or less. Commencing at a fence corner at the Northeast corner of Section 34, Township 6 South, Range 3 East, Union County, Mississippi, for the point of beginning; thence run South 00 degrees 31 minutes 39 seconds East, along the Section line, a distance of 161.83 feet to a one-half inch iron pin, thence North 88 degrees 20 minutes 48 seconds West, along a fence, a distance of 1221.09 feet to a one-half iron pin, thence South 09 degrees 45 minutes 37 seconds West, along a fence, a distance of 61.49 feet to a one-half inch iron pin, thence North 84 degrees 18 minutes 01 seconds West, along a fence, (passing through a one-half inch iron pin at 196.83 feet) a distance of 234.62 feet to a mag-nail on the centerline of Union County Road No. 137, thence North 11 degrees 00 minutes 29 seconds East a distance of 187.87 feet to a one-half inch iron pin on the West edge of said road, thence North 29 degrees 41 minutes 28 seconds East a distance of 59.28 feet to a point on the centerline of said road, thence South 89 degrees 13 minutes 02 seconds East (passing through a one-half inch iron pin at 30.0 feet) along the South line of the Bernard Whiteside property as recorded in Deed Book 117, Pages 517-518 and Deed Book 214, page 109, a distance of 646.07 feet to a concrete monument, thence South 89 degrees 13 minutes 02 seconds East a distance of 751.31 feet to a one-half inch iron pin, thence South 00 degrees 31 minutes 39 seconds East, along the aforesaid Section line, a distance of 52.93 feet to the point of beginning, said tract lying in the Southeast Quarter of Section 27, and the Northeast Quarter of Section 34, Township 6 South, Range 3 East and containing 6.99 acres. Subject to a perpetual all purpose non-exclusive easement for ingress, egress and public utilities together the right to enter upon the above described property and do any and all work necessary to build, repair and maintain a roadway or well or install public utilities all over upon and across the following described property: A 25.0 foot easement for ingress and egress, being 12.5 feet to the right and 12.5 feet to the left of the following described centerline: Commencing at a fence corner at the Northeast corner of Section 34, Township 6 South, Range 3 East, Union County, Mississippi, thence run South 00 degrees 31 minutes 39 seconds East, along the Section line, a distance of 149.33 feet to the point of beginning; thence North 88

degrees 20 minutes 48 seconds West a distance of 1231.46 feet to a point, thence South 09 degrees 45 minutes 37 seconds West a distance of 61.49 feet to a point, thence North 84 degrees 18 minutes 01 seconds West a distance of 221.82 feet to a point on the centerline of Union County Road #137, said tract lying in the Northeast Quarter of Section 34, Township 6 South, Range 3 East. Commencing at the Southeast corner of Section 4, Township 6 South, Range 18 West, Pearl River County, Mississippi; thence West 1310.00 feet to a T-bar; thence North 745.84 feet; thence East 132.00 feet to a 1" iron pipe; thence North 83.61 feet for the Point of Beginning; thence South 79 degrees 02 minutes 61 seconds West 248.28 feet; thence West 76.35 feet; thence North 20 degrees 00 minutes 00 seconds West 185.54 feet; thence North 52 degrees 43 minutes 14 seconds East 365.98 feet to a 1" iron pipe on the West margin of Henry Smith Road, a gravel/paved, public road; thence along said margin South 17 degrees 59 minutes 13 seconds East 299.09 feet; thence South 64.39 feet to the Point of Beginning. This parcel containing 2.19 acres and being a part of the East 1/2 of Section 4, Township 6 South, Range 18 West, Pearl River County, Mississippi. INDEXING: BEING A PART OF THE EAST 1/2 OF SECTION 4, TOWNSHIP 6 SOUTH, RANGE 18 WEST, PEARL RIVER COUNTY, MISSISSIPPI; All that part of the South half (S 1/2) of the SE 1/4 of NE 1/4 of Section 14, Township 4 North, Range 15 West, lying and being West of State Highway No. 589, containing one (1) acre, more or less. LESS AND EXCEPT: Begin at the point of intersection of the North line of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 14, Township 4 North, Range 15 West with the present Southwesterly right-of-way line of Mississippi Highway No. 589, said point is also the Northeast corner of grantor property; said point is 50.6 feet West of Station 7 + 59.27 on the centerline of survey of Mississippi Highway No. 589 as shown on the plans for State Project No. SP-0014-2(10); from said POINT OF BEGINNING run thence South 08°57' East along said present Southwesterly right-of-way line, a distance of 37.1 feet to a point that is perpendicular to and 50 feet Southwesterly of Station 7 + 30 on the centerline of survey of Mississippi Highway 589 as shown on the plans for said project; run thence South 81°03' West, a distance of 35.7 feet to the West line of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of said Section 14 and the West line of grantors property; run thence North along said West property line, a distance of 42.2 feet to the Northwest corner of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of said Section 14 and the Northwest corner of grantors property; run thence East along grantors North property line, a distance of 29.5 feet to the POINT OF BEGINNING containing 0.03 acres, more or less, and all being situated in and a part of the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi. LESS AND EXCEPT: A part of the South one-half of the Southeast 1/4 of Northeast 1/4, Northerly of a certain fence and West of Mississippi State Highway 589, in Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi and more particularly described as commencing at a pine (lighter) stake being used as the Southwest corner of the Northeast 1/4 of Southeast 1/4 of the above said Section 14, thence North and along the West line of the East 1/4 of the above said Section 14 1638.8 feet to the POINT OF BEGINNING. Thence continue North and along the West line of the East 1/4 of the above said Section 14, 278.5 feet to the Southerly line of the property Bobby G. Aultman and Marilyn S. Aultman previously sold to the Mississippi State Highway Department; thence North 81°03' East and along the above said Southerly property line for 35.7 feet more or less to the Westerly right-of-way line of Mississippi State Highway 589; thence Southeasterly and along the above said Westerly right-of-way line 232.7 feet to a concrete right-of-way marker; thence South 51°39' West and along the Northerly line of a wooden fence 88 feet to the POINT OF BEGINNING. AND ALSO: A parcel of land in a part of the Southeast 1/4 of Northwest 1/4 and a part of the Southwest 1/4, Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi, and more particularly described as beginning at a point where the Southerly right-of-way line of U.S. Highway 98 intersects the West line of the above said Southeast 1/4 of Northwest 1/4; thence North 67°34' East and along the Southerly right-of-way line of said highway 208.75 feet; thence South 208.75 feet; thence South 67°34' West 208.75 feet; thence South 141.3 feet; thence North 89°07'30" West 388.9 feet to the centerline of Parkers Creek; thence Northerly and along the centerline of said creek for the next three (3) calls: North 35°53' East 115.6 feet; North 25°05' East 68.5 feet; North 09°51'30" West 64.3 feet to the Southerly right-of-way line of U.S. Highway 98; thence North 67°34' East and along the Southerly right-of-way line of said highway 327.85 feet to the POINT OF BEGINNING. The above described area contains 3.02 acres. AND ALSO: Commencing at the Southwest corner of the Southwest 1/4 of the Northeast 1/4 of Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi, run South 88°05'27" East 310.00 feet, thence South 0°53'16" West 60.50 feet to a point on a fence line, thence run along fence line South 88°05'27" East 718.93 feet to the POINT OF BEGINNING, thence North 08°48'10" West 714.67 feet to a point on the South right-of-way line of Highway No. 98, thence along said right-of-way along a curve to the right with a delta angle of 02°04'26" having a radius of 5603.58 feet and an arc length of 202.84 feet, with a chord bearing a distance of North 71°53'47" East 202.83 feet to a Concrete Highway right-of-way marker, thence South 20°09'13" East 328.13 feet, thence South 69°00'47" East 117.68 feet, thence South 0°58'19" West 429.12 feet to a Point on Possession Line fence, thence along said fence North 88°05'27" West 299.23 feet back to the POINT OF BEGINNING, containing 5.0885 acres, more or less and being situated in the SW 1/4 of the NE 1/4 and the NW 1/4 of the SE 1/4 of said Section 14, together with all improvements and appurtenances thereunto belonging. AND ALSO: PARCEL NUMBER ONE: That part of the Northwest Quarter of the Southwest Quarter (Northwest 1/4 of the Southwest 1/4) of Section 14, Township 4 North, Range 15 West, of Lamar County, Mississippi, being located and situated East of the center thread of Mill Creek as the same presently runs through and bisects said 40-acre tract, and comprising 10.9 acres, more or less, and all being part of the Northwest Quarter of the Southwest Quarter (Northwest 1/4 of the Southwest 1/4) of said Section, Township and Range, Lamar County, Mississippi. AND ALSO: PARCEL NUMBER TWO: A part of the Southeast Quarter of the Northwest Quarter (Southeast 1/4 of the Northwest 1/4) and part of the Northeast Quarter of the Southwest (Northeast 1/4 of the Southwest 1/4) all in Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi, being more particularly described as follows, to wit: Beginning at a point where the South margin of State Highway 98 intersects the West margin of the Southeast 1/4 of the Northwest 1/4 of Section 14, Township 4 North, Range 15

West, and run Easterly along the South margin of said highway right-of-way 208.75 feet; thence South 208.75 feet; thence Westerly parallel with the South margin of said highway right-of-way 208.75 feet to the West forty line; thence North 208.75 feet to the POINT OF BEGINNING, containing 1 acre, more or less. LESS AND EXCEPT: Begin at the point of intersection of an Easterly line of grantors property with the present Southerly right-of-way line of U.S. Highway 98 as shown on the plans for State Project No. 97-0014-02-044-10; from said POINT OF BEGINNING run thence South 02°56' West along said Easterly property line, a distance of 127.6 feet; thence run South 69°11' West, a distance of 52.9 feet; thence run South 67°13' West, a distance of 492.7 feet to the Westerly line of grantors property and the center of a creek; thence run Northerly along said Westerly property line and said center of creek, a distance of 122.8 feet to said present Southerly right-of-way line; thence run North 67°13' East along said present Southerly right-of-way line, a distance of 553.4 feet to the POINT OF BEGINNING, containing 1.43 acres, more or less, and being situated in and a part of the North 1/2 of the Southwest 1/4 of Section 14, Township 4 North, Range 15 West, Lamar County, Mississippi. LESS AND EXCEPT: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 15 WEST, LAMAR COUNTY, MISSISSIPPI, PROCEED EAST 2136.60 FEET; THENCE NORTH 2508.67 FEET TO AN IRON PIN AND THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED. FROM THE DESCRIBED POINT OF BEGINNING, PROCEED NORTH 11°19'49" EAST 217.55 FEET TO AN IRON PIN; THENCE NORTH 40°11'01" EAST 118.28 FEET TO AN IRON PIN; THENCE NORTH 22°24'39" WEST 179.15 FEET TO AN IRON PIN ON THE SOUTHERN BOUNDARY OF U.S. HIGHWAY 98; THENCE ALONG THE SOUTHERN RIGHT-OF-WAY BOUNDARY OF SAID HIGHWAY AS FOLLOWS: SOUTH 67°35'21" WEST 699.55 FEET TO AN IRON PIN; THENCE SOUTH 69°16'57" WEST 67.67 FEET TO A CONCRETE RIGHT-OF-WAY MARKER; THENCE SOUTH 67°35'21" WEST 310.34 FEET TO AN IRON PIN; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 01°25'53" WEST 667.21 FEET TO AN IRON PIN; THENCE NORTH 67°35'21" EAST 491.91 FEET TO AN IRON PIN; THENCE NORTH 22°24'39" WEST 193.77 FEET TO AN IRON PIN; THENCE NORTH 67°35'21" EAST 629.48 FEET BACK TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 12.39 ACRES AND IS LOCATED PART IN THE SE 1/4 OF THE NW 1/4, PART IN THE NE 1/4 OF THE SW 1/4, AND PART IN THE NW 1/4 OF THE SW 1/4, ALL IN SECTION 14, TOWNSHIP 4 NORTH, RANGE 15 WEST, LAMAR COUNTY, MISSISSIPPI. The status of these municipalities, districts, clubhouses, facilities, golf courses and areas described in this paragraph (o)(iii) as qualified resort areas does not require any declaration of same by the department. The governing authorities of a municipality described, in whole or in part, in item 6, 21, 24, 25, 26, 27, 28, 29, 30, 31, 34, 35, 36, 37, 38, 39, 46, 48, 51, 53, 54, 55, 56, 58, 59, 61, 63, 64, 66, 67, 68, 73, 74, 83 or 84 of this paragraph (o)(iii) may by ordinance, with respect to the qualified resort area described in the same item: specify the hours of operation of facilities offering alcoholic beverages for sale; specify the percentage of revenue that facilities offering alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and designate the areas in which facilities offering alcoholic beverages for sale may be located. Codes, 1942, § 10265-05; Laws, 1966, ch. 540, § 5; Laws, 1976, ch. 467, § 12; Laws, 1977, ch. 488, § 2; Laws, 1980, ch. 348, § 1; Laws, 1984, ch. 425, § 1; Laws, 1987, ch. 358; Laws, 1988, ch. 384; Laws, 1990, ch. 569, § 3; Laws, 1994, ch. 558, § 20; Laws, 1998, ch. 306, § 2; Laws, 1999, ch. 453, § 19; Laws, 2004, ch. 397, § 1; Laws, 2008, ch. 366, § 1; Laws, 2009, ch. 465, § 1; Laws, 2009, ch. 492, § 126; Laws, 2009, ch. 558, § 1; Laws, 2012, ch. 323, § 2; Laws, 2012, ch. 428, § 1; Laws, 2012, ch. 501, § 7, eff. 7/1/2012. Amended by Laws, 2024, ch. 532, SB 2803, § 1, eff. 7/1/2024. Amended by Laws, 2024, ch. 425, SB 2457, § 1, eff. 7/1/2024. Amended by Laws, 2023, ch. 525, HB 535, § 1, eff. 7/1/2023. Amended by Laws, 2022, ch. 481, SB 2063, § 1, eff. 7/1/2022. Amended by Laws, 2022, ch. 483, SB 2844, § 12, eff. 7/1/2022. Amended by Laws, 2021, ch. 449, HB 572, § 1, eff. 7/1/2021. Amended by Laws, 2021, ch. 450, HB 1091, § 14, eff. 7/1/2021. Amended by Laws, 2021, ch. 388, SB 2606, § 7, eff. 7/1/2021. Amended by Laws, 2020, ch. 458, SB 2253, § 1, eff. 7/1/2020. Amended by Laws, 2020, ch. 429, SB 2545, § 6, eff. 7/1/2020. Amended by Laws, 2020, ch. 314, HB 917, § 37, eff. 6/18/2020. Amended by Laws, 2018, ch. 438, SB 2618, § 1, eff. 7/1/2018. Amended by Laws, 2018, ch. 383, HB 415, § 1, eff. 7/1/2018. Amended by Laws, 2016, ch. 401, HB 845, § 1, eff. 7/1/2016. Amended by Laws, 2015, ch. 413, HB 1132, § 1, eff. 7/1/2015. Amended by Laws, 2014, ch. 346, HB 836, § 1, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-51.1 - Delivery service permit; contract with holder of package retailer's permit, on-premises retailer's permit, or beer, light wine and light spirit product retail permit for intrastate delivery authorized; delivery without contract under certain circumstances; delivery requirements; application process; enforcement

(1) The holder of a delivery service permit under Section 67-1-51: (a) May contract with the holder of a package retailer's permit or an on-premises retailer's permit under Section 67-1-51 or the holder of a beer, light wine and light spirit product retail permit under Section 67-3-19 for the purpose of intrastate delivery of alcoholic beverages or beer, light wine and light spirit product, as authorized to be sold under the respective permits; (b) May deliver alcoholic beverages or beer, light wine and light spirit product without a delivery contract, if the permittee holds a package retailer's permit or an on-premises retailer's permit under Section 67-1-51 or a beer, light wine and light spirit product retail permit under Section 67-3-19, respectively; (c) May use its own employees or independent contractors who are at least twenty-one (21) years of age to deliver such alcoholic beverages, beer, light wine or light spirit product under this section, provided all delivery agents are trained and certified consistent with the training program submitted to the division as required by subsection (2)(d) of this section. If independent contractors are used, the delivery service permittee must enter into a contract with the retailer as required by subsection (2)(c) of this section; (d) May facilitate orders by telephone, Internet or

other electronic means for the sale and delivery of alcoholic beverages, beer, light wine or light spirit product under this section. The full amount of each order must be handled in a manner that gives the retail permittee control over the ultimate receipt of payment from the consumer. The retail permittee shall remain responsible for the proper remittance of all applicable taxes on the sale of the product;(e)May deliver only sealed containers of alcoholic beverages, beer, light wine or light spirit product to an individual in Mississippi;(f)Shall obtain from the customer a confirmation that he or she is at least twenty-one (21) years of age at the time the order is placed;(g)Shall place a stamp, print or label on the outside of the sealed package to indicate that the sealed package contains alcoholic beverages, beer, light wine or light spirit product;(h)Shall require the recipient, at the time of delivery, to provide valid photo identification verifying he or she is at least twenty-one (21) years of age and to sign for the delivery;(i)Shall possess identification scanning software technology or a state-of-the-art alternative at the point of delivery to verify the recipient is at least twenty-one (21) years of age and to collect the recipient's name and date of birth. Records relating to this verification shall be maintained for at least ninety (90) days and shall be subject to review by the division;(j)Shall return all alcoholic beverages, beer, light wine or light spirit product to the retailer if the recipient is under the age of twenty-one (21) years, appears intoxicated, fails to provide proof of identification, fails or refuses to sign for delivery, fails to complete the identification verification process or declines to accept delivery, or if any circumstances in the delivery environment indicate illegal conduct, overconsumption of alcohol, or an otherwise unsafe environment for the consumption of alcohol;(k)May not deliver any alcoholic beverage, beer, light wine or light spirit product to any person located within a jurisdiction that is dry for that product, as provided by the division's wet-dry map;(l)May not deliver any alcoholic beverage, beer, light wine or light spirit product in a jurisdiction during times prohibited for lawful sale in that jurisdiction;(m)May not deliver any alcoholic beverage, beer, light wine or light spirit product more than thirty (30) miles from the retailer's licensed premises;(n)Shall permit the division to perform an audit of the licensee's records upon request and with sufficient notification; and(o)Shall be deemed to have consented to the jurisdiction of the division or any law enforcement agency and the Mississippi courts concerning enforcement of this section and any related laws or rules.(2)In order to receive a delivery service permit, an applicant shall:(a)File an application with the division;(b)Pay the privilege license tax of Five Hundred Dollars (\$500.00) as provided in Section27-71-5;(c)Provide to the division a sample contract that the applicant intends to enter into with a retailer for the delivery of alcoholic beverages, beer, light wine or light spirit product, unless the applicant is the retailer;(d)Submit to the division an outline of an internal or external training and certification program for delivery service personnel that addresses topics such as identifying underage persons, intoxicated persons, and fake or altered identification;(e)Provide an attestation that the applicant is at least twenty-one (21) years of age and has not been convicted of a felony in any state or federal courts;(f)Shall provide proof of a general liability insurance policy in an amount not less than One Million Dollars (\$1,000,000.00) per occurrence; and(g)Shall be properly registered to conduct business in Mississippi.(3)Nothing in this section shall be construed to require a technology services company to obtain a delivery service permit if the company does not employ or contract with delivery agents but merely provides software or a digital network application that connects consumers and licensed retailers for the delivery of alcoholic beverages from the licensed retailer. However, the act of connecting consumers to licensed retailers shall serve to grant jurisdiction to the State of Mississippi.(4)The division may enforce the requirements of this section by the same administrative proceedings that apply to other alcoholic beverage licenses or permits, including, without limitation, any disciplinary action applicable to the package retailer's permittee, on-premises retailer's permittee, retail permittee for beer, light wine or light spirit product, or delivery service permittee resulting from any unlawful sale to a minor.(5)The division may enforce the requirements of this section against the package retailer's permittee, on-premises retailer's permittee, retail permittee for beer, light wine or light spirit product, or delivery service permittee, and any employee or independent contractor of such permittee. If a package retailer permittee, an on-premises retailer's permittee, or a retail permittee for beer, light wine or light spirit product is also a delivery permittee, a violation of alcohol law by its employee or independent contractor during delivery will subject both the retailer permit and the delivery service permit to disciplinary action for the violation. Delivery to a minor shall be treated as furnishing to a minor and shall result in any applicable disciplinary action.(6)Nothing in this section shall be construed to limit or otherwise diminish the ability of the division to enforce the provisions of Chapters 1 and 3, Title 67, Mississippi Code of 1972, with respect to the liability of any package retailer's permittee, on-premises retailer's permittee, retail permittee for beer, light wine or light spirit product, or delivery service permittee engaging in delivery activity authorized by this section.(7)Nothing in this section shall be construed to authorize the direct shipment of alcoholic beverages, light wine, beer or light spirit product from any manufacturer or distributor holding a permit under this article, or under Title 67, Chapter 3, Mississippi Code of 1972, to consumers in this state.Added by Laws, 2021, ch. 442, HB 1135,§ 1, eff. 7/1/2021. (1)The holder of a delivery service permit under Section67-1-51:(a)May contract with the holder of a package retailer's permit or an on-premises retailer's permit under Section67-1-51or the holder of a beer, light wine and light spirit product retail permit under Section67-3-19for the purpose of intrastate delivery of alcoholic beverages or beer, light wine and light spirit product, as authorized to be sold under the respective permits;(b)May deliver alcoholic beverages or beer, light wine and light spirit product without a delivery contract, if the permittee holds a package retailer's permit or an on-premises retailer's permit under Section67-1-51or a beer, light wine and light spirit product retail permit under Section67-3-19, respectively;(c)May use its own employees or independent contractors who are at least twenty-one (21) years of age to deliver such alcoholic beverages, beer, light wine or light spirit product under this section, provided all delivery agents are trained and certified consistent with the training program submitted to the division as required by subsection (2)(d) of this section. If independent contractors are used, the delivery service permittee must enter into a contract with the retailer as required by subsection (2)(c) of this section;(d)May facilitate orders by telephone, Internet or other electronic means for the sale and delivery of alcoholic beverages, beer, light wine or light spirit product under this section. The full amount of each order must be

handled in a manner that gives the retail permittee control over the ultimate receipt of payment from the consumer. The retail permittee shall remain responsible for the proper remittance of all applicable taxes on the sale of the product;(e)May deliver only sealed containers of alcoholic beverages, beer, light wine or light spirit product to an individual in Mississippi;(f)Shall obtain from the customer a confirmation that he or she is at least twenty-one (21) years of age at the time the order is placed;(g)Shall place a stamp, print or label on the outside of the sealed package to indicate that the sealed package contains alcoholic beverages, beer, light wine or light spirit product;(h)Shall require the recipient, at the time of delivery, to provide valid photo identification verifying he or she is at least twenty-one (21) years of age and to sign for the delivery;(i)Shall possess identification scanning software technology or a state-of-the-art alternative at the point of delivery to verify the recipient is at least twenty-one (21) years of age and to collect the recipient's name and date of birth. Records relating to this verification shall be maintained for at least ninety (90) days and shall be subject to review by the division;(j)Shall return all alcoholic beverages, beer, light wine or light spirit product to the retailer if the recipient is under the age of twenty-one (21) years, appears intoxicated, fails to provide proof of identification, fails or refuses to sign for delivery, fails to complete the identification verification process or declines to accept delivery, or if any circumstances in the delivery environment indicate illegal conduct, overconsumption of alcohol, or an otherwise unsafe environment for the consumption of alcohol;(k)May not deliver any alcoholic beverage, beer, light wine or light spirit product to any person located within a jurisdiction that is dry for that product, as provided by the division's wet-dry map;(l)May not deliver any alcoholic beverage, beer, light wine or light spirit product in a jurisdiction during times prohibited for lawful sale in that jurisdiction;(m)May not deliver any alcoholic beverage, beer, light wine or light spirit product more than thirty (30) miles from the retailer's licensed premises;(n)Shall permit the division to perform an audit of the licensee's records upon request and with sufficient notification; and(o)Shall be deemed to have consented to the jurisdiction of the division or any law enforcement agency and the Mississippi courts concerning enforcement of this section and any related laws or rules.(2)In order to receive a delivery service permit, an applicant shall:(a)File an application with the division;(b)Pay the privilege license tax of Five Hundred Dollars (\$500.00) as provided in Section27-71-5;(c)Provide to the division a sample contract that the applicant intends to enter into with a retailer for the delivery of alcoholic beverages, beer, light wine or light spirit product, unless the applicant is the retailer;(d)Submit to the division an outline of an internal or external training and certification program for delivery service personnel that addresses topics such as identifying underage persons, intoxicated persons, and fake or altered identification;(e)Provide an attestation that the applicant is at least twenty-one (21) years of age and has not been convicted of a felony in any state or federal courts;(f)Shall provide proof of a general liability insurance policy in an amount not less than One Million Dollars (\$1,000,000.00) per occurrence; and(g)Shall be properly registered to conduct business in Mississippi.(3)Nothing in this section shall be construed to require a technology services company to obtain a delivery service permit if the company does not employ or contract with delivery agents but merely provides software or a digital network application that connects consumers and licensed retailers for the delivery of alcoholic beverages from the licensed retailer. However, the act of connecting consumers to licensed retailers shall serve to grant jurisdiction to the State of Mississippi.(4)The division may enforce the requirements of this section by the same administrative proceedings that apply to other alcoholic beverage licenses or permits, including, without limitation, any disciplinary action applicable to the package retailer's permittee, on-premises retailer's permittee, retail permittee for beer, light wine or light spirit product, or delivery service permittee resulting from any unlawful sale to a minor.(5)The division may enforce the requirements of this section against the package retailer's permittee, on-premises retailer's permittee, retail permittee for beer, light wine or light spirit product, or delivery service permittee, and any employee or independent contractor of such permittee. If a package retailer permittee, an on-premises retailer's permittee, or a retail permittee for beer, light wine or light spirit product is also a delivery permittee, a violation of alcohol law by its employee or independent contractor during delivery will subject both the retailer permit and the delivery service permit to disciplinary action for the violation. Delivery to a minor shall be treated as furnishing to a minor and shall result in any applicable disciplinary action.(6)Nothing in this section shall be construed to limit or otherwise diminish the ability of the division to enforce the provisions of Chapters 1 and 3, Title 67, Mississippi Code of 1972, with respect to the liability of any package retailer's permittee, on-premises retailer's permittee, retail permittee for beer, light wine or light spirit product, or delivery service permittee engaging in delivery activity authorized by this section.(7)Nothing in this section shall be construed to authorize the direct shipment of alcoholic beverages, light wine, beer or light spirit product from any manufacturer or distributor holding a permit under this article, or under Title 67, Chapter 3, Mississippi Code of 1972, to consumers in this state.Added by Laws, 2021, ch. 442, HB 1135, § 1, eff. 7/1/2021. (1)The holder of a delivery service permit under Section67-1-51:(a)May contract with the holder of a package retailer's permit or an on-premises retailer's permit under Section67-1-51or the holder of a beer, light wine and light spirit product retail permit under Section67-3-19for the purpose of intrastate delivery of alcoholic beverages or beer, light wine and light spirit product, as authorized to be sold under the respective permits;(b)May deliver alcoholic beverages or beer, light wine and light spirit product without a delivery contract, if the permittee holds a package retailer's permit or an on-premises retailer's permit under Section67-1-51or a beer, light wine and light spirit product retail permit under Section67-3-19, respectively;(c)May use its own employees or independent contractors who are at least twenty-one (21) years of age to deliver such alcoholic beverages, beer, light wine or light spirit product under this section, provided all delivery agents are trained and certified consistent with the training program submitted to the division as required by subsection (2)(d) of this section. If independent contractors are used, the delivery service permittee must enter into a contract with the retailer as required by subsection (2)(c) of this section;(d)May facilitate orders by telephone, Internet or other electronic means for the sale and delivery of alcoholic beverages, beer, light wine or light spirit product under this section. The full amount of each order must be handled in a manner that gives the retail permittee control over the ultimate receipt of payment from the consumer. The retail permittee shall remain responsible for the proper remittance of all

applicable taxes on the sale of the product;(e)May deliver only sealed containers of alcoholic beverages, beer, light wine or light spirit product to an individual in Mississippi;(f)Shall obtain from the customer a confirmation that he or she is at least twenty-one (21) years of age at the time the order is placed;(g)Shall place a stamp, print or label on the outside of the sealed package to indicate that the sealed package contains alcoholic beverages, beer, light wine or light spirit product;(h)Shall require the recipient, at the time of delivery, to provide valid photo identification verifying he or she is at least twenty-one (21) years of age and to sign for the delivery;(i)Shall possess identification scanning software technology or a state-of-the-art alternative at the point of delivery to verify the recipient is at least twenty-one (21) years of age and to collect the recipient's name and date of birth. Records relating to this verification shall be maintained for at least ninety (90) days and shall be subject to review by the division;(j)Shall return all alcoholic beverages, beer, light wine or light spirit product to the retailer if the recipient is under the age of twenty-one (21) years, appears intoxicated, fails to provide proof of identification, fails or refuses to sign for delivery, fails to complete the identification verification process or declines to accept delivery, or if any circumstances in the delivery environment indicate illegal conduct, overconsumption of alcohol, or an otherwise unsafe environment for the consumption of alcohol;(k)May not deliver any alcoholic beverage, beer, light wine or light spirit product to any person located within a jurisdiction that is dry for that product, as provided by the division's wet-dry map;(l)May not deliver any alcoholic beverage, beer, light wine or light spirit product in a jurisdiction during times prohibited for lawful sale in that jurisdiction;(m)May not deliver any alcoholic beverage, beer, light wine or light spirit product more than thirty (30) miles from the retailer's licensed premises;(n)Shall permit the division to perform an audit of the licensee's records upon request and with sufficient notification; and(o)Shall be deemed to have consented to the jurisdiction of the division or any law enforcement agency and the Mississippi courts concerning enforcement of this section and any related laws or rules.(2)In order to receive a delivery service permit, an applicant shall:(a)File an application with the division;(b)Pay the privilege license tax of Five Hundred Dollars (\$500.00) as provided in Section 27-71-5;(c)Provide to the division a sample contract that the applicant intends to enter into with a retailer for the delivery of alcoholic beverages, beer, light wine or light spirit product, unless the applicant is the retailer;(d)Submit to the division an outline of an internal or external training and certification program for delivery service personnel that addresses topics such as identifying underage persons, intoxicated persons, and fake or altered identification;(e)Provide an attestation that the applicant is at least twenty-one (21) years of age and has not been convicted of a felony in any state or federal courts;(f)Shall provide proof of a general liability insurance policy in an amount not less than One Million Dollars (\$1,000,000.00) per occurrence; and(g)Shall be properly registered to conduct business in Mississippi.(3)Nothing in this section shall be construed to require a technology services company to obtain a delivery service permit if the company does not employ or contract with delivery agents but merely provides software or a digital network application that connects consumers and licensed retailers for the delivery of alcoholic beverages from the licensed retailer. However, the act of connecting consumers to licensed retailers shall serve to grant jurisdiction to the State of Mississippi.(4)The division may enforce the requirements of this section by the same administrative proceedings that apply to other alcoholic beverage licenses or permits, including, without limitation, any disciplinary action applicable to the package retailer's permittee, on-premises retailer's permittee, retail permittee for beer, light wine or light spirit product, or delivery service permittee resulting from any unlawful sale to a minor.(5)The division may enforce the requirements of this section against the package retailer's permittee, on-premises retailer's permittee, retail permittee for beer, light wine or light spirit product, or delivery service permittee, and any employee or independent contractor of such permittee. If a package retailer permittee, an on-premises retailer's permittee, or a retail permittee for beer, light wine or light spirit product is also a delivery permittee, a violation of alcohol law by its employee or independent contractor during delivery will subject both the retailer permit and the delivery service permit to disciplinary action for the violation. Delivery to a minor shall be treated as furnishing to a minor and shall result in any applicable disciplinary action.(6)Nothing in this section shall be construed to limit or otherwise diminish the ability of the division to enforce the provisions of Chapters 1 and 3, Title 67, Mississippi Code of 1972, with respect to the liability of any package retailer's permittee, on-premises retailer's permittee, retail permittee for beer, light wine or light spirit product, or delivery service permittee engaging in delivery activity authorized by this section.(7)Nothing in this section shall be construed to authorize the direct shipment of alcoholic beverages, light wine, beer or light spirit product from any manufacturer or distributor holding a permit under this article, or under Title 67, Chapter 3, Mississippi Code of 1972, to consumers in this state. Added by Laws, 2021, ch. 442, HB 1135, § 1, eff. 7/1/2021. Added by Laws, 2021, ch. 442, HB 1135, § 1, eff. 7/1/2021.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-51 - Permits; distance regulations; prohibition on ownership of more than one package retailer's permit; prohibition on ownership of additional permits by persons living in same household

(1)Permits which may be issued by the department shall be as follows:(a)Manufacturer's permit.A manufacturer's permit shall permit the manufacture, importation in bulk, bottling and storage of alcoholic liquor and its distribution and sale to manufacturers holding permits under this article in this state and to persons outside the state who are authorized by law to purchase the same, and to sell as provided by this article.Manufacturer's permits shall be of the following classes:Class 1. Distiller's and/or rectifier's permit, which shall authorize the holder thereof to operate a distillery for the production of distilled spirits by distillation or redistillation and/or to operate a rectifying plant for the purifying, refining, mixing, blending, flavoring or reducing in proof of distilled spirits and alcohol.Class 2. Wine manufacturer's permit, which shall authorize the holder thereof to manufacture, import in bulk, bottle and store wine or vinous liquor.Class 3. Native wine producer's permit, which shall authorize the holder thereof to produce, bottle, store and sell native wines.Class 4. Native spirit producer's permit, which shall authorize the holder thereof to produce, bottle, store and

sell native spirits.(b)Package retailer's permit.Except as otherwise provided in this paragraph and Section67-1-52, a package retailer's permit shall authorize the holder thereof to operate a store exclusively for the sale at retail in original sealed and unopened packages of alcoholic beverages, including native wines, native spirits and edibles, not to be consumed on the premises where sold. Alcoholic beverages shall not be sold by any retailer in any package or container containing less than fifty (50) milliliters by liquid measure. A package retailer's permit, with prior approval from the department, shall authorize the holder thereof to sample new product furnished by a manufacturer's representative or his employees at the permitted place of business so long as the sampling otherwise complies with this article and applicable department regulations. Such samples may not be provided to customers at the permitted place of business. In addition to the sale at retail of packages of alcoholic beverages, the holder of a package retailer's permit is authorized to sell at retail corkscrews, wine glasses, soft drinks, ice, juices, mixers, other beverages commonly used to mix with alcoholic beverages, and fruits and foods that have been submerged in alcohol and are commonly referred to as edibles. Nonalcoholic beverages sold by the holder of a package retailer's permit shall not be consumed on the premises where sold.(c)On-premises retailer's permit.Except as otherwise provided in subsection (5) of this section, an on-premises retailer's permit shall authorize the sale of alcoholic beverages, including native wines and native spirits, for consumption on the licensed premises only; however, a patron of the permit holder may remove one (1) bottle of wine from the licensed premises if:(i)the patron consumed a portion of the bottle of wine in the course of consuming a meal purchased on the licensed premises;(ii)the permit holder securely reseals the bottle;(iii)the bottle is placed in a bag that is secured in a manner so that it will be visibly apparent if the bag is opened; and(iv)a dated receipt for the wine and the meal is available. Additionally, as part of a carryout order, a permit holder may sell one (1) bottle of wine to be removed from the licensed premises for every two (2) entrees ordered. In addition, an on-premises retailer's permittee at a permitted premises located on Jefferson Davis Avenue within one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic beverages by the glass to a patron in a vehicle using a drive-through method of delivery if the permitted premises is located in a leisure and recreation district established under Section67-1-101. Such a sale will be considered to be made on the permitted premises. An on-premises retailer's permit shall be issued only to qualified hotels, restaurants and clubs, small craft breweries, microbreweries, and to common carriers with adequate facilities for serving passengers. In resort areas, however, whether inside or outside of a municipality, the department, in its discretion, may issue on-premises retailer's permits to any establishments located therein as it deems proper. An on-premises retailer's permit when issued to a common carrier shall authorize the sale and serving of alcoholic beverages aboard any licensed vehicle while moving through any county of the state; however, the sale of such alcoholic beverages shall not be permitted while such vehicle is stopped in a county that has not legalized such sales. If an on-premises retailer's permit is applied for by a common carrier operating solely in the water, such common carrier must, along with all other qualifications for a permit, (i) be certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers and (ii) operate primarily in the waters within the State of Mississippi which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi and/or on the Mississippi River or navigable waters within any county bordering on the Mississippi River.(d)Solicitor's permit.A solicitor's permit shall authorize the holder thereof to act as salesman for a manufacturer or wholesaler holding a proper permit, to solicit on behalf of his employer orders for alcoholic beverages, and to otherwise promote his employer's products in a legitimate manner. Such a permit shall authorize the representation of and employment by one (1) principal only. However, the permittee may also, in the discretion of the department, be issued additional permits to represent other principals. No such permittee shall buy or sell alcoholic beverages for his own account, and no such beverage shall be brought into this state in pursuance of the exercise of such permit otherwise than through a permit issued to a wholesaler or manufacturer in the state.(e)Native wine retailer's permit.Except as otherwise provided in subsection (5) of this section, a native wine retailer's permit shall be issued only to a holder of a Class 3 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native wines to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native winery. When selling to consumers for on-premises consumption, a holder of a native wine retailer's permit may add to the native wine alcoholic beverages not produced on the premises, so long as the total volume of foreign beverage components does not exceed twenty percent (20%) of the mixed beverage. Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the native wine retailer is located.(f)Temporary retailer's permit.Except as otherwise provided in subsection (5) of this section, a temporary retailer's permit shall permit the purchase and resale of alcoholic beverages, including native wines and native spirits, during legal hours on the premises described in the temporary permit only. Temporary retailer's permits shall be of the following classes:Class 1. A temporary one-day permit may be issued to bona fide nonprofit civic or charitable organizations authorizing the sale of alcoholic beverages, including native wine and native spirit, for consumption on the premises described in the temporary permit only. Class 1 permits may be issued only to applicants demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days prior to the proposed date or such other time as the department may determine, that they meet the qualifications of Sections67-1-11,67-1-37,67-1-51(2) and (3),67-1-55,67-1-57(excluding paragraph (e)) and 67-1-59. Class 1 permittees shall obtain all alcoholic beverages from package retailers located in the county in which the temporary permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.Class 2. A temporary permit, not to exceed seventy (70) days, may be issued to prospective permittees seeking to transfer a permit authorized in paragraph (c) of this subsection. A Class 2 permit may be issued only to

applicants demonstrating to the department, by a statement signed under the penalty of perjury, that they meet the qualifications of Sections 67-1-5(l), (m), (n), (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and 67-1-59. The department, following a preliminary review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. Class 2 temporary permittees must purchase their alcoholic beverages directly from the department or, with approval of the department, purchase the remaining stock of the previous permittee. If the proposed applicant of a Class 1 or Class 2 temporary permit falsifies information contained in the application or statement, the applicant shall never again be eligible for a retail alcohol beverage permit and shall be subject to prosecution for perjury. Class 3. A temporary one-day permit may be issued to a retail establishment authorizing the complimentary distribution of wine, including native wine, to patrons of the retail establishment at an open house or promotional event, for consumption only on the premises described in the temporary permit. A Class 3 permit may be issued only to an applicant demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days before the proposed date or such other time as the department may determine, that it meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. A Class 3 permit holder shall obtain all alcoholic beverages from the holder(s) of a package retailer's permit located in the county in which the temporary permit is issued. Wine remaining in stock upon expiration of the temporary permit may be returned by the Class 3 temporary permit holder to the package retailer for a refund of the purchase price, with consent of the package retailer, or may be kept by the Class 3 temporary permit holder exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. No retailer may receive more than twelve (12) Class 3 temporary permits in a calendar year. A Class 3 temporary permit shall not be issued to a retail establishment that either holds a merchant permit issued under paragraph (l) of this subsection, or holds a permit issued under Chapter 3, Title 67, Mississippi Code of 1972, authorizing the holder to engage in the business of a retailer of light wine or beer. (g) Caterer's permit. A caterer's permit shall permit the purchase of alcoholic beverages by a person engaging in business as a caterer and the resale of alcoholic beverages by such person in conjunction with such catering business. No person shall qualify as a caterer unless forty percent (40%) or more of the revenue derived from such catering business shall be from the serving of prepared food and not from the sale of alcoholic beverages and unless such person has obtained a permit for such business from the Department of Health. A caterer's permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in business as a caterer; however, the holder of an on-premises retailer's permit may hold a caterer's permit. When the holder of an on-premises retailer's permit or an affiliated entity of the holder also holds a caterer's permit, the caterer's permit shall not authorize the service of alcoholic beverages on a consistent, recurring basis at a separate, fixed location owned or operated by the caterer, on-premises retailer or affiliated entity and an on-premises retailer's permit shall be required for the separate location. All sales of alcoholic beverages by holders of a caterer's permit shall be made at the location being catered by the caterer, and, except as otherwise provided in subsection (5) of this section, such sales may be made only for consumption at the catered location. The location being catered may be anywhere within a county or judicial district that has voted to come out from under the dry laws or in which the sale and distribution of alcoholic beverages is otherwise authorized by law. Such sales shall be made pursuant to any other conditions and restrictions which apply to sales made by on-premises retail permittees. The holder of a caterer's permit or his employees shall remain at the catered location as long as alcoholic beverages are being sold pursuant to the permit issued under this paragraph (g), and the permittee shall have at the location the identification card issued by the Alcoholic Beverage Control Division of the department. No unsold alcoholic beverages may be left at the catered location by the permittee upon the conclusion of his business at that location. Appropriate law enforcement officers and Alcoholic Beverage Control Division personnel may enter a catered location on private property in order to enforce laws governing the sale or serving of alcoholic beverages. (h) Research permit. A research permit shall authorize the holder thereof to operate a research facility for the professional research of alcoholic beverages. Such permit shall authorize the holder of the permit to import and purchase limited amounts of alcoholic beverages from the department or from importers, wineries and distillers of alcoholic beverages for professional research. (i) Alcohol processing permit. An alcohol processing permit shall authorize the holder thereof to purchase, transport and possess alcoholic beverages for the exclusive use in cooking, processing or manufacturing products which contain alcoholic beverages as an integral ingredient. An alcohol processing permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in the business of cooking, processing or manufacturing products which contain alcoholic beverages. The amounts of alcoholic beverages allowed under an alcohol processing permit shall be set by the department. (j) Hospitality cart permit. A hospitality cart permit shall authorize the sale of alcoholic beverages from a mobile cart on a golf course that is the holder of an on-premises retailer's permit. The alcoholic beverages sold from the cart must be consumed within the boundaries of the golf course. (k) Special service permit. A special service permit shall authorize the holder to sell commercially sealed alcoholic beverages to the operator of a commercial or private aircraft for en route consumption only by passengers. A special service permit shall be issued only to a fixed-base operator who contracts with an airport facility to provide fueling and other associated services to commercial and private aircraft. (l) Merchant permit. Except as otherwise provided in subsection (5) of this section, a merchant permit shall be issued only to the owner of a spa facility, an art studio or gallery, or a cooking school, and shall authorize the holder to serve complimentary by the glass wine only, including native wine, at the holder's spa facility, art studio or gallery, or cooking school. A merchant permit holder shall obtain all wine from the holder of a package retailer's permit. (m) Temporary alcoholic beverages charitable auction permit. A temporary permit, not to exceed five (5) days, may be issued to a qualifying charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code of 1986. The permit shall authorize the holder to sell alcoholic beverages for the limited purpose of raising funds for

the organization during a live or silent auction that is conducted by the organization and that meets the following requirements:(i)the auction is conducted in an area of the state where the sale of alcoholic beverages is authorized;(ii)if the auction is conducted on the premises of an on-premises retailer's permit holder, then the alcoholic beverages to be auctioned must be stored separately from the alcoholic beverages sold, stored or served on the premises, must be removed from the premises immediately following the auction, and may not be consumed on the premises;(iii)the permit holder may not conduct more than two (2) auctions during a calendar year;(iv)the permit holder may not pay a commission or promotional fee to any person to arrange or conduct the auction.(n)Event venue retailer's permit.An event venue retailer's permit shall authorize the holder thereof to purchase and resell alcoholic beverages, including native wines and native spirits, for consumption on the premises during legal hours during events held on the licensed premises if food is being served at the event by a caterer who is not affiliated with or related to the permittee. The caterer must serve at least three (3) entrees. The permit may only be issued for venues that can accommodate two hundred (200) persons or more. The number of persons a venue may accommodate shall be determined by the local fire department and such determination shall be provided in writing and submitted along with all other documents required to be provided for an on-premises retailer's permit. The permittee must derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales for live entertainment in the building. "Event-related fees" do not include alcohol, beer or light wine sales or any fee which may be construed to cover the cost of alcohol, beer or light wine. This determination shall be made on a per event basis. An event may not last longer than two (2) consecutive days per week.(o)Temporary theatre permit.A temporary theatre permit, not to exceed five (5) days, may be issued to a charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code and owns or operates a theatre facility that features plays and other theatrical performances and productions. Except as otherwise provided in subsection (5) of this section, the permit shall authorize the holder to sell alcoholic beverages, including native wines and native spirits, to patrons of the theatre during performances and productions at the theatre facility for consumption during such performances and productions on the premises of the facility described in the permit. A temporary theatre permit holder shall obtain all alcoholic beverages from package retailers located in the county in which the permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary theatre permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages.(p)Charter ship operator's permit.Subject to the provisions of this paragraph (p), a charter ship operator's permit shall authorize the holder thereof and its employees to serve, monitor, store and otherwise control the serving and availability of alcoholic beverages to customers of the permit holder during private charters under contract provided by the permit holder. A charter ship operator's permit shall authorize such action by the permit holder and its employees only as to alcoholic beverages brought onto the permit holder's ship by customers of the permit holder as part of such a private charter. All such alcoholic beverages must be removed from the charter ship at the conclusion of each private charter. A charter ship operator's permit shall not authorize the permit holder to sell, charge for or otherwise supply alcoholic beverages to customers, except as authorized in this paragraph (p). For the purposes of this paragraph (p), "charter ship operator" means a common carrier that (i) is certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers, (ii) operates only in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, and (iii) provides charters under contract for tours and trips in such waters.(q)Distillery retailer's permit.The holder of a Class 1 manufacturer's permit may obtain a distillery retailer's permit. A distillery retailer's permit shall authorize the holder thereof to sell at retail alcoholic beverages to consumers for on-premises consumption, or to consumers by the sealed and unopened bottle from a retail location at the distillery for off-premises consumption. The holder may only sell product manufactured by the manufacturer at the distillery described in the permit. However, when selling to consumers for on-premises consumption, a holder of a distillery retailer's permit may add other beverages, alcoholic or not, so long as the total volume of other beverage components containing alcohol does not exceed twenty percent (20%). Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the distillery retailer is located.The holder shall not sell at retail more than ten percent (10%) of the alcoholic beverages produced annually at its distillery. The holder shall not make retail sales of more than two and twenty-five one-hundredths (2.25) liters, in the aggregate, of the alcoholic beverages produced at its distillery to any one (1) individual for consumption off the premises of the distillery within a twenty-four-hour period. The hours of sale shall be the same as those hours for package retailers under this article. The holder of a distillery retailer's permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse; however, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder shall pay to the department all taxes, fees and surcharges on the alcoholic beverages that are imposed upon the sale of alcoholic beverages shipped by the department or its warehouse operator. In addition to alcoholic beverages, the holder of a distillery retailer's permit may sell at retail promotional products from the same retail location, including shirts, hats, glasses, and other promotional products customarily sold by alcoholic beverage manufacturers.(r)Festival Wine Permit.Any wine manufacturer or native wine producer permitted by Mississippi or any other state is eligible to obtain a Festival Wine Permit. This permit authorizes the entity to transport product manufactured by it to festivals held within the State of Mississippi and sell sealed, unopened bottles to festival participants. The holder of this permit may provide samples at no charge to participants. "Festival" means any event at which three (3) or more vendors are present at a location for the sale or distribution of goods. The holder of a Festival Wine Permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse. However, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder of

this permit shall pay to the department all taxes, fees and surcharges on the alcoholic beverages sold at such festivals that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. Additionally, the entity shall file all applicable reports and returns as prescribed by the department. This permit is issued per festival and provides authority to sell for two (2) consecutive days during the hours authorized for on-premises permittees' sales in that county or city. The holder of the permit shall be required to maintain all requirements set by Local Option Law for the service and sale of alcoholic beverages. This permit may be issued to entities participating in festivals at which a Class 1 temporary permit is in effect. This paragraph (r) shall stand repealed from and after July 1, 2026. (s) Charter vessel operator's permit. Subject to the provisions of this paragraph (s), a charter vessel operator's permit shall authorize the holder thereof and its employees to sell and serve alcoholic beverages to passengers of the permit holder during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder. The permit shall authorize the holder to only sell alcoholic beverages, including native wines, to passengers of the charter vessel operator during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder aboard the charter vessel operator for consumption during such tours and cruises on the premises of the charter vessel operator described in the permit. For the purposes of this paragraph (s), "charter vessel operator" means a common carrier that (i) is certified to carry at least forty-nine (49) passengers, (ii) operates only in the waters within the State of Mississippi, which lie south of Interstate 10 in the three (3) most southern counties in the State of Mississippi, and lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, extending not further than one (1) mile south of such counties, and (iii) provides vessel services for tours and cruises in such waters as provided in this paragraph (s). (t) Native spirit retailer's permit. Except as otherwise provided in subsection (5) of this section, a native spirit retailer's permit shall be issued only to a holder of a Class 4 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native spirits to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native distillery. When selling to consumers for on-premises consumption, a holder of a native spirit retailer's permit may add to the native spirit alcoholic beverages not produced on the premises, so long as the total volume of foreign beverage components does not exceed twenty percent (20%) of the mixed beverage. Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the native spirit retailer is located. (u) Delivery service permit. Any individual, limited liability company, corporation or partnership registered to do business in this state is eligible to obtain a delivery service permit. Subject to the provisions of Section 67-1-51.1, this permit authorizes the permittee, or its employee or an independent contractor acting on its behalf, to deliver alcoholic beverages, beer, light wine and light spirit product from a licensed retailer to a person in this state who is at least twenty-one (21) years of age for the individual's use and not for resale. This permit does not authorize the delivery of alcoholic beverages, beer, light wine or light spirit product to the premises of a location with a permit for the manufacture, distribution or retail sale of alcoholic beverages, beer, light wine or light spirit product. The holder of a package retailer's permit or an on-premises retailer's permit under Section 67-1-51 or of a beer, light wine and light spirit product permit under Section 67-3-19 is authorized to apply for a delivery service permit as a privilege separate from its existing retail permit. (v) Food truck permit. A food truck permit shall authorize the holder of an on-premises retailer's permit to use a food truck to sell alcoholic beverages off its premises to guests who must consume the beverages in open containers. For the purposes of this paragraph (v), "food truck" means a fully encased food service establishment on a motor vehicle or on a trailer that a motor vehicle pulls to transport, and from which a vendor, standing within the frame of the establishment, prepares, cooks, sells and serves food for immediate human consumption. The term "food truck" does not include a food cart that is not motorized. Food trucks shall maintain such distance requirements from schools, churches, kindergartens and funeral homes as are required for on-premises retailer's permittees under this article, and all sales must be made within a valid leisure and recreation district established under Section 67-1-101. Food trucks cannot sell or serve alcoholic beverages unless also offering food prepared and cooked within the food truck, and permittees must maintain a twenty-five percent (25%) food sale revenue requirement based on the food sold from the food truck alone. The hours allowed for sale shall be the same as those for on-premises retailer's permittees in the location. This permit will not be required for the holder of a caterer's permit issued under this article to cater an event as allowed by law. Permittees must provide notice of not less than forty-eight (48) hours to the department of each location at which alcoholic beverages will be sold. (w) On-premises tobacco permit. An on-premises tobacco permit shall authorize the permittee to sell alcoholic beverages for consumption on the licensed premises. In addition to all other requirements to obtain an alcoholic beverage permit, the permittee must obtain and maintain a tobacco permit issued by the State of Mississippi, and have a capital investment of not less than Five Hundred Thousand Dollars (\$500,000.00) in the premises for which the permit is issued. In addition to alcoholic beverages, the permittee is authorized to sell only cigars, cheroots, tobacco pipes, pipe tobacco, and/or stogies. Additionally, seventy-five percent (75%) of the permittee's annual gross revenue must be derived from the sale of cigars, cheroots, tobacco pipes, pipe tobacco, and/or stogies. No food sales shall be required, but food may be sold on the premises. The issuance of this permit does not remove any obligation a permittee may have to follow local ordinances or actions prohibiting the use of tobacco products. (2) Except as otherwise provided in subsection (4) of this section, retail permittees may hold more than one (1) retail permit, at the discretion of the department. (3) (a) Except as otherwise provided in this subsection, no authority shall be granted to any person to manufacture, sell or store for sale any intoxicating liquor as specified in this article within four hundred (400) feet of any church, school (excluding any community college, junior college, college or university), kindergarten or funeral home. However, within an area zoned commercial or business, such minimum distance shall be not less than one hundred (100) feet. (b) A church or funeral home may waive the distance restrictions imposed in this subsection in favor of allowing issuance by the department of a permit, pursuant to subsection (1) of this section, to authorize activity relating to the manufacturing, sale or storage of alcoholic

beverages which would otherwise be prohibited under the minimum distance criterion. Such waiver shall be in written form from the owner, the governing body, or the appropriate officer of the church or funeral home having the authority to execute such a waiver, and the waiver shall be filed with and verified by the department before becoming effective.(c)The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a bed and breakfast inn listed in the National Register of Historic Places or to the sale or storage of alcoholic beverages in a historic district that is listed in the National Register of Historic Places, is a qualified resort area and is located in a municipality having a population greater than one hundred thousand (100,000) according to the latest federal decennial census.(d)The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a qualified resort area as defined in Section67-1-5(o)(iii)32.(e)The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a licensed premises in a building formerly owned by a municipality and formerly leased by the municipality to a municipal school district and used by the municipal school district as a district bus shop facility.(f)The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a licensed premises in a building consisting of at least five thousand (5,000) square feet and located approximately six hundred (600) feet from the intersection of Mississippi Highway 15 and Mississippi Highway 4.(g)The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a licensed premises in a building located at or near the intersection of Ward and Tate Streets and adjacent properties in the City of Senatobia, Mississippi.(h)The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a theatre facility that features plays and other theatrical performances and productions and (i) is capable of seating more than seven hundred fifty (750) people, (ii) is owned by a municipality which has a population greater than ten thousand (10,000) according to the latest federal decennial census, (iii) was constructed prior to 1930, (iv) is on the National Register of Historic Places, and (v) is located in a historic district.(i)The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a licensed premises in a building located approximately one and six-tenths (1.6) miles north of the intersection of Mississippi Highway 15 and Mississippi Highway 4 on the west side of Mississippi Highway 15.(4)No person, either individually or as a member of a firm, partnership, limited liability company or association, or as a stockholder, officer or director in a corporation, shall own or control any interest in more than one (1) package retailer's permit, nor shall such person's spouse, if living in the same household of such person, any relative of such person, if living in the same household of such person, or any other person living in the same household with such person own any interest in any other package retailer's permit; however, in the case of a person holding a package retailer's permit issued before July 1, 2024, such a person may own one (1) additional package retailer's permit if the additional permit is issued for a premises with a minimum capital investment of Twenty Million Dollars (\$20,000,000.00) that is part of a major retail development project and located in one (1) of the three (3) most southern counties in the State of Mississippi, and not within one hundred (100) miles of another location in the State of Mississippi, for which the permittee holds such a permit.(5)(a)In addition to any other authority granted under this section, the holder of a permit issued under subsection (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may sell or otherwise provide alcoholic beverages and/or wine to a patron of the permit holder in the manner authorized in the permit and the patron may remove an open glass, cup or other container of the alcoholic beverage and/or wine from the licensed premises and may possess and consume the alcoholic beverage or wine outside of the licensed premises if:(i)the licensed premises is located within a leisure and recreation district created under Section67-1-101and(ii)the patron remains within the boundaries of the leisure and recreation district while in possession of the alcoholic beverage or wine.(b)Nothing in this subsection shall be construed to allow a person to bring any alcoholic beverages into a permitted premises except to the extent otherwise authorized by this article.Codes, 1942, §§ 10265-18, 10265-19, 10265-26; Laws, 1966, ch. 540, §§ 18, 19, 26; Laws, 1976, ch. 467, § 18; Laws, 1988, ch. 302, § 1; Laws, 1988, ch. 383, § 2; Laws, 1989, ch. 484, § 1; Laws, 1992, ch. 574, § 2; Laws, 1994, ch. 538, § 4; Laws, 1996, ch. 417, § 2; Laws, 1997, ch. 487, § 1; Laws, 2000, ch. 307, § 1; Laws, 2006, ch. 529, § 5; Laws, 2007, ch. 462, § 8; Laws, 2008, 1st Ex Sess, ch. 48, § 1; Laws, 2009, ch. 465, § 2; Laws, 2012, ch. 566, § 2, eff. 7/1/2012.Amended by Laws, 2024, ch. 528, SB 2405,§ 1, eff. 7/1/2024.Amended by Laws, 2024, ch. 430, SB 2567,§ 1, eff. 7/1/2024.Amended by Laws, 2024, ch. 368, HB 1525,§ 1, eff. 7/1/2024.Amended by Laws, 2023, ch. 533, HB 252,§ 1, eff. 7/1/2023.Amended by Laws, 2022, ch. 483, SB 2844,§ 17, eff. 7/1/2022.Amended by Laws, 2022, ch. 406, HB 918,§ 1, eff. 7/1/2022.Amended by Laws, 2021, ch. 449, HB 572,§ 2, eff. 7/1/2021.Amended by Laws, 2021, ch. 454, SB 2435,§ 1, eff. 7/1/2021.Amended by Laws, 2021, ch. 450, HB 1091,§ 10, eff. 7/1/2021.Amended by Laws, 2021, ch. 442, HB 1135,§ 2, eff. 7/1/2021.Amended by Laws, 2021, ch. 357, HB 1288,§ 1, eff. 7/1/2021.Amended by Laws, 2021, ch. 388, SB 2606,§ 13, eff. 7/1/2021.Amended by Laws, 2020, ch. 422, HB 1088,§ 4, eff. 1/1/2021.Amended by Laws, 2020, ch. 423, HB 1087,§ 6, eff. 7/1/2020.Amended by Laws, 2020, ch. 314, HB 917,§ 39, eff. 6/18/2020.Amended by Laws, 2018, ch. 453, HB 995,§ 1, eff. 7/1/2018.Amended by Laws, 2018, ch. 382, HB 840,§ 1, eff. 7/1/2018.Amended by Laws, 2016, ch. 471, HB 1223, 2, eff. 7/1/2016.Amended by Laws, 2015, ch. 462, HB 1096, 1, eff. 7/1/2015.Amended by Laws, 2014, ch. 527, SB 2554, 1, eff. 7/1/2014.Amended by Laws, 2014, ch. 516, HB 801, 1, eff. 7/1/2014. (1)Permits which may be issued by the department shall be as follows:(a)Manufacturer's permit.A manufacturer's permit shall permit the manufacture, importation in bulk, bottling and storage of alcoholic liquor and its distribution and sale to manufacturers holding permits under this article in this state and to persons outside the state who are authorized by law to purchase the same, and to sell as provided by this article.Manufacturer's permits shall be of the following classes:Class 1. Distiller's and/or rectifier's permit, which shall authorize the holder thereof to operate a distillery for the production of distilled spirits by distillation or redistillation and/or to operate a rectifying plant for the purifying, refining, mixing, blending, flavoring or reducing in proof of distilled spirits and alcohol.Class 2. Wine manufacturer's permit, which shall authorize the holder thereof to manufacture, import in bulk, bottle and store wine or vinous liquor.Class 3. Native wine producer's

permit, which shall authorize the holder thereof to produce, bottle, store and sell native wines. Class 4. Native spirit producer's permit, which shall authorize the holder thereof to produce, bottle, store and sell native spirits. (b) Package retailer's permit. Except as otherwise provided in this paragraph and Section 67-1-52, a package retailer's permit shall authorize the holder thereof to operate a store exclusively for the sale at retail in original sealed and unopened packages of alcoholic beverages, including native wines, native spirits and edibles, not to be consumed on the premises where sold. Alcoholic beverages shall not be sold by any retailer in any package or container containing less than fifty (50) milliliters by liquid measure. A package retailer's permit, with prior approval from the department, shall authorize the holder thereof to sample new product furnished by a manufacturer's representative or his employees at the permitted place of business so long as the sampling otherwise complies with this article and applicable department regulations. Such samples may not be provided to customers at the permitted place of business. In addition to the sale at retail of packages of alcoholic beverages, the holder of a package retailer's permit is authorized to sell at retail corkscrews, wine glasses, soft drinks, ice, juices, mixers, other beverages commonly used to mix with alcoholic beverages, and fruits and foods that have been submerged in alcohol and are commonly referred to as edibles. Nonalcoholic beverages sold by the holder of a package retailer's permit shall not be consumed on the premises where sold. (c) On-premises retailer's permit. Except as otherwise provided in subsection (5) of this section, an on-premises retailer's permit shall authorize the sale of alcoholic beverages, including native wines and native spirits, for consumption on the licensed premises only; however, a patron of the permit holder may remove one (1) bottle of wine from the licensed premises if: (i) the patron consumed a portion of the bottle of wine in the course of consuming a meal purchased on the licensed premises; (ii) the permit holder securely reseals the bottle; (iii) the bottle is placed in a bag that is secured in a manner so that it will be visibly apparent if the bag is opened; and (iv) a dated receipt for the wine and the meal is available. Additionally, as part of a carryout order, a permit holder may sell one (1) bottle of wine to be removed from the licensed premises for every two (2) entrees ordered. In addition, an on-premises retailer's permittee at a permitted premises located on Jefferson Davis Avenue within one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic beverages by the glass to a patron in a vehicle using a drive-through method of delivery if the permitted premises is located in a leisure and recreation district established under Section 67-1-101. Such a sale will be considered to be made on the permitted premises. An on-premises retailer's permit shall be issued only to qualified hotels, restaurants and clubs, small craft breweries, microbreweries, and to common carriers with adequate facilities for serving passengers. In resort areas, however, whether inside or outside of a municipality, the department, in its discretion, may issue on-premises retailer's permits to any establishments located therein as it deems proper. An on-premises retailer's permit when issued to a common carrier shall authorize the sale and serving of alcoholic beverages aboard any licensed vehicle while moving through any county of the state; however, the sale of such alcoholic beverages shall not be permitted while such vehicle is stopped in a county that has not legalized such sales. If an on-premises retailer's permit is applied for by a common carrier operating solely in the water, such common carrier must, along with all other qualifications for a permit, (i) be certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers and (ii) operate primarily in the waters within the State of Mississippi which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi and/or on the Mississippi River or navigable waters within any county bordering on the Mississippi River. (d) Solicitor's permit. A solicitor's permit shall authorize the holder thereof to act as salesman for a manufacturer or wholesaler holding a proper permit, to solicit on behalf of his employer orders for alcoholic beverages, and to otherwise promote his employer's products in a legitimate manner. Such a permit shall authorize the representation of and employment by one (1) principal only. However, the permittee may also, in the discretion of the department, be issued additional permits to represent other principals. No such permittee shall buy or sell alcoholic beverages for his own account, and no such beverage shall be brought into this state in pursuance of the exercise of such permit otherwise than through a permit issued to a wholesaler or manufacturer in the state. (e) Native wine retailer's permit. Except as otherwise provided in subsection (5) of this section, a native wine retailer's permit shall be issued only to a holder of a Class 3 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native wines to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native winery. When selling to consumers for on-premises consumption, a holder of a native wine retailer's permit may add to the native wine alcoholic beverages not produced on the premises, so long as the total volume of foreign beverage components does not exceed twenty percent (20%) of the mixed beverage. Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the native wine retailer is located. (f) Temporary retailer's permit. Except as otherwise provided in subsection (5) of this section, a temporary retailer's permit shall permit the purchase and resale of alcoholic beverages, including native wines and native spirits, during legal hours on the premises described in the temporary permit only. Temporary retailer's permits shall be of the following classes: Class 1. A temporary one-day permit may be issued to bona fide nonprofit civic or charitable organizations authorizing the sale of alcoholic beverages, including native wine and native spirit, for consumption on the premises described in the temporary permit only. Class 1 permits may be issued only to applicants demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days prior to the proposed date or such other time as the department may determine, that they meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. Class 1 permittees shall obtain all alcoholic beverages from package retailers located in the county in which the temporary permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and

regulations, may issue the permit. Class 2. A temporary permit, not to exceed seventy (70) days, may be issued to prospective permittees seeking to transfer a permit authorized in paragraph (c) of this subsection. A Class 2 permit may be issued only to applicants demonstrating to the department, by a statement signed under the penalty of perjury, that they meet the qualifications of Sections 67-1-5(l), (m), (n), (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and 67-1-59. The department, following a preliminary review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. Class 2 temporary permittees must purchase their alcoholic beverages directly from the department or, with approval of the department, purchase the remaining stock of the previous permittee. If the proposed applicant of a Class 1 or Class 2 temporary permit falsifies information contained in the application or statement, the applicant shall never again be eligible for a retail alcohol beverage permit and shall be subject to prosecution for perjury. Class 3. A temporary one-day permit may be issued to a retail establishment authorizing the complimentary distribution of wine, including native wine, to patrons of the retail establishment at an open house or promotional event, for consumption only on the premises described in the temporary permit. A Class 3 permit may be issued only to an applicant demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days before the proposed date or such other time as the department may determine, that it meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. A Class 3 permit holder shall obtain all alcoholic beverages from the holder(s) of a package retailer's permit located in the county in which the temporary permit is issued. Wine remaining in stock upon expiration of the temporary permit may be returned by the Class 3 temporary permit holder to the package retailer for a refund of the purchase price, with consent of the package retailer, or may be kept by the Class 3 temporary permit holder exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. No retailer may receive more than twelve (12) Class 3 temporary permits in a calendar year. A Class 3 temporary permit shall not be issued to a retail establishment that either holds a merchant permit issued under paragraph (l) of this subsection, or holds a permit issued under Chapter 3, Title 67, Mississippi Code of 1972, authorizing the holder to engage in the business of a retailer of light wine or beer. (g) Caterer's permit. A caterer's permit shall permit the purchase of alcoholic beverages by a person engaging in business as a caterer and the resale of alcoholic beverages by such person in conjunction with such catering business. No person shall qualify as a caterer unless forty percent (40%) or more of the revenue derived from such catering business shall be from the serving of prepared food and not from the sale of alcoholic beverages and unless such person has obtained a permit for such business from the Department of Health. A caterer's permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in business as a caterer; however, the holder of an on-premises retailer's permit may hold a caterer's permit. When the holder of an on-premises retailer's permit or an affiliated entity of the holder also holds a caterer's permit, the caterer's permit shall not authorize the service of alcoholic beverages on a consistent, recurring basis at a separate, fixed location owned or operated by the caterer, on-premises retailer or affiliated entity and an on-premises retailer's permit shall be required for the separate location. All sales of alcoholic beverages by holders of a caterer's permit shall be made at the location being catered by the caterer, and, except as otherwise provided in subsection (5) of this section, such sales may be made only for consumption at the catered location. The location being catered may be anywhere within a county or judicial district that has voted to come out from under the dry laws or in which the sale and distribution of alcoholic beverages is otherwise authorized by law. Such sales shall be made pursuant to any other conditions and restrictions which apply to sales made by on-premises retail permittees. The holder of a caterer's permit or his employees shall remain at the catered location as long as alcoholic beverages are being sold pursuant to the permit issued under this paragraph (g), and the permittee shall have at the location the identification card issued by the Alcoholic Beverage Control Division of the department. No unsold alcoholic beverages may be left at the catered location by the permittee upon the conclusion of his business at that location. Appropriate law enforcement officers and Alcoholic Beverage Control Division personnel may enter a catered location on private property in order to enforce laws governing the sale or serving of alcoholic beverages. (h) Research permit. A research permit shall authorize the holder thereof to operate a research facility for the professional research of alcoholic beverages. Such permit shall authorize the holder of the permit to import and purchase limited amounts of alcoholic beverages from the department or from importers, wineries and distillers of alcoholic beverages for professional research. (i) Alcohol processing permit. An alcohol processing permit shall authorize the holder thereof to purchase, transport and possess alcoholic beverages for the exclusive use in cooking, processing or manufacturing products which contain alcoholic beverages as an integral ingredient. An alcohol processing permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in the business of cooking, processing or manufacturing products which contain alcoholic beverages. The amounts of alcoholic beverages allowed under an alcohol processing permit shall be set by the department. (j) Hospitality cart permit. A hospitality cart permit shall authorize the sale of alcoholic beverages from a mobile cart on a golf course that is the holder of an on-premises retailer's permit. The alcoholic beverages sold from the cart must be consumed within the boundaries of the golf course. (k) Special service permit. A special service permit shall authorize the holder to sell commercially sealed alcoholic beverages to the operator of a commercial or private aircraft for en route consumption only by passengers. A special service permit shall be issued only to a fixed-base operator who contracts with an airport facility to provide fueling and other associated services to commercial and private aircraft. (l) Merchant permit. Except as otherwise provided in subsection (5) of this section, a merchant permit shall be issued only to the owner of a spa facility, an art studio or gallery, or a cooking school, and shall authorize the holder to serve complimentary by the glass wine only, including native wine, at the holder's spa facility, art studio or gallery, or cooking school. A merchant permit holder shall obtain all wine from the holder of a package retailer's permit. (m) Temporary alcoholic beverages charitable auction permit. A temporary permit, not to exceed five (5) days, may

be issued to a qualifying charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code of 1986. The permit shall authorize the holder to sell alcoholic beverages for the limited purpose of raising funds for the organization during a live or silent auction that is conducted by the organization and that meets the following requirements:(i)the auction is conducted in an area of the state where the sale of alcoholic beverages is authorized;(ii)if the auction is conducted on the premises of an on-premises retailer's permit holder, then the alcoholic beverages to be auctioned must be stored separately from the alcoholic beverages sold, stored or served on the premises, must be removed from the premises immediately following the auction, and may not be consumed on the premises;(iii)the permit holder may not conduct more than two (2) auctions during a calendar year;(iv)the permit holder may not pay a commission or promotional fee to any person to arrange or conduct the auction.(n)Event venue retailer's permit.An event venue retailer's permit shall authorize the holder thereof to purchase and resell alcoholic beverages, including native wines and native spirits, for consumption on the premises during legal hours during events held on the licensed premises if food is being served at the event by a caterer who is not affiliated with or related to the permittee. The caterer must serve at least three (3) entrees. The permit may only be issued for venues that can accommodate two hundred (200) persons or more. The number of persons a venue may accommodate shall be determined by the local fire department and such determination shall be provided in writing and submitted along with all other documents required to be provided for an on-premises retailer's permit. The permittee must derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales for live entertainment in the building. "Event-related fees" do not include alcohol, beer or light wine sales or any fee which may be construed to cover the cost of alcohol, beer or light wine. This determination shall be made on a per event basis. An event may not last longer than two (2) consecutive days per week.(o)Temporary theatre permit.A temporary theatre permit, not to exceed five (5) days, may be issued to a charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code and owns or operates a theatre facility that features plays and other theatrical performances and productions. Except as otherwise provided in subsection (5) of this section, the permit shall authorize the holder to sell alcoholic beverages, including native wines and native spirits, to patrons of the theatre during performances and productions at the theatre facility for consumption during such performances and productions on the premises of the facility described in the permit. A temporary theatre permit holder shall obtain all alcoholic beverages from package retailers located in the county in which the permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary theatre permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages.(p)Charter ship operator's permit.Subject to the provisions of this paragraph (p), a charter ship operator's permit shall authorize the holder thereof and its employees to serve, monitor, store and otherwise control the serving and availability of alcoholic beverages to customers of the permit holder during private charters under contract provided by the permit holder. A charter ship operator's permit shall authorize such action by the permit holder and its employees only as to alcoholic beverages brought onto the permit holder's ship by customers of the permit holder as part of such a private charter. All such alcoholic beverages must be removed from the charter ship at the conclusion of each private charter. A charter ship operator's permit shall not authorize the permit holder to sell, charge for or otherwise supply alcoholic beverages to customers, except as authorized in this paragraph (p). For the purposes of this paragraph (p), "charter ship operator" means a common carrier that (i) is certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers, (ii) operates only in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, and (iii) provides charters under contract for tours and trips in such waters.(q)Distillery retailer's permit.The holder of a Class 1 manufacturer's permit may obtain a distillery retailer's permit. A distillery retailer's permit shall authorize the holder thereof to sell at retail alcoholic beverages to consumers for on-premises consumption, or to consumers by the sealed and unopened bottle from a retail location at the distillery for off-premises consumption. The holder may only sell product manufactured by the manufacturer at the distillery described in the permit. However, when selling to consumers for on-premises consumption, a holder of a distillery retailer's permit may add other beverages, alcoholic or not, so long as the total volume of other beverage components containing alcohol does not exceed twenty percent (20%). Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the distillery retailer is located.The holder shall not sell at retail more than ten percent (10%) of the alcoholic beverages produced annually at its distillery. The holder shall not make retail sales of more than two and twenty-five one-hundredths (2.25) liters, in the aggregate, of the alcoholic beverages produced at its distillery to any one (1) individual for consumption off the premises of the distillery within a twenty-four-hour period. The hours of sale shall be the same as those hours for package retailers under this article. The holder of a distillery retailer's permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse; however, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder shall pay to the department all taxes, fees and surcharges on the alcoholic beverages that are imposed upon the sale of alcoholic beverages shipped by the department or its warehouse operator. In addition to alcoholic beverages, the holder of a distillery retailer's permit may sell at retail promotional products from the same retail location, including shirts, hats, glasses, and other promotional products customarily sold by alcoholic beverage manufacturers.(r)Festival Wine Permit.Any wine manufacturer or native wine producer permitted by Mississippi or any other state is eligible to obtain a Festival Wine Permit. This permit authorizes the entity to transport product manufactured by it to festivals held within the State of Mississippi and sell sealed, unopened bottles to festival participants. The holder of this permit may provide samples at no charge to participants. "Festival" means any event at which three (3) or more vendors are present at a location for the sale or distribution of goods. The holder of a Festival Wine Permit is not required to

purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse. However, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder of this permit shall pay to the department all taxes, fees and surcharges on the alcoholic beverages sold at such festivals that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. Additionally, the entity shall file all applicable reports and returns as prescribed by the department. This permit is issued per festival and provides authority to sell for two (2) consecutive days during the hours authorized for on-premises permittees' sales in that county or city. The holder of the permit shall be required to maintain all requirements set by Local Option Law for the service and sale of alcoholic beverages. This permit may be issued to entities participating in festivals at which a Class 1 temporary permit is in effect. This paragraph (r) shall stand repealed from and after July 1, 2026. (s) Charter vessel operator's permit. Subject to the provisions of this paragraph (s), a charter vessel operator's permit shall authorize the holder thereof and its employees to sell and serve alcoholic beverages to passengers of the permit holder during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder. The permit shall authorize the holder to only sell alcoholic beverages, including native wines, to passengers of the charter vessel operator during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder aboard the charter vessel operator for consumption during such tours and cruises on the premises of the charter vessel operator described in the permit. For the purposes of this paragraph (s), "charter vessel operator" means a common carrier that (i) is certified to carry at least forty-nine (49) passengers, (ii) operates only in the waters within the State of Mississippi, which lie south of Interstate 10 in the three (3) most southern counties in the State of Mississippi, and lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, extending not further than one (1) mile south of such counties, and (iii) provides vessel services for tours and cruises in such waters as provided in this paragraph (s). (t) Native spirit retailer's permit. Except as otherwise provided in subsection (5) of this section, a native spirit retailer's permit shall be issued only to a holder of a Class 4 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native spirits to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native distillery. When selling to consumers for on-premises consumption, a holder of a native spirit retailer's permit may add to the native spirit alcoholic beverages not produced on the premises, so long as the total volume of foreign beverage components does not exceed twenty percent (20%) of the mixed beverage. Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the native spirit retailer is located. (u) Delivery service permit. Any individual, limited liability company, corporation or partnership registered to do business in this state is eligible to obtain a delivery service permit. Subject to the provisions of Section 67-1-51.1, this permit authorizes the permittee, or its employee or an independent contractor acting on its behalf, to deliver alcoholic beverages, beer, light wine and light spirit product from a licensed retailer to a person in this state who is at least twenty-one (21) years of age for the individual's use and not for resale. This permit does not authorize the delivery of alcoholic beverages, beer, light wine or light spirit product to the premises of a location with a permit for the manufacture, distribution or retail sale of alcoholic beverages, beer, light wine or light spirit product. The holder of a package retailer's permit or an on-premises retailer's permit under Section 67-1-51 or of a beer, light wine and light spirit product permit under Section 67-3-19 is authorized to apply for a delivery service permit as a privilege separate from its existing retail permit. (v) Food truck permit. A food truck permit shall authorize the holder of an on-premises retailer's permit to use a food truck to sell alcoholic beverages off its premises to guests who must consume the beverages in open containers. For the purposes of this paragraph (v), "food truck" means a fully encased food service establishment on a motor vehicle or on a trailer that a motor vehicle pulls to transport, and from which a vendor, standing within the frame of the establishment, prepares, cooks, sells and serves food for immediate human consumption. The term "food truck" does not include a food cart that is not motorized. Food trucks shall maintain such distance requirements from schools, churches, kindergartens and funeral homes as are required for on-premises retailer's permittees under this article, and all sales must be made within a valid leisure and recreation district established under Section 67-1-101. Food trucks cannot sell or serve alcoholic beverages unless also offering food prepared and cooked within the food truck, and permittees must maintain a twenty-five percent (25%) food sale revenue requirement based on the food sold from the food truck alone. The hours allowed for sale shall be the same as those for on-premises retailer's permittees in the location. This permit will not be required for the holder of a caterer's permit issued under this article to cater an event as allowed by law. Permittees must provide notice of not less than forty-eight (48) hours to the department of each location at which alcoholic beverages will be sold. (w) On-premises tobacco permit. An on-premises tobacco permit shall authorize the permittee to sell alcoholic beverages for consumption on the licensed premises. In addition to all other requirements to obtain an alcoholic beverage permit, the permittee must obtain and maintain a tobacco permit issued by the State of Mississippi, and have a capital investment of not less than Five Hundred Thousand Dollars (\$500,000.00) in the premises for which the permit is issued. In addition to alcoholic beverages, the permittee is authorized to sell only cigars, cheroots, tobacco pipes, pipe tobacco, and/or stogies. Additionally, seventy-five percent (75%) of the permittee's annual gross revenue must be derived from the sale of cigars, cheroots, tobacco pipes, pipe tobacco, and/or stogies. No food sales shall be required, but food may be sold on the premises. The issuance of this permit does not remove any obligation a permittee may have to follow local ordinances or actions prohibiting the use of tobacco products. (2) Except as otherwise provided in subsection (4) of this section, retail permittees may hold more than one (1) retail permit, at the discretion of the department. (3)(a) Except as otherwise provided in this subsection, no authority shall be granted to any person to manufacture, sell or store for sale any intoxicating liquor as specified in this article within four hundred (400) feet of any church, school (excluding any community college, junior college, college or university), kindergarten or funeral home. However, within an area zoned commercial or business, such minimum distance shall be not less than one hundred (100) feet. (b) A church or

funeral home may waive the distance restrictions imposed in this subsection in favor of allowing issuance by the department of a permit, pursuant to subsection (1) of this section, to authorize activity relating to the manufacturing, sale or storage of alcoholic beverages which would otherwise be prohibited under the minimum distance criterion. Such waiver shall be in written form from the owner, the governing body, or the appropriate officer of the church or funeral home having the authority to execute such a waiver, and the waiver shall be filed with and verified by the department before becoming effective.(c)The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a bed and breakfast inn listed in the National Register of Historic Places or to the sale or storage of alcoholic beverages in a historic district that is listed in the National Register of Historic Places, is a qualified resort area and is located in a municipality having a population greater than one hundred thousand (100,000) according to the latest federal decennial census.(d)The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a qualified resort area as defined in Section67-1-5(o)(iii)32.(e)The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a licensed premises in a building formerly owned by a municipality and formerly leased by the municipality to a municipal school district and used by the municipal school district as a district bus shop facility.(f)The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a licensed premises in a building consisting of at least five thousand (5,000) square feet and located approximately six hundred (600) feet from the intersection of Mississippi Highway 15 and Mississippi Highway 4.(g)The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a licensed premises in a building located at or near the intersection of Ward and Tate Streets and adjacent properties in the City of Senatobia, Mississippi.(h)The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a theatre facility that features plays and other theatrical performances and productions and (i) is capable of seating more than seven hundred fifty (750) people, (ii) is owned by a municipality which has a population greater than ten thousand (10,000) according to the latest federal decennial census, (iii) was constructed prior to 1930, (iv) is on the National Register of Historic Places, and (v) is located in a historic district.(i)The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a licensed premises in a building located approximately one and six-tenths (1.6) miles north of the intersection of Mississippi Highway 15 and Mississippi Highway 4 on the west side of Mississippi Highway 15.(4)No person, either individually or as a member of a firm, partnership, limited liability company or association, or as a stockholder, officer or director in a corporation, shall own or control any interest in more than one (1) package retailer's permit, nor shall such person's spouse, if living in the same household of such person, any relative of such person, if living in the same household of such person, or any other person living in the same household with such person own any interest in any other package retailer's permit; however, in the case of a person holding a package retailer's permit issued before July 1, 2024, such a person may own one (1) additional package retailer's permit if the additional permit is issued for a premises with a minimum capital investment of Twenty Million Dollars (\$20,000,000.00) that is part of a major retail development project and located in one (1) of the three (3) most southern counties in the State of Mississippi, and not within one hundred (100) miles of another location in the State of Mississippi, for which the permittee holds such a permit.(5)(a)In addition to any other authority granted under this section, the holder of a permit issued under subsection (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may sell or otherwise provide alcoholic beverages and/or wine to a patron of the permit holder in the manner authorized in the permit and the patron may remove an open glass, cup or other container of the alcoholic beverage and/or wine from the licensed premises and may possess and consume the alcoholic beverage or wine outside of the licensed premises if:(i)the licensed premises is located within a leisure and recreation district created under Section67-1-101and(ii)the patron remains within the boundaries of the leisure and recreation district while in possession of the alcoholic beverage or wine.(b)Nothing in this subsection shall be construed to allow a person to bring any alcoholic beverages into a permitted premises except to the extent otherwise authorized by this article.Codes, 1942, §§ 10265-18, 10265-19, 10265-26; Laws, 1966, ch. 540, §§ 18, 19, 26; Laws, 1976, ch. 467, § 18; Laws, 1988, ch. 302, § 1; Laws, 1988, ch. 383, § 2; Laws, 1989, ch. 484, § 1; Laws, 1992, ch. 574, § 2; Laws, 1994, ch. 538, § 4; Laws, 1996, ch. 417, § 2; Laws, 1997, ch. 487, § 1; Laws, 2000, ch. 307, § 1; Laws, 2006, ch. 529, § 5; Laws, 2007, ch. 462, § 8; Laws, 2008, 1st Ex Sess, ch. 48, § 1; Laws, 2009, ch. 465, § 2; Laws, 2012, ch. 566, § 2, eff. 7/1/2012.Amended by Laws, 2024, ch. 528, SB 2405,§ 1, eff. 7/1/2024.Amended by Laws, 2024, ch. 430, SB 2567,§ 1, eff. 7/1/2024.Amended by Laws, 2024, ch. 368, HB 1525,§ 1, eff. 7/1/2024.Amended by Laws, 2023, ch. 533, HB 252,§ 1, eff. 7/1/2023.Amended by Laws, 2022, ch. 483, SB 2844,§ 17, eff. 7/1/2022.Amended by Laws, 2022, ch. 406, HB 918,§ 1, eff. 7/1/2022.Amended by Laws, 2021, ch. 449, HB 572,§ 2, eff. 7/1/2021.Amended by Laws, 2021, ch. 454, SB 2435,§ 1, eff. 7/1/2021.Amended by Laws, 2021, ch. 450, HB 1091,§ 10, eff. 7/1/2021.Amended by Laws, 2021, ch. 442, HB 1135,§ 2, eff. 7/1/2021.Amended by Laws, 2021, ch. 357, HB 1288,§ 1, eff. 7/1/2021.Amended by Laws, 2021, ch. 388, SB 2606,§ 13, eff. 7/1/2021.Amended by Laws, 2020, ch. 422, HB 1088,§ 4, eff. 1/1/2021.Amended by Laws, 2020, ch. 423, HB 1087,§ 6, eff. 7/1/2020.Amended by Laws, 2020, ch. 314, HB 917,§ 39, eff. 6/18/2020.Amended by Laws, 2018, ch. 453, HB 995,§ 1, eff. 7/1/2018.Amended by Laws, 2018, ch. 382, HB 840,§ 1, eff. 7/1/2018.Amended by Laws, 2016, ch. 471, HB 1223, 2, eff. 7/1/2016.Amended by Laws, 2015, ch. 462, HB 1096, 1, eff. 7/1/2015.Amended by Laws, 2014, ch. 527, SB 2554, 1, eff. 7/1/2014.Amended by Laws, 2014, ch. 516, HB 801, 1, eff. 7/1/2014. (1)Permits which may be issued by the department shall be as follows:(a)Manufacturer's permit.A manufacturer's permit shall permit the manufacture, importation in bulk, bottling and storage of alcoholic liquor and its distribution and sale to manufacturers holding permits under this article in this state and to persons outside the state who are authorized by law to purchase the same, and to sell as provided by this article.Manufacturer's permits shall be of the following classes:Class 1. Distiller's and/or rectifier's permit, which shall authorize the holder thereof to operate a distillery for the production of distilled spirits by distillation or redistillation and/or to operate a rectifying plant for the purifying, refining,

mixing, blending, flavoring or reducing in proof of distilled spirits and alcohol. Class 2. Wine manufacturer's permit, which shall authorize the holder thereof to manufacture, import in bulk, bottle and store wine or vinous liquor. Class 3. Native wine producer's permit, which shall authorize the holder thereof to produce, bottle, store and sell native wines. Class 4. Native spirit producer's permit, which shall authorize the holder thereof to produce, bottle, store and sell native spirits. (b) Package retailer's permit. Except as otherwise provided in this paragraph and Section 67-1-52, a package retailer's permit shall authorize the holder thereof to operate a store exclusively for the sale at retail in original sealed and unopened packages of alcoholic beverages, including native wines, native spirits and edibles, not to be consumed on the premises where sold. Alcoholic beverages shall not be sold by any retailer in any package or container containing less than fifty (50) milliliters by liquid measure. A package retailer's permit, with prior approval from the department, shall authorize the holder thereof to sample new product furnished by a manufacturer's representative or his employees at the permitted place of business so long as the sampling otherwise complies with this article and applicable department regulations. Such samples may not be provided to customers at the permitted place of business. In addition to the sale at retail of packages of alcoholic beverages, the holder of a package retailer's permit is authorized to sell at retail corkscrews, wine glasses, soft drinks, ice, juices, mixers, other beverages commonly used to mix with alcoholic beverages, and fruits and foods that have been submerged in alcohol and are commonly referred to as edibles. Nonalcoholic beverages sold by the holder of a package retailer's permit shall not be consumed on the premises where sold. (c) On-premises retailer's permit. Except as otherwise provided in subsection (5) of this section, an on-premises retailer's permit shall authorize the sale of alcoholic beverages, including native wines and native spirits, for consumption on the licensed premises only; however, a patron of the permit holder may remove one (1) bottle of wine from the licensed premises if: (i) the patron consumed a portion of the bottle of wine in the course of consuming a meal purchased on the licensed premises; (ii) the permit holder securely reseals the bottle; (iii) the bottle is placed in a bag that is secured in a manner so that it will be visibly apparent if the bag is opened; and (iv) a dated receipt for the wine and the meal is available. Additionally, as part of a carryout order, a permit holder may sell one (1) bottle of wine to be removed from the licensed premises for every two (2) entrees ordered. In addition, an on-premises retailer's permittee at a permitted premises located on Jefferson Davis Avenue within one-half (1/2) mile north of U.S. Highway 90 may serve alcoholic beverages by the glass to a patron in a vehicle using a drive-through method of delivery if the permitted premises is located in a leisure and recreation district established under Section 67-1-101. Such a sale will be considered to be made on the permitted premises. An on-premises retailer's permit shall be issued only to qualified hotels, restaurants and clubs, small craft breweries, microbreweries, and to common carriers with adequate facilities for serving passengers. In resort areas, however, whether inside or outside of a municipality, the department, in its discretion, may issue on-premises retailer's permits to any establishments located therein as it deems proper. An on-premises retailer's permit when issued to a common carrier shall authorize the sale and serving of alcoholic beverages aboard any licensed vehicle while moving through any county of the state; however, the sale of such alcoholic beverages shall not be permitted while such vehicle is stopped in a county that has not legalized such sales. If an on-premises retailer's permit is applied for by a common carrier operating solely in the water, such common carrier must, along with all other qualifications for a permit, (i) be certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers and (ii) operate primarily in the waters within the State of Mississippi which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi and/or on the Mississippi River or navigable waters within any county bordering on the Mississippi River. (d) Solicitor's permit. A solicitor's permit shall authorize the holder thereof to act as salesman for a manufacturer or wholesaler holding a proper permit, to solicit on behalf of his employer orders for alcoholic beverages, and to otherwise promote his employer's products in a legitimate manner. Such a permit shall authorize the representation of and employment by one (1) principal only. However, the permittee may also, in the discretion of the department, be issued additional permits to represent other principals. No such permittee shall buy or sell alcoholic beverages for his own account, and no such beverage shall be brought into this state in pursuance of the exercise of such permit otherwise than through a permit issued to a wholesaler or manufacturer in the state. (e) Native wine retailer's permit. Except as otherwise provided in subsection (5) of this section, a native wine retailer's permit shall be issued only to a holder of a Class 3 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native wines to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native winery. When selling to consumers for on-premises consumption, a holder of a native wine retailer's permit may add to the native wine alcoholic beverages not produced on the premises, so long as the total volume of foreign beverage components does not exceed twenty percent (20%) of the mixed beverage. Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the native wine retailer is located. (f) Temporary retailer's permit. Except as otherwise provided in subsection (5) of this section, a temporary retailer's permit shall permit the purchase and resale of alcoholic beverages, including native wines and native spirits, during legal hours on the premises described in the temporary permit only. Temporary retailer's permits shall be of the following classes: Class 1. A temporary one-day permit may be issued to bona fide nonprofit civic or charitable organizations authorizing the sale of alcoholic beverages, including native wine and native spirit, for consumption on the premises described in the temporary permit only. Class 1 permits may be issued only to applicants demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days prior to the proposed date or such other time as the department may determine, that they meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. Class 1 permittees shall obtain all alcoholic beverages from package retailers located in the county in which the temporary permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively

for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2. A temporary permit, not to exceed seventy (70) days, may be issued to prospective permittees seeking to transfer a permit authorized in paragraph (c) of this subsection. A Class 2 permit may be issued only to applicants demonstrating to the department, by a statement signed under the penalty of perjury, that they meet the qualifications of Sections 67-1-5(l), (m), (n), (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and 67-1-59. The department, following a preliminary review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. Class 2 temporary permittees must purchase their alcoholic beverages directly from the department or, with approval of the department, purchase the remaining stock of the previous permittee. If the proposed applicant of a Class 1 or Class 2 temporary permit falsifies information contained in the application or statement, the applicant shall never again be eligible for a retail alcohol beverage permit and shall be subject to prosecution for perjury.

Class 3. A temporary one-day permit may be issued to a retail establishment authorizing the complimentary distribution of wine, including native wine, to patrons of the retail establishment at an open house or promotional event, for consumption only on the premises described in the temporary permit. A Class 3 permit may be issued only to an applicant demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days before the proposed date or such other time as the department may determine, that it meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. A Class 3 permit holder shall obtain all alcoholic beverages from the holder(s) of a package retailer's permit located in the county in which the temporary permit is issued. Wine remaining in stock upon expiration of the temporary permit may be returned by the Class 3 temporary permit holder to the package retailer for a refund of the purchase price, with consent of the package retailer, or may be kept by the Class 3 temporary permit holder exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. No retailer may receive more than twelve (12) Class 3 temporary permits in a calendar year. A Class 3 temporary permit shall not be issued to a retail establishment that either holds a merchant permit issued under paragraph (l) of this subsection, or holds a permit issued under Chapter 3, Title 67, Mississippi Code of 1972, authorizing the holder to engage in the business of a retailer of light wine or beer.

(g) Caterer's permit. A caterer's permit shall permit the purchase of alcoholic beverages by a person engaging in business as a caterer and the resale of alcoholic beverages by such person in conjunction with such catering business. No person shall qualify as a caterer unless forty percent (40%) or more of the revenue derived from such catering business shall be from the serving of prepared food and not from the sale of alcoholic beverages and unless such person has obtained a permit for such business from the Department of Health. A caterer's permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in business as a caterer; however, the holder of an on-premises retailer's permit may hold a caterer's permit. When the holder of an on-premises retailer's permit or an affiliated entity of the holder also holds a caterer's permit, the caterer's permit shall not authorize the service of alcoholic beverages on a consistent, recurring basis at a separate, fixed location owned or operated by the caterer, on-premises retailer or affiliated entity and an on-premises retailer's permit shall be required for the separate location. All sales of alcoholic beverages by holders of a caterer's permit shall be made at the location being catered by the caterer, and, except as otherwise provided in subsection (5) of this section, such sales may be made only for consumption at the catered location. The location being catered may be anywhere within a county or judicial district that has voted to come out from under the dry laws or in which the sale and distribution of alcoholic beverages is otherwise authorized by law. Such sales shall be made pursuant to any other conditions and restrictions which apply to sales made by on-premises retail permittees. The holder of a caterer's permit or his employees shall remain at the catered location as long as alcoholic beverages are being sold pursuant to the permit issued under this paragraph (g), and the permittee shall have at the location the identification card issued by the Alcoholic Beverage Control Division of the department. No unsold alcoholic beverages may be left at the catered location by the permittee upon the conclusion of his business at that location. Appropriate law enforcement officers and Alcoholic Beverage Control Division personnel may enter a catered location on private property in order to enforce laws governing the sale or serving of alcoholic beverages.

(h) Research permit. A research permit shall authorize the holder thereof to operate a research facility for the professional research of alcoholic beverages. Such permit shall authorize the holder of the permit to import and purchase limited amounts of alcoholic beverages from the department or from importers, wineries and distillers of alcoholic beverages for professional research.

(i) Alcohol processing permit. An alcohol processing permit shall authorize the holder thereof to purchase, transport and possess alcoholic beverages for the exclusive use in cooking, processing or manufacturing products which contain alcoholic beverages as an integral ingredient. An alcohol processing permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in the business of cooking, processing or manufacturing products which contain alcoholic beverages. The amounts of alcoholic beverages allowed under an alcohol processing permit shall be set by the department.

(j) Hospitality cart permit. A hospitality cart permit shall authorize the sale of alcoholic beverages from a mobile cart on a golf course that is the holder of an on-premises retailer's permit. The alcoholic beverages sold from the cart must be consumed within the boundaries of the golf course.

(k) Special service permit. A special service permit shall authorize the holder to sell commercially sealed alcoholic beverages to the operator of a commercial or private aircraft for en route consumption only by passengers. A special service permit shall be issued only to a fixed-base operator who contracts with an airport facility to provide fueling and other associated services to commercial and private aircraft.

(l) Merchant permit. Except as otherwise provided in subsection (5) of this section, a merchant permit shall be issued only to the owner of a spa facility, an art studio or gallery, or a cooking school, and shall authorize the holder to serve complimentary by the glass wine only, including native wine, at the holder's

spa facility, art studio or gallery, or cooking school. A merchant permit holder shall obtain all wine from the holder of a package retailer's permit.

(m) Temporary alcoholic beverages charitable auction permit. A temporary permit, not to exceed five (5) days, may be issued to a qualifying charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code of 1986. The permit shall authorize the holder to sell alcoholic beverages for the limited purpose of raising funds for the organization during a live or silent auction that is conducted by the organization and that meets the following requirements: (i) the auction is conducted in an area of the state where the sale of alcoholic beverages is authorized; (ii) if the auction is conducted on the premises of an on-premises retailer's permit holder, then the alcoholic beverages to be auctioned must be stored separately from the alcoholic beverages sold, stored or served on the premises, must be removed from the premises immediately following the auction, and may not be consumed on the premises; (iii) the permit holder may not conduct more than two (2) auctions during a calendar year; (iv) the permit holder may not pay a commission or promotional fee to any person to arrange or conduct the auction.

(n) Event venue retailer's permit. An event venue retailer's permit shall authorize the holder thereof to purchase and resell alcoholic beverages, including native wines and native spirits, for consumption on the premises during legal hours during events held on the licensed premises if food is being served at the event by a caterer who is not affiliated with or related to the permittee. The caterer must serve at least three (3) entrees. The permit may only be issued for venues that can accommodate two hundred (200) persons or more. The number of persons a venue may accommodate shall be determined by the local fire department and such determination shall be provided in writing and submitted along with all other documents required to be provided for an on-premises retailer's permit. The permittee must derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales for live entertainment in the building. "Event-related fees" do not include alcohol, beer or light wine sales or any fee which may be construed to cover the cost of alcohol, beer or light wine. This determination shall be made on a per event basis. An event may not last longer than two (2) consecutive days per week.

(o) Temporary theatre permit. A temporary theatre permit, not to exceed five (5) days, may be issued to a charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code and owns or operates a theatre facility that features plays and other theatrical performances and productions. Except as otherwise provided in subsection (5) of this section, the permit shall authorize the holder to sell alcoholic beverages, including native wines and native spirits, to patrons of the theatre during performances and productions at the theatre facility for consumption during such performances and productions on the premises of the facility described in the permit. A temporary theatre permit holder shall obtain all alcoholic beverages from package retailers located in the county in which the permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary theatre permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages.

(p) Charter ship operator's permit. Subject to the provisions of this paragraph (p), a charter ship operator's permit shall authorize the holder thereof and its employees to serve, monitor, store and otherwise control the serving and availability of alcoholic beverages to customers of the permit holder during private charters under contract provided by the permit holder. A charter ship operator's permit shall authorize such action by the permit holder and its employees only as to alcoholic beverages brought onto the permit holder's ship by customers of the permit holder as part of such a private charter. All such alcoholic beverages must be removed from the charter ship at the conclusion of each private charter. A charter ship operator's permit shall not authorize the permit holder to sell, charge for or otherwise supply alcoholic beverages to customers, except as authorized in this paragraph (p). For the purposes of this paragraph (p), "charter ship operator" means a common carrier that (i) is certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers, (ii) operates only in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, and (iii) provides charters under contract for tours and trips in such waters.

(q) Distillery retailer's permit. The holder of a Class 1 manufacturer's permit may obtain a distillery retailer's permit. A distillery retailer's permit shall authorize the holder thereof to sell at retail alcoholic beverages to consumers for on-premises consumption, or to consumers by the sealed and unopened bottle from a retail location at the distillery for off-premises consumption. The holder may only sell product manufactured by the manufacturer at the distillery described in the permit. However, when selling to consumers for on-premises consumption, a holder of a distillery retailer's permit may add other beverages, alcoholic or not, so long as the total volume of other beverage components containing alcohol does not exceed twenty percent (20%). Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the distillery retailer is located. The holder shall not sell at retail more than ten percent (10%) of the alcoholic beverages produced annually at its distillery. The holder shall not make retail sales of more than two and twenty-five one-hundredths (2.25) liters, in the aggregate, of the alcoholic beverages produced at its distillery to any one (1) individual for consumption off the premises of the distillery within a twenty-four-hour period. The hours of sale shall be the same as those hours for package retailers under this article. The holder of a distillery retailer's permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse; however, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder shall pay to the department all taxes, fees and surcharges on the alcoholic beverages that are imposed upon the sale of alcoholic beverages shipped by the department or its warehouse operator. In addition to alcoholic beverages, the holder of a distillery retailer's permit may sell at retail promotional products from the same retail location, including shirts, hats, glasses, and other promotional products customarily sold by alcoholic beverage manufacturers.

(r) Festival Wine Permit. Any wine manufacturer or native wine producer permitted by Mississippi or any other state is eligible to obtain a Festival Wine Permit. This permit authorizes the entity to transport product manufactured by it to festivals held within the State of Mississippi and sell sealed, unopened bottles to festival participants. The

holder of this permit may provide samples at no charge to participants. "Festival" means any event at which three (3) or more vendors are present at a location for the sale or distribution of goods. The holder of a Festival Wine Permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse. However, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder of this permit shall pay to the department all taxes, fees and surcharges on the alcoholic beverages sold at such festivals that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. Additionally, the entity shall file all applicable reports and returns as prescribed by the department. This permit is issued per festival and provides authority to sell for two (2) consecutive days during the hours authorized for on-premises permittees' sales in that county or city. The holder of the permit shall be required to maintain all requirements set by Local Option Law for the service and sale of alcoholic beverages. This permit may be issued to entities participating in festivals at which a Class 1 temporary permit is in effect. This paragraph (r) shall stand repealed from and after July 1, 2026. (s) Charter vessel operator's permit. Subject to the provisions of this paragraph (s), a charter vessel operator's permit shall authorize the holder thereof and its employees to sell and serve alcoholic beverages to passengers of the permit holder during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder. The permit shall authorize the holder to only sell alcoholic beverages, including native wines, to passengers of the charter vessel operator during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder aboard the charter vessel operator for consumption during such tours and cruises on the premises of the charter vessel operator described in the permit. For the purposes of this paragraph (s), "charter vessel operator" means a common carrier that (i) is certified to carry at least forty-nine (49) passengers, (ii) operates only in the waters within the State of Mississippi, which lie south of Interstate 10 in the three (3) most southern counties in the State of Mississippi, and lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, extending not further than one (1) mile south of such counties, and (iii) provides vessel services for tours and cruises in such waters as provided in this paragraph (s). (t) Native spirit retailer's permit. Except as otherwise provided in subsection (5) of this section, a native spirit retailer's permit shall be issued only to a holder of a Class 4 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native spirits to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native distillery. When selling to consumers for on-premises consumption, a holder of a native spirit retailer's permit may add to the native spirit alcoholic beverages not produced on the premises, so long as the total volume of foreign beverage components does not exceed twenty percent (20%) of the mixed beverage. Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the native spirit retailer is located. (u) Delivery service permit. Any individual, limited liability company, corporation or partnership registered to do business in this state is eligible to obtain a delivery service permit. Subject to the provisions of Section 67-1-51.1, this permit authorizes the permittee, or its employee or an independent contractor acting on its behalf, to deliver alcoholic beverages, beer, light wine and light spirit product from a licensed retailer to a person in this state who is at least twenty-one (21) years of age for the individual's use and not for resale. This permit does not authorize the delivery of alcoholic beverages, beer, light wine or light spirit product to the premises of a location with a permit for the manufacture, distribution or retail sale of alcoholic beverages, beer, light wine or light spirit product. The holder of a package retailer's permit or an on-premises retailer's permit under Section 67-1-51 or of a beer, light wine and light spirit product permit under Section 67-3-19 is authorized to apply for a delivery service permit as a privilege separate from its existing retail permit. (v) Food truck permit. A food truck permit shall authorize the holder of an on-premises retailer's permit to use a food truck to sell alcoholic beverages off its premises to guests who must consume the beverages in open containers. For the purposes of this paragraph (v), "food truck" means a fully encased food service establishment on a motor vehicle or on a trailer that a motor vehicle pulls to transport, and from which a vendor, standing within the frame of the establishment, prepares, cooks, sells and serves food for immediate human consumption. The term "food truck" does not include a food cart that is not motorized. Food trucks shall maintain such distance requirements from schools, churches, kindergartens and funeral homes as are required for on-premises retailer's permittees under this article, and all sales must be made within a valid leisure and recreation district established under Section 67-1-101. Food trucks cannot sell or serve alcoholic beverages unless also offering food prepared and cooked within the food truck, and permittees must maintain a twenty-five percent (25%) food sale revenue requirement based on the food sold from the food truck alone. The hours allowed for sale shall be the same as those for on-premises retailer's permittees in the location. This permit will not be required for the holder of a caterer's permit issued under this article to cater an event as allowed by law. Permittees must provide notice of not less than forty-eight (48) hours to the department of each location at which alcoholic beverages will be sold. (w) On-premises tobacco permit. An on-premises tobacco permit shall authorize the permittee to sell alcoholic beverages for consumption on the licensed premises. In addition to all other requirements to obtain an alcoholic beverage permit, the permittee must obtain and maintain a tobacco permit issued by the State of Mississippi, and have a capital investment of not less than Five Hundred Thousand Dollars (\$500,000.00) in the premises for which the permit is issued. In addition to alcoholic beverages, the permittee is authorized to sell only cigars, cheroots, tobacco pipes, pipe tobacco, and/or stogies. Additionally, seventy-five percent (75%) of the permittee's annual gross revenue must be derived from the sale of cigars, cheroots, tobacco pipes, pipe tobacco, and/or stogies. No food sales shall be required, but food may be sold on the premises. The issuance of this permit does not remove any obligation a permittee may have to follow local ordinances or actions prohibiting the use of tobacco products. (2) Except as otherwise provided in subsection (4) of this section, retail permittees may hold more than one (1) retail permit, at the discretion of the department. (3)(a) Except as otherwise provided in this subsection, no authority shall be granted to any person to manufacture, sell or store for sale any intoxicating liquor as specified in this article within four hundred (400) feet of any

church, school (excluding any community college, junior college, college or university), kindergarten or funeral home. However, within an area zoned commercial or business, such minimum distance shall be not less than one hundred (100) feet.(b)A church or funeral home may waive the distance restrictions imposed in this subsection in favor of allowing issuance by the department of a permit, pursuant to subsection (1) of this section, to authorize activity relating to the manufacturing, sale or storage of alcoholic beverages which would otherwise be prohibited under the minimum distance criterion. Such waiver shall be in written form from the owner, the governing body, or the appropriate officer of the church or funeral home having the authority to execute such a waiver, and the waiver shall be filed with and verified by the department before becoming effective.(c)The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a bed and breakfast inn listed in the National Register of Historic Places or to the sale or storage of alcoholic beverages in a historic district that is listed in the National Register of Historic Places, is a qualified resort area and is located in a municipality having a population greater than one hundred thousand (100,000) according to the latest federal decennial census.(d)The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a qualified resort area as defined in Section67-1-5(o)(iii)32.(e)The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a licensed premises in a building formerly owned by a municipality and formerly leased by the municipality to a municipal school district and used by the municipal school district as a district bus shop facility.(f)The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a licensed premises in a building consisting of at least five thousand (5,000) square feet and located approximately six hundred (600) feet from the intersection of Mississippi Highway 15 and Mississippi Highway 4.(g)The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a licensed premises in a building located at or near the intersection of Ward and Tate Streets and adjacent properties in the City of Senatobia, Mississippi.(h)The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a theatre facility that features plays and other theatrical performances and productions and (i) is capable of seating more than seven hundred fifty (750) people, (ii) is owned by a municipality which has a population greater than ten thousand (10,000) according to the latest federal decennial census, (iii) was constructed prior to 1930, (iv) is on the National Register of Historic Places, and (v) is located in a historic district.(i)The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a licensed premises in a building located approximately one and six-tenths (1.6) miles north of the intersection of Mississippi Highway 15 and Mississippi Highway 4 on the west side of Mississippi Highway 15.(4)No person, either individually or as a member of a firm, partnership, limited liability company or association, or as a stockholder, officer or director in a corporation, shall own or control any interest in more than one (1) package retailer's permit, nor shall such person's spouse, if living in the same household of such person, any relative of such person, if living in the same household of such person, or any other person living in the same household with such person own any interest in any other package retailer's permit; however, in the case of a person holding a package retailer's permit issued before July 1, 2024, such a person may own one (1) additional package retailer's permit if the additional permit is issued for a premises with a minimum capital investment of Twenty Million Dollars (\$20,000,000.00) that is part of a major retail development project and located in one (1) of the three (3) most southern counties in the State of Mississippi, and not within one hundred (100) miles of another location in the State of Mississippi, for which the permittee holds such a permit.(5)(a)In addition to any other authority granted under this section, the holder of a permit issued under subsection (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may sell or otherwise provide alcoholic beverages and/or wine to a patron of the permit holder in the manner authorized in the permit and the patron may remove an open glass, cup or other container of the alcoholic beverage and/or wine from the licensed premises and may possess and consume the alcoholic beverage or wine outside of the licensed premises if:(i)the licensed premises is located within a leisure and recreation district created under Section67-1-101and(ii)the patron remains within the boundaries of the leisure and recreation district while in possession of the alcoholic beverage or wine.(b)Nothing in this subsection shall be construed to allow a person to bring any alcoholic beverages into a permitted premises except to the extent otherwise authorized by this article.Codes, 1942, §§ 10265-18, 10265-19, 10265-26; Laws, 1966, ch. 540, §§ 18, 19, 26; Laws, 1976, ch. 467, § 18; Laws, 1988, ch. 302, § 1; Laws, 1988, ch. 383, § 2; Laws, 1989, ch. 484, § 1; Laws, 1992, ch. 574, § 2; Laws, 1994, ch. 538, § 4; Laws, 1996, ch. 417, § 2; Laws, 1997, ch. 487, § 1; Laws, 2000, ch. 307, § 1; Laws, 2006, ch. 529, § 5; Laws, 2007, ch. 462, § 8; Laws, 2008, 1st Ex Sess, ch. 48, § 1; Laws, 2009, ch. 465, § 2; Laws, 2012, ch. 566, § 2, eff. 7/1/2012.Amended by Laws, 2024, ch. 528, SB 2405,§ 1, eff. 7/1/2024.Amended by Laws, 2024, ch. 430, SB 2567,§ 1, eff. 7/1/2024.Amended by Laws, 2024, ch. 368, HB 1525,§ 1, eff. 7/1/2024.Amended by Laws, 2023, ch. 533, HB 252,§ 1, eff. 7/1/2023.Amended by Laws, 2022, ch. 483, SB 2844,§ 17, eff. 7/1/2022.Amended by Laws, 2022, ch. 406, HB 918,§ 1, eff. 7/1/2022.Amended by Laws, 2021, ch. 449, HB 572,§ 2, eff. 7/1/2021.Amended by Laws, 2021, ch. 454, SB 2435,§ 1, eff. 7/1/2021.Amended by Laws, 2021, ch. 450, HB 1091,§ 10, eff. 7/1/2021.Amended by Laws, 2021, ch. 442, HB 1135,§ 2, eff. 7/1/2021.Amended by Laws, 2021, ch. 357, HB 1288,§ 1, eff. 7/1/2021.Amended by Laws, 2021, ch. 388, SB 2606,§ 13, eff. 7/1/2021.Amended by Laws, 2020, ch. 422, HB 1088,§ 4, eff. 1/1/2021.Amended by Laws, 2020, ch. 423, HB 1087,§ 6, eff. 7/1/2020.Amended by Laws, 2020, ch. 314, HB 917,§ 39, eff. 6/18/2020.Amended by Laws, 2018, ch. 453, HB 995,§ 1, eff. 7/1/2018.Amended by Laws, 2018, ch. 382, HB 840,§ 1, eff. 7/1/2018.Amended by Laws, 2016, ch. 471, HB 1223, 2, eff. 7/1/2016.Amended by Laws, 2015, ch. 462, HB 1096, 1, eff. 7/1/2015.Amended by Laws, 2014, ch. 527, SB 2554, 1, eff. 7/1/2014.Amended by Laws, 2014, ch. 516, HB 801, 1, eff. 7/1/2014. Manufacturer's permits shall be of the following classes: Class 1. Distiller's and/or rectifier's permit, which shall authorize the holder thereof to operate a distillery for the production of distilled spirits by distillation or redistillation and/or to operate a rectifying plant for the purifying, refining, mixing, blending, flavoring or reducing in proof of distilled spirits and alcohol. Class 2. Wine manufacturer's permit, which shall authorize the holder thereof to

manufacture, import in bulk, bottle and store wine or vinous liquor. Class 3. Native wine producer's permit, which shall authorize the holder thereof to produce, bottle, store and sell native wines. Class 4. Native spirit producer's permit, which shall authorize the holder thereof to produce, bottle, store and sell native spirits. Temporary retailer's permits shall be of the following classes: Class 1. A temporary one-day permit may be issued to bona fide nonprofit civic or charitable organizations authorizing the sale of alcoholic beverages, including native wine and native spirit, for consumption on the premises described in the temporary permit only. Class 1 permits may be issued only to applicants demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days prior to the proposed date or such other time as the department may determine, that they meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. Class 1 permittees shall obtain all alcoholic beverages from package retailers located in the county in which the temporary permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. Class 2. A temporary permit, not to exceed seventy (70) days, may be issued to prospective permittees seeking to transfer a permit authorized in paragraph (c) of this subsection. A Class 2 permit may be issued only to applicants demonstrating to the department, by a statement signed under the penalty of perjury, that they meet the qualifications of Sections 67-1-5(l), (m), (n), (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and 67-1-59. The department, following a preliminary review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. Class 2 temporary permittees must purchase their alcoholic beverages directly from the department or, with approval of the department, purchase the remaining stock of the previous permittee. If the proposed applicant of a Class 1 or Class 2 temporary permit falsifies information contained in the application or statement, the applicant shall never again be eligible for a retail alcohol beverage permit and shall be subject to prosecution for perjury. Class 3. A temporary one-day permit may be issued to a retail establishment authorizing the complimentary distribution of wine, including native wine, to patrons of the retail establishment at an open house or promotional event, for consumption only on the premises described in the temporary permit. A Class 3 permit may be issued only to an applicant demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days before the proposed date or such other time as the department may determine, that it meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. A Class 3 permit holder shall obtain all alcoholic beverages from the holder(s) of a package retailer's permit located in the county in which the temporary permit is issued. Wine remaining in stock upon expiration of the temporary permit may be returned by the Class 3 temporary permit holder to the package retailer for a refund of the purchase price, with consent of the package retailer, or may be kept by the Class 3 temporary permit holder exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. No retailer may receive more than twelve (12) Class 3 temporary permits in a calendar year. A Class 3 temporary permit shall not be issued to a retail establishment that either holds a merchant permit issued under paragraph (l) of this subsection, or holds a permit issued under Chapter 3, Title 67, Mississippi Code of 1972, authorizing the holder to engage in the business of a retailer of light wine or beer. The holder shall not sell at retail more than ten percent (10%) of the alcoholic beverages produced annually at its distillery. The holder shall not make retail sales of more than two and twenty-five one-hundredths (2.25) liters, in the aggregate, of the alcoholic beverages produced at its distillery to any one (1) individual for consumption off the premises of the distillery within a twenty-four-hour period. The hours of sale shall be the same as those hours for package retailers under this article. The holder of a distillery retailer's permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse; however, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder shall pay to the department all taxes, fees and surcharges on the alcoholic beverages that are imposed upon the sale of alcoholic beverages shipped by the department or its warehouse operator. In addition to alcoholic beverages, the holder of a distillery retailer's permit may sell at retail promotional products from the same retail location, including shirts, hats, glasses, and other promotional products customarily sold by alcoholic beverage manufacturers. This paragraph (r) shall stand repealed from and after July 1, 2026. Codes, 1942, §§ 10265-18, 10265-19, 10265-26; Laws, 1966, ch. 540, §§ 18, 19, 26; Laws, 1976, ch. 467, § 18; Laws, 1988, ch. 302, § 1; Laws, 1988, ch. 383, § 2; Laws, 1989, ch. 484, § 1; Laws, 1992, ch. 574, § 2; Laws, 1994, ch. 538, § 4; Laws, 1996, ch. 417, § 2; Laws, 1997, ch. 487, § 1; Laws, 2000, ch. 307, § 1; Laws, 2006, ch. 529, § 5; Laws, 2007, ch. 462, § 8; Laws, 2008, 1st Ex Sess, ch. 48, § 1; Laws, 2009, ch. 465, § 2; Laws, 2012, ch. 566, § 2, eff. 7/1/2012. Amended by Laws, 2024, ch. 528, SB 2405, § 1, eff. 7/1/2024. Amended by Laws, 2024, ch. 430, SB 2567, § 1, eff. 7/1/2024. Amended by Laws, 2024, ch. 368, HB 1525, § 1, eff. 7/1/2024. Amended by Laws, 2023, ch. 533, HB 252, § 1, eff. 7/1/2023. Amended by Laws, 2022, ch. 483, SB 2844, § 17, eff. 7/1/2022. Amended by Laws, 2022, ch. 406, HB 918, § 1, eff. 7/1/2022. Amended by Laws, 2021, ch. 449, HB 572, § 2, eff. 7/1/2021. Amended by Laws, 2021, ch. 454, SB 2435, § 1, eff. 7/1/2021. Amended by Laws, 2021, ch. 450, HB 1091, § 10, eff. 7/1/2021. Amended by Laws, 2021, ch. 442, HB 1135, § 2, eff. 7/1/2021. Amended by Laws, 2021, ch. 357, HB 1288, § 1, eff. 7/1/2021. Amended by Laws, 2021, ch. 388, SB 2606, § 13, eff. 7/1/2021. Amended by Laws, 2020, ch. 422, HB 1088, § 4, eff. 1/1/2021. Amended by Laws, 2020, ch. 423, HB 1087, § 6, eff. 7/1/2020. Amended by Laws, 2020, ch. 314, HB 917, § 39, eff. 6/18/2020. Amended by Laws, 2018, ch. 453, HB 995, § 1, eff. 7/1/2018. Amended by Laws, 2018, ch. 382, HB 840, § 1, eff. 7/1/2018. Amended by Laws, 2016, ch. 471, HB 1223, 2, eff. 7/1/2016. Amended by Laws, 2015, ch. 462, HB 1096, 1, eff. 7/1/2015. Amended by Laws, 2014, ch. 527, SB 2554, 1, eff. 7/1/2014.

Amended by Laws, 2014, ch. 516, HB 801, 1, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-52 - Holder of package retailer's permit authorized to conduct tastings or samplings subject to certain conditions

A package retailer's permit issued under Section 67-1-51(b) shall be authorized to offer tastings or samplings to be conducted at the package retailer's permitted place of business during which tastes or samples of alcoholic beverages or wine may be offered or served to consumers at no cost to the consumer. During a tasting or sampling authorized by this section, limited amounts of alcoholic beverages or wine may be consumed on the permitted place of business. A tasting or sampling shall not authorize the sale of alcoholic beverages or wine for consumption on the permitted place of business, but shall only authorize the limited consumption of alcoholic beverages or wine at the permitted place of business for the sole purpose of tasting or sampling various alcoholic beverages or wine. No one under twenty-one (21) years of age may participate in a tasting or sampling. No sample may be provided to a visibly intoxicated person. No food may be served or sold at a tasting or sampling. Each sample of wine served shall not exceed one and one-fourth (1-1/4) ounces and no more than a cumulative total of five (5) ounces of wine may be dispensed to any one (1) person during a tasting or sampling. Each sample of a distilled spirit served shall not exceed one-fourth (1/4) of an ounce and no more than a cumulative total of one (1) ounce of distilled spirits may be dispensed to any one (1) person during a tasting or sampling. All product tasted or sampled must be provided by the package retailer from its inventory. Such product cannot be sample product provided by a manufacturer and must have been purchased from the department warehouse or from a licensed wholesaler. Employees of the package retailer may serve any product for tasting or sampling. In addition, a third party may serve any product for tasting or sampling and may open, touch and pour product as well as make a presentation and answer questions. The package retailer shall be responsible for all such actions by the third party. Tickets for a tasting or sampling shall not be sold in the permitted place of business or any other location. Amended by Laws, 2020, ch. 429, SB 2545, § 2, eff. 7/1/2020. Amended by Laws, 2015, ch. 329, HB 1402, 1, eff. 7/1/2015. Added by Laws, 2014, ch. 516, HB 801, 2, eff. 7/1/2014. A package retailer's permit issued under Section 67-1-51(b) shall be authorized to offer tastings or samplings to be conducted at the package retailer's permitted place of business during which tastes or samples of alcoholic beverages or wine may be offered or served to consumers at no cost to the consumer. During a tasting or sampling authorized by this section, limited amounts of alcoholic beverages or wine may be consumed on the permitted place of business. A tasting or sampling shall not authorize the sale of alcoholic beverages or wine for consumption on the permitted place of business, but shall only authorize the limited consumption of alcoholic beverages or wine at the permitted place of business for the sole purpose of tasting or sampling various alcoholic beverages or wine. No one under twenty-one (21) years of age may participate in a tasting or sampling. No sample may be provided to a visibly intoxicated person. No food may be served or sold at a tasting or sampling. Each sample of wine served shall not exceed one and one-fourth (1-1/4) ounces and no more than a cumulative total of five (5) ounces of wine may be dispensed to any one (1) person during a tasting or sampling. Each sample of a distilled spirit served shall not exceed one-fourth (1/4) of an ounce and no more than a cumulative total of one (1) ounce of distilled spirits may be dispensed to any one (1) person during a tasting or sampling. All product tasted or sampled must be provided by the package retailer from its inventory. Such product cannot be sample product provided by a manufacturer and must have been purchased from the department warehouse or from a licensed wholesaler. Employees of the package retailer may serve any product for tasting or sampling. In addition, a third party may serve any product for tasting or sampling and may open, touch and pour product as well as make a presentation and answer questions. The package retailer shall be responsible for all such actions by the third party. Tickets for a tasting or sampling shall not be sold in the permitted place of business or any other location. Amended by Laws, 2020, ch. 429, SB 2545, § 2, eff. 7/1/2020. Amended by Laws, 2015, ch. 329, HB 1402, 1, eff. 7/1/2015. Added by Laws, 2014, ch. 516, HB 801, 2, eff. 7/1/2014. 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Each sample of wine served shall not exceed one and one-fourth (1-1/4) ounces and no more than a cumulative total of five (5) ounces of wine may be dispensed to any one (1) person during a tasting or sampling. Each sample of a distilled spirit served shall not exceed one-fourth (1/4) of an ounce and no more than a cumulative total of one (1) ounce of distilled spirits may be dispensed to any one (1) person during a tasting or sampling. All product tasted or sampled must be provided by the package retailer from its inventory. Such product cannot be sample product provided by a manufacturer and must have been purchased from the department warehouse or from a licensed wholesaler. Employees of the package retailer may serve any product for tasting or sampling. In addition, a third party may serve any product for tasting or sampling and may open, touch and pour product as well as make a presentation and answer questions. The package retailer shall be responsible for all such actions by the third party. Tickets for a tasting or sampling shall not be sold in the permitted place of business or any other location. Amended by Laws, 2020, ch. 429, SB 2545, § 2, eff. 7/1/2020. Amended by Laws, 2015, ch. 329, HB

1402, 1, eff. 7/1/2015. Added by Laws, 2014, ch. 516, HB 801, 2, eff. 7/1/2014. A package retailer's permit issued under Section 67-1-51(b) shall be authorized to offer tastings or samplings to be conducted at the package retailer's permitted place of business during which tastes or samples of alcoholic beverages or wine may be offered or served to consumers at no cost to the consumer. During a tasting or sampling authorized by this section, limited amounts of alcoholic beverages or wine may be consumed on the permitted place of business. A tasting or sampling shall not authorize the sale of alcoholic beverages or wine for consumption on the permitted place of business, but shall only authorize the limited consumption of alcoholic beverages or wine at the permitted place of business for the sole purpose of tasting or sampling various alcoholic beverages or wine. No one under twenty-one (21) years of age may participate in a tasting or sampling. No sample may be provided to a visibly intoxicated person. No food may be served or sold at a tasting or sampling. Each sample of wine served shall not exceed one and one-fourth (1-1/4) ounces and no more than a cumulative total of five (5) ounces of wine may be dispensed to any one (1) person during a tasting or sampling. Each sample of a distilled spirit served shall not exceed one-fourth (1/4) of an ounce and no more than a cumulative total of one (1) ounce of distilled spirits may be dispensed to any one (1) person during a tasting or sampling. All product tasted or sampled must be provided by the package retailer from its inventory. Such product cannot be sample product provided by a manufacturer and must have been purchased from the department warehouse or from a licensed wholesaler. Employees of the package retailer may serve any product for tasting or sampling. In addition, a third party may serve any product for tasting or sampling and may open, touch and pour product as well as make a presentation and answer questions. The package retailer shall be responsible for all such actions by the third party. Tickets for a tasting or sampling shall not be sold in the permitted place of business or any other location. Amended by Laws, 2020, ch. 429, SB 2545, § 2, eff. 7/1/2020. Amended by Laws, 2015, ch. 329, HB 1402, 1, eff. 7/1/2015. Added by Laws, 2014, ch. 516, HB 801, 2, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-53 - Application for permit; notice of application

(1) Application for permits shall be in such form and shall contain such information as shall be required by the regulations of the commission; however, no regulation of the commission shall require personal financial information from any officer of a corporation applying for an on-premises retailer's permit to sell alcoholic beverages unless such officer owns ten percent (10%) or more of the stock of such corporation. (2) Every applicant for each type of permit authorized by Section 67-1-51 shall give notice of such application by publication for two (2) consecutive issues in a newspaper of general circulation published in the city or town in which applicant's place of business is located. However, in instances where no newspaper is published in the city or town, then the notice shall be published in a newspaper of general circulation published in the county where the applicant's business is located. If no newspaper is published in the county, the notice shall be published in a qualified newspaper which is published in the closest neighboring county and circulated in the county of applicant's residence. The notice shall be printed in ten-point black face type and shall set forth the type of permit to be applied for, the exact location of the place of business, the name of the owner or owners thereof, and if operating under an assumed name, the trade name together with the names of all owners, and if a corporation, the names and titles of all officers. The cost of such notice shall be borne by the applicant. (3) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972. Codes, 1942, § 10265-19; Laws, 1966, ch. 540, § 19; Laws, 1993, ch. 362, § 1; Laws, 1997, ch. 588, § 21; Laws, 2006, ch. 529, § 7, eff. 4/3/2006. (1) Application for permits shall be in such form and shall contain such information as shall be required by the regulations of the commission; however, no regulation of the commission shall require personal financial information from any officer of a corporation applying for an on-premises retailer's permit to sell alcoholic beverages unless such officer owns ten percent (10%) or more of the stock of such corporation. (2) Every applicant for each type of permit authorized by Section 67-1-51 shall give notice of such application by publication for two (2) consecutive issues in a newspaper of general circulation published in the city or town in which applicant's place of business is located. However, in instances where no newspaper is published in the city or town, then the notice shall be published in a newspaper of general circulation published in the county where the applicant's business is located. If no newspaper is published in the county, the notice shall be published in a qualified newspaper which is published in the closest neighboring county and circulated in the county of applicant's residence. The notice shall be printed in ten-point black face type and shall set forth the type of permit to be applied for, the exact location of the place of business, the name of the owner or owners thereof, and if operating under an assumed name, the trade name together with the names of all owners, and if a corporation, the names and titles of all officers. The cost of such notice shall be borne by the applicant. (3) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972. Codes, 1942, § 10265-19; Laws, 1966, ch. 540, § 19; Laws, 1993, ch. 362, § 1; Laws, 1997, ch. 588, § 21; Laws, 2006, ch. 529, § 7, eff. 4/3/2006. (1) Application for permits shall be in such form and shall contain such information as shall be required by the regulations of the commission; however, no regulation of the commission shall require personal financial information from any officer of a corporation applying for an on-premises retailer's permit to sell alcoholic beverages unless such officer owns ten percent (10%) or more of the stock of such corporation. (2) Every applicant for each type of permit authorized by Section 67-1-51 shall give notice of such application by publication for two (2) consecutive issues in a newspaper of general circulation published in the city or town in which applicant's place of business is located. However, in instances where no newspaper is published in the city or town, then the notice shall be published in a newspaper of general circulation published in the county where the applicant's business is located. If no newspaper is published in the county, the notice shall be published in a qualified newspaper which is published in the

closest neighboring county and circulated in the county of applicant's residence. The notice shall be printed in ten-point black face type and shall set forth the type of permit to be applied for, the exact location of the place of business, the name of the owner or owners thereof, and if operating under an assumed name, the trade name together with the names of all owners, and if a corporation, the names and titles of all officers. The cost of such notice shall be borne by the applicant.(3)Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section93-11-64, Mississippi Code of 1972.Codes, 1942, § 10265-19; Laws, 1966, ch. 540, § 19; Laws, 1993, ch. 362, § 1; Laws, 1997, ch. 588, § 21; Laws, 2006, ch. 529, § 7, eff. 4/3/2006. Codes, 1942, § 10265-19; Laws, 1966, ch. 540, § 19; Laws, 1993, ch. 362, § 1; Laws, 1997, ch. 588, § 21; Laws, 2006, ch. 529, § 7, eff. 4/3/2006.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101)Section 67-1-55 - Applicants for permits must disclose persons financially interested in business; penalty

No permit of any type shall be issued by the commission until the applicant has first filed with the commission a sworn statement disclosing all persons who are financially involved in the operation of the business for which the permit is sought. If an applicant is an individual, he will swear that he owns one hundred percent (100%) of the business for which he is seeking a permit. If the applicant is a partnership, all partners and their addresses shall be disclosed and the extent of their interest in the partnership shall be disclosed. If the applicant is a corporation, the total stock in the corporation shall be disclosed and each shareholder and his address and the amount of stock in the corporation owned by him shall be disclosed. If the applicant is a limited liability company, each member and their addresses shall be disclosed and the extent of their interest in the limited liability company shall be disclosed. If the applicant is a trust, the trustee and all beneficiaries and their addresses shall be disclosed. If the applicant is a combination of any of the above, all information required to be disclosed above shall be required.All the disclosures shall be in writing and kept on file at the commission's office and shall be available to the public.Every applicant must, when applying for a renewal of his permit, disclose any change in the ownership of the business or any change in the beneficiaries of the income from the business.Any person who willfully fails to fully disclose the information required by this section, or who gives false information, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined a sum not to exceed Five Hundred Dollars (\$500.00) or imprisoned for not more than one (1) year, or both, and the person or applicant shall never again be eligible for any permit pertaining to alcoholic beverages.Codes, 1942, § 10265-20; Laws, 1966, ch. 540, § 20; Laws, 2006, ch. 529, § 9, eff. 4/3/2006. No permit of any type shall be issued by the commission until the applicant has first filed with the commission a sworn statement disclosing all persons who are financially involved in the operation of the business for which the permit is sought. If an applicant is an individual, he will swear that he owns one hundred percent (100%) of the business for which he is seeking a permit. If the applicant is a partnership, all partners and their addresses shall be disclosed and the extent of their interest in the partnership shall be disclosed. If the applicant is a corporation, the total stock in the corporation shall be disclosed and each shareholder and his address and the amount of stock in the corporation owned by him shall be disclosed. If the applicant is a limited liability company, each member and their addresses shall be disclosed and the extent of their interest in the limited liability company shall be disclosed. If the applicant is a trust, the trustee and all beneficiaries and their addresses shall be disclosed. If the applicant is a combination of any of the above, all information required to be disclosed above shall be required.All the disclosures shall be in writing and kept on file at the commission's office and shall be available to the public.Every applicant must, when applying for a renewal of his permit, disclose any change in the ownership of the business or any change in the beneficiaries of the income from the business.Any person who willfully fails to fully disclose the information required by this section, or who gives false information, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined a sum not to exceed Five Hundred Dollars (\$500.00) or imprisoned for not more than one (1) year, or both, and the person or applicant shall never again be eligible for any permit pertaining to alcoholic beverages.Codes, 1942, § 10265-20; Laws, 1966, ch. 540, § 20; Laws, 2006, ch. 529, § 9, eff. 4/3/2006. No permit of any type shall be issued by the commission until the applicant has first filed with the commission a sworn statement disclosing all persons who are financially involved in the operation of the business for which the permit is sought. If an applicant is an individual, he will swear that he owns one hundred percent (100%) of the business for which he is seeking a permit. If the applicant is a partnership, all partners and their addresses shall be disclosed and the extent of their interest in the partnership shall be disclosed. If the applicant is a corporation, the total stock in the corporation shall be disclosed and each shareholder and his address and the amount of stock in the corporation owned by him shall be disclosed. If the applicant is a limited liability company, each member and their addresses shall be disclosed and the extent of their interest in the limited liability company shall be disclosed. If the applicant is a trust, the trustee and all beneficiaries and their addresses shall be disclosed. If the applicant is a combination of any of the above, all information required to be disclosed above shall be required.All the disclosures shall be in writing and kept on file at the commission's office and shall be available to the public.Every applicant must, when applying for a renewal of his permit, disclose any change in the ownership of the business or any change in the beneficiaries of the income from the business.Any person who willfully fails to fully disclose the information required by this section, or who gives false information, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined a sum not to exceed Five Hundred Dollars (\$500.00) or imprisoned for not more than one (1) year, or both, and the person or applicant shall never again be eligible for any permit pertaining to alcoholic beverages.Codes, 1942, § 10265-20; Laws, 1966, ch. 540, § 20; Laws, 2006, ch. 529, § 9, eff. 4/3/2006. No permit of any type shall be issued by the commission until the applicant has first filed with the commission a sworn statement disclosing all persons who are financially involved in the operation of the business for which the permit is sought. If an applicant is an individual, he will swear

that he owns one hundred percent (100%) of the business for which he is seeking a permit. If the applicant is a partnership, all partners and their addresses shall be disclosed and the extent of their interest in the partnership shall be disclosed. If the applicant is a corporation, the total stock in the corporation shall be disclosed and each shareholder and his address and the amount of stock in the corporation owned by him shall be disclosed. If the applicant is a limited liability company, each member and their addresses shall be disclosed and the extent of their interest in the limited liability company shall be disclosed. If the applicant is a trust, the trustee and all beneficiaries and their addresses shall be disclosed. If the applicant is a combination of any of the above, all information required to be disclosed above shall be required. All the disclosures shall be in writing and kept on file at the commission's office and shall be available to the public. Every applicant must, when applying for a renewal of his permit, disclose any change in the ownership of the business or any change in the beneficiaries of the income from the business. Any person who willfully fails to fully disclose the information required by this section, or who gives false information, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined a sum not to exceed Five Hundred Dollars (\$500.00) or imprisoned for not more than one (1) year, or both, and the person or applicant shall never again be eligible for any permit pertaining to alcoholic beverages. Codes, 1942, § 10265-20; Laws, 1966, ch. 540, § 20; Laws, 2006, ch. 529, § 9, eff. 4/3/2006.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-57 - Qualification of applicants

Before a permit is issued the department shall satisfy itself: (a) That the applicant, if an individual, or if a partnership, each of the members of the partnership, or if a corporation, each of its principal officers and directors, or if a limited liability company, each member of the limited liability company, is of good moral character and, in addition, enjoys a reputation of being a peaceable, law-abiding citizen of the community in which he resides, and is generally fit for the trust to be reposed in him, is not less than twenty-one (21) years of age, and has not been convicted of a felony in any state or federal court. (b) That, except in the case of an application for a solicitor's permit, the applicant is the true and actual owner of the business for which the permit is desired, and that he intends to carry on the business authorized for himself and not as the agent of any other person, and that he intends to superintend in person the management of the business or that he will designate a manager to manage the business for him. All managers must be approved by the department prior to completing any managerial tasks on behalf of the permittee and must possess all of the qualifications required of a permittee; however, a felony conviction, other than a crime of violence, does not automatically disqualify a person from being approved as a manager if the person was released from incarceration at least three (3) years prior to application for approval as a manager. A felony conviction, other than a crime of violence, may be considered by the department in determining whether all other qualifications are met. (c) That the applicant for a package retailer's permit, if an individual, is a resident of the State of Mississippi. If the applicant is a partnership, each member of the partnership must be a resident of the state. If the applicant is a limited liability company, each member of the limited liability company must be a resident of the state. If the applicant is a corporation, the designated manager of the corporation must be a resident of the state. (d) That the place for which the permit is to be issued is an appropriate one considering the character of the premises and the surrounding neighborhood. (e) That the place for which the permit is to be issued is within the corporate limits of an incorporated municipality or qualified resort area or club which comes within the provisions of this article. (f) That the applicant is not indebted to the state for any taxes, fees or payment of penalties imposed by any law of the State of Mississippi or by any rule or regulation of the commission. (g) That the applicant is not in the habit of using alcoholic beverages to excess and is not physically or mentally incapacitated, and that the applicant has the ability to read and write the English language. (h) That the commission does not believe and has no reason to believe that the applicant will sell or knowingly permit any agent, servant or employee to unlawfully sell liquor in a dry area or in any other manner contrary to law. (i) That the applicant is not residentially domiciled with any person whose permit or license has been cancelled for cause within the twelve (12) months next preceding the date of the present application for a permit. (j) That the commission has not, in the exercise of its discretion which is reserved and preserved to it, refused to grant permits under the restrictions of this section, as well as under any other pertinent provision of this article. (k) That there are not sufficient legal reasons to deny a permit on the ground that the premises for which the permit is sought has previously been operated, used or frequented for any purpose or in any manner that is lewd, immoral or offensive to public decency. In the granting or withholding of any permit to sell alcoholic beverages at retail, the commission in forming its conclusions may give consideration to any recommendations made in writing by the district or county attorney or county, circuit or chancery judge of the county, or the sheriff of the county, or the mayor or chief of police of an incorporated city or town wherein the applicant proposes to conduct his business and to any recommendations made by representatives of the commission. (l) That the applicant and the applicant's key employees, as determined by the commission, do not have a disqualifying criminal record. In order to obtain a criminal record history check, the applicant shall submit to the commission a set of fingerprints from any local law enforcement agency for each person for whom the records check is required. The commission shall forward the fingerprints to the Mississippi Department of Public Safety. If no disqualifying record is identified at the state level, the Department of Public Safety shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. Costs for processing the set or sets of fingerprints shall be borne by the applicant. The commission shall not deny employment to an employee of the applicant prior to the identification of a disqualifying record or other disqualifying information. Codes, 1942, § 10265-23; Laws, 1966, ch. 540, § 23; Laws, 1968, ch. 591, § 1; Laws, 1993, ch. 314, § 1; Laws, 2002, ch. 494, § 1, Laws, 2006, ch. 529, § 10, eff. 4/3/2006. Amended by Laws, 2016, ch. 426, SB 2419, 1, eff. 7/1/2016. Before a permit is issued the department shall satisfy itself: (a) That the applicant, if an individual, or if a partnership, each of the members of the

partnership, or if a corporation, each of its principal officers and directors, or if a limited liability company, each member of the limited liability company, is of good moral character and, in addition, enjoys a reputation of being a peaceable, law-abiding citizen of the community in which he resides, and is generally fit for the trust to be reposed in him, is not less than twenty-one (21) years of age, and has not been convicted of a felony in any state or federal court.(b)That, except in the case of an application for a solicitor's permit, the applicant is the true and actual owner of the business for which the permit is desired, and that he intends to carry on the business authorized for himself and not as the agent of any other person, and that he intends to superintend in person the management of the business or that he will designate a manager to manage the business for him. All managers must be approved by the department prior to completing any managerial tasks on behalf of the permittee and must possess all of the qualifications required of a permittee; however, a felony conviction, other than a crime of violence, does not automatically disqualify a person from being approved as a manager if the person was released from incarceration at least three (3) years prior to application for approval as a manager. A felony conviction, other than a crime of violence, may be considered by the department in determining whether all other qualifications are met.(c)That the applicant for a package retailer's permit, if an individual, is a resident of the State of Mississippi. If the applicant is a partnership, each member of the partnership must be a resident of the state. If the applicant is a limited liability company, each member of the limited liability company must be a resident of the state. If the applicant is a corporation, the designated manager of the corporation must be a resident of the state.(d)That the place for which the permit is to be issued is an appropriate one considering the character of the premises and the surrounding neighborhood.(e)That the place for which the permit is to be issued is within the corporate limits of an incorporated municipality or qualified resort area or club which comes within the provisions of this article.(f)That the applicant is not indebted to the state for any taxes, fees or payment of penalties imposed by any law of the State of Mississippi or by any rule or regulation of the commission.(g)That the applicant is not in the habit of using alcoholic beverages to excess and is not physically or mentally incapacitated, and that the applicant has the ability to read and write the English language.(h)That the commission does not believe and has no reason to believe that the applicant will sell or knowingly permit any agent, servant or employee to unlawfully sell liquor in a dry area or in any other manner contrary to law.(i)That the applicant is not residentially domiciled with any person whose permit or license has been cancelled for cause within the twelve (12) months next preceding the date of the present application for a permit.(j)That the commission has not, in the exercise of its discretion which is reserved and preserved to it, refused to grant permits under the restrictions of this section, as well as under any other pertinent provision of this article.(k)That there are not sufficient legal reasons to deny a permit on the ground that the premises for which the permit is sought has previously been operated, used or frequented for any purpose or in any manner that is lewd, immoral or offensive to public decency. In the granting or withholding of any permit to sell alcoholic beverages at retail, the commission in forming its conclusions may give consideration to any recommendations made in writing by the district or county attorney or county, circuit or chancery judge of the county, or the sheriff of the county, or the mayor or chief of police of an incorporated city or town wherein the applicant proposes to conduct his business and to any recommendations made by representatives of the commission.(l)That the applicant and the applicant's key employees, as determined by the commission, do not have a disqualifying criminal record. In order to obtain a criminal record history check, the applicant shall submit to the commission a set of fingerprints from any local law enforcement agency for each person for whom the records check is required. The commission shall forward the fingerprints to the Mississippi Department of Public Safety. If no disqualifying record is identified at the state level, the Department of Public Safety shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. Costs for processing the set or sets of fingerprints shall be borne by the applicant. The commission shall not deny employment to an employee of the applicant prior to the identification of a disqualifying record or other disqualifying information.Codes, 1942, § 10265-23; Laws, 1966, ch. 540, § 23; Laws, 1968, ch. 591, § 1; Laws, 1993, ch. 314, § 1; Laws, 2002, ch. 494, § 1, Laws, 2006, ch. 529, § 10, eff. 4/3/2006.Amended by Laws, 2016, ch. 426, SB 2419, 1, eff. 7/1/2016. Before a permit is issued the department shall satisfy itself:(a)That the applicant, if an individual, or if a partnership, each of the members of the partnership, or if a corporation, each of its principal officers and directors, or if a limited liability company, each member of the limited liability company, is of good moral character and, in addition, enjoys a reputation of being a peaceable, law-abiding citizen of the community in which he resides, and is generally fit for the trust to be reposed in him, is not less than twenty-one (21) years of age, and has not been convicted of a felony in any state or federal court.(b)That, except in the case of an application for a solicitor's permit, the applicant is the true and actual owner of the business for which the permit is desired, and that he intends to carry on the business authorized for himself and not as the agent of any other person, and that he intends to superintend in person the management of the business or that he will designate a manager to manage the business for him. All managers must be approved by the department prior to completing any managerial tasks on behalf of the permittee and must possess all of the qualifications required of a permittee; however, a felony conviction, other than a crime of violence, does not automatically disqualify a person from being approved as a manager if the person was released from incarceration at least three (3) years prior to application for approval as a manager. A felony conviction, other than a crime of violence, may be considered by the department in determining whether all other qualifications are met.(c)That the applicant for a package retailer's permit, if an individual, is a resident of the State of Mississippi. If the applicant is a partnership, each member of the partnership must be a resident of the state. If the applicant is a limited liability company, each member of the limited liability company must be a resident of the state. If the applicant is a corporation, the designated manager of the corporation must be a resident of the state.(d)That the place for which the permit is to be issued is an appropriate one considering the character of the premises and the surrounding neighborhood.(e)That the place for which the permit is to be issued is within the corporate limits of an incorporated municipality or qualified resort area or club which comes within the provisions of this article.(f)That the applicant is not indebted to the state for any taxes, fees or payment of penalties

imposed by any law of the State of Mississippi or by any rule or regulation of the commission.(g)That the applicant is not in the habit of using alcoholic beverages to excess and is not physically or mentally incapacitated, and that the applicant has the ability to read and write the English language.(h)That the commission does not believe and has no reason to believe that the applicant will sell or knowingly permit any agent, servant or employee to unlawfully sell liquor in a dry area or in any other manner contrary to law.(i)That the applicant is not residentially domiciled with any person whose permit or license has been cancelled for cause within the twelve (12) months next preceding the date of the present application for a permit.(j)That the commission has not, in the exercise of its discretion which is reserved and preserved to it, refused to grant permits under the restrictions of this section, as well as under any other pertinent provision of this article.(k)That there are not sufficient legal reasons to deny a permit on the ground that the premises for which the permit is sought has previously been operated, used or frequented for any purpose or in any manner that is lewd, immoral or offensive to public decency. In the granting or withholding of any permit to sell alcoholic beverages at retail, the commission in forming its conclusions may give consideration to any recommendations made in writing by the district or county attorney or county, circuit or chancery judge of the county, or the sheriff of the county, or the mayor or chief of police of an incorporated city or town wherein the applicant proposes to conduct his business and to any recommendations made by representatives of the commission.(l)That the applicant and the applicant's key employees, as determined by the commission, do not have a disqualifying criminal record. In order to obtain a criminal record history check, the applicant shall submit to the commission a set of fingerprints from any local law enforcement agency for each person for whom the records check is required. The commission shall forward the fingerprints to the Mississippi Department of Public Safety. If no disqualifying record is identified at the state level, the Department of Public Safety shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. Costs for processing the set or sets of fingerprints shall be borne by the applicant. The commission shall not deny employment to an employee of the applicant prior to the identification of a disqualifying record or other disqualifying information.Codes, 1942, § 10265-23; Laws, 1966, ch. 540, § 23; Laws, 1968, ch. 591, § 1; Laws, 1993, ch. 314, § 1; Laws, 2002, ch. 494, § 1, Laws, 2006, ch. 529, § 10, eff. 4/3/2006.Amended by Laws, 2016, ch. 426, SB 2419, 1, eff. 7/1/2016. Before a permit is issued the department shall satisfy itself: Codes, 1942, § 10265-23; Laws, 1966, ch. 540, § 23; Laws, 1968, ch. 591, § 1; Laws, 1993, ch. 314, § 1; Laws, 2002, ch. 494, § 1, Laws, 2006, ch. 529, § 10, eff. 4/3/2006. Amended by Laws, 2016, ch. 426, SB 2419, 1, eff. 7/1/2016.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101)Section 67-1-59 - "Applicant" defined

Where the word "applicant" is used in Section67-1-57or in Sections67-1-51,67-1-53,67-1-55and67-1-63, it shall also mean and include each member of a partnership, limited liability company or association and all officers and the owner or owners of the majority of the corporate stock of a corporation, as of the date of the application.Codes, 1942, § 10265-23; Laws, 1966, ch. 540, § 23; Laws, 1968, ch. 591, § 1; Laws, 2006, ch. 529, § 11, eff. 4/3/2006. Where the word "applicant" is used in Section67-1-57or in Sections67-1-51,67-1-53,67-1-55and67-1-63, it shall also mean and include each member of a partnership, limited liability company or association and all officers and the owner or owners of the majority of the corporate stock of a corporation, as of the date of the application.Codes, 1942, § 10265-23; Laws, 1966, ch. 540, § 23; Laws, 1968, ch. 591, § 1; Laws, 2006, ch. 529, § 11, eff. 4/3/2006. Where the word "applicant" is used in Section67-1-57or in Sections67-1-51,67-1-53,67-1-55and67-1-63, it shall also mean and include each member of a partnership, limited liability company or association and all officers and the owner or owners of the majority of the corporate stock of a corporation, as of the date of the application.Codes, 1942, § 10265-23; Laws, 1966, ch. 540, § 23; Laws, 1968, ch. 591, § 1; Laws, 2006, ch. 529, § 11, eff. 4/3/2006. Where the word "applicant" is used in Section67-1-57or in Sections67-1-51,67-1-53,67-1-55and67-1-63, it shall also mean and include each member of a partnership, limited liability company or association and all officers and the owner or owners of the majority of the corporate stock of a corporation, as of the date of the application. Codes, 1942, § 10265-23; Laws, 1966, ch. 540, § 23; Laws, 1968, ch. 591, § 1; Laws, 2006, ch. 529, § 11, eff. 4/3/2006.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101)Section 67-1-61 - Validity, contents and display of permits

All permits issued by the commission shall expire twelve months from date of issuance, and no permit shall be issued for a period longer than one year. Each permit shall state a class to which it belongs, the name of the permittee, the address of the premises for which granted, and the date of its expiration. All permits issued shall at all times be prominently displayed on the premises for which issued.Codes, 1942, § 10265-21; Laws, 1966, ch. 540, § 21; ch. 649, § 16, eff. 7/1/1966. All permits issued by the commission shall expire twelve months from date of issuance, and no permit shall be issued for a period longer than one year. Each permit shall state a class to which it belongs, the name of the permittee, the address of the premises for which granted, and the date of its expiration. All permits issued shall at all times be prominently displayed on the premises for which issued.Codes, 1942, § 10265-21; Laws, 1966, ch. 540, § 21; ch. 649, § 16, eff. 7/1/1966. All permits issued by the commission shall expire twelve months from date of issuance, and no permit shall be issued for a period longer than one year. Each permit shall state a class to which it belongs, the name of the permittee, the address of the premises for which granted, and the date of its expiration. All permits issued shall at all times be prominently displayed on the premises for which issued.Codes, 1942, § 10265-21; Laws, 1966, ch. 540, § 21; ch. 649, § 16, eff. 7/1/1966. All permits issued by the commission shall expire twelve months from date of issuance, and no permit

shall be issued for a period longer than one year. Each permit shall state a class to which it belongs, the name of the permittee, the address of the premises for which granted, and the date of its expiration. All permits issued shall at all times be prominently displayed on the premises for which issued. Codes, 1942, § 10265-21; Laws, 1966, ch. 540, § 21; ch. 649, § 16, eff. 7/1/1966.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-63 - Permit renewals; continued operation after denial of renewal under certain circumstances; appeals

(1) Any permittee may renew his permit at the expiration thereof for an additional term of one (1) year, provided he is then qualified to receive a permit and the premises for which the renewal is sought are suitable for such purposes. The renewal privilege herein provided for shall not be construed as a vested right. No "on-premises" retailer's permit shall be renewed at the expiration thereof for any "hotel" or "restaurant" under this article unless the commission is satisfied that the holder thereof is continuing to meet the requirements of a hotel or restaurant, as defined in Section 67-1-5. (2) When an application for the renewal of a permit has been denied by the department for a reason other than for being incomplete, for failure to pay any applicable license privilege taxes or fees required for renewal or for failure to post a bond, cash or securities as required by Section 27-71-21, the permittee shall be allowed to continue to operate under the permit for which renewal was denied until the last of the following dates: (a) The date on which the permit expires; (b) The date on which the time period for filing an appeal of the denial of the renewal to the Board of Tax Appeals expires; (c) If the denial is timely appealed to the Board of Tax Appeals and this appeal is later withdrawn, the date on which the withdrawal of appeal occurs; or (d) If the denial is timely appealed to the Board of Tax Appeals and an order is entered by the Board of Tax Appeals affirming the denial of the renewal, the date on which the permittee receives notice of the decision of the Board of Tax Appeals affirming the denial. Refusal to accept delivery of such notice or the posting of the final decision of the Board of Tax Appeals at the permitted place of business shall constitute receipt of notice by the permittee of this decision. (3) If the denial of an application for renewal of a permit is appealed to the Board of Tax Appeals and the board reverses the denial of the application for renewal, the department shall renew and issue the permit from its last expiration date. (4) The issuance and/or renewal of a permit based on the decision of the Board of Tax Appeals shall not bar or estop the department from appealing this decision of the Board of Tax Appeals to chancery court under Section 67-1-39. Any subsequent renewal of this permit while an appeal by the department from the decision of the Board of Tax Appeals is pending shall be subject to the final decision of the court on this appeal. If in such an appeal by the department, a court enters a final decision and/or order reversing the decision of the board and affirming the denial of the application for a permit or the application for renewal of a permit, the permit, even if subsequently renewed, shall be deemed denied and not authorize the permittee to sell alcoholic beverages under that permit after the date on which the decision and/or order of the court affirming the denial of the permit becomes final and not subject to any further appeal. Codes, 1942, § 10265-22; Laws, 1966, ch. 540, § 22; Laws, 1986, ch. 486, § 1; Laws, 2009, ch. 492, § 133, eff. 7/1/2010. (1) Any permittee may renew his permit at the expiration thereof for an additional term of one (1) year, provided he is then qualified to receive a permit and the premises for which the renewal is sought are suitable for such purposes. The renewal privilege herein provided for shall not be construed as a vested right. No "on-premises" retailer's permit shall be renewed at the expiration thereof for any "hotel" or "restaurant" under this article unless the commission is satisfied that the holder thereof is continuing to meet the requirements of a hotel or restaurant, as defined in Section 67-1-5. (2) When an application for the renewal of a permit has been denied by the department for a reason other than for being incomplete, for failure to pay any applicable license privilege taxes or fees required for renewal or for failure to post a bond, cash or securities as required by Section 27-71-21, the permittee shall be allowed to continue to operate under the permit for which renewal was denied until the last of the following dates: (a) The date on which the permit expires; (b) The date on which the time period for filing an appeal of the denial of the renewal to the Board of Tax Appeals expires; (c) If the denial is timely appealed to the Board of Tax Appeals and this appeal is later withdrawn, the date on which the withdrawal of appeal occurs; or (d) If the denial is timely appealed to the Board of Tax Appeals and an order is entered by the Board of Tax Appeals affirming the denial of the renewal, the date on which the permittee receives notice of the decision of the Board of Tax Appeals affirming the denial. Refusal to accept delivery of such notice or the posting of the final decision of the Board of Tax Appeals at the permitted place of business shall constitute receipt of notice by the permittee of this decision. (3) If the denial of an application for renewal of a permit is appealed to the Board of Tax Appeals and the board reverses the denial of the application for renewal, the department shall renew and issue the permit from its last expiration date. (4) The issuance and/or renewal of a permit based on the decision of the Board of Tax Appeals shall not bar or estop the department from appealing this decision of the Board of Tax Appeals to chancery court under Section 67-1-39. Any subsequent renewal of this permit while an appeal by the department from the decision of the Board of Tax Appeals is pending shall be subject to the final decision of the court on this appeal. If in such an appeal by the department, a court enters a final decision and/or order reversing the decision of the board and affirming the denial of the application for a permit or the application for renewal of a permit, the permit, even if subsequently renewed, shall be deemed denied and not authorize the permittee to sell alcoholic beverages under that permit after the date on which the decision and/or order of the court affirming the denial of the permit becomes final and not subject to any further appeal. Codes, 1942, § 10265-22; Laws, 1966, ch. 540, § 22; Laws, 1986, ch. 486, § 1; Laws, 2009, ch. 492, § 133, eff. 7/1/2010. (1) Any permittee may renew his permit at the expiration thereof for an additional term of one (1) year, provided he is then qualified to receive a permit and the premises for which the renewal is sought are suitable for such purposes. The renewal privilege herein provided for shall not be construed as a vested right. No "on-premises" retailer's permit shall be renewed at the expiration thereof for any "hotel" or "restaurant" under this article unless the commission is

satisfied that the holder thereof is continuing to meet the requirements of a hotel or restaurant, as defined in Section 67-1-5.(2)When an application for the renewal of a permit has been denied by the department for a reason other than for being incomplete, for failure to pay any applicable license privilege taxes or fees required for renewal or for failure to post a bond, cash or securities as required by Section 27-71-21, the permittee shall be allowed to continue to operate under the permit for which renewal was denied until the last of the following dates:(a)The date on which the permit expires;(b)The date on which the time period for filing an appeal of the denial of the renewal to the Board of Tax Appeals expires;(c)If the denial is timely appealed to the Board of Tax Appeals and this appeal is later withdrawn, the date on which the withdrawal of appeal occurs; or(d)If the denial is timely appealed to the Board of Tax Appeals and an order is entered by the Board of Tax Appeals affirming the denial of the renewal, the date on which the permittee receives notice of the decision of the Board of Tax Appeals affirming the denial. Refusal to accept delivery of such notice or the posting of the final decision of the Board of Tax Appeals at the permitted place of business shall constitute receipt of notice by the permittee of this decision.(3)If the denial of an application for renewal of a permit is appealed to the Board of Tax Appeals and the board reverses the denial of the application for renewal, the department shall renew and issue the permit from its last expiration date.(4)The issuance and/or renewal of a permit based on the decision of the Board of Tax Appeals shall not bar or estop the department from appealing this decision of the Board of Tax Appeals to chancery court under Section 67-1-39. Any subsequent renewal of this permit while an appeal by the department from the decision of the Board of Tax Appeals is pending shall be subject to the final decision of the court on this appeal. If in such an appeal by the department, a court enters a final decision and/or order reversing the decision of the board and affirming the denial of the application for a permit or the application for renewal of a permit, the permit, even if subsequently renewed, shall be deemed denied and not authorize the permittee to sell alcoholic beverages under that permit after the date on which the decision and/or order of the court affirming the denial of the permit becomes final and not subject to any further appeal.Codes, 1942, § 10265-22; Laws, 1966, ch. 540, § 22; Laws, 1986, ch. 486, § 1; Laws, 2009, ch. 492, § 133, eff. 7/1/2010. Codes, 1942, § 10265-22; Laws, 1966, ch. 540, § 22; Laws, 1986, ch. 486, § 1; Laws, 2009, ch. 492, § 133, eff. 7/1/2010.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-65 - Issuance of permits in counties having no incorporated municipality

In any county having heretofore voted, or which hereafter votes, to come out from under the prohibition law, in which there is not located an incorporated municipality within such county, the state tax commission may issue package retailer's permits in such county.Codes, 1942, § 10265-23.5; Laws, 1968, ch. 595, § 1, eff. 6/27/1968. In any county having heretofore voted, or which hereafter votes, to come out from under the prohibition law, in which there is not located an incorporated municipality within such county, the state tax commission may issue package retailer's permits in such county.Codes, 1942, § 10265-23.5; Laws, 1968, ch. 595, § 1, eff. 6/27/1968. In any county having heretofore voted, or which hereafter votes, to come out from under the prohibition law, in which there is not located an incorporated municipality within such county, the state tax commission may issue package retailer's permits in such county.Codes, 1942, § 10265-23.5; Laws, 1968, ch. 595, § 1, eff. 6/27/1968. In any county having heretofore voted, or which hereafter votes, to come out from under the prohibition law, in which there is not located an incorporated municipality within such county, the state tax commission may issue package retailer's permits in such county. Codes, 1942, § 10265-23.5; Laws, 1968, ch. 595, § 1, eff. 6/27/1968.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-67 - Transfer of permit

No permit shall be transferred by the permittee to any other person or any other place except with the written consent of the commission upon a regular application therefor in writing and upon consideration thereof as provided in this article for an original application for a permit. The commission shall not approve the transfer of the permit of any person against whom there is pending in the courts or before the commission any charge of keeping a disorderly house, or of violating this article or the laws against gambling in this state or against whom there is pending any proceedings for the revocation, suspension or cancellation of the permit.Codes, 1942, § 10265-24; Laws, 1966, ch. 540, § 24, eff. 7/1/1966. No permit shall be transferred by the permittee to any other person or any other place except with the written consent of the commission upon a regular application therefor in writing and upon consideration thereof as provided in this article for an original application for a permit. The commission shall not approve the transfer of the permit of any person against whom there is pending in the courts or before the commission any charge of keeping a disorderly house, or of violating this article or the laws against gambling in this state or against whom there is pending any proceedings for the revocation, suspension or cancellation of the permit.Codes, 1942, § 10265-24; Laws, 1966, ch. 540, § 24, eff. 7/1/1966. No permit shall be transferred by the permittee to any other person or any other place except with the written consent of the commission upon a regular application therefor in writing and upon consideration thereof as provided in this article for an original application for a permit. The commission shall not approve the transfer of the permit of any person against whom there is pending in the courts or before the commission any charge of keeping a disorderly house, or of violating this article or the laws against gambling in this state or against whom there is pending any proceedings for the revocation, suspension or cancellation of the permit.Codes, 1942, § 10265-24; Laws, 1966, ch. 540, § 24, eff. 7/1/1966. No permit shall be transferred by the permittee to any other person or any other place except with the written consent of the commission upon a regular application therefor in writing and

upon consideration thereof as provided in this article for an original application for a permit. The commission shall not approve the transfer of the permit of any person against whom there is pending in the courts or before the commission any charge of keeping a disorderly house, or of violating this article or the laws against gambling in this state or against whom there is pending any proceedings for the revocation, suspension or cancellation of the permit. Codes, 1942, § 10265-24; Laws, 1966, ch. 540, § 24, eff. 7/1/1966.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-69 - Permittees must comply with federal statutes

No person holding any permit issued under the provisions of this article shall engage in any business or activity authorized by such permit unless such person shall qualify so to do by complying with all statutes of the United States of America, and all regulations issued pursuant thereto, which are applicable or shall pertain to such business or activity, and shall continue to be so qualified at all times while engaging in such business or activity. As a prerequisite to the issuance of any permit under this article, the applicant shall first obtain the required federal occupational stamp for the type of business for which the permit has been approved by the commission. Codes, 1942, § 10265-29; Laws, 1966, ch. 540, § 29, eff. 7/1/1966. No person holding any permit issued under the provisions of this article shall engage in any business or activity authorized by such permit unless such person shall qualify so to do by complying with all statutes of the United States of America, and all regulations issued pursuant thereto, which are applicable or shall pertain to such business or activity, and shall continue to be so qualified at all times while engaging in such business or activity. As a prerequisite to the issuance of any permit under this article, the applicant shall first obtain the required federal occupational stamp for the type of business for which the permit has been approved by the commission. Codes, 1942, § 10265-29; Laws, 1966, ch. 540, § 29, eff. 7/1/1966. No person holding any permit issued under the provisions of this article shall engage in any business or activity authorized by such permit unless such person shall qualify so to do by complying with all statutes of the United States of America, and all regulations issued pursuant thereto, which are applicable or shall pertain to such business or activity, and shall continue to be so qualified at all times while engaging in such business or activity. As a prerequisite to the issuance of any permit under this article, the applicant shall first obtain the required federal occupational stamp for the type of business for which the permit has been approved by the commission. Codes, 1942, § 10265-29; Laws, 1966, ch. 540, § 29, eff. 7/1/1966. No person holding any permit issued under the provisions of this article shall engage in any business or activity authorized by such permit unless such person shall qualify so to do by complying with all statutes of the United States of America, and all regulations issued pursuant thereto, which are applicable or shall pertain to such business or activity, and shall continue to be so qualified at all times while engaging in such business or activity. As a prerequisite to the issuance of any permit under this article, the applicant shall first obtain the required federal occupational stamp for the type of business for which the permit has been approved by the commission. Codes, 1942, § 10265-29; Laws, 1966, ch. 540, § 29, eff. 7/1/1966.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-7 - General applicability of article

(1) Except as otherwise provided in Section 67-9-1 for the transportation and possession of limited amounts of alcoholic beverages for the use of an alcohol processing permittee, and subject to all of the provisions and restrictions contained in this article, the manufacture, sale, distribution, and transportation of alcoholic beverages shall be lawful, subject to the restrictions hereinafter imposed, in those counties and municipalities of this state in which, at a local option election called and held for that purpose under the provisions of this article, a majority of the qualified electors voting in such election shall vote in favor thereof. Beginning on April 16, 2021, except as otherwise provided in Section 67-1-51 for holders of a caterer's permit, the manufacture, sale and distribution of alcoholic beverages shall not be permissible or lawful in counties except in (a) incorporated municipalities located within such counties, (b) qualified resort areas within such counties approved as such by the department, or (c) clubs within such counties, whether within a municipality or not. However, any permits issued by the department between July 1, 2020, and April 15, 2021, for the manufacture, sale and distribution of alcoholic beverages, whether or not issued to permittees in such municipalities, qualified resort areas or clubs, shall be eligible for renewal on or after April 16, 2021. The manufacture, sale, distribution and possession of native wines or native spirits shall be lawful in any location within any such county except those locations where the manufacture, sale or distribution is prohibited by law other than this section or by regulations of the department. However, notwithstanding this provision, municipalities that have voted in favor of coming out from under the dry law may enforce such proper rules and regulations for fixing zones and territories to promote public health, morals, and safety, as they may by ordinance provide. The board of supervisors of any county that has voted in favor of coming out from under the dry law may make such rules and regulations as to territory outside of municipalities as are herein provided for municipalities. Notwithstanding the provisions of any other law, municipalities may enforce such proper location of package retailer stores within the municipality by application of a properly adopted zoning ordinance. (2) Notwithstanding the foregoing, within any state park or any state park facility that has been declared a qualified resort area by the department, and within any qualified resort area as defined under Section 67-1-5(o)(iii), an on-premises retailer's permit may be issued for the qualified resort area, and the permittee may lawfully sell alcoholic beverages for consumption on his licensed premises regardless of whether or not the county or municipality in which the qualified resort area is located has voted in favor of coming out from under the dry law, and it shall be lawful to receive, store, sell, possess and consume

alcoholic beverages on the licensed premises, and to sell, distribute and transport alcoholic beverages to the licensed premises. Moreover, the governing authorities of a municipality in which a qualified resort area defined under Section 67-1-5(o)(iii) 5, 7, 21, 39 or 46 is located, the Pearl River Valley Water Supply District Board which governs the qualified resort area defined under Section 67-1-5(o)(iii) 8.a.A, the board of supervisors of the county in which qualified resort area defined under Section 67-1-5(o)(iii) 8.a.B and C is located, and the board of supervisors of a county in which a qualified resort area defined under Section 67-1-5(o)(iii) 44 or 80 is located, may, by ordinance or resolution, provide that package retailer's permits may be issued in the applicable qualified resort area, and that it shall be lawful to receive, store, sell, possess and distribute alcoholic beverages in accordance with such package retailer's permits. Codes, 1942, § 10265-04; Laws, 1966, ch. 540, § 4; Laws, 1976, ch. 467, § 13; Laws, 1990, ch. 569, § 4; Laws, 1994, ch. 558, § 21; Laws, 1996, ch. 417, § 1; Laws, 2004, ch. 397, § 2; Laws, 2006, ch. 529, § 6; Laws, 2008, ch. 366, § 2; Laws, 2009, ch. 558, § 3, eff. 5/26/2009 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965). Amended by Laws, 2024, ch. 532, SB 2803, § 2, eff. 7/1/2024. Amended by Laws, 2024, ch. 478, HB 776, § 1, eff. 7/1/2024. Amended by Laws, 2023, ch. 525, HB 535, § 3, eff. 7/1/2023. Amended by Laws, 2021, ch. 388, SB 2606, § 8, eff. 7/1/2021. Amended by Laws, 2021, ch. 456, SB 2807, § 1, eff. 4/16/2021. Amended by Laws, 2020, ch. 458, SB 2253, § 2, eff. 7/1/2020. Amended by Laws, 2020, ch. 423, HB 1087, § 2, eff. 7/1/2020. (1) Except as otherwise provided in Section 67-9-1 for the transportation and possession of limited amounts of alcoholic beverages for the use of an alcohol processing permittee, and subject to all of the provisions and restrictions contained in this article, the manufacture, sale, distribution, and transportation of alcoholic beverages shall be lawful, subject to the restrictions hereinafter imposed, in those counties and municipalities of this state in which, at a local option election called and held for that purpose under the provisions of this article, a majority of the qualified electors voting in such election shall vote in favor thereof. Beginning on April 16, 2021, except as otherwise provided in Section 67-1-51 for holders of a caterer's permit, the manufacture, sale and distribution of alcoholic beverages shall not be permissible or lawful in counties except in (a) incorporated municipalities located within such counties, (b) qualified resort areas within such counties approved as such by the department, or (c) clubs within such counties, whether within a municipality or not. However, any permits issued by the department between July 1, 2020, and April 15, 2021, for the manufacture, sale and distribution of alcoholic beverages, whether or not issued to permittees in such municipalities, qualified resort areas or clubs, shall be eligible for renewal on or after April 16, 2021. 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(2) Notwithstanding the foregoing, within any state park or any state park facility that has been declared a qualified resort area by the department, and within any qualified resort area as defined under Section 67-1-5(o)(iii), an on-premises retailer's permit may be issued for the qualified resort area, and the permittee may lawfully sell alcoholic beverages for consumption on his licensed premises regardless of whether or not the county or municipality in which the qualified resort area is located has voted in favor of coming out from under the dry law, and it shall be lawful to receive, store, sell, possess and consume alcoholic beverages on the licensed premises, and to sell, distribute and transport alcoholic beverages to the licensed premises. Moreover, the governing authorities of a municipality in which a qualified resort area defined under Section 67-1-5(o)(iii) 5, 7, 21, 39 or 46 is located, the Pearl River Valley Water Supply District Board which governs the qualified resort area defined under Section 67-1-5(o)(iii) 8.a.A, the board of supervisors of the county in which qualified resort area defined under Section 67-1-5(o)(iii) 8.a.B and C is located, and the board of supervisors of a county in which a qualified resort area defined under Section 67-1-5(o)(iii) 44 or 80 is located, may, by ordinance or resolution, provide that package retailer's permits may be issued in the applicable qualified resort area, and that it shall be lawful to receive, store, sell, possess and distribute alcoholic beverages in accordance with such package retailer's permits. 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2021, for the manufacture, sale and distribution of alcoholic beverages, whether or not issued to permittees in such municipalities, qualified resort areas or clubs, shall be eligible for renewal on or after April 16, 2021. The manufacture, sale, distribution and possession of native wines or native spirits shall be lawful in any location within any such county except those locations where the manufacture, sale or distribution is prohibited by law other than this section or by regulations of the department. However, notwithstanding this provision, municipalities that have voted in favor of coming out from under the dry law may enforce such proper rules and regulations for fixing zones and territories to promote public health, morals, and safety, as they may by ordinance provide. The board of supervisors of any county that has voted in favor of coming out from under the dry law may make such rules and regulations as to territory outside of municipalities as are herein provided for municipalities. Notwithstanding the provisions of any other law, municipalities may enforce such proper location of package retailer stores within the municipality by application of a properly adopted zoning ordinance. 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Codes, 1942, § 10265-04; Laws, 1966, ch. 540, § 4; Laws, 1976, ch. 467, § 13; Laws, 1990, ch. 569, § 4; Laws, 1994, ch. 558, § 21; Laws, 1996, ch. 417, § 1; Laws, 2004, ch. 397, § 2; Laws, 2006, ch. 529, § 6; Laws, 2008, ch. 366, § 2; Laws, 2009, ch. 558, § 3, eff. 5/26/2009 (the date the United States Attorney General interposed no objection under Section 5 of the Voting Rights Act of 1965). Amended by Laws, 2024, ch. 532, SB 2803, § 2, eff. 7/1/2024. Amended by Laws, 2024, ch. 478, HB 776, § 1, eff. 7/1/2024. Amended by Laws, 2023, ch. 525, HB 535, § 3, eff. 7/1/2023. Amended by Laws, 2021, ch. 388, SB 2606, § 8, eff. 7/1/2021. Amended by Laws, 2021, ch. 456, SB 2807, § 1, eff. 4/16/2021. Amended by Laws, 2020, ch. 458, SB 2253, § 2, eff. 7/1/2020. Amended by Laws, 2020, ch. 423, HB 1087, § 2, eff. 7/1/2020.

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The department may revoke or suspend any permit issued by it for a violation by the permittee of any of the provisions of this article or of the regulations promulgated under it by the department. Permits must be revoked or suspended for the following causes: (a) Conviction of the permittee for the violation of any of the provisions of this article; (b) Willful failure or refusal by any permittee to comply with any of the provisions of this article or of any rule or regulation adopted pursuant thereto; (c) The making of any materially false statement in any application for a permit; (d) Conviction of one or more of the clerks, agents or employees of the permittee, of any violation of this article upon the premises covered by such permit within a period of time as designated by the

rules or regulations of the department;(e)The possession on the premises of any retail permittee of any alcoholic beverages upon which the tax has not been paid;(f)The willful failure of any permittee to keep the records or make the reports required by this article, or to allow an inspection of such records by any duly authorized person;(g)The suspension or revocation of a permit issued to the permittee by the federal government, or conviction of violating any federal law relating to alcoholic beverages;(h)The failure to furnish any bond required by Section27-71-21within fifteen (15) days after notice from the department; and(i)The conducting of any form of illegal gambling on the premises of any permittee or on any premises connected therewith or the presence on any such premises of any gambling device with the knowledge of the permittee.The provisions of paragraph (i) of this section shall not apply to gambling or the presence of any gambling devices, with knowledge of the permittee, on board a cruise vessel in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, or on any vessel as defined in Section27-109-1whenever such vessel is on the Mississippi River or navigable waters within any county bordering on the Mississippi River. The department may, in its discretion, issue on-premises retailer's permits to a common carrier of the nature described in this paragraph.The provisions of paragraph (i) of this section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27.No permit shall be suspended or revoked until after the permittee has been provided reasonable notice of the charges against him for which suspension or revocation is sought and the opportunity to a hearing before the Board of Tax Appeals to contest such charges and the suspension or revocation proposed. Opportunity to a hearing is provided without an actual hearing if the permittee, after receiving reasonable notice, including notice of his right to a hearing, fails to timely request a hearing. The permittee may also at any time waive his rights to reasonable notice and/or to the opportunity to a hearing by agreeing to a suspension or revocation offered by the department. Notwithstanding the requirement above that a permit may not be suspended without notice and opportunity to a hearing, sales of alcoholic beverages by a permittee under a permit for which the bond under Section27-71-21has been cancelled shall be suspended from and after issuance of the notice provided in paragraph (h) above and shall continue to be suspended until the bond is reinstated, a new bond is posted or sufficient cash or securities as provided under Section27-71-21are deposited with the State Treasurer for this permit.In addition to the causes specified in this section and other provisions of this article, the department shall be authorized to suspend the permit of any permit holder for being out of compliance with an order for support, as defined in Section93-11-153. The procedure for suspension of a permit for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a permit suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a permit suspended for that purpose, shall be governed by Section93-11-157or93-11-163, as the case may be. If there is any conflict between any provision of Section93-11-157or93-11-163and any provision of this article, the provisions of Section93-11-157or93-11-163, as the case may be, shall control.Codes, 1942, § 10265-28; Laws, 1966, ch. 540, § 28; Laws, 1989, ch. 310, § 1; Laws, 1989, ch. 480, § 8; Laws, 1990, ch. 449, § 2; Laws, 1990, ch. 573, § 6; Laws, 1990 Ex Sess, ch. 45 § 146; Laws, 1992, ch. 459, § 2; Laws, 1996, ch. 507, § 17; Laws, 2009, ch. 492, § 134; Laws, 2010, ch. 388, § 13, eff. 7/1/2010.Amended by Laws, 2018EX1, ch. 2, SB 2001,§ 52, eff. 9/1/2018. The department may revoke or suspend any permit issued by it for a violation by the permittee of any of the provisions of this article or of the regulations promulgated under it by the department.Permits must be revoked or suspended for the following causes:(a)Conviction of the permittee for the violation of any of the provisions of this article;(b)Willful failure or refusal by any permittee to comply with any of the provisions of this article or of any rule or regulation adopted pursuant thereto;(c)The making of any materially false statement in any application for a permit;(d)Conviction of one or more of the clerks, agents or employees of the permittee, of any violation of this article upon the premises covered by such permit within a period of time as designated by the rules or regulations of the department;(e)The possession on the premises of any retail permittee of any alcoholic beverages upon which the tax has not been paid;(f)The willful failure of any permittee to keep the records or make the reports required by this article, or to allow an inspection of such records by any duly authorized person;(g)The suspension or revocation of a permit issued to the permittee by the federal government, or conviction of violating any federal law relating to alcoholic beverages;(h)The failure to furnish any bond required by Section27-71-21within fifteen (15) days after notice from the department; and(i)The conducting of any form of illegal gambling on the premises of any permittee or on any premises connected therewith or the presence on any such premises of any gambling device with the knowledge of the permittee.The provisions of paragraph (i) of this section shall not apply to gambling or the presence of any gambling devices, with knowledge of the permittee, on board a cruise vessel in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, or on any vessel as defined in Section27-109-1whenever such vessel is on the Mississippi River or navigable waters within any county bordering on the Mississippi River. The department may, in its discretion, issue on-premises retailer's permits to a common carrier of the nature described in this paragraph.The provisions of paragraph (i) of this section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27.No permit shall be suspended or revoked until after the permittee has been provided reasonable notice of the charges against him for which suspension or revocation is sought and the opportunity to a hearing before the Board of Tax Appeals to contest such charges and the suspension or revocation proposed. Opportunity to a hearing is provided without an actual hearing if the permittee, after receiving reasonable notice, including notice of his right to a hearing, fails to timely request a hearing. The permittee may also at any time waive his rights to reasonable notice and/or to the opportunity to a hearing by agreeing to a suspension or revocation offered by the department. Notwithstanding the requirement above that a permit may not be suspended without notice and opportunity to a hearing, sales of alcoholic beverages by a permittee under a permit for which the bond under Section27-71-21has been cancelled shall be suspended from and after issuance of the notice provided in paragraph (h) above and shall continue to be suspended until the bond is reinstated, a new bond is posted or sufficient cash or securities as provided under Section27-71-21are deposited with the State Treasurer for this permit.In addition to

the causes specified in this section and other provisions of this article, the department shall be authorized to suspend the permit of any permit holder for being out of compliance with an order for support, as defined in Section93-11-153. The procedure for suspension of a permit for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a permit suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a permit suspended for that purpose, shall be governed by Section93-11-157or93-11-163, as the case may be. If there is any conflict between any provision of Section93-11-157or93-11-163and any provision of this article, the provisions of Section93-11-157or93-11-163, as the case may be, shall control.Codes, 1942, § 10265-28; Laws, 1966, ch. 540, § 28; Laws, 1989, ch. 310, § 1; Laws, 1989, ch. 480, § 8; Laws, 1990, ch. 449, § 2; Laws, 1990, ch. 573, § 6; Laws, 1990 Ex Sess, ch. 45 § 146; Laws, 1992, ch. 459, § 2; Laws, 1996, ch. 507, § 17; Laws, 2009, ch. 492, § 134; Laws, 2010, ch. 388, § 13, eff. 7/1/2010.Amended by Laws, 2018EX1, ch. 2, SB 2001,§ 52, eff. 9/1/2018. 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Notwithstanding the requirement above that a permit may not be suspended without notice and opportunity to a hearing, sales of alcoholic beverages by a permittee under a permit for which the bond under Section27-71-21has been cancelled shall be suspended from and after issuance of the notice provided in paragraph (h) above and shall continue to be suspended until the bond is reinstated, a new bond is posted or sufficient cash or securities as provided under Section27-71-21are deposited with the State Treasurer for this permit.In addition to the causes specified in this section and other provisions of this article, the department shall be authorized to suspend the permit of any permit holder for being out of compliance with an order for support, as defined in Section93-11-153. 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The department may revoke or suspend any permit issued by it for a violation by the permittee of any of the provisions of this article or of the regulations promulgated under it by the department. Permits must be revoked or suspended for the following causes: The provisions of paragraph (i) of this section shall not apply to gambling or the presence of any gambling devices, with knowledge of the permittee, on board a cruise vessel in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, or on any vessel as defined in Section27-109-1whenever such vessel is on the Mississippi River or navigable waters within any county bordering on the Mississippi River. The department may, in its discretion, issue on-premises retailer's permits to a common carrier of the nature described in this paragraph. The provisions of paragraph (i) of this section shall not apply to the operation of any game or lottery authorized by Chapter 115, Title 27. No permit shall be suspended or revoked until after the permittee has been provided reasonable notice of the charges against him for which suspension or revocation is sought and the opportunity to a hearing before the Board of Tax Appeals to contest such charges and the suspension or revocation proposed. Opportunity to a hearing is provided without an actual hearing if the permittee, after receiving reasonable notice, including notice of his right to a hearing, fails to timely request a hearing. The permittee may also at any time waive his rights to reasonable notice and/or to the opportunity to a hearing by agreeing

to a suspension or revocation offered by the department. Notwithstanding the requirement above that a permit may not be suspended without notice and opportunity to a hearing, sales of alcoholic beverages by a permittee under a permit for which the bond under Section 27-71-21 has been cancelled shall be suspended from and after issuance of the notice provided in paragraph (h) above and shall continue to be suspended until the bond is reinstated, a new bond is posted or sufficient cash or securities as provided under Section 27-71-21 are deposited with the State Treasurer for this permit. In addition to the causes specified in this section and other provisions of this article, the department shall be authorized to suspend the permit of any permit holder for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a permit for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a permit suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a permit suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this article, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control. Codes, 1942, § 10265-28; Laws, 1966, ch. 540, § 28; Laws, 1989, ch. 310, § 1; Laws, 1989, ch. 480, § 8; Laws, 1990, ch. 449, § 2; Laws, 1990, ch. 573, § 6; Laws, 1990 Ex Sess, ch. 45 § 146; Laws, 1992, ch. 459, § 2; Laws, 1996, ch. 507, § 17; Laws, 2009, ch. 492, § 134; Laws, 2010, ch. 388, § 13, eff. 7/1/2010. Amended by Laws, 2018 EX 1, ch. 2, SB 2001, § 52, eff. 9/1/2018.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-72 - Appeal to Board of Tax Appeals from certain actions of the Department of Revenue; notice of hearing; order

(1) Except as otherwise provided in this article, any applicant or holder of a permit issued under this article which is aggrieved by an action of the Department of Revenue to deny his application for a permit, to deny the renewal of his permit or to revoke or suspend his permit shall be allowed to appeal to the Board of Tax Appeals from this action. This appeal is to be filed by the aggrieved person with the Executive Director of the Board of Tax Appeals, with a copy being sent to the Department of Revenue, within fifteen (15) days from the date that person received notice of the action of the department being aggrieved. If the person aggrieved fails to appeal within this fifteen-day period, the action of the Department of Revenue shall take effect as set out in the notice. The Department of Revenue retains the authority to change at any time the action aggrieved to in an appeal under this subsection. The applicant or holder of any permit issued under this article may waive his right to notice and opportunity to a hearing as provided by this subsection and agree to the action being taken by the department. The inability of the Department of Revenue to issue or renew a permit due to an incomplete application or due to the failure of the applicant to pay the annual privilege taxes and fees provided by Section 27-71-5 and/or the failure of the applicant to post or deposit the bond, cash or securities as required by Section 27-71-21 shall not constitute a denial for purposes of this subsection. (2) Any applicant for approval as a manager of an establishment operating under a permit issued under this article or who holds the designation of an approved manager of an establishment operating under a permit issued under this article and who is aggrieved by an action of the Department of Revenue to deny his application for approval as a manager or to revoke or suspend his designation as an approved manager shall be allowed to appeal to the Board of Tax Appeals from this action. This appeal is to be filed by the aggrieved person with the Executive Director of the Board of Tax Appeals, with a copy being sent to the Department of Revenue, within fifteen (15) days from the date that person received notice of the action of the department being aggrieved. If the person aggrieved fails to appeal within this fifteen-day period, the action of the Department of Revenue shall take effect as set out in the notice. The Department of Revenue retains the authority to change at any time the action aggrieved to in an appeal under this subsection. The applicant or holder of an approved manager designation may waive his right to notice and opportunity to a hearing as provided by this subsection and agree to the action being taken by the department. The inability of the Department of Revenue to consider an application for approval of an applicant as a manager due to an incomplete application shall not constitute a denial of the application for purposes of this subsection. (3) Any applicant for approval of an area or locality as a qualified resort area under this article who is aggrieved by the decision of the Department of Revenue to deny the qualified resort area as requested and any county or municipality wherein the proposed qualified resort area is located may appeal to the Board of Tax Appeals from such decision. This appeal is to be filed by the aggrieved applicant or by the affected county or municipality with the Executive Director of the Board of Tax Appeals, with a copy being sent to the Department of Revenue, within fifteen (15) days from the date that the person or entity filing the appeal received notice of the decision of the Department of Revenue to deny the qualified resort area. If an appeal is not filed within this fifteen-day period, the decision of the Department of Revenue shall become final. The Department of Revenue retains the authority to change at any time the decision aggrieved to in an appeal under this subsection. The inability of the Department of Revenue to consider an application for the approval of an area or locality as a qualified resort area due to an incomplete application shall not constitute a denial of that application for purposes of this subsection. (4) Any person, including any county or municipality in which the qualified resort area is located, who is aggrieved by the decision of the Department of Revenue to revoke the approval of an area or locality as a qualified resort area may appeal to the Board of Tax Appeals from such decision. This appeal is to be filed by the aggrieved person with the Executive Director of the Board of Tax Appeals, with a copy being sent to the Department of Revenue, within fifteen (15) days from the date that the person or entity filing the appeal received notice of the decision of the department to revoke approval of the qualified resort area. At the discretion of the Department of Revenue, in addition to any other notice to be provided under this subsection, the department may provide notice of its decision to revoke approval of the qualified resort area by publication in the

same manner as provided by regulation when approval of a qualified resort area is sought. In regard to such publication, the fifteen-day period provided herein will begin on the date that notice is first published. If an appeal is not filed within this fifteen-day period, the decision of the Department of Revenue shall become final. The Department of Revenue retains the authority to change at any time the decision aggrieved to in an appeal under this subsection.(5)Any person objecting to an application for the issuance or transfer of a permit, other than a temporary retailer's permit, issued under this article and who timely requests in writing a hearing on his objection shall be given a hearing before the Board of Tax Appeals unless the permit is denied by the Department of Revenue and an appeal is not taken by the applicant to the Board of Tax Appeals from that denial or the applicant withdraws his application. Any written request for a hearing on an objection must be filed with the Department of Revenue within fifteen (15) days from the first date of publication of the notice of such application under Section67-1-53. If the department determines that the permit should be denied, notice will be provided to the applicant as set out in subsection (1) of this section, and if the applicant timely requests a hearing on the denial as provided by this subsection (5), the department will advise the Executive Director of the Board of Tax Appeals and the applicant of the written request for a hearing on an objection to the permit. The hearing on the objection to the permit and the hearing on the appeal by the applicant from the denial of the department of the application shall be consolidated and heard by the Board of Tax Appeals at the same time. If the department determines that the permit should be issued, the department will advise the applicant and the Executive Director of the Board of Tax Appeals of the timely written request for a hearing on an objection to the application and a hearing will be set before the Board of Tax Appeals on this objection. If prior to the hearing, either the person requesting the hearing withdraws his request or the applicant withdraws his application, the hearing will be cancelled and the objection proceedings before the Board of Tax Appeals on the application will be dismissed as moot. In the case of such withdrawals, the Board of Tax Appeals is authorized to assess to either or both parties any costs incurred by it prior to such withdrawal. The Department of Revenue retains authority to issue the permit to the applicant where the person objecting to the application withdraws his request for a hearing.(6)Any person objecting to an application for approval by the Department of Revenue of a area or locality as a qualified resort area under this article and who timely requests in writing a hearing on his objection shall be given a hearing before the Board of Tax Appeals unless approval of the application is denied by the Department of Revenue and an appeal is not taken by the applicant or the county or municipality in which the proposed qualified resort area is located to the Board of Tax Appeals from that denial or the applicant withdraws his application. Any written request for a hearing on an objection must be filed with the Department of Revenue within fifteen (15) days from the first date of publication of the notice of such application as provided by regulation. If the department determines that the application for approval of the proposed area or locality as a qualified resort area should be denied, the department will proceed with denial of such application as set out in subsection (3) of this section, and if the applicant or the county or municipality in which the proposed qualified resort area is located timely requests a hearing on the denial as provided by subsection (3) of this section, the department will advise the Executive Director of the Board of Tax Appeals and the applicant of the written request for a hearing on an objection to the application. The hearing on the objection to approval of the proposed qualified resort area and the hearing on the appeal from the denial of the department of the application for such approval shall be consolidated and heard by the Board of Tax Appeals at the same time. If the department determines that the proposed qualified resort area should be approved, the department will advise the applicant and the Executive Director of the Board of Tax Appeals of the timely written request for a hearing on an objection to the application and a hearing will be set before the Board of Tax Appeals on this objection. If prior to the hearing, either the person requesting the hearing withdraws his request or the applicant withdraws his application, the hearing will be cancelled and the objection proceedings before the Board of Tax Appeals on the application will be dismissed as moot. In the case of such withdrawals, the Board of Tax Appeals is authorized to assess to either or both parties any costs incurred by it prior to such withdrawal. The Department of Revenue retains authority to approve the proposed area or locality as a qualified resort area where the person objecting to the application withdraws his request for a hearing.(7)Any person having an interest in any alcoholic beverages, light wine, beer, light spirit products or raw materials which the Department of Revenue intends to dispose of under Section67-1-18shall be given reasonable notice of this proposed disposal, and upon such notice, this person may request a hearing before the Board of Tax Appeals to establish his right or claim to this property. This request for a hearing shall be filed with the Board of Tax Appeals, with a copy sent to the Department of Revenue, within fifteen (15) days from the date of receipt of the notice provided above by the person filing the request. If a request is not received by the Board of Tax Appeals within this fifteen-day period, the department may order the property disposed of in accordance with Section67-1-18.(8)Upon receipt of a written request for hearing or appeal as set out above, the executive director shall schedule a hearing before the Board of Tax Appeals on this request or appeal. A notice of the hearing shall be mailed to all persons or entities having an interest in the matter being heard which shall always include the person or entity filing the request or appeal for which the hearing is being set, the applicant or holder of any permit, approved manager status or qualified resort area status in issue, any person who filed a written request for a hearing on an objection to any application in issue and the Department of Revenue. This notice shall provide the date, time and location of the hearing. Mailing to the attorney representing a person or entity in the matter being heard shall be the same as mailing to the person or entity the attorney represents. Failure of the person or entity on whose request or appeal the matter was set for hearing to appear personally or through his designated representative at the hearing shall constitute an involuntary withdrawal of his request or appeal. Upon such withdrawal, the Board of Tax Appeals shall note on the record the failure of the person or entity to appear at the hearing and shall dismiss the request or appeal and remand the matter back to the Department of Revenue for appropriate action.(9)At any hearing before the Board of Tax Appeals on an appeal or hearing request as set out above, two (2) members of the Board of Tax Appeals shall constitute a quorum. At the hearing, the Board of Tax Appeals shall try the issues presented according to law and the facts and pursuant to any guidelines established by regulation.

The rules of evidence shall be relaxed at the hearing and the hearing shall be recorded by a court reporter. After reaching a decision on the issues presented, the Board of Tax Appeals shall enter an order setting forth its findings and decision in the matter. A copy of the order of the Board of Tax Appeals shall be mailed to the person or entity filing the request or appeal which was heard, the applicant or holder of any permit, approved manager status or qualified resort area status in issue, any person who filed a written request for a hearing on an objection to any application in issue and the Department of Revenue to notify them of the findings and decision of the Board of Tax Appeals. Laws, 2009, ch. 492, § 135; Laws, 2010, ch. 388, § 14, eff. 7/1/2010. Amended by Laws, 2020, ch. 314, HB 917, § 40, eff. 6/18/2020. Amended by Laws, 2015, ch. 438, SB 2071, 3, eff. 4/13/2015. (1) Except as otherwise provided in this article, any applicant or holder of a permit issued under this article which is aggrieved by an action of the Department of Revenue to deny his application for a permit, to deny the renewal of his permit or to revoke or suspend his permit shall be allowed to appeal to the Board of Tax Appeals from this action. This appeal is to be filed by the aggrieved person with the Executive Director of the Board of Tax Appeals, with a copy being sent to the Department of Revenue, within fifteen (15) days from the date that person received notice of the action of the department being aggrieved. If the person aggrieved fails to appeal within this fifteen-day period, the action of the Department of Revenue shall take effect as set out in the notice. The Department of Revenue retains the authority to change at any time the action aggrieved to in an appeal under this subsection. The applicant or holder of any permit issued under this article may waive his right to notice and opportunity to a hearing as provided by this subsection and agree to the action being taken by the department. The inability of the Department of Revenue to issue or renew a permit due to an incomplete application or due to the failure of the applicant to pay the annual privilege taxes and fees provided by Section 27-71-5 and/or the failure of the applicant to post or deposit the bond, cash or securities as required by Section 27-71-21 shall not constitute a denial for purposes of this subsection. (2) Any applicant for approval as a manager of an establishment operating under a permit issued under this article or who holds the designation of an approved manager of an establishment operating under a permit issued under this article and who is aggrieved by an action of the Department of Revenue to deny his application for approval as a manager or to revoke or suspend his designation as an approved manager shall be allowed to appeal to the Board of Tax Appeals from this action. This appeal is to be filed by the aggrieved person with the Executive Director of the Board of Tax Appeals, with a copy being sent to the Department of Revenue, within fifteen (15) days from the date that person received notice of the action of the department being aggrieved. If the person aggrieved fails to appeal within this fifteen-day period, the action of the Department of Revenue shall take effect as set out in the notice. The Department of Revenue retains the authority to change at any time the action aggrieved to in an appeal under this subsection. The applicant or holder of an approved manager designation may waive his right to notice and opportunity to a hearing as provided by this subsection and agree to the action being taken by the department. The inability of the Department of Revenue to consider an application for approval of an applicant as a manager due to an incomplete application shall not constitute a denial of the application for purposes of this subsection. (3) Any applicant for approval of an area or locality as a qualified resort area under this article who is aggrieved by the decision of the Department of Revenue to deny the qualified resort area as requested and any county or municipality wherein the proposed qualified resort area is located may appeal to the Board of Tax Appeals from such decision. This appeal is to be filed by the aggrieved applicant or by the affected county or municipality with the Executive Director of the Board of Tax Appeals, with a copy being sent to the Department of Revenue, within fifteen (15) days from the date that the person or entity filing the appeal received notice of the decision of the Department of Revenue to deny the qualified resort area. If an appeal is not filed within this fifteen-day period, the decision of the Department of Revenue shall become final. The Department of Revenue retains the authority to change at any time the decision aggrieved to in an appeal under this subsection. The inability of the Department of Revenue to consider an application for the approval of an area or locality as a qualified resort area due to an incomplete application shall not constitute a denial of that application for purposes of this subsection. (4) Any person, including any county or municipality in which the qualified resort area is located, who is aggrieved by the decision of the Department of Revenue to revoke the approval of an area or locality as a qualified resort area may appeal to the Board of Tax Appeals from such decision. This appeal is to be filed by the aggrieved person with the Executive Director of the Board of Tax Appeals, with a copy being sent to the Department of Revenue, within fifteen (15) days from the date that the person or entity filing the appeal received notice of the decision of the department to revoke approval of the qualified resort area. At the discretion of the Department of Revenue, in addition to any other notice to be provided under this subsection, the department may provide notice of its decision to revoke approval of the qualified resort area by publication in the same manner as provided by regulation when approval of a qualified resort area is sought. In regard to such publication, the fifteen-day period provided herein will begin on the date that notice is first published. If an appeal is not filed within this fifteen-day period, the decision of the Department of Revenue shall become final. The Department of Revenue retains the authority to change at any time the decision aggrieved to in an appeal under this subsection. (5) Any person objecting to an application for the issuance or transfer of a permit, other than a temporary retailer's permit, issued under this article and who timely requests in writing a hearing on his objection shall be given a hearing before the Board of Tax Appeals unless the permit is denied by the Department of Revenue and an appeal is not taken by the applicant to the Board of Tax Appeals from that denial or the applicant withdraws his application. Any written request for a hearing on an objection must be filed with the Department of Revenue within fifteen (15) days from the first date of publication of the notice of such application under Section 67-1-53. If the department determines that the permit should be denied, notice will be provided to the applicant as set out in subsection (1) of this section, and if the applicant timely requests a hearing on the denial as provided by this subsection (5), the department will advise the Executive Director of the Board of Tax Appeals and the applicant of the written request for a hearing on an objection to the permit. The hearing on the objection to the permit and the hearing on the appeal by the applicant from the denial of the department of the application shall be consolidated and

heard by the Board of Tax Appeals at the same time. If the department determines that the permit should be issued, the department will advise the applicant and the Executive Director of the Board of Tax Appeals of the timely written request for a hearing on an objection to the application and a hearing will be set before the Board of Tax Appeals on this objection. If prior to the hearing, either the person requesting the hearing withdraws his request or the applicant withdraws his application, the hearing will be cancelled and the objection proceedings before the Board of Tax Appeals on the application will be dismissed as moot. In the case of such withdrawals, the Board of Tax Appeals is authorized to assess to either or both parties any costs incurred by it prior to such withdrawal. The Department of Revenue retains authority to issue the permit to the applicant where the person objecting to the application withdraws his request for a hearing.(6)Any person objecting to an application for approval by the Department of Revenue of a area or locality as a qualified resort area under this article and who timely requests in writing a hearing on his objection shall be given a hearing before the Board of Tax Appeals unless approval of the application is denied by the Department of Revenue and an appeal is not taken by the applicant or the county or municipality in which the proposed qualified resort area is located to the Board of Tax Appeals from that denial or the applicant withdraws his application. Any written request for a hearing on an objection must be filed with the Department of Revenue within fifteen (15) days from the first date of publication of the notice of such application as provided by regulation. If the department determines that the application for approval of the proposed area or locality as a qualified resort area should be denied, the department will proceed with denial of such application as set out in subsection (3) of this section, and if the applicant or the county or municipality in which the proposed qualified resort area is located timely requests a hearing on the denial as provided by subsection (3) of this section, the department will advise the Executive Director of the Board of Tax Appeals and the applicant of the written request for a hearing on an objection to the application. The hearing on the objection to approval of the proposed qualified resort area and the hearing on the appeal from the denial of the department of the application for such approval shall be consolidated and heard by the Board of Tax Appeals at the same time. If the department determines that the proposed qualified resort area should be approved, the department will advise the applicant and the Executive Director of the Board of Tax Appeals of the timely written request for a hearing on an objection to the application and a hearing will be set before the Board of Tax Appeals on this objection. If prior to the hearing, either the person requesting the hearing withdraws his request or the applicant withdraws his application, the hearing will be cancelled and the objection proceedings before the Board of Tax Appeals on the application will be dismissed as moot. In the case of such withdrawals, the Board of Tax Appeals is authorized to assess to either or both parties any costs incurred by it prior to such withdrawal. The Department of Revenue retains authority to approve the proposed area or locality as a qualified resort area where the person objecting to the application withdraws his request for a hearing.(7)Any person having an interest in any alcoholic beverages, light wine, beer, light spirit products or raw materials which the Department of Revenue intends to dispose of under Section67-1-18shall be given reasonable notice of this proposed disposal, and upon such notice, this person may request a hearing before the Board of Tax Appeals to establish his right or claim to this property. This request for a hearing shall be filed with the Board of Tax Appeals, with a copy sent to the Department of Revenue, within fifteen (15) days from the date of receipt of the notice provided above by the person filing the request. If a request is not received by the Board of Tax Appeals within this fifteen-day period, the department may order the property disposed of in accordance with Section67-1-18.(8)Upon receipt of a written request for hearing or appeal as set out above, the executive director shall schedule a hearing before the Board of Tax Appeals on this request or appeal. A notice of the hearing shall be mailed to all persons or entities having an interest in the matter being heard which shall always include the person or entity filing the request or appeal for which the hearing is being set, the applicant or holder of any permit, approved manager status or qualified resort area status in issue, any person who filed a written request for a hearing on an objection to any application in issue and the Department of Revenue. This notice shall provide the date, time and location of the hearing. Mailing to the attorney representing a person or entity in the matter being heard shall be the same as mailing to the person or entity the attorney represents. Failure of the person or entity on whose request or appeal the matter was set for hearing to appear personally or through his designated representative at the hearing shall constitute an involuntary withdrawal of his request or appeal. Upon such withdrawal, the Board of Tax Appeals shall note on the record the failure of the person or entity to appear at the hearing and shall dismiss the request or appeal and remand the matter back to the Department of Revenue for appropriate action.(9)At any hearing before the Board of Tax Appeals on an appeal or hearing request as set out above, two (2) members of the Board of Tax Appeals shall constitute a quorum. At the hearing, the Board of Tax Appeals shall try the issues presented according to law and the facts and pursuant to any guidelines established by regulation. The rules of evidence shall be relaxed at the hearing and the hearing shall be recorded by a court reporter. After reaching a decision on the issues presented, the Board of Tax Appeals shall enter an order setting forth its findings and decision in the matter. A copy of the order of the Board of Tax Appeals shall be mailed to the person or entity filing the request or appeal which was heard, the applicant or holder of any permit, approved manager status or qualified resort area status in issue, any person who filed a written request for a hearing on an objection to any application in issue and the Department of Revenue to notify them of the findings and decision of the Board of Tax Appeals.Laws, 2009, ch. 492, § 135; Laws, 2010, ch. 388, § 14, eff. 7/1/2010.Amended by Laws, 2020, ch. 314, HB 917,§ 40, eff. 6/18/2020.Amended by Laws, 2015, ch. 438, SB 2071, 3, eff. 4/13/2015. (1)Except as otherwise provided in this article, any applicant or holder of a permit issued under this article which is aggrieved by an action of the Department of Revenue to deny his application for a permit, to deny the renewal of his permit or to revoke or suspend his permit shall be allowed to appeal to the Board of Tax Appeals from this action. This appeal is to be filed by the aggrieved person with the Executive Director of the Board of Tax Appeals, with a copy being sent to the Department of Revenue, within fifteen (15) days from the date that person received notice of the action of the department being aggrieved. If the person aggrieved fails to appeal within this fifteen-day period, the action of the Department of Revenue shall take effect as set out in the notice. The Department of

Revenue retains the authority to change at any time the action aggrieved to in an appeal under this subsection. The applicant or holder of any permit issued under this article may waive his right to notice and opportunity to a hearing as provided by this subsection and agree to the action being taken by the department. The inability of the Department of Revenue to issue or renew a permit due to an incomplete application or due to the failure of the applicant to pay the annual privilege taxes and fees provided by Section 27-71-5 and/or the failure of the applicant to post or deposit the bond, cash or securities as required by Section 27-71-21 shall not constitute a denial for purposes of this subsection.

(2) Any applicant for approval as a manager of an establishment operating under a permit issued under this article or who holds the designation of an approved manager of an establishment operating under a permit issued under this article and who is aggrieved by an action of the Department of Revenue to deny his application for approval as a manager or to revoke or suspend his designation as an approved manager shall be allowed to appeal to the Board of Tax Appeals from this action. This appeal is to be filed by the aggrieved person with the Executive Director of the Board of Tax Appeals, with a copy being sent to the Department of Revenue, within fifteen (15) days from the date that person received notice of the action of the department being aggrieved. If the person aggrieved fails to appeal within this fifteen-day period, the action of the Department of Revenue shall take effect as set out in the notice. The Department of Revenue retains the authority to change at any time the action aggrieved to in an appeal under this subsection. The applicant or holder of an approved manager designation may waive his right to notice and opportunity to a hearing as provided by this subsection and agree to the action being taken by the department. The inability of the Department of Revenue to consider an application for approval of an applicant as a manager due to an incomplete application shall not constitute a denial of the application for purposes of this subsection.

(3) Any applicant for approval of an area or locality as a qualified resort area under this article who is aggrieved by the decision of the Department of Revenue to deny the qualified resort area as requested and any county or municipality wherein the proposed qualified resort area is located may appeal to the Board of Tax Appeals from such decision. This appeal is to be filed by the aggrieved applicant or by the affected county or municipality with the Executive Director of the Board of Tax Appeals, with a copy being sent to the Department of Revenue, within fifteen (15) days from the date that the person or entity filing the appeal received notice of the decision of the Department of Revenue to deny the qualified resort area. If an appeal is not filed within this fifteen-day period, the decision of the Department of Revenue shall become final. The Department of Revenue retains the authority to change at any time the decision aggrieved to in an appeal under this subsection. The inability of the Department of Revenue to consider an application for the approval of an area or locality as a qualified resort area due to an incomplete application shall not constitute a denial of that application for purposes of this subsection.

(4) Any person, including any county or municipality in which the qualified resort area is located, who is aggrieved by the decision of the Department of Revenue to revoke the approval of an area or locality as a qualified resort area may appeal to the Board of Tax Appeals from such decision. This appeal is to be filed by the aggrieved person with the Executive Director of the Board of Tax Appeals, with a copy being sent to the Department of Revenue, within fifteen (15) days from the date that the person or entity filing the appeal received notice of the decision of the department to revoke approval of the qualified resort area. At the discretion of the Department of Revenue, in addition to any other notice to be provided under this subsection, the department may provide notice of its decision to revoke approval of the qualified resort area by publication in the same manner as provided by regulation when approval of a qualified resort area is sought. In regard to such publication, the fifteen-day period provided herein will begin on the date that notice is first published. If an appeal is not filed within this fifteen-day period, the decision of the Department of Revenue shall become final. The Department of Revenue retains the authority to change at any time the decision aggrieved to in an appeal under this subsection.

(5) Any person objecting to an application for the issuance or transfer of a permit, other than a temporary retailer's permit, issued under this article and who timely requests in writing a hearing on his objection shall be given a hearing before the Board of Tax Appeals unless the permit is denied by the Department of Revenue and an appeal is not taken by the applicant to the Board of Tax Appeals from that denial or the applicant withdraws his application. Any written request for a hearing on an objection must be filed with the Department of Revenue within fifteen (15) days from the first date of publication of the notice of such application under Section 67-1-53. If the department determines that the permit should be denied, notice will be provided to the applicant as set out in subsection (1) of this section, and if the applicant timely requests a hearing on the denial as provided by this subsection (5), the department will advise the Executive Director of the Board of Tax Appeals and the applicant of the written request for a hearing on an objection to the permit. The hearing on the objection to the permit and the hearing on the appeal by the applicant from the denial of the department of the application shall be consolidated and heard by the Board of Tax Appeals at the same time. If the department determines that the permit should be issued, the department will advise the applicant and the Executive Director of the Board of Tax Appeals of the timely written request for a hearing on an objection to the application and a hearing will be set before the Board of Tax Appeals on this objection. If prior to the hearing, either the person requesting the hearing withdraws his request or the applicant withdraws his application, the hearing will be cancelled and the objection proceedings before the Board of Tax Appeals on the application will be dismissed as moot. In the case of such withdrawals, the Board of Tax Appeals is authorized to assess to either or both parties any costs incurred by it prior to such withdrawal. The Department of Revenue retains authority to issue the permit to the applicant where the person objecting to the application withdraws his request for a hearing.

(6) Any person objecting to an application for approval by the Department of Revenue of an area or locality as a qualified resort area under this article and who timely requests in writing a hearing on his objection shall be given a hearing before the Board of Tax Appeals unless approval of the application is denied by the Department of Revenue and an appeal is not taken by the applicant or the county or municipality in which the proposed qualified resort area is located to the Board of Tax Appeals from that denial or the applicant withdraws his application. Any written request for a hearing on an objection must be filed with the Department of Revenue within fifteen (15) days from the first date of publication of the notice of

such application as provided by regulation. If the department determines that the application for approval of the proposed area or locality as a qualified resort area should be denied, the department will proceed with denial of such application as set out in subsection (3) of this section, and if the applicant or the county or municipality in which the proposed qualified resort area is located timely requests a hearing on the denial as provided by subsection (3) of this section, the department will advise the Executive Director of the Board of Tax Appeals and the applicant of the written request for a hearing on an objection to the application. The hearing on the objection to approval of the proposed qualified resort area and the hearing on the appeal from the denial of the department of the application for such approval shall be consolidated and heard by the Board of Tax Appeals at the same time. If the department determines that the proposed qualified resort area should be approved, the department will advise the applicant and the Executive Director of the Board of Tax Appeals of the timely written request for a hearing on an objection to the application and a hearing will be set before the Board of Tax Appeals on this objection. If prior to the hearing, either the person requesting the hearing withdraws his request or the applicant withdraws his application, the hearing will be cancelled and the objection proceedings before the Board of Tax Appeals on the application will be dismissed as moot. In the case of such withdrawals, the Board of Tax Appeals is authorized to assess to either or both parties any costs incurred by it prior to such withdrawal. The Department of Revenue retains authority to approve the proposed area or locality as a qualified resort area where the person objecting to the application withdraws his request for a hearing.(7)Any person having an interest in any alcoholic beverages, light wine, beer, light spirit products or raw materials which the Department of Revenue intends to dispose of under Section67-1-18shall be given reasonable notice of this proposed disposal, and upon such notice, this person may request a hearing before the Board of Tax Appeals to establish his right or claim to this property. This request for a hearing shall be filed with the Board of Tax Appeals, with a copy sent to the Department of Revenue, within fifteen (15) days from the date of receipt of the notice provided above by the person filing the request. If a request is not received by the Board of Tax Appeals within this fifteen-day period, the department may order the property disposed of in accordance with Section67-1-18.(8)Upon receipt of a written request for hearing or appeal as set out above, the executive director shall schedule a hearing before the Board of Tax Appeals on this request or appeal. A notice of the hearing shall be mailed to all persons or entities having an interest in the matter being heard which shall always include the person or entity filing the request or appeal for which the hearing is being set, the applicant or holder of any permit, approved manager status or qualified resort area status in issue, any person who filed a written request for a hearing on an objection to any application in issue and the Department of Revenue. This notice shall provide the date, time and location of the hearing. Mailing to the attorney representing a person or entity in the matter being heard shall be the same as mailing to the person or entity the attorney represents. Failure of the person or entity on whose request or appeal the matter was set for hearing to appear personally or through his designated representative at the hearing shall constitute an involuntary withdrawal of his request or appeal. Upon such withdrawal, the Board of Tax Appeals shall note on the record the failure of the person or entity to appear at the hearing and shall dismiss the request or appeal and remand the matter back to the Department of Revenue for appropriate action.(9)At any hearing before the Board of Tax Appeals on an appeal or hearing request as set out above, two (2) members of the Board of Tax Appeals shall constitute a quorum. At the hearing, the Board of Tax Appeals shall try the issues presented according to law and the facts and pursuant to any guidelines established by regulation. The rules of evidence shall be relaxed at the hearing and the hearing shall be recorded by a court reporter. After reaching a decision on the issues presented, the Board of Tax Appeals shall enter an order setting forth its findings and decision in the matter. A copy of the order of the Board of Tax Appeals shall be mailed to the person or entity filing the request or appeal which was heard, the applicant or holder of any permit, approved manager status or qualified resort area status in issue, any person who filed a written request for a hearing on an objection to any application in issue and the Department of Revenue to notify them of the findings and decision of the Board of Tax Appeals.Laws, 2009, ch. 492, § 135; Laws, 2010, ch. 388, § 14, eff. 7/1/2010.Amended by Laws, 2020, ch. 314, HB 917,§ 40, eff. 6/18/2020.Amended by Laws, 2015, ch. 438, SB 2071, 3, eff. 4/13/2015. Laws, 2009, ch. 492, § 135; Laws, 2010, ch. 388, § 14, eff. 7/1/2010. Amended by Laws, 2020, ch. 314, HB 917,§ 40, eff. 6/18/2020. Amended by Laws, 2015, ch. 438, SB 2071, 3, eff. 4/13/2015.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101)Section 67-1-73 - Records and reports; penalty

Every manufacturer, including native wine or native spirit producers, within or without the state, and every other shipper of alcoholic beverages who sells any alcoholic beverage, including native wine or native spirit, within the state, shall, at the time of making such sale, file with the department a copy of the invoice of such sale showing in detail the kind of alcoholic beverage sold, the quantities of each, the size of the container and the weight of the contents, the alcoholic content, and the name and address of the person to whom sold.Every person transporting alcoholic beverages, including native wine or native spirit, within this state to a point within this state, whether such transportation originates within or without this state, shall, within five (5) days after delivery of such shipment, furnish the department a copy of the bill of lading or receipt, showing the name or consignor or consignee, date, place received, destination, and quantity of alcoholic beverages delivered. Upon failure to comply with the provisions of this section, such person shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in the sum of Fifty Dollars (\$50.00) for each offense.Codes, 1942, § 10265-30; Laws, 1966, ch. 540, § 30; Laws, 1976, ch. 467, § 19, eff. 5/25/1976.Amended by Laws, 2021, ch. 388, SB 2606,§ 14, eff. 7/1/2021. Every manufacturer, including native wine or native spirit producers, within or without the state, and every other shipper of alcoholic beverages who sells any alcoholic beverage, including native wine or native spirit, within the state, shall, at the time of making such sale, file with the department a copy of the invoice of

such sale showing in detail the kind of alcoholic beverage sold, the quantities of each, the size of the container and the weight of the contents, the alcoholic content, and the name and address of the person to whom sold. Every person transporting alcoholic beverages, including native wine or native spirit, within this state to a point within this state, whether such transportation originates within or without this state, shall, within five (5) days after delivery of such shipment, furnish the department a copy of the bill of lading or receipt, showing the name or consignor or consignee, date, place received, destination, and quantity of alcoholic beverages delivered. Upon failure to comply with the provisions of this section, such person shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in the sum of Fifty Dollars (\$50.00) for each offense. Codes, 1942, § 10265-30; Laws, 1966, ch. 540, § 30; Laws, 1976, ch. 467, § 19, eff. 5/25/1976. Amended by Laws, 2021, ch. 388, SB 2606, § 14, eff. 7/1/2021. Every manufacturer, including native wine or native spirit producers, within or without the state, and every other shipper of alcoholic beverages who sells any alcoholic beverage, including native wine or native spirit, within the state, shall, at the time of making such sale, file with the department a copy of the invoice of such sale showing in detail the kind of alcoholic beverage sold, the quantities of each, the size of the container and the weight of the contents, the alcoholic content, and the name and address of the person to whom sold. Every person transporting alcoholic beverages, including native wine or native spirit, within this state to a point within this state, whether such transportation originates within or without this state, shall, within five (5) days after delivery of such shipment, furnish the department a copy of the bill of lading or receipt, showing the name or consignor or consignee, date, place received, destination, and quantity of alcoholic beverages delivered. Upon failure to comply with the provisions of this section, such person shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in the sum of Fifty Dollars (\$50.00) for each offense. Codes, 1942, § 10265-30; Laws, 1966, ch. 540, § 30; Laws, 1976, ch. 467, § 19, eff. 5/25/1976. Amended by Laws, 2021, ch. 388, SB 2606, § 14, eff. 7/1/2021. Every manufacturer, including native wine or native spirit producers, within or without the state, and every other shipper of alcoholic beverages who sells any alcoholic beverage, including native wine or native spirit, within the state, shall, at the time of making such sale, file with the department a copy of the invoice of such sale showing in detail the kind of alcoholic beverage sold, the quantities of each, the size of the container and the weight of the contents, the alcoholic content, and the name and address of the person to whom sold. Every person transporting alcoholic beverages, including native wine or native spirit, within this state to a point within this state, whether such transportation originates within or without this state, shall, within five (5) days after delivery of such shipment, furnish the department a copy of the bill of lading or receipt, showing the name or consignor or consignee, date, place received, destination, and quantity of alcoholic beverages delivered. Upon failure to comply with the provisions of this section, such person shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in the sum of Fifty Dollars (\$50.00) for each offense. Codes, 1942, § 10265-30; Laws, 1966, ch. 540, § 30; Laws, 1976, ch. 467, § 19, eff. 5/25/1976. Amended by Laws, 2021, ch. 388, SB 2606, § 14, eff. 7/1/2021.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-75 - Offenses by holder of package retailer's permit or by employee thereof; penalty

If the holder of a package retailer's permit, or any employee thereof: (a) Shall sell, offer for sale or permit to be sold in, on or about the premises covered by such permit any alcoholic beverages except in the original sealed and unopened packages; or (b) Shall permit the drinking or consumption of any alcoholic beverages in, on or about the premises covered by such permit except as may be otherwise authorized by this article; or (c) Shall sell, offer for sale or permit the sale in, on or about the premises of alcoholic beverages in any package or container containing less than fifty (50) milliliters by liquid measure; then such person or employee shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for a term of not more than one (1) year, or by both such fine and imprisonment, in the discretion of the court. In addition, in the case of the commission of any of such offenses by the holder of a permit, it shall be the duty of the commission forthwith to revoke the permit held by such person and conviction of the criminal offense shall not be a condition precedent to such revocation. Codes, 1942, § 10265-25; Laws, 1966, ch. 540, § 25; Laws, 1977, ch. 418; Laws, 1988, ch. 383, § 3, eff. 7/1/1988. Amended by Laws, 2014, ch. 516, HB 801, 3, eff. 7/1/2014. If the holder of a package retailer's permit, or any employee thereof: (a) Shall sell, offer for sale or permit to be sold in, on or about the premises covered by such permit any alcoholic beverages except in the original sealed and unopened packages; or (b) Shall permit the drinking or consumption of any alcoholic beverages in, on or about the premises covered by such permit except as may be otherwise authorized by this article; or (c) Shall sell, offer for sale or permit the sale in, on or about the premises of alcoholic beverages in any package or container containing less than fifty (50) milliliters by liquid measure; then such person or employee shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for a term of not more than one (1) year, or by both such fine and imprisonment, in the discretion of the court. In addition, in the case of the commission of any of such offenses by the holder of a permit, it shall be the duty of the commission forthwith to revoke the permit held by such person and conviction of the criminal offense shall not be a condition precedent to such revocation. Codes, 1942, § 10265-25; Laws, 1966, ch. 540, § 25; Laws, 1977, ch. 418; Laws, 1988, ch. 383, § 3, eff. 7/1/1988. Amended by Laws, 2014, ch. 516, HB 801, 3, eff. 7/1/2014. If the holder of a package retailer's permit, or any employee thereof: (a) Shall sell, offer for sale or permit to be sold in, on or about the premises covered by such permit any alcoholic beverages except in the original sealed and unopened packages; or (b) Shall permit the drinking or consumption of any alcoholic beverages in, on or about the premises covered by such permit except as may be otherwise authorized by this article; or (c) Shall sell, offer for sale or permit the sale in, on or about the premises of alcoholic beverages in any package or container containing less than fifty (50) milliliters by liquid measure;

then such person or employee shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for a term of not more than one (1) year, or by both such fine and imprisonment, in the discretion of the court. In addition, in the case of the commission of any of such offenses by the holder of a permit, it shall be the duty of the commission forthwith to revoke the permit held by such person and conviction of the criminal offense shall not be a condition precedent to such revocation. Codes, 1942, § 10265-25; Laws, 1966, ch. 540, § 25; Laws, 1977, ch. 418; Laws, 1988, ch. 383, § 3, eff. 7/1/1988. Amended by Laws, 2014, ch. 516, HB 801, 3, eff. 7/1/2014. If the holder of a package retailer's permit, or any employee thereof: Codes, 1942, § 10265-25; Laws, 1966, ch. 540, § 25; Laws, 1977, ch. 418; Laws, 1988, ch. 383, § 3, eff. 7/1/1988. Amended by Laws, 2014, ch. 516, HB 801, 3, eff. 7/1/2014.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-77 - Financial interest prohibition; exceptions; penalty

(1) It shall be unlawful for the holder of a manufacturer's or wholesaler's permit, or anyone connected with the business of such holder, or for any other distiller, wine manufacturer, rectifier, blender or bottler, to have any financial interest in any premises upon which any alcoholic beverage is sold at retail by any permittee, or in the business conducted by such permittee, except that: (a) The holder of a manufacturer's or wholesaler's permit may contract for the service of a representative in the area of governmental affairs on a part-time basis with a holder of an on-premises permit. (b) A distiller, wine manufacturer, rectifier, blender or bottler may have a financial interest in a premises upon which alcoholic beverages are sold at retail by a permittee, or in the business conducted by a permittee, if the permittee does not sell or serve any alcoholic beverages that are distilled, manufactured, rectified, blended or bottled by the distiller, wine manufacturer, rectifier, blender or bottler having the financial interest in the premises or in the business conducted by a permittee. (c) [Through June 30, 2026] A distiller, wine manufacturer, rectifier, blender or bottler may have a financial interest in and possess a distillery retailer's permit and a wine festival permit. (c) [From and after July 1, 2026] A distiller, wine manufacturer, rectifier, blender or bottler may have a financial interest in and possess a distillery retailer's permit. (d) The holder of a manufacturer's permit which is located adjacent to the Mississippi Museum of Art and is bordered by Court Street, Farish Street, South Street and Town Creek may have a financial interest in a premises upon which alcoholic beverages are sold at retail. (2) It shall also be unlawful for any such person, or anyone connected with his, its, or their business to lend any money or make any gift or offer any gratuity, to any retail permittee, except as authorized by regulations of the commission, to the holder of any retail permit issued under the provisions of this article. Except as above provided, no retail permittee shall accept, receive, or make use of any money or gift furnished by any such person, or become indebted to such person except for the purchase of alcoholic beverages. (3) The commission shall not prohibit the furnishing of advertising specialties, printed materials, or other things having nominal value to a retail permittee. This section shall not be construed to prohibit the possession by any person of advertising specialties, printed materials, or other things having nominal value furnished by a retail permittee. (4) Any person violating the provisions of this section shall, upon conviction, be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment for not more than two (2) years, or by both such fine and imprisonment, in the discretion of the court. Codes, 1942, § 10265-26; Laws, 1966, ch. 540, § 26; Laws, 1985, ch. 422; Laws, 1986, ch. 450, § 2; Laws, 1989, ch. 361, § 1; Laws, 2007, ch. 302, § 1, eff. Jan. 31, 2007. Amended by Laws, 2023, ch. 533, HB 252, § 3, eff. 7/1/2023. Amended by Laws, 2020, ch. 458, SB 2253, § 5, eff. 7/1/2020. Amended by Laws, 2020, ch. 429, SB 2545, § 7, eff. 7/1/2020. Amended by Laws, 2018, ch. 453, HB 995, § 2, eff. 7/1/2018. (1) It shall be unlawful for the holder of a manufacturer's or wholesaler's permit, or anyone connected with the business of such holder, or for any other distiller, wine manufacturer, rectifier, blender or bottler, to have any financial interest in any premises upon which any alcoholic beverage is sold at retail by any permittee, or in the business conducted by such permittee, except that: (a) The holder of a manufacturer's or wholesaler's permit may contract for the service of a representative in the area of governmental affairs on a part-time basis with a holder of an on-premises permit. (b) A distiller, wine manufacturer, rectifier, blender or bottler may have a financial interest in a premises upon which alcoholic beverages are sold at retail by a permittee, or in the business conducted by a permittee, if the permittee does not sell or serve any alcoholic beverages that are distilled, manufactured, rectified, blended or bottled by the distiller, wine manufacturer, rectifier, blender or bottler having the financial interest in the premises or in the business conducted by a permittee. (c) [Through June 30, 2026] A distiller, wine manufacturer, rectifier, blender or bottler may have a financial interest in and possess a distillery retailer's permit and a wine festival permit. (c) [From and after July 1, 2026] A distiller, wine manufacturer, rectifier, blender or bottler may have a financial interest in and possess a distillery retailer's permit. (d) The holder of a manufacturer's permit which is located adjacent to the Mississippi Museum of Art and is bordered by Court Street, Farish Street, South Street and Town Creek may have a financial interest in a premises upon which alcoholic beverages are sold at retail. (2) It shall also be unlawful for any such person, or anyone connected with his, its, or their business to lend any money or make any gift or offer any gratuity, to any retail permittee, except as authorized by regulations of the commission, to the holder of any retail permit issued under the provisions of this article. Except as above provided, no retail permittee shall accept, receive, or make use of any money or gift furnished by any such person, or become indebted to such person except for the purchase of alcoholic beverages. (3) The commission shall not prohibit the furnishing of advertising specialties, printed materials, or other things having nominal value to a retail permittee. This section shall not be construed to prohibit the possession by any person of advertising specialties, printed materials, or other things having nominal value furnished by a retail permittee. (4) Any person violating the provisions of this section shall, upon conviction, be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment for not more than two (2) years, or by both such fine and imprisonment, in the discretion of the

court.Codes, 1942, § 10265-26; Laws, 1966, ch. 540, § 26; Laws, 1985, ch. 422; Laws, 1986, ch. 450, § 2; Laws, 1989, ch. 361, § 1; Laws, 2007, ch. 302, § 1, eff. Jan. 31, 2007.Amended by Laws, 2023, ch. 533, HB 252,§ 3, eff. 7/1/2023.Amended by Laws, 2020, ch. 458, SB 2253,§ 5, eff. 7/1/2020.Amended by Laws, 2020, ch. 429, SB 2545,§ 7, eff. 7/1/2020.Amended by Laws, 2018, ch. 453, HB 995,§ 2, eff. 7/1/2018. (1)It shall be unlawful for the holder of a manufacturer's or wholesaler's permit, or anyone connected with the business of such holder, or for any other distiller, wine manufacturer, rectifier, blender or bottler, to have any financial interest in any premises upon which any alcoholic beverage is sold at retail by any permittee, or in the business conducted by such permittee, except that:(a)The holder of a manufacturer's or wholesaler's permit may contract for the service of a representative in the area of governmental affairs on a part-time basis with a holder of an on-premises permit.(b)A distiller, wine manufacturer, rectifier, blender or bottler may have a financial interest in a premises upon which alcoholic beverages are sold at retail by a permittee, or in the business conducted by a permittee, if the permittee does not sell or serve any alcoholic beverages that are distilled, manufactured, rectified, blended or bottled by the distiller, wine manufacturer, rectifier, blender or bottler having the financial interest in the premises or in the business conducted by a permittee.(c)[Through June 30, 2026]A distiller, wine manufacturer, rectifier, blender or bottler may have a financial interest in and possess a distillery retailer's permit and a wine festival permit.(c)[From and after July 1, 2026]A distiller, wine manufacturer, rectifier, blender or bottler may have a financial interest in and possess a distillery retailer's permit.(d)The holder of a manufacturer's permit which is located adjacent to the Mississippi Museum of Art and is bordered by Court Street, Farish Street, South Street and Town Creek may have a financial interest in a premises upon which alcoholic beverages are sold at retail.(2)It shall also be unlawful for any such person, or anyone connected with his, its, or their business to lend any money or make any gift or offer any gratuity, to any retail permittee, except as authorized by regulations of the commission, to the holder of any retail permit issued under the provisions of this article. Except as above provided, no retail permittee shall accept, receive, or make use of any money or gift furnished by any such person, or become indebted to such person except for the purchase of alcoholic beverages.(3)The commission shall not prohibit the furnishing of advertising specialties, printed materials, or other things having nominal value to a retail permittee. This section shall not be construed to prohibit the possession by any person of advertising specialties, printed materials, or other things having nominal value furnished by a retail permittee.(4)Any person violating the provisions of this section shall, upon conviction, be punished by a fine of not more than Five Thousand Dollars (\$5,000.00) or by imprisonment for not more than two (2) years, or by both such fine and imprisonment, in the discretion of the court.Codes, 1942, § 10265-26; Laws, 1966, ch. 540, § 26; Laws, 1985, ch. 422; Laws, 1986, ch. 450, § 2; Laws, 1989, ch. 361, § 1; Laws, 2007, ch. 302, § 1, eff. Jan. 31, 2007.Amended by Laws, 2023, ch. 533, HB 252,§ 3, eff. 7/1/2023.Amended by Laws, 2020, ch. 458, SB 2253,§ 5, eff. 7/1/2020.Amended by Laws, 2020, ch. 429, SB 2545,§ 7, eff. 7/1/2020.Amended by Laws, 2018, ch. 453, HB 995,§ 2, eff. 7/1/2018. Codes, 1942, § 10265-26; Laws, 1966, ch. 540, § 26; Laws, 1985, ch. 422; Laws, 1986, ch. 450, § 2; Laws, 1989, ch. 361, § 1; Laws, 2007, ch. 302, § 1, eff. Jan. 31, 2007. Amended by Laws, 2023, ch. 533, HB 252,§ 3, eff. 7/1/2023. Amended by Laws, 2020, ch. 458, SB 2253,§ 5, eff. 7/1/2020. Amended by Laws, 2020, ch. 429, SB 2545,§ 7, eff. 7/1/2020. Amended by Laws, 2018, ch. 453, HB 995,§ 2, eff. 7/1/2018.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101)Section 67-1-79 - Credit to retailers prohibited

No alcoholic beverage shall be sold by any wholesaler to any retailer, nor shall any retailer purchase any alcoholic beverage, except for cash. Each delivery of any alcoholic beverage to a retail permittee shall be accompanied by an invoice of sale or delivery slip which shall bear as its date the date of delivery of such alcoholic beverage.Codes, 1942, § 10265-27; Laws, 1966, ch. 540, § 27, eff. 7/1/1966. No alcoholic beverage shall be sold by any wholesaler to any retailer, nor shall any retailer purchase any alcoholic beverage, except for cash. Each delivery of any alcoholic beverage to a retail permittee shall be accompanied by an invoice of sale or delivery slip which shall bear as its date the date of delivery of such alcoholic beverage.Codes, 1942, § 10265-27; Laws, 1966, ch. 540, § 27, eff. 7/1/1966. No alcoholic beverage shall be sold by any wholesaler to any retailer, nor shall any retailer purchase any alcoholic beverage, except for cash. Each delivery of any alcoholic beverage to a retail permittee shall be accompanied by an invoice of sale or delivery slip which shall bear as its date the date of delivery of such alcoholic beverage.Codes, 1942, § 10265-27; Laws, 1966, ch. 540, § 27, eff. 7/1/1966. No alcoholic beverage shall be sold by any wholesaler to any retailer, nor shall any retailer purchase any alcoholic beverage, except for cash. Each delivery of any alcoholic beverage to a retail permittee shall be accompanied by an invoice of sale or delivery slip which shall bear as its date the date of delivery of such alcoholic beverage. Codes, 1942, § 10265-27; Laws, 1966, ch. 540, § 27, eff. 7/1/1966.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101)Section 67-1-81 - Sales to minors prohibited; penalties

(1)(a)Any permittee or other person who shall sell, furnish, dispose of, give, or cause to be sold, furnished, disposed of, or given, any alcoholic beverage to any person under the age of twenty-one (21) years shall be guilty of a misdemeanor and shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) for a first offense. For a second or subsequent offense, such permittee or other person shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Two Thousand Dollars (\$2,000.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment in the discretion of the court.(b)(i)If a permittee, or any employee of a permittee, violates paragraph (a) of

this subsection (1), then, in addition to any other penalty provided for by law, the commissioner may impose the following penalties against the permittee on whose premises the alcoholic beverages were sold, given or furnished: 1. For the first offense on the licensed premises, suspension of the permit for not more than one (1) week. 2. For a second offense occurring on the licensed premises within a twelve-month period, suspension of the permit for not more than two (2) weeks. 3. For a third offense occurring on the licensed premises within a twelve-month period, suspension of the permit for not more than three (3) weeks or revocation of the permit. 4. For a fourth or subsequent offense occurring on the licensed premises within a twelve-month period, revocation of the permit. A violation of paragraph (a) of this subsection (1) shall be sufficient to impose the administrative penalties authorized under this paragraph (b), and any expunction of conviction shall have no effect on any administrative penalty imposed against a permittee under this paragraph (b). (2) Any person under the age of twenty-one (21) years who purchases, receives, or has in his or her possession in any public place, any alcoholic beverages, shall be guilty of a misdemeanor and shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00). Provided, that clearing or busing tables that have glasses or other containers that contain or did contain alcoholic beverages, or stocking, bagging or otherwise handling purchases of alcoholic beverages shall not be deemed possession of alcoholic beverages for the purposes of this section. Provided further, that a person who is at least eighteen (18) years of age but under the age of twenty-one (21) years who waits on tables by taking orders for or delivering orders of alcoholic beverages shall not be deemed to unlawfully possess or furnish alcoholic beverages if in the scope of his employment by the holder of an on-premises retailer's permit. This exception shall not authorize a person under the age of twenty-one (21) to tend bar or act in the capacity of bartender. Any person under the age of twenty-one (21) who knowingly makes a false statement to the effect that he or she is twenty-one (21) years old or older or presents any document that indicates he or she is twenty-one (21) years of age or older for the purpose of purchasing alcoholic beverages from any person engaged in the sale of alcoholic beverages shall be guilty of a misdemeanor and shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00), and a sentence to not more than thirty (30) days' community service. (3) The term "community service" as used in this section shall mean work, projects or services for the benefit of the community assigned, supervised and recorded by appropriate public officials. (4) If a person under the age of twenty-one (21) years is convicted or enters a plea of guilty of purchasing, receiving or having in his or her possession in any public place any alcoholic beverages in violation of subsection (2) of this section, the trial judge, in lieu of the penalties otherwise provided under subsection (2) of this section, shall suspend the minor's driver's license by taking and keeping it in the custody of the court for a period of time not to exceed ninety (90) days. The judge so ordering the suspension shall enter upon his docket "DEFENDANT'S DRIVER'S LICENSE SUSPENDED FOR ____ DAYS IN LIEU OF CONVICTION" and such action by the trial judge shall not constitute a conviction. During the period that the minor's driver's license is suspended, the trial judge shall suspend the imposition of any fines or penalties that may be imposed under subsection (2) of this section and may place the minor on probation subject to such conditions as the judge deems appropriate. If the minor violates any of the conditions of probation, then the trial judge shall return the driver's license to the minor and impose the fines, penalties or both, that he would have otherwise imposed, and such action shall constitute a conviction. Codes, 1942, § 10265-31; Laws, 1966, ch. 540, § 31; Laws, 1979, ch. 380; Laws, 1992, ch. 460, § 1; Laws, 2009, ch. 350, § 1, eff. 7/1/2009. Amended by Laws, 2020, ch. 470, SB 2596, § 1, eff. 7/8/2020. (1)(a) Any permittee or other person who shall sell, furnish, dispose of, give, or cause to be sold, furnished, disposed of, or given, any alcoholic beverage to any person under the age of twenty-one (21) years shall be guilty of a misdemeanor and shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) for a first offense. For a second or subsequent offense, such permittee or other person shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Two Thousand Dollars (\$2,000.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment in the discretion of the court. (b)(i) If a permittee, or any employee of a permittee, violates paragraph (a) of this subsection (1), then, in addition to any other penalty provided for by law, the commissioner may impose the following penalties against the permittee on whose premises the alcoholic beverages were sold, given or furnished: 1. For the first offense on the licensed premises, suspension of the permit for not more than one (1) week. 2. For a second offense occurring on the licensed premises within a twelve-month period, suspension of the permit for not more than two (2) weeks. 3. For a third offense occurring on the licensed premises within a twelve-month period, suspension of the permit for not more than three (3) weeks or revocation of the permit. 4. For a fourth or subsequent offense occurring on the licensed premises within a twelve-month period, revocation of the permit. A violation of paragraph (a) of this subsection (1) shall be sufficient to impose the administrative penalties authorized under this paragraph (b), and any expunction of conviction shall have no effect on any administrative penalty imposed against a permittee under this paragraph (b). (2) Any person under the age of twenty-one (21) years who purchases, receives, or has in his or her possession in any public place, any alcoholic beverages, shall be guilty of a misdemeanor and shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00). Provided, that clearing or busing tables that have glasses or other containers that contain or did contain alcoholic beverages, or stocking, bagging or otherwise handling purchases of alcoholic beverages shall not be deemed possession of alcoholic beverages for the purposes of this section. Provided further, that a person who is at least eighteen (18) years of age but under the age of twenty-one (21) years who waits on tables by taking orders for or delivering orders of alcoholic beverages shall not be deemed to unlawfully possess or furnish alcoholic beverages if in the scope of his employment by the holder of an on-premises retailer's permit. This exception shall not authorize a person under the age of twenty-one (21) to tend bar or act in the capacity of bartender. Any person under the age of twenty-one (21) who knowingly makes a false statement to the effect that he or she is twenty-one (21) years old or older or presents any document that indicates he or she is twenty-one (21) years of age or older for the purpose of purchasing alcoholic beverages from any person engaged in the sale of

alcoholic beverages shall be guilty of a misdemeanor and shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00), and a sentence to not more than thirty (30) days' community service.(3)The term "community service" as used in this section shall mean work, projects or services for the benefit of the community assigned, supervised and recorded by appropriate public officials.(4)If a person under the age of twenty-one (21) years is convicted or enters a plea of guilty of purchasing, receiving or having in his or her possession in any public place any alcoholic beverages in violation of subsection (2) of this section, the trial judge, in lieu of the penalties otherwise provided under subsection (2) of this section, shall suspend the minor's driver's license by taking and keeping it in the custody of the court for a period of time not to exceed ninety (90) days. The judge so ordering the suspension shall enter upon his docket "DEFENDANT'S DRIVER'S LICENSE SUSPENDED FOR ____ DAYS IN LIEU OF CONVICTION" and such action by the trial judge shall not constitute a conviction. During the period that the minor's driver's license is suspended, the trial judge shall suspend the imposition of any fines or penalties that may be imposed under subsection (2) of this section and may place the minor on probation subject to such conditions as the judge deems appropriate. If the minor violates any of the conditions of probation, then the trial judge shall return the driver's license to the minor and impose the fines, penalties or both, that he would have otherwise imposed, and such action shall constitute a conviction.Codes, 1942, § 10265-31; Laws, 1966, ch. 540, § 31; Laws, 1979, ch. 380; Laws, 1992, ch. 460, § 1; Laws, 2009, ch. 350, § 1, eff. 7/1/2009.Amended by Laws, 2020, ch. 470, SB 2596,§ 1, eff. 7/8/2020. (1)(a)Any permittee or other person who shall sell, furnish, dispose of, give, or cause to be sold, furnished, disposed of, or given, any alcoholic beverage to any person under the age of twenty-one (21) years shall be guilty of a misdemeanor and shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) for a first offense. For a second or subsequent offense, such permittee or other person shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Two Thousand Dollars (\$2,000.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment in the discretion of the court.(b)(i)If a permittee, or any employee of a permittee, violates paragraph (a) of this subsection (1), then, in addition to any other penalty provided for by law, the commissioner may impose the following penalties against the permittee on whose premises the alcoholic beverages were sold, given or furnished:1.For the first offense on the licensed premises, suspension of the permit for not more than one (1) week.2.For a second offense occurring on the licensed premises within a twelve-month period, suspension of the permit for not more than two (2) weeks.3.For a third offense occurring on the licensed premises within a twelve-month period, suspension of the permit for not more than three (3) weeks or revocation of the permit.4.For a fourth or subsequent offense occurring on the licensed premises within a twelve-month period, revocation of the permit.A violation of paragraph (a) of this subsection (1) shall be sufficient to impose the administrative penalties authorized under this paragraph (b), and any expunction of conviction shall have no effect on any administrative penalty imposed against a permittee under this paragraph (b).(2)Any person under the age of twenty-one (21) years who purchases, receives, or has in his or her possession in any public place, any alcoholic beverages, shall be guilty of a misdemeanor and shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00). Provided, that clearing or busing tables that have glasses or other containers that contain or did contain alcoholic beverages, or stocking, bagging or otherwise handling purchases of alcoholic beverages shall not be deemed possession of alcoholic beverages for the purposes of this section. Provided further, that a person who is at least eighteen (18) years of age but under the age of twenty-one (21) years who waits on tables by taking orders for or delivering orders of alcoholic beverages shall not be deemed to unlawfully possess or furnish alcoholic beverages if in the scope of his employment by the holder of an on-premises retailer's permit. This exception shall not authorize a person under the age of twenty-one (21) to tend bar or act in the capacity of bartender. Any person under the age of twenty-one (21) who knowingly makes a false statement to the effect that he or she is twenty-one (21) years old or older or presents any document that indicates he or she is twenty-one (21) years of age or older for the purpose of purchasing alcoholic beverages from any person engaged in the sale of alcoholic beverages shall be guilty of a misdemeanor and shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00), and a sentence to not more than thirty (30) days' community service.(3)The term "community service" as used in this section shall mean work, projects or services for the benefit of the community assigned, supervised and recorded by appropriate public officials.(4)If a person under the age of twenty-one (21) years is convicted or enters a plea of guilty of purchasing, receiving or having in his or her possession in any public place any alcoholic beverages in violation of subsection (2) of this section, the trial judge, in lieu of the penalties otherwise provided under subsection (2) of this section, shall suspend the minor's driver's license by taking and keeping it in the custody of the court for a period of time not to exceed ninety (90) days. The judge so ordering the suspension shall enter upon his docket "DEFENDANT'S DRIVER'S LICENSE SUSPENDED FOR ____ DAYS IN LIEU OF CONVICTION" and such action by the trial judge shall not constitute a conviction. During the period that the minor's driver's license is suspended, the trial judge shall suspend the imposition of any fines or penalties that may be imposed under subsection (2) of this section and may place the minor on probation subject to such conditions as the judge deems appropriate. If the minor violates any of the conditions of probation, then the trial judge shall return the driver's license to the minor and impose the fines, penalties or both, that he would have otherwise imposed, and such action shall constitute a conviction.Codes, 1942, § 10265-31; Laws, 1966, ch. 540, § 31; Laws, 1979, ch. 380; Laws, 1992, ch. 460, § 1; Laws, 2009, ch. 350, § 1, eff. 7/1/2009.Amended by Laws, 2020, ch. 470, SB 2596,§ 1, eff. 7/8/2020. A violation of paragraph (a) of this subsection (1) shall be sufficient to impose the administrative penalties authorized under this paragraph (b), and any expunction of conviction shall have no effect on any administrative penalty imposed against a permittee under this paragraph (b). Codes, 1942, § 10265-31; Laws, 1966, ch. 540, § 31; Laws, 1979, ch. 380; Laws, 1992, ch. 460, § 1; Laws, 2009, ch. 350, § 1, eff. 7/1/2009. Amended by Laws, 2020, ch. 470, SB 2596,§ 1, eff. 7/8/2020.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-83 - Other prohibited sales; penalty

(1) It shall be unlawful for any permittee or any employee or agent thereof to sell or furnish any alcoholic beverage to any person who is visibly intoxicated, or to any person who is known to habitually drink alcoholic beverages to excess, or to any person who is known to be an habitual user of narcotics or other habit-forming drugs. It shall also be unlawful for the holder of any package retailer's permit to sell any alcoholic beverages except by delivery in person to the purchaser at the place of business of the permittee, unless the holder of a package retailer's permit also holds a delivery service permit or uses a delivery service permittee to effect delivery. (2) It shall be unlawful for any permittee or any employee or agent thereof to sell or furnish any alcoholic beverage to any person to whom the department has, after investigation, decided to prohibit the sale of those beverages because of an appeal to the department so to do by the husband, wife, father, mother, brother, sister, child, or employer of the person. The interdiction in those cases shall last until removed by the department, but no person shall be held to have violated this subsection unless he has been informed by the department, by registered letter, that it is forbidden to sell to that individual or unless that fact is otherwise known to the permittee or its employee or agent. (3) It shall be unlawful for any holder of a package retailer's permit, or any employee or agent thereof, engaged solely in the business of package retail sales under this article to sell or furnish any alcoholic beverage before 10:00 a.m. and after 10:00 p.m. or to sell alcoholic beverages on Sunday and Christmas Day. (4) Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a term of not more than six (6) months, or by both that fine and imprisonment, in the discretion of the court. In addition to any other penalties prescribed by law, the commission may immediately revoke the permit of any permittee who violates the provisions of this section. Codes, 1942, § 10265-32; Laws, 1966, ch. 540, § 32; Laws, 1972, ch. 508, § 1; Laws, 1977, ch. 485; Laws, 1986, ch. 486, § 2; Laws, 1989, ch. 384, § 2; Laws, 2008, ch. 442, § 18, eff. 7/1/2008. Amended by Laws, 2021, ch. 442, HB 1135, § 4, eff. 7/1/2021. Amended by Laws, 2021, ch. 402, HB 667, § 1, eff. 7/1/2021. (1) It shall be unlawful for any permittee or any employee or agent thereof to sell or furnish any alcoholic beverage to any person who is visibly intoxicated, or to any person who is known to habitually drink alcoholic beverages to excess, or to any person who is known to be an habitual user of narcotics or other habit-forming drugs. It shall also be unlawful for the holder of any package retailer's permit to sell any alcoholic beverages except by delivery in person to the purchaser at the place of business of the permittee, unless the holder of a package retailer's permit also holds a delivery service permit or uses a delivery service permittee to effect delivery. (2) It shall be unlawful for any permittee or any employee or agent thereof to sell or furnish any alcoholic beverage to any person to whom the department has, after investigation, decided to prohibit the sale of those beverages because of an appeal to the department so to do by the husband, wife, father, mother, brother, sister, child, or employer of the person. The interdiction in those cases shall last until removed by the department, but no person shall be held to have violated this subsection unless he has been informed by the department, by registered letter, that it is forbidden to sell to that individual or unless that fact is otherwise known to the permittee or its employee or agent. (3) It shall be unlawful for any holder of a package retailer's permit, or any employee or agent thereof, engaged solely in the business of package retail sales under this article to sell or furnish any alcoholic beverage before 10:00 a.m. and after 10:00 p.m. or to sell alcoholic beverages on Sunday and Christmas Day. (4) Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a term of not more than six (6) months, or by both that fine and imprisonment, in the discretion of the court. In addition to any other penalties prescribed by law, the commission may immediately revoke the permit of any permittee who violates the provisions of this section. Codes, 1942, § 10265-32; Laws, 1966, ch. 540, § 32; Laws, 1972, ch. 508, § 1; Laws, 1977, ch. 485; Laws, 1986, ch. 486, § 2; Laws, 1989, ch. 384, § 2; Laws, 2008, ch. 442, § 18, eff. 7/1/2008. Amended by Laws, 2021, ch. 442, HB 1135, § 4, eff. 7/1/2021. Amended by Laws, 2021, ch. 402, HB 667, § 1, eff. 7/1/2021. (1) It shall be unlawful for any permittee or any employee or agent thereof to sell or furnish any alcoholic beverage to any person who is visibly intoxicated, or to any person who is known to habitually drink alcoholic beverages to excess, or to any person who is known to be an habitual user of narcotics or other habit-forming drugs. It shall also be unlawful for the holder of any package retailer's permit to sell any alcoholic beverages except by delivery in person to the purchaser at the place of business of the permittee, unless the holder of a package retailer's permit also holds a delivery service permit or uses a delivery service permittee to effect delivery. (2) It shall be unlawful for any permittee or any employee or agent thereof to sell or furnish any alcoholic beverage to any person to whom the department has, after investigation, decided to prohibit the sale of those beverages because of an appeal to the department so to do by the husband, wife, father, mother, brother, sister, child, or employer of the person. The interdiction in those cases shall last until removed by the department, but no person shall be held to have violated this subsection unless he has been informed by the department, by registered letter, that it is forbidden to sell to that individual or unless that fact is otherwise known to the permittee or its employee or agent. (3) It shall be unlawful for any holder of a package retailer's permit, or any employee or agent thereof, engaged solely in the business of package retail sales under this article to sell or furnish any alcoholic beverage before 10:00 a.m. and after 10:00 p.m. or to sell alcoholic beverages on Sunday and Christmas Day. (4) Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a term of not more than six (6) months, or by both that fine and imprisonment, in the discretion of the court. In addition to any other penalties prescribed by law, the commission may immediately revoke the permit of any permittee who violates the provisions of this section. Codes, 1942, § 10265-32; Laws, 1966, ch. 540, § 32; Laws, 1972, ch. 508, § 1;

Laws, 1977, ch. 485; Laws, 1986, ch. 486, § 2; Laws, 1989, ch. 384, § 2; Laws, 2008, ch. 442, § 18, eff. 7/1/2008. Amended by Laws, 2021, ch. 442, HB 1135, § 4, eff. 7/1/2021. Amended by Laws, 2021, ch. 402, HB 667, § 1, eff. 7/1/2021. Codes, 1942, § 10265-32; Laws, 1966, ch. 540, § 32; Laws, 1972, ch. 508, § 1; Laws, 1977, ch. 485; Laws, 1986, ch. 486, § 2; Laws, 1989, ch. 384, § 2; Laws, 2008, ch. 442, § 18, eff. 7/1/2008. Amended by Laws, 2021, ch. 442, HB 1135, § 4, eff. 7/1/2021. Amended by Laws, 2021, ch. 402, HB 667, § 1, eff. 7/1/2021.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-85 - Regulation of advertising and display of alcoholic beverages

(1) The holder of a package retailer's permit may have signs, lighted or otherwise, on the outside of the premises covered by his permit which advertise, announce or advise of the sale of alcoholic beverages in or on said premises. Wherever the sign is located on the premises, the name of the business shall also include the permit number thereof, preceded by the words "A.B.C. Permit No." (2) It shall be lawful to advertise alcoholic beverages by means of signs, billboards or displays on or along any road, highway, street or building. (3) It shall be lawful for publishers, broadcasters and other kinds, types or forms of public and private advertising media to advertise alcoholic beverages; however, no alcoholic beverages may be advertised during, or within five (5) minutes preceding or following, any television broadcast which consists primarily of animated material intended for viewing by young children. (4) Notwithstanding the provisions of this section to the contrary, it shall be unlawful to advertise alcoholic beverages by means of signs, billboards or displays in any municipality, county or judicial district which has not voted pursuant to the provisions of this article to legalize the sale of alcoholic beverages. Codes, 1942, § 10265-33; Laws, 1966, ch. 540, § 33; Laws, 1968, ch. 592, § 1; Laws, 1971, ch. 350, § 1; Laws, 1982, ch. 419; Laws, 1986, ch. 450, § 1; Laws, 1988, ch. 562, § 2; Laws, 1990, ch. 569, § 5, eff. 4/9/1990. Amended by Laws, 2017, ch. 393, SB 2345, 1, eff. 7/1/2017. (1) The holder of a package retailer's permit may have signs, lighted or otherwise, on the outside of the premises covered by his permit which advertise, announce or advise of the sale of alcoholic beverages in or on said premises. Wherever the sign is located on the premises, the name of the business shall also include the permit number thereof, preceded by the words "A.B.C. Permit No." (2) It shall be lawful to advertise alcoholic beverages by means of signs, billboards or displays on or along any road, highway, street or building. (3) It shall be lawful for publishers, broadcasters and other kinds, types or forms of public and private advertising media to advertise alcoholic beverages; however, no alcoholic beverages may be advertised during, or within five (5) minutes preceding or following, any television broadcast which consists primarily of animated material intended for viewing by young children. (4) Notwithstanding the provisions of this section to the contrary, it shall be unlawful to advertise alcoholic beverages by means of signs, billboards or displays in any municipality, county or judicial district which has not voted pursuant to the provisions of this article to legalize the sale of alcoholic beverages. Codes, 1942, § 10265-33; Laws, 1966, ch. 540, § 33; Laws, 1968, ch. 592, § 1; Laws, 1971, ch. 350, § 1; Laws, 1982, ch. 419; Laws, 1986, ch. 450, § 1; Laws, 1988, ch. 562, § 2; Laws, 1990, ch. 569, § 5, eff. 4/9/1990. Amended by Laws, 2017, ch. 393, SB 2345, 1, eff. 7/1/2017. (1) The holder of a package retailer's permit may have signs, lighted or otherwise, on the outside of the premises covered by his permit which advertise, announce or advise of the sale of alcoholic beverages in or on said premises. Wherever the sign is located on the premises, the name of the business shall also include the permit number thereof, preceded by the words "A.B.C. Permit No." (2) It shall be lawful to advertise alcoholic beverages by means of signs, billboards or displays on or along any road, highway, street or building. (3) It shall be lawful for publishers, broadcasters and other kinds, types or forms of public and private advertising media to advertise alcoholic beverages; however, no alcoholic beverages may be advertised during, or within five (5) minutes preceding or following, any television broadcast which consists primarily of animated material intended for viewing by young children. (4) Notwithstanding the provisions of this section to the contrary, it shall be unlawful to advertise alcoholic beverages by means of signs, billboards or displays in any municipality, county or judicial district which has not voted pursuant to the provisions of this article to legalize the sale of alcoholic beverages. Codes, 1942, § 10265-33; Laws, 1966, ch. 540, § 33; Laws, 1968, ch. 592, § 1; Laws, 1971, ch. 350, § 1; Laws, 1982, ch. 419; Laws, 1986, ch. 450, § 1; Laws, 1988, ch. 562, § 2; Laws, 1990, ch. 569, § 5, eff. 4/9/1990. Amended by Laws, 2017, ch. 393, SB 2345, 1, eff. 7/1/2017.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-87 - General penalty provision

(1) Any person convicted of a violation of any of the provisions of this article for which no other penalty is specifically provided herein shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. (2) Any person convicted of a violation of any rules or regulations promulgated by the commission under the authority of this article shall be subject to a civil penalty to be assessed by the commission in an amount not to exceed One Thousand Dollars (\$1,000.00) to be deposited into the State General Fund. Codes, 1942, § 10265-38; Laws, 1966, ch. 540, § 38; Laws, 1992, ch. 459, § 3, eff. 7/1/1992. (1) Any person convicted of a violation of any of the provisions of this article for which no other penalty is specifically provided herein shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. (2) Any person convicted of a violation of any rules or regulations

promulgated by the commission under the authority of this article shall be subject to a civil penalty to be assessed by the commission in an amount not to exceed One Thousand Dollars (\$1,000.00) to be deposited into the State General Fund. Codes, 1942, § 10265-38; Laws, 1966, ch. 540, § 38; Laws, 1992, ch. 459, § 3, eff. 7/1/1992. (1) Any person convicted of a violation of any of the provisions of this article for which no other penalty is specifically provided herein shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. (2) Any person convicted of a violation of any rules or regulations promulgated by the commission under the authority of this article shall be subject to a civil penalty to be assessed by the commission in an amount not to exceed One Thousand Dollars (\$1,000.00) to be deposited into the State General Fund. Codes, 1942, § 10265-38; Laws, 1966, ch. 540, § 38; Laws, 1992, ch. 459, § 3, eff. 7/1/1992. Codes, 1942, § 10265-38; Laws, 1966, ch. 540, § 38; Laws, 1992, ch. 459, § 3, eff. 7/1/1992.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-89 - Injunctive relief

In addition to any other rights and remedies which it may have, the commission, in the name of the chairman thereof, shall have the right to resort to and apply for injunctive relief, both temporary and permanent, in any court of competent jurisdiction to enforce compliance with the provisions of this article and to restrain and prevent violations and threatened violations thereof. The Attorney General, district attorneys and county attorneys of this state, shall aid and assist the commission in all such actions when requested by the chairman so to do. Codes, 1942, § 10265-34; Laws, 1966, ch. 540, § 34, eff. 7/1/1966. In addition to any other rights and remedies which it may have, the commission, in the name of the chairman thereof, shall have the right to resort to and apply for injunctive relief, both temporary and permanent, in any court of competent jurisdiction to enforce compliance with the provisions of this article and to restrain and prevent violations and threatened violations thereof. The Attorney General, district attorneys and county attorneys of this state, shall aid and assist the commission in all such actions when requested by the chairman so to do. Codes, 1942, § 10265-34; Laws, 1966, ch. 540, § 34, eff. 7/1/1966. In addition to any other rights and remedies which it may have, the commission, in the name of the chairman thereof, shall have the right to resort to and apply for injunctive relief, both temporary and permanent, in any court of competent jurisdiction to enforce compliance with the provisions of this article and to restrain and prevent violations and threatened violations thereof. The Attorney General, district attorneys and county attorneys of this state, shall aid and assist the commission in all such actions when requested by the chairman so to do. Codes, 1942, § 10265-34; Laws, 1966, ch. 540, § 34, eff. 7/1/1966. In addition to any other rights and remedies which it may have, the commission, in the name of the chairman thereof, shall have the right to resort to and apply for injunctive relief, both temporary and permanent, in any court of competent jurisdiction to enforce compliance with the provisions of this article and to restrain and prevent violations and threatened violations thereof. The Attorney General, district attorneys and county attorneys of this state, shall aid and assist the commission in all such actions when requested by the chairman so to do. Codes, 1942, § 10265-34; Laws, 1966, ch. 540, § 34, eff. 7/1/1966.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-9 - Alcoholic beverages prohibited except as authorized in this article; penalties

(1) It shall be unlawful for any person to manufacture, distill, brew, sell, import into this state, export from the state, transport, distribute, warehouse, store, solicit, take order for, bottle, rectify, blend, treat, mix or process any alcoholic beverage except as authorized in this article. However, nothing contained herein shall prevent importers, wineries and distillers of alcoholic beverages from storing such alcoholic beverages in private bonded warehouses located within the State of Mississippi for the ultimate use and benefit of the Department of Revenue as provided in Section 67-1-41. The department is hereby authorized to promulgate rules and regulations for the establishment of such private bonded warehouses and for the control of alcoholic beverages stored in such warehouses. Additionally, nothing herein contained shall prevent any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his profession, or prevent any hospital or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institution. Any drugstore employing a licensed pharmacist may possess and use alcoholic liquors in the combination of prescriptions of duly licensed physicians. The possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church shall not be prohibited by this article. (2) Any person, upon conviction of any provision of this section, shall be punished as follows: (a) By a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not less than one (1) week nor more than three (3) months, or both, for the first conviction under this section. (b) By a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by imprisonment in the county jail not less than sixty (60) days, nor more than six (6) months, or both fine and imprisonment, for the second conviction for violating this section. (c) By a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by imprisonment in the State Penitentiary not less than one (1) year, nor more than five (5) years, or both fine and imprisonment, for conviction the third time under this section for the violation thereof after having been twice convicted of its violation. (3) Nothing in this section shall make it unlawful to transport bottles or containers of alcoholic beverages that are legally purchased in this state if the bottles or containers are unopened and are being transported on state or federal highway. Codes, 1942, § 10265-06; Laws, 1966,

ch. 540, § 6; Laws, 1985, ch. 412; Laws, 1993, ch. 505, § 1, eff. 7/1/1993. Amended by Laws, 2020, ch. 423, HB 1087, § 3, eff. 7/1/2020. Amended by Laws, 2018, ch. 385, HB 192, § 1, eff. 7/1/2018. (1) It shall be unlawful for any person to manufacture, distill, brew, sell, import into this state, export from the state, transport, distribute, warehouse, store, solicit, take order for, bottle, rectify, blend, treat, mix or process any alcoholic beverage except as authorized in this article. However, nothing contained herein shall prevent importers, wineries and distillers of alcoholic beverages from storing such alcoholic beverages in private bonded warehouses located within the State of Mississippi for the ultimate use and benefit of the Department of Revenue as provided in Section 67-1-41. The department is hereby authorized to promulgate rules and regulations for the establishment of such private bonded warehouses and for the control of alcoholic beverages stored in such warehouses. Additionally, nothing herein contained shall prevent any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his profession, or prevent any hospital or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institution. Any drugstore employing a licensed pharmacist may possess and use alcoholic liquors in the combination of prescriptions of duly licensed physicians. The possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church shall not be prohibited by this article. (2) Any person, upon conviction of any provision of this section, shall be punished as follows: (a) By a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not less than one (1) week nor more than three (3) months, or both, for the first conviction under this section. (b) By a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by imprisonment in the county jail not less than sixty (60) days, nor more than six (6) months, or both fine and imprisonment, for the second conviction for violating this section. (c) By a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by imprisonment in the State Penitentiary not less than one (1) year, nor more than five (5) years, or both fine and imprisonment, for conviction the third time under this section for the violation thereof after having been twice convicted of its violation. (3) Nothing in this section shall make it unlawful to transport bottles or containers of alcoholic beverages that are legally purchased in this state if the bottles or containers are unopened and are being transported on state or federal highway. Codes, 1942, § 10265-06; Laws, 1966, ch. 540, § 6; Laws, 1985, ch. 412; Laws, 1993, ch. 505, § 1, eff. 7/1/1993. Amended by Laws, 2020, ch. 423, HB 1087, § 3, eff. 7/1/2020. Amended by Laws, 2018, ch. 385, HB 192, § 1, eff. 7/1/2018. (1) It shall be unlawful for any person to manufacture, distill, brew, sell, import into this state, export from the state, transport, distribute, warehouse, store, solicit, take order for, bottle, rectify, blend, treat, mix or process any alcoholic beverage except as authorized in this article. However, nothing contained herein shall prevent importers, wineries and distillers of alcoholic beverages from storing such alcoholic beverages in private bonded warehouses located within the State of Mississippi for the ultimate use and benefit of the Department of Revenue as provided in Section 67-1-41. The department is hereby authorized to promulgate rules and regulations for the establishment of such private bonded warehouses and for the control of alcoholic beverages stored in such warehouses. Additionally, nothing herein contained shall prevent any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his profession, or prevent any hospital or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institution. Any drugstore employing a licensed pharmacist may possess and use alcoholic liquors in the combination of prescriptions of duly licensed physicians. The possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church shall not be prohibited by this article. (2) Any person, upon conviction of any provision of this section, shall be punished as follows: (a) By a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not less than one (1) week nor more than three (3) months, or both, for the first conviction under this section. (b) By a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by imprisonment in the county jail not less than sixty (60) days, nor more than six (6) months, or both fine and imprisonment, for the second conviction for violating this section. (c) By a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00) or by imprisonment in the State Penitentiary not less than one (1) year, nor more than five (5) years, or both fine and imprisonment, for conviction the third time under this section for the violation thereof after having been twice convicted of its violation. (3) Nothing in this section shall make it unlawful to transport bottles or containers of alcoholic beverages that are legally purchased in this state if the bottles or containers are unopened and are being transported on state or federal highway. Codes, 1942, § 10265-06; Laws, 1966, ch. 540, § 6; Laws, 1985, ch. 412; Laws, 1993, ch. 505, § 1, eff. 7/1/1993. Amended by Laws, 2020, ch. 423, HB 1087, § 3, eff. 7/1/2020. Amended by Laws, 2018, ch. 385, HB 192, § 1, eff. 7/1/2018. Codes, 1942, § 10265-06; Laws, 1966, ch. 540, § 6; Laws, 1985, ch. 412; Laws, 1993, ch. 505, § 1, eff. 7/1/1993. Amended by Laws, 2020, ch. 423, HB 1087, § 3, eff. 7/1/2020. Amended by Laws, 2018, ch. 385, HB 192, § 1, eff. 7/1/2018.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101) Section 67-1-91 - Enforcement

(1) It is hereby made the duty of every police and peace officer and every district and county attorney and the Alcoholic Beverage Control Division of the State Tax Commission to enforce the provisions of this article and to inform against and diligently prosecute persons whom they have reasonable cause to believe to be offenders against the provisions thereof. Every such officer refusing or neglecting to do so shall be guilty of a misdemeanor, and the court, in addition to imposing the penalty therefor, shall adjudge

forfeiture of his office.(2)In any county or municipality where it is readily apparent that local law enforcement authorities in cooperation with the agents and inspectors provided by the commission cannot control the illegal sale of alcoholic beverages, the commission shall request such assistance as it may deem necessary from the Mississippi Highway Safety Patrol; and it shall be the duty of the Governor of the State of Mississippi to see that the laws of the state are properly enforced by use of the additional authority as herein provided.(3)The officers, agents and representatives of the State Tax Commission and the Alcoholic Beverage Control Division thereof are authorized and directed to strictly enforce the prohibition laws throughout the state, except in those counties and municipalities which have voted for the legalized sale of intoxicating liquor. The State Highway Patrol, sheriffs, police departments, constables, and all peace officers, and prosecuting attorneys, the Attorney General's office, district attorneys, county attorneys, city attorneys, and all others charged with upholding the law, as well as the citizenry of this state, are hereby urged and directed to uphold the dignity of the law, to foster public respect therefor and to strictly enforce the laws against intoxicating liquor in all cases while operating a motor vehicle on the streets and highways of this state, and to enforce the law and prosecute against the wrongful use of intoxicating liquor in any county or municipality by a permit holder or licensee or anyone else under such circumstances and conditions as would lead to a breakdown in public law or is violative of the public sense of common decency, as well as to enforce the law against gambling, organized crime, or social vice and corruption.Codes, 1942, §§ 10265-03, 10265-11, 10265-37; Laws, 1966, ch. 540, §§ 3, 11, 37; Laws, 1990, ch. 569, § 6, eff. 4/9/1990. (1)It is hereby made the duty of every police and peace officer and every district and county attorney and the Alcoholic Beverage Control Division of the State Tax Commission to enforce the provisions of this article and to inform against and diligently prosecute persons whom they have reasonable cause to believe to be offenders against the provisions thereof. Every such officer refusing or neglecting to do so shall be guilty of a misdemeanor, and the court, in addition to imposing the penalty therefor, shall adjudge forfeiture of his office.(2)In any county or municipality where it is readily apparent that local law enforcement authorities in cooperation with the agents and inspectors provided by the commission cannot control the illegal sale of alcoholic beverages, the commission shall request such assistance as it may deem necessary from the Mississippi Highway Safety Patrol; and it shall be the duty of the Governor of the State of Mississippi to see that the laws of the state are properly enforced by use of the additional authority as herein provided.(3)The officers, agents and representatives of the State Tax Commission and the Alcoholic Beverage Control Division thereof are authorized and directed to strictly enforce the prohibition laws throughout the state, except in those counties and municipalities which have voted for the legalized sale of intoxicating liquor. The State Highway Patrol, sheriffs, police departments, constables, and all peace officers, and prosecuting attorneys, the Attorney General's office, district attorneys, county attorneys, city attorneys, and all others charged with upholding the law, as well as the citizenry of this state, are hereby urged and directed to uphold the dignity of the law, to foster public respect therefor and to strictly enforce the laws against intoxicating liquor in all cases while operating a motor vehicle on the streets and highways of this state, and to enforce the law and prosecute against the wrongful use of intoxicating liquor in any county or municipality by a permit holder or licensee or anyone else under such circumstances and conditions as would lead to a breakdown in public law or is violative of the public sense of common decency, as well as to enforce the law against gambling, organized crime, or social vice and corruption.Codes, 1942, §§ 10265-03, 10265-11, 10265-37; Laws, 1966, ch. 540, §§ 3, 11, 37; Laws, 1990, ch. 569, § 6, eff. 4/9/1990. (1)It is hereby made the duty of every police and peace officer and every district and county attorney and the Alcoholic Beverage Control Division of the State Tax Commission to enforce the provisions of this article and to inform against and diligently prosecute persons whom they have reasonable cause to believe to be offenders against the provisions thereof. Every such officer refusing or neglecting to do so shall be guilty of a misdemeanor, and the court, in addition to imposing the penalty therefor, shall adjudge forfeiture of his office.(2)In any county or municipality where it is readily apparent that local law enforcement authorities in cooperation with the agents and inspectors provided by the commission cannot control the illegal sale of alcoholic beverages, the commission shall request such assistance as it may deem necessary from the Mississippi Highway Safety Patrol; and it shall be the duty of the Governor of the State of Mississippi to see that the laws of the state are properly enforced by use of the additional authority as herein provided.(3)The officers, agents and representatives of the State Tax Commission and the Alcoholic Beverage Control Division thereof are authorized and directed to strictly enforce the prohibition laws throughout the state, except in those counties and municipalities which have voted for the legalized sale of intoxicating liquor. The State Highway Patrol, sheriffs, police departments, constables, and all peace officers, and prosecuting attorneys, the Attorney General's office, district attorneys, county attorneys, city attorneys, and all others charged with upholding the law, as well as the citizenry of this state, are hereby urged and directed to uphold the dignity of the law, to foster public respect therefor and to strictly enforce the laws against intoxicating liquor in all cases while operating a motor vehicle on the streets and highways of this state, and to enforce the law and prosecute against the wrongful use of intoxicating liquor in any county or municipality by a permit holder or licensee or anyone else under such circumstances and conditions as would lead to a breakdown in public law or is violative of the public sense of common decency, as well as to enforce the law against gambling, organized crime, or social vice and corruption.Codes, 1942, §§ 10265-03, 10265-11, 10265-37; Laws, 1966, ch. 540, §§ 3, 11, 37; Laws, 1990, ch. 569, § 6, eff. 4/9/1990. Codes, 1942, §§ 10265-03, 10265-11, 10265-37; Laws, 1966, ch. 540, §§ 3, 11, 37; Laws, 1990, ch. 569, § 6, eff. 4/9/1990.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101)Section 67-1-93 - Petition for forfeiture of property other than alcoholic beverages and raw materials; service upon owner, secured or interested party; compliance with procedures

(1)Except as otherwise provided in Section67-1-99, when any property, other than an alcoholic beverage or raw material, is seized

under this article or Chapter 31 of Title 97, Mississippi Code of 1972, proceedings under this section shall be instituted promptly.(2)A petition for forfeiture shall be filed promptly in the name of the State of Mississippi with the clerk of the circuit or county court of the county in which the seizure is made. A copy of such petition shall be served upon the following persons by service of process in the same manner as in civil cases:(a)The owner of the property, if address is known;(b)Any secured party who has registered his lien or filed a financing statement as provided by law, if the identity of such secured party can be ascertained by the agent or agency which seized the property making a good faith effort to ascertain the identity of such secured party as described in subsections (3), (4), (5), (6) and (7) of this section;(c)Any other bona fide lienholder or secured party or other person holding an interest in the property in the nature of a security interest of whom the agent or agency has actual knowledge; and(d)Any person in possession of property subject to forfeiture at the time that it was seized.(3)If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle has been titled, the agent or agency shall make inquiry of the State Tax Commission as to what the records of the State Tax Commission show as to who is the record owner of the vehicle and who, if anyone, holds any lien or security interest which affects the vehicle.(4)If the property is a motor vehicle and is not titled in the State of Mississippi then the agent or agency shall attempt to ascertain the name and address of the person in whose name the vehicle is licensed, and if the vehicle is licensed in a state which has in effect a certificate of title law, the agent or agency shall make inquiry of the appropriate agency of that state to determine through such agency's records the name of the record owner of the vehicle and who, if anyone, holds any lien, security interest or other instrument in the nature of a security device which affects the vehicle.(5)If the property is of a nature that a financing statement is required by the laws of this state to be filed to perfect a security interest affecting the property and if there is any reasonable cause to believe that a financing statement covering the security interest has been filed under the laws of this state, the agent or agency shall make inquiry of the appropriate office designated in Section 75-9-501 to determine through the records of such office the name of the record owner of the property and who, if anyone, has filed a financing statement affecting the property.(6)If the property is an aircraft or part thereof and if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the agent or agency shall make inquiry of the Administrator of the Federal Aviation Administration to determine through records of the administrator the name of the record owner of the property and who, if anyone, holds an instrument in the name of a security device which affects the property.(7)In the case of all other property other than an alcoholic beverage or raw material subject to forfeiture, if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the agent or agency shall make a good faith inquiry to identify the holder of any such instrument.(8)In the event the answer to an inquiry states that the record owner of the property is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, security interest or other interest in the nature of a security interest which affects the property, the agent or agency shall cause any record owner and also any lienholder, secured party or other person who holds an interest in the property in the nature of a security interest which affects the property to be named in the petition of forfeiture and to be served with process in the same manner as in civil cases.(9)If the owner of the property cannot be found and served with a copy of the petition of forfeiture, or if no person was in possession of the property subject to forfeiture at the time that it was seized and the owner of the property is unknown, the agent or agency shall file with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the hearing addressed to "the Unknown Owner of _____," filling in the blank space with a reasonably detailed description of the property subject to forfeiture.

Service by publication shall be made in accordance with the Mississippi Rules of Civil Procedure.(10)No proceedings instituted pursuant to the provisions of this article shall proceed to hearing unless the judge conducting the hearing is satisfied that this section has been complied with. Any answer received from an inquiry required by subsections (3) through (7) of this section shall be introduced into evidence at the hearing.Laws, 1984, ch. 424, § 3; Laws, 1990, ch. 451, § 1; Laws, 1991, ch. 573, § 117; Laws, 2001, ch. 495, § 26, eff. 1/1/2002. (1)Except as otherwise provided in Section 67-1-99, when any property, other than an alcoholic beverage or raw material, is seized under this article or Chapter 31 of Title 97, Mississippi Code of 1972, proceedings under this section shall be instituted promptly.(2)A petition for forfeiture shall be filed promptly in the name of the State of Mississippi with the clerk of the circuit or county court of the county in which the seizure is made. A copy of such petition shall be served upon the following persons by service of process in the same manner as in civil cases:(a)The owner of the property, if address is known;(b)Any secured party who has registered his lien or filed a financing statement as provided by law, if the identity of such secured party can be ascertained by the agent or agency which seized the property making a good faith effort to ascertain the identity of such secured party as described in subsections (3), (4), (5), (6) and (7) of this section;(c)Any other bona fide lienholder or secured party or other person holding an interest in the property in the nature of a security interest of whom the agent or agency has actual knowledge; and(d)Any person in possession of property subject to forfeiture at the time that it was seized.(3)If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle has been titled, the agent or agency shall make inquiry of the State Tax Commission as to what the records of the State Tax Commission show as to who is the record owner of the vehicle and who, if anyone, holds any lien or security interest which affects the vehicle.(4)If the property is a motor vehicle and is not titled in the State of Mississippi then the agent or agency shall attempt to ascertain the name and address of the person in whose name the vehicle is licensed, and if the vehicle is licensed in a state which has in effect a certificate of title law, the agent or agency shall make inquiry of the appropriate agency of that state to determine through such agency's records the name of the record owner of the vehicle and who, if anyone, holds any lien, security interest or other instrument in the nature of a security device which affects the vehicle.(5)If the property is of a nature that a financing statement is required by the laws of this state to be filed to perfect a security interest affecting the property and if there is

any reasonable cause to believe that a financing statement covering the security interest has been filed under the laws of this state, the agent or agency shall make inquiry of the appropriate office designated in Section 75-9-501 to determine through the records of such office the name of the record owner of the property and who, if anyone, has filed a financing statement affecting the property. (6) If the property is an aircraft or part thereof and if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the agent or agency shall make inquiry of the Administrator of the Federal Aviation Administration to determine through records of the administrator the name of the record owner of the property and who, if anyone, holds an instrument in the name of a security device which affects the property. (7) In the case of all other property other than an alcoholic beverage or raw material subject to forfeiture, if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the agent or agency shall make a good faith inquiry to identify the holder of any such instrument. (8) In the event the answer to an inquiry states that the record owner of the property is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, security interest or other interest in the nature of a security interest which affects the property, the agent or agency shall cause any record owner and also any lienholder, secured party or other person who holds an interest in the property in the nature of a security interest which affects the property to be named in the petition of forfeiture and to be served with process in the same manner as in civil cases. (9) If the owner of the property cannot be found and served with a copy of the petition of forfeiture, or if no person was in possession of the property subject to forfeiture at the time that it was seized and the owner of the property is unknown, the agent or agency shall file with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the hearing addressed to "the Unknown Owner of _____," filling in the blank space with a reasonably detailed description of the property subject to forfeiture. Service by publication shall be made in accordance with the Mississippi Rules of Civil Procedure. (10) No proceedings instituted pursuant to the provisions of this article shall proceed to hearing unless the judge conducting the hearing is satisfied that this section has been complied with. Any answer received from an inquiry required by subsections (3) through (7) of this section shall be introduced into evidence at the hearing. Laws, 1984, ch. 424, § 3; Laws, 1990, ch. 451, § 1; Laws, 1991, ch. 573, § 117; Laws, 2001, ch. 495, § 26, eff. 1/1/2002. (1) Except as otherwise provided in Section 67-1-99, when any property, other than an alcoholic beverage or raw material, is seized under this article or Chapter 31 of Title 97, Mississippi Code of 1972, proceedings under this section shall be instituted promptly. (2) A petition for forfeiture shall be filed promptly in the name of the State of Mississippi with the clerk of the circuit or county court of the county in which the seizure is made. A copy of such petition shall be served upon the following persons by service of process in the same manner as in civil cases: (a) The owner of the property, if address is known; (b) Any secured party who has registered his lien or filed a financing statement as provided by law, if the identity of such secured party can be ascertained by the agent or agency which seized the property making a good faith effort to ascertain the identity of such secured party as described in subsections (3), (4), (5), (6) and (7) of this section; (c) Any other bona fide lienholder or secured party or other person holding an interest in the property in the nature of a security interest of whom the agent or agency has actual knowledge; and (d) Any person in possession of property subject to forfeiture at the time that it was seized. (3) If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law and if there is any reasonable cause to believe that the vehicle has been titled, the agent or agency shall make inquiry of the State Tax Commission as to what the records of the State Tax Commission show as to who is the record owner of the vehicle and who, if anyone, holds any lien or security interest which affects the vehicle. (4) If the property is a motor vehicle and is not titled in the State of Mississippi then the agent or agency shall attempt to ascertain the name and address of the person in whose name the vehicle is licensed, and if the vehicle is licensed in a state which has in effect a certificate of title law, the agent or agency shall make inquiry of the appropriate agency of that state to determine through such agency's records the name of the record owner of the vehicle and who, if anyone, holds any lien, security interest or other instrument in the nature of a security device which affects the vehicle. (5) If the property is of a nature that a financing statement is required by the laws of this state to be filed to perfect a security interest affecting the property and if there is any reasonable cause to believe that a financing statement covering the security interest has been filed under the laws of this state, the agent or agency shall make inquiry of the appropriate office designated in Section 75-9-501 to determine through the records of such office the name of the record owner of the property and who, if anyone, has filed a financing statement affecting the property. (6) If the property is an aircraft or part thereof and if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the agent or agency shall make inquiry of the Administrator of the Federal Aviation Administration to determine through records of the administrator the name of the record owner of the property and who, if anyone, holds an instrument in the name of a security device which affects the property. (7) In the case of all other property other than an alcoholic beverage or raw material subject to forfeiture, if there is any reasonable cause to believe that an instrument in the nature of a security device affects the property, then the agent or agency shall make a good faith inquiry to identify the holder of any such instrument. (8) In the event the answer to an inquiry states that the record owner of the property is any person other than the person who was in possession of it when it was seized, or states that any person holds any lien, security interest or other interest in the nature of a security interest which affects the property, the agent or agency shall cause any record owner and also any lienholder, secured party or other person who holds an interest in the property in the nature of a security interest which affects the property to be named in the petition of forfeiture and to be served with process in the same manner as in civil cases. (9) If the owner of the property cannot be found and served with a copy of the petition of forfeiture, or if no person was in possession of the property subject to forfeiture at the time that it was seized and the owner of the property is unknown, the agent or agency shall file with the clerk of the court in which the proceeding is pending an affidavit to such effect, whereupon the clerk of the court shall publish notice of the hearing addressed to "the Unknown Owner of _____,"

filling in the blank space with a reasonably detailed description of the property subject to forfeiture. Service by publication shall be made in accordance with the Mississippi Rules of Civil Procedure.(10)No proceedings instituted pursuant to the provisions of this article shall proceed to hearing unless the judge conducting the hearing is satisfied that this section has been complied with. Any answer received from an inquiry required by subsections (3) through (7) of this section shall be introduced into evidence at the hearing.Laws, 1984, ch. 424, § 3; Laws, 1990, ch. 451, § 1; Laws, 1991, ch. 573, § 117; Laws, 2001, ch. 495, § 26, eff. 1/1/2002. Laws, 1984, ch. 424, § 3; Laws, 1990, ch. 451, § 1; Laws, 1991, ch. 573, § 117; Laws, 2001, ch. 495, § 26, eff. 1/1/2002.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101)Section 67-1-95 - Owner's verified answer; forfeiture hearing; burden of proof; rights of holders of security interests, liens, or other interests; disposition of property

(1)An owner of property seized, other than an owner of alcoholic beverages or raw materials, shall file a verified answer within twenty (20) days after the completion of service of process. If no answer is filed, the court shall hear evidence that the property is subject to forfeiture and forfeit the property to the agency which seized the property. If an answer is filed, a time for hearing on forfeiture shall be set within thirty (30) days of filing the answer or at the succeeding term of court if court would not be in progress within thirty (30) days after filing the answer. Provided, however, that upon request by the agent or agency, or the owner of the property, the court may postpone the forfeiture hearing to a date past the time any criminal action is pending against such owner.(2)If the owner of the property has filed a verified answer denying that the property is subject to forfeiture, then the burden is on the state to prove that the property is subject to forfeiture; however, if no answer had been filed by the owner of the property, the petition for forfeiture may be introduced into evidence and shall be prima facie evidence that the property is subject to forfeiture.(3)At the hearing any claimant of any right, title or interest in the property may prove his lien, security interest or other interest in the nature of a security interest, to be bona fide and created without knowledge or consent that the property was to be used so as to cause the property to be subject to forfeiture.(4)If it is found that the property is subject to forfeiture, then the judge shall forfeit the property to the agency which seized the property. If proof at the hearing discloses that the interest of any bona fide lienholder, secured party or other person holding an interest in the property in the nature of a security interest is greater than or equal to the present value of the property, the court shall order the property released to him. If such interest is less than the present value of the property and if the proof shows that the property is subject to forfeiture the court shall order the property forfeited to the agency.(5)Upon a petition filed in the name of the state of Mississippi with the clerk of the circuit or county court of the county in which the seizure is made, the court having jurisdiction may order the property summarily forfeited except when lawful possession and title can be ascertained. If a person is found to have had lawful possession and title prior to seizure, the court shall order the property returned to the owner, if the owner so desires.Laws, 1984, ch. 424, § 4, eff. 4/23/1984. (1)An owner of property seized, other than an owner of alcoholic beverages or raw materials, shall file a verified answer within twenty (20) days after the completion of service of process. If no answer is filed, the court shall hear evidence that the property is subject to forfeiture and forfeit the property to the agency which seized the property. If an answer is filed, a time for hearing on forfeiture shall be set within thirty (30) days of filing the answer or at the succeeding term of court if court would not be in progress within thirty (30) days after filing the answer. Provided, however, that upon request by the agent or agency, or the owner of the property, the court may postpone the forfeiture hearing to a date past the time any criminal action is pending against such owner.(2)If the owner of the property has filed a verified answer denying that the property is subject to forfeiture, then the burden is on the state to prove that the property is subject to forfeiture; however, if no answer had been filed by the owner of the property, the petition for forfeiture may be introduced into evidence and shall be prima facie evidence that the property is subject to forfeiture.(3)At the hearing any claimant of any right, title or interest in the property may prove his lien, security interest or other interest in the nature of a security interest, to be bona fide and created without knowledge or consent that the property was to be used so as to cause the property to be subject to forfeiture.(4)If it is found that the property is subject to forfeiture, then the judge shall forfeit the property to the agency which seized the property. If proof at the hearing discloses that the interest of any bona fide lienholder, secured party or other person holding an interest in the property in the nature of a security interest is greater than or equal to the present value of the property, the court shall order the property released to him. If such interest is less than the present value of the property and if the proof shows that the property is subject to forfeiture the court shall order the property forfeited to the agency.(5)Upon a petition filed in the name of the state of Mississippi with the clerk of the circuit or county court of the county in which the seizure is made, the court having jurisdiction may order the property summarily forfeited except when lawful possession and title can be ascertained. If a person is found to have had lawful possession and title prior to seizure, the court shall order the property returned to the owner, if the owner so desires.Laws, 1984, ch. 424, § 4, eff. 4/23/1984. (1)An owner of property seized, other than an owner of alcoholic beverages or raw materials, shall file a verified answer within twenty (20) days after the completion of service of process. If no answer is filed, the court shall hear evidence that the property is subject to forfeiture and forfeit the property to the agency which seized the property. If an answer is filed, a time for hearing on forfeiture shall be set within thirty (30) days of filing the answer or at the succeeding term of court if court would not be in progress within thirty (30) days after filing the answer. Provided, however, that upon request by the agent or agency, or the owner of the property, the court may postpone the forfeiture hearing to a date past the time any criminal action is pending against such owner.(2)If the owner of the property has filed a verified answer denying that the property is subject to forfeiture, then the burden is on the state to prove that the property is subject to forfeiture; however, if no answer had been filed by the owner of the property, the petition for forfeiture may be introduced into evidence and shall be prima facie evidence that the

property is subject to forfeiture.(3)At the hearing any claimant of any right, title or interest in the property may prove his lien, security interest or other interest in the nature of a security interest, to be bona fide and created without knowledge or consent that the property was to be used so as to cause the property to be subject to forfeiture.(4)If it is found that the property is subject to forfeiture, then the judge shall forfeit the property to the agency which seized the property. If proof at the hearing discloses that the interest of any bona fide lienholder, secured party or other person holding an interest in the property in the nature of a security interest is greater than or equal to the present value of the property, the court shall order the property released to him. If such interest is less than the present value of the property and if the proof shows that the property is subject to forfeiture the court shall order the property forfeited to the agency.(5)Upon a petition filed in the name of the state of Mississippi with the clerk of the circuit or county court of the county in which the seizure is made, the court having jurisdiction may order the property summarily forfeited except when lawful possession and title can be ascertained. If a person is found to have had lawful possession and title prior to seizure, the court shall order the property returned to the owner, if the owner so desires.Laws, 1984, ch. 424, § 4, eff. 4/23/1984. Laws, 1984, ch. 424, § 4, eff. 4/23/1984.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101)Section 67-1-97 - Public auction of forfeited property other than alcoholic beverages and raw materials; disbursement of proceeds

(1)All property other than alcoholic beverages or raw materials that have been forfeited shall be sold at a public auction for cash by the agency which seized such property to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale, in a newspaper having a general circulation throughout the state of Mississippi. Such notices shall contain a description of the property to be sold and a statement of the time and place of the sale. It shall not be necessary to the validity of such sale either to have the property present at the place of the sale or to have the name of the owner thereof stated in such notice. The proceeds of the sale shall be delivered to the court clerk and shall be disposed of as follows:(a)To any bona fide lienholder, secured party or other party holding an interest in the property in the nature of a security interest, to the extent of his interest; and(b)The balance, if any, after deduction of all storage and court costs, shall be forwarded to the state treasurer and deposited with and used as general funds of the state.(2)(a)Any county or municipal law enforcement agency which seizes property, other than alcoholic beverages or raw materials, may maintain, repair, use and operate for official purposes all such property that has been forfeited if it is free from any interest of a bona fide lienholder, secured party or other party who holds an interest in the property in the nature of a security interest. Such county or municipal law enforcement agency may purchase the interest of a bona fide lienholder, secured party or other party who holds an interest so that the property can be released for its use. If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law, the law enforcement agency shall be deemed to be the purchaser, and the certificate of title shall be issued to it as required by subsection (4) of this section.(b)All other property that a county or municipal law enforcement agency seizes, other than alcoholic beverages and raw materials, and other than property which such law enforcement agency retains for use and operation for official purposes, shall, upon its forfeiture, be sold by such law enforcement agency in the same manner and subject to the same procedure for the sale of such property as provided for in subsection (1) of this section; however, the proceeds of such sale shall be delivered to the clerk of the county or municipality for disposal in the following manner:(i)To any bona fide lienholder, secured party or other party holding an interest in the property in the nature of a security interest, to the extent of his interest; and(ii)The balance, if any, after deduction of all storage and court costs, shall be forwarded to the clerk of the county or municipality, as the case may be, and deposited with and used as general funds of the county or municipality.(3)All other agencies which have seized all such property other than alcoholic beverages and raw materials may maintain, repair, use and operate for official purposes all property that has been forfeited to them if such property is free from any interest of a bona fide lienholder, secured party or other party who holds an interest in the property in the nature of a security interest. In such case, the agency may purchase the interest of a bona fide lienholder, secured party or other party who holds an interest so that the property can be released for use by such agency.Such agency may maintain, repair, use and operate the property with money appropriated for current operations. If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law, such agency is deemed to be the purchaser and the certificate of title shall be issued to it as required by subsection (4) of this section.(4)The State Tax Commission shall issue a certificate of title to any person who purchases property under the provisions of this section when a certificate of title is required under the laws of this state.Laws, 1984, ch. 424, § 5, eff. 4/23/1984. (1)All property other than alcoholic beverages or raw materials that have been forfeited shall be sold at a public auction for cash by the agency which seized such property to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale, in a newspaper having a general circulation throughout the state of Mississippi. Such notices shall contain a description of the property to be sold and a statement of the time and place of the sale. It shall not be necessary to the validity of such sale either to have the property present at the place of the sale or to have the name of the owner thereof stated in such notice. The proceeds of the sale shall be delivered to the court clerk and shall be disposed of as follows:(a)To any bona fide lienholder, secured party or other party holding an interest in the property in the nature of a security interest, to the extent of his interest; and(b)The balance, if any, after deduction of all storage and court costs, shall be forwarded to the state treasurer and deposited with and used as general funds of the state.(2)(a)Any county or municipal law enforcement agency which seizes property, other than alcoholic beverages or raw materials, may maintain, repair, use and operate

for official purposes all such property that has been forfeited if it is free from any interest of a bona fide lienholder, secured party or other party who holds an interest in the property in the nature of a security interest. Such county or municipal law enforcement agency may purchase the interest of a bona fide lienholder, secured party or other party who holds an interest so that the property can be released for its use. If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law, the law enforcement agency shall be deemed to be the purchaser, and the certificate of title shall be issued to it as required by subsection (4) of this section.(b)All other property that a county or municipal law enforcement agency seizes, other than alcoholic beverages and raw materials, and other than property which such law enforcement agency retains for use and operation for official purposes, shall, upon its forfeiture, be sold by such law enforcement agency in the same manner and subject to the same procedure for the sale of such property as provided for in subsection (1) of this section; however, the proceeds of such sale shall be delivered to the clerk of the county or municipality for disposal in the following manner:(i)To any bona fide lienholder, secured party or other party holding an interest in the property in the nature of a security interest, to the extent of his interest; and(ii)The balance, if any, after deduction of all storage and court costs, shall be forwarded to the clerk of the county or municipality, as the case may be, and deposited with and used as general funds of the county or municipality.(3)All other agencies which have seized all such property other than alcoholic beverages and raw materials may maintain, repair, use and operate for official purposes all property that has been forfeited to them if such property is free from any interest of a bona fide lienholder, secured party or other party who holds an interest in the property in the nature of a security interest. In such case, the agency may purchase the interest of a bona fide lienholder, secured party or other party who holds an interest so that the property can be released for use by such agency.Such agency may maintain, repair, use and operate the property with money appropriated for current operations. If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law, such agency is deemed to be the purchaser and the certificate of title shall be issued to it as required by subsection (4) of this section.(4)The State Tax Commission shall issue a certificate of title to any person who purchases property under the provisions of this section when a certificate of title is required under the laws of this state.Laws, 1984, ch. 424, § 5, eff. 4/23/1984. (1)All property other than alcoholic beverages or raw materials that have been forfeited shall be sold at a public auction for cash by the agency which seized such property to the highest and best bidder after advertising the sale for at least once each week for three (3) consecutive weeks, the last notice to appear not more than ten (10) days nor less than five (5) days prior to such sale, in a newspaper having a general circulation throughout the state of Mississippi. Such notices shall contain a description of the property to be sold and a statement of the time and place of the sale. It shall not be necessary to the validity of such sale either to have the property present at the place of the sale or to have the name of the owner thereof stated in such notice. 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Such county or municipal law enforcement agency may purchase the interest of a bona fide lienholder, secured party or other party who holds an interest so that the property can be released for its use. If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law, the law enforcement agency shall be deemed to be the purchaser, and the certificate of title shall be issued to it as required by subsection (4) of this section.(b)All other property that a county or municipal law enforcement agency seizes, other than alcoholic beverages and raw materials, and other than property which such law enforcement agency retains for use and operation for official purposes, shall, upon its forfeiture, be sold by such law enforcement agency in the same manner and subject to the same procedure for the sale of such property as provided for in subsection (1) of this section; however, the proceeds of such sale shall be delivered to the clerk of the county or municipality for disposal in the following manner:(i)To any bona fide lienholder, secured party or other party holding an interest in the property in the nature of a security interest, to the extent of his interest; and(ii)The balance, if any, after deduction of all storage and court costs, shall be forwarded to the clerk of the county or municipality, as the case may be, and deposited with and used as general funds of the county or municipality.(3)All other agencies which have seized all such property other than alcoholic beverages and raw materials may maintain, repair, use and operate for official purposes all property that has been forfeited to them if such property is free from any interest of a bona fide lienholder, secured party or other party who holds an interest in the property in the nature of a security interest. 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If the property is a motor vehicle susceptible of titling under the Mississippi Motor Vehicle Title Law, such agency is deemed to be the purchaser and the certificate of title shall be issued to it as required by subsection (4) of this section. Laws, 1984, ch. 424, § 5, eff. 4/23/1984.

BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 1 - LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-101)Section 67-1-99 - Administrative forfeiture of certain property

(1)Property subject to forfeiture, other than alcoholic beverages or raw materials, as described by Section67-1-17and having a value of Two Thousand Five Hundred Dollars (\$2,500.00) or less may be forfeited by the administrative forfeiture procedures provided for in this section.(2)The seizing law enforcement agency shall provide notice of intention to forfeit the seized property administratively, by certified mail, return receipt required, to all persons who are required to be notified pursuant to Section67-1-93.(3)In the event that notice of administrative forfeiture cannot be given as provided in subsection (2) of this section because of refusal, failure to claim, insufficient address or any other reason the seizing law enforcement agency shall provide notice by publication in a newspaper of general circulation in the county in which the seizure took place once a week for three (3) consecutive weeks.(4)Notice pursuant to subsections (2) and (3) of this section shall include the following information:(a)A description of the property;(b)The approximate value of the property;(c)The date and place of the seizure;(d)The connection between the property and the violation of the Local Option ABC Laws or Chapter 31, Title 97, Mississippi Code of 1972;(e)The instructions for filing a request for judicial review; and(f)A statement that the property will be forfeited to the seizing law enforcement agency if a request for judicial review is not timely filed.(5)Persons claiming an interest in the seized property may initiate judicial review of the seizure and proposed forfeiture by filing a written request for judicial review with the chief law enforcement officer of the seizing law enforcement agency within thirty (30) days after receipt of the certified letter or within thirty (30) days after the first publication of notice, whichever is applicable.(6)If no request for judicial review is timely filed, the seizing law enforcement agency shall prepare a written declaration of forfeiture of the subject property and the forfeited property shall be used, disposed of, or distributed in accordance with the provision of Section67-1-97.(7)Upon receipt of a timely request for judicial review, the attorney for the seizing law enforcement agency shall promptly file a petition for forfeiture and proceed as provided in Section67-1-93.Laws, 1990, ch. 451, § 2; Laws, 1991, ch. 372, § 1, eff. 3/15/1991. (1)Property subject to forfeiture, other than alcoholic beverages or raw materials, as described by Section67-1-17and having a value of Two Thousand Five Hundred Dollars (\$2,500.00) or less may be forfeited by the administrative forfeiture procedures provided for in this section.(2)The seizing law enforcement agency shall provide notice of intention to forfeit the seized property administratively, by certified mail, return receipt required, to all persons who are required to be notified pursuant to Section67-1-93.(3)In the event that notice of administrative forfeiture cannot be given as provided in subsection (2) of this section because of refusal, failure to claim, insufficient address or any other reason the seizing law enforcement agency shall provide notice by publication in a newspaper of general circulation in the county in which the seizure took place once a week for three (3) consecutive weeks.(4)Notice pursuant to subsections (2) and (3) of this section shall include the following information:(a)A description of the property;(b)The approximate value of the property;(c)The date and place of the seizure;(d)The connection between the property and the violation of the Local Option ABC Laws or Chapter 31, Title 97, Mississippi Code of 1972;(e)The instructions for filing a request for judicial review; and(f)A statement that the property will be forfeited to the seizing law enforcement agency if a request for judicial review is not timely filed.(5)Persons claiming an interest in the seized property may initiate judicial review of the seizure and proposed forfeiture by filing a written request for judicial review with the chief law enforcement officer of the seizing law enforcement agency within thirty (30) days after receipt of the certified letter or within thirty (30) days after the first publication of notice, whichever is applicable.(6)If no request for judicial review is timely filed, the seizing law enforcement agency shall prepare a written declaration of forfeiture of the subject property and the forfeited property shall be used, disposed of, or distributed in accordance with the provision of Section67-1-97.(7)Upon receipt of a timely request for judicial review, the attorney for the seizing law enforcement agency shall promptly file a petition for forfeiture and proceed as provided in Section67-1-93.Laws, 1990, ch. 451, § 2; Laws, 1991, ch. 372, § 1, eff. 3/15/1991. Laws, 1990, ch. 451, § 2; Laws, 1991, ch. 372, § 1, eff. 3/15/1991.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 3 - ALCOHOLIC BEVERAGE CONTROL DIVISION WAREHOUSE CONSTRUCTION, IMPROVEMENTS AND OPERATIONS (§§ 67-1-201 — 67-1-211) Section 67-1-201 - Definitions

In addition to the definitions provided in Section 67-1-5, which apply to this article, the following terms as used in this article shall have the following meanings unless otherwise required by the context: (a) "Commissioner" means the Commissioner of Revenue. (b) "Construction contractor" means an entity contracting with the Department of Finance and Administration to design and construct a warehouse under this article. (c) "Occasional improvements" means items of maintenance, repairs, upgrades or other improvements for the warehouse or its equipment that are not performed on a monthly basis. (d) "Regular maintenance" means monthly overhead expenses, including, but not limited to, utilities, cleaning services and lawn care. (e) "Shipping costs" means the cost to the department per case of alcoholic beverages delivered from the warehouse to the permittee's premises. (f) "State" means the State of Mississippi. (g) "Warehouse" or "new warehouse" means a liquor distribution warehouse constructed under this article. (h) "Warehouse operator" or "operator" means an entity contracting with the department to perform warehouse and distribution operations. (i) "Warehouse and distribution operations" or "operations" means services provided to or on behalf of the state for the management of the warehouse and the distribution of alcoholic beverages. "Warehouse and distribution operations" or "operations" may include shipping; however, nothing herein shall preclude the department from entering into separate contracts for operations and for shipping. Added by Laws, 2022, ch. 483, SB 2844, § 1, eff. 7/1/2022. In addition to the definitions provided in Section 67-1-5, which apply to this article, the following terms as used in this article shall have the following meanings unless otherwise required by the context: (a) "Commissioner" means the Commissioner of Revenue. (b) "Construction contractor" means an entity contracting with the Department of Finance and Administration to design and construct a warehouse under this article. (c) "Occasional improvements" means items of maintenance, repairs, upgrades or other improvements for the warehouse or its equipment that are not performed on a monthly basis. (d) "Regular maintenance" means monthly overhead expenses, including, but not limited to, utilities, cleaning services and lawn care. (e) "Shipping costs" means the cost to the department per case of alcoholic beverages delivered from the warehouse to the permittee's premises. (f) "State" means the State of Mississippi. (g) "Warehouse" or "new warehouse" means a liquor distribution warehouse constructed under this article. (h) "Warehouse operator" or "operator" means an entity contracting with the department to perform warehouse and distribution operations. (i) "Warehouse and distribution operations" or "operations" means services provided to or on behalf of the state for the management of the warehouse and the distribution of alcoholic beverages. "Warehouse and distribution operations" or "operations" may include shipping; however, nothing herein shall preclude the department from entering into separate contracts for operations and for shipping. Added by Laws, 2022, ch. 483, SB 2844, § 1, eff. 7/1/2022. In addition to the definitions provided in Section 67-1-5, which apply to this article, the following terms as used in this article shall have the following meanings unless otherwise required by the context: (a) "Commissioner" means the Commissioner of Revenue. (b) "Construction contractor" means an entity contracting with the Department of Finance and Administration to design and construct a warehouse under this article. (c) "Occasional improvements" means items of maintenance, repairs, upgrades or other improvements for the warehouse or its equipment that are not performed on a monthly basis. (d) "Regular maintenance" means monthly overhead expenses, including, but not limited to, utilities, cleaning services and lawn care. (e) "Shipping costs" means the cost to the department per case of alcoholic beverages delivered from the warehouse to the permittee's premises. (f) "State" means the State of Mississippi. (g) "Warehouse" or "new warehouse" means a liquor distribution warehouse constructed under this article. (h) "Warehouse operator" or "operator" means an entity contracting with the department to perform warehouse and distribution operations. (i) "Warehouse and distribution operations" or "operations" means services provided to or on behalf of the state for the management of the warehouse and the distribution of alcoholic beverages. "Warehouse and distribution operations" or "operations" may include shipping; however, nothing herein shall preclude the department from entering into separate contracts for operations and for shipping. Added by Laws, 2022, ch. 483, SB 2844, § 1, eff. 7/1/2022. In addition to the definitions provided in Section 67-1-5, which apply to this article, the following terms as used in this article shall have the following meanings unless otherwise required by the context: Added by Laws, 2022, ch. 483, SB 2844, § 1, eff. 7/1/2022.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211) Article 3 - ALCOHOLIC BEVERAGE CONTROL DIVISION WAREHOUSE CONSTRUCTION, IMPROVEMENTS AND OPERATIONS (§§ 67-1-201 — 67-1-211) Section 67-1-203 - Warehouse construction

(1) The Department of Finance and Administration, using the monies available in the ABC Warehouse Construction Fund created in Section 67-1-211(1) and such other monies as the Legislature may make available, shall purchase land for and shall provide for the design and construction of a warehouse for the division in the most expedient and cost-effective manner practicable as determined by the Executive Director of the Department of Finance and Administration. (2) The Department of Finance and Administration shall select a suitable site for the warehouse within fifty (50) miles of the new state capitol building. In selecting a site, the Department of Finance and Administration shall consider the feasibility of selecting state-owned land by comparing the cost of preparing the state-owned land for construction to the cost of acquiring other land and preparing such other land for construction. (3) The contract for design and construction shall provide that the operator shall be consulted so that the warehouse may, so far as possible, suit the

preferences of the operator in furtherance of effective operations. The contract shall also provide that the design shall aim to fill demand for the next twenty-five (25) years.(4)A contract for warehouse construction shall not be entered into unless the construction contractor has demonstrated:(a)The qualifications, experience and management personnel necessary to carry out the terms of the contract;(b)The ability to comply with applicable federal and state laws; and(c)The ability to expedite the design and construction of facilities comparable to the warehouse.(5)A contract for warehouse construction shall be entered into not later than October 1, 2024.Amended by Laws, 2024, ch. 520, HB 1354,§ 3, eff. 7/1/2024.Added by Laws, 2022, ch. 483, SB 2844,§ 2, eff. 7/1/2022.

(1)The Department of Finance and Administration, using the monies available in the ABC Warehouse Construction Fund created in Section67-1-211(1)and such other monies as the Legislature may make available, shall purchase land for and shall provide for the design and construction of a warehouse for the division in the most expedient and cost-effective manner practicable as determined by the Executive Director of the Department of Finance and Administration.(2)The Department of Finance and Administration shall select a suitable site for the warehouse within fifty (50) miles of the new state capitol building. In selecting a site, the Department of Finance and Administration shall consider the feasibility of selecting state-owned land by comparing the cost of preparing the state-owned land for construction to the cost of acquiring other land and preparing such other land for construction.(3)The contract for design and construction shall provide that the operator shall be consulted so that the warehouse may, so far as possible, suit the preferences of the operator in furtherance of effective operations. The contract shall also provide that the design shall aim to fill demand for the next twenty-five (25) years.(4)A contract for warehouse construction shall not be entered into unless the construction contractor has demonstrated:(a)The qualifications, experience and management personnel necessary to carry out the terms of the contract;(b)The ability to comply with applicable federal and state laws; and(c)The ability to expedite the design and construction of facilities comparable to the warehouse.(5)A contract for warehouse construction shall be entered into not later than October 1, 2024.Amended by Laws, 2024, ch. 520, HB 1354,§ 3, eff. 7/1/2024.Added by Laws, 2022, ch. 483, SB 2844,§ 2, eff. 7/1/2022.

(1)The Department of Finance and Administration, using the monies available in the ABC Warehouse Construction Fund created in Section67-1-211(1)and such other monies as the Legislature may make available, shall purchase land for and shall provide for the design and construction of a warehouse for the division in the most expedient and cost-effective manner practicable as determined by the Executive Director of the Department of Finance and Administration.(2)The Department of Finance and Administration shall select a suitable site for the warehouse within fifty (50) miles of the new state capitol building. In selecting a site, the Department of Finance and Administration shall consider the feasibility of selecting state-owned land by comparing the cost of preparing the state-owned land for construction to the cost of acquiring other land and preparing such other land for construction.(3)The contract for design and construction shall provide that the operator shall be consulted so that the warehouse may, so far as possible, suit the preferences of the operator in furtherance of effective operations. The contract shall also provide that the design shall aim to fill demand for the next twenty-five (25) years.(4)A contract for warehouse construction shall not be entered into unless the construction contractor has demonstrated:(a)The qualifications, experience and management personnel necessary to carry out the terms of the contract;(b)The ability to comply with applicable federal and state laws; and(c)The ability to expedite the design and construction of facilities comparable to the warehouse.(5)A contract for warehouse construction shall be entered into not later than October 1, 2024.Amended by Laws, 2024, ch. 520, HB 1354,§ 3, eff. 7/1/2024.Added by Laws, 2022, ch. 483, SB 2844,§ 2, eff. 7/1/2022.

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Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 3 - ALCOHOLIC BEVERAGE CONTROL DIVISION WAREHOUSE CONSTRUCTION, IMPROVEMENTS AND OPERATIONS (§§ 67-1-201 — 67-1-211)Section 67-1-205 - Warehouse and distribution operations

(1)The department shall contract for warehouse and distribution operations. The shipping contract in effect on July 1, 2022, shall remain in effect until the expiration of its term.(2)The department shall pay regular maintenance expenses and shall reimburse the operator for services performed under the contract out of monies appropriated by the Legislature.(3)The contract shall include the following terms:(a)The department shall pay the operator cost-plus on these operations at a set dollar amount per case of alcoholic beverages sold. Otherwise, the contract shall not alter the current cash flow of operations;(b)The operator shall be allotted a monthly spending limit for occasional improvements. The state may, at any time, review the operator's spending. The operator shall obtain prior state approval for any spending over the monthly limit set in the contract. The contract shall allow the operator to pay out of pocket, in which case the state will reimburse the operator on a monthly basis out of monies in the ABC Warehouse Improvements Fund created in Section67-1-211(2);(c)Shipping costs, where the contract encompasses shipping, shall be based on a set dollar amount per case of alcoholic beverages shipped from the warehouse to the permittee's premises;(d)The department and the operator may provide for the operator's software to interface with the department's TAP system in a manner allowing for information sharing in furtherance of efficient operations while also protecting the security of the TAP system;(e)The department shall develop quality and efficiency criteria for determining whether to renew a contract for warehouse and distribution operations;(f)The obligation of the department to proceed under the contract is conditioned upon the appropriation of funds by the Legislature and the receipt of state or federal funds. If the funds anticipated for the continuing time fulfillment of the agreement are, at any time, not forthcoming or insufficient, either through the failure of the federal government to provide funds or of the State of Mississippi to appropriate funds, or the discontinuance or material alteration of the program under which funds were provided, or if funds are not otherwise available to the department, the department shall have the right, upon ten (10) working days' written notice to the operator, to terminate this agreement without damage, penalty, cost or other expenses to the department of any kind whatsoever. The effective

date of termination shall be as specified in the notice of termination;(g)The state and the operator as parties to the contract and all terms of the contract shall be subject to and governed by the laws of the state at the time the contract is entered into, and any later amendments to such laws, through the duration of the contract; and(h)The operator shall be required to comply with any duties, responsibilities, conditions or other provisions required by state law during the duration of the contract, regardless of whether such duties, responsibilities, conditions or other provisions were required by state law at the time the contract was entered into.(4)The initial contract for operations shall terminate on the earlier of:(a)four (4) years from the date it commences; or(b)the last day of the use of the warehouse that is in service on July 1, 2022. The contract may be renewed for four (4) years, with another option to renew at the end of that four-year term. The department shall issue requests for proposals before entering any subsequent contract. Requests for proposals shall be required whenever a contract is not renewed, but no less frequently than every twelve (12) years.(5)The contract shall provide that all employees needed for operations shall be employees of the operator.(6)A contract for warehouse and distribution operations shall not be entered into unless the operator has demonstrated:(a)The qualifications, experience and management personnel necessary to carry out the terms of the contract; and(b)The ability to comply with applicable federal and state laws.(7)A contract for operations shall not be entered into unless the following requirements are met:(a)In addition to fire and casualty insurance, the operator provides at least Ten Million Dollars (\$10,000,000.00) of liability insurance. The liability insurance shall be issued by an insurance company with a rating of at least an A- according to AM Best standards. In determining the adequacy of such insurance, the Department of Finance and Administration shall determine whether:(i)The insurance is adequate to protect the state from any and all actions by a third party against the operator or the state as a result of the contract;(ii)The insurance is adequate to protect the state against any and all claims arising as a result of any occurrence during the term of the contract;(iii)The insurance is adequate to assure the operator's ability to fulfill its contract with the state in all respects, and to assure that the operator is not limited in this ability because of financial liability which results from judgments; and(iv)The insurance is adequate to satisfy such other requirements specified by the independent risk management/actuarial firm.(b)The sovereign immunity of the state shall not apply to the operator. Neither the operator nor the operator's insurer may plead the defense of sovereign immunity in any action arising out of the performance of the contract.(c)The operator shall post a performance bond to assure the operator's faithful performance of the specifications and conditions of the contract. The bond is required throughout the term of the contract. The terms and conditions must be approved by the department and the Department of Finance and Administration, and such approval is a condition precedent to the contract taking effect.(d)The operator shall defend any suit or claim brought against the state arising out of any act or omission in operations, and shall hold the state harmless from such claim or suit. The operator shall be solely responsible for the payment of any legal or other costs relative to any such claim or suit. The operator shall reimburse the state for any costs that it may incur as a result of such claim or suit immediately upon being submitted a statement therefor by the Attorney General.Any suit brought or claim made arising out of any act or omission in operations shall be made or brought against the operator and not the state.The Attorney General retains all rights and emoluments of his or her office which include direction and control over any litigation or claim involving the state.Brought forward by Laws, 2024, ch. 520, HB 1354,§ 4, eff. 7/1/2024.Added by Laws, 2022, ch. 483, SB 2844,§ 3, eff. 7/1/2022. (1)The department shall contract for warehouse and distribution operations. The shipping contract in effect on July 1, 2022, shall remain in effect until the expiration of its term.(2)The department shall pay regular maintenance expenses and shall reimburse the operator for services performed under the contract out of monies appropriated by the Legislature.(3)The contract shall include the following terms:(a)The department shall pay the operator cost-plus on these operations at a set dollar amount per case of alcoholic beverages sold. Otherwise, the contract shall not alter the current cash flow of operations;(b)The operator shall be allotted a monthly spending limit for occasional improvements. The state may, at any time, review the operator's spending. The operator shall obtain prior state approval for any spending over the monthly limit set in the contract. The contract shall allow the operator to pay out of pocket, in which case the state will reimburse the operator on a monthly basis out of monies in the ABC Warehouse Improvements Fund created in Section67-1-211(2);(c)Shipping costs, where the contract encompasses shipping, shall be based on a set dollar amount per case of alcoholic beverages shipped from the warehouse to the permittee's premises;(d)The department and the operator may provide for the operator's software to interface with the department's TAP system in a manner allowing for information sharing in furtherance of efficient operations while also protecting the security of the TAP system;(e)The department shall develop quality and efficiency criteria for determining whether to renew a contract for warehouse and distribution operations;(f)The obligation of the department to proceed under the contract is conditioned upon the appropriation of funds by the Legislature and the receipt of state or federal funds. If the funds anticipated for the continuing time fulfillment of the agreement are, at any time, not forthcoming or insufficient, either through the failure of the federal government to provide funds or of the State of Mississippi to appropriate funds, or the discontinuance or material alteration of the program under which funds were provided, or if funds are not otherwise available to the department, the department shall have the right, upon ten (10) working days' written notice to the operator, to terminate this agreement without damage, penalty, cost or other expenses to the department of any kind whatsoever. The effective date of termination shall be as specified in the notice of termination;(g)The state and the operator as parties to the contract and all terms of the contract shall be subject to and governed by the laws of the state at the time the contract is entered into, and any later amendments to such laws, through the duration of the contract; and(h)The operator shall be required to comply with any duties, responsibilities, conditions or other provisions required by state law during the duration of the contract, regardless of whether such duties, responsibilities, conditions or other provisions were required by state law at the time the contract was entered into.(4)The initial contract for operations shall terminate on the earlier of:(a)four (4) years from the date it commences; or(b)the last day of the use of the warehouse that is in service on July 1, 2022. The contract may be renewed for four (4) years, with another option to renew at the end of that four-year term. The department shall

issue requests for proposals before entering any subsequent contract. Requests for proposals shall be required whenever a contract is not renewed, but no less frequently than every twelve (12) years.(5)The contract shall provide that all employees needed for operations shall be employees of the operator.(6)A contract for warehouse and distribution operations shall not be entered into unless the operator has demonstrated:(a)The qualifications, experience and management personnel necessary to carry out the terms of the contract; and(b)The ability to comply with applicable federal and state laws.(7)A contract for operations shall not be entered into unless the following requirements are met:(a)In addition to fire and casualty insurance, the operator provides at least Ten Million Dollars (\$10,000,000.00) of liability insurance. The liability insurance shall be issued by an insurance company with a rating of at least an A- according to AM Best standards. In determining the adequacy of such insurance, the Department of Finance and Administration shall determine whether:(i)The insurance is adequate to protect the state from any and all actions by a third party against the operator or the state as a result of the contract;(ii)The insurance is adequate to protect the state against any and all claims arising as a result of any occurrence during the term of the contract;(iii)The insurance is adequate to assure the operator's ability to fulfill its contract with the state in all respects, and to assure that the operator is not limited in this ability because of financial liability which results from judgments; and(iv)The insurance is adequate to satisfy such other requirements specified by the independent risk management/actuarial firm.(b)The sovereign immunity of the state shall not apply to the operator. Neither the operator nor the operator's insurer may plead the defense of sovereign immunity in any action arising out of the performance of the contract.(c)The operator shall post a performance bond to assure the operator's faithful performance of the specifications and conditions of the contract. The bond is required throughout the term of the contract. The terms and conditions must be approved by the department and the Department of Finance and Administration, and such approval is a condition precedent to the contract taking effect.(d)The operator shall defend any suit or claim brought against the state arising out of any act or omission in operations, and shall hold the state harmless from such claim or suit. The operator shall be solely responsible for the payment of any legal or other costs relative to any such claim or suit. The operator shall reimburse the state for any costs that it may incur as a result of such claim or suit immediately upon being submitted a statement therefor by the Attorney General.Any suit brought or claim made arising out of any act or omission in operations shall be made or brought against the operator and not the state.The Attorney General retains all rights and emoluments of his or her office which include direction and control over any litigation or claim involving the state.Brought forward by Laws, 2024, ch. 520, HB 1354,§ 4, eff. 7/1/2024.Added by Laws, 2022, ch. 483, SB 2844,§ 3, eff. 7/1/2022. (1)The department shall contract for warehouse and distribution operations. 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standards. In determining the adequacy of such insurance, the Department of Finance and Administration shall determine whether:(i)The insurance is adequate to protect the state from any and all actions by a third party against the operator or the state as a result of the contract;(ii)The insurance is adequate to protect the state against any and all claims arising as a result of any occurrence during the term of the contract;(iii)The insurance is adequate to assure the operator's ability to fulfill its contract with the state in all respects, and to assure that the operator is not limited in this ability because of financial liability which results from judgments; and(iv)The insurance is adequate to satisfy such other requirements specified by the independent risk management/actuarial firm.(b)The sovereign immunity of the state shall not apply to the operator. Neither the operator nor the operator's insurer may plead the defense of sovereign immunity in any action arising out of the performance of the contract.(c)The operator shall post a performance bond to assure the operator's faithful performance of the specifications and conditions of the contract. The bond is required throughout the term of the contract. The terms and conditions must be approved by the department and the Department of Finance and Administration, and such approval is a condition precedent to the contract taking effect.(d)The operator shall defend any suit or claim brought against the state arising out of any act or omission in operations, and shall hold the state harmless from such claim or suit. The operator shall be solely responsible for the payment of any legal or other costs relative to any such claim or suit. The operator shall reimburse the state for any costs that it may incur as a result of such claim or suit immediately upon being submitted a statement therefor by the Attorney General.Any suit brought or claim made arising out of any act or omission in operations shall be made or brought against the operator and not the state.The Attorney General retains all rights and emoluments of his or her office which include direction and control over any litigation or claim involving the state.Brought forward by Laws, 2024, ch. 520, HB 1354,§ 4, eff. 7/1/2024.Added by Laws, 2022, ch. 483, SB 2844,§ 3, eff. 7/1/2022. Any suit brought or claim made arising out of any act or omission in operations shall be made or brought against the operator and not the state. The Attorney General retains all rights and emoluments of his or her office which include direction and control over any litigation or claim involving the state. Brought forward by Laws, 2024, ch. 520, HB 1354,§ 4, eff. 7/1/2024. Added by Laws, 2022, ch. 483, SB 2844,§ 3, eff. 7/1/2022.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 3 - ALCOHOLIC BEVERAGE CONTROL DIVISION WAREHOUSE CONSTRUCTION, IMPROVEMENTS AND OPERATIONS (§§ 67-1-201 — 67-1-211)Section 67-1-207 - Resumption of control by state upon contract termination

A plan shall be developed and certified by the commissioner which demonstrates the method by which the state would resume control of the warehouse upon termination of the contract for operations. The plan shall be submitted for review and comment to the Governor, the Lieutenant Governor, the Speaker of the House, the Chairmen of the Senate Finance Committee and the House Ways and Means Committee, and the Joint Legislative Committee on Performance Evaluation and Expenditure Review.Added by Laws, 2022, ch. 483, SB 2844,§ 4, eff. 7/1/2022. A plan shall be developed and certified by the commissioner which demonstrates the method by which the state would resume control of the warehouse upon termination of the contract for operations. The plan shall be submitted for review and comment to the Governor, the Lieutenant Governor, the Speaker of the House, the Chairmen of the Senate Finance Committee and the House Ways and Means Committee, and the Joint Legislative Committee on Performance Evaluation and Expenditure Review.Added by Laws, 2022, ch. 483, SB 2844,§ 4, eff. 7/1/2022. A plan shall be developed and certified by the commissioner which demonstrates the method by which the state would resume control of the warehouse upon termination of the contract for operations. The plan shall be submitted for review and comment to the Governor, the Lieutenant Governor, the Speaker of the House, the Chairmen of the Senate Finance Committee and the House Ways and Means Committee, and the Joint Legislative Committee on Performance Evaluation and Expenditure Review.Added by Laws, 2022, ch. 483, SB 2844,§ 4, eff. 7/1/2022. A plan shall be developed and certified by the commissioner which demonstrates the method by which the state would resume control of the warehouse upon termination of the contract for operations. The plan shall be submitted for review and comment to the Governor, the Lieutenant Governor, the Speaker of the House, the Chairmen of the Senate Finance Committee and the House Ways and Means Committee, and the Joint Legislative Committee on Performance Evaluation and Expenditure Review. Added by Laws, 2022, ch. 483, SB 2844,§ 4, eff. 7/1/2022.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 3 - ALCOHOLIC BEVERAGE CONTROL DIVISION WAREHOUSE CONSTRUCTION, IMPROVEMENTS AND OPERATIONS (§§ 67-1-201 — 67-1-211)Section 67-1-209 - Contract compliance officer

(1)The commissioner shall designate an employee of the department as a contract compliance officer within the department who shall monitor the contract between the state and the operator for warehouse and distribution operations, and shall assure operator compliance with its performance work statement.(2)The contract compliance officer shall be responsible for monitoring all aspects of the warehouse. The officer shall be provided an on-site work area, shall be on site on a daily basis, and shall have access to all areas of the warehouse and staff at all times. The operator shall provide any and all data, reports and other materials that the contract compliance officer determines are necessary to carry out monitoring responsibilities under this section.(3)The contract compliance officer shall report at least annually, or as requested, to the Governor and the Legislature.Added by Laws, 2022, ch. 483, SB 2844,§ 5, eff. 7/1/2022. (1)The commissioner shall designate an employee of the department as a contract compliance officer within the department who shall monitor the contract between the state and the operator for warehouse and distribution operations, and shall

assure operator compliance with its performance work statement.(2)The contract compliance officer shall be responsible for monitoring all aspects of the warehouse. The officer shall be provided an on-site work area, shall be on site on a daily basis, and shall have access to all areas of the warehouse and staff at all times. The operator shall provide any and all data, reports and other materials that the contract compliance officer determines are necessary to carry out monitoring responsibilities under this section.(3)The contract compliance officer shall report at least annually, or as requested, to the Governor and the Legislature.Added by Laws, 2022, ch. 483, SB 2844,§ 5, eff. 7/1/2022. (1)The commissioner shall designate an employee of the department as a contract compliance officer within the department who shall monitor the contract between the state and the operator for warehouse and distribution operations, and shall assure operator compliance with its performance work statement.(2)The contract compliance officer shall be responsible for monitoring all aspects of the warehouse. The officer shall be provided an on-site work area, shall be on site on a daily basis, and shall have access to all areas of the warehouse and staff at all times. The operator shall provide any and all data, reports and other materials that the contract compliance officer determines are necessary to carry out monitoring responsibilities under this section.(3)The contract compliance officer shall report at least annually, or as requested, to the Governor and the Legislature.Added by Laws, 2022, ch. 483, SB 2844,§ 5, eff. 7/1/2022. Added by Laws, 2022, ch. 483, SB 2844,§ 5, eff. 7/1/2022.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 1 - ALCOHOLIC BEVERAGE CONTROL (§§ 67-1-1 — 67-1-211)Article 3 - ALCOHOLIC BEVERAGE CONTROL DIVISION WAREHOUSE CONSTRUCTION, IMPROVEMENTS AND OPERATIONS (§§ 67-1-201 — 67-1-211)Section 67-1-211 - Special funds

(1)A special fund, to be designated the "ABC Warehouse Construction Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Monies in this special fund shall be used to assist the Department of Finance and Administration in paying the costs associated with land acquisition for, and the design, construction, furnishing and equipping of, a new warehouse for the Department of Revenue's Alcoholic Beverage Control Division. In addition, monies in this special fund shall be used to pay the costs of relocating inventory to the new warehouse from the warehouse that is in service on July 1, 2022. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund.(2)A special fund, to be designated the "ABC Warehouse Improvements Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Monies in this special fund shall be used to assist the Department of Revenue in paying the costs associated with occasional improvements. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund.Added by Laws, 2022, ch. 483, SB 2844,§ 6, eff. 7/1/2022. (1)A special fund, to be designated the "ABC Warehouse Construction Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Monies in this special fund shall be used to assist the Department of Finance and Administration in paying the costs associated with land acquisition for, and the design, construction, furnishing and equipping of, a new warehouse for the Department of Revenue's Alcoholic Beverage Control Division. In addition, monies in this special fund shall be used to pay the costs of relocating inventory to the new warehouse from the warehouse that is in service on July 1, 2022. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund.(2)A special fund, to be designated the "ABC Warehouse Improvements Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Monies in this special fund shall be used to assist the Department of Revenue in paying the costs associated with occasional improvements. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund.Added by Laws, 2022, ch. 483, SB 2844,§ 6, eff. 7/1/2022. 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Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund.(2)A special fund, to be designated the "ABC Warehouse Improvements Fund," is created within the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. Monies in this special fund shall be used to assist the Department of Revenue in paying the costs associated with occasional improvements. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund.Added by Laws, 2022, ch. 483, SB 2844,§ 6, eff. 7/1/2022. 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Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 11 - MISSISSIPPI NATIVE SPIRIT LAW (§§ 67-11-1 — 67-11-11) Section 67-11-1 - Short title

This chapter shall be known and may be cited as the "Mississippi Native Spirit Law." Added by Laws, 2021, ch. 388, SB 2606, § 1, eff. 7/1/2021. This chapter shall be known and may be cited as the "Mississippi Native Spirit Law." Added by Laws, 2021, ch. 388, SB 2606, § 1, eff. 7/1/2021. This chapter shall be known and may be cited as the "Mississippi Native Spirit Law." Added by Laws, 2021, ch. 388, SB 2606, § 1, eff. 7/1/2021. This chapter shall be known and may be cited as the "Mississippi Native Spirit Law." Added by Laws, 2021, ch. 388, SB 2606, § 1, eff. 7/1/2021.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 11 - MISSISSIPPI NATIVE SPIRIT LAW (§§ 67-11-1 — 67-11-11) Section 67-11-11 - Annual privilege license tax; excise tax on each case of native spirits; exemption of certain native spirits from excise tax

(1) Upon every producer holding a permit for the production of native spirits, there is levied and imposed for each location for the privilege of engaging and continuing in this state in the production of native spirits an annual privilege license tax in an amount equal to Three Hundred Dollars (\$300.00) for each one thousand (1,000) gallons, or any part thereof, of native spirits produced by the distillery. (2) There is levied and assessed an excise tax upon each case of native spirit sold by a producer to any source to be collected from the producer in the amount provided for in Section 27-71-7. However, native spirit produced in Mississippi for export and sale without this state and native spirit produced in Mississippi and sold to the department shall not be subject to the excise tax, nor shall the tax accrue or be collected on native spirits dispensed, as free samples in quantities of not more than two (2) ounces, in the tasting room of a native distillery. (3) The privilege tax imposed by subsection (1) of this section shall be collected in the same manner as presently provided by law for the collection of other alcoholic beverages. The excise tax imposed by subsection (2) of this section shall be reported monthly by the producer to the department on all sales made in Mississippi to consumers at the location of the native distillery in its immediate vicinity, along with a statement of gallonage produced during that month, and the producer shall remit the tax due and owing with each report. The producer shall also include in the report a statement of gallonage sold and exported for sale outside this state. (4) All taxes levied by and collected under this section shall be deposited in the State General Fund. Amended by Laws, 2022, ch. 474, SB 2747, § 1, eff. 4/18/2022. Added by Laws, 2021, ch. 388, SB 2606, § 6, eff. 7/1/2021. (1) Upon every producer holding a permit for the production of native spirits, there is levied and imposed for each location for the privilege of engaging and continuing in this state in the production of native spirits an annual privilege license tax in an amount equal to Three Hundred Dollars (\$300.00) for each one thousand (1,000) gallons, or any part thereof, of native spirits produced by the distillery. (2) There is levied and assessed an excise tax upon each case of native spirit sold by a producer to any source to be collected from the producer in the amount provided for in Section 27-71-7. However, native spirit produced in Mississippi for export and sale without this state and native spirit produced in Mississippi and sold to the department shall not be subject to the excise tax, nor shall the tax accrue or be collected on native spirits dispensed, as free samples in quantities of not more than two (2) ounces, in the tasting room of a native distillery. (3) The privilege tax imposed by subsection (1) of this section shall be collected in the same manner as presently provided by law for the collection of other alcoholic beverages. The excise tax imposed by subsection (2) of this section shall be reported monthly by the producer to the department on all sales made in Mississippi to consumers at the location of the native distillery in its immediate vicinity, along with a statement of gallonage produced during that month, and the producer shall remit the tax due and owing with each report. The producer shall also include in the report a statement of gallonage sold and exported for sale outside this state. (4) All taxes levied by and collected under this section shall be deposited in the State General Fund. Amended by Laws, 2022, ch. 474, SB 2747, § 1, eff. 4/18/2022. Added by Laws, 2021, ch. 388, SB 2606, § 6, eff. 7/1/2021. (1) Upon every producer holding a permit for the production of native spirits, there is levied and imposed for each location for the privilege of engaging and continuing in this state in the production of native spirits an annual privilege license tax in an amount equal to Three Hundred Dollars (\$300.00) for each one thousand (1,000) gallons, or any part thereof, of native spirits produced by the distillery. (2) There is levied and assessed an excise tax upon each case of native spirit sold by a producer to any source to be collected from the producer in the amount provided for in Section 27-71-7. However, native spirit produced in Mississippi for export and sale without this state and native spirit produced in Mississippi and sold to the department shall not be subject to the excise tax, nor shall the tax accrue or be collected on native spirits dispensed, as free samples in quantities of not more than two (2) ounces, in the tasting room of a native distillery. (3) The privilege tax imposed by subsection (1) of this section shall be collected in the same manner as presently provided by law for the collection of other alcoholic beverages. The excise tax imposed by subsection (2) of this section shall be reported monthly by the producer to the department on all sales made in Mississippi to consumers at the location of the native distillery in its immediate vicinity, along with a statement of gallonage produced during that month, and the producer shall remit the tax due and owing with each report. The producer shall also include in the report a statement of gallonage sold and exported for sale outside this state. (4) All taxes levied by and collected under this section shall be deposited in the State General Fund. Amended by Laws, 2022, ch. 474, SB 2747, § 1, eff. 4/18/2022. Added by Laws, 2021, ch. 388, SB 2606, § 6, eff. 7/1/2021. Amended by Laws, 2022, ch. 474, SB 2747, § 1, eff. 4/18/2022. Added by Laws, 2021, ch. 388, SB 2606, § 6, eff. 7/1/2021.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 11 - MISSISSIPPI NATIVE SPIRIT LAW (§§ 67-11-1 — 67-11-11) Section 67-11-3 - Definitions

For purposes of this chapter, the following words and phrases shall have the definitions ascribed herein, unless the context otherwise requires:(a)"Native spirit" shall mean any beverage, produced in Mississippi for sale, manufactured primarily by the distillation of fermented grain, starch, molasses or sugar produced in Mississippi, including dilutions and mixtures of these beverages. In order to be classified as "native spirit" under the provisions of this chapter, at least fifty-one percent (51%) of the finished product by volume shall have been obtained from distillation of fermented grain, starch, molasses or sugar grown and produced in Mississippi.(b)"Native distillery" shall mean any place or establishment within this state where native spirit is produced in whole or in part for sale.(c)"Produce" shall mean to do or to perform any act or thing in the process of making native spirit.(d)"Person" shall mean one or more natural persons, or a corporation, partnership or association.(e)"Producer" shall mean any person who owns, operates or conducts a native distillery, but it does not mean the employees of such persons.(f)"Consumer" shall mean any person who purchases native spirit for the purpose of consuming it, giving it away, or distributing it in any way other than by sale, barter or exchange.(g)"Department" shall mean the Mississippi Department of Revenue.(h)"Division" shall mean the Alcoholic Beverage Control Division of the department.Added by Laws, 2021, ch. 388, SB 2606,§ 2, eff. 7/1/2021. For purposes of this chapter, the following words and phrases shall have the definitions ascribed herein, unless the context otherwise requires:(a)"Native spirit" shall mean any beverage, produced in Mississippi for sale, manufactured primarily by the distillation of fermented grain, starch, molasses or sugar produced in Mississippi, including dilutions and mixtures of these beverages. In order to be classified as "native spirit" under the provisions of this chapter, at least fifty-one percent (51%) of the finished product by volume shall have been obtained from distillation of fermented grain, starch, molasses or sugar grown and produced in Mississippi.(b)"Native distillery" shall mean any place or establishment within this state where native spirit is produced in whole or in part for sale.(c)"Produce" shall mean to do or to perform any act or thing in the process of making native spirit.(d)"Person" shall mean one or more natural persons, or a corporation, partnership or association.(e)"Producer" shall mean any person who owns, operates or conducts a native distillery, but it does not mean the employees of such persons.(f)"Consumer" shall mean any person who purchases native spirit for the purpose of consuming it, giving it away, or distributing it in any way other than by sale, barter or exchange.(g)"Department" shall mean the Mississippi Department of Revenue.(h)"Division" shall mean the Alcoholic Beverage Control Division of the department.Added by Laws, 2021, ch. 388, SB 2606,§ 2, eff. 7/1/2021. For purposes of this chapter, the following words and phrases shall have the definitions ascribed herein, unless the context otherwise requires:(a)"Native spirit" shall mean any beverage, produced in Mississippi for sale, manufactured primarily by the distillation of fermented grain, starch, molasses or sugar produced in Mississippi, including dilutions and mixtures of these beverages. In order to be classified as "native spirit" under the provisions of this chapter, at least fifty-one percent (51%) of the finished product by volume shall have been obtained from distillation of fermented grain, starch, molasses or sugar grown and produced in Mississippi.(b)"Native distillery" shall mean any place or establishment within this state where native spirit is produced in whole or in part for sale.(c)"Produce" shall mean to do or to perform any act or thing in the process of making native spirit.(d)"Person" shall mean one or more natural persons, or a corporation, partnership or association.(e)"Producer" shall mean any person who owns, operates or conducts a native distillery, but it does not mean the employees of such persons.(f)"Consumer" shall mean any person who purchases native spirit for the purpose of consuming it, giving it away, or distributing it in any way other than by sale, barter or exchange.(g)"Department" shall mean the Mississippi Department of Revenue.(h)"Division" shall mean the Alcoholic Beverage Control Division of the department.Added by Laws, 2021, ch. 388, SB 2606,§ 2, eff. 7/1/2021. For purposes of this chapter, the following words and phrases shall have the definitions ascribed herein, unless the context otherwise requires: Added by Laws, 2021, ch. 388, SB 2606,§ 2, eff. 7/1/2021.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 11 - MISSISSIPPI NATIVE SPIRIT LAW (§§ 67-11-1 — 67-11-11)Section 67-11-5 - Production and sale of native spirit legal; taxation

It shall be lawful to produce native spirit in the State of Mississippi and to sell such native spirit within or without this state. Native spirit shall be subject to the gallonage excise tax levied by Section67-11-11.The production of native spirit is hereby declared, under the laws of this state, to be a privilege and, as such, shall be subject to the privilege license tax levied by Section67-11-11.Added by Laws, 2021, ch. 388, SB 2606,§ 3, eff. 7/1/2021. It shall be lawful to produce native spirit in the State of Mississippi and to sell such native spirit within or without this state. Native spirit shall be subject to the gallonage excise tax levied by Section67-11-11.The production of native spirit is hereby declared, under the laws of this state, to be a privilege and, as such, shall be subject to the privilege license tax levied by Section67-11-11.Added by Laws, 2021, ch. 388, SB 2606,§ 3, eff. 7/1/2021. It shall be lawful to produce native spirit in the State of Mississippi and to sell such native spirit within or without this state. Native spirit shall be subject to the gallonage excise tax levied by Section67-11-11.The production of native spirit is hereby declared, under the laws of this state, to be a privilege and, as such, shall be subject to the privilege license tax levied by Section67-11-11.Added by Laws, 2021, ch. 388, SB 2606,§ 3, eff. 7/1/2021. It shall be lawful to produce native spirit in the State of Mississippi and to sell such native spirit within or without this state. Native spirit shall be subject to the gallonage excise tax levied by Section67-11-11. The production of native spirit is hereby declared, under the laws of this state, to be a privilege and, as such, shall be subject to the privilege license tax levied by Section67-11-11. Added by Laws, 2021, ch. 388, SB 2606,§ 3, eff. 7/1/2021.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 11 - MISSISSIPPI NATIVE SPIRIT LAW (§§ 67-11-1 — 67-11-11)Section 67-11-7 - Permit for production of native spirits required; registration of native distilleries

(1)Every native distillery in the State of Mississippi shall apply for a permit as provided for in Section67-1-51and shall be issued

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 11 - MISSISSIPPI NATIVE SPIRIT LAW (§§ 67-11-1 — 67-11-11) Section 67-11-9 - Sales by native distilleries

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-1 - Declaration of purpose

The purpose of this chapter is to legalize the sale within this state of light wines, light spirit products and beer, to legalize the manufacture of beer, and to regulate the business of manufacturing and of selling light wines, light spirit products and beer so as to prevent the illicit manufacture, sale and consumption of alcoholic beverages as defined in Section67-1-5, the manufacture and sale of which it is not the purpose of this chapter to legalize.Codes, 1942, § 10211; Laws, 1934, ch. 171; Laws, 1998, ch. 306, § 3; Laws, 2012, ch. 323, § 3; Laws, 2012, ch. 501, § 1, eff. 7/1/2012.Amended by Laws, 2020, ch. 314, HB 917,§ 1, eff. 6/18/2020. The purpose of this chapter is to legalize the sale within this state of light wines, light spirit products and beer, to legalize the manufacture of beer, and to regulate the business of manufacturing and of selling light wines, light spirit products and beer so as to prevent the illicit manufacture, sale and consumption of alcoholic beverages as defined in Section67-1-5, the manufacture and sale of which it is not the purpose of this chapter to legalize.Codes, 1942, § 10211; Laws, 1934, ch. 171; Laws, 1998, ch. 306, § 3; Laws, 2012, ch. 323, § 3; Laws, 2012, ch. 501, § 1, eff. 7/1/2012.Amended by Laws, 2020, ch. 314, HB 917,§ 1, eff. 6/18/2020. The purpose of this chapter is to legalize the sale within this state of light wines, light spirit products and beer, to legalize the manufacture of beer, and to regulate the business of manufacturing and of selling light wines, light spirit products and beer so as to prevent the illicit manufacture, sale and consumption of alcoholic beverages as defined in Section67-1-5, the manufacture and sale of which it is not the purpose of this chapter to legalize.Codes, 1942, § 10211; Laws, 1934, ch. 171; Laws, 1998, ch. 306, § 3; Laws, 2012, ch. 323, § 3; Laws, 2012, ch. 501, § 1, eff. 7/1/2012.Amended by Laws, 2020, ch. 314, HB 917,§ 1, eff. 6/18/2020. The purpose of this chapter is to legalize the sale within this state of light wines, light spirit products and beer, to legalize the manufacture of beer, and to regulate the business of manufacturing and of selling light wines, light spirit products and beer so as to prevent the illicit manufacture, sale and consumption of alcoholic beverages as defined in Section67-1-5, the manufacture and sale of which it is not the purpose of this chapter to legalize.Codes, 1942, § 10211; Laws, 1934, ch. 171; Laws, 1998, ch. 306, § 3; Laws, 2012, ch. 323, § 3; Laws, 2012, ch. 501, § 1, eff. 7/1/2012.Amended by Laws, 2020, ch. 314, HB 917,§ 1, eff. 6/18/2020.

prevent the illicit manufacture, sale and consumption of alcoholic beverages as defined in Section 67-1-5, the manufacture and sale of which it is not the purpose of this chapter to legalize. Codes, 1942, § 10211; Laws, 1934, ch. 171; Laws, 1998, ch. 306, § 3; Laws, 2012, ch. 323, § 3; Laws, 2012, ch. 501, § 1, eff. 7/1/2012. Amended by Laws, 2020, ch. 314, HB 917, § 1, eff. 6/18/2020.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-11 - Homemade wine or beer

(1) Every person shall have the right to make homemade wine for domestic or household uses only, free of all restraint by this chapter or otherwise, and no such election as provided for in Sections 67-3-7, 67-3-9 and 67-3-13, shall deprive any person of the right to make homemade wine for domestic or household uses only. (2)(a) Every person twenty-one (21) years of age or older shall have the right to make homemade beer for personal, family, domestic or household uses without restraint by this chapter or otherwise. (b) The maximum amount of homemade beer that a person may make in a calendar year shall not exceed: (i) One hundred (100) gallons if there is only one (1) person over the age of twenty-one (21) years of age residing in the household; and (ii) Two hundred (200) gallons if there are two (2) or more persons over the age of twenty-one (21) years residing in the household. (c) A person who makes homemade beer as authorized in this section may remove the beer from the premises of the household where it is made and transport the beer only for the purpose of participating in a bona fide exhibition, contest or competition where homemade beer is being tasted and judged; however, homemade beer may not be sold or offered for sale under any circumstances. Codes, 1942, §§ 10209, 10227; Laws, 1934, ch. 171. Amended by Laws, 2020, ch. 423, HB 1087, § 8, eff. 7/1/2020. Amended by Laws, 2020, ch. 314, HB 917, § 6, eff. 6/18/2020. Amended by Laws, 2013, ch. 345, SB 2183, 1, eff. 7/1/2013. (1) Every person shall have the right to make homemade wine for domestic or household uses only, free of all restraint by this chapter or otherwise, and no such election as provided for in Sections 67-3-7, 67-3-9 and 67-3-13, shall deprive any person of the right to make homemade wine for domestic or household uses only. (2)(a) Every person twenty-one (21) years of age or older shall have the right to make homemade beer for personal, family, domestic or household uses without restraint by this chapter or otherwise. (b) The maximum amount of homemade beer that a person may make in a calendar year shall not exceed: (i) One hundred (100) gallons if there is only one (1) person over the age of twenty-one (21) years of age residing in the household; and (ii) Two hundred (200) gallons if there are two (2) or more persons over the age of twenty-one (21) years residing in the household. (c) A person who makes homemade beer as authorized in this section may remove the beer from the premises of the household where it is made and transport the beer only for the purpose of participating in a bona fide exhibition, contest or competition where homemade beer is being tasted and judged; however, homemade beer may not be sold or offered for sale under any circumstances. Codes, 1942, §§ 10209, 10227; Laws, 1934, ch. 171. Amended by Laws, 2020, ch. 423, HB 1087, § 8, eff. 7/1/2020. Amended by Laws, 2020, ch. 314, HB 917, § 6, eff. 6/18/2020. Amended by Laws, 2013, ch. 345, SB 2183, 1, eff. 7/1/2013. (1) Every person shall have the right to make homemade wine for domestic or household uses only, free of all restraint by this chapter or otherwise, and no such election as provided for in Sections 67-3-7, 67-3-9 and 67-3-13, shall deprive any person of the right to make homemade wine for domestic or household uses only. (2)(a) Every person twenty-one (21) years of age or older shall have the right to make homemade beer for personal, family, domestic or household uses without restraint by this chapter or otherwise. (b) The maximum amount of homemade beer that a person may make in a calendar year shall not exceed: (i) One hundred (100) gallons if there is only one (1) person over the age of twenty-one (21) years of age residing in the household; and (ii) Two hundred (200) gallons if there are two (2) or more persons over the age of twenty-one (21) years residing in the household. (c) A person who makes homemade beer as authorized in this section may remove the beer from the premises of the household where it is made and transport the beer only for the purpose of participating in a bona fide exhibition, contest or competition where homemade beer is being tasted and judged; however, homemade beer may not be sold or offered for sale under any circumstances. Codes, 1942, §§ 10209, 10227; Laws, 1934, ch. 171. Amended by Laws, 2020, ch. 423, HB 1087, § 8, eff. 7/1/2020. Amended by Laws, 2020, ch. 314, HB 917, § 6, eff. 6/18/2020. Amended by Laws, 2013, ch. 345, SB 2183, 1, eff. 7/1/2013. Codes, 1942, §§ 10209, 10227; Laws, 1934, ch. 171. Amended by Laws, 2020, ch. 423, HB 1087, § 8, eff. 7/1/2020. Amended by Laws, 2020, ch. 314, HB 917, § 6, eff. 6/18/2020. Amended by Laws, 2013, ch. 345, SB 2183, 1, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-13 - Possession of light wine, light spirit product and beer in dry counties; seizure and disposal of for violation of section

(1) It shall be lawful to possess beer, light spirit product and light wine throughout the state, unless otherwise prohibited by this chapter. However, nothing herein shall be construed to make lawful the possession of beer, light spirit product or light wine with the intent to sell except as authorized by this chapter. (2) In any county or municipality in which the transportation, storage, sale, distribution, receipt and/or manufacture of light wine, light spirit product and beer is prohibited, it shall not be unlawful for a permitted wholesaler or distributor to possess light wine, light spirit product and beer when such light wine, light spirit product and beer is held therein solely for the purpose of storage and for distribution to other counties and municipalities in which transportation, storage, sale, distribution, receipt and/or manufacture is lawful. (3) Notwithstanding the provisions of subsections (1) and (2) of this section, in any county in which transportation, storage, sale, distribution, receipt and/or manufacture of light wine, light spirit product and beer is prohibited, it shall not be unlawful: (a) To receive or store light wine, light spirit product or beer at a resort area as defined in Section 67-1-5; (b) To distribute and transport light wine, light spirit product or beer to a resort area as defined in Section 67-1-5; (c) To transport beer of an alcoholic content of more than eight percent (8%) by weight if it is being transported to

another state for legal sale in that state;(d)To transport legally purchased light wine, light spirit product or beer in unopened containers if it is being transported on a state or federal highway; however, this paragraph shall not apply to a retailer unless the retailer has purchased the light wine, light spirit product or beer from a wholesaler or distributor for the designated sales territory in which the retailer is located and the retailer has in his possession an invoice from the wholesaler or distributor for the light wine, light spirit product or beer; or(e)To transport homemade beer as authorized in Section67-3-11.(4)Any light wine, light spirit product or beer found in possession of, or sold by, a person in violation of this section shall be seized and disposed of in the manner provided for in Section67-1-18.Codes, 1942, § 10208; Laws, 1934, ch. 171; Laws, 1942, ch. 224; Laws, 1956, ch. 252; Laws, 1958, ch. 279; Laws, 1987, ch. 349; Laws, 1996, ch. 417, § 11; Laws, 1998, ch. 306, § 7; Laws, 2004, ch. 397, § 6; Laws, 2012, ch. 323, § 7; Laws, 2012, ch. 501, § 4, eff. 7/1/2012.Amended by Laws, 2020, ch. 423, HB 1087,§ 9, eff. 7/1/2020.Amended by Laws, 2020, ch. 314, HB 917,§ 7, eff. 6/18/2020.Amended by Laws, 2018, ch. 385, HB 192,§ 3, eff. 7/1/2018.Amended by Laws, 2015, ch. 438, SB 2071, 4, eff. 4/13/2015.Amended by Laws, 2013, ch. 345, SB 2183, 3, eff. 7/1/2013. (1)It shall be lawful to possess beer, light spirit product and light wine throughout the state, unless otherwise prohibited by this chapter. However, nothing herein shall be construed to make lawful the possession of beer, light spirit product or light wine with the intent to sell except as authorized by this chapter.(2)In any county or municipality in which the transportation, storage, sale, distribution, receipt and/or manufacture of light wine, light spirit product and beer is prohibited, it shall not be unlawful for a permitted wholesaler or distributor to possess light wine, light spirit product and beer when such light wine, light spirit product and beer is held therein solely for the purpose of storage and for distribution to other counties and municipalities in which transportation, storage, sale, distribution, receipt and/or manufacture is lawful.(3)Notwithstanding the provisions of subsections (1) and (2) of this section, in any county in which transportation, storage, sale, distribution, receipt and/or manufacture of light wine, light spirit product and beer is prohibited, it shall not be unlawful:(a)To receive or store light wine, light spirit product or beer at a resort area as defined in Section67-1-5;(b)To distribute and transport light wine, light spirit product or beer to a resort area as defined in Section67-1-5;(c)To transport beer of an alcoholic content of more than eight percent (8%) by weight if it is being transported to another state for legal sale in that state;(d)To transport legally purchased light wine, light spirit product or beer in unopened containers if it is being transported on a state or federal highway; however, this paragraph shall not apply to a retailer unless the retailer has purchased the light wine, light spirit product or beer from a wholesaler or distributor for the designated sales territory in which the retailer is located and the retailer has in his possession an invoice from the wholesaler or distributor for the light wine, light spirit product or beer; or(e)To transport homemade beer as authorized in Section67-3-11.(4)Any light wine, light spirit product or beer found in possession of, or sold by, a person in violation of this section shall be seized and disposed of in the manner provided for in Section67-1-18.Codes, 1942, § 10208; Laws, 1934, ch. 171; Laws, 1942, ch. 224; Laws, 1956, ch. 252; Laws, 1958, ch. 279; Laws, 1987, ch. 349; Laws, 1996, ch. 417, § 11; Laws, 1998, ch. 306, § 7; Laws, 2004, ch. 397, § 6; Laws, 2012, ch. 323, § 7; Laws, 2012, ch. 501, § 4, eff. 7/1/2012.Amended by Laws, 2020, ch. 423, HB 1087,§ 9, eff. 7/1/2020.Amended by Laws, 2020, ch. 314, HB 917,§ 7, eff. 6/18/2020.Amended by Laws, 2018, ch. 385, HB 192,§ 3, eff. 7/1/2018.Amended by Laws, 2015, ch. 438, SB 2071, 4, eff. 4/13/2015.Amended by Laws, 2013, ch. 345, SB 2183, 3, eff. 7/1/2013. 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However, nothing herein shall be construed to make lawful the possession of beer, light spirit product or light wine with the intent to sell except as authorized by this chapter.(2)In any county or municipality in which the transportation, storage, sale, distribution, receipt and/or manufacture of light wine, light spirit product and beer is prohibited, it shall not be unlawful for a permitted wholesaler or distributor to possess light wine, light spirit product and beer when such light wine, light spirit product and beer is held therein solely for the purpose of storage and for distribution to other counties and municipalities in which transportation, storage, sale, distribution, receipt and/or manufacture is lawful.(3)Notwithstanding the provisions of subsections (1) and (2) of this section, in any county in which transportation, storage, sale, distribution, receipt and/or manufacture of light wine, light spirit product and beer is prohibited, it shall not be unlawful:(a)To receive or store light wine, light spirit product or beer at a resort area as defined in Section67-1-5;(b)To distribute and transport light wine, light spirit product or beer to a resort area as defined in Section67-1-5;(c)To transport beer of an alcoholic content of more than eight percent (8%) by weight if it is being transported to another state for legal sale in that state;(d)To transport legally purchased light wine, light spirit product or beer in unopened containers if it is being transported on a state or federal highway; however, this paragraph shall not apply to a retailer unless the retailer has purchased the light wine, light spirit product or beer from a wholesaler or distributor for the designated sales territory in which the retailer is located and the retailer has in his possession an invoice from the wholesaler or distributor for the light wine, light spirit product or beer; or(e)To transport homemade beer as authorized in Section67-3-11.(4)Any light wine, light spirit product or beer found in possession of, or sold by, a person in violation of this section shall be seized and disposed of in the manner provided for in Section67-1-18.Codes, 1942, § 10208; Laws, 1934, ch. 171; Laws, 1942, ch. 224; Laws, 1956, ch. 252; Laws, 1958, ch. 279; Laws, 1987, ch. 349; Laws, 1996, ch. 417, § 11; Laws, 1998, ch. 306, § 7; Laws, 2004, ch. 397, § 6; Laws, 2012, ch. 323, § 7; Laws, 2012, ch. 501, § 4, eff. 7/1/2012.Amended by Laws, 2020, ch. 423, HB 1087,§ 9, eff. 7/1/2020.Amended by Laws, 2020, ch. 314, HB 917,§ 7, eff. 6/18/2020.Amended by Laws, 2018, ch. 385, HB 192,§ 3, eff. 7/1/2018.Amended by Laws, 2015, ch. 438, SB 2071, 4, eff. 4/13/2015.Amended by Laws, 2013, ch. 345, SB 2183, 3, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-15 - Permit and/or license required

(1) Any person who shall brew or manufacture or sell any beer, light spirit product or light wine without first having secured a permit and/or license from the commissioner authorizing the brewing or manufacture or sale of such liquor, shall be guilty of a misdemeanor and, upon conviction thereof, be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment in the county jail for not more than one (1) year, or both, in the discretion of the court. Any person so convicted may not apply for any permit or license issued by the commissioner until five (5) years have elapsed from the date of such conviction. (2) This section shall not apply to beer authorized to be made pursuant to Section 67-3-11. (3) Any light wine, light spirit product or beer found in possession of, or sold by, a person in violation of this section shall be seized and disposed of in the manner provided for in Section 67-1-18. Codes, 1942, § 10212; Laws, 1934, ch. 171; Laws, 1997, ch. 499, § 10; Laws, 2000, ch. 435, § 8, eff. 7/1/2000. Amended by Laws, 2020, ch. 314, HB 917, § 8, eff. 6/18/2020. Amended by Laws, 2015, ch. 438, SB 2071, 5, eff. 4/13/2015. Amended by Laws, 2013, ch. 345, SB 2183, 4, eff. 7/1/2013. (1) Any person who shall brew or manufacture or sell any beer, light spirit product or light wine without first having secured a permit and/or license from the commissioner authorizing the brewing or manufacture or sale of such liquor, shall be guilty of a misdemeanor and, upon conviction thereof, be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment in the county jail for not more than one (1) year, or both, in the discretion of the court. Any person so convicted may not apply for any permit or license issued by the commissioner until five (5) years have elapsed from the date of such conviction. (2) This section shall not apply to beer authorized to be made pursuant to Section 67-3-11. (3) Any light wine, light spirit product or beer found in possession of, or sold by, a person in violation of this section shall be seized and disposed of in the manner provided for in Section 67-1-18. Codes, 1942, § 10212; Laws, 1934, ch. 171; Laws, 1997, ch. 499, § 10; Laws, 2000, ch. 435, § 8, eff. 7/1/2000. Amended by Laws, 2020, ch. 314, HB 917, § 8, eff. 6/18/2020. Amended by Laws, 2015, ch. 438, SB 2071, 5, eff. 4/13/2015. Amended by Laws, 2013, ch. 345, SB 2183, 4, eff. 7/1/2013. (1) Any person who shall brew or manufacture or sell any beer, light spirit product or light wine without first having secured a permit and/or license from the commissioner authorizing the brewing or manufacture or sale of such liquor, shall be guilty of a misdemeanor and, upon conviction thereof, be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or imprisonment in the county jail for not more than one (1) year, or both, in the discretion of the court. Any person so convicted may not apply for any permit or license issued by the commissioner until five (5) years have elapsed from the date of such conviction. (2) This section shall not apply to beer authorized to be made pursuant to Section 67-3-11. (3) Any light wine, light spirit product or beer found in possession of, or sold by, a person in violation of this section shall be seized and disposed of in the manner provided for in Section 67-1-18. Codes, 1942, § 10212; Laws, 1934, ch. 171; Laws, 1997, ch. 499, § 10; Laws, 2000, ch. 435, § 8, eff. 7/1/2000. Amended by Laws, 2020, ch. 314, HB 917, § 8, eff. 6/18/2020. Amended by Laws, 2015, ch. 438, SB 2071, 5, eff. 4/13/2015. Amended by Laws, 2013, ch. 345, SB 2183, 4, eff. 7/1/2013. Codes, 1942, § 10212; Laws, 1934, ch. 171; Laws, 1997, ch. 499, § 10; Laws, 2000, ch. 435, § 8, eff. 7/1/2000. Amended by Laws, 2020, ch. 314, HB 917, § 8, eff. 6/18/2020. Amended by Laws, 2015, ch. 438, SB 2071, 5, eff. 4/13/2015. Amended by Laws, 2013, ch. 345, SB 2183, 4, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-17 - Application for permit; oath

(1) Any person desiring to engage in any business taxable under Sections 27-71-303 through 27-71-317, Mississippi Code of 1972, either as a retailer, or as a wholesaler or distributor, or as a manufacturer, of light wines, light spirit products or beer, shall file with the commissioner an application for a permit allowing him to engage in such business. The application for a permit shall contain a statement showing the name of the business, and if a partnership, firm, association or limited liability company, the name of each partner or member, and if a corporation the names of two (2) principal officers, the post office address, and the nature of business in which engaged. In case any business is conducted at two (2) or more separate places, a separate permit for each place of business shall be required. The commissioner shall prescribe the form of the application and designate who is required to sign the application. The application shall be signed under penalty of perjury. (2) The application shall include a statement that the applicant will not, except as otherwise authorized in this chapter, allow any alcoholic beverages as defined in Section 67-1-5, any beer having an alcoholic content of more than eight percent (8%) by weight, any spirit product having an alcoholic content of more than six percent (6%) by weight, or any wine having an alcoholic content of more than five percent (5%) by weight, to be kept, stored or secreted in or on the premises described in such permit or license, and that the applicant will not otherwise violate any law of this state, or knowingly allow any other person to violate any such law, while in or on such premises. (3) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972. Codes, 1942, § 10238; Laws, 1934, ch. 127; Laws, 1997, ch. 588, § 22; Laws, 1998, ch. 306, § 8; Laws, 2012, ch. 323, § 8; Laws, 2012, ch. 501, § 5; Laws, 2012, ch. 566, § 3, eff. 7/1/2012. Amended by Laws, 2021, ch. 450, HB 1091, § 12, eff. 7/1/2021. Amended by Laws, 2020, ch. 314, HB 917, § 9, eff. 6/18/2020. (1) Any person desiring to engage in any business taxable under Sections 27-71-303 through 27-71-317, Mississippi Code of 1972, either as a retailer, or as a wholesaler or distributor, or as a manufacturer, of light wines, light spirit products or beer, shall file with the commissioner an application for a permit allowing him to engage in such business. The application for a permit shall contain a statement showing the name of the business, and if a

partnership, firm, association or limited liability company, the name of each partner or member, and if a corporation the names of two (2) principal officers, the post office address, and the nature of business in which engaged. In case any business is conducted at two (2) or more separate places, a separate permit for each place of business shall be required. The commissioner shall prescribe the form of the application and designate who is required to sign the application. The application shall be signed under penalty of perjury.(2)The application shall include a statement that the applicant will not, except as otherwise authorized in this chapter, allow any alcoholic beverages as defined in Section67-1-5, any beer having an alcoholic content of more than eight percent (8%) by weight, any spirit product having an alcoholic content of more than six percent (6%) by weight, or any wine having an alcoholic content of more than five percent (5%) by weight, to be kept, stored or secreted in or on the premises described in such permit or license, and that the applicant will not otherwise violate any law of this state, or knowingly allow any other person to violate any such law, while in or on such premises.(3)Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section93-11-64, Mississippi Code of 1972.Codes, 1942, § 10238; Laws, 1934, ch. 127; Laws, 1997, ch. 588, § 22; Laws, 1998, ch. 306, § 8; Laws, 2012, ch. 323, § 8; Laws, 2012, ch. 501, § 5; Laws, 2012, ch. 566, § 3, eff. 7/1/2012.Amended by Laws, 2021, ch. 450, HB 1091,§ 12, eff. 7/1/2021.Amended by Laws, 2020, ch. 314, HB 917,§ 9, eff. 6/18/2020. (1)Any person desiring to engage in any business taxable under Sections27-71-303through27-71-317, Mississippi Code of 1972, either as a retailer, or as a wholesaler or distributor, or as a manufacturer, of light wines, light spirit products or beer, shall file with the commissioner an application for a permit allowing him to engage in such business. The application for a permit shall contain a statement showing the name of the business, and if a partnership, firm, association or limited liability company, the name of each partner or member, and if a corporation the names of two (2) principal officers, the post office address, and the nature of business in which engaged. In case any business is conducted at two (2) or more separate places, a separate permit for each place of business shall be required. The commissioner shall prescribe the form of the application and designate who is required to sign the application. The application shall be signed under penalty of perjury.(2)The application shall include a statement that the applicant will not, except as otherwise authorized in this chapter, allow any alcoholic beverages as defined in Section67-1-5, any beer having an alcoholic content of more than eight percent (8%) by weight, any spirit product having an alcoholic content of more than six percent (6%) by weight, or any wine having an alcoholic content of more than five percent (5%) by weight, to be kept, stored or secreted in or on the premises described in such permit or license, and that the applicant will not otherwise violate any law of this state, or knowingly allow any other person to violate any such law, while in or on such premises.(3)Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section93-11-64, Mississippi Code of 1972.Codes, 1942, § 10238; Laws, 1934, ch. 127; Laws, 1997, ch. 588, § 22; Laws, 1998, ch. 306, § 8; Laws, 2012, ch. 323, § 8; Laws, 2012, ch. 501, § 5; Laws, 2012, ch. 566, § 3, eff. 7/1/2012.Amended by Laws, 2021, ch. 450, HB 1091,§ 12, eff. 7/1/2021.Amended by Laws, 2020, ch. 314, HB 917,§ 9, eff. 6/18/2020. Codes, 1942, § 10238; Laws, 1934, ch. 127; Laws, 1997, ch. 588, § 22; Laws, 1998, ch. 306, § 8; Laws, 2012, ch. 323, § 8; Laws, 2012, ch. 501, § 5; Laws, 2012, ch. 566, § 3, eff. 7/1/2012. Amended by Laws, 2021, ch. 450, HB 1091,§ 12, eff. 7/1/2021. Amended by Laws, 2020, ch. 314, HB 917,§ 9, eff. 6/18/2020.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75)Section 67-3-19 - Qualifications of applicant for permit as retailer

Where application is made for a permit to engage in the business of a retailer of light wine, light spirit product or beer, the applicant shall show in his application that he possesses the following qualifications:(a)Applicant must be a person at least twenty-one (21) years of age, of good moral character and a resident of the State of Mississippi.(b)Applicant shall not have been convicted of a felony, or of pandering or of keeping or maintaining a house of prostitution, or have been convicted within two (2) years of the date of his application of any violation of the laws of this state or the laws of the United States relating to alcoholic liquor.(c)Applicant shall not have had revoked, except for a violation of Section67-3-52, within two (2) years next preceding his application, any license or permit issued to him pursuant to the laws of this state, or any other state, to sell alcoholic liquor of any kind.(d)Applicant shall be the owner of the premises for which the permit is sought or the holder of an existing lease thereon.(e)Applicant shall not be residentially domiciled with any person whose permit has been revoked for cause, except for a violation of Section67-3-52, within two (2) years next preceding the date of the present application for a permit.(f)The applicant has not had any license or permit to sell beer, light spirit product or light wine at retail revoked, within five (5) years next preceding his application, due to a violation of Section67-3-52.(g)Applicant shall not employ any person whose permit has been revoked when such person owned or operated the business on the premises for which a permit is sought or allow such person to have any financial interest in the business of the applicant, until such person is qualified to obtain a permit in his own name.(h)The applicant is not indebted to the State of Mississippi for any taxes.(i)If applicant is a partnership, all members of the partnership must be qualified to obtain a permit. Each member of the partnership must be a resident of the State of Mississippi.(j)If applicant is a corporation, all officers and directors thereof, and any stockholder owning more than five percent (5%) of the stock of such corporation, and the person or persons who shall conduct and manage the licensed premises for the corporation shall possess all the qualifications required herein for any individual permittee. However, the requirements as to residence shall not apply to officers, directors and stockholders of such corporation.Any misstatement or concealment of fact in an application shall be ground for denial of the application or for revocation of the permit issued thereon.The commissioner may refuse to issue a permit to an applicant for a place that is frequented by known criminals, prostitutes, or other law violators or troublemakers who disturb the peace and quietude of the community and frequently require the assistance of peace officers to apprehend such law violators or to restore order. The burden of proof of establishing the

foregoing shall rest upon the commissioner. Codes, 1942, § 10238-01; Laws, 1944, ch. 133, § 1; Laws, 1968, ch. 590, § 1; Laws, 1995, ch. 366, § 1; Laws, 1998, ch. 466, § 2; Laws, 2007, ch. 462, § 2, eff. 3/26/2007. Amended by Laws, 2020, ch. 314, HB 917, § 10, eff. 6/18/2020. Where application is made for a permit to engage in the business of a retailer of light wine, light spirit product or beer, the applicant shall show in his application that he possesses the following qualifications: (a) Applicant must be a person at least twenty-one (21) years of age, of good moral character and a resident of the State of Mississippi. (b) Applicant shall not have been convicted of a felony, or of pandering or of keeping or maintaining a house of prostitution, or have been convicted within two (2) years of the date of his application of any violation of the laws of this state or the laws of the United States relating to alcoholic liquor. (c) Applicant shall not have had revoked, except for a violation of Section 67-3-52, within two (2) years next preceding his application, any license or permit issued to him pursuant to the laws of this state, or any other state, to sell alcoholic liquor of any kind. (d) Applicant shall be the owner of the premises for which the permit is sought or the holder of an existing lease thereon. (e) Applicant shall not be residually domiciled with any person whose permit has been revoked for cause, except for a violation of Section 67-3-52, within two (2) years next preceding the date of the present application for a permit. (f) The applicant has not had any license or permit to sell beer, light spirit product or light wine at retail revoked, within five (5) years next preceding his application, due to a violation of Section 67-3-52. (g) Applicant shall not employ any person whose permit has been revoked when such person owned or operated the business on the premises for which a permit is sought or allow such person to have any financial interest in the business of the applicant, until such person is qualified to obtain a permit in his own name. (h) The applicant is not indebted to the State of Mississippi for any taxes. (i) If applicant is a partnership, all members of the partnership must be qualified to obtain a permit. Each member of the partnership must be a resident of the State of Mississippi. (j) If applicant is a corporation, all officers and directors thereof, and any stockholder owning more than five percent (5%) of the stock of such corporation, and the person or persons who shall conduct and manage the licensed premises for the corporation shall possess all the qualifications required herein for any individual permittee. However, the requirements as to residence shall not apply to officers, directors and stockholders of such corporation. Any misstatement or concealment of fact in an application shall be ground for denial of the application or for revocation of the permit issued thereon. The commissioner may refuse to issue a permit to an applicant for a place that is frequented by known criminals, prostitutes, or other law violators or troublemakers who disturb the peace and quietude of the community and frequently require the assistance of peace officers to apprehend such law violators or to restore order. The burden of proof of establishing the foregoing shall rest upon the commissioner. Codes, 1942, § 10238-01; Laws, 1944, ch. 133, § 1; Laws, 1968, ch. 590, § 1; Laws, 1995, ch. 366, § 1; Laws, 1998, ch. 466, § 2; Laws, 2007, ch. 462, § 2, eff. 3/26/2007. Amended by Laws, 2020, ch. 314, HB 917, § 10, eff. 6/18/2020. Where application is made for a permit to engage in the business of a retailer of light wine, light spirit product or beer, the applicant shall show in his application that he possesses the following qualifications: (a) Applicant must be a person at least twenty-one (21) years of age, of good moral character and a resident of the State of Mississippi. (b) Applicant shall not have been convicted of a felony, or of pandering or of keeping or maintaining a house of prostitution, or have been convicted within two (2) years of the date of his application of any violation of the laws of this state or the laws of the United States relating to alcoholic liquor. (c) Applicant shall not have had revoked, except for a violation of Section 67-3-52, within two (2) years next preceding his application, any license or permit issued to him pursuant to the laws of this state, or any other state, to sell alcoholic liquor of any kind. (d) Applicant shall be the owner of the premises for which the permit is sought or the holder of an existing lease thereon. (e) Applicant shall not be residually domiciled with any person whose permit has been revoked for cause, except for a violation of Section 67-3-52, within two (2) years next preceding the date of the present application for a permit. (f) The applicant has not had any license or permit to sell beer, light spirit product or light wine at retail revoked, within five (5) years next preceding his application, due to a violation of Section 67-3-52. (g) Applicant shall not employ any person whose permit has been revoked when such person owned or operated the business on the premises for which a permit is sought or allow such person to have any financial interest in the business of the applicant, until such person is qualified to obtain a permit in his own name. (h) The applicant is not indebted to the State of Mississippi for any taxes. (i) If applicant is a partnership, all members of the partnership must be qualified to obtain a permit. Each member of the partnership must be a resident of the State of Mississippi. (j) If applicant is a corporation, all officers and directors thereof, and any stockholder owning more than five percent (5%) of the stock of such corporation, and the person or persons who shall conduct and manage the licensed premises for the corporation shall possess all the qualifications required herein for any individual permittee. However, the requirements as to residence shall not apply to officers, directors and stockholders of such corporation. Any misstatement or concealment of fact in an application shall be ground for denial of the application or for revocation of the permit issued thereon. The commissioner may refuse to issue a permit to an applicant for a place that is frequented by known criminals, prostitutes, or other law violators or troublemakers who disturb the peace and quietude of the community and frequently require the assistance of peace officers to apprehend such law violators or to restore order. The burden of proof of establishing the foregoing shall rest upon the commissioner. Codes, 1942, §

10238-01; Laws, 1944, ch. 133, § 1; Laws, 1968, ch. 590, § 1; Laws, 1995, ch. 366, § 1; Laws, 1998, ch. 466, § 2; Laws, 2007, ch. 462, § 2, eff. 3/26/2007. Amended by Laws, 2020, ch. 314, HB 917, § 10, eff. 6/18/2020.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-21 - Qualification of applicant for permit as distributor

No permit shall be granted to a distributor unless the applicant therefor shall have been a resident of the State of Mississippi for at least two years. Codes, 1942, § 10222; Laws, 1934, ch. 171. No permit shall be granted to a distributor unless the applicant therefor shall have been a resident of the State of Mississippi for at least two years. Codes, 1942, § 10222; Laws, 1934, ch. 171. No permit shall be granted to a distributor unless the applicant therefor shall have been a resident of the State of Mississippi for at least two years. Codes, 1942, § 10222; Laws, 1934, ch. 171. No permit shall be granted to a distributor unless the applicant therefor shall have been a resident of the State of Mississippi for at least two years. Codes, 1942, § 10222; Laws, 1934, ch. 171.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-22 - Brewpub production limits and unlawful acts

(1) The production limits for a brewpub shall be based upon production as determined by the Department of Revenue pursuant to Section 27-71-307, Mississippi Code of 1972, and a brewpub shall not manufacture more than seventy-five thousand (75,000) gallons of light wine or beer per calendar year. (2) Light wine or beer produced at a brewpub shall not be sold at a price less than it cost to manufacture such light wine or beer. (3) A brewpub shall be required to offer for sale light wine or beer that is normally carried on the inventory of wholesalers or distributors of light wine or beer. Laws, 1998, ch. 308, § 14, eff. 7/1/1998; Laws, 2002, ch. 305, § 1, eff. 3/7/2002. Amended by Laws, 2020, ch. 347, SB 2552, § 1, eff. 7/1/2020. Amended by Laws, 2020, ch. 314, HB 917, § 11, eff. 6/18/2020. Amended by Laws, 2017, ch. 345, HB 1322, 3, eff. 7/1/2017. (1) The production limits for a brewpub shall be based upon production as determined by the Department of Revenue pursuant to Section 27-71-307, Mississippi Code of 1972, and a brewpub shall not manufacture more than seventy-five thousand (75,000) gallons of light wine or beer per calendar year. (2) Light wine or beer produced at a brewpub shall not be sold at a price less than it cost to manufacture such light wine or beer. (3) A brewpub shall be required to offer for sale light wine or beer that is normally carried on the inventory of wholesalers or distributors of light wine or beer. Laws, 1998, ch. 308, § 14, eff. 7/1/1998; Laws, 2002, ch. 305, § 1, eff. 3/7/2002. Amended by Laws, 2020, ch. 347, SB 2552, § 1, eff. 7/1/2020. Amended by Laws, 2020, ch. 314, HB 917, § 11, eff. 6/18/2020. Amended by Laws, 2017, ch. 345, HB 1322, 3, eff. 7/1/2017. (1) The production limits for a brewpub shall be based upon production as determined by the Department of Revenue pursuant to Section 27-71-307, Mississippi Code of 1972, and a brewpub shall not manufacture more than seventy-five thousand (75,000) gallons of light wine or beer per calendar year. (2) Light wine or beer produced at a brewpub shall not be sold at a price less than it cost to manufacture such light wine or beer. (3) A brewpub shall be required to offer for sale light wine or beer that is normally carried on the inventory of wholesalers or distributors of light wine or beer. Laws, 1998, ch. 308, § 14, eff. 7/1/1998; Laws, 2002, ch. 305, § 1, eff. 3/7/2002. Amended by Laws, 2020, ch. 347, SB 2552, § 1, eff. 7/1/2020. Amended by Laws, 2020, ch. 314, HB 917, § 11, eff. 6/18/2020. Amended by Laws, 2017, ch. 345, HB 1322, 3, eff. 7/1/2017.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-23 - Issuance, display, and transfer of permits

Upon receipt of an application for a permit to engage in any business taxable under the provisions of Sections 27-71-303 through 27-71-317, Mississippi Code of 1972, and the oath required by Section 67-3-17, the commissioner shall issue to such applicant, without cost, a permit to engage in such business upon condition that the applicant shall obtain a license and pay the tax imposed under the provisions of law for the privilege of engaging, or continuing, in such business. Such permit shall be displayed at all times in some conspicuous place at the applicant's place of business. No permit shall be transferable. Codes, 1942, § 10238; Laws, 1934, ch. 127. Upon receipt of an application for a permit to engage in any business taxable under the provisions of Sections 27-71-303 through 27-71-317, Mississippi Code of 1972, and the oath required by Section 67-3-17, the commissioner shall issue to such applicant, without cost, a permit to engage in such business upon condition that the applicant shall obtain a license and pay the tax imposed under the provisions of law for the privilege of engaging, or continuing, in such business. Such permit shall be displayed at all times in some conspicuous place at the applicant's place of business. No permit shall be transferable. Codes, 1942, § 10238; Laws, 1934, ch. 127. Upon receipt of an application for a permit to engage in any business taxable under the provisions of Sections 27-71-303 through 27-71-317, Mississippi Code of 1972, and the oath required by Section 67-3-17, the commissioner shall issue to such applicant, without cost, a permit to engage in such business upon condition that the applicant shall obtain a license and pay the tax imposed under the provisions of law for the privilege of engaging, or continuing, in such business. Such permit shall be displayed at all times in some conspicuous place at the applicant's place of business. No permit shall be transferable. Codes, 1942, § 10238; Laws, 1934, ch. 127. Upon receipt of an application for a permit to engage in any business taxable under the provisions of Sections 27-71-303 through 27-71-317, Mississippi Code of 1972, and the oath required by Section 67-3-17, the commissioner shall

issue to such applicant, without cost, a permit to engage in such business upon condition that the applicant shall obtain a license and pay the tax imposed under the provisions of law for the privilege of engaging, or continuing, in such business. Such permit shall be displayed at all times in some conspicuous place at the applicant's place of business. No permit shall be transferable. Codes, 1942, § 10238; Laws, 1934, ch. 127.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-25 - Sales authorized by permit; expiration of permit; annual renewal; temporary permits; contents of permit

(1) Any permit issued authorizing the sale or delivery of light wines, light spirit products and/or beer for consumption shall be construed to authorize the sale or delivery of light wines, light spirit products and/or beer by the bottle, by the glass or by draught, and in or from the original package. (2) The commissioner is authorized to establish, in his discretion, dates for the expiration of permits issued under this chapter. (3) Except as otherwise provided in this section, permits shall be issued for twelve (12) months and shall be renewed annually on the first day of the month in which the permit expires. The commissioner may issue temporary permits for less than a full year. All permits shall show the effective date and expiration date of the permit, the business location, individual or business name and mailing address of the permittee. Codes, 1942, §§ 10213, 10216; Laws, 1934, ch. 171; Laws, 1946, ch. 383; Laws, 1977, ch. 337; Laws, 2011, ch. 396, § 1, eff. 7/1/2011. Amended by Laws, 2021, ch. 442, HB 1135, § 6, eff. 7/1/2021. Amended by Laws, 2020, ch. 314, HB 917, § 12, eff. 6/18/2020. (1) Any permit issued authorizing the sale or delivery of light wines, light spirit products and/or beer for consumption shall be construed to authorize the sale or delivery of light wines, light spirit products and/or beer by the bottle, by the glass or by draught, and in or from the original package. (2) The commissioner is authorized to establish, in his discretion, dates for the expiration of permits issued under this chapter. (3) Except as otherwise provided in this section, permits shall be issued for twelve (12) months and shall be renewed annually on the first day of the month in which the permit expires. The commissioner may issue temporary permits for less than a full year. All permits shall show the effective date and expiration date of the permit, the business location, individual or business name and mailing address of the permittee. Codes, 1942, §§ 10213, 10216; Laws, 1934, ch. 171; Laws, 1946, ch. 383; Laws, 1977, ch. 337; Laws, 2011, ch. 396, § 1, eff. 7/1/2011. Amended by Laws, 2021, ch. 442, HB 1135, § 6, eff. 7/1/2021. Amended by Laws, 2020, ch. 314, HB 917, § 12, eff. 6/18/2020. (1) Any permit issued authorizing the sale or delivery of light wines, light spirit products and/or beer for consumption shall be construed to authorize the sale or delivery of light wines, light spirit products and/or beer by the bottle, by the glass or by draught, and in or from the original package. (2) The commissioner is authorized to establish, in his discretion, dates for the expiration of permits issued under this chapter. (3) Except as otherwise provided in this section, permits shall be issued for twelve (12) months and shall be renewed annually on the first day of the month in which the permit expires. The commissioner may issue temporary permits for less than a full year. All permits shall show the effective date and expiration date of the permit, the business location, individual or business name and mailing address of the permittee. Codes, 1942, §§ 10213, 10216; Laws, 1934, ch. 171; Laws, 1946, ch. 383; Laws, 1977, ch. 337; Laws, 2011, ch. 396, § 1, eff. 7/1/2011. Amended by Laws, 2021, ch. 442, HB 1135, § 6, eff. 7/1/2021. Amended by Laws, 2020, ch. 314, HB 917, § 12, eff. 6/18/2020.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-27 - Licenses

Before any person shall engage in the business of manufacturer, wholesaler, distributor or retailer of light wines, light spirit products or beer, he shall apply to the commissioner for a license to engage in such business, and shall pay to the commissioner the specific tax imposed by Section 27-71-303, for the privilege of engaging in such business. The commissioner upon receipt of such tax shall issue to such person a privilege license to engage in or continue in such business for a period of time not to exceed one (1) year. No such license shall be issued to the applicant unless such applicant shall have obtained from the commissioner a permit as required in Section 67-3-17. A brewpub shall obtain all necessary federal licenses and permits prior to obtaining any license under this chapter. All privilege licenses issued under the provisions of this section shall be renewed annually on or before the first day of the month in which the current license expires. Codes, 1942, § 10239; Laws, 1934, ch. 127; Laws, 1979, ch. 423, § 3; Laws, 1998, ch. 308, § 9, eff. 7/1/1998. Amended by Laws, 2020, ch. 314, HB 917, § 13, eff. 6/18/2020. Before any person shall engage in the business of manufacturer, wholesaler, distributor or retailer of light wines, light spirit products or beer, he shall apply to the commissioner for a license to engage in such business, and shall pay to the commissioner the specific tax imposed by Section 27-71-303, for the privilege of engaging in such business. The commissioner upon receipt of such tax shall issue to such person a privilege license to engage in or continue in such business for a period of time not to exceed one (1) year. No such license shall be issued to the applicant unless such applicant shall have obtained from the commissioner a permit as required in Section 67-3-17. A brewpub shall obtain all necessary federal licenses and permits prior to obtaining any license under this chapter. All privilege licenses issued under the provisions of this section shall be renewed annually on or before the first day of the month in which the current license expires. Codes, 1942, § 10239; Laws, 1934, ch. 127; Laws, 1979, ch. 423, § 3; Laws, 1998, ch. 308, § 9, eff. 7/1/1998. Amended by Laws, 2020, ch. 314, HB 917, § 13, eff. 6/18/2020. Before any person shall engage in the business of manufacturer, wholesaler, distributor or retailer of light wines, light spirit products or beer, he shall apply to the commissioner for a license to engage in such business, and shall pay to the commissioner the specific tax imposed by

Section 27-71-303, for the privilege of engaging in such business. The commissioner upon receipt of such tax shall issue to such person a privilege license to engage in or continue in such business for a period of time not to exceed one (1) year. No such license shall be issued to the applicant unless such applicant shall have obtained from the commissioner a permit as required in Section 67-3-17. A brewpub shall obtain all necessary federal licenses and permits prior to obtaining any license under this chapter. All privilege licenses issued under the provisions of this section shall be renewed annually on or before the first day of the month in which the current license expires. Codes, 1942, § 10239; Laws, 1934, ch. 127; Laws, 1979, ch. 423, § 3; Laws, 1998, ch. 308, § 9, eff. 7/1/1998. Amended by Laws, 2020, ch. 314, HB 917, § 13, eff. 6/18/2020. Before any person shall engage in the business of manufacturer, wholesaler, distributor or retailer of light wines, light spirit products or beer, he shall apply to the commissioner for a license to engage in such business, and shall pay to the commissioner the specific tax imposed by Section 27-71-303, for the privilege of engaging in such business. The commissioner upon receipt of such tax shall issue to such person a privilege license to engage in or continue in such business for a period of time not to exceed one (1) year. No such license shall be issued to the applicant unless such applicant shall have obtained from the commissioner a permit as required in Section 67-3-17. A brewpub shall obtain all necessary federal licenses and permits prior to obtaining any license under this chapter. All privilege licenses issued under the provisions of this section shall be renewed annually on or before the first day of the month in which the current license expires. Codes, 1942, § 10239; Laws, 1934, ch. 127; Laws, 1979, ch. 423, § 3; Laws, 1998, ch. 308, § 9, eff. 7/1/1998. Amended by Laws, 2020, ch. 314, HB 917, § 13, eff. 6/18/2020.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-28 - Brewpub alcoholic content testing requirements

(1) Any person desiring to engage in business as a brewpub shall file with the commissioner, along with the application required by Section 67-3-17, Mississippi Code of 1972, a certificate issued by a licensed testing laboratory indicating that such laboratory has tested a sample of the applicant's beer, light spirit product or light wine, or a combination thereof, and that the alcohol content of such sample of beer does not exceed eight percent (8%) by weight, and the alcohol content of such sample of light spirit product does not exceed six percent (6%) by weight, and the alcoholic content of such sample of light wine does not exceed five percent (5%) by weight. (2) Every brewpub shall be required to submit to random testing by the commissioner to determine whether any beer being manufactured, sold, kept, stored or secreted by the license holder contains an alcohol content greater than eight percent (8%) by weight, and light spirit product being manufactured, sold, kept, stored or secreted by the license holder contains an alcoholic content greater than six percent (6%) by weight, and any light wine being manufactured, sold, kept, stored or secreted by the license holder contains an alcoholic content greater than five percent (5%) by weight. The commissioner shall establish and administer testing standards and procedures to be used in such random testing. The brewpub licensee shall be responsible for all costs incurred by the commissioner in conducting random testing under this section. Laws, 1998, ch. 308, § 15; Laws, 2012, ch. 323, § 9, eff. 7/1/2012. Amended by Laws, 2021, ch. 450, HB 1091, § 13, eff. 7/1/2021. Amended by Laws, 2020, ch. 314, HB 917, § 14, eff. 6/18/2020. (1) Any person desiring to engage in business as a brewpub shall file with the commissioner, along with the application required by Section 67-3-17, Mississippi Code of 1972, a certificate issued by a licensed testing laboratory indicating that such laboratory has tested a sample of the applicant's beer, light spirit product or light wine, or a combination thereof, and that the alcohol content of such sample of beer does not exceed eight percent (8%) by weight, and the alcohol content of such sample of light spirit product does not exceed six percent (6%) by weight, and the alcoholic content of such sample of light wine does not exceed five percent (5%) by weight. (2) Every brewpub shall be required to submit to random testing by the commissioner to determine whether any beer being manufactured, sold, kept, stored or secreted by the license holder contains an alcohol content greater than eight percent (8%) by weight, and light spirit product being manufactured, sold, kept, stored or secreted by the license holder contains an alcoholic content greater than six percent (6%) by weight, and any light wine being manufactured, sold, kept, stored or secreted by the license holder contains an alcoholic content greater than five percent (5%) by weight. The commissioner shall establish and administer testing standards and procedures to be used in such random testing. The brewpub licensee shall be responsible for all costs incurred by the commissioner in conducting random testing under this section. Laws, 1998, ch. 308, § 15; Laws, 2012, ch. 323, § 9, eff. 7/1/2012. Amended by Laws, 2021, ch. 450, HB 1091, § 13, eff. 7/1/2021. Amended by Laws, 2020, ch. 314, HB 917, § 14, eff. 6/18/2020. (1) Any person desiring to engage in business as a brewpub shall file with the commissioner, along with the application required by Section 67-3-17, Mississippi Code of 1972, a certificate issued by a licensed testing laboratory indicating that such laboratory has tested a sample of the applicant's beer, light spirit product or light wine, or a combination thereof, and that the alcohol content of such sample of beer does not exceed eight percent (8%) by weight, and the alcohol content of such sample of light spirit product does not exceed six percent (6%) by weight, and the alcoholic content of such sample of light wine does not exceed five percent (5%) by weight. (2) Every brewpub shall be required to submit to random testing by the commissioner to determine whether any beer being manufactured, sold, kept, stored or secreted by the license holder contains an alcohol content greater than eight percent (8%) by weight, and light spirit product being manufactured, sold, kept, stored or secreted by the license holder contains an alcoholic content greater than six percent (6%) by weight, and any light wine being manufactured, sold, kept, stored or secreted by the license holder contains an alcoholic content greater than five percent (5%) by weight. The commissioner shall establish and administer testing standards and procedures to be used in such random testing. The brewpub licensee shall be responsible for all costs incurred by the commissioner in conducting random testing under this section. Laws, 1998, ch. 308, § 15; Laws, 2012, ch. 323, § 9, eff. 7/1/2012. Amended by Laws, 2021, ch. 450, HB 1091, § 13, eff. 7/1/2021. Amended by Laws, 2020, ch.

314, HB 917, § 14, eff. 6/18/2020. Laws, 1998, ch. 308, § 15; Laws, 2012, ch. 323, § 9, eff. 7/1/2012. Amended by Laws, 2021, ch. 450, HB 1091, § 13, eff. 7/1/2021. Amended by Laws, 2020, ch. 314, HB 917, § 14, eff. 6/18/2020.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-29 - Revocation or suspension of permit by commissioner

(1) The commissioner, or a hearing officer or the board of review, as designated by the commissioner, after a show cause hearing, shall revoke or suspend any permit granted by authority of this chapter to any person who shall violate any of the provisions of this chapter or the revenue laws of this state relating to engaging in transporting, storing, selling, distributing, possessing, receiving or manufacturing of wines or beers, or any person who shall hereafter be convicted of the unlawful sale of intoxicating liquor, or any person who shall allow or permit any form of illegal gambling or immorality on the premises described in such permit. The commissioner shall not revoke or suspend a permit of a retailer for the sale of light wine, light spirit product or beer to a person under the age of twenty-one (21) years until there has been a conviction of the permit holder or an employee of the permit holder for such violation. (2) If any person exercising any privilege taxable under the provisions of Chapter 71 of Title 27, Mississippi Code of 1972, shall willfully neglect or refuse to comply with the provisions of such chapter, or any rules or regulations promulgated by the commissioner under authority of such chapter, or the provisions of this chapter, including maintaining the qualifications of an applicant under Section 67-3-19, during the permit period, the commissioner shall be authorized to revoke or suspend the permit theretofore issued to the person. Any person whose permit shall have been revoked by the commissioner shall be thereafter prohibited from exercising any privilege under the provisions of Chapter 71 of Title 27, Mississippi Code of 1972, for a period of two (2) years from the date of the revocation. The commissioner may, however, for good cause shown, grant a new permit upon such conditions as the commissioner may prescribe. Any person whose permit shall have been suspended by the commissioner shall be prohibited from exercising any privilege under the provisions of Chapter 71 of Title 27, Mississippi Code of 1972, during the period of the suspension. Failure of the person to comply with the terms of the suspension shall be cause for revocation of his permit, in addition to the other penalties provided by law. (3) In addition to the reasons specified in this section and other provisions of this chapter, the commissioner shall be authorized to suspend the permit of any permit holder for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a permit for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a permit suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a permit suspended for that purpose, shall be governed by Section 93-11-157 or Section 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or Section 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control. Codes, 1942, §§ 10213, 10257; Laws, 1934, chs. 127, 171; Laws, 1946, ch. 383; Laws, 1973, ch. 467, § 2; Laws, 1991, ch. 368, § 2; Laws, 1996, ch. 507, § 18; Laws, 2005, ch. 499, § 31, eff. 7/1/2005. Amended by Laws, 2020, ch. 314, HB 917, § 15, eff. 6/18/2020. (1) The commissioner, or a hearing officer or the board of review, as designated by the commissioner, after a show cause hearing, shall revoke or suspend any permit granted by authority of this chapter to any person who shall violate any of the provisions of this chapter or the revenue laws of this state relating to engaging in transporting, storing, selling, distributing, possessing, receiving or manufacturing of wines or beers, or any person who shall hereafter be convicted of the unlawful sale of intoxicating liquor, or any person who shall allow or permit any form of illegal gambling or immorality on the premises described in such permit. The commissioner shall not revoke or suspend a permit of a retailer for the sale of light wine, light spirit product or beer to a person under the age of twenty-one (21) years until there has been a conviction of the permit holder or an employee of the permit holder for such violation. (2) If any person exercising any privilege taxable under the provisions of Chapter 71 of Title 27, Mississippi Code of 1972, shall willfully neglect or refuse to comply with the provisions of such chapter, or any rules or regulations promulgated by the commissioner under authority of such chapter, or the provisions of this chapter, including maintaining the qualifications of an applicant under Section 67-3-19, during the permit period, the commissioner shall be authorized to revoke or suspend the permit theretofore issued to the person. Any person whose permit shall have been revoked by the commissioner shall be thereafter prohibited from exercising any privilege under the provisions of Chapter 71 of Title 27, Mississippi Code of 1972, for a period of two (2) years from the date of the revocation. The commissioner may, however, for good cause shown, grant a new permit upon such conditions as the commissioner may prescribe. Any person whose permit shall have been suspended by the commissioner shall be prohibited from exercising any privilege under the provisions of Chapter 71 of Title 27, Mississippi Code of 1972, during the period of the suspension. Failure of the person to comply with the terms of the suspension shall be cause for revocation of his permit, in addition to the other penalties provided by law. (3) In addition to the reasons specified in this section and other provisions of this chapter, the commissioner shall be authorized to suspend the permit of any permit holder for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a permit for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a permit suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a permit suspended for that purpose, shall be governed by Section 93-11-157 or Section 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or Section 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control. Codes, 1942, §§ 10213, 10257; Laws, 1934, chs. 127, 171; Laws, 1946, ch. 383; Laws, 1973, ch. 467, § 2; Laws, 1991, ch. 368, § 2; Laws, 1996, ch. 507, § 18; Laws, 2005, ch. 499, § 31, eff. 7/1/2005. Amended by Laws, 2020, ch. 314, HB 917, § 15, eff. 6/18/2020. (1) The commissioner, or a hearing officer or the board of review, as designated by the commissioner, after a show cause hearing, shall

revoke or suspend any permit granted by authority of this chapter to any person who shall violate any of the provisions of this chapter or the revenue laws of this state relating to engaging in transporting, storing, selling, distributing, possessing, receiving or manufacturing of wines or beers, or any person who shall hereafter be convicted of the unlawful sale of intoxicating liquor, or any person who shall allow or permit any form of illegal gambling or immorality on the premises described in such permit. The commissioner shall not revoke or suspend a permit of a retailer for the sale of light wine, light spirit product or beer to a person under the age of twenty-one (21) years until there has been a conviction of the permit holder or an employee of the permit holder for such violation.(2)If any person exercising any privilege taxable under the provisions of Chapter 71 of Title 27, Mississippi Code of 1972, shall willfully neglect or refuse to comply with the provisions of such chapter, or any rules or regulations promulgated by the commissioner under authority of such chapter, or the provisions of this chapter, including maintaining the qualifications of an applicant under Section67-3-19, during the permit period, the commissioner shall be authorized to revoke or suspend the permit theretofore issued to the person. Any person whose permit shall have been revoked by the commissioner shall be thereafter prohibited from exercising any privilege under the provisions of Chapter 71 of Title 27, Mississippi Code of 1972, for a period of two (2) years from the date of the revocation. The commissioner may, however, for good cause shown, grant a new permit upon such conditions as the commissioner may prescribe. Any person whose permit shall have been suspended by the commissioner shall be prohibited from exercising any privilege under the provisions of Chapter 71 of Title 27, Mississippi Code of 1972, during the period of the suspension. Failure of the person to comply with the terms of the suspension shall be cause for revocation of his permit, in addition to the other penalties provided by law.(3)In addition to the reasons specified in this section and other provisions of this chapter, the commissioner shall be authorized to suspend the permit of any permit holder for being out of compliance with an order for support, as defined in Section93-11-153. The procedure for suspension of a permit for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a permit suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a permit suspended for that purpose, shall be governed by Section93-11-157or Section93-11-163, as the case may be. If there is any conflict between any provision of Section93-11-157or Section93-11-163and any provision of this chapter, the provisions of Section93-11-157or93-11-163, as the case may be, shall control.Codes, 1942, §§ 10213, 10257; Laws, 1934, chs. 127, 171; Laws, 1946, ch. 383; Laws, 1973, ch. 467, § 2; Laws, 1991, ch. 368, § 2; Laws, 1996, ch. 507, § 18; Laws, 2005, ch. 499, § 31, eff. 7/1/2005.Amended by Laws, 2020, ch. 314, HB 917,§ 15, eff. 6/18/2020. Codes, 1942, §§ 10213, 10257; Laws, 1934, chs. 127, 171; Laws, 1946, ch. 383; Laws, 1973, ch. 467, § 2; Laws, 1991, ch. 368, § 2; Laws, 1996, ch. 507, § 18; Laws, 2005, ch. 499, § 31, eff. 7/1/2005. Amended by Laws, 2020, ch. 314, HB 917,§ 15, eff. 6/18/2020.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75)Section 67-3-3 - Definitions

When used in this chapter, unless the context indicates otherwise:(a)"Commissioner" means the Commissioner of Revenue of the Department of Revenue of the State of Mississippi, and his authorized agents and employees.(b)"Person" means one or more persons, a company, a corporation, a partnership, a syndicate or an association.(c)"Brewpub" shall have the meaning ascribed to such term in Section27-71-301.(d)"Beer" means a malt beverage as defined in the Federal Alcohol Administration Act and any rules and regulations adopted pursuant to such act of an alcoholic content of not more than eight percent (8%) by weight.(e)"Light wine" means wine of an alcoholic content of not more than five percent (5%) by weight.(f)"Small craft brewery" means a person having a permit under this chapter to manufacture or brew light wine, light spirit product or beer in this state and who manufactures or brews not more than sixty thousand (60,000) barrels of light wine, light spirit product or beer at all breweries that such person or its affiliates, subsidiary or parent company owns or controls or with whom such person contracts with for the manufacture of light wine, light spirit product or beer. For purposes of this paragraph, contract-brewed beer manufactured by a person having a permit under this chapter to manufacture or brew light wine, light spirit product or beer shall be included in the sixty-thousand-barrel limitation.(g)"Growler" means a sealed container that holds not more than one hundred twenty-eight (128) ounces of light wine, light spirit product or beer. A growler must have a label on it stating what it contains.(h)"Manufacturer" shall have the meaning ascribed to such term in Section27-71-301.(i)"Contract-brewed beer" means beer brewed by a manufacturer who:(i)Makes the beer pursuant to a written contract with another beer manufacturer, and neither entity has a controlling interest in the other entity;(ii)Makes the beer in accordance with a recipe that is a trade secret of the beer manufacturer having its beer made under contract; and(iii)Has no right to sell the beer to any other beer manufacturer, importer or wholesaler other than the beer manufacturer who contracted for the beer.(j)"Light spirit product" means a beverage of an alcoholic content of not more than six percent (6%) by weight and containing one or more distilled spirits, as defined in Section67-1-5.(k)"Microbrewery" means a person having a permit under this chapter to manufacture or brew light wine, light spirit product or beer in this state and who manufactures or brews not more than three thousand (3,000) barrels of light wine, light spirit product or beer at its permitted location.Codes, 1942, § 10210; Laws, 1934, ch. 171; Laws, 1998, ch. 308, § 8; Laws, 2003, ch. 322, § 1; Laws, 2009, ch. 492, § 136; Laws, 2012, ch. 323, § 1, eff. 7/1/2012.Amended by Laws, 2021, ch. 450, HB 1091,§ 5, eff. 7/1/2021.Amended by Laws, 2020, ch. 314, HB 917,§ 2, eff. 6/18/2020.Amended by Laws, 2017, ch. 345, HB 1322, 4, eff. 7/1/2017. When used in this chapter, unless the context indicates otherwise:(a)"Commissioner" means the Commissioner of Revenue of the Department of Revenue of the State of Mississippi, and his authorized agents and employees.(b)"Person" means one or more persons, a company, a corporation, a partnership, a syndicate or an association.(c)"Brewpub" shall have the meaning ascribed to such term in Section27-71-301.(d)"Beer" means a malt beverage as defined in the Federal Alcohol Administration Act and any rules and regulations adopted pursuant to such act of an alcoholic content of not more than eight percent (8%) by weight.(e)"Light wine" means wine of an alcoholic content of not more than five

percent (5%) by weight.(f)"Small craft brewery" means a person having a permit under this chapter to manufacture or brew light wine, light spirit product or beer in this state and who manufactures or brews not more than sixty thousand (60,000) barrels of light wine, light spirit product or beer at all breweries that such person or its affiliates, subsidiary or parent company owns or controls or with whom such person contracts with for the manufacture of light wine, light spirit product or beer. For purposes of this paragraph, contract-brewed beer manufactured by a person having a permit under this chapter to manufacture or brew light wine, light spirit product or beer shall be included in the sixty-thousand-barrel limitation.(g)"Growler" means a sealed container that holds not more than one hundred twenty-eight (128) ounces of light wine, light spirit product or beer. A growler must have a label on it stating what it contains.(h)"Manufacturer" shall have the meaning ascribed to such term in Section27-71-301.(i)"Contract-brewed beer" means beer brewed by a manufacturer who:(i)Makes the beer pursuant to a written contract with another beer manufacturer, and neither entity has a controlling interest in the other entity;(ii)Makes the beer in accordance with a recipe that is a trade secret of the beer manufacturer having its beer made under contract; and(iii)Has no right to sell the beer to any other beer manufacturer, importer or wholesaler other than the beer manufacturer who contracted for the beer.(j)"Light spirit product" means a beverage of an alcoholic content of not more than six percent (6%) by weight and containing one or more distilled spirits, as defined in Section67-1-5.(k)"Microbrewery" means a person having a permit under this chapter to manufacture or brew light wine, light spirit product or beer in this state and who manufactures or brews not more than three thousand (3,000) barrels of light wine, light spirit product or beer at its permitted location.Codes, 1942, § 10210; Laws, 1934, ch. 171; Laws, 1998, ch. 308, § 8; Laws, 2003, ch. 322, § 1; Laws, 2009, ch. 492, § 136; Laws, 2012, ch. 323, § 1, eff. 7/1/2012.Amended by Laws, 2021, ch. 450, HB 1091,§ 5, eff. 7/1/2021.Amended by Laws, 2020, ch. 314, HB 917,§ 2, eff. 6/18/2020.Amended by Laws, 2017, ch. 345, HB 1322, 4, eff. 7/1/2017. When used in this chapter, unless the context indicates otherwise:(a)"Commissioner" means the Commissioner of Revenue of the Department of Revenue of the State of Mississippi, and his authorized agents and employees.(b)"Person" means one or more persons, a company, a corporation, a partnership, a syndicate or an association.(c)"Brewpub" shall have the meaning ascribed to such term in Section27-71-301.(d)"Beer" means a malt beverage as defined in the Federal Alcohol Administration Act and any rules and regulations adopted pursuant to such act of an alcoholic content of not more than eight percent (8%) by weight.(e)"Light wine" means wine of an alcoholic content of not more than five percent (5%) by weight.(f)"Small craft brewery" means a person having a permit under this chapter to manufacture or brew light wine, light spirit product or beer in this state and who manufactures or brews not more than sixty thousand (60,000) barrels of light wine, light spirit product or beer at all breweries that such person or its affiliates, subsidiary or parent company owns or controls or with whom such person contracts with for the manufacture of light wine, light spirit product or beer. For purposes of this paragraph, contract-brewed beer manufactured by a person having a permit under this chapter to manufacture or brew light wine, light spirit product or beer shall be included in the sixty-thousand-barrel limitation.(g)"Growler" means a sealed container that holds not more than one hundred twenty-eight (128) ounces of light wine, light spirit product or beer. A growler must have a label on it stating what it contains.(h)"Manufacturer" shall have the meaning ascribed to such term in Section27-71-301.(i)"Contract-brewed beer" means beer brewed by a manufacturer who:(i)Makes the beer pursuant to a written contract with another beer manufacturer, and neither entity has a controlling interest in the other entity;(ii)Makes the beer in accordance with a recipe that is a trade secret of the beer manufacturer having its beer made under contract; and(iii)Has no right to sell the beer to any other beer manufacturer, importer or wholesaler other than the beer manufacturer who contracted for the beer.(j)"Light spirit product" means a beverage of an alcoholic content of not more than six percent (6%) by weight and containing one or more distilled spirits, as defined in Section67-1-5.(k)"Microbrewery" means a person having a permit under this chapter to manufacture or brew light wine, light spirit product or beer in this state and who manufactures or brews not more than three thousand (3,000) barrels of light wine, light spirit product or beer at its permitted location.Codes, 1942, § 10210; Laws, 1934, ch. 171; Laws, 1998, ch. 308, § 8; Laws, 2003, ch. 322, § 1; Laws, 2009, ch. 492, § 136; Laws, 2012, ch. 323, § 1, eff. 7/1/2012.Amended by Laws, 2021, ch. 450, HB 1091,§ 5, eff. 7/1/2021.Amended by Laws, 2020, ch. 314, HB 917,§ 2, eff. 6/18/2020.Amended by Laws, 2017, ch. 345, HB 1322, 4, eff. 7/1/2017. When used in this chapter, unless the context indicates otherwise: Codes, 1942, § 10210; Laws, 1934, ch. 171; Laws, 1998, ch. 308, § 8; Laws, 2003, ch. 322, § 1; Laws, 2009, ch. 492, § 136; Laws, 2012, ch. 323, § 1, eff. 7/1/2012. Amended by Laws, 2021, ch. 450, HB 1091,§ 5, eff. 7/1/2021. Amended by Laws, 2020, ch. 314, HB 917,§ 2, eff. 6/18/2020. Amended by Laws, 2017, ch. 345, HB 1322, 4, eff. 7/1/2017.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75)Section 67-3-31 - Judicial revocation or suspension of permit; affidavit and complaint

Proceedings for the revocation or suspension of any permit authorizing the sale of beer or wine at retail for a violation of any of the provisions of Section67-3-53may be brought in the circuit or county court of the county in which the licensed premises are located. Such proceedings shall be entitled in the name of the state and against the permittee and shall be instituted by filing a complaint with the clerk of the court. The complaint may be filed by the county prosecuting attorney of the county upon his own initiative or, then by the district attorney of the district in which the county is located, and it shall be mandatory upon the county prosecuting attorney, or district attorney, as the case may be, to file a complaint when requested to do so by a peace officer or any person as provided in this section. Any peace officer within his jurisdiction or any enforcement officer of the Alcoholic Beverage Control Division within the Department of Revenue who learns that a retail permittee within his jurisdiction has violated any of the provisions of such section shall file with the county prosecuting attorney of the county in which the licensed premises are located, or, then with the district attorney of the district in which such county is located, an affidavit specifying in detail the facts alleged to constitute such

violation, and requesting that a complaint be filed against the permittee for the revocation or suspension of his permit. A like affidavit may be filed with the county prosecuting attorney, or district attorney, as the case may be, by any person who resides, and has for at least one (1) year prior thereto resided within the county in which the licensed premises are located requesting that a complaint be filed for the revocation or suspension of the permittee's permit. Promptly upon receiving any such affidavit the county prosecuting attorney, or district attorney, shall prepare a proper complaint, which shall be signed and sworn to by the person or persons filing the affidavit with him, and the county prosecuting attorney or district attorney shall file the complaint with the clerk of the circuit or county court. Codes, 1942, § 10223; Laws, 1934, ch. 171; Laws, 1944, ch. 133, §§ 2-4; Laws, 1997, ch. 558, § 3; reenacted and amended, 1998, ch. 520, § 2; Laws, 2003, ch. 392, § 2; Laws, 2005, ch. 462, § 2; Laws, 2007, ch. 462, § 4; Laws, 2011, ch. 379, § 2, eff. 7/1/2011. Proceedings for the revocation or suspension of any permit authorizing the sale of beer or wine at retail for a violation of any of the provisions of Section 67-3-53 may be brought in the circuit or county court of the county in which the licensed premises are located. Such proceedings shall be entitled in the name of the state and against the permittee and shall be instituted by filing a complaint with the clerk of the court. The complaint may be filed by the county prosecuting attorney of the county upon his own initiative or, then by the district attorney of the district in which the county is located, and it shall be mandatory upon the county prosecuting attorney, or district attorney, as the case may be, to file a complaint when requested to do so by a peace officer or any person as provided in this section. Any peace officer within his jurisdiction or any enforcement officer of the Alcoholic Beverage Control Division within the Department of Revenue who learns that a retail permittee within his jurisdiction has violated any of the provisions of such section shall file with the county prosecuting attorney of the county in which the licensed premises are located, or, then with the district attorney of the district in which such county is located, an affidavit specifying in detail the facts alleged to constitute such violation, and requesting that a complaint be filed against the permittee for the revocation or suspension of his permit. A like affidavit may be filed with the county prosecuting attorney, or district attorney, as the case may be, by any person who resides, and has for at least one (1) year prior thereto resided within the county in which the licensed premises are located requesting that a complaint be filed for the revocation or suspension of the permittee's permit. Promptly upon receiving any such affidavit the county prosecuting attorney, or district attorney, shall prepare a proper complaint, which shall be signed and sworn to by the person or persons filing the affidavit with him, and the county prosecuting attorney or district attorney shall file the complaint with the clerk of the circuit or county court. Codes, 1942, § 10223; Laws, 1934, ch. 171; Laws, 1944, ch. 133, §§ 2-4; Laws, 1997, ch. 558, § 3; reenacted and amended, 1998, ch. 520, § 2; Laws, 2003, ch. 392, § 2; Laws, 2005, ch. 462, § 2; Laws, 2007, ch. 462, § 4; Laws, 2011, ch. 379, § 2, eff. 7/1/2011. Proceedings for the revocation or suspension of any permit authorizing the sale of beer or wine at retail for a violation of any of the provisions of Section 67-3-53 may be brought in the circuit or county court of the county in which the licensed premises are located. Such proceedings shall be entitled in the name of the state and against the permittee and shall be instituted by filing a complaint with the clerk of the court. The complaint may be filed by the county prosecuting attorney of the county upon his own initiative or, then by the district attorney of the district in which the county is located, and it shall be mandatory upon the county prosecuting attorney, or district attorney, as the case may be, to file a complaint when requested to do so by a peace officer or any person as provided in this section. Any peace officer within his jurisdiction or any enforcement officer of the Alcoholic Beverage Control Division within the Department of Revenue who learns that a retail permittee within his jurisdiction has violated any of the provisions of such section shall file with the county prosecuting attorney of the county in which the licensed premises are located, or, then with the district attorney of the district in which such county is located, an affidavit specifying in detail the facts alleged to constitute such violation, and requesting that a complaint be filed against the permittee for the revocation or suspension of his permit. A like affidavit may be filed with the county prosecuting attorney, or district attorney, as the case may be, by any person who resides, and has for at least one (1) year prior thereto resided within the county in which the licensed premises are located requesting that a complaint be filed for the revocation or suspension of the permittee's permit. Promptly upon receiving any such affidavit the county prosecuting

attorney, or district attorney, shall prepare a proper complaint, which shall be signed and sworn to by the person or persons filing the affidavit with him, and the county prosecuting attorney or district attorney shall file the complaint with the clerk of the circuit or county court. Codes, 1942, § 10223; Laws, 1934, ch. 171; Laws, 1944, ch. 133, §§ 2-4; Laws, 1997, ch. 558, § 3; reenacted and amended, 1998, ch. 520, § 2; Laws, 2003, ch. 392, § 2; Laws, 2005, ch. 462, § 2; Laws, 2007, ch. 462, § 4; Laws, 2011, ch. 379, § 2, eff. 7/1/2011.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-33 - Judicial revocation or suspension of permit; service of notice

Upon filing a complaint with the clerk of the court, the county prosecuting attorney or district attorney filing the same shall promptly move the court to set the complaint for hearing. The court shall set the complaint for hearing at an early date in term time or in vacation and such proceedings shall have precedence for trial over all civil actions. Upon a date for trial being set by the court, the county prosecuting attorney or district attorney shall serve or cause to be served upon the permittee in accordance with the Mississippi Rules of Civil Procedure a notice of the filing of said complaint, together with a copy of said complaint, and shall set forth in said notice the time and place of the hearing thereon. Said notice shall be served upon the permittee at least ten (10) days prior to the date set for hearing if personal service be made. If service be made by mail, such notice shall be deposited in the United States mail not less than twelve (12) days prior to the date set for hearing. A copy of said complaint and notice of hearing thereon shall also be mailed to the commissioner by the county prosecuting attorney or district attorney. Codes, 1942, § 10223; Laws, 1934, ch. 171; Laws, 1944, ch. 133, §§ 2-4; Laws, 1991, ch. 573, § 118, eff. 7/1/1991. Upon filing a complaint with the clerk of the court, the county prosecuting attorney or district attorney filing the same shall promptly move the court to set the complaint for hearing. The court shall set the complaint for hearing at an early date in term time or in vacation and such proceedings shall have precedence for trial over all civil actions. Upon a date for trial being set by the court, the county prosecuting attorney or district attorney shall serve or cause to be served upon the permittee in accordance with the Mississippi Rules of Civil Procedure a notice of the filing of said complaint, together with a copy of said complaint, and shall set forth in said notice the time and place of the hearing thereon. Said notice shall be served upon the permittee at least ten (10) days prior to the date set for hearing if personal service be made. If service be made by mail, such notice shall be deposited in the United States mail not less than twelve (12) days prior to the date set for hearing. A copy of said complaint and notice of hearing thereon shall also be mailed to the commissioner by the county prosecuting attorney or district attorney. Codes, 1942, § 10223; Laws, 1934, ch. 171; Laws, 1944, ch. 133, §§ 2-4; Laws, 1991, ch. 573, § 118, eff. 7/1/1991. Upon filing a complaint with the clerk of the court, the county prosecuting attorney or district attorney filing the same shall promptly move the court to set the complaint for hearing. The court shall set the complaint for hearing at an early date in term time or in vacation and such proceedings shall have precedence for trial over all civil actions. Upon a date for trial being set by the court, the county prosecuting attorney or district attorney shall serve or cause to be served upon the permittee in accordance with the Mississippi Rules of Civil Procedure a notice of the filing of said complaint, together with a copy of said complaint, and shall set forth in said notice the time and place of the hearing thereon. Said notice shall be served upon the permittee at least ten (10) days prior to the date set for hearing if personal service be made. If service be made by mail, such notice shall be deposited in the United States mail not less than twelve (12) days prior to the date set for hearing. A copy of said complaint and notice of hearing thereon shall also be mailed to the commissioner by the county prosecuting attorney or district attorney. Codes, 1942, § 10223; Laws, 1934, ch. 171; Laws, 1944, ch. 133, §§ 2-4; Laws, 1991, ch. 573, § 118, eff. 7/1/1991.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-35 - Judicial revocation or suspension of permit; hearing and judgment

The complaint shall be heard by the court without a jury. If the court shall find upon the hearing that the offense or offenses charged in the complaint have been established by the evidence, the court shall order the revocation or suspension of the permit. If the court finds that the permittee has not previously violated the law in the operation of his licensed business, and that no permit or license held by him has previously been suspended or revoked, and if it appears to the satisfaction of the court that there is reasonable ground to expect that the permittee will not again commit the offense or offenses charged in the complaint and that to revoke the permit would be unduly severe, then the court may suspend the permit for such period of time as the court deems proper. However, if the permittee has previously had his permit suspended or revoked, it shall be mandatory upon the court upon a finding of guilty to

revoke the said permit. The judgment of the court revoking or suspending such permit shall not be superseded or stayed during the pendency of an appeal therefrom. A certified copy of the final order or decree of the court shall be forwarded by the clerk of the court to the commissioner. After the filing of a complaint with the clerk of the court for the revocation or suspension of a permit, the court in which the complaint is filed shall retain jurisdiction to hear and determine such complaint and to enter judgment revoking or suspending such permit. For the purpose of such hearing and as to the effect of the judgment of the court entered pursuant thereto, the permit shall be in full force and effect even though the permittee, after filing of such complaint, may have surrendered his permit, or such permit may have expired, or the rights of the permittee thereunder may have otherwise terminated. It is the purpose of this section to preclude the permittee from avoiding the effect of a judgment of revocation by a court by reason of conditions arising subsequent to the filing of a complaint. Codes, 1942, § 10223; Laws, 1934, ch. 171; Laws, 1944, ch. 133, §§ 2-4. The complaint shall be heard by the court without a jury. If the court shall find upon the hearing that the offense or offenses charged in the complaint have been established by the evidence, the court shall order the revocation or suspension of the permit. If the court finds that the permittee has not previously violated the law in the operation of his licensed business, and that no permit or license held by him has previously been suspended or revoked, and if it appears to the satisfaction of the court that there is reasonable ground to expect that the permittee will not again commit the offense or offenses charged in the complaint and that to revoke the permit would be unduly severe, then the court may suspend the permit for such period of time as the court deems proper. However, if the permittee has previously had his permit suspended or revoked, it shall be mandatory upon the court upon a finding of guilty to revoke the said permit. The judgment of the court revoking or suspending such permit shall not be superseded or stayed during the pendency of an appeal therefrom. A certified copy of the final order or decree of the court shall be forwarded by the clerk of the court to the commissioner. After the filing of a complaint with the clerk of the court for the revocation or suspension of a permit, the court in which the complaint is filed shall retain jurisdiction to hear and determine such complaint and to enter judgment revoking or suspending such permit. For the purpose of such hearing and as to the effect of the judgment of the court entered pursuant thereto, the permit shall be in full force and effect even though the permittee, after filing of such complaint, may have surrendered his permit, or such permit may have expired, or the rights of the permittee thereunder may have otherwise terminated. It is the purpose of this section to preclude the permittee from avoiding the effect of a judgment of revocation by a court by reason of conditions arising subsequent to the filing of a complaint. Codes, 1942, § 10223; Laws, 1934, ch. 171; Laws, 1944, ch. 133, §§ 2-4. The complaint shall be heard by the court without a jury. If the court shall find upon the hearing that the offense or offenses charged in the complaint have been established by the evidence, the court shall order the revocation or suspension of the permit. If the court finds that the permittee has not previously violated the law in the operation of his licensed business, and that no permit or license held by him has previously been suspended or revoked, and if it appears to the satisfaction of the court that there is reasonable ground to expect that the permittee will not again commit the offense or offenses charged in the complaint and that to revoke the permit would be unduly severe, then the court may suspend the permit for such period of time as the court deems proper. However, if the permittee has previously had his permit suspended or revoked, it shall be mandatory upon the court upon a finding of guilty to revoke the said permit. The judgment of the court revoking or suspending such permit shall not be superseded or stayed during the pendency of an appeal therefrom. A certified copy of the final order or decree of the court shall be forwarded by the clerk of the court to the commissioner. After the filing of a complaint with the clerk of the court for the revocation or suspension of a permit, the court in which the complaint is filed shall retain jurisdiction to hear and determine such complaint and to enter judgment revoking or suspending such permit. For the purpose of such hearing and as to the effect of the judgment of the court entered pursuant thereto, the permit shall be in full force and effect even though the permittee, after filing of such complaint, may have surrendered his permit, or such permit may have expired, or the rights of the permittee thereunder may have otherwise terminated. It is the purpose of this section to preclude the permittee from avoiding the effect of a judgment of revocation by a court by reason of conditions arising subsequent to the filing of a complaint. Codes, 1942, § 10223; Laws, 1934, ch. 171; Laws, 1944, ch. 133, §§ 2-4.

WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75)Section 67-3-37 - Judicial revocation or suspension of permit; enforcement

It shall be the duty of the county prosecuting attorney or the district attorney, as the case may be, to file complaints as provided in Section67-3-31and to prosecute diligently and without delay all complaints filed by him.It shall be the duty of all peace officers, within their jurisdiction, and all enforcement officers of the Alcoholic Beverage Control Division of the Department of Revenue to enforce the provisions of Section67-3-53and they shall frequently visit all licensed premises within their jurisdiction to determine whether such permittees are complying with the laws. They shall promptly investigate all complaints made to them by any citizen relative to any alleged violations of such section within their jurisdiction. When any peace officer or enforcement officer of the Alcoholic Beverage Control Division has knowledge of a violation of such section committed by a permittee within his jurisdiction, it shall be his duty forthwith to file an affidavit with the county prosecuting attorney or district attorney requesting that a complaint be filed for the revocation or suspension of the permit of the permittee.Codes, 1942, § 10223; Laws, 1934, ch. 171; Laws, 1944, ch. 133, §§ 2-4; Laws, 1997, ch. 558, § 4; reenacted and amended, 1998, ch. 520, § 3; Laws, 2002, ch. 570, § 8; Laws, 2003, ch. 392, § 3; Laws, 2005, ch. 462, § 3; Laws, 2007, ch. 462, § 5; Laws, 2011, ch. 379, § 3, eff. 7/1/2011. It shall be the duty of the county prosecuting attorney or the district attorney, as the case may be, to file complaints as provided in Section67-3-31and to prosecute diligently and without delay all complaints filed by him.It shall be the duty of all peace officers, within their jurisdiction, and all enforcement officers of the Alcoholic Beverage Control Division of the Department of Revenue to enforce the provisions of Section67-3-53and they shall frequently visit all licensed premises within their jurisdiction to determine whether such permittees are complying with the laws. They shall promptly investigate all complaints made to them by any citizen relative to any alleged violations of such section within their jurisdiction. When any peace officer or enforcement officer of the Alcoholic Beverage Control Division has knowledge of a violation of such section committed by a permittee within his jurisdiction, it shall be his duty forthwith to file an affidavit with the county prosecuting attorney or district attorney requesting that a complaint be filed for the revocation or suspension of the permit of the permittee.Codes, 1942, § 10223; Laws, 1934, ch. 171; Laws, 1944, ch. 133, §§ 2-4; Laws, 1997, ch. 558, § 4; reenacted and amended, 1998, ch. 520, § 3; Laws, 2002, ch. 570, § 8; Laws, 2003, ch. 392, § 3; Laws, 2005, ch. 462, § 3; Laws, 2007, ch. 462, § 5; Laws, 2011, ch. 379, § 3, eff. 7/1/2011. It shall be the duty of the county prosecuting attorney or the district attorney, as the case may be, to file complaints as provided in Section67-3-31and to prosecute diligently and without delay all complaints filed by him. It shall be the duty of all peace officers, within their jurisdiction, and all enforcement officers of the Alcoholic Beverage Control Division of the Department of Revenue to enforce the provisions of Section67-3-53and they shall frequently visit all licensed premises within their jurisdiction to determine whether such permittees are complying with the laws. They shall promptly investigate all complaints made to them by any citizen relative to any alleged violations of such section within their jurisdiction. When any peace officer or enforcement officer of the Alcoholic Beverage Control Division has knowledge of a violation of such section committed by a permittee within his jurisdiction, it shall be his duty forthwith to file an affidavit with the county prosecuting attorney or district attorney requesting that a complaint be filed for the revocation or suspension of the permit of the permittee. Codes, 1942, § 10223; Laws, 1934, ch. 171; Laws, 1944, ch. 133, §§ 2-4; Laws, 1997, ch. 558, § 4; reenacted and amended, 1998, ch. 520, § 3; Laws, 2002, ch. 570, § 8; Laws, 2003, ch. 392, § 3; Laws, 2005, ch. 462, § 3; Laws, 2007, ch. 462, § 5; Laws, 2011, ch. 379, § 3, eff. 7/1/2011.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75)Section 67-3-39 - Judicial revocation or suspension of permit; jurisdiction of courts is not exclusive

The jurisdiction conferred upon the circuit and county courts to hear and determine complaints for the revocation or suspension of permits shall not be exclusive and any authority conferred on the commissioner to revoke or suspend licenses shall remain in full force and effect, and the commissioner shall have authority to revoke or suspend permits for a violation of Section67-3-53in the manner provided in subsection (2) of Section67-3-29for the revocation of permits. However, when a complaint is filed with the court any proceedings which may then be pending before the commissioner against the same permittee on the same charges shall abate and no proceedings for the revocation or suspension of a permit for a violation of the provisions of Section67-3-53shall be filed with the commissioner when proceedings are pending before the court against the permittee on the same charges. The revocation or suspension of a permittee's state permit by the court or by the commissioner shall automatically revoke or suspend any

municipal license or permit held by such person. The revocation or suspension of a permittee's permit shall be in addition to and not in lieu of or limitation of any other penalty imposed by law. Codes, 1942, § 10223; Laws, 1934, ch. 171; Laws, 1944, ch. 133, §§ 2-4. The jurisdiction conferred upon the circuit and county courts to hear and determine complaints for the revocation or suspension of permits shall not be exclusive and any authority conferred on the commissioner to revoke or suspend licenses shall remain in full force and effect, and the commissioner shall have authority to revoke or suspend permits for a violation of Section 67-3-53 in the manner provided in subsection (2) of Section 67-3-29 for the revocation of permits. However, when a complaint is filed with the court any proceedings which may then be pending before the commissioner against the same permittee on the same charges shall abate and no proceedings for the revocation or suspension of a permit for a violation of the provisions of Section 67-3-53 shall be filed with the commissioner when proceedings are pending before the court against the permittee on the same charges. The revocation or suspension of a permittee's state permit by the court or by the commissioner shall automatically revoke or suspend any municipal license or permit held by such person. The revocation or suspension of a permittee's permit shall be in addition to and not in lieu of or limitation of any other penalty imposed by law. Codes, 1942, § 10223; Laws, 1934, ch. 171; Laws, 1944, ch. 133, §§ 2-4. The jurisdiction conferred upon the circuit and county courts to hear and determine complaints for the revocation or suspension of permits shall not be exclusive and any authority conferred on the commissioner to revoke or suspend licenses shall remain in full force and effect, and the commissioner shall have authority to revoke or suspend permits for a violation of Section 67-3-53 in the manner provided in subsection (2) of Section 67-3-29 for the revocation of permits. However, when a complaint is filed with the court any proceedings which may then be pending before the commissioner against the same permittee on the same charges shall abate and no proceedings for the revocation or suspension of a permit for a violation of the provisions of Section 67-3-53 shall be filed with the commissioner when proceedings are pending before the court against the permittee on the same charges. The revocation or suspension of a permittee's state permit by the court or by the commissioner shall automatically revoke or suspend any municipal license or permit held by such person. The revocation or suspension of a permittee's permit shall be in addition to and not in lieu of or limitation of any other penalty imposed by law. Codes, 1942, § 10223; Laws, 1934, ch. 171; Laws, 1944, ch. 133, §§ 2-4. The jurisdiction conferred upon the circuit and county courts to hear and determine complaints for the revocation or suspension of permits shall not be exclusive and any authority conferred on the commissioner to revoke or suspend licenses shall remain in full force and effect, and the commissioner shall have authority to revoke or suspend permits for a violation of Section 67-3-53 in the manner provided in subsection (2) of Section 67-3-29 for the revocation of permits. However, when a complaint is filed with the court any proceedings which may then be pending before the commissioner against the same permittee on the same charges shall abate and no proceedings for the revocation or suspension of a permit for a violation of the provisions of Section 67-3-53 shall be filed with the commissioner when proceedings are pending before the court against the permittee on the same charges. The revocation or suspension of a permittee's state permit by the court or by the commissioner shall automatically revoke or suspend any municipal license or permit held by such person. The revocation or suspension of a permittee's permit shall be in addition to and not in lieu of or limitation of any other penalty imposed by law. Codes, 1942, § 10223; Laws, 1934, ch. 171; Laws, 1944, ch. 133, §§ 2-4.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-41 - Judicial revocation or suspension of permit; sections are cumulative

Sections 67-3-31 through 67-3-41 and Section 67-3-53 are declared to be cumulative, amendatory, and supplemental to any and all other acts and laws of this state pertaining to the governing of the sale and distribution of light wines, light spirit products and beers as contained in Sections 27-71-301 through 27-71-347, Mississippi Code of 1972, and Sections 67-3-17, 67-3-23, 67-3-27, 67-3-29(2), 67-3-55, and 67-3-57. Codes, 1942, § 10223; Laws, 1934, ch. 171; Laws, 1944, ch. 133, §§ 2-4. Amended by Laws, 2020, ch. 314, HB 917, § 16, eff. 6/18/2020. Sections 67-3-31 through 67-3-41 and Section 67-3-53 are declared to be cumulative, amendatory, and supplemental to any and all other acts and laws of this state pertaining to the governing of the sale and distribution of light wines, light spirit products and beers as contained in Sections 27-71-301 through 27-71-347, Mississippi Code of 1972, and Sections 67-3-17, 67-3-23, 67-3-27, 67-3-29(2), 67-3-55, and 67-3-57. Codes, 1942, § 10223; Laws, 1934, ch. 171; Laws, 1944, ch. 133, §§ 2-4. Amended by Laws, 2020, ch. 314, HB 917, § 16, eff. 6/18/2020. Sections 67-3-31 through 67-3-41 and Section 67-3-53 are declared to be cumulative, amendatory, and supplemental to any and all other acts and laws of this state pertaining to the governing of the sale and distribution of light wines, light spirit products and beers as contained in Sections 27-71-301 through 27-71-347, Mississippi Code of 1972, and Sections 67-3-17, 67-3-23, 67-3-27, 67-3-29(2), 67-3-55, and 67-3-57. Codes, 1942, § 10223; Laws, 1934, ch. 171; Laws, 1944, ch. 133, §§ 2-4. Amended by Laws, 2020, ch. 314, HB 917, § 16, eff. 6/18/2020.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-45 - Loans and extension of credit to retailers prohibited; brewpub exemption

No manufacturer, distributor or wholesale dealer to whom or to which this chapter applies shall:(a)Make any loan, directly or indirectly, or furnish any fixtures of any kind, directly or indirectly, to any retail dealer in light wines, light spirit products and/or beer;(b)Have any interest, direct or indirect, in the business of or in the furnishings or fixtures or in the premises used by any such retail dealer in connection with his or its business;(c)Have any lien on any such property of any such retail dealer; or(d)Sell light wines, light spirit products and/or beer to any such retail dealer on credit.This section shall not apply to a brewpub licensed pursuant to Article 3, Chapter 71, Title 27, Mississippi Code of 1972, and shall not prohibit a microbrewery or small craft brewery licensed under Article 3, Chapter 71, Title 27, Mississippi Code of 1972, from being eligible to obtain a retail permit for the sale of beer, light wine or light spirit products on its premises.Codes, 1942, § 10214; Laws, 1934, ch. 171; Laws, 1966, ch. 656, § 1; Laws, 1998, ch. 308, § 10, eff. 7/1/1998.Amended by Laws, 2021, ch. 450, HB 1091,§ 8, eff. 7/1/2021.Amended by Laws, 2020, ch. 314, HB 917,§ 17, eff. 6/18/2020. No manufacturer, distributor or wholesale dealer to whom or to which this chapter applies shall:(a)Make any loan, directly or indirectly, or furnish any fixtures of any kind, directly or indirectly, to any retail dealer in light wines, light spirit products and/or beer;(b)Have any interest, direct or indirect, in the business of or in the furnishings or fixtures or in the premises used by any such retail dealer in connection with his or its business;(c)Have any lien on any such property of any such retail dealer; or(d)Sell light wines, light spirit products and/or beer to any such retail dealer on credit.This section shall not apply to a brewpub licensed pursuant to Article 3, Chapter 71, Title 27, Mississippi Code of 1972, and shall not prohibit a microbrewery or small craft brewery licensed under Article 3, Chapter 71, Title 27, Mississippi Code of 1972, from being eligible to obtain a retail permit for the sale of beer, light wine or light spirit products on its premises.Codes, 1942, § 10214; Laws, 1934, ch. 171; Laws, 1966, ch. 656, § 1; Laws, 1998, ch. 308, § 10, eff. 7/1/1998.Amended by Laws, 2021, ch. 450, HB 1091,§ 8, eff. 7/1/2021.Amended by Laws, 2020, ch. 314, HB 917,§ 17, eff. 6/18/2020. No manufacturer, distributor or wholesale dealer to whom or to which this chapter applies shall: This section shall not apply to a brewpub licensed pursuant to Article 3, Chapter 71, Title 27, Mississippi Code of 1972, and shall not prohibit a microbrewery or small craft brewery licensed under Article 3, Chapter 71, Title 27, Mississippi Code of 1972, from being eligible to obtain a retail permit for the sale of beer, light wine or light spirit products on its premises. Codes, 1942, § 10214; Laws, 1934, ch. 171; Laws, 1966, ch. 656, § 1; Laws, 1998, ch. 308, § 10, eff. 7/1/1998. Amended by Laws, 2021, ch. 450, HB 1091,§ 8, eff. 7/1/2021. Amended by Laws, 2020, ch. 314, HB 917,§ 17, eff. 6/18/2020.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75)Section 67-3-46 - Manufacturers of light wines, light spirit products or beer prohibited from acting as wholesalers or distributors

(1)The provisions of subsection (2) of this section apply to the following entities:(a)Any person engaged in the business of brewing or manufacturing beer or in the business of manufacturing or producing light wines or light spirit products;(b)An officer, director, agent or employee of an entity described in paragraph (a) or (d) of this subsection;(c)An affiliate of an entity described in paragraph (a) or (d) of this subsection, regardless of whether the affiliation is corporate or by management, direction or control.(d)An entity that is the manufacturer of a product or substance that is infused into or becomes part of any beer, light wine or light spirit products regardless of whether the entity manufactures the final product. This provision also shall apply to all affiliated companies, wholly-owned subsidiaries or joint ventures.(2)No entity named in subsection (1) of this section may have any interest in the license, business, assets or corporate stock of a wholesaler or distributor to whom this chapter applies, except a security interest granted to the entity of the type provided for the Uniform Commercial Code in products sold to a wholesaler or distributor until the full purchase price has been paid therefor.Laws, 1980, ch. 342, § 1, eff. 7/1/1980.Amended by Laws, 2023, ch. 535, HB 1140,§ 1, eff. 4/20/2023.Amended by Laws, 2020, ch. 314, HB 917,§ 18, eff. 6/18/2020. (1)The provisions of subsection (2) of this section apply to the following entities:(a)Any person engaged in the business of brewing or manufacturing beer or in the business of manufacturing or producing light wines or light spirit products;(b)An officer, director, agent or employee of an entity described in paragraph (a) or (d) of this subsection;(c)An affiliate of an entity described in paragraph (a) or (d) of this subsection, regardless of whether the affiliation is corporate or by management, direction or control.(d)An entity that is the manufacturer of a product or substance that is infused into or becomes part of any beer, light wine or light spirit products regardless of whether the entity manufactures the final product. This provision also shall apply to all affiliated companies, wholly-owned subsidiaries or joint ventures.(2)No entity named in subsection (1) of this section may have any interest in the license, business, assets or corporate stock of a wholesaler or distributor to whom this chapter applies, except a security interest granted to the entity of the type provided for the Uniform Commercial Code in products sold to a wholesaler or distributor until the full purchase price has been paid therefor.Laws, 1980, ch. 342, § 1, eff. 7/1/1980.Amended by Laws, 2023, ch. 535, HB 1140,§ 1, eff. 4/20/2023.Amended by Laws,

2020, ch. 314, HB 917, § 18, eff. 6/18/2020. (1) The provisions of subsection (2) of this section apply to the following entities: (a) Any person engaged in the business of brewing or manufacturing beer or in the business of manufacturing or producing light wines or light spirit products; (b) An officer, director, agent or employee of an entity described in paragraph (a) or (d) of this subsection; (c) An affiliate of an entity described in paragraph (a) or (d) of this subsection, regardless of whether the affiliation is corporate or by management, direction or control. (d) An entity that is the manufacturer of a product or substance that is infused into or becomes part of any beer, light wine or light spirit products regardless of whether the entity manufactures the final product. This provision also shall apply to all affiliated companies, wholly-owned subsidiaries or joint ventures. (2) No entity named in subsection (1) of this section may have any interest in the license, business, assets or corporate stock of a wholesaler or distributor to whom this chapter applies, except a security interest granted to the entity of the type provided for the Uniform Commercial Code in products sold to a wholesaler or distributor until the full purchase price has been paid therefor. Laws, 1980, ch. 342, § 1, eff. 7/1/1980. Amended by Laws, 2023, ch. 535, HB 1140, § 1, eff. 4/20/2023. Amended by Laws, 2020, ch. 314, HB 917, § 18, eff. 6/18/2020. Laws, 1980, ch. 342, § 1, eff. 7/1/1980. Amended by Laws, 2023, ch. 535, HB 1140, § 1, eff. 4/20/2023. Amended by Laws, 2020, ch. 314, HB 917, § 18, eff. 6/18/2020.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-47 - Manufacturer of beer operating brewery permitted to provide limited amounts of beer on premises for tasting or sampling subject to certain conditions

(1) A person having a permit to manufacture or brew beer under this chapter and who operates a brewery may offer and provide limited amounts of beer on the premises of the brewery for the purpose of tasting or sampling, subject to the following conditions: (a) The beer provided for tasting or sampling must be manufactured in the State of Mississippi by the holder of the permit; (b) The beer may be provided only to persons on the premises of the brewery at no cost and for consumption on the premises of the brewery; (c) The beer may be provided for tasting or sampling between the hours of 8:00 a.m. and 10:00 p.m. on the same day and only in conjunction with a structured tour of the brewery and related facilities which must include the entire manufacturing and brewing processes and methods used at the brewery; (d) No one under twenty-one (21) years of age may participate in the tasting or sampling, and a sign indicating that prohibition shall be placed in a visible location at the entrance to the area where the tasting or sampling will be conducted; (e) An individual size sample of beer shall not exceed six (6) ounces, and no more than six (6) samples of beer may be provided to an individual within a twenty-four-hour period; and (f) The holder of the license operating the brewery shall keep an accurate accounting of the various beers provided and consumed as samples. (2) For the purposes of this section, the term "brewery" means and has the same definition as that term has in 26 USCS 5402. Laws, 2012, ch. 569, § 1, eff. 7/1/2012. (1) A person having a permit to manufacture or brew beer under this chapter and who operates a brewery may offer and provide limited amounts of beer on the premises of the brewery for the purpose of tasting or sampling, subject to the following conditions: (a) The beer provided for tasting or sampling must be manufactured in the State of Mississippi by the holder of the permit; (b) The beer may be provided only to persons on the premises of the brewery at no cost and for consumption on the premises of the brewery; (c) The beer may be provided for tasting or sampling between the hours of 8:00 a.m. and 10:00 p.m. on the same day and only in conjunction with a structured tour of the brewery and related facilities which must include the entire manufacturing and brewing processes and methods used at the brewery; (d) No one under twenty-one (21) years of age may participate in the tasting or sampling, and a sign indicating that prohibition shall be placed in a visible location at the entrance to the area where the tasting or sampling will be conducted; (e) An individual size sample of beer shall not exceed six (6) ounces, and no more than six (6) samples of beer may be provided to an individual within a twenty-four-hour period; and (f) The holder of the license operating the brewery shall keep an accurate accounting of the various beers provided and consumed as samples. (2) For the purposes of this section, the term "brewery" means and has the same definition as that term has in 26 USCS 5402. Laws, 2012, ch. 569, § 1, eff. 7/1/2012. (1) A person having a permit to manufacture or brew beer under this chapter and who operates a brewery may offer and provide limited amounts of beer on the premises of the brewery for the purpose of tasting or sampling, subject to the following conditions: (a) The beer provided for tasting or sampling must be manufactured in the State of Mississippi by the holder of the permit; (b) The beer may be provided only to persons on the premises of the brewery at no cost and for consumption on the premises of the brewery; (c) The beer may be provided for tasting or sampling between the hours of 8:00 a.m. and 10:00 p.m. on the same day and only in conjunction with a structured tour of the brewery and related facilities which must include the entire manufacturing and brewing processes and methods used at the brewery; (d) No one under twenty-one (21) years of age may participate in the tasting or sampling, and a sign indicating that prohibition shall be placed in a visible location at the entrance to the area where the tasting or sampling will be conducted; (e) An individual size sample of beer shall not exceed six (6) ounces, and no more than six (6) samples of beer may be provided to an individual within a twenty-four-hour period; and (f) The holder of the license operating the brewery shall keep an accurate accounting of the various beers provided and consumed as samples. (2) For the purposes of this section, the term "brewery" means and has the same definition as that term has in 26 USCS 5402. Laws, 2012, ch. 569, § 1, eff. 7/1/2012. Laws, 2012, ch. 569, § 1, eff. 7/1/2012.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-48.1 - Operation of small craft brewery acquired by or acquiring manufacturer of light wine, light spirit product or beer not meeting definition of

small craft brewery

(1)In the event a small craft brewery is acquired by an entity that manufactures light wine, light spirit product or beer that does not fall within the definition of the term "small craft brewery," the entity that acquired the small craft brewery may continue to operate the brewery as a small craft brewery for as long as the acquired facility meets the definition of the term "small craft brewery"; however, the limit in Section67-3-3on the amount of barrels of light wine, light spirit product or beer that a small craft brewery may produce shall not apply to light wine, light spirit product or beer that is not produced by the acquired small craft brewery.(2)In the event a small craft brewery acquires an entity that manufactures light wine, light spirit product or beer that does not fall within the definition of the term "small craft brewery," the small craft brewery that acquired the entity may continue to operate as a small craft brewery for as long as the brewery meets the definition of the term "small craft brewery." The light wine, light spirit product or beer produced by the entity that is acquired by a small craft brewery shall not apply to the limit in Section67-3-3on the amount of light wine, light spirit product or beer that the small craft brewery may produce.(3)A small craft brewery described in subsections (1) and (2) of this section may continue to sell at retail brands the small craft brewery produces on its premises at all locations at which it was selling the brands at retail at the time of the acquisition; however, the small craft brewery may not sell at retail brands produced by the entity that acquired it or by the entity it acquires, as the case may be.Amended by Laws, 2020, ch. 314, HB 917,§ 20, eff. 6/18/2020.Added by Laws, 2017, ch. 345, HB 1322, 2, eff. 7/1/2017. (1)In the event a small craft brewery is acquired by an entity that manufactures light wine, light spirit product or beer that does not fall within the definition of the term "small craft brewery," the entity that acquired the small craft brewery may continue to operate the brewery as a small craft brewery for as long as the acquired facility meets the definition of the term "small craft brewery"; however, the limit in Section67-3-3on the amount of barrels of light wine, light spirit product or beer that a small craft brewery may produce shall not apply to light wine, light spirit product or beer that is not produced by the acquired small craft brewery.(2)In the event a small craft brewery acquires an entity that manufactures light wine, light spirit product or beer that does not fall within the definition of the term "small craft brewery," the small craft brewery that acquired the entity may continue to operate as a small craft brewery for as long as the brewery meets the definition of the term "small craft brewery." The light wine, light spirit product or beer produced by the entity that is acquired by a small craft brewery shall not apply to the limit in Section67-3-3on the amount of light wine, light spirit product or beer that the small craft brewery may produce.(3)A small craft brewery described in subsections (1) and (2) of this section may continue to sell at retail brands the small craft brewery produces on its premises at all locations at which it was selling the brands at retail at the time of the acquisition; however, the small craft brewery may not sell at retail brands produced by the entity that acquired it or by the entity it acquires, as the case may be.Amended by Laws, 2020, ch. 314, HB 917,§ 20, eff. 6/18/2020.Added by Laws, 2017, ch. 345, HB 1322, 2, eff. 7/1/2017. (1)In the event a small craft brewery is acquired by an entity that manufactures light wine, light spirit product or beer that does not fall within the definition of the term "small craft brewery," the entity that acquired the small craft brewery may continue to operate the brewery as a small craft brewery for as long as the acquired facility meets the definition of the term "small craft brewery"; however, the limit in Section67-3-3on the amount of barrels of light wine, light spirit product or beer that a small craft brewery may produce shall not apply to light wine, light spirit product or beer that is not produced by the acquired small craft brewery.(2)In the event a small craft brewery acquires an entity that manufactures light wine, light spirit product or beer that does not fall within the definition of the term "small craft brewery," the small craft brewery that acquired the entity may continue to operate as a small craft brewery for as long as the brewery meets the definition of the term "small craft brewery." The light wine, light spirit product or beer produced by the entity that is acquired by a small craft brewery shall not apply to the limit in Section67-3-3on the amount of light wine, light spirit product or beer that the small craft brewery may produce.(3)A small craft brewery described in subsections (1) and (2) of this section may continue to sell at retail brands the small craft brewery produces on its premises at all locations at which it was selling the brands at retail at the time of the acquisition; however, the small craft brewery may not sell at retail brands produced by the entity that acquired it or by the entity it acquires, as the case may be.Amended by Laws, 2020, ch. 314, HB 917,§ 20, eff. 6/18/2020.Added by Laws, 2017, ch. 345, HB 1322, 2, eff. 7/1/2017. Amended by Laws, 2020, ch. 314, HB 917,§ 20, eff. 6/18/2020. Added by Laws, 2017, ch. 345, HB 1322, 2, eff. 7/1/2017.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75)Section 67-3-48 - Retail sale of light wine, light spirit product or beer produced by small craft brewery

(1)A small craft brewery may sell at retail light wine, light spirit product or beer produced at its brewery for consumption on the premises of the brewery and consumption off the premises of the brewery if the sales are made on the premises of the brewery and the light wine, light spirit product or beer products offered for sale are also made available for sale to wholesalers.(2)(a)A small craft brewery shall not sell at retail more than twenty-five percent (25%) of the light wine, light spirit product or beer produced annually at its brewery or more than two thousand five hundred (2,500) barrels of light wine, light spirit product or beer produced at the brewery annually, whichever is the lesser amount. For purposes of this subsection, contract-brewed beer shall not be included in the amount of beer produced annually at the brewery. The light wine, light spirit product or beer must be sold at a price approximating retail prices generally charged for identical beverages in the county where the brewery is located.(b)A small craft brewery shall not make retail sales of more than six hundred seventy (670) ounces, in the aggregate, of light wine, light spirit product or beer to any one (1) individual for consumption off the premises of the brewery within a twenty-four-hour period.(c)The limits on sales provided for in this subsection shall not apply to beer provided pursuant to Section67-3-47.(d)A microbrewery shall not sell at retail more

than eighty percent (80%) of light wine, light spirit product or beer produced annually at its brewery. The light wine, light spirit product or beer must be sold at a price approximating prices generally charged for identical beverages in the county where the microbrewery is located.(3)A small craft brewery or microbrewery shall take commercially reasonable steps to ensure that light wine, light spirit product or beer products sold for consumption off the premises of the brewery are being sold for personal use and not for resale and are not being sold to anyone holding a retail permit for the purpose of resale in their establishment.(4)A small craft brewery or microbrewery shall not make retail sales of contract-brewed beer.(5)A small craft brewery or microbrewery shall not mail or ship light wine, light spirit product or beer to a consumer.Amended by Laws, 2021, ch. 450, HB 1091,§ 6, eff. 7/1/2021.Amended by Laws, 2020, ch. 314, HB 917,§ 19, eff. 6/18/2020.Added by Laws, 2017, ch. 345, HB 1322, 1, eff. 7/1/2017.Prior § 67-3-48, as added by Laws, 1997, ch. 499, § 2, eff. 7/1/1997, was repealed by Laws of 2000, ch. 435, § 12, eff. 7/1/2000. (1)A small craft brewery may sell at retail light wine, light spirit product or beer produced at its brewery for consumption on the premises of the brewery and consumption off the premises of the brewery if the sales are made on the premises of the brewery and the light wine, light spirit product or beer products offered for sale are also made available for sale to wholesalers.(2)(a)A small craft brewery shall not sell at retail more than twenty-five percent (25%) of the light wine, light spirit product or beer produced annually at its brewery or more than two thousand five hundred (2,500) barrels of light wine, light spirit product or beer produced at the brewery annually, whichever is the lesser amount. For purposes of this subsection, contract-brewed beer shall not be included in the amount of beer produced annually at the brewery. The light wine, light spirit product or beer must be sold at a price approximating retail prices generally charged for identical beverages in the county where the brewery is located.(b)A small craft brewery shall not make retail sales of more than six hundred seventy (670) ounces, in the aggregate, of light wine, light spirit product or beer to any one (1) individual for consumption off the premises of the brewery within a twenty-four-hour period.(c)The limits on sales provided for in this subsection shall not apply to beer provided pursuant to Section67-3-47.(d)A microbrewery shall not sell at retail more than eighty percent (80%) of light wine, light spirit product or beer produced annually at its brewery. The light wine, light spirit product or beer must be sold at a price approximating prices generally charged for identical beverages in the county where the microbrewery is located.(3)A small craft brewery or microbrewery shall take commercially reasonable steps to ensure that light wine, light spirit product or beer products sold for consumption off the premises of the brewery are being sold for personal use and not for resale and are not being sold to anyone holding a retail permit for the purpose of resale in their establishment.(4)A small craft brewery or microbrewery shall not make retail sales of contract-brewed beer.(5)A small craft brewery or microbrewery shall not mail or ship light wine, light spirit product or beer to a consumer.Amended by Laws, 2021, ch. 450, HB 1091,§ 6, eff. 7/1/2021.Amended by Laws, 2020, ch. 314, HB 917,§ 19, eff. 6/18/2020.Added by Laws, 2017, ch. 345, HB 1322, 1, eff. 7/1/2017.Prior § 67-3-48, as added by Laws, 1997, ch. 499, § 2, eff. 7/1/1997, was repealed by Laws of 2000, ch. 435, § 12, eff. 7/1/2000. (1)A small craft brewery may sell at retail light wine, light spirit product or beer produced at its brewery for consumption on the premises of the brewery and consumption off the premises of the brewery if the sales are made on the premises of the brewery and the light wine, light spirit product or beer products offered for sale are also made available for sale to wholesalers.(2)(a)A small craft brewery shall not sell at retail more than twenty-five percent (25%) of the light wine, light spirit product or beer produced annually at its brewery or more than two thousand five hundred (2,500) barrels of light wine, light spirit product or beer produced at the brewery annually, whichever is the lesser amount. For purposes of this subsection, contract-brewed beer shall not be included in the amount of beer produced annually at the brewery. The light wine, light spirit product or beer must be sold at a price approximating retail prices generally charged for identical beverages in the county where the brewery is located.(b)A small craft brewery shall not make retail sales of more than six hundred seventy (670) ounces, in the aggregate, of light wine, light spirit product or beer to any one (1) individual for consumption off the premises of the brewery within a twenty-four-hour period.(c)The limits on sales provided for in this subsection shall not apply to beer provided pursuant to Section67-3-47.(d)A microbrewery shall not sell at retail more than eighty percent (80%) of light wine, light spirit product or beer produced annually at its brewery. The light wine, light spirit product or beer must be sold at a price approximating prices generally charged for identical beverages in the county where the microbrewery is located.(3)A small craft brewery or microbrewery shall take commercially reasonable steps to ensure that light wine, light spirit product or beer products sold for consumption off the premises of the brewery are being sold for personal use and not for resale and are not being sold to anyone holding a retail permit for the purpose of resale in their establishment.(4)A small craft brewery or microbrewery shall not make retail sales of contract-brewed beer.(5)A small craft brewery or microbrewery shall not mail or ship light wine, light spirit product or beer to a consumer.Amended by Laws, 2021, ch. 450, HB 1091,§ 6, eff. 7/1/2021.Amended by Laws, 2020, ch. 314, HB 917,§ 19, eff. 6/18/2020.Added by Laws, 2017, ch. 345, HB 1322, 1, eff. 7/1/2017.Prior § 67-3-48, as added by Laws, 1997, ch. 499, § 2, eff. 7/1/1997, was repealed by Laws of 2000, ch. 435, § 12, eff. 7/1/2000. Amended by Laws, 2021, ch. 450, HB 1091,§ 6, eff. 7/1/2021. Amended by Laws, 2020, ch. 314, HB 917,§ 19, eff. 6/18/2020. Added by Laws, 2017, ch. 345, HB 1322, 1, eff. 7/1/2017. Prior § 67-3-48, as added by Laws, 1997, ch. 499, § 2, eff. 7/1/1997, was repealed by Laws of 2000, ch. 435, § 12, eff. 7/1/2000.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75)Section 67-3-49 - Manufacture, sale or storage of light spirit product with alcoholic content of more than 6% or beer with alcoholic content of more than 8% prohibited; exception

(1)Except as otherwise provided in this section, it shall be unlawful for any brewer or manufacturer or distributor or wholesale dealer of or in light wines, light spirit products and/or beer to manufacture or knowingly bring upon his premises or keep thereon

any light spirit product of an alcoholic content of more than six percent (6%) by weight, any beer of an alcoholic content of more than eight percent (8%) by weight. Any person that shall add to or mix with any beer, light spirit product or light wine any alcoholic or other liquid, or any alcohol cube or cubes, or any other ingredient or ingredients that will increase or tend to increase the alcoholic content of such liquor, or any person that shall knowingly offer for sale any liquor so treated, shall be guilty of a misdemeanor and punished as hereinafter provided in this chapter. The commissioner shall take any action he considers necessary to ensure that light wine, light spirit product and/or beer manufactured at a brewpub complies with the provisions of this section.(2)A brewer or manufacturer of light wine, light spirit product or beer may manufacture and keep upon his premises beer of an alcoholic content of more than eight percent (8%) by weight if the beer is manufactured for legal sale in another state.Codes, 1942, § 10219; Laws, 1934, ch. 171; Laws, 1998, ch. 306, § 9; Laws, 1998, ch. 308, § 11; Laws, 2012, ch. 323, § 10; Laws, 2012, ch. 501, § 6, eff. 7/1/2012.Amended by Laws, 2021, ch. 450, HB 1091,§ 7, eff. 7/1/2021.Amended by Laws, 2020, ch. 314, HB 917,§ 21, eff. 6/18/2020. (1)Except as otherwise provided in this section, it shall be unlawful for any brewer or manufacturer or distributor or wholesale dealer of or in light wines, light spirit products and/or beer to manufacture or knowingly bring upon his premises or keep thereon any light spirit product of an alcoholic content of more than six percent (6%) by weight, any beer of an alcoholic content of more than eight percent (8%) by weight. Any person that shall add to or mix with any beer, light spirit product or light wine any alcoholic or other liquid, or any alcohol cube or cubes, or any other ingredient or ingredients that will increase or tend to increase the alcoholic content of such liquor, or any person that shall knowingly offer for sale any liquor so treated, shall be guilty of a misdemeanor and punished as hereinafter provided in this chapter. The commissioner shall take any action he considers necessary to ensure that light wine, light spirit product and/or beer manufactured at a brewpub complies with the provisions of this section.(2)A brewer or manufacturer of light wine, light spirit product or beer may manufacture and keep upon his premises beer of an alcoholic content of more than eight percent (8%) by weight if the beer is manufactured for legal sale in another state.Codes, 1942, § 10219; Laws, 1934, ch. 171; Laws, 1998, ch. 306, § 9; Laws, 1998, ch. 308, § 11; Laws, 2012, ch. 323, § 10; Laws, 2012, ch. 501, § 6, eff. 7/1/2012.Amended by Laws, 2021, ch. 450, HB 1091,§ 7, eff. 7/1/2021.Amended by Laws, 2020, ch. 314, HB 917,§ 21, eff. 6/18/2020. (1)Except as otherwise provided in this section, it shall be unlawful for any brewer or manufacturer or distributor or wholesale dealer of or in light wines, light spirit products and/or beer to manufacture or knowingly bring upon his premises or keep thereon any light spirit product of an alcoholic content of more than six percent (6%) by weight, any beer of an alcoholic content of more than eight percent (8%) by weight. Any person that shall add to or mix with any beer, light spirit product or light wine any alcoholic or other liquid, or any alcohol cube or cubes, or any other ingredient or ingredients that will increase or tend to increase the alcoholic content of such liquor, or any person that shall knowingly offer for sale any liquor so treated, shall be guilty of a misdemeanor and punished as hereinafter provided in this chapter. The commissioner shall take any action he considers necessary to ensure that light wine, light spirit product and/or beer manufactured at a brewpub complies with the provisions of this section.(2)A brewer or manufacturer of light wine, light spirit product or beer may manufacture and keep upon his premises beer of an alcoholic content of more than eight percent (8%) by weight if the beer is manufactured for legal sale in another state.Codes, 1942, § 10219; Laws, 1934, ch. 171; Laws, 1998, ch. 306, § 9; Laws, 1998, ch. 308, § 11; Laws, 2012, ch. 323, § 10; Laws, 2012, ch. 501, § 6, eff. 7/1/2012.Amended by Laws, 2021, ch. 450, HB 1091,§ 7, eff. 7/1/2021.Amended by Laws, 2020, ch. 314, HB 917,§ 21, eff. 6/18/2020. Codes, 1942, § 10219; Laws, 1934, ch. 171; Laws, 1998, ch. 306, § 9; Laws, 1998, ch. 308, § 11; Laws, 2012, ch. 323, § 10; Laws, 2012, ch. 501, § 6, eff. 7/1/2012. Amended by Laws, 2021, ch. 450, HB 1091,§ 7, eff. 7/1/2021. Amended by Laws, 2020, ch. 314, HB 917,§ 21, eff. 6/18/2020.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75)Section 67-3-5 - Light wines, light spirit products and beer legalized

(1)It shall be lawful, subject to the provisions set forth in this chapter and in Section67-1-51, in this state to transport, store, sell, distribute, possess, receive, deliver and/or manufacture light wine, light spirit product and beer, and it is hereby declared that it is the legislative intent that this chapter privileges the lawful sale and manufacture, within this state, of such light wines, light spirit products and beer. In determining if a wine product is "light wine," or contains an alcoholic content of more than five percent (5%) by weight, or is not an "alcoholic beverage" as defined in the Local Option Alcoholic Beverage Control Law, Chapter 1 of Title 67, Mississippi Code of 1972, the alcoholic content of such wine product shall be subject to the same permitted tolerance as is allowed by the labeling requirements for light wine provided for in Section27-71-509.(2)Subject to the provisions set forth in this chapter and in Section67-1-51, it shall be lawful in this state to transport, store, sell, distribute, possess, receive, deliver and/or manufacture beer of an alcoholic content of more than eight percent (8%) by weight, if the beer is manufactured to be sold legally in another state and is transported outside of this state for retail sale.Codes, 1942, §§ 10207, 10228; Laws, 1934, ch. 171; Laws, 1987, ch. 355, § 2; Laws, 1998, ch. 306, § 4; Laws, 2012, ch. 323, § 4; Laws, 2012, ch. 501, § 2, eff. 7/1/2012.Amended by Laws, 2021, ch. 442, HB 1135,§ 5, eff. 7/1/2021.Amended by Laws, 2020, ch. 314, HB 917,§ 3, eff. 6/18/2020. (1)It shall be lawful, subject to the provisions set forth in this chapter and in Section67-1-51, in this state to transport, store, sell, distribute, possess, receive, deliver and/or manufacture light wine, light spirit product and beer, and it is hereby declared that it is the legislative intent that this chapter privileges the lawful sale and manufacture, within this state, of such light wines, light spirit products and beer. In determining if a wine product is "light wine," or contains an alcoholic content of more than five percent (5%) by weight, or is not an "alcoholic beverage" as defined in the Local Option Alcoholic Beverage Control Law, Chapter 1 of Title 67, Mississippi Code of 1972, the alcoholic content of such wine product shall be subject to the same permitted tolerance as is allowed by the labeling requirements

for light wine provided for in Section 27-71-509. (2) Subject to the provisions set forth in this chapter and in Section 67-1-51, it shall be lawful in this state to transport, store, sell, distribute, possess, receive, deliver and/or manufacture beer of an alcoholic content of more than eight percent (8%) by weight, if the beer is manufactured to be sold legally in another state and is transported outside of this state for retail sale. Codes, 1942, §§ 10207, 10228; Laws, 1934, ch. 171; Laws, 1987, ch. 355, § 2; Laws, 1998, ch. 306, § 4; Laws, 2012, ch. 323, § 4; Laws, 2012, ch. 501, § 2, eff. 7/1/2012. Amended by Laws, 2021, ch. 442, HB 1135, § 5, eff. 7/1/2021. Amended by Laws, 2020, ch. 314, HB 917, § 3, eff. 6/18/2020. (1) It shall be lawful, subject to the provisions set forth in this chapter and in Section 67-1-51, in this state to transport, store, sell, distribute, possess, receive, deliver and/or manufacture light wine, light spirit product and beer, and it is hereby declared that it is the legislative intent that this chapter privileges the lawful sale and manufacture, within this state, of such light wines, light spirit products and beer. In determining if a wine product is "light wine," or contains an alcoholic content of more than five percent (5%) by weight, or is not an "alcoholic beverage" as defined in the Local Option Alcoholic Beverage Control Law, Chapter 1 of Title 67, Mississippi Code of 1972, the alcoholic content of such wine product shall be subject to the same permitted tolerance as is allowed by the labeling requirements for light wine provided for in Section 27-71-509. (2) Subject to the provisions set forth in this chapter and in Section 67-1-51, it shall be lawful in this state to transport, store, sell, distribute, possess, receive, deliver and/or manufacture beer of an alcoholic content of more than eight percent (8%) by weight, if the beer is manufactured to be sold legally in another state and is transported outside of this state for retail sale. Codes, 1942, §§ 10207, 10228; Laws, 1934, ch. 171; Laws, 1987, ch. 355, § 2; Laws, 1998, ch. 306, § 4; Laws, 2012, ch. 323, § 4; Laws, 2012, ch. 501, § 2, eff. 7/1/2012. Amended by Laws, 2021, ch. 442, HB 1135, § 5, eff. 7/1/2021. Amended by Laws, 2020, ch. 314, HB 917, § 3, eff. 6/18/2020. Codes, 1942, §§ 10207, 10228; Laws, 1934, ch. 171; Laws, 1987, ch. 355, § 2; Laws, 1998, ch. 306, § 4; Laws, 2012, ch. 323, § 4; Laws, 2012, ch. 501, § 2, eff. 7/1/2012. Amended by Laws, 2021, ch. 442, HB 1135, § 5, eff. 7/1/2021. Amended by Laws, 2020, ch. 314, HB 917, § 3, eff. 6/18/2020.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-51 - Sales from other than original containers prohibited; exception

(1) It shall be unlawful for any person to sell, or offer to sell, or keep for sale any bottled beer, bottled light spirit product or bottled light wine except the same be in the original bottle or in the original package containing bottles, each of which bottles shall bear the original label and the full name of the brewer or manufacturer of the contents of such bottle, both on the label and on the cap or cork of such bottle in the case of beer, and on the label only in the case of light wine and light spirit product. (2) It shall be unlawful for any person to sell, or offer for sale, or keep for sale any beer, light spirit product or light wine in the original package or packages unless each such original package (whether barrel or other container, and whether containing liquor in bottles or otherwise) shall have plainly stamped on the container or label for each such container the full name of the manufacturer of the liquor therein contained. (3) It shall be unlawful for any person to sell on draught any beer, light spirit product or light wine except the same be drawn from the original barrel or other container, which such container shall have plainly stamped on each end thereof the full name of the manufacturer of such liquor. (4) This section shall not apply to beer offered and provided on the premises of a brewery for the purpose of tasting or sampling as authorized in Section 67-3-47. Codes, 1942, § 10220; Laws, 1934, ch. 171; Laws, 1987, ch. 355, § 3; Laws, 2012, ch. 569, § 2, eff. 7/1/2012. Amended by Laws, 2020, ch. 314, HB 917, § 22, eff. 6/18/2020. (1) It shall be unlawful for any person to sell, or offer to sell, or keep for sale any bottled beer, bottled light spirit product or bottled light wine except the same be in the original bottle or in the original package containing bottles, each of which bottles shall bear the original label and the full name of the brewer or manufacturer of the contents of such bottle, both on the label and on the cap or cork of such bottle in the case of beer, and on the label only in the case of light wine and light spirit product. (2) It shall be unlawful for any person to sell, or offer for sale, or keep for sale any beer, light spirit product or light wine in the original package or packages unless each such original package (whether barrel or other container, and whether containing liquor in bottles or otherwise) shall have plainly stamped on the container or label for each such container the full name of the manufacturer of the liquor therein contained. (3) It shall be unlawful for any person to sell on draught any beer, light spirit product or light wine except the same be drawn from the original barrel or other container, which such container shall have plainly stamped on each end thereof the full name of the manufacturer of such liquor. (4) This section shall not apply to beer offered and provided on the premises of a brewery for the purpose of tasting or sampling as authorized in Section 67-3-47. Codes, 1942, § 10220; Laws, 1934, ch. 171; Laws, 1987, ch. 355, § 3; Laws, 2012, ch. 569, § 2, eff. 7/1/2012. Amended by Laws, 2020, ch. 314, HB 917, § 22, eff. 6/18/2020. (1) It shall be unlawful for any person to sell, or offer to sell, or keep for sale any bottled beer, bottled light spirit product or bottled light wine except the same be in the original bottle or in the original package containing bottles, each of which bottles shall bear the original label and the full name of the brewer or manufacturer of the contents of such bottle, both on the label and on the cap or cork of such bottle in the case of beer, and on the label only in the case of light wine and light spirit product. (2) It shall be unlawful for any person to sell, or offer for sale, or keep for sale any beer, light spirit product or light wine in the original package or packages unless each such original package (whether barrel or other container, and whether containing liquor in bottles or otherwise) shall have plainly stamped on the container or label for each such container the full name of the manufacturer of the liquor therein contained. (3) It shall be unlawful for any person to sell on draught any beer, light spirit product or light wine except the same be drawn from the original barrel or other container, which such container shall have plainly stamped on each end thereof the full name of the manufacturer of such liquor. (4) This section shall not apply to beer offered and provided on the premises of a brewery for the purpose of tasting or sampling as authorized in Section 67-3-47. Codes, 1942, § 10220; Laws, 1934, ch. 171; Laws, 1987, ch. 355, § 3; Laws, 2012, ch. 569, § 2, eff.

7/1/2012.Amended by Laws, 2020, ch. 314, HB 917,§ 22, eff. 6/18/2020. Codes, 1942, § 10220; Laws, 1934, ch. 171; Laws, 1987, ch. 355, § 3; Laws, 2012, ch. 569, § 2, eff. 7/1/2012. Amended by Laws, 2020, ch. 314, HB 917,§ 22, eff. 6/18/2020.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75)Section 67-3-52 - Sale of beer, light spirit product or light wine obtained outside state

It shall be unlawful for any person holding a permit authorizing the sale of beer, light spirit product or light wine at retail to obtain such beer, light spirit product or light wine from any source outside of the State of Mississippi. Any person who violates the provisions of this section, upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court. Any person convicted of violating this section, or any rules or regulations promulgated by the commissioner with regard to the unlawful acts described in this section, shall forfeit his permit. Any person whose permit has been forfeited pursuant to this section shall not be eligible for a permit issued by the commissioner for a period of five (5) years after the date of such forfeiture. In addition, no permit shall be issued for the same location, for which an offender has forfeited a permit pursuant to this section, to a spouse, offspring or sibling of the offender when to do so would circumvent the purposes of this section. The commissioner may assess a retailer who violates this section the amount of excise taxes due on the unlawfully imported beer, light spirit product or light wine, together with a penalty in the amount of four (4) times the state excise taxes due or One Hundred Dollars (\$100.00) per case, whichever is greater.Laws, 1997, ch. 499, § 1; Laws, 1998, ch. 466, § 1; Laws, 2000, ch. 435, § 9, eff. 7/1/2000.Amended by Laws, 2020, ch. 314, HB 917,§ 23, eff. 6/18/2020. It shall be unlawful for any person holding a permit authorizing the sale of beer, light spirit product or light wine at retail to obtain such beer, light spirit product or light wine from any source outside of the State of Mississippi. Any person who violates the provisions of this section, upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court. Any person convicted of violating this section, or any rules or regulations promulgated by the commissioner with regard to the unlawful acts described in this section, shall forfeit his permit. Any person whose permit has been forfeited pursuant to this section shall not be eligible for a permit issued by the commissioner for a period of five (5) years after the date of such forfeiture. In addition, no permit shall be issued for the same location, for which an offender has forfeited a permit pursuant to this section, to a spouse, offspring or sibling of the offender when to do so would circumvent the purposes of this section. The commissioner may assess a retailer who violates this section the amount of excise taxes due on the unlawfully imported beer, light spirit product or light wine, together with a penalty in the amount of four (4) times the state excise taxes due or One Hundred Dollars (\$100.00) per case, whichever is greater.Laws, 1997, ch. 499, § 1; Laws, 1998, ch. 466, § 1; Laws, 2000, ch. 435, § 9, eff. 7/1/2000.Amended by Laws, 2020, ch. 314, HB 917,§ 23, eff. 6/18/2020. It shall be unlawful for any person holding a permit authorizing the sale of beer, light spirit product or light wine at retail to obtain such beer, light spirit product or light wine from any source outside of the State of Mississippi. Any person who violates the provisions of this section, upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court. Any person convicted of violating this section, or any rules or regulations promulgated by the commissioner with regard to the unlawful acts described in this section, shall forfeit his permit. Any person whose permit has been forfeited pursuant to this section shall not be eligible for a permit issued by the commissioner for a period of five (5) years after the date of such forfeiture. In addition, no permit shall be issued for the same location, for which an offender has forfeited a permit pursuant to this section, to a spouse, offspring or sibling of the offender when to do so would circumvent the purposes of this section. The commissioner may assess a retailer who violates this section the amount of excise taxes due on the unlawfully imported beer, light spirit product or light wine, together with a penalty in the amount of four (4) times the state excise taxes due or One Hundred Dollars (\$100.00) per case, whichever is greater.Laws, 1997, ch. 499, § 1; Laws, 1998, ch. 466, § 1; Laws, 2000, ch. 435, § 9, eff. 7/1/2000.Amended by Laws, 2020, ch. 314, HB 917,§ 23, eff. 6/18/2020. It shall be unlawful for any person holding a permit authorizing the sale of beer, light spirit product or light wine at retail to obtain such beer, light spirit product or light wine from any source outside of the State of Mississippi. Any person who violates the provisions of this section, upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court. Any person convicted of violating this section, or any rules or regulations promulgated by the commissioner with regard to the unlawful acts described in this section, shall forfeit his permit. Any person whose permit has been forfeited pursuant to this section shall not be eligible for a permit issued by the commissioner for a period of five (5) years after the date of such forfeiture. In addition, no permit shall be issued for the same location, for which an offender has forfeited a permit pursuant to this section, to a spouse, offspring or sibling of the offender when to do so would circumvent the purposes of this section. The commissioner may assess a retailer who violates this section the amount of excise taxes due on the unlawfully imported beer, light spirit product or light wine, together with a penalty in the amount of four (4) times the state excise taxes due or One Hundred Dollars (\$100.00) per case, whichever is greater. Laws, 1997, ch. 499, § 1; Laws, 1998, ch. 466, § 1; Laws, 2000, ch. 435, § 9, eff. 7/1/2000. Amended by Laws, 2020, ch. 314, HB 917,§ 23, eff. 6/18/2020.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75)Section 67-3-53 - Unlawful acts

In addition to any act declared to be unlawful by this chapter, or by Sections 27-71-301 through 27-71-347, and Sections 67-3-17, 67-3-27, 67-3-29 and 67-3-57, it shall be unlawful for the holder of a permit authorizing the sale of beer, light spirit product or light wine at retail or a small craft brewery selling light wine, light spirit product or beer at retail pursuant to Section 67-3-48 or for the employee of the holder of such a permit or the employee of such a brewery: (a) To sell or give to be consumed in or upon any licensed premises or in or upon the premises of a small craft brewery any beer, light spirit product or light wine between the hours of midnight and seven o'clock the following morning or during any time the licensed premises may be required to be closed by municipal ordinance or order of the board of supervisors; however, in areas where the sale of alcoholic beverages is legal under the provisions of the Local Option Alcoholic Beverage Control Law and the hours for selling those alcoholic beverages have been extended beyond midnight for on-premises permittees under Section 67-1-37, the hours for selling beer, light spirit products or light wines are likewise extended in areas where the sale of beer, light spirit products and light wines is legal in accordance with the provisions of this chapter. (b) To sell, give or furnish any beer, light spirit product or light wine to any person visibly or noticeably intoxicated, or to any habitual drunkard, or to any person under the age of twenty-one (21) years. (c) To permit in the premises any lewd, immoral or improper entertainment, conduct or practices. (d) To permit loud, boisterous or disorderly conduct of any kind upon the premises or to permit the use of loud musical instruments if either or any of the same may disturb the peace and quietude of the community in which the business is located. (e) To permit persons of ill repute, known criminals, prostitutes or minors to frequent the licensed premises or the premises of the small craft brewery, except minors accompanied by parents or guardians, or under proper supervision. (f) To permit or suffer illegal gambling or the operation of illegal games of chance upon the licensed premises or the premises of the small craft brewery. (g) To receive, possess or sell on the licensed premises or, except as otherwise authorized by this chapter, on the premises of the small craft brewery any beverage of any kind or character containing more than five percent (5%) of alcohol by weight except any beer containing not more than eight percent (8%) of alcohol by weight, unless the licensee also possesses an on-premises or manufacturer's permit under the Local Option Alcoholic Beverage Control Law. (h) To accept as full or partial payment for any product any coupons that are redeemed directly or indirectly from a manufacturer, wholesaler or distributor of light wine, light spirit product or beer. Codes, 1942, § 10223; Laws, 1934, ch. 171; Laws, 1944, ch. 133, §§ 2-4; Laws, 1974, ch. 568; Laws, 1985, ch. 431, § 1; Laws, 1991, ch. 368, § 3; Laws, 1995, ch. 398, § 1; Laws, 1998, ch. 306, § 10; Laws, 2008, ch. 442, § 19; Laws, 2012, ch. 323, § 11; Laws, 2012, ch. 369, § 1, eff. 7/1/2012. Amended by Laws, 2020, ch. 314, HB 917, § 24, eff. 6/18/2020. Amended by Laws, 2017, ch. 345, HB 1322, 5, eff. 7/1/2017. In addition to any act declared to be unlawful by this chapter, or by Sections 27-71-301 through 27-71-347, and Sections 67-3-17, 67-3-27, 67-3-29 and 67-3-57, it shall be unlawful for the holder of a permit authorizing the sale of beer, light spirit product or light wine at retail or a small craft brewery selling light wine, light spirit product or beer at retail pursuant to Section 67-3-48 or for the employee of the holder of such a permit or the employee of such a brewery: (a) To sell or give to be consumed in or upon any licensed premises or in or upon the premises of a small craft brewery any beer, light spirit product or light wine between the hours of midnight and seven o'clock the following morning or during any time the licensed premises may be required to be closed by municipal ordinance or order of the board of supervisors; however, in areas where the sale of alcoholic beverages is legal under the provisions of the Local Option Alcoholic Beverage Control Law and the hours for selling those alcoholic beverages have been extended beyond midnight for on-premises permittees under Section 67-1-37, the hours for selling beer, light spirit products or light wines are likewise extended in areas where the sale of beer, light spirit products and light wines is legal in accordance with the provisions of this chapter. (b) To sell, give or furnish any beer, light spirit product or light wine to any person visibly or noticeably intoxicated, or to any habitual drunkard, or to any person under the age of twenty-one (21) years. (c) To permit in the premises any lewd, immoral or improper entertainment, conduct or practices. (d) To permit loud, boisterous or disorderly conduct of any kind upon the premises or to permit the use of loud musical instruments if either or any of the same may disturb the peace and quietude of the community in which the business is located. (e) To permit persons of ill repute, known criminals, prostitutes or minors to frequent the licensed premises or the premises of the small craft brewery, except minors accompanied by parents or guardians, or under proper supervision. (f) To permit or suffer illegal gambling or the operation of illegal games of chance upon the licensed premises or the premises of the small craft brewery. (g) To receive, possess or sell on the licensed premises or, except as otherwise authorized by this chapter, on the premises of the small craft brewery any beverage of any kind or character containing more than five percent (5%) of alcohol by weight except any beer containing not more than eight percent (8%) of alcohol by weight, unless the licensee also possesses an on-premises or manufacturer's permit under the Local Option Alcoholic Beverage Control Law. (h) To accept as full or partial payment for any product any coupons that are redeemed directly or indirectly from a manufacturer, wholesaler or distributor of light wine, light spirit product or beer. Codes, 1942, § 10223; Laws, 1934, ch. 171; Laws, 1944, ch. 133, §§ 2-4; Laws, 1974, ch. 568; Laws, 1985, ch. 431, § 1; Laws, 1991, ch. 368, § 3; Laws, 1995, ch. 398, § 1; Laws, 1998, ch. 306, § 10; Laws, 2008, ch. 442, § 19; Laws, 2012, ch. 323, § 11; Laws, 2012, ch. 369, § 1, eff. 7/1/2012. Amended by Laws, 2020, ch. 314, HB 917, § 24, eff. 6/18/2020. Amended by Laws, 2017, ch. 345, HB 1322, 5, eff. 7/1/2017. In addition to any act declared to be unlawful by this chapter, or by Sections 27-71-301 through 27-71-347, and Sections 67-3-17, 67-3-27, 67-3-29 and 67-3-57, it shall be unlawful for the holder of a permit authorizing the sale of beer, light spirit product or light wine at retail or a small craft brewery selling light wine, light spirit product or beer at retail pursuant to Section 67-3-48 or for the employee of the holder of such a permit or the employee of such a brewery: (a) To sell or give to be consumed in or upon any licensed premises or in or upon the premises of a small craft brewery any beer, light spirit product or light wine between the hours of midnight and seven o'clock the following morning or during any time the licensed premises may be required to be closed by municipal ordinance or order of the board of supervisors; however, in areas where the sale of alcoholic

beverages is legal under the provisions of the Local Option Alcoholic Beverage Control Law and the hours for selling those alcoholic beverages have been extended beyond midnight for on-premises permittees under Section 67-1-37, the hours for selling beer, light spirit products or light wines are likewise extended in areas where the sale of beer, light spirit products and light wines is legal in accordance with the provisions of this chapter. (b) To sell, give or furnish any beer, light spirit product or light wine to any person visibly or noticeably intoxicated, or to any habitual drunkard, or to any person under the age of twenty-one (21) years. (c) To permit in the premises any lewd, immoral or improper entertainment, conduct or practices. (d) To permit loud, boisterous or disorderly conduct of any kind upon the premises or to permit the use of loud musical instruments if either or any of the same may disturb the peace and quietude of the community in which the business is located. (e) To permit persons of ill repute, known criminals, prostitutes or minors to frequent the licensed premises or the premises of the small craft brewery, except minors accompanied by parents or guardians, or under proper supervision. (f) To permit or suffer illegal gambling or the operation of illegal games of chance upon the licensed premises or the premises of the small craft brewery. (g) To receive, possess or sell on the licensed premises or, except as otherwise authorized by this chapter, on the premises of the small craft brewery any beverage of any kind or character containing more than five percent (5%) of alcohol by weight except any beer containing not more than eight percent (8%) of alcohol by weight, unless the licensee also possesses an on-premises or manufacturer's permit under the Local Option Alcoholic Beverage Control Law. (h) To accept as full or partial payment for any product any coupons that are redeemed directly or indirectly from a manufacturer, wholesaler or distributor of light wine, light spirit product or beer. Codes, 1942, § 10223; Laws, 1934, ch. 171; Laws, 1944, ch. 133, §§ 2-4; Laws, 1974, ch. 568; Laws, 1985, ch. 431, § 1; Laws, 1991, ch. 368, § 3; Laws, 1995, ch. 398, § 1; Laws, 1998, ch. 306, § 10; Laws, 2008, ch. 442, § 19; Laws, 2012, ch. 323, § 11; Laws, 2012, ch. 369, § 1, eff. 7/1/2012. Amended by Laws, 2020, ch. 314, HB 917, § 24, eff. 6/18/2020. Amended by Laws, 2017, ch. 345, HB 1322, 5, eff. 7/1/2017. In addition to any act declared to be unlawful by this chapter, or by Sections 27-71-301 through 27-71-347, and Sections 67-3-17, 67-3-27, 67-3-29 and 67-3-57, it shall be unlawful for the holder of a permit authorizing the sale of beer, light spirit product or light wine at retail or a small craft brewery selling light wine, light spirit product or beer at retail pursuant to Section 67-3-48 or for the employee of the holder of such a permit or the employee of such a brewery: Codes, 1942, § 10223; Laws, 1934, ch. 171; Laws, 1944, ch. 133, §§ 2-4; Laws, 1974, ch. 568; Laws, 1985, ch. 431, § 1; Laws, 1991, ch. 368, § 3; Laws, 1995, ch. 398, § 1; Laws, 1998, ch. 306, § 10; Laws, 2008, ch. 442, § 19; Laws, 2012, ch. 323, § 11; Laws, 2012, ch. 369, § 1, eff. 7/1/2012. Amended by Laws, 2020, ch. 314, HB 917, § 24, eff. 6/18/2020. Amended by Laws, 2017, ch. 345, HB 1322, 5, eff. 7/1/2017.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-54 - Exemption for person over age 18 but less than 21; parental consent; military personnel; employee of establishment licensed to sell light wine, light spirit product or beer

(1) A person who is at least eighteen (18) years of age but under the age of twenty-one (21) years may possess and consume light wine, light spirit product or beer with the consent of his parent or legal guardian in the presence of his parent or legal guardian, and it shall not be unlawful for the parent, legal guardian or spouse of such person to furnish light wine, light spirit product or beer to such person who is at least eighteen (18) years of age. (2) A person who is at least eighteen (18) years of age and who is serving in the armed services of the United States may lawfully possess and consume light wine, light spirit product or beer on military property where the consumption of light wine, light spirit product or beer is allowed. (3) A person who is under twenty-one (21) years of age shall not be deemed to unlawfully possess or furnish light wine, light spirit product or beer, if in the scope of his employment such person: (a) Clears or buses tables that have glasses or other containers that contain or did contain light wine, light spirit product or beer; (b) Waits on tables by taking orders for light wine, light spirit product or beer; or (c) Stocks, bags or otherwise handles purchases of light wine, light spirit product or beer at a store. Laws, 1985, ch. 431, § 4, eff. 10/1/1986. Amended by Laws, 2020, ch. 314, HB 917, § 25, eff. 6/18/2020. (1) A person who is at least eighteen (18) years of age but under the age of twenty-one (21) years may possess and consume light wine, light spirit product or beer with the consent of his parent or legal guardian in the presence of his parent or legal guardian, and it shall not be unlawful for the parent, legal guardian or spouse of such person to furnish light wine, light spirit product or beer to such person who is at least eighteen (18) years of age. (2) A person who is at least eighteen (18) years of age and who is serving in the armed services of the United States may lawfully possess and consume light wine, light spirit product or beer on military property where the consumption of light wine, light spirit product or beer is allowed. (3) A person who is under twenty-one (21) years of age shall not be deemed to unlawfully possess or furnish light wine, light spirit product or beer, if in the scope of his employment such person: (a) Clears or buses tables that have glasses or other containers that contain or did contain light wine, light spirit product or beer; (b) Waits on tables by taking orders for light wine, light spirit product or beer; or (c) Stocks, bags or otherwise handles purchases of light wine, light spirit product or beer at a store. Laws, 1985, ch. 431, § 4, eff. 10/1/1986. Amended by Laws, 2020, ch. 314, HB 917, § 25, eff. 6/18/2020. (1) A person who is at least eighteen (18) years of age but under the age of twenty-one (21) years may possess and consume light wine, light spirit product or beer with the consent of his parent or legal guardian in the presence of his parent or legal guardian, and it shall not be unlawful for the parent, legal guardian or spouse of such person to furnish light wine, light spirit product or beer to such person who is at least eighteen (18) years of age. (2) A person who is at least eighteen (18) years of age and who is serving in the armed services of the United States may lawfully possess and consume light wine, light spirit product or beer on military property where the consumption of light wine, light spirit product or beer is allowed. (3) A person who is under twenty-one (21) years of age shall not be deemed to unlawfully possess or furnish light wine,

light spirit product or beer, if in the scope of his employment such person:(a)Clears or buses tables that have glasses or other containers that contain or did contain light wine, light spirit product or beer;(b)Waits on tables by taking orders for light wine, light spirit product or beer; or(c)Stocks, bags or otherwise handles purchases of light wine, light spirit product or beer at a store.Laws, 1985, ch. 431, § 4, eff. 10/1/1986.Amended by Laws, 2020, ch. 314, HB 917,§ 25, eff. 6/18/2020. Laws, 1985, ch. 431, § 4, eff. 10/1/1986. Amended by Laws, 2020, ch. 314, HB 917,§ 25, eff. 6/18/2020.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75)Section 67-3-55 - Possession or sale of light wine, light spirit product or beer not purchased from licensed or authorized manufacturer or wholesaler prohibited; brewpub exemption; exemptions for breweries providing beer on premises for tasting or sampling and small craft breweries selling light wine, light spirit product or beer on premises

(1)Except as otherwise provided in Section67-1-41, it shall be unlawful for any retailer to possess for purpose of sale, to sell, or to offer to sell any light wine, light spirit product or beer which was not purchased from a wholesaler in this state who has a permit to sell such light wine, light spirit product or beer, except for beer, light spirit product or light wine that was brewed on the premises of the retailer who holds a permit as a brewpub pursuant to Article 3, Chapter 71, Title 27, Mississippi Code of 1972.(2)It shall be unlawful for any wholesaler to possess for purpose of sale, to sell, or to offer to sell any light wine, light spirit product or beer which was not purchased from a manufacturer or importer of a foreign manufacturer authorized to sell such light wine, light spirit product or beer in this state.(3)This section shall not apply to:(a)Beer offered and provided on the premises of a brewery for the purpose of tasting or sampling as authorized in Section67-3-47; or(b)Light wine, light spirit product or beer sold on the premises of a small craft brewery or microbrewery as authorized in Section67-3-48.Codes, 1942, § 10246; Laws, 1934, ch. 127; Laws, 1973, ch. 467, § 1; Laws, 1978, ch. 381, § 1; Laws, 1980, ch. 342, § 2; Laws, 1998, ch. 308, § 12; Laws, 2012, ch. 569, § 3, eff. 7/1/2012.Amended by Laws, 2021, ch. 450, HB 1091,§ 9, eff. 7/1/2021.Amended by Laws, 2020, ch. 314, HB 917,§ 26, eff. 6/18/2020.Amended by Laws, 2017, ch. 345, HB 1322, 6, eff. 7/1/2017. (1)Except as otherwise provided in Section67-1-41, it shall be unlawful for any retailer to possess for purpose of sale, to sell, or to offer to sell any light wine, light spirit product or beer which was not purchased from a wholesaler in this state who has a permit to sell such light wine, light spirit product or beer, except for beer, light spirit product or light wine that was brewed on the premises of the retailer who holds a permit as a brewpub pursuant to Article 3, Chapter 71, Title 27, Mississippi Code of 1972.(2)It shall be unlawful for any wholesaler to possess for purpose of sale, to sell, or to offer to sell any light wine, light spirit product or beer which was not purchased from a manufacturer or importer of a foreign manufacturer authorized to sell such light wine, light spirit product or beer in this state.(3)This section shall not apply to:(a)Beer offered and provided on the premises of a brewery for the purpose of tasting or sampling as authorized in Section67-3-47; or(b)Light wine, light spirit product or beer sold on the premises of a small craft brewery or microbrewery as authorized in Section67-3-48.Codes, 1942, § 10246; Laws, 1934, ch. 127; Laws, 1973, ch. 467, § 1; Laws, 1978, ch. 381, § 1; Laws, 1980, ch. 342, § 2; Laws, 1998, ch. 308, § 12; Laws, 2012, ch. 569, § 3, eff. 7/1/2012.Amended by Laws, 2021, ch. 450, HB 1091,§ 9, eff. 7/1/2021.Amended by Laws, 2020, ch. 314, HB 917,§ 26, eff. 6/18/2020.Amended by Laws, 2017, ch. 345, HB 1322, 6, eff. 7/1/2017. (1)Except as otherwise provided in Section67-1-41, it shall be unlawful for any retailer to possess for purpose of sale, to sell, or to offer to sell any light wine, light spirit product or beer which was not purchased from a wholesaler in this state who has a permit to sell such light wine, light spirit product or beer, except for beer, light spirit product or light wine that was brewed on the premises of the retailer who holds a permit as a brewpub pursuant to Article 3, Chapter 71, Title 27, Mississippi Code of 1972.(2)It shall be unlawful for any wholesaler to possess for purpose of sale, to sell, or to offer to sell any light wine, light spirit product or beer which was not purchased from a manufacturer or importer of a foreign manufacturer authorized to sell such light wine, light spirit product or beer in this state.(3)This section shall not apply to:(a)Beer offered and provided on the premises of a brewery for the purpose of tasting or sampling as authorized in Section67-3-47; or(b)Light wine, light spirit product or beer sold on the premises of a small craft brewery or microbrewery as authorized in Section67-3-48.Codes, 1942, § 10246; Laws, 1934, ch. 127; Laws, 1973, ch. 467, § 1; Laws, 1978, ch. 381, § 1; Laws, 1980, ch. 342, § 2; Laws, 1998, ch. 308, § 12; Laws, 2012, ch. 569, § 3, eff. 7/1/2012.Amended by Laws, 2021, ch. 450, HB 1091,§ 9, eff. 7/1/2021.Amended by Laws, 2020, ch. 314, HB 917,§ 26, eff. 6/18/2020.Amended by Laws, 2017, ch. 345, HB 1322, 6, eff. 7/1/2017. Codes, 1942, § 10246; Laws, 1934, ch. 127; Laws, 1973, ch. 467, § 1; Laws, 1978, ch. 381, § 1; Laws, 1980, ch. 342, § 2; Laws, 1998, ch. 308, § 12; Laws, 2012, ch. 569, § 3, eff. 7/1/2012. Amended by Laws, 2021, ch. 450, HB 1091,§ 9, eff. 7/1/2021. Amended by Laws, 2020, ch. 314, HB 917,§ 26, eff. 6/18/2020. Amended by Laws, 2017, ch. 345, HB 1322, 6, eff. 7/1/2017.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75)Section 67-3-57 - Possession or sale of light wine, light spirit product or beer before permit secured or during time of revocation or suspension prohibited; seizure of light wine, light spirit product or beer for violation of section

(1)It shall be unlawful for any retailer to possess, sell or offer to sell, or to possess for purpose of sale, any light wine, light spirit product or beer at his place of business before securing a permit required by this chapter.(2)It shall be unlawful for any person to possess, sell or offer to sell any light wine, light spirit product or beer at his place of business after revocation of his permit or to purchase, to sell or offer to sell any light wine, light spirit product or beer during the period of suspension of his permit.(3)Any light wine, light spirit product or beer found in possession of, or sold by, a person in violation of this section shall be seized and disposed

of in the manner provided for in Section 67-1-18. Codes, 1942, § 10246; Laws, 1934, ch. 127; Laws, 1973, ch. 467, § 1; Laws, 1986, ch. 337, § 8; Laws, 1997, ch. 499, § 11; Laws, 2000, ch. 435, § 10, eff. 7/1/2000. Amended by Laws, 2020, ch. 314, HB 917, § 27, eff. 6/18/2020. Amended by Laws, 2015, ch. 438, SB 2071, 6, eff. 4/13/2015. (1) It shall be unlawful for any retailer to possess, sell or offer to sell, or to possess for purpose of sale, any light wine, light spirit product or beer at his place of business before securing a permit required by this chapter. (2) It shall be unlawful for any person to possess, sell or offer to sell any light wine, light spirit product or beer at his place of business after revocation of his permit or to purchase, to sell or offer to sell any light wine, light spirit product or beer during the period of suspension of his permit. (3) Any light wine, light spirit product or beer found in possession of, or sold by, a person in violation of this section shall be seized and disposed of in the manner provided for in Section 67-1-18. Codes, 1942, § 10246; Laws, 1934, ch. 127; Laws, 1973, ch. 467, § 1; Laws, 1986, ch. 337, § 8; Laws, 1997, ch. 499, § 11; Laws, 2000, ch. 435, § 10, eff. 7/1/2000. Amended by Laws, 2020, ch. 314, HB 917, § 27, eff. 6/18/2020. Amended by Laws, 2015, ch. 438, SB 2071, 6, eff. 4/13/2015. (1) It shall be unlawful for any retailer to possess, sell or offer to sell, or to possess for purpose of sale, any light wine, light spirit product or beer at his place of business before securing a permit required by this chapter. (2) It shall be unlawful for any person to possess, sell or offer to sell any light wine, light spirit product or beer at his place of business after revocation of his permit or to purchase, to sell or offer to sell any light wine, light spirit product or beer during the period of suspension of his permit. (3) Any light wine, light spirit product or beer found in possession of, or sold by, a person in violation of this section shall be seized and disposed of in the manner provided for in Section 67-1-18. Codes, 1942, § 10246; Laws, 1934, ch. 127; Laws, 1973, ch. 467, § 1; Laws, 1986, ch. 337, § 8; Laws, 1997, ch. 499, § 11; Laws, 2000, ch. 435, § 10, eff. 7/1/2000. Amended by Laws, 2020, ch. 314, HB 917, § 27, eff. 6/18/2020. Amended by Laws, 2015, ch. 438, SB 2071, 6, eff. 4/13/2015.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-59 - Penalty for sales to persons not holding permits and sales of untaxed beer, light spirit product or light wine; notice; disposition of proceeds

(1) Except as provided in this subsection, sales by wholesalers, distributors or manufacturers to persons who do not hold valid permits are unlawful; and any wholesaler, distributor or manufacturer making such sales, or who sells any beer, light spirit product or light wine on which the tax provided by law has not been paid, shall, in addition to any other fines, penalties and forfeitures, be subject to a penalty of Twenty-five Dollars (\$25.00) for each sale. If all other applicable taxes are paid, this penalty will not apply to the following: sales to employees of the wholesaler; sales to nonprofit charitable and civic organizations for special fund-raising events provided that the beer, light spirit product or light wine is not resold; sales to affiliated member associations. (2) The commissioner may assess the penalty by giving notice by mail, demanding payment within thirty (30) days from date of delivery of the notice. The proceeds of all penalties shall be deposited by the commissioner with the other monies collected by him and shall be disposed of as provided by law. Codes, 1942, § 10217; Laws, 1934, ch. 171; Laws, 1978, ch. 386, § 1; Laws, 1991, ch. 368, § 4; Laws, 2005, ch. 499, § 32, eff. 7/1/2005. Amended by Laws, 2020, ch. 314, HB 917, § 28, eff. 6/18/2020. (1) Except as provided in this subsection, sales by wholesalers, distributors or manufacturers to persons who do not hold valid permits are unlawful; and any wholesaler, distributor or manufacturer making such sales, or who sells any beer, light spirit product or light wine on which the tax provided by law has not been paid, shall, in addition to any other fines, penalties and forfeitures, be subject to a penalty of Twenty-five Dollars (\$25.00) for each sale. If all other applicable taxes are paid, this penalty will not apply to the following: sales to employees of the wholesaler; sales to nonprofit charitable and civic organizations for special fund-raising events provided that the beer, light spirit product or light wine is not resold; sales to affiliated member associations. (2) The commissioner may assess the penalty by giving notice by mail, demanding payment within thirty (30) days from date of delivery of the notice. The proceeds of all penalties shall be deposited by the commissioner with the other monies collected by him and shall be disposed of as provided by law. Codes, 1942, § 10217; Laws, 1934, ch. 171; Laws, 1978, ch. 386, § 1; Laws, 1991, ch. 368, § 4; Laws, 2005, ch. 499, § 32, eff. 7/1/2005. Amended by Laws, 2020, ch. 314, HB 917, § 28, eff. 6/18/2020. (1) Except as provided in this subsection, sales by wholesalers, distributors or manufacturers to persons who do not hold valid permits are unlawful; and any wholesaler, distributor or manufacturer making such sales, or who sells any beer, light spirit product or light wine on which the tax provided by law has not been paid, shall, in addition to any other fines, penalties and forfeitures, be subject to a penalty of Twenty-five Dollars (\$25.00) for each sale. If all other applicable taxes are paid, this penalty will not apply to the following: sales to employees of the wholesaler; sales to nonprofit charitable and civic organizations for special fund-raising events provided that the beer, light spirit product or light wine is not resold; sales to affiliated member associations. (2) The commissioner may assess the penalty by giving notice by mail, demanding payment within thirty (30) days from date of delivery of the notice. The proceeds of all penalties shall be deposited by the commissioner with the other monies collected by him and shall be disposed of as provided by law. Codes, 1942, § 10217; Laws, 1934, ch. 171; Laws, 1978, ch. 386, § 1; Laws, 1991, ch. 368, § 4; Laws, 2005, ch. 499, § 32, eff. 7/1/2005. Amended by Laws, 2020, ch. 314, HB 917, § 28, eff. 6/18/2020.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT

WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75)Section 67-3-61 - Common carriers shall furnish commissioner with duplicate bills of lading; penalty

Every railroad company, express company, aeroplane company, motor transportation company, steamboat company, or other transportation company, or any person that shall transport into, from place to place within, or out of this state any light wines, light spirit products or beer, whether brewed or manufactured within this state or outside of this state, when requested by the commissioner, shall furnish him with a duplicate of the bill of lading covering the receipt for such liquor, showing the name of the brewer or manufacturer or distributor, and the name and address of the consignor and of the consignee, and the date when and place where received, and the destination and the quantity of such liquor received from the manufacturer or brewer or other consignor for shipment from any point within or without this state to any point within this state. Any such company or person so transporting any such liquor that shall fail to comply with the requirements of this section, shall forfeit and pay to the State of Mississippi the sum of One Hundred Dollars (\$100.00) for each such failure, to be recovered in any court of competent jurisdiction. The commissioner is hereby authorized and empowered to sue in his own name, on the relation and for the use of the State of Mississippi, for such recovery. Codes, 1942, § 10218; Laws, 1934, ch. 171. Amended by Laws, 2020, ch. 314, HB 917, § 29, eff. 6/18/2020. Every railroad company, express company, aeroplane company, motor transportation company, steamboat company, or other transportation company, or any person that shall transport into, from place to place within, or out of this state any light wines, light spirit products or beer, whether brewed or manufactured within this state or outside of this state, when requested by the commissioner, shall furnish him with a duplicate of the bill of lading covering the receipt for such liquor, showing the name of the brewer or manufacturer or distributor, and the name and address of the consignor and of the consignee, and the date when and place where received, and the destination and the quantity of such liquor received from the manufacturer or brewer or other consignor for shipment from any point within or without this state to any point within this state. Any such company or person so transporting any such liquor that shall fail to comply with the requirements of this section, shall forfeit and pay to the State of Mississippi the sum of One Hundred Dollars (\$100.00) for each such failure, to be recovered in any court of competent jurisdiction. The commissioner is hereby authorized and empowered to sue in his own name, on the relation and for the use of the State of Mississippi, for such recovery. Codes, 1942, § 10218; Laws, 1934, ch. 171. Amended by Laws, 2020, ch. 314, HB 917, § 29, eff. 6/18/2020. Every railroad company, express company, aeroplane company, motor transportation company, steamboat company, or other transportation company, or any person that shall transport into, from place to place within, or out of this state any light wines, light spirit products or beer, whether brewed or manufactured within this state or outside of this state, when requested by the commissioner, shall furnish him with a duplicate of the bill of lading covering the receipt for such liquor, showing the name of the brewer or manufacturer or distributor, and the name and address of the consignor and of the consignee, and the date when and place where received, and the destination and the quantity of such liquor received from the manufacturer or brewer or other consignor for shipment from any point within or without this state to any point within this state. Any such company or person so transporting any such liquor that shall fail to comply with the requirements of this section, shall forfeit and pay to the State of Mississippi the sum of One Hundred Dollars (\$100.00) for each such failure, to be recovered in any court of competent jurisdiction. The commissioner is hereby authorized and empowered to sue in his own name, on the relation and for the use of the State of Mississippi, for such recovery. Codes, 1942, § 10218; Laws, 1934, ch. 171. Amended by Laws, 2020, ch. 314, HB 917, § 29, eff. 6/18/2020. Every railroad company, express company, aeroplane company, motor transportation company, steamboat company, or other transportation company, or any person that shall transport into, from place to place within, or out of this state any light wines, light spirit products or beer, whether brewed or manufactured within this state or outside of this state, when requested by the commissioner, shall furnish him with a duplicate of the bill of lading covering the receipt for such liquor, showing the name of the brewer or manufacturer or distributor, and the name and address of the consignor and of the consignee, and the date when and place where received, and the destination and the quantity of such liquor received from the manufacturer or brewer or other consignor for shipment from any point within or without this state to any point within this state. Any such company or person so transporting any such liquor that shall fail to comply with the requirements of this section, shall forfeit and pay to the State of Mississippi the sum of One Hundred Dollars (\$100.00) for each such failure, to be recovered in any court of competent jurisdiction. The commissioner is hereby authorized and empowered to sue in his own name, on the relation and for the use of the State of Mississippi, for such recovery. Codes, 1942, § 10218; Laws, 1934, ch. 171. Amended by Laws, 2020, ch. 314, HB 917, § 29, eff. 6/18/2020.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75)Section 67-3-63 - Records

The commissioner shall cause a record to be kept of the names and places of business of all persons engaged in the brewing of beer, of all persons engaged in the manufacture of light wines or light spirit products, and of all persons engaged in the sale of light wines, light spirit products and/or beer, whether at retail or otherwise. He shall also cause a record to be kept of all beer, light spirit products and light wines (and of the amount thereof) brewed or manufactured by each brewery or winery, and of all such liquors (and of the amount thereof) sold by each brewery or winery, with the names and business addresses of the purchasers, and of all such liquors (and of the amount thereof) sold by every dealer other than a brewer or manufacturer, and in the case of sales by dealers other than retail dealers, of the names and business addresses of the purchasers. The commissioner shall cause a record to be kept of all expenses incurred in the collection of such data. Codes, 1942, § 10221; Laws, 1934, ch. 171. Amended by Laws, 2020, ch. 314, HB 917, § 30, eff. 6/18/2020. The commissioner shall cause a record to be kept of the names and places of business of all persons

engaged in the brewing of beer, of all persons engaged in the manufacture of light wines or light spirit products, and of all persons engaged in the sale of light wines, light spirit products and/or beer, whether at retail or otherwise. He shall also cause a record to be kept of all beer, light spirit products and light wines (and of the amount thereof) brewed or manufactured by each brewery or winery, and of all such liquors (and of the amount thereof) sold by each brewery or winery, with the names and business addresses of the purchasers, and of all such liquors (and of the amount thereof) sold by every dealer other than a brewer or manufacturer, and in the case of sales by dealers other than retail dealers, of the names and business addresses of the purchasers. The commissioner shall cause a record to be kept of all expenses incurred in the collection of such data. Codes, 1942, § 10221; Laws, 1934, ch. 171. Amended by Laws, 2020, ch. 314, HB 917, § 30, eff. 6/18/2020. The commissioner shall cause a record to be kept of the names and places of business of all persons engaged in the brewing of beer, of all persons engaged in the manufacture of light wines or light spirit products, and of all persons engaged in the sale of light wines, light spirit products and/or beer, whether at retail or otherwise. He shall also cause a record to be kept of all beer, light spirit products and light wines (and of the amount thereof) brewed or manufactured by each brewery or winery, and of all such liquors (and of the amount thereof) sold by each brewery or winery, with the names and business addresses of the purchasers, and of all such liquors (and of the amount thereof) sold by every dealer other than a brewer or manufacturer, and in the case of sales by dealers other than retail dealers, of the names and business addresses of the purchasers. The commissioner shall cause a record to be kept of all expenses incurred in the collection of such data. Codes, 1942, § 10221; Laws, 1934, ch. 171. Amended by Laws, 2020, ch. 314, HB 917, § 30, eff. 6/18/2020. The commissioner shall cause a record to be kept of the names and places of business of all persons engaged in the brewing of beer, of all persons engaged in the manufacture of light wines or light spirit products, and of all persons engaged in the sale of light wines, light spirit products and/or beer, whether at retail or otherwise. He shall also cause a record to be kept of all beer, light spirit products and light wines (and of the amount thereof) brewed or manufactured by each brewery or winery, and of all such liquors (and of the amount thereof) sold by each brewery or winery, with the names and business addresses of the purchasers, and of all such liquors (and of the amount thereof) sold by every dealer other than a brewer or manufacturer, and in the case of sales by dealers other than retail dealers, of the names and business addresses of the purchasers. The commissioner shall cause a record to be kept of all expenses incurred in the collection of such data. Codes, 1942, § 10221; Laws, 1934, ch. 171. Amended by Laws, 2020, ch. 314, HB 917, § 30, eff. 6/18/2020.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-65 - Powers of local governments

Municipalities may enforce such proper rules and regulations for fixing zones and territories, prescribing hours of opening and of closing, and for such other measures as will promote public health, morals, and safety, as they may by ordinance provide. The board of supervisors of any county may make such rules and regulations as to territory outside of municipalities as are herein provided for municipalities. Nothing in this chapter shall prohibit the governing body of any municipality from designating what territory surrounding churches and schools in said municipalities, and the board of supervisors of any county from designating what territory surrounding churches and schools outside of any municipality, in which light wines, light spirit products and beer shall not be sold or consumed. Codes, 1942, §§ 10224, 10228; Laws, 1934, ch. 171. Amended by Laws, 2020, ch. 314, HB 917, § 31, eff. 6/18/2020. Municipalities may enforce such proper rules and regulations for fixing zones and territories, prescribing hours of opening and of closing, and for such other measures as will promote public health, morals, and safety, as they may by ordinance provide. The board of supervisors of any county may make such rules and regulations as to territory outside of municipalities as are herein provided for municipalities. Nothing in this chapter shall prohibit the governing body of any municipality from designating what territory surrounding churches and schools in said municipalities, and the board of supervisors of any county from designating what territory surrounding churches and schools outside of any municipality, in which light wines, light spirit products and beer shall not be sold or consumed. Codes, 1942, §§ 10224, 10228; Laws, 1934, ch. 171. Amended by Laws, 2020, ch. 314, HB 917, § 31, eff. 6/18/2020. Municipalities may enforce such proper rules and regulations for fixing zones and territories, prescribing hours of opening and of closing, and for such other measures as will promote public health, morals, and safety, as they may by ordinance provide. The board of supervisors of any county may make such rules and regulations as to territory outside of municipalities as are herein provided for municipalities. Nothing in this chapter shall prohibit the governing body of any municipality from designating what territory surrounding churches and schools in said municipalities, and the board of supervisors of any county from designating what territory surrounding churches and schools outside of any municipality, in which light wines, light spirit products and beer shall not be sold or consumed. Codes, 1942, §§ 10224, 10228; Laws, 1934, ch. 171. Amended by Laws, 2020, ch. 314, HB 917, § 31, eff. 6/18/2020. Municipalities may enforce such proper rules and regulations for fixing zones and territories, prescribing hours of opening and of closing, and for such other measures as will promote public health, morals, and safety, as they may by ordinance provide. The board of supervisors of any county may make such rules and regulations as to territory outside of municipalities as are herein provided for municipalities. Nothing in this chapter shall prohibit the governing body of any municipality from designating what territory surrounding churches and schools in said municipalities, and the board of supervisors of any county from designating what territory surrounding churches and schools outside of any municipality, in which light wines, light spirit products and beer shall not be sold or consumed. Codes, 1942, §§ 10224, 10228; Laws, 1934, ch. 171. Amended by Laws, 2020, ch. 314, HB 917, § 31, eff. 6/18/2020.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-67 - Transportation of light

wines, light spirit products and beer not to be interfered with

No county or any officer or agent thereof, nor any other officer, agent, or person, shall interfere with or impede the passage through such county of any light wine, light spirit product or beer moving in accordance with the provisions of this chapter and the provisions of Section 67-9-1 and which in transit to or from any county of this state wherein the traffic in light wines, light spirit products and beer is not prohibited, any county prohibition of such traffic to the contrary notwithstanding. Codes, 1942, § 10225; Laws, 1934, ch. 171; Laws, 1996, ch. 417, § 12, eff. 7/1/1996. Amended by Laws, 2020, ch. 314, HB 917, § 32, eff. 6/18/2020. No county or any officer or agent thereof, nor any other officer, agent, or person, shall interfere with or impede the passage through such county of any light wine, light spirit product or beer moving in accordance with the provisions of this chapter and the provisions of Section 67-9-1 and which in transit to or from any county of this state wherein the traffic in light wines, light spirit products and beer is not prohibited, any county prohibition of such traffic to the contrary notwithstanding. Codes, 1942, § 10225; Laws, 1934, ch. 171; Laws, 1996, ch. 417, § 12, eff. 7/1/1996. Amended by Laws, 2020, ch. 314, HB 917, § 32, eff. 6/18/2020. No county or any officer or agent thereof, nor any other officer, agent, or person, shall interfere with or impede the passage through such county of any light wine, light spirit product or beer moving in accordance with the provisions of this chapter and the provisions of Section 67-9-1 and which in transit to or from any county of this state wherein the traffic in light wines, light spirit products and beer is not prohibited, any county prohibition of such traffic to the contrary notwithstanding. Codes, 1942, § 10225; Laws, 1934, ch. 171; Laws, 1996, ch. 417, § 12, eff. 7/1/1996. Amended by Laws, 2020, ch. 314, HB 917, § 32, eff. 6/18/2020. No county or any officer or agent thereof, nor any other officer, agent, or person, shall interfere with or impede the passage through such county of any light wine, light spirit product or beer moving in accordance with the provisions of this chapter and the provisions of Section 67-9-1 and which in transit to or from any county of this state wherein the traffic in light wines, light spirit products and beer is not prohibited, any county prohibition of such traffic to the contrary notwithstanding. Codes, 1942, § 10225; Laws, 1934, ch. 171; Laws, 1996, ch. 417, § 12, eff. 7/1/1996. Amended by Laws, 2020, ch. 314, HB 917, § 32, eff. 6/18/2020.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-69 - Penalty

(1) Except as to Sections 67-3-17, 67-3-23, 67-3-27, 67-3-55 and 67-3-57, any violation of any provision of this chapter or of any rule or regulation of the commissioner, shall be a misdemeanor and, where the punishment therefor is not elsewhere prescribed in this section, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than six (6) months, or both, in the discretion of the court. If any person so convicted shall be the holder of any permit or license issued by the commissioner under authority of this chapter, the permit or license shall from and after the date of such conviction be void and the holder thereof shall not thereafter, for a period of one (1) year from the date of such conviction, be entitled to any permit or license for any purpose authorized by this chapter. Upon conviction of the holder of any permit or license, the appropriate law enforcement officer shall seize the permit or license and transmit it to the commissioner. (2)(a) Any person who shall violate any provision of Section 67-3-17, 67-3-23, 67-3-27 or 67-3-55 shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court. (b) Any person who shall violate any provision of Section 67-3-57 shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not more than one (1) year, or by both, in the discretion of the court. Any person convicted of violating any provision of the sections referred to in this subsection shall forfeit his permit, and shall not thereafter be permitted to engage in any business taxable under the provisions of Sections 27-71-301 through 27-71-347. (3) If the holder of a permit, or the employee of the holder of a permit, shall be convicted of selling any beer, light spirit product or wine to anyone who is visibly intoxicated from the licensed premises or to any person under the age of twenty-one (21) years from the licensed premises in violation of Section 67-3-53(b), then, in addition to any other penalty provided for by law, the commissioner may impose the following penalties against the holder of a permit: (a) For the first offense on the licensed premises, by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) and/or suspension of the permit for not more than three (3) months. (b) For a second offense occurring on the licensed premises within twelve (12) months of the first offense, by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Two Thousand Dollars (\$2,000.00) and/or suspension of the permit for not more than six (6) months. (c) For a third offense occurring on the licensed premises within twelve (12) months of the first, by a fine of not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00) and/or suspension or revocation of the permit to sell beer, light spirit product or light wine. (d) For a fourth or subsequent offense occurring on the licensed premises within twelve (12) months of the first, by a fine of not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00) and/or suspension or revocation of the permit to sell beer, light spirit product or light wine. (4) A person who sells any beer, light spirit product or wine to a person under the age of twenty-one (21) years shall not be guilty of a violation of Section 67-3-53(b) if the person under the age of twenty-one (21) years represents himself to be twenty-one (21) years of age or older by displaying an apparently valid Mississippi driver's license containing a physical description consistent with his appearance or by displaying some other apparently valid identification card or document containing a picture and physical description consistent with his appearance for the purpose of inducing the person to sell beer, light spirit product or wine to him. (5) If a small craft brewery is convicted of violating the provisions of Section 67-3-48, then, in addition to any other provision provided for by law, the small craft brewery shall be punished as follows: (a) For the first offense, the small craft brewery may be

fined in an amount not to exceed Five Hundred Dollars (\$500.00).(b)For a second offense occurring within twelve (12) months of the first offense, the small craft brewery may be fined an amount not to exceed One Thousand Dollars (\$1,000.00).(c)For a third or subsequent offense occurring within twelve (12) months of the first offense, the small craft brewery may be fined an amount not to exceed Five Thousand Dollars (\$5,000.00) and the permit to operate as a manufacturer shall be suspended for thirty (30) days.Codes, 1942, §§ 10226, 10264; Laws, 1934, chs. 127, 171; Laws, 1985, ch 431, § 2; Laws, 1997, ch. 499, § 12; Laws, 1998, ch. 308, § 13; Laws, 2000, ch. 435, § 11; Laws, 2005, ch. 462, § 5, eff. 3/29/2005.Amended by Laws, 2021, ch. 378, HB 277,§ 7, eff. 7/1/2021.Amended by Laws, 2020, ch. 347, SB 2552,§ 2, eff. 7/1/2020.Amended by Laws, 2020, ch. 314, HB 917,§ 33, eff. 6/18/2020.Amended by Laws, 2017, ch. 345, HB 1322, 7, eff. 7/1/2017. (1)Except as to Sections67-3-17,67-3-23,67-3-27,67-3-55and67-3-57, any violation of any provision of this chapter or of any rule or regulation of the commissioner, shall be a misdemeanor and, where the punishment therefor is not elsewhere prescribed in this section, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment for not more than six (6) months, or both, in the discretion of the court. If any person so convicted shall be the holder of any permit or license issued by the commissioner under authority of this chapter, the permit or license shall from and after the date of such conviction be void and the holder thereof shall not thereafter, for a period of one (1) year from the date of such conviction, be entitled to any permit or license for any purpose authorized by this chapter. Upon conviction of the holder of any permit or license, the appropriate law enforcement officer shall seize the permit or license and transmit it to the commissioner.(2)(a)Any person who shall violate any provision of Section67-3-17,67-3-23,67-3-27or67-3-55shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court.(b)Any person who shall violate any provision of Section67-3-57shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not more than one (1) year, or by both, in the discretion of the court. Any person convicted of violating any provision of the sections referred to in this subsection shall forfeit his permit, and shall not thereafter be permitted to engage in any business taxable under the provisions of Sections27-71-301through27-71-347.(3)If the holder of a permit, or the employee of the holder of a permit, shall be convicted of selling any beer, light spirit product or wine to anyone who is visibly intoxicated from the licensed premises or to any person under the age of twenty-one (21) years from the licensed premises in violation of Section67-3-53(b), then, in addition to any other penalty provided for by law, the commissioner may impose the following penalties against the holder of a permit:(a)For the first offense on the licensed premises, by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) and/or suspension of the permit for not more than three (3) months.(b)For a second offense occurring on the licensed premises within twelve (12) months of the first offense, by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Two Thousand Dollars (\$2,000.00) and/or suspension of the permit for not more than six (6) months.(c)For a third offense occurring on the licensed premises within twelve (12) months of the first, by a fine of not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00) and/or suspension or revocation of the permit to sell beer, light spirit product or light wine.(d)For a fourth or subsequent offense occurring on the licensed premises within twelve (12) months of the first, by a fine of not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00) and/or suspension or revocation of the permit to sell beer, light spirit product or light wine.(4)A person who sells any beer, light spirit product or wine to a person under the age of twenty-one (21) years shall not be guilty of a violation of Section67-3-53(b)if the person under the age of twenty-one (21) years represents himself to be twenty-one (21) years of age or older by displaying an apparently valid Mississippi driver's license containing a physical description consistent with his appearance or by displaying some other apparently valid identification card or document containing a picture and physical description consistent with his appearance for the purpose of inducing the person to sell beer, light spirit product or wine to him.(5)If a small craft brewery is convicted of violating the provisions of Section67-3-48, then, in addition to any other provision provided for by law, the small craft brewery shall be punished as follows:(a)For the first offense, the small craft brewery may be fined in an amount not to exceed Five Hundred Dollars (\$500.00).(b)For a second offense occurring within twelve (12) months of the first offense, the small craft brewery may be fined an amount not to exceed One Thousand Dollars (\$1,000.00).(c)For a third or subsequent offense occurring within twelve (12) months of the first offense, the small craft brewery may be fined an amount not to exceed Five Thousand Dollars (\$5,000.00) and the permit to operate as a manufacturer shall be suspended for thirty (30) days.Codes, 1942, §§ 10226, 10264; Laws, 1934, chs. 127, 171; Laws, 1985, ch 431, § 2; Laws, 1997, ch. 499, § 12; Laws, 1998, ch. 308, § 13; Laws, 2000, ch. 435, § 11; Laws, 2005, ch. 462, § 5, eff. 3/29/2005.Amended by Laws, 2021, ch. 378, HB 277,§ 7, eff. 7/1/2021.Amended by Laws, 2020, ch. 347, SB 2552,§ 2, eff. 7/1/2020.Amended by Laws, 2020, ch. 314, HB 917,§ 33, eff. 6/18/2020.Amended by Laws, 2017, ch. 345, HB 1322, 7, eff. 7/1/2017. 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of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court.(b)Any person who shall violate any provision of Section67-3-57shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not more than one (1) year, or by both, in the discretion of the court. Any person convicted of violating any provision of the sections referred to in this subsection shall forfeit his permit, and shall not thereafter be permitted to engage in any business taxable under the provisions of Sections27-71-301through27-71-347.(3)If the holder of a permit, or the employee of the holder of a permit, shall be convicted of selling any beer, light spirit product or wine to anyone who is visibly intoxicated from the licensed premises or to any person under the age of twenty-one (21) years from the licensed premises in violation of Section67-3-53(b), then, in addition to any other penalty provided for by law, the commissioner may impose the following penalties against the holder of a permit:(a)For the first offense on the licensed premises, by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00) and/or suspension of the permit for not more than three (3) months.(b)For a second offense occurring on the licensed premises within twelve (12) months of the first offense, by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Two Thousand Dollars (\$2,000.00) and/or suspension of the permit for not more than six (6) months.(c)For a third offense occurring on the licensed premises within twelve (12) months of the first, by a fine of not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00) and/or suspension or revocation of the permit to sell beer, light spirit product or light wine.(d)For a fourth or subsequent offense occurring on the licensed premises within twelve (12) months of the first, by a fine of not less than Two Thousand Dollars (\$2,000.00) nor more than Five Thousand Dollars (\$5,000.00) and/or suspension or revocation of the permit to sell beer, light spirit product or light wine.(4)A person who sells any beer, light spirit product or wine to a person under the age of twenty-one (21) years shall not be guilty of a violation of Section67-3-53(b)if the person under the age of twenty-one (21) years represents himself to be twenty-one (21) years of age or older by displaying an apparently valid Mississippi driver's license containing a physical description consistent with his appearance or by displaying some other apparently valid identification card or document containing a picture and physical description consistent with his appearance for the purpose of inducing the person to sell beer, light spirit product or wine to him.(5)If a small craft brewery is convicted of violating the provisions of Section67-3-48, then, in addition to any other provision provided for by law, the small craft brewery shall be punished as follows:(a)For the first offense, the small craft brewery may be fined in an amount not to exceed Five Hundred Dollars (\$500.00).(b)For a second offense occurring within twelve (12) months of the first offense, the small craft brewery may be fined an amount not to exceed One Thousand Dollars (\$1,000.00).(c)For a third or subsequent offense occurring within twelve (12) months of the first offense, the small craft brewery may be fined an amount not to exceed Five Thousand Dollars (\$5,000.00) and the permit to operate as a manufacturer shall be suspended for thirty (30) days.Codes, 1942, §§ 10226, 10264; Laws, 1934, chs. 127, 171; Laws, 1985, ch 431, § 2; Laws, 1997, ch. 499, § 12; Laws, 1998, ch. 308, § 13; Laws, 2000, ch. 435, § 11; Laws, 2005, ch. 462, § 5, eff. 3/29/2005.Amended by Laws, 2021, ch. 378, HB 277,§ 7, eff. 7/1/2021.Amended by Laws, 2020, ch. 347, SB 2552,§ 2, eff. 7/1/2020.Amended by Laws, 2020, ch. 314, HB 917,§ 33, eff. 6/18/2020.Amended by Laws, 2017, ch. 345, HB 1322, 7, eff. 7/1/2017. Codes, 1942, §§ 10226, 10264; Laws, 1934, chs. 127, 171; Laws, 1985, ch 431, § 2; Laws, 1997, ch. 499, § 12; Laws, 1998, ch. 308, § 13; Laws, 2000, ch. 435, § 11; Laws, 2005, ch. 462, § 5, eff. 3/29/2005. Amended by Laws, 2021, ch. 378, HB 277,§ 7, eff. 7/1/2021. Amended by Laws, 2020, ch. 347, SB 2552,§ 2, eff. 7/1/2020. Amended by Laws, 2020, ch. 314, HB 917,§ 33, eff. 6/18/2020. Amended by Laws, 2017, ch. 345, HB 1322, 7, eff. 7/1/2017.

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(1)If any county, at an election held for the purpose under the election laws of the state, shall by a majority vote of the duly qualified electors voting in the election determine that the transportation, storage, sale, distribution, receipt and/or manufacture of wine, light spirit product and beer shall not be permitted in such county, then the same shall not be permitted therein except as authorized under Section67-9-1and as may be otherwise authorized in this section. An election to determine whether such transportation, storage, sale, distribution, receipt and/or manufacture of such beverages shall be excluded from any county in the state, shall, on a petition of twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the duly qualified electors of such county, be ordered by the board of supervisors of the county, for such county only. No election on the question shall be held in any one (1) county more often than once in five (5) years.In counties which have elected, or may elect by a majority vote of the duly qualified electors voting in the election, that the transportation, storage, sale, distribution, receipt and/or manufacture of wine, light spirit product or beer shall not be permitted in the county, an election may be held in the same manner as the election hereinabove provided on the question of whether or not the transportation, storage, sale, distribution, receipt and/or manufacture of said beverages shall be permitted in such county. Such election shall be ordered by the board of supervisors of such county on a petition of twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the duly qualified electors of such county. No election on this question can be ordered more often than once in five (5) years.(2)Nothing in this section shall make it unlawful to possess beer, light spirit product or light wine, as defined herein.(3)Nothing in this section shall make it unlawful to:(a)Sell, distribute and transport light wine, light spirit product or beer to a qualified resort area as defined in Section67-1-5;(b)Sell light wine, light spirit product or beer at a qualified resort area as defined in Section67-1-5if such light wine, light spirit product or beer is sold by a person with a permit to engage in the business as a retailer of light wine, light spirit product or beer;(c)Transport beer of an

alcoholic content of more than eight percent (8%) by weight if it is being transported to another state for legal sale in that state;(d)Transport legally purchased light wine, light spirit product or beer in unopened containers; however, this paragraph shall not apply to a retailer unless the retailer has purchased the light wine, light spirit product or beer from a wholesaler or distributor for the designated sales territory in which the retailer is located and the retailer has in his possession an invoice from the wholesaler or distributor for the light wine, light spirit product or beer; or(e)Transport homemade beer as authorized in Section67-3-11.Codes, 1942, § 10208; Laws, 1934, ch. 171; Laws, 1942, ch. 224; Laws, 1956, ch. 252; Laws, 1958, ch. 279; Laws, 1996, ch. 417, § 9; Laws, 1998, ch. 306, § 5; Laws, 2004, ch. 397, § 5; Laws, 2012, ch. 323, § 5; Laws, 2012, ch. 501, § 3, eff. 7/1/2012.Amended by Laws, 2021, ch. 348, HB 945,§ 1, eff. 7/1/2021.Amended by Laws, 2020, ch. 423, HB 1087,§ 7, eff. 7/1/2020.Amended by Laws, 2020, ch. 314, HB 917,§ 4, eff. 6/18/2020.Amended by Laws, 2018, ch. 385, HB 192,§ 2, eff. 7/1/2018.Amended by Laws, 2013, ch. 345, SB 2183, 2, eff. 7/1/2013. (1)If any county, at an election held for the purpose under the election laws of the state, shall by a majority vote of the duly qualified electors voting in the election determine that the transportation, storage, sale, distribution, receipt and/or manufacture of wine, light spirit product and beer shall not be permitted in such county, then the same shall not be permitted therein except as authorized under Section67-9-1and as may be otherwise authorized in this section. An election to determine whether such transportation, storage, sale, distribution, receipt and/or manufacture of such beverages shall be excluded from any county in the state, shall, on a petition of twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the duly qualified electors of such county, be ordered by the board of supervisors of the county, for such county only. No election on the question shall be held in any one (1) county more often than once in five (5) years.In counties which have elected, or may elect by a majority vote of the duly qualified electors voting in the election, that the transportation, storage, sale, distribution, receipt and/or manufacture of wine, light spirit product or beer shall not be permitted in the county, an election may be held in the same manner as the election hereinabove provided on the question of whether or not the transportation, storage, sale, distribution, receipt and/or manufacture of said beverages shall be permitted in such county. Such election shall be ordered by the board of supervisors of such county on a petition of twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the duly qualified electors of such county. No election on this question can be ordered more often than once in five (5) years.(2)Nothing in this section shall make it unlawful to possess beer, light spirit product or light wine, as defined herein.(3)Nothing in this section shall make it unlawful to:(a)Sell, distribute and transport light wine, light spirit product or beer to a qualified resort area as defined in Section67-1-5;(b)Sell light wine, light spirit product or beer at a qualified resort area as defined in Section67-1-5if such light wine, light spirit product or beer is sold by a person with a permit to engage in the business as a retailer of light wine, light spirit product or beer;(c)Transport beer of an alcoholic content of more than eight percent (8%) by weight if it is being transported to another state for legal sale in that state;(d)Transport legally purchased light wine, light spirit product or beer in unopened containers; however, this paragraph shall not apply to a retailer unless the retailer has purchased the light wine, light spirit product or beer from a wholesaler or distributor for the designated sales territory in which the retailer is located and the retailer has in his possession an invoice from the wholesaler or distributor for the light wine, light spirit product or beer; or(e)Transport homemade beer as authorized in Section67-3-11.Codes, 1942, § 10208; Laws, 1934, ch. 171; Laws, 1942, ch. 224; Laws, 1956, ch. 252; Laws, 1958, ch. 279; Laws, 1996, ch. 417, § 9; Laws, 1998, ch. 306, § 5; Laws, 2004, ch. 397, § 5; Laws, 2012, ch. 323, § 5; Laws, 2012, ch. 501, § 3, eff. 7/1/2012.Amended by Laws, 2021, ch. 348, HB 945,§ 1, eff. 7/1/2021.Amended by Laws, 2020, ch. 423, HB 1087,§ 7, eff. 7/1/2020.Amended by Laws, 2020, ch. 314, HB 917,§ 4, eff. 6/18/2020.Amended by Laws, 2018, ch. 385, HB 192,§ 2, eff. 7/1/2018.Amended by Laws, 2013, ch. 345, SB 2183, 2, eff. 7/1/2013. (1)If any county, at an election held for the purpose under the election laws of the state, shall by a majority vote of the duly qualified electors voting in the election determine that the transportation, storage, sale, distribution, receipt and/or manufacture of wine, light spirit product and beer shall not be permitted in such county, then the same shall not be permitted therein except as authorized under Section67-9-1and as may be otherwise authorized in this section. An election to determine whether such transportation, storage, sale, distribution, receipt and/or manufacture of such beverages shall be excluded from any county in the state, shall, on a petition of twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the duly qualified electors of such county, be ordered by the board of supervisors of the county, for such county only. No election on the question shall be held in any one (1) county more often than once in five (5) years.In counties which have elected, or may elect by a majority vote of the duly qualified electors voting in the election, that the transportation, storage, sale, distribution, receipt and/or manufacture of wine, light spirit product or beer shall not be permitted in the county, an election may be held in the same manner as the election hereinabove provided on the question of whether or not the transportation, storage, sale, distribution, receipt and/or manufacture of said beverages shall be permitted in such county. Such election shall be ordered by the board of supervisors of such county on a petition of twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the duly qualified electors of such county. No election on this question can be ordered more often than once in five (5) years.(2)Nothing in this section shall make it unlawful to possess beer, light spirit product or light wine, as defined herein.(3)Nothing in this section shall make it unlawful to:(a)Sell, distribute and transport light wine, light spirit product or beer to a qualified resort area as defined in Section67-1-5;(b)Sell light wine, light spirit product or beer at a qualified resort area as defined in Section67-1-5if such light wine, light spirit product or beer is sold by a person with a permit to engage in the business as a retailer of light wine, light spirit product or beer;(c)Transport beer of an alcoholic content of more than eight percent (8%) by weight if it is being transported to another state for legal sale in that state;(d)Transport legally purchased light wine, light spirit product or beer in unopened containers; however, this paragraph shall not apply to a retailer unless the retailer has purchased the light wine, light spirit product or beer from a wholesaler or distributor for the designated sales territory in which the retailer is located and the retailer has in his possession an invoice from the wholesaler or distributor for the light wine, light spirit

product or beer; or (e) Transport homemade beer as authorized in Section 67-3-11. Codes, 1942, § 10208; Laws, 1934, ch. 171; Laws, 1942, ch. 224; Laws, 1956, ch. 252; Laws, 1958, ch. 279; Laws, 1996, ch. 417, § 9; Laws, 1998, ch. 306, § 5; Laws, 2004, ch. 397, § 5; Laws, 2012, ch. 323, § 5; Laws, 2012, ch. 501, § 3, eff. 7/1/2012. Amended by Laws, 2021, ch. 348, HB 945, § 1, eff. 7/1/2021. Amended by Laws, 2020, ch. 423, HB 1087, § 7, eff. 7/1/2020. Amended by Laws, 2020, ch. 314, HB 917, § 4, eff. 6/18/2020. Amended by Laws, 2018, ch. 385, HB 192, § 2, eff. 7/1/2018. Amended by Laws, 2013, ch. 345, SB 2183, 2, eff. 7/1/2013. In counties which have elected, or may elect by a majority vote of the duly qualified electors voting in the election, that the transportation, storage, sale, distribution, receipt and/or manufacture of wine, light spirit product or beer shall not be permitted in the county, an election may be held in the same manner as the election hereinabove provided on the question of whether or not the transportation, storage, sale, distribution, receipt and/or manufacture of said beverages shall be permitted in such county. Such election shall be ordered by the board of supervisors of such county on a petition of twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the duly qualified electors of such county. No election on this question can be ordered more often than once in five (5) years. Codes, 1942, § 10208; Laws, 1934, ch. 171; Laws, 1942, ch. 224; Laws, 1956, ch. 252; Laws, 1958, ch. 279; Laws, 1996, ch. 417, § 9; Laws, 1998, ch. 306, § 5; Laws, 2004, ch. 397, § 5; Laws, 2012, ch. 323, § 5; Laws, 2012, ch. 501, § 3, eff. 7/1/2012. Amended by Laws, 2021, ch. 348, HB 945, § 1, eff. 7/1/2021. Amended by Laws, 2020, ch. 423, HB 1087, § 7, eff. 7/1/2020. Amended by Laws, 2020, ch. 314, HB 917, § 4, eff. 6/18/2020. Amended by Laws, 2018, ch. 385, HB 192, § 2, eff. 7/1/2018. Amended by Laws, 2013, ch. 345, SB 2183, 2, eff. 7/1/2013.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-70 - Purchase of light wine, light spirit product or beer by person under age of 21; penalties; expungement of conviction

(1) Except as otherwise provided by Section 67-3-54, any person under the age of twenty-one (21) years who purchases or possesses any light wine, light spirit product or beer shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) and a sentence to not more than thirty (30) days community service. (2) Any person under the age of twenty-one (21) years who falsely states he is twenty-one (21) years of age or older or presents any document that indicates he is twenty-one (21) years of age or older for the purpose of purchasing or possessing any light wine, light spirit product or beer shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) and a sentence to not more than thirty (30) days community service. (3) Except as otherwise provided by Section 67-3-54, any person who knowingly purchases light wine, light spirit product or beer for, or gives light wine, light spirit product or beer to a person under the age of twenty-one (21) years, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) and a sentence to not more than thirty (30) days community service. The punishment provided under this subsection shall not be applicable to violations of Section 97-5-49. (4) The term "community service" as used in this section shall mean work, projects or services for the benefit of the community assigned, supervised and recorded by appropriate public officials. (5) If a person under the age of twenty-one (21) years is convicted or enters a plea of guilty of violating subsection (1) or subsection (2) of this section, the trial judge, in lieu of the penalties otherwise provided under this section, shall suspend the minor's driver's license by taking and keeping it in the custody of the court for a period of time not to exceed ninety (90) days. The judge so ordering the suspension shall enter upon his docket "DEFENDANT'S DRIVER'S LICENSE SUSPENDED FOR ____ DAYS IN LIEU OF CONVICTION" and such action by the trial judge shall not constitute a conviction. During the period that the minor's driver's license is suspended, the trial judge shall suspend the imposition of any fines or penalties that may be imposed under this section and may place the minor on probation subject to such conditions as the judge deems appropriate. If the minor violates any of the conditions of probation, then the trial judge shall return the driver's license to the minor and impose the fines, penalties, or both, that he would have otherwise imposed, and such action shall constitute a conviction. (6) Any person who has been charged with a violation of subsections (1) or (2) of this section may, not sooner than one (1) year after the dismissal and discharge or completion of any sentence and/or payment of any fine, apply to the court for an order to expunge from all official records all recordation relating to his arrest, trial, finding or plea of guilty, and dismissal and discharge. If the court determines that such person was dismissed and the proceedings against him discharged or that such person had satisfactorily served his sentence and/or paid his fine, it shall enter such order. Laws, 1985, ch. 431, § 3; Laws 2002, ch. 570, § 5; Laws, 2011, ch. 435, § 2; Laws, 2011, ch. 472, § 2, eff. 7/1/2011. Amended by Laws, 2020, ch. 314, HB 917, § 34, eff. 6/18/2020. (1) Except as otherwise provided by Section 67-3-54, any person under the age of twenty-one (21) years who purchases or possesses any light wine, light spirit product or beer shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) and a sentence to not more than thirty (30) days community service. (2) Any person under the age of twenty-one (21) years who falsely states he is twenty-one (21) years of age or older or presents any document that indicates he is twenty-one (21) years of age or older for the purpose of purchasing or possessing any light wine, light spirit product or beer shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) and a sentence to not more than thirty (30) days community service. (3) Except as otherwise provided by Section 67-3-54, any person who knowingly purchases light wine, light spirit product or beer for, or gives light wine, light spirit product or beer to a person under the age of twenty-one (21) years, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) and a sentence to not more than thirty (30) days community service. The punishment provided under this subsection shall

not be applicable to violations of Section 97-5-49. (4) The term "community service" as used in this section shall mean work, projects or services for the benefit of the community assigned, supervised and recorded by appropriate public officials. (5) If a person under the age of twenty-one (21) years is convicted or enters a plea of guilty of violating subsection (1) or subsection (2) of this section, the trial judge, in lieu of the penalties otherwise provided under this section, shall suspend the minor's driver's license by taking and keeping it in the custody of the court for a period of time not to exceed ninety (90) days. The judge so ordering the suspension shall enter upon his docket "DEFENDANT'S DRIVER'S LICENSE SUSPENDED FOR ____ DAYS IN LIEU OF CONVICTION" and such action by the trial judge shall not constitute a conviction. During the period that the minor's driver's license is suspended, the trial judge shall suspend the imposition of any fines or penalties that may be imposed under this section and may place the minor on probation subject to such conditions as the judge deems appropriate. If the minor violates any of the conditions of probation, then the trial judge shall return the driver's license to the minor and impose the fines, penalties, or both, that he would have otherwise imposed, and such action shall constitute a conviction. (6) Any person who has been charged with a violation of subsections (1) or (2) of this section may, not sooner than one (1) year after the dismissal and discharge or completion of any sentence and/or payment of any fine, apply to the court for an order to expunge from all official records all recordation relating to his arrest, trial, finding or plea of guilty, and dismissal and discharge. If the court determines that such person was dismissed and the proceedings against him discharged or that such person had satisfactorily served his sentence and/or paid his fine, it shall enter such order. Laws, 1985, ch. 431, § 3; Laws 2002, ch. 570, § 5; Laws, 2011, ch. 435, § 2; Laws, 2011, ch 472, § 2, eff. 7/1/2011. Amended by Laws, 2020, ch. 314, HB 917, § 34, eff. 6/18/2020. (1) Except as otherwise provided by Section 67-3-54, any person under the age of twenty-one (21) years who purchases or possesses any light wine, light spirit product or beer shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) and a sentence to not more than thirty (30) days community service. 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(5) If a person under the age of twenty-one (21) years is convicted or enters a plea of guilty of violating subsection (1) or subsection (2) of this section, the trial judge, in lieu of the penalties otherwise provided under this section, shall suspend the minor's driver's license by taking and keeping it in the custody of the court for a period of time not to exceed ninety (90) days. The judge so ordering the suspension shall enter upon his docket "DEFENDANT'S DRIVER'S LICENSE SUSPENDED FOR ____ DAYS IN LIEU OF CONVICTION" and such action by the trial judge shall not constitute a conviction. During the period that the minor's driver's license is suspended, the trial judge shall suspend the imposition of any fines or penalties that may be imposed under this section and may place the minor on probation subject to such conditions as the judge deems appropriate. If the minor violates any of the conditions of probation, then the trial judge shall return the driver's license to the minor and impose the fines, penalties, or both, that he would have otherwise imposed, and such action shall constitute a conviction. (6) Any person who has been charged with a violation of subsections (1) or (2) of this section may, not sooner than one (1) year after the dismissal and discharge or completion of any sentence and/or payment of any fine, apply to the court for an order to expunge from all official records all recordation relating to his arrest, trial, finding or plea of guilty, and dismissal and discharge. If the court determines that such person was dismissed and the proceedings against him discharged or that such person had satisfactorily served his sentence and/or paid his fine, it shall enter such order. Laws, 1985, ch. 431, § 3; Laws 2002, ch. 570, § 5; Laws, 2011, ch. 435, § 2; Laws, 2011, ch 472, § 2, eff. 7/1/2011. Amended by Laws, 2020, ch. 314, HB 917, § 34, eff. 6/18/2020. Laws, 1985, ch. 431, § 3; Laws 2002, ch. 570, § 5; Laws, 2011, ch. 435, § 2; Laws, 2011, ch 472, § 2, eff. 7/1/2011. Amended by Laws, 2020, ch. 314, HB 917, § 34, eff. 6/18/2020.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75) Section 67-3-73 - Immunity from liability of persons who lawfully furnished or sold intoxicating beverages to one causing damage

(1) The Mississippi Legislature finds and declares that the consumption of intoxicating beverages, rather than the sale or serving or furnishing of such beverages, is the proximate cause of any injury, including death and property damage, inflicted by an intoxicated person upon himself or upon another person. (2) Notwithstanding any other law to the contrary, no holder of an alcoholic beverage, beer, light spirit product or light wine permit, or any agent or employee of such holder, who lawfully sells or serves intoxicating beverages to a person who may lawfully purchase such intoxicating beverages, shall be liable to such person or to any other person or to the estate, or survivors of either, for any injury suffered off the licensed premises, including wrongful death and property damage, because of the intoxication of the person to whom the intoxicating beverages were sold or served. (3) Notwithstanding any other law to the contrary, no social host who serves or furnishes any intoxicating beverage to a person who may lawfully consume such intoxicating beverage shall be liable to such person or to any other person or to the estate, or survivors of either, for any injury

suffered off such social host's premises, including wrongful death and property damage, because of the intoxication of the person to whom the intoxicating beverages were served or furnished. No social host who owns, leases or otherwise lawfully occupies a premises on which, in his absence and without his consent, intoxicating beverages are consumed by a person who may lawfully consume such intoxicating beverage shall be liable to such person or to any other person or to the estate, or survivors of either, for any injury suffered off the premises, including wrongful death and property damage, because of the intoxication of the person who consumed the intoxicating beverages.(4)The limitation of liability provided by this section shall not apply to any person who causes or contributes to the consumption of alcoholic beverages by force or by falsely representing that a beverage contains no alcohol, or to any holder of an alcoholic beverage, beer, light spirit product or light wine permit, or any agent or employee of such holder when it is shown that the person making a purchase of an alcoholic beverage was at the time of such purchase visibly intoxicated.Laws, 1987, ch. 451, eff. 4/3/1987 (became law without Governor's signature).Amended by Laws, 2020, ch. 314, HB 917,§ 35, eff. 6/18/2020. (1)The Mississippi Legislature finds and declares that the consumption of intoxicating beverages, rather than the sale or serving or furnishing of such beverages, is the proximate cause of any injury, including death and property damage, inflicted by an intoxicated person upon himself or upon another person.(2)Notwithstanding any other law to the contrary, no holder of an alcoholic beverage, beer, light spirit product or light wine permit, or any agent or employee of such holder, who lawfully sells or serves intoxicating beverages to a person who may lawfully purchase such intoxicating beverages, shall be liable to such person or to any other person or to the estate, or survivors of either, for any injury suffered off the licensed premises, including wrongful death and property damage, because of the intoxication of the person to whom the intoxicating beverages were sold or served.(3)Notwithstanding any other law to the contrary, no social host who serves or furnishes any intoxicating beverage to a person who may lawfully consume such intoxicating beverage shall be liable to such person or to any other person or to the estate, or survivors of either, for any injury suffered off such social host's premises, including wrongful death and property damage, because of the intoxication of the person to whom the intoxicating beverages were served or furnished. No social host who owns, leases or otherwise lawfully occupies a premises on which, in his absence and without his consent, intoxicating beverages are consumed by a person who may lawfully consume such intoxicating beverage shall be liable to such person or to any other person or to the estate, or survivors of either, for any injury suffered off the premises, including wrongful death and property damage, because of the intoxication of the person who consumed the intoxicating beverages.(4)The limitation of liability provided by this section shall not apply to any person who causes or contributes to the consumption of alcoholic beverages by force or by falsely representing that a beverage contains no alcohol, or to any holder of an alcoholic beverage, beer, light spirit product or light wine permit, or any agent or employee of such holder when it is shown that the person making a purchase of an alcoholic beverage was at the time of such purchase visibly intoxicated.Laws, 1987, ch. 451, eff. 4/3/1987 (became law without Governor's signature).Amended by Laws, 2020, ch. 314, HB 917,§ 35, eff. 6/18/2020. (1)The Mississippi Legislature finds and declares that the consumption of intoxicating beverages, rather than the sale or serving or furnishing of such beverages, is the proximate cause of any injury, including death and property damage, inflicted by an intoxicated person upon himself or upon another person.(2)Notwithstanding any other law to the contrary, no holder of an alcoholic beverage, beer, light spirit product or light wine permit, or any agent or employee of such holder, who lawfully sells or serves intoxicating beverages to a person who may lawfully purchase such intoxicating beverages, shall be liable to such person or to any other person or to the estate, or survivors of either, for any injury suffered off the licensed premises, including wrongful death and property damage, because of the intoxication of the person to whom the intoxicating beverages were sold or served.(3)Notwithstanding any other law to the contrary, no social host who serves or furnishes any intoxicating beverage to a person who may lawfully consume such intoxicating beverage shall be liable to such person or to any other person or to the estate, or survivors of either, for any injury suffered off such social host's premises, including wrongful death and property damage, because of the intoxication of the person to whom the intoxicating beverages were served or furnished. No social host who owns, leases or otherwise lawfully occupies a premises on which, in his absence and without his consent, intoxicating beverages are consumed by a person who may lawfully consume such intoxicating beverage shall be liable to such person or to any other person or to the estate, or survivors of either, for any injury suffered off the premises, including wrongful death and property damage, because of the intoxication of the person who consumed the intoxicating beverages.(4)The limitation of liability provided by this section shall not apply to any person who causes or contributes to the consumption of alcoholic beverages by force or by falsely representing that a beverage contains no alcohol, or to any holder of an alcoholic beverage, beer, light spirit product or light wine permit, or any agent or employee of such holder when it is shown that the person making a purchase of an alcoholic beverage was at the time of such purchase visibly intoxicated.Laws, 1987, ch. 451, eff. 4/3/1987 (became law without Governor's signature).Amended by Laws, 2020, ch. 314, HB 917,§ 35, eff. 6/18/2020.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75)Section 67-3-74 - Enforcement of certain provisions by officers of the division

(1)In addition to peace officers within their jurisdiction, all enforcement officers of the Alcoholic Beverage Control Division of the Department of Revenue are authorized to enforce the provisions made unlawful by this chapter and Section97-5-49; however, the provisions prohibiting the sale of light wine, light spirit product or beer to persons under the age of twenty-one (21) years shall be enforced by the division as provided for in this section.(2)(a)The Alcoholic Beverage Control Division shall investigate violations of the laws prohibiting the sale of light wine, light spirit product or beer to persons under the age of twenty-one (21) years upon receipt

of a complaint or information from a person stating that they have knowledge of such violation.(b)Upon receipt of such complaint or information, the Alcoholic Beverage Control Division shall notify the permit holder of the complaint by certified mail to the primary business office of such permit holder or by hand delivery of the complaint or information to the primary business office of such holder, except in cases where the complaint or information is received from any law enforcement officer.(c)If an enforcement officer of the Alcoholic Beverage Control Division enters the business of the holder of the permit to investigate a complaint and discovers a violation, the agent shall notify the person that committed the violation and the holder of the permit:(i)Within ten (10) days after such violation, Sundays and holidays excluded, if the business sells light wine, light spirit product or beer for on-premises consumption; and(ii)Within seventy-two (72) hours after such violation, Sundays and holidays excluded, if the business does not sell light wine, light spirit product or beer for on-premises consumption.Laws, 2002, ch. 570, § 1; Laws, 2003, ch. 392, § 4; Laws, 2005, ch. 462, § 4; Laws, 2007, ch. 462, § 6; Laws, 2011, ch. 379, § 4, eff. 7/1/2011.Amended by Laws, 2020, ch. 314, HB 917,§ 36, eff. 6/18/2020.Amended by Laws, 2016, ch. 470, SB 2055, 3, eff. 7/1/2016. (1)In addition to peace officers within their jurisdiction, all enforcement officers of the Alcoholic Beverage Control Division of the Department of Revenue are authorized to enforce the provisions made unlawful by this chapter and Section97-5-49; however, the provisions prohibiting the sale of light wine, light spirit product or beer to persons under the age of twenty-one (21) years shall be enforced by the division as provided for in this section.(2)(a)The Alcoholic Beverage Control Division shall investigate violations of the laws prohibiting the sale of light wine, light spirit product or beer to persons under the age of twenty-one (21) years upon receipt of a complaint or information from a person stating that they have knowledge of such violation.(b)Upon receipt of such complaint or information, the Alcoholic Beverage Control Division shall notify the permit holder of the complaint by certified mail to the primary business office of such permit holder or by hand delivery of the complaint or information to the primary business office of such holder, except in cases where the complaint or information is received from any law enforcement officer.(c)If an enforcement officer of the Alcoholic Beverage Control Division enters the business of the holder of the permit to investigate a complaint and discovers a violation, the agent shall notify the person that committed the violation and the holder of the permit:(i)Within ten (10) days after such violation, Sundays and holidays excluded, if the business sells light wine, light spirit product or beer for on-premises consumption; and(ii)Within seventy-two (72) hours after such violation, Sundays and holidays excluded, if the business does not sell light wine, light spirit product or beer for on-premises consumption.Laws, 2002, ch. 570, § 1; Laws, 2003, ch. 392, § 4; Laws, 2005, ch. 462, § 4; Laws, 2007, ch. 462, § 6; Laws, 2011, ch. 379, § 4, eff. 7/1/2011.Amended by Laws, 2020, ch. 314, HB 917,§ 36, eff. 6/18/2020.Amended by Laws, 2016, ch. 470, SB 2055, 3, eff. 7/1/2016. (1)In addition to peace officers within their jurisdiction, all enforcement officers of the Alcoholic Beverage Control Division of the Department of Revenue are authorized to enforce the provisions made unlawful by this chapter and Section97-5-49; however, the provisions prohibiting the sale of light wine, light spirit product or beer to persons under the age of twenty-one (21) years shall be enforced by the division as provided for in this section.(2)(a)The Alcoholic Beverage Control Division shall investigate violations of the laws prohibiting the sale of light wine, light spirit product or beer to persons under the age of twenty-one (21) years upon receipt of a complaint or information from a person stating that they have knowledge of such violation.(b)Upon receipt of such complaint or information, the Alcoholic Beverage Control Division shall notify the permit holder of the complaint by certified mail to the primary business office of such permit holder or by hand delivery of the complaint or information to the primary business office of such holder, except in cases where the complaint or information is received from any law enforcement officer.(c)If an enforcement officer of the Alcoholic Beverage Control Division enters the business of the holder of the permit to investigate a complaint and discovers a violation, the agent shall notify the person that committed the violation and the holder of the permit:(i)Within ten (10) days after such violation, Sundays and holidays excluded, if the business sells light wine, light spirit product or beer for on-premises consumption; and(ii)Within seventy-two (72) hours after such violation, Sundays and holidays excluded, if the business does not sell light wine, light spirit product or beer for on-premises consumption.Laws, 2002, ch. 570, § 1; Laws, 2003, ch. 392, § 4; Laws, 2005, ch. 462, § 4; Laws, 2007, ch. 462, § 6; Laws, 2011, ch. 379, § 4, eff. 7/1/2011.Amended by Laws, 2020, ch. 314, HB 917,§ 36, eff. 6/18/2020.Amended by Laws, 2016, ch. 470, SB 2055, 3, eff. 7/1/2016. Laws, 2002, ch. 570, § 1; Laws, 2003, ch. 392, § 4; Laws, 2005, ch. 462, § 4; Laws, 2007, ch. 462, § 6; Laws, 2011, ch. 379, § 4, eff. 7/1/2011. Amended by Laws, 2020, ch. 314, HB 917,§ 36, eff. 6/18/2020. Amended by Laws, 2016, ch. 470, SB 2055, 3, eff. 7/1/2016.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 3 - SALE OF LIGHT WINE, BEER, AND OTHER ALCOHOLIC BEVERAGES (§§ 67-3-1 — 67-3-75)Section 67-3-9 - Local option elections in certain municipalities

Any city in this state, having a population of not less than two thousand five hundred (2,500) according to the latest federal decennial census; or any city in this state having a population of not less than one thousand five hundred (1,500) according to the latest federal decennial census and located within three (3) miles of a city or county that permits the sale, receipt, storage and transportation for the purpose of sale of beer, light spirit product or light wine; or any city or town in this state having a population of not less than one thousand (1,000) according to the latest federal decennial census and located in a county that has no city or town with a population of more than two thousand five hundred (2,500); or any city, town or village that is a county seat and has voted to come out from under the dry law under Section67-1-14; at an election held for the purpose, under the election laws applicable to such city, may either prohibit or permit, except as otherwise provided under Section67-9-1, the sale and the receipt, storage and transportation for the purpose of sale of beer, light spirit product and light wine. An election to determine whether such sale shall be permitted in cities wherein its sale is prohibited by law shall be ordered by the city or town council or mayor and board of aldermen

or other governing body of such city or town for such city or town only, upon the presentation of a petition for such city or town to such governing board containing the names of twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the duly qualified voters of such city or town asking for such election. In like manner, an election to determine whether such sale shall be prohibited in cities wherein its sale is permitted by law shall be ordered by the city council or mayor and board of aldermen or other governing board of such city for such city only, upon the presentation of a petition to such governing board containing the names of twenty percent (20%) of the duly qualified voters of such city asking for such election. No election on either question shall be held by any one (1) city more often than once in five (5) years. Thirty (30) days' notice shall be given to the qualified electors of such city or town in the manner prescribed by law upon the question of either permitting or prohibiting such sale, and the notice shall contain a statement of the question to be voted on at the election. The tickets to be used in the election shall have the following words printed thereon: "For the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than six percent (6%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight"; and the words "Against the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than six percent (6%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight," next below. In making up his or her ticket the voter shall make a cross (X) opposite the words of his choice. If in the election a majority of the qualified electors voting in the election shall vote "For the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than six percent (6%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight," then the city or town council or mayor and board of aldermen or other governing body shall pass the necessary order permitting the legal sale of such light wine, light spirit product and beer in such city or town. If in the election a majority of the qualified electors voting in the election shall vote "Against the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than six percent (6%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight," then the city council or mayor and board of aldermen or other governing body shall pass the necessary order prohibiting the sale of such light wine, light spirit product and beer in such city. All laws or parts of laws in conflict with this section are hereby repealed to the extent of such conflict only, this section being cumulative and supplementary. Codes, 1942, § 10208.5; Laws, 1950, ch. 501, §§ 1-3; Laws, 1996, ch. 417, § 10; Laws, 1998, ch. 306, § 6; Laws, 2012, ch. 323, § 6, eff. 7/1/2012. Amended by Laws, 2021, ch. 450, HB 1091, § 11, eff. 7/1/2021. Amended by Laws, 2021, ch. 348, HB 945, § 2, eff. 7/1/2021. Amended by Laws, 2020, ch. 431, HB 654, § 1, eff. 7/1/2020. Amended by Laws, 2020, ch. 314, HB 917, § 5, eff. 6/18/2020. Amended by Laws, 2017, ch. 331, HB 1321, 1, eff. 3/13/2017. Any city in this state, having a population of not less than two thousand five hundred (2,500) according to the latest federal decennial census; or any city in this state having a population of not less than one thousand five hundred (1,500) according to the latest federal decennial census and located within three (3) miles of a city or county that permits the sale, receipt, storage and transportation for the purpose of sale of beer, light spirit product or light wine; or any city or town in this state having a population of not less than one thousand (1,000) according to the latest federal decennial census and located in a county that has no city or town with a population of more than two thousand five hundred (2,500); or any city, town or village that is a county seat and has voted to come out from under the dry law under Section 67-1-14; at an election held for the purpose, under the election laws applicable to such city, may either prohibit or permit, except as otherwise provided under Section 67-9-1, the sale and the receipt, storage and transportation for the purpose of sale of beer, light spirit product and light wine. An election to determine whether such sale shall be permitted in cities wherein its sale is prohibited by law shall be ordered by the city or town council or mayor and board of aldermen or other governing body of such city or town for such city or town only, upon the presentation of a petition for such city or town to such governing board containing the names of twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the duly qualified voters of such city or town asking for such election. In like manner, an election to determine whether such sale shall be prohibited in cities wherein its sale is permitted by law shall be ordered by the city council or mayor and board of aldermen or other governing board of such city for such city only, upon the presentation of a petition to such governing board containing the names of twenty percent (20%) of the duly qualified voters of such city asking for such election. No election on either question shall be held by any one (1) city more often than once in five (5) years. Thirty (30) days' notice shall be given to the qualified electors of such city or town in the manner prescribed by law upon the question of either permitting or prohibiting such sale, and the notice shall contain a statement of the question to be voted on at the election. The tickets to be used in the election shall have the following words printed thereon: "For the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than six percent (6%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight"; and the words "Against the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than six percent (6%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight," next below. In making up his or her ticket the voter shall make a cross (X) opposite the words of his choice. If in the election a majority of the qualified electors voting in the election shall vote "For the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than six percent (6%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight," then the city or town council or mayor and board of aldermen or other governing body shall pass the necessary order permitting the legal sale of such light wine, light spirit product and beer in such city or town. If in the election a majority of the qualified electors voting in the election shall vote "Against the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than six percent (6%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight," then the city or town council or mayor and board of aldermen or other governing body shall pass the necessary order prohibiting the sale of such light wine, light spirit product and beer in such city or town.

eight percent (8%) by weight," then the city council or mayor and board of aldermen or other governing body shall pass the necessary order prohibiting the sale of such light wine, light spirit product and beer in such city. All laws or parts of laws in conflict with this section are hereby repealed to the extent of such conflict only, this section being cumulative and supplementary. Codes, 1942, § 10208.5; Laws, 1950, ch. 501, §§ 1-3; Laws, 1996, ch. 417, § 10; Laws, 1998, ch. 306, § 6; Laws, 2012, ch. 323, § 6, eff. 7/1/2012. Amended by Laws, 2021, ch. 450, HB 1091, § 11, eff. 7/1/2021. Amended by Laws, 2021, ch. 348, HB 945, § 2, eff. 7/1/2021. Amended by Laws, 2020, ch. 431, HB 654, § 1, eff. 7/1/2020. Amended by Laws, 2020, ch. 314, HB 917, § 5, eff. 6/18/2020. Amended by Laws, 2017, ch. 331, HB 1321, 1, eff. 3/13/2017. Any city in this state, having a population of not less than two thousand five hundred (2,500) according to the latest federal decennial census; or any city in this state having a population of not less than one thousand five hundred (1,500) according to the latest federal decennial census and located within three (3) miles of a city or county that permits the sale, receipt, storage and transportation for the purpose of sale of beer, light spirit product or light wine; or any city or town in this state having a population of not less than one thousand (1,000) according to the latest federal decennial census and located in a county that has no city or town with a population of more than two thousand five hundred (2,500); or any city, town or village that is a county seat and has voted to come out from under the dry law under Section 67-1-14; at an election held for the purpose, under the election laws applicable to such city, may either prohibit or permit, except as otherwise provided under Section 67-9-1, the sale and the receipt, storage and transportation for the purpose of sale of beer, light spirit product and light wine. An election to determine whether such sale shall be permitted in cities wherein its sale is prohibited by law shall be ordered by the city or town council or mayor and board of aldermen or other governing body of such city or town for such city or town only, upon the presentation of a petition for such city or town to such governing board containing the names of twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the duly qualified voters of such city or town asking for such election. In like manner, an election to determine whether such sale shall be prohibited in cities wherein its sale is permitted by law shall be ordered by the city council or mayor and board of aldermen or other governing board of such city for such city only, upon the presentation of a petition to such governing board containing the names of twenty percent (20%) of the duly qualified voters of such city asking for such election. No election on either question shall be held by any one (1) city more often than once in five (5) years. Thirty (30) days' notice shall be given to the qualified electors of such city or town in the manner prescribed by law upon the question of either permitting or prohibiting such sale, and the notice shall contain a statement of the question to be voted on at the election. The tickets to be used in the election shall have the following words printed thereon: "For the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than six percent (6%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight"; and the words "Against the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than six percent (6%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight," next below. In making up his or her ticket the voter shall make a cross (X) opposite the words of his choice. If in the election a majority of the qualified electors voting in the election shall vote "For the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than six percent (6%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight," then the city or town council or mayor and board of aldermen or other governing body shall pass the necessary order permitting the legal sale of such light wine, light spirit product and beer in such city or town. If in the election a majority of the qualified electors voting in the election shall vote "Against the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than six percent (6%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight," then the city council or mayor and board of aldermen or other governing body shall pass the necessary order prohibiting the sale of such light wine, light spirit product and beer in such city. All laws or parts of laws in conflict with this section are hereby repealed to the extent of such conflict only, this section being cumulative and supplementary. Codes, 1942, § 10208.5; Laws, 1950, ch. 501, §§ 1-3; Laws, 1996, ch. 417, § 10; Laws, 1998, ch. 306, § 6; Laws, 2012, ch. 323, § 6, eff. 7/1/2012. Amended by Laws, 2021, ch. 450, HB 1091, § 11, eff. 7/1/2021. Amended by Laws, 2021, ch. 348, HB 945, § 2, eff. 7/1/2021. Amended by Laws, 2020, ch. 431, HB 654, § 1, eff. 7/1/2020. Amended by Laws, 2020, ch. 314, HB 917, § 5, eff. 6/18/2020. Amended by Laws, 2017, ch. 331, HB 1321, 1, eff. 3/13/2017. Any city in this state, having a population of not less than two thousand five hundred (2,500) according to the latest federal decennial census; or any city in this state having a population of not less than one thousand five hundred (1,500) according to the latest federal decennial census and located within three (3) miles of a city or county that permits the sale, receipt, storage and transportation for the purpose of sale of beer, light spirit product or light wine; or any city or town in this state having a population of not less than one thousand (1,000) according to the latest federal decennial census and located in a county that has no city or town with a population of more than two thousand five hundred (2,500); or any city, town or village that is a county seat and has voted to come out from under the dry law under Section 67-1-14; at an election held for the purpose, under the election laws applicable to such city, may either prohibit or permit, except as otherwise provided under Section 67-9-1, the sale and the receipt, storage and transportation for the purpose of sale of beer, light spirit product and light wine. An election to determine whether such sale shall be permitted in cities wherein its sale is prohibited by law shall be ordered by the city or town council or mayor and board of aldermen or other governing body of such city or town for such city or town only, upon the presentation of a petition for such city or town to such governing board containing the names of twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the duly qualified voters of such city or town asking for such election. In like manner, an election to determine whether such sale shall be prohibited in cities wherein its sale is permitted by law shall be ordered by the city council or mayor and board of aldermen or other governing board of such city for such city only, upon the presentation of a petition to such governing board

containing the names of twenty percent (20%) of the duly qualified voters of such city asking for such election. No election on either question shall be held by any one (1) city more often than once in five (5) years. Thirty (30) days' notice shall be given to the qualified electors of such city or town in the manner prescribed by law upon the question of either permitting or prohibiting such sale, and the notice shall contain a statement of the question to be voted on at the election. The tickets to be used in the election shall have the following words printed thereon: "For the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than six percent (6%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight"; and the words "Against the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than six percent (6%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight," next below. In making up his or her ticket the voter shall make a cross (X) opposite the words of his choice. If in the election a majority of the qualified electors voting in the election shall vote "For the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than six percent (6%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight," then the city or town council or mayor and board of aldermen or other governing body shall pass the necessary order permitting the legal sale of such light wine, light spirit product and beer in such city or town. If in the election a majority of the qualified electors voting in the election shall vote "Against the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than six percent (6%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight," then the city council or mayor and board of aldermen or other governing body shall pass the necessary order prohibiting the sale of such light wine, light spirit product and beer in such city. All laws or parts of laws in conflict with this section are hereby repealed to the extent of such conflict only, this section being cumulative and supplementary. Codes, 1942, § 10208.5; Laws, 1950, ch. 501, §§ 1-3; Laws, 1996, ch. 417, § 10; Laws, 1998, ch. 306, § 6; Laws, 2012, ch. 323, § 6, eff. 7/1/2012. Amended by Laws, 2021, ch. 450, HB 1091, § 11, eff. 7/1/2021. Amended by Laws, 2021, ch. 348, HB 945, § 2, eff. 7/1/2021. Amended by Laws, 2020, ch. 431, HB 654, § 1, eff. 7/1/2020. Amended by Laws, 2020, ch. 314, HB 917, § 5, eff. 6/18/2020. Amended by Laws, 2017, ch. 331, HB 1321, 1, eff. 3/13/2017.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 5 - NATIVE WINES (§§ 67-5-1 — 67-5-15) Section 67-5-1 - Short title

This chapter shall be cited as the "Mississippi Native Wine Law of 1976." Laws, 1976, ch. 467, § 1, eff. 5/25/1976. This chapter shall be cited as the "Mississippi Native Wine Law of 1976." Laws, 1976, ch. 467, § 1, eff. 5/25/1976. This chapter shall be cited as the "Mississippi Native Wine Law of 1976." Laws, 1976, ch. 467, § 1, eff. 5/25/1976. This chapter shall be cited as the "Mississippi Native Wine Law of 1976." Laws, 1976, ch. 467, § 1, eff. 5/25/1976.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 5 - NATIVE WINES (§§ 67-5-1 — 67-5-15) Section 67-5-11 - Authorized sales by native wineries

(1) Within the State of Mississippi, every native winery is authorized to make sales to the department or to consumers at the location of the native winery or its immediate vicinity. Every native winery is authorized to make sales to any producer, manufacturer, wholesaler, retailer or consumer located outside of the State of Mississippi who are authorized by law to purchase the same. (2) With respect to native wines or distilled spirits sold by the department to retailers under Section 67-1-41, the native winery or distillery retailer may hold those wines or spirits for onsite pickup instead of shipping them to the department warehouse, at the option of the retailer and pursuant to any rules promulgated by the department. Laws, 1976, ch. 467, § 6; Laws, 2006, ch. 352, § 1, eff. 7/1/2006. Amended by Laws, 2021, ch. 454, SB 2435, § 3, eff. 7/1/2021. Amended by Laws, 2020, ch. 429, SB 2545, § 5, eff. 7/1/2020. (1) Within the State of Mississippi, every native winery is authorized to make sales to the department or to consumers at the location of the native winery or its immediate vicinity. Every native winery is authorized to make sales to any producer, manufacturer, wholesaler, retailer or consumer located outside of the State of Mississippi who are authorized by law to purchase the same. (2) With respect to native wines or distilled spirits sold by the department to retailers under Section 67-1-41, the native winery or distillery retailer may hold those wines or spirits for onsite pickup instead of shipping them to the department warehouse, at the option of the retailer and pursuant to any rules promulgated by the department. Laws, 1976, ch. 467, § 6; Laws, 2006, ch. 352, § 1, eff. 7/1/2006. Amended by Laws, 2021, ch. 454, SB 2435, § 3, eff. 7/1/2021. Amended by Laws, 2020, ch. 429, SB 2545, § 5, eff. 7/1/2020. (1) Within the State of Mississippi, every native winery is authorized to make sales to the department or to consumers at the location of the native winery or its immediate vicinity. Every native winery is authorized to make sales to any producer, manufacturer, wholesaler, retailer or consumer located outside of the State of Mississippi who are authorized by law to purchase the same. (2) With respect to native wines or distilled spirits sold by the department to retailers under Section 67-1-41, the native winery or distillery retailer may hold those wines or spirits for onsite pickup instead of shipping them to the department warehouse, at the option of the retailer and pursuant to any rules promulgated by the department. Laws, 1976, ch. 467, § 6; Laws, 2006, ch. 352, § 1, eff. 7/1/2006. Amended by Laws, 2021, ch. 454, SB 2435, § 3, eff. 7/1/2021. Amended by Laws, 2020, ch. 429, SB 2545, § 5, eff. 7/1/2020.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 5 - NATIVE WINES (§§ 67-5-1 — 67-5-15) Section 67-5-13 - Annual privilege license tax on producers; excise tax on cases sold by producers

(1) Upon every producer holding a permit for the production of native wine, there is levied and imposed for each location for the privilege of engaging and continuing in this state in the production of native wine an annual privilege license tax in an amount equal to Ten Dollars (\$10.00) for each ten thousand (10,000) gallons, or any part thereof, of native wine produced by the winery. (2) There is levied and assessed an excise tax upon each case of native wine sold by a producer to any source to be collected from the producer in the amount provided for in Section 27-71-7. However, native wine produced in Mississippi for export and sale without this state and native wine produced in Mississippi and sold to the commission shall not be subject to the excise tax, nor shall the tax accrue or be collected on native wines dispensed, as free samples in quantities of not more than six (6) ounces, in the tasting room of a native winery. (3) The privilege tax imposed by subsection (1) of this section shall be collected in the same manner as presently provided by law for the collection of other alcoholic beverages. The excise tax imposed by subsection (2) of this section shall be reported monthly by the producer to the commission on all sales made in Mississippi to consumers at the location of the native winery or its immediate vicinity, along with a statement of gallonage produced during that month, and the producer shall remit the tax due and owing with each report. The producer shall also include in the report a statement of gallonage sold and exported for sale outside this state. (4) All taxes levied by and collected under this section shall be deposited in the General Fund. Laws, 1976, ch. 467, § 7; Laws, 1985, ch. 322, § 2; Laws, 2006, ch. 352, § 2; Laws, 2006, ch. 508, § 1, eff. 7/1/2006. (1) Upon every producer holding a permit for the production of native wine, there is levied and imposed for each location for the privilege of engaging and continuing in this state in the production of native wine an annual privilege license tax in an amount equal to Ten Dollars (\$10.00) for each ten thousand (10,000) gallons, or any part thereof, of native wine produced by the winery. (2) There is levied and assessed an excise tax upon each case of native wine sold by a producer to any source to be collected from the producer in the amount provided for in Section 27-71-7. However, native wine produced in Mississippi for export and sale without this state and native wine produced in Mississippi and sold to the commission shall not be subject to the excise tax, nor shall the tax accrue or be collected on native wines dispensed, as free samples in quantities of not more than six (6) ounces, in the tasting room of a native winery. (3) The privilege tax imposed by subsection (1) of this section shall be collected in the same manner as presently provided by law for the collection of other alcoholic beverages. The excise tax imposed by subsection (2) of this section shall be reported monthly by the producer to the commission on all sales made in Mississippi to consumers at the location of the native winery or its immediate vicinity, along with a statement of gallonage produced during that month, and the producer shall remit the tax due and owing with each report. The producer shall also include in the report a statement of gallonage sold and exported for sale outside this state. (4) All taxes levied by and collected under this section shall be deposited in the General Fund. Laws, 1976, ch. 467, § 7; Laws, 1985, ch. 322, § 2; Laws, 2006, ch. 352, § 2; Laws, 2006, ch. 508, § 1, eff. 7/1/2006. (1) Upon every producer holding a permit for the production of native wine, there is levied and imposed for each location for the privilege of engaging and continuing in this state in the production of native wine an annual privilege license tax in an amount equal to Ten Dollars (\$10.00) for each ten thousand (10,000) gallons, or any part thereof, of native wine produced by the winery. (2) There is levied and assessed an excise tax upon each case of native wine sold by a producer to any source to be collected from the producer in the amount provided for in Section 27-71-7. However, native wine produced in Mississippi for export and sale without this state and native wine produced in Mississippi and sold to the commission shall not be subject to the excise tax, nor shall the tax accrue or be collected on native wines dispensed, as free samples in quantities of not more than six (6) ounces, in the tasting room of a native winery. (3) The privilege tax imposed by subsection (1) of this section shall be collected in the same manner as presently provided by law for the collection of other alcoholic beverages. The excise tax imposed by subsection (2) of this section shall be reported monthly by the producer to the commission on all sales made in Mississippi to consumers at the location of the native winery or its immediate vicinity, along with a statement of gallonage produced during that month, and the producer shall remit the tax due and owing with each report. The producer shall also include in the report a statement of gallonage sold and exported for sale outside this state. (4) All taxes levied by and collected under this section shall be deposited in the General Fund. Laws, 1976, ch. 467, § 7; Laws, 1985, ch. 322, § 2; Laws, 2006, ch. 352, § 2; Laws, 2006, ch. 508, § 1, eff. 7/1/2006. Laws, 1976, ch. 467, § 7; Laws, 1985, ch. 322, § 2; Laws, 2006, ch. 352, § 2; Laws, 2006, ch. 508, § 1, eff. 7/1/2006.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 5 - NATIVE WINES (§§ 67-5-1 — 67-5-15) Section 67-5-3 - Legislative declaration of intent

The Legislature of the State of Mississippi, recognizes, by the passage of this chapter, the vital contribution of the agricultural industry to the economy of this state, and declares that the intent of this chapter is to enhance and expand such industry by authorizing and encouraging the domestic production of native wines from grapes, berries, fruits, honey and vegetables grown and produced in Mississippi. The Legislature further recognizes the vital contribution of the tourist industry to the economy of this state, and declares that the intent of this chapter is to enhance such industry by encouraging the planting and development of native vineyards, the construction of native wineries, and the production and sale of native wines so that tourists traveling through Mississippi may visit vineyards, wineries and wine cellars, and purchase Mississippi domestic wines. The Legislature of the State of Mississippi further recognizes the need for the expansion, diversification and development of Mississippi economy, and declares that the intent of this chapter is to authorize and encourage the introduction of a new industry into this state which will provide new employment opportunities, additional income, and support for existing industries in this state. Laws, 1976, ch. 467, § 2; Laws, 1991, ch. 444, § 1, eff. 7/1/1991. The Legislature of the State of Mississippi, recognizes, by the passage of this chapter, the vital contribution of the agricultural industry to the economy of this state, and declares that the intent of this chapter is to enhance and expand such industry by authorizing and encouraging the domestic production of native wines from grapes, berries, fruits, honey and vegetables grown and produced in Mississippi. The Legislature further recognizes the vital contribution of the tourist industry to

the economy of this state, and declares that the intent of this chapter is to enhance such industry by encouraging the planting and development of native vineyards, the construction of native wineries, and the production and sale of native wines so that tourists traveling through Mississippi may visit vineyards, wineries and wine cellars, and purchase Mississippi domestic wines. The Legislature of the State of Mississippi further recognizes the need for the expansion, diversification and development of Mississippi economy, and declares that the intent of this chapter is to authorize and encourage the introduction of a new industry into this state which will provide new employment opportunities, additional income, and support for existing industries in this state. Laws, 1976, ch. 467, § 2; Laws, 1991, ch. 444, § 1, eff. 7/1/1991. The Legislature of the State of Mississippi, recognizes, by the passage of this chapter, the vital contribution of the agricultural industry to the economy of this state, and declares that the intent of this chapter is to enhance and expand such industry by authorizing and encouraging the domestic production of native wines from grapes, berries, fruits, honey and vegetables grown and produced in Mississippi. The Legislature further recognizes the vital contribution of the tourist industry to the economy of this state, and declares that the intent of this chapter is to enhance such industry by encouraging the planting and development of native vineyards, the construction of native wineries, and the production and sale of native wines so that tourists traveling through Mississippi may visit vineyards, wineries and wine cellars, and purchase Mississippi domestic wines. The Legislature of the State of Mississippi further recognizes the need for the expansion, diversification and development of Mississippi economy, and declares that the intent of this chapter is to authorize and encourage the introduction of a new industry into this state which will provide new employment opportunities, additional income, and support for existing industries in this state. Laws, 1976, ch. 467, § 2; Laws, 1991, ch. 444, § 1, eff. 7/1/1991. The Legislature of the State of Mississippi, recognizes, by the passage of this chapter, the vital contribution of the agricultural industry to the economy of this state, and declares that the intent of this chapter is to enhance and expand such industry by authorizing and encouraging the domestic production of native wines from grapes, berries, fruits, honey and vegetables grown and produced in Mississippi. The Legislature further recognizes the vital contribution of the tourist industry to the economy of this state, and declares that the intent of this chapter is to enhance such industry by encouraging the planting and development of native vineyards, the construction of native wineries, and the production and sale of native wines so that tourists traveling through Mississippi may visit vineyards, wineries and wine cellars, and purchase Mississippi domestic wines. The Legislature of the State of Mississippi further recognizes the need for the expansion, diversification and development of Mississippi economy, and declares that the intent of this chapter is to authorize and encourage the introduction of a new industry into this state which will provide new employment opportunities, additional income, and support for existing industries in this state. Laws, 1976, ch. 467, § 2; Laws, 1991, ch. 444, § 1, eff. 7/1/1991.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 5 - NATIVE WINES (§§ 67-5-1 — 67-5-15) Section 67-5-5 - Definitions; qualification period

For purposes of this chapter, the following words and phrases shall have the definitions ascribed herein, unless the context otherwise requires: (a) "Native wine" shall mean any product, produced in Mississippi for sale, having an alcohol content not to exceed twenty-one percent (21%) by weight and made in accordance with revenue laws of the United States, which shall be obtained primarily from the alcoholic fermentation of the juice of ripe grapes, fruits, berries, honey or vegetables grown and produced in Mississippi; provided that bulk, concentrated or fortified wines used for blending may be produced without this state and used in producing native wines. The commission shall adopt and promulgate rules and regulations to permit a producer to import such bulk and/or fortified wines into this state for use in blending with native wines without payment of any excise tax that would otherwise accrue thereon. In order to be classified as "native wine" under the provisions of this chapter, at least fifty-one percent (51%) of the finished product by volume shall have been obtained from fermentation of grapes, fruits, berries, honey or vegetables grown and produced in Mississippi. (b) "Native winery" shall mean any place or establishment within this state where native wine is produced in whole or in part for sale. (c) "Produce" shall mean to do or to perform any act or thing in the process of making native wine. (d) "Person" shall mean one or more natural persons, or a corporation, partnership or association. (e) "Producer" shall mean any person who owns, operates or conducts a native winery, but it does not mean the employees of such persons. (f) "Consumer" shall mean any person who purchases native wine for the purpose of consuming it, giving it away, or distributing it in any way other than by sale, barter or exchange. (g) "Commission" shall mean the Mississippi State Tax Commission. (h) "Division" shall mean the Alcoholic Beverage Control Division of the State Tax Commission. Laws, 1976, ch. 467, § 3; Laws, 1977, ch. 488, § 1; Laws, 1991, ch. 444, § 2, eff. 7/1/1991. For purposes of this chapter, the following words and phrases shall have the definitions ascribed herein, unless the context otherwise requires: (a) "Native wine" shall mean any product, produced in Mississippi for sale, having an alcohol content not to exceed twenty-one percent (21%) by weight and made in accordance with revenue laws of the United States, which shall be obtained primarily from the alcoholic fermentation of the juice of ripe grapes, fruits, berries, honey or vegetables grown and produced in Mississippi; provided that bulk, concentrated or fortified wines used for blending may be produced without this state and used in producing native wines. The commission shall adopt and promulgate rules and regulations to permit a producer to import such bulk and/or fortified wines into this state for use in blending with native wines without payment of any excise tax that would otherwise accrue thereon. In order to be classified as "native wine" under the provisions of this chapter, at least fifty-one percent (51%) of the finished product by volume shall have been obtained from fermentation of grapes, fruits, berries, honey or vegetables grown and produced in Mississippi. (b) "Native winery" shall mean any place or establishment within this state where native wine is produced in whole or in part for sale. (c) "Produce" shall mean to do or to perform any act or thing in the process of making native wine. (d) "Person" shall mean one or more natural persons, or a corporation, partnership or association. (e) "Producer" shall mean any person who owns, operates or conducts a native winery, but it does not mean the employees of such

persons.(f)"Consumer" shall mean any person who purchases native wine for the purpose of consuming it, giving it away, or distributing it in any way other than by sale, barter or exchange.(g)"Commission" shall mean the Mississippi State Tax Commission.(h)"Division" shall mean the Alcoholic Beverage Control Division of the State Tax Commission.Laws, 1976, ch. 467, § 3; Laws, 1977, ch. 488, § 1; Laws, 1991, ch. 444, § 2, eff. 7/1/1991. For purposes of this chapter, the following words and phrases shall have the definitions ascribed herein, unless the context otherwise requires:(a)"Native wine" shall mean any product, produced in Mississippi for sale, having an alcohol content not to exceed twenty-one percent (21%) by weight and made in accordance with revenue laws of the United States, which shall be obtained primarily from the alcoholic fermentation of the juice of ripe grapes, fruits, berries, honey or vegetables grown and produced in Mississippi; provided that bulk, concentrated or fortified wines used for blending may be produced without this state and used in producing native wines. The commission shall adopt and promulgate rules and regulations to permit a producer to import such bulk and/or fortified wines into this state for use in blending with native wines without payment of any excise tax that would otherwise accrue thereon. In order to be classified as "native wine" under the provisions of this chapter, at least fifty-one percent (51%) of the finished product by volume shall have been obtained from fermentation of grapes, fruits, berries, honey or vegetables grown and produced in Mississippi.(b)"Native winery" shall mean any place or establishment within this state where native wine is produced in whole or in part for sale.(c)"Produce" shall mean to do or to perform any act or thing in the process of making native wine.(d)"Person" shall mean one or more natural persons, or a corporation, partnership or association.(e)"Producer" shall mean any person who owns, operates or conducts a native winery, but it does not mean the employees of such persons.(f)"Consumer" shall mean any person who purchases native wine for the purpose of consuming it, giving it away, or distributing it in any way other than by sale, barter or exchange.(g)"Commission" shall mean the Mississippi State Tax Commission.(h)"Division" shall mean the Alcoholic Beverage Control Division of the State Tax Commission.Laws, 1976, ch. 467, § 3; Laws, 1977, ch. 488, § 1; Laws, 1991, ch. 444, § 2, eff. 7/1/1991. For purposes of this chapter, the following words and phrases shall have the definitions ascribed herein, unless the context otherwise requires: Laws, 1976, ch. 467, § 3; Laws, 1977, ch. 488, § 1; Laws, 1991, ch. 444, § 2, eff. 7/1/1991.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 5 - NATIVE WINES (§§ 67-5-1 — 67-5-15)Section 67-5-7 - Production and sale of native wine legalized

Hereafter, it shall be lawful to produce native wine in the State of Mississippi including the production of non-alcoholic native wines and juices to be used for sacramental purposes, and to sell such native wine within or without this state; provided such native wine shall be subject to the gallonage excise tax as levied by Section67-5-13.The production of native wine is hereby declared, under the laws of this state, to be a privilege, and as such privilege shall be subject to such permit fees upon the exercise of the privilege as levied by Section67-5-13.Laws, 1976, ch. 467, § 4, eff. 5/25/1976. Hereafter, it shall be lawful to produce native wine in the State of Mississippi including the production of non-alcoholic native wines and juices to be used for sacramental purposes, and to sell such native wine within or without this state; provided such native wine shall be subject to the gallonage excise tax as levied by Section67-5-13.The production of native wine is hereby declared, under the laws of this state, to be a privilege, and as such privilege shall be subject to such permit fees upon the exercise of the privilege as levied by Section67-5-13.Laws, 1976, ch. 467, § 4, eff. 5/25/1976. Hereafter, it shall be lawful to produce native wine in the State of Mississippi including the production of non-alcoholic native wines and juices to be used for sacramental purposes, and to sell such native wine within or without this state; provided such native wine shall be subject to the gallonage excise tax as levied by Section67-5-13.The production of native wine is hereby declared, under the laws of this state, to be a privilege, and as such privilege shall be subject to such permit fees upon the exercise of the privilege as levied by Section67-5-13.Laws, 1976, ch. 467, § 4, eff. 5/25/1976. Hereafter, it shall be lawful to produce native wine in the State of Mississippi including the production of non-alcoholic native wines and juices to be used for sacramental purposes, and to sell such native wine within or without this state; provided such native wine shall be subject to the gallonage excise tax as levied by Section67-5-13. The production of native wine is hereby declared, under the laws of this state, to be a privilege, and as such privilege shall be subject to such permit fees upon the exercise of the privilege as levied by Section67-5-13. Laws, 1976, ch. 467, § 4, eff. 5/25/1976.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 5 - NATIVE WINES (§§ 67-5-1 — 67-5-15)Section 67-5-9 - Permits for native wineries; registration of native wineries with secretary of state

(1)Every native winery in the State of Mississippi shall apply for a permit as provided for in Section67-1-51, Mississippi Code of 1972, and shall be issued said initial and renewal permit by the commission upon meeting the qualifications and requirements presently set forth by law or regulation for permits authorized by said Section67-1-51.(2)Every native winery shall register with the Secretary of State, shall show the location and permit number of said winery, shall show the name and address of the producer owning, conducting or operating the winery, shall show the name and address of all local agents and such other pertinent information which may be required by the Secretary of State, and shall appoint an agent for service of process within the State of Mississippi.Laws, 1976, ch. 467, § 5, eff. 5/25/1976. (1)Every native winery in the State of Mississippi shall apply for a permit as provided for in Section67-1-51, Mississippi Code of 1972, and shall be issued said initial and renewal permit by the commission upon meeting the qualifications and requirements presently set forth by law or regulation for permits authorized by said Section67-1-51.(2)Every native winery shall register with the Secretary of State, shall show the location and permit number of said winery, shall show the name and address of the producer owning, conducting or operating the winery, shall show the name and address of all local agents and such other pertinent information which may be required by the Secretary of State, and shall appoint

an agent for service of process within the State of Mississippi. Laws, 1976, ch. 467, § 5, eff. 5/25/1976. (1) Every native winery in the State of Mississippi shall apply for a permit as provided for in Section 67-1-51, Mississippi Code of 1972, and shall be issued said initial and renewal permit by the commission upon meeting the qualifications and requirements presently set forth by law or regulation for permits authorized by said Section 67-1-51. (2) Every native winery shall register with the Secretary of State, shall show the location and permit number of said winery, shall show the name and address of the producer owning, conducting or operating the winery, shall show the name and address of all local agents and such other pertinent information which may be required by the Secretary of State, and shall appoint an agent for service of process within the State of Mississippi. Laws, 1976, ch. 467, § 5, eff. 5/25/1976. Laws, 1976, ch. 467, § 5, eff. 5/25/1976.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 7 - BEER INDUSTRY FAIR DEALING ACT (§§ 67-7-1 — 67-7-23) Section 67-7-1 - Short title

This chapter shall be known and may be cited as the "Beer Industry Fair Dealing Act." Laws, 1995, ch. 619, § 1, eff. 4/7/1995. This chapter shall be known and may be cited as the "Beer Industry Fair Dealing Act." Laws, 1995, ch. 619, § 1, eff. 4/7/1995. This chapter shall be known and may be cited as the "Beer Industry Fair Dealing Act." Laws, 1995, ch. 619, § 1, eff. 4/7/1995. This chapter shall be known and may be cited as the "Beer Industry Fair Dealing Act." Laws, 1995, ch. 619, § 1, eff. 4/7/1995.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 7 - BEER INDUSTRY FAIR DEALING ACT (§§ 67-7-1 — 67-7-23) Section 67-7-11 - Amendment, modification, cancellation, termination, nonrenewal, or discontinuance of agreements by suppliers

(1) Except as otherwise provided for in this chapter, a supplier shall not amend or modify an agreement; cause a wholesaler to resign from an agreement; or cancel, terminate, fail to renew or refuse to continue under an agreement, unless the supplier has complied with all of the following: (a) Has satisfied the applicable notice requirements of this section. (b) Has acted in good faith. (c) Has good cause for the amendment, modification, cancellation, termination, nonrenewal, discontinuance or forced resignation. (2) In any action challenging such amendment, modification, termination, cancellation, nonrenewal or discontinuance, the supplier shall have the burden of proving that it has acted in good faith, that the notice requirements under this section have been complied with, and that there was good cause for the amendment, modification, termination, cancellation, nonrenewal or discontinuance. (3) Except as otherwise provided in this section, and in addition to the time limits set forth in subsection (4)(d) of this section, the supplier shall furnish written notice of the amendment, modification, termination, cancellation, nonrenewal or discontinuance of an agreement to the wholesaler not less than thirty (30) days before the effective date of the amendment, modification, termination, cancellation, nonrenewal or discontinuance. The notice shall be by certified mail and shall contain all of the following: (a) A statement of intention to amend, modify, terminate, cancel, nonrenew or discontinue the agreement. (b) A statement of the reason for the amendment, modification, termination, cancellation, nonrenewal or discontinuance. (c) The date on which the amendment, modification, termination, cancellation, nonrenewal or discontinuance takes effect. (4) Good cause shall exist for the purposes of a termination, cancellation, nonrenewal or discontinuance under subsection (1)(c) of this section when all of the following occur: (a) There is a failure by the wholesaler to comply with a provision of the agreement which is both reasonable and of material significance to the business relationship between the wholesaler and the supplier. (b) The supplier first acquired knowledge of the failure described in subparagraph (a) not more than twenty-four (24) months before the date notification was given pursuant to subsection (3) of this section. (c) The wholesaler was given notice by the supplier of failure to comply with this agreement. (d) The wholesaler has been afforded thirty (30) days in which to submit a plan of corrective action to comply with the agreement and an additional ninety (90) days to cure such noncompliance in accordance with the plan. (5) Notwithstanding subsections (1) and (3) of this section, a supplier may terminate, cancel, fail to renew or discontinue an agreement immediately upon written notice given in the manner and containing the information required by subsection (3)(a), (b) and (c) of this section if any of the following occur: (a) Insolvency of the wholesaler, the filing of any petition by or against the wholesaler under any bankruptcy or receivership law or the assignment for the benefit of creditors or dissolution or liquidation of the wholesaler which materially affects the wholesaler's ability to remain in business. (b) Revocation or suspension of the wholesaler's state or federal license by the appropriate regulatory agency whereby the wholesaler cannot service the wholesaler's sales territory for more than thirty-one (31) days. (c) The wholesaler, or a partner or an individual who owns ten percent (10%) or more of the partnership or stock of a corporate wholesaler, has been convicted of a felony under the United States Code or the laws of any state which reasonably may adversely affect the good will or interest of the wholesaler or supplier. However, an existing stockholder or stockholders, or partner or partners, or a designated member or members, shall have, subject to the provisions of this chapter, the right to purchase the partnership interest or the stock of the offending partner or stockholder prior to the conviction of the offending partner or stockholder, and if the sale is completed prior to conviction the provisions of this subparagraph shall not apply. (d) There was fraudulent conduct relating to a material matter on the part of the wholesaler in dealings with the supplier or its product, except that the supplier shall have the burden of proving fraudulent conduct relating to a material matter on the part of the wholesaler in any legal action challenging such termination. (e) The wholesaler failed to confine to the designated sales territory its sales of a brand or brands to retailers except that this subsection does not apply if there is a dispute between two (2) or more wholesalers as to the boundaries of the assigned territory, and the boundaries cannot be determined by a reading of the description contained in the agreements between the supplier and the wholesalers. (f) A wholesaler has failed to pay for light wine, light spirit product or beer ordered and delivered in accordance with established terms and the wholesaler fails to make full payment within five (5) business days after receipt of written notice of the delinquency and

demand for immediate payment from the supplier.(g)A wholesaler intentionally has made a transfer of wholesaler's business, other than a transfer to a designated member without prior written notice to the supplier.(h)A wholesaler intentionally has made a transfer of wholesaler's business, other than a transfer to a designated member, although the wholesaler has prior to said transfer received from supplier a timely notice of disapproval of said transfer in accordance with this chapter.(i)The wholesaler intentionally ceases to carry on business with respect to any of supplier's brand or brands previously serviced by wholesaler in its territory designated by the supplier, unless such cessation is due to force majeure or to labor dispute and the wholesaler has made good faith efforts to overcome such events. Provided, however, this shall affect only that brand or brands with respect to which the wholesaler ceased to carry on business.(6)Notwithstanding subsections (1), (3) and (5) of this section, a supplier may terminate, cancel, not renew or discontinue an agreement upon not less than thirty (30) days prior written notice if the supplier discontinues production or discontinues distribution in this state of all the brands sold by the supplier to the wholesaler, except that nothing in this section shall prohibit a supplier from:(a)upon not less than thirty (30) days notice, discontinuing the distribution of any particular brand or package of light wine, light spirit product or beer; or(b)conducting test marketing of a new brand of light wine, light spirit product or beer which is not currently being sold in this state, except that the supplier has notified the department in writing of its plans to test market, which notice shall describe the market area in which the test shall be conducted; the name or names of the wholesaler or wholesalers who will be selling the light wine, light spirit product or beer; the name or names of the brand of light wine, light spirit product or beer being tested; and the period of time, not to exceed eighteen (18) months, during which the testing will take place.Laws, 1995, ch. 619, § 6, eff. 4/7/1995.Amended by Laws, 2020, ch. 314, HB 917,§ 45, eff. 6/18/2020. (1)Except as otherwise provided for in this chapter, a supplier shall not amend or modify an agreement; cause a wholesaler to resign from an agreement; or cancel, terminate, fail to renew or refuse to continue under an agreement, unless the supplier has complied with all of the following:(a)Has satisfied the applicable notice requirements of this section.(b)Has acted in good faith.(c)Has good cause for the amendment, modification, cancellation, termination, nonrenewal, discontinuance or forced resignation.(2)In any action challenging such amendment, modification, termination, cancellation, nonrenewal or discontinuance, the supplier shall have the burden of proving that it has acted in good faith, that the notice requirements under this section have been complied with, and that there was good cause for the amendment, modification, termination, cancellation, nonrenewal or discontinuance.(3)Except as otherwise provided in this section, and in addition to the time limits set forth in subsection (4)(d) of this section, the supplier shall furnish written notice of the amendment, modification, termination, cancellation, nonrenewal or discontinuance of an agreement to the wholesaler not less than thirty (30) days before the effective date of the amendment, modification, termination, cancellation, nonrenewal or discontinuance. The notice shall be by certified mail and shall contain all of the following:(a)A statement of intention to amend, modify, terminate, cancel, nonrenew or discontinue the agreement.(b)A statement of the reason for the amendment, modification, termination, cancellation, nonrenewal or discontinuance.(c)The date on which the amendment, modification, termination, cancellation, nonrenewal or discontinuance takes effect.(4)Good cause shall exist for the purposes of a termination, cancellation, nonrenewal or discontinuance under subsection (1)(c) of this section when all of the following occur:(a)There is a failure by the wholesaler to comply with a provision of the agreement which is both reasonable and of material significance to the business relationship between the wholesaler and the supplier.(b)The supplier first acquired knowledge of the failure described in subparagraph (a) not more than twenty-four (24) months before the date notification was given pursuant to subsection (3) of this section.(c)The wholesaler was given notice by the supplier of failure to comply with this agreement.(d)The wholesaler has been afforded thirty (30) days in which to submit a plan of corrective action to comply with the agreement and an additional ninety (90) days to cure such noncompliance in accordance with the plan.(5)Notwithstanding subsections (1) and (3) of this section, a supplier may terminate, cancel, fail to renew or discontinue an agreement immediately upon written notice given in the manner and containing the information required by subsection (3)(a), (b) and (c) of this section if any of the following occur:(a)Insolvency of the wholesaler, the filing of any petition by or against the wholesaler under any bankruptcy or receivership law or the assignment for the benefit of creditors or dissolution or liquidation of the wholesaler which materially affects the wholesaler's ability to remain in business.(b)Revocation or suspension of the wholesaler's state or federal license by the appropriate regulatory agency whereby the wholesaler cannot service the wholesaler's sales territory for more than thirty-one (31) days.(c)The wholesaler, or a partner or an individual who owns ten percent (10%) or more of the partnership or stock of a corporate wholesaler, has been convicted of a felony under the United States Code or the laws of any state which reasonably may adversely affect the good will or interest of the wholesaler or supplier. However, an existing stockholder or stockholders, or partner or partners, or a designated member or members, shall have, subject to the provisions of this chapter, the right to purchase the partnership interest or the stock of the offending partner or stockholder prior to the conviction of the offending partner or stockholder, and if the sale is completed prior to conviction the provisions of this subparagraph shall not apply.(d)There was fraudulent conduct relating to a material matter on the part of the wholesaler in dealings with the supplier or its product, except that the supplier shall have the burden of proving fraudulent conduct relating to a material matter on the part of the wholesaler in any legal action challenging such termination.(e)The wholesaler failed to confine to the designated sales territory its sales of a brand or brands to retailers except that this subsection does not apply if there is a dispute between two (2) or more wholesalers as to the boundaries of the assigned territory, and the boundaries cannot be determined by a reading of the description contained in the agreements between the supplier and the wholesalers.(f)A wholesaler has failed to pay for light wine, light spirit product or beer ordered and delivered in accordance with established terms and the wholesaler fails to make full payment within five (5) business days after receipt of written notice of the delinquency and demand for immediate payment from the supplier.(g)A wholesaler intentionally has made a transfer of wholesaler's business, other than a transfer to a designated member without prior written notice to the supplier.(h)A wholesaler intentionally has made a transfer

of wholesaler's business, other than a transfer to a designated member, although the wholesaler has prior to said transfer received from supplier a timely notice of disapproval of said transfer in accordance with this chapter.(i)The wholesaler intentionally ceases to carry on business with respect to any of supplier's brand or brands previously serviced by wholesaler in its territory designated by the supplier, unless such cessation is due to force majeure or to labor dispute and the wholesaler has made good faith efforts to overcome such events. Provided, however, this shall affect only that brand or brands with respect to which the wholesaler ceased to carry on business.(6)Notwithstanding subsections (1), (3) and (5) of this section, a supplier may terminate, cancel, not renew or discontinue an agreement upon not less than thirty (30) days prior written notice if the supplier discontinues production or discontinues distribution in this state of all the brands sold by the supplier to the wholesaler, except that nothing in this section shall prohibit a supplier from:(a)upon not less than thirty (30) days notice, discontinuing the distribution of any particular brand or package of light wine, light spirit product or beer; or(b)conducting test marketing of a new brand of light wine, light spirit product or beer which is not currently being sold in this state, except that the supplier has notified the department in writing of its plans to test market, which notice shall describe the market area in which the test shall be conducted; the name or names of the wholesaler or wholesalers who will be selling the light wine, light spirit product or beer; the name or names of the brand of light wine, light spirit product or beer being tested; and the period of time, not to exceed eighteen (18) months, during which the testing will take place.Laws, 1995, ch. 619, § 6, eff. 4/7/1995.Amended by Laws, 2020, ch. 314, HB 917,§ 45, eff. 6/18/2020. (1)Except as otherwise provided for in this chapter, a supplier shall not amend or modify an agreement; cause a wholesaler to resign from an agreement; or cancel, terminate, fail to renew or refuse to continue under an agreement, unless the supplier has complied with all of the following:(a)Has satisfied the applicable notice requirements of this section.(b)Has acted in good faith.(c)Has good cause for the amendment, modification, cancellation, termination, nonrenewal, discontinuance or forced resignation.(2)In any action challenging such amendment, modification, termination, cancellation, nonrenewal or discontinuance, the supplier shall have the burden of proving that it has acted in good faith, that the notice requirements under this section have been complied with, and that there was good cause for the amendment, modification, termination, cancellation, nonrenewal or discontinuance.(3)Except as otherwise provided in this section, and in addition to the time limits set forth in subsection (4)(d) of this section, the supplier shall furnish written notice of the amendment, modification, termination, cancellation, nonrenewal or discontinuance of an agreement to the wholesaler not less than thirty (30) days before the effective date of the amendment, modification, termination, cancellation, nonrenewal or discontinuance. The notice shall be by certified mail and shall contain all of the following:(a)A statement of intention to amend, modify, terminate, cancel, nonrenew or discontinue the agreement.(b)A statement of the reason for the amendment, modification, termination, cancellation, nonrenewal or discontinuance.(c)The date on which the amendment, modification, termination, cancellation, nonrenewal or discontinuance takes effect.(4)Good cause shall exist for the purposes of a termination, cancellation, nonrenewal or discontinuance under subsection (1)(c) of this section when all of the following occur:(a)There is a failure by the wholesaler to comply with a provision of the agreement which is both reasonable and of material significance to the business relationship between the wholesaler and the supplier.(b)The supplier first acquired knowledge of the failure described in subparagraph (a) not more than twenty-four (24) months before the date notification was given pursuant to subsection (3) of this section.(c)The wholesaler was given notice by the supplier of failure to comply with this agreement.(d)The wholesaler has been afforded thirty (30) days in which to submit a plan of corrective action to comply with the agreement and an additional ninety (90) days to cure such noncompliance in accordance with the plan.(5)Notwithstanding subsections (1) and (3) of this section, a supplier may terminate, cancel, fail to renew or discontinue an agreement immediately upon written notice given in the manner and containing the information required by subsection (3)(a), (b) and (c) of this section if any of the following occur:(a)Insolvency of the wholesaler, the filing of any petition by or against the wholesaler under any bankruptcy or receivership law or the assignment for the benefit of creditors or dissolution or liquidation of the wholesaler which materially affects the wholesaler's ability to remain in business.(b)Revocation or suspension of the wholesaler's state or federal license by the appropriate regulatory agency whereby the wholesaler cannot service the wholesaler's sales territory for more than thirty-one (31) days.(c)The wholesaler, or a partner or an individual who owns ten percent (10%) or more of the partnership or stock of a corporate wholesaler, has been convicted of a felony under the United States Code or the laws of any state which reasonably may adversely affect the good will or interest of the wholesaler or supplier. However, an existing stockholder or stockholders, or partner or partners, or a designated member or members, shall have, subject to the provisions of this chapter, the right to purchase the partnership interest or the stock of the offending partner or stockholder prior to the conviction of the offending partner or stockholder, and if the sale is completed prior to conviction the provisions of this subparagraph shall not apply.(d)There was fraudulent conduct relating to a material matter on the part of the wholesaler in dealings with the supplier or its product, except that the supplier shall have the burden of proving fraudulent conduct relating to a material matter on the part of the wholesaler in any legal action challenging such termination.(e)The wholesaler failed to confine to the designated sales territory its sales of a brand or brands to retailers except that this subsection does not apply if there is a dispute between two (2) or more wholesalers as to the boundaries of the assigned territory, and the boundaries cannot be determined by a reading of the description contained in the agreements between the supplier and the wholesalers.(f)A wholesaler has failed to pay for light wine, light spirit product or beer ordered and delivered in accordance with established terms and the wholesaler fails to make full payment within five (5) business days after receipt of written notice of the delinquency and demand for immediate payment from the supplier.(g)A wholesaler intentionally has made a transfer of wholesaler's business, other than a transfer to a designated member without prior written notice to the supplier.(h)A wholesaler intentionally has made a transfer of wholesaler's business, other than a transfer to a designated member, although the wholesaler has prior to said transfer received from supplier a timely notice of disapproval of said transfer in accordance with this chapter.(i)The wholesaler intentionally ceases to

carry on business with respect to any of supplier's brand or brands previously serviced by wholesaler in its territory designated by the supplier, unless such cessation is due to force majeure or to labor dispute and the wholesaler has made good faith efforts to overcome such events. Provided, however, this shall affect only that brand or brands with respect to which the wholesaler ceased to carry on business.(6)Notwithstanding subsections (1), (3) and (5) of this section, a supplier may terminate, cancel, not renew or discontinue an agreement upon not less than thirty (30) days prior written notice if the supplier discontinues production or discontinues distribution in this state of all the brands sold by the supplier to the wholesaler, except that nothing in this section shall prohibit a supplier from:(a)upon not less than thirty (30) days notice, discontinuing the distribution of any particular brand or package of light wine, light spirit product or beer; or(b)conducting test marketing of a new brand of light wine, light spirit product or beer which is not currently being sold in this state, except that the supplier has notified the department in writing of its plans to test market, which notice shall describe the market area in which the test shall be conducted; the name or names of the wholesaler or wholesalers who will be selling the light wine, light spirit product or beer; the name or names of the brand of light wine, light spirit product or beer being tested; and the period of time, not to exceed eighteen (18) months, during which the testing will take place.Laws, 1995, ch. 619, § 6, eff. 4/7/1995.Amended by Laws, 2020, ch. 314, HB 917,§ 45, eff. 6/18/2020. Laws, 1995, ch. 619, § 6, eff. 4/7/1995. Amended by Laws, 2020, ch. 314, HB 917,§ 45, eff. 6/18/2020.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 7 - BEER INDUSTRY FAIR DEALING ACT (§§ 67-7-1 — 67-7-23)Section 67-7-12 - Successor supplier to become obligated to all terms and conditions of agreements between original supplier and wholesaler in effect on date of succession

A successor shall become obligated to all of the terms and conditions of the agreement in effect on the date of succession. This section applies regardless of the character or form of the succession. A successor has the right to contractually require its wholesalers to comply with operational standards of performance if the standards are uniformly established for all the successor's wholesalers and conform to the provisions of this chapter.Laws, 2009, ch. 342, § 1, eff. 3/16/2009. A successor shall become obligated to all of the terms and conditions of the agreement in effect on the date of succession. This section applies regardless of the character or form of the succession. A successor has the right to contractually require its wholesalers to comply with operational standards of performance if the standards are uniformly established for all the successor's wholesalers and conform to the provisions of this chapter.Laws, 2009, ch. 342, § 1, eff. 3/16/2009. A successor shall become obligated to all of the terms and conditions of the agreement in effect on the date of succession. This section applies regardless of the character or form of the succession. A successor has the right to contractually require its wholesalers to comply with operational standards of performance if the standards are uniformly established for all the successor's wholesalers and conform to the provisions of this chapter.Laws, 2009, ch. 342, § 1, eff. 3/16/2009. A successor shall become obligated to all of the terms and conditions of the agreement in effect on the date of succession. This section applies regardless of the character or form of the succession. A successor has the right to contractually require its wholesalers to comply with operational standards of performance if the standards are uniformly established for all the successor's wholesalers and conform to the provisions of this chapter. Laws, 2009, ch. 342, § 1, eff. 3/16/2009.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 7 - BEER INDUSTRY FAIR DEALING ACT (§§ 67-7-1 — 67-7-23)Section 67-7-13 - Transfer of business and assignment of rights of wholesalers

(1)Upon written notice of intent to transfer the wholesaler's business, any individual owning or deceased individual who owned an interest in a wholesaler may transfer the wholesaler's business to a designated member, or to any other person who meets the nondiscriminatory material and reasonable qualifications and standards required by the supplier for similarly situated wholesalers. The consent or approval of the supplier shall not be required of any transfer of the wholesaler's business, including the assignment of the wholesaler's rights under the agreement, to a designated member or shall not be withheld or unreasonably delayed to a proposed transferee who meets such nondiscriminatory, material and reasonable qualifications and standards. Such designated member or transferee shall in no event be qualified as a transferee, without the written approval or consent of the supplier, where such proposed transferee shall have been involved in the following:(a)Insolvency, filing of any voluntary or involuntary petition under any bankruptcy or receivership law, or execution of any assignment for the benefit of creditors; or(b)Revocation or suspension of a special occupational tax license by the regulatory agency of the United States Government or any state, whereby service was interrupted for more than thirty-one (31) days; or(c)Conviction of the proposed transferee or any owner thereof of a felony under the United States Code or the laws of any state which reasonably may adversely affect the good will or interest of the wholesaler or supplier; or(d)Had an agreement involuntarily terminated, cancelled, not renewed or discontinued by a supplier for good cause.(2)The supplier shall not interfere with, prevent or unreasonably delay the transfer of the wholesaler's business, including an assignment of wholesaler's rights under the agreement, if the proposed transferee is a designated member, or if the transferee other than a designated member meets such nondiscriminatory, material and reasonable qualifications and standards required by the supplier for similarly situated wholesalers. Where the transferee is other than a designated member, the supplier may in good faith and for good cause related to the reasonable qualifications refuse to accept the transfer of the wholesaler's business or the assignment of the wholesaler's rights under the agreement.Laws, 1995, ch. 619, § 7, eff. 4/7/1995. (1)Upon written notice of intent to transfer the wholesaler's business, any individual owning or deceased individual who owned an interest in a wholesaler may transfer the wholesaler's business to a designated member, or to any other person who meets the nondiscriminatory material and reasonable qualifications and standards required by the supplier for similarly situated wholesalers. The consent or approval of the supplier shall not be required of any transfer of the wholesaler's business, including the assignment of the wholesaler's rights under

the agreement, to a designated member or shall not be withheld or unreasonably delayed to a proposed transferee who meets such nondiscriminatory, material and reasonable qualifications and standards. Such designated member or transferee shall in no event be qualified as a transferee, without the written approval or consent of the supplier, where such proposed transferee shall have been involved in the following:(a)Insolvency, filing of any voluntary or involuntary petition under any bankruptcy or receivership law, or execution of any assignment for the benefit of creditors; or(b)Revocation or suspension of a special occupational tax license by the regulatory agency of the United States Government or any state, whereby service was interrupted for more than thirty-one (31) days; or(c)Conviction of the proposed transferee or any owner thereof of a felony under the United States Code or the laws of any state which reasonably may adversely affect the good will or interest of the wholesaler or supplier; or(d)Had an agreement involuntarily terminated, cancelled, not renewed or discontinued by a supplier for good cause.(2)The supplier shall not interfere with, prevent or unreasonably delay the transfer of the wholesaler's business, including an assignment of wholesaler's rights under the agreement, if the proposed transferee is a designated member, or if the transferee other than a designated member meets such nondiscriminatory, material and reasonable qualifications and standards required by the supplier for similarly situated wholesalers. Where the transferee is other than a designated member, the supplier may in good faith and for good cause related to the reasonable qualifications refuse to accept the transfer of the wholesaler's business or the assignment of the wholesaler's rights under the agreement.Laws, 1995, ch. 619, § 7, eff. 4/7/1995. (1)Upon written notice of intent to transfer the wholesaler's business, any individual owning or deceased individual who owned an interest in a wholesaler may transfer the wholesaler's business to a designated member, or to any other person who meets the nondiscriminatory material and reasonable qualifications and standards required by the supplier for similarly situated wholesalers. The consent or approval of the supplier shall not be required of any transfer of the wholesaler's business, including the assignment of the wholesaler's rights under the agreement, to a designated member or shall not be withheld or unreasonably delayed to a proposed transferee who meets such nondiscriminatory, material and reasonable qualifications and standards. Such designated member or transferee shall in no event be qualified as a transferee, without the written approval or consent of the supplier, where such proposed transferee shall have been involved in the following:(a)Insolvency, filing of any voluntary or involuntary petition under any bankruptcy or receivership law, or execution of any assignment for the benefit of creditors; or(b)Revocation or suspension of a special occupational tax license by the regulatory agency of the United States Government or any state, whereby service was interrupted for more than thirty-one (31) days; or(c)Conviction of the proposed transferee or any owner thereof of a felony under the United States Code or the laws of any state which reasonably may adversely affect the good will or interest of the wholesaler or supplier; or(d)Had an agreement involuntarily terminated, cancelled, not renewed or discontinued by a supplier for good cause.(2)The supplier shall not interfere with, prevent or unreasonably delay the transfer of the wholesaler's business, including an assignment of wholesaler's rights under the agreement, if the proposed transferee is a designated member, or if the transferee other than a designated member meets such nondiscriminatory, material and reasonable qualifications and standards required by the supplier for similarly situated wholesalers. Where the transferee is other than a designated member, the supplier may in good faith and for good cause related to the reasonable qualifications refuse to accept the transfer of the wholesaler's business or the assignment of the wholesaler's rights under the agreement.Laws, 1995, ch. 619, § 7, eff. 4/7/1995. Laws, 1995, ch. 619, § 7, eff. 4/7/1995.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 7 - BEER INDUSTRY FAIR DEALING ACT (§§ 67-7-1 — 67-7-23)Section 67-7-15 - Duty of supplier to compensate wholesaler for conduct resulting in diminished value of business; determination of compensation by arbitration

(1)Except as provided for in this chapter, a supplier that has amended, modified, cancelled, terminated or refused to renew any agreement; or caused a wholesaler to resign from an agreement; or has interfered with, prevented or unreasonably delayed, or where required by this chapter, has withheld or unreasonably delayed consent to or approval of, any assignment or transfer of a wholesaler's business, shall pay the wholesaler reasonable compensation for the diminished value of the wholesaler's business, including any ancillary business which has been negatively affected by the act of the supplier. The value of the wholesaler's business or ancillary business shall include, but not be limited to, its good will, except that nothing contained in this chapter shall give rise to a claim against the supplier or wholesaler by any proposed purchaser of wholesaler's business.(2)Should either party, at any time, determine that mutual agreement on the amount of reasonable compensation cannot be reached, the supplier or the wholesaler may send by certified mail, return receipt requested, written notice to the other party declaring its intention to proceed with arbitration. Arbitration shall proceed only by mutual agreement of both parties.(3)Not more than ten (10) business days after the notice to enter into arbitration has been delivered, the other party shall send written notice to the requesting party declaring its intention either to proceed or not to proceed with arbitration. Should the other party fail to respond within ten (10) business days, it shall be conclusively presumed that said party shall have agreed to arbitration.(4)The matter of determining the amount of compensation may, by agreement of the parties, be submitted to a three (3) member arbitration panel consisting of one (1) representative selected by the supplier but unassociated with the affected supplier; one (1) wholesaler representative selected by the wholesaler but unassociated with the wholesaler; and an impartial arbitrator.(5)Not more than ten (10) business days after mutual agreement of both parties has been reached to arbitrate, each party shall designate, in writing, its one (1) arbitrator representative and the party initiating arbitration shall request, in writing, a list of five (5) arbitrators from the American Arbitration Association or its successor and request that the list be mailed to each party by certified mail, return receipt requested. Not more than ten (10) business days after the receipt of the list of five (5) choices, the wholesaler arbitrator and the supplier arbitrator shall strike and disqualify up to two (2) names each from the list. Should either party fail to respond within the ten (10) business days or should more than one (1) name

remain after the strikes, the American Arbitration Association shall make the selection of the impartial arbitrator from the names not stricken from said list.(6)Not more than thirty (30) days after the final selection of the arbitration panel is made, the arbitration panel shall convene to decide the dispute. The panel shall conclude the arbitration within twenty (20) days after the arbitration panel convenes and shall render a decision by majority vote of the arbitrators within twenty (20) days from the conclusion of the arbitration. The award of the arbitration panel shall be final and binding on the parties as to the amount of compensation for said diminished value.(7)The cost of the impartial arbitrator, the stenographer and the meeting site shall be equally divided between the wholesaler and the supplier. All other costs shall be paid by the party incurring them.(8)After both parties have agreed to arbitrate, should either party, except by mutual agreement, fail to abide by the time limitations as prescribed in subsections (3), (5) and (6) of this section, or fail or refuse to make the selection of any arbitrators, or fail to participate in the arbitration hearings, the other party shall make the selection of its arbitrators and proceed to arbitration. The party who has failed or refused to comply as prescribed in this section shall be considered to be in default. Any party considered to be in default pursuant to this subsection shall have waived any and all rights the party would have had in the arbitration and shall be considered to have consented to the determination of the arbitration panel.Laws, 1995, ch. 619, § 8, eff. 4/7/1995. (1)Except as provided for in this chapter, a supplier that has amended, modified, cancelled, terminated or refused to renew any agreement; or caused a wholesaler to resign from an agreement; or has interfered with, prevented or unreasonably delayed, or where required by this chapter, has withheld or unreasonably delayed consent to or approval of, any assignment or transfer of a wholesaler's business, shall pay the wholesaler reasonable compensation for the diminished value of the wholesaler's business, including any ancillary business which has been negatively affected by the act of the supplier. The value of the wholesaler's business or ancillary business shall include, but not be limited to, its good will, except that nothing contained in this chapter shall give rise to a claim against the supplier or wholesaler by any proposed purchaser of wholesaler's business.(2)Should either party, at any time, determine that mutual agreement on the amount of reasonable compensation cannot be reached, the supplier or the wholesaler may send by certified mail, return receipt requested, written notice to the other party declaring its intention to proceed with arbitration. Arbitration shall proceed only by mutual agreement of both parties.(3)Not more than ten (10) business days after the notice to enter into arbitration has been delivered, the other party shall send written notice to the requesting party declaring its intention either to proceed or not to proceed with arbitration. Should the other party fail to respond within ten (10) business days, it shall be conclusively presumed that said party shall have agreed to arbitration.(4)The matter of determining the amount of compensation may, by agreement of the parties, be submitted to a three (3) member arbitration panel consisting of one (1) representative selected by the supplier but unassociated with the affected supplier; one (1) wholesaler representative selected by the wholesaler but unassociated with the wholesaler; and an impartial arbitrator.(5)Not more than ten (10) business days after mutual agreement of both parties has been reached to arbitrate, each party shall designate, in writing, its one (1) arbitrator representative and the party initiating arbitration shall request, in writing, a list of five (5) arbitrators from the American Arbitration Association or its successor and request that the list be mailed to each party by certified mail, return receipt requested. Not more than ten (10) business days after the receipt of the list of five (5) choices, the wholesaler arbitrator and the supplier arbitrator shall strike and disqualify up to two (2) names each from the list. Should either party fail to respond within the ten (10) business days or should more than one (1) name remain after the strikes, the American Arbitration Association shall make the selection of the impartial arbitrator from the names not stricken from said list.(6)Not more than thirty (30) days after the final selection of the arbitration panel is made, the arbitration panel shall convene to decide the dispute. The panel shall conclude the arbitration within twenty (20) days after the arbitration panel convenes and shall render a decision by majority vote of the arbitrators within twenty (20) days from the conclusion of the arbitration. The award of the arbitration panel shall be final and binding on the parties as to the amount of compensation for said diminished value.(7)The cost of the impartial arbitrator, the stenographer and the meeting site shall be equally divided between the wholesaler and the supplier. All other costs shall be paid by the party incurring them.(8)After both parties have agreed to arbitrate, should either party, except by mutual agreement, fail to abide by the time limitations as prescribed in subsections (3), (5) and (6) of this section, or fail or refuse to make the selection of any arbitrators, or fail to participate in the arbitration hearings, the other party shall make the selection of its arbitrators and proceed to arbitration. The party who has failed or refused to comply as prescribed in this section shall be considered to be in default. Any party considered to be in default pursuant to this subsection shall have waived any and all rights the party would have had in the arbitration and shall be considered to have consented to the determination of the arbitration panel.Laws, 1995, ch. 619, § 8, eff. 4/7/1995. (1)Except as provided for in this chapter, a supplier that has amended, modified, cancelled, terminated or refused to renew any agreement; or caused a wholesaler to resign from an agreement; or has interfered with, prevented or unreasonably delayed, or where required by this chapter, has withheld or unreasonably delayed consent to or approval of, any assignment or transfer of a wholesaler's business, shall pay the wholesaler reasonable compensation for the diminished value of the wholesaler's business, including any ancillary business which has been negatively affected by the act of the supplier. The value of the wholesaler's business or ancillary business shall include, but not be limited to, its good will, except that nothing contained in this chapter shall give rise to a claim against the supplier or wholesaler by any proposed purchaser of wholesaler's business.(2)Should either party, at any time, determine that mutual agreement on the amount of reasonable compensation cannot be reached, the supplier or the wholesaler may send by certified mail, return receipt requested, written notice to the other party declaring its intention to proceed with arbitration. Arbitration shall proceed only by mutual agreement of both parties.(3)Not more than ten (10) business days after the notice to enter into arbitration has been delivered, the other party shall send written notice to the requesting party declaring its intention either to proceed or not to proceed with arbitration. Should the other party fail to respond within ten (10) business days, it shall be conclusively presumed that said party shall have agreed to arbitration.(4)The matter of determining the amount of compensation may, by agreement of the parties, be

submitted to a three (3) member arbitration panel consisting of one (1) representative selected by the supplier but unassociated with the affected supplier; one (1) wholesaler representative selected by the wholesaler but unassociated with the wholesaler; and an impartial arbitrator.(5)Not more than ten (10) business days after mutual agreement of both parties has been reached to arbitrate, each party shall designate, in writing, its one (1) arbitrator representative and the party initiating arbitration shall request, in writing, a list of five (5) arbitrators from the American Arbitration Association or its successor and request that the list be mailed to each party by certified mail, return receipt requested. Not more than ten (10) business days after the receipt of the list of five (5) choices, the wholesaler arbitrator and the supplier arbitrator shall strike and disqualify up to two (2) names each from the list. Should either party fail to respond within the ten (10) business days or should more than one (1) name remain after the strikes, the American Arbitration Association shall make the selection of the impartial arbitrator from the names not stricken from said list.(6)Not more than thirty (30) days after the final selection of the arbitration panel is made, the arbitration panel shall convene to decide the dispute. The panel shall conclude the arbitration within twenty (20) days after the arbitration panel convenes and shall render a decision by majority vote of the arbitrators within twenty (20) days from the conclusion of the arbitration. The award of the arbitration panel shall be final and binding on the parties as to the amount of compensation for said diminished value.(7)The cost of the impartial arbitrator, the stenographer and the meeting site shall be equally divided between the wholesaler and the supplier. All other costs shall be paid by the party incurring them.(8)After both parties have agreed to arbitrate, should either party, except by mutual agreement, fail to abide by the time limitations as prescribed in subsections (3), (5) and (6) of this section, or fail or refuse to make the selection of any arbitrators, or fail to participate in the arbitration hearings, the other party shall make the selection of its arbitrators and proceed to arbitration. The party who has failed or refused to comply as prescribed in this section shall be considered to be in default. Any party considered to be in default pursuant to this subsection shall have waived any and all rights the party would have had in the arbitration and shall be considered to have consented to the determination of the arbitration panel.Laws, 1995, ch. 619, § 8, eff. 4/7/1995. Laws, 1995, ch. 619, § 8, eff. 4/7/1995.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 7 - BEER INDUSTRY FAIR DEALING ACT (§§ 67-7-1 — 67-7-23)Section 67-7-17 - Waiver of rights by wholesalers generally; good faith settlement of disputes

A wholesaler may not waive any of the rights granted in any provision of this chapter and the provisions of any agreement which would have such an effect shall be null and void. Nothing in this chapter shall be construed to limit or prohibit good faith dispute settlements voluntarily entered into by the parties.Laws, 1995, ch. 619, § 9, eff. 4/7/1995. A wholesaler may not waive any of the rights granted in any provision of this chapter and the provisions of any agreement which would have such an effect shall be null and void. Nothing in this chapter shall be construed to limit or prohibit good faith dispute settlements voluntarily entered into by the parties.Laws, 1995, ch. 619, § 9, eff. 4/7/1995. A wholesaler may not waive any of the rights granted in any provision of this chapter and the provisions of any agreement which would have such an effect shall be null and void. Nothing in this chapter shall be construed to limit or prohibit good faith dispute settlements voluntarily entered into by the parties.Laws, 1995, ch. 619, § 9, eff. 4/7/1995. A wholesaler may not waive any of the rights granted in any provision of this chapter and the provisions of any agreement which would have such an effect shall be null and void. Nothing in this chapter shall be construed to limit or prohibit good faith dispute settlements voluntarily entered into by the parties. Laws, 1995, ch. 619, § 9, eff. 4/7/1995.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 7 - BEER INDUSTRY FAIR DEALING ACT (§§ 67-7-1 — 67-7-23)Section 67-7-19 - Agreements subject to chapter; applicability of terms and conditions of transferred agreements

(1)This chapter shall apply to agreements entered into or renewed after April 7, 1995.(2)A transferee of a wholesaler that continues in business as a wholesaler shall have the benefit of and be bound by all terms and conditions of the agreement with the supplier in effect on the date of the transfer, except that a transfer of a wholesaler's business which requires supplier's consent or approval but is disapproved by the supplier shall be null and void.Laws, 1995, ch. 619, § 10, eff. 4/7/1995. (1)This chapter shall apply to agreements entered into or renewed after April 7, 1995.(2)A transferee of a wholesaler that continues in business as a wholesaler shall have the benefit of and be bound by all terms and conditions of the agreement with the supplier in effect on the date of the transfer, except that a transfer of a wholesaler's business which requires supplier's consent or approval but is disapproved by the supplier shall be null and void.Laws, 1995, ch. 619, § 10, eff. 4/7/1995. (1)This chapter shall apply to agreements entered into or renewed after April 7, 1995.(2)A transferee of a wholesaler that continues in business as a wholesaler shall have the benefit of and be bound by all terms and conditions of the agreement with the supplier in effect on the date of the transfer, except that a transfer of a wholesaler's business which requires supplier's consent or approval but is disapproved by the supplier shall be null and void.Laws, 1995, ch. 619, § 10, eff. 4/7/1995. Laws, 1995, ch. 619, § 10, eff. 4/7/1995.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 7 - BEER INDUSTRY FAIR DEALING ACT (§§ 67-7-1 — 67-7-23)Section 67-7-21 - Civil damage actions for violations of chapter; damages and costs recoverable; actions for declaratory and injunctive relief; venue

(1)If a supplier or wholesaler engages in conduct prohibited under this chapter, either party may maintain a civil action against the other to recover actual damages reasonably incurred as the result of the prohibited conduct.(2)A supplier or wholesaler that violates any provision of this chapter shall be liable for all actual damages and all court costs and, in the court's discretion, reasonable

attorney fees incurred by the other party as a result of that violation.(3)A supplier or wholesaler may bring an action for declaratory judgment for determination of any controversy arising pursuant to this chapter.(4)Upon proper application to the court, a supplier or wholesaler may obtain injunctive relief against any violation of this chapter.(5)Any legal action taken under this chapter, or in a dispute over the provisions of an agreement shall be filed in a court, state or federal, located in Mississippi, which state court is located in, or which federal court has jurisdiction and venue of, the county in which the wholesaler maintains its principal place of business in this state.Laws, 1995, ch. 619, § 11, eff. 4/7/1995. (1)If a supplier or wholesaler engages in conduct prohibited under this chapter, either party may maintain a civil action against the other to recover actual damages reasonably incurred as the result of the prohibited conduct.(2)A supplier or wholesaler that violates any provision of this chapter shall be liable for all actual damages and all court costs and, in the court's discretion, reasonable attorney fees incurred by the other party as a result of that violation.(3)A supplier or wholesaler may bring an action for declaratory judgment for determination of any controversy arising pursuant to this chapter.(4)Upon proper application to the court, a supplier or wholesaler may obtain injunctive relief against any violation of this chapter.(5)Any legal action taken under this chapter, or in a dispute over the provisions of an agreement shall be filed in a court, state or federal, located in Mississippi, which state court is located in, or which federal court has jurisdiction and venue of, the county in which the wholesaler maintains its principal place of business in this state.Laws, 1995, ch. 619, § 11, eff. 4/7/1995. (1)If a supplier or wholesaler engages in conduct prohibited under this chapter, either party may maintain a civil action against the other to recover actual damages reasonably incurred as the result of the prohibited conduct.(2)A supplier or wholesaler that violates any provision of this chapter shall be liable for all actual damages and all court costs and, in the court's discretion, reasonable attorney fees incurred by the other party as a result of that violation.(3)A supplier or wholesaler may bring an action for declaratory judgment for determination of any controversy arising pursuant to this chapter.(4)Upon proper application to the court, a supplier or wholesaler may obtain injunctive relief against any violation of this chapter.(5)Any legal action taken under this chapter, or in a dispute over the provisions of an agreement shall be filed in a court, state or federal, located in Mississippi, which state court is located in, or which federal court has jurisdiction and venue of, the county in which the wholesaler maintains its principal place of business in this state.Laws, 1995, ch. 619, § 11, eff. 4/7/1995. Laws, 1995, ch. 619, § 11, eff. 4/7/1995.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 7 - BEER INDUSTRY FAIR DEALING ACT (§§ 67-7-1 — 67-7-23)Section 67-7-23 - Waiver of rights or causes of action

No right or cause of action authorized by Mississippi law shall be waived by the supplier or wholesaler unless specifically waived in the agreement.Laws, 1995, ch. 619, § 12, eff. 4/7/1995. No right or cause of action authorized by Mississippi law shall be waived by the supplier or wholesaler unless specifically waived in the agreement.Laws, 1995, ch. 619, § 12, eff. 4/7/1995. No right or cause of action authorized by Mississippi law shall be waived by the supplier or wholesaler unless specifically waived in the agreement.Laws, 1995, ch. 619, § 12, eff. 4/7/1995. No right or cause of action authorized by Mississippi law shall be waived by the supplier or wholesaler unless specifically waived in the agreement. Laws, 1995, ch. 619, § 12, eff. 4/7/1995.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 7 - BEER INDUSTRY FAIR DEALING ACT (§§ 67-7-1 — 67-7-23)Section 67-7-3 - Purpose

The legislative purpose of this chapter is to provide a structure for the business relations between a wholesaler and a supplier of light wine, light spirit product or beer. Regulation in this area is considered necessary for the following reasons:(a)To maintain stability and healthy competition in the light wine, light spirit product and beer industry in this state.(b)To promote and maintain a sound, stable and viable system of distribution of light wine, light spirit product and beer to the public.(c)To provide for the private settlement of disputes between wholesalers and suppliers of light wine, light spirit product or beer as an alternative to civil litigation which consumes the time and resources of the parties and the judicial system.(d)To promote the public health, safety and welfare.Laws, 1995, ch. 619, § 2, eff. 4/7/1995.Amended by Laws, 2020, ch. 314, HB 917,§ 41, eff. 6/18/2020. The legislative purpose of this chapter is to provide a structure for the business relations between a wholesaler and a supplier of light wine, light spirit product or beer. Regulation in this area is considered necessary for the following reasons:(a)To maintain stability and healthy competition in the light wine, light spirit product and beer industry in this state.(b)To promote and maintain a sound, stable and viable system of distribution of light wine, light spirit product and beer to the public.(c)To provide for the private settlement of disputes between wholesalers and suppliers of light wine, light spirit product or beer as an alternative to civil litigation which consumes the time and resources of the parties and the judicial system.(d)To promote the public health, safety and welfare.Laws, 1995, ch. 619, § 2, eff. 4/7/1995.Amended by Laws, 2020, ch. 314, HB 917,§ 41, eff. 6/18/2020. The legislative purpose of this chapter is to provide a structure for the business relations between a wholesaler and a supplier of light wine, light spirit product or beer. Regulation in this area is considered necessary for the following reasons:(a)To maintain stability and healthy competition in the light wine, light spirit product and beer industry in this state.(b)To promote and maintain a sound, stable and viable system of distribution of light wine, light spirit product and beer to the public.(c)To provide for the private settlement of disputes between wholesalers and suppliers of light wine, light spirit product or beer as an alternative to civil litigation which consumes the time and resources of the parties and the judicial system.(d)To promote the public health, safety and welfare.Laws, 1995, ch. 619, § 2, eff. 4/7/1995.Amended by Laws, 2020, ch. 314, HB 917,§ 41, eff. 6/18/2020. The legislative purpose of this chapter is to provide a structure for the business relations between a wholesaler and a supplier of light wine, light spirit product or beer. Regulation in this area is considered necessary for the following reasons: Laws, 1995, ch. 619, § 2, eff. 4/7/1995. Amended by Laws, 2020, ch. 314, HB 917,§ 41, eff. 6/18/2020.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 7 - BEER INDUSTRY FAIR DEALING ACT (§§ 67-7-1 — 67-7-23) Section 67-7-5 - Definitions

As used in this chapter, the following words or phrases, or the plural thereof, whenever they appear in this chapter, unless the context clearly requires otherwise, shall have the meaning ascribed to them in this section. (a) "Agreement" means any agreement between a wholesaler and a supplier, whether oral or written, whereby a wholesaler is granted the right to purchase and sell a brand or brands of light wine, light spirit product or beer sold by a supplier. (b) "Ancillary business" means a business owned by the wholesaler, by a substantial stockholder of a wholesaler, or by a substantial partner of a wholesaler, the primary business of which is directly related to the transporting, storing or marketing of the brand or brands of light wine, light spirit product or beer of a supplier with whom the wholesaler has an agreement; or a business owned by a wholesaler, a substantial stockholder of a wholesaler. (c) "Commission" or "department" means the Department of Revenue of the State of Mississippi. (d) "Commissioner" means the Commissioner of Revenue of the Department of Revenue. (e) "Designated member" means the spouse, child, grandchild, parent, brother or sister of a deceased individual who owned an interest, including a controlling interest, in a wholesaler, or any person who inherits under the deceased individual's will, or under the laws of intestate succession of this state; or any person who or entity which has otherwise, through a valid testamentary device by the deceased individual, succeeded the deceased individual in the wholesaler's business, or has succeeded to the deceased individual's ownership interest in the wholesaler pursuant to a written contract or instrument which has been previously approved by the supplier; "designated member" includes the appointed and qualified personal representative and the testamentary trustee of a deceased individual owning an ownership interest in a wholesaler, and it includes the person appointed by a court as the guardian or conservator of the property of an incapacitated individual owning an ownership interest in a wholesaler. (f) "Establish" means to adjust or regulate, to provide for and uphold. (g) "Good faith" means honesty in fact and observance of reasonable commercial standards of fair dealing in the trade, as defined in and interpreted under the Uniform Commercial Code. (h) "Reasonable qualifications" means the standard of the reasonable criteria established and consistently used by the respective supplier for similarly situated wholesalers that entered into, continued or renewed an agreement with the supplier during a period of twenty-four (24) months before the proposed transfer of the wholesaler's business, or for similarly situated wholesalers who have changed managers or designated managers, under the agreement, during a period of twenty-four (24) months before the proposed change in the manager or successor manager of the wholesaler's business. (i) "Retaliatory action" means the refusal to continue an agreement, or a material reduction in the quality of service or quantity of products available to a wholesaler under an agreement, which refusal or reduction is not made in good faith. (j) "Sales territory" means a primary area of sales responsibility for the brand or brands of light wine, light spirit product or beer sold by a supplier as designated by an agreement. (k) "Substantial stockholder or substantial partner" means a stockholder of or partner in the wholesaler who owns an interest of ten percent (10%) or more of the partnership or of the capital stock of a corporate wholesaler. (l) "Successor" means a person who replaces a supplier with regard to the right to manufacture, sell, distribute or import a brand or brands of light wine, light spirit product or beer. (m) "Supplier" means a manufacturer or importer of light wine, light spirit product or beer as regulated by the department under Sections 67-3-1 through 67-3-73. (n) "Transfer of wholesaler's business" means the voluntary sale, assignment or other transfer of ten percent (10%) or more of control of the business or all or substantially all of the assets of the wholesaler, or ten percent (10%) or more of control of the capital stocks of the wholesaler, including without limitation the sale or other transfer of capital stock or assets by merger, consolidation or dissolution, or of the capital stock of the parent corporation, or of the capital stock or beneficial ownership of any other entity owning or controlling the wholesaler. (o) "Wholesaler" means a wholesaler of light wine, light spirit product or beer as regulated by the department under Sections 67-3-1 through 67-3-73. (p) "Similarly situated wholesalers" means wholesalers of a supplier that are of a generally comparable size and operate in markets in Mississippi and adjoining states with similar demographic characteristics, including population size, density, distribution and vital statistics, as well as reasonably similar economic and geographic conditions. (q) "Light wine, light spirit product and/or beer" has the meaning ascribed to such terms in Section 67-3-3. Laws, 1995, ch. 619, § 3; Laws, 2009, ch. 342, § 2; Laws, 2009, ch. 492, § 137, eff. 7/1/2010. Amended by Laws, 2020, ch. 314, HB 917, § 42, eff. 6/18/2020. As used in this chapter, the following words or phrases, or the plural thereof, whenever they appear in this chapter, unless the context clearly requires otherwise, shall have the meaning ascribed to them in this section. (a) "Agreement" means any agreement between a wholesaler and a supplier, whether oral or written, whereby a wholesaler is granted the right to purchase and sell a brand or brands of light wine, light spirit product or beer sold by a supplier. (b) "Ancillary business" means a business owned by the wholesaler, by a substantial stockholder of a wholesaler, or by a substantial partner of a wholesaler, the primary business of which is directly related to the transporting, storing or marketing of the brand or brands of light wine, light spirit product or beer of a supplier with whom the wholesaler has an agreement; or a business owned by a wholesaler, a substantial stockholder of a wholesaler. (c) "Commission" or "department" means the Department of Revenue of the State of Mississippi. (d) "Commissioner" means the Commissioner of Revenue of the Department of Revenue. (e) "Designated member" means the spouse, child, grandchild, parent, brother or sister of a deceased individual who owned an interest, including a controlling interest, in a wholesaler, or any person who inherits under the deceased individual's will, or under the laws of intestate succession of this state; or any person who or entity which has otherwise, through a valid testamentary device by the deceased individual, succeeded the deceased individual in the wholesaler's business, or has succeeded to the deceased individual's ownership interest in the wholesaler pursuant to a written contract or instrument which has been previously approved by the supplier; "designated member" includes the appointed and qualified personal representative and the testamentary trustee of a deceased individual owning an ownership interest in a wholesaler, and it includes the person appointed by a court as the guardian or conservator of the property of an incapacitated individual owning an ownership interest in a

wholesaler.(f)"Establish" means to adjust or regulate, to provide for and uphold.(g)"Good faith" means honesty in fact and observance of reasonable commercial standards of fair dealing in the trade, as defined in and interpreted under the Uniform Commercial Code.(h)"Reasonable qualifications" means the standard of the reasonable criteria established and consistently used by the respective supplier for similarly situated wholesalers that entered into, continued or renewed an agreement with the supplier during a period of twenty-four (24) months before the proposed transfer of the wholesaler's business, or for similarly situated wholesalers who have changed managers or designated managers, under the agreement, during a period of twenty-four (24) months before the proposed change in the manager or successor manager of the wholesaler's business.(i)"Retaliatory action" means the refusal to continue an agreement, or a material reduction in the quality of service or quantity of products available to a wholesaler under an agreement, which refusal or reduction is not made in good faith.(j)"Sales territory" means a primary area of sales responsibility for the brand or brands of light wine, light spirit product or beer sold by a supplier as designated by an agreement.(k)"Substantial stockholder or substantial partner" means a stockholder of or partner in the wholesaler who owns an interest of ten percent (10%) or more of the partnership or of the capital stock of a corporate wholesaler.(l)"Successor" means a person who replaces a supplier with regard to the right to manufacture, sell, distribute or import a brand or brands of light wine, light spirit product or beer.(m)"Supplier" means a manufacturer or importer of light wine, light spirit product or beer as regulated by the department under Sections67-3-1through67-3-73.(n)"Transfer of wholesaler's business" means the voluntary sale, assignment or other transfer of ten percent (10%) or more of control of the business or all or substantially all of the assets of the wholesaler, or ten percent (10%) or more of control of the capital stocks of the wholesaler, including without limitation the sale or other transfer of capital stock or assets by merger, consolidation or dissolution, or of the capital stock of the parent corporation, or of the capital stock or beneficial ownership of any other entity owning or controlling the wholesaler.(o)"Wholesaler" means a wholesaler of light wine, light spirit product or beer as regulated by the department under Sections67-3-1through67-3-73.(p)"Similarly situated wholesalers" means wholesalers of a supplier that are of a generally comparable size and operate in markets in Mississippi and adjoining states with similar demographic characteristics, including population size, density, distribution and vital statistics, as well as reasonably similar economic and geographic conditions.(q)"Light wine, light spirit product and/or beer" has the meaning ascribed to such terms in Section67-3-3.Laws, 1995, ch. 619, § 3; Laws, 2009, ch. 342, § 2; Laws, 2009, ch. 492, § 137, eff. 7/1/2010.Amended by Laws, 2020, ch. 314, HB 917,§ 42, eff. 6/18/2020. 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wholesaler.(o)"Wholesaler" means a wholesaler of light wine, light spirit product or beer as regulated by the department under Sections67-3-1through67-3-73.(p)"Similarly situated wholesalers" means wholesalers of a supplier that are of a generally comparable size and operate in markets in Mississippi and adjoining states with similar demographic characteristics, including population size, density, distribution and vital statistics, as well as reasonably similar economic and geographic conditions.(q)"Light wine, light spirit product and/or beer" has the meaning ascribed to such terms in Section67-3-3.Laws, 1995, ch. 619, § 3; Laws, 2009, ch. 342, § 2; Laws, 2009, ch. 492, § 137, eff. 7/1/2010.Amended by Laws, 2020, ch. 314, HB 917,§ 42, eff. 6/18/2020. As used in this chapter, the following words or phrases, or the plural thereof, whenever they appear in this chapter, unless the context clearly requires otherwise, shall have the meaning ascribed to them in this section. Laws, 1995, ch. 619, § 3; Laws, 2009, ch. 342, § 2; Laws, 2009, ch. 492, § 137, eff. 7/1/2010. Amended by Laws, 2020, ch. 314, HB 917,§ 42, eff. 6/18/2020.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 7 - BEER INDUSTRY FAIR DEALING ACT (§§ 67-7-1 — 67-7-23)Section 67-7-7 - Prohibited acts; suppliers

A supplier shall not do the following:(a)Fail to provide each wholesaler of the supplier's brand or brands with a written agreement which contains in total the supplier's agreement with each wholesaler, and designates a specific sales territory. Any agreement which is in existence on April 7, 1995, shall be renewed consistent with this chapter, provided that this chapter may be incorporated by reference in the agreement. Nothing contained herein shall prevent a supplier from appointing, one (1) time for a period not to exceed ninety (90) days, a wholesaler to service temporarily a sales territory not designated to another wholesaler, until such time as a wholesaler is appointed by the supplier; and such wholesaler who is designated to service the sales territory during this period of temporary service shall not be in violation of the chapter, and, with respect to the temporary service territory, shall not have any of the rights provided under Sections67-7-11and67-7-15.(b)Fix, maintain or establish the price at which a wholesaler shall sell any light wine, light spirit product or beer.(c)Enter into an additional agreement with any other wholesaler for, or to sell to any other wholesaler, the same brand or brands of light wine, light spirit product or beer in the same territory or any portion thereof, or to sell directly to any retailer in this state.(d)Require any wholesaler to accept delivery of any light wine, light spirit product or beer or other commodity which has not been ordered by the wholesaler, except that a supplier may impose reasonable inventory requirements upon a wholesaler if the requirements are made in good faith and are generally applied to other similarly situated wholesalers who have an agreement with the supplier.(e)Require any wholesaler to accept delivery of any light wine, light spirit product or beer or other commodity ordered by a wholesaler if the order was properly cancelled by the wholesaler in accordance with the supplier's procedure.(f)Require any wholesaler to do any illegal act or to violate any law or regulation by threatening to amend, modify, cancel, terminate or refuse to renew any agreement existing between the supplier and wholesaler.(g)Require a wholesaler to assent to any condition, stipulation or provision limiting the wholesaler's right to sell the brand or brands of light wine, light spirit product or beer of any other supplier unless the acquisition of the brand or brands of another supplier would materially impair or adversely affect the wholesaler's quality of service, sales or ability to compete effectively in representing the brand or brands of the supplier presently being sold by the wholesaler, except that in any action challenging a supplier's position, the supplier shall have the burden of providing that such acquisition of such other brand or brands would have such effect.(h)Require a wholesaler to purchase one or more brands of light wine, light spirit product or beer products in order for the wholesaler to purchase another brand or brands of light wine, light spirit product or beer for any reason, except that a wholesaler that has agreed to distribute a brand or brands before April 7, 1995, shall continue to distribute the brand or brands in conformance with this chapter.(i)Require a wholesaler to submit audited profit and loss statements, balance sheets or financial records as a condition of renewal or continuation of an agreement, except that a supplier may require reasonable proof of a wholesaler's financial condition prior to extending credit terms to a wholesaler.(j)Withhold delivery of light wine, light spirit product or beer ordered by wholesaler, or change a wholesaler's quota of a brand or brands if the withholding or change is not made in good faith.(k)Require a wholesaler by any means directly to participate in or contribute to any local or national advertising fund controlled directly or indirectly by a supplier.(l)Take any retaliatory action against a wholesaler that files a complaint in good faith regarding an alleged violation by the supplier of federal, state or local law or an administrative rule as a result of that complaint.(m)Require or prohibit any change in the manager or successor manager of any wholesaler who has been approved by the supplier as of or after April 7, 1995, unless the supplier acts in good faith. Should a wholesaler change an approved manager or successor manager, a supplier shall not require or prohibit the change unless the person selected by the wholesaler fails to meet the nondiscriminatory, material and reasonable standards and qualifications for managers consistently applied to similarly situated wholesalers by the supplier, except that, in any action challenging a supplier's decision, the supplier shall have the burden of proving that such person fails to meet such standards and qualifications.(n)Upon written notice of intent to transfer the wholesaler's business, interfere with, prevent or unreasonably delay (not to exceed thirty (30) days) the transfer of the wholesaler's business if the proposed transferee is a designated member.(o)Upon written notice of intent to transfer the wholesaler's business other than to a designated member, withhold consent to or approval of, or unreasonably delay (not to exceed thirty (30) days after receipt of all material information reasonably requested) a response to a request by the wholesaler for any transfer of a wholesaler's business if the proposed transferee meets the nondiscriminatory material and reasonable qualifications and standards required by the supplier for similarly situated wholesalers.(p)Restrict or inhibit the right of free association among wholesalers for any lawful purpose.(q)Threaten to cancel or withhold credit, or to reduce the time period normally given the wholesaler to make payment on a delivery from the supplier as a means of compelling the wholesaler to meet certain standards of performance in any area of business not directly related to credit.Laws, 1995, ch. 619, § 4, eff. 4/7/1995.Amended by Laws, 2020, ch. 314, HB 917,§ 43, eff. 6/18/2020. A supplier shall not

do the following:(a)Fail to provide each wholesaler of the supplier's brand or brands with a written agreement which contains in total the supplier's agreement with each wholesaler, and designates a specific sales territory. Any agreement which is in existence on April 7, 1995, shall be renewed consistent with this chapter, provided that this chapter may be incorporated by reference in the agreement. Nothing contained herein shall prevent a supplier from appointing, one (1) time for a period not to exceed ninety (90) days, a wholesaler to service temporarily a sales territory not designated to another wholesaler, until such time as a wholesaler is appointed by the supplier; and such wholesaler who is designated to service the sales territory during this period of temporary service shall not be in violation of the chapter, and, with respect to the temporary service territory, shall not have any of the rights provided under Sections67-7-11and67-7-15.(b)Fix, maintain or establish the price at which a wholesaler shall sell any light wine, light spirit product or beer.(c)Enter into an additional agreement with any other wholesaler for, or to sell to any other wholesaler, the same brand or brands of light wine, light spirit product or beer in the same territory or any portion thereof, or to sell directly to any retailer in this state.(d)Require any wholesaler to accept delivery of any light wine, light spirit product or beer or other commodity which has not been ordered by the wholesaler, except that a supplier may impose reasonable inventory requirements upon a wholesaler if the requirements are made in good faith and are generally applied to other similarly situated wholesalers who have an agreement with the supplier.(e)Require any wholesaler to accept delivery of any light wine, light spirit product or beer or other commodity ordered by a wholesaler if the order was properly cancelled by the wholesaler in accordance with the supplier's procedure.(f)Require any wholesaler to do any illegal act or to violate any law or regulation by threatening to amend, modify, cancel, terminate or refuse to renew any agreement existing between the supplier and wholesaler.(g)Require a wholesaler to assent to any condition, stipulation or provision limiting the wholesaler's right to sell the brand or brands of light wine, light spirit product or beer of any other supplier unless the acquisition of the brand or brands of another supplier would materially impair or adversely affect the wholesaler's quality of service, sales or ability to compete effectively in representing the brand or brands of the supplier presently being sold by the wholesaler, except that in any action challenging a supplier's position, the supplier shall have the burden of providing that such acquisition of such other brand or brands would have such effect.(h)Require a wholesaler to purchase one or more brands of light wine, light spirit product or beer products in order for the wholesaler to purchase another brand or brands of light wine, light spirit product or beer for any reason, except that a wholesaler that has agreed to distribute a brand or brands before April 7, 1995, shall continue to distribute the brand or brands in conformance with this chapter.(i)Require a wholesaler to submit audited profit and loss statements, balance sheets or financial records as a condition of renewal or continuation of an agreement, except that a supplier may require reasonable proof of a wholesaler's financial condition prior to extending credit terms to a wholesaler.(j)Withhold delivery of light wine, light spirit product or beer ordered by wholesaler, or change a wholesaler's quota of a brand or brands if the withholding or change is not made in good faith.(k)Require a wholesaler by any means directly to participate in or contribute to any local or national advertising fund controlled directly or indirectly by a supplier.(l)Take any retaliatory action against a wholesaler that files a complaint in good faith regarding an alleged violation by the supplier of federal, state or local law or an administrative rule as a result of that complaint.(m)Require or prohibit any change in the manager or successor manager of any wholesaler who has been approved by the supplier as of or after April 7, 1995, unless the supplier acts in good faith. Should a wholesaler change an approved manager or successor manager, a supplier shall not require or prohibit the change unless the person selected by the wholesaler fails to meet the nondiscriminatory, material and reasonable standards and qualifications for managers consistently applied to similarly situated wholesalers by the supplier, except that, in any action challenging a supplier's decision, the supplier shall have the burden of proving that such person fails to meet such standards and qualifications.(n)Upon written notice of intent to transfer the wholesaler's business, interfere with, prevent or unreasonably delay (not to exceed thirty (30) days) the transfer of the wholesaler's business if the proposed transferee is a designated member.(o)Upon written notice of intent to transfer the wholesaler's business other than to a designated member, withhold consent to or approval of, or unreasonably delay (not to exceed thirty (30) days after receipt of all material information reasonably requested) a response to a request by the wholesaler for any transfer of a wholesaler's business if the proposed transferee meets the nondiscriminatory material and reasonable qualifications and standards required by the supplier for similarly situated wholesalers.(p)Restrict or inhibit the right of free association among wholesalers for any lawful purpose.(q)Threaten to cancel or withhold credit, or to reduce the time period normally given the wholesaler to make payment on a delivery from the supplier as a means of compelling the wholesaler to meet certain standards of performance in any area of business not directly related to credit.Laws, 1995, ch. 619, § 4, eff. 4/7/1995.Amended by Laws, 2020, ch. 314, HB 917,§ 43, eff. 6/18/2020. A supplier shall not do the following:(a)Fail to provide each wholesaler of the supplier's brand or brands with a written agreement which contains in total the supplier's agreement with each wholesaler, and designates a specific sales territory. Any agreement which is in existence on April 7, 1995, shall be renewed consistent with this chapter, provided that this chapter may be incorporated by reference in the agreement. Nothing contained herein shall prevent a supplier from appointing, one (1) time for a period not to exceed ninety (90) days, a wholesaler to service temporarily a sales territory not designated to another wholesaler, until such time as a wholesaler is appointed by the supplier; and such wholesaler who is designated to service the sales territory during this period of temporary service shall not be in violation of the chapter, and, with respect to the temporary service territory, shall not have any of the rights provided under Sections67-7-11and67-7-15.(b)Fix, maintain or establish the price at which a wholesaler shall sell any light wine, light spirit product or beer.(c)Enter into an additional agreement with any other wholesaler for, or to sell to any other wholesaler, the same brand or brands of light wine, light spirit product or beer in the same territory or any portion thereof, or to sell directly to any retailer in this state.(d)Require any wholesaler to accept delivery of any light wine, light spirit product or beer or other commodity which has not been ordered by the wholesaler, except that a supplier may impose reasonable inventory requirements upon a wholesaler if the requirements are made in good faith and are generally applied to

other similarly situated wholesalers who have an agreement with the supplier.(e)Require any wholesaler to accept delivery of any light wine, light spirit product or beer or other commodity ordered by a wholesaler if the order was properly cancelled by the wholesaler in accordance with the supplier's procedure.(f)Require any wholesaler to do any illegal act or to violate any law or regulation by threatening to amend, modify, cancel, terminate or refuse to renew any agreement existing between the supplier and wholesaler.(g)Require a wholesaler to assent to any condition, stipulation or provision limiting the wholesaler's right to sell the brand or brands of light wine, light spirit product or beer of any other supplier unless the acquisition of the brand or brands of another supplier would materially impair or adversely affect the wholesaler's quality of service, sales or ability to compete effectively in representing the brand or brands of the supplier presently being sold by the wholesaler, except that in any action challenging a supplier's position, the supplier shall have the burden of providing that such acquisition of such other brand or brands would have such effect.(h)Require a wholesaler to purchase one or more brands of light wine, light spirit product or beer products in order for the wholesaler to purchase another brand or brands of light wine, light spirit product or beer for any reason, except that a wholesaler that has agreed to distribute a brand or brands before April 7, 1995, shall continue to distribute the brand or brands in conformance with this chapter.(i)Require a wholesaler to submit audited profit and loss statements, balance sheets or financial records as a condition of renewal or continuation of an agreement, except that a supplier may require reasonable proof of a wholesaler's financial condition prior to extending credit terms to a wholesaler.(j)Withhold delivery of light wine, light spirit product or beer ordered by wholesaler, or change a wholesaler's quota of a brand or brands if the withholding or change is not made in good faith.(k)Require a wholesaler by any means directly to participate in or contribute to any local or national advertising fund controlled directly or indirectly by a supplier.(l)Take any retaliatory action against a wholesaler that files a complaint in good faith regarding an alleged violation by the supplier of federal, state or local law or an administrative rule as a result of that complaint.(m)Require or prohibit any change in the manager or successor manager of any wholesaler who has been approved by the supplier as of or after April 7, 1995, unless the supplier acts in good faith. Should a wholesaler change an approved manager or successor manager, a supplier shall not require or prohibit the change unless the person selected by the wholesaler fails to meet the nondiscriminatory, material and reasonable standards and qualifications for managers consistently applied to similarly situated wholesalers by the supplier, except that, in any action challenging a supplier's decision, the supplier shall have the burden of proving that such person fails to meet such standards and qualifications.(n)Upon written notice of intent to transfer the wholesaler's business, interfere with, prevent or unreasonably delay (not to exceed thirty (30) days) the transfer of the wholesaler's business if the proposed transferee is a designated member.(o)Upon written notice of intent to transfer the wholesaler's business other than to a designated member, withhold consent to or approval of, or unreasonably delay (not to exceed thirty (30) days after receipt of all material information reasonably requested) a response to a request by the wholesaler for any transfer of a wholesaler's business if the proposed transferee meets the nondiscriminatory material and reasonable qualifications and standards required by the supplier for similarly situated wholesalers.(p)Restrict or inhibit the right of free association among wholesalers for any lawful purpose.(q)Threaten to cancel or withhold credit, or to reduce the time period normally given the wholesaler to make payment on a delivery from the supplier as a means of compelling the wholesaler to meet certain standards of performance in any area of business not directly related to credit.Laws, 1995, ch. 619, § 4, eff. 4/7/1995.Amended by Laws, 2020, ch. 314, HB 917,§ 43, eff. 6/18/2020. A supplier shall not do the following: Laws, 1995, ch. 619, § 4, eff. 4/7/1995. Amended by Laws, 2020, ch. 314, HB 917,§ 43, eff. 6/18/2020.

Mississippi Code 1972 (2024)Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11)Chapter 7 - BEER INDUSTRY FAIR DEALING ACT (§§ 67-7-1 — 67-7-23)Section 67-7-9 - Prohibited acts; wholesalers

A wholesaler shall not do any of the following:(a)Fail to devote such efforts and resources to the sale and distribution of all the supplier's brands of light wine, light spirit product or beer which the wholesaler has been granted the right to sell or distribute as are required in the wholesaler's agreement with the supplier.(b)Sell or deliver light wine, light spirit product or beer to a retail licensee located outside the sales territory designated to the wholesaler by the supplier of a particular brand or brands of light wine, light spirit product or beer, except that during periods of temporary service interruptions impacting a particular sales territory, a supplier may appoint another wholesaler to service the sales territory during the period of temporary service interruption. A wholesaler who is designated to service the impacted sales territory during the period of temporary service interruption shall not be in violation of this chapter and shall not have any of the rights provided under Sections67-7-11and67-7-15with respect to the temporary service territory.(c)Transfer the wholesaler's business without giving the supplier written notice of intent to transfer the wholesaler's business and, where required by this chapter, receiving the supplier's written approval for the proposed transfer, except that the consent or approval of the supplier shall not be required of any transfer of the wholesaler's business to a designated member, or of any transfer of less than ten percent (10%) of the wholesaler's business unless such transfer results in a change in control. The wholesaler shall give the supplier written notice of any change in ownership of the wholesaler.Laws, 1995, ch. 619, § 5, eff. 4/7/1995.Amended by Laws, 2020, ch. 314, HB 917,§ 44, eff. 6/18/2020. A wholesaler shall not do any of the following:(a)Fail to devote such efforts and resources to the sale and distribution of all the supplier's brands of light wine, light spirit product or beer which the wholesaler has been granted the right to sell or distribute as are required in the wholesaler's agreement with the supplier.(b)Sell or deliver light wine, light spirit product or beer to a retail licensee located outside the sales territory designated to the wholesaler by the supplier of a particular brand or brands of light wine, light spirit product or beer, except that during periods of temporary service interruptions impacting a particular sales territory, a supplier may appoint another wholesaler to service the sales territory during the period of temporary service interruption. A wholesaler who is designated to service the impacted sales territory

during the period of temporary service interruption shall not be in violation of this chapter and shall not have any of the rights provided under Sections 67-7-11 and 67-7-15 with respect to the temporary service territory. (c) Transfer the wholesaler's business without giving the supplier written notice of intent to transfer the wholesaler's business and, where required by this chapter, receiving the supplier's written approval for the proposed transfer, except that the consent or approval of the supplier shall not be required of any transfer of the wholesaler's business to a designated member, or of any transfer of less than ten percent (10%) of the wholesaler's business unless such transfer results in a change in control. The wholesaler shall give the supplier written notice of any change in ownership of the wholesaler. Laws, 1995, ch. 619, § 5, eff. 4/7/1995. Amended by Laws, 2020, ch. 314, HB 917, § 44, eff. 6/18/2020. A wholesaler shall not do any of the following: (a) Fail to devote such efforts and resources to the sale and distribution of all the supplier's brands of light wine, light spirit product or beer which the wholesaler has been granted the right to sell or distribute as are required in the wholesaler's agreement with the supplier. (b) Sell or deliver light wine, light spirit product or beer to a retail licensee located outside the sales territory designated to the wholesaler by the supplier of a particular brand or brands of light wine, light spirit product or beer, except that during periods of temporary service interruptions impacting a particular sales territory, a supplier may appoint another wholesaler to service the sales territory during the period of temporary service interruption. A wholesaler who is designated to service the impacted sales territory during the period of temporary service interruption shall not be in violation of this chapter and shall not have any of the rights provided under Sections 67-7-11 and 67-7-15 with respect to the temporary service territory. (c) Transfer the wholesaler's business without giving the supplier written notice of intent to transfer the wholesaler's business and, where required by this chapter, receiving the supplier's written approval for the proposed transfer, except that the consent or approval of the supplier shall not be required of any transfer of the wholesaler's business to a designated member, or of any transfer of less than ten percent (10%) of the wholesaler's business unless such transfer results in a change in control. The wholesaler shall give the supplier written notice of any change in ownership of the wholesaler. Laws, 1995, ch. 619, § 5, eff. 4/7/1995. Amended by Laws, 2020, ch. 314, HB 917, § 44, eff. 6/18/2020. A wholesaler shall not do any of the following: Laws, 1995, ch. 619, § 5, eff. 4/7/1995. Amended by Laws, 2020, ch. 314, HB 917, § 44, eff. 6/18/2020.

Mississippi Code 1972 (2024) Title 67 - ALCOHOLIC BEVERAGES (§§ 67-1-1 — 67-11-11) Chapter 9 - POSSESSION OR TRANSPORTATION OF ALCOHOLIC BEVERAGES, LIGHT WINE, OR BEER (§ 67-9-1) Section 67-9-1 - Transportation and possession of alcoholic beverages, light wine, light spirit product and beer by person holding an alcohol processing permit

Notwithstanding the provisions of any section of Title 27 or 67, Mississippi Code of 1972, it shall be lawful for any person holding an alcohol processing permit to transport and possess alcoholic beverages, light wine, light spirit product and beer, in any part of the state, for his or her use in cooking, processing or manufacturing products which contain alcoholic beverages as an integral ingredient, in amounts as limited by the Alcoholic Beverage Control Division of the Department of Revenue. The authority to transport and possess alcoholic beverages, light wine, light spirit product and beer under this section exists regardless of whether (a) the county or municipality in which the transportation or possession takes place has voted for or against coming out from under the dry law, or (b) the transportation, storage, sale, distribution, receipt or manufacture of light wine, light spirit product and beer otherwise is prohibited. The provisions of this section shall not be construed as amending, repealing or otherwise affecting any statute or any lawfully adopted ordinance, rule or regulation that prohibits or restricts the location at which, or the premises upon which, alcoholic beverages, light wine, light spirit product or beer may be sold or consumed. Laws, 1996, ch. 417, § 1, eff. 7/1/1996. Amended by Laws, 2020, ch. 314, HB 917, § 46, eff. 6/18/2020. Notwithstanding the provisions of any section of Title 27 or 67, Mississippi Code of 1972, it shall be lawful for any person holding an alcohol processing permit to transport and possess alcoholic beverages, light wine, light spirit product and beer, in any part of the state, for his or her use in cooking, processing or manufacturing products which contain alcoholic beverages as an integral ingredient, in amounts as limited by the Alcoholic Beverage Control Division of the Department of Revenue. The authority to transport and possess alcoholic beverages, light wine, light spirit product and beer under this section exists regardless of whether (a) the county or municipality in which the transportation or possession takes place has voted for or against coming out from under the dry law, or (b) the transportation, storage, sale, distribution, receipt or manufacture of light wine, light spirit product and beer otherwise is prohibited. The provisions of this section shall not be construed as amending, repealing or otherwise affecting any statute or any lawfully adopted ordinance, rule or regulation that prohibits or restricts the location at which, or the premises upon which, alcoholic beverages, light wine, light spirit product or beer may be sold or consumed. Laws, 1996, ch. 417, § 1, eff. 7/1/1996. Amended by Laws, 2020, ch. 314, HB 917, § 46, eff. 6/18/2020. Notwithstanding the provisions of any section of Title 27 or 67, Mississippi Code of 1972, it shall be lawful for any person holding an alcohol processing permit to transport and possess alcoholic beverages, light wine, light spirit product and beer, in any part of the state, for his or her use in cooking, processing or manufacturing products which contain alcoholic beverages as an integral ingredient, in amounts as limited by the Alcoholic Beverage Control Division of the Department of Revenue. The authority to transport and possess alcoholic beverages, light wine, light spirit product and beer under this section exists regardless of whether (a) the county or municipality in which the transportation or possession takes place has voted for or against coming out from under the dry law, or (b) the transportation, storage, sale, distribution, receipt or manufacture of light wine, light spirit product and beer otherwise is prohibited. The provisions of this section shall not be construed as amending, repealing or otherwise affecting any statute or any lawfully adopted ordinance, rule or regulation that prohibits or restricts the location at which, or the premises upon which, alcoholic beverages, light wine, light spirit product or beer may be sold or consumed. Laws, 1996, ch. 417, § 1, eff. 7/1/1996. Amended by Laws, 2020, ch. 314, HB 917, § 46, eff. 6/18/2020. Notwithstanding the provisions of any section of Title 27

or 67, Mississippi Code of 1972, it shall be lawful for any person holding an alcohol processing permit to transport and possess alcoholic beverages, light wine, light spirit product and beer, in any part of the state, for his or her use in cooking, processing or manufacturing products which contain alcoholic beverages as an integral ingredient, in amounts as limited by the Alcoholic Beverage Control Division of the Department of Revenue. The authority to transport and possess alcoholic beverages, light wine, light spirit product and beer under this section exists regardless of whether (a) the county or municipality in which the transportation or possession takes place has voted for or against coming out from under the dry law, or (b) the transportation, storage, sale, distribution, receipt or manufacture of light wine, light spirit product and beer otherwise is prohibited. The provisions of this section shall not be construed as amending, repealing or otherwise affecting any statute or any lawfully adopted ordinance, rule or regulation that prohibits or restricts the location at which, or the premises upon which, alcoholic beverages, light wine, light spirit product or beer may be sold or consumed. Laws, 1996, ch. 417, § 1, eff. 7/1/1996. Amended by Laws, 2020, ch. 314, HB 917, § 46, eff. 6/18/2020.